

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: D9-2024-0634 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: (October 2024) Denial. (June 2024) Denial.

PLANNING COMMISSION: (Nov. 2024) Denial. (July 2024) Denial.

PLANNING STAFF: Denial.

STAFF ANALYSIS: This application was most recently granted a Two-Cycle Deferral by the Board of Commissioners on July 25, 2024, following a request by the applicant and a recommendation from Staff. 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 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 the survey appears to show that the minimum off-street parking requirement is met, 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 may not meet maneuverability standards for Fire/Rescue or Sanitation vehicles, for example. There has been significant community opposition to the proposal, as demonstrated at Community Council District 2 meetings as well as Planning Commission and Board of Commissioners meetings held previously in July. Primary concerns from residents revolved around excessive noise, improper screening of trash and other refuse on-site, advertisements on social media that appear to market the business as a nightclub (with DJ's and dancing), and the possibility that the establishment is already operating beyond 12:30 am (the latter claim has been unable to be confirmed by Staff). On September 26, 2024, Staff received a parking lease agreement between Sky Lounge Cafe and the owner of the property designated as 1833 Lawrenceville Highway, which is immediately adjacent to the southwest of the subject property. Valet parking has been proposed by the applicant as a solution to the potential maneuverability issues on-site, but on-site inspections of the properties conducted by Staff have indicated that there is no direct means of inter-parcel access between the two properties (a curb appears to be located along the common property line). Unless improvements to the sites were made, any safe transport of vehicles by a potential valet service would likely need to utilize Lawrenceville Highway instead of through the two properties. Around this time, an on-site inspection by Staff revealed that a new dumpster enclosure had been constructed in the northeastern portion of the subject property. This enclosure appears to be located in what previously were marked as off-street parking spaces. An approved building permit was submitted to Staff by the applicant (#3130042), for which the scope of work provided was "general repair to brick and façade". It is unknown if the proposed dumpster enclosure was included in the provided scope of work. That being said, this dumpster enclosure appears to have been constructed by the property owner, NOT the applicant for this SLUP request. 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. Along with community opposition shown at previous public hearings, there has been a sizeable amount of support for the proposal, indicating that the current business acts as a gathering place, or "third place", for some members of the community. The applicant appears to have made strides towards mitigating community concerns by installing soundproofing, and for electing to provide "No Parking" signs along Woodridge Drive. However, the existing property still 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 appear to 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 to 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)). Therefore, upon review of the full criteria for granting a SLUP in Section 7.4.6. of the *Zoning Ordinance*, the Planning and Sustainability Department respectfully recommends ***"Denial"***.

PLANNING COMMISSION VOTE: (Nov. 7, 2024) Denial 6-0-0. Jan Costello moved, Edward Patton seconded for denial, per Staff recommendation. (July 11, 2024) Denial 6-0-0. Sarah Zou moved, Jana Johnson seconded for denial, per staff recommendation.

COMMUNITY COUNCIL RECOMMENDATION: (Nov. 2024) Denial 8-0-0. (June 2024) Denial 7-0-0.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Michael Thurmond

Interim Director
Cedric Hudson

Planning Commission Hearing Date: November 7, 2024

Board of Commissioners Hearing Date: November 21, 2024

STAFF ANALYSIS

Case No.:	SLUP-24-1247009	Agenda #: 2024-0634	
Address:	1850 Lawrenceville Highway, Decatur, GA 30333	Commission District: 02	Super District: 06
Parcel ID(s):	18-062-08-075		
Request:	A Special Land Use Permit (SLUP) to allow for a late-night establishment in the C-1 (Local Commercial) Zoning District.		
Property Owner(s):	Air Hospitality Group, Llc		
Applicant/Agent:	Sky Lounge Cafe – Decatur c/o M. Hakim Hilliard		
Acreage:	1.09 acres		
Existing Land Use:	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: DENIAL

This application was most recently granted a Two-Cycle Deferral by the Board of Commissioners on July 25, 2024, following a request by the applicant and a recommendation from Staff.

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 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 the survey appears to show that the minimum off-street parking requirement is met, 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 may not meet maneuverability standards for Fire/Rescue or Sanitation vehicles, for example.

There has been significant community opposition to the proposal, as demonstrated at Community Council District 2 meetings as well as Planning Commission and Board of Commissioners meetings held previously in July. Primary concerns from residents revolved around excessive noise, improper screening of trash and other refuse on-site, advertisements on social media that appear to market the business as a nightclub (with DJ's and dancing), and the possibility that the establishment is already operating beyond 12:30 am (the latter claim has been unable to be confirmed by Staff).

On September 26, 2024, Staff received a parking lease agreement between Sky Lounge Cafe and the owner of the property designated as 1833 Lawrenceville Highway, which is immediately adjacent to the southwest of the subject property. Valet parking has been proposed by the applicant as a solution to the potential maneuverability issues on-site, but on-site inspections of the properties conducted by Staff have indicated that there is no direct means of inter-parcel access between the two properties (a curb appears to be located along the common property line). Unless improvements to the sites were made, any safe transport of vehicles by a potential valet service would likely need to utilize Lawrenceville Highway instead of through the two properties.

Around this time, an on-site inspection by Staff revealed that a new dumpster enclosure had been constructed in the northeastern portion of the subject property. This enclosure appears to be located in what previously were marked as off-street parking spaces. An approved building permit was submitted to Staff by the applicant (#3130042), for which the scope of work provided was "general repair to brick and façade". It is unknown if the proposed dumpster enclosure was included in the provided scope of work. That being said, this dumpster enclosure appears to have been constructed by the property owner, NOT the applicant for this SLUP request.

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. Along with community opposition shown at previous public hearings, there has been a sizeable amount of support for the proposal, indicating that the current business acts as a gathering place, or "third place", for some members of the community. The applicant appears to have made strides towards mitigating community concerns by

installing soundproofing, and for electing to provide “No Parking” signs along Woodridge Drive.

However, the existing property still 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 appear to 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 to 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)).

Therefore, upon review of the full criteria for granting a SLUP in Section 7.4.6. of the *Zoning Ordinance*, the Planning and Sustainability Department respectfully recommends *Denial* of this application.

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. (hefowler@dekalbcountyga.gov). 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. (hefowler@dekalbcountyga.gov). 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.

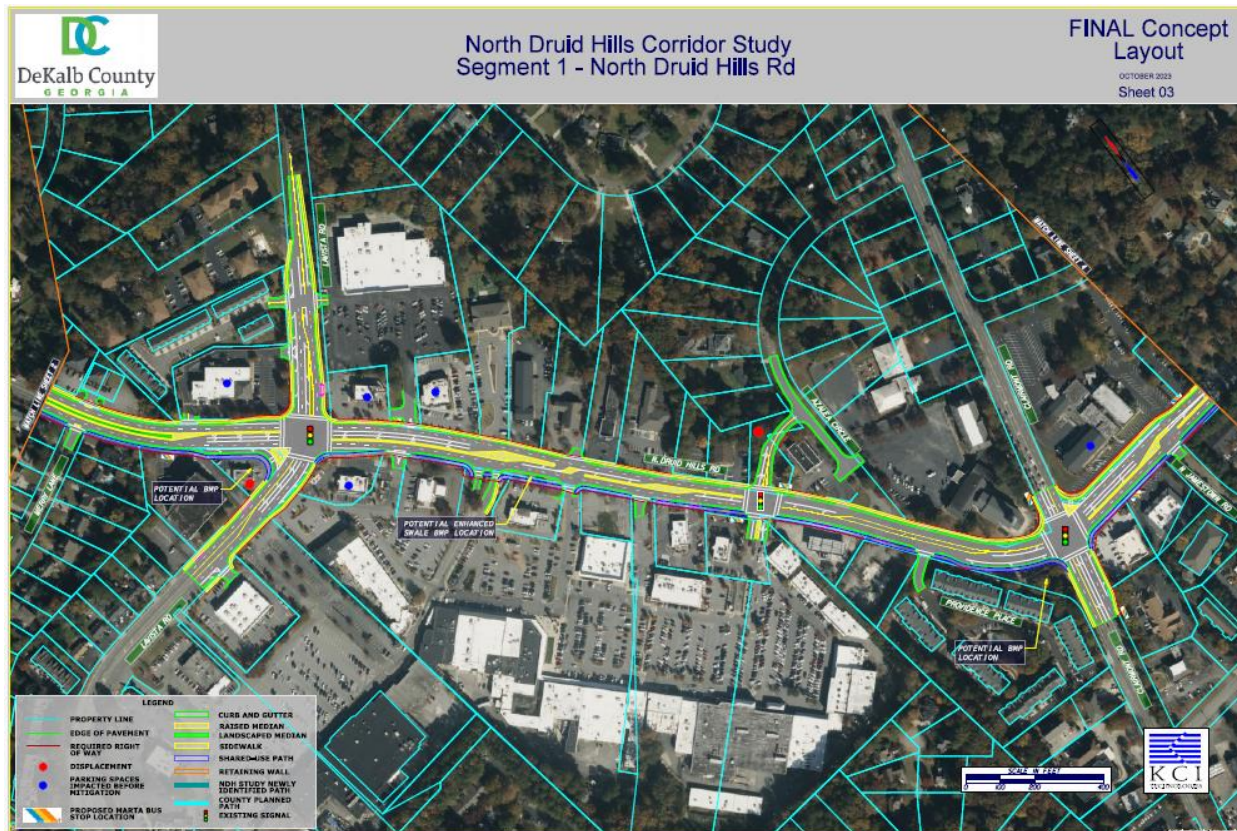
N2. 498 Crestwood Ct: No comment.

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. (hefowler@dekalbcountyga.gov). 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. (hefowler@dekalbcountyga.gov). 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. (JLivingston@dot.ga.gov) 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. (hefowler@dekalbcountyga.gov). 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. (JLivingston@dot.ga.gov) 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. (hefowler@dekalbcountyga.gov). 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.

DeKalb Public Health

445 Winn Way – Box 987

Decatur, GA 30031

404.508.7900 • www.dekalbhealth.net



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**

Landscaping and tree preservation plans for any building, or parking lot must comply with 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**

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



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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

**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 line required, if inadequate:** _____

SEWER:

Outfall Servicing Project: _____

Is sewer adjacent to property: Yes ____ No ____ **If no, distance to nearest line:** _____

Water Treatment Facility: _____ adequate ____ inadequate ____

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 jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-24-1247009 Parcel I.D. #: 18-062-08-075
Address: 1850 LAWRENCEVILLE Highway, Decatur, Ga 30033

Adjacent Roadway (s):

(classification) (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 _____

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 That
would interfere with Traffic flow.

Signature: Jerry White



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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

**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) under existing zoning: _____

Required detention facility(s): _____

COMMENTS:

Signature: Akin A. Akinsola

SKY LOUNGE CAFE SCORECARD

1850 LAWRENCEVILLE HWY, DECATUR, GA 30033



**LATEST
INSPECTION** 4/15/23



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.

From: [Maiysha Rashad](#)
To: [Chappell, Adam W](#); [Hill, LaSondra](#)
Cc: [Folgherait, Andrea K](#); [Reid, John](#); [Hakim Hilliard](#); [Denise Hayley](#); [rizwan budhwani](#); [skyloungeatl@gmail.com](#)
Subject: RE: November 2024 Zoning Cycle Community Council & Zoning Sign Templates -1850 Lawrenceville Hwy
Date: Thursday, September 26, 2024 2:26:26 PM
Attachments: [PARKING AGREEMENT.pdf](#)
[1850 L'Ville - Dekalb Permit for Repair - re dumpster.pdf](#)

Hi Adam,
Here are the responses from your earlier email.

Dumpster: The dumpster enclosure was installed by the property owner, who has an active permit for it. Please see the email from the owner and his employee below. I also attached the permit for your reference.

Parking: Please see the attached parking agreement that Skylounge executed with the neighboring property. Additionally, Skylounge has confirmed that they still plan to offer valet parking as part of their services.

Please let me know if you have any further questions.

Maiysha Rashad | Senior Associate Attorney
CHILIVIS GRUBMAN

1834 Independence Square | Atlanta, Georgia 30338
Main: 404.233.4171 | E: mrashad@cglawfirm.com

Confidentiality Notice

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential, or otherwise legally protected from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by return e-mail and delete all copies of the message.

From: rizwan budhwani rizwan.budhwani04@outlook.com
Sent: Wednesday, September 25, 2024 2:17 PM
To: Maiysha Rashad mrashad@cglawfirm.com
Subject: Fw: Dumpster Pad - 1850 L'Ville Hwy

Received this email with permit from property owner

Get [Outlook for iOS](#)

From: Mack Mackwani <mack@tenantxpress.com>
Sent: Wednesday, September 25, 2024 1:35:41 PM

To: rizwan.budhwani04@outlook.com <rizwan.budhwani04@outlook.com>

Cc: Anil Jivani <anil@tenantxpress.com>

Subject: Dumpster Pad - 1850 L'Ville Hwy

Hi Rizwan,

This is to inform that the dumpster pad at 1850 Lawrenceville Hwy has always been there. There have been blocks that have been broken over the last 10-15 years. We repaired the blocks and broken bricks recently and also painted around the dumpster.

Attached is the permit we had received from Dekalb County to do this work. Please let us know if you have any questions. Thank you!

Best regards,

Mack

--

Malik (Mack) Mackwani

Director of Operations

Granity Consulting, LLC

5815 Live Oak Pkwy, Suite 2F

Norcross, GA 30093

[678-399-9957](tel:678-399-9957) (direct)

mack@tenantxpress.com

Best Regards,
Maiysha

Permits for New Construction, Additions, Alterations and Repairs for Structures

[MY DOCUMENTS \(0\)](#)

3130042

MY FEES	
Total (paid and unpaid)	<u>\$445.00</u>
Unpaid Balance	\$0.00

Added Date ⓘ

04/07/2023

Status ⓘ

Issued Status Code

Current Milestone ⓘ

Inspections

Primary Address ⓘ

1850 LAWRENCEVILLE HWY
DECATUR GA 30033-

Primary Applicant ⓘ

Anil Jivani Air Hospitality Group, LLC
PROPERTY OWNER

 **Inspections**

Information ⓘ	
<div><div>Project Name ⓘ</div><div>1850 LAWRENCEVILLE HWY</div></div> <div><div>Work Type ⓘ</div><div>Repairs to Existing Structure</div></div> <div><div>Occupancy Type ⓘ</div><div>Retail or Mercantile</div></div>	

Square Footage ⓘ

2000

Declared Valuation ⓘ

\$20,000.00

Calculated Valuation ⓘ

\$0.00

Processed Date ⓘ

04/07/2023

Temp COO Date ⓘ**Issued Date** ⓘ

04/07/2023

COO Date ⓘ**Final Date** ⓘ**Expire Date** ⓘ

04/07/2024

Description ⓘ

General repair to brick and facade

Location ⓘ

18 062 08 075 1850 LAWRENCEVILLE HIGHWAY DECATUR GA 30033

Additional Applicants ⓘ

3 ^

AIR HOSPITALITY GROUP
LLC
PROPERTY OWNERBayard Builders
CONTRACTORAnil Jivani
Applicant**Additional Addresses** ⓘ

0 v

Inspections ⓘ

0 ^

There are no inspections to display here.

Description
BUILDING PERMIT FEE - ALTERATIONS

Status
Paid

Amount
\$130.00

Balance
\$0.00

Description
CC/CO FEE

Status
Paid

Amount
\$50.00

Balance
\$0.00

Description
FIRE LIFE SAFETY REVIEW FEE

Status
Paid

Amount
\$100.00

Balance
\$0.00

Description
FIRE MARSHAL INSPECTION FEE(INITIAL)

Status
Paid

Amount
\$100.00

Balance
\$0.00

Description
MINIMUM PERMIT FEE

Status
Paid

Amount
\$65.00

Balance
\$0.00

Total Amount **\$445.00**

Total Balance **\$0.00**

Reviews ⓘ

1 ^

Description
Application Pre-Screen

 [ID 683613](#)

Scheduled Date
-

Result Code
Approved

View D...

Conditions ⓘ

0 ^

There are no conditions to display here.

Planning Conditions ⓘ

0 ^

There are no planning conditions to display here.

Additional Applicant Information Detail Page



Project Details Page



D-ALT/REP/DAM Application Package Details Page



Zoning Requirements Detail



Project Information



Related Records ⓘ

0 ^

There are no related records to display here.

Along with the conditions of the SLUP the Applicant has proposed, we look forward to talking with you through any additional concerns you might have.

Thanks very much for your consideration.

Hakim Hilliard

From: Hakim Hilliard <hhilliard@cglawfirm.com>

Sent: Thursday, July 11, 2024 6:26 PM

To: Bragg, Rachel L. <RLBragg@dekalbcountyga.gov>

Cc: Maiysha Rashad <mrashad@cglawfirm.com>; Hakim Hilliard <hhilliard@cglawfirm.com>; rizwan.budhwani04@outlook.com

Subject: 1850 SkyLounge Cafe - Application for SLUP

Good afternoon, Ms. Bragg.

I had the opportunity to speak with Larry Williams regarding your recommendation of denial related to the application of SkyLounge Cafe.

We regret your recommendation, but we appreciate your willingness to share your reasoning for the recommendation and providing us with the opportunity to react to it separately.

In this regard, please consider the following:

1. The dumpster associated with SkyLounge Cafe has been redone and provided with the appropriate screening.
2. Please see the executed parking agreement allowing for the exclusive use of 55 parking spaces located across the street at A&Z Wholesale at 1838 Lawrenceville Highway.
3. Subject to approval of DeKalb County, "no parking" signs have been placed on private property along Woodbridge Drive.

PARKING AGREEMENT

This Parking Agreement ("Agreement") is made and entered into as of May 9th, 2024, by and between (Owner) "A to Z Wholesale", located at 1833 Lawrenceville Hwy, Decatur GA 30033, and "Sky Lounge Cafe", located at 1850 Lawrenceville Hwy, Suite 100, Decatur GA 30033.

1. Premises The Parking Space Owner hereby agrees to rent to the Vehicle Owner their parking spaces located at A to Z Wholesale.

2. Term The term of this Agreement shall commence on May 9th 2024 and shall terminate on May 9th 2026, unless extended or terminated sooner in accordance with the provisions herein.

3. Use of Parking Space The Parking Space shall be used exclusively for parking purposes for guests and employees, and only personal vehicles such as cars, motorcycles, or bicycles may be parked in the designated spaces. No other storage or use is permitted.

4. Maintenance and Care The Vehicle Owner shall keep the Parking Spaces in a clean and tidy condition. The Parking Space Owner is responsible for the general upkeep of the parking area.

5. Liability The Vehicle Owner agrees to use the Parking Space at their own risk. The Parking Space Owner shall not be liable for any theft, damage, or harm caused to the vehicle or the Vehicle Owner arising from the use of the Parking Space, except where such damage is due to the direct negligence of the Parking Space Owner.

6. Termination Either party may terminate this Agreement with a written notice of 60 days. Upon termination, the Vehicle Owner must remove their vehicle and any personal belongings from the Parking Space on or before the last day of the notice period.

7. Miscellaneous This Agreement constitutes the entire agreement between the parties. Any modifications or amendments must be in writing and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Parking Agreement as of the day and year first above written.

A to Z Wholesale
(Owner)



Date:

05/09/2024

Sky Lounge Café
Avishak Syam (Agent)



Date: 05/09/2024

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: (404)-343-1661 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)

Daytime Phone: 404-316-9191 E-Mail: anil@tenantxpress.com

Mailing Address: 5815 Live Oak Pkwy, Suite 2F, Norcross, GA, 30093

SUBJECT PROPERTY ADDRESS OR LOCATION: 1850 Lawrenceville Highway, Georgia 30033


_____ DeKalb County, GA _____

Parcel ID: 18 062 08 075 Acreage or Square Feet: 1.09 acres Commission Districts: 2&6

Existing Zoning: C-1 Proposed Special Land Use (SLUP): Late-night establishment

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

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

dhayley@cglawfirm.com)

Name	Address	email
Jim Smith	716 Densley Dr	JF1smith@gmail.com
Marietta Hall	2665 Woodridge Dr.	macmh43@gmail.com
Claire French	840 Wheelchel Dr.	CVfrench@emory.edu
Brittney Mott	858 Gaylenmont Cir	britmott@gmail.com
Malina Rodriguez and Blake Beckham	2637 Woodridge Dr.	tbamalina@gmail.com
Jaylen Engel	81 Wheelchel	toengel@gmail.com
Erika Engel	811 Wheelchel	erikavanatta@gmail.com
ALI OWENS & BEN HENLEY	817 Wheelchel	ms.a.owens@gmail.com sterlin.henley@gmail.com
Alex Sherrill	824 Wheelchel Dr	sherrillsatl@gmail.com
Allen Venet	2536 Sagamore Hills Dr.	avenet@bellsouth.net
Elizabeth Grimbergew	806 Wheelche Dr	egrumbergew@gmail.com
Jessica Andrews-Wilson	jpanandrewswilson@gmail.com 823 Wheelchel 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
	Setup mailing file for (Chilivis Grubman) Senior Associate Attorney Mailing 129 Post Cards 5x7		
	Mailing Service and Pringing Fees	350.00	350.00
1	Postage due for mailing—paid by (Discount Mailing) First Class Mail	125.00	125.00
1	Delivery Mailing to Post Office	50.00	50.00
<p>DISCOUNT MAILING SERVI 2459 PERKERSON RD SW ATLANTA, GA 303157217</p> <p>03/21/2024 13:51:56 MID: 000000003556242 TID: 05406069 345444911886</p> <p>CREDIT CARD VISA SALE</p> <p>CARD # XXXXXXXXXXXX9094 INVOICE 0003 Batch #: 000150 Approval Code: 581937 Entry Method: Manual Mode: Online Tax Amount: \$0.00 Avs Code: YYY</p> <p>SALE AMOUNT \$550.00</p> <p>CUSTOMER COPY</p>			
Thank You For Choosing Discount Mailing Service			
Total			\$525.00

#550



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 Sky 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 outside 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.

LETTER OF ENTERTAINMENT

READ ALL INSTRUCTIONS BEFORE COMPLETING THIS FORM

- Both the tenant and property owner are required to sign the form.
- All signatures must be original.
- Both signatures must be individually notarized (two seals, two stamps, etc.).
- *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.

Current Name of Business: Sky Lounge Cafe - Decatur

Previous Name of Business (if name has changed in past twelve (12) months): _____

Address of Business: 1850 Lawrenceville Highway, Georgia Suite # _____

Business Contact Name & Number: Rizwan Budhwani - 678.467.2751

Date: _____

EACH OF THE FOLLOWING QUESTIONS MUST BE ANSWERED COMPLETELY:	
1.	Is this Letter of Entertainment for a <input checked="" type="checkbox"/> New Establishment OR <input type="checkbox"/> Renewal of Existing Establishment?
2.	Is this establishment a Restaurant <u>OR</u> a Freestanding bar? (Check Only One) <input checked="" type="checkbox"/> <u>Restaurant</u> : An establishment where food and drink are prepared, served, and consumed primarily within the principal building. <input type="checkbox"/> <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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>Smoking</u> 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.	Do you have the required mechanical ventilation permit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 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? <u>Nightclub</u> : A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is allowed. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
8.	Is this an " <u>Adult Entertainment</u> " establishment as defined by the DeKalb County Zoning and Adult Entertainment licensing and alcohol beverage ordinances? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
9.	Has a <u>Special Land Use Permit (SLUP)</u> been approved for this establishment? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No A Special Land Use Permit is granted by the Board of Commissioners under Section 27-7.4. If yes; please provide Case Number _____

Operation hours cannot exceed the time permitted by the Alcohol Licensing Ordinance in Chapter 4 of the DeKalb County Code. Rev. 4/5/23



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

____ day of _____ 20 ____

Notary Public

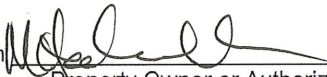
Sworn to and subscribed before me

____ day of _____ 20 ____

Notary Public

Sign Avishak Syam
Tenant or Authorized Agent

(Print/Type name) Anil I. Jivani

Sign 
Property Owner or Authorized Agent

(Print/Type name) _____



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 entertainment application and have taken the actions set forth above.

(Sign Name)

(Print Name)

(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? Yes ☒ No _____ If yes, provide a copy of current business license.
3. Has this business ever been operated without a Business License? Yes ☒ No _____
If yes, how long did the business operate without a business license? _____
4. Has this business received a citation for any of the following:
 - a. Life safety violations such as pyrotechnics, overcrowding, inadequate ingress/egress operating beyond the permitted hours of operation.
 - b. Construction (major/minor renovation, alteration and addition) without a valid DeKalb County permit.
 - c. Business closure and renovation without surrendering license to State and County as required by State law.
 - d. Change of business name, ownership, or use without DeKalb County approval.
 - e. No valid Certificate of Occupancy issued by DeKalb County
 - f. Violation of operating hours of the Zoning ordinance or Alcohol Ordinance.
 - 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.
5. If one or more of the citations mentioned in No. 4 have been issued, please provide copies of summons and citations and summary of court decision or resolution.

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

Court Case Number

GA0440200

NCIC NUMBER

24974502

Citation Number

DEKALB COUNTY, GEORGIA POLICE DEPARTMENT

Upon (Month) April (Day) 15 (Year) 2002 at 1:05 ☒ A.M. ☐ P.M.Operator License No. 057010571License Class or Type CState GA

Endorsements

Expires 9-26Name Yam

(Last)

(First)

(Middle)

Address 1926 Bluebell AveCity AtlantaState GAZip Code 30017DOB 4/15/1983Hair BLKHgt 506Wgt 150Sex MEyes BLKVeh. Yr. 2001Make BMWStyle 4DRColor BlackRegistration No. 12345678Yr. 2001State GACDL ☐ YES ☐ NOACCIDENT ☐ YES ☐ NOINJURIES ☐ YES ☐ NOFATALITIES ☐ YES ☐ NO☒ 2-LANE ROAD☐ DRIVER REQUESTED ACCURACY CHECK☐ VASCAR☐ LASER☐ RADAR

Within the State of Georgia, did commit the following offense: SPEEDING

Clocked by 1115/1003☐ PATROL VEHICLE☐ OTHER(Serial # 1115/1003)Calibration/Check 1115/1003at 1115/1003MPH in a 1115/1003zone 1115/1003☐ DUI (Test Administered):☐ BLOOD☐ BREATH☐ URINE☐ OTHERDUI Test Results 1115/1003TEST ADMINISTERED BY (If Applicable): 1115/1003OFFENSE (Other than above) No Alcohol/Seizurein Violation of Code Section 40-127-2of ☒ State Law ☐ Local Ordinance

REMARKS

WEATHER	(A) ROAD	(B)	TRAFFIC	LIGHTING	COMMERCIAL VEHICLE INFORMATION
<input type="checkbox"/> Clear	<input type="checkbox"/> Dry	<input type="checkbox"/> Concrete	<input type="checkbox"/> Light	<input type="checkbox"/> Daylight	<input type="checkbox"/> 16+ Passengers
<input type="checkbox"/> Cloudy	<input type="checkbox"/> Wet	<input type="checkbox"/> Blacktop	<input type="checkbox"/> Medium	<input type="checkbox"/> Darkness	<input type="checkbox"/> Commercial Vehicle Violation
<input type="checkbox"/> Raining	<input type="checkbox"/> Ice	<input type="checkbox"/> Dirt	<input type="checkbox"/> Heavy	<input type="checkbox"/> Other	<input type="checkbox"/> Hazardous Material Violation (PLACARD)
<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other			

SECTION III
LOCATIONCounty of DeKalb and 1850 miles of (city) Atlanta
on 1850 at or near 1850 mile post 1850 or within (city) Atlantaat/on (secondary location) 1850

OFFICER

(Print) 1850Badge # 2867Div. 1850You are hereby ordered to appear in Court to answer this charge on the 13th days of Juneat 7:00 ☒ AM ☐ PM in the Magistrate Courtat 3630 Camp CircleSECTION IV
SUMMONSCity Decatur, 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 license shall be suspended. (Georgia Code 17-6-11 and 40-5-56) The suspension shall remain in effect until such time as there is a satisfactory disposition in this matter or the Court notifies the Department of Driver Services.

LICENSE DISPLAYED IN LIEU OF BAIL ☐ YES ☐ NO RELEASED TO 1850

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

NCIC NO. GA0440200

2497

CODE ORDINANCE CITATION, SUMMONS AND ACCUSATION

DEKALB COUNTY, STATE OF GEORGIA

CITATION NUMBER **042104**

VIOLATOR

NAME: Arishak Syan
LAST FIRST MIDDLE
 ADDRESS: 1426 Blue Sail Ave
NUMBER STREET NAME APARTMENT NO.
Grayson GA 30017
CITY STATE ZIP CODE
M 4/15/85 057010971 GA 5'6" 150
SEX DOB ID/LICENSE NUMBER STATE HT WT

THE UNDERSIGNED STATES THAT HE / SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE THAT THE PERSON NAMED HEREIN HAS COMMITTED THE OFFENSE(S) HEREIN SET FORTH, CONTRARY TO LAW, IN THAT:

ON THE 15 DAY OF April, 2023 AT 00:50 AM / PM IN UNINCORPORATED DEKALB COUNTY THE ABOVE DID COMMIT THE FOLLOWING OFFENSE:

VIOLATION

12-21 Fire Code Violation
SECTION / CODE TITLE OF SECTION

REMARKS
You are in violation of International
Fire Code, 2018 Edition section 308.1.4
Open Flame Cooking Devices (Hookah)
without permitted ventilation system
 WARNING NOTICE ISSUED ☒

PLACE OF OFFENSE: 1850 Lawrenceville Hwy #100 Decatur, Ga.
 THIS 15 DAY OF April, 2023

OFFICER/INSPECTOR (PRINT) D. Smalls BADGE NO. #

YOU ARE HEREBY ORDERED TO APPEAR AT THE MAGISTRATE COURT OF DEKALB COUNTY
 GEORGIA LOCATED AT:
3630 CAMP CIRCLE, DECATUR GA 30032

ON THE 13 DAY OF June, 2023, AT 09:00 AM / PM

() I HAVE THIS DAY SERVED THE DEFENDANT, _____ PERSONALLY
 WITH THE FOREGOING CITATION THIS _____ DAY OF _____, 20____.

(X) I HAVE THIS DAY SERVED THE DEFENDANT, SKY Lounge, A
 CORPORATION, PERSONALLY BY LEAVING THE FOREGOING CITATION WITH Syan Arishak
 AN OFFICER/AGENT OF SAID CORPORATION THIS 15 DAY OF April, 2023.

SUMMONS

Arishak Syan 4045094006 D. Smalls # Fire Insp.
VIOLATOR SIGNATURE PHONE NUMBER SERVING AGENT NAME/TITLE

042103

NAME: LAST Arishak FIRST Syan MIDDLE
ADDRESS NUMBER 1426 STREET NAME Blue Sail Ave. APARTMENT NO.
CITY Grayson STATE Ga. ZIP CODE 30017
SEX M DOB 4/1/95 ID/LICENSE NUMBER 057010971 STATE Ge HT 5'6" WT 150

THE UNDERSIGNED STATES THAT HE / SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE THAT THE PERSON NAMED HEREIN HAS COMMITTED THE OFFENSE(S) HEREIN SET FORTH, CONTRARY TO LAW, IN THAT:

ON THE 15 DAY OF April, 2023 AT 00:30 AM / PM IN UNINCORPORATED DEKALB COUNTY THE ABOVE DID COMMIT THE FOLLOWING OFFENSE:

12-21
SECTION / CODE Fire Code Violation
TITLE OF SECTION

REMARKS

You are in violation of International Fire Code 2018 Ed., section 111.1 "Unsafe Conditions" Blocked egress,

WARNING NOTICE ISSUED ☒

PLACE OF OFFENSE: 1850 Lawrenceville Hwy. #100, Decatur Ga
THIS 15 DAY OF April, 2023

OFFICER/INSPECTOR (PRINT) D. Smalls BADGE NO. #808

YOU ARE HEREBY ORDERED TO APPEAR AT THE MAGISTRATE COURT OF DEKALB COUNTY
GEORGIA LOCATED AT:
3630 CAMP CIRCLE, DECATUR GA 30032

ON THE 13 DAY OF June, 2023, AT 9:00 AM / PM

() I HAVE THIS DAY SERVED THE DEFENDANT, _____ PERSONALLY
WITH THE FOREGOING CITATION THIS _____ DAY OF _____, 20____.

(X) I HAVE THIS DAY SERVED THE DEFENDANT, Sky Lounge, A
CORPORATION, PERSONALLY BY LEAVING THE FOREGOING CITATION WITH Syan Arishak
AN OFFICER/AGENT OF SAID CORPORATION THIS 15 DAY OF April, 2023.

K Arishak Syan
VIOLATOR SIGNATURE

4045094006
PHONE NUMBER

D Smalls / Fire Inspr
SERVING AGENT NAME/TITLE

CODE ORDINANCE CITATION, SUMMONS AND ACCUSATION

DEKALB COUNTY, STATE OF GEORGIA

CITATION NUMBER **044956**

VIOLATOR

NAME: STAM AVISHAK
LAST FIRST MIDDLE
 ADDRESS 1420 BLUE SAIL AVE
NUMBER STREET NAME
GRAYSON GA 30017
CITY STATE ZIP CODE
M 4/15/95 057010971 GA 5'-6" 150
SEX DOB ID/LICENSE NUMBER STATE HT WT

THE UNDERSIGNED STATES THAT HE / SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE THAT THE PERSON NAMED HEREIN HAS COMMITTED THE OFFENSE(S) HEREIN SET FORTH, CONTRARY TO LAW, IN THAT:

ON THE 15 DAY OF APRIL 2023 AT 1:14 PM IN UNINCORPORATED DEKALB COUNTY THE ABOVE DID COMMIT THE FOLLOWING OFFENSE:

VIOLATION

15-28A REGISTRATION OF NAME OF BUSINESS
SECTION / CODE TITLE OF SECTION

REMARKS

FAILED TO PRESENT CURRENT BUSINESS LICENSE (2022 POSTED)

WARNING NOTICE ISSUED ☐

PLACE OF OFFENSE: 1850 LAWRENCEVILLE HWY STE 100

THIS 15 DAY OF APRIL, 2023

OFFICER/INSPECTOR (PRINT) J. TORRES BADGE NO. 11123

SUMMONS

YOU ARE HEREBY ORDERED TO APPEAR AT THE MAGISTRATE COURT OF DEKALB COUNTY GEORGIA LOCATED AT:
3630 CAMP CIRCLE, DECATUR GA 30032

ON THE 13 DAY OF JUNE, 2023, AT 9:00 AM PM

() I HAVE THIS DAY SERVED THE DEFENDANT, _____ PERSONALLY

WITH THE FOREGOING CITATION THIS _____ DAY OF _____, 2023

(X) I HAVE THIS DAY SERVED THE DEFENDANT, SKY LOUNGE / 1850 LAWRENCEVILLE HWY INC.
 CORPORATION, PERSONALLY BY LEAVING THE FOREGOING CITATION WITH A. STAM

AN OFFICER/AGENT OF SAID CORPORATION THIS _____ DAY OF _____, 2023

Avishak Stam 404-509-4000 TORRES
VIOLATOR SIGNATURE PHONE NUMBER SERVING AGENT NAME/TITLE

SERVICE

FAILURE TO APPEAR MAY RESULT IN A WARRANT FOR YOUR ARREST

CODE ORDINANCE CITATION, SUMMONS AND ACCUSATION

DEKALB COUNTY, STATE OF GEORGIA

CITATION NUMBER **042105**

VIOLATOR

NAME: Avishak Syam
LAST FIRST MIDDLE
 ADDRESS 1426 Blue Sail Ave
NUMBER STREET NAME APARTMENT NO.
Brownson Ge. 30017
CITY STATE ZIP CODE
M 4/15/91 057010971 Ge 5'6" 150
SEX DOB ID/LICENSE NUMBER STATE HT WT

THE UNDERSIGNED STATES THAT HE / SHE HAS JUST AND REASONABLE GROUNDS TO BELIEVE THAT THE PERSON NAMED HEREIN HAS COMMITTED THE OFFENSE(S) HEREIN SET FORTH, CONTRARY TO LAW, IN THAT:

ON THE 15 DAY OF April, 2023 AT 0150 AM PM IN UNINCORPORATED DEKALB COUNTY THE ABOVE DID COMMIT THE FOLLOWING OFFENSE:

VIOLATION

13-21 Fire Code Violation
 SECTION / CODE TITLE OF SECTION

REMARKS

You are currently in violation of 13-21.3
International Fire Code, 2018 Ed.
"Change of use"

WARNING NOTICE ISSUED ☒

PLACE OF OFFENSE: 1560 Lawrenceville Hwy. #100, Decatur
 THIS 15 DAY OF April, 2023 Ge

OFFICER/INSPECTOR (PRINT) D. Smalls BADGE NO. #808

SUMMONS

YOU ARE HEREBY ORDERED TO APPEAR AT THE MAGISTRATE COURT OF DEKALB COUNTY
 GEORGIA LOCATED AT:
3630 CAMP CIRCLE, DECATUR GA 30032

ON THE 13 DAY OF June, 2023, AT 9:00 AM PM

SERVICE

() I HAVE THIS DAY SERVED THE DEFENDANT, _____ PERSONALLY

WITH THE FOREGOING CITATION THIS _____ DAY OF _____, 20____.

X I HAVE THIS DAY SERVED THE DEFENDANT, Sky Lounge Cafe, A

CORPORATION, PERSONALLY BY LEAVING THE FOREGOING CITATION WITH Syam Avishak

AN OFFICER/AGENT OF SAID CORPORATION THIS 15 DAY OF April, 2023.

Avishak Syam
 VIOLATOR SIGNATURE

4015094006
 PHONE NUMBER

D. Smalls / Fire Inspector
 SERVING AGENT NAME/TITLE

FAILURE TO APPEAR MAY RESULT IN A WARRANT FOR YOUR ARREST

YELLOW COPY: VIOLATOR

PINK: CASE FILE

AMBER: FILE

DEKALB COUNTY, GEORGIA POLICE DEPARTMENT

Upon (Month) April (Day) 15 (Year) 2003 at 1:05 ☒ A.M. ☐ P.M.

Operator License No. 057019271

License Class or Type C State GA Endorsements _____ Expires 4/15/2006

Name Syam (Last) Avi (First) Shank (Middle)

Address 1426 Blue Bell Ave

City _____ State GA Zip Code 30017

DOB 4/15/1985 Hair BLK Hgt 506 Wgt 150 Sex M Eyes BLK

Veh. Yr. _____ Make _____ Style _____ Color _____

Registration No. _____ Yr. _____ State _____

CDL ☐ YES ☐ NO ACCIDENT ☐ YES ☐ NO INJURIES ☐ YES ☐ NO FATALITIES ☐ YES ☐ NO

☒ 2 - LANE ROAD ☐ DRIVER REQUESTED ACCURACY CHECK ☐ VASCAR ☐ LASER ☐ RADAR

Within the State of Georgia, did commit the following offense: SPEEDING Clocked by ☐ PATROL VEHICLE ☐ OTHER (Serial # _____ Calibration/Check _____) at _____ MPH in a _____ zone

☐ DUI (Test Administered): ☐ BLOOD ☐ BREATH ☐ URINE ☐ OTHER) DUI Test Results _____

TEST ADMINISTERED BY (If Applicable): _____

OFFENSE (Other than above) 110 counts

in Violation of Code Section 41-96 of ☐ State Law ☐ Local Ordinance

REMARKS _____

WEATHER	(A) ROAD	(B)	TRAFFIC	LIGHTING	COMMERCIAL VEHICLE INFORMATION
<input type="checkbox"/> Clear	<input type="checkbox"/> Dry	<input type="checkbox"/> Concrete	<input type="checkbox"/> Light	<input type="checkbox"/> Daylight	<input type="checkbox"/> 16+ Passengers
<input type="checkbox"/> Cloudy	<input type="checkbox"/> Wet	<input type="checkbox"/> Blacktop	<input type="checkbox"/> Medium	<input type="checkbox"/> Darkness	<input type="checkbox"/> Commercial Vehicle Violation
<input type="checkbox"/> Raining	<input type="checkbox"/> Ice	<input type="checkbox"/> Dirt	<input type="checkbox"/> Heavy	<input type="checkbox"/> Other	<input type="checkbox"/> Hazardous Material Violation (PLACARD)
<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other			

County of DeKalb and _____ miles of (city) _____

on _____ at or near _____ mile post _____, or within (city) _____

at/on (secondary location) _____

OFFICER (Print) E. Lamb Badge # 8267 Div. Jerome

You are hereby ordered to appear in Court to answer this charge on the 13 days of June

2003 at 9:00 ☐ AM ☐ PM in the _____ Court

at 3630 Camp Circle

City Decatur 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 license shall be suspended. (Georgia Code 17-6-11 and 40-5-56) The suspension shall remain in effect until such time as there is a satisfactory disposition in this matter or the Court notifies the Department of Driver Services.

LICENSE DISPLAYED IN LIEU OF BAIL ☐ YES ☐ NO RELEASED TO _____

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

SIGNATURE _____

ARRESTING OFFICER'S CERTIFICATION

The undersigned has just and reasonable grounds to believe, and does believe, that the person named herein has committed the offense set forth, contrary to law.

SIGNATURE _____

Signature of Arresting Officer _____

Badge # 8267

NCIC NO. GA0440200

24974503

VIOLATOR'S COPY

Purpose of Inspection: Routine ☒ Follow-up ☐ Initial ☐
 Issued Provisional Permit ☐ Temporary ☐
 Risk Type: 1 ☐ 2 ☒ 3 ☐ Permit#: 000339
 Risk Factors are important practices or procedures as the most contributing factors in foodborne illness outbreaks. Public Health Interventions are control measures to prevent illness or injury.

103 A 12/31/10
 SCORING AND GRADING: A=90-100 B=80-89 C=70-79 U<69

FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

(Mark designated compliance status (IN, OUT, NA, or NO) for each numbered item. For items marked OUT, mark COS or R for each item as applicable.)

IN=in compliance OUT=not in compliance NO=not observed NA=not applicable COS=corrected on-site during inspection R=Repeat violation of the same code provision=2 points

Compliance Status		COS		R	
1	IN OUT NA NO	Supervision 4 points			
	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>				
	1-2A PIC present, demonstrates knowledge, performs duties	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	1-2B Certified Food Protection Manager	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
2	IN OUT NA NO	Employee Health, Good Hygienic Practices, Preventing Contamination by Hands 9 points			
	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>				
	2-1A Proper use of restriction & exclusion	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	2-1B Hands clean and properly washed	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	2-1C No bare hand contact with ready-to-eat foods or approved alternate method properly followed	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	2-2A Management knowledge, responsibilities, reporting	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	2-2B Proper eating, tasting, drinking, or tobacco use	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	2-2C No discharge from eyes, nose, and mouth	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	2-2D Adequate handwashing facilities supplied & accessible	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	2-2E Response procedures for vomiting & diarrheal events	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
3	IN OUT NA NO	Approved Source 9 points			
	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>				
	3-1A Food obtained from approved source	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	3-1B Food received at proper temperature	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	3-1C Food in good condition, safe, and unadulterated	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	3-1D Required records: shellstock tags, parasite destruction	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
4	IN OUT NA NO	Protection From Contamination 9 points			
	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>				
	4-1A Food separated and protected	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	4-1B Proper disposition of returned, previously served, reconditioned, and unsafe food	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	4-2A Food stored covered	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	4-2B Food-contact surfaces: cleaned & sanitized	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
5	IN OUT NA NO	Cooking and Reheating of TCS Foods, Consumer Advisory 9 points			
	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>				
	5-1A Proper cooking time and temperatures	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	5-1B Proper reheating procedures for hot holding	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	5-2 Consumer advisory provided for raw and undercooked foods	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
6	IN OUT NA NO	Holding of TCS Foods, Date Marking of TCS Foods 9 points			
	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>				
	6-1A Proper cold holding temperatures	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	6-1B Proper hot holding temperatures	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	6-1C Proper cooling time and temperature	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	6-1D Time as a public health control: procedures and records	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	6-2 Proper date marking and disposition	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
7	IN OUT NA NO	Highly Susceptible Populations 9 points			
	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>				
	7-1 Pasteurized foods used: Prohibited foods not offered	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
8	IN OUT NA NO	Chemicals 4 points			
	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>				
	8-2A Food additives: approved and properly used	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	8-2B Toxic substances properly identified, stored, used	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
9	IN OUT NA NO	Conformance with Approved Procedures 4 points			
	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>				
	9-2 Compliance with variance, specialized process and HACCP plan	<input checked="" type="radio"/>	<input checked="" type="radio"/>		

GOOD RETAIL PRACTICES

(Mark the numbered item OUT, if not in compliance. For items marked OUT, mark COS or R for each item as applicable. R = Repeat Violation of the same code provision = 1 point)
 Good Retail Practices are preventive measures to control the introduction of pathogens, chemicals, and physical objects into foods.

Compliance Status		COS		R	
10	OUT	Safe Food and Water, Food Identification 3 points			
	<input checked="" type="radio"/>				
	10A. Pasteurized eggs used where required	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	10B. Water and ice from approved source	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	10C. Variance obtained for specialized processing methods	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	10D. Food properly labeled; original container	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
11	OUT	Food Temperature Control 3 points			
	<input checked="" type="radio"/>				
	11A. Proper cooling methods used: adequate equipment for temperature control	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	11B. Plant food properly cooked for hot holding	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	11C. Approved thawing methods used	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	11D. Thermometers provided and accurate	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
12	OUT	Prevention of Food Contamination 3 points			
	<input checked="" type="radio"/>				
	12A. Contamination prevented during food preparation, storage, display	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	12B. Personal cleanliness	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	12C. Wiping cloths: properly used and stored	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	12D. Washing fruits and vegetables	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
13	OUT	Postings and Compliance with Clean Air Act 1 point			
	<input checked="" type="radio"/>				
	13A. Posted: Permit/Inspection/Choking Poster/Handwashing	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	13B. Compliance with Georgia Smoke Free Air Act	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
14	OUT	Proper Use of Utensils 1 point			
	<input checked="" type="radio"/>				
	14A. In-use utensils: properly stored	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	14B. Utensils, equipment and linens: properly stored, dried, handled	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	14C. Single-use/single-service articles: properly stored, used	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	14D. Gloves used properly	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
15	OUT	Utensils, Equipment and Vending 1 point			
	<input checked="" type="radio"/>				
	15A. Food and nonfood-contact surfaces cleanable, properly designed, constructed, and used	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	15B. Warewashing facilities: installed, maintained, used; test strips	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	15C. Nonfood-contact surfaces clean	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
16	OUT	Water, Plumbing and Waste 2 points			
	<input checked="" type="radio"/>				
	16A. Hot and cold water available; adequate pressure	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	16B. Plumbing installed; proper backflow devices	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	16C. Sewage and waste water properly disposed	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
17	OUT	Physical Facilities 1 point			
	<input checked="" type="radio"/>				
	17A. Toilet facilities: properly constructed, supplied, cleaned	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	17B. Garbage/refuse properly disposed; facilities maintained	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	17C. Physical facilities installed, maintained, and clean	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
	17D. Adequate ventilation and lighting; designated areas used	<input checked="" type="radio"/>	<input checked="" type="radio"/>		
18	OUT	Pest and Animal Control 3 points			
	<input checked="" type="radio"/>				
	18. Insects, rodents, and animals not present	<input checked="" type="radio"/>	<input checked="" type="radio"/>		

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 Regulations Food Service Chapter 511-6-1, Rule .10 subsections (2)(h) and (i).

Page 2 of 2

Establishment

Permit #

Address

City/State

Date

Zip Code

TEMPERATURE OBSERVATIONS

Item/Location	Temp	Item/Location	Temp	Item/Location	Temp
Chicken in walk in	51				
Raw Chicken in boxes	41				
Meat in cooler	44				
Meat in cooler	40				

OBSERVATIONS AND CORRECTIVE ACTIONS

- owner yesernework Gulema
- 6-1A Chicken at 51 in walk in all TCS foods need to be at 41° or below
- 2-2A 2 Handwash Sinks with things in them / Not Accessible
- 4-41A Chicken stored on floor in walk in other items stored on floor All items need to be six inches off the floor
- 6-2 Once food is prepared it must be date mark
- 12A all Beverages of employees must have cover and straw
- 15A all surfaces need to be cleaned
- 15C all Non Food Surfaces need to be clean
- 17A Mens room unclean Womens trash can needs to be cleaned
- 16B Plumbing / Sink Stopped by
- 2-2A Person in charge was unaware of employee Health Agreement

Person in Charge (Signature)

Date

Inspector (Signature)

Date

850 LAWRENCE
DBA SKY L
1850 LAWRENCE
DECATUR, GA

PAY
TO THE
ORDER

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 HOSPITALITY GROUP, LLC
Name of owners(s) (If more than one owner, attach a separate sheet)

Being (owner) (owners) of the subject property described below or attached hereby delegate authority to:

Avishat Syam
Name of Agent or Representative

to file an application on (my), (our) behalf.

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must 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 filing of this application?

Yes _____ No ☒ *

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. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary



Signature of Applicant /Date

Check one: Owner _____ Agent ☒

Expiration Date/ Seal

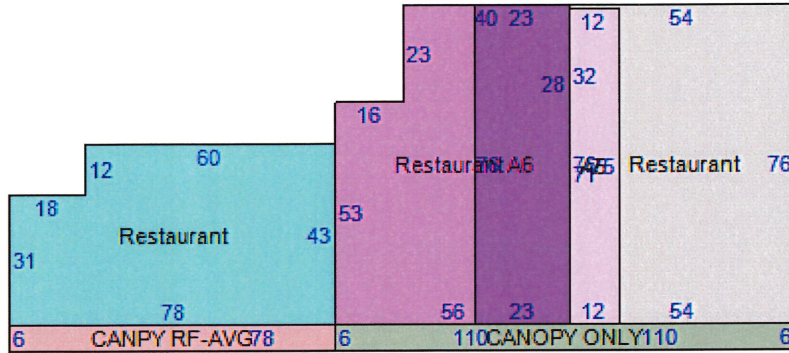
*Notary seal not needed if answer is "no".



PARID: 18 062 08 075

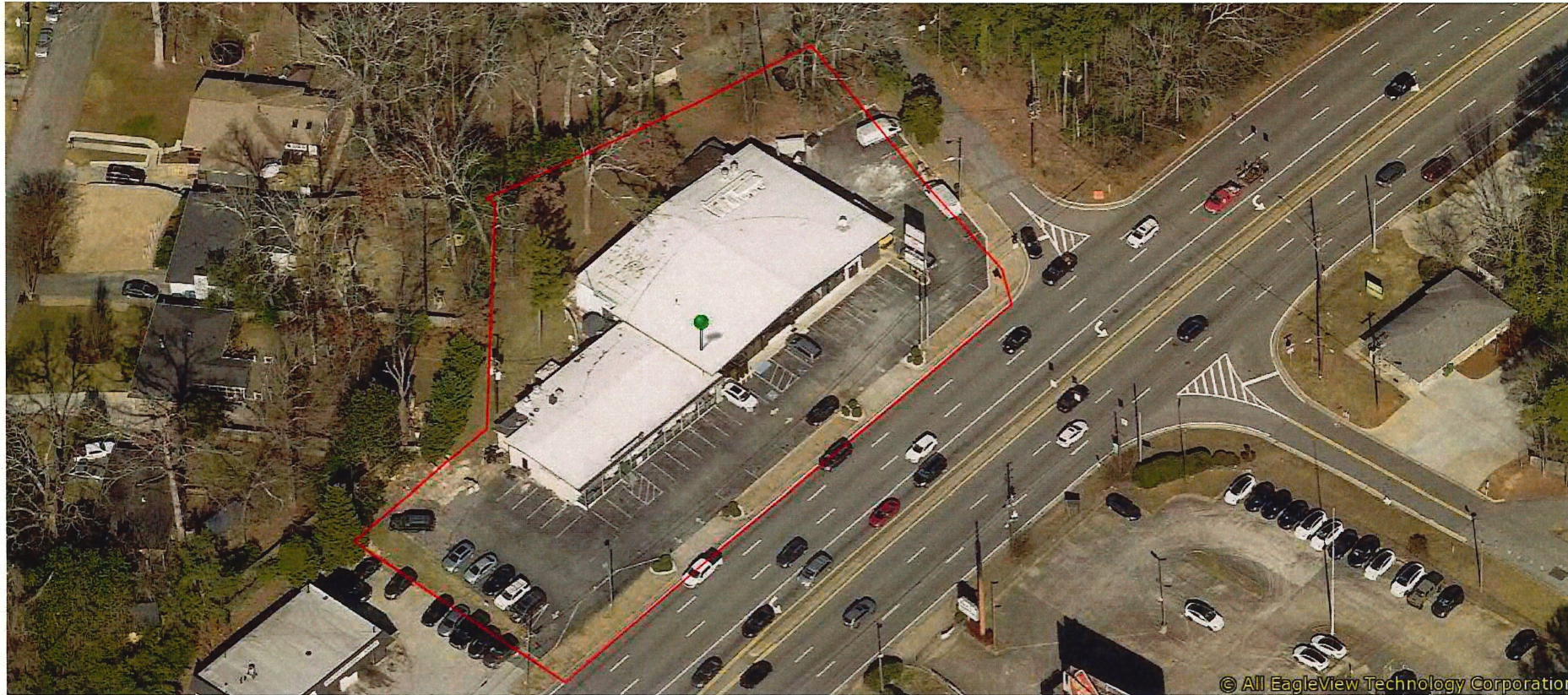
AIR HOSPITALITY GROUP LLC

1850 LAWRENCEVILLE HWY



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

Sky Lounge Cafe - Decatur





DeKalb County
GEORGIA

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: Yes _____ No X

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

Rezoning Request: _____

Land Use Plan Amendment: Yes _____ No X

Existing Land Use: TC 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:



DECATUR PLAZA
1850 LAWRENCEVILLE HWY
DECATUR, GA 30033

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

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT

THIS PLAT OF SURVEY IS A RETRACEMENT SURVEY OF AN EXISTING PARCEL OF LAND; THEREFORE, NO ADDITIONAL CITY OR COUNTY APPROVALS ARE REQUIRED SHOULD THE OWNER OR PURCHASER DECIDE TO RECORD SAID SURVEY WITH THE CLERK OF THE SUPERIOR COURT. THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) 15-6-67 AS AMENDED BY HB 1004 (2016), IN THAT WHERE CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS THE REQUIREMENTS OF LAW PREVAIL.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 31,098 FEET AND AN ANGULAR ERROR OF 1" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 281,134 FEET.

A NIKON DTM-420 TOTAL STATION WAS USED TO OBTAIN ANGULAR AND LINEAR MEASUREMENTS.

THIS PROPERTY IS NOT LOCATED INSIDE A DESIGNATED F.I.A. SPECIAL FLOOD HAZARD AREA AS PER DEKALB COUNTY FLOOD INSURANCE RATE MAP #13089C0067, EFFECTIVE DATE: 05-16-2013

AREA = 1.10 ACRES

PROPERTY ZONED C-1 (DEKALB COUNTY)

REFERENCE SURVEY:

1) SURVEY OF PROPERTY, PREPARED BY: SOLAR LAND SURVEYING COMPANY, DATED: JUNE 16, 1986.

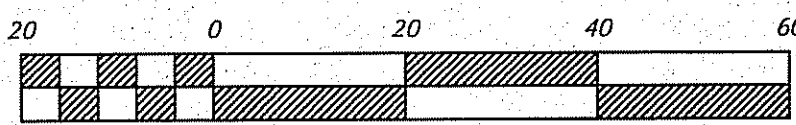
NOTES:

1) REBAR FOUND IN THIS LOCATION DURING PRELIMINARY SITE EVALUATION. REBAR REMOVED PRIOR TO FIELD WORK.

SUBDIVIDED AS
BLOCK "B" OF REVISED PLAT OF
PROPERTY OF MRS. ETTA C. WHELCHER
(PB 21, PG 61)

N/F
JEFFREY P. SILVERBERG
(DB 11634, PG 785)

GRAPHIC SCALE



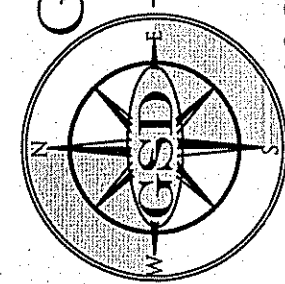
1 INCH = 20 FEET

LEGEND

IPS IRON PIN SET
(1/2" REBAR)
RBF REBAR FOUND
CTF CRIMP TOP FOUND
OTF OPEN TOP FOUND
JB JUNCTION BOX
RW RIGHT-OF-WAY
B.L. BUILDING LINE
P.L. PROPERTY LINE
C.B. CATCH BASIN
H.W. HEADWALL
S.M.H. SEWER MANHOLE
FENCE
X.L. LAND LOT LINE
O.L.L. ORIGINAL LOT LINE
D.E. DRAINAGE EASMT.
S.E. SEWER EASMT.
U.E. UTILITY EASMT.
G.T. GREASE TRAP
C.O. CLEAN OUT
LP LIGHT POLE
EP EDGE OF PAVEMENT
CL CENTERLINE

RECORD NORTH

GADDY SURVEYING
& DESIGN, INC.
1215 PLEASANT HILL ROAD
LAWRENCEVILLE, GEORGIA 30044
PHONE (770) 961-1980
FAX (770) 961-1980

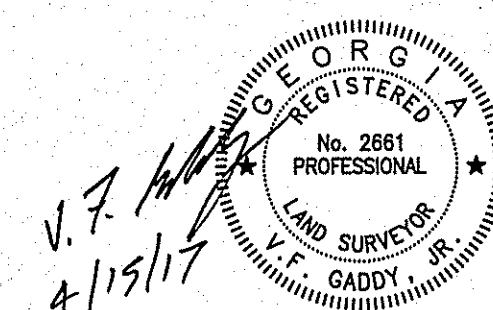


L.S. CERTIFICATE OF AUTHORIZATION #15001014
P.E. CERTIFICATE OF AUTHORIZATION #PE0005450

SURVEY FOR:
TENANTXPRESS MANAGEMENT, INC.
#1850 LAWRENCEVILLE HIGHWAY
(DEED BOOK 8449, PAGE 329)
LAND LOTS 62 & 63 - 18TH DISTRICT
DEKALB COUNTY, GEORGIA

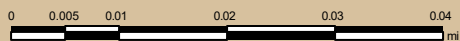
FIELD 4/10/17 DRAWN 4/15/17 CHECKED VFG
SCALE: 1" = 20'
SHEET TITLE

BOUNDARY SURVEY





DeKalb County Parcel Map

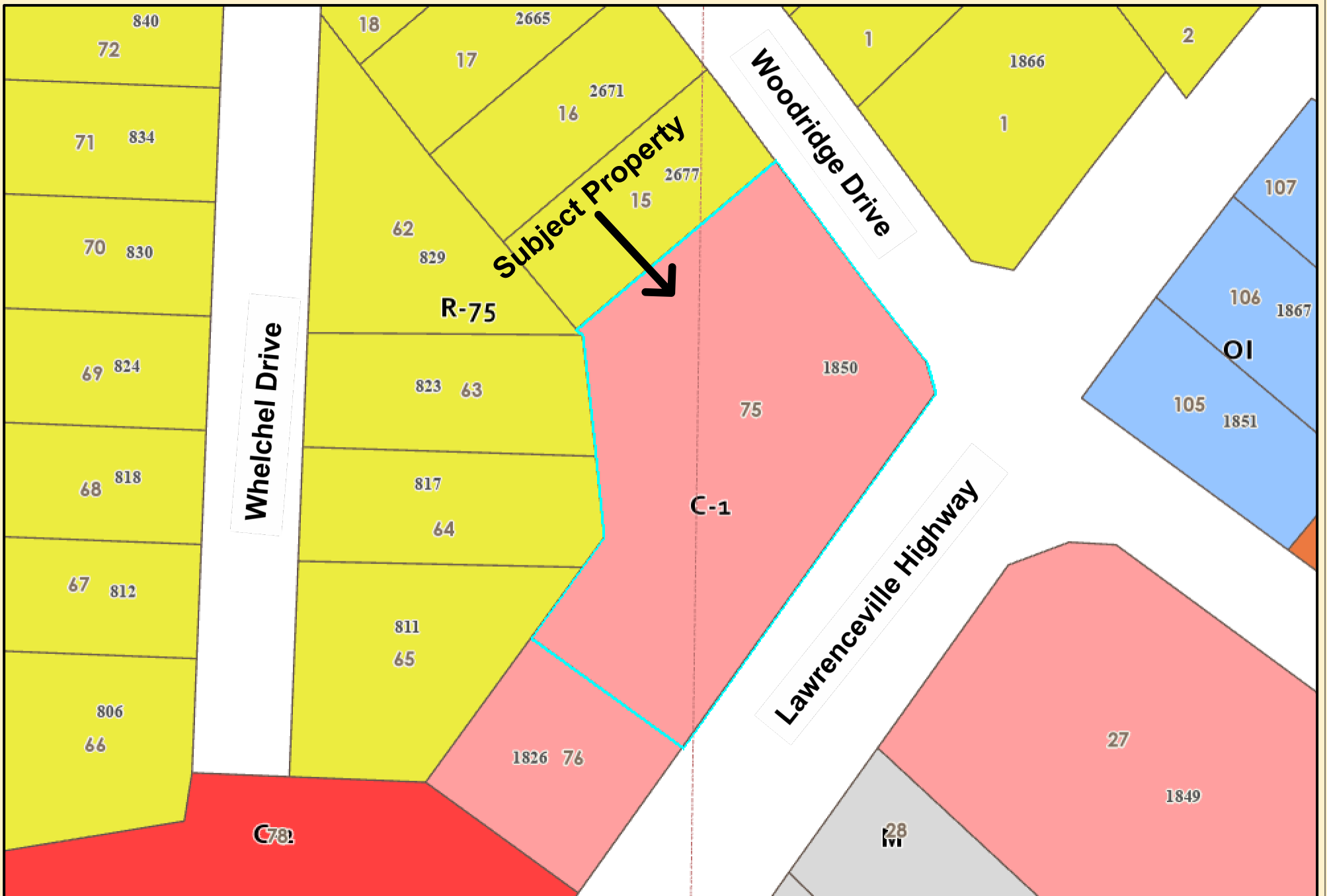


Date Printed: 5/22/2024

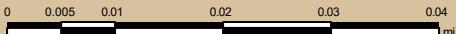


DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness 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 fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, 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 herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should they be considered 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.



DeKalb County Parcel Map

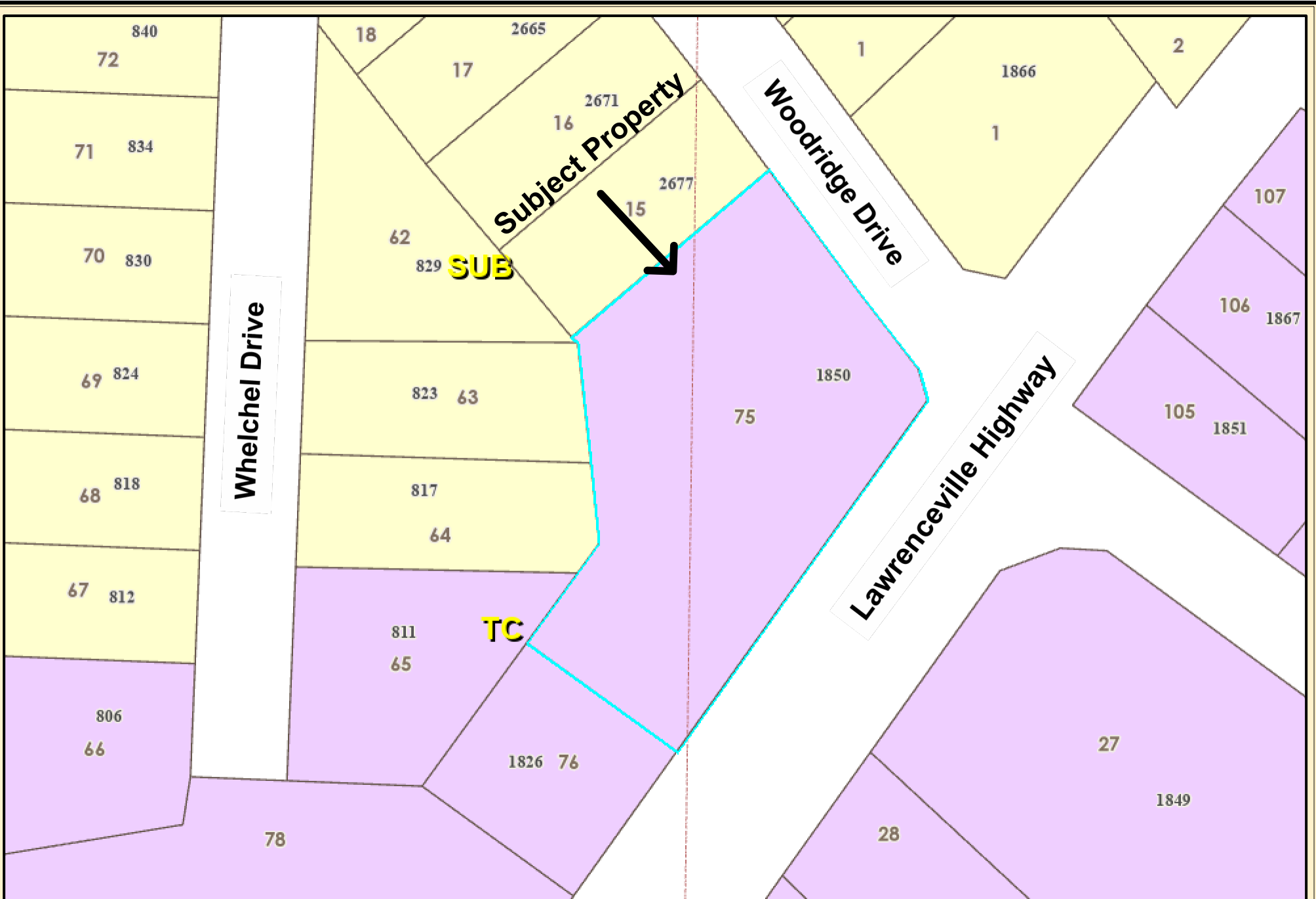


Date Printed: 5/22/2024

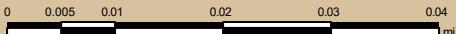


DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness 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 fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, 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 herein provided. The maps and data are for illustration purposes 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 considered 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.



DeKalb County Parcel Map



Date Printed: 5/22/2024



DeKalb County GIS Disclaimer
The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness 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 fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, 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 herein provided. The maps and data are for illustration purposes 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 considered 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.



SKY LOUNGE CAFE

EAT DRINK & LOVE

CAFE LOUNGE

Auto Air Plus

AUTO AIR PLUS



AVEREE

LOUNGE CAFE
RESTAURANT / BAR

FOR LEASE
770-568-5727
www.kapress.com

Rent Cars





TM 4432 T

U-HAUL

RIGHT EQUIPMENT... LOWEST COST!



Still As Low As...

\$19.95
IN-TOWN

- FUEL EFFICIENT
- EASY TO DRIVE
- TOW YOUR CAR

RESERVE TODAY @
uhaul.com

AL 70545

AUTO AIR PLUS
AC SPECIALISTS &
TOTAL CAR CARE

**WE TEST
N FIX
EMISSIONS?**

Avondale
Transit Station

BHINDI

CALIKULTURE



SKY LOUNGE CAFE

WINGS
&
MORE



SALUD

SHISHA
LOUNGE

HELLO

CHEERS

WAT

CA

Auto Air Plus





SKY LOUNGE CAFE

EAT DRINK & LOVE

CAFE LOUNGE

Auto Air Plus

AUTO AIR PLUS



K.B. ZAVERREE



SKY LOUNGE CAFE

RESTAURANT / BAR



FOR LEASE

404-316-9191 770-568-5727

www.TenantXpress.com

INDIAN RESTAURANT

700



SKY LOUNGE CAFE

RESTAURANT / BAR



FOR LEASE

404-316-9191 770-568-5727

www.TenantXpress.com

AUTHENTIC INDIAN RESTAURANT



From: [t same](#)
To: [Ted Terry](#); [Spears, Michelle L](#)
Cc: [Bragg, Rachel L.](#); [Chappell, Adam W](#); [Davis Fox](#); [Beth Ganga](#); [Enloe, Caroline](#); [Washington, Larry](#); [Kimble, Aaron J.](#)
Subject: Opposition to Sky Lounge SLUP application and Request to Meet with Immediate Neighbors
Date: Thursday, July 18, 2024 11:37:18 AM

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

Dear Commissioners Terry and Spears,

As you may have heard, there is significant opposition in the Medlock Neighborhood to the Late Night SLUP request by Sky Lounge. At the 7/11 Planning Commission Meeting we had 20+ neighbors wait until 10:30 pm to voice their opposition to this application.

Sky Lounge has made improvements from a year ago, but by no means are they in compliance. The neighbors are still tolerating noise and behaviors that I personally would not accept if I lived next door. Sky Lounge is MOSTLY closing by 12:30, but there are still many nights when their bass can be felt and heard by the neighbors until closing time. You don't have to look far on Instagram to find them advertising "club nights" and DJ events at their location. I don't think lack of negative complaints over a couple of months is reflective of the neighbors' experience. I also don't think a lack of complaints entitles Sky Lounge to a Late Night SLUP, temporary or otherwise.

From a zoning perspective, I believe this application should be denied on the nonconformity of the lot alone. In my mind, this situation is exactly why a SLUP is required for Late Night Establishments - because they are not appropriate or reasonable in all properties that are zoned commercial. The current zoning code has evolved with the understanding that commercial and residential properties need proper buffer (space, plantings, and screening) to live together in a cohesive manner. This property provides no buffer and will continue to be in conflict with its residential neighbors until it is redeveloped. While the building is grandfathered in, the use is not. Increasing the intensity of this property will further inflame this already difficult situation between Sky Lounge and their neighbors.

I will also add that the parking solution being proposed (A to Z parking across Scott Blvd) is a tragedy waiting to happen and further illustrates the this nonconforming lot does not have the space to support a Late Night Establishment.

The neighbors have felt heard and supported by the recommendations for denial from the Staff, the Community Council and Planning Commission. They were however quite alarmed to receive Commissioner Terry's response to their opposition. The immediate neighbors are requesting a meeting with Commissioners Terry and Spears so that they can share their concerns directly and in detail. Please let me know if you can make yourselves available to meet with the neighbors.

Sincerely,

Theresa Same
Zoning Chair, Medlock Area Neighborhood Association

From: Monica Morgan <monicamorgan180@gmail.com>

Sent: Wednesday, July 10, 2024 3:41 PM

To: Ted Terry <ecterry@dekalbcountyga.gov>; Spears, Michelle L <mlspears@dekalbcountyga.gov>

Subject: Sky Lounge SLUP application - Opposition

Hi Commissioners Terry and Long Spears,

As a resident of Medlock Park I want to add my name to the list of neighbors that OPPOSE Sky Lounge's SLUP application. It is on the docket for tomorrow's (7/11) Planning Commission meeting and the 7/25 BoC meeting.

This business has consistently operated illegally after hours and not abided by noise ordinances for years. The loud music and the bass can be felt in the surrounding neighbors' homes during and after legal operating hours already. We do not want a late night establishment so close to the neighborhood that has already demonstrated a negative impact on the neighborhood.

**N8-2024-0634 SLUP-24-1247009 Commission District 02 Super District 06 18 062 08 075 1850
LAWRENCEVILLE HIGHWAY, DECATUR, GA 30033**

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.

Thank you,
Monica

From: [Lauren Leyrer](#)
To: [Ted Terry](#); [Spears, Michelle L](#)
Cc: [Chappell, Adam W](#); [t same](#)
Subject: Sky Lounge SLUP Opposition
Date: Sunday, July 14, 2024 3:12:04 PM

Commissioners Terry and Long Spears:

We have been residents of Medlock Park (2670 Woodridge Dr.) since 2016 and our raising our family here. We would like to make it known that we and many other neighbors OPPOSE granting Sky Lounge a SLUP to operate as a late night establishment.

N8-2024-0634 SLUP-24-1247009 Commission District 02 Super District 06 18 062 08 075
1850 LAWRENCEVILLE HIGHWAY, DECATUR, GA 30033

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.

Sky Lounge was first officially notified that they could not operate in a late night capacity in May of 2022 right after they opened. Sky Lounge continued to operate for over a year as a night club and a late night establishment regardless of the outreach of the county and neighbors. They only stopped acting in a late night capacity when they hosted a community meeting for a SLUP and the community councilman strongly suggested that they be a decent neighbor for at least a year before trying to apply for a SLUP.

Fast forward one year, it does appear that they have been closing at the legal hour, however they and the property itself are not good neighbors. They still operate in a nightclub capacity by having DJs every Saturday and advertising a Club Night during the planning commission meeting as their attorney claimed they have not had a DJ in over a year. I can hear their bass inside my home in the evenings. The property owner has removed the dumpster enclosure so trash is out in the open and piled around the dumpster. I reached out to the landlord regarding their contractor dumping concrete in the woods in March (when I'm not even sure they had a permit) and received an email back stating "You remind me of that annoying child in elementary school."

I stopped calling the police after I had to let a police officer into my bedroom at 5 in the morning in July of 2023 to see if he could hear the noise from inside my house rather than them just saying a business couldn't operate that late.

I understand Sky Lounge is open to a temporary late night SLUP but I would strongly request that this not be granted. With the history we have had, difficulty we have faced with enforcement and the continued inconsistencies, how can we trust Sky Lounge to follow through with their self-inflicted conditions and who do we call if they don't?

Our neighborhood supports businesses operating legally and being good neighbors to our community. It's unfortunate that Sky Lounge has already been given the grace and time to learn the rules with guidance from the county and they are still not in compliance and are not good neighbors. A late night establishment at this location does not fit with the existing neighborhood, particularly on a non-conforming lot.

The Medlock neighborhood will not set a precedent that a late night establishment is an appropriate use along this portion of Lawrenceville Highway. We will be at the Board of

Commissioners meeting on the 25th in strong opposition to this SLUP application.

Thank you,

Lauren & Michael Leyrer
904.887.5465

From: Leigh Hopkins <hopkins.leighann@gmail.com>

Sent: Friday, July 12, 2024 1:43 PM

To: Spears, Michelle L <mlspears@dekalbcountyga.gov>; Ted Terry <ecterry@dekalbcountyga.gov>

Cc: Washington, Larry <lwashington@dekalbcountyga.gov>; Kimble, Aaron J.

<ajkimble@dekalbcountyga.gov>; Bragg, Rachel L. <RLBragg@dekalbcountyga.gov>;

davis7fox@gmail.com; Beth Ganga <aeganga@dekalbcountyga.gov>; Medlock Area Neighborhood

Assocation (MANA) <medlockassoc@gmail.com>; t same <t_same@bellsouth.net>; Jeff Hopkins

<jeff@hopcoach.com>; Decaturish Editor <editor@decaturish.com>

Subject: Sky Lounge SLUP application >> Opposition

Commissioners Terry and Long Spears:

We are long-time residents of Medlock Park (2576 Woodridge Dr.), and would like to add our names to the long list of residents who **OPPOSE** granting Sky Lounge a SLUP to operate as a late night establishment, provisional or otherwise.

**N8-2024-0634 SLUP-24-1247009 Commission District 02 Super District 06 18 062 08 075 1850
LAWRENCEVILLE HIGHWAY, DECATUR, GA 30033**

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.

The applicant does not meet minimum parking requirements. At last night's Planning Commission meeting, the applicant indicated that they had a shared parking agreement with A to Z Wholesale. This business is located *across* six lanes of traffic on Lawrenceville Highway. The nearest crosswalk is

at DeKalb Industrial Blvd., located approximately 600 feet away. So theoretically, someone who parks at A to Z Wholesale would need to walk 300 feet to the nearest crosswalk, cross Lawrenceville Highway, and then 600 feet back up the street to Sky Lounge (see attached map). And then repeat when Sky Lounge closes at 2:30am? Do you think someone is actually going to do that? Not a chance. They're going to run across Lawrenceville Highway. We see tragic accidents like this all the time along Buford Highway. This is a disaster waiting to happen.

Sky Lounge has repeatedly emphasized that they're first and foremost a restaurant, but they **clearly operate as a club and late night establishment**. Neighbors hear loud music and feel bass in their homes at all hours of the night. This is happening now. In fact at the time of the Planning Commission meeting last night, one of Sky Lounge's DJ's (@primetime404atl) posted a promo for "Club Night" Saturdays. You can clearly see the DJ equipment, and there are several posts on his page that show video of the club atmosphere. I've attached several of his recent posts.

This is not about our neighborhood opposing an immigrant business. This is not about the applicant not understanding code compliance. They understand the code and choose to violate it. Our neighborhood supports businesses *operating legally* and *being good neighbors* to our community. We have opposed similar applications in the past at this and at other locations adjacent to the neighborhood, and Sky Lounge is no exception. A late night establishment at this location does not fit with the existing neighborhood, particularly when the business is located less than 50 feet away from someone's back porch (see attached map).

The Medlock neighborhood will not set a precedent that a late night establishment is an appropriate use along this portion of Lawrenceville Highway. We will be at the Board of Commissioners meeting on the 25th in strong opposition to this SLUP application.

Regards,

Leigh Hopkins, AICP, CEcD
404-695-0371



Whelchel Dr

Whelchel Dr

Whelchel Dr

Royal Dine
Indian

Sky Lounge Cafe
Indian - SS

Intoxalock
Ignition Interlock

Lawrenceville Hwy

50.00 ft

117.72 ft

829

823

817

811

2677

1856



829

1856

823

817

Intoxalock
Ignition Interlock

811

Auto Clinic 360
Auto repair shop

1820

Royal Dine
Indian

One Stop Wholesale/
Express Wholesale...

A To Z Wholesale

Measure distance
Click on the map to add to your path
Total distance: 956.01 ft (291.39 m)



Posts

Follow

[@skyloungecafeatl](#)

Tonight!



5 likes

primetime404atl This Saturday Night [@skyloungecafeatl](#)

Ladies 1st drink free.

Free Entry Free Section Free Parking [#afro](#) beats





Posts

Follow



primetime404atl



Enjoy Yourself Entertainment

CLUB NIGHT

S A T U R D A Y S

FREE SECTION / FREE PARKING / FREE ENTRY / \$25 HOOKAHS

SKY LOUNGE CAFE

1850 Lawrenceville Hwy, Decatur, GA 30033

8:30 PM- 12:30 AM



4 likes

primetime404atl This Saturday
Free Section Free Parking Free Entry

[#EASTSIDE](#)

19 hours ago



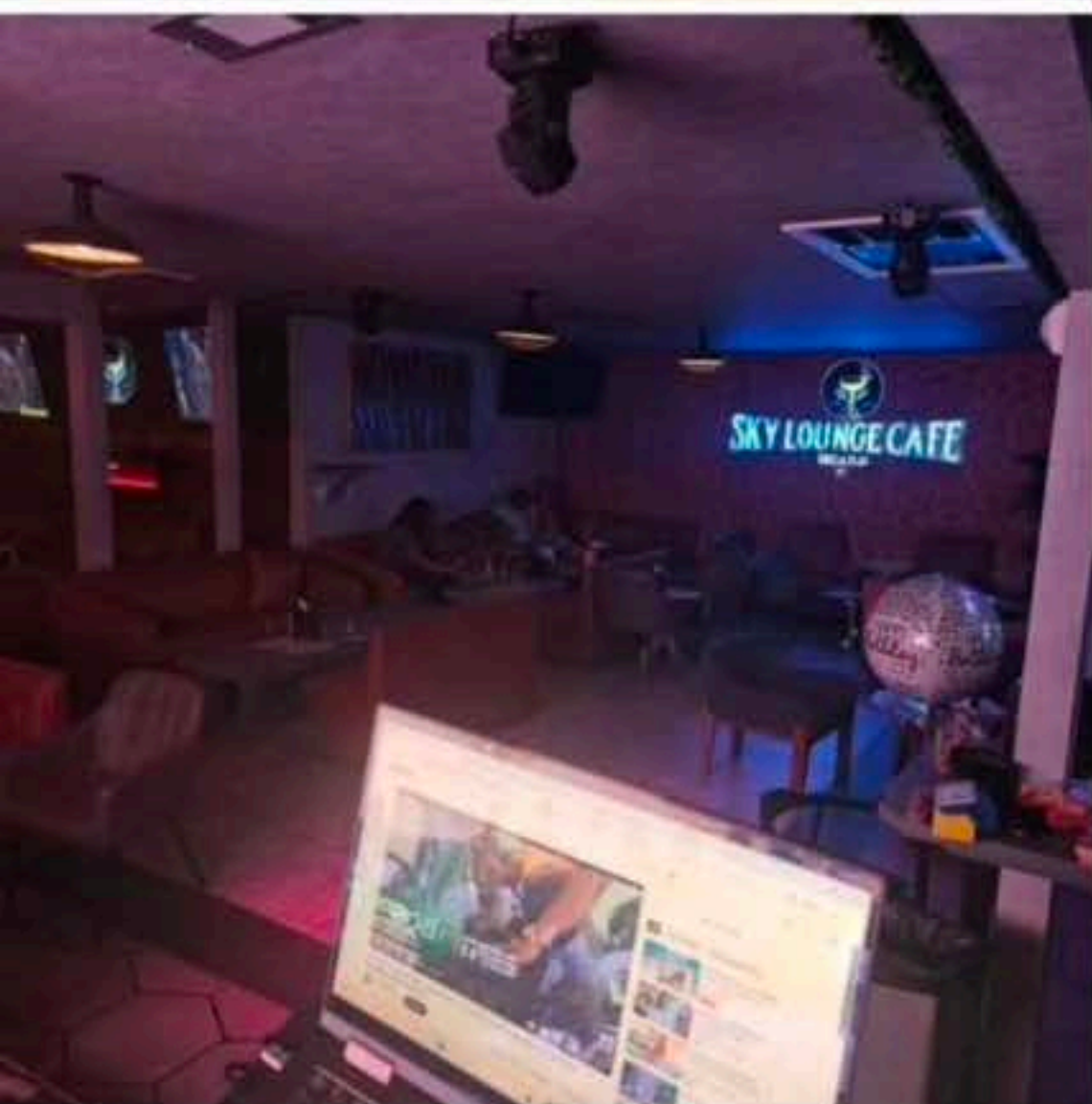


Posts

Follow



primetime404atl



2 likes

primetime404atl Perfect date night location!
Looking for a place that won't charge you \$20 + for drinks or meal (except lamb chops meal) and offer \$25 hookah. Don't want to hear trap music all night but would prefer a mixture of music from Afro beats, Reggae, R&b, Hip-hop, Pop, and Trap. Come out to the Eastside of things @skyloungecafe
Free Parking Free Entry Free Section .
Say DjPrimeTime to your host and get a free drink ladies.

View 1 comment

July 5





SPECIAL LAND USE PERMIT

 Case Number: (2024-0634) SLUP-24-1247009
Site Location: 1850 LAWRENCEVILLE HIGHWAY

S
SLUP

Purpose: Special Land Use Permit (SLUP)
to allow for a late-night establishment in the
C-1 (Local Commercial) zoning district.

Planning Commission Nov 11, 2024 6:00 PM Held virtually via Zoom	Meeting Agenda & Info  tinyurl.com/DeKalb-hearings	Board of Commissioners November 21, 2024 5:30 PM Held @ Mulford Amphitheater 1800 Peachtree Dr.
---	--	---