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: Denial.

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: Denial 7-0-1. LaSonya Osler moved, Jana Johnson seconded for denial, per Staff recommendation. April Atkins abstained.

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 415feet 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 [X]

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 (X) 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

DEKALB COUNTY

Board of Health

10/17/2022

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

DeKalb County
GEORGIA

Development Service Center
178 Sams Street
Decatur, GA 30030
www.dekalbcountyga.gov/planning
404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

Zoning Comments – October 2022

N1. No package to review.

N2. **1845 Lawrenceville Hwy.** Lawrencville 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.

N-2

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 TRAFFIC ENGINEERING

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

Address: 1849 Lawrenceville Hwy Decatur GA 30033

Adjacent Roadway (s):

_____ _____

_____ (classification) _____ (classification)

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 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.

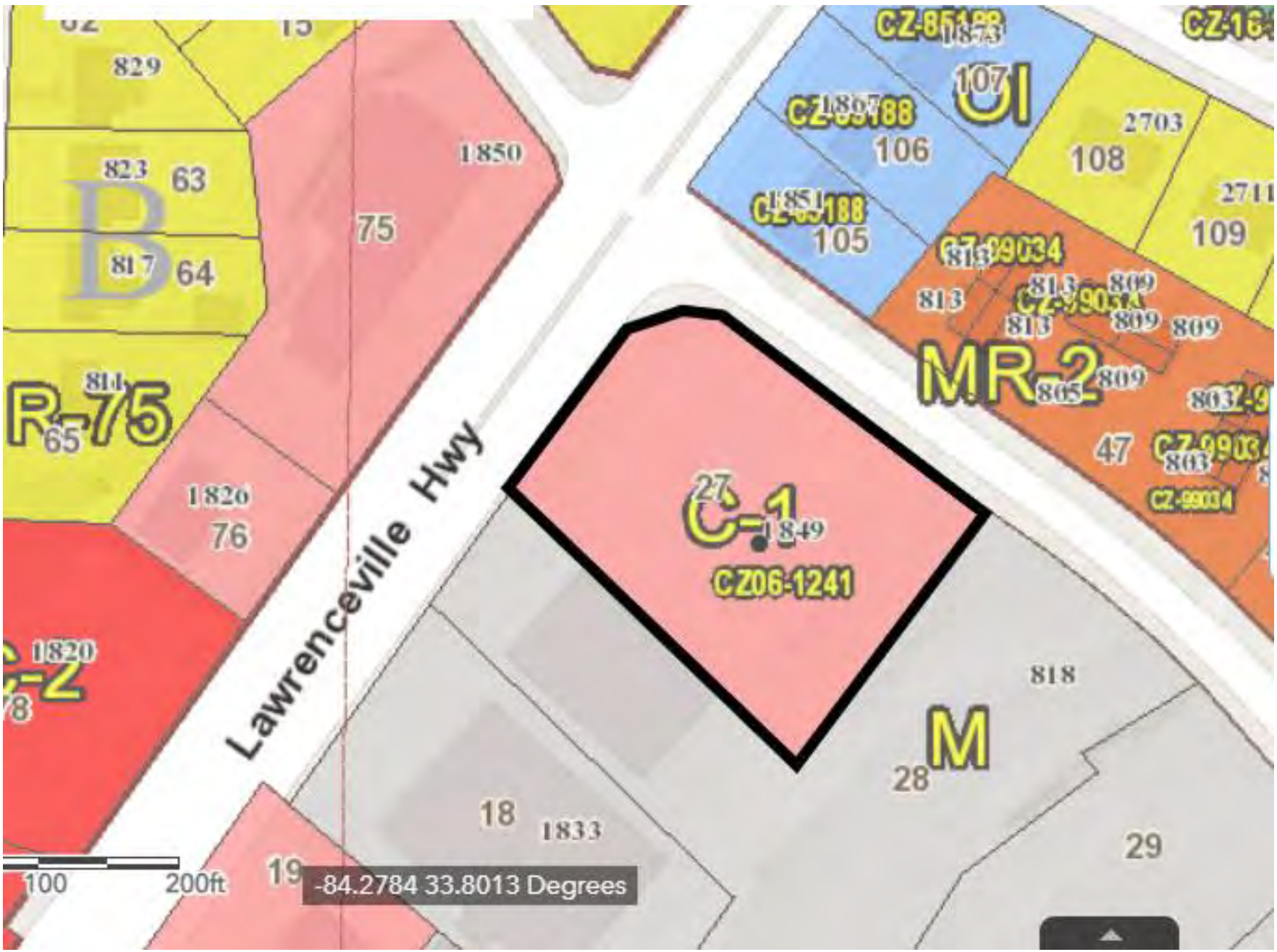
COMMENTS:

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

Signature: David Moss

CZ 22 1245934

ZONING MAP



CZ 22 1245934

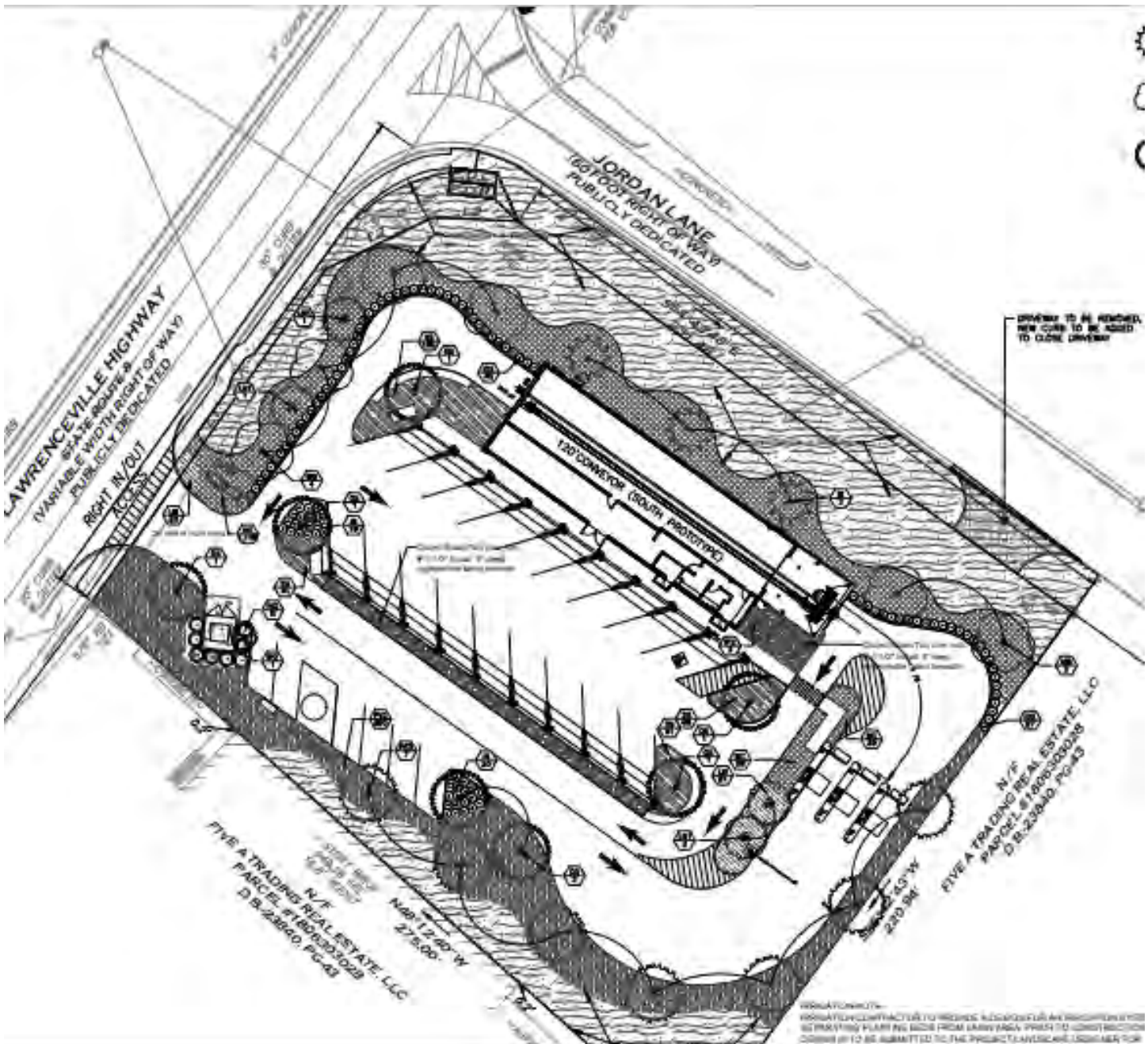
Future Land Use Map

CZ 22 1245934

Aerial Map

CZ 22 1245934

Concept Plan



DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

178 Sams Street
Decatur, GA 30030

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:** By: _____ Attorney Rep.
(Check One)

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

Notary Signature and Seal:

_____

GABRIELA CADER
STATE OF TENNESSEE NOTARY PUBLIC
HAMILTON COUNTY

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

178 Sams Street
Decatur, GA 30030

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 delegate 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

SALINA VIRANI
COM. EXP.
NOTARY
PUBLIC
Feb. 18, 2025
GWINNETT COUNTY, GEORGIA

8/17/22

Notary Public — Owner

Notary Public — Owner

Notary Public — Owner

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

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.

DeKalb County
GEORGIA

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404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

_____

_____

_____

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: __X_____ Review Calendar Dates: __X_____ PC: 09/01/22*_____ BOC: _09/29/22**_____ Letter of Intent: __X___Impact Analysis: _X____ Owner Authorization(s):__X___ Campaign Disclosure: __X___ Zoning Conditions: _X_____ Community Council Meeting: _08/16/22____ Public Notice, Signs: ___X_**(Applicant must pick up and post and/or will be done by Staff**)_____ Tree Survey, Conservation: _____ Land Disturbance Permit (LDP): ___X_____ Sketch Plat: __X_____ Bldg. Permits: __X_____ Fire Inspection: __X_____ Business License: __X_____ 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: __X_____ Density Bonuses: ___X_____ Mix of Uses: _____ Open Space: ___X____ Enhanced Open Space: _X_____ Setbacks: front __X____ sides __X____ side corner _____ rear ___X___ Lot Size: __X____ Frontage: ____X_____ Street Widths: ___X_____ Landscape Strips:__X_____ Buffers:_____ Parking Lot Landscaping: _____ Parking - Auto: __X_____ Parking - Bicycle: _____X___ Screening: ___X_____ Streetscapes: __X_____ Sidewalks: _X____Fencing/Walls:__X___ Bldg. Height: __X___ Bldg. Orientation: _____ Bldg. Separation: _____ Bldg. Materials: _X____ Roofs: _X____ Fenestration: ___X____ Façade Design: __X____ Garages: __X____ Pedestrian Plan:___X____ Perimeter Landscape Strip: _____

Possible Variances: _____

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Decatur, GA 30030

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
	OI, 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»

2022064867 DEED BOOK 30283 Pg 359
Filed and Recorded: 4/21/2022 4:54:00 PM
Recording Fee: $25.00
Prepared By:
0774331956
7067927936

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).

WITNESSESTH:

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.

Notary Public

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

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

SALINA VIRANI
COM. EXP.
NOTARY
PUBLIC
Feb. 16, 2025
GWINNETT COUNTY, GEORGIA

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.

2022065885 DEED BOOK 30284 Pg 624
Filed and Recorded: 4/22/2022 11:22:00 AM
Recording Fee: $25.00
Prepared By:
0774331956
7067927936

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).

WITNESSESTH:

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:

Unofficial Witness

Notary Public

My Commission Expires: 2/16/2025

(NOTARIAL SEAL)

SALINA VIRANI
COM. EXP.
NOTARY
PUBLIC
Feb. 16, 2025
GWINNETT COUNTY, GEORGIA

4/13/2022

GRANTOR:

AYAZ ALI,
a Georgia resident

By: _____(SEAL)
Name: Ayaz Ali

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.

TITLE EXCEPTIONS

FIDELITY NATIONAL TITLE INSURANCE COMPANY
COMMITMENT NO. 2-41637
EFFECTIVE DATE OF COMMITMENT: MAY 24, 2022 AT 5:00 P.M.

3. SPECIAL EXCEPTIONS:

(g) EASEMENT FROM ED S. COOK TO GEORGIA POWER COMPANY, FILED FOR RECORD JANUARY 9, 1947 AT 12:00 NOON, RECORDED IN DEED BOOK 668, PAGE 419, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES A RIGHT OF WAY FOR AN ELECTRIC TRANSMISSION LINE. SAID RIGHT OF WAY DOES NOT AFFECT THE SUBJECT PROPERTY.

(h) RIGHT-OF-WAY DEED FROM E. S. COOK TO DEKALB COUNTY, GEORGIA, DATED OCTOBER 17, 1950, FILED FOR RECORD OCTOBER 23, 1950 AT 9:00 A.M., RECORDED IN DEED BOOK 846, PAGE 47, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES A CONVEYANCE OF PROPERTY FOR THE RIGHT OF WAY OF DEKALB INDUSTRIAL WAY. SAID CONVEYANCE DOES NOT AFFECT THE SUBJECT PROPERTY.

(i) EASEMENT FOR RIGHT-OF-WAY FROM E. S. COOK TO GEORGIA POWER COMPANY, A CORPORATION, DATED OCTOBER 30, 1951, FILED FOR RECORD NOVEMBER 26, 1951 AT 9:00 A.M., RECORDED IN DEED BOOK 902, PAGE 553, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES A RIGHT OF WAY FOR AN ELECTRIC TRANSMISSION LINE. SAID RIGHT OF WAY DOES NOT AFFECT THE SUBJECT PROPERTY.

(j) PERMIT FOR ANCHORS, GUY POLES AND WIRES FROM DEKALB APARTMENTS INC. TO GEORGIA POWER COMPANY, A CORPORATION, DATED APRIL 20, 1959, FILED FOR RECORD MAY 5, 1959 AT 3:00 P.M., RECORDED IN DEED BOOK 1423, PAGE 241, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES AN EASEMENT FOR 2 ANCHORS OR GUY POLES. SAID EASEMENT MAY AFFECT THE SUBJECT PROPERTY; DESCRIPTION TOO VAGUE TO DETERMINE RELATIONSHIP.

(k) EASEMENT FROM DEKALB APARTMENTS INC. TO GEORGIA POWER COMPANY, DATED DECEMBER 2, 1960, FILED FOR RECORD DECEMBER 15, 1960 AT 2:00 P.M., RECORDED IN DEED BOOK 1546, PAGE 433, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES AN EASEMENT FOR AN ELECTRIC LINE. SAID EASEMENT MAY AFFECT THE SUBJECT PROPERTY; DESCRIPTION TOO VAGUE TO DETERMINE RELATIONSHIP.

(l) RIGHT-OF-WAY EASEMENT FROM DEKALB APARTMENTS INC. TO GEORGIA POWER COMPANY, DATED DECEMBER 7, 1961, FILED FOR RECORD JANUARY 9, 1962 AT 4:06 P.M., RECORDED IN DEED BOOK 1634, PAGE 373, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES AN EASEMENT FOR AN ELECTRIC LINE. SAID EASEMENT DOES NOT AFFECT THE SUBJECT PROPERTY.

(m) RIGHT-OF-WAY EASEMENT FROM DEKALB APARTMENTS INC. TO GEORGIA POWER COMPANY, DATED DECEMBER 7, 1961, FILED FOR RECORD JANUARY 9, 1962 AT 4:06 P.M., RECORDED IN DEED BOOK 1634, PAGE 375, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES AN EASEMENT FOR AN ELECTRIC LINE. SAID EASEMENT DOES NOT AFFECT THE SUBJECT PROPERTY.

(n) RIGHT-OF-WAY EASEMENT FROM DEKALB APARTMENTS INC. TO GEORGIA POWER COMPANY, DATED SEPTEMBER 16, 1963, FILED FOR RECORD SEPTEMBER 24, 1963 AT 11:10 A.M., RECORDED IN DEED BOOK 1812, PAGE 239, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES AN EASEMENT FOR AN ELECTRIC LINE. SAID EASEMENT DOES NOT AFFECT THE SUBJECT PROPERTY.

(o) PERMIT FOR ANCHORS, GUY POLES AND WIRES FROM DEKALB APARTMENTS INC. TO GEORGIA POWER COMPANY, A CORPORATION, DATED MARCH 18, 1965, FILED FOR RECORD APRIL 27, 1965 AT 3:30 P.M., RECORDED IN DEED BOOK 1981, PAGE 775, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES AN EASEMENT FOR 3 ANCHORS OR GUY POLES. SAID EASEMENT DOES NOT AFFECT THE SUBJECT PROPERTY.

(p) RIGHT OF WAY DEED FROM DEKALB APARTMENTS INC. TO STATE HIGHWAY DEPARTMENT OF GEORGIA, DATED APRIL 1, 1966, FILED FOR RECORD APRIL 5, 1966 AT 9:30 A.M., RECORDED IN DEED BOOK 2090, PAGE 20, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES A CONVEYANCE OF PROPERTY FOR THE RIGHT OF WAY OF STATE ROUTE 8. ALSO INCLUDES EASEMENTS FOR SLOPES AND UTILITIES. SAID CONVEYANCE DOES NOT AFFECT THE SUBJECT PROPERTY; SAID EASEMENT DOES AFFECT THE SUBJECT PROPERTY AS SHOWN.

(q) RIGHT OF WAY DEED FROM DEKALB APARTMENTS INC. TO STATE HIGHWAY DEPARTMENT OF GEORGIA, DATED MAY 13, 1966, FILED FOR RECORD MAY 16, 1966 AT 10:00 A.M., RECORDED IN DEED BOOK 2100, PAGE 539, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES A CONVEYANCE OF PROPERTY FOR THE RIGHT OF WAY OF STATE ROUTE 8. ALSO INCLUDES EASEMENTS FOR SLOPES AND UTILITIES. SAID CONVEYANCE AND EASEMENT DO NOT AFFECT THE SUBJECT PROPERTY.

(r) RIGHT-OF-WAY EASEMENT FROM DEKALB APARTMENTS, INC. TO GEORGIA POWER COMPANY, DATED FEBRUARY 22, 1980, FILED FOR RECORD JULY 2, 1980 AT 1:19 P.M., RECORDED IN DEED BOOK 4292, PAGE 226, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES AN EASEMENT FOR AN ELECTRIC LINE. SAID EASEMENT DOES AFFECT THE SUBJECT PROPERTY AND IS BLANKET IN NATURE; UNABLE TO PLOT.

(s) CONVEYANCE OF ACCESS RIGHTS FROM J.E.M. ENTERPRISES, INC. TO DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA, DATED JANUARY 24, 1985, FILED FOR RECORD APRIL 23, 1985 AT 8:30 A.M., RECORDED IN DEED BOOK 5195, PAGE 184, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES A CONVEYANCE OF ACCESS RIGHTS ALONG THE RIGHT OF WAY OF STATE ROUTE 8. SAID CONVEYANCE MAY AFFECT THE SUBJECT PROPERTY; UNABLE TO DETERMINE RELATIONSHIP DUE TO MISSING DESCRIPTION.

(t) EASEMENT FROM ATLANTA BIG BOY MANAGEMENT TO GEORGIA POWER COMPANY, DATED MARCH 19, 1985, RECORDED JUNE 3, 1985, RECORDED IN DEED BOOK 5221, PAGE 739, AFORESAID RECORDS.
SAID DOCUMENT DESCRIBES AN EASEMENT FOR AN ELECTRIC LINE. SAID EASEMENT DOES AFFECT THE SUBJECT PROPERTY AND IS BLANKET IN NATURE; UNABLE TO PLOT.

(u) UNRECORDED BILLBOARD LEASE WITH LAMAR COMPANIES ("TENANT"), DATED JULY 22, 1999.
SAID LEASE NOT PROVIDED; UNABLE TO DETERMINE RELATIONSHIP.

(v) ALL THOSE MATTERS AS DISCLOSED BY THAT CERTAIN PLAT RECORDED IN PLAT BOOK 17, PAGE 94-A, AFORESAID RECORDS.
SAID PLAT CONTAINS NO ADDITIONAL MATTERS THAT AFFECT THE SUBJECT PROPERTY.

(w) ALL THOSE MATTERS AS DISCLOSED BY THAT CERTAIN PLAT RECORDED IN PLAT BOOK 22, PAGE 84, AFORESAID RECORDS.
SAID PLAT CONTAINS NO ADDITIONAL MATTERS THAT AFFECT THE SUBJECT PROPERTY.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 63, IN THE 18TH DISTRICT, IN DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE RIGHT OF WAY MONUMENT AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF LAWRENCEVILLE HIGHWAY (HAVING A VARIABLE WIDTH, PUBLICLY DEDICATED RIGHT OF WAY) AND THE SOUTHERLY RIGHT OF WAY OF JORDAN LANE (HAVING A 60 FOOT, PUBLICLY DEDICATED RIGHT OF WAY), SAID CONCRETE RIGHT OF WAY MONUMENT BEING THE TRUE POINT OF BEGINNING.

THENCE LEAVING SAID RIGHT OF WAY OF LAWRENCEVILLE HIGHWAY AND CONTINUING ALONG SAID RIGHT OF WAY OF JORDAN LANE SOUTH 54 DEGREES 43 MINUTES 48 SECONDS EAST A DISTANCE OF 231.48 FEET TO A 1/2-INCH REBAR FOUND; THENCE LEAVING SAID RIGHT OF WAY OF JORDAN LANE SOUTH 35 DEGREES 42 MINUTES 43 SECONDS WEST A DISTANCE OF 220.94 FEET TO A 1/2-INCH REBAR FOUND; THENCE NORTH 48 DEGREES 12 MINUTES 40 SECONDS WEST A DISTANCE OF 275.00 FEET TO A 5/8-INCH CAPPED REBAR SET ON THE EASTERLY RIGHT OF WAY OF LAWRENCEVILLE HIGHWAY; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF LAWRENCEVILLE HIGHWAY THE FOLLOWING COURSES AND DISTANCES: NORTH 35 DEGREES 05 MINUTES 25 SECONDS EAST A DISTANCE OF 138.59 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; NORTH 64 DEGREES 02 MINUTES 20 SECONDS EAST A DISTANCE OF 40.27 FEET TO A 5/8-INCH CAPPED REBAR SET; SOUTH 87 DEGREES 35 MINUTES 26 SECONDS EAST A DISTANCE OF 29.17 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND, SAID CONCRETE RIGHT OF WAY MONUMENT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING 1.274 ACRES (55,497 SQUARE FEET).

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

TO MODWASH, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND FIDELITY NATIONAL TITLE INSURANCE COMPANY:

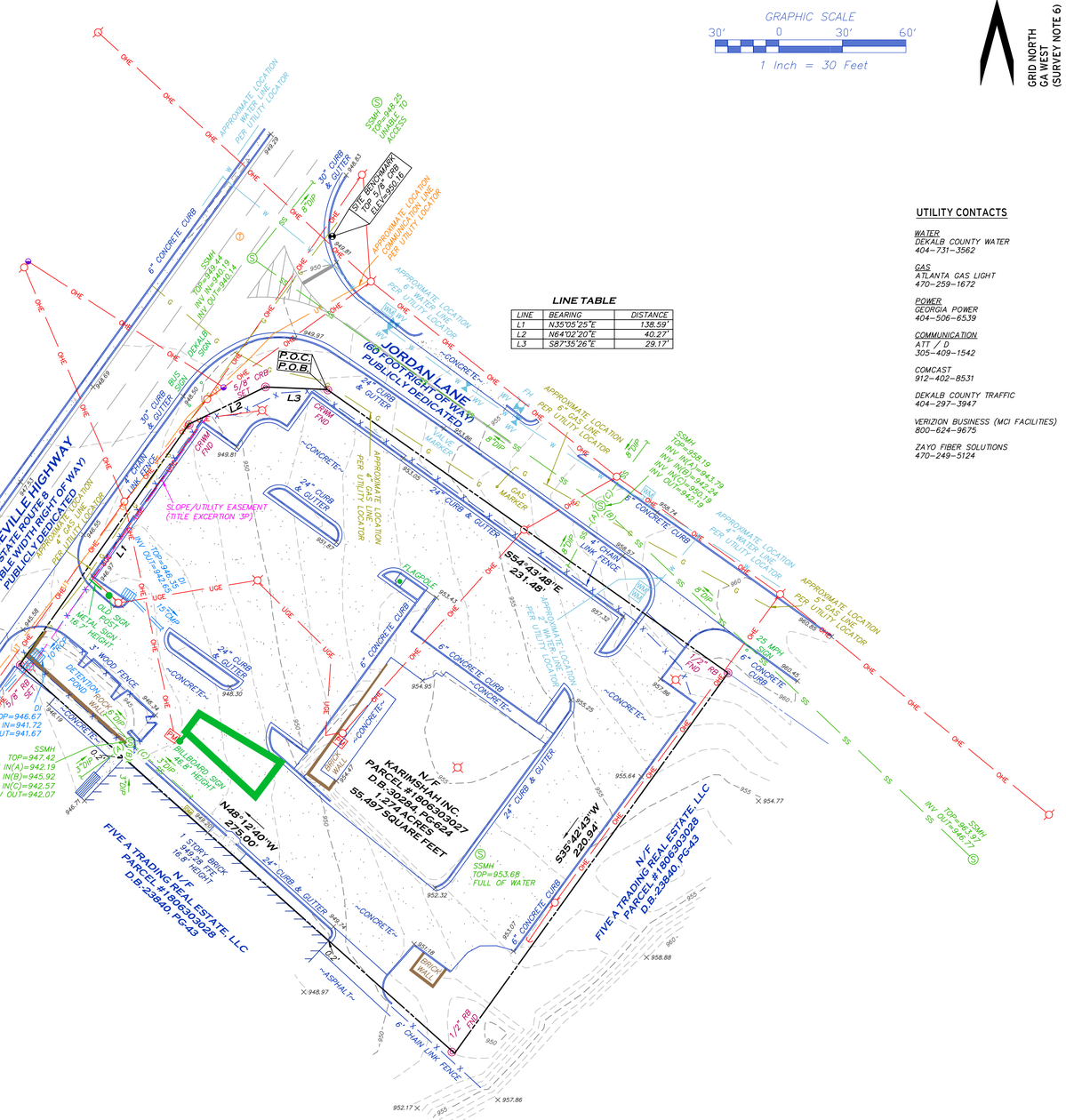
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-6(A), 8-9, 11(A), 13, 16-17, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JUNE 16, 2022.

MITCHELL LOWERY GEORGIA RLS# 3109
DATE OF PLAT OR MAP: JUNE 22, 2022

GEORGIA REGISTERED No. 3109 REGISTERED LAND SURVEYOR MITCHELL LOWERY

ZONING

PER ITEMS 6(A) AND 6(B) OF THE 2021 ALTA/NSPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

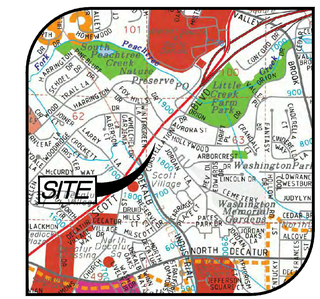


LINE TABLE

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

N

GRID NORTH
GA WEST
(SURVEY NOTE 6)



VICINITY MAP

SURVEY NOTES

1) PROPERTY SHOWN HEREON WAS SURVEYED JUNE 16, 2022.

2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 42,734' WITH AN ANGULAR ERROR OF 3.21 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.

3) A SOKKIA IX TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.

4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 199,058'.

5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X ON FLOOD INSURANCE RATE MAP NO. 13089C0067K, WITH A DATE OF IDENTIFICATION OF AUGUST 15, 2019, FOR COMMUNITY NUMBER 130065, IN DEKALB COUNTY UNINCORPORATED, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A CARLSON BRX7 GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .05 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.

7) UTILITIES SHOWN PER MARKINGS PLACED BY UTILITY-MARKING, L.L.C.. UTILITIES OTHER THAN THOSE SHOWN HEREON MAY EXIST. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.

8) NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.

9) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 30284, PAGE 624, DEKALB COUNTY RECORDS.

10) THIS DESCRIBES THE SAME PROPERTY AS DESCRIBED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO:2-41637, DATED MAY 24, 2022, AT 5:00PM.

11) NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.

12) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

13) AT THE TIME OF THE SURVEY THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.

14) AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

15) SUBJECT PROPERTY HAS DIRECT ACCESS TO LAWRENCEVILLE HIGHWAY & JORDAN LANE, BEING A PUBLICLY DEDICATED RIGHT OF WAY.

16) SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXISTS.

UTILITY CONTACTS

WATER
DEKALB COUNTY WATER
404-731-3562

GAS
ATLANTA GAS LIGHT
470-259-1672

POWER
GEORGIA POWER
404-506-6539

COMMUNICATION
ATT / D
305-409-1542

COMCAST
912-402-8531

DEKALB COUNTY TRAFFIC
404-297-3947

VERIZION BUSINESS (MCI FACILITIES)
800-624-9675

ZAYO FIBER SOLUTIONS
470-249-5124

LEGEND

- PROPERTY LINE
- OVERHANG/AWNING
- (BEARING/DISTANCE) RECORD CALLS
- B.S.L. BUILDING SETBACK LINE
- BUILDING SETBACK LINE
- INDEX CONTOUR
- MINOR CONTOUR
- SPOT ELEVATION
- W WATER LINE
- OHE OVERHEAD UTILITY LINE
- G GAS LINE
- SS SANITARY SEWER LINE
- UGE UNDERGROUND ELECTRIC LINE
- UT UNDERGROUND TELEPHONE LINE
- X X X FENCE LINE
- STORM DRAIN PIPE
- WV WATER VALVE
- WM WATER METER
- FH FIRE HYDRANT
- GM GAS METER
- GV GAS VALVE
- PM POWER METER
- SANITARY SEWER MANHOLE
- DI DROP INLET
- SWCB SINGLE-WING CATCH BASIN
- RB REBAR
- CRB CAPPED REBAR
- CRWM CONCRETE R/W MONUMENT
- FND FOUND
- LIGHT POLE
- SIGNAL POLE
- SIGN

LOWERY & ASSOCIATES
LAND SURVEYING, LLC
317 GRASSDALE ROAD
CARTERSVILLE, GA 30121
770-334-8186
WWW.LOWERYLANDSURVEYS.COM
INFO@LOWERYLANDSURVEYS.COM
GEORGIA C.O.A.: LSF-001102

PREPARED FOR:
MODWASH, LLC, A DELAWARE LIMITED LIABILITY COMPANY;
FIDELITY NATIONAL TITLE INSURANCE COMPANY

ALTA/NSPS LAND TITLE SURVEY OF:
1849 LAWRENCEVILLE HIGHWAY
DECATUR, GEORGIA 30033
PARCEL #18063030027

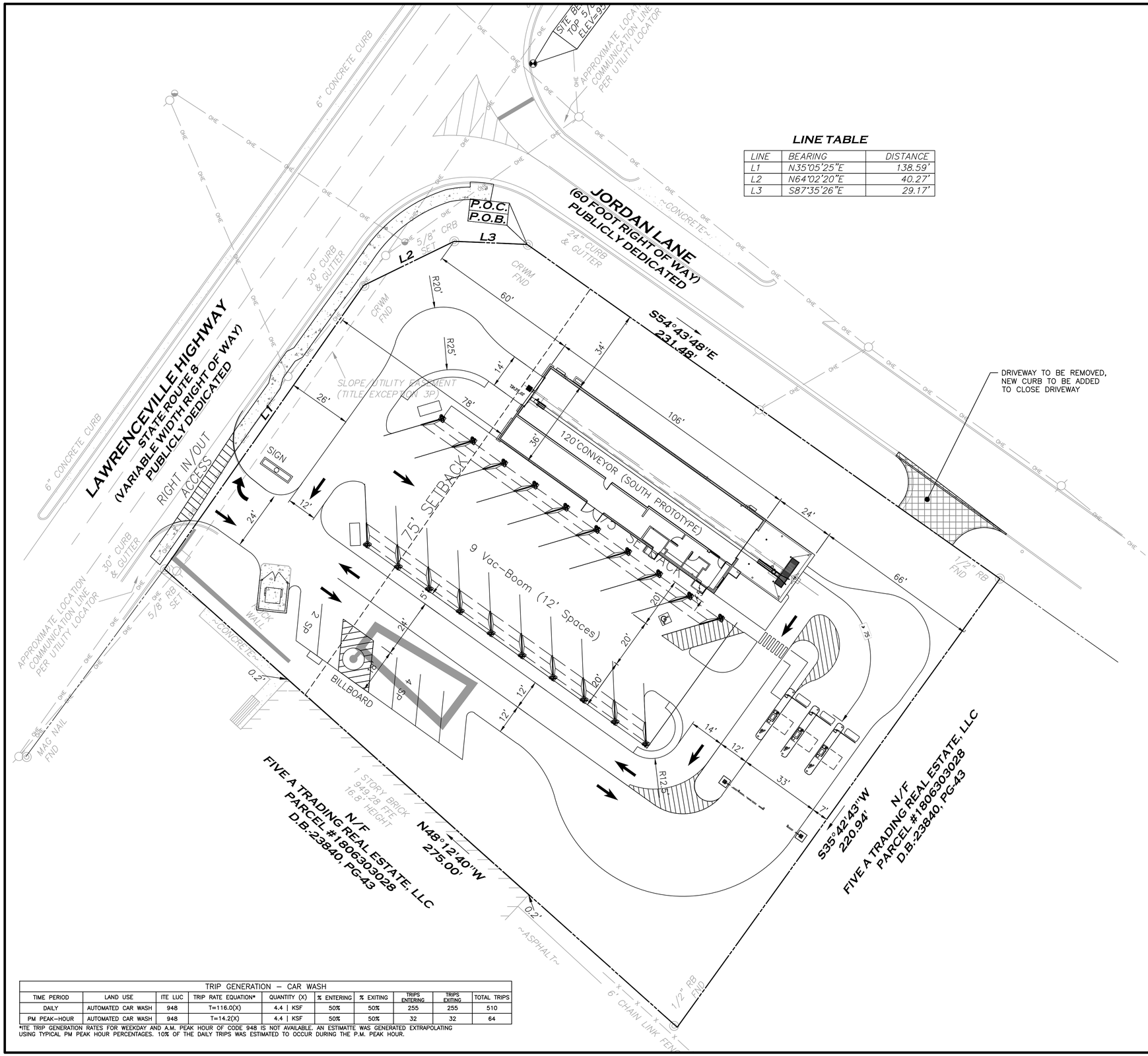
COUNTY: DEKALB
STATE: GEORGIA
DISTRICT: 18TH
LAND LOT: 63

REVISIONS

DATE:	DESCRIPTION

Lowery & Associates LAND SURVEYING, LLC

DATE: JUNE 22, 2022
JOB #: 223837
SCALE: 1"=30'
DRAWN BY: H. FISHER



LINE TABLE

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	TOTAL TRIPS
DAILY	AUTOMATED CAR WASH	948	T=116.0(X)	4.4 | KSF	50%	50%	255	255	510
PM PEAK-HOUR	AUTOMATED CAR WASH	948	T=14.2(X)	4.4 | KSF	50%	50%	32	32	64

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

20 10 0 20 40 60
SCALE IN FEET

DATE

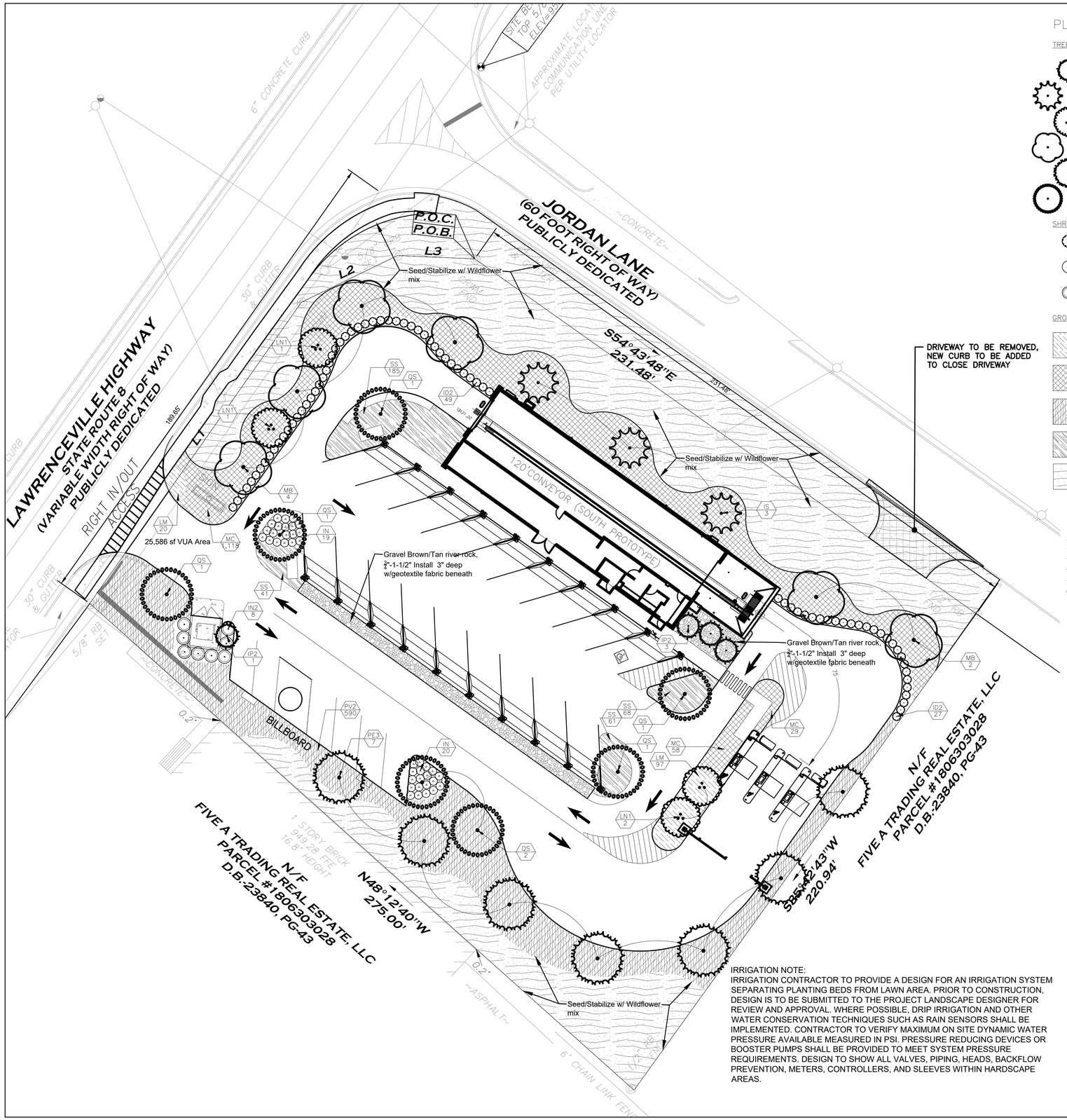
NO.	DATE:	DESCRIPTION
4		
3		
2		
1		

REVISIONS

AIS INFRASTRUCTURE
1111 CAMBRIDGE SQUARE, SUITE C
ALPHARETTA, GEORGIA 30009
PHONE: (678) 395-4920

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

PROJECT NO.:	PROJ. MGR.: LW
DATE: 06.07.22	DRWN. BY: LW
SCALE: AS NOTED	CHKD. BY: LW
DRAWING SERIES: SITE	
SHEET NO. C-2.0	



PLANT_SCHEDULE

TREES	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 Holly 18"-24" ht. x 12"-18" spd., 3 gal.	36" o.c.
	IN	39	Ilex vomitoria 'Nana' / Dwarf Yaupon Holly 12"-16" ht. x 14"-16" spd., 3 gal.	36" o.c.
	IN2	8	Ilex x 'Nellie R Stevens' / Nellie Stevens Holly 4'-6' ht, x 3'-4' spd. full specimine	60" o.c.

GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME	SPACING
	LM	117	Lantana camara 'Gold Mound' / Gold Mound Lantana Full 1 gallon pots	24" o.c.
	MC	1,205	Muhlenbergia capillaris / Pink Muhly Grass 12" – 14" ht. x 10"-14" spd., 1 gallon	24" o.c.
	PV2	590	Panicum virgatum / Switch Grass Full 1 gallon pots	36" o.c.
	SS	355	Schizachyrium scoparium 'Standing Ovation' / Standing Ovation Little Bluestem Full 1 gallon pots	24" o.c.
	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	7'--8' ht. x 4'-5', 1-1/2" CAL., 30 gal	150	600
LN1	2	LAGERSTROEMIA INDICA `NATCHEZ` / 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

IRRIGATION NOTE:
IRRIGATION CONTRACTOR TO PROVIDE A DESIGN FOR AN IRRIGATION SYSTEM SEPARATING PLANTING BEDS FROM LAWN AREA. PRIOR TO CONSTRUCTION, DESIGN IS TO BE SUBMITTED TO THE PROJECT LANDSCAPE DESIGNER FOR REVIEW AND APPROVAL. WHERE POSSIBLE, DRIP IRRIGATION AND OTHER WATER CONSERVATION TECHNIQUES SUCH AS RAIN SENSORS SHALL BE IMPLEMENTED. CONTRACTOR TO VERIFY MAXIMUM ON SITE DYNAMIC WATER PRESSURE AVAILABLE MEASURED IN PSI. PRESSURE REDUCING DEVICES OR BOOSTER PUMPS SHALL BE PROVIDED TO MEET SYSTEM PRESSURE REQUIREMENTS. DESIGN TO SHOW ALL VALVES, PIPING, HEADS, BACKFLOW PREVENTION, METERS, CONTROLLERS, AND SLEEVES WITHIN HARDSCAPE AREAS.

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

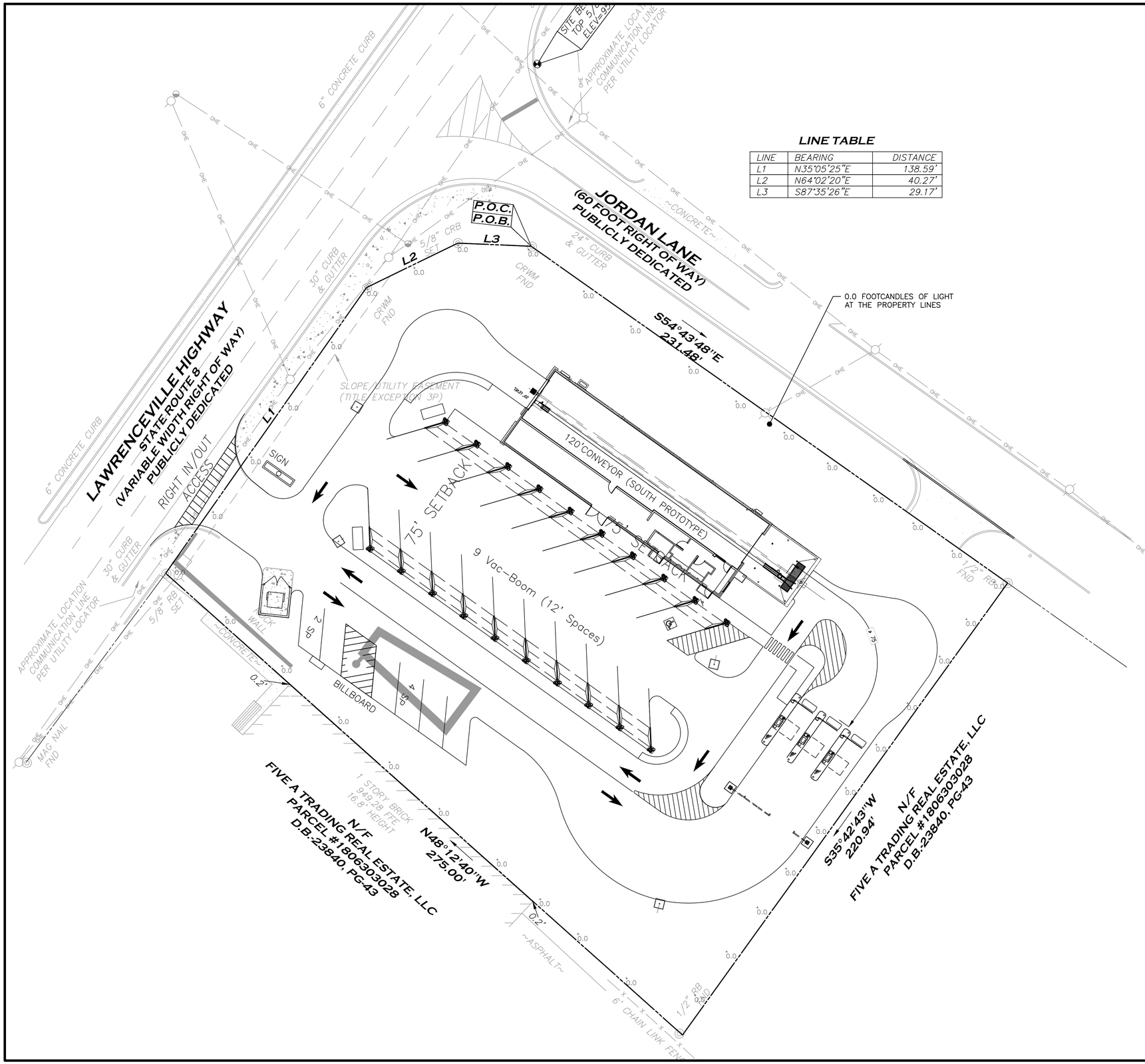
NO.	DATE:	DESCRIPTION
4		
3		
2		
1		

REVISIONS

AIS INFRASTRUCTURE
1111 CAMBRIDGE SQUARE, SUITE C
ALPHARETTA, GEORGIA 30009
PHONE: (678) 395-4920

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

PROJECT NO.:	PROJ. MGR.: LW
DATE: 06.29.22	DRWN. BY: JDV
SCALE: AS NOTED	CHKD. BY: LW
DRAWING SERIES: LANDSCAPE	
SHEET NO. L–1.0	



LINE TABLE

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	17.0
Walkways, access drives and loading/unloading areas	0.2	2.00	10.0
Landscaped areas	0.0	0.50	3.0

NO.	DATE:	DESCRIPTION
4		
3		
2		
1		

REVISIONS

AIS INFRASTRUCTURE
1111 CAMBRIDGE SQUARE, SUITE C
ALPHARETTA, GEORGIA 30009
PHONE: (678) 395-4920

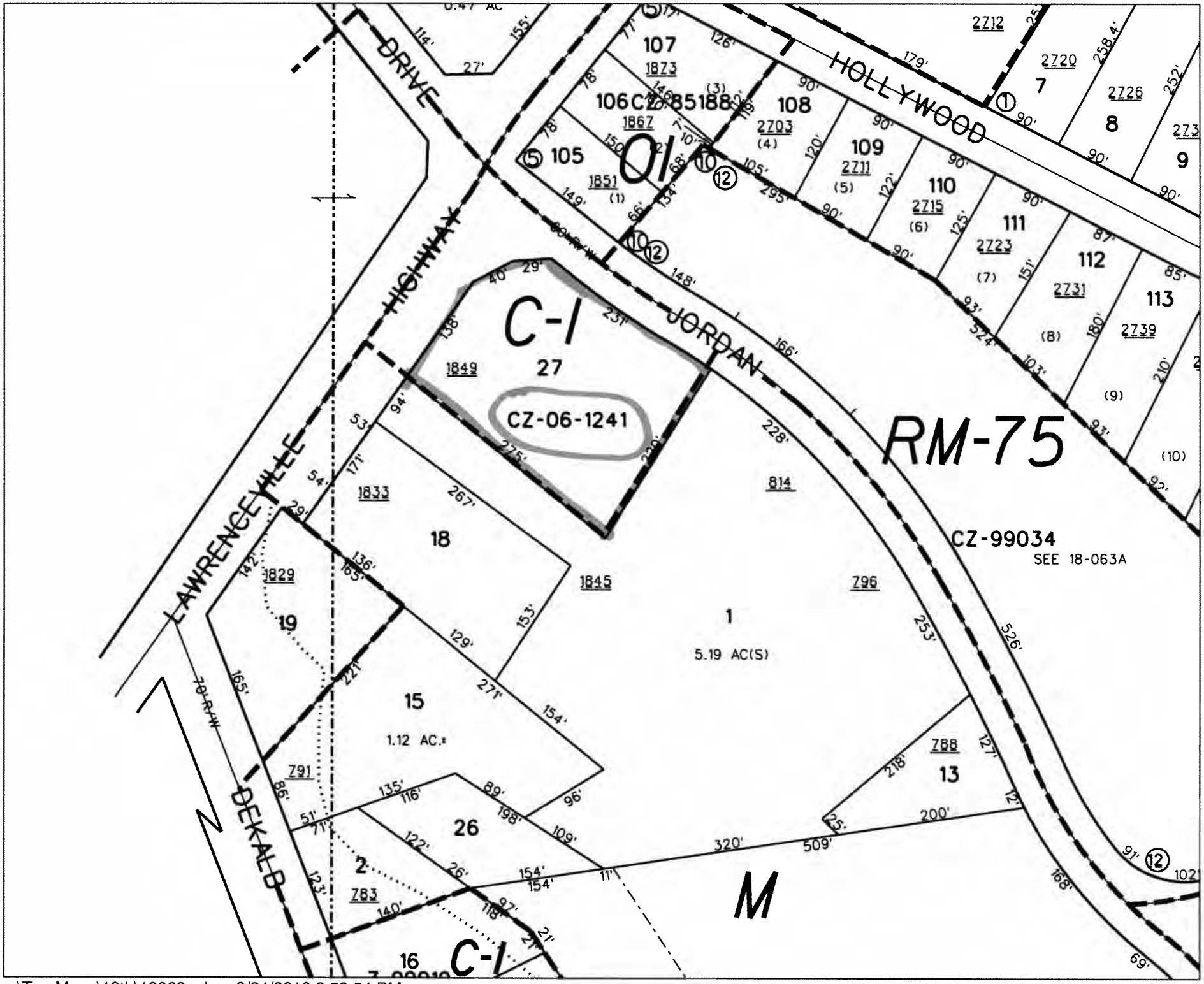
DRAWING TITLE: LIGHTING PLAN

PROJECT NAME: MODWASH
1849 LAWRENCEVILLE HWY, DECATUR, GEORGIA

CLIENT: HUTTON
736 CHERRY STREET, CHATTANOOGA, TENNESSEE 37402

PROJECT NO.:	PROJ. MGR.: LW
DATE: 06.07.22	DRWN. BY: LW
SCALE: AS NOTED	CHKD. BY: LW
DRAWING SERIES: LIGHTING	
SHEET NO. C-5.0	

DATE



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DEKALB COUNTY

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: June 27, 2006

ITEM NO.

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 PAGES: 19	INFORMATION CONTACT: Patrick Ejike/Kevin Hunter 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):

PLANNNG 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	X			
DISTRICT 2 - GALE WALLDORFF	X			
DISTRICT 3 - LARRY JOHNSON				X
DISTRICT 4 – BURRELL ELLIS	X			
DISTRICT 6 – KATHIE GANNON	X			
DISTRICT 7 – CONNIE STOKES	X			

Z-06-1241
Chang/Ali

M →C1 District 4 – 6

To: MR. Chang

COMM.
ITEM NO. H-21 6/27/06
CLERK'S OFFICE Cm Jarrard

Approve with conditions:

1. Conditioned to the office and the 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.

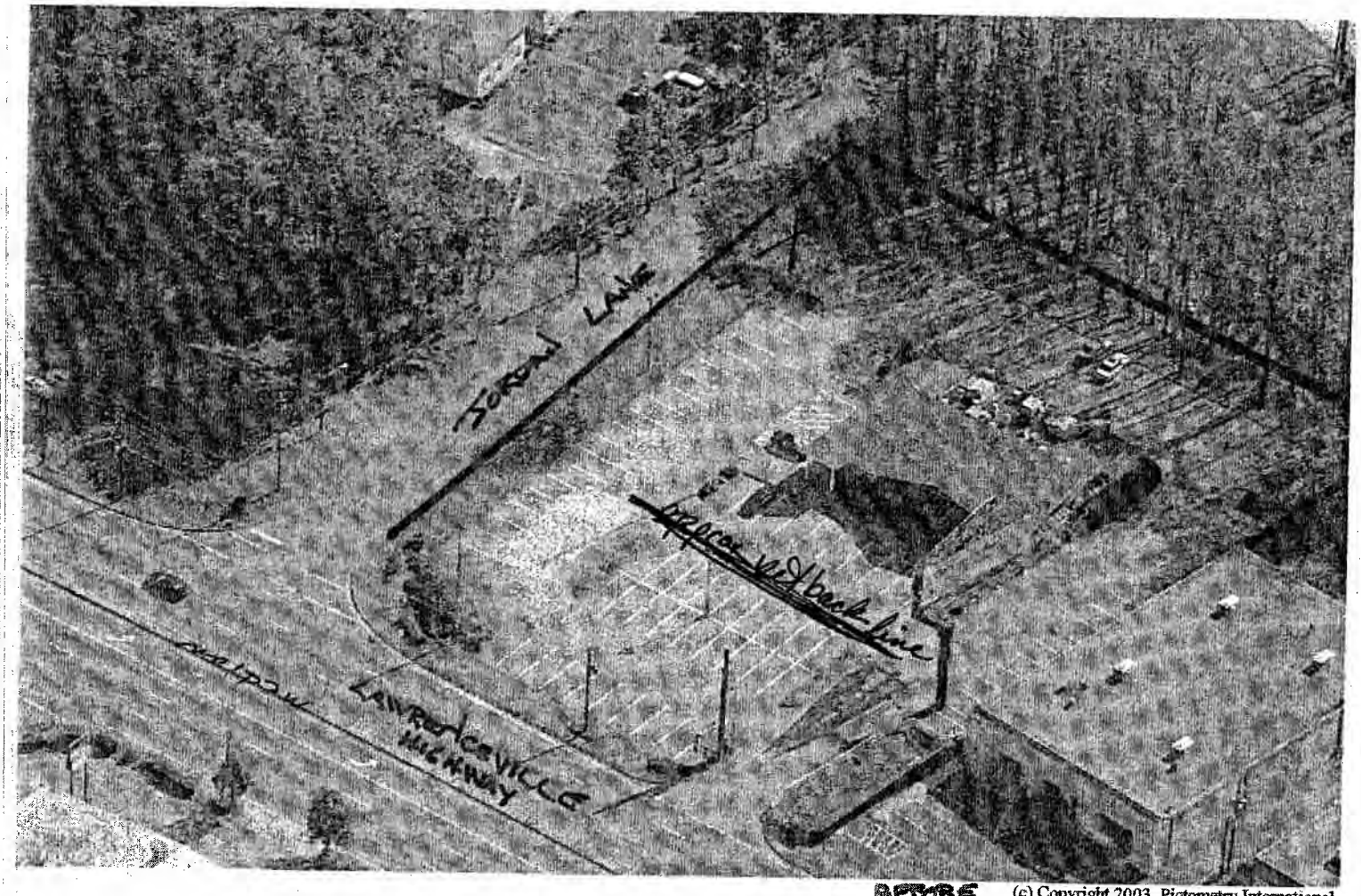
~~5/23/06~~

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

MR Chang

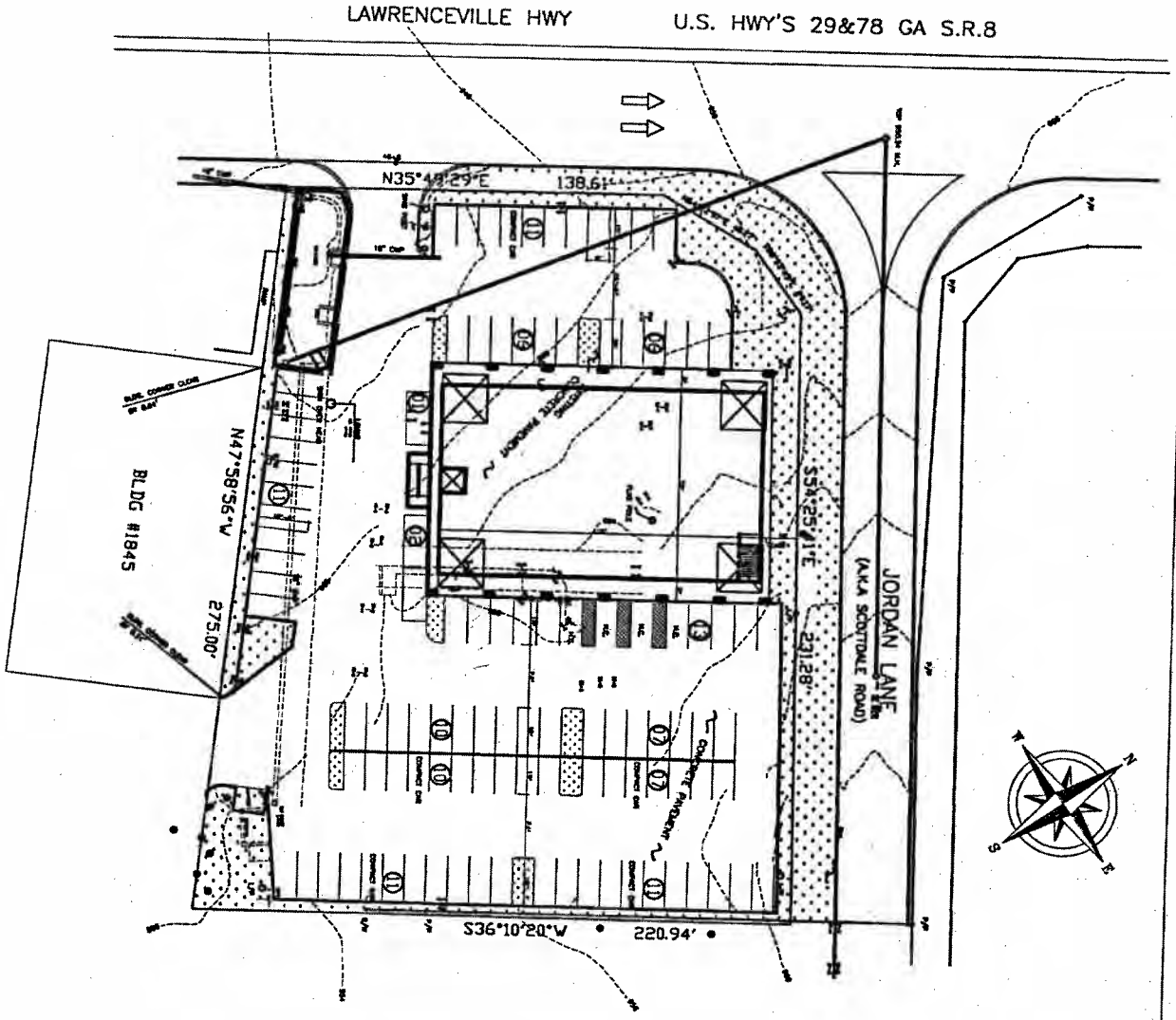
These are the condition proposed for Mr Ali's rezoning from M to C-1 on the morning of June 27* Please let me know if questions

Commissioner GANNON
404-371-4909



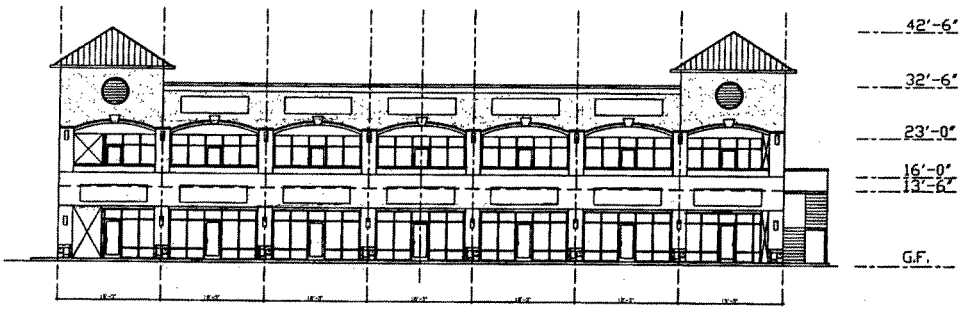
BEFORE (c) Copyright 2003, Pictometry International

Z-06-1241



SITE PLAN	ALI BUILDING	CUSTOM DESIGN & DEVELOPMENT CORPORATION 3188 CHERRYWOOD DRIVE CONNECTOR SUITE 200 ATLANTA, GA. 30340 TEL: (770)-934-9000 FAX: (770)-934-9038	REVISION

DRAWN BY:
SCALE: AS NOTED
PROJECT NO.
DATE: 02/07/2006
SHEET NO. C1 OF



ELEVATION
1/8" = 1'-0"

REVISION	BY

CUSTOM DESIGN & DEVELOPMENT CORPORATION
[illegible]
ATLANTA, GA. [illegible]
TEL. (770)-[illegible] FAX (770)-[illegible]

ATI BUILDING

ELEVATION

DRAWN BY:
SCALE: AS NOTED
PROJECT NO:
DATE: [illegible]
SHEET
A1
OF SHEETS

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

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 filling 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.

_____
Notary

ModWash, LLC

By: _____
Signature of Applicant /Date

Check one: Owner_____ Agent_X_

ERIN EDENS
STATE OF TENNESSEE NOTARY PUBLIC
COUNTY OF HAMILTON

12/10/2025
Expiration Date/ Seal

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

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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Have you, the applicant, made $250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling 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.

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Notary

SHYROZ SINGH
COM. EXP.
NOTARY
PUBLIC
June 10, 2023
GWINNETT COUNTY, GEORGIA

06/10/2023 6/7/22
Expiration Date/ Seal

Karimshah Inc
By:
Signature of Applicant /Date

Check one: Owner X Agent_____

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

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

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 filling of this application?

Yes ✓ No_____*

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

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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

BRITTNEY BUTLER
NOTARY PUBLIC
Exp. Aug. 18, 2025
COBB COUNTY, GA

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

PPG S0995-1
SHADED WHISPER

A

PPG S0995-6
CITY SKYLINE

B

8" x 4"x 16" CMU
INTERGRAL COLORED
SNOW RANGE

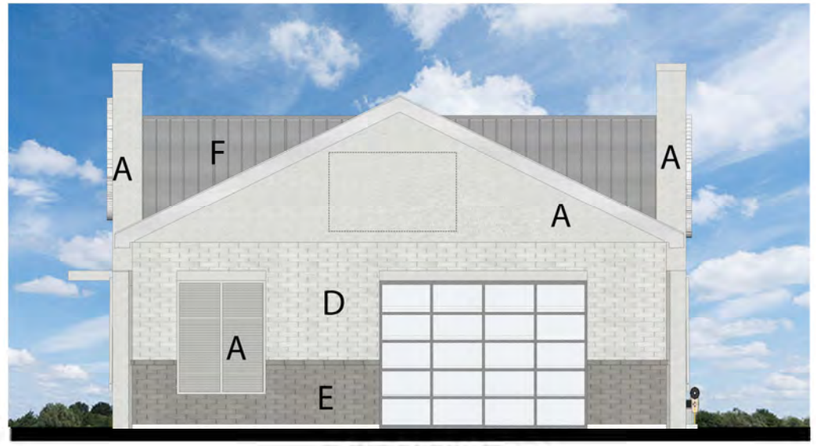
PPG S0995-4
PIGEON FEATHER

C

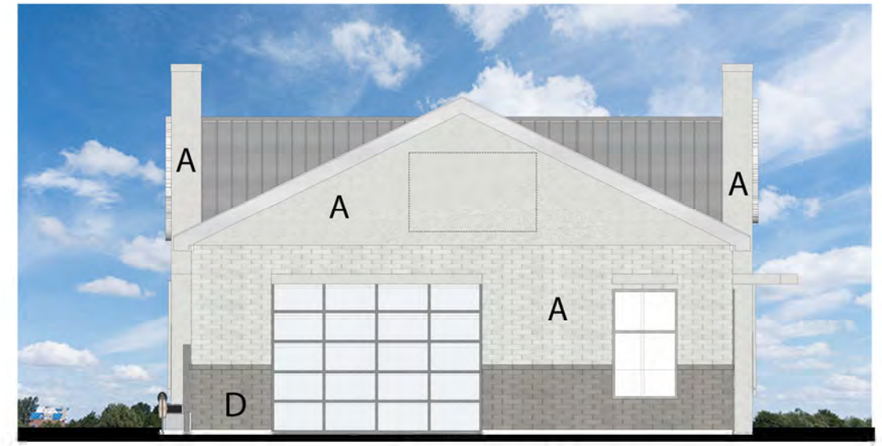
8" x 4"x 16" CMU
INTERGRAL COLORED
OYSTER RANGE

F

METAL ROOFING
PREWEATHEERED
GALVALUME



EXIT ELEVATION



ENTRY ELEVATION

TUNNEL ELEVATION

VACUUM ELEVATION

AXIS INFRASTRUCTURE
1111 CAMBRIDGE SQUARE, SUITE C
ALPHARETTA, GEORGIA 30009
PHONE: (678) 395-4920

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.

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

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 he 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.

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 he 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

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 CONTITUTIONAL 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.

Battle Law

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.

MLB

Michele L. Battle, Esq.
Attorney for the Applicant

NEWWAVE INDUSTRIES LTD.
New Wave Industries
3315 Orange Grove Avenue
North Highlands, CA 95660
www.purclean.com

PURCLEAN SPOT-FREE RINSE SYSTEMS
PURWATER WATER RECOVERY SYSTEMS

May 4, 2022

Site: ModWash
Wash Info: NCS (Tunnel)
Subject: Water Usage Information
To Whom It May Concern:

The PurWater Recovery System has been engineered and designed specifically with the Professional Car Wash Operator in mind and incorporates the same innovative, cutting edge technology the industry has come to expect from PurClean. Modular in design, the PurWater System platform provides a simplified approach that allows the system to be easily adapted to meet the needs and requirements of the targeted wash facility and eliminates the confusion typically associated with water recovery.

NCS– Tunnel

It is a commonly used number that you will lose 6 gallons to evaporation and carry out. Using 38.9 gallons total (reclaim, RO, RO reject and freshwater) per vehicle will put you at 75.99% reclaim which should be a good balance of wash quality and conservation. With your chemical applications and final rinse applications at 13.9 gallons per vehicle, all your undercarriage, and all cloth applications running on reclaimed water you will be at 7.9 gallons per vehicle going to sewer.

Water Use Per Vehicle

- evaporation and carry out 6 gallons
- chemical application and final rinse (RO, RO reject and freshwater) 13.9 gallons
- undercarriage and wash applications running on reclaim water 25 gallons
- at maximum going to sewer 7.9 gallons of reclaim water

Summary

- Total of 38.9 gallons of water used per vehicle
- 13.9 gallons of RO, RO reject and freshwater for chemistry
- 25 gallons of water for the wash / recycle
- 6 gallons of water lost to evaporation and carry out
- 7.9 gallons going to the sewer – calculates to 80.28% reclaim

Total Gallons to Sewer Daily (estimated at 500 cars per day count)

- 7.9 gallons per vehicle going to sewer (estimated 1000 cars per day) total to sewer per day 3,950 gallons

Total Gallons Freshwater, RO & Reject used (estimated at 500 cars per day count)

- 13.9 gallons per vehicle which includes freshwater, RO & RO Reject (estimated 1000 cars per day) total freshwater used per day is 6,950 gallons

Best Regards,

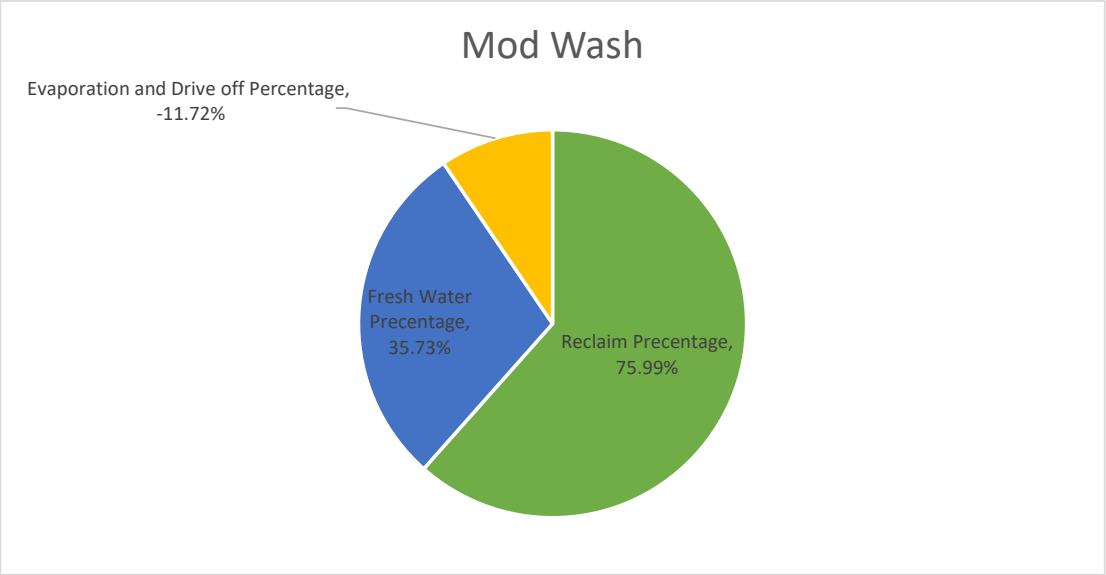
Steven Samudio

Steven Samudio
Technical Sales Manager
PurClean

Mod Wash

Application	Gallons Used	Fresh/Reclaim
FOAMING APPLICATOR ARCH	**1.5**	Fresh
FOAMY CTA #1	**0.3**	Fresh
FOAMY CTA #2	**0.3**	Fresh
TOTAL BATH	**0.6**	Fresh
WRAP FOAMER #1	**1**	Fresh
WRAP AROUND WATER #1	**4**	Reclaim
TRIPLE POLISH	**0.45**	Fresh
MITTER #1	**1.33**	Reclaim
WRAP FOAMER #2	**1**	Fresh
WRAP AROUND WATER #2	**4**	Reclaim
TOTAL SHINE	**0.2**	Fresh
SFB21	**1.33**	Reclaim
UNDERCARRIAGE	**1**	Reclaim
OMNI TOP	**6.67**	Reclaim
OMNI SIDES	**6.67**	Reclaim
HOT WAX	**0.9**	Fresh
807 MITTER	**1.33**	Fresh
SFB28	**1.33**	Fresh
WATERFALL	**0.53**	Fresh
TOTAL SEAL	**0.6**	Fresh
LP MIRROR RINSE	**1**	Fresh
DRYING AGENT	**1.33**	Fresh
SEALER WAX	**0.2**	Fresh
FINAL RINSE	**1.33**	Fresh

Total	38.9
Evaporation and Drive Off Gallons	-6.0
Fresh Water Usage Gallons	13.90
Reclaim Water Usage Gallons	25.0
Reclaim Precentage	75.99%
Fresh Water Precentage	35.73%
Evaporation and Drive off Percentage	-11.72%
	100.00%



NEWWAVE INDUSTRIES LTD.

New Wave Industries
3315 Orange Grove Avenue
North Highlands, CA 95660
www.purclean.com

PURCLEAN SPOT-FREE RINSE SYSTEMS
PURWATER WATER RECOVERY SYSTEMS

June 18, 2018

Reclaim Effluent Quality Estimate for
PurWater Reclaim Systems

Vehicles will attract contaminants predicated on the region of the country, and the roads traveled. These contaminants will consist of soil, road film, tree sap, bird droppings, pollen, insects, oil, and greases. Depending on if the region has snow and ice, then whatever will stick in the snow and ice will also stick to the vehicle. Snow and ice removal materials, which include but are not limited to sand, salt, liquid magnesium chloride which is often applied with a molasses to help it adhere to the road can and will stick to your vehicle as well. All of these contaminants will wash from the vehicle and will end up in the water reclamation tanking system.

The PurWater Reclaim System consists of two primary components … the underground reclaim tank(s) and the above ground PurWater unit. The below ground tanks are normally supplied by a local concrete vault vendor, with their capacity and lay-out per PurWater specifications. The primary purpose of the reclaim system is to provide quality water to the wash so that the water can be re-used within the wash and still provide a clean car. The re-use of the water allows the operator to minimize the amount of incoming fresh water to the wash and the amount that is discharged from the wash. The reclaim system is not designed to meet a specific effluent quality of the discharge, although in many cases the water discharged from the system goes directly to sewer or a leach field.

As the primary purpose of the PurWater Reclaim System is to provide quality water for re-use within the wash, the system is designed to separate settleable solids (typically sand, grit) and free oils from the water going to the wash. These solids and oils can affect the wash quality, and increase the maintenance on wash pumps, piping, and nozzles. The large settleable solids (60-70 micron and larger) are settled within the underground tanks prior to entering the above ground PurWater unit. The PurWater unit uses high efficiency cyclones to remove down to 5 micron settleable solids prior to the wash. The solids-laden water from the PurWater unit is re-introduced into the reclaim water at the front end of the underground tanks, where some solids settle and some continue with the water phase to be re-treated or go out with the effluent. The free oils (60-70 micron and larger) float to the surface within the underground tanks and are trapped within the tanks. Accumulated settleable solids and free oils are periodically (normally every 3-6 months) removed from the reclaim system by pumping out the underground tanks and replacing with fresh water.

Some amount of water is continuously discharged from the reclaim system in order to satisfy the water balance for the wash. The volume of discharge is dependent on the amount of fresh water used by the wash, less any water that is lost to evaporation and carry-out. Depending upon local municipal requirements, the discharge can be sent directly to sewer or to a leach field, or may require additional treatment before final discharge. As each municipality will have its own discharge requirements, it is important to understand what contaminants the PurWater Reclaim System can and cannot affect.

The PurWater Reclaim system uses two processes to reduce contaminant loading. The first is physical separation using centrifugal force (the cyclones) and gravity settling (the reclaim tanks). Physical separation will directly affect the amount of free oil & grease (FOG) and total suspended solids (TSS) left in the discharge water, and indirectly affect the BOD / COD level as it removes oil & grease. The second process is chemical, oxidation using ozone. Ozone will affect the bacterial count, BOD / COD, total suspended solids (primarily bacterial), and some dissolved oils and chemicals. From field testing and experience, the PurWater Reclaim system has been shown to produce effluent qualities as follows:

CONTINUED NEX PAGE

Total Suspended Solids (TSS): 15-100 ppm
Free Oil & Grease (FOG): 10-25 ppm
BOD: 15-50 ppm

TSS, FOG, and BOD are typically the main concerns by municipalities receiving an effluent from a car wash. Given the type of processes used by the PurWater Reclaim system, there is no effect on total dissolved solids (TDS), pH, or temperature. There may also be little to no effect on certain chemicals dissolved in the water, emulsified or dissolved oils, and non-settleable solids.

The above effluent qualities are going to be similar for other types of systems that incorporate physical separation (plate separators, screen / bag filters, media filters, etc.) and chemical oxidation. Biological processes, when operating properly, may produce lower TSS, FOG, and BOD levels than the above, but still will not affect dissolved minerals and some dissolved chemicals in the water.

The above effluent quality estimates are based on normal contaminant loadings seen by car washes. The estimates are not a guarantee of performance. The estimated discharge quality from the PurWater Reclaim System may or may not be acceptable for direct discharge to sewer or a leach field. Local authorities and municipalities should be consulted to determine whether additional treatment is required to meet discharge permits.

If you have any questions or comments on the above, please contact our Sacramento office.

Sincerely,

Teresa Borchard

Teresa Borchard
Director of Technical Sales and Project Management
New Wave Industries
PurClean / PurWater

NEWWAVE INDUSTRIES LTD.
New Wave Industries
3315 Orange Grove Avenue
North Highlands, CA 95660
www.purclean.com

PurWater Reclaim System Design

The PurWater Reclaim System consists of two primary components the underground reclaim tank(s) and the above ground PurWater unit. The below ground tanks are normally supplied by a local concrete vault vendor, with their capacity and lay-out per PurWater specifications. (See attached drawing.) The primary purpose of the reclaim system is to provide quality water to the wash so that the water can be re-used within the wash and still provide a clean car. The re-use of the water allows the operator to minimize the amount of incoming fresh water to the wash and the amount that is discharged from the wash. The reclaim system is not designed to meet a specific effluent quality of the discharge, although in many cases the water discharged from the system goes directly to sewer or a leach field.

As the primary purpose of the PurWater Reclaim System is to provide quality water for re-use within the wash, the system is designed to separate settleable solids (typically sand, grit) and free hydrocarbons, from fat oil and greases, from the water going to the wash. These solids and hydrocarbons can affect the wash quality, and increase the maintenance on wash pumps, piping, and nozzles. The large settleable solids are settled within the underground tanks prior to entering the above ground PurWater unit. The free hydrocarbons float to the surface within the underground tanks and are trapped within the tanks. Accumulated settleable solids and free hydrocarbons are periodically (normally every 6-12 months) removed from the reclaim system by pumping out the underground tanks and replacing with fresh water. **This is a recommendation only; local regulations may require more frequent service.**

There are two factors we use in determining the size of the reclaim tanks for use with our PurWater Reclaim Units. The first consideration is the size of solid particle we want to separate within the reclaim tanks and the second consideration is how often we treat the water in the tanks using the continuous recirculation. The following will provide details on both of these factors:

1) Particle Removal: In the reclaim tank system, we are typically looking to remove solid particles between 60 – 75 microns in size. This ensures large particles are not going through the PurWater unit, which can cause excessive wear and / or plugging. Also, the size of the tanks needed for this removal allows for a relatively large volume for a sludge layer to build so that tanks do not need frequent clean-out. Particle size removal is determined by Stoke's Law:

   V (R/S) = (g x (Rho1 – Rho2) x D^2) / 18 Nu

   Where:
   V (R/S) = Rise or Settling Velocity of a Particle (cm / sec)
   g = Acceleration by Gravity (cm / sec^2)
   Rho1 = Density of Medium (g / cm^3)
   Rho2 = Density of Particle (g / cm^3)
   D = Particle Diameter (cm)
   Nu = Viscosity of Medium (g / cm / sec)

   We assume a water temperature of 68 DegF, which provides a water density of 1.0 g / cm^3 and a viscosity of 1 cp (0.01 g / cm / sec). The solids density we use is 1.2 g / cm^3, which is typically the lighter solids (silt) found in car washes. The acceleration of gravity is 980 cm / sec^2.

   For a 60 micron (0.006 cm) particle, the settling velocity is 0.039 cm / sec, or 0.93 in / min. For a 75 micron (0.0075 cm) particle, the settling velocity is 0.061 cm / sec, or 1.45 in / min. We now use these velocities to determine the tank volume.

CONTINUED NEXT PAGE

We typically recommend using a tank that is 11 ft long (I.D.) by 5 ft wide (I.D.) with a 4.5 ft water depth. We allow for 1 foot at the bottom to be sludge accumulation, so we assume a solids particle must travel a maximum of 3.5 feet (42 in) to be removed. This leaves us with approximately 1440 gallons per tank of working volume (excluding the sludge layer).

For example, we will assume the maximum flow to the reclaim unit is 90 gpm (our PW300 series). To remove 60 micron particles, it will take a working tank volume of 4065 gallons (90 gpm x 42 in travel distance / 0.93 in per minute settling velocity), or 2.8 tanks (4065 gallons / 1440 gallons per tank of working volume). To remove 75 micron particles, it will take a working tank volume of 2606 gallons, or 1.8 tanks. We typically recommend using three tanks for this flow rate.

2) Treatment Frequency: One of the functions of the PurWater system is to continuously recirculate water through the reclaim tanks to provide odor control and to keep the water in the tanks from going stagnant. We recommend treating the entire reclaim tank working volume at least 2-3 times per day. On average, the PurWater unit recirculates water at 12 gpm. Using three tanks (per our example above), the entire working volume will be treated every 6 hours (3 tanks x 1440 gallons per tank / 12 gpm), or 4 times per day. This treatment frequency is well within our guidelines.

Some amount of water is continuously discharged from the reclaim system in order to satisfy the water balance for the wash. The volume of discharge is dependent on the amount of fresh water used by the wash, less any water that is lost to evaporation and carry-out. The discharge is sent to a separate, customer supplied wastewater treatment device, or directly to sewer or a leach field. The PurWater Reclaim System does not treat or affect minerals or chemicals dissolved in the water, emulsified or dissolved oils, non-settleable solids, the BOD / COD content, pH, or temperature of the water that is discharged.

The second component of the reclaim system is the above ground treatment system, which further removes solids from the reclaim water so that it is acceptable for the high pressure pumps and nozzles within the wash. The PurWater reclaim unit has a suction pump that brings water up from the reclaim tank to be treated. The pump speed is controlled by a Variable Frequency Drive (VFD) to either continuously recirculate water (low speed) or to provide water to the wash (high speed). Several pump speeds can be programmed into the VFD to meet various or multiple demands. The PurWater unit uses high efficiency cyclones to remove down to 5 micron settleable solids prior to the wash. The cyclones create nearly 1000 G's of centrifugal force to obtain this fine particle separation. The treated (cleaned) water is sent to the wash and / or back to the reclaim tank as part of its continual recirculation mode. The solids-laden water from the PurWater unit is re-introduced into the reclaim water at the front end of the underground tanks, where some solids settle and some continue with the water phase to be re-treated or go out with the effluent.

The above ground reclaim system also has the function of providing odor control for the reclaim water. Reclaim water is a great environment for growing bacteria which can create plugging and odor problems. Typically, anaerobic bacteria (bacteria that grow in the absence of oxygen) will grow beneath the settled solids in the reclaim water tank. This type of bacteria produces hydrogen sulfide which produces an odor similar to rotten eggs. To control this bacterial growth, the PurWater reclaim system continuously recirculates water through the tanks to keep the water moving so that it does not go septic. The PurWater system also incorporates one of three odor control devices to further keep the bacterial growth in check. The first method uses an Air Sparger, which brings in air as the recirculation water passes through it. This puts oxygen in the water stream and helps control the anaerobic bacteria. The second method adds an enzyme into the recirculation water, plus uses the Air Sparger. The enzyme breaks down the dissolved organic material in the water, which takes away the bacteria's food source to keep their population controlled. The third method used is the addition of ozone, which is a powerful disinfectant similar to chlorine. The ozone kills the bacteria to provide a nearly bacteria free water. Also, ozone oxidizes dyes in the water, so it will remove the color created by wash chemicals (i.e. triple foams).

Attached are spec sheets and drawings of typical underground reclaim tanks and PurWater reclaim systems. If you have any questions or comments on the above, please contact our Sacramento office.

Sincerely,

Teresa Borchard

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