



DeKalb County Government

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

Agenda Item

File #: 2019-4071
File Status: Preliminary Item

9/10/2019

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

SUBJECT:

COMMISSION DISTRICT(S): 4 & 6

Application of Woodland Asset Management for a Special Land Use Permit for a proposed restaurant with a drive - through in a C-1 (Local Commercial) District in accordance Chapter 27, Article 4 of the DeKalb County Zoning Ordinance, Table 4.1., at 5100 Memorial Drive.

PETITION NO: N4. SLUP-19-1243380

PROPOSED USE: Drive-Through Restaurant

LOCATION: 5100 Memorial Drive

PARCEL NO. : 18 043 01 026

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Woodland Asset Management for a Special Land Use Permit for a proposed restaurant with a drive - through in a C-1 (Local Commercial) District in accordance Chapter 27, Article 4 of the DeKalb County Zoning Ordinance, Table 4.1. The property is located on the southwest corner of Memorial Drive and Memorial College Avenue in the Citadel Shopping Center, at 5100 Memorial Drive, Decatur, Georgia. The property has approximately 120 feet of frontage along Memorial Drive and 180 feet of frontage along Memorial College Avenue and contains 0.49 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: APPROVAL

PLANNING COMMISSION: PENDING

PLANNING STAFF: APPROVAL WITH CONDITIONS

STAFF ANALYSIS: The proposed Popeyes Louisiana restaurant with a drive-through lane is compatible with nearby commercial uses along Memorial Drive. The site is in the Neighborhood Center Character Area where the proposed drive-through restaurant is consistent with the following policy and intent of the character area: creating mixed uses that offer a variety of retail and commercial services along Memorial Drive. Therefore, it is

File #: 2019-4071

9/10/2019

File Status: Preliminary Item

the recommendation of Planning and Sustainability Department that the Special Land Use Permit (SLUP) to allow a Popeyes Louisiana Kitchen restaurant with a drive-through be "Approved, per Staff's conditions".

PLANNING COMMISSION VOTE: PENDING

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 10-0-0.

Recommended Conditions

SLUP-19-1243380

1. A restaurant with a drive-through lane as depicted on the site plan stamped and received by the Department of Planning and Sustainability on August 3, 2019 and dated 4/22/19. Said site plan is conceptual and is subject to compliance with C-1 (Local Commercial) zoning standards unless variances are obtained from appropriate regulatory authorities.
2. Build 6' sidewalks along entire frontage of Citadel Square on Memorial College Drive.
3. Right of way dedication required 35 feet from centerline on Memorial Drive.
4. Bike lanes required for property frontage along Memorial College Drive unless variance is obtained.
5. The approval of this SLUP application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the Zoning Board of Appeals, or other entity.



DeKalb County Department of Planning & Sustainability

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

Michael Thurmond
 Chief Executive Officer

Planning Commission Hearing Date: September 10, 2019, 6:30 P.M
Board of Commissioners Hearing Date: September 24, 2019, 6:30 P.M.

STAFF ANALYSIS

Case No.: SLUP-19-1243380 **Agenda #:** N.4

Location/Address: 5100 Memorial Drive **Commission District:** 04 **Super District:** 06

Parcel ID: 18-043-01-026

Request: A Special Land Use Permit (SLUP) to allow a Popeyes restaurant with drive-through in a C-1 (Local Commercial) District.

Property Owner/Agent: HRE Citadel Square, LLC.

Applicant/Agent: Woodland Asset Management, LLC.

Acreage: 0.49

Existing Land Use: Emissions Station/Parking Lot

Surrounding Properties/ Adjacent Zoning: To the north is Memorial Drive Presbyterian zoned Residential Medium Lot-85 (R-85), to the south and west commercial uses zoned Local Commercial (C-1), and east is Rock of Ages Lutheran Church zoned Office Institutional (OI).

Comprehensive Plan: **Neighborhood Center (NC)** **Consistent** **Inconsistent**

Proposed Density: N/A	Existing Density: N/A
Proposed Square Ft.: N/A	Existing Units/Square Feet: N/A
Proposed Lot Coverage: 79.8%	Existing Lot Coverage: 94.8%

SUBJECT PROPERTY & ZONING HISTORY

The subject property has .49 acres with frontage on Memorial Drive (a collector) and Memorial College Avenue (a local street). The site currently contains an emissions station surrounded by surface parking. The property is located within the Citadel Shopping Center shopping center with various commercial uses. The surrounding property to the north is a private school and place of worship. Adjacent to the site along Memorial College Avenue is a college and stadium. Adjacent to the site along Memorial Drive are other commercial uses and across Memorial Drive to the south is another place of worship. That site is zoned C-1.

ZONING ANALYSIS

The site is currently zoned C-1 (Local Commercial) District and sits within a larger C-1 (Local Commercial) zoning in the Citadel Shopping Center. Georgia State University Perimeter College and James R Hallford Stadium abuts the shopping center to the west and is zoned R-85 (Residential Medium Lot-85). Across Memorial College Avenue north of the subject site is Memorial Drive Presbyterian church and private school which is zoned R-85 (Residential Medium Lot-85). Across Memorial Drive southeast of the subject site is Rock of Ages Lutheran Church which is zoned O-I (Office-Institutional). South of the subject property is other commercial uses zoning C-1 (Local Commercial). The proposed SLUP is compatible for the site given its consistency with the 2035 Comprehensive Land Use Plan which designates this site within the Neighborhood Center (NC) Character Area designation.

PROJECT ANALYSIS

Per the submitted application, the applicant is requesting a Special Land Use Permit (SLUP) to allow a Popeyes Louisiana Kitchen restaurant with a drive-through. The submitted site plan depicts one story 2,400 square foot building with a drive through lane that provides access to one drive through window. The site plan proposes 18 parking spaces including two handicap spaces. The handicap spaces are connected to a new sidewalk that connects to the existing sidewalk along Memorial Drive. There is one existing entry point off Memorial Drive and one entry point off Memorial College Avenue. Both entry and exit points will continue to be utilize for this site for ingress and egress. This SLUP request to allow a drive-through on the site is compatible with other commercial uses in the area.

IMPACT ANALYSIS:

Section 27-7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.

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

Located on .49 acres, adequate land area is available to operate a Popeyes Louisiana Kitchen restaurant with a drive-through lane. All required yards, open space, and off-street parking are satisfied within the C-1 (Local Commercial) District.

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

The proposed restaurant with a drive-through lane is compatible with nearby commercial uses, properties and land use along Memorial Drive. Restaurants with a drive through lane are located northwest and south along Memorial Drive. (Taco Bell, Pizza Hut, Dunkin Donuts) The subject site is located within the Citadel Square Shopping Center which is a commercial use.

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

Given that the area along Memorial Drive is developed with various commercial uses, it appears that there are public streets, adequate public facilities and services are available for the proposed Popeyes Louisiana Kitchen restaurant with a drive-through lane.

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:

Memorial College Avenue is a local street and Memorial Drive is a collector. Given that Memorial Drive is a collector, Planning Staff anticipates little or no impact on traffic in the area caused by the proposed use. DeKalb County Department of Public Works -Transpiration Division requires 6' sidewalks along entire frontage of Citadel Square on Memorial College Drive. Bike lanes are required however a variance can be used in lieu of the 6' sidewalks. A 35' right of way dedication is required from centerline.

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

The character of the vehicles nor traffic generated by the restaurant with a drive-through lane will not adversely impact existing 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 two access points to the site from street frontage. One access point is via the existing ingress and egress to the site from Memorial College Avenue. The second access point is also existing from Memorial Drive that provides ingress and egress to Citadel Square. Emergency vehicles can access the site from either access point. According to the site plan, it appears traffic will flow in a circular pattern to access the drive-through lane and available parking spaces.

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

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

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

The hours of operation for the proposed restaurant with a drive-through lane should not create adverse impacts upon adjoining land uses.

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 for the proposed restaurant with a drive-through lane should not create adverse impacts upon adjoining land uses.

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.

Restaurants with a drive-through lane are a permitted use within the C-1 (Local Commercial) District with a Special Land Use Permit (SLUP).

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

Located within a Neighborhood Center Character Area designated by the DeKalb County 2035 Comprehensive Plan, the proposed restaurant with a drive-through lane is consistent with the following area policies: infill development by utilizing vacant properties in the neighborhood as an opportunity for infill development of compatible structures.

K. 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 proposed restaurant with a drive-through lane does not abut any residential zoned properties. Therefore, transitional buffer zones are not required.

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

Adequate refuse areas will be provided adjacent to the Memorial College Avenue entrance.

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

There does not appear to be any compelling reasons for limiting the duration of the requested Special Land Use Permit.

N. 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 one-story restaurant with a drive-through lane is compatible in size and massing of adjacent and nearby commercial buildings in the area.

O. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

The proposed restaurant with a drive-through lane will not adversely affect historic buildings, sites, districts, or archaeological resources.

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

The proposed restaurant with a drive-through lane complies with the following supplemental regulations per Sec.27-4.2.23 of the DeKalb County Zoning Code:

- a. Not located within sixty feet of a residentially zoned property.
- b. Drive-through facility located on property greater than ten thousand square feet in area
- c. Drive-through lanes and service windows serving drive-through lanes are located on the side and rear of building
- d. No drive-through canopies according to site plan
- e. Speaker boxes shall be directed away from any adjacent residential properties.
- f. All lighting from drive-through facilities shall be shaded and screened to be directed away from adjacent residential property.

R. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

The proposed one-story restaurant with a drive-through lane does not create a negative shadow impact on any adjoining lot or building.

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

The proposed restaurant with a drive-through lane provides a service to the community and is compatible with existing commercial development in the area. The proposed use complies with the overall objectives of the comprehensive plan by creating mixed uses that offer a variety of retail and commercial services and amenities along Memorial Drive.

COMPLIANCE WITH DISTRICT STANDARDS PER TABLE 2.2:

The site zoned C-1 (Local Commercial) must comply with minimum development standards per Article 2 – Table 2.2 Non-Residential Zoning Districts Dimensional Requirements of the DeKalb County Zoning Ordinance.

STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
LOT WIDTH (M)	MINIMUM OF 100 FEET ON A PUBLIC STREET FRONTAGE	180 FEET FRONTAGE ALONG MEMORIAL COLLEGE AVENUE; 120 FEET FRONTAGE ALONG MEMORIAL DRIVE	YES
LOT AREA (M)	20,000 SQUARE FEET	21,600 SQUARE FEET	YES
LOT COVERAGE	Max. 80%	78.9%	YES
FRONT BUILDING SETBACK	60 FEET	60 Feet	YES
SIDE BUILDING SETBACK	INTERIOR 20 FEET CORNER 50 FEET	INTERIOR 29 FEET CORNER 56 FEET	YES YES
REAR SETBACK	30 FEET	30 FEET	YES
HEIGHT	2 story / 35 FEET	42.6 FEET	YES
OPEN SPACE	MINIMUM 20%	20%	YES
PARKING – ARTICLE 6	1 PER 250 SF (MIN 10) 1 PER 150 SF (MAX)	18 SPACES	YES

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

The proposed Popeyes Louisiana restaurant with a drive-through lane is compatible with nearby commercial uses along Memorial Drive. The site is in the Neighborhood Center Character Area where the proposed drive-through restaurant is consistent with the following policies and intent of the character area: creating mixed uses that offer a variety of retail and commercial services along Memorial Drive. Therefore, it is the recommendation of Planning and Sustainability Department that the Special Land Use Permit (SLUP) to allow a Popeyes Louisiana Kitchen restaurant with a drive-through be **APPROVED** with conditions.

1. A restaurant with a drive-through lane as depicted on the site plan stamped and received by the Department of Planning and Sustainability on August 3, 2019 and dated 4/22/19. Said site plan is conceptual and is subject to compliance with C-1 (Local Commercial) zoning standards unless variances are obtained from appropriate regulatory authorities.
2. Build 6’ sidewalks along entire frontage of Citadel Square on Memorial College Drive.
3. Right of way dedication required 35 feet from centerline on Memorial Drive.
4. Bike lanes required for property frontage along Memorial College Drive unless variance is obtained.

5. The approval of this SLUP application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the Zoning Board of Appeals, or other entity.

Attachments:

1. **Department and Division Comments**
2. **Application**
3. **Site Plan**
4. **Zoning Map and Land Use Map**
5. **Aerial Photograph/Site Photographs**

NEXT STEPS

Following an approval of this zoning 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 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 *(Certificate of Appropriateness 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 or Special Exception *(Required seeking 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 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 of application, fees and supporting documents. Please consult with the appropriate department/division.

September 2019 Rezoning Traffic Comments

N1. No customer parking on Tolbert Drive between the driveway and Frazier Rd. All parking must be on property or east of driveway on Tolbert Drive as to not interfere with the intersection of Frazier Rd at Frazier Ct/Tolbert Dr.

N2. Briarcliff Road is SR 42. GDOT review and approval of access points and right of way improvements required prior to issuance of permits. Briarcliff Road is classified as a minor arterial. Right of way dedication of 40 feet from centerline required. 6-foot sidewalk, bike facilities and street lights required. Bring sidewalks and header curb up to current code requirements. Verify sight distance for access point prior within plan approval submittal.

N3. Owner needs to coordinate with the plans for the adjacent Kroger Shopping Center. Kroger has approval for proposed work in the right of way in front of this property to add a turn lane onto Henderson Mill Road (for the tapers). Chamblee Tucker Road and Henderson Mill Roads are both classified as minor arterials. Right of way dedication of 40 feet from centerline required. 6-foot sidewalk, bike facilities and street lights required. Bring sidewalks and header curb up to current code requirements. Only one access point allowed on each road as far away from traffic signal as possible. Provide ADA ramps for the crosswalks at signal (existing, but not shown on plan).

N4. Build sidewalks along entire frontage of Citadel Square on Memorial College Drive. Street lights required. Memorial Drive is classified as a collector. Right of way dedication required 35 feet from centerline. Bike lanes required- but if developer would install the 6' sidewalks along the entire shopping center property frontage on Memorial College Drive, I would support a variance for the bike lanes.

N5. Eastland Road is classified as a collector street. Right of way dedication of 35 from centerline required. 6-foot sidewalks, street lights and 5-foot landscape strip required. Bike lanes required. Lake Drive is classified as a local street. Must bring street up to standards- complete improvements of half the road along the frontage. Dedication 27.5 feet from centerline of right of way. 6-inch header curb, five-foot sidewalks, five-foot landscape strip, street lights.

N6. Flat Shoals Parkway is DR 155. GDOT review and approval of access points and right of way improvements required prior to issuance of permits. Flat Shoals Parkway is classified as a major arterial. 6-foot sidewalk, bike facilities, 50 right of way dedication, and street lights required. Only Right in/right out access point allowed. No acceleration lane. Local streets must have a 55 foot right of way, 12-foot travel lanes, 6-foot landscape strip, 5-foot sidewalk and street lights required. Verify sight distance for vehicles existing site within plan approval submittal.

N7. Coordination with GDOT's MMIP projects along I-20 required prior to permitting. Coordination with MARTA I-20 east line required prior to permitting. Bring Snapfinger Road along property frontage down to apartment driveway (Wesley Club Drive) up to current county standards (24 pavement, header curb, 5-foot sidewalk, landscape strip, and street lights). Please note that existing site plans appears to use a County owned ROW corridor (Kelly Chapel Road). Roundabout also appears to be on property owned by others. Streets beyond roundabout to be private.

N8. N8 is labeled as N7 with a different site plan. Coordination with GDOT's MMIP projects along I-20 required prior to permitting. Coordination with MARTA I-20 east line required prior to permitting. Bring Snapfinger Road along property frontage down to apartment driveway (Wesley Club Drive) up to current county standards (24 pavement, header curb, 5-foot sidewalk, landscape strip, and street lights). Add Street Lights at entrance on Kelly Chapel Road.

N9. Hard to make zoning comments without knowing the number of trips or specific use. 25 acres- need more info. DRI? Looks like N9 is being split into a 350K sq. foot distribution center and a 300-unit apartment complex.

N10. Requires traffic Study and sight distance study. Clifton Springs is a minor arterial. Requires 40 foot right of way donation from centerline, 6-foot planting strip, 6-foot sidewalk, bike facilities and street lights. Left turn lane into facility from Clifton Springs Road. DRI with N11.

N11. Traffic Study Required. DRI with N10? 300 units- one access point? No site plans? Flat Shoals Parkway is SR 155. GDOT review and approval of access points and right of way improvements required prior to issuance of permits. Flat Shoals Parkway is classified as a major arterial. 6-foot sidewalk, bike facilities, 50 right of way dedication, and street lights required. Only Right in/right out access point allowed. Traffic study should include impacts of U-turns on neighboring intersections and determine if pavement is available too accommodate U-turns.

N12. No Comments

N13. No Comments

N14. No Comments

N15. No Comments

NY



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: SLWP-19-1243380 Parcel I.D. #: 18-043 01-026
Address: 5100 Memorial Drive
Stone Mountain, Ga. 80083

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.

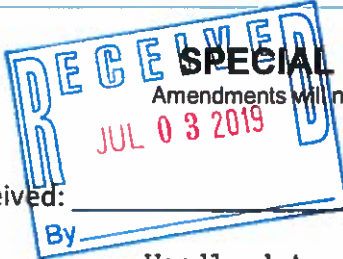
Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given 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:

Didn't see any traffic engineering concerns at this time.

Signature: Basildon F. Wood

DEPARTMENT OF PLANNING & SUSTAINABILITY



SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing deadline.

Date Received: _____
By: _____

Application No: 1243380

APPLICANT NAME: Woodland Asset Management, LLC (Scott Peters, Agent)

Daytime Phone: (404) 681-3450 E-Mail: speters@swfl1p.com

Mailing Address: 1100 Peachtree Street, N.E., Suite 800, Atlanta, GA 30309

Owner Name: HRE Citadel Square, LLC
(If more than one owner, attach contact information for each owner)

Daytime Phone: (305) 779-0041 E-Mail: dmoret@highlinerecapital.com

Mailing Address: 4770 Biscayne Blvd., Suite 620, Miami, Florida 33137

SUBJECT PROPERTY ADDRESS OR LOCATION: 5100 Memorial Drive
Stone Mountain DeKalb County, GA, 30083

Parcel ID: 18 043 01 013 Acreage or Square Feet: 0.49 acres Commission Districts 4, 6

Existing Zoning: C-1 Proposed Special Land Use (SLUP) Restaurant with a drive-thru

I hereby authorize 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: Scott W. Peters

Notary Signature and Seal:



Notice Date: Mailed June 25, 2019

PUBLIC NOTICE

To

**Request for Special Land Use Permit
(Drive Through Window)**

Filed by: Woodland Asset Management, LLC

Property Located at: 5100 Memorial Drive

Stone Mountain, Georgia 30083

Current Use- Emissions Testing Facility

**Proposed Use- Popeye's Chicken Restaurant with
Drive Through**

COMMUNITY MEETING TO TAKE PLACE AT:

Rock of Ages Lutheran Church

Corkish Hall

Location: 5135 Memorial Drive, Stone Mountain, GA 30083

Date & Time: Thursday, July 11, 2019, at 7:00 PM

~~Project~~ SLOP 1243380

MEETING SIGN-IN SHEET

Project: 5100 Memorial Drive

Meeting Date: 7/11/19

Facilitator: Scott W Peters

Location: Rock of Ages Lutheran Church
5135 Memorial Drive

Name	Address	Phone	E-Mail
Joe Arrington	466 S. Rays Rd 30083	404-308-0473	jarrington55@gmail
Becky Arrington	"	"	"
Joe Jean Borowski	4088 Rue Antoinette		
Ann Borowski	"	"	
CHARLES BOPP	5020 BAINBRIDGE CT		ROCK OF AGES LILBORN, GA 30047

LAW OFFICES
SCHREEDER, WHEELER & FLINT, LLP
1100 PEACHTREE STREET, NE
SUITE 800
ATLANTA, GEORGIA 30309-4516

TELEPHONE: (404) 681-3450
FACSIMILE: (404) 681-1046

Scott W. Peters

E-Mail: speters@swflp.com

Direct Dial: (404) 954-9836

July 3, 2019

Ms. Marian Eisenberg
Zoning Administrator
Dept. of Planning and Sustainability
DeKalb County
330 W. Ponce de Leon Avenue
Decatur, Georgia 30030

RE: Letter of Intent – Special Land Use Permit Application
Woodland Asset Management, LLC
5100 Memorial Drive, Stone Mountain, Georgia

Dear Ms. Eisenberg:

Woodland Asset Management, LLC (“Woodland”) as Applicant, and HRE Citadel Square, LLC (“HRE”), as Owner, respectfully request the approval of a Special Land Use Permit (“SLUP”) to permit a drive-through facility at 5100 Memorial Drive, Stone Mountain, Georgia. The applicant intends to develop the property with a Popeye’s Louisiana Kitchen restaurant.

The subject property is located at the corner of Memorial Drive and Memorial College Avenue. The property is designated as Tax Parcel ID 18 043 01 026, and contains a total of 0.496 acres. The property is an outparcel of the adjoining shopping center which is anchored by Office Depot. The property is presently zoned C-1, Local Commercial. The property is also located within the GSU/Georgia Perimeter Neighborhood Center as designated by the Comprehensive Plan.

The property is currently developed with a drive-in emissions testing facility that will be removed as part of this redevelopment. The existing facility is located in a temporary shed on a concrete pad. Both the existing improvements and pavement will be removed as part of the development process.

The proposed Popeyes Louisiana Kitchen building will be a single story structure containing approximately 935 square feet. The building, including decorative features and screening, will be not more than 25’ in height. There will be only one building, with the dumpster pad and screening located to the rear of the property. All access to the property is provided through inter-parcel access through the adjoining shopping center. Traffic will circulate in a counter-clockwise fashion around the building. Standard store hours are 10:00 am until midnight Sunday

LAW OFFICES
SCHREEDER, WHEELER & FLINT, LLP

Ms. Marian Eisenberg

Page 2

July 3, 2019

through Thursday, and 10:00 am until 1:00 am on Friday and Saturday. All lighting and landscaping will comply with current design standards. Proposed building elevations are being submitted in conjunction with the application which further depict the building materials and anticipated appearance.

It is noted that if the property were not located within the GSU/Georgia Perimeter Neighborhood Center, the property would qualify for a drive-through facility without the need for a SLUP. The property is located at the intersection of a major arterial (Memorial Drive) and a minor arterial (Memorial College Drive), and all access to the property is provided through inter-parcel access. As a result, the facility would qualify pursuant to Section 4.2.23(I)(7). The drive-through facility will operate in accordance with all provisions of Section 4.2.23.

As noted in the enclosed Applicant's Impact Analysis, there are other drive-through facilities located in the immediate vicinity of the subject property to the north. In addition, the commercial nature of this portion of Memorial Drive is consistent with the inclusion of a drive-through facility. Due to the nature of the inter-parcel access, the facility will not contribute to traffic concerns as there will not be direct access from the property onto either of the adjoining streets.

Thank you for your consideration in regard to this request. Please feel free to contact the undersigned for any additional information that may be desired for consideration of this SLUP application.

Sincerely,

Scott W. Peters

Scott W. Peters

SWP\jlh

APPLICANT'S IMPACT ANALYSIS

- A. *Adequacy of the size of the site for 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.*

RESPONSE: The subject property is of adequate size and shape to support all necessary and required yards, open space, off-street parking and other applicable requirements of the zoning ordinance for the development of the proposed Popeyes Louisiana Kitchen.

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

RESPONSE: The proposed commercial use is compatible with the use, and designated land uses, of adjoining and proximate properties. The subject property is an outparcel located within an Office Depot anchored shopping center. The property located to the southwest (which shares inter-parcel access with the Office Depot center) includes an Autozone auto parts store. The majority of other uses along Memorial Drive in the vicinity of the property are commercial uses, including several drive-through restaurants located to the northeast of the subject property. The proposed use is consistent with the underlying zoning district and permitted uses for the land use.

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

RESPONSE: There are adequate public services, facilities and utilities to serve the contemplated use. All utilities are present on the property, and access will be provided via inter-parcel access of the Office Depot anchored shopping center.

- 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 use proposed so as not to unduly increase traffic and create congestion in the area.*

RESPONSE: The property is located at the intersection of Memorial Drive and Memorial College Drive, which is a signalized intersection. The property fronts along Memorial Drive, which is a major arterial road containing six divided lanes of travel (plus turn lanes) adjacent to the subject property. Memorial College Avenue is primarily a two lane road, which widens to include several turn lanes at the intersection with Memorial Drive. Access to the proposed development will be through the existing curb cuts along both Memorial Drive and Memorial College Avenue via inter-parcel access. As such, impact upon traffic in the area should be minimal.

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

RESPONSE: Adjoining and nearby land uses will not be adversely affected by the character or volume of traffic generated by the proposed Popeyes Louisiana Kitchen. The proposed use will draw customers from existing traffic patterns along Memorial Drive and Memorial College Avenue. The anticipated traffic will be primarily private automobiles, consistent with traffic for the nearby commercial and retail uses.

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

RESPONSE: Ingress and egress will be provided through inter-parcel access to the adjoining shopping center. There is a large divided entrance along Memorial Drive, along with two (2) separate access points on Memorial College Avenue. No direct curb cut will exist for the proposed use, and therefore pedestrian safety and convenience will not be impacted. Inter-parcel access into the site will provide sufficient mobility and access for fire safety and any other emergency conditions.

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

RESPONSE: No. The proposed use will not generate significant noise, smoke, odor, dust or vibrations, and as such will have no impact upon adjoining land uses by reason thereof.

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

RESPONSE: No. The operational hours of the proposed Popeyes Louisiana Kitchen are consistent with those of the adjoining commercial and retail uses, including other restaurants in the immediate vicinity, and therefore will have little or no impact on such adjoining uses.

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

RESPONSE: No. The manner of operation of the proposed use will have no adverse impacts upon the adjoining property. The inter-parcel access from the adjoining shopping center was anticipated at the time of original development. The commercial nature of the use is consistent with adjoining uses of property.

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

RESPONSE: Yes. The proposed plan is consistent with the requirements of the zoning district and it is not the intent of the applicant to seek any variances at this time.

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

RESPONSE: Yes. The proposed use is consistent with the policies of the comprehensive plan. Restaurants are consistent with the proposed land uses for this area, and a drive-through is permissible with the grant of the requested SLUP.

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

RESPONSE: Yes. There are no required buffer zones or transitional buffer zones associated with the proposed development. The development will provide all necessary landscape strips.

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

RESPONSE: Yes. The dumpster will be located at the rear of the property and properly screened.

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

RESPONSE: There is no basis to limit the duration of the SLUP. The intended use is a long term use and will be maintained in accordance with appropriate standards.

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 the adjacent and nearby lots and buildings.

RESPONSE: Yes. The proposed Popeyes Louisiana Kitchen building is consistent with the size and scale of other buildings on the adjacent property, and will be smaller than several other buildings in the immediate vicinity.

P. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.

RESPONSE: No. The property is currently already developed with pavement and an Emissions Testing facility. There are no historic buildings, sites, districts or archaeological resources affected by this redevelopment.

Q. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.

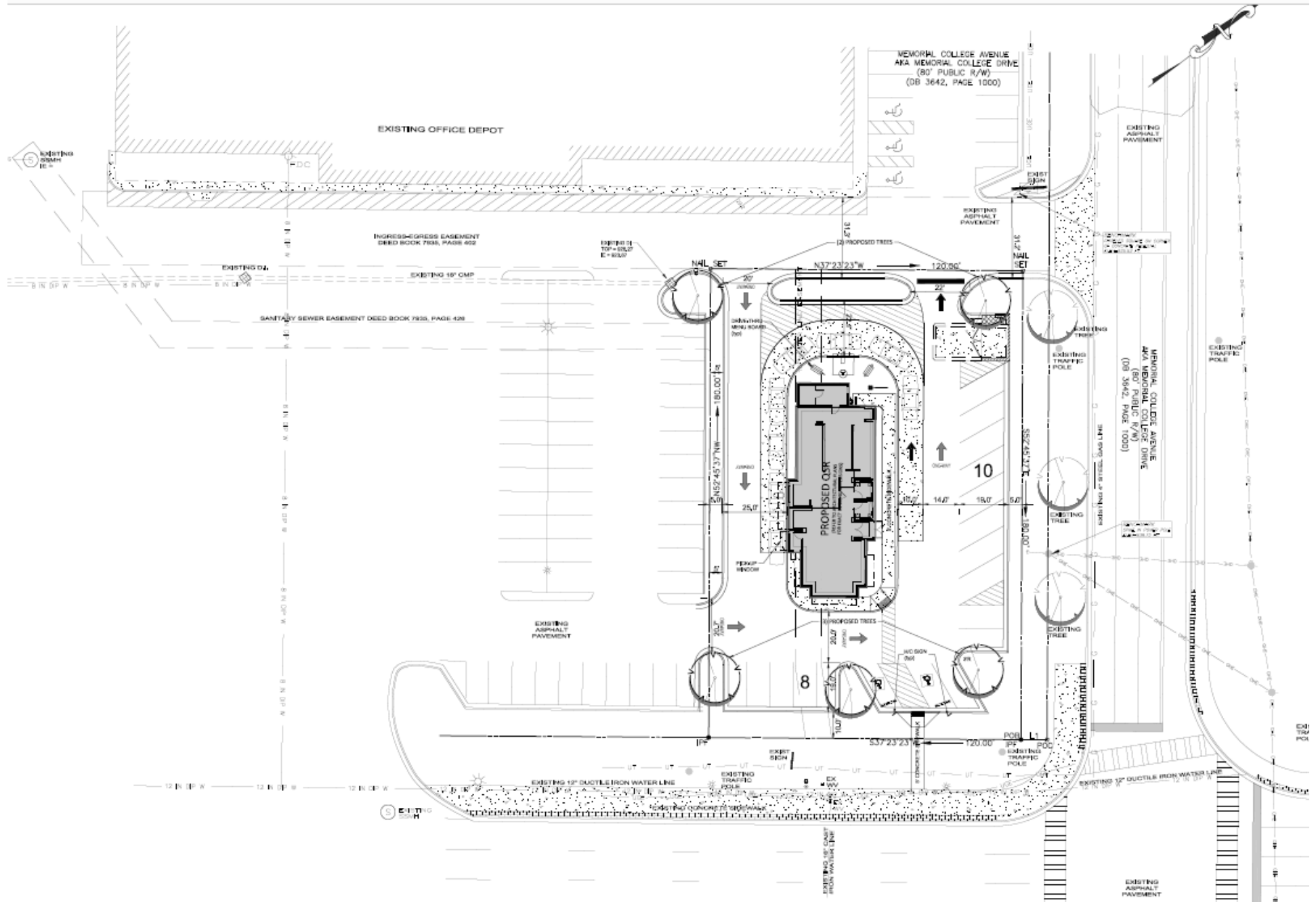
RESPONSE: Yes. The proposed use will fully satisfy the Supplemental Regulations set forth in Section 4.2.13 related to Drive-through facilities. The proposed use fulfills the requirements that would have exempted it from the need for a SLUP if it were not located within the GSU/Georgia Perimeter Neighborhood Center. The property is located within 400 feet of the intersection of a major and minor arterial street and access to the property is only provided through inter-parcel access.

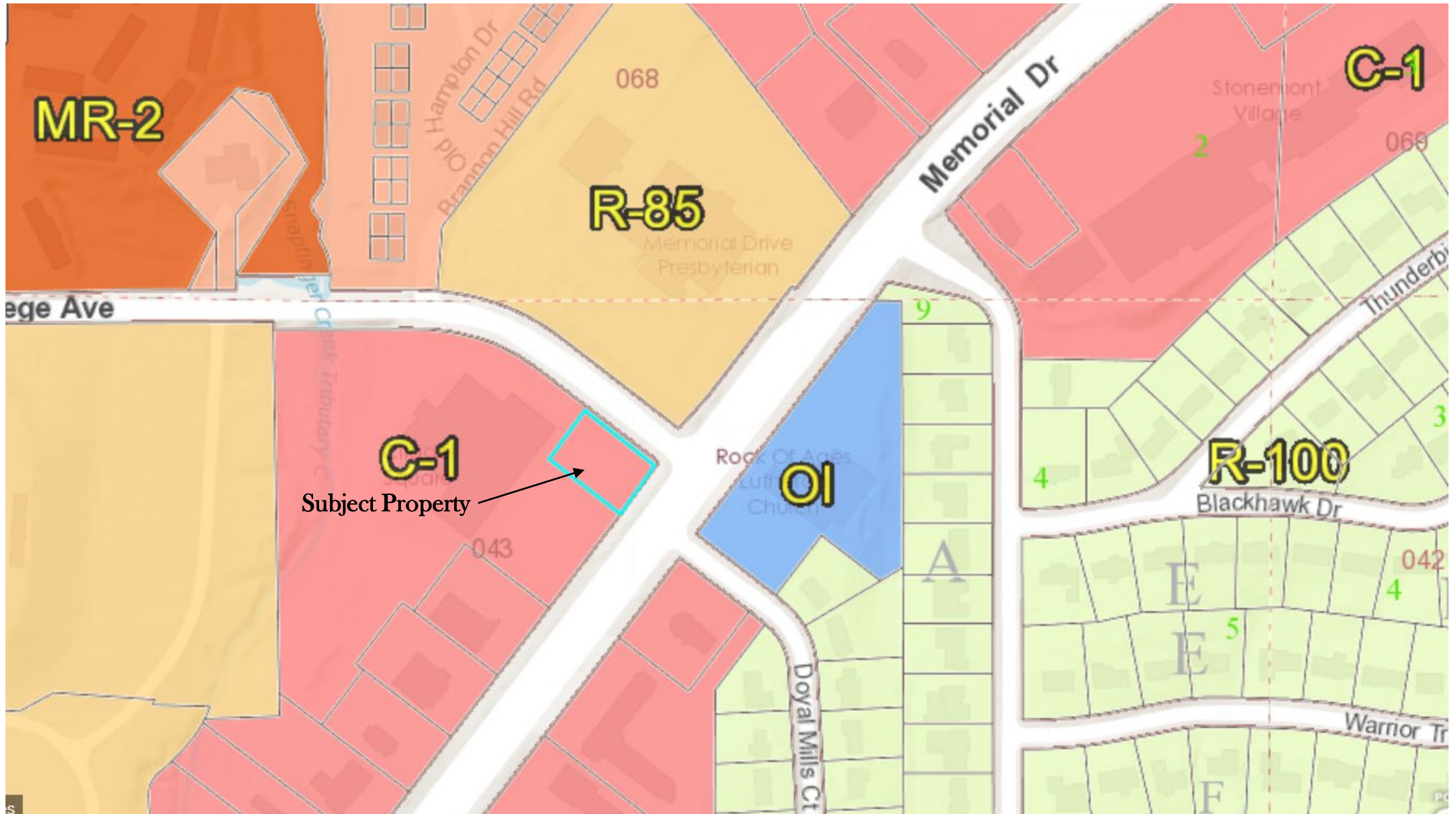
R. Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

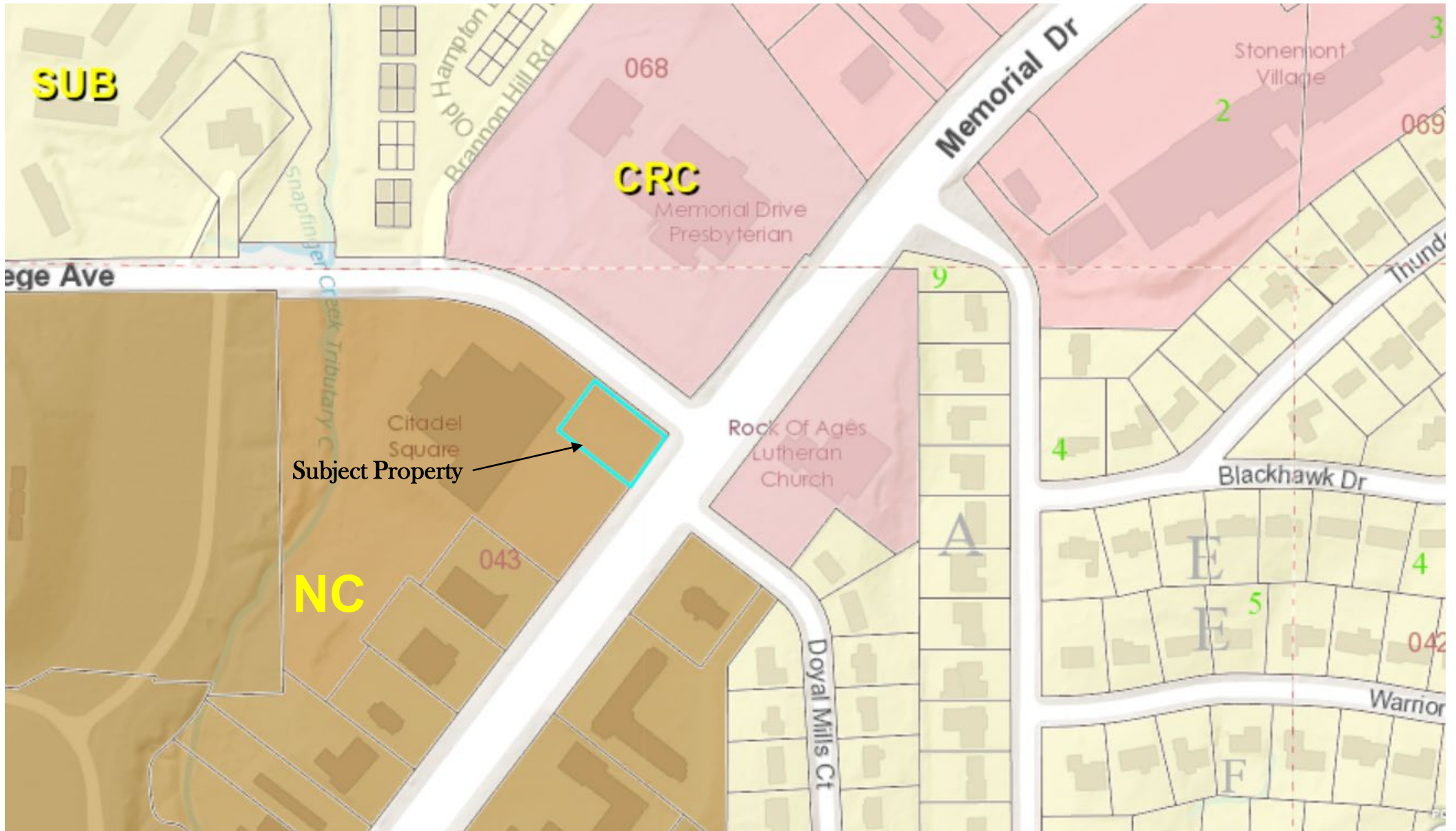
RESPONSE: No. The building will not create negative shadows on the adjoining property.

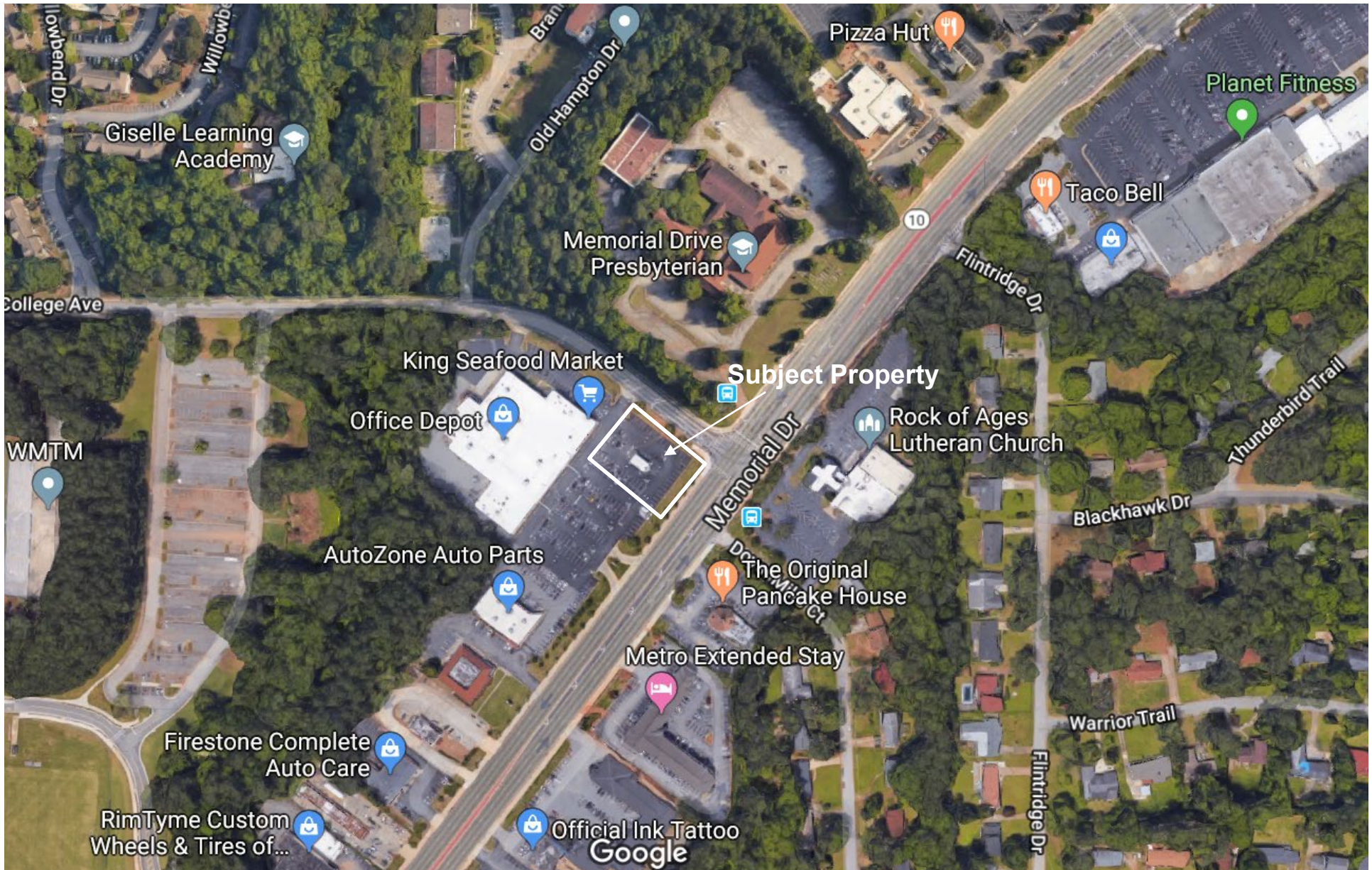
S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole be compatible with the neighborhood and would not be in conflict with the overall objectives of the comprehensive plan.

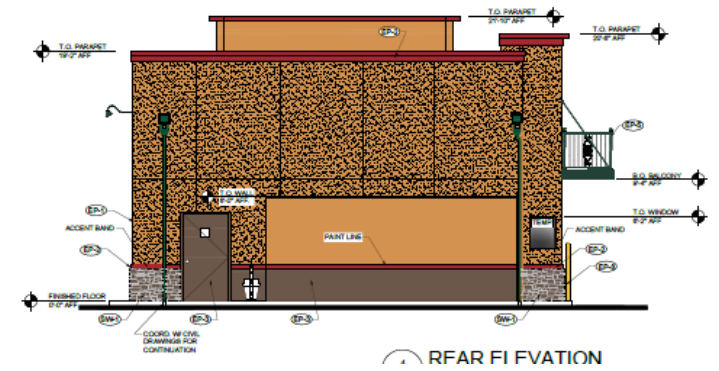
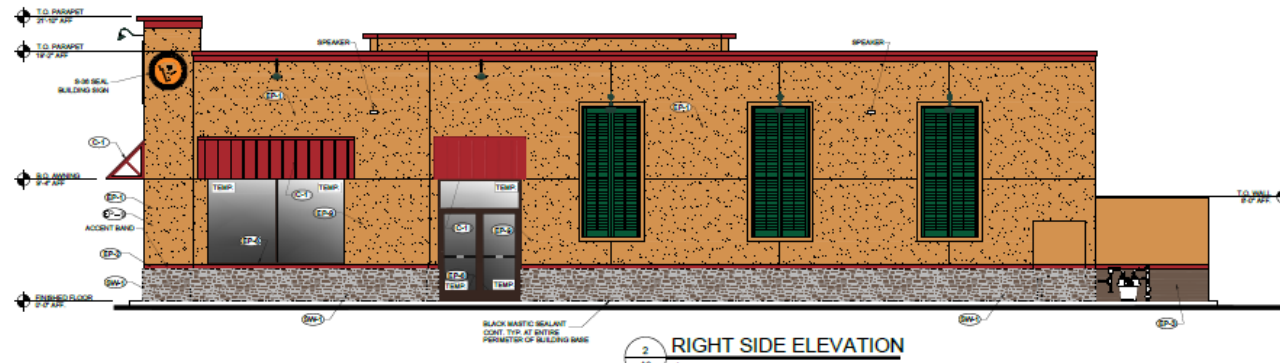
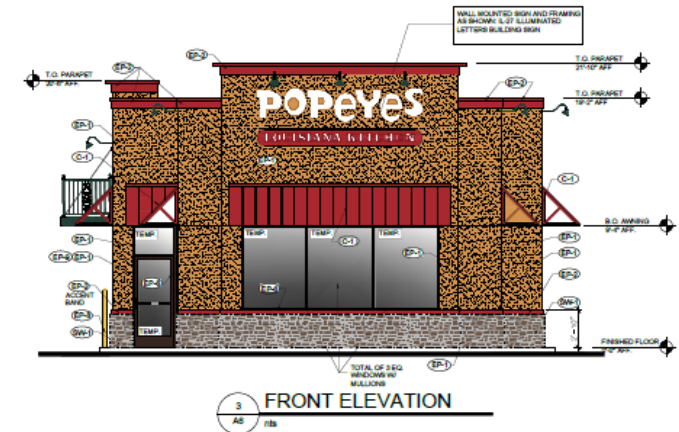
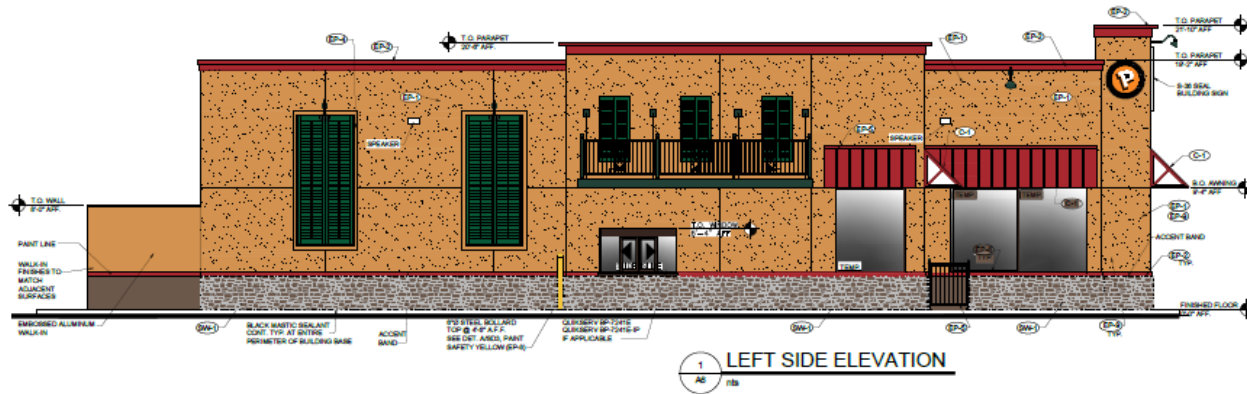
RESPONSE: Yes. The proposed use will result in the removal of the existing Emissions testing facility and replace it with a new restaurant building. The resulting redevelopment will improve the property with updated improvements, including landscaping and streetscaping, that comply with current regulations and will be an improvement over existing conditions. The development is consistent with the objectives of the comprehensive plan.













View facing Memorial Drive



View facing Memorial College Avenue



View at Memorial Drive and Memorial College Avenue