



Legislation Details (With Text)

**File #:** 2021-2639    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 5/24/2021    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 5/26/2022    **Final action:** 5/26/2022  
**Title:** COMMISSION DISTRICT(S): Commission District: 02 Super District: 06  
Application of David Kirk to request a Special Land Use Permit (SLUP) to allow a drive through facility in Town Center Character Area, at 3795 North Druid Hills Road.

**Indexes:**

**Attachments:** 1. SLUP-21-1244886 May BOC 2022 Staff Report 3795 N. Druid Hills Rd, 2. SLUP-21-1244886 Recommended Conditions Jan 2022 3795 N. Druid Hills Rd, 3. SLUP-21-1244886 Staff Report Jan. BOC 2022 3795 N. Druid Hills Rd, 4. SLUP-21-1244886 2021-2639 Recommended Conditions Nov. 2021, 5. SLUP-21-1244886 2021-2639 3795 N. Druid Hills Rd. Staff Report Nov. 2021, 6. CFA North Druid Hills Relo Traffic Memo, 7. Crash Data Exhibit, 8. Future Roadway Improvement Concept Option, 9. N Druid Hills and Birch Rd Intersection Analysis, 10. SLUP-21-1244886 Recommended Conditions July BOC, 11. SLUP-21-1244886 Staff report July BOC 2021

Date	Ver.	Action By	Action	Result
5/26/2022	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass
1/27/2022	1	Board of Commissioners - Zoning Meeting	deferred for two full cycles	Pass
1/6/2022	1	Planning Commission	defer to the Board of Commissioners with no recommendation	Pass
11/18/2021	1	Board of Commissioners - Zoning Meeting		
11/4/2021	1	Planning Commission	deferred for a full cycle	Pass
7/29/2021	1	Board of Commissioners - Zoning Meeting		
7/8/2021	1	Planning Commission	deferred for two full cycles	Pass

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

**SUBJECT:**

**COMMISSION DISTRICT(S): Commission District: 02 Super District: 06**  
**Application of David Kirk to request a Special Land Use Permit (SLUP) to allow a drive through facility in Town Center Character Area, at 3795 North Druid Hills Road.**

**PETITION NO: D7. SLUP-21-1244886 (2021-2639)**

**PROPOSED USE: Drive through facility.**

**LOCATION: 3795 North Druid Hills Road.**

**PARCEL NO. : 18-100-04-019**

**INFO. CONTACT: Dustin Jackson, Sr. Planner**

**PHONE NUMBER:** 404-371-6283

**PURPOSE:**

Application of David Kirk to request a Special Land Use Permit (SLUP) to allow a drive through facility in Town Center Character Area. The property is located on the southeast corner of North Druid Hills Road and Birch Road, at 3795 North Druid Hills Road, Decatur, Georgia. The property has 233 feet of frontage on North Druid Hills Road and 198 feet of frontage on Birch Road and contains 1.04 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (12/14/2021) Approval. (10/12/201) Approval. (8/17/2021) Approval.

**PLANNING COMMISSION:** (1/06/2022) Defer to BOC. (11/4/2021) Full Cycle Deferral. (9/9/2021) 2-Cycle Deferral.

**PLANNING STAFF:** Denial.

**STAFF ANALYSIS:** Based on the impact analysis and land use analysis above, the Special Land Use Permit request is not consistent with the *Comprehensive Plan* intent for Town Center character areas: “The intent of the Town Center is to promote the concentration of residential and commercial structures, which serve many communities in order to reduce automobile travel, promote walkability and increased transit usage. The areas consist of a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, higher-density housing, and appropriate public and open space uses that are easily accessible by pedestrians. This character area is similar to neighborhood center, but at a larger scale” (*DeKalb County 2021 Comprehensive Plan 5-Year Update, Chapter 7, pg. 91*). The SLUP application is requesting that a drive-through restaurant be permitted within the Town Center character area, which is inconsistent with the with the planning principles that are associated with and envisioned for this activity center, these include pedestrian-friendly design, mixed-use development, greater density of development, taller development, and parking at the rear of building among others. With the recently proposed redevelopment of the North DeKalb Mall site to the south of the subject property as a mixeduse development within the Town Center character area, it would not be in the best interest of the surrounding community to allow for a drive-through restaurant. Per the impact analysis, the Special Land Use request does not show enough consistency with the intent of the *DeKalb County Comprehensive Plan*, does not adhere to the course of future development in the area, and does not promote automobile dependency. In addition, the relocation to the subject property creates a vacancy at the current Chick-fil- A location that may be reused or redeveloped and create additional impacts. The Department of Planning and Sustainability recommends “Denial”.

**PLANNING COMMISSION VOTE:** (1/06/2022) Defer to the Board of Commissioners 8-0-1. April Atkins moved, Jon West seconded to Defer this agenda item to the Board of Commissioners. Tess Snipes abstained. (11/4/2021) Full Cycle Deferral 6-2-0. Gwendolyn McCoy moved, LaSonya Osler seconded for Full Cycle Deferral to the January 2022 zoning agenda. Jon West and April Atkins opposed. (9/9/2021) Two-Cycle Deferral 7-1-0. April Atkins moved, Jana Johnson seconded for a 2-cycle deferral to the November zoning cycle. Jon West opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** (12/14/2021) Approval 4-2-2. (10/12/2021) Approval 4-2-2. (8/17/2021) Approval 8-1-1.