File #: 2018-2413, **Version:** 1

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

SUBJECT:

COMMISSION DISTRICT(S): 4 & 6

N11 Asrat L. Mamo Z 18 1235056

PETITION NO: Z 18 1235056

PROPOSED USE: Restaurant

LOCATION: 909 McLendon Drive

PARCEL NO.: 18 098 02 008

INFORMATION CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

To rezone property from R-75 (Residential Medium Lot) District to C-1 (Local Commercial) District to add a restaurant within an existing convenience store in accordance with Section 27-4.1 Use Table of the DeKalb County Code. The property is located on the southwest intersection of Mclendon Drive and Tanner Drive at 909 Mclendon Drive in Scottdale, GA. The property has approximately 137 feet of frontage along Mclendon Drive and 118 feet of frontage along Tanner Drive and contains 0.28 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: DENIAL

PLANNING COMMISSION: WITHDRAWAL WITHOUT PREJUDICE

PLANNING STAFF: (REVISED 9/7/18) WITHDRAWAL WITHOUT PREJUDICE

PLANNING STAFF ANALYSIS: (REVISED 9/7/18   The applicant emailed a request to withdraw on September 17, 2018 (See attached), and the Planning Commission recommended "Withdrawal Without Prejudice" on September 6, 2018.   Therefore, it is the recommendation of the Planning and Sustainability Department that the application be "Withdrawn Without Prejudice".

PLANNING COMMISSION VOTE: WITHDRAWAL WITHOUT PREJUDICE 8-0-0. L. Osler moved, V. Moore seconded for withdrawal per the applicant's request.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: DENIAL 7-3-1 The Council recommended denial due to the following: 1) the rezoning was an intrusion into the single-family neighborhood; 2) The property is too small to be rezoned to C-1 as 20,000 sq. ft. is required and the site is only 12,000 sf; 3) the site does not

have the 10 required parking spaces for restaurant use; 4) The previous business on this site failed to succeed; and 5) Alcohol Sales would require a Special Land Use Permit, and no SLUP application has been submitted.