

Special Land Use Permit

	Application SLUT 18-002					
	Name: PAWANTIT KAUR					
Applicant Iformation	Address: 6721 Collington Hwy StoneCycest G.A30038 Phone: 718-536-0017 Fax: Email Step Owner's Name: Paus ANTIT KAUR					
A In	Owner's Address: 388 BUILS bord Drive Newmon- 614-30263					
Owner Information	Phone: 718-536-0017 Fax: Email State wine Liquer Equal of Property Address: 6721 Coving for Hwy Acreage: 2.74 Parcel ID: 1608902022					
Property Information	Property Information: 6721 Coving for Hwy Stone Croud + GA-30038 18 Maistorbe Property and we like to Put a 60R 1 Shapers in this property. With New Construction. and Gover store. In it if you need More info Please . Cl To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined					
i;	to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Stonecrest Zoning Ordinance.					
Affiddavit	Applicant's Name: PAWAN JIT KAUR					
Affi	Applicant's Signature: Paracuo Applicant's Signature: 2/22/18					
	Sworn to and subscribed before me this 24 Day of Februs 2018					
Notary	Notary Public: SACQUELYN PORTUEN. Signature:					
Ĺ	My Commission Expires: 11.20. 2021					
	Application Fee Sign Fee Legal Fee					
	Fee: \$ Payment: Cash Check CC Date: Approved Approved with Conditions Denied Date:					
	LIAPPROVED IN APPROVED WITH CONDITIONS IN PORTION					





Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this Land Use Petition application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Î		Signature: Pausagit Kaur	Date: 2/20/18			
		Address: 6721 Covington Hiw City, State: Stone Cruest GA	, · · · · · · · · · · · · · · · · · · ·			
	ner e	Phone: 718 - 536 - 0017				
	y Owner licablel	Sworn to and subscribed before me this 24 day of FeB	, 20 <u>)</u> 8			
ラ	Propert (If App	Notary Public: EYP 11- 20-21				
		Signature:	Date: 2. 24.18			
		Address: 61 BULLSBOE OF City, State: Newholin GA	zip: 30263			
	Owner cable)					
		Sworn to and subscribed before me thisday of	, 20			
	Property (If Appli	Notary Public:				
		Signature:	Date:			
		Address: City, State:	Zip:			
	75	Phone:				
	wher (Sworn to and subscribed before me thisday of	, 20			
	Property Owner Applicable)	Notary Public:				





Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Stonecrest City Council or a member of the City of Stonecrest Planning Commission?

☐ Yes	¥40	
******	Signature:	Paways the
Applicant Owner		6721 Covington Hwy Staneczoest - GA- 30038
ddy V	Date:	2/24/2018

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount
***************************************	Nil	Nix	Nif	Nist.
		·		

AMENDED AND RESTATED STATEMENT OF INTENT SLUP 18-002

And

Other Material Required by City of Stonecrest Zoning Ordinance For

A Special Land Use Permit for a Package Store pursuant to the City of Stonecrest Zoning Ordinance

Of

PAWANJIT KAUR

For

6721 Covington Highway located in Land Lot 89, 16th District, DeKalb County

Submitted for Applicant by:

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

I. STATEMENT OF INTENT

The Applicant, Pawanjit Kaur, is seeking a Special Land Use Permit for a package store for the property located at 6721 Covington Highway, Stonecrest, GA (the "Subject Property") which is zoned C-1, with a land use designation of Neighborhood Center. The Subject Property is currently undeveloped, and is abutted to the West by Walgreens and Sonic Restaurant which are both zoned C-1, to the East by the Women Moving On's shelter, which is the only property zoned O-I in the immediate area, to the North by Covington Highway with the Kroger Plaza directly across the street, and to the South by property zoned C-1 and R-100.

It is the Applicant's intent that the Subject Property will be developed for up to 18,000 sq. ft. of retail space pursuant to and in accordance with that certain revised Conceptual Site Plan dated May 15, 2018 prepared by Pyramid Engineering submitted simultaneously with this Amended and Restated Statement of Intent. It is proposed that the package store will be located in Building 1 (12,000 sq. ft.), with other retail and offices uses allowed under the current C-1 zoning district regulations being located in Building 2 (10,000 sq. ft.).

Currently, the Applicant, through its entity Isher Properties, LLC, owns the Subject Property. The Applicant also owns and operates State Wine & Liquor, Inc. located at 6670 Covington Highway, Lithonia, GA in unincorporated DeKalb County (the "Current Location"). The Current Location is owned by Te and Chhung, LLC, and improved with a 7,200 sq. ft. building built in 1996 which is leased by State Wine & Liquor, Inc. Due to limited storage space, along with inadequate parking and retail space for customers, it is the Applicant's desire to relocate State Wine & Liquor, Inc. from the Current Location to the Subject Property. This relocation will not only allow the Applicant to address the deficiencies at current location, it will allow the Applicant to become a significant stakeholder in the community as a landowner and an investor in the development of additional quality retail/office facilities in the community. The current value of the Subject Property is \$695,000.00 unimproved. The Current Location has a value of \$997,100.00 improved with a 7,200 sq. ft. building. There should be no question that the proposed improvements of the Subject Property will result in a significant increase in the property value of the Subject Property together will bringing additional sales tax revenue to the City of Stonecrest. These taxes will provide additional revenue to the City of Stonecrest for its cost and expenses.

It should also be noted that this is not a rezoning of the Subject Property. The Subject Property is already zoned C-1. The purpose of the SLUP Application is to give special consideration, pursuant to a clear set of standards and criteria, to those types of uses which may or may not be compatible with uses and structures authorized as a matter of right within a particular zoning district. It is the Applicant's contention that this SLUP Application does in fact meet the criteria set forth below in Section 7.4 of the City of Stonecrest's Zoning Ordinance.

II. SLUP CRITERIA

SECTION 7.4 CRITERIA

- A. Adequacy of the size of the Site for contemplated use: The Subject Property is adequate for the proposed use. The Subject Property is a 2.67 acre tract of land. The maximum lot coverage for the Subject Property is 80% and the Applicant proposed Conceptual Site Plan shows a total lot coverage of 63% while meeting the Zoning Ordinance's parking requirements.
- B. Compatibility of the proposed use with adjacent properties: The proposed use is compatible with the adjacent properties, including the adjacent commercial uses, as well as the women's shelter. The Subject Property will be improved with a landscape strip, as well as fencing which will prohibit access from the Subject Property to the adjacent shelter. Furthermore, by placing the rear of the building adjacent to the eastern boundary line, the building, along with the landscape strip, 20ft setback and fencing will serve as a 70 ft barrier to the shelter.
- C. Adequacy of public services, facilities and utilities: There are adequate public services, facilities and utilities to support the proposed uses.
- **D.** Adequacy of the public street: The Subject Property is located on Covington Highway which is an arterial road. The Applicant is limiting both vehicular and pedestrian access to the Subject Property to Covington Highway. There will be no access from Hillvale Road.
- E. Possibility of adverse effect along access routes to the site: The Applicant is proposing a deceleration lane into the Subject Property, together with a dedicated through lane and right turn lane out of the Subject Property. This will mitigate against any traffic concerns along the access route to the Subject Property.
- **F.** Ingress and egress to the subject property: There is adequate ingress and egress to the Subject Property. Please see response to Criteria E above.
- G. Adverse impact on adjoining land use by reason of noise, smoke, odor, dust or vibration: The Applicant's proposed use of the Subject Property will not create an adverse impact on the adjoining land uses by reason of noise, smoke, odor, dust or vibration.
- H. Adverse impact on adjoining land use by reason of hours of operation: The Applicant's hours of operation will be consistent with its current hours of operation at 6670 Covington Highway, which are as follows:

Monday 9AM-11:30PM Tuesday 9AM-11:30PM Wednesday 9AM-11:30PM Thursday 9AM-11:45PM Saturday 9AM-11:45PM

Sunday 12:30–9PM.

As these are the same hours as their existing hours at the Current Property, these hours will have no adverse impact on the surrounding community.

- I. Adverse impact by manner of operation: The manner of operation of the Applicant will not have an adverse impact on the adjoining land uses. It is the Applicant's intent to operate the proposed package store in a manner similar to the store at the Current Location. No adverse impact is anticipated.
- J. Use consistent with zoning district classification: The use of the Subject Property for a package store is consistent with the C-1 zoning district classification. This is particularly true as the Current Location is also zoned C-1.
- K. Use consistent with the Comprehensive Land Use Plan: The use of the Subject Property is consistent with the Neighborhood Center Comprehensive Land Use Plan designation for the Subject Property, and is consistent with the policies and strategies of the current Comprehensive Land Use Plan to provide for small scale convenience goods and services to meet the needs of the surrounding community.
- N. Length of time for SLUP: The special land use permit should not be limited in duration.
- O. Appropriateness of size, scale and massing of buildings in comparison to adjacent properties: The size, scale and massing of the proposed buildings are appropriate in comparison to the surrounding uses. The proposed buildings will be single story and the 18,000 sq ft. is split between two buildings in order to provide for a reasonable massing of the buildings.
- P. Adverse historic impact: To the Applicant's knowledge, the site is not a historic site. Therefore, the proposed project will not have an adverse impact on any historic buildings, sites, districts or archaeological resources in the surrounding area.
- Q. Satisfaction of Supplemental Regulations: The proposed use satisfies the requirements contained in Section 4.2.9 of the Supplemental Regulations for late night establishments.
- S. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.

The proposed use of the Subject Property as a package store will not result in a disproportionate proliferation of that or similar uses in the surrounding area. As stated above, the package store at the Current Location will be relocated to the Subject Property. This relocation will result in the Current Location no longer being used for a package store. Therefore, no new package store will be introduced into the area. There is an existing package store within a mile of the Subject Property, however, this is a drive through facility, which has a different mode of operation, and a different customer base. Both stores have operated in the area for in excess of 10 years serving the surrounding communities.

III. CONSTITUTIONAL ALLEGATIONS

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

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

A denial of this Application would constitute an arbitrary and capricious act by the DeKalb County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the Stonecrest City Council to issue a special land use permit for the Subject Property as proposed 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.

IV. CONCLUSION

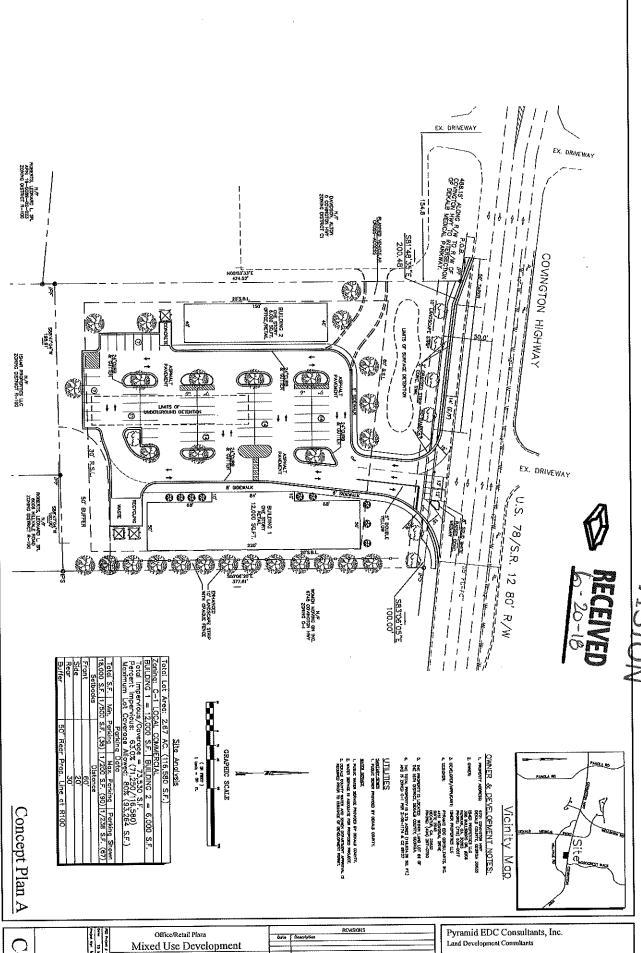
For the foregoing reasons, the Applicant respectfully requests that the Special Land Use Permit at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Stonecrest so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 19th day of June, 2018.

Respectfully submitted.

Michèle L. Battle

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



C-1 Mixed Use Development
Land Lot 89 -16th District
City of Stoncerest
Dekalb County, Georgia

4151 Memorial Drive Building B, Suite 204B Decatur, Ga. 30032

Ph. 404.297.0750 PhBkc49442348740



Property Appraisal Department

Property Overview

2/21/2018 1:54:54 PM

16 089 02 022 Parcel ID:

To view map, click on parcel ID number.

Owner Information

Tax District

80 - STONECREST

Zoning

C-1 - GENERAL COMMERCIAL

Jan. 1 st Owner

ISHER PROPERTIES LLC

Land Use

300 - Vacant Commercial Land **

Co-Owner

Land Unit

Current Owner

ISHER PROPERTIES LLC

Calculated Acreage

119,790

Co-Owner

388 BULLSBORO DR STE 208

Deeded Acreage

2.75 2.7 9039

Owner Address

NEWNAN GA 30263

Neighborhood **Property Class**

C3 - COMMERCIAL LOT

Property Address

6721 COVINGTON HWY

Appeal Status

Date Notice Mailed

6/2/2017

2017 N - C.O.A. Notice

N - C.O.A. Notice

Appeal Code Process Code <u>Hearing Date</u> **Hearing Time**

Assessment Notice

You may need to download Adobe Acrobat Reader, It is available at

Tax Year - ASMT Notice or Letter

2017 - Notice1 2016 - Noticel 2015 - Noticel

Current Appraised & Assessment Value

Total Appraised Tax Year \$359,300 2017

Taxable Land \$359,300

Taxable Imp.

Total Taxable \$359,300

Total Taxable Assessment (40%)

\$143,720

Sales History

Book/Page	Sale Date	Deed Type	Sale Condition	Sale Price
26618 - 00091	11/21/2017	WD - WARRANTY DEED	o - VALID SALE FMV	\$695,000.00
17230 - 00394	3/17/2005	WD - WARRANTY DEED	2 - PARTIAL INTEREST	\$0.00
17230 - 00384	3/17/2005	WD - WARRANTY DEED	o - VALID SALE FMV	\$357,000.00
09261 - 00678	12/18/1996	LW - LIMITEDWARRANTY DEED	H - SALES FROM BANK	\$139,000.00
09108 - 00712	8/6/1996	DP - DEED UND ER POWER	F - FORECLOSURE OR BANKRUPTCY	\$150,000.00
06625 - 00103	1/18/1990	UN - UNWORKABLE DEED	Z - INVALID SALE	\$0.00
06596 - 00671	1/1/1989	WD - WARRANTY DEED	o - VALID SALE FMV	\$170,000.00
05151 - 00304	2/11/1985	WD - WARRANTY DEED	o - VALID SALE FMV	\$0.00
0**** - 0****	11/29/1989	MC - MAP CHANGE-SEE NOTES	Z - INVALID SALE	\$0.00

Sales which occurred prior to January 1 of this year were used to establish values for the current year. All sales which take place after January 1 will be considered for next year's valuations. These sales are provided for your convenience and may not have been verified or confirmed by our staff. We reserve the right to edit as needed.

Sales Data Search

Detailed Property Data

Property Tax Data

2017



Print this page for your records

Contact Us

Property Tax Information Results

Online Payments are for 2017 Only

Pay Now

Back

For additional assistance, contact (404) 298-4000.

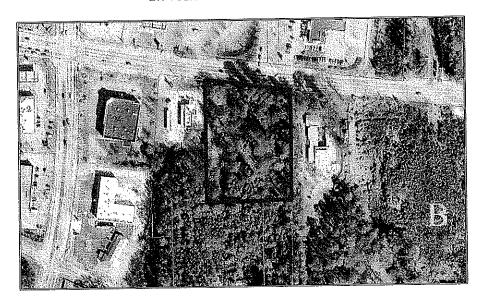
	For additional a	ssistance,	ce, contact (404) 298-4000.		
Duran stallantification			Tax Information Summary		
	Property Identification		Taxable Year 2017		
Parcel ID	16 089 02 022		Millage Rate 0.04409		
Pln Number	0721085		2 nd Installment Amount (\$0.00)		
Property Address	6721 COVINGTON HWY		DeKalb County Taxes Billed \$6,653.46		
Property Type	Real Estate		DeKalb County Taxes Paid \$6,653.46		
Tax District	80 - STONECREST		DeKalb County Taxes Paid \$0,053.46 DeKalb County Taxes Due \$0.00		
			Dekalo County Taxes Due \$0.00		
	Owner Information	ļ	Total Taxes Billed \$6,653.46		
	Last Name, First Name		Total Taxes Paid \$6,653.46		
Jan. 1 st Owner	ISHER PROPERTIES LLC		Total Taxes Due \$0.00		
Co-Owner			Total raxes but		
Current Owner	ISHER PROPERTIES LLC		Dellath County Toyon		
Co-Owner			DeKalb County Taxes		
			First Payment Date 11/22/2017		
Owner Address	388 BULLSBORO DR STE 208		First Payment Amount \$158.42		
	NEWNAN GA 30263		Last Payment Date 12/15/2017		
Care of Information			Last Payment Amount \$158.42		
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Exemption Type	- NO EXEMPTION	40	Choose a Tax Year V Get Tax Payoff Info.		
Tax Exempt Amount		\$0.00			
	WESTERN SPENDING AND DROPETS! ACCECS!	AFNE	Property Tax Mailing Address		
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FREEZE			Commissioner		
0	thar Evametian Information		Collections Division		
	ther Exemption Information		PO Box 100004		
Exemption Type		\$0.00	Decatur, GA 30031-7004		
Value Exemption Am	bunt	\$0.00	3		
			Prior Years Tax		
	Dand Information		*** Please note that payment posting information may be delayed due to		
	Deed Information		batch processing***		
Deed Type	WARRANTY DEED		DeKalb County Tax		
Deed Book/Page	26618 / 00091		TaxYear Total Owed Total Paid Total Due Adjusted Bill Due Date		
Plat Book/Page	/ 11 0		<u>Due Date</u>		
			2017 \$6,653.46 \$6,653.46 \$0.00 2016 \$6,825,24 \$6,825.24 \$0.00		
	Property Characteristics/		2015 \$6,870.43 \$6,870.43 \$0.00		
	Sales Information		2014 \$7,057.47 \$7,057.47 \$0.00		
wave or I	9039		2013 \$7,347.24 \$7,347.24 \$0.00		
NBHD Code			2012 \$7,811.36 \$7,811.36 \$0.00		
Zoning Type	C-1 - GENERAL COMMERCIAL		2011 \$7,596.54 \$7,596.54 \$0.00		
Improvement Type	44/24/2017		2010 \$6,763.93 \$6,763.93 \$0.00		
Last Deed Date	11/21/2017		2009 \$6,760.70 \$6,760.70 \$0.00		
Last Deed Amount	\$695,000.00		2008 \$4,145.98 \$4,145.98 \$0.00		
	Citals have to steen year	anthe man	2007 \$4,124.19 \$4,124.19 \$0.00		
	Click here to view prop	erty map	2000 \$1,125.00 \$1,125.00 \$0.00		
Additional Prope	erty		2005 \$2,670.09 \$2,670.09 \$0.00		
Prop	Property Value/Billing Assessment		Delinquent Taxes/		
Taxable Year	axable Year 2017		Tax Sale Information		
Land Value	nd Value \$359,300		Tax Sale File Number		
Building Value	•	\$0	FiFa-GED Book/Page		
	sc. Improvement Value \$0		Levy Date		
			Sale Date		
Total Value	•	359,300	Delinguent Amount Due		
40% Taxable Assess	ment \$	143,720			
	Information as of 2/21/2018				
For:	additional information on the data above,				
	Property Appraisal Department at 404-371-247				
	· · · · · · · · · · · · · · · · · · ·				

For additional assistance, contact (404) 298-4000.

Contact Us

APPRAISAL REPORT REAL ESTATE APPRAISAL

Of 2.74 Acres of Commercial Land



6721 Covington Highway, Lithonia Dekalb County GA, 30058

As of September 28, 2017

Prepared For Ms. Amanda Manley United Bank 505 South Hill Street Griffin, GA, 30224

Client File: 179-00064

Prepared by REX NELMS AND ASSOCIATES INC. Michael R. Nelms Sr., MAI, GA-882

File Name: 17090009

REX NELMS AND ASSOCIATES INC.

64 S. Zack Hinton Parkway McDonough, GA, 30253 770-957-8280 Fax: 770-504-5516 rnelmsandassoc@bellsouth.net www.nelmsassociates.com

October 26, 2017

Ms. Amanda Manley United Bank 505 South Hill Street Griffin, GA 30224

> Re: Appraisal Report, Real Estate Appraisal 2.74 Acres of Commercial Land 6721 Covington Highway, Lithonia, Dekalb County, GA, 30058

> > File Name: 17090009

Dear Ms. Manley:

At your request, I have prepared an appraisal for the above referenced property, which may be briefly described as follows:

2.74 Acres of vacant commercial land.

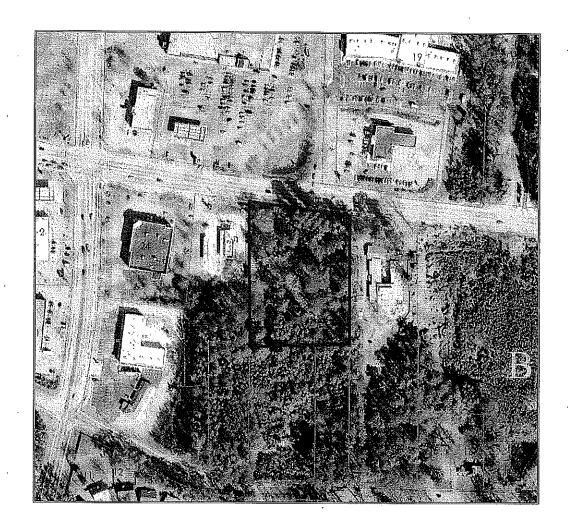
Please reference page 9 of this report for important information regarding the scope of research and analysis for this appraisal, including property identification, inspection, highest and best use analysis and valuation methodology.

I certify that I have no present or contemplated future interest in the property beyond this estimate of value. The appraiser has not performed any prior services regarding the subject within the previous three years of the appraisal date.

Your attention is directed to the Limiting Conditions and Assumptions section of this report (page 7). Acceptance of this report constitutes an agreement with these conditions and assumptions.

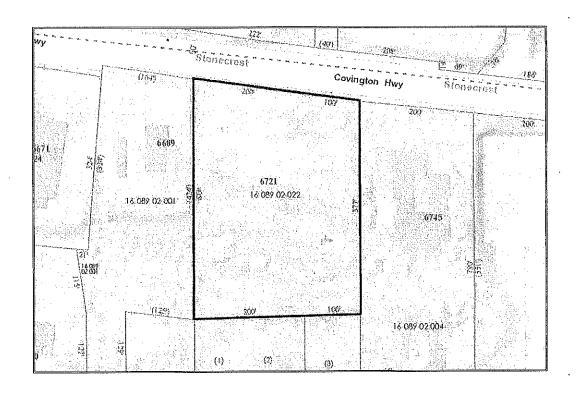


Assessor Aerial Map





Assessor GIS Map

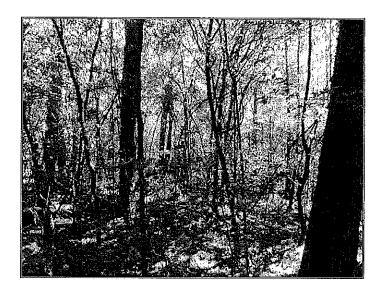




Subject Photographs

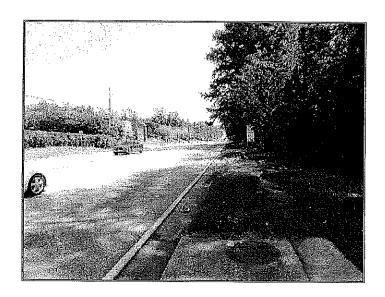


Front View

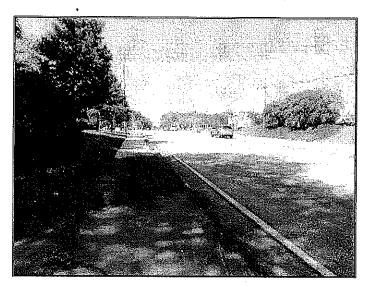


Random View of Land





Street Scene East on Covington Hwy



Street Scene West on Covington Hwy

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