



Battle Law

06/13/24

Brandon White
Current Planning and Zoning Manager
178 Sams Street, Decatur, GA.
Re: CZ-24-1246996
Via Email (blwhite@dekalbcountyga.gov)

Current Planning and Zoning Manager Brandon White:

On behalf of the Applicant for the proposed Major Modification of Conditions for property located at 6061 Redan Road, being parcel number 16 068 02 018 pertaining to petition number C-24-1246996, I respectfully request to withdraw this application.

Sincerely,

Joshua Mahoney
Associate Attorney
404-601-7616 ext. 6
jsm@battlelawpc.com

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Michael Thurmond

Interim Director
Cedric Hudson

Planning Commission Hearing Date: July 11th, 2024

Board of Commissioners Hearing Date: July 25th, 2024

STAFF ANALYSIS

Case No.:	CZ-24-1246996	Agenda #: 2024-0629	
Address:	6061 Redan Road, Lithonia, GA 30058	Commission District: 05	Super District: 07
Parcel ID(s):	16-068-02-018		
Request:	A Major Modification of zoning conditions pursuant to CZ-77077 to allow the construction of a convenience store with fuel pumps in the C-2 (General Commercial) zoning district.		
Property Owner(s):	Lalani Ventures		
Applicant/Agent:	Battle Law, P.C.		
Acreage:	43,560 Square feet.		
Existing Land Use:	Automobile Repair Shop.		
Surrounding Properties:	North: R-100 (Residential Medium Lot-100) East: R-100, OI (Office Institutional) South: OI West: R-100, C-1 (Local Commercial)		
Comprehensive Plan:	Suburban (SUB)	Consistent	Inconsistent

Staff Recommendation: Withdrawal without Prejudice upon the Applicants request. Request Enclosed.

ZONING COMMENTS – JUNE 2024

N1. 911 Mountain View Drive. Mountain View Drive is classified as a collector road. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Mountain View Circle and Mountain Springs Way are 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 centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles may remain within the limits of the path/sidewalk on any street. Only one access point allowed on Mountain View Drive. Refer to Code Section 14-200 (6) for driveway spacing. Consider the circulation loop having access off Mountain View Circle. No parking allowed on the right of way. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

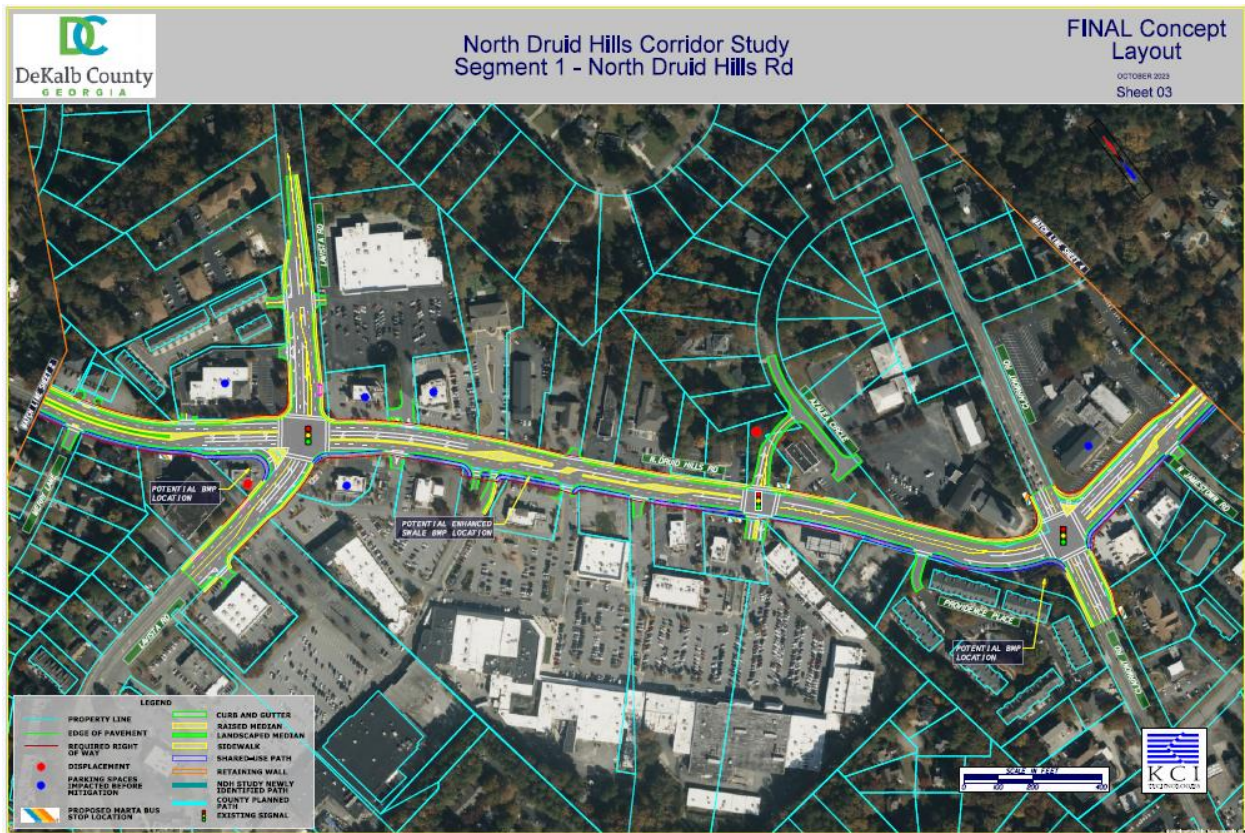
N2. 498 Crestwood Ct: No comment.

N3. 6061 Redan Road. Redan Road is classified as a minor arterial. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Young Road is classified as a collector road. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Verify that all access points have intersection and stopping sight distance as described by AASHTO. Provide a direct pedestrian connection between the public infrastructure/right of way to the building. One right in/left in/right out access point on Redan Road. Install physical barrier to prevent left turns and include a no left turn signage. Only one access point allowed on Young Road- away from the signalized intersection as possible. Update pedestrian striping and ADA ramps at traffic signal. Bring curb and gutter up to current standards along property frontage. No poles may remain within the limits of the path/sidewalk on any street.

N4. 1422 Rock Chapel Road. Rock Chapel Road is state route 124. GDOT review and approval is required prior to permitting. (JLivingston@dot.ga.gov) Rock Chapel Road is classified as a major arterial. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). If applicant is seeking a variance from the above infrastructure requirements, it is suggested to seek during the zoning process. Verify that all access points have intersection and stopping sight distance as described by AASHTO. No poles may remain within the limits of the path/sidewalk on any street.

N5. No comment

N6. 2933 N Druid Hills Rd. Additional coordination is required with the PW- Transportation Division on related to the North Druid Hills Study Section 1B. The Transportation Division has applied for federal funds to design and construct this project. Dedicate necessary right of way for the project. Recommend variance for all other infrastructure improvements until the project is delivered during zoning process. Please note the final position of access points. Verify that all access points have intersection and stopping sight distance as described by AASHTO.



N7. 5370, 5384, 5378 Flat Shoals Parkway. Flat Shoals Parkway is SR 155. GDOT review and permits required prior to permitting. (JLivingston@dot.ga.gov) Flat Shoals Parkway is classified as a major arterial. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hewfowler@dekalbcountyga.gov). Verify that all access points have intersection and stopping sight distance as described by AASHTO. No poles may remain within the limits of the path/sidewalk on any street. Private roads must be built to public road standards. All interior roads are to be private and maintained by a Homeowner’s Association. Verify the distance between the garage door and sidewalk is long enough to accommodate a vehicle without blocking the sidewalk. Make sure that sidewalk/pedestrian paths meet ADA requirements at driveways. If street is less than 24 feet wide, no on street parking allowed. Add no parking signs and include parking restrictions in neighborhood covenants.

N8. 1850 Lawrenceville Hwy. Lawrenceville Hwy is SR 8. GDOT review and permits required prior to permitting. (JLivingston@dot.ga.gov) Lawrenceville Hwy is classified as a major arterial. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse

path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Verify that all access points have intersection and stopping sight distance as described by AASHTO. No poles may remain within the limits of the path/sidewalk on any street. If seeking a variance from infrastructure improvements: At a minimum, add an 8-foot sidewalk for connection to South Fork Peachtree Creek Multiuse Trail along frontage and dedicate right of way needed.



6/14/2024

To: LaSondra H. Hill
From: Ryan Cira, Environmental Health Director
Cc: Alan Gaines, Deputy Director
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb Public Health

445 Winn Way – Box 987

Decatur, GA 30031

404.508.7900 • www.dekalbhealth.net



N.1 - 2024-0626

Z-24-1246990/ 18 091 03 035

911 Mountain View Road, Stone Mountain, GA 30083

Amendment

- Please review general comments.
- Property is indicated to operate on septic.

N.2 - 2024-0628

SLUP-24-1246990 18 026 04 039

498 Crestwood Court, Lithonia, GA 30058

Amendment

- Please review general comments.

N.3 - 2024-0629

CZ-24-1246996 16 068 02 018

6061 Redan Road, Lithonia, GA 30058

Amendment

- Please review general comments.
- This property is indicate to have a septic system installed.

N.4 - 2024-0630

Z-24-1246999 16 189 01 003

1422 Rock Chapel Road, Lithonia, GA 30058

Amendment

- Please review general comments.

DeKalb Public Health
445 Winn Way – Box 987
Decatur, GA 30031
404.508.7900 • www.dekalbhealth.net



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.

1236996 Review disposition comment: Subject to Storm Water Management comments below.

DEVELOPMENT ANALYSIS:

Andrew DeKalb Co.

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required. Right-of-way dedication appears to be required along Young Road.

- **Storm Water Management**

The proposed development will involve "stormwater hotspot". Compliance with the DeKalb County Code of Ordinances 14-40 for Stormwater management and water quality control and Georgia Stormwater Management Manual is required as a condition of land development permit approval. Stormwater discharge must comply with 14-40.(e)(6).

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area, local floodplain, or local flood prone areas was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application.

- **Landscaping/Tree Preservation**

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

- **Tributary Buffer**

State water buffer was not reflected in the DeKalb County 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.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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

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

Case No.: _____ Parcel I.D. #: _____

Address: _____

WATER:

Size of existing water main: _____ (adequate/inadequate)

Distance from 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 _____ inadequate _____

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

COMMENTS:

Signature: _____



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: CZ-24-1246994 Parcel I.D. #: 16-068-02-018
Address: 6061 Redan Rd., Lithonia GA. 30058

Adjacent Roadway (s):
Redan Rd. Young Rd
(classification) (classification)

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

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

Please provide additional information relating to the following statement.

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

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

COMMENTS: _____
No traffic engineering concerns
at this time.

Signature: [Handwritten Signature]



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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

**REZONE
COMMENTS FORM:**

PUBLIC WORKS ROAD AND DRAINAGE

Case No.: _____ Parcel I.D. #: _____

Address: _____

Drainage Basin: _____

Upstream Drainage Area: _____

Percent of Property in 100-Year Floodplain: _____

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

Required detention facility(s): _____

COMMENTS:

Signature: Akin A. Akinsola

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Existing Conditional Zoning No.: C -77077

APPLICANT NAME: Lalani Ventures, LLC C/O Battle Law, P.C.

Daytime Phone#: 404-601-7616 Fax #: _____ E-mail: dtract@lalaniventures.com

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

OWNER NAME: Albert Tookes
(If more than one owner, attach contact information for each owner)

Daytime Phone#: _____ Fax #: _____ E-mail: _____

Mailing Address: 2650 Foxlair Trail College Park, GA 30349

SUBJECT PROPERTY ADDRESS OR LOCATION: 6061 Redan Road

Lithonia, DeKalb County, GA, 30058

District(s): 16 Land Lot(s): 068 Block(s): 02 Parcel(s): 018

Acreage or Square Feet: 43,560 sf Commission District(s): 5.7 Existing Zoning: C-2

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

Have you, the applicant, made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?

X Yes _____ No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

Owner: _____ Agent: X
(Check One)

Signature of Applicant: _____

Printed Name of Applicant: _____

Major Modification Application



Battle Law

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

Zoom Instructions:

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

We encourage you to come out and participate!

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

COMMUNITY MEETING TO DISCUSS A CHANGE OF CONDITIONS APPLICATION TO ALLOW FOR A GAS STATION

Project Title: 6061 Redan Road

When: February 15th, 2024

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

Register in advance for this meeting:

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

Meeting ID: 879 5933 4761

Password: 160137

PROPOSED LOCATION(S):

Parcel Number - 16 068 02 0218

TOOKES ALBERT C	2650 FOXLAIR TRL	COLLEGE PARK GA 30349
FAIRFIELD BAPTIST CHURCH OF	6133 REDAN RD	LITHONIA GA 30058
REAVES LATASHA D	1554 YOUNG RD	LITHONIA GA 30058
ST PHILIP AME CHURCH INC	240 CANDLER RD SE	ATLANTA GA 30317
CDMRI 1517 YOUNG ROAD SUB LLC	6017 REDAN RD	LITHONIA GA 30058
CD MOODY CONSTRUCTION COMPANY	6017 REDAN RD	LITHONIA GA 30058
SHERRILL VALORIE L	1546 YOUNG RD	LITHONIA GA 30058
MILES JOE	1475 DOE VALLEY DR	LITHONIA GA 30058
CDMRI 1539 YOUNG ROAD SUB LLC	6017 REDAN DL # 301	LITHONIA GA 30058
SCRUGGS KATHY	1435 DOE VALLEY DR	LITHONIA GA 30058
BOYD JEREMY	1478 DOE VALLEY DR	LITHONIA GA 30058
CD MOODY CONSTRUCTION COMPANY	6017 REDAN RD	LITHONIA GA 30058
FAIRFIELD BAPTIST CHURCH OF	6133 REDAN RD	LITHONIA GA 30058
GREEN GREGORY	1516 YOUNG RD	LITHONIA GA 30058
FAIRFIELD BAPTIST CHURCH OF	6133 REDAN RD	LITHONIA GA 30058

Campaign Contribution Disclosure Statement
Last Updated 11/9/2023

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 Battle, of Battle Law, P.C. in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

Name	Position	Amount	Date
Lorraine Cochran-Johnson	Commissioner	\$750.00	6/17/22
Mereda Davis Johnson	Commissioner	\$1,000.00	11/1/23

By: _____

Printed Name: _____ Michele Battle



DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes _____ No X *

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

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

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



For: Lalani Ventures, LLC 
 Signature of Applicant /Date

Check one: Owner _____ Agent _____

02/28/2028

Expiration Date/ Seal

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: _____


TO WHOM IT MAY CONCERN:

(I), (WE), Albert Tooks
Name of Owner(s)

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

Battle Law P.C.
Name of Applicant or Representative

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


Angela Halualani Notary Public Albert C. Tooks Owner

Notary Public Owner

Notary Public Owner

Notary Public Owner

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

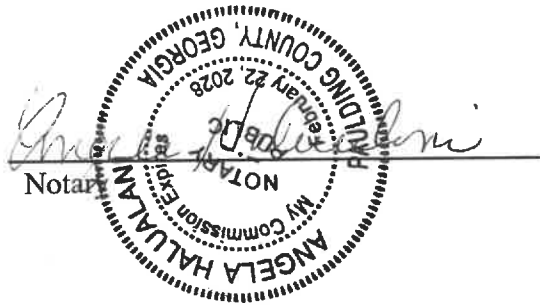
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes _____ No X *

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

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

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



Albert Tookes Albert C. Tookes
Signature of Applicant /Date

Check one: Owner _____ Agent _____

02/22/2028

Expiration Date/ Seal

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



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Major Modification of Zoning Conditions from CZ-77077
of

**Lalani Ventures, LLC.,
c/o Battle Law, P.C.**

for

+/- 1.01 Acres of Land
Being 6061 Redan Road, Georgia and
Parcel No. 1606802018

Submitted for Applicant by:

Joshua Mahoney, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
jsm@battlelawpc.com



Battle Law

I. LETTER OF INTENT

Lalani Ventures, LLC., (the “Applicant”) is seeking to develop on +/- 1.01 acres of land being Tax Parcel No. 1606802018 having frontage on 6061 Redan Road (the “Subject Property”) with a fuel station with a convenience store. The Subject Property is zoned C-2, which would permit this use. However, zoning conditions were applied to the Subject Property in 1977 when the Subject Property acquired the C-2 zoning.

The Applicant is requesting to modify two conditions from CZ-77077 to allow them to build the fuel station with a convenience store. First, the Subject Property is use-limited to specifically only an auto repair facility and no other use. The Applicant is seeking to modify this condition to allow for a fuel station, which is one of the allowable uses in other C-2 zones. Second, the Subject Property is height-limited to one story. The Applicant is seeking to modify this condition to allow for a second story office to support the convenience store.

The Applicant’s two proposed modifications to the existing zoning conditions will allow for a modern structure to replace the auto-repair facility on the site without expanding beyond what is allowed for similarly situated parcels in C-2 zones. This document serves as a statement of intent, analysis of the criteria under Section 27-832 under the DeKalb County Zoning Ordinance, and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. IMPACT ANALYSIS CRITERIA

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

The Future Land Use category for the Subject Property is Suburban, and Redan Road is a Minor Arterial. An updated fuel station and convenience store will be in conformity with the land use plan because it would be a permissible use in a C-2 zone but-for the zoning conditions on the property. The second story office space to support the convenience store does not exceed what is allowed for that C-2 zones.

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

The parcel is currently developed as an auto-oriented business along a minor arterial. The proposed modification retains that nature while creating a more visually activated convenience store, as opposed to the auto repair facility. The proposed modification will not permit any structures not allowed in C-2 zones. Furthermore, the immediately adjacent properties are listed as office or other commercial uses besides the church to the southeast. The property immediately south of the Subject Property appears to be vacant.

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



Battle Law

The use and height restrictions severely restrict the economic potential of the Subject Property to the extent that, as currently zoned, the zoning conditions prevent reasonable economic use of the Subject Property. Additionally, the current owner of the auto repair facility is ready to sell his property. It is highly unlikely that he will be able to do so if the conditions affecting his property do not change.

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

The Applicant is not requesting to modify the buffer condition of CZ-77077, so adjacent properties will continue to be separated by the same buffer they have been. The zoning proposal will not adversely affect the usability of adjacent or nearby properties.

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

The Applicant is not aware of any other conditions supporting grounds for either approval or disapproval of the zoning proposal.

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

The Applicant is not aware of adverse effects on any historic buildings, sites, districts, or archaeological resources.

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

The zoning proposal will not result in any burden on streets, transportation facilities, utilities, or schools. This zoning proposal will re-open the entrance on Young Road which will allow for better traffic flow into this new business.

III. CONCLUSION

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

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS



Battle Law

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

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

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

A refusal by the DeKalb County Board of Commissioners to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant 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 modification of CZ-77077 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 Major Modification of Zoning Conditions in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.



Battle Law

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

The existing 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.

Joshua Mahoney, Esq.
Attorney for the Applicant

July 14, 2015

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DEKALB COUNTY

ITEM NO. N1

HEARING TYPE
PUBLIC HEARING

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: July 28, 2015

ACTION TYPE
ORDINANCE

SUBJECT: Modification of Conditions , CZ-15-19903 Joseph Amos, Jr.

COMMISSION DISTRICTS: 5 & 7

DEPARTMENT: Planning & Sustainability

PUBLIC HEARING: x YES NO

ATTACHMENT: x YES NO
PAGES: 23

INFORMATION
CONTACT: Marian Eisenberg, Zoning Admin.
PHONE NUMBER: (404) 371-2155

PETITION NO: CZ-15-19903

PROPOSED USE: Auto Sales Establishment

LOCATION: 6061 Redan Road, Lithonia, Georgia

PARCEL No.: 16-068-02-018

PURPOSE: To request a major modification of approved zoning conditions pursuant to CZ-77077 which limits the site to auto repair to allow a used auto sales establishment in a C-2 (General Commercial) District. The property is located on the southeast corner of Redan Road and Young Road, at 6061 Redan Road in Lithonia, Georgia. The property has approximately 175 feet of frontage on Young Road and 265 feet of frontage on Redan Road and contains 1 acre.

RECOMMENDATIONS:

PLANNING COMMISSION: WITHDRAWAL WITHOUT PREJUDICE

COMMUNITY COUNCIL: FULL CYCLE DEFERRAL

PLANNING STAFF: WITHDRAWAL WITHOUT PREJUDICE

PLANNING COMMISSION MEETING (07/07/15): On July 7, 2015, the Planning Commission recommended "Withdrawal Without Prejudice" per the applicant's request.


FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTION : 2015-07-28 N1 Joseph Amos Jr CZ 15 19903


MOTION was made by Mereda Davis Johnson, seconded by Stan Watson and passed 6-0-0-1 to withdraw without prejudice N.1 CZ-15-19903, Application of Joseph Amos, Jr. for major modification. Commissioner Barnes Sutton was absent and not voting.

Note: Commissioners voted by hand on this item.

ADOPTED: JUL 28 2015
(DATE)


PRESIDING OFFICER
DEKALB COUNTY BOARD OF
COMMISSIONERS

CERTIFIED: JUL 28 2015
(DATE)


CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

MINUTES:

Joseph Amos, Jr., 5693 Grey Fox Circle, Lithonia, Ga. 30038, spoke in support.

Erica Weaver, 1568 Young Road, Lithonia, Ga. 30058, spoke in opposition.

FOR : Nancy Jester, Jeff Rader, Larry Johnson, Kathie Gannon, Stan Watson,
Mereda Davis Johnson

AGAINST : None

ABSTAIN : None

ABSENT : Sharon Barnes Sutton

July 14, 2015

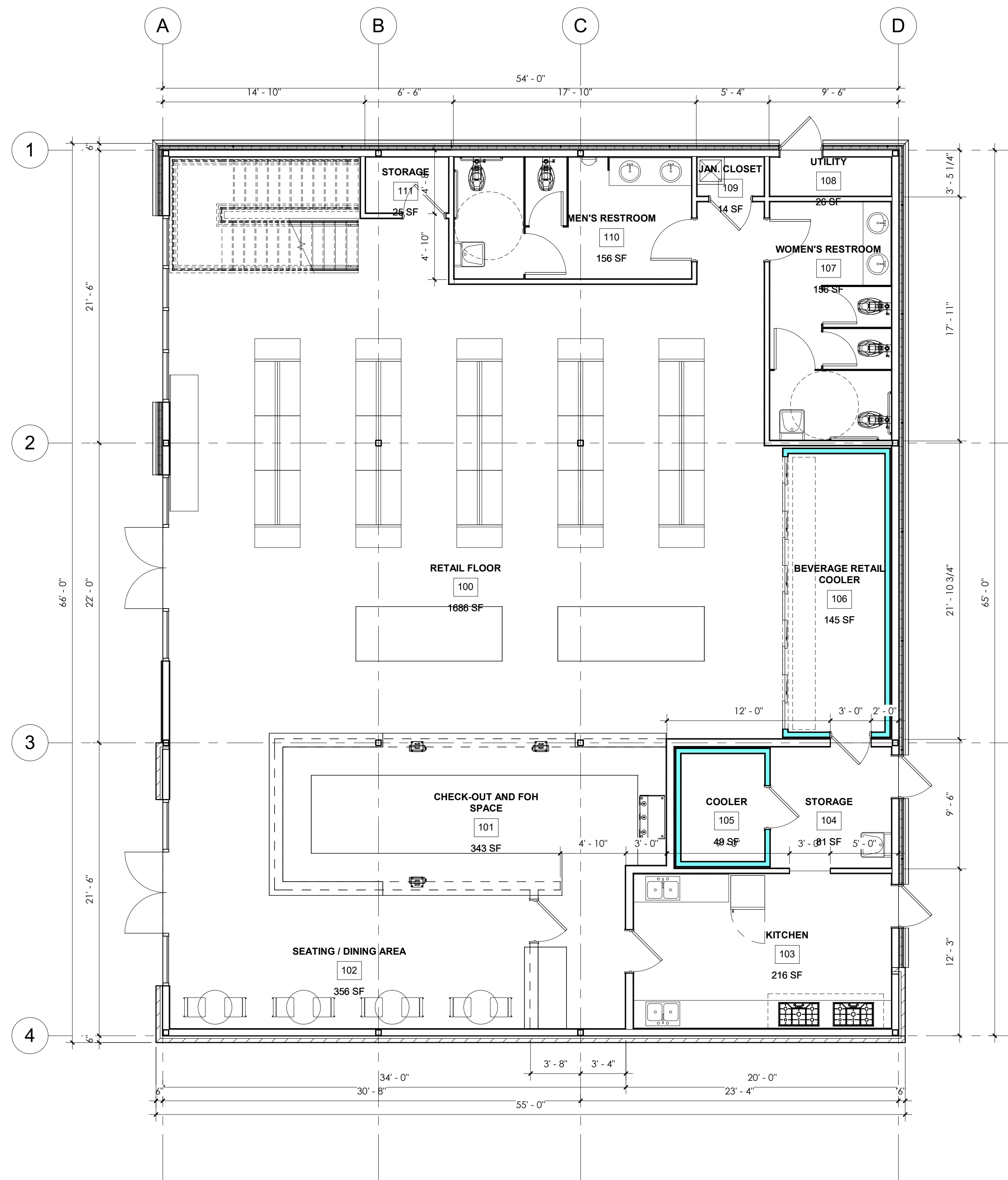
PLANNING STAFF ANALYSIS:

The applicant is requesting a modification to delete zoning conditions pursuant to CZ-77077 which limit the use of property for an auto repair facility in order to allow a used car sales lot on the subject site. The proposed used car sales lot is a permitted use in the existing C-2 (General Commercial) District. Located within a Suburban Character Area designated by the 2025 Comprehensive Plan, the proposed use reflect consistency with the following Comprehensive Plan Policy: Locate commercial uses in established suburban areas on roadways classified as collectors and higher to allow for a more vehicular orientation and more parking in the front (SCAS14). The modification request to allow a used car sales lot is suitable in view of the existing non-residential automotive uses on the subject site. Located at the intersection of a major and minor thoroughfare, there should be no significant impact on traffic. The applicant has not submitted a site plan depicting the proposed use of the site. On June 25, 2015, the applicant submitted a letter to Planning Staff requesting WITHDRAWAL without prejudice to allow time to a complete a detailed site plan for future development on the site. The Department of Planning and Sustainability supports this request and recommends "**WITHDRAWAL WITHOUT PREJUDICE**" of the modification request.

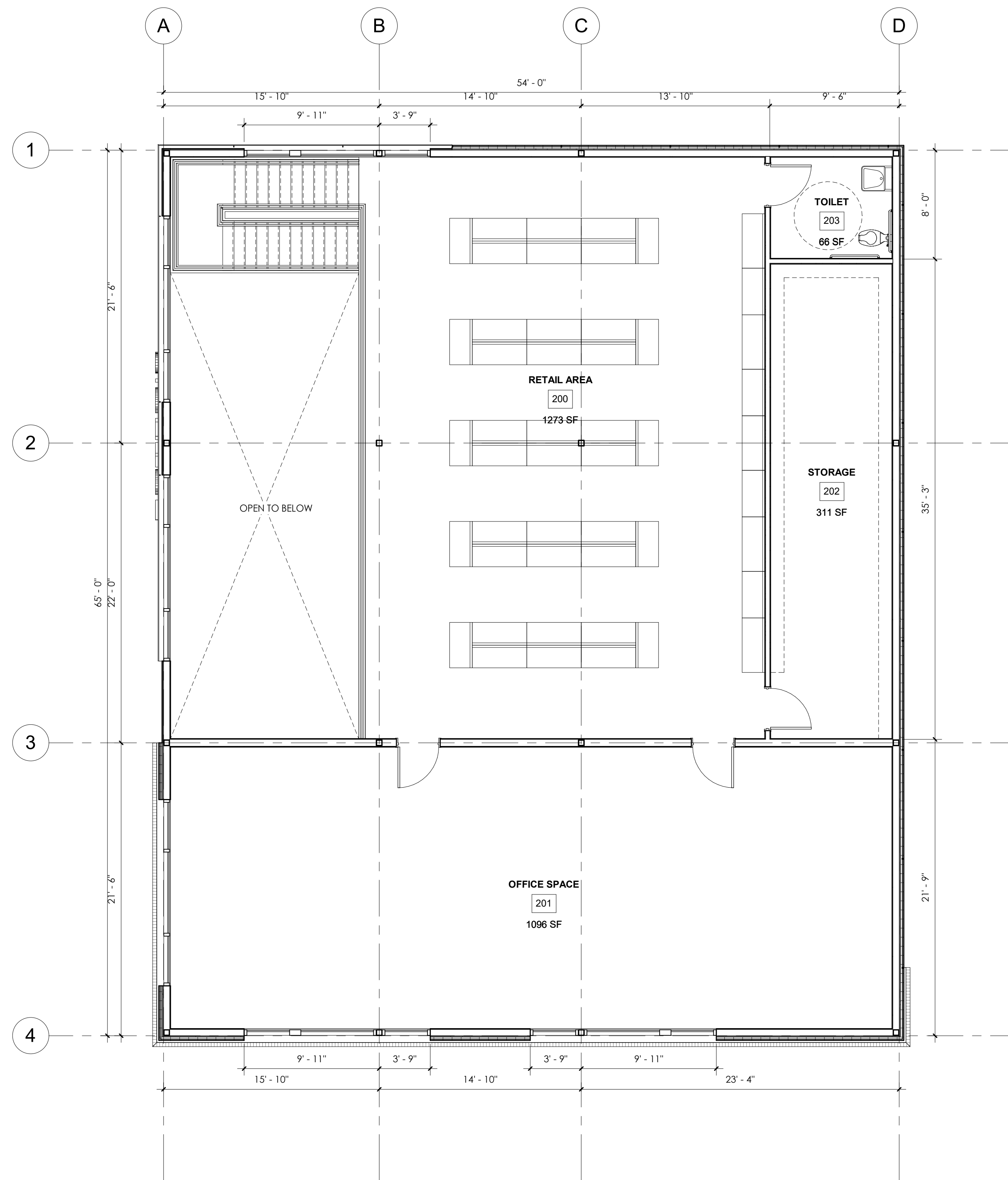
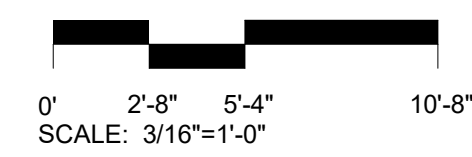
PLANNING COMMISSION VOTE:

Withdrawal Without Prejudice 7-0-0. M. Butts moved, A. Lerner seconded for withdrawal without prejudice per the applicant's request.

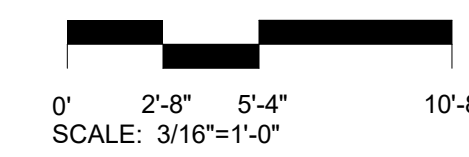
COMMUNITY COUNCIL VOTE/RECOMMENDATION: 6-0-0. Full Cycle Deferral. The Community Council and the Community want to see a detailed site plan for a car lot on the site depicting customer parking, inventory parking, fencing and landscaping.



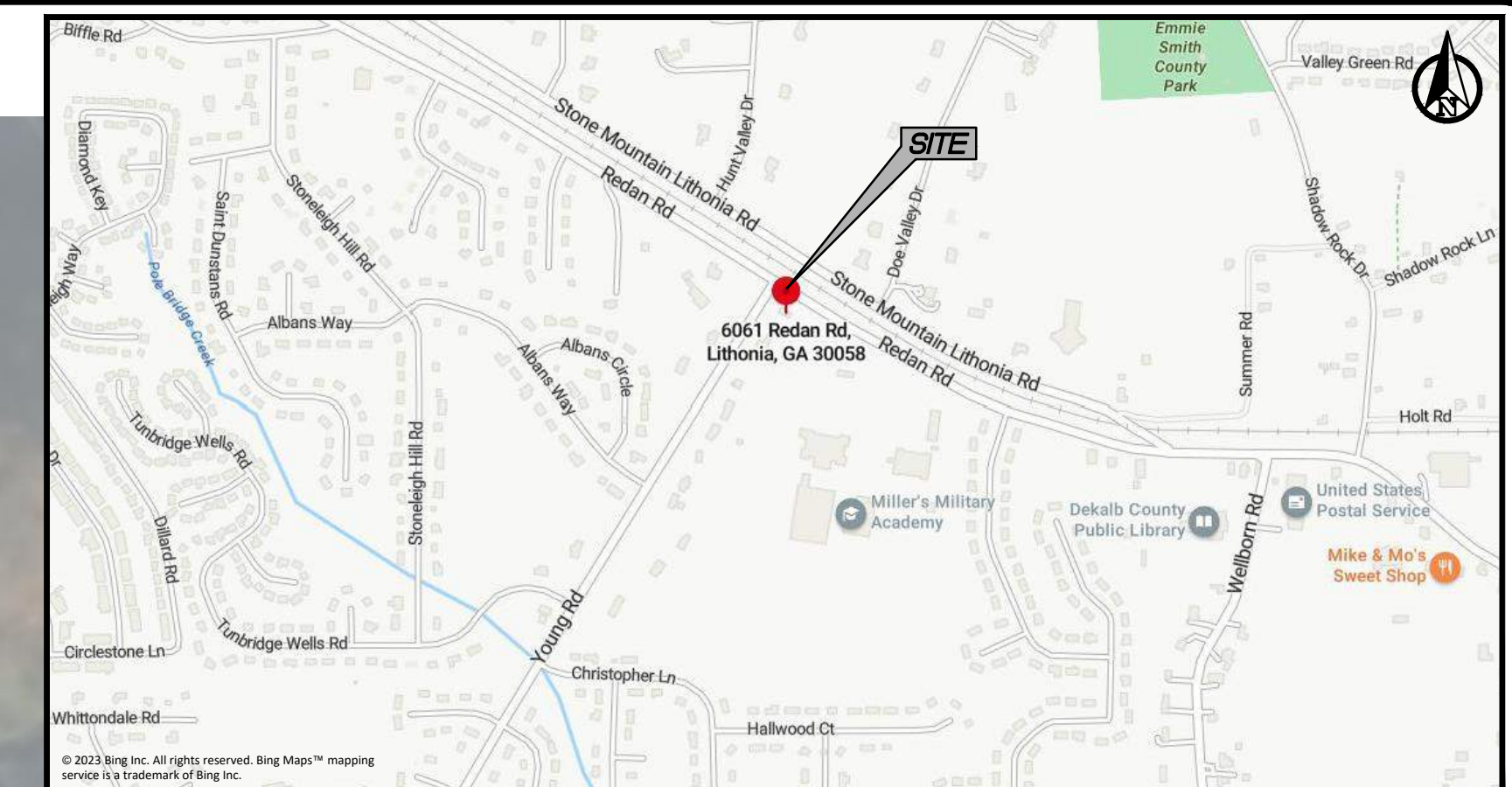
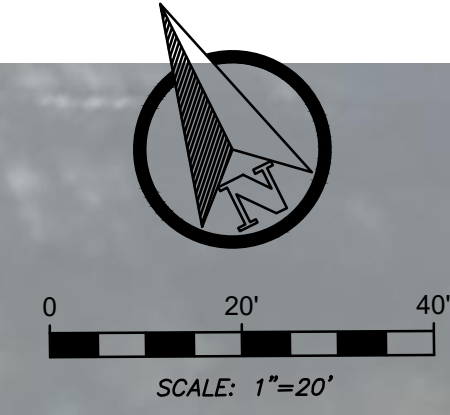
1 FIRST FLOOR - DIMENSIONED PLAN
3/16" = 1'-0"



2 SECOND FLOOR - DIMENSIONED PLAN
3/16" = 1'-0"



D:\DROPPBOX (CONTINUED-MASTER)\CONTINUED-MASTER\BRYAN RUSSELL\CONTINUED-MASTER\F-DRIVE\PROJECTS\2023\23-357 - LALANI - 6061 REDAN RD LITHONIA DRAWINGS



VICINITY MAP

SITE LEGEND

- PROPERTY LINE
- SETBACK LINE
- EASEMENT LINE
- TRAFFIC FLOW ARROW (PAVEMENT MARKING)
- ADA STALL
- DUMPSTER PAD LOCATION
- PARKING SPACE COUNT
- STANDARD DUTY ASPHALT
- INGRESS/EGRESS EASEMENT

SITE SUMMARY

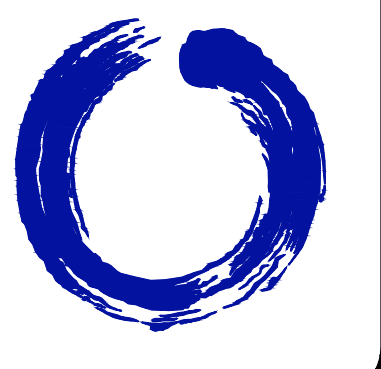
PARCEL NUMBER	1606802018
EXISTING ZONING	C-2
PROPOSED USE	C-STORE
TOTAL SITE AREA	± 1.01 AC (43,996-SF)
TOTAL PROP. BUILDING AREA	7,200-SF (3,600-SF PER STORY)
MAX. BUILDING AREA	-
MAX. BUILDING LENGTH	-
MAX. IMPERVIOUS AREA	-
MIN. LANDSCAPE AREA	-
FRONT	60'(ARTERIAL); 50'(LOCAL)
SIDE SETBACK	20'
REAR SETBACK	30'
TRANSITIONAL BUFFER	50'
LANDSCAPE BUFFER	
PARKING SIZE	90' X 18'
REQUIRED PARKING	MIN: 55; MAX: 14
PROPOSED PARKING	21
ADA REQUIREMENTS	MIN 8' X 18' SP 5' AISLE ADJ TO STD SP 8' AISLE ADJ TO VAN SP
MIN. ADA SPACES	1
LOADING SPACE REQS	N/A
MIN. LOADING SPACES	N/A
MIN. AISLE WIDTH	90': 24' 1-WAY & 2-WAY 45': 14' 1-WAY, 20' 2-WAY
PARKING REQUIRED BASED ON: C-STORE: MIN. 3 SPACES PER 1,000-SF MAX. 4 SPACES PER 1,000-SF	

PRELIMINARY CONCEPT

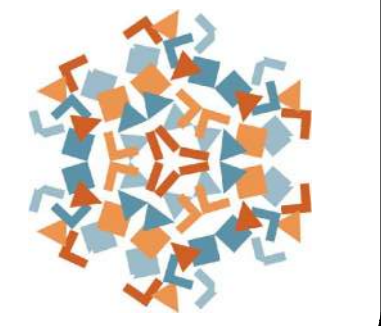
NOTE: THIS CONCEPTUAL DESIGN SHOULD BE UTILIZED AS A GRAPHICAL REPRESENTATION OF A POSSIBLE DESIGN CHOICE. THE INFORMATION ON THIS PLAN WAS DESIGNED FROM LIMITED MATERIAL AND HAS ITS INACCURACIES. THEREFORE IT SHOULD NOT BE USED FOR CONSTRUCTION UNTIL ALL APPLICABLE MATERIAL NEEDED HAS BEEN REVIEWED AND INCORPORATED.

DRAFT

CONTINEO GROUP
7555 COMMERCE DRIVE
SUITE 600
DECATUR, GA 30030
770.335.7403
www.icg.engineer



LALANI VENTURES
34 PEACHTREE ST NW
25TH FLOOR
ATLANTA, GA 30303
DAVID TRACHT
470.223.3620
DTRACHT@LALANVENTURES.COM



REDAN ROAD C-STORE

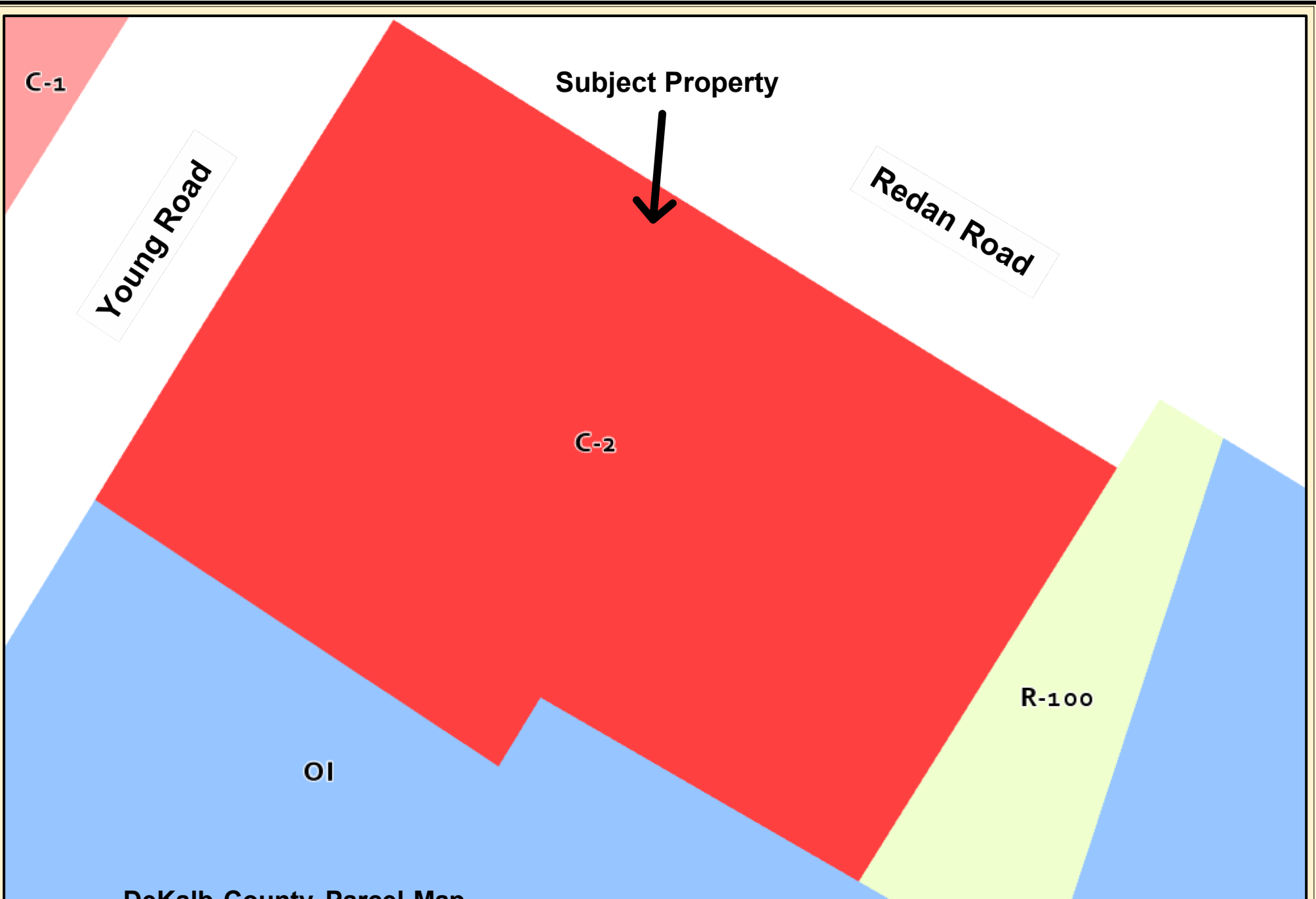
ISSUED FOR: CONCEPT PLAN
JURISDICTION: DEKALB COUNTY
LOCATION: 6061 REDAN ROAD, LITHONIA, GA 30058

#	DATE	REVISIONS

DRAWN: KK
CHECK: RTC
JOB NO: 23-357
DATE: 09/11/23

CONCEPT SITE PLAN

SHEET C100



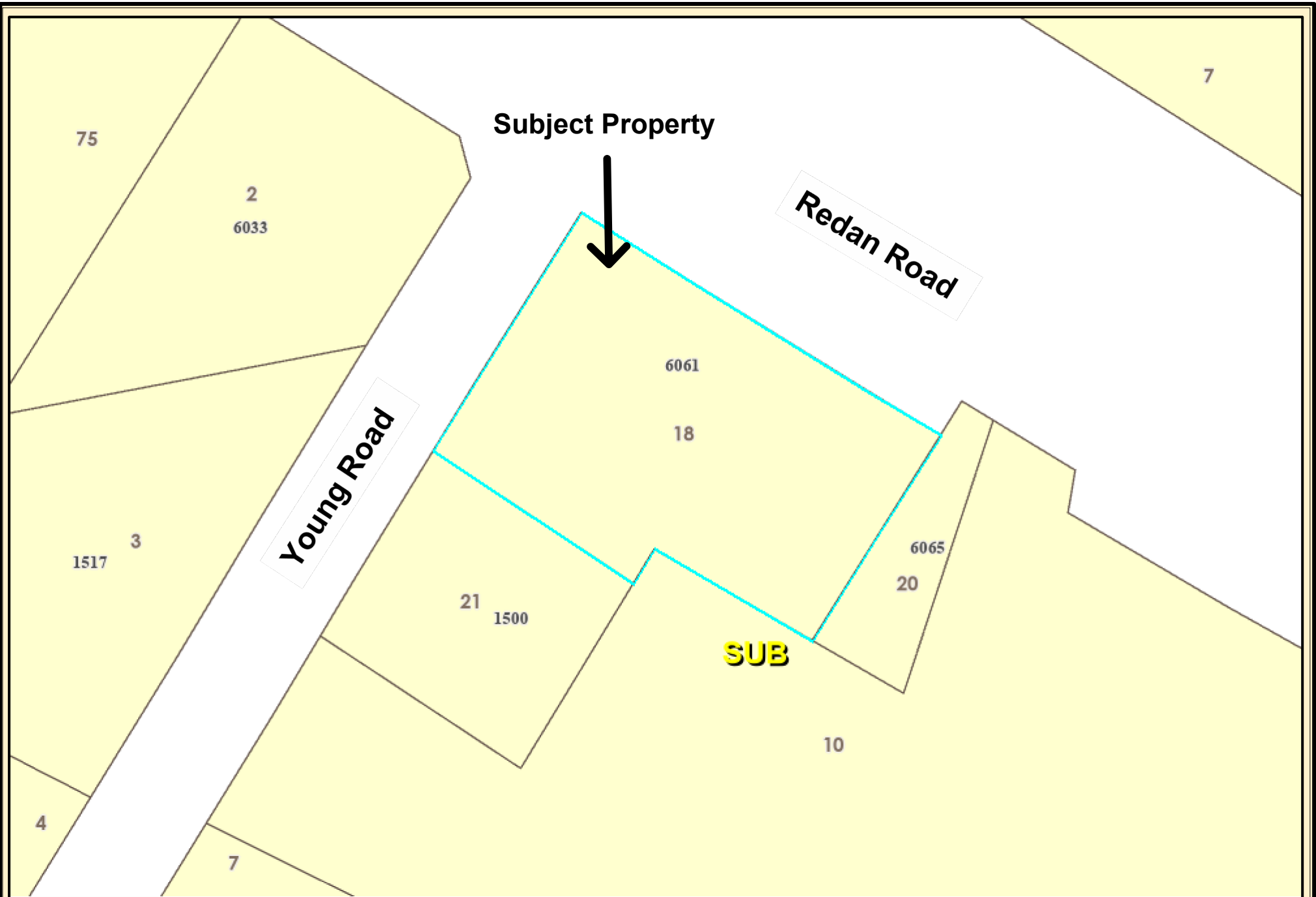
DeKalb County Parcel Map



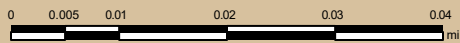
Date Printed: 5/22/2024



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DeKalb County Parcel Map



Date Printed: 5/22/2024



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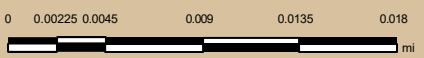


Young Road

Redan Road

Subject Property

DeKalb County Parcel Map



Date Printed: 5/22/2024



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