



## Legislation Details (With Text)

**File #:** 2021-2638    **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 rezone property from NS (Neighborhood Shopping) District to C-1 (Local Commercial) District to allow for development of a new drive-through restaurant, at 3795 North Druid Hills Road.

**Indexes:**

**Attachments:** 1. Z-21-1244885 May 2022 BOC Staff Report 3795 North Druid Hills Rd, 2. Z-21-1244885 Recommended Conditions Jan 2022 3794 N. Druid Hills Rd, 3. Z-21-1244885 Staff Report BOC Jan. 2022 3795 N. Druid Hills Rd, 4. Z-21-1244885 2021-2638 Recommended Conditions Nov. 2021, 5. Z-21-1244885 2021-2638 3795 N. Druid Hills Rd Staff Report Nov. 2021, 6. Z-21-1244885 Recommended Conditions July BOC, 7. Z-21-1244885 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5/26/2022	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass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	approved with conditions per staff 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 rezone property from NS (Neighborhood Shopping) District to C-1 (Local Commercial) District to allow for development of a new drive-through restaurant, at 3795 North Druid Hills Road.**

**PETITION NO:** D6. Z-21-1244885 (2021-2638)

**PROPOSED USE:** Drive-through restaurant.

**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 rezone property from NS (Neighborhood Shopping) District to C-1 (Local Commercial) District to allow for development of a new drive-through restaurant. 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:** (12/15/2021) Approval. (10/12/2021) Approval. (8/17/2021) Approval.

**PLANNING COMMISSION:** (1/06/2022) Approval with Conditions. (11/4/2021) Full Cycle Deferral. (9/9/2021) 2-Cycle Deferral.

**PLANNING STAFF:** Approval.

**STAFF ANALYSIS:** The rezoning proposal is consistent with the 2035 Comprehensive Plan. The TC (Town Center) future land use designation supports the requested zoning designation. Moreover, the rezoning from NS (Neighborhood Shopping) to C-1 (Local Commercial) would permit a zoning designation that is more consistent with the zoning of the surrounding properties. Therefore, Staff recommends “Approval”.

**PLANNING COMMISSION VOTE: (January 6, 2022) Approval with Conditions 9-0-0.** April Atkins moved, Lauren Blaszyk seconded for Approval with Staff’s three (3) recommended conditions, with two (2) additional conditions to be listed as condition #4 and condition #5. They are as follows: Condition #4: Right-in, right-out turn lane from Birch Road and North Druid Hills Road; and Condition #5: The developers agree to enter into a development agreement with the County for system improvements to include, but not be limited to, west-bound, left turn lane as stated by Mr. Kirk. (November 4, 2021) Full Cycle Deferral 6-2-0. Gwendolyn McCoy moved, LaSonya Osler seconded for a Full Cycle Deferral to the January 2022 zoning agenda. Jon West and April Atkins opposed. (September 9, 2021) Two-Cycle Deferral 8-0-0. April Atkins moved, Jana Johnson seconded for a 2-cycle deferral to the November zoning cycle. Motion passed unanimously.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** (12/15/2021) Approval 5-2-1. (10/12/2021) Approval 4-0-1. (8/17/2021) Approval 8-1-1.