



# DeKalb County Government

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

## Agenda Item

**File #:** 2019-3840

7/9/2019

**File Status:** Preliminary Item

**Public Hearing:** YES ☒ NO ☐

**Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** 4 & 7

**Application of Xandria Branch to request a Special Land Use Permit (SLUP) to allow a 4,500 square foot lounge (Glowbar ATL) within the Stonebridge Village shopping center to operate beyond 12:30 a.m. as a Late-Night Establishment within the C-1 (Local Commercial) District in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Article 4.2.32 Supplemental Regulations of the DeKalb County Code.**

**PETITION NO:** N1. SLUP-19-1243160

**PROPOSED USE:** Late Night Establishment

**LOCATION:** 8002 Rockbridge Road

**PARCEL NO. :** 16 193 04 006

**INFO. CONTACT:** Marian Eisenberg

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

**PURPOSE:**

Application of Xandria Branch to request a Special Land Use Permit (SLUP) to allow a 4,500 square foot lounge (Glowbar ATL) within the Stonebridge Village shopping center to operate beyond 12:30 a.m. as a Late-Night Establishment within the C-1 (Local Commercial) District in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Article 4.2.32 Supplemental Regulations of the DeKalb County Code. The property is located on the north side of Rockbridge Road at the intersection of Rockbridge Road and Rock Chapel Road, approximately 136 feet west of The Trace at 8002 Rockbridge Road. The property has approximately 520 feet of frontage along Rockbridge Road and contains 17.37 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** APPROVAL WITH CONDITIONS

**PLANNING COMMISSION:** PENDING

**PLANNING STAFF:** APPROVAL WITH CONDITIONS

**STAFF ANALYSIS:** The proposed late-night establishment is required to obtain a Special Land Use Permit (SLUP) since the establishment will serve alcohol after 12:30 a.m. within 1,500 feet of property zoned for

residential use. The nearest residential zoning is the RSM (Small Lot Residential Mix) district which abuts the western property line of the subject property. Based on the submitted survey and information, and field investigation of the project site and surrounding area, it appears that the SLUP proposal for a late-night establishment with recommended conditions is compatible with adjacent properties, and will not create adverse impacts upon adjoining land uses by reason of hours of operation or by noise, smoke, odor or vibration (Section 27-873 B, G, & H). The proposed late-night establishment is surrounded by established retail, personal services, and office uses existing in the Stonebridge Village Shopping Center. There are no anticipated adverse impacts on surrounding properties since the site is within an established commercial building, has access to a major thoroughfare road (Rockbridge Road), and has ample parking. A major thoroughfare road (Rockbridge Road) separates the single-family residential uses to the south from the proposed late-night establishment. Furthermore, the proposed tenant space is located 460 feet away from the nearest residential area to the west (Forest Cove Subdivision), and there is a creek, a hill, significant mature vegetation, and an eight foot tall wooden fence to provide an appropriate separation from the proposed late night establishment. Therefore, it is the recommendation of the Planning Department that the application be "Approved, subject to Staff's recommended conditions".

**PLANNING COMMISSION VOTE: PENDING**

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** **Approval with conditions 9-2-0.** Council recommended approval with the condition that the SLUP be non-transferrable, so that any change in ownership of the establishment would require a new SLUP.

### **RECOMMENDED CONDITIONS SLUP 19 1243160**

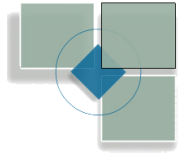
1. The late night establishment shall be limited to the existing 4,500 square foot suite within the Stonebridge Village Shopping Center referenced as "JEC Property, LLC" as shaded on the Site Plan date stamped July 10, 2012.
2. A minimum of one security officer to provide security for the facility and patrol the parking lot at regular intervals during the hours of operation from 12:30 a.m. until a minimum of 30 minutes after closing.
3. SLUP shall expire in three years on December 31, 2021.



Michael Thurmond  
Chief Executive Officer

## DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500  
Decatur, GA 30030  
(404) 371-2155 / [plandev@dekalbcountyga.gov](mailto:plandev@dekalbcountyga.gov)



**Planning Commission Hearing Date: July 9, 2019, 6:30 P.M.**

**Board of Commissioners Hearing Date: July 23, 2019 6:30 P.M.**

### STAFF ANALYSIS

<b>Case No.:</b>	SLUP-19-1243160	<b>Agenda #:</b> N-1
<b>Location/ Address:</b>	8002 Rockbridge Road, Lithonia, Georgia	Commission District: 4 Super District: 7
<b>Parcel ID:</b>	16 193 04 006	
<b>Request:</b>	To request a Special Land Use Permit (SLUP) to allow a 4,500 square foot lounge (Glowbar ATL) within the Stonebridge Village shopping center to operate beyond 12:30 a.m. as a Late Night Establishment within the C-1 (Commercial) District	
<b>Property Owner:</b>	Eui Suk Lee	
<b>Applicant/Agent:</b>	Xandria Branch	
<b>Acreage:</b>	17.73	
<b>Existing Land Use:</b>	Stonebridge Village Shopping Center	
<b>Surrounding Properties:</b>	Waffle House restaurant, vacant land, and the Gwinnett County line to the east; single-family homes to the south across Rockbridge Road; a vacant building, Family Dollar retail store, and the Forest Cove subdivision to the west; and a convenience store to the southwest across Rockbridge Road.	
<b>Adjacent Zoning:</b>	<b>North:</b> C-1, RSM <b>South:</b> R-100 <b>East:</b> NA (Gwinnett County) <b>West:</b> RSM	
<b>Comprehensive Plan:</b>	NC	<b>Consistent</b> <input checked="" type="checkbox"/> <b>Inconsistent</b> <input type="checkbox"/>
<b>Proposed Density:</b>	NA	<b>Existing Density:</b> NA
<b>Proposed Units/Square Ft.:</b>	4,500 square feet Late Night	<b>Existing Units/Square Feet:</b> 98,675 sf Shop Ctr
<b>Proposed Lot Coverage:</b>	NA	<b>Existing Lot Coverage:</b> NA

### Staff Recommendation: APPROVAL WITH CONDITIONS

The proposed late night establishment is required to obtain a Special Land Use Permit (SLUP) since the establishment will serve alcohol after 12:30 a.m. within 1,500 feet of property zoned for residential use. The nearest residential zoning is the RSM (Small Lot Residential Mix) district which abuts the western property line of the subject property.

Based on the submitted survey and information, and field investigation of the project site and surrounding area, it appears that the SLUP proposal for a late night establishment with recommended conditions is compatible with adjacent properties, and will not create adverse impacts upon adjoining land uses by reason of hours of operation or by noise, smoke, odor or vibration (Section 27-873 B, G, & H). The proposed late night establishment is surrounded by established retail, personal services, and office uses existing in the Stonebridge Village Shopping Center. There are no anticipated adverse impacts on surrounding properties since the site is within an established commercial building, has access to a major thoroughfare road (Rockbridge Road), and has ample parking. A major thoroughfare road (Rockbridge Road) separates the single family residential uses to the south from the proposed late night establishment. Furthermore, the proposed tenant space is located 460 feet away from the nearest residential area to the west (Forest Cove Subdivision), and there is a creek, a hill, significant mature vegetation, and an eight foot tall wooden fence to provide an appropriate separation from the proposed late night establishment.

Therefore, it is the recommendation of the Planning Department that the application be "Approved", subject to the following recommended conditions:

- 1) The late night establishment shall be limited to the existing 4,500 square foot suite within the Stonebridge Village Shopping Center referenced as "JEC Property, LLC" as shaded on the Site Plan date stamped July 10, 2012.
- 2) A minimum of one security officer to provide security for the facility and patrol the parking lot at regular intervals during the hours of operation from 12:30 a.m. until a minimum of 30 minutes after closing.
- 3) SLUP shall expire in three years on December 31, 2021.

#### **SUBJECT PROPERTY**

The 17.73 acre project site is located on the north side of Rockbridge Road, approximately 694 feet southwest of North Druid Hills Road in Lithonia, Georgia. The property is currently developed with a 98,676 square foot shopping center (Stonebridge Village Shopping Center). The subject property was zoned to the C-1 district on June 23, 1987 per case CZ-87037 with the following conditions (See attached minutes for CZ-87037): 1) The property is developed consistent with the conceptual plan which identifies a planned shopping center with restricted access; and 2) The developer shall provide road improvements on Rockbridge Road and Rock Chapel Road as may be required by the Public Works Department and Georgia DOT. It appears that the proposed request is consistent with these zoning conditions.

#### **PROJECT ANALYSIS**

The proposed request is to allow a late night establishment to serve alcohol after 12:30 a.m. until 2:30 a.m. The submitted site plan and information indicates the proposed late night establishment would occupy a 4,500 square foot tenant space within an established 98,675 square foot multi-tenant shopping center (Stonebridge Village Shopping Center). There are approximately 554 parking spaces on the project site which provides ample parking for the three business anticipated to be open during late night hours and include the proposed Late Night Establishment, the Dialysis Vita medical office, and the Colonnade Special Events Facility. The County Alcohol Ordinance requires that alcohol-serving establishments must be located at least 100 yards (300 feet) from any church. While it appears that there is a church known as "*Jesus is our Lord Ministries*" in the same shopping center and within 300 feet of the proposed SLUP request, the property owner has provided a "Lease Termination Agreement" (see attached) which indicates that the church lease will expire on June 30, 2019 which resolves this noncompliance issue. The applicant is aware that their establishment is required to comply with all applicable

codes and ordinances including the Noise Ordinance and the Alcohol Ordinance, and that capacity is subject to approval of the Fire Marshal's Office.

STANDARD		REQUIREMENT	EXISTING	COMPLIANCE
LOT WIDTH		100 feet	520	YES
LOT AREA		20,000 square feet	773,190 square feet	YES
YARD SETBACKS	FRONT	75 feet	250	YES
	CORNER LOT SIDE			
	INTERIOR SIDE	20 feet	50 feet	YES
	REAR	30 feet	150 feet	YES
BUILDING SPACING		NA	NA	NA
TRANS. BUFFERS		50 feet	50 feet	YES
HEIGHT		2 story	2 story	YES
PARKING		15 spaces for proposed LNE; 81 spaces for all tenants that may be operating beyond 12:30 a.m. (includes proposed LNE, Dialysis office, and Special Event Facility)	554 spaces	YES (Davita Dialysis medical office, Colonnade Room special events facility, would require 81 parking spaces, and there are 554 parking spaces available in the shopping center.)

#### Supplemental Requirements

Based on the submitted information and information from the Planning and Sustainability Department, the proposed use satisfies the requirements contained in Section 4.2.32 of the Supplemental Regulations for late night establishments. As set forth in Article 6 of the DeKalb County Zoning Ordinance, off-street parking requirements for late night establishments (restaurants) within the C-1 district are established at one space for every 300 square feet of floor area, with a minimum of ten spaces. Since the proposed tenant space contains 4,500 square feet and would not be expanded, 15 spaces would be required. There are 20 other commercial tenants on the property. However,

the applicant has indicated that only two other tenants in the shopping center (Dialysis Vita medical office and Colonnade Room special events facility) are anticipated to be open during the peak operating hours of the late night establishment (12:30 a.m. to 2:30 a.m.). Including the proposed LNE, 81 parking spaces would be required for all tenants with late night operations in the shopping center. There are approximately 554 parking spaces on the project site which provides ample parking for the three business anticipated to be open during late night hours and include the proposed Late Night Establishment, the Dialysis Vita medical office, and the Colonnade Special Events Facility. Therefore, it appears that the project site can sufficiently accommodate the required 15 parking spaces for the proposed late night establishment as well as the 81 parking spaces required for the other two late night tenants.

#### Access and Transportation Considerations

Based on the submitted site plan and information, the proposed use would be accessed via two driveways from Rockbridge Chapel Road and one driveway from Rockbridge Road. Rockbridge and Rock Chapel Road are four lane major thoroughfare roads which can sufficiently accommodate commercial traffic. Internal circulation is limited to the parking areas and internal access drives on the project site within the Stonebridge Village Shopping Center. The Traffic Engineer had indicated that there are no traffic engineering concerns at this time. Therefore, ingress/egress and parking should be sufficient within this established shopping center

#### Sidewalk/Pedestrian Access

Based on the submitted information and field investigation of the project site, there are sidewalks along this stretch of Rockbridge and Rock Chapel Road within this established commercial area of Lithonia.

#### Building Mass and Materials

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

### **LAND USE AND ZONING ANALYSIS**

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

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

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the size of the site is adequate for the use contemplated. Late night establishments are allowed in the C-1 (Local Commercial) district, subject to approval of a SLUP when within 1,500 feet of residentially zoned property. The C-1 district requires 20,000 square feet (approx. .46 acres), and the project site contains 17.73 acres (773,190 square feet). Additionally, the proposed use will be located within an established shopping center (Stonebridge Village Shopping Center). It appears that there is adequate land area available for the proposed use as there is compliance with all required yards, open space, off-street parking, and other applicant requirements of the Zoning Ordinance.

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

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the proposed use is compatible given the established retail, institutional, personal services, and restaurant uses existing in the Stonebridge Village Shopping Center as well as the emission testing station and vacant land to the east and the convenience store to the southwest across Rockbridge Road.

There should be no adverse impacts on surrounding properties since the proposed establishment is not a nightclub, is within an established 98,675 square foot multi-tenant building within the Stonebridge Village Shopping Center, and most of the surrounding businesses will be closed during the peak operating hours of 12:30 a.m. to 2:30 a.m. There is sufficient shared parking (554 parking spaces) on the Shopping Center site to accommodate the proposed late night establishment, and there will be a minimum of one security officer during the hours of operation from 12:30 a.m. until a minimum of 30 minutes after closing (2:30 a.m). While there is a single-family residential subdivision to the west (Forest Cove), there is a five foot drop in elevation, a creek (Stone Mountain Creek), an abundance of mature hardwood trees within an area ranging between 80 feet and 170 feet in width, and an eight foot high fence to provide a buffer from the proposed LNE. Additionally, the proposed suite of the late night establishment is located 460 feet away from the Forest Cove Subdivision. While there are single-family residential uses to the south, those lots are located across a four lane major thoroughfare road (Rockbridge Road).

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

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

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

Based on the submitted site plan and information, as well as field investigation of the project site, the public street on which the proposed use is to be located is adequate and will not unduly increase traffic congestion since the late night establishment will be located in an established commercial building within the Stonebridge Village Shopping Center, and accesses a major thoroughfare road (Rockbridge Road).

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

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

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

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that ingress and egress to the subject property is adequate since the proposed use will be located in an



established commercial building within the Stonebridge Village Shopping Center with a curb cut on a major thoroughfare road (Rockbridge Road).

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

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the proposed use will not create adverse impacts upon adjoining land uses since the proposed establishment is not a nightclub, is within an established 98,675 square foot multi-tenant building within the Stonebridge Village Shopping Center, and most of the surrounding businesses will be closed during the peak operating hours of 12:30 a.m. to 2:30 a.m.

While there is a single-family residential subdivision to the west (Forest Cove), there is a five foot drop in elevation, a creek (Stone Mountain Creek), an abundance of mature hardwood trees within an area ranging between 80 feet and 170 feet in width, and an eight foot high fence to provide a buffer from the proposed LNE. Additionally, the proposed suite of the late night establishment is located 460 feet away from the Forest Cove Subdivision. While there are single-family residential uses to the south, those lots are located across a four lane major thoroughfare road (Rockbridge Road).

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

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

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

See criteria "H".

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

The proposed plan is consistent with the requirements of the zoning district classifications in which the use is proposed to be located (C-1 district).

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

Based on the submitted information, it appears that the proposed use with recommended conditions is consistent with the policies and strategies of the Neighborhood Center (NC) Character Area of the DeKalb County Comprehensive Plan calling for a mixture of retail, office, services, and employment to serve local neighborhoods (NCCAS21).

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

No transitional buffers are required since no new construction is proposed.

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

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

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

It appears appropriate to limit the duration of the SLUP to three years to allow the operation of the proposed late night establishment to demonstrate compatibility with surrounding single-family residential land uses. The compatibility of the proposed establishment can be reviewed again when the applicant applies to renew the SLUP prior to December 31, 2021.

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

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

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

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

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

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

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

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

**S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:**

The proposed late night establishment is the only late night establishment in the Stonebridge Village Shopping Center.

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

Based on the submitted information, it appears that the proposed use with recommended conditions is consistent with the policies and strategies of the Neighborhood Center (NC) Character Area of the DeKalb County Comprehensive Plan which calls for calling for a mixture of retail, office, services, and employment to serve local neighborhoods (NCCAS21). Based on the submitted information, the SLUP proposal with recommended conditions will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

**Planning and Sustainability Department Recommendation:**  
**APPROVE WITH CONDITIONS**

**Attachments:**

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

## Lease Termination Agreement

This Agreement is made on or as of 6/8/2019, by **JEC Property LLC** ("Landlord") and **Jesus is the Lord Ministries LLC** ("Tenant"). Landlord and Tenant entered into a certain Lease, dated **November 2014** ("Lease") with respect to Suite 2 ("Premises") of the Jonesboro Village Shopping Center, located at **8018 Rockbridge Rd Lithonia GA 30058**. Landlord and Tenant agree as follows:

### 1. Termination

Landlord and Tenant mutually terminate the Lease as of 12:00 midnight at the end of the day on **June 30th 2019** ("Termination Date"), except that, if Tenant fails to timely perform its obligations under Section 3, "Removal of Property and Surrender of Premises", Landlord shall have the right to terminate this Agreement immediately and without notice to Tenant. If Landlord so terminates this Agreement, the Lease shall not terminate and all of Tenant's obligations under the Lease shall continue in full force and effect.

### 2. Removal of Property and Surrender of Premises

At or before 12:00 midnight on the Termination Date, Tenant shall cause all movable personal property, whether owned by Tenant or by any third party, to be removed from the Premises and from Landlord's property and shall surrender possession of the Premises to Landlord in the condition the Lease requires. Tenant shall not re-enter the Premises after the Termination Date.

### 3. Property Remaining in Premises

Tenant hereby assigns and transfers to Landlord all of Tenant's right, title and interest in and to any movable personal property remaining within or about the Premises on or after 12:00 midnight on the Termination Date; provided, however, that Tenant shall not have the option of abandoning any movable personal property in the Premises or elsewhere on Landlord's property and Tenant shall be in breach of its obligations under Section 3, "Removal of Property and Surrender of Premises", if Tenant fails to remove all such property as that section requires. Tenant acknowledges that any property within the Premises that is attached or affixed to the realty is the sole and exclusive property of Landlord.

### 6. Release; Exceptions to Release

Neither Landlord nor Tenant shall have any further rights or obligations under the Lease, except that this Agreement shall not impair any obligation that Tenant may have under the Lease:

(a) to indemnify and hold harmless Landlord and its owners, agents and employees after the Termination Date with respect to events that occurred on or before the Termination Date; or

(b) to pay Landlord Rent and other charges that accrued prior to the Termination Date.

Except for any such obligations of Tenant to indemnify and hold harmless Landlord and its owners, agents and employees and to pay Landlord accrued Rent and other charges, and provided that Landlord does not terminate this Agreement as provided in Section 1, "Termination", each party hereby dismisses, releases and forever discharges the other and their respective guarantors, successors, assigns, agents and employees from any and all claims, demands, causes of action, suits, damages and judgments which either party has ever had, now has or in the future may have against the other party in connection with the Lease.

### 7. Special Indemnity

Tenant shall indemnify and hold harmless Landlord and its owners, agents and employees for and from any and all claims, actions, injuries, losses, damages, judgments, liabilities, fees, costs and expenses (including reasonable attorneys' fees and expenses and court costs) arising out of or related to any transactions or other dealings between Tenant and or between any owner of any interest in the business conducted in the Premises.

### 8. Defined Terms

All words and phrases defined in the Lease shall have the same meanings in this Agreement as are assigned to such words and phrases in the Lease, except as this Agreement explicitly or impliedly provides to the contrary.

### 9. Time of Essence

Time is of the essence of this Agreement.



DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM

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

COMMENTS FORM:  
**PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-19-1243160 Parcel I.D. #: 16-193,04-006

Address: 8002  
Rockbridge Rd  
Lithonia, GA

Rock Chapel Rd Adjacent Roadway (s):  
Major  
(classification) (classification)

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6<sup>TH</sup> 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.

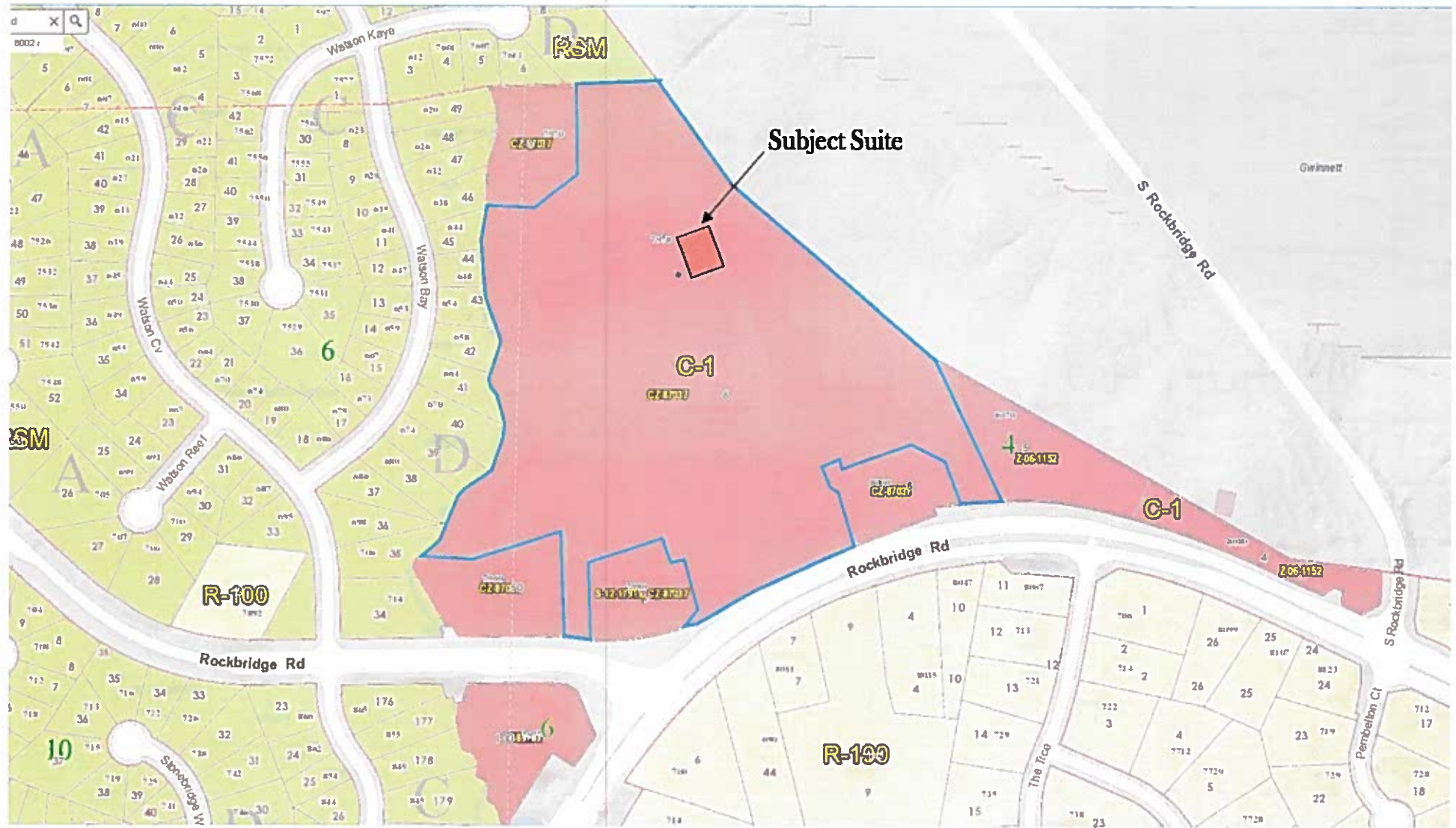
Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the \_\_\_\_\_ (Single Family Residential) District designation which allows a maximum of \_\_\_\_\_ units per acres, 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:

Plan and field reviewed. Found nothing that would interfere with traffic.

Signature: \_\_\_\_\_

David Moss









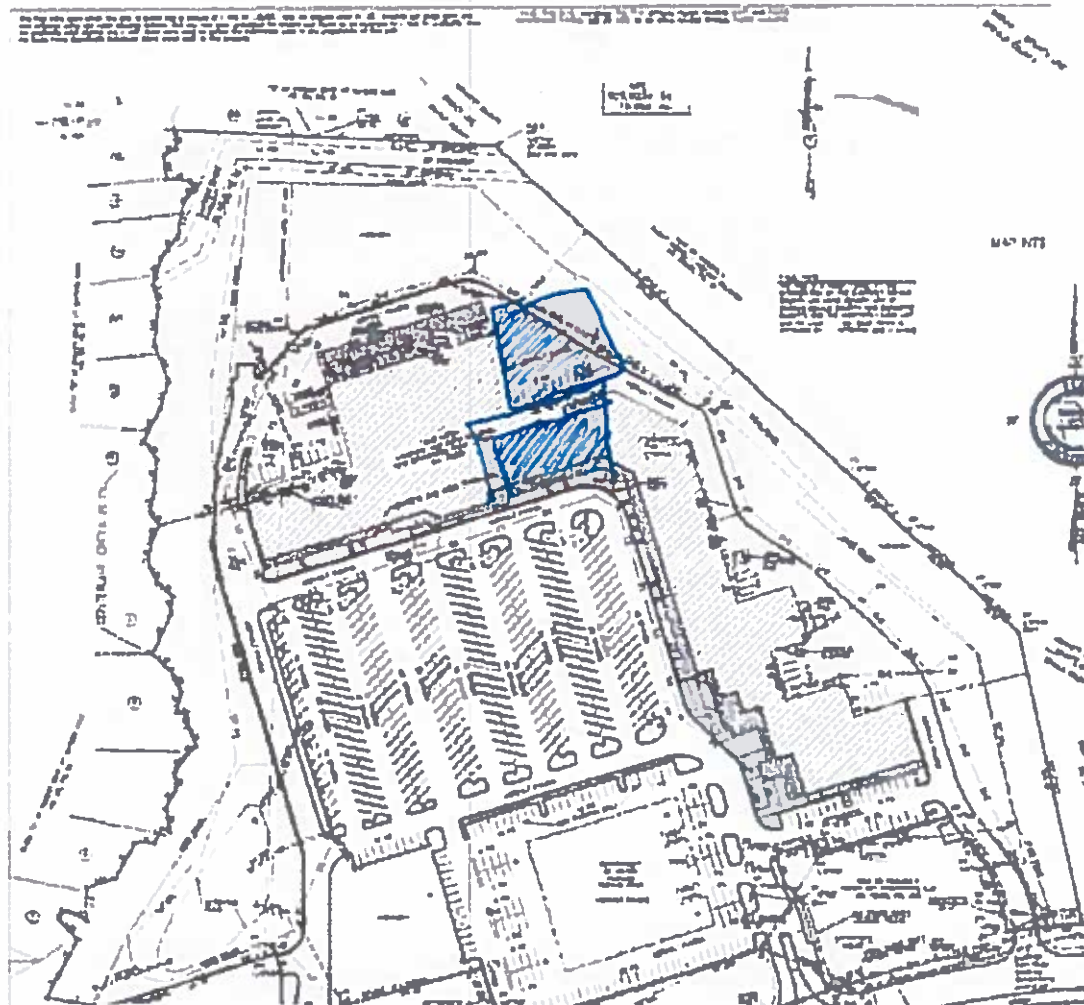
# N.1 SLUP-19-1243160 Use Map

Future Land





## Stonebridge Village Shopping Center Site Plan



### **Letter of Application**

- A) Existing zoning classification is C-1, C2-87037.
  - B) No need for rezoning. Requesting additional 2 hours of operational times Thursday- Saturday 1- 2:30am due to various research that shows peak hours for free standing bars and lounges are after 11pm.
  - C) Preexisting use of property and proposed is a freestanding bar/ Lounge.
  - D) The Lounge (Glow Bar ATL) would like to expand its hours of operation by adding an additional two hours to operating times. The upcoming hours of operation are Sunday- Saturday 1- 12:30am, (Wednesday may be closed, undecided). The building is 4500 sq. ft. The entire building is 225,000 sq. ft and sits on 23.3 acres. The site has adequate parking. The site features 5 cars per every 1000 sq. ft which is equivalent to 1125 spaces for parking.
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## **IMPACT ANALYSIS**

Section 27-7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.

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

The overall existing 4500 building square footage sits on 18.75 acres and is adequate for operation of a freestanding bar/lounge. Per the submitted documentation, the commercial structure has approximately 4,500 square feet with one office, one utility room, a kitchen and 6 bathrooms. The applicant proposes to maintain the previous operational use of the lounge /bar. The parking space is adequate as it has 710 parking spaces on the premises.

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

The proposed lounge is compatible with other businesses in the immediate surrounding area. Neighborhood property lines are of a comparable distance with approximately 2 football fields in distance of the establishment. There will be no outside physical changes to the existing structure. The entrance of the building faces away from nearest neighborhood.

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

Given that the site is at an established shopping center it appears that there are adequate public services, facilities and utilities to serve the proposed freestanding bar.

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

8002 Rockbridge Rd is located along Centerville highway and creates no impact on residential streets or traffic in the area. The parking lot allows for guest to enter through multiple entrances which eliminates traffic. Parking lot will accommodate all potential guest.

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

Traffic or character of vehicles generated by the proposed use will not adversely impact existing land uses along access routes to the sites.

**F. 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:**

The existing structure on the site is accessed by vehicles via Emergency vehicles can access the site from the one of 3 main entry ways to the parking lot.

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

The lounge is will not cause adverse impacts by reason of noise, smoke, odor, dust or vibration due to the nature of the lounge which will contain all music within the establishment facing all speakers away from residential areas and taking proper measures to contain music within the property. The establishment will be equipped with proper ventilation system in order eliminate any smoke within the establishment. All smoking will be prohibited excluded hookahs in the establishment.

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

Per the information submitted with the application, the proposed operating hours for the lounge are 1:00 p.m. to 2:30am Thursday through Saturday. Planning Staff anticipates that the proposed hours of operation may not create adverse impacts upon adjoining land uses nor create traffic due to only sharing the entire parking lot (710 spaces) after hours with one other establishment between the hours of 11-2:30 (3 hours).

**I. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.**

Per the submitted application, it appears there will be one additional late night establishment business open in the shopping center which offer different services and presents and no adverse impacts.

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

Proposed use is consistent with the requirements of the zoning districts and classified by business license and Letter of entertainment as a freestanding bar/ Lounge.

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

Proposed land is consistent with the Policies of the comprehensive plan calling for a medium high density mix of retail, office, service and employment to serve neighborhoods. (NCCAS21)

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

Transitional buffers are not required. Since no new construction is proposed for the existing commercial shopping center.

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

Refuse area and service areas appear to be ample and adequate since the proposed land us is located within an established commercial building.

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

There does not appear to be any compelling reasons for limiting the duration of the requested Special Land Use Permit.

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

There are no new buildings proposed as the request is only to allow the preexisting lounge/ LateNight Establishment to operate within an existing shopping center. Therefore there are no existing impacts on the size, scale and massing of adjacent and nearby lots and buildings.

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

It does not appear that the proposed use will adversely affect historic building sites, districts, or archaeological resources.

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

Based on the submitted plan and information in addition to area investigation of the location, the plan meets the requirements contained in Section 4.2.32 of the supplemental regulations for late night establishment during peak operating hours (after 12:30 a.m.).

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

There are no new buildings proposed the request is only to expand hours of operation for an existing lounge in suite 8002-8006 within an existing commercial building. There will be no negative shadow impact on any adjoining lot.

**S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:**

It appears there is only one other existent. LNE within the vicinity but operates as a different use.

On February 7, 2019 A notice was hand delivered to the neighborhoods, and an email to those committee members zoned for the area to bring awareness to the pre-submittal meeting that would be held at the establishment on February 27, 2019. No one was present in the meeting. Signatures of the neighborhood members were gathered at the time of the notice being given out.

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## PUBLIC NOTICE

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Purpose ♦ To request for a special land use permit  
Filed by: Glitz Global Ent, LLC.

Location: 8002 Rockbridge Rd Lithonia, Ga 30058

Community meeting date

Wednesday February 27, 2019

@6:30 p. m refreshments will be served

7 pm start of meeting

CURRENT USE:  
RESTAURANT/LOUNGE

### OBJECTIVE

Extended hours of operation by 2 hours.

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### HOURS OF OPERATION PROPOSED

Thursday- Saturday  
12:00 pm-2:30 am

# PRE SUBMITTAL INVITATION LIST

Project:	Pre-submittal Meeting	Date	2/07/2019
Facilitator:	Glow Bar ATL	Delivery Method	Door to door, front door drop

Name	Address	Will you attend? Yes? No?	Phone (optional)	E-Mail	Initials
Name 1 <i>Shimara Woodley</i>	<i>7617 NO address</i>	<i>left flyer</i>		Email <i>2-0-2-1-1-3</i>	
Name 2 <i>Caroline</i>	<i>7613 Wiser</i>	<i>maybe</i>		Email	
Name 3 <i>Champion</i>	<i>7609</i>			Email	
Name 4	<i>7612</i>			Email	
Name 5	<i>7616</i>			Email	
Name 6 <i>Perkins</i>	<i>632</i>			Email	
Name 7	<i>637</i>			Email	
Name 8 <i>Webster</i>	<i>641</i>			Email	
Name 9 <i>Gardner</i>	<i>643</i>			Email	
Name 10	<i>655 left</i>			Email	
Name 11	<i>690 2001</i>			Email	
Name 12	<i>674 left</i>			Email	
Name 13 <i>Fernando James</i>	<i>7180 Rockledge Rd</i>	<i>will attend</i>		Email <i>Fusion Wings @ Gmail.com</i>	
Name 14 <i>Yolanda Bickers</i>	<i>Homeowners association</i>			Email	
Name 15				Email	
Name 16				Email	
Name 17				Email	
Name 18				Email	



# Invitation for Community Mtg List

## ~~MEETING SIGN-IN SHEET~~

Project:	Pre-submittal Meeting	Date	2/07/2019
Facilitator:	Glow Bar ATL	Delivery Method	Door to door, front door drop

Name	Address	Will you attend ? Yes? No?	Fax	E-Mail
Name 1 Michael Bevelle	7600 Watson Kaye	Yes		Email mbevelle3@gmail.com
Name 2 <del>Florida Blackman</del>	7592 Watson Kaye	Yes		Email BSRO56@gmail.com
Name 3	520			Email
Name 4	525			Email
Name 5 <del>Cherise Howard</del>	638	Yes		Email
Name 6	554			Email
Name 7 <del>Kisha Meduff</del>	558	Yes		Email
Name 8 <del>id</del>	680			Email
Name 9 <del>id</del>				Email
Name 10				Email
Name 11				Email
Name 12				Email
Name 13				Email
Name 14				Email
Name 15				Email
Name 16				Email
Name 17				Email
Name 18				Email

DEPARTMENT OF PLANNING & SUSTAINABILITY

**DISCLOSURE OF CAMPAIGN CONTRIBUTION**

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions 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

Tara Lolita Frazier Dunnah

NOTARY PUBLIC

DeKalb County, Georgia

My Commission Expires

01/25/2021

01/25/2021  
Expiration Date/ Seal

  
Signature of Applicant /Date

Check one: Owner ☒ Agent \_\_\_\_\_



\*Notarization is not needed if the response is "No"



DeKalb County

404 371 2155 (o)  
404 371 4556 (f)  
DeKalbCountyGa.gov

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

Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

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

Applicant Name: Xondra Lee Phone: 477-6162 Email: glitzglobalent@gmail

Property Address: 8002 Rockbridge Rd

Tax Parcel ID: 116-193-04-006 Comm. District(s): 417 Acreage: \_\_\_\_\_

Existing Use: shopping center Proposed Use: late night

Supplemental Regs: \_\_\_\_\_ Overlay District: NA DRI: \_\_\_\_\_

Rezoning: Yes \_\_\_\_\_ No ☒

Existing Zoning: C-1 Proposed Zoning: C2-87037 Square Footage Number of Units: \_\_\_\_\_

Rezoning Request: \_\_\_\_\_

Land Use Plan Amendment: Yes \_\_\_\_\_ No ☒

Existing Land Use: MC Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_\_ Inconsistent \_\_\_\_\_

Special Land Use Permit: Yes ☒ No \_\_\_\_\_ Article Number(s) 27- 4.2.32

Special Land Use Request(s): Late night Thur, Fri, Sat

Major Modification:

Existing Case Number(s): \_\_\_\_\_

Condition(s) to be modified:



DeKalb County  
GEORGIA

404.371.2155 (o)  
404.371.4556 (f)  
DeKalbCountyGa.gov

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

**SPECIAL LAND USE PERMIT APPLICATION**

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

Date Received: Feb 25 2019 Application No: SLUP-19-1243160

APPLICANT NAME: Xandria Branch

Daytime Phone: 404-717-6162 E-Mail: glitzglobs/est@gmail.com

Mailing Address: 7808 Nolan Trail Snellville, GA 30039

Owner Name: ELI SUK LEE

(If more than one owner, attach contact information for each owner)

Daytime Phone: 404 934-0900 E-Mail: info@compasses.com  
404 934-0900 frank.kreeta@compasses.com

Mailing Address: 7980 Rockbridge rd Lithonia GA 30058

SUBJECT PROPERTY ADDRESS OR LOCATION: 8002 Rockbridge rd

Lithonia, GA 30058 DeKalb County, GA, 30058

Parcel ID: 1619304006 Acreage or Square Feet: 4500 Commission Districts 4 + 7  
17.37 acres

Existing Zoning: C-1 + 2v Proposed Special Land Use (SLUP) Free standing

bar/lounge LNE

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

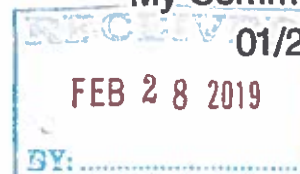
Printed Name of Applicant:

Xandria Branch

Notary Signature and Seal:

[Signature]

Tara Lolita Frazier Dunnah  
NOTARY PUBLIC  
DeKalb County, Georgia  
My Commission Expires



01/25/2021