# DeKalb County Department of Planning & Sustainability

**330 Ponce De Leon Avenue, Suite 300**
**Decatur, GA 30030**
**(404) 371-2155 / plandev@dekalbcountyga.gov**


## Planning Commission Hearing Date: March 06, 2018, 6:30 P.M.
## Board of Commissioners Hearing Date: March 27, 2018, 6:30 P.M.

## STAFF ANALYSIS

| | | |
|---|---|---|
| **Case No.:** | SLUP-18-22035/ 2018-1590 | **Agenda #:** N.2 |
| **Location/Address:** | The northwest corner of Briarcliff Road and Clairmont Road at 2778, 2794, 2804, 2806, 2810, 2814 Clairmont Road and 3068, 3070, 3080 Briarcliff Road, Atlanta, Georgia. | **Commission District:** 2 **Super District:** 6 |
| **Parcel ID:** | 18-196-04-029, 18-196-04-033, 18-196-04-034, 18-196-04-035, 18-196-04-037, 18-196-04-038, 18-196-04-039, 18-196-04-040, 18-196-04-041 | |
| **Request:** | Special Land Use Permit (SLUP) to allow fuel pumps accessory to a RaceTrac convenience store in a C-1 (Local Commercial) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 27-4.2.28 - Supplemental Regulations of the DeKalb County Code. | |
| **Property Owners:** | JMAR Investors, LP | |
| **Applicant/Agent:** | Jay Gipson | |
| **Acreage:** | 3.85 Acres | |
| **Existing Land Use:** | Various Auto repair related Uses | |
| **Surrounding Properties:** | Rivera Terrace Condominiums, State Farm Insurance, Popeyes', Quik Trip, Chevron Gas, Williamsburg Retail Plaza | |
| **Adjacent & Surrounding Zoning:** | North & West: HR-2 (High Density Residential-2) District<br>West: MR-2 (Medium Density Residential-2) & O-I (Office-Institutional) Districts<br>East: C-1 (Local Commercial) & MR-2 (Medium Density Residential-2) Districts<br>South: C-1 (Local Commercial) & O-I (Office-Institutional) Districts | |
| **Comprehensive Plan:** | Neighborhood Center (NC) | Consistent X |

| | |
|---|---|
| **Proposed Building Square Feet**: 13,089 square feet | **Existing Building Square Feet:** approximately 27,443 square feet |
| **Proposed Lot Coverage**: 70% | **Existing Lot Coverage:** 85% |

**SUBJECT PROPERTY**

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

Zoned C-2 (General Commercial) District and C-1 (Local Commercial) District without conditions, the site is developed with various auto related commercial uses which include Express Oil Change, an auto care center, used auto parts, used car sales and auto repair shop. Adjacent to the site along Briarcliff Road are professional office uses and Riviera Terrace Condominiums. Camden St. Clair Apartment Homes is adjacent to the site along Clairmont Road. The intersection of Briarcliff and Clairmont Road is developed with various commercial uses which include a Popeyes' Restaurant, Chevron gas and convenience store, Williamsburg Village retail center and Quik Trip gas and convenience store. Other surrounding land uses include a mixture of commercial and office uses along Briarcliff Road and Clairmont Road.

**PROJECT ANALYSIS**

The Special Land Use Permit (SLUP) request is to allow automobile fuel pumps in conjunction with a Race Trac convenience store on Tract 1 on the overall 3.85 acre site. Per Chapter 27- Article 4.1 Use Table and 4.2.28.d of the DeKalb County Code, fuel pumps associated with a convenience store require a Special Land Use Permit in activity centers. The subject site is located within a designated Neighborhood Center by the 2035 Comprehensive Plan. Per the submitted site plan, the Race Trac building consists of 5,411 square feet. There are 10 fueling stations that accommodate 20 gasoline pumps. The submitted site plan proposes thirteen (13) parking spaces located in the front of the Race Trac convenience store. Two other parking spaces are located adjacent to the interior property line and the remaining spaces are long the Briarcliff Road frontage. There are three (3) proposed access points to the site from street frontage. One (1) curb cut is depicted on Clairmont Road and two (2) curb cuts are depicted on Briarcliff Road. Inter-parcel access is depicted with the adjacent proposed Wendy's restaurant. Staff notes the submitted site plan depicts an encroachment into the required transitional buffers adjacent to residential zoned properties. Also, the Landscape Plan exhibit fails to show planting requirements for the transitional buffer. Companion SLUP request (SLUP-18-22039) is to allow alcohol sales (beer and wine) within the Race Trac convenience store.

**COMPLIANCE WITH DISTRICT STANDARDS**

Per the chart below, it appears the proposed fuel pumps associated with the proposed Race Trac convenience store comply with minimum development standards of the proposed C-1 (Local Commercial) District per Table 2.2 of the DeKalb County Zoning Ordinance.

| STANDARD | REQUIREMENT | PROPOSED | COMPLIANCE |
|---|---|---|---|
| LOT WIDTH (C-1)<br>Table 2.2 | A minimum 100 feet of lot width on a public street frontage | Approximately 669 feet of frontage along Clairmont Road and 324 feet of frontage on Briarcliff Road | Yes |
| LOT AREA (C-1) | 20,000 Square Feet | 1.80 acres or 78,408 Square Feet | Yes |
| FRONT BUILDING SETBACK | 60 Feet | 60 Feet | Yes |

| | | | |
|---|---|---|---|
| SIDE BUILDING SETBACK | Side Interior 20 Feet<br>Side Corner 50 Feet | 20 Feet<br>50 Feet | Yes |
| REAR SETBACK | 30 Feet | 30 Feet | Yes |
| TRANSITIONAL BUFFER<br>Table 5.2(a) | 50 Feet adjacent to<br>MR-2 & HR-2 Districts | Labeled on site plan but depicts access drive encroaching into required buffer | Dimensions shown but non-compliance. Applicant must adhere to buffer requirements or seek relief through the variance process. |
| HEIGHT | 2 stories/35 Feet | 1-Story | Yes |
| PARKING<br>Article 6<br>RacTrac Convenience store with gas<br>pumps 5,411 Square Feet | Minimum 1 space for each 500 square feet of floor area = 11 Spaces:<br>Max 1 space for each 150<br>Square feet of floor area = 36 Spaces. | 37 parking spaces | Yes if site deletes 1 parking space |

**Article 4.2.28(c) Compliance with Supplemental Regulations**

| STANDARDS | REQUIREMENT | PROPOSED | COMPLIANCE |
|---|---|---|---|
| (1) Compliance to building setbacks | Primary building shall be exempt from building setbacks if located in activity center. | Site is located within a Neighborhood Activity Center per the 2035 Comprehensive Plan. | N/A. Exempt. |
| (2) Canopy location | Not less than 15 feet from street rights-of-way | Exceeds 15 Feet | Yes |
| (3) Canopy Height | Not exceed 20 feet | Less than 20 Feet | Yes |
| (4) Canopy and column | Complimentary to overall color scheme | Proposed color rendering depicts complimentary colors | Yes |
| (5) Canopy Lighting | Shall not extend beyond canopy | Proposed lighting is within area underneath canopy | Yes |

| | | | |
|---|---|---|---|
| (6) Car Location | One car per bay In front of pump | One car per pump | Yes |
| (7) Gas Pump location | Minimum 30 feet between property line and gasoline pump. | Exceeds 30 Feet | Yes |
| (8) Owner/Operator Responsibilities | Daily Litter Clean-up | Will Comply | Yes |
| (9) Separate Retail Use on same property | Separate parking spaces | N/A | N/A |
| (10) Display Lighting | Neon lights, illuminated panels around window prohibited | Will Comply | Yes |

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

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

The approximately 1.80 acre site is adequate for operation of automobile fuel pumps as an accessory use to the proposed RaceTrac convenience store.

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

The proposed use is compatible with nearby automobile fuel outlets (Quik-Trip & Chevron) at the intersection of Briarcliff Road and Clairmont Road.

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

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

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

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

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

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

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

There are three (3) proposed access points to the site from street frontage. One (1) curb cut is depicted on Clairmont Road and two (2) curb cuts are depicted on Briarcliff Road. Inter-parcel access is depicted with the adjacent proposed Wendy's restaurant. Crosswalk markings are depicted at site entrances. Emergency vehicles can access the site from the proposed curb cuts.

**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:**

Automobile fuel sales should not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration.

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

The proposed 24-hour operation should not create adverse impacts upon any adjoining land uses, given that the subject site is adjacent to a proposed Wendy's restaurant.

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

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

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

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

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

The 2035 Comprehensive Plan designates this site within a Neighborhood Center Character Area. A "Neighborhood Center" is defined as a neighborhood focal point with a concentration of activities such as general retail, service commercial, professional office, and higher-density housing and appropriate public and open space. The current designation of Neighborhood Center in the 2035 Comprehensive Plan further identifies the project area as suitable for commercial, office and recreational facilities, public and civic facilities, and institutional uses. The proposed use reflects consistency with the following 2035 Comprehensive Plan Policies: Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services; and organize circulation patterns through traffic calming techniques and access management. Add traffic calming improvements, sidewalks, and increased street interconnections to increase safety and improve walkability; and each Neighborhood Center shall include a medium high density mix of retail, office, services, and employment to serve neighborhoods.

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

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

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

Adequate refuse areas will be provided.

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

The proposed use (automobile fuel sales) is a permanent use and should not be limited to any length of time on the subject site.

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

The proposed automobile fuel sales depicts a 1-story 5,411 square foot building consistent in size, scale and massing of nearby commercial buildings in the area.

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

It does not appear that the proposed automobile fuel sales will adversely affect historic building sites, districts, or archaeological resources.

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

The proposed use satisfies the supplemental use regulations required in Article 4 .2.28 (see above chart)

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

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

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

The proposed use would provide consumers another option for automobile fuel sales in the area.

**Staff Recommendation: APPROVAL WITH CONDITIONS**

Located near a major intersection (Briarcliff Road and Clairmont Road), the proposed use for automobile fuel sales is compatible with other commercial uses in the area. Along with various retail and business uses along Clairmont Road, there are two (2) other automobile fuel sale establishments (Quik Trip & Chevron) within a half mile of the subject site. Located within a Neighborhood Center Character Area, the proposed use is consistent with the following plan policies and strategies of the 2035 Comprehensive Plan: Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services; organize circulation patterns through traffic calming techniques and access management; and add traffic calming improvements, sidewalks, and increased street interconnections to increase safety and improve walkability. Located along a major arterial (Clairmont Road), the proposed use should have little impact on traffic. The Department of Planning and Sustainability recommends **"APPROVAL"** of the SLUP request for automobile fuel sales on the site subject to the following attached conditions:

1. Allow automobile fuel sales as depicted on the revised site plan stamped received by the Planning and Sustainability Department on January 30, 2018. Said site plan is conceptual and is subject to compliance to C-1 (Local Commercial) development standards unless variances are obtained from appropriate regulatory authorities.
2. The retail/convenience store building square footage shall be limited to no more than 5,411 square feet.

3. Location of curb cuts, deceleration lanes and road improvements along Briarcliff Road and Clairmont Road are subject to GDOT (Georgia Department of Transportation) and the Transportation Division of the DeKalb County Public Works Department.
4. Provide inter-parcel access to all adjacent parcels. Location is subject to GDOT and the approval of the Department of Public Works, Transportation Division.
5. There shall be a maximum of 10 fueling stations with 20 pumps.
6. The retail/convenience store building façade shall consist of four (4) sided brick, with accent materials.
7. Support columns for the pump/island canopy shall be composed of four-sided brick.
8. Refuse areas shall not be visible from the public street and shall be constructed with a combination of brick and wood enclosure to match the building materials of the principal structure.
9. The vacuum and air station shall not be located along the public-right-of-way.
10. Outside storage and display of products are prohibited.
11. Outside vending machines are prohibited.
12. No car washing allowed on site.
13. Provide parking lot lighting on site.
14. The approval of this SLUP application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

**Attachments:**

1. Department Comments
2. Application
3. Community Meeting Attendance
4. Letter of Intent
5. Impact Analysis
6. Site Plan
7. Zoning Map
8. Aerial
9. Site Photographs

**NEXT STEPS**

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

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

- **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*

- **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*

- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued "administratively"; no public hearing required.)*

- **Sketch Plat & Final Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*

- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*

- **Historic Preservation** (*A* Certificate of Appropriateness *is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*

- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*

- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*

- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*

- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*

- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

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

# DEKALB COUNTY GOVERNMENT
# PLANNING DEPARTMENT
# DISTRIBUTION FORM

**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 is required as a condition of land development permit approval.

- **Flood Hazard Area/Wetlands**

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

- **Landscaping/Tree Preservation**

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

**Transportation Comments – March 2018 Zoning Agenda**

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

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

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

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

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

N10. No comments

N11. No comments

N12. No comments.

(2)

# DEKALB COUNTY GOVERNMENT
# PLANNING DEPARTMENT
# DISTRIBUTION FORM

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

***COMMENTS FORM:***

## *PUBLIC WORKS TRAFFIC ENGINEERING*

Case No.: SLUP-18-22035 (018-590) Parcel I.D. #: 18-196-029, 033, 034, 035, 037, 038, 039, 040, 041

Address: 2778, 2794, 2804, 2806, 2810, 2814 Briarcliff Rd.
3068, 3070, 3080 Briarcliff Rd.
Atlanta, Ga.

**Adjacent Roadway (s):**

| | |
|---|---|
| _____ | _____ |
| _____ (classification) | _____ (classification) |

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

**Please provide additional information relating to the following statement.**

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

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

**COMMENTS:**

Did not see any traffic engineering concerns at this time

**Signature:** Jennifer Ramsey

# DEKALB COUNTY GOVERNMENT
# PLANNING DEPARTMENT
# DISTRIBUTION FORM

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

**Case No.:** SLUP-18-22035/ 2018-1590

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

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

Atlanta, Georgia

**WATER:**

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

**Distance from property to nearest main:** Adjacent to Property

**Size of line required, if inadequate:** N/A

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**SEWER:**

**Outfall Servicing Project:** North Fork Peachtree Creek Basin

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

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

**Sewage Capacity;** * (MGPD) **Current Flow:** 122 (MGPD)

**COMMENTS:**

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

**Signature:**

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

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

RECEIVED JAN 04 2018
REC'D
BY:

DEPARTMENT OF PLANNING & SUSTAINABILITY

# SPECIAL LAND USE PERMIT APPLICATION

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

Date Received: _____ Application No: SLUP-18-22035

**APPLICANT NAME:** JAY GIPSON

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

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

E-Mail JMGIPSON@GIPSONCO.COM

Owner Name JMAR Investors, LP

If more than one owner attach contact information for each owner

Daytime Phone# _____ Fax # _____

Mailing Address 1201 Newton Rd, Madison, GA 30650

Email: _____

**SUBJECT PROPERTY ADDRESS OF LOCATION** [redacted] CLAIRMONT ROAD

_____ DeKalb County, Ga

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

Acreage of Square Feet: 3.685 Acres Commission District _____

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

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

Owner: ____ Agent: ✓ Signature of Applicant _____

Printed Name of Applicant: John H. Gipson Jr.

Notary Signature and Seal

Beth Boylen
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 6-20-2020

Beth Boylen

**Notice Date:** Wednesday, December 13th, 2017

# PUBLIC NOTICE

## Request for a Special Land Use Permit

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

**Current Use:** Multiple Auto Repair Shops

**Proposed Use:** RaceTrac, Wendy's, Express Oil

**Hours of Operation:**

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

**Capacity:** No Change

## PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:

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

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

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

**MEETING SIGN-IN SHEET**

Project: Briarcliff Commons LLC | Meeting Date: December 28 2017

Facilitator: | Location: Hellenic Community Center

| Name | Address | Phone | E-Mail |
|---|---|---|---|
| Lisa Hutson | 1736 Emory Ridge Dr. | | Lisahutson@bellsouth.net |
| Robert Hughes | 2279 Eldorado Dr | | rdh4atl@gmail.com |
| Kathy Parker | 1437 Hampton Glen | | mamahoule58@aol.com |
| Ken Higa | 2079 Continental Dr. | | KENHIGA@BECKARCHITECTS.com |
| Tom Knechtel | 2079 Continental Dr | | knx@bellsouth.net |
| Michael Doyle | 2175 Eldorado Dr | | Gardener6@comcast.net |
| Barbara Varga | 1956 Chrysler Dr | | bgvargas@gmail.com |
| Rima Vydmantas | 3297 Briarcliff Rd NE | | rimaryganas@gmail.com |
| Meg Schad | 1748 Crestline Dr. | | meg.scheid@gmail.com |
| Nikki Van Der Gunten | 2974 Appleview Dr. | 30341 | |
| Mark Taylor | 3050 Briarcliff Rd | 30329 | Marktaylor70@hotmail.com |
| Tara Gilbert | 2928 Briarcliff | 30329 | tgilbert71@gmail.com |
| Margi Drysdale | 1799 Rosalind Dr | 30329 | margi.drysdale@gmail.com |
| Michael Calder | 3820 Briarcliff Rd | 30345 | |
| Rajesh R | 2755 Clairmont Rd | 404-321-2712 | rajeshr97@rediffmail.com |
| G. Sharp | 2209 St Denille | 30345 | guntersharp@yahoo.com |
| S Bailey | 1916 Mt Briar | 404-633-0078 | SRBailey1000@aol.com |
| W. Akins | 2070 Chrysler Dr | 404 403 7488 | Charlesakins@bellsouth.net |
| Daniel Batsill | 2564 Woodgreen Dr | | |
| Allen Venet | 2336 Segsmore Hills Dr. Decatur GA | 404-561-4208 | avenet@bellsouth.net |

→ Pres, Segsmore Hills Civic Assn.

**MEETING SIGN-IN SHEET**

Project: Briar Cliff Commons LLC

Meeting Date: December 28 2017

Facilitator:

Location: Hellenic Community Center

| Name | Address | Phone | E-Mail |
|---|---|---|---|
| Mary Powell Evatt | 2094 Valiant Drive Tucker, GA 30084 | 404-634-1035 | bevatt@mindspring.net |
| Joy Lovell | 2105 Pine Forest Dr Atl, Ga 30345 | 7-231-9678 | telf101@hotmail.com |
| Charles Akins | 2070 Chrysler Atl. 30345 | 4-403-7488 | charlesakins@bellsouth.net |
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Letter of Application

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

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

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

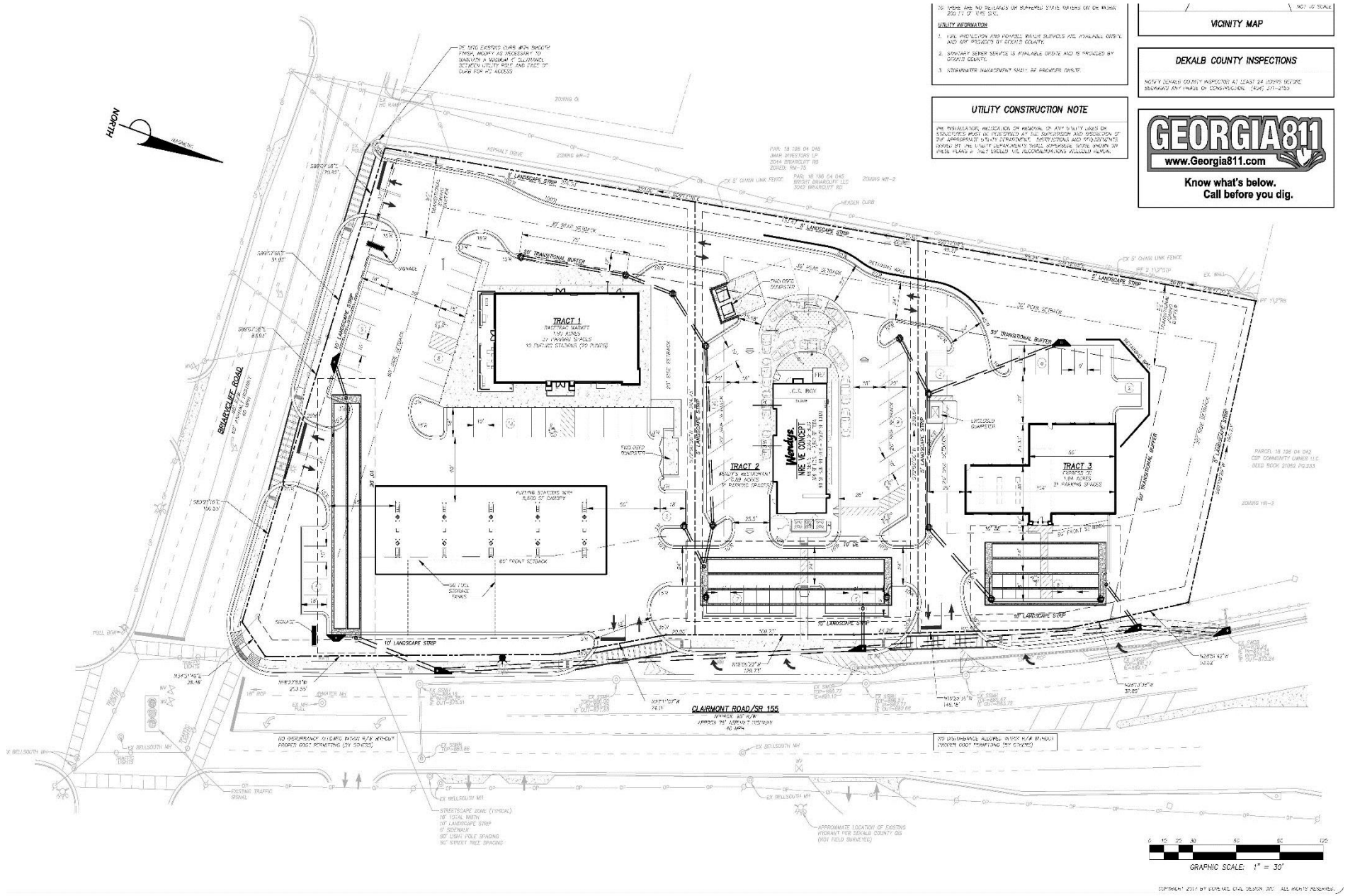
This site is currently an eyesore, has negative environmental impacts on the surrounding areas, is a gathering place for homeless, and is critically underused not only from an actual use profile, but also from a tax base standpoint. The impact to this site's current and immediate neighbors would be a significant improvement over the existing situation. The biggest impact may actually be to the Condos located to the rear of this property, as it would clean up a bad situation for those residents, while having minimum impact on day to day events. The current zoning allows us to build what we are proposing, but the way the development is laid out, with a split of C-1 and C-2, it requires that it all be uniform, and thus the request for a uniform zoning of all the parcels is needed. The proposed impacts on the surrounding properties is a case of a rising tide raising all ships. Should someone be fortunate enough to

acquire the old shopping center across the street, we feel the architectural, landscaping and infrastructure upgrades of our proposed redevelopment, would be an excellent model to be used, as this is not only an interstate location but also the intersection of two major arteries.

The benefits of the redevelopment of this site are many: from a pure economic reason this site should be developed for the benefit of Dekalb County's tax base, from an environmental reason the storm water control and quality, from a safety standpoint of tearing down dangerous buildings, and eliminating areas where homeless congregate, from a traffic standpoint of eliminating 13 drive cuts to 4, with decel lanes on Clairmont, and from a design standpoint of building a quality development that accomplishes all of the positive outcomes listed above. Thus we ask that the County approve the three SLUPS necessary for us to develop the describe development. The three SLUPS we are asking for are the ability to sell gasoline, the ability to sell beer and wine, and the drive through for Wendy's. We feel that these are all reasonable and are in keeping with the idea of an activity node and specifically to this particular intersection. We thank you for your consideration of our request.

# IMPACT ANALYSIS

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

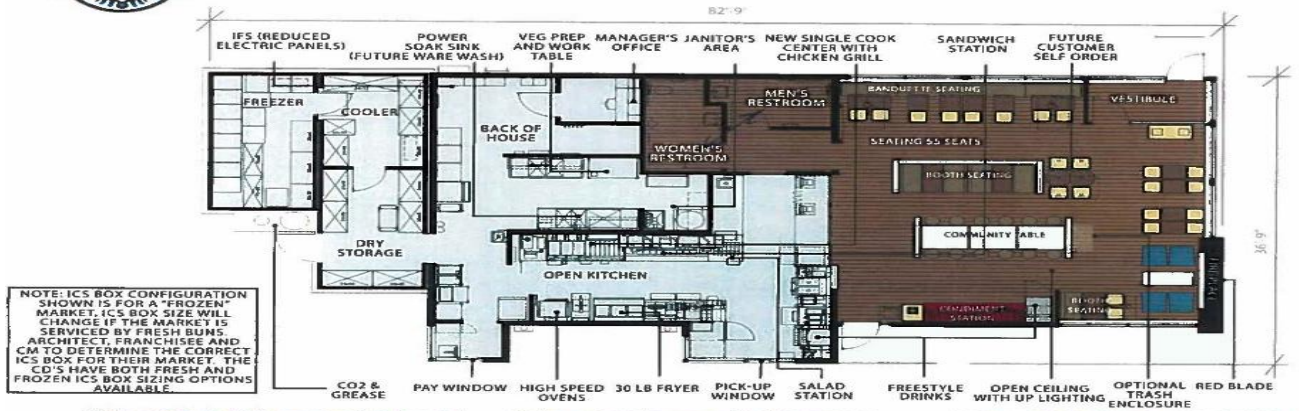

VICINITY MAP
DEKALB COUNTY INSPECTIONS
UTILITY CONSTRUCTION NOTE
GEORGIA811
www.Georgia811.com
Know what's below.
Call before you dig.
TRACT 1
TRACT 2
TRACT 3
Wendy's
WE CONCEPT
BRIARCLIFF ROAD
CLAIRMONT ROAD/SR 155
GRAPHIC SCALE: 1" = 30'

BRIARCLIFF RAOD
CLAIRMONT ROAD
RaceTrac
Wendy's
EXPRESS OIL
30' REAR SETBACK
60' FRONT SETBACK
20' SIDE SETBACK
10' LANDSCAPE STRIP
60' TRANSITIONAL BUFFER

# Proposed Wendy's Restaurant on Tract 2

## SQE 55

SQE 55 SUMMARY



View towards POS

View toward dining area

View toward fire place

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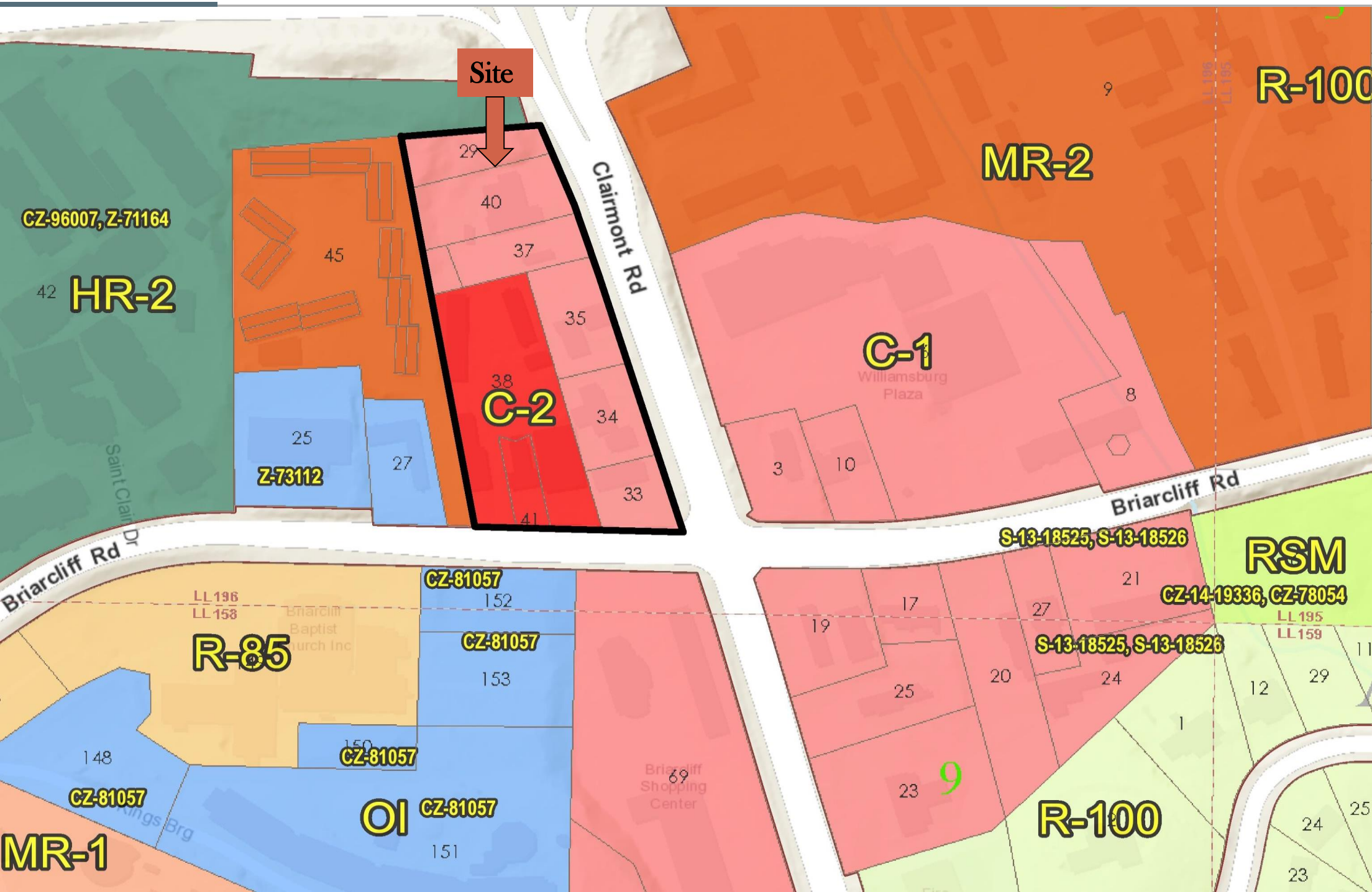
Site
Clairmont Rd
Briarcliff Rd
Briarcliff Rd
Saint Clair Dr
MR-2
R-100
C-1
Williamsburg Plaza
C-2
HR-2
CZ-96007, Z-71164
Z-73112
R-85
MR-1
OI
CZ-81057
R-100
RSM
CZ-14-19336, CZ-78054
S-13-18525, S-13-18526
S-13-18525, S-13-18526
Briarcliff Shopping Center
Briarcliff Baptist Church Inc
LL196
LL158
LL195
LL159
29
40
37
35
34
33
41
38
45
42
25
27
3
10
8
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152
153
150
151
148
69
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17
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24
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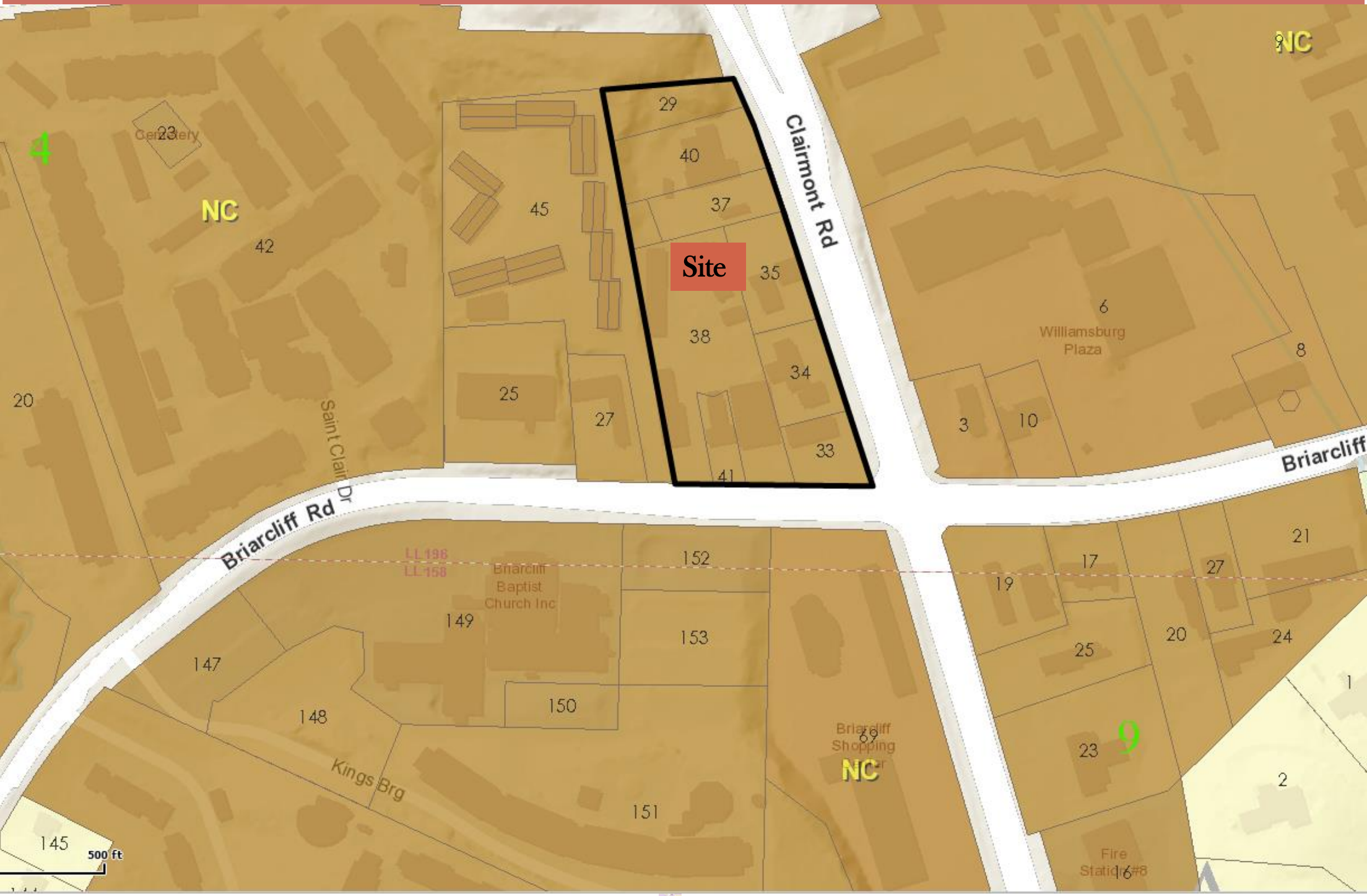
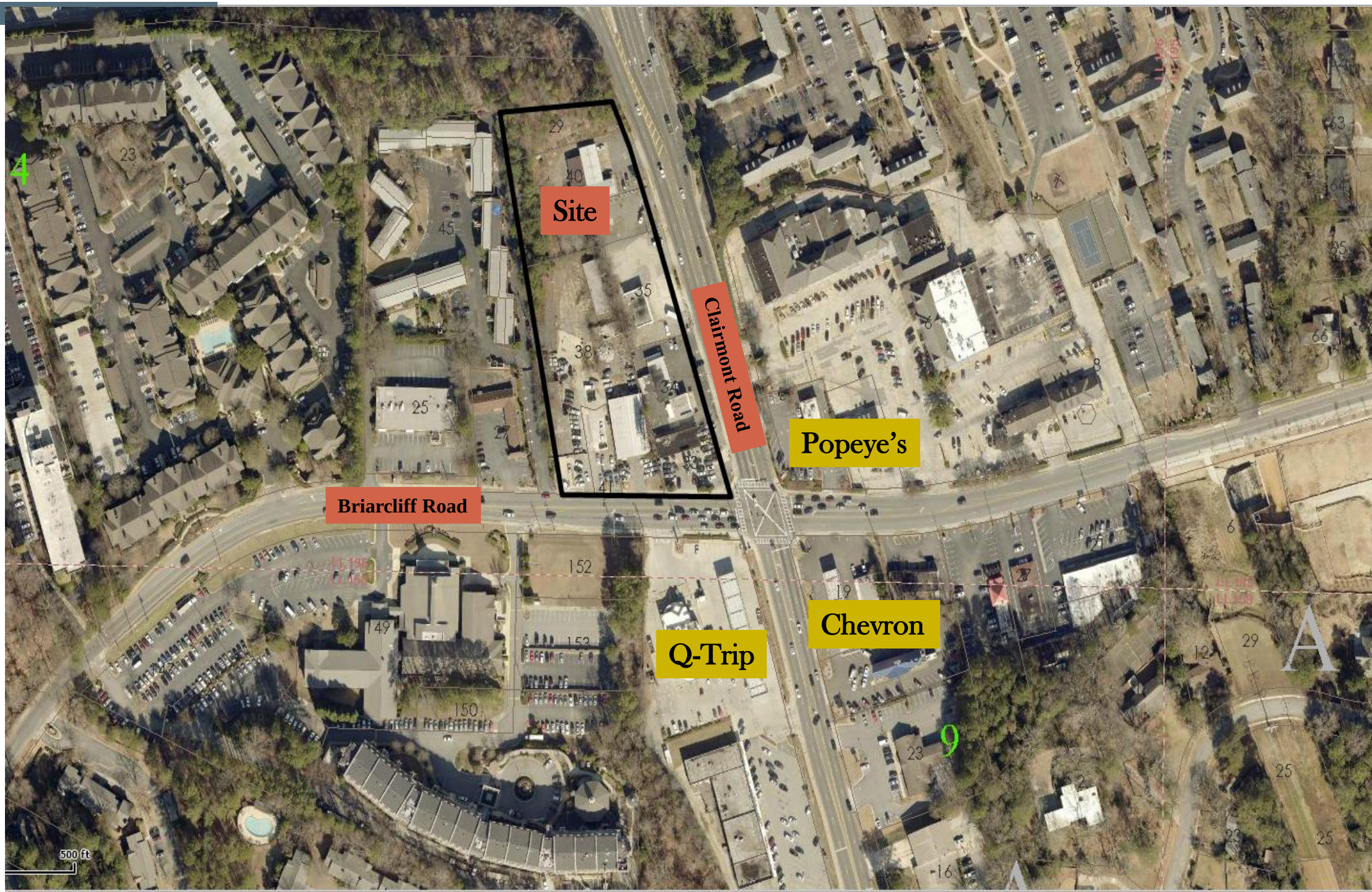
12
29
24
25
23

N.1, N.2, N.3 & N.4

Z-18-22037, SLUP-18-22035,
SLUP-18-22038, SLUP-18-22039

Future Land Use Map
Neighborhood Center




Site
Clairmont Road
Popeye's
Briarcliff Road
Chevron
Q-Trip
500 ft

Briarcliff Road Frontage

Clairmont Road Frontage