



## Legislation Text

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File #: 2018-1897, Version: 1

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**Public Hearing:** YES  NO

**Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** 4 & 7 N7. Dave Vaz SLUP-18-22140

**PETITION NO:** SLUP 18 22140

**PROPOSED USE:** Late Night Establishment

**LOCATION:** 6198 Memorial Drive

**PARCEL NO.:** 18 091 01 052

**INFORMATION CONTACT:** Marian Eisenberg

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

**PURPOSE:**

To request a Special Land Use Permit (SLUP) to extend the operating hours of an existing restaurant (Duckanoo Grill) beyond 12:30 a.m. to operate as a Late Night Establishment within the C-1 (Local Commercial) district in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Article 4.2.32 Supplemental Regulations of the DeKalb County Code.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** APPROVAL

**PLANNING COMMISSION:** APPROVAL WITH CONDITIONS

**PLANNING STAFF:** APPROVAL WITH CONDITIONS

**PLANNING STAFF ANALYSIS:** The proposed Late Night Establishment (LNE) falls under the requirements for a Special Land Use Permit (SLUP) since the establishment proposes to serve alcohol after 12:30 a.m. within 1,500 feet of property zoned for residential use. The nearest residential zoning is the MR-1 (Medium Density Residential 1) district containing the Hairston Lake Apartments approximately 352 feet away from the northwest property line of the subject. It appears that the proposed LNE would be consistent with the following policies and strategies of the Commercial Redevelopment Corridor (CRC) Character Area of the DeKalb County Comprehensive Plan: 1) Upgrade the appearance of existing older commercial buildings with façade improvements (CRC Character Area Policy #20); and 2) Focus development on parcels that abut the designated Commercial Redevelopment Corridor (CRC Character Area Policy # 18). Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the proposed use is compatible with the surrounding commercial uses and is appropriate along this six-lane major arterial

(Memorial Drive). Staff notes that the request complies with the Supplemental Regulations for Late Night Establishments as well as the distance requirements of the Alcohol Ordinance based on the submitted alcohol survey. Therefore, it is the recommendation of the Planning Department that the application be "Approved Conditionally", subject to the Staff's recommended conditions.

**PLANNING COMMISSION VOTE: Approval w/Conditions 5-1-1.** L. Osler moved, V. Moore seconded for approval as recommended and conditioned by Staff. T. Snipes opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: APPROVAL 8-3-1.** Discussion included the need for security during late night hours.