Michael Thurmond
Chief Executive Officer

DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500
Decatur, GA 30030
(404) 371-2155 / plandev@dekalbcountyga.gov

Planning Commission Hearing Date: January 5, 2021
Board of Commissioners Hearing Date: January 28, 2021

STAFF ANALYSIS

Case No.:	SLUP-21-1244389	**Agenda #:** N-6
Location/ Address:	The southwest corner of the Flat Shoals Parkway/Flakes Mill Road intersection at 4845 Flat Shoals Parkway in Decatur, Georgia 4855 Flat Shoals Parkway, Decatur, Georgia	Commission District: 3 Super District: 7
Parcel ID:	15-061-03-012	
Request:	To request a Special Land Use Permit (SLUP) to redevelop the existing gas station with a new convenience store and an accessory alcohol outlet in the C-1 (Local Commercial) District.	
Property Owner:	Lee Sang Tag	
Applicant/Agent:	Urban Retail LLC c/o Battle Law PC	
Acreage:	.93	
Existing Land Use:	Gas station with convenience store and gas pumps	
Surrounding Properties:	A bank (Wells Fargo) and a drive-through restaurant (Zaxbys) to the west; a gas station (BP), a vacant building, a shopping center (Chapel Square Shopping Center) and a pharmacy (Walgreens) to the north and northeast across Flat Shoals Parkway; a retail business (Dollar Tree) and an auto-dealer (Prime Auto Sales) to the east across Flakes Mill Road, and a shopping center (Flat Shoals Crossing) to the south.	
Adjacent Zoning:	**North:** C-1 **South:** NS **East:** C-1 **West:** C-1	
Comprehensive Plan:	NC (Neighborhood Center) **Consistent** [X] **Inconsistent** [_]	

Proposed Density: NA
Proposed Units/Square Ft.: 4,900 square foot convenience store with accessory alcohol outlet
Proposed Lot Coverage: NA

Existing Density: NA
Existing Units/Square Feet: Gas station with fuel pumps.
Existing Lot Coverage: NA

SUBJECT PROPERTY

The .93 acre project site is located on the southwest corner of the Flat Shoals Parkway/Flakes Mill Road intersection at 4845 Flat Shoals Parkway in Decatur, Georgia. The property currently contains a 2,724 square foot convenience store and an accessory alcohol outlet and four fueling stations with eight fuel pumps. The subject property is zoned C-1 (Local Commercial).

PROJECT ANALYSIS

The proposed request is to demolish the existing convenience store, and redevelop the property to allow a 4,900 square foot convenience store with an accessory alcohol outlet (beer and wine sales). Since the subject property is zoned C-1 (Local Commercial), a Special Land Use Permit (SLUP) is required for the proposed accessory alcohol outlet. The subject site has approximately 200 feet of frontage along Flat Shoals Parkway and 200 feet of frontage along Flakes Mill Road. The subject site's access is currently via two driveways off of Flat Shoals Parkway and two driveways off Flakes Mill Road. The applicant is proposing to remove the existing Flat Shoals Parkway access closest to the intersection since that driveway does not comply with the minimum distance standards of Georgia Department of Transportation (GDOT). Additionally, the existing fuel pumps and canopy will be turned 180 degrees in order to provide better circulation into and within the site. Flat Shoals Parkway is a four--lane Major Arterial Road with a center turn lane, curb and gutter, and no sidewalks. Flakes Mill Road is a two-lane Minor Arterial Road with a center turn lane, curb and gutter, and sidewalks. The proposed site plan is provided 6-foot wide sidewalks along Flat Shoals Parkway and Flakes Mill Road. The Zoning Ordinance requires 17 parking spaces for the proposed 4,900 square foot convenience store and 3,360 square feet of retail, and the submitted site plan indicates compliance with 20 parking spaces provided.

Additional criteria applicable to the C-1 zoning of the subject property is shown in the table below:

STANDARD		C-1 REQUIREMENT	EXISTING/PROPOSED	COMPLIANCE
LOT WIDTH		100 feet	200	YES
LOT AREA		20,000 square feet	40,511 square feet	YES
YARD SETBACKS	FRONT	60 feet (along Flakes Mill Road)	60 feet for majority of building; small corner of building is approximately 58 feet	YES. Project falls within an activity center and is exempt from building setback requirements per Section 4.2. 28.C.1 of the zoning ordinance
	INTERIOR SIDE	20 feet interior 50 feet (corner side abutting Flat Shoals Parkway)	20 feet for majority of building, small corner is approximately 18 feet 50 feet (Flat Shoals Pkwy)	YES, Project falls within an activity center and is exempt from building setback requirements per Section 4.2. 28.C.1 of the zoning ordinance YES
	REAR	30 feet	30 feet	YES

MIN. OPEN SPACE	20%	20%	YES
BUILDING MATERIALS	All building facades facing a public street shall consist of at least 80% brick, stone, glass, decorative concrete, fiber cement siding, or hard coat stucco, or combination thereof.	Conceptual elevations appear to demonstrate compliance.	YES.
TRANS. BUFFERS	None (does not abut residential zoning)	0 feet	YES
HEIGHT	2 story	1 story	YES
PARKING	17 spaces (10 spaces for convenience store and 7 spaces for proposed retail)	23 spaces	YES
MAX LOT COVERAGE	80%	80%	YES
SIDEWALKS AND STREETSCAPING	6-ft. sidewalk and 10-ft landscape strip along Flat Shoals Parkway and Flakes Mill Road, with street trees every 40 feet on center. Also internal sidewalks shall be provided to connect the building to the streets.	6-foot wide sidewalks are proposed along Flat Shoals Parkway and Flakes Mill Road. Landscape strip shown but width undetermined. Street trees shown, but uncertain if complies with one street tree every 40 feet. No	YES for sidewalks. Undetermined for 10-ft wide landscape strip and street trees 40 feet on center. No internal sidewalks shown on plan. (Non-compliance will necessitate variances)

		internal sidewalks shown on plan	
STREET LIGHTS AND PEDESTRIAN LIGHTS	Street lights along the existing roads shall be at 80 ft on center.	Street lights shown, but undetermined if at every 80 feet on center. No pedestrian lights shown.	Undetermined for street lights every 80 feet on center. No pedestrian lights shown. (Non-compliance shall necessitate variances)
PARKING LOT LANDSCAPING	One tree for every 8 parking spaces; one tree island for every 10 parking spaces	No trees are shown for the interior of the proposed parking lot.	No. Non-compliance shall necessitate variances.

Article 4.2.8 Compliance with Supplemental Regulations

STANDARDS	COMPLIANCE
1. Alcohol outlets shall not be located within 300 feet of any school building, school grounds, educational facility, college campus, or adult entertainment establishment.	YES based on submitted information
2. Alcohol outlets shall not be located within 600 feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.	YES based on submitted information
3. Alcohol sales as an accessory use to retail shall not exceed 20% of gross floor area.	YES based on submitted information

The character of the surrounding area consists of a bank (Wells Fargo) and a drive-through restaurant (Zaxbys) to the west within the C-1 (Local Commercial) Districts; a gas station (BP), a vacant building, a shopping center (Chapel Square Shopping Center) and a pharmacy (Walgreens) to the north and northeast across Flat Shoals Parkway within the C-1 (Local Commercial) and NS (Neighborhood Shopping) districts; a retail business (Dollar Tree) and an auto-dealer (Prime Auto Sales) to the east across Flakes Mill Road within the C-1 (Local Commercial) districts; and a shopping center (Flat Shoals Crossing) to the south within the NS (Neighborhood Shopping) district.

The proposed redevelopment of the existing convenience store on the subject property (see attached conceptual elevation) is consistent with the policies and strategies of the Neighborhood Center (NC) Character Area of the 2035 Comprehensive Plan to promote redevelopment at or near activity centers as a means of reduce vehicle miles traveled (VMT) and to improve street character with consistent signage, lighting, landscaping and other design features (NC Policies #9 and #20). The proposed accessory use to a convenience store should have little impact on traffic, and is compatible with nearby convenience store and commercial developments along Flat Shoals Parkway.

Access and Transportation Considerations

The subject site's access is via one driveway off Flat Shoals Parkway and one driveway off Flakes Mill Road. Flat Shoals Parkway is a four--lane Major Arterial Road with a center turn lane, curb and gutter, and no sidewalks. Flakes Mill Road is a two-lane Minor Arterial Road with a center turn lane, curb and gutter, and sidewalks.

The Traffic Engineer has indicated that there are no traffic engineering concerns at this time. Therefore, ingress/egress and parking should be sufficient.

Sidewalk/Pedestrian Access

Based on the submitted information and field investigation of the project site, there are sidewalks along this stretch of Flakes Mill Road within this established commercial area. However, there are currently no sidewalks along this stretch of Flat Shoals Parkway. The SLUP request proposes sidewalks along both Flakes Mill Road and Flat Shoals Parkway.

Building Mass and Materials

Based on the submitted plan and information, the proposed use will be located in a one-story building which complies with all required minimum building setbacks of the Zoning Ordinance. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings

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:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the size of the site is adequate for the use contemplated. Alcohol outlets are allowed in the C-1 (Local Commercial) district, subject to approval of a SLUP. The C-1 district requires 20,000 square feet (approx. .46 acres), and the project site contains .93 acres. The *Zoning Ordinance* requires 17 parking spaces for the convenience store and proposed retail suite; and the site plan indicates compliance with 23 parking spaces shown. Based on the submitted information and concept plan, it appears there is compliance with all open space and building setback requirements. Additionally, the proposed accessory alcohol outlet complies with the Supplemental Regulations. Therefore, it appears that there is adequate land area available for the proposed use. Therefore, it appears that there is adequate land area available for the proposed use.

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

Given that there is an existing convenience store with an accessory alcohol outlet and gas pumps on the subject property, the proposed redevelopment of the convenience store with an accessory alcohol outlets should have

little impact on traffic, and is compatible with nearby convenience store and commercial developments along Flat Shoals Parkway.

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

Based on the submitted information, it appears that public transportation facilities are adequate to service the use contemplated. There will no impact on schools since the proposed use is nonresidential. There is no burdensome impact anticipated on public utilities since the request is for the redevelopment of the existing land use (convenience store with alcohol outlet and gas pumps). The applicant will need to obtain a sewer capacity letter from the Department of Watershed Management to verify if sewer capacity is adequate.

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:

Given that there is an existing convenience store with an accessory alcohol outlet and gas pumps on the subject property, the proposed redevelopment of the convenience store with an accessory alcohol outlet should have little impact on traffic, and is compatible with nearby convenience store and commercial developments along Flat Shoals Parkway. Based on field investigation of the project site, the public street on which the proposed use is to be located is adequate and will not unduly increase traffic congestion since the site accesses a four-lane major arterial road (Flat Shoals Parkway) and a two-lane minor arterial road (Flakes Mill Road).

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

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the existing land uses located along access routes to the site would not be adversely affected by the character of the vehicles or the volume of traffic generated since the request is to redevelop the existing land use (convenience store with alcohol outlet and gas pumps) along a major arterial road (Flat Shoals Parkway) and minor arterial road (Flakes Mill Road).

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

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that ingress and egress to the subject property is adequate since the proposed use will be along a major arterial road (Flat Shoals Parkway) and a minor arterial road (Flakes Mill Road). To enhance internal circulation, the applicant is removing the access off of Flat Shoals Parkway that is closest to the intersection since that driveway does not comply with minimum distance standards of GDOT. The applicant is also proposing to turn the fuel pumps and canopy 180 degrees to provide better circulation into and within the site. The applicant will continue to use the existing two driveways off of Flakes Mill Road and the driveway off Flat Shoals Parkway that is furthest from the intersection.

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:

There are no anticipated adverse impacts on surrounding properties due to noise, smoke, odor, dust, or vibration since it appears that the proposed accessory alcohol outlet is compatible with nearby convenience store and commercial developments along Flat Shoals Parkway.

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

Based on the submitted information and elevations, it appears that the proposed use would not create adverse impacts on the adjoining land use by reason of the hours of operation since the hours of operation will be consistent with the current business hours of the existing convenience store.

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

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

The proposed plan is generally consistent with the requirements of the C-1 (Local Commercial) zoning district in which it is located.

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:
The proposed redevelopment of the existing convenience store on the subject property (see attached conceptual elevation) is consistent with the policies and strategies of the Neighborhood Center (NC) Character Area of the 2035 Comprehensive Plan to promote redevelopment at or near activity centers as a means of reduce vehicle miles traveled (VMT) and to improve street character with consistent signage, lighting, landscaping and other design features (NC Policies #9 and #20). The proposed redevelopment project and submitted conceptual elevations are also consistent with the goals of the Flat Shoals Activity Center Small Area Plan to support architectural standards that allow a variety of styles that require good design and to incorporate access management (Policies B2 and B5).

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:
No transitional buffers are required since the subject property does not abut residential zoning.

M. Whether or not there is adequate provision of refuse and service areas:
Based on the submitted information, ample refuse and service areas are provided.

N. Whether the length of time for which the special land use permit is granted should be limited in duration:
This is an existing permanent development and should not be limited in duration.

O. Whether or not the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings:

Based on the submitted plan and information, the proposed use would be located in a one-story building and will comply with all minimum required building setbacks from the property line. Therefore, there are no impacts on the size, scale, and massing of adjacent and nearby lots and buildings.

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

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

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

Based on the submitted information, the proposed use complies with the supplemental regulations for alcohol outlets (Section 4.2.8 of the zoning ordinance) as described in the project analysis.

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

Based on the submitted plan and information, as well as field investigation of the project site, the proposed use would be located in a one-story building and will comply with all minimum required building setbacks from the property line which should not create a negative shadow impact on any adjoining lot or building. Therefore, the proposed fuel pumps should not, as a result of its proposed building height, create a negative shadow impact on any adjoining lot or building.

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 redevelopment of the existing convenience store on the subject property (see attached conceptual elevation) is consistent with the policies and strategies of the Neighborhood Center (NC) Character Area of the 2035 Comprehensive Plan to promote redevelopment at or near activity centers as a means of reduce vehicle miles traveled (VMT) and to improve street character with consistent signage, lighting, landscaping and other design features (NC Policies #9 and #20). The proposed accessory use should have little impact on traffic, and is compatible with nearby convenience store and commercial developments along Flat Shoals Parkway.

<u>Staff Recommendation</u>: APPROVAL WITH CONDITIONS

The proposed request for an alcohol outlet as an accessory use to a convenience store is required to obtain a Special Land Use Permit (SLUP) since it is located in the C-1 (Local Commercial) zoning district. The proposed redevelopment of the existing convenience store on the subject property (see attached conceptual elevations) is consistent with the policies and strategies of the Neighborhood Center (NC) Character Area of the 2035 Comprehensive Plan to promote redevelopment at or near activity centers as a means of reduce vehicle miles traveled (VMT) and to improve street character with consistent signage, lighting, landscaping and other design features (NC Policies #9 and #20). The proposed redevelopment project and submitted conceptual elevations are

also consistent with the goals of the Flat Shoals Activity Center Small Area Plan to support architectural standards that allow a variety of styles that require good design and to incorporate access management (Policies B2 and B5). Given that there is an existing convenience store with an accessory alcohol outlet and gas pumps on the subject property, the proposed convenience store with an accessory alcohol outlet should have little impact on traffic, and is compatible with nearby convenience store and commercial developments along Flat Shoals Parkway (Section 27-7.46.B & D). Therefore, it is the recommendation of the Planning Department that the application be "Approved" with the following conditions:

1) Allow an alcohol outlet in conjunction with a convenience store as depicted on the site plan, dated October 15, 2020. The proposed site plan is conceptual and is subject to compliance with C-1 (Local Commercial) District Development standards unless variances are obtained from appropriate regulatory authorities.

2) Provide landscaping along Flat Shoals Parkway and Flakes Mill Road as shown on conceptual site plan dated 10/15/2020, subject to compliance with Article 5 of the zoning ordinance and as approved by the County Arborist.

3) Existing convenience store shall be redeveloped similar to the submitted conceptual elevations.

4) Compliance with the Alcohol Ordinance and Supplemental Regulations for Alcohol Outlets.

5) Limit site to one (1) curb cut on Flat Shoals Parkway, subject to GDOT (Georgia Department of Transportation). Limit site to one (1) curb cut on Flakes Mills Road, subject to the Transportation Division of the Department of Public Works.

6) The retail/convenience store building façade shall consist of four (4) sided brick with accent materials.

7) Support columns for the pump/canopy island shall be composed of four-sided brick.

8) All refuse areas shall be constructed with a combination of brick and wood enclosure to match the building materials of the principal structure.

9) Provide outside trash receptacles for patrons at gasoline pumps and along store entrances.

10) Outside vending machines are prohibited. This prohibition shall not restrict outside equipment used for the storage and sale of ice or for Amazon lockers.

11) No car washing allowed on site.

12) Project signage with digital scrolling signage or with changing pictures shall be strictly prohibited.

13) All construction work shall be conducted in accordance with the DeKalb County Noise Ordinance.

14) 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 Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

15) This SLUP is being issued to Urban Retail LLC and shall be non-transferable except to an affiliated entity of Urban Retail LLC.

Attachments:

1. Public Works Department Comments
    a. Land Development Division
    b. Traffic Engineering Division
2. Watershed Management Department Comments
3. Board of Health Comments
4. Board of Education Comments
5. Application
6. Site Plan
7. Zoning Map
8. Aerial Photograph
9. Photographs

Zoning comments: 12/14/2020

N1. Constitution Road is classified as a minor arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontages at permitting. You may want to check whether this goes against the planning efforts in the DeKalb County SDAT Report Plan to limit trucks on Bouldercrest Road.

N2. Mercer University Drive and Flowers Road are both classified as collector roads. . Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting. Coordination is required with GDOT Project PI No. 0015646. Dedicate necessary right of way and easements needed for bridge construction.

N3. Rock Chapel Road is classified as a major arterial and state route. GDOT review and permits required, including updated traffic signal permit, prior to receiving permit. Requesting a traffic study to include all phases with proposed land uses. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting.

N4. No comments

N5 & N6. Flat Shoals Pkwy is classified as a major arterial and state route. GDOT review and permits required prior to receiving permit. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting. Dedicate right of way to match surrounding parcels. Flakes Mill Road is classified as a minor arterial. . A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting. Limit access points to one access point on each road by closing the access point nearest the intersection.

N7. No comments

N8. Briarcliff Road and Shallowford Road are both classified as minor arterials. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 40 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting.

N9. Covington Hwy is classified at a major arterial and state route. GDOT review and permits required prior to receiving permit. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path) and street lighting along all property frontage at permitting.

N10. North Druid Hill is classified as a major arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required improvements. A right of way dedication of 50 feet from centerline or such that all public infrastructure is on right of way, whichever greater, is required. Requires a 6 foot sidewalk, a 10 foot planting strip, bike lanes (or multiuse path- preferred) and street lighting along all property frontage at permitting.

DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO **MICHELLE M ALEXANDER** mmalexander@dekalbcountyga.gov OR **JOHN REID** JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: SLUP-21-1244389

Parcel I.D. #: 15-061-03-012

Address: 4845 Flat Shoals Parkway

Decatur, Georgia

WATER:

Size of existing water main: 6"CI, 8" DI, and 16" DI Water Main (adequate/inadequate)
SJD

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Conley Creek Basin

Is sewer adjacent to property: Yes (X) No ( ) If no, distance to nearest line:____

Water Treatment Facility: Snapfinger WTF ( ) adequate ( ) inadequate

Sewage Capacity; * (MGPD) **Current Flow:** 21.77 (MGPD)

COMMENTS:

*** Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.**

CAPACITY RESTRICTED AREA
SJD

Signature:

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. The discharge from the stormwater management facility, from the development shall be connected to an existing storm sewer structure to prevent properties downstream from experiencing an increased volume of runoff after construction.

- **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.

12/14/2020

To: 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 Operations, Tourist Accommodations, Body Art Studios, Swimming Pools and Water Parks 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. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

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

N.1 Z-21-1244232 2020-1531/15-077-01-002
1795 Constitution Road, Atlanta, GA 30316
- Please review general comments.

N.2 SLUP-21-1244383 202-1532/18-265-05-002, 18-265-05-003, 18-266-01-002, 18-266-01-003, 18-266-01-004, 18-266-01-005, 18-266-01-007, 18-266-02-002, 18-266-02-003, 18-266-02-0052930
2930 Flowers Road South, Chamblee, GA 30341
- Please review general comments.
- Septic system installed on property 3000 Flowers Road on 09/24/1970.

N.3 CZ-21-1244384 2020-1534/16-195-01-002,16-195-011-004,16-195-01-006,16-195-01-007
1688 Rock Chapel Road; Lithonia, GA 30058
- Please review general comments.
- Septic indicated on several properties surrounding this location.

N.4 SLUP-21-1244387 2020-1535/15-164-02-001
4085 Glenwood Road, Decatur, GA 30032
- Please review general comments.
- Septic indicated on several properties; installed between 10-07-59 – July 2001.

N.5 SLUP-21-1244388 2020-1536/15-061-03-012
4845 Flat Shoals Parkway, Decatur, GA 30034
- Please review general comments.
- Septic indicated on several properties in surrounding area.

N.6 SLUP-21-1244389 2020-1537/15-061-03-012
4845 Flat Shoals Parkway, Decatur, GA 30034
- Please review general comments.
- Septic system indicated on several properties in surrounding area.

N.7 Z-21-1244393 2020-1538/15-201-05-002
1548 Line Street, Decatur, GA 30032
- Please review general comments.
- Septic indicated on surrounding property: 1799 Line Street on April 22, 1996.

N.8 SLUP-21-1244393 2020-1539/18-233-07-002
2345 Shallowford Road, Atlanta, GA 30345
- Please review general comments.
- Septic system indicated on surrounding properties.

N.9 Z-21-1244398 2020-1541/15-162-04-007
5021 Covington Highway, Decatur, GA 30035
- Please review general comments.
- Septic system installed 05/24/1967.

N.10 SLUP-21-1244417 2020-1542/18-112-02-003
3033 North Druid Hills Road, Atlanta, GA 30329
- Please review general comments.
- Septic system installed on surrounding property 3035 North Druid Hills Road in 04/14/1980.

N.11 TA-21-1244279 2020-1543
County-Wide (ALL DISTRICTS)

N.12 TA-21-1244414 2020-1546
County-Wide (ALL DISTRICTS)

N.13 V-20-1244428 15-228-01-003, 15-228-01-005, 15-228-01-093, 15-288-01-094
1014 Elder Lane, Stone Mountain, GA 30083

DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO **MICHELLE M ALEXANDER** mmalexander@dekalbcountyga.gov OR **JOHN REID** JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: SLUP-21-1244389

Parcel I.D. #: 15-061-03-012

Address: 4845 Flat Shoals Parkway

Decatur, Georgia

WATER:

Size of existing water main: 6"CI, 8" DI, and 16" DI Water Main (adequate/inadequate)
SJD

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Conley Creek Basin

Is sewer adjacent to property: Yes (X) No ( ) If no, distance to nearest line:____

Water Treatment Facility: Snapfinger WTF ( ) adequate ( ) inadequate

Sewage Capacity; * (MGPD) **Current Flow:** 21.77 (MGPD)

COMMENTS:

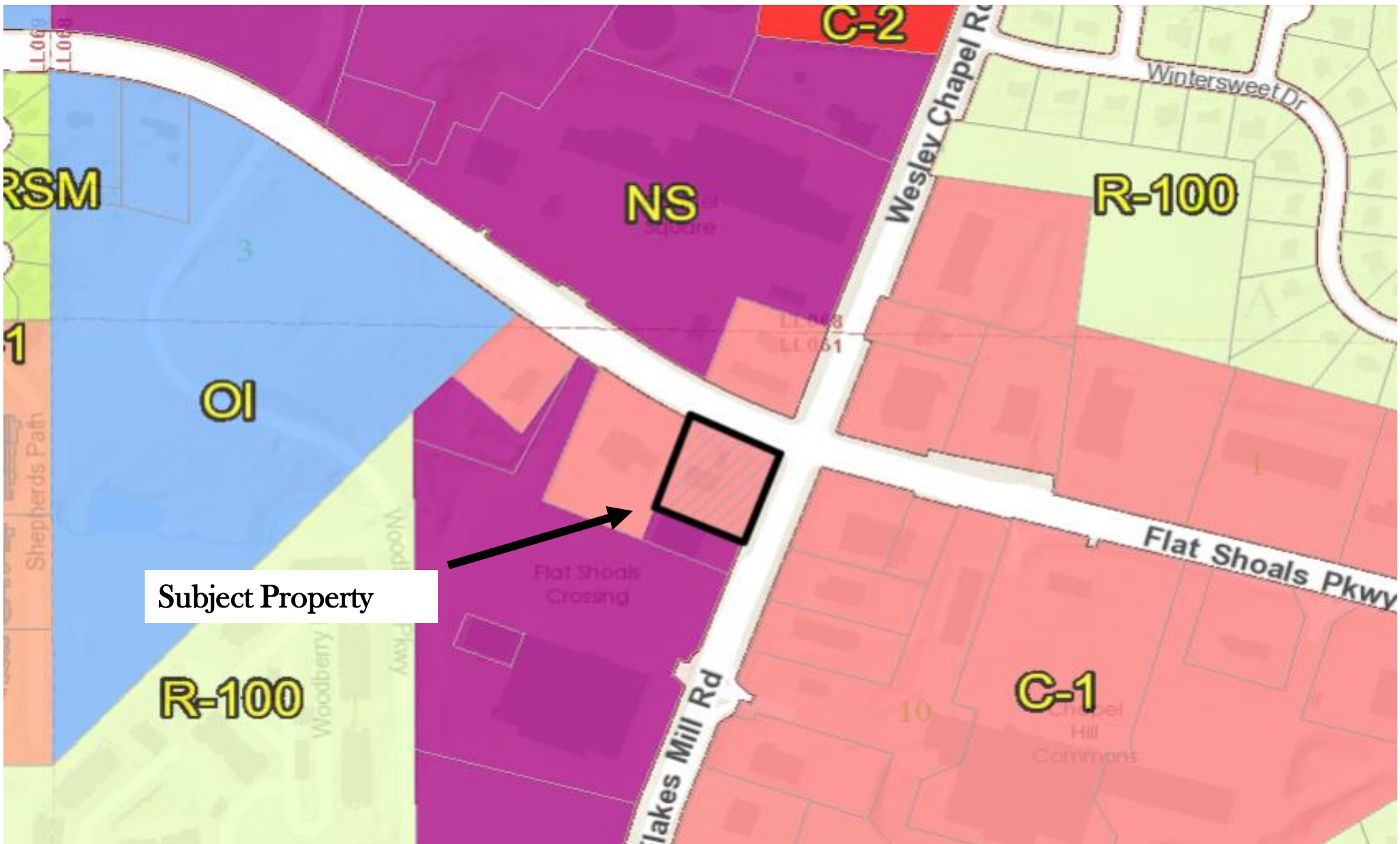
*** Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.**

CAPACITY RESTRICTED AREA
SJD

Signature:

N5 & N6 SLUP 21 1244388 & SLUP 21 1244389 SITE PLAN

N.5 & N6 SLUP 21 1244388 & SLUP 21 1244389 ZONING MAP



N5 & N6 SLUP 21 1244388 & SLUP 21 1244389 FUTURE LAND USE MAP

N5 & N6 SLUP 21 1244388 & SLUP 21 1244389

AERIAL

N5 & N6 SLUP 21 1244388 & SLUP 21 1244389

SITE PHOTO

N5 & N6 SLUP 21 1244388 & SLUP 21 1244389 CONCEPTUAL ELEVATIONS

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing date.

Date Received: _____ Application No.: _____

APPLICANT NAME: Urban Retail, LLC c/o Battle Law, P.C.

Daytime Phone #: 404.601.7616 Fax #: 404.745.0045

Mailing Address: One West Court Square, Decatur,GA 30030

E-mail: mlb@battlelawpc.com

OWNER NAME: Urban Retail, LLC
(If more than one owner, attach contact information for each owner)

Daytime Phone #: 404.630.4761 Fax #: _____

Mailing Address: 880 Indian Trail Road , Suite J. Lilburn, GA 30047

E-mail: usmangandhi@gmail.com

SUBJECT PROPERTY ADDRESS OR LOCATION: 4845 Flat Shoals Parkway

Decatur, DeKalb County, GA, 30034

District(s): 15 Land Lot(s): 061 Block(s): 03 Parcel(s): 012

Acreage or Square Feet: 0.927 Commission District(s): 3 & 7 Existing Zoning: C-1

Proposed Special Land Use (SLUP): A Special Land Use Permit for Accessory Alcohol Outlet

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

Owner: ____ Agent: X
(Check One)

Signature of Applicant: Usman I Gandhi

Printed Name of Applicant: USMAN I GANDHI

Notary Signature and Seal: AMIR ISMAIL

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing date.

Date Received: _____ Application No.: _____

APPLICANT NAME: Urban Retail, LLC c/o Battle Law, P.C.

Daytime Phone #: 404.601.7616 Fax #: 404.745.0045

Mailing Address: One West Court Square, Decatur,GA 30030

E-mail: mlb@battlelawpc.com

OWNER NAME: Urban Retail, LLC
(If more than one owner, attach contact information for each owner)

Daytime Phone #: 404.630.4761 Fax #: _____

Mailing Address: 880 Indian Trail Road , Suite J. Lilburn, GA 30047

E-mail: usmangandhi@gmail.com

SUBJECT PROPERTY ADDRESS OR LOCATION: 4845 Flat Shoals Parkway

Decatur, DeKalb County, GA, 30034

District(s): 15 Land Lot(s): 061 Block(s): 03 Parcel(s): 012

Acreage or Square Feet: 0.927 Commission District(s): 3 & 7 Existing Zoning: C-1

Proposed Special Land Use (SLUP): A Special Land Use Permit for Accessory Alcohol Outlet

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

Owner: ____ Agent: X
(Check One)

Signature of Applicant: Usman I Gandhi

Printed Name of Applicant: USMAN I GANDHI

Notary Signature and Seal:

Aamir Ismail
10/27/2020

AAMIR ISMAIL
MY COMMISSION EXPIRES
FEB. 3 2023
GWINNETT CO., GEORGIA
NOTARY PUBLIC

SPECIAL LAND USE PERMIT APPLICATION AUTHORIZATION

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

Date: 10/27/2020

TO WHOM IT MAY CONCERN:

(I) (WE), Urban Retail. LLC
Name of Owner(s)

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

Urban Retail, LLC c/o Battle Law, P.C.
Name of Applicant or Agent

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

Aamir Ismail
Notary Public
10/27/2020

AAMIR ISMAIL
MY COMMISSION EXPIRES
FEB. 3 2023
GWINNETT CO., GEORGIA
NOTARY PUBLIC

Usman Gandhi
Owner Usman Gandhi

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE

(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Urban Retail, LLC c/o Battle Law, P.C. Phone: 404.601.7616 Email: mlb@battlelawpc.com

Property Address: 4845 Flat Shoals Parkway, Decatur, GA 30034

Tax Parcel ID: 15 061 03 012 Comm. District(s): 3 & 7 Acreage: 0.927 Acres

Existing Use: Convenience Store w/ Fuel Pumps Proposed Use: Convenience Store with Fuel Pumps and Retail

Supplemental Regs: 4.2.28 Overlay District: NO DRI: NO

Rezoning: Yes ____ No X

Existing Zoning: C-1 Proposed Zoning: N/A Square Footage/Number of Units: ____

~~Rezoning Request:~~

Land Use Plan Amendment: Yes ____ No X

Existing Land Use: NC Proposed Land Use: N/A Consistent X Inconsistent ____

Special Land Use Permit: Yes X No ____ Article Number(s) 27-4, Table 4.1, Sec. 4.2.28

Special Land Use Request(s): Urban Retail, LLC is seeking a Special Land Use Permit for Fuel Pumps and Accessory Alcohol Outlet

Major Modification:

Existing Case Number(s): N/A

Condition(s) to be modified:

N.A.

DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: 10/28/20 Review Calendar Dates: ✓ PC: ____ BOC: ____

Letter of Intent: ____ Impact Analysis: ____ Owner Authorization(s): ____ Campaign Disclosure: ____

Zoning Conditions: ____ Community Council Meeting: ____ Public Notice, Signs: ____

Tree Survey, Conservation: ____ Land Disturbance Permit (LDP): ____ Sketch Plat: ____

Bldg. Permits: ____ Fire Inspection: ____ Business License: ____ State License: ____

Lighting Plan: ____ Tent Permit: ____ Submittal Format: NO STAPLES, NO BINDERS PLEASE

Review of Site Plan

Density: — Density Bonuses: — Mix of Uses: — Open Space: — Enhanced Open Space: — Setbacks: front see supplemental regs. sides ____ side corner ____ rear ____ Lot Size: ____ Frontage: ____ Street Widths: ____ Landscape Strips: ____ Buffers: ____

Parking Lot Landscaping: ____ Parking - Auto: ✓ Parking - Bicycle: — Screening: — Streetscapes: ✓ Sidewalks: ✓ Fencing/Walls: — Bldg. Height: ✓ Bldg. Orientation: ✓ Bldg. Separation: — Bldg. Materials: ✓ Roofs: — Fenestration: — Façade Design: — Garages: — Pedestrian Plan: — Perimeter Landscape Strip: —

Possible Variances: side and rear bldg. setbacks

Comments:

Discussed setting bldg. closer to streets. Existing fuel tanks limit location of bldg; also the concept of a bldg. w/ more than one entrance seems unacceptable to applicant

Planner: Melora Furman Date 10/27/20

Filing Fees

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

STATEMENT OF INTENT AND IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Ordinance
For
A Special Land Use Permit for
Accessory Gas Pumps and Alcohol Outlet

Pursuant to DeKalb County Zoning Ordinance

of

Urban Retail, LLC
c/o Battle Law, P.C.

for

.927 ± acres of land
Located at 4845 Flat Shoals Parkway, Decatur, GA
in Land Lot 15, District 61
DeKalb County, Georgia

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
(404) 601-7616 Phone
(404) 745-0045 Facsimile
www.battlelawpc.com

I. STATEMENT OF INTENT

The Applicant, Urban Retail, LLC, is the current owner of the Chevron gas station located at 4845 Flat Shoals Parkway, Decatur, GA (the "Subject Property"). The gas station was built in 1973 and is currently zoned C-1 with a land use designation of Neighborhood Center. The gas station currently has four (4) fueling stations with 8 fuel pumps, and sales beer and wine. In order to upgrade the current facilities at in excess of 60% of the current value of the improvements, the Applicant is seeking to obtain Special Land Use Permits for accessory fuel pumps and beer and wine outlet. The Applicant is proposing to redevelop the existing store by replacing it with a modern one-story building which will include a 4,900 sq. ft. convenience store with a new canopy and fuel (4) fueling stations, and a 3,360 retail unit.

This document is submitted both as a Statement of Intent and Impact Analysis with regard to this Application, a preservation of the Applicant's constitutional rights, and the Impact Analysis. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

II. IMPACT ANALYSIS

(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 Subject Property is a .927 acre tract of land. The site is adequate for the proposed use. Compliance with all dimensional setback requirements, open space, lot coverage ratios and off-street parking requirements is shown on the submitted site plan, subject to minimal administrative variances for the front and side yards as indicated.

(b) Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.

The proposed fuel pumps and beer & wine accessory outlet is compatible with the uses in the area. The Subject Property is located within a commercial corridor with a variety of uses. The Subject Property as zoned C-1 unconditional is currently developed with a gas station with fuel pumps and with accessory beer and wine sales.

(c) *Adequacy of public services, public facilities, and utilities to serve the proposed use.*

There is adequate public services, public facilities and utilities to serve the proposed use. The Subject Property has existing access to public water and sewer.

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

Flat Shoals Parkway is a major arterial road and Flakes Mill Road is a minor arterial road, which as sufficient to handle the existing and anticipated traffic to and from the Subject Property. The Subject Property currently has two access points on each road. The curb cut on Flat Shoals Parkway closets to the intersection of Flakes Mill Road and Flat Shoals Parkway will be removed, as it currently does not meet DeKalb County standards.

(e) *Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.*

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

(f) *Adequacy of 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.

The proposed redevelopment will have adequate ingress and egress to the Subject Property and to the proposed building and fueling stations. The existing fuel pumps and canopy will be turned 180 degrees in order to provide for better circulation into and within the site. Also, there will be a larger driving aisle between the front door of the store and the fuel pumps, which will allow for easier access for fire and safety to the buildings on site.

(g) Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

The propose use will not create adverse impacts on any adjoining land use through noise, smoke, odor, dust, or vibration generated by the proposed use.

(h) Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

Although the facility will be open 24 hours a day and 7 days a week, these hours of operation will not create adverse impacts upon any adjoining land use. All lighting will be downward facing.

(i) Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

The proposed use will not create adverse impact on the adjoining land use by reason of manner of use. Again, the Subject Property is located within a commercial corridor, as in an outparcel from the Publix Shopping Center and the Beauty Supply building located behind the Subject Property. separates most of the site from the residential uses to the rear of the Subject Property.

(j) Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The proposed use is consistent with all DeKalb County zoning requirements of the zoning classification.

(k) Whether the proposed use is consistent with the policies of the comprehensive plan.

The Subject Property has a land use designation of Neighborhood Commercial. C-1 is a permitted zoning district in both land use designations. Therefore, the proposed use is consistent with the policies of the comprehensive plan.

(l) Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

There are no required buffers that impact the Subject Property.

(m) Whether there is adequate provision of refuse and service areas.

The refuse area will be located as shown on the submitted site plan and enclosed on all four sides. The service area for the pumps is located outside of the canopy and all parking spaces.

(n) Whether the length of time for which the special land use permit is granted should be limited in duration.

There should not be a time limit on the duration this special land use permit, if granted. The proposed use is suitable for the current location, and has been in place for in excess of 47 years.

(o) Whether 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.

The size, scale and massing of the proposed developments 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. Although, the convenience store will be taller than the existing buildings on the Subject Property, the overall look will be a significant upgrade over the current improvements on the Subject Property.

(p) Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

To the best of the Applicant's knowledge, the proposed use will not adversely affect historic buildings, sites, districts, or archaeological resources.

(q) Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

The proposed use satisfies the requirements contained within the supplemental regulations for the Applicant's special land use permit. Additionally, the site has secondary access and provides for 3-bathroom stalls in the men's and women's restrooms.

(r) Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

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

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

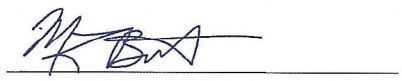
The proposed use is consistent with the needs of the neighborhood and community as a whole and is compatible with the neighborhood. The existing store has been a part of the surrounding community for 47 years. The existing building is in dire need of improvements and will only serve to be improve the overall aesthetic look and feel of the commercial intersection. In fact, the existing improvements are the oldest improvements at the corner. The Supplemental Regulations for accessory fuel pumps encourage the redevelopment of existing sites, and this proposed achieves that objective.

III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Special Land Use Permit Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights has been submitted with this Application and are attached hereto and by this reference incorporated herein.

This 28th day of October, 2020.

Respectfully submitted,



Michèle L. Battle, Esq.
Attorney For Applicant

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

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

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

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

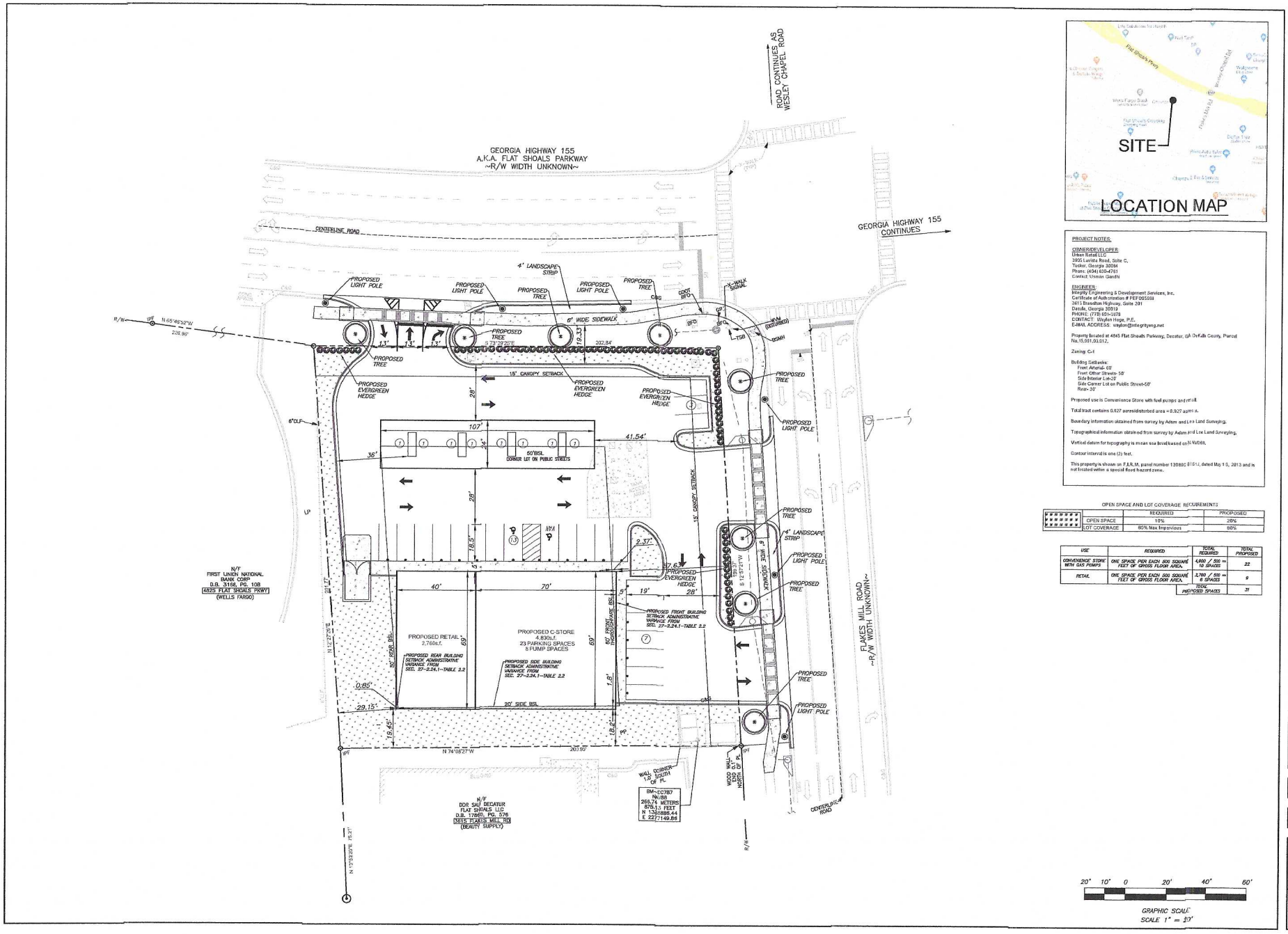
A refusal by the DeKalb County Board of Commissioners to grant the Special Land Use Permit as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any granting of the Special Land Use Permit subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to grant the Special Land Use Permit in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

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

The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate

compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.



PROJECT NOTES:

OWNER/DEVELOPER:
Urban Retail LLC
3905 Lavista Road, Suite C,
Tucker, Georgia 30084
Phone: (404) 630-4751
Contact: Usman Gandhi

ENGINEER:
Integrity Engineering & Development Services, Inc.
Certificate of Authorization # PEF005169
3615 Braselton Highway, Suite 201
Dacula, Georgia 30019
PHONE: (770) 651-3378
CONTACT: Waylon Hoge, P.E.
E-MAIL ADDRESS: waylon@integrityeng.net

Property located at 4845 Flat Shoals Parkway, Decatur, GA DeKalb County, Parcel No.15 061 03 012.

Zoning: C-1

Building Setbacks:
Front Arterial- 60'
Front Other Streets- 50'
Side Interior Lot-20'
Side Corner Lot on Public Street-50'
Rear-30'

Proposed use is Convenience Store with fuel pumps and retail.

Total tract contains 0.927 acres(undisturbed area = 0.927 acres).

Boundary information obtained from survey by Adam and Lee Land Surveying.

Topographical information obtained from survey by Adam and Lee Land Surveying.

Vertical datum for topography is mean sea level based on NAVD88.

Contour interval is one (2) feet.

This property is shown on F.I.R.M. panel number 13089C 0161J, dated May 16, 2013 and is not located within a special flood hazard zone.

OPEN SPACE AND LOT COVERAGE REQUIREMENTS

	REQUIRED	PROPOSED
OPEN SPACE	10%	20%
LOT COVERAGE	80% Max Impervious	80%

USE	REQUIRED	TOTAL REQUIRED	TOTAL PROPOSED
CONVENIENCE STORE WITH GAS PUMPS	ONE SPACE PER EACH 500 SQUARE FEET OF GROSS FLOOR AREA.	4,900 / 500 = 10 SPACES	22
RETAIL	ONE SPACE PER EACH 500 SQUARE FEET OF GROSS FLOOR AREA.	2,760 / 500 = 6 SPACES	9
		TOTAL PROPOSED SPACES	31

20' 10' 0 20' 40' 60'

GRAPHIC SCALE
SCALE 1" = 20'

NO.	DATE:	DESCRIPTION	ISSUE

INTEGRITY
ENGINEERING & DEVELOPMENT SERVICES, INC.
3615 Braselton Highway, Suite 201 Dacula, Ga 30019
(678) 546-4446

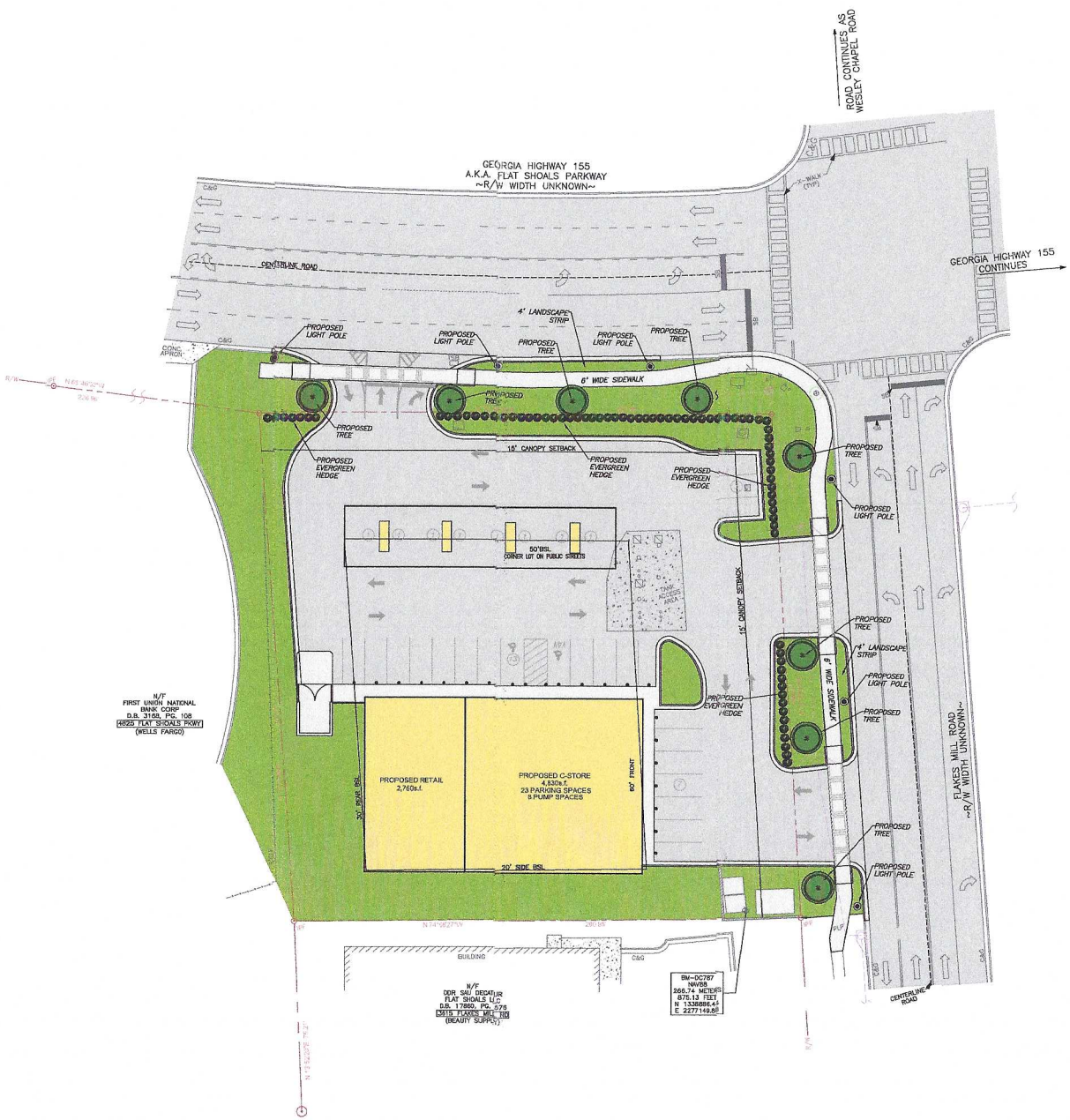
Flat Shoals Retail
4845 Flat Shoals Parkway
Decatur, GA, DeKalb County
Tax Parcel #15 061 03 012
Zoned: C-1

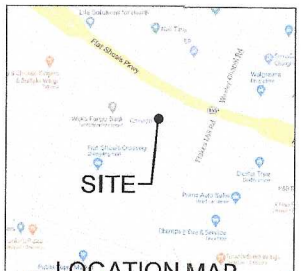
DATE
10-15-2020

IEDS PROJECT NUMBER:
GAN-1902

SHEET TITLE:
S.L.U.P. PLAN

SHEET NUMBER 1 / 1





PROJECT NOTES:

OWNER/DEVELOPER:
Urban Retail LLC
3935 Lavista Road, Suite C,
Tucker, Georgia 30084
Phone: (404) 638-4751
Contact: Usman Gandhi

ENGINEER:
Integrity Engineering & Development Services, Inc.
Certificate of Authorization # PEF005669
3615 Braselton Highway, Suite 201
Dacula, Georgia 30019
PHONE: (770) 654-9879
CONTACT: Waylon Hage, P.E.
E-MAIL ADDRESS: waylon@integrityeng.net

Property located at 4845 Flat Shoals Parkway, Decatur, GA DeKalb County Parcel No.15 091 03 012.

Zoning: C-1

Building Setbacks:
Front Arterial- 60'
Front Other Street- 50'
Side Interior Lot-20'
Side Corner Lot on Public Street-50'
Rear- 30'

Proposed use is Convenience Store with fuel pumps and retail.

Total tract contains 0.927 acres/disturbed area = 0.927 acres.

Boundary information obtained from survey by Adam and Lee Land Surveying.

Topographical information obtained from survey by Adam and Lee Land Surveying.

Vertical datum for topography is mean sea level based on NAVD88.

This property is shown on F.I.R.M. panel number 13089C 0181 J, dated May 16, 2013 and is not located within a special flood hazard zone.

USE	REQUIRED	TOTAL REQUIRED	TOTAL PROPOSED
CONVENIENCE STORE WITH GAS PUMPS	ONE SPACE PER EACH 500 SQUARE FEET OF GROSS FLOOR AREA.	4,900 / 500 = 10 SPACES	22
RETAIL	ONE SPACE PER EACH 500 SQUARE FEET OF GROSS FLOOR AREA.	2,760 / 500 = 6 SPACES	9
		TOTAL PROPOSED SPACES	31

20' 10' 0 20' 40' 60'

GRAPHIC SCALE
SCALE 1" = 20'

NO.	DATE:	DESCRIPTION	ISSUE

INTEGRITY
ENGINEERING & DEVELOPMENT SERVICES, INC.
3615 Braselton Highway, Suite 201 Dacula, Ga 30019
(678) 546-6446

Flat Shoals Retail
4845 Flat Shoals Parkway
Decatur, GA, DeKalb County
Tax Parcel #15 091 03 012
Zoned: C-1

DATE
10-15-2020

IEDS PROJECT NUMBER
GAN-1902

SHEET TITLE
RENDERED SITE PLAN

SHEET NUMBER 1 / 1

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

UTILITY PROTECTION CENTER
IF YOU DIG GEORGIA...
CALL US FIRST!
811
IT'S THE LAW
THREE WORKING DAYS BEFORE YOU DIG

ZONING INFORMATION:
ZONING PER DEKALB COUNTY, GA.
ZONED C-1 (COMMERCIAL)
BUILDING SETBACK REQUIREMENTS:
FRONT
THOROUGHFARES AND ARTERIALS 60'
ALL OTHER STREETS 50'
SIDE
INTERIOR LOT 20'
CORNER LOT ON PUBLIC STREETS 50'
REAR – 30'

NOTE:
ZONING INFORMATION SHOWN HEREON TAKEN FROM ZONING MAPS AND MUNICODE.COM ONLINE LIBRARY. NO ZONING REPORT PROVIDED FOR THIS SURVEY.

AREA
0.927 ACRES
40,417 SQ. FEET

FLOOD HAZARD STATEMENT:
THIS PROPERTY DOES NOT LIE WITHIN THE 1% ANNUAL FLOOD (100-YEAR FLOOD) FEDERAL FLOOD HAZARD AREA AS PER PANEL NO. 13089C 0161J DATE: MAY 16, 2013

PARKING
18 PARKING SPACES

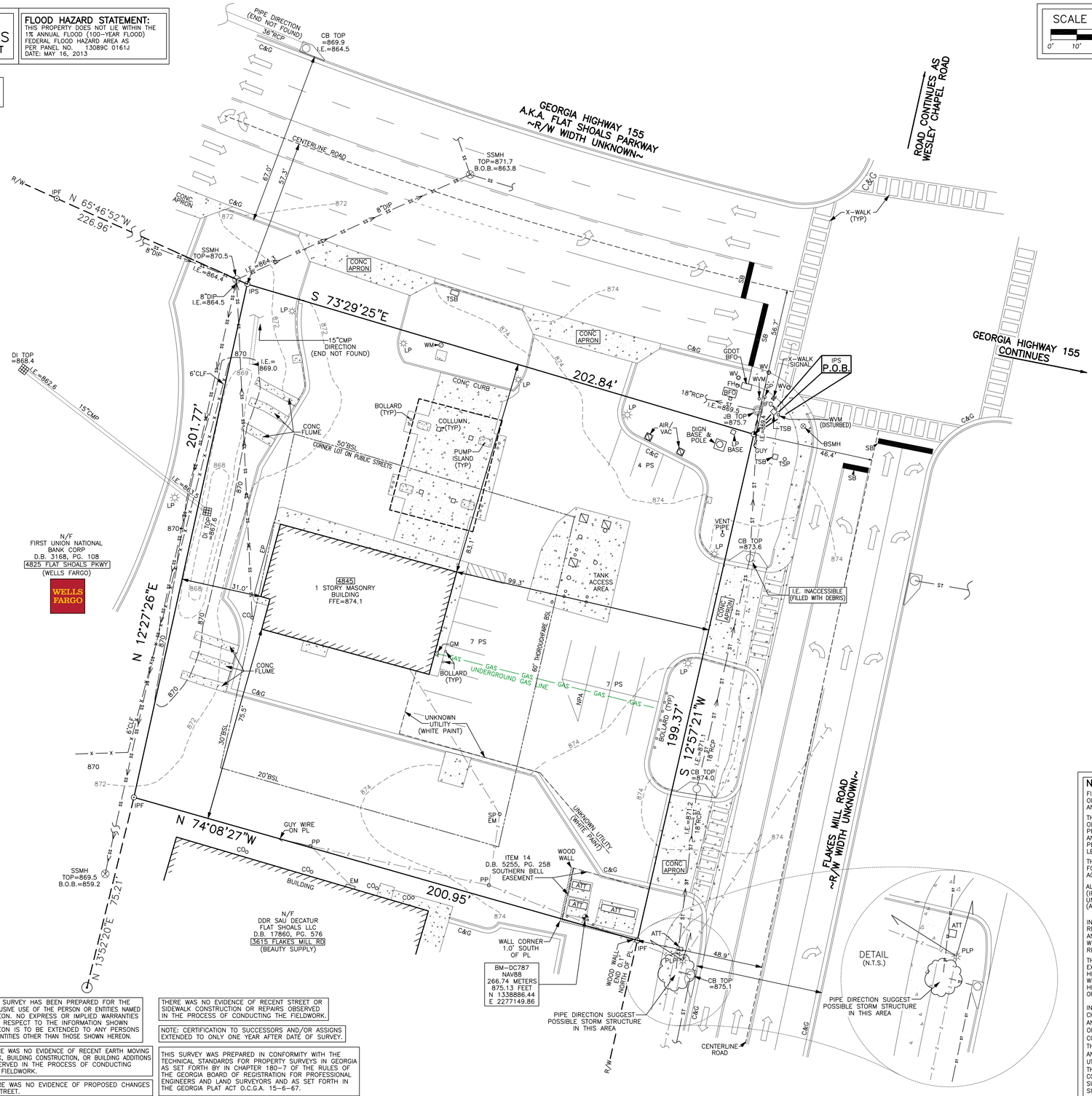
SCALE : 1" = 20'
0' 10' 20' 40'

LEGAL DESCRIPTION
4845 Flat Shoals Parkway, Decatur, Georgia 30034

All that tract or parcel of land lying and being in Land Lot 61, of the 15th District, DeKalb County, Georgia, and being more particularly described as follows:

Beginning at a ½ inch rebar set at the intersection of the Southerly right-of-way line of Georgia Highway 155 (a.k.a. Flat Shoals Parkway) and the Westerly right-of-way of Flakes Mill Road; thence along said right-of-way of Flakes mill Road South 12°57'21" West a distance of 199.37 feet to a ½ rebar found; thence leaving said right-of-way North 74°08'27" West a distance of 200.95 feet to a ½ inch rebar found; thence North 12°27'26" East a distance of 201.77 feet to a ½ inch rebar set on the Southerly right-of-way of Georgia Highway 155 (a.k.a. Flat Shoals Parkway); thence along said right-of-way South 73°29'25" East a distance of 202.84 feet to THE TRUE POINT OR PLACE OF BEGINNING.

Said tract or parcel of land containing 0.927.



LEGEND

A/C	AIR CONDITIONING
R/W	RIGHT-OF-WAY
N/F	ADJOINING OWNERSHIP
ATT	AT&T SERVICE BOX
BC	BACK OF CURB
BLC	BUILDING CORNER
BLD	BUILDING
CLF	CHAIN LINK FENCE
BFO	BURIES FIBER OPTICS
BOB	BOTTOM OF BOX
BSL	BUILDING SETBACK LINE
BSMH	BELLSOUTH MANHOLE
CB	CATCH BASIN
CMP	CORRUGATED METAL PIPE
CO	CLEAN-OUT
CONC	CONCRETE
	CONCRETE
C&G	CURB & GUTTER
DI	DROP INLET
DIP	DUCTILE IRON PIPE
EM	ELECTRICITY METER
EP	EDGE OF PAVEMENT
FH	FIRE HYDRANT
GDOT	GEORGIA DEPT. OF TRANSPORTATION
GM	GAS METER
GV	GAS VALVE
ICV	IRRIGATION CONTROL VALVE
IPF	1/2" REBAR
IPS	1/2" REBAR W/ CAP
JB	JUNCTION BOX
LP	LIGHT POLE
PL	PROPERTY LINE
PP	POWER POLE
D.B.	DEED BOOK
P.B.	PLAT BOOK
PG.	PAGE
P.O.B.	POINT OF BEGINNING
PS	PARKING SPACE
RCP	REINFORCED CONCRETE PIPE
RB	REBAR
—— SS ——	SANITARY SEWER LINE
SSMH	SANITARY SEWER MANHOLE
—— ST ——	STORM LINES
SB	STOP BAR
TSB	TRAFFIC SIGNAL BOX
TSP	TRAFFIC SIGNAL POLE
TYP	TYPICAL
WM	WATER METER
WV	WATER VALVE
WVM	WATER VALVE MARKER
—— E ——	OVERHEAD UTILITY LINES

FIRST AMERICAN TITLE INSURANCE COMPANY
AGENTS FILE No. 71809-2462
POLICY No. 5011413-017983e
POLICY DATE: FEB. 12, 2019

ITEMS CORRESPONDING TO SCHEDULE B

3 GEORGIA POWER EASEMENTS:
A. D.B. 428, PG. 595
MAY OR MAY NOT AFFECT – DESCRIPTION TOO VAGUE TO DETERMINE
B. D.B. 440, PG. 135
MAY OR MAY NOT AFFECT – DESCRIPTION TOO VAGUE TO DETERMINE
C. D.B. 1433, PG. 526
DOES AFFECT – BLANKET IN NATURE
D. D.B. 2585, PG. 504
DOES NOT AFFECT
E. D.B. 2612, PG. 728
DOES NOT AFFECT
F. D.B. 5357, PG. 161
DOES AFFECT – BLANKET IN NATURE
4. RIGHT-OF-WAY DEED – D.B. 786, PG. 479
NO LONGER AFFECTS
5. RIGHT-OF-WAY DEED – D.B. 1302, PG. 208
DOES NOT AFFECT
6. GEORGIA POWER PERMIT – D.B. 2585, PG. 525
DOES AFFECT – BLANKET IN NATURE
7. RIGHT-OF-WAY DEED – D.B. 2842, PG. 243
MAY OR MAY NOT AFFECT – ROAD DIMENSIONS DIFFER FROM RIGHT-OF-WAY DEED
8. RIGHT-OF-WAY DEED – D.B. 2842, PG. 244
MAY OR MAY NOT AFFECT – ROAD DIMENSIONS DIFFER FROM RIGHT-OF-WAY DEED
9. RIGHT-OF-WAY DEED – D.B. 2823, PG. 535
MAY OR MAY NOT AFFECT – ROAD DIMENSIONS DIFFER FROM RIGHT-OF-WAY DEED
10. RIGHT-OF-WAY DEED – D.B. 2823, PG. 536
MAY OR MAY NOT AFFECT – ROAD DIMENSIONS DIFFER FROM RIGHT-OF-WAY DEED
11. ACCESS RIGHTS TO DEPT OF TRANSPORTATION – D.B. 5010, PG. 521
DOES NOT AFFECT
12. CONVEYANCE OF ACCESS RIGHTS TO DEPT OF TRANSPORTATION D.B. 5034, PG. 676
MAY OR MAY NOT AFFECT – RIGHT-OF-WAY PLANS NOT LEGIBLE
13. CONVEYANCE OF ACCESS RIGHTS TO DEPT OF TRANSPORTATION D.B. 5034, PG. 681
MAY OR MAY NOT AFFECT – RIGHT-OF-WAY PLANS NOT LEGIBLE
14. RIGHT-OF-WAY EASEMENT TO SOUTHERN BELL – D.B. 5255, PG. 358
DOES AFFECT – AS SHOWN
15. RIGHT-OF-WAY DEED – D.B. 5422, PG. 40
MAY OR MAY NOT AFFECT – RIGHT-OF-WAY PLANS NOT LEGIBLE
16. CONSTRUCTION EASEMENT – D.B. 5422, PG. 444
NO LONGER AFFECTS – EXPIRED IN YEAR 1988

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

THERE WAS NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

THERE WAS NO EVIDENCE OF PROPOSED CHANGES IN STREET.

THERE WAS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

NOTE: CERTIFICATION TO SUCCESSORS AND/OR ASSIGNS EXTENDED TO ONLY ONE YEAR AFTER DATE OF SURVEY.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH BY IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

NOTES:
ONLY ACTS OF POSSESSIONS, IF ANY, THAT ARE VISIBLE FROM CASUAL INSPECTION OF THE PROPERTY ARE SHOWN HEREON. NO WARRANTY OR GUARANTEE IS IMPLIED AS TO THE EXISTENCE OF ACTS OF POSSESSION BY THE ADJOINERS TO THE LANDS SHOWN AND DESCRIBED HEREON.

UNLESS STATED OTHERWISE, GOVERNMENTAL JURISDICTIONAL AREAS OR NEGATIVE EASEMENT, IF ANY, WHICH MIGHT IMPACT ON THE USE OF THE PREMISES WERE NOT LOCATED. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS RESULTING FROM THE EXERCISE OF ANY GOVERMENTAL JURISDICTION AFFECTING THE USE OF THE PREMISES.

REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SIGNED, DATED, AND SEALED WITH A SURVEYOR'S SEAL.

NOTES:
FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A 5 SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECIOSION OF ONE FOOT IN 28,063 FEET AND AN ANGULAR ERROR OF 02 SECOND(S) PER ANGLE POINT AND WAS ADJUSTED BY LEAST SQUARES.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 64,577 FEET.

ALL IRON PINS LABELED AS SET OR FOUND (IPS OR IPF) ARE 1/2" REBAR RODS, UNLESS OTHERWISE NOTED. (ALL 1/2" REBAR W/ CAP)

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

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

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON, THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON.

2"x3" FOR OFFICIAL USE ONLY

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

SIGNATURE	PRINTED NAME	DATE
Gary L. Cooper	JAMES A. JACOBS	11/01/2019

SURVEYOR'S CERTIFICATION

TO "USMAN GANDHI"

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS; 1-4, 6(a), 7b(1), 8, 9, 11, 13, 14 & 16 OF TABLE "A" THEREOF. THE FIELD WORK WAS COMPLETED ON OCTOBER 21, 2019.

DATE OF THE PLAT OR MAP: NOVEMBER 1, 2019.

REVISIONS
UPDATE: TOPOGRAPHY ADDED TITLE EXCEPTIONS DWJ 08/06/2020
CHANGED BSL & PER ENGINEERS 10/29/2020 DWJ

PROJECT DESCRIPTION: ALTA/NSPS SURVEY FOR:

USMAN GANDHI

4845 FLAT SHOALS ROAD, DECATUR, GEORGIA 30034
COUNTY: DEKALB DISTRICT: 15TH
LAND LOT: 61 SECTION:

ADAM & LEE LAND SURVEYING

5640 GA. HWY. 20 S.
LOGANVILLE, GA. 30052 (770)554-8995
www.adamandlee.com FAX=(770)554-8134

LEGAL REFERENCES

OFFICE:	11/01/2019
BY:	DWJ
FIELD:	10/21/2019
BY:	AMB
SCALE:	1"=20'
SHEET # 1 OF 1	

19261-A

GEORGIA REGISTERED NO. 2608 LAND SURVEYOR GARY L. COOPER

Exhibit "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 61 of the 15th District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at the point formed by the intersection of the southerly right of way line of Flat Shoals Road (55 feet from centerline) and westerly right of way line of Flakes Mill Road (50 feet from centerline); thence South 12°57'21" west, along the westerly right of way line of Flakes Mill Road, 199.37 feet to an iron pin; thence departing the westerly right of way line of Flakes Mill Road, North 74°08'27" west, 200.95 feet to an iron pin; thence North 12°27'26" east, 201.77 feet to a point located on the southerly right of way line of Flat Shoals Road; thence South 73°29'25" east, along the southerly right of way line of Flat Shoals Road, 202.84 feet to a point and THE POINT OF BEGINNING; being improved property known as 4845 Flat Shoals Parkway, Decatur, Georgia, according to the present system of numbering structures in DeKalb County, Georgia.

The above described property containing 0.928 acres of land and being more particularly shown and delineated on a plat of survey prepared for Main Street Bank, Sang Tag Lee and Ticor Title Insurance Company by Tru-Line Surveying, dated February 27, 2006.

Z:\hdp\Gandhi\Dekalb Flat Shoals Purch.exA.doc

Campaign Contribution Disclosure Statements

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Michele L. Battle or Battle Law, P.C. in the past two years, aggregating $250.00 or more, to local government officials who will consider this application.

NAME OF GOV'T OFFICIAL	OFFICIAL POSITION	AMOUNT OF CONTRIBUTION
Kathie Gannon	Commissioner	$350
Mereda Davis Johnson	Commissioner	$500
Larry Johnson	Commissioner	$250
Lorraine Cochran-Johnson	Commissioner	$250

By: _____

Printed Name: Michele L. Battle

Battle Law, P.C.
Commercial Real Estate & Zoning
www.battlelawpc.com

MICHELE L. BATTLE, ESQ.
President

October 13, 2020

RE: A Rezoning Project at 4845 Flat Shoals Parkway, Decatur, Georgia 30034

Dear Property Owner:

We would like for you to join our Zoom Video Meeting Wednesday, October 28, 2020 from 6:00pm – 7:00pm to discuss a proposed Special Land Use Permit project. My client, Urban Retail, LLC is seeking to get a Special Land Use Permit for Accessory Fuel Pumps and Accessory Beer and Wine outlets in connection with a redevelopment of an existing convenience store for property located at 4845 Flat Shoals Parkway, Decatur, Georgia 30034.

Below are the meeting instructions. There are multiple ways for you to join the meeting, including via your computer, tablet, or cell phone, with or without video. If you are unable to make it, but would like to learn more, please contact our office at (404) 601-7616 ext. 2 or email us at bdc@battlelawpc.com and we'll send you a summary of the meeting.

Zoom Meeting Details

Meeting ID: 886 1911 9218
Password: 214175

Internet: https://otago.zoom.us/join
Telephone: (646) 558-8656

Please contact our offices if you have any questions regarding the meeting.

Sincerely,

Michele L. Battle

One West Court Square, Suite 750 Decatur, Georgia 30030
Phone: 404.601.7616 • Fax: 404.745.0045 • mlb@battlelawpc.com

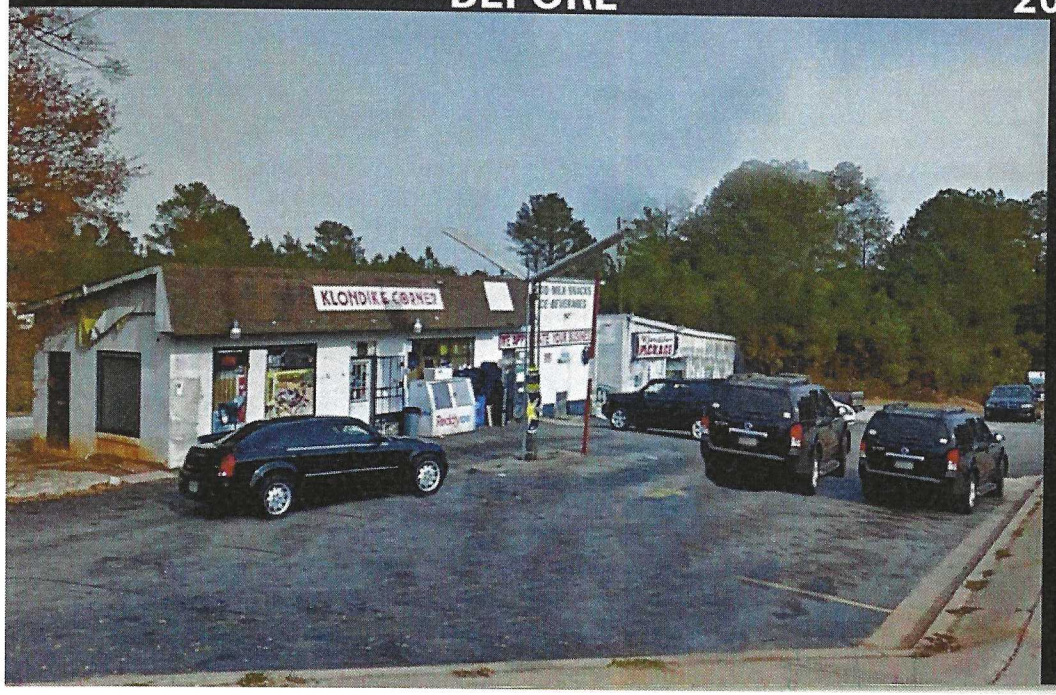
URBAN RETAIL LLC
Community Meeting - Mailing Address List
October 28, 2020

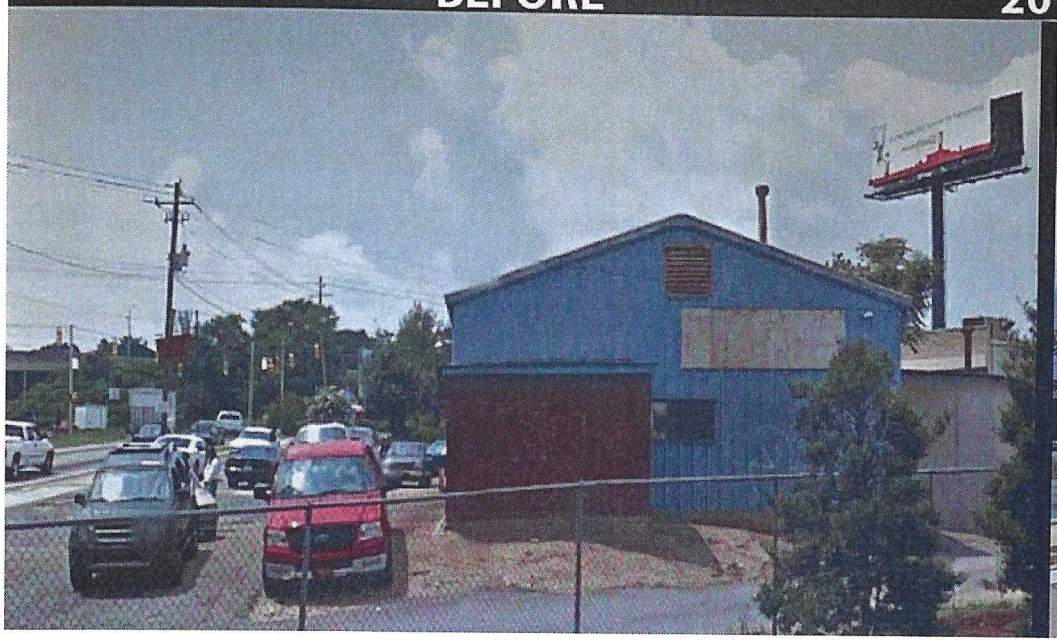
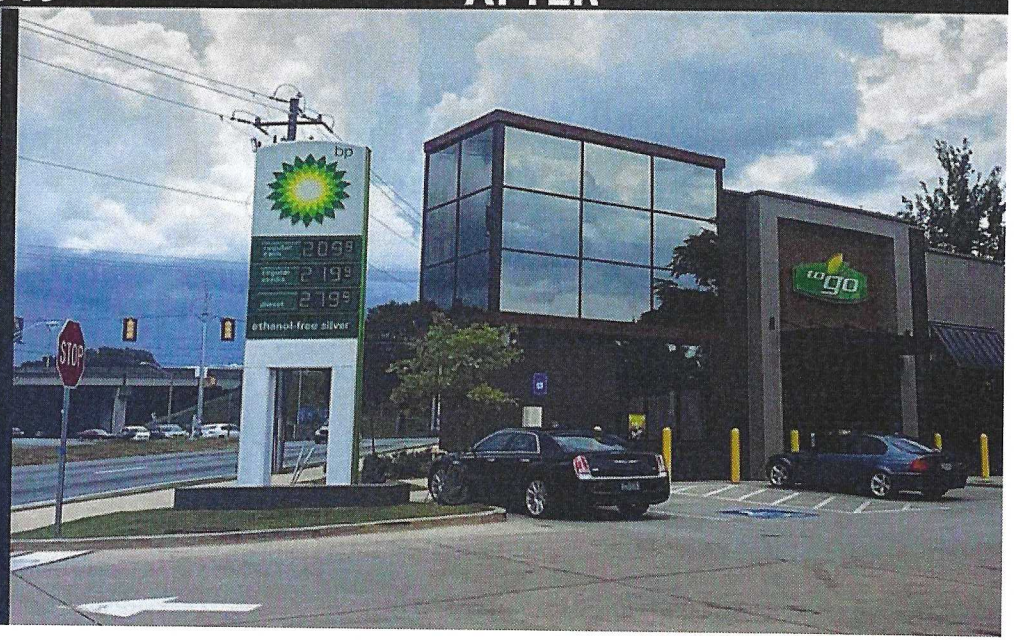
Name	Address	City, State, Zip
JOLSON FAMILY TRUST	2791 CRESTON DR	LOS ANGELES CA 90068
PROGRESS ATLANTA LLC	PO BOX 4090	SCOTTSDALE AZ 85261
FREG PARKWAY GRAND ASSOCIATES LLC	4500 CHERRY CREEK DR S STE 550	GLENDALE CO 80246
URBAN RETAIL LLC	3905 LAVISTA RD STE C	TUCKER GA 30084
S J T PROPERTY MANAGEMENT LLC	3662 FLAKES MILL RD STE A	DECATUR GA 30034
MCLAND ONE LLC	1660 HISTORIC OLD HWY 441	CLARKESVILLE GA 30523
NN DECATUR LLC	300 WILMOT	DEERFIELD IL 60015
SCGVI FLAT SHOALS LLC	P.O.BOX 450233	ATLANTA GA 31145
SABATINI ATLANTA ENTERPRISES	3761 WARNER ST	SAN DIEGO CA 92106
DDR SAU DECATUR FLAT SHOALS LLC	3300 ENTERPRISE PKWY	BEACHWOOD OH 44122
GOOD NEWS ENTERPRISES INC	2000 SILVER HILL RD	STONE MOUNTAIN GA 30087
GEORGIA LAND DEVELOPMENT ENTERPRISE LLC	1833 LAWRENCEVILLE HWY	DECATUR GA 30033
THE HUDSON HOLDING COMPANY	4525 FLAT SHOALS PKWY # 402	DECATUR GA 30034
NARAYAN150 LLC	3568 WESLEY CHAPEL RD	DECATUR GA 30034
FLAKES MILL VENTURES LLC	5170 EDGERTON DR	NORCROSS GA 30092
AUTOZONE INC	PO BOX 2198 # 8088	MEMPHIS TN 38101
CRESCENT HOLDINGS AND INVESTMENTS LLC	P O BOX 15333	ATLANTA GA 30333
JONES FREDRICK B	3925 WINTERSWEET DR	DECATUR GA 30034
HUDSON DEVON E	4525 FLAT SHOALS PKWY # 402	DECATUR GA 30034
ALDI INC	P.O. BOX 460049 DEPT 501	HOUSTON TX 77056
HIRAM PROPERTIES INC	4368 SLEEPY HOLLOW CV	LILBURN GA 30047
DEKALB COUNTY	1300 COMMERCE DR	DECATUR GA 30030
DATERCO INC	2021 CROWN DR	SAINT AUGUSTINE FL 32092
DECATUR DT FREESTANDING LLC	201 ALLEN RD # 300	ATLANTA GA 30328
FIRST UNION NATIONAL BANK CORP	PO BOX 2609	CARLSBAD CA 92018
ALTO ASSET COMPANY 1 LLC	5001 PLAZA ON THE LK STE 200	AUSTIN TX 78746
WAFFLE HOUSE INC	6000 LAKE FORREST DR STE 495	ATLANTA GA 30328
FOSTER GARY L	3999 WINTERSWEET DR	DECATUR GA 30034

GEORGIA LAND DEVELOPMENT ENTERPRISE LLC	1833 LAWRENCEVILLE HWY	DECATUR GA 30033
B H P INVESTMENT CO	PO BOX 82640	HAPEVILLE GA 30354
SABATINI ATLANTA ENTERPRISES	3761 WARNER ST	SAN DIEGO CA 92106
ROSENBAUM FAMILY TRUST	4655 EXECUTIVE DR STE 1000 RE	SAN DIEGO CA 92121
DDR SAU DECATUR FLAT SHOALS LLC	3300 ENTERPRISE PKWY	BEACHWOOD OH 44122
DECATUR DT FREESTANDING LLC	201 ALLEN RD # 300	ATLANTA GA 30328
B H P INVESTMENT CO	PO BOX 82640	HAPEVILLE GA 30354
QUEEN ARTHUR	3993 WINTERSWEET DR	DECATUR GA 30034
SMITHCO INVESTMENTS LLC	1819 STONEY CREEK DR SE	ATLANTA GA 30316
DDR SAU DECATUR FLAT SHOALS LLC	3300 ENTERPRISE PKWY	BEACHWOOD OH 44122
SABATINI ATLANTA ENTERPRISES	3761 WARNER ST	SAN DIEGO CA 92106
PARK CHUL SIK	2000 SILVER HILL RD	STONE MOUNTAIN GA 30087
LARRY ROBINSON REVOCABLE TRUST	2663 ROVENNA CT	DECATUR GA 30034
MCFLAT SHOALS LAND LLC	1660 HISTORIC HWY 441C	CLARKESVILLE GA 30523

THE KLONDIKE CORNER

BEFORE 2019 AFTER



UNIVERSITY AVENUE

BEFORE **2019** **AFTER**