



DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
 Michael Thurmond

Interim Director
 Cedric Hudson

Planning Commission Hearing Date: September 12, 2024
Board of Commissioners Hearing Date: September 26, 2024

STAFF ANALYSIS

| | | | |
|--------------------------------|---|--------------------------------|---------------------------|
| Case No.: | SLUP-24-1247108 | Agenda #: 2024-0891 | |
| Address: | 4850 Redan Road, Stone Mountain, GA 30088 | Commission District: 04 | Super District: 07 |
| Parcel ID(s): | 15 224 03 004 | | |
| Request: | Special Land Use Permit (SLUP) for a drive through restaurant | | |
| Property Owner(s): | AL-Madinah LLC c/o Steven M. Mills, Esq. | | |
| Applicant/Agent: | Wen Georgia, LLC c/o Dillard Sellers | | |
| Acreage: | 1.16 | | |
| Existing Land Use: | Vacant land | | |
| Surrounding Properties: | North: C-1 (Local Commercial) East: MU-4 (Mixed Use) South: C-1 (Local Commercial) West: C-1 (Local Commercial) | | |
| Comprehensive Plan: | Neighborhood Center (NC) | Consistent | Inconsistent X |

Staff Recommendation: Denial

The applicant is seeking approval for a Special Land Use Permit (SLUP) to establish a drive-through for a proposed Wendy’s restaurant on a 1.16-acre site located along Redan Road. The property is situated within a C-1 (local commercial) zoning district. While the restaurant use is permitted by right, the drive-through component requires special approval via a SLUP. The site is currently vacant and surrounded by commercial, retail, and service uses.

The proposed drive-through component is not recommended for approval due to concerns related to the site's location within the Neighborhood Center (NC) Character Area and the intent of the Great Hidden Hills Overlay, which both prioritizes compact, pedestrian-oriented development. The introduction of a drive-through facility is inherently automobile-centric, which conflicts with the intent of fostering walkability, reducing automobile dependency, and creating a more pedestrian-friendly environment along Redan Road. Nearby districts contain single-family and multi-family residential, which would be impacted by the proposal

Public services, facilities, and utilities are already in place to support the Wendy's and its drive-through operations. Redan Road, which will serve as the primary access route, is a five-lane minor arterial road that has adequate traffic capacity to handle the restaurant's operations. The removal of an existing curb cut along Redan Road will better support the County's desire to facilitate an improved pedestrian experience along Redan Road within the Neighborhood Activity Center. Additionally, ingress and egress to the site have been designed with pedestrian and automotive safety in mind. A new sidewalk along Redan Road will enhance pedestrian access, and the design allows for emergency vehicle entry, ensuring that safety requirements are met.

Although there are existing drive-through establishments along Redan Road in the surrounding area, adding another drive-through facility does not meet the intent and vision of the NC Character Area calling for a pedestrian community focused within a small to medium density mix of residential, office, and commercial uses (2050 Unified Plan, page 35). Additionally, the proposed auto-oriented drive-through restaurant is not located at the edge of the NC Character Area where auto-oriented uses may warrant consideration. While the proposed Wendy's restaurant may be appropriate for the site, the drive-through component is inconsistent with the planning objectives of the area. The physical layout of the drive-through further exacerbates these concerns by promoting automobile reliance and reducing available greenspace. The drive-through's configuration could also potentially lead to traffic backups that could interfere with the surrounding road network and businesses. Therefore, Staff recommends "Denial" of the proposed drive-through facility for a restaurant. Should the SLUP be approved, Staff recommends the following conditions.

1. Allow up to one drive-through lane on the site subject to compliance with C-1 (Local Commercial) zoning standards unless variances are obtained from appropriate regulatory authorities.
2. In order to promote pedestrian activity along Redan Road, the maximum front building setback shall be limited to 20 feet. No parking shall be located between the front façade of the building and the Redan Road right-of-way. Internal sidewalks must connect the principal entrance of the building to the public sidewalk along Redan Road, ensuring safe pedestrian access. Additionally, internal sidewalks shall connect parking areas behind the building to rear entrances, where applicable.
3. The building's street-facing facades shall not exceed forty (40) feet in length without incorporating architectural features such as projections, recesses, or other visually interesting elements. This ensures that the building contributes to the aesthetic quality of the area and avoids monotonous frontages.
4. Windows and/or doorways shall occupy at least twenty-five (25) percent of the first-floor street-level front façade width, enhancing the building's interaction with the street and promoting a more inviting environment for pedestrians.
5. Right-of-way dedication from centerline of Redan Road may be required.
6. The approval of this SLUP application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the Zoning Board of Appeals, or other entity.
7. Drive-through lanes and service windows shall be positioned to the side or rear of the building, avoiding placement in the front, in order to maintain a pedestrian-friendly streetscape. The drive-through canopy, where present, must be constructed from materials consistent with those used on the primary building and reflect a similar level of architectural quality and detailing.

8. Drive-through lanes shall not impede on-site or off-site traffic movement. They shall not intersect or pass through off-street parking areas and shall not create unsafe conditions by crossing pedestrian access to public entrances. All drive-through lanes must be distinctly separated from parking areas using striping, curbing, or other clear delineations.
9. A bypass lane, with a minimum width of ten (10) feet, shall be provided to allow vehicles to navigate around the drive-through without entering the drive-through lane. This bypass lane may share space with a parking access aisle, ensuring efficient circulation.
10. Drive-through lanes shall maintain a minimum setback of five (5) feet from all property lines and roadway right-of-way lines to ensure a safe buffer between vehicular operations and adjacent properties or streets.
11. The property owner and operator shall be responsible for daily litter and debris cleanup to maintain the site in a clean and presentable condition. This includes regular maintenance of landscaped areas and the prompt removal of trash from the drive-through and parking areas.
12. Provide compliance with the supplemental regulations for drive-through facilities.

ZONING COMMENTS – AUGUST 2024

N1. 832 Hambrick Road. Add street lighting along frontage of property.

N2. 4850 Redan Road. This property lies within the Hidden Hills Overlay District, Tier 2. The overlay planner will review for infrastructure requirements of the overlay. Relocate the street furniture, trash receptacle and bike racks from impeding the 10-foot multiuse path. Relocate the pedestrian street lighting away from the road for safety of service technicians and to prevent knockdowns. All public infrastructure must be located within the public right of way. This additional right of way dedication may impact your setbacks. There must be at least 1 foot of right of way on the back side of the path for maintenance. Where overlay is silent- the Zoning Code and Land Development Codes are applied. IF a Land Development Permit is required for this project- please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Redan Road is classified as a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with 6-foot sidewalk with 4-foot bike lanes OR (preferred) 10-foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path/sidewalk.

N3. & N4. 3861 North Druid Hills Road & 2052 Lawrenceville Hwy. North Druid Hills Road and Lawrenceville Hwy are both classified as major arterials. Lawrenceville Hwy is also a state route. In Flexible Area B- Relocate driveway away from intersection or eliminate it. In Flexible Area J- Relocate driveway away from signal on Mistletoe. Close the closest driveway to the signal on North Druid Hills. Convert remaining driveway on North Druid Hills to right in/right out. IF a Land Development Permit is required for this project- please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip (with at least 5 feet between the back of curb and the sidewalk/path) 6 foot sidewalk with 4 foot bike lanes OR (preferred) 10 foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov). Mistletoe Road is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles may remain within the limits of the path/sidewalk.



8/05/2024

To: LaSondra H. Hill
From: Ryan Cira, Environmental Health Director
Cc: Alan Gaines, Deputy Director

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.

DeKalb Public Health

445 Winn Way – Box 987

Decatur, GA 30031

404.508.7900 • www.dekalbhealth.net



N1- 2024-0880

SLUP-24-1247027 / 18 070 01 001

832 Hambrick Road, Stone Mountain GA 30083

No septic indicated for this property.

N2- 2024-0891

SLUP-24-1247108 / 15 224 03 004

4850 Redan Road, Stone Mountain GA 30083

No septic indicated for this property.

N3- 2024-0899

**CZ-24-1247114 / 18 100 02 005; 18 100 04 014; 18 100 02 055;
18 100 02 052; 18 100 02 002**

2050 Lawrenceville Hwy; 2692 Sweet Briar Road; 3777 N. Druid Hills Road; 3861 N. Druid Hills Road; 2052 Lawrenceville Hwy, Decatur GA 30033

No septic indicated for this property.

N4- 2024-0900

Z-24-1247113 / 18 100 02 052; 18 100 02 001

3861 N. Druid Hills Road; 2052 Lawrenceville Hwy, Decatur GA 30033

No septic indicated for this property.

DeKalb Public Health

445 Winn Way – Box 987

Decatur, GA 30031

404.508.7900 • www.dekalbhealth.net



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

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**

- **Storm Water Management**

- **Flood Hazard Area/Wetlands**

- **Landscaping/Tree Preservation**

- **Tributary Buffer**

- **Fire Safety**



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: _____ Parcel I.D. #: _____

Address: _____

WATER:

Size of existing water main: _____ (adequate/inadequate)

Distance from property to nearest main: _____ Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: _____

Is sewer adjacent to property: Yes _____ No _____ If no, distance to nearest line: _____

Water Treatment Facility: _____ adequate _____ inadequate _____

Sewage Capacity: _____ (MGPD) Current Flow: _____ (MGPD)

COMMENTS:

Signature: _____



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-24-1247108 Parcel I.D. #: 15-224-03-004
Address: 4850 Redan Rd, Stone Mountain, Ga 30088

Adjacent Roadway (s):

(classification) (classification)

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

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7th Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Did not see any traffic engineering
concerns at this time.

Signature: Jerry White



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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**REZONE
COMMENTS FORM:**

PUBLIC WORKS ROAD AND DRAINAGE

Case No.: _____ Parcel I.D. #: _____

Address: _____

Drainage Basin: _____

Upstream Drainage Area: _____

Percent of Property in 100-Year Floodplain: _____

Impact on property (flood, erosion, sedimentation) under existing zoning: _____

Required detention facility(s): _____

COMMENTS:

Signature: Akin A. Akinsola



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: Wen Georgia, LLC c/o Dillard Sellers

Daytime Phone: 404.665.1242 E-Mail: jsellers@dillardsellers.com

Mailing Address: 1776 Peachtree Street NW, Suite 415-South, Atlanta, Georgia 30309

Owner Name: AL-Madinah LLC c/o Steven M. Mills, Esq.

(If more than one owner, attach contact information for each owner)

Daytime Phone: 770.513.8111 E-Mail: steve@millshoopelaw.com

Mailing Address: 1550 North Brown Road, Suite 130, Lawrenceville, GA 30043

SUBJECT PROPERTY ADDRESS OR LOCATION: 4850 Redan Road, Stone Mountain,

DeKalb County, GA 30088

Parcel ID: 15 224 03 004 Acreage or Square Feet: +/- 1.16 acres Commission Districts: 4 & Super District 7

Existing Zoning: C-1 Proposed Special Land Use (SLUP): Development of a Wendy's 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: [checkmark] Signature of Applicant:

WEN GEORGIA, LLC, a Michigan limited liability company
By: MHG Food Service Inc., its Manager and Sole Member

X [Signature]

By: Robert E. Schermer, Jr., CEO

June 6, 2024

Dear Property Owner/Neighborhood Registry member/ District 4 Community Member:

We invite you to join us for a Community Meeting video conference to learn about a redevelopment plan for an outparcel near the Redan Village shopping center for a Wendy's Restaurant location. The property is at 4850 Redan Road and is a vacant lot. We anticipate filing a Special Land Use Permit Application for approval of a drive-thru and are providing you this notice because your property may be within 500 feet of the redevelopment site, you are a member of the Community Council, or are included on the Neighborhood Registry requesting notifications.

REQUEST: Special Land Use Permit Application
STREET LOCATION: 4850 Redan Road, Stone Mountain, GA 30088
PROPOSED DEVELOPMENT: Wendy's Restaurant with a drive-thru facility

COMMUNITY MEETING

June 24, 2024

5:00pm

Zoom Meeting

<https://us06web.zoom.us/j/88444418285?pwd=8N0wbqacBtQS1Zm1OpdAtuU5nBaYwM.1>

Meeting ID: 884 4441 8285

Passcode: 812266

Participants may also join by telephone.

Phone Number: +1 305 224 1968

Meeting ID: 884 4441 8285

Passcode: 812266

























If you have questions about the meeting, application, or development plans, please contact Julie L. Sellers at (404) 665-1242 or jsellers@dillardsellers.com.

Participants (8)



Find a participant

Joined (8) ▾

- | | | | |
|--|--------------------------|---|---|
|  JS | Julie Sellers (Host, me) |  |  |
|  AP | Ana Pelhank |  |  |
|  | Daniel Walsh |  |  |
|  EB | Everett Broady |  |  |
|  I(| iPhone (5) |  |  |
|  | Jan Costello |  |  |
|  ML | Matt Leatherman |  |  |
|  | Victoria Webb |  |  |

Not Joined (1) >

LETTER OF INTENT AND IMPACT ANALYSIS

DeKalb County

Special Land Use Permit Application

Applicant:

Meritage Hospitality Group, Inc.
c/o Dillard Sellers

Property:

4850 Redan Road
Stone Mountain, GA 30088

Parcel ID No:

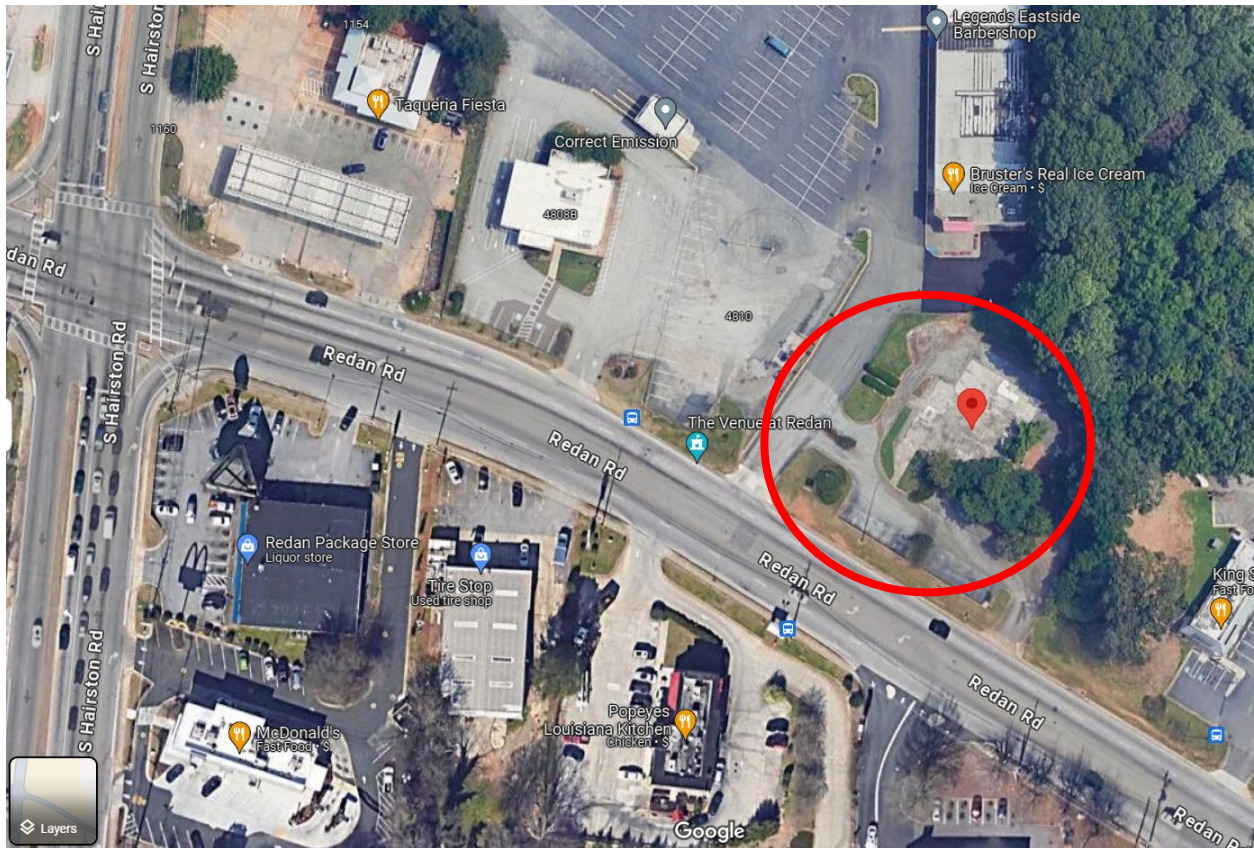
18 111 03 003

Submitted for Applicant by:

Julie L. Sellers
DILLARD SELLERS
1776 Peachtree Street NW, Suite 415S
Atlanta, Georgia, 30309
(404) 665-1242
jsellers@dillardsellers.com

Introduction

Applicant, Meritage Hospitality Group, Inc., requests approval of a Special Land Use Permit for the property located at 4850 Redan Road in unincorporated DeKalb County and more specifically identified as Parcel ID No. 15 224 03 004 (the “Property”) shown circled below. The Property is approximately +/- 1.16 acres of land that is zoned C-1, Local Commercial District, and is within the Neighborhood Center Activity Center Character Area.



This application is submitted to allow for the redevelopment of the Property as a Wendy’s restaurant location with a drive-through lane. The new Wendy’s restaurant will replace the older Wendy’s restaurant at 1235 S. Hairston Road. By redeveloping this vacant site, the new restaurant will provide convenient, efficient, and accessible food service to meet the needs of the local community. Restaurants such as the Applicant’s intended use for the Property, are permitted uses on C-1 zoned properties. Drive-through facilities within Activity Center character areas require a Special Land Use Permit, pursuant to the Zoning Ordinance of DeKalb County (“Zoning Ordinance”), Table 4.1.

Prior use of the Property was a Pediatric & Adult Medical Clinic. However, the Property has remained vacant since the demolition of the previous building in 2017. Currently, there are no sidewalks along the property and no pedestrian crosswalks at the curb cuts. As reflected in the site plan, the curb-cut to Redan Road will be eliminated and sidewalks will be installed along Redan Road. By removing the curb cut and adding the sidewalk, the Applicant is supporting the County's desire to facilitate an improved pedestrian experience along Redan Road, further increasing connectivity in this area.

The Applicant is proposing a 2,228 square foot restaurant building with one (1) drive-through lane. The site layout includes pedestrian crosswalks and locates the drive-through window in the side of the restaurant, allowing safe pedestrian passage from Redan Road to the restaurant entrance. The drive-through feature adds convenience for residents and customers, including those with physical and mobility impairments and families with children. The sample elevations of the building prototype are included with this application materials. However, the building will include brick façade and will comply with the Overlay and the Zoning Code design requirements.

The restaurant and drive-through lane will operate in accordance with all provisions of the Zoning Ordinance, Section 4.2.23. The establishment of a drive-through lane will provide a use that is compatible with surrounding C-1 zoning and existing commercial uses. Applicant's restaurant provides an innovative and modern update to the outdated Wendy's restaurant that currently services the community, while greatly improving the pedestrian connectivity along Redan Road. The restaurant use will enhance the pedestrian experience at the Property and activate this vacant parcel.

As set forth below, the Applicant satisfies the County's requirements for a special land use permit for drive-through facilities. For these reasons, the Applicant respectfully requests its application to be granted as submitted.

Documented Impact Analysis

The Applicant's application satisfies the applicable criteria set forth in the Dekalb County Zoning Code, Section 27-1836; 27-7.4.6.

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, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located:

The size of the site is adequate for the Applicant's restaurant and drive-through. The Property can accommodate all required yards, open space, off-street parking, buffer zones, and all other applicable requirements of the C-1 zoning district in which the use is proposed to be located.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use:

Applicant's restaurant with a drive-through is compatible with the surrounding area and land uses within the district. The uses on all surrounding parcels along Redan Road are commercial, retail, and service developments compatible with the proposed use.

Approval of this request will not create adverse impacts upon any adjoining land uses by reason of traffic volume, traffic congestion, noise, smoke, odor, dust or vibration.

C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use:

Adequate public services, facilities, and utilities exist to serve Applicant's restaurant and drive-through.

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.:

Redan Road has two travel lanes in each direction and a center turning lane. There is sufficient capacity to support a new restaurant. The drive-through will not create an unduly risk in traffic and the closure of the curb cut onto Redan Road will be a benefit. Customers for the restaurant are anticipated to be local residents or people already in the Hidden Hills area as pedestrians or in their cars. Vehicular entry to the restaurant will be limited to the entrance to the Redan Village Shopping Mall, decreasing possible traffic congestion.

E. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.

Applicant's development plan provides adequate ingress and egress to the Property and all buildings, structures, and facilities located thereon. The Applicant intends to remove the curb cut providing direct access to Redan Road. Access to the restaurant will be limited to the entry road to Redan Village Shopping Mall, increasing automotive and pedestrian safety and convenience. The redevelopment will also enhance the pedestrian access along Redan Road with a new sidewalk area. The site provides adequate space for traffic flow and access by emergency vehicles.

F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use.

No, the restaurant drive-through and hours of operation will not create adverse impacts on the surrounding commercial properties.

G. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

Yes, the Applicant's restaurant with a drive-through lane is consistent with all requirements of C-1 classification.

H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.

Yes, the restaurant use with a drive-through lane is consistent with the policies of the County's comprehensive plan. The redevelopment will transform a vacant and unused parcel into a restaurant option for the surrounding neighborhood. The redevelopment will enhance the pedestrian experience along Redan Road by increasing the sidewalk area.

I. Whether there is adequate provision of refuse and service areas.

Yes, the new restaurant provides adequate refuse and service areas as indicated on the site plan.

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

No, the approval for the drive-through use should not be limited in duration.

K. Whether 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; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.

The size, scale, and massing of the restaurant is appropriate in relation to the size of the Property and in relation to the size, scale and massing of adjacent and nearby lots and buildings. The Property is adjacent to the Redan Village Shopping Mall, and the new restaurant is consistent with the design of this local commercial complex. The restaurant is a one-story building and will not create a negative shadow impact on any adjoining lot or building.

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

No, the restaurant and drive-through will not adversely affect historic buildings, sites, districts, or archaeological resources. No historic or archaeological resources are known to be on the Property or in the immediate area.

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

Yes, as reflected in the submitted site plan, the restaurant satisfies the County's requirements and supplemental regulations for drive-through facilities.

N. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process.

Yes, the restaurant use in the location of a vacant parcel will be consistent with the community needs for additional food options in the area. The redevelopment of the site will help enhance the pedestrian experience in the corridor and provide aesthetic improvements. The development of convenient restaurant and drive-through lane on a long vacant lot is consistent with the needs of the neighborhood and the overall objectives of the comprehensive plan.

CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the DeKalb County Board of Commissioners approve the Special Land Use Permit as requested. If there are any questions about this request, you may contact me at 404-665-1242 or jsellers@dillardsellers.com.

Sincerely,

DILLARD SELLERS, LLC



Julie L. Sellers

Required Constitutional Notice

Georgia law and the procedures of DeKalb County require the Applicant to raise Federal and State constitutional objections during the public hearing process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, the following constitutional objections are stated:

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance, facially and as applied to the Property, which restricts the Property to any uses, conditions, land use designations, development standards, or to any zoning district other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this application would be unconstitutional under the Takings Clause of the Fifth Amendment to the Constitution of the United States and the Just Compensation Clause of Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. A refusal by DeKalb County to grant the application as requested would constitute a taking of the Applicant's property. Because of this unconstitutional taking, DeKalb County would be required to pay just compensation to the Applicant.

A denial of this application would constitute an arbitrary and capricious act by DeKalb County without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the requested special land use permit and other concurrent requests would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by DeKalb County to grant the special land use permit and other concurrent requests for the Property in accordance with the criteria as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I,

Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any approval of the requests subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A denial of this application would be unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 and/or O.C.G.A. § 36-11-1 to afford the County an opportunity to approve the special land use permit and other concurrent requests as requested by the Applicant. If action is not taken by the County to approve the application within a reasonable time, a claim will be filed in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Property, inverse condemnation, diminution of value of the Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

Standing Objection

The Applicant further objects to the standing of each and every surrounding resident to challenge, whether before the Board or any court of competent jurisdiction, any zoning decision by the Board in that he/she has not shown, nor can show, that he/she will suffer special damages within the meaning of Georgia law as a result of said decision. The Applicant raises this objection before the Board and requests the Board to determine the standing of any individual who challenges or objects to the Board's decision to act on these zoning requests. Applicant further raises this objection before the Board to preserve said objection on appeal, if any, to any court of competent jurisdiction.

Evidence Objection

Applicant objects to the testimony and documentary evidence proffered by anyone opposed to the Application based on relevancy, inadmissibility, hearsay, lack of foundation and any other applicable evidentiary objection.

We respectfully request that the County grant the aforementioned zoning requests including the special land use permit and other concurrent requests by approving the Application. Should the County have any questions, suggestions and/or concerns, we ask that you bring these to our attention so they can be timely addressed.

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: June 27, 2024

TO WHOM IT MAY CONCERN:

(I), (WE) AL-Madinah LLC
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:

Wen Georgia, LLC

Name of Agent or Representative

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

AL-MADINAH, LLC, a Georgia limited liability company

X [Signature]
Owner

[Signature]
Notary Public

J HOOPES
NOTARY PUBLIC
Gwinnett County, Georgia
My Comm. Expires March 19, 2025

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

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 filing of this application?

Yes _____ No X *

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.

WEN GEORGIA, LLC
By: MHG Food Service Inc., its Manager

Notary



Signature of Applicant/Date
By: Robert E. Schermer, Jr., CEO
Check one: Owner _____ Agent X

Expiration Date/ Seal

*Notary seal not needed if answer is "no".



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.

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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.

AL-MADINAH, LLC, a Georgia limited liability company

Signature of Applicant /Date

Notary

Check one: Owner X Agent _____

Expiration Date/ Seal

*Notary seal not needed if answer is "no".

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.

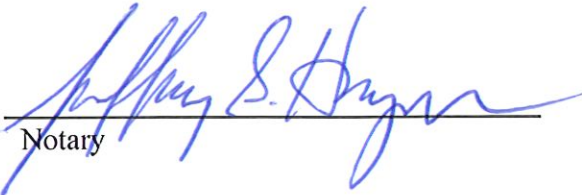
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes 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.



Notary



Signature of Applicant /Date

Check one: Owner _____ Agent

Jeffrey S. Haymore
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires 07/26/2025

Expiration Date/ Seal

*Notary seal not needed if answer is "no".

Campaign Contribution Disclosure

| Name and Position of Government Official | Dollar Amount | Date of Contribution |
|--|---------------|----------------------|
| Robert Patrick for Commissioner | \$250.00 | 06.28.2023 |
| Michelle Long Spears for District 2 | \$250.00 | 05.12.2022 |
| | | |
| | | |

RESERVED FOR THE CLERK OF COURT

GENERAL NOTES:

- 1. THE BASIS OF BEARING IS DERIVED FROM THE TRIMBLE VRS NOW NETWORK - GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE, NAD83. ELEVATIONS, IF SHOWN, ARE DERIVED FROM NORTH AMERICAN VERTICAL DATUM(NAV D) 88 USING GEOID18. DISTANCES SHOWN ARE GROUND DISTANCES IN U.S. SURVEY FEET (1 FOOT = 1200/3937 METERS)
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS COLLECTING WITH A TRIMBLE R12 DUEL FREQUENCY GPS WITHA SITE LOCALIZED RTK NETWORK, AND TRIMBLE TSC SERIES DATA COLLECTOR, AND HAS A RELATIVE POSITIONAL ACCURACY OF 0.1 FEET. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 208,398 FEET.
3. THE CONTOURS SHOWN ON THIS SURVEY ARE AT A 1-FOOT INTERVAL AND THE UNDERLYING DATA WAS COLLECTED WITH CONVENTIONAL FIELD SURVEY METHODS.
4. THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER FEMA FLOOD MAP 13089C0089J, DATED 05/16/2013. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
5. THE ZONING OF THE SUBJECT TRACTS ARE ZONED C-1 (LOCAL COMMERCIAL DISTRICT), ACCORDING TO DEKALB COUNTY ZONING MAP. THIS SURVEY HAS BEEN PREPARED WITHOUT A ZONING REPORT OR LETTER BEING PROVIDED TO THE SURVEYOR. NO LIST OF CURRENT ZONING CLASSIFICATIONS, SETBACK REQUIREMENTS, THE HEIGHT AND FLOOR SPACE AREA RESTRICTIONS OR PARKING REQUIREMENTS HAVE BEEN IDENTIFIED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
6. LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE, SOURCE INFORMATION FROM PLANS AND MARKINGS HAS BEEN COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF THOSE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.
APPROXIMATE LOCATION OF UNDERGROUND UTILITIES ARE SHOWN PER PRIVATE UTILITY MARKOUT PERFORMED BY UTILITY MARKING, LLC AND FIELD LOCATED WITH CONVENTIONAL FIELD SURVEY METHODS UNLESS OTHERWISE NOTED.
7. THERE WERE NO CHANGES TO THE STREET RIGHT-OF-WAY, EVIDENCE OF SIDEWALK CONSTRUCTION, OR SIDEWALK REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
8. PROPERTY HAS DIRECT AND INDIRECT ACCESS VIA EASEMENT FOR ACCESS AS RECORDED IN DEED BOOK 3087 AT PAGE 364 TO REDAN ROAD (A 100' WIDTH DEDICATED PUBLIC RIGHT-OF-WAY) ALONG THE SOUTHERN AND WESTERN BOUNDARY.
9. THIS SURVEY HAS BEEN PREPARED FOR THE SOLE PURPOSE OF THE TRANSACTION DESCRIBED IN THE REFERENCED TITLE COMMITMENT AND THE PARTIES LISTED THEREON. THIS SURVEY IS NOT TO BE USED FOR ANY SUBSEQUENT TRANSACTIONS.
10. THERE IS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
11. THERE ARE NO GAPS, GORES, OVERLAPS, OR HIATUSES BETWEEN THE SUBJECT PROPERTY AND ADJACENT PROPERTIES AND RIGHT-OF-WAY LINES.
12. ALL MATTERS SHOWN ON RECORDED PLATS PROVIDED TO THE SURVEYOR THAT ARE LEGIBLE, WITHIN THE LIMITS OF THIS SURVEY, AND ARE PLOTTABLE, ARE SHOWN.
13. THERE IS NO RECENT EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
14. NO SURVEY OF SUBTERRANEAN STRUCTURES OR INTERIOR SPACES SUCH AS FOOTINGS, FOUNDATIONS, VAULTS OR BASEMENTS WAS PERFORMED AS PART OF THIS LAND SURVEY, AND THIS PLAN SHOULD NOT BE CONSTRUED AS CERTIFICATION TO THE EXISTENCE OR LOCATION OF THE SAME.
15. TREES 4-INCH DBH AND LARGER WERE LOCATED FOR THIS SURVEY.

H:\2024\GA240081.00\SURVEY\CAD\GA240081_ALTY...LAYOUT: 24X36 (1)

TITLE NOTES:

THIS SURVEY IS PREPARED WITH REFERENCE TO A COMMITMENT FOR TITLE INSURANCE PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY FILE NO. NCS-1212413-MCH, WITH AN EFFECTIVE DATE OF FEBRUARY 03, 2024. OUR OFFICE HAS REVIEWED THE FOLLOWING SURVEY-RELATED EXCEPTIONS IN SCHEDULE B, PART II:

- 12. EASEMENT FROM E. L. CROWE TO GEORGIA POWER COMPANY, DATED JULY 18, 1935, FILED FOR RECORD AUGUST 8, 1935, AND RECORDED IN DEED BOOK 416, PAGE 363, DEKALB COUNTY, GEORGIA RECORDS. MAY AFFECT SITE - VAGUE & INSUFFICIENT INFORMATION CONTAINED IN RECORD DOCUMENT
13. EASEMENT FROM E. L. CROWE TO GEORGIA POWER COMPANY, DATED OCTOBER 2, 1935, FILED FOR RECORD NOVEMBER 5, 1935, AND RECORDED IN DEED BOOK 421, PAGE 359, AFORESAID RECORDS. MAY AFFECT SITE - VAGUE & INSUFFICIENT INFORMATION CONTAINED IN RECORD DOCUMENT
14. RIGHT OF WAY DEED FROM HOWERDD AND CONNOLLY, INC. TO DEKALB COUNTY, A GEORGIA POLITICAL SUBDIVISION, FILED FOR RECORD DECEMBER 6, 1972, AND RECORDED IN DEED BOOK 2923, PAGE 529, AFORESAID RECORDS. AFFECTS SUBJECT PROPERTY - BLANKET EASEMENT FOR DRAINAGE & MAINTENANCE
15. EASEMENT FROM EUGENE M. HOWERDD AND TIMOTHY J. CONNOLLY TO GEORGIA POWER COMPANY, DATED MAY 31, 1973, FILED FOR RECORD JUNE 29, 1973, AND RECORDED IN DEED BOOK 3032, PAGE 13, AFORESAID RECORDS. AFFECTS SUBJECT PROPERTY - BLANKET EASEMENT FOR POWER
16. TERMS AND PROVISIONS OF THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT, BY AND BETWEEN EUGENE M. HOWERDD, JR., TIMOTHY J. CONNOLLY AND HOWERDD AND CONNOLLY, INC., A GEORGIA CORPORATION AND LNC LAND SALES, INC., AN INDIANA CORPORATION D/B/A HOWCON LAND COMPANY, A JOINT VENTURE, DATED OCTOBER 17, 1973, FILED FOR RECORD OCTOBER 22, 1973, AND RECORDED IN DEED BOOK 3087, PAGE 364, AFORESAID RECORDS. AFFECTS SUBJECT PROPERTY - BLANKET EASEMENT FOR INDIRECT ACCESS TO REDAN ROAD
17. MATTERS AS SHOWN ON THAT CERTAIN PLAT RECORDED IN PLAT BOOK 7, PAGE 28, AFORESAID RECORDS. NO EASEMENTS DEPICTED ON DOCUMENT

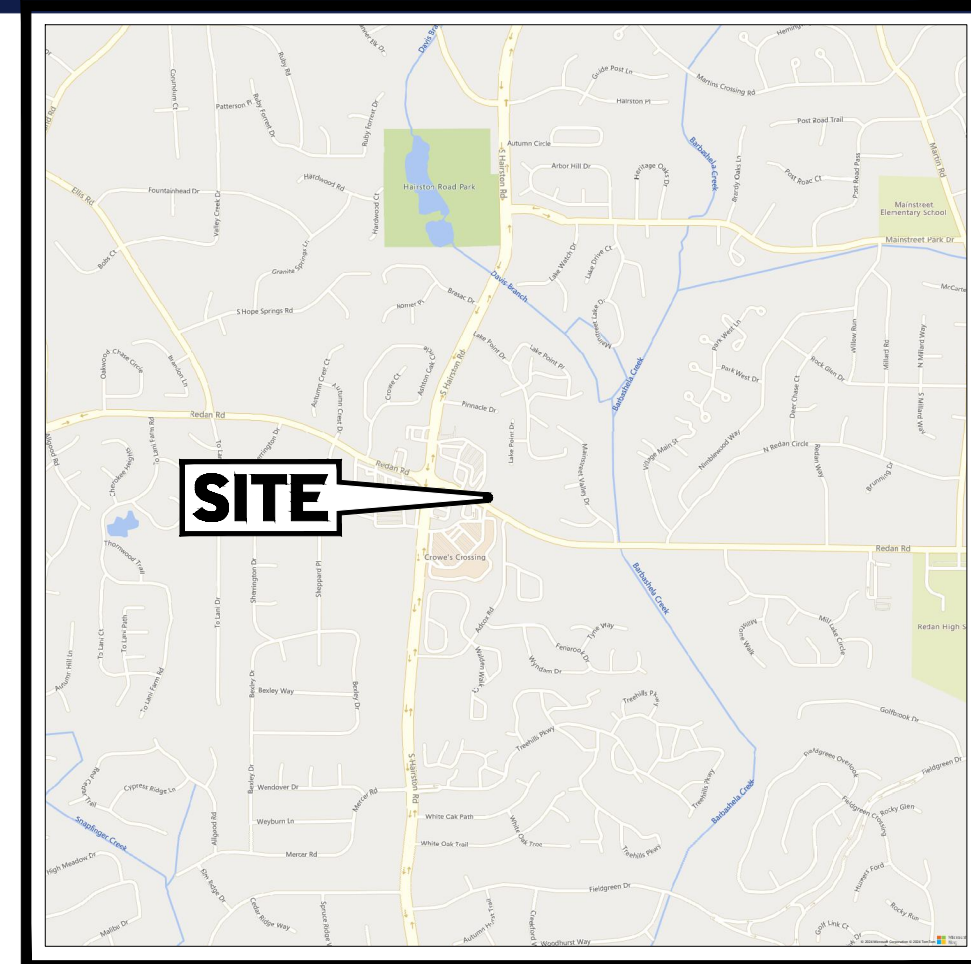
TITLE DESCRIPTION

TRACT 1: ALL THAT TRACT AND PARCEL OF LAND LYING AND BEING IN LAND LOT 224 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT MARKED BY AN IRON PIN LOCATED ON THE NORTHEASTERLY SIDE OF REDAN ROAD (100 FOOT ROW) AT ITS POINT OF INTERSECTION WITH THE EASTERLY LAND LOT LINE OF LAND LOT 224 (SAME BEING THE WESTERLY LAND LOT LINE OF LAND LOT 2 OF THE 16TH DISTRICT, DEKALB COUNTY); RUNNING THENCE NORTH 59 DEGREES 11 MINUTES 25 SECONDS WEST AND ALONG THE NORTHEASTERLY SIDE OF REDAN ROAD A DISTANCE OF 300.00 FEET TO A POINT MARKED BY AN IRON PIN (SAID POINT BEING ALSO 493.94 FEET SOUTHEASTERLY OF THE INTERSECTION OF THE NORTHEASTERLY SIDE OF REDAN ROAD AND THE EASTERLY SIDE OF SOUTH HAIRSTON ROAD [100 FOOT ROW], AS MEASURED ALONG THE NORTHEASTERLY SIDE OF REDAN ROAD); RUNNING THENCE NORTH 30 DEGREES 48 MINUTES 35 SECONDS EAST A DISTANCE OF 150.00 FEET TO A POINT MARKED BY AN IRON PIN; RUNNING THENCE NORTH 89 DEGREES 12 MINUTES 29 SECONDS EAST A DISTANCE OF 180.85 FEET TO A POINT MARKED BY AN IRON PIN LOCATED ON THE EASTERLY LAND LOT LINE OF LAND LOT 224; RUNNING THENCE SOUTH 00 DEGREES 00 MINUTES 08 SECONDS WEST AND ALONG THE EASTERLY LAND LOT LINE OF LAND LOT 224, A DISTANCE OF 284.98 FEET TO A POINT LOCATED AT THE INTERSECTION OF SAID EASTERLY LAND LOT LINE OF LAND LOT 224 AND THE NORTHEASTERLY SIDE OF REDAN ROAD, SAME BEING THE POINT OF EGINNING; BEING ALL AS SHOWN UPON THAT PLAT OF SURVEY PREPARED BY JOSEPH C. KING, REGISTERED LAND SURVEYOR NO. 1418, DATED DECEMBER 27, 1990; SAID PLAT BEING MADE A PART HEREOF BY THIS REFERENCE THERETO.

TRACT 2: EASEMENT AND OTHER INTERESTS IN REAL PROPERTY CONTAINED IN RECIPROCAL EASEMENT AGREEMENT BETWEEN EUGENE M. HOWERDD, JR., TIMOTHY J. CONNOLLY AND HOWERDD AND CONNOLLY, INC. AND LNC LAND SALES, INC. D/B/A HOWCON LAND COMPANY, DATED OCTOBER 17, 1973, FILED OCTOBER 22, 1973, AND RECORDED IN DEED BOOK 3087, PAGE 364, AFORESAID RECORDS.

SURVEYED DESCRIPTION

TRACT 1: ALL THAT TRACT AND PARCEL OF LAND LYING AND BEING IN LAND LOT 224 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT MARKED BY AN IRON PIN LOCATED ON THE NORTHEASTERLY SIDE OF REDAN ROAD (100 FOOT ROW) AT ITS POINT OF INTERSECTION WITH THE EASTERLY LAND LOT LINE OF LAND LOT 224 (SAME BEING THE WESTERLY LAND LOT LINE OF LAND LOT 2 OF THE 16TH DISTRICT, DEKALB COUNTY); RUNNING THENCE NORTH 58 DEGREES 30 MINUTES 41 SECONDS WEST AND ALONG THE NORTHEASTERLY SIDE OF REDAN ROAD A DISTANCE OF 300.42 FEET TO A POINT MARKED BY AN IRON PIN, RUNNING THENCE NORTH 31 DEGREES 27 MINUTES 54 SECONDS EAST A DISTANCE OF 150.00 FEET TO A POINT MARKED BY AN IRON PIN; RUNNING THENCE NORTH 89 DEGREES 44 MINUTES 40 SECONDS EAST A DISTANCE OF 180.85 FEET TO A POINT MARKED BY AN IRON PIN LOCATED ON THE EASTERLY LAND LOT LINE OF LAND LOT 224; RUNNING THENCE SOUTH 00 DEGREES 35 MINUTES 41 SECONDS WEST AND ALONG THE EASTERLY LAND LOT LINE OF LAND LOT 224, A DISTANCE OF 285.68 FEET TO A POINT LOCATED AT THE INTERSECTION OF SAID EASTERLY LAND LOT LINE OF LAND LOT 224 AND THE NORTHEASTERLY SIDE OF REDAN ROAD, SAME BEING THE POINT OF EGINNING; CONTAINING 48,361 SQUARE FEET OR 1.110 ACRES
TRACT 2: EASEMENT AND OTHER INTERESTS IN REAL PROPERTY CONTAINED IN RECIPROCAL EASEMENT AGREEMENT BETWEEN EUGENE M. HOWERDD, JR., TIMOTHY J. CONNOLLY AND HOWERDD AND CONNOLLY, INC. AND LNC LAND SALES, INC. D/B/A HOWCON LAND COMPANY, DATED OCTOBER 17, 1973, FILED OCTOBER 22, 1973, AND RECORDED IN DEED BOOK 3087, PAGE 364, AFORESAID RECORDS.



SITE LOCATION MAP SCALE: 1"=2000' SOURCE: AUTODESK GEOLOCATION MAP

REVISIONS

Table with columns: REV, DATE, COMMENT, DRAWN BY, CHECKED BY

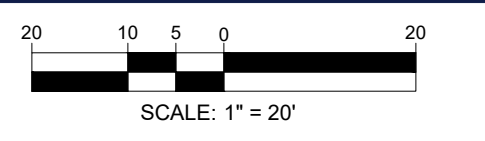
PROJECT No.: GAA240061
DRAWN BY: JP
CHECKED BY: JF
DATE: 04-22-2024
CAD LD.: ALTY
FIELD DATE: 04-09-2024
CREW CHIEF: MN
APPROVED: JN

ALTA | NSPS LAND TITLE SURVEY



4850 REDAN ROAD LAND LOT 224, 15TH DISTRICT UNINCORPORATED DEKALB COUNTY, GA

BOHLER 211 PERIMETER CENTER PKWY NE, SUITE 425 ATLANTA, GEORGIA 30346 Phone: (678) 695-6800 GA@BohlerEng.com GA LSF No. 001403



SHEET NUMBER: 1 OF 2

ORG. DATE - 04-22-2024

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

TO: WEN GEORGIA, LLC FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 6(A), 7(A), 7(C), 8, 9, 11(B), 13, 14 & 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 09, 2024.

JOHN T. NEWMAN GEORGIA PROFESSIONAL LAND SURVEYOR NO. 3324

JOHN T. NEWMAN PROFESSIONAL LAND SURVEYOR No. 3324 04/23/2024 DATE

PROFESSIONAL LAND SURVEYOR NO. 3324 THIS CERTIFICATION IS MADE TO ONLY NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY THE NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR THE USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, USE OF SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.

RESERVED FOR THE CLERK OF COURT



BOHLER
 SITE CIVIL AND CONSULTING ENGINEERING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PERMITTING SERVICES
 TRANSPORTATION SERVICES

SITE LOCATION MAP

SCALE: 1"=2000'
SOURCE: AUTODESK GEOLOGICAL MAP

REVISIONS

| REV | DATE | COMMENT | DRAWN BY | CHECKED BY |
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LEGEND

- EXISTING CONTOUR
- EXISTING SPOT ELEVATION
- EXIST. EDGE OF PAVEMENT ELEVATION
- EXIST. TOP OF CURB ELEVATION
- EXIST. GUTTER ELEVATION
- HYDRANT
- FIRE DEPARTMENT CONNECTION
- WATER VALVE
- GAS VALVE
- OVERHEAD WIRES
- APPROX. LOC. UNDERGROUND CABLE LINE PER UTILITY MARKOUT
- APPROX. LOC. UNDERGROUND GAS LINE PER UTILITY MARKOUT
- APPROX. LOC. UNDERGROUND WATER LINE PER UTILITY MARKOUT
- APPROX. LOC. UNDERGROUND ELEC. LINE PER UTILITY MARKOUT
- APPROX. LOC. UNDERGROUND TEL. LINE PER UTILITY MARKOUT
- UTILITY POLE
- SANITARY MANHOLE
- WATER MANHOLE
- STORM DRAIN MANHOLE
- WATER METER
- SIGN
- FENCE
- LANDSCAPED AREA
- AREA LIGHT
- CLEAN OUT
- TITLE REPORT EXCEPTION
- BENCHMARK
- GUY WIRE
- TREE (SIZE AS NOTED)
- NOW OR FORMERLY
- MEASURED
- RECORD

PROJECT No.: GAA240061
 DRAWN BY: JF
 DATE: 04-22-2024
 CAD I.D.: ALT1
 FIELD DATE: 04-09-2024
 CREW CHIEF: MN
 APPROVED: JN

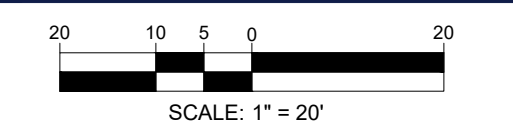
ALTA / NSPS LAND TITLE SURVEY

FOR



4850 REDAN ROAD
 LAND LOT 224, 15TH DISTRICT
 UNINCORPORATED
 DEKALB COUNTY, GA

BOHLER
 211 PERIMETER CENTER PKWY NE,
 SUITE 425
 ATLANTA, GEORGIA 30346
 Phone: (678) 695-6800
 GA@BohlerEng.com
 GA LSP NO. 001403

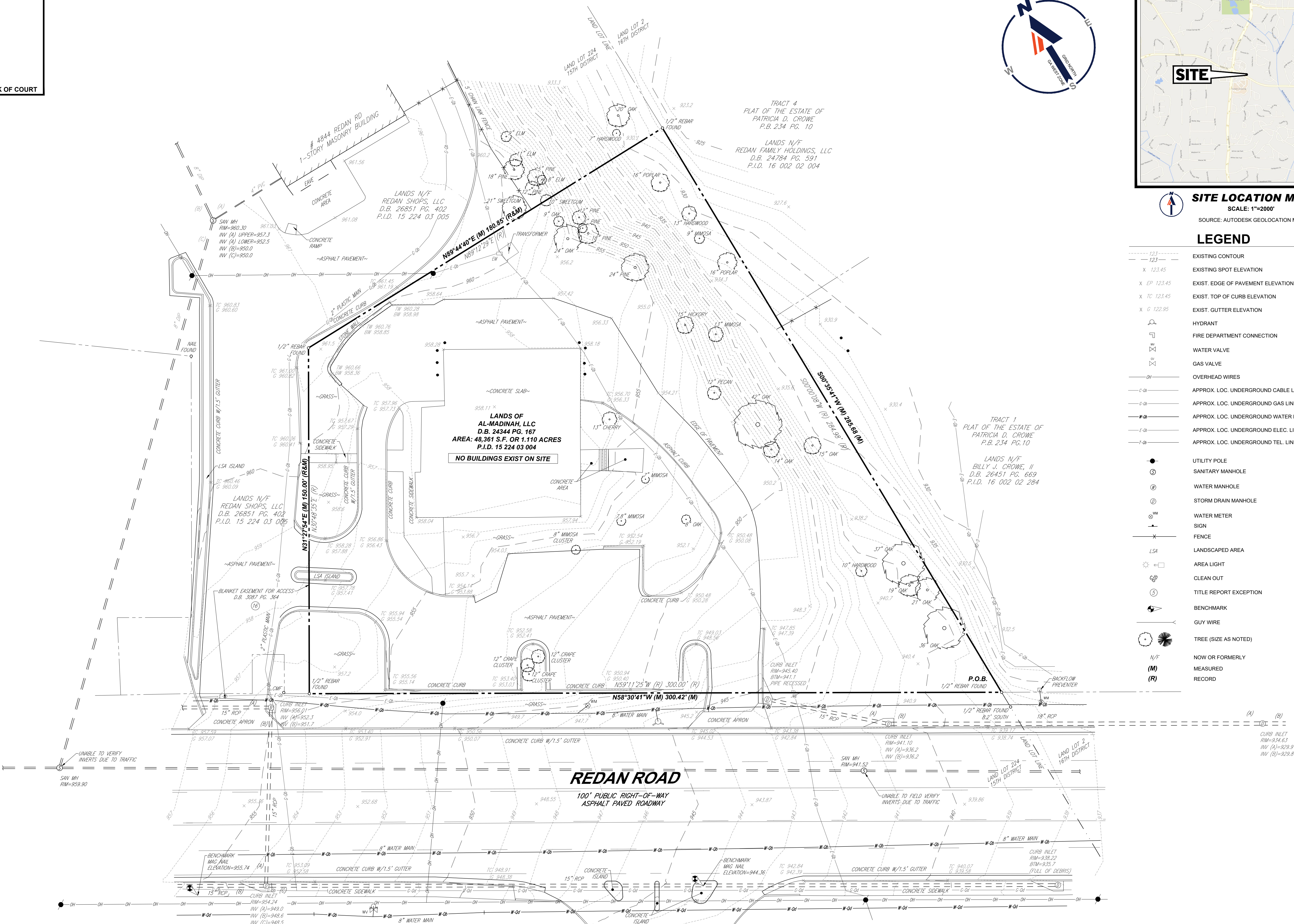


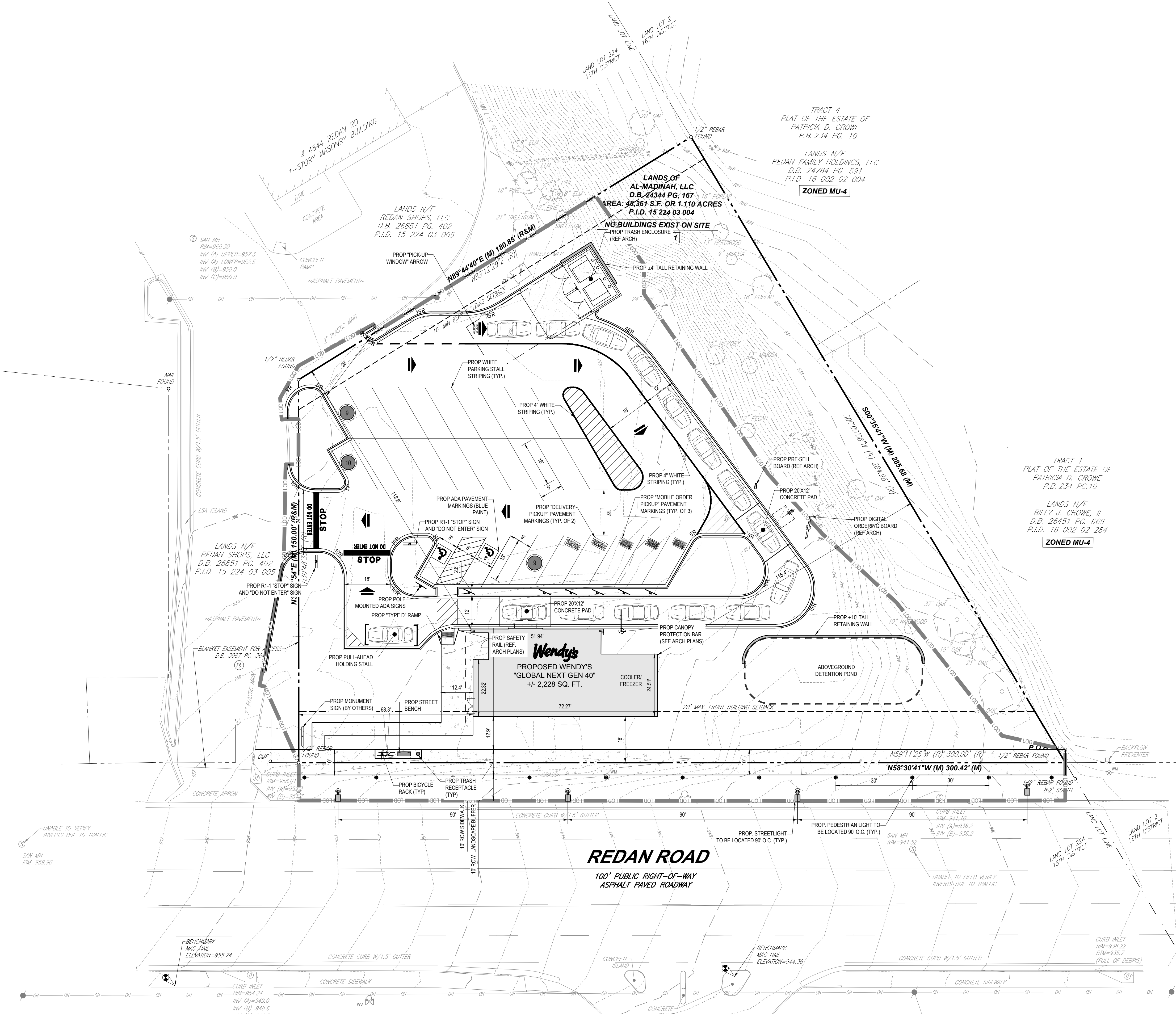
SHEET NUMBER:

2

OF 2

ORG. DATE - 04-22-2024





STANDARD DRAWING LEGEND

FOR ENTIRE PLAN SET

| EXISTING NOTE | TYPICAL NOTE TEXT | PROPOSED NOTE |
|---------------|--|--|
| --- | ONSITE PROPERTY LINE / R.O.W. LINE | --- |
| --- | NEIGHBORING PROPERTY LINE / INTERIOR PARCEL LINE | --- |
| --- | EASEMENT LINE | --- |
| --- | SETBACK LINE | --- |
| --- | CONCRETE CURB & GUTTER | CURB AND GUTTER SPILL TRANSITION DEPRESSED CURB AND GUTTER |
| --- | UTILITY POLE WITH LIGHT | --- |
| --- | POLE LIGHT | --- |
| --- | TRAFFIC LIGHT | --- |
| --- | UTILITY POLE | --- |
| --- | TYPICAL LIGHT | --- |
| --- | ACORN LIGHT | --- |
| --- | TYPICAL SIGN | --- |
| --- | PARKING COUNTS | --- |

GENERAL SITE NOTES

- EQUITABLE DEVELOPER/APPLICANT:
WEN GEORGIA, LLC
45 OTTAWA AVE SW #600
GRAND RAPIDS, MI 49503
CONTACT: ANA PELHANK
PHONE: (616) 776-2800
EMAIL: APELHANK@MHGI.NET
- ALL SIDEWALKS, STRIPING AND SIGNAGE TO BE ADA AND CODE COMPLIANT.
- ZONING DATA:
PARCEL NUMBER: 1522403004
PARCEL AREA: 1.11 AC
EXISTING ZONING: C-1 (LOCAL COMMERCIAL DISTRICT)
OVERLAY DISTRICTS: HIDDEN HILLS OVD TIER 2, NEIGHBORHOOD CENTER DEKALB COUNTY
PROPOSED USE: QUICK SERVE RESTAURANT W/ DRIVE-THRU
- THIS PLAN IS BASED ON THE FOLLOWING SURVEY INFORMATION:
BOHLER
211 PERIMETER CENTER PKWY NE, SUITE 425
ATLANTA, GA 30346
DATED: 04/09/2024
JOB # / SURVEY JOB #: GAA240061
ELEVATIONS: NAVD 1983
- THE IMPROVEMENTS FOR THIS PROJECT INCLUDE THE CONSTRUCTION OF A DRIVE THRU RESTAURANT, ASSOCIATED PARKING FACILITIES, AN ABOVEGROUND SWM FACILITY, AND UNDERGROUND UTILITIES.
- NO BUFFER IS REQUIRED FROM A C-1 PARCEL TO A MU-4 PARCEL.
- THERE IS NO OPEN SPACE REQUIREMENT FOR PARCELS WITH A BUILDING THAT HAS A GFA LESS THAN 5,000 SF.
- SITE IS SERVED BY DEKALB COUNTY WATER SERVICES.
- SITE IS SERVED BY DEKALB COUNTY SEWER SERVICES.

THE USE OF A DRIVE-THRU FACILITY WILL BE SUBJECT TO A SPECIAL LAND USE PERMIT PER SECTION 27-4.2.23 OF THE DEKALB COUNTY ZONING ORDINANCE

ZONING BULK CHART

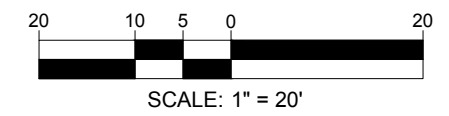
| BULK REQUIREMENTS: | ALLOWED/REQUIRED | PROVIDED |
|---|-------------------------------|---------------------|
| A. MIN. LOT AREA | 20,000 SF | 48,352 SF (±1.11AC) |
| B. MIN. LOT WIDTH | 100' | ±300' |
| C. ZONING MIN. BUILDING SETBACK | | |
| FRONT SETBACK (OVERLAY REQ.) | MIN. 0', MAX 20' | ±18' |
| SIDE SETBACK | 0' | ±115.4' / #68.3' |
| REAR SETBACK (OVERLAY REQ.) | 10' | ±118.0' |
| D. LANDSCAPING REQUIREMENTS | | |
| 10' LANDSCAPE STRIP AND 10' SIDEWALK ALONG REDAN RD. (OVERLAY REQ.) | REQUIRED | PROVIDED |
| 10% OF PARKING AREA TO BE LANDSCAPED | ±1,572 SF (10% OF ±15,725 SF) | ±2,686 SF |
| E. PARKING REQUIREMENTS | | |
| ONE SPACE PER 150 SF GFA | 10 SPACES MIN | 28 SPACES |
| ADA: ONE SPACE PER 25 SPACES | MIN. 10 SPACES | |
| MAX: ONE SPACE PER 75 SF GFA | 30 SPACES MAX | |
| F. MIN. PARKING SPACE DIMENSIONS | 9' x 18' | 9' x 18' |
| G. MIN. DRIVE AISLE WIDTH (60 DEGREE SPACES) | 14' | 18' |

DISTURBED AREA SUMMARY

| DESCRIPTION | AREA (ACRES) |
|-------------------------|--------------|
| TOTAL PARCEL AREA | ± 1.11 AC |
| ON-SITE DISTURBED AREA | ± 0.88 AC |
| OFF-SITE DISTURBED AREA | ± 0.11 AC |
| TOTAL DISTURBED AREA | ± 0.99 AC |



THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY



REVISIONS

| REV | DATE | COMMENT | DRAWN BY | CHECKED BY |
|-----|------|---------|----------|------------|
| | | | | |

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| | |
|--------------|----------------|
| PROJECT No.: | GAA240061 |
| DRAWN BY: | JS |
| CHECKED BY: | DW |
| DATE: | 08/21/2024 |
| CAD LID: | P-GNRL-SITE-08 |

PROJECT: **SPECIAL LAND USE PERMIT SET**

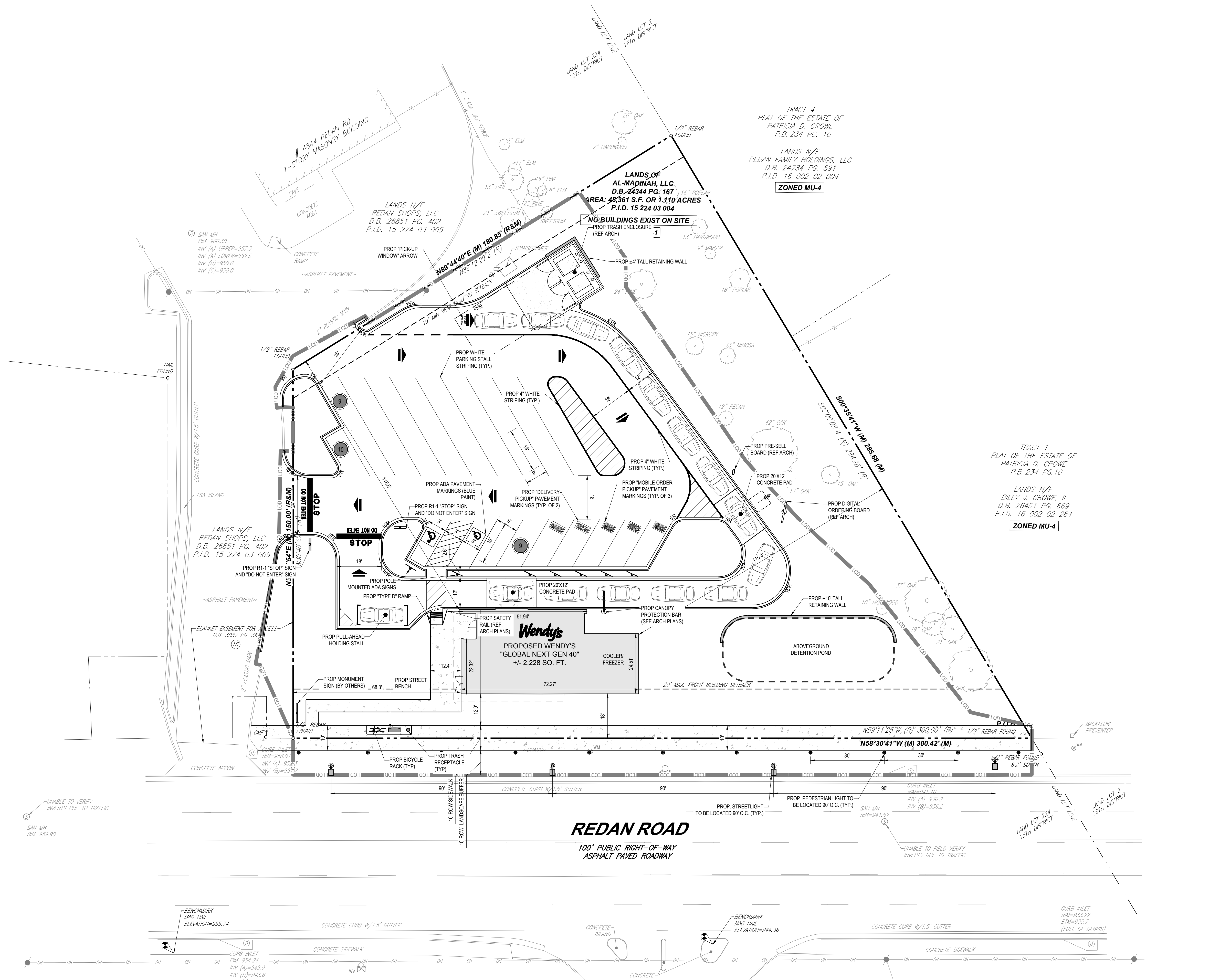
FOR
MERITAGE HOSPITALITY GROUP, LLC

PROPOSED DEVELOPMENT
4850 REDAN ROAD
DEKALB COUNTY, GA 30088

SHEET TITLE: **SITE PLAN W/ TOPOGRAPHY**

SHEET NUMBER: **C-302**

ORG. DATE - 06/21/2024



STANDARD DRAWING LEGEND

FOR ENTIRE PLAN SET

| EXISTING NOTE | TYPICAL NOTE TEXT | PROPOSED NOTE |
|---------------|--|---------------|
| --- | ONSITE PROPERTY LINE / R.O.W. LINE | --- |
| --- | NEIGHBORING PROPERTY LINE / INTERIOR PARCEL LINE | --- |
| --- | EASEMENT LINE | --- |
| --- | SETBACK LINE | --- |
| --- | CONCRETE CURB & GUTTER | |
| --- | UTILITY POLE WITH LIGHT | --- |
| --- | POLE LIGHT | --- |
| --- | TRAFFIC LIGHT | --- |
| --- | UTILITY POLE | --- |
| --- | TYPICAL LIGHT | --- |
| --- | ACORN LIGHT | --- |
| --- | TYPICAL SIGN | --- |
| --- | PARKING COUNTS | --- |

GENERAL SITE NOTES

- EQUITABLE DEVELOPER/APPLICANT:
WEN GEORGIA, LLC
45 OTTAWA AVE SW #600
GRAND RAPIDS, MI 49503
CONTACT: ANA PELHANK
PHONE: (616) 776-2800
EMAIL: APELHANK@MHGI.NET
- ALL SIDEWALKS, STRIPING AND SIGNAGE TO BE ADA AND CODE COMPLIANT.
- ZONING DATA:
PARCEL NUMBER: 1522403004
PARCEL AREA: 1.11 AC
EXISTING ZONING: C-1 (LOCAL COMMERCIAL DISTRICT)
OVERLAY DISTRICTS: HIDDEN HILLS OVD TIER 2, NEIGHBORHOOD CENTER DEKALB COUNTY
PROPOSED USE: QUICK SERVE RESTAURANT W/ DRIVE-THRU
- THIS PLAN IS BASED ON THE FOLLOWING SURVEY INFORMATION:
BOHLER
211 PERIMETER CENTER PKWY NE, SUITE 425
ATLANTA, GA 30346
DATED: 04/09/2024
JOB # / SURVEY JOB #: GAA240061
ELEVATIONS: NAVD 1983
- THE IMPROVEMENTS FOR THIS PROJECT INCLUDE THE CONSTRUCTION OF A DRIVE THRU RESTAURANT, ASSOCIATED PARKING FACILITIES, AN ABOVEGROUND SWM FACILITY, AND UNDERGROUND UTILITIES.
- NO BUFFER IS REQUIRED FROM A C-1 PARCEL TO A MU-4 PARCEL.
- THERE IS NO OPEN SPACE REQUIREMENT FOR PARCELS WITH A BUILDING THAT HAS A GFA LESS THAN 5,000 SF.
- SITE IS SERVED BY DEKALB COUNTY WATER SERVICES.
- SITE IS SERVED BY DEKALB COUNTY SEWER SERVICES.

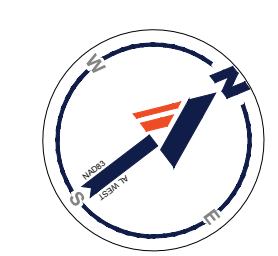
THE USE OF A DRIVE-THRU FACILITY WILL BE SUBJECT TO A SPECIAL LAND USE PERMIT PER SECTION 27-4.2.23 OF THE DEKALB COUNTY ZONING ORDINANCE

ZONING BULK CHART

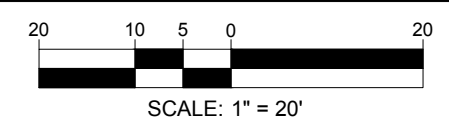
| BULK REQUIREMENTS: | ALLOWED/REQUIRED | PROVIDED |
|---|-------------------------------|---------------------|
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| B. MIN. LOT WIDTH | 100' | ±300' |
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| FRONT SETBACK (OVERLAY REQ.) | MIN. 0', MAX 20' | ±18' |
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| D. LANDSCAPING REQUIREMENTS | | |
| 10' LANDSCAPE STRIP AND 10' SIDEWALK ALONG REDAN RD. (OVERLAY REQ.) | REQUIRED | PROVIDED |
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| ADA: ONE SPACE PER 25 SPACES | MIN: 10 SPACES | |
| MAX: ONE SPACE PER 75 SF GFA | 30 SPACES MAX | |
| F. MIN. PARKING SPACE DIMENSIONS | 9' x 18' | 9' x 18' |
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DISTURBED AREA SUMMARY

| DESCRIPTION | AREA (ACRES) |
|-------------------------|--------------|
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| ON-SITE DISTURBED AREA | ± 0.88 AC |
| OFF-SITE DISTURBED AREA | ± 0.11 AC |
| TOTAL DISTURBED AREA | ± 0.99 AC |



THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY



BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS

| REV | DATE | COMMENT | DRAWN BY | CHECKED BY |
|-----|------|---------|----------|------------|
| | | | | |

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Know what's below.
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PROJECT No.: GAA240061
DRAWN BY: JS
CHECKED BY: DW
DATE: 06/21/2024
CAD LID: P-GNRL-SITE-08

PROJECT: **SPECIAL LAND USE PERMIT SET**

FOR
MERITAGE HOSPITALITY GROUP, LLC
PROPOSED DEVELOPMENT
4850 REDAN ROAD
DEKALB COUNTY, GA 30088

BOHLER
211 PERIMETER CENTER PKWY NE, SUITE 425
ATLANTA, GEORGIA 30346
Phone: (678) 695-6800
GA@BohlerEng.com

SHEET TITLE:
SITE PLAN
SHEET NUMBER:
C-301

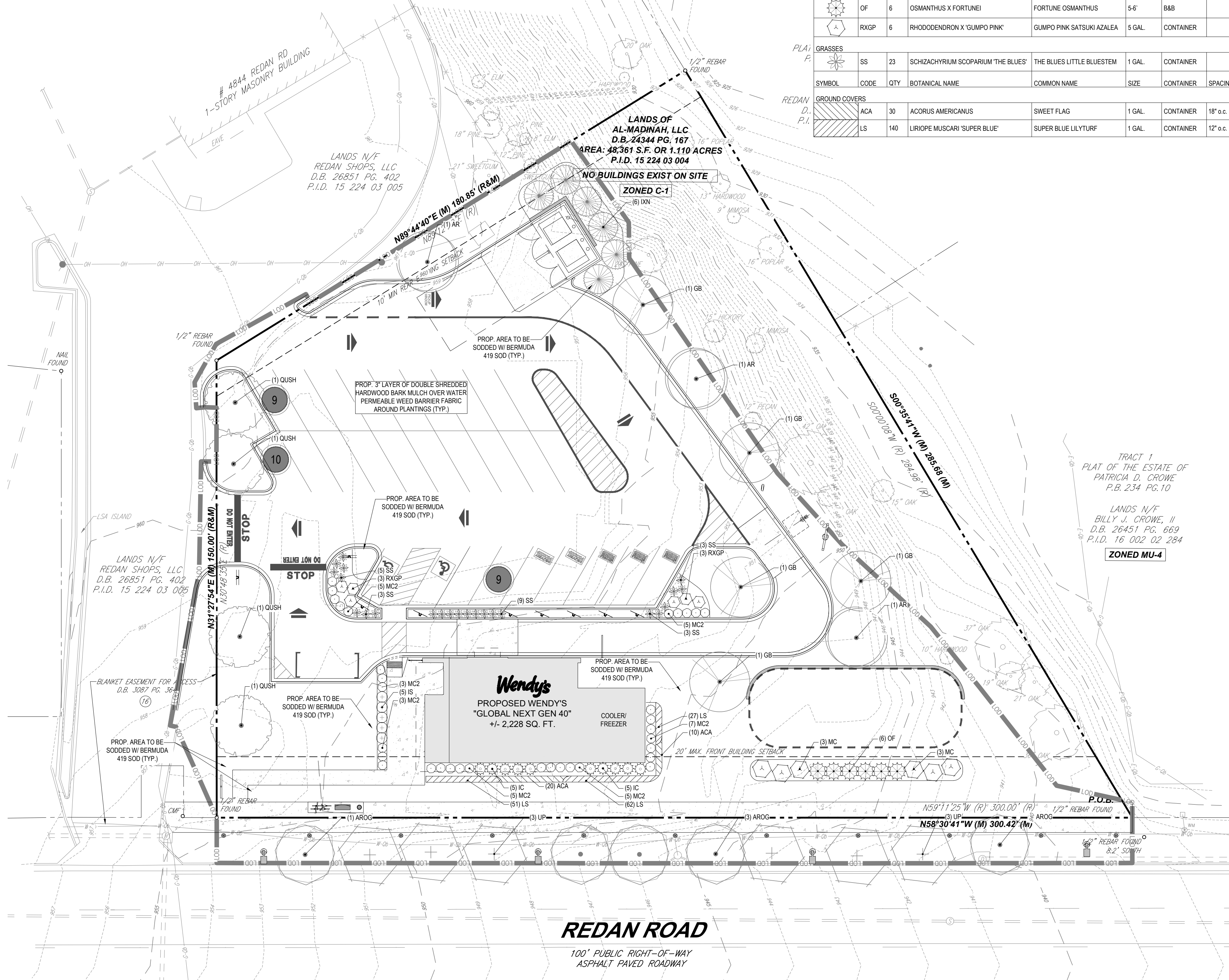
ORG. DATE - 06/21/2024

| PLANT SCHEDULE | | | | | | |
|------------------------|------|-----|-------------------------------------|---------------------------|-----------|--------------------|
| SYMBOL | CODE | QTY | BOTANICAL NAME | COMMON NAME | SIZE | CONTAINER |
| CANOPY TREES | | | | | | |
| | AR | 3 | ACER RUBRUM 'AUTUMN FLAME' | AUTUMN FLAME RED MAPLE | 3" CAL. | B&B |
| | AROG | 5 | ACER RUBRUM 'OCTOBER GLORY' | OCTOBER GLORY RED MAPLE | 3.5" CAL. | B&B |
| | GB | 5 | GINKGO BILOBA (MALE ONLY) | MAIDENHAIR TREE | 3" CAL. | B&B |
| | QUSH | 4 | QUERCUS SHUMARDII | SHUMARD OAK | 3" CAL. | B&B |
| | UP | 6 | ULMUS PARVIFOLIA 'ALLEE' | ALLEE LACEBARK ELM | 3.5" CAL. | B&B |
| EVERGREEN TREES | | | | | | |
| | IXN | 6 | ILEX X 'NELLIE R. STEVENS' | NELLIE R. STEVENS HOLLY | 8 FT. | B&B |
| SHRUBS | | | | | | |
| | IC | 10 | ILEX CORNUTA 'CARISSA' | CARISSA CHINESE HOLLY | 3 GAL. | CONTAINER |
| | IS | 5 | ILEX CRENATA 'SOFT TOUCH' | SOFT TOUCH JAPANESE HOLLY | 3 GAL. | CONTAINER |
| | MC | 6 | MYRICA CERIFERA | WAX MYRTLE | 5-6" | B&B |
| | MC2 | 33 | MYRTUS COMPACTA | COMPACT MYRTLE | 3 GAL. | CONTAINER |
| | OF | 6 | OSMANTHUS X FORTUNEI | FORTUNE OSMANTHUS | 5-6" | B&B |
| | RXGP | 6 | RHODODENDRON X 'GUMPO PINK' | GUMPO PINK SATSUKI AZALEA | 5 GAL. | CONTAINER |
| GRASSES | | | | | | |
| | SS | 23 | SCHIZACHYRIUM SCOPARIUM 'THE BLUES' | THE BLUES LITTLE BLUESTEM | 1 GAL. | CONTAINER |
| GROUND COVERS | | | | | | |
| | ACA | 30 | ACORUS AMERICANUS | SWEET FLAG | 1 GAL. | CONTAINER 18" o.c. |
| | LS | 140 | LIRIODENDRON MUSCARI 'SUPER BLUE' | SUPER BLUE LILYTURF | 1 GAL. | CONTAINER 12" o.c. |

| SYMBOL | CODE | QTY | BOTANICAL NAME | COMMON NAME | SIZE | CONTAINER | SPACING |
|--------|------|-----|-----------------------------------|---------------------|--------|-----------|----------|
| | ACA | 30 | ACORUS AMERICANUS | SWEET FLAG | 1 GAL. | CONTAINER | 18" o.c. |
| | LS | 140 | LIRIODENDRON MUSCARI 'SUPER BLUE' | SUPER BLUE LILYTURF | 1 GAL. | CONTAINER | 12" o.c. |

| COMPLIANCE CHART | | |
|--|--|------------|
| REQUIREMENT | CALCULATIONS | COMPLIANCE |
| SEC. 3.37.27 - SIDEWALKS, STREET TREE PLANTING ZONE, LANDSCAPING AND GROUND COVER REQUIREMENTS, AND CURB CUTS FOR ALL TIERS. B. STREET TREE PLANTING. 1. STREET TREES OF A CALIPER NOT LESS THAN THREE (3) INCHES SHALL BE PLANTED NO LESS THAN THIRTY (30) FEET ON CENTER ALONG PROPERTIES WITHIN THE DISTRICT HAVING STREET FRONTAGE. TREES OF THE FOLLOWING TYPE OR EQUALS APPROVED BY THE DEKALB COUNTY ARBORIST SHALL BE USED: OCTOBER GLORY RED MAPLE, SUNSET MAPLE, NUTTAL OAK, SHUMARD OAK, WILLOW OAK, ZELKOVA SERRATA, GINKGO, TRIDENT MAPLE, ALLEE LACEBARK ELM, CHALKBARK MAPLE, GEORGIA OAK. 2. STREET TREES SHALL HAVE A MINIMUM PLANTING AREA OF FOUR (4) FEET BY EIGHT (8) FEET. TREE-PLANTING AREAS SHALL PROVIDE POROUS DRAINAGE SYSTEMS THAT ALLOW FOR DRAINAGE OF THE PLANTING AREA. 3. BENCHES, TRASH RECEPTACLES, AND BIKE RACKS SHALL BE PLACED WITHIN THE SIDEWALK ZONE ON ALL STREETS AND SHALL COMPLY WITH ALL APPLICABLE DISTRICT DESIGN GUIDELINES. C. MAINTENANCE OF TREES AND GROUND COVER. ALL TREES AND ALL GROUND COVER REQUIRED BY THIS CHAPTER OR BY CHAPTER 14 OF THE CODE SHALL BE MAINTAINED IN A HEALTHY CONDITION, AND ANY TREES OR GROUND COVER WHICH DIE SHALL BE REPLACED AT THE NEXT EARLIEST POSSIBLE PLANTING SEASON. F. LANDSCAPING REQUIREMENTS AND PLANS. THE FOLLOWING LANDSCAPING REQUIREMENTS SHALL APPLY TO ALL USES IN THE DISTRICT. ANY NEW DEVELOPMENT OR REDEVELOPMENT APPLYING FOR A LAND DEVELOPMENT PERMIT SHALL INCLUDE IN THE APPLICATION A WRITTEN LANDSCAPE PLAN, WHICH SHALL INCLUDE THE FOLLOWING ELEMENTS: 1. LANDSCAPE STRIPS. A LANDSCAPE STRIP SHALL BE PROVIDED ALONG ALL PRIMARY AND SECONDARY STREET FRONTAGES WITH A MINIMUM WIDTH OF TEN (10) FEET AND SHALL BE PLANTED WITH A ROW OF STREET TREES SELECTED FROM THE LIST OF STREET TREE SPECIES IDENTIFIED IN THE DISTRICT DESIGN GUIDELINES OF AT LEAST THREE AND ONE-HALF (3 1/2) INCHES IN CALIPER AND PLANTED NOT LESS THAN THIRTY (30) FEET ON CENTER. 2. GROUND COVER. GROUND COVER SHALL ALSO BE PROVIDED IN ACCORDANCE WITH THE DISTRICT DESIGN GUIDELINES IN ORDER TO PROTECT TREE ROOTS AND TO PREVENT EROSION. GROUND COVER SHALL CONSIST OF EVERGREEN SHRUBS OR GROUND COVER PLANT MATERIAL MULCHED WITH PINE BARK MULCH, OR OTHER SIMILAR LANDSCAPING MATERIAL, TO INCLUDE MULCH MADE FROM RECYCLED MATERIALS. 3. NEW TREES. NEWLY PLANTED TREES SHALL CONFORM TO THE DISTRICT DESIGN GUIDELINES. 4. TREE SPACING. NO TREE SHALL BE PLANTED CLOSER THAN TWO (2) FEET TO THE STREET OR SIDEWALK, AND NO CLOSER THAN FIVE (5) FEET TO A FIRE HYDRANT, SIGN POST, STREETLIGHT STANDARD, UTILITY POLE, OR SIMILAR STRUCTURE. SEC. 5.4.4 - SITE AND PARKING AREA LANDSCAPING. C. PROPERTY PERIMETER LANDSCAPE STRIP. ALONG NON-RESIDENTIAL, MIXED-USE AND MULTI-FAMILY DEVELOPMENT PERIMETER LOT LINES, A PERIMETER LANDSCAPE STRIP SHALL BE REQUIRED, AS FOLLOWS: 1. A FIVE-FOOT-WIDE CONTINUOUS PERIMETER LANDSCAPE STRIP IS REQUIRED ALONG ALL PROPERTY LINES THAT ARE NOT SUBJECT TO STREET TREE REQUIREMENTS. THIS APPLIES TO INDIVIDUAL TENANT SITES INTERIOR TO A MASTER PLANNED PROJECT, EVEN IN INSTANCES WHERE INDIVIDUAL TENANT SITES DO NOT HAVE SEPARATELY PLATTED LOT LINES. 2. A PERIMETER LANDSCAPE STRIP SHALL INCLUDE ONE (1) OVERSTORY DECIDUOUS SHADE TREE, OR THREE (3) UNDERSTORY OR THREE (3) EVERGREEN TREES, FOR EVERY FIFTY (50) LINEAR FEET AT A MINIMUM SIZE OF TWO-INCH CALIPER FOR DECIDUOUS TREES AND EIGHT-FOOT HEIGHT FOR EVERGREEN TREES. 3. A PERIMETER LANDSCAPE STRIP IS NOT REQUIRED WHERE A TRANSITIONAL BUFFER IS ALSO REQUIRED. D. PARKING AREA LANDSCAPING. ALL SURFACE PARKING LOTS THAT CONTAIN A TOTAL OF FIFTEEN (15) OR MORE PARKING SPACES THAT ARE CONSTRUCTED OR REDEVELOPED SUBSEQUENT TO THE EFFECTIVE DATE OF THIS CHAPTER SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS: 1. A MINIMUM OF TEN (10) PERCENT OF THE TOTAL LOT AREA OF THE PARKING LOT SHALL BE LANDSCAPED. 2. NON-CONTINUOUS BARRIER CURBS SHALL BE INSTALLED AROUND THE PERIMETER OF THE PARKING LOT AND AROUND LANDSCAPED AREAS THAT ARE REQUIRED HEREIN, EXCEPT WHERE THE PERIMETER ADJUTS AN ADJACENT BUILDING OR STRUCTURE AND EXCEPT AT POINTS OF INGRESS AND EGRESS INTO THE FACILITY, SO AS TO PREVENT ENCROACHMENT OF VEHICLES ONTO ADJACENT PROPERTY, RIGHTS-OF-WAY, SIDEWALKS AND LANDSCAPED AREAS. 3. A CONTINUOUS HEDGE, BERM, OR SHORT WALL WITH LANDSCAPING THEREON, NOT TO EXCEED THREE (3) FEET IN HEIGHT SHALL BE REQUIRED BETWEEN SURFACE PARKING AND AN ADJACENT PUBLIC STREET RIGHT-OF-WAY. 4. TREE AND ISLAND QUANTITY. A MINIMUM OF ONE (1) OVERSTORY TREE PER EIGHT (8) PARKING SPACES, AND ONE (1) ISLAND PER TEN (10) PARKING SPACES, SHALL BE PROVIDED AND MAINTAINED. NO PARKING SPACE SHALL BE MORE THAN FORTY (40) FEET FROM A TREE. 5. LANDSCAPE ISLANDS. ALL TREES PLANTED IN A PARKING LOT SHALL BE PLANTED IN A LANDSCAPE ISLAND, WHICH ISLAND SHALL BE A MINIMUM OF TWO HUNDRED FIFTY (250) SQUARE FEET. 6. IN ADDITION TO TREES, GROUND COVER SHALL ALSO BE PROVIDED IN ORDER TO PROTECT TREE ROOTS AND TO PREVENT EROSION. GROUND COVER SHALL CONSIST OF SHRUBS, IVY, LIRIOPE, PINE BARK MULCH, OR OTHER SIMILAR LANDSCAPING MATERIAL. 7. GROUND COVER SHRUBS IN PARKING AREA LANDSCAPING SHALL BE MAINTAINED AT A MAXIMUM HEIGHT OF THIRTY (30) INCHES, EXCEPT WHERE SUCH SHRUBS ARE SCREENING THE PARKING SURFACE FROM AN ADJACENT RESIDENTIAL AREA. 8. NEWLY PLANTED TREES IN PARKING AREA LANDSCAPING SHALL BE A MINIMUM OF TWO-INCH CALIPER AS MEASURED AT A HEIGHT OF SIX (6) INCHES ABOVE GROUND LEVEL, SHALL BE A MINIMUM OF TEN (10) FEET IN HEIGHT AT PLANTING, SHALL HAVE A THIRTY-FOOT MINIMUM MATURE HEIGHT, AND SHALL BE DROUGHT TOLERANT. TREES SHALL BE PLANTED AT LEAST THIRTY (30) INCHES FROM ANY BARRIER CURB, SO AS TO PREVENT INJURY TO TREES FROM VEHICLE BUMPERS. A MINIMUM OF SEVENTY-FIVE (75) PERCENT OF THE TREES PLANTED PURSUANT TO THESE REQUIREMENTS SHALL BE DECIDUOUS HARDWOOD SHADE TREES. 9. ALL LANDSCAPED AREAS SHALL BE PROPERLY MAINTAINED IN ACCORDANCE WITH LANDSCAPE PLANS APPROVED AS PART OF THE LAND DISTURBANCE PERMIT. IN THE EVENT THAT A TREE OR ANY PLANT MATERIAL DIES, IT SHALL BE REPLACED WITHIN TWELVE (12) MONTHS SO AS TO MEET ALL REQUIREMENTS OF THIS SECTION AND TO ALLOW FOR PLANTING IN THE APPROPRIATE PLANTING SEASON. 10. ALL TREES PLANTED PURSUANT TO THE REQUIREMENTS OF THIS SECTION SHALL BE COUNTED FOR THE PURPOSE OF MEETING THE TREE PLANTING AND TREE REPLACEMENT REQUIREMENTS REQUIRED BY SECTION 14-39 OF THE CODE. | STREET TREES OF 3" CALIPER HAVE BEEN PLANTED NO LESS THAN 30' O.C. ALONG STREET FRONTAGES. THESE TREES HAVE BEEN SPECIFIED FROM THE APPROVED TREE SPECIES LIST LOCATED IN THIS CODE SECTION. STREET TREES HAVE ADEQUATE PLANTING AREAS SO AS TO PROVIDE FOR ADEQUATE ROOM TO GROW. POROUS DRAINAGE CONDITIONS HAVE ALSO BEEN ESTABLISHED AROUND EACH TREE. BENCHES, TRASH RECEPTACLES, AND BIKE RACKS HAVE BEEN PLACED WITHIN THE SIDEWALK ZONE. COMPLIES A 10' WIDTH LANDSCAPE STRIP HAS BEEN PROVIDED, IN WHICH THE REQUIRED STREET TREES HAVE BEEN PLANTED. THESE TREES SHALL BE 3.5" IN CALIPER AT THE TIME OF PLANTING. NO TREE SHALL BE CLOSER THAN TWO FEET TO ANY STREET OR SIDEWALK, AND NO CLOSER THAN FIVE FEET FROM ANY FIRE HYDRANT, UTILITY, OR STREETLIGHT STANDARD. A PERIMETER LANDSCAPE STRIP HAS BEEN APPLIED AND ACCOUNTED FOR ON THE PROPERTY LINES NOT HELD ACCOUNTABLE TO THE STREETScape REQUIREMENTS. WESTERN PROP. LINE: 150 LF / 1 OVERSTORY TREE EVERY 50' = 150 / 50 = 3 OVERSTORY TREES REQUIRED, 3 OVERSTORY TREES PROVIDED. NORTHERN PROP. LINE: 180 LF / 1 OVERSTORY TREE OR 3 UNDERSTORY / EVERGREEN TREES FOR EVERY 50' = 180 / 50 = 3.6 OR 4 CANOPY TREES REQUIRED, OR 180 / 50 = 3 = 10.8 UNDERSTORY OR EVERGREEN REQUIRED, 2 CANOPY TREES AND 6 EVERGREEN TREES PROVIDED. EASTERN PROP. LINE: 283 LF / 1 OVERSTORY TREE OR 3 UNDERSTORY/EVERGREEN TREES FOR EVERY 50' = 283 / 50 = 5.66 OR 6 CANOPY TREES REQUIRED, OR 283 / 50 = 5.66 OR 18 UNDERSTORY / EVERGREEN TREES REQUIRED, 6 CANOPY TREES PLANTED. 2,052.53 SQ. FT. OF LANDSCAPE AREA WITHIN PARKING LOT / 20,551.28 SQ. FT. OF TOTAL PARKING LOT = 10% OF TOTAL PARKING LOT TO BE LANDSCAPED AREA. TREES TO BE PLANTED ARE AT MINIMUM 2" IN CALIPER TO FILL THIS REQUIREMENT. LANDSCAPE TREE ISLANDS ALL TO HAVE A MINIMUM OF 250 SQ. FT. NO PARKING SPACE IS MORE THAN 40' FROM A TREE. OVER 75% OF TREES TO BE PLANTED TO BE DECIDUOUS HARDWOOD SHADE TREES. (23 / 30 = 76.667 OR 77 %). | COMPLIES |

- GENERAL NOTES:**
- THIS PLAN IS TO BE UTILIZED FOR LANDSCAPE PURPOSES ONLY.
 - ALL DISTURBED UNPAVED AREAS, EXCLUDING PLANTING BEDS, ARE TO BE SODED AS LAWN IN ACCORDANCE WITH LANDSCAPE SPECIFICATION # C.2, UNLESS OTHERWISE STATED ON THIS PLAN.
 - SHRUBS PLANTED ALONG HEAD-IN PARKING STALLS SHALL BE INSTALLED TO ALLOW A CLEARANCE OF TWO FEET FROM FACE OF CURB TO ALLOW FOR BUMPER OVERHANG.
 - THE CONTRACTOR SHALL PROVIDE AN IRRIGATION SYSTEM MEETING THE SPECIFICATIONS OF THE CHOSEN PRODUCT'S MANUFACTURER. THE IRRIGATION DESIGN SHALL ACCOMMODATE LAWN AND BED AREAS EACH UNDER SEPARATE ZONES TO MAXIMIZE WATER EFFICIENCY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SECURING ANY PERMITS REQUIRED FOR THE INSTALLATION OF AN IRRIGATION SYSTEM.
 - PLANT MATERIAL SUBSTITUTIONS MUST BE FORMALLY SUBMITTED TO BOHLER ENGINEERING AND THE MUNICIPAL ENGINEER AND LANDSCAPE CONSULTANTS FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. ANY PLANT MATERIAL THAT ARE TO BE INSTALLED WITHIN STORMWATER BMP FEATURES MUST BE NATIVE SPECIES.
 - NO VEGETATION OR STRUCTURES EXCEEDING 30' IN HEIGHT SHALL BE LOCATED WITHIN THE SIGHT TRIANGLE EASEMENT. THE EASEMENT SHALL PROVIDE RIGHT OF ENTRY TO THE CITY OF CANTON FOR THE PURPOSE OF REMOVING ANY OBJECT OR VEGETATION THAT RESTRICTS THE CLEAR SIGHT.
 - ALL PLANTS WILL CONFORM TO AMERICAN STANDARDS FOR NURSERY STOCK.
 - SOD TO MATCH SURROUNDING AREA.
 - A 2-YEAR LANDSCAPE MAINTENANCE BOND WILL BE REQUIRED PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. BOND VALUE WILL BE 100% OF THE PROJECT'S INSTALLED LANDSCAPING COSTS AND INCLUDE TREES, SHRUBS AND GROUND COVER.
 - ALL TREES ARE TO BE PLANTED AWAY FROM UTILITIES. NO TREE SHALL BE PLANTED WITHIN 10' OF ANY UTILITY.
 - IRRIGATION PLAN MUST BE SUBMITTED TO DEVELOPER PRIOR TO CONSTRUCTION.



| REVISIONS | | |
|-----------|------|---------|
| REV | DATE | COMMENT |
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PROJECT No.: GAA240061
 DRAWN BY: JES
 CHECKED BY: DW
 DATE: 06/21/2024
 CAD ID: P-GNRL-SITE-08

SPECIAL LAND USE PERMIT SET

FOR

MERITAGE HOSPITALITY GROUP, LLC

PROPOSED DEVELOPMENT

4850 REDAN ROAD
 DEKALB COUNTY, GA 30088



SHEET TITLE: **LANDSCAPE PLAN**

SHEET NUMBER: **L-101**

ORG. DATE - 06/21/2024

THIS PLAN TO BE UTILIZED FOR LANDSCAPE PURPOSES ONLY

SCALE: 1" = 20'

JUN 24, 2024
 H:\2024\GA240061\100\CADD\DRWINGS\PLAN SET\SP-CM-LSCP-GA-GA240061.DWG - LAYOUT L-101 LANDSCAPE PLAN

TITLE DESCRIPTION

TRACT 1:

ALL THAT TRACT AND PARCEL OF LAND LYING AND BEING IN LAND LOT 224 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKED BY AN IRON PIN LOCATED ON THE NORTHEASTERLY SIDE OF REDAN ROAD (100 FOOT ROW) AT ITS POINT OF INTERSECTION WITH THE EASTERLY LAND LOT LINE OF LAND LOT 224 (SAME BEING THE WESTERLY LAND LOT LINE OF LAND LOT 2 OF THE 16TH DISTRICT, DEKALB COUNTY); RUNNING THENCE NORTH 59 DEGREES 11 MINUTES 25 SECONDS WEST AND ALONG THE NORTHEASTERLY SIDE OF REDAN ROAD A DISTANCE OF 300.00 FEET TO A POINT MARKED BY AN IRON PIN (SAID POINT BEING ALSO 493.94 FEET SOUTHEASTERLY OF THE INTERSECTION OF THE NORTHEASTERLY SIDE OF REDAN ROAD AND THE EASTERLY SIDE OF SOUTH HAIRSTON ROAD [100 FOOT ROW], AS MEASURED ALONG THE NORTHEASTERLY SIDE OF REDAN ROAD); RUNNING THENCE NORTH 30 DEGREES 48 MINUTES 35 SECONDS EAST A DISTANCE OF 150.00 FEET TO A POINT MARKED BY AN IRON PIN; RUNNING THENCE NORTH 89 DEGREES 12 MINUTES 29 SECONDS EAST A DISTANCE OF 180.85 FEET TO A POINT MARKED BY AN IRON PIN LOCATED ON THE EASTERLY LAND LOT LINE OF LAND LOT 224; RUNNING THENCE SOUTH 00 DEGREES 00 MINUTES 08 SECONDS WEST AND ALONG THE EASTERLY LAND LOT LINE OF LAND LOT 224, A DISTANCE OF 284.98 FEET TO A POINT LOCATED AT THE INTERSECTION OF SAID EASTERLY LAND LOT LINE OF LAND LOT 224 AND THE NORTHEASTERLY SIDE OF REDAN ROAD, SAME BEING THE POINT OF BEGINNING; BEING ALL AS SHOWN UPON THAT PLAT OF SURVEY PREPARED BY JOSEPH C. KING, REGISTERED LAND SURVEYOR NO. 1418, DATED DECEMBER 27, 1990; SAID PLAT BEING MADE A PART HEREOF BY THIS REFERENCE THERETO.

TRACT 2:

EASEMENT AND OTHER INTERESTS IN REAL PROPERTY CONTAINED IN RECIPROCAL EASEMENT AGREEMENT BETWEEN EUGENE M. HOWERDD, JR., TIMOTHY J. CONNOLLY AND HOWERDD AND CONNOLLY, INC. AND LNC LAND SALES, INC. D/B/A/ HOWCON LAND COMPANY, DATED OCTOBER 17, 1973, FILED OCTOBER 22, 1973, AND RECORDED IN DEED BOOK 3087, PAGE 364, AFORESAID RECORDS.



Wendy's



DELIVERY PICKUP

QUALITY IS OUR RECIPE

DELIVERY

DELIVERY

DELIVERY



DELIVERY

DELIVERY

DELIVERY

OHIO



Government Services Center
178 Sams Street
Decatur, GA 30030
www.dekalbcountyga.gov/planning
404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

**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: _____ Phone: _____ Email: _____

Property Address: _____

Tax Parcel ID: _____ Comm. District(s): _____ Acreage: _____

Existing Use: _____ Proposed Use: _____

Supplemental Regs: _____ Overlay District: _____ DRI: _____

Rezoning: Yes ____ No ____

Existing Zoning: _____ Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes ____ No ____

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

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

Special Land Use Request(s): _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified:

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: _____ Review Calendar Dates: _____ PC: _____ BOC: _____
 Letter of Intent: _____ Impact Analysis: _____ Owner Authorization(s): _____ Campaign Disclosure: _____
 Zoning Conditions: _____ Community Council Meeting: _____ Public Notice, Signs: _____
 Tree Survey, Conservation: _____ Land Disturbance Permit (LDP): _____ Sketch Plat: _____
 Bldg. Permits: _____ Fire Inspection: _____ Business License: _____ State License: _____
 Lighting Plan: _____ Tent Permit: _____ Submittal Format: NO STAPLES, NO BINDERS PLEASE

Review of Site Plan

Density: _____ Density Bonuses: _____ Mix of Uses: _____ Open Space: _____
 Enhanced Open Space: _____ Setbacks: front _____ sides _____ side corner _____ rear _____
 Lot Size: _____ Frontage: _____ Street Widths: _____ Landscape Strips: _____
 Buffers: _____ Parking Lot Landscaping: _____ Parking - Auto: _____ Parking - Bicycle: _____
 Screening: _____ Streetscapes: _____ Sidewalks: _____ Fencing/Walls: _____
 Bldg. Height: _____ Bldg. Orientation: _____ Bldg. Separation: _____ Bldg. Materials: _____
 Roofs: _____ Fenestration: _____ Façade Design: _____ Garages: _____ Pedestrian Plan: _____
 Perimeter Landscape Strip: _____
 Possible Variances: _____

Comments: _____

Planner: _____ Date: _____

FILING FEES

| | | |
|--------------------------------|---|----------|
| REZONING: | RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1 | \$500.00 |
| | RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5 | \$750.00 |
| | OI, OD, OIT, NS, C1, C2, M, M2 | \$750.00 |
| LAND USE MAP AMENDMENT | | \$500.00 |
| SPECIAL LAND USE PERMIT | | \$400.00 |

Redan Village
 Little Caesars
 Firehouse Subs
 McDonald's

COMMUNITY COUNCIL


 Case Number: SLUP-24-124708 (2024-0970)
 Site Location: 404 MEDIAN ROAD
 Purpose: Special Land Use Permit (SLUP) for a drive through for a restaurant in the C-1 Local Commercial zoning district, within the Midtown Overlay District, Tract 2.


 Meeting Date: Tuesday
 August 20, 2024
 5:30 PM


 For more information, visit www.atlantaga.gov

COMMUNITY COUNCIL



Case Number: **SLUP-24-1247108 (2024-0891)**
Site Location: **4850 REDAN ROAD**



Purpose: Special Land Use Permit (SLUP) for a drive through for a restaurant in the C-1 (Local Commercial) zoning district, within the Hidden Hills Overlay District, Tier 2.

Community Council Meeting - District 4

Media Photos & Videos

August 20, 2024

5:30 PM

Hosted virtually via Zoom



CityLink: [www.ClayCountyGa.gov](https://www.claycountyga.gov)

www.claycountyga.gov | www.claycountyga.gov | (706) 333-2100

Redan Village

Little Caesars

CRUSTEEN **DOLLAR TREE**

FAMILY PIZZA **cricket**

SPECIAL LAND USE PERMIT

Case Number: (2024-0891) SLLUP-24-020118
 Site Location: 4850 REDAN ROAD

S
SLUP

Purpose: Special Land Use Permit (SLLUP) for a drive through for a restaurant in the U-3 (Local Commercial) zoning district, within the Hidden Hills Overlay District, Tier 2.

Permit Expires: December 31, 2024
 6:00 PM

Website: www.gwinnettcog.org

Meeting Date: December 26, 2024
 9:30 PM



SPECIAL LAND USE PERMIT



Case Number: (2024-0891) SLUP-24-1247108

Site Location: 4850 REDAN ROAD



Purpose: Special Land Use Permit (SLUP) for a drive through for a restaurant in the C-1 (Local Commercial) zoning district, within the Hidden Hills Overlay District, Tier 2.

Planning Commission
September 12, 2024
6:00 PM
Held virtually via Zoom

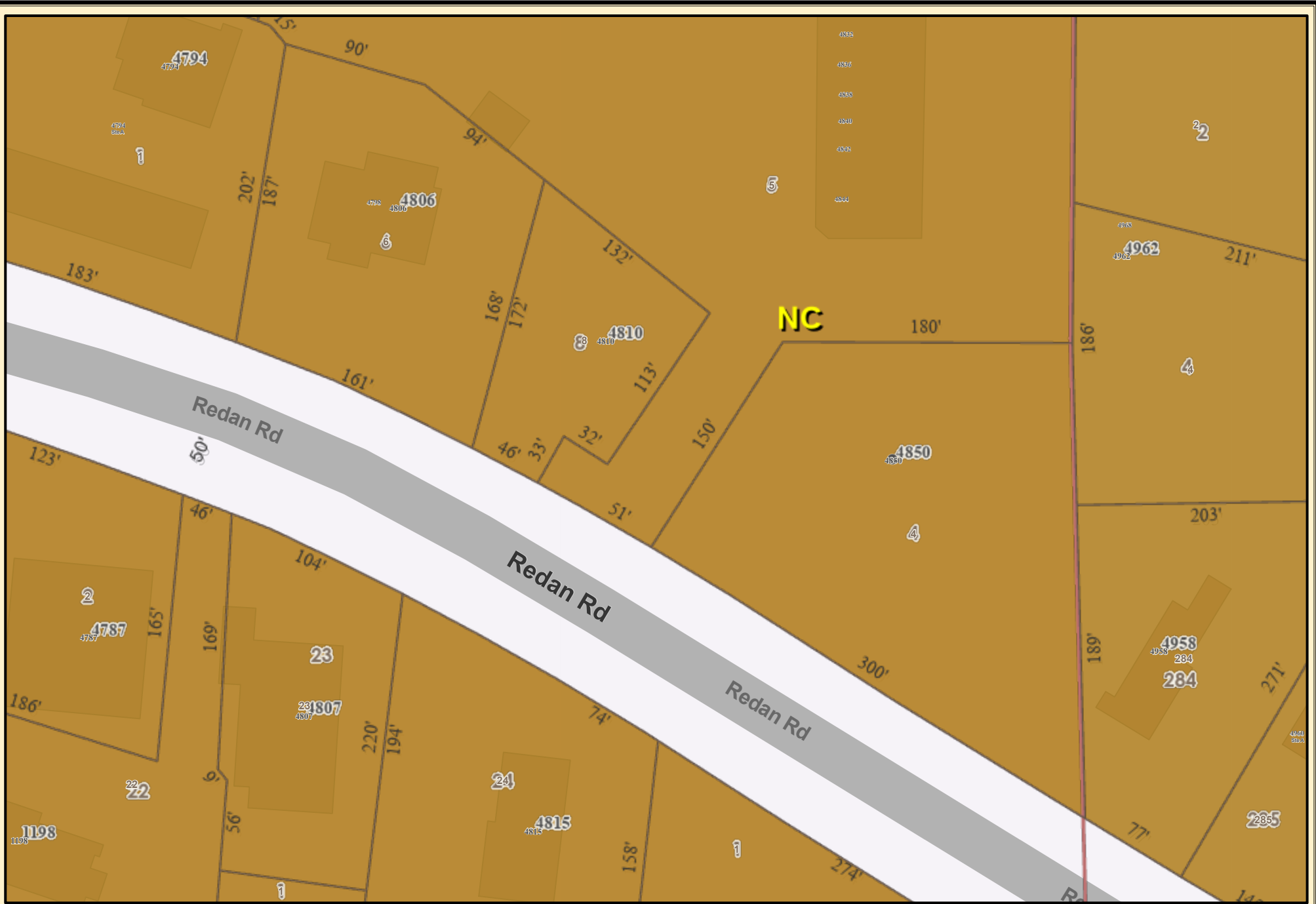
Meeting Agenda & Info



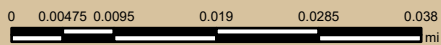
<https://www.dekalbcountyga.gov>

Board of Commissioners
September 26, 2024
5:30 PM
Held in Wood County
Public Comment 15 min

DeKalb County, GA www.dekalbcountyga.gov | Planning Department | 404-377-2343



DeKalb County Parcel Map

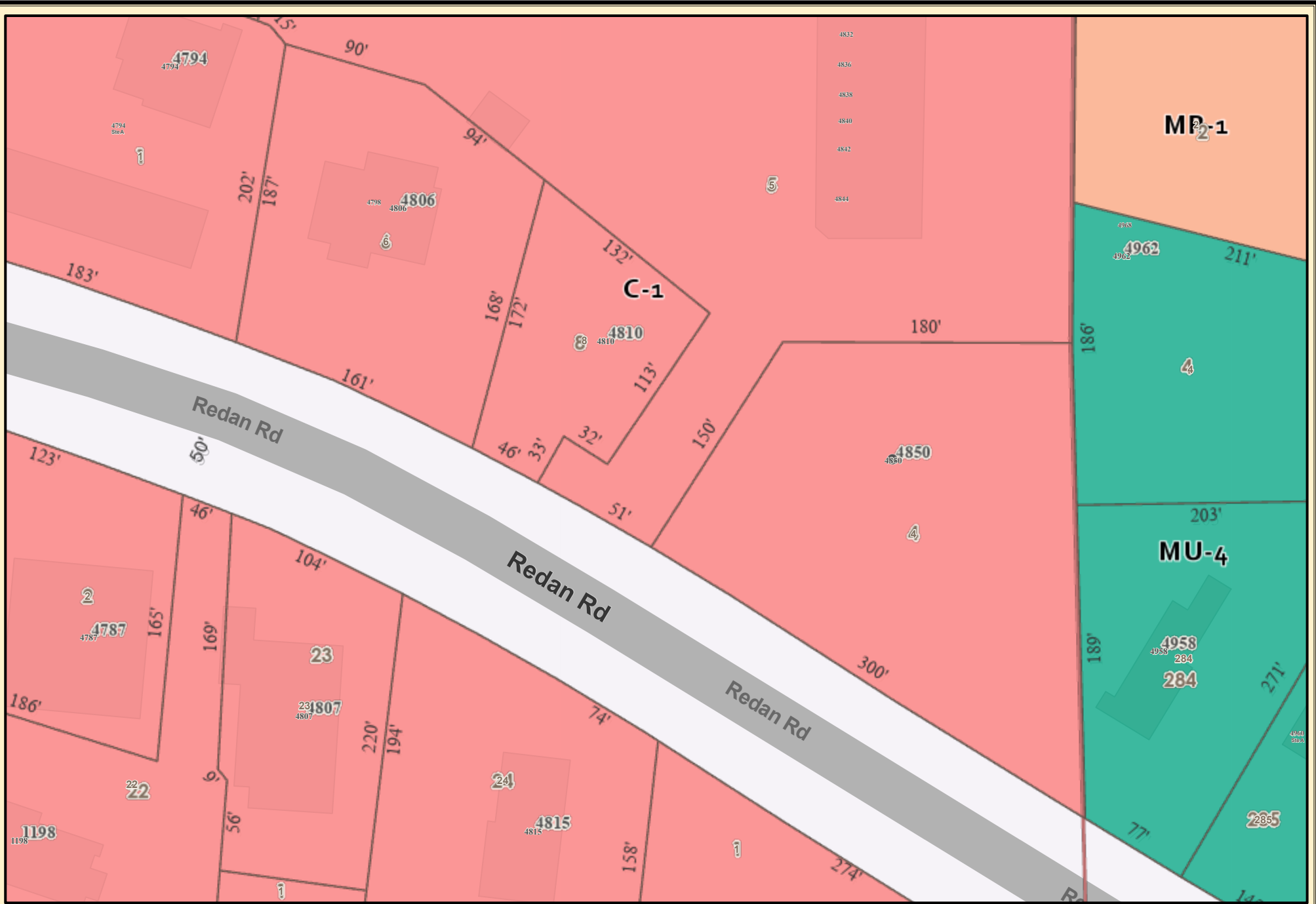


Date Printed: 8/29/2024

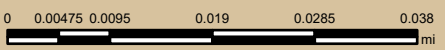


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DeKalb County Parcel Map



Date Printed: 8/29/2024

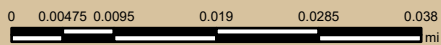


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DeKalb County Parcel Map



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