



DeKalb County Department of Planning & Sustainability

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**Planning Commission Hearing Date: March 1, 2022
Board of Commissioners Hearing Date: March 24, 2022**

STAFF ANALYSIS

Revised 3/14/22

Case No.: SLUP-22-1245321 **Agenda #:** D6

Location/Address: 3644 Memorial Drive, Decatur, GA **Commission District:** 3 **Super District:** 7

Parcel ID: 15-217-04-024

Request: Special Land Use Permit to allow a drive-through car wash in a C-1 (Local Commercial) District.

Property Owner: Joseph Burke/Atlantic Development Partners

Applicant/Agent: Harold Buckley, Jr. for Caliber Car Wash

Acreage: 1.44

Existing Land Use: Vacant, paved

Surrounding Properties: **North:** Avondale Estates; single-family residential use **South:** You Store-It Storage Facility (C-1) **East:** You Store-It Storage Facility (C-1) **West:** Walmart (MU-4) **Northeast:** Avondale Estates; single-family residential use **Northwest:** DeKalb School of the Arts (R-75) **Southeast:** You Store-It Storage Facility (C-1) **Southwest:** NAPA Auto Parts Store (C-1)

Comprehensive Plan: Town Center **Consistent** **Inconsistent**

| | |
|--|--|
| Proposed Building Square Ft.: 4,381 | Existing Building Square Feet: None |
| Proposed Lot Coverage: information not provided | Existing Lot Coverage: 79.5% |

Companion Application: The applicant has filed a companion application, CZ-22-1245320, for a Major Modification of Conditions approved pursuant to CZ-14-19143, to allow a drive-through car wash in a C-1 (Local Commercial) district.

ZONING HISTORY

Development proposals between 2003 and 2014 have resulted in several zoning, special land use permit, variance, and special exception approvals for the subject property. None of the proposed developments were constructed, and the site is currently undeveloped.

CZ-03-050: In 2003, the 1.44-acre subject parcel was rezoned in conjunction with the adjoining 24.69-acre tract (at the time, the Avondale Mall, now Walmart) from C-1 (Local Commercial) to OCR (Office Residential Commercial) for a mixed office, commercial, and residential development. The OCR classification was changed to MU-4 when the *Zoning Ordinance* and maps were updated in 2015.

SLUP-07-12803 and SLUP-07-12812: A proposal for an eight-story mixed-use building with residential units over ground floor commercial, and, on a separate parcel, an eight-story mixed-use building consisting of two buildings with residential above ground floor and second story commercial. The SLUPs were requested to increase the maximum allowed height of proposed buildings.

SLUP-11 -16976: A four-story, 60-unit senior assisted living facility for military veterans.

CZ-14-19143 and SLUP-14-19144: A proposal for a 3,808 square foot Bojangles drive-through restaurant.

SITE ANALYSIS

Site Characteristics

The subject property is a 1.44-acre site with frontage on Memorial Drive, a major thoroughfare and state route (SR 154). The property was previously developed but cleared of structures so that only asphalt parking lot and the footprint of the demolished building remain. The asphalt paving is located within approximately five feet of the northeast property line, which adjoins the back yards of single-family homes located in the City of Avondale, in the Avonwoods subdivision. The city limits of Avondale Estates coincide with the property line shared by the subject property and the Avonwoods subdivision. The Avondale Estates properties are zoned R-12 (Low Density Residential); thus, the subject property is required to have a 50-foot transitional buffer along its northeast property line.

A two-way curb cut on Memorial Drive provides vehicular access to the property. In addition, there is interparcel access via a driveway easement across the Napa Auto Parts store on the adjoining property to the west to the driveway of the Walmart property, located approximately 400 feet to the west at the signalized intersection of Memorial Drive and Midway Road.

As a result of a County streetscaping project, an 8-foot sidewalk was constructed along the frontage of the subject property. The grade of the subject property is elevated approximately four feet above the sidewalk by means of a stone retaining wall located four feet from the sidewalk. A four-foot-wide grass strip is located between sidewalk and retaining wall, and a six- to twelve-foot- wide grass strip is located between the retaining wall and the asphalt parking lot. The topography of the site slopes slightly towards the rear of the parcel at a grade of about 7%. A deteriorated wooden fence on top of a stone retaining wall screens the rear yards of adjoining residential properties in the Avonwoods subdivision.

Character of the Surrounding Area:

The subject property is at the northeastern edge of a high-intensity commercial node, designated as a Town Center activity center, consisting of commercial land uses clustered around the intersection of Memorial Drive and Columbia Drive. A Walmart store is located on the adjoining property to the northwest and is zoned MU-4. The majority of individual lots in the area are zoned C-1. Several major shopping centers, including Avondale Plaza, Belvedere Plaza, and Columbia Village are located on the nearby C-1 properties. Avondale Plaza, located directly across Memorial Drive from the subject property, is used for a U-Haul store and for self-storage. The DeKalb County School of the Arts high school, zoned R-75 (Single-Family Residential), is located to the northwest

of the site, adjacent to the Walmart. The Swifty Express car wash, constructed in 1966, is located at the southwest end of the Town Center, at 3442 Memorial Drive. Several drive-through restaurants are located within the Town Center: Taco Bell, Sonic, Checkers, Burger King, and Popeye's Chicken. Several drive-through restaurants are located within the Town Center: Taco Bell, Sonic, Checkers, Burger King, and Popeye's Chicken. DeKalb County tax records indicate that all of these restaurants were constructed between 1980 and 1994, before the County designated the area around the Columbia Drive – Memorial Drive intersection as a Town Center activity center in its 2025 Comprehensive Plan.

The property is located within the study area for the *Belvedere Active Living Plan*, which was adopted in 2013 to improve the integration of physical activity into the daily routines of DeKalb County residents in the area near the Belvedere Shopping Center. At the time, the Avondale Mall was still located on the adjoining property to the north. The policies and programs of the *Belvedere Active Living Plan* are similar to many of the town center policies of the *Comprehensive Plan*, and emphasize mixed-use, compact development; bicycle and pedestrian connections between the activity center and nearby neighborhoods; and increases in public space.

A 2,614 square foot, landlocked property adjoins the northwest corner of the site. The *Crowley Mausoleum*, a one-story stone building, is located on it. The mausoleum was built in 1963 to enable construction of the Columbia Mall (later named the Avondale Mall). Earth was excavated around an old cemetery in which graves of the Crowley family and two other families were buried. The 25-foot-high stone-walled mausoleum was built underneath the cemetery. The roof is the cemetery surface; grave markers are located on it and the cemetery fence borders it. During excavation, graves of enslaved people who worked for the families, which were located around the cemetery, were destroyed. (*Adventures In Cemetery Hopping Website, April 10, 2015: "How Getting "Malled" Left It In Limbo"*) In September 2021, 11Alive news reported that a cemetery scan expert found subterranean air pockets under the ground around the mausoleum. The applicant has pointed out that it is unlikely that the air pockets are graves because they would have to have been dug deeper than 25 feet below the original surface of the ground. In addition, the applicant states, "The sellers talked directly to the cemetery scan expert who was featured in the 11Alive news story, and he indicated that his level of certainty that the air pockets he found were actually graves was a 3, on a 1 to 10 scale. So, the featured expert really isn't confident of any assertions that he made."

PROJECT ANALYSIS

The proposed car wash consists of a 3,648-square foot building, vacuum stations, and bug prep area. The plan uses the existing driveway entrance location and converts it to a right-in-only, right-out-only divided access driveway with a pedestrian island at its center. Two drive-in lanes lead to a wash selection station, merge, then split into one lane that leads into the building, and one that serves as a bypass lane and leads to 23 vacuum stations located on the west side of the building. A bug prep/employee parking area with 11 spaces is located at the front of the site. Customers would leave the site via the right-out-only exit at Memorial Drive or via interparcel access with the adjacent Napa Auto Parts store and merging into the driveway from Walmart, which leads to a signalized intersection at Memorial Drive and Midway Road. The site plan indicates that there are at least four stacking spaces in front of the wash selection station.

The landscape plan shows more than the required screening of the parking at the front of the site, by means of a continuous hedge along the entire property frontage. Caliber Car Wash also proposes to augment the existing zoning condition to replace a wood fence next to the northeast property line, at the rear of the adjoining residential properties, by installing a 10-foot-high sound-deadening fence. Caliber proposes to plant dense landscaping materials on the side of the fence that faces adjoining residential properties.

The car wash would employ staff to run the automatic wash line and help customers. The application doesn't state the number of employees.

Building Mass and Materials: The proposed building exterior would be brick with metal wall panels and EIFS trim. The building would be 25', 4" high. It would have windows on the front and sides.

Compliance with Development Standards

| C-1 STANDARD | | REQUIREMENT | PROVIDED/PROPOSED | COMPLIANCE |
|--|---------------|---|---|--|
| MIN. LOT WIDTH | | 100 ft. | 278 ft. | Yes |
| MIN. LOT AREA | | 20,000 s.f. | 62,726 s.f. | Yes |
| C-1 STANDARD | | REQUIREMENT | PROVIDED/PROPOSED | COMPLIANCE |
| MIN. TRANSITIONAL BUFFER | | 50 ft. w/ 6-ft. screening fence along northeast property line. | Drive-through lanes are located in the transitional buffer. | No - Site must comply or a variance will be necessary. |
| BUILDING SETBACKS | FRONT | Arterials: Min. – 20 ft.; Max. 60 ft. | More than 60 feet | No - Building setback must comply, or variance will be necessary. |
| | INTERIOR SIDE | Northeast side: superseded by transitional buffer Southwest side: min. 15 ft. | Northeast side: see transitional buffer Southwest side: More than 20 feet | Northeast side: see transitional buffer Southwest side: Yes |
| | REAR | Min. 20 ft. | More than 20 feet | Yes |
| MAX. LOT CO SLUP-22-1245321/N. 5VERAGE | | 90% | Information not provided. | Site must comply or a variance will be necessary. |
| MAX. BLDG. HEIGHT | | 2-story/35 ft. | 1 story, max. 35 feet | Yes |
| PARKING | | (Table 6.2): Min. 2 stacking spaces & 2 drying spaces/lane Max. 3 stacking spaces & 3 drying spaces/lane | More than 3 stacking spaces per lane; no drying spaces designated (drying is automatic) | No - Site must comply or a variance will be necessary. |
| STREETSCAPING | | 10-ft. landscape strip back of curb, 6-foot sidewalk, street trees typically 40 ft. on center, light poles spaced max. 80 ft. apart | Existing streetscaping was installed by County; no requirement for add'l streetscaping | Not applicable |

SUPPLEMENTAL REGULATIONS

Sec. 4.2.23. Drive-through facilities

- A. Drive-through facilities shall not be located within sixty (60) feet of a residentially zoned property, as measured from any menu or speaker box to the property line of the residential property, unless part of a mixed-use development.** The proposed car wash would have, according to the applicant, wash selection station with silent touch screen operation instead of a menu or speaker boxes; therefore, this consideration is not strictly applicable to the proposal under consideration.

According to the applicant, the noisiest parts of the car wash are the drying blowers, which would be located in the end of the car wash building where cars would exit the building, and the vacuum areas, which are located on the southwest side of the building. The exit end of the building is located closer than 60 feet to the residential properties. The vacuum areas are located farther than 60 feet and their placement on the side of the building farthest from the residential properties would enable the building to buffer vacuuming noise. The 10-foot-high sound-deadening fence and landscaping materials on the outward-facing side of the fence would screen the car wash from view, which is important for this proposal because the drive-through lanes would encroach into the required 50-foot transitional buffer located next to the residential properties. In addition, the car wash building would be a physical sound buffer between the vacuum areas and the adjoining residential properties. Staff notes that the development team has not presented any technical information to show that the mitigation measures would be sufficient to mitigate the noise from the drying blowers at the exit end of the car wash building or the vacuum stations to levels that are considered acceptable by, for example, experts who study the effects of urban noise on human health. The applicant has pointed out that the car wash would be staffed and that the employees are expected to keep down noise levels from customers' radios.

- B. No drive-through facility shall be located on a property less than ten thousand (10,000) square feet in area, unless part of a mixed-use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in article 6 of this chapter.** The size of the property exceeds 10,000 square feet. Stacking spaces are addressed in **G.** and **H.**, below.
- C. Drive-through lanes and service windows serving drive-through lanes shall only be located to the side or rear of buildings.** The drive-through lanes are located to the side of the building. There would be no service windows.
- D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.** The car wash will not have a canopy.
- E. Speaker boxes shall be pointed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.** The applicant's response to the supplemental regulations states that the car wash would not have a speaker box; instead, orders would be placed via a silent touch screen at the wash selection station. (Staff notes that some car washes have touch screen wash selection stations that also play recorded messages to inform customers how to use the touch screen.)
- F. All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential property.** The application states that Caliber Car Wash has agreed to accept the zoning

condition imposed on the Bojangles restaurant that all installed exterior lighting be oriented downward to help prevent glare on adjoining residential properties.

- G. **Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten (10) feet wide and twenty-five (25) feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the "pick-up" window).** Stacking spaces prevent congestion on the adjoining street, as would happen if cars had to wait to turn into a site. The proposed car wash would have no service windows, but would have a wash selection station just before cars would either turn into the car wash building or bypass it. Section 6.1.2 of the zoning ordinance establishes that driveways also function as stacking lanes; for this proposal, because the drive-through lanes replace a standard commercial driveway, the entirety of the drive-through lanes are the stacking lanes and stacking spaces would be located along the length of the drive-through lanes. The proposed drive-through lanes are sufficiently long to allow stacking spaces that meet the required minimum dimensions.
- H. **All drive-through facilities with the exception of drive-through restaurants shall provide at least three (3) stacking spaces for each window or drive-through service facility.** The site plan meets this minimum standard. Section 4.2.13 requires "a paved area with capacity to store five (5) vehicles waiting to use automatic carwash facilities" but does not establish a minimum or maximum or specify that the spaces must be stacking spaces. In addition, Table 6.2 establishes a maximum of three stacking spaces for each car wash lane. As there is enough space for more than three stacking spaces in the stacking lanes/drive-through lanes, the site exceeds the maximum, and a variance will be necessary. Staff notes that the maximum may have been intended to reduce idling in drive-through lanes.
- I. **The following standards shall apply to all stacking spaces and drive-through facilities:**
1. **Drive-through lanes shall not impede on and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create unsafe conditions where crossed by pedestrian access to a public entrance of a building.** The site plan meets this requirement.
 2. **Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked, or otherwise distinctly delineated.** The site plan indicates that the proposed car wash will meet this requirement.
 3. **All drive-through facilities shall include a bypass lane with a minimum width of ten (10) feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.** As currently laid out, the site plan does not meet this requirement. There is a pinch point just before the entrance to the car wash building, where the two drive-in lanes merge and then split into one lane that leads into the building, and one that serves as a bypass lane. It appears that this problem can be eliminated by widening the radius of the curve where the drive-through lanes merge.
 4. **Drive-through lanes must be set back five (5) feet from all lot lines and roadway right-of-way lines.** The site plan complies with this requirement.
 5. **Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.** The application states that Caliber Car Wash will comply with this requirement.
 6. **Drive-through restaurants shall not be located within five hundred (500) feet of an elementary, middle, or high school.** As a drive-through restaurant is not proposed, this requirement is not applicable.

7. **Drive-through facilities located in activity centers require a special land use permit.** Caliber Car Wash has applied for a Special Land Use Permit.
8. **Distance shall be measured along the right-of-way, along the route of travel, from entrance to entrance.** The proposal complies with this requirement.

Sec. 4.2.13. Automobile wash service, principal, accessory, detail or mobile.

- A. **Automobile wash services shall provide a paved area with capacity to store five (5) vehicles waiting to use automatic carwash facilities, and two (2) vehicles per bay for self-service car washes.** Paved areas on the property, including stacking spaces, would provide capacity for at least five vehicles. This regulation does not establish a minimum or maximum or specify that the spaces must be stacking spaces.
- B. **Wastewater from all automobile wash services shall be pretreated in accordance with the DeKalb County Department of Watershed Management (DWM) standards prior to being drained into the public sanitary sewer as may be approved by DWM.** Compliance with this standard is determined during permitting.
- C. **No storage or repair of vehicles shall be allowed on property on which the car washing facility is located.** Caliber Car Wash has agreed to follow this regulation.
- D. **An accessory single-bay automatic (not self-service) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:**
 1. **The doors of the car wash building shall be fully closed when the facility is not available for operation.** Caliber Car Wash has agreed to follow this regulation.
 2. **The car wash structure shall be located behind the rear building line of the principal building. This regulation does not apply to the proposal, which has one building in which the car wash structure is located.**
- E. **All new commercial car washes constructed after January 22, 2019, where the car moves on a conveyor belt or moves via mechanical means during the wash must install an operational recycled water system that captures and reuses water previously used in wash or rinse cycles. The recycled water system must recycle a minimum of fifty (50) percent of water utilized by the commercial car wash.** Compliance with this standard is determined during permitting.
- F. **The requirement in subsection E does not apply to commercial car wash facilities where the customers wash their cars themselves with spray wands and brushes or to commercial car washes where the driver pulls into the bay and parks the car and the vehicle remains stationary while a machine moves back and forth over the vehicle to clean it, instead of the vehicle moving through a tunnel.** The requirement in subsection E applies to the proposal, and Caliber Car Wash has agreed to follow it.

LAND USE AND ZONING ANALYSIS

Section 27-7.4.6 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:**

The proposed layout of the car wash facility shows the drive-through lanes in the required 50-foot transitional buffer along the northwest side of the property, which may indicate that the size of the site is inadequate. Non-compliance with the maximum building setback may also relate to the size of the site because it appears that the building could not be moved forward without interfering with the exit lane from the front of the building and the two-way interparcel access driveway.

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

The proposed car wash is not compatible with adjacent land uses in the manner envisioned for properties in a Town Center character area. There is little possibility that it could help create a pedestrian-oriented environment with pedestrian connections between land uses. It is a commercial land use, like adjoining land uses in all directions except the northeast. However, a car wash is an intrinsically automobile-oriented use. Customers are not expected to walk from adjoining or nearby properties and into the car wash as they might with a restaurant or numerous other commercial land uses. Pedestrian walkways to the adjoining Walmart store would be effective if a different land use, to which pedestrians would be expected to walk, were proposed. The walkways would provide opportunities for residents of neighborhoods to the northeast to walk to the subject property for food, services, or retail items, depending on the eventual development of the subject property, and across the property to the Walmart. This scenario is not likely if the property is developed for a car wash.

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

The Board of Health and the Department of Water and Sewer indicate that the “surrounding area may be capacity restricted” and that there may be septic systems in the surrounding area.

The Board of Health comments includes a statement that links public health to the use of sidewalks; the statement reinforces the desirability of a pedestrian-oriented land use on the subject property.

As a commercial land use, the proposed car wash would not affect school facilities. There has been no indication by reviewing departments and agencies that the car wash would overburden the water supply or overburden other utilities or public services.

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:

Memorial Drive is a major thoroughfare, which typically has a high traffic carrying capacity, but at the location of the subject property, turning movements into the site by vehicles traveling northbound on Memorial Drive would be impaired because of the raised median that divides Memorial Drive. Drivers would pass the entrance to the Walmart driveway and Napa Auto Parts access drive before they would see the car wash or its entrance. For this reason, there might be more congestion from potential customers than if the site were also usable and accessible by pedestrians.

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:

The proposed restaurant is expected to generate the same traffic primarily from pedestrian vehicles, in similar volumes as other commercial land uses in the area. To the extent that all additional traffic on an access route to an existing commercial site would make it more difficult for customers to access the existing commercial site, the proposed car wash would affect them.

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:

No pedestrians are expected to enter the property. The raised median at the cash wash curb cut would provide a measure of safety for pedestrians who might be walking on the sidewalk in front of the property. The property is located on a part of Memorial Drive that is not particularly “pedestrian-friendly”: it has multiple curb cuts, many of which are wider than a pedestrian can comfortably cross; sidewalks are relatively narrow and don’t have a landscape strip between the curb and sidewalk to buffer pedestrians from traffic; and there are not pedestrian pathways between individual land uses. Interparcel access from the adjoining property provides a secondary means for vehicular access to the site.

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:

The proposal includes measures to mitigate noise that a car wash typically generates, although the applicant has not presented any technical information to show that the mitigation measures would be sufficient to mitigate the noise from the drying blowers at the exit end of the car wash building or the vacuum stations. The automobile-oriented nature of the car wash and the long drive-through lane in which cars could idle may generate higher levels of air pollution than other commercial land uses.

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:

The application doesn’t state the hours during which the proposed car wash would operate. Nonetheless, the development team has proposed a sound wall and downward-directing light fixtures that would mitigate impacts on adjoining residential homes if the car wash were to operate at night or in early morning hours.

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:

The proposed 10-foot-high sound-deadening fence and landscaping materials on the side of the fence that would be visible from adjoining residential properties would screen the car wash from view, which is important for this proposal because the drive-through lanes would encroach into the required 50-foot transitional buffer located next to the residential properties. In addition, the car wash building would be a physical sound buffer between the vacuum areas and the adjoining residential properties. Staff notes that the development team has not presented any technical information to show that the mitigation measures would be sufficient to mitigate the noise from the drying blowers at the exit end of the car wash building or the vacuum stations to levels that are considered acceptable by, for example, experts who study the effects of urban noise on human health. The applicant has pointed out that the car wash is staffed and that the employees are expected to keep down noise levels from customers’ radios.

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:

The proposed plan does not comply with the transitional buffer and front yard setback of the C-1 District.

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

The proposed car wash is not compatible with the intent, goals, and vision of the *2035 Comprehensive Plan* for the Town Center in which it is located: it would not balance the high proportion of general retail and commercial businesses that are already located in the Town Center to create more of a mixture of land uses; nor promote walkability between land uses in the Town Center; nor provide public or open spaces.

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 applicant does not meet the required 50-foot buffer, and a variance will be necessary. The site plan indicates a 10-foot landscape strip along the northeast property line. The applicant has agreed with adjoining residential property owners to replace a solid wooden fence that screens their properties from the subject property.

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

The enclosed dumpster at the rear of the site and circulation through the site for sanitation and service vehicles are adequate.

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

The proposed car wash doesn't satisfy the criteria for a special land use permit and is not suitable at the subject property. A limitation on the duration of the SLUP would not ameliorate the unsatisfactory aspects of the proposal.

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:

At 3,648 square feet and one story, the size, scale, and massing of the proposed car wash is appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby commercial lots and buildings.

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

The Crowley Mausoleum is a historic site, although it has not been designated as such. The cemetery on the roof of the museum, and the history of the Crowley and other families who are interred there, have archaeological value and can help historians and scientists reconstruct late 18th century to mid-19th century farming culture in Georgia. It appears that the proposed car wash would not adversely affect the mausoleum site.

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

The car wash building doesn't satisfy the supplemental regulation regarding the distance of the facility from residential property.

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:

The proposed car wash facility is not expected to cast objectionable shadows on adjoining lots or buildings.

S. 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:

The proposed car wash is not suitable on the subject property. It is a commercial land use, like adjoining land uses in all directions except the northeast, and it would be screened from residential properties to the northeast. But it is an inherently automobile-oriented land use and would not, thereby, further County goals for the Town Center in which it is located. The application states:

The intersection of Memorial Drive and Columbia Drive is a major commercial development node that is home to a number of other automotive-oriented establishments. These establishments include a major U-Haul storage facility, multiple auto parts stores, a vehicle emissions testing facility, multiple service stations, multiple automotive tire/repair shops, multiple drive-thru restaurants, a car sales lot, multiple banks offering drive-thru services, and a Kroger Fuel Center.

All of these land uses, as well as an existing car wash at 3442 Memorial Drive, are located within the Town Center that contains the subject property. The applicant establishes suitability of the proposed car wash by arguing that it, like many other uses in the commercial node, is auto-oriented. Yet, because there are already multiple auto-oriented uses in the Town Center, it becomes all the more important to avoid adding to the problems generated by a dominance of this type of land use, including traffic congestion, air pollution and expenditure of carbon, and lack of opportunities for pedestrian travel and exercise. The *Comprehensive Plan* and *Belvedere Active Living Plan* express a vision that would change the historic trend of development in this Town Center, and each development project that continues this trend, such as the car wash under consideration in this report, moves the County farther from the Plan's vision.

STAFF RECOMMENDATION: Denial.

The proposed car wash is not compatible with the intent, goals, and vision of the *2035 Comprehensive Plan* for the Town Center in which it is located: it would not balance the high proportion of general retail and commercial businesses that are already located in the Town Center to create more of a mixture of land uses, nor promote walkability between land uses in the Town Center, nor provide public or open spaces. As an inherently auto-oriented land use, the proposed car wash is not suitable on the subject property. Several specific Town Center policies, as well as the *Belvedere Active Living Plan*, emphasize pedestrian linkages between land uses and between destinations and neighborhoods. There is little possibility, however, that customers would walk from adjoining or nearby properties and into the car wash as they might with a restaurant or numerous other commercial land uses, nor does the site plan provide pedestrian links to adjoining properties. The proposal includes measures to mitigate noise that a car wash typically generates, although the applicant has not presented any technical information to show that these measures would be sufficient to mitigate the noise from the drying blowers at the exit end of the car wash building or the vacuum stations. The automobile-oriented nature of the car wash and the long drive-through lane in which cars could idle may generate higher levels of air pollution than other commercial land uses. The proposed restaurant is expected to generate the same traffic primarily from pedestrian vehicles, in similar volumes as other commercial land uses in the area. However, turning movements into the site by vehicles traveling northbound on Memorial Drive would be impaired because of the raised median that divides Memorial Drive. There might be more congestion from potential customers than if the site were also usable and accessible by pedestrians. Therefore, the Department of Planning and Sustainability recommends "Denial".

Attachments:

1. Department, Division, and Board Comments
2. Application
3. Site Plan
4. Zoning Map

5. Land Use Plan 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.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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

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

Case No.: CZ-22-1245320

Parcel I.D. #: 15-217-04-024

Address: 3644 Memorial Drive

WATER:

Size of existing water main: 12" adequate (adequate/inadequate)

Distance from property to nearest main: adjacent

Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: Cobb Fowler Creek

Is sewer adjacent to property: Yes () No () If no, distance to nearest line: ~440 ft.

Water Treatment Facility: Snapfinger Plant (X) adequate () inadequate

Sewage Capacity; 36 (MGPD) Current Flow: 28.3 (MGPD)

COMMENTS:

| |
|---|
| Sewer capacity request required. Area may be capacity restricted. |
| |
| |
| |
| |
| |
| |

Signature: _____

ZONING COMMENTS – DEC. 2021

N1- No comment

N2. Please see chapter 5 of the zoning code and chapter 14-190 of the land development code for infrastructure requirements. Linecrest Rd is classified as a collector road. Infrastructure Requirements: 35 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike lane (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights. Verify that the access point meets intersection and stopping sight distance based on AASHTO design guidelines when submitting for permitting. Interior roads require a 27.5 foot right of way dedication from the centerline or such that all public infrastructure is on county right of way. Requires a 6 foot landscape strip, 6 foot sidewalk and street lights. Code Section 14-200 (e): 79 lots require two access points. This will require a variance to the Land Development Code prior to land development permit approval from the Transportation Division at time of permitting.

N3. No Comment.

N4 & N5. Memorial Drive is a State Route. GDOT review and approval required prior to permitting at land development stage.

N6. No comment

N7. No comment

N8. Please see chapter 5 of the zoning code and chapter 14-190 of the land development code for infrastructure requirements. Rockbridge Rd is classified as a minor arterial. Infrastructure Requirements: 40 foot right of way dedication from centerline or such that all public infrastructure is within public right of way, whichever greater, 6 foot sidewalk, 4 foot bike lane (or 10 foot multiuse path in lieu of required bike lanes and 6 foot sidewalk), 10 foot landscape strip and street lights. Verify that the access point meets intersection and stopping sight distance based on AASHTO design guidelines when submitting for permitting. Interior roads require a 27.5 foot right of way dedication from the centerline or such that all public infrastructure is on county right of way. Requires a 6 foot landscape strip, 6 foot sidewalk and street lights. Please note that the top section appears to have more lots per access than the code allows (Code Section 14-200 (e)- more than 75 units requires 2 access points). If access is allowed on Pepperwood- then Pepperwood to Hickory Hills Trail and Hickory Hills Drive to Rockbridge should be resurfaced by the developer and sidewalks added to connect to the new sidewalks in the proposed neighborhood to offset impacts. I would prefer to see the sidewalks added all the way to Rockbridge via Hickory Hills Trail and Hickory Hills Drive to reduce impacts to the existing property owners, if the existing property owners so desire sidewalks, but, at a minimum, the one lot sidewalk gap on Pepperwood should be eliminated.

N9. No comment

12/20/2021

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

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

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

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

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

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

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

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

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

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

12/20/2021

N.1

SLUP-22-1245307 2021-3515 16-059-01-227

2038 Mallard Way, Lithonia , GA 30058

Amendment

- Please review general comments

N.2

Z-22-1245310 2021-3516 15-009-01-001, 15-009-01-006, 15-009-01-008

2712 Whitfield Road, Ellenwood, GA 30294

Amendment

- Please review general comments.
- Onsite Septic installed on surrounding property at 2241 Whitfield Drive on 06/29/1972 and 2281 Whitfield Drive on 09/06/1973 on 09/06/1073.

N.3

SLUP-22-1245311 2021-3517 18-091-01-063

971 North Road, Stone Mountain, GA 30083

Amendment

- Please review general comments
- Onsite septic system installed on property 754 North Hairston , Stone Mountain on 12/30/2003 (surrounding location).

N.4

CZ-22-1245311 2021-3518 15-217-04-024

3644 Memorial Drive, Decatur, GA 30032

Amendment

- Please review general comments.
- Onsite septic system installed on property 3232 Memorial Drive on 4/21/1970 indication of possible system within surrounding property.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

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

- **Storm Water Management**

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

Note that the pre-developed conditions for the hydrology/stormwater mgt report shall be based on the wooded conditions

- **Flood Hazard Area/Wetlands**

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

- **Landscaping/Tree Preservation**

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

- **Tributary Buffer**

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

- **Fire Safety**

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



DEKALB COUNTY GOVERNMENT
 PLANNING DEPARTMENT
 DISTRIBUTION FOR

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COMMENTS FORM:
 PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: C7...21:rf...</S...> Parcel 1.0. #: ...g...>/-:J... be/- 6J..'

Address: 3 GLT:
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1:> LCA-(u&J Ge:::

Adjacent Roadway(s):

 (classification) (classification)

| | |
|---------------------------------------|---------------------------------------|
| Capacity (TPD) _____ | Capacity (TPD) _____ |
| Latest Count (TPD) _____ | Latest Count (TPD) _____ |
| Hourly Capacity ("PH) _____ | Hourly Capacity ("PH) _____ |
| Peak Hour Volume ("PH) _____ | Peak Hour Volume ("PH) _____ |
| Existing number of traffic lanes ____ | Existing number of traffic lanes ____ |
| Existing right of way width _____ | Existing right of way width _____ |
| Proposed number of traffic lanes ____ | Proposed number of traffic lanes ____ |
| Proposed right of way width ____ | Proposed right of way width ____ |

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (which, if applicable), churches generate an average of thirteen (13) vehicle trip ends (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 piece 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 acre, and the given fact that the project site is approximately _____ acres in land area, _____ vehicle trip ends, and _____ peak hour vehicle trip ends could be generated with residential development on the parcel.

COMMENTS:

Plans and field reviewed. Found nothing that would disrupt traffic flow or pattern.

Signature: [Signature] /4



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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

Case No.: SLUP-22-1245321

Parcel I.D. #: 15-217-04-024

Address: 3644 Memorial Drive

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Outfall Servicing Project: Cobb Fowler Creek

Is sewer adjacent to property: Yes () No () If no, distance to nearest line: ~440 ft.

Water Treatment Facility: Snapfinger Plant (X) adequate () inadequate

Sewage Capacity; 36 (MGPD) Current Flow: 28.3 (MGPD)

COMMENTS:

| |
|---|
| Sewer capacity request required. Area may be capacity restricted. |
| |
| |
| |
| |
| |

Signature: _____

Public Works Transportation Division Comments

N4 & N5. Memorial Drive is a State Route. GDOT review and approval required prior to permitting at land development stage.

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: Harold Buckley, Jr for Caliber Car Wash

Daytime Phone#: 404-853-5050 Fax#: 404-853-1812

Mailing Address: 2849 Paces Ferry Road, Suite 700, Atlanta GA 30339

E-mail: hbuckley@wilegal.com

OWNER NAME: Joseph Burke/Atlantic Development Partners (If more than one owner, attach contact information for each owner)

Daytime Phone#: 770-490-7449 Fax#: _____

Mailing Address: 1298 Concord Road, Smyrna GA 30080

E-mail: jburke@atlanticdevelopmentpartners.com

SUBJECT PROPERTY ADDRESS OR LOCATION: 3644 Memorial Drive

Decatur, DeKalb County, GA, 30032

District(s): 15 Land Lot(s): 217 Block(s): 04 Parcel(s): 204

Acreage or Square Feet: 1.44 ac Commission District(s): 3 Existing Zoning: C-1

Proposed Special Land Use (SLUP): Drive thru car wash

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: 0.1 Jr
{:t: _____ Q

JCheck One)

Printed Name of Applicant: Harold Buckley, Jr

Notary Signature and Seal:

Jasenia Young

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WILSON BROCK & IRBY, L.L.C.

ATTORNEYS AT LAW

OVERLOOK I, SUITE 700
2849 PACES FERRY ROAD
ATLANTA, GEORGIA 30339
WWW.WBIL.F.G.AL. C_O_M_

HAROLD BUCKLEY JR.
HBUCKLEY@IVBILEGALCOM
DIRECT DIAL: 770/803-3707

TELEPHONE
(404) 853-5050
FACSIMILE
(404) 853-1812

November 5, 2021

VIA: HAND DELIVERY

Mr. Andrew Baker, Director
DeKalb County Dept. of Planning and Sustainability
330 West Ponce de Leon Avenue, Suite 500
Decatur, GA 30030

RE: Application by Caliber Car Wash ("Caliber") for a SLUP Authorizing the Operation of a Drive-Thru Car Wash at 3644 Memorial Drive (the "Site").

Dear Andrew:

My firm represents Caliber Car Wash, which has contracted to purchase the Site with the intent of improving it with a drive-thru car wash. Caliber operates more than a dozen car wash facilities in Georgia, Florida, North Carolina, and Alabama. In response to subpar experiences that they previously had at a number of car wash facilities operated by other car wash companies; Caliber's founders established the company with the intent of providing its customers with the best possible wash experience. Everything the founders did as they built their company was based on their single-minded determination to establish and maintain the highest quality standards in the car wash industry, all the way down to the Caliber Car Wash name.

The Site is an outparcel to the former Columbia Mall (aka Avondale Mall), and currently the Walmart that replaced it. The property directly across the street from the Site is developed with a major U-Haul storage facility, which is located at the southeast corner of Memorial Drive and Midway Road. The property at the southwest corner of Memorial Drive's intersection with Midway Road is developed with a Goodyear tire and auto shop. The property directly abutting the Site to the west is developed with a Napa Auto Parts retail store. The Site abuts a residential neighborhood to the east that is located within the city of Avondale Estates. Three homes within this residential neighborhood directly abut the Site, and twelve additional homes fall within the county's required radius for community meeting zoning notices.

Caliber's proposed wash facility will encompass approximately 3,648 square feet of floor area. Direct vehicular access to Caliber's proposed car wash will occur exclusively from Memorial Drive along the east side of the Site, with secondary access to the west side of the Site being provided via interparcel rights across the Napa Auto Parts site. Once on-Site, customers will select their wash services and then proceed into the wash facility itself. Upon completing their wash, customers would exit the facility and proceed to an outdoor vacuum area on the west side of the wash facility. Finally, upon completing vacuum services, customers would exit the Site either by crossing the Napa Auto parts site to reach the signalized intersection of Memorial Drive and Midway Road, or by exiting the Site directly onto Memorial Drive.

WILSON BROCK & IRBY, L.L.C.

CALIBER CAR WASH SLOP

November 5, 2021

Page2

Caliber seeks the county's approval of a SLUP authorizing its proposed drive-thru car wash.

I. Caliber's SLUP request meets the county's standards for such relief, as set forth in section 27-7.4.6 of the zoning ordinance, as follows:¹

A. The Site includes sufficient land to accommodate the proposed car wash, which will meet all of the zoning ordinance's development standards for C-1 parcels.

The Site's land area is sufficient to meet all of the county's development standards for C-1 developments, such as setbacks, parking, and buffers. Consequently, Caliber Car Wash is not requesting any variances or exceptions to the county's development standards.

B. The proposed car wash is compatible with adjacent properties and land uses, and with other properties and land uses in the surrounding area.

In 2014, the Board of Commissioners approved a SLUP application authorizing a Bojangle's drive-thru restaurant. In its analysis of the 2014 Bojangle's development proposal, the planning staff made the following determination:

"Rezoning of the subject property from OCR (Office-Commercial-Residential) to C-1 (Local Commercial) for a drive-through restaurant is suitable at the subject location. Use of the property for a restaurant is consistent with the use of commercial properties in the surrounding area."

In addition, the intersection of Memorial Drive and Columbia Drive is a major commercial development node that is home to a number of other automotive-oriented establishments. These establishments include a major U-Haul storage facility, multiple auto parts stores, a vehicle emissions testing facility, multiple service stations, multiple automotive tire/repair shops, multiple drive-thru restaurants, a car sales lot, multiple banks offering drive-thru services, and a Kroger Fuel Center.

For the foregoing reasons, and the community stakeholder response described herein below, Caliber's car wash proposal is suitable for the Site to the same degree as the previously approved Bojangle's development proposal.

C. Public services, public facilities, and utilities are sufficient to accommodate the proposed car wash.

D. Memorial Drive has sufficient traffic-carrying capacity for the proposed car wash.

E. Existing land uses along Memorial Drive will not be adversely affected by the

As a major arterial roadway, Memorial Drive, is designed to accommodate the highest category of surface street vehicular volumes in Dekalb County. The county's comprehensive plan

¹ also Zoning Ordinance § 7.3.10[A] [Major zoning condition modifications are subject to the same requirements as zoning map amendments].

policies also call for commercial development to be focused with the Memorial Drive/Columbia Drive development node. Furthermore, in its report for that rezoning case, the planning staff determined that (with those zoning conditions) the drive-thru restaurant was consistent with the following policy in the county's comprehensive plan:

"Promote new development and redevelopment at or near activity centers as a means of reducing vehicle miles traveled."

Therefore, when it approved the 2014 Bojangle's rezoning and SLUP, the county determined that approving a drive-thru facility with the planning staff's recommended conditions would actually alleviate demands on the surrounding roadway network.

The proposed car wash satisfies these approval conditions for the foregoing reasons.

F. Site access is sufficient, particularly regarding pedestrian and automotive safety, traffic flow and control, and fire/emergency access.

As explained in the introduction to this letter, vehicular access to the Site is provided at two points. The first point of access is directly from Memorial Drive. For vehicles exiting the Site, the signalized intersection of Memorial Drive and Midway Road is accessible via interparcel access across the adjoining Napa Auto Parts site. The availability of this signalized intersection for customers wishing to make a left turn onto Memorial Drive practically guarantees the safety of vehicular movements.

Furthermore, in its companion application for a major zoning modification, Caliber has agreed to be bound by the conditions that were previously imposed on the Bojangles requiring various upgrades to the Site's pedestrian environment. In its report for that rezoning case, the planning staff determined that (with those zoning conditions) the drive-thru restaurant was consistent with the following policy in the county's comprehensive plan:

"Promote new development and redevelopment at or near activity centers as a means of reducing vehicle miles traveled."

The planning staff also determined that the Site's current zoning conditions made the operation of a drive-thru facility on the Site "...more consistent with the pedestrian-oriented policies and strategies of the Town Center Character Area."

Therefore, the proposed car wash development is consistent with this approval standard.

G. The proposed car wash will not create adverse impacts on adjoining properties by reason of noise, smoke, odor, dust, or vibration.

H. The proposed car wash's operating hours will not create adverse impacts on adjoining properties.

I. The proposed car wash's manner of operation will not create adverse impacts adjoining properties.

WILSON BROCK & IRBY, L.L.C.

CALIBER CAR WASH SLUP

November 5, 2021

Page4

In its analysis of the 2014 Bojangle's development proposal, the planning staff made the following determination:

"If approved with conditions for buffering, screening, and controls on sound and light as recommended, the proposed drive-through restaurant is not expected to create adverse effects on adjoining and nearby properties."

Caliber Car Wash has agreed to be bound by the Site's zoning conditions governing buffering, screening, sound, and light. Furthermore, the proposed car wash development has been designed to substantially eliminate any potential noise impacts on neighboring residential properties.

The components of Caliber's car wash development that generate the most sound are the blowers that dry cars at the end of the wash process, and the outdoor vacuum area. The car wash structure itself serves as a physical sound buffer between the blowers and the adjoining residential properties, and between the vacuum area and those same properties. In addition, Caliber intends to install a sound wall and substantial landscaping along its eastern property line to serve as secondary, redundant sound and light screening components. These additional protection measures, particularly in modified condition 6(c), exceed the minimum requirements established in the Site's existing zoning and SLUP conditions.

Therefore, the proposed car wash satisfies these approval conditions.

- J. The proposed car wash is consistent with the requirements of the Site's C-1 zoning.**
- K. The proposed car wash is consistent with the policies of the comprehensive plan.**
- L. The proposed car wash provides for all required buffer zones and transitional buffer zones.**

In its analysis of the 2014 Bojangle's development proposal, the planning staff made the following determination:

"The proposal is consistent with the following strategy of the 2005-2025 Comprehensive Plan for Town Centers: "Promote new development and redevelopment at or near activity centers as a means of reducing vehicle miles traveled." (TCCAS19). The applicant has agreed to streetscaping, a pedestrian crossing in the curb cut, and screening of parking on the front of the site, which will help make the proposal more consistent with the pedestrian-oriented policies and strategies of the Town Center Character Area."

Caliber only seeks to modify the Site's zoning and SLUP conditions that specifically require the construction of the previously approved fast-food restaurant. All other existing zoning conditions, such as the general conditions referenced in the foregoing staff analysis, will remain unchanged. Therefore, Caliber's proposed car wash is consistent to the same degree as the approved Bojangle's.

Furthermore, the proposed car wash does not require zoning variances. Caliber Car Wash has also agreed to be bound by the Site's existing zoning conditions governing buffers, screening, and pedestrian facilities, all of which exceed the zoning ordinance's minimum standards.

For all of the foregoing reasons, the proposed car wash meets all of these approval standards.

M. The car wash development proposal provides sufficient refuse and service areas.

The proposed car wash would be served by a fully enclosed on-Site dumpster area that is easily accessible for refuse removal.

N. The SLUP's effective period should not be limited in duration.

SLUP approvals generally tend to be limited in duration when the applicant is not able to sufficiently address concerns regarding potential negative impacts, such as when there is significant community opposition. As explained in detail below, Caliber Car Wash has adhered to a community outreach program that far exceeds what the county requires for zoning applications. And it has agreed to accept protective zoning conditions in addition to the majority of the Site's existing zoning conditions. Consequently, community stakeholders (including two directly abutting households) have expressed that they have no objection to the proposed car wash.

For these reasons, Caliber Car Wash's SLUP approval (if granted) should not be limited in duration.

O. The size, scale and massing of proposed buildings are appropriate in relation to the character of surrounding developments.

The proposed car wash building will consist of one floor of occupiable space, topped by an architecturally decorative building element. This architecturally decorative building element will not be occupiable. This design configuration is aesthetically consistent with surrounding commercial development.

P. The proposed car wash will not adversely affect historic buildings, sites, districts, or archaeological resources.

There are no established historic or archaeological resources on the Site, which is undeveloped.

Q. The supplemental SLUP regulations for specific uses do not impose additional criteria for car washes.

This approval criterion does not apply to the proposed car wash.

R. The proposed car wash will not create a negative shadow impact on any adjoining building or property due to its physical height.

As explained above, the proposed car wash will consist of a single-story building topped by a decorative architectural building element. Given the distance between the building and the Site's property lines, as well as the extensive screening Caliber Car Wash has agreed to provide, the building will not cast any shadows on adjoining properties.

S. The proposed car wash is consistent with the needs of the neighborhood or the community as a whole, is compatible with the comprehensive plan's overall objectives.

As explained repeatedly above, the proposed car wash is consistent with the county's public policies, as set forth in its comprehensive plan. Furthermore, this development proposal includes significant improvements to the pedestrian environment along Memorial Drive, which are very much needed. Therefore, the proposed car wash satisfies this approval criterion.

II. Community Outreach and Collaboration

Caliber hosted three community stakeholder meetings in advance of submitting its modification application. These meetings are summarized below.

Caliber held an initial virtual meeting with two representatives from the Berkeley Park neighborhood association, Wayne Powell and Victoria Anglin, on September 17th. That meeting went very well and it allowed Caliber to establish a very productive on-going collaborative dialogue with the community. During that meeting, Wayne and Victoria recommended that Caliber host a follow-up virtual meeting with our three abutting neighbors, which would be separate from our required pre-application community meeting. This would allow the people who would potentially be most impacted by our development proposal a dedicated forum to receive information and have their questions and concerns addressed.

Based on advice and guidance that Caliber received during its initial stakeholder meeting, we invited the directly abutting homeowners to a follow-up virtual meeting on October 13th. We sent Zoom invitations to the following neighbors, who represent the entirety of our abutting property owners:

| | |
|--------------------------|--------------------|
| Linda and Carl Coffee | 1246 Berkeley Road |
| Matthew and Robin Durdin | 1252 Berkeley Road |
| Karen and Steven Jones | 1258 Berkeley Road |

Linda and Carl Coffee, and Matthew Durdin, very kindly participated in our October 13th virtual information meeting. As with our first meeting, the follow-up meeting with our abutting neighbors was both pleasant and informative. None of the neighbors in attendance voiced any objection to our development proposal; and Mrs. Coffee expressed a preference for Caliber's proposed

WILSON BROCK & IRBY, L.L.C.

CALIBER CAR WASH SLUP

November 5, 2021

Page 7

development over the fast-food restaurant the county previously approved for the Site. During both meetings, Caliber

The third and final pre-application meeting with community stakeholders was the pre-application community meeting the county requires before applicants may submit their zoning applications. It took place on October 18th and, like the meetings before it, this meeting was virtual. None of the community stakeholders to whom we extended invitations chose to attend the meeting, which we took as a positive sign that our intensive outreach efforts prior to this point had satisfied community interest in our development proposal.

Based on the foregoing community stakeholder interactions, there is no community opposition to Caliber's requested zoning modification at the time of application submittal.

II. Constitutional Objections and Conclusion

Georgia courts have long held that an aggrieved party must present any potential constitutional objections to the local government during the zoning review process, which includes administrative zoning appeals. Applicants who fail to do so substantially deprive themselves of a legal basis to appeal adverse zoning decisions.² Therefore, solely to satisfy mandatory requirements of Georgia law, Caliber respectfully advises Dekalb County of its constitutional objections. Caliber has demonstrated that its SLUP request fully satisfies all of Dekalb County's standards for the approval of such applications. Therefore, any action by the Board of Commissioners to deny Caliber's requested SLUP or to grant some lesser form of relief would violate Caliber's rights to due process of law and equal protection under the laws, as guaranteed by the Georgia constitution.

For all of the foregoing reasons, Caliber Carwash respectfully requests the approval of its request for a SLUP. Please do not hesitate to let me know if I may provide you with any additional information or clarify anything in this letter.

Sincerely,

WILSON, BROCK & IRBY, L.L.C.

K. BA, t-1 flt --, .;-

Harold Buckley Jr AfCP ----- (5)
Attorneys for Caliber Carwash

Attachments.

cc: Mr. Dan Brown, Caliber Carwash (via email)

² DeKalb County v. Bemby, 252 Ga. 510, 314 S.E.2d 900 (1984) (Held that the trial court erred in failing to grant DeKalb County's request for summary judgment because the applicant's constitutional objections were not first raised before the county commission).

hb



hb

CCW Completed Pre-App Form.pdf

11/05/21 12:30 PM

Chief Executive Office
Nithael Thun: r:ond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Adrew A. BJke,, AICP

PRE-APPLICATION FOR
REZONING, 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: f<aL, (...f: uohn5cw1 Phone: 478-444-4444 Email: yz:kJt f(l)e.i n1or l'sfr, Corn

Property Address: ? /o4f IAA/A, IUIJ7, 1 al 011, r-e

Tax Parcel ID: L- 2(1-04-t'Zf Comm. District(s): 7 Acreage: ---L- / . 7

Existing Use: VtJ.. UJM.. tLPzn ... bKL Proposed Use: car tlla. Sk uficl. iW -1uAOZLflh
, vzu: fr'slw/) - , / J. << /

Supplemental Regs: --- Overlay District: --- ORI: ---

Rezoning: Yes --- No ✓

Existing Zoning: C- 1. uJ/ Propo Zonmg: --- Square Footage "Number of Units: ---
ctiulr' -ht»1 s

Rezoning Request: ---

Land Use Plan Amendment: Yes --- No /

Existing Land Use: LC Proposed Land Use: --- Consistent --- Inconsistent ---

Special Land Use Permit: Yes /:--:o Article Number(s) 17- ---

Special Land Use Request: (J.. tl(f- 1(JdJJJ1 U))ff.. d, tu've. - lh, nl. II: !fj, /

Major Modification:

Existing Case Number(s): IT.. - 14-f'l/4'3: SWP-14-l:l <44

Condition(s) to be modified:

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DEPARTMENT OF PLANNING & SUSTAIN.'BIL.'fy

WHATTO KNOW' BEF9RF. YOU FILE YOUR APPLICATIO

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SPECIAL LAND USE PERMIT '5400.00

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DeKalb County

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DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

I, the property owner, should complete this form on similar, signed and returned by the individual who will file the application with the County is not the property owner.

Date: 12/21/17

TO WHOM IT MAY CONCERN:

I, (WE), J. Joseph Burke of Atlantic Development Partners, LLC

being (owner) (owners) of the subject property described below or authorized by delegating authority to

Robert Johnson of Civilogistix

I am filing an application on (my), (our) behalf.

[Handwritten signatures and names]

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

hb

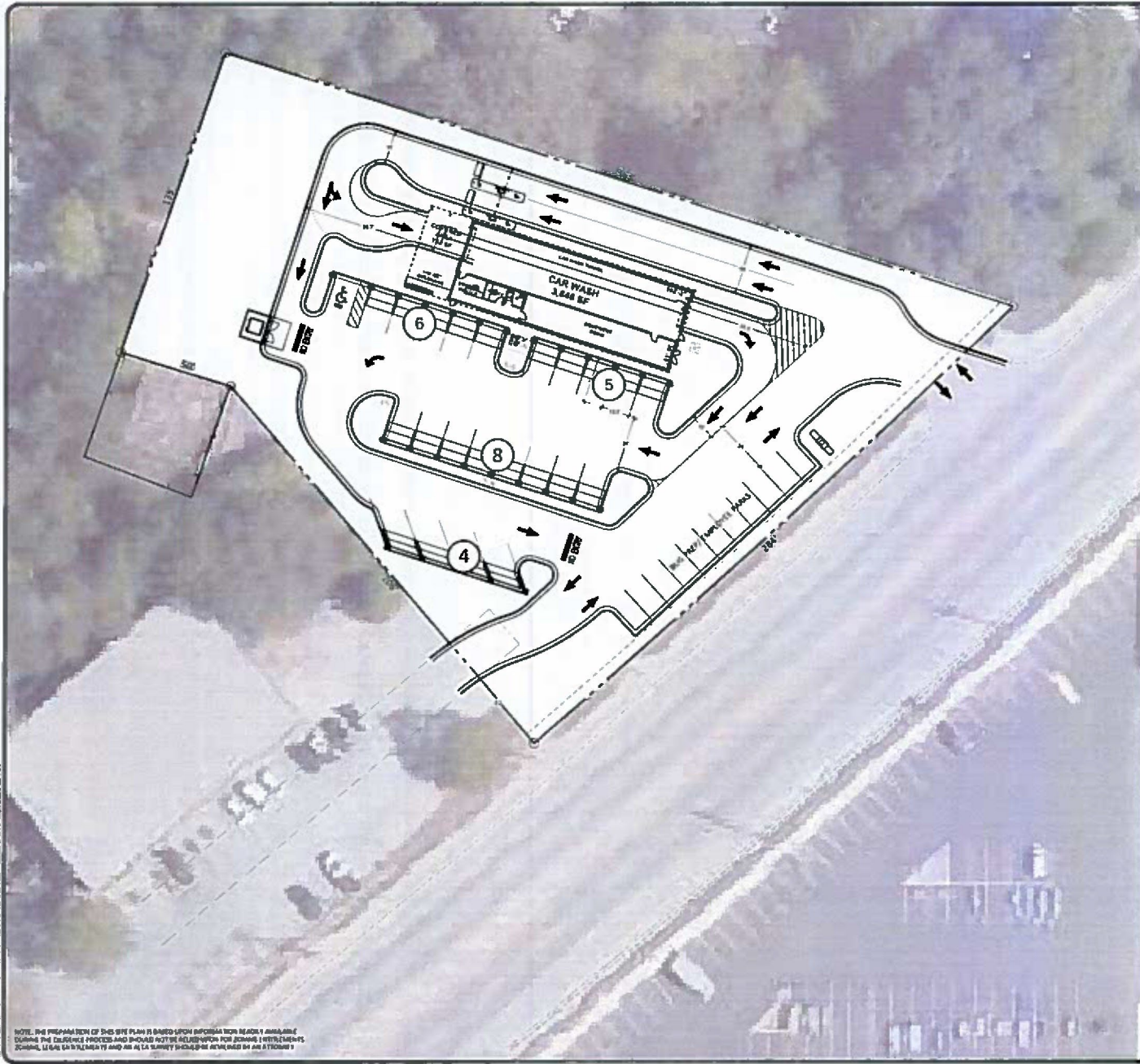
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NOTE: THE PRELIMINARY SITE PLAN IS BASED UPON INFORMATION READILY AVAILABLE DURING THE DESIGN PROCESS AND SHOULD NOT BE RELIED UPON FOR EXACT DIMENSIONS, LOCATIONS, OR SPECIFICATIONS AND AS TO ANY NECESSARY REGULATORY REQUIREMENTS OR AS TO THE ACCURACY OF THE INFORMATION PROVIDED BY ANY OTHER PARTY.



VICINITY MAP

| Level 1 | |
|---|--|
| Existing/Proposed | Proposed |
| [Diagram showing existing and proposed parking spaces on Level 1] | [Diagram showing proposed parking spaces on Level 1] |
| Parking Ratio Parking Capacity Parking Fee Limited Parking % | |



civilologistTIX
 500 SOUTHWALK DRIVE, STE. H3, ROSWELL, GA 30076
 (404) 574-4424 • civilologist.com

Memorial Drive
 3444
 Roswell, Georgia 30086

CP1

21235

JUNE 14, 2021

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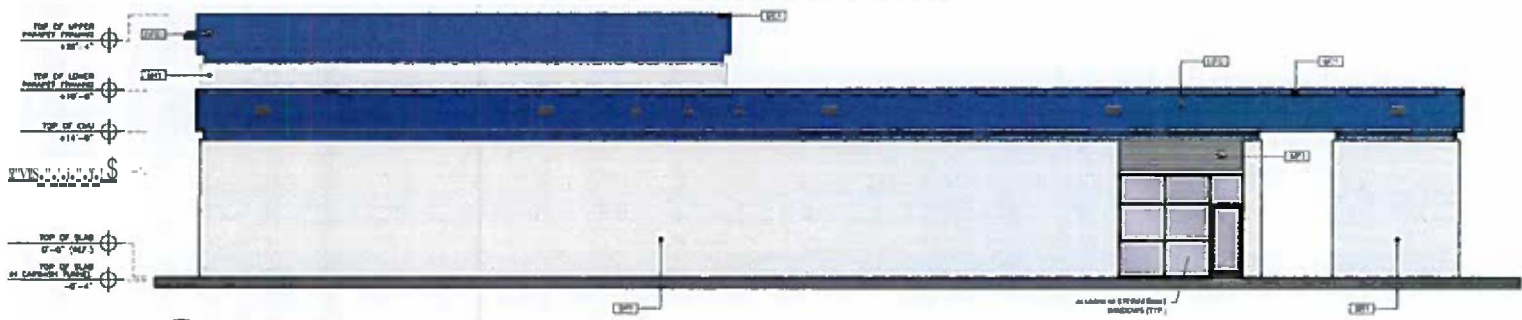
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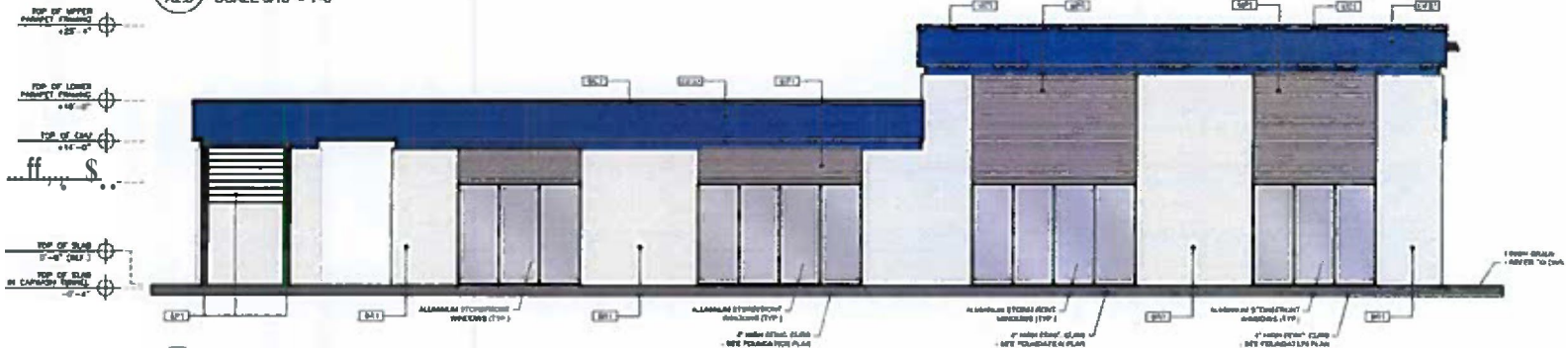
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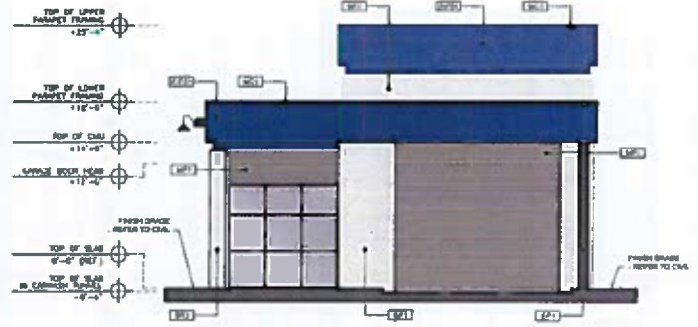


1 NORTH (LEFT SIDE) ELEVATION
A2.0 SCALE 3/16" = 1'-0"

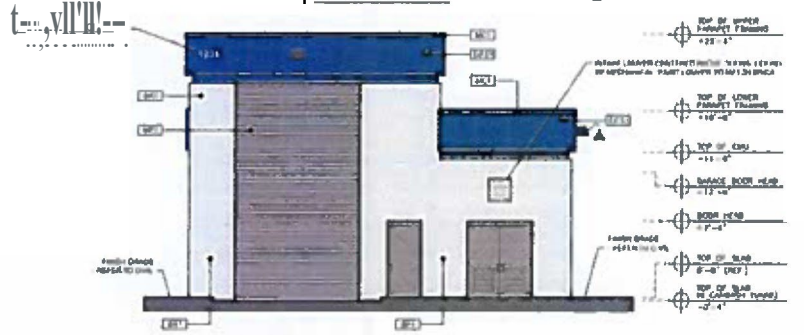


2 SOUTH (RIGHT SIDE) ELEVATION
112.0 SCALE 3/16" = 1'-0"

| EXTERIOR FINISH MATERIAL LEGEND | |
|---------------------------------|--------------------------|
| | English Structural Steel |
| | Aluminum Steel Plate |
| | CNN0,11 |



3 WEST (FRONT) ELEVATION
A2.0 SCALE 3/16" = 1'-0"



4 EAST (REAR) ELEVATION
A2.0 SCALE 3/16" = 1'-0"

ELEVATIONS

CONN + ARCHITECTS

SAM

A2.0

PROGRESS SET - NOT FOR CONSTRUCTION

Dan Brown

To: Danny York
Subject: RE: Memorial Dr - Update Regarding Gravesites

From: Joseph Burke <jburke@atlanticdevelopmentpartners.com>

Sent: Tuesday, August 24, 2021 9:53 AM

To: Danny York <dyork@caliber-capital.com>

Subject: Memorial Dr - Update Regarding Gravesites

Danny,

I wanted to touch base and give you a more comprehensive update on what we spoke about yesterday. Below this message is what we received from Kristin at 11Alive news. I had my attorney reach out to her directly to gather information on how we got here, and path forward. The story is a longer-term item, so several weeks away from airing. From what we have learned so far, we believe this is an effort to locate possible graves of slaves of the Crowley family, but there is also the possibility that this whole subject is an attempt to prevent any development, brought by the owning family of the mausoleum.

-Kristen authorized Ground Penetrating Radar(GPRS), mistaking my property lines, for the property bounds of the cemetery, or perhaps believing it was the NAPA store property. Although we now know this was likely not a "mistake" as she had a diagram she used for location which included property lines. Unfortunately the trespass is of limited value to us at this point. The real issue is the existence or non-existence of the graves.

-The Dropbox link include results of the GPRS scan that was done, sent to my attorney by Kristin. From speaking directly to the surveyor (Len Strozier) that did the work, on a scale of 1 to 10, 10 being certain, his level is a 3 that the "air pockets" shown 15 feet below the current ground level are unmarked graves. He admitted he was hired with the only direction to scan for graves in an area. Len feels the amount of site development over the years would have wiped most everything.

-The mausoleum representative did contact Kristin directly, where she was made aware of the prior disputes with the prior Bojangles development. The family felt the planned retaining wall for the Bojangles was going to limit visitation to the cemetery. As I mentioned to you on the phone, we had researched this subject ourselves and came to the conclusion that we were comfortable that the grade access provided by the Walmart (and NAPA) property as they acted as the master developer and accomplished any access needs. As you know, no recorded access easement exists anywhere for the mausoleum. I am unfamiliar with the details of the Bojangles plan, but their proposed wall could have affected that access from the Walmart side as well.

-There is a lot of documentation on the internet regarding the development of the original Avondale Shopping mall, the agreement to construct the Mausoleum, and the subsequent demolition of the Avondale Mall to make way for the Walmart in 2007. It is publicly noted from multiple sources "In 1960, the Hills Family sold part of the land and leased the other part so that the Columbia Mall could be built. Completed in 1963, the mall was near the intersection of

Memorial Drive and Columbia Road. The builder agreed to build a mausoleum around the cemetery, which was in the parking lot. The builder had to dig down about 20 to 25 feet on all sides of the cemetery and then build the building around the cemetery. There were 40 or 50 slave graves buried surrounding the cemetery. **Sadly, no effort was made to save those graves and they were built over”.**

-The mausoleum is a unique structure. The walls of the mausoleum are 25ft tall, and are used to retain the dirt surrounding 11 graves while mass excavation was done around the remainder of the site. The gravestones remain on the roof of the structure, which was the original grade of the property before excavation. A huge amount of dirt had to be removed to decrease the hill located on the site, stated from multiple sources, 12 feet of grade was removed from the site, and the top of the mausoleum where the grave stones still remain, was the actual grade level of the original land before it was disturbed.

-From the GPRS surveyor, the air pockets are currently 15 feet below the surface of the rear property line, that would mean these graves were over 35 feet deep from the original grade. We do not see this being realistic.

As of now, we are still learning more. From the comments to the article in the Dropbox, the family is fairly active in preserving the mausoleum. We have relayed to the journalist that we are sympathetic, and have no desire to disturb any graves at the rear of the property, and are willing to try to find a solution to memorialize and preserve the graves (if that is what is there). According to Kristen, that is all the family wants, but now knowing they had issues with the Bojangles plan, we feel there is an ulterior motivation.

I apologize this has come to light, but is an unfortunate commonality with developing properties next to neighbors who do not want improvement for their areas. I hope that our open book approach to this subject will allow us to work together and find a solution that will allow the development to move forward as planned. Please reach out with any questions and to discuss further

Dropbox: <https://www.dropbox.com/sh/m7x5ztje2phw8c2/AADQoXQUNZ5BIMjqEvKYW6a4a?dl=0>

-Joseph

Joseph Burke
Atlantic Development Partners
Direct: 770.490.7449

Avondale Mall

Coordinates: 33°45′24″N 84°16′04″W﻿ / ﻿33.75667°N 84.26778°W﻿ / 33.75667; -84.26778

From Wikipedia, the free encyclopedia

Avondale Mall, originally known as *Columbia lyfall*, opened in 1964 as an enclosed mall in the state of Georgia, United States. The mall's original name came from its location at the intersection of Columbia & Memorial Drives near Avondale Estates. It was demolished in 2007.

Contents

- 1 Anchors
- 2 Later years
- 3 Demolition
- 4 Cemetery
- 5 References

Anchors

The mall's original anchors were Davison's and Sears.

After Sears closed and before renovations began, some indoor and outdoor shopping mall scenes for the Chuck Norris movie "Invasion USA" were filmed here. The "entry" crash of the Chevy pickup into the mall was shot at the mall's main entrance. The scenes inside the mall with the Nissan pickup were inside the mall nearest the Davison's end. The escalator scene was inside the old Sears building, and the "exit" crash through the window was on the western side of Sears on the first level (the movie then cut to an exterior scene of a mall in South Florida).

After the filming, Columbia Mall was renovated and renamed "Avondale Mall" in an effort to reverse years of decline. The mall was expanded into both floors of the former Sears store, which were subdivided into smaller tenant spaces. At one time, the lower level of the old Sears building housed a new, smaller Sears Outlet Store, which became a Goody's for some time. The mall also featured a McCrory's.

Later years

The decline at the mall began in the 1970s and 1980s. When the two anchor stores left in 1984 and 1995, the mall was unable to attract replacements. Management tried in 1995 to increase foot traffic. After Davison's/Macy's left the mall, that anchor building's upper floor was converted to a 16 screen movie theater, while the lower floor remained vacant except for a newly built stairwell leading from the lower level mall to the upper level theaters. This addition to the mall may have helped keep them up and running for another 6 years, but the mall was closed at the end of 2001.

Avondale Mall/ Columbia Mall



| | |
|------------------------------|--|
| Location | Near Avondale Estates, Georgia, USA |
| Coordinates | 33°45′24″N 84°16′04″W﻿ / ﻿33.75667°N 84.26778°W﻿ / 33.75667; -84.26778 |
| Opening date | 1964 |
| Closing date | 2001 |
| No. of anchor tenants | 2 |
| No. of floors | |

Demolition

Demolition of the mall began in February 2007. The last two walls of the old Sears came down on March 21, 2007. The former mall was replaced with a Wal-Mart Supercenter, as well as space for condominiums and commercial outlets. This plan met with strong resistance from residents of nearby Avondale Estates. However, the Wal-Mart opened in March 2008.

Cemetery

The Avondale Mall site is unique in that it has a small family cemetery in its parking lot. The graves belong to the ancestors of the original property holders, and the mall was built on the condition that the graves would not be disturbed. The cemetery is surrounded by granite walls, square in shape and inward-sloping, with an iron fence at the top. The headstones and grave sites are at the top of the structure, as this is the original grade level of the property; the construction of the mall removed approximately 12 feet of elevation. This site remained undisturbed during the construction of the Wal-Mart.

James M Crowley moved to Decatur, Dekalb Co., Georgia in about 1822 -1823, which is now a southeastern suburb of Atlanta. He owned about 500 acres. The Atlanta area was Creek Indian Territory until the Indians ceded the land to our government in 1822.

They put their cemetery on a hill overlooking their land about 100 yards north of their house and put a barbed wire fence around it. When James died in 1829 he was one of the first ones buried there.

Allen Crowley owned the land from 1829 to Nov 1846, when he moved his family by wagon train to Northern Mississippi. It is believed that Seaborn Crowley family owned the land from 1846 to 1896 when it was purchased by the Hill Family (also Crowley relatives). In about 1960 the Hills sold part of the land and leased the other part so that the Avondale Mall could be built. The mall is near the intersection of Memorial Drive and Columbia Road. The Mall was completed in 1961. The builder agreed to build a mausoleum around the cemetery, which is now in the parking lot.

The mausoleum is built of granite stones and is about 60ft long and wide and is about 25 ft high. A huge amount of dirt and trees had to be removed from the hill where the cemetery was in order to make the parking lot and to build the mausoleum. The graves are on top of the mausoleum.

There are seven adults and four children that lay in unmarked box tombs:

These first two are the only ones that have inscriptions

Delaney Crowley Cross, the wife of Zachariah D. Cross, born 1808 died April 17, 1892. Age 82 years.

Zachariah D. Cross Aug 15, 1815-Nov. 18, 1891.

Benjamin C Crowley Aug. 03, 1812-Jan.03, 1869

James M Crowley born 1777 died Feb 9, 1828. Came to Dekalb County from Oglethorpe County, Georgia.

Dorcas Smith Crowley, no inscribed marker. Died about 1851 or 1852. Wife of James M. Crowley, Sr.

James Crowley, Jr. Died when a young man.

Mary J. Tuggle Crowley July 12, 1823-Sept.14, 1863, wife of Benjamin C Crowley.

John Hawkins, no inscribed marker. Father of John M. Hawkins. This was recorded Dec. 11, 1931. (note; he was friend of the family)

There were 40 or 50 slave graves buried surrounding the cemetery, but when the mall was built they made no effort to save these graves.

References

1. [^] http://www.ajc.com/metro/content/metro/stories/2007/02/20/0221_metrats.htm I AJC article about demolition of Avondale Mall
2. [^] <http://www.ajc.com/metro/content/metro/stories/2007/02/12/0213metavondalc.html> Additional Avondale Mall demolition article
3. [^] <http://karendean.net/thsnowandthenphotos/page33.html> Demolition Pictures
4. [^] <http://karendean.net/thsnowandthenphotos/page24.html> Crowley Graves pictures and information

Retrieved from "http://en.wikipedia.org/w/index.php?title=Avondale_Mall&oldid=530343040"

Categories: Buildings and structures demolished in 2007

; Demolished shopping malls in the United States

Buildings and structures in DeKalb County, Georgia | Shopping malls in the Atlanta metro area
Cemeteries in Georgia (U.S. state)

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Crowley Mausoleum

Decatur, Georgia

Developers built a Walmart around one family's plot and constructed a mausoleum in the parking lot.

FOR OVER A CENTURY, THE Crowley family owned the Decatur, Georgia plot that is now home to the Memorial Drive Walmart. But as modernity and low, low prices ate away at their land, they never gave up on the family plot now inhabiting a strange mausoleum in the back of the parking lot, still holding the bodies in their original spots, now 12 feet off the ground.

In the 1820s James M. Crowley bought up 500 acres in what is now Decatur, Georgia to create a familial estate. He passed away only a few years after settling the land, and his holdings began being passed down family lines. James was buried atop a hill on the property, starting a family cemetery that would go on to hold generations of Crowleys and their relatives.



3580 Memorial Drive
Decatur, Georgia,
30032
United States

33.7572, -84.2656

[View on Google Map](#)

NEARBY

- Walle House Museum**
1.41 miles
- Cator Woolford Gardens**
3.65 miles
- Eastern Sub-Continental Divide Mural**
3.66 miles

As time passed, the Crowley estate was slowly parceled off with the remaining portion remaining in the possession of a family relation or descendant of James Crowley. Finally in the 1960s a huge portion of the land was sold to make way for the new Avondale Mall. The only problem was that this included the hilltop family plot. However the builders agreed to leave the graves untouched and the mall construction got underway. As the ground was flattened to a straight grade to make room for a parking lot, the construction ended up shaving down around 12 feet of land, leaving the bodies at the top of the hill high and dry. However, good as their word, the developers constructed the Crowley Mausoleum which surrounded the burial site, essentially leaving the bodies interred on the roof. The building holds 13 graves on its flagstone-covered roof. Eleven of them are buried in unmarked stone box graves and two of them have headstones. From the ground, the mausoleum shows little indication of its true nature.

The Avondale Mall is now long since defunct, replaced by a sprawling Walmart, but the unassuming stone building hidden away at the back of the parking lot still stands, proving the often ironically surprising immobility of the dead. The roof is not accessible and though you can walk up to the structure from behind an adjoining auto parts store, the entrance to the mausoleum is chained and padlocked.

Know Before You Go

Enter the Walmart parking lot from Memorial Drive; the mausoleum will be immediately to the right.

[GR AVE YARDS](#)[SHOPS](#)[CEMETERIES](#)

Adventures in Cemetery Hopping ~ A blog by Traci Rylands

Crowley Mausoleum: How Getting "Malled" Left It in Limbo

10 - Friday - APR 2015

POSTED BY ADVENTURESINCEMETERYHOPPING IN GENERAL

≈ 114 COMMENTS

(Author's Note: Since I wrote this post in 2015, I have been contacted by several Crowley descendants and others wanting to know how they can get involved in cleaning up the mausoleum. A wonderful fellow named Brenton Head has spearheaded several clean up days in recent years and the mausoleum is now getting regular attention. You can find Brenton on Facebook if you're interested in helping out.)

I'm going to talk about a place I get asked about from time to time. The Crowley Mausoleum has a storied past but it currently sits forgotten. How it got that way is quite a tale. Most of what I was able to find out about it was from an account from Forest Crowley, a descendant.

James Crowley was born in 1772 in Pittsylvania County, Va. His parents, Benjamin and Sarah, brought the family to Oglethorpe County, Ga. in 1785. Benjamin died in 1817. In 1822, James received about 500 acres in Decatur from a land lottery and farmed it until his death in 1828. He later owned additional farms and did well financially, owning a number of slaves.

The family put their cemetery on a hill overlooking their land. When James died, he was buried there as was his wife, Dorcas, in 1852.

Son Allen Crowley owned the land from 1829 to 1846, when he moved his family by wagon train to Northern Mississippi. Younger brother Seaborn Crowley and his family took it over from 1846 to 1896 when it was purchased by the Hill Family (also Crowley relatives).



I found this 1997 picture of the Crowley Mausoleum when it was in the Avondale Mall parking lot. Many people have told me they remember it well when they lived in that area. The graves were accessed by going up a stairway to the top. Photo by Lois Mauk

According to Forest Crowley, the cemetery was originally in the middle of the pasture on the farm surrounded by a barbed wire fence. For a number of years in the 1950s, this fence fell into disrepair and livestock were able to enter and leave the cemetery.

In 1960, the Hills sold part of the land and leased the other part so that the Columbia Mall could be built. Completed in 1963, the mall was near the intersection of Memorial Drive and Columbia Road. The builder agreed to build a mausoleum around the cemetery, which was in the parking lot. The builder had to dig down about 20 to 25 feet on all sides of the cemetery and then build the building around the cemetery.

There were 40 or 50 slave graves buried surrounding the cemetery. Sadly, no effort was made to save those graves and they were built over. Currently, the 11 graves (nine of them of the box variety) at the top of the mausoleum are members of the Crowley, Cross and Hawkins families. Seven are adults and four are children.

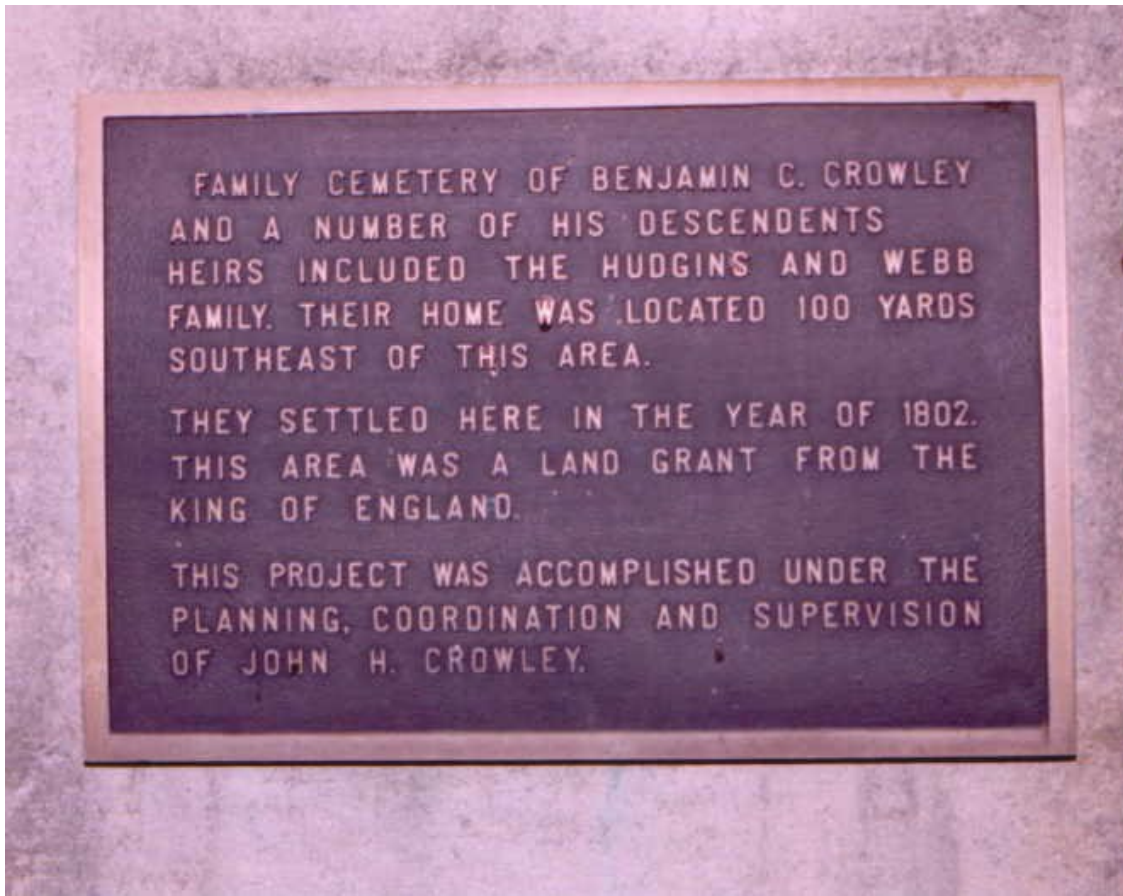


These pictures appear to have been taken after Avondale Mall had closed around 2000. I believe they originally had markers on top of them but those were later vandalized.

The name changed to Avondale Mall at some point. People visiting the mall often joked that the Mausoleum was the "Tomb of the Unknown Shoppers". A 1994 newspaper article quoted someone as saying "When I die, bury me at the mall. That way I know you'll come to see me every day."

Many people I've talked to remember navigating around the mausoleum when going to the mall to shop. One even told me he remembered as a teen learning how to drive in that parking lot and nearly hitting it.

A bronze plaque explained the history of the site. I'm not sure where the part about the land grant being from the king of England came from. It contradicts everything else I've read. The plaque was later pried off the mausoleum and has vanished.



This plaque has since been pried from the mausoleum and stolen. I can't attest to it's truthfulness as the research I've done says nothing about a land grant from the king of England. Photo by Lois Mauk.

The area around the mall changed in the late 70s and 80s as white flight hit and some of the mall's stores began to close. When Macy's closed their clearance store there in 1995, the writing was on the wall. In 2001, it finally closed and sat empty until Walmart purchased the land and demolished the mall. After some community protests, construction for a Supercenter began and it opened in 2008.

According to Forest Crowley, there've been a number of break-ins at the Mausoleum over the last several years and some of the headstones on top of the box tombs were broken and thrown to the parking lot, then thrown away. Other headstones were stolen.

Due to the reconfiguration of the parking lot, the Crowley Mausoleum is now mostly hidden by trees and is behind a Napa Auto Parts store. You can't see it from the parking lot but if you know where to look, you can glimpse it as you're driving past the Napa on Memorial Drive.



This is an aerial view of the Crowley Mausoleum, courtesy of <http://www.roadsideresort.com>.

I knew about the Crowley Mausoleum for a while but hadn't stopped to get a good look at it. To be honest, that stretch of Memorial Drive is rather sketchy and I wasn't keen on poking around on my own. It wasn't until January of this year, when I had my friend and fellow cemetery hopper Jennifer with me, that I got an up close look at it.

Unfortunately, being hidden from sight hasn't done it any favors.



This is what the front of the Crowley Mausoleum looks like today. The door is chained and locked. Trash and debris litter the area.

The mausoleum is about 20 feet high and unless you've got a ladder (or as I joked with Jennifer, a cherry picker), you can't see the top of it or the graves. It looks like someone's spray painted the area to the right of the door.



The walls of the mausoleum are about 20 feet high and unless you have a ladder, you can't see the top. I don't advise trying that.

I did take a look up the stairs to try to get a glimpse of the view.



Here's the view from the stairwell. A pile of leaves and other trash sit at the foot of it.

hb

xerox^A®,

hb

36qq Memorial Drive CZ-1 q-191 q3 & SLUP-1 q-191qq_PDF

11/05/21 12:30 PM

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5/16/14

DEKALB COUNTY

[ITEM NO. N. 8

BOARD OF COMMISSIONERS

ZONING AGENDA/ MINUTES

MEETING DATE: May 27, 2014

HEARING TYPE:
PUBLIC HEARING

ACTION TYPE:
ORDINANCE

SUBJECT: Rezone - Z-14-19143 - Theo Stone for GA Decatur Memorial, L.L.C.

COMMISSION DISTRICTS: 3 & 7

DEPARTMENT: Planning & Sustainability (PUBLIC HEARING: YES NO

ATTACHMENT: YES NO
PAGES: 0

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

PETITION NO: Z-14-19143

PROPOSED USE: Drive-through restaurant

LOCATION: 3644 Memorial Drive, Decatur

PARCEL No.: 15-217-04-024

PURPOSE: Rezone property from OCR (Office-Commercial-Residential) to C-1 (Local Commercial) to develop a 3,808 square foot Bojangle's drive-through restaurant. The property is located on the northwest side of Memorial Drive, approximately 1,045 feet from the northeast corner of Memorial Drive and Columbia Drive, at 3644 Memorial Drive, Decatur. The property has approximately 278 feet of frontage on Memorial Drive and contains 1.44 acres.

RECOMMENDATIONS:

COMMUNITY COUNCIL: APPROVAL WITH A CONDITION

PLANNING COMMISSION: APPROVAL WITH CONDITIONS

PLANNING STAFF: APPROVAL WITH CONDITIONS.

PLANNING COMMISSION MEETING: On May 6, 2014. T. Phillips moved and V. Moore seconded for approval as recommended and conditioned by staff, with an amendment to the effect that operating hours shall begin at 5:30 A.M., not P.M.

PLANNING STAFF ANALYSIS: APPROVAL WITH CONDITIONS. Rezoning of the subject property from OCR (Office-Commercial-Residential) to C-1 (Local Commercial) for a drive-through restaurant is suitable at the subject location. Use of the property for a restaurant is consistent with the use of commercial properties in the surrounding area. If approved with conditions for buffering, screening, and controls on sound and light as recommended, the proposed drive-through restaurant is not expected to create adverse effects on adjoining and nearby properties. The proposal is consistent with the following strategy of the 2005-2025 Comprehensive Plan for Town Centers: "Promote new development and redevelopment at or near activity centers as a means of reducing vehicle miles traveled." (TCCAS19). The applicant has agreed to streetscaping, a pedestrian crossing in the curb cut, and screening of parking on the front of the site, which will help make the proposal more consistent with the pedestrian-

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ACTION: 2014-05-27 Item N8 Bgjapgles Z 1419143

Items N.8 and N.9 were hea d together.

MOTION was made by Larry Johnson, seconded by Stan Watson and passed 4-()..().2 to approve_ with steffs conditions N.8 Z-14-19143, Rezoning Application of Theo Stone for OA Decatur Memorial, LLC. Commissioners Gannon and Rader were absent and not voting.

ADOPTED: MAY 27 2014
(DATE)
Larry Johnson
PRBSroll'(w()FFICER --
DBKALB COUNTY BOARD OF
COMMISSIONERS

,I:JFIEP: MAY 27 2014
s - all r""
fA..
CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

MINJJTES:

Kyle Sharpe, 4320 Suwanee Da Road, Suwanee, 0a. 30024, spoke in support.
No one spoke in opposition.

- FOR: Elaine Boyer, Larry Johnson, Sharon Bames Sutton, Stan Watson
- AGAINST: None
- ABSTAIN: None
- ABSENT: Jeff Rader, Kathie Gannon

411

5/6/14

oriented policies and strategies of the Town Center Character Area. Therefore, the Department of Planning and Sustainability recommends, "Approval" with conditions.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval, 7-0-0, with the following condition: The hours of operation shall be 5:00 AM to 12:00 AM, Monday through Sunday.

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RECOMMENDED CONDITIONS
Z-14-19143

1. The proposed restaurant shall not exceed 3,800 square feet of floor area and shall be limited to one story.
2. The restaurant shall operate between the hours of 5:00 PM and 12:00 AM, all days of the week.
3. The curb cut on Memorial Drive shall be designed to enhance pedestrian crossing safety, as follows: a pedestrian refuge island shall be provided at the middle of the curb cut and a pedestrian crossing strip shall be provided to link the sidewalks on either side of the curb cut on Memorial Drive, subject to approval by the DeKalb County Department of Public Works and GDOT. The pedestrian crossing strip shall be differentiated from the pavement of the street and curb cut with a contrasting pavement material or texture, or a contrasting color.
4. Interparcel access shall be provided to the property via the existing access driveway from 3624 Memorial Drive.
5. The developer shall replace the existing wood fence located next to the northeast property line, at the rear of the adjoining residential properties, with a new solid wooden fence at least as high as the existing fence or with a minimum height of six feet, if the existing fence is less than six feet high. The finished side of the fence shall face the residential properties.
6. Landscaping of the restaurant site shall be as follows. All landscaping shall be subject to approval by the County Arborist.
 - a. The landscape strip above the existing retaining wall shall be planted with ground cover and with street trees at a minimum spacing of 40 feet on center. Shrubs that have a maximum height at maturity of four feet shall be planted in the landscape strip to screen the parking spaces and detention pond that are proposed to be located at the front of the site. Remaining open space areas in the front yard setback shall be landscaped at a minimum with shrubs, flowers, or ground cover.
 - b. All areas that are not necessary for parking, vehicular or pedestrian circulation, or the proposed building shall be landscaped with plant materials, including trees that will provide shade for adjoining parking areas, in accordance with Section 27-753 of the DeKalb County Code (Landscaping Requirements for Parking Lots).
 - c. At least four landscape bump-outs shall be located on the edges of the parking areas, consistent with those shown on the site plan titled, "Proposed Bojangle's" by LeCraw Engineering, dated 3/19/14 and stamped as received by the Department of Planning and Sustainability on March 20, 2014. Said landscape bump-outs shall be planted with trees in accordance with Section 27-753 of the DeKalb County Code.
7. One monument-style freestanding sign shall be permitted, at a maximum height of eight (8) feet. The sign shall have no more than two sign faces, which shall each be a maximum size of 50 square feet. The sign shall not incorporate flashing lights, highly reflective materials, moveable graphics, changing images, or changeable copy. The sign shall not be internally lighted.
8. The architectural design of the proposed restaurant shall be substantially similar to that which is depicted on the elevations titled, "Bojangle's Restaurant Plan 8" by ESD Architecture & Interior Design, dated 3/12/13 and stamped as received by the Department of Planning & Sustainability on March 6, 2014, except that

primary exterior wall materials of the proposed building shall be brick masonry and hard coat stucco. EIFS shall be used on up to 40% of the total surface of each facade.

9. Lighting of the exterior of the building and of the parking lot shall be designed in a manner that directs light downwards to minimize light spillage on adjoining residential properties.
10. The speaker box for the restaurant shall face away from the adjoining residential properties to the northeast. The speaker box shall have the following features: a) full internal insulation to dampen sound, b) integrated camera system and order confirmation screens, c) technology to measure background noise and adjust the level of the speaker to no more than 1SdBA above background noise.
11. Dumpsters shall be screened so that they are not visible from parking or pedestrian areas, and shall be enclosed with brick or a material colored in earth tones.
12. The approval of this SLUP application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Historic Preservation Commission, the Zoning Board of Appeals, or other entity.



S/16114

DEKALB COUNTY

ITEM NO. N.9

BOARD OF COMMISSIONERS

ZONING AGENDA/ MINUTES

MEETING DATE: May 27, 2014

HEARING TYPE:
PUBLIC HEARING

ACTION TYPE:
ORDINANCE

SUBJECT: Special Land Use Pennit-- SLUP-14-19144-Theo Stone for GA Decatur Memorial, L.L.C.

COMMISSION DISTRICTS: 3 & 7

DEPARTMENT: Planning & SustainabJJlty

PUBLIC HEARING: YES NO

ATTACHMENT: YES D No

PAGES:

0

INFORMATION CONTACT:

Marien Eisenberg, Zoning Administrator
(404) 371-2155

PHONE NUMBER:

PETITION NO: SLUP-14-19144

PROPOSED USE: Drive-through restaurant

LOCATION: 3644 Memorial Drive, Decatur .

PARCEL No.: IS-217-04-024

PURPOSE: A Special Land Use Permit for a 3,808 square foot Bojangle's drive-through restaurant. The property is located on the northwest side of Memorial Drive, approximately 1,045 feet from the northeast corner of Memorial Drive and Columbia Drive, at 3644 Memorial Drive. Decatur. The property has approximately 278 feet of frontage on Memorial Drive and contains 1.44 acres.

RECOMMENDATIONS:

COMMUNITY COUNCIL: APPROVAL WITH A CONDITION

PLANNING COMMISSION: APPROVAL WITH CONDITIONS

PLANNING STAFF: APPROVAL WITH CONDITIONS

PLANNING COMMISSION MEETING: On May 6, 2014, T. Phillips moved and V. Moore seconded for approval as recommended and conditioned by staff, with en amendment to the effect that operating hours shall begin al 5:30 A.M., not P.M.

PLANNING STAFF ANALYSIS: APPROVAL WITH CONDITIONS. Rezoning of the subject property from OCR (Office-Commercial-Residential) to C-1 (Local Commercial) for a drive-through restaurant is suitable at the subject locatfon. Use of the property for a restaurant is consistent with the use of commercial properties in the surrounding area. If approved with conditions for buffering, screening; and controls on sound and light as recommended, the proposed drive-through restaurant is not expected to create adverse effects on adjoining and nearby properties. The proposal is consistent with the following strategy of the 2005-2025 Comprehensive Plan for Town Centers: "Promote new development and redevelopment at or near activity centers as a means of reducing vehicle miles traveled." (TCCAS19). The applicant has agreed to streetscaping, a pedestrian crossing in the curb cut, and screening of parking on the front of the site, which will

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ACTION: 2014::QS-27 Item N9 Bojangles SLUP 1419144

N.8 RDd N.9 were heard together.

MOTION was made by Larry Johnson, seconded by Stan Watson and passed 4-0-0-2 to approve "with staffs conditions N.9 SLUP-14-19144, Special Lane Use Pennit Application of Theo Stone for OA Decatur Memorial. LLC. Commissioners Gannon and Rader were absent and not voting.

ADOPTED: MAY 27 2014

Larry Johnson
(DATE)

PRESINjfg City, ALB
DEKALB COUNTY BOAIU)-GF
COMMISSIONERS

mr: MW--

CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

MINUTES:

FOR: Elaine Boyer, Larry Johnson, Sharon Barnes Sutton, Stan Watson

AGAINST: None

ABSTAIN: None

ABSENT: Jeff Rader, Kathie Gannon

5/16/14

help make the proposal more consistent with the pedestrian-oriented policies and strategies of the Town Center Character Area. Therefore, the Department of Planning and Sustainability recommends, "Approval" with conditions.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval, 7-0-0, with the following condition: The hours of operation shall be 5:00 AM to 12:00 AM, Monday through Sunday.

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RECOMMENDED CONDITIONS
SLUP-14-19144

1. The Special Land Use Permit shall be issued to Bojangle's Restaurants, Inc. for operation of a drive-through restaurant and shall be transferrable in accordance with Section 27-877 of the DeKalb County Code.
2. The proposed restaurant shall not exceed 3,800 square feet of floor area and shall be limited to one story.
3. The restaurant shall operate between the hours of 5:00 PM and 12:00 AM, all days of the week.
4. The curb cut on Memorial Drive shall be designed to enhance pedestrian crossing safety, as follows: a pedestrian refuge island shall be provided at the middle of the curb cut and a pedestrian crossing strip shall be provided to link the sidewalks on either side of the curb cut on Memorial Drive, subject to approval by the DeKalb County Department of Public Works and GDOT. The pedestrian crossing strip shall be differentiated from the pavement of the street and curb cut with a contrasting pavement material or texture, or a contrasting color.
5. Interparcel access shall be provided to the property via the existing access driveway from 3624 Memorial Drive.
6. The developer shall replace the existing wood fence located next to the northeast property line, at the rear of the adjoining residential properties, with a new solid wooden fence at least as high as the existing fence or with a minimum height of six feet, if the existing fence is less than six feet high. The finished side of the fence shall face the residential properties.
7. Landscaping of the restaurant site shall be as follows. All landscaping shall be subject to approval by the County Arborist
 - a. The landscape strip above the existing retaining wall shall be planted with ground cover and with street trees at a minimum spacing of 40 feet on center. Shrubs that have a maximum height at maturity of four feet shall be planted in the landscape strip to screen the parking spaces and detention pond that are proposed to be located at the front of the site. Remaining open space areas in the front yard setback shall be landscaped at a minimum with shrubs, flowers, or ground cover.
 - b. All areas that are not necessary for parking, vehicular or pedestrian circulation, or the proposed building shall be landscaped with plant materials, including trees that will provide shade for adjoining parking areas, in accordance with Section 27-753 of the DeKalb County Code (Landscaping Requirements for Parking Lots).
 - c. At least four landscape bump-outs shall be located on the edges of the parking areas, consistent with those shown on the site plan titled, "Proposed Bojangle's" by LcCraw Engineering, dated 3/19/14 and stamped as received by the Department of Planning and Sustainability on March 20, 2014. Said landscape bump-outs shall be planted with trees in accordance with Section 27-753 of the DeKalb County Code.
8. One monument-style freestanding sign shall be permitted, at a maximum height of eight (8) feet. The sign shall have no more than two sign faces, which shall each be a maximum size of 50 square feet. The sign shall not incorporate flashing lights, highly reflective materials, moveable graphics, changing images, or changeable copy. The sign shall not be internally lighted.
9. The architectural design of the proposed restaurant shall be substantially similar to that which is depicted on the elevations titled, "Bojangle's Restaurant Plan 8" by ESD Architecture & Interior Design, dated 3/12/13 and stamped as received by the Department of Planning & Sustainability on March 6, 2014, except that primary exterior wall materials of the proposed building shall be brick masonry and hard coat stucco. EIFS shall be used on up to 40% of the total surface of each facade.

5/16/14

10. Lighting of the exterior of the building and of the parking lot shall be designed in a manner *that* directs light downwards to minimize light spillage on adjoining residential properties.
11. The speaker box for the restaurant shall face away from the adjoining residential properties to the northeast. The speaker box shall have the following features: a) full internal insulation to dampen sound, b) integrated camera system and order confirmation screens, c) technology to measure background noise and adjust the level of the speaker to no more than 15dBA above background noise,
12. Dumpsters shall be screened so that they are not visible from parking or pedestrian areas, and shall be enclosed with brick or a material colored in earth tone.,.
13. The approval of this SLUP application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Historic Preservation Commission, the Zoning Board of Appeals, or other entity,

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IN WITNESS WHEREOF, Landlord and Tenant have executed this Lease under seal as of the day and year first above written.

TENANT:

YELLOWSTONE LANDSCAPE- SOUTHEAST, LLC,
a Delaware limited liability company

By: *μ. t. - P* (SEAL)
Print Name: mmgtO pS
Print Title: Branch Manager

LANQLORD:

OEP ROSEMONT, LLC, a Virginia limited liability company

By: Orlando Equity Partners, LLC, a Georgia limited liability company, its Member-Manager

By: Tall Pine Properties, LLC, a Georgia limited liability company, Manager

By: _____ (SEAL)
John H. Irby, Managing Member

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EXHIBIT "C"
DESCRIPTION

OUTLOT

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 217 of the 15th Land District, DeKalb County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING commence at an iron pin set at the intersection of the northwesterly right of way of Columbia Drive (100 foot right of way) and the southeasterly right of way of Clarendon Drive (100 foot right of way); thence along the southeasterly right of way of said Clarendon Drive, thence North 42 degrees 16 minutes 08 seconds East for a distance of 455.81 feet to 1 1/4" rebar found in concrete; thence, North 38 degrees 55 minutes 13 seconds East for a distance of 129.76 feet to a 1/2" rebar found in base of concrete monument; thence, North 27 degrees 40 minutes 45 seconds East for a distance of 251.85 feet to a "PK" nail found; thence, North 22 degrees 40 minutes 03 seconds East for a distance of 44.79 feet to a "PK" nail set in curb; thence leaving said right of way, South 72 degrees 06 minutes 20 seconds East for a distance of 990.38 feet to a 3/8" open top pipe found; thence, South 72 degrees 06 minutes 51 seconds East for a distance of 52.49 feet to an iron pin set, said iron pin being the TRUE POINT OF BEGINNING;

THENCE, South 72 degrees 06 minutes 51 seconds East for a distance of 362.32 feet to a 1/2" rebar found on the northwesterly right of way of Memorial Drive/ S.R. 154; thence along said northwesterly right of way or said Memorial Drive, South 46 degrees 46 minutes 01 seconds West for a distance of 188.73 feet to an iron pin set; thence, South 49 degrees 40 minutes 26 seconds West for a distance of 58.31 feet to an iron pin set; thence, South 49 degrees 40 minutes 25 seconds West for a distance of 35.00 feet to a 1/2" rebar found; thence leaving said right of way, North 40 degrees 20 minutes 54 seconds West for a distance of 206.28 feet to a "PK" nail found; thence, North 73 degrees 01 minutes 41 seconds West for a distance of 49.19 feet to a 1/2" rebar found; thence, North 18 degrees 57 minutes 22 seconds East for a distance of 136.79 feet to an iron pin set, said iron pin being the TRUE POINT OF BEGINNING.

Said property contains 1.32 acres or 57,507 square feet as shown on ALTNACSM Survey entitled "Eric S. Zorn, as Trustee of Wal-Mart Real Estate Business Trust, Fourth Quarter Properties, LLC, Illinois Chicago Life Insurance Company", prepared by Wolverton & Associates Incorporated, bearing the seal and certification of Lewis M. Brown, Jr., Ocala Registered Land Surveyor Number 2283, Job No. 01-204, dated August 4, 2004, and last revised September 2, 2004.

[REDACTED]

[REDACTED]

[REDACTED]

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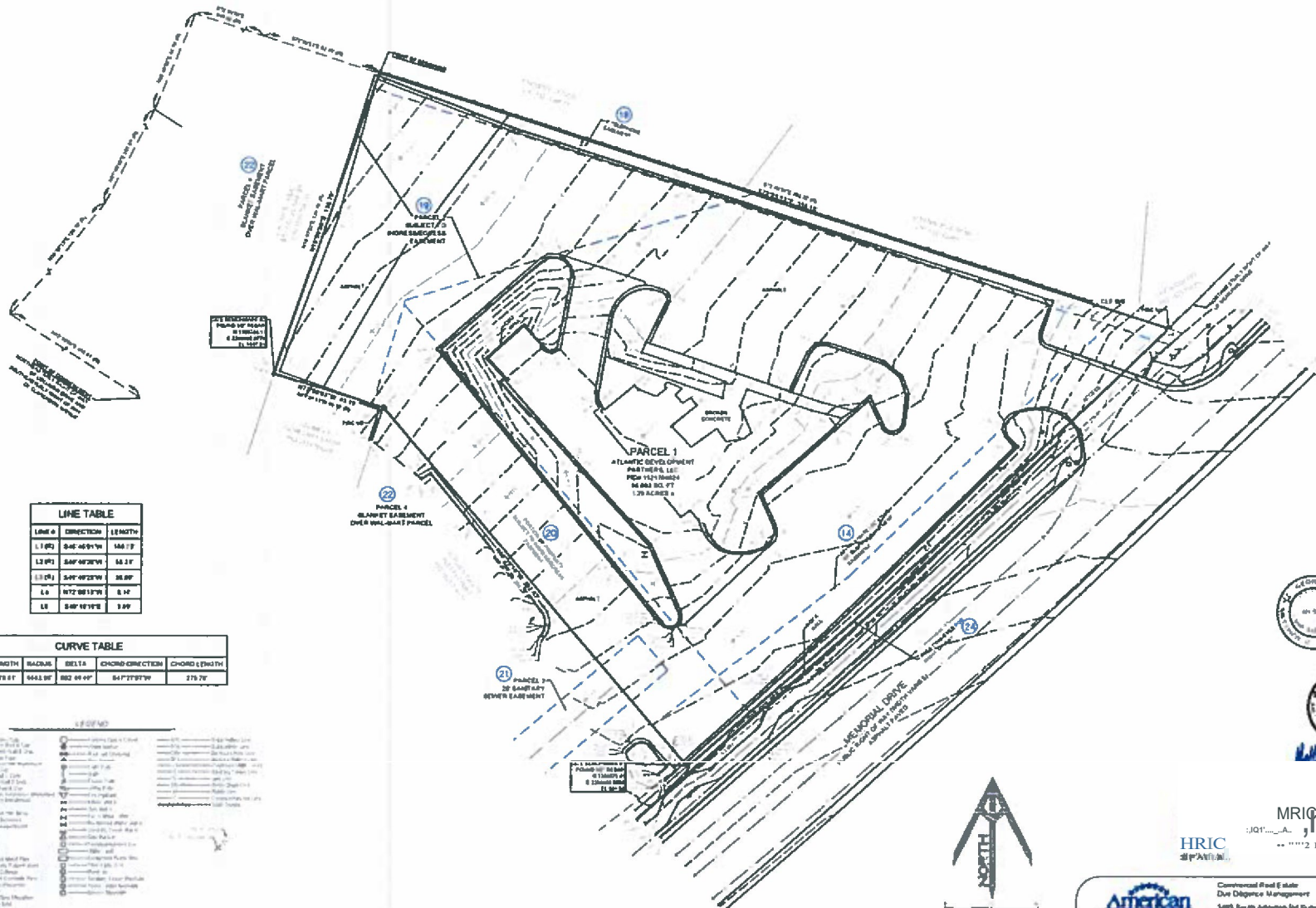


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| LINE TABLE | | |
|------------|-----------------|---------|
| LINE # | DIRECTION | LENGTH |
| L1 (R) | S 42° 05' 51" W | 148.72' |
| L2 (R) | S 48° 09' 20" W | 88.21' |
| L3 (R) | S 48° 09' 20" W | 88.80' |
| L4 | N 72° 08' 12" W | 5.12' |
| L5 | S 48° 16' 12" E | 3.89' |

| CURVE TABLE | | | | | |
|-------------|---------|----------|-----------|-----------------|--------------|
| CURVE # | LENGTH | RADIUS | BELTA | CHORD DIRECTION | CHORD LENGTH |
| C1 | 278.87' | 6643.87' | 882.69 0° | S 41° 27' 53" W | 278.78' |

LEGEND

- 1. 1/8" = 1' Scale
- 2. 1/4" = 1' Scale
- 3. 1/2" = 1' Scale
- 4. 3/4" = 1' Scale
- 5. 1" = 1' Scale
- 6. 1 1/4" = 1' Scale
- 7. 1 1/2" = 1' Scale
- 8. 1 3/4" = 1' Scale
- 9. 2" = 1' Scale
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- 11. 2 1/2" = 1' Scale
- 12. 2 3/4" = 1' Scale
- 13. 3" = 1' Scale
- 14. 3 1/4" = 1' Scale
- 15. 3 1/2" = 1' Scale
- 16. 3 3/4" = 1' Scale
- 17. 4" = 1' Scale
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DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes. _____ No .

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

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

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


Notary

 10/25/21
Signature of Applicant /Date

Check one: Owner Agent ___!

Notary Public
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Notarization If the response Is nNo"

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Notice of Special Land Use Permit Application Community Meeting

To: [owner name]

We are planning to apply for a Dekalb County Special Land Use Permit to construct and automated Car Wash at 3644 Memorial Drive, Decatur, Georgia 30032. Find out more about the project, ask questions, and voice your opinion at the following community meeting:

Date: October 18, 2021

Time: 6:00 - 6:30

Virtual Location:

If you have any questions about the meeting, please call 404-353-7387 or e-mail dbrown@caliber-capital.com. We look forward to seeing you there!

Sincerely,

Dan Brown

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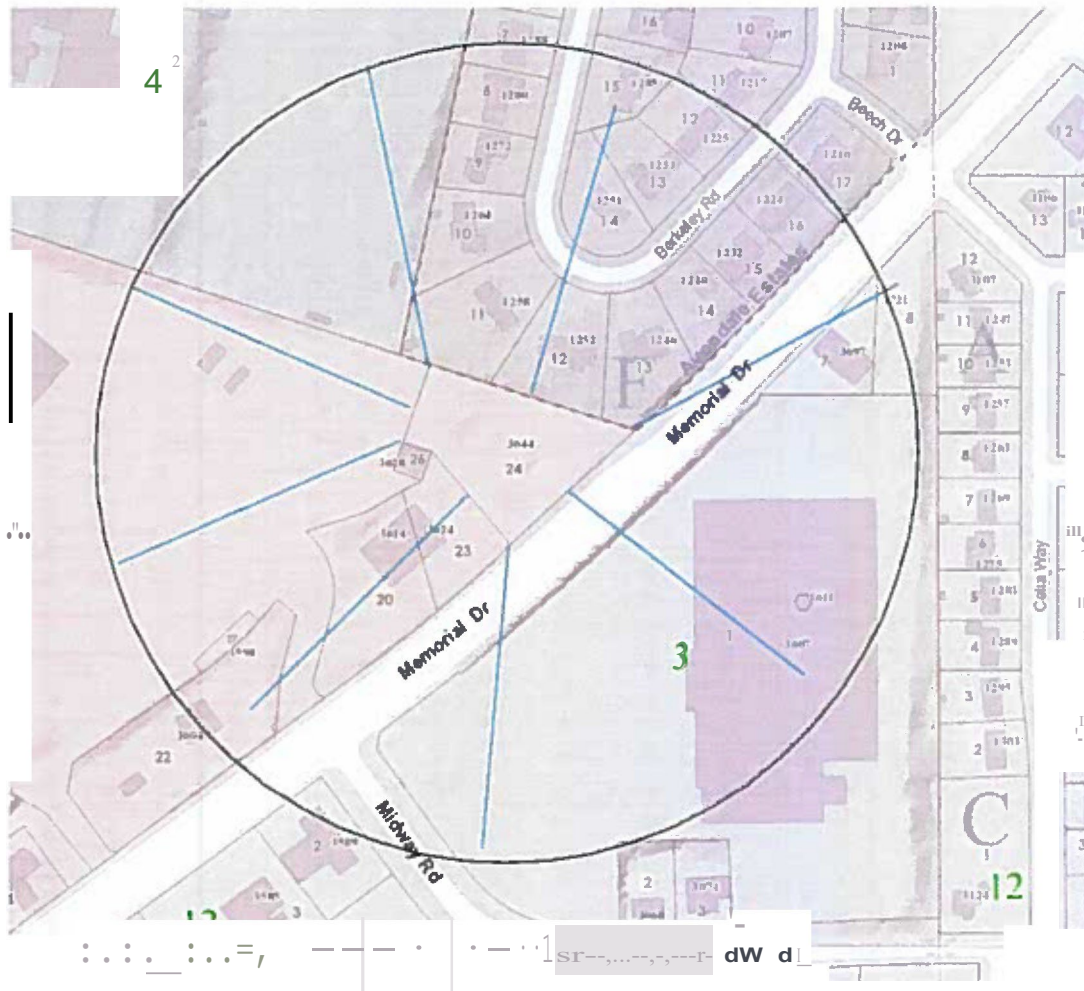
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3644 Memorial Drive

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Summary of Neighborhood Rep Mtg.pdf

11/05/21 12:2 PM

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Harold Buckley

From: Harold Buckley
Sent: Thursday, October 7, 2021 7:16 PM
To: Victoria Anglin
Cc KENNETH POWELL; Atwaters. 1.JShun; Din Brown; dyork@calibtr-capital.com; Robert Johnson • cvtlogistix
Subj.ct RE: Wayne Powell

Hi guys,

I'm reaching out to you because we have set up a Zoom meeting for our immediately abutting neighbors. The immediate neighbor meeting is scheduled for Wednesday or next week (October 13th) at 6 pm, with our mandatory community meeting **in** place on the following Monday (October 18th) at 6 pm.

We will send you Zoom credentials for both meetings tomorrow.

Harold Buckley, Jr., AICP
Partner
WILSON BROCK & IRBY, LLC
One Walnut Street, Suite 700
Atlanta, Georgia 30339
Allan, O., 30339
mailto:harold@wilsonbrock.com

Tel: 771-811-1707 (Direct)
411-153-5050 (Main)
Fax: 411-185-1812

From: Harold Buckley
Sent: Wednesday, September 29, 2021 10:05 AM
To: Victoria Anglin <cvanglin@anglingroup.com>
Cc: KENNETH POWELL <pdk-powell@comcast.net>; Atwaters, Whun <latwaters@dekalbcountyga.gov>; Dan Brown <dbrown@calibercapital.com>; dyork@caliber-capital.com; Robert Johnson <cvtlogistix@calibercapital.com>
Subject: RE: Wayne Powell

Thank you so much for checking in on this for us. At this point, I think our only reasonable option is to mail invitations for a separate, smaller meeting to those abutting property owners. We will keep you guys updated and included in every step as we move forward.

Harold Buckley, Jr., AICP
Partner
WILSON BROCK & IRBY, LLC
One Walnut Street, Suite 700
Atlanta, Georgia 30339
mailto:harold@wilsonbrock.com

Tel: 771-811-1707 (Direct)
411-153-5050 (Main)
Fax: 411-185-1812

From: Victoria Anglin >
Sent: Wednesday, September 29, 2021 12:27 AM
To: Harold Buckley <hbuckley@wilsonbrock.com>

Cc: KENNETH POWELL <!!b!!YJ !!U?WLJlt!>; Atwaters, LaShun <latwaters@dekalbcounty.ga.gov>; Dan Brown <dbrown@callber-capital.com>; dyork@callber-capital.com; Robert Johnson - civillogist - ggbe(tpcM:to [J1]cCC>K'Q
Subject: Re: Wayoe Powell

Hello Harold,

Unfortunately none of the 4 people I contacted know any of the property owners.

Victoria Anglin

On Sep 28, 2021, at 2:28 PM, Harold Buckley <hbuckley@whllegal.com> wrote:

Hi Wayne and Victoria,

I'm reaching out because we are working to finalize our community outreach meetings. We intend to host our 111th community meeting on October 18th at 6 pm, with a smaller meeting with the immediately adjoining neighbors during the week of October 11th.

Were you able to get my contact information on the adjoining neighbors from your Avondale Estates contacts? If not, we'll rely on written invitations that we would mail to the property owners of record.

Harold Buckley, Jr., NCP
Partner
WILSON BROCK & IRBY, L.L.C.
Overlook 1, Suite 701
1149 Peachtree Road
Atlanta, Georgia 30309
mailto:hbuckley@whllegal.com

Tel: 404-370-1111
404-370-1111 (Main)
Fax: 404-531-1112

From: Harold Buckley <hbuckley@whllegal.com>
Sent: Saturday, September 18, 2021 11:48 AM
To: Victoria Anglin <v1n@anglinangrovn.com>
Cc: KENNETH POWELL <pk-QQWCfitlcpmqst.QCt>; Atwaters, LaShun <latwaters@dekalbcounty.ga.gov>; Dan Brown <dbrown@callber-capital.com>; dyork@callber-capital.com
Subject: Re: Wayne Powell

Angers crossed. But it is worth a try even if we strike out.

On **Sep 18**, 2021 12:07 PM, Victoria Anglin <v1n@anglinangrovn.com> wrote:
Hello Mr. Buckley,

Unfortunately, 3 of the 4 of my Avondale contacts do not know the neighbors that you have sent to us. I am waiting a response from the 4th but my hopes are not as high as they were initially.

Hopefully, the last person might have some connections.

Sincerely,

Victoria

on Fri, P 17, 2021 at 5:54 PM Harold Bucley <hbucleyjill@wbjcnl.cpm>wrote:

HI guys,

Please let me thank you **again** for a wonderful initial conversation this afternoon. Your feedback was as enjoyable as it was Informative. I couldn't think of a better way for us to stan the zoning review process, and Comm.Johnson did us a great service by pulling us in touch with you.

I have confirmed that the county only reqitres us to send written notices ta property owners within a 500-foot radius of our property, which {as llustrnited in the attached map) Isn't very many people. So, we will take you up on your very kind offer to help us get the word oul 10 the approptrate community st;ikeholders for our pre-applcatron community meeting. To that point, the three homes thlt back up to our site and their respective owners are (according to county records):

1246 Berlecey Road - Unda Coffee

1252 Berkeley Road - Matthew and Robin Durdln

125B Berkeley Road - Karen and Steven Jones

We would love It If you could help us Introduce ourselves and start a dialogue with these Avondale Estates neighbors In particular, since they ;ire t!M! one who would be potentially mo5t Impacted by our development proposal. Ideally, we would Hke to follow Victorla's recommended communtv rollout where we have a conversallon with our three lmmedi;ile nei!hbors and then follow up with the wider group in our community meeting.

Also, as promised, I will circle back to you reg;irdng the current applicabJUty of the lq;icy zonln& conditions from SLUPs 5-11-16976 and S-07-12803 ;is soon as I am able to set guidance on that front from the plannng staff.

Once **again**, thank you very much for a wry en)Oyable kick-off to our Of!lO!"I dialogue. We look forward to working collabora tlvely with you and our other prospective neighbors as we navrgate the zoning review process.

Harold Buckley, Jr., AICP

rmn.r

WILSON BROCK & IRBY, L.L.C.

One Colonial I, Suite 700

2849 Peach Fony Road

Atlanta, Georgia 30339



Id: 770-ROJ.7D7 (Otm:11

4Q.1-UJ.05(1 (Main)



From: KENNETH POWELL <Kdk-poweU@cgmcast.nl!b>

Sent: Wednesday, September 15, 2021 12:56 PM

To: Harold Buckley <hbuckit!yftwblf111.com>; Victoria Anglin <y10.Ho•D1toemup.com>

CC: Atwaters, LaShun <latwatenPdtk•Jbcountyga.gov>; Dan Brown <qfbrpwnfPRURlc•capllll.com>

subject: RE: Wayne Powell

You are very welcome. See you at 4:00 p. m. on Friday afternoon, September 17, 2021.

Sincerely,

Wayne Powell

On 09/15/2021 12:12 PM Harold Buckley <hbyddevflwblu.nl.com> wrote:

It looks like 4 o'clock will work. I will send around an invitation for that time. Thanks again for your outstanding responsiveness.

Harold Buckley, Jr. AICP

rmn.r

WILSON BROCK & IRBY, L.L.C.

O'erloul. I, Suile 700

2U9 l'aCCJ F"" Rnad

Adl1111, CicettQI 3019

From: KENNETH POWELL <pk@commt.net>

Tel: 770.801-1707 (Oittt11

40,l-UJ.5D5D Jr-bin)

Fax: 770-822-1814

From: KENNETH POWELL <pk@commt.net>

Sent: Wednesday, September 15, 2011 12:27 PM

To: Victoria Anglin <vy1911@f11n110.n.vp.com>

cc: Hirol Buckley <hbyckfs@fillwbjlegal.com>; Atwaters, LaShun

<fatw.Jers@dekalbcountwa.gov>; Dan Brown <cdbnzwnf@clbtr-cfdil.lbcom>

Subject: Re: Wayne Powell

That date and time is good for me as well.

Sincerely,

Wayne Powell

On 09/15/2011 12:20 PM Victoria Anglin <cwn&f1n11g1Hncrup.com>
wrote:

Hello all,

Thank you for including me. I can be available on
Friday between 4 and 6.

Sincerely,

Victoria Anglin

On Wed, Sep 15, 2021 at 11:23 AM KENNETH POWELL <asiJI;poweU@comcast.ns> wrote:

Dear Mr. Buckley,

We understand that with almost 111 development projects time is of the essence. Consequently, we want to assure that your project is not unnecessarily delayed on our part.

Thank you for including Ms. Victoria Anglin in your response. Fortunately, even during this Pandemic, she has a job. It may be difficult for her to participate in a virtual meeting during her office hours. Therefore, we will need to determine her availability for your proposed times. We will inform you as quickly as possible.

Sincerely,

Wayne Powell, President

Belvedere Civic Club

On 09/15/2021 at 10:53 AM **Hirold**
Buckley c' lbyJklev@wbilHal.com>
wrote:

Thank you very much for your swift reply, Mr. Powell. Unfortunately, our team leader Dan Brown has a conflict at 6 o'clock today. We could do a virtual meeting any time tomorrow after lunch or Friday afternoon between 2 and 6. If either of those timeframes work for you and Ms. Anglin, we will send meetings

credentials to both of you
expeditiously.

Harold Buckley, Jr., AICP

Partner

WILSON BROCK & IRDY, L.L.C.

Overlook, IL, Suite 700

111-19 Pacific Field Building

Atwater, IL 61829

mailto: kbuckl@wbi.com

Tel: 770-803-3107 (Home)

770-803-5050 (Office)

Fax: 770-803-1812

From: KENNETH POWELL <kpowell@comcast.net>
sent: Tuesday, September 14, 2021
6:01 PM
To: Harold Buckley
<hbuckl@wbi.com>; Atwaters,
LaShun
<lfw1WJf!dtk•rtKauntvg.1py,
Cc: Dan Brown <gbrown@cllbtc.com>; Robert Johnson -
civnogistix <rbjs@ofcljjo.com>;
Victoria Ansin
<Van1Hol!Ptn111n1group.com>
Subject: RE: Wayn! Powell

Ms. Atwaters, thank you and
Commissioner Johnson for facilitating
this meeting.

Good afternoon Mr. Buckley,

Thank you so much for reaching out to
our community to inform us of your

vision and proposed development near the Intersection of Memorial Drive and Columbia Drive. Unless you have an objection, I would like to invite Ms. Victoria Anglin, the vice president of the Belvedere Civic Club, to participate in this meeting. Both Ms. Anglin and I will be available at 6 PM tomorrow evening, Wednesday, September 15, 2021.

If you have architectural renderings or your proposal, tentative site plan, or other documents that would be useful to explain your vision, then I believe that a Zoom meeting would be appropriate. If you wish to send these documents to me before the meeting, then I would be willing to review the documents prior to the meeting to have a better understanding of your proposal. Please let us know what is convenient for you.

Sincerely,

Wayne Powen, President

Belvedere Civic Club

On 09/14/2021 2:04
PM Harold Buckley
hbuckley@wbhmlc
> wrote:

Thank you very much
Ms. Atwaters.

Mr. Powell, I am
working with a client
who is considering a
development
opportunity on an
outparcel for the
former Columbia Mall,
which is now a Wal-

Thank you for the information and the opportunity to share our vision for the site and receive the benefit of your feedback. Would you let me know your availability over the next few days for a telephone call, or even a Zoom call.

Thank you again Ms. Atwaters for your very kind attention to this matter. And we look forward to meeting you Mr. Power.

Thank you,
Dudley, Jr., AICP

Fonner

WILSON DROCK &
IRDY, L.L.C.

Overlook 1, Suite 700

2849 Paces Ferry Road

Atlanta, Georgia 30339

mailto:

dw@wilsondrock.com

Tel: 770-477-1707
(Main)

404-853-5050 (Main)

Fax: 404-853-1812

From: Atwaters,
LaShun
las@wilsondrock.com
www.wilsondrock.com,
Sent: Tuesday,
September 14, 2021

2:00PM
To: Harold Buckley
<hbucklev@twbla1f.c>
- - ; KENNETH
POWELL<!!ik:
powsll@comgst.ncs>
Subj!Ct: RE: Wayne
Powell

Good Afternoon,

Mr. Buctley, by way of
this email I am
Introducing you to Mr.
Wayne Powell based
on the potential
zoning matter for
Belvedere Park.

Please feel free to
further exchange
Information for the
best method of
contact.

If I can be of further
service, **please** do not
hesitate to give me a
call, or respond via
email.

Thanks!

LaShun **Atwaters**

Program Manager

Office of
Commissioner Larry
Johnson

DeKalb County Board
of Commissioners,
District 3

Ph: 404371.2988

Email:
latwat.a@dekalbcountyga.gov

,0

From: Harold Buckley
Sent: Tuesday,
September 14, 2021
1:12 PM
To:
bffitlds@dtl@lbcoun
!m.:m
Subject: Wayne Powell

Good afternoon,

I'm reaching out because I spoke with Comm. Johnson yesterday to obtain his guidance on a potential zoning matter. After discussing the matter with me, he suggested that I should reach out to **Wayne** Powell at Belvedere Park. Unfortunately, Comm. Johnson did not have contact information to share because he was involved in an out-of-town meeting when **we** spoke. He recommended I reach out to his office for that contact information. Would you **please** let me know **a good** contact number and email address for Mr. Powell?

Thank you very much,

Harold Buckley, Jr., AICP

Partner

WILSON BROCK &
IRBY, L.L.C.

One, Suite 700

2849 Paces Ferry Road

Atlanta, Georgia 30328

Phone
Tel: [404-253-5050](tel:4042535050)

Tel: 770-101-1707
(Direct)

404-253-5050 (Main)

Fax: 404-253-1812

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CC: **Harold Buckley, Jr.**
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11/05/21 12:2 PM

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Harold Buckley

From: Harold Buddey
Sent: Wednesday, October 13, 2021 6:54 PM
To: lscolftt12@aol.com, matthewdurdin@gmail.com
Cc: KENNETH POWELL; Victoria Anglin. Dan Brown: Robert Johnson • civilog1stix; Atwaters, taShun
Subject: Caliber Caiwash Follow-Up Information
Attachments: Site Plan • 3644 Memorial Dr.pdf; **Dekalb** County Sign Regulations.pdf

Good evening everyone,

Thank you so much for a very enjoyable meeting. Your grace and generous contribution of your time is really appreciated. As promised, please find attached a copy of the site plan that we shared with you this evening, as well as a copy of the sign regulations that address your sign questions. The sign regulations are a bit confusing so I highlighted the regulations that would apply to our site in yellow.

Also, I wanted to confirm in writing our dedication to taking the following steps to ensure that our business operates as a **good** neighbor to you:

1. We will install a 10-foot noise wall adjacent to our common property line;
2. We will install dense landscaping along our common property line to screen light and further screen noise;
3. We will accept a zoning condition requiring us to develop the property with the noise dampening configuration that we showed you today;
4. Our installed lighting will be oriented downward toward the ground to avoid the risk of glare on your property;
5. We will provide you with a company contact person whom you will be able to contact regarding any concerns you may have after the business opens.

Again, thank you for a very pleasant meeting. Please do not hesitate to let us know if you have any questions that didn't come up today.

Best regards,

Harold Buckley, Jr. Aler
Wilson DROC, t. IRBV, LLC
Ovetool, I, Suke 700
28-19 Feny Road
Milledgeville, Georgia 30339
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Td: 770-101-37071Dwttl
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Sec. 21-20. Non-residential zoning regulations.

(1) The addition to other applicable provisions in the chapter, if lots in the area located in non-municipal districts not developed in a planned commercial district are limited to the following:

| | Ground Side | Canopy Width | Projection Side | Projection Side | Entrance Side | Subdivision Side | Window |
|--|-----------------------------|---|--|-----------------------|------------------|---------------------|----------------------------|
| MIX | 20' | N/A | 20'-or height building | 3' | | 0' | N/A |
| MHW | 15' | 8" of the width | N/A | 3' | 1' | 15' | N/A |
| M. usq. ft. | 180 | 3D sq. ft. or 4 sq. ft. per linear foot of the wall or canopy, whichever is greater, up to a maximum of 150 sq. ft. for buildings under 12 stories and up to 500 sq. ft. for buildings 12 stories or more. See SK 21-17(b) | 40' | 6' | 32' | 101' | Minimum window space |
| Mu number allowed | 1/facade (See Note 1) | 1/primary facade and 1/secondary facade | 1/primary facade and 1/secondary facade | 2/authorized "1/2" | 1/entrance | 1/subdivision | N/A |
| Max projection from structure | N/A | 6' | 2' | N/A | N/A | N/A | N/A |
| Required setback from adjacent property lines | 10' | N/A | 0' | 10' | N/A | | |

(b) In lieu of the minimum requirements of Table [a] above, a lot located in a non-residential district and developed in a planned commercial center shall be allowed the following:

| | Ground SI | Canopy Width | Offset SI | Entrance SI | Window SI |
|---|---------------------------------|--|--------------------------|----------------|---|
| Minimum height | 20' | N/A | 3' | 8' | N/A |
| Minimum width | 20' | Width of the wall or canopy width | 3' | 8' | N/A |
| Minimum sq. ft. | 200 | 30 sq. ft. or 4 sq. ft. per linear foot of the wall or canopy, whichever is greater, up to a maximum of 150 sq. ft. for buildings under 11 stories or up to SOD sq. ft. for buildings 12 stories or more. [See Sec. 21- 111] | 6 | 32 | 31% of the window area for buildings under 50,000 sq. ft. 11% of the window area for buildings 50,000 sq. ft. or over |
| Maximum number Allowed | One per facade [See Note 11] | 1/primary facade and 1/secondary facade | 2/authorized curb cut | 1/entrance | N/A |
| Required setback from adjacent lot lines | 10' | N/A | 0' | 10' | N/A |

[c] No property zoned for non-residential use may have more than one utility around the street oriented towards the street.

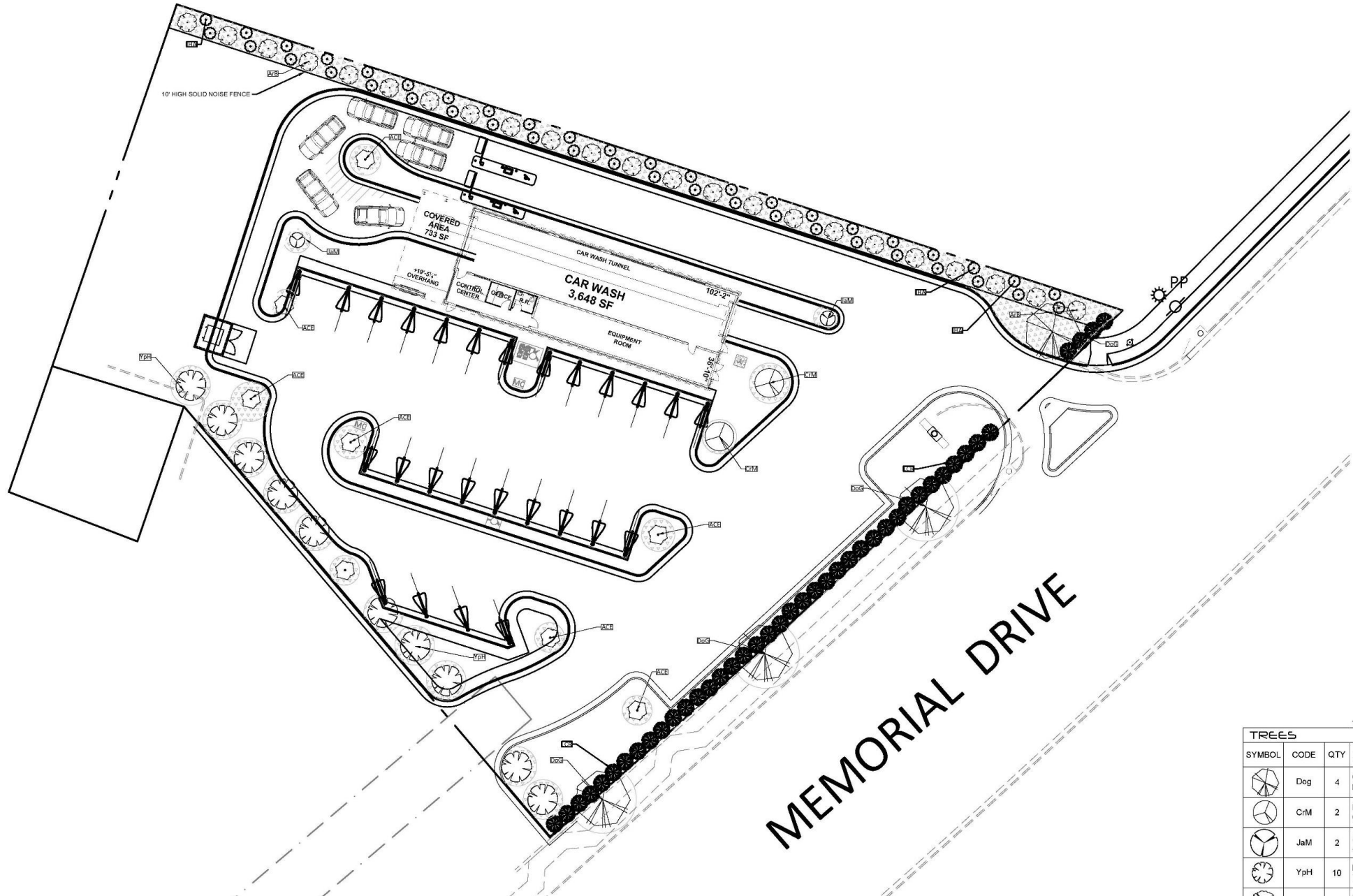
[d] In addition to the regulations set forth in the above table, no person shall use a lot zoned for commercial use where the total area exceeds four hundred fifty (450) square feet, or two (2) square feet of sign area each one hundred (100) square feet of floor area, whichever is greater, regardless of the location, placement or type of sign.

[Ord. No. 11-03, P. 1, 6-1D-03]

N. 4 CZ-22-1245320

N. 5 SLUP-22-1245321

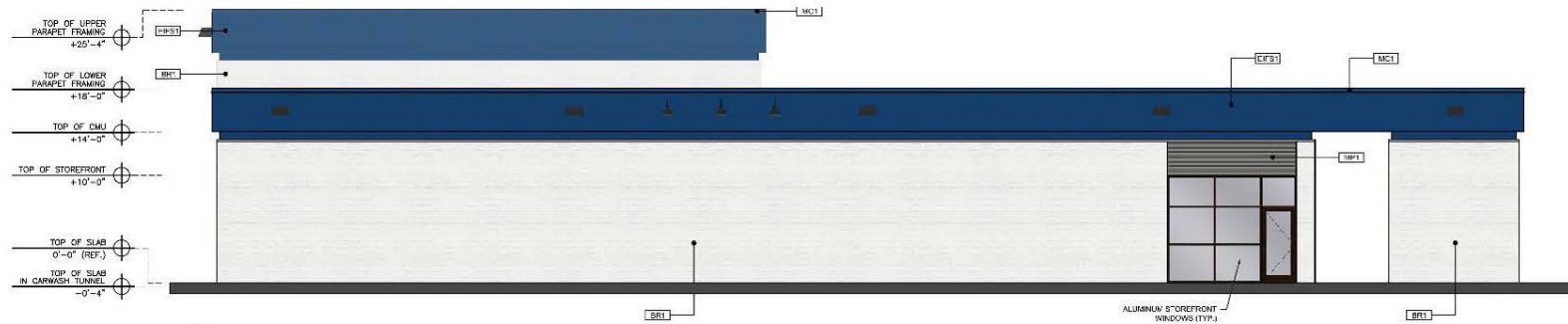
Landscape Plan



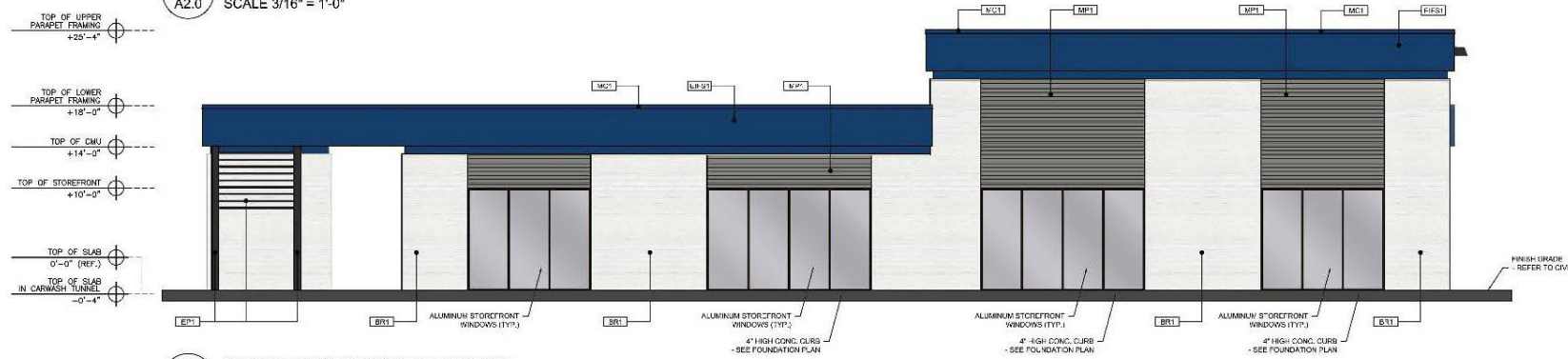
N. 4 CZ-22-1245320

N. 5 SLUP-22-1245321

Elevations



1 NORTH (LEFT SIDE) ELEVATION
A2.0 SCALE 3/16" = 1'-0"



2 SOUTH (RIGHT SIDE) ELEVATION
A2.0 SCALE 3/16" = 1'-0"

| MARK | MATERIAL | SPECIFICATIONS |
|-------|-----------------------------------|--|
| BR-S1 | EXTENSION INSULATION-FIBER SYSTEM | 3/8" EPS FIBER FINISH, COLOR 'SW 001' (NON-CURABLE BLUE); INSTALL PER MFG'S SPECIFICATIONS |
| BR-L | BRICK VENEER | MODULAR BRICK VENEER PAINTED 'SW 7036' EXTRA WHITE |
| MF | HQS LOW-VAPOR DOOR & FRAM. | PAINTED MATCH 'SW 6777' SPECIAL GRAY |
| MC | METAL CORNICE | 24 GA. KYNAR FINISHED CAP FLASHING W/ STANDING SEAM JOINTS, MATCH 'SW 6277' SPECIAL GRAY |
| MP1 | HORIZONTAL METAL WALL PANELS | 7.2 PANEL BY MCG 96-11 HIDDEN LAP SOLID FASTENERS; COLOR TO MATCH 'SW 6277' SPECIAL GRAY |
| EP | EXTERIOR STRUCTURAL STEEL | PAINTED BLACK |
| SP | ALUMINUM STOREFRONT | ALUMINUM STOREFRONT; DARK BROWN ANODIZED FINISH |



3 WEST (FRONT) ELEVATION
A2.0 SCALE 3/16" = 1'-0"

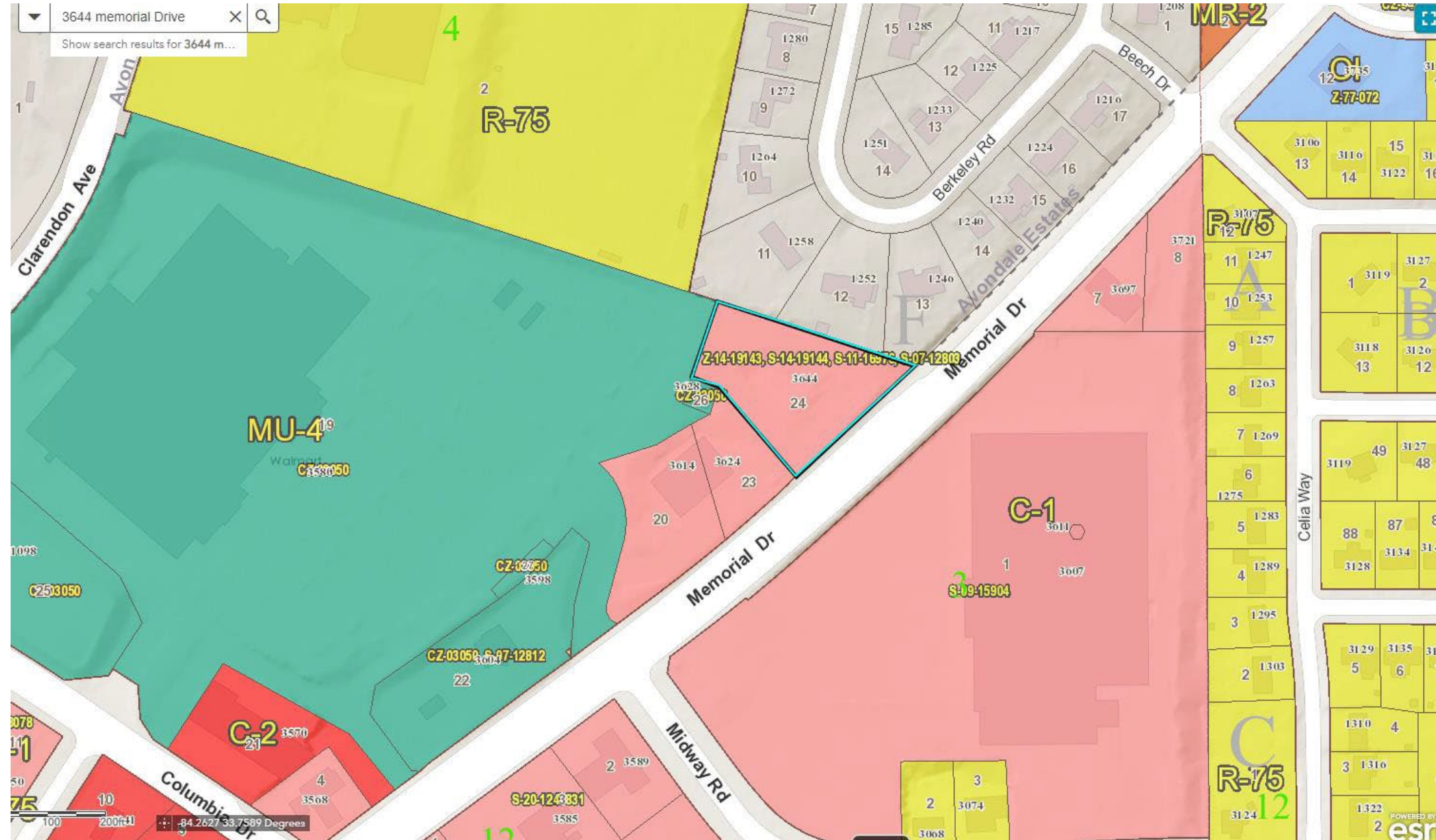


4 EAST (REAR) ELEVATION
A2.0 SCALE 3/16" = 1'-0"

N. 4 CZ-22-1245320

N. 5 SLUP-22-1245321

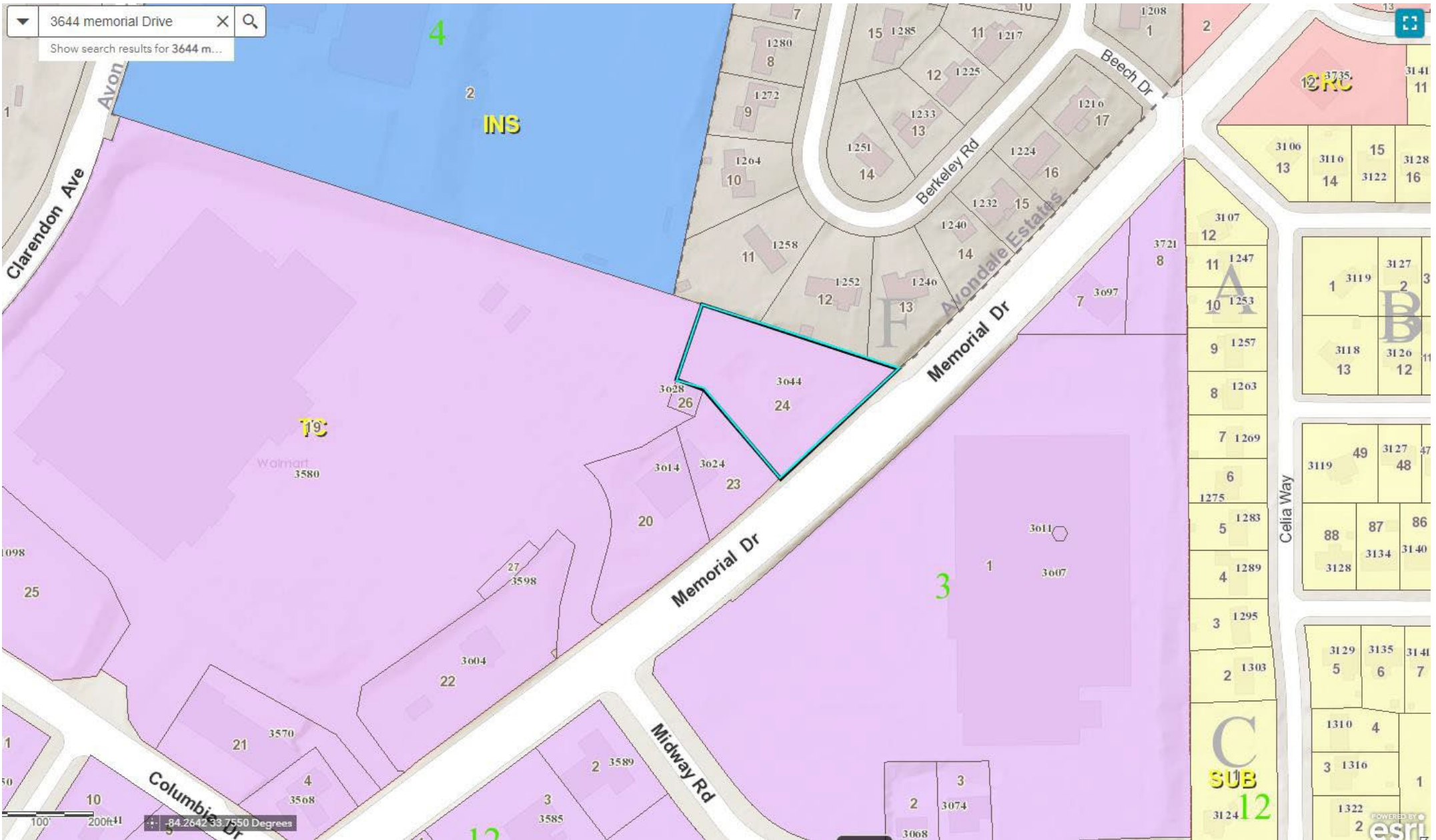
Zoning Map



N. 4 CZ-22-1245320

N. 5 SLUP-22-1245321

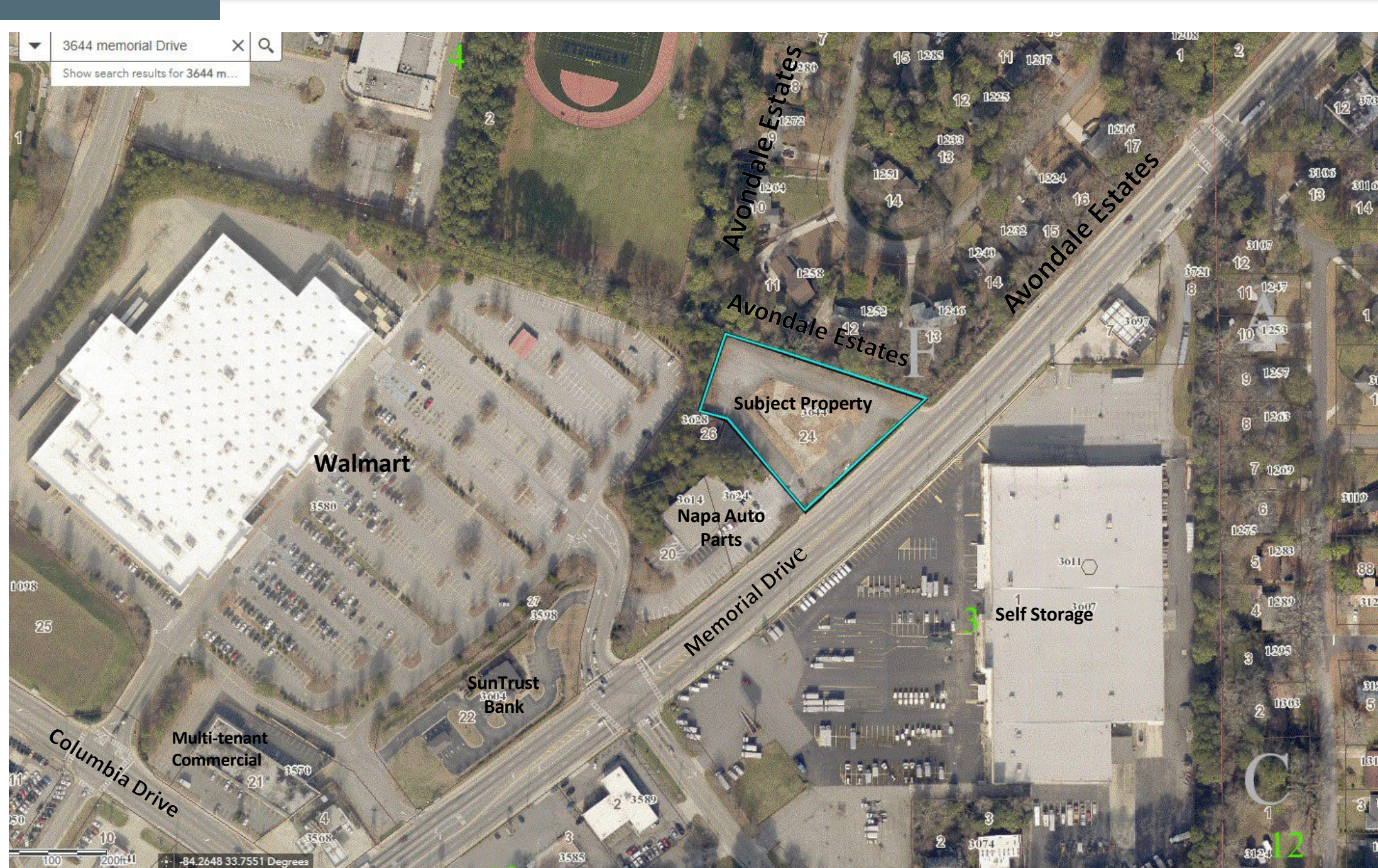
Land Use Map



N. 4 CZ-22-1245320

N. 5 SLUP-22-1245321

Aerial View



N. 4 CZ-22-1245320
N. 5 SLUP-22-1245321

Site Photos



(left) Subject property, facing north from Memorial Drive.



(right) Subject property, facing northeast towards Avondale Estates.