



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Planning Commission Hearing Date: May 1, 2018, 6:30 P.M.

Board of Commissioners Hearing Date: May 22, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: SLUP-18-22140 **Agenda #:** N. 7

Location/Address: The north side of Memorial Drive opposite Mountain View Drive at 6198 Memorial Drive in Stone Mountain, Georgia. **Commission District:** 4 **Super District:** 7

Parcel ID(s): 18 091 01 052

Request: To request a Special Land Use Permit (SLUP) to extend the operating hours of an existing restaurant (Duckanoo Grill) beyond 12:30 a.m. to operate as a Late Night Establishment within the C-1 (Local Commercial) district in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Article 4.2.32 Supplemental Regulations of the DeKalb County Code.

Property Owner(s): Irie Investments, LLC.

Applicant/Agent: Dave Vaz

Acreage: .64

Existing Land Use: Restaurant (Duckanoo Grill)

Surrounding Properties: Memorial Center Shopping Center to the north, an auto dealer (U.S. Auto Sales) to the east, a Texaco food mart/gas station and a DUI driving school to the south across Memorial Drive, and an auto (AATL auto trader) and an auto-repair shop (Friendship Paint and Body Shop) to the west.

Adjacent Zoning: North: C-1 South: C-1 East: C-1 West: C-2

Comprehensive Plan: CRC Consistent Inconsistent

Proposed Density: NA	Existing Density: NA
Proposed Units: Extend operating hours as LNE	Existing Units: Restaurant

Proposed Lot Coverage: No increase proposed

Existing Lot Coverage: NA

Zoning History: Based on DeKalb County records, it appears that the local commercial (C-1) zoning of the property has not changed since adoption of the first zoning ordinance and map in 1956.

PROJECT ANALYSIS

The subject property is a .64-acre site with street frontage along Memorial Drive, a six-lane Major Arterial street with a center turn lane. It is developed with a one-story, 5,359 square foot building occupied by Duckanoo Grill Restaurant. There is also an outdoor deck on west side of the building. Since there do not appear to have been any building permits obtained for that outdoor deck based on county records, a recommended condition of approval by Staff requires the applicant to obtain required building permits for the deck prior to obtaining a business license. The applicant proposes to extend the operating hours of an existing restaurant (Duckanoo Grill) beyond 12:30 a.m. to operate as a Late Night Establishment. Based on field investigation there is adequate parking on-site as the minimum parking required by the zoning ordinance is 18 spaces and there are 37 parking spaces on the property.

There are two driveways providing access to the property from a private drive that accesses Memorial Drive. There is a five-foot wide sidewalk on the property frontage. The topography of the site is flat. Most of the property is paved; however there is a 20-foot wide undisturbed grassy area along the western property line.

The subject property is surrounded by Memorial Center Shopping Center to the north, an auto dealer (U.S. Auto Sales) to the east, a Texaco food mart/gas station and a DUI driving school to the south across Memorial Drive, and an auto (AATL auto trader) and an auto-repair shop (Friendship Paint and Body Shop) to the west.

LAND USE AND ZONING ANALYSIS

Section 27-873 of the DeKalb County Zoning Ordinance, "Special land use permit; criteria to be applied" states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit. No application for a Special Land Use Permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application.

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

Based on the submitted information as well as field investigation of the project site, it appears that the size of the property is adequate for the proposed Late Night Establishment (LNE) to operate within the existing restaurant. While the existing building does not comply with the required 30-foot rear yard building setback required by the Zoning Ordinance, the building was constructed in 1988 and appears to be a nonconforming structure. Furthermore, the configuration of the site is such that this parcel serves as an "out-parcel" of the larger C-1 zoned shopping center to the rear. There are 37 parking spaces on the property, and the minimum parking required by the zoning ordinance for the applicant's proposed Late Night Establishment is 18 parking spaces. Therefore, it appears that there is adequate land area available for the proposed use as there is compliance with all other required yards, lot area, lot width, and other applicable requirements of the Zoning Ordinance.

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

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the proposed use is compatible with the surrounding commercial uses and is appropriate along this six-lane Major Arterial (Memorial Drive). Based on county records, there have been no complaints or citations for the existing Duckanoo Grill restaurant.

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

Based on the submitted information, it appears that public transportation facilities are adequate to service the use contemplated. There will be no impact on schools since the proposed use is nonresidential. There is no burdensome impact anticipated on public utilities since the proposed use will be located in an established commercial building.

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:

Based on the submitted site plan and information, as well as field investigation of the project site, the public street on which the proposed use is to be located is adequate and will not unduly increase traffic congestion since the LNE will be located in an established commercial building, and accesses a major six-lane thoroughfare road (Memorial Drive).

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:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the existing land uses located along access routes to the site would not be adversely affected by the character of the vehicles or the volume of traffic generated since the proposed use will be located within an established commercial building along a major thoroughfare road (Memorial Drive).

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:

Based on the submitted concept plan, it appears that there is adequate ingress and egress to the subject property and the existing building.

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:

It appears that there should be no adverse impacts on surrounding properties since the site has access to a major thoroughfare road and is proposed to be located in an established commercial building.

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:

Based on the submitted information and elevations, it appears that the proposed use would not create adverse impacts on the adjoining land use by reason of the hours of operation since most of the surrounding businesses will be closed during late night hours.

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:

See criteria "H".

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:

With the exception of the rear-yard building setback, the proposed plan is consistent with the requirements of the zoning district classifications in which the use is proposed to be located (C-1 district). Since the building was constructed circa 1988, it is considered a grandfathered building.

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

It appears that the proposed LNE is consistent with the following policies and strategies of the Commercial Redevelopment Corridor (CRC) Character Area of the DeKalb County Comprehensive Plan: 1) Upgrade the appearance of existing older commercial buildings with façade improvements (CRC Character Area Policy #20); and 2) Focus development on parcels that abut the designated Commercial Redevelopment Corridor (CRC Character Area Policy # 18).

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:

While no transitional buffers are required since the site is surrounded by commercial zoning, there is an undisturbed 20-foot wide grassy area along the western property line.

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

Based on the submitted information, refuse and service areas appear to be ample and adequate since the proposed use is located within an established commercial building.

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

The proposed use will be located in an established commercial building which is permanent in nature.

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:

Based on the submitted plan and information, the proposed use will be located in an established commercial building. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

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

Based on the submitted site plan and information, as well as field investigation of the project site, it does not appear that the proposed plan would adversely affect historic buildings, sites, districts, or archaeological resources.

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

Based on the submitted information and information from the Planning and Sustainability Department, the proposed use satisfies the requirements contained in Section 4.2.32 of the Supplemental Regulations for *Late Night Establishments* during peak operating hours (after 12:30 a.m.)

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:

Based on the submitted plan and information, as well as field investigation of the project site, the proposed use would be located within an established one story commercial building which should not create a negative shadow impact on any adjoining lot or building.

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

Based on field investigation of the project site, there are no Nightclubs or Late Night Establishments within the immediate vicinity.

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:

Based on the submitted information, it appears that the proposed LNE would be consistent with the needs of the community as a whole since it is consistent with the commercial uses along this stretch of Memorial Drive. Additionally, the site has access to a six-lane major thoroughfare road (Memorial Drive). It appears that the proposed LNE would be consistent with the following policies and strategies of the Commercial Redevelopment Corridor (CRC) Character Area of the DeKalb County Comprehensive Plan: 1) Upgrade the appearance of existing older commercial buildings with façade improvements (CRC Character Area Policy #20); and 2) Focus development on parcels that abut the designated Commercial Redevelopment Corridor (CRC Character Area Policy # 18).

Compliance with District Standards:

STANDARD		REQUIREMENT	EXISTING/PROPOSED	COMPLIANCE
LOT WIDTH		100	147	YES
LOT AREA		20,000 SF	27,878 sf	YES
YARD SETBACKS	FRONT	60 feet	83 feet	YES
	CORNER LOT SIDE	NA	NA	NA
	INTERIOR SIDE	20 feet	25 ft (west p/l) 49 ft (eastp/l)	YES
	REAR	30 feet	13 feet	No (property was constructed circa 1988 and site is non-conforming, no variances required)
BUILDING SPACING		NA	NA	NA
TRANS. BUFFERS		NA	20 foot undisturbed buffer along west property line	YES
HEIGHT		2 story	1 story	YES
PARKING		18 spaces	37 spaces	YES

STAFF RECOMMENDATION (REVISED 03/14/18):

The proposed Late Night Establishment (LNE) falls under the requirements for a Special Land Use Permit (SLUP) since the establishment proposes to serve alcohol after 12:30 a.m. within 1,500 feet of property zoned for residential use. The nearest residential zoning is the MR-1 (Medium Density Residential 1) district containing the Hairston Lake Apartments approximately 352 feet away from the northwest property line of the subject. It

appears that the proposed LNE would be consistent with the following policies and strategies of the Commercial Redevelopment Corridor (CRC) Character Area of the DeKalb County Comprehensive Plan: 1) Upgrade the appearance of existing older commercial buildings with façade improvements (CRC Character Area Policy #20); and 2) Focus development on parcels that abut the designated Commercial Redevelopment Corridor (CRC Character Area Policy # 18). Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the proposed use is compatible with the surrounding commercial uses and is appropriate along this six-lane major arterial (Memorial Drive). Staff notes that the request complies with the Supplemental Regulations for Late Night Establishments as well as the distance requirements of the Alcohol Ordinance based on the submitted alcohol survey. Therefore, it is the recommendation of the Planning Department that the application be "Approved Conditionally", subject to the following conditions:

- 1) The Late Night Establishment shall be limited to the existing building.
- 2) A minimum of one (1) security officer shall be provided.
- 3) Compliance with the DeKalb County Noise Ordinance.
- 4) No dance floor.
- 5) The use of audio amplification devices and/or equipment on the exterior of the building is prohibited.
- 6) Operating hours cannot exceed the closing times permitted by the Alcohol Licensing Ordinance.
- 7) All refuse areas shall be completely screened from view of public right-of-way, parking and pedestrian areas.
- 8) Prior to the issuance of any business license or alcohol license, a building permit shall be obtained for the outdoor deck from the Development Division.
- 9) Should a new sign be constructed, it shall be a monument sign with a brick base not to exceed ten (10) feet in height or 48 square feet in size.
- 10) The SLUP is non-transferable. Any new operator of a Late Night Establishment on the subject property shall be subject to a new SLUP application.

Attachments:

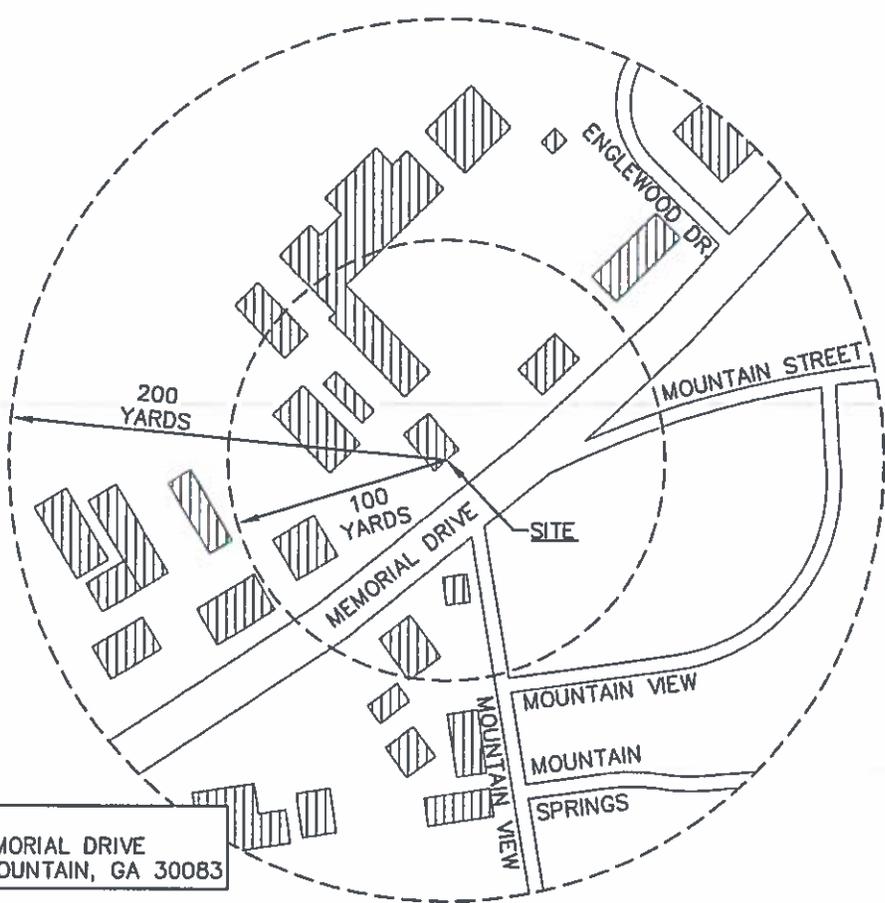
1. Department and Division Comments
2. Board of Health Comments
3. Application
4. Site Plan
5. Zoning Map
6. Aerial Photograph
7. Site Photographs

NEXT STEPS

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

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✓ • **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued "administratively"; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- ✓ • **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.



SITE
 6198 MEMORIAL DRIVE
 STONE MOUNTAIN, GA 30083

NEAREST CHURCH: ±218 YARDS
PENTECOSTALS OF STONE MOUNTAIN
 6212 MEMORIAL DRIVE
 STONE MOUNTAIN, GA 30083

NEAREST SCHOOL: ±516 YARDS
STONE MILL ELEMENTARY SCHOOL
 4900 SHEILA LANE
 STONE MOUNTAIN, GA 30083

NEAREST BEER/WINE SALES: ±120 YARDS
BEST VALUE ONE
 6201 MEMORIAL DRIVE
 STONE MOUNTAIN, GA 30083

NEAREST LIQUOR SALES: ±352 YARDS
C & D PACKAGE
 6098 MEMORIAL DRIVE
 STONE MOUNTAIN, GA 30083

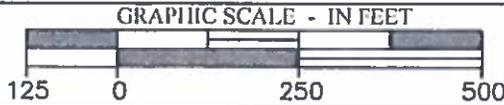
NEAREST ALCOHOL TREATMENT CENTER:
 ±6,610 YARDS
CLARKSTON TWELVE STEP GROUP
 2331 4TH ST # 102
 TUCKER, GA 30084

THIS DRAWING WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON FOR ALCOHOL PERMIT OR LICENSE APPLICATION PURPOSES ONLY AND DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON.

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BOUNDARY
 zone, inc. LAND SURVEYING SERVICES
 WWW.BOUNDARYZONE.COM
 (770) 271-5772 / (919) 363-9226

4195 SOUTH LEE STREET
 SUITE 1,
 BUFORD, GA 30518
 235 PEACHTREE STREET NE,
 SUITE 400,
 ATLANTA, GA 30303
 2205-C CANDUN DRIVE
 APEX, NC 27523



MAGNETIC
 NORTH

SCALE: 1"=250'

ALCOHOL SURVEY

PREPARED FOR: DAVE VAZ
 LAND LOT 91, 18TH DISTRICT,
 DEKALB COUNTY, GEORGIA - 05/30/14



5-30-14
 FOR THE FIRM
BOUNDARY ZONE, INC.
 NOT VALID WITHOUT
 ORIGINAL SIGNATURE

PROJECT
 1500701

SHEET
 1 OF 1

ALCOHOLIC BEVERAGE LICENSE SURVEY - CONSUMPTION ON PREMISES LICENSE

To: DeKalb County, Georgia - Alcohol Licensing
330 W. Ponce De Leon Ave., 2nd Floor
Decatur, Ga. 30031

Date: 05/30/14

Applicant's Name: DAVE YAZ

Trade Name:

Business Address: 6198 MEMORIAL DRIVE, STONE MOUNTAIN, GA 30083

BEER AND / WINE (100 YARDS MINIMUM)

- 1. 218 Number of yards to the nearest church or place used primarily for religious services at:
PENTECOSTALS OF STONE MOUNTAIN, 6212 MEMORIAL DRIVE, STONE MOUNTAIN, GA 30083
- 2. 516 Number of yards to the nearest school, school grounds, educational facility or college campus; this includes kindergartens, or churches, which have schools or kindergartens, located at:
STONE MILL ELEMENTARY SCHOOL, 4900 SHEILA LANE, STONE MOUNTAIN, GA 30083
- 3. 6,610 Number of yards (must be at least 200 yards for Beer, Wine or Distilled Spirits) to the nearest alcohol treatment center located at:
CLARKSTON TWELVE STEP GROUP, 2331 4TH ST #102, TUCKER, GA 30084

LIQUOR (200 YARDS MINIMUM)

- 1. _____ Number of yards to the nearest church or place used primarily for religious services at:

- 2. _____ Number of yards (must be at least 200 yards) to the nearest alcohol treatment center located at:

- 3. _____ Number of yards to nearest school, school grounds and college campus; this includes kindergartens or churches, which have schools or kindergartens located at:

NOTE: ALL MEASUREMENTS SHALL BE MEASURED BY THE MOST DIRECT ROUTE OF TRAVEL ON THE GROUND (WALKING or DRIVING) AND SHALL BE MEASURED IN THE FOLLOWING MANNER:

- (a) From the front door of the structure from which alcoholic beverage is to be sold or served;
- (b) In a straight line to the nearest public sidewalk, street, highway, road or walkway;
- (c) Along such public sidewalk, street, highway, road or walkway;
- (d) To the front door of the building, unless you are measuring to an educational facility (schools and school grounds). When measuring to a school, the measurement stops at the nearest property line of the school.

Note: Survey drawing showing distance to the businesses described above must be attached to this survey certificate.

The undersigned surveyor has examined the subject location and has made measurements to determine compliance or non-compliance with the above distance requirements.

[Signature]
Signature of Land Surveyor

2897
State License Number

05/30/14
Date

** Revised 09-20-05



5-30-14

THIS SURVEY IS A REFRAGMENT OF AN EXISTING PARCEL OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL. THE RECORDING INFORMATION OF THE INSTRUMENT(S), MAP(S), PLAT(S) OR OTHER INSTRUMENT(S) WHICH CREATED THE PARCEL(S) ARE STATED HEREON. RECREATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF THE LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHER, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS MAP, PLAT, OR PLAN COMPLES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT OCGA 15-4-4.



FOR THE FIRM
BOUNDARY ZONE, INC.
LSF 839

NOT VALID WITHOUT
ORIGINAL SIGNATURE

W. E. BUTTERWORTH RLS #2294 3-5-18 DATE

ZONING SUMMARY: C-1
LOCAL COMMERCIAL

FRONT SETBACK 60'
SIDE SETBACK 20'
REAR SETBACK 30'

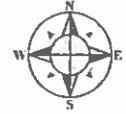
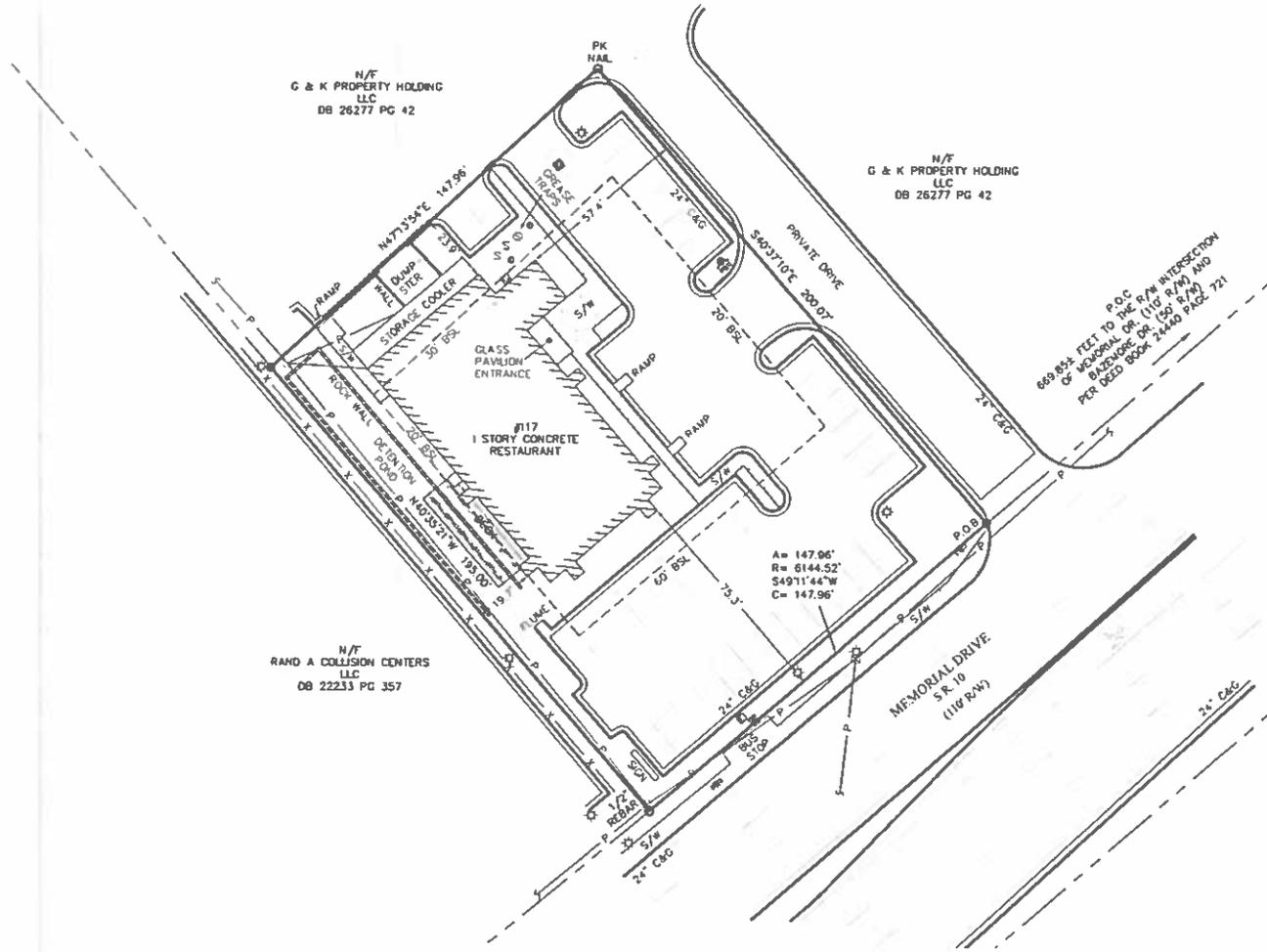
INFORMATION OBTAINED FROM
DEKALB COUNTY ZONING,
DATED 03/05/2018

THE SURVEYOR IN NO WAY INTENDS TO
INTERPRET OR MAKE CONCLUSION REGARDING
THE ZONING AND SETBACK DESIGNATION SHOWN
HEREON.

N/F
G & K PROPERTY HOLDING
LLC
DB 26277 PG 42

N/F
G & K PROPERTY HOLDING
LLC
DB 26277 PG 42

N/F
RAND A COLLISION CENTERS
LLC
DB 22233 PG 357



MAGNETIC
NORTH
SCALE: 1" = 30'

NO.	REVISION	DATE
1		
2		
3		

GRAPHIC SCALE - IN FEET

BOUNDARY SURVEY
PREPARED FOR: DAVE VAZ
LAND LOT 91, 18 TH DISTRICT,
DEKALB COUNTY, GEORGIA - 03/05/2018

<ul style="list-style-type: none"> ◻ PROPERTY CORNER FOUND (AS NOTED) ◐ 1/2" REBAR WITH CAP SET LSF# 839 ◑ R/W MONUMENT ▲ FIRE HYDRANT ○ MANNHOLE ◼ CLEAN OUT ■ WATER METER ◻ WATER VALVE ◐ POWER POLE ◑ LIGHT POLE ◻ A/C UNIT ◑ GUY WIRE ◐ JUNCTION BOX ◑ OUTFLOW STRUCTURE ◐ DRAINAGE INLET ◑ POWER/LIGHT POLE ◐ GAS VALVE ◑ CABLE BOX ◐ POWER METER ◑ POWER BOX ◐ REGULAR PARKING ◑ HANDICAP LL LAND LOT N/F NOW OR FORMERLY R/W RIGHT-OF-WAY P/L PROPERTY LINE OH OVERHANG GM GAS METER CB CATCH BASIN ONT CANTILEVER □ TELEPHONE BOX △ SIGN -W- WATER LINE -U- OVERHEAD UTILITY LINE -S- SEWER LINE -G- GAS LINE -C- CABLE LINE -T- TELEPHONE LINE -X- FENCE LINE -O- CONTOUR LINE BSL BUILDING SETBACK LINE CONC. CONCRETE EOP EDGE OF PAVEMENT GFE BASEMENT FLOOR ELEVATION GFL GARAGE FLOOR ELEVATION FFE FINISHED FLOOR ELEVATION DB DEED BOOK PB PLAT BOOK PG PAGE POB POINT OF BEGINNING POC POINT OF COMMENCEMENT A.K.A. ALSO KNOWN AS F.K.A. FORMERLY KNOWN AS NAD NORTH AMERICAN DATUM NAD83 NORTH AMERICAN VERTICAL DATUM HARDWOOD TREE PINE TREE

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.

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TOTAL AREA: 0.872 ACRES / 29,260 SQUARE FEET

BOUNDARY REFERENCE: DEED BOOK 2440 PAGE 730
FIELD WORK PERFORMED ON 03/02/2018

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 3,262,000 FEET.

THIS PLAT HAS BEEN PREPARED USING A TRIMBLE 5603 ROBOTIC TOTAL STATION

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A RELATIVE POSITIONAL ACCURACY OF 0.02 FEET.



BOUNDARY zone, inc.

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LAND PLANNING

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DEKALB COUNTY
2195 SOUTH TREE STREET SUITE 1
NEWSPRING, GEORGIA 30067

ATLANTA
255 W. CENTRE STREET 5TH FLOOR
ATLANTA, GEORGIA 30333

MADEIRA
2530 TWIN FERRISWAY SUITE 100
MADEIRA, GA 30150

ROSELAND
2295-F FARM ROAD B, APT 2
ROSELAND, GEORGIA 30087

PROJECT
1500703

SHEET
1 OF 1

Reid, John

From: Duckanoo LLC <duckanoo@gmail.com>
Sent: Tuesday, April 17, 2018 2:40 PM
To: Reid, John
Subject: Proposed SLUP for Late Night Establishment --outdoor deck was not issued a building permit
Attachments: New Doc 2018-04-17.pdf

John, attached is the permit information for the deck.

Regards,
Dave
404-406-4902

Dekalb County, Georgia

NON-HABITABLE SPACE/ACTIVITIES

Report Date 04/17/2018 02 22 PM

Submitted By

Page 1

A/P #	Type	D-MISC	Issued Date	Issued By
962363				
Address 6198 MEMORIAL DR STONE MOUNTAIN GA 30083-				
Location				
Owner IRIE INVESTMENTS LLC				
Phone (404)530-9668 x				
Address 462 STAR FLOWER LN SUGAR HILL GA 30518				
Country US <input type="checkbox"/> Foreign				

Applicant's Full Name DAVE VAZ
Day Phone (770)831-1119 x **Fax**
Pager
Address 462 STAR FLOWER LANE
SUGAR HILL GA
30518

Fees

TECHNOLOGY FEE	20.00
MINIMUM FEE ADJUSTMENT	155.50
NEW CONSTRUCTION FEE	69.50
Total Paid	245.00

Declared Value	3000.00	Type of Work D-ADD	ADDITIONS TO EXISTING STRUCTUR
Calculated Value	0.00	Square Footage	509.00
Actual Value	0.00		

Comments
ADDITION OF DECK FOR THE PURPOSE OF SMOKING. *** CONTRACTOR TBD ***

Reid, John

From: Duckanoo LLC <duckanoo@gmail.com>
Sent: Monday, April 16, 2018 8:02 AM
To: Reid, John
Subject: Re: FW: Proposed SLUP for Late Night Establishment --outdoor deck was not issued a building permit

Good morning John,

I am applying for the permit required getting a plan drawn. I was hoping to get the plan back from the architect before last Friday so that the plan could go into review and the permit submitted before today but that did not happen. I am still awaiting the plan from the architect. Please let me know my options as I am supposed to meeting with the commissioner tomorrow.

Regards,
Dave.

On Wed, Apr 4, 2018, 1:22 PM Reid, John <jreid@dekalbcountyga.gov> wrote:

Dave,

As part of our review of your proposed SLUP, we noticed the outdoor deck. Based on approved building plans, it does not appear that there was a permit issued for the outdoor deck.

Since this is a public safety issue, you will need to apply for and obtain a building permit for that deck asap on the second floor and pay any applicable penalties. This would need to be done before any approvals for your proposed Special Land Use Permit.

Thank you for your immediate attention to this matter.

John

From: Duckanoo LLC [mailto:duckanoo@gmail.com]
Sent: Thursday, March 22, 2018 12:26 AM
To: Reid, John
Subject: Re: FW: Proposed SLUP for Late Night Establishment --items needed for complete application

DUCKANOO SPORTS GRILL
6198 Memorial Drive
Stone Mountain, GA 30083

=====

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, and all other applicable requirements of the zoning district in which the use is proposed to be located.

Response- The request does not require any changes to the building in question. All zoning requirements related to the building were met during the Original construction. Only a operation time change is being requested

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

Response – All adjoining properties are commercial and none of the reasons listed are factors in the purpose hours of operation.

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

Response – No impact to utilities or public facilities; Only Change of operating hours of the existing business is being requested.

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.

Response - No impact related to traffic, congestion will not be a problem.

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

Response - Do not see any adverse traffic volume as use have not change.

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

Response - Entry and exit is fully accessible via Memorial Drive.

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

Response - All adjoining properties are commercial and none of the reasons listed are factors in the purpose hours of operation.

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

Response - No Adverse impacts to adjoining land uses.

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

Response -Do not see any adverse impacts as only operating hours will be changed. The nature of business remains the same

DUCKANOO SPORTS GRILL
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J. Whether or not the proposed plan is consistent with all of the requirements of the zoning district classification in which the use is proposed to be located,

Response- All zoning requirement previously met; same business, only operating hours being changed

K. Whether or not the proposed use is consistent with the policies of the Comprehensive Plan.

Response- proposed use is consistent.

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

Response- Previous zoning approval for land use.

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

Response- Adequate provision; previous zone requirement met. Already operating as a Sports Bar & Grill, Only Change of operating hours of the existing business is being requested.

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

Response - no limitation should be imposed

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 the adjacent and nearby lots and buildings;

Response - No structure changes; Already operating as a Sports Bar & Grill, Only Change of operating hours of the existing business is being requested.

P. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;

Response - Purpose use will not have any effect on any of the mentioned. Only Change of operating hours of the existing business is being requested.

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

Response - All requirements are satisfied.

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

Response- no changes to the structure of the existing building. Only Change of operating hours of the existing business is being requested.

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

Response- Does not. Dugans which is the only other Sports Bar and Grill in the area opens until 2 PM. Already operating as a Sports Bar & Grill, Only Change of operating hours of the existing business is being requested.

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Stone Mountain, GA 30083

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.

Response - The purposed use meets the need of the community served. Already operating as a Sports Bar & Grill, Only Change of operating hours of the existing business is being requested.

DEKALB COUNTY

Board of Health

4/16/2018

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

4/16/2018

N.5

CZ-18-22125 2018-1912 15-251-01-020,15-251-01-027,15-251-01-028

3458,3468, and 3578 Mountain Drive, Decatur, GA

Amendment

- Please see general comments.

N.6

Z-18-22138/2018-1913/18-064-02-020,18-064-02-022,18-064-02-013,18-064-02-014,18-064-02-015,18-064-02-016,6,18-064-02-017,18-064-02-018,18-064-02-019,18-064-02-021,18-064-02-023,18-064-02-037,18-064-02-038,18-064-02-006,18-064-02-152,18-064-02-153,...

745,741,731,721,715,713,707,705,701,695,681,675,669 665 Valley Brook Road, Decatur, GA; 742 and 73

Amendment

- Please see general comments.

-Case # 18-064-02-154,18-064-02-156



N.7

SLUP-18-22140 2018-1897 18-091-01-052

6198 Memorial Drive

Amendment

- Please see general comment letter.

N.8

Z-18-22137 2018-1853 16-062-02-005, 16-062-02-027, 16-062-02-028, 16-062-02-029

1230,1238, and 1248 Panola Road and 5636 Redan Road, Stone Mountain, GA

Amendment

- Please see general comments.

- Properties with septic installed: 1230 on 4/8/94, 1238 on 3/25/77,1248 on 06/4/75 and 5636 on 04/05/1962.

TRANSPORTATION

No N1 in the package. Case numbers are off for the entire package. File N1 has N2 in it.

N2. Midway Road is classified as a collector road (requires 35 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Beech Drive is classified as a local road (requires 27.5 feet right of way dedication from centerline, 5 foot sidewalk, and street lights). Verify that street offsets meet Section 14-200 (6) of the Land Development Code. Verify that intersection and stopping sight distance (per AASHTO) are met.

N3. Moreland Ave is a state route. GDOT review and permits are required. Moreland Ave is classified as a major arterial (requires 50 foot right of way dedication from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Bailey St is a minor arterial (requires 40 foot right of way dedication from centerline, bike lanes or multiuse path, 6 foot sidewalk, and street lights). Restrict parking along frontage of Bailey Street. Relocate existing access point farther from the intersection of Moreland Ave. Only one access point allowed on Bailey Street.

N4. Midway Road is classified as a collector road (requires 35 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Tocoma Way is classified as a local road (requires 27.5 feet of right of way dedication from centerline, 5 foot sidewalks and street lights). Locate driveway on lot 5 away from sharp curve. Extend sidewalks to the intersection of Tocoma Way and Midway Road on Tocoma Way for Midway Elem School access.

N5. ROW is within the City of Atlanta. COA review and permits required. No additional comments.

N6. Mountain Drive is a state route. GDOT review and approval is required. Verify sight distance (per AASHTO standards) for vehicles exiting the site. Mountain Drive is classified as a collector (requires 35 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Verify that site driveway meets offset requirements in code section 14-200 (6). Verify length of queuing area for turn lanes is adequate at the intersection of access point and Mountain Dr. Code section 14-200 (5) requires 3 access points for 271 units. Extend sidewalks to existing sidewalks to the south near the intersection of Mountain Drive at Memorial Drive.

N7. Valley Brook Road is classified as a minor arterial (requires 40 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Verify sight distance (stopping and intersection) for road near JudyLyn. If sight distance is not met, turn lanes or other improvements are required. Private alley may end in a turn around. If the interior streets are planned to be public, public alleys must connect to public streets and local roads require a 55 foot right of way, 6 foot sidewalk and streetlights. It appears that part of the proposed development is located on the existing Ford Place right of way. This will need to be corrected or the right of way abandoned.

N8 (Case Numbers off—is actually N7). No comments.

N9. Parcel 15—62-02-005 is located within the Hidden Hills overlay district. The overlay requirements trump the zoning and land development codes. In areas where the overlay is silent, the zoning then the land development code is applied. Panola Road is a major arterial (requires 50 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Limit access point to right in/right out on Panola Road due to vehicle paths crossing multiple lanes, including 2 left turn lanes for the intersection

of Panola Road at Redan Road. Redan Road is classified as a minor arterial (requires 40 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights).

N10. Pleasant Hill Road is classified as a minor arterial requires 40 feet from centerline, bike lanes or multiuse path, 6 foot sidewalk and street lights). Per code section 14- 200 (5) 214 units requires 3 access points. Verify that intersection and stopping sight distance (per AASHTO) are met prior to submitting for a land development permit.

NG



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: SLUP-18-2240 Parcel I.D. #: 18-091-01-052

Address: 6198
Memorial Dr
STONE Mtn, GA

Adjacent Roadway (s):

(classification) (classification)

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

Please provide additional information relating to the following statement.

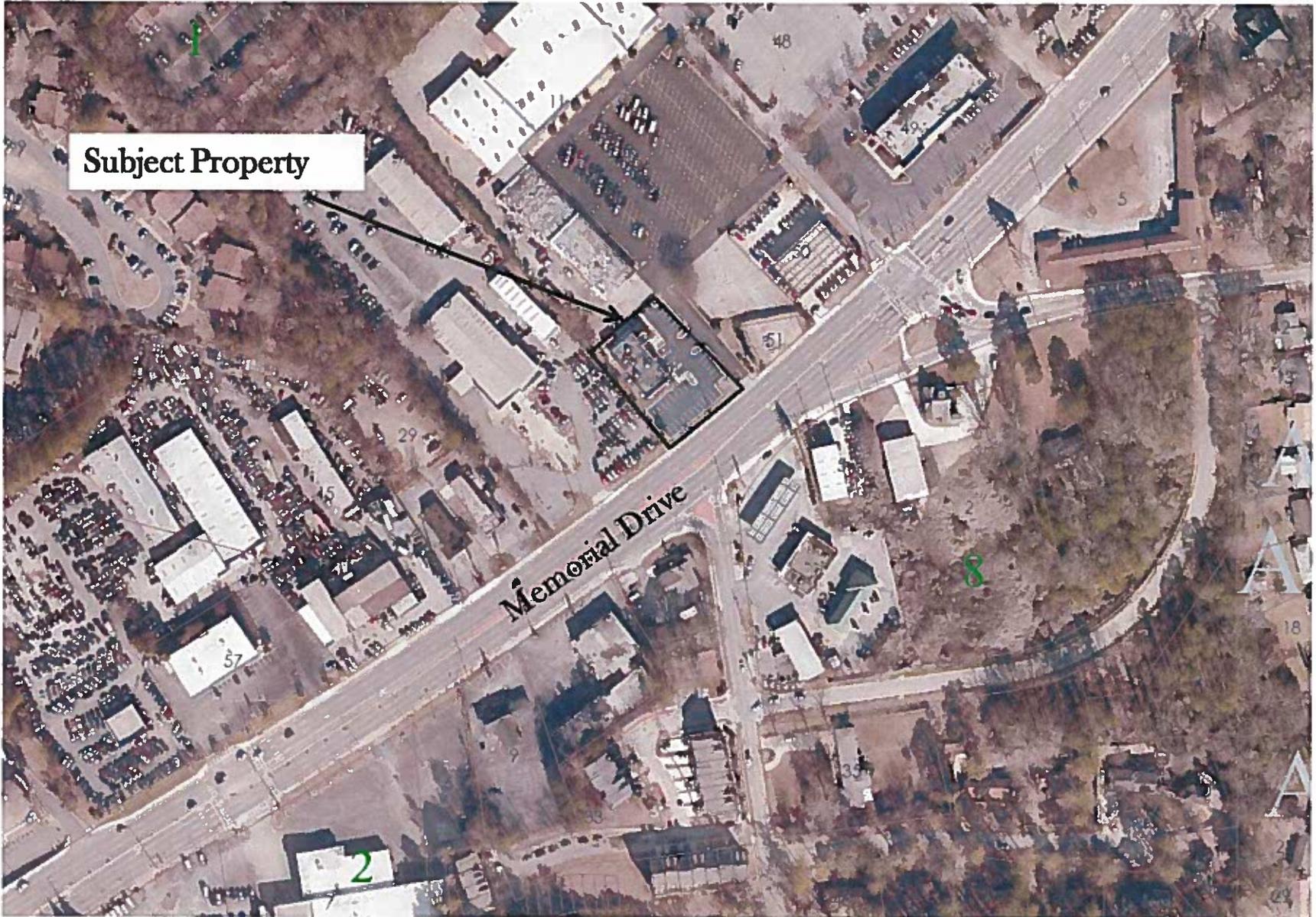
According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____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

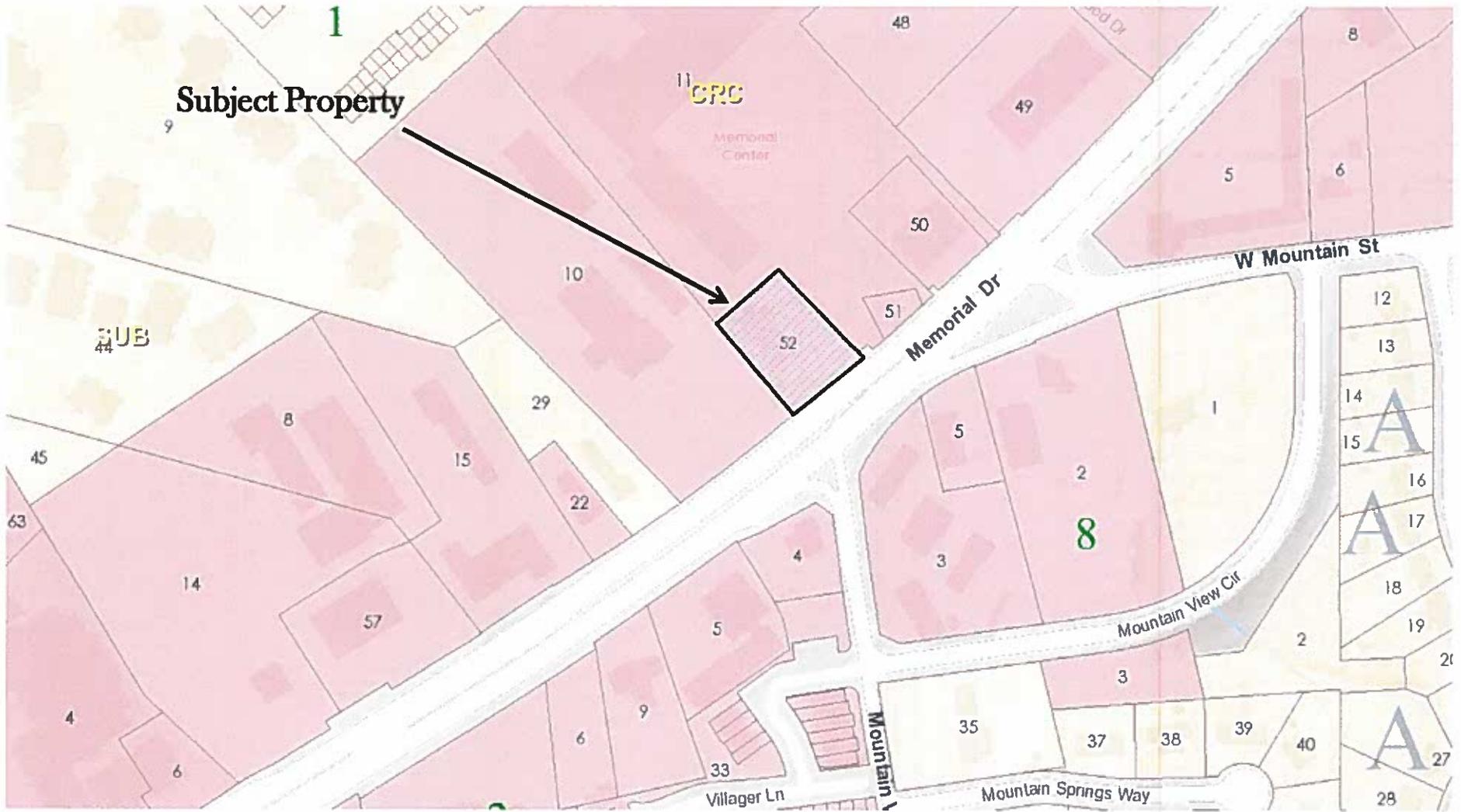
Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given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

Field and plans reviewed by Xlothing Board that would interrupt traffic.

Signature: [Handwritten Signature]







MAR 01 2018

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing date.

Date Received: _____ Application No.: SLUP-18-221A 0

APPLICANT NAME: DAVE VAZ

Daytime Phone #: 404-406-4902 Fax #: _____

Mailing Address: P.O. Box 375, Buford GA 30515

E-mail: duckanoo@gmail.com

OWNER NAME: DAVE VAZ (If more than one owner, attach contact information for each owner)

Daytime Phone #: 404-406-4902 Fax #: _____

Mailing Address: P.O. Box 375, Buford GA 30515

E-mail: duckanoo@gmail.com

SUBJECT PROPERTY ADDRESS OR LOCATION: 6198 Memorial Drive
Stone Mountain, DeKalb County, GA, 30083

District(s): 18 Land Lot(s): 091 Block(s): 01 Parcel(s): 052

Acreage or Square Feet: 0.64 ac Commission District(s): 4:7 Existing Zoning: C3

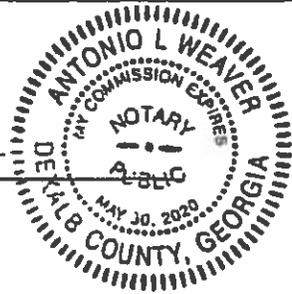
Proposed Special Land Use (SLUP): Sports Bar & Grill LNE

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

Owner: Agent: _____ Signature of Applicant: [Signature]
(Check One)

Printed Name of Applicant: DAVE G VAZ

Notary Signature and Seal: Antonio R Weaver



1. Resolution to Appoint Managing member

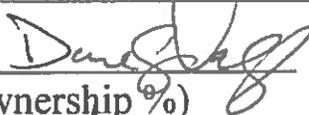
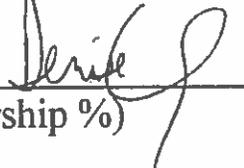
IRIE Investments, LLC

Resolution of LLC Members

Formal Action by Consent in Writing
Of the Members

The Members of **IRIE Investments, LLC**, a Georgia limited liability company, without the necessity of convening a formal meeting, do hereby consent to the following action of the Company.

RESOLVED, that effective November 1, 2012 the Company Appoints **Dave Vaz** as **Managing Member**. He may perform all tasks on behalf of the company including but not limited to the purchase, sale, operate and lease real estate in a business-like prudent manner for investment purposes. The Members of the Company are hereby authorized to perform all necessary acts to carry out such purchase transactions.

<u>Dave Vaz (50%)</u>  Member's Name (Ownership %)
<u>Denise S. Vaz (50%)</u>  Member's Name (Ownership %)

Seal

Limited Liability Company
Seal - 2006
State
of
Georgia

