

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Existing Conditional Zoning No.: _____

Applicant Name: _____

Applicant Email Address: _____

Applicant Mailing Address: _____

Applicant Phone Number: _____

Owner Name: _____

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

Owner Email Address: _____

Owner Mailing Address: _____

Owner Phone Number: _____

Subject Property Address: _____

Parcel ID Number(s): _____

Acreage: _____ Commission District(s): _____ Super District: _____

Existing Zoning District(s): _____ Proposed Zoning District(s): _____

Existing Land Use Designation(s): _____ Proposed Land Use Designation(s): _____

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

Owner: _____ Agent: _____ MLB

Signature of Applicant:



Scan Me to register

Zoning Meeting

A new project is proposed near you...

Please join Battle Law for a community meeting to discuss this project and what it means for the community. To register please use the QR code above.

If you would like the information emailed to you, please send an email to projects@battlelawpc.com.



Project Title: Karimshah, Inc. -
1849 Lawrenceville Highway



Karimshah Community Meeting Sign-In Sheet

alexs218@yahoo.com

cristlar07@gmail.com

Lmaloney712@gmail.com

Michael.leyrer1127@gmail.com

T_same@bellsouth.net

LawrenceSharp59@gmail.com

Ms.A.Owens@gmail.com

ronbaker@processimproveguru.com

sterlin.henley@gmail.com

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:

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 

Expiration Date/ Seal

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

DEKALB COUNTY, GA

Campaign Contribution Disclosure Statements

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 Michele L. Battle and 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
Mereda Davis Johnson	Commissioner	\$1000
Nicole Massiah	Commissioner	\$2000
LaDena Bolton	Commissioner	\$500
Chakira Johnson	Commissioner	\$500
Ted Terry	Commissioner	\$500
Robert Partrick	Commissioner	\$500

By: 

Printed Name: _____



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Major Modification of Conditions to allow for
An Express Car Wash

of

**Karimshah, Inc.
c/o Battle Law, P.C.**

for

+/-1.26Acres 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

Karimshah, Inc.. (the “Applicant”) is seeking to develop on +/- 1.26 acres of land being Tax Parcel No. 18 063 03 027 having frontage on 1849 Lawrenceville Highway (the “Subject Property”) with an express car wash. The Applicant is seeking a Major Modification of Conditions on the Subject Property to allow for the car wash. Currently, a condition exists limiting the use of the Subject Property to a car dealership. The condition in question arises from zoning case Z-0601241 and is condition number one (1).

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. MAJOR MODIFICATION OF CONDITIONS CRITERIA

Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;

The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan. The future land use designation on the Subject Property is Town Center, which permits the C-1 zoning district and its uses. The zoning proposal does not seek to change the zoning district on the Subject Property. Rather, the zoning proposal seeks to change condition one (1) as laid down in zoning case Z-0601241 which restricts the use of the Subject Property to a car dealership. A change of condition to allow for a new use is required to have anything other than the approved car dealership. The zoning proposal request an express luxury car wash, which is a permitted use under the C-1 district and the Town Center land use designation. Therefore, the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;

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



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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.

Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The Subject Property does not have a reasonable economic use as currently zoned. The original zoning case that placed conditions onto the Subject Property limited its use to “*the office and the retail uses only.*” (Emphasis added). The italicized “the” in the previous sentences were handwritten into the conditions. This seems to suggest that the only use permitted on the Subject Property were the car dealership and accompanying office use that was approved under zoning case Z-0601241. If this is the case, then there is no reasonable economic use for the property so long as that condition remains on the Subject Property because that dealership and office have since gone out of business and have vacated the property. In fact, the buildings from that use no longer exist on the site. Therefore, the Subject Property does not have a reasonable economic use as currently zoned.

Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties;

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.

Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

There are other existing or changing conditions affecting the use and development of the property which give supporting grounds for approval of the zoning proposal. The original zoning case Z-0601241 included another condition which required the closure of the ingress/egress onto Jordan Lane. Unfortunately, that ingress/egress was never closed. In meeting with the community, the various community members expressed a great interest in getting that ingress/egress closed. The Applicant has agreed to close off that ingress/egress. Therefore, there are existing or changing conditions affecting



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the use and development of the property which give supporting grounds for approval of the zoning proposal.

Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources;

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. The Subject Property is not in any historic overlay district and not known historic buildings or archaeological resources are anywhere near the Subject Property.

Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; and

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 similar to 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.

Whether the zoning proposal adversely impacts the environment or surrounding natural resources

The zoning proposal will not adversely impact the environment or surrounding natural resources. The Applicant uses technology to capture as much used water as possible



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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. The Applicant will also be installing solar powered lighting. The lighting plan will be powered entirely by solar energy. Lastly, the Applicant will be planting new trees native to the area in the required landscape strip to both shield the residential uses from the car wash, beautify the area, and enhance the environmental assets in the area. Therefore, the zoning proposal will not adversely impact the environment or surrounding natural resources.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a Major Modification of Conditions be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

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

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

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in



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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 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 major modification of conditions 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 land use amendment and/or Major Modification of Conditions 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 Major Modification of 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 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 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.

Michele L. Battle, Esq.
Attorney for the Applicant

1849 Lawrenceville Hwy, Decatur, GA

TRIP GENERATION ANALYSIS

Submitted March 9th, 2023

Narrative/Introduction

The Applicant is proposing the construction of a ModWash automatic carwash tunnel. The carwash will consist of 3,900 square feet of space and will be able to accommodate multiple vehicles at the same time. The carwash site will be located at the south corner of Lawrenceville Highway and Jordan Lane consists of 1.28 acres of land. The street address of the parcel is 1849 Lawrenceville Hwy, Decatur, GA and is part of Dekalb County.

For this analysis, The potential trip generation associated with the proposed development compared with other commercial uses and also the proposed approved 25,000 sf retail/office as approved in 2006. The Independent variable of 1,000 square feet of gross floor area was selected instead of the number or carwash tunnels. This is due to the fact that the per square foot approach was deemed to be a more accurate reflection of the intensity of the use as opposed to the more nebulous per carwash tunnel independent variable. It should be noted that as of the writing of the ITE 11th Edition, there are very few data points available for the Automatic Carwash land use.

Trip Generation

The tables that follow (Tables 1, 2 and 3) indicate the estimated project traffic using ITE Trip Generation 11th Edition.

Table 1 - Saturday, Peak Hour of Generator

ITE Land-Use Category	ITE Land Use (Code)	Independent Variable	Average Rate	Size	Total Trips	In	Out	Pass-By Capture Rate	Pass-By Trips			Net-New Trips		
									2-Way	In	Out	2-Way	In	Out
									Proposed Land Use					
Automated Car Wash	948	1000 Sq. Ft.	41.0	3.9	160	74	86	0%	0	0	0	160	74	86
Convenience Store	851	1000 Sq. Ft.	79.23	3.9	309	154	155	0%	0	0	0	309	154	155
Fast Food w/o Drive Thru	933	1000 Sq. Ft.	54.6	3.9	213	104	109	0%	0	0	0	213	104	109
Auto Sales (Used)*	841	1000 Sq. Ft.	26.4	3.9	19	10	9	0%	0	0	0	19	10	9
Retail Plaza (25k sf)	822	1000 Sq. Ft.	6.83	25	164	84	80	0%	0	0	0	164	84	80

*Weekday peak hour was used as Saturday is not an option

Table 2 - Weekday, Peak Hour of Adjacent Street Traffic, one hour 4pm to 6pm Trip Generation Estimates

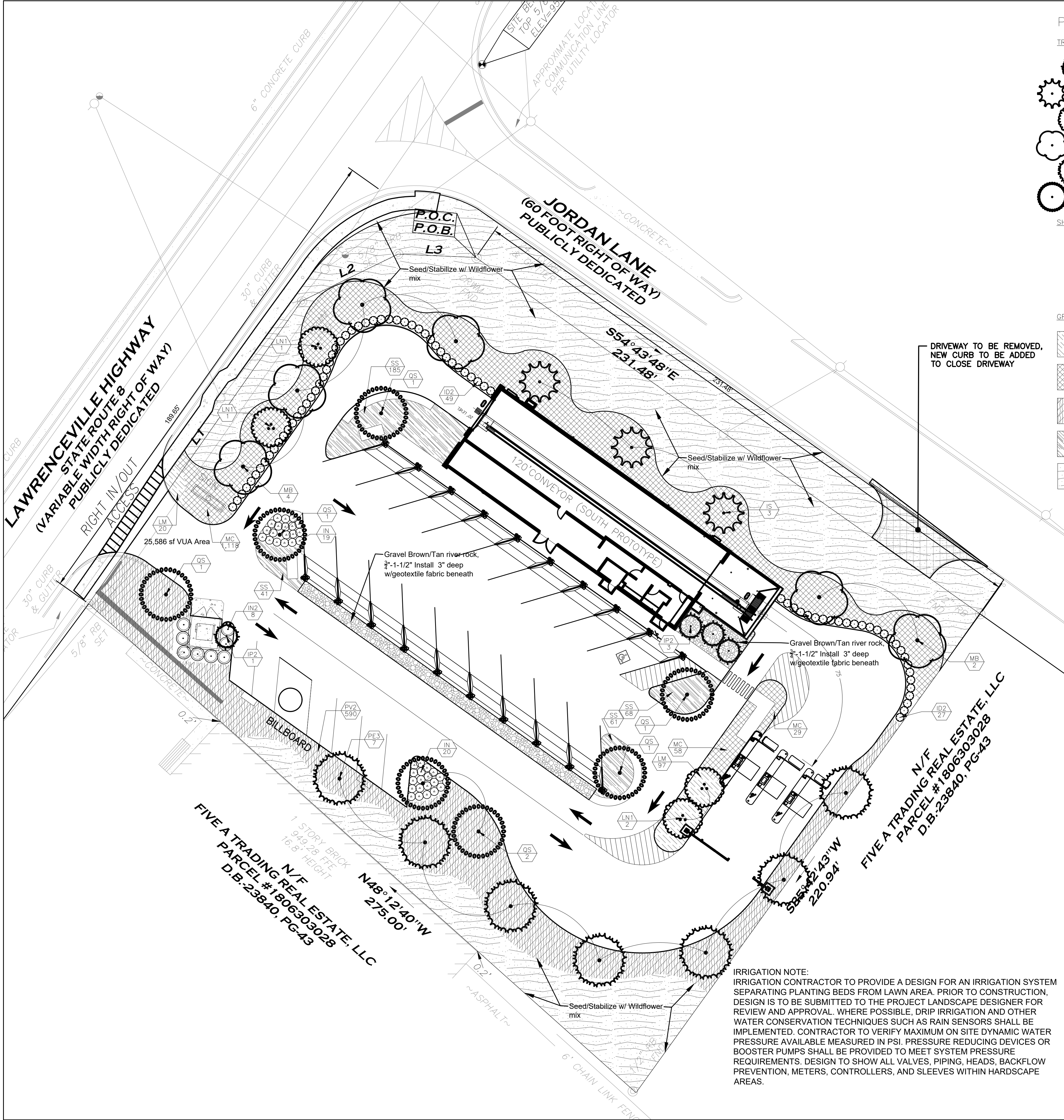
Table 3 - PM Peak Hour of Generator Trip Generation Estimates

ITE Land-Use Category	ITE Land Use (Code)	Independent Variable	Average Rate	Size	Total Trips	In	Out	Pass-By Capture Rate	Pass-By Trips			Net-New Trips		
									2-Way	In	Out	2-Way	In	Out
Proposed Land Use														
Automated Car Wash	948	1000 Sq. Ft.	11.66	3.9	45	23	22	0%	0	0	0	45	23	22
Convenience Store	851	1000 Sq. Ft.	53.6	3.9	209	106	103	0%	0	0	0	209	106	103
Fast Food w/o Drive Thru	933	1000 Sq. Ft.	52.8	3.9	206	103	103	0%	0	0	0	206	103	103
Auto Sales (Used)	841	1000 Sq. Ft.	3.8	3.9	15	7	8	0%	0	0	0	15	7	8
Retail Plaza (25k sf)	822	1000 Sq. Ft.	13.24	25	331	179	152	0%	0	0	0	331	179	152

As the Saturday, Peak-Hour of the Generator in the highest trip generation per 1,000 square feet of area, that trip generation was used for the analysis.

Site Location





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 Holly36" o.c. 18"-24" ht. x 12"-18" spd., 3 gal.
	IN	39	Ilex vomitoria 'Nana' / Dwarf Yaupon Holly 36" o.c. 12"-16" ht. x 14"-16" spd., 3 gal.
	IN2	8	Ilex x 'Nellie R Stevens' / Nellie Stevens Holly 60" o.c. 4'-6' ht, x 3'-4' spd. full specimen
GROUND COVERS	CODE	QTY	BOTANICAL / COMMON NAME SPACING
	LM	117	Lantana camara 'Gold Mound' / Gold Mound Lantana 24" o.c. Full 1 gallon pots
	MC	1,205	Muhlenbergia capillaris / Pink Muhly Grass 24" o.c. 12" - 14" ht. x 10"-14" spd., 1 gallon
	PV2	590	Panicum virgatum / Switch Grass 36" o.c. Full 1 gallon pots
	SS	355	Schizachyrium scoparium 'Standing Ovation' / Standing Ovation Little Bluestem 24" o.c. Full 1 gallon pots
	Wildflower Seed	Georgia Wildflower mix available at Eaden Brothers, 2099 Brevard Road, Arden, N.C. Seed @ 1 lb./12000 s.f.	

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

Modwash - Decatur
Parking lot tree canopy

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

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

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

TREES REQUIRED

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

DATE



4	3	2	1	NO.	DATE:	DESCRIPTION	REVISIONS



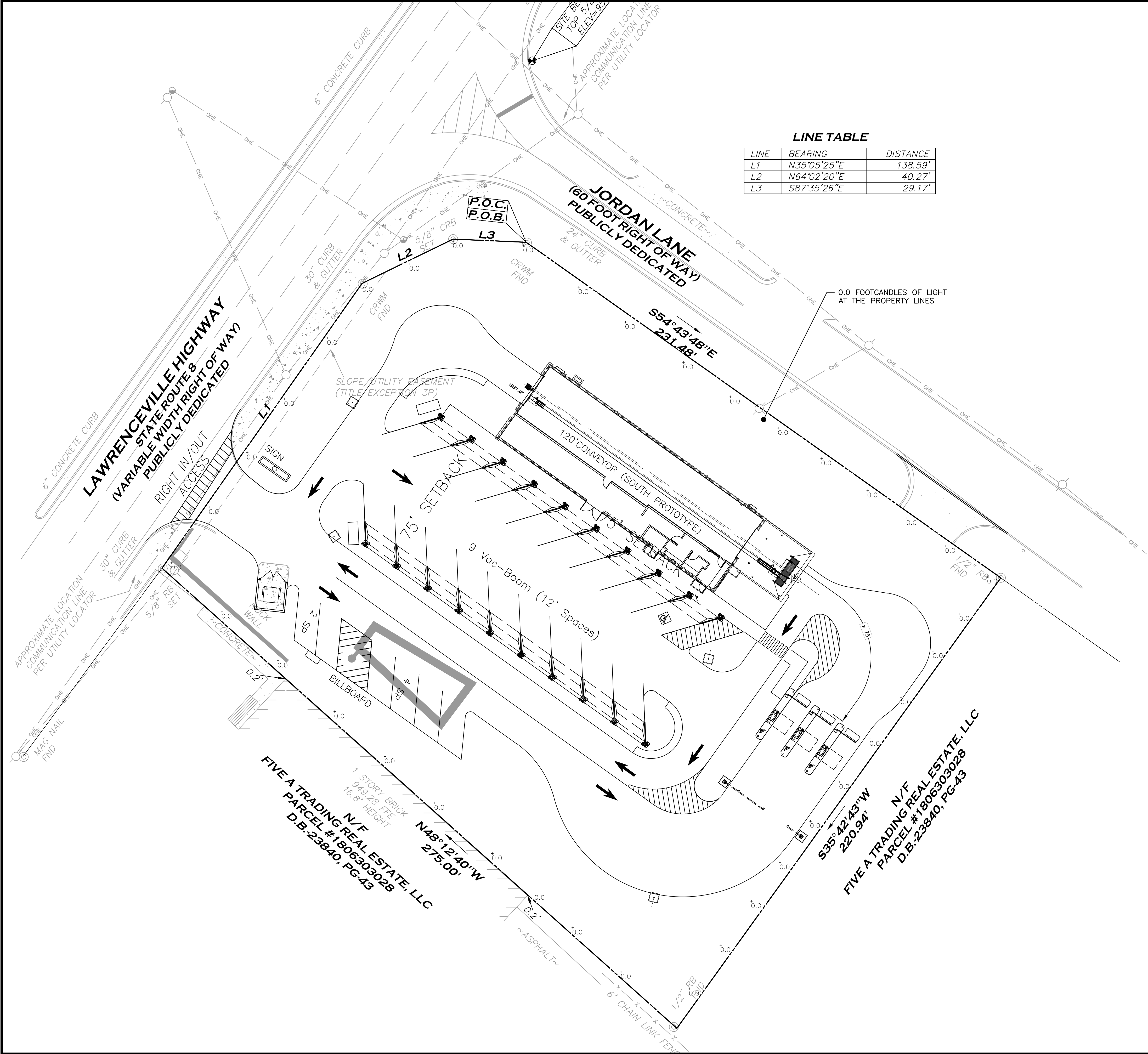
1111 CAMBRIDGE SQUARE, SUITE C
ALPHARETTA, GEORGIA 30009
PHONE: (678) 985-4820

LANDSCAPE PLAN

PROJECT NAME: MODWASH
1849 LAWRENCEVILLE HWY., DECATUR, GEORGIA

CLIENT: HUTTON
7336 CHERRY STREET, CHATTAHOOGA, TENNESSEE 37402

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



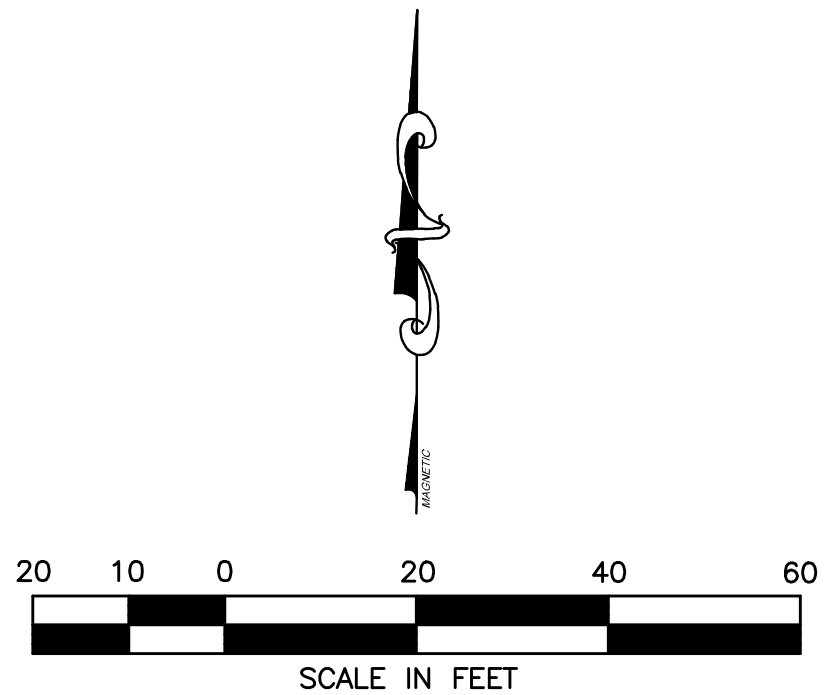
LINE	BEARING	DISTANCE
L1	N35°05'25"E	138.59'
L2	N64°02'20"E	40.27'
L3	S87°35'26"E	29.17'

LIGHTING NOTES:

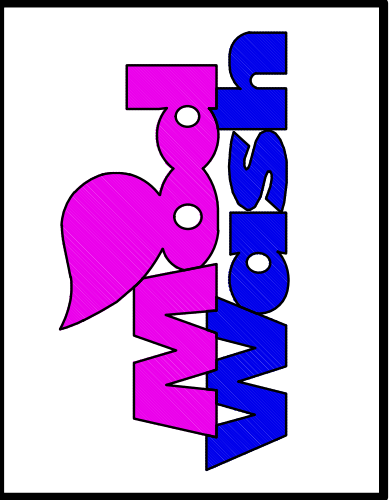
1. LIGHTING IN ALL ZONING DISTRICTS SHALL BE ESTABLISHED IN SUCH A WAY THAT NO DIRECT LIGHT IS CAST UPON OR ADVERSELY AFFECTS ADJACENT PROPERTIES AND ROADWAYS.
2. LIGHT FIXTURES SHALL INCLUDE GLARE SHIELDS TO LIMIT DIRECT RAYS ONTO ADJACENT RESIDENTIAL PROPERTIES.
3. ALL LIGHTING FIXTURES (LUMINARIES) 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	19.0
Multifamily residential parking lots	0.2	1.50	10.0
Walkways, access drives and loading/unloading areas	0.2	2.00	19.0
Landscaped areas	0.0	0.50	5.0



DATE

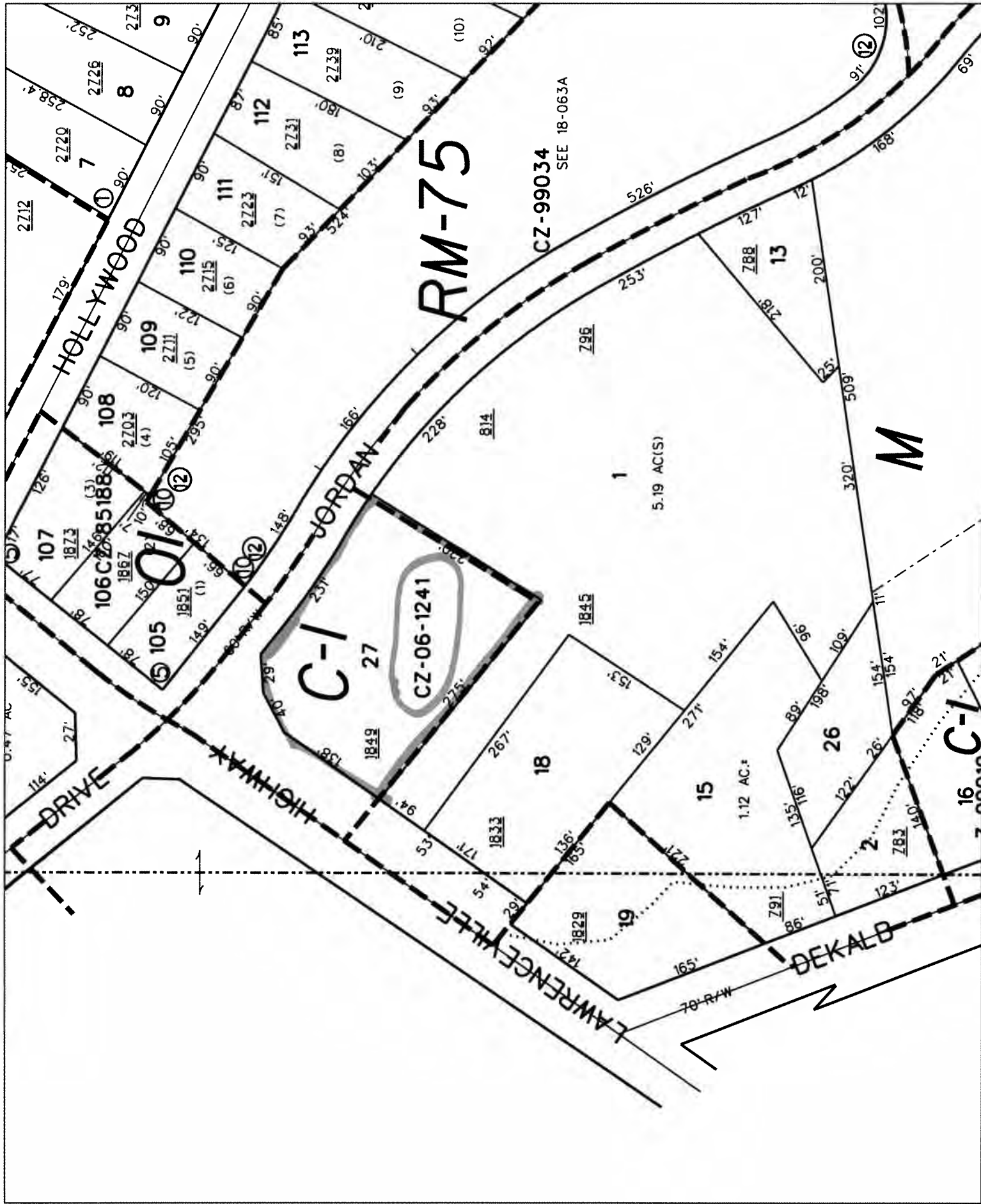


NO.	DATE:	DESCRIPTION	REVISIONS
4			
3			
2			
1			



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

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



DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

HEARING TYPE
PUBLIC HEARING

ZONING AGENDA / MINUTES

MEETING DATE: June 27, 2006

ACTION TYPE
ORDINANCE

SUBJECT: Rezone – Chung C. Chang

COMMISSION DISTRICTS: 4 & 6

DEPARTMENT: Planning

PUBLIC HEARING: ☒ YES ☐ NO

ATTACHMENT: ☒ YES ☐ No

INFORMATION CONTACT: Patrick Ejike/Kevin Hunter

PAGES: 19

PHONE NUMBER: (404) 371-2155

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

PURPOSE:

Z-06-1241

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

Subject Property: 18-063

RECOMMENDATION(S):

PLANNING DEPARTMENT:

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

PLANNING COMMISSION:

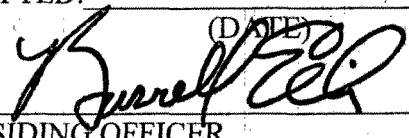
Denial.

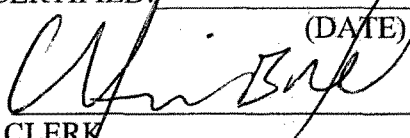
COMMUNITY COUNCIL:

Other (No Quorum)

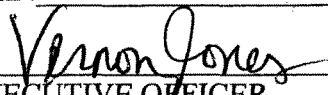
FOR USE BY COMMISSION OFFICE/CLERK ONLY**ACTION: H21**

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

ADOPTED: JUN 27 2006
 (DATE)

 PRESIDING OFFICER
 DEKALB COUNTY BOARD OF COMMISSIONERS

CERTIFIED: JUN 27 2006
 (DATE)

 CLERK,
 DEKALB COUNTY BOARD
 OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: JUL 05 2006

 CHIEF EXECUTIVE OFFICER
 DEKALB COUNTY

VETOED: _____
 CHIEF EXECUTIVE OFFICER
 DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

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

No one spoke in opposition of the application.

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

Z-06-1241
Chang/Ali

~~11/17~~

M → C1

District 4 - 6

To: MR. Chang

Approve with conditions:

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

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

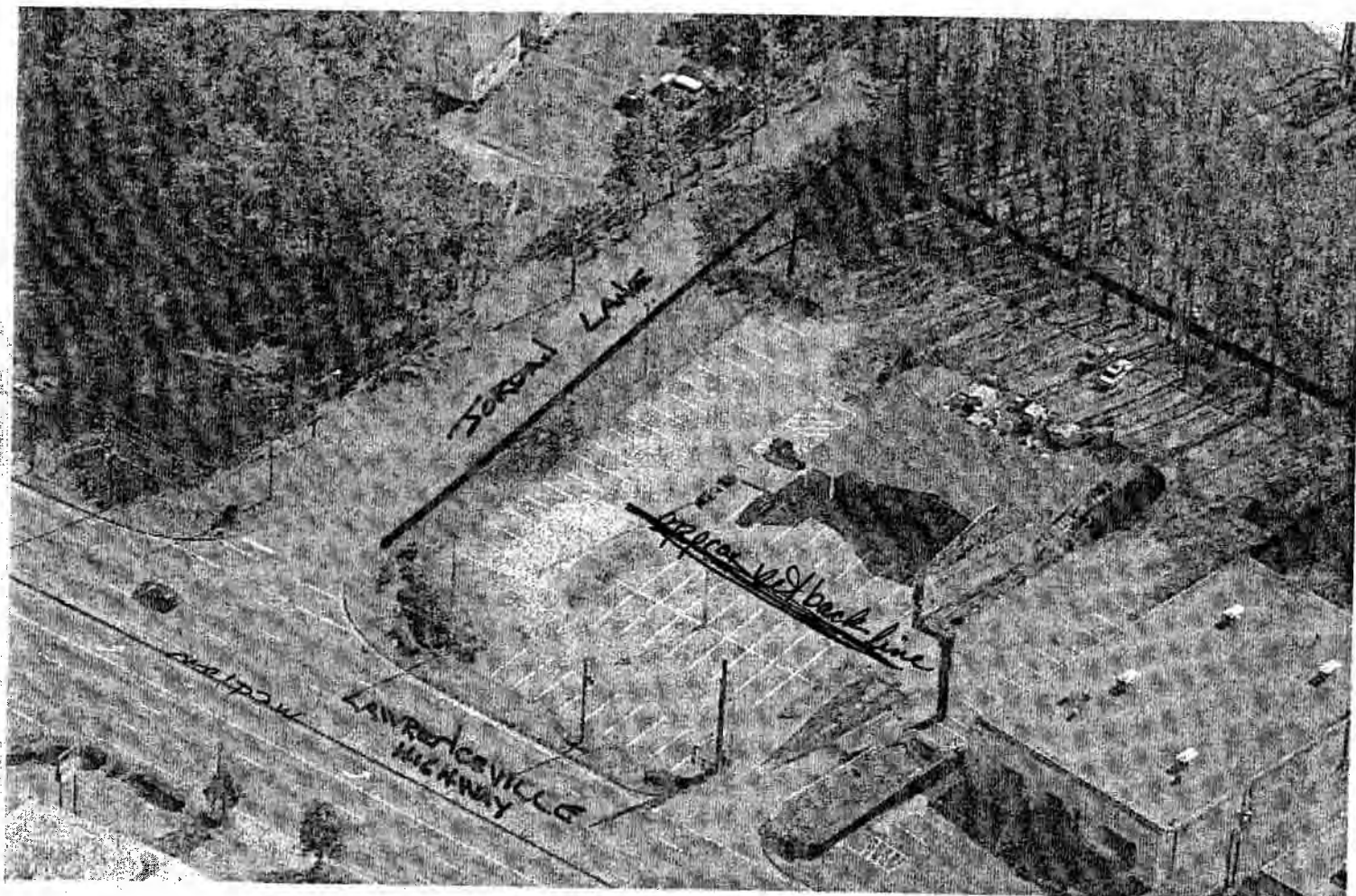
5/23/06

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

MR Chang

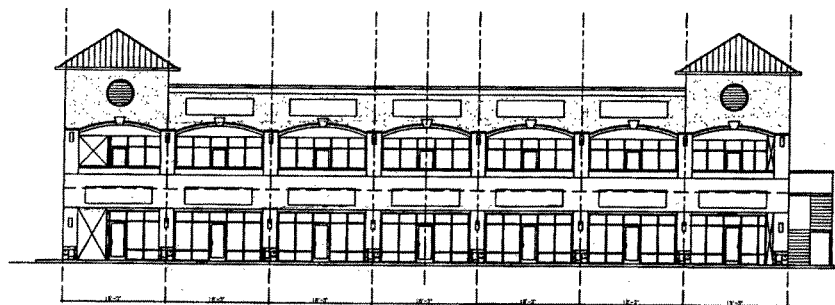
These are the conditions proposed
for Mr Ali's rezoning from
M to C-1 on the morning
of June 27*. Please let
me know if questions

Commissioner GANNON
404-371-4909



BEFORE (c) Copyright 2003, Pictometry International

Z-06-1241



--- 42'-6"
 --- 32'-6"
 --- 23'-0"
 --- 16'-0"
 --- 13'-6"
 --- G.F.

ELEVATION
 1/8" = 1'-0"

REVISION	BY
CUSTOM DESIGN & DEVELOPMENT CORPORATION 1000 15TH AVENUE, SUITE 100 DENVER, COLORADO 80202 TEL: (303) 733-1111 FAX: (303) 733-1112	
ALL BUILDING	
ELEVATION	
DRAWN BY:	
CHECKED BY:	
PROJECT NO:	
DATE: 01/15/2000	
A1	