



DeKalb County Department of Planning & Sustainability

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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.: SLUP-18-22039/ 2018-1592 **Agenda #:** D.6

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 request a Special Land Use Permit to allow a Wendy’s restaurant with a drive-through lane in the C-1 (Local Commercial) District in accordance with Section 27-4.1 Use Table and Section 27-4.2.23 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: 2,932 square feet for Wendy’s Restaurant on 0.89 acres	Existing Building Square Feet: approximately 27,443 square feet on overall 3.85 acre site
Proposed Lot Coverage: 70%	Existing Lot Coverage: 85%

SUBJECT PROPERTY

The site is located on Tract 2 of a proposed multi-use development at the northwest intersection of Briarcliff Road and Clairmont Road in unincorporated DeKalb County. The entire development is a combination of nine (9) contiguous properties consisting of 3.85 acres and 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 & State Route 155). Both arterials are four lanes with a turn lane and are improved with curb, gutter and sidewalks.

Zoned C-2 (General Commercial) District and C-1 (Local Commercial) District without conditions, 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 is professional office uses and Riviera Terrace Condominiums. Camden St. Clair Apartment Homes is adjacent to the rear of the site. The intersection of Briarcliff and Clairmont Road is developed with various commercial uses which include a Popeyes' Restaurant, Chevron gas and convenience store, Williamsburg Village retail 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

The Special Land Use Permit (SLUP) request is to allow a Wendy's restaurant with a drive-through lane on Tract 2 of the proposed development. The Wendy's site consist of 0.89 acres with approximately 174 feet of frontage along Clairmont Road. Companion cases include proposed rezoning (Z-18-22037) for C-1 Local Commercial District on the entire 3.85 acre site; SLUP-18-22035 to allow accessory automobile fuel pumps associated with a RaceTrac convenience store on Tract 1; and SLUP-18-22038 to allow alcohol sales within the proposed RaceTrac convenience store. Per Chapter 27- Article 4.1 Use Table of the DeKalb County Code, restaurants with a drive-through lane require a Special Land Use Permit in Activity Center character areas. The subject site is located within a designated Neighborhood Center by the DeKalb County 2035 Comprehensive Plan.

The submitted site plan depicts a 2,932 square foot Wendy's restaurant building on Tract 2. The site has a split drive-through lane with reader board menus for ordering that merge into a singular lane for payment at a drive-through window. There are no proposed direct access points to the site from Briarcliff Road or Clairmont Road. Patrons access the site from four (4) inter-parcel access points within the overall development. Given that Clairmont Road is a state route, GDOT (Georgia Department of Transportation) will determine the placement of curb cuts to access the site from Clairmont Road. The site plan also depicts an 18-foot wide bypass lane by which traffic may navigate around the drive-through lane without impeding traffic flow.

The site proposes 31 on-site parking spaces for Wendy's customers. A 10-foot wide landscape strip is depicted along the Clairmont Road property frontage. 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. A pedestrian connection from the property to the sidewalk is shown along Clairmont Road which Staff shall include in the recommended conditions. The SLUP request to allow a drive-through restaurant on the site is compatible with other commercial uses in the area. At the northeast intersection of Briarcliff Road and Clairmont Road is a Popeye's restaurant with a drive-through lane.

REVISED SITE PLAN (MARCH 26, 2018) 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, March 26, 2018, the revised site plan depicts that the RaceTrac convenience market building has moved closer to Briarcliff Road. Parking spaces for the RaceTrac has 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 lines along Briarcliff Road. Also, no left turns will be allowed from the site to Briarcliff Road during peak traffic hours. During this time, Briarcliff Road curb cuts will be right-in, right-out only. The Wendy's site has agreed to open at 10:00 a.m. No breakfast will be served at the Wendy's restaurant, thereby reducing the number of drive-through trips during rush hour commute.

COMPLIANCE WITH DISTRICT STANDARDS

Per the chart below, it appears the proposed Wendy's restaurant with drive-through lane complies 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 Wendys Restaurant with Drive-through 2,923 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. Minimum 1 space for 150 square feet of floor area = 20 spaces; Max 1 space per 75 square feet of floor area = 39 spaces	35 parking spaces 31 parking spaces	Yes 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.	Submitted landscape plan depicts perimeter landscaping and landscape islands at the end of the parking rows on the site.	Yes

Per supplemental regulations Chapter 27-Article 4.2.23 of the DeKalb County Code, all drive-through facilities must comply with the following:

- (a) Drive-through facilities shall not be located within sixty (60) feet of a residentially zoned property, as measured from any menu or speaker box to the property line of the residential property, unless part of a mixed use development.

Speaker box from proposed drive-through is 60 feet from residential zoned property.

- (b) No drive-through facility shall be located on a property less than ten thousand (10,000) square feet in area, unless part of a mixed use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in article VI.

Tract 2 for proposed Wendy's restaurant is 0.89 acres or 38,768.4 square feet.

- (c) Drive-through lanes and service windows serving drive-through lanes shall only be located to the side or rear of buildings.

The proposed drive-through lane for the Wendy's restaurant is located in the rear and alongside of the building.

- (d) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.

Canopies not depicted on submitted site plan.

- (e) Speaker boxes shall be directed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.

Per the submitted site plan, speaker boxes are oriented towards the proposed RaceTrac convenience store building on Tract 1 of the overall development.

- (f) All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential property.

Lighting is not highlighted on submitted site plan. Will be required with permitting.

- (g) Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten (10) feet wide and twenty-five (25) feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the "pick-up" window).

Submitted site plan complies with this standard.

- (h) All drive-through facilities with the exception of drive-through restaurants shall provide at least three stacking spaces for each window or drive-through service facility.

Not Applicable. Site is a Wendy's restaurant with drive-through lane.

- (i) The following standards shall apply to all stacking spaces and drive-through facilities:

- (1) Drive-through lanes shall not impede on and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create unsafe conditions where crossed by pedestrian access to a public entrance of a building.

Submitted site plan depicts drive-through lanes that don't interfere with off-street parking areas nor create unsafe conditions for pedestrian access to building.

- (2) Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.

Drive-through lanes will be clearly delineated from parking areas.

- (3) All drive-through facilities shall include a bypass lane with a minimum width of ten (10) feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.

Site plan depicts a bypass lane with a width of 18 feet in compliance with above standard.

- (4) Drive-through lanes must be set back five (5) feet from all lot lines and roadway right-of-way lines.

Site plan depicts drive-through lane setback greater than 5 feet from lot lines and right-of-way.

- (5) Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.

Employees will ensure daily property clean-up.

- (6) Drive-through restaurants shall not be located within five hundred (500) feet of an elementary, middle or high school.

It appears that the proposed Wendy's restaurant with a drive-through lane is not within 500 feet of an elementary, middle or high school.

Section 7.4.6 of the DeKalb County Zoning Ordinance, “Special land use permit; criteria to be applied” states that the following criteria shall be considered in evaluating and deciding any application for a Special Land Use Permit. No application for a Special Land Use Permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in Article 4.

- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located:**

The approximately .89 acre site is adequate for operation of a Wendy’s restaurant with a drive-through lane.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:**

The proposed restaurant with a drive-through lane is compatible with nearby restaurants at the intersection of Briarcliff Road and Clairmont Road. At the northeast intersection of Briarcliff Road and Clairmont Road is a Popeye’s restaurant with a drive-through lane.

- C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:**

Given that the area along Briarcliff Road and Clairmont Road is developed with various commercial uses, it appears that there are adequate public services, public facilities and utilities to serve the proposed automobile fuel sales on the site.

- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the proposed use, so as not to unduly increase traffic or create congestion in the area:**

Given that Briarcliff Road is a minor arterial and Clairmont Road is a major arterial, Planning Staff anticipates little or no impact on public streets or traffic in the area.

- E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:**

Existing commercial and office uses located along access routes to the site would not be adversely affected by the character of the vehicles generated by the proposed use. Given that Clairmont Road is a four-lane major arterial, the volume of traffic generated by the proposed use should not adversely impact land uses along access routes to the site.

- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency:**

Access to the site is provided via four (4) inter-parcel access points within the overall development. The access points provide several options for exiting the property in case of an emergency. Crosswalks are provided from the parking lot area to the restaurant entrance for pedestrian safety.

- G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:**

The proposed restaurant with a drive-through lane should not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration.

- H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:**

The proposed 24-hour operation should not create adverse impacts upon any adjoining land uses, given that the subject site is adjacent to a proposed RaceTrac convenience store and minor auto repair.

I. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

The manner of operation should not create adverse impacts upon adjoining land uses.

J. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The proposed restaurant with a drive-through lane would be consistent with the requirements of the C-1 zoning district only if a Special Land Use Permit (SLUP) is approved for the proposed use on the site by the Board of Commissioners.

K. Whether or not the proposed use is consistent with the policies 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.

L. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

The submitted site plan depicts an encroachment (access drive) within required transitional buffer along adjacent residential zoned property lines.

M. Whether or not there is adequate provision of refuse and service areas.

Adequate refuse areas will be provided.

N. Whether the length of time for which the special land use permit is granted should be limited in duration:

The proposed use (restaurant with a drive-through lane) is a permanent use and should not be limited to any length of time on the subject site.

O. Whether or not the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings:

The proposed restaurant with a drive-through lane depicts a 1-story 2,932 square foot building consistent in size, scale and massing of nearby commercial buildings in the area.

P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:

It does not appear that the proposed restaurant with a drive through lane will adversely affect historic building sites, districts, or archaeological resources.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:

The proposed use satisfies the supplemental use regulations required in Article 4 .2.23 (see above)

R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height:

There will be no negative shadow impact on any adjoining lot.

S. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:

The proposed use would provide consumers another option for food sales via a drive-through lane in the area.

Staff Recommendation: APPROVAL WITH CONDITIONS (REVISED)

The proposed Wendy's restaurant with a drive-through lane is compatible with nearby commercial and non-residential uses along Briarcliff Road and Clairmont Road. Located within a Neighborhood Center Character Area, the proposed drive-through restaurant is consistent with the 2035 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. 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. The Department of Planning and Sustainability recommends "**APPROVAL**" of the SLUP request for a restaurant with a drive-through lane on the subject site subject to the following conditions:

1. A Wendy's restaurant with a drive-through lane as depicted on the site plan stamped received by the Department of Planning and Sustainability on March 26, 2018. Said site plan is conceptual and is subject to compliance to C-1 (Local Commercial) development standards unless variances are obtained from appropriate regulatory authorities.
2. The Wendy's restaurant will open at 10:00a.m.
3. The location and number of curb cuts for the entire 3.85 acre site shall be determined and approved by the Georgia Department of Transportation (GDOT) and the Department of Public Works, Transportation Division.
4. Driveway on Briarcliff nearest the intersection with Clairmont Road 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.
5. The second driveway on Briarcliff Road is restricted to right-in, right-out only during peak traffic times.
6. Dedicate 50 feet of right-of-way from centerline of Clairmont Road to provide for right-turn lane onto Briarcliff Road.
7. Dedicate 40 feet of right-of-way from centerline of Briarcliff Road.
8. Provide 4-foot bike lanes or substitute with a 10-foot multi-use path along Briarcliff Road and Clairmont Road.

9. Provide sidewalks and landscape strips along property frontage in compliance to Article 5 of the DeKalb County Zoning Code.
10. All public infrastructure, including sidewalks and street lights, must be on public right-of-way.
11. Provide inter-parcel access to all adjacent parcels subject to the approval of the Department of Public Works, Transportation Division.
12. Provide a pedestrian connection from the Wendy's restaurant to the public sidewalk.
13. The restaurant building façade shall consist of a combination of glass, stone, wood, brick and accent materials.
14. Refuse areas shall be screened by an enclosed fence with materials similar to primary building.
15. Provide parking lot lighting on site.
16. The approval of this SLUP application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the Zoning Board of Appeals, or other 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 WATER AND SEWER**

Case No.: SLUP-18-22039/ 2018-1592

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 (X) 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: _____

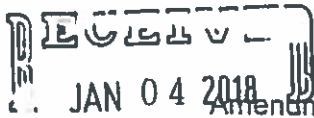


DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY



SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted, after 5 working days, after the filing date

Date Received: _____

Application No: SLUP-18-22039

APPLICANT NAME: JAY GIPSON

Daytime Phone# 678-613-1115 Fax # 404-231-0424

Mailing Address 480 EAST PACES FERRY RD. SUITE 8 ATLANTA, GA. 30305

E-Mail JMGIPSON@GIPSONCO.COM

Owner Name JMAR Investors, LP
If more than one owner attach contact information for each owner

Daytime Phone# _____ Fax # _____

Mailing Address 1201 Newton Rd, Madison, GA 30650

Email: _____

SUBJECT PROPERTY ADDRESS OF LOCATION 3030 CLAIRMONT ROAD
DeKalb County, Ga

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

Acreage of Square Feet: 3.685 Acres Commission District _____

Existing Zoning: C-1 / C-2 Proposed Special Land Use (SLUP)

I hereby authorized the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Owner: _____ Agent: Signature of Applicant [Signature]

Printed Name of Applicant: JOHN H. GIPSON JR.

Notary Signature and Seal
Beth Boylen
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 6-20-2020

Beth Boylen

AC 218 7073

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: Brown Hill 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 HUG HES	2212 EL DORADO		rdh4atl@gmail.com
Kathy Parker	1437 Hampton Glen		mamahoulou@aol.com
KEU HIGA	2079 Cantineta Rd.		KENTICA @ BECKARCHITECTS.COM
Tom Knechtel	2079 Cantonment Tr.		knx@bellsouth.net
Michael Doyle	2175 Eldorado Dr		Gardener6@comcast.net
Barbara Varga	1856 Chrysler Dr		bgvarga@gmail.com
Rima Vydemantas	3297 Briandiff Rd ne		rimarugana@gmail.com
Meg Schach	1748 Crestline Dr.		meg.scheid@gmail.com
Nikki Van Der Bunt	2974 Applin Dr. 30311		
Mark Taylor	3050 Briandiff Rd	30329	marktaylor70@hotmail.com
Tara Gilbert	2928 Briandiff	30329	tgilbert71@gmail.com
Margi Drysdale	1799 Rosalind Dr	30329	margi.drysdale@gmail.com
Michael Calda	3820 Briandiff	30845	
Rajesh R	2755 Clairmont Rd	404-321-2712	rajeshr97@rediffmail.com
G. Sharp	2209 St Deville	30348	guntersharp@yahoo.com
G Bailey	1916 Mt Brian	404-633-3007	SRBailey1000@aol.com
W. Akins	2070 Chrysler Dr	404 403 7488	Charlesakins@bellsouth.net
Daniel Betsill	2564 Woodgreen Dr		
Allen Venet	2336 Segmore Hills Dr. Decatur GA	404-561-4208	avenet@bellsouth.net

→ Pres. Segmore Hills Civil 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.

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.

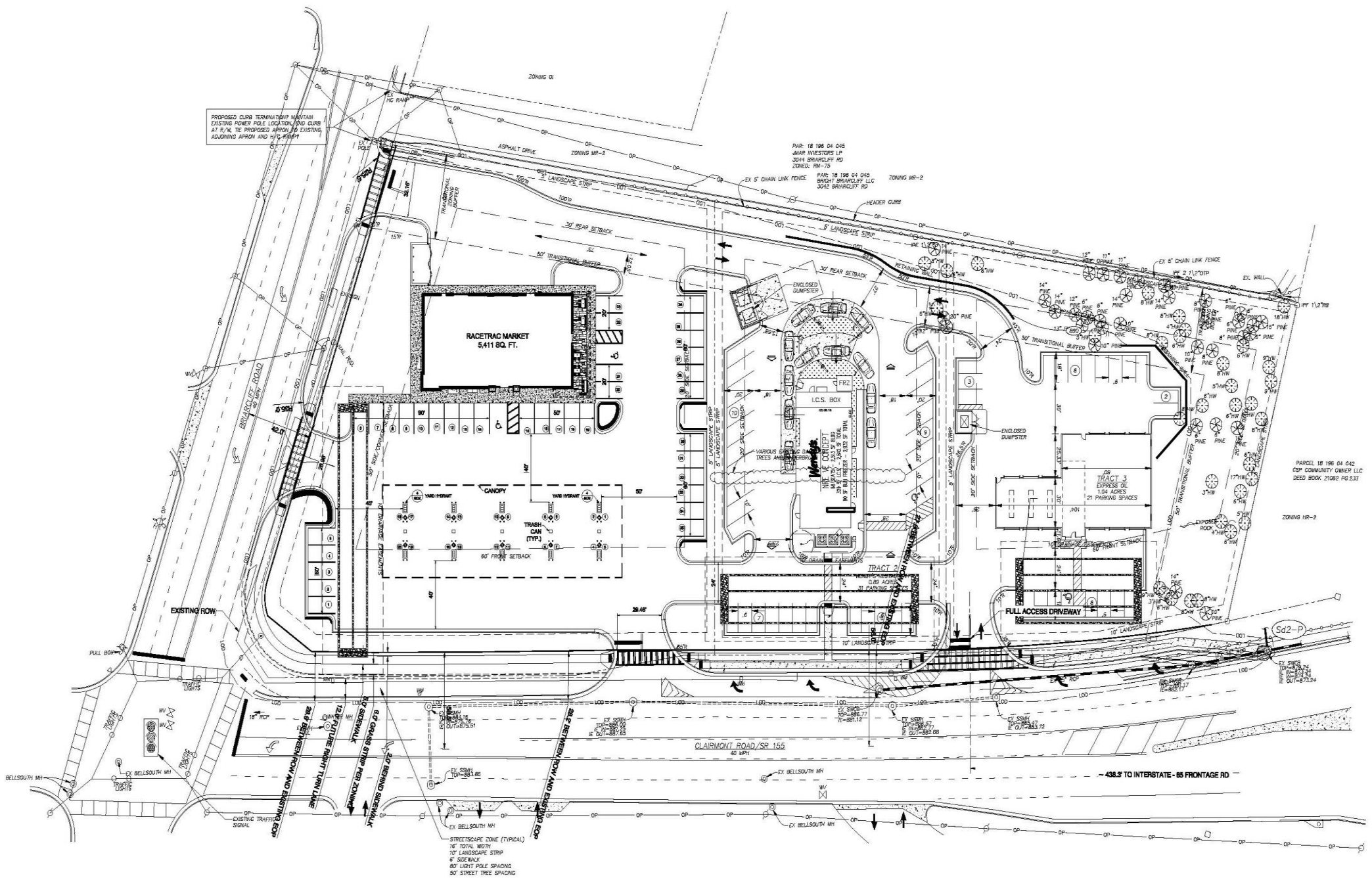
This site is currently an eyesore, has negative environmental impacts on the surrounding areas, is a gathering place for homeless, and is critically underused not only from an actual use profile, but also from a tax base standpoint. The impact to this site's current and immediate neighbors would be a 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. Thus we ask that the County approve the three SLUPS necessary for us to develop the describe development. The three SLUPS we are asking for are the ability to sell gasoline, the ability to sell beer and wine, and the drive through for Wendy's. We feel that these are all reasonable and are in keeping with the idea of an activity node and specifically to this particular intersection. We thank you for your consideration of our request.

IMPACT ANALYSIS

- A) The size of the site is more than adequate for its intended uses, and meets all of the requirements of Dekalb County.
- B) The proposed development is similar to all of the adjacent uses at this intersection.
- C) There are adequate public services, facilities and utilities to serve the planned uses, and the development of this site will actually improve these conditions.
- D) This is a highly traveled road and remain such, the design of this plan will take some of the traffic off of the intersection because of interconnectivity within the site and between Clairmont and Briarcliff.
- E) The character of the vehicles will remain the same, and the uses should not add any undue burden on existing using along the route, and may actually help.
- F) The proposed project was designed to help alleviate as much congestion at the intersection as possible by adding an additional route to Briarcliff, allowing cars and or emergency vehicles multiple access to the businesses in this development.
- G) This development will actually be a beneficial change to the adjacent land, improving quality of life issues over and above what is existing now.
- H) The buffer that will be built on the site, as well as, the fact that the uses are in line with adjacent uses should have no adverse impact on adjoining land.
- I) The proposed use is far superior to the existing conditions and use of the land, as it will be vibrant, well lit, and most importantly maintained to a high standard. It will also eliminate the area that is a gathering place for homeless dwellings.
- J) The land is currently zoned C-1 and C-2 so the use is allowed, but due to the requirement of the City to have all land lots in the same zoning classifications we are filing for this to be the case.
- K) This is a retail node in the comprehensive plan, and abuts up to I-85. We feel this is the type of quality development that can impact positively the re-development opportunities that are still at this intersection.
- L) This proposed development has taken into consideration the required buffer zones.
- M) The developers have met with sanitation and public works during the Pre-application meeting and reviewed these items at that time.
- N) The SLUP should run with the property as it is in an activity node, adjacent to two major roads, and an Interstate Hwy.
- O) The size scale and massing is less dense than adjacent properties and lots.
- P) There are no existing historic buildings, sites, districts or archeological areas on or adjacent to this property.
- Q) Yes, this meets the requirements.
- R) There will be no negative shadow on adjoining property as it sits below adjacent buildings on one side, up against a granite rock outcropping on one side, and two major roadways on the other two sides.
- S) This site is being developed consistent with the market and is creating a positive out of a negative. It is not in conflict with the comprehensive plan.



PARCEL 18 196 04 042
CSP COMMUNITY OWNER LLC
DEED BOOK 21082 PG 231

ZONING HR-2

PAR: 18 196 04 045
JMAR INVESTORS LP
3044 BRANCLIFF RD
ZONED: RM-75

PAR: 18 196 04 045
BRIGHT BRANCLIFF LLC
3042 BRANCLIFF RD

PROPOSED CURB TERMINATION MAINTAIN
EXISTING POWER POLE LOCATION AND CURB
AT R/W. THE PROPOSED APPROX. TO EXISTING
ADJOINING APPROX AND TRUCK DRIVE

STREETSCAPE ZONE (TYPICAL)
16' TOTAL WIDTH
10' LANDSCAPE STRIP
6' SIDEWALK
80' LIGHT POLE SPACING
50' STREET TREE SPACING

Sd2-P

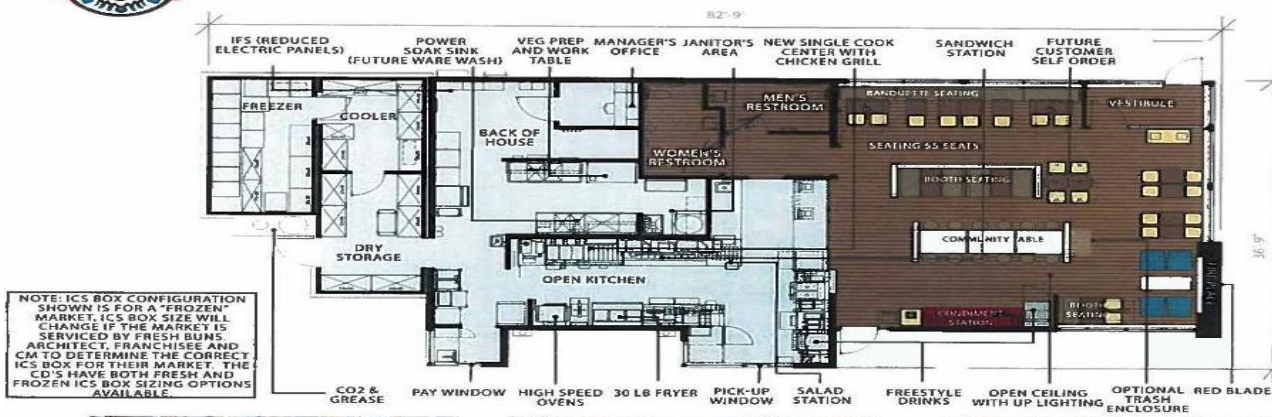


Proposed Wendy's Restaurant on Tract 2



SQE 55

SQE 55 SUMMARY



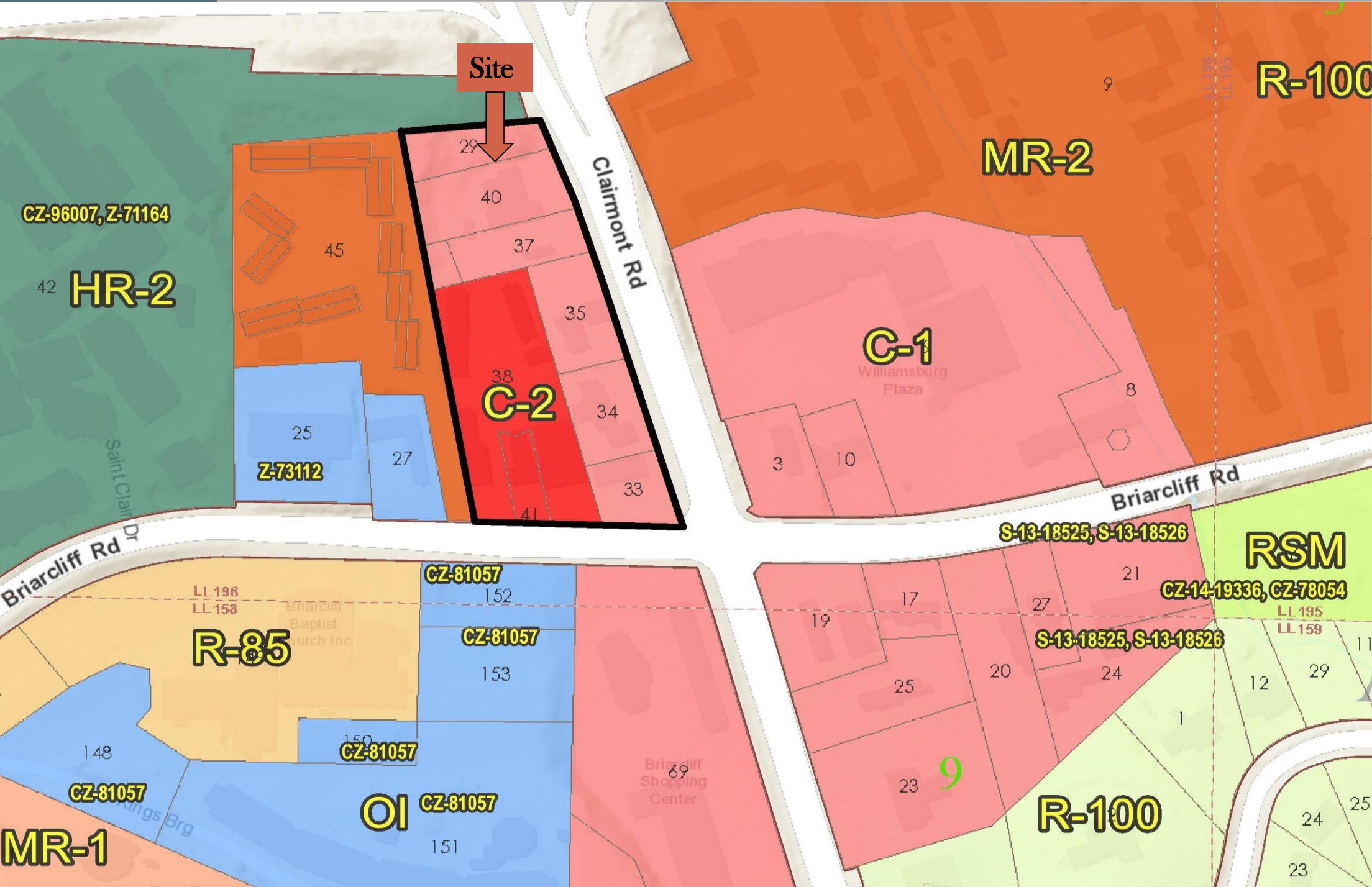
View towards POS

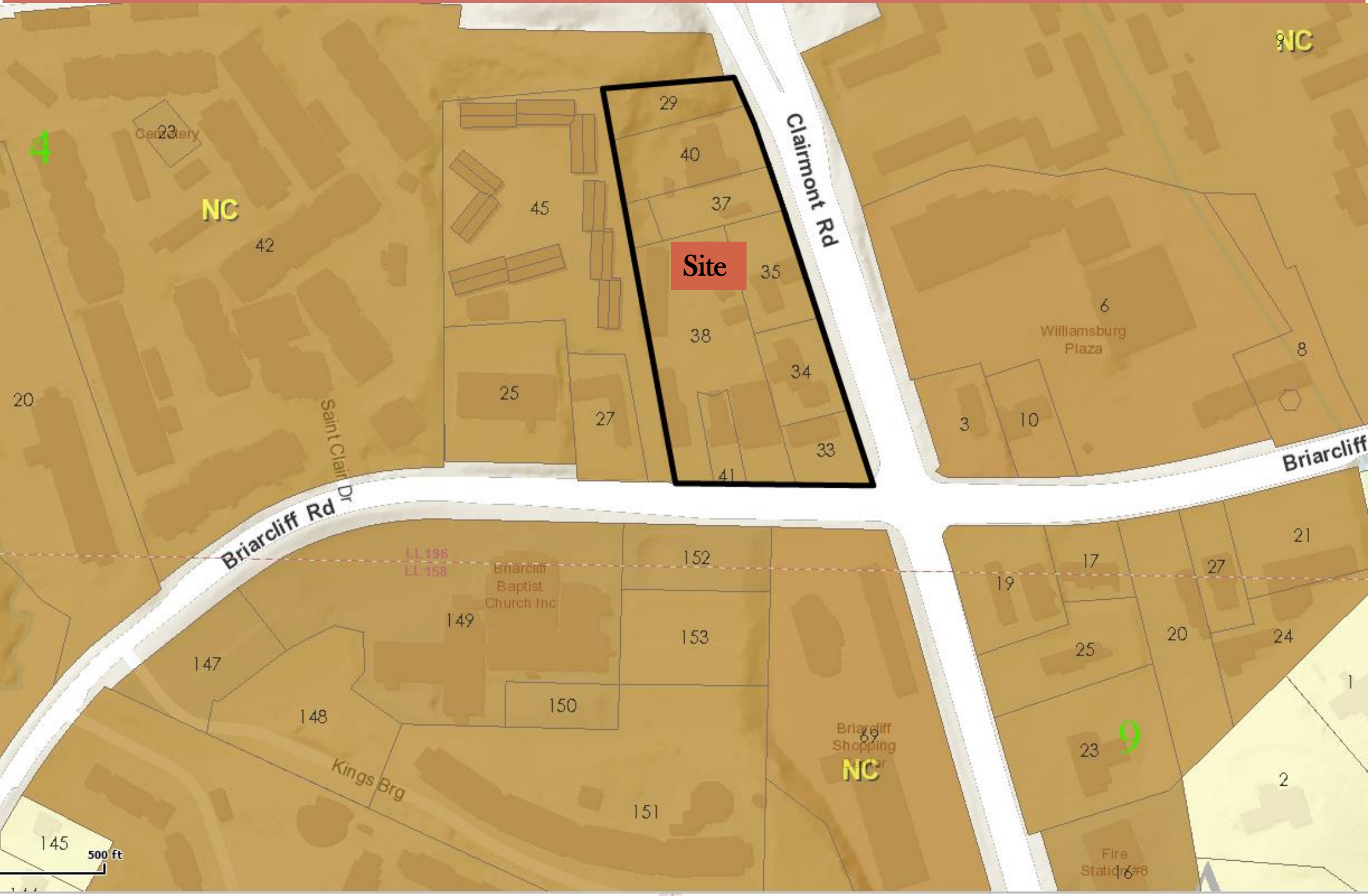


View toward dining area



View toward fire place







Site

Chairmont Road

Briarcliff Road

Popeye's

Q-Trip

Chevron

500 ft



Briarcliff Road Frontage



Clairmont Road Frontage

