



I. Call to Order and Roll Call

The Zoning Public Hearing was called to order at 3:13 PM by Mayor Shameka S. Reynolds. A roll call was taken, and the following City Council Members were present: Diane Howard, Darold Honore, Vanerriah Wynn, and Ric Dodd. Amelia Inman joined the call later. Zoning Administrator Bill Johnston was present on the call.

II. An application to rezone the property at 7238 Center Street, Parcel Identification Number 16 153 02 004, from the current “Edge” District to the “Downtown” District. The purpose of the rezoning is to allow establishment of a standard restaurant as a permitted use.

a. Report from Bill Johnston, Zoning Administrator

Mr. Johnston stated the architectural and revised site plans were submitted by the applicant, there will be 13 parking spaces with a preference to have the 2 handicap accessible parking spaces eliminated from Center Street. The recommendation is for approval of the proposed rezoning from the edge district to allow for a standard restaurant in the downtown district subject to 5 conditions.

- A site plan revised to eliminate parking spaces 1 and 2, designated as accessible spaces, and conversion of other standard spaces to ADA-compliant spaces shall be submitted as a condition of zoning of the property. [A revised plan was provided by the applicant.](#)
- The architectural rendering submitted with the rezoning application and depicting the appearance and exterior finish materials of the building shall be a condition of zoning of the property. [The rendering was provided by the applicant.](#)
- No permits of any kind shall be issued prior to approval of the site plan and architectural rendering and adoption of the site plan and rendering by Mayor and Council as conditions of zoning.
- Any review comments by DeKalb County Watershed Management shall be resolved as a condition of the rezoning prior to issuance of any permits. [These issues have been resolved by the applicant.](#)
- The rezoning, if approved, shall permit establishment of a “standard” restaurant as defined in Sec. 17-31 *Definitions* and reprinted here shall not be construed to allow other restaurant forms as may be prohibited in the Downtown District or are subject to approval of a special exception or conditional use. [With no allowance of alcohol sales.](#)

Restaurant, standard. A restaurant having the following primary characteristics:

- The principal business is the sale of food and beverages to sit-down customers in a ready-to consume state for consumption within the building.

- Customers usually order food from a menu and are served food and beverage by a restaurant employee at the same table or counter at which the food and beverage are ordered and consumed.
- Food and beverages are usually served in or on non-disposable tableware and glassware.
- Drive in or drive-through facilities are not provided, and the restaurant is not dependent on a driveway approach or parking spaces for motor vehicles to serve customers food and beverages while in a motor vehicle, rather than within the building. Carry-out orders are provided only on an incidental basis.
- Restaurants providing cafeteria-type service that have the other primary characteristics of standard restaurants may also be considered standard restaurants.”

Council had no questions for Mr. Johnston.

b. Presentation by Applicant (10-minutes allotted, including rebuttal)

Mr. Cubel Bain, representing the applicant and client, Mr. Clinton Garibaldi, provided an update from the last conference call, met with the community neighbors, it was a successful meeting and as a result changes were made to the new site plan to eliminate the secondary entrance off of Ruth Street, the rendering was updated to show aesthetics of the exterior and concept of the interior. All 5 conditions have been addressed and have met the requirements that the neighbors expressed.

Councilwoman Wynn indicated the neighbors have not seen the rendering that was to be made available and expressed concern about the hours of operation would remain as is. Mr. Bain stated that a rendering (4x8) would be on-site at the property for review with contact information if the neighbors have any questions. Councilman Honore inquired about times of operation with concern the restaurant would not operate as a night-life breakfast spot. Mr. Bain indicated the hours would be 6am until 6pm and there are no intentions to have any late-night operation at this facility based on the menu and services, if anything opening an hour earlier or closing an hour later, would like to have some flexibility depending on operations once the restaurant opens. Once they begin operating looking for flexibility within a one-hour timeframe. Councilwoman Howard expressed concern about the hours as well, especially during the weekend if the restaurant opens at 5:00 am.

c. Presentation by Persons Opposed to the Application (10 minutes allotted)

Mr. David McCoy stated that it was a good meeting, they would like to see the revised site plans, and that the times of operation have changed. Wants development on the property and not an infraction on their quality of life, wants to throw their weight behind what that looks like and collectively on behalf of the neighbors do not feel confident in throwing their weight behind this project. What is the contingency plan, was a research study performed? There were other neighbors unable to get on the call.

d. Presentation by Persons In-Favor of the Application (10 minutes allotted)

Mr. Jhavon Green Owner of Green Love Kitchen in business for 7 years is in favor of any type of new business coming to the city. Would love to see another restaurant, especially a breakfast space, any development helps increase good traffic into the city of Lithonia. It improves the business community. Would like to see it become a reality. We want to keep the momentum going to get the traffic that all the businesses need and looking forward to supporting in any way. As the Chair of the LBA and board member of LDDA looking forward to it. Question for Mr. Johnston regarding outdoor seating. Mr. Johnston indicated the form-based code allows that a special exception use is required according to the ordinance for outdoor dining and alcohol sales.

With time remaining

Mr. Cubel Bain - In reference to Mr. McCoy's reference to the on-site meeting, everyone agreed that this is a breakfast type of facility, hours 6am-6pm, if it is a matter of contention, also clarifying there is no other ulterior option for the business, and it will be used for its expressed intent. Issue of the traffic flow was addressed in the revised site plan with clarification of additional detail that was discussed. Mr. McCoy is still in contention that they walked away from the meeting that the hours would be 7am until 4pm.

e. Closing of Public Hearing

Councilwoman Wynn motioned to close the public hearing, the motion was seconded by Councilman Dodd and approved by a vote of 5-0.

f. Deliberation by Council on Zoning Administrator's Recommendations and Presentations

Councilwoman Howard's only concern is the community does not feel confident in what was presented, welcomes the development of the restaurant, wants to hold off until everyone is satisfied with the consistency of information. Councilman Honore feels the same and favors the peace of the community, concerned about the wavering on hours and lack of transparency. Councilwoman Inman as a business owner would love to see the development of the community however wants to feel confident there is more community endorsement. Councilwoman Wynn agrees with Mr. Green and stands with the community, consistency is needed in terms of communication. Councilman Dodd saw the new site plans with the entrance eliminated on Ruth and Church Streets, there is no reference the city can dictate business hours with acknowledgment that different hours were proposed during the community meeting with acknowledgement to the community, had hoped for a better outcome.

g. Decision

Councilman Honore motioned to table to allow for further discussion with the community to address everyone's concerns collectively; the motion was seconded by Councilwoman Inman and approved by a vote of 5-0.

Councilman Honore would like for the community to come together, put everything on paper and return to Council. Councilwoman Inman is in favor. Councilman Dodd asked if readvertising was necessary. Bill Johnston stated that it was not necessary to readvertise and that a vote could take place at a subsequent public meeting. Clinton Garibaldi indicated that April 29 at 11:00 am would be good to meet at Premiere Restaurant, Mr. McCoy will check with the neighbors.

III. Adjournment of Zoning Hearing

Councilman Dodd motioned to adjourn the zoning hearing, the motion was seconded by Councilwoman Wynn; the motion was approved by a vote of 5-0, and the meeting was adjourned at 4:03 pm.