Legislation Details (With Text)

File #:	2020-0833	**Version:** 1	**Name:**		
Type:	Ordinance		**Status:**	Public Hearing	
File created:	7/22/2020		**In control:**	Board of Commissioners	
On agenda:	11/10/2020		**Final action:**	11/10/2020	
Title:	COMMISSION DISTRICT(S): 2 & 6 Application of Focus Brands c/o Julie Sellers for a Special Land Use Permit (SLUP) to construct a new drive-through restaurant (Jamba Juice & Auntie Anne's) within the C-1 (Local Commercial) District, at 2933 N. Druid Hills Road.				
Indexes:					
Attachments:	1. 2020 11.10 Item 2020-0833 Substitute Conditions, 2. N1 SLUP 20 1244105 Focus Brands Final Staff Report, 3. SLUP 20 1244105 Recommended Conditions, 4. 2020 10.13 Item 2020-0833 Revised conditions, 5. 2020 11.10 Item 2020-0833 Revised conditions				

Date	Ver.	Action By	Action	Result
11/10/2020	1	Board of Commissioners	approved with conditions	Pass
10/13/2020	1	Board of Commissioners	deferred	Pass
9/24/2020	1	Board of Commissioners - Zoning Meeting	deferred to the next meeting	Pass
9/1/2020	1	Planning Commission	approved with conditions per staff recommendation	Pass

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

SUBJECT:

COMMISSION DISTRICT(S): 2 & 6

Application of Focus Brands c/o Julie Sellers for a Special Land Use Permit (SLUP) to construct a new drive-through restaurant (Jamba Juice & Auntie Anne's) within the C-1 (Local Commercial) District, at 2933 N. Druid Hills Road.

PETITION NO: N1. SLUP-20-1244105 2020-0833

PROPOSED USE: Drive-through restaurant

LOCATION: 2933 N. Druid Hills Road

PARCEL NO. : 18-111-03-018

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Focus Brands c/o Julie Sellers for a Special Land Use Permit (SLUP) to construct a new drive-through restaurant (Jamba Juice & Auntie Anne's) within the C-1 (Local Commercial) District. The property is located on the west side of North Druid Hills Road, approximately 750 feet south of LaVista Road at 2933 North Druid Hills Road in Atlanta, Georgia. The property has approximately 150 feet of frontage along North

Druid Hills Road and contains 0.46 acres.

RECOMMENDATION:
COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Approval with Conditions.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The site is located within a Town Center (TC) Character Area designated by the DeKalb County 2035 Comprehensive Plan. Although there are existing drive-through establishments along North Druid Hills Road in the surrounding area, adding another drive-through restaurant does not meet the intent and vision of the TC Character Area calling for a pedestrian community focused within a high density mix of residential, office, and commercial uses. Additionally, the proposed auto-oriented drive-through is not consistent with the following policies and strategies of the TC Character Area of the 2035 Comprehensive Plan: 1. Promote new and redevelopment at or near activity centers as a means of reducing vehicle miles traveled (VMT) (TC Land Use Policy #20); and 2. Clearly define road edges by locating buildings near the roadside with parking in the rear (site plan shows one row of parking in front of the building (TC Land Use Policy #13). Therefore, it is the recommendation of the Planning and Sustainability Department that the Special Land Use Permit (SLUP) for a drive-through restaurant on the subject site be "Denied". Should the SLUP request be approved, Staff offers recommended conditions for consideration.

PLANNING COMMISSION VOTE: Approval with Conditions 5-2-0. 2nd Motion: P. Womack, Jr. moved, E. Patton seconded for "Approval with Conditions". This motion passed 5-2-0. A. Atkins & J. West opposed. **1st Motion Failed:** J. West moved, A. Atkins seconded for "Denial, per Staff recommendation". The motion failed 2-5-0. V. Moore was not present for either vote.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 4-0-0.