



Legislation Details (With Text)

File #: 2017-1492 **Version:** 2 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 12/21/2017 **In control:** Board of Commissioners
On agenda: 1/23/2018 **Final action:** 1/23/2018
Title: COMMISSION DISTRICT(S): 1 & 7

Indexes:

Attachments: 1. N3 SLUP 18 21932 Bhavin Mehta, 2. CONDITIONS FOR BUCKEYE

Date	Ver.	Action By	Action	Result
1/23/2018	2	Board of Commissioners - Zoning Meeting	denied appointment	Pass
1/9/2018	2	Planning Commission	denial per staff recommendation	Pass

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

SUBJECT:

COMMISSION DISTRICT(S): 1 & 7

PETITION NO: SLUP 18 21932

PROPOSED USE: Late Night Establishment

LOCATION: 3300 Buckeye Road Suite G64, Atlanta, Georgia

PARCEL NO.: 18 294 05 004 (Portion of)

INFORMATION CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Bhavin Mehta for a Special Land Use Permit (SLUP) to allow a new 2,635 square foot Late Night Establishment (Buckeyes Getaway) within Suite G64 of an existing 57,216 square foot multi-tenant commercial building (Buckeye Towers) to operate beyond 12:30 a.m. in the M (Industrial) district. The property is located on the south side of Presidential Drive and the west side of Buckeye Road, approximately 470 feet north of Chamblee Tucker Road at 3300 Buckeye Road in Atlanta, Georgia. The property contains approximately 280 feet of frontage along Presidential Drive and approximately 403 feet of frontage along Buckeye Road and contains 2.6 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: DENIAL

PLANNING COMMISSION: DENIAL

PLANNING STAFF: DENIAL

PLANNING STAFF ANALYSIS: The applicant's Special Land Use Permit (SLUP) application indicates that the proposed use is for a Late Night Establishment (LNE) to serve alcohol after 12:30 a.m. within 1,500 feet of property zoned for residential use. The proposed hours of operation are 10:30 a.m. to 3:30 a.m. Monday through Saturday which do not comply with the Alcohol Ordinance recently adopted by the Board of Commissioners (December 12, 2017) which require closing hours by 2:00 a.m. Sunday -Wednesday, 2:30 a.m. Thursday - Saturday. A 75-foot undisturbed buffer is required along the southern property line abutting the Embry Hills single-family neighborhood to the south, however the site currently provides for only a 50-foot undisturbed buffer between the parking lot and that residential property. Therefore, it appears that the site is not suitable for the proposed use since the parking lot is too close (50 feet away) to the single-family subdivision. Given the proximity of the parking lot to the Embry Hills single-family subdivision, it appears that the extended operating hours of a LNE may be incompatible due to hours of operation and potential negative impacts such as loitering, noise, and glare (during night time hours) that could have adverse impacts on the adjacent single-family area (Section 7.4.6.A & B). Therefore, it is the recommendation of the Planning and Sustainability Department that the application be "Denied". Notwithstanding these issues, should the Board of Commissioners want to approve the SLUP, Staff would recommend the attached conditions.

PLANNING COMMISSION VOTE: Denial 8-0-0 P. Womack, Jr. moved, and A. Atkins seconded for denial per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial. 5-0-0 Community Council was concerned with noise and compliance with later hours.