

## Reid, John

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**From:** charita\_gray <charita\_gray@bellsouth.net>  
**Sent:** Thursday, September 06, 2018 12:45 PM  
**To:** Reid, John  
**Subject:** RE: SLUP 18 1235085--Planning Department Staff Report for Thursday Sept. 6th Planning Commission meeting

Hi John

Hope all is well. At this time I would like to withdraw my application w/o prejudice.

Please confirm receipt.

Thanks  
Charita Gray  
J.R. Crickets North Decatur

Sent from my Sprint Samsung Galaxy Note5.  
Charita Gray

----- Original message -----

**From:** "Reid, John" <[jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov)>  
**Date:** 8/30/18 3:09 PM (GMT-05:00)  
**To:** charita\_gray <[charita\\_gray@bellsouth.net](mailto:charita_gray@bellsouth.net)>  
**Subject:** RE: SLUP 18 1235085--Planning Department Staff Report for Thursday Sept. 6th Planning Commission meeting

Charita,

Attached is the Planning Department Staff Report for your special land use permit application (SLUP 18 1235085) for the Thursday, September 6<sup>th</sup> Planning Commission meeting at 6:30 pm at the Maloof Auditorium. Please attend so you can speak on behalf of your project.

Thanks,

John Reid



# DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / [plandev@dekalbcountyga.gov](mailto:plandev@dekalbcountyga.gov)



Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: September 6, 2018, 6:30 P.M.**  
**Board of Commissioners Hearing Date: September 25, 2018, 6:30 P.M.**

## STAFF ANALYSIS

**Case No.:** SLUP-18-1235085 **Agenda #:** N1

**Location/Address:** 1850 Lawrenceville Highway, Decatur, Georgia **Commission District: 2 Super District: 6**

**Parcel ID:** 18 062 08 075 (Portion of)

**Request:** To request a Special Land Use Permit (SLUP) to extend the operating hours of an existing restaurant (J.R. Crickets) in Suite 700 of a multi-tenant building beyond 12:30 a.m. to operate as a Late Night Establishment within the C-1 (Local Commercial) district in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Article 4.2.32 Supplemental Regulations of the DeKalb County Code.

**Property Owner:** Air Hospitality Group, LLC.

**Applicant/Agent:** JR Crickets North Decatur

**Acreage:** 1

**Existing Land Use:** Restaurant within a multi-tenant commercial building

**Surrounding Properties:** Single-family subdivision (Whelchel Woods) to the west; vacant land to the north across Woodridge Drive; an auto sales lot (Royal Import Auto Sales) to the east across Lawrenceville Highway; and an auto-repair shop (Auto Air Plus) to the south.

**Adjacent Zoning:** North: R-75 South: C-1 East: C-1 West: R-75

**Comprehensive Plan:** Town Center **Consistent**  **Inconsistent**

**Proposed Density:** NA **Existing Density:** NA  
**Proposed Units/Square Ft.:** Extend operating hours beyond 12:30 a.m. as Late Night Establishment **Existing Units/Square Feet:** Restaurant within multi-tenant building  
**Proposed Lot Coverage:** NA **Existing Lot Coverage:** NA

### ZONING HISTORY

The property has been zoned C-1 since the initial adoption of the DeKalb County Zoning Ordinance in 1956.

## PROJECT ANALYSIS

The applicant proposes to extend the operating hours of an existing 4,482 square foot restaurant (JR Crickets) beyond 12:30 a.m. within a 10,877 square foot multi-tenant commercial building beyond 12:30 a.m. as a Late Night Establishment in the C-1 (Local Commercial) zoning district. The applicant wants to operate until 2:00 a.m. on Friday and Saturday. Based on the submitted information, the applicant indicates that "customers have expressed the desire for late night dining for dine-in, and especially for take-out and delivery, particularly area hospital, university, delivery partner customers, and people getting off work". Based on the submitted information, 70% of restaurant sales is for take-out/delivery after 10 to 11 p.m. The applicant indicates that no code enforcement violations have been issued relating to noise, trash, and parking since the restaurant has opened, and that there will be no night-club environment in this family restaurant.

Based on the submitted information, there was a neighborhood meeting on July 3, 2018 in which the following issues were raised (See attached letter dated July 5, 2018):

1. Potential Noise and Trash: *Currently music is kept low to hear the phones and cannot be heard outside the building. The community did express that they cannot hear anything from the business and the parking lot/street has been cleaner since JR Crickets has opened.*
2. Parking: *It was expressed that the extension of hours may cause a parking and spill over issue onto the neighborhood streets. The applicant responded that Café Istanbul has valet parking and they use the adjacent auto mechanic parking lot. Additional parking has been designated for JR Crickets customers only in the plaza. The applicant also indicated that due to take out and delivery the parking turns over quickly.*
3. Crime: *It was expressed that the extension of hours may increase criminal activity. The applicant responded that there is currently a DeKalb County Police Officer in the parking lot on Friday and Saturday nights and that consistent police presence has minimized criminal activity. The applicant further indicated that currently there has been no criminal activity at JR Crickets.*
4. Lighting: *It was expressed by one neighbor that the building safety lights shines into her home. The applicant indicated that she has redirected the light to minimize any shining.*
5. Rodent Control/Management: *It was expressed by a neighbor adjacent to Café Istanbul that there has been an increase in rodent activity. The applicant expressed that she shared the same concern because she did not want to be impacted as well. The applicant indicated that Pest Control had sealed the entire plaza of any opportunities for rodent penetration and had the landlord clean up the back of the building.*
6. Lack of Tree Buffer between the adjacent homes and the shopping center: *The applicant indicated she would speak to the landlord about this issue based on neighborhood concerns.*
7. Use of the "dirt road" behind the shopping center as a cut through: *The applicant indicated that Leigh Hopkins, a Medlock Park resident, was her point of contact on this issue.*

The project is accessed via two driveways off Lawrenceville Highway and no driveway access off of Woodridge Drive. There appears to be ample on-site parking (33 spaces) during the peak late night hours when it appears that the majority of other commercial tenants will be closed. Based on the submitted information, there is one other Late Night Establishment currently operating (Café Istanbul) which requires nine parking spaces by the Zoning Ordinance. That LNE was approved as a grandfathered use since it was established prior to the adoption of the Late Night Ordinance on November 18, 2008, and therefore was not required to obtain a SLUP from the Board of Commissioners. Since the proposed request would require only 15 parking spaces during peak late night hours and there are 33 parking spaces on the project site, there appears to be ample on-site parking during these peak hours.

Topography of the project site is flat. The character of the surrounding area consists of a single-family subdivision to the west (Whelchel Woods); vacant land to the north across Woodridge Drive; an auto sales lot to the east across Lawrenceville Highway (Royal Import Auto Sales) and an auto repair shop (Auto Air Plus) to the south.

## **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 site is not adequate for the use contemplated. The existing non-conforming building and parking lot are not in compliance with the Zoning Code. A 20-foot rear-yard building setback and a 50-foot wide undisturbed buffer are required along the west property line abutting the Whelchel Woods single-family subdivision. However, the building and parking lot area are only 13 feet and 22 feet (south end of parking lot) to 44 feet (north end of parking lot) away (50 feet required) from that residential property line. Therefore, it does not appear that there is adequate land area available for the proposed use since the required building setbacks and transitional buffer are not accommodated.

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

Based on field investigation and the submitted information, it appears that the subject property abuts a single-family neighborhood (Whelchel Woods) to the west. Given the proximity of the proposed Late Night Establishment to the Whelchel Woods subdivision, the extended operating hours of an LNE is not compatible with the that single-family detached subdivision.

- 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 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 Late Night Establishment will be located in an established commercial building and accesses a major arterial road (Lawrenceville Highway).

- 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 minor arterial road (Lawrenceville Highway).

- 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 site plan and information, as well as field investigation of the project site, it appears that ingress and egress to the subject property is adequate since the proposed use will be located in an established commercial building with a curb cut on a major arterial road (Lawrenceville Highway).

**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 field investigation and the submitted information, the subject property is adjacent to single-family homes to the west. It appears that the extended operating hours of an LNE may cause noise and vibration impacts to those single-family homes.

**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:**

See "G" above.

**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:**

See criteria "A". Code.

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

Based on field investigation of the project site, it appears that the size of the site is not adequate for the use contemplated since the existing building and parking lot are too close to the property line of the Whelchel Woods single-family subdivision to the north and are not in compliance with the Zoning Code. The property is located within a Town Center (TC) Character area adjacent to a Suburban (SUB) character area containing a low-density single-family neighborhood. The Land Use policies of the Comprehensive Plan call for development intensity to transition from the most dense in the middle of the TC activity center to less dense at the periphery of the activity center. Additionally, Land Use policies indicate that commercial and office uses that would have a negative or blighting influence on adjacent residential neighborhoods shall not be permitted (Land Use Policy "B *Land Use Compatibility*" and "C *Neighborhood Compatibility*"). Furthermore, the TC character area policies call for greater building setbacks and/or transitional buffers for developments when located adjacent to lower density residential uses (TC Policy #6). There is no land use transition between the adjacent single-family neighborhood and the proposed after-hours LNE, and the request is not providing greater building setbacks and transitional buffers since the site does not meet the minimum transitional buffer and rear building setback requirements of the Zoning Ordinance. Therefore it does not appear that the proposed request is consistent with the land use policies of the TC character area.

**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:**

The parking lot is only 22 to 44 feet from the west property line abutting the Whelchel Woods single-family subdivision and therefore does not comply with the 50 foot transitional buffer requirements of the Zoning Ordinance.

**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:**

If the special land use permit is granted, it should be limited to a duration of two years.

**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:**

There are no new buildings proposed as the request is only to allow the Late Night Establishment to operate within an existing multi-tenant 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:**

Based on the submitted information and information from the Planning and Sustainability Department, the proposed use satisfies the requirements contained in Section 4.2.32 of the Supplemental Regulations for *Late Night Establishments* during peak operating hours (after 12:30 a.m.)

**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:**

There are no new buildings proposed as the request is only to allow an LNE to operate within a vacant suite of an existing commercial building. Therefore, there should not be 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:**

Based on the submitted information, there is one other existing LNE (Café Istanbul) within the vicinity located within the same commercial building as the proposed JR Crickets LNE.

**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 field investigation of the project site, it appears that the size of the site is not adequate for the use contemplated since the existing building and parking lot are too close to the property line of the Whelchel Woods single-family subdivision to the north and are not in compliance with the Zoning Code for transitional buffers and rear building setback. The property is located within a Town Center (TC) Character area adjacent to a Suburban (SUB) character area containing a low-density single-family neighborhood. The Land Use policies of the Comprehensive Plan call for development intensity to transition from the most dense in the middle of the TC activity center to less dense at the periphery of the activity center. Additionally, Land Use policies indicate that commercial and office uses that would have a negative or blighting influence on adjacent residential neighborhoods shall not be permitted. Furthermore, the TC character area policies call for greater building setbacks and/or transitional buffers for developments when located adjacent to lower density residential uses. There is no land use transition between the adjacent single-family neighborhood and the proposed after-hours LNE, and the request is not providing greater building setbacks and transitional buffers since the site does not

meet the minimum transitional buffer and rear building setback requirements of the Zoning Ordinance. Therefore it does not appear that the proposed request is consistent with the land use policies of the TC character area. Given the proximity of the proposed Late Night Establishment to the Whelchel Woods single-family subdivision to the north, it appears that the extended operating hours of a LNE may be incompatible with that residential development.

**COMPLIANCE WITH DISTRICT STANDARDS:**

STANDARD		REQUIREMENT	EXISTING	COMPLIANCE
LOT WIDTH		100 feet	277 feet	Yes
LOT AREA		20,000 square feet	43,560 sf (1 acre)	Yes
YARD SETBACKS	FRONT (Lawrenceville Hwy)	60 feet (max) 20 feet (min)	51 ft	Yes Yes
	SIDE (Woodridge Drive)	30 ft	35 ft	Yes Yes
	INTERIOR SIDE	15 feet	65	Yes
	REAR	20 feet	13 ft (south end of the building)	No (non-conforming building constructed circa 1972)
TRANS. BUFFERS		50 feet (west p/l)	22 feet (south end parking lot) to 44 feet (north end of parking lot)	No (non-conforming building constructed circa 1972)
HEIGHT		2 stories	1 story	Yes
PARKING		22 spaces (Min)  (includes existing and proposed LNE on this property during late night hours)	43 spaces	Yes (Minimum)

**Staff Recommendation: WITHDRAWAL WITHOUT PREJUDICE**

The applicant emailed a request to withdraw without prejudice on September 6, 2018 (See attached). Therefore, I if is the recommendation of the Planning and Sustainability Department that the application be "Withdrawn Without Prejudice".

**Attachments:**

1. Departmental Comments

- a. Land Development Division
  - b. Traffic Engineering Division
  - c. Watershed Management
  - d. Board of Health
2. Application
  3. Site Plan
  4. Zoning Map
  5. Aerial Photograph
  6. Location 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.)*
- **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.)*
- **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**





**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

①

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

**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-18-1235085 Parcel I.D. #: 18-062-08-.075

Address: 1850

LAWRENCEVILLE High, SUITE 700,  
DECATUR, GA

Adjacent Roadway (s):

(classification)	(classification)

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7<sup>TH</sup> 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:

<p><i>PLANS AND field REVIEWED, NO PROBLEM that would INTERFERE with traffic Flow.</i></p>

Signature: *Jerry White*

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

8/24/2018

N.1

SLUP-18-1235085/19 062 08 075

1850 Lawrenceville Highway, Suite 700, Decatur, GA

Amendment

- Please review comments.

N.2

Z-18-1235086/18-159-05-020

2523 Clairmont Road

Amendment

- See review comments.

N.3

2018-2443/Z-18-1235090/18-054-12-001

1325 Emory Road, Atlanta, Ga

Amendment

- Please review comments.

N.4

SLUP-18-1235010/15-122 01 016

2501 Columbia Drive, Decatur, Ga

Amendment

- Please review comments.

8/24/2018

To: Ms. Madolyn Spann, Planning Manager  
Mr. John Reid, Senior Planner  
From: Ryan Cira, Environmental Health Manager  
Cc: Alan Gaines, Technical Services Manager  
Re: Rezone Application Review

**General Comments:**

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

## Reid, John

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**From:** Hill, LaSondra  
**Sent:** Monday, August 20, 2018 7:26 AM  
**To:** Hill, Karen F.; Reid, John; Furman, Melora L.; Brewer, Brian N.; Washington, Larry  
**Cc:** Alexander, Michelle M.; Eisenberg, Marian  
**Subject:** FW: Request for Inter-Departmental Comments

**From:** Keeter, Patrece  
**Sent:** Friday, August 17, 2018 4:41 PM  
**To:** Hill, LaSondra <lahill@dekalbcountyga.gov>  
**Cc:** Alexander, Michelle M. <mmalexander@dekalbcountyga.gov>  
**Subject:** RE: Request for Inter-Departmental Comments

On Case N.10- The access point on Candler Road should be limited to right in-right out.

**From:** Keeter, Patrece  
**Sent:** Monday, August 13, 2018 12:01 PM  
**To:** Hill, LaSondra <lahill@dekalbcountyga.gov>  
**Cc:** Alexander, Michelle M. <mmalexander@dekalbcountyga.gov>  
**Subject:** RE: Request for Inter-Departmental Comments

- ~~X~~ N1. Lawrenceville Hwy is a major arterial on a state route. Dedicate right of way at least 50 from centerline. Install sidewalks along property frontage (ensure sidewalks are within right of way). GDOT review and permits required. Street lights required 1 foot behind sidewalks on right of way.
- N2. Clairmont Road is a major arterial on a state route. Dedicate right of way at least 50 from centerline. GDOT review and permits required.
- N3. Braircliff Road is a minor arterial and state route. GDOT review and permits required. No access allowed onto Braircliff Road.
- N4. No Comments.
- N5. No Comments.
- N6. No Comments.
- N7. No Comments.
- N8 & N9. Columbia Drive is a minor arterial. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) 40 foot right of way dedication from centerline. 6 foot sidewalks, 4 foot bike lanes. Street lights behind the sidewalk within right of way. As shown in the application, interior roads must be private.
- N10. Candler Road is a major arterial and a state route. GDOT review and permits required. Kelly Lake Road is a local road. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) Right of way dedication of 50 from centerline on Candler Road, 6 foot sidewalks. Right of way dedication on Kelly Lake Road 27.5 feet from centerline, 5 foot sidewalks. Extend sidewalks along Kelly Lake Road within existing right of way to Candler Road. Street Lights required on back of sidewalk within right of way along both frontages. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of



## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

### DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. The site is a stormwater hotspot.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

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

- **Tributary Buffer**

State water and consequently, State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

- **Retaining Wall**

Any proposed retaining wall must comply with DeKalb County Code of Ordinances Chapter 27-5.4.7

July 5, 2018



Dekalb County Department of Planning and Sustainability  
330 W. Ponce De Leon Avenue  
Decatur, GA 30030

**RE: J.R. Crickets North Decatur SLUP to extend hours to 2:00 am Friday and Saturday**

To whom it may concern:

My name is Charita Gray, owner and operator of J.R. Crickets North Decatur located at 1850 Lawrenceville Hwy, Decatur 30033. I am respectfully asking DeKalb County Planning and Board of Commissioners to approve the extension of restaurant hours to 2:00 am on Friday and Saturday. The property is currently zoned C-1.

**Background & Proposal**

J.R. Crickets North Decatur (JRCND) opened October 2017. JRCND is a family friendly, neighborhood restaurant that serves the DeKalb community. I operate a professional establishment and support the community through Medlock Park athletic and school sponsorships. Furthermore over 75% of employees live in DeKalb County. I am very much aware of impacts to neighborhoods as a result of a commercial establishment so I make every effort available to minimize and or correct any impacts to the adjacent residents. Since opening I have not received any code enforcement violations relating to noise, trash, parking etc.

**Proposal**

Approximately 50% of restaurant sales is take-out /delivery and increases to 70% after 10-11pm. Our customers have expressed the desire for late night dining for dine-in and especially for take-out and delivery (particularly area hospital, university, delivery partner customers and people getting off of work). I want to stress that JRCND is a family restaurant and does not and will not have a night club environment. Due to the professional way I run my business demonstrated by a strong repeat customer base, (clean, respectful, mellow music) , I am confident that Increasing the hours for an additional 1.5 hours on Friday and Saturday night will not adversely impact the neighborhood.

**Neighborhood Concerns**

On July 3, a community meeting was held and below are a list of concerns and responses.

**Potential Noise and Trash** Currently JRCND music is kept low (to hear the phones) and cannot be heard outside the building. The community did express that they can not hear anything from the business and the parking lot /street has been cleaner since JRCND has opened. Furthermore I frequently monitor the entire plaza and have asked the Landlord to clean the back of the building (non JRCND area).

**Parking** It was expressed that the extension of hours may cause a parking and spill over issue onto the neighborhood streets. I responded that the Café Istanbul has valet parking and they use the adjacent auto mechanic parking lot. Additional parking has been designated for JRCND only in the plaza. I

expressed to the neighborhood that due to take-out and delivery the parking turns over quickly. Although the parking lot is tight, we currently do not have customers parking on street even on very busy nights. Most of our customers are regulars and have figured out the parking situation.

**Crime** It was expressed that the extension of hours may increase criminal activity. I responded that there is currently a DeKalb County Police officer in the parking lot on Friday and Saturday nights and that consistent police presence has minimize criminal activity. Currently, there has been no criminal activity at JRCND.

**Lighting** It was expressed by one neighbor in particular that the building safety lights shines into her home. I have since redirected the light to minimize any shining.

**Rodent Control/Management** It was expressed by a neighbor adjacent to Café Istanbul that there is been an increase in rodent activity. I expressed to the neighbor that I too share the concern because I do not want to be impacted as well. I told her I was aware of this and had Pest Control to seal the entire plaza of any opportunities for rodent penetration, had the landlord clean up the back of the building and I had my Pest Control place additional black boxes along the entire plaza. I informed the residents I will continue to monitor the issue.

The community expressed two issues, that as a tenant I can not directly solve, but indicated I would speak with the Landlord about- 1) lack of a tree buffer between the adjacent homes and the plaza and 2) use of the "dirt road" behind the plaza as a cut through. Leigh Hopkins, a Medlock Park resident, is my point of contact to follow up with the neighborhood on these two issues.

#### **Closing**

I reassured the neighborhood that I take a proactive approach in resolving issues before they become a problem and asked them to also be the eyes and ears to keep me and my establishment accountable. It is my goal and commitment to ensure the quality of life is not adversely impacted by my restaurant whether or not the proposed hours is approved and as a new member of the community I will diligently work with the neighborhood to address any existing or future concerns.

Again in addressing the neighborhood concerns and working with the neighborhood now and in the future, I respectfully ask for the approval of the restaurant hours until 2:00 am Friday and Saturday.

Sincerely



Charita Gray, Owner

J.R. Crickets North Decatur

404-456-9005



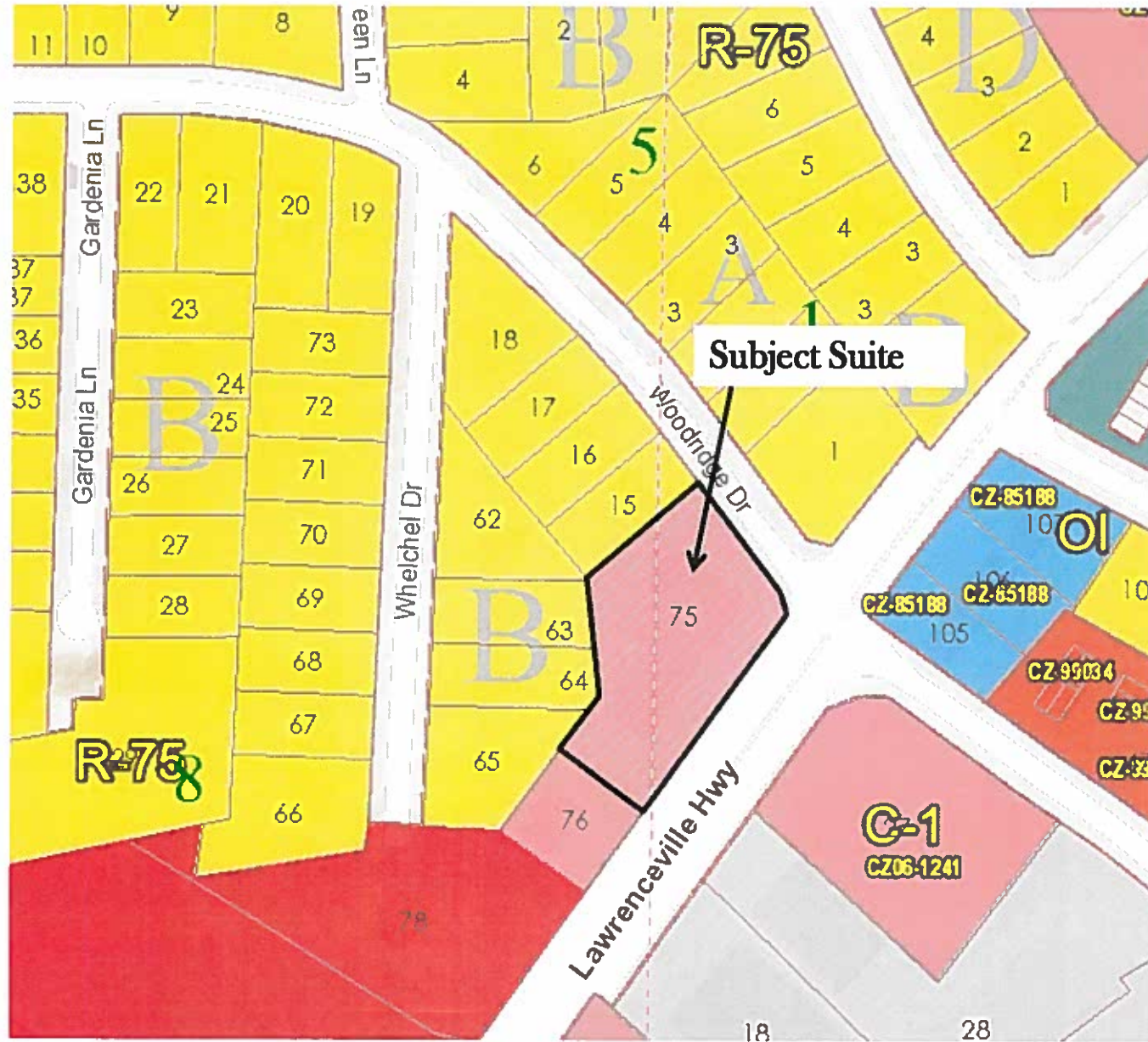
J.R. Crickets North Decatur

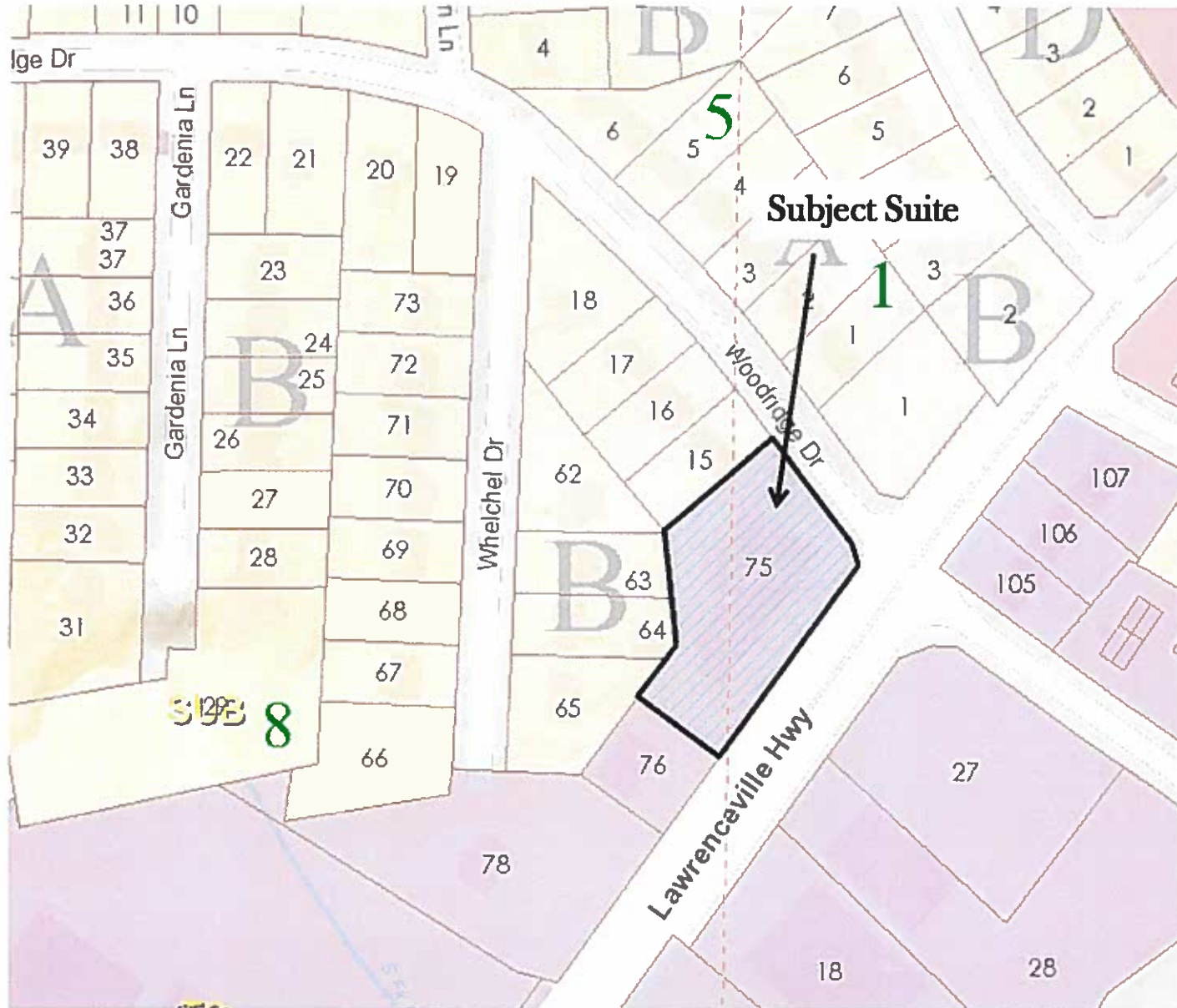
1850 Lawrenceville Hwy Ste 700

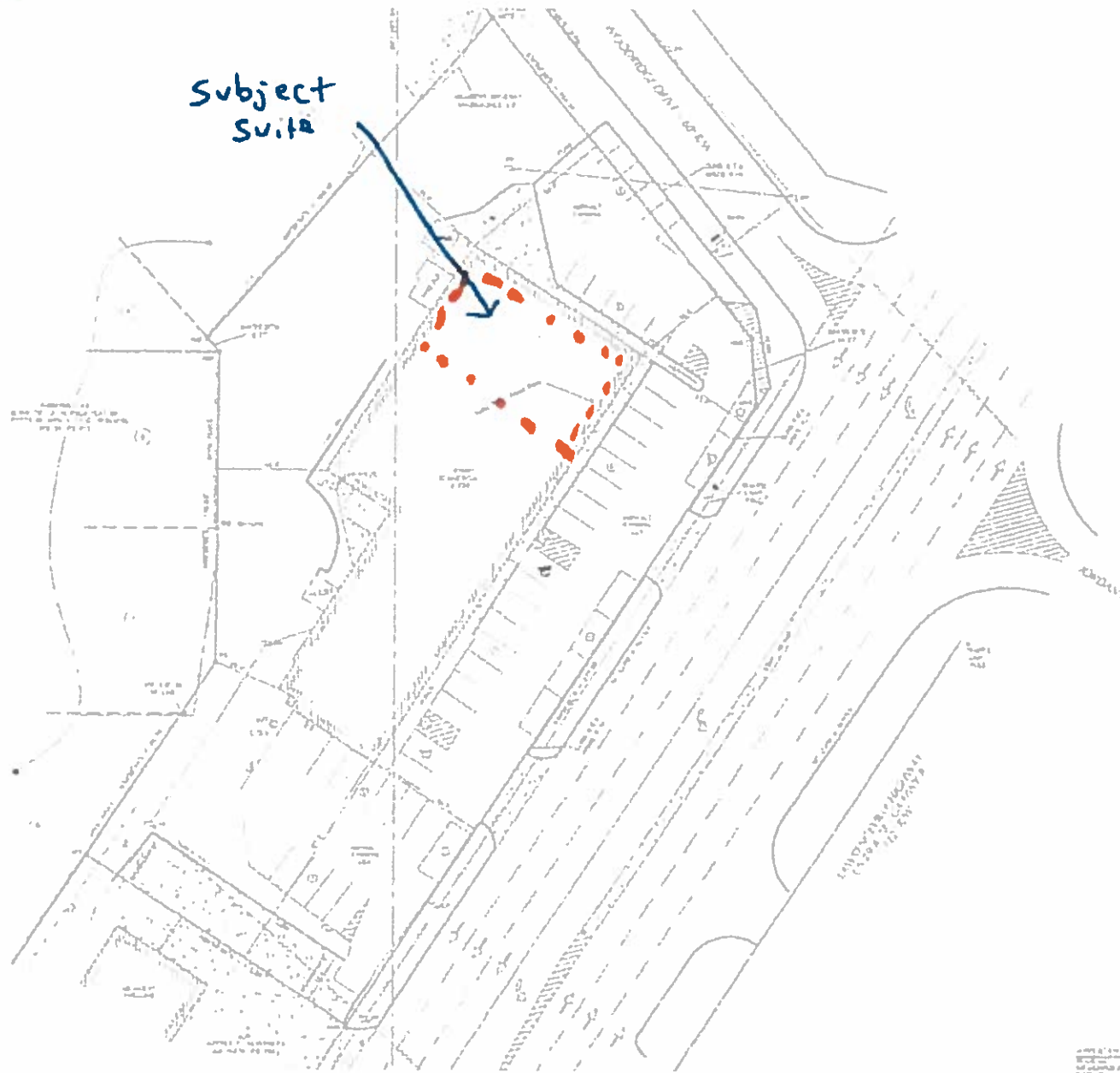
Decatur, GA 30033

### Impact Analysis

- A. The size of the site, land area, zoning and off-street parking is adequate for the proposed use.
- B. The proposed use is compatible with the adjacent properties and land use.
- C. There are adequate public services, public facilities and utilities for the proposed use.
- D. The public street is adequate to serve the proposed use. The proposed use will not unduly increase traffic or congestion.
- E. The existing land uses will not be adversely affected by the proposed use.
- F. The proposed use will not have a negative impact on the existing ingress/egress, pedestrian or automotive safety and convenience.
- G. The proposed use will not create adverse impacts to adjoining land use by reason of noise, smoke or odor or vibration.
- H. The proposed use will not have an adverse impact to adjoining land use as a result of extending hours
- I. The proposed use will not have an adverse impact to adjoining land use by reason of manner of operation.
- J. The proposed use is consistent with all of the requirements of the zoning district classification.
- K. The proposed use is consistent with the policies of the comprehensive plan
- L. The proposed use will not require additional buffer zones and transitional buffer zones
- M. There currently exist adequate provision for refuse and service
- N. The proposed use if granted should not be limited in its duration
- O. The proposed use will not affect/change the buildings in relation to size, scale, or massing to adjacent land uses.
- P. The proposed use will not affect historic buildings, sites, districts or archaeological resources
- Q. The proposed use should satisfied the requirements contained within the Supplemental Regulations for such special land use permits
- R. The proposed use will not affect the height of the existing building
- S. The proposed use will be consistent with the needs of the neighborhood and the community as a whole and is not in conflict with the comprehensive plan.









N.1 SLUP-18-1235085

Site Photo



DEPARTMENT OF PLANNING & SUSTAINABILITY

**SPECIAL LAND USE PERMIT APPLICATION**

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

Date Received: 7/5/2018

Application No: SLUP-18-123585

APPLICANT NAME: J.R. CRICKETS NORTH DECATUR

Daytime Phone: 404-456-9005 E-Mail: Charita\_gray@bellsouth.net

Mailing Address: 931 Monroe Drive Ste 102 #563 ATLANTA GA 30033  
30218

Owner Name: AIR HOSPITALITY GROUP LLC  
(If more than one owner, attach contact information for each owner)

Daytime Phone: 404-316-9191 E-Mail: Anita.tennant@express.com

Mailing Address: P.O. Box 3688 Lilburn, GA 30048

SUBJECT PROPERTY ADDRESS OR LOCATION: 1850 Lawrenceville Hwy  
Ste 700, Decatur DeKalb County, GA, 30033

Parcel ID: 18-062-08-075 Acreage or Square Feet: 4600 SF Commission District: 2-6

Existing Zoning: C-1 Proposed Special Land Use (SLUP) LATE NIGHT  
HOURS FRI/SAT 11:00am-2:00am

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 Charita Gray

Printed Name of Applicant: J.R. CRICKETS NORTH DECATUR

Notary Signature and Seal:





404.371.2155 (o)  
404.371.4556 (f)  
DeKalbCountyGa.gov

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

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**  
(Pre-application conference is required prior to filing application: copy must be submitted at filing)

Applicant Name: Charita Gray Phone: 4/456-9005 Email: charita\_gray@bellsouth.net

Property Address: 1850 Lawrenceville Hwy Suite 700

Tax Parcel ID: 18-062-08-075 Comm. District: 256 Acreage: \_\_\_\_\_

Existing Use: JR Crochets Proposed Use: Latenight

Rezoning: Yes \_\_\_\_\_ No X

Existing Zoning: C-1 Proposed Zoning: n/w Square Footage/Number of Units: 4000

Rezoning Request: \_\_\_\_\_

Land Use Plan Amendment: Yes \_\_\_\_\_ No ✓

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_\_ Inconsistent \_\_\_\_\_

Special Land Use Permit: Yes X No \_\_\_\_\_ Article Number(s) 27 4.2.32

Special Land Use Request(s) Latenight - 2:00am @ Friday & Saturday

**Major Modification:**

Existing Case Number(s): \_\_\_\_\_

Condition(s) to be modified and request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Notice Date: 6/20/2018

**PUBLIC NOTICE**  
**TO**  
**REQUEST FOR A SPECIAL LAND USE PERMIT**

**Filed by: J.R. Crickets North Decatur**

**Located at: 1850 Lawrenceville Hwy 700**

**Decatur, GA 30033**

**Current Use:** Restaurant/Bar

**Proposed Use:** Restaurant/Bar

**Hours of Operation:**

**Current:** Sunday-Saturday, 11am-12:30 am

**Proposed:** Sunday-Thursday 11am-12:30 am  
Friday-Saturday 11am-2:00am

**Capacity:** No Change *Change*

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

**J.R. CRICKETS NORTH DECATUR**

**LOCATION: 1850 LAWRENCEVILLE HWY , DECATUR, GA 30033**

**DATE & TIME: TUESDAY, JULY 3, 2018 AT 7:00PM**

# MEETING SIGN-IN SHEET

Project: J.R. CRICKETS NORTH DEE Meeting Date: 7/2/2018  
 Facilitator: HARITA GRAY Location: 1850 Lawrenceville Hwy #200  
Decatur GA 30033

Name	Address	Phone	E-Mail
Marie Hall	2665 Woodridge		
Claire French	840 Whelchel	—	—
Adam Manchester	318 Tuxworth Circle	—	—
Rachael Allen	844 Alberson Ct	—	—
Sherry Smith	2660 Woodridge	—	—
Lauren Mabrey	2670 Woodridge		
Mike Leifer	2670 Woodridge		
E. Adrick	806 Whelchel Dr		
A. Rubenfield	2497 McCurdy		
B. Beckham	2637 Woodridge		
L. Hopkins	2576 Woodridge Dr.	404-695-0371	hopkins.leigham@smc.com (LOA)
K. E. Wallin	2596 Woodridge		
Susan Cooper	2595 Woodridge		
Andrews-Wilson Family	823 Whelchel Dr.		
Amy Jones	2618 Woodridge Dr		
* Robyn & Lauren Barber	817 Whelchel		

POC \*

smc.com

### 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 6/25/2018

TO WHOM IT MAY CONCERN

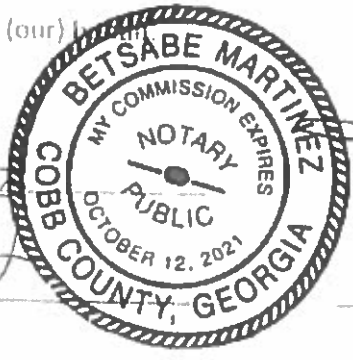
(I) (WE) AIR HOSPITALITY GROUP LLC  
Name of owner (s) (If more than one owner, attach a separate sheet)

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

BETSA BE MARTINEZ  
Name of Agent or Representative

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

Betsabe Martinez  
Notary Public



[Signature]

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

## EXHIBIT "A"

### LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 62 and 63 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

IN GISHERING a concrete right-of-way monument marking the intersection of the northwestern right-of-way line of Lawrenceville Highway (112 foot right-of-way) and the southwestern right-of-way of Woodridge Drive; and running thence from the point of beginning south 33 degrees 39 minutes 00 seconds west along the northwestern right-of-way line of Lawrenceville Highway a distance of 277.55 feet to an iron pin; running thence north 26 degrees 50 minutes 00 seconds west a distance of 115.96 feet to an iron pin; running thence north 30 degrees 24 minutes 49 seconds east, a distance of 86.70 feet to an iron pin; running thence north 00 degree 23 minutes 00 seconds east, a distance of 115.70 feet to an iron pin; running thence north 42 degree 24 minutes 30 seconds west a distance of 6.79 feet to an iron pin; running thence north 01 degree 30 minutes 30 seconds east, a distance of 160.23 feet to an iron pin of the southwestern side of Woodridge Drive (60 foot right-of-way); running thence north 09 degrees 33 minutes 00 seconds east along the southwestern right-of-way monument marking thence south 01 degree 30 minutes 00 seconds east a distance of 24.67 feet to a point of beginning, said tract containing 1.098 acres, according to plat of survey by Perry R. McChung, Registered Land Surveyor, dated June 22, 1971.

Landlord Initials:     

Tenant Initials:     LLi



**DRAWING DETAILS**

**INDEX**

- A8 - COVER PAGE, ARCHITECTURAL SITE PLAN
- A1 - EXISTING FLOOR PLAN, LICENSED EQUIPMENT CHECKLIST
- A2 - LIFE SAFETY PLAN, FIRST FLOOR AND MEZZANINE
- A3 - ENLARGED BATHROOM PLAN, PLUMBING AND RISER DIAGRAM (HEALTH DEPARTMENT USE ONLY)

**SCOPE OF WORK AND NOTES**

USING SPACES FOR FOOD SERVICE ESTABLISHMENT (RESTAURANT). USE OF SPACE IS AS IN PREVIOUS USE (RESTAURANT). NO STRUCTURAL MODIFICATIONS. PREVIOUS LICENSE IS SIX MONTHS OR LESS FOR CONTIGUOUS USE WITHOUT CHANGE. NON-WORKING EQUIPMENTS WILL BE REPLACED (SEE ATTACHED EQUIPMENT SCHEDULE AND SPEC SHEETS. ELECTRICAL AND PLUMBING PERMIT WILL BE OBTAINED.

**GEORGIA CODE COMPLIANCE**

1. 2012 EDITION INTERNATIONAL BUILDING CODE, WITH 2014 GEORGIA STATE
2. 2012 EDITION INTERNATIONAL MECHANICAL CODE, WITH 2014 GEORGIA STATE
3. 2010 EDITION INTERNATIONAL PLUMBING CODE, WITH 2014 GEORGIA STATE
4. 2012 EDITION INTERNATIONAL FIRE GAS CODE, WITH 2014 GEORGIA STATE
5. 2011 EDITION NATIONAL ELECTRIC CODE
6. 2008 EDITION INTERNATIONAL ENERGY CONSERVATION CODE, WITH 2011, 2012 GEORGIA STATE AMENDMENTS
7. HANDICAPPED CODE: 2010 GA STATE ACCESSIBILITY
8. 2008 INTERNATIONAL FIRE CODE WITH GEORGIA AMENDMENTS
9. 2012 EDITION INTERNATIONAL RESIDENTIAL CODE FOR ONE & TWO FAMILY DWELLINGS WITH 2014 GEORGIA STATE AMENDMENTS
10. LIFE SAFETY CODE: NFPA 991, 2012 LIFE SAFETY CODE

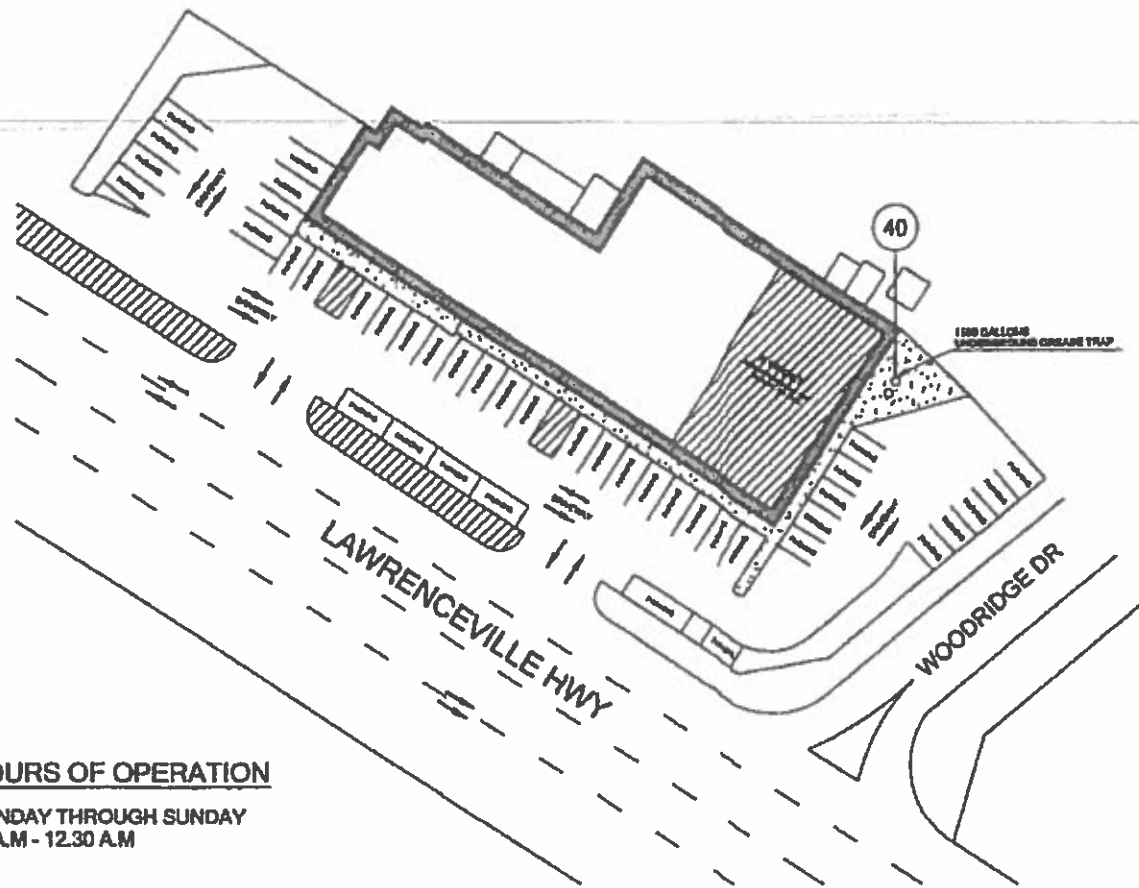
**DATA DETAILS**

OCCUPANCY CLASS - ASSEMBLY (GROUP A-2) TO COMPLY WITH CHAPTER 13 (RESTAURANT) EXISTING ASSEMBLY OCCUPANCIES  
 NFPA 991, 2012 LIFE SAFETY CODES  
 CONSTRUCTION TYPE III  
 GROSS SQUARE FOOTAGE - 4482  
 DINING LESS CONCENTRATED NO FIXED SEATING: 39  
 DINING LESS CONCENTRATED FIXED SEATING: 24  
 BENCH SEATING DINING AREAS = 18  
 TOTAL NUMBER OF SEATS = 79  
 KITCHEN AREA 887/200 = 3  
 BAR SERVICE AREA 212/100 = 2  
 OFFICE AND BREAK ROOM 250/100 = 3  
 STORAGE AND OTHER AREA 181/100 = 9  
 TOTAL CALCULATED OCCUPANT LOAD = 97 OCCUPANTS  
 EXIT LIGHTING - YES  
 SPRINKLER SYSTEM - NONE  
 FIRE ALARM SYSTEM - YES  
 EMERGENCY LIGHTING - YES  
 HOOD SUPPRESSION SYSTEM - YES  
 GREASE TRAP - YES  
 USING SPACE AS IS, NO STRUCTURAL MODIFICATIONS  
 ALL CONDITIONS ARE EXISTING AND TO REMAIN

APPROVED/DISAPPROVED

# JR. CRICKETS OF NORTH DECATUR

1850 LAWRENCEVILLE HWY  
 DECATUR, GA 30033



**HOURS OF OPERATION**

MONDAY THROUGH SUNDAY  
 11 A.M. - 12.30 A.M.

1 ARCHITECTURAL SITE PLAN  
 A-0 SCALE: NTS



**BKAMGROUP, INC.**  
 ARCHITECTURAL ENGINEERING  
 1850 LAWRENCEVILLE HWY  
 DECATUR, GA 30033  
 (770) 898-5822  
 BKAMGROUP.COM

770.898.5822

Designed By	JKK
Drawn By	JKK
Date	7/8/12

**PROJECT DATA**

PROJECT NUMBER	Y1707JRC
Re-Accept	
Number	Date
000	000



SEAL

STAMP

**PROJECT NAME AND ADDRESS**

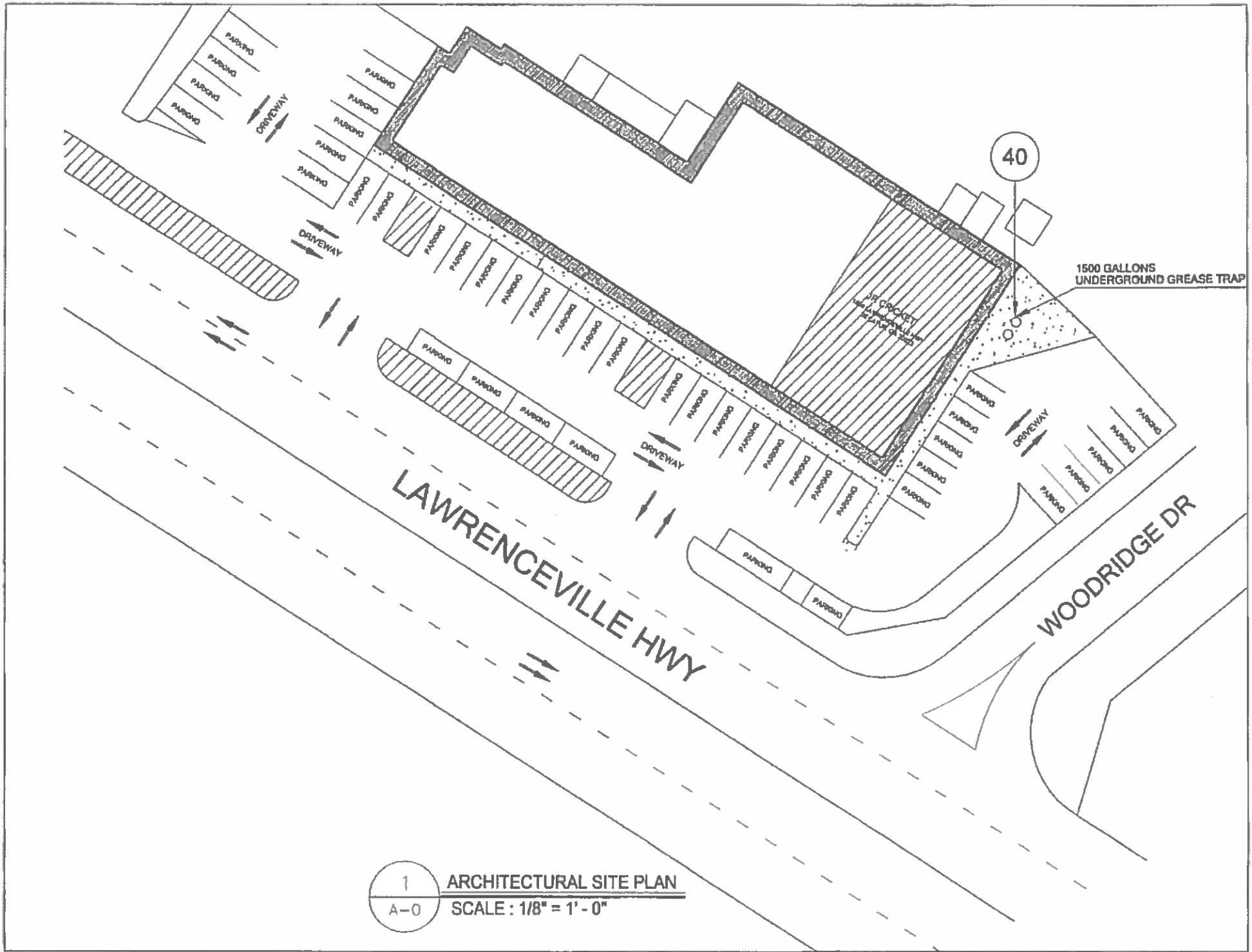
JR. CRICKETS  
 OF NORTH DECATUR  
 1850 LAWRENCEVILLE HWY  
 DECATUR, GA 30033

**DRAWING TITLE**

COVER  
 SITE PLAN

**SHEET NUMBER**

A-0



1 ARCHITECTURAL SITE PLAN  
A-0 SCALE: 1/8" = 1' - 0"