



Legislation Details (With Text)

File #: 2017-0598 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 6/29/2017 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 9/26/2017 **Final action:** 9/26/2017
Title: Major Modification - DeKalb Co. Board of Commissioners - CZ-17-21564
Indexes:
Attachments: 1. D2 DeKalb BOC CZ 17 21564

Date	Ver.	Action By	Action	Result
9/26/2017	1	Board of Commissioners - Zoning Meeting	approved with staff and commissioner's conditions	Pass
9/7/2017	1	Planning Commission		
7/27/2017	1	Board of Commissioners - Zoning Meeting	Full cycle deferral	Pass
7/6/2017	1	Planning Commission	Full cycle deferral per staff recommendation	Pass

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

SUBJECT:

Major Modification - DeKalb Co. Board of Commissioners - CZ-17-21564

COMMISSION DISTRICT(S): 3 & 6

PETITION NO: CZ-17-21564

PROPOSED USE: To reduce the number of approved drive-through restaurants in a C-1 (Local Commercial) District from two (2) to one (1) adjacent to the new Quik Trip gas station on Flat Shoals Parkway.

LOCATION: 3975, 4007 and 4025 Flat Shoals Parkway and a portion of 3101 Clifton Springs Road

PARCEL NO.: 15-090-01-004, 15-090-01-008, 15-090-01-020 & a portion of 15-090-01-013

INFORMATION CONTACT: Marian Eisenberg

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PURPOSE:

To request a Major Modification of conditions pursuant to SLUP-12-18066, to reduce the number of approved drive-through restaurants in a C-1 (Local Commercial) District from two (2) to one (1) adjacent to the new Quik Trip gas station on Flat Shoals Parkway. The property is located on the south side of Flat Shoals Parkway, at the southwest intersection of Clifton Springs Road and Flat Shoals Parkway at 3975, 4007 and 4025 Flat Shoals Parkway and a portion of 3101 Clifton Springs Road, Decatur, Georgia. The

property has approximately 870 feet of frontage along Flat Shoals Parkway and contains 5.540 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Denial 8-0-0, (8/16/17).

PLANNING COMMISSION: Approval with conditions.

PLANNING STAFF: Approval with conditions.

PLANNING COMMISSION MEETING: At their meeting on September 7, 2017 the Planning Commission recommended approval as recommended by Planning Staff.

PLANNING STAFF ANALYSIS: The modification request to allow only one (1) drive-through restaurant on the site does not alter or change the intent of the C-1 zoning district. The request will allow other uses consistent and compatible with existing retail, institutional and commercial uses in the area. The Planning and Sustainability Department recommends “**APPROVAL WITH CONDITIONS**”. The following revised conditions reflect the modification and replace existing SLUP-12-18066 conditions.

PLANNING COMMISSION VOTE: **Approval Conditional J.** West moved, V. Moore seconded for approval as recommended and conditioned by Staff.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: **Denial. 8-0-0.** CC3 does not want any more drive-through restaurants.

THE FOLLOWING REVISED CONDITIONS REFLECT THE MODIFICATION AND REPLACE EXISTING SLUP-12-18066 CONDITIONS:

1. Not more than one drive-through restaurant on the C-1 labeled Tract 2 (5.540 acres) on the survey for Maxie Price (the “Survey”) prepared by Rochester & Associates. Inc. for Maxie Price, dated March 26, 2012, last revised July 18, 2012, Job. No. G208051.CBT and received by the Planning and Sustainability Department on July 20, 2012. (See Attachment 1). Restaurant shall be entirely internal to the development via the main access points and have an outside pedestrian accessible seating area.
2. Provide road improvements in accordance with development conditions per Georgia Regional Transportation Authority (GRTA) Revised Notice of Decision pursuant to DRI #1850 dated January 12, 2015 (See Attachment 2).
3. The Subject Property shall be developed in general conformity with the DRI site plan prepared by Hughes, Goode, O’Leary and Ryan, Inc. dated July 24, 2008, last revised September 4, 2008 (the “DRI Site Plan”) for the 79.53 acre tract (the “Project Site”), with such modifications as are approved by the Director of the Planning and Sustainability Department during the I-20 Overlay District compliance review. (See Attachment 3).
4. Deleted.
5. Consistent with the DeKalb County Zoning Ordinance, prior to submission of an application for the issuance of any development or building permit, the conceptual design package shall be submitted to

and approved by the planning and development director after consultation with the district Commissioner(s) and super district Commissioner(s), as required in the I-20 corridor overlay district.

6. The issuance of a building permit for the drive-through restaurant shall not be prior to: (a) the issuance of a certificate of occupancy for Building C9 as shown on the DRI Site Plan for the project site of which the Subject Property is a portion thereof, or (b) the issuance of a certificate(s) of occupancy for non-residential structures on the Project Site, which have an aggregate square footage of a minimum of 50,000 sq. ft.
7. Deleted.
8. These conditions replace all previous Board approved conditions pursuant to SLUP-12-18066.