

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 03 Super District 07

Application of Venture South Investment, LLC c/o Battle Law, P.C. to rezone property from C-1 (Local Commercial) zoning district to C-2 (General Commercial) zoning district to allow for the consolidation of the property with adjacent C-2 zoned properties to allow for a proposed grocery store with retail shops, at 3221 Glenwood Road.

PETITION NO: N4-2025-0287 Z-25-1247428

PROPOSED USE: Grocery store with retail shops.

LOCATION: 3221 Glenwood Road, Decatur, Georgia 30032

PARCEL NO. : 15 170 13 088

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Venture South Investment, LLC c/o Battle Law, P.C. to rezone property from C-1 (Local Commercial) zoning district to C-2 (General Commercial) zoning district to allow for the consolidation of the property with adjacent C-2 zoned properties to allow for a proposed grocery store with retail shops.

RECOMMENDATION:

COMMUNITY COUNCIL: (April 2025) Approval with conditions.

PLANNING COMMISSION: (May 6, 2025) Pending.

PLANNING STAFF: 30-Day Deferral.

STAFF ANALYSIS: The Applicant, Venture South Investment, LLC, is seeking to develop a commercial/retail development on an assemblage of seven (7) parcels at the intersection of Glenwood Road and Candler Road owned by Mack III Development, LLC and HLC, LLC (the “Project Site”). The property at 3221 Glenwood Road being Tax Parcel 15 170 13 088 (the “Subject Property”) located at the intersection of Glenhill Place and Glenwood Road is a portion of the Project Site. The Subject Property is currently zoned C-1 and is located within the Commercial Redevelopment Corridor (CRC) Land Use Designation. The balance of the Project Site is zoned C-2. Therefore, for the Subject Property to be consolidated into one parcel with the balance of the Project Site it must also be zoned C-2, which is why the Applicant is seeking this proposed rezoning. This property will be part of a project for a grocery store and retail uses. There is also a companion case (CZ-25-1247427, 1816 Candler Road) for a major modification of zoning conditions to allow a grocery store to have access to Glenhill Place. However, since the subject property is not in the I-20 Overlay District and the adjacent properties to the west are within the I-20 Overlay District, the I-20 Overlay boundary would need to be extended to encompass this property in order for the entire project to fall under the same I-20 Overlay/C-2 designation. This process would require a text amendment and endorsement by the District and Super District Commissioners. Staff is supportive of the rezoning to C-2. However, Staff is recommending a “30-Day Deferral” of the companion major modification case. Since the subject property is an integral part of the companion major modification application, it is appropriate that this application also be deferred. Therefore, upon review of Section 7.3.5 of the *Zoning Ordinance* (Standards and factors governing review of proposed amendments to the official zoning map), it is the

recommendation of the Planning & Sustainability Department that the application be ***“Deferred,30 days to the June 24, 2025 BOC a.m. meeting”*** to allow the applicant time to consider revising the companion case plan to address Staff’s comments. However, Staff offers the attached conditions should the rezoning be approved.

PLANNING COMMISSION VOTE: (May 6, 2025) Pending.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (April 2025) Approval with conditions 8-0-1. Council recommended approval with the following conditions: 1) provide sound barrier and a substantial beautification buffer for the single-family community to the east to minimize truck traffic noise and visual impacts; and, 2) restrict land uses and standards of the property at the corner of Glenhill Place and Glenwood Road (3221 Glenwood) to align with the I-20 Overlay District.

Z-25-1247428 (2025-0287)
Recommended Conditions – May 2025
3221 Glenwood Road, Decatur, GA 30032

1. A one- to two-story commercial building shall be constructed on the project site prior to the issuance of any certificates of occupancy for the proposed grocery store. The commercial building shall comply with the fenestration (windows) requirements of the Zoning Ordinance for all sides of the building. No parking is allowed between the building and Glenwood Road or Glenhill Place.
2. The entire roadway section of Glenhill Place needs to be brought up to current standards prior to issuance of any certificates of occupancy. Requires a 6-foot landscape strip and 5-foot sidewalk. Requires streetlights. All intersections must meet AASHTO sight distance requirements. Lane widths and other design factors must be designed for truck traffic. Written confirmation of approval from DeKalb County Transportation Department prior to issuance of any building permits. See attached Transportation Department comments.
3. Approval of this major modification application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Planning Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by each entity.

Planning Commission Hearing Date: May 6, 2025
Board of Commissioners Hearing Date: May 22, 2025

STAFF ANALYSIS

CASE NO.:	Z-25-1247428	File ID #: 2025-0287
Address:	3221 Glenwood Road, Decatur, Georgia 30032	Commission District: 03 Super District: 07
Parcel ID(s):	15 170 13 088	
Request:	To rezone property from C-1 (Local Commercial) to C-2 (General Commercial) zoning district to allow for the consolidation of property with adjacent C-2 zoned properties to allow for a proposed grocery store with retail shops.	
Property Owner(s):	Mack III Development, LLC	
Applicant/Agent:	Venture South Investment, LLC c/o Battle Law, P.C.	
Acreage:	0.35	
Existing Land Use:	Vacant structures and land	
Surrounding Properties:	North: C-1 (Local Commercial) East: C-1 (Local Commercial) South: I-20 Overlay/C-2 (General Commercial) West: I-20 Overlay/C-2	
Comprehensive Plan:	CRC (Commercial Redevelopment Corridor) <u> X </u> Consistent <u> </u> Inconsistent	

STAFF RECOMMENDATION: 30-Day Deferral.

The Applicant, Venture South Investment, LLC, is seeking to develop a commercial/retail development on an assemblage of seven (7) parcels at the intersection of Glenwood Road and Candler Road owned by Mack III Development, LLC and HLC, LLC (the “Project Site”). The property at 3221 Glenwood Road being Tax Parcel 15 170 13 088 (the “Subject Property”) located at the intersection of Glenhill Place and Glenwood Road is a portion of the Project Site. The Subject Property is currently zoned C-1 and is located within the Commercial Redevelopment Corridor (CRC) Land Use Designation. The balance of the Project Site is zoned C-2. Therefore, for the Subject Property to be consolidated into one parcel with the balance of the Project Site it must also be zoned C-2, which is why the Applicant is seeking this proposed rezoning. This property will be part of a project for a grocery store and retail uses.

There is also a companion case (CZ-25-1247427, 1816 Candler Road) for a major modification of zoning conditions to allow a grocery store to have access to Glenhill Place. However, since the subject property is not in the I-20 Overlay District and the adjacent properties to the west are within the I-20 Overlay District, the I-20 Overlay boundary would need to be extended to encompass this property in order for the entire project to fall under the same I-20 Overlay/C-2 designation. This process would require a text amendment and endorsement by the District and Super District Commissioners.

Staff is supportive of the rezoning to C-2. However, Staff is recommending a “30-Day Deferral” of the companion major modification case. Since the subject property is an integral part of the companion major modification application, it is appropriate that this application also be deferred. Therefore, upon review of Section 7.3.5 of the *Zoning Ordinance* (Standards and factors governing review of proposed amendments to the official

zoning map) , *it* is the recommendation of the Planning & Sustainability Department that the application be ***“Deferred, 30 days to the June 24, 2025 BOC a.m. meeting”*** to allow the applicant time to consider revising the companion case plan to address Staff’s comments. However, Staff offers the following conditions should the rezoning be approved.

1. A one- to two-story commercial building shall be constructed on the project site prior to the issuance of any certificates of occupancy for the proposed grocery store. The commercial building shall comply with the fenestration (windows) requirements of the Zoning Ordinance for all sides of the building. No parking is allowed between the building and Glenwood Road or Glenhill Place.
2. The entire roadway section of Glenhill Place needs to be brought up to current standards prior to issuance of any certificates of occupancy. Requires a 6-foot landscape strip and 5-foot sidewalk. Requires streetlights. All intersections must meet AASHTO sight distance requirements. Lane widths and other design factors must be designed for truck traffic. Written confirmation of approval from DeKalb County Transportation Department prior to issuance of any building permits. See attached Transportation Department comments.
3. Approval of this major modification application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Planning Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by each entity.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Lorraine Cochran-Johnson

Interim Director
Cedric G. Hudson, MCRP

ZONING COMMENTS – MAY 2025

N1-2025-0283 Z-25-1247358 (1619 Pleasant Hill Trl & 7850 Pleasant Hill Rd): 149 units. Pleasant Hill Trail appears to be an unimproved right of way (not abandoned) in the proposed project area (per GIS Map)- classified as local. Verify ownership. If determined to be an unimproved public right of way, infrastructure improvements noted in Zoning Code 5.4.3 and Land Development Code 14-190 are required. This project requires 2 access points- ensure phasing meets required access points at any given time since connecting to other developments. Ensure that there are enough access points to service the entire system when all developments are complete (i.e.- this development cannot put the other developments that it is connecting to out of compliance for number of access points). Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. All interior streets require a right of way dedication of 55 feet. Requires a 6-foot landscape strip with a 5-foot sidewalk. Requires streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements.

N2-2025-0285 Z-25-1247420 (4743 Flat Shoals Pkwy): 79 Units. 4743 Flat Shoals Parkway. Flat Shoals Parkway is SR 155 and classified as a major arterial. GDOT review and approval is required prior to permitting. (JLivingston@dot.ga.gov) Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Along all frontage of SR 155: Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Interior streets to be private. General: no poles to remain in sidewalk/path. All intersections must meet AASHTO sight distance requirements.

N3-2025-0286 CZ-25-1247427 (1816 Candler Road); and N4-2025-0287 Z-25-1247428 (3221 Glenwood Road): I-20 Overlay District, Tier 2. Seek guidance from the overlay planner for required infrastructure improvements. Candler Road is SR 155 and a major arterial. GDOT review and approval is required prior to permitting. (JLivingston@dot.ga.gov) Where the overlay is silent: Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Along all frontage of SR 155: Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Glenwood Road is classified as a minor arterial. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Glenhill Place is classified as a local road. Discussions need to be held about approval of truck entrance on this road. No approval of truck entrance without the direct approval of Planning and Development and the Transportation Division. Would prefer truck traffic from Glenwood Rd or Candler Rd (both truck routes). If permission is granted, the entire roadway section (including pavement section) will need to be brought up to current standards to accommodate truck traffic. Requires a right of way dedication of 55 feet. Requires a 6-foot landscape strip with a 5-foot sidewalk. Requires streetlights. (hefowler@dekalbcountyga.gov). Lane widths and other design factors must be designed for truck traffic. General: no poles to remain in sidewalk/path. All intersections must meet AASHTO sight distance requirements.

N5-2025-0288 Z-25-1247426; and N6-2025-0289 SLUP-25-1247425 (5346 O'Malley Lane): No parking within 100 feet of the intersection.

N7-2025-0291 SLUP-25-1247431 (2667 Candler Woods Court): No on-street parking allowed.

N8-2025-0292 SLUP-25-1247429 (3574 Boring Road): No on-street parking allowed.

N9-2025-0293 SLUP-25-1247395 (2615 Shallowford Road): No comments.

N10-2025-0295 SLUP-25-1247423; and N11-2025-0296 SLUP-25-1247424:

Memorial Drive is a state route. GDOT review and approval is required prior to permitting. (JLivingston@dot.ga.gov). If a land development permit is required: Memorial Drive is a major arterial. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Along all frontage of SR 155: Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles to remain in the sidewalk/path. All intersections must meet AASHTO sight distance requirements.



3/5/2025

To: Ms. LaSondra Hill, Planning Manager
From: Ryan Cira, Director
Cc: Alan Gaines, Duty Director
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.



N4 2025-0287

Z-25-1247428 15 170 13 088

3221 Glenwood Road, Decatur, GA 30032

Amendment

- Review general comments.
- No septic indicated on this property.
- Note: DeKalb Public Health prohibits use of on-site sewage disposal systems for personal care homes with more than six (6) clients.

N5 2025-0288

Z-25-1247426 18 019 03 019

5346 O'Malley Lane, Stone Mountain, GA 30088

Amendment

- Review general comments.
- Note: DeKalb Public Health prohibits use of on-site sewage disposal systems for personal care homes with more than six (6) clients.

N6 2025-0289

SLUP-25-1247425 18 019 03 019

5346 O'Malley Lane, Stone Mountain, GA

Amendment

- Review general comments.
- Note: DeKalb Public Health prohibits use of on-site sewage disposal systems for personal care homes with more than six (6) clients.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov
3221 Glenwood Road Z-25-1247428

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:

- Transportation/Access/Row

- Storm Water Management

Underground detention pond is feasible for this site.

- Flood Hazard Area/Wetlands

The site is outside of floodplain.

- Landscaping/Tree Preservation

- Tributary Buffer

- **Fire Safety**



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

**REZONE
COMMENTS FORM:**

PUBLIC WORKS ROAD AND DRAINAGE

Case No.: Z-25-1247428 Parcel I.D. #: 15 170 13 088

Address: 3221 Glenwood Road Decatur, GA 30032

Drainage Basin: Shoal Creek

Upstream Drainage Area: N/A

Percent of Property in 100-Year Floodplain: 0%

Impact on property (flood, erosion, sedimentation) under existing zoning: There is no reported impact of flood, erosion or sedimentation on property under existing zoning.

Required detention facility(s): N/A

COMMENTS:

Approval of the rezoning application will not affect existing county roads and drainage infrastructure.

Signature: Akin A. Akinsola



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: Z-25-1247428 Parcel I.D. #s: 15-170 13-088
Address: 3021 Glenwood Road
Decatur, Ga. 30032

Adjacent Roadway (s):

(classification) (classification)

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

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7th Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS: There are no traffic engineering concerns at
this time.

Signature: _____

Janifer R. Reed



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

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

Case No.: Z-25-1247428 Parcel I.D. #: 15 170 13 088

Address: 3221 Glenwood Road

WATER:

Size of existing water main: 8"CI (adequate/inadequate)

Distance from property to nearest main: adjacent Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: Increnchment Creek

Is sewer adjacent to property: Yes ☒ No ☐ If no, distance to nearest line: _____

Water Treatment Facility: Snapfinger adequate ☐ inadequate ☐

Sewage Capacity: 36 (MGPD) Current Flow: 28 (MGPD)

COMMENTS:

Approval of the rezoning application will not affect existing county roads
and drainage infrastructure.

Signature: Yola Lewis



MARTA May 2025 Case Comments

D1-2024-1496 CZ-25-1246771 4015 Flat Shoals Pkwy:

This development is adjacent to existing service along Columbia Drive and also fronts planned MARTA service along Flat Shoals Parkway. We recommend that a condition for rezoning be that the developer must coordinate with MARTA to ensure proper pedestrian access between the development and existing and planned bus stops.

N2-2025-0285 Z-25-1247420 4743 Flat Shoals Pkwy:

This development is adjacent to planned MARTA service along Flat Shoals Parkway. We recommend that a condition for rezoning be that the developer must coordinate with MARTA to ensure proper pedestrian access between the development and planned bus stops.

N3-2025-0286 CZ-25-1247427 1816 Candler Road:

This property is adjacent to existing MARTA service as well as the planned Candler Road Arterial Rapid Transit project. While no ART stops are planned in front of this parcel on Candler Road, there will be an increased pedestrian demand for this location due to proximity to improved transit. Sidewalks and driveways for the development should be carefully designed with ped access and safety in mind. Developer should coordinate with MARTA during design phase.

N4-2025-0287 Z-25-1247428 3221 Glenwood Road:

This location is adjacent to existing MARTA service for Route 107. Due to this and proximity to the planned Candler Road Arterial Rapid Transit project, there will be an increased pedestrian demand for this location. Sidewalks and driveways for the development should be carefully designed with ped access and safety in mind. Developer should coordinate with MARTA during design phase.

**Rezoning Application to Amend the Official Zoning Map
of DeKalb County, Georgia**

Applicant Name: Venture South Investments, LLC

Applicant Email Address: e.corder@vsouth.com

Applicant Mailing Address: 120 West Trinity PL, Suite 400, Decatur, GA 30030

Applicant Phone Number: 502-558-8698

Owner Name: HLC, LLC

(If more than one owner, attach list of owners.)

Owner Email Address: mwilbourn@mackil.com

Owner Mailing Address: 3421 Dogwood Dr, Hapeville, GA 30354

Owner Phone Number: 404-768-9977

Subject Property Address: 3221 Glenwood Rd, Decatur, GA 30032

Parcel ID Number(s): 15 17.0 8.0.88

Acreage: 0.35 **Commission District(s):** 3 **Super District:** 7

Existing Zoning District(s): C-1 **Proposed Zoning District(s):** C-2

Existing Land Use Designation(s): CRC **Proposed Land Use Designation(s):** n/a (if applicable)

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

Venture South Investments, LLC

Owner: _____ Agent: ✓


Signature of Applicant: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Lorraine Cochran-Johnson

Interim Director
Cedric G. Hudson, MCRP

REZONING APPLICATION CHECKLIST

Submit application through our online portal www.epermits.dekalbcountyga.gov

Email one (1) copy of your application as one (1) PDF file to plansustain@dekalbcountyga.gov and copy lahill@dekalbcountyga.gov

- ☒ 1. Schedule a mandatory, virtual **Pre-Application Conference** with Planning & Sustainability staff by appointment. Please email lahill@dekalbcountyga.gov for appointment.
- ☒ 2. Hold a **Pre-Submittal Community Meeting** with surrounding neighborhood associations and residents. Provide documentation of the meeting (**meeting notice and sign in sheets**). Letter(s) from homeowners' association(s) may also be provided.
- ☐ 3. Submit **Application** through portal www.epermits.dekalbcountyga.gov and then email Staff.
Please assemble materials in the following order:
 - ☒ **A. Application form** with name and address of applicant and owner, and subject property address.
 - ☒ **B. Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting.
 - ☐ **C. Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation).
 - ☐ **D. Impact Analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.
 - ☐ **E. Authorization Form**, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property.
 - ☒ **F. Campaign disclosure statement** (required by State law).
 - ☐ **G. Legal boundary survey** of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. **Written Legal Description** of meters and bounds of the subject property (can be printed on site plan or survey).
 - ☒ **H. Site Plan** of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following:
 - ☒ a. complete boundaries of subject property;
 - ☒ b. dimensioned access points and vehicular circulation drives;
 - ☒ c. location of all existing and proposed buildings, structures, setbacks and parking;
 - ☒ d. location of 100-year floodplain and any streams;
 - ☒ e. notation of the total acreage or square footage of the subject property;
 - ☒ f. landscaping, tree removal and replacement, buffer(s); and
 - ☒ e. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.
 - ☒ **I. Building Form Information.** Elevation (line drawing or rendering) or details of proposed materials in compliance with Article 5 of the Zoning Ordinance. If new buildings and/or structures are being developed or renovations are being completed, please provide proposed elevations.
 - ☐ **J. Completed, signed Pre-Application Form** (Provided after pre-application meeting).

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



Battle Law

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

Zoom Instructions:

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join" . To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact
Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jeb@battlelawpc.com

COMMUNITY MEETING TO DISCUSS A MAJOR MODIFICATION & REZONING TO ALLOW FOR A MIXED-USE PROJECT

**Project Title: Venture South Invest-ment,
LLC - 1816 Candler Road and 3221
Glenwood**

When: February 10, 2025

Time: 6:00 PM Eastern (US and Cana-da)

Register in advance for this meeting:

<https://otago.zoom.us/join>

Meeting ID: 892 1107 5291

Password: 71077

Parcel(s): 15 170 13 030

First Name	Last Name	Email
Malcolm	Hughes	hfgcpa@bellsouth.net
Dalton	Duriez	dduriez@blueriverdevelopment.com
Zoom user		frtj9zf9yk@privaterelay.appleid.com
Todd	Ellis	tellis@naibg.com
samuel	armstrong	armstrong424@gmail.com
Oge	Ekeh	ogeh22@yahoo.com
Andrew	Andrle	andrewandrle@gmail.com
Eve Jackson		eviejac@gmail.com
james	tyree	jtyree05@yahoo.com
James		jamescrawford.film@gmail.com
Johnny	Ross	jrpizza406@yahoo.com
Mack	Wilbourn	mwilbourn@mackii.com
Vanetta	Keyes	vanetta@vskcpa.com
Travis	Jones	tjones@mackii.com
Jason	Smith	jason@smithworksiron.com
Anna	Turkett	annaturkett@gmail.com
Kelly	Jordan	kellyjordan@earthlink.net
Chandra Armstrong		drbrittarm@yahoo.com
G	Curtis	gpcurtissr@comcast.net
Brian	Kay	BKay@atwell.com
Evan	Conder	e.conder@vsouth.com
Michael	Rossi	mrossi@atwell-group.com
Michael	K	M.kuniansky@vsouth.com
Lauren Smith		lsmithgolf@gmail.com

DEPARTMENT OF PLANNING & SUSTAINABILITY

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: 2/14/2025

TO WHOM IT MAY CONCERN:

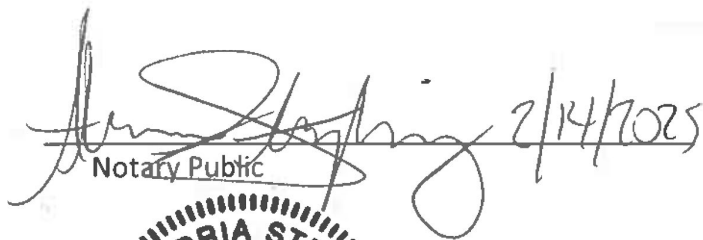
(I), (WE) HLC, LLC
Name of owners(s) (If more than one owner, attach a separate sheet)

Being (owner) (owners) of the subject property described below or attached hereby delegate authority to:

Venture South Investment, LLC & Battle Law, P.C.

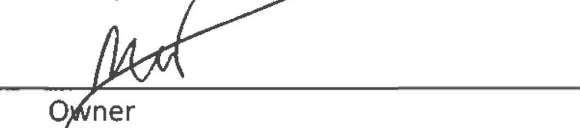
Name of Agent or Representative

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


Notary Public

HLC, LLC, a Georgia limited liability company

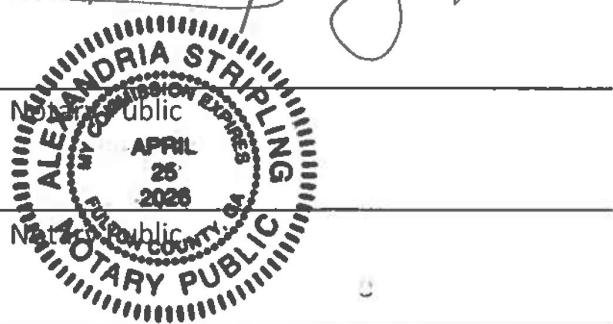
By: Mack Wilbourn
Owner


Owner

Owner

Owner

Owner



Notary Public

Notary Public

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes ✓ No *

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

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

[Signature] 2/14/2025
Notary

[Signature] 2/14/2025
Signature of Applicant /Date

Check one: Owner ✓ Agent

4/25/2026

Expiration Date/ Seal



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



DeKalb County
GEORGIA

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.

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

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary

Signature of Applicant /Date

Check one: Owner _____ Agent XX



Expiration Date/Seal

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes ____ No 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

Evan Conder Digitally signed by Evan Conder
Date: 2025.02.04 11:36:39 -05'00'

Signature of Applicant /Date

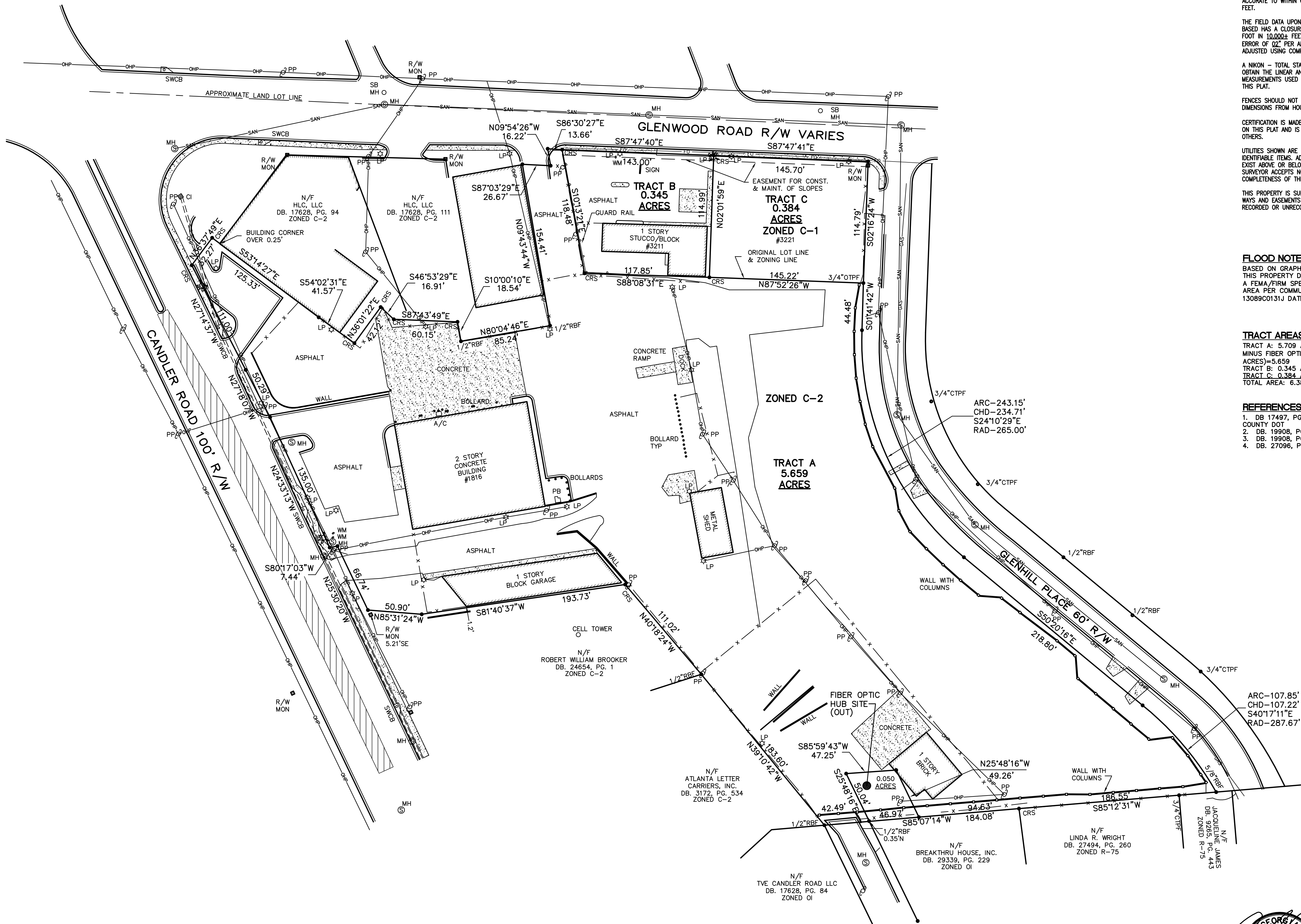
Check one: Owner _____ Agent X _____

Expiration Date/ Seal

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

- LEGEND**
- RBF REBAR FOUND (1/2" REBAR)
 - CRS CAPPED REBAR SET (1/2" REBAR)
 - OTF OPEN TOP FOUND
 - CTF CRIMP TOP FOUND
 - JUNCTION BOX
 - LLL LAND LOT LINE
 - ☆ LIGHT POLE
 - MH MANHOLE
 - PROPERTY LINE
 - BL BUILDING LINE
 - C.L.F. CHAIN LINK FENCE
 - C/O SEWER CLEAN OUT
 - DE DRAINAGE EASEMENT
 - DROP INLET
 - RBF REBAR FOUND
 - R/W RIGHT-OF-WAY
 - SE SANITARY SEWER EASEMENT
 - CRZ CRITICAL ROOT ZONE
 - UE UTILITY EASEMENT
 - ★ FIRE HYDRANT
 - SINGLE WING CATCHBASIN
 - DOUBLE WING CATCHBASIN
 - WATER VALVE
 - GAS VALVE
 - HEADWALL

BASE BEARING PER
GA GRID WEST



SURVEY NOTES:

TRACT A
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE
BY LATITUDES AND DEPARTURES AND IS FOUND
ACCURATE TO WITHIN ONE FOOT IN 248,632
FEET.

TRACT B
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE
BY LATITUDES AND DEPARTURES AND IS FOUND
ACCURATE TO WITHIN ONE FOOT IN 535,327
FEET.

TRACT C
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE
BY LATITUDES AND DEPARTURES AND IS FOUND
ACCURATE TO WITHIN ONE FOOT IN 242,628
FEET.

THE FIELD DATA UPON WHICH THIS PLAT IS
BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 10,000+ FEET AND AN ANGULAR
ERROR OF 02" PER ANGLE POINT AND WAS
ADJUSTED USING COMPASS RULE.

A NIKON - TOTAL STATION WAS USED TO
OBTAIN THE LINEAR AND ANGULAR
MEASUREMENTS USED IN THE PREPARATION OF
THIS PLAT.

FENCES SHOULD NOT BE PLACED USING SIDE
DIMENSIONS FROM HOUSE OR STRUCTURE.

CERTIFICATION IS MADE TO PERSON(S) NAMED
ON THIS PLAT AND IS NOT TRANSFERABLE TO
OTHERS.

UTILITIES SHOWN ARE LOCATIONS OF GROUND
IDENTIFIABLE ITEMS. ADDITIONAL UTILITIES MAY
EXIST ABOVE OR BELOW GROUND. THE
SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE
COMPLETENESS OF THIS DATA.

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF
WAYS AND EASEMENTS SHOWN OR NOT SHOWN,
RECORDED OR UNRECORDED.

FLOOD NOTE:

BASED ON GRAPHIC DETERMINATION,
THIS PROPERTY DOES NOT LIE WITHIN
A FEMA/FIRM SPECIAL FLOOD HAZARD
AREA PER COMMUNITY PANEL NO.
13089C0131J DATED 5/16/13

TRACT AREAS

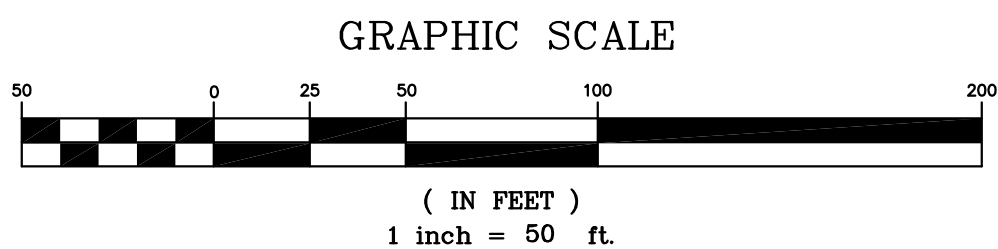
TRACT A: 5.709 ACRES
MINUS FIBER OPTIC HUB SITE: (0.050
ACRES)=5.659
TRACT B: 0.345 ACRES
TRACT C: 0.384 ACRES
TOTAL AREA: 6.388 ACRES

REFERENCES

1. DB 17497, PG. 712 DEKALB
COUNTY DOT
2. DB. 19908, PG. 748
3. DB. 19908, PG. 742
4. DB. 27096, PG. 467

ARC-107.85'
CHD-107.22'
S40°17'11"E
RAD-287.67'

ARC-243.15'
CHD-234.71'
S24°10'29"E
RAD-265.00'



IN MY OPINION, THIS PLAT IS A CORRECT
REPRESENTATION OF THE LAND PLATTED AND
HAS BEEN PREPARED IN CONFORMITY WITH
THE MINIMUM STANDARDS AND REQUIREMENTS
OF LAW.

REVISIONS

1.	2.	3.	4.	5.

SCI Development Services
ENGINEERS - SURVEYORS - PLANNERS

2020 WESTSIDE COURT - SUITE E - SNELLVILLE, GEORGIA 30078
(770) 736-7666 FAX (770) 736-4623
MAIL@SURVEYCONCEPTS.NET

ASBUILT SURVEY FOR:

**Mack III Development, LLC, First Horizon Bank and
Old Republic National title Insurance Company**

LAND LOT 170 15th DISTRICT
DEKALB COUNTY, GEORGIA

DATE	DRAWN	CHECKED
7/10/22	DCP	JAS
SCALE 1"=50'		
SHEET TITLE		
ASBUILT SURVEY		

PROJECT NUMBER

55745

Legal Description

3221 Glenwood Road

ALL THAT TRACT or parcel of land lying and being in Land Lot 170 of the 15th District, Dekalb County, Georgia, and being more particularly described as follows:

BEGINNING at point at the westerly right-of-way intersection of Glenwood Road (r/w varies) and Glenhill Place (60' r/w); thence following the right-of-way line of Glenhill Place S02°16'24"W a distance of 114.79 feet to a ¾" open top pipe found; then leaving said right-of-way line and running N87°52'26"W a distance of 145.22 feet to a capped rebar set; running thence N02°01'59"E a distance of 114.99 feet to a capped rebar set on the southern right-of-way line of Glenwood Road; thence following said right-of-way line S87°47'41"E a distance of 145.70' to the POINT OF BEGINNING

Said tract or parcel of land contains 0.384 Acres



1
SP-2

SITE PLAN

SCALE: 1" = 100'

**CANDLER RD RETAIL
DECATUR, GA**

JOB NUMBER: 2570202 | DATE: 02.07.2025 | BY: ART / BR

DRAWING: SITE PLAN RENDERING SP-2



PHILLIPS
ARCHITECTURE • CONSULTANTS

5901 PEACHTREE DUNWOODY RD. • SUITE A450 • ATLANTA, GA 30328 • 770.394.1616



CANDLER RD RETAIL
DECATUR, GA

JOB NUMBER: 2570202 | DATE: 01.31.2025 | BY: ART / BR

DRAWING: EXTERIOR PERSPECTIVE



PHILLIPS
ARCHITECTURE • CONSULTANTS

5901 PEACHTREE DUNWOODY RD. • SUITE A450 • ATLANTA, GA 30328 • 770.394.1616



**CANDLER RD RETAIL
DECATUR, GA**

JOB NUMBER: 2570202 | DATE: 01.31.2025 | BY: ART / BR

DRAWING: EXTERIOR PERSPECTIVE



PHILLIPS
ARCHITECTURE • CONSULTANTS

5901 PEACHTREE DUNWOODY RD. • SUITE A450 • ATLANTA, GA 30328 • 770.394.1616



MASTER SIGN PLAN

1816 Candler Road
Atlanta (Unincorporated Dekalb), GA 30032

(Parcel ID# 15 170 13 030)
(Jurisdiction Dekalb County)

PROJECT REVISIONS		
DATE:	REV #	NOTES:
00/00/00	1	XX
00/00/00	2	XX
00/00/00	3	XX
00/00/00	4	XX
00/00/00	5	XX
00/00/00	6	XX
00/00/00	7	XX
00/00/00	8	XX
00/00/00	9	XX

CANDLER RD & GLENWOOD RD SIGN LOCATIONS

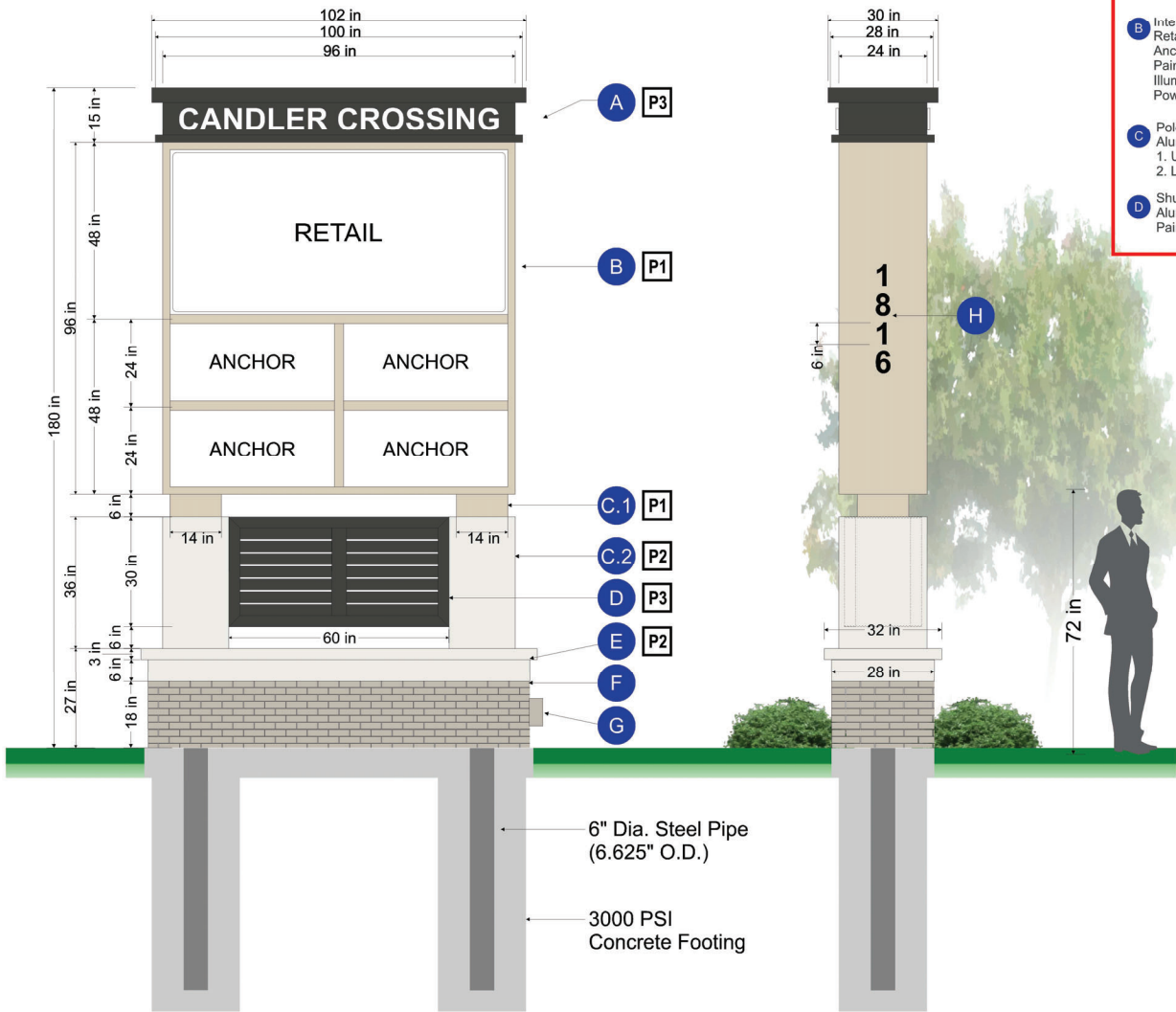


PROPOSED: D/F Monument Sign

P1

CANDLER RD LOCATION

QTY: 1 - 15'-0" TALL D/F MULTI-TENANT MONUMENT
64 SF TENANT AREA



STRUCTURE & SIGN DESCRIPTIONS

- A** Header:
Alum. Angle Framed w/ Alum. Skin
Painted (P3) Smooth
Copy: 1/2" Deep Flat Cut White Acrylic
- B** Internally illuminated Tenant Cabinet:
Retail Panel: White Panformed Polycarb
Anchors: Flat White Acrylic
Painted Alum. Cabinet (P1) Smooth
Illumination: White Low Voltage LED's
Power: 120v
- C** Pole Covers:
Alum. Angle Framed w/ Alum. Skin
1. Upper Short Section: Painted (P1) Textured
2. Lower Longer Section: Painted (P2) Textured
- D** Shutter:
Alum. Angle Framed w/ Alum. Skin
Painted (P3) Smooth
- E** Brick Base Cap
Alum. Angle Framed w/ Alum. Skin
Painted (P2) Smooth
- F** Base
Alum. Angle Framed w/ Alum. Skin
& Surrounded w/ Brick Shell
Manufacturer: Palmetto Brook
Finish Color: Pewter Grey
- G** Junction Box:
Final Electrical Connection By Others
Paint Box to Match Brick Color
- H** Address Numerals:
1/2" Thick Black Acrylic
Pin Mounted Flush on Street Side Only

- P1** PAINT TO MATCH SW 6148 WOOL SKEIN
- P2** PAINT TO MATCH SW 7005 PURE WHITE
- P3** PAINT TO MATCH SW 7069 IRON ORE
- M1** BRICK & MORTAR
Manufacturer: Palmetto Brick
Finish Color: Pewter Grey



MFG / Nat'l Account Svcs:
4806 Wright Drive, Bldg. A
Smyrna, GA, 30082
(O) 770.989.1290
Corporate:
3548 Atlanta Rd.
Smyrna, GA, 30080
(O) 770.431.0807
comSIGNS.com

This Drawing is the Sole
Property of Commercial Signs
and may not be copied or
reproduced without consent.
Engineered Drawings and
Specs to follow upon
Acceptance of Approval

PROJECT ADDRESS:
1816 Candler Rd
Atlanta, GA 30032
Unincorporated Dekalb

SIGN CODE INFO:
XX

SQ. FT. ALLOWED:
XX

SQ. FT. SHOWN:
XX

SALES REP:
DAVID FRUSHTICK
David@Comsigns.com
404-502-6336

PM INITIALS:
SF

DRAWN BY INITIALS:
MP

DATE: 01/30/25

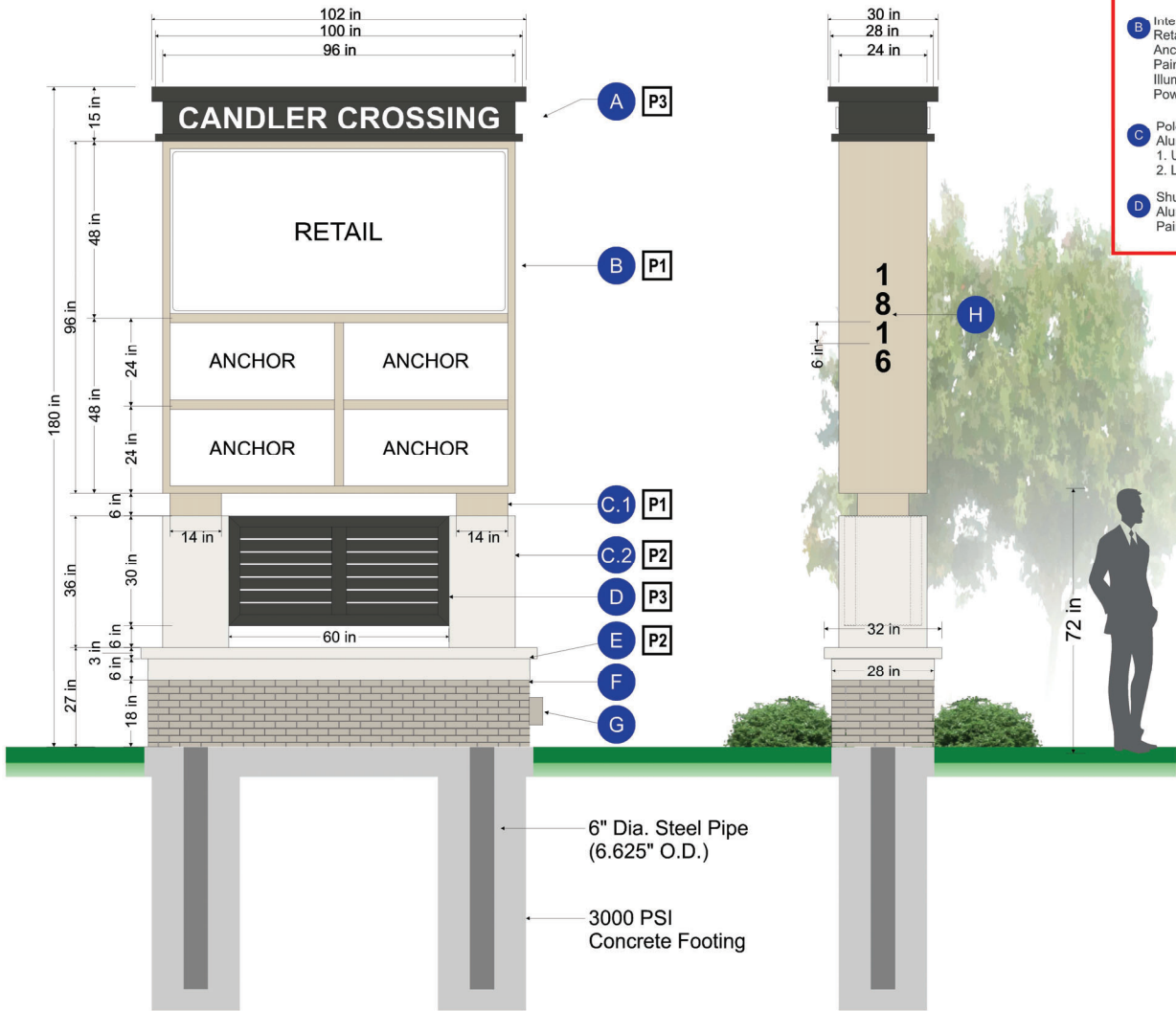
FINAL APPROVAL	DATE	PAGE
X		2

PROPOSED: D/F Monument Sign

P2

GLENWOOD RD LOCATION

QTY: 1 - 15'-0" TALL D/F MULTI-TENANT MONUMENT
64 SF TENANT AREA



STRUCTURE & SIGN DESCRIPTIONS

- A** Header:
Alum. Angle Framed w/ Alum. Skin
Painted (P3) Smooth
Copy: 1/2" Deep Flat Cut White Acrylic
- B** Internally illuminated Tenant Cabinet:
Retail Panel: White Panformed Polycarb
Anchors: Flat White Acrylic
Painted Alum. Cabinet (P1) Smooth
Illumination: White Low Voltage LED's
Power: 120v
- C** Pole Covers:
Alum. Angle Framed w/ Alum. Skin
1. Upper Short Section: Painted (P1) Textured
2. Lower Longer Section: Painted (P2) Textured
- D** Shutter:
Alum. Angle Framed w/ Alum. Skin
Painted (P3) Smooth
- E** Brick Base Cap
Alum. Angle Framed w/ Alum. Skin
Painted (P2) Smooth
- F** Base
Alum. Angle Framed w/ Alum. Skin
& Surrounded w/ Brick Shell
Manufacturer: Palmetto Brook
Finish Color: Pewter Grey
- G** Junction Box:
Final Electrical Connection By Others
Paint Box to Match Brick Color
- H** Address Numerals:
1/2" Thick Black Acrylic
Pin Mounted Flush on Street Side Only

- P1** PAINT TO MATCH SW 6148 WOOL SKEIN
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- P3** PAINT TO MATCH SW 7069 IRON ORE
- M1** BRICK & MORTAR
Manufacturer: Palmetto Brick
Finish Color: Pewter Grey



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1816 Candler Rd
Atlanta, GA 30032
Unincorporated Dekalb

SIGN CODE INFO:
XX

SQ. FT. ALLOWED:
XX

SQ. FT. SHOWN:
XX

SALES REP:
DAVID FRUSHTICK
David@Comsigns.com
404-502-6336

PM INITIALS:
SF

DRAWN BY INITIALS:
MP

DATE: 01/30/25



APPROVAL	
DATE	PAGE
X	3

STATEMENT OF INTENT AND
IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance
for the proposed

Rezoning from
C-1 to C-2

by

VENTURE SOUTH INVESTMENT, LLC

for

.384± Acres of Land
Being 3221 Glenwood Road
Land Lot 170, 15th District, DeKalb County

Submitted for Applicant by:

Michèle L. Battle, Esq.
Joshua S. Mahoney, Esq.,
Battle Law, P.C.
3562 Habersham at Northlake, Bldg. J, Suite 100
Tucker, GA30084
404-601-7616

I. STATEMENT OF INTENT

The Applicant, Venture South Investment, LLC, is seeking to develop a commercial/retail development on an assemblage of seven (7) parcels at the intersection of Glenwood Road and Candler Road owned by Mack III Development, LLC and HLC, LLC (the “Project Site”). The property at 3221 Glenwood Road being Tax Parcel 15 170 13 088 (the “Subject Property”) located at the intersection of Glenhill Place and Glenwood Road is a portion of the Project Site. The Subject Property is currently zoned C-1 and is located within the Commercial Redevelopment Corridor Land Use Designation. The balance of the Project Site is zoned C-2. Therefore, for the Subject Property to be consolidated into one parcel with the balance of the Project Site it must also be zoned C-2, which is why the Applicant is seeking this proposed rezoning. Based upon the submitted site plan for the entire Project Site, the Subject Property will be developed as part of the parking lot area for the proposed grocery store and retail shop center (the “Proposed Commercial/Retail Center”).

This document is submitted as a Statement of Intent regarding this Application, the Impact Analysis required for this Application as required by the DeKalb County Zoning Ordinance, and a preservation of the Applicant’s constitutional rights. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

III. IMPACT ANALYSIS

- (a) Suitability of use: The Subject Property is suitable for the proposed commercial/retail project as contemplated by the Overlay District requirements.
- (b) Effect on adjacent property: The proposed rezoning will have no impact on the adjacent parcels, but in fact allow the Subject property to be consolidated with the adjacent parcels to allow for the development of the Proposed Commercial/Retail Center.
- (c) Economic use of current zoning: The Subject Property has value as currently zoned, however, as currently zoned, the Subject Property cannot be incorporated into the large development planned by the Applicant based upon DeKalb County’s current lot consolidation policies.
- (d) Effect on public facilities: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, utilities, or schools in the area.
- (e) Effect on historic building, sites, etc. The approval of this rezoning request will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.
- (f) Environmental Impact. The approval of this rezoning request will not result in any adverse environmental impact.

- (g) Conformity with Comprehensive Plan or Land Use Plan: Rezoning the Subject property to C-2 is in conformity with the Commercial Redevelopment Corridor land use designation for the Subject Property.
- (h) Others: The following constitutional allegations are given in order to preserve the rights of the Applicant to appeal any adverse decisions that may be rendered by DeKalb County with respect to this Application:

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

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

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

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

A refusal by the DeKalb County Board of Commissioners to amend zoning conditions for the Subject Property as requested by the Applicant 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 rezoning of 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.

A refusal to allow the amendments to the zoning conditions in question 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 modification of the zoning conditions 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 zoning conditions and 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 DeKalb 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.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Major Change of Condition Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

Respectfully submitted,



Michèle L. Battle
Attorney For Applicant

Chief Executive Officer
Lorraine Cochran-Johnson

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director

Cedric G. Hudson, MCRP

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: **Michele Battle** Phone: **404-601-7616** Email: **mlb@battlelawpc.com**

Property Address: 1816 Candler Road, Decatur 30032

Tax Parcel ID: 15 170 13 030 Comm. District(s): 3 & 7 Acreage: 7.3

Existing Use: General commercial buildings Proposed Use: Grocery store and retail

Supplemental Regs: X Alcohol outlet Overlay District: I-20, Tier 2 DRI: NA

Rezoning: Yes X No

Existing Zoning: Tier 2/C-1 Proposed Zoning: Tier 2/C-2 Square Footage/Number of Units: _____

Rezoning Request: C-1 to C-2 for 3221 Glenwood to allow for accessory parking for proposed grocery store on adjacent parcels & to allow for all parcels to be under same C-2 underlying zoning when consolidate 3221 Glenwood with the adjacent properties. Proposed land use is grocery store w/ accessory beer & wine sales and retail.

Land Use Plan Amendment: Yes ☐ No ☒

Existing Land Use: **CRC** Proposed Land Use: 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-20-1243619, CZ-91039, CZ-90052, CZ-89033

Condition(s) to be modified:

See pg. 3

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: X Review Calendar Dates: _____ PC: 5/6/25 BOC: 5/22/25
Letter of Intent: X Impact Analysis: X Owner Authorization(s): X Campaign Disclosure: _____
Zoning Conditions: _____ Community Council Meeting: 4/9/25 Public Notice, Signs: _____
Tree Survey, Conservation: _____ Land Disturbance Permit (LDP): X Sketch Plat: _____
Bldg. Permits: X Fire Inspection: _____ Business License: _____ State License: _____
Lighting Plan: _____ Tent Permit: _____ Submittal Format: NO STAPLES, NO BINDERS PLEASE

Review of Site Plan

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

Comments: Several parcels involved see community review package.

Applicant indicates that community meeting has already been done.

Planner: John Reid, Sr. Planner Date: 02/14/2025

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

Chief Executive Officer
Lorraine Cochran-Johnson

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric G. Hudson

PRE-APP FORM ADDITIONAL COMMENT PAGE, IF NEEDED

APPLICANT: Michele Battle

ADDRESS/PARCEL: 1816 Candler Road, Decatur 30032 / 15 170 13 030

COMMENTS: Major modification of zoning conditions to allow for access to glehnill road for existing C-2 properties.

Verify compliance with supplemental regulations for alcohol Sec 4.2.8 of Zoning Ordinance.

Comply with zoning ordinance requirements including but not limited to min. parking, building

setbacks, building materials, parking lot landscaping, et.

PLANNER: John Reid, Sr. Planner

FILING FEES

At the time of submittal, a filing fee shall accompany each application as follows:

Rezoning:	FEE:
RE, RLG, R-100, R-85, R-75, R-60	\$500.00
MHP, RNC, RSM, MR-1. M-2	
HR-1, HR-2, HR-3	\$750.00
MU-1, MU-2, MU-3, MU-4, MU-5	
O-L, OD, OIT, NS, C-1, C-2, M. M-2	

If the application is a request to rezone to more than one zoning district, the higher fee will apply.

Applications for non-contiguous property (separated by a street) must be filed separately. A separate fee will be charged for each application. An application that is withdrawn and later re-filed will be treated as a new case and will require a new fee.

**Rezoning Application to Amend the Official Zoning Map
of DeKalb County, Georgia**

Applicant Name: Venture South Investments, LLC

Applicant Email Address: e.corder@vsouth.com

Applicant Mailing Address: 120 West Trinity PL, Suite 400, Decatur, GA 30030

Applicant Phone Number: 502-558-8698

Owner Name: HLC, LLC

(If more than one owner, attach list of owners.)

Owner Email Address: mwilbourn@mackil.com

Owner Mailing Address: 3421 Dogwood Dr, Hapeville, GA 30354

Owner Phone Number: 404-768-9977

Subject Property Address: 3221 Glenwood Rd, Decatur, GA 30032

Parcel ID Number(s): 15 17.0 8.0.88

Acreage: 0.35 **Commission District(s):** 3 **Super District:** 7

Existing Zoning District(s): C-1 **Proposed Zoning District(s):** C-2

Existing Land Use Designation(s): CRC **Proposed Land Use Designation(s):** n/a (if applicable)

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

Venture South Investments, LLC

Owner: _____ Agent: ☒


Signature of Applicant: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Lorraine Cochran-Johnson

Interim Director
Cedric G. Hudson, MCRP

REZONING APPLICATION CHECKLIST

Submit application through our online portal www.epermits.dekalbcountyga.gov

Email one (1) copy of your application as one (1) PDF file to plansustain@dekalbcountyga.gov and copy lahill@dekalbcountyga.gov

- ☒ 1. Schedule a mandatory, virtual **Pre-Application Conference** with Planning & Sustainability staff by appointment. Please email lahill@dekalbcountyga.gov for appointment.
- ☒ 2. Hold a **Pre-Submittal Community Meeting** with surrounding neighborhood associations and residents. Provide documentation of the meeting (**meeting notice and sign in sheets**). Letter(s) from homeowners' association(s) may also be provided.
- ☐ 3. Submit **Application** through portal www.epermits.dekalbcountyga.gov and then email Staff.
Please assemble materials in the following order:
 - ☒ **A. Application form** with name and address of applicant and owner, and subject property address.
 - ☒ **B. Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting.
 - ☐ **C. Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation).
 - ☐ **D. Impact Analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.
 - ☐ **E. Authorization Form**, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property.
 - ☒ **F. Campaign disclosure statement** (required by State law).
 - ☐ **G. Legal boundary survey** of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. **Written Legal Description** of meters and bounds of the subject property (can be printed on site plan or survey).
 - ☒ **H. Site Plan** of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following:
 - ☒ a. complete boundaries of subject property;
 - ☒ b. dimensioned access points and vehicular circulation drives;
 - ☒ c. location of all existing and proposed buildings, structures, setbacks and parking;
 - ☒ d. location of 100-year floodplain and any streams;
 - ☒ e. notation of the total acreage or square footage of the subject property;
 - ☒ f. landscaping, tree removal and replacement, buffer(s); and
 - ☒ e. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.
 - ☒ **I. Building Form Information.** Elevation (line drawing or rendering) or details of proposed materials in compliance with Article 5 of the Zoning Ordinance. If new buildings and/or structures are being developed or renovations are being completed, please provide proposed elevations.
 - ☐ **J. Completed, signed Pre-Application Form** (Provided after pre-application meeting).

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED



Battle Law

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

Zoom Instructions:

Go to <https://otago.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join" . To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact
Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jeb@battlelawpc.com

COMMUNITY MEETING TO DISCUSS A MAJOR MODIFICATION & REZONING TO ALLOW FOR A MIXED-USE PROJECT

**Project Title: Venture South Invest-ment,
LLC - 1816 Candler Road and 3221
Glenwood**

When: February 10, 2025

Time: 6:00 PM Eastern (US and Cana-da)

Register in advance for this meeting:

<https://otago.zoom.us/join>

Meeting ID: 892 1107 5291

Password: 71077

Parcel(s): 15 170 13 030

First Name	Last Name	Email
Malcolm	Hughes	hfgcpa@bellsouth.net
Dalton	Duriez	dduriez@blueriverdevelopment.com
Zoom user		frtj9zf9yk@privaterelay.appleid.com
Todd	Ellis	tellis@naibg.com
samuel	armstrong	armstrong424@gmail.com
Oge	Ekeh	ogeh22@yahoo.com
Andrew	Andrle	andrewandrle@gmail.com
Eve Jackson		eviejac@gmail.com
james	tyree	jtyree05@yahoo.com
James		jamescrawford.film@gmail.com
Johnny	Ross	jrpizza406@yahoo.com
Mack	Wilbourn	mwilbourn@mackii.com
Vanetta	Keyes	vanetta@vskcpa.com
Travis	Jones	tjones@mackii.com
Jason	Smith	jason@smithworksiron.com
Anna	Turkett	annaturkett@gmail.com
Kelly	Jordan	kellyjordan@earthlink.net
Chandra Armstrong		drbrittarm@yahoo.com
G	Curtis	gpcurtissr@comcast.net
Brian	Kay	BKay@atwell.com
Evan	Conder	e.conder@vsouth.com
Michael	Rossi	mrossi@atwell-group.com
Michael	K	M.kuniansky@vsouth.com
Lauren Smith		lsmithgolf@gmail.com

DEPARTMENT OF PLANNING & SUSTAINABILITY

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: 2/14/2025

TO WHOM IT MAY CONCERN:

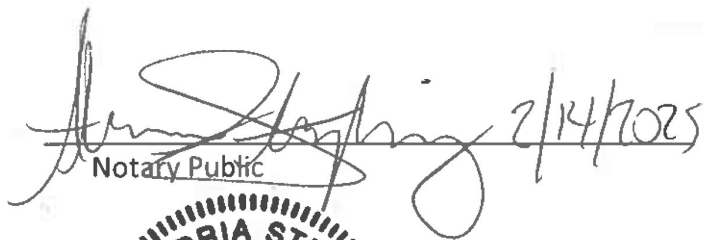
(I), (WE) HLC, LLC
Name of owners(s) (If more than one owner, attach a separate sheet)

Being (owner) (owners) of the subject property described below or attached hereby delegate authority to:

Venture South Investment, LLC & Battle Law, P.C.

Name of Agent or Representative

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


Notary Public

HLC, LLC, a Georgia limited liability company

By: Mack Wilbourn
Owner


Owner

Owner

Owner

Owner



Notary Public

Notary Public

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes ✓ No *

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

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

[Signature] 2/14/2025
Notary

[Signature] 2/14/2025
Signature of Applicant /Date

Check one: Owner ✓ Agent

4/25/2026

Expiration Date/ Seal



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



DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes XX No _____ *

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

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary

Signature of Applicant /Date

Check one: Owner _____ Agent XX



Expiration Date/Seal

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

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






Evan Conder Digitally signed by Evan Conder
Date: 2025.02.04 11:36:39 -05'00'

Signature of Applicant /Date

Check one: Owner _____ Agent X _____

Expiration Date/ Seal

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

RFB	REBAR FOUND
OTS	OPEN TOP FOUND
CTF	CRIMP TOP FOUND
LTL	LUNSTON BOX
CLL	CLAMP LOT LINE
MM	LIGHT POLE
W	WAND
CH	PROPERTY LINE
CL	BUILDING LINE
CL,F	CHAIN LINK FENCE
B	SEWER CLEAN OUT
DB	DRAINAGE EASEMENT
RF	REBAR FOUND
R/W	RIGHT-OF-WAY
SE	SANITARY SEWER
CRZ	CRITICAL ROOT ZONE
UE	UTILITY EASEMENT
X	FIRE HYDRANT
	SINGLE WING CATCHBASIN
	DOUBLE WING CATCHBASIN
	WATER VALVE
	GAS VALVE
	HEADWALL

TRACT A
5.659
ACRES

TRACT B
0.345
ACRES

TRACT C
0.384
ACRES

TRACT C-1
#3221

TRACT C-2

TRACT C-3

TRACT C-4

TRACT C-5

TRACT C-6

TRACT C-7

TRACT C-8

TRACT C-9

TRACT C-10

TRACT C-11

TRACT C-12

TRACT C-13

TRACT C-14

TRACT C-15

TRACT C-16

TRACT C-17

TRACT C-18

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TRACT C-253</

1. DB 17497, PG. 712 DEKALB
COUNTY DOT
2. DB. 19908, PG. 748
3. DB. 19908, PG. 742
4. DB. 27096, PG. 467

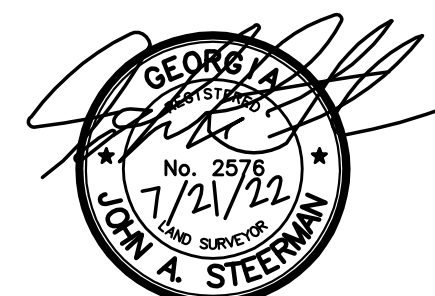
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LAND LOT 170 15th DISTRICT
DEKALB COUNTY GEORGIA

PROJECT NUMBER
55745



(IN FEET)
1 inch = 50 ft.



IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

Legal Description

3221 Glenwood Road

ALL THAT TRACT or parcel of land lying and being in Land Lot 170 of the 15th District, Dekalb County, Georgia, and being more particularly described as follows:

BEGINNING at point at the westerly right-of-way intersection of Glenwood Road (r/w varies) and Glenhill Place (60' r/w); thence following the right-of-way line of Glenhill Place S02°16'24"W a distance of 114.79 feet to a ¾" open top pipe found; then leaving said right-of-way line and running N87°52'26"W a distance of 145.22 feet to a capped rebar set; running thence N02°01'59"E a distance of 114.99 feet to a capped rebar set on the southern right-of-way line of Glenwood Road; thence following said right-of-way line S87°47'41"E a distance of 145.70' to the POINT OF BEGINNING

Said tract or parcel of land contains 0.384 Acres



1
SP-2

SITE PLAN

SCALE: 1" = 100'

**CANDLER RD RETAIL
DECATUR, GA**

JOB NUMBER: 2570202 | DATE: 02.07.2025 | BY: ART / BR

DRAWING: SITE PLAN RENDERING SP-2



PHILLIPS
ARCHITECTURE • CONSULTANTS

5901 PEACHTREE DUNWOODY RD. • SUITE A450 • ATLANTA, GA 30328 • 770.394.1616



CANDLER RD RETAIL
DECATUR, GA

JOB NUMBER: 2570202 | DATE: 01.31.2025 | BY: ART / BR

DRAWING: EXTERIOR PERSPECTIVE



PHILLIPS
ARCHITECTURE • CONSULTANTS

5901 PEACHTREE DUNWOODY RD. • SUITE A450 • ATLANTA, GA 30328 • 770.394.1616



**CANDLER RD RETAIL
DECATUR, GA**

JOB NUMBER: 2570202 | DATE: 01.31.2025 | BY: ART / BR

DRAWING: EXTERIOR PERSPECTIVE



PHILLIPS
ARCHITECTURE • CONSULTANTS

5901 PEACHTREE DUNWOODY RD. • SUITE A450 • ATLANTA, GA 30328 • 770.394.1616



MASTER SIGN PLAN

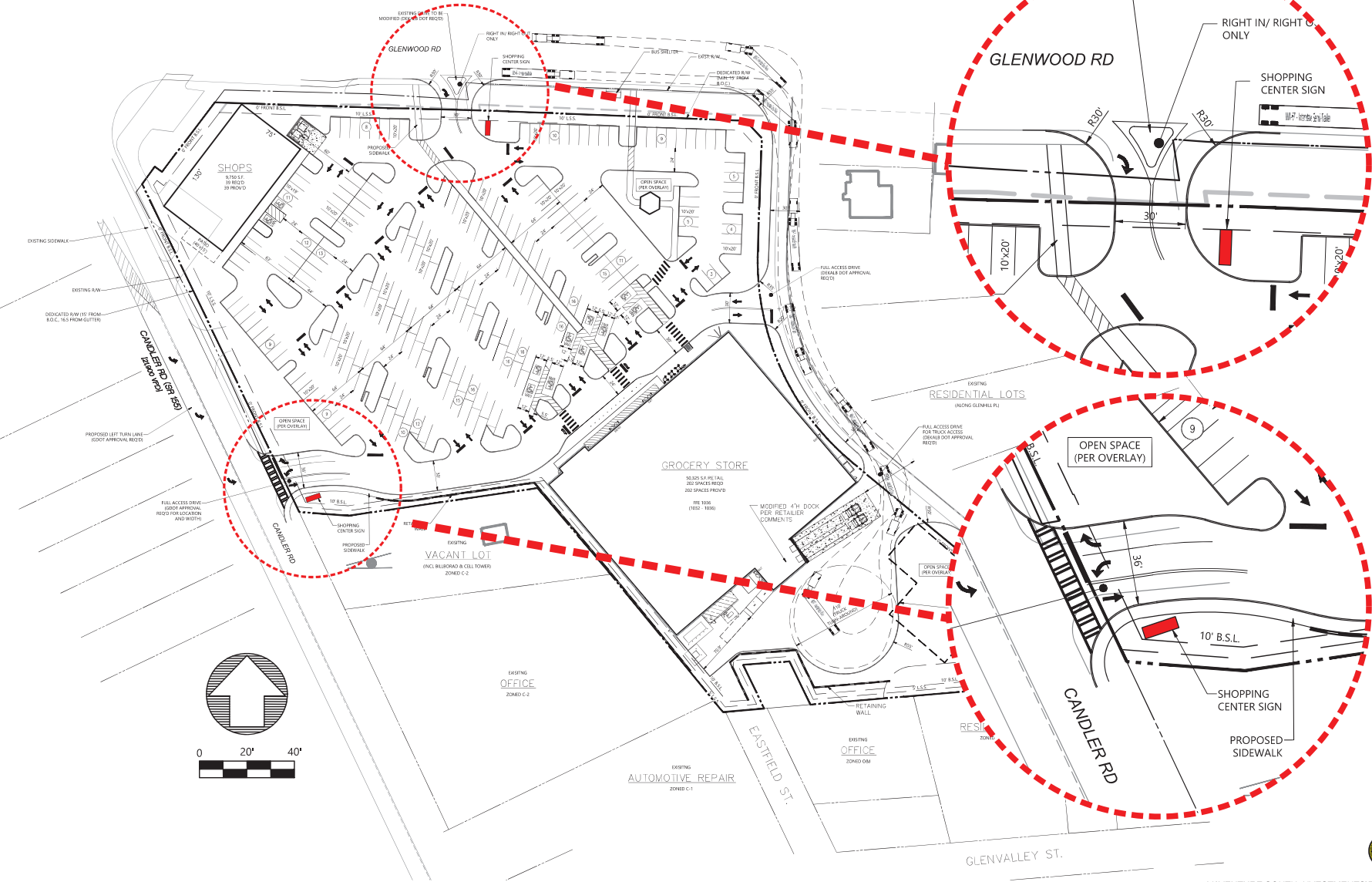
1816 Candler Road
Atlanta (Unincorporated Dekalb), GA 30032

(Parcel ID# 15 170 13 030)
(Jurisdiction Dekalb County)

PROJECT REVISIONS		
DATE:	REV #	NOTES:
00/00/00	1	XX
00/00/00	2	XX
00/00/00	3	XX
00/00/00	4	XX
00/00/00	5	XX
00/00/00	6	XX
00/00/00	7	XX
00/00/00	8	XX
00/00/00	9	XX

PROPOSED: Site Survey

CANDLER RD & GLENWOOD RD SIGN LOCATIONS



MFG / Nat'l Account Svcs:
4806 Wright Drive, Bldg. A
Smyrna, GA, 30082
(O) 770.989.1290
Corporate:
3548 Atlanta Rd.
Smyrna, GA, 30080
(O) 770.431.0807
comSIGNS.com

This Drawing is the Sole
Property of Commercial Signs
and may not be copied or
reproduced without consent.
Engineered Drawings and
Specs to follow upon
Acceptance of Approval

PROJECT ADDRESS:
1816 Candler Rd
Atlanta, GA 30032
Unincorporated DeKalb

SIGN CODE INFO:
XX

SQ. FT. ALLOWED:
XX

SQ. FT. SHOWN:
XX

SALES REP:
DAVID FRUSHTICK
David@Comsigns.com
404-502-6336

PM INITIALS:
SF

DRAWN BY INITIALS:
MP

DATE: 01/30/25



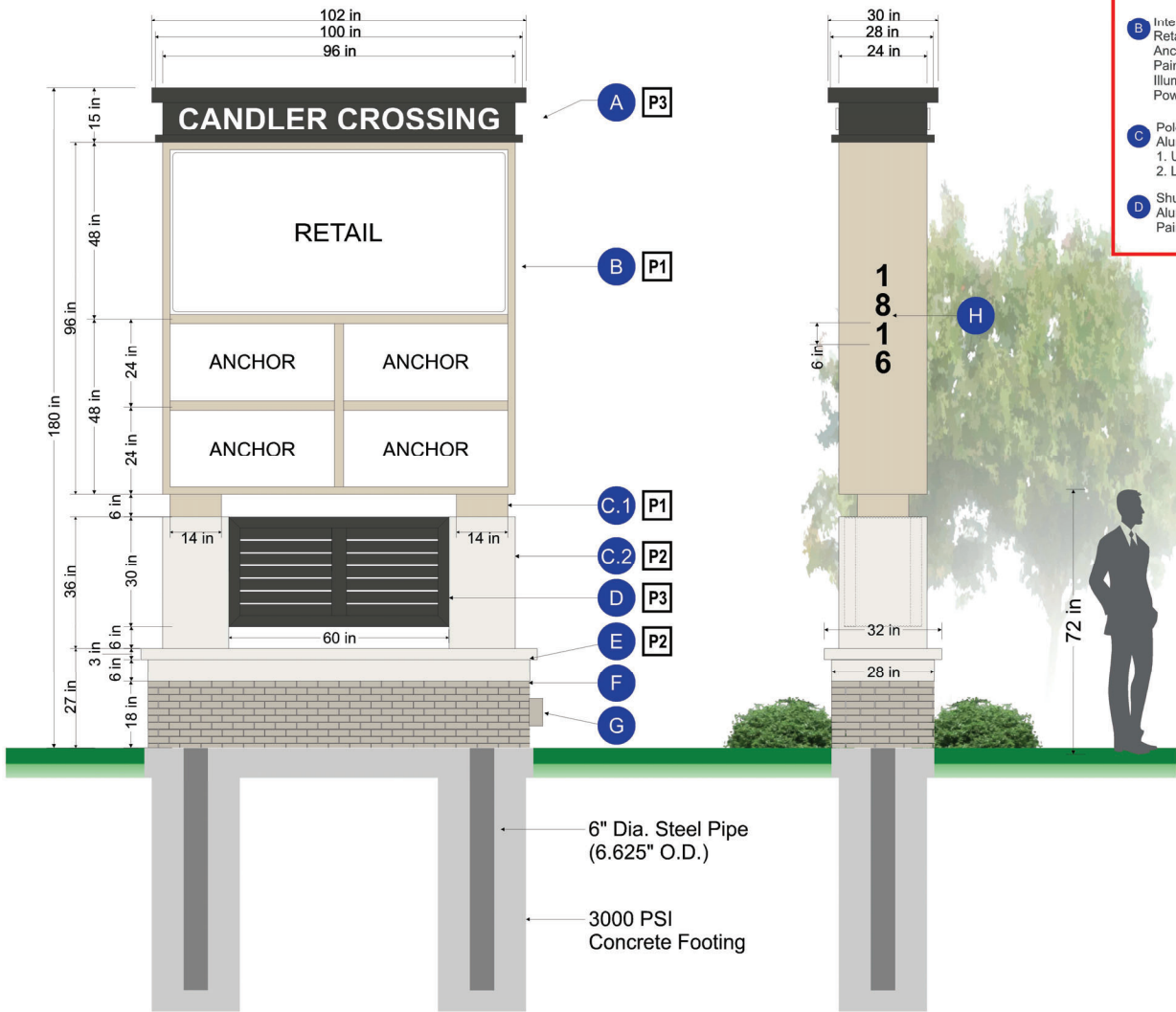
Authorized Signature	
X	DATE
X	PAGE
	1

PROPOSED: D/F Monument Sign

P1

CANDLER RD LOCATION

QTY: 1 - 15'-0" TALL D/F MULTI-TENANT MONUMENT
64 SF TENANT AREA



STRUCTURE & SIGN DESCRIPTIONS

A Header: Alum. Angle Framed w/ Alum. Skin Painted (P3) Smooth Copy: 1/2" Deep Flat Cut White Acrylic	E Brick Base Cap Alum. Angle Framed w/ Alum. Skin Painted (P2) Smooth
B Internally illuminated Tenant Cabinet: Retail Panel: White Panformed Polycarb Anchors: Flat White Acrylic Painted Alum. Cabinet (P1) Smooth Illumination: White Low Voltage LED's Power: 120v	F Base Alum. Angle Framed w/ Alum. Skin & Surrounded w/ Brick Shell Manufacturer: Palmetto Brick Finish Color: Pewter Grey
C Pole Covers: Alum. Angle Framed w/ Alum. Skin 1. Upper Short Section: Painted (P1) Textured 2. Lower Longer Section: Painted (P2) Textured	G Junction Box: Final Electrical Connection By Others Paint Box to Match Brick Color
D Shutter: Alum. Angle Framed w/ Alum. Skin Painted (P3) Smooth	H Address Numerals: 1/2" Thick Black Acrylic Pin Mounted Flush on Street Side Only

- | | |
|-----------|---|
| P1 | PAINT TO MATCH SW 6148 WOOL SKEIN |
| P2 | PAINT TO MATCH SW 7005 PURE WHITE |
| P3 | PAINT TO MATCH SW 7069 IRON ORE |
| M1 | BRICK & MORTAR
Manufacturer: Palmetto Brick
Finish Color: Pewter Grey |



MFG / Nat'l Account Svcs:
4806 Wright Drive, Bldg. A
Smyrna, GA. 30082
(O) 770.989.1290
Corporate:
3548 Atlanta Rd.
Smyrna, GA. 30080
(O) 770.431.0807

comSIGNS.com

This Drawing is the Sole
Property of Commercial Signs
and may not be copied or
reproduced without consent.
Engineered Drawings and
Specs to follow upon
Acceptance of Approval

PROJECT ADDRESS:
1816 Candler Rd
Atlanta, GA 30032
Unincorporated Dekalb

SIGN CODE INFO:
XX

SQ. FT. ALLOWED:
XX

SQ. FT. SHOWN:
XX

SALES REP:
DAVID FRUSHTICK
David@Comsigns.com
404-502-6336

PM INITIALS:
SF

DRAWN BY INITIALS:
MP

DATE: 01/30/25



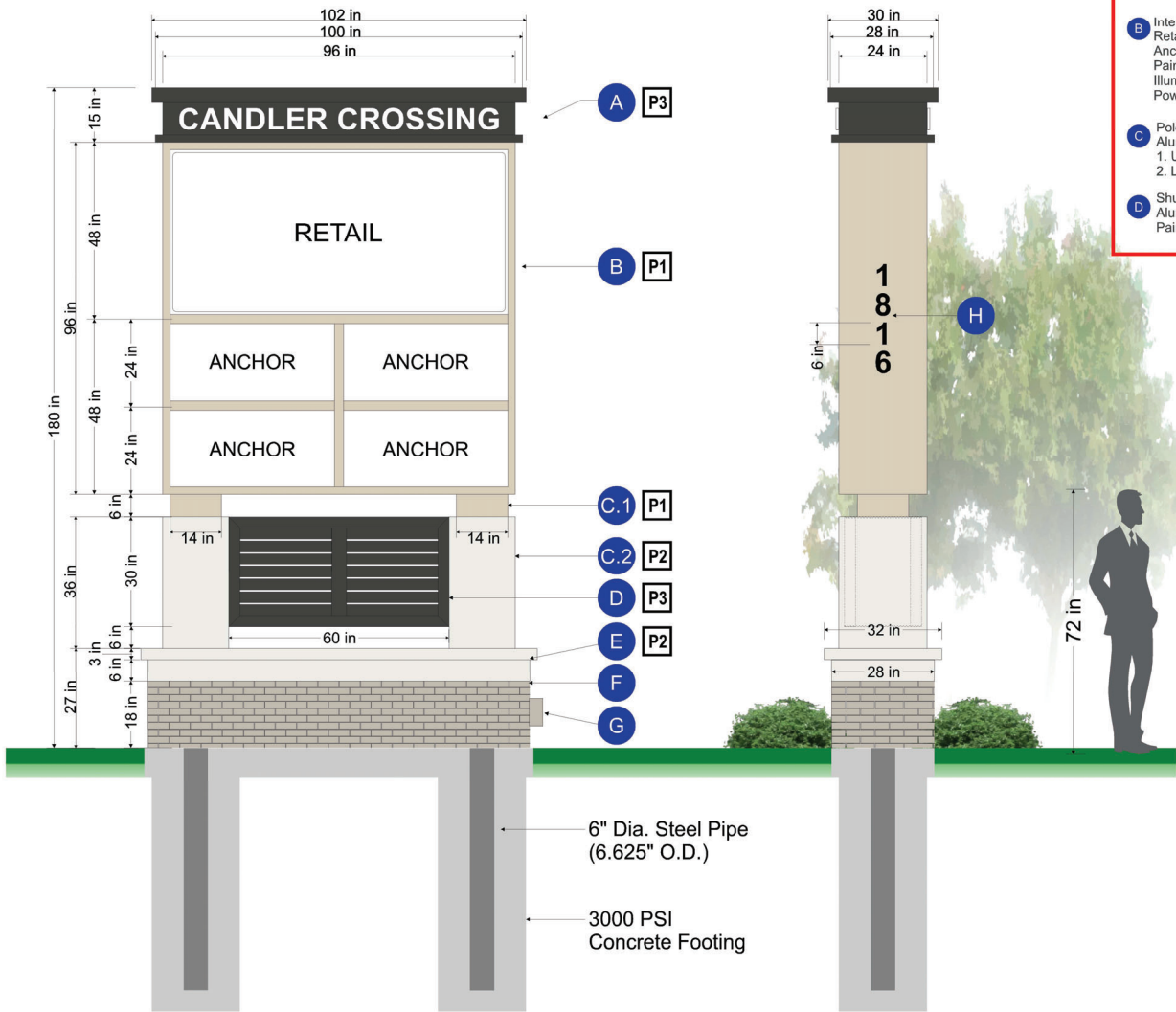
APPROVAL	DATE	PAGE
X		2

PROPOSED: D/F Monument Sign

P2

GLENWOOD RD LOCATION

QTY: 1 - 15'-0" TALL D/F MULTI-TENANT MONUMENT
64 SF TENANT AREA



STRUCTURE & SIGN DESCRIPTIONS

- A** Header:
Alum. Angle Framed w/ Alum. Skin
Painted (P3) Smooth
Copy: 1/2" Deep Flat Cut White Acrylic
- B** Internally illuminated Tenant Cabinet:
Retail Panel: White Panformed Polycarb
Anchors: Flat White Acrylic
Painted Alum. Cabinet (P1) Smooth
Illumination: White Low Voltage LED's
Power: 120v
- C** Pole Covers:
Alum. Angle Framed w/ Alum. Skin
1. Upper Short Section: Painted (P1) Textured
2. Lower Longer Section: Painted (P2) Textured
- D** Shutter:
Alum. Angle Framed w/ Alum. Skin
Painted (P3) Smooth
- E** Brick Base Cap
Alum. Angle Framed w/ Alum. Skin
Painted (P2) Smooth
- F** Base
Alum. Angle Framed w/ Alum. Skin
& Surrounded w/ Brick Shell
Manufacturer: Palmetto Brook
Finish Color: Pewter Grey
- G** Junction Box:
Final Electrical Connection By Others
Paint Box to Match Brick Color
- H** Address Numerals:
1/2" Thick Black Acrylic
Pin Mounted Flush on Street Side Only

- P1** PAINT TO MATCH SW 6148 WOOL SKEIN
- P2** PAINT TO MATCH SW 7005 PURE WHITE
- P3** PAINT TO MATCH SW 7069 IRON ORE
- M1** BRICK & MORTAR
Manufacturer: Palmetto Brick
Finish Color: Pewter Grey



MFG / Nat'l Account Svcs:
4806 Wright Drive, Bldg. A
Smyrna, GA. 30082
(O) 770.989.1290
Corporate:
3548 Atlanta Rd.
Smyrna, GA. 30080
(O) 770.431.0807
comSIGNS.com

This Drawing is the Sole
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Engineered Drawings and
Specs to follow upon
Acceptance of Approval

PROJECT ADDRESS:
1816 Candler Rd
Atlanta, GA 30032
Unincorporated Dekalb

SIGN CODE INFO:
XX

SQ. FT. ALLOWED:
XX

SQ. FT. SHOWN:
XX

SALES REP:
DAVID FRUSHTICK
David@Comsigns.com
404-502-6336

PM INITIALS:
SF

DRAWN BY INITIALS:
MP

DATE: 01/30/25



APPROVAL	DATE	PAGE
X		3
X		

STATEMENT OF INTENT AND
IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance
for the proposed

Rezoning from
C-1 to C-2

by

VENTURE SOUTH INVESTMENT, LLC

for

.384± Acres of Land
Being 3221 Glenwood Road
Land Lot 170, 15th District, DeKalb County

Submitted for Applicant by:

Michèle L. Battle, Esq.
Joshua S. Mahoney, Esq.,
Battle Law, P.C.
3562 Habersham at Northlake, Bldg. J, Suite 100
Tucker, GA30084
404-601-7616

I. STATEMENT OF INTENT

The Applicant, Venture South Investment, LLC, is seeking to develop a commercial/retail development on an assemblage of seven (7) parcels at the intersection of Glenwood Road and Candler Road owned by Mack III Development, LLC and HLC, LLC (the “Project Site”). The property at 3221 Glenwood Road being Tax Parcel 15 170 13 088 (the “Subject Property”) located at the intersection of Glenhill Place and Glenwood Road is a portion of the Project Site. The Subject Property is currently zoned C-1 and is located within the Commercial Redevelopment Corridor Land Use Designation. The balance of the Project Site is zoned C-2. Therefore, for the Subject Property to be consolidated into one parcel with the balance of the Project Site it must also be zoned C-2, which is why the Applicant is seeking this proposed rezoning. Based upon the submitted site plan for the entire Project Site, the Subject Property will be developed as part of the parking lot area for the proposed grocery store and retail shop center (the “Proposed Commercial/Retail Center”).

This document is submitted as a Statement of Intent regarding this Application, the Impact Analysis required for this Application as required by the DeKalb County Zoning Ordinance, and a preservation of the Applicant’s constitutional rights. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

III. IMPACT ANALYSIS

- (a) Suitability of use: The Subject Property is suitable for the proposed commercial/retail project as contemplated by the Overlay District requirements.
- (b) Effect on adjacent property: The proposed rezoning will have no impact on the adjacent parcels, but in fact allow the Subject property to be consolidated with the adjacent parcels to allow for the development of the Proposed Commercial/Retail Center.
- (c) Economic use of current zoning: The Subject Property has value as currently zoned, however, as currently zoned, the Subject Property cannot be incorporated into the large development planned by the Applicant based upon DeKalb County’s current lot consolidation policies.
- (d) Effect on public facilities: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, utilities, or schools in the area.
- (e) Effect on historic building, sites, etc. The approval of this rezoning request will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.
- (f) Environmental Impact. The approval of this rezoning request will not result in any adverse environmental impact.

- (g) Conformity with Comprehensive Plan or Land Use Plan: Rezoning the Subject property to C-2 is in conformity with the Commercial Redevelopment Corridor land use designation for the Subject Property.
- (h) Others: The following constitutional allegations are given in order to preserve the rights of the Applicant to appeal any adverse decisions that may be rendered by DeKalb County with respect to this Application:

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

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

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

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

A refusal by the DeKalb County Board of Commissioners to amend zoning conditions for the Subject Property as requested by the Applicant 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 rezoning of 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.

A refusal to allow the amendments to the zoning conditions in question 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 modification of the zoning conditions 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 zoning conditions and 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 DeKalb 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.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Major Change of Condition Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

Respectfully submitted,



Michèle L. Battle
Attorney For Applicant



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

Chief Executive Officer
Lorraine Cochran-Johnson

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric G. Hudson, MCRP

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: **Michele Battle** Phone: **404-601-7616** Email: **mlb@battlelawpc.com**

Property Address: 1816 Candler Road, Decatur 30032

Tax Parcel ID: 15 170 13 030 Comm. District(s): 3 & 7 Acreage: 7.3

Existing Use: General commercial buildings Proposed Use: Grocery store and retail

Supplemental Regs: X Alcohol outlet Overlay District: I-20, Tier 2 DRI: NA

Rezoning: Yes X No

Existing Zoning: Tier 2/C-1 Proposed Zoning: Tier 2/C-2 Square Footage/Number of Units: _____

Rezoning Request: C-1 to C-2 for 3221 Glenwood to allow for accessory parking for proposed grocery store on adjacent parcels & to allow for all parcels to be under same C-2 underlying zoning when consolidate 3221 Glenwood with the adjacent properties. Proposed land use is grocery store w/ accessory beer & wine sales and retail.

Land Use Plan Amendment: Yes ☐ No ☒

Existing Land Use: **CRC** Proposed Land Use: 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-20-1243619, CZ-91039, CZ-90052, CZ-89033

Condition(s) to be modified:

See pg. 3

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: X Review Calendar Dates: _____ PC: 5/6/25 BOC: 5/22/25
Letter of Intent: X Impact Analysis: X Owner Authorization(s): X Campaign Disclosure: _____
Zoning Conditions: _____ Community Council Meeting: 4/9/25 Public Notice, Signs: _____
Tree Survey, Conservation: _____ Land Disturbance Permit (LDP): X Sketch Plat: _____
Bldg. Permits: X Fire Inspection: _____ Business License: _____ State License: _____
Lighting Plan: _____ Tent Permit: _____ Submittal Format: NO STAPLES, NO BINDERS PLEASE

Review of Site Plan

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

Comments: Several parcels involved see community review package.

Applicant indicates that community meeting has already been done.

Planner: John Reid, Sr. Planner Date: 02/14/2025

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



Chief Executive Officer
Lorraine Cochran-Johnson

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric G. Hudson

PRE-APP FORM ADDITIONAL COMMENT PAGE, IF NEEDED

APPLICANT: Michele Battle

ADDRESS/PARCEL: 1816 Candler Road, Decatur 30032 / 15 170 13 030

COMMENTS: Major modification of zoning conditions to allow for access to glehnill road for existing C-2 properties.

Verify compliance with supplemental regulations for alcohol Sec 4.2.8 of Zoning Ordinance.

Comply with zoning ordinance requirements including but not limited to min. parking, building

setbacks, building materials, parking lot landscaping, et.

PLANNER: John Reid, Sr. Planner

FILING FEES

At the time of submittal, a filing fee shall accompany each application as follows:

Rezoning:	FEE:
RE, RLG, R-100, R-85, R-75, R-60 MHP, RNC, RSM, MR-1. M-2	\$500.00
HR-1, HR-2, HR-3 MU-1, MU-2, MU-3, MU-4, MU-5 O-L, OD, OIT, NS, C-1, C-2, M. M-2	\$750.00

If the application is a request to rezone to more than one zoning district, the higher fee will apply.

Applications for non-contiguous property (separated by a street) must be filed separately. A separate fee will be charged for each application. An application that is withdrawn and later re-filed will be treated as a new case and will require a new fee.



Glenwood Rd

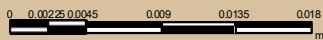
Subject Property

C-1

C-2

Glenhill Pl

DeKalb County Parcel Map



Date Printed: 3/6/2025



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Glenwood Rd

Subject Property

CRC

Glenhill Pl



DeKalb County Parcel Map

0 0.0025 0.0045 0.009 0.0135 0.018 mi

Date Printed: 3/6/2025

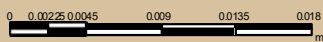


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DeKalb County Parcel Map



Date Printed: 4/9/2025



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