



DeKalb County Department of Planning & Sustainability

Decatur, GA 30030

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

Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: November 2, 2023

Board of Commissioners Hearing Date: November 16, 2023

STAFF ANALYSIS

Case No.: SLUP 23 1246650 **Agenda #:** 2023-1146

Location/Address: 1726 Church Street Decatur, Georgia. **Commission District:** 2 **Super District:** 6

Parcel ID: 18 062 03 001

Request: A Special Land Use Permit (SLUP) to construct a new drive-through coffee shop within the C-2 (Heavy Commercial) Zoning District

Property Owner/Agent: Karim Lakhani

Applicant/Agent: Fariz Morani

Acreage: .52 acres

Existing Land Use: Auto sales dealership.

Surrounding Properties Adjacent Zoning: South: C-2 East: C-2 West: MR-2 North: C-1

Comprehensive Plan: **Town Center (TC)** **Consistent** **Inconsistent**

Proposed Building Sq. Ft.: approximately 600 square feet	Existing Building Sq. Footage: 924 sf
Proposed Lot Coverage: NA	Existing Lot Coverage: NA

STAFF RECOMMENDATION: DENIAL

The request is to demolish the existing building on the property and construct a new drive-through coffee establishment. The site is located within a Town Center (TC) activity center character area and the Medline LCI designated by the DeKalb 2050 Unified Plan. Although there are existing drive-through establishments along Scott Boulevard and Church Street, the addition of a new drive-through restaurant does not meet the intent and vision of the TC Character Area and Medline LCI calling for higher intensity residential and commercial uses which serve several surrounding communities, in order to reduce automobile travel, promote walkability, and increase transit usage (*2050 Unified Plan, page 33*). Additionally, the proposed drive-through restaurant is not located at the edge of the TC Character Area where auto-oriented uses may warrant consideration, instead the subject property is located in the center of the character area where pedestrian oriented, high-density mixed-use projects are desired.

The site is a nonconforming lot measuring 22,651 square feet and does not comply with the minimum lot area for C-2 zoning which requires 30,000 square feet. Allowing a drive-through use to encourage more traffic on this small, non-conforming site may cause more traffic congestion in the area and be a burdensome use of transportation facilities. While the applicant indicates that there is compliance with all drive-through supplemental regulations per Section 4.2.23, this cannot be verified since the submitted concept drawing is not drawn to scale or detailed enough. Furthermore, due to the small size of the property, it appears that the site may not be able to comply with all of the right-of-way dedication requirements, sidewalks, and landscape improvements required by the DeKalb County Transportation Department (see attached inter-departmental comments for required improvements).

Upon review of Section 7.4.6A (Adequate site size to accommodate proposed use) and 7.4.6D (Sufficient traffic carrying capacity) of the Zoning Ordinance, it is the recommendation of the Planning and Sustainability Department that the Special Land Use Permit (SLUP) for a drive-through restaurant on the subject site be **DENIED**.

Attachments:

- 1. Department and Division Comments**
- 2. Application**
- 3. Site Plan**
- 4. Zoning Map and Land Use Map**
- 5. Aerial Photograph/Site Photographs**



**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

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-23-1246630 Parcel I.D. #s: 18-062 03-001
Address: 126 Church Street Decatur, Ga. 30033

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) 6⁷ 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: Jennifer Russell



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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: _____

10/16/2023

To: Mr. John Reid, Senior Planner
From: Ryan Cira, Director, Division of Environmental Health
Cc: Alan Gaines, Environmental Health 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 the 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.

N1-2023-1142

CZ-23-1246630 / 15-186-04-029

1484 and 1520 Columbia Drive, Decatur, GA 30032

- See review general comments.
- Septic indicated on several surrounding properties.

N2-2023-1143

Z-23-1246648 /15-163-01-008

4822 Covington Hwy, Decatur, GA 30035

- Please review general comments.

N3-2023-1146

SLUP-23-1246650 / 18-062--03-001

1726 Church Street, Decatur, GA 30033

- Please review general comments.
- Septic indicated on surrounding properties.

N4-2023-1147

Z-23-1246652 / 16-193-04-004, 16-193-04-005

8070 and 8080 Rockbridge Road, Stone Mountain, GA 30087

- Septic 1000 gallons indicated on 8070 Rockbridge Road, installed on 03/17/1981.
- Please review general comments.

OCTOBER 2023 ZONING COMMENTS

- 1. N-1. 1484 and 1520 Columbia Drive.** Columbia Drive is classified as a minor arterial. Requires a 40-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, 5-foot landscape strip between path and back of curb, and streetlights required. Please note that private roads must be constructed to public road standards. They should be 24 feet wide instead of 20 feet wide. I am concerned that people will park along the road and not in the designated parking spots due to distance from spots to lots 2-9. Add no Parking signs on both sides of the interior street from Columbia Drive to end of Lot 17. No parking allowed on Columbia Drive. Needs a spot for turnaround at the security gate if vehicles are not allowed to enter. They cannot back into Columbia Drive should entrance be denied.
- 2. N-2 4822 Covington Hwy.** Covington Hwy is SR 12. GDOT review and permits required. Covington Hwy is classified as a major arterial. ROW dedication of 50 feet from center line or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, 5-foot landscape strip between back of curb and path, streetlights required. Required to upgrade traffic signal to provide pedestrian facilities. GDOT signal permit required.
- 3. N-3. 1726 Church St.** Scott Blvd is SR 8 and requires GDOT review and approval prior to permitting. Scott Blvd is classified as a major arterial. Requires: Requires a 50-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. A 10-foot shared path, 5-foot landscape strip between back of curb and path, streetlights required. No access allowed directly to Scott Blvd. Church Street is classified at a minor arterial. Requires a 40-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. A 10-foot shared path, 5-foot landscape strip between back of curb and path, streetlights required. One right in right out access only along Church Street- prefer no access. Connector street is classified as local. Requires a 27.5-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. Requires 5-foot landscape strip between back of curb and sidewalk, 6-foot sidewalk, streetlights required.
- 4. N-4 & N-5 8070 and 8080 Rockbridge Rd.** Rockbridge Road is SR 124. GDOT review and permitting required. Rockbridge Rd is classified as a major arterial. Requires: Requires a 50-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. A 10-foot shared use path, 5-foot landscape strip between back of curb and path, streetlights required. Design entrance as a typical right in/right out for driver clarity. South Rockbridge Road is a minor arterial. Requires a 40-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. A 10-foot shared path, 5-foot landscape strip between back of curb and path, streetlights required.
- 5. N-6. 2179 Bouldercrest Rd.** Bouldercrest Rd is a classified as a major arterial. Requires a 50-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, add curb and gutter, 5-foot landscape strip between back of curb and path, and streetlights. Verify that each driveway meets minimum intersection and stopping sight distance per AASHTO.
- 6. N-7. 1716 Pleasant Hill Trails and Various Pleasant Hill Road Major Mod** Pleasant Hill Trail is a local road and must be improved as part of this development's frontage. Requires a 27.5-foot ROW dedication from centerline or such that all public infrastructure is within ROW, whichever greater. From the centerline- the road must be improved to be 12 feet wide with curb and gutter, 5-foot landscape strip and a 5-foot sidewalk, streetlights required. Pleasant Hill Road is classified as a minor arterial. Requires a 40-foot ROW dedication

from centerline or such that all public infrastructure is within ROW, whichever greater. From the centerline- the road must be improved to be 12 feet wide with curb and gutter, 10-foot shared path, 5-foot landscape strip between path and back of curb, streetlights required. Both access points must meet minimum sight distance requirements per AASHTO for intersection and stopping sight distance. Pleasant Hill Road has a speed limit of 45 mph. A variance is needed for minimum number of access points per section 14-200 (5) of the land development code. For the Transportation Division to support the variance, a full intersection design with left turn lanes and right turn lanes will be required at Providence Point Dr and the new road. Consider adding traffic calming measures on interior streets to determine driveway placement. (Hard to retrofit townhome communities with traffic calming.) Assuming interior streets will be private based on plan provided. Private streets must be built to public road standards.

- 7. N-8. & N-9. 2536 Snapfinger Rd.** I-20 Overlay District Tier 3. Overlay standards take precedent- where silent the zoning and then the land development standards are applied. Snapfinger Road is classified as a major arterial. ROW dedication of 50 feet from center line of Snapfinger Rd or such that all public infrastructure is within ROW, whichever greater. Follow the infrastructure requirements of the overlay district, but at a minimum: The public roads to the east and north require a right of way dedication of 27.5 feet from centerline, five-foot landscape strip from back of curb, 5-foot sidewalk and street lighting.
- 8. N-10. 2569 & 73 Dusty Lane.** Dusty Lane is classified as a local road. Required to dedicate 27.5 feet of right of way from centerline or such that all public infrastructure is within right of way, whichever greater. Requires five-foot landscape strip from back of curb to sidewalk, five-foot sidewalk and pedestrian lighting.
- 9. N-11 & N-12. 3823 N Druid SLUP.** Eliminate one curb cut on North Druid Hills Rd. North Druid Hills Rd is classified as a major arterial. ROW dedication of 50 feet from center line or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, 5-foot landscape strip between back of curb and path, streetlights required. Provide necessary driveway easements/ROW for the Birch Road at North Druid Hills Rd Intersection project. Coordinate with PW- Transportation on easement/ROW.
- 10. N-13. 4381 Covington Hwy.** Covington Hwy is SR 12. GDOT review and permits required. Covington Hwy is classified as a major arterial. ROW dedication of 50 feet from center line or such that all public infrastructure is within ROW, whichever greater. Requires a 10-foot shared path, 5-foot landscape strip between back of curb and path, streetlights required.
- 11. N-14.** No Comment.



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Recommend denial

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**

No comment.

- **Storm Water Management**

The conceptual plan shall indicate:

- (1) the location of the proposed stormwater mgt facility to comply with sec.14-40 of the County codes
- (2) the discharge point from the proposed stormwater mgt facility.

Notes: (1) Stormwater mgt facility must be at least 20' from the property line; (2) the discharge point must be at least 25' from the property line; (3) the County codes require the pre-development conditions to be modeled as wooded

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application.

Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

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

- **Fire Safety**



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**REZONE
COMMENTS FORM:
PUBLIC WORKS ROAD AND DRAINAGE**

Case No.: SLUP-23-1246650

Parcel I.D. #: 18-062-03-001

Address: 1726 Church Street, Decatur, GA 30033

Drainage Basin: South Fork Peachtree Creek

Upstream Drainage Area: N/A

Percent of Property in 100-Year Floodplain: 0%

Impact on property (flood, erosion, sedimentation) under existing zoning: The flood impact in zone X outside the floodplain and otherwise referred to as Special Flood Hazard Area is minimal. Erosion and sedimentation is not expected to be prevalent due to the property having been developed in its present state.

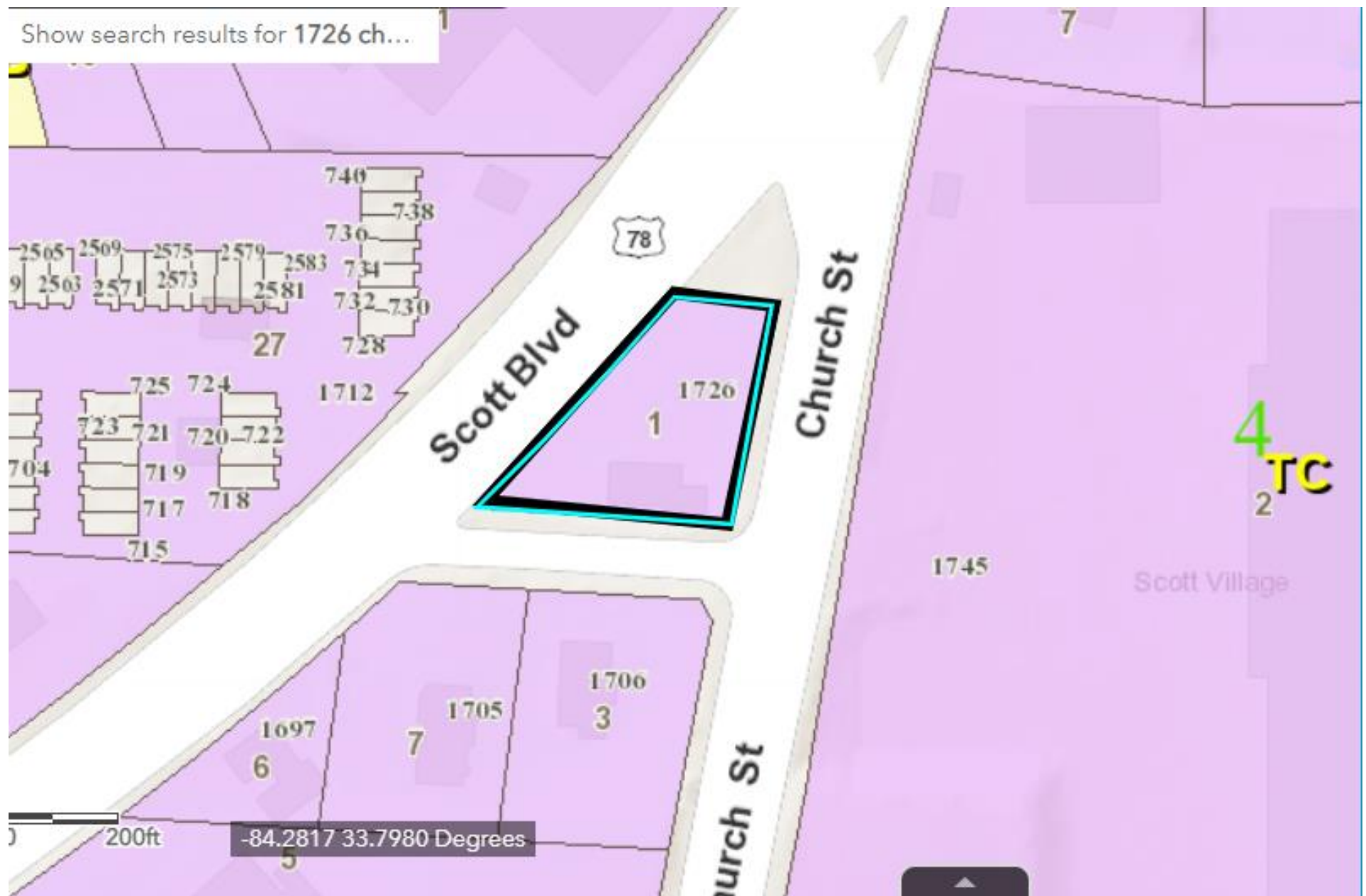
Required detention facility(s): No.

COMMENTS:

The SLUP application if approved will not affect the existing stormwater infrastructure as no increase is expected in runoff of the area due to the proposed use.

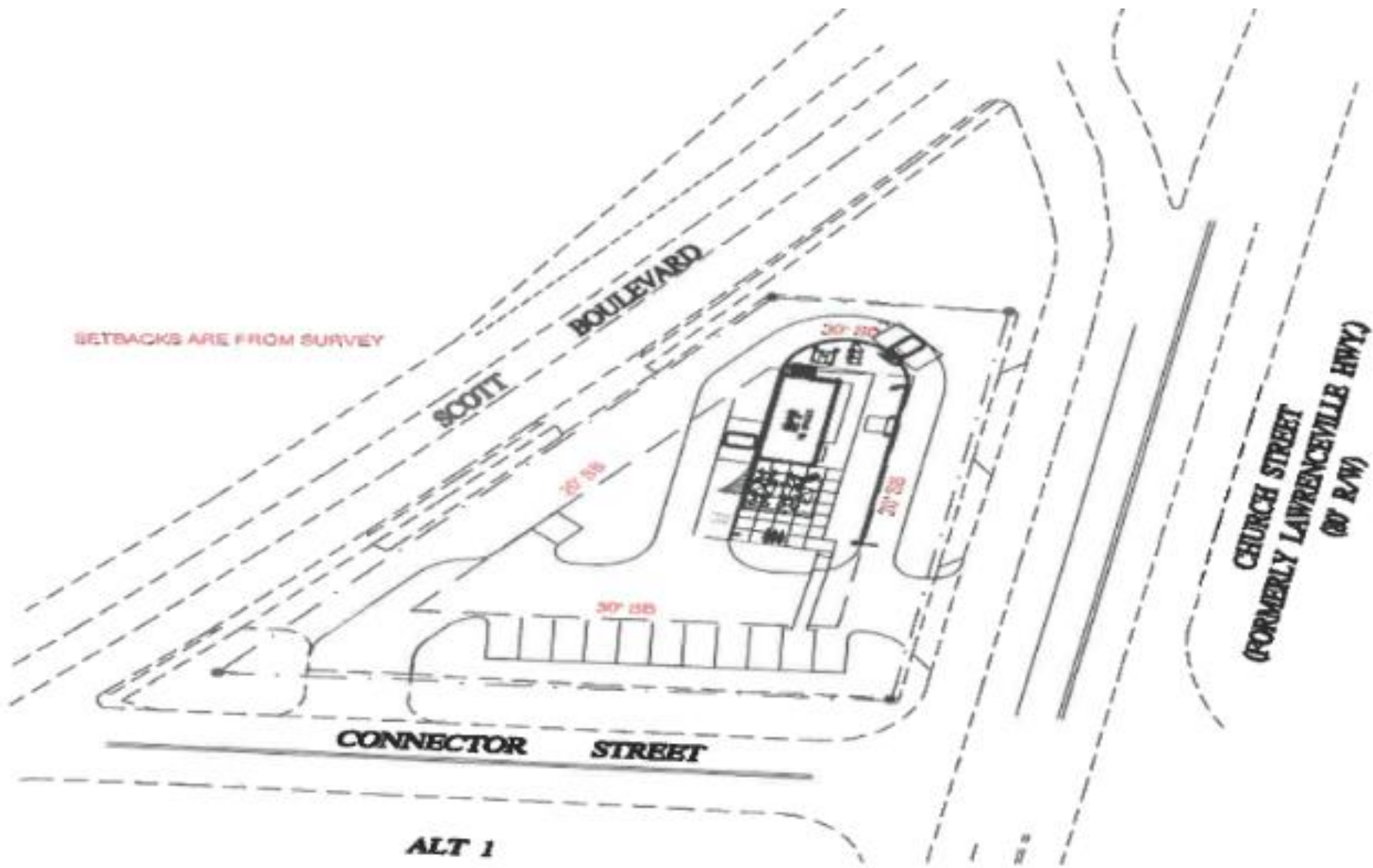
Signature: _____













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: Fariz Morani

Daytime Phone: 404-662-3322 E-Mail: fariz@alfloans.com

Mailing Address: 2929 Turner Hill Road
Lithonia, GA 30038

Owner Name: KARIM LAKHANI
(If more than one owner, attach contact information for each owner)

Daytime Phone: 404-662-3322 E-Mail: fariz@alfloans.com

Mailing Address: 2929 Turner Hill Rd
Lithonia, GA 30038

SUBJECT PROPERTY ADDRESS OR LOCATION: 1726 Church Street

Decatur DeKalb County, GA 30033

18.062.03.001 Parcel ID: .52 Acreage or Square Feet: Commission Districts: 2 & 6

Existing Zoning: C2 Proposed Special Land Use (SLUP): REQUEST FOR 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: X Signature of Applicant:

X [Signature]

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Michael Thurmond

Interim Director
Cedric Hudson

SPECIAL LAND USE PERMIT (SLUP) APPLICATION CHECKLIST

EMAIL COMPLETED PACKET IN ONE (1) PDF to PLANNER

- 1. Schedule a mandatory **Pre-Application Conference** with Planning & Sustainability staff by appointment. Pre-Application form (to be completed in pre-application meeting). Please email lahill@dekalbcountyga.gov for appointment.
- 2. Hold a **Pre-Submittal Community Meeting** with surrounding neighborhood associations and residents. Provide documentation of the meeting (meeting notice and sign in sheets). Letter(s) from homeowners' association(s) may also be provided.
- 3. Submit: **Application - Submit 1 complete, combined PDF version via email or flash drive. Please assemble materials in the following order:**
 - A. Application form** with name and address of applicant and owner, and address of subject property;
 - B. Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting, if any;
 - C. Letter of application and impact analysis**
 - 1. **Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g., floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any.
 - 2. **Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.
 - D. Authorization Form**, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years.
 - E. Campaign disclosure statement** (required by State law).
 - F. Legal boundary survey** of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. *(If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.)*
 - G. Site Plan**, printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following
 - a. boundaries of subject property;
 - b. dimensioned access points and vehicular circulation drives;
 - c. location of all existing and proposed buildings, structures, setbacks and parking;
 - d. location of 100-year floodplain and any streams;
 - e. notation of the total acreage or square footage of the subject property;
 - f. landscaping, tree removal and replacement, buffer(s); and
 - g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.
 - H. Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).
 - I. Building Form Information.** Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.
 - J. Completed, signed Pre-application Form** (Provided at pre-application meeting.)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

DEPARTMENT OF PLANNING & SUSTAINABILITY

IMPACT ANALYSIS

Criteria: Sec 27-7.4.6 The following criteria shall be considered by the Department of Planning and Sustainability, the Planning Commission and the Board of Commissioners in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the Board of Commissioners unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and unless the application is in compliance with all applicable regulations in Article 4.

- 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.
- 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.
- C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use.
- 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.
- 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.
- 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.
- 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.
- H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.
- I. Whether there is adequate provision of refuse and service areas.
- J. Whether the length of time for which the special land use permit is granted should 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.
- L. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.
- M. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
- 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.

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: 09/6/23

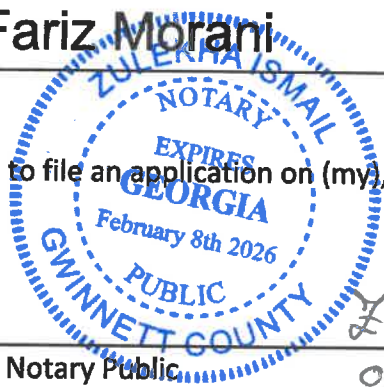
TO WHOM IT MAY CONCERN:

(I), (WE) Karim Lakhani
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:

Fariz Morani
Name of Agent or Representative

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



Zulekha Ismail
09/06/2023

X  09/06/2023
Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

FILING FEES

At the time of submittal, a filing fee shall accompany each Special Land Use Permit application as follows:

SPECIAL LAND USE PERMIT \$400.00

Applications for non-contiguous property (separated by a street) must be filed separately. A separate fee will be charged for each application. Applications deferred “full cycle” do not require additional fees. An application that is withdrawn and later re-filed will be treated as a new case and will require a new fee.

ADDITIONAL CRITERIA FOR SPECIFIED USES

No application for a special land use permit for the uses specified below shall be granted by the board of commissioners unless it is determined that, in addition to meeting the requirements contained within the zoning district in which such property is located and the criteria contained in section 7.4.6 and complying with applicable regulations in Article 4, satisfactory provisions and arrangements have been made concerning each of the following criteria:

- A. *Telecommunications towers and antennas.* In determining whether to authorize a special land use permit for a telecommunication tower or antenna, the board of commissioners shall comply with and apply the requirements of section 4.2.57.
- B. *Mine, mining operation, gravel pit, quarry, or sand pit.* In determining whether to authorize a special land use permit for a mine, mining operation, gravel pit, quarry, or sand pit, the board of commissioners shall also consider each of the following criteria:
 1. Whether the type and volume of traffic associated with such use will cause congestion in the streets and will create noise and vibration along streets used for residential purposes or adjacent to activity centers.
 2. Whether the applicant has provided a soil erosion control plan and a reuse or reclamation plan which meets the requirements of DeKalb County and of the Georgia Surface Mining Act, O.C.G.A. § 12-4-70, et seq., as amended, and the Rules of Department of Natural Resources, Chapter 391- 3-3, as amended.
 3. Whether or not the applicant meets the requirements of the county’s noise ordinance.
- C. *Child day care facility.* In determining whether to authorize a special land use permit for a child day care facility, the board of commissioners shall also consider each of the following criteria:

DEPARTMENT OF PLANNING & SUSTAINABILITY

1. Whether the proposed off-street parking areas and the proposed outdoor play areas can be adequately screened from adjoining properties so as not to adversely impact any adjoining land use.
 2. Whether there is an adequate and safe location for the dropping off and picking up of children at the child day care facility.
 3. Whether the character of the exterior of the proposed structure will be compatible with the residential character of the buildings in the zoning district in which the child day care facility is proposed to be located, if proposed for a residential zoned district.
- D. Biomedical waste disposal facilities, disposal facilities, landfills, county solid waste disposal facilities, county solid waste landfills, private industry solid waste disposal facilities, solid waste handling facilities, solid waste thermal treatment technology facilities, and disposal facilities for hazardous and/or toxic materials including radioactive materials.
1. In determining whether to authorize a special land use permit for a biomedical waste disposal facility, disposal facility, landfill, county solid waste disposal facility, county solid waste landfill, private industry solid waste disposal facility, solid waste handling facility, solid waste thermal treatment technology facility, or disposal facility for hazardous and/or toxic materials including radioactive materials, the board of commissioners shall also consider each of the following criteria:
 - a. Whether the proposed use does not pose any potential negative impact resulting from air pollution, degradation of soil and/or water quality, noise, odor, or other negative environmental effects.
 - b. Whether the proposed use will not have a significant deleterious effect on use of land and value of existing housing in adjacent and nearby neighborhoods.
 - c. Whether the proposed use will not create a negative traffic impact on any adjacent or nearby residential street(s) resulting from truck and other vehicular traffic associated with the facility.
 - d. Whether the proposed use does not represent an over-concentration of such uses in the area.
 2. An assessment shall be prepared by the DeKalb County sanitation division regarding item 1.d above.

LATE NIGHT ESTABLISHMENT OR NIGHTCLUB CHECK LIST

1. Is the requested SLUP for a new business or an existing business? (Please check only one) New Business _____ Existing Business _____. If the SLUP is for an existing business, please answer question Nos. 2 - 5.
2. Does this Business have a current Business License? Yes _____ No _____ If yes, provide a copy of current business license.
3. Has this business ever been operated without a Business License? Yes _____ No _____
If yes, how long did the business operate without a business license? _____
4. Has this business received a citation for any of the following:
 - a. Life safety violations such as pyrotechnics, overcrowding, inadequate ingress/egress operating beyond the permitted hours of operation.
 - b. Construction (major/minor renovation, alteration and addition) without a valid DeKalb County permit.
 - c. Business closure and renovation without surrendering license to State and County as required by State law.
 - d. Change of business name, ownership, or use without DeKalb County approval.
 - e. No valid Certificate of Occupancy issued by DeKalb County
 - f. Violation of operating hours of the Zoning ordinance or Alcohol Ordinance.
 - g. Lack of proof of residency under DeKalb County. Any person who holds a liquor license in DeKalb County is required under DeKalb County law to be a resident of DeKalb County.
5. If one or more of the citations mentioned in No. 4 have been issued, please provide copies of summons and citations and summary of court decision or resolution.

Submittal of a fraudulent application is a violation of DeKalb County and State law.

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.

Notary

X

Signature of Applicant /Date

Check one: Owner X Agent _____

Expiration Date/ Seal

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

NOTIFICATION LIST FOR SLUP PRE-SUBMITTAL COMMUNITY MEETING - 1726 CHURCH STREET (COFFEE SHOP W DRIVE THRU)

	Last	Address	City	State	Zip	Email	Affiliation	Comments
MAGEE WILLACE D PC		1766 LAWRENCEVILLE HWY	DECATUR	GA	30033		PROPERTY OWNER	mailed
2600 MILSCOTT GA LLC		P O BOX A3878	CHICAGO	IL	60690		PROPERTY OWNER	mailed
MULTI INVESTMENTS LLC		1134 GAVINWOOD PL	DECATUR	GA	30033		PROPERTY OWNER	mailed
NORTH DEKALB ENTERPRISE LLC		4500 ADMIRAL RIDGE WAY SW	LILBURN	GA	30047		PROPERTY OWNER	mailed
HALES CHADWICK M		2573 MCCURDY WAY	DECATUR	GA	30033		PROPERTY OWNER	mailed
Q CHURCH HOLDINGS LLC		3348 PEACHTREE RD NE STE 146	ATLANTA	GA	30326		PROPERTY OWNER	mailed
DECATUR OFFICE PLAZA LLC		1411 LAKESHORE DR	SNELLVILLE	GA	30078		PROPERTY OWNER	mailed
WAFFLE HOUSE INC		PO BOX 6450	NORCROSS	GA	30091		PROPERTY OWNER	mailed
GH9MS LLC		1744 SCOTT BLVD	DECATUR	GA	30033		PROPERTY OWNER	mailed
VOL REPAIRS INC		2198 WINDING WOODS DR	TUCKER	GA	30084		PROPERTY OWNER	mailed
BEL INKWELL LLC		2 INTERNATIONAL PL	BOSTON	MA	2110		PROPERTY OWNER	mailed
A & S INVESTMENT GROUP INC		1701 SCOTT BLVD	DECATUR	GA	30033		PROPERTY OWNER	mailed
NORTH DEKALB ONE ENTERPRISES LLC		4500 ADMIRAL RIDGE WAY SW	LILBURN	GA	30047		PROPERTY OWNER	mailed
CLARK TODD SMITH		2563 MCCURDY WAY	DECATUR	GA	30033		PROPERTY OWNER	mailed
CPIF DECATUR OFFICE LLC		1910 FAIRVIEW AVE E STE 200	SEATTLE	WA	98102		PROPERTY OWNER	mailed
CHURCH STREET RENTALS LLC		485 PENSDALE RD	DECATUR	GA	30030		PROPERTY OWNER	mailed
FAZAL ASSOC INC		1677 SCOTT BLVD # 100	DECATUR	GA	30033		PROPERTY OWNER	mailed
BEBA SUNCICA		2567 MCCURDY WAY	DECATUR	GA	30033		PROPERTY OWNER	mailed
CENTURY HOLDINGS OF GEORGIA		1275 65TH ST	BROOKLYN	NY	11219		PROPERTY OWNER	mailed
DECATUR CHURCH PROPERTIES LLC		3520 PIEDMONT RD NE STE 410	ATLANTA	GA	30305		PROPERTY OWNER	mailed
GH9MS LLC		1027 BROADWAY	COLUMBUS	GA	31901		PROPERTY OWNER	mailed
SANDERS JEFFREY P		3205 TOWN MANOR CIR	DACULA	GA			PROPERTY OWNER	mailed
Benjamin	Belli					estusemucho@icloud.com	CC2	E-mailed
Ted	Daniel					tedaniel@mindspring.com	CC2	E-mailed
Art	Hansen					artghansen@gmail.com	CC2	E-mailed
Mary	Hinkel					MaryHinkel@comcast.net	CC2	E-mailed
Bruce	MacGregor					bruceamac@earthlink.net	CC2	E-mailed
Tim	Miner					javasea2635@gmail.com	CC2	E-mailed
Ron	Nawrocki					RNVNSN@yahoo.com	CC2	E-mailed
Jim	Smith					iff1smith@gmail.com	CC2	E-mailed
John	Turner					itatltravel@gmail.com	CC2	E-mailed
Allen	Venet					avenet@bellsouth.net	CC2	E-mailed
Ash	Nega	2180 Briarcliff Rd	Atlanta	GA			Neighborhood Reg	mailed
Bill	Floyd	509 North McDonough Street	Decatur	GA	30030		Neighborhood Reg	mailed
Christopher P.	Morris	1767 Beacon H ill Blvd	Atlanta	GA	30329		Neighborhood Reg	mailed
Donald	Reed	1665 Tullie Circle	Atlanta	GA	30329		Neighborhood Reg	mailed
Jamie	Smith	1599 Clifton Road	Atlanta	GA	30322		Neighborhood Reg	mailed
John	Turner						Neighborhood Reg	mailed
Katerina	Taylor	Two Decatur Town Center, 125 Clairemont Avenue, Suite 235	Decatur	GA	30030			
Kyle	Cline	3046 Briarcliff Rd Apt. # 2	Atlanta	GA	30329		Neighborhood Reg	mailed
Nancy	Wilson	450 North Candler Street	Decatur	GA	30030		Neighborhood Reg	mailed
S.	Immel	1879 Georgiana Dr	Atlanta	GA	30329		Neighborhood Reg	mailed
Aaron	Uddin	1903 Branch Bend NE	Atlanta	GA	30345	aaron.uddin@gmail.com	Neighborhood Reg	E-mailed
Art	Hansen					artghansen@gmail.com	Neighborhood Reg	E-mailed
Blair	Belton					bbelton@mindspring.com	Neighborhood Reg	E-mailed
Betty	Willis	Emory University, 1599 Clifton Road NE, 5th Floor	Atlanta	GA	30322	betty.willis@emory.edu	Neighborhood Reg	E-mailed
Betty	Blondeau					betty_blondeau@bellsouth.net	Neighborhood Reg	E-mailed
Betty	Blondeau	615 Pinetree Dr	Decatur	GA	30030	bettyblondeau925@gmail.com	Neighborhood Reg	E-mailed
Victoria	Estates					board@victoriaestates.info	Neighborhood Reg	E-mailed

UNDELIVERABLE

NOTIFICATION LIST FOR SLUP PRE-SUBMITTAL COMMUNITY MEETING - 1726 CHURCH STREET (COFFEE SHOP W DRIVE THRU)

	Last	Address	City	State	Zip	Email	Affiliation	Comments
Clannat	Howett	Emory University; Mailstop 1599-001-1AK; 1599 Clifton Road	Atlanta	GA	30322	ciannat.howett@emory.edu		
Richard	Maise					crmaise@mindspring.com	Neighborhood Reg Neighborhood Reg	E-mailed UNDELIVERABLE
David	Payne	Office of the Executive Vice President, Administration Building, Suite 409, Dowman Drive	Atlanta	GA	30322	david.payne@emory.edu		
Greg	Chilik	119 West Pharr Road	Decatur	GA	30030	gchilik@gmail.com	Neighborhood Reg	E-mailed
Kenna	Gordon	1475 Leafmore Ridge	Decatur	GA	30033	gkenna@comcast.net	Neighborhood Reg	E-mailed
Heather	Shuster	2687 Hawaii Ct	Decatur	GA	30033	Heather@RenewalDesignBuild.com	Neighborhood Reg	E-mailed
Ian	Bogost					ian@bogost.com	Neighborhood Reg	E-mailed
Ian	Bogost	1676 E Clifton Rd NE	Atlanta	GA	30307	ian@bogost.com	Neighborhood Reg	E-mailed
James	Attwood	2230 Lebaron Drive	Atlanta	GA	30345	jamesattwood@gmail.com	Neighborhood Reg	E-mailed
Janet	Lamar-Meeks	1912 Branch Bend	Atlanta	GA	30345	janemeeks@bellsouth.net	Neighborhood Reg	E-mailed
Howard G.	Miner	2635 Weigelia Rd NE	Atlanta	GA	30345	javasea2635@gmail.com	Neighborhood Reg	E-mailed
Jim	Durrett	2028 Continental Drive	Atlanta	GA	30345	jdurrett@buckheadcid.com	Neighborhood Reg	E-mailed
James	Dutro	1641 Council Bluff Dr				jdutro@mindspring.com	Neighborhood Reg	E-mailed
Jeff	Chester	2057 Renault	Atlanta	GA	30345	jeff_chester@hotmail.com	Neighborhood Reg	E-mailed
Kate	Eastburn	1399 Amanda Cir	Decatur	GA	30033	kre737@gmail.com	Neighborhood Reg	E-mailed
Martha	Pacini	958 Castle Falls Drive NE	Atlanta	GA	30329	marthapacini@gmail.com	Neighborhood Reg	Undeliverable
Larry	Diehl	867 Willivee Dr	Decatur	GA	30033	me9461@bellsouth.net	Neighborhood Reg	E-mailed
Myles	Levelle	3046 Briarcliff Rd NE Unit 16	Atlanta	GA	30329	myles.levelle@gmail.com	Neighborhood Reg	E-mailed
Nikki	VanDerGrinten					nikkivdg@bellsouth.net	Neighborhood Reg	E-mailed
Pat	Thomas					patathomas@patathomas.com	Neighborhood Reg	E-mailed
Art	Hansen	2494 Brookdale Dr NE	Atlanta	GA	30345	president@northbriarcliff.org	Neighborhood Reg	E-mailed
Randy	Roosa	2093 Imperial Drive		GA	30345	randyroosa@att.net	Neighborhood Reg	E-mailed
Renee	Kirlin	960 Schoel Dr	Decatur	GA	30033	reneekirlin@gmail.com	Neighborhood Reg	E-mailed
Ray	Gilley	Two Decatur Town Center, 125 Clairemont Avenue, Suite 150	Decatur	GA	30030	RGilley@decidedekalb.com		
							Neighborhood Reg	E-mailed
Susan	Kidd	Office of the President; 141 East College Avenue	Decatur	GA	30030	sakidd@agnesscott.edu	Neighborhood Reg	E-mailed
Janel	Green	3213 Lindmoor Dr.	Decatur	GA	30033	sandersmomma@gmail.com	Neighborhood Reg	E-mailed
Ted	Daniel	1412 Knollwood Terrace	Decatur	GA	30033-1907	tedaniel@mindspring.com	Neighborhood Reg	E-mailed
Tod	Daniel	1412 Knollwood Terrace	Decatur	GA	30033	tedaniel@mindspring.com	Neighborhood Reg	E-mailed
Tom	Woodward	1308 Brookforest Drive NE	Atlanta	GA	30324	twoodward319@gmail.com	Neighborhood Reg	E-mailed
Zachary	Walldroff	482 Ponce de Leon Manor	Atlanta	GA	30307	zachwalldorff@gmail.com	Neighborhood Reg	E-mailed

Notice of Special Land Use Application

Community Meeting

August 7, 2023

Ash Nega
2180 Briarcliff Rd
Atlanta, GA

Dear Ash Nega,

I am planning to apply for a Dekalb County Special Land Use Permit (SLUP) to change the conditions for the property located at 1726 Church Street, Decatur, Georgia, 30030 to allow for a **Coffee Shop with Drive-Thru**. Find out more about the project, ask questions, and voice your opinion at the following community meeting:

Date: August 14, 2023

Time: 6:30pm

Location: [Link to Zoom Meeting](#)

Topic: SLUP - Community Meeting - 1726ChurchStreet

Time: Aug 14, 2023 06:30 PM Eastern Time (US and Canada)

Meeting ID: 894 1628 0372

Passcode: 2H8BNm

If you have any questions about the meeting, please call 404-662-3322 or e-mail [fariz@alfloans.com]. We look forward to seeing you there (virtually).

Sincerely,



O. Minter
Meeting Organizer

Audio file

[audio1554996193_1726 Church Street.m4a](#)

PRE-SUBMITTAL COMMUNITY MEETING

08/23/2023 @ 6:30PM

Speaker 1: Odessa (meeting organizer)

Speaker 2: Fariz Morani

Speaker 3: Kate Eastburn

Also in attendance: Jim Smith, Concerned Citizen

Transcript

00:00:26 Speaker 1

Well, Jim.

00:00:58 Speaker 1

This way maybe we'll wait about 5 minutes.

00:01:01 Speaker 2

Yeah. Yeah, we'll give time to see if somebody else will be joining. See Jim has joined.

00:02:58 Speaker 2

Hello, Kate. Welcome.

00:03:01 Speaker 3

Thank you.

00:03:08 Speaker 2

We're just giving 5 more minutes to see if somebody else will join and then we can get started.

00:05:28 Speaker 2

Guys, we're going to wait 10 more minutes giving a little bit more time to other participants who might be joining us and running late.

00:05:36 Speaker 2

And we'll I'll come back in 10 minutes to check to see if we can start and get started.

00:14:31 Speaker 2

00:16:21 Speaker 2

So to revive this property to bring some life to it, to bring some activity to.

00:16:26 Speaker 2

Like we were thinking of users that would be smaller but at the same time could bring something of value to the community with all the development and the tenants where Chick-fil-A is and the surrounding tenants. We thought having a small 600 square foot coffee user would be a great fit on the site.

00:16:46 Speaker 2

The shape is of course irregular, which makes it very difficult to develop anything upon it.

00:16:52 Speaker 2

The site is actually surrounded by islands and it's two major intersections, Scott Blvd. and Shore St. the traffic volume exist at the moment and with the way we are doing our site plan, it would not.

00:17:12 Speaker 2

Add any more traffic than what it is already existing and the reason we say that because there is a connector street right behind our.

00:17:21 Speaker 2

Which we will use that and limit the curb cuts to make sure that the traffic flow wells. So I'm going to kind of highlight it, as you can see, we have a right in right out at the connector St. we have a right in right out. We have literally 1235 curb cuts. So we plan on making sure.

00:17:42 Speaker 2

That we work with G dot. We work with the local county officials to make sure that we are being very considerate of traffic on Scott as well as on Church St. Uh. We think this is a great use because of the fact that people are going to hospital, people are.

00:17:58 Speaker 2

Work and on the way they can grab the coffee and kind of go. So we will definitely work extensively to make sure that we keep traffic as a big consideration and make sure that our plan doesn't affects that or increases the traffic. Then what it is already existing there. So we are proposing.

00:18:18 Speaker 2

Of course, to accommodate existing travelers right now who are passing the property and so forth. As you can see, this is a very preliminary concept. Plan. Again, this nothing has finalized. This is going to be a national credit tenant, we are just.

00:18:37 Speaker 2

Kind of getting feedback and at a very early stages trying to understand and as you can see that the uh, the building will be located in the center of the property and as you can see that we'll have parkings, we'll have, we'll we'll work on landscaping on the islands. We have a beautiful landscaping.

00:18:58 Speaker 2

In front of the property where we plan on making like a signature uh sign and and dressing that up. We also were going to put some bike racks on the property to allow walkers bikers to have access to the.

00:19:12 Speaker 2

So that's that's basically our vision so far.

00:19:15 Speaker 2

With the site plan.

00:19:18 Speaker 2

We will make sure that this property and this parcel at this point it's, you know, very under your device. We will try to bring the coffee shop. So we have you know mobility with all the apartments that's developed. We have all the residents.

00:19:31 Speaker 2

We have the the uh hospitals. We will make sure that we have pedestrians.

00:19:36 Speaker 2

Blockers bike rock racks, crosswalks, and make sure that the wheel the bike lane can be being painted on the connector St. and we can discuss that with G dot and the local officials to make sure that it will fit all in the the usage and the criterias. We will also enhance the sidewalks to serve a 10 foot.

00:19:57 Speaker 2

The path again, specifically along the connector side, we will of course be working with G dot to create the the green the pointed green, the pets drinking fountain. We'll create a safe zone on pointed green. We'll make sure that this business will be tobacco free zone. We'll make sure that the business offers also healthy options as juice bars and.

00:20:18 Speaker 2

Herbal teas and just have a healthy options for the community.

00:20:23 Speaker 2

Members around it.

00:20:25 Speaker 2

So I think it's a very uh, narrow uh site plan and and again we have been thinking for the last four years on how we can uplift this and make it better versus leaving it the way it is and continuing to have the same user and using it for the same purpose.

00:20:45 Speaker 2

Which is not bringing any brightness or any light to the property. So at this point I can open the floor for questions that any of you might have and anything I can.

00:20:57 Speaker 2

Speak about or clarify anything that you might have questions about.

00:21:16 Speaker 3

What is it currently? What is the current use of this property?

00:21:20 Speaker 2

The current use of the property is auto sales.

00:21:24 Speaker 1

MM.

00:21:25 Speaker 3

So it's a very difficult piece of.

00:21:29 Speaker 3

Land to figure out.

00:21:32 Speaker 2

Right, with the setbacks and the regulations, because the building has non conforming soon as you take this building down and the new guidelines and the new setbacks doesn't allow you to really redevelop this property at.

00:21:42 Speaker 2

All. So it makes it very, very challenging and you only have limitations on the users and the size of the building you can put on it.

00:21:42 Speaker 3

Right.

00:21:50 Speaker 2

So that's why no one has ever redeveloped it. But we have been thinking about how to uplift this and make it better than just to continue to run it in the form of shape it is. And we think this is going to kind of bring life to the property. But again I that's the shape is so irregular as you can.

00:22:09 Speaker 2

See in this.

00:22:10 Speaker 2

Site plan with us leaving the setbacks. It's really minimizing to anything you can do with the property.

00:22:16 Speaker 3

How many parking spaces?

00:22:19 Speaker 3

Will there be?

00:22:22 Speaker 2

Currently we have estimated between 15 and 18 parking spaces.

00:22:29 Speaker 3

I see.

00:22:29 Speaker 3

So the only issue I mean I feel for the owners of this property, I'm I'm not sure if you're aware of the Starbucks on La Vista Rd. at North Lake.

00:22:44 Speaker 2

I am, I am.

00:22:45 Speaker 3

Yeah, and that was such a poorly designed, you know, you you the there's like about 15 parking spaces and they concurrent with the drive through and it's it's a nightmare I I.

00:23:01 Speaker 3

I feel.

00:23:03 Speaker 3

This is going to be another situation you're not going to be able to turn left onto Skype.

00:23:09 Speaker 3

There's going to be a backlog of traffic on the connector, so you'd have to turn right onto Scott or right onto church because these left hand turns on four lane roads.

00:23:21 Speaker 3

At certain times of the day, just you.

00:23:24 Speaker 2

Right. So so currently there is no left turn and Scott because there's a median in between. So yeah, so just at this point the access, the way it's working is people are coming from Church St. they're turning connector and coming inside the property.

00:23:30 Speaker 3

OK.

00:23:38 Speaker 3

Coming in that way, and how do they get out?

00:23:39 Speaker 2

Right. And they leave. They leave from Church Street and they also have a right and right out at Connector Street. So they can't. They come out of Connector St. and make a right to get back to Scott. And if they want to go back on the other way, they have to make a U-turn.

00:23:54 Speaker 2

All the way to quick trip which.

00:23:57 Speaker 3

OK. Is there's a median on on Church 2?

00:23:57 Speaker 2

But no other.

00:23:58 Speaker 2

Way of.

00:24:01 Speaker 2

There is. There is no median and Church Street, but we haven't seen users use to make a left there as much as we've seen on Character Street. So you could use the church St. to make a left because there is a right and right out to get back to. But in order to go back to Scott on the other way, going back towards.

00:24:21 Speaker 2

Memory. You would have to make a U-turn. There is no way to get.

00:24:25 Speaker 2

Back on Scott.

00:24:27 Speaker 3

Right.

00:24:28 Speaker 2

Right. So it again, I we've definitely done studies where we definitely don't think traffic, but just the the building size on Starbucks that La Vista is humongous are much bigger. And that particular building the parking ratio was just awful. I've been to that level. I I had meeting at Starbucks.

00:24:47 Speaker 2

With one of my friends and I met at that, and I remember how difficult it was to park and then not only that, the ratio of the parking comparatively to the building size was was too big.

00:24:57 Speaker 2

And right.

00:24:57 Speaker 3

Correct and and not nothing. Nothing makes sense with how that was designed or even allowed to.

00:25:04 Speaker 2

Right, right, right.

00:25:06 Speaker 3

You know, I I just all I as a.

00:25:10 Speaker 3

Citizen and I'm I'm a realtor too. All I see is just increased traffic everywhere. I I don't see people utilizing bike lanes as much or you know, I mean cyclists are going to get hit. You know the the.

00:25:26 Speaker 3

It's are there dedicated. Forgive me because I don't live.

00:25:31 Speaker 3

I live in Tokyo Hills and I never go down Scott or church very frequently. So are there dedicated bike lanes that people can?

00:25:40 Speaker 2

Use so I've seen them all the way. I don't know if you know where the Whole Foods at. So they've developed lanes for. I've seen bike riders there, I've seen that.

00:25:51 Speaker 2

They're working towards coming towards more to the end of where our property is located at, so we are definitely preparing our island to make sure that we connect because that's what when we met with, with planning and development and zone.

00:26:08 Speaker 2

And we kind of had them at the site and had a meeting with them and they kind of basically told us that's what they're working on towards getting more sidewalks or side streets created for bike rack rides and so forth because they want mobilization because of all the multifamily and all the apartment complex that are built around it.

00:26:28 Speaker 2

With the size of this coffee user and the the way that the current curbs are and the traffic flow is, it would definitely not affect the traffic it again.

00:26:37 Speaker 2

And you know, we've been sitting on it for four years and saying let's not do anything to it and leave it the way it is and it just looks like a dead property. And we feel like doing something and investing into it to bring better outcome for the citizens is what we were thinking about. So again, we went through uses and uses and went through a lot of different stuff and and again.

00:26:58 Speaker 2

Kind of narrowed down to basically this one user that we could fit on it and again this will be not just a moment, pop. It will be a national credit tenant. So it will be a, you know brand recognition. So we'll have a nice brand new building and it will get.

00:27:12 Speaker 2

The look and make sure that with the new setbacks we will kind of all fall in place.

00:27:22 Speaker 3

OK.

00:27:26 Speaker 2

Any other questions? Uh, Jim, I I see another person.

00:27:31 Speaker 2

I just want to make sure that I take any other questions that you might and and thank you for joining the the the call and apologize if you didn't get the e-mail the first time, we did send another reminder earlier.

STATEMENT OF INTENT

Required by
DeKalb County Zoning Ordinance
For the
Special Land Use Permit
Of
Coffee Shop with Drive Thru
For
.52 Acres of Land
Located in
Land Lot 200, 15th District, DeKalb County
Address: 1726 Church Street

Submitted by Applicant:

Fariz Morani
RKR Investment Group
2929 Turner Hill Road
Lithonia, GA 30038
404-579-7468

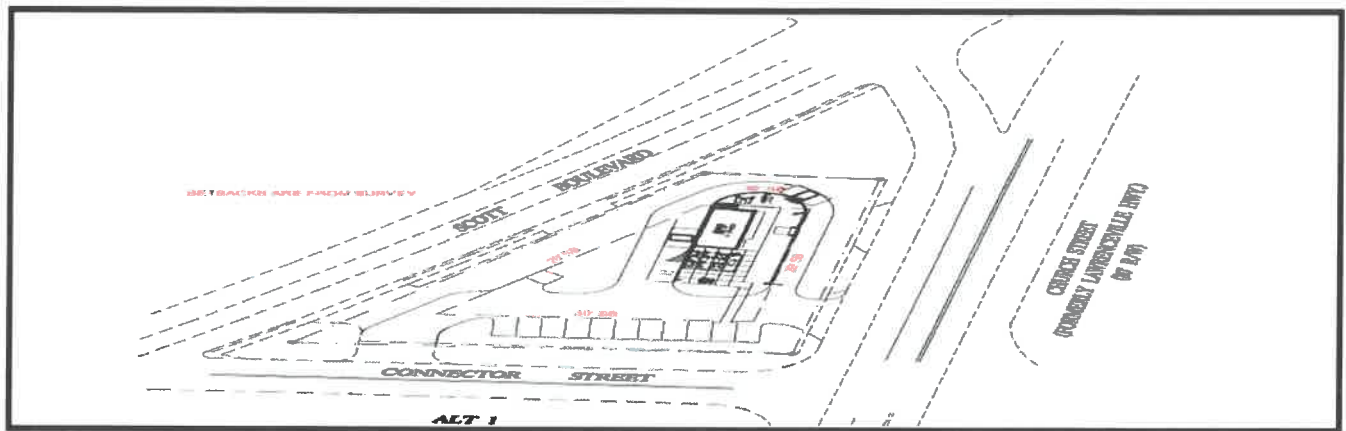
SEPTEMBER 3, 2023

APPLICANT: FARIZ MORANI

INTRODUCTION

This application seeks a Special Land Use Permit (SLUP) to allow for the demolition of the existing building (used car sales) and the construction of a small boutique coffee shop with drive-thru for a national franchise coffee shop located in Land Lot 200, 15th District, DeKalb County and addressed as 1726 Church Street - Parcel ID 18 062 03 001 (the Subject Property). The Subject Property is sandwiched between Scott Boulevard and Church Street (island) and the Applicant intends to develop a 0.52 acre tract of land with a 600 square foot boutique coffee shop with drive-thru and associated parking and site improvements. The intent is to bring a national tenant to this signature site consistent with the current re-development in the area.

Preliminary Drawing



The Proposed Development is an appropriate use for the boutique coffee shop with drive-thru given its zoning and location. The Subject Property is zoned Local Commercial (C-2) district and located within the Town Center activity center character area. The DeKalb County Zoning Code allows the proposed drive-thru restaurant in the C-2 district and in the activity center through the grant of a Special Land Use Permit. The subject parcel has 169 linear feet of frontage along Scott Boulevard, 221 linear feet of frontage along Church Street, and 180 linear feet of frontage along an unnamed Connector Street along the southern boundary. (Refer to the DeKalb County 2014 Transportation Plan Recommended Functional Classification Map) This irregularly shaped parcel sandwiched between two major collectors (highly travelled) limits the development to the parcel and limits the compatible land uses that will fit on the odd shaped parcel.

The Applicant will be improving the parcel and bring a tenant that can benefit from the existing traffic pattern. The site has two existing curb cuts and the proposed use will utilize the existing curb cuts. There are numerous commuters traveling to various destinations such as Suburban Plaza, North DeKalb Mall, Emory Hospital, Patel Plaza, Downtown Decatur, Point at Scott, and Shamrock Plaza. These

commuters will benefit from “easy” access to a facility for coffee on their way to the employment centers.

The DeKalb County 2050 Comprehensive Plan (“Comp Plan”) designates the Subject Property as being within the Town Center character area. It is also within the Medline LCI study area (Health and Wellness District). The theme of the Medline district is Healthy Economy, Healthy Mind, Healthy Landmark. As a result, the applicant offers:

- Healthy Mobility options will be afforded patrons (cars, pedestrian walks, bikes),
- Wellness Mobility accommodations to include Bike Racks, pedestrian cross walks (on and off-site),
- Wellness Connectivity achieved with striping for bike lane along Connector Street (discuss with Transportation) and Sidewalk enhancements where possible to allow 10-foot multi use path (along the Connector Street),
- Healthy Mind by operating the establishment as a Tobacco Free Zone, and
- Healthy options on the menus include herbal teas, juices, and coffee.

One of the intents of the Town Center character area is to concentrate residential and commercial uses to promote walkability.

The Applicant submits this document as a Statement of Intent regarding its Application, a preservation of the Applicant’s constitutional rights, and a written justification for the proposed SLUP as required by Section 27-7.4.6 of the DeKalb County Zoning Ordinance.

I. CRITERIA TO BE APPLIED TO SPECIAL LAND USE PERMITS

A. Adequacy of the size of the site for use contemplated and whether 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 size of the Subject Property is adequate for the proposed boutique coffee shop and drive through. After going through several concept drawings and test fits, we find that the proposed use is uniquely appropriate for the irregular parcel with roads on three sides. The small coffee shop restaurant will be ±600 square feet and will replace the current building utilized for a used car lot dealership. The existing building is grandfathered and has no rear yard setback. The new building will be positioned to allow for all necessary parking, landscape, traffic circulation and the stacking of vehicles.

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

The proposed national franchise coffee shop with drive thru is compatible with adjacent properties and land uses. As noted in the previous paragraphs, the Subject Property is sandwiched between Church Street and Scott Blvd on a triangular parcel. Both roads are heavily traveled major arterial, and Scott turns into Lawrenceville Highway. The Subject Property is entirely surrounded by properties zoned C-1 that are developed with various commercial uses. The surrounding uses consist of a Wendy's drive-thru on Scott Blvd, Chick-Fi-la on Church, and Duncan Donuts on Church. The proposed use is appropriate given the Subject Property's location and the existing uses in the area.

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

The proposed restaurant will be ±600 square feet and it is not anticipated to have any negative impact on public utilities. There are adequate public services, public facilities, and utilities to serve the Proposed Development.

D. Adequacy of the public street on which the use is proposed to be located and whether there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area. The proposed small coffee shop with a drive-through is located on a parcel with frontage on Church Street and Scott Blvd.

Currently, these roads already carry significant traffic. The proposed coffee shop with a drive-thru will not increase traffic but will offer a service to existing commuters. The proposed use plans to utilize the existing curb cuts on Church Street and Connector Street. There is no access being proposed on Scott Blvd. Therefore, there is no anticipated traffic congestion as a result of the proposed use. The existing Connector Street provides convenient traffic flow for commuters desiring to turn right on Church Street or left on Scott Blvd.

E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

No. The character of the vehicles and volume of traffic generated by the proposed use will be essentially identical to what exists today.

F. 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.

The subject site is situated on a triangular parcel with an existing curb cut on Church Street and the Connector Street. Although the site has a frontage along Scott Blvd., the applicant is NOT proposing an access on this roadway. The layout and design of the boutique coffee shop with drive-thru is designed to adequately accommodate both vehicular and pedestrian visitors. The proposed layout includes easy access for existing automobiles commuting past the site, pedestrians that may want to attempt to cross Church Street, and those wishing to bike to the establishment. The reason the drive-thru is appropriate is that both Scott Blvd. and Church Street are four lane roadways. Naturally, pedestrians attempting to cross these roads will be challenged. The applicant will work with GDOT to determine safety options for connecting this island with the other commercial properties.

G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

No, the proposed use will not create such adverse impacts. The Subject Property is surrounded entirely by commercial uses that will not be adversely impacted by the new construction of a coffee shop. Additionally, the drive-thru facilities will fully comply with the requirements of Section 27-4.2.3.

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

No. Hours of use will mirror those of similar businesses in the area.

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

No. As stated, there is a Wendy's Restaurant to the south of the site across the Connector Street. The proposed use will not constitute a more intense manner of operation that would adversely impact surrounding properties.

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

As stated in subsection A above, the proposed use will be fully compliant with the C-2 district regulations.

K. Whether the proposed use is consistent with the policies of the Comprehensive Plan.

The Subject Property is designated as being in the "Town Center" (TC) character area and subject to the Medline LCI per the County's Comp Plan. The Medline LCI welcomes restaurant uses as an allowed primary use within the Town Center character area. As envisioned, the policies and vision focus on larger parcels being developed or redeveloped as a planned community. This parcel is an island sandwiched between Church Street and Scott Blvd. Pedestrians attempting to cross Church from Patel Plaza will be challenged and those trying to cross Scott Blvd will also face a significant challenge. The proposed boutique coffee shop is consistent with the wellness theme by offering a tobacco free zone, bike racks, enhanced sidewalks along the Connector Street for future connectivity to a future "path" developed by the County. The Proposed Development will improve the area by replacing the used auto dealership with a small restaurant with drive-thru and outside seating.

- L. Whether the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

No buffer or transitional zones are required for the Subject Property.

- M. Whether there is adequate provision of refuse and service areas.**

The refuse and service areas will remain and will be adequate to accommodate the proposed coffee shop/restaurant.

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

Because the boutique coffee shop with drive-thru is suitable for the Subject Property, there is no reason to limit the duration of the requested SLUP.

- O. 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 the adjacent and nearby lots and buildings.**

The size of the renovated restaurant will be smaller than the existing usage and is appropriate in light of adjacent and nearby properties.

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

The Applicant is not aware of any historic buildings, sites, districts, or archaeological resources on or around the Subject Property.

Q. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.

Yes. The boutique coffee shop and drive-thru facilities meet the requirements of Zoning Code § 27-4.2.23. Specifically, the drive-thru facilities will:

- (a) not be located within 60 feet of a residentially zoned property as measured from the speaker box;
- (b) not be located on a property less than 10,000 square feet in area and will meet the stacking requirements of Article VI;
- (c) provide drive-thru lanes and service windows on the side of the restaurant;
- (d) provide drive-thru canopies and structures constructed of the same materials and of the same architectural quality as the primary buildings;
- (e) meet the requirements for speaker boxes (the speakers are directed away from residential properties);
- (f) have lighting which will be directed away from any residential properties (the lighting will comply and there are no nearby residential properties);
- (g) provide stacking spaces with a minimum of 10' in width and 25' in length
- (h) provide sufficient stacking spaces for a drive-thru restaurant (the proposed design provides for 10 stacking spaces, each 10 feet wide and 25 feet long);
 - (1) have a drive-thru lane that will not impede on and off-site traffic, cross through off- street parking areas, or create unsafe conditions for pedestrians;
 - (2) provide a marked drive-thru lane separated by striping from off-street parking areas;
 - (3) include a bypass lane with a minimum width of 10';
 - (4) be set back at least 5' from all lot lines and right-of-way lines;
 - (5) be cleaned of litter and debris daily, along with the remainder of the property;
 - (6) not be located within 500 feet of an elementary, middle or high school;
 - (7) be operated pursuant to the SLUP requested herein; and
 - (8) use the appropriate distance measurements.

R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

The new boutique coffee shop will not exceed the maximum height and is planned for one story and will not create any negative shadow impacts on any adjoining properties.

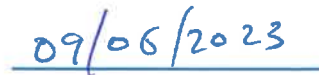
S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

The proposed boutique coffee shop will primarily serve travelers passing through the area and if safety cross walks can be developed in partnership with the County, the coffee shop will attract residents from the surrounding neighborhoods.

We respectfully request the approval of this Special Land Use Permit for a boutique coffee shop with drive-thru.



Fariz Morani



Date

GENERAL NOTES:

- 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
- 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
- 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
- 4: No Geodetic monuments were found within 500 feet of this site.
- 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

This plat is a retracement of an existing parcel or part thereof. It does not make any changes to any real property boundaries. Other instruments which created the parcel or parcels recorded hereon are hereby acknowledged. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS. Furthermore, the undersigned land surveyor certifies that for property surveys in Georgia as set forth in the rules of the Professional Engineers and Land Surveyors and as set in O.C.G.A. Section 15-6-67.

UNDERGROUND UTILITY LOCATION BY:
 THE UNDERGROUND DETECTIVE 888.747.3799
 UTILIZING ELECTROMAGNETIC, GROUND PENETRATING
 RADAR; DATED 03.30.2021
 UTILITY LOCATION IS APPROXIMATE. ADDITIONAL
 UNDERGROUND UTILITIES MAY OR MAY NOT EXIST.
 LOCATION TO BE VERIFIED PRIOR TO ANY EXCAVATION.

REFERENCE: DB 5262 PG 280-281
 DB 20305 PG 504
 SURVEY FOR GEORGIA STATE THEATRES, INC. BY
 WATTS & BROWNING - ENGRS. DATED 5-5-1977

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A
 FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF DEKALB
 COUNTY, GEORGIA 13089C0066J EFFECTIVE DATE MAY 16, 2013

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT
 PROPERTY: DB 5262 PG 280-281
 PROPERTY OWNER AT TIME OF SURVEY:
 MARGARET HELEN TALTON
 PARCEL NUMBER: 18-062-03-001

EAST PROPERTY LINE IS BEARING BASIS
 FROM SURVEY FOR GEORGIA STATE THEATRES, INC. BY
 WATTS & BROWNING - ENGRS. DATED 5-5-1977

TOTAL AREA: 21,123 SQ FT, 0.485 AC

CALCULATED PLAT CLOSURE: 1:363,036

FIELD DATA:

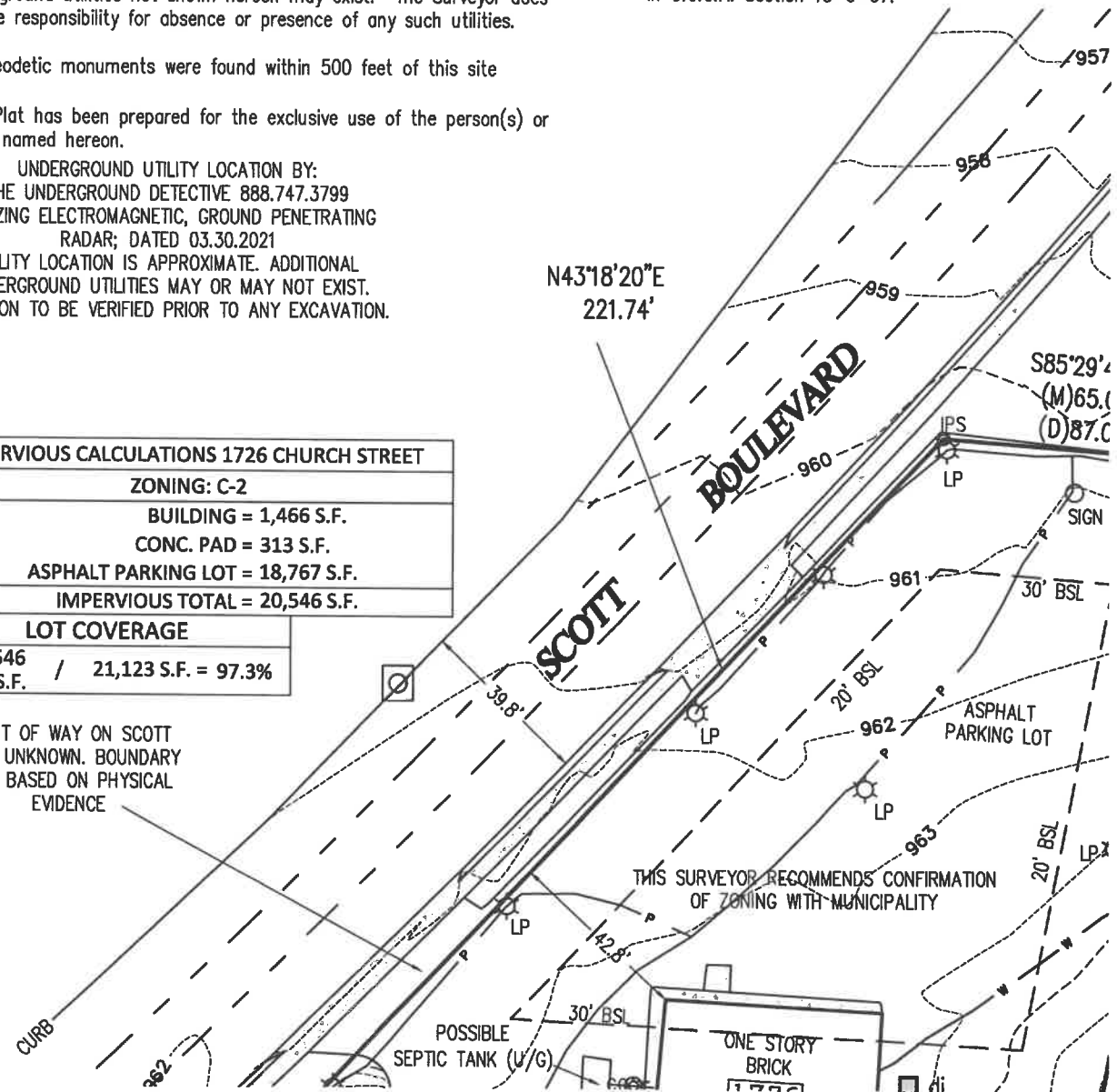
DATE OF FIELD SURVEY 1-8-2019
 THE CALCULATED POSITIONAL TOLERANCE BASED ON
 REDUNDANT LINEAR MEASUREMENTS OF OBSERVED
 POSITIONS WAS FOUND TO BE 0.015 FEET.

EQUIPMENT:
 ELECTRONIC TOTAL STATION

TOPOGRAPHIC SURVEY OF

IMPERVIOUS CALCULATIONS 1726 CHURCH STREET	
ZONING: C-2	
BUILDING = 1,466 S.F.	
CONC. PAD = 313 S.F.	
ASPHALT PARKING LOT = 18,767 S.F.	
IMPERVIOUS TOTAL = 20,546 S.F.	
LOT COVERAGE	
20,546 S.F.	/ 21,123 S.F. = 97.3%

RIGHT OF WAY ON SCOTT
 BLVD UNKNOWN. BOUNDARY
 LINE BASED ON PHYSICAL
 EVIDENCE





Proposed Coffee Shop
SLUP Application
1726 Church Street

Fariz Morani

August 23, 2023

6:30 PM



PURPOSE

To inform the residents/community
of a proposed Coffee Shop with
Drive-Thru to be located at
1726 Church Street

EXISTING FACILITY is a Used Car Dealership (*to be torn down*)



EXISTING USE - Used Auto Sales

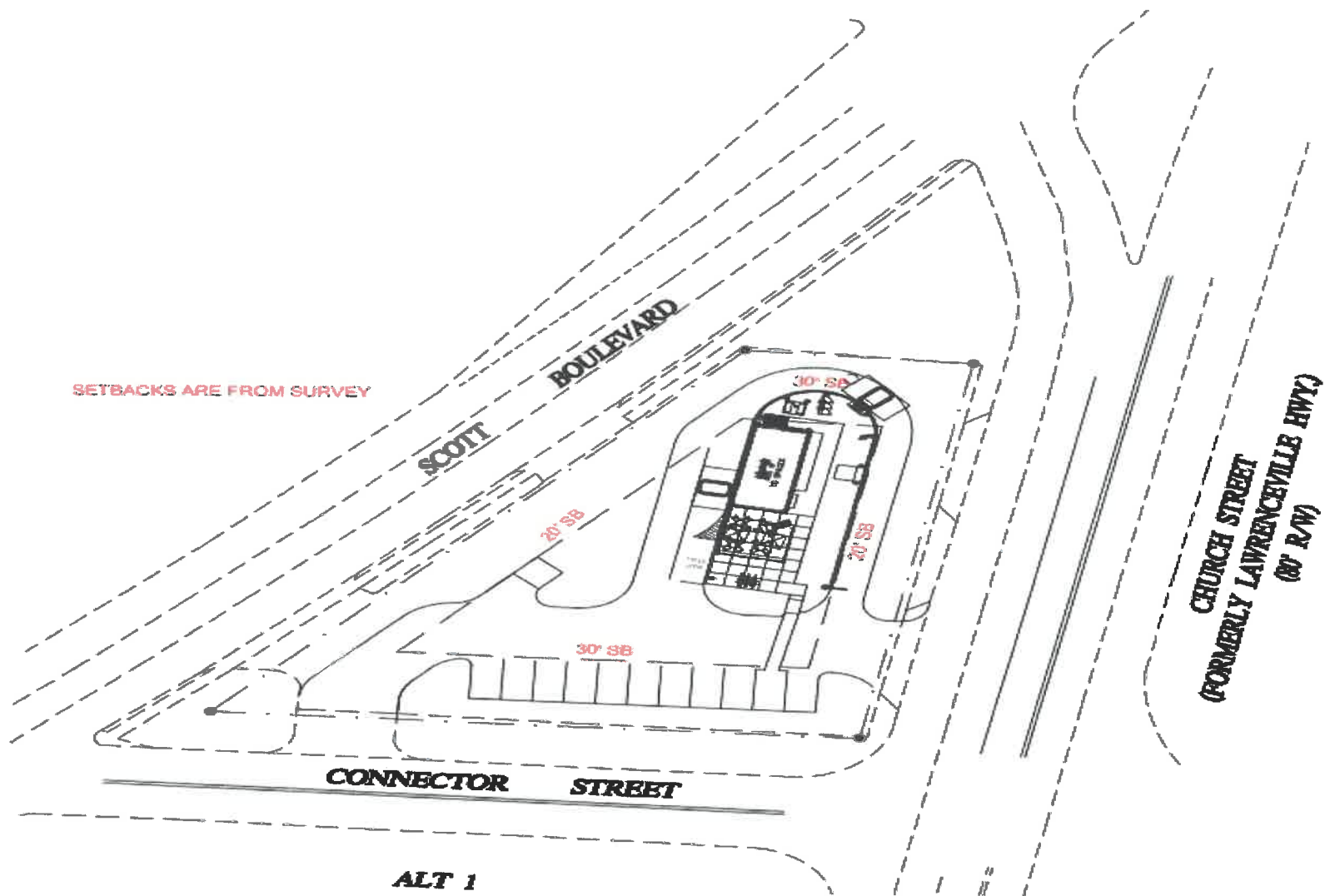


REASON FOR REQUEST - *proposed use offers positive adaptive re-use of odd shaped parcel*

The subject site has major constraints which limits development options:

- ▶ *Irregular shaped lot* which makes it difficult to develop
- ▶ Site is an “*island*” *surrounded by two major thoroughfares* (Scott Boulevard and Church Street)
- ▶ There is high vehicular *traffic volumes “existing”*
- ▶ Proposed use will *accommodate existing travelers* going to work, hospital, shopping, or home with convenience.
- ▶ Size of site limits possible uses (parking requirements based on size of building, landscape, sidewalks, etc)

PROPOSED CONCEPT - COFFEE SHOP with Drive Thru (preliminary drawing)



COFFEE SHOP will redevelop this underutilized parcel

- ▶ *Mobility options* be highlighted (cars, pedestrian, bikes)
- ▶ Site Plan modifications: *Bike Racks*, cross walks on and off-site, Bike lane be painted on the Connector Street (discuss with transportation)
- ▶ *Sidewalks will be enhanced where possible* to serve as 10-foot multi-use path (specifically along the Connector Street)
- ▶ Willingness to work with DOT:
 - ▶ to create a landmark feature on the "*pointed green*" (*pets drinking fountain*)
 - ▶ to create a "*safe zone*" on the "*pointed green*"
- ▶ Business will be a "*Tobacco Free Zone*"
- ▶ Business will offer "*healthy*" options (herbal tea, juice bar, coffee)

Questions? Suggestions?



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: Andrew Baker Phone: 678-517-7156 Email: aabaker@aol.com

Property Address: 1726 Church Street, Decatur 30033

Tax Parcel ID: 18-062-03-001 Comm. District(s): 2 & 6 Acreage: 0.52

Existing Use: _____ Proposed Use: Drive-through coffee shop.

Supplemental Regs: _____ Overlay District: _____ DRI: _____

Rezoning: Yes _____ No X

Existing Zoning: C-2 Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes _____ No _____

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

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

Special Land Use Request(s): Drive throug coffee shop. Unique, irregular parcel.

Major Modification:

Existing Case Number(s): N/A

Condition(s) to be modified:

N/A

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: May be potential for parking variances if applicant does not move forward with drive-thru concept.

Applicant will need to meet requirements from Section 5.4.3 Streetscape and Dimensions displayed on surveyed site plan.

Specifically, addressing the sidewalk and landscape strip.

Planner: Andrea Folgherait, Planner Date: 09/06/2

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