

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: September 7, 2017, 6:30 P.M.
Board of Commissioners Hearing Date: September 26, 2017, 6:30 P.M.**

STAFF ANALYSIS

Case No.:	SLUP-17-21696	Agenda #: N-8
Location/ Address:	1026 Holcombe Road, Decatur, GA.	Commission District: 5 Super District: 7
Parcel ID:	15 228 08 006	
Request:	For a Special Land Use Permit (SLUP) to allow a package store (retail liquor sales Alcohol Outlet) to operate within a 1,880 square foot suite (Suite A-1) of a 5,100 square foot multi-tenant building in the C-1 (Local Commercial) district in accordance with Chapter 27-Article 4.1 Use Table and Article 4.2.8 of the DeKalb County Code.	
Property Owner:	Ramani Reddy Bathini	
Applicant/Agent:	Frank Redding	
Acreage:	.65	
Existing Land Use:	Vacant Suite within multi-tenant commercial building	
Surrounding Properties:	Exxon gas station and retail uses to the south; Interstate 285 to the east; vacant land to the north; and single-family attached townhomes to the west across Holcombe Road.	
Adjacent Zoning:	North: C-1 South: C-2 East: Interstate 285 West: MR-2	
Comprehensive Plan:	TC	Consistent <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/>
Proposed Density: NA	Existing Density: NA	
Proposed Units/Square Ft.: 1,880 s.f. Alcohol Outlet within existing building	Existing Units/Square Feet: 1,880 sf vacant suite within 5,100 s.f. multi-tenant Building	
Proposed Lot Coverage: NA	Existing Lot Coverage: NA	

ZONING HISTORY

On May 23rd, 1989, the Board of Commissioners approved a rezoning from R-75 (Single-Family Residential) to C-1 (Local Commercial) with the condition that there be only one point of access as approved by the Department of Public Works. The property has been zoned C-1 since that time.

PROJECT ANALYSIS

The property is currently developed with a 5,100 square foot multi-tenant building containing an existing alcohol outlet (Food Mart), a mentoring and coaching non-profit (Men and Women for Human Excellence), and several vacant suites. The new SLUP 6 ordinance that was approved by the Board of Commissioners on May 23, 2017 requires that any proposed package store be located at least 1,000 feet away from an existing package store or alcohol outlet. However, the proposed alcohol outlet does not comply with this new ordinance as it would be located in Suite A-1 next door to the existing convenience store alcohol outlet for beer and wine sales.

The project is currently accessed via one driveway off Holcombe Road, and adjoins Interstate 285. Topography of the project site is flat. The property is surrounded by an Exxon gas station and retail uses to the south; Interstate 285 to the east; vacant land to the north; and single-family attached townhomes to the west across Holcombe Road.

IMPACT ANALYSIS

Section 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:

Based on the submitted information as well as field investigation of the project site, it appears that the size of the property is adequate for the proposed alcohol outlet within the existing multi-tenant building. It cannot be determined if the site complies with the minimum parking requirements (15 parking spaces for the entire 5,100 square foot building) since the site plan nor field investigation of the project site revealed any striped parking spaces. However, it appears there is compliance with all other zoning requirements. Therefore, it appears that there is adequate land area available for the proposed use as there is compliance with all other required yards, lot area, lot width, and other applicable requirements of the Zoning Ordinance.

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

New supplemental regulations for package stores/alcohol outlets were adopted by the Board of Commissioners on May 23, 2017 which required that new package stores must be located at least 1,000 feet away from existing package stores and alcohol outlets. These new requirements were adopted based on local studies that had shown that the concentration of certain land uses in DeKalb County were associated with increased crime and increased likelihood of business failure, which lead to abandoned property and diminished aesthetic and commercial appeal. The proposed package store will be located next door to the existing Food Mart alcohol outlet and does not comply with these supplemental regulations. Since the proposed use does not comply with the 1,000 foot separation standard designed to minimize the concentration of alcohol sales in DeKalb County, the proposed use would not be compatible with adjacent and surrounding properties.

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

Based on the submitted information, it appears that public transportation facilities are adequate to service the use contemplated. There will be no impact on schools since the proposed use is nonresidential. There is no burdensome impact anticipated on public utilities since the proposed use will be located in an established commercial building.

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:

Based on the submitted site plan and information, as well as field investigation of the project site, the public street on which the proposed use is to be located is adequate and will not unduly increase traffic congestion since the alcohol outlet will be located in an established commercial building, and accesses a two-lane minor arterial road (Holcombe Road) with a right turn lane.

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:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the existing land uses located along access routes to the site would not be adversely affected by the character of the vehicles or the volume of traffic generated since the proposed use will be located within an established commercial building along a two-lane minor arterial road (Holcombe Road) with a right turn lane.

F. 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:

Based on the submitted concept plan, it appears that there is adequate ingress and egress to the subject property and the existing building.

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:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the proposed use would not create adverse impacts upon adjoining land uses by reason of noise, smoke, odor, dust, or vibration since the proposed use is compatible with the commercial uses along this stretch of Holcombe Road, and the site is bordered by Interstate 285 to the east. Additionally, the site has access to a two-lane minor arterial road (Holcombe Road) with a right turn lane.

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:

Based on the submitted information and elevations, it appears that the proposed use would not create adverse impacts on the adjoining land use by reason of the hours of operation since the proposed hours are typical retail business hours.

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

See criteria "H".

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

While it cannot be determined if the site complies with the minimum parking requirements (15 parking spaces for the entire 5,100 square foot building) since the site plan nor field investigation of the project site revealed any striped parking spaces, it appears there is compliance with all other zoning requirements. Therefore, it appears that there is adequate land area available for the proposed use as there is compliance with all other required yards, lot area, lot width, and other applicable requirements of the Zoning Ordinance.

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

It appears the proposed alcohol outlet is consistent with the following policy and strategy of the Town Center (TC) Character Area of the DeKalb County Comprehensive Plan: 1) Each Town Center shall include a high density mix of retail, office, services, and employment to serve several neighborhoods.

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

No transitional buffers are required since the site does not abut residential zoning.

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

Based on the submitted information, refuse and service areas appear to be ample and adequate since the proposed use is located within an established commercial building.

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

The proposed use will be located in an established commercial building which is permanent in nature.

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:

Based on the submitted plan and information, the proposed use will be located in an established commercial building. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

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

Based on the submitted site plan and information, as well as field investigation of the project site, it does not appear that the proposed plan would adversely affect historic buildings, sites, districts, or archaeological resources.

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

New supplemental regulations for package stores/alcohol outlets were adopted by the Board of Commissioners on May 23, 2017 which required that new package stores must be located at least 1,000 feet away from existing package stores and alcohol outlets. These new requirements were adopted based on local studies that had shown that the concentration of certain land uses in DeKalb County were associated with increased crime and increased likelihood of business failure, which lead to abandoned property and diminished aesthetic and commercial appeal. The proposed package store will be located next door to the existing Food Mart alcohol outlet and does not comply with these supplemental regulations.

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

Based on the submitted plan and information, as well as field investigation of the project site, the proposed use would be located within an established one story commercial building which should not create a negative shadow impact on any adjoining lot or building.

S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:

The proposed package store would be located next door to an existing alcohol outlet.

T. 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:

Based on the submitted information, it appears that the proposed alcohol outlet is not consistent with the needs of the neighborhood. New supplemental regulations for package stores/alcohol outlets were adopted by the Board of Commissioners on May 23, 2017 which required that new package stores must be located at least 1,000 feet away from existing package stores and alcohol outlets. These new requirements were adopted based on local studies that had shown that the concentration of certain land uses in DeKalb County were associated with increased crime and increased likelihood of business failure, which lead to abandoned property and diminished aesthetic and commercial appeal. Since the proposed use does not comply with the 1,000 foot separation standard designed to minimize the concentration of package stores in DeKalb County due to increased crime and increased probability of business failures, it appears that the proposed use would not be compatible with adjacent and surrounding properties.

It appears the proposed alcohol outlet is consistent with the following policy and strategy of the Town Center (TC) Character Area of the DeKalb County Comprehensive Plan: 1) Each Town Center shall include a high density mix of retail, office, services, and employment to serve several neighborhoods.

COMPLIANCE WITH DISTRICT STANDARDS:

STANDARD		REQUIREMENT	EXISTING/PROPOSED	COMPLIANCE
LOT WIDTH		100	126	YES
LOT AREA		20,000 SF	28,314 sf	YES
YARD SETBACKS	FRONT	75 feet	80 feet	YES
	CORNER LOT SIDE	NA	NA	NA
	INTERIOR SIDE	20 feet	24 ft (north p/l) 26 ft (south p/l)	YES
	REAR	30 feet	30 feet	YES
BUILDING SPACING		NA	NA	NA
TRANS. BUFFERS		None required-does not abut residential zoning	6 feet (north p/l) 4 to 8 feet (south p/l)	YES
HEIGHT		2 story	1 story	YES
PARKING		15 spaces (Minimum for the entire 5,100 s.f.)	Can't be determined based on site plan; no striped	Can't be determined based

	building)	parking spaces on site based on field investigation	on submitted information.
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Staff Recommendation: DENIAL

This Special Land Use Permit (SLUP) is required since the proposed business qualifies as an alcohol outlet (package store). New supplemental regulations for package stores/alcohol outlets were adopted by the Board of Commissioners on May 23, 2017 which require that new package stores must be located at least 1,000 feet away from existing package stores and alcohol outlets. These new requirements were adopted based on local studies that had shown that the concentration of certain land uses in DeKalb County were associated with increased crime and increased likelihood of business failure, which lead to abandoned property and diminished aesthetic and commercial appeal. The proposed package store will be located next door to the existing Food Mart alcohol outlet and does not comply with these supplemental regulations. Since the proposed use does not comply with the 1,000 foot separation standard designed to minimize the concentration of alcohol sales in DeKalb County, it appears that the proposed use would not be compatible with adjacent and surrounding properties (Section 7.4.6 B & Q). Therefore, it is the recommendation of the Planning & Sustainability Department that the application be, respectfully, "Denied".

Attachments:

1. Public Works Department Comments
 - a. Land Development Division
 - b. Traffic Engineering Division
2. Watershed Management Department Comments
3. Board of Health Comments
4. Board of Education Comments
5. Application
6. Site Plan
7. Zoning Map
8. Aerial Photograph
9. Photographs

NEXT STEPS: *Following an approval of this action, one or several of the following approvals or permits may be required:*

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✓ **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. zoning, site development, watershed and health department standards will be checked for compliance.)*

- ✓ **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **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 a property is located within the Druid Hills Historic District or the Soapstone Geological Historic District. Historic Preservation Committee public hearing may be required.)*
- **Variance or Special Exception** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any minor changes to a site plan or project that has been approved by the Board of Commissioners.)*
- **Major Modification** *(Required if there are any changes to zoning conditions approved by the Board of Commissioner on a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- ✓ **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above require submittal

To
The Department of Planning & Sustainability
DeKalb County, GA.

From
Ramana Reddy Bathini
SLTD Inc.,
1026, Holcomb Rd, Suite A-1,
Decatur, GA 30032.

Dear Sir/Madam,

In June 2016, we submitted a payment along with the Retail Beer, Wine & Liquor License Application to the Dekalb County Business License Department. The payments were in the form of four Money Orders. Two money orders for \$1,000.00 each, one money order for \$749.93 and one money order for \$50.00, for a total amount of \$2,799.93. And also, we were advised that this was the total payment required for the issuance of Retail Liquor License.

After a period of time, we were notified that we had met all the requirements, background checks, etc., and that a Retail Alcohol License would be issued. We were later told at the time of application that a special land use permit is required for the operation of a retail liquor store. During the application process, we were advised by the county staff that the Dekalb Board of Commissioners placed a moratorium on all special land use permits.

We attempted on numerous occasions to complete the requirements for the SLUP, only to be informed by the Dekalb County staff that the Board of Commissioners had extended the moratorium again and again. It is our sincere position and request that a SLUP be issued to SLTD Inc, to operate a retail liquor store at 1026 Holcomb Rd, Suite A-1, Decatur, GA 30032.

To our disappointment and frustration, we have been advised that during the period of moratorium that the Dekalb Board of Commissioners enacted ordinances and policies that could challenge our ability to obtain a SLUP for our intended use.

Throughout this entire process from June 2016 until this present day, the County has and continues to possess those funds given by SLTD Inc., that were paid towards the issuance of the liquor license.

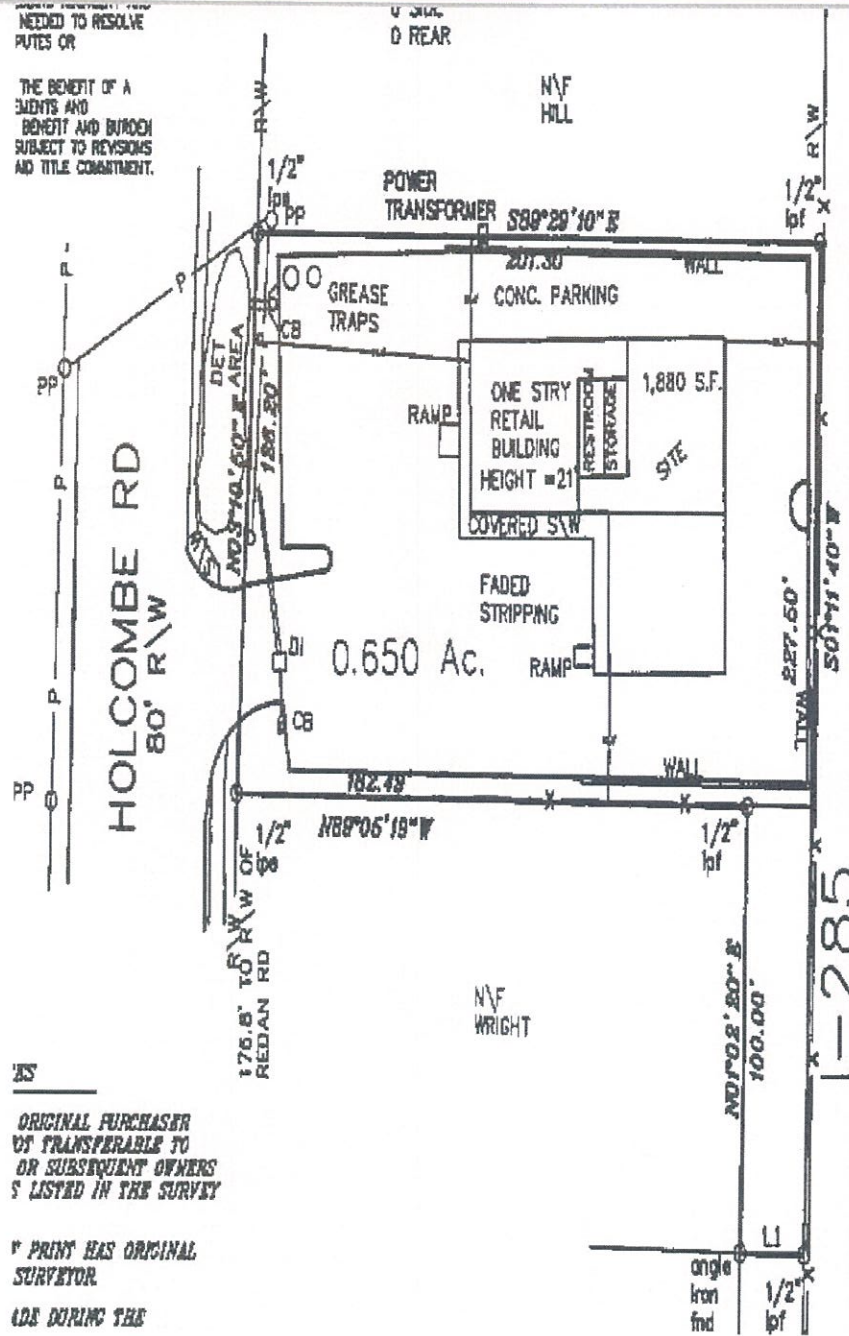
We hereby request that a Special Land Use Permit be granted to SLTD Inc., at 1026, Holcomb Rd, Suite A-1, Decatur, GA 30032 for the operation of retail liquor store, based on the fact that our application and payment of required fees preceded any modifications of the ordinance.

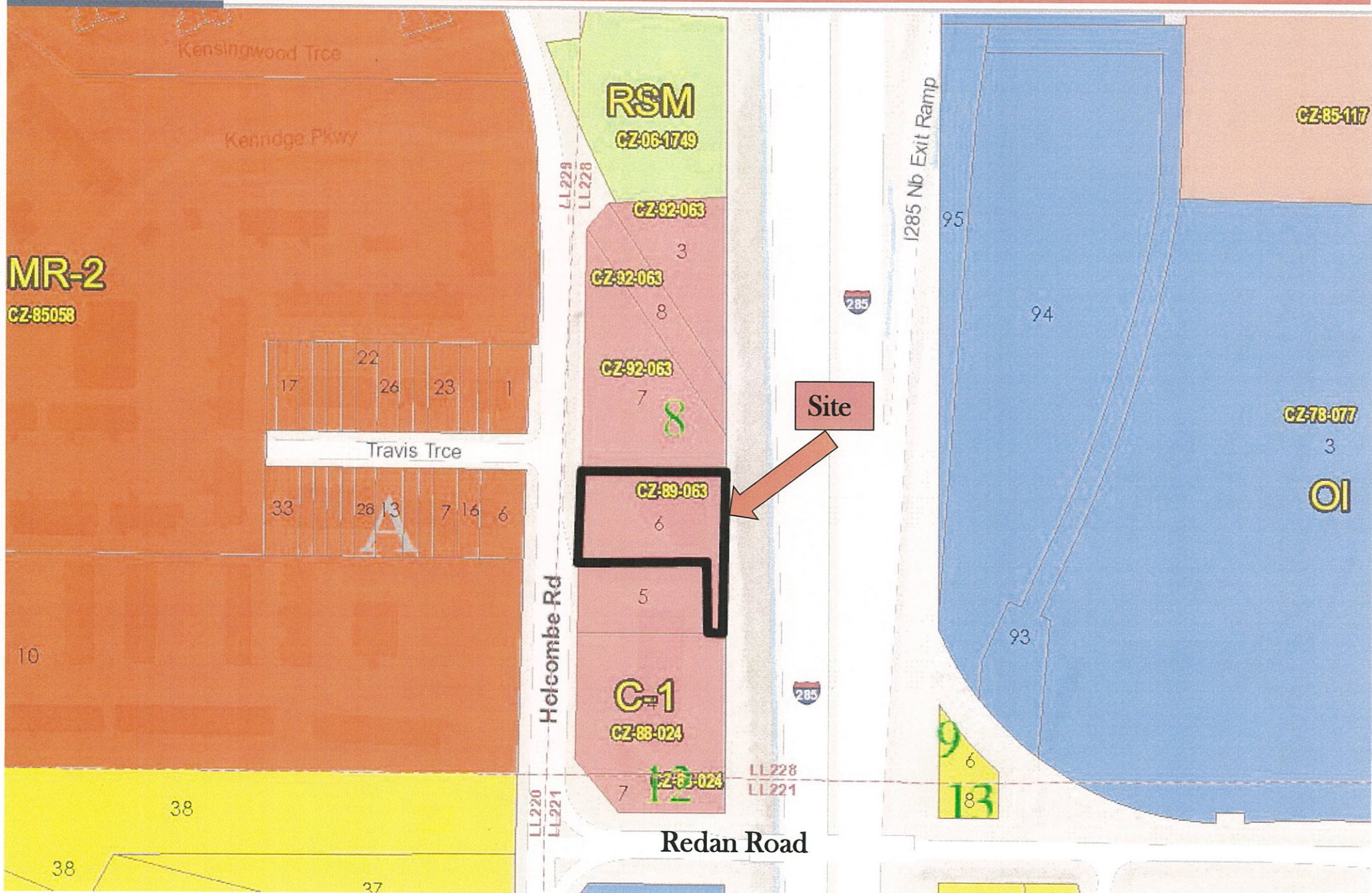
Sincerely

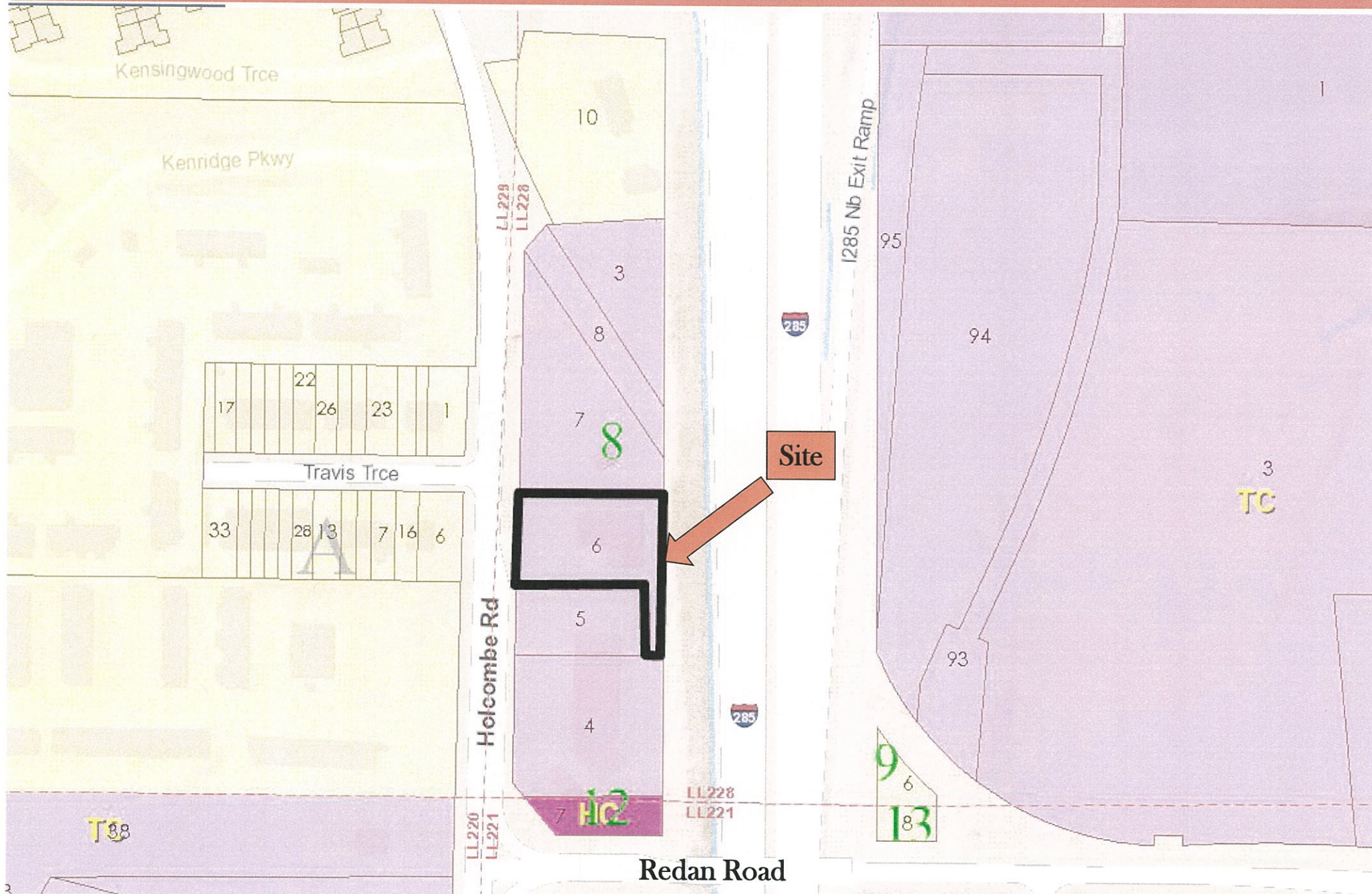


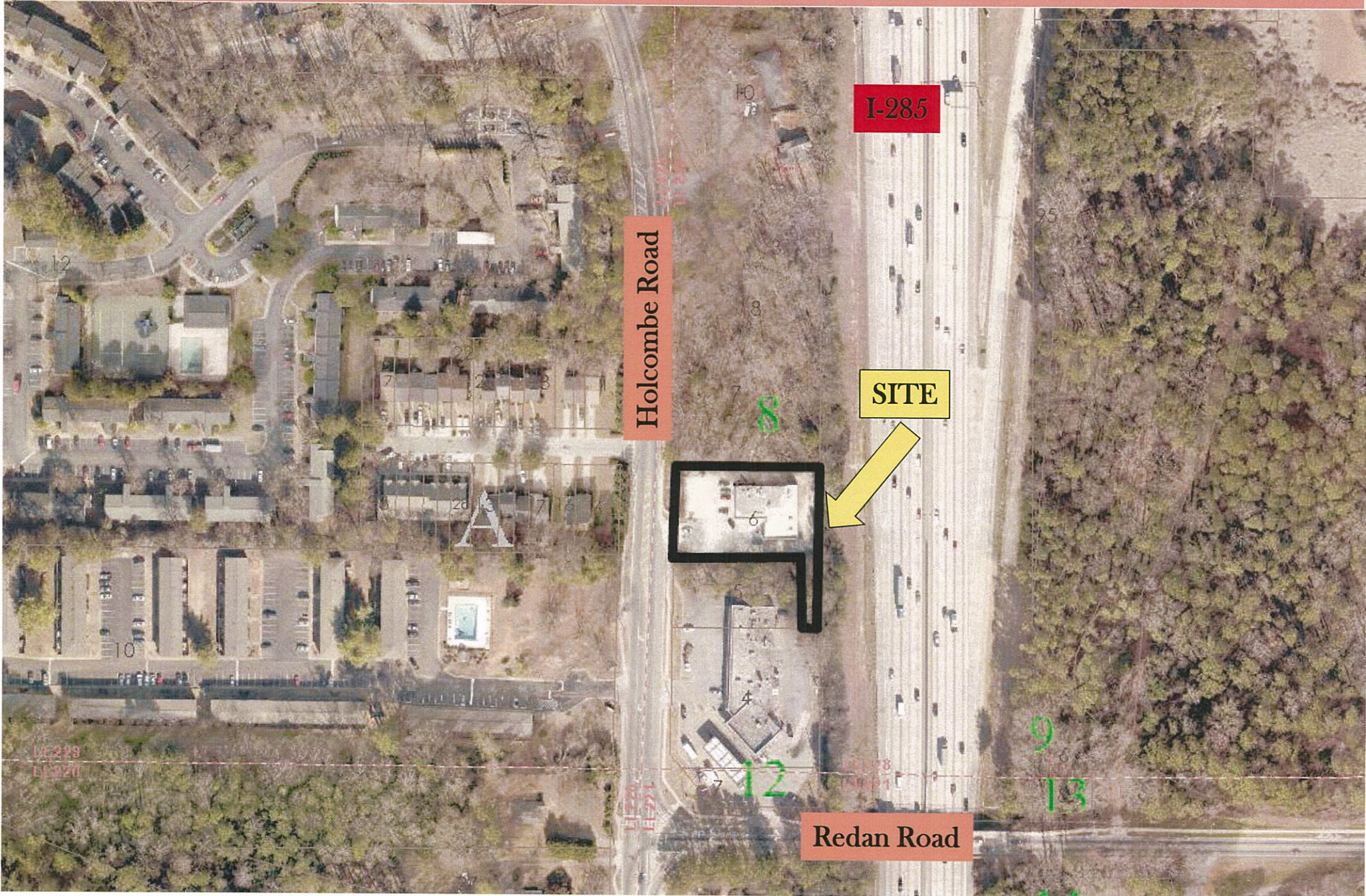
(Ramana Reddy Bathini).

- A. The size of the site is adequate for the intended use of Retail Liquor Store.
- B. Retail Liquor Stores are permitted in the present zoning and the comprehensive land use plan.
- C. My business next door is served by county Sanitation, Water and Sewer.
- D. My intended use will have no negative impact on traffic nor required buffer zones.
- E. My intended use will certainly not impact the environment negatively.
- F. While the access is adequate, I intend to widen the curb cut to provide for easier access.
- G. My intended use will certainly not impact the environment negatively.
- H. The intended use is consistent and compatible with the businesses in the area.
- I. The intended use is consistent and compatible with the businesses in the area.
- J. Retail Liquor Stores are permitted in the present zoning and the comprehensive land use plan.
- K. My intended use will not have a negative impact on the surrounding businesses and communities surrounding the site.
- L. My intended use will have no negative impact on traffic nor required buffer zones.
- M. My business next door is served by county Sanitation, Water and Sewer.
- N. No
- O. N/A
- P. N/A
- Q. N/A
- R. N/A
- S. My intended use will not have a negative impact on the surrounding businesses and communities surrounding the site.
- T. Our proposed use is consistent with the needs of the neighborhood as a whole. It is definitely not in conflict with the overall objectives of the comprehensive plans.







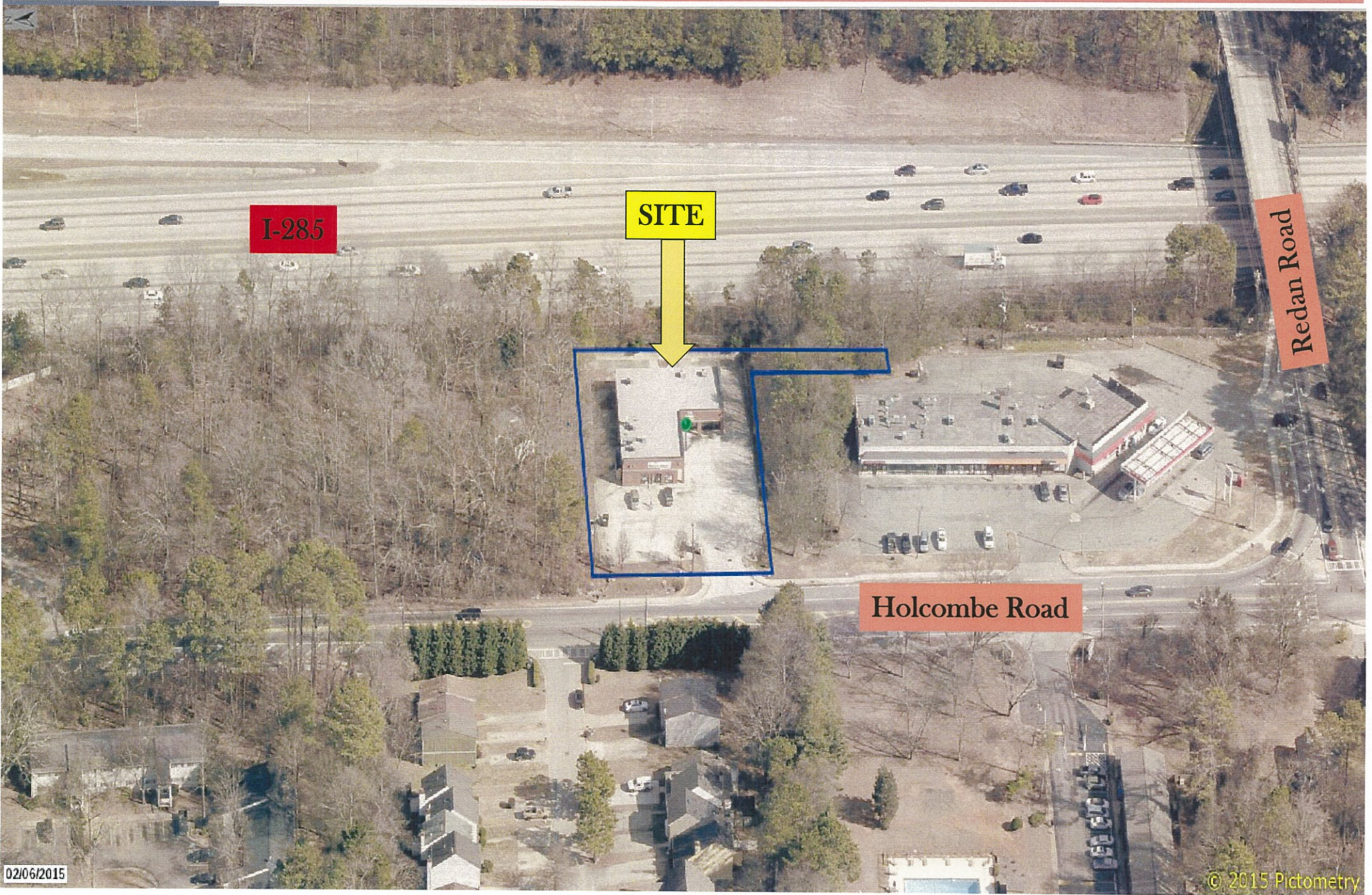


I-285

SITE

Redan Road

Holcombe Road





DeKalb County

404.371.2155 (o)
404.371.4556 (f)
DeKalb County, GA

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

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-17-211096

APPLICANT NAME: RAMANA REDDY BATHINI (S LTD INC.)

Daytime Phone #: 404-386-3358 Fax #: _____

Mailing Address: 1026, Holcomb Rd, Suite A1, Decatur, GA-30032

E-mail: RAMAN19R@gmail.com

OWNER NAME: RAMANA REDDY BATHINI (If more than one owner, attach contact information for each owner)

Daytime Phone #: 404-386-3358 Fax #: _____

Mailing Address: 1026, Holcomb Rd, Suite A-1, Decatur, GA-30032

E-mail: Raman198@gmail.com

SUBJECT PROPERTY ADDRESS OR LOCATION: 1026, Holcomb Rd, Suite A-1, Decatur, DeKalb County, GA, 30032

District(s): 15th Land Lot(s): 228 Block(s): 08 Parcel(s): 006

Acreage or Square Feet: 0.65 Acres Commission District(s): 5 Existing Zoning: C-1

Proposed Special Land Use (SLUP): Alcohol Retail

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

Owner: Agent: _____ Signature of Applicant: [Signature]

Printed Name of Applicant: RAMANA REDDY BATHINI

Notary Signature and Seal:

[Signature]



JUN 30 2017