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

### **SUBJECT:**

COMMISSION DISTRICT(S): Commission District 02 Super District 06

Application of Sky Lounge Cafe – Decatur for a Special Land Use Permit (SLUP) to allow for a late-night

establishment in the C-1 (Local Commercial) zoning district, at 1850 Lawrenceville Highway.

PETITION NO: N8-2024-0634 SLUP-24-1247009

PROPOSED USE: Late-night establishment.

**LOCATION:** 1850 Lawrenceville Highway, Decatur, Georgia 30033

**PARCEL NO.:** 18 062 08 075

**INFO. CONTACT:** Adam Chappell, Sr. Planner

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

### **PURPOSE:**

Application of Sky Lounge Cafe - Decatur for a Special Land Use Permit (SLUP) to allow for a late-night establishment in the C-1 (Local Commercial) zoning district.

### **RECOMMENDATION:**

**COMMUNITY COUNCIL:** Denial.

PLANNING COMMISSION: Denial.

PLANNING STAFF: (rev. 07.17.2024) Two-cycle deferral.

STAFF ANALYSIS: (rev. 07.17.2024) The applicant, Sky Lounge Cafe - Decatur, is seeking a Special Land Use Permit (SLUP) to allow for an existing restaurant (Sky Lounge Cafe - Decatur) to operate as a late-night establishment in the C-1 (Local Commercial) Zoning District, which would enable the serving of alcohol to patrons on the premises beyond 12:30 am. The restaurant use occupies a tenant space that is approximately 3,200-3,800 square feet in size and is part of a shopping center that appears to contain four (4) tenant spaces in total. The adjacent uses within the shopping center are two (2) retail establishments and another restaurant comprising approximately 4,000 square feet at the opposite end of the shopping center. The existing restaurant, shopping center, and subject property are located within a Town Center (TC) Character Area. The use of a proposed latenight establishment may support the Character Area's intent (per the DeKalb County 2050 Unified Plan) to "promote the concentration of higher intensity residential and commercial uses, which serve several communities surrounding the center, in order to reduce automobile travel, promote walkability and increased transit usage" (DeKalb County 2050 Unified Plan, pg. 32). However, existing site conditions may be inconsistent with these goals. The shopping center in which the existing restaurant is located was constructed circa 1972 and the layout of the site is automobile-oriented, with parking provided in front of the main building directly adjacent to the property's frontage along Lawrenceville Highway (classified as a major arterial). The DeKalb County 2050 Unified Plan further mentions that "properties located along the outer edges of the Town Center shall be sensitive to the building height and density of adjacent single-family residential". The subject property is located adjacent to single-family residential properties that are within a Suburban (SUB) Character Area and are zoned R-75 (Residential Medium Lot-75). A survey of the property provided by the applicant (dated April 15, 2017) demonstrates that the existing shopping center/site is nonconforming with respect to current transitional buffer requirements. Per Section 5.4.5. of the Zoning Ordinance, an undisturbed transitional buffer of not less than 50

feet in depth is required along property lines adjacent to R-zoned lots; the survey and on-site inspections confirm that there is inadequate screening between the existing building and residential properties to the north and west since no planted/undisturbed buffer exists on-site. The survey shows approximately 45 off-street parking spaces provided on-site. Per Section 6.1.4. of the *Zoning Ordinance* with respect to off-street parking ratios, a minimum of 39 off-street spaces are required with the current restaurant and retail uses on the property (restaurants require a minimum of one (1) space per 250 square feet of floor area and retail uses require a minimum of one (1) space per 500 square feet of floor area). Late-night establishments require a minimum of one (1) off-street parking space per 300 square feet of floor area, which means that a granting of a SLUP would slightly reduce the minimum parking required. While it appears that the site provides the minimum number of parking spaces required, many of the provided parking spaces and drive-aisle widths do not appear to meet current dimensional requirements in Section 6.1.3., and the orientation of these spaces and drive-aisles does not appear to meet maneuverability standards for Fire/Rescue or Sanitation vehicles, for example, as per a notice of violation issued on April 15, 2023 (see attached). Citations regarding lack of proper licensing were issued in 2023 but appear to have been resolved at the time of this analysis, and the existing restaurant currently has a valid Certificate of Occupancy (CO), business license, and liquor license. However, there was significant community opposition demonstrated at the Community Council District 2 meeting held on June 11, 2024 and the Planning Commission meeting held on July 11, 2024. Noise was a primary concern from residents living directly behind the property. During the staff site visit, the tenant space clearly showed sound (DJ) equipment and a small dance floor even though the SLUP application did not indicate a nightclub use was proposed; advertisements from the existing establishment on social media appear to market the business as a nightclub. The applicant has proposed valet parking as a potential solution to the limited onsite parking. They propose additional parking could be provided on the adjacent 1826 Lawrenceville Highway property to the south which is under common ownership with the subject property. A parking lease agreement was provided by the applicant shortly before the Planning Commission meeting held on July 11, 2024 but was not submitted in time for Staff review. Upon review of the criteria to be considered for a SLUP in Section 7.4.6. (H) and (N) of the Zoning Ordinance, the use of a late-night establishment may be consistent with providing the community a use or amenity that is supported by the Town Center (TC) Character Area. However, the existing property may not be adequate in size for what would be considered an increase in the intensity of the existing use via late night operating hours, does not have adequate screening to mitigate potential adverse impacts to adjoining residential uses (7.4.6. (A) and (B)) and does not appear to have adequate ingress and egress to allow for proper traffic flow/control and address Fire/emergency concerns (7.4.6. (E)). Thus, the granting of a SLUP for a late-night establishment may create additional or increase existing adverse impacts upon adjoining residential uses by reason of the manner and extended hours of operation (7.4.6. (F)). However, the applicant has demonstrated a willingness to mitigate potential adverse impacts by submitting conditions that could be attached to an issued SLUP permit. Some proposed conditions could potentially reduce the potential of the late-night establishment to cause unwanted nuisances and reduce the likelihood of neighborhood concerns. Additional information continues to be submitted by the applicant at the time of this analysis and there has been a willingness to continue dialogue to address the surrounding community. Therefore, in order to allow the applicant to address the outstanding Criteria 27-7.4.6 A, B, E and F, the Planning and Sustainability Department recommends a "Two-cycle deferral to the November 2024 zoning agenda".

**PLANNING COMMISSION VOTE:** (July 11, 2024) Denial 6-0-0. Sarah Zou moved, Jana Johnson seconded for denial, per staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 7-0-0.



Government Services Center 178 Sams Street Decatur, GA 30030 dekalbcountyga.gov/planning 404-371-215 (0)

### DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive OfficerInterim DirectorMichael ThurmondCedric Hudson

Planning Commission Hearing Date: July 11<sup>th</sup>, 2024 Board of Commissioners Hearing Date: July 25<sup>th</sup>, 2024

### **STAFF ANALYSIS**

Case No.:	SLUP-24-1247009	<b>Agenda #:</b> 2024-0634				
Address:	1850 Lawrenceville Highway, Decatur, GA 30333	r, Commission District: 02 Super Distric				
Parcel ID(s):	18-062-08-075					
Request:	A Special Land Use Permit (SLUP) to Commercial) Zoning District.	allow for a late-nigh	nt establishment	in the C-1 (Local		
<b>Property Owner(s):</b>	Air Hospitality Group, Llc					
Applicant/Agent:	Sky Lounge Cafe – Decatur c/o M. Hakim Hilliard					
Acreage:	1.09 acres					
<b>Existing Land Use:</b>	Restaurant within an existing Shopping Center					
Surrounding Properties:	North: R-75 East: R-75 (across Woodridge Drive) South: C-1 and M (across Lawrenceville Highway) West: R-75					
Comprehensive Plan:	Town Center (TC)		Consistent	Inconsistent X		

### **Staff Recommendation:** TWO-CYCLE DEFERRAL

The applicant, Sky Lounge Cafe - Decatur, is seeking a Special Land Use Permit (SLUP) to allow for an existing restaurant (Sky Lounge Cafe - Decatur) to operate as a *late-night establishment* in the C-1 (Local Commercial) Zoning District, which would enable the serving of alcohol to patrons on the premises beyond 12:30 am. The restaurant use occupies a tenant space that is approximately 3,200-3,800 square feet in size and is part of a shopping center that appears to contain four (4) tenant spaces in total. The adjacent uses within the shopping center are two (2) retail establishments and another restaurant comprising approximately 4,000 square feet at the opposite end of the shopping center.

The existing restaurant, shopping center, and subject property are located within a Town Center (TC) Character Area. The *use* of a proposed late-night establishment may support the Character Area's intent (per the *DeKalb County 2050 Unified* Prepared: 07/16/2024

By: AWC

Page 1

*Plan*) to "promote the concentration of higher intensity residential and commercial uses, which serve several communities surrounding the center, in order to reduce automobile travel, promote walkability and increased transit usage" (*DeKalb County 2050 Unified Plan*, pg. 32). However, existing site conditions may be inconsistent with these goals. The shopping center in which the existing restaurant is located was constructed circa 1972 and the layout of the site is automobile-oriented, with parking provided in front of the main building directly adjacent to the property's frontage along Lawrenceville Highway (classified as a major arterial). The *DeKalb County 2050 Unified Plan* further mentions that "properties located along the outer edges of the Town Center shall be sensitive to the building height and density of adjacent single-family residential". The subject property is located adjacent to single-family residential properties that are within a Suburban (SUB) Character Area and are zoned R-75 (Residential Medium Lot-75).

A survey of the property provided by the applicant (dated April 15, 2017) demonstrates that the existing shopping center/site is nonconforming with respect to current transitional buffer requirements. Per Section 5.4.5. of the *Zoning Ordinance*, an undisturbed transitional buffer of not less than 50 feet in depth is required along property lines adjacent to R-zoned lots; the survey and on-site inspections confirm that there is inadequate screening between the existing building and residential properties to the north and west since no planted/undisturbed buffer exists on-site.

The survey shows approximately 45 off-street parking spaces provided on-site. Per Section 6.1.4. of the *Zoning Ordinance* with respect to off-street parking ratios, a minimum of 39 off-street spaces are required with the current restaurant and retail uses on the property (restaurants require a minimum of one (1) space per 250 square feet of floor area and retail uses require a minimum of one (1) space per 500 square feet of floor area). Late-night establishments require a minimum of one (1) off-street parking space per 300 square feet of floor area, which means that a granting of a SLUP would slightly *reduce* the minimum parking required. While it appears that the site provides the minimum number of parking spaces required, many of the provided parking spaces and drive-aisle widths do not appear to meet current dimensional requirements in Section 6.1.3., and the orientation of these spaces and drive-aisles does not appear to meet maneuverability standards for Fire/Rescue or Sanitation vehicles, for example, as per a notice of violation issued on April 15, 2023 (see attached).

Citations regarding lack of proper licensing were issued in 2023 but appear to have been resolved at the time of this analysis, and the existing restaurant currently has a valid Certificate of Occupancy (CO), business license, and liquor license. However, there was significant community opposition demonstrated at the Community Council District 2 meeting held on June 11, 2024 and the Planning Commission meeting held on July 11, 2024. Noise was a primary concern from residents living directly behind the property. During the staff site visit, the tenant space clearly showed sound (DJ) equipment and a small dance floor even though the SLUP application did not indicate a nightclub use was proposed; advertisements from the existing establishment on social media appear to market the business as a nightclub.

The applicant has proposed valet parking as a potential solution to the limited onsite parking. They propose additional parking could be provided on the adjacent 1826 Lawrenceville Highway property to the south which is under common ownership with the subject property. A parking lease agreement was provided by the applicant shortly before the Planning Commission meeting held on July 11, 2024, but was not submitted in time for Staff review.

Upon review of the criteria to be considered for a SLUP in Section 7.4.6. (H) and (N) of the *Zoning Ordinance*, the use of a late-night establishment may be consistent with providing the community a use or amenity that is supported by the Town Center (TC) Character Area. However, the existing property may not be adequate in size for what would be considered an increase in the intensity of the existing use via late night operating hours, does not have adequate screening to mitigate potential adverse impacts to adjoining residential uses (7.4.6. (A) and (B)), and does not appear to have adequate ingress and egress to allow for proper traffic flow/control and address Fire/emergency concerns (7.4.6. (E)). Thus, the granting of a SLUP for a late-night establishment may create additional or increase existing adverse impacts upon adjoining residential uses by reason of the manner and extended hours of operation (7.4.6. (F)).

However, the applicant has demonstrated a willingness to mitigate potential adverse impacts by submitting conditions that could be attached to an issued SLUP permit. Some proposed conditions could potentially reduce the potential of the latenight establishment to cause unwanted nuisances and reduce the likelihood of neighborhood concerns. Additional information continues to be submitted by the applicant at the time of this analysis and there has been a willingness to

Prepared: 07/16/2024 By: AWC Page 2

continue dialogue to address the surrounding community. Therefore, in order to allow the applicant to address the outstanding Criteria 27-7.4.6 A, B, E and F, the Planning and Sustainability Department recommends a Two-Cycle Deferral of this application.



Government Services Center 178 Sams Street Decatur, GA 30030 www.dekalbcountyga.gov/planning 404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer
Michael Thurmond

### **DEPARTMENT OF PLANNING & SUSTAINABILITY**

Interim Director Cedric Hudson

### **ZONING COMMENTS – JUNE 2024**

N1. 911 Mountain View Drive. Mountain View Drive is classified as a collector road. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (<a href="hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>). Mountain View Circle and Mountain Springs Way are classified as local roads. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (<a href="hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>). No poles may remain within the limits of the path/sidewalk on any street. Only one access point allowed on Mountain View Drive. Refer to Code Section 14-200 (6) for driveway spacing. Consider the circulation loop having access off Mountain View Circle. No parking allowed on the right of way. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

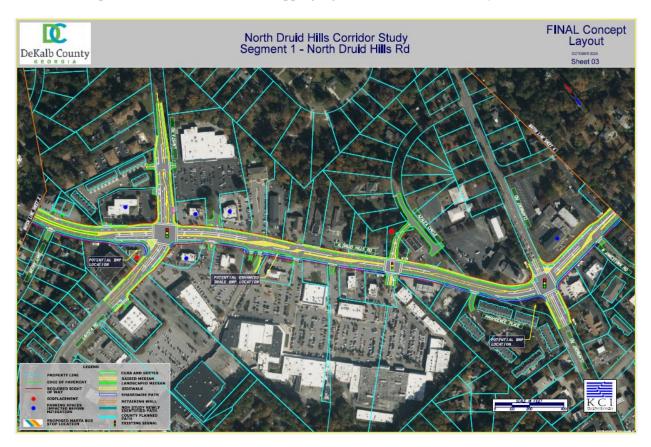
N2. 498 Crestwood Ct: No comment.

N3. 6061 Redan Road. Redan Road is classified as a minor arterial. If a land development permit is required-Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (<a href="hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>. Young Road is classified as a collector road. If a land development permit is required-Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (<a href="hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>). Verify that all access points have intersection and stopping sight distance as described by AASHTO. Provide a direct pedestrian connection between the public infrastructure/right of way to the building. One right in/left in/right out access point on Redan Road. Install physical barrier to prevent left turns and include a no left turn signage. Only one access point allowed on Young Road- away from the signalized intersection as possible. Update pedestrian striping and ADA ramps at traffic signal. Bring curb and gutter up to current standards along property frontage. No poles may remain within the limits of the path/sidewalk on any street.

**N4. 1422 Rock Chapel Road.** Rock Chapel Road is state route 124. GDOT review and approval is required prior to permitting. (JLivingston@dot.ga.gov) Rock Chapel Road is classified as a major arterial. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). If applicant is seeking a variance from the above infrastructure requirements, it is suggested to seek during the zoning process. Verify that all access points have intersection and stopping sight distance as described by AASHTO. No poles may remain within the limits of the path/sidewalk on any street.

N5. No comment

**N6. 2933 N Druid Hills Rd.** Additional coordination is required with the PW- Transportation Division on related to the North Druid Hills Study Section 1B. The Transportation Division has applied for federal funds to design and construct this project. Dedicate necessary right of way for the project. Recommend variance for all other infrastructure improvements until the project is delivered during zoning process. Please note the final position of access points. Verify that all access points have intersection and stopping sight distance as described by AASHTO.



N7. 5370, 5384, 5378 Flat Shoals Parkway. Flat Shoals Parkway is SR 155. GDOT review and permits required prior to permitting. (<a href="mailto:JLivingston@dot.ga.gov">JLivingston@dot.ga.gov</a>) Flat Shoals Parkway is classified as a major arterial. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (<a href="mailto:hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>). Verify that all access points have intersection and stopping sight distance as described by AASHTO. No poles may remain within the limits of the path/sidewalk on any street. Private roads must be built to public road standards. All interior roads are to be private and maintained by a Homeowner's Association. Verify the distance between the garage door and sidewalk is long enough to accommodate a vehicle without blocking the sidewalk. Make sure that sidewalk/pedestrian paths meet ADA requirements at driveways. If street is less than 24 feet wide, no on street parking allowed. Add no parking signs and include parking restrictions in neighborhood covenants.

**N8. 1850 Lawrenceville Hwy.** Lawrenceville Hwy is SR 8. GDOT review and permits required prior to permitting. (<u>JLivingston@dot.ga.gov</u>) Lawrenceville Hwy is classified as a major arterial. If a land development permit is required-Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse

path. Requires pedestrian scale streetlights. (<a href="mailto:hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>). Verify that all access points have intersection and stopping sight distance as described by AASHTO. No poles may remain within the limits of the path/sidewalk on any street. If seeking a variance from infrastructure improvements: At a minimum, add an 8-foot sidewalk for connection to South Fork Peachtree Creek Multiuse Trail along frontage and dedicate right of way needed.



#### 6/14/2024

To: LaSondra H. Hill

From: Ryan Cira, Environmental Health Director

Cc: Alan Gaines, Deputy Director Re: Rezone Application Review

#### General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- · hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.



N.5 -2024-0631 SLUP-24-1247001 18 069 02 028

5439 Memorial Drive, Stone Mountain, GA 30083 Amendment

- Please review general comments.

N.6 -2024-0632

SLUP-24-1247003 18 111 03 018

2933 North Druid Hills Road, Atlanta, GA 30329

Amendment

- Please review general comments.

N.7 - 2024-0633

Z-24-1247008 15 066 01 06, 15 066 0 012, 15 066 01 011

5370, 5384, and 5378 Flat Shoals Parkway, Decatur, GA 30034 Amendment

- Please review general comments.

N.8 - 2024-0634

SLUP-24-1247009 18 062 08 075

1850 Lawrenceville Highway, Decatur, GA 30033 Amendment

- Please review general comments.

**DeKalb Public Health** 

445 Winn Way – Box 987 Decatur, GA 30031 404.508.7900 • www.dekalbhealth.net



## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

1247009 Review disposition comment: No objection.

#### **DEVELOPMENT ANALYSIS:**

#### Transportation/Access/Row

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for any land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

### • Storm Water Management

Compliance with the DeKalb County Code of Ordinances 14-40 for Stormwater management and water quality control and Georgia Stormwater Management Manual is required as a condition of land development permit approval. Stormwater discharge must comply with 14-40.(e)(6).

#### • Flood Hazard Area/Wetlands

The presence of FEMA Special Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application.

### • Landscaping/Tree Preservation

<u>Landscaping and tree preservation plans for any building, or parking lot must comply with</u>

DeKalb County Code of Ordinances 14-39 and are subject to approval from the County Arborist.

### • Tributary Buffer

State water with buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

### Fire Safety

<u>Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.</u>



## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID <u>jreid@dekalbcountyga.gov</u> AND/OR LASONDRA HILL <u>lahill@dekalbcountyga.gov</u>

### COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

Case No.:	Parcel I.D. #:	
Address:		
WATER:		
Size of existing water main:		(adequate/inadequate)
Distance from property to nearest main:	Size of lin	e required, if inadequate:
SEWER:		
Outfall Servicing Project:		
Is sewer adjacent to property: Yes	No If no, distance to nearest line:	:
Water Treatment Facility:	adequate inadequ	uate
Sewage Capacity:	(MGPD) Current Flow:	(MGPD)
COMMENTS:		

Signature:



# DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID <a href="mailto:jreid@dekalbcountyga.gov">jreid@dekalbcountyga.gov</a> AND/OR LASONDRA HILL <a href="mailto:lahill@dekalbcountyga.gov">lahill@dekalbcountyga.gov</a>

### COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: 52UP-24-1247009	Parcel I.D. #s: 18-062-08-075
Address: 1850 Lawrenceville	Highway, Decatur, Ga 30033
A	djacent Roadway (s):
(classifi	cation) (classification)
Capacity (TPD) Latest Count (TPD) Hourly Capacity (VPH) Peak Hour. Volume (VPH) Existing number of traffic lanes Existing right of way width Proposed number of traffic lanes Proposed right of way width	Capacity (TPD)  Latest Count (TPD)  Hourly Capacity (VPH)  Peak Hour. Volume (VPH)  Existing number of traffic lanes  Existing right of way width  Proposed number of traffic lanes  Proposed right of way width
verage of fifteen (15) vehicle trip end (VTE) per 1, 000 square fe	statement.  Heers (ITE) 6/7th Edition (whichever is applicable), churches generate an et of floor area, with an eight (8%) percent peak hour factor. Based on the building would generate vehicle trip ends, with approximately
ctor. Based on the above referenced formula, the (Sin units per acres, and the given fact that the project site is appropriate peak hour vehicle trip end would be generated with resident	•
OMMENTS: Plans and field Rel	ic flow.
~ OMIO 20 TRICTAGE WITH THAT	. C 110W.
	Signature: Jerry Whit



### DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID <a href="mailto:jreid@dekalbcountyga.gov">jreid@dekalbcountyga.gov</a> AND/OR LASONDRA HILL <a href="mailto:lahill@dekalbcountyga.gov">lahill@dekalbcountyga.gov</a>

### REZONE COMMENTS FORM:

### PUBLIC WORKS ROAD AND DRAINAGE

Case No.:	Parcel I.D. #:
Address:	
Drainage Basin:	
Upstream Drainage Area:	
Percent of Property in 100-Year Floodplain:	
Impact on property (flood, erosion, sedimentation) und	er existing zoning:
Required detention facility(s):	
•	
COMMENTS:	

Signature: Akin A. Akinsola





### BUSINESS LICENSE/ALCOHOL LICENSE

Business License # 1244103

• Active as of 2/8/24

Alcohol License #1244104

• Active as of 2/8/24



### **CITATIONS**

- Six (6) DKPD Citations: No alcohol server permits, no County alcohol license at time of inspection
- Three (3) Fire Marshal Citations: No ventilation system, unsafe conditions at time of inspection
- Health Score-69/100 at time of inspection: Inaccessible hand-wash sinks, sinks stopped with hookah material, dirty men's restrooms.



### **PERMITS**

Latest permit-Permit # 3133792

• Installation of a ventillation system



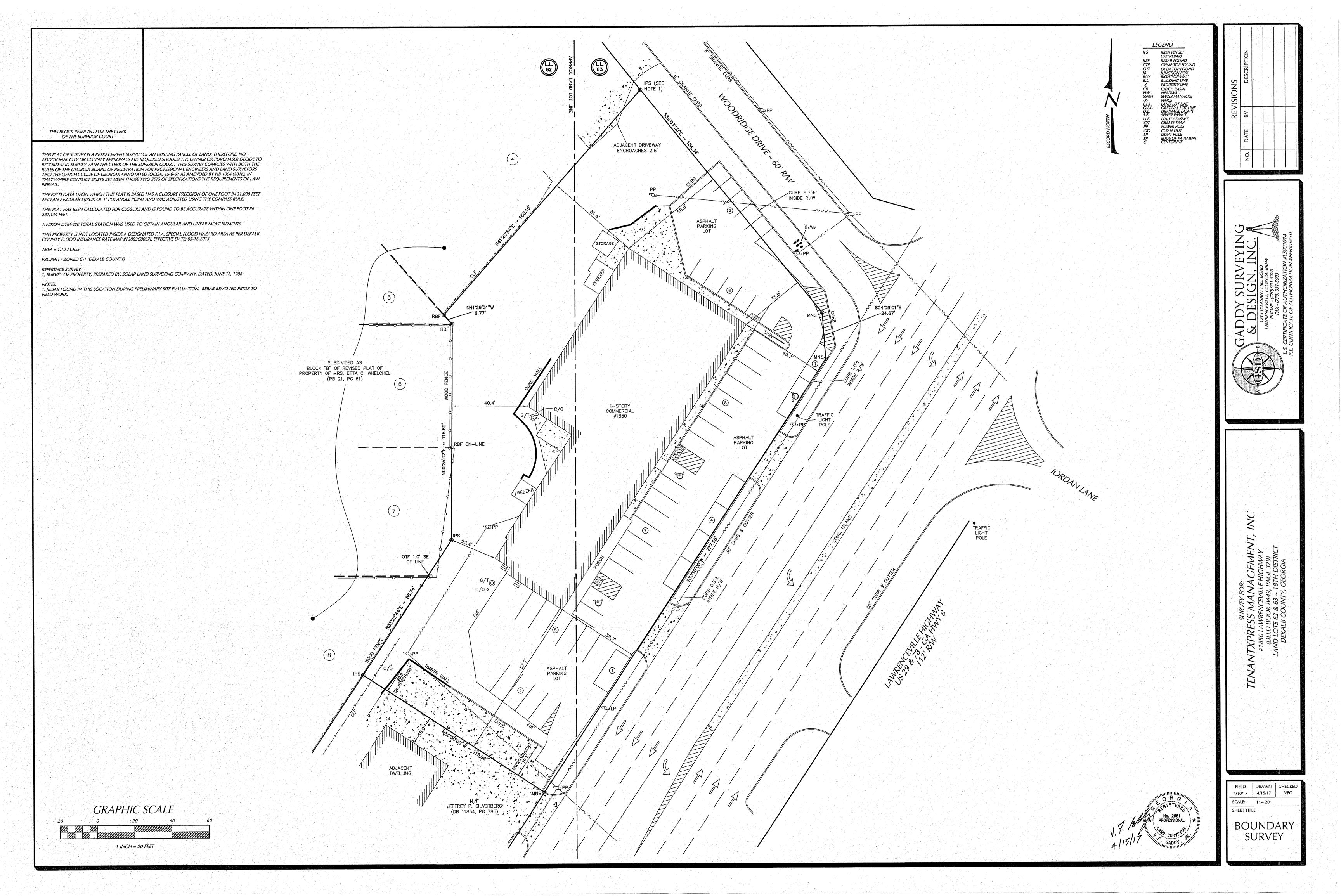
### RECOMMENDATIONS PRIOR TO APPROVAL

- Most recent Health Score 85/100
- All citations rectified as of 9/2023
- Must submit LOE for 2024
- Recommended approval for SLUP.



DECATUR PLAZA
1850 LAWRENCEVILLE HWY
DECATUR, GA 30033

TOTAL BUILDING SQ FT = 11,750 TOTAL LAND = +/- 1.1 ACRE





### DEPARTMENT OF PLANNING & SUSTAINABILITY

### SPECIAL LAND USE PERMIT APPLICATION

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

Date Received:	Application No:
APPLICANT NAME: Sky Lounge Cafe - Decatur	
Daytime Phone: <u>(404)-343-1661</u>	E-Mail: skyloungeatl@gmail.com
Mailing Address: 1850 Lawrenceville Highway,	Georgia 30033
Owner Name: Air Hospitality Group, LLC  (If more than one owner, attach	contact information for each owner)
· ·	E-Mail: anil@tenantxpress.com
Mailing Address: 5815 Live Oak Pkwy, Suite 2F	, Norcross, GA, 30093
SUBJECT PROPERTY ADDRESS OR LOCATION: 185	0 Lawrenceville Highway, Georgia 30033
	DeKalb County, GA
Parcel ID: Acreage or Square Feet: _1.09 a	acres Commission Districts: 286
Existing Zoning: C-1 Proposed Special Land	Use (SLUP): <u>Late-night es</u> tablishment
I hereby authorize the staff of the Planning and Susta this application.	inable Department to inspect the property that is the subject of
Owner: Agent:	Signature of Applicant:

### YOU ARE INVITED

to

### NOTICE OF SPECIAL LAND USE APPLICATION COMMUNITY MEETING

FOR

SKYLOUNGE 1850 Lawrenceville Highway is applying for

Special Land Use Permit to extend operating hours

Submitted for Applicant by:

M. Hakim Hilliard, Esq.

Find out more about the

project, ask questions, and

voice your opinion at the

following community meeting:

on

Wednesday April 17, 2024

### At 6:00 PM

At 1850 Lawrenceville

Highway

(If you have any questions or concerns regarding the application, prior to or after the meeting please email them to <a href="mailto:dhayley@cglawfirm.com">dhayley@cglawfirm.com</a>)

Address Name eury;/ 716 Densley Dr If Ismith @ gmv.il.com Jim Smith Marieffell 2665 Woodridge Dr. Macmh430 Smail.com 840 Whelche/Dr. Claire French CVfrence emory, 858 Gaylemmt Ox Britner Where britmrotter@gmail.com Malina Rodviguez and Blake Beskham 2637 Woodridge Dr. Hoamalinaa gmail.com A Wheleho Jayles Engl to engel aguathor erikavanattáa) gmail 811 Whelchel ERIKA Engel Ms.a.owens@gmail.com sterlin.henley@gmail.com ALI OWENS R BEN HENLEY 817 Whielchel 824 Whelchel Dr shervills at legmail. con Alex Shemill a Venet@bellsouth-net 2536 Sagamore HVIISDr. Allen Venes egrimbergence gnafi Elizabeth Grimbergen 406 Whelche Dr Jessica Andrews -Wilson jpandrens milson@smilicon 823 Whelchel Dr

### Discount Mailing service

2459 Perkerson road SW Atlanta, GA 30315-7217

### Invoice

Date	Invoice #
3/20/2024	64-#899

Bill To

Chilivis Grubman
1834 Independence Square
Atlanta Ga 30338
Attn:Maiysha Rashad

P.O. No.	Terms	Project

Quantity		Description			Rate	Amount
1	Setup mailing file for (Chilivis Grub Cards 5x7 Mailing Service and Pringing Fees Postage due for mailing—paid by	(Discount Mailing) First	Class Mail	Post	350.00 125.00	350.00 125.00
1	Delivery Mailing to Post Office				50.00	50.0
		DISCOUNT MAIL 2459 PERKERSC ATLANTA, GA 3 03/21/2024 MID: 00000003556242 345444911886	N RD SW		,	
		CREDIT C	ARD			
		VISA SA				
		CARD # INVOICE Batch #: Approval Code: Entry Method: Mode: Tax Amount: Avs Code:	XXXXXXXXXX9094 0003 000150 581937 Manual Online \$0.00 YYY			
		SALE AMOUNT	\$550.00			
		,				
ınk You For Cl	hoosing Discount Mailing Service	CUSTOMER	COPY .			
				Tot	tai	\$525.00



1834 Independence Square Atlanta, Georgia 30338 T 404-233-4171 F 404-261-2842

Direct dial 404-797-5525 hhilliard@cglawfirm.com

April 29, 2024

### **BY EMAIL ONLY**

DeKalb County Government Development Services Center DeKalb County, Georgia 30030

RE:

Letter of Application of Sky Lounge Café - Decatur Application for Special Land Use Permit for Late-Night Establishment

1850 Lawrenceville Highway, Decatur, Georgia 30030

To Whom it May Concern:

This letter is prepared on behalf of Sly Lounge Café-Decatur, located at 1850 Lawrenceville Highway, Decatur, Georgia, 30033 (the "Subject Property") seeking a Special Land Use Permit to allow for the operation of a late-night establishment at the Subject Property, which allow the business to open from 12:30am-2:00am every evening, except Sundays.

The Subject Property consists of approximately 3200 square feet within a 13,778 square foot commercial building. The Subject Property has historically been used for commercial purposes and, more specifically, as an eating and drinking establishment. The Applicant currently operates the business as a full-service restaurant with an expanded menu, where hookah service is permitted by DeKalb County Government. The proposed hours of

With the expanded permission afforded with a late-night permit, the Applicant's proposed operating hours shall be 1:00PM-2AM on Monday through Saturday, but the late-night hours will not consistently extend until 2:00AM. The business will be closed on Sundays. No live entertainment shall be provided.

The Applicant has had several conversations over the short period the business has been located at the Subject Property. Based upon those discussions, the Applicant is proposing the following conditions:

- 1. A vestibule shall be installed at the entrance to the Subject Property to reduce noise spillage from inside the Subject Property.
- 2. The Applicant shall conduct a sound study to ensure that interior sound is not heard outsid the Subject Property. (This has already been completed.
- 3. The Applicant shall remove base components to the interior sound system. \*This has already been completed.

- 4. Ventilation system installed and all furniture is fire retardant to avoid accidents caused by use of hookahs. (This has already been completed.)
- 5. Activity at the rear of the Subject Property from employees is limited and efficient.
- 6. The Applicant shall inform all patrons regularly that the business is adjacent to a residential neighborhood and to be respectful entering and exiting the Subject Property as a result.
- 7. Provide the neighborhood representative a 24-hour business contact to address any questions or concerns real-time that may arise during business hours.

Thank you for your attention to this matter. We look forward to working with all concerned as this request is processed.

Yours very truly,

M. Hakim Hilliard

cc: Maiysha Rashad, Esquire

### **IMPACT ANALYSIS**

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, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located.

The building where Sky Lounge Café – Decatur ("Sky Lounge") is located is an existing commercial building and the suite Sky Lounge is located within has been a restaurant use for many years.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use.

The building where Sky Lounge is located is a part of a larger commercial building, which is located on property zoned commercial. It is fronted by Lawrenceville Highway, a busy roadway. To the rear of the Subject Property are single-family homes. Despite a restaurant business having been in the proposed location for many years, the Applicant is taking steps to ameliorate the impact of its business on nearby and adjacent properties. These steps include, but are not limited to, building a vestibule at its entrance to reduce sound spillage, remove base speakers from inside, encourage patrons to enter and leave the inside of the building quietly and otherwise adhere to all applicable rules and regulations related to noise control.

C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use.

The business is in a space that has historically been used as a restaurant and adequate public and private services and utilities are available to serve the proposed use.

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 use proposed so as not to unduly increase traffic and create congestion in the area.

The Subject Property fronts on Lawrenceville Highway and sufficient capacity is available thereon.

D. Adequacy of 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.

There are two points of ingress and egress on the Subject Property at Lawrenceville Highway.

E. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use.

The proposed use could potentially create adverse impacts upon adjoining residential neighborhoods. As such, the Applicant has taken steps outlined to ameliorate these impacts. In this regard, the Applicant has been in communication with the adjacent residential neighbors and looks forward to agreeing on proposed conditions to be associated with the SLUP to address all issues.

F. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

Yes.

G. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.

The proposed use is consistent with the policies of the comprehensive plan.

H. Whether there is adequate provision of refuse and service areas.

The proposed use has adequate room for refuse and service. The dumpster is located to the rear of the Subject Property and efficient service is otherwise coordinated by the property owner.

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

The Applicant is willing to work with the County to agree to a limited duration for the SLUP, and re-apply upon conclusion of the agreed upon period, so that all impacted parties will have confidence that the Applicant will be a good neighbor to its neighbors.

J. Whether 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; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.

Yes. It is an existing building that has been used for the same purpose over time.

K. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

N/A.

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

Yes. All supplemental requirements are satisfied.

M. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process.

The Applicant believes that with adequate conditions in place, its proposed use would be consistent with the needs of the neighborhood and the community as a whole.



### **DeKalb County Department of Planning & Sustainability**

178 Sams Street Decatur, GA 30030

Phone: (404) 371-2155 dekalbcountyga.gov/planning

DeKalb County

Cedric Hudson Interim Director

Michael Thurmond Chief Executive Officer

### LETTER OF ENTERTAINMENT

READ ALL INSTRUCTIONS BEFORE COMPLETING THIS FORM

1.	Both the	tenant an	d property	owner are	required to	o sign	the form	
----	----------	-----------	------------	-----------	-------------	--------	----------	--

2. All signatures must be original.

3. Both signatures must be individually notarized (two seals, two stamps, etc.).

4. \*Agents (holding companies, property managers, attorneys, etc.) signer for property owner must attach any and all documentation necessary to prove they have authorization to act on behalf of the owner. Failure to provide such information will delay approval of all permits and licenses necessary to open this business.

Curi	urrent Name of Business: Sky Lounge Cafe - Decatur							
	revious Name of Business (if name has changed in past twelve (12) months):							
Add	ddress of Business: 1850 Lawrenceville Highway, Georgia Suite #							
Busi	Business Contact Name & Number: Rizwan Budhwani - 678.467.2751							
Date	Date:							
	EACH OF THE FOLLOWING QUESTIONS MUST BE ANSWERED COMPLETELY:							
1.	Is this Letter of Entertainment for a							
	✓ New Establishment OR □ Renewal of Existing Establishment?							
2.	Is this establishment a Restaurant OR a Freestanding bar? (Check Only One)							
	** Restaurant: An establishment where food and drink are prepared, served, and consumed primarily within the principal building.							
	☐ <u>Freestanding Bar</u> : An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and which derives at least fifty (50) percent of its total annual gross food and beverage sales from the sale of beverages, including but not limited to taverns, nightclubs, cocktail lounges, and cabaret.  Note: Sunday Sales are Prohibited for Establishments which are classified as a Freestanding Bar.							
3.	Is this establishment permitted to sell alcohol on Sunday?							
	Licensed establishments deriving a minimum of sixty (60) percent of their total annual gross food and beverage sales from the sale of prepared meals or food are authorized to apply for a Sunday sales permit to sell and serve distilled spirits by the drink from 12:30 pm Sundays. Note: Sunday Sales are allowed only for Establishments which are classified as Restaurants							
4.	Is this establishment open after 12:30 am?							
	<u>Late Night Establishment:</u> Any establishment licensed to dispense alcoholic beverages for consumption on premises where such establishment is open for use by patrons beyond 12:30 a.m.							
5.	Does this establishment include a patio or deck?							
6a.	Does this establishment sell tobacco products, allow smoking, or otherwise allow consumption of tobacco products on the premises including, but not limited to Hookah Services?  \( \vec{\substack} \) Yes \( \substack \) No							
	Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, e- cigarette, oral smoking device, or pipe, or any other lighted or heated tobacco intended for inhalation, in any manner or in any form.							
6b.	b. Do you have the required mechanical ventilation permit?  Yes  \Box\ Note: Onsite Tobacco Is Prohibited without a Ventilation Permit. Please refer to DeKalb County Clean Indoor Air Ordinance-File No. 52-1548							
7.	Is this establishment a nightclub with dancing and musical entertainment?							
	Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is allowed.							
8.	Is this an "Adult Entertainment" establishment as defined by the DeKalb County Zoning and Adult Entertainment licensing and alcohol beverage ordinances?							
9.	Has a Special Land Use Permit (SLUP) been approved for this establishment?   A Special Land Use Permit is granted by the Board of Commissioners under Section 27-7.4.  If yes: please provide Case Number							



### Letter of Entertainment

I, THE UNDERSIGNED, DO HEREBY SWEAR OR AFFIRM, UNDER PENALTY OF PERJURY, THAT I HAVE ANSWERED THE ABOVE QUESTIONS AND STATEMENTS TRUTHFULLY AND ACCURATELY AND I UNDERSTAND THAT THE BUILDING PERMIT(S) AND CERTIFICATE(S) OF OCCUPANCY ISSUED IN RELATION TO THIS "ENTERTAINMENT STATEMENT" ARE CONDITIONED ON THE ANSWERS TO THE ABOVE QUESTIONS AND STATEMENTS.

I, THE UNDERSIGNED, AFFIRM THAT THE BUSINESS OPERATING NAME IS THE SAME AS THE NAME REFERENCED ON ALL COUNTY APPLICATIONS.

I ALSO UNDERSTAND THAT SHOULD I, IN THE FUTURE, OFFER ANY USE NOT EXPRESSLY PERMITTED BY THE DEKALB COUNTY CODE OR STATE LAW AND/ OR CHANGE THE USE OF THE ESTABLISHMENT FROM THE APPROVED PERMITTED USE, THAT MY CERTIFICATE OF OCCUPANCY SHALL BE IMMEDIATELY NULL AND VOID.

Sworn to and subscribed before this	Sign Avishak Syam
,	Tenant or Authorized Agent
day of20	(Print/Type name)Anil I. Jivani
Notary Public	Sign Property Owner or Authorized Agent
Sworn to and subscribed before me	Property Owner of Authorized Agent
day of20	(Print/Type name)
Notary Public	



### Letter of Entertainment

### TO BE COMPLETED BY PLANNING & SUSTAINABILITY DEPARTMENT STAFF AFTER REVIEW OF LETTER OF ENTERTAINMENT AND SUPPORTING DOCUMENTATION

### Alcohol Serving Establishments Within 1,500 feet of residentially zoned property

License Review Type	Approved	Denied	Not Applicable
New License close at 12:30 am			
New License – Nightclub- SLUP granted		,	
New License- Late Night – SLUP granted			
Renewal License close at 12:30 am			
Renewal License –Late Night- No SLUP Required (grandfather documents submitted/validated)			
Renewal License -Nightclub- No SLUP Required (grandfather documents submitted/validated)			

### Alcohol Serving Establishments Beyond 1,500 feet of residentially zoned property

License Review Type	Approved	Denied	Not Applicable
New License close at 12:30 am			
New License - Nightclub			
New License – Late Night			
Renewal License close at 12:30			
am			
Renewal License – Nightclub			
Renewal License – Late Night			
This day of 20	I have reviewed this letter of ent	ertainment application and have taken	the actions set forth above.
This, ady of, 20	Thave reviewed this letter of the	creamment application and have taken	
(Sign Name)			
(Print Name)			
(FILL INGILIE)			

(Title)

### DEPARTMENT OF PLANNING & SUSTAINABILITY

### LATE NIGHT ESTABLISHMENT OR NIGHTCLUB CHECK LIST

1.	Is the requested SLUP for a new business or an existing business? (Please check only one) New Business Existing Business If the SLUP is for an existing business, please answer question Nos. 2 - 5.
2.	Does this Business have a current Business License? YesNo If yes, provide a copy of current business license.
3.	Has this business ever been operated without a Business License? YesNo
	If yes, how long did the business operate without a business license?
4.	<ul> <li>Has this business received a citation for any of the following:</li> <li>a. Life safety violations such as pyrotechnics, overcrowding, inadequate ingress/egress operating beyond the permitted hours of operation.</li> <li>b. Construction (major/minor renovation, alteration and addition) without a valid DeKalb County permit.</li> <li>c. Business closure and renovation without surrendering license to State and County as required by State law.</li> <li>d. Change of business name, ownership, or use without DeKalb County approval.</li> <li>e. No valid Certificate of Occupancy issued by DeKalb County</li> <li>f. Violation of operating hours of the Zoning ordinance or Alcohol Ordinance.</li> <li>g. Lack of proof of residency under DeKalb County. Any person who holds a liquor license in DeKalb County is required under DeKalb County law to be a resident of DeKalb County.</li> </ul>
5.	If one or more of the citations mentioned in No. 4 have been issued, please provide copies

Submittal of a fraudulent application is a violation of DeKalb County and State law.

of summons and citations and summary of court decision or resolution.

UNIFORM TRAFFIC GITATION, SUMMONS AND ACCUSATION GA0440200 Court Case Number NCIC NUMBER **DEKALB COUNTY, GEORGIA POLICE DEPARTMENT** Upon MA.M. (Month). Operator License No SECTION I-VIOLATOR License Class or Typ Endorsements (First) (Middle) Registration No. CDL YES NO ACCIDENT YES NO INJURIES YES NO FATALITIES YES NO DRIVER REQUESTED ACCURACY CHECK ☐ VASCAR ☐ LASER ☐ RADAR PATROL VEHICLE OTHER BLOOD BREATH URINE TEST ADMINISTERED BY III Applicable OFFENSE (Other than above) in Violation of Code Section of State Law Local Ordinance REMARKS NCIC LIGHTING COMMERCIAL VEHICLE INFORMATION (A) ROAD (B) TRAFFIC WEATHER 16+ Passengers ☐ Daylight ☐ Darkness ☐ Light ☐ Clear D Dry ☐ Concrete ☐ Medium ☐ Blacktop Cloudy Commercial Vehicle Violation GA0440200 ☐ Other Dirt Othe ☐ Heavy ☐ Hazardous Material Violation (PLACARD) Von (secondary location) You are hereby ordered to appear in Court to answer this charge on the AM PM in the 3630 Camp Circle Georgia. NOTICE: This citation shall constitute official notice to you that failure to appear in Court at the date and time stated on this citation to dispose of the cited charges against you shall cause the designated Court to forward your driver's license number to the Department of Driver Services, and your driver's shall be suspended. (Georgia Code 17-6-11 and 40-5-56) The suspension shall remain in effect uch time 45 there is a satisfactory disposition in this matter or the Court notifies the Department

DEPLAYED IN LIEU OF BAIL TYES TO NO RELEASED TO.

SIGNATURE ACCOUNTEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME.

N

CO

Court Case Number

GA0440200 NCIC NUMBER

24974502 Citation Number

	L	YEKALB COOM	TY, GEOI	RGIA POL	ICE DEPARTMENT	
	Upon (Month)	THE THOUSAND	Wan, palmo		FAM	
		(Day)	12	(Year)	at P.M.	
2	Operator License No.	and a	0100	71	AR TOMORDIAN BOOK SOLD TO THE	
SECTION I-VIOLATOR	License Class or Typ	THE RESERVE OF THE PARTY OF THE	The E	ndorsements_	Expires	
10L	Name (Last) (First) (Middle)					
7-1	Address 190	6 Plus		1800	(Middle)	
LION	City	LI-CO. LT - CV - CV	State	19 19	SHANDING TO THE STATE OF THE ST	
SEC	DOB 4/1/5/11	WSHair BIL	The state of	BELLEVIN TO THE	Zip Code	
	Veh. Yr.	Make Make	Style	de la company de	Sex Eyes PIK	
	Registration No	SELECT CHOCKE CA	MANO HAIN	V	Color State	
	CDL YES N	O ACCIDENT YES	DINO INJU	DIEC T.		
		Georgia, did commit the fol	EQUESTED ACCU	JRACY CHECK		
	Control of the Contro	Ca	libration/Cneck_	State of the late	) at MPH in a zone	
	TEST ADMINISTER	nistered): BLOOD RED.BY (If Applicable):	BREATH	URINE .	OTHER) DUI Test Results	
	OFFENSE (Other tha		17/10	tile	+	
	in Violation of Code		127-	2	of State Law Local Ordinance	
NO F		<b>一种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种种</b>	Application of the second	le le	Cocal Ordinance	
VIOLATION		<b>各种语列为</b>				
,	The state of the s					
		A material and				z
	WEATHER	(A) ROAD (B)	TRAFFIC	LIGHTING	COMMERCIAL VEHICLE INFORMATION	NCIC NO.
		☐ Dry ☐ Concrete	Light	☐ Daylight	16+ Passengers	NO
	☐ Cloudy ☐	☐ Wet ☐ Blacktop ☐ Ice ☐ Dirt	☐ Medium ☐ Heavy	☐ Darkness ☐ Other	Commercial Vehicle Violation	G
		Other Other	Hicavy	L Guiei	Hazardous Material Violation (PLACARD)	AO
-	County of	K=16	at or near	miles	of (city)	440
-	on 1890	bournes 1/15	_ mile post	, or with	nin (city)	GA0440200
5	at/on (secondary local	tion)	Children		THE TALL STATE OF THE PARTY OF	0
	(Print)	no		Badg	ge #	4
	Vou are hereby orders	ed to appear in Court to	answer this cha	urge on the	13th days of Jane	
	0 2 1 7 0	AM PMIn			Macotinte con	-1
	. 3630 Cam		Charles .	CONTRACTOR IN		"1
	Decatur	Appendig .	A Second	New York	Coords	
N	OTICE: This citati	ion shall constitute	official noti	ce to you th	Georgia. at <u>failure to appear in Court</u> at the da	te
	nd time stated on	this citation to disp	pose of the	cited charges	s against you shall cause the designat	ed
C		spended (Georgia	number to	the Departm	ent of Driver Services, and your drive 6) The suspension shall remain in effe	ect
	and Charles and Law of the Control o	Shaugen (Geoldig		CHILD WO DO	O) THE SUSPENIE	THE PERSON NAMED IN
		here is a satisfactor	y dispositio	n in this mat	tter or the Court notifies the Departme	ent
		there is a satisfactor	y dispositio	n in this mat	tter or the Court notifies the Departme	ent

..... HALFIG GITATION, SUMMONS AND ACCUSATION

Court Case Number

GA0440200 NCIC NUMBER

24974501 Citation Number

	Upon	Typid winger	MIT, GEC	DRGIA PO	DLICE DEPARTMENT	
	(Month)	e No. 05 7	ay) 15	_ (Year)	at / A DA.M.	
	License Class or	T 12	110971	Company of the Company	□ P.M.	
	Name Name	Stat	e_(~)~	Endorsements	Expires	1
	City DOB	(Last)	pen(Fi	irst)	(Middle)	
	NO City C	V CO	10 mm 1	MYV	C (middle)	
	The second secon	17575Hair 137K	Hgt 5		Zip Code Sos Fyes	
	Veh. Yr Registration No.	Make	Style		Sex EyesEyes	
	CDL YES D	NO ACCIDENT Y	ES T NO INII	_Yr	State	
	Within the State	of Georgia, did commit the	following offense	URACY CHECK	VASCAR TILSER TO	_
	DUI (Test A	dministered): BLOOD	Calibration/Check	SPEEDING CI	ocked by PATROL VEHICLE OTHER  ) at NPH in a zone	
	TEST ADMINIS	TERED BY (If Applicable):	BREATH	URINE [	OTHER) DUI Test Results	
	OFFENSE (Other	r than above)	10 11	a sho	trovers Promit	1
1	VIOLATION III	ode Section 1	7/27	Mine Die	of State Law Local Ordinan	ce
1	SECTI		DE MICHIE	AND WALL	MULL.	_
			PISTAL DOLLAR	EUG DO	Committee of the Commit	
	Control of the second	20732				_
	WEATHER	(A) ROAD (B)	TRAFFIC	LIGHTING	COMMERCIAL VEHICLE INFORMATION	- NCIC
	☐ Clear ☐ Cloudy	☐ Dry ☐ Concrete ☐ Wet ☐ Blacktop	☐ Light ☐ Medium	LIGHTING  Daylight Darkness	COMMERCIAL VEHICLE INFORMATION  16+ Passengers	NCIC NO.
	☐ Clear	☐ Dry ☐ Concrete	☐ Light	☐ Daylight	☐ 16+ Passengers☐ Commercial Vehicle Violation	
III No	☐ Clear ☐ Cloudy ☐ Raining	☐ Dry ☐ Concrete ☐ Wet ☐ Blacktop ☐ Ice ☐ Dirt	Light Medium Heavy	☐ Daylight ☐ Darkness ☐ Other	☐ 16+ Passengers ☐ Commercial Vehicle Violation ☐ Hazardous Material Violation (PLACAR	
ECHON III	Clear Cloudy Raining Other  County of On Other  County of On Other Other	Dry Concrete Wet Blacktop Ice Dirt Other	Light Medium Heavy	Daylight Darkness Other miles	☐ 16+ Passengers☐ Commercial Vehicle Violation	
III NOTICE	Clear Cloudy Raining Other  County of Other  County of Other County of Other	Dry Concrete Blacktop Ice Dirt Other Other	Light Medium Heavy  and at or near mile post	Daylight Darkness Other  miles , or with	☐ 16+ Passengers ☐ Commercial Vehicle Violation ☐ Hazardous Material Violation (PLACAR ☐ of (city) in (city)	0
SECITON III	Clear Cloudy Raining Other  County of OFFICER (Rdint)	Dry Concrete Blacktop loe Dirt Other  Cation)	Light Medium Heavy  and at or near mile post	Daylight Darkness Other miles miles Badg	☐ 16+ Passengers ☐ Commercial Vehicle Violation ☐ Hazardous Material Violation (PLACAR ☐ of (city) in (city)	GA0440200
Section III	Clear Cloudy Raining Other  County of  at/on (secondary loc OFFICER (Rrint)  You are hereby order	Dry Concrete Blacktop Ice Dirt Other Other	and at or near mile post	Daylight Darkness Other  miles, or with Badg	☐ 16+ Passengers ☐ Commercial Vehicle Violation ☐ Hazardous Material Violation (PLACAR ☐ of (city)	GA0440200
III NOITO	Clear Cloudy Raining Other  County of  at/on (secondary loc OFFICER (Rrint)  You are hereby order	Dry   Concrete   Blacktop   Dirt   Other   Other   Cation)   Cation   AM   PMint	and at or near mile post	Daylight Darkness Other  miles, or with Badg	16+ Passengers Commercial Vehicle Violation Hazardous Material Violation (PLACAR of (city)  iin (city)  days of	GA0440200
NS SECTION III	Clear Cloudy Raining Other  County of OFFICER (Rrinn)  You are hereby order  at 3630 Can  City Decatur	Dry   Concrete   Blacktop   Ice   Dirt   Other   Other   Count to a pred to appear in Court to a pred to a pred to appear in Court to a pred to	andat or near mile postanswer this charge	Daylight Darkness Other  miles, or with Badg ge on the	16+ Passengers   Commercial Vehicle Violation   Hazardous Material Violation (PLACAR of (city)   Div.   Div.   Commercial Vehicle Violation (PLACAR of (city)   Div.   Commercial Vehicle Ve	GA0440200
N C	Clear Cloudy Raining Other  County of Other  Alon (secondary loo OFFICER, (Rrint) Other  You are hereby orde  at 3630 Car  City Decatur  NOTICE: This city	Dry   Concrete   Blacktop   Concrete   Dirt   Dirt   Other   Other   Catlon)   Catlon   Catlo	Light Medium Heavy and At or near mile post Answer this charge the Medium Heavy	Daylight Darkness Other  miles, or with Badg ge on the	16+ Passengers   Commercial Vehicle Violation   Hazardous Material Violation (PLACAR of (city)   Div.   Div.   Case of Coordinate of Coordin	GA0440200
NO MINISTRA	County of OFFICER (Rrint)  You are hereby order  at 3630 Car  City Decatur  NOTICE: This cita and time stated of County of Section 1.50 C	cation)  Tree to appear in Court to a cation shall constitute this citation to display our driver's license in Court do display our driver's license in Court display our driver's license in Court driv	Light Medium Heavy  and At or near mile post  answer this charg the  official notice cose of the cit number to th	Daylight Darkness Other  miles, or with	commercial Vehicle Violation    Hazardous Material Violation (PLACAR)   Hazardous Material Violation (PLACAR)   Of (city)	GA0440200 ourt
NO MINISTRA	County of OFFICER (Rrint)  You are hereby order  at 3630 Car  City Decatur  NOTICE: This cita and time stated of County of Section 1.50 C	cation)  Tree to appear in Court to a cation shall constitute this citation to display our driver's license in Court do display our driver's license in Court display our driver's license in Court driv	Light Medium Heavy  and At or near mile post  answer this charg the  official notice cose of the cit number to th	Daylight Darkness Other  miles, or with	commercial Vehicle Violation    Hazardous Material Violation (PLACAR)   Hazardous Material Violation (PLACAR)   Of (city)	GA0440200 ourt
NORMACK	Clear Cloudy Raining Other  County of On Associated Services  County of On Associated Services  Count to forward license shall be sumtil such there are considered to forward such the considered to forwa	cation)  Tree to appear in Court to a cation shall constitute this citation to display our driver's license in Court do display our driver's license in Court display our driver's license in Court driv	and at or near mile post answer this charge the core of the cit number to the cit nu	Daylight Darkness Other  miles, or with	commercial Vehicle Violation  Hazardous Material Violation (PLACAR  of (city)  iin (city)  days of  days of  t failure to appear in Court at the d against you shall cause the designa ant of Driver Services, and your drive) The suspension shall remain in effer or the Court notifies the Department	GA0440200 ourt

24

RESULT IN A WARRANT FOR YOUR ARREST

IN-in compliance OUT=not in compliance NO=not observed NA=not applicable  Compliance Status  1 IN OUT NA NO Supervision 1-2A PIC present, demonstrates knowledge, performs duties 1 -2B Certified Food Protection Manager  IN OUT NA NO Employee Health, Good Hygienic Practices, Preventing Contamination by Hands  2-1A Proper use of restriction & exclusion  2-1B Hands clean and properly washed  2-1C No bare hand contact-with ready-to-eat foods or approved alternate method properly followed	COS=CO  COS R  4 points  O O  9 points  O O  4 points  O O  0 O  0 O  0 O  0 O  0 O  0 O  0	SCORING AND GRADING: A=90-100 B=80-89 C=70-79 U≤69  IND PUBLIC HEALTH INTERVENTIONS  Item. For Items marked OUT, mark COS or R for each item as applicable.)  Compliance Status  S IN OUT NA NO  Cooking and Reheating of TCS Foods, Consumer Advisory  O O O O 5-1A Proper cooking time and temperatures O O O O 5-1B Proper reheating procedures for hot holding O O O O O O O O O O O O O O O O O O O
O O O 2-2C No discharge from eyes, nose, and mouth	00	OOOO 6-1C Proper cooling time and temperature OO
O O 2-2E Response procedures for vomiting & diarrheal event	00	OOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOOO
Approved Source     3-1A Food obtained from approved source	9 points	Ø Ø O O 6-2 Proper date marking and disposition O O
3-1B Food received at proper temperature	00	7 IN OUT NA NO Highly Susceptible Populations 9 points O O T-1 Pasteurized foods used: Prohibited foods not O O
O O O 3-1D Required records: shellstock tags, parasite destruction	000	offered NOUT NA NO Chemicals 4 points
4 IN OUT NA NO  Protection From Contamination  O O O 4-1A Food separated and protected  4-1B Proper disposition of returned, previously served, reconditioned, and unsafe food	9 points 0 0	O O B-2A Food additives: approved and properly used O O     B-2B Toxic substances properly identified, stored, O O     IN OUT NA NO Conformation in the conformat
O O 4-2A Food stored covered	4 points	O O O 9-2 Compliance with variance, specialized process and HACCP plan
GOOD F	RETAIL	PRACTICES
(Mark the numbered item OUT, if not in compliance. For items marked OUT, man	k COS or R	for each item as applicable. R = Repeat Violation of the same code provision = 1 point)
Compliance Status	cos R	uction of pathogens, chemicals, and physical objects into foods.  Compliance Status
10 OUT Safe Food and Water, Food Identification	3 points	14 OUT Proper Use of Utensils 1 point
0 10A. Pasteurized eggs used where required	000	O 14A. In-use utensils; properly stored O O
O 10B. Water and ice from approved source O 10C. Variance obtained for specialized processing methods	00	O 14B. Utensils, equipment and linens; properly stored, dried, handled O O 14C. Single-use/single-service articles; properly stored, used O O
O 10D. Food properly labeled; original container	00	O 14D. Gloves used properly O O
11 OUT Food Temperature Control	3 points	15A. Food and nonfood-contact surfaces cleanable,
0 11A. Proper cooling methods used: adequate equipment for	00	properly designed, constructed, and used O 15B. Warewashing facilities; installed, maintained, used; test strips O O
ltemperature control O 11B. Plant food properly cooked for hot holding	00	15C. Nonfood-contact surfaces clean
O 11C. Approved thawing methods used	00	16 OUT Water, Plumbing and Waste 2 points O 16A Hot and cold water available; adequate pressure O O
O 11D. Thermometers provided and accurate	O O	16B Plumbing installed: proper backflow devices 00
12 OUT Prevention of Food Contamination	00	O 16C. Sewage and waste water properly disposed
2 0 12A. Contamination prevented during food preparation, storage,		17 OUT Physical Facilities 1 point
1 O 128 Personal cleanliness	000	1 0 17B. Contractinues, properly constructed, earlier maintained 0 0
O 112C Wiging cloths, properly used and stored	00	O 17C. Physical facilities installed, maintained, and clean
O 12D Washing fruits and vegetables  OUT Postings and Compliance with Clean Air Act  Postings and Compliance With Clean Air Act	1 point	O 17D. Adequate ventilation and lighting; designated areas used
O 13A Posted: Permit/inspection/Choking Poster/Handwashing	00	18 OUT Pest and Animal Control 3 points O 18. Insects, rodents, and animals not present O O
	The state of the s	O Tro. maddia, rodenta, and ammaio not pro-

	Food Service Establishment Inspection Report Addendum  Violations cited in this report must be corrected within the time frames specified below, or as stated in the Georgia Department of Public Health Rules and  Permit #
	Address CLANCE COLORS C
	Item/Location a cation City/State Date
	Temp Item/Location
	JORKANI 51 Item/Location Temp
	Row Chicken UI
	111 BOX65
	DE I
	The state of the s
	OBSERVATIONS AND CORRECTIVE ACTIONS
	I SEMPEWORK GUIEMO
	6-14 Chicken Gt 51 min IV at 11 to C
	Need to be at the end of 18 Jeans
	27/12/10/1
	CCCSSible Sinks with things in them 1
1 1	1-4111 [1.11]
7	Star tons of the control in wolf in
-	be gix inchar all thems weed to
	The Harry
6-	d Once food is many of the
1 124	1 Call Revenue of the work in date mark
14	and Strains of enjoyers must have cover
151	tall si alacer area to ha also II
15	all has to de reporte
115	A Man area solder bleed to be clean
Tir	an verball
12,164	1 Comprise Dill Sight of the
1-A-VA	1000 10 Charles Maured
	Carployer nearth topecomosof
Person in Ch	arge (Signature) Florifically yam Date 04/15/2007



# DEPARTMENT OF PLANNING & SUSTAINABILITY

### **AUTHORIZATION**

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date:	
TO WHOM IT MAY CONCERN:	
(I), (WE) AIR HOSI Name of owners(s) (If mor	PITAVITY GROOP, LLC re than one owner, attach a separate sheet)
Being (owner) (owners) of the subject prope	erty described below or attached hereby delegate authority to
A VISAA	Agent or Representative
to file an application on (my), (our) behalf.	Agent of Representative
Notary Public	Owner



# **DEPARTMENT OF PLANNING & SUSTAINABILITY**

# **DISCLOSURE OF CAMPAIGN CONTRIBUTION**

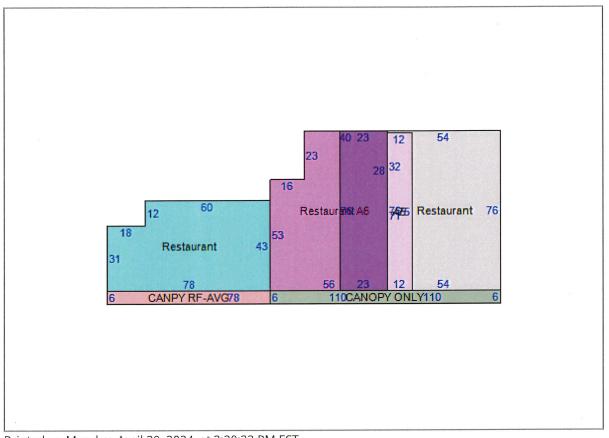
In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions <u>must</u> be answered.
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?
YesNo <b>/</b> _*
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:
1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.
The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. <u>and</u> to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.
Notary Signature of Applicant /Date
Check one: OwnerAgent
Expiration Date/ Seal

\*Notary seal not needed if answer is "no".



### PARID: 18 062 08 075 AIR HOSPITALITY GROUP LLC

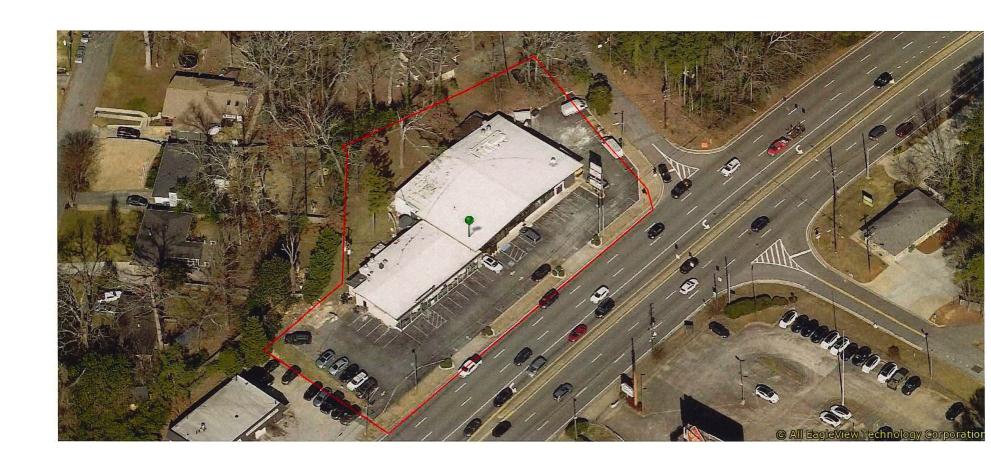
#### **1850 LAWRENCEVILLE HWY**



Printed on Monday, April 29, 2024, at 3:20:32 PM EST

# **Sky Lounge Cafe - Decatur**







Government Services Center 178 Sams Street Decatur, GA 30030 www.dekalbcountyga.gov/planning 404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer
Michael Thurmond

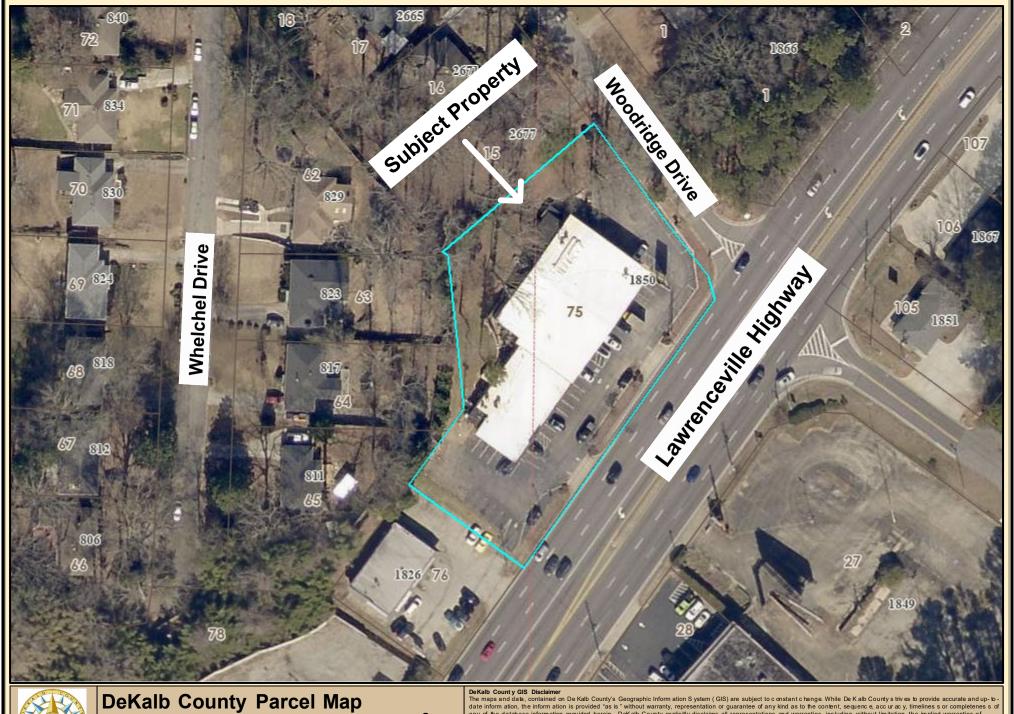
# **DEPARTMENT OF PLANNING & SUSTAINABILITY**

Interim Director Cedric Hudson

# 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: Hakim Hilliard Phone: 404-797-5525 Email: hhilliard@cglawfirm.com				
Property Address: 1850 Lawrenceville Hwy, Decatur 30033				
Tax Parcel ID: 18 062 08 075 Comm. District(s): 2 & 6 Acreage: 1.09				
Existing Use:Proposed Use: Late-night establishment.				
Supplemental Regs: Overlay District: No DRI:				
Rezoning: YesNo X				
Existing Zoning: C-1 Proposed Zoning: Square Footage/Number of Units:				
Rezoning Request:				
Land Use Plan Amendment: Yes No _X_  Existing Land Use: Proposed Land Use: Consistent Inconsistent  Special Land Use Permit: Yes No Article Number(s) 27				
Special Land Use Request(s): Late-night establishment.				
Major Modification:  Existing Case Number(s): N/A  Condition(s) to be modified:				









Default County of Section and data, contained on De Kalb County's Geographic Inform ation S ystem (GIS) are subject to constant change. While De K alb County's trives to provide accurate and up-to-date inform ation, the inform ation is provided as is a "without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, limelines so roompleteness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fi tness for a particular purpos e. In no ev ent shall De Kalb County be liab le for any s pecial, indirect, or consequential dam ages whats oever resulting from loss of us e, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data her ein provided. The maps and data are for ill us tration pur poses only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be constructed. ued or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.

