

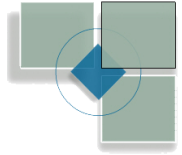


# DeKalb County Department of Planning & Sustainability

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Michael Thurmond  
Interim Chief Executive Officer

**Planning Commission Hearing Date: June 2, 2020, 5:30 P.M.**  
**Board of Commissioners Hearing Date: June 25, 2020, 5:30 P.M.**

## STAFF ANALYSIS

<b>Case No.:</b>	SLUP 20-1243831	<b>Agenda #:</b> N.3
<b>Location/ Address:</b>	3585 Memorial Drive	<b>Commission District:</b> 3 <b>Super District:</b> 7
<b>Parcel ID:</b>	15 217 12 003	
<b>Request:</b>	A Special Land Use Permit (SLUP) for a proposed bank with drive-through lanes.	
<b>Property Owner:</b>	Bank OZK	
<b>Applicant/Agent:</b>	Bank OZK/ Melvin Edwards.	
<b>Acreage:</b>	1.2 Acres	
<b>Existing Land Use:</b>	Vacant	
<b>Surrounding Properties:</b>	<b>North:</b> MU-4: Suntrust bank and Walmart; <b>East:</b> C-1: Goodyear mechanic shop and UHAUL climate control storage facility; <b>South:</b> C-1: Vacant undeveloped land, <b>West:</b> C-1: Taco Bell restaurant (Combine with adjacent zoning)	
<b>Adjacent Zoning:</b>	<b>North:</b> C-1/MU-4 <b>South:</b> C-1 <b>East:</b> C-1 <b>West:</b> C-1 <b>Northeast:</b> MU-4 <b>Northwest:</b> C-2 <b>Southeast:</b> C-1 <b>Southwest:</b> C-1 <b>(Combine with surrounding properties)</b>	
<b>Comprehensive Plan:</b>	Town Center	<input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent
<b>Proposed Density:</b> N/A	<b>Existing Density:</b> N/A	
<b>Proposed /Square Ft.:</b> 3,909	<b>Existing /Square Feet:</b> Vacant land	
<b>Proposed Lot Coverage:</b> 60%	<b>Existing Lot Coverage:</b> Vacant land	

### ZONING HISTORY:

According to DeKalb County records, the subject property has been zoned C-1 (Local Commercial District) since the adoption of the first Dekalb County Zoning Ordinance in 1956.

### SITE ANALYSIS:

The subject property is a 1.22-acre tract that consists of one parcel and has approximately 236 feet frontage along Memorial Road, at the northeast corner of Memorial Drive and Midway Road. The subject property was a restaurant that was demolished in 2019.

### **ZONING ANALYSIS:**

To the east of the subject property on Memorial Drive is Goodyear Tire and Service which is zoned C-1 (Local Commercial). Directly across from the subject property to the northeast of the subject property on Columbia Drive and Memorial Drive are parcels zoned MU-4 (Mixed-Use High Density) and TC (Town Center) for future Land Use. To the south of the subject property lies C-1 (Local Commercial) which is the Belvedere Plaza which includes Kroger, Hibbett Sport retail store, and other retail stores.

The applicant is requesting a Special Land Use Permit to operate a bank with drive-through lanes. The site is currently zoned C-1 (Local Commercial). The proposed bank with drive-through lanes is appropriate land use for the site given its consistency with the 2035 Comprehensive Future Land Use Map. Located within the Town Center (TC) Character Area.

The TC (Town Center) Character Area promotes the concentration of residential and commercial structures reducing the use of automobile travel, and to promote walkability and transit usage.

### **PROJECT ANALYSIS:**

The applicant is requesting a Special Land Use Permit (SLUP) to allow a bank with drive-through lanes. The submitted site plan depicts one story 3,909 square foot building with two drive-through lanes that provides access to the bank externally. The site plan proposes 17 parking spaces including one handicap space. There are two existing entry points off Memorial Drive and one point of ingress and egress off Midway Road to the rear of the subject property. Both entry and exit points will continue to be utilized for this site for ingress and egress. This SLUP request to allow a bank drive-through lanes on the site is compatible with other commercial uses in the area. Adjacent to 3585 Memorial Drive to the north currently exists a Suntrust Bank with three drive-through lanes zoned MU-4 (Mixed-Use High Density). To the south abutting the property there is currently a Taco Bell restaurant with a drive-through lane zoned C-1 (Local Commercial). In the surrounding area there are numerous drive-through restaurants that will include Popeyes, Zaxbys, Checkers, Wings, Wells Fargo Bank, and an emissions testing facility.

The proposed bank with drive-through lanes complies with the following supplemental regulations per Sec.27-4.2.23 of the DeKalb County Zoning Code:

- A. Drive-through facilities shall not be located within sixty (60) feet of a residentially zoned property, as measured from any menu or speaker box to the property line of the residential property, unless part of a mixed-use development.
- B. No drive-through facility shall be located on a property less than ten thousand (10,000) square feet in area, unless part of a mixed-use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in [article 6](#) of this chapter.
- C. Drive-through lanes and service windows serving drive-through lanes shall only be located to the side or rear of buildings.
- D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- E. Speaker boxes shall be pointed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.
- F. All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential property.
- G. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a

minimum of ten (10) feet wide and twenty-five (25) feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the "pick-up" window).

**H.** All drive-through facilities with the exception of drive-through restaurants shall provide at least three (3) stacking spaces for each window or drive-through service facility.

**I.** The following standards shall apply to all stacking spaces and drive-through facilities:

1. Drive-through lanes shall not impede on and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create unsafe conditions where crossed by pedestrian access to a public entrance of a building.
2. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.
3. All drive-through facilities shall include a bypass lane with a minimum width of ten (10) feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.
4. Drive-through lanes must be set back five (5) feet from all lot lines and roadway right-of-way lines.
5. Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.
6. Drive-through restaurants shall not be located within five hundred (500) feet of an elementary, middle, or high school.
7. Drive-through facilities located in activity centers require a special land use permit.
8. Distance shall be measured along the right-of-way, along the route of travel, from entrance to entrance.

Based on the listed supplementary regulations the proposed SLUP (Special Land Use Permit) based on the presented site plan, it will be in compliance.

### **IMPACT ANALYSIS:**

**Section 27-7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.**

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

The 1.22 acre site adequately accommodates the proposed use of the site as a bank with drive-through lanes. The site complies with the required yards, off-street parking, and all other applicable requirements of the zoning code.

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

The proposed bank with drive-through lanes is compatible with nearby commercial uses, properties, and land uses along Memorial Drive. Bank, SunTrust adjacent to subject property, Wells Fargo along Columbia Road; restaurant, Taco Bell, Popeyes Louisiana Kitchen, Burger King, and Zaxby; and an emissions facility, which have existing and operating drive-through uses.

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

The property is located on Memorial Drive in an area that is predominantly developed with other commercial uses. Prior to this redevelopment, the property was a restaurant which is a more intensive use than the proposed bank. Current public services, facilities, and utilities are adequate to serve the proposed use of the site as a bank and drive-through facility.

**D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the proposed use, so as not to unduly increase traffic or create congestion in the area:**

Memorial Drive is a major arterial and contains sufficient traffic carrying capacity for the proposed use. Midway Road is a collector street, also contains sufficient traffic carrying capacity. The proposed use of the site as a bank and drive-through facility will not unduly increase traffic or create congestion in the area. Generally, a restaurant generates more traffic than a bank so the impact of the proposed development is anticipated to be less than the prior use of the site.

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

The site is surrounded by commercial and retail uses. The use of this property as a bank with drive-through lanes will not adversely affect the existing land uses along the access routes.

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

The property has three points of ingress and egress including two on Memorial Drive and one on Midway Road that are existing and will remain. Both pedestrian and automotive safety have been incorporated in the design of the site. The parking lot is designed to include a crosswalk from the existing sidewalk along Memorial Drive to the front entrance of the building for the safety of the pedestrians. Automotive safety has been incorporated by providing adequate space within the site for vehicular access, including access for fire and emergency vehicles.

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

The proposed bank and drive-through lanes will not create any adverse impacts on the adjoining land use by way of noise, smoke, odor, dust, or vibration. The proposed drive-through is located adjacent to the property with a higher volume drive-through than the proposed bank use.

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

The proposed bank and drive-through use will not create any adverse impacts upon any adjoining land by reason of the hours of operation of the proposed use. The adjoining properties are developed with commercial uses that have longer hours of operation than the proposed bank use.

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

The proposed bank and drive-through use will not create adverse impacts upon any adjoining land use by way of the manner of operation of the proposed use. The adjoining land has more intensive uses than the proposed bank with a drive-through.

**J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:**

The proposed plan for the bank and drive-through lanes are consistent with all of the requirements of the C-1 zoning classification.

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

The property is located in the Town Center Character area that includes a policy goal to encourage infill developments that allow direct access to existing infrastructure. The applicant proposes to redevelop this property in an already developed commercial area. The proposed use is consistent with the policies of the DeKalb County Comprehensive Plan 2035.

1. Residential Protection - Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density. Protect stable neighborhoods adjacent Activity Centers from incompatible development that could alter established residential development patterns and density.
2. Maximum Density— Encourage the maximum density of residential in mixed use projects not to exceed the allowable units per acre, with the most intense development located towards the commercial and/or office core of the Activity Center. Properties located along the outer edges of the Activity Center should be sensitive to the building height and density of adjacent single family residential. (Refer to page 21)
3. Traditional Neighborhood Principles Encourage residential development to conform with existing traditional neighborhood development principles including, existing grid street patterns, a higher mix if uses, and increased pedestrian access to retail and other activities.
4. Non-Residential Development - The non-residential development in suburban areas shall be limited to small scale convenience goods/services to meet the needs of the surrounding residents. Small scale nonresidential development shall be limited to qualifying intersections (collector roadway and above).
5. Density Increases - This shall be evaluated for their impact on county facilities and shall not degrade the overall quality of service delivery and quality of life for the surrounding established neighborhood.
6. Walkability - Locate development and activities within easy walking distance of transportation facilities.
7. Infill Development - Enforce residential infill development regulations in efforts to preserve and stabilize existing neighborhoods.
8. Infill Development - Permit accessory housing units, or new well-designed, small-scale infill multifamily residences to increase neighborhood density and income diversity.
9. Transitional Buffer - In areas adjacent to Activity Centers, require the transition of higher densities/intensities to occur within Activity Center and abiding by the delineated Activity Center boundary.
10. Greenspace - Wherever possible, connect to a regional network of greenspace and trails, available to pedestrians.
11. 11. Connectivity - Connect new streets and minimize or prohibit cul-de-sacs to disperse traffic, shorten walking/biking trips.

12. Street Design - Promote street design that fosters traffic calming including narrower residential streets, on street parking, and the addition of bicycle and pedestrian facilities.
13. Bicycle and Pedestrian - Encourage good vehicular and pedestrian/bike connections to retail/commercial services as well as internal street connectivity, connectivity to adjacent properties/subdivisions, and multiple site access points.
14. Transportation Alternatives - Provide a variety of transportation alternatives such as bicycle and pedestrian paths and greenway areas.
15. Sense of Place - Promote sense of place initiatives such as public art, fountains, plazas, signage and other design guidelines to improve the public realm.
16. Density - Promote moderate density, traditional neighborhood development style residential subdivisions, which may utilize alley ways and rear vehicular access.
17. Nodes - A) Create neighborhood focal points through the use of existing pockets parks and squares for community activities. B) Create neighborhood focal points by locating schools, community centers, or well-designed small commercial centers at suitable locations within walking distance of residences.
18. Street Character - Improve street character with consistent signage, lighting, landscaping and other design features.
19. Architecture - Encourage compatible architecture styles that maintain regional and neighborhood character.
20. Small Area Plans (SAPs) - Implement appropriate sub policies (pages 85-114 in the comprehensive plan) and development guidelines in Regional Centers that have Small Area Plans, which provide more detailed guidance to the development of mixed use and transition down to single family residential. Regional Centers with SAPs include: Kensington and Northlake Activity Centers.
21. Implementation Tools - Refer to Chapter 27 Article 3 of the DeKalb County Zoning Code for specific overlay district regulations and design guidelines, with activity centers that apply (see full comp plan).

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

The proposed bank with a drive-through does not abut any residentially zoned properties. Therefore, transitional buffer zones are not required.

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

Adequate provisions for refuse and services will be provided. The applicant states that “Due to the nature of the operation and volume of refuse, no dumpster is proposed.”

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

The special land use permit should not contain any limitation on duration. The drive-through lanes is a critical component of the use of the site allows better and more efficient service to the bank’s customers that is required for the duration of the sites use as a bank.

**O. Whether or not the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings:**

The proposed building is appropriate in relation to the massing of other buildings on adjacent and nearby lots. The predominant development pattern in the area includes one story commercial buildings of a similar size as of the proposed building.

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

There are no effect on historic buildings, sites, districts, or archaeological resources. Currently, there is no conditions on the subject property.

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

The bank and drive-through use satisfies the applicable supplemental regulations pursuant to Article 4.2.23 pertaining to drive-through facilities.

**R. Whether or not the proposed building as a result of its proposed height , would create a negative shadow impact on any adjoining lot or building:**

The proposed height of the new proposed structure will not create a negative shadow impact on any adjoining lots or buildings. The proposed height will be consistent with that of surrounding developments.

**S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:**

The proposed use would provide convenience to banking customers. Currently, there are similar drive-through uses in the surrounding area including restaurants and other banking facilities. SunTrust adjacent to subject property, Wells Fargo along Columbia Road; restaurant, Taco Bell, Popeyes Louisiana Kitchen, Burger King, and Zaxby; and an emissions facility, which have existing and operating drive-through uses.

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

This is a TC (Town Center) Character area that promotes the concentration of residential and commercial with the intent to reduce automobile travel and promote walkability. After further surveying the subject property and surrounding businesses, the proposed use is consistent with existing surrounding businesses that rely on vehicular traffic and provide accessibility to their establishment with the use drive-through lanes.

The surrounding neighborhood has not yet begun to transition into a pedestrian environment that encourages an active walkability.. The proposed use is consistent with the current surrounding neighborhood and its uses.

This development also follows the guidelines of the Town Center policies:

1. **Retrofitting**-fosters retrofitting for conformity with traditional neighborhood principals.
2. **Preferred Uses**- Each Town Center shall include a high-density mix of residential, retail, office, services, and employment to serve several neighborhoods.

The proposed use is consistent with the needs of the neighborhood and the community. The proposed use does not conflict with the objectives of the DeKalb County Comprehensive Plan.

1. Residential Protection - Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density. Protect stable neighborhoods adjacent Activity Centers from incompatible development that could alter established residential development patterns and density.
2. Maximum Density— Encourage the maximum density of residential in mixed use projects not to exceed the allowable units per acre, with the most intense development located towards the commercial and/or office core of the Activity Center. Properties located along the outer edges of the Activity Center should be sensitive to the building height and density of adjacent single family residential. (Refer to page 21)
3. Traditional Neighborhood Principles Encourage residential development to conform with existing traditional neighborhood development principles including, existing grid street patterns, a higher mix of uses, and increased pedestrian access to retail and other activities.
4. Non-Residential Development - The non-residential development in suburban areas shall be limited to small scale convenience goods/services to meet the needs of the surrounding residents. Small scale nonresidential development shall be limited to qualifying intersections (collector roadway and above).
5. Density Increases - This shall be evaluated for their impact on county facilities and shall not degrade the overall quality of service delivery and quality of life for the surrounding established neighborhood.
6. Walkability - Locate development and activities within easy walking distance of transportation facilities.
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21. Implementation Tools - Refer to Chapter 27 Article 3 of the DeKalb County Zoning Code for specific overlay district regulations and design guidelines, with activity centers that apply (see full comp plan).

**COMPLIANCE WITH DISTRICT STANDARDS PER TABLE 2.2:**

The site zoned C-1 (Local Commercial) must comply with minimum development standards per Article 2 – Table 2.2 Non-Residential Zoning Districts Dimensional Requirements of the DeKalb County Zoning Ordinance.

<b><u>STANDARD</u></b>	<b><u>REQUIREMENT</u></b>	<b><u>PROPOSED</u></b>	<b><u>COMPLIANCE</u></b>
<b>Lot Width (M)</b>	Minimum of 100 feet on a public street frontage.	<b>236 feet</b>	<b>Yes</b>
<b>Lot Area (M)</b>	20,000 square feet	<b>52,000 square feet</b>	<b>Yes</b>
<b>Lot Coverage</b>	TC/RC: 90% All other: 80%	<b>60%</b>	<b>Yes</b>
<b>Front Building Setback-</b>  *Front thoroughfares and arterials (min./max. feet)	20/60 feet	<b>55 feet</b>	<b>Yes</b>
<b>Side Building Setback</b>	Interior 20 feet	<b>Interior: 20 feet</b>	<b>Yes</b>

	Corner 50 feet	<b>Corner: 50 feet</b>	
<b>Rear Setback</b>	20 feet	<b>20 feet</b>	<b>Yes</b>
<b>Height</b>	2 story/35 feet	<b>21 feet</b>	<b>Yes</b>
<b>Open Space-</b> *Sites with 5,000— 39,999 sq. ft. gross floor area (minimum %)	Minimum 10%	<b>20%</b>	<b>Yes</b>
<b>Parking- Article 6-</b> *Retail uses, personal service uses, and other commercial and general business uses, but not including Convenience Stores or Grocery Stores or other uses described more particularly herein	One (1) space for each five hundred (500) square feet of floor area. (Min 8)  One (1) space for each two hundred (200) square feet of floor area. (19 Max)	<b>17 spaces</b>	<b>Yes</b>

**Staff Recommendation:**

The proposed bank with a drive-through lane is compatible with nearby commercial uses along Memorial Drive. Although the site is in the Town Center Corridor Character Area where the proposed drive-through facility is inconsistent with the following policy and intent of the character area: reduce automobile travel, promote walkability and increase transit usage along Memorial Drive. The proposed bank with drive-through would utilize all existing curb cuts on property and would be compatible with all other uses in the surrounding area. Therefore, it is the recommendation of Planning and Sustainability Department that the Special Land Use Permit (SLUP) to allow a bank with a drive-through be APPROVED with conditions.

1. A bank with a drive-through lane as depicted on the site plan received by the Department of Planning and Sustainability dated 10/14/2019. Said site plan is conceptual and is subject to compliance with C-1 (General Commercial) zoning standards unless variances are obtained from appropriate regulatory authorities
2. The approval of this SLUP application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the Zoning Board of Appeals, or other entity.
3. The installation of refuse and service area with proper screening to the rear of the property.

**Attachments:**

1. Public Works Department Comments
  - a. Land Development Division
  - b. Traffic Engineering Division
2. Watershed Management Department Comments

3. Board of Health Comments
4. Board of Education Comments
5. Application
6. Site Plan
7. Zoning Map
8. Aerial Photograph
9. Photographs
10. Other Documents (list separately)