



DeKalb County Government

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

Agenda Item

File #: 2019-4350
File Status: Preliminary Item

11/21/2019

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 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.

SLUP-19-1243471 RECOMMENDED CONDITIONS

1. For a Late-Night Establishment subject to the closing times of the Alcohol Ordinance and limited to the existing 5,200 square foot building. No dancefloor/nightclub use is allowed. No private special events are allowed on the property (*Special Events Facility* is prohibited).
2. Special Land Use Permit shall expire on January 1, 2021 to allow the governing authority to re-review the following criteria upon the filing of a new SLUP application for a Late-Night Establishment:
 - a. Whether the Applicant's use of the premises during the one-year period has been in substantial compliance with the adopted SLUP conditions of the Board of Commissioners; and
 - b. Whether the Applicant has taken prompt action to address any Code Enforcement warnings or violations issued regarding the use of the premises as a Late-Night Establishment.
3. Prior to issuance of a C.O. for a Late-Night Establishment, the applicant shall remove all signage on the property referring to a Special Event Center.
4. Compliance with Noise and Alcohol Ordinances. The use of audio equipment and/or audio amplification devices on the exterior of the building is prohibited.
5. Capacity subject to the Fire Marshal.
6. Provide and/or maintain a 10-foot wide landscape strip with one street tree for every 40 feet of street frontage along Covington Highway or as approved by the County Arborist.
7. Provide a six-foot wide sidewalk along Covington Highway.
8. Enhance the buffer between the south property line and the detention pond with additional landscaping in order to provide a screen so as to prevent view of the higher density development from the lower density development as approved by the county arborist.
9. All refuse areas shall be completely screened from view of the public right-of-way, parking and pedestrian areas.
10. The SLUP is non-transferable.

Reid, John

From: Michael Tchouaffe, AIA, DPLG, LEED AP <michael@tchouaffe.com>
Sent: Monday, November 4, 2019 2:55 PM
To: Reid, John
Subject: Re: Confirmation of SLUP 19 1243471 request for Late Night Establishment use ONLY with NO Special Event Facility

**** WARNING: The sender of this email could not be validated and may not match the person in the "From" field. ****

Hi John,
The request is for converting an existing Event Center into a Fine Dining sit down Restaurant with late night hours on Fridays and Saturdays.
Thank you.

Michael
Mobile | 770.862.3398
Office Line | 678.853.2553



Develop, Design and Deliver your World, together!

www.tchouaffe.com

Michael Tchouaffé, AIA, DPLG, NCARB, LEED AP BD+C

CEO/Principal Architect

2019, AIA GA President-Elect

MICHAEL TCHOUAFFÉ ARCHITECTS, INC

development | architecture | management

260 Peachtree St. NW

Suite 2200

Atlanta, Georgia 30303

On Mon, Nov 4, 2019 at 2:45 PM Reid, John <jreid@dekalbcountyga.gov> wrote:

Michael,

Please confirm via this email that your SLUP request at 4407 Covington Highway (SLUP 19 1243471) is **ONLY** for a Late Night Establishment use (no dance-floor allowed), and that there is **NO** request for a Special Event Facility.

This confirmation is needed because that last sentence of paragraph 2 of your Letter of Intent stated "*While still providing the accommodations to those wanting to rent out the business for celebrations*" which implied a Special Event Facility. In addition the name of your business is **Palmetto Event Center**. This why the Planning Department Staff Report was written based on you application being for BOTH a Late Night Establishment and Special Event Facility.

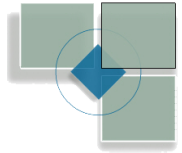


DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov



Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: November 7, 2019, 6:30 P.M.

Board of Commissioners Hearing Date: November 19, 2019 6:30 P.M.

STAFF ANALYSIS

Case No.:	SLUP-19-1243471	Agenda #: N-6
Location/ Address:	4407 Covington Highway, Decatur, Georgia	Commission District: 5 Super District: 7
Parcel ID:	15 062 03 014	
Request:	To request a Special Land Use Permit (SLUP) to allow a Late Night Establishment within an existing 5,200 square foot building in the C-1 (Local Commercial) District to operate beyond 12:30 a.m., in accordance with Chapter 27, Article 4, Table 4.1 Use Table & Section 27-4.2.32 Supplemental Regulations of the DeKalb County Code.	
Property Owner:	Palmetto Market Village, LLC	
Applicant/Agent:	Michael Tchouaffe	
Acreage:	1.45	
Existing Land Use:	Special Event Center that closes by 12:30 a.m. (Palmetto Events Center)	
Surrounding Properties:	Vacant buildings and a child day care center (Starchild Learning and Development Center) to the north across Covington Highway; a restaurant (Boston Jerk Center), vacant building, and an auto sales dealer to east; auto sales dealers to the west (all in one auto sales and Palmer Auto Sales); and vacant land and a church (Assembly of God Tabernacle) to the south.	
Adjacent Zoning:	North: O-I, South: HR-2 East: C-1 West: C-1	
Comprehensive Plan:	CRC	Consistent <input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/>
Proposed Density:	NA	Existing Density: NA
Proposed Units/Square Ft.:	5,200 s.f. Late Night Establishment (closes after 12:30 a.m. and open to the general public)	Existing Units/Square Feet: 5,200 s.f. Special Event Center (closes by 12:30 a.m.)
Proposed Lot Coverage:	NA	Existing Lot Coverage: NA

Staff Recommendation (REVISED 11/5/19): APPROVAL WITH CONDITIONS OF LATE NIGHT ESTABLISHMENT

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 the following recommended conditions:

- 1) For a Late Night Establishment subject to the closing times of the Alcohol Ordinance and limited to the existing 5,200 square foot building. No dancefloor/nightclub use is allowed. No private special events are allowed on the property (*Special Events Facility* is prohibited).
- 2) Special Land Use Permit shall expire on January 1, 2021 to allow the governing authority to re-review the following criteria upon the filing of a new SLUP application for a Late Night Establishment:
 - a. Whether the Applicant's use of the premises during the one year period has been in substantial compliance with the adopted SLUP conditions of the Board of Commissioners; and
 - b. Whether the Applicant has taken prompt action to address any Code Enforcement warnings or violations issued regarding the use of the premises as a Late Night Establishment.
- 3) Prior to issuance of a C.O. for a Late Night Establishment, the applicant shall remove all signage on the property referring to a Special Event Center.
- 4) Compliance with Noise and Alcohol Ordinances. The use of audio equipment and/or audio amplification devices on the exterior of the building is prohibited.
- 5) Capacity subject to the Fire Marshal.
- 6) Provide and/or maintain a 10-foot wide landscape strip with one street tree for every 40 feet of street frontage along Covington Highway or as approved by the County Arborist.
- 7) Provide a six-foot wide sidewalk along Covington Highway.

- 8) Enhance the buffer between the south property line and the detention pond with additional landscaping in order to provide a screen so as to prevent view of the higher density development from the lower density development as approved by the county arborist.
- 9) All refuse areas shall be completely screened from view of the public right-of-way, parking and pedestrian areas.
- 10) The SLUP is non-transferable.

SUBJECT PROPERTY

The 1.45 acre project site is located on the south side of Covington Highway at 4407 Covington Highway in Decatur, Georgia. A 5,200 square foot stucco building was recently constructed on the property and contains a Special Event Facility (Palmetto Event Center) which closes by 12:30 a.m. The subject property is zoned C-1 (Local Commercial).

PROJECT ANALYSIS

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 the existing 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). 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 the following recommended conditions:

The submitted site plan and information indicates the proposed late night establishment would occupy the existing 5,200 square foot building. There are approximately 53 parking spaces on the project site which provides ample parking for the proposed Late Night Establishment. The applicant is aware that their establishment is required to comply with all applicable codes and ordinances including the Noise Ordinance and the Alcohol Ordinance, and that capacity is subject to approval of the Fire Marshal's Office.

STANDARD		REQUIREMENT	EXISTING	COMPLIANCE
LOT WIDTH		100 feet	100	YES
LOT AREA		20,000 square feet	63,162 square feet	YES
YARD SETBACKS	FRONT	60 feet	180 feet	YES
	INTERIOR SIDE	20 feet	20 feet	YES
	REAR	30 feet	95 feet	YES
TRANS. BUFFERS		50 feet	95 feet	YES (applicant will be required to enhance the buffer with additional landscaping in order to provide a screen so as to prevent view of the development from adjacent property to the south)
HEIGHT		2 story	1 story	YES
PARKING		17 spaces	53 spaces	YES

SUPPLEMENTAL REQUIREMENTS

Based on the submitted information and information from the Planning and Sustainability Department, the proposed use satisfies the requirements contained in Section 4.2.32 of the Supplemental Regulations for late night establishments. As set forth in Article 6 of the DeKalb County Zoning Ordinance, off-street parking requirements for late night establishments (restaurants) within the C-1 district are established at one space for every 300 square feet of floor area, with a minimum of ten spaces. Since the proposed tenant space contains 5,200 square feet and would not be expanded, 17 spaces would be required. There are 53 parking spaces on the project site which provides ample parking for the proposed LNE anticipated to be open during late night hours. Therefore, it appears that the project site can sufficiently accommodate the required parking spaces for all late night operations.

ACCESS AND TRANSPORTATION CONSIDERATIONS

Based on the submitted site plan and information, the proposed use would be accessed via one driveway from Covington Highway. Covington Highway is a four-lane major arterial road which can sufficiently accommodate commercial traffic. The Traffic Engineer has indicated that there are no traffic engineering concerns at this time. Therefore, ingress/egress and parking should be sufficient on the subject property.

SIDEWALK/PEDESTRIAN ACCESS

Based on the submitted information and field investigation of the project site, there are no sidewalks along this stretch of Covington Highway within this established commercial area of Decatur.

BUILDING MASS AND MATERIALS

Based on the submitted plan and information, the proposed use will be located in an established one-story commercial building. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

LAND USE AND ZONING ANALYSIS

Section 27-873 of the DeKalb County Zoning Ordinance, “Special land use permit; criteria to be applied” states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit. No application for a Special Land Use Permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application.

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the size of the site is adequate for the use contemplated. Late night establishments are allowed in the C-1 (Local Commercial) district, subject to approval of a SLUP when within 1,500 feet of residentially zoned property. The C-1 district requires 20,000 square feet (approx. .46 acres), and the project site contains 1.45 acres (63,162 square feet). Additionally, the proposed use will be located within an established 5,200 square foot building. There are 53 parking spaces on the property, and the minimum parking required by the Zoning Ordinance for the applicant’s proposed Late Night Establishment is 17 spaces. It appears that there is adequate land area available for the proposed use as there is compliance with all required yards, open space, off-street parking, and other applicant requirements of the Zoning Ordinance.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:

Based on the submitted site plan and information, there are no anticipated adverse impacts on surrounding properties since the site is within an established commercial building, has access to a Major Arterial road (Covington Highway), and has ample parking. Additionally, the subject property 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 subject property contains a church (Assembly of God Tabernacle) and an abundance of vacant land.

C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:

Based on the submitted information, it appears that public transportation facilities are adequate to service the uses contemplated. There will be no impact on schools since the proposed use is nonresidential. There is no burdensome impact anticipated on public utilities since the proposed use will be located in an established commercial building.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the proposed use, so as not to unduly increase traffic or create congestion in the area:

Based on the submitted site plan and information, as well as field investigation of the project site, the public street on which the proposed uses are to be located is adequate and will not unduly increase traffic congestion

since the Late Night Establishment will be located in an established commercial building, and accesses a major arterial road (Covington Highway).

E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the existing land uses located along access routes to the site would not be adversely affected by the character of the vehicles or the volume of traffic generated since the proposed uses will be located within an established commercial building along a major arterial road (Covington Highway).

F. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that ingress and egress to the subject property is adequate since the proposed uses will be located in an established commercial building with a curb cut on a major arterial road (Covington Highway).

G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:

There are no anticipated adverse impacts on surrounding properties since the site is within an established commercial building, has access to a Major Arterial road (Covington Highway), and has ample parking. The subject property does not abut any residential uses; the HR-2 high density residential zoning abutting the south side of the subject property contains a church (Assembly of God Tabernacle) and an abundance of vacant land. Therefore, it appears that the SLUP proposal for a Late Night Establishment with recommended conditions is compatible with adjacent properties, and will not create adverse impacts upon adjoining land uses by reason of hours of operation or by noise, smoke, odor or vibration.

H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:

Based on the submitted information and elevations, it appears that the proposed uses would not create adverse impacts on adjoining land uses by reason of the hours of operation since most of the surrounding businesses would be closed during the peak hours of 12:30 am to 2:30 am.

I. Whether or not the proposed use would create adverse impacts upon adjoining land use by reason of the manner of operation of the proposed use:

See criteria "H".

J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:

It appears that the proposed plan is consistent with the requirements of the C-1 zoning district.

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:

It appears that the proposed request for a Late Night Establishment with the applicant's recent building façade improvements (see attached conceptual elevation) and Staff's recommended conditions 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; and 2) Focus Development on parcels that abut or have access to the designated Commercial Redevelopment Corridor (CRC Policies #18 and #20).

L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:

It appears that the proposed plan provides for all required transitional buffers. The applicant will be required to enhance the buffer with additional landscaping in order to provide a screen so as to prevent view of the development from adjacent property to the south as a recommended condition of approval.

M. Whether or not there is adequate provision of refuse and service areas:

Based on the submitted information, refuse and service areas appear to be ample and adequate since the proposed use is located within an established building.

N. Whether the length of time for which the special land use permit is granted should be limited in duration:

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.

O. Whether or not the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings:

Based on the submitted plan and information, the proposed use will be located in an established commercial building. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:

Based on the submitted site plan and information, as well as field investigation of the project site, it does not appear that the proposed plan would adversely affect historic buildings, sites, districts, or archaeological resources.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:

Based on the submitted information and information from the Planning and Sustainability Department, the proposed Late Night Establishment use satisfies the requirements contained in Section 4.2.32 of the Supplemental Regulations for late night establishments.

R. Whether or not the proposed building as a result of its proposed height, would create a negative shadow impact on any adjoining lot or building:

Based on the submitted plan and information, as well as field investigation of the project site, the proposed uses would be located within an established one story commercial building which should not create a negative shadow impact on any adjoining lot or building.

S. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:

It appears that the proposed request for a Late Night Establishment with the applicant's recent building façade improvements (see attached conceptual elevation) and Staff's recommended conditions 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; and 2) Focus Development on parcels that abut or have access to the designated Commercial Redevelopment Corridor (CRC Policies #18 and #20). Based on the submitted information, the SLUP proposal with recommended conditions will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

Planning and Sustainability Department Recommendation: APPROVAL WITH CONDITIONS OF LATE NIGHT ESTABLISHMENT

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 the following recommended conditions:

1. For a Late Night Establishment subject to the closing times of the Alcohol Ordinance and limited to the existing 5,200 square foot building. No dancefloor/nightclub use is allowed. No private special events are allowed on the property (*Special Events Facility* is prohibited).
2. Special Land Use Permit shall expire on January 1, 2021 to allow the governing authority to re-review the following criteria upon the filing of a new SLUP application for a Late Night Establishment:
 - a. Whether the Applicant's use of the premises during the one year period has been in substantial compliance with the adopted SLUP conditions of the Board of Commissioners; and
 - b. Whether the Applicant has taken prompt action to address any Code Enforcement warnings or violations issued regarding the use of the premises as a Late Night Establishment.
3. Prior to issuance of a C.O. for a Late Night Establishment, the applicant shall remove all signage on the property referring to a Special Event Center.
4. Compliance with Noise and Alcohol Ordinances. The use of audio equipment and/or audio amplification devices on the exterior of the building is prohibited.

5. Capacity subject to the Fire Marshal.
6. Provide and/or maintain a 10-foot wide landscape strip with one street tree for every 40 feet of street frontage along Covington Highway or as approved by the County Arborist.
7. Provide a six-foot wide sidewalk along Covington Highway.
8. Enhance the buffer between the south property line and the detention pond with additional landscaping in order to provide a screen so as to prevent view of the higher density development from the lower density development as approved by the county arborist.
9. All refuse areas shall be completely screened from view of the public right-of-way, parking and pedestrian areas.
10. The SLUP is non-transferable.

Attachments:

1. Public Works Department Comments
 - a. Land Development Division
 - b. Traffic Engineering Division
2. Watershed Management Department Comments
3. Board of Health Comments
4. Board of Education Comments
5. Application
6. Site Plan
7. Zoning Map
8. Aerial Photograph
9. Photographs



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER MMALEXANDER@DEKALBCOUNTYGA.GOV OR JOHN REID
JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: SLUP-19-124347 Parcel I.D. #: 15-062-03-014

Address: 4407
Cowart Hwy
Decatur, GA

Adjacent Roadway (s):

(classification) (classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

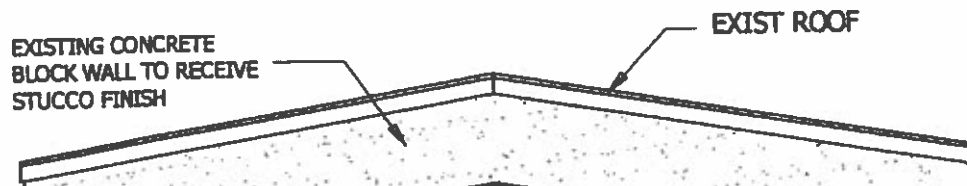
According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Plans and field reviewed. No problem found that would disrupt traffic flow.

Signature: [Handwritten Signature]



T.O.EX. WALL APPROX.



August 28, 2019

DeKalb County Planning and
Sustainability
Planning and Zoning
330 W Ponce DeLeon Ave
Decatur, GA 30032

RE: Palmetto Event Center:
Change of use to Restaurant and
late night Establishment.

Project Address: 4407 Covington Hwy
Decatur, GA 30035

Dear DeKalb County Planning and Sustainability:

On behalf of The Palmetto Event Center, located at 4407 Covington Hwy; we are requesting a Special Land Use Permit (Rezoning) to be considered as a Late Night Restaurant. Currently, Palmetto Event Center is operating under the provisions put in place by DeKalb County, which does not allow Event Centers to house a permanent liquor license nor operate beyond 12:30 am.

Palmetto Event Center operates solely off clients who are only successful at retrieving a temporary licenses for catering, which makes it extremely difficult to have consistency within the original model intended for the establishment. The Palmers have constructed a beautiful 5,200 square foot square building meeting the County Code requirements: with ample parking, restrooms, kitchen, and bar based on occupancy load. The intent is to reconstruct our model to operate as a late night restaurant, which will allow the facility to obtain a liquor license and supply food. This will tremendously help with operation and the sustainability of the existing establishment. While still providing the accommodations to those wanting to rent out the business for celebrations.

The Palmers are heavily involved in the community and currently owns several different eatery's within Unincorporated DeKalb County and are residents of DeKalb County. The Palmers seek nothing more than to make operation at the newly constructed event center easier and sustainable for the newly constructed expensive building. The Palmer Event Center is a beautifully new constructed building along Covington Hwy aside auto mechanics, auto sales, and an adjacent restaurant.

MICHAEL TCHOUAFFÉ ARCHITECTS, INC

www.tchouaffe.com

260 Peachtree Street NW, Suite 2200, Atlanta, GA 30303 | Office: 678-853-2553

DEVELOPMENT | ARCHITECTURE | MANAGEMENT

contact@tchouaffe.com



develop, design and deliver

PALMETTO EVENT CENTER: CHANGE OF USE
AUGUST 28, 2019

Covington Hwy near 285 is saturated with auto repair shops, auto sales, tire sales, gas stations, and storage facilities with little to none sit down restaurant besides Waffle House. The proposed change of use at the Palmetto Event Center will provide a nice sit down restaurant with attractions that will cater to residents and travelers along Covington Hwy and 285. The Palmers plan to revise the floor chart meeting seating arrangements requirements for a restaurant with hopes of acquiring a liquor license. We have received many encouragements from residents visiting Boston Jerk Center, who would love to see a sit down restaurant in close proximities to their residence. Due to the great praises and feedback we have received we are eager to apply for the Special Land Use Permit. This change will start a trend on Covington Hwy, encouraging future business owners that beautiful does exist in Unincorporated DeKalb County. Should you have any immediate questions, please do not hesitate to contact us.

Sincerely,

Michael Tchouaffe, AIA, NCARB, LEED AP
CEO/Principal Architect
Mobile: 770-862-3398
Email: michael@tchouaffe.com

Page 2 of 4

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October 22, 2019

DeKalb County Planning and
Sustainability
Planning and Zoning
330 W Ponce DeLeon Ave
Decatur, GA 30032

RE: Palmetto Event Center:
SLUP Criteria and Impact Analysis.

Project Address: 4407 Covington Hwy
Decatur, GA 30035

IMPACT ANALYSIS RESPONSES

A

The request is to transform an existing Event Hall Facility into a Restaurant/Late Night Establishment serving Alcohol.

It is our belief that the size of the site for Late Night Establishment is adequate.

It is our belief that the land area available for the proposed use is adequate.

Site notes and data:

- Dekalb County, ga
- Land lot 196; 15th district
- Parcel id: 15 196 03 014
- Minimum front set back required:75 feet
- Minimum side set back required:20 feet (min. 5 feet landscapped)
- minimum rear set back required:30 feet
- Maximum structure height:36 feet

- Existing one-story event center.
- Zoning use: C-1 (local commercial)
- Adjacent zoning: C-2 and C-1
- Lot area: 64978 sf - 1.49 acres
- Disturbed acreage: 1.23 acres
- Impervious area: 0.78 acres = 33977 sf
- Impervious percent: 0.52 = 52%
- Building area: 5200 sf

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Palmetto Event Center:
SLUP Criteria and Impact Analysis
October 22, 2019

- Largest assembly area: 1300 sf
- Parking space required: $1/52\text{sf} = 52$
- Parking space provided: 53. including 3 ada

B

Proposed use is compatible with adjacent properties and land use.

- Zoning use: C-1 (local commercial)
- Adjacent zoning: C-2 and C-1

C

Existing Property is located on Covington Hwy, which is a major thoroughfare.

D

Existing Property is located on Covington Hwy, which is a major thoroughfare.

E

Existing adjacent lands are zoned commercial.

Existing Building largest assembly area is 3000 SF. Maximum capacity, 200 people

F

Existing Building.

Maximum capacity, 200 people. 53 Parking space provided. No thru traffic. Ingress and Egress to the subject property will not be obstructed in case of Fire or Emergency.

G

Existing Property proposed use will not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor dust or vibration generated by the proposed use.

H

Existing Property proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

I

Existing Property proposed use will not create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use



develop, design and deliver

Palmetto Event Center:
SLUP Criteria and Impact Analysis
October 22, 2019

J

Existing Property Plan is consistent with all requirements of the zoning district classification in which the use is located.

K

Existing Property Plan is consistent with all the policies of the comprehensive plan.

L

Existing Property Plan provides for all required buffer zones and transitional buffer zones where required by the regulation of the district in which the use is located.

M

There is adequate provision of refuse and service areas.

O

The length of time for which the special land use permit is granted should NOT be limited.

P

The Existing Property Plan does NOT adversely affect historic buildings, sites, districts, or archeological resources.

Q

The proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.

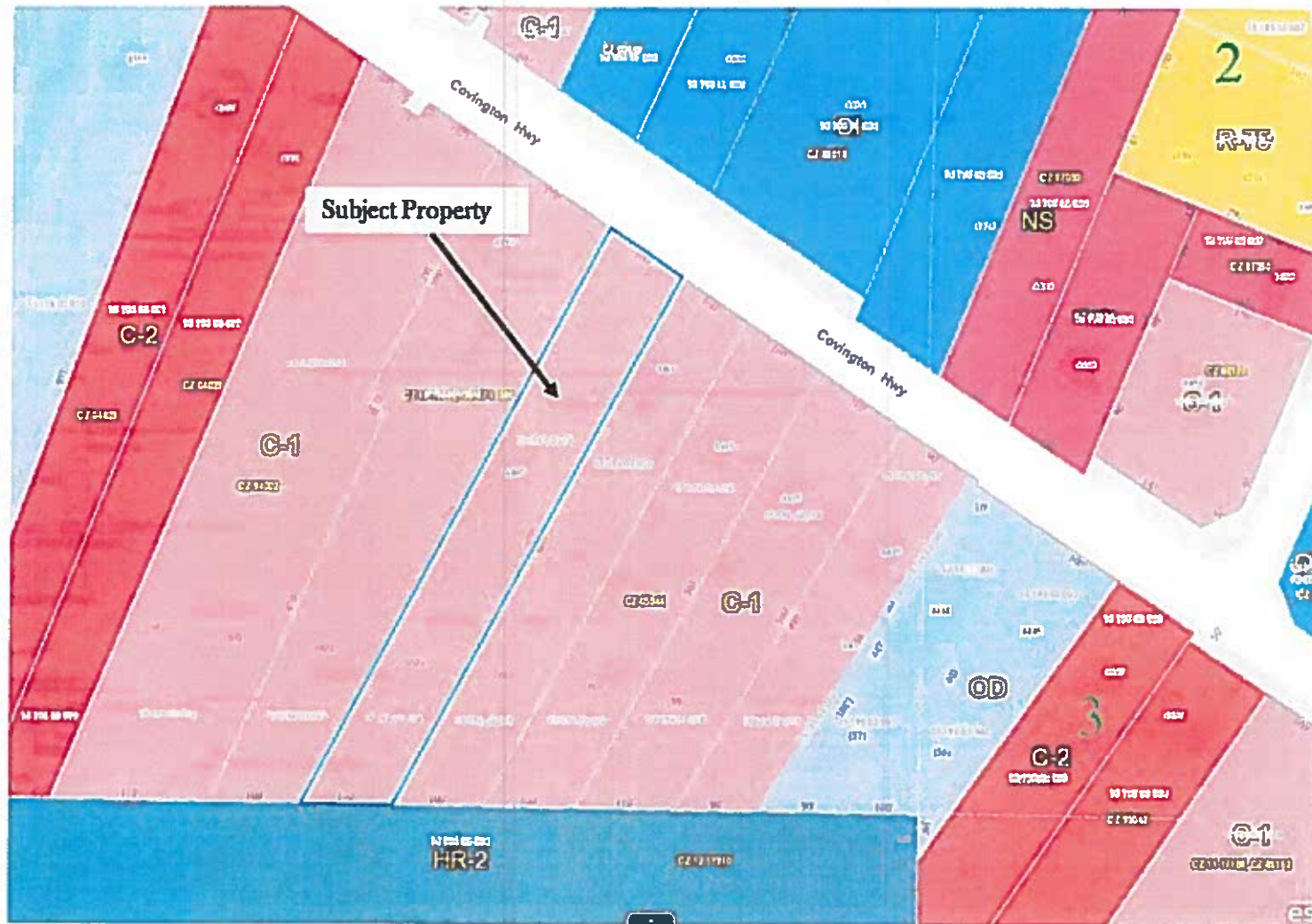
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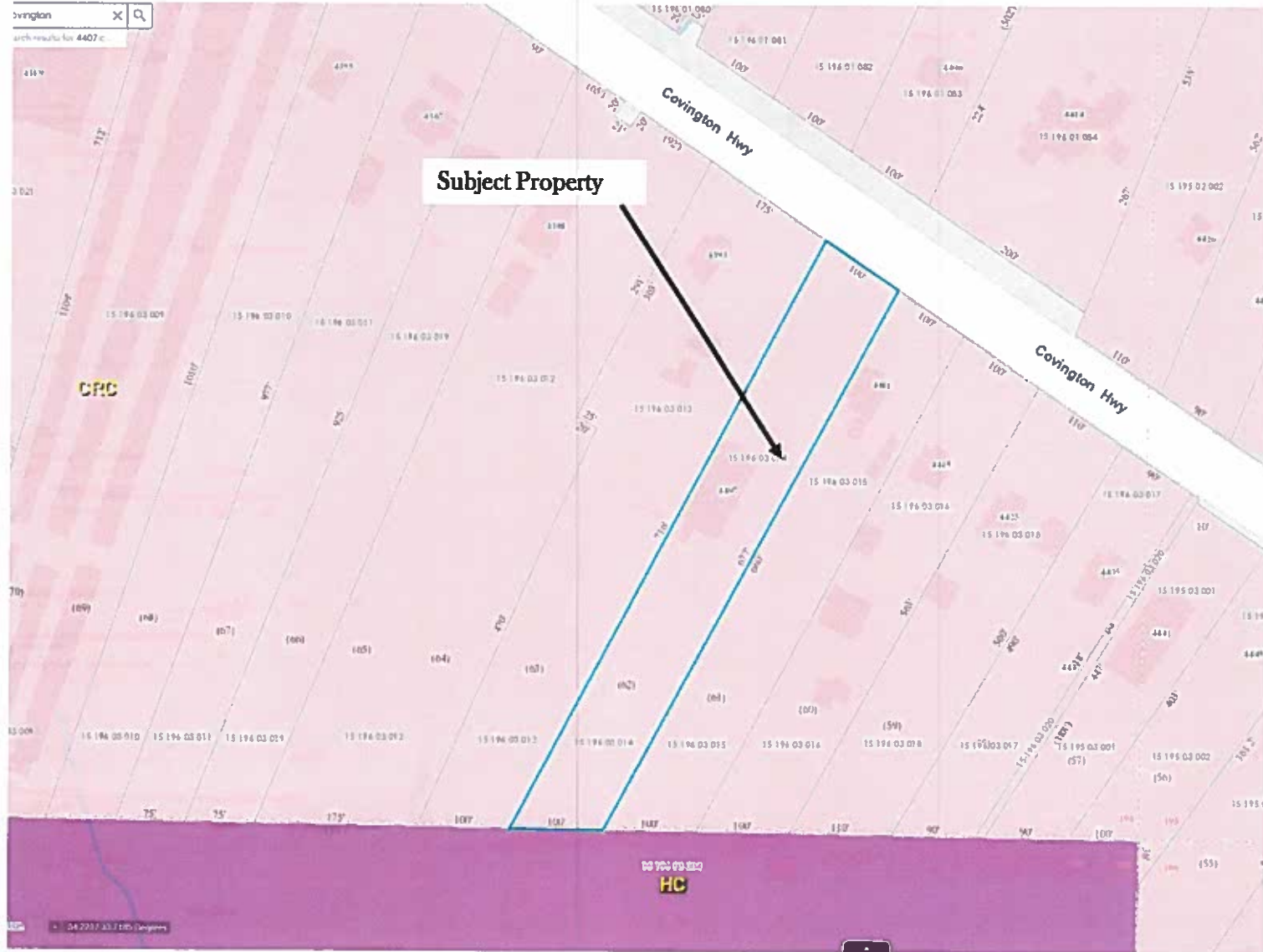
The Existing Building height does NOT create a negative shadow impact on any adjoining lot or building.

S

The Existing Property proposed use would be consistent with the needs of the neighborhood and would NOT be in conflict with the overall objectives of the comprehensive plan.

Michael Tchouaffe', AIA, NCARB, LEED AP
CEO/Principal Architect

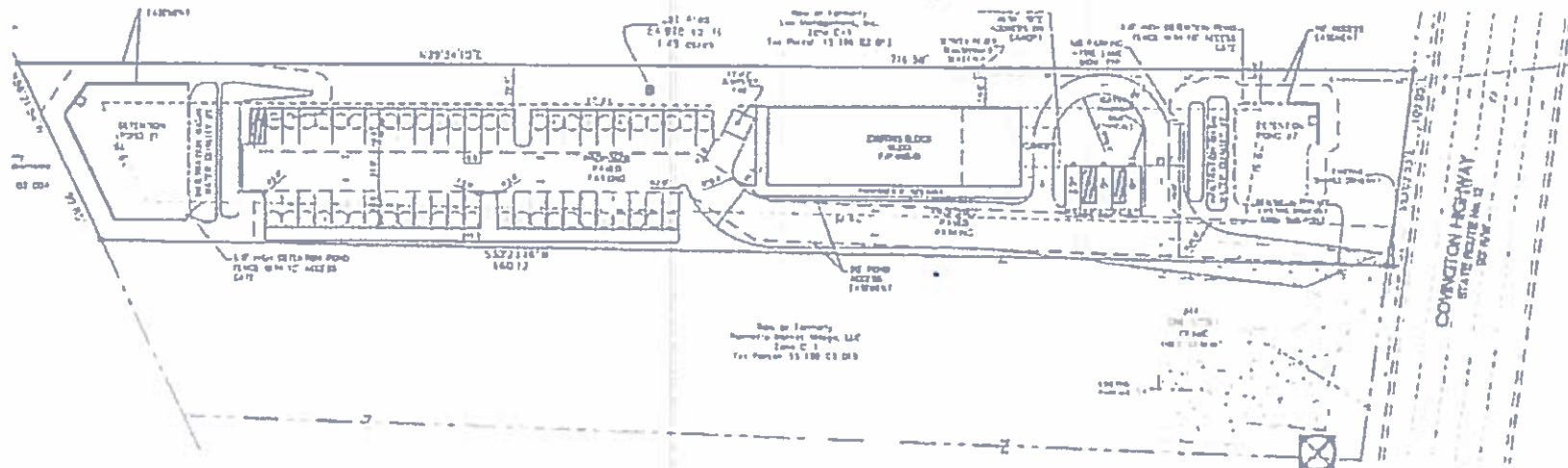




N.6

SLUP 19 1243471

SITE PLAN



Site of January
Barron's Marine Supply, LLC
Zone C-1
Tax Parcel 15 100 02 010

ARCHITECTURAL SITE PLAN

11/17/19
10/17/19
10/17/19
10/17/19

N.6

SLUP-19-1243471

Aerial





DeKalb County

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing date.

Date Received: _____ Application No.: _____

APPLICANT NAME: MICHAEL TCHOUFFE, AIA

Daytime Phone #: 770-962-3298 (CEL) Fax #: _____

Mailing Address: 260 PEACHTREE ST. SUITE 2200. ATLANTA, GA 30303

E-mail: MICHAEL@TCHOUFFE.COM

OWNER NAME: LINCOLN PALMER (If more than one owner, attach contact information for each owner)

Daytime Phone #: _____ Fax #: _____

Mailing Address: 6991 EDEN FIELD DRIVE. LITHONIA, GA 30058

E-mail: _____

SUBJECT PROPERTY ADDRESS OR LOCATION: 4407 COVINGTON HWY

DECATUR, GA 30035, DeKalb County, GA, _____

District(s): 7 Land Lot(s): _____ Block(s): _____ Parcel(s): 15196030154

Acreage or Square Feet: 1.45 Commission District(s): _____ Existing Zoning: C-1

Proposed Special Land Use (SLUP): CHANGE OF USE TO RESTAURANT AND LATE NIGHT ESTABLISHMENT

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Owner: _____ Agent: Signature of Applicant: [Signature]

Printed Name of Applicant: MICHAEL TCHOUFFE, AIA.

Notary Signature and Seal
[Signature]



Join us for

COMMUNITY MEETING

SLUP

AUGUST 8TH@6:30-7:30PM
PALMETTO EVENT CENTER
4407 COVINGTON HWY

FREE FOOD & DRINK

REZONING FOR A LATE NIGHT
RESTAURANT

404 289 0600

Notice Date: _____

PUBLIC NOTICE

To

Request for a Special Land Use Permit

Filed by: Your Name/company

Located at: 123 Project Address

Decatur, GA 33333

Current Use – Restaurant

Proposed Use – Restaurant/Bar

Hours of Operation

Current: Sunday-Saturday, 12PM-12:30AM

Proposed: Sunday-Saturday, 12PM-4AM

Capacity: No Change

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT: DECATUR LIBRARY

Location: 1234 Avenue Street, Decatur, GA 33333

Date & Time: Tuesday, November 16, 2017 at 7:00PM



404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Michael Tchouffec Phone: 1-678-853-2553 Email: michael@tchouffec.com

Property Address: 4407 Cowington Hwy

Tax Parcel ID: 15-196-63-014 Comm. District(s): 5, 7 Acreage: _____

Existing Use: event center Proposed Use: 1st night

Supplemental Regs: _____ Overlay District: NA DRI: _____

Rezoning: Yes _____ No

Existing Zoning: C-1 Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes _____ No

Existing Land Use: CRC Proposed Land Use: _____ Consistent _____ Inconsistent _____

Special Land Use Permit: Yes No _____ Article Number(s) 27- 4.2.32

Special Land Use Request(s) _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified:

MEETING SIGN-IN SHEET

Community Meeting
August 8, 2019 (6:30pm to 7:30pm)
4407 Covington Hwy

Name	Department	Phone	Email

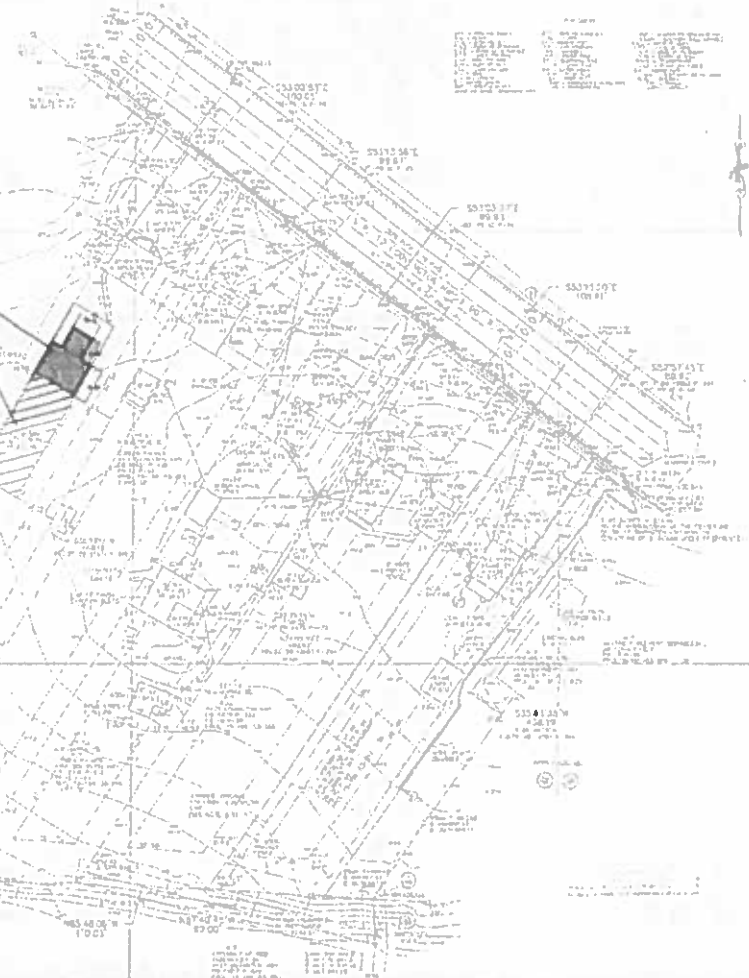
LINCOLN PALMER
 ARCHITECTS
 1000 W. BROADWAY
 SUITE 200
 ATLANTA, GEORGIA 30334
 (404) 525-1234
 FAX (404) 525-1235
 lincolnpalmer.com



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- 1. 1,492 ACRES
- 2. 1,492 ACRES
- 3. 1,492 ACRES
- 4. 1,492 ACRES
- 5. 1,492 ACRES
- 6. 1,492 ACRES
- 7. 1,492 ACRES
- 8. 1,492 ACRES
- 9. 1,492 ACRES
- 10. 1,492 ACRES

269711 B7 SQ. FT.
 8.192 ACRES



General Notes

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODES (IMC AND IMEC).
3. ALL UTILITIES SHALL BE LOCATED AND DEPTHS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
5. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY.
6. ALL UTILITIES SHALL BE PROTECTED AND SHALL NOT BE CUT OR DAMAGED.
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MACHTECH
 DESIGN & ASSOCIATES
 265 FLEMING LANE
 CUMMINGS, GEORGIA 30628
 (706) 688-1234
 www.machtech.com

PROJECTED COMMUNITY CENTER
 407 CEDARHURST DRIVE
 CUMMINGS, GEORGIA 30628

COMMUNITY CENTER
 407 CEDARHURST DRIVE

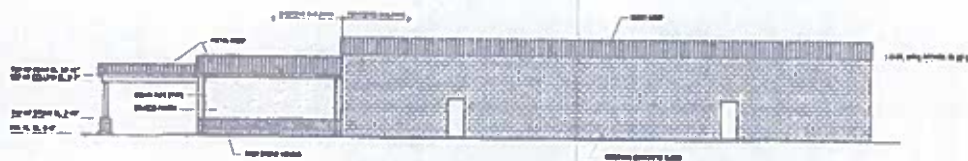
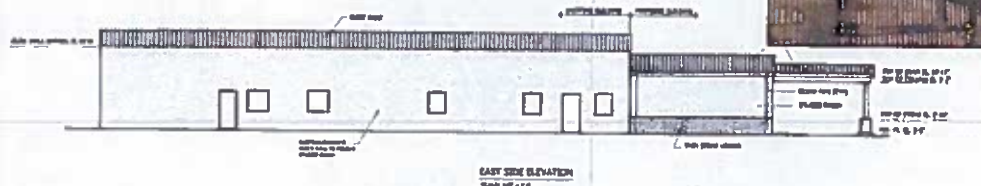
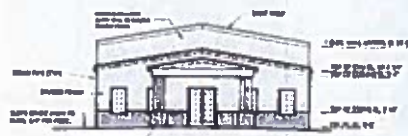
SITE PLAN

DATE: 11/20/23
 SCALE: AS SHOWN
A0.2

DATE: 11/20/23



PHOTOS OF EXISTING ELEVATIONS
Scale: 1/8" = 1'-0"



EXISTING ELEVATIONS
Scale: 1/8" = 1'-0"



CHOUAFFE

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PROJECT NAME
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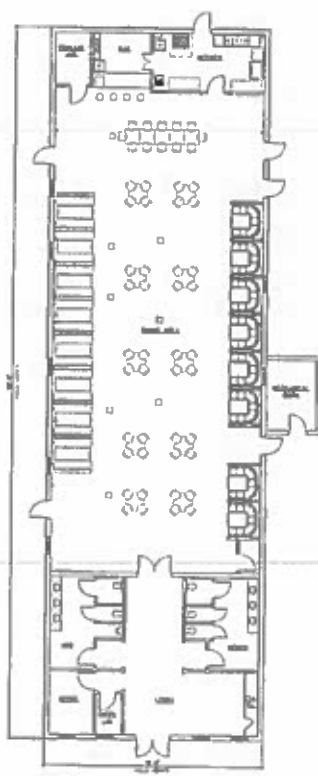


DATE
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**PALMETTO
 EVENT CENTER**
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PROJECT NO.
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A1.1



1 PROPOSED RESTAURANT FLOOR PLAN
 ...