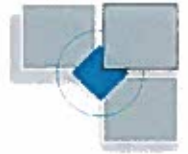




**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 500  
Decatur, GA 30030**

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



Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: May 2, 2017, 6:30 P.M.**  
**Board of Commissioners Hearing Date: May 23<sup>rd</sup>, 2017, 6:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** SLUP-17-21422 **Agenda #:** N6

**Location/Address:** 447 North Indian Creek Drive, Clarkston, Georgia **Commission District:** 4 **Super District:** 6

**Parcel ID:** 18 044 02 010

**Request:** For a Special Land Use Permit (SLUP) to allow an existing 3,354 square foot restaurant (Future Lounge) within a 13,902 square foot multi-tenant commercial building to extend operating hours beyond 12:30 a.m. as a Late Night Establishment in the C-1 (Local Commercial) zoning district in accordance with Art.4.2.32.

**Property Owner:** Dorothy McKay.

**Applicant/Agent:** Same Ahmed

**Acreage:** 2.1

**Existing Land Use:** Restaurant within a multi-tenant commercial building

**Surrounding Properties:** Georgia Piedmont Technical College to the north; vacant land, a grocery store, a convenience store, and a gift shop to the east; a restaurant (Moon Light Café and Hookah Bar), Dollar Store (Benadir Dollar Store), and Wells Fargo Bank to the south; and a cosmetology school (Pro Way Hair School) and a grocery store (Family Food Mart) to the west across North Indian Creek Drive.

**Adjacent Zoning:** North: C-1 South: C-1 East: C-1 West: C-1

**Comprehensive Plan:** Neighborhood Center **Consistent**  **Inconsistent**

**Proposed Density:** NA **Existing Density:** NA  
**Proposed Units/Square Ft.:** Extend operating hours of restaurant and bar beyond 12:30 a.m. (LNE) **Existing Units/Square Feet:** 3,354 sf restaurant  
**Proposed Lot Coverage:** NA **Existing Lot Coverage:** NA

**ZONING HISTORY**

The property has been zoned C-1 since the initial adoption of the DeKalb County Zoning Ordinance in 1956.

## **PROJECT ANALYSIS**

The applicant currently operates a 3,354 square foot *restaurant* ("Future Lounge") in the subject suite (Suite EFG), but proposes to expand operating hours past 12:30 a.m. The project site is part of an established 13,902 square foot multi-tenant commercial building. The project is accessed via one driveway off North Indian Creek Drive. There appears to be ample on-site parking (59 spaces) during the peak late night hours as the applicant indicates that the majority of other commercial tenants will be closed during peak hours. Based on the submitted information, there is one other Late Night Establishment currently operating (Ladet Restaurant) which requires 8 parking spaces by the Zoning Ordinance. Since the proposed request would require only 11 parking spaces during peak late night hours and there are 59 parking spaces on the project site, there appears to be ample on-site parking during these peak hours.

Topography of the project site is flat. The character of the surrounding area consists of Georgia Piedmont Technical College to the north; vacant land, a grocery store, a convenience store, and a gift shop to the east; a restaurant (Moon Light Café and Hookah Bar), Dollar Store (Benadir Dollar Store), and Wells Fargo Bank to the south; and a cosmetology school (Pro Way Hair School) and a grocery store (Family Food Mart) to the west across North Indian Creek Drive.

## **IMPACT ANALYSIS**

Section 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:**

Based on the submitted 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. The C-1 district requires 20,000 square feet (approx. .45 acres), and the project site contains 2.1 acres (91,476 square feet). While a portion of the building does not comply with the building setback requirements, the building was constructed in 1976 and is a non-conforming building and no new construction is proposed. There appears to be ample on-site parking (59 spaces) during the peak late night hours as the applicant indicates that the majority of other commercial tenants will be closed during peak hours.

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

The proposed use may be compatible with surrounding non-residential land uses. However, since the establishment is already in violation of the zoning code regarding hours of operation and dance floors (based on their special event advertisements-see attached), Staff is concerned that the Zoning Code will continue to be in non-compliance.

- 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 and accesses a minor arterial road (North Indian Creek Drive).

- 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 minor arterial road (North Indian Creek Drive).

- 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 with a curb cut on a minor arterial road (North Indian Creek Drive).

- 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:**

Since the proposed use is surrounded by nonresidential uses, it does not appear that the request may cause adverse impacts upon adjoining land uses due to noise and vibration. However, since the establishment is already in violation of the zoning code regarding hours of operation and dance floors (based on their special event advertisements-see attached), Staff is concerned that the Zoning Code will continue to be in non-compliance.

- 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:**

See criteria "G" above.

- I. Whether or not the proposed use would create adverse impacts upon any 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 Business License and Letter of Entertainment currently restrict the use of the property to "Restaurant" only. Based on investigation into the internet advertisements for special events and recent code enforcement citations (see attached special advertisements and Citation #028821), it appears that the establishment is already staying open beyond 12:30 a.m. which is a violation of the zoning ordinance since restaurants must close by 12:30 a.m. Additionally, the advertisements suggest that the establishment is operating as a Nightclub since dancing is advertised. If the establishment is creating a temporary dance floor by moving chairs and tables around, then the application was improperly filed and should be re-filed to apply for a "Nightclub" use since

dance floors are not allowed in Late Night Establishments. Since the establishment is already in violation of the zoning code regarding hours of operation and dance floors (based on their special event advertisements-see attached), Staff is concerned that the Zoning Code will continue to be in non-compliance.

**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 SLUP request is consistent with the policies of the Neighborhood Center (NC) Character Area of the DeKalb County Comprehensive Plan calling for a medium-high density mix of retail, office, services, and employment to serve 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 buffer zones are 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:**

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

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

If the special land use permit is granted, it should be for a duration of two years.

**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 Late Night Establishment to operate within an existing shopping center. 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* during peak operating hours (after 12:30 a.m.)

**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:**

There are no new buildings proposed as the request is only to expand the operating hours of an existing restaurant (Future Lounge) in Suite EFG of the existing commercial building. Therefore, there should not be 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:**

Based on the submitted information, there is one other existing LNE within the vicinity located within the same commercial building as Future Lounge.

**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 SLUP request is consistent with the policies of the Neighborhood Center (NC) Character Area of the DeKalb County Comprehensive Plan calling for a medium-high density mix of retail, office, services, and employment to serve neighborhoods (NCCAS21). It appears that the proposed use is not consistent with the needs of the neighborhood because the establishment appears to be operating outside the uses permitted by the zoning code regarding hours of operation and makeshift dance floors (based on their advertisements—see attached).

**COMPLIANCE WITH DISTRICT STANDARDS:**

STANDARD		REQUIREMENT	EXISTING	COMPLIANCE
LOT WIDTH		100 feet	153 feet	Yes
LOT AREA		20,000 square feet	91,476 sf (2.1 acres)	Yes
YARD SETBACKS	FRONT	60 feet	260 ft	Yes
	INTERIOR SIDE	20 feet	50 feet (south p/l) 0 feet (north p/l)	Yes <i>No (non-conforming building constructed circa 1976)</i>
	REAR	30 feet	65 feet	Yes
TRANS. BUFFERS		None (property does not abut residential zoning)	None	Yes
HEIGHT		2 stories	1 story	Yes
PARKING		11 spaces (Min) <small>(includes existing and proposed LNE on this property)</small>	59 spaces	Yes (Minimum)

**Staff Recommendation: DENIAL**

The applicant’s Special Land Use Permit (SLUP) application indicates that the proposed use is for a Late Night Establishment (LNE) to serve alcohol after 12:30 a.m. within 1,500 feet of property zoned for residential use. The Business License and Letter of Entertainment currently restrict the use of the property to “Restaurant” only. Based on investigation into the internet advertisements for special events and recent code enforcement citations (see attached special advertisements and Citation #028821), it appears the establishment is already staying open beyond

12:30 a.m. which is a violation of the zoning ordinance since restaurants must close by 12:30 a.m. Additionally, the advertisements suggest that the establishment is operating as a Nightclub since dancing is advertised. If the establishment is creating a temporary dance floor by moving chairs and tables around, then the application was improperly filed and should be re-filed to apply for a "Nightclub" use since dance floors are not allowed in Late Night Establishments. Since the establishment is already in violation of the zoning code regarding hours of operation and dance floors (based on their special event advertisements-see attached), Staff is concerned that the Zoning Code will continue to be in non-compliance (Section 7.4.6 J). Therefore, it is the recommendation of the Planning and Sustainability Department that the application be "Denied".

**Attachments:**

1. Departmental Comments
  - a. Land Development Division
  - b. Traffic Engineering Division
  - c. Watershed Management
  - d. Board of Health
2. Application
3. Site Plan
4. Zoning Map
5. Aerial Photograph
6. Location Photographs

**NEXT STEPS:** *Following an approval of this action, one or several of the following approvals or permits may be required:*

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✓ **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✓ **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued "administratively"; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Historic Preservation Certificate of Appropriateness** *(Required for any proposed changes to building exteriors or improvements to land when a property is located within the Druid Hills Historic District or the Soapstone Geological Historic District. Historic Preservation Committee public hearing may be required.)*

- **Variance or Special Exception** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Major Modification** *(Required if there are any changes to zoning conditions approved by the Board of Commissioner on a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- ✓ **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

**Each of the approvals and permits listed above require submittal**

**March 30,2017**

**I am one of the property Owners at**

**447 N. Indian Creek Dr., Clarkston, GA 30021**

**Suite A**

**AMT cafe - 927 Square feet**

**Monday to Sunday**

**8:00am to 9:00pm**

**Suite B**

**Fine wholesale & retail - 1545 Square feet**

**Monday to Sunday**

**10:00 am to 5:00pm**

**Suite C**

**Close business - 1026 Square feet**

**Suite D**

**Storage space - 999 Square feet**

**Suite E**

**FUTURE LOUNGE - 3354 Square feet**

**Monday to Sunday**

**11:00 am to 12:30am**

**Suite H**

**Ledet Restaurant - 2376 Square feet**

**Monday to Sunday**

**8:00 am to 4:00am**

**Suite J**

**Meloty Beauty and barber shop - 1188 Square feet**

**Tuesday to Saturday**

**11:00am to 6:00pm**

**If you have any further questions please don hesitate to call Owner**

**Mike Pouell (404)476-3444**





HUSTLE HARD INC - TRU VIBES ENT - CEO  
QUEEN BELLAS ENT PRESENTS

# Saturday Night Live

11PM - 4AM

**SEXY - MATURE - BOSS  
WOMEN WHO LOVE WOMEN**  
\$5 DRINK SPECIALS - \$10 PITCHERS

## JULY 30TH

**future**  
LOUNGE

337 N INDIAN CREEK DRIVE CLARKSTON VA



Instagram

Get the app

Sign up Log in



iamkhaosent  
Future Lounge

Follow

bighomie spookb,  
melaniqueen718, purple\_lust21,  
itsalwayskhaos, n.yquilll,  
mrcustomzprint and iamkhaosent  
like this

iamkhaosent @Regrann from  
@freefridays\_future - 🎧ALL WE DO IS  
PARTY MOTHER'S DAY SPECIAL 2NITE - WE  
AT IT AGAIN #FREEFRIDAYS #FREEFRIDAYS  
@FUTURELOUNGE  
147 N.INDIAN CREEK DR  
CLARKSTON GA 30021

🎧BUDS DRINK FREE TIL 12 🎧FREE ENTRY  
MUST RSVP  
TEXT #FREEFRIDAYS TO 404-573-1032 🎧  
CALLING ALL TAURUS 🎧 MUSIC BY  
@kdthadj  
@djkoa\_kingoftheanthem  
🎧 HOSTED BY @iamkhaosent 🎧  
@JLPHOTOGRAPHYWORLD \$5 DRINKS &  
DANCES

🎧10 PITCHERS \$10 HOOKAHS 64 1  
🎧 SPECIAL GUEST & LIVE  
ENTERTAINMENT EVERY WEEK  
#MONOPOLYBOYDIAMONDS  
ALL ARTIST WELCOME ALL DANCERS  
WELCOME(MUST BE 21)  
#KITCHENOPENLATE #FUTURELOUNGE  
POWERED BY

MICOUT MUSIC GROUP X MICOUTCZAR X GRADEAENT PRESENT

PERFORMING LIVE  
**JOE GREEN**

**BET HIP HOP AWARDS WEEKEND**

# THE REVENGE OF THE UNHEARD

P A R T 2 CONCERT  
S E P T E M B E R 1 8 T H

HOSTED BY @DJSCREAM @SWAMPITZZO | MUSIC BY @ITS\_DYNAMITEFM |  
HOSTED BY @TBO.SOSA

DOORS OPEN AT 9  
FUTURE LOUNGE | 447 N. INDIAN CREEK DR. 30021  
\$125 PREMIUM BOTTLES BEFORE 12 AM | \$10 PITCHES

TO R.S.V.P A PERFORMANCE SLOT TEXT "BOOK ME" TO (404)-642-8137



117 likes

ceoyung.  
#BETHip  
Scream  
•Swamp  
•Joe Gree  
It's Offici  
#RealHot  
Here SEP  
#Revenge  
#Appreci  
@futurel  
(Only A F  
Better Lo  
@micout  
@micout  
@swamp  
#a3chiph  
#hiphop  
#atrappe  
#atlanta  
#hiphop  
#bethiph

Log in to



REPI ENT | FUTURE FRIDAYS PRESENTS:

# BJ

PT 2 OF  
**REPI ENT**  
*Celebrity Birthday Celebration*

HOSTED BY

## @CHICHITHADIVA

THIS FRIDAY SEPT 25TH

LADIES FREE DRINKS &  
FREE VALET PARKING TIL 12AM

LADIES FREE TIL 12:30 W/RSVP  
GUYS FREE TIL 12AM W/RSVP  
W/RSVP TEXT FUTUREATL TO 545454

FOR MORE INFO ON SECTIONS & FREE BDAY PARTIES  
CONTACT (404) 207-3665



**future**  
LOUNGE

447 N INDIAN CREEK DR.  
(MEMORIAL DR. & ROCKBRIDGE RD  
BEHIND WELLS FARGO)



## Reid, John

---

**From:** Chandler, Douglas  
**Sent:** Wednesday, April 19, 2017 10:03 AM  
**To:** Reid, John  
**Subject:** FW: Results of future lounge court date on Apr 11

John,  
See revised results of adjudication of citations on April 11, 2017.

**Douglas Chandler**  
*Senior Code Enforcement Officer*  
*DeKalb County Beautification Unit*  
*Code Enforcement Division*

1807 Candler Rd.  
Decatur, Georgia 30032  
[dchandler@dekalbcountyga.gov](mailto:dchandler@dekalbcountyga.gov)

☎ 404-900-8296  
☎ 404-687-3700  
[DeKalbCountyGA.gov](http://DeKalbCountyGA.gov)



---

**From:** Chandler, Douglas  
**Sent:** Thursday, April 13, 2017 11:54 PM  
**To:** Edwards, Rodney D.; Reid, John  
**Cc:** Washington, Larry  
**Subject:** Re: Results of future lounge court date on Apr 11

Team,  
Court results of adjudication of citations for **Future Lounge on April 11, 2017.**  
Attorney was present to represent defendants. Negotiated plea of No Lo.

**Owner/ Same Ahmed:**  
#028819-Suspend Fine \$200.00-(18-34.B/DAMAGED EXTERIOR FENCE)  
#028824-Collected Fine \$200.00-(15-45/FAILURE TO RENEW BUS LICENSE)  
#028823-Collected Fine \$200.00-(27-6.1.3/VEHICLES PARKED ON GRASS)  
#028822-Collected Fine \$200.00-(21-3.A/FAILURE TO OBTAIN SIGN PERMIT)  
**#028821-Collected Fine \$200.00-(27-4.2.32/ZONING/FAILURE TO COMPLY WITH LETTER OF ENTERTAINMENT/OBEN AFTER HOURS)**  
#028820-Collected fine \$200.00-(18-7/FAILURE TO OBTAIN BUILDING PERMITS FOR COVERING WINDOWS)  
Total Fines Collected from Business Owner-\$1,000.00

**Property Owner-Mgr/ Micheal Powell:**  
#028808-Suspend Fine \$200.00-(15-45/FAILURE TO OBTAIN BUS LICENSE)  
#028807-Suspend Fine \$200.00-(21-3.A/FAILURE TO OBTAIN SIGN PERMIT)  
#028806-Collected Fine \$200.0-(27-6.1.3/VEHICLES PARKED ON GRASS)  
#028805-Collected Fine \$200.00-(18-34.B/DAMAGED FENCE)  
#028804-Collected Fine \$200.00-(27-4.2.3/FAILURE TO COMPLY W/LETTER OF ENTERTAINMENT  
#028803-Collected Fine \$200.00--(18-34.C/DAMAGED ROOF)  
#028802-Collected Fine \$200.00-(18-7/FAILURE TO OBTAIN BUILDING PERMITS)  
Total Fines Collected From Property Owner-Mgr-\$1,000.00

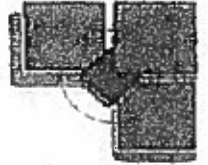
\*\*\*\*Business Owner, Same Ahmed was personally served citation#027798 for failure to renew Business License with court date of May 2, 2017 @2p.m.

Approved Restaurant only. John Neal 5<sup>th</sup> Floor  
09105112.



# DeKalb County Department of Planning & Sustainability

Burrell Ellis  
Chief Executive Officer



## 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. Fax and Xerox signatures are not acceptable
- 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.

DEPARTMENT USE ONLY	
TAX ID #	_____
AP #	_____

Name of business: Future Lounge 30021  
 Address of business: 447 N. Indian Creek Dr #EFG Chastain GA

EACH OF THE FOLLOWING QUESTIONS MUST BE ANSWERED COMPLETELY:

(A) Are you going to have entertainment?  Yes  No  
 If "yes", is it going to be "Adult Entertainment" as defined by the DeKalb County Zoning and Adult Entertainment licensing and alcohol beverage ordinances?  Yes  No

(B) Is this a sit down restaurant only?  Yes  No  
Definition of Restaurant: An establishment where food and drink are prepared served, and consumed primarily within the principal building

(C) Is this a late night establishment?  Yes  No  
Definition of Late Night Establishment: 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.

(D) Is this a nightclub?  Yes  No  
Definition of Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment is allowed.

Describe in detail the entertainment and business operation you are going to have, include hours of operation  
Hours of operation will be from 11am until 12:30am. The business operation will include serving preparing food drinks alcohol, Beer, musical entertainment.

I, THE UNDERSIGNED, DO HEREBY AFFIRM 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 ALSO UNDERSTAND THAT SHOULD, IN THE FUTURE, I OFFER ADULT ENTERTAINMENT OR ANY USE NOT EXPRESSLY PERMITTED AS DEFINED BY THE DEKALB COUNTY ZONING, ALCOHOL BEVERAGE AND ADULT ENTERTAINMENT LICENSING ORDINANCES, 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 me this  
 day of June 30<sup>th</sup> 2013  
[Signature]  
 Notary Public

Sign [Signature]  
 Tenant or authorized agent  
 (Print/Type name) Same Ahmed

Sworn to and subscribed before me this  
 day of July 1<sup>st</sup> 2013  
[Signature]  
 Notary Public

Sign [Signature]  
 Property owner or authorized agent  
 (Print/Type name) YOSSEF MENGHISTEB

© Copyright 2017  
**WLB ASSOCIATES, INC.**  
 Plans prepared by the architect and the engineer are the property of the engineer and may not be reproduced or copied in any way without the written consent of the engineer.

This plan was prepared for the exclusive use of the owner, contractor, or other person named in the title block. It shall not be used for any other purpose without the written consent of the engineer.

Site Address  
 447 North Indian Creek Drive  
 Cherokee, GA

Survey (1)  
 Project: Lot 20  
 Area: 1.00 AC  
 Shape: Circular

The engineer and the architect are not responsible for the accuracy of the information shown hereon. This information is based on the most reliable information available to the engineer and the architect.

Area Summary: 1.00 AC

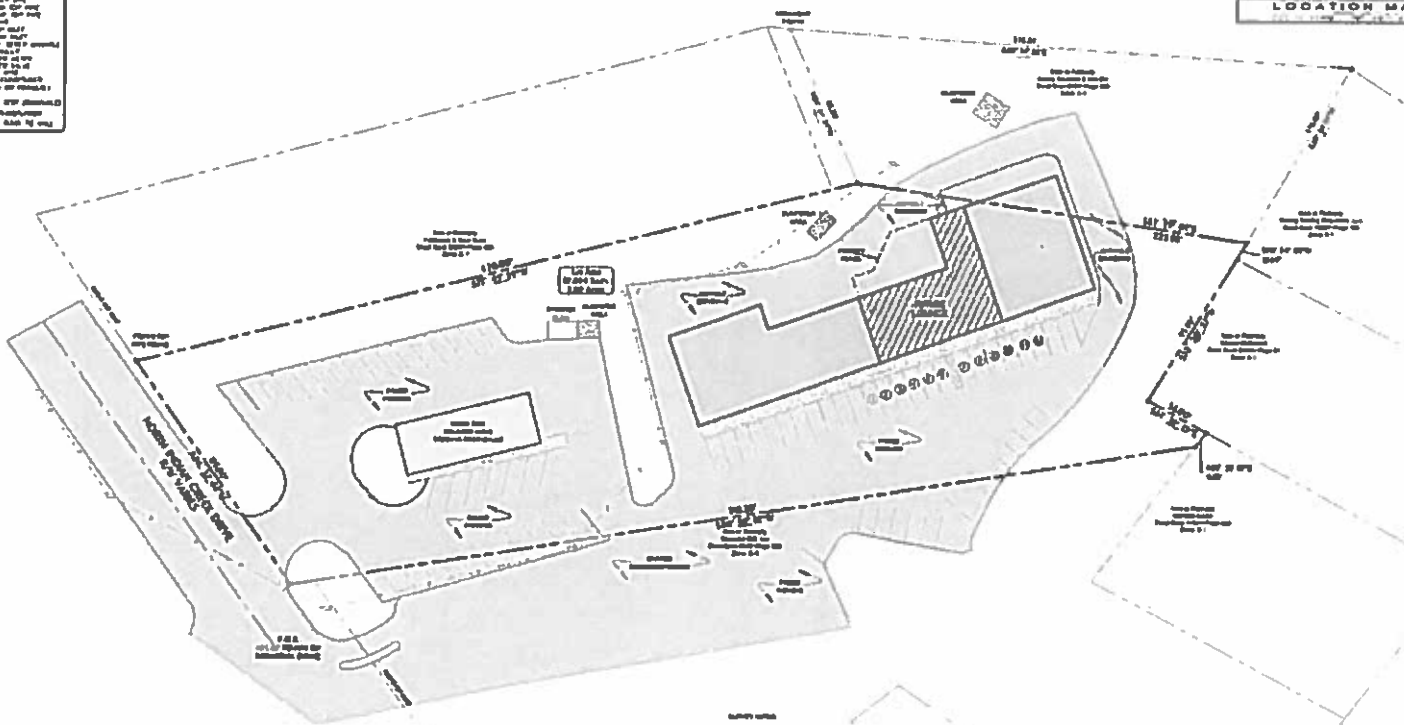
**Site Analysis**

Total Lot Area	1.00 AC
Lot Coverage	0.40
Permitted Location	100 ft
Setback	5 ft
Front	5 ft
Side	5 ft
Rear	5 ft
Corner	5 ft
Minimum	5 ft
Maximum	5 ft



**LEGEND**

1" = 100'	Proposed Building	Proposed Driveway	Proposed Parking
1" = 200'	Proposed Walkway	Proposed Utility	Proposed Fencing
1" = 400'	Proposed Retention Wall	Proposed Stormwater	Proposed Erosion Control
1" = 800'	Proposed Landscaping	Proposed Site Work	Proposed Other



**Notes**

1. The owner shall provide all necessary information for the engineer to prepare the plans.
2. The engineer shall be responsible for the accuracy of the information shown hereon.
3. The architect shall be responsible for the accuracy of the information shown hereon.
4. The contractor shall be responsible for the accuracy of the information shown hereon.
5. The owner shall be responsible for the accuracy of the information shown hereon.

**Professional Seal**

Surveyor: [Name]  
 License No.: [Number]  
 State of Georgia

- Survey Notes**
1. The area shown on this plan is the area of the site.
  2. The area shown on this plan is the area of the site.
  3. The area shown on this plan is the area of the site.
  4. The area shown on this plan is the area of the site.
  5. The area shown on this plan is the area of the site.
  6. The area shown on this plan is the area of the site.
  7. The area shown on this plan is the area of the site.
  8. The area shown on this plan is the area of the site.
  9. The area shown on this plan is the area of the site.
  10. The area shown on this plan is the area of the site.

**SURVEYOR'S CERTIFICATION**

I, the undersigned, being a duly licensed Surveyor of the State of Georgia, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the engineer and the architect.

**WLB ASSOCIATES, INC.**  
 LAND SURVEYING & SITE PLANNING SITE DEVELOPMENT  
 1000 Peachtree Street, N.E.  
 Atlanta, Georgia 30309  
 WWW.WLBASSOCIATES.COM

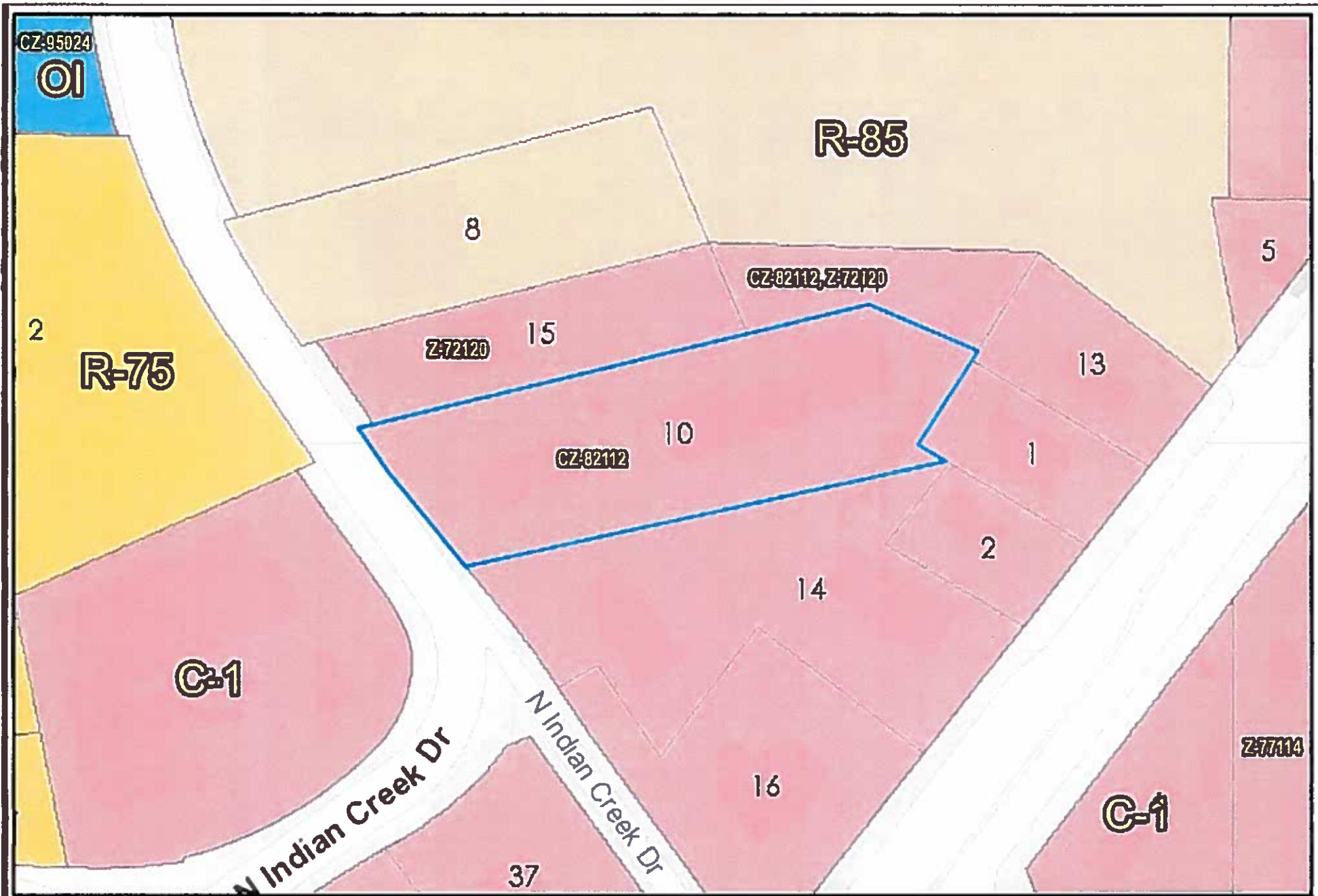
Survey: 100 ft  
 447 NORTH INDIAN CREEK DRIVE



DATE: 10/10/17	SCALE: 1" = 100'
PROJECT: 447 North Indian Creek Drive	CLIENT: [Name]
SURVEYOR: [Name]	ENGINEER: [Name]
ARCHITECT: [Name]	OWNER: [Name]







**447 North Indian Creek Dr**

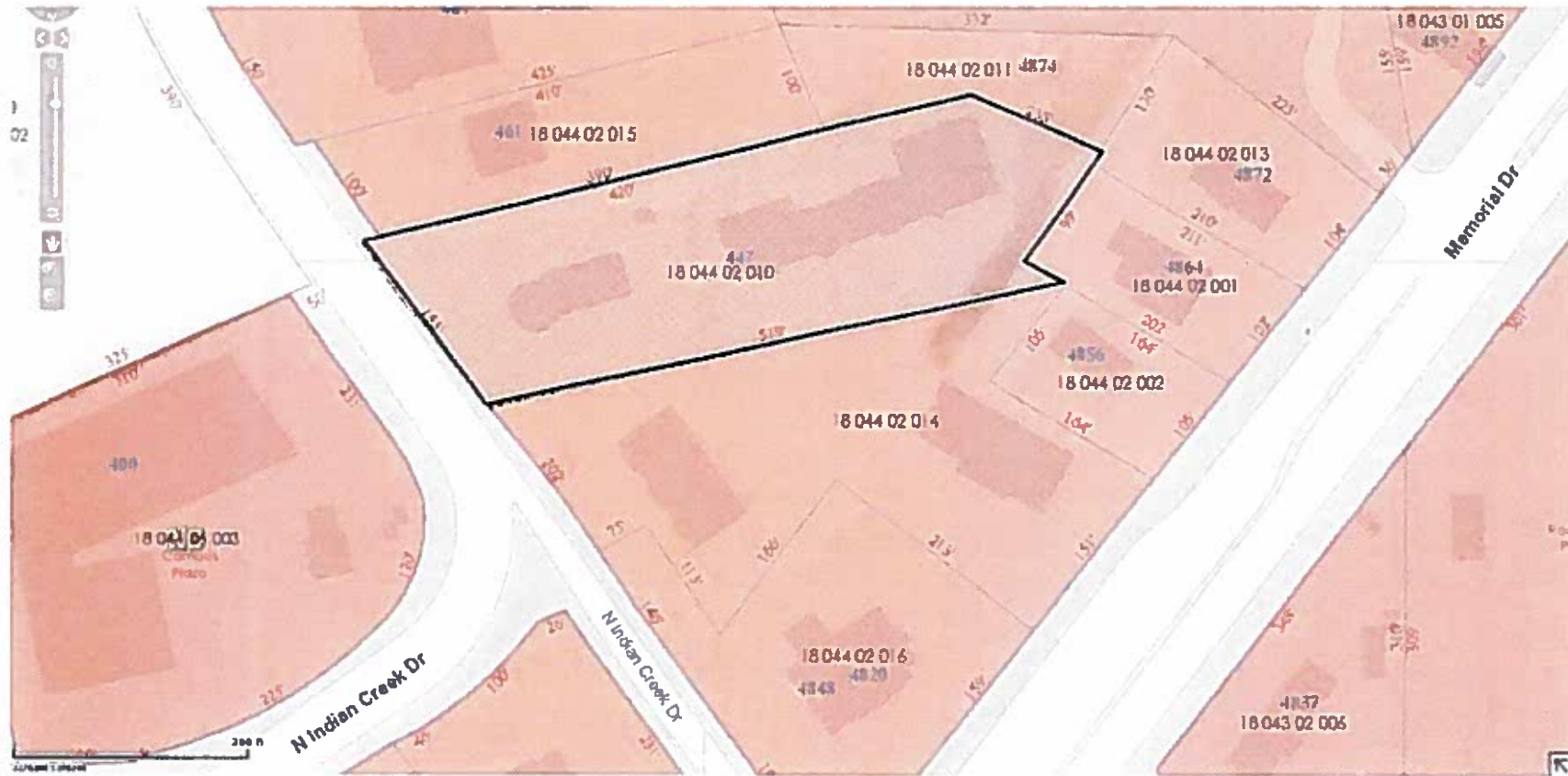


Date Printed: 1/24/2017



**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, accuracy, security, 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 illustrative 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 construed 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.

# N6 SLUP -17-21422



**N6 SLUP-17-21422**

**AERIAL MAP**





DeKalb County Department of Planning & Sustainability

Burrell Ellis
Chief Executive Officer



SPECIAL LAND USE PERMIT APPLICATION

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

MAR 02 2017

Date Received:

Application No.: SLUP-17-21422

(To be filed out by the Planning and Sustainability Department)

APPLICANT NAME: Same Ahmed

Daytime Phone #: (404) 242-2032 Fax #:

Mailing Address: 4339 Village Ln Stone Mountain GA 30083

E-mail: futureloungel@atl@gmail.com

OWNER NAME: Michael Powell

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

Daytime Phone #: 404/326-3444 Fax #:

Mailing Address: Above Address

E-mail: N/A

SUBJECT PROPERTY ADDRESS OR LOCATION: 447 N. Indian Creek

DeKalb County, GA,

District(s): 18 Land Lot(s): 044 Block(s): 02 Parcel(s): 010

Acreage or Square Feet: Commission District(s): 4 Existing Zoning:

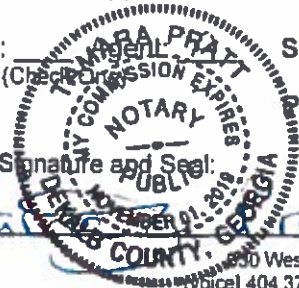
Proposed Special Land Use (SLUP): late-night establishment in a C-1 district.

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

Owner: Signature of Applicant: [Signature]

Printed Name of Applicant: Same Ahmed

Notary Signature and Seal: [Signature]



830 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
[Voice] 404.371.2155 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO  
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV**

**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLIP-17-21422 Parcel I.D. #: 18-044, 02-010  
Address: 447 North Indian Creek Drive  
Clarkston, Ga.

**Adjacent Roadway (s):**

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 67<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:**

<u>Did not see any traffic engineering concerns at this time.</u>

Signature: John Russey

**DeKalb County Board of Health**

404.508.7900 • www.dekalbhealth.net

4/14/2017

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N.5

Amendment

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N.5

Z-17-21389/15-107-07-003

2843 Flat Shoals Road, Decatur, GA

Amendment

- Septic system installed 4-5-1966.

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N.6

SLUP-17-21422/18-044-02-010

447 North Indian Creek Drive, Clarkston, GA

Amendment

- Please see general comments.

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N.7

Z-17-21425/15-225-01-010

4640 Redan Road, Stone Mountain, GA

Amendment

- Please see general comments.

DEKALB COUNTY

Board of Health

4/14/2017

To: Ms. Madolyn Spann, Planning Manager  
Mr. John Reid, Senior Planner  
From: Ryan Cira, Environmental Health Manager  
Cc: Alan Gaines, Technical Services Manager  
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.

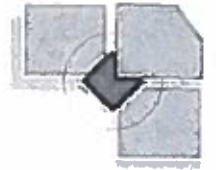
For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

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

DeKalb County Board of Health



DeKalb County Planning & Sustainability Department



PRE-APPLICATION FORM
REZONES, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Pre-application conference is required prior to filing application; copy must be submitted at filing)

Applicant Name: Same Ahmad Phone: (404) 242-2032 email: futureloungeatl@gmail.com
Owner Name: Michael Powell Phone: 404/376-3444 mail: n/a
Property Address: 447 North Indian Creek
Tax Parcel ID: 18-044-02-010 Comm. District: 4 Acreage:
Existing Zoning: C-1 Proposed Zoning: SUP Square Footage/Number of Units
Existing Use: Restaurant & Lounge Proposed Use: Late Night Establishment
Existing Case Number(s): C2-8212
Existing Land Use: Proposed Land Use: Consistent Inconsistent

Rezoning Request:

Special Land Use Permit: Late Night Establishment Article Number: 27-
Special Land Use Request:

Major Modification: Yes No Case Number:
Conditions to be modified and request:

Land Use Plan Amendment: Yes No
Justification for amendment request:

CONTINUE ON BACK



9-28-82

ZONING HEARING - Cont.

1. Application of Barrett Development and Investment Corporation - Cont.

Mr. Doug Dillard, Attorney, represented the applicant. He stated the proposal is to develop 33 fee simple town-houses fronting on Durham Park and South Indian Creek, but that ingress and egress would be limited to Durham Park Road. All of the conditions recommended by the staff are acceptable to the property owner. He asked that his remaining time be reserved for rebuttal.

Opposition: Frances Bolton, 1034 Indian Creek Drive, Stone Mountain, stated that she and her adjoining neighbors, who live across from this property and who are most directly affected by this development, have no opposition to the project but are concerned primarily with the increasing drainage and erosion problems. She asked that the application be conditioned as follows: 1) A 120% by volume for storm water retention storage, and a 20% reduction of the natural pre-developed flow rate; 2) that filling in the JRF be prohibited with or without compensation.

Mr. Dillard, in rebuttal, stated he has met with Mrs. Bolton and her neighbors and the applicants do not have any problems with the conditions requested. He stated that they cannot solve the problem but they are willing to do more than their share to retain the surface water runoff into South Indian Creek.

PLANNING DEPARTMENT RECOMMENDATION: Approval with conditions. The proposal as conditioned appears to be the most appropriate means of development and land use that could be applied to this property considering its configuration and floodplain impact. Staff recommendation includes the following:

1. Conditions established by the site plan including maximum density.
2. Access to Durham Park Road only.
3. Compliance with county drainage standards.
4. Average floor area to be not less than 1,300 square feet.

PLANNING COMMISSION RECOMMENDATION: Approval as conditioned with the added condition of 110% drainage retention.

DECISION:

MOTION was made by Commissioner Manning, seconded by Commissioner Moon, and passed 6-0, to approve the application as conditioned by the Planning Department with the added condition of 120% drainage retention.

Absent: Commissioner Patterson.

- A) 5230
- B) Zoning re: Memorial-285, Inc.
- C) Memorial, Indian Cr. Dr.

2. CZ-82112                      Commissioner District 4  
 18-44-2-11                    Planning District 4

Application of Memorial-285, Inc., to rezone property located 224' northwest of Memorial Drive, at a point 768' northeast of Indian Creek Drive, from R-85 to C-1 (conditional). The property has no street frontage and contains .7 acre. The application is conditioned on the use of the property as part of a shopping center based on a site plan.

ZONING HEARING - Cont.2. Application of Memorial-285, Inc. - Cont.Opposition: None.

PLANNING DEPARTMENT RECOMMENDATION: Approval as conditioned. This property is isolated by adjoining commercial and institutional uses. The only practical method of development is in accordance with the conditions and site plan which is made part of the application.

PLANNING COMMISSION RECOMMENDATION: Approval.DECISION:

MOTION was made by Commissioner Manning, seconded by Commissioner Moon and passed 6-0, to approve the application as conditioned.

Absent: Commissioner Patterson.

- |                                  |                                                        |
|----------------------------------|--------------------------------------------------------|
| <p>3. CZ-82121<br/>18-69-1-4</p> | <p>Commissioner District 4<br/>Planning District 4</p> |
|----------------------------------|--------------------------------------------------------|
- A) 5230
- B) Zoning re:  
J. L.  
Johnson
- B) Memorial  
Drive,  
Rays Rd.
- Application of J. L. Johnson to rezone property located on the north side of Memorial Drive, 2,100' east of Rays Road, from R-85 to OI (conditional). The property has frontage of 200' and contains 4.6 acres. The application is conditioned by site plan and renderings.
- Mr. Les Johnson, 5895 Memorial Drive, Stone Mountain, represented the developer, and presented a site plan and renderings of what they propose. He requested that variances be granted to eliminate buffers on both the east and west boundaries due to the size and shape of the property. He also requested a variance on the northern boundary where they propose to install a berm with a 25 ft. setback agreed to between himself and his neighbor. He asked that the remainder of his time be reserved for rebuttal.
- Opposition: Mr. Paul J. McDowell, 4303 Abingdon Drive, Stone Mountain, stated that he is an abutting backyard resident of the area and pointed out that a 40 ft. setback is required. He asked that it be maintained as a minimum and that the berm be installed. He objected to the six story buildings - that would be overlooking his backyard. He asked that those proposed within the 20 ft. setback be eliminated.
- Opposition: Mr. Doug Dillard, Attorney, representing the Rutledge Estate, stated that they are not opposed to the OI zoning but they are opposed to the site plan submitted in that it calls for certain variances which are not particularly being delineated on the site plan. He suggested that the Board defer the matter for two weeks to work out the conditions or to go ahead and zone the property OI subject to the applicant coming back to request a variance. He would prefer to see it deferred in order to work out the buffers.
- Opposition: Mr. Carl V. Chelina, 418 Kenilworth Circle, Stone Mountain, represented AEL-C Associates, who own property to the west and have approximately 740 feet of



DeKalb County Department of Planning & Sustainability

Burrell Ellis
Chief Executive Officer



SPECIAL LAND USE PERMIT APPLICATION 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: March 2/2017

TO WHOM IT MAY CONCERN:

(I) (WE), Michael Powell
Name of Owner(s)

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

Same Ahmed
Name of Applicant or Agent

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

Notary Public signature and seal: TAMARA PRATT, COMMISSION EXPIRES 12/31/17, NOTARY PUBLIC, DEKALB COUNTY, GEORGIA

Owner signature

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
[voice] 404 371.2155 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address planninganddevelopment@dekalbcountyga.gov

**LETTER OF APPLICATION**

Required by the Dekalb County Department of Planning and Sustainability

**SPECIAL LAND USE PERMIT APPLICATION**

of Same Ahmed, owner of Future Lounge,

located at 447 North Indian Creek Drive, Clarkston, Georgia, 30021

I, the applicant, Same Ahmed, submit this application in order to request a Special Land Use Permit to allow that "late-night establishment" be applied to the property, Future Lounge, located at 447 North Indian Creek Drive, Clarkston, Georgia, 30021.

Respectfully,  
Same Ahmed

A handwritten signature in black ink, appearing to be 'Same Ahmed', written over a horizontal line.

Notice Date:

**Public Notice**  
**To**  
**Request for a Special Land Use Permit**

Filed by: Same Ahmed

Located at: 447 N. Indian Creek Dr.  
Clarkston, GA 30021

**Current Use – Restaurant**

**Proposed Use – Restaurant and lounge**

**Hours of Operation**

**Current:** Sun – Sat, 12pm – 12:30am **Proposed:** Sun – Sat, 12pm – 4am

**Capacity:** No change

**PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT:**

Future Lounge

Location: 447 N. Indian Creek Dr., Clarkston, 30021

Date & Time: Wednesday, February 22, 2017 at 7:00 pm

Contact Info: Same Ahmed – 404-242-2032

**Subject:** Notice of Pre-Community meeting Future Lounge 447 North Indian Creek Drive  
**From:** Deborah Nsirim (sunshine5500d@yahoo.com)  
**To:** joeba@earthlink.net;  
**Cc:** Carribriscoe@att.net; njqb@netscape.net; 04corvette@bellsouth.net; aylab3@aol.com; nativeyc@hotmail.com; cojones@dot.ga.gov; DavidKaminski2012@gmail.com; blusty@mindspring.com; avonridge@live.com; ojonwudegu@yahoo.com; evorari@bellsouth.net; rossi\_susan@hotmail.com; U.R.PlanningSolutions@comcast.net; bermark4@bellsouth.net; collings4@mindspring.net; slp77@att.net;  
**Date:** Sunday, February 12, 2017 7:44 PM

**Current Use-Restaurant**

**Proposed Use- Restaurant and Lounge**

**Current: Sunday-Saturday 12p.m.-12:30a.m. Proposed: Sunday-Saturday 12p.m.-4a.m.**

**Capacity: No change**

**PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT: FUTURE LOUNGE  
LOCATION: 447 NORTH INDIAN CREEK DRIVE CLARKSTON GA 30021  
DATE AND TIME: FEBRUARY 22, 2017 AT 7:00 P.M.**

**CONTACT INFORMATION: SAMI AHMED 404-242-2032**

7:00 till 8:00

**MEETING SIGN-IN SHEET** Future

Project: LUX LOUNGE

Meeting Date: 2-22-2011

Facilitator:

Location: 447 North Judson Creek DL

Name	Address	Phone	E-Mail
Mehari haile	1389 SAXONY SQ <sup>STONE MTR</sup>	404-734-1764	Mehari9493@gmail.com
DEBORAH NSIRUM	1320 Stonecreek way	404-397-0807	Slushiness03@ yahoo.com
Same Ahmed	4339 Willowsq LL	(404) 242-2032	Samiaaddish@gmail.com

CU12