



DeKalb County Government

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

Agenda Item

File #: 2019-3557

5/28/2019

File Status: Preliminary Item

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): ALL

Application by the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Table 4.1 and Article 4.2.23 *Drive-through facilities* to allow a drive through facility, for a use other than a restaurant, to be allowed in the C-1 (Local Commercial) and C-2 (Commercial) districts.

PETITION NO: N8. TA 19 1243216

PROPOSED USE: Drive-through facility

LOCATION: All of DeKalb County

PARCEL NO. : N/A

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application by the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Table 4.1 and Article 4.2.23 *Drive-through facilities* to allow a drive through facility, for a use other than a restaurant, to be allowed in Commercial districts. This amendment is to allow, with a Special Land Use Permit (SLUP), drive throughs for banks, dry cleaners, drugstores, and other non-restaurant businesses that are currently prohibited in a commercial district if located in an Activity Center designation.

RECOMMENDATION:

COMMUNITY COUNCIL: CC-1 NO QUORUM; CC-2 FULL CYCLE DEFERRAL; CC-3 APPROVAL; CC-4 FULL CYCLE DEFERRAL; CC-5 APPROVAL.

PLANNING COMMISSION: APPROVAL

PLANNING STAFF: DEFERRAL FULL CYCLE

STAFF ANALYSIS: The current code allows, with a Special Land Use Permit (SLUP), drive throughs only in the mixed-use districts, if located within an activity center. This text amendment seeks to allow property zoned commercially to permit drive throughs with a SLUP. The SLUP will allow the Board to evaluate the layout of the drive through, speaker and windows, as well access to the site. This is for non-restaurant drive throughs

only.

PLANNING COMMISSION VOTE: Approval 6-2-1. P. Womack, Jr. moved, V. Moore seconded for adoption of the text amendment per Staff recommendation, as presented with amendments. J. Johnson and J. West opposed; A. Atkins abstained.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: CC-1 No Quorum 1-0-0; CC-2 Full Cycle Deferral 6-0-0; CC-3 Approval 12-0-0; CC-4 Full Cycle Deferral 9-4-0; CC-5 Approval 9-0-0. Community Council-4 voted that the text amendment should be modified so that certain types of drive-through facilities such as drive-through funeral homes would be prohibited. Additionally, there were concerns that the requirement that drive-through facilities be at least 60 feet away from residential was not stringent enough, and that the distance requirement needed to be increased. Council also suggested that the drive-through supplemental regulations include a requirement that the drive-through use was non-transferrable. Additionally, the standard regarding lighting needed to be strengthened to better protect adjacent properties.

Use	KEY: P – Permitted use Pa – Permitted as an accessory use														SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)										See Section 4.2	
	RE	RLG	R-100	R-65	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5		
INSTITUTIONAL / PUBLIC																										
Community Facilities																										
Cemetery, columbarium, mausoleum	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP			P	P			P									✓
Club, order or lodge, fraternal, non-commercial													P	P		P	P	P	P		P	P	P	P		
Coliseum or stadium/not associated with church or school																P	P	P					SP	P		✓
Funeral home, mortuary													P	P		P	P				P	P	P	P		
Golf course or clubhouse, public or private	P	P	P	P	P	P	P				P		P	P			P	P	P							✓
Government facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital or accessory ambulance service													P	P					P					P	P	
Library or museum								P	P	P			P	P	P	P	P	P				P	P	P	P	
Cultural facilities								SP	SP	SP			SP	SP		SP	SP	SP	SP		SP	SP	SP	SP		
Recreation club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP						P							SP	✓
Neighborhood or subdivision clubhouse or amenities	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P	P	P	P	✓
Places of worship	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP		SP	P	P	P	P	P	P	P	P	P	P	P	P	P	✓
Recreation, outdoor																	P	P	P	P						✓
Swimming pools, commercial	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P	P				Pa	Pa	Pa	✓
Tennis courts, swimming pools, play or recreation areas, community	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	P	P		P	P	P	P				Pa	Pa	Pa	✓
Education																										
Colleges, universities, research & training facilities													P	P		P	P	P	P		P	P	P	P		
Private educational services, home occupation	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa						P			Pa	Pa				✓
Private kindergarten, elementary, middle or high schools	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	P	P		P	P	P				SP	SP	SP		✓
Vocational schools													P	P		P	P	P	SP	SP	P	P	P	P		✓
Specialized schools								SP	SP	SP			P	P	P	P	P	P	SP	SP	P	P	P	P		✓
COMMERCIAL																										
Automobile, boat and trailer sales and service																										
Automobile or truck rental or leasing facilities																P	P		P	P						✓
Automobile brokerage													P	P		P	P		P			P	P	P		✓
Auto recovery, storage																			P	P						✓
Automobile repair or maintenance, minor																P	P		P	P						✓
Automobile repair, major																	SP		P	P						✓
Automobile sales or truck sales																P	P		P	P						✓
Automobile service stations															SP	SP	SP		P	P						✓
Automobile upholstery shop																	P	P	P							
Automobile wash/wax service																P	P		P							✓
Boat sales																P	P		P							✓
Retail automobile parts or tire store																P	P		P							✓
Service area, outdoor																	Pa		Pa	Pa						✓
Trailer or RV salesroom & lot																P	P		P							✓
Office																										
Accounting office								Pa	Pa	Pa			P	P	P	P	P	P			P	P	P	P		
Building or construction office								Pa	Pa	Pa			P	P		P	P	P	P		P					✓
Building, landscape, heavy construction contractor office (material, equipment, storage)																		P	P	P	P					✓
Engineering or architecture office								Pa	Pa	Pa			P	P	P	P	P	P	P		P	P	P	P		
Finance office or banking								Pa	Pa	Pa			P	P	P	P	P	P				P	P	P		

Proposed May 7 and May 28, 2019 PC and BOC

Use	KEY: P – Permitted use Pa – Permitted as an accessory use														SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)					See Section 4.2						
	RE	RLG	R-100	R-85	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M		M-2	MU-1	MU-2	MU-3	MU-4,5	
Gold buying, precious metals																Pa	P	P								
Grocery stores (see alcohol outlet)								Pa	Pa	Pa					P	P	P	P			P	P	P	P		
Hardware store or other building materials store															P	P	P	P	P	P	P	P	P	P	P	
Hobby, toy or game store															P	P	P	P			P	P	P	P		
Jewelry store															P	P	P	P			P	P	P	P		
Music or music equipment store (retail)															P	P	P	P			P	P	P	P		
Liquor store (see alcohol outlet)													Pa		SP	SP	SP	P	P						✓	
News dealer or news store													P	P	P	P	P	P	P	P	P	P	P	P		
Office supplies & equipment store															P	P	P	P	P		P	P	P	P		
Pawn shop, title loan																	P	P	P						✓	

Use	KEY: P – Permitted use Pa – Permitted as an accessory use														SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)										See Section 4.2	
	RE	RLG	R-100	R-65	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M	M-2	MU-1	MU-2	MU-3	MU-4,5		
COMMERCIAL (cont'd)																										
Services (cont'd)																										
Child day care center (Kindergarten) - 7 or more									P	P	P	P		P	P	P	P	P	P		P	P	P	P	✓	
Child day care facility - up to 6	SP	SP	SP	SP	SP	SP	SP	P	P	P		SP	P	P	P	P	P					P	P	P	✓	
Coin laundry								Pa	Pa	Pa		Pa			P	P	P					P	P	P		
Dog day care								SP	SP	SP						P	P		P	P	P	SP	SP	SP	✓	
Dog grooming								Pa	Pa	Pa						P	P		P	P	P	P	P	P	✓	
Dry cleaning agencies, pressing establishments, or laundry pick-up stations								Pa	Pa	Pa			P	P	P	P	P		P	P	P	P	P	P		
Fitness center	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa	Pa		P	P	P	P	P		P	P	P	P	P	P		
Kennel, breeding or boarding	SP														Pa	Pa	P		P	P					✓	
Kennel, commercial	SP															P	P		P	P						
Kennel, noncommercial	P	SP	SP	SP	SP																					
Landscape business																P	P		P	P						
Mini-warehouse														SP		P	P	P	P	P						
Outdoor storage, commercial																	P		P	P					✓	
Personal services establishment								Pa	Pa	P		Pa	Pa	Pa	P	P	P		P		P	P	P	P		
Photoengraving, typesetting, electrotyping																	P		P	P	P	P				
Photographic studios													P	P	P	P	P		P		P	P	P	P		
Plumbing, HV/AC equipment establishments with no outdoor storage																P	P		P	P						
Publishing or printing establishments													P	P			P		P	P						
Quick copy printing store													P	P	P	P	P		P	P	P	P	P	P		
Services, Medical and Health																										
Ambulance service or emergency medical services, private																P	P		P							
Health services clinic													P	P	P	P	P	P		P	P	P	P	P		
Home healthcare service													P	P	P	P	P		P	P	P	P	P	P		
Kidney dialysis center													P	P	P	P	P		P	P	P	P	P	P		
Medical or dental laboratories													P	P		P	P		P	P			SA	SA		
Services, Repair																										
Furniture upholstery or repair; home appliance repair or service																P	P		P	P						
Personal service, repair (watch, shoes, jewelry)								Pa	Pa	Pa			P	P	P	P	P		P		P	P	P	P		
Service area, outdoor																	Pa		Pa	P					✓	
INDUSTRIAL																										
Alcohol or alcoholic beverage manufacturing																			P	P						
Alternative energy production																	SP	SP	SP							
Automobile/truck manufacturing																				P						
Brick, clay, tile, or concrete products terra cotta manufacturing																					P					
Building materials or lumber supply establishment																P		P								
Cement, lime, gypsum, or plaster of Paris manufacturing																					P					
Compressed gas fuel station																SP		P	P							
Chemical manufacture, organic or inorganic																					P					
Contractor, general (See also Building or Construction Office)																	P		P	P		P	P		✓	
Contractor, heavy construction, outside storage																	P		P	P					✓	
Contractor, special trade																	P		P	P						
Crematoriums													SP			SP	SP		SP	SP					✓	
Distillation of bones or glue manufacture																					P					

Use	KEY: P – Permitted use Pa – Permitted as an accessory use														SA – Special administrative permit from director of planning SP – Special land use permit from BoC (SLUP)					See Section 4.2						
	RE	RLG	R-100	R-65	R-75	R-60	RSM	MR-1	MR-2	HR-1,2,3	MHP	RNC	OI	OIT	NS	C-1	C-2	OD	M		M-2	MU-1	MU-2	MU-3	MU-4,5	
INDUSTRIAL (cont'd)																										
Dry cleaning plant																				P	P					
Dye works																					P					
Explosive manufacture or storage																					SP					
Fabricated metal manufacture																					P					
Fat rendering or fertilizer manufacture																					SP					
Fuel dealers, manufactures or wholesalers																				P	P					
General aviation airport																				SP	SP					✓
Heavy equipment repair service or trade																	P			P	P					
Ice manufacturing plant																				P	P					
Incidental retail sales of goods produced or processed on the premises																				Pa	Pa					
Incineration of garbage or refuse when conducted within an enclosed plant																					SP					
Industrial, heavy																					SP					
Industrial, light																				P	P					
Intermodal freight terminal, bus or rail freight or passenger terminal, or truck terminal																					SP					
Leather manufacturing or processing																					P					
Light malt beverage manufacturer (See also Brewpub)																Pa	Pa	Pa		P	P	Pa	Pa	Pa	Pa	
Light manufacturing																				P	P					
Manufacturing, heavy																					SP					✓
Manufacturing operations not housed within a building																					SP					✓
Mines or mining operations, quarries, asphalt plants, gravel pits or soil pits																					SP	SP				✓
Outdoor storage, industrial																				P	P					✓
Paper or pulp manufacture																					SP					✓
Petroleum or inflammable liquids production, refining																					SP					✓
Radioactive materials: utilization, manufacture, processing or emission																					SP					✓
Railroad car classification yards or team truck yards																					SP	SP				✓
Recovered materials facility wholly within a building																				P	P					✓
Recovered materials processing wholly within a building																				P	P					✓
Recycling collection														Pa	Pa	Pa	Pa			SP	SP					
Recycling plant																				SP	SP					
Repair/manufacture of clocks, watches, toys, electrical appliances, electronic, light sheet metal products, equipment, machine tools, or machinery not requiring the use of press punch over 100 tons rated capacity or drop hammer																				P	P					
Research, experimental or testing laboratories																					P	P				
Rubber or plastics manufacture																					P	P				
Salvage yard (Junkyard)																					SP	SP				✓
Solid waste: general disposal, landfill, private industry disposal, handling facility, thermal treatment technology or hazardous/toxic materials including radioactive materials																					SP					✓
Smelting: copper, iron, zinc, or ore																					SP					
Storage yard, except vehicle																					SP	P				✓

