



**CITY OF LITHONIA  
MINUTES–ZONING PUBLIC HEARING - Special Exception Use  
for property located at 6926 Main Street that would allow for a  
restaurant and hookah lounge serving alcohol.  
Wednesday, December 8, 2021 @ 3:00 PM**

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**I. Call to Order and Roll Call**

The Zoning Public Hearing was called to order at 3:18 pm by Mayor Shameka S. Reynolds. A roll call was taken, and the following City Council Members were present: Diane Howard, Darold Honore, and Ric Dodd. Zoning Administrator Bill Johnston was present on the call. Amelia Inman, and Vanerriah Wynn were absent.

**II. This application concerns a Special Exception Use for property located at 6926 Main Street that would allow for a restaurant and hookah lounge serving alcohol.**

**a. Report from Bill Johnston, Zoning Administrator**

The 2015 comprehensive plan states that restaurants are favored uses. Character and use of building structures are for commercial uses and the proposed restaurant is compatible to the uses in the vicinity. There has been a controversy in the news recently in DeKalb County about restaurants serving alcohol and the backdrop to this application is noise complaints on other restaurants that have been approved in the vicinity. The character area assigned to the property is for intown use and mentioned in the comprehensive plan update, however the manner of the use may be inappropriate. Depends on strict enforcement of the occupancy load by the fire marshal, if exceeded traffic congestion could occur, additionally there have been a number of noise impacts in the vicinity with other restaurants. Lithonia has not adopted a smoke free ordinance as has DeKalb County, that ordinance points out that other patrons present in the restaurant pose a health issue concern with smoking hookah pipes in a confined space. Recommendation on hours of operation is a concern and availability of hookah pipes. May also impact quality of life of nearby residents in the neighborhood. With smoking use an air handling system should be installed. Concluding the areas of concern would be smoking use, noise levels, and hours of operation.

*Response from Council:*

Councilwoman Howard asked what the hours of operation would be. City Clerk stated the hours proposed on the business license application as M-Th 7pm-1am, F-Sat 7pm-2am, Sun 7pm-12am.

Councilman Honore asked about the Dekalb county controversies directed to Bill Johnston. Bill Johnston stated that he caught a newscast on this topic and wanted to make council aware of it as the hours of operation for a restaurant can denote a club, issues like this are topical and should not be ignored. Councilman Honore then stated that he recalls the city of Lithonia passing a clean air act ordinance.

Councilman Dodd acknowledged that a Clean Air Act Ordinance was actually passed when Councilman Honore was the mayor.

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

Ms. Dawn Massey (resident) expressed a concern on the hours of operation, asked what type of food would be served, if any music live or DJ, if in business previously. Quality of life is a concern for those who live in the community that neighbors have expressed as well, and has declined in the past few years. Another bar would not be an asset to the

community, asking that council think long and hard and vote no.

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

Ms. Kimberly Culp in favor of the restaurant and as a business professional in the area, looking forward to driving nearby for entertaining her business associates.

Ms. Kara Wilson, Chief Operating Officer for Cru Franchising with 30 locations worldwide, 12 operating in several states to include Georgia. The applicant has been previously approved, not new to the industry, no liquor violations at the location in Midtown or any of their locations, offering a full-service menu with smaller portions, pride themselves on being an intimate setting, no cover charge, free entry, we are not a club and have security, looking to obtain local law enforcement for protection of staff and patrons, entire team backing equipped to handle any situation. There will be music run through an iPad, there are no live performances at any locations.

**d. Closing of Public Hearing**

Councilman Honore motioned to close the public hearing, the motion was seconded by Councilwoman Howard and approved by a vote of 3-0.

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

Councilwoman Howard's concern is hours of operation, the community would like to see a business that is open during the day, and not opening at 7pm. Applicant's response, the hours on the application are general hours with flexibility depending on location. Councilman Honore has reservations; in conflict with the clean-air ordinance, operating hours from 7pm until 1am, the distinction of restaurants and bars relating to the clean-air ordinance. Councilman Dodd asked, is it a lounge or a restaurant and what percentage will be based on food vs. alcohol sales, clarity needed on if the alcohol permit is being requested for a bar or restaurant which raises a different set of issues. Applicant's response, 60/40.

Zoning Administrators opinion provided a critical aspect on whether the location is a restaurant or a bar based on the ratio of food to alcohol sales and the hours of operation, bearing council's authority to set hours of operation on each application by way of the ordinance.

**f. Decision**

Councilman Honore motioned to deny the application, the motion was seconded by Councilwoman Howard, and approved by a vote of 3-0.

**III. Adjournment of Zoning Hearing**

Councilwoman Howard motioned to adjourn the meeting at 3:53 pm, the motion was seconded by Councilman Dodd, and approved by a vote of 3-0.