



DeKalb County Department of Planning & Sustainability

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Decatur, GA 30030

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**Planning Commission Hearing Date: March 6, 2018, 6:30 P.M.
Board of Commissioners Hearing Date: March 27, 2018, 6:30 P.M.**

STAFF ANALYSIS

Case No.: SLUP-18-22029 **Agenda #:** N. 8

Location/Address: The east side of Candler Road, approximately 690 feet north of Oakland Terrace at 2100 Candler Road in Decatur, Georgia. **Commission District:** 3 **Super District:** 7

Parcel ID(s): 15 151 05 011

Request: For a Special Land Use Permit to allow an alcohol outlet (beer and wine sales) as part of a proposed 1,984 square foot convenience store within Suite A of the Candler Square Shopping Center in the Interstate 20 Overlay District (Tier 2) and the C-1 (Local Commercial) district in accordance with Section 27-4.1 Use Table of the DeKalb County Code.

Property Owner(s): NNZ Group Inc.

Applicant/Agent: Sunny Gangwal

Acreage: .6

Existing Land Use: Vacant suite

Surrounding Properties: Advanced Auto Parts retail to the north; a vacant building and Candler Square shopping center to the south; a restaurant (Gut Busters) a Food Mart, and a Shell convenience store and gas station to the west across Candler Road; and single-family homes to the east.

Adjacent Zoning: North: C-1 South: C-1 East: R-75 West: C-1

Comprehensive Plan: CRC Consistent Inconsistent

Proposed Density: NA	Existing Density: NA
Proposed Units: Alcohol Outlet	Existing Units: Vacant Suite

Proposed Lot Coverage: No increase proposed

Existing Lot Coverage: NA

Zoning History: Based on DeKalb County records, it appears that the local commercial (C-1) zoning of the property has not changed since adoption of the first zoning ordinance and map in 1956. The I-20 Overlay, Tier 2 designation was applied to the property on January 8, 2008.

PROJECT ANALYSIS

The subject property is a .6-acre site with street frontage along Candler Road, a four-lane Major Arterial street with a center turn lane. It is developed with a vacant one-story, 6,302 square foot vacant building known as Candler Square Shopping Center that has recently been renovated. The applicant proposes to locate a convenience store with beer and wine sales (Alcohol outlet) within a 1,984 square foot suite (Suite A), and would like to use the other two vacant suites for a hair and nail salon and a bakery. Based on field investigation, there are twenty parking spaces on the property (12 in the front of the building, and 8 on the side of the building), and the minimum parking required by the zoning ordinance for the applicant's proposed alcohol outlet is eight parking spaces. While there is ample parking for the proposed alcohol outlet, there may not be enough parking spaces to comply with zoning to allow future uses within the two remaining vacant suites of the building. The applicant will have to demonstrate parking compliance when the remaining two tenants apply for building permits and business licenses.

There are two driveways providing access to the property from Candler Road. There is a five-foot wide sidewalk on the property frontage. The topography of the site is flat. The back of the property contains grass and trees; there is currently a 100-foot undisturbed open space area between the rear property line and the subject building.

The subject property is surrounded by Advanced Auto Parts retail to the north; a vacant building and Candler Square shopping center to the south; a restaurant (Gut Busters) a Food Mart, and a Shell convenience store and gas station to the west across Candler Road; and single-family homes to the east.

LAND USE AND ZONING ANALYSIS

Section 27-873 of the DeKalb County Zoning Ordinance, "Special land use permit; criteria to be applied" states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit. No application for a Special Land Use Permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application.

- 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:

Based on the submitted information as well as field investigation of the project site, it appears that the size of the property is adequate for the proposed alcohol outlet to locate within an established commercial building. While the existing building does not comply with the required 20-foot side yard building setback required by the Zoning Ordinance, the building was constructed in 1962 and appears to be a nonconforming structure. There are twenty parking spaces on the property, and the minimum parking required by the zoning ordinance for the applicant's proposed alcohol outlet is eight parking spaces. While there is ample parking for the proposed alcohol outlet, there may not be enough parking spaces to comply with zoning to allow future uses within the two remaining vacant suites of the building. Therefore, it appears that there is adequate land area available for the proposed use as there is compliance with all other required yards, lot area, lot width, and other applicable requirements of the Zoning Ordinance.

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

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the proposed use is compatible with the commercial uses along this stretch of Candler Road, and there is currently a 100-foot undisturbed open space area between the subject building and the abutting single-family subdivision to the east. Additionally, the site has access to a four lane major thoroughfare road (Candler Road).

C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:

Based on the submitted information, it appears that public transportation facilities are adequate to service the use contemplated. There will be no impact on schools since the proposed use is nonresidential. There is no burdensome impact anticipated on public utilities since the proposed use will be located in an established commercial building.

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 proposed use, so as not to unduly increase traffic or create congestion in the area:

Based on the submitted site plan and information, as well as field investigation of the project site, the public street on which the proposed use is to be located is adequate and will not unduly increase traffic congestion since the alcohol outlet will be located in an established commercial building, and accesses a major four-lane thoroughfare road (Candler Road).

E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the existing land uses located along access routes to the site would not be adversely affected by the character of the vehicles or the volume of traffic generated since the proposed use will be located within an established commercial building along a major thoroughfare road (Candler Road).

F. 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:

Based on the submitted concept plan, it appears that there is adequate ingress and egress to the subject property and the existing building.

G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:

It appears that there should be no adverse impacts on surrounding properties since the site has access to a major thoroughfare road and is a retail establishment only that is proposed to be located in an established commercial building.

H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:

Based on the submitted information and elevations, it appears that the proposed use would not create adverse impacts on the adjoining land use by reason of the hours of operation since the proposed hours are typical retail business hours. Recommended conditions by Staff will require the establishment to close by 11:00 p.m. Monday through Saturday and 10:00 p.m. on Sunday.

I. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use:

See criteria "H".

J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:

With the exception of the site-yard building setback, the proposed plan is consistent with the requirements of the zoning district classifications in which the use is proposed to be located (C-1 district). Since the building was constructed circa 1962, it is considered a grandfathered building. Regarding parking, there is ample parking for the proposed alcohol outlet, there may not be enough parking spaces to comply with zoning to allow future uses within the two remaining vacant suites of the building.

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:

It appears that the proposed retail use (alcohol outlet) with the recent building façade improvements (see attached site photo) and Staff's recommended conditions would be consistent with the following policies and strategies of the Commercial Redevelopment Corridor (CRC) Character Area of the DeKalb County Comprehensive Plan: 1) Upgrade the appearance of existing older commercial buildings with façade improvements (CRCCAS14); and 2) Focus development on parcels that abut the designated Commercial Redevelopment Corridor (CRCCAS12).

L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:

The existing site provides a 100- foot wide undisturbed open space area between the established commercial building and the abutting single-family subdivision to the east.

M. Whether or not there is adequate provision of refuse and service areas:

Based on the submitted information, refuse and service areas appear to be ample and adequate since the proposed use is located within an established commercial building.

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

The proposed use will be located in an established commercial building which is permanent in nature.

O. Whether or not 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:

Based on the submitted plan and information, the proposed use will be located in an established commercial building. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:

Based on the submitted site plan and information, as well as field investigation of the project site, it does not appear that the proposed plan would adversely affect historic buildings, sites, districts, or archaeological resources.

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

Based on applicant's submitted information, it appears the proposed use satisfies the supplemental regulations of Section 27-4.2.8.b for Alcohol Outlets as follows:

1. *Alcohol Outlets shall not be located within 300 feet of any school building, school grounds, educational facility, college campus, or adult entertainment establishment.* The applicant's alcohol survey (see attached) indicates the proposed Alcohol Outlet is 906 feet (302 yards) from the nearest school building,

school grounds, or educational facility and 48,576 feet (16,192 yards) away from the nearest adult entertainment establishment.

2. *Alcohol Outlets shall not be located within 600 feet of any substance abuse treatment centers owned, operated, or approved by the state or any county or municipal government.* The applicant's alcohol survey indicates that the nearest drug and alcohol treatment center is 13,904 yards (41,712 feet) from the subject site.
3. *The area devoted to the sale and storage of alcohol shall not exceed 20% of the gross floor area.* Based on the submitted information, the applicant will comply with this requirement.

R. Whether or not the proposed building as a result of its proposed height , would create a negative shadow impact on any adjoining lot or building:

Based on the submitted plan and information, as well as field investigation of the project site, the proposed use would be located within an established one story commercial building which should not create a negative shadow impact on any adjoining lot or building.

S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:

Based on field investigation of the project site, there are two existing alcohol outlets in the immediate vicinity (A Food Mart and a Shell convenience store and gas station across the street).

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

Based on the submitted information, it appears that the proposed alcohol outlet with the recent building façade improvements would be consistent with the needs of the community as a whole since it is consistent with the commercial uses along this stretch of Candler Road, and there is an existing 100-foot wide undisturbed open space area between the established building and the abutting single-family subdivision to the east. Additionally, the site has access to a four-lane major thoroughfare road (Candler Road). It appears that the proposed retail use (alcohol outlet) with the recent building façade improvements (see attached site photo) and Staff's recommended conditions would be consistent with the following policies and strategies of the Commercial Redevelopment Corridor (CRC) Character Area of the DeKalb County Comprehensive Plan: 1) Upgrade the appearance of existing older commercial buildings with façade improvements (CRCCAS14); and 2) Focus development on parcels that abut the designated Commercial Redevelopment Corridor (CRCCAS12).

Compliance with District Standards:

STANDARD		REQUIREMENT	EXISTING/PROPOSED	COMPLIANCE
LOT WIDTH		100	175	YES
LOT AREA		20,000 SF	26,136 sf	YES
YARD SETBACKS	FRONT	60 feet	68 feet	YES
	CORNER LOT SIDE	NA	NA	NA
	INTERIOR SIDE	20 feet	7 ft (north p/l) 14 ft (west p/l)	No (property was constructed circa 1962 and site is non-conforming, no variances required)
	REAR	30 feet	115 feet	YES

BUILDING SPACING	NA	NA	NA
TRANS. BUFFERS	50 feet	100 feet	YES
HEIGHT	2 story	1 story	YES
PARKING	8 spaces for Convenience Store/ Alcohol Outlet	20 spaces	YES, but there may not be enough parking to accommodate future uses for the other two suites of the building.

STAFF RECOMMENDATION (REVISED 03/14/18):

This Special Land Use Permit (SLUP) is required since the proposed business qualifies as an alcohol outlet. It appears that the proposed retail use (alcohol outlet) with the recent building façade improvements (see attached site photo) and Staff's recommended conditions would be consistent with the following policies and strategies of the Commercial Redevelopment Corridor (CRC) Character Area of the DeKalb County Comprehensive Plan: 1) Upgrade the appearance of existing older commercial buildings with façade improvements (CRCCAS14); and 2) Focus development on parcels that abut the designated Commercial Redevelopment Corridor (CRCCAS12). Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the proposed use is compatible with the commercial uses along this stretch of Candler Road, and there is currently a 100-foot undisturbed open space area between the subject building and the abutting single-family subdivision to the east. Additionally, the site has access to a four-lane major thoroughfare road with a center turn lane (Candler Road). Staff notes that the request complies with the Supplemental Regulations for Alcohol Outlets as well as the distance requirements of the Alcohol Ordinance based on the submitted alcohol survey. Therefore, it is the recommendation of the Planning Department that the application be "Approved Conditionally", subject to the following conditions which have been modified based on discussion at the March 6, 2018 Planning Commission meeting:

- 1) The alcohol outlet shall be limited to Suite A containing 1,984 square feet.
- 2) The proposed alcohol outlet shall comply with the alcohol license requirements of DeKalb County.
- 3) Establishment shall close by 12:00 midnight, Mondays - Saturdays and by 11 p.m. on Sundays" ..
- 4) All refuse areas shall be completely screened from view of public right-of-way, parking and pedestrian areas.
- 5) Prior to the issuance of any building permits, business licenses, or alcohol licenses, the 50-foot wide buffer along the rear of the property shall be replanted with appropriate vegetation where sparsely vegetated as recommended by the Planning & Sustainability Department and the County Arborist.
- 6) Should a new sign be constructed, it shall be a monument sign with a brick base not to exceed ten (10) feet in height or 48 square feet in size.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Application
4. Site Plan
5. Zoning Map
6. Aerial Photograph
7. Site Photographs

NEXT STEPS

Following an approval of this zoning action, one or several of the following may be required:

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✓ **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued "administratively"; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- ✓ **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.

ALCOHOLIC BEVERAGE LICENSE SURVEY - RETAIL SALES IN ORIGINAL PACKAGE

To: DeKalb County, Georgia - Alcohol Licensing
330 W. Ponce De Leon Ave., 2nd Floor, Decatur, Ga, 30031

Date: 12-20-17

Applicant's Name: Puppy Hungual
Trade Name: Shade Am Charanda LLC
Business Address: 267 Candler Rd Decatur, GA 30032

BEER AND / WINE (100 YARDS MINIMUM)

1. 580 Number of yards to the nearest church or place used primarily for religious services at:
2897 TILSON ROAD, DECATUR, GA 30032
2. 302 yards to the nearest school building, school ground, educational facility or college campus; this includes kindergartens, or churches which have schools or kindergartens located at following address:
2701 OAKLAND TERRACE, DECATUR, GA 30032
3. 18,192 yards to adult entertainment establishment at: 1333 BROCKETT RD, CLARKSTON, GA
4. 13,904 yards (must be at least 200 yards for Beer or Wine) to the nearest alcohol treatment center located at:
169 RENAISSANCE PKWY NE, ATLANTA, GA

LIQUOR (200 YARDS MINIMUM)

1. N/A yards to the nearest church or other place used primarily for religious services at the following address:

2. N/A yards to the nearest alcohol treatment center or adult entertainment establishment at following address:

3. N/A yards to private residence (includes houses, apartments, condos & etc). Give name if other than a house.

4. N/A yards to nearest school building, school ground and college campus; this includes kindergartens or churches which have schools or kindergartens. Give name and address on next line.

LIQUOR STORES (1,000 yards minimum)

1. N/A yards to the nearest operating liquor store. Give complete name and address on next line:

NOTE: ALL MEASUREMENTS SHALL BE MEASURED BY THE MOST DIRECT ROUTE OF TRAVEL ON THE GROUND (WALKING or DRIVING) AND SHALL BE MEASURED IN THE FOLLOWING MANNER:

- (a) From the front door of the structure from which alcoholic beverage is to be sold or served;
- (b) In a straight line to the nearest public sidewalk, street, highway, road or walkway;
- (c) Along such public sidewalk, street, highway, road or walkway;
- (d) To the front door of the building, unless you are measuring to an educational facility (schools and school grounds). When measuring to a school, the measurement stops at the nearest property line of the school.

Note: Survey drawing showing distance to the businesses described above must be attached to this survey certificate.

The undersigned surveyor has examined the subject location and has made measurements to determine compliance or non-compliance with the above distance requirements:

Gary L. Cooper
Signature of Lead Surveyor

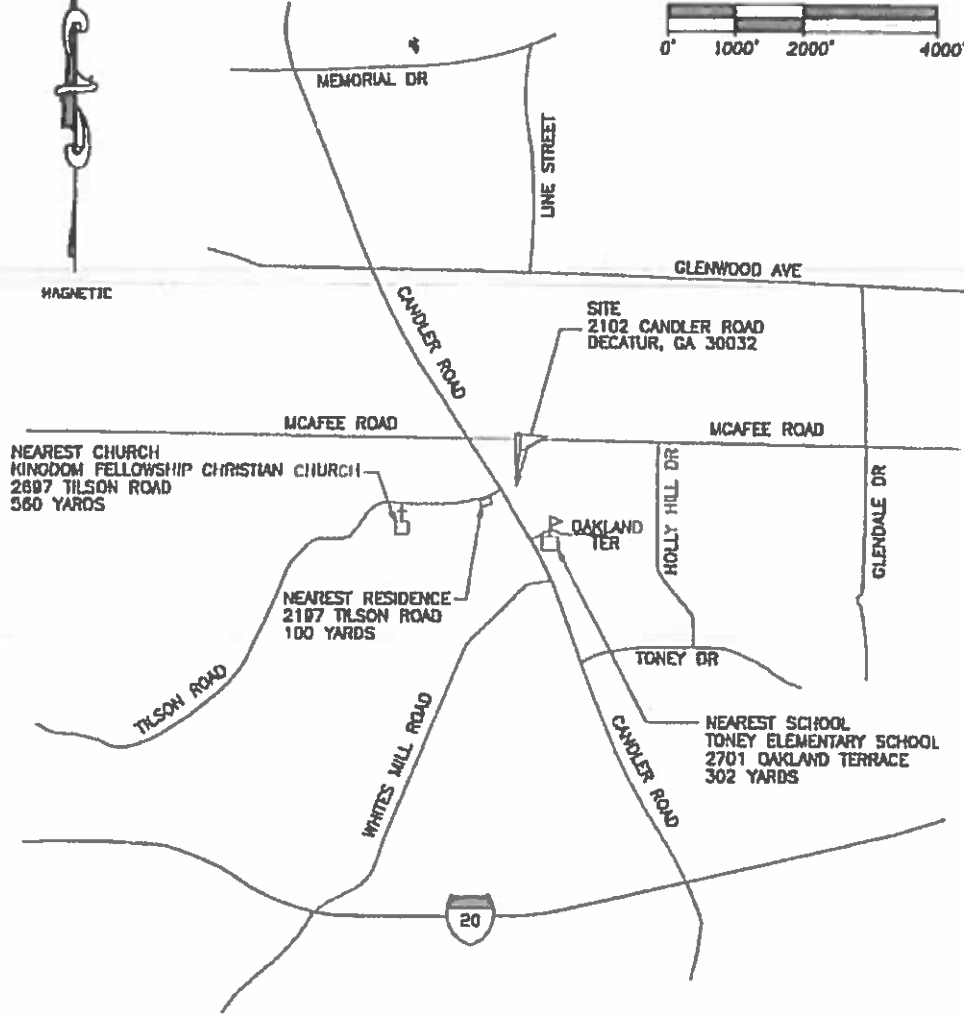
2608
State License Number

12/19/17
Date

Stamp this form with
your State Seal



SCALE : 1" = 2,000'



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

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

NEAREST ADULT ENTERTAINMENT ESTABLISHMENT STROKERS 1353 BROCKETT ROAD CLARKSTON, GA 18,192 YARDS

NEAREST ALCOHOL TREATMENT CENTER DRUG & ALCOHOL TREATMENT CENTER 169 RENAISSANCE PKWY NE, ATLANTA, GA 13,904 YARDS



BEER & WINE SURVEY FOR:
NNZ GROUP INC
SHREE OM CHAMUNDA LLC

2102 CANDLER ROAD
DECATUR, GEORGIA 30032

ADAM & LEE LAND SURVEYING
6840 GA. HWY. 20 S.
LOGANVILLE, GA. 30052 (770) 654-8995
www.adamandlee.com

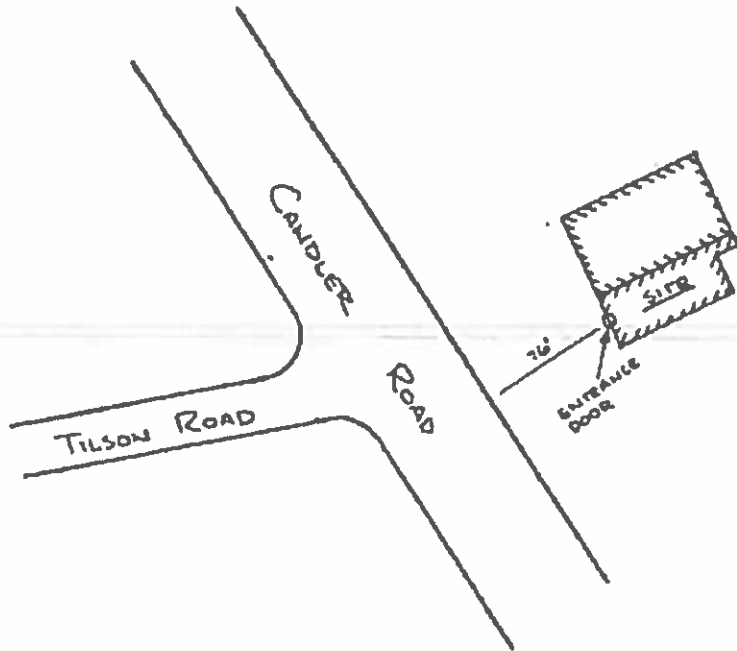
COUNTY: DEKALB
LAND LOT: 151
DISTRICT: 15TH
SECTION:
SCALE: 1"=2000'
FIELD: 12/18/17 BY: SLS
OFFICE: 12/18/17 BY: SLS

17337

MAGNETIC



Site Address-
2100 Candler Road



The following distances were measured according to Dekalb County code:

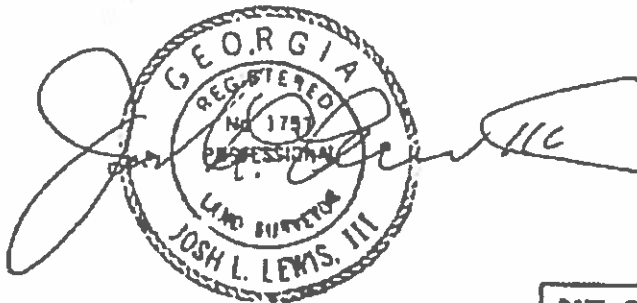
CHURCH- 500 yards to Mount Patmos Baptist Church, @ 2207 Candler Road.

SCHOOL- 270 yards to Toney Elementary School, @ 2701 Oakland Terrace.

There are no alcohol treatment centers, nor adult entertainment establishments within 200 yards of this site.

Dekalb County Wine and Malt Beverage Retail Package Sales Survey for:

A to Z Mart



DATE: 7-20-2017	SCALE: 1" = 100'		
DRAWN BY: GD	GRAPHIC SCALE IN FEET		
LAND LOT 151	15 TH DISTRICT	SECTION	
DEKALB COUNTY	GEORGIA		
GEORGIA LAND SURVEYING CO. 155 CLIFTWOOD DRIVE, ATLANTA, GA 30328 PH (404)255-4671 FAX (404)255-6607 WWW.GLSURVEY.COM			197873

*Photo Exhibit / Candler Square Shopping Center 2100 Candler Rd
Decatur GA*





Letter of Application

I officially request consideration of our completed SLUP application for A-Z Mart located at 2100 Candler Rd Decatur GA 30032 in Suite 2102. A-Z Mart is a convenience store selling grocery and food items along with retail beer and wine. It is located in Candler Square Shopping Center which has been recently renovated and consists of 3 similar size suites totaling 6305 square feet. There will be a Cake Bakery, a Hair and Nail Salon, and the A-Z Mart occupying the 3 suites.

A-Z Mart total square footage is 1984 square feet with a retail floor space of 1133 square feet, and storage space of 833 square feet. The retail floor space devoted to beer and wine sales will not exceed 20% of the retail floor space as shown on the floor plans drawings included in the application materials.

The business owner will comply with Sec. 4-212. - Hours of sale, Sunday sales. Retail package licensees shall not engage in the sale of beer and/or wine except between the hours of 8:00 a.m. and 12:00 midnight, Monday through Saturday. The hours within which business may be carried on shall be determined by the standard time in force at the time of the sale thereof. No package beer and/or wine may be sold on Sunday.

(Code 1976, § 7-2162; Ord. No. 98-04, Pt. 1, 4-30-98)

Statement of Intent

The applicant A-Z Mart is seeking to obtain a Special Land Use Permit to operate a convenience store selling food items and beer and wine on a 0.6942 acre parcel located at 2100 Candler Rd. Suite 2102, located in Decatur, Dekalb County GA. (the subject property) Currently the property is developed with an existing 1 story brick building built in 1962 that has recently been renovated in 2017. The building on the subject property is composed of 3 suites totaling 6305 square feet. The 3 uses will be a 1631 square foot cake bakery, and a 1731 square foot hair and nail salon and the A-Z Mart with 1984 square feet.

The SLUP request is for the applicant's convenience store A-Z Mart within Suite 2102. The space has a total square footage of 1984 square feet, with a retail floor space of 1133 square feet and storage area of 833 square feet. The retail floor space will not devote greater than 20% of the floor space to beer and wine products. The occupant load per NFPA is 29 persons. The property is currently zoned C1.

This document is submitted as both a statement of intent with regard to the application for an SLUP which includes an impact analysis, and to preserve the property owner's Constitutional rights.

Impact Analysis

A. Adequacy of the size of the site for 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 of adequate size for the proposed use and is an existing developed property that has been recently renovated under a building permit issued by Dekalb County in 2017. It meets the code requirements and has adequate on-site parking to support the intended uses. There are 8 parking spaces which includes one handicap parking space.

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 compatible with the adjacent properties and land uses in this area of Candler Rd. There is a wide variety of business types such as retail stores, gas stations, automotive parts and service businesses, fast food restaurants, and other common business types found in C1 zones areas.

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

The subject property is existing and currently connected to DeKalb County public water and sewer and has power service.

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

The subject property fronts Candler Rd which is also known as Highway 155 a GA DOT maintained roadway consisting of 2 lanes on each side divided by a double yellow line. The subject property sits approximately 4,000 feet from the exit to Interstate I-20, This section of Hwy has adequate capacity to support this use within an existing development. There are 8 parking spaces in the shopping center and this will not create or change any traffic conditions in the area.

E. Whether or not 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 existing land uses along access routes to the subject property will not adversely be affected by the character of the vehicles or volume of traffic generated by the use of a small grocery store. The limited square footage of the establishment will not generate any substantial additional traffic in the area.

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

The subject property is existing and was designed, reviewed and approved by DeKalb County and GA DOT when constructed. It has no access issues that would impact public safety or emergency services.

G. Whether or not 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 of the subject property will have no adverse impacts on any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

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

The proposed hours of operation is Monday through Saturday 8:00 am until 11:00 pm. Operating hours on Sunday hours are from 8:00 am until 10:00pm with no sale of beer or wine occurring on Sunday. The operating hours therefore will not create adverse impacts on any adjoining land use.

I. Whether or not 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 any adverse impacts on any adjoining land use by reason of manner of operation. A-Z Mart is owned and managed by Sunny Gangwal. Mr Gangwal has been in the grocery business for over 10 years now and successfully redeveloped and operated another location within Dekalb County named Food Mart. This was a Gas Station and convenience store located at 4047 Glenwood Rd Decatur GA 30022. Mr Gangwal owned and Operated the location from 2013 through 2015 before selling the business. During that time there were no incidents or complaints related to the operation of the location.

J. Whether or not the proposed plan is consistent with all of the requirements of the zoning district classification in which the use is proposed to be located;

The proposed use is consistent with all the requirements of Dekalb County C1 zoning district in which the proposed use will be located.

K. Whether or not the proposed use is consistent with the policies of the Comprehensive Plan;

The subject property is designated for local commercial uses under C1 and is consistent with the policies of the Comprehensive Plan. The proposed use is not out of character for the surrounding area on Candler Rd in this location. Alcohol outlet - beer and wine, accessory to retail less than 12,000 square feet (see also [section] 4.2.8.F.)

L. Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located;

The proposed use meets the required buffer zones and the applicant has provided a distance survey from a licensed GA land surveyor shown in Exhibit C indicating the relevant distances enumerated in Dekalb Ordinance Section Sec. 4-101.1 - Location restrictions.

M. Whether or not there is adequate provision of refuse and service areas;

The A-Z Mart will have an on-site refuse container in the rear of the building for all waste material and will have a licensed hauler to maintain and service the trash bin as needed. There is adequate room for service areas to allow for deliveries.

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

No time limitations should be placed on the granting of this SLUP

O. Whether or not 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 the adjacent and nearby lots and buildings;

The existing structure is appropriate in size and scale in relation to nearby lots and buildings.

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

The proposed use will not affect any historic buildings, sites, districts, or archeological resources.

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 this SLUP for the intended use of a grocery store selling retail beer and wine. No more than 20% of the sales floor area will be devoted to beer and wine sales and it meets the distance requirements listed in the Dekalb Ordinance

R. Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building

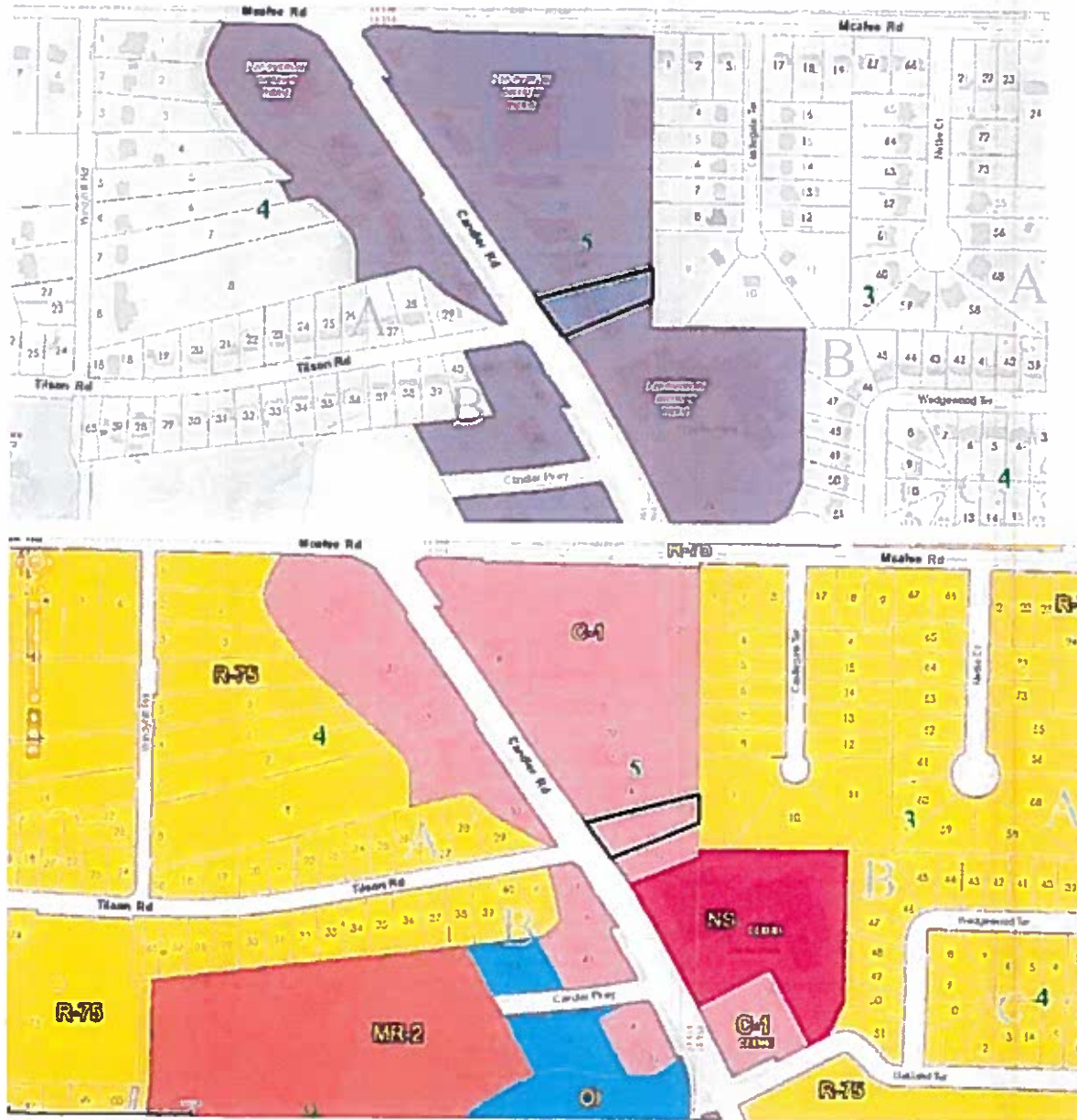
This existing single-story building does not create a negative shadow impact on any adjoining lot or building.

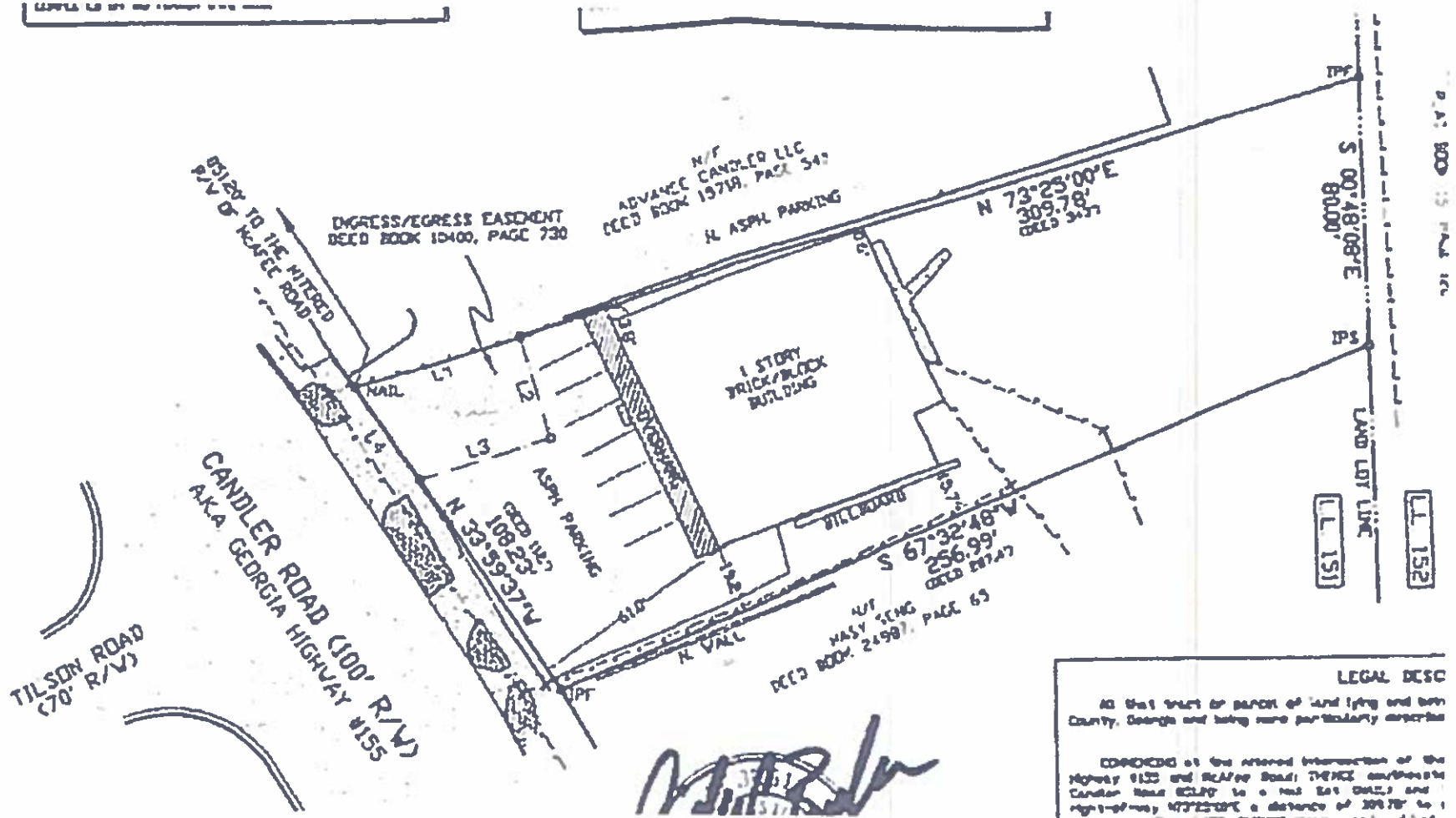
S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area.

The proposed use will not create a disproportional proliferation of a similar use in the subject character area. There are no other similar business types in this vicinity of Candler Rd of the size and nature of the subject property as to create a disproportional proliferation of similar uses in the subject character area.

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

Although Dekalb County has expressed a desire to limit the number of alcohol outlets in Dekalb we feel that this location is suitable for a convenience store and that the neighbors will utilize this location due to the fact that Candler Square has been newly renovated and has a mix of business types that will attract local shoppers. The operator is an experienced business owner with prior experience operating a similar enterprise in Dekalb County and a resident of Dekalb County. The location meets all the criteria for a successful business to thrive and the business owner is committed to operating the location in a professional manner that will attract local residents who frequent Candler Square.





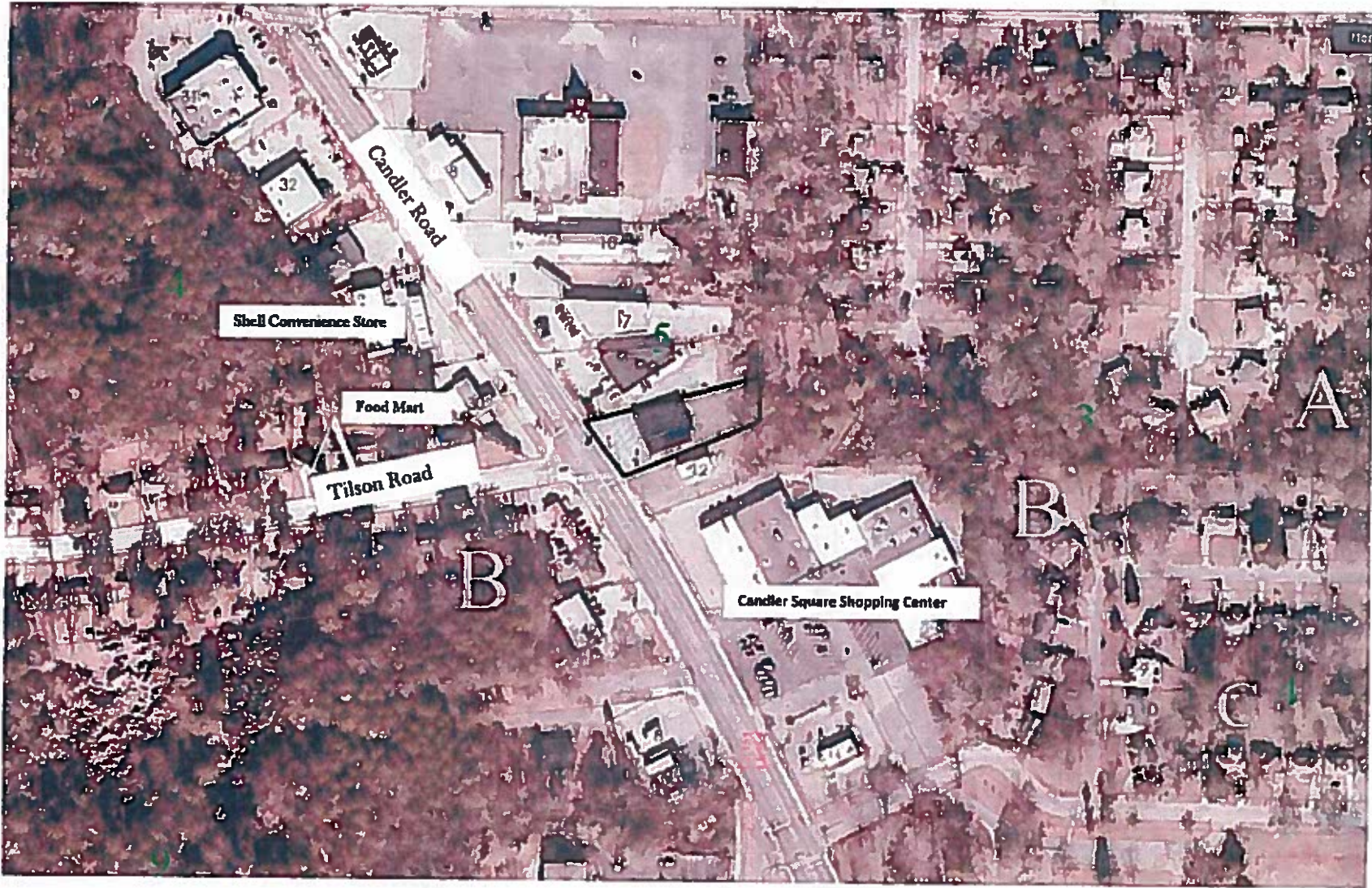
LEGAL DESC

ALL that tract or parcel of land lying and being in
County, Georgia and being more particularly described

COMMENCED at the altered intersection of the
Highway #155 and Kalfee Road; THENCE southeasterly
Candler Road DEED to a post set DALL and
right-of-way 147°22'00"E a distance of 309.78' to a

[Handwritten signature]





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: Sunny Gangwal

Daytime Phone #: 404-702-3435 Fax #: _____

Mailing Address: 3364 Arbor Path Dr. Atlanta GA 303

E-mail: Sunny40218@yahoo.com

OWNER NAME: NN2 Group Inc - Navshad Syed - CEO (If more than one owner, attach contact information for each owner)

Daytime Phone #: 404-512-3272 Fax #: _____

Mailing Address: 5776 Princeton Run Trail Tucker GA 300

E-mail: navshad-789@yahoo.com

SUBJECT PROPERTY ADDRESS OR LOCATION: 2100 Candler Rd.

Decatur GA, DeKalb County, GA, _____

District(s): 15 Land Lot(s): 151 Block(s): 05 Parcel(s): 011

Acreage or Square Feet: 30240 Commission District(s): 3 Existing Zoning: C1

Proposed Special Land Use (SLUP): convenience store/alcohol outlet

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: _____
(Check One)

Printed Name of Applicant: Sunny Gangwal

Notary Signature and Seal:

Danielle Hart

Danielle Hart
NOTARY PUBLIC
Fulton County, GEORGIA
My Comm. Expires 09/04/2021

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

**PRE-APPLICATION
REZONES, LAND USE AND SPECIAL LAND USE**
(Pre-application required by appointment prior to filing-submit copy at filing)

Property Frontage/Address: 2100 Candler
Parcel I.D.: 15 151 05 11 Acreage: 6
Proposed Development Name: Shree Om Chamunda LLC DRI Yes No
Existing Development/Use: Vacant Building (Three Sites)
Proposed Use: Convenience Store - Alcohol outlet Proposed Density/#Units: _____
Existing Zoning: C-1 - Edo Overlay Proposed Zoning: NA
Existing Plan Designation: CRC Consistent Inconsistent
Proposed Land Use Plan: NA Proposed Access: _____
SLUP Request: Alcohol outlet Art. 27: _____

Contact Person: Sunny Mangual Phone: 404-702-3475
Address: 3364 Asher path Atlanta, GA 30340 Email: Sunny46115@yandex.com

- Reviewed Required Submittals/ Schedule/DRI
- Reviewed Zoning Standards/Reference Chapter 14
- Reviewed Site Plan Check list
- Discussed Consistency with Plan and Surrounding Zoning/uses
- SLUP Requirements/Supplemental Regs

Staff Comments: _____


Planner

12/13/17
Date



Certificate of Mailing — Fir

Name and Address of Sender	TOTAL NO of Pieces Listed by Sender	TOTAL NO of Pieces Received at Post Office™	Affix Stamp Here Postmark with Date of Receipt.
	6	6	
Postmaster per (name of receiving employee)			
SR			

USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airtel
1.	MEAT MASHERS Animal 2101 CASHIERS RD DECATUR GA 30032				
2.	GIKKA KOLLAL Business Shop 2171 CASHIERS RD DECATUR GA 30032				
3.	GAT Builders 2101 CASHIERS RD DECATUR GA 30032				
4.	DEKALB INTERNATIONAL 2124 CASHIERS RD DECATUR GA 30032				
5.	NATIONAL MONEY SERVICES 2113 CASHIERS RD DECATUR GA 30032				
6.	Images 2141 CASHIERS RD DECATUR GA 30032				



Certificate of Mailing — Fir

Name and Address of Sender	TOTAL NO of Pieces Listed by Sender	TOTAL NO of Pieces Received at Post Office**	Affix Stamp Here Postmark with Date of Receipt
	6	6	
Postmaster (or name of receiving employee)			
SB			

USPS Tracking Number Firm-specific Identifier	Address (Name, Street, City, State and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airtel
1.	Hinton Kurlin 2785 Tilsen Rd Deertrv CA 90032				
2.	Wright Properties 2779 Tilsen Rd Deertrv CA 90032				
3.	Wright Properties 2773 Tilsen Rd Deertrv CA 90032				
4.	Wright Properties 2769 Tilsen Rd Deertrv CA 90032				
5.	Wright Properties 2765 Tilsen Rd Deertrv CA 90032				
6.	Wright Properties 2735 Tilsen Rd Deertrv CA 90032				



Certificate of Mailing — Fin

Name and Address of Sender:	TOTAL NO of Pieces Listed by Sender:	TOTAL NO of Pieces Received at Post Office™	Affix Stamp Here Postmark with Date of Receipt.
	6	6	
Postmaster: Put name of receiving office here			
SB			

USPS Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airth
1.	Phillips, Marvin E. 2752 Wilson Rd Decatur Ga 30032				
2.	Bryant, Ronnie P 2746 Wilson Rd Decatur Ga 30032				
3.	Phillips, Marvin E. 2740 Wilson Rd Decatur Ga 30032				
4.	Thomas, Tommy E. 2732 Wilson Rd Decatur Ga 30032				
5.	Arnold, Michael Arthur 2722 Wilson Rd Decatur Ga 30032				
6.	Phillips, Tommy P 2047 Windy Hill Rd Decatur Ga 30032				




Certificate of Mailing — Fin

Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here Postmark with Date of Receipt.
	6	6	
Postmaster, use (date of receipt employed)			
SB			

USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airmail
1.	PECIANS ZAKIA 2796 TILSON RD DECATUR, GA 30032				
2.	LOTT ANICOLA 2732 TILSON RD DECATUR, GA 30032				
3.	JOHNSON BRITH LINDY ESTHER 2776 TILSON RD DECATUR, GA 30032				
4.	RIALLI MADIANI 2770 TILSON RD DECATUR, GA 30032				
5.	SCOTT KEATONE 2764 TILSON RD DECATUR, GA 30032				
6.	GERMAN, SERGIO A 2758 TILSON RD DECATUR, GA 30032				



Certificate of Mailing — Fin

Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here Postmark with Date of Receipt.
	3	3	
Postmaster, per (name of receiving employee)			
SB			

USPS® Tracking Number Firm-specific Identifier	Address (Home, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airmail
1.	Jenkins Sarah Ann 2723 Wilson Rd Decatur Ga 30032				
2.	Arman Realty 2715 Wilson Rd Decatur Ga 30032				
3.	Laro Development LLC 2076 Windmill Rd Decatur Ga 30032				
4.	Decatur Ga 30032				
5.	Decatur Ga 30032				
6.	Decatur Ga 30032				

PUBLIC NOTICE

To

Request for a SPECIAL LAND USE PERMIT

Filed by: SUNNY GANGWAL/SHREE OM CHAMUNDA LLC

**Located: 2100 Candler Rd
Decatur, GA 30032**

Current Use: Foodmart

Proposed Use: Foodmart with beer & wine sales

**Hours of Operation: Monday-Saturday: 7am to 12am
Sunday: 8am-11pm**

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT: ?

Location: ?

Date & Time: December 26th, 2017 at 7:00pm

Name: Sunny Gangwal

Phone number: 404-702-3435

Email: Sunny40218@yahoo.com

Special land use permit-grocery store (alcohol license)-BEER and WINE

List of the business on 2100 candler rd Decatur, Ga 30032

1. Advance auto parts
2090 candler rd decatur, Ga 30032
2. Western union
2032 candler rd decatur, Ga 30032
3. Emergency tire
2059 Candler rd decatur, Ga 30032
4. Walgreens
2035 candler rd decatur, Ga 30032
5. O'reilly auto parts
2049 candler rd Decatur, Ga 30032
6. Mighty Muffer auto repair center
2050 candler rd Decatur, Ga 30032
7. Meat Masters outlet
2064 Candler rd Decatur, Ga 30032
8. Five dollar barber shop
2076 candler rd Decatur, Ga 30032
9. Gat busters
2107 candler rd Decatur, Ga 30032
10. Dekalb supervalue foods
2124 candler rd Decatur, Ga 30032
11. Nationwide money services inc
2112 candler rd Decatur, Ga 30032
12. Hodges
2141 candler rd Decatur, Ga 30032

neighborhood communities

1. Owner: PERKINS ZAKIA
2796 TILSON ROAD
DECATUR 30032
2. Owner: LOTT ANGELA
2782 TILSON ROAD
DECATUR 30032
3. JOHNSON BETTY LOU HER ESTATE ADMINIS
2776 TILSON ROAD
DECATUR 30032
4. DIALLO KADIATO
2770 TILSON ROAD
DECATUR 30032
5. SCOTT KERONE
2764 TILSON ROAD
DECATUR 30032
6. GUZMAN SERVIO N
2758 TILSON ROAD
DECATUR 30032
7. PHILLIPS MARIAN E
2752 TILSON ROAD
DECATUR 30032
8. BYRD RONNIE P
2746 TILSON ROAD
DECATUR 30032
9. MELBA WEEMS
2740 TILSON ROAD
DECATUR 30032
10. THOMAS TOMMY E
2734 TILSON ROAD
DECATUR 30032

11. ARNOLD MICHAEL ARTHUR
2726 TILSON ROAD
DECATUR 30032
12. GILLIAM TOMMIE A
2092 WINDYHILL ROAD
DECATUR 30032
13. HINTON PAMELA Y
2785 TILSON ROAD
DECATUR 30032
14. WEATHERSPOON JENNETTE L
2779 TILSON ROAD
DECATUR 30032
15. SHLOMO PROPERTIES LLC
2775 TILSON ROAD
DECATUR 30032
16. P FIN I LLC
2769 TILSON ROAD
DECATUR 30032
17. OZ OMER
2745 TILSON ROAD
DECATUR 30032
18. HOPKINS FORREST T JR
2735 TILSON ROAD
DECATUR 30032
19. JENKINS SARAH ANN
2723 TILSON ROAD
DECATUR 30032
20. ARTHAM REALTY LLC
2715 TILSON ROAD
DECATUR 30032

21. LARO DEVELOPMENT LLC
2076 WINDYHILL ROAD
DECATUR 30032

Special Land Use Permit Application

Subject Property Address: Candler Square Shopping Center
2100 Candler Rd. Decatur GA 30032

Suite 2102

SLUP Type: New Convenience Store with Beer & Wine license

Zoned C-1



Applicant and Tenant: Sunny Gangwald / Shree Om Chamunda LLC

Property Owner: NNZ Group Inc / Nashaud Syed

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: 12/17/17

TO WHOM IT MAY CONCERN:

(I), (WE) Naushad Ali Syed
Name of owner(s)

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

Sunny Mangwal
Name of Agent or Representative

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

Morris, Hazel D
Notary Public, Gwinnett County, Georgia
My Commission Expires April 18, 2017

Hazel D Morris
Notary Public

[Signature]
Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

CONSTITUTIONAL ALLEGATIONS

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 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 the Due Process Clause of the Fourteenth Amendment to 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 and capricious act by the DeKalb County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of 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, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the DeKalb County Board of Commissioners to 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 rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

The existing 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 zoning classification within a reasonable time, a claim will be filed 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.

Campaign Disclosure Statement

Pursuant to the provisions of 36 D.C.G.A. 67 (A), please find below a list of any contributions made by the Property Owner NNX Group Inc, in the last 2 years, aggregating \$250.00 or more, to local government officials who will consider this application

1. N/A None
2. Naushed Ali syed

Campaign Disclosure Statement

Pursuant to the provisions of 36 O.C.G.A. 67 (A), please find below a list of any contributions made by the Applicant / Business Owner Sunny Gangwal in the last 2 years, aggregating \$250.00 or more, to local government officials who will consider this application

1. N/A Attended Sunny Gangwal
2. [Redacted]