

DeKalb County Government

Manuel J. Maloof Center 1300 Commerce Drive Decatur, Georgia 30030

Agenda Item

File #: 2018-2436 9/25/2018

File Status: Preliminary Item

Public Hearing: YES ⊠ **NO** □ **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 2 & 6

N1 J.R. Crickets North Decatur SLUP-18-1235085

PETITION NO: SLUP 18 1235085

PROPOSED USE: Late Night Establishment

LOCATION: 1850 Lawrenceville Highway

PARCEL NO.: Portion of 18 062 08 075

INFORMATION CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of J.R. Crickets North Decatur to request a Special Land Use Permit (SLUP) to extend the operating hours of an existing restaurant (J.R. Crickets) in Suite 700 of a multi-tenant building beyond 12:30 a.m. to operate as a Late Night Establishment within the C-1 (Local Commercial) district in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Article 4.2.32 Supplemental Regulations of the DeKalb County Code. The property is located on the northwest side of Lawrenceville Highway and the south side of Woodridge Drive, approximately 868 feet north of Larry Lane at 1850 Lawrenceville Highway in Decatur, Georgia. The property has approximately 277 feet of frontage along Lawrenceville Highway and 170 feet of frontage along Woodridge Drive and contains 1 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: DEFERRAL

PLANNING COMMISSION: WITHDRAWAL WITHOUT PREJUDICE

PLANNING STAFF: WITHDRAWAL WITHOUT PREJUDICE

PLANNING STAFF ANALYSIS: (REVISED 9/7/2018) The applicant emailed a request to withdraw without prejudice on September 6, 2018 (See attached). Therefore, it is the recommendation of the Planning and Sustainability Department that the application be "Withdrawn Without Prejudice".

File #: 2018-2436 9/25/2018

File Status: Preliminary Item

PLANNING COMMISSION VOTE: WITHDRAWAL WITHOUT PREJUDICE **7-0-0** V. Moore moved, J. Johnson seconded for withdrawal without prejudice, per the applicant's request and Staff's recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: DEFERRAL 5-0-0

Reid, John

From:	charita_gray < charita_gray@bellsouth.net>	
Sent:	Thursday, September 06, 2018 12:45 PM	
To: Subject:	Reid, John RE: SLUP 18 1235085Planning Department Staff Report Planning Commission meeting	for Thursday Sept. 6th
Hi John		
Hope all is well. At this tim	e I would like to withdraw my application w/o prejudice	<u>,</u>
Please confirm receipt.		
Thanks Charita Gray J.R. Crickets North Decatur		
Sent from my Sprint Samsung Ga Charita Gray	laxy Note5.	
Original message		
From: "Reid, John" < ireid@ Date: 8/30/18 3:09 PM (GM		
To: charita_gray < charita_gray Subject: RE: SLUP 18 1235 Commission meeting	ray@bellsouth.net> 085Planning Department Staff Report for Thursday Se	ept. 6th Planning
Charita,		
Chanta,		
	rtment Staff Report for your special land use permit applicat ning Commission meeting at 6:30 pm at the Maloof Auditori	
speak on behalf of your projec		ani. Piease attenu so you can
Thanks,		
John Reid		
I		



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500 Decatur, GA 30030



Michael Thurmond Chief Executive Officer



Planning Commission Hearing Date: September 6, 2018, 6:30 P.M. Board of Commissioners Hearing Date: September 25, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.:

SLUP-18-1235085

Agenda #: N1

District: 6

Location/

1850 Lawrenceville Highway, Decatur, Georgia

Commission District: 2 S

Super

Address:

Parcel ID:

18 062 08 075 (Portion of)

Request:

To request a Special Land Use Permit (SLUP) to extend the operating hours of an existing restaurant (J.R. Crickets) in Suite 700 of a multi-tenant building beyond 12:30 a.m. to operate as a Late Night Establishment within the C-1 (Local Commercial) district in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Article 4.2.32 Supplemental Regulations of the

DeKalb County Code.

Property Owner:

Air Hospitality Group, LLC.

Applicant/Agent:

JR Crickets North Decatur

Acreage:

1

Existing Land Use:

Restaurant within a multi-tenant commercial building

Surrounding Properties:

Single-family subdivision (Whelchel Woods) to the west; vacant land to the north across Woodridge Drive; an auto sales lot (Royal Import Auto Sales) to the east across Lawrenceville

Highway; and an auto-repair shop (Auto Air Plus) to the south.

Adjacent Zoning:

North: R-75 South: C-1 East: C-1 West: R-75

Comprehensive Plan:

Town Center

Consistent Inconsistent

X

Proposed Density: NA

Proposed Units/Square Ft.: Extend operating hours beyond

12:30 a.m. as Late Night Establishment

Proposed Lot Coverage: NA

Existing Density: NA

Existing Units/Square Feet: Restaurant within

multi-tenant building
Existing Lot Coverage: NA

ZONING HISTORY

The property has been zoned C-1 since the initial adoption of the DeKalb County Zoning Ordinance in 1956.

PROJECT ANALYSIS

The applicant proposes to extend the operating hours of an existing 4,482 square foot restaurant (JR Crickets) beyond 12:30 a.m. within a 10,877 square foot multi-tenant commercial building beyond 12:30 a.m. as a Late Night Establishment in the C-1 (Local Commercial) zoning district. The applicant wants to operate until 2:00 a.m. on Friday and Saturday. Based on the submitted information, the applicant indicates that "customers have expressed the desire for late night dining for dine-in, and especially for take-out and delivery, particularly area hospital, university, delivery partner customers, and people getting off work)". Based on the submitted information, 70% of restaurant sales is for take-out/delivery after 10 to 11 p.m. The applicant indicates that no code enforcement violations have been issued relating to noise, trash, and parking since the restaurant has opened, and that there will be no night-club environment in this family restaurant.

Based on the submitted information, there was a neighborhood meeting on July 3, 2018 in which the following issues were raised (See attached letter dated July 5, 2018):

- 1. Potential Noise and Trash: Currently music is kept low to hear the phones and cannot be heard outside the building. The community did express that they cannot hear anything from the business and the parking lot/street has been cleaner since JR Crickets has opened.
- Parking: It was expressed that the extension of hours may cause a parking and spill over issue onto the neighborhood streets. The
 applicant responded that Café Istanbul has valet parking and they use the adjacent auto mechanic parking lot. Additional parking has
 been designated for JR Crickets customers only in the plaza. The applicant also indicated that due to take out and delivery the parking
 turns over quickly.
- Crime: It was expressed that the extension of hours may increase criminal activity. The applicant responded that there is currently a
 DeKalb County Police Officer in the parking lot on Friday and Saturday nights and that consistent police presence has minimized criminal
 activity. The applicant further indicated that currently there has been no criminal activity at JR Crickets.
- 4. <u>Lighting:</u> It was expressed by one neighbor that the building safety lights shines into her home. The applicant indicated that she has redirected the light to minimize any shining.
- 5. Rodent Control/Management: It was expressed by a neighbor adjacent to Café Istanbul that there has been an increase in rodent activity. The applicant expressed that she shared the same concern because she did not want to be impacted as well. The applicant indicated that Pest Control had sealed the entire plaza of any opportunities for rodent penetration and had the landlord clean up the back of the building.
- Lack of Tree Buffer between the adjacent homes and the shopping center: The applicant indicated she would speak to the landlord about this issue based on neighborhood concerns.
- 7. <u>Use of the "dirt road" behind the shopping center as a cut through.</u> The applicant indicated that Leigh Hopkins, a Medlock Park resident, was her point of contact on this issue.

The project is accessed via two driveways off Lawrenceville Highway and no driveway access off of Woodridge Drive. There appears to be ample on-site parking (33 spaces) during the peak late night hours when it appears that the majority of other commercial tenants will be closed. Based on the submitted information, there is one other Late Night Establishment currently operating (Café Istanbul) which requires nine parking spaces by the Zoning Ordinance. That LNE was approved as a grandfathered use since it was established prior to the adoption of the Late Night Ordinance on November 18, 2008, and therefore was not required to obtain a SLUP from the Board of Commissioners. Since the proposed request would require only 15 parking spaces during peak late night hours and there are 33 parking spaces on the project site, there appears to be ample on-site parking during these peak hours.

Topography of the project site is flat. The character of the surrounding area consists of a single-family subdivision to the west (Whelchel Woods); vacant land to the north across Woodridge Drive; an auto sales lot to the east across Lawrenceville Highway (Royal Import Auto Sales) and an auto repair shop (Auto Air Plus) to the south.

IMPACT ANALYSIS

Section 7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.

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:

Based on the submitted information, as well as field investigation of the project site, it appears that the size of the site is not adequate for the use contemplated. The existing non-conforming building and parking lot are not in compliance with the Zoning Code. A 20-foot rear-yard building setback and a 50-foot wide undisturbed buffer are required along the west property line abutting the Whelchel Woods single-family subdivision. However, the building and parking lot area are only 13 feet and 22 feet (south end of parking lot) to 44 feet (north end of parking lot) away (50 feet required) from that residential property line. Therefore, it does not appear that there is adequate land area available for the proposed use since the required building setbacks and transitional buffer are not accommodated.

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

Based on field investigation and the submitted information, it appears that the subject property abuts a single-family neighborhood (Whelchel Woods) to the west. Given the proximity of the proposed Late Night Establishment to the Whelchel Woods subdivision, the extended operating hours of an LNE is not compatible with the that single-family detached subdivision.

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

Based on the submitted information, it appears that public transportation facilities are adequate to service the use contemplated. There will no impact on schools since the proposed use is nonresidential. There is no burdensome impact anticipated on public utilities since the proposed use will be located in an established commercial building.

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:

Based on the submitted site plan and information, as well as field investigation of the project site, the public street on which the proposed use is to be located is adequate and will not unduly increase traffic congestion since the Late Night Establishment will be located in an established commercial building and accesses a major arterial road (Lawrenceville Highway).

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:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the existing land uses located along access routes to the site would not be adversely affected by the character of the vehicles or the volume of traffic generated since the proposed use will be located within an established commercial building along a minor arterial road (Lawrenceville Highway).

F. 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:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that ingress and egress to the subject property is adequate since the proposed use will be located in an established commercial building with a curb cut on a major arterial road (Lawrenceville Highway).

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:

Based on field investigation and the submitted information, the subject property is adjacent to single-family homes to the west. It appears that the extended operating hours of an LNE may cause noise and vibration impacts to those single-family homes.

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:

See "G"above.

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

See criteria "H".

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

See criteria "A". Code.

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:

Based on field investigation of the project site, it appears that the size of the site is not adequate for the use contemplated since the existing building and parking lot are too close to the property line of the Whelchel Woods single-family subdivision to the north and are not in compliance with the Zoning Code. The property is located within a Town Center (TC) Character area adjacent to a Suburban (SUB) character area containing a low-density single-family neighborhood. The Land Use policies of the Comprehensive Plan call for development intensity to transition from the most dense in the middle of the TC activity center to less dense at the periphery of the activity center. Additionally, Land Use policies indicate that commercial and office uses that would have a negative or blighting influence on adjacent residential neighborhoods shall not be permitted (Land Use Policy "B Land Use Compatibility" and "C Neighborhood Compatibility"). Furthermore, the TC character area policies call for greater building setbacks and/or transitional buffers for developments when located adjacent to lower density residential uses (TC Policy #6). There is no land use transition between the adjacent single-family neighborhood and the proposed after-hours LNE, and the request is not providing greater building setbacks and transitional buffers since the site does not meet the minimum transitional buffer and rear building setback requirements of the Zoning Ordinance. Therefore it does not appear that the proposed request is consistent with the land use polices of the TC character area.

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

The parking lot is only 22 to 44 feet from the west property line abutting the Whelchel Woods single-family subdivision and therefore does not comply with the 50 foot transitional buffer requirements of the Zoning Ordinance.

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

- Based on the submitted information, refuse and service areas appear to be ample and adequate since the proposed use is located within an established commercial building.
- N. Whether the length of time for which the special land use permit is granted should be limited in duration:

 If the special land use permit is granted, it should be limited to a duration of two years.
- 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:

There are no new buildings proposed as the request is only to allow the Late Night Establishment to operate within an existing multi-tenant building. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

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

Based on the submitted site plan and information, as well as field investigation of the project site, it does not appear that the proposed plan would adversely affect historic buildings, sites, districts, or archaeological resources.

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

Based on the submitted information and information from the Planning and Sustainability Department, the proposed use satisfies the requirements contained in Section 4.2.32 of the Supplemental Regulations for *Late Night Establishments* during peak operating hours (after 12:30 a.m.)

R. Whether or not the proposed building as a result of its proposed height, would create a negative shadow impact on any adjoining lot or building:

There are no new buildings proposed as the request is only to allow an LNE to operate within a vacant suite of an existing commercial building. Therefore, there should not be a negative shadow impact on any adjoining lot or building.

S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:

Based on the submitted information, there is one other existing LNE (Café Istanbul) within the vicinity located within the same commercial building as the proposed JR Crickets LNE.

T. 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:

Based on field investigation of the project site, it appears that the size of the site is not adequate for the use contemplated since the existing building and parking lot are too close to the property line of the Whelchel Woods single-family subdivision to the north and are not in compliance with the Zoning Code for transitional buffers and rear building setback. The property is located within a Town Center (TC) Character area adjacent to a Suburban (SUB) character area containing a low-density single-family neighborhood. The Land Use policies of the Comprehensive Plan call for development intensity to transition from the most dense in the middle of the TC activity center to less dense at the periphery of the activity center. Additionally, Land Use policies indicate that commercial and office uses that would have a negative or blighting influence on adjacent residential neighborhoods shall not be permitted. Furthermore, the TC character area policies call for greater building setbacks and/or transitional buffers for developments when located adjacent to lower density residential uses. There is no land use transition between the adjacent single-family neighborhood and the proposed after-hours LNE, and the request is not providing greater building setbacks and transitional buffers since the site does not

meet the minimum transitional buffer and rear building setback requirements of the Zoning Ordinance. Therefore it does not appear that the proposed request is consistent with the land use polices of the TC character area. Given the proximity of the proposed Late Night Establishment to the Whelchel Woods single-family subdivision to the north, it appears that the extended operating hours of a LNE may be incompatible with that residential development.

COMPLIANCE WITH DISTRICT STANDARDS:

STANDARD		REQUIREMENT	EXISTING	COMPLIANCE	
LOT WIDTH		100 feet	277 feet	Yes	
LOT	AREA	20,000 square feet	43,560 sf (1 acre)	Yes	
YARD SETBACKS	FRONT 60 feet (max) (Lawrenceville Hwy) 20 feet (min)		51 ft	Yes	
YARD	SIDE (Woodridge Drive)	30 ft	35 ft	Yes Yes	
	INTERIOR SIDE	15 feet	65	Yes	
	REAR	20 feet	13 ft (south end of the building)	No (non-conforming building constructe circa 1972)	
TRANS. BUFFERS		50 feet (west p/l)	22 feet (south end parking lot) to 44 feet (north end of parking lot)	No (non-conforming building constructed circa 1972)	
HEIGHT		2 stories	1 story	Yes	
PARKING		22 spaces (Min) (includes existing and proposed LNE on this property during late night hours)	43 spaces	Yes (Minimum)	

Staff Recommendation: WITHDRAWAL WITHOUT PREJUDICE

The applicant emailed a request to withdraw without prejudice on September 6, 2018 (See attached). Therefore, I if is the recommendation of the Planning and Sustainability Department that the application be "Withdrawn Without Prejudice".

Attachments:

Departmental Comments

- a. Land Development Division
- b. Traffic Engineering Division
- c. Watershed Management
- d. Board of Health
- 2. Application
- 3. Site Plan
- 4. Zoning Map
- 5. Aerial Photograph
- 6. Location Photographs

NEXT STEPS: Following an approval of this action, one or several of the following approvals or permits 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 Approval (Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)
- **Historic Preservation** Certificate of Appropriateness (Required for any proposed changes to building exteriors or improvements to land when a property is located within the Druid Hills Historic District or the Soapstone Geological Historic District. Historic Preservation Committee public hearing may be required.)
- Variance or Special Exception (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.)
- Major Modification (Required if there are any changes to zoning conditions approved by the Board of Commissioner on 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 require submittal



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MADOLYN SPANN MSPANN DEKALBCOUNTYGAGOV OR JOHN REID PREMARKALBCOUNTYGAGOV

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: <u>SLu P-18-1235085</u> Parcel I.D. #: 18-	-062.08-,075
Address: 1850	
LAWYENCEVILLE High suite 700,	
DECATOR 64	
· · · · · · · · · · · · · · · · · · ·	Roadway (s):
(classification)	(classification)
Capacity (TPD)	Capacity (TPD)
Latest Count (TPD) Hourly Capacity (VPH) Peak Hour. Volume (VPH) Existing number of traffic lanes Existing right of way width Proposed number of traffic lanes Proposed right of way width	Latest Count (TPD) Hourly Capacity (VPH) Peak Hour. Volume (VPH) Existing number of traffic lanes Existing right of way width Proposed number of traffic lanes Proposed right of way width
Please provide additional information relating to the following st) — — — — — — — — — — — — — — — — — — —
According to studies conducted by the Institute of Traffic Engine generate an average of fifteen (15) vehicle trip end (VTE) per 1, 0 factor. Based on the above formula, thesquare foot place with approximately peak hour vehicle trip ends. Single Family residence, on the other hand, would generate ten (1)	ters (ITE) 6/7 TH Edition (whichever is applicable), churches 000 square feet of floor area, with an eight (8%) percent peak hour e of worship building would generate vehicle trip ends, 10) VTE's per day per dwelling unit, with a ten (10%) percent (Single Family Residential) District designation which allows of or the property of t
COMMENTS:	
Plans and Field REUSEWED, No Prot	olem that would
ENTERFERE With traffic Flow	

Signature: Jerry Whit

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net 8/24/2018

N.1	SLUP-18-1235085/19 062 08 075
1850 Lawrenceville Highwa	v, Suite 700, Decatur, GA
☐ Amendment	
- Please review comments	
N.2	Z-18-1235086/18-159-05-020
2523 Clairmont Road	
Amendment	
- See review comments.	
N.3	2018-2443/Z-18-1235090/18-054-12-001
1325 Emory Road, Atlanta,	Ga
Amendment	
- Please review comments	
N.4	SLUP-18-1235010/15-122 01 016
2501 Columbia Drive Deca	ur Ga

Amendment

- Please review comments.

DEKALB COUNTY



Board of Health

8/24/2018

To: Ms. Madolyn Spann, Planning Manager

Mr. John Reid, Senior Planner

From: Ryan Cira, Environmental Health Manager Cc: Alan Gaines, Technical Sevices Manager

Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- · multiple dwellings
- · food service establishments
- · hotels and motels
- · commercial laundries
- funeral homes
- · schools
- · nursing care facilities
- · personal care homes with more than six (6) clients
- · child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft, sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

Reid, John

From: Hill, LaSondra

Sent: Monday, August 20, 2018 7:26 AM

To: Hill, Karen F.; Reid, John; Furman, Melora L.; Brewer, Brian N.; Washington, Larry

Cc: Alexander, Michelle M.; Eisenberg, Marian

Subject: FW: Request for Inter-Departmental Comments

From: Keeter, Patrece

Sent: Friday, August 17, 2018 4:41 PM

To: Hill, LaSondra < lahill@dekalbcountyga.gov>

Cc: Alexander, Michelle M. <mmalexander@dekalbcountyga.gov>

Subject: RE: Request for Inter-Departmental Comments

On Case N.10- The access point on Candler Road should be limited to right in-right out.

From: Keeter, Patrece

Sent: Monday, August 13, 2018 12:01 PM To: Hill, LaSondra < lahill@dekalbcountyga.gov>

Cc: Alexander, Michelle M. <mmalexander@dekalbcountyga.gov>

Subject: RE: Request for Inter-Departmental Comments

N1) Lawrenceville Hwy is a major arterial on a state route. Dedicate right of way at least 50 from centerline. Install sidewalks along property frontage (ensure sidewalks are within right of way). GDOT review and permits required. Street lights required 1 foot behind sidewalks on right of way.

N2. Clairmont Road is a major arterial on a state route. Dedicate right of way at least 50 from centerline. GDOT review and permits required.

N3. Braircliff Road is a minor arterial and state route. GDOT review and permits required. No access allowed onto Braircliff Road.

N4. No Comments.

N5. No Comments.

N6. No Comments.

N7. No Comments.

N8 & N9. Columbia Drive is a minor arterial. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) 40 foot right of way dedication from centerline. 6 foot sidewalks, 4 foot bike lanes. Street lights behind the sidewalk within right of way. As shown in the application, interior roads must be private.

N10. Candler Road is a major arterial and a state route. GDOT review and permits required. Kelly Lake Road is a local road. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) Right of way dedication of 50 from centerline on Candler Road, 6 foot sidewalks. Right of way dedication on Kelly Lake Road 27.5 feet from centerline, 5 foot sidewalks. Extend sidewalks along Kelly Lake Road within existing right of way to Candler Road. Street Lights required on back of sidewalk within right of way along both frontages. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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 Georgia DOT as well as the DeKaib 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, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. The site is a stormwater hotspot.

• 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. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

• 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 from the County Arborist.

• Tributary Buffer

State water and consequently, 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

Dekalb County Department of Planning and Sustainability 330 W. Ponce De Leon Avenue Decatur, GA 30030

RE: J.R. Crickets North Decatur SLUP to extend hours to 2:00 am Friday and Saturday

To whom it may concern:

My name is Charita Gray, owner and operator of J.R. Crickets North Decatur located at 1850 Lawrenceville Hwy, Decatur 30033. I am respectively asking DeKalb County Planning and Board of Commissioners to approve the extension of restaurant hours to 2:00 am on Friday and Saturday. The property is currently zoned C-1.

Background & Proposal

J.R. Crickets North Decatur (JRCND) opened October 2017. JRCND is a family friendly, neighborhood restaurant that serves the DeKalb community. I operate a professional establishment and support the community through Medlock Park athletic and school sponsorships. Furthermore over 75% of employees live in DeKalb County. I am very much aware of impacts to neighborhoods as a result of a commercial establishment so I make every effort available to minimize and or correct any impacts to the adjacent residents. Since opening I have not received any code enforcement violations relating to noise, trash, parking etc.

Proposal

Approximately 50% of restaurant sales is take-out /delivery and increases to 70% after 10-11pm. Our customers have expressed the desire for late night dining for dine-in and especially for take-out and delivery (particularly area hospital, university, delivery partner customers and people getting off of work). I want to stress that JRCND is a family restaurant and does not and will not have a night club environment. Due to the professional way I run my business demonstrated by a strong repeat customer base, (clean, respectful, mellow music), I am confident that Increasing the hours for an additional 1.5 hours on Friday and Saturday night will not adversely impact the neighborhood.

Neighborhood Concerns

On July 3, a community meeting was held and below are a list of concerns and responses.

Potential Noise and Trash Currently JRCND music is kept low (to hear the phones) and cannot be heard outside the building. The community did express that they can not hear anything from the business and the parking lot /street has been cleaner since JRCND has opended. Furthermore I frequently monitor the entire plaza and have asked the Landlord to clean the back of the building (non JRCND area).

Parking It was expressed that the extension of hours may cause a parking and spill over issue onto the neighborhood streets. I responded that the Café Istanbul has valet parking and they use the adjacent auto mechanic parking lot. Additional parking has been designated for JRCND only in the plaza. I

expressed to the neighborhood that due to take-out and delivery the parking turns over quickly. Although the parking lot is tight, we currently do not have customers parking on street even on very busy nights. Most of our customers are regulars and have figured out the parking situation.

Crime It was expressed that the extension of hours may increase criminal activity. I responded that there is currently a DeKalb County Police officer in the parking lot on Friday and Saturday nights and that consistent police presence has minimize criminal activity. Currently, there has been no criminal activity at JRCND.

Lighting It was expressed by one neighbor in particular that the building safety lights shines into her home. I have since redirected the light to minimize any shining.

Rodent Control/Management It was expressed by a neighbor adjacent to Café Istanbul that there is been an increase in rodent activity. I expressed to the neighbor that I too share the concern because I do not want to be impacted as well. I told her I was aware of this and had Pest Control to seal the entire plaza of any opportunities for rodent penetration, had the landlord clean up the back of the building and I had my Pest Control place additional black boxes along the entire plaza. I informed the residents I will continue to monitor the issue.

The community expressed two issues, that as a tenant I can not directly solve, but indicated I would speak with the Landlord about- 1) lack of a tree buffer between the adjacent homes and the plaza and 2) use of the "dirt road" behind the plaza as a cut through. Leigh Hopkins, a Medlock Park resident, is my point of contact to follow up with the neighborhood on these two Issues.

Closing

I reassured the neighborhood that I take a proactive approach in resolving issues before they become a problem and asked them to also be the eyes and ears to keep me and my establishment accountable. It is my goal and commitment to ensure the quality of life is not adversely impacted by my restaurant whether or not the proposed hours is approved and as a new member of the community I will diligently work with the neighborhood to address any existing or future concerns.

Again in addressing the neighborhood concerns and working with the neighborhood now and in the future, I respectively ask for the approval of the restaurant hours until 2:00 am Friday and Saturday.

Sincerely

J.R. Crickets North Decatur

404 456 0005

404-456-9005

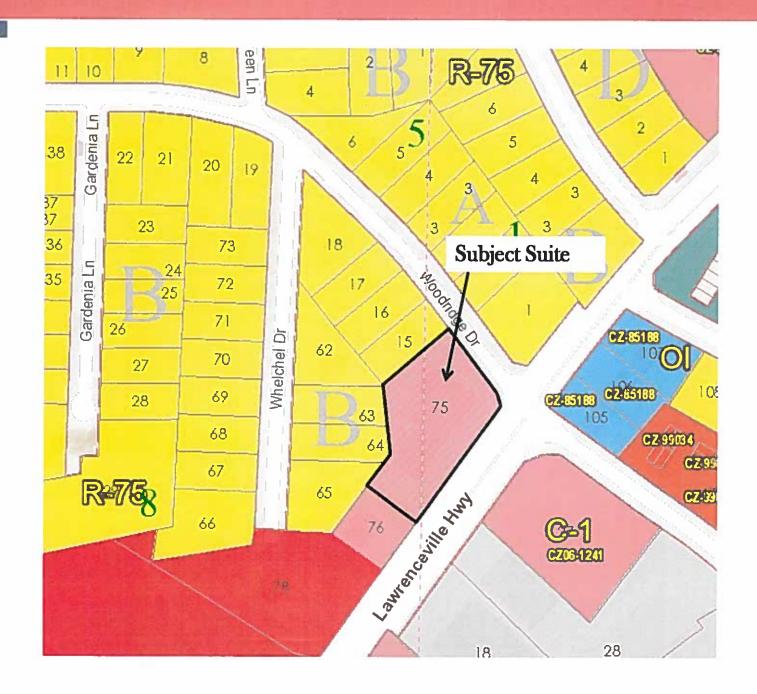
J.R. Crickets North Decatur

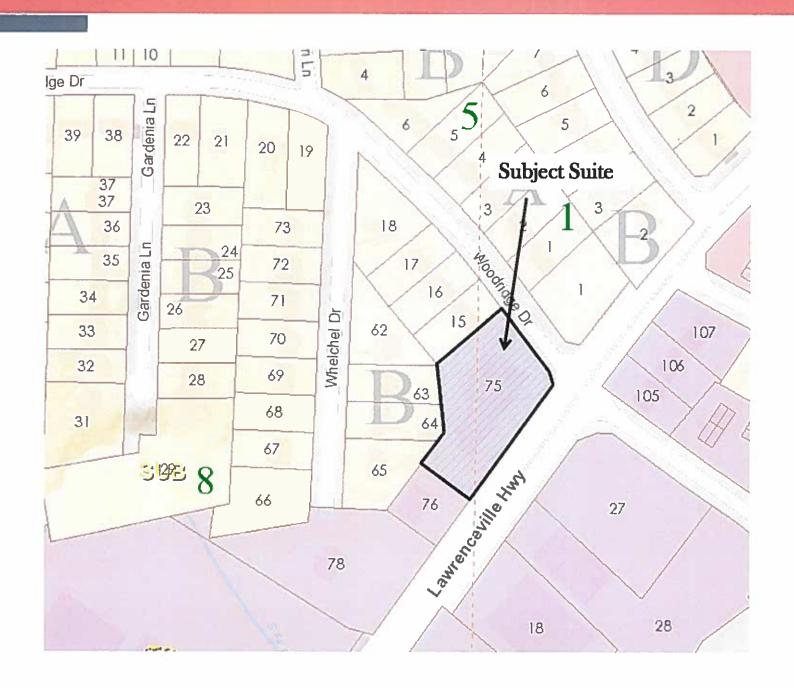
1850 Lawrenceville Hwy Ste 700

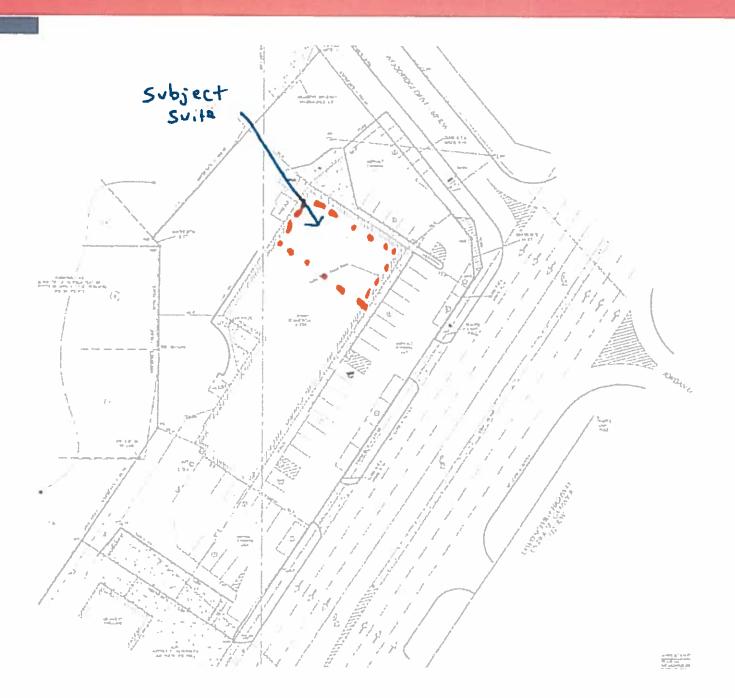
Decatur, GA 30033

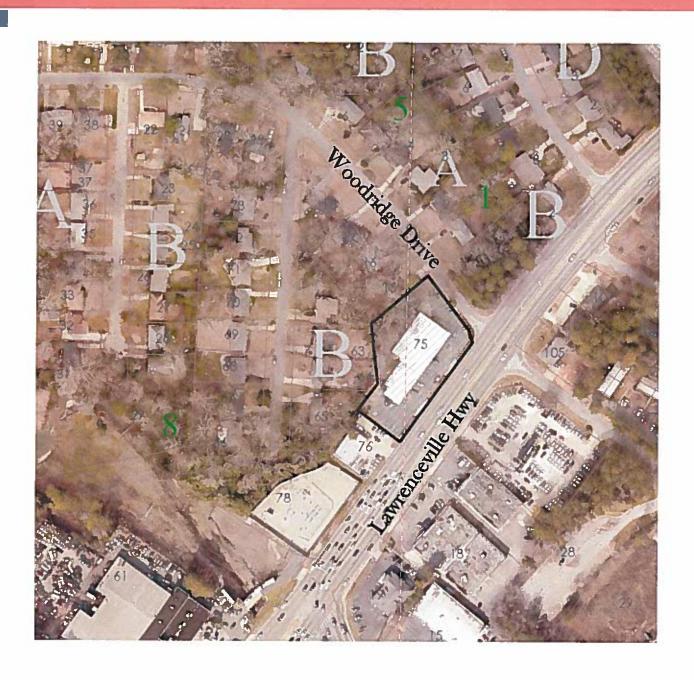
Impact Analysis

- A. The size of the site, land area, zoning and off-street parking is adequate for the proposed use.
- B. The proposed use is compatible with the adjacent properties and land use.
- C. There are adequate public services, public facilities and utilities for the proposed use.
- D. The public street is adequate to serve the proposed use. The proposed use will not unduly increase traffic or congestion.
- E. The existing land uses will not be adversely affected by the proposed use.
- F. The proposed use will not have a negative impact on the existing ingress/egress, pedestrian or automotive safety and convenience.
- G. The proposed use will not create adverse impacts to adjoining land use by reason of noise, smoke or odor or vibration.
- H. The proposed use will not have an adverse impact to adjoining land use as a result of extending hours
- I. The proposed use will not have an adverse impact to adjoining land use by reason of manner of operation.
- J. The proposed use is consistent with all of the requirements of the zoning district classification.
- K. The proposed use is consistent with the policies of the comprehensive plan
- L. The proposed use will not require additional buffer zones and transitional buffer zones
- M. There currently exist adequate provision for refuse and service
- N. The proposed use if granted should not be limited in its duration
- O. The proposed use will not affect/change the buildings in relation to size, scale, or massing to adjacent land uses.
- P. The proposed use will not affect historic buildings, sites, districts or archaeological resources
- Q. The proposed use should satisfied the requirements contained within the Supplemental Regulations for such special land use permits
- R. The proposed use will not affect the height of the existing building
- S. The proposed use will be consistent with the needs of the neighborhood and the community as a whole and is not in conflict with the comprehensive plan.









Site Photo





STUF Chackter was Application 2010

404.371.2155 (o) 404.371.4556 (f) DeKalbCountyGa gov

Clark Harrison Bullding 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 deadline.

Date Received: 7/5/2018 Application No: 5LLP-18-123-935
APPLICANT NAME: J.R. CRICKETS NORTH DECATUR
Daytime Phone: 404-456-9005 E-Mail: Charita gray @ bell south. net
Mailing Address: 931 Marroe Drive Ste 102#563 ATLASTA GA 30033
Owner Name: ATZ HOSTATALITY GROUP LLC (If more than one owner, attach contact information for each owner)
Daytime Phone: 404-316-9191 E-Mail: Aniletement Kares com
Mailing Address: P.o. Box 3688 Lilburn, GA 36048
SUBJECT PROPERTY ADDRESS OR LOCATION: 1850 Lawrence VILLE Huy
Ste 700, DeKalb County, GA, 300 33
Parcel ID: 16 -062 -08-075 Acreage or Square Feet: 4600 of Commission District 2 = 6
Existing Zoning: C-/ Proposed Special Land Use (SLUP) LATE NIGHT
HOURS FRI /SAT 11:00am- 2:00am
I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.
Owner: Agent: V Signature of Applicant Charta Gran
Printed Name of Applicant: J.R. CRICKETS NOISTH DECATOR.
Notary Signature and Seal:
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404.371.2155 (o) 404.371.4556 (f) DeKalbCountyGa.gov

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

Chief Executive Officer Michael Thurmond DEPARTMENT OF PLANNING & SUSTAINABILITY

Director

Andrew A. Baker, AICP

PRE-APPLICATION FORM

REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE (Pre-application conference is required prior to filing application: copy must be submitted at filing)

Applicant Name: 6 ncmita Gray Phone: Phone: Email: charite gray@bellsothne
Property Address: 1850 Cawrency le buy Sute 700
Tax Parcel ID: 18-062-05-075 Comm. District: 256 Acreage:
Existing Use: JR Crichets Proposed Use Letenight
Rezoning: YesNo _×
Existing Zoning: C- Proposed Zoning: 1/2 Square Footage/Number of Units: 4000
Rezoning Request:
Land Use Plan Amendment: Yes NoNo
Existing Land Use: Consistent Inconsistent
Special Land Use Permit: Yes X No Article Number(s) 27 4.2.32
Special Land Use Request(s) Literisht - 2'00 am O Friday & Schilday
Major Modification:
Existing Case Number(s):
Condition(s) to be modified and request:

Notice Date: 6/20/2018

PUBLIC NOTICE

TO

REQUEST FOR A SPECIAL LAND USE PERMIT

Filed by: J.R. Crickets North Decatur

Located at: 1850 Lawrenceville Hwy 700

Decatur, GA 30033

Current Use:

Restaurant/Bar

Proposed Use: Restaurant/Bar

Hours of Operation:

Current:

Sunday-Saturday, 11am-12:30 am

Proposed:

Sunday-Thursday 11am-12:30 am

Friday-Saturday 11am-2:00am

Capacity:

No Charge Change

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:

J.R. CRICKETS NORTH DECATUR

LOCATION: 1850 LAWRENCEVILLE HWY, DECATUR, GA 30033

DATE & TIME: TUESDAY, JULY 3, 2018 AT 7:00PM

	CHARLEA	GRAY Local	tion: 1850 La	wrenceville Hury e GA 20033
Name		Address	Phone	E-Mail
Marie		2665 Woodridge		
Car	retrench	840 Whelchel		
Adam	Narchester	318 Tuxworth Circle		
Kacho	el Allen	844 Alberson C		
5her	ry Smith	2600 Woodridge		
Lawrur	1 Maloney	2678Woodnidge	- Aphrograph (Approximate and the specimens are specimens and the specimens and the specimens and the specimens are specimens and the specimens are specimens are specimens and the specimens are specimens are specimens are specimens and the specimens are sp	
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B. Be	ckham	2637 Woodrolge		
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KWE	Wallin	25A6Wood ridge		
Susan	Cooper	ZS95 Woodn'da		
Andre	Ws-Wilson?	Family 823 Whele	hel Dr.	
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			destroy depression of the second seco	

AUTHORIZATION

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner

Date 4/25/2018	
TO WHOM IT MAY CONCERN	
(I) (WE) A US THE ALTIG CIRCLE Name of owners(s) (If more than on	ne owner, attach a separate sheet)
Being (owner) (owners) of the subject property desc	ribed below or attached hereby delegate authority to
Name of Agent or	Representative
to file an application on (my), (our) to the SABE MADE COMMISSION	
Notary Public Colored 12. 202 at	Owisch
Notary Public	Owner
Notary Public	Owner
Notary Public	Gwner
Notary Public	Owner

EXHIBIT "A"

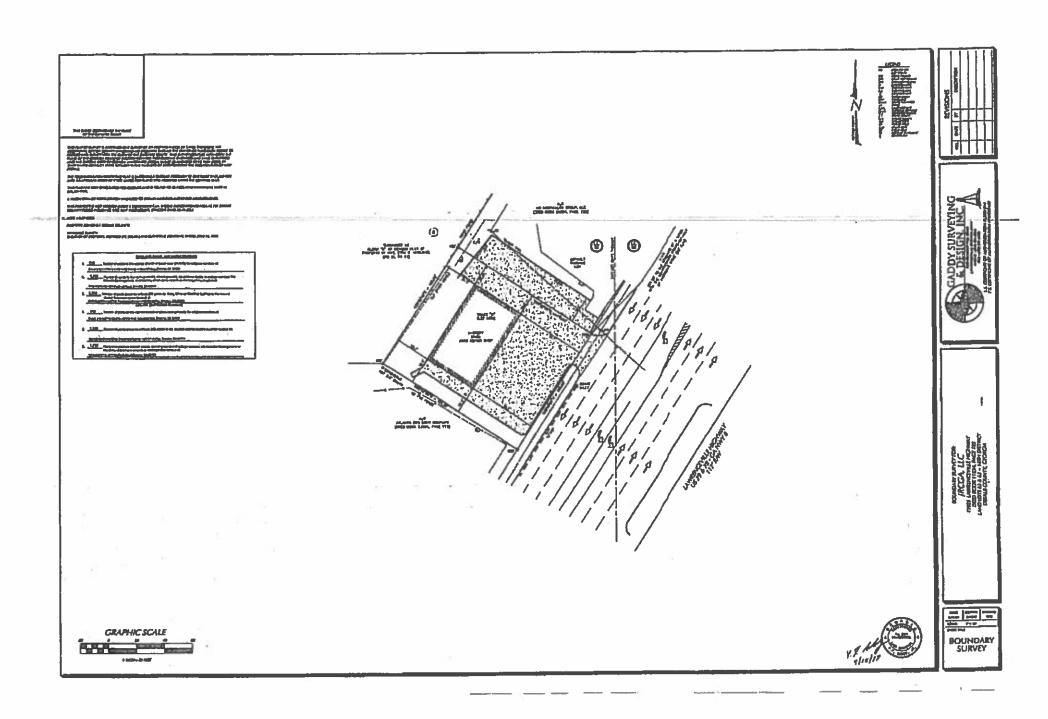
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 62 and 63 of the 18th Doto - of Dekath County, Georgia, and being more particularly described as follows:

III GIRNING as a concrete rigid-tor way monument marking the intersection of the northwestern right-of-way) and the southwestern right-of-way) and the southwestern right-of-way) and the southwestern right-of-way) and the southwestern right-of-way fine of Lovi necyclic Rights in a distance 277.55 feet to an iron pint running thence north 56 degrees 50 mannes 60 seconds was along the northwestern right-of-way line of Lovi necyclic Rights in a distance of 115.96 feet to an iron pint running thence north 35 degree; 24 minutes 49 second east, a distance of 145.70 feet to an iron pint running thence north 40 degrees 25 minutes to seconds east, a distance of 145.70 feet to an iron pint running thence north 42 degree 24 minutes to seconds east, a distance of 6.79 feet to an iron pint running thence north 41 degrees 30 minutes to seconds east a distance of 6.79 feet to an iron pint minuting thence north 41 degrees 30 minutes 40 seconds and a distance of 160 34 lest to an iron pint timining thence north 41 degrees 30 minutes 40 seconds east along the southwestern right of-way), in minute field to the southwestern right of-way tonnement or along thence south 61 degrees 43 minutes 41 second east a distance of 24.67 feet to a point of beginning, and feet compact of 1,098 acres, according to plat of survey by Perry R. McClung, Registered Land Survey or discounded 22, 1971.

Tenant Initials: (Ci

Landlord Initials:



DRAWING DETAILS

INDEX

AB - COVER PADE, ARCHITECTURAL SITE PLAN A1 - EXSERNO PLOCK PLAN, LEGENDAE GLAPMENT CHECKLIST

A2 - LIPE BAPETY PLANS, PIRET FLOOR AND MEZZAMINE A3 - E18 ARGED BATHROCKI PLAN, PLUMINING AND ROSER DIAGRAM DIEALTH DEPARTMENT MEE CHLYT

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GEORGIA CODE COMPLIANCE

- 1. 2012 SOUTION INTERNATIONAL BUILDING CODE, WITH 2014 GEORGE STATE
- 2. 2012 EDITION SITEMATIONAL RECHANCAL GODE, WITH 2014 DECROIA STATE
- 2. SANS EDITION SUFERINATIONAL PLUMERIC CODE, NATIO 2014 OF CANADA BY ATE
- 4. 3812 EDITION INTERNATIONAL PLEEL GAS CODIL. WITH 3614 DEDRICK STATE
- 8. 2011 EDITION HARONAL ELECTRIC CODE
- 4. 360 EDITION SITEMATIONAL ENERGY CONSERVATION CODE, WITH 2011, 2012 GEORGIA STATE AMERICANENTS
- 7. HANDICAPPED CODE: 2010 GA STATE ACCESSISENTY
- 8. 2000 INTERNATIONAL PIRE CODE WITH GEORGIA AMERIDMENTS
- 3012 EDITION INTERNATIONAL RENDENTIAL CODE FOR ONE & TWO FALLEY OWELLINGS.
 WITH 2014 GEORGIA STATE AMERICALITY.
- IR, LIPE SAFETY CODE: HIPA HII, 2012 LIPE GAFETY CODE

DATA DETAILS

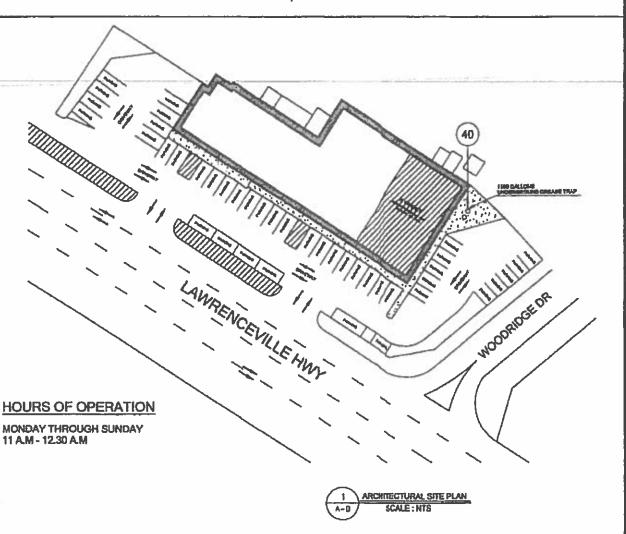
OCCUPANCY CLASS - ASSEMBLY (DROUP A.2)

TO COUPLY WITH CHAPTER 12 PRESTAURANT) NPPA 101, 2012 LIPE SAPETY CODES CONSTRUCTION TYPE IN
CROSS BOUARS FOOTAGE - 4422
CHINANG LESS CONCENTRATED FOR ED BRATING: 30
DORRING LESS CONCENTRATED FIXED BRATING: 24 BENCH SEATING CHEND AREAS . 16 TOTAL HAM/BER OF SEATS = 78 KITCHEH AREA BUNGOO = 3 BAR GERVICE AREA 212700 = 2 OFFICE AND BREAK ROOM STATION = 8 STORAGE AND CONSTITUTE AREA BY LINED = 9 TOTAL CALCULATED DCCUPANT LDAD - 87 OCCUPANTS EXIT LIGHTING - YES SPICH CLER SYSTEM - NORE FINE ALARM SYSTEM - YES EMERGENCY LIGHTING - YES HOOD SUPPRESSION SYSTEM - YES OREASE TRAP - YES USING SPACE AS IS, HO STRUCTURAL MODURCATIONS ALL CONDITIONS ARE EXERTING AND TO REMAIN

APPROVED/DISAPPROVED

JR. CRICKETS OF NORTH DECATUR

1850 LAWRENCEVILLE HWY DECATUR, GA 30033





BKAMGROUP, INC.

770.896.5822 Designed by 253

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Date Tard
PROJECT DATA
PROJECT MARKET
Y1797 JRC

Portfolio
Revision Date

and



MEAL

STALE

JR. CRICKETS
OF NORTH DECATUR
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1886 LIMITED CANDIST

DRAWING TILE

COVER SITE PLAN

ENFEST HUMBER

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