



Legislation Details (With Text)

**File #:** 2018-3073    **Version:** 2    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 11/30/2018    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 1/22/2019    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 3 & 7  
Application of Barry Hayden for a Special Land Use Permit to allow a Late-Night Establishment within 1,500 feet of a residential district, on property zoned C-1 (Local Commercial)/I-20 Overlay District, Tier 2, at 2075 Candler Road.

**Indexes:**

**Attachments:** 1. Staff Report and Attachments, 2. Additional Information from Applicant, 3. Neighbor's Signatures, Shared Pkng. Agrmnt.

Date	Ver.	Action By	Action	Result
1/22/2019	2	Board of Commissioners - Zoning Meeting	denied	Pass
1/8/2019	2	Planning Commission	deferred for 30 days	Pass

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

**SUBJECT:**

**COMMISSION DISTRICT(S):** 3 & 7

Application of Barry Hayden for a Special Land Use Permit to allow a Late-Night Establishment within 1,500 feet of a residential district, on property zoned C-1 (Local Commercial)/I-20 Overlay District, Tier 2, at 2075 Candler Road.

**PETITION NO:** N14. SLUP-19-1235320

**PROPOSED USE:** Late- Night Establishment

**LOCATION:** 2076 Candler Road

**PARCEL NO.:** 15-151-05-017

**INFO. CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

**PURPOSE:**

Application of Barry Hayden for a Special Land Use Permit to allow a Late-Night Establishment within 1,500 feet of a residential district, on property zoned C-1 (Local Commercial)/I-20 Overlay District, Tier 2, in accordance with Chapter 27, Article 4, Table 4.1 and Section 4.2.32 of the DeKalb County Code. The property is located on the northeast side of Candler Road, approximately 637 feet south of McAfee Road, at 2076 Candler Road, Decatur. The property has approximately 125 feet of frontage on Candler Road and contains 0.71 acre.

**RECOMMENDATIONS:**

**COMMUNITY COUNCIL:** DEFERRAL.

**PLANNING COMMISSION:** DEFER 30 DAYS

**PLANNING STAFF:** DEFER 30 DAYS.

**STAFF ANALYSIS:** Operation of the proposed restaurant as a late-night establishment would be incompatible with adjoining residential properties because it is likely to generate negative impacts such as loitering, noise, and glare during night-time hours. The existing buffer and privacy fence on the eastern side of the property do not appear to be adequate to buffer adjoining residential properties from these impacts. The Commercial Redevelopment Corridor policies of the 2035 Comprehensive Plan do not appear to definitively support the proposed use at the proposed location. Moreover, the proposal conflicts with other Comprehensive Plan policies to protect stable residential neighborhoods. However, during and after the Planning Commission public hearing, the applicant stated he could provide 1) signatures of support from impacted residents adjacent to the site (rear) and 2) revised parking to increase the buffer in the rear, along with shared parking agreements from adjacent non-residential properties. Therefore, the Department of Planning and Sustainability recommends “**Deferral**” in order to properly assess the new information.

**PLANNING COMMISSION VOTE: 30-day Deferral 7-1-0.** V. Moore moved, P. Womack, Jr. seconded that the Board of Commissioners defer this item for 30 days. T. Snipes opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** Deferral, 10-0-0. A representative of the Highland Park Civic Association stated that the Association has not formally voted to support the application. The Community Council Board recommended "Deferral" to allow time for further discussions with the Civic Association.