



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Legislation Details (With Text)

**File #:** 2023-0339    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Public Hearing  
**File created:** 3/15/2023    **In control:** Board of Commissioners  
**On agenda:** 8/22/2023    **Final action:** 8/22/2023  
**Title:** COMMISSION DISTRICT(S): Commission District 3 Super District 7  
Application of David Kirk for a Special Land Use Permit (SLUP) to allow the construction and operation of a restaurant with a drive-through on a portion of the property located in the C-1 (Local Commercial) Zoning District, at 3507 Memorial Drive.

### Indexes:

**Attachments:** 1. Substitute 2023 08.22 Item 2023-0339, 2. Substitute 2023 07.11 Item 2023-0339, 3. SLUP-23-1246386 May 2023 Staff Report 3507 Memorial Dr

Date	Ver.	Action By	Action	Result
8/22/2023	1	Board of Commissioners	approved with conditions	Pass
7/11/2023	1	Board of Commissioners	deferred substitute	Pass
5/25/2023	1	Board of Commissioners - Zoning Meeting	deferred for 45 days	Pass
5/2/2023	1	Planning Commission		

### Substitute

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

### SUBJECT:

**COMMISSION DISTRICT(S):** Commission District 3 Super District 7

**Application of David Kirk for a Special Land Use Permit (SLUP) to allow the construction and operation of a restaurant with a drive-through on a portion of the property located in the C-1 (Local Commercial) Zoning District, at 3507 Memorial Drive.**

**PETITION NO:** SLUP-23-1246386

**PROPOSED USE:** Restaurant with a drive-through configuration

**LOCATION:** 3507 Memorial Drive, Decatur, Georgia 30032.

**PARCEL NO. :** 15-200-02-040

**INFO. CONTACT:** Brandon White, Current Planning Manager

**PHONE NUMBER:** 404-371-2155

### PURPOSE:

Application of David Kirk for a Special Land Use Permit (SLUP) to allow the construction and operation of a restaurant with a drive-through on a portion of the property located in the C-1 (Local Commercial) Zoning District, at 3507 Memorial Drive.

### RECOMMENDATION:

**COMMUNITY COUNCIL:** Denial.

**PLANNING COMMISSION:** Denial.

**STAFF RECOMMENDATION:** Approval with conditions.

**PLANNING STAFF ANALYSIS:** The applicant, David Kirk of Troutman Pepper Hamilton Sanders, is seeking a special land use permit (SLUP) to redevelop a portion of the subject property and construct an outparcel drive-through restaurant within the northeast corner of the Belvedere Plaza shopping center. Currently, the space is vacant but previously operated as a multitenant building with a clothing store, recording studio, barber shop, insurance agency, tax office, and two (2) non-drive-through restaurants. The site may be adequate for the proposed use. Adverse impacts based on the manner and time of operation should be minimal as the applicant has stated the business hours would reflect surrounding establishments. The proposal appears to have addressed applicable supplemental regulations. The request is subject to SLUP approval with C-1 (Local Commercial) zoning when located in an activity center. The subject property is located in the Belvedere Town Center (TC) activity center. The subject property is also included in the study area for the Belvedere Master Active Living Plan (MALP Small Area Plan-2013). While the TC activity center generally promotes mixed-use development, reduced automobile travel; walkability; and increased transit usage, the small area plan provides more targeted recommendations. Near the core of this town center activity center, it is the desire of the community to see the site redeveloped in a manner consistent with the Comprehensive Plan (up to 80DUs/acre, and a mixture of residential and nonresidential uses at the core). The proposed SLUP to allow for a drive-through facility-a primarily automobile dependent use-may inherently pose challenges to the transition and evolution of the surrounding area towards many of the land use goals of this activity center. However, community sentiment towards past drive-through proposals in this area has been favorable. The Board of Commissioners recently approved a Dunkin Donuts drive-thru on an outparcel of this site of Memorial Drive in November 2022. Staff recommends approval with conditions. .

**PLANNING COMMISSION VOTE: Denial 7-0-0.** Jon West moved, Jan Costello seconded for Denial. Vivian Moore was not present for this vote.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 6-1-0.** Discussion included whether fast food drive through uses were appropriate in a Town Center Character Area calling for more pedestrian oriented uses.