

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

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

Date Received: _____ Application No: _____

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

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







Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Woodland Asset Mgmt Phone: 404-969-9322 Email: mcoutu@woodlawn
Matthew Couto or Scott Pates

Property Address: 5100 Memond Drive

Tax Parcel ID: 18-043-01-026 Comm. District(s): 4,6 Acreage: _____

Existing Use: Emission Station Proposed Use: Pep-eye's Chicken w/ drive thru

Supplemental Regs: _____ Overlay District: NA DRI: _____

Rezoning: Yes _____ No X

Existing Zoning: C-1 Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: fast food drive

Land Use Plan Amendment: Yes _____ No X

Existing Land Use: NC Proposed Land Use: _____ Consistent _____ Inconsistent _____

Special Land Use Permit: Yes X No _____ Article Number(s) 27- _____

Special Land Use Request(s) drive through
transmission... [unclear] ... [unclear]

Major Modification:

Existing Case Number(s): _____ 3510

Condition(s) to be modified:

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

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

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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.

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: 7/1/19

TO WHOM IT MAY CONCERN:

(I), (WE) HRE Citadel Square, LLC (David Moret, Manager)
Name of owners(s) (If more than one owner, attach a separate sheet)

Being (owner) (owners) of the subject property described below or attached hereby delegate authority to

Woodland Asset Management (Matt Coutu) and Scott W. Peters, Schreeder, Wheeler & Flint
Name of Agent or Representative

to file an application on (my), (our) behalf.

HRE Citadel Square, LLC

Michelle McHenry
Notary Public



Notary Public

Notary Public

Notary Public

[Signature]
Owner
By: David Moret
Its: Manager

Owner

Owner

Owner

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?

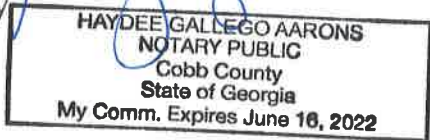
Yes X No _____ *

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Haydee Gallego Aarons
Notary

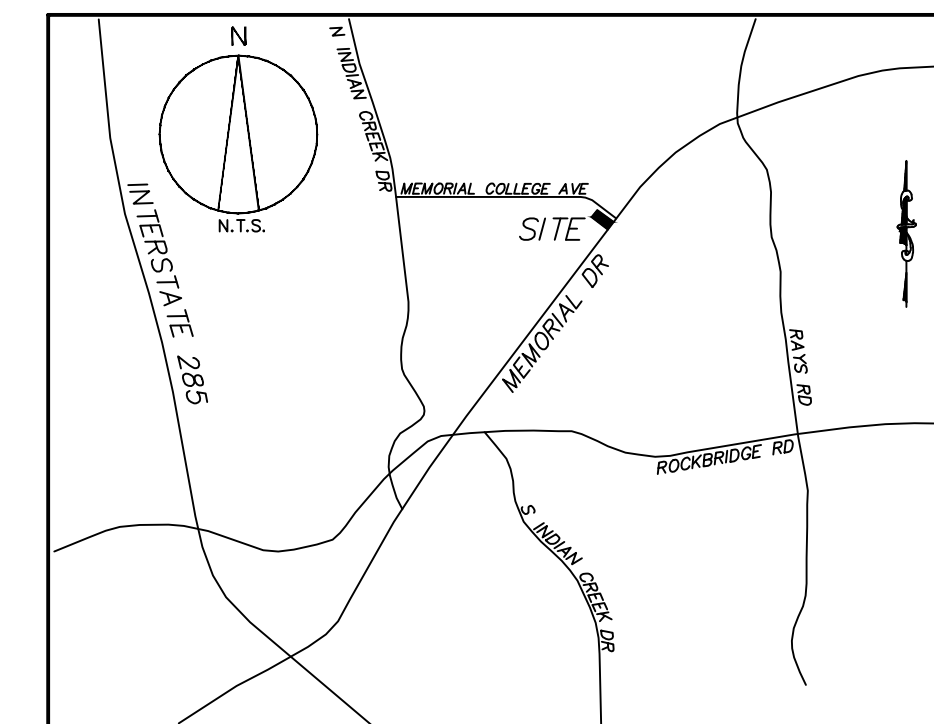
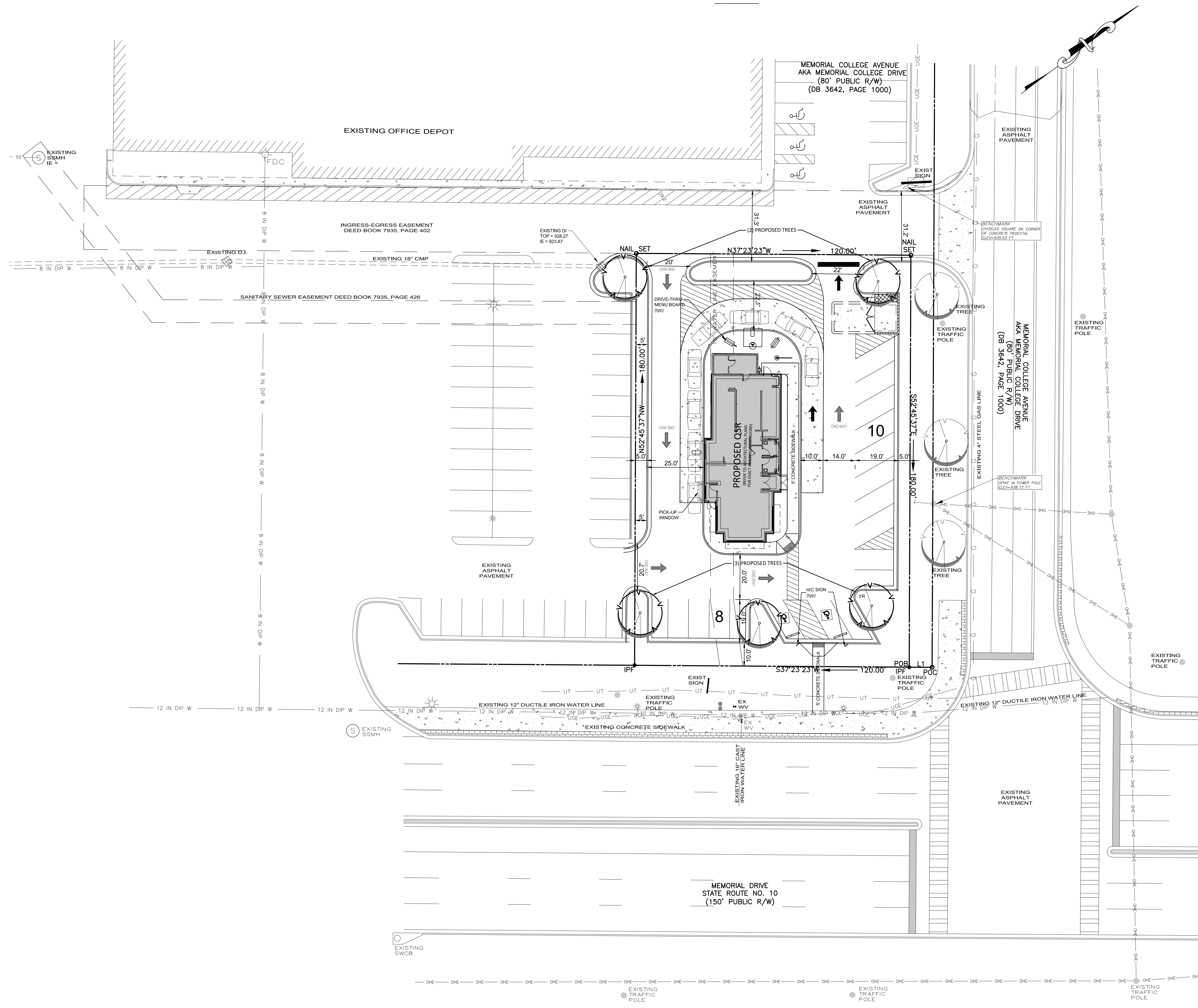


[Signature] 7/3/19
Signature of Applicant /Date

Check one: Owner _____ Agent X

Expiration Date/ Seal

*Notarization is not needed if the response is "No"



LOCATION MAP
SCALE: N.T.S.

PROJECT NOTES:

OWNER / DEVELOPER:
Vila Properties, LLC
5101 Buffington Road
Suite 3466B
Atlanta, GA 30349
Contact: Victor Haydel
Tel: (404) 766-2727 ext. 222

ARCHITECT:
MRP Design Group
3450 Ackworth Due West Road
Building 100, Suite 120
Kennesaw, Georgia 30144
Contact: Ken Dalton
Tel: (770) 917-9172

ENGINEER:
Carter Engineering Consultants, Inc.
3651 Mars Mill Rd, Suite 2000
Walden, GA 30677
Contact: Jeff Carter, P.E.
Tel: (770) 725-1200
jeff@carterengineering.net

Property located at Citadel Square Shopping Center, 5100 Memorial Drive, Stone Mtn., GA 30083
Parcel Number 18 043 01 013
Land Lot 43, District 18
Current Zoning: C-1, Local Commercial
Setbacks: Front 60' Rear 30' Side 20'
Proposed use is a restaurant with drive-thru
Proposed building height is 21' 10"
Boundary and topographical information obtained from field run survey by Land Pro Surveying and Mapping, Woodstock, GA, Dated: March 25, 2019 Phone: (404) 386-2170
Project tract contains 0.496 acres, disturbed area = 0.496 acres.
Contour interval is 1 foot (NAVD 88)
The property shown hereon does not lie within a 100 year flood plain according to Flood Insurance Rate Map #13089C0086J, effective date of May 16, 2013.
The underground utilities shown hereon have been located from field information and existing drawings. The surveyor nor engineer warrants that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor nor engineer warrants that the underground utilities shown are in the exact location indicated. The surveyor nor engineer has physically located all the underground utilities.
It is the responsibility of the contractor to field locate all utilities prior to commencing work and notify engineer if a discrepancy is found.
The contractor shall verify the invert elevations of all existing storm and sanitary sewer structures prior to commencement of storm and sanitary sewer construction.

PARKING DATA

MINIMUM REQUIRED
4 spaces / 1,000 sf of gross floor area
(4 spaces / 1,000 sf) * 2,403 sf = 9.6
10 minimum spaces required

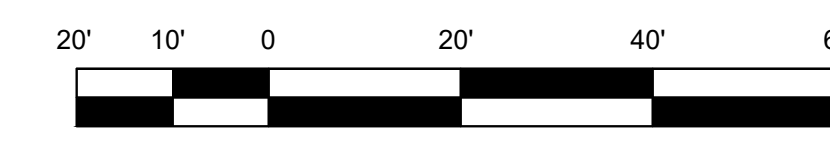
TOTAL PARKING SPACES PROVIDED
16 spaces + 2 handicap spaces =
18 total spaces provided

SITE DATA:

SITE AREA = 0.496 AC
EXISTING IMPERVIOUS AREA = 0.470 AC
EXISTING IMPERVIOUS COVERAGE = 94.8 %
PROPOSED DISTURBED AREA = 0.496 AC
PROPOSED IMPERVIOUS AREA = 0.396 AC
PROPOSED IMPERVIOUS COVERAGE = 79.8 %
PROPOSED OPEN SPACE = 0.100 AC
PROPOSED OPEN SPACE COVERAGE = 20.2 %
PROPOSED BUILDING AREA = 2,403 S.F.

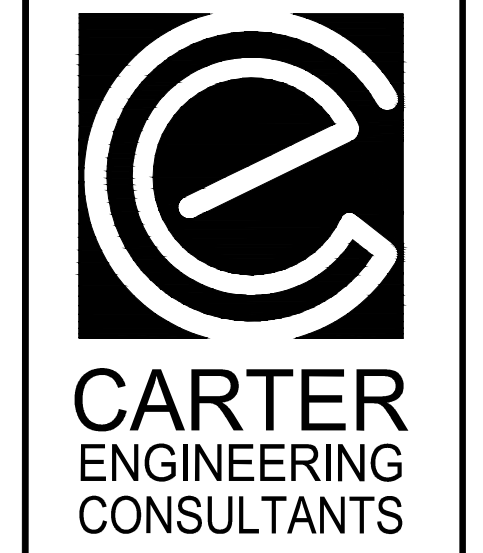
LANDSCAPE CALCULATIONS:

A MINIMUM OF ONE TREE PER 8 PARKING SPACES
18 SPACES PROVIDED / 8 SPACES = 2.25
= 3 REQUIRED TREES
5 TOTAL TREES PROVIDED



GRAPHIC SCALE
SCALE 1" = 20'

REVISION BLOCK #	DATE	DESCRIPTION



Carter Engineering Consultants, Inc.
1551 Jennings Mill Rd
Building 500, Suite B
Bogart, GA 30602
P: 706.559.7430
F: 706.559.7435
www.carterengineering.net

SITE DEVELOPMENT PLANS
for
MRP DESIGN GROUP
5100 MEMORIAL DRIVE, LAND LOT 43 DISTRICT 18, DEKALB COUNTY, GEORGIA

PROJECT NAME:

SHEET TITLE:
SITE PLAN

SHEET NUMBER:

PROJECT NUMBER:
18026MRP

DATE:
4/22/19

TRACT B

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 43, DISTRICT 18, DEKALB COUNTY, GEORGIA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT OF WAY OF MEMORIAL DRIVE (STATE ROUTE 10, 150' R/W) WITH THE SOUTHWESTERLY RIGHT OF WAY OF MEMORIAL COLLEGE AVENUE (A.K.A. MEMORIAL COLLEGE DRIVE, 80' R/W); THENCE TRAVELING ALONG THE NORTHWESTERLY RIGHT OF WAY OF MEMORIAL DRIVE SOUTH 37 DEGREES 23 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 10.00 FEET TO A 1/2" REBAR FOUND, SAID POINT BEING THE TRUE POINT OF BEGINNING.

THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 37 DEGREES 23 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 120.00 FEET TO A 1/2" REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY NORTH 52 DEGREES 45 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 180.00 FEET TO A POINT; THENCE NORTH 37 DEGREES 23 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 120.00 FEET TO A POINT; THENCE SOUTH 52 DEGREES 45 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 180.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 0.496 ACRES AND IS DEPICTED ON THAT CERTAIN ALTA/NSPS PLAT OF SURVEY PREPARED BY LANDPRO SURVEYING AND MAPPING, INC., SEALED AND CERTIFIED BY JAMES H. RADER, GRLS NO. 3033, DATED DECEMBER 1, 2016.