

**Planning Commission Hearing Date: January 6, 2026**  
**Board of Commissioners Hearing Date: January 22, 2026**

**STAFF ANALYSIS**

<b>CASE NO.:</b>	Z-26-1247832	<b>File ID #:</b> 2025-1620
<b>Address:</b>	3792 Memorial College Drive, Clarkston, GA 30021	<b>Commission District: 4 Super District: 6</b>
<b>Parcel ID(s):</b>	18-067-02-032	
<b>Request:</b>	Application of EcoSlay, LLC c/o Battle Law, P.C. to rezone property from MR-1 (Medium Density Residential-1) zoning district to C-1 (Local Commercial) zoning district for a general business office and commercial greenhouse.	
<b>Property Owner(s):</b>	J.O.M.S, LLC.	
<b>Applicant/Agent:</b>	EcoSlay, LLC c/o Battle Law, P.C.	
<b>Acreage:</b>	0.66	
<b>Existing Land Use:</b>	Town Center	
<b>Surrounding Properties:</b>	<b>North:</b> MR-1 (Medium Density Residential -1) <b>South:</b> R-85 (Residential Medium Lot-85) <b>East:</b> MR-1 <b>West:</b> R-85	
<b>Comprehensive Plan:</b>	<b>Consistent</b>	<b>X Inconsistent</b>

**STAFF RECOMMENDATION: Full-Cycle Deferral.**

The Applicant, EcoSlay, LLC. c/o Battle Law, P.C. is seeking a rezoning from MR-1 (Medium Density Residential-1) zoning district to C-1 (Local Commercial) zoning district for a general business office and commercial greenhouse. The subject site falls within a Town Center (TC) Character Area calling for high density, mixed-use, pedestrian focused land uses (Pg 33. 2050 Unified Plan). Based on the information submitted, the current proposal does not appear to meet the intent of the TC Character Area based on the following:

- There is no sales component to the proposed business, and the operation appears to be solely production-based with no public interaction.
- Although an assembly room may be appropriate for the unique business model, the inclusion of manufacturing activities presents as an industrial use, which is not consistent with the character area's goals.
- MARTA has submitted their project review (enclosed) and stated that this site is adjacent to a planned pedestrian improvement project at N. Indian Creek Drive and Memorial College Avenue, intended to strengthen connectivity between residential areas, educational institutions, and transit service (MARTA Route 125). Given existing land uses and upcoming infrastructure investments, MARTA recommends maintaining the MR-1 zoning or considering a denser residential or mixed-use designation rather than rezoning to C-1.

While the overall concept of a small business along this corridor may be appropriate, the proposed zoning district and description of the business plan must work together in tandem and better align with the TC Character Area goals. Rezoning solely for mostly manufacturing purposes with no customer contact or opportunity for pedestrian

activity does not support the future vision for this area. Staff recommends a ***"Full Cycle Deferral to the March 2026 zoning agenda"*** to allow time for the applicant to consider revising the project to better align with TC goals.

## DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer  
Lorraine Cochran-Johnson

Director  
Juliana A. Njoku

### Zoning Comments January 2026

#### **Z-26-1247832 (2025-1620) 3792 Memorial College Drive:**

Memorial College Drive is classified as a collector road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 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 a 10-foot multi-use path. It requires pedestrian scale streetlights.

#### **Z-26-1247833 (2025-1621) 8277 Norris Lake Way:**

Norris Lake Way is 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. It requires pedestrian scale streetlights. Adjacent street Norris Lake Drive is classified as a Collector. 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 a 10-foot multi-use path. It requires pedestrian scale streetlights. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

#### **Z-26-1247784 (2025-1622) 5488 Flat Shoals Parkway:**

Flat Shoals Parkway is classified as a Major Arterial, also a Georgia State Route. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. If not already in place: Requires a right of way dedication of 75 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 10-foot multiuse path with pedestrian scale streetlights.

#### **SLUP-26-1247822 (2025-1623) 3396 Chamblee-Tucker Road:**

Chamblee Tucker Road is classified as a Minor Arterial. SLUP does not change the existing shoulders or curb cuts. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

#### **SLUP-26-1247825 (2025-1624) 2931 Ward Lake Way:**

Ward Lake Way is classified as a local road. SLUP does not change the existing shoulders or curb cuts. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

#### **SLUP-26-1247829 (2025-1625) 3915 Emerald North Drive:**

Emerald North Drive is classified as a local road. SLUP does not change the existing shoulders or curb cuts. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

#### **Z-26-1247827 (2025-1626) 4493 Flakes Mill Road (4400 River Road):**

Flakes Mill Road is classified as a Minor Arterial. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. The right-of way dedication of 35 feet minimum from centerline to allow all public infrastructure is within right of way. Requires a 10-foot multiuse path, with pedestrian streetlights. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

#### **SLUP-26-1247841 (2025-1627) 4493 Flakes Mill Road (4400 River Road):**

Flakes Mill Road is classified as a local road. SLUP does not change the existing shoulders or curb cuts. Verify that all access points have intersection and stopping sight distance as described by AASHTO.



Wednesday, November 19, 2025

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

General Comments:

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

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

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

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

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

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

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

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

11/19/2025

N1-2025-1620

Z-26-1247832

3792 Memorial College Drive, Clarkston, GA 30021

- See general comments

N2-2025-1621

Z-26-1247833

8277 Norris Lake Way, Snellville, Ga 30039

- See general comments

N3-2025-1622

Z-26-1247784

5488 Flat Shoals Parkway, Decatur, Ga 30034

- Septic Diagram record from on file from 1999.
- DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for
  - food service establishments

11/19/2025

N4-2025-1623

SLUP-26-1247822

3396 Chamblee-Tucker Road, Chamblee, Ga 30341

- See general comments

N5-2025-1624

SLUP-26-1247825

2931 Ward Lake Way, Ellenwood, GA 30294

- Child day care facility
- See general comments

N6-2025-1625

SLUP-26-1247829

3915 Emerald North Drive, Decatur, GA 30035

- Personal care home
- See general comments

445 Winn Way, P.O. Box 987, Decatur, GA 30031 | 404.294.3700 | [dekalbpublichealth.com](http://dekalbpublichealth.com)

11/19/2025

N7-2025-1626

Z-26-1247827

4493 Flakes Mill Road, Ellenwood, Ga 30394

- Child Day Care
- DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for
  - child or adult day care facilities with more than six clients.

N8-2025-1627

SLUP-26-1247841

4493 Flakes Mill Road, Ellenwood, GA 30294

- Child Day Care
- DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for
  - child or adult day care facilities with more than six clients.



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

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

**Z-26-1247832 (3792 Memorial College Drive)**

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

**DEVELOPMENT ANALYSIS:**

- Transportation/Access/Row

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- Storm Water Management

No storm water management on site. Because of the size of the site a underground detention will be recommended if further development happens.

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- Flood Hazard Area/Wetlands

No flood hazard

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- Landscaping/Tree Preservation

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- Tributary Buffer

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- **Fire Safety**

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**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

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**REZONE  
COMMENTS FORM:**

**PUBLIC WORKS ROAD AND DRAINAGE**

Case No.: Z-26-1247832 Parcel I.D. #: 18 067 02 032

Address: 3792 Memorial College Avenue Clarkston, GA 30021

Drainage Basin: Snapfinger Creek

Upstream Drainage Area: N/A

Percent of Property in 100-Year Floodplain: 0%

Impact on property (flood, erosion, sedimentation) under existing zoning: No report of flood, erosion and sedimentation on the property under existing zoning.

Required detention facility(s): Not Applicable

**COMMENTS:**

The rezoning of this property to C-1 if approved will not have appreciable impact on existing roads and drainage infrastructure.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: Akin Akinsola



**DEKALB COUNTY  
GOVERNMENT PLANNING  
DEPARTMENT DISTRIBUTION  
FORM**

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

**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: Z-26-1247832

Parcel I.D. #: 18 067 02 032

Address: 3792 Memorial College Drive, Clarkston 30021

Adjacent Roadway (s):

(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) 6/7<sup>th</sup> 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: Did not see any traffic engineering concerns  
at this time.

Signature: \_\_\_\_\_

*Gray White*



**DEKALB COUNTY  
GOVERNMENT PLANNING  
DEPARTMENT DISTRIBUTION  
FORM**

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

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

Case No.: Z-26-1247832 Parcel I.D. #: 18 067 02 032

Address: 3792 Memorial College Drive  
Clarkston, GA 30021

**WATER:**

Size of existing water main: 8" DI and CI (adequate/inadequate)

Distance from property to nearest main: Adjacent Size of line required, if inadequate: \_\_\_\_\_

**SEWER:**

Outfall Servicing Project: Upper Snapfinger Creek

Is sewer adjacent to property: Yes ☒ No \_\_\_\_\_ If no, distance to nearest line: \_\_\_\_\_

Water Treatment Facility: Snapfinger adequate \_\_\_\_\_ inadequate \_\_\_\_\_

Sewage Capacity: 36 (MGPD) Current Flow: 28.5 (MGPD)

**COMMENTS:**

The rezoning of this property to C-1 if approved will not have appreciable  
impact on existing roads and drainage infrastructure.

Signature: Yola Lewis



<b>MARTA January 2026 Case Comments</b>
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**N4-2025-1623      SLUP-26-1247822 – 3396 Chamblee-Tucker Road:**

MARTA bus stop #905777 is about 500 ft from the site; MARTA may opt to move this stop closer to the site in the future for operational reasons. MARTA asks DeKalb to consider requiring closure of westernmost driveway on Chamblee Tucker Rd to reduce vehicle/pedestrian conflict points and improve traffic flow.

**N1-2025-1620      Z-26-1247832 – 3792 Memorial College Drive:**

This site is located adjacent to a pedestrian improvement project at the intersection of N Indian Creek Dr & Memorial College Ave to improve pedestrian connectivity between the various residential areas, educational institutions and transit service (MARTA route 125). Given the current land use of the area and upcoming pedestrian infrastructure investments, MARTA recommends keeping zoning of this parcel as MR-1 or changing it to a denser residential or mixed-use zoning rather than changing it to C-1.

**Rezoning Application to Amend the Official Zoning Map  
of DeKalb County, Georgia**

Applicant Name: EcoSlay, LLC c/o Battle Law, P.C.

Applicant Email Address: cag@battlelawpc.com

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

Applicant Phone Number: 678-424-0387

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Owner Name: J. O. M. S, LLC

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

Owner Email Address: \_\_\_\_\_

Owner Mailing Address: 3030 Labrouste Cove, Johns Creek, GA 30097

Owner Phone Number: \_\_\_\_\_

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Subject Property Address: 3792 Memorial College Dr, Clarkston, GA 30021

Parcel ID Number(s): 18 067 02 032

Acreage: 0.66 Commission District(s): 4 Super District: 6

Existing Zoning District(s): MR-1 Proposed Zoning District(s): C1

Existing Land Use Designation(s): TC Proposed Land Use Designation(s): \_\_\_\_\_ (if applicable)

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

Owner: \_\_\_\_\_ Agent: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_



Rezoning Application to Amend the Official Zoning Map  
of DeKalb County, Georgia

Applicant Name: EcoSlay, LLC c/o Battle Law, P.C.

Applicant Email Address: cag@battlelawpc.com

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

Applicant Phone Number: 678-424-0387

Owner Name: J. O. M. S, LLC

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

Owner Email Address: \_\_\_\_\_

Owner Mailing Address: 3030 Labrouste Cove, Johns Creek, GA 30097

Owner Phone Number: \_\_\_\_\_

Subject Property Address: 3792 Memorial College Dr, Clarkston, GA 30021

Parcel ID Number(s): 18 067 02 032

Acreage: 0.66

Commission District(s): 4

Super District: 6

Existing Zoning District(s): MR-1

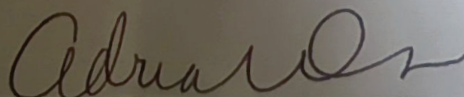
Proposed Zoning District(s): ~~OIT~~ C1

Existing Land Use Designation(s): TC

Proposed Land Use Designation(s): \_\_\_\_\_ (if applicable)

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

Owner: \_\_\_\_\_ Agent: \_\_\_\_\_



Signature of Applicant: \_\_\_\_\_

EcoSlay, LLC  
Adria Marshall, Owner





A new project is proposed near you...

Please join Battle Law for a community meeting to discuss this project and what it means for the community. To register and to learn more information, please use the QR code below or go to [Battlelawpc.com/projects](http://Battlelawpc.com/projects).

If you would like the information emailed to you, please send an email to [projects@battlelawpc.com](mailto:projects@battlelawpc.com).





IN CUSTODY OF THE BRD OF REGNT  
3251 PANTHERSVILLE RD  
DECATUR , GA 30021

RESPRESS TAWANA  
3811 PARKLANE DR  
CLARKSTON , GA 30021

WOLDEYESUS ABEBA  
1999 CARTHAGE RD  
TUCKER , GA 30021

BOARD OF REGENTS OF THE  
270 WASHINGTON ST SW  
ATLANTA , GA 30021

AM ATLANTA RENTALS LLC  
4567 Rockbridge RD STE 1499  
PINE LAKE , GA 30021

HABTOM MEDEHANE ESTIFANOS  
4153 PINE VALLEY RD  
TUCKER , GA 30021

DEKALB BOARD OF EDUCATION  
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STONE MOUNTAIN , GA 30021

PHILLIPS SAMANTHA  
7305 Chattahoochee Bluff DR  
ATLANTA , GA 30021

ADJAYE ALFRED  
3800 PARKLANE DR  
CLARKSTON , GA 30021

LAKES AT INDIAN CREEK PROPERTY OWNER LLC  
21750 HARDY OAK BLVD # 104 28567  
SAN ANTONIO , TX 30021

LLOYD MYRA  
3817 PARKLANE DR  
CLARKSTON , GA 30021

ASMEROM MICHAEL  
5271 ENCHANTED CV  
LILBURN , GA 30021

J O M S LLC  
3030 LABRUSTE  
JOHNS CREEK , GA 30021

ZAM ZAM HOMES LLC  
3819 PARKLANE DR  
CLARKSTON , GA 30021

RANI VASANTHA  
2954 PINE ORCHARD DR  
TUCKER , GA 30021

MAJESTIC LACARRE LLC  
PO BOX 81612  
CHAMBLEE , GA 30021

JOHNSON BARBARA J  
3814 PARKLANE DR  
CLARKSTON , GA 30021

HANSOM TESFIT T  
4384 E MOUND ST  
COLUMBUS , OH 30021

PARK LANE ASSOCIATES LTD  
PO BOX 98309  
ATLANTA , GA 30021

ZAM ZAM HOMES LLC  
1978 WISTERIA PARK LN  
LAWRENCEVILLE , GA 30021

ALEME ZEWDU T  
3818 PARKLANE DR  
CLARKSTON , GA 30021

ISSE BASHIR MOHAMOUD  
3805 PARKLANE DR  
CLARKSTON , GA 30021

DONGGI KIM  
3810 PARKLANE DR  
CLARKSTON , GA 30021

ABATE MANTE  
1409 ROSEWOOD CREEK DR  
MARIETTA , GA 30021

3807 PARKLANE LLC  
3807 PARKLANE DR  
CLARKSTON , GA 30021

BERHE MERAWI  
234 KENVILLA DR  
TUCKER , GA 30021

CLARK RUBEN S  
3827 PARKLANE DR  
CLARKSTON , GA 30021

DEMISSE TIGIST  
P O BOX 2824  
LILBURN , GA 30021

NGAI NGAI MA AYE CHAN  
1167 DANTEL CT  
STONE MOUNTAIN , GA 30021

JOHNSON JR CLE  
2913 HARDING AVE  
BRONX , NY 30021

WALKER LARRY  
655 RIDGE WAY  
LITHONIA , GA 30021

MELKAMU ALI  
4422 DALLIS CT  
STONE MOUNTAIN , GA 30021

TASEW ABEBA  
4422 DALLIS CT  
STONE MOUNTAIN , GA 30021

MOHAMMEDBRHAN TAHA BILAL  
3837 PARKLANE DR  
CLARKSTON , GA 30021

ASGEDOM TEWELDE  
3839 PARKLANE DR  
CLARKSTON , GA 30021

NURSE MARILYN  
3820 BRIARCLIFF RD NE APT 1  
ATLANTA , GA 30021

CORKER DAVID JOSHUA  
3843 PARKLANE DR  
CLARKSTON , GA 30021

MINOR JAMES  
1925 PINEHURST VIEW DR  
GRAYSON , GA 30021

ASGENODM TEWELDE ZEWELDI  
3847 PARKLANE DR  
CLARKSTON , GA 30021

HERNANDEZ ROBLERO ELVIA ROSALIA  
3849 PARKLANE DR  
CLARKSTON , GA 30021



# Battle Law

## STATEMENT OF INTENT

and

Other Material Required by the  
DeKalb County Zoning Ordinance  
For

A Rezoning from MR-1 to C-1 to Allow a  
General Business Office and Commercial Greenhouse

of

**EcoSlay, LLC**  
**c/o Battle Law, P.C.**

for

**+/-0.66 Acres of Land**  
Being 3792 Memorial College Avenue  
DeKalb County, Georgia and  
Parcel No. 18 067 02 032

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Joshua S. Mahoney, Esq.  
Battle Law, P.C.  
Habersham at Northlake, Building J, Suite 100  
Tucker, Georgia 300384  
(404) 601-7616 Phone  
(404) 745-0045 Facsimile  
[mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)  
[jsm@battlelawpc.com](mailto:jsm@battlelawpc.com)



# Battle Law

## **I. LETTER OF INTENT**

EcoSlay, LLC (the “Applicant”) is seeking a rezoning of +/- 0.66 acres of land being tax parcel number 18 067 02 032 having frontage on 3792 Memorial College Avenue (the “Subject Property”) to allow a general business office and commercial greenhouse.

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

## **II. DEKALB COUNTY REZONING CRITERIA**

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

The Subject Property has a Town Center (TC) land use designation. The DeKalb County 2050 Comprehensive Plan specifically allows for C-1 zoning in the TC land use designation. The TC district is meant “to promote the concentration of higher intensity residential and commercial uses,” which aligns with this rezoning application. Therefore, this zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

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

The Subject Property was the Early Learning Scholars II building. It is surrounded by apartments, townhomes, and GA Perimeter College. This rezoning will allow for a less intense use than the school and not encroach upon the surrounding uses. The Applicant intends to grow organic ingredients like fruits and herbs to use to make hair care products in the building. The products will be shipped from the building via USPS. No clients will enter the store to make purchases. Rather, customers will purchase products online and the Applicant will ship them to the customer. Therefore, the use is suitable in view of the use and development of adjacent and nearby properties.

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

The Subject Property is zoned MR-1 but is developed with a school building. Additionally, the Subject Property is only 0.66 acres. Given the size and the current building, it is not reasonable to use the Subject Property as currently zoned.

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



## Battle Law

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The new use will be less intense than the school and will not encroach onto neighboring properties.

5. *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 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.

6. *Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;*

The Applicant is not aware of any historic sites or buildings or archaeological resources on the Subject Property. The Subject Property is not within a historic district and is not near one.

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

The zoning proposal will not result in a burdensome or excessive use of streets, transportation facilities, utilities, or schools.

8. *Whether the zoning proposal adversely impacts the environment or surrounding natural resources.*

The zoning proposal will not adversely impact the environment or surrounding natural resources.

### **III. CONCLUSION**

For the foregoing reasons, the Applicant hereby requests that the application for a rezoning from MR-1 to C-1 be approved. The Applicant welcomes any questions and feedback from the planning staff.

### **IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS**

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



## Battle Law

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 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.

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

A refusal to allow the land use amendment and/or rezoning 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



## Battle Law

unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.



Michele L. Battle, Esq.  
Attorney for the Applicant



DeKalb County  
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

**DISCLOSURE OF CAMPAIGN CONTRIBUTION**

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

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

Yes XX No \_\_\_\_\_ \*

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

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

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

Notary

Signature of Applicant /Date

Battle Law, PC  
Michele Battle, ESQ.

Check one: Owner \_\_\_\_\_ Agent XX



Expiration Date/Seal

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



DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes: \_\_\_\_\_ No: 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.

Brandon D. Amos  
Notary

Adria Marshall  
Signature of Applicant /Date  
EcoSlay  
Adria Marshall, Owner  
Check one: Owner \_\_\_\_\_ Agent \_\_\_\_\_

3/26/2029  
Expiration Date/ Seal

**Brandon D Amos**  
\*Notary seal not needed if answer is "No".  
**CLAYTON COUNTY, GEORGIA**  
My Commission Expires  
**03/26/2029**



AUTHORIZATION

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

Date: 10/20/2025

TO WHOM IT MAY CONCERN:

I/WE: J. O. M. S., LLC  
Name of Owner(s)

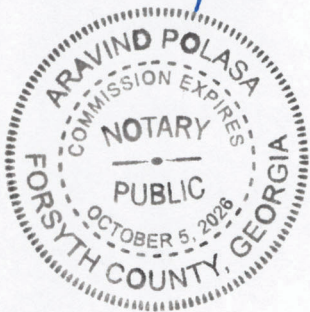
being owner(s) of the subject property described below or attached hereby delegate authority to:

Ecoslay, LLC c/o Battle Law PC  
Name of Agent or Representative

to file an application on my/our behalf.

[Signature]  
Notary Public

[Signature]  
Owner



**SURVEY, SITE PLAN, AND ELEVATIONS:**

Received approval from Rachel Bragg that the Survey will suffice for the site plan since the applicant is not making any changes to the exterior of the existing building. If there are any questions, please feel free to contact us.

# Recording Info

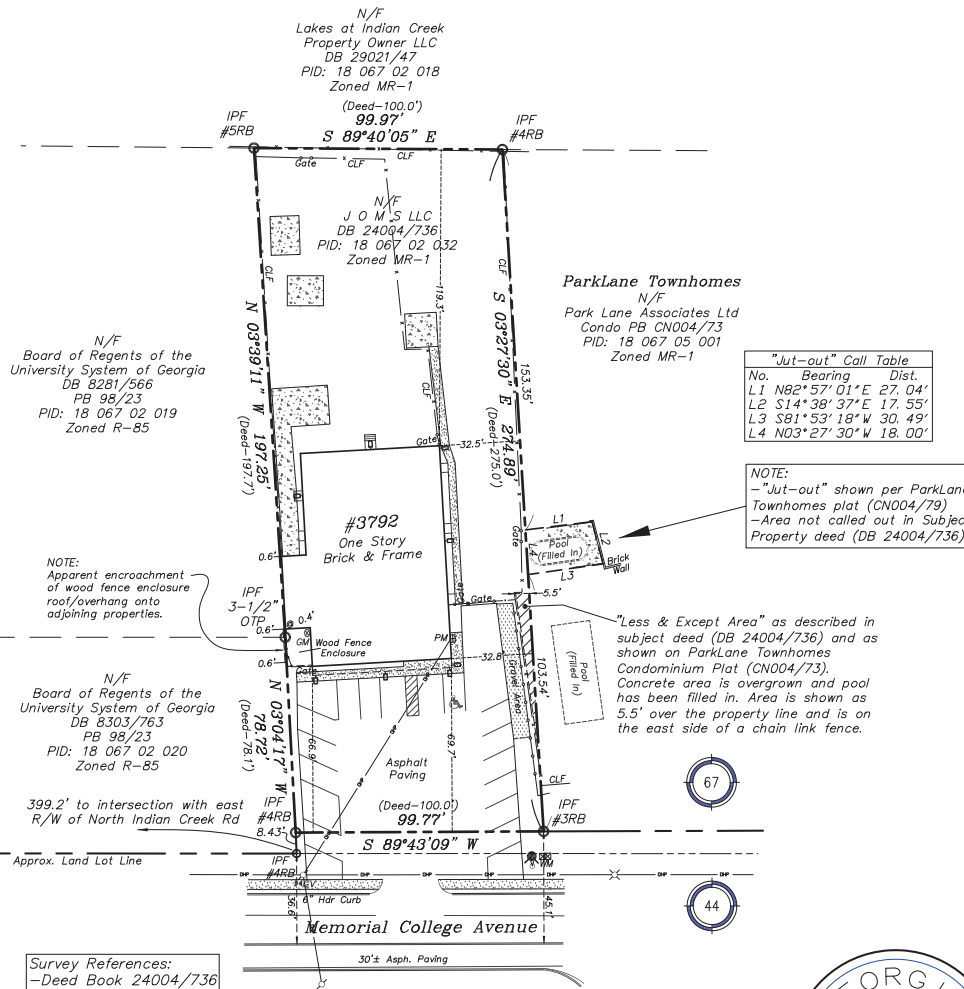
**LEGEND**  
 IPF - Iron Pin Found  
 RB - Rebar  
 OTP - Open Top Pipe  
 CLF - Chain Link Fence  
 VFL - Vinyl Fence Line  
 W - Wood Fence  
 P - Power Pole  
 L - Light Pole  
 PM - Power Meter  
 B - Building Light  
 F - Fire Hydrant  
 WM - Water Meter  
 W - Water Valve  
 GM - Gas Meter  
 GV - Gas Valve

Utilities shown on this plat are based on visible, above ground evidence. Underground utilities may exist in this site that are not shown on this survey.

-Bearings shown were calculated from the Reference Deed & Plats, and angles turned.  
 -Distances shown are ground distances.

This plat was prepared without the benefit of a current title commitment. Easements or encumbrances may exist that are not shown on this plat.

According to the FEMA/FIRM of DeKalb County, Georgia, Community Number 130065, Map number 13089C0086K, effective date 8/15/2019:  
 -This site lies entirely in an Unshaded Zone X designation.  
 -Unshaded Zone X is defined as areas of minimal flood hazard.



**Survey References:**  
 -Deed Book 24004/736  
 -Plat Book 98/23  
 -Plat Book CN004/73  
 -Plat Book CN004/79

**Field Closure:** 1'/26,431'  
**Ang. Error:** 03"/Ang. Pt.  
**Adjusted by:** Least Squares  
**Equipment Used:** Topcon GT-603  
**w/Topcon FC-6400 Tablet**  
**Plat Closure:** 1'/179,011'

**R/W Notes:**  
 -Relocation Plans for Memorial College Avenue found in easement deed for Park Lane Associates, Ltd (DB 20552/580).  
 -No R/W Relocation/Acquisition deeds found for the Subject Property.  
 -No Ground Markings regarding relocation found on site.



SCALE IN FEET

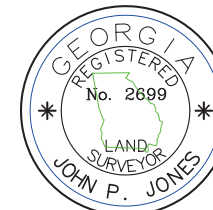
**#3792 Memorial College Ave.**  
**Lot Area = 27,377 S.F.**  
**(or 0.628 Ac.)**  
**PID: 18 067 02 032**  
**Zoned MR-1**  
**Medium Density Residential-1**

**Note:**  
 Minimum Building Setbacks are dependent on property usage, and must be verified by the DeKalb County Zoning Department.

No.	Bearing	Dist.
L1	N82°57'01"E	27.04'
L2	S14°38'37"E	17.55'
L3	S81°53'18"W	30.49'
L4	N03°27'30"W	18.00'

**NOTE:**  
 -"Jut-out" shown per ParkLane Townhomes plat (CN004/79)  
 -Area not called out in Subject Property deed (DB 24004/736)

"Less & Except Area" as described in subject deed (DB 24004/736) and as shown on ParkLane Townhomes Condominium Plat (CN004/73). Concrete area is overgrown and pool has been filled in. Area is shown as 5.5' over the property line and is on the east side of a chain link fence.



This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. 15-6-67.

John P. Jones, GA RLS #2699 Date 09-02-25

E:\PROJ\1417 Mem College Ave\DWGS\1417.dwg ~ JP-2022.ctb

## Boundary Survey for

**Ecoslay LLC**  
 #3792 Memorial College Avenue  
 Clarkston, GA 30021

## Land Development Technologies, Inc.

5665 Atlanta Hwy Suite 102-B Box 340  
 Alpharetta, Georgia 30004  
 Cell: 770-241-5986  
 Email: pj17@bellsouth.net

COA: LSF000405

JOB NO.	1417
DRAWN BY	hjp
CHECKED BY	JPJ
DATE	9-02-25
SCALE	1"=50'
FIELD DATE	8-26-25

REVISIONS	DATE

Located In:  
 Land Lot(s) 67  
 18th District  
 Section  
 DeKalb County,  
 City Of  
 GEORGIA

Chief Executive Officer  
Lorraine Cochran-Johnson

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

Interim Director  
Cedric G. Hudson, MCRP

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

Applicant Name: Kathleen Andres Phone: 404-964-1115 Email: mariemanor413@hotmail.com  
Property Address: 3792 Memorial College Ave., Clarkston 30021  
Tax Parcel ID: 18 067 02 032 Comm. District(s): 4 & 6 Acreage: 0.66  
Existing Use: \_\_\_\_\_ Proposed Use: Hair salon, growing herbs, etc.  
Supplemental Regs: \_\_\_\_\_ Overlay District: No DRI: \_\_\_\_\_  
Rezoning: Yes X No \_\_\_\_\_  
Existing Zoning: MR-1 Proposed Zoning: \_\_\_\_\_ Square Footage/Number of Units: \_\_\_\_\_  
Rezoning Request: Hair salon, growing of herbs, online business.

Land Use Plan Amendment: Yes \_\_\_\_\_ No \_\_\_\_\_

Existing Land Use: TC Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_\_ Inconsistent \_\_\_\_\_

Special Land Use Permit: Yes \_\_\_\_\_ No X Article Number(s) 27- \_\_\_\_\_

Special Land Use Request(s): Applicant may apply for a SLUP in 2026 for a salon expansion.

**Major Modification:**

Existing Case Number(s): None

Condition(s) to be modified:

N/A



## WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: \_\_\_\_\_ Review Calendar Dates: \_\_\_\_\_ PC: \_\_\_\_\_ BOC: \_\_\_\_\_  
Letter of Intent: \_\_\_\_\_ Impact Analysis: \_\_\_\_\_ Owner Authorization(s): \_\_\_\_\_ Campaign Disclosure: \_\_\_\_\_  
Zoning Conditions: \_\_\_\_\_ Community Council Meeting: \_\_\_\_\_ Public Notice, Signs: \_\_\_\_\_  
Tree Survey, Conservation: \_\_\_\_\_ Land Disturbance Permit (LDP): \_\_\_\_\_ Sketch Plat: \_\_\_\_\_  
Bldg. Permits: \_\_\_\_\_ Fire Inspection: \_\_\_\_\_ Business License: \_\_\_\_\_ State License: \_\_\_\_\_  
Lighting Plan: \_\_\_\_\_ Tent Permit: \_\_\_\_\_ Submittal Format: NO STAPLES, NO BINDERS PLEASE

### Review of Site Plan

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

Comments: The applicant is sending Staff a detailed business plan in order to determine an appropriate zoning district to apply for, if a land use amendment is a possibility, and/or a SLUP. No site plan was discussed. UPDATE: 3/12/25

If Applicant intends to rezone to light industrial "M" a land use amendment would be required. M is not a permitted zoning district in TC.

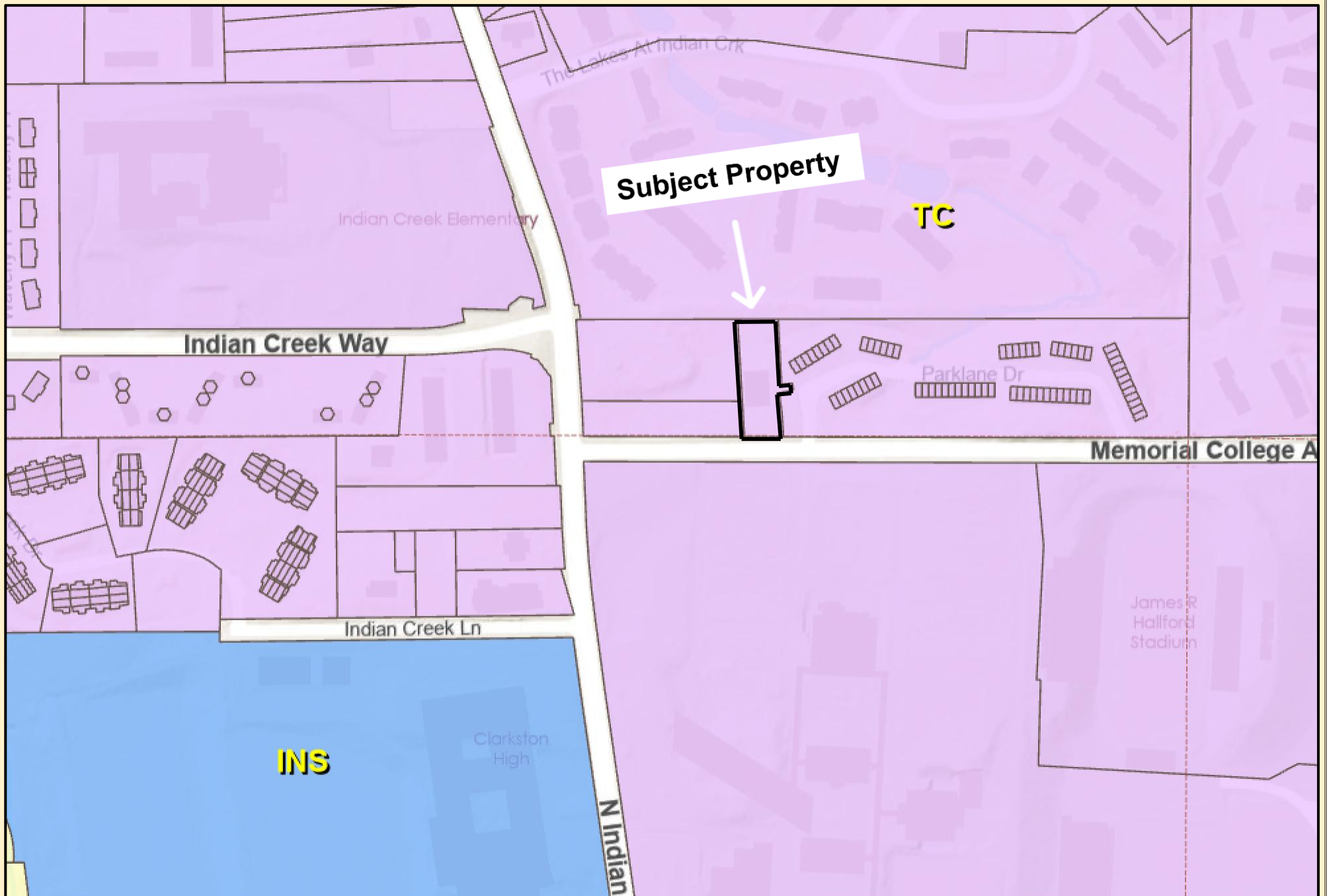
Planner: Andrea Folgherait, Sr. Planner Date: 01/21/2025

### FILING FEES

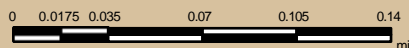
<b>REZONING:</b>	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
<b>LAND USE MAP AMENDMENT</b>		\$500.00
<b>SPECIAL LAND USE PERMIT</b>		\$400.00







### DeKalb County Parcel Map



Date Printed: 11/20/2025



#### DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.





**DeKalb County Parcel Map**



0 0.0075 0.015 0.03 0.045 0.06  
mi

Date Printed: 11/20/2025



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