

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 04 Super District 06

Application of Evergreen East, LLC c/o Hakim Hilliard for a Special Land Use Permit (SLUP) to allow an alcohol outlet and a retail fuel station in the C-1 (Local Commercial) zoning district, 5099 Memorial Drive.

PETITION NO: N4-2024-1441 SLUP-25-1247296

PROPOSED USE: Alcohol outlet and a retail fuel station.

LOCATION: 5099 Memorial Drive, Stone Mountain, Georgia 30083

PARCEL NO. : 18 043 02 081

INFO. CONTACT: Andrea Folgherait, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Evergreen East, LLC c/o Hakim Hilliard for a Special Land Use Permit (SLUP) to allow an alcohol outlet and a retail fuel station in the C-1 (Local Commercial) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: Denial.

PLANNING COMMISSION: Withdrawal.

PLANNING STAFF: Withdrawal without prejudice.

STAFF ANALYSIS: **Withdrawal without Prejudice (rev. 01.13.2025).** Staff recommends “*Withdrawal without prejudice*”, per the Applicant’s request.

PLANNING COMMISSION VOTE: (Jan. 7, 2025) Withdrawal without Prejudice 9-0-0. LaSonya Osler moved, Vivian Moore seconded for withdrawal without prejudice, per the Applicant’s request. Staff supports that request.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 8-2-0.

Good afternoon and Happy New Year, Andrea!

I hope you had a great holiday.

I am reaching out to you to share that my client has asked that we make a request to withdraw the pending application for a SLUP for 5099 Memorial Drive. I know this matter is on the agenda for this evening and our request must receive a recommendation from the Planning Commission, but I wanted to let you know in advance that this will be my request this evening.

Please let me know if you have any questions.

Hakim

M. Hakim Hilliard, Esquire

Chilivis Grubman, LLP

1834 Independence Square | Atlanta, Georgia 30338

Main: 404.769.7977 | **Direct:** 404.797.5525 | **E:** hhilliard@cglawfirm.com

Confidentiality Notice:

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DeKalb County Government Services Center
178 Sams Street
Decatur, GA 30030
404-371-2155

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<https://www.dekalbcountyga.gov/planning-and-sustainability/public-hearing-agendas-info>

Planning Commission Hearing Date: January 7, 2025
Board of Commissioners Hearing Date: January 23, 2025

STAFF ANALYSIS

Case No.:	SLUP-25-1247296	File ID #: 2024-1441	
Address:	5099 Memorial Drive, Stone Mountain, GA 30083	Commission District: 04 Super District: 06	
Parcel ID(s):	18-043-02-081		
Request:	Special Land Use Permit (SLUP) to allow an alcohol outlet and a retail fuel station in the C-1 (Local Commercial) zoning district.		
Property Owner(s):	Evergreen East, LLC.		
Applicant/Agent:	Hakim Hillard		
Acreage:	0.80 Acres		
Existing Land Use:	Vacant – formally The Original Pancake House Restaurant		
Surrounding Properties:	North: OI (Office Institutional), C-1 (Local Commercial), R-85 (Residential Medium Lot-85) East: R-100 (Residential Medium Lot -100) South: C-1, R-100 West: C-1		
Comprehensive Plan:	TC (Town Center)	Consistent	Inconsistent X

Staff Recommendation: Withdrawal without Prejudice.



ZONING COMMENTS – DECEMBER 2024

N1. SLUP-25-1247288 - 3195 Kelly Chapel Road- No Comments

N2. SLUP-25-1247279 - 3110 E Ponce De Leon Ave. - E Ponce de Leon is classified as a minor arterial. Aldridge Ave is classified as local street. Property is within the Scottdale Overlay District Tier 1. Please ask assigned planner for the infrastructure requirements within the overlay district. Where overlay is silent- the Zoning Code and Land Development Codes are applied. If a Land Development Permit is required for this project- please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. E Ponce de Leon is classified as a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip (at least 5 feet must be from back of curb to the sidewalk/path) with 6-foot sidewalk with 4-foot bike lanes OR (preferred) 10-foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov) Aldridge Ave is classified as local street. Requires a right of way dedication to 27.5 from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 12-foot lane with curb and gutter. Requires a 6-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles may remain within the limits of the path/sidewalk. Verify all intersections/driveways meet AASHTO sight distance requirements.

N3. SLUP-25-1247277 - 5644 Memorial Drive - If a LDP is requested, GDOT review and approval is required prior to permitting. Memorial Drive is classified as a major arterial. If a Land Development Permit is required for this project- please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Memorial Drive is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip and a 10-foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path/sidewalk. Verify all intersections/driveways meet AASHTO sight distance requirements.

N4. SLUP-25-1247206 - 5099 Memorial Drive - No comments. If a LDP is requested, GDOT review and approval is required prior to permitting. Memorial Drive is classified as a major arterial. Doyal Mills Court is classified as a local road. If a Land Development Permit is required for this project- please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Memorial Drive is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip and a 10-foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path/sidewalk. Doyal Mills Court is classified as a local road. Doyal Mills Court is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles may remain within the limits of the path/sidewalk. Verify all intersections/driveways meet AASHTO sight distance requirements.

N5. CZ-25-1247294 - 7778 Pleasant Hills Road, etc. - Phase 1 has 182 lots and requires 3 access points (Sec. 14-200 (5)). Verify the reserved secondary access point meets the minimum spacing outlined in 14-200 (6) and has the required sight distance. Please see infrastructure requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Pleasant Hill Road is a classified as a minor arterial (45MPH). Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires at least an 11-foot travel lane with curb and gutter. Requires a 10-foot landscape strip (with at least 5 feet between the back of curb and the sidewalk/path), 6-foot sidewalk with 4-foot bike lanes OR (preferred) 10-foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov). Pleasant Hill Trial is classified as a local road. Requires a right of way dedication to 27.5 from centerline OR such that all public infrastructure is within right of

way, whichever greater. Pleasant Hill Trail must be constructed to county standards on your side of the road from the centerline along the proposed development's frontage. Requires a 12-foot lane with curb and gutter. Requires a 6-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). All proposed interior public streets require a right of way of 55 feet OR such that all public infrastructure is within right of way, whichever greater. Requires a 6-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles may remain within the limits of the path/sidewalk. Verify all driveways meet ADA crossing slope requirements at point of crossing and that vehicles will not block sidewalk when parked in the driveway. Verify all intersections/driveways meet AASHTO sight distance requirements. No poles may remain within the limits of the path/sidewalk.

N6. & N7. Z-25-1247293 & SLUP-25-1247295 - 3298 & 3272 Fayetteville Road - Coordination with the Transportation Division of Public Works is required due to an adjacent intersection project. Dedicate all necessary right of way and easements for the proposed roundabout project at the intersection of Bailey St/Fleetwood Rd/Fayetteville Rd/Woodstock Rd. Coordinate required right of way infrastructure improvements with Patrece Keeter (pgkeeter@dekalbcountyga.gov) prior to permitting to eliminate potential conflicts and/or removals. (We do not want you to build it and then we remove it with our project.) Please see infrastructure requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Fayetteville Road is classified as a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires at least an 11-foot travel lane with curb and gutter. Requires a 10-foot landscape strip (with at least 5 feet between the back of curb and the sidewalk/path), 6-foot sidewalk with 4-foot bike lanes OR (preferred) 10-foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov). Fleetwood Drive is classified as a local road. Require a right of way dedication of 27.5 feet OR such that all public infrastructure is within right of way, whichever greater. Requires a 6-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles may remain within the limits of the path/sidewalk. Verify all intersections/driveways meet AASHTO sight distance requirements.

N8. SLUP-25-1247287 - 1102 Stewart Mill Road - Stewart Mill Road is classified as a collector road. If a Land Development Permit is required for this project- please refer to the requirements in Zoning Code 5.4.3 and Land Development Code. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with 6-foot sidewalk with 4-foot bike lanes OR (preferred) 10-foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path/sidewalk. Verify all intersections/driveways meet AASHTO sight distance requirements.

N9. CZ-25-1246771 - 4015 Flat Shoals Parkway - Soapstone Historic District. I-20 Overlay District Tier 2. Developer is responsible for all requirements noted in the GRTA Notice of Decision for DRI 4109, Attachment A (see below)- . Major points: Provide pedestrian connection to the Michelle Obama Trail, Provide grading and concrete work for MARTA bus stop upgrades, Provide a mid-block pedestrian crossing with enhancements (most likely a pedestrian hybrid beacon based on number of lanes and speed limit) at MARTA bus stop crossing location, and noted right turn lanes. Flat Shoals Parkway is SR 155. Prior to permitting, GDOT District 7 review and approval is required. Please ask assigned planner for the infrastructure requirements within the overlay district. Where overlay is silent- the Zoning Code and Land Development Codes are applied. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. All interior streets to be privately owned and maintained. Flat Shoals Parkway is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with 6-foot sidewalk with 4-foot bike lanes OR (preferred) 10-foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov) Clifton Springs Road is classified as a minor arterial. Please ask assigned planner for the infrastructure requirements within the overlay district. Where overlay is silent- the Zoning Code and Land Development Codes are applied. If a Land Development Permit is required for this project- please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot

landscape strip with 6-foot sidewalk with 4-foot bike lanes OR (preferred) 10-foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hcfowler@dekalbcountyga.gov) No poles may remain within the limits of the path/sidewalk. Verify all intersections/driveways meet AASHTO sight distance requirements.

General Conditions

General Conditions of Approval to GRTA Notice of Decision:

- Pedestrian, Bicycle and Transit Facilities
- Provide pedestrian and bicycle connectivity between all buildings, uses, and existing and future pedestrian access points.
- Provide pedestrian sidewalks along all property frontage on Flat Shoals Parkway and Clifton Springs Road.
- Provide pedestrian crosswalks across the private internal roadways at all driveways and intersections.
- Coordinate with Dekalb County to provide alternative mode infrastructure on site to meet the alternative mode reduction rate.
- Coordinate with the county to provide pedestrian connectivity to the Michelle Obama Walking Trail.
- Provide bicycle racks at all amenity centers, retail, residential, commercial, and office developments.
- Provide illuminated sidewalks along both sides of all internal roadways to connect all buildings and uses.
- Coordinate with Dekalb County to ensure that all sidewalk widths, vegetative buffers, and street tree requirements are met.
- Provide pedestrian and bicycle connectivity to the greater transportation network through coordination and as required by DeKalb County.
- MARTA will Provide bus shelters with seating, lighting, and real-time bus arrival information. In coordination with MARTA the developer will provide the grading, concrete work, and enhanced crosswalks at the designated bus stop locations to ensure proper accessibility and safety for pedestrians.
- Provide a mid-block pedestrian crossing with enhancements, such as Rectangular Rapid Flashing Beacons (RRFBs), in the vicinity of the site and for access to MARTA bus stops at the location determined in coordination with DeKalb County and MARTA.

Development Intensity and Use

Coordinate with DeKalb County to provide a mix of residential and non-residential uses on site to meet the Mixed-Use Reduction Rates. The design features incorporated in the Site Plan must maintain and justify the application of mixed-use reductions.

Roadway & Site Access Improvement Conditions to GRTA Notice of Decision:

Site Driveway A: Full access driveway on Clifton Springs Road aligned with the main driveway of DeKalb Community Service Board (Intersection 7).

- Stop control on side street.
- Construct a full-movement driveway with one (1) ingress lane entering the site and two (2) egress lanes exiting the site.

Site Driveway B: Existing QuikTrip full access driveway on Clifton Springs Road (Intersection 5).

- Stop control on side street.
- Consider converting the existing full-movement driveway utilized by QuikTrip to a right-in/right-out (RIRO) driveway subject to access agreements currently in place with QuikTrip.
- Provide an exclusive eastbound right-turn deceleration lane along Clifton Springs Road.

Site Driveway C: Existing QuikTrip full access driveway on Flat Shoals Parkway (SR 155).

- All access points and encroachments on GDOT ROW will need to be in compliance with the latest version of the GDOT encroachment manual at the time of permitting.
- All access points will need to include required driveway spacing, decel lane lengths, appropriate turn restriction designs, radius to safely accommodate site traffic, bike/ped needs, etc.
- If proposed driveways cannot meet GDOT standards, then access points need to be removed or revised to mitigate the standards not met.
- Stop control on side street, or as approved by GDOT.
- One receiving and one exiting lane for right-in, right-out access to/from Flat Shoals Parkway (SR 155).
- Design subject to approval from DeKalb County and GDOT.

Site Driveway D: Full access driveway on Flat Shoals Parkway (SR 155) (Intersection 8)

- All access points and encroachments on GDOT ROW will need to be in compliance with the latest version of the GDOT encroachment manual at the time of permitting. All access points will need to include required driveway spacing, decel lane lengths, appropriate turn restriction designs, radius to safely accommodate site traffic, bike/ped needs, etc. If proposed driveways cannot meet GDOT standards, then access points need to be removed or revised to mitigate the standards not met.
- Stop control on side street, or as approved by GDOT.
- Construct a right-in/right-out (RIRO) driveway with one (1) ingress lane entering the site and one (1) egress lane exiting the site, per the approved GDOT driveway permit.
- Provide an exclusive southbound right-turn deceleration lane along Flat Shoals Parkway (SR 155).



11/27/2024

To: Ms. LaSondra
From: Ryan Cira, Director of Environmental Health
Cc: Alan Gaines, Deputy Director, Environmental Health
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundry
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900. Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to the sidewalk for the bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.



N1.2024-1428 **SLUP-25-124728 15 094 07 023**

3195 Kelly Chapel Road, Decatur, GA 30034

- PLEASE REVIEW GENERAL COMMENTS
- SEPTIC INSTALLED 7/3/64

- DeKalb Public Health Regulations prohibit use of on-site sewage disposal systems for personal care homes with more than six (6) clients.

N2.202401439 **SLUP-25-1247279 18 009 05 003**

3110 EAST PONCE DE LEON AVE., SCOTTTDALE, GA 30079

- PLEASE REVIEW GENERAL COMMENTS
- NO SEPTIC INDICATED ON THIS PROPERTY

N3. 2024-1440 **SLUP-25-1247277 18 070 01 015**

5644 MEMORIAL DRIVE, STONE MOUNTAIN, GA 30083

- PLEASE REVIEW GENERAL COMMENTS
- NO SEPTIC INDICATE ON THIS PROPERTY

N4. 2024-1441 **SLUP-25-1247296 18 043 02 081**

5099 MEMORIAL DRIVE, STONE MOUNTAIN, GA 30083

- PLEASE REVIEW GENERAL COMMENTS
- NO SEPTIC INDICATED ON THIS PROPERTY FROM THIS OFFICE



N5. 2024-1441

SLUP CZ-25-1247296 18 043 02 081

7778/1716/7900/7860/8042/7956/ AND 7890 PLEASANT HILL ROAD, LITHONIA, GA

- PLEASE REVIEW GENERAL COMMENTS

- NO SEPTIC INDICATED ON THE ABOVE PROPERTIES. INDICATIONS OF SEPTIC ON 7900

N6. 202401442

Z-25-1247293 15 080 05 002 & 15 080 05 013

3298 & 3272 FAYETTEVILLE ROAD, ATLANTA, GA 30316

- PLEASE REVIEW GENERAL COMMENTS

- SEPTIC INSTALLED ON 9/9/24

N7. 2024-1444

SLUP-25-1247295 15 080 05 002 & 15 080 05 013

3298 & 3272 FAYETTEVILLE ROAD, ATLANTA, GA 30316

- PLEASE REVIEW GENERAL COMMENTS

N8. 2024-1445

SLUP-25-1247287 18 079 02 004

1102 STEWART MILL ROAD, STONE MOUNTAIN, GA 30087

- PLEASE REVIEW GENERAL COMMENTS

N9-2024-1496

CZ-25-1246771 15 090 01 021

4015 FLAT SHOALS PARKWAY, DECATUR, GA 30034

-PLEASE REVIEW GENERAL COMMENTS

- NO INDICATION OF SEPTIC INSTALLATION ON THIS PROPERTY FROM THIS PROPERTY

DeKalb Public Health

445 Winn Way – Box 987

Decatur, GA 30030

404.294.3700 • www.dekalbhealth.net



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

- **Storm Water Management**

- **Flood Hazard Area/Wetlands**

- **Landscaping/Tree Preservation**

- **Tributary Buffer**

- **Fire Safety**



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-25-1247296 Parcel I.D. #: 18-043-02-081

Address: 5099 Memorial Dr, Stone Mountain, Ga 30083

Adjacent Roadway (s):

(classification) (classification)

Capacity (TPD) _____
 Latest Count (TPD) _____
 Hourly Capacity (VPH) _____
 Peak Hour. Volume (VPH) _____
 Existing number of traffic lanes _____
 Existing right of way width _____
 Proposed number of traffic lanes _____
 Proposed right of way width _____

Capacity (TPD) _____
 Latest Count (TPD) _____
 Hourly Capacity (VPH) _____
 Peak Hour. Volume (VPH) _____
 Existing number of traffic lanes _____
 Existing right of way width _____
 Proposed number of traffic lanes _____
 Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7th Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS: I did not see any traffic engineering
concerns at this time.

Signature: Jerry White



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: _____ Parcel I.D. #: _____

Address: _____

WATER:

Size of existing water main: _____ (adequate/inadequate)

Distance from property to nearest main: _____ Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: _____

Is sewer adjacent to property: Yes ____ No ____ If no, distance to nearest line: _____

Water Treatment Facility: _____ adequate ____ inadequate ____

Sewage Capacity: _____ (MGPD) Current Flow: _____ (MGPD)

COMMENTS:

Signature: _____



DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing deadline.

Date Received: _____ Application No: _____

APPLICANT NAME: EVERGREEN EAST, LLC / M. HAKIM HILLIARD

Daytime Phone: 404.797.5525 E-Mail: hhilliard@cglawfirm.com

Mailing Address: 1834 Independence Square, Atlanta, GA 30338

Owner Name: Evergreen East, LLC

(If more than one owner, attach contact information for each owner)

Daytime Phone: _____ E-Mail: _____

Mailing Address: 5099 Memorial Drive, Stone Mountain, Georgia 30338

SUBJECT PROPERTY ADDRESS OR LOCATION: 5099 Memorial Drive, Stone Mountain, Georgia 30083 DeKalb County, GA

Parcel ID: 18-043-02-134 Acreage or Square Feet: 803 Commission Districts: 6 & 4

Existing Zoning: C-1 Proposed Special Land Use (SLUP): (1) Alcohol outlet (beer/wine) (2) automobile service station

I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Owner: _____ Agent: X

Signature of Applicant:

[Handwritten signature]



Chilivis Grubman

YOU ARE INVITED

to

**NOTICE OF SPECIAL LAND USE APPLICATION
COMMUNITY MEETING**

FOR

EVERGREEN EAST 5099 Memorial Drive

is applying for Special Land Use Permit to construct a Service Station and Restaurant and

Special Land Use Permit to sell beer and wine by the package

Submitted for Applicant by:

M. Hakim Hilliard, Esq.

Find out more about
the project, ask questions, and
voice your opinion at the
following community meeting:

on

Friday October 18, 2024

At 6:00 PM

5099 Memorial Drive

(If you have any questions or concerns regarding the application,
prior to or after the meeting please email them to

dhayley@cglawfirm.com)

SIGN IN SHEET

2

NAME ADDRESS EMAIL

Shirley Collins	555 Doyal Mills Ct	ShirleyCollins49@gmail
Vera Redmond	4003 Flintridge Dr	leonaredmond@gmail.com
Frizella Redmond	"	fars13@yahoo.com
USRA Redmond	4003 FLINTRIDGE DR.	
Joe Arrington	466 S. Ave 40	jarrington55@gmail.com
Becky Arrington	"	"
J. Boro WSK		
Jan Dunaway	4672 Fellswood Dr	dunawayjd
Marcia Pauly	4035 Flintridge Dr	mpauly299
Shirley Miller	4149 Flintridge Dr	shirleybellsmith@gmail.com
A. Borowski		ta29779@yahoo.com
Rev. KANDAL PALM	5135 Memorial Dr.	r111158@aol.com
CHARLES BOPP	5135 MEMORIAL DR	ROA. TREASURER
Phyllis Johnson	4054 Rue D'Ilogan	BELLSOUTH-NET
Heather Hubbs	550 Doyal Mills Ct	Heithubbs@gmail.com
MIKE COOPER	663 Ridge Av SIML	liffle.creek@aol.com
Kristal Hill		K3kat279@yahoo
Saul Galindo	605 Doyal Mills	Pablogatica88@gmail
Pablo Galindo	605 Doyal Mills	
Daynah Florence	586 Doyal Mills Ct.	daynahflorence@gmail.com



1834 Independence Square
Atlanta, Georgia 30338
T 404-233-4171 F 404-261-2842
www.cglawfirm.com

Direct dial 404-797-5525
hhilliard@cglawfirm.com

October 28, 2024

BY EMAIL ONLY

RE: Letter of Application for SLUP - 5099 Memorial Drive, Stone Mountain, GA 30083

To Whom It May Concern:

This letter serves as an application for a Special Land Use Permit (SLUP) for the property located at 5099 Memorial Drive, Stone Mountain, Georgia 30083 (the "Subject Property"). The Subject Property is currently zoned C-1 and was formerly the site of The Original Pancake House restaurant. The Applicant proposes to redevelop the Subject Property with an automobile service station and restaurant space. The total square footage of the proposed development is approximately 5,500 square feet.

Specifically, we are requesting a SLUP for:

1. An automobile service station
2. An alcohol outlet

The proposed development will include a convenience store associated with the service station. While the operating hours for the convenience store have not yet been determined, the restaurant space is intended to be a dine-in establishment.

In accordance with the application requirements, we have engaged with the impacted neighborhood to discuss the proposed use. During these discussions, neighbors expressed concerns about crime and loitering in the area, as well as their perception that there are already sufficient automobile service stations in the vicinity. We have considered these concerns and are committed to implementing measures to address them in our development plan.

We believe that this proposed development will contribute positively to the area by revitalizing closed property and providing needed services to the community. The combination of a service station and restaurant space will offer convenience to residents and passing motorists alike. We look forward to working with the Department of Planning and Sustainability throughout this process and are prepared to provide any additional information or clarification as needed.

Thank you for your consideration of this application.

Sincerely,



M. Hakim Hilliard

IMPACT ANALYSIS

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located. The 1.38-acre site at 5099 Memorial Drive is more than adequate for the proposed uses. The site plan demonstrates sufficient land area to accommodate the automobile service station, convenience store, and full-service sit-down restaurant while meeting all required setbacks, open spaces, parking, and other zoning requirements. The layout efficiently utilizes the available space, ensuring compliance with all applicable zoning district regulations.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use. The proposed redevelopment is compatible with adjacent properties and land uses in the district. The mix of service station, convenience store, and restaurant complements the existing commercial character of the area. The applicant is committed to implementing measures to mitigate any potential adverse impacts on adjoining land uses, such as traffic management strategies, noise reduction techniques, and state-of-the-art pollution control systems.

C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use. The site's location on Memorial Drive ensures adequate public services, facilities, and utilities to support the proposed uses. Existing infrastructure can readily accommodate the service station, convenience store, and restaurant operations without strain on public resources.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area. Memorial Drive is a major thoroughfare with sufficient traffic-carrying capacity to support the proposed uses. The site plan includes well-designed ingress and egress points to facilitate smooth traffic flow and minimize congestion.

E. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency. The site plan illustrates carefully designed ingress and egress points that prioritize pedestrian and automotive safety. The layout ensures efficient traffic flow and provides clear access routes for emergency vehicles.

F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use. The proposed uses will operate

in a manner that minimizes adverse impacts on adjoining land uses. The applicant is willing to work with neighbors to establish mutually agreeable operating hours and implement measures to mitigate any potential disturbances.

G. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located. The proposed uses align with the zoning district classification, as evidenced by the need for special land use permits for the service station and beer and wine sales.

H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan. The proposed redevelopment advances the policies of the comprehensive plan by revitalizing an underutilized property and providing needed services to the community.

I. Whether there is adequate provision of refuse and service areas. The site plan includes designated areas for refuse collection and service, ensuring proper waste management and minimizing any potential negative impacts on surrounding properties.

J. Whether the length of time for which the special land use permit is granted should be limited in duration. Given the substantial investment in redeveloping the property and the long-term nature of the proposed uses, a permanent special land use permit is appropriate.

K. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height. The proposed buildings are appropriately sized and scaled in relation to the subject property and surrounding developments. The design takes into account potential shadow impacts, ensuring minimal effect on adjoining properties.

L. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources. The proposed redevelopment does not adversely affect any known historic buildings, sites, districts, or archaeological resources in the area.

M. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit. The proposed uses will comply with all supplemental regulations associated with the special land use permits for the service station and beer and wine sales.

N. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process. The proposed redevelopment addresses several community needs by:

1. Replacing a vacant, deteriorating structure with modern, attractive facilities.
2. Providing convenient access to fuel, groceries, and dining options.

3. Creating jobs and stimulating local economic activity.
4. Improving safety and reducing the potential for crime by activating a previously unused site.

The applicant is looking forward to working closely with adjacent and nearby neighbors to ensure that any concerns about potential negative impacts of the proposed use can and will be ameliorated through appropriate development conditions. This collaborative approach will help create a project that not only meets the applicant's goals but also enhances the overall quality of life for the surrounding community.



DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: OCT 28, 2024

TO WHOM IT MAY CONCERN:

(I), (WE) M Hank Hill
Name of owners(s) (If more than one owner, attach a separate sheet)

Being (owner) (owners) of the subject property described below or attached hereby delegate authority to:

5099 Memorial Drive, DeKalb County GA 30338
Name of Agent or Representative

to file an application on (my), (our) behalf

<u>Francis C. Dorfman</u> Notary Public		<u>[Signature]</u> Owner
_____ Notary Public		_____ Owner
_____ Notary Public		_____ Owner
_____ Notary Public		_____ Owner
_____ Notary Public		_____ Owner

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes _____ No *

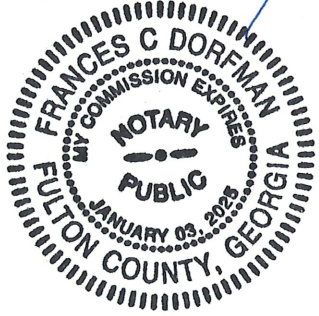
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.



Notary





Signature of Applicant /Date

Check one: Owner _____ Agent

Expiration Date/ Seal

*Notary seal not needed if answer is “no”.

REFERENCE MATERIAL

1. WARRANTY DEED IN FAVOR OF KENDRICK, INC. DEED BOOK 19725 PAGE 288 DEKALB COUNTY, GEORGIA RECORDS
2. SURVEY FOR HEARLE OIL AND REFINING COMPANY PLAT BOOK 48 PAGE 85 DEKALB COUNTY, GEORGIA RECORDS

FLOOD NOTE

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.A.R.M. OFFICIAL FLOOD HAZARD MAPS.

LEGEND

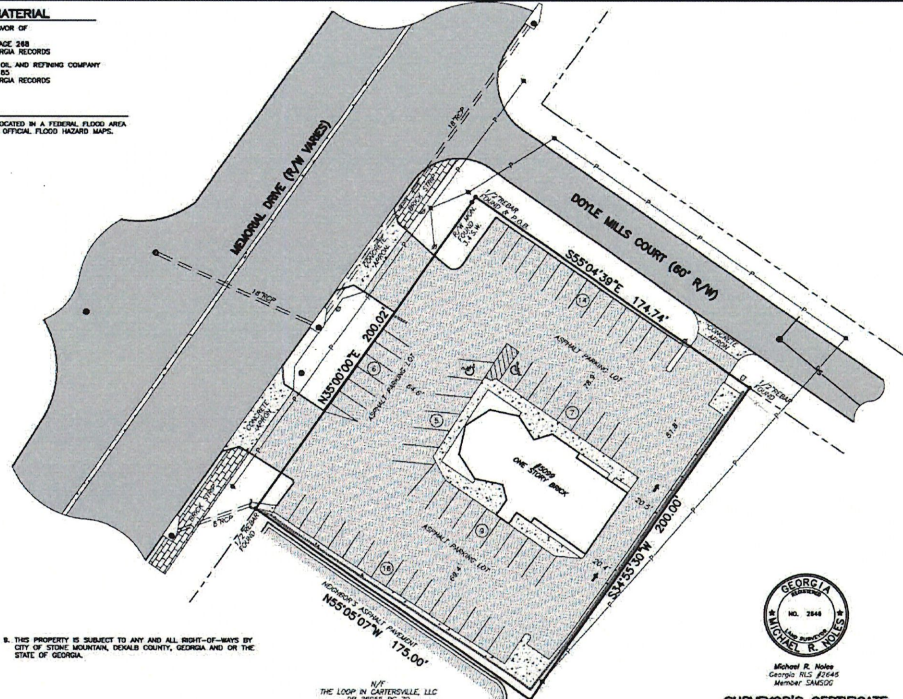
- B DENOTES BUILDING LINE
- P DENOTES PROPERTY LINE
- R/W DENOTES RIGHT-OF-WAY
- CL DENOTES CENTERLINE
- CLC DENOTES BACK OF CURB
- S DENOTES CLUTTER
- SP DENOTES SIDE OF PAVING
- TV DENOTES TOP OF WALL
- BTW DENOTES BOTTOM OF WALL
- PF DENOTES FENCE
- PC DENOTES REINFORCED CONCRETE PIPE
- CMF DENOTES CORRUGATED METAL PIPE
- CP DENOTES CEMENT POLE
- LP DENOTES LIGHT POLE
- OW DENOTES OUT WIRE
- P DENOTES POWER LINE
- PM DENOTES POWER METER
- PO DENOTES POWER BOX
- FO DENOTES FIBER OPTIC
- TE DENOTES TELEPHONE BOX
- DM DENOTES GAS METER
- DV DENOTES GAS VALVE
- CLM DENOTES GAS LINE MARKER
- WM DENOTES WATER METER
- WV DENOTES WATER VALVE
- PH DENOTES FIRE HYDRANT
- MW DENOTES MONITORING WELL
- HW DENOTES HEADWALL
- JS DENOTES JUNCTION BOX
- CS DENOTES CURB SIDE
- SS DENOTES SANITARY SEWER LINE
- SSM DENOTES SANITARY SEWER MANHOLE
- CD DENOTES CLEAN OUT
- P.O.B. DENOTES POINT OF BEGINNING
- P.O.C. DENOTES POINT OF COMMENCEMENT
- MON. DENOTES MONUMENT

SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON IS BASED ON ABOVE GROUND STRUCTURES, UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.



2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECONVEYANCE OF THE SURVEYOR NAMED SUCH PERSON, PERSONS OR ENTITY.
4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVELER. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 172,408 FEET. A GEOMAX ZODIAC 80 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA.
5. BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
6. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
7. ALL DIMENSIONS SET ARE 1/2" DIMENSIONS UNLESS OTHERWISE NOTED.
8. IN THE EVENT OF A SUE AND LOCATION OF IMPROVEMENTS SUPPORTS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.



9. THIS PROPERTY IS SUBJECT TO ANY AND ALL RIGHT-OF-WAYS BY CITY OF STONE MOUNTAIN, DEKALB COUNTY, GEORGIA AND OR THE STATE OF GEORGIA.

N/T THE LOOP IN CARTERSVILLE, LLC 229 26555 PG 70



SURVEYOR'S CERTIFICATE

This plat is a reproduction of an existing parcel or portion of land and does not subdivide or create a new parcel or make any changes in any real property boundaries. The recording information of this document, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECONVEYANCE OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-87.

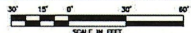
Michael R. Niles Georgia RLS No. 2646 6-1-18

NO.	REVISIONS	DATE

McLUNG SURVEYING SERVICES, INC.
 4833 South Cobb Drive, Suite 202
 Smyrna, Georgia 30080 (770) 434-3385
 www.mclungsurveying.com
 Certificate of Authorization #LSF000792

SURVEY FOR
 FOREVER HOLDINGS, LLC
 SOUTHERN FIRST BANK
 STEWART TITLE GUARANTY COMPANY

5089 MEMORIAL DRIVE
 STONE MOUNTAIN, GEORGIA
 TOTAL AREA= 0.803± ACRES
 OR 34,976± SQ. FT.



LAND LOT 43
 16TH DISTRICT
 DEKALB COUNTY
 GEORGIA
 PLAT PREPARED: 6-1-18
 FIELD: 5-31-18 SCALE: 1"=30'
 JOB#247908

LEGAL DESCRIPTION

BEGINNING at the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 35; Thence South $00^{\circ}00'00''$ East along the East line of said Section 35, also being the Westerly right-of-way line of Memorial Drive, a distance of 659.98 feet; Thence South $89^{\circ}59'44''$ West a distance of 659.98 feet to a point on the Easterly right-of-way line of Doyle Mills Court; Thence North $00^{\circ}00'00''$ West along said Easterly right-of-way line a distance of 659.98 feet; Thence North $89^{\circ}59'44''$ East a distance of 659.98 feet to the POINT OF BEGINNING.

Said parcel contains ~~10.08~~ ^{10.08} acres, more or less, SUBJECT TO AND TOGETHER WITH all easements and rights-of-way of record or apparent. Basis of Bearings: The East line of Section 35 is assumed to bear South $00^{\circ}00'00''$ East.

This description is based on a survey performed by Evergreen Land Surveying, LLC, dated October 28, 2024, Job No. 24-001



Concept Design Style C
by ADC Architects

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Mustaq Moosa Property address 5099 Memorial Drive

Tax Parcel ID: 18 043 02 081 Comm. District(s): 4 & 6 Acreage: .8 acres

Existing Use: Restaurant (Original Pancake House) Proposed Use: tear down existing restaurant and build new Convenience store with fuel pumps and alcohol outlet (beer and wine)

Supplemental Regs: _____ DRI: NA

Rezoning: Yes _____ No X

Existing Zoning: C-1 Proposed Zoning: NA

Land Use Plan Amendment: Yes _____ No X

Existing Land Use: SUB (Suburban) Proposed Land Use: NA- SUB allows a maximum density of up to 8 units per acre rad

Consistent _____ Inconsistent _____

Special Land Use Permit: Yes _____ No X

SLUP for fuel pumps and alcohol outlet (beer and wine sales) for proposed convenience store _____

Major Modification: NA

Existing Case Number(s): N

Condition(s) to be modified:

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: X Review Calendar Dates: _____ PC: 01/07/25** BOC: 01/23/25** Letter of Intent: X Impact Analysis: X Owner Authorization(s): _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

Campaign Disclosure: Zoning Conditions: Community Council Meeting:
 12/17/24* Public Notice, Signs: Tree Survey, Conservation: Land
Disturbance Permit (LDP): Sketch Plat: Bldg. Permits: Fire Inspection:
 Business License: State License: Lighting Plan: Tent Permit:
 Submittal Format: NO STAPLES, NO BINDERS PLEASE

***Deadline for hosting pre-community meeting with 15 days notice for January 2025 agenda cycle would be 10/21/24**

****Filing Deadline for application is 10/28/24—PLEASE EMAIL John Reid in addition to submitting application through portal, and confirm with John Reid that he has received your complete application.**

Review of Site Plan—NO SITE PLAN SUBMITTED

Density: Density Bonuses: Mix of Uses: Open Space: Enhanced
Open Space: Setbacks: front sides side corner rear Lot Size:
 Frontage: Street Widths: Landscape Strips:
Buffers: Parking Lot Landscaping: Parking - Auto: Parking - Bicycle:
 Screening: Streetscapes: Sidewalks: Fencing/Walls: Bldg.
Height: Bldg. Orientation: Bldg. Separation: Bldg. Materials: Roofs:
Fenestration: Façade Design: Garages: Pedestrian Plan: Perimeter
Landscape Strip:
Possible Variances: NA no site plan provided for pre-app meeting.

Comments: Show how proposed SLUPS are compatible with surrounding area including the single-family residential area to the south. **Consider preserving the existing historic building for the operation of the convenience store.** Show compliance with C-1 zoning standards including but not limited to minimum building setbacks, maximum building height, sidewalks and street trees, etc. Show compliance with supplemental regulations for Fuel Pumps and Alcohol Outlet. Confirm with Business and Alcohol Division that you comply with Alcohol Ordinance, including comply with alcohol survey. Show how proposed SLUPS are consistent with TC Character Area of the 2050 Comprehensive Plan which encourages pedestrian oriented uses.

This only a preliminary review and is not a complete list of zoning requirements, a final and complete review and official Planning Department recommendation will be done upon official submission of a

DEPARTMENT OF PLANNING & SUSTAINABILITY

rezoning or rezoning including a concept plan. If the application were to be approved, the applicant would have to submit and obtain approval of land disturbance permits and building permits, and business and alcohol licenses.

Planner: John Reid Date 08/06/24

Filing Fees

REZONING:	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
LAND USE MAP AMENDMENT		\$500.00
SPECIAL LAND USE PERMIT		\$400.00

**Case Number: SLUP-25-1247296
5099 Memorial Drive
Stone Mountain, GA30083**

Rock of Ages Lutheran Church Comments and Concerns

Evergreen East LLC, which is owned by Ramzan Karimi, submitted a Special Land Use Permit to DeKalb County to construct a gas station with 12 gas pumps, a convenience store that will sell packaged beer and wine, and a restaurant on the site of the now closed The Original Pancake House.

Rock of Ages Lutheran Church strongly opposes this Special Land Use Permit (SLUP). The SLUP should be denied. The following documentation highlights why the SLUP should be denied

My name is Charles Bopp, and I am the treasurer of Rock of Ages Lutheran Church. The church is located adjacent to the site of the requested Special Land Use Permit (the site of The Original Pancake House). The church property is 60 feet from the proposed development. Doyal Mills Court, a residential street, separates the two properties.

I am a retired traffic engineer with 39 years of experience. I am currently registered as a professional engineer in the State of Georgia. Over my career, I have designed more than 100 site plans and parking lot layouts.

This is the third time Ramzan Karimi has tried to obtain a Special Land Use Permit for the site of The Original Pancake House at 5099 Memorial Drive, Stone Mountain.

The first time was in 2020. A zoom Pre-Application Meeting was held on August 25, 2020. The developer presented a site plan that had several errors and omissions. I described the following changes that had to be made with the site plan.

- Correctly spell Doyal Mills Court.
- Add a north arrow and a graphical scale.
- Show the location of the underground fuel tanks.
- Improve the quality of the Site Plan that was provided for the Pre-Application Meeting so that the notes can be read.

It is my understanding that the Board of Commissioners denied the SLUP presented in 2020.

The second time was in 2022. A zoom Pre-Application Meeting was held on October 17, 2022. The developer presented the exact same site plan that was presented on August 25, 2020. The developer refused to correct the errors on the site plan. The developer sent drawings with the meeting notice that illegally showed several drawings of the restaurant with the name The Original Pancake House and their logo on the restaurant. The developer does not own the franchise.

The developer did not submit this second SLUP to DeKalb County.

The third time is the application that we are now evaluating. An in-person Pre-Application Meeting was held on August 18, 2024 at The Original Pancake House building.

Prior to the August 18, 2024, the Evergreen East LLC sent drawings of their proposed development to Rock of Ages in an effort to gain Rock of Ages support of the SLUP. Rock of Ages did not respond to the Evergreen East LLC lawyer. These drawings again illegally included The Original Pancake House name and logo. Upon notification, The Original Pancake House Corporate Office sent a “cease and desist order” to the lawyer representing Evergreen East LLC on August 17, 2024.

Rock of Ages did not receive a notice for the Pre-Application Meeting. The developer told DeKalb County that they sent Rock of Ages a meeting notice, but that is a false statement. We obtained a copy of the meeting notice from a third party.

The DeKalb County Department of Planning and Sustainability has developed a Memorial Drive Revitalization Plan. The proposed gas station, alcohol outlet, and convenience store are in direct conflict with the Revitalization Plan. Gas stations, alcohol outlets, and convenience stores are the type of development that the Revitalization Plan wants to prevent on Memorial Drive.

Dr. Dean Dabney, Chair in the Department of Criminal Justice and Criminology at Georgia State University, has submitted a report to the DeKalb County Commissioners which stated that gas stations, alcohol outlets, and convenience stores within unincorporated DeKalb County are associated with increased crime, automobile accidents, and lower property values.

At the Pre-Application Meeting on August 18, 2024, the developer did not have any drawings showing the proposed development. The attendees were unable to view the site plan. The lawyer for the developer repeated many times that the developer wanted to work with the neighborhood. Those in attendance kept repeating over and over “no alcohol, no gas station, no convenience store”. Everyone in attendance opposed the proposed development. The statement from the lawyer that the developer wanted to work with the neighborhood was another false statement. Immediately after the meeting, the developer prepared their submittal, with no changes, and submitted the SLUP to DeKalb County.

The following includes issues that Rock of Ages has with the proposed SLUP.

There are 10 gas stations with convenience stores within two miles of Rock of Ages. The last thing Memorial Drive needs is another gas station.

Before The Original Pancake House closed, customers driving westbound on Memorial Drive towards I-285 U-turn at the intersection of Memorial Drive and Memorial College Avenue and then drove through the middle of the church parking lot to access The Original Pancake House.

Similarly, customers driving southbound on Memorial College Avenue turned left at the intersection of Memorial Drive and Memorial College Avenue and then drove through the middle of the church parking lot to access The Original Pancake House.

Due to the low volume of cars that made this maneuver each day, Rock of Ages tolerated this vehicular movement. The Original Pancake House opened at 7:00 am and closed at 2:00 pm six days a week.

With the proposed development, a large volume of cars will be driving through the middle of the church parking lot each day, 24 hours per day/7 days per week. There are 7 churches with many small children that use Rock of Ages facilities. Rock of Ages is very concerned about the safety of the children as the cars going to the gas station drive through the parking lot.

The cars driving through Rock of Ages private property to access the gas station are making an illegal maneuver. Rock of Ages would expect DeKalb County to take action to prevent this maneuver.

There are major problems with the site plan. The site plan included with the developer's submission to DeKalb County and previously submitted to neighborhood residents is of poor quality and the notes are almost impossible to read. This was done intentionally by the developer. I was able to expand the scale of the drawing to read the notes.

One of the most important elements of a gas station site plan is the location of the underground fuel tanks. The location of the underground fuel tanks are not shown on the site plan. The only place the underground fuel tanks can be constructed is between the gas pumps and the western edge of the property. The developer has continually refused to show the underground fuel tanks on the site plan.

All site plans are required to show a north arrow and the graphic scale of the drawing. The developer has intentionally not included this information on the site plan.

The existing The Original Pancake House property is too small to accommodate the 12 gas pumps, the convenience store, and the restaurant. As shown on the site plan, the front doors of the restaurant and the convenience store face west toward the Budgetel Inns and Suites. If constructed, this site would be the only business on Memorial Drive within miles of Rock of Ages that does not face Memorial Drive. The side of the restaurant will face Memorial Drive.

As a result, the rear of the restaurant and convenience store will face toward Doyal Mills Court and Rock of Ages. Despite what Evergreen East LLC may say, the back side of the restaurant and convenience store will not be attractive and will be “an eyesore”. There will be two gas meters that would be protected by bollards to prevent vehicles on Doyal Mills Court from driving into the gas meters. Any emergency generators will be ground mounted. A minimum of two large electrical panels will be mounted on each building. Each building will have a door for deliveries and emergency exiting. Two air conditioner condensers might also be ground mounted.

Another issue is the tractor-trailer trucks that deliver fuel for the underground fuel tanks. The tractor-trailer trucks are typically WB-50 and WB 62 tractor-trailer trucks. A WB-50 tractor-trailer truck is typically 57 feet to 59 feet long, while a WB-62 tractor-trailer truck is typically 67 feet to 69 feet long. Neither of these trucks can drive through the site and exit onto Doyal Mills Court. To exit the site, these tractor-trailer trucks will have to back out onto Memorial Drive, a very dangerous maneuver.

The site plan includes a note that states there will be 51 parking spaces. This note is incorrect. The area adjacent to the 12 gas tanks where customers fill their cars with gas are NOT parking spaces. The developer includes these 12 spaces in the count of 51 parking spaces. This reduces the number of parking spaces to 39.

Since cars cannot park over the underground gas tanks that will be constructed adjacent to the western edge of the property, the 11 parking spaces shown on the western edge of the property on the site plan cannot be constructed. As a result, there will only be 28 parking spaces for employees and customers of the restaurant and convenience store.

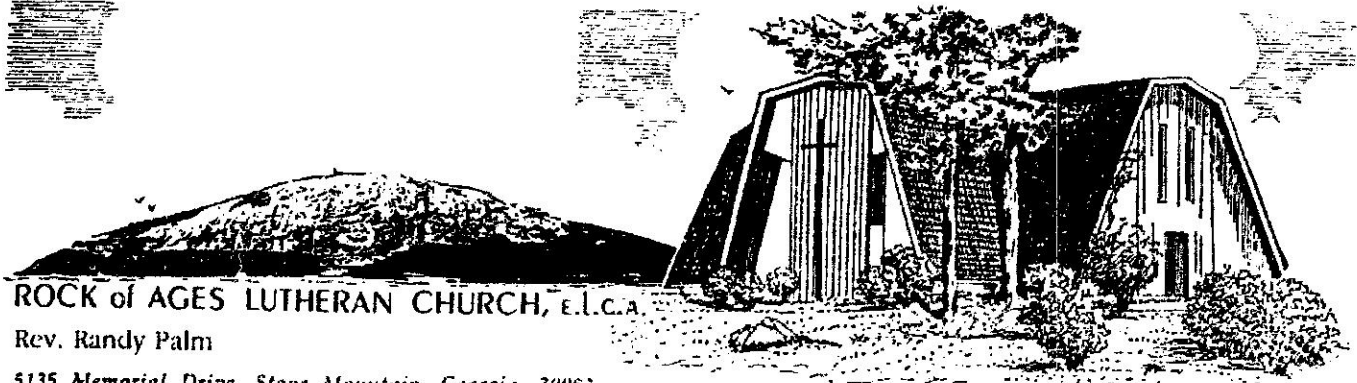
The Original Pancake House property currently has 58 parking spaces. On many occasions I have observed more than 30 cars in their parking lot, which indicates that the 28 parking spaces will be inadequate.

Since the development will only have 28 parking spaces, Rock of Ages is concerned that some customers and employees of the restaurant and convenience store will illegally park (trespass) on Rock of Ages property which is a liability issue for the church. Cars that park on Rock of Ages property will be towed at the owner’s expense.

The Original Pancake House building is iconic. Over the past 4 years, two movie productions and one television production, Fight Night, have filmed at The Original Pancake House. Removal of the building could result in an economic loss for DeKalb County.

The ideal use of the property would be to make the necessary structural repairs to the building and open a new mid-priced to high priced sit down restaurant.

The Evergreen East LLC SLUP is the wrong development for The Original Pancake House property. The SLUP should be denied.



ROCK OF AGES LUTHERAN CHURCH, E.L.C.A.

Rev. Randy Palm

5135 Memorial Drive, Stone Mountain, Georgia, 30083
404-292-7888

THE "ROCK" OF THE COMMUNITY...

ACCOUNT No. SLUP-25-1247296

November 17, 2024

Greetings,

My name is Randal Palm, pastor at Rock Of Ages Lutheran Church, located at 5135 Memorial Dr., Stone Mountain Georgia. My church property sits approximately 60 feet to the east of what was The Original House of Pancake business.

It is the official position of Rock Of Ages Lutheran Church that we continue to be opposed to any business establishment that offers the sale of beer and wine which would be purchased and taken off property. It is our continuing position that the sale of beer and wine purchased and taken off property creates undesirable safety and security issues, not only for our congregational membership, but for the seven worshiping congregations renting our facilities each week, and an Alcoholics Anonymous organization that meets weekly in our church building.

Rock Of Ages has an ongoing challenge with individuals suffering from mental health and substance abuse issues, who make frequent attempts to stay on our property in any area where they can find shelter. As a result, we frequently are compelled to contact law-enforcement to remove individuals from areas in front of our doors and in the back of our building. We routinely pick up large quantities of beer, wine, and liquor bottles that are left around the property and in the wooded area we own immediately to the east of our Memorial Drive facing parking lot.

It is our belief, given our proximity to any establishment on the site formally known as The Original House of Pancakes, selling beer and wine that can be taken off property would significantly increase the number of individuals who would choose to drink on our property. We believe this would create an unacceptable safety and security risk to those who use our building and grounds.

Thanks for your prayerful consideration of our stated concerns.



Randal Palm

From: [Ethics Demystified/ Eric Groh](#)
To: [Folgherait, Andrea K](#); [Marcia Pauly](#); [Shirley Miller Flintridge Forrest Civic Association](#)
Subject: Re: SUP-25-1247296 , Parcel ID: 18-043-02-081, Flintridge Forrest Opposition
Date: Monday, December 16, 2024 11:18:26 AM
Attachments: [SLUP Permit-2.png](#)

Dear Ms. Folgherait:

Re: SUP-25-1247296 , Parcel ID: 18-043-02-081, Dekalb GIS Image and Community Impact - below

My name is Eric Groh. I reside at [REDACTED] on Memorial Drive. The owner of the property located there (the former Original Pancake House), has applied for a SUP to construct a convenience store, gas station, and beer and wine license at that location. Many others have presented our community concerns about the proximity of this type of business where there is significant foot traffic of school students and a place of worship.

We are also concerned about increased violent crime due to the sale of lottery tickets and especially the coin operated amusement slot machines.

For this precise reason, you will find The City of Tucker passed sweeping zoning ordinance changes to convenience stores in 2022 as the increased crime also included a homicide related to a dispute over gambling money.

[City Of Tucker 2022 Convenience Store Permit Ordinances](#)

Several years ago, as Executive Director of the Georgia Council on Problem Gambling, I was contacted by and met with Ted Terry, then-mayor of Clarkston to get the word out through print media about the damage the convenience stores were causing to the community—divorce, suicide, violent crime. [Clarkston War Against Lottery Convenience Stores](#)

Based upon the application made and from my experience, the store will be operating primarily as a convenience store, not as a restaurant.

Issuing this permit is a lose for everyone – – our community, the county, already strained law-enforcement. The social and economic costs likely outweigh the benefits of this business to DeKalb county, hence our opposition to Dekalb County issuing this permit.

Feel free to contact me if you have questions. I can be reached via this email or 404-985-6785.

Sincerely,

Eric Groh.
Flintridge Forrest resident

--

Eric Groh LPC CPCS ACS BC-TMH
Workshops | Supervision | Licensing Services | Ethics Consultations

From: [Arepa Mia](#)
To: [Folgherait, Andrea K](#)
Subject: Fwd: SLUP-25-1247296
Date: Monday, December 16, 2024 11:14:35 AM

Subject: SLUP-25-1247296

Dear Commissioner,

I am writing to express my concern regarding

SLUP -25-1247296.

the potential addition of another gas station in our community. As a resident and business owner with a restaurant located very near Avondale Estates, I am deeply invested in the success and well-being of our area. I understand the challenges and opportunities of running a business, and I am committed to supporting initiatives that create a positive and enriching environment for everyone.

Currently, our community already has three gas stations, which I believe adequately meet the needs of our residents. Adding another would not contribute meaningfully to our community. Instead, I have observed a rise in individuals soliciting money and an increase in litter, which detracts from the vibrancy and cleanliness of our city.

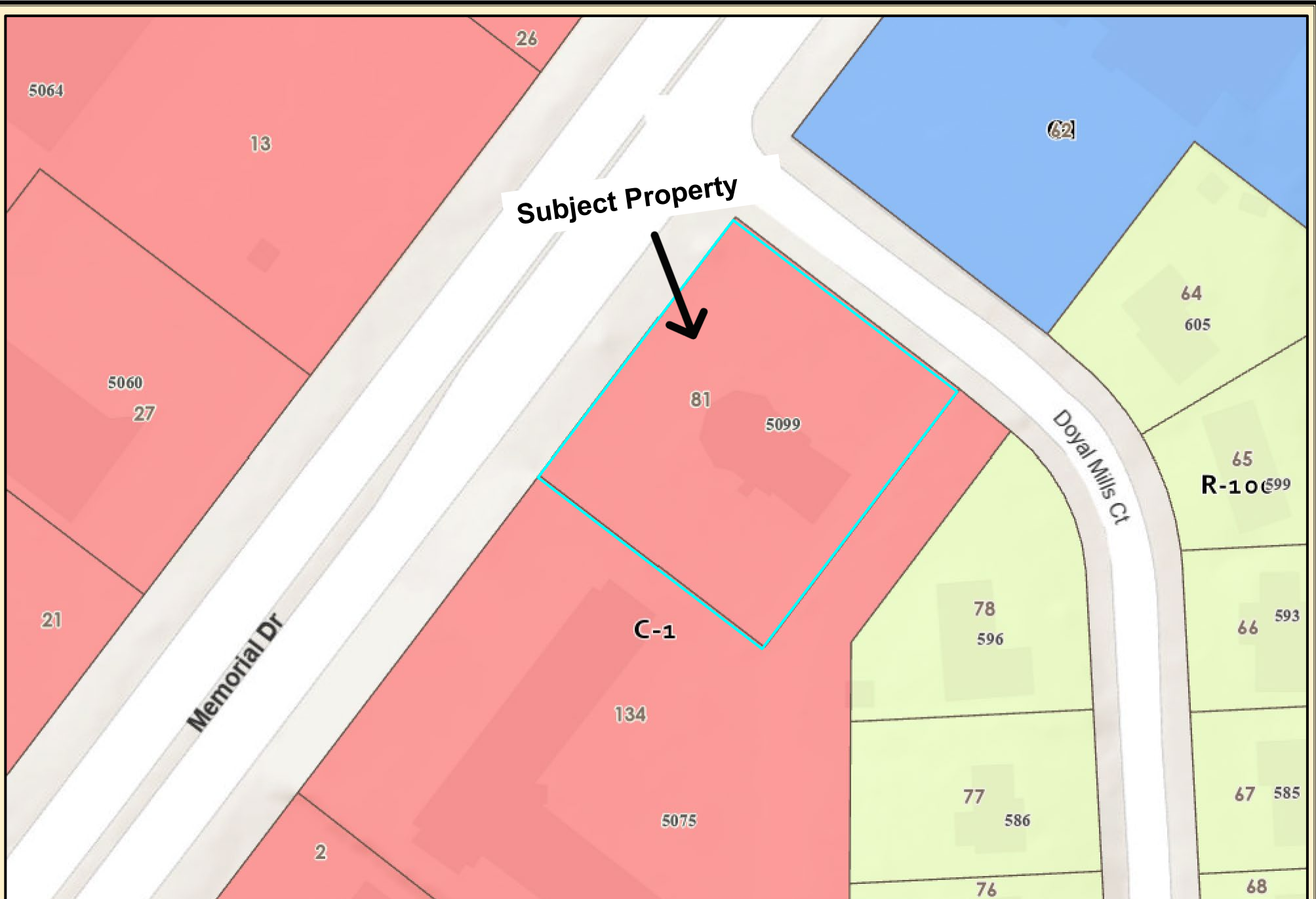
As someone who works directly with the public, I see firsthand the value of businesses that uplift our community. I propose exploring alternatives, such as a coffee shop or a fresh market offering organic and locally sourced produce. These types of businesses would support local farmers, create a welcoming atmosphere, and address a real need in our area. Such establishments would foster stronger connections among residents and contribute positively to the character of our community.

I urge you to prioritize developments that enhance the quality of life for

DeKalb County residents and reflect the values of our vibrant community. Thank you for your time and consideration. I appreciate your leadership and hope you will support thoughtful, community-centered growth.

**Sincerely,
Chef Lis Hernandez
Arepa Mia
404-600-3509**

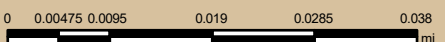
Lis Hernandez



Subject Property



DeKalb County Parcel Map

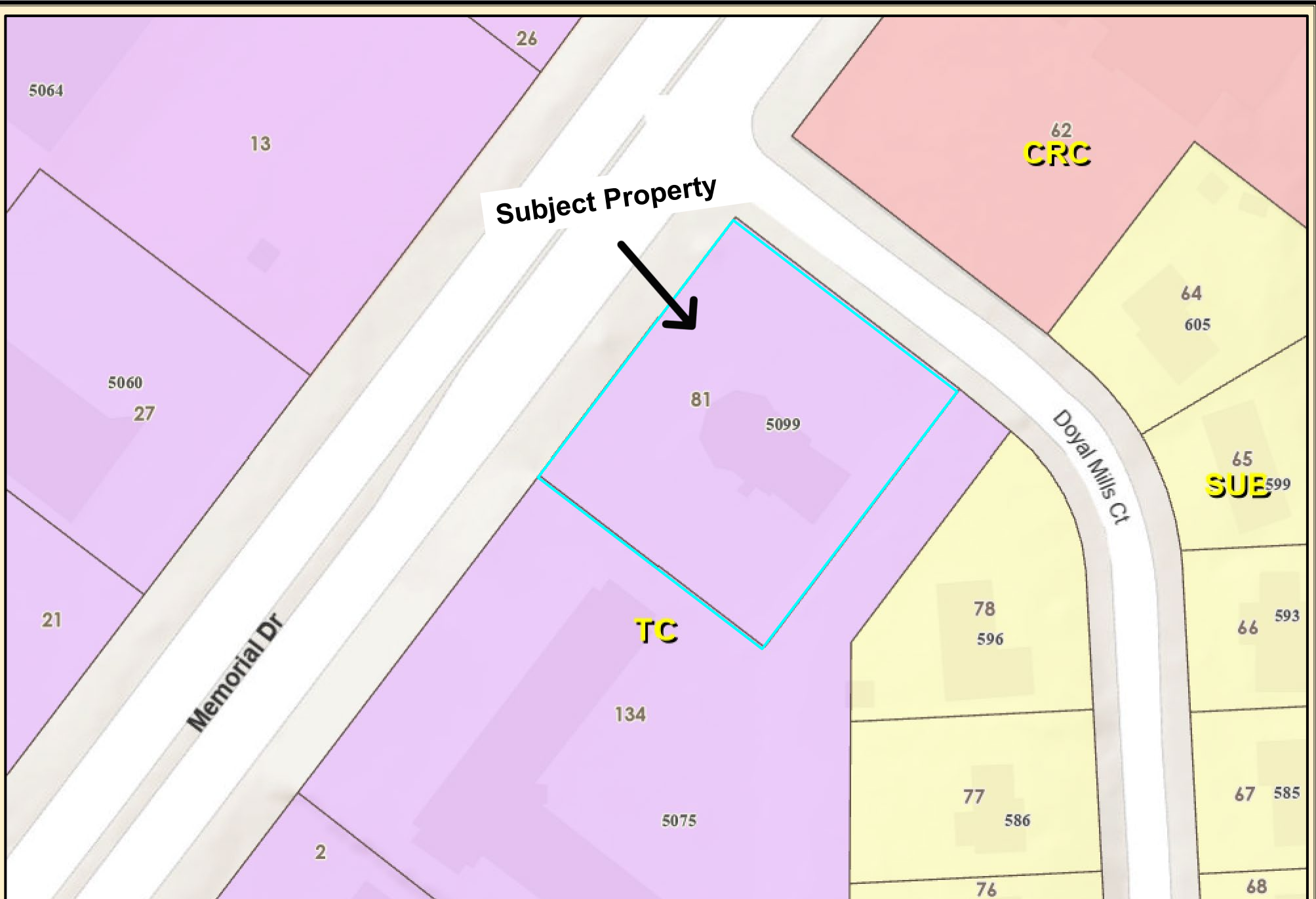


Date Printed: 11/15/2024



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Subject Property



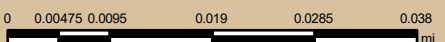
**62
CRC**

**65
SUE⁵⁹⁹**

TC



DeKalb County Parcel Map



Date Printed: 11/15/2024

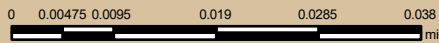


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