



## Legislation Text

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File #: 2019-4350, Version: 1

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Public Hearing: YES  NO

Department: Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): 5 & 7**

**Application of Michael Tchouaffe to request a Special Land Use Permit (SLUP) to allow a Late-Night Establishment within an existing 5,200 square foot building in a C-1 (Local Commercial) District, at 4407 Covington Highway.**

**PETITION NO: N6. SLUP-19-1243471**

**PROPOSED USE:** Late-Night Establishment

**LOCATION:** 4407 Covington Highway

**PARCEL NO. :** 15 196 03 014

**INFO. CONTACT:** Marian Eisenberg

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

**PURPOSE:**

Application of Michael Tchouaffe to request a Special Land Use Permit (SLUP) to allow a Late-Night Establishment within an existing 5,200 square foot building in a C-1 (Local Commercial) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table & Section 27-4.2.32 Supplemental Regulations of the DeKalb County Code. The property is located on the south side of Covington Highway, approximately 573 feet west of South Indian Creek Drive, at 4407 Covington Highway in Decatur, GA. The property has approximately 100 feet of frontage along Covington Highway and contains 1.6 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** DEFERRAL

**PLANNING COMMISSION:** APPROVAL with CONDITIONS.

**PLANNING STAFF:** APPROVAL with CONDITIONS of LATE-NIGHT ESTABLISHMENT.

**STAFF ANALYSIS:** (Revised 11/5/19) Since the writing of the staff report, the applicant has clarified that his application is only for a Late-Night Establishment (open daily to the public after 12:30 a.m., no dancefloor allowed), and that there will be no Special Event Facility (private events by invitation only with a dancefloor) on the property. The applicant has indicated that the building and ground signs on the property will be changed to remove any reference to a Special Event Facility. The proposed request to allow a Late-Night Establishment (LNE) to operate beyond 12:30 a.m. is required to obtain a Special Land Use Permit (SLUP) since the

businesses will serve alcohol after 12:30 a.m. within 1,500 feet of property zoned for residential use. The nearest residential zoning is the HR-2 (High Density Residential-2) district which abuts the south property line of the subject property. There are no anticipated adverse impacts on surrounding properties since the site is surrounded by commercial and institutional uses and does not abut any residential uses (the HR-2 high density residential zoning abutting the south side of the property contains a church and an abundance of vacant land), has access to a Major Arterial Road (Covington Highway), and has ample parking (Section 27-873 B, G, & H). Additionally, there have been no complaints or citations on the property since the establishment has been in operation. Staff is recommending that the proposed SLUP expire within one year (January 1, 2021) so that compatibility with surrounding properties can be demonstrated and verified prior to the filing of a new SLUP application by the applicant. Therefore, it is the recommendation of the Planning Department that the application for a Late-Night Establishment to operate beyond 12:30 a.m. be "Approved, subject to Staff's recommended conditions".

**PLANNING COMMISSION VOTE: Approval w/conditions 5-3-0.** G. McCoy moved, A. Atkins seconded for approval with Staff's conditions. T. Snipes, L. Osler and J. Johnson opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: DEFERRAL 8-0-1.** Council recommended deferral because more community input was needed. No one came to the pre-submittal community meeting.