

September 19, 2017

DEKALB COUNTY

ITEM NO. D3

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: September 26, 2017

ACTION TYPE
ORDINANCE

HEARING TYPE
PUBLIC HEARING

SUBJECT: Special Land Use Permit, SLUP-17-21417, Mark Ferguson

COMMISSION DISTRICTS: 2 & 6

DEPARTMENT: Planning & Sustainability

PUBLIC HEARING: YES NO

ATTACHMENT: YES NO

INFORMATION

PAGES:

25

CONTACT: Marian Eisenberg, Zoning Admin.
PHONE NUMBER: (404) 371-2155

PETITION NO: SLUP-17-21417

PROPOSED USE: Late Night Establishment

LOCATION: 1369 and 1371 (Basement) Clairmont Road, Decatur, Georgia

PARCEL No.: 18 051 12 011

PURPOSE: For a Special Land Use Permit (SLUP) to allow a new 5,092 square foot (Nola Tap & Cajun Kitchen) restaurant within an existing 21,949 square foot multi-tenant commercial building (Clairmont Emory Village Shopping Center) to operate beyond 12:30 a.m. as a Late Night Establishment in the C-1 district. The property is located on the east side Clairmont Road and the west side of Webster Drive, approximately 163 feet north of Powell Lane at 1369 and 1371 (Basement) Clairmont Road in Decatur, Georgia. The property has approximately approximately 296 feet of frontage along Clairmont Road and 248 feet of frontage along Webster Drive and contains 2 acres.

RECOMMENDATIONS:

PLANNING COMMISSION: WITHDRAWAL WITHOUT PREJUDICE

COMMUNITY COUNCIL: DENIAL

PLANNING STAFF : WITHDRAWAL WITHOUT PREJUDICE

PLANNING COMMISSION MEETING: On September 7, 2017, the Planning Commission recommended "Withdrawal Without Prejudice".

PLANNING STAFF ANALYSIS (Revised 9/19/17):

The applicant has requested to withdraw this Special Land Use Permit (SLUP) application on August 31, 2017.

September 19, 2017

Therefore, it is the recommendation of the Planning and Sustainability Department that the application be "Withdrawn Without Prejudice".

PLANNING COMMISSION VOTE: Withdrawal Without Prejudice 6-0-0. V. Moore moved, J. West seconded for withdrawal without prejudice, per the applicant's request.

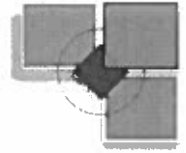
COMMUNITY COUNCIL VOTE/RECOMMENDATION: 5-0-1 Denial. Six out of ten members were present. Applicant was not present at the meeting. There is no new information. The Council's opinion of the proposal has not changed.



DeKalb County Department of Planning & Sustainability

**330 Ponce De Leon Avenue, Suite 500
Decatur, GA 30030**

(404) 371-2155 / plandev@dekalbcountyga.gov



Michael Thurmond
Chief Executive Officer

**Planning Commission Hearing Date: September 7, 2017, 6:30 P.M.
Board of Commissioners Hearing Date: September 26, 2017, 6:30 P.M.**

STAFF ANALYSIS

Case No.: SLUP-17-21417 **Agenda #:** D3

Location/Address: 1369 & 1371 (Basement) Clairmont Road, Decatur, Georgia **Commission District:** 2 **Super District:** 6

Parcel ID: 18 051 12 011

Request: For a Special Land Use Permit (SLUP) to allow a new 5,092 square foot restaurant (Nola Tap & Cajun Kitchen) within a 21,949 square foot multi-tenant commercial building (Clairmont Emory Village Shopping Center) operate beyond 12:30 a.m. as a Late Night Establishment in the C-1 (Local Commercial) zoning district in accordance with Art.4.2.32.

Property Owner: Rubin Pichulik

Applicant/Agent: Mark Ferguson

Acreage: 2

Existing Land Use: Vacant suite within a multi-tenant commercial building

Surrounding Properties: Condominiums to the north; apartments to the west across Clairmont Road; Apartments to the east across Webster Drive; and Athens Pizza restaurant to the south.

Adjacent Zoning: North: MR-2 South: C-1 East: MR-2 West: MR-2

Comprehensive Plan: Town Center **Consistent** **Inconsistent**

Proposed Density: NA **Existing Density:** NA
Proposed Units/Square Ft.: 5,092 sf LNE within existing multi-tenant commercial building. **Existing Units/Square Feet:** Vacant suite in existing multi-tenant commercial building
Proposed Lot Coverage: NA **Existing Lot Coverage:** NA

ZONING HISTORY

The property has been zoned C-1 since the initial adoption of the DeKalb County Zoning Ordinance in 1956.

PROJECT ANALYSIS

The applicant proposes to operate a new 5,092 square foot restaurant (Nola Tap & Cajun Kitchen) within a 21,949 square foot multi-tenant commercial building (Clairmont Emory Village Shopping Center) beyond 12:30 a.m. as a Late Night Establishment in the C-1 (Local Commercial) zoning district. Based on the submitted information, the proposed LNE "will serve a vast number of employees that work second shift in the surrounding area, including those at three hospitals within the surrounding area. There will be no live music or deejays except maybe once or twice a year for special events such as Mardi Gras".

The project is accessed via two driveways off Clairmont Road and two driveways off Webster Drive. There appears to be ample on-site parking (143 spaces) during the peak late night hours as the applicant indicates that the majority of other commercial tenants will be closed during peak hours. Based on the submitted information, there is one other Late Night Establishment currently operating (Mason Tavern) which requires 12 parking spaces by the Zoning Ordinance. That LNE was approved as a grandfathered use since it was established prior to the adoption of the Late Night Ordinance on November 18, 2008, and therefore was not required to obtain a SLUP from the Board of Commissioners. Since the proposed request would require only 17 parking spaces during peak late night hours and there are 143 parking spaces on the project site, there appears to be ample on-site parking during these peak hours.

Topography of the project site is flat. The character of the surrounding area consists of condominiums to the north; apartments to the west across Clairmont Road; apartments to the east across Webster Drive; and Athens Pizza restaurant to the south. .

IMPACT ANALYSIS

Section 7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.

- 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, and all other applicable requirements of the zoning district in which the use is proposed to be located:**

Based on the submitted information, as well as field investigation of the project site, it appears that the size of the site is not adequate for the use contemplated. The existing non-conforming building and parking lot are not in compliance with the Zoning Code. A 20-foot side-yard building setback and a 50-foot wide undisturbed buffer are required along the northern property line abutting the Emory Oaks condominiums. However, the building and parking lot area only 15 feet and 13 feet away (50 feet required) from that residential property line. Therefore, it does not appear that there is adequate land area available for the proposed use since the required building setbacks and transitional buffer are not accommodated.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:**

Based on field investigation and the submitted information, it appears that the subject property is surrounded by multi-family apartments and condominiums to the north, east, and west. The proposed LNE will be located near the northern end of the multi-tenant building. Given the proximity of the proposed Late Night Establishment to the Emory Oaks condominiums, it appears that the extended operating hours of a LNE may be incompatible with the surrounding multi-family and single-family attached developments in the surrounding area.

- C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:**

Based on the submitted information, it appears that public transportation facilities are adequate to service the use contemplated. There will no impact on schools since the proposed use is nonresidential. There is no

burdensome impact anticipated on public utilities since the proposed use will be located in an established commercial building.

- 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 proposed use, so as not to unduly increase traffic or create congestion in the area:**

Based on the submitted site plan and information, as well as field investigation of the project site, the public street on which the proposed use is to be located is adequate and will not unduly increase traffic congestion since the Late Night Establishment will be located in an established commercial building and accesses a major arterial road (Clairmont Road) with a traffic light.

- E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:**

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the existing land uses located along access routes to the site would not be adversely affected by the character of the vehicles or the volume of traffic generated since the proposed use will be located within an established commercial building along a minor arterial road (Clairmont Road).

- F. 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:**

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that ingress and egress to the subject property is adequate since the proposed use will be located in an established commercial building with a curb cut on a minor arterial road (Clairmont Road).

- G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:**

Based on field investigation and the submitted information, the subject property is surrounded by multi-family apartments and condominiums to the north, east, and west. It appears that the extended operating hours of an LNE may cause noise and vibration impacts to the surrounding multi-family and single-family developments.

- H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:**

See "G" above.

- I. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use:**

See criteria "H".

- J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:**

See criteria "A". Code.

- K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:**

Based on the submitted information, it appears that the SLUP request is consistent with the policies of the Town Center Character Area of the DeKalb County Comprehensive Plan calling for a high density mix of retail, office, services, and employment to serve neighborhoods (TCCAS20).

L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:

The parking lot is only 13 feet from the north property line abutting the Emory Oaks condominiums and therefore does not comply with the 50 foot transitional buffer requirements of the Zoning Ordinance.

M. Whether or not there is adequate provision of refuse and service areas:

Based on the submitted information, refuse and service areas appear to be ample and adequate since the proposed use is located within an established commercial building.

N. Whether the length of time for which the special land use permit is granted should be limited in duration:

If the special land use permit is granted, it should be limited to a duration of two years.

O. Whether or not 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:

There are no new buildings proposed as the request is only to allow the Late Night Establishment to operate within an existing shopping center. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:

Based on the submitted site plan and information, as well as field investigation of the project site, it does not appear that the proposed plan would adversely affect historic buildings, sites, districts, or archaeological resources.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:

Based on the submitted information and information from the Planning and Sustainability Department, the proposed use satisfies the requirements contained in Section 4.2.32 of the Supplemental Regulations for *Late Night Establishments* during peak operating hours (after 12:30 a.m.)

R. Whether or not the proposed building as a result of its proposed height , would create a negative shadow impact on any adjoining lot or building:

There are no new buildings proposed as the request is only to allow an LNE to operate within a vacant suite of an existing commercial building. Therefore, there should not be a negative shadow impact on any adjoining lot or building.

S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:

Based on the submitted information, there is one other existing LNE (Mason Tavern) within the vicinity located within the same commercial building as the proposed Nola Kitchen.

T. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:

Based on the submitted information, it appears that the SLUP request is consistent with the policies of the Town Center (TC) Character Area of the DeKalb County Comprehensive Plan calling for high density mix of retail, office, services, and employment to serve neighborhoods (TCCAS20). Given the proximity of the proposed Late Night

Establishment to the Emory Oaks condominiums to the north, it appears that the extended operating hours of a LNE may be incompatible with the multi-family and single-family developments in the surrounding area.

COMPLIANCE WITH DISTRICT STANDARDS:

STANDARD		REQUIREMENT	EXISTING	COMPLIANCE
LOT WIDTH		100 feet	296 feet	Yes
LOT AREA		20,000 square feet	91,476 sf (2.1 acres)	Yes
YARD SETBACKS	FRONT	60 feet	140 ft (Clairmont Road) 60 ft (Webster Drive)	Yes Yes
	INTERIOR SIDE	20 feet	13 feet (south p/l) 15 feet (north p/l)	<i>No (non-conforming building constructed circa 1994)</i>
TRANS. BUFFERS		50 feet (north p/l)	15 feet	<i>No (non-conforming building constructed circa 1994)</i>
HEIGHT		2 stories	1 story	Yes
PARKING		29 spaces (Min) <small>(includes existing and proposed LNE on this property during late night hours)</small>	143 spaces	Yes (Minimum)

Staff Recommendation: WITHDRAWAL WITHOUT PREJUDICE

The applicant has requested to withdraw this Special Land Use Permit (SLUP) application on August 31, 2017. Therefore, it is the recommendation of the Planning and Sustainability Department that the application be "Withdrawn Without Prejudice".

Attachments:

1. Departmental Comments
 - a. Land Development Division
 - b. Traffic Engineering Division
 - c. Watershed Management
 - d. Board of Health
2. Application

3. Site Plan
4. Zoning Map
5. Aerial Photograph
6. Location Photographs

NEXT STEPS: *Following an approval of this action, one or several of the following approvals or permits may be required:*

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✓ **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✓ **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued "administratively"; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Historic Preservation Certificate of Appropriateness** *(Required for any proposed changes to building exteriors or improvements to land when a property is located within the Druid Hills Historic District or the Soapstone Geological Historic District. Historic Preservation Committee public hearing may be required.)*
- **Variance or Special Exception** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Major Modification** *(Required if there are any changes to zoning conditions approved by the Board of Commissioner on a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- ✓ **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above require submittal

CLAIRMONT EMORY VILLAGE
1369 Clairmont Road
Decatur, Georgia 30033
(P) 404.378.1116
(F) 404.378.1116

March 27, 2017

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

Mason Tavern - 3500 Square Feet

10pm Tuesday and Wednesday
12:30am Thursday-Saturday
9:00 pm Sunday
Closed Monday

Nectar - 1208 Square Feet

5:00pm Daily

Apples - 3105 Square Feet

2:00am

The restaurant stays open late for delivery purposes as well.

Community O - 2139 Square Feet

8:30pm Weekdays
9:30pm Weekends

Mint - 1739 Square Feet

These are the same owner operators as Apples. Right now, they only open one restaurant at a time.

Pvng Ho - 4982 Square Feet

10:00pm Daily

Mostly Deliveries.

Villaggio - 3154 Square Feet

10:00pm Daily

If you have any further questions, please do not hesitate to call me at 404.895.6600.

Thank you,

Elissa Pichulik
Clairmont Emory Village
Rosebriar Partnership
Partner

Reid, John

From: Mark Ferguson <nolatapatlanta@gmail.com>
Sent: Tuesday, April 18, 2017 2:03 PM
To: Reid, John
Subject: Community council meeting

Hi John, this is Mark from NOLA Tap & Cajun Kitchen. As you know, we had a negative recommendation from the community council for our late night establishment request on April 11.

The reason we have the neighbors worried, is because there has been a history of "club" activities in our location. In the past, residents in the neighborhood complained about loud music going late into the night. That noise was most likely caused because of live bands and/or DJ's playing dance music which has a lot of bass and travels through the ground. We will never have live bands or a DJ. We are a restaurant that simply desires to stay open late. We will not have dancing, frat parties, hookah, etc that tend to cause issues.

To insure that our normal music that we play nightly does not carry over to our neighbors, we will make sure that both of our exterior walls have a sound buffer between our speakers and the outside. We will also have our speakers hang from the ceiling, so the sound we produce doesn't travel through the ground. We will also make sure the speakers face away from the neighbors to aid in sound reduction.

After our buildout, we would gladly agree to a soundcheck, conducted by your code enforcers, to insure that we are not violating any codes and will not be disturbing our neighbors.

I have owned restaurants in the Atlanta area for over 20 years and have never had a violation of any type. We have signed a long term lease, and plan on staying in this location for many years, so we definitely want to have a good relationship with all of our neighbors!

Thank you for your time!
Mark

Sent from my iPhone



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV**

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-17-21417 Parcel I.D. #: 18-051-12-011

Address: 1369 1/2 1371
CLAIRMOY RD
DECATUR, GA

Adjacent Roadway (s):

(classification)	(classification)

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

Plans and field reviewed. No problem found that would interfere with traffic.

Signature: [Signature] DAVID M. ROES

DeKalb County Board of Health

404 508.7900 • www.dekalbhealth.net

4/14/2017

N 1

Z-17-21428/18-145-05-009

2729 Lawrenceville Highway, Decatur, GA

Amendment

- Please see front page for additional comments

N 2

SLUP-17-21417/18-051-12-011

1369 & 1371 (Basement) Clairmont Road, Decatur, Ga

Amendment

- Please see additional comments.

N 3

CZ-17-21421/18-104-05-060

1158 McConnell Drive, Decatur, GA

Amendment

- Please see general comments

N 4

Z-17-21418/15-201-05-005

1562 Line Street, Decatur, GA

Amendment

- Please see general comments.

DEKALB COUNTY

Board of Health

4/14/2017

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
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 network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

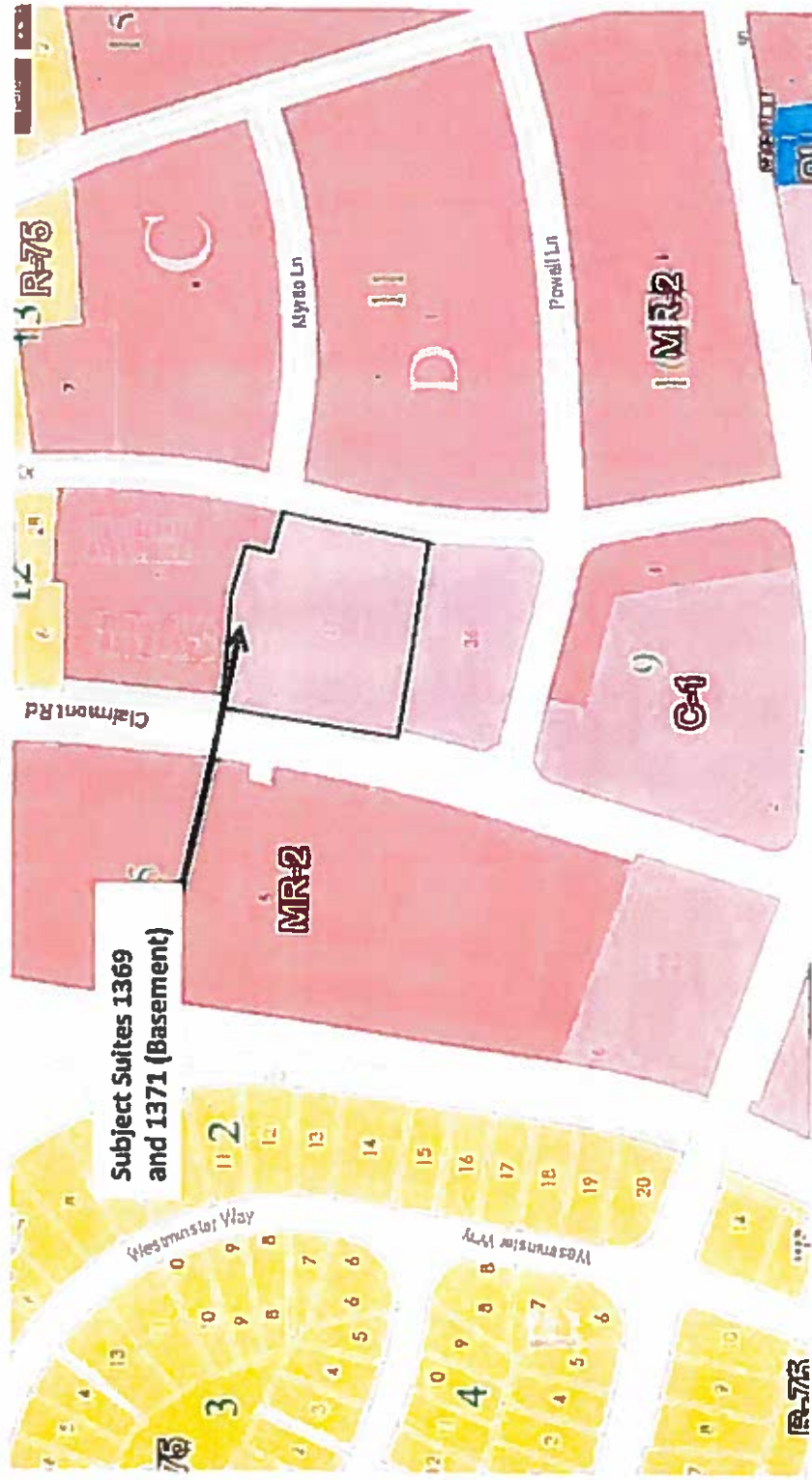
For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

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

N2. SLUP-17-21417

ZONING MAP



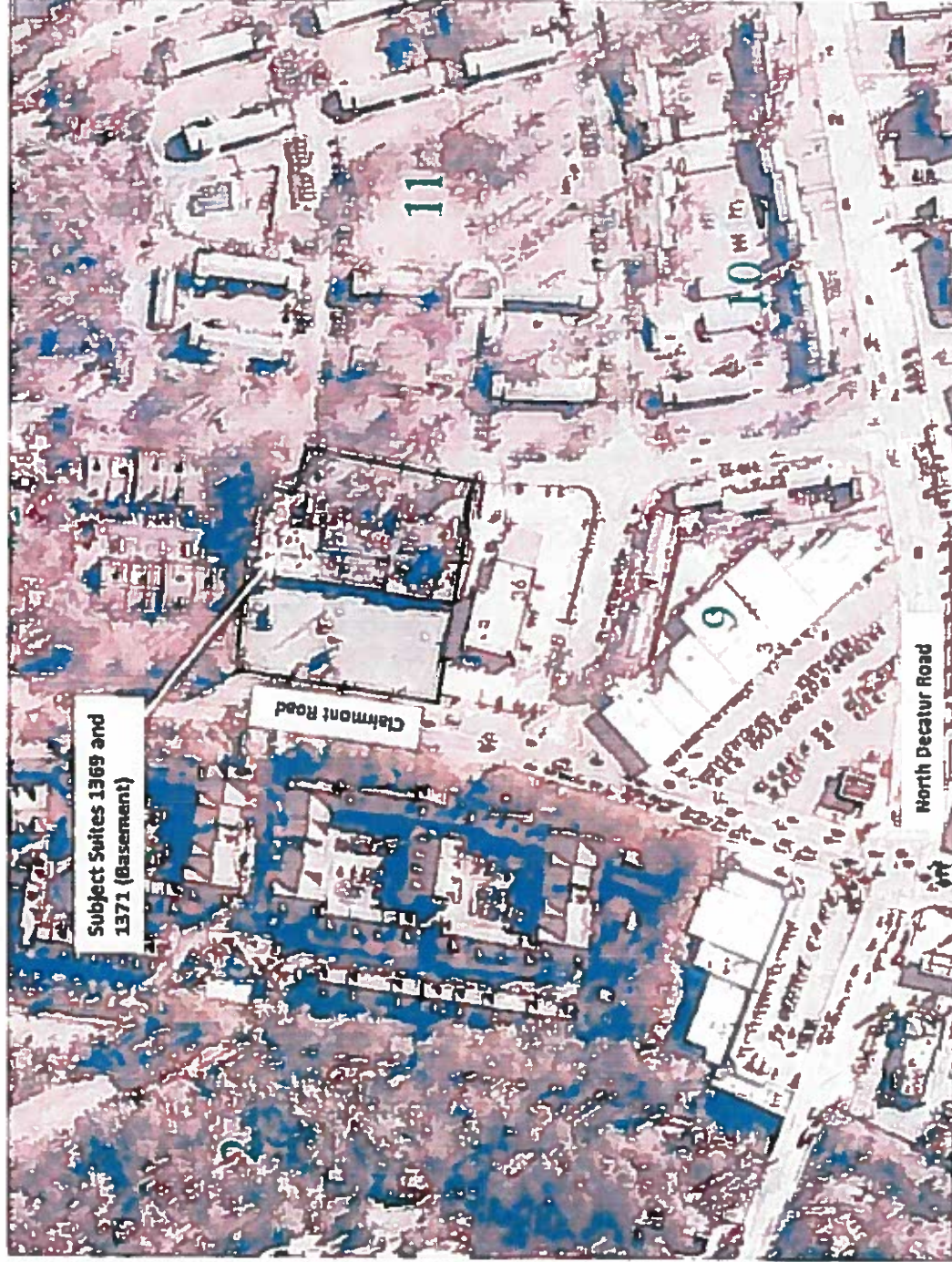
N.2. SLUP 17 21417

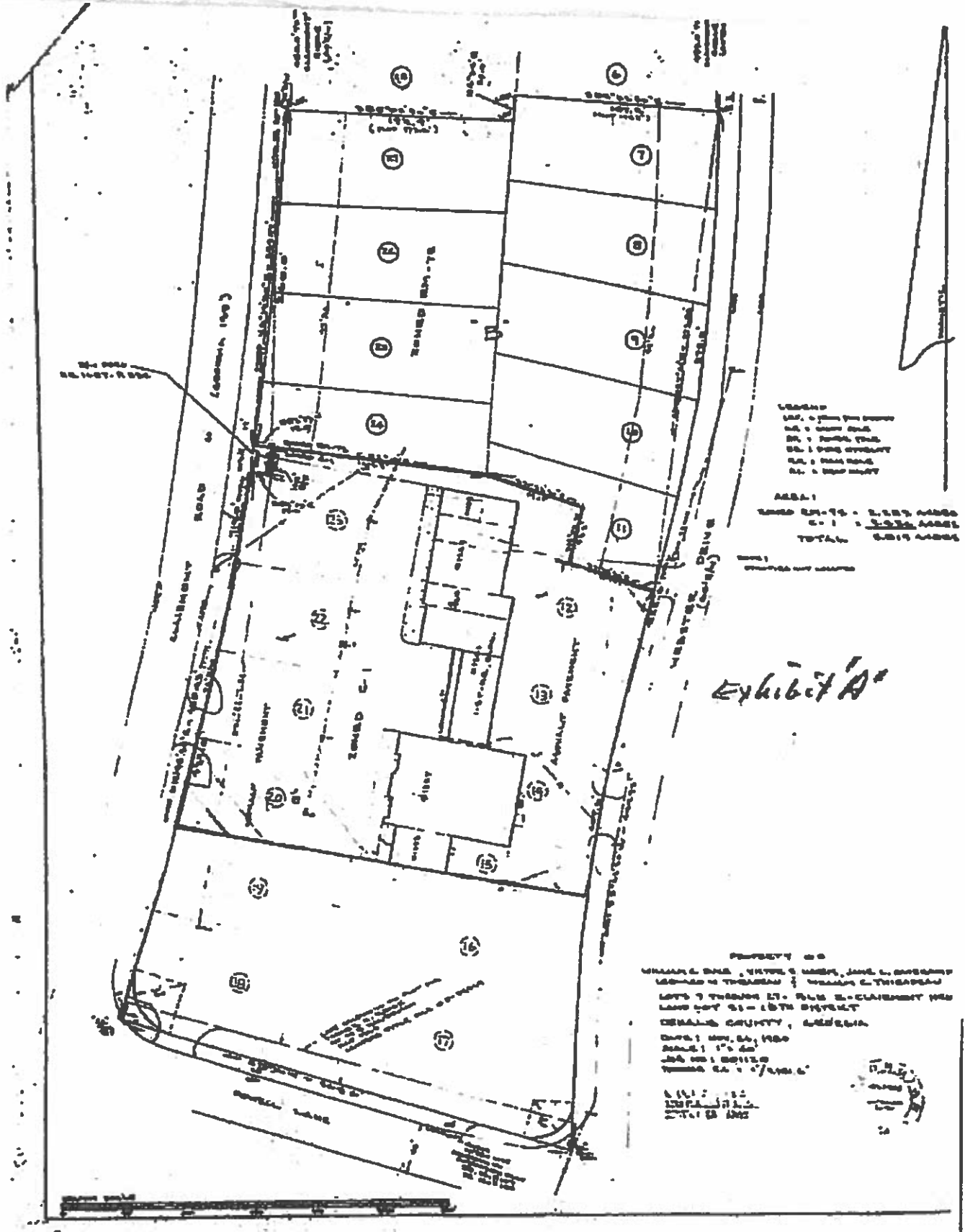
FUTURE LAND USE MAP



N2 SLUP 17 21417

AERIAL MAP





LEGEND
 1. 100' x 100'
 2. 100' x 100'
 3. 100' x 100'
 4. 100' x 100'
 5. 100' x 100'

AREA 1
 TOTAL 200' x 100'
 TOTAL 200' x 100'

Exhibit A

PROPERTY OF
 CHARLES E. DINE, CHIEF OF POLICE, JAMES L. DUNN
 100' x 100' x 100' x 100'
 100' x 100' x 100' x 100'
 100' x 100' x 100' x 100'
 100' x 100' x 100' x 100'

100' x 100'
 100' x 100'
 100' x 100'





DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



SPECIAL LAND USE PERMIT APPLICATION

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

Date Received Application No:

APPLICANT NAME: MARK ferguson

Daytime Phone #: 770-366-5104 Fax #:

Mailing Address: 2870 Pharr Ct South # 702, ATLANTA GA 30305

E-mail: NOLATAPATLANTA@gmail.com

OWNER NAME: Mark ferguson
(If more than one owner, attach contact information for each owner)

Daytime Phone #: 770-366-5104 Fax #:

Mailing Address: 2870 Pharr Ct South # 702 ATLANTA GA 30305

E-mail:

SUBJECT PROPERTY ADDRESS OR LOCATION: 1369 Cairmont Rd, ATLANTA GA
Decatur GA 30033, DeKalb County, GA,

District(s): Land Lot(s): Block(s): Parcel(s):

Acreage or Square Feet: Commission District(s): Existing Zoning:

Proposed Special Land Use (SLUP): RESTAURANT AND LATE NIGHT ESTABLISHMENT

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

Owner: [X] Agent: Signature of Applicant: [Signature]

(Check One) Printed Name of Applicant: Mark ferguson

Notary Signature and Seal: [Signature]

Jacqueline N Woods
Notary Public, Douglas County Georgia
My Commission Expires August 3rd, 2020

330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
(voice) 404 371.2155 - [Planning Fax] (404) 371-4558 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov

Wednesday, February 8, 2017

Public Notice

To

Request for a Special Land Use Permit

Filed By: Nola Tap & Cajun Restaurant

Located at: 1369 Clairmont Rd

Atlanta, Georgia 30033

Current Use: Vacant restaurant space

Proposed Use: restaurant and late night establishment

Proposed Hours of Operation: Monday-Sunday 11:00am-3:00am

Pre-Submittal Community Meeting: Mason's Tavern

Location: 1371 Clairmont Rd. Atlanta, Ga. 30033

Date & Time: Tuesday, February 28, 2017 @ 7:00pm

Mark Ferguson, one of Nola Tap & Cajun Kitchen's owners, will be present at this meeting to discuss their plans for your new neighborhood restaurant and bar. We plan on bringing authentic Cajun Dishes along with a wide variety of Po' Boys baked with fresh bread to your area. We will be serving food for lunch, dinner and late night.



DeKalb County Department of Planning & Sustainability

Burrell Ellis
Chief Executive Officer



SPECIAL LAND USE PERMIT APPLICATION 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: 02-27-2017

TO WHOM IT MAY CONCERN:

(I) (WE) ANNA PICHULIK ZUKOR
Name of Owner(s)

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

MARK FEIGUSON
Name of Applicant or Agent

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

[Signature]
Notary Public



[Signature]
Owner

Notary Public Owner
Notary Public Owner
Notary Public Owner
Notary Public Owner

330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
[voice] 404.371.2155 - [Planning Fax] (404) 371-4558 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov

1369 Clairmont Rd. Decatur Georgia 30033

Owner

Louis Pichulik

114 E Ponce de Leon, Decatur Ga.

30030

678-571-0300

Authorized Agent

Anna Pichulik

114 E Ponce de Leon, Decatur Ga.

30030

678-571-0300

Authorized Agent

Rebekah Pichulik

114 E Ponce de Leon, Decatur Ga.

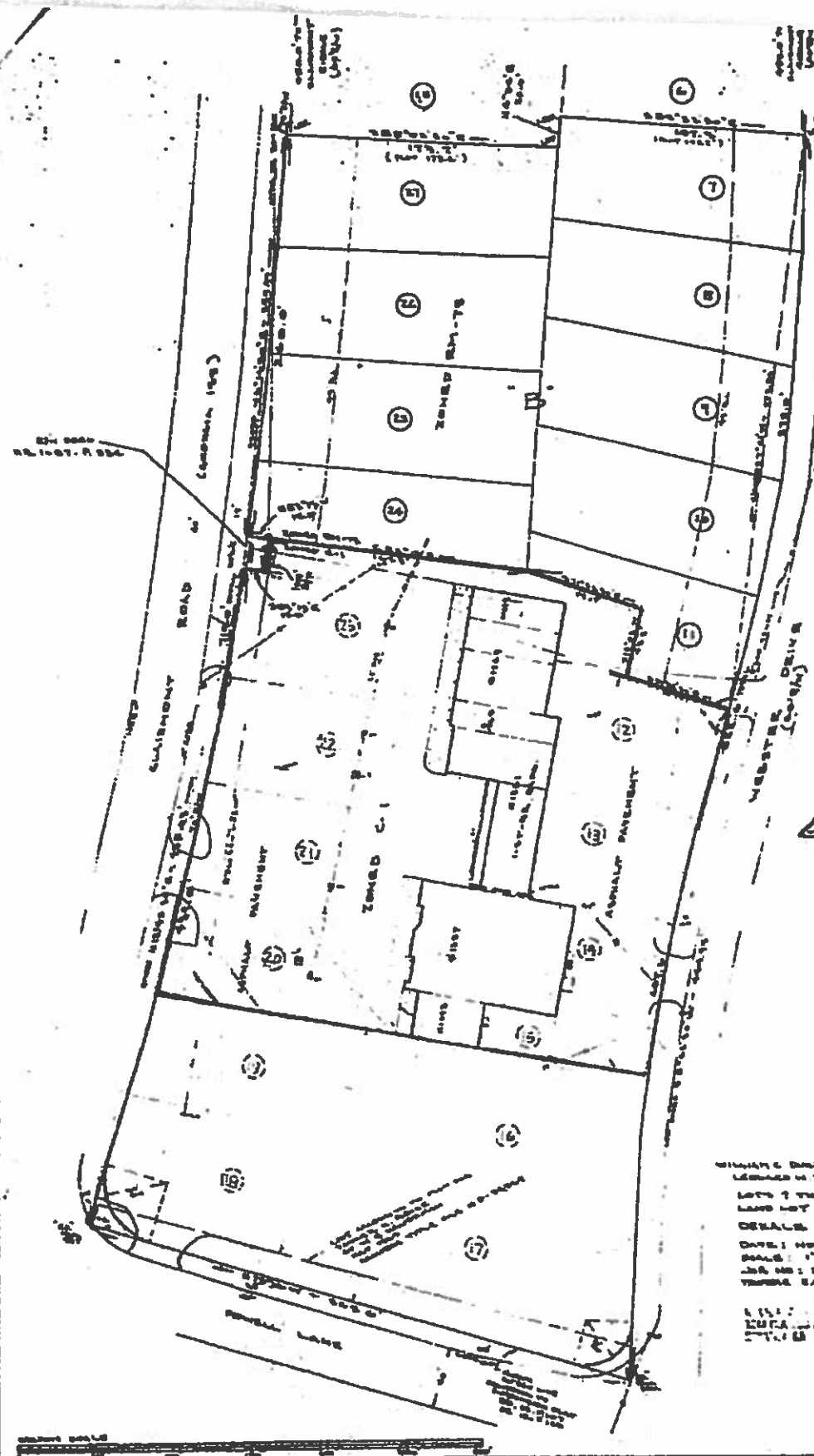
30030

678-571-0300

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 P. Gaddy & Associates and dated November 26, 1980.



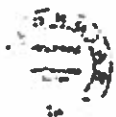
LEGEND
 LOT 1 - 1000 SQ. FT.
 LOT 2 - 1000 SQ. FT.
 LOT 3 - 1000 SQ. FT.
 LOT 4 - 1000 SQ. FT.
 LOT 5 - 1000 SQ. FT.

AREA 1
 ZONED C-1 - 2.125 ACRES
 C-1 - 3.225 ACRES
 TOTAL 5.350 ACRES

Exhibit A

PROPERTY OF
 WILLIAM C. BARK, ETHEL S. WARD, JUNE L. BARKLEY
 LESSEES IN TRUST BY WILLIAM C. THOMPSON
 LOTS 1 THROUGH 27 - ALL B-C-CLAIRBURY HIGH
 LAND LOT 51 - 15TH DISTRICT
 DEKALB COUNTY, GEORGIA
 DATE: NOV 20, 1960
 SCALE: 1" = 40'
 JOB NO: 50115
 DRAWN BY: J. J. WOOD

DATE: 11/20/60
 ENGINEER: J. J. WOOD
 TITLE: 11/20/60



Letter of Application

NOLA Tap & Cajun Kitchen is taking over the space located at 1369 Clairmont Rd. and 1371 Clairmont Rd. Basement, Decatur Ga. 30033.

This location has already been zoned for a restaurant space. We are applying for a late night establishment special land use permit. We will be a fast casual restaurant at 1369 and a full service restaurant at the 1371 Basement location using the same kitchen. We would like to have the option of staying open past 12:30 am because of the vast number of employees that work second shift in the surrounding area. There are 3 hospitals within a few miles of us and we would like to cater to their employees, visitors etc. We will open everyday at 11:00am and would like the flexibility to be able to stay open until 3:00am if the business warrants the extra hours. We will not have live music or DJs except maybe once or twice a year for special events such as Mardi Gras.

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.



DeKalb County Planning & Development Department

330 West Ponce De Leon Avenue
Suites 100-500
Decatur, GA 30030

Phone: (404) 371-2155
Fax: (404) 371-2778
www.dekalbcountyga.gov



Letter of Entertainment

READ ALL INSTRUCTIONS BEFORE COMPLETING THIS FORM

- Both the tenant and property owner are required to sign the form.
- All signatures must be original. Fax and Xerox signatures are not acceptable.
- Both signatures must be individually notarized (two seals, two stamps, etc.)
- *Agents (holding companies, property managers, attorneys, etc.) signer for property owner must attach any and all documentation necessary to prove they have authorization to act on behalf of the owner. Failure to provide such information will delay approval of all permits and licenses necessary to open this business.

DEPARTMENT USE ONLY	
TAX ID #	_____
AP #	_____

Current Name of Business: NOLA Tap + Cajun Kitchen
 Previous Name of Business: _____
 Address of Business: 1569 CLAYMONT RD DECATUR GA 30033
 Business Contact Number: 770-561-5700

EACH OF THE FOLLOWING QUESTIONS MUST BE ANSWERED COMPLETELY

- Is this Letter of Entertainment request for a new establishment? Yes No or renewal for an existing establishment? Yes No
- Is this establishment a restaurant serving food and alcohol (beer, wine, and alcohol) not later than 11:30 A.M.? Yes No

Definition of Restaurant: An establishment where food and drink are prepared, served, and consumed primarily within the principal building

- Is this establishment a late-night establishment? Yes No
- Is this establishment a nightclub with a dance floor, live entertainment, and live music? Yes No

Definition of Late Night Establishment: Any establishment licensed to dispense alcoholic beverages for consumption on premises where such establishment is open for use by patrons beyond 12:30 a.m.

Definition of Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is allowed.

- Is this establishment an "Adult Entertainment" as defined by the DeKalb County Zoning and Adult Entertainment Licensing and alcohol beverage ordinances? Yes No
- Has a Special Land-Use Permit (SLUP) been approved for this establishment? Yes No
If yes; please provide Case Number: Proposed SLUP - 17-21417

Please provide description of your establishment business operations, to include hours of operation and type of entertainment. Monday-Friday Hours Saturday Hours Sunday Hours
11:00am-3:00am 11:00am-3:00am None

I, THE UNDERSIGNED, DO HEREBY AFFIRM THAT I HAVE ANSWERED THE ABOVE QUESTIONS AND STATEMENTS TRUTHFULLY AND ACCURATELY AND I UNDERSTAND THAT THE BUILDING PERMIT(S) AND CERTIFICATE(S) OF OCCUPANCY ISSUED IN RELATION TO THIS "ENTERTAINMENT STATEMENT" ARE CONDITIONED ON THE ANSWERS TO THE ABOVE QUESTIONS AND STATEMENTS.

I, THE UNDERSIGNED AFFIRM THAT THE BUSINESS OPERATING NAME IS THE SAME AS THE NAME REFERENCED ON ALL CORRECT APPLICATIONS.

I ALSO UNDERSTAND THAT SHOULD I, IN THE FUTURE, OFFER ADULT ENTERTAINMENT OR ANY USE NOT EXPRESSLY PERMITTED AS DEFINED BY THE DEKALB COUNTY ZONING, ALCOHOL BEVERAGE AND ADULT ENTERTAINMENT LICENSING ORDINANCES, AND OR CHANGE THE USE OF THE ESTABLISHMENT FROM THE APPROVED PERMITTED USE, THAT MY CERTIFICATE OF OCCUPANCY SHALL BE IMMEDIATELY NULL AND VOID.

Sworn to and subscribed before me this day of _____ 20__

Sign _____
Agent or authorized agent

(Print/Type name) _____

Notary Public _____

Sign _____
Property owner or authorized agent

(Print/Type name) _____

Sworn to and subscribed before me this day of _____ 20__

Talitha Diani Usherhandt
 NOTARY PUBLIC
 Fulton County
 State of Georgia
 My Comm. Expires Sept. 25, 2017

Property owner or authorized agent Rebekah Pichulik