



DeKalb County Department of Planning & Sustainability

178 Sams Street,
Decatur, GA 30030

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

Planning Commission Hearing Date: May 2, 2023
Board of Commissioners Hearing Date: May 25, 2023

STAFF ANALYSIS

Case No.:	SLUP-23-1246386	Agenda #: 2023-0339	
Address:	3507 Memorial Drive	Commission District: 03 Super District: 07	
Parcel ID(s):	15-200-02-040		
Request:	Allow the construction and operation of a restaurant with a drive through on a portion of the property located in the C-1 (Local Commercial) Zoning District.		
Property Owner(s):	Hutton Belvedere LLC		
Applicant/Agent:	David Kirk, Troutman Pepper Hamilton Sanders		
Acreage:	11.97 acres		
Existing Land Use:	Town Center		
Surrounding Properties:	North: C-1, OI, R-75 East: C-1, MR-1, R-75 South: R-75, C-1 West: C-1, C-2, R-75		
Comprehensive Plan:	Town Center, MALP	Consistent <input type="checkbox"/>	Inconsistent <input checked="" type="checkbox"/>

Staff Recommendation:

The applicant, David Kirk of Troutman Pepper Hamilton Sanders, is seeking a special land use permit (SLUP) to redevelop a portion of the subject property and construct an outparcel drive-through restaurant within the northeast corner of the Belvedere Plaza shopping center. Currently, the space is vacant but previously operated as a multi-tenant building with a clothing store, recording studio, barber shop, insurance agency, tax office, and two (2) non-drive-through restaurants. The Board of Commissioners recently approved a Dunkin Donuts drive-thru on an outparcel of this site of Memorial Drive in November 2022.

The site may be adequate for the proposed use. Adverse impacts based on the manner and time of operation should be minimal as the applicant has stated the business hours would reflect surrounding establishments. The proposal appears to have addressed applicable supplemental regulations. The proposed building footprint exceeds the maximum required setback at 121.4 feet (60-foot setback maximum). A variance will be needed. The County Transportation Department has provided infrastructure requirements relating to right-of-way expansion, sidewalks, landscape strips and street lighting (see attached). The Health Department has also required coordination with the Division of Environmental Health.

The requested use is to construct a restaurant with a drive-through on a portion of the property located at 3507 Memorial Drive. The request is subject to SLUP approval with C-1 (Local Commercial) zoning when located in an activity center. The subject property is located in the Belvedere Town Center (TC) activity center.

The subject property is also included in the study area for the Belvedere Master Active Living Plan (MALP Small Area Plan-2013). While the TC activity center generally promotes mixed-use development, reduced automobile travel; walkability; and increased transit usage, the small area plan provides more targeted recommendations. Near the core of this town center activity center, it is the desire of the community to see the site redeveloped in a manner consistent with the *Comprehensive Plan* (up to 80DUs/acre, and a mixture of residential and nonresidential uses at the core). The proposed SLUP to allow for a drive-through facility—a primarily automobile dependent use—may inherently pose challenges to the transition and evolution of the surrounding area towards many of the land use goals of this activity center. However, community sentiment towards past drive-through proposals in this area has been favorable.

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: David Kirk, Troutman Pepper Hamilton Sanders

Daytime Phone: 404-885-3415 E-Mail: David.Kirk@troutman.com

Mailing Address: 600 Peachtree Street, Suite 3000, Atlanta, GA 30308

Owner Name: Hutton Belvedere LLC

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

Daytime Phone: 803-237-5094 E-Mail: RSlattey@irishdevelopment.com

Mailing Address: _____

SUBJECT PROPERTY ADDRESS OR LOCATION: 3507 Memorial Drive, Decatur, GA

DeKalb County, GA,

Parcel ID: 15 200 02 040 Acreage or Square Feet: 11.97 acres Commission Districts 3 and 7

Existing Zoning: C-1 Proposed Special Land Use (SLUP) Drive-Through Restaurant

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

Owner: _____ Agent: Signature of Applicant

David C. Kirk - 3/8/2023

Printed Name of Applicant: DAVID P. KIRK (ATTORNEY FOR HUTTON)

Notary Signature and Seal: Angela M. Boddie



David C. Kirk
david.kirk@troutman.com

March 7, 2023

VIA ELECTRONIC SUBMITTAL

Mr. Brandon L. White, MPA, AICP
Current Planning/Zoning Manager
DeKalb County Department of Planning & Sustainability
178 Sams Street
Decatur, Georgia 30030

Re: Special Land Use Permit Application for the Construction and Operation of a Restaurant with Drive - Through on a portion of the property located at 3507 Memorial Drive ("Subject Property")

Dear Mr. White:

On behalf of Hutton Belvedere LLC, the owner of the Subject Property ("Hutton," the "Owner," the "Applicant," or the "Owner/Applicant"), I am pleased to provide for review and consideration by DeKalb County this letter of intent and the accompanying application materials in support of a requested Special Land Use Permit ("SLUP") to allow for the development of a drive-through restaurant on a portion of the Subject Property¹. If approved, the SLUP will allow for the redevelopment of the Restaurant Parcel into a new restaurant with a drive-through facility, outdoor dining patio, and related improvements as well as the redevelopment of nearby portions of the Belvedere Plaza shopping center, which currently contains a number of vacant and underutilized retail storefronts. The proposed development will provide a catalyst for the continued improvement of the Subject Property into a more attractive, functional development in keeping with the demands of the current market, community expectations, and current County redevelopment efforts.

Included with this letter of intent are the following materials:

- A. A Special Land Use Permit Application, including the Application Form, Pre-submittal community meeting notice and materials, and all necessary authorization and disclosure forms;

¹ The overall Subject Property (Belvedere Plaza, Tract B) is 11.97 acres but the Owner/Applicant intends to develop the restaurant on a +/- 0.93 acre portion of the Subject Property that remains undivided from the Subject Property (the "Restaurant Parcel").

- B. A Site Plan;
- C. A Survey and Legal Description of the Subject Property;
- D. Conceptual Architectural Elevations;
- E. Completed, signed Pre-application Form; and
- F. An Impact Analysis for the requested SLUP (included within the body of this letter).

Summary of the Proposed Project

As noted above, the Owner/Applicant seeks approvals necessary to redevelop the Subject Property, which now contains vacant and under-utilized retail space and associated parking. On this property, Hutton requests approval for the construction of a new restaurant containing approximately 4,500 square feet of space. The restaurant will include a drive-through facility located in the rear of the property with 30 off-street parking spaces, outdoor seating, and improved traffic circulation. The Subject Property is currently zoned Local Commercial (C-1) and is located within the Town Center Activity Center character area, which allows a drive-through restaurant with the approval of a SLUP. It is also within the planning area for the Belvedere Study Area Master Active Living Plan, which expressly identifies a restaurant as an appropriate use. The proposed new restaurant will replace more than 15,000 square feet of unused or under-utilized retail space in the existing Belvedere Plaza shopping center. SLUPs have recently been approved by the Board of Commissioners within this Town Center Activity Center for similar drive-through uses, including a Caliber Car Wash and Dunkin' restaurant.

Special Land Use Permit Impact Analysis and Review Criteria

- A. Adequacy of the size of the site for use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located.***

The Restaurant Parcel is just under one acre in size and is sufficient to accommodate the proposed restaurant, including drive-through facility, outdoor dining patio, and necessary parking, particularly considering the associated demolition of an under-utilized portion of the shopping center and the improvements to interior traffic flow that will be possible with this proposal, as depicted on the Site Plan. The proposed site plan will meet all required setbacks. No buffer or transitional buffer zone will be required.

- 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.***

The Restaurant Parcel is within the major commercial development node centered on the intersection of Memorial Drive, which is a State Highway (GA 154) and major arterial, and Columbia Drive, a minor arterial. Accordingly, there is sufficient traffic carrying capacity for the proposed restaurant use on Memorial Drive and Columbia Drive without adversely affecting any adjoining land use due to traffic volumes or congestion. Further, it is on a portion of the Belvedere Plaza Shopping Center, which, together with its outparcels, contains a Kroger grocery store and many other commercial uses, including several with drive-through or drive-up facilities, including a Kroger Fuel Center, a Checkers restaurant, and the recently-approved Dunkin' restaurant. The proposed restaurant is consistent with the commercial uses located in this portion of the County and will replace vacant and under-utilized retail storefronts within a portion of the Belvedere Plaza shopping center, helping to provide a catalyst for further redevelopment of this important retail center. The Owner/Applicant respectfully submits the SLUP proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

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

Existing public and private facilities and services, as well as utilities are adequate to serve the proposed restaurant and drive-through facility, the development of which will result in a net *reduction* of approximately 10,500 square feet of retail space on the Belvedere Plaza property.

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.

There is sufficient traffic carrying capacity for the proposed restaurant use on Memorial Drive and Columbia Drive. The zoning proposal will allow for the redevelopment of the Subject Property in a manner that better reflects the County's desired goals for design, traffic efficiency, and pedestrian accessibility. The proposed drive-through will be located adjacent to and behind the new restaurant building and thus will not front the public right-of-way. The proposed site improvements will result in efficient and safe pedestrian and traffic movement within the Restaurant Parcel and on nearby roadways and sidewalks.

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.

Ingress and egress will be provided from existing curb cuts on Memorial Drive (through internal driveways within the Belvedere Plaza property) and from an existing curb cut and private drive on Columbia Drive. The proposed site improvements will result in efficient, inviting, and safe pedestrian and traffic movement within the Subject Property and on nearby roadways and sidewalks.

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

As the ultimate user of the proposed restaurant has not yet been secured pending the approval of the requested SLUP, the proposed hours of operation are not yet known with specificity. However, the Owner/Applicant respectfully submits that the hours of operation will be consistent with other commercial uses located in the area and will have no negative impact on adjoining land uses.

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

The proposed use is designed to be consistent with the goals and site development standards of the proposed C-1 zoning district.

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

The proposed redevelopment of the Restaurant Parcel is consistent with the County's Comprehensive Development Plan and Future Land Use Map, which designates the Subject Property and Restaurant Parcel as within the "Town Center" Character Area. As noted earlier, the Board of Commissioners has recently approved two drive-through uses in the immediate vicinity, indicating from a policy perspective that drive-through uses are not inconsistent with the policy goals of the Town Center Character Area, are acceptable land uses subject to SLUP approval, and can support the overall redevelopment vision for the area. Furthermore, the Belvedere Master Active Living Plan ("MALP") recognizes the redevelopment of Belvedere Plaza is critical to the long-term transformation of the area and, in a sample redevelopment scenario, encourages new outparcel development along Columbia Drive as a component of such redevelopment. The Subject Property is currently occupied by commercial retail uses and will continue to be used commercially with the addition of the proposed redevelopment of the Restaurant Parcel. For the reasons stated above, the Owner/Applicant respectfully submits the proposed redevelopment of the Restaurant Parcel will be consistent with the Town Center and MALP goals.

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

As shown on the submitted Site Plan, the proposed site design provides for adequate refuse and service areas for the proposed restaurant.

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

Given the significant proposed investment represented by the redevelopment of the Restaurant Parcel and Subject Property, including the demolition of a substantial amount of existing, though under-utilized, retail space, the Owner/Applicant respectfully requests the Special Land Use Permit be granted with no limits on its 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 the adjacent and nearby lots and buildings; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.

The proposed one-story 4,500 square foot restaurant is appropriate in scale and size relative to the Subject Property and relative to other nearby buildings, which are predominantly one-story in height. Furthermore, the proposed one-story building will have no negative shadow impact on any adjacent lot or building.

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

The Owner/Applicant respectfully submits the proposed use will have no adverse effect on any 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.

The proposed restaurant and associated drive-through facility will meet the standards provided in Section 4.2.23 of the County's Ordinance concerning drive-through facilities.

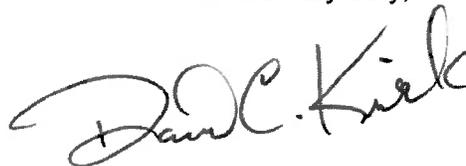
N. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process.

The Owner/Applicant respectfully submits the development of the proposed new restaurant would be consistent with the County's goals, the objectives of the comprehensive plan, the desired redevelopment of the Belvedere Plaza shopping Center - which the proposal would support, the surrounding character of development, and the needs of the community as a whole.

Summary and Conclusion

I believe this letter of intent, together with the accompanying application and supporting documents, provide all the information required by the County to review and evaluate this request. If there are other materials or information you believe would be helpful to your review of this request, please do not hesitate to contact me. I look forward to our continued cooperative efforts on this important matter.

Yours very truly,



David C. Kirk
Attorney for Hutton

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Michael Thurmond

Director
Andrew A. Baker, AICP

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 plansustain@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:
- complete boundaries of subject property;
 - dimensioned access points and vehicular circulation drives;
 - location of all existing and proposed buildings, structures, setbacks and parking;
 - location of 100 year floodplain and any streams;
 - notation of the total acreage or square footage of the subject property;
 - landscaping, tree removal and replacement, buffer(s); and
 - 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. Reduced Site Plan**, reduced to 8.5" x 11".
- I. Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).
- J. Building Form Information**. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.
- K. 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: 3/8/23

TO WHOM IT MAY CONCERN:

(I), (WE) Hutton Belvedere LLC
Name of owners(s) (If more than one owner, attach a separate sheet)

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

David Kirk and Jenna Lee, Troutman Pepper Hamilton Sanders LLP

Name of Agent or Representative

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



Jamie L. Crowell / Jamie L. Crowell Notary Public [Signature] / Hutton Belvedere LLC 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.
 4. 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.

DEPARTMENT OF PLANNING & SUSTAINABILITY

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 filling 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



Signature of Applicant /Date

Check one: Owner _____ Agent x _____

Expiration Date/ Seal

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

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.

Jamie L. Crowell
Notary

M/S
Signature of Applicant /Date

Check one: Owner X Agent _____

8-24-2026
Expiration Date/ Seal



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

AFFIDAVIT OF MAILING

SLUP – DeKalb County Community Meeting Notice

Date of Mailing: **February 7, 2023**

Property Address: **3507 Memorial Drive**

“I SWEAR THAT ON THE ABOVE DATE, I PERSONALLY CAUSED A COPY OF THE ATTACHED LETTER ENTITLED ‘DEKALB COUNTY VIRTUAL COMMUNITY MEETING’ TO BE MAILED TO ALL PROPERTY OWNERS WITHIN 500 FEET OF THE PROPERTIES IDENTIFIED ABOVE AS SHOWN OF THE RECORDS PROVIDED TO ME BY THE STAFF OF DEKALB COUNTY’S DEPARTMENT OF PLANNING AND SUSTAINABILITY, TO THE MEMBERS OF THE DISTRICT 3 COMMUNITY COUNCIL, TO THE PRESIDENTS OF THE ADJACENT NEIGHBORHOOD ASSOCIATIONS IN DISTRICT 3, TO OTHER INTERESTED PARTIES, AND TO STAFF MEMBERS IN SUCH DEPARTMENT, AS SHOWN ON THE ATTACHED MAILING LISTS.”

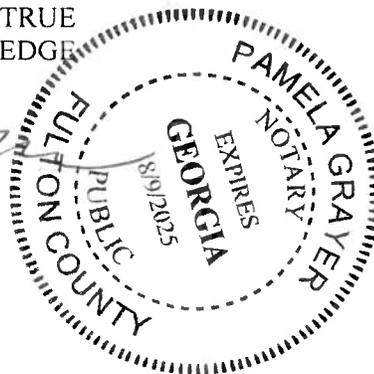
David C. Kirk 2/7/2023
Signature of Affiant Date

DAVID C. KIRK
Affiant Name

PERSONALLY APPEARED BEFORE ME THE PERSON OF THE ABOVE NAME, WHO SWEARS THAT THE INFORMATION CONTAINED IN THIS AFFIDAVIT IS TRUE AND CORRECT TO HIS BEST KNOWLEDGE AND BELIEF.

Pamela Gray
Notary

2/7/2023
Date



troutman.com

David C. Kirk
david.kirk@troutman.com

February 7, 2023

RE: DeKalb County VIRTUAL Community Meeting

Dear Neighbor:

I am writing to inform you of an upcoming Virtual Community Meeting to be held in connection with a Special Land Use Permit Application to be submitted to the DeKalb County Department of Planning & Sustainability to allow for the construction a drive-through restaurant on a portion of the Belvedere Plaza Shopping Center property located at 3507 Memorial Drive.

The Virtual Community Meeting will be held via Zoom on **Thursday, February 23, 2023**, from 5:30 – 6:30 p.m. To join the Virtual Community Meeting, please enter the web address below into your internet browser (with no spaces) and follow the prompts to join the meeting.

Zoom Conference Address:

<https://troutman.zoom.us/j/92226162519?pwd=N3VwaUszTkoyZWplckhmM3JFcE56UT09>

Zoom Password: 946271

You may also join the Virtual Community Meeting by phone via the following number:

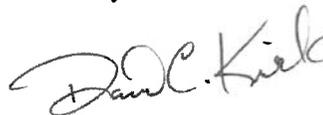
Number: 888-788-0099 US Toll-free

Meeting ID: 922 2616 2519

Passcode: 946271

Should you have any questions, please do not hesitate to call me at (404) 885-3415.

Sincerely,



David C. Kirk

ADDRESSES FOR NOTIFICATION VIA U.S.MAIL

3507 Memorial Drive
HUTTON BELVEDERE LLC
736 CHERRY ST
CHATTANOOGA TN 37402

3507 Memorial Drive
HANCOCK PARK PROPERTIES LLC
PO BOX 2391
DECATUR GA 30031

3507 Memorial Drive
HUTTON BELVEDERE LLC
736 CHERRY ST
CHATTANOOGA TN 37402

3507 Memorial Drive
HUTTON BELVEDERE LLC
736 CHERRY ST
CHATTANOOGA TN 37402

3507 Memorial Drive
BANK OF THE OZARKS
P O BOX 8811
LITTLE ROCK AR 72231

3507 Memorial Drive
HUTTON BELVEDERE LLC
736 CHERRY ST
CHATTANOOGA TN 37402

3507 Memorial Drive
IJP HOLDINGS LLC
1460 E CLEVELAND AVE
EAST POINT GA 30344

3507 Memorial Drive
ALDI INC
P.O. BOX 460049 DEPT 501
HOUSTON TX 77056

3507 Memorial Drive
ALLIANCE ENTERPRISE GROUP LLC
1478 SCENIC PINES DR
LAWRENCEVILLE GA 30044

3507 Memorial Drive
IJP HOLDINGS LLC
1460 E CLEVELAND AVE
EAST POINT GA 30344

3507 Memorial Drive
GOLD STAR REALTY LLC
3990 OLD SPRING HOUSE CT
DUNWOODY GA 30338

3507 Memorial Drive
3062 HAMILTON DECATUR LLC
1336 COLUMBIA DR STE A
DECATUR GA 30032

3507 Memorial Drive
AUTOZONE INC
PO BOX 2198 DEPT 8088
MEMPHIS TN 38101

3507 Memorial Drive
ALLIANCE ENTERPRISE GROUP LLC
1478 SCENIC PINES DR
LAWRENCEVILLE GA 30044

3507 Memorial Drive
CHAPEL HILL HARVESTER CHURCH I
PO BOX 1164
DECATUR GA 30031

3507 Memorial Drive
WAL MART REAL ESTATE BUSINESS
PO BOX 8050 MS 0555
BENTONVILLE AR 72716

3507 Memorial Drive
ASHA BIVEK INC
2635 WEDDINGTON PL
MARIETTA GA 30068

3507 Memorial Drive
COFER RONALD E
6400 ATLANTIC BLVD STE 190
NORCROSS GA 30071

3507 Memorial Drive
OBC DECATUR LLC
79 MADISON AVE FLOOR 4
NEW YORK NY 10016

3507 Memorial Drive
UNITED DEVELOPMENT MEMORIAL
210 SANDY SPRINGS PL NE
ATLANTA GA 30328

3507 Memorial Drive
MCMEMORIAL LAND LLC
1600 441 HISTORIC HWY N
CLARKSVILLE GA 30523

3507 Memorial Drive
DHARIWAL HARDIP S
3518 MEMORIAL DR
DECATUR GA 30032

3507 Memorial Drive
ILIJAN PROPERTIES LLC
3568 MEMORIAL DR
DECATUR GA 30032

3507 Memorial Drive
SELIG ENTERPRISES INC
1100 SPRING ST NW STE 550
ATLANTA GA 30309

3507 Memorial Drive
SELIG ENTERPRISES INC
1100 SPRING ST NW STE 550
ATLANTA GA 30309

3507 Memorial Drive
R AND R ATLANTA REAL ESTATE LLC
2305 RIVA RD STE 305
ANNAPOLIS MD 21401

3507 Memorial Drive
TRIANGLE 3557 INVESTMENT LLC
5675 JIMMY CARTER BLVD STE 110
NORCROSS GA 30071

3507 Memorial Drive
ADE 910 LLC
3535 ROSWELL RD STE 63
MARIETTA GA 30062

3507 Memorial Drive
DEKALB COUNTY
1300 COMMERCE DR # 6THFL
DECATUR GA 30030

3507 Memorial Drive
SHREE GOPINATHDEV LLC
1223 COLUMBIA DR
DECATUR GA 30032

3507 Memorial Drive
ONGOMA SEBASTIAN
993 HEARTHSTONE PL
STONE MOUNTAIN GA 30083

3507 Memorial Drive
HUTTON BELVEDERE LLC
736 CHERRY ST
CHATTANOOGA TN 37402

3507 Memorial Drive
SCOTTTDALE EARLY LEARNING INC
479 WARREN AVE
SCOTTTDALE GA 30079

3507 Memorial Drive
KUZMICH CHRIS S
2926 MIDWAY RD
DECATUR GA 30030

3507 Memorial Drive
YATES CLAYTON
1543 AIKEN CHAFIN LN
MCDONOUGH GA 30252

3507 Memorial Drive
EHLER ENTERPRISE AVONDALE LLC
1000 JOHNSON FERRY RD STE E-210
MARIETTA GA 30068

3507 Memorial Drive
HUDSON CLAY SAMBROOK
1100 SPRING ST W STE 550
ATLANTA GA 30309

3507 Memorial Drive
TUGGLE CHERYL W
2980 BELVEDERE LN
DECATUR GA 30032

3507 Memorial Drive
R AND R ATLANTA REAL ESTATE
2530 RIVA RD STE 400
ANNAPOLIS MD 21401

3507 Memorial Drive
GRESHAM JOHN E
2968 BELVEDERE LN
DECATUR GA 30032

3507 Memorial Drive
ABEBE KIDANU
4106 BRYMOND DR
TUCKER GA 30084

3507 Memorial Drive
1202 GROUP LLC
1685 SPINNAKER DR
ALPHARETTA GA 30005

3507 Memorial Drive
ESFAN PROPERTIES GROUP LLC
120 RIVER NORTH CT
SANDY SPRINGS GA 30328

3507 Memorial Drive
WAFFLE HOUSE INC
6000 LAKE FORREST DR STE 495
ATLANTA GA 30328

3507 Memorial Drive
MEMORIAL AND COLUMBIA LLC
85 MILL ST STE 100
ROSWELL GA 30075

3507 Memorial Drive
SCF RC FUNDING IV LLC
47 HULFISH ST STE 210
PRINCETON NJ 8542

3507 Memorial Drive
CHAPEL HILL HARVESTER CHURCH INC
PO BOX 1164
DECATUR GA 30031

3507 Memorial Drive
SUNTRUST BANK
PO BOX 26665
RICHMOND VA 23261

3507 Memorial Drive
BURGER KING CORPORATION
PO BOX 20783
MIAMI FL 33102

EMAIL ADDRESSES FOR NOTIFICATION

'carolyn.jones818@yahoo.com';
'berryelfreda227@gmail.com';
'nettiejackson@me.com';
'pdk-powell@comcast.net';
'nahwash4ms@aol.com';
'pat.lawrencecraig@gmail.com';
'phthompson3@msn.com';
'regeniारoberts@bellsouth.net';
'regeniारobertsone@gmail.com';
'rmurphyga@gmail.com';
'samandbettysmith@bellsouth.net';
'tommyt4dekalb@gmail.com';
'tolip209@gmail.com';
'president@midwaywoodsassociation.org';
'belvederecivicclubmail@gmail.com'

Reid, John <jreid@dekalbcountyga.gov>;
'White, Brandon L.' <BLWhite@dekalbcountyga.gov>;
Washington, Larry <lWASHINGTON@dekalbcountyga.gov>;
Hill, LaSondra <lahill@dekalbcountyga.gov>;
'Ryan Slattery' <rslattery@irishdevelopment.com>;
Lee, Jenna <Jenna.Lee@troutman.com>

EXHIBIT B

PROJECT
BELVEDERA PLAZA
3507 MEMORIAL DRIVE
DECATUR, GA (DEKALB UNING)
CLIENT

THIS DRAWING AND DESIGN ARE THE PROPERTY OF THE CONSULTANT. THEY ARE NOT TO BE USED, REPRODUCED, COPIED OR WHOLE OR IN PART, OR USED FOR FURNISHING INFORMATION TO OTHERS WITHOUT THE PRIOR WRITTEN CONSENT OF THE CONSULTANT. ALL COMMON LAW RIGHTS OF COPYRIGHT AND OTHERWISE ARE HEREBY SPECIFICALLY RESERVED.

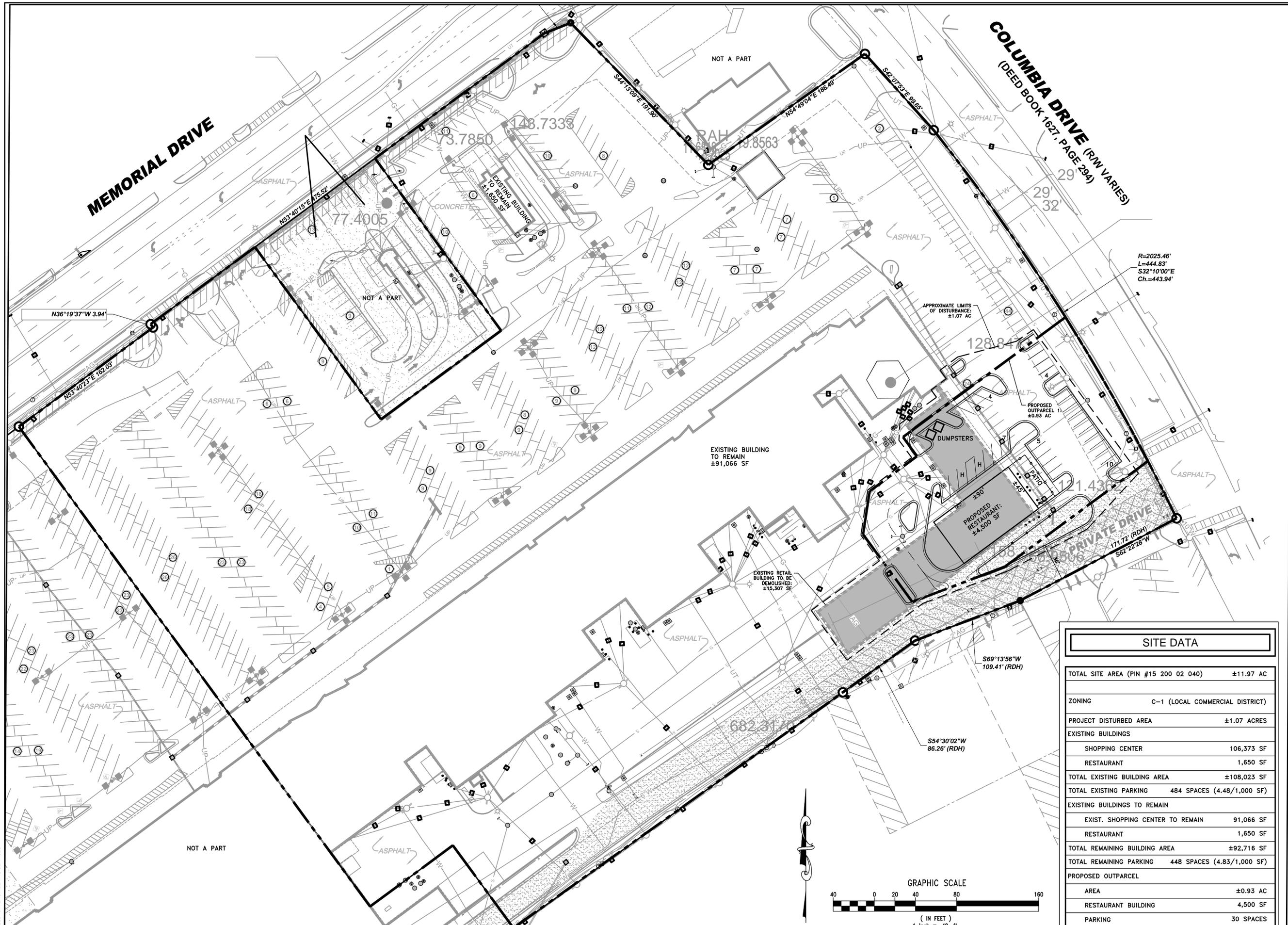
APPROVED FOR CONSTRUCTION
 NOT APPROVED FOR CONSTRUCTION

REVISIONS _____ DATE _____

DRAWING TITLE

SITE PLAN + UTILITIES

DRAWING FILE:
DRAWN BY: RG DRAWING NO.:
DATE: 10/31/22
PROJECT NO: 5828.00 SK-1



SITE DATA	
TOTAL SITE AREA (PIN #15 200 02 040)	±11.97 AC
ZONING	C-1 (LOCAL COMMERCIAL DISTRICT)
PROJECT DISTURBED AREA	±1.07 ACRES
EXISTING BUILDINGS	
SHOPPING CENTER	106,373 SF
RESTAURANT	1,650 SF
TOTAL EXISTING BUILDING AREA	±108,023 SF
TOTAL EXISTING PARKING	484 SPACES (4.48/1,000 SF)
EXISTING BUILDINGS TO REMAIN	
EXIST. SHOPPING CENTER TO REMAIN	91,066 SF
RESTAURANT	1,650 SF
TOTAL REMAINING BUILDING AREA	±92,716 SF
TOTAL REMAINING PARKING	448 SPACES (4.83/1,000 SF)
PROPOSED OUTPARCEL	
AREA	±0.93 AC
RESTAURANT BUILDING	4,500 SF
PARKING	30 SPACES

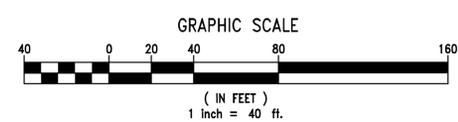


EXHIBIT C

DESCRIPTION OF

Tract 1

All that tract or parcel of land lying and being in Land Lot 200 of the 15th District, DeKalb County, Georgia and being more particularly described as follows:

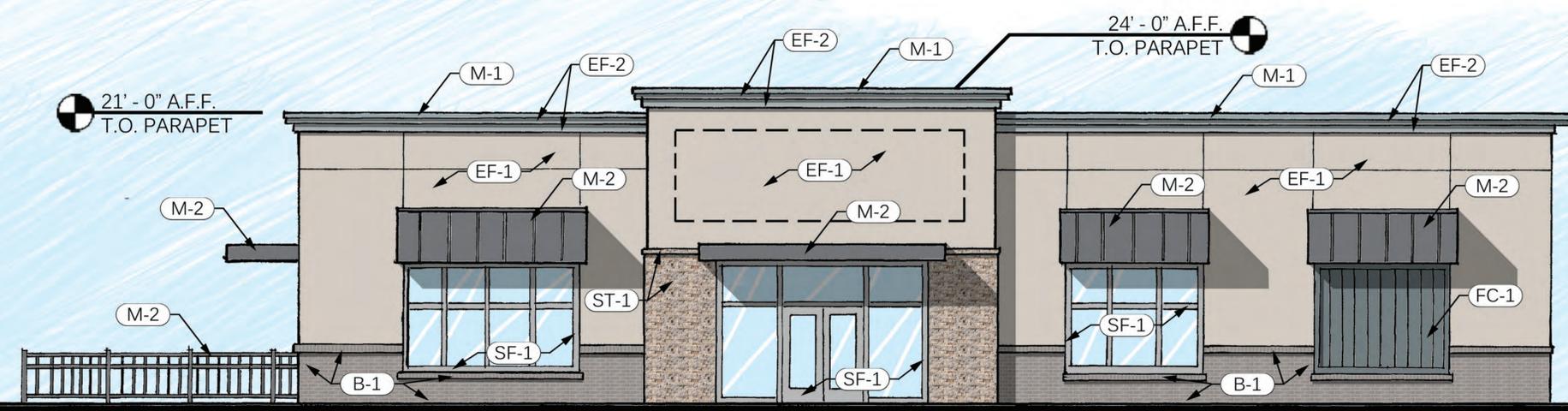
To find the Point of Beginning, commence at the northwestern end of the miter intersection of the southwestern right of way line of Columbia Drive (right of way width varies) and the southeastern right of way line of Memorial Drive (right of way width varies); thence proceeding along said right of way line of Memorial Drive South 54 degrees 41 minutes 26 seconds West a distance of 151.99 feet to a 1/2 inch rebar found, said point being the Point of Beginning.

From the Point of Beginning, as thus established, leaving Memorial Drive and proceeding South 44 degrees 13 minutes 09 seconds East a distance of 191.90 feet to a nail set; thence North 54 degrees 49 minutes 04 seconds East a distance of 186.49 feet to a nail set on the southwestern right of way line of Columbia Drive (right of way width varies); thence proceeding along said right of way line of Columbia Drive the following courses and distances: South 42 degrees 07 minutes 53 seconds East a distance of 99.65 feet to a point and along a curve to the right with a radius of 2025.46 feet and an arc length of 444.83 feet (said curve having a chord bearing of South 32 degrees 10 minutes 00 seconds East and a chord distance of 443.94 feet) to a nail set; thence leaving Columbia Drive and proceeding South 62 degrees 22 minutes 28 seconds West a distance of 171.72 feet to a 3/8 inch rebar found; thence South 69 degrees 13 minutes 56 seconds West a distance of 109.41 feet to a nail set; thence South 54 degrees 30 minutes 02 seconds West a distance of 86.26 feet to a point; thence South 54 degrees 30 minutes 02 seconds West a distance of 393.19 feet to a point; thence North 36 degrees 29 minutes 17 seconds West a distance of 99.37 feet to a point; thence South 53 degrees 53 minutes 12 seconds West a distance of 100.00 feet to a point; thence North 36 degrees 19 minutes 35 seconds West a distance of 576.81 feet to a point on the southeastern right of way line of Memorial Drive (right of way width varies); thence proceeding along said right of way line of Memorial Drive the following courses and distances: North 53 degrees 40 minutes 23 seconds East a distance of 162.03 feet to a nail set, North 36 degrees 19 minutes 37 seconds West a distance of 3.94 feet to a nail set and North 53 degrees 40 minutes 15 seconds East a distance of 125.96 feet to a point; thence leaving Memorial Drive and proceeding South 36 degrees 19 minutes 45 seconds East a distance of 207.55 feet to a point; thence North 53 degrees 40 minutes 15 seconds East a distance of 145.00 feet to a point; thence North 36 degrees 19 minutes 45 seconds West a distance of 207.55 feet to a point on the southeastern right of way line of Memorial Drive (right of way width varies); thence proceeding along said right of way line of Memorial Drive the following courses and distances: North 53 degrees 40 minutes 15 seconds East a distance of 204.56 feet to a right of way monument found and North 68 degrees 30 minutes 52 seconds East a distance of 27.51 feet to a 1/2 inch rebar found, said point being the Point of Beginning.

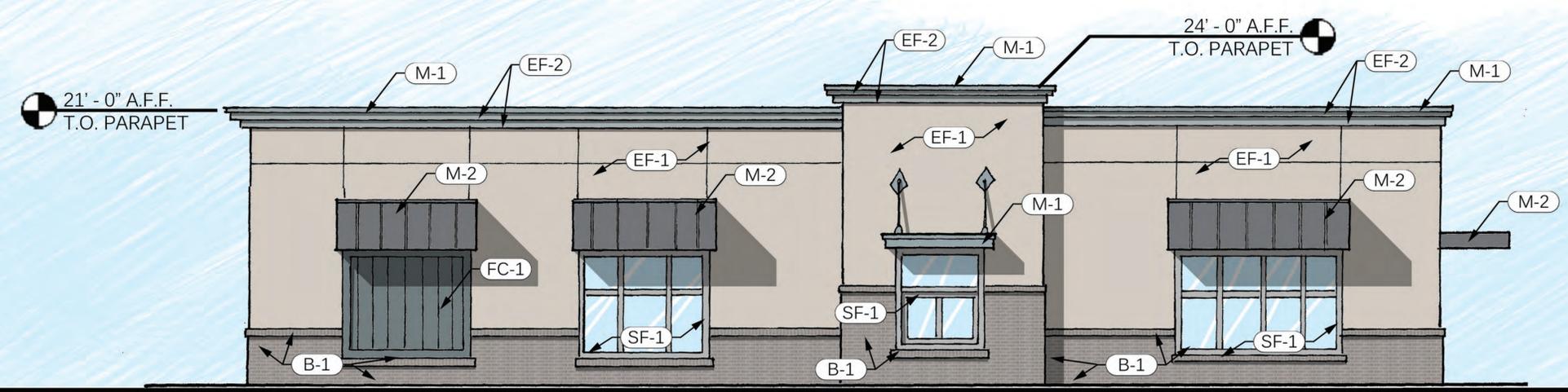
Said tract contains 531,297 square feet or 12.1969 acres.

The above described property is shown on a Property Exhibit for Belvedere Plaza, prepared by Travis Pruitt & Associates, Inc., dated February 21, 2023. (FN:217-E-104)

EXHIBIT D

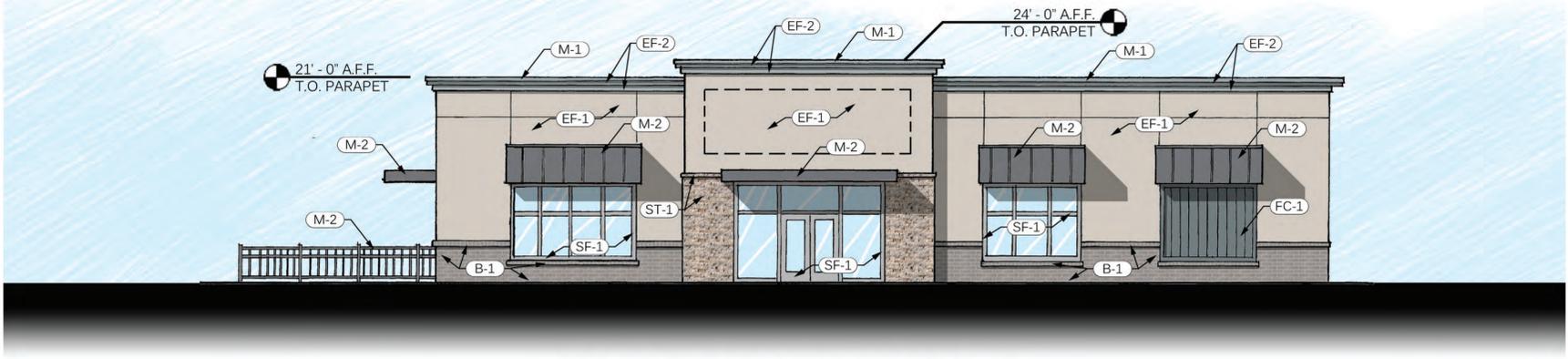


FRONT ELEVATION



DRIVE-THRU ELEVATION

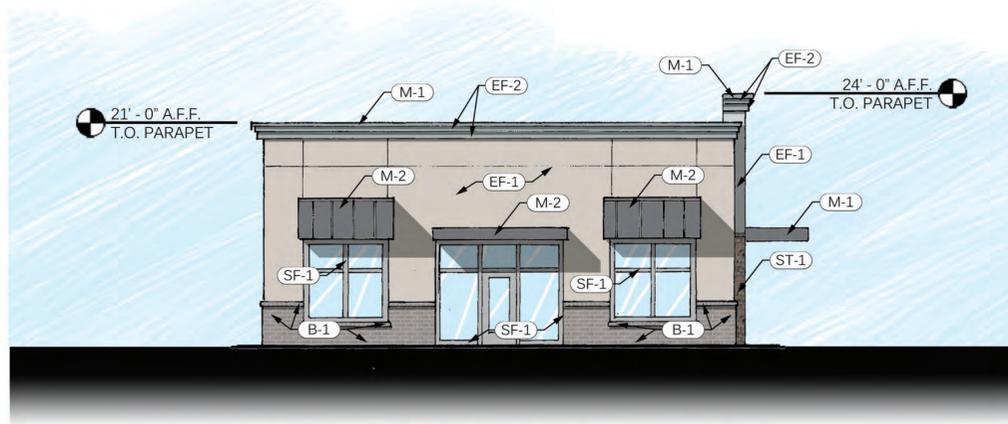
EXTERIOR FINISH SCHEDULE			
B-1	BRICK	TBD	PAINTED; COLOR TO MATCH: SHERWIN WILLIAMS SW 7864 "STEELY GRAY" (233-C4)
EF-1	EIFS	DRYVIT	FINISH SANDBLAST; COLOR TO MATCH: SHERWIN WILLIAMS SW 6071 "POPULAR GRAY" (242-C1)
EF-2	EIFS	DRYVIT	FINISH SANDBLAST; COLOR TO MATCH: SHERWIN WILLIAMS SW 6234 "UNCERTAIN GRAY" (222-C3)
M-1	METAL	PAC-CLAD	METAL COPING, COLOR: "CITYSCAPE"
M-2	METAL	PAC-CLAD	METAL COPING, COLOR: "MUSKET GRAY"
SF-1	STOREFRONT	YKK	INSULATED LOW-E TINTED STOREFRONT SYSTEM, COLOR: "CLEAR ANNOXIDIZED ALUMINUM"
ST-1	MANUFACTURED STONE	CORANADO	AMALFI LEDGE "SALERNO"
FC-1	FIBER CEMENT SIDING	TBD	PAINTED; COLOR TO MATCH: SHERWIN WILLIAMS SW 6235 "FOGGY DAY" (222-C5)
P-1	PAINT	SHERWIN WILLIAMS	PAINT; COLOR TO MATCH: SHERWIN WILLIAMS SW 6071 "POPULAR GRAY" (242-C1)



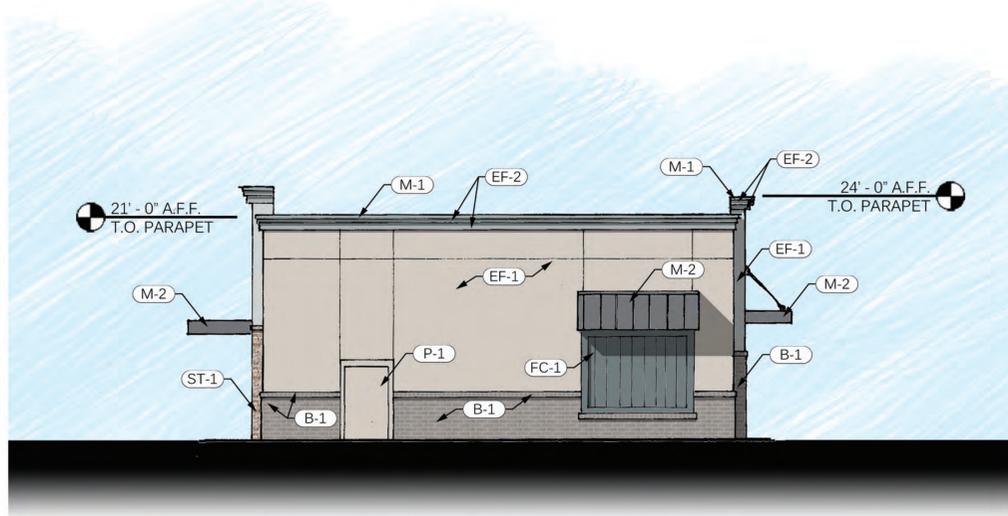
FRONT ELEVATION



DRIVE-THRU ELEVATION



PATIO ELEVATION



REAR ELEVATION

EXTERIOR FINISH SCHEDULE			
B-1	BRICK	TBD	PAINTED; COLOR TO MATCH: SHERWIN WILLIAMS SW 7664 "STEELY GRAY" (233-C4)
EF-1	EIFS	DRYVIT	FINISH SANDBLAST; COLOR TO MATCH: SHERWIN WILLIAMS SW 6071 "POPULAR GRAY" (242-C1)
EF-2	EIFS	DRYVIT	FINISH SANDBLAST; COLOR TO MATCH: SHERWIN WILLIAMS SW 6234 "UNCERTAIN GRAY" (222-C3)
M-1	METAL	PAC-CLAD	METAL COPING, COLOR: "CITYSCAPE"
M-2	METAL	PAC-CLAD	METAL COPING, COLOR: "MUSKET GRAY"
SF-1	STOREFRONT	YKK	INSULATED LOW-E TINTED STOREFRONT SYSTEM, COLOR: "CLEAR ANNOXIDIZED ALUMINUM"
ST-1	MANUFACTURED STONE	CORANADO	AMALFI LEDGE "SALERNO"
FC-1	FIBER CEMENT SIDING	TBD	PAINTED; COLOR TO MATCH: SHERWIN WILLIAMS SW 6235 "FOGGY DAY" (222-C5)
P-1	PAINT	SHERWIN WILLIAMS	PAINT; COLOR TO MATCH: SHERWIN WILLIAMS SW 6071 "POPULAR GRAY" (242-C1)

DEVELOPED BY:



BELVEDERE PLAZA
ELEVATIONS
DEKALB COUNTY, GEORGIA



Architecture - Planning - Interiors

Project Number: D22-128
10 FEBRUARY 2023

EXHIBIT E

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Roger Grant Phone: 770-925-0357 Email: rgrant@columbia-engineering.com

Property Address: 3507 Memorial Drive

Tax Parcel ID: 15-200-02-040 Comm. District(s): 3 & 7 Acreage: 12 acres

Existing Use: Belvedere Shopping Plaza Proposed Use: drive-through restaurant

Supplemental Regs: _____ Overlay District: N/A DRI: N/A

Rezoning: Yes ___ No X

Existing Zoning: C-1 Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request:

Land Use Plan Amendment: Yes ___ No X

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

Special Land Use Permit: Yes X No _____ Article Number(s) 27- 4.2.23

Special Land Use Request(s) _____ Demolish a portion of the eastern side of plaza bldg. and redevelop a drive-through restaurant along Columbia Dr. No tenant secured at this time. _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

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: n/a Density Bonuses: Mix of Uses: NO 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: yes Sidewalks: yes Fencing/Walls: Bldg. Height: Bldg.
 Orientation: Bldg. Separation: Bldg. Materials: Roofs: Fenestration:
 Façade Design: Garages: Pedestrian Plan: Perimeter Landscape Strip:
 Possible Variances: _____

Comments: Provide staff reports regarding adjacent SLUPs for drive-through facilities. _____

Planner: _____ *Brandon White* _____ Date 1/23/2023

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



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
RACHEL BRAGG RLBRAGG@DEKALBCOUNTYGA.GOV OR
JOHN REID JREID@DEKALBCOUNTYGA.GOV

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

Case No.: SLUP-23-1246386

Parcel I.D. #: 15-200-02-040

Address: 3507 MEMORIAL DRIVE

DECATUR, GA 30032

WATER:

Size of existing water main: 6" & 12" CI (adequate/inadequate)

Distance from property to nearest main: adjacent

Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: Shoal Creek

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

Water Treatment Facility: Snapfinger () adequate () inadequate

Sewage Capacity; 36 (MGPD) Current Flow: 28 (MGPD)

COMMENTS:

Sewer capacity may be required.

Signature: Yola Lewis


Board of Health

4/14/2023

To: Mr. John Reid, Senior Planner

From: Ryan Cira, Environmental Health Manager

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.


Board of Health

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.

N1 2023-0334**SLUP 23-1246378**

16-183-02-003, 16-202-02-005

4449 Rockbridge Road, Stone Mountain, GA 30083

- Please review general comments.
- Note: There are several properties of septic in this area.

N2 2020-0335**Z-23-1246378**

16-183-02-003, 16-202-02-005

8361 & 8637 Covington Highway, Lithonia, GA 30058

- Please review general comments.

N3 2023-0335**SLUP 23-1246382**

18-053-02-036

1500 North Decatur Road, Atlanta, GA 30306

- Please review general comments.

N4 2023-0337**CZ 23-1246383**

18-103-03-017, 18-103-03-018

1799 & 1805 Clairmont Road, Decatur, GA 30033

- Please review general comments.
- Our record indicates a septic system installed on surrounding property at 1788 Clairmont. No record in our office for 1799 or 1805 Clairmont Road. This property may have a septic system.

Board of Health

N5 2023-0338**Z -23-1246384**

15-053-03-001, 15-044-09-030

2001 River Road & 2938 Bouldercrest Road, Ellenwood, GA 30394

- Please review general comments.
- Note: Septic system indicated on surrounding areas.

N6 2023-0339**SLUP 23-1246386**

15-200-02-040 15-200-02-040

3507 Memorial Drive, Decatur, GA 30032

- Please review general comments.
- This establishment should contact Health Department Division of Environmental Health

N7 2023-0340**Z 23-1246390**

15-021-01-010, 15-021-02-015, 15-021-01-016

2098 & 2124 Cedar Grove Road, Conley, GA 30288

- Please review general comments.
- Note: Septic system location on this property installed on 11/08/1985.

N8 2023-0341**SLUP 23-1246391**

15-021-01-010, 15-021--01-015, 15-021-021-01-016

2098 & 2124 Cedar Grove Road, Conley, GA 30288

- Please review general comments.
- Note: Septic system location on this property installed on 11/08/1985.

N9 2023-0342**Z-23-1246379**

15-201-01-010

1439 Conway Road, Decatur, GA 30030

- Please review general comments

Zoning Comments – April 2023

N1. 4449 Rockbridge Road - Rockbridge Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Only one access point allowed on Rockbridge Rd. Watch required driveway spacing in Code Section 14-200(6).

N2. 8361 Covington Hwy/8367 Covington Hwy - Stonecrest Overlay District Tier 1. Covington Hwy is classified as a major arterial. (This section is not a state route.) Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Only one access point allowed on Rockbridge Rd. Please provide sheet C-112 (as referenced) for the ROW improvements.

N3. 1526 North Decatur Road - Within the Druid Hills Historic District. North Decatur Road is a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path (dependent on Historic District Review). No poles may remain within the limits of the path. Requires pedestrian scale streetlights of the historic district street lighting standard. (hefowler@dekalbcountyga.gov)

N4. 1799/1805 Clairmont Road - Clairmont Road is SR 155. DeKalb County standards apply unless more restrictive standards are required by GDOT. GDOT review and approval required prior to permitting. (mwilson@dot.ga.gov) GDOT Right of way AND Signal upgrade permits required. Upgrade pedestrian signal head/crosswalks at the signalized intersection. Clairmont Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)

N5. 2001 River Road - Project within the Bouldercrest Overlay District Tier Corr 1. Bouldercrest Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) River Road is classified as a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Old Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Old River Road is classified as a local residential road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 5-foot sidewalk. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)

N6. 3507 Memorial Drive - Memorial Drive a state route. DeKalb County standards apply unless more restrictive standards are required by GDOT. GDOT review and approval required prior to permitting. (mwilson@dot.ga.gov). Memorial Drive is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Connect sidewalks in front of outparcels, as right of way allows. Coordinate with the Transportation Division.

N7. & N8. 3345 Bouldercrest Rd/2098 Cedar Grove Road - Bouldercrest overlay Dist. Tier 3. Soapstone Hist District (2098). Bouldercrest Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Cedar Grove Road is classified as a Minor Arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Extend sidewalks to Clark Street, as right of way allows. Coordinate with the Transportation Division. Relocate guest parking away from Bouldercrest Road to reduce conflicts with entering/exiting space, driveway, and Bouldercrest Rd.

N9. 1439 Conway Drive - Conway Drive is classified as a local road. Extend road along property frontages. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip from back of curb with a 5-foot sidewalk. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

DEVELOPMENT ANALYSIS:

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control (sections have been amended recently; please request the amended chapter), to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas.

Site plan doesn't show or indicate how stormwater management requirements will be addressed. Key important items of County requirements:

- ✓ **The county codes require the hydrology study to model the existing conditions as wooded**
- ✓ **Runoff Reduction Volume shall be provided unless technical justification is provided regarding the unfeasibility. Strongly recommend investigating the site and identify location where RRv can be provided and re-design/revise the layout to comply with the RRv requirement.**
- ✓ **Discharge from the stormwater management facility shall not create adverse effect downstream of the property(ies)**

- **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.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

N6

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

COMMENTS FORM:

PUBLIC WORKS TRAFFIC ENGINEERING

Map- 2023-2039

Case No.: SLUP-23-1246886 Parcel I.D. #: 15-200-92-040

Address: 3507
Memorial Dr
Decatur, GA 30032

Adjacent Roadway (s):

(classification)	(classification)

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

Please provide additional information relating to the following statement.

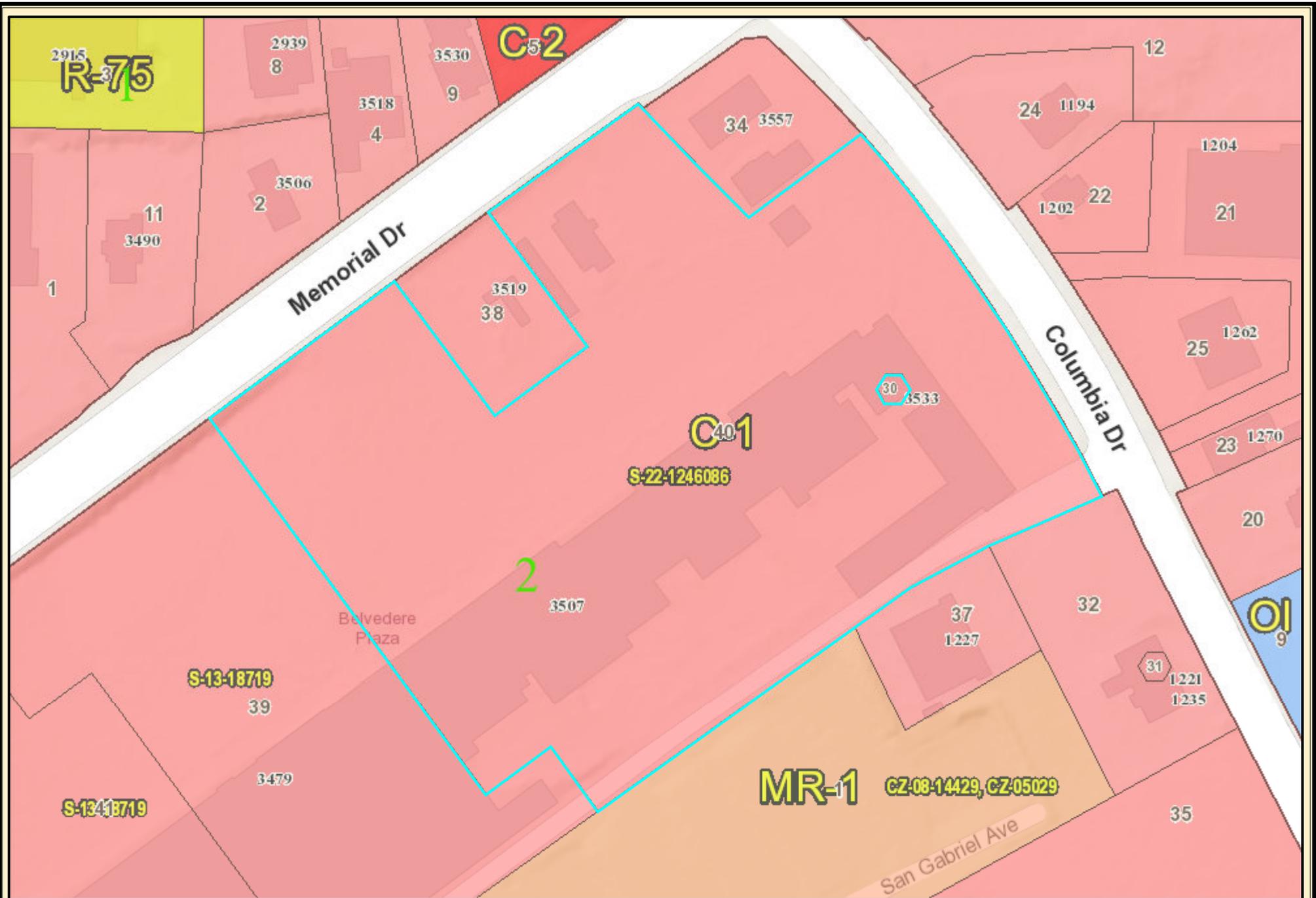
According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____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

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

COMMENTS:

<p><i>Field and plans reviewed. Nothing found that would change traffic pattern or traffic flow.</i></p>

Signature: *[Signature]*



DeKalb County Parcel Map



Date Printed: 3/13/2023



DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.



DeKalb County Parcel Map



Date Printed: 3/13/2023



DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.