



DeKalb County Department of Planning & Sustainability

**330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030
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**Planning Commission Hearing Date: May 01, 2018, 6:30 P.M.
Board of Commissioners Hearing Date: May 22, 2018, 6:30 P.M.**

STAFF ANALYSIS

Case No.: Z-18-22037/ 2018-1566 **Agenda #:** D.3

Location/Address: The northwest corner of Briarcliff Road and Clairmont Road at 2778, 2794, 2804, 2806, 2810, 2814 Clairmont Road and 3068, 3070, 3080 Briarcliff Road, Atlanta, Georgia. **Commission District:** 2 **Super District:** 6

Parcel ID: 18-196-04-029, 18-196-04-033, 18-196-04-034, 18-196-04-035, 18-196-04-037, 18-196-04-038, 18-196-04-039, 18-196-04-040, 18-196-04-041

Request: To rezone property from C-2 (General Commercial) and C-1 (Local Commercial) to C-1 (Local Commercial) for multiple commercial uses consisting of a RaceTrac convenience store with accessory fuel pumps and alcohol sales; a Wendy's drive-through restaurant; and minor auto repair in accordance with Section 27-4.1 Use Table of the DeKalb County Code.

Property Owners: JMAR Investors, LP

Applicant/Agent: Jay Gipson

Acreage: 3.85 Acres

Existing Land Use: Various Auto repair related Uses

Surrounding Properties: Rivera Terrace Condominiums, State Farm Insurance, Popeyes', Quik Trip, Chevron Gas, Williamsburg Retail Plaza

Adjacent & Surrounding Zoning: North & West: HR-2 (High Density Residential-2) District
West: MR-2 (Medium Density Residential-2) & O-I (Office-Institutional) Districts
East: C-1 (Local Commercial) & MR-2 (Medium Density Residential-2) Districts
South: C-1 (Local Commercial) & O-I (Office-Institutional) Districts

Comprehensive Plan: Neighborhood Center (NC) Consistent X

Proposed Building Square Feet: 13,089 square feet for entire development	Existing Building Square Feet: approximately 27,443 square feet
Proposed Lot Coverage: 70%	Existing Lot Coverage: 85%

SUBJECT PROPERTY

The site, located on the northwest intersection of Briarcliff Road and Clairmont Road in unincorporated DeKalb County, is a combination of nine (9) contiguous properties consisting of 3.85 acres. The site has approximately 342 feet of frontage along the north side of Briarcliff Road (a minor arterial) and 669 feet of frontage along the west side of Clairmont Road (a major arterial). Both arterials are four lanes with a turn lane and are improved with curb, gutter and sidewalks.

The site is developed with various auto related commercial uses which include Express Oil Change, an auto care center, used auto parts, used car sales and auto repair shop. Adjacent to the site along Briarcliff Road are professional office uses and Riviera Terrace Condominiums. Camden St. Clair Apartment Homes is adjacent to the site along Clairmont Road. The intersection of Briarcliff Road and Clairmont Road is developed with various commercial uses which include a Popeyes' Restaurant, Chevron gas and convenience store, Williamsburg Village retail shopping center and Quik Trip gas and convenience store. Other surrounding land uses include a mixture of commercial and office uses along Briarcliff Road and Clairmont Road.

PROJECT ANALYSIS

Per the submitted Letter-of-Intent, the applicant seeks to redevelop the entire site with three (3) uses: a RaceTrac convenience store with accessory fuel pumps and alcohol sales; a Wendy's restaurant with drive-through lane; and Express Oil (minor auto repair). The new development would replace the current 11 commercial structures on the site. Per the submitted application, the RaceTrac and Wendy's would create approximately 20 to 32 new jobs. The Express Oil currently on the site would be rebuilt with an all new brick building. Redevelopment of the site would provide several upgrades to the existing infrastructure on the site. Currently, no storm water drainage is available and the existing lot coverage of 85% exceeds the maximum 80% allowed for commercial zoned districts. The overall lot coverage is reduced to 70% for compliance with current Zoning Code regulations. The proposed development utilizes underground storm water detention consistent with EPA standards. Landscaping will be provided along property frontages consistent with Chapter 27-Article 5 Site Design and Building Form Standards of the DeKalb Code of Ordinances.

The overall site plan depicts a 5,411 square foot Race Trac convenience store on Tract 1; a 2,932 square foot Wendy 's restaurant with drive-through lane on Tract 2; and a 4,746 square foot Express Oil on Tract 3 for a total of 13,089 square feet. This is a 14,354 square foot reduction from the existing 27,443 square feet on the site.

Currently the total site area has eight (8) curb cuts on Clairmont Road and five (5) curb cuts on Briarcliff Road. The new development proposes only two (2) curb cuts with a deceleration lane on Clairmont Road and two (2) curb cuts on Briarcliff Road. Interconnectivity via a rear access driveway reduces the number of current curb cuts from 13 to 4 on the site. Crosswalks are provided at each project entrance. Per the district development chart, each site user complies with required parking spaces per Article 6 of the DeKalb County Code. Staff notes the submitted site plan depicts an encroachment into the required transitional buffers adjacent to residential zoned properties. Also, the Landscape Plan exhibit fails to show planting requirements for the transitional buffer.

REVISED SITE PLAN UPDATE ANALYSIS

Based on meetings with the District Commissioner, the applicant submitted a revised site plan to the Planning & Sustainability Department to address traffic and site plan development issues. Submitted, May 10, 2018, the revised site plan depicts that the RaceTrac convenience market building has moved closer to Briarcliff Road. Parking spaces for the RaceTrac have shifted to the right side of the building to accommodate this change. The right-of-way line has been moved along Clairmont Road which allows dedicated property to be used as a right-turn-lane as required by GDOT (Georgia Department of Transportation). The applicant has agreed to restripe lanes along Briarcliff Road. The

curb cuts on Clairmont Road are right-in-right-out only. The access drive from Clairmont Road to Briarcliff Road has been improved as a through lane.

ZONING ANALYSIS

The combined site is currently zoned C-2 (General Commercial) District and C-1 (Local Commercial) District without conditions. The subject application requests an amendment to the Official Zoning Map pursuant to Chapter 27, Article 7.3 of the DeKalb Code of Ordinances to rezone the entire 3.85 acre site to the C-1 (Local Commercial) District. The proposed commercial uses are allowed within a C-1 zoning district. The intent of the C-1 zoning district is to provide convenient local retail shopping and service areas within the county for all residents; provide for the development of new local commercial districts where so designated on the comprehensive plan; and to assure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods. The proposed C-1 District will lessen the intensity of commercial uses allowed on the site. In conjunction with the proposed rezoning request, the applicant is requesting three (3) related Special Land Use Permits (SLUP) for the subject site. SLUP-18-22035 is a request to allow automobile fuel pumps as an accessory use to the Race Trac convenience store. SLUP-18-22038 is a request to allow the convenience store to sell beer and wine (alcohol outlet). SLUP-18-22039 is a request to allow a drive-through lane for the proposed Wendy’s restaurant. All three uses are permitted within a C-1 zoning district with an approved Special Land Use Permit (SLUP).

The request to rezone the site to C-1 (Local Commercial) is consistent with existing commercial zonings along Briarcliff Road and Clairmont Road. All four quadrants of the intersection of Briarcliff and Clairmont Roads are zoned C-1 (Local Commercial) and developed with commercial uses. The proposed C-1 zoning district is appropriate for the site given its consistency and compatibility with the existing C-1 zonings on the site and in the surrounding area.

COMPLIANCE WITH DISTRICT STANDARDS

Per the chart below, it appears the proposed use and buildings on the site comply with minimum development standards of the proposed C-1 (Local Commercial) District per Table 2.2 of the DeKalb County Zoning Ordinance except for parking lot landscaping.

STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
LOT WIDTH (C-1) Table 2.2	A minimum 100 feet of lot width on a public street frontage	Approximately 669 feet of frontage along Clairmont Road and 324 feet of frontage on Briarcliff Road	Yes
LOT AREA (C-1)	20,000 Square Feet	3.85 acres or 167,706 Square Feet	Yes
FRONT BUILDING SETBACK	60 Feet	60 Feet	Yes
SIDE BUILDING SETBACK	Side Interior 20 Feet Side Corner 50 Feet	20 Feet 50 Feet	Yes
REAR SETBACK	30 Feet	30 Feet	Yes

TRANSITIONAL BUFFER Table 5.2(a)	50 Feet adjacent to MR-2 & HR-2 Districts	Revised site plan depicts access drive, Wendy's drive -through lane & dumpster and Express Oil parking encroaching into required buffer	Applicant must seek variance through the BZOA (Board of Zoning Appeals) process.
HEIGHT	2 stories/35 Feet	1-Story	Yes
PARKING Article 6 RacTrac Convenience store with gas pumps 5,411 Square Feet	Minimum 1 space for each 500 square feet of floor area = 11 Spaces; Max 1 space for each 150 Square feet of floor area = 36 Spaces.	35 parking spaces	Yes
Wendys Restaurant with Drive-through 2,923 Square Feet	Minimum 1 space for 150 square feet of floor area = 20 spaces; Max 1 space per 75 square feet of floor area = 39 spaces	31 parking spaces	Yes
Express Oil – 4,746 square Feet	Minimum 1 space for 400 square feet of floor area = 12 spaces; Max 1 space per 150 square feet of floor area = 37 spaces	21 parking spaces	Yes
PARKING LOT LANDSCAPING Article 5.4.4.D	10% total parking lot in landscape space. 1 tree per 8 parking spaces. 1 tree required.	Revised site plan depicts streetscape zone along property frontages; landscaping internal between uses; and plantings within required transitional buffer.	Yes

Per Chapter 27-Article 4.2.14(c) of the DeKalb County Code, the proposed minor automobile repair on Tract 3 of the site shall meet the following criteria:

1. Upon the minor redevelopment of existing structures or buildings, as defined by Section 8.1.16, also requires a land development permit or building permit, the director or his/her designee may require additional improvements to landscaping, signage, parking lot, sidewalks, or building façades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.

2. Operations, including the servicing of vehicles, storage of materials and similar activities connected with the use, must be contained entirely within an enclosed building. For the purpose of determining whether a building is enclosed, the use of open overhead bay doors that can be closed after business hours shall be permitted.
3. Vehicles awaiting service shall be parked on site. If stored overnight, they shall be stored inside an enclosed building or in the side or rear yard enclosed with an opaque fence at least six (6) feet in height.
4. Outdoor displays of merchandise shall be prohibited beyond ten (10) feet from the building and shall only be displayed during business hours.
5. Overnight outdoor storage of any materials, equipment, tires, or rims is prohibited.
6. New facilities must be designed with automobile bays facing away from the primary street frontage.
7. Junk cars shall not be stored on the property.
8. No automobile sales or curb stoning, which is the sale of used vehicles by unlicensed dealers, shall be permitted on the property.
9. All parking located in front of the primary building shall be limited to customers seeking service only.

Chapter 27-Article 7.3.5. Standards and factors governing review of proposed amendments to the Official Zoning Map. The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map:

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The 2035 Comprehensive Plan designates this site within a Neighborhood Center Character Area. A "Neighborhood Center" is defined as a neighborhood focal point with a concentration of activities such as general retail, service commercial, professional office, and higher-density housing and appropriate public and open space. A true Neighborhood Center development for this area would include a greater mix of uses and create a pedestrian oriented environment. However being located immediately off the interchange, auto-oriented uses predominate and many are, in fact allowed by right on the site as a C-2 zoning. To this extent the proposal to reduce the intensity to a C-1 zoning is consistent with the 2035 Comprehensive Plan. It further demonstrates consistency with elements of the Neighborhood Center vision because the proposed development captures through traffic rather than generating new trips for a destination, provides pedestrian amenities, crosswalks, landscaping, inter-parcel connectivity and careful design of circulation. It also demonstrates access management via reduced curb-cuts which will improve operations. These reflect consistency with the following Comprehensive Plan Policies: Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services; and organize circulation patterns through traffic calming techniques and access management. Add traffic calming improvements, sidewalks, and increased street interconnections to increase safety and improve walkability.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

The rezoning request to C-1 (Local Commercial) will permit a use that is suitable in view of existing commercial uses along Briarcliff Road and Clairmont Road.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The request may have a reasonable economic use as currently zoned C-2 (General Commercial) District and C-1 (Local Commercial) District.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.

The rezoning request will not adversely affect the existing use or usability of adjacent and nearby properties along Briarcliff Road and Clairmont Road.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The proposed uses for the development are all allowed within the C-1 (Local Commercial) District. In order to provide uniformity for development, it is better to have one (1) commercial zoning district on the entire site in lieu of the current two (2) districts. Existing conditions along Clairmont Road reflect some vacant commercial properties in a deteriorating state. The proposed development would greatly improve the aesthetic appeal of this section of Clairmont Road. The proposed C-1 zoning district will also allow less intense uses than the C-2 District.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.

The proposed rezoning request should not have an adverse effect on historic buildings, sites, districts, or archaeological resources.

G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The site is located on the northwest intersection of Briarcliff Road (a four-lane minor arterial) and Clairmont Road (a four-lane major arterial) with turn-lanes. The proposed rezoning should not cause an excessive burden on existing streets and transportation facilities, but rather capture existing trips from current through-traffic. The proposed rezoning will have no impact on area schools.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The rezoning proposal to the C-1 District for retail uses should not adversely impact the environment or surrounding natural resources.

Staff Recommendation: APPROVAL WITH CONDITIONS (REVISED)

The proposed request for C-1 (Local Commercial) District on the subject site for retail use is consistent with existing commercial zonings and uses along Briarcliff Road and Clairmont Road and in the immediate surrounding area. Located within a Neighborhood Center Character Area, the proposed use is consistent with the following plan policies and strategies of the 2035 Comprehensive Plan: Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services; organize circulation patterns through traffic calming techniques and access management; add traffic calming improvements, sidewalks, and increased street interconnections to increase safety and improve walkability. The revised site plan depicts right-of-way dedication to provide a right-turn lane along Clairmont Road to address traffic concerns. Conditions have been added to address right-in and right-only access along Clairmont Road and Briarcliff Road. The proposed commercial development offers a variety of services and provide property upgrades to the existing site. Therefore, the Planning and Sustainability Department recommends **“APPROVAL”** for the rezoning request to the C-1 (Local Commercial) District subject to the following attached recommended conditions:

Z-18-22037 Proposed C-1 (Local Commercial) Zoned Conditions

1. Limit site to no more than 13,089 square feet of commercial uses. Site plan is conceptual and subject to the approval of the Director of Planning and Sustainability Department.
2. Curb cuts along Clairmont Road are restricted to right-in, right-out only.
3. Location of curb cuts, deceleration lanes, road improvements and R-O-W dedication along Briarcliff Road and Clairmont Road are subject to GDOT (Georgia Department of Transportation) and the Transportation Division of the DeKalb County Public Works Department.
4. Driveway on Briarcliff nearest the intersection with Clairmont Road is restricted to right-in/ right-out only.
5. For any approved full access driveway, the left turn lane along Briarcliff must be extended by either construction or striping modifications to accommodate left turns into the development.
6. Dedicate a minimum of 50 feet of right-of-way from centerline of Clairmont Road or right-of-way necessary to accommodate a right-turn lane onto Briarcliff Road.
7. Dedicate 40 feet of right-of-way from centerline of Briarcliff Road or right-of-way necessary to provide two (2) left turn lanes from Briarcliff Road to Clairmont Road.
8. Provide 4-foot bike lanes or substitute with a 10-foot multi-use path along Briarcliff Road and Clairmont Road, unless waived by GDOT or recommended by Transportation Division.
9. All public infrastructure, including sidewalks and street lights, must be on public right-of-way.
10. Provide inter-parcel pedestrian access between adjacent parcels.
11. The RaceTrac retail/convenience market on Tract 1 shall consist of four (4) sided brick with accent materials.
12. Provide pedestrian connectivity at project entrances to public sidewalks.
13. Provide underground detention.
14. All refuse areas shall be located to the rear of the site and screened from public view with enclosure or similar building materials to match the primary structure.
15. Screen roof-top equipment.
16. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

Attachments:

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map & Land Use Map
5. Aerial Photograph/Site Photographs

NEXT STEPS

Following an approval of this modification action, one or several of the following may be required:

- ✔ • **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✔ • **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✔ • **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- ✔ • **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat & Final Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- ✔ • **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- ✔ • **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- ✔ • **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE
THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov or Karen Hill
kfhill@dekalbcountyga.gov**

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control is required as a condition for land development permit approval.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 and are subject to approval by the County Arborist.

- **Tributary Buffer**

State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

- **Retaining Wall**

Any proposed retaining wall must comply with DeKalb County Code of Ordinances Chapter 27-5.4.7.

Transportation Comments – March 2018 Zoning Agenda

N1.-N4. Briarcliff Road is a minor arterial. Clairmont Road is a major arterial and State Route 155. GDOT District 7 review and approval is required for transportation elements. On Briarcliff: From Section 14-190-dedicate a minimum of 40 feet of right of way from centerline. 4 foot bike lanes (or a 10 foot multiuse path can be substituted). 6 foot sidewalk, 10 (total in front and behind) landscape strip required and street lights required .(Chapter 5, Page 14 of Zoning Code). Contact Herman Fowler at hefowler@dekalbcountyga.gov for details related to street lights. Briarcliff has a speed limit of 35 mph. Verify that driveway spacing requirements in Section 14-200 (6) are met prior to submitting land development plans. All public infrastructure must be on public right of way (bike lanes, sidewalks, streetlights). Driveway on Briarcliff nearest the intersection with Clairmont is restricted to right in/right out only. In addition to be granted a full access driveway, the left turn lane along Briarcliff must be extended by either construction or striping modifications to accommodate left turns into the development. Clairmont Road is a major arterial. 50 foot of right of way dedication from centerline is required and bike lanes (a ten foot multiuse path can be substituted for bike lanes) (Land Development Code Section 14-190). 6 foot sidewalk, 10 (total in front and behind) landscape strip and street lights required .(Chapter 5, Page 14 of Zoning Code). Contact Herman Fowler at hefowler@dekalbcountyga.gov for details related to street lights. In addition to any requirements from the Georgia Department of Transportation. All public infrastructure, including sidewalks and street lights, must be on public right of way. When submitting LDP plans, make sure that the ROW from centerline and speed limits of all roads are clearly labeled.

N5. Moreland Ave is a major arterial and SR 155. GDOT District 7 review and approval required. 50 foot of right of way dedication from centerline is required and bike lanes (a ten foot multiuse path can be substituted for bike lanes) (Land Development Code Section 14-190). 6 foot sidewalk, 10 (total in front and behind) landscape strip and street lights required.(Chapter 5, Page 14 of Zoning Code). Contact Herman Fowler at hefowler@dekalbcountyga.gov for details related to street lights. In addition to any requirements from the Georgia Department of Transportation. All public infrastructure, including sidewalks and street lights, must be on public right of way. When submitting LDP plans, make sure that the ROW from centerline and speed limits of all roads are clearly labeled.

N6- N7. Key Road is a collector. Pluma Drive and Melrose Ave are local roads. Collectors require a 35 foot from centerline right of way dedication, 4 foot bike lane, 6 foot sidewalk, 10 foot (in front of and/or behind sidewalk) landscape strip and street lights. Chapter 14-190 of the Land development Code and Chapter 5, page 14 of the Zoning Code). Plume Drive and Melrose Ave require a 27.5 foot right of way from centerline, 5 foot sidewalks and streetlights (Chapter 14-190 of the Land development Code and Chapter 5, page 14 of the Zoning Code). Extend the sidewalks on Pluma Drive from Melrose Ave to Moreland Ave across the right of way in front of the outparcels. It should be noted that it appears that the property owner is currently using a portion on unimproved right of way. When submitting LDP plans, make sure that the ROW from centerline and speed limits of all roads are clearly labeled.

N8. Candler Road is a major arterial and SR 155. GDOT District 7 review and approval is required. When submitting LDP plans, make sure that the ROW from centerline and speed limits of all roads are clearly labeled.

N9. 244 units with one access point is violates code section 14-200 (5). 3 access points are required. Kensington Road is a collector. 35 feet of right of way is required with 4 foot bike lanes. (Chapter 14-190 of Land Development Code). In lieu of bike lanes, a 10 multiuse path can be constructed. A six foot sidewalk, 10 foot (combination front and back of sidewalk) landscape strip and street lights are required (Zoning Code Chapter 5, Page 14). All public infrastructure must be on right of way, including sidewalks and street lights. Extend the sidewalks to the intersection of Kensington Road and Covington Hwy within right of way.

N10. No comments

N11. No comments

N12. No comments.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No. 18-1566/A-78-2037 Parcel I.D. #: 18-196, 029, 033, 034, 035, 037
2778, 2794, 2804, 2806, 2810, 2814 Clairmont Rd. 038, 039, 040, 041
Address: 3068, 3070, + 3080 Briarcliff Rd. Atlanta, Ga.

Adjacent Roadway (s):

(classification) (classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Did not see any traffic engineering concerns at this time.

Signature: Jennifer Russell



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: Z-18-22037/2018-1566

Parcel I.D. #: 18-196-04-029, 18-196-04-033, 18-196-04-034, 18-196-04-035, 18-196-037, 18-196-038, 18-196-039,
18-196-04-040, 18-196-04-041

Address: 2778, 2794, 2804, 2806, 2810, 2814 Clairmont Road & 3068, 3070, 3080 Briarcliff Rd

Atlanta, Georgia

WATER:

Size of existing water main: 6" CI & 30" CS Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: North Fork Peachtree Creek Basin

Is sewer adjacent to property: Yes () No () If no, distance to nearest line: _____

Water Treatment Facility: RM Clayton WTF () adequate () inadequate

Sewage Capacity; * (MGPD)

Current Flow: 122 (MGPD)

COMMENTS:

* Please note that the determination of available capacity expressed herein is not guaranteed as it is based upon the known conditions as of the date of this correspondence and on the anticipated capacity needs associated with your project.

Signature: _____



DeKalb County Department of Planning & Sustainability

Michael Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



RECEIVED
JAN 04 2018

APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

ZICZ No. Z-18-22037
Filing Fee:

Date Received: Application No.:
BY: Applicant: Jay Gipson E-Mail: jaygipson@gipsonco.com

Applicant Mailing Address:
480 East Paces Ferry Rd, NE, Ste 8, Atlanta, GA 30305

Applicant Phone: 404-231-1621 Fax:

Owner(s): JMAR Investors, LP E-Mail:
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address:
1201 Newton Rd, Madison, GA 30650

Owner(s) Phone: Fax:

Address/Location of Subject Property: SWC of Clairmont Rd & Briarcliff Rd

District(s): 18th Land Lot(s): 196 Block: Parcel(s):

Acreage: 3.685 Commission District(s): 2:6

Present Zoning Category: C-1 & C-2 Proposed Zoning Category: C-1

Present Land Use Category:

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes No

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

- 1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

Beth Boylen
NOTARY

SIGNATURE OF APPLICANT / DATE

Beth Boylen 6/20/2020
NOTARY PUBLIC DATE / SEAL

Check One: Owner Agent X

DeKalb County, GEORGIA
My Commission Expires 6-20-2025
330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030 [voice]
404-231-2155 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov

Notice Date: Wednesday, December 13th, 2017

PUBLIC NOTICE

Request for a Special Land Use Permit

Filed by: Gipco Southern Inc.
2810 Clairmont Road
Atlanta, GA 30329

Current Use: Multiple Auto Repair Shops

Proposed Use: RaceTrac, Wendy's, Express Oil

Hours of Operation:

Current: Monday – Saturday: 7:00 am – 6:00 pm

Proposed: RaceTrac: 24/7
Wendy's: 10:00am-1:00am Sun.-Thurs.
10:00am-2:00am Friday and Saturday
Express Oil: 7:00am-6:00pm Mon.-Fri.
8:00am-2:00pm Saturday

Capacity: No Change

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:

Location: Hellenic Community Center
2500 Clairmont Road
Atlanta, GA 30329

Date & Time: Thursday, December 28th, 2017 @ 7:00 pm

Contact Information: Jay Gipson (678)613-1115/ jaygipson@gipsonco.com

MEETING SIGN-IN SHEET

Project: Briarcliff Community LLC

Meeting Date: December 28 2017

Facilitator:

Location: Hellenic Community Center

Name	Address	Phone	E-Mail
Lisa Hutson	1736 Emory Ridge Dr.		Lisahutson@bellsouth.net
ROBERT HUGHES	2212 EL DORADO		rdh4atl@gmail.com
Katlyn Parker	1437 Hampton Glen		mamahoulou@aol.com
KEU HIGA	2079 Continental Dr.		KENTKA@BECKARCHITECT.COM
Tom Knechtel	2079 CONTINENTAL		KWX@bellsouth.net
Michael Doyle	2175 Eldorado Dr		Gardener6@comcast.net
Barbara Varga	1856 Chrysler Dr		bgvarga@gmail.com
Rima Vydmantas	3297 Briarcliff Rd ne		rimaragana@gmail.com
Meg Schach	1748 Crestline Dr.		meg.scheid@gmail.com
Rubén Van Der Brink	2974 Applin Dr. 30311		
Mark Taylor	3050 Briarcliff Rd	30329	MarkTaylor70@hotmail.com
Tara Gilbert	2928 Briarcliff	30329	tgilbert71@gmail.com
Margi Drysdale	1799 Rosalind Dr	30329	margi.drysdale@gmail.com
Michael Calder	3828 Briarcliff	30845	
Rajesh R	2755 Clairmont Rd	404-321-2712	rajeshr97@rediffmail.com
G. Sharp	2209 St Deville	30348	guntersharp@yahoo.com
S. Bailey	1916 Mt Brian	404-633-0078	SRBailey1000@aol.com
W. AKINS	2070 Chrysler Dr.	404 403 7488	Charlesakins@bellsouth.net
Daniel Betsill	2564 Woodygreen Dr		
Allen Venet	2336 Sagemore Hills Dr. Decatur GA	404-561-4208	avenet@bellsouth.net

→ Pres. Sagemore Hills Civic Assn.

Letter of Application

This letter of Application is for that property located at the intersection of Clairmont and Briarcliff Road identified more specifically as the NWC of Clairmont Rd and Briarcliff Rd in the 18th district, land lot 196, containing 3.685 acres and 3068 Briarcliff Rd in the 18th district, land lot 196 and 0.16 acres for a total of 3.85 acres.

The reason for our request for rezoning is so that the entire parcel will have the same zoning of C-1. Currently the area is split between C-1 and C-2. This rezoning will allow the parcel to have uniform zoning for GIS.

Currently this tract consists of old auto repair and maintenance uses, as well as, dilapidated old buildings and structures that are in disrepair and are falling down. The state of repair of the back most buildings has led to a homeless presence in and around those structures. The proposed use would correct many of the problems that have existed with this site for years. The new development would replace the 11 old and falling down structures with 3 new businesses that are architecturally appealing and would bring a tremendous tax benefit to the County. The 3 new uses would be RaceTrac, Wendy's and Express Oil. The parcel will be interconnected and will allow a rear driveway that serves to bypass the existing intersection of Clairmont and Briarcliff, as well as, allowing flow between the three new uses. In conjunction with this redevelopment the creation of 18-20 new jobs for RaceTrac and 8-12 new jobs for Wendy's will become available. Express Oil currently operates on the site and they are building a new all brick building that is The operating hours for RaceTrac will be 24 hours, the Wendy's will be 10am-1am Sunday through Thursday and 10am-2am Friday and Saturday. The Express Oil will operate on its existing schedule at the location. The architecture of the buildings will be brick, stacked stone, decorative wood, and glass, and will be the latest prototype for all of the users. The RaceTrac will be 5,411 square feet with a height of 25 feet. The Wendy's will be 3,000 square feet with a height of 26 feet, and the Express Oil will be square feet with a height of 31 feet.

In addition to the redevelopment of the site several infrastructure issues will be fixed. Currently the site sheet drains onto Clairmont and Briarcliff as there is no storm water drainage available and the site is 95% impervious. Our redevelopment plan not only installs underground storm water, but will attach that to the storm water system located closer to I-85. This on site detention system will also have a water quality solution built into the design, thus bringing the site up to the latest in EPA standards for storm water maintenance. The site will also include planted green spaces between parcels and along the boundary, with new tree plantings and landscaping that does not exist now. A sidewalk will also be added along the front of the site. As for what little improvement that can be done to the existing traffic, the site cuts the number of driveways on Clairmont from 8 to 2, and installs decel lanes to accommodate traffic turning into the new development. On Briarcliff the number of drives are cut from 5 down to 2, with one being the rear access drive connecting all three developments.

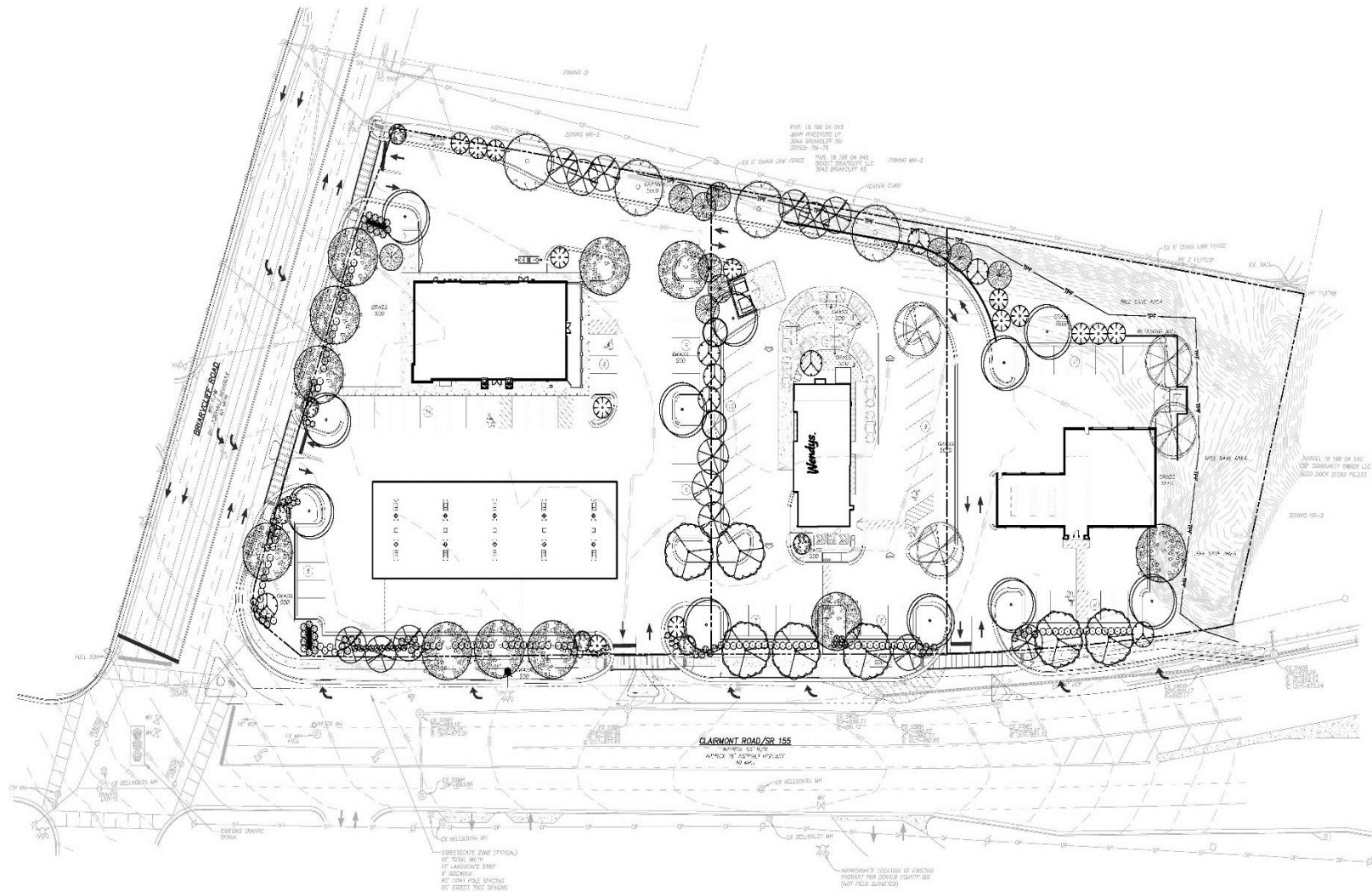
This site is currently an eyesore, has negative environmental impacts on the surrounding areas, is a gathering place for homeless, and is critically underused not only from an actual use profile, but also from a tax base standpoint. The impact to this site's current and immediate neighbors would be a significant improvement over the existing situation. The biggest impact may actually be to the Condos located to the rear of this property, as it would clean up a bad situation for those residents, while having

minimum impact on day to day events. The current zoning allows us to build what we are proposing, but the way the development is laid out, with a split of C-1 and C-2, it requires that it all be uniform, and thus the request for a uniform zoning of all the parcels is needed. The proposed impacts on the surrounding properties is a case of a rising tide raising all ships. Should someone be fortunate enough to acquire the old shopping center across the street, we feel the architectural, landscaping and infrastructure upgrades of our proposed redevelopment, would be an excellent model to be used, as this is not only an interstate location but also the intersection of two major arteries.

The benefits of the redevelopment of this site are many: from a pure economic reason this site should be developed for the benefit of Dekalb County's tax base, from an environmental reason the storm water control and quality, from a safety standpoint of tearing down dangerous buildings, and eliminating areas where homeless congregate, from a traffic standpoint of eliminating 13 drive cuts to 4, with decel lanes on Clairmont, and from a design standpoint of building a quality development that accomplishes all of the positive outcomes listed above.

Detailed Analysis per Section 27-832

- A) The current zoning is a mix of C-1 and C-2, so it is in conformity with the policy and the intent of the Comprehensive plan, the reason for the rezoning is to bring the entire parcel under one zoning code as required by GIS.
- B) Yes, the zoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties it is in an activity zone and located less than 1000 yards from I-85.
- C) It is currently zoned Commercial, however the property is seriously underutilized.
- D) The property is already zoned commercial.
- E) This is the practical thing to do, and is meeting the GIS requirement.
- F) There are no historical buildings, sites, districts, or archeological resources on this property.
- G) The development will actually serve to improve to a degree the intersection due to inter-parcel access. And potentially allowing a detour route should something happen in the intersection.



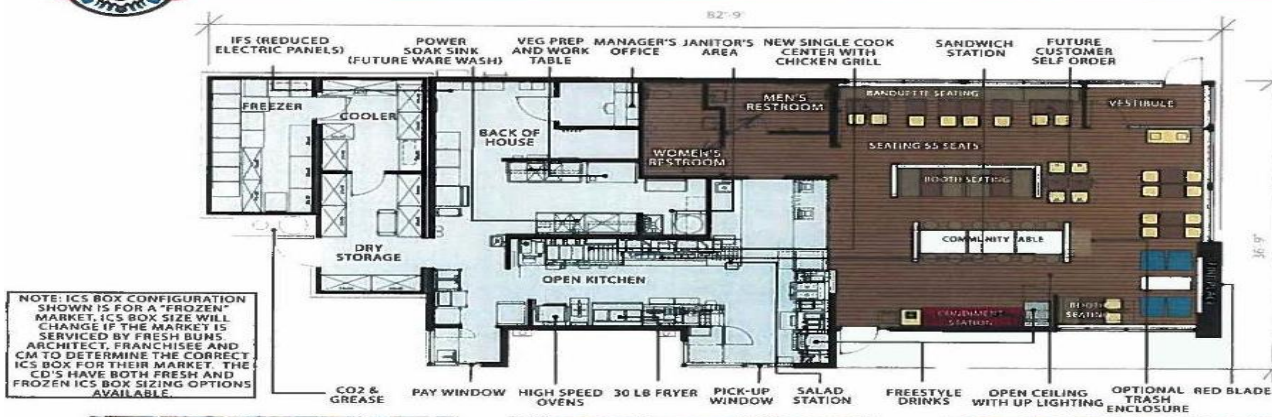


Proposed Wendy's Restaurant on Tract 2



SQE 55

SQE 55 SUMMARY



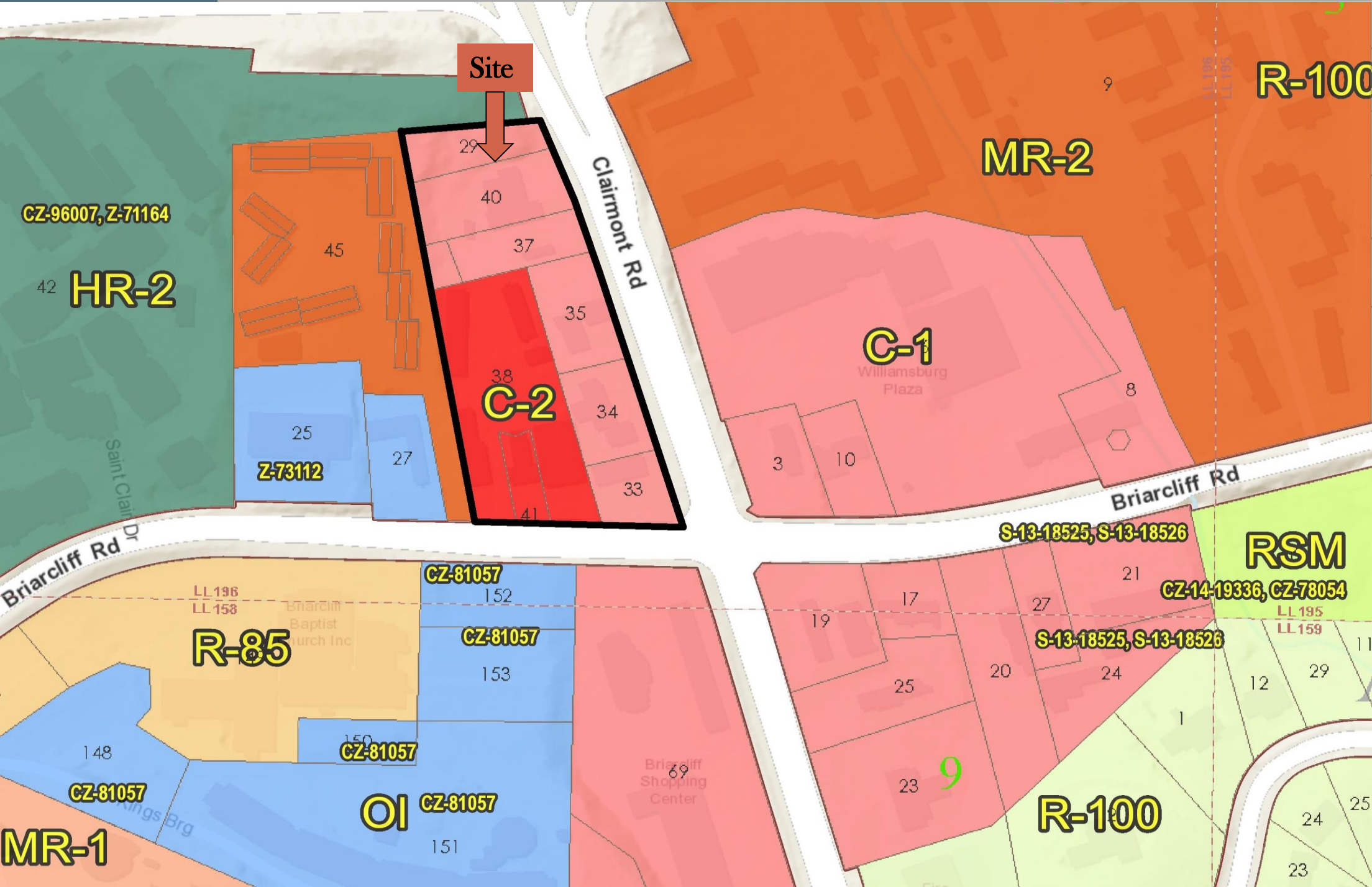
View towards POS

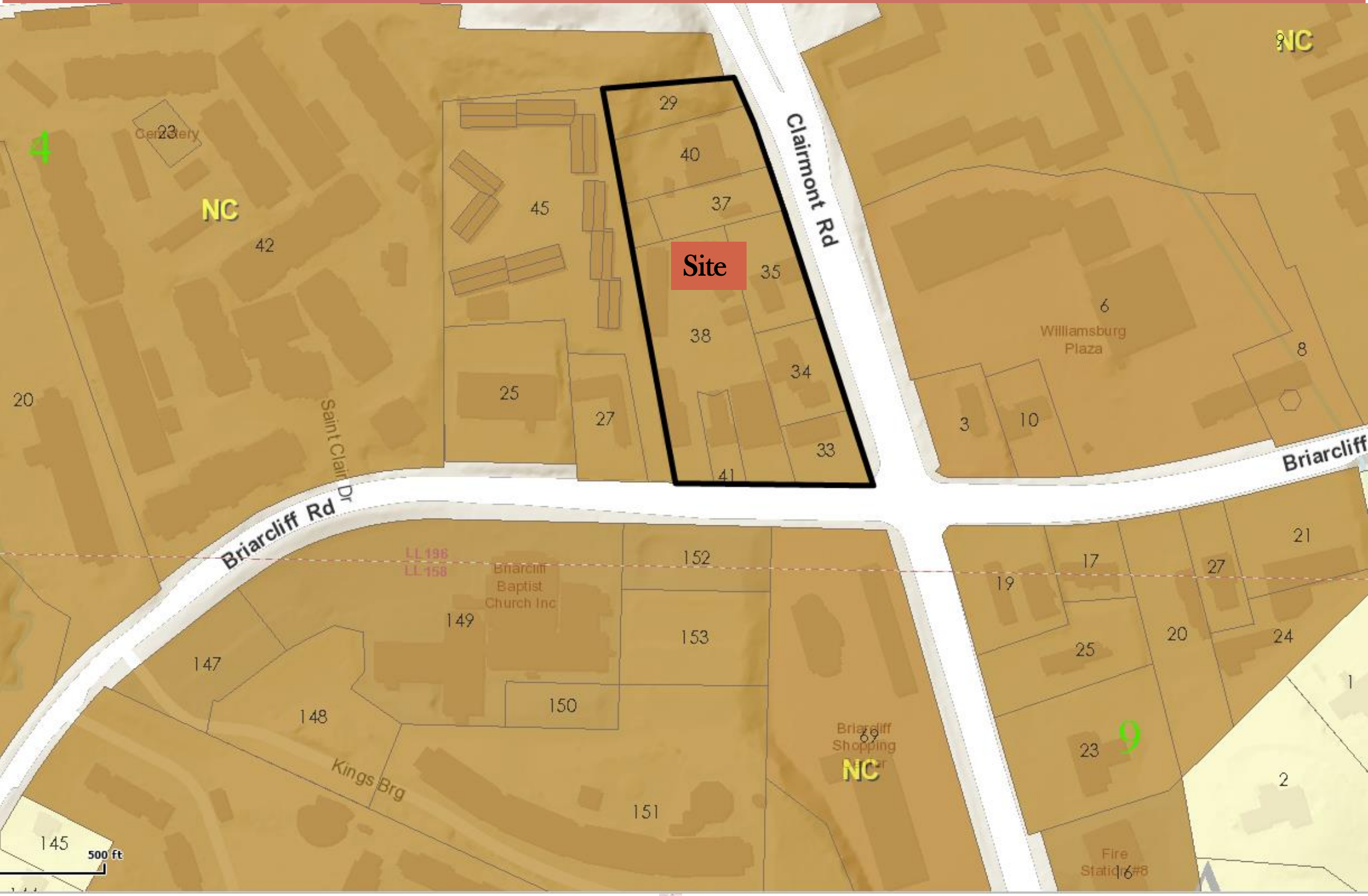


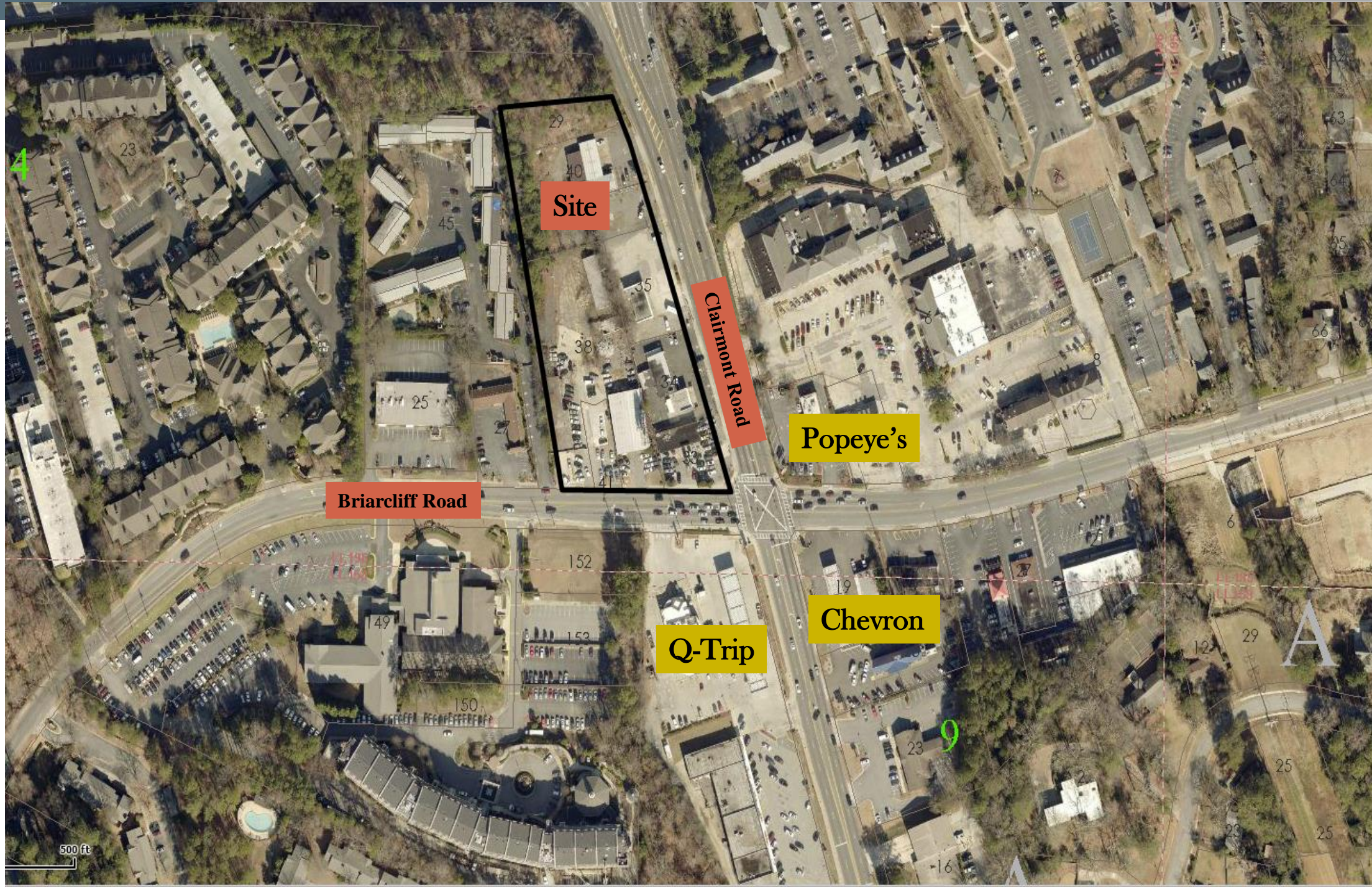
View toward dining area



View toward fire place









Briarcliff Road Frontage



Clairmont Road Frontage

