



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Legislation Details (With Text)

File #: 2021-2644 **Version:** 1 **Name:**
Type: Ordinance **Status:** Public Hearing
File created: 5/24/2021 **In control:** Board of Commissioners
On agenda: 8/10/2021 **Final action:**
Title: COMMISSION DISTRICT(S): 4, 5 & 7
Application of the Director of Planning & Sustainability for an amendment to the text of Section 27-3.37.9 and 27-3.37.10 of the Zoning Ordinance, regarding Tier 2 of the Hidden Hills Overlay District, to prohibit late-night establishments and for other purposes.

Indexes:

Attachments: 1. Substitute 2021 08.10 Item 2021-2644, 2. TA-21-1244999 Temporary Produce Stands 2021-2645 I-20 Staff Report-Text Amendment July BOC 2021

Date	Ver.	Action By	Action	Result
8/10/2021	1	Board of Commissioners		
7/29/2021	1	Board of Commissioners - Zoning Meeting		
7/8/2021	1	Planning Commission	deferred for two full cycles	Pass

Substitute

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 4, 5 & 7

Application of the Director of Planning & Sustainability for an amendment to the text of Section 27-3.37.9 and 27-3.37.10 of the Zoning Ordinance, regarding Tier 2 of the Hidden Hills Overlay District, to prohibit late-night establishments and for other purposes.

PETITION NO: TA-21-1244945 (2021-2644)

PROPOSED USE: Late-night establishments in Tier 2 of HHOD as SLUPs.

LOCATION: Tier 2 of the Hidden Hills Overlay District

PARCEL NO. : N/A

INFO. CONTACT: Brandon White, Current Planning Manager

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for an amendment to the text of Section 27-3.37.9 and 27-3.37.10 of the Zoning Ordinance, regarding Tier 2 of the Hidden Hills Overlay District, to prohibit late-night establishments and for other purposes.

RECOMMENDATION:

COMMUNITY COUNCIL: CC-4: Full Cycle Deferral; CC-5: Deferral.

PLANNING COMMISSION: 2-Cycle Deferral & Moratorium.

STAFF RECOMMENDATION: Approval.

PLANNING STAFF ANALYSIS: The Department of Planning and Sustainability initially drafted a text amendment that would have simply prohibited late-night establishments in Tier 2 of the Overlay District, as requested. However, based on feedback from the W.O.M. (Women on a Mission) community group, residents' comments at the Districts 4 and 5 Community Council meetings, and comments at the Board of Commissioners' Planning, Economic Development, and Community Service (PECS) Committee, staff understands that some residents want late-night establishments. Additionally, the Planning Commission had a number of concerns regarding late-night establishments including crime statistics, code enforcement activity, noise complaints, consideration of a distance separation provision, and a recommendation for a moratorium on the establishment of new late-night establishments in Tier 2 of the Hidden Hills Overlay District while further study is undertaken. Outside of the overlay district, such establishments are permissible by-right in commercial and mixed-use districts if they are greater than 1,500 feet from residential uses. Those within 1,500 feet are subject to special land use permit (SLUP) approval and other supplemental regulations (Chapter 27, Sec. 4.2.32-Late-night Establishments). In coordination with Legal staff, this updated version includes a SLUP requirement for new establishments within 1,500 feet from the boundary line of property zoned for residential use along with a requirement for adequate soundproofing. This permits community review of each new request and allows for additional mitigation of potential adverse impacts based on conditions unique to each situation. Any establishment permitted before this text amendment is approved will be a legal, nonconforming use. With the proposed text amendments herein, the Planning and Sustainability Department recommends "approval."

PLANNING COMMISSION VOTE: Two-Cycle Deferral 7-1-0 and recommendation for a moratorium. April Atkins moved, Jon West seconded for a two-cycle deferral of this text amendment to the November zoning agenda, with a recommendation for a moratorium of late-night establishments in Tier 2, to expire on December 31, 2021. Motion passed 7-1-0; Tess Snipes opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: CC-4: Full Cycle Deferral 12-0-0 with the condition that there be one or two community meetings with the Planning Department involved to allow this text amendment to be fully vetted. CC-5: Deferral 8-0-0. .