



DeKalb County Government

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

Agenda Item

File #: 2018-2413

9/25/2018

File Status: Preliminary Item

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 4 & 6

N11 Asrat L. Mamo Z 18 1235056

PETITION NO: Z 18 1235056

PROPOSED USE: Restaurant

LOCATION: 909 McLendon Drive

PARCEL NO.: 18 098 02 008

INFORMATION CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

To rezone property from R-75 (Residential Medium Lot) District to C-1 (Local Commercial) District to add a restaurant within an existing convenience store in accordance with Section 27-4.1 Use Table of the DeKalb County Code. The property is located on the southwest intersection of McLendon Drive and Tanner Drive at 909 McLendon Drive in Scottdale, GA. The property has approximately 137 feet of frontage along McLendon Drive and 118 feet of frontage along Tanner Drive and contains 0.28 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: DENIAL

PLANNING COMMISSION: WITHDRAWAL WITHOUT PREJUDICE

PLANNING STAFF: (REVISED 9/7/18) WITHDRAWAL WITHOUT PREJUDICE

PLANNING STAFF ANALYSIS: (REVISED 9/7/18 The applicant emailed a request to withdraw on September 17, 2018 (See attached), and the Planning Commission recommended "Withdrawal Without Prejudice" on September 6, 2018. Therefore, it is the recommendation of the Planning and Sustainability Department that the application be "Withdrawn Without Prejudice".

PLANNING COMMISSION VOTE: WITHDRAWAL WITHOUT PREJUDICE 8-0-0. L. Osler moved, V. Moore seconded for withdrawal per the applicant's request.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: DENIAL 7-3-1 The Council recommended denial due to the following: 1) the rezoning was an intrusion into the single-family neighborhood; 2) The property is too small to be rezoned to C-1 as 20,000 sq. ft. is required and the site is only 12,000 sf; 3) the site does not have the 10 required parking spaces for restaurant use; 4) The previous business on this site failed to succeed; and 5) Alcohol Sales would require a Special Land Use Permit, and no SLUP application has been submitted.

Sept 17, 2018

RE # Z 1 812-3056

Case # Z 1 812-3056

Dear John Reid:

My name is Asrat Mamo the owner of the property located at 909 McClendon Dr, Scottsdale, GA 30079. Previously I was trying to obtain kitchen construction permit at this location. But at this moment and time I would like you to know that I withdrew the construction permit request.

In addition, I would like to continue obtaining a license to run the business based on the grandfathered law protocol. I greatly appreciate your cooperation and help on this matter. Thanks.

Sincerely

Asrat Mamo

Property Owner

909 McClendon Dr

Scottsdale GA 30079

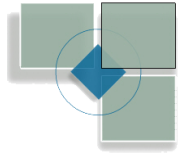


DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov



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.:	Z-18-1235056	Agenda #: N11
Location/ Address:	909 McLendon Drive, Scottdale, Georgia	Commission District: 4 Super District: 6
Parcel ID:	18 098 02 008	
Request:	To rezone property from R-75 (Residential Medium Lot) District to C-1 (Local Commercial) District to add a restaurant within an existing convenience store in accordance with Section 27-4.1 Use Table of the DeKalb County Code.	
Property Owner:	Asrat Mamo	
Applicant/Agent:	Asrat Mamo	
Acreage:	.28 acres	
Existing Land Use:	Convenience Store	
Surrounding Properties:	Single-Family Residential to the north, south, east, and west.	
Adjacent Zoning:	North: R-75 South: R-75 East: R-75 West: R-75	
Comprehensive Plan:	SUB Consistent <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/>	
Proposed Density: NA	Existing Density: NA	
Proposed Units/Square Ft.: 1,420 s.f. restaurant within existing building	Existing Units/Square Feet: Convenience Store	
Proposed Lot Coverage: NA	Existing Lot Coverage: NA	

ZONING HISTORY

The property has been zoned R-75 since the initial adoption of the DeKalb County Zoning Ordinance in 1956.

PROJECT ANALYSIS

County tax records indicate the one-story, 1,420 square foot building was constructed in 1959. Based on county business license records, a neighborhood convenience store has operated on the property within the R-75 (Single-Family Residential) zoning since 2001 as a non-conforming use when a business license was issued to “McLendon Grocery”. While the convenience store is grandfathered, the proposed rezoning to C-1 (Local Commercial) is required since the applicant wants to construct a 34-seat restaurant within the existing building. The submitted site plan shows 10 parking spaces. The site is accessed with one driveway off McLendon Drive and one from Tanner Drive. The property is flat, with no floodplains or streams running through or near the property based on the submitted site plan. The property is surrounded by single-family homes. There are two streetlights on or adjacent to the property that are controlled by DeKalb County Transportation Department and/or Georgia Power.

LAND USE AND ZONING ANALYSIS

Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

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

Since the property is located at the intersection of a Collector (McLendon Road) and a Local (Tanner Drive) road, it appears that the proposed use in compliance with recommended conditions is consistent with the policies and strategies of the Comprehensive Plan’s Suburban (SUB) character area and policies calling for small scale nonresidential development to be limited to qualifying intersections (collector roadways and above) (Suburban Character Area Policy #3).

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

Given that the grandfathered convenience store on the property has served the surrounding residential neighborhood for over a decade, is not proposed to be expanded, and is located at the intersection of a Collector (McLendon Drive) and Local (Tanner Drive) street, it appears that the proposed C-1 zoning as conditioned by Staff would be compatible with adjacent and surrounding properties.

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

The property may have a reasonable economic use as currently zoned since it is developed with an established non-conforming convenience store that has operating in the neighborhood for several years.

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

Given that the grandfathered business on the property has served the surrounding residential neighborhood for several years, is not proposed to be expanded, and is located at the intersection of a collector (McLendon Drive) and Local (Tanner Drive) street, it appears that the proposed C-1 zoning as conditioned by Staff would not adversely affect the existing use or usability of adjacent and surrounding properties.

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

The grandfathered convenience store located at this Collector/Local intersection give supporting grounds for approval.

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

Based on the submitted information, the proposed rezoning request should not have an adverse effect on historic buildings, sites, districts, or archaeological resources.

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

Based on the submitted information, it does not appear that the zoning proposal will result in a use which would cause an excessive or burdensome use of existing streets or transportation facilities. There will be no impact on schools since the proposed use does not provide housing for the school population. Per comments from the Department of Public Works, due to the high volume of development in the area causing increased flows, sanitary sewer capacity cannot be guaranteed at the time the development comes on line.

COMPLIANCE WITH C-1 (LOCAL COMMERCIAL) DISTRICT STANDARDS PER ARTICLE 27-TABLE 2.2

STANDARD	REQUIRED	EXISTING/PROVIDED	COMPLIANCE
LOT WIDTH Sec.27-186(a)	100 Feet	137 Feet	Yes.
LOT AREA Sec.27-186(b)	20,000 Square Feet	12,197 Square Feet	No (non-conforming lot, building constructed circa 1959)
FRONT SETBACK Sec.27-186(c)(4)	50 Feet	17 Feet (Tanner Drive) 28 Feet (Mclendon Rd)	No (non-conforming building constructed circa 1959)
INTERIOR SIDE YARD SETBACK Sec.27-186(d)	20 Feet	7 Feet	No (non-conforming building constructed circa 1959)
REAR SETBACK Sec.27-186(e)	30 Feet	54Feet	Yes
TRANS. BUFFERS	50 Feet	55 feet (South p/l) 5 feet (East p/l)	Yes No (non-conforming building constructed circa 1959)
BUILDING HEIGHT Sec.27-187	Maximum 2 stores	One story	Yes
LOT COVERAGE	May not exceed 80%	46% (Approximate)	Yes
PARKING Sec. 27-150 (e)	1 space per 150 sf, but not less than 10 spaces (Restaurant)	10 spaces	Yes

Staff Recommendation: (REVISED 9/7/18) WITHDRAWAL WITHOUT PREJUDICE

The applicant emailed a request to withdraw on September 17, 2018 (See attached), and the Planning Commission recommended "Withdrawal Without Prejudice" on September 6, 2018. Therefore, it is the recommendation of the Planning and Sustainability Department that the application be "Withdrawn Without Prejudice".

Attachments:

1. 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:*

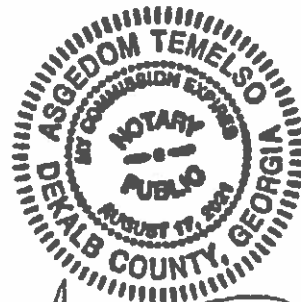
- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✓ **Building Permit** *(New construction or renovation of a building (interior or exterior) may 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

IMPACT ANALYSIS

I am writing in regard to the amendment of county's Zoning in my existing business. I am just adding Kitchen on my store. There is no change in building or any other development in the store. My business has potential economic impact when Kitchen is added so that I will be able to sell hot food. Indeed, there is no change on the comprehensive plan in my store. There is neither impact nor expansion to the adjacent and nearby properties. Moreover, there is no negative impact to the nearby properties in their daily business activities. The proposed zoning to add kitchen in my store has no impact on any historical sites or building or any resources. Moreover, since there is no expansion in building, no other impact on street and transportation or any other public services such as utilities, schools, churches and so on.

ASRAH M. MAMU

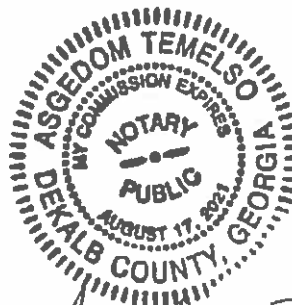


Asgedom Temelso
5/18/2018

Impact Analysis

- a. This zoning proposal is in conformity with the policy and intent of the comprehensive plan.
- b. This zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- c. The property to be affected by the zoning proposal does not have a reasonable economic use as currently zoned.
- d. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.
- e. There are no other existing or changing conditions adding affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- f. The zoning proposal will not adversely affect historic building, sites, districts or archaeological resources.
- g. The zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

ASRAT MA AND



Argedom Temelso
06/05/2018

DEPARTMENT OF PLANNING & SUSTAINABILITY

IMPACT ANALYSIS

(Please respond to the following standards and factors on a separate sheet.)

Section 27-7.3.4. The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map:

- A. ~~Whether the~~ ^{This} zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.
- B. ~~Whether the~~ ^{This} zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- C. ~~Whether~~ ^{does not have} the property to be affected by the zoning proposal ~~has~~ a reasonable economic use as currently zoned.
- D. ~~Whether~~ ^{not} the zoning proposal will ~~adversely~~ affect the existing use of usability of adjacent or nearby properties.
- E. ~~Whether~~ ^{no} there are ~~other~~ existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- F. ~~Whether~~ ^{not} the zoning proposal will ~~adversely~~ affect historic building, sites, districts, or archaeological resources.
- G. ~~Whether~~ ^{not} the zoning proposal will ~~result~~ in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

ABR T M A A M C

I was born in Ethiopia and have lived in the US for 25 plus years. I currently reside in Stone Mountain and am a practicing member of a Christian church in the area. I have worked consistently in the hospitality industry, since I arrived in the US at both the Ritz-Carlton and Marriott companies, in various positions, where I have been recognized as being a highly-valued employee. I am committed to a standard of professionalism and integrity in everything I do and believe customer service and serving my community is not only important, but something I take pride in.

I intend to open and operate an establishment at 909 McLendon Drive, a historic building that has been at this location since the 1930's. Currently, I own the building and property outright and I plan to renovate the structure into a stylish, clean, bright, modern, and attractive operation. My vision for the business is to be a positive asset to the community, a place where all feel welcome and treated like family. My desire is to maintain a sense of "place" and to become an institution in the neighborhood, where people know each other by name, from all walks of life, and spanning all demographics.

"The Spot on McLendon" will feature an array of food and beverage options and sundries, including outstanding coffee, a light breakfast menu that includes omelets, flavorful gelatos, a limited Ala Carte menu of specialty "made from scratch" gourmet dishes that include vegetarian-friendly options, craft beers and wines, and some grocery items. There will be a few tables inside and outside for dining on site. The hours of operation will be limited, so there will be no late-night clientele.

I take pride in all I do and will work hard to maintain a friendly and efficient environment. I will uphold my business to the highest of standards to ensure sanitation, cleanliness, and maintenance of the building and grounds. My establishment will be very nicely designed and decorated, well-lit, and attractively landscaped, as I know how important the aesthetic aspect of my facility will be to the perception of the neighborhood. I am committed to making "The Spot on McLendon" a source of pride for the community.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANNN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-18-1235056 Parcel I.D. #: 18-098-02-008

Address: 909
McClendon Dr
Scottdale, GA

Adjacent Roadway (s):

_____	_____
(classification)	(classification)

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

Please provide additional information relating to the following statement.

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

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

COMMENTS:

Field and plans reviewed. Nothing to indicate that traffic flow would be interrupted.

Signature: [Signature]



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 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, 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 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.

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

permit. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect.)

N11. Treadway Road is classified local. 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.) Public local roads require a 27.5 foot right of way from the centerline (for a total of 55 feet), 5 foot sidewalks, 5 foot landscape strip and street lights within the right of way. The right of way width show on the application does not seem to meet the 55 feet for the interior streets. Cul-de-sac appears to be substandard also. These will need to be corrected prior to permitting and will impact storm detention, setbacks, etc.

X N12. McClendon is a collector street. Allow only one standard size commercial curb cut on McClendon Dr. Install sidewalks along property frontage. Street lights required behind sidewalk within right of way at permitting.

N13. Memorial Drive is a major arterial and a state route. GDOT review and permits required.

N14. Memorial Drive is a major arterial and a state route. GDOT review and permits required. Eliminate a curb cut on 6158 and restore streetscape.

N15. Snapfinger Road is a major arterial. Site limited to right in/right out access point.

N16. Rockbridge Road 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. Construct sidewalks along Rockbridge Road to Allgood Circle within right of way. Limited to one access point onto Rockbridge Road.

N17. Bermuda Road is a collector road. 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.) 35 foot right of way dedication from centerline. 6 foot sidewalks, 4 foot bike lanes. Street lights behind the sidewalk within right of way. Add roundabout at the intersection of Stewart Mill Road and Bermuda Road. Gordon Burkett at Keep DeKalb Beautiful is working on the concept for this project. Add sidewalks and street lights along Bermuda Road (within right of way) to the intersection of Stewart Mill Road. Complete all requirements of GRTA's notice of decision that are within DeKalb County. Design to restrict truck movements from using Stewart Mill Road to get to Rockbridge Road.

N18. Norris Lake is a collector road. Pleasant Hill is a minor arterial. Pleasant Hill Way is a local road. Pleasant Hill Way appears to be public in some areas where the development is proposed. I assume they are planning an right of way abandonment. Provide ped/bike access from the neighborhood into the park, as approved by the Parks and Recreation Department. Frontage on Pleasant Hill Way must be improved to Code also. 339 lots requires a traffic study be completed prior to zoning. Traffic study should include the access points and the intersection of Norris Lake

Road/Humphries at Pleasant Hill Road. Left turn lane required on Pleasant Hill Road. Add sidewalks along frontage of Norris Lake Road and extend to the intersection of Norris Lake Road/Humphries at Pleasant Hill Road. Add sidewalks along frontage of Pleasant Hill Road and extend to the intersection of Norris Lake Road/Humphries at Pleasant Hill Road. Consider moving the roundabout to Pleasant Hill Road. **Request deferral until the study is received.** Norris Lake requires right of way dedication of 35' from centerline, 6 foot sidewalks, 4 foot bike lanes and street lights on back of curb within the proposed right of way. Pleasant Hill Road requires right of way dedication of 40' from centerline, 6 foot sidewalks, 4 foot bike lanes and street lights on back of curb within the proposed right of way. Pleasant Hill Way right of way dedication of 27.5' from centerline, 12 foot travel lane on the development side from centerline, 5 foot sidewalks and street light on back of curb within the proposed right of way.

N19. No Comments.

N20 & N21.. Rock Chapel Road is a major arterial and state route. GDOT review and permits required at permitting. 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.)

N22. S. Stone Mountain Lithonia Road is a minor arterial. Add sidewalks and street lights behind sidewalks and within right of way along property frontage and dedicate 40 feet of right of way from centerline.

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

8/24/2018

N.9

2018-2015/Z-18-22313/15-186-01-004

1473 Columbia Drive, Decatur, Ga

☐ Amendment

- Please review general comments.
- Indications file in system that an septic system is currently installed on this property as of 01/13/1971.

N.10

2018-2445/Z-18-1235092/15-137-02-001

2537 Candler Road, Atlanta, Ga

☐ Amendment

- Please review general comments.

N.11

Z-18-1235094/15-098-01-001 & -002 and 15-127-03-007

2861 and 2871 Treadway Drive

☐ Amendment

- Please review general comments.

N.12

Z-18-1235056/18 098 02 008

 909 McClendon Drive, Scottdale, Ga

☐ Amendment

- Please review general 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 Services 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.

DeKalb County Board of Health



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER malexander@dekalbcountyga.gov OR JOHN REID jreid@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: Z-18-1235056

Parcel I.D. #: 18-098-02-008

Address: 909 McClendon Drive

Scottdale, Georgia

WATER:

Size of existing water main: 6" AC & 42" PC 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: South Fork Peachtree Creek Basin

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

Water Treatment Facility: R.M. Clayton WTF () adequate () inadequate

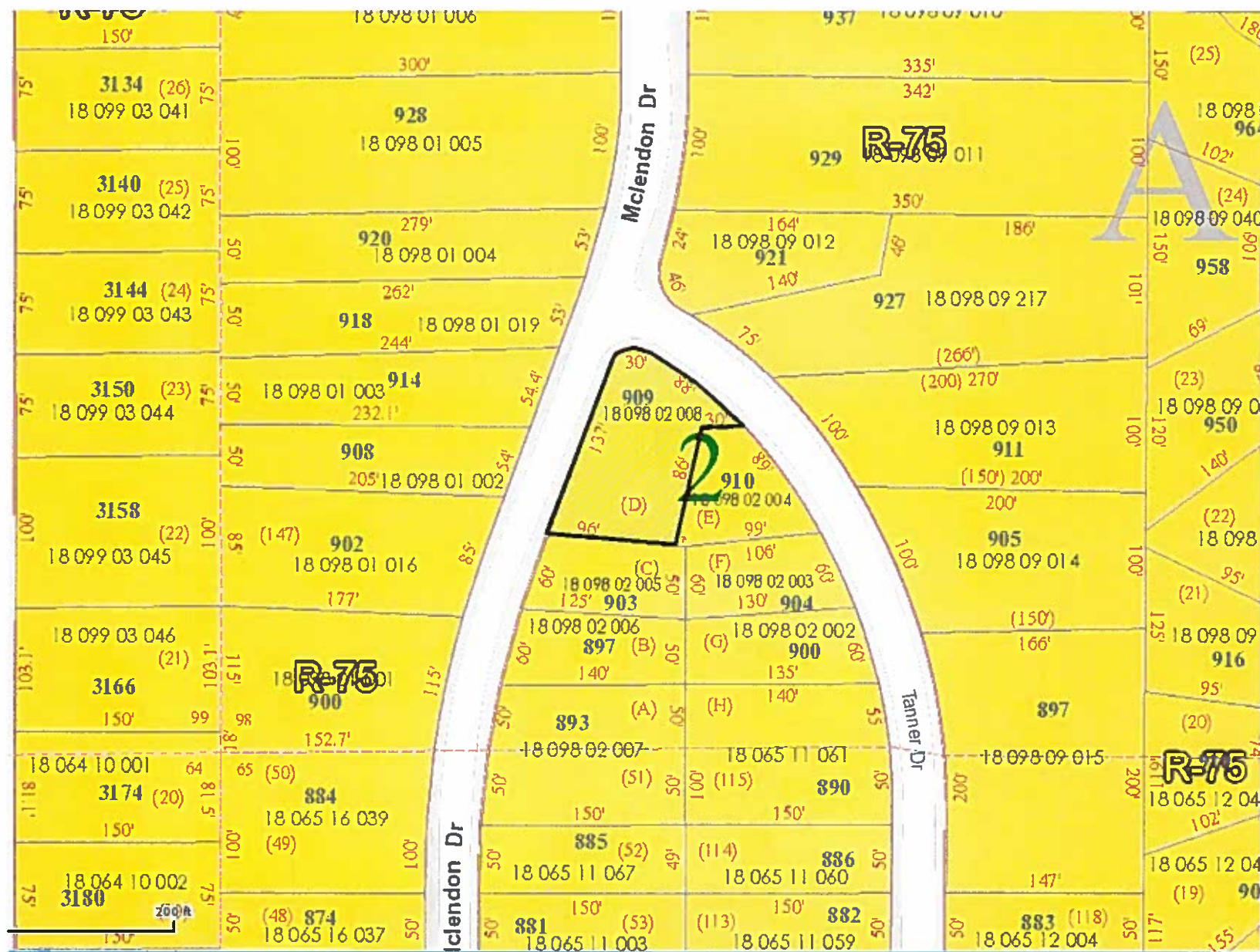
Sewage Capacity: * (MGPD)

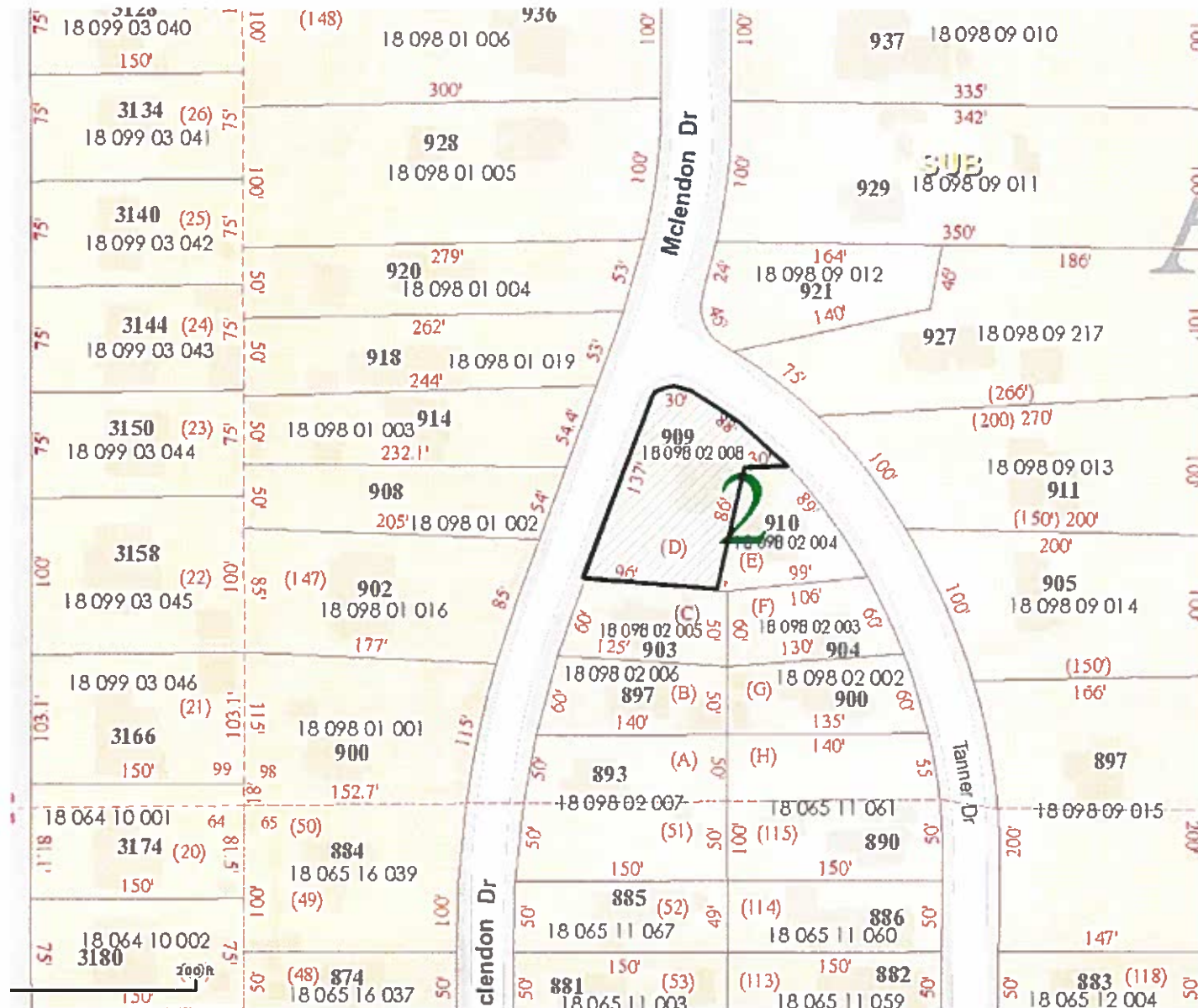
Current Flow: 127 (MGPD)

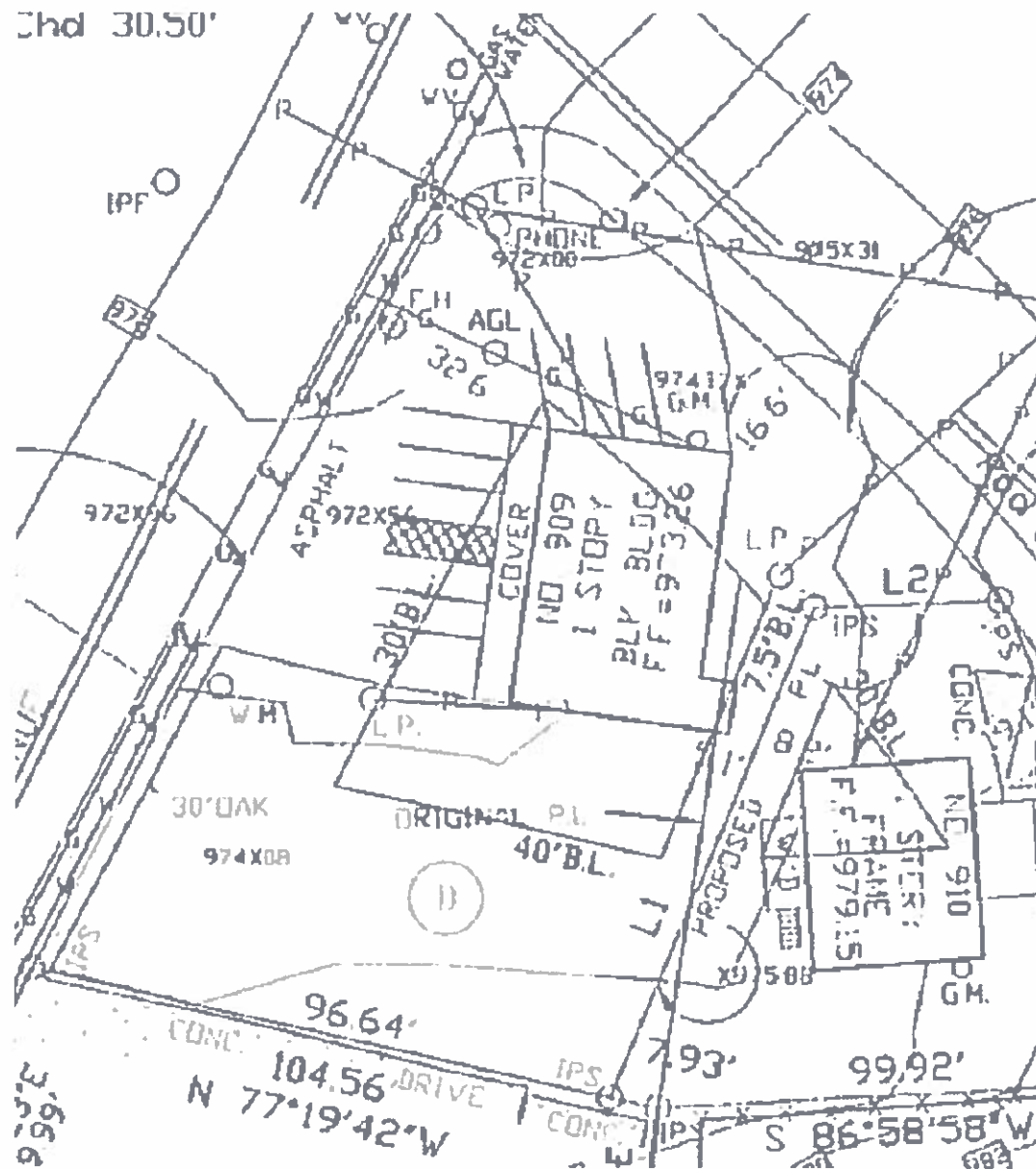
COMMENTS:

* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

Signature: 







Z 18 1235056

Aerial





WE OPPOSE APPROVAL OF

Z-18-1235056

changing the zoning of 909 McLendon
from R75 Residential Medium Lot
to C-1 Local Commercial

ATTACHED:

PETITION

PHOTOS to show

1. How nice our neighborhood is
2. How close that store property is to our homes
3. The out-of-business store property in June 2018, after a clean-up by the owner before the June 11 Community Meeting

Our CONDITIONS requested if (as we hope NOT) this rezoning application is approved

DeKalb County Re-Zoning Case Number Z-18-1235056

We the undersigned homeowners of the McLendon Drive/Tanner Drive neighborhood STRONGLY OPPOSE the approval of a restaurant/convenience store at 909 McLendon Drive, Scottdale, GA 30079, and STRONGLY OPPOSE the re-zoning of that property from R75 (Residential Medium Lot) to C-1 (Local Commercial).

Hall, Michael 905 Tanner Michael Hall 8/17/18

Grown, Carson 890 Tanner Dr Carson Grown 8/17/18

MACIAS, Katie 297 McLendon ~~297~~ 8/17/18

MACIAS, Rich " " 8/18/18

Hall, Elizabeth 900 Tanner Dr Elizabeth Hall 8/18/18

PHILLIPS CARROLL 903 McLendon Dr. 8-18-18

Deutch, Michelle 875 Tanner M 8-18-18

WOOTEN HOWARD - 773 TANNER DR Andale Wooten 8-19-18

WOOTEN, LINDA 773 TANNER DR Andale Wooten 8/19/18

McGUIRE, GARY 874 TANNER DR 8-19-18

Muse, Carey J. 914 & 908 McLendon Dr. 8/20/18

LaCross, Steve " " " " 8/20/18

Hall, Kathleen 900 Tanner Dr. Kathleen Hall 8-21-18

A pretty neighborhood + the eyesore store property



Store property →

890 Tanner

900 Tanner

Store building
909 McLeuden

910 Tanner

904 Tanner

Backyard
900
Tanner



the store
909 McLendon

903
McLendon

897 McLendon



911 Tanner — behind the store property



905
Tanner

Residence
910 Tanner ← 11 feet →

909 McLendon
back of store building



STILLON - bright orange
glaring light on tall
pole, no glare shield

ancient malfunctioning motors that
made a constant loud droning
noise



location of
dumpster
← needs cut
before
community
meeting
on June 11,
2018

919 McLendon

920 McLendon

928 McLendon



Tanner
← Drive

Super-bright yellow
light on pole
- no glare shield -
now off

laser-bright blue light
suitable for nighttime sports -
no glare shield -
now off

914 McLendon



918
← McLendon



STILL ON -
Super-
bright
orange
light on
pole -
no glare
shield

SIDE
YARD

June 2018 - store + grounds cleaned up before
"Community Meeting"

LIGHT POLLUTION when store was open: 1st, 3 outrageously
bright lights on poles with no glare shields. 2nd, edge of
roof lined with large, very bright multicolor lights, above
that, red sign approx. 3'x15' with 2 very bright floodlights
aimed upward. Both on all night, shining into windows,
porches, + yards of homes close by. Polite complaints met
with hostility from tenant and "not my problem" from owner.
Took DeKalb County months to rectify this, in part.

17 Full
jugs of
propane
left
unattended
for over a
year after
store went
out of
business



Requested CONDITIONS

if this re-zoning application is approved

NO BRIGHT LIGHTS ON POLES OR ON THE BUILDING

NO bright signs

NO outside seating

LIMITED HOURS - OPEN NO LATER THAN 6/7 p.m.

NO MORE asphalt

PATRON PARKING on store property only

NO patron parking on Tanner Drive or elsewhere off store property

NO LOUD outdoor machinery, music, etc.

STRICT CLEANLINESS of outside grease traps & garbage dumpsters

STRICT PEST CONTROL, especially rats

No use other than restaurant/convenience applied for

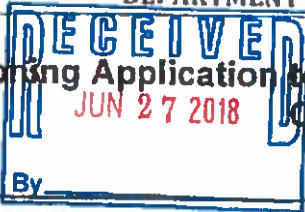


DeKalb County
GEORGIA

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



Rezoning Application to Amend the Official Zoning Map of DeKalb
County, Georgia

Date Received: By _____ Application No: 1235056

Applicant Name: ASRAT MAMO

Applicant E-Mail Address: _____

Applicant Mailing Address: 909 McLendon DR, Scottdale GA 30079

Applicant Daytime Phone: (404) 512-5534 Fax: _____

Owner Name: ASRAT MAMO
If more than one owner, attach list of owners.

Owner Mailing Address: 4841 Kenilworth DR Stone Mountain GA 30083

Owner Daytime Phone: (404) 512-5534

Address of Subject Property: 909 McLendon DR, Scottdale GA 30079

Parcel ID#: 18 098 02 008

Acreage: 1.420 sq. ft Commission District: 4th

Present Zoning District(s): District 4

Proposed Zoning District: District 4

Present Land Use Designation: Grocery Store

Proposed Land Use Designation (if applicable): to add kitchen

Pre App Mtg 6/11/18

Joe Arrington - CCH -
Matt Leatherman 404-580-2195 - grammymix@gmail.com
JOHNNY McLEATH - JEEPNTIC@GMAIL.COM
STEPHEN WARNER - WARNERAUDIO@GMAIL.COM
VICTOR WEBB CCH vic@PERKINSIDEAS.COM

~~John & Curtis~~ ~~Romman~~ ~~George~~
Nery McGonigal 904 45004571
COLETTE WAUGH LEWIS 676-623-5506 codoh.eg@gmail.com
Vickie Mullings vmullings@gmail.com
Jacob Wilkins Jacob Wilkins 1213@xbox
Thomas Busby thomasbusby@gmail.com
Martha Busby martha66h@gmail.com
STEVE LaCROSS STEVELX@HOTMAIL.COM
Kathleen Hall 900 Tanner 30079 SIMONE1946@hotmail.com
Elizabeth Hall 900 Tanner 30079 lsh53@gmail.com
MARCO HINDS 404-284-2199 MARCO HINDS@GMAIL.COM

Joyce Washington 897 Tanner
A. Manchester elisave

KEITH D. MILLER HARDWARE@MINDSPRING.COM

CARON G... 890 TANNER DR

Caren Kluse Lacross 914 McLendon Dr w mux@gmail.com
Michelle Deutsch 875 Tanner Dr. mdeutsch@hellsouth.net
Dan Whisenant dwhisenant@gmail.com

PUBLIC NOTICE TO REQUEST FOR REZONING

Filed by: **Asrat Mamo**

Located at: 909 McLendon Dr, Scottdale, GA 30079

Current Use – Convenience Store

Proposed Use – Restaurant

Hours of Operation

Current : Currently closed.

Proposed: Sunday, 9:00am-10:00pm; Monday-Saturday, 6:00am-10:00pm

Capacity: 34 Seats

Pre-submittal community meeting to take place at the current community store at 909 McLendon Dr, Scottdale, GA 30079

Date & Time: Monday, June 11, 2018 at 7:00pm

You can contact me at 404-512-5534


McGraw-Hill

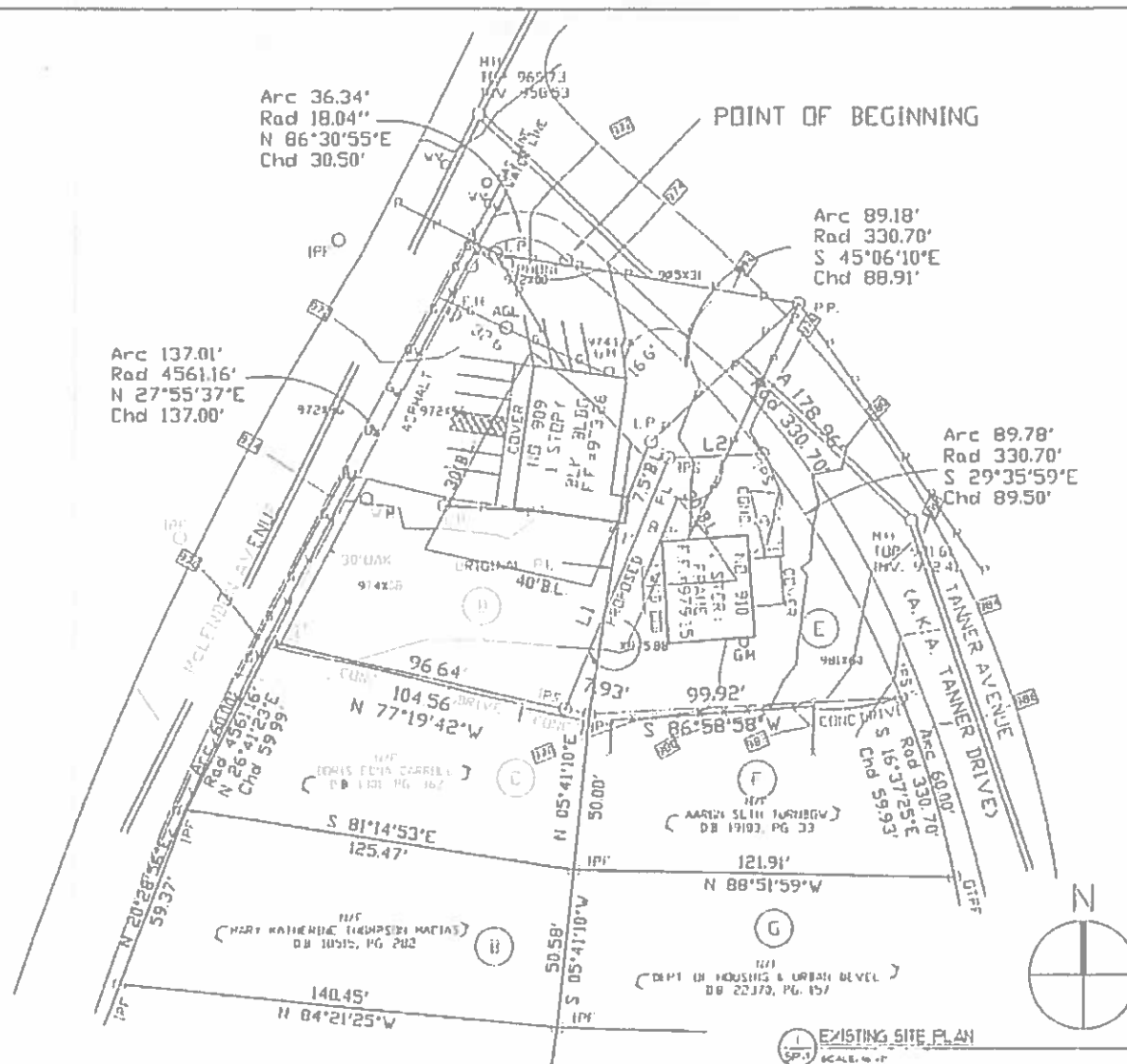
Low

909 McLendon Dr
Scottsdale, GA 30078

[illegible]

**EXISTING
SITE PLAN**

SP-1



Released for Construction