

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

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

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

PETITION NO: N4-2025-0963 SLUP-25-1247632

PROPOSED USE: Drive-through facility (car wash).

LOCATION: 1849 Lawrenceville Highway, Decatur, Georgia 30033

PARCEL NO. : 18 063 03 027

INFO. CONTACT: Adam Chappell, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Karimshah, Inc. c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow a drive-through facility (car wash) in the C-1 (Local Commercial) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: Deferral.

PLANNING COMMISSION: (Sept. 9, 2025) Pending.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The subject property consists of approximately 1.26 acres that had most recently been used for automobile sales. In 2006, the property was conditionally rezoned from the M (Light Industrial) Zoning District to the C-1 (Local Commercial) Zoning District as a result of CZ-06-1241. The applicant proposes developing the site with a drive-through automobile wash service (car wash). All drive-through facilities in Character Areas designated as *Activity Centers* per the *DeKalb County 2050 Unified Plan* require a Special Land Use Permit (SLUP). The subject property is located within a Town Center (TC) Character Area; thus, a SLUP for the proposal as per the submitted site plan is required. A companion application for a Major Modification of conditions to CZ-06-1241 has been submitted by the applicant (CZ- 25-1237634) and is expected to be heard concurrently with this application. Car washes are normally a permitted use by-right in the C-1 Zoning District; however, the conditions of CZ-06-1241 were site plan-specific and limited the uses on-site to general office and retail uses. The change in use, while normally permitted, constitutes a *major change* to the conditions of CZ-06-1241, as defined in Section 27-7.3.10. of the *Zoning Ordinance*. The intent of the Town Center (TC) Character Area, as defined in the *DeKalb County 2050 Unified Plan*, is “to promote the concentration of higher intensity residential and commercial uses, which serve several communities surrounding the center, in order to reduce automobile travel, promote walkability and increased transit usage” (*DeKalb County 2050 Unified Plan*, page 35). The proposed use, a **drive-through automobile** wash service, stands directly in conflict with these stated goals (Section 27-7.4.6. (H)). In addition to being within a TC Character Area, the subject property is located within the “Core Area” of the Medline Livable Centers Initiative (LCI) (see attached). This core area is described as the largest and most central portion of the Medline LCI and is intended to become “a mix of high intensity office, medical services, multi-family residential and retail uses. Retail should be incorporated within mixed use buildings and developments”. Notably, the Medline LCI Plan states that in the “Core Area”, “single-use, stand-alone retail is discouraged.” The property is located near the intersection of Lawrenceville Highway, a major

arterial, and two (2) minor arterials (DeKalb Industrial Way and Church Street). At the time of this analysis, much of this corridor has yet to have been substantially redeveloped. Within the last ten years, however, there has been a significant northbound precedent of successful higher density, mixed-use developments emanating from the intersections of Scott Boulevard and Church Street (which extend south from Lawrenceville Highway) with North Decatur Road. Considering the subject property's proximity to the intersection of Lawrenceville Highway, Church Street, and DeKalb Industrial Way, the proposed drive-through does not appear to be suitable with or support trending development patterns, nor is it necessarily consistent with the needs of the neighborhood or surrounding communities as whole (Section 27-7.4.6. (N)). There are also several site plan deficiencies with the proposal. The proposed dumpster is considered to be an accessory structure. Section 27-4.2.2. of the *Zoning Ordinance* requires that accessory structures be located in the rear yard in reference to a primary structure; the proposed dumpster as currently depicted would require a variance from the Zoning Board of Appeals. There are also concerns that the location of the dumpster may not be sufficient to provide adequate maneuverability for sanitation vehicles without backing into drive-through or access lanes for vehicles. Furthermore, there are concerns that the site may not provide sufficient access/egress for emergency vehicles (Section 27-7.4.6. (E) and (I)). The proposal does not appear to meet multiple criteria for access/egress and refuse collection. Moreover, Staff believes that approval of this Special Land Use Permit (SLUP) request may potentially set a precedent of allowing more traditional suburban uses in Character Areas that are intended to be higher-density mixed-use corridors, both negatively affecting desired urban form and potential economic viability (by virtue of reducing potential density and assortment of mixed uses), directly conflicting with and detracting from the goals and intents set forth in the *DeKalb County 2050 Unified Plan*. Therefore, based on review of Section 27-7.4.6. it is the recommendation of the Planning and Sustainability Department that this request for a Special Land Use Permit (SLUP) be ***"Denied"***.

PLANNING COMMISSION VOTE: (September 9, 2025) Pending.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Deferral 8-0-0.

Planning Commission Hearing Date: September 9, 2025
Board of Commissioners Hearing Date: September 30, 2025

STAFF ANALYSIS

CASE NO.:	SLUP-25-1247632	File ID #: 2025-0963
Address:	1849 Lawrenceville Highway Decatur, GA 30033	Commission District: 4 Super District: 6
Parcel ID(s):	18-063-03-027	
Request:	Special Land Use Permit (SLUP) to allow a drive-through facility (car wash) in the C-1 (Local Commercial) zoning district	
Property Owner(s):	Karimshah, Inc.	
Applicant/Agent:	Karimshah, Inc. c/o Battle Law, P.C.	
Acreage:	1.26 acres	
Existing Land Use:	Automobile sales	
Adjacent Zoning:	North: O-I, MR-2 (across Jordan Lane) East: M South: M West: C-1 (across Lawrenceville Highway)	
Character Area	Town Center (TC)	
Comprehensive Plan:	Consistent _ Inconsistent <u>X</u>	

STAFF RECOMMENDATION: DENIAL

The subject property consists of approximately 1.26 acres that had most recently been used for automobile sales. In 2006, the property was conditionally rezoned from the M (Light Industrial) Zoning District to the C-1 (Local Commercial) Zoning District as a result of CZ-06-1241.

The applicant, Karimshah, Inc. c/o Battle Law, P.C., proposes developing the site with a drive-through automobile wash service (car wash). All drive-through facilities in Character Areas designated as *Activity Centers* per the *DeKalb County 2050 Unified Plan* require a Special Land Use Permit (SLUP). The subject property is located within a Town Center (TC) Character Area; thus, a SLUP for the proposal as per the submitted site plan is required.

A companion application for a Major Modification of conditions to CZ-06-1241 has been submitted by the applicant (CZ-25-1237634) and is expected to be heard concurrently with this application. Car washes are normally a permitted use by-right in the C-1 Zoning District; however, the conditions of CZ-06-1241 were site plan-specific and limited the uses on-site to general office and retail uses. The change in use, while normally permitted, constitutes a *major change* to the conditions of CZ-06-1241, as defined in Section 27-7.3.10. of the *Zoning Ordinance*.

The intent of the Town Center (TC) Character Area, as defined in the *DeKalb County 2050 Unified Plan*, is “to promote the concentration of higher intensity residential and commercial uses, which serve several communities surrounding the center, in order to reduce automobile travel, promote walkability and increased transit usage” (*DeKalb County 2050 Unified Plan*, page 35). The proposed use, a **drive-through automobile** wash service, stands directly in conflict with these stated goals (Section 27-7.4.6. (H)). In addition to being within a TC Character Area, the subject property is located within the “Core Area” of the Medline Livable Centers Initiative (LCI) (see attached). This core area is described as the largest and most central portion of the Medline LCI and is intended to become “a mix of high intensity office, medical services, multi-family

residential and retail uses. Retail should be incorporated within mixed use buildings and developments”. Notably, the Medline LCI Plan states that in the “Core Area”, “single-use, stand-alone retail is discouraged.”

The property is located near the intersection of Lawrenceville Highway, a major arterial, and two (2) minor arterials (DeKalb Industrial Way and Church Street). At the time of this analysis, much of this corridor has yet to have been substantially redeveloped. Within the last ten years, however, there has been a significant northbound precedent of successful higher-density, mixed-use developments emanating from the intersections of Scott Boulevard and Church Street (which extend south from Lawrenceville Highway) with North Decatur Road. Considering the subject property’s proximity to the intersection of Lawrenceville Highway, Church Street, and DeKalb Industrial Way, the proposed drive-through does not appear to be suitable with or support trending development patterns, nor is it necessarily consistent with the needs of the neighborhood or surrounding communities as whole (Section 27-7.4.6. (N)).

There are also several site plan deficiencies with the proposal. The proposed dumpster is considered to be an accessory structure. Section 27-4.2.2. of the *Zoning Ordinance* requires that accessory structures be located in the rear yard in reference to a primary structure; the proposed dumpster as currently depicted would require a variance from the Zoning Board of Appeals. There are also concerns that the location of the dumpster may not be sufficient to provide adequate maneuverability for sanitation vehicles without backing into drive-through or access lanes for vehicles. Furthermore, there are concerns that the site may not provide sufficient access/egress for emergency vehicles (Section 27-7.4.6. (E) and (I)).

The proposal does not appear to meet multiple criteria for access/egress and refuse collection. Moreover, Staff believes that approval of this Special Land Use Permit (SLUP) request may potentially set a precedent of allowing more traditional suburban uses in Character Areas that are intended to be higher-density mixed-use corridors, both negatively affecting desired urban form and potential economic viability (by virtue of reducing potential density and assortment of mixed uses), directly conflicting with and detracting from the goals and intents set forth in the *Dekalb County 2050 Unified Plan*. Therefore, based on review of Section 27-7.4.6. it is the recommendation of the Planning and Sustainability Department that this request for a Special Land Use Permit (SLUP) be **Denied**.

DEPARTMENT OF PLANNING & SUSTAINABILITY**Chief of Executive Officer**
Lorraine Cochran-Johnson**Director**
Juliana A. Njoku**Zoning Comments September 2025**

D1-2024-1442 CZ-25-1247294 (7778 Pleasant Hill Rd & others): Pleasant Hill Road is classified as a Minor Arterial. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. The right-of way dedication of 35 feet minimum from centerline to allow all public infrastructure is within right of way. Requires a 10-foot multiuse path, with pedestrian streetlights. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

D2-2025-0283 Z-25-1247358 (1619 Pleasant Hill Trl): Pleasant Hill Road is classified as a Minor Arterial. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. The right-of way dedication of 35 feet minimum from centerline to allow all public infrastructure is within right of way. Requires a 10-foot multiuse path, with pedestrian streetlights. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

N1-2025-0960 Z-25-1247566 (700 Jordan Lane): Jordan Lane & Reverend D L Edwards are both classified as local roads. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.

N2-2025-0961 Z-25-1247624 (3507 Chamblee-Tucker Road): Old Chamblee Tucker Road is classified as a local road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.

N3-2025-0962 CZ-25-1247634 (1849 L'ville Hwy): Lawrenceville Highway is classified as a Major Arterial, also a Georgia State Route. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. If not already in place: Requires a right of way dedication of 75 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 10-foot multiuse path with pedestrian scale streetlights. Jordan Lane is classified as a local road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.

N4-2025-0963 SLUP-25-1247632 (1849 L'ville Hwy): Lawrenceville Highway is classified as a Major Arterial, also a Georgia State Route. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. If not already in place: Requires a right of way dedication of 75 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 10-foot multiuse path with pedestrian scale streetlights. Jordan Lane is classified as a local road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.

N5-2025-0964 Z-25-1247633 (3048 Lumby Dr.): Lumby Drive is classified as a local road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.

N6-2025-0965 SLUP-25-1247606 (1766 Big Valley Lane): Big Valley Lane is classified as a Local Road. SLUP does not change the existing shoulders or curb cuts.

N7-2025-0966 SLUP-25-1247611 (1747 Flintwood Dr.): Flintwood Drive is classified as a Local Road. SLUP does not change the existing shoulders or curb cuts. Suggested but not required, (Children at play) signs could be added in advance of subject property in both directions.

N8-2025-0967 SLUP-25-1247631 (4077 Flat Shoals Pkwy): Flat Shoals Pkwy is classified as a Major Arterial. SLUP does not change the existing shoulders or curb cuts.

N9-2025-0968 SLUP-25-1247608 (2339 Brannen Rd, Rear): Brennen Road is classified as a Collector. SLUP does not change the existing shoulders or curb cuts.

N10-2025-0969 SLUP-25-1247629 (538 Burlington Road): Burlington Road is classified as a Local Road. SLUP does not change the existing shoulders or curb cuts.

N11-2025-0970 SLUP-25-1247635 (Loveless Place & Pineview Trl): Loveless Place is classified as a Local Road. Subject in the Bouldercrest Overlay District.



7/11/2025

To: Mr. John Reid, Senior Planner
From: Ryan Cira, Director, Division of Environmental Health
Cc: Alan Gaines, Deputy Director, Division of Environmental Health
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.

N1-2025-0960

Z-25-1247566

700 Jordan Lane, Decatur, Ga

- See general comments

N2-2025-0961

Z-25-1247624

3507 Old Chamblee-Tucker Road, Chamblee, Ga 30341

- See general comments

N3-2025-0962

CZ-25-1247634

1849 Lawrenceville Highway, Decatur, Ga 30033

- See general comments

N4-2025-0963

SLUP-25-1247632

1849 Lawrenceville Highway, Decatur, Ga 30033

- See general comments

N5-2025-0964

Z-25-1247633

3048 Lumby Drive, Decatur, Ga 30034

- See general comments

N6-2025-0965

SLUP-25-1247606

1766 Big Valley Lane, Stone Mountain, GA 30083

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

LAND DEVELOPMENT ANALYSIS

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

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.

Case # and Address/Parcel: _____

- **Transportation/Access/Row**

- **Stormwater Management**

- **Flood Hazard Area/Wetlands**

- **Landscaping/Tree Preservation**

- **Tributary Buffer**

- **Fire Safety**

LAND DEVELOPMENT ANALYSIS

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

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.

Case # and Address/Parcel: SLUP-25-1247632 - 1849 Lawrenceville Hwy 18 063 03 027

- Transportation/Access/Row

- Stormwater Management

The property is C-1 a underground detention system would work.

- Flood Hazard Area/Wetlands

Not in the flood plain.

- Landscaping/Tree Preservation

- Tributary Buffer

No stream or creek near the property.

- Fire Safety

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

PUBLIC WORKS – **ROADS & DRAINAGE** - ZONING COMMENTS FORM

Case No.: _____ Parcel ID#: _____

Address: _____

Drainage Basin: _____

Upstream Drainage Area: _____

Percentage of Property in 100-Year Floodplain: _____

Impact on property (flood, erosion, sedimentation) under existing zoning: _____

Required detention facility(s): _____

COMMENTS: _____

Signature: _____ *Akin Akinsola*

DEPARTMENT OF PLANNING & SUSTAINABILITY

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PUBLIC WORKS – **ROADS & DRAINAGE** - ZONING COMMENTS FORM

Case No.: SLUP-25-1247632 Parcel ID#: 18 063 03 027

Address: 1849 Lawrenceville Highway, Decatur 30033

Drainage Basin: South Fork Peachtree Creek

Upstream Drainage Area: N/A

Percentage of Property in 100-Year Floodplain: 0%

Impact on property (flood, erosion, sedimentation) under existing zoning: No known impact of flood, erosion, and sedimentation under existing zoning

Required detention facility(s): May be applicable

COMMENTS: _____

The proposed used is categorized by the National Pollutant Discharge Elimination System (NPDES) as _____

Highly Visible Pollutant Source using the North American Industry Classification System (NAICS). _____

Adequate structural and non-structural best management practices will be required. _____

Signature: Akin Akinsola

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

PUBLIC WORKS – **TRAFFIC ENGINEERING** - ZONING COMMENTS FORM

Case No.: CZ-25-1247634

Parcel ID#: 18 063 03 027

Address: 1849 Lawrenceville Highway, Decatur 30033

Adjacent Roadway(s):

Classification:

Capacity (TPD): _____

Capacity (TPD): _____

Latest Count (TPD): _____

Latest Count (TPD): _____

Hourly Capacity (VPH): _____

Hourly Capacity (VPH): _____

Peak Hour Volume (VPH): _____

Peak Hour Volume (VPH): _____

Existing number of traffic lanes: _____

Existing number of traffic lanes: _____

Proposed number of traffic lanes: _____

Proposed number of traffic lanes: _____

Proposed right-of-way width: _____

Proposed right-of-way width: _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of traffic (latest edition 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: 

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

PUBLIC WORKS – **TRAFFIC ENGINEERING** - ZONING COMMENTS FORM

Case No.: SLUP-25-1247632 Parcel ID#: 18 063 03 027

Address: 1849 Lawrenceville Highway, Decatur 30033

Adjacent Roadway(s):

Classification:

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of traffic (latest edition 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: Did not see any concerns as far as traffic
engineering is concerned.

Signature: _____

Russell

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

PUBLIC WORKS – **WATER & SEWER** - ZONING COMMENTS FORM

Case No.: _____ Parcel ID#: _____

Address: _____

WATER:

Size of existing water main: _____ adequate _____ inadequate _____

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

SEWER:

Outfall Servicing Project: _____

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

Water Treatment Facility: _____ Adequate? Yes _____ No _____

Sewage Capacity: _____ (MGPD) Current Flow: _____ (MGPD)

COMMENTS: _____

Signature: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

PUBLIC WORKS – **WATER & SEWER** - ZONING COMMENTS FORM

Case No.: SLUP-25-1247632 Parcel ID#: 18 063 03 027

Address: 1849 Lawrenceville Highway, Decatur 30033

WATER:

Size of existing water main: 12" DI, 6" DI and 30" DI adequate ☐ inadequate ☐

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

SEWER:

Outfall Servicing Project: Southfork Peachtree Creek

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

Water Treatment Facility: Atlanta Adequate? Yes ☐ No ☐

Sewage Capacity: 40 (MGPD) Current Flow: 36 (MGPD)

COMMENTS: SCR is required

Signature: Yola Lewis



MARTA September 2025 Case Comments

N2-2025-0961 (Z-25-1247624)

3507 Old Chamblee-Tucker Road, Chamblee, GA 30341:

Owner shall coordinate with MARTA during design phase to provide transit access.

N3-2025-0962 & N4-2025-0963 (CZ-25-1247634 & SLUP-25-1247632)

1849 Lawrenceville Highway, Decatur, GA 30033:

Owner shall coordinate with MARTA during design phase to provide transit access.

N5-2025-0964 (Z-25-1247633)

3048 Lumby Drive, Decatur, GA 30034:

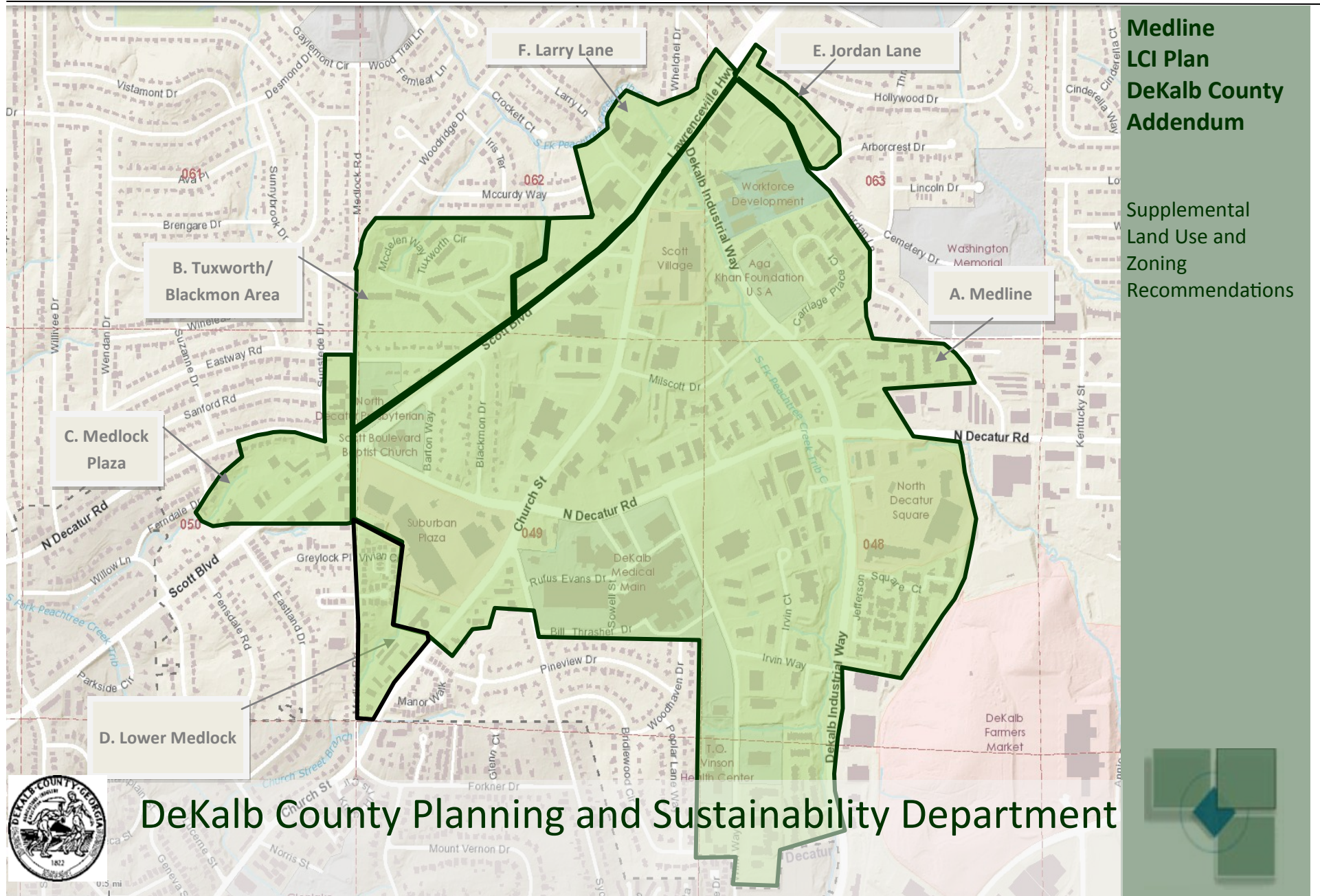
Owner shall ensure appropriate pedestrian access to Flat Shoals Rd to provide access to transit service along corridor.

N12-2025-0972 (TA-25-1247647):

Many O-I (Office-Institutional) parcels front valuable transportation corridors such as Memorial Drive. Data centers are low population density developments and thus poor drivers of transit usage. Alternative developments on these parcels would help drive sustainable transportation, and data centers could be served off main corridors with no downside. MARTA recommends data centers to only be permitted in M (Industrial) and M-2 (Heavy Industrial) zoning districts.

MEDLINE LCI PLAN – Supplemental Land Use and Zoning Recommendations

LCI Plan



Land Use and Re-Zoning Guidance

The LCI Plan for Medline offers a broad long-range plan for land use, transportation, health policies and economic development. The area is currently undergoing rapid redevelopment and more redevelopment is expected. The Medline LCI Study was conservative in its approach to address the market demand of development and growth. As a result, this has placed a high demand to re-evaluate the density, use, and building heights of the LCI area. This document offers refined guidance for land use policy and zoning, particularly for 5 sub-areas that are adjacent to existing single-family neighborhoods. This guidance recognizes and reflects the recommendations within the LCI report for the Medline Core district, but also seeks to establish reasonable transitions on the edges of the study area to protect and enhance existing communities.

Area A - Medline Core Area

Uses: This is the largest and central portion of the Medline character area and should become a mix of high intensity office, medical services, multi-family residential and retail uses. In the future the Medline Core may be serviced by two rail stops. In a broad sense the Medline Core should become an employment center within a walkable community served by transit. Retail should be

incorporated within mixed use buildings and developments. Single-use, stand-alone retail is discouraged. In addition the area is suitable for research and development facilities and high density senior facilities.

Density: A density of 60 is permitted in the Medline Core Area. This is consistent with the Town Center character area of the comprehensive plan. High density senior buildings should be near medical offices, DeKalb General Hospital campus and shopping districts. Senior residential towers are best suited in areas where they do not dominate the views of single family homes or create proportions that are out of scale with adjacent single-family homes.

Building Height: Permitted height of new buildings within the Medline Core is 5-stories tall, 3-story minimum with the exception of research and development. Taller buildings are permitted if useful open space is provided and if buffers are provided to protect adjacent single-family homes. Any development along the western edge of Jordan Lane should not exceed three stories.

Area B - Tuxworth Blackmon

Uses: This is a residentially developed area north of Scott Boulevard east of Medlock Road and includes Tuxworth Springs Condominium, the Presbyterian Church and homes along Blackmon Drive.

This area should remain residential in character and is not suitable for commercial uses. Blackmon Drive may redevelop with townhouse and stacked flat style developments. There are a few smaller parcels with Scott Boulevard frontage; however these properties do not lend themselves to retail development. They are best incorporated into surrounding properties so as to limit curb cuts on Scott Boulevard near the congested six-way intersection.

Density: A density up to 24 units per acre is permitted in the Tuxworth Blackmon area.

Building Height: The permitted height of new buildings within the Tuxworth/ Blackmon Area is 2 stories.

Area C - Medlock Plaza

Uses: West of Medlock Road contains an area primarily consisting of retail and service uses. This area is adjacent to a future transit stop and should contain

higher residential densities, while still offering a transition when directly adjacent single-family residential uses.

Density: A density of 24 units per acre is permitted in the Medlock Plaza area.

Building Height: Three to five-story residential buildings with ground level retail/services and wrapped parking decks will provide a

better transition than the current mixture of retail and auto oriented uses. Parking decks should be largely hidden from the surrounding neighborhoods. Limited buffers may be required when single family homes are adjacent to new medium density development.

Area D - Lower Medlock

Medlock and portions of Church Street may continue to develop with a mixture of low intensity health services and residences for seniors. These uses are an appropriate transition to the nearby single-family and contribute to the Medline character area. Townhouse development along the southern portions of Medlock and this small section of Church Street are appropriate for an area this close to a future transit station, while still offering compatibility to adjacent single-family homes.

Uses: Mixture of low intensity health service, office, and Townhouse.

Density: A maximum density of 12 dwelling units per acre is preferred in the Church/lower Medlock Area.

Building Height: A maximum of 3 stories is the preferred height of buildings, for the Church/lower Medlock Area.

Area E – 1. Jordan Lane (along Lawrenceville Highway)

Uses: The primary use for this area should be commercial, office, retail, or mixed use.

Density: A maximum density of 24 dwelling units per acre is preferred in the Jordan Lane Area, along Lawrenceville Highway.

Building Height: Maximum 3-stories is the preferred height of buildings, for the Jordan Lane Area.

Area E – 2. Jordan Lane

Uses: This area should remain residential, and retail uses are not suitable for this area.

Density: A maximum density of 12 dwelling units per acre is preferred in the Jordan Lane Area, along Lawrenceville Highway.

Building Height: Maximum 2-stories is the preferred height of buildings, for the Jordan Lane Area. This area is significantly different from the adjacent Medline Core and should be protected from high intensity redevelopment to the west by buffers or three-story buildings. Service delivery and dumpsters should not be an intrusion for residential development along Jordan Lane.

Area F - Larry Lane

Uses: This area should retain the commercial development on the northern side of Scott Boulevard in a high intensity traffic corridor.

The frontage on Scott Boulevard is not particularly deep and it adjoins a stable single family neighborhood that should remain intact. Therefore development in the area should be concentrated along Scott Boulevard and transition down in scale and intensity towards the adjacent residential community.

Density: A maximum density of 24 dwelling units per acre is preferred in the Larry Lane Area.

Building Height: A maximum of 2 stories is allowed.

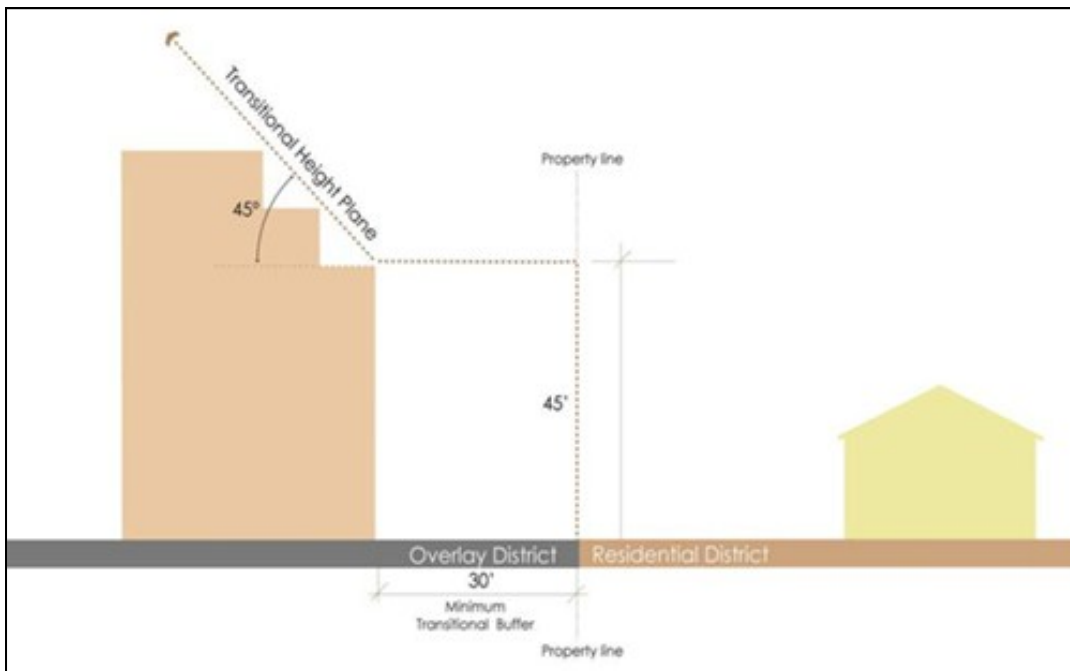
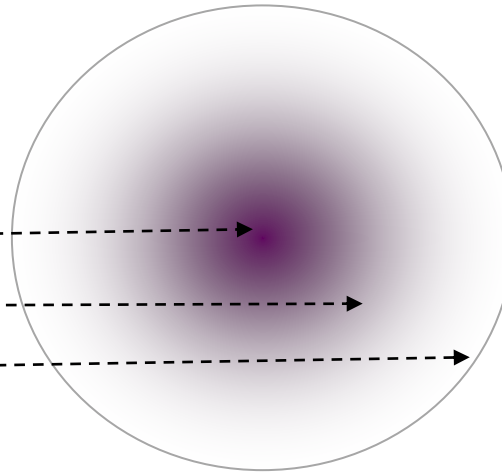
Service delivery and dumpsters should be located away from single-family homes. Buffers and screening for the adjacent residential streets may be required to improve transitions between intensities of use. Regional cut-through traffic and service vehicles should not be routed into the neighborhood.

Preferred Density Concept

Core (up to 60du/ac & 3-5 stories max) ----->

Center (24du/ac & 3 stories max) ----->

Edge (12 du/ac & 2 stories max) ----->

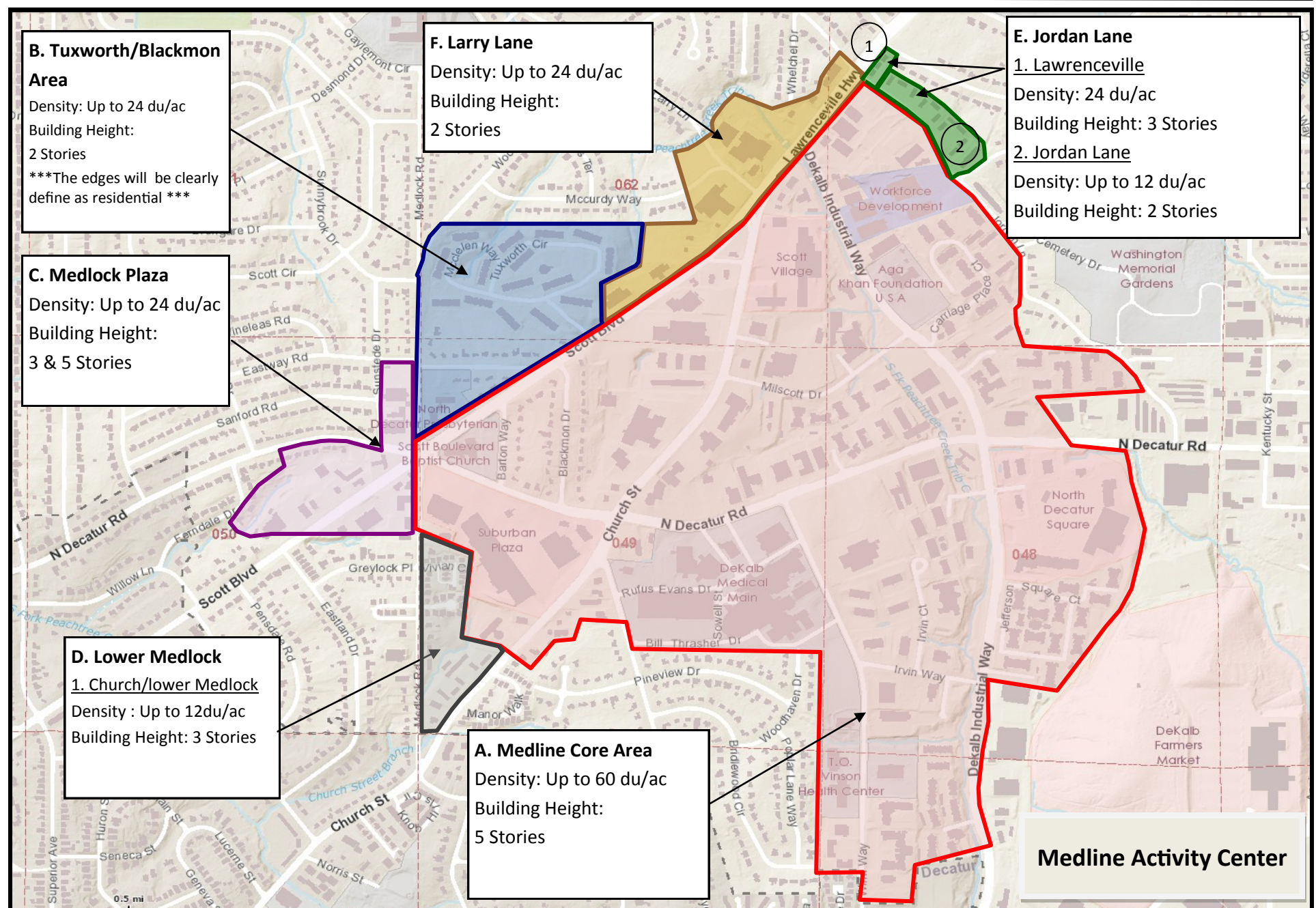


DENSITY RINGS

This concept shall be encouraged for the Medline Activity Center. The purpose for density rings is to develop high intensity projects while protecting single family neighborhoods. The highest intensity of development is located at the core of the activity center. Intermediate densities are established at a lower intensity than the core. An additional edge or outer ring is established to provide the final transitional height and intensity of development, prior to reaching the single family residence.

MEDLINE LCI PLAN – Supplemental Land Use and Zoning Recommendations

LCI Plan



MEDLINE LCI PLAN – Supplemental Land Use and Zoning Recommendations

LCI Plan

Land Use Development Guidelines for Medline

Sub-Area Districts	Primary Land Use	Density (du/ac)	Stories (max)	Lot Coverage
A. Medline Core	Mixed-use	60	5 Stories	80-90 % Commercial 35 % Residential ---% Greenspace
B. Tuxworth/Blackmon	Townhomes Condominiums Apartments	24	2 Stories	80-90 % Commercial 35 % Residential ---% Greenspace
C. Medlock Plaza	Multi-family Residential ;Townhouses	24	3 Stories	80-90 % Commercial 35 % Residential 70-85 % Multi-Family
D. Lower Medlock-2	Townhouses, office ,Senior House	12	3 Stories	80-90 % Commercial 35 % Residential -- % Greenspace
E. Jordan Lane -1	Retail, office, apartments, condominiums	24 (@ Lawrenceville)	Lawrenceville - 3 stories	80 –90 % Commercial 35 % Residential ---% Greenspace
E. Jordan Lane - 2	Single-Family Residential ,Townhouses	12 (@ Jordan)	Jordan - 2 stories	100% Residential
F. Larry Lane	Single-Family Residential ,Townhouses ,Retail ,Restaurants	24	2 Stories	80– 90 % Commercial 35 % Residential ---% Greenspace





DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

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

Applicant Name: Karimshah, Inc c/o Battle Law P.C.

Applicant Email Address: mlb@battlelawpc.com

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

Applicant Phone Number: 404-601-7616

Owner Name: Karimshah, Inc (Sadrudin Ashiq Ali)

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

Owner Email Address: alienterprise87@gmail.com

Owner Mailing Address: 1845 Lawrenceville Highway Decatur, GA 30033

Owner Phone Number: (678) 777-0080

Subject Property Address: 1849 Lawrenceville Highway Decatur, GA

Parcel ID Number(s): 18 063 03 027

Acreage: 1.26 Commission District(s): 4&6 Super District: 8

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

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

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

Owner: _____ Agent: X

Signature of Applicant:

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Lorraine Cochran-Johnson

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: _____ Phone: _____ Email: _____

Property Address: _____

Tax Parcel ID: _____ Comm. District(s): _____ Acreage: _____

Existing Use: _____ Proposed Use: _____

Supplemental Regs: _____ Overlay District: _____ DRI: _____

Rezoning: Yes _____ No _____

Existing Zoning: _____ Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes _____ No _____

Existing Land Use: _____ Proposed Land Use: _____ Consistent _____ Inconsistent _____

Special Land Use Permit: Yes _____ No _____ Article Number(s) 27- _____

Special Land Use Request(s): _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified: _____

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: _____ Review Calendar Dates: _____ PC: _____ BOC: _____

Letter of Intent: _____ Impact Analysis: _____ Owner Authorization(s): _____ Campaign Disclosure: _____

Community Council Meeting: _____ Public Notice, Signs: _____ Tree Survey, Conservation: _____

Submittal Format: **ONE (1) COMBINED, PDF DOCUMENT UPLOAD PLEASE**

Review of Site Plan

Density: _____ Density Bonuses: _____ Mix of Uses: _____ Open Space: _____

Enhanced Open Space: _____ Setbacks: front _____ sides _____ side corner _____ rear _____

Lot Size: _____ Frontage: _____ Street Widths: _____ Landscape Strips: _____

Buffers: _____ Parking Lot Landscaping: _____ Parking - Auto: _____ Parking - Bicycle: _____

Screening: _____ Streetscapes: _____ Sidewalks: _____ Fencing/Walls: _____

Bldg. Height: _____ Bldg. Orientation: _____ Bldg. Separation: _____

Bldg. Materials: _____ Roof: _____ Fenestration: _____

Façade Design: _____ Garages: _____ Pedestrian Plan: _____ Perimeter Landscape Strip: _____

Possible Variances: _____

Comments: _____

Planner: _____ Date: _____

FILING FEES

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



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 Zoning Ordinance
For
A Special Land Use Permit to Allow
A Luxury Express Car Wash

of

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

for

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

Submitted for Applicant by:

Michèle L. Battle, Esq.
Joshua S. Mahoney, 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
jsm@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 A Luxury, express car wash. The Applicant is seeking a special land use permit of the Subject Property.

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

II. DEKALB COUNTY SPECIAL LAND USE PERMIT CRITERIA

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located.

The Subject Property is +/-1.26 acres. The site plan attached to this application demonstrates how the proposed use will fit on the site. The site plan shows that there is adequate space on the Subject Property for the proposed use including provision of all required yards, open space, off-street parking, transitional buffer zones, and all other applicable requirements of the C-1 zoning district.

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

The property immediately adjacent to the Subject Property are zoned M (industrial) and appear to be a parking lot and wholesaler. Across Lawrenceville Highway, the property is also zoned C-1 and used as a retail outlet. The property across Jordan Lane is zoned OI and MR-2. The nearest OI property is a “Merry Maids” service. The MR-2 property residential.

The proposed car wash is compatible with the adjacent properties and land uses and will not create adverse impacts upon any of the adjoining land uses by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use.

C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use.

There are adequate public services, public facilities, and utilities to serve the proposed use.



Battle Law

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

The Subject Property fronts on Lawrenceville Highway, which DeKalb County's GIS map classifies as a Major Arterial road. While there is access to the Subject Property via Jordan Lane, this zoning proposal seeks to close that access, so the only access to the Subject Property will be via Lawrenceville Highway if this application is approved. Nevertheless, Lawrenceville Highway alone provides enough traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area. In fact, the included trip-generation report shows that the proposed car wash generates less traffic than other popular uses permitted in the C-1 district.

E. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.

There will be adequate ingress and egress to the Subject Property and to all proposed buildings, structures, and uses thereon. The traffic flow will follow the pattern imposed by the drives proposed in the site plan. The pattern promotes a safe traffic flow.

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

The proposed use will not create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use.

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

The Applicant submits this special land use permit application with a major modification of condition application. Combined, the applications result in a use that is consistent with the requirements of the C-1 zoning district.

H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.

The Subject Property is within the Town Center future land use designation, which explicitly permits the C-1 zoning district. The C-1 zoning district explicitly permits "automobile wash/wax" as a permitted use. However, DeKalb County has updated its zoning ordinance to include express car washes in the definition of "drive-thru facilities," which require a special land use permit in the C-1 district. DeKalb County's Code of Ordinances does not, however, disallow car washes in the Town Center designation. So, the proposed use is consistent with the comprehensive plan.



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The Subject Property is within the Medline LCI Plan, which is referenced in the Comprehensive Plan. Specifically, the Subject Property falls into Area E – 1. Jordan Lane (along Lawrenceville Highway) of the Medline plan. In reference to Area E, the Medline plan states that “the primary use for this area should be commercial, office, retail, or mixed use.” The proposed car wash qualifies as a commercial use under the DeKalb County Code of Ordinances.

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

There is adequate provision of refuse and service areas.

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

The length of time for which the special land use permit is granted should not be limited in duration.

K. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.

The size, scale, and massing of the proposed building are appropriate in relation to the size of the Subject Property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings. As a result, the proposed building will not create any shadow impact on any adjoining lot or building.

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

The Subject Property is not in a historic district. The Applicant is not aware of any historic buildings, sites, or archaeological resources on the site.

M. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

The proposed use satisfies the requirements in section 4.2.13 and in section 4.2.23.

N. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process.

The proposed use is consistent with the needs of the neighborhood or the community. There are no express car washes located anywhere in the area called out in the Medline LCI Plan.

III. CONCLUSION



Battle Law

For the foregoing reasons, the Applicant hereby requests that the Board of Commissioners vote to approve this application for a special land use permit to allow a luxury express car wash. 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 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 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 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 Special Land Use Permit 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.



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

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

The existing land use designation and/or zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of 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 of 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

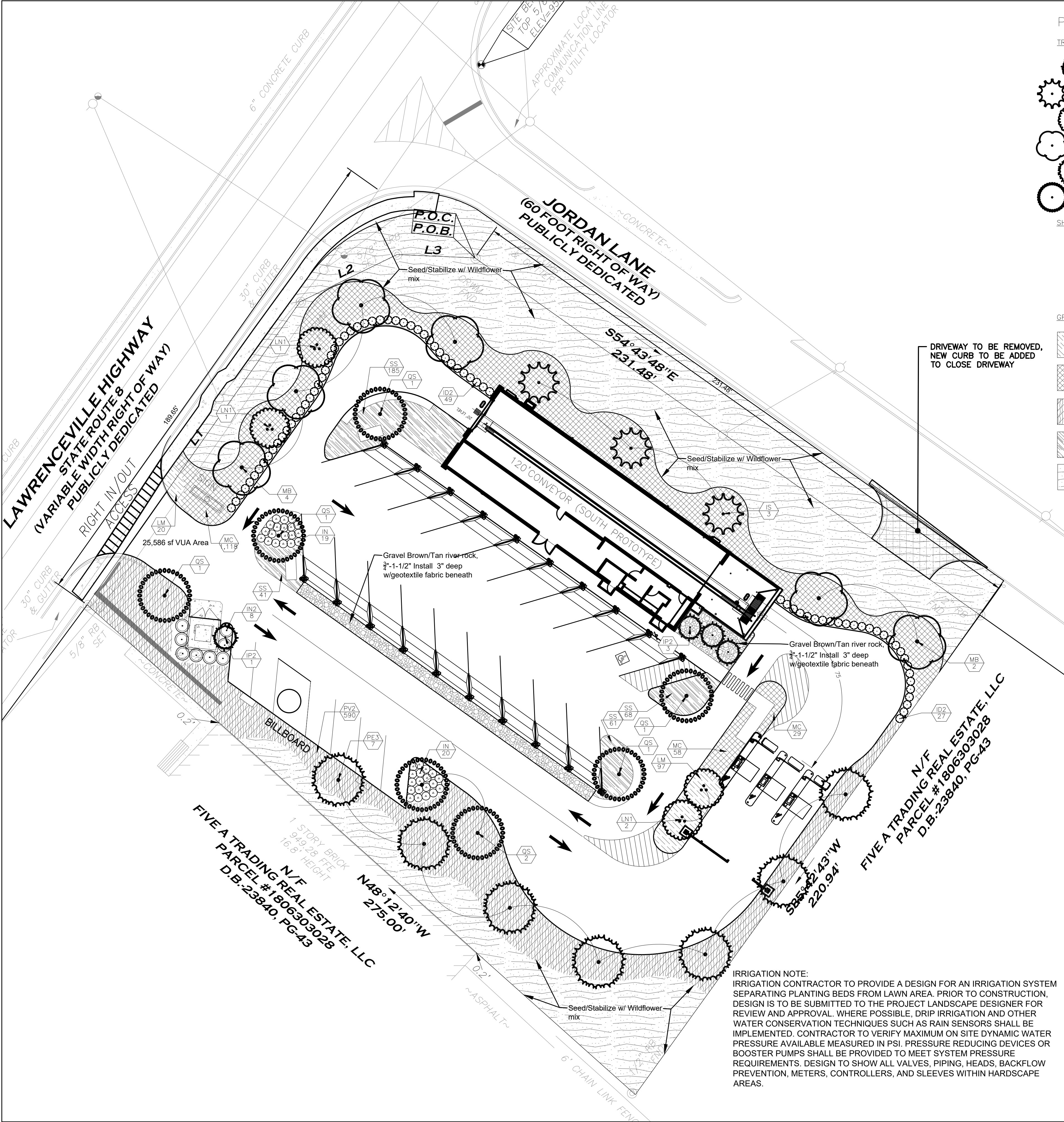
Table 3 - PM Peak Hour of Generator Trip Generation Estimates

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

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

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

Modwash - Decatur
Parking lot tree canopy

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

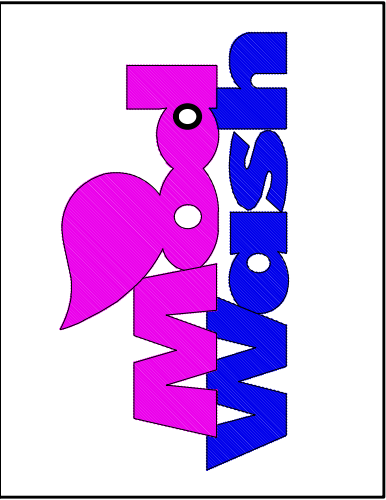
VUA GREEN	
VUA	25,586 SF
%GREEN REQUIRED	x 10%
-REQUIRED SF	2,558 SF
-PROVIDED SF	5,073 SF

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

TREES REQUIRED

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

DATE

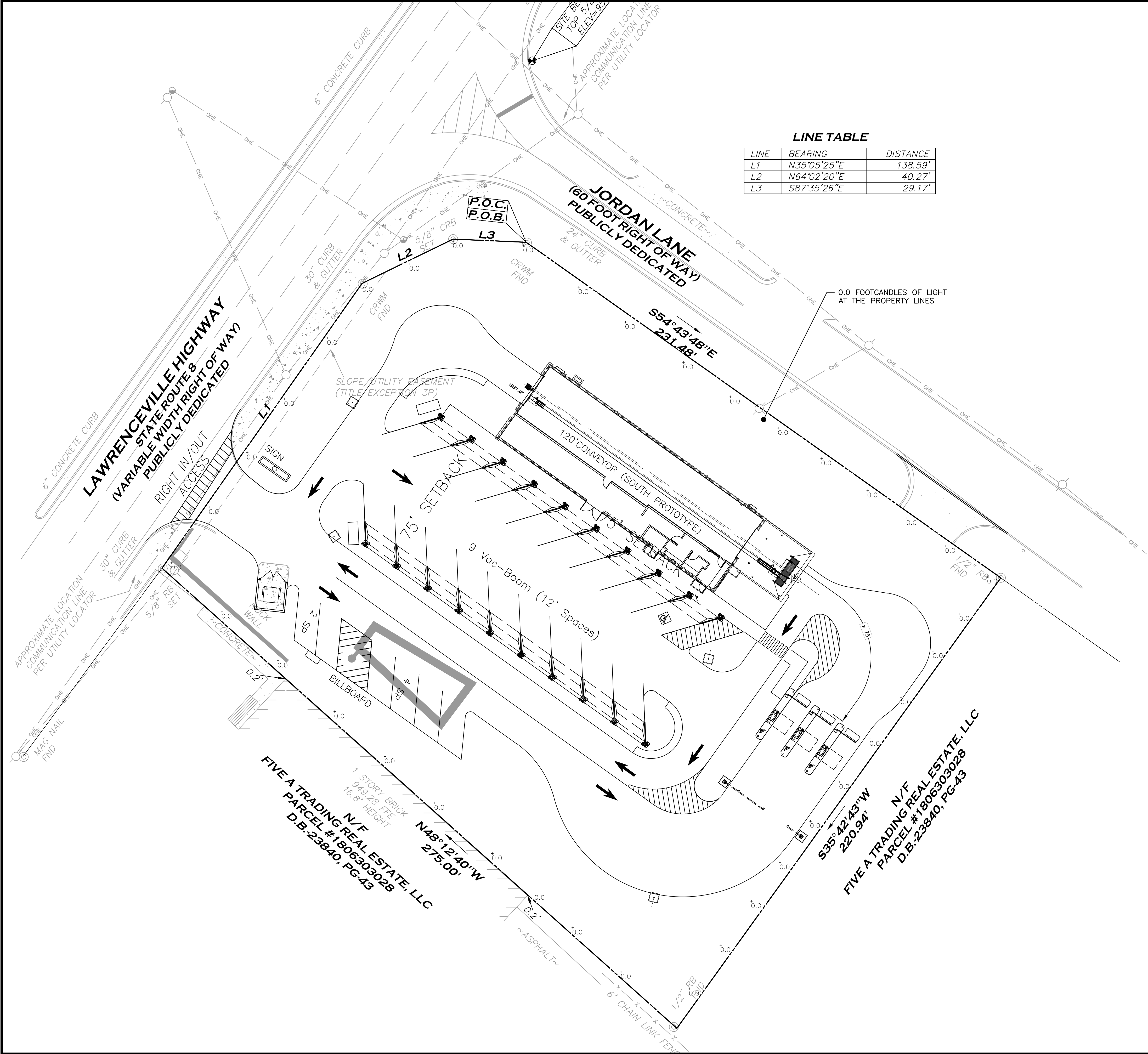


REVISIONS				DESCRIPTION
NO.	DATE:			
4				
3				
2				
1				



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

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



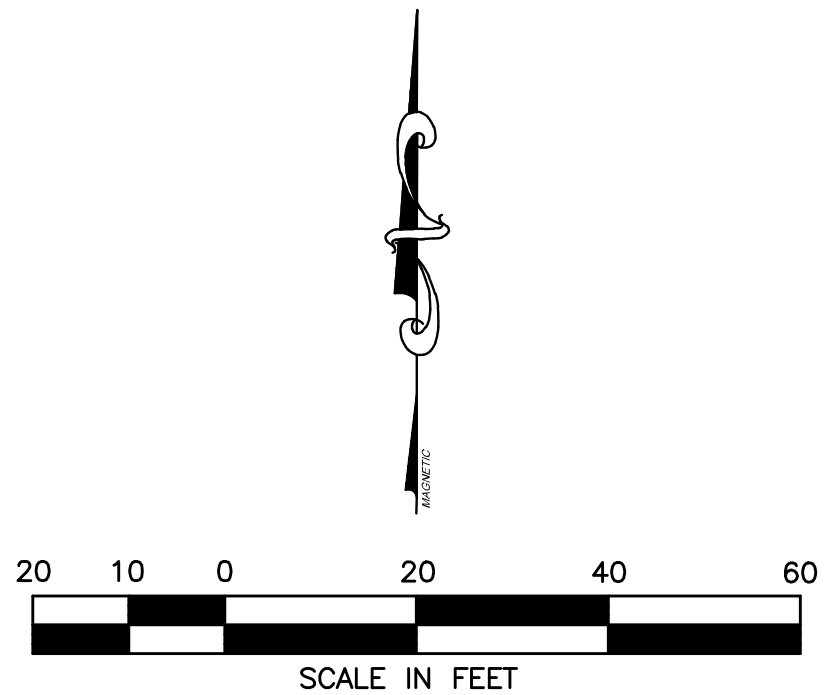
LINE	BEARING	DISTANCE
L1	N35°05'25"E	138.59'
L2	N64°02'20"E	40.27'
L3	S87°35'26"E	29.17'

LIGHTING NOTES:

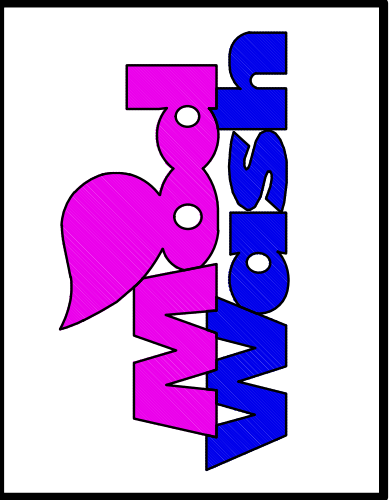
1. LIGHTING IN ALL ZONING DISTRICTS SHALL BE ESTABLISHED IN SUCH A WAY THAT NO DIRECT LIGHT IS CAST UPON OR ADVERSELY AFFECTS ADJACENT PROPERTIES AND ROADWAYS.
2. LIGHT FIXTURES SHALL INCLUDE GLARE SHIELDS TO LIMIT DIRECT RAYS ONTO ADJACENT RESIDENTIAL PROPERTIES.
3. ALL LIGHTING FIXTURES (LUMINARIES)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

DEKALB COUNTY REQUIRED LIGHTING LEVELS:

Location or Type of Lighting	Minimum Level	Average Level	Maximum Level
Non-residential parking lots	0.6	2.40	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

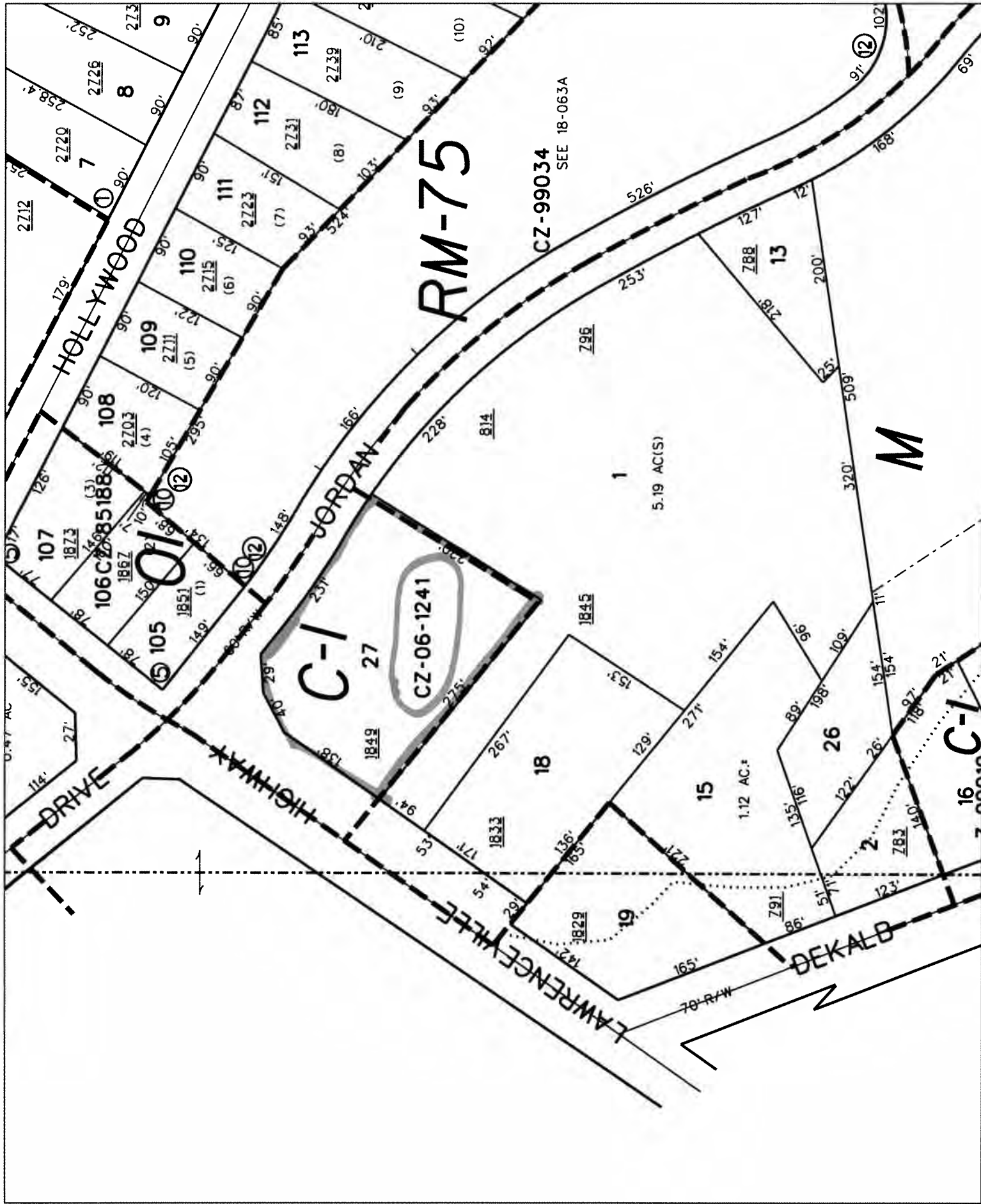


NO.	DATE:	DESCRIPTION	REVISIONS
4			
3			
2			
1			



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

ZONING AGENDA / MINUTES

MEETING DATE: June 27, 2006

HEARING TYPE
PUBLIC HEARING

ACTION TYPE
ORDINANCE

SUBJECT: Rezone – Chung C. Chang

COMMISSION DISTRICTS: 4 & 6

DEPARTMENT: Planning

PUBLIC HEARING: ☒ YES ☐ NO

ATTACHMENT: ☒ YES ☐ No

INFORMATION CONTACT: Patrick Ejike/Kevin Hunter

PAGES: 19

PHONE NUMBER: (404) 371-2155

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

PURPOSE:

Z-06-1241

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

Subject Property: 18-063

RECOMMENDATION(S):

PLANNING DEPARTMENT:

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

PLANNING COMMISSION:

Denial.

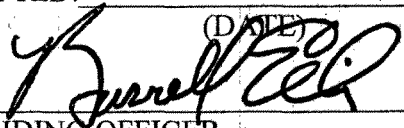
COMMUNITY COUNCIL:

Other (No Quorum)

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

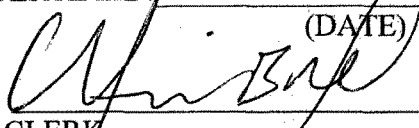
MOTION was made by Commissioner Gannon, seconded by Commissioner Ellis, and passed 5-0-0-1, to approve with conditions and site plan submitted by Commissioner Gannon for the record, the rezoning application of Chung C. Chang. Commissioner Johnson was out of the room and not voting.

ADOPTED: JUN 27 2006

 (DATE)


 PRESIDING OFFICER
 DEKALB COUNTY BOARD OF COMMISSIONERS

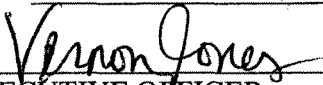
CERTIFIED: JUN 27 2006

 (DATE)


 CLERK,
 DEKALB COUNTY BOARD
 OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: JUL 05 2006



 CHIEF EXECUTIVE OFFICER
 DEKALB COUNTY

VETOED: _____

 CHIEF EXECUTIVE OFFICER
 DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

MINUTES:

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

No one spoke in opposition of the application.

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

Z-06-1241
Chang/Ali

~~11/17~~

M → C1

District 4 - 6

To: MR. Chang

Approve with conditions:

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

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

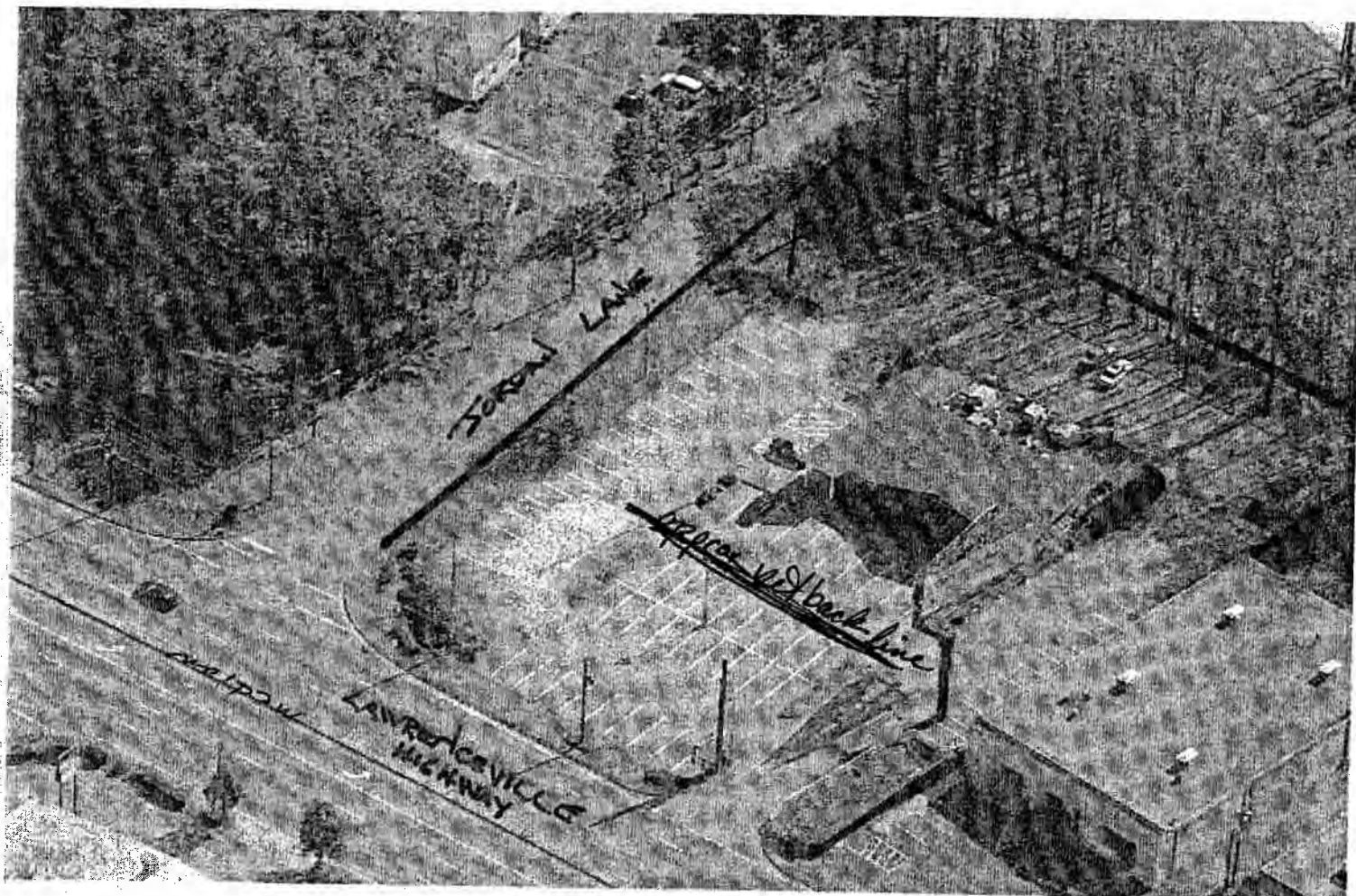
5/23/06

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

MR Chang

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

Commissioner GANNON
404-371-4909



BEFORE (c) Copyright 2003, Pictometry International

Z-06-1241



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

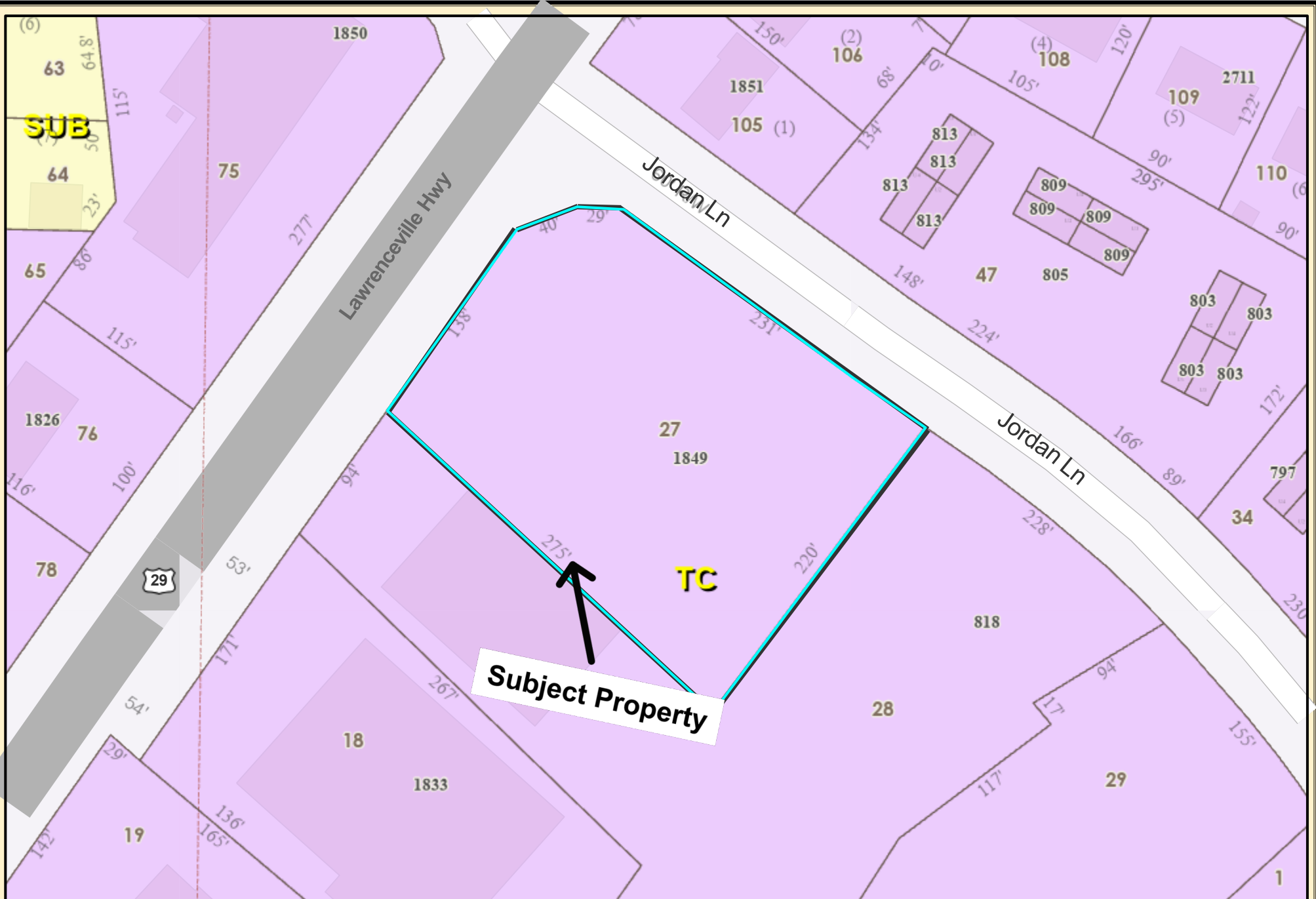
IN 076
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ACT 000
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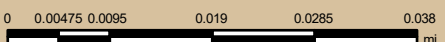
0 0.00475 0.0095 0.019 0.0285 0.038 mi

+

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DeKalb County Parcel Map

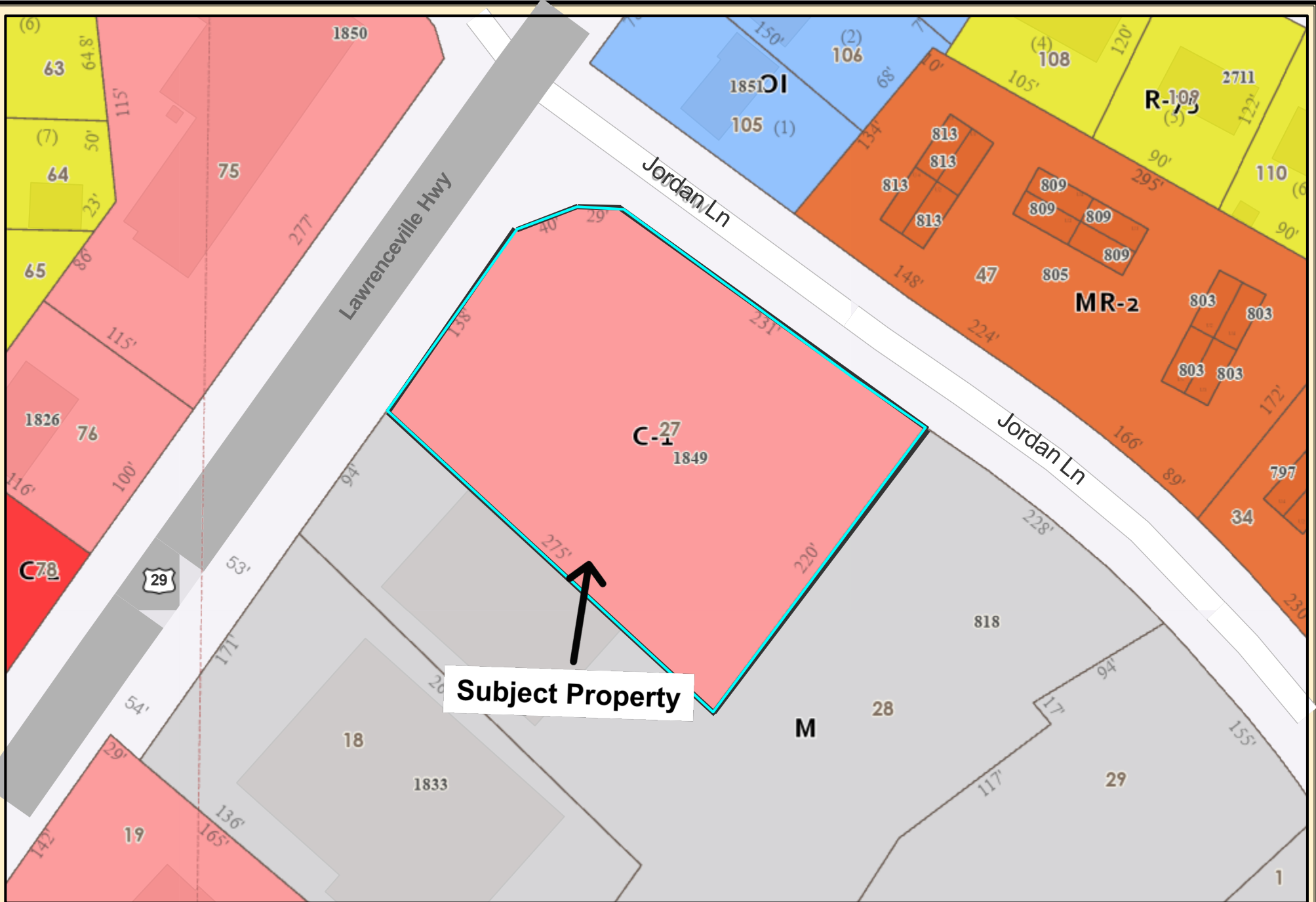


Date Printed: 7/17/2025



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DeKalb County Parcel Map

0 0.00475 0.0095 0.019 0.0285 0.038 mi

Date Printed: 7/17/2025



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