



## Legislation Details (With Text)

**File #:** 2017-1206    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 10/24/2017    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 11/14/2017    **Final action:** 11/14/2017  
**Title:** SLUP-17-21752 Ahmed Bangoura

**Indexes:**

**Attachments:** 1. N4 Ahmed Bangoura SLUP 17 21752

Date	Ver.	Action By	Action	Result
11/14/2017	1	Board of Commissioners - Zoning Meeting		
11/2/2017	1	Planning Commission	denied	Pass

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

**SUBJECT:**

SLUP-17-21752 Ahmed Bangoura  
**COMMISSION DISTRICT(S): 4 & 6**

**PETITION NO: SLUP-17-21752**

**PROPOSED USE: Late Night Establishment**

**LOCATION: 5475 Memorial Drive Suite D**

**PARCEL NO.: 18 069 02 003 (Portion of)**

**INFORMATION CONTACT:** Marian Eisenberg

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

**PURPOSE:**

**Application of Ahmed Bangoura for a Special Land Use Permit for a 1,255 square foot Late Night Establishment (Bissi Lounge) in Suite D of the Memorial Square Shopping Center in the C-1 (Local Commercial) District.** The property is located on the south side of Memorial Drive and the west side of Village Square Drive at 5475 memorial drive in Stone Mountain, Georgia. The property has approximately 50 feet of frontage along Memorial Drive and 470 feet along Village Square Drive and contains 14.98 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL: APPROVAL**

**PLANNING COMMISSION: DENIAL**

**PLANNING STAFF: DENIAL**

**PLANNING STAFF ANALYSIS:** 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 currently restricts 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 #030651 issued in July, 2017), 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 and DJs are 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".

**PLANNING COMMISSION VOTE: DENIAL 7-0-0.** Osler moved, J. West seconded for denial per Staff recommendation.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: APPROVAL 10-3-0**