

Planning Commission Hearing Date: January 9, 2024
Board of Commissioners Hearing Date: January 25, 2024

STAFF ANALYSIS

Case No.:	SLUP-24-1246745	Agenda #: 2023-1429
Address:	1369 Clairmont Road Decatur, GA 30033	Commission District: 02 Super District: 06
Parcel ID(s):	18-051-12-011	
Request:	Special Land Use Permit (SLUP) to allow the existing Po' Boy restaurant to operate as a Late-Night Establishment (LNE) (beyond 12:30 am) in the C-1 (Local Commercial) Zoning District.	
Property Owner(s):	Elissa Pichulik	
Applicant/Agent:	Mark Ferguson	
Acreage:	2.04	
Existing Land Use:	Restaurant within the Clairmont Emory Village Shopping Center	
Surrounding Properties:	North: MR-2 East: MR-2 South: C-1 West: MR-2	
Comprehensive Plan:	Town Center (TC)	
	Consistent X	Inconsistent

Staff Recommendation: Approval with Conditions.

The subject site currently contains a 5,092 square foot restaurant (PO' Boys) which closes by 12:30 am within the Clairmont Emory Village Shopping Center. The applicant is requesting to extend operating hours of the restaurant beyond 12:30 am to allow the business to serve alcohol until 2:00 am, which qualifies as a late-night establishment (LNE). LNEs require approval of a Special Land Use Permit (SLUP) by the Board of Commissioners.

The property is located within a Town Center (TC) Character Area which calls for an increase in land use intensity.

The establishment appears to have been a good neighbor to the surrounding community since there have been no complaints or citations issued for this business establishment based on a review of county records. The shopping center property owner submitted documentation (see attached) stating there will be ample parking during late night hours (beyond 12:30 am) as most of the other businesses in the shopping center will be closed. Additionally, no expansion of the building is proposed. Given the lack of complaints regarding the restaurant's current operation and the ample parking, it appears that the establishment will be compatible with surrounding commercial and residential area. Therefore, upon review of *Section 7.4.6* of the

Zoning Ordinance, the Planning & Sustainability Department recommends approval with the following conditions:

1. Late night establishment shall close doors to new patrons by 2:00 a.m., with all customers out of the establishment by 2:30 a.m.
2. Live music no more than two (2) times per year and shall end by 10 p.m. Maintain compliance with *DeKalb County Noise Ordinance*.
3. The Late-Night Establishment shall be limited to the 5,092 square foot basement suites of 1369 Clairmont Road within the Clairmont Emory Village Shopping Center.
4. Capacity shall be subject to approval of the Fire Marshall's office.
5. No dance floor or DJ booth is allowed.
6. No transfer of the SLUP is allowed.
7. The SLUP shall expire within 36 months of the date of adoption by the Board of Commissioners to allow the governing authority to review the following criteria upon the filing of a new SLUP application for a late night establishment: (a) Whether the Applicant's use of the premises during the 24 month period has been in substantial compliance with Conditions #1 - #8 above; and/or (b) Whether the Applicant has taken prompt action to address any code enforcement warnings or violations issued regarding the use of the Premises as a late night establishment.

Clairmont Emory Village

**1369 Clairmont Road
Decatur, Georgia, 30033
(P) 404.378.1116**

November 20, 2023

To whomever this may concern:

I am one of the property owners of Clairmont Emory Village Shopping Center, which is located at 1369 Clairmont Road.

The Clairmont Village Shopping Center has approximately 200 parking spaces located in the front and back of the complex. In this shopping center, most businesses close before 10:00pm. Here are their closing hours:

**Ms Iceys 3500 Square Feet
Wednesday-Saturday Close @ 11:00pm
Sunday Close @ 5:00pm**

**Buene Gente 1208 Square Feet
Thursday-Sunday Close @ 2:00pm**

**Hiro Ramen 3105 Square Feet
Tuesday-Thursday Close @ 9:30pm
Friday-Saturday Close @10:00pm**

**Community Q BBQ 2139 Square Feet
Wednesday-Sunday Close @ 7:00pm**

**Mela 1739 Square Feet
Daily Close @ 12:30am**

**Pyng Ho 4982 Square Feet
Close @ 9:00pm**

**Brew & Bird 3154 Square Feet
Sunday-Thursday Close @ 9:00pm
Friday- Saturday Close @ 10:00pm**

If you have any questions, please don't hesitate to call me at 404.895.6600

**Thank You,
Elissa Pichulik
Clairmont Emory Village
Partner**



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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

**REZONE
COMMENTS FORM:
PUBLIC WORKS ROAD AND DRAINAGE**

Case No.: SLUP-24-1246745

Parcel I.D. #: 18-051-12-011

Address: 1369 Clairmont Road, Decatur, GA 30033

Drainage Basin: South Fork Peachtree Creek

Upstream Drainage Area: N/A

Percent of Property in 100-Year Floodplain: 0%

Impact on property (flood, erosion, sedimentation) under existing zoning: There is no known or reported flood impact on the subject property. Erosion and sedimentation activities are not known to affect the property in its present condition.

Required detention facility(s): Not required for this SLUP application

COMMENTS:

This SLUP application has no impact on existing road and drainage infrastructure.

Signature: _____

12/15/2023

To: LaSonda Hill, Planning and Sustainability

From: Ryan Cira, Environmental Health Director

Cc: Alan Gaines, Environmental Health Deputy

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 laundries
- 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 networks. 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 sidewalk for 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.

DEKALB COUNTY

Board of Health

	Case #	Location (Address)	Comment 1	Comment 2
N1	SLUP-24-1246742	3684 Seton Hall Way, Decatur, GA 30034	Please review general comments.	
N2	SLUP-24-1246743	2445 Wesley Chapel Road, Decatur, GA 30045	Please review general comments.	No septic indicated.
N3	CZ-24-1246744	5449 Covington Highway, Decatur, Ga 30035	Please review general comments.	No septic indicated.
N4	SLUP-24-1246745	1369 Clairmont Road, Decatur, GA 30033	Please review general comments.	No septic indicated.
N5	SLUP-24-1246746	4077 Flat Shoals Parkway, Decatur, GA 30034	Please review general comments.	No septic indicated.
N6	Z-24-1246747	6826 Covington Highway, Lithonia, GA 30058	Please review general comments.	No septic indicated.
N7	Z-24-1246748	1075 Zonolite Road, Atlanta, GA 30306	Please review general comments.	No septic indicated.
N8	SLUP-24-1246750	2056 Tudor Castle Circle, Decatur, GA 30035	Please review general comments.	No septic indicated.
N9	TA-24-1246761	County-Wide	Please review general comments.	
N10	TA-24-1246762	County-Wide	Please review general comments.	

ZONING COMMENTS DECEMBER 2023

N1. SLUP-24-1246742 - 3684 Seton Hall Way: No comment.

N2. SLUP-24-1246743 - 2445 Westley Chapel Road: No comment.

N3. CZ-24-1246744 - 449 Covington Hwy: Hidden Hills OVD Tier 1. Must meet the requirement of the overlay district. Covington Hwy is SR 12 and required state review and approval prior to permitting. Contact: Cowan, Ashley S ACowan@dot.ga.gov. At a minimum, Covington Hwy is classified as a major arterial. A right of way dedication of 50 feet from centerline OR such that all public infrastructure is within ROW (including streetlighting), whichever greater. The land development code requires a bike facility. Our preference is a 10-foot multiuse path instead of a 4-foot bike lane. The zoning code requires pedestrian scale street lighting.

N4. SLUP-24-1246745 - 1369 Clairmont Rd: No comment.

N5. SLUP-24-1246746 - 4077 Flat Shoals Rd: No Comment.

N6. Z-24-1246747 - 6826 Covington Hwy: Covington Hwy is SR 12 and required state review and approval prior to permitting. Contact: Cowan, Ashley S ACowan@dot.ga.gov. Covington Hwy is classified as a major arterial. A right of way dedication of 50 feet from centerline OR such that all public infrastructure is within ROW (including streetlighting), whichever greater. The land development code requires a bike facility. Our preference is a 10-foot multiuse path instead of a 4-foot bike lane. The zoning code requires pedestrian scale street lighting.

N7. Z-24-1246748 - 1075 Zonolite Rd: Verify property lines. It appears their plans are not on their property. No other comment.

N8. SLUP-24-1246750 - 2056 Tudor Castle Cir: No comment.

N9. TA-24-1246761 - No Comment.

N10. TA-24-1246762 - No Comment.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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:

- **Storm Water Management**

(1) No concerns

- **Flood Hazard Area/Wetlands**

(1) The presence of FEMA Flood Hazard Area was not in the County G.I.S. mapping records for the site.

- **Landscaping/Tree Preservation**

(1) No concerns

- **Tributary Buffer**

(1) Site is part of the South Fork Peachtree Creek Basin.



**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: _____

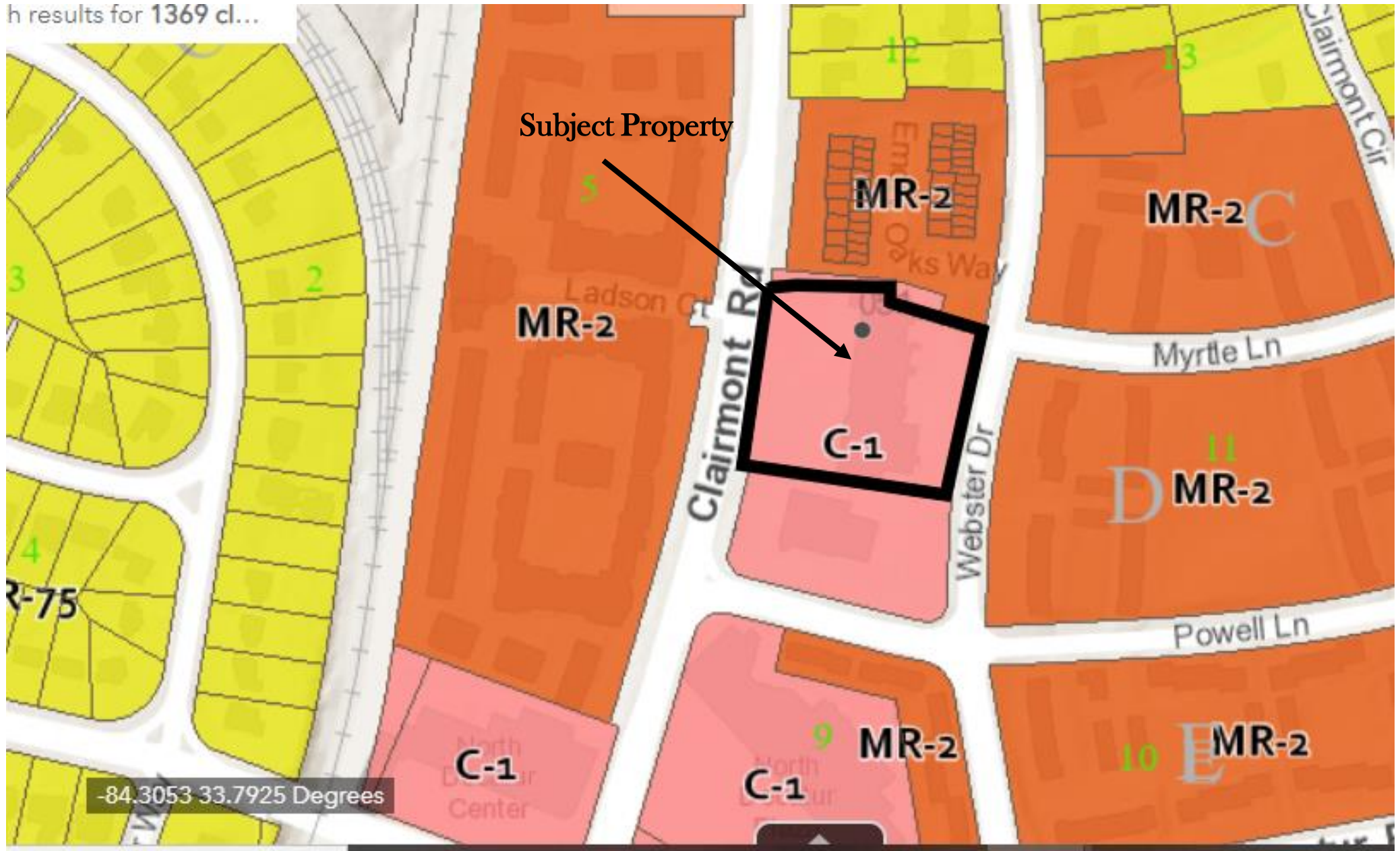
Water Treatment Facility: _____ adequate ____ inadequate ____

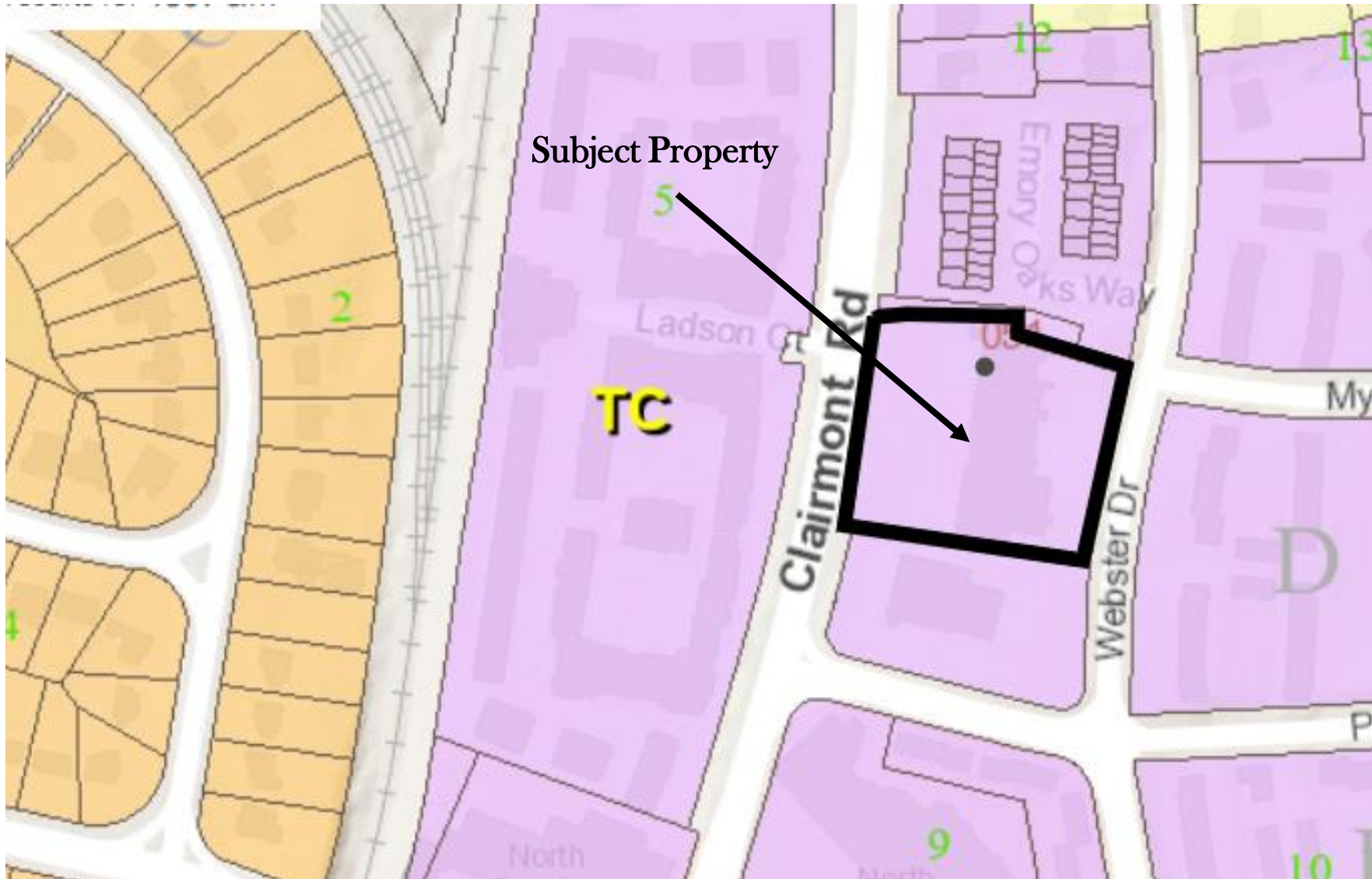
Sewage Capacity: _____ (MGPD) Current Flow: _____ (MGPD)

COMMENTS:

Signature: _____

h results for 1369 cl...







Site Photo, 10/18/2024







DeKalb County
GEORGIA

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: THE POBOY SHOP

Daytime Phone: 770-366-5104

E-Mail: THEPOBOYS110PRATL@gmail.com

Mailing Address: 4340 Ashwoody Trail Brookhaven GA 30319

Owner Name: Mark Ferguson

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

Daytime Phone: SAME AS ABOVE

E-Mail: "

Mailing Address: "

SUBJECT PROPERTY ADDRESS OR LOCATION: 1369 Clairmont Rd Decatur GA

30053

DeKalb County, GA

Parcel ID: _____ Acreage or Square Feet: _____

Commission Districts: _____

Existing Zoning: _____ Proposed Special Land Use (SLUP): _____

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

Owner: A

Agent: _____

Signature of Applicant:



DeKalb County
GEORGIA

Development Services Center
178 Sams Street
Decatur, GA 30030
www.dekalbcountyga.gov/planning
404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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: Mark Ferguson Phone: 770-366-5104 Email: thepoboyshopatl@gmail.com

Property Address: 1369 (1353) Clairmont Road, Decatur 30033

Tax Parcel ID: 18-051-12-011 Comm. District(s): 2 & 6 Acreage: 2.04

Existing Use: _____ Proposed Use: Extended hours.

Supplemental Regs: _____ Overlay District: No DRI: _____

Rezoning: Yes _____ No X

Existing Zoning: C-1 Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes _____ No X

Existing Land Use: TC Proposed Land Use: _____ Consistent _____ Inconsistent _____

Special Land Use Permit: Yes X No _____ Article Number(s) 27- _____

Special Land Use Request(s): Extended hours for existing restaurant.

Major Modification:

Existing Case Number(s): N/A

Condition(s) to be modified:

N/A

Impact Analysis

- A) There is Condo building less than 50ft away from our property line. We have been open for business for 5 years and have zero noise complaints. Extending our hours will not change this as we will NOT be adding live music or a dj, just selling food and drink
- B) Same as A
- C) We are zoned commercial, so there will be no impact on public utilities or schools
- D) There will be no impact on traffic.
- E) The ingress and egress is adequate since we are zoned commercial
- F) There will be no impact upon any adjoining land use because we are a restaurant and don't make noise
- G) Same as A
- H) We are consistent with the policies the Dekalb County Comprehensive Plan calling for a mix of retail, office, services and employment to serve the neighborhoods.
- I) There is adequate provision of refuse and service areas.
- J) The length in time should not be limited since we plan on renting this space for another 20 years.
- K) No new buildings
- L) No effects to historical buildings.
- M) We satisfy the requirements for a late night establishment.
- N) We will be consistent with the needs of the neighborhood.

Letter of Application and Impact Analysis

Our restaurant, The Po'Boy Shop, located at 1369 Clairmont Rd., Decatur Ga. 30033 would like to extend our business hours by 90 minutes and be able to sell food, beer, wine, and liquor until 2:00am. Our current closing hours are 12:30am.

We are an existing business and has been open since 2018. We have zero pouring violations and have had no noise complaints. Our food sales are 74% of our business and these extended minutes will not change those percentages.

There should be no parking issues since the other restaurants in our complex all close early, leaving ample amounts of spaces after 12:30am.

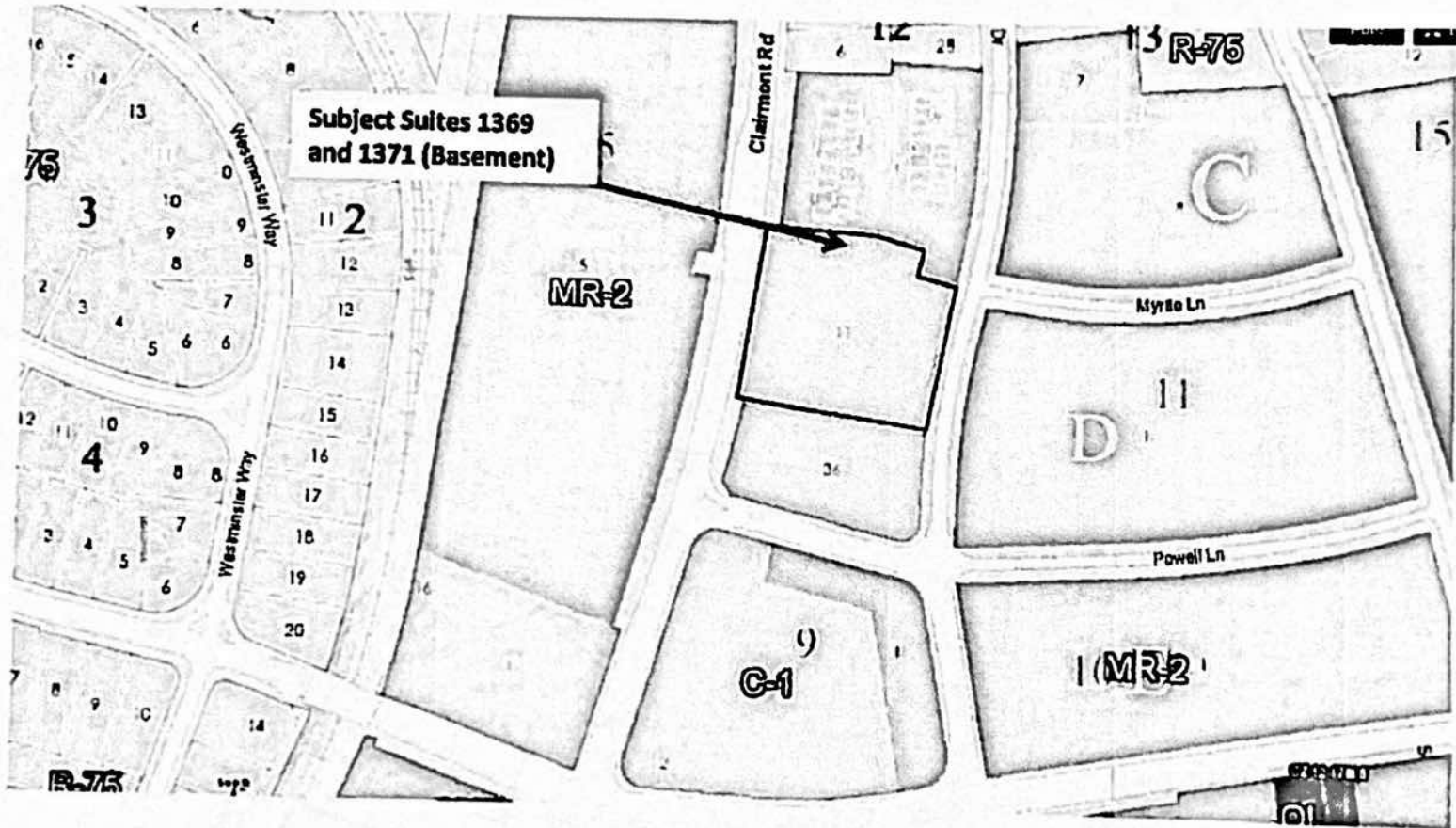
This will also be a benefit to our community, because, as of now, there are no other real nice restaurants serving food that late to the many employees and residents of the neighborhood that work/dine late.

N2 SUPP-17-21A17



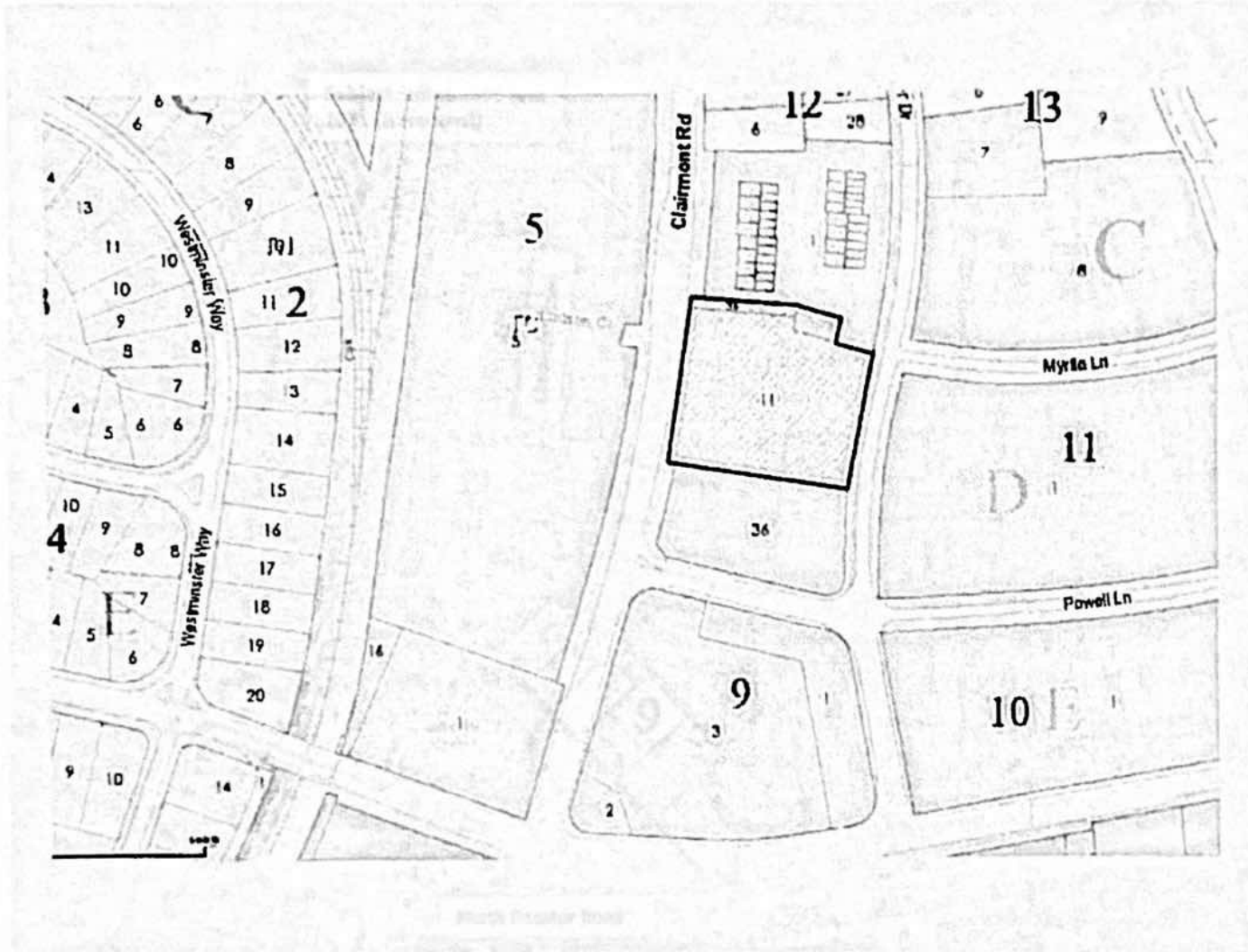
N2. SLUP-17-21417

ZONING MAP



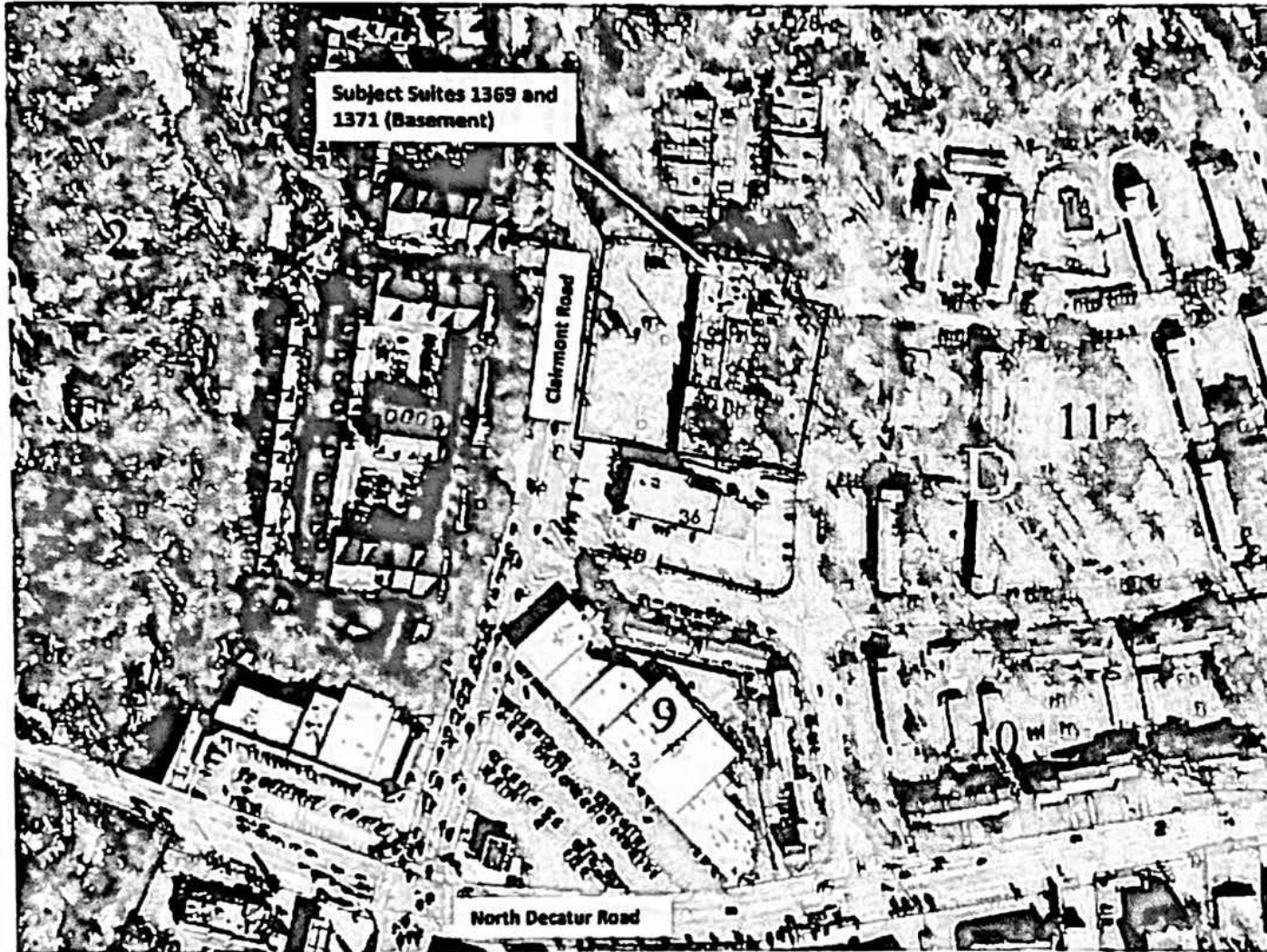
N.2. SLUP 17 21417

FUTURE LAND USE MAP



N2 SLUP 17 21417

AERIAL MAP



DISTANCE MEASUREMENT

THE DISTANCE WAS MEASURED BY THE MOST DIRECT ROUTE OF TRAVEL ON THE GROUND AND WAS MEASURED IN THE FOLLOWING MANNER:

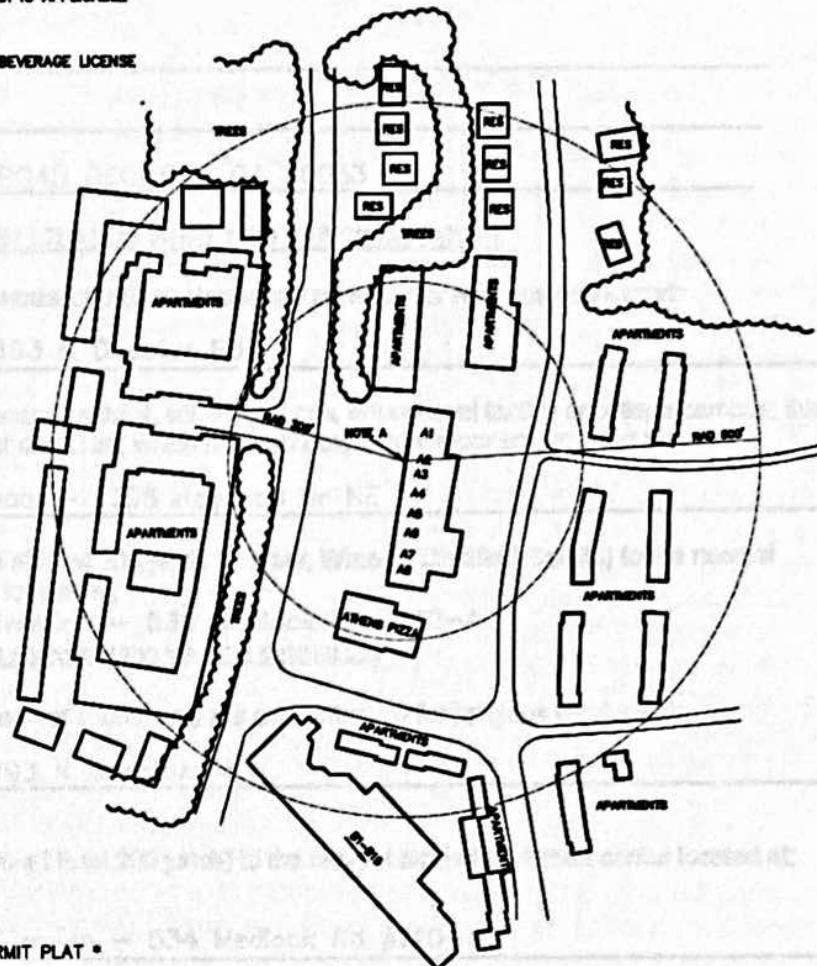
- A. FROM THE FRONT DOOR OF STRUCTURE FROM WHICH BEVERAGE ALCOHOL IS SOLD OR OFFERED FOR SALE;
- B. IN A STRAIGHT LINE TO THE NEAREST PUBLIC SIDEWALK, WALKWAY, STREET, ROAD OR HIGHWAY;
- C. ALONG SUCH PUBLIC SIDEWALK, WALKWAY, STREET, ROAD, OR HIGHWAY BY NEAREST ROUTE;
- D. TO FRONT DOOR OF THE BUILDING, OR TO THE NEAREST PORTION OF THE GROUNDS, WHICHEVER IS APPLICABLE UNDER THE CODE.

NOTE: SEE ATTACHED DOCUMENT:
REPORT OF SURVEY FOR ALCOHOLIC BEVERAGE LICENSE

PEDESTRIAL TRAVEL IS CALCULATED
BY USING MEASURING WHEEL, LUFKON PRO SERIES

NOTE A
FRONT DOOR OF
1369 CLARMONT ROAD
DECATUR, GA 30033

SUBJECT - THE PO'BOY SHOP



- A1-MS. IDEYS RESTAURANT
- A2-SUBJECT (THE PO'BOY SHOP)
- A3-HECTAR SMOOTHIES JUICES
- A4-MINT 2 THAI SUSHI
- A5-COMMUNITY BBQ
- A6-ETHIOPIAN KITCHEN
- A7-PYUNG HO CHINESE RESTAURANT
- A8-BREW & BIRD
- B1-HOT WORK FITNESS
- B2-SAJON CAFE
- B3-CHOCOLATE COFFEE
- B4-WUXTRY RECORD SHOP
- B5-BICYCLE SOUTH SHOP
- B6-HAIR BAR
- B7-HAIR CUT ZOO
- B8-MATRESS FIRM
- B9-VACANT
- B10-PLAY IT AGAIN SPORT
- B11-MEDITERRANEAN GRILL
- B12-FINDERS KEEPERS
- B13-SARAH DONUTS
- B14-BULL GOGI KOREAN POKE
- B15-SUNO ICE CREAM SHOP

* BEER, WINE AND LIQUOR LICENSE PERMIT PLAT *

- DISTANCE FROM CLOSEST PRIVATE RESIDENCE: 579 FEET 193 YARDS AWAY (1399 Clairmont Rd)
- DISTANCE FROM CLOSEST PRIVATE RESIDENCE ON SAME STREET: 579 FEET 193 YARDS AWAY (1399 Clairmont Rd)
- DISTANCE FROM CLOSEST COLLEGE CAMPUS OR SCHOOL GROUND: 4224 FEET 1408 YARDS AWAY (Druid Hills High School)
- 1798 Haygood Dr NE
- DISTANCE FROM CLOSEST BRANCH OF ANY PUBLIC LIBRARY: 7920 FEET 2640 YARDS AWAY (Toco Hill-Avis G. Williams Library)
- 1282 McConnell Dr
- DISTANCE FROM CLOSEST CHURCH OR PLACE OF WORSHIP: 2112 FEET 704 YARDS AWAY (Veritas Church)
- 2193 N Decatur Rd
- DISTANCE FROM CLOSEST ALCOHOLIC TREATMENT CENTER: 6864 FEET 2288 YARDS AWAY (Alcohol and Drug Diversion)
- 534 Medlock Rd #210-A
- DISTANCE FROM CLOSEST RETAIL PACKAGE STORE: 2112 FEET 704 YARDS AWAY (Decatur Package Store)
- 1220 Clairmont Rd
- IS PREMISES FOR LICENSE LOCATED IN A SHOPPING CENTER? (YES)

PROPERTY ADDRESS: 1369 CLARMONT ROAD DECATUR, GA 30033	PLAT PREPARED FOR: THE PO'BOY SHOP	
LOT _____ BLOCK _____		IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMANCE WITH THE USUAL STANDARDS AND REQUIREMENTS OF LAW.
SUBDIVISION _____ UNIT _____		
LAND LOT 51 18TH DISTRICT SECTION _____		
DEKALB COUNTY, GEORGIA		
FIELD WORK DATE OCT 31, 2019 PRINTED/SIGNED NOV 07, 2019		THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 3000+ FEET, AN ANGULAR ERROR OF 90 SECONDS PER ANGULAR POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 3000+ FEET. AN ELECTRONIC TOTAL STATION AND A 1/2" CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLATE COORDINATE MONUMENT FOUND WITHIN 50' OF THIS PROPERTY.
PLAT BOOK _____ PAGE _____ ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED		
DEED BOOK 14787 PAGE 187		
SCALE 1" = 200'		SURVEY LAND EXPRESS, INC LAND SURVEYING SERVICES
DWG #20181917		34 LINDSEY POINTE ATLANTA, GA 30342 FAX 404-801-0941 TEL 404-352-5747 INFO@SURVEYLANDEXPRESS.COM

ALCOHOLIC BEVERAGE LICENSE SURVEY

To:

Date: 11/07/2019

Applicant's Name:

Trade Name:

Business Address: 1369 CLAIRMONT ROAD DECATUR, GA 30033

BEER AND / WINE (100 YARDS MINIMUM)

1. 704 Number of yards to the nearest church or place used primarily for religious services at: Veritas Church - 2193 N Decatur Rd

2. 1408 Number of yards to the nearest school, school grounds, educational facility or college campus; this includes kindergartens, or churches, which have schools or kindergartens, located at: Druid Hills High School - 1798 Haygood Dr NE

3. 2288 Number of yards (must be at least 200 yards for Beer, Wine or Distilled Spirits) to the nearest alcohol treatment center located at: Alcohol and Drug Diversion - 534 Medlock Rd #210-A

LIQUOR (200 YARDS MINIMUM)

1. 704 Number of yards to the nearest church or place used primarily for religious services at: Veritas Church - 2193 N Decatur Rd

2. 2288 Number of yards (must be at least 200 yards) to the nearest alcohol treatment center located at: Alcohol and Drug Diversion - 534 Medlock Rd #210-A

3. 1408 Number of yards to nearest school, school grounds and college campus; this includes kindergartens or churches, which have schools or kindergartens located at: Druid Hills High School - 1798 Haygood Dr NE

NOTE: ALL MEASUREMENTS SHALL BE MEASURED BY THE MOST DIRECT ROUTE OF TRAVEL ON THE GROUND (WALKING or DRIVING) AND SHALL BE MEASURED IN THE FOLLOWING MANNER:

- (a) From the front door of the structure from which alcoholic beverage is to be sold or served;
(b) In a straight line to the nearest public sidewalk, street, highway, road or walkway;
(c) Along such public sidewalk, street, highway, road or walkway;
(d) To the front door of the building, unless you are measuring to an educational facility (schools and school grounds). When measuring to a school, the measurement stops at the nearest property line of the school.

Note: Survey drawing showing distance to the businesses described above must be attached to this survey certificate.

The undersigned surveyor has examined the subject location and has made measurements to determine compliance or non-compliance with the above distance requirements.

Signature of Land Surveyor

3197 State License Number

11/07/2019 Date



Revised 09-20-05



DeKalb County
GEORGIA

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: THE POBOY SHOP

Daytime Phone: 770-366-5104

E-Mail: THEPOBOYS110PRATL@gmail.com

Mailing Address: 4340 Ashwoody Trail Brookhaven GA 30319

Owner Name: Mark Ferguson

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

Daytime Phone: SAME AS ABOVE

E-Mail: "

Mailing Address: "

SUBJECT PROPERTY ADDRESS OR LOCATION: 1369 Clairmont Rd Decatur GA

30053

DeKalb County, GA

Parcel ID: _____ Acreage or Square Feet: _____

Commission Districts: _____

Existing Zoning: _____ Proposed Special Land Use (SLUP): _____

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

Owner: A

Agent: _____

Signature of Applicant:



DeKalb County
GEORGIA

Development Services Center
178 Sams Street
Decatur, GA 30030
www.dekalbcountyga.gov/planning
404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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: Mark Ferguson Phone: 770-366-5104 Email: thepoboyshopatl@gmail.com

Property Address: 1369 (1353) Clairmont Road, Decatur 30033

Tax Parcel ID: 18-051-12-011 Comm. District(s): 2 & 6 Acreage: 2.04

Existing Use: _____ Proposed Use: Extended hours.

Supplemental Regs: _____ Overlay District: No DRI: _____

Rezoning: Yes _____ No X

Existing Zoning: C-1 Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes _____ No X

Existing Land Use: TC Proposed Land Use: _____ Consistent _____ Inconsistent _____

Special Land Use Permit: Yes X No _____ Article Number(s) 27- _____

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Major Modification:

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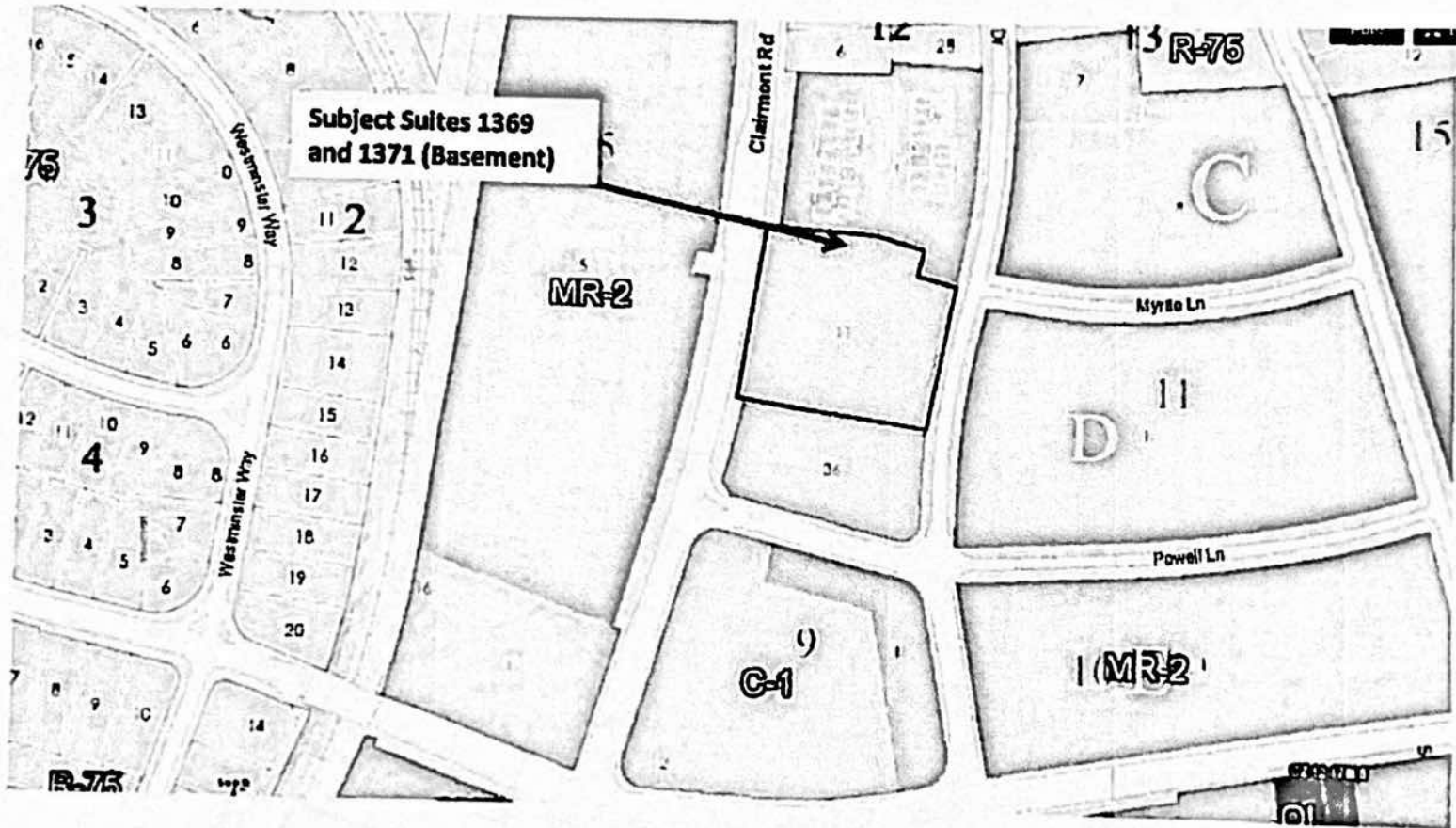
This will also be a benefit to our community, because, as of now, there are no other real nice restaurants serving food that late to the many employees and residents of the neighborhood that work/dine late.

N2 SUPP-17-21A17



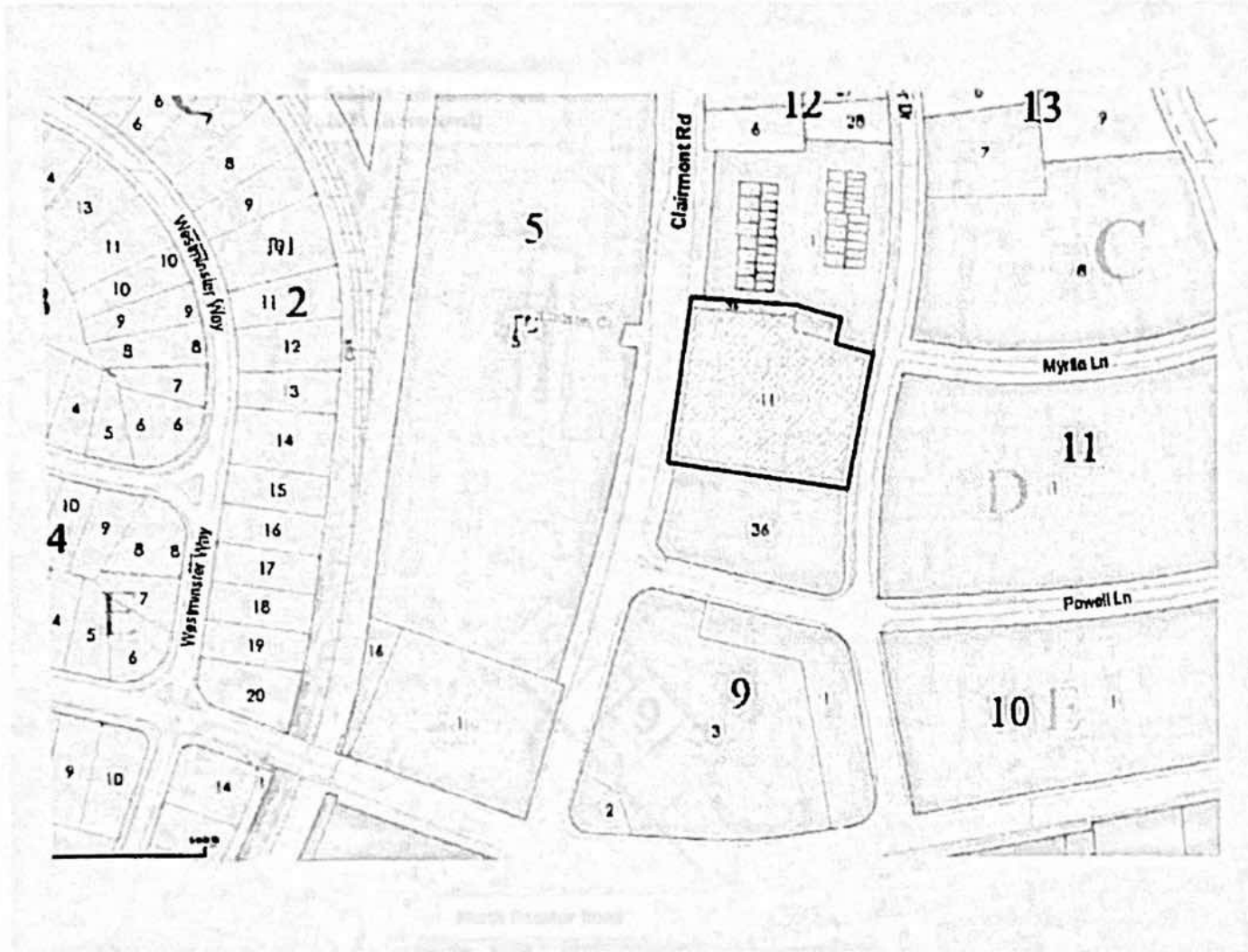
N2. SLUP-17-21417

ZONING MAP



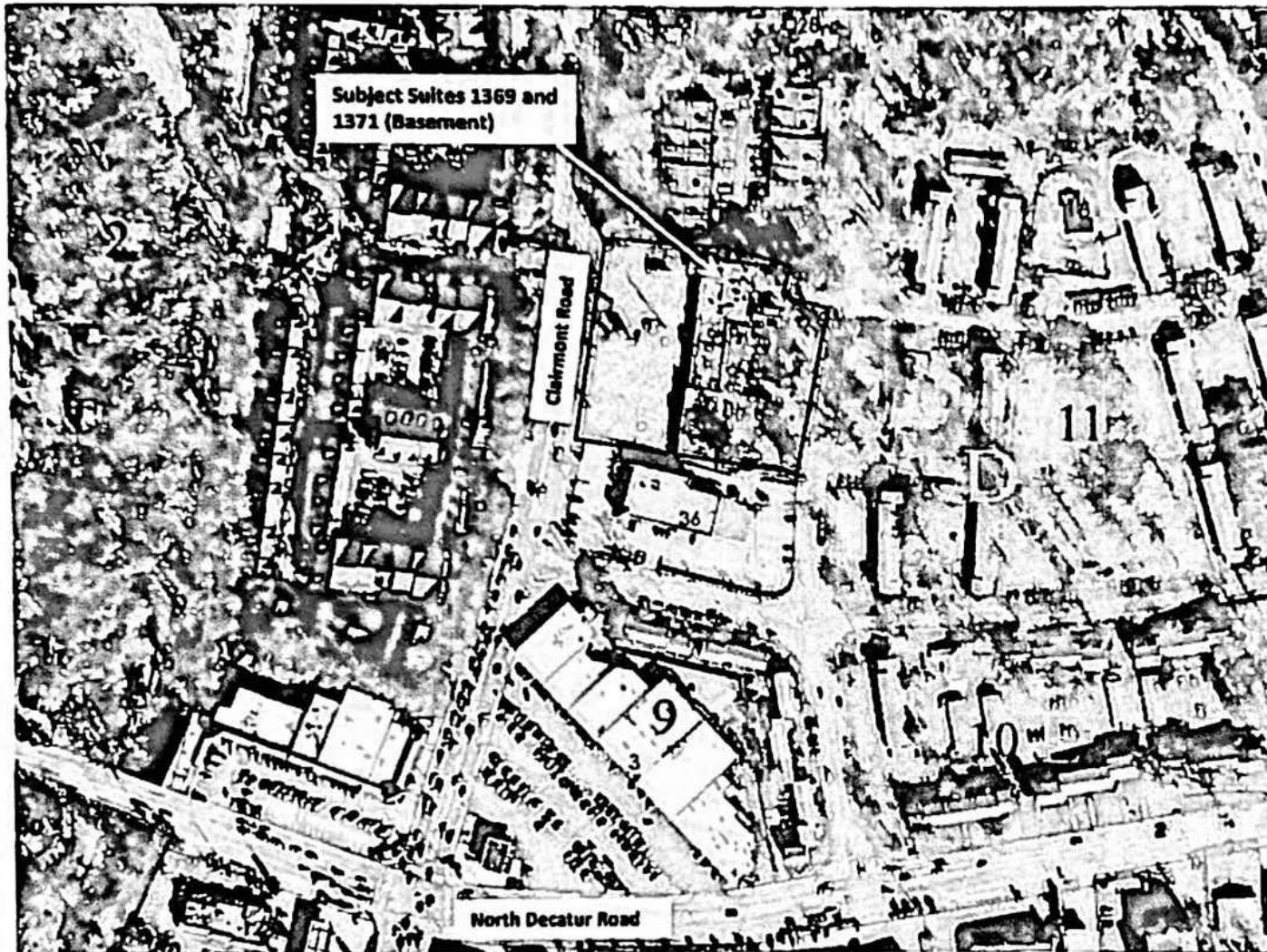
N.2. SLUP 17 21417

FUTURE LAND USE MAP



N2 SLUP 17 21417

AERIAL MAP



ALCOHOLIC BEVERAGE LICENSE SURVEY

To:

Date: 11/07/2019

Applicant's Name:

Trade Name:

Business Address: 1369 CLAIRMONT ROAD DECATUR, GA 30033

BEER AND / WINE (100 YARDS MINIMUM)

1. 704 Number of yards to the nearest church or place used primarily for religious services at: Veritas Church - 2193 N Decatur Rd

2. 1408 Number of yards to the nearest school, school grounds, educational facility or college campus; this includes kindergartens, or churches, which have schools or kindergartens, located at: Druid Hills High School - 1798 Haygood Dr NE

3. 2288 Number of yards (must be at least 200 yards for Beer, Wine or Distilled Spirits) to the nearest alcohol treatment center located at: Alcohol and Drug Diversion - 534 Medlock Rd #210-A

LIQUOR (200 YARDS MINIMUM)

1. 704 Number of yards to the nearest church or place used primarily for religious services at: Veritas Church - 2193 N Decatur Rd

2. 2288 Number of yards (must be at least 200 yards) to the nearest alcohol treatment center located at: Alcohol and Drug Diversion - 534 Medlock Rd #210-A

3. 1408 Number of yards to nearest school, school grounds and college campus; this includes kindergartens or churches, which have schools or kindergartens located at: Druid Hills High School - 1798 Haygood Dr NE

NOTE: ALL MEASUREMENTS SHALL BE MEASURED BY THE MOST DIRECT ROUTE OF TRAVEL ON THE GROUND (WALKING or DRIVING) AND SHALL BE MEASURED IN THE FOLLOWING MANNER:

- (a) From the front door of the structure from which alcoholic beverage is to be sold or served;
(b) In a straight line to the nearest public sidewalk, street, highway, road or walkway;
(c) Along such public sidewalk, street, highway, road or walkway;
(d) To the front door of the building, unless you are measuring to an educational facility (schools and school grounds). When measuring to a school, the measurement stops at the nearest property line of the school.

Note: Survey drawing showing distance to the businesses described above must be attached to this survey certificate.

The undersigned surveyor has examined the subject location and has made measurements to determine compliance or non-compliance with the above distance requirements.

Signature of Land Surveyor

3197 State License Number

11/07/2019 Date



Revised 09-20-05

PARCEL I

All that tract or parcel of land lying and being in Land Lot 51 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

To find the Point of Beginning, commence at an iron pin found located at the intersection of the easterly right-of-way line of Clairmont Road, having a 70 foot right-of-way at that point, and Powell Lane, having a 60 foot right-of-way; running thence along said easterly right-of-way line of Clairmont Road northerly along the arc of a curve a distance of 439.0 feet to the Point of Beginning, said arc being subtended by a chord bearing north 13 degrees 45'30" East and having a chord distance of 438.63 feet; from the Point of Beginning as thus established, running thence along the easterly right-of-way line of Clairmont Road, having a 100 foot right-of-way at that point, South 83 degrees 15' East a distance of 15.0 feet to a point; continuing along said right-of-way of Clairmont Road, North 8 degrees 41' East a distance of 20.0 feet to a point; thence South 83 degrees 15' East a distance of 165.3 feet to a point; thence South 71 degrees 42'30" East a distance of 79.17 feet to a point; thence South 14 degrees 2' West a distance of 43.5 feet to a point; thence South 71 degrees 42'30" East a distance of 70.19 feet to a point located on the westerly right-of-way line of Webster Drive, having a 60 foot right-of-way; thence southerly along said westerly right-of-way line of Webster Drive to a point located on the westerly right-of-way line of Webster Drive, which point is on a line with the south wall of that building known as 1353 Clairmont Road, DeKalb County, Georgia, according to the system of numbering buildings in DeKalb County, Georgia; Thence leaving said westerly right-of-way line of Webster Drive at said point and running westerly to the point of intersection of said south wall with the southeasterly corner of said building; thence westerly along said south wall to the point of intersection of said south wall with the southwesterly corner of said building; thence from said southwesterly corner of said building along a line which is on a line with said south wall westerly to a point located on the easterly right-of-way line of Clairmont Road; having a 70 foot right-of-way at that point; thence northerly along said easterly right-of-way line of Clairmont Road to the Point of Beginning, all as more particularly shown on a survey of Property of William C. Duke, Victor S. Harris, Jane L. Hanekamp, Leonard W. Thibadeau and William C. Thibadeau, prepared by Virgil F. Gaddy & Associates and dated November 26, 1980.



DEPARTMENT OF PLANNING & SUSTAINABILITY

LATE NIGHT ESTABLISHMENT OR NIGHTCLUB CHECK LIST

1. Is the requested SLUP for a new business or an existing business? (Please check only one) New Business _____ Existing Business . If the SLUP is for an existing business, please answer question Nos. 2 - 5.
2. Does this Business have a current Business License? Yes No _____ If yes, provide a copy of current business license.
3. Has this business ever been operated without a Business License? Yes _____ No
If yes, how long did the business operate without a business license? _____
4. Has this business received a citation for any of the following: **NO**
 - a. Life safety violations such as pyrotechnics, overcrowding, inadequate ingress/egress operating beyond the permitted hours of operation.
 - b. Construction (major/minor renovation, alteration and addition) without a valid DeKalb County permit.
 - c. Business closure and renovation without surrendering license to State and County as required by State law.
 - d. Change of business name, ownership, or use without DeKalb County approval.
 - e. No valid Certificate of Occupancy issued by DeKalb County
 - f. Violation of operating hours of the Zoning ordinance or Alcohol Ordinance.
 - g. Lack of proof of residency under DeKalb County. Any person who holds a liquor license in DeKalb County is required under DeKalb County law to be a resident of DeKalb County.
5. If one or more of the citations mentioned in No. 4 have been issued, please provide copies of summons and citations and summary of court decision or resolution.

Submittal of a fraudulent application is a violation of DeKalb County and State law.

Zoning Analysis

- A. Plenty of off street parking both in front and back of the building**
- B. Replacing an existing restaurant and bar, already deemed compatible with adjacent properties**
- C. Adequate public services and utilities**
- D. Clairmont Rd. is a major road and will be able to handle the extra traffic we may add to the area.**
- E. We will have no effect on existing land use located near our property**
- F. We are wide open strip center with multiple exits**
- G. We will not be a loud place. We are simply a restaurant that wants to open late.**
- H. Our extended hours of operation should in no way effect our neighbors other than giving them an additional option of where to eat if they are hungry after midnight.**
- I. We will not create adverse impacts of the neighborhood by being a restaurant**
- J. This location has been zoned for restaurants**
- K. We consistent with the policies of the comprehensive plan**
- L. We will meet all buffer zones and transitional zones we are required to meet.**
- M. We have plenty of space for refuse and service areas.**
- N. We should not be limited in our time of being a special land use operation.**
- O. We are taking over an existing location and will not be expanding**
- P. Not Applicable**
- Q. Not Applicable**
- R. Not Applicable**
- S. Not Applicable**
- T. We will be an asset to our neighborhood by offering amazing food and a place to grab a drink for years to come.**



Virtual Community Meeting Letter
Monday, August 14, 2023

Hi Neighbors!

This is Mark, one of the owners of The Po'Boy Shop.

I wanted to invite you to a community meeting to discuss our application to extend our hours from 11:00am-12:30am everyday to 11:00am-2:00am everyday.

We are not changing anything else about our restaurant, just looking to fulfill a need in the area of offering late-night food and drinks.

We will be keeping our kitchen open until 2:00am each night. We currently are running at 75% food sales of our total sales and intend to keep that high of a percentage with our extended hours.

Please join our virtual meeting on **Tuesday, September 5th at 6pm** by going to the following link:

Join Zoom Meeting

<https://us05web.zoom.us/j/89100348816?pwd=aA2f0cAbdkTePs5aqBef7cltbP1Se.1>

Meeting ID: 891 0034 8816

Passcode: PPM9tY

Thank You

1-ATTENDEE - AARON RUSCETTA - 404-315-0406

Department of Planning & Sustainability

Authorization Form

My name is ANNA PICHULIK, and I am the owner of the building that The PoBoy Shop, located at 1369, Claremont Rd., Decatur Ga 30033 leases.

I give our tenant permission to extend their closing hours from 12:30am to 2:00am.

Signature of Owner *Anna Pichulik* Date 9/5/23

Notary *Pamela Annette Bradley*

Expiration Date/Seal 9/17/2023



Notary

Signature of Applicant / Date

Clerk of the Court

Expiration Date Seal

5

DEPARTMENT OF PLANNING & SUSTAINABILITY

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?

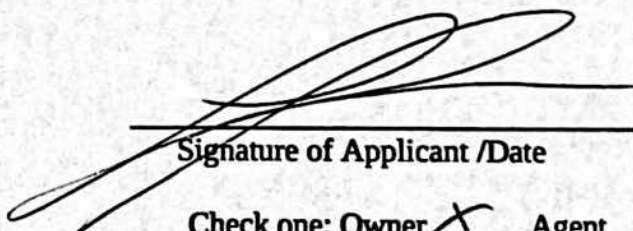
Yes _____ No *

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".