



Legislation Details (With Text)

File #: 2023-1154 **Version:** 1 **Name:**
Type: Ordinance **Status:** Public Hearing
File created: 9/12/2023 **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 for a Special Land Use Permit (SLUP) to operate a drive through coffee shop within C-1 (Local Commercial) zoning district and within a Town Center (TC) Activity Center, at 3823 North Druid Hills Road.

Indexes:

Attachments: 1. SLUP-23-1246661 May BOC 2024 Staff Report 3823 N. Druid Hills Road, 2. SLUP-23-1246661 March BOC Staff Report 3823 N Druid Hills Rd, 3. SLUP-23-1246661 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 for a Special Land Use Permit (SLUP) to operate a drive through coffee shop within C-1 (Local Commercial) zoning district and within a Town Center (TC) Activity Center, at 3823 North Druid Hills Road.

PETITION NO: D6-2023-1154 SLUP-23-1246661

PROPOSED USE: Drive-through urgent care center.

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 for a Special Land Use Permit (SLUP) to operate a drive through coffee shop within C-1 (Local Commercial) zoning district and within a Town Center (TC) Activity Center.

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: Deferral (rev. 3.12.2024).

STAFF ANALYSIS: The SLUP request for a drive-through urgent care facility 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, and provides adequate pedestrian features which might include but not be limited to providing a 10-foot wide shared path, street trees and/or landscaping along North Druid Hills Road to provide an attractive entrance and hide the drive-through as much as possible, provision of walk-up menu boards, and/or outdoor patio dining area. 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 attached 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 2nd, 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 (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, there is a companion request to rezone to the C-1 (Local Commercial) Zoning District, which permits drive-through facilities subject to Special Land Use Permit (SLUP) approval (See Z-23-146698). The site is located in a Town Center (TC) 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*). While TC Character Areas typically discourage auto-oriented uses, this property is located at the edge of the TC Character Area with frontage/access along a major arterial road (North Druid Hills Road) which may warrant consideration for auto-oriented uses with a combination of pedestrian-oriented features added. The adjacent North Dekalb Mall redevelopment project to the south (see attached) falls within the TC “core” and provides for the high-intensity pedestrian-oriented mix of uses called for by the *DeKalb 2050 Unified Plan*, including several seven-story multi-family buildings, 320,000 square feet of commercial, and pedestrian connectivity via a 10- foot wide multi-use path connecting that project with Sweet Briar Road and Birch Road to the south and west of the subject property (see attached Lulah Hills, formerly known as North DeKalb Mall, Redevelopment Plan). Taken as a whole, it appears that the adjacent redevelopment project to the south and the proposed redevelopment on the subject property *could* be in general compliance with the TC character area goals to provide more intense pedestrian-oriented intense mixed-use development at the core while transitioning down to lower building heights/density at the edges. Notwithstanding the potential appropriateness of an auto-oriented land use on the subject property, 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). While review of Section 7.4.6. of the *Zoning Ordinance* would support an approval recommendation, Staff is recommending a “Deferral” to allow the applicant time to provide more specific documentation and/or an updated concept plan which substantiates that the applicant can comply with the recommended streetscape condition of the companion rezone case (See condition #3, case Z-23-1246698) since pedestrian activity is a critical component supporting Staff’s recommendation.

PLANNING COMMISSION VOTE: (March 5, 2024) Approval with Conditions 5-3-0. Sarah Zou moved, Jan Costello 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.** Jon West moved, Deanna Murphy 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, 2024) 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.