



Legislation Details (With Text)

File #: 2019-3557 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 4/3/2019 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 7/23/2019 **Final action:**
Title: COMMISSION DISTRICT(S): ALL
Application by the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Table 4.1 and Article 4.2.23 Drive-through facilities to allow a drive through facility, for a use other than a restaurant, to be allowed in the C-1 (Local Commercial) and C-2 (Commercial) districts located in Activity Centers.

Indexes:

Attachments: 1. TA drive through Use Table_FINAL (002), 2. TA Drive throughs Ordinance, 3. 2019 07.23 Item 2019-3557- Zoning

Date	Ver.	Action By	Action	Result
7/23/2019	1	Board of Commissioners - Zoning Meeting	approved substitute submitted from the floor	Pass
7/9/2019	1	Planning Commission	Adopted per staff recommendation	Pass
5/28/2019	1	Board of Commissioners - Zoning Meeting	Full cycle deferral	Pass
5/16/2019	1	PECS-Planning, Economic Development & Community Services Committee	recommended holding in committee	
5/7/2019	1	Planning Commission	Adopted per staff recommendation	Pass

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

SUBJECT:

COMMISSION DISTRICT(S): ALL

Application by the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Table 4.1 and Article 4.2.23 *Drive-through facilities* to allow a drive through facility, for a use other than a restaurant, to be allowed in the C-1 (Local Commercial) and C-2 (Commercial) districts located in Activity Centers.

PETITION NO: D1. TA 19 1243216

PROPOSED USE: Drive-through facility

LOCATION: All of DeKalb County

PARCEL NO. : N/A

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application by the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Table 4.1 and Article 4.2.23 *Drive-through facilities* to allow a drive through facility, for a use other than a restaurant, to be allowed in Commercial districts. This amendment is to allow, with a Special Land Use Permit (SLUP), drive throughs for banks, dry cleaners, drugstores, and other non-restaurant businesses that are currently prohibited in a commercial district if located in an Activity Center designation. Pursuant to the PECS meeting held July 9, 2019, staff removed the use permit exceptions for restaurant drive-throughs and added a prohibition for all drive-through facilities within 500 feet of an elementary, middle, and high school.

RECOMMENDATION:

COMMUNITY COUNCIL: (April 2019) CC-1 APPROVAL; CC-2 APPROVAL; CC-3 APPROVAL; CC-4 APPROVAL; CC-5 APPROVAL.

PLANNING COMMISSION: (7/9/2019) - APPROVAL; (5/7/2019) - APPROVAL

PLANNING STAFF: (July 2019) APPROVAL; (May 2019) APPROVAL

STAFF ANALYSIS: The current code allows, with a Special Land Use Permit (SLUP), drive throughs only in the mixed-use districts, if located within an activity center. This text amendment seeks to allow property zoned commercially to permit drive throughs with a SLUP. The SLUP will allow the Board to evaluate the layout of the drive through, speaker and windows, as well access to the site. This is for non-restaurant drive throughs and added a prohibition for all drive-through facilities within 500 feet of an elementary, middle, or high school only. Planning & Sustainability recommends “Approval of this text amendment”.

PLANNING COMMISSION VOTE: (7/9/2019) Approval 5-1-0. P. Womack, Jr. moved to approve, V. Moore seconded for approval per Staff recommendation. J. West opposed. **(5/7/2019) Approval 6-2-1.** P. Womack, Jr. moved, V. Moore seconded for adoption of the text amendment per Staff recommendation, as presented with amendments. J. Johnson and J. West opposed; A. Atkins abstained.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (June 2019): CC-1 Approval, 5-0-0; CC-2 Approval, 5-0-1; CC-3 Approval with Conditions, 10-0-0; CC-4 Approval, 9-2-0; CC-5 Approval, 6-0-1. Community Council District 4 would like specific criteria to be developed for drive-through facilities. They are concerned about the health effects of exhaust from idling cars in drive-through lanes and safety hazards if a drive-through facility is located within a commercial center and drivers must cross traffic to enter a drive-through lane. **(April 2019) CC-1 No Quorum 1-0-0; CC-2 Full Cycle Deferral 6-0-0; CC-3 Approval 12-0-0; CC-4 Full Cycle Deferral 9-4-0; CC-5 Approval 9-0-0.** Community Council-4 voted that the text amendment should be modified so that certain types of drive-through facilities such as drive-through funeral homes would be prohibited. Additionally, there were concerns that the requirement that drive-through facilities be at least 60 feet away from residential was not stringent enough, and that the distance requirement needed to be increased. Council also suggested that the drive-through supplemental regulations include a requirement that the drive-through use was non-transferrable. Additionally, the standard regarding lighting needed to be strengthened to better protect adjacent properties.