

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 04 Super District 06

Application of ModWash LLC c/o Battle Law P.C. to request a Special Land Use Permit (SLUP) to allow a drive-through car wash facility in the C-1 (Local Commercial) zoning district, at 1849 Lawrenceville Highway.

PETITION NO: N2-2022-2252 SLUP-22-1246038

PROPOSED USE: Drive-through car wash.

LOCATION: 1849 Lawrenceville Highway, Decatur, Georgia 30033

PARCEL NO. : 18-063-03-027

INFO. CONTACT: Planning & Sustainability

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of ModWash LLC c/o Battle Law P.C. to request a Special Land Use Permit (SLUP) to allow a drive-through car wash facility in the C-1 (Local Commercial) zoning district. The property is located on the southeast quadrant of Lawrenceville Highway and Jordan Lane, approximately 415 feet north of DeKalb Industrial Way at 1849 Lawrenceville Highway in Decatur, Georgia. The property has approximately 180 feet of frontage along Lawrenceville Highway and 230 feet of frontage along Jordan Lane and contains 1.28 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Pending.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The applicant is requesting a Special Land Use Permit (SLUP) to allow a drive-through car wash facility in the C-1 zoning district. There is a companion case to modify the current zoning conditions which restrict the use to retail and office to allow a drive-through car wash facility (See CZ 22 1245934). The site is located within a Town Center (TC) Character Area designated by the *DeKalb County 2035 Comprehensive Plan*. Moreover, the subject property is included in the *Medline LCI Plan* study area, but it doesn't provide a definitive recommendation regarding use of the site. A drive-through car wash does not meet the intent and vision of the TC Character Area calling for a pedestrian community focused within a high density mix of residential, office, and commercial uses. Additionally, the proposed auto-oriented drive-through is not consistent with the following policies and strategies of the TC Character Area of the 2035 Comprehensive Plan: 1. Promote new and redevelopment at or near activity centers as a means of reducing vehicle miles traveled (VMT) (TC Land Use "VMT" Policy, page 94); and 2. Design shall be pedestrian oriented with walkable connections between different uses (site plan shows one row of parking in front of the building (TC Land Use "Pedestrian Oriented Design" Policy, page 94). Additionally, more information is needed to verify compliance with stormwater management as the conceptual plan does not indicate location of stormwater facilities (see attached interdepartmental comments from Land Development Division of Public Works). Car wash cleaning chemicals can potentially run off into nearby storm drains and degrade water quality. The applicant has not provided documentation showing compliance with Section 4.2.13.B (Supplemental Regulations for Car Washes) of the Zoning Ordinance which requires that *wastewater from all auto wash services shall be pre-treated in accordance with watershed maintenance standards prior to being drained into public sanitary sewer or into any stormwater structure as may*

be approved by DeKalb County Watershed Management Department. Therefore, it is the recommendation of the Planning and Sustainability Department that the SLUP request to allow a drive-through car wash on the subject site be, respectfully, “Denied”.

PLANNING COMMISSION VOTE: Pending.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 8-1-0.



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

(404) 371-2155 / www.dekalbcountyga.gov/planning

Planning Commission Hearing Date: November 1, 2022

Board of Commissioners Hearing Date: November 17, 2022

STAFF ANALYSIS

Case No.: SLUP-22-1246038 **Agenda #:** N2

Location/Address: The southeast quadrant of Lawrenceville Highway and Jordan Lane, approximately 415 feet north of DeKalb Industrial Way at 1849 Lawrenceville Highway in Decatur, Georgia. **Commission District:** 4 **Super District:** 6

Parcel ID(s): 18 063 03 027

Request: To request a Special Land Use Permit (SLUP) to allow a drive-through car wash facility in the C-1 (Local Commercial) zoning district.

Property Owner(s): Karimshah Inc, Sadruddin Ashiq Ali

Applicant/Agent: ModWash LLC c/o Battle Law P.C.

Acreage: 1.28

Surrounding Properties: Surrounding properties include an auto-broker and multi-family apartments across Jordan Lane to the north; single-family detached homes to the northwest across Lawrenceville Highway; wholesale and medical office uses to the south; a parking lot and a vacant property to the east; and retail and restaurant uses to the west across Lawrenceville Highway.

Comprehensive Plan: Town Center (TC) Consistent ☐ Inconsistent ☒

Proposed Density: NA	Existing Density: N.A.
Proposed Units: Drive-through Car Wash	Existing Units: Vacant building
Proposed Lot Coverage: NA	Existing Lot Coverage: N.A.

STAFF RECOMMENDATION: DENIAL

The applicant is requesting a Special Land Use Permit (SLUP) to allow a drive-through car wash facility in the C-1 zoning district. There is a companion case to modify the current zoning conditions which restrict the use to retail and office to allow a drive-through car wash facility (See CZ 22 1245934).

The site is located within a Town Center (TC) Character Area designated by the *DeKalb County 2035 Comprehensive Plan*. Moreover, the subject property is included in the *Medline LCI Plan* study area, but it doesn't provide a definitive recommendation regarding use of the site. A drive-through car wash does not meet the intent and vision of the TC Character Area calling for a pedestrian community focused within a high density mix of residential, office, and commercial uses. Additionally, the proposed auto-oriented drive-through is not consistent with the following policies and strategies of the TC Character Area of the 2035 Comprehensive Plan: 1. Promote new and redevelopment at or near activity centers as a means of reducing vehicle miles traveled (VMT) (TC Land Use "VMT" Policy, page 94); and 2. Design shall be pedestrian oriented with walkable connections between different uses (site plan shows one row of parking in front of the building (TC Land Use "Pedestrian Oriented Design" Policy, page 94). Additionally, more information is needed to verify compliance with stormwater management as the conceptual plan does not indicate location of stormwater facilities (see attached interdepartmental comments from Land Development Division of Public Works). Car wash cleaning chemicals can potentially run off into nearby storm drains and degrade water quality. The applicant has not provided documentation showing compliance with Section 4.2.13.B (Supplemental Regulations for Car Washes) of the Zoning Ordinance which requires that *wastewater from all auto wash services shall be pre-treated in accordance with watershed maintenance standards prior to being drained into public sanitary sewer or into any stormwater structure as may be approved by DeKalb County Watershed Management Department*. Therefore, it is the recommendation of the Planning and Sustainability Department that the SLUP request to allow a drive-through car wash on the subject site be, respectfully, "Denied".



**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 AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov**

**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: SLUP-22-1246038
Parcel I.D. #: 18-063-03-027
Address: 1849 LAWRENCEVILLE HWY
DECATUR, GA 30033

WATER:

Size of existing water main: 12" DI (adequate/inadequate)
Distance from property to nearest main: adjacent
Size of line required, if inadequate: unknown

SEWER:

Outfall Servicing Project: South Fork Peachtree Creek
Is sewer adjacent to property: Yes ☒ No ☐ If no, distance to nearest line: _____
Water Treatment Facility: Atlanta () adequate () inadequate
Sewage Capacity: 40 (MGPD) Current Flow: 36 (MGPD)

COMMENTS:

Signature: Yola Lewis



10/17/2022

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

404.508.7900 • www.dekalbhealth.net

10/17/2022

N1 2022-2326

TA-22-124621

County-wide

☐ Amendment

- Please review general comments.

N2 2022-2252

SLUP-22-1246038 18-063-03-027

1849 Lawrenceville Hwy, Decatur, GA 30033

☐ Amendment

- Please review general comments.

N3 2022-2253

Z-22-1245936 18-116-04-008

1251 Robinwood Road, Decatur, GA 30033

☐ Amendment

- Please review general comments.

N4 2022-2254

CZ-22-1246039 15-251-01-028

3458,3468, & 3478 Mountain Drive, Decatur, GA 30032

☐ Amendment

- Please review general comments

Zoning Comments – October 2022

- N1.** No package to review.
- N2. 1845 Lawrenceville Hwy.** Lawrenceville Hwy is a state route. GDOT review and approval required prior to permitting. Lawrenceville Hwy is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Add ADA Ramps and a pedestrian crossing across Jordan Lane. Requires a 5-foot landscape strip with a 10 foot multi-use path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Jordan Lane is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires 12-foot travel lane from centerline with curb and gutter. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. No poles may remain within the limits of the sidewalk. Driveway on Jordan Lane cannot be relocated without Transportation approval- proposed location acceptable.
- N3. 1251 Robinwood Rd.** Build 5 foot sidewalks in front of the subject property and extend to Lawrenceville Hwy within the current right of way. Robinwood Rd is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires 12 foot travel lane from centerline with curb and gutter. Requires a 5 foot landscape strip with a 5 foot sidewalk on right of way. Requires pedestrian scale streetlights. Street parking within the right of way must be approved by Roads & Drainage prior to permitting. No poles may remain within the limits of the sidewalk. Interior streets/alleys must be private.
- N4. 3458 Mountain Drive.** Mountain Drive is a state route and requires GDOT review and approval prior to permitting. Requires traffic study to determine required number of lanes and queue lengths at entrances. The study will also determine the need for left turn lanes into the development. Mountain Drive is classified as a collector road. Requires a right of way dedication of 35 from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot multi-use path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Speed Limit is 45 mph (per plans). Watch minimum driveway separation spacing in Sec 14-200(6). Speed Limits between 36 to 45mph requires 245 feet of separation between driveways. Developments with 151-300 residential units require 3 access points (Land development Code Sec 14-200(5).) Suggest that if you are seeking a variance that you do it within the zoning process. Interior street must be private.
- N5. 6168 Marbut Rd.** No parking allowed on Marbut Road.
- N6/N7. 2179 Bouldercrest Road.** Bouldercrest Road is classified as a major arterial. Requires a right of way dedication of 50 from centerline OR such that all public infrastructure is within right of way, whichever greater. Replace curbing along property frontage. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. No Parking allowed within the right of way.
- N8. 3507 Memorial Drive.** Memorial Drive is a state route. GDOT review and approval required prior to permitting. No comment. Based on the plan, this site it interior to the property and not adjacent to a right of way.

- N9. 311 South Howard St.** (They have the wrong address on the application. It is 211 South Howard Street.) Memorial Drive is a state route within the City of Atlanta. Both agencies will have to review and approve the requirements prior to permitting. For DeKalb: Memorial Drive requires a right of way dedication of 50 foot from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. DeKalb Transportation will defer to the City of Atlanta comments for right of way improvements. South Howard St is classified as a collector street. South Howard Street requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Access point must remain at the southern property line on South Howard St. Interior private alley (instead of a shared drive for permitting) must be private. Shared drives not allowed for 6 lots, private alley in this case is allowed.
- N10. 1347 Bermuda Road.** By Code- shared driveways can only be for 2 lots. A variance will be necessary to have 6 lots on a shared driveway. Suggestion: widen to 24 feet and make it a private road. Bermuda Road is classified as a collector road. requires a right of way dedication of 35 from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Watch minimum separation of drives/roads in section 14-200(6) based on the speed limit of the road.
- N11. 8067 Rockbridge Road.** No Access on The Trace. Rockbridge Road is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. The Trace is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 5 foot sidewalk path. No poles may remain within the limits of the sidewalk. Requires pedestrian scale streetlights. This property is within the interior of a curve. Intersection sight distance exiting the property (based on AASHTO guidance and sealed by a professional engineer) must be met prior to permitting. Guardrail resign must also take place by a professional engineer along the Rockbridge frontage.
- N12. 1065 Fayetteville Rd.** Fayetteville Road is classified as a collector road. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. Graham Circle is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 12 foot travel lane from centerline of road. Requires a 5 foot landscape strip with a 5 foot sidewalk path. No poles may remain within the limits of the sidewalk. Requires pedestrian scale streetlights. Interior streets are shown on site plan as private. If they become public: Requires a right of way dedication of 55 feet. Requires a 5 foot landscape strip with a 6 foot sidewalk. No poles may remain within the limits of the sidewalk. Requires pedestrian scale streetlights.
- N13. 2255, 3375, 3395 Northeast Expressway.** All access is from GDOT right of way. GDOT review and permits required. Further discussions required around the Peachtree Greenway Trail connection. All public infrastructure must be on right of way.
- N14. 1602 Scott Blvd.** Scott Blvd is a state route. GDOT review and approval required prior to permitting. Scott Blvd is classified as a major arterial. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5 foot landscape strip with a 10 foot mulituse path. Extend Path to and along Blackmon Drive frontage. No poles may remain within the limits of the path. Requires pedestrian scale streetlights. All interior streets to be private. No access allowed on Blackmon Drive Right in right out only allowed on Scott Blvd- with proper design to prohibit restricted movements.
- N15. 2739 Craigie Ave.** No comment.
- N16. 1259 Sheppard Ct.** No comment.

N17/N18. Not in package to review.

N19. No comment.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control **(sections have been amended recently; please request the amended chapter)**, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas.

Conceptual plan doesn't indicate the location of the stormwater management facility. Location of stormwater management shall be shown or compliance with the County stormwater management regulations shall be addressed.

The county codes require the hydrology study to model the existing conditions as wooded.

Additional consideration must be given to the 10% downstream analysis. The proposed development seems to be for a carwash; carwash is considered to be a stormwater hotspot

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

N-2

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: SLUP-22-1246038 Parcel I.D. #: 18-063-03-027

Address: 1849
LAWRENCEVILLE Hwy
DEKALB GA 30033

Adjacent Roadway (s):

(classification)

(classification)

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

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
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) 6/7TH 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.

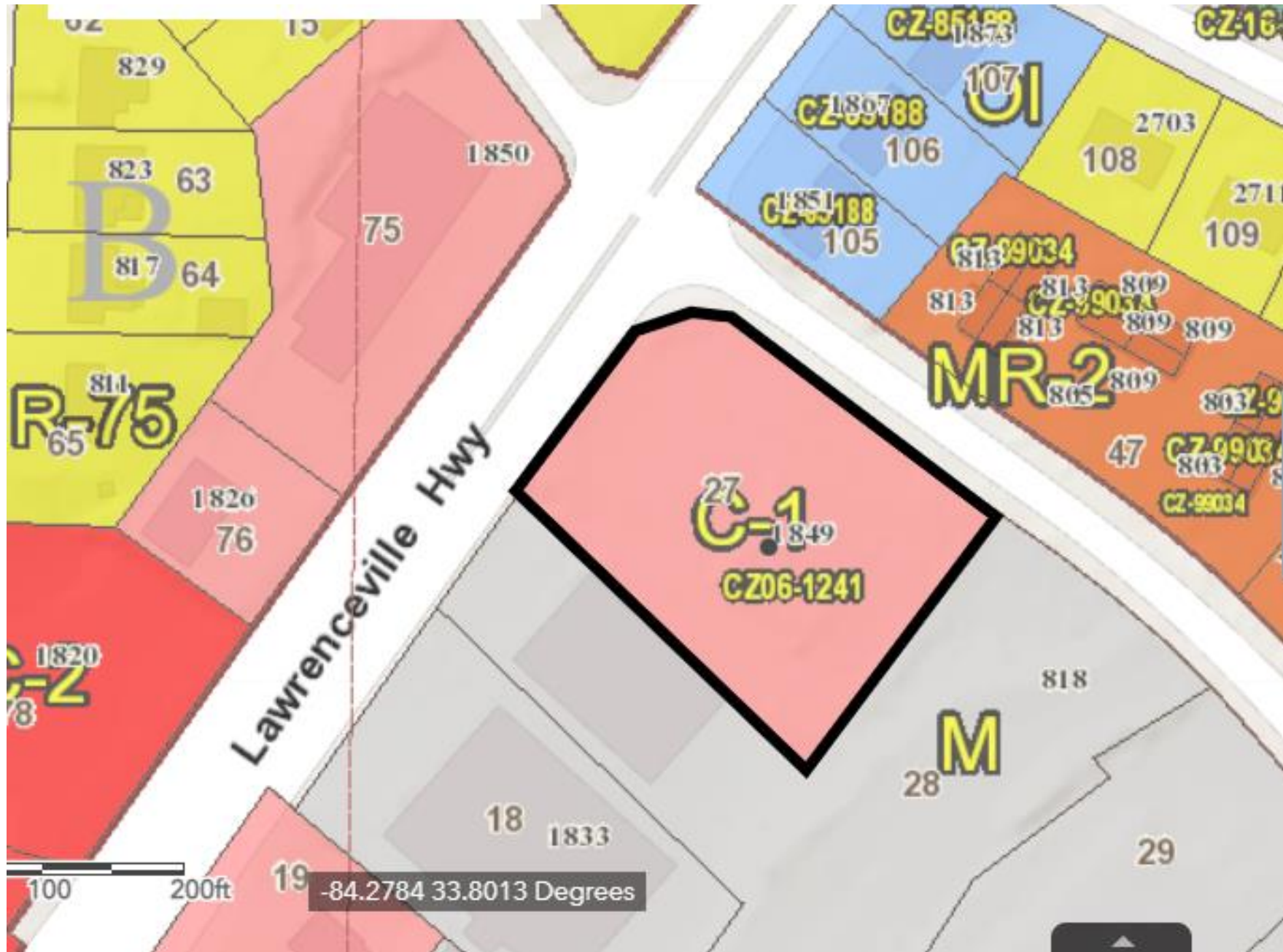
COMMENTS:

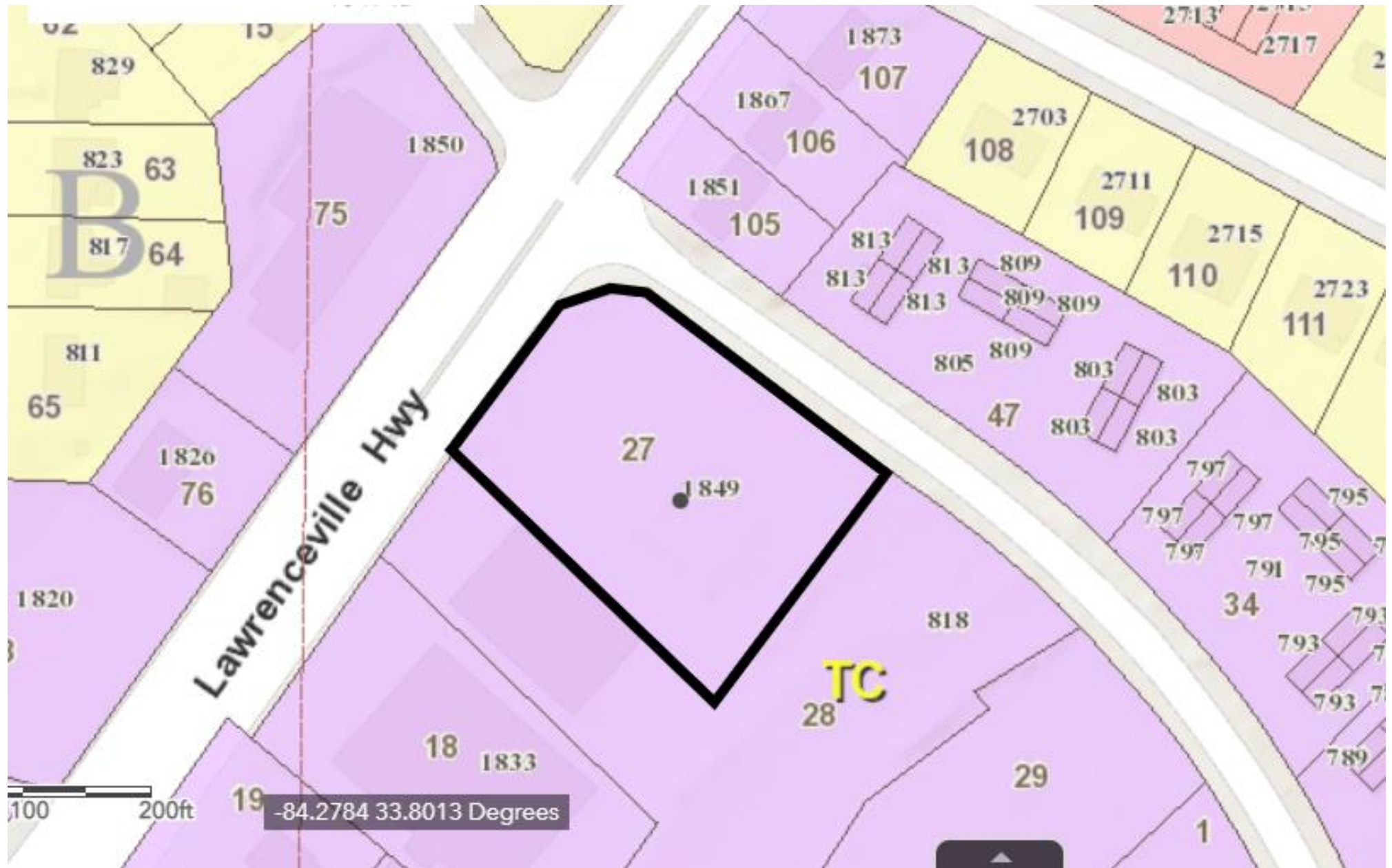
Plans and field reviewed. Found nothing that would disrupt traffic flow or pattern change.

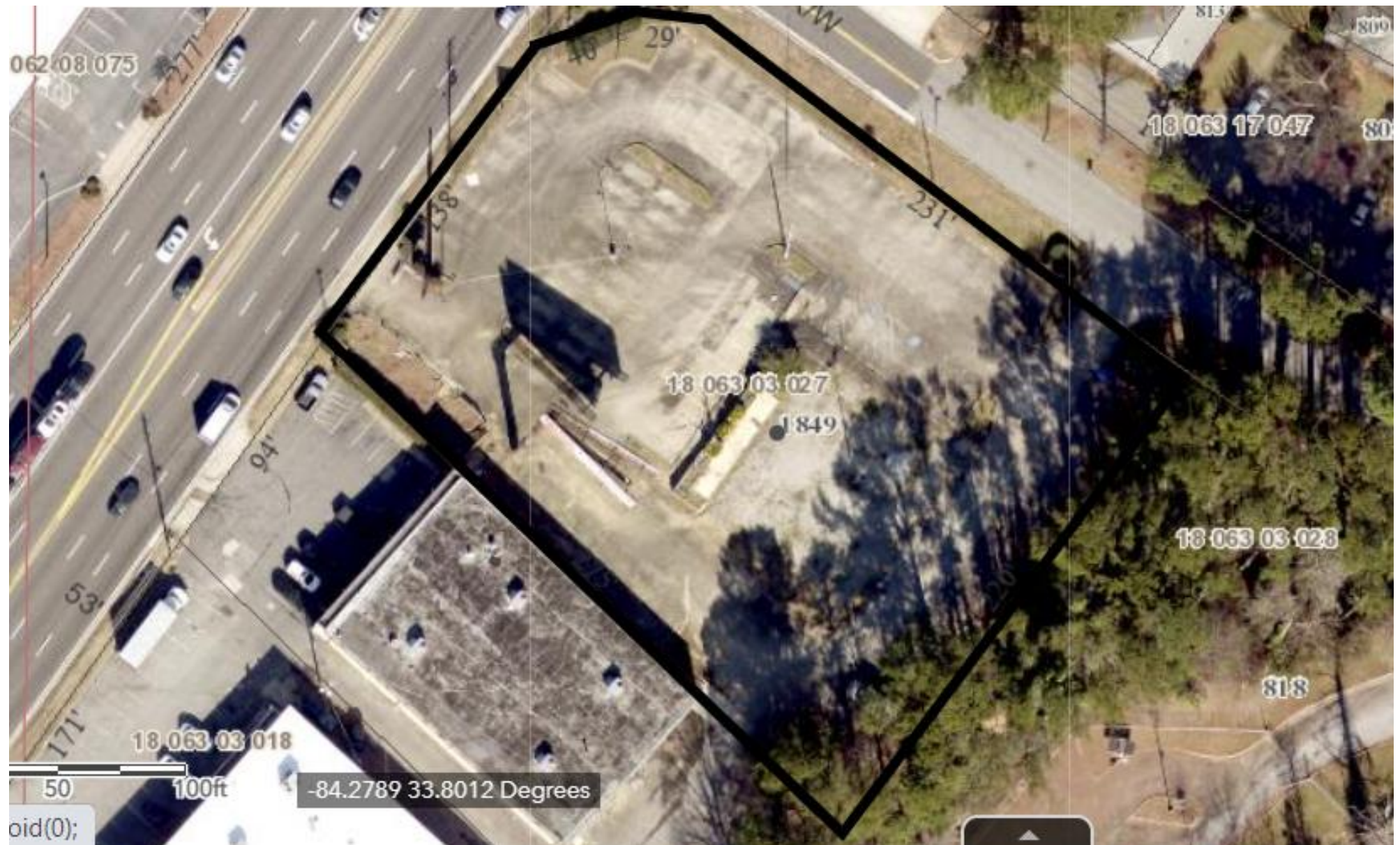
Signature: [Signature] David M. Ross

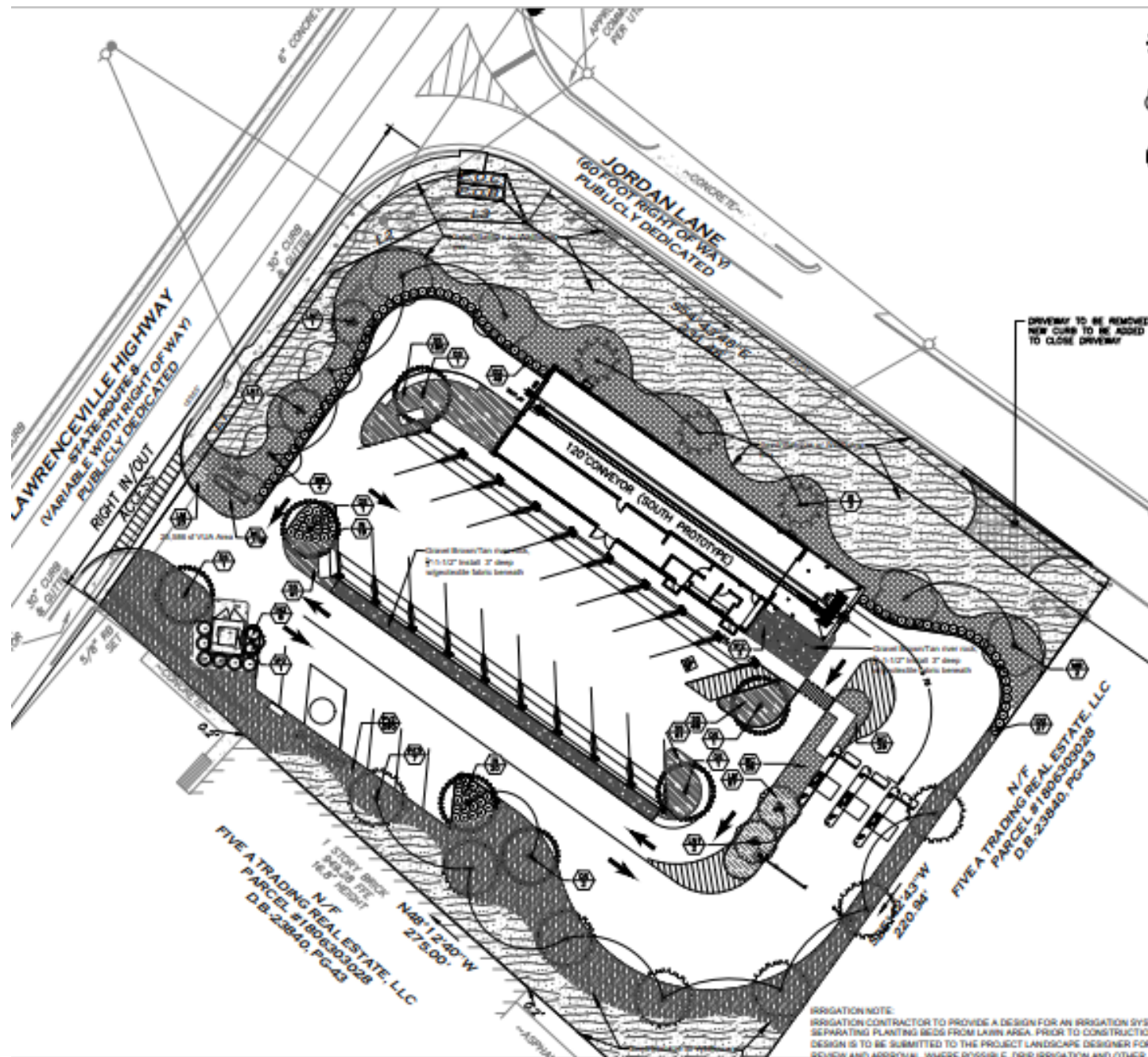
CZ 22 1245934

ZONING MAP









DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

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

Date Received: _____ Application No.: _____

APPLICANT NAME: ModWash, LLC c/o Battle Law, P.C.

Daytime Phone #: 404.601.7616 Fax #: 404.745.0045

Mailing Address: 3562 Habersham at Northlake Building J, Suite 100 Tucker, Georgia 30084

E-mail: _____

OWNER NAME: Karimshah Inc. Sadruddin Ashiq Ali (If
more than one owner, attach contact information for each owner)

Daytime Phone #: _____ Fax #: _____

Mailing Address: 1845 Lawrenceville Highway, Decatur, Georgia 30033

E-mail: _____

SUBJECT PROPERTY ADDRESS OR LOCATION: 1849 Lawrenceville Highway

Decatur, DeKalb County, GA, 30033

District(s): 18 Land Lot(s): 063 Block(s): 03 Parcel(s): 18 063 03 027

Acreage or Square Feet: 1.28 Commission District(s): 4 & 6 Existing Zoning: C-1

Proposed Special Land Use (SLUP): Drive Thru

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

Owner: _____ Agent: X Signature of Applicant: [Signature]
(Check One) Authorized Rep.

Printed Name of Applicant: ModWash, LLC c/o Battle Law, P.C.

Notary Signature and Seal:

[Signature]



DEPARTMENT OF PLANNING & SUSTAINABILITY

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.

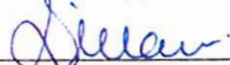
Date: _____

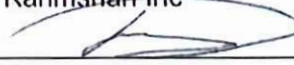
TO WHOM IT MAY CONCERN:

(I) (WE), _____ Karimshah Inc.
Name of Owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegating authority to _____
ModWash, LLC c/o Battle Law, P.C.
Name of Applicant or Agent

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


Notary Public

Karimshah Inc.

Owner



8/17/22

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

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: _ Battle Law _ Phone: : 404-601-7616 ext 6 _____ Email: mlb@Battlelawpc.com__

Property Address: _1849 Lawrenceville Hwy_____

Tax Parcel ID: __18 063 03 027-____ _ Comm. District(s): _4 & 6_____ Acreage: 1.26__ _____

Existing Use: _vacant lot_____ Proposed Use__ Car Wash (fancy express car wash)

Supplemental Regs: _X Sec 4.2.13_____ Overlay District: _NA ____ DRI: __NA_____

Rezoning: Yes __ __ No __X__

Existing Zoning: __C-1 with conditions per CZ-06-1241_ _____

Proposed Zoning: _NA

Square Footage/Number of Units: _____

Rezoning Request: _NA_____

Land Use Plan Amendment: Yes_____ No __X__

Existing Land Use: _SUB_____ Proposed Land Use: __CRC_____ Consistent _____
Inconsistent_____

Special Land Use Permit: Yes_ __ No __X__ Article Number(s) 27-

Special Land Use Request(s) __ __

Major Modification:

Existing Case Number(s): __CZ-06-1241_____

Condition(s) to be modified:

_____Condition #1 pertaining to limit use to office and retail so can operate a car wash. Condition #5 require that access to Jordan Road to be closed but it never was...applicant would like to remain open.

DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: ☒ Review Calendar Dates: ☒ PC: 09/01/22*
BOC: 09/29/22** Letter of Intent: ☒ Impact Analysis: ☒ Owner Authorization(s): ☒
Campaign Disclosure: ☒ Zoning Conditions: ☒ Community Council Meeting: 08/16/22
Public Notice, Signs: ☒ (**Applicant must pick up and post and/or will be done by Staff**) Tree
Survey, Conservation: Land Disturbance Permit (LDP): ☒ Sketch Plat: ☒
Bldg. Permits: ☒ Fire Inspection: ☒ Business License: ☒ State License:
Lighting Plan: Tent Permit: Submittal Format: NO STAPLES, NO BINDERS
PLEASE

***Land Use Amendment applications only heard in March and September and take priority over other cases; if cap is hit then may have to go to November agenda.**

***Deadline for hosting pre-community meeting with 15 days notice for September 2022 agenda cycle would be 06/29/22**

****Filing Deadline for application is 06/30/22**

Review of Site Plan

Density: ☒ Density Bonuses: ☒ Mix of Uses: Open Space: ☒
Enhanced Open Space: ☒ Setbacks: front ☒ sides ☒ side corner rear ☒
Lot Size: ☒ Frontage: ☒ Street Widths: ☒ Landscape Strips: ☒
Buffers: Parking Lot Landscaping: Parking - Auto: ☒ Parking - Bicycle:
☒ Screening: ☒ Streetscapes: ☒ Sidewalks: ☒ Fencing/Walls: ☒
Bldg. Height: ☒ Bldg. Orientation: Bldg. Separation: Bldg. Materials: ☒ Roofs:
☒ Fenestration: ☒ Façade Design: ☒ Garages: ☒ Pedestrian Plan: ☒
Perimeter Landscape Strip:
Possible Variances:

DEPARTMENT OF PLANNING & SUSTAINABILITY

Comments: __. __Applicant will need to justify how the proposed modification to zoning conditions to allow a car wash is consistent with pedestrian-oriented use and connectivity policies of the Town Center (TC) Character Area as well as consistent with adjacent and surrounding uses. Applicant will need to demonstrate compliance with C-1 zoning requirements and the Supplemental Regulations for car washes (Sec 4.2.13). Show compliance with C-1 requirements, including but not limited to required parking, transitional buffers, minimum open space, maximum building height, streetscape improvements, and required density bonus provisions (if applicable), etc. The applicant is encouraged to discuss possible transportation improvements that may be required (if the rezoning is approved by the Board of Commissioners) with the county Transportation Department. The applicant is encouraged to contact Land Development Division of Public Works regarding required storm water management, floodplain, and stream buffer issues.

This only a preliminary review and is not a complete list of zoning requirements, a final and complete review will be done upon official submission of a rezoning application and concept plan.

Planner: __John Reid__ Date __05/05/22__

Filing Fees

REZONING:	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OL, OD, OIT, NS, C1, C2, M, M2	\$750.00
LAND USE MAP AMENDMENT		\$500.00
SPECIAL LAND USE PERMIT		\$400.00



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

Zoom Instructions:

Go to <https://www.battlelawpc.com> . On the Home page, please click on “Projects”, then choose “DeKalb County”. Scroll down to the correct “Project Title” and click on “Join Meeting” under the correct meeting date. To join by phone, please dial (646) 558-8656 and enter the Meeting ID and Passcode provided on the website.

We encourage you to come out and participate!

*****Please Note: This meeting is hosted solely by Battle Law, P.C.*****

For More Information Contact
Brittney Butler at:
Phone: 404-601-7616 ext. 7
Fax: 404-745-0045
Email: btb@battlelawpc.com

CHANGE OF APPROVED CONDITIONS TO ALLOW FOR THE DEVELOPMENT OF AN AUTOMATED CAR WASH

You are invited to a Zoom meeting.

**Project Title: 1849 Lawrenceville
Highway**

When: Tuesday, May 24, 2022

Time: 6:00 PM Eastern (US and Canada)

Register in advance for this meeting:

<https://www.battlelawpc.com>



PROPOSED LOCATION(S):

**1849 Lawrenceville Highway
Decatur, Georgia 30033
Parcel Number**



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

PLEASE
PLACE
STAMP
HERE

«Name»

«Address»

«City», «State» «Zip»

After recording please return to:
Zain N. Kapadia, Esq.
Kapadia & Naik, Attorney at Law, LLC
7000 Central Pkwy, Suite 1100
Atlanta, Georgia 30328
DeKalb County Tax Parcel ID: 18 063 03 027

STATE OF GEORGIA

COUNTY OF GWINNETT

EXECUTOR'S DEED

THIS INDENTURE is made this 13th day of April, 2022, by and between **AYAZ ALI**, not individually, but as Independent Executor under the Last Will and Testament of Ashiq Ali Vansi a/k/a Ashiq Ali Sadruddin, late of Gwinnett County, Georgia (hereinafter referred to as the "Deceased"), (the aforesaid, as party of the first part, hereinafter called "Grantor"), and **AYAZ ALI**, a Georgia resident, as party of the second part, hereinafter called Grantee (the terms, "Grantor" and "Grantee" to include their respective heirs, successors, successors-in-title, heirs, executors, administrators, legal representatives, and assigns where the context requires or permits).

WITNESSETH:

Grantor, acting under and by virtue of the power and authority contained in the will of the Deceased, it having been duly probated in solemn form on October 26, 2021, in Gwinnett County, Georgia, and subsequently amended to correct the omission of the Deceased's previous surname, and recorded as part of the records of the Probate Court of Gwinnett County, Georgia, on November 3, 2021, **FOR AND IN CONSIDERATION** of the sum of Ten Dollars (\$10.00) in hand paid to Grantor by Grantee at and before the execution, sealing and delivery hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee, and the successors, legal representatives and assigns of Grantee, all that certain real property lying and being in DeKalb County, Georgia, being more particularly described on **Exhibit "A"**, attached hereto and incorporated herein by reference, subject only to those matters set forth on **Exhibit "B"**.

TO HAVE AND TO HOLD the said tract or parcel of land unto the said Grantee, its successors and assigns, so that neither the said Grantor nor its heirs, successors or assigns, nor any person claiming under it shall at any time, claim or demand any right, title or interest to the aforesaid described tract or parcel of land or its appurtenances.

{SIGNATURE APPEARS ON THE FOLLOWING PAGE}

IN WITNESS WHEREOF, Grantor has signed and sealed this Executor's Deed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Munira

Witness

Print Name: Munira Goawalla

Aileen

Notary Public

(Signature)

(SEAL)

AYAZ ALI, not Individually, but as
Independent Executor under the Last Will and
Testament of Ashiq Ali Vansi a/k/a Ashiq Ali
Sadrudin

Commission Expires: 2/16/2025
(AFFIX NOTARY SEAL)



4/13/2022

EXHIBIT "A"
LEGAL DESCRIPTION

All That Tract of parcel of land lying and being in Land Lot 63 of the 18th District, Dekalb County, Georgia, being more particularly described as follows:

Beginning at a concrete right-of-way monument found at the intersection of the easterly right-of-way (100 feet from centerline) of Lawrenceville Highway and the southerly right-of-way (30 feet from centerline) of Scottdale Road; thence South 54 degrees 25 minutes 09 seconds East 231.28 feet along the southerly right-of-way of Scottdale Road to a 1/2" rebar set; thence South 35 degrees 56 minutes 27 seconds West 220.94 feet to a 1/2" rebar set; thence North 47 degrees 58 minutes 56 seconds West 275.00 feet to a 1/2" rebar set on the easterly right-of-way (56 feet from centerline) of Lawrenceville Highway; thence North 35 degrees 28 minutes 57 seconds East 130.61 feet along said right-of-way to a concrete right-of-way monument (56 feet from centerline); thence continuing along the easterly right-of-way of Lawrenceville Highway North 64 degrees 19 minutes 14 seconds East 40.27 feet to a concrete right-of-way monument found at (75 feet from centerline of Lawrenceville Highway); thence continuing along the southeasterly right-of-way of Lawrenceville Highway South 85 degrees 06 minutes 28 seconds East 29.17 feet to the Point of Beginning; said tract containing 1.27 acres, all according to a plat of survey prepared by Donald W. Harkleroad & Associates, Inc. dated July 21, 1984.

LESS AND EXCEPT SO MUCH OF SAID PROPERTY AS HAS BEEN USED IN WIDENING ANY RIGHT-OF-WAY OF TAKEN BY CONDEMNATION OR CONVEYED BY DEED.

EXHIBIT "B"

TITLE EXCEPTIONS

1. Ad valorem real property taxes for the year 2022 not due and payable.
2. Present and future zoning laws, ordinances, resolutions, orders and regulations of all municipal, county, state or federal governments having jurisdiction over the Property and the use of improvements thereon (including any violations thereof).
3. The lien of any unpaid water charges and sewer rents for the year 2022.
4. The lien of all unpaid assessments encumbering the Property on the date hereof.
5. The lien of all unpaid assessments which first encumber the Property subsequent to the date hereof, and installments thereof.
6. All liens and encumbrances resulting from the investigations by and activities of Grantee or its representatives upon the Property prior to the date hereof.
7. Building codes heretofore or hereafter adopted by any public agency (including any violations thereof).
8. All easements, restrictions, and other matters of record.
9. All matters which would be disclosed by an accurate and current survey and inspection of the Property.
10. That certain billboard lease affecting a portion of the Property dated July 22, 1999, with Lamar Companies as tenant.

After recording please return to:
Zain N. Kapadia, Esq.
Kapadia & Naik, Attorney at Law, LLC
7000 Central Pkwy, Suite 1100
Atlanta, Georgia 30328
DeKalb County Tax Parcel ID: 18 063 03 027

STATE OF GEORGIA

COUNTY OF GWINNETT

LIMITED WARRANTY DEED

THIS INDENTURE is made this 13th day of April, 2022, by and between **AYAZ ALI**, a Georgia resident, (the aforesaid, as party of the first part, hereinafter called "Grantor"), and **KARIMSHAH, INC.**, a Georgia corporation, as party of the second part, hereinafter called Grantee (the terms, "Grantor" and "Grantee" to include their respective heirs, successors, successors-in-title, heirs, executors, administrators, legal representatives, and assigns where the context requires or permits).

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) in hand paid to Grantor by Grantee at and before the execution, sealing and delivery hereof, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee, and the successors and assigns of Grantee that certain property located in DeKalb County, Georgia, more particularly described on Exhibit "A" attached hereto and incorporated herein by reference (the "**Property**").

TO HAVE AND TO HOLD said Property, together with any and all of the rights, members and appurtenances thereof to the same being, belonging or in anywise appertaining to the only proper use, benefit and behalf of Grantee forever, in fee simple, subject only to those matters set forth on Exhibit "B"; and

GRANTOR SHALL WARRANT and forever defend the right and title to said Property unto Grantee, and the successors and assigns of Grantee, against the claims of all persons whomsoever, claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed and sealed this indenture, and delivered this indenture to Grantee, the day and year first written above.

{SIGNATURE APPEARS ON THE FOLLOWING PAGE}

IN WITNESS WHEREOF, Grantor has signed and sealed this Limited Warranty Deed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Murina
Unofficial Witness

[Signature]
Notary Public

GRANTOR:

AYAZ ALI,
a Georgia resident

By: [Signature] (SEAL)
Name: Ayaz Ali

My Commission Expires: 2/16/2025

(NOTARIAL SEAL)



4/13/2022

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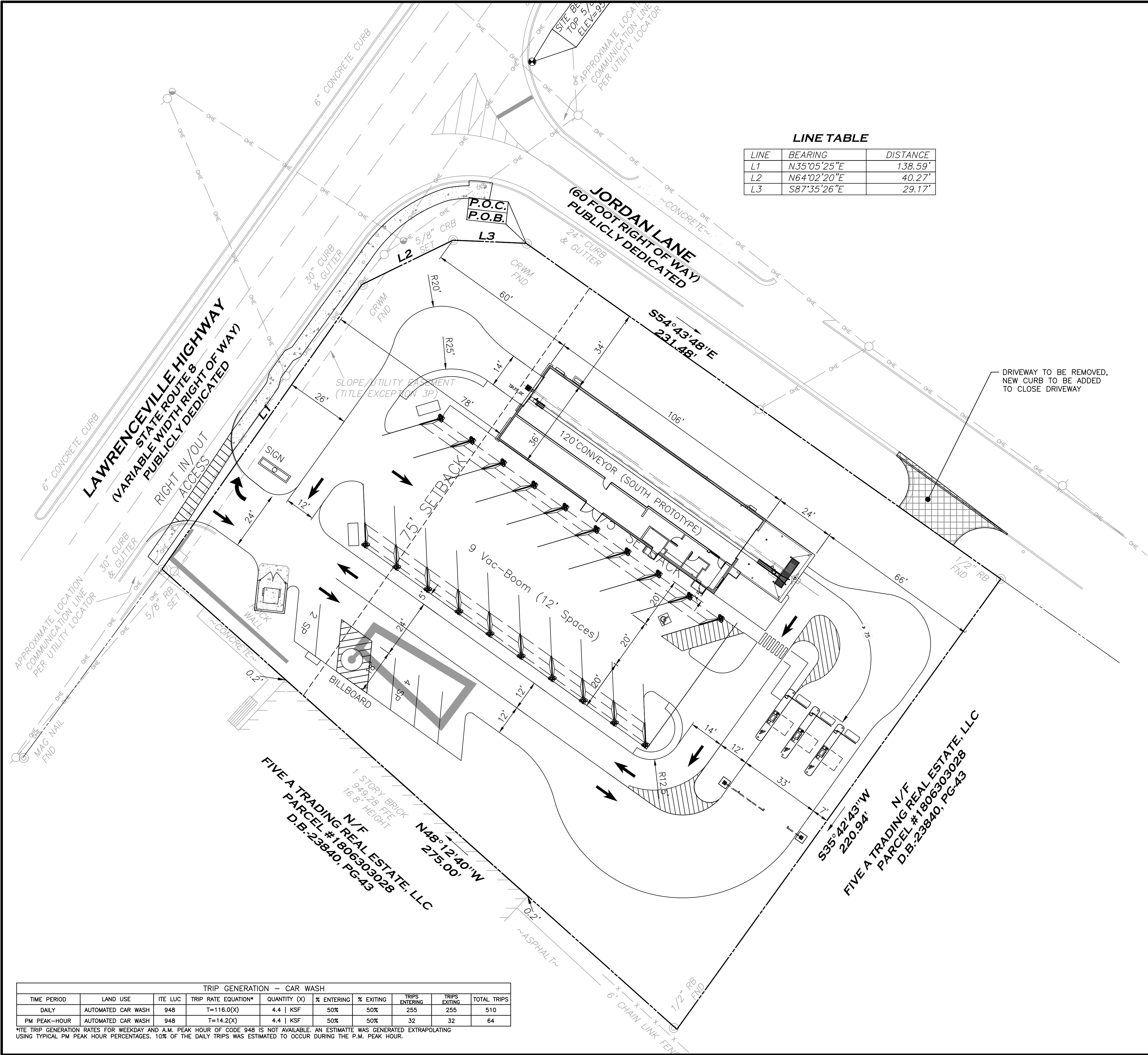
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EXHIBIT "B"

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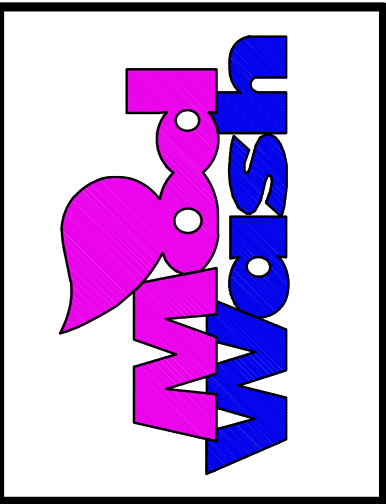
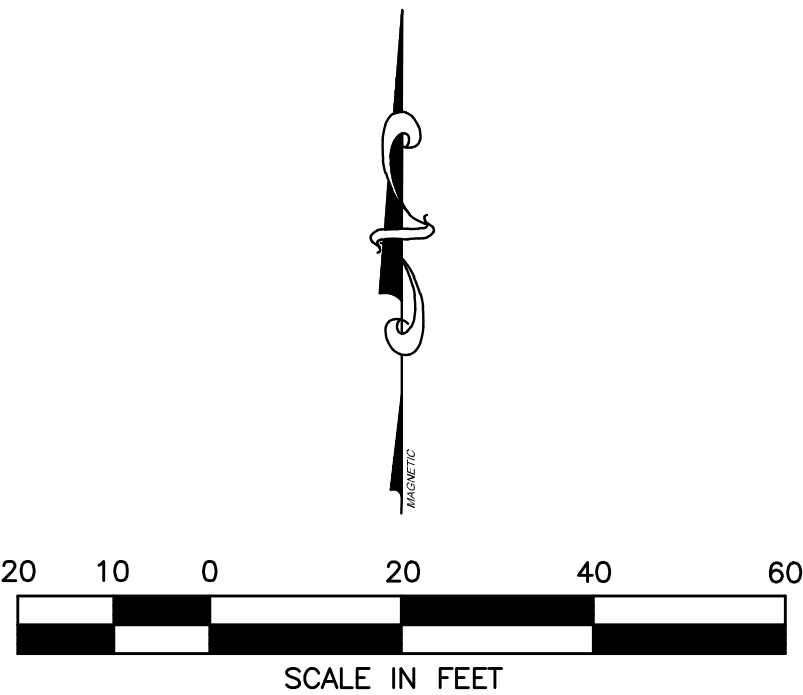
LINE	BEARING	DISTANCE
L1	N35°05'25"E	138.59'
L2	N64°02'20"E	40.27'
L3	S87°35'26"E	29.17'

SITE DATA		
STREET LOCATION: 1849 LAWRENCEVILLE HWY, DECATUR, GEORGIA		
CURRENT SITE AREA: 1.28 A.C. TOTAL		
CURRENT ZONING: C-1 LOCAL COMMERCIAL (FLUM: TC)		
BUILDING TYPE: NEW 120' CONVEYOR		
ZONING REQUIREMENTS	REQUIRED	PROPOSED
BUILDING SETBACKS		
FRONT	20'	>20'
LEFT	15'	>15'
RIGHT	30'	>30'
REAR	20'	>20'
PARKING (MAX.)		
3 STACKING PER LANE	TBD	18 VAC
3 DRYING PER LANE		7 REGULAR
60 DEGREES	9'x17' (14' AISLE)	12'x20'
90 DEGREES	9'x18' (24' AISLE)	-
FAR (MAX.)	90%	8.2%
MIN. OPEN SPACE	15%	34% (0.44 AC.)

HOURS OF OPERATION 8AM TO 8PM

TRIP GENERATION - CAR WASH								
TIME PERIOD	LAND USE	ITE LUC	TRIP RATE EQUATION*	QUANTITY (X)	% ENTERING	% EXITING	TRIPS ENTERING	TRIPS EXITING
DAILY	AUTOMATED CAR WASH	948	T=116.0(X)	4.4 KSF	50%	50%	255	255
PM PEAK-HOUR	AUTOMATED CAR WASH	948	T=14.2(X)	4.4 KSF	50%	50%	32	32

*ITE TRIP GENERATION RATES FOR WEEKDAY AND A.M. PEAK HOUR OF CODE 948 IS NOT AVAILABLE. AN ESTIMATE WAS GENERATED EXTRAPOLATING USING TYPICAL PM PEAK HOUR PERCENTAGES. 10% OF THE DAILY TRIPS WAS ESTIMATED TO OCCUR DURING THE P.M. PEAK HOUR.

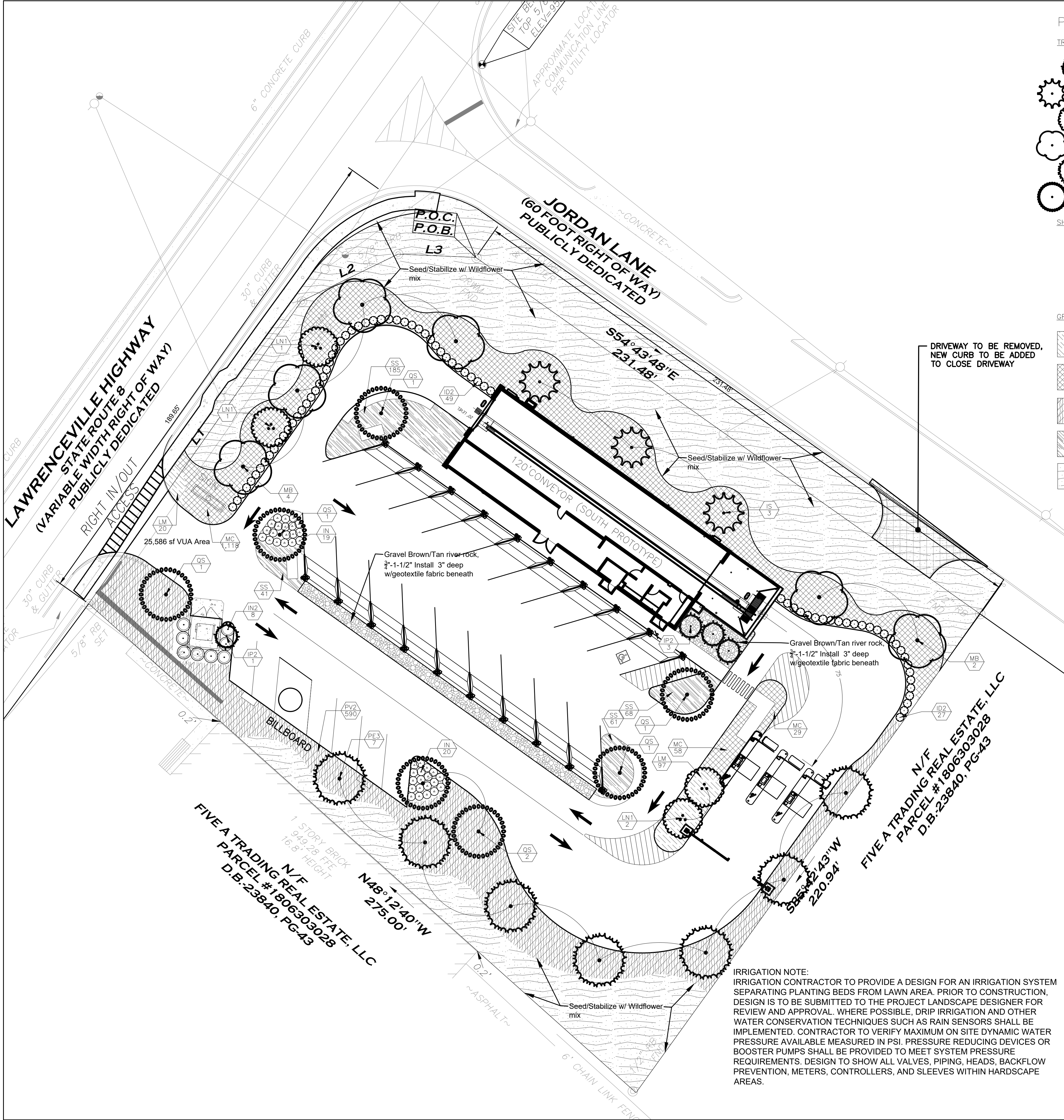


NO.	DATE:	DESCRIPTION
4		
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1		



SITE PLAN		
PROJECT NAME:	MODWASH	
	1849 LAWRENCEVILLE HWY, DECATUR, GEORGIA	
CLIENT:	HUTTON	
	736 CHERRY STREET, CHATTANOOGA, TENNESSEE 37402	

PROJECT NO.:	PROJ. MGR.:
DATE:	DRWN. BY:
SCALE:	CHKD. BY:
DRAWING SERIES:	
SHEET NO.	



PLANT_SCHEDULE

	CODE	QTY	BOTANICAL / COMMON NAME	
	IP2	4	Ilex vomitoria 'Pendula' / Weeping Yaupon Holly 7--8' ht. x 4'-5', 1-1/2" CAL., 30 gal	
	IS	3	Ilex x attenuata 'Savannah' / Savannah Holly 10'-12'; ht. x 4'-6' spd. 3' c.t. 2" cal min.	
	LN1	4	LAGERSTROEMIA INDICA 'NATCHEZ' / NATCHEZ CRAPE MYRTLE 6' Ht. 3 - 5 STEMS, 1" CAL. MIN., 3 LARGEST CANES, 30 GAL.	
	MB	6	Magnolia grandiflora 'Brackens Brown Beauty' / Bracken's Beauty Southern Magnolia 12'-14' ht,x 6'-8' spd. 3" cal.	
	PE3	7	PINUS ELLIOTTI / SLASH PINE 12' - 14' HEIGHT, 5' SPREAD MIN., 3" CAL., B & B	
QS	7	Quercus shumardii / Shumard Oak 14'-16; ht. x 5'-7' spd. 4" cal min.		
SHRUBS	CODE	QTY	BOTANICAL / COMMON NAME	SPACING
	ID2	76	Ilex cornuta 'Dwarf Burford' / Dwarf Burford Holly36" o.c. 18"-24" ht. x 12"-18" spd., 3 gal.	
	IN	39	Ilex vomitoria 'Nana' / Dwarf Yaupon Holly 36" o.c. 12"-16" ht. x 14"-16" spd., 3 gal.	
	IN2	8	Ilex x 'Nellie R Stevens' / Nellie Stevens Holly 60" o.c. 4'-6' ht, x 3'-4' spd. full specimen	
GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME	SPACING
	LM	117	Lantana camara 'Gold Mound' / Gold Mound Lantana 24" o.c. Full 1 gallon pots	
	MC	1,205	Muhlenbergia capillaris / Pink Muhly Grass 24" o.c. 12" - 14" ht. x 10"-14" spd., 1 gallon	
	PV2	590	Panicum virgatum / Switch Grass 36" o.c. Full 1 gallon pots	
	SS	355	Schizachyrium scoparium 'Standing Ovation' / Standing Ovation Little Bluestem 24" o.c. Full 1 gallon pots	
				Wildflower Seed Georgia Wildflower mix available at Eaden Brothers, 2099 Brevard Road, Arden, N.C. Seed @ 1 lb./12000 s.f.

-All trees planted to meet tree canopy replacement requirements shall meet ANSI Z60.1 Standards for Nursery Stock and all planting shall be done in accordance with current ANSI A300 Standards for Tree Care Operations, ANSI Z133 Safety Standards and industry best management practices, as well as the administrative standards that accompany this Section.
- Mulch all beds with tan/brown River rock 3/4" x 1-1/2". Install river rock 3 " thick with geotextile cloth beneath.

Modwash - Decatur
Parking lot tree canopy

Code	Qty.	Botanical/Common	Remarks	SF Coverage Ea.	SF Coverage Total
IP2	4	Ilex vomitoria 'Pendula' / Weeping Yaupon Holly LAGERSTROEMIA INDICA 'NATCHEZ' /	7-8' ht. x 4'-5', 1-1/2" CAL., 30 gal	150	600
LN1	2	NATCHEZ CRAPE MYRTLE	6' Ht. 3 - 5 STEMS, 1" CAL. MIN., 3 LARGEST	150	300
QS	7	Quercus shumardii / Shumard Oak	14'-16; ht. x 5'-7' spd. 4" cal min.	1600	11200
TOTAL					12100

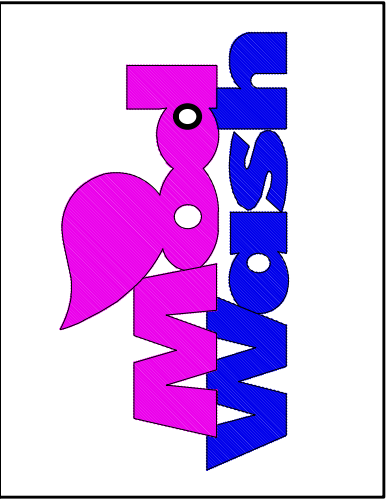
VUA GREEN	
VUA	25,586 SF
%GREEN REQUIRED	x 10%
-REQUIRED SF	2,558 SF
-PROVIDED SF	5,073 SF

TREE COVER	
VUA	25,586 SF
%REQUIRED	x 45%
-COVERAGE REQUIRED	11,514 SF
-COVERAGE PROVIDED	12,100 SF

TREES REQUIRED

PERIMETER TREES	Required	Provided
North West 190 lf/40=	5 trees	5 trees
North East 231 lf/40=	6 trees	6 trees
INTERIOR TREES		
PARKING SPACES 24/8 = 3 trees		9 trees

DATE

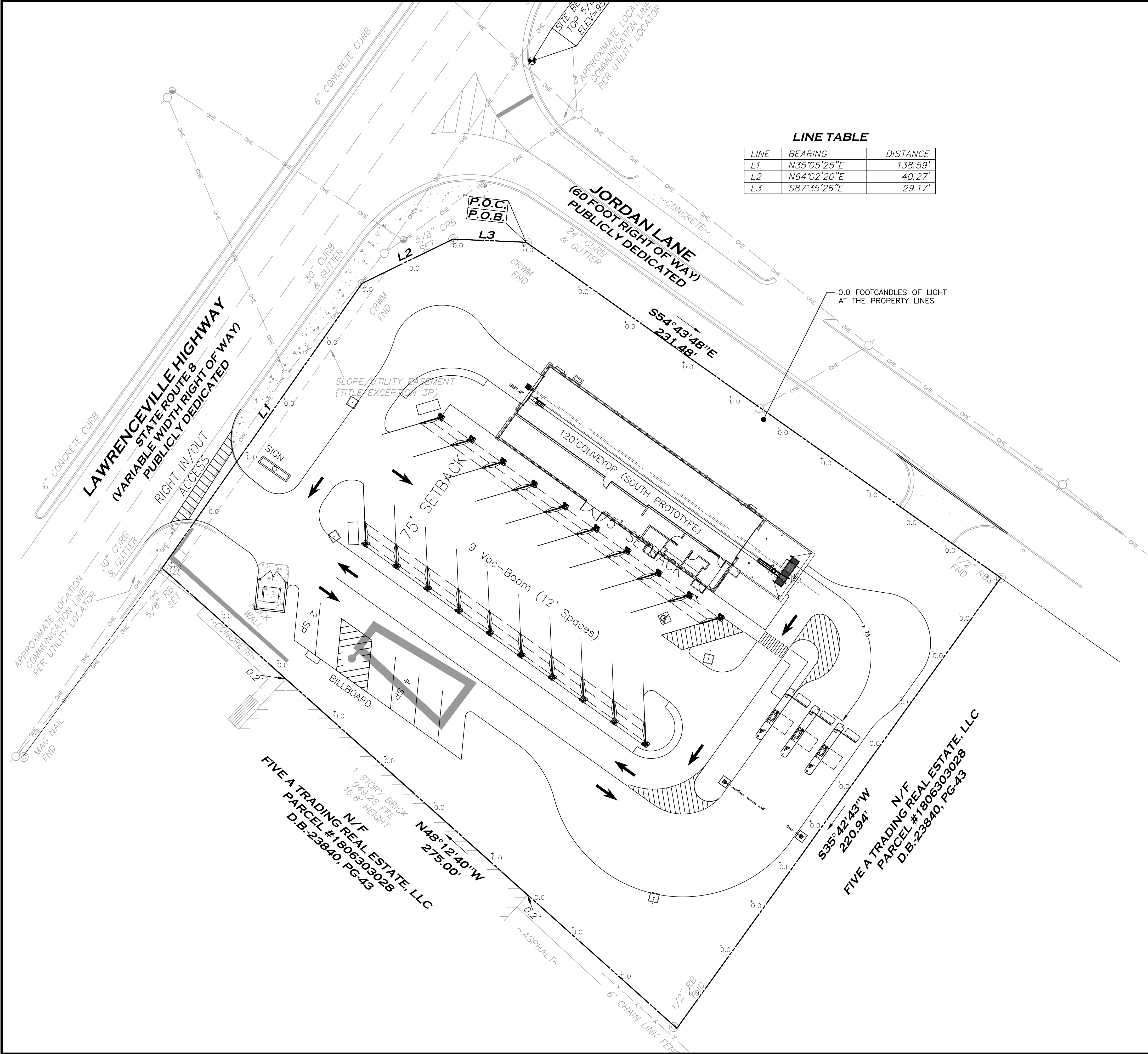


REVISIONS	
NO.	DATE: DESCRIPTION
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LANDSCAPE PLAN	
PROJECT NAME:	MODWASH 1849 LAWRENCEVILLE HWY, DECATUR, GEORGIA
CLIENT:	HUTTON 7336 CHERRY STREET, CHATTAHOOGA, TENNESSEE 37402

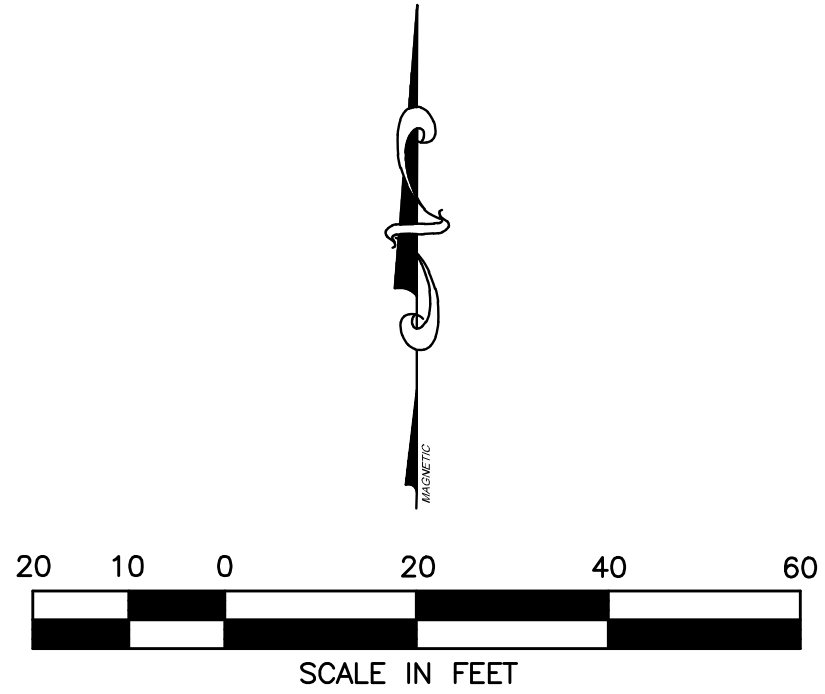
PROJECT NO.:	PROJ. MGR.:
DATE:	DRWN. BY:
SCALE:	CHKD. BY:
DRAWING SERIES:	
SHEET NO.	



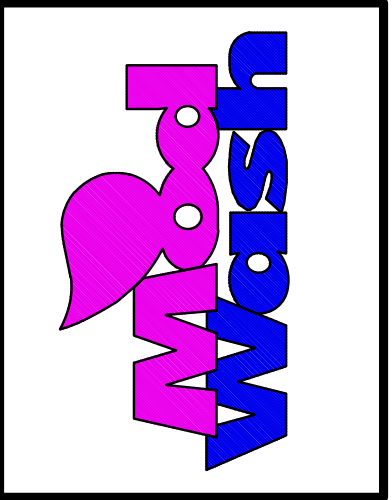
LINE	BEARING	DISTANCE
L1	N35°05'25"E	138.59'
L2	N64°02'20"E	40.27'
L3	S87°35'26"E	29.17'

- LIGHTING NOTES:**
1. LIGHTING IN ALL ZONING DISTRICTS SHALL BE ESTABLISHED IN SUCH A WAY THAT NO DIRECT LIGHT IS CAST UPON OR ADVERSELY AFFECTS ADJACENT PROPERTIES AND ROADWAYS.
 2. LIGHT FIXTURES SHALL INCLUDE GLARE SHIELDS TO LIMIT DIRECT RAYS ONTO ADJACENT RESIDENTIAL PROPERTIES.
 3. ALL LIGHTING FIXTURES (LUMINARIES) SHALL BE CUTOFF LUMINARIES WHOSE SOURCE IS COMPLETELY CONCEALED WITH AN OPAQUE HOUSING. FIXTURES SHALL BE RECESSED IN THE OPAQUE HOUSING. DROP DISH REFRACTORS ARE PROHIBITED.
 4. LIGHT SOURCE SHALL BE LIGHT EMITTING DIODES (LED), METAL HALIDE, OR COLOR CORRECTED HIGH-PRESSURE SODIUM NOT EXCEEDING AN AVERAGE OF FOUR AND ONE-HALF (4.5) FOOT CANDLES OF LIGHT OUTPUT THROUGHOUT THE PARKING AREA. A SINGLE LIGHT SOURCE TYPE SHALL BE USED FOR ANY ONE (1) SITE. FIXTURES MUST BE MOUNTED IN SUCH A MANNER THAT THE CONE OF THE LIGHT IS NOT DIRECTED AT ANY PROPERTY LINE OF SITE.
 5. THE MINIMUM MOUNTING HEIGHT FOR A POLE IS TWELVE (12) FEET. THE MAXIMUM MOUNTING HEIGHT FOR A POLE IS TWENTY-FIVE (25) FEET EXCLUDING A THREE-FOOT BASE.

DEKALB COUNTY REQUIRED LIGHTING LEVELS:			
Location or Type of Lighting	Minimum Level	Average Level	Maximum Level
Non-residential parking lots	0.6	2.40	10.0
Multifamily residential parking Lots	0.2	1.50	10.0
Walkways, access drives and loading/unloading areas	0.2	2.00	10.0
Landscaped areas	0.0	0.50	5.0



DATE



REVISIONS	
NO.	DATE: DESCRIPTION
4	
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2	
1	

1111 CAMBRIDGE SQUARE, SUITE C
ALPHARETTA, GEORGIA 30009
PHONE: (678) 985-4820

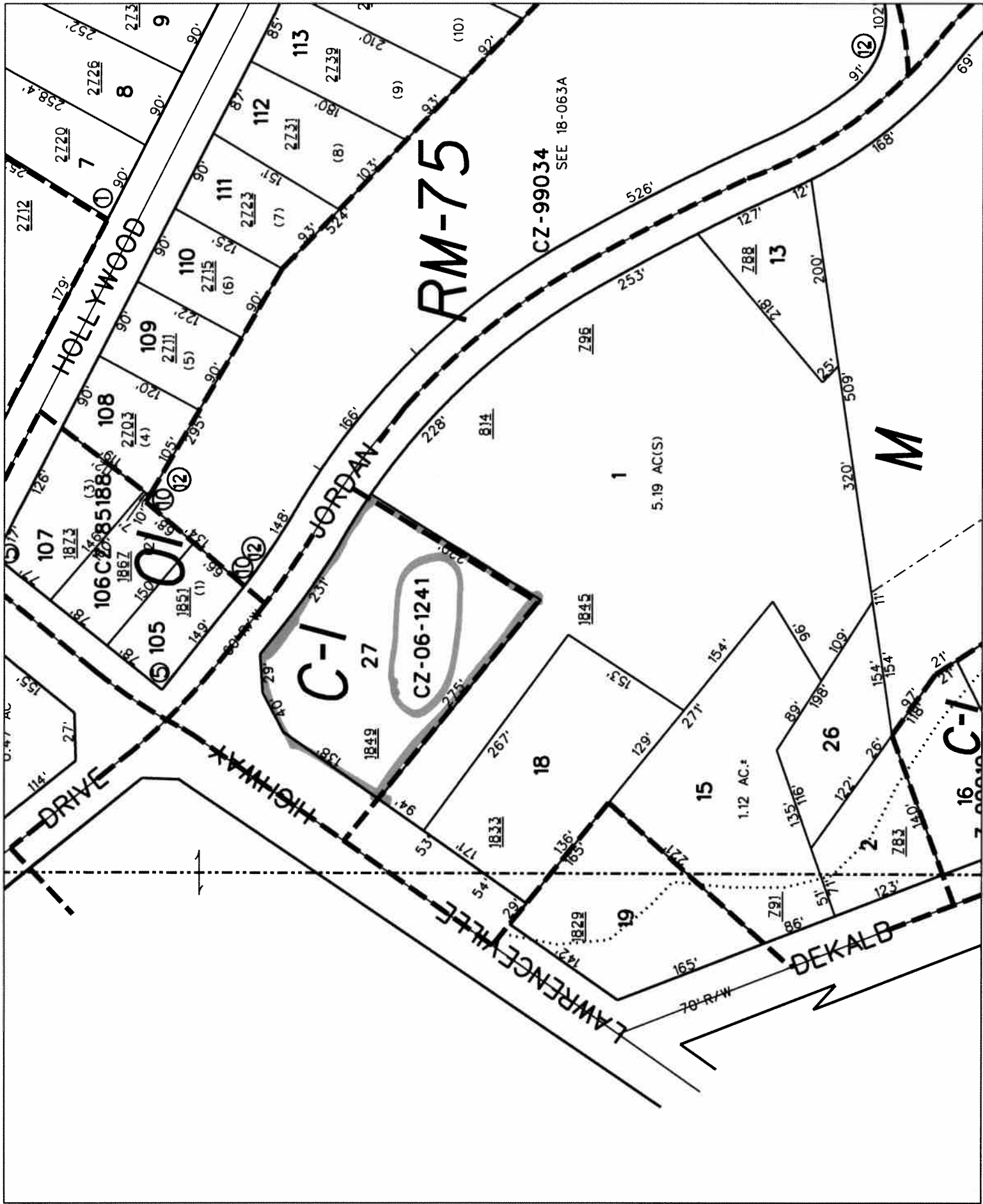
DRAWING TITLE: LIGHTING PLAN

PROJECT NAME: MODWASH
1849 LAWRENCEVILLE HWY, DECATUR, GEORGIA

CLIENT: HUTTON
7336 CHERRY STREET, CHATTANOOGA, TENNESSEE 37402

PROJECT NO.:
DATE: 06.07.22
SCALE: AS NOTED
DRAWING SERIES: LIGHTING
SHEET NO. C-5.0

PROJ. MGR.: LW
DRWN. BY: LW
CHKD. BY: LW



DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: June 27, 2006

HEARING TYPE
PUBLIC HEARING

ACTION TYPE
ORDINANCE

SUBJECT: Rezone – Chung C. Chang

COMMISSION DISTRICTS: 4 & 6

DEPARTMENT: Planning

PUBLIC HEARING: ☒ YES ☐ NO

ATTACHMENT: ☒ YES ☐ No

INFORMATION CONTACT: Patrick Ejike/Kevin Hunter

PAGES: 19

PHONE NUMBER: (404) 371-2155

Deferred from 5/23/06 for a public hearing.

PURPOSE:

Z-06-1241

Application of Chung C. Chang to rezone property from M to C-1. The property is located on the southeast corner of Lawrenceville Highway and Jordan Lane. The property has approximately 178 feet of frontage on Lawrenceville Highway and approximately 260 feet of frontage on Jordan Lane and contains 1.27 acres.

Subject Property: 18-063

RECOMMENDATION(S):

PLANNING DEPARTMENT:

APPROVAL. Based on the submitted information as well as field investigation of the project site, it appears that the proposed zoning amendment meets the minimum requirements of the zoning ordinance for approval of the zoning proposal. It should be noted that the submitted site plan depicts building setbacks that do not meet building requirements of the zoning ordinance. Therefore, approval cannot be conditioned on the submitted site plan. In any event, it is the recommendation of the Planning and Development Department that this application be "Approved".

PLANNING COMMISSION:

Denial.

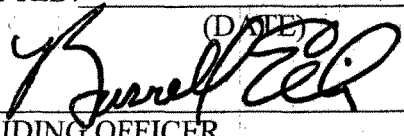
COMMUNITY COUNCIL:

Other (No Quorum)

FOR USE BY COMMISSION OFFICE/CLERK ONLY**ACTION: H21**

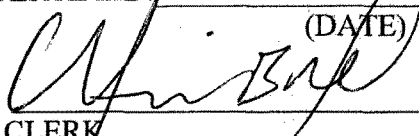
MOTION was made by Commissioner Gannon, seconded by Commissioner Ellis, and passed 5-0-0-1, to approve with conditions and site plan submitted by Commissioner Gannon for the record, the rezoning application of Chung C. Chang. Commissioner Johnson was out of the room and not voting.

ADOPTED: JUN 27 2006

 (DATE)


 PRESIDING OFFICER
 DEKALB COUNTY BOARD OF COMMISSIONERS

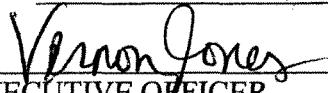
CERTIFIED: JUN 27 2006

 (DATE)


 CLERK,
 DEKALB COUNTY BOARD
 OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: JUL 05 2006



 CHIEF EXECUTIVE OFFICER
 DEKALB COUNTY

VETOED: _____

 CHIEF EXECUTIVE OFFICER
 DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

Charles Chang, 11020 Black Brook Drive, Duluth, Ga. 30097 and Wanda Moore, 23 Hampton Street, McDonough, Ga. 30252, spoke in support of the application.

No one spoke in opposition of the application.

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	<u>X</u>	_____	_____	_____
DISTRICT 2 - GALE WALLDORFF	<u>X</u>	_____	_____	_____
DISTRICT 3 - LARRY JOHNSON	_____	_____	_____	<u>X</u>
DISTRICT 4 - BURRELL ELLIS	<u>X</u>	_____	_____	_____
DISTRICT 6 - KATHIE GANNON	<u>X</u>	_____	_____	_____
DISTRICT 7 - CONNIE STOKES	<u>X</u>	_____	_____	_____

Z-06-1241
Chang/Ali

~~11/17~~

M → C1

District 4 - 6

To: MR. Chang

Approve with conditions:

COMM.	
ITEM NO. <u>H-21</u>	<u>6/27/06</u>
CLERK'S OFFICE	<u>Com. Jammal</u>

- the the*
1. Conditioned to office and retail uses only.
 2. No drive-thru restaurants or liquor/package stores.
 3. Building to be set back in line with adjacent property
 4. Parking lot to include as many trees as code allows.
 5. Use existing curb cut on Lawrenceville Highway for ingress and egress and close access on Jordan Lane.

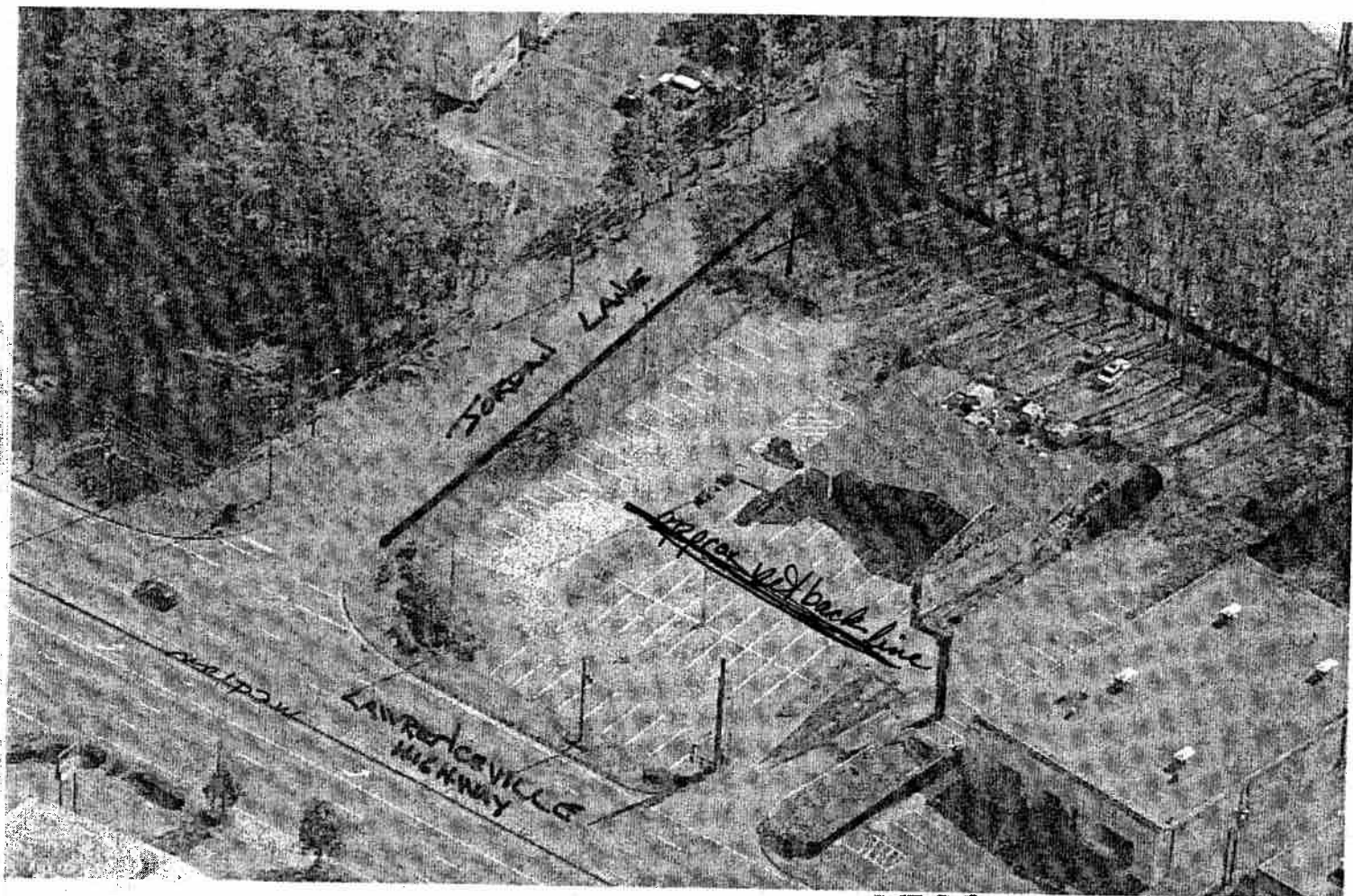
5/23/06

*Public hearing
start about 10AM - 10:30
and you are item
#21*

MR Chang

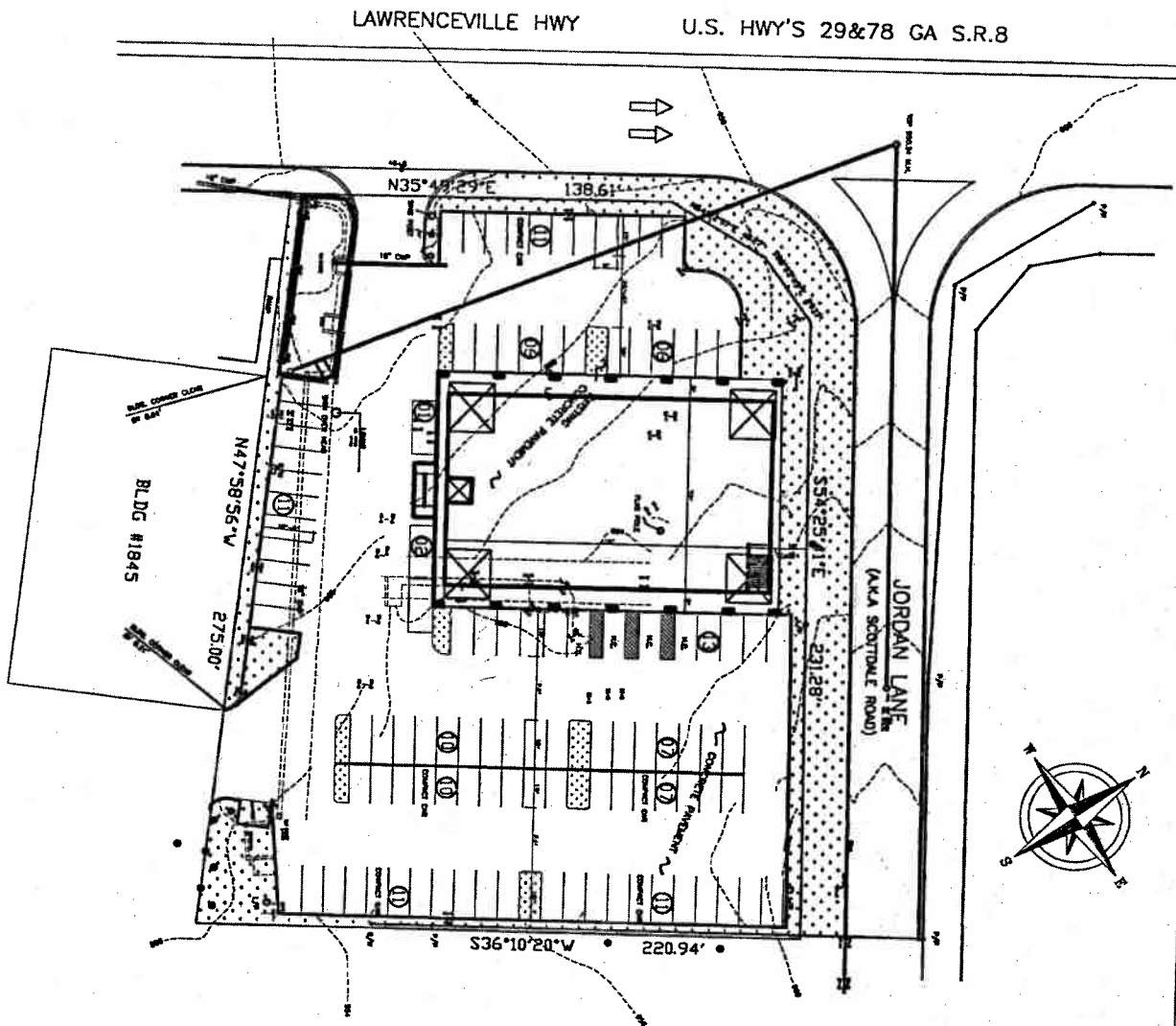
These are the conditions proposed
for Mr Ali's rezoning from
M to C-1 on the morning
of June 27*. Please let
me know if questions

Commissioner GANNON
404-371-4909



BEFORE (c) Copyright 2003, Pictometry International

Z-06-1241

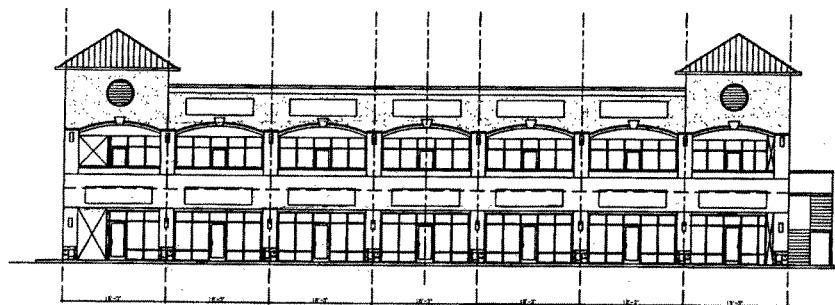


SITE PLAN

1"=50'-0"

TOTAL PARKING: 106 PARKINGS

C1	DATE: 10/1/98	BY: [Signature]	SCALE: 1"=50'-0"	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.	SHEET TOTAL	SHEET NO.</
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ELEVATION
1/4" = 1'-0"

REVISION	BY
CUSTOM DESIGN & DEVELOPMENT CORPORATION 1000 10TH AVENUE, SUITE 1000 DENVER, CO 80202 TEL: (303) 733-1000 FAX: (303) 733-1001	
ALL BUILDING	
ELEVATION	
DRAWN BY CHECKED BY PROJECT NO. DATE: 06/15/2000 SHEET	A1 TOTAL

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 X *

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.

[Signature]
Notary



12/10/2025
Expiration Date/ Seal

ModWash, LLC

By: [Signature]
Signature of Applicant /Date

Check one: Owner _____ Agent X

*Notary seal not needed if answer is "no".

DEPARTMENT OF PLANNING & SUSTAINABILITY

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Yes _____ No ☒ *

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Notary



06/10/2023
Expiration Date/ Seal

Karimshah Inc

By: 

Signature of Applicant /Date

Check one: Owner ☒ Agent _____

*Notary seal not needed if answer is "no".

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 *

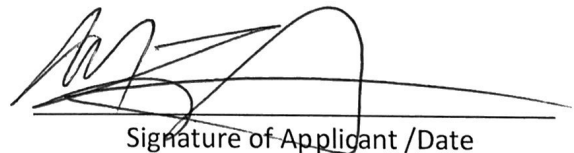
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

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




Signature of Applicant /Date

Check one: Owner Agent X

08/18/25
Expiration Date/ Seal


*Notary seal not needed if answer is "no".

Campaign Contribution Disclosure Statements
Last Updated 6/17/2022

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

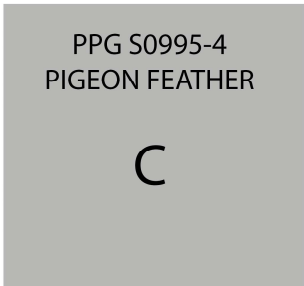
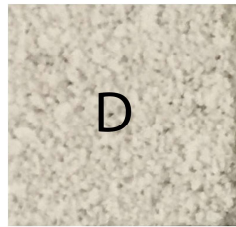
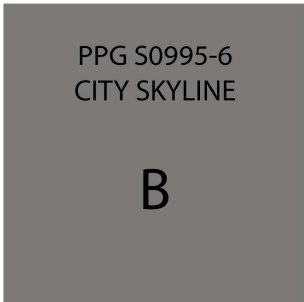
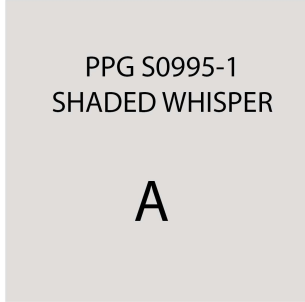
Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Michèle L Battle or Battle Law, P.C. in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

NAME OF GOV'T OFFICIAL	OFFICIAL POSITION	AMOUNT OF CONTRIBUTION
Ted Terry	Commissioner	\$500
Mereda Davis Johnson	Commissioner	\$250
Lorraine Cochran-Johnson	Commissioner	\$750

By: 
Printed Name: Michele L Battle

ModWash CarWash

PINE TOWNSHIP WEXFORD, PA



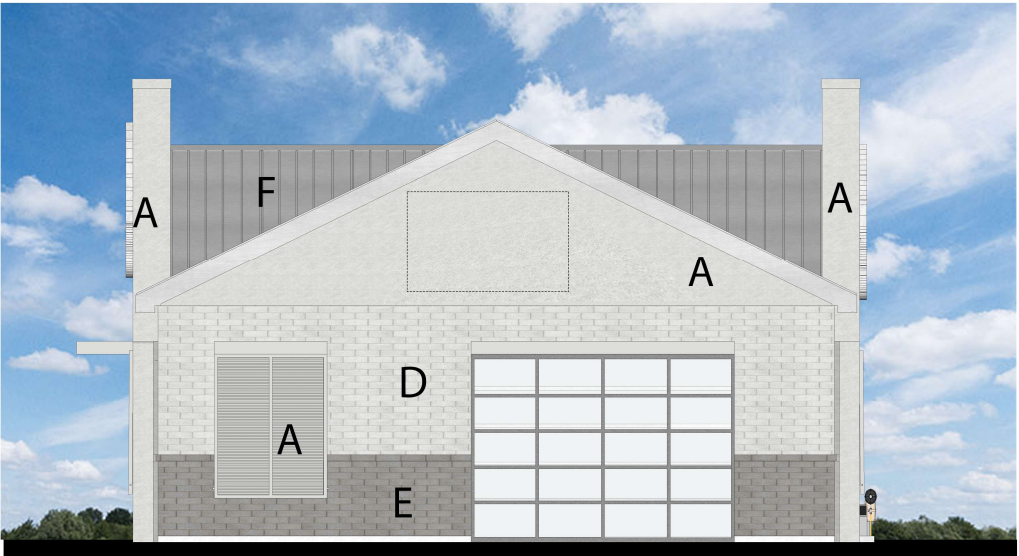
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INTERGRAL COLORED
SNOW RANGE



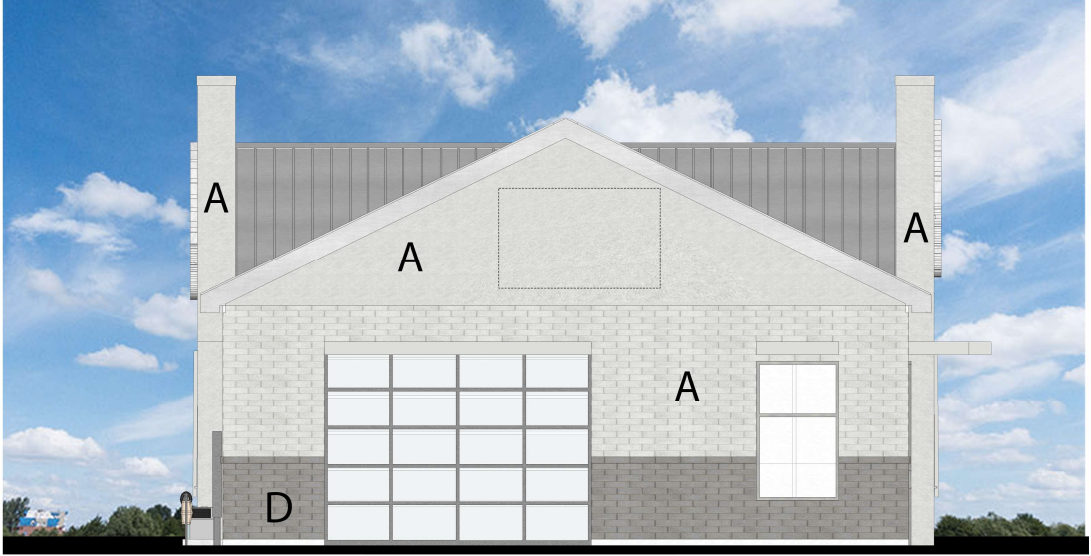
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INTERGRAL COLORED
OYSTER RANGE



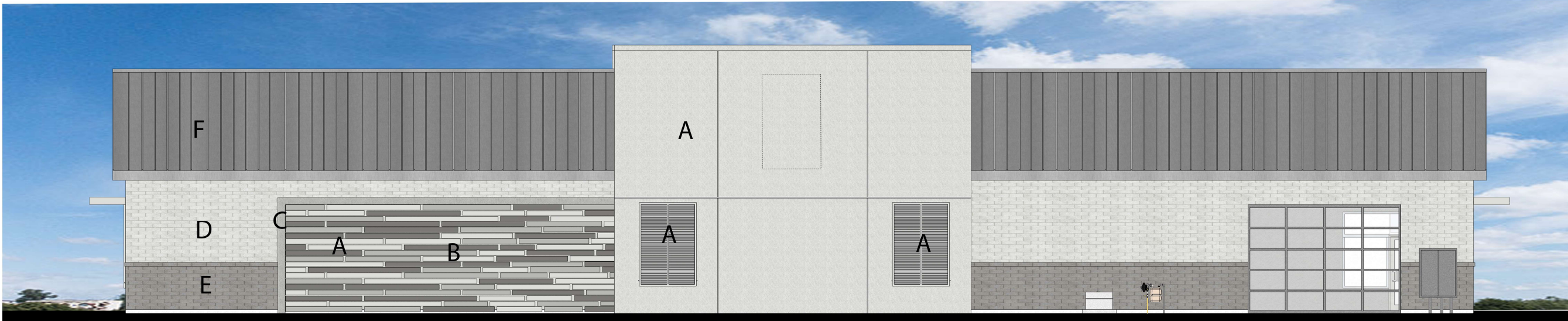
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PREWEATHEERED
GALVALUME



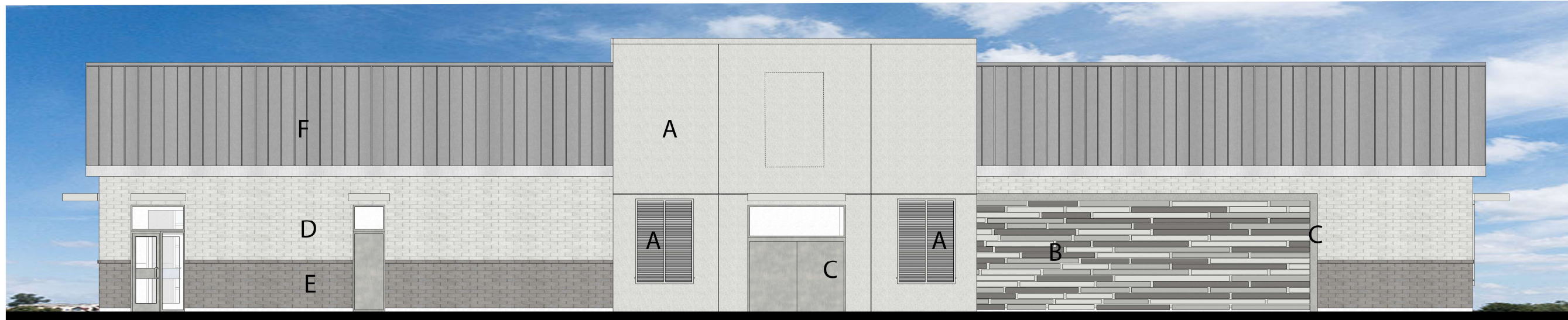
EXIT ELEVATION



ENTRY ELEVATION



TUNNEL ELEVATION



VACUUM ELEVATION



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Special Land Use Permit for a
Drive-Thru Facility

of

MODWASH, LLC.
c/o Battle Law, P.C.

for

+/-1.26 Acres of Land
Being 1849 Lawrenceville Highway
DeKalb County, Georgia and
Parcel Nos. 18 063 03 027

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



Battle Law

I. LETTER OF INTENT

ModWash, LLC. (the “Applicant”) is seeking to develop on +/- 1.26 of land being Tax Parcel No. 18 063 03 027 having frontage on 1849 Lawrenceville Highway (the “Subject Property”) with a luxury drive-thru car wash facility. The Applicant is seeking a Special Land Use Permit for the Subject Property to allow for the Drive-Thru Facility.

This document serves as a statement of intent, analysis of the criteria under the DeKalb County Zoning Ordinance and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. SPECIAL LAND USE PERMIT CRITERIA

A. Adequacy of the size of the site for 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, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located.

The size of the site is adequate for the contemplated use and for the inclusion 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 site plan submitted with this application satisfies all zoning requirements under the existing C-1 zoning district and comfortably fits the proposed drive-thru car wash along with the required off-street parking, landscape strips and plantings. Therefore, the size of the site is adequate for the contemplated use.

B. Compatibility of the proposed use with adjacent properties and land use and other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use.

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Subject Property is immediately abutted by properties zoned for commercial and industrial uses. So, the nearest neighbors to the Subject Property will be used for similar uses. Across Jordan Lane, there are some residential uses. The community members have indicated that luxury express car wash may be a use they can support so long as there is a suitable lighting package that does not shine light across the street onto their homes, that the ingress/egress onto Jordan Lane be closed, and that the operation wraps up at a reasonable hour so as not to disturb them late into the evening. The Applicant has agreed to these stipulations and has agreed to plant trees between the proposed car wash and the residential uses in the landscape strip. The trees would serve to screen the use from the residential use. Therefore, the zoning proposal will permit a use that is suitable in view of the adjacent and nearby properties.

The proposed use will not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.



Battle Law

C. Adequacy of public services, public or private facilities, public or private streets (including consideration of traffic- carrying capacity), and utilities to serve the use contemplated.

The zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. With proper conditions that limit the use to the proposed car wash, there will be no need to worry about any other commercial uses coming to this site. Any change in the use would require a Major Modification and public hearing process like the one the Applicant is currently applying for. This would allow the County and community members oversight in determining whether any other use is welcome on the Subject Property.

Additionally, the proposed use will not cause excessive use of existing streets, transportation facilities, utilities, or schools. The Subject Property fronts on Lawrenceville Highway, which is classified as a Major Arterial street. It is certainly capable of handling any trips generated by this use. Additionally, there will be no impact on schools or transportation facilities. Lastly, the Applicant uses technology to capture as much used water as possible for reuse in washing vehicles. The goal is to use as little water as possible while operating the car wash. This minimizes the impact on water utilities. Therefore, the zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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 use proposed so as not to unduly increase traffic and create congestion in the area.

The public street on which this use is proposed to be located is adequate to support the proposed use. Lawrenceville Highway is a Major Arterial Street, capable of carrying large amounts of traffic. The proposed car wash will not overwhelm traffic on Lawrenceville Highway

Additionally, the proposed use includes closing the currently open driveway that fronts on Jordan Lane. This will prevent traffic cutting through the proposed use and exiting onto Jordan Lane. The Community made very clear that this must be a part of the development, and the Applicant has obliged. Therefore, the public street on which this use is proposed to be located is adequate to support the proposed use.

E. 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.

There is adequate ingress and egress to the Subject Property and to all proposed buildings, structures, and uses thereon. The proposed use shows an ingress/egress point off of Lawrenceville Highway and proposes closing the access on Jordan Lane. The Subject Property was once the subject of a prior zoning case which placed a condition on the rezoning of the



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Subject Property that instructed the owner to close the access onto Jordan Lane. This was never done, and the Community has made clear that they want the access onto Jordan Lane closed. The Applicant can maintain adequate ingress/egress onto the Subject Property via Lawrenceville Highway while still accommodating the wishes of the Community. Therefore, there is adequate ingress and egress to the Subject Property and to all proposed buildings, structures, and uses thereon.

F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use.

The proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use. While meeting with the Community, the Applicant heard concerns about the hours of operation and how they might affect the residential uses across Jordan Lane. The Applicant expressed to the Community that the proposed use would be there are no other adjoining land uses that would be affected by the proposed use due to hours of operation. Therefore, the proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

G. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

H. Whether the proposed use is consistent with the policies of the comprehensive plan.

The proposed use is consistent with the policies of the comprehensive plan.

I. Whether there is adequate provision of refuse and service areas.

There is adequate provision of refuse and service areas.

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

The length of time for which the Special Land Use Permit is granted should not be limited in duration. Limiting the time for which the special land use permit is granted would limit the duration of time the proposed business could operate legally. A time limit placed on a Special Land Use Permit that permits a business that intends to operate in the future indefinitely only creates the opportunity for the future business to become a non-conforming use. Therefore, the length of time for which the Special Land Use Permit is granted should not be limited in duration.



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K. Whether 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 the adjacent and nearby lots and buildings, and whether the proposed use will create a shadow impact on any adjoining lot or building, as a result of the proposed building height.

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. The only proposed building on the Subject Property is the proposed luxury drive-thru car wash facility. Vacuum structures will also be a part of the proposed development, but there is plenty of space to allow for the building and vacuum structures. Therefore, 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 of the subject Property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings.

L. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.

The proposed use will not adversely affect historic buildings, sites, districts, or archaeological resources. The Subject Property is not located in a historic district, nor on a historic site and is currently vacant, so has no historic buildings on it. There are no historic buildings nearby either. Therefore, the proposed use will not adversely affect historic buildings, sites, districts, or archaeological resources.

M. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.

The proposed use satisfies the requirements contained within the supplemental regulations for the applied-for Special Land Use Permit.

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

The proposed use will be consistent with the needs of the neighborhood or community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan. The Applicant does not propose to amend the comprehensive land use plan or rezone the Subject Property. Rather, the Applicant only needs to change a condition on the Subject Property as a result of a prior rezoning case (application submitted separately) and apply for this Special Land Use Permit. Thus, the proposed use is in line with the plan for this property. Therefore, the proposed use will be consistent with the needs of the neighborhood or community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

III. CONCLUSION



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For the foregoing reasons, the Applicant hereby requests that the application for a Special Land Use Permit to allow for a Drive-Thru Facility be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the DeKalb County Board of Commissioners to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant, or to grant the requested Special Land Use Permit, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any Special Land Use Permit applied to the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.



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A refusal to allow the land use amendment and/or Special Land Use Permit in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the land use amendment and/or Special Land Use Permit in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of Fulton County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.



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