



DeKalb County Department of Planning & Sustainability

175 Sams Street, Suite A-3600

Decatur, GA 30030

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

Planning Commission Hearing Date: Thursday, January 5, 2023

Board of Commissioners Hearing Date: Thursday, January 26, 2023

STAFF ANALYSIS

Case No.:	SLUP-23-1246180	Agenda #: 2022-2637
Location/Address:	2571 East Wesley Chapel Way, Decatur	Commission District: 05 Super District: 07
Parcel ID(s):	15-126-03-007	
Request:	A Special Land Use Permit (SLUP) request to allow accessory fuel pumps for a proposed convenience store within Tier 1 of the Interstate 20 Overlay District and the C-1 (Local Commercial) zoning district.	
Property Owner(s):	Anandi JRK, LLC.	
Applicant/Agent:	Anandi JRK, LLC. c/o Battle Law, P.C.	
Acreage:	.935 acres	
Existing Land Use:	Town Center (TC)	
Surrounding Properties:	North: C-1 (Local commercial) East: C-1 (Local Commercial) West: M (Light Industrial) South: Interstate 20	
Comprehensive Plan:	<input type="checkbox"/>	<input checked="" type="checkbox"/> Inconsistent

Staff Recommendation: Denial.

The applicants are requesting a Special Land Use Permit (SLUP) to allow for the placement of accessory fuel pumps in front a convenience store. The applicants bought and converted this formally abandoned liquor/package store into a convenience store. The surrounding parcels are zoned for either C-1 (Local Commercial) or M (Light Industrial) uses. This site is very close to the Interstate 20 and Wesley Chapel intersection, which is considered a major intersection within metro Atlanta and carries a substantial amount of daily traffic. A convenience store with fuel pumps is compatible with existing commercial or industrial uses. This 0.935-acre parcel is zoned C-1 (Local Commercial) and is located within Tier 1 of the I-20 Corridor Compatible Use Overlay District. The I-20 Overlay District prohibits a liquor/package store, but it does allow for a convenience store. The applicants have obtained the proper county and state licenses to sell beer and wine only, but they do not intend to sell liquor.

The I-20 Overlay regulations includes in its goals under the purpose and intent which may conflict with this proposal. The noted goals in Section 27- 3.33.3 include:

- B. To provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobiles and other motorized means of transportation; and;
- D. To permit and to encourage mixed-use developments containing both commercial and residential use so, as to create a pedestrian-oriented community in which people can live, work and play.

Additionally, in Section 3.33.4, Tier 1 of the I-20 regulations states that the purpose of Tier 1 is to allow the most intense mixed-use development. It states that the goal is:

To allow for redevelopment of the oversized parking areas with new buildings including retail, office, and residential on one (1) parcel to decrease the need for vehicular trips.

Therefore, this proposal to add fuel pumps to the convenience store, may encourage more vehicle trips from Interstate 20 into the Wesley Chapel area. Furthermore, approving the installation of new fuel pumps at this location undermines the high-density redevelopment goals of the I-20 Overlay.

The *2050 Unified Comprehensive Land Use Plan* places this site under the core portion Town Center character area. *“The intent of the Town Center character area 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. These areas act as a focal point for several neighborhoods with moderate densities and a variety of activities such as retail, commercial, professional office, housing, and public open space that are all easily accessible by pedestrians.”* (Page 33, *2050 Unified Comprehensive Land Use Plan*). This proposal to add fuel pumps, consisting of four fuel islands, to the convenience store does not appear to be a high intensity commercial use and may encourage more vehicle trips from the Interstate 20 into the Wesley Chapel area. The proposal also fails to promote walkability and increased transit usage. Therefore, the proposed use is inconsistent with the policies of the policies of the *2050 Unified Comprehensive Land Use Plan* and this property’s designation as part of the Town Center character area.

This property is also covered under the *Wesley Chapel Activity Center, Livable Centers Initiative Redevelopment Plan Report*. The redevelopment of the subject parcel and surrounding area is addressed under the Wesley Chapel- Snapfinger Woods Drive Commercial Redevelopment (Page 66). The LCI states that this northeastern corner of the I-20 and Wesley Chapel intersection is one of the most logical locations for new commercial development. However, in order to “close the gap between the LCI vision for the property of the study area and what currently occupies it, the building forms need to increase to a standard of at least 3 to 4 stories...” and an internal street grid should be introduced. The LCI shows this parcel as part of a larger redevelopment that would result in a high-density density mixed used development. The proposal to add fuel pumps to a convenience store undermines the community’s goal of high-density commercial development at this location. This proposal does not support the vision and goals described in the LCI report.

Additionally, the proposed site plan shows a new 10-foot-wide sidewalk along East Wesley Chapel Way and a proposed 5-foot sidewalk from East Wesley Chapel Way into the rear parking lot. The applicant stated that the subject property is large enough to accommodate the proposed fuel pumps, but the applicant will be required to apply for a variance to reduce the number of parking spaces.

Therefore, upon review of Section 7.3.5 of the *Zoning Ordinance*, staff recommends denial.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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

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

Case No.: SLUP-23-1246180

Parcel I.D. #: 15-126-03-007

Address: 2571 East Wesley Chapel Way

Decatur, GA 30035

WATER:

Size of existing water main: 6" CI (adequate/inadequate)

Distance from property to nearest main: adjacent

Size of line required, if inadequate: unknown

SEWER:

Outfall Servicing Project: Cobb Fowler Creek

Is sewer adjacent to property: Yes () No (X) If no, distance to nearest line: 208 ft

Water Treatment Facility: Snapfinger () adequate () inadequate

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

COMMENTS:

Sewer Capacity may be required if there is a change of use

Signature: Yola Lewis

Zoning Comments – December 2022

N1, N2 & N3: 4819 Glenwood Road. No access allowed to Janet Lane. Glenwood Road is classified as a Minor Arterial. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 40 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 10-foot multiuse path required. Pedestrian Street Lighting required. A plan prepared by a professional engineer showing that sight distance based on AASHTO Greenbook is achieved when exiting the driveway due to the wall and the crest of the hill. Please note that the driveway may need to be shifted to achieve sight distance.

N4. 3964 Chamblee-Tucker Road. No Comment

N5. 3964 Chamblee Tucker Road. Only one access point allowed on Chamblee Tucker Road. Chamblee Tucker Road is classified as a Minor Arterial. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 40 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 10-foot multiuse path required. Pedestrian Street Lighting required. A plan prepared by a professional engineer showing that sight distance based on AASHTO Greenbook is achieved when exiting the driveway must be submitted with the Land Development Permit.

N6. 2571 E. Wesley Chapel Way. Review and approval required by PM Tim Matthews or designee (TMatthews@dot.ga.gov) with GDOT I-20 at I-285 MMIP Interchange Project. Provide any right of way necessary for PI 0013915. E. Wesley Chapel Way is classified as a local street. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 27.5 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 6-foot sidewalk is required. Pedestrian Street Lighting required.

N7 & N8. 745 Arcadia Avenue. Provide a traffic study for the development to include a traffic signal warrant study. If the study is approved by PW- Transportation, install a traffic signal at the intersection of Craigie Ave and Arcadia Ave/Katie Kerr. Arcadia Ave/Katie Kerr is classified as a minor arterial. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 40 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 10-foot multiuse path required. Pedestrian Street Lighting required. Craigie Ave and Derrydown Way are classified as local streets. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 27.5 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 6-foot sidewalk is required. Pedestrian Street Lighting required. The proposed plan requires a right of way abandonment to be approved by the Board of Commissioners at a future date.

N9. 3350 Kensington Road. Review and approval required by PW- Transportation and GDOT PM April McKown (april.mckown@oneatlas.com) for PI 0017992. Dedicate right of way necessary for the PI 0017992 (which will build most of your required infrastructure improvements below, depending on project schedules). Reserve right of way for a potential roundabout at Mountain Drive and the MARTA Station main entrance. Traffic study required. Kensington Road is classified as a minor arterial. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 40 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 10-foot multiuse path required. Pedestrian Street Lighting required. Mountain Drive is a state route. GDOT District 7 (Renaldo Mathis at RMathis@dot.ga.gov) review and approval required prior to permitting. Mountain Drive is classified as a collector road. Please see Zoning Code Chapter 5 and the Land Development Code Chapter 14-190 for required infrastructure improvements. A right of way dedication of 35 feet from centerline is required OR such that all public infrastructure is within right of way, whichever greater. A five-foot landscape strip from back of curb with a 10-foot multiuse path required.

N10. 6651 Princeton Park Ct. No Comment.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

DEVELOPMENT ANALYSIS:

• Storm Water Management

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

Conceptual plan doesn't indicate the location of the stormwater management facility; location of stormwater management shall be in compliance with the County stormwater management regulations.

The Discharge from the detention pond shall not be discharged towards adjacent properties; and shall be connected to existing stormwater structure in the right-of-way.

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

• Flood Hazard Area/Wetlands

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

- **Landscaping/Tree Preservation**

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

- **Tributary Buffer**

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



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

N-6

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER AND/OR LASONDRA HILL**

COMMENTS FORM:

PUBLIC WORKS TRAFFIC ENGINEERING

N6-2022-2537

Case No.: SL410-23-1246180 Parcel I.D. #: _____

Address: 2571

E. Wesley Chapel Way
Decatur, GA 30035

Adjacent Roadway (s):

_____	_____
(classification)	(classification)

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

Please provide additional information relating to the following statement.

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

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

COMMENTS:

Field and Plans reviewed. Nothing found that would disrupt traffic flow or pattern.

Signature: [Signature] David M. Ross

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

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

Date Received: _____ Application No.: _____

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

Daytime Phone #: 404.601.7616 Fax #: 404.745.0045

Mailing Address: 3562 Habersham at Northlake, Bldg. J, Ste 100 Tucker, GA 30084

E-mail: mlb@battlelawpc.com

OWNER NAME: Rajesh Ramanlal Patel (If more than one owner, attach contact information for each owner)

Daytime Phone #: 469.855.1765 Fax #: _____

Mailing Address: 1024 Nash Springs Circle, Lilburn, GA 30047

E-mail: rajpatelgastore@gmail.com

SUBJECT PROPERTY ADDRESS OR LOCATION: 2571 E Wesley Chapel Way, DEKALB COUNTY
DECATUR, DeKalb County, GA, 30035

District(s): 15 Land Lot(s): 126 Block(s): 03 Parcel(s): 007

Acreage or Square Feet: .91 Commission District(s): 5 & 7 Existing Zoning: C-1


Proposed Special Land Use (SLUP): Convenience Store with Gas Pumps

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

Owner: Agent: _____ Signature of Applicant: Rajesh Patel
(Check One)

Printed Name of Applicant: Rajesh Ramanlal Patel

Notary Signature and Seal:

[Signature]


DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION AUTHORIZATION

The property owner should complete this form or a similar, signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: 10/14/2022

TO WHOM IT MAY CONCERN:

(I) (WE), _____ Rajesh Ramanlal Patel _____
 Name of Owner(s) *Rajesh Patel*

being (owner) (owners) of the subject property described below or attached hereby delegate authority to
 _____ Battle Law, P.C. _____
 Name of Applicant or Agent

to file an application on (my) (our) behalf. _____ Rajesh Ramanlal Patel _____
Chabae *Rajesh Patel*
 Notary Public _____ Owner

_____ N/A _____ N/A
 Notary Public _____ Owner

_____ N/A _____ N/A
 Notary Public _____ Owner

_____ N/A _____ N/A
 Notary Public _____ Owner



Campaign Contribution Disclosure Statements
Last Updated 6/17/2022

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

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

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

By: 
Printed Name: Michele L. Battle

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

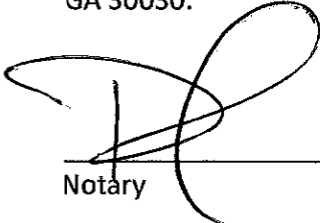
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes No *


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

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

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



Notary



Signature of Applicant /Date

Check one: Owner Agent

May 04, 2024
Expiration Date/ Seal



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



Battle Law

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

Zoom Instructions:

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

We encourage you to come out and participate!

For More Information Contact
Batoya Clements at:
Phone: 404-601-7616 ext. 2
Fax: 404-745-0045
Email: bdc@battlelawpc.com

SPECIAL LAND USE PERMIT TO ALLOW FOR THE DEVELOPMENT OF A CONVENIENCE STORE WITH GAS PUMPS

Project Title: 2571 East Wesley Chapel Way

When: OCTOBER 24, 2022

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

Register in advance for this meeting:

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

Meeting ID: 857 3495 4465

Passcode: 770085

PROPOSED LOCATION(S):

**2571 EAST WESLEY CHAPEL WAY
DECATUR, GEORGIA 30035**

2571 East Wesley Chapel
 Community Meeting Maiing List
 10/24/2022

Owner 1	Owner 2	Owner Address	Owner City	Owner State	Owner Zip
4225 Snapfinger Woods LLC		1253 Silver Trace Dr SW	Lilburn	GA	30047-3262
5 Even A Inc		1845 Lawrenceville Hwy	Decatur	GA	30033-5728
Agree Stores LLC		358 Saw Mill River Rd	Millwood	NY	10546-1014
Aires Weil Properties LLC		1520 Balboa Ave	Burlingame	CA	94010-4614
American Properties Wesley		1070 Dogwood Dr SE	Conyers	GA	30012-5384
Anaheim Management LLC		Po Box 80615	Indianapolis	IN	46280-0615
Anandi Jrk LLC		1024 Nash Springs Cir	Lilburn	GA	30047-1728
Atlanta Real Estate Holding LLC		4315 New Snapfinger Woods Dr	Decatur	GA	30035-2920
Bay Business Properties LLC		2811 Brookside Run	Snellville	GA	30078-5943
Capella Hospitality LLC		5825 Glenridge Rd Building 3 Ste 215	Decatur	GA	30035
Charles S Hill MD		4171 Snapfinger Woods Dr	Decatur	GA	30035-3412
Churchs Fried Chicken Inc		980 Hammond Dr	Atlanta	GA	30328-6161
Csc Wesley Chapel 1 LLC		5795 Ulmerton Rd Ste 200	Clearwater	FL	33760-3911
Dekalb Board Of Education		1701 Mountain Industrial Blvd	Stone Mountain	GA	30083-1027
Desfilia LLC		2665 Timberloch Ct	Snellville	GA	30039-6267
Donaustin Inc		2642 Old Wesley Chapel Rd	Decatur	GA	30034-2354
Dr Horton Inc		1371 Dogwood Dr SW	Conyers	GA	30012-5127
Gia Linh Enterprise LLC		2675 Wesley Chapel Rd	Decatur	GA	30034-2358
Golden Eagle Partners LLC		5317 T L Bower Way	Flowery Branch	GA	30542-2898
Henvil Sylvester Grant DVM		4242 Snapfinger Woods Dr	Decatur	GA	30035-3409
Home Depot U S A Inc		Po Box 105842	Atlanta	GA	30348-5842
John D Pelton		11883 Highway 278	Covington	GA	30014-1621
Keith B Alexander	Sonja H Alexander	278 Carlyle Park Dr NE	Atlanta	GA	30307-2883
Kuang Tian Na Hu		10340 Meadow Crest Ln	Alpharetta	GA	30022-6547
Libertae Vitae LLC		2544 Wesley Chapel Rd	Decatur	GA	30035-3405
McDonalds Real Estate Company		1139 Winterberry Way SE	Conyers	GA	30013-2446
McDonalds Real Estate Company		3700 Market St	Clarkston	GA	30021-2653
Mirelle Loroquet		937 E 37th St	Brooklyn	NY	11210-3431

Mohammed Iqbal Balagamwala	Altaf S Agad	5101 Buffington Rd	Atlanta	GA	30349-2922
Norman S Barber		2550 E Wesley Chapel Way	Decatur	GA	30035-3430
Ns Investors LLC		2230 Sugarloaf Club Dr	Duluth	GA	30097-7415
Nulyfe LLC		8060 Webb Rd	Riverdale	GA	30274-5502
Olive Branch Restaurant Inc		4710 Lou Ivy Rd	Peachtree Corners	GA	30096-2918
Public Storage Properties Xvii		Po Box 25025	Glendale	CA	91221-5025
Ra-Her LLC		5 Concourse Pkwy	Atlanta	GA	30328-5350
Rata Enterprises LLC		2724 Sunday Rd	Stockbridge	GA	30281-5323
Recovery Consultants Of Atlanta Inc		3423 Covington Dr	Decatur	GA	30032-1846
Rite Hospitality Inc		4300 Snapfinger Woods Dr	Decatur	GA	30035-3007
Ross Atlanta Properties LLC		7701 Independence Ave	Kansas City	MO	64125-1300
Sahil & Shaayaan Brothers LLC		3154 Lawrenceville Suwanee Rd	Suwanee	GA	30024-4472
Sanford Realty Company Inc		4118 Snapfinger Woods Dr	Decatur	GA	30035-3411
Sanford Realty Company Inc		4183 Snapfinger Woods Dr	Decatur	GA	30035-3412
Securcare Properties II LLC		9226 Teddy Ln	Lone Tree	CO	80124-6725
Sonja M Kilgore		2624 Old Wesley Chapel Rd	Decatur	GA	30034-2305
Spirit Master Funding Viii LLC		8900 Indian Creek Pkwy	Overland Park	KS	66210-1554
Springboard Real Estate Training LLC		885 Woodstock Rd	Roswell	GA	30075-2277
Tau South LLC		Po Box 3475	Tulsa	OK	74101-3475
Value Storage Ltd		9226 Teddy Ln	Lone Tree	CO	80124-6725
W B Kelley Jr		2610 Pleasantwood Dr	Decatur	GA	30034
Waffle House Inc		5986 Financial Dr	Norcross	GA	30071-2949
Wb Holdings-East LLC		3756 Lavista Rd	Tucker	GA	30084-5614
Wc Property LLC		3154 Lawrenceville Suwanee Rd	Suwanee	GA	30024-4472
Wesley Chapel Lodge LLC		4200 Wesley Club Dr	Decatur	GA	30034-2342
Wesley Chapel Properties LLC		2645 Wesley Chapel Rd	Decatur	GA	30034-2310
Wesley Chapel X LLC		316 Mid Valley Ctr	Carmel	CA	93923-8516
Wesley Club LLC		501 N Magnolia Ave	Orlando	FL	32801-1364
Winston Milford	Cypriana Milford	4207 Snapfinger Woods Dr	Decatur	GA	30035-3438
Zoom Express Car Wash LLC		1233 Greenridge Ln	Lithonia	GA	30058-2216

Community Meeting
Sign In Sheet
2571 East Wesley Chapel Road
October 24, 2022 6:00PM

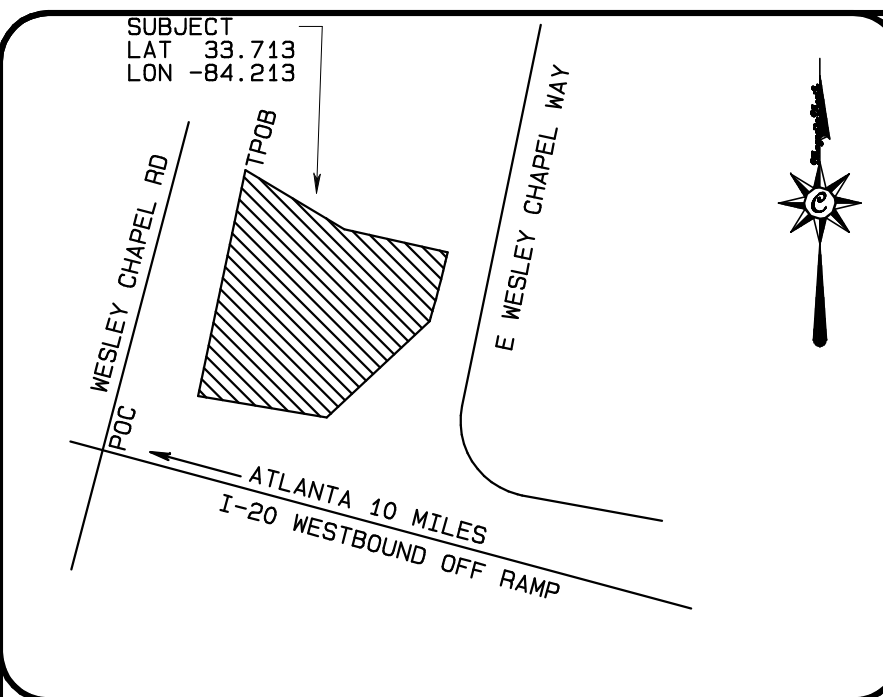
<input type="checkbox"/>	Registrants	Email Address	Registration Date
<input type="checkbox"/>	Zoom user	dkjbgfcrmn@private relay.appleid.com	Oct 24, 2022 06:27 PM
<input type="checkbox"/>	Joshua Mahoney	joshmahoney47@g mail.com	Oct 24, 2022 05:48 PM
<input type="checkbox"/>	Hill	hill.richard30@gmai l.com	Oct 24, 2022 03:24 PM
<input type="checkbox"/>	Mustaq Moosa	Mustaq@cityviewdb. com	Oct 24, 2022 12:13 PM
<input type="checkbox"/>	JAY PATEL	jpateln11@icloud.co m	Oct 24, 2022 12:07 PM
<input type="checkbox"/>	RAJESH PATEL	RAJPATELGASTORE @GMAIL.COM	Oct 24, 2022 12:04 PM

LEGAL DESCRIPTION:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 126 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE 20 (HAVING A VARIABLE WIDTH RIGHT-OF-WAY) WITH THE EASTERLY RIGHT OF WAY OF WESLEY CHAPEL ROAD (HAVING A VARIABLE WIDTH RIGHT-OF-WAY) THENCE FOLLOWING THE EASTERLY RIGHT-OF-WAY OF WESLEY CHAPEL ROAD, NORTH 19 DEGREES 46 MINUTES 49 SECONDS EAST A DISTANCE OF 124.28 FEET TO AN IRON PIN SET; THENCE NORTH 31 DEGREES 02 MINUTES 14 SECONDS EAST A DISTANCE OF 21.47 FEET TO AN IRON PIN SET; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 75 DEGREES 27 MINUTES 21 SECONDS EAST A DISTANCE OF 158.83 FEET TO A 1/2" REBAR FOUND BEING THE TRUE POINT OF BEGINNING.
THENCE FROM SAID TRUE POINT OF BEGINNING AS THUS ESTABLISHED SOUTH 59 DEGREES 12 MINUTES 39 SECONDS EAST A DISTANCE OF 119.95 FEET TO A NAIL; THENCE SOUTH 77 DEGREES 23 MINUTES 53 SECONDS EAST A DISTANCE OF 110.34 FEET TO AN NAIL ON THE WESTERLY RIGHT-OF-WAY OF EAST WESLEY CHAPEL WAY (HAVING ASO FOOT RIGHT-OF-WAY); THENCE FOLLOWING SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1050.00 FEET AND A LENGTH OF 74.12 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 14 DEGREES 37 MINUTES 27 SECONDS WEST AND A CHORD DISTANCE OF 74.10 FEET TO AN IRON PIN SET; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 46 DEGREES 51 MINUTES 09 SECONDS WEST A DISTANCE OF 146.80 FEET TO AN IRON PIN FOUND ON THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE 20 (HAVING A VARIABLE WIDTH RIGHT-OF-WAY); THENCE FOLLOWING SAID RIGHT-OF-WAY NORTH 80 DEGREES 34 MINUTES 49 SECONDS WEST A DISTANCE OF 136.00 FEET TO AN IRON PIN SET; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 11 DEGREES 49 MINUTES 22 SECONDS EAST A DISTANCE OF 240.41 FEET TO A 1/2" REBAR FOUND BEING THE TRUE POINT OF BEGINNING.
BEING KNOWN AS 2571 EAST WESLEY CHAPEL WAY, DECATUR, GEORGIA.
SAID TRACT CONTAINS 0.935 ACRES OR 40,709 SQUARE FEET.

AND BEING MORE PARTICULARLY SHOWN ON AND DESCRIBED IN ACCORDANCE WITH A PLAT OF SURVEY PREPARED FOR RAJESH R. PATEL BY COMPASS SURVEYING, INC., BEARING THE SEAL AND CERTIFICATION OF BRIAN CALDWELL, GEORGIA REGISTERED LAND SURVEYOR NO. 2956, DATED JANUARY 28, 2021

THE PROPERTY SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. 21-005371ATL



VICINITY MAP (NOT TO SCALE)

TECHNICAL STANDARDS

This survey was prepared in conformity with the technical standards for property surveys in Georgia as set forth in Chapter 180-7 of the Board rules of the Georgia Board of Registration For professional engineers and land surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-57.

PRECISION NOTE

THE FIELD DATA DATED 1-28-2021 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 39,549 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE. THE CLOSING DISTANCE WAS .02 FEET. AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 241,016 FEET. TOPCON GS3 ROBOTIC TOTAL STATION USED FOR ANGULAR AND LINEAR MEASUREMENTS

SURVEYORS NOTES

- THIS SURVEY WAS PREPARED FROM TITLE INSURANCE COMMITMENT 21-005371ATL; EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD WHICH HAVE NOT BEEN PROVIDED BY CLIENT TO THE SURVEYOR.
- UTILITIES HEREIN ARE VISIBLE AND ABOVE GROUND ONLY. MANHOLES WERE OBSERVED, NO SUBSURFACE INVESTIGATION WAS PERFORMED.
- STRUCTURES ARE MEASURED TO THE BUILDING WALL. VERTICAL AND HORIZONTAL DATUMS ARE ASSUMED UNLESS OTHERWISE SPECIFIED.
- THERE IS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK. THE RIGHT OF WAY ON E WESLEY CHAPEL WAY, DOES NOT APPEAR TO HAVE BEEN ALTERED RECENTLY.
- NO CHANGES IN STREET RIGHT OF WAY LINES WERE PROVIDED TO THE SURVEYOR.
- NO FIELD DELINEATION OF WETLANDS CONDUCTED BY A QUALIFIED SPECIALIST HIRED BY THE CLIENT, HAS BEEN PROVIDED TO THE SURVEYOR AND NONE WAS OBSERVED.
- NO PLOTTABLE OFFSITE (I.E., APPURTENANT) EASEMENTS WERE PROVIDED TO THE SURVEYOR.
- ENCROACHMENTS ONTO OR BY ADJACENT PROPERTIES WERE FOUND AS A FENCE ALONG THE SOUTHERLY BOUNDARY AS SHOWN.
- THE PROPERTY HAS DIRECT ACCESS TO E WESLEY CHAPEL WAY, PUBLIC COUNTY ROAD.
- NO PARTY WALLS WITH ADJOINING PROPERTIES WERE OBSERVED.
- NO CONSTRUCTION ACTIVITY TO ROADS OR SIDEWALKS WERE OBSERVED.
- NO STREAMS OR BODIES OF WATER WERE OBSERVED ON THE PROPERTY.
- ZONING IS NON-CONFORMING TO A C-1 ZONE, AND IS FROM THE TAX ASSESSORS OFFICE. NO ZONING LETTER WAS RECEIVED FROM THE PLANNING DEPARTMENT.
- THERE WERE NO CEMETERIES OR FAMILY BURIAL SITES ON THE SUBJECT PROPERTY OBSERVED.

ZONED C-1

THE PROPERTY IS NON-CONFORMING DUE TO THE BUILDING BEING OVER THE FRONT SETBACK LINE. FRONT BUILDING SETBACK 50', SIDES 20', REAR 30'

LEGEND

- | | |
|---|--|
| AC - ACRES | |
| BL - BUILDING SETBACK LINE | |
| C&G - CURB AND GUTTER | |
| CLF - CHAIN LINK FENCE | |
| CONC - CONCRETE | |
| DB - DEED BOOK | |
| SCD - SEWER CLEAN OUT | |
| DE - DRAINAGE EASEMENT | |
| DI - DROP INLET | |
| CONC/B - CONCRETE CATCH BASIN | |
| DB, PG - DEED BOOK, PAGE | |
| E - ELECTRIC LINE | |
| EP - EDGE OF PAVEMENT | |
| FH - FIRE HYDRANT | |
| FT - FEET | |
| GW - GUY WIRE | |
| GM - GAS METER | |
| HT - HEIGHT OF BUILDING | |
| HW - HEAD WALL | |
| JB - JUNCTION BOX | |
| IPF - IRON PIN FOUND | |
| IPS - IRON PIN SET (1/2" P/B) | |
| LATE - LOCATION ACCORDING TO EXCEPTIONS | |
| LL - LAND LOT | |
| LLL - LAND LOT LINE | |
| LP - LIGHT POLE | |
| MH - SANITARY SEWER MANHOLE | |
| N/F - NOW OR FORMERLY | |
| PB, PG - PLAT OR PAGE | |
| PL - PROPERTY LINE | |
| POB - POINT OF BEGINNING | |
| POC - POINT OF COMMENCEMENT | |
| RB - REBAR | |
| RCP - REINFORCED CONCRETE PIPE | |
| RM - RIGHT OF WAY | |
| SF - SQUARE FEET | |
| SWCB - SINGLE WING CATCH BASIN | |
| SS - SANITARY SEWER LINE | |
| SSE - SANITARY SEWER EASEMENT | |
| UP - UTILITY POLE | |
| UGE - UNDERGROUND ELECTRIC UTILITY | |
| UGU - UNDERGROUND UTILITY PEDISTAL | |
| WF - WOOD FENCE | |
| WI - WEIR INLET | |
| WM - WATER METER | |
| WV - WATER VALVE | |

SYMBOLS

- | | |
|---|---------------------|
| ⊗ | FIRE HYDRANT |
| ⊙ | UTILITY POLE |
| ⊕ | SEWER MANHOLE |
| ⊖ | WATER METER |
| ⊗ | WATER VALVE |
| ⊙ | UNDERGROUND UTILITY |
| ⊕ | AIR CONDITIONER |
| ⊖ | GAS METER |
| ⊗ | GAS METER |
| ⊙ | LIGHT POLE |
| ⊖ | GUY WIRE |
| ⊕ | IRON PIN SET |
| ● | IRON PIN FOUND |

LEGAL DESCRIPTION:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 126 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT OF INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE 20 (HAVING A VARIABLE WIDTH RIGHT-OF-WAY) WITH THE EASTERLY RIGHT OF WAY OF WESLEY CHAPEL ROAD (HAVING A VARIABLE WIDTH RIGHT-OF-WAY); THENCE FOLLOWING THE EASTERLY RIGHT-OF-WAY OF WESLEY CHAPEL ROAD, NORTH 19 DEGREES 46 MINUTES 49 SECONDS EAST A DISTANCE OF 124.28 FEET TO AN IRON PIN SET; THENCE NORTH 31 DEGREES 02 MINUTES 14 SECONDS EAST A DISTANCE OF 21.47 FEET TO AN IRON PIN SET; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 75 DEGREES 27 MINUTES 21 SECONDS EAST A DISTANCE OF 158.83 FEET TO A 1/2" REBAR FOUND BEING THE TRUE POINT OF BEGINNING. THENCE FROM SAID TRUE POINT OF BEGINNING AS THUS ESTABLISHED SOUTH 59 DEGREES 12 MINUTES 38 SECONDS EAST A DISTANCE OF 119.95 FEET TO A NAIL; THENCE SOUTH 77 DEGREES 23 MINUTES 53 SECONDS EAST A DISTANCE OF 110.34 FEET TO AN NAIL ON THE WESTERLY RIGHT-OF-WAY OF EAST WESLEY CHAPEL WAY (HAVING 50 FOOT RIGHT-OF-WAY); THENCE FOLLOWING SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1000.00 FEET AND A LENGTH OF 74.12 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 14 DEGREES 37 MINUTES 27 SECONDS WEST AND A CHORD DISTANCE OF 74.10 FEET TO AN IRON PIN SET; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 46 DEGREES 51 MINUTES 09 SECONDS WEST A DISTANCE OF 146.80 FEET TO AN IRON PIN FOUND ON THE NORTHERLY RIGHT-OF-WAY OF INTERSTATE 20 (HAVING A VARIABLE WIDTH RIGHT-OF-WAY); THENCE FOLLOWING SAID RIGHT-OF-WAY NORTH 80 DEGREES 34 MINUTES 49 SECONDS WEST A DISTANCE OF 136.00 FEET TO AN IRON PIN SET; THENCE SAID RIGHT-OF-WAY NORTH 11 DEGREES 49 MINUTES 22 SECONDS EAST A DISTANCE OF 240.41 FEET TO A 1/2" REBAR FOUND BEING THE TRUE POINT OF BEGINNING. SAID TRACT CONTAINS 0.935 ACRES OR 40,709 SQUARE FEET.

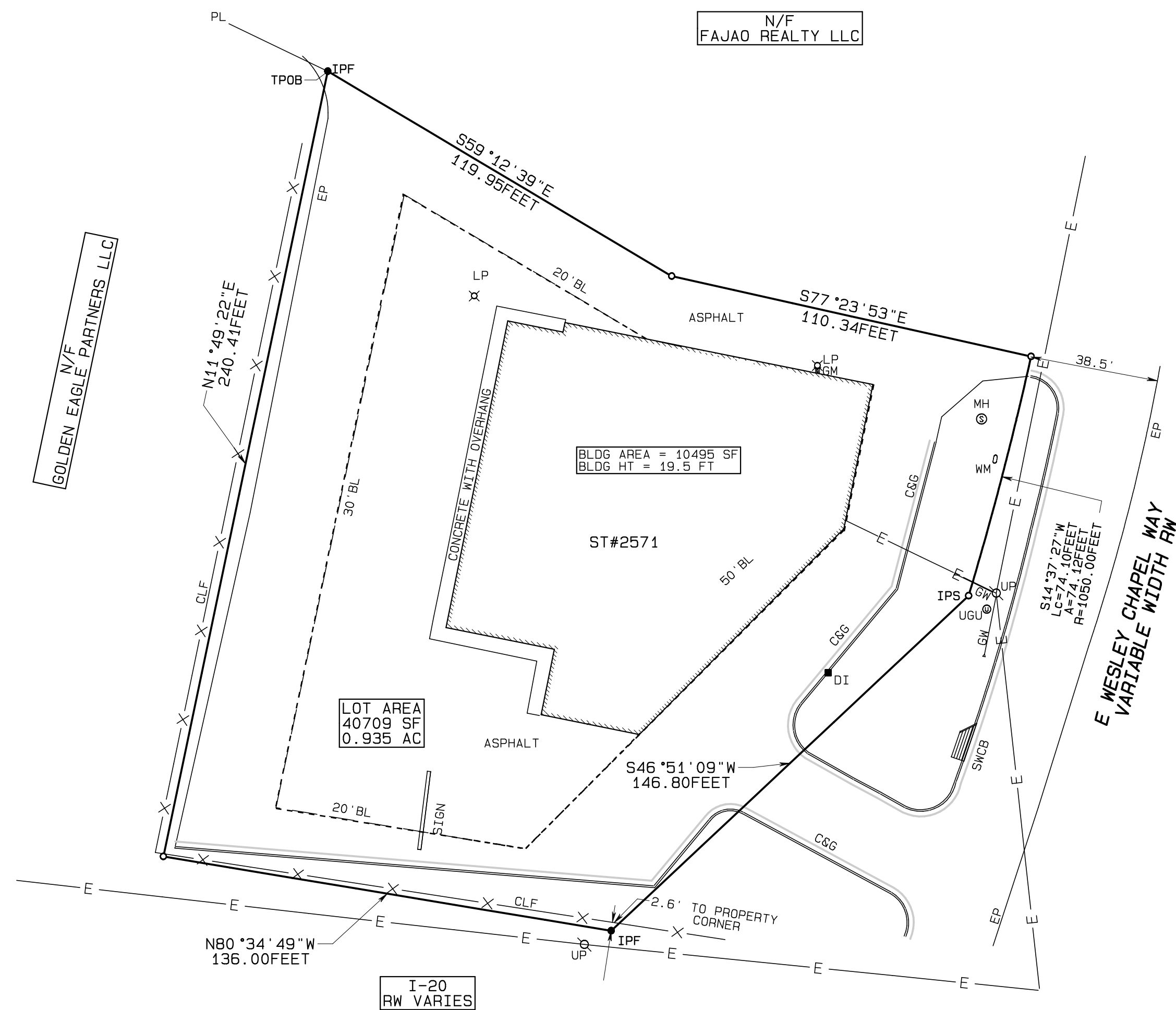
AND BEING MORE PARTICULARLY SHOWN ON AND DESCRIBED IN ACCORDANCE WITH A PLAT OF SURVEY PREPARED FOR RAJESH R. PATEL BY COMPASS SURVEYING, INC., BEARING THE SEAL AND CERTIFICATION OF BRIAN CALDWELL, GEORGIA REGISTERED LAND SURVEYOR NO. 2956, DATED JANUARY 28, 2021

THE PROPERTY SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT NO. 21-005371ATL

EXCEPTIONS TO TITLE POLICY:

- EASEMENT TO GEORGIA POWER COMPANY, DATED MAY 27, 1936, FILED AND RECORDED IN DEED BOOK 432, PAGE 299, DEKALB COUNTY, GEORGIA RECORDS.
- AFFECTS: BLANKET UTILITY EASEMENT
- EASEMENT TO GEORGIA POWER COMPANY, DATED MARCH 19, 1951, FILED AND RECORDED IN DEED BOOK 874, PAGE 486, DEKALB COUNTY, GEORGIA RECORDS.
- AFFECTS: BLANKET UTILITY EASEMENT
- EASEMENT TO GEORGIA POWER COMPANY, DATED AUGUST 27, 1958, FILED AND RECORDED IN DEED BOOK 1367, PAGE 353, DEKALB COUNTY, GEORGIA RECORDS.
- AFFECTS: BLANKET UTILITY EASEMENT
- EASEMENT TO GEORGIA POWER COMPANY, DATED APRIL 14, 1966, FILED AND RECORDED IN DEED BOOK 2094, PAGE 800, DEKALB COUNTY, GEORGIA RECORDS.
- AFFECTS: BLANKET UTILITY EASEMENT
- EASEMENT TO THE REED DRUG CO. DATED SEPTEMBER 17, 1981, FILED AND RECORDED IN DEED BOOK 4542, PAGE 559, DEKALB COUNTY, GEORGIA RECORDS (FOR INFORMATION PURPOSES ONLY).
- DOES NOT AFFECT
- EASEMENT TO EXXON CORPORATION, DATED JULY 9, 1986, FILED AND RECORDED IN DEED BOOK 5563, PAGE 492, DEKALB COUNTY, GEORGIA RECORDS.
- AFFECTS: NOT PLOTTABLE
- RIGHT-OF-WAY DEED TO GEORGIA DEPARTMENT OF TRANSPORTATION, DATED DECEMBER 11, 2003, FILED AND RECORDED IN DEED BOOK 15767, PAGE 284, DEKALB COUNTY, GEORGIA RECORDS.
- DECLARATION OF EASEMENTS AND RESTRICTIONS FILED AND RECORDED IN DEED BOOK 20901, PAGE 98, DEKALB COUNTY, GEORGIA RECORDS.
- AFFECTS AND SHOWN AS THE CURRENT 100 FT RIGHT OF WAY
- RIGHTS OF TENANTS IN POSSESSION, AS TENANTS ONLY, RESULTING FROM ANY UNRECORDED LEASES AND/OR OCCUPANCY AGREEMENTS OF THE PREMISES, IF ANY, AND/OR THE LEASES OF THE INSURED PROPERTY HEREIN DESCRIBED.
- AFFECTS: NOT PLOTTABLE
- RESTRICTIONS AS SHOWN ON ALL RECORDED PLATS AND PLANS.
- AFFECTS: NOT PLOTTABLE

** SURVEYORS NOTES



SURVEYORS CERTIFICATION TO:

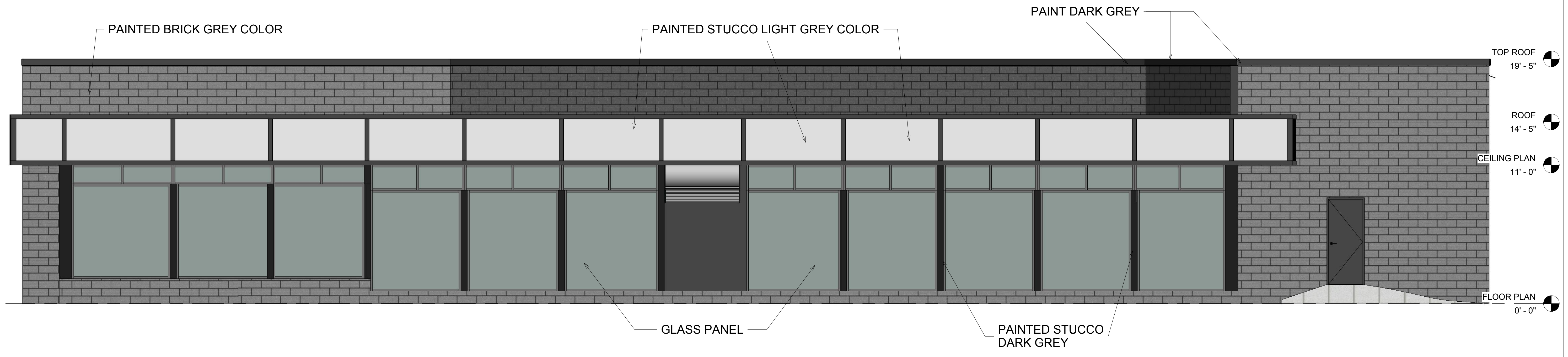
ANANDI JRK LLC, AND FIDELITY NATIONAL TITLE INSURANCE COMPANY.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements For ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6a, 6b, 7a, 7c, 8, 9, 11 (visible above ground utilities only), 13, 14, 16, 18, and 19 of Table A thereof. The field work was completed on 1-28-2021. Date of Plat: 1-28-2021

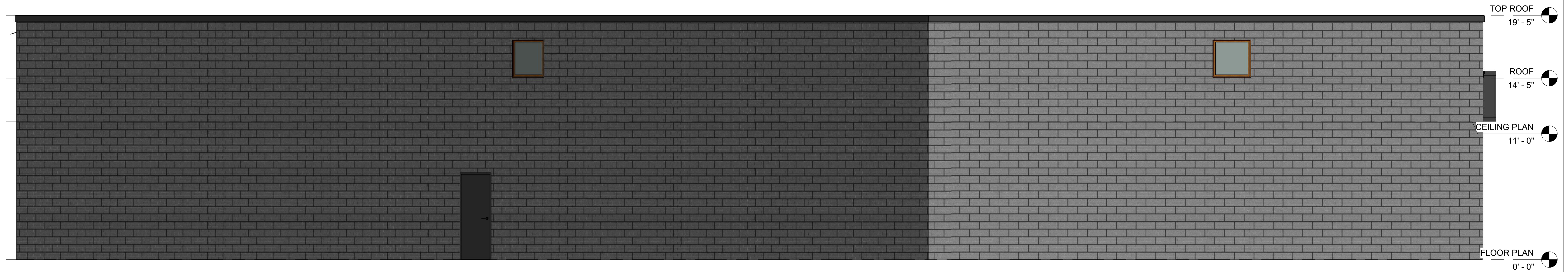


ALTA/NSPS LAND TITLE SURVEY FOR ANANDI JRK LLC, AND FIDELITY NATIONAL TITLE INSURANCE COMPANY.

<p>SHEET 1 OF 1 DATE: 1-28-2021 REV: 2-11-2021 JOB# WESLEY2571 DRAWN BY BAC</p>	<p>ALTA/NSPS LAND TITLE SURVEY OF 2571 E WESLEY CHAPEL WAY, DECATUR, GA 30035 LOCATED IN LAND LOT 126, DISTRICT 15TH DEKALB COUNTY, GEORGIA</p>	<p>Compass Surveying, Inc. 9337 Meadow Gate Lane Jonesboro, Georgia 30236 Tel: 404-550-9512 Bca1dwe11@CompassSurveying.com Survey Firm LSF001073</p>	<p>FLOOD NOTE: THIS PROPERTY IS NOT IN A FEMA FLOOD AREA AND IS SHOWN ON DEKALB COUNTY UNINCORPORATED AREAS (IRM PANEL 13089C0154J, DATED 05/16/2013) AS A ZONE X</p>	<p>THIS PLAT IS FOR THE EXCLUSIVE USE OF ANANDI JRK LLC, AND FIDELITY NATIONAL TITLE INSURANCE COMPANY. ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK</p>	<p>GRAPHIC SCALE 1"=40' SHEET SIZE 22"x34" 0' 40' 80' 160' THIS PLAT IS NOT VALID UNLESS IT BEARS THE SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.</p>
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1 FRONT ELEVATION
1/4" = 1'-0"



2 REAR ELEVATION
1/4" = 1'-0"

DATE	REMARKS

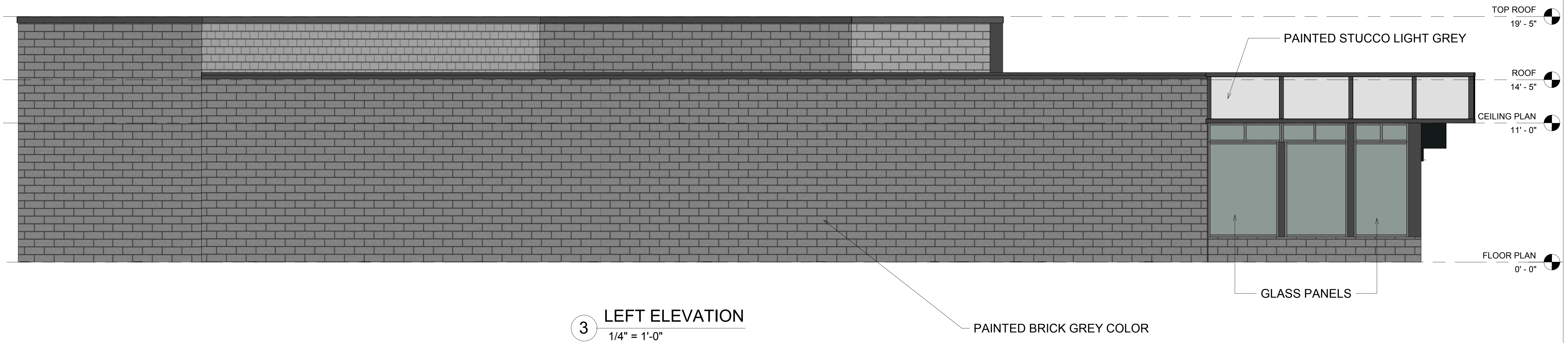
2571 E WESLEY CHAPEL WAY,
DECATUR, GA 30035, USA

TITLE
FRONT AND REAR
ELEVATIONS

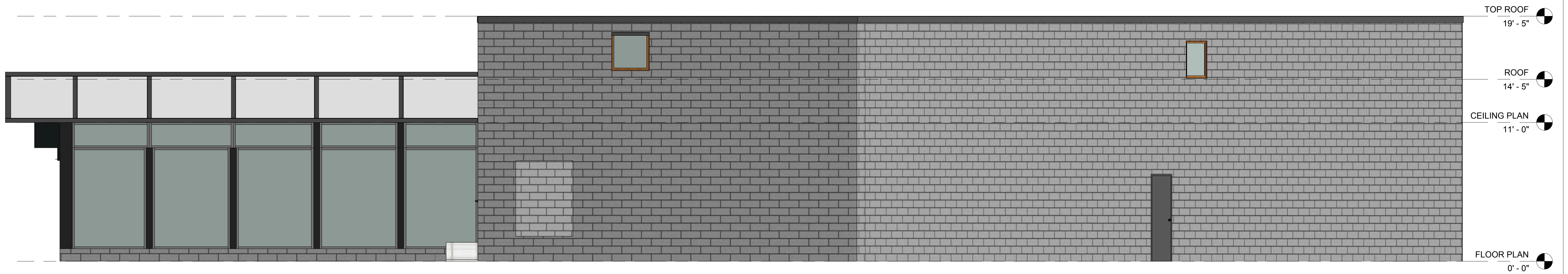
DRAWN
CHA
CHECKED
NAG
DATE
10.28.2022
SCALE
1/4" = 1'-0"
JOB NO.
04

FILE NAME
2571 E WESLEY CHAPEL WAY
SHEET
A101





3 LEFT ELEVATION
1/4" = 1'-0"



4 RIGHT ELEVATION
1/4" = 1'-0"

DATE	REMARKS

2571 E WESLEY CHAPEL WAY,
DECATUR, GA 30035, USA

TITLE
RIGHT AND LEFT
ELEVATIONS

DRAWN
CHA
CHECKED
NAG
DATE
10.28.2022
SCALE
1/4" = 1'-0"
JOB NO.
04

FILE NAME
2571 E WESLEY CHAPEL WAY
SHEET
A102





DATE	REMARKS

2571 E WESLEY CHAPEL WAY,
 DECATUR, GA 30035, USA

TITLE ISO RIGHT VIEW
DRAWN CHA
CHECKED NAG
DATE 10.28.2022
SCALE
JOB NO. 04
FILE NAME 2571 E WESLEY CHAPEL WAY
SHEET A103



DATE	REMARKS

2571 E WESLEY CHAPEL WAY,
 DECATUR, GA 30035, USA

TITLE
 ISO LEFT VIEW

DRAWN
 CHA
 CHECKED
 NAG
 DATE
 10.28.2022
 SCALE

JOB NO.
 04

FILE NAME
 2571 E WESLEY CHAPEL WAY
 SHEET
 A104





DATE	REMARKS

2571 E WESLEY CHAPEL WAY,
 DECATUR, GA 30035, USA

TITLE ISO RIGHT
DRAWN CHA
CHECKED NAG
DATE 10.28.2022
SCALE
JOB NO. 04
FILE NAME 2571 E WESLEY CHAPEL WAY
SHEET A105





Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Special Land Use Permit for
Fuel Pumps

of

ANANDI JRK., LLC.
c/o Battle Law, P.C.

for

+/-0.935 Acres of Land
Being 2571 E. Wesley Chapel Way
DeKalb County, Georgia and
Parcel Nos. 15 126 03 007

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
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(404) 601-7616 Phone
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Battle Law

I. LETTER OF INTENT

Anandi Jrk., LLC. (the “Applicant”) is seeking to develop on +/- 0.935 acres of land being Tax Parcel No. 15 126 03 007 having frontage on 2571 E. Wesley Chapel Way (the “Subject Property”) with a convenience store with fuel pumps. The Applicant is seeking a Special Land Use Permit of the Subject Property to allow for only the fuel pumps.

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

II. SPECIAL LAND USE PERMIT CRITERIA

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

The Subject Property is large enough to accommodate the proposed use, but the Applicant will be seeking a variance to reduce the number of parking required later on.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;

The Subject Property is surrounded by parcels zoned for either commercial or industrial uses. There is a Dollar General immediately abutting the Subject Property and nothing else. A convenience store with fuel pumps will fit right in, especially considering the zoning district of the Subject Property and the immediately abutting property are identical. The convenience store with fuel pumps is not incompatible with the nearby industrial uses either, as the commercial use is a much less intense use than the industrial one. Therefore, the use proposed is compatible with the surrounding properties and land uses.

C. Adequacy of public services, public facilities, and utilities to serve the proposed use;

There are adequate public services, facilities, and utilities to serve the proposed use. The convenience store currently exists and used to function as an alcohol outlet. The utilities serving the building then can serve the building now. Additionally, any needed utilities for the fuel pumps will be installed by the Applicant. Therefore, there are adequate public services, facilities, and utilities to serve the proposed use.

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;



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There is adequate public street on which the use is proposed to be located. The Subject Property is positioned right off Highway 20. Drivers will be able to exit the Highway, and turn right to get to the new fuel pumps. From there, the drivers will be able to exit onto E. Wesley Chapel Way and turn left to reach New Snapfinger Woods Drive. Drivers will then be able to turn left to get back onto Wesley Chapel Road and then take the on-ramp to get right back onto the Highway. This route would create a loop for traffic to follow to easily get into the fuel stations and back onto the Highway. Wesley Chapel Road and New Snapfinger Woods Drive are both Major Arterials and will be able to handle a great deal of increased traffic. E. Wesley Chapel Way appears to be a Minor Arterial, and will certainly be able to handle the traffic generated by this development. Therefore, there is adequate public street on which the use is proposed to be located.

E. Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;

No existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use. The only active land use located along access routes to the site is the Dollar General. The fuel pumps installed will not attract large trucks, but rather only pedestrian vehicles – the very same type of vehicle the Dollar General would attract. One type of vehicle the Dollar General would not attract that the fuel pumps would is a fuel truck. The fuel truck would deliver fuel to the pumps infrequently enough that the Dollar General would not be adversely affected by it though. Therefore, no existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

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

There is adequate ingress and egress to the Subject Property and to all proposed buildings. Drivers will be able to access the Subject Property from either Wesley Chapel Road or from E. Wesley Chapel Way. Drivers will be able to exit the Subject Property from either road.

G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;

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

H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;



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

I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;

The proposed use will not create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use. The Subject Property will be used as a convenience store with fuel pumps that will be operated in a typical fashion for the use proposed.

J. 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 will be seeking a variance for the proposed use to allow for a reduced number of parking spots.

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

The proposed use is consistent with the policies of the comprehensive plan. The comprehensive plan places the Subject Property in the Town Center character area. The comprehensive plan describes the Town Center character as meant to “promote the concentration of higher intensity residential and commercial uses, which serve several communities surrounding the center...” The proposed use would fit right in with the intended commercial use for this area. Therefore, the proposed use is consistent with the policies of the comprehensive plan.

L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located;

The proposed use provides all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located. The Subject Property is zoned C-1 and is immediately adjacent to parcels that are also zoned C-1. Section 5.4.5 of the DeKalb County Zoning Ordinance pertains to Transitional Buffers that must exist between the various zoning districts. Section 5.4.5 does not require a buffer between two parcels that are each zoned C-1. Therefore, the proposed use provides all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

M. Whether there is adequate provision of refuse and service areas;

There is adequate provision of refuse and service areas. The Subject Property will be serviced by a dumpster located on site that will accommodate all refuse needs. The dumpster will be screened from view so as not to cause offense to any who might pass by.



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N. 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. The Applicant intends to run a business on the Subject Property indefinitely. Because the special land use permit is required for the operation of the fuel pumps, and the fuel pumps are a part of the business, a limited duration would hinder the Applicant's ability to run its business. Therefore, the length of time for which the special land use permit is granted should not be limited in duration.

O. 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;

The size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings. The building that currently exists on the Subject Property will remain. The only addition will be the fuel pumps and the fuel pumps will be appropriately sized so as not to conflict with the character of the area.

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

The proposed use will not adversely affect historic buildings, sites, districts, or archaeological resources. The Subject Property does not lie within a historic district and there are no historic buildings or archaeological resources on the Subject Property that the Applicant is aware of.

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

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

R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height; and

The proposed use will not create a negative shadow impact on any adjoining lot or building as a result of the proposed building height. The existing building is shorter than the surrounding buildings and the gasoline pump fuel canopy will meet the requirements under DeKalb County's Zoning Ordinance so as not to cause any adverse impacts due to shadows.

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



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The proposed use will be consistent with the needs of the neighborhood or the community as a whole and will be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan. The area is a commercial area with both commercial and industrial zoning districts throughout. The proposed use would be consistent with the other commercial uses in the area. Additionally, the Subject Property is located just off of Highway 20. It is perfectly located for fuel pumps because it would allow drivers to exit the Highway, go less than a mile to reach the fuel pumps, and then head right back out onto the Highway. In other words, adding these fuel pumps at this location will be an asset for the community as a whole.

III. CONCLUSION

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

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

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

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

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and



Battle Law

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 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.

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

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

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

Michele L. Battle, Esq.
Attorney for the Applicant

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Anandi JRK, LLC c/o Battle Law Phone: 469.855.1765 Email: rajpatelgastore@gmail.com

Property Address: 2571 E Wesley Chapel Way, Decatur, GA 30035

Tax Parcel ID: 15 126 03 007 Comm. District(s): 5 & 7 Acreage: .91

Existing Use: Vacant Bldg. Proposed Use Convenience Store with Gas Pumps

Supplemental Regs: 4.2.28 Overlay District: I-20 Tier 1 DRI: N/A

Rezoning: Yes No

Existing Zoning: C1 Proposed Zoning: N/A Square Footage/Number of Units: N/A

Rezoning Request: N/A

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) Convenience Store with Gas Pumps

Major Modification:

Existing Case Number(s): N/A

Condition(s) to be modified:

DEPARTMENT OF PLANNING & SUSTAINABILITY

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: _____
 Zoning Conditions: _____ Community Council Meeting: _____ Public Notice, Signs: _____
 Tree Survey, Conservation: _____ Land Disturbance Permit (LDP): _____ Sketch Plat: _____
 Bldg. Permits: _____ Fire Inspection: _____ Business License: _____ State License: _____
 Lighting Plan: _____ Tent Permit: _____ Submittal Format: NO STAPLES, NO BINDERS PLEASE

Review of Site Plan

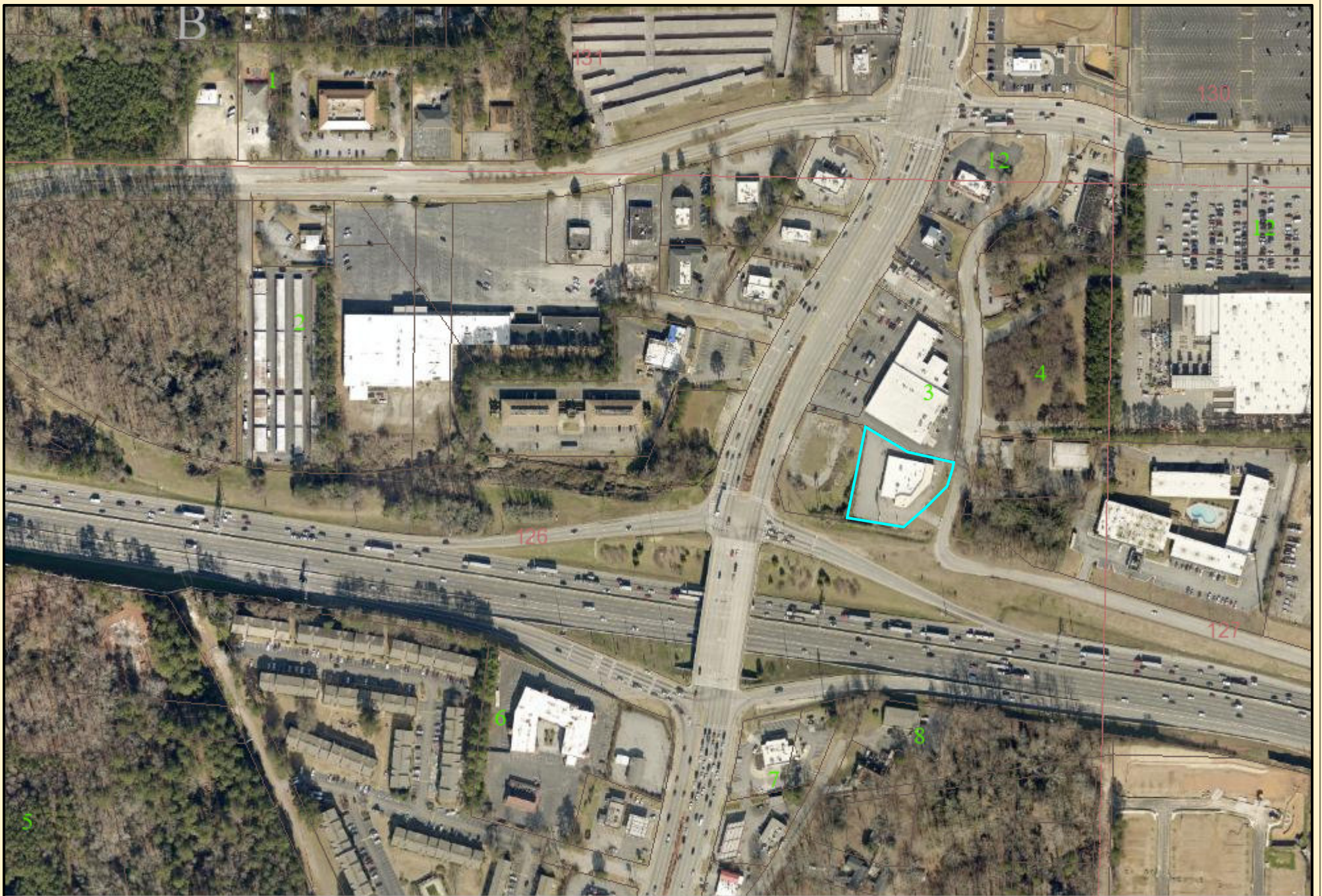
Density: _____ Density Bonuses: _____ Mix of Uses: _____ Open Space: _____ Enhanced
 Open Space: _____ Setbacks: front _____ sides _____ side corner _____ rear _____ Lot Size:
 _____ Frontage: _____ Street Widths: _____ Landscape Strips: _____ Buffers: _____
 Parking Lot Landscaping: _____ Parking -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

Comments:

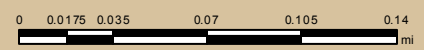
Planner: Howard L. Johnson Date 9/12/2022

Filing Fees

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



DeKalb County Parcel Map

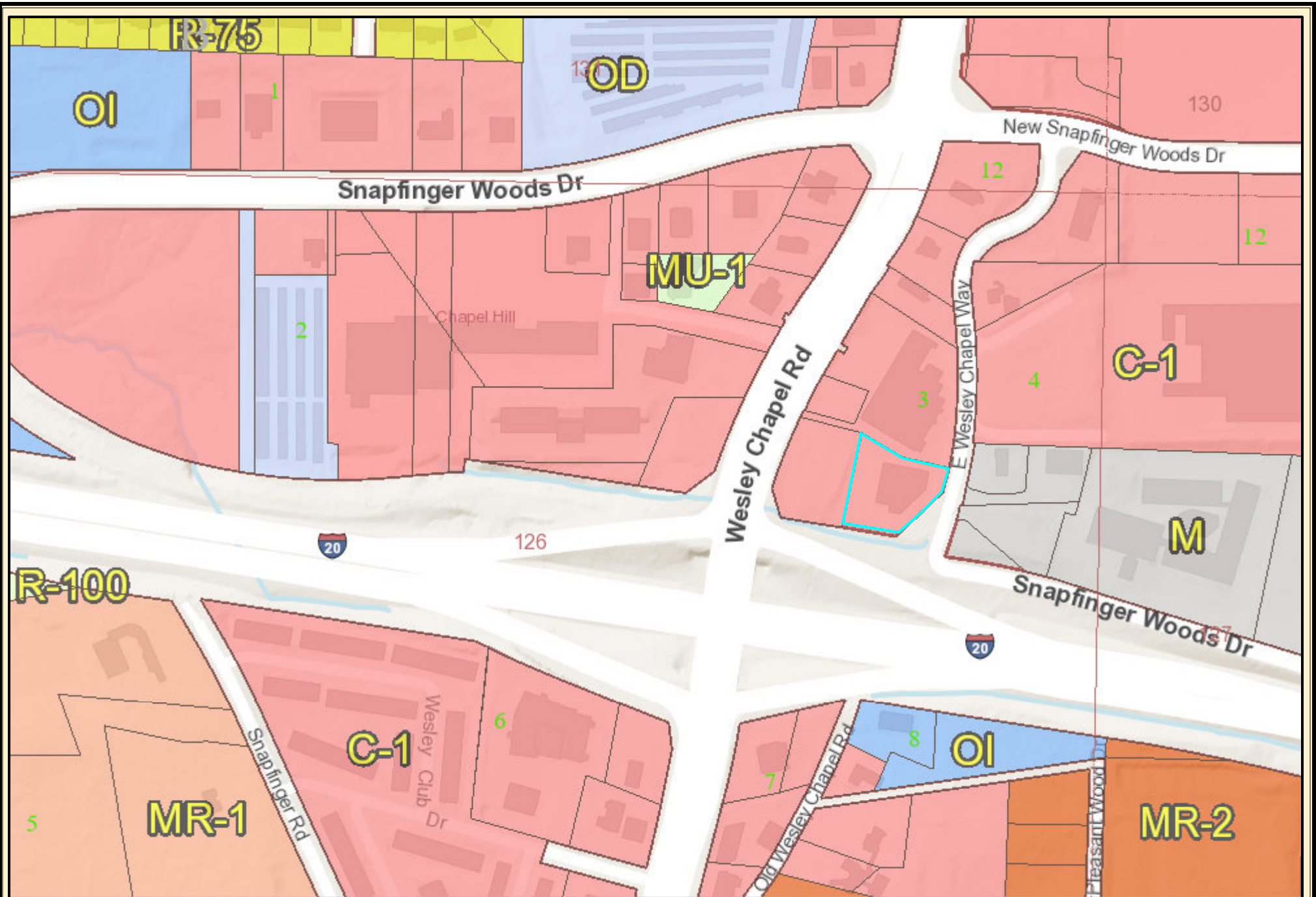


Date Printed: 12/27/2022

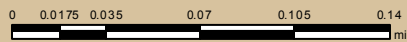


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DeKalb County Parcel Map

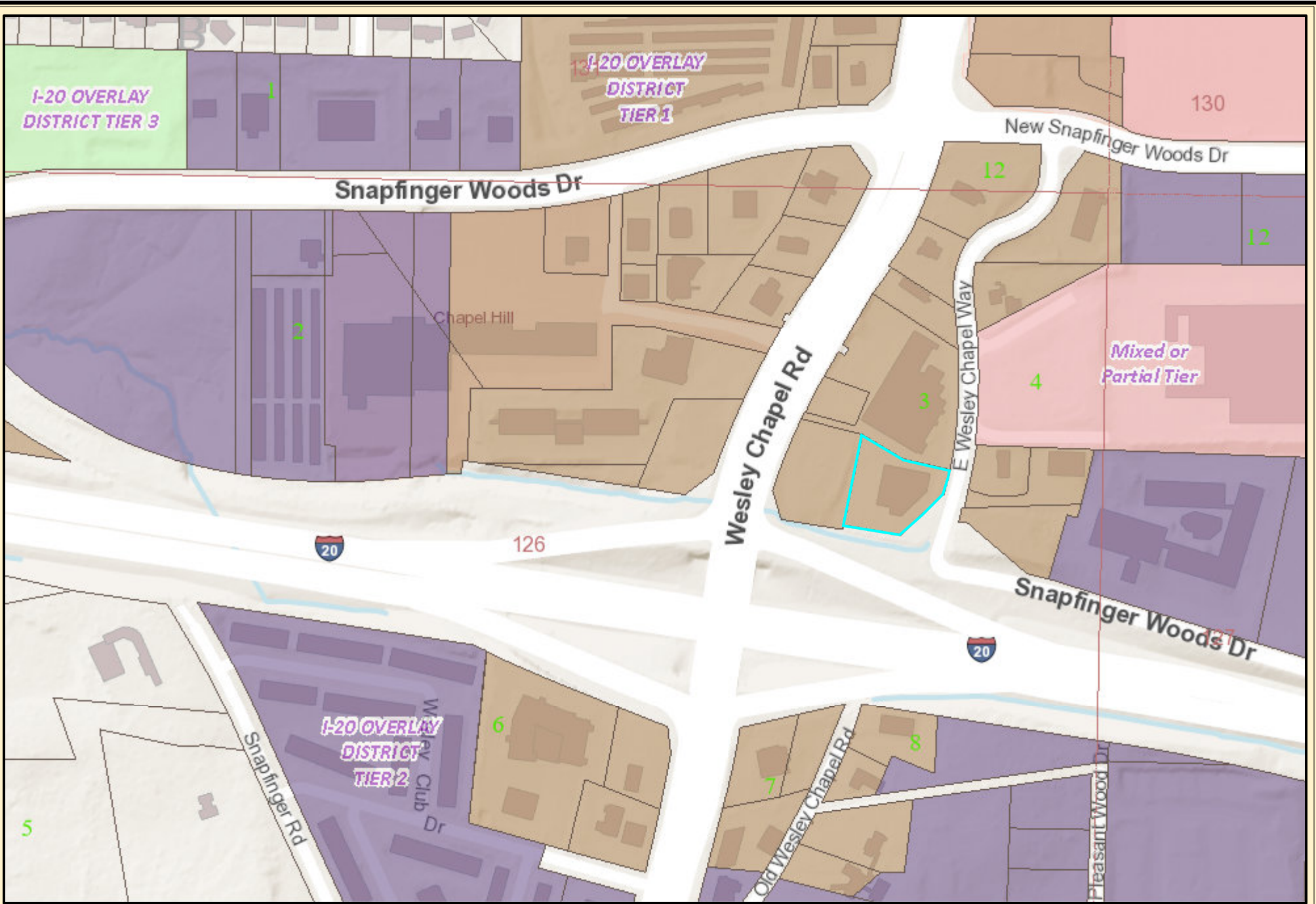


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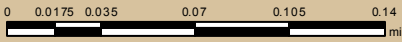


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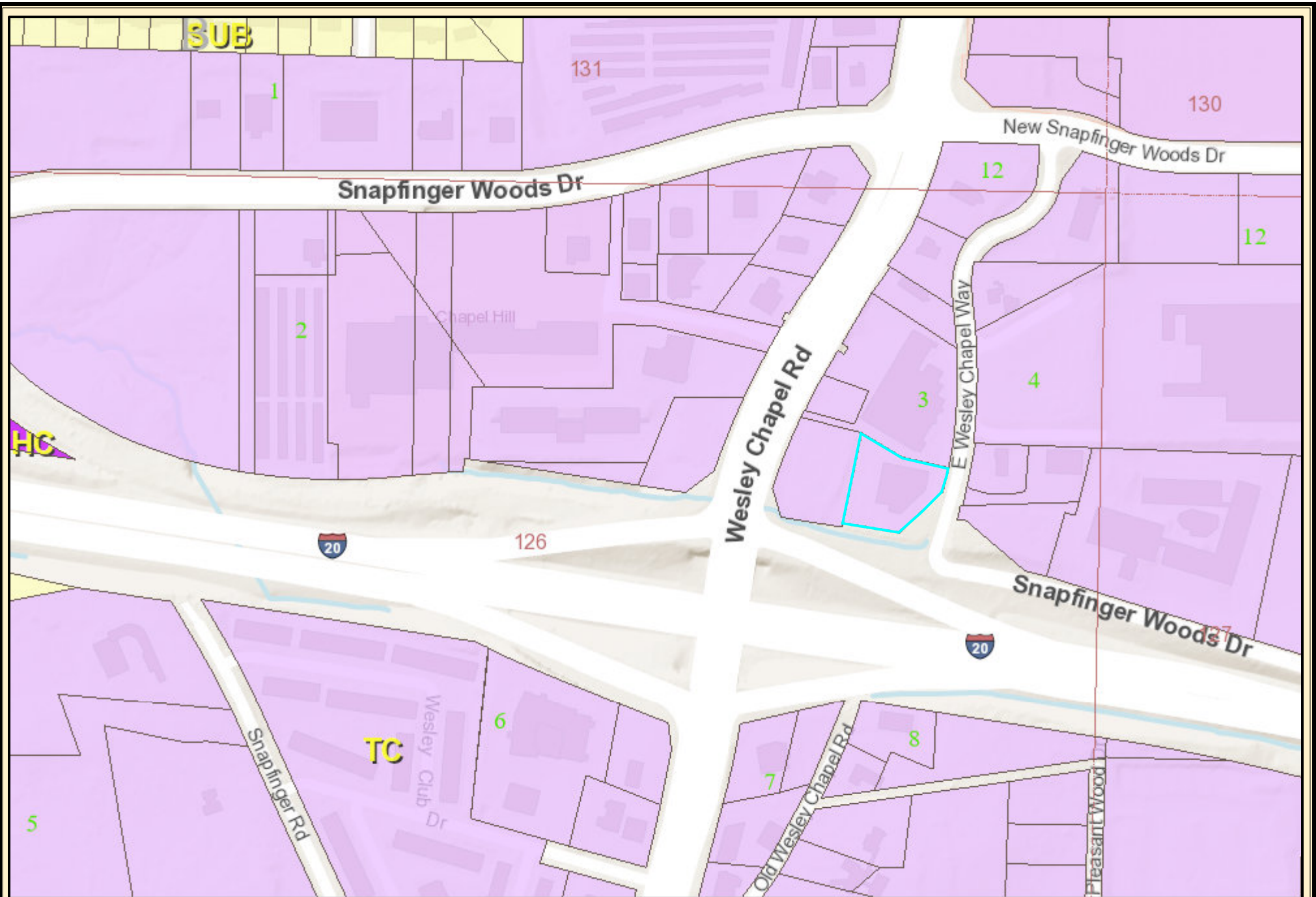
DeKalb County Parcel Map



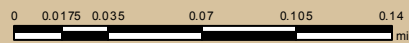
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DeKalb County Parcel Map



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