



Legislation Details (With Text)

File #: 2023-1249 **Version:** 1 **Name:**

Type: Ordinance **Status:** Public Hearing

File created: 9/27/2023 **In control:** Board of Commissioners

On agenda: 7/23/2024 **Final action:**

Title: COMMISSION DISTRICT(S): COMMISSION DISTRICT 2 SUPER DISTRICT 6
Application of Fariz Morani to rezone from NS (Neighborhood Shopping) zoning district to C-1 (Local Commercial) district within a Town Center (TC) Activity Center to use the existing building to create a drive-through coffee shop, at 3823 North Druid Hills Road.

Indexes:

Attachments: 1. Z-23-1246698 (2023-1249) Recommended Conditions_rev. 3.14.2024, 2. Z-23-1246698 May BOC Staff Report 3823 N Druid Hills Rd, 3. Z-23-1246698 March BOC Staff Report 3823 N Druid Hills Rd_rev. 3.14.2024, 4. Z-23-1246698 Nov 2023 BOC Staff Report 3823 N Druid Hills Rd

Date	Ver.	Action By	Action	Result
6/25/2024	1	Board of Commissioners		
5/23/2024	1	Board of Commissioners - Zoning Meeting		
3/28/2024	1	Board of Commissioners - Zoning Meeting	deferred	Pass
3/5/2024	1	Planning Commission	approved with conditions per staff recommendation	Pass
11/16/2023	1	Board of Commissioners - Zoning Meeting	deferred for two full cycles	Pass
11/2/2023	1	Planning Commission	deferred for two full cycles	Pass

Public Hearing: YES NO **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): COMMISSION DISTRICT 2 SUPER DISTRICT 6

Application of Fariz Morani to rezone from NS (Neighborhood Shopping) zoning district to C-1 (Local Commercial) district within a Town Center (TC) Activity Center to use the existing building to create a drive-through coffee shop, at 3823 North Druid Hills Road.

PETITION NO: D5-2023-1249 Z-23-1246698

PROPOSED USE: Drive-through coffee shop.

LOCATION: 3823 North Druid Hills Road, Decatur, Georgia 30033

PARCEL NO. : 18-100-04-006

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Fariz Morani to rezone from NS (Neighborhood Shopping) district to C-1 (Local Commercial) district within a Town Center (TC) Activity Center to use the existing building to create a drive-through coffee shop.

RECOMMENDATION:

COMMUNITY COUNCIL: (Feb. 13, 2024) Full Cycle Deferral. (Oct. 10, 2023) Denial.

PLANNING COMMISSION: (March 5, 2024) Approval with Conditions. (Nov. 2, 2023) Two-Cycle Deferral.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The rezoning request was deferred two cycles from the November 16th Board of Commissioners Zoning Meeting to allow the applicant sufficient time to provide a site plan which shows substantial compliance with zoning and transportation requirements. Since the November 16th Board of Commissioners Zoning Meeting, the applicant has revised the application from a drive-through urgent care facility to a drive-through coffee shop (see enclosed conceptual elevation). The applicant also submitted a site layout showing the drive-through queuing spaces around the building and a proposed outdoor patio in front of the building (See attached site layout). The subject site contains a vacant building which was previously operated as a drive-through, dry cleaners. The applicant indicated at the November 2, 2023 Planning Commission meeting that the existing building will not be demolished and will be completely preserved. To encourage pedestrian activity, the applicant is proposing to construct a covered outdoor patio. The building may be eligible for listing on the National Register of Historic Places due to its 1969 construction date and distinctive architecture type (i.e., Mid-Century architecture with a cantilevered, double-butterfly roof). However, it has not been evaluated by an independent consultant. Since the current NS (Neighborhood Shopping) zoning of the property prohibits drive-through facilities, this application is proposing to rezone to the C-1 (Local Commercial) Zoning District, which permits drive-through facilities subject to Special Land Use Permit (SLUP) approval. As such, there is also a companion SLUP case (See SLUP-23- 1246661). The proposed C-1 zoning district is consistent with the C-1 zoning in the immediate vicinity to the east and west and, with appropriate streetscape conditions (i.e. multi-use paths, street trees, and street lights), is appropriate along this major arterial road (North Druid Hills Road). **With Staff's recommended conditions, it appears that the request for C-1 zoning is consistent with the strategies and policies of the Town Center (TC) activity center character area designated by the *DeKalb 2050 Unified Plan* which calls for promoting higher intensity residential and commercial uses which serve several surrounding communities, in order to reduce automobile travel, promote walkability, and increase transit usage (*DeKalb 2050 Unified Plan, Town Center Description, page 33*). This site is challenging in that it is a small, legal, non-conforming site (C-1 zoning requires 20,000 square feet of lot area; site only contains 11,761 square feet). The DeKalb County Transportation Division has indicated that one of the existing two driveways should be removed, as well as provision for right-of-way dedication and installation of sidewalks, landscaping improvements, and streetlights (see attached inter-governmental comments). Upon review of Section 7.3.5 of the *Zoning Ordinance*, the Planning and Sustainability Department recommends "Approval of the rezoning request to the C-1 zoning district with the attached conditions".**

PLANNING COMMISSION VOTE: (March 5, 2024) Approval with Conditions 5-3-0. Jan Costello moved, Sarah Zou seconded for approval with four (4) conditions, per Staff recommendation. Jana Johnson, Deanna Murphy and Jon West opposed. (Nov. 2, 2023) Two-Cycle Deferral 8-0-0. Sarah Zou moved, Jon West seconded for a 2-cycle deferral to the March 2024 zoning agenda, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (Feb. 13, 2024) Full cycle deferral 8-1-0. (Oct. 10, 2023) Denial. Community Council District 2 voted for denial because the applicant failed to appear before the board to answer questions and hear from the community.