

Agenda Item

File ID: 2025-0962

Substitute 11/18/2025

Public Hearing: YES ☒ NO ☐

Department: Planning and Sustainability

SUBJECT:

Commission District(s): Commission District 04 Super District 06

Application of Karimshah, Inc. c/o Battle Law, P.C. for a Major Modification of zoning conditions pursuant to CZ-06-1241 to allow an automobile wash service (car wash) in the C-1 (Local Commercial) zoning district, at 1849 Lawrenceville Highway.

Petition No.: 2025-0962 CZ-25-1247634

Proposed Use: Automobile wash service (car wash).

Location: 1849 Lawrenceville Highway, Decatur, Georgia 30033

Parcel No.: 18 063 03 027

Information Contact: Adam Chappell, Sr. Planner, AICP

Phone Number: 404-371-2155

PURPOSE:

Application of Karimshah, Inc. c/o Battle Law, P.C. for a Major Modification of zoning conditions pursuant to CZ-06-1241 to allow an automobile wash service (car wash) in the C-1 (Local Commercial) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: Deferral.

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

STAFF RECOMMENDATION: Approval with Conditions_11.10.2025

PLANNING STAFF ANALYSIS: The subject property consists of approximately 1.26 acres that had most recently been used for automobile sales. In 2006, the property was conditionally rezoned from the M (Light Industrial) Zoning District to the C-1 (Local Commercial) Zoning District as a result of CZ-06-1241. The applicant, Karimshah, Inc. c/o Battle Law, P.C., proposes developing the site with a drive-through automobile wash service (car wash). Car washes are normally a permitted use by-right in the C-1 Zoning District; however, the conditions of CZ-06-1241 were site plan-specific and limited the uses on-site to general office and retail uses. The change in use, while normally permitted, would constitute a *major change* to the conditions of CZ-06-1241, as defined in Section 27-7.3.10. of the *Zoning Ordinance*. A Major Modification to alter, replace, and/or eliminate the conditions of CZ-06-1241 would first be required, necessitating a public hearing for the proposed car wash use. The proposed car wash also falls under the definition of a *drive-through facility*. All drive-through facilities in Character Areas designated as *Activity Centers* per the *DeKalb County 2050 Unified Plan* require a Special Land Use Permit (SLUP). The subject property is located within a Town Center (TC) Character Area; thus, a SLUP for the proposal as per the submitted site plan is required. A companion application (SLUP-25-1247632) has been submitted by the applicant and is expected to be heard concurrently with this request, though each are subject to the individual criteria for determining a Major Modification and SLUP in Divisions 27-7.3. and 27-7.4., respectively. The intent of the Town Center (TC) Character Area, as defined in the *DeKalb County 2050 Unified Plan*, is “to promote the concentration of higher intensity residential and commercial uses, which serve

several communities surrounding the center, in order to reduce automobile travel, promote walkability and increased transit usage” (*DeKalb County 2050 Unified Plan*, page 35). The originally proposed use, an **automobile** wash service, appears to stand directly in conflict with these stated goals (Section 27-7.3.5. (A)). In addition to being within a TC Character Area, the subject property is located within the “Core Area” of the Medline Livable Centers Initiative (LCI) (see attached). This core area is described as the largest and most central portion of the Medline LCI and is intended to become “a mix of high intensity office, medical services, multi-family residential and retail uses. Retail should be incorporated within mixed use buildings and developments”. Notably, the Medline LCI Plan states that in the “Core Area”, “single-use, stand-alone retail is discouraged.” The property is located near the intersection of Lawrenceville Highway, a major arterial, and two (2) minor arterials (DeKalb Industrial Way and Church Street). At the time of this analysis, much of this corridor has yet to have been substantially redeveloped. Within the last ten years, however, there has been a significant northbound precedent of successful higher-density, mixed-use developments emanating from the intersections of Scott Boulevard and Church Street (which extend south from Lawrenceville Highway) with North Decatur Road. Considering the subject property’s proximity to the intersection of Lawrenceville Highway, Church Street, and DeKalb Industrial Way, the proposed use of a car wash does not appear to be suitable with or support potential development patterns (Section 27-7.3.5. (B)). Approval of the original Major Modification request may potentially set a precedent of allowing more traditional suburban uses in Character Areas that are intended to be higher-density mixed-use corridors, both negatively affecting desired urban form and potential economic viability (by virtue of reducing potential density and assortment of mixed uses). This notwithstanding, Staff *is* supportive of a modification request to eliminate the conditions of CZ-06-1241 and replace them with new conditions that may be more flexible to prospective developers in the future, while still aligning with the goals and intents of the TC Character Area and Medline LCI Plan. In light of this, the Planning and Sustainability Department recommends “***Approval with Conditions***”.

PLANNING COMMISSION VOTE: (September 9, 2025) Denial 6-1-1. Commissioner Osler moved, Commissioner Costello seconded for denial, per Staff recommendation. Commissioner Snipes opposed; Commissioner Cooper abstained; Commissioner Moore was not present for this vote.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Deferral 7-0-1.

Board of Commissioners Hearing Date: November 18, 2025
STAFF ANALYSIS

CASE NO.:	CZ-25-1247634	File ID #: 2025-0962
Address:	1849 Lawrenceville Highway Decatur, GA 30033	Commission District: 4 Super District: 6
Parcel ID(s):	18-063-03-027	
Request:	Major Modification of zoning conditions pursuant to CZ-06-1241 to allow an automobile wash service (car wash) in the C-1 (Local Commercial) zoning district.	
Property Owner(s):	Karimshah, Inc.	
Applicant/Agent:	Karimshah, Inc. c/o Battle Law, P.C.	
Acreage:	1.26 acres	
Existing Land Use:	Automobile sales	
Adjacent Zoning:	North: O-I, MR-2 (across Jordan Lane) East: M South: M West: C-1 (across Lawrenceville Highway)	
Character Area	Town Center (TC)	
Comprehensive Plan:	Consistent <u>X</u> Inconsistent	

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

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

The applicant, Karimshah, Inc. c/o Battle Law, P.C., proposes developing the site with a drive-through automobile wash service (car wash). Car washes are normally a permitted use by-right in the C-1 Zoning District; however, the conditions of CZ-06-1241 were site plan-specific and limited the uses on-site to general office and retail uses. The change in use, while normally permitted, would constitute a *major change* to the conditions of CZ-06-1241, as defined in Section 27-7.3.10. of the *Zoning Ordinance*. A Major Modification to alter, replace, and/or eliminate the conditions of CZ-06-1241 would first be required, necessitating a public hearing for the proposed car wash use.

The proposed car wash also falls under the definition of a *drive-through facility*. All drive-through facilities in Character Areas designated as *Activity Centers* per the *DeKalb County 2050 Unified Plan* require a Special Land Use Permit (SLUP). The subject property is located within a Town Center (TC) Character Area; thus, a SLUP for the proposal as per the submitted site plan is required. A companion application (SLUP-25-1247632) has been submitted by the applicant and is expected to be heard concurrently with this request, though each are subject to the individual criteria for determining a Major Modification and SLUP in Divisions 27-7.3. and 27-7.4., respectively.

The intent of the Town Center (TC) Character Area, as defined in the *DeKalb County 2050 Unified Plan*, is “to promote the concentration of higher intensity residential and commercial uses, which serve several communities surrounding the center, in order to reduce automobile travel, promote walkability and increased transit usage” (*DeKalb County 2050 Unified Plan*, page 35). The originally proposed use, an **automobile** wash service, appears to stand directly in conflict with these stated goals (Section 27-7.3.5. (A)). In addition to being within a TC Character Area, the subject property is located within the “Core Area” of the Medline Livable Centers Initiative (LCI) (see attached). This core area is described as the largest and

SUBSTITUTE RECOMMENDED CONDITIONS

CZ-25-1247634 (2025-0962)

Major Modification of CZ-06-1241

1849 Lawrenceville Highway, Decatur, GA 30033

11/06/2025

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

1. The following uses shall be prohibited on the subject property:
 - a) Urban community gardens
 - b) Nursing care facilities or hospices
 - c) Shelters for homeless persons
 - d) Transitional housing facilities
 - e) Clubs, orders or lodges, fraternal, non-commercial
 - f) Funeral homes, mortuaries, and crematoriums
 - g) Automobile, truck rental or leasing facilities, service stations, repair, wash services, and sales (including tire sales)
 - h) Alcohol outlets
 - i) Convenience stores
 - j) Retail warehouses/wholesale facilities
 - k) Small-box discount retail stores
 - l) Commercial parking lots/garages (as a principal use)
 - m) Taxi, ambulance or limousine services, dispatching, or storage/taxi stands
 - n) Adult day care centers
 - o) Child day care centers or facilities
 - p) Laundromats
 - q) Dog day cares
 - r) Commercial kennels
 - s) Landscape businesses
 - t) Wireless telecommunication facilities/monopole attached facilities
2. Approval of this Major Modification by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Planning Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by each entity.

most central portion of the Medline LCI and is intended to become “a mix of high intensity office, medical services, multi-family residential and retail uses. Retail should be incorporated within mixed use buildings and developments”. Notably, the Medline LCI Plan states that in the “Core Area”, “single-use, stand-alone retail is discouraged.”

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