



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

(404) 371-2155 / www.dekalbcountyga.gov/planning

Planning Commission Hearing Date: September 9, 2021
Board of Commissioners Hearing Date: September 30, 2021

STAFF ANALYSIS

Case No.:	SLUP-21-1245065	Agenda #: N5
Location/Address:	2118 North Decatur Road	Commission District: 2 Super District: 6
Parcel ID(s):	18 051 09 003	
Request:	Special Land Use Permit (SLUP) to allow an accessory alcohol outlet within an existing retail store in the C-1 (Local Commercial) district.	
Property Owner(s):	Kevin E. Parker	
Applicant/Agent:	Kevin E. Parker	
Acreage:	6,400 square feet within 3.34-acre shopping center	
Existing Land Use:	Town Center	
Adjacent Zoning:	C-1 and MR-2	
Comprehensive Plan:	TC (Town Center)	<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent

Proposed Density: No Change
Proposed Units/Square Ft.: No Change
Proposed Lot Coverage: No Change

Existing Density: NA
Existing Units/Square Feet: NA
Existing Lot Coverage: NA

Zoning History:

Based on DeKalb County records, this property was constructed in 1953 prior to the first zoning code.

SITE ANALYSIS

The applicant is an existing retail store within a single-story, concrete block shopping center located at the northeast corner of Clairmont and North Decatur Roads, at 2118 North Decatur Road. The 6,400-square foot store is one of approximately 12 stores within the 3.34-acre shopping center complex. The center was originally constructed in 1953, based on DeKalb County Parcel data. The shopping center is surrounded by multi-family housing units to the northeast (MR-2), and other shopping centers and convenience stores are located to the northwest, south, southeast, and east (C-1). There are sidewalks along both North Decatur Road and Clairemont Avenue. At least one MARTA bus route runs east-west along North Decatur Road, servicing the shopping center; however, passenger vehicles appear to be the primary way patrons access the center. A large parking area separates the retail stores in the center from the two adjacent streets.

The retail store, Nuts ‘n Berries, opened their first Atlanta area location in 1980. The subject property is their second location. It opened in 2020. The retail store sells local, healthy products and has a commercial kitchen which produces soups and other grab and go foods, mostly sold for offsite consumption. There is a small dine-in area inside the store and outdoor dining on the sidewalk.

PROJECT ANALYSIS

The proposed request is to sell beer, malt beverages, hard cider and/or wine for off-site consumption (alcohol outlet) as an accessory use to the existing retail store. The applicant has stated they would like to carry local beers and wines for their customers who seek out local, organic, natural and healthy foods. They provided a site plan showing the square footage where the alcohol would be stocked, and they indicated it would include cooler and shelf space. The proposed square footage to sell and store alcohol will be less than 20% of the gross floor area of the store, complying with *Chapter 27, Section 4.2.8 (D)*. In addition, the proposal complies with the distance and other requirements described in the Supplemental Regulations of *Chapter 27, Section 4.2.8- Alcohol outlets, package stores, beer growlers*.

Article 4.2.8 Compliance with Supplemental Regulations (Alcohol Outlet)

<u>STANDARDS</u>	<u>COMPLIANCE</u>
1. Alcohol outlets shall not be located within 300 feet of any school building, school grounds, educational facility, college campus, or adult entertainment establishment.	Yes. No school related buildings or facilities identified within 300 feet of the shopping center.
2. Alcohol outlets shall not be located within 600 feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.	Yes. No substance abuse treatment facilities identified within 600 feet of the shopping center.
3. Alcohol sales as an accessory use to retail shall not exceed 20% of gross floor area.	Yes, based on the submitted site plan.

ZONING ANALYSIS

Section 27-7.4.6 of the DeKalb County Zoning Ordinance, “Special land use permit; criteria to be applied” states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit. No application for a Special Land Use Permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application.

- 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:**

The retail store is already in operation and the site is adequate for the use, based on submitted materials and staff site visit. The building was constructed in 1953 and is non-conforming. The addition of alcohol outlet as an accessory use is not expected to impact parking.

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

The proposed accessory use is compatible with the adjacent shopping centers and convenience stores (C-1) and the multi-family housing (MR-1) surrounding the retail store.

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

The retail store is already in operation and the public services, facilities and utilities are adequate for the use. The addition of alcohol outlet as an accessory use is not expected to impact any of these services.

- 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:**

The approval of the application is not expected to have significant impact on traffic. Public Works—Traffic Engineering reviewed the application and found nothing that would disrupt traffic flow. It appears to be an appropriate location (at the intersection of minor and major arterial roads) for the addition of alcohol outlet as an accessory use.

- 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:**

The character of vehicles should remain similar to what currently exists. The volume of traffic is not expected to change as a result of the granting of this request.

- 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:**

Ingress and egress access is not expected to be impacted as a result of the granting of this request.

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

The addition of alcohol outlet as an accessory use at this location will not create any noise, smoke, odor, dust or vibration.

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

The retail store's existing hours of operation will not be changed due to the granting of this request. They are open from 9:30am to 7:00pm Monday to Saturday and 11:00am to 6:00pm on Sunday.

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:

The retail store's manner of operation will not be changed due to the granting of this request. There are no adverse impacts on any adjoining land use.

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:

The addition of alcohol outlet as an accessory use at this location meets the requirements of the C-1 zoning district, which requires a SLUP to operate. They have demonstrated compliance with the supplemental regulations regarding alcohol outlets (Chapter 27-4.2.8). The applicant has not submitted surveys showing compliance with the distance requirements; however no conflicts were identified.

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

The addition of alcohol outlet as an accessory use at this location is consistent with the following preferred uses of the *DeKalb County 2021 Comprehensive Plan 5-Year Update*: "Each Town Center shall include a high-density mix of residential retail, office, services, and employment to serve several neighborhoods."

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

The proposal does not include a change in use that would require a new buffer.

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

Current refuse and service areas will not be affected by the new use and will continue to be adequate to support business operations.

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

The alcohol outlet would be within a permanent structure and should not be limited in duration.

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:

New construction is not associated with this request.

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

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

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

Yes, the proposal complies with the requirements Chapter 27, Section 4.2.8, see the above chart (4.2.8) for details regarding the supplemental requirement compliance.

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 is no proposed height change. The current shopping center is one-story.

S. 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:

The addition of alcohol outlet as an accessory use would be consistent with the Town Center land use designation and the Local Commercial (C-1) Zoning District at the intersection of a major and minor arterial road. See Criterion K.

STAFF RECOMMENDATION:

The approval of a SLUP application is necessary to sell beer, malt beverages, hard cider and/or wine for off-site consumption (alcohol outlet) as an accessory use to the existing retail store. Based on the submitted application and documentation, this proposal is consistent with the *DeKalb County 2021 Comprehensive Plan 5-Year Update*, including the goals and policies associated with the Town Center land use of the property, “The areas consist of a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, higher-density housing, and appropriate public and open space uses that are easily accessible by pedestrians.”

It appears that the proposed accessory retail use (alcohol outlet) is consistent with the retail use of the existing store wherein it will be located (Nuts ‘n Berries) and the other retail and restaurant tenants of the established shopping center (Sec 7.4.6.B). Additionally, the Planning Department is recommending as a condition of approval that there be compliance with all supplemental regulations relating to alcohol outlet, to reinforce the regulations themselves. Since the request is merely to expand the retail offerings of an existing grocery store within an established shopping center, no additional traffic impacts are anticipated (Sec 7.4.6.B).

Therefore, the Department of Planning and Sustainability recommends approval with the following conditions:

1. Compliance with alcohol license requirements of DeKalb County.
2. The alcohol outlet shall be limited to the existing suite of the Nuts ‘n Berries store within the North Decatur Plaza shopping center.
3. The alcohol outlet shall be limited to retail sales of beer, malt beverages, hard cider and/or wine. No consumption of alcohol allowed on the premises.
4. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plan
6. Floor Plan
7. Zoning Map
8. Aerial Photograph
9. Site Photographs

NEXT STEPS



Following an approval of this zoning action, one or several of the following may be required:

- **Land Disturbance Permit** *(Required for 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 or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for 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 requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER mmalexander@dekalbcountyga.gov OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

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

Case No.: SLUP-21-1245060

Parcel I.D. #: 18 051 09 003

Address: 2118 North Decatur Road

Decatur, Georgia

WATER:

Size of existing water main: 6" DI, 8" CI, and 12" CI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: South Fork Peachtree Creek Basin

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

Water Treatment Facility: R. M. Clayton WTF () adequate () inadequate

Sewage Capacity; * (MGPD)

Current Flow: 127 (MGPD)

COMMENTS:

* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

If not increasing square footage, request will for sewer capacity will likely be zero flow request. D. Taylor

Signature: 

Zoning

N1. No Comment

N2. Panola Road is classified as a Major Arterial. Infrastructure requirements: 50 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike lane (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights. Young Road is classified as a collector road. Infrastructure requirements: 35 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike path (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights. The access point on Young Road must be right in/right out only and be located father from the intersection of Young Road at Panola Road. See Land Development Code Section 14-200 (6) for required minimum spacing to get proper offset from the Family Dollar access point. Verify that the access point meets intersection and stopping sight distance based on AASHTO design guidelines when submitting for permitting.

N3. No file forwarded for review.

N4. North Druid Hills is classified as a Major Arterial. Driveway is to be right in/right out only. Verify that the access point meets intersection and stopping sight distance based on AASHTO design guidelines when submitting for permitting. Raise the curb along North Druid Hills to current standards. Infrastructure requirements: 50 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike lane (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights.

N5. No Comment

N6. No file forwarded for review.

N7. Memorial Drive is a state route. Review and approval of GDOT District 7 is required prior to a land disturbance permit (rmathis@dot.ga.gov) Memorial Drive is classified as a Major Arterial. Infrastructure Requirements: 50 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike lane (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights. East Anderson Road is classified as a local road. The Land Development Code requires improvements on all property frontages. Infrastructure Requirements: 27.5 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 5 foot sidewalk, 6 foot landscape strip and street lights. A variance from the Zoning Board of Appeals for the Zoning Code requirements is necessary to eliminate the infrastructure improvements. However, the Transportation Division requires that the right of way dedication of 27.5 feet from centerline be donated- even if ZBA variances for sidewalks, streetlights, etc. are granted. The Land Development Code Section 14-200 (5) requires 3 access points for 170 units. If you propose over 150 units, you will need a variance from the BOC for the Land Development Code prior to approval of the land development permit. You will also need a variance from the BOC if you do not dedicate the right of way on East Anderson Road.

N8. No file forwarded for review.

N9. Columbia Drive is classified as a minor arterial. . Infrastructure Requirements: 40 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike lane (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights. Interior roads to be private. Only one access point (30 units). Verify that the access point meets intersection and stopping sight distance based on AASHTO design guidelines when submitting for permitting.

N10. No Comment

N11. No Comment

N12. No Comment.



Board of Health

08/20/2021

To: Planning & Sustainability Department
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, tourist accommodation 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.

Board of Health

- N.1 SLUP-21-1245054 2021-2900/18-149-02-011
- 2757 LaVista Road, Decatur, GA 30033 Acres: 1.3 District 02 Super District 06
- Please review general comments
- Research indicates onsite septic system installed on surrounding properties.
-
- N.2 Z-21-12-1245055 2021-2901/16-637-02-007,16-037-02-008
- 1762 Panola Road, Stone Mountain, GA 30088 Acres: 1.38 District 05 Super District 07
- Please review general statements
- Research indicates onsite septic system installed on surrounding properties.
-
- N.3 LP-21-124563 2021-2904/18-111-05-002,18-111-05-003
- 2784 North Druid Hills Road, Atlanta, GA 30329 Acre: 0.9 District 02 Super District 06
- Please review general comments
- Research indicates onsite septic system installed on 10/04/1961 at 2783 North Druid Hills Road.
-
- N.4 Z-21-1245064 2021-2905/18-111-05-002,18-111-05-003
- 2784 North Druid Hills Road, Atlanta, GA 30329 Acre: 0.9 District 02 Super District 06
- Please review general comments.
- Research indicates onsite septic system installed on 10/04/1961 at 2783 North Druid Hills Road.

- N.5 SLUP-21-1245065 2021-2906/18-051-09-003
- 2118 North Decatur Road, Decatur, GA 30033 Acres: 3.34 District 02 Super District 06
- Please review general comments.
- Research indicated onsite septic system installed on 02/23/2018 at 2051 North Druid (surrounding area).
-
- N.6 LP-21-1245068 2021-2907/18-071-02-031
- 4698 East Anderson Road, Stone Mountain, GA 30083 Acres: 2.56 District 04 Super District 06
- Please review general comments.
-
- N.7 Z-21-1245066 2021-2908/18-071-02-005,18-017-02-008,18-071-02-031,18-071-02-032
- 4717 Anderson Road, Stone Mountain, GA 30083 Acres: 17.8 District 04 Super District 06
- Please review general statements.
-
- N.8 LP-21-1245127 2021-2933/15-186-04-028,15-186-04-029
- 1484 Columbia Drive, Decatur, GA 30032 Acres: 2.79 District 03 Super District 07
- Please review general comments.
- Research indicates onsite septic system installed on 09/15/2006.

N-5



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

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**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-21-1245060 Parcel I.D. #: 18-051-09-023

Address: 2118
N. DECATUR, GA
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.

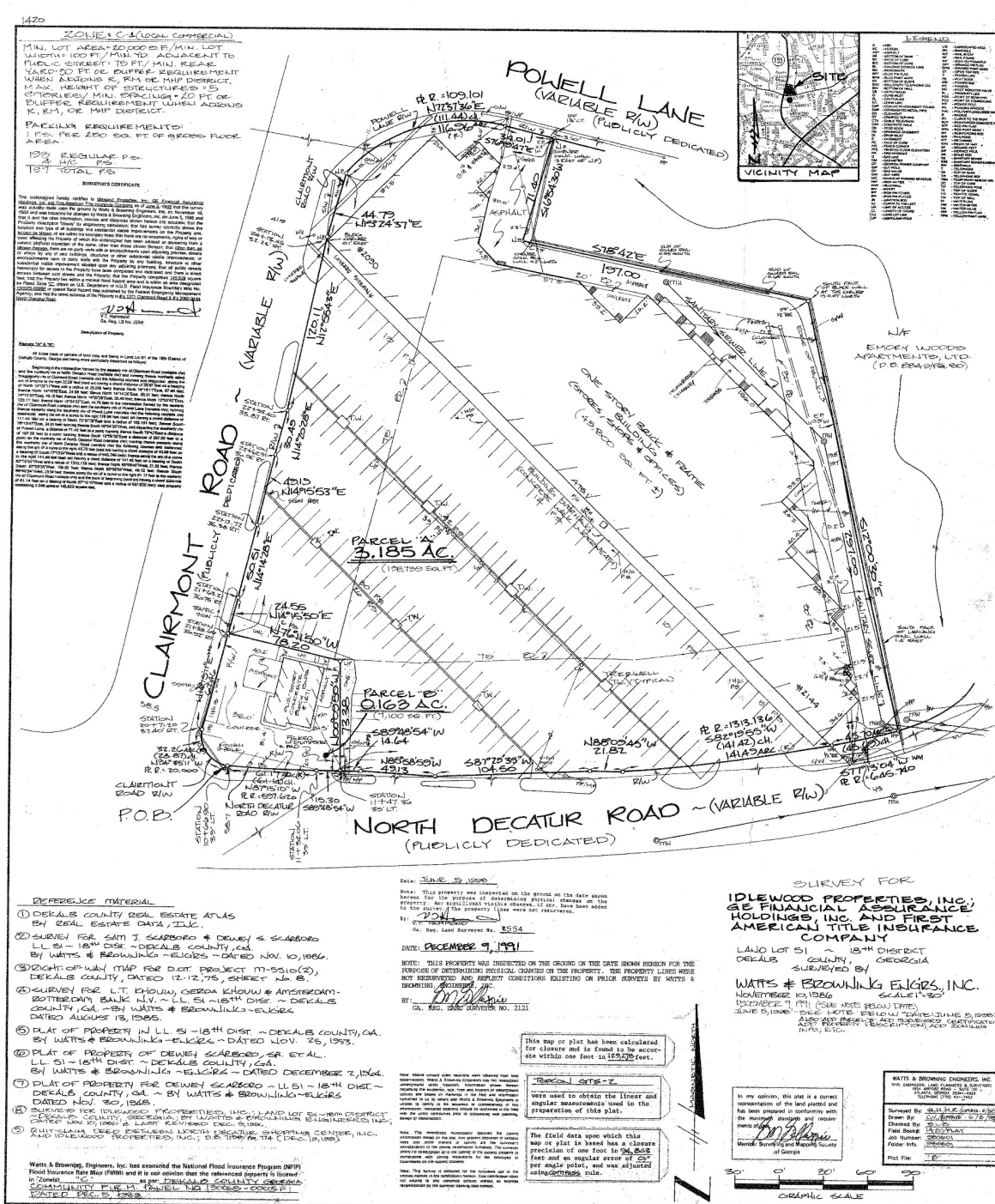
According to studies conducted by the Institute of Traffic Engineers (ITE) 6TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____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

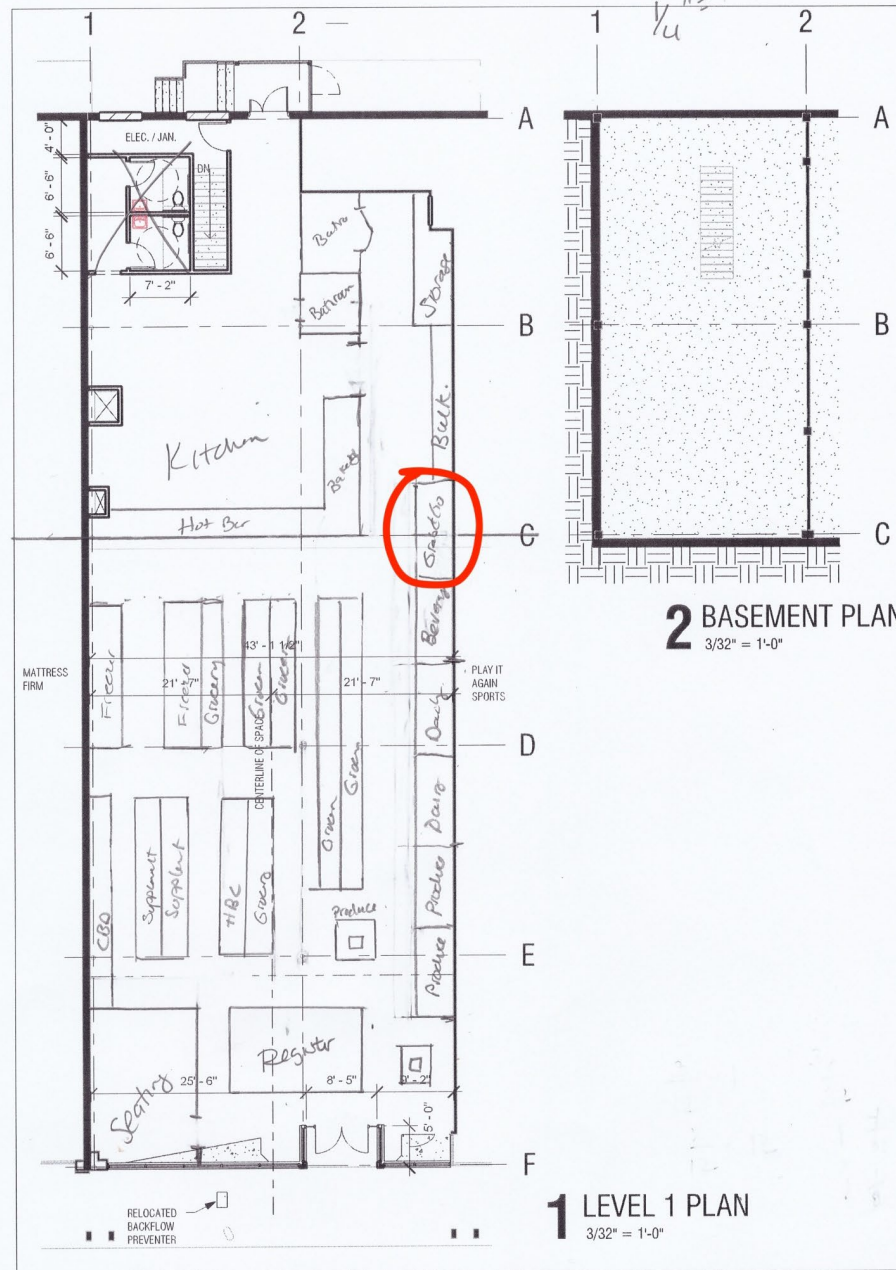
Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given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

Reviewed and found nothing that would
disrupt traffic

Signature: [Signature]





NORTH DECATUR PLAZA WHITE BOX

2118 NORTH DECATUR ROAD
DECATUR, GA 30033

SCHEMATIC DESIGN OPTION 1

DATE	02/19/19
DRAWN BY	JDP

4:48 PM

