



Community Development  
 4119 Adrian Street  
 Tucker, GA 30084  
 Phone: 678-597-9040  
 Email: permits@tuckerga.gov  
 Website: www.tuckerga.gov

# Land Use Petition Application

Type of Application:  Rezoning  Comprehensive Plan Amendment  Special Land Use Permit  Concurrent Variance

APPLICANT INFORMATION		
Applicant is the: <input type="checkbox"/> Property Owner <input type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser		
Name: <i>Sara Capital, LLC</i>		
Address: <i>5784 Forrest Drive suite 235</i>		
City: <i>Sandy Springs</i>	State: <i>Georgia</i>	Zip: <i>30328</i>
Contact Name: <i>Arturo A. Somoza</i>		
Phone: <i>404-2757600</i>	Email: <i>aadonay@gmail.com</i>	
OWNER INFORMATION		
Name: <i>Lighthouse Properties Group, LLC</i>		
Address: <i>1840 Cheshire Bridge Rd suite A</i>		
City: <i>Atlanta</i>	State: <i>Georgia</i>	Zip: <i>30324</i>
Contact Name: <i>Fasil Muche</i>		
Phone: <i>404 5652149</i>	Email: <i>fmucher@gmail.com</i>	
PROPERTY INFORMATION		
Property Address: <i>3145 Tucker Norcross Rd, TUCKER GA 30084</i>		
Present Zoning District(s): <i>C-2</i>	Requested Zoning District(s):	
Present Land Use Category: <i>Neighborhood Center</i>	Requested Land Use Category:	
Land District: <i>18<sup>th</sup></i>	Land Lot(s): <i>288</i>	Acreage: <i>1.31 acres</i>
Proposed Development:		
Concurrent Variance(s):		
RESIDENTIAL DEVELOPMENT		
No. of Lots/Dwelling Units:	Dwelling Unit Size (Sq. Ft.):	Density:
NON-RESIDENTIAL DEVELOPMENT		
No. of Buildings/Lots:	Total Building Sq. Ft.:	Density:

RECEIVED  
 City of Tucker

DEC 31 2019

Community Development  
 Department

SLUP-20-0002

## **Appendix**

1. Applicant's Certification
2. Property Owner's Certification
3. Disclosure Report Forms
4. Sara Capital Articles of Incorporation
5. Letter of Intent
6. Special Land Use Criteria
7. Legal Description
8. Most Recent Survey based Legal Description
9. Subject property location
10. Subject property Aerial and property line
11. Front re-painted façade of the property
12. Property Survey
13. Previous condition of the property
14. Current Condition with New Wooden Fence
15. Current Condition of the subject building
16. Planned repair and painting of the Building
17. 2020 Landscaping plan to enhance the greenery and increase the buffers.
18. Letter from Dekalb County Department of Planning
19. Phase 1 Environmental Site Assessment Report

**PROPERTY OWNER'S CERTIFICATION**

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), & Concurrent Variance (CV) in request of the items indicated below.

I, Lighthouse Properties Group, LLC, authorize, Sara Capital, LLC  
(Property Owner) (Applicant)

to file for Slup, at 3145 TUCKER NORCROSS, Rd  
(RZ, CA, SLUP, CV) (Address)

on this date December 23, 2019  
(Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

Fasil Muelie 12/23/2019  
Signature of Property Owner Date

Fasil Muelie Manager  
Type or Print Name and Title

Maria Mitchell 12/26/2019  
Signature of Notary Public Date

**MARIA MITCHELL**  
**NOTARY PUBLIC**  
**GWINNETT COUNTY, GEORGIA**  
MY COMM. EXPIRES  
01/23/2021

## DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE:                    YES (if YES, complete points 1 through 4);                     NO (if NO, complete only point 4)

1.            CIRCLE ONE:                    **Party to Petition** (If party to petition, complete sections 2, 3 and 4 below)

**In Opposition to Petition** (If in opposition, proceed to sections 3 and 4 below)

2.            List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

- 1. Lighthouse properties Group, LLC                    5. \_\_\_\_\_
- 2. \_\_\_\_\_                    6. \_\_\_\_\_
- 3. \_\_\_\_\_                    7. \_\_\_\_\_
- 4. \_\_\_\_\_                    8. \_\_\_\_\_

3.            CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

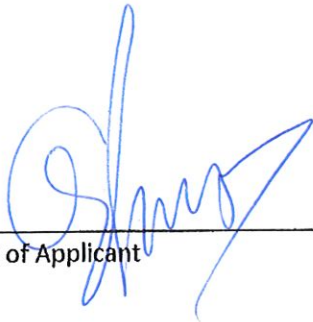
4.            The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Fasil Muehe

Signature: [Signature] Date: 12/10/2019

**APPLICANT'S CERTIFICATION**


THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.

  
Signature of Applicant

12/11/2019  
Date

Arturo A. Sanchez  
Type or Print Name and Title

President

  
Signature of Notary Public

12-11-19  
Date

**Carol J Bowman  
NOTARY PUBLIC  
Cobb County, GEORGIA  
My Commission Expires 9-9-2023**  
Notary Seal

# STATE OF GEORGIA

## Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

### CERTIFICATE OF EXISTENCE

I, **Brad Raffensperger**, the Secretary of State of the State of Georgia, do hereby certify under the seal of my office that

#### **SARA CAPITAL, LLC**

a Domestic Limited Liability Company

was formed in the jurisdiction stated below or was authorized to transact business in Georgia on the below date. Said entity is in compliance with the applicable filing and annual registration provisions of Title 14 of the Official Code of Georgia Annotated and has not filed articles of dissolution, certificate of cancellation or any other similar document with the office of the Secretary of State.

This certificate relates only to the legal existence of the above-named entity as of the date issued. It does not certify whether or not a notice of intent to dissolve, an application for withdrawal, a statement of commencement of winding up or any other similar document has been filed or is pending with the Secretary of State.

This certificate is issued pursuant to Title 14 of the Official Code of Georgia Annotated and is prima-facie evidence that said entity is in existence or is authorized to transact business in this state.

Docket Number : 18223301  
Date Inc/Auth/Filed: 06/20/2005  
Jurisdiction : Georgia  
Print Date : 12/27/2019  
Form Number : 211



*Brad Raffensperger*

Brad Raffensperger  
Secretary of State

# STATE OF GEORGIA

Secretary of State  
Corporations Division  
313 West Tower  
2 Martin Luther King, Jr. Dr.  
Atlanta, Georgia 30334-1530

Annual Registration

\*Electronically Filed\*  
Secretary of State  
Filing Date: 02/04/2019 11:43:53

## BUSINESS INFORMATION

BUSINESS NAME : SARA CAPITAL, LLC  
CONTROL NUMBER : 0543161  
BUSINESS TYPE : Domestic Limited Liability Company

## BUSINESS INFORMATION CURRENTLY ON FILE

PRINCIPAL OFFICE ADDRESS : PO.BOX 421201, Sandy Springs, GA, 30342, USA  
REGISTERED AGENT NAME : JOE FOWLER  
REGISTERED OFFICE ADDRESS : 2970 CLAIRMONT RD. STE. 220, ATLANTA, GA, 30329, USA  
REGISTERED OFFICE COUNTY : Dekalb

## UPDATES TO ABOVE BUSINESS INFORMATION

PRINCIPAL OFFICE ADDRESS : PO.BOX 421201, Sandy Springs, GA, 30342, USA  
REGISTERED AGENT NAME : JOE FOWLER  
REGISTERED OFFICE ADDRESS : 2970 CLAIRMONT RD. STE. 220, ATLANTA, GA, 30329, USA  
REGISTERED OFFICE COUNTY : Dekalb

## AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE : JOE FOWLER  
AUTHORIZER TITLE : Attorney In Fact

## Letter of Intent

The applicant requests an approval of a car detailing, upholstery, window tint and minor auto repair business. The property included in this application is already zoned C-2. However, the zoning conditions applicable for the City of Tucker's comprehensive plan requires the owner of the property to apply for Special Land Use Permit (SLUP).

The subject property is comprised of a 13,800 square foot metal building situated on a 1.31 acre lot contiguous to and located behind a (+/-) 24,000 square feet two story retail building fronting Tucker Norcross Rd. The subject property does not have street visibility.

The applicant purchased the property in 2018. Since then, the main goal has been to enhance the entire property to be in alignment with the city's vision for the commercial corridor. Major capital improvements have been done, including:

- a.) painting the entire building \$30,000
- b.) installation of new parking lot lights to brighten the area and provide a safer environment for tenants, customers and nearby residents \$15,000
- c.) installation of a surveillance system \$10,000
- d.) replacement of all common area interior ceilings \$15,000
- e.) installation of new lights in the breezeway \$8,000
- f.) replacement of an old wooden fence \$5,000

Prior to the ownership change in 2018, the subject property was leased to a Sellam Trucking. Sallem used the property for truck fleet parking and as a minor auto repair area. The new owner, Lighthouse, chose not to renew the Sellam lease. An immediate benefit was the elimination of trucking noise and traffic. Once Sellam's business was closed, the landlord began cleaning and improving the site.

Lighthouse did support the renewal of one tenant Backstreet owned by Mr. Mario Guzman. His business has continued to thrive with no adjustment to operating hours. Also, Mr. Guzman has committed to maintain the property in good working order while keeping noise levels reasonable and neighborly. The applicant desires the SLUP approval from the city in order to continue the operation of the car detailing, upholstery, window tint and minor auto repair on the subject property. This service will prove a convenience to many nearby residents. And Lighthouse will assure the City of Tucker the property will continue to be improved.



## Special Land Use Permit Criteria

Section 46-1594. Special land use permit; criteria to be considered.

The following criteria shall be considered by the community use department, the planning commission, and the mayor and city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the mayor and city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in Article 4:

1. 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 site is adequate for the proposed use. The subject property is a 13,800 square foot metal building situated on a 1.31 acre lot, it has (70) Seventy dedicated parking spaces and is behind a 24,000 square feet two story retail/office building. The landlord's goal is to enhance the property and will renovate the interior, fix and paint the exterior, add more greenery to increase the buffer in the eastern and southern side of the building..*

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

*The proposed use is compatible with the land uses and use of adjacent properties. The proposed minor auto repair will support the retail and offices that is existing nearby. Along with that the subject property sits behind a 24,000 square foot two-story shopping center with over 14 business which includes retail and offices.*

3. Adequacy of public services, public facilities, and utilities to serve the proposed use.

*All public services are available to the project site. Heat is not currently used in the space, but the landlord plans to enclose the open area and eventually the building will be heated.*

4. 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.

*The project site is located at the intersection of Chamblee Tucker Rd and Tucker Norcross Rd which has about 200 feet of frontage. There are 2 curb cuts making access to the project site easier. We do not anticipate any traffic issues caused by the proposed use. The property has a total of 70 parking spots and a road connecting to the back of the building on the north side.*

5. Whether or not 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.

*If developed in accordance with recommended conditions, land uses along site will not be adversely affected by the character of vehicles or the volume of traffic generated by the proposed use. There are no more than 10 cars generated throughout the day. This does not exceed normal daily traffic in the area. The building is located near the intersection of Chamblee Tucker Rd. and Tucker Norcross Rd. with 2 curb cuts to provide easy egress and ingress.*

6. 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.

*There is one 18 feet wide access road connecting to the back of the property that is gated. The width of the access road of about 18 feet is adequate to enter and exit in the case of fire or other emergencies.*

7. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the

*The proposed use will not generate excessive noise or vibration, nor will it emit smoke, or dust. Some minor odors of gasoline or oil may occur when vehicles are being repaired. The tenant has a meticulous procedure for waste disposal. The hours of operation for the business are Monday through Friday 9:00 AM – 5:00 PM, with extended hours no later than 6:00 PM and Saturday 9:00 AM to 4:00 PM. There will be no machinery used after hours to cause any disruption to the subdivision to the east of the property.*

8. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

*We may anticipate that the only area that could be impacted by the proposed usage would be residents in the subdivision on the east side of the project site. The noise caused by the business is minimal and the hours of operation will be strict, so there should be no noise after hours to affect the residents.*

9. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

*The use is consistent with the existing uses and will not create adverse impacts on the other uses by hours of operation. A new wooden fence has been installed along the property line and landlord has a plan to plant trees to the east side of the project site which will serve as a buffer between the project site and the subdivision (the fence on the east side, photo attached, will be replaced and if need more greenery will be added to enhance the buffer.*

10. Whether or not 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 located in a C-2 zone, minor auto repairs workshop and car detailing, which is the proposed use for the project site. The land uses will not be adversely affected by the manner or operation of the proposed use as the area has similar uses on the main road. The site is behind a two story retail building and does not have any visibility to the main street. (Tucker Norcross Rd)*

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

*To the best of our knowledge, the proposed use is consistent with the policies of the Tucker's Comprehensive Plan, which includes, Neighborhood Centers, a mix of retail, services, and offices to serve neighborhood residents on a day-to-day needs.*

12. Whether or not 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.

*The landlord is planning to replace the old rotten fence with a new one and add additional greenery on the East side of the property, to minimize the noise that the neighborhood may receive and enhance the buffer.*

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

*The site plan shows a trash receptacle at the entrance near the gate.*

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

*No limits on the length of time on the special land use permit are recommended, if granted. Currently, the city of Tucker does not limit the length of eligibility of a SLUP.*

15. 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.

*The building is 13,800 square feet and its sits in 1.31 acres behind a 24,000 sqft two story retail /office building. This building has been in operations since 1974.*

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

*There are no known historic buildings, sites, districts or archaeological resources on the subject properties. Therefore, no adverse effects are anticipated.*

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

*It appears the proposed use is in compliance with these requirements.*

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

*The height of the building will not create a shadow impact on any adjoining lot or building. There is a commercial building in front of the location with active open businesses. The proposed site plan shows that the parking is separate from the other businesses.*

19. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.

*We don't anticipate that this will create anymore similar businesses since there is no other properties available similar to said site.*

20. 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 considered consistent with the needs of the overlay district, the overall objectives of the comprehensive plan, and the purposes of the zoning districts. It is not anticipated that the proposed use would result in a disproportionate proliferation in the area.*

- Legal Description (a)

Vesting Deed Legal Description

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 288 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

Beginning at a point on the northeastern right of way line of Tucker Norcross Road 195.23 feet southeasterly of the intersection of the northeastern right of way line of Tucker-Norcross Road and the southern right of way line of Britt Road (R/W varies), if extended to form an angle instead of a curve, as measured along the northeastern right of way line of Tucker Norcross Road (said distance being formerly shown as 200 feet after the widening of Britt Road but before the widening of Tucker Norcross Road; and previously shown as 208 feet before the widening of either road); from said point of beginning and leaving said right of way line of Tucker Norcross Road run thence North 83 degrees 23 minutes 47 seconds East a distance of 401.00 feet to an iron pin found; thence South 15 degrees 27 minutes 15 seconds East a distance of 199.76 feet to an iron pin found on the right of way of the northwestern cul-de-sac of Jeri Lynn Court (60' R/W); thence leaving said right of way line of Jeri Lynn Court South 83 degrees 24 minutes 18 seconds West a distance of 401.00 feet to a point on the southeastern right of way line of Tucker Norcross Road; thence along the southeastern right of way line of Tucker Norcross Road North 15 degrees 27 minutes 22 seconds West a distance of 199.70 feet to a point and the POINT OF BEGINNING

Said property contains 79,136.71 square feet (1.82 acres) and more particularly described on plat of survey by AS. Giometti & Associates, Inc. dated November 30, 2006, certified by A.S. Oiometti, GRLS # 1125 and incorporated herein by reference (hereinafter referred to collectively as the "Land").

## Most Recent Survey based Legal Description

DEED BOOK 25076 Ps 751

### Most Recent Survey based Legal Description

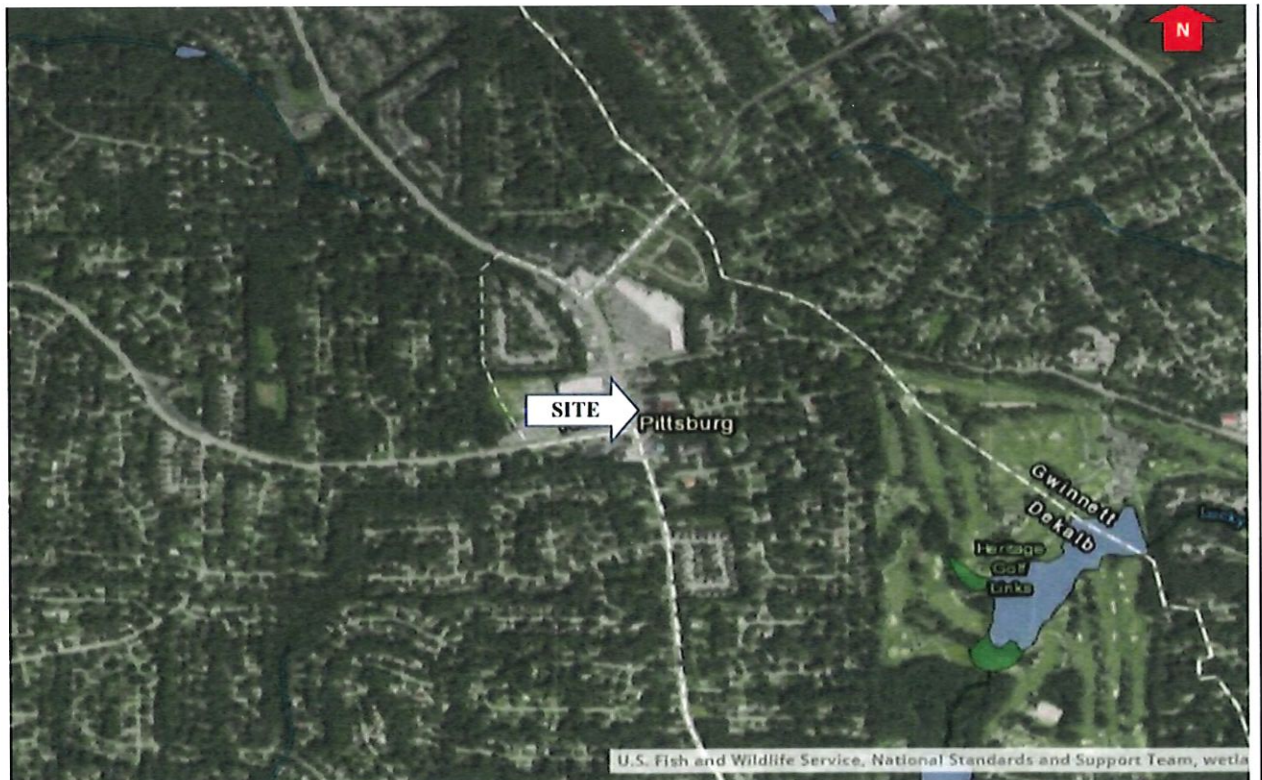
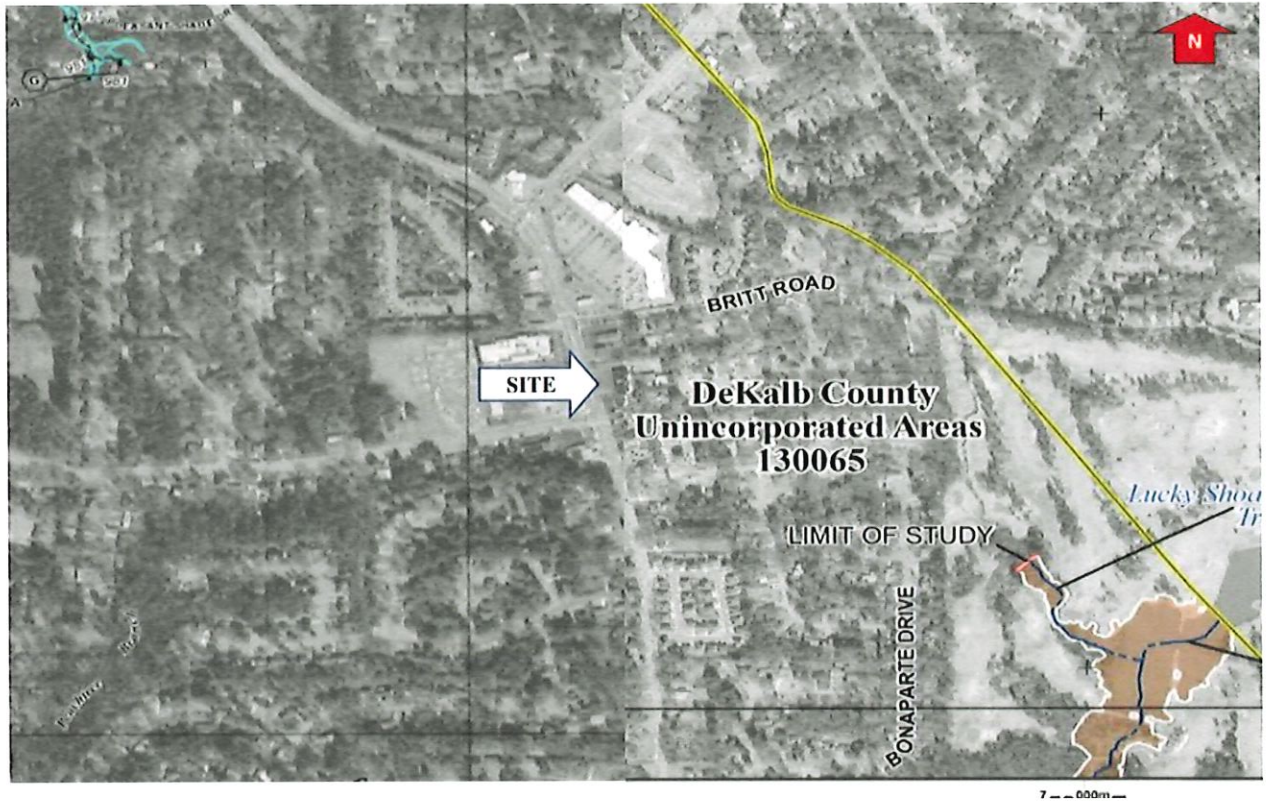
All that tract or parcel of land lying and being in Land Lot 288 of the 18th District, City of Tucker, DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found (1/2" rebar) located on the easterly right-of-way line of Tucker-Norcross Road (having a variable width right-of-way) 156.8 feet southeasterly of the intersection of the easterly right-of-way line of Tucker-Norcross Road and the southerly right-of-way line of Britt Road (having a variable width right-of-way), as measured along the easterly right-of-way line of Tucker-Norcross Road, said Iron pin found being the TRUE POINT OF BEGINNING.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED thence leave the easterly right-of-way line of Tucker-Norcross Road and run North 82 degrees 05 minutes 37 seconds East a distance of 156.85 feet to an Iron pin found (1/2" rebar); Thence run North 83 degrees 13 minutes 16 seconds East a distance of 243.66 feet to an iron pin found (1/2" rebar); Thence run South 15 degrees 35 minutes 44 seconds East a distance of 200.00 feet to an angle iron found located on the westerly right-of-way line of Jeri Lynn Court; Thence leave the westerly right-of-way line of Jeri Lynn Court and run South 83 degrees 15 minutes 49 seconds West a distance of 401.00 feet to an Iron pin found located on the easterly right-of-way line of Tucker-Norcross Road; Thence following the easterly right-of-way line of Tucker-Norcross Road run North 15 degrees 35 minutes 51 seconds West a distance of 196.58 feet to an iron pin found (1/2" rebar), said iron pin found being the TRUE POINT OF BEGINNING.

Said property contains 1.812 acres more or less, and as shown on ALTA/ACSM Land Title Survey for Branch Banking and Trust Co. and Chicago Title Insurance Company prepared by Bostwick, Duke, Harper & Worthy, Inc. Land Surveying, bearing the seal and certification of Bruce L. Floyd, Georgia Registered Land Surveyor No. 2755, Job No. 11064, dated June 25, 2015.

- Subject Property Location



- Subject property Aerial and property line.



- Front of the property repainted





- Previous Condition of Property



- Current Condition with new wooden fence




- Current conditions of the building

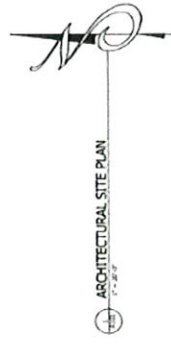
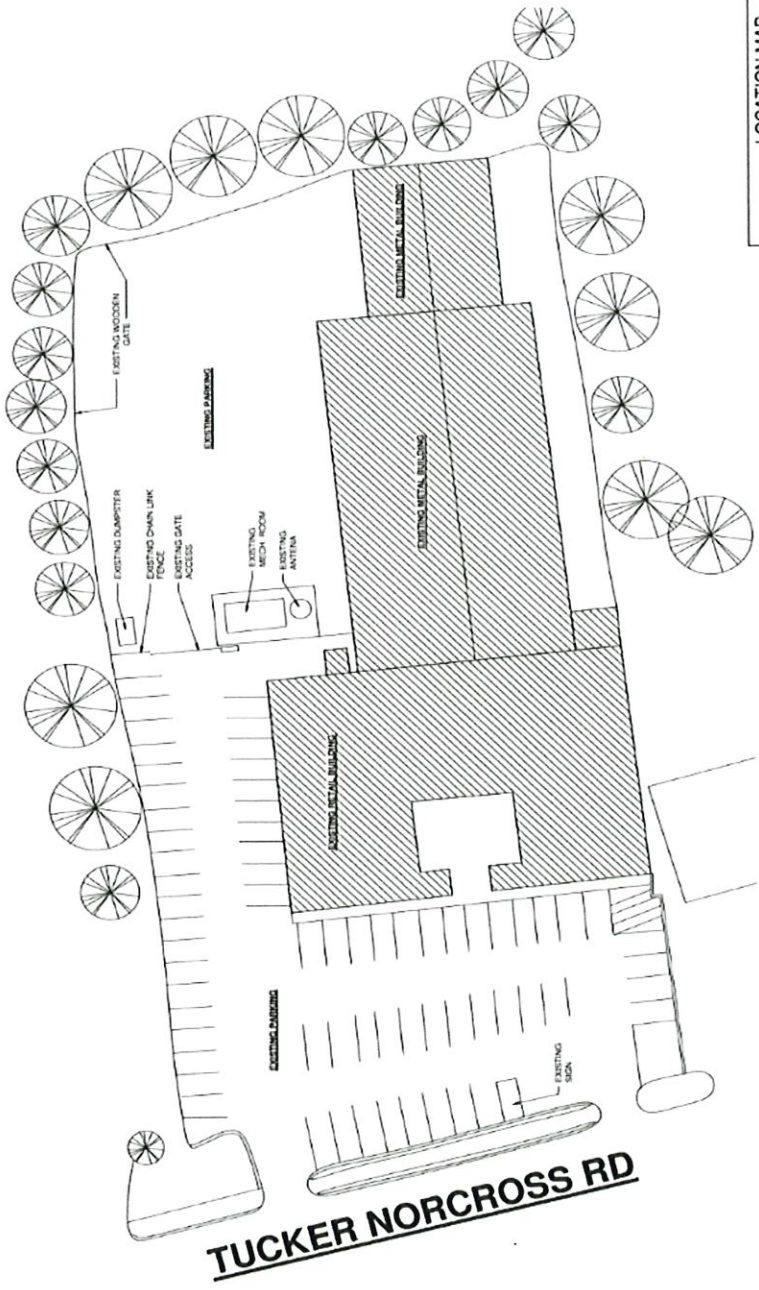


- Planned Repair and painting of Building



- 2020 Landscaping plan to enhance the greenery and increase the buffers.

 <p>DIMENSION'S DESIGN INC.</p> <p>3008 RAYBURN LN. MARIETTA, GA 30067 770.426.4600 www.dimensionsdesign.com</p> <p>NOTES: 1. ALL DIMENSIONS AND LOCATIONS ARE TO BE VERIFIED BY THE LANDSCAPE ARCHITECT PRIOR TO ANY CONSTRUCTION.</p>	<p>PREPARED BY: MERAKI REALTY PARTNERS ARCHITECTURE</p>	<p><b>ARCHITECTURAL SITE PLAN</b> <b>FOR:</b> 3145 Tucker Norcross Rd Tucker, GA 30084</p>	<table border="1"> <thead> <tr> <th>#</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	#	Description	Date																															<p><b>ARCHITECTURAL SITE PLAN</b></p> <p>Project Name:  Project Number:  Date Issued:  Sheet Size:  Scale:  Drawing No:  Checked by:  A101</p>
#	Description	Date																																			





DeKalb County Department of Planning & Sustainability

Burrell Ellis  
Chief Executive Officer

February 16, 2012

Benton Pleasantdale Self Storage Parking, LLC  
Attn: Mr. John W. Dye  
3810 Pleasantdale Road  
Atlanta, Georgia 30340

Re: 3145 Tucker Norcross Road; Parcel I.D. 18 288 03 009

Dear Mr. Dye:

This is to confirm that the above-referenced portion of real property lying and being in Land Lot 288 of the 18<sup>th</sup> District of DeKalb County, Georgia, which is further described as 3145 Tucker Norcross Road and being further described by the enclosed survey, legal description and zoning map has a zoning classification of C-2 (General Commercial) District. The property was zoned C-1 conditional and approved pursuant to CZ-82043 on February 23, 1982. Attached are copies of the zoning ordinance adopted April 13, 1999 pertaining to the C-2 zoning district showing the permitted uses, along with the landscape and parking requirements.

The total zoning ordinance should be consulted for all applicable zoning standards. The DeKalb County Zoning Ordinance in its entirety is available through the municipal code website at

This confirmation is made as of the date of this letter and does not constitute any representation or assurance that the property will remain in the zoning classification for any specified period of time, nor that this confirmation may be solely relied upon for the issuance of any permits or other official documents.

Sincerely,

Karmen Swan White  
DeKalb County Planning & Sustainability

Enclosures

**PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT  
FOR THE PROPERTY LOCATED AT  
3145 TUCKER NORCROSS ROAD IN  
TUCKER, DEKALB COUNTY, GEORGIA**

**1.0 EXECUTIVE SUMMARY**

- The "Site" or "subject property" is located at 3145 Tucker Norcross Road in Tucker, DeKalb County, Georgia. The subject property includes approximately 1.82-acres of land that is improved with a two-story, multi-tenant retail/office building and a warehouse. The two-story office/retail building encompasses approximately 26,334 square feet (SF) and is occupied by various office, church, and retail tenants (listed in Section 3.3). The warehouse encompasses approximately 13,000 SF and was occupied by Sabas Guzman and Mario Guzman for auto and truck repair. A cellular tower occupies the central portion of the Site. Land surrounding the building consists of customer parking, asphalt paving for vehicle storage, access driveways off Tucker Norcross Road, and landscaped grounds.
- Historical research was conducted by reviewing historic topographic maps, aerial photographs, city directories, previous reports, and interviews with persons knowledgeable of the subject property. Based on this review, the subject property was undeveloped land as early as 1938, occupied by a residence and small warehouse in 1960, improved with the existing warehouse in 1972, and then improved with the existing two-story retail/office building in 1974. As early as 1963, Bennett Iron Works occupied the subject property. The two-story office/retail building has been occupied by various tenants over the years (refer to Section 6.2.4 for a complete list of historical tenants). By 2000, the iron works company had vacated the warehouse and the building remained vacant until Amex Auto occupied the warehouse around 2011. Adjacent properties were undeveloped or occupied by dwellings from 1938 until being replaced with commercial buildings in the early 1970s. The adjacent western property was occupied by a fast food restaurant until it was replaced with a QuikTrip gas station in 2005.
- Inspection of the property did not identify any visual evidence of spilled hazardous materials, petroleum products, below ground storage tanks, above ground or buried solid waste, surface impoundments, stressed vegetation, evidence of previous landfill/waste dumping activity or industrially classified wastewater discharges. Two above ground storage tank (ASTs) are in use at the Site as part of Guzman Auto Repair service operations. Refer to Section 7.1.2 for a detailed discussion of bulk storage tanks at the Site. Various wastes including used oil, used antifreeze, used transmission fluid are generated as part of Guzman Auto Repair service operations, discussed in Section 7.1.3. Although housekeeping could be improved, and some staining was observed, it was considered de minimis and typical to an auto service center. The waste containers all appeared to be in good condition, void of obvious leaks. No evidence of dumping or significant spills was observed.
- In August 2011, ETRI collected six soil samples from the eastern half of the subject property to determine if historical operations of Bennett Iron Works had impacted the environmental condition of the Site. The soil samples were all collected less than two feet below ground surface and analyzed for volatile organic compounds, as well as lead, chromium and cadmium. Two samples contained lead concentrations above the Notification Concentration of 400 milligrams per kilogram (mg/Kg) established by the Georgia Hazardous Sites Response Act. The two

samples came from separate locations. The impacted areas were located under the metal canopy and at the southeast corner of the warehouse, at the outfall of two storm water pipes. In February 2012, Logic Environmental performed an excavation of these areas, removing visually impacted soils up to two feet below ground surface. Confirmatory samples collected at the base of these excavation areas were analyzed for lead and none contained lead over its Notification Concentration. Following the excavation, Logic Environmental completed a Phase I Environmental Site Assessment of the subject property, which did not reveal any recognized environmental conditions.

- The subject property was not listed in the regulatory database report. The following regulated facilities were identified within the ASTM search radius of the subject property: Three RCRA Generator sites, one site on the Non-Hazardous Sites Inventory (Non-HSI), six underground storage tank (UST) sites, four leaking UST (LUST) sites, three Drycleaners sites, five historical auto stations, and two historical cleaners. Based on our regulatory file review, distance, determine and inferred groundwater flow directions, and/or hydrogeologic relation to the Site, the probability of these facilities having a significant impact on the subject property is considered low. Refer to Section 5.2 of this report for a detailed discussion of regulated facilities identified within the ASTM search radius of the Site. Three orphan sites were identified in the database report; sites that could not be mapped due to poor or inadequate address information. Based on ETRI's research, the orphan sites are not associated with the Site, located adjacent to, or within the AMSD and would not be expected to impact the subject property.
- Adjacent properties are occupied by a QuikTrip gas station, Market Plaza Shopping Center, a medical office, auto repair shop, and single family residences. The adjacent western property, identified as QuikTrip #739 at 4330 Chamblee Tucker Road, was identified on the UST database. No releases have been reported for the QuikTrip #739 facility and it was not included on state or federal databases indicative of contamination conditions, such as the State Hazardous Waste Sites list or LUST inventory. Absent information to the contrary, the probability of an impact from this registered UST site is considered low. None of the remaining adjacent properties were identified in the regulatory agency records search as being current generators of hazardous waste or having had releases of hazardous substances or petroleum products, and therefore would not be expected to have an environmental impact on the subject property.
- Asbestos containing materials (ACM's) are commonly found in buildings constructed prior to 1981. Based on the age of the improvements (circa 1972/1974), suspect materials, such as ceiling tiles, floor finish assemblies, wallboard assemblies, caulking, insulations, mastics, and roofing materials have the potential to contain asbestos. No asbestos surveys or abatement reports were provided to ETRI. Prior to renovation or demolition, it is recommended that a comprehensive survey be conducted to determine the quantity, friability, and location of suspect ACMs. All activities involving ACM should be conducted in accordance with governmental regulations.
- ETRI has performed a *Phase I Environmental Site Assessment* in conformance with the scope and limitations of ASTM Practice E 1527-13 of the real property located at 3145 Tucker Norcross Road, Tucker, Georgia, the *property*. Any exceptions to, or deletions from, this practice are described in Section 12 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the *property*, and no further investigation is currently recommended.

## 2.0 INTRODUCTION

### 2.1 Purpose

This Phase I was conducted to identify, to the extent feasible, Recognized Environmental Conditions (REC's) in connection with the subject property, using the methodology recommended by the American Society for Testing and Materials (ASTM) in order to qualify for the innocent landowner defense to CERCLA liability and/or to help understand potential environmental conditions that could materially impact the operation of the business associated with the subject property. Specifically, this methodology is referred to as *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* Designation: E 1527-13.

Recognized Environmental Conditions are defined by the American Society for Testing and Materials (ASTM) Standard E 1527-13 as "...the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property due to a release to the environment; under conditions indicative of a release to the environment or under conditions that pose a material threat of future release. *De minimis* conditions are not recognized environmental conditions." The term includes hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment.

### 2.2 Scope of Services

The following tasks were accomplished during the performance of the Phase I ESA:

- **Site Reconnaissance** - The Site reconnaissance was conducted on December 3, 2018 by Mr. Michael Dickinson, Registered Environmental Property Assessor and Project Manager for ETRI. The site reconnaissance consisted of a visual on-site inspection of the subject property. Mr. Dickinson was accompanied during the site inspection by Mr. Arturo Adonay, real estate broker for the property owner. Visual reconnaissance of adjoining properties was limited to areas and facilities that were readily observable from the subject property or from public access areas. Photographs were taken to document the features observed during the reconnaissance and environmental conditions of concern (if any), where possible. Copies of the photographs relevant to the information included in this report are included in Appendix A.
- **Environmental Regulatory Database Information** - Information for the standard federal, State, and local environmental record sources specified in ASTM Standards was obtained through Environmental Data Resources, Inc. (EDR) of Milford, Connecticut. The subject site is not located in or near tribal lands. The database information was reviewed to help identify evidence of recognized environmental conditions in connection with the subject property. Unmappable (orphan) sites listed in the database with insufficient addresses or geocoding information to be mapped were evaluated for potential location within the approximate minimum search distance (AMSD). ETRI conducted file reviews as necessary to determine the potential impact of identified sites on the subject property. A copy of the EDR database search report, including a description of the databases searched, is included in Appendix B of this report.
- **Historical Use Information** - A history of the previous uses of the subject property and properties in the surrounding area, to the extent that this information was revealed in the course of



researching the subject property, was developed consistent with practices specified in the ASTM Standards. Copies of representative historical source information are provided in Appendix E. This information was supplemented by interviews of those knowledgeable about the history of the property.

- **Interviews** - ETRI attempted to conduct personal interviews with the local regulatory agencies and/or file reviews of municipal records. Information obtained (if any) is included in the relevant sections of this report.
- **Reporting of Results** - ETRI has prepared this Phase I ESA report to summarize all activities conducted during the site assessment and to present relevant information obtained.

### **2.3 Significant Assumptions, Limitations and Exceptions**

ETRI assumes that all information provided by third parties is complete and accurate. In conducting this Phase I ESA and in preparing this report, ETRI reviewed, interpreted, and relied upon information provided by others, including but not limited to government authorities, commercial data-base sources, as well as other entities. ETRI did not perform an independent evaluation of the accuracy or completeness of such information, and ETRI will not be responsible for any errors or omissions contained in such information.

### **2.4 Special Terms and Conditions of Assessment**

This Phase I ESA is based on the conditions existing at the Site during ETRI's visit on December 3, 2018. Results of the Phase I ESA are based on information provided to ETRI, or which were reasonably available to ETRI from records, interviews and recollections. Specifically, various sections in the report, which rely on historical information, based on interviews, is limited to the information gained from interviewing property management personnel and/or local officials.

This report is based on the current regulatory environment and current fully implemented regulations and deals only with the due diligence required of law for pre-acquisitional investigation relating to CERCLA contamination on the Site. Future regulatory modifications, agency interpretations, and/or attitude changes may affect the compliance status of the Site.

ETRI cannot comment on actual conditions of adjacent properties or, if the activities of adjacent properties have affected the subject site without further investigation. ETRI's review of various database information relative to adjacent properties was obtained from publicly available sources and other secondary sources of information produced by entities other than ETRI. Due to the dynamic nature of such database reports, various facilities are not contained within the database and subsequently do not appear on the computer generated Site maps. ETRI augments the database review with interview information, as appropriate, and reconnaissance activities of the general area. In doing so, ETRI has applied best technical and scientific judgment within the allotted time and economic parameters of this assignment.

The assessment was performed in accordance with generally accepted practices of the profession undertaking similar studies at the same time and in the same geographical area. ETRI exercised these practices during the aforementioned Phase I evaluation. No other warranty is expressed or implied. The recommendations provided in this report do not constitute legal advice and should not be relied upon in

## 10.0 PHASE 1 CONCLUSIONS AND RECOMMENDATIONS

### 10.1 Findings and Conclusions

The following sections present our findings and conclusions regarding *de minimis* conditions, historical recognized environmental conditions, and recognized environmental conditions identified at the subject property during the course of this Phase I.

#### 10.1.1 De Minimis Conditions

*De minimis* conditions are conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be subject to an enforcement action if brought to the attention of the appropriate government agencies. These conditions may be items that can be addressed through general housekeeping practices. Based on the site reconnaissance, minor staining, typical to an auto repair facility was observed in the warehouse and concrete flooring surrounding some of the service vehicles and waste oil ASTs. There were no significant cracks in the pavement or floor which would act as a direct pathway to the sub-surface. Based upon our observations, the petroleum staining is considered *de-minimis* and does not represent a significant environmental concern.

#### 10.1.2 Historical Recognized Environmental Conditions

The term historical recognized environmental condition means a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority, without subjecting the property to any required controls (e.g. property use restrictions, AUL's, institutional controls or engineering controls. If a past release of a hazardous substance or petroleum products has occurred in connection with the property and has been addressed to *unrestricted* residential use, this condition shall be considered a historical recognized environmental condition.

Based upon the information obtained during our assessment and our observations, ETRI believes that no *historical recognized environmental conditions* exist on the subject property.

#### 10.1.3 Controlled Recognized Environmental Conditions

The term controlled recognized environmental condition (CREC) means " a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (e.g. as evidenced by the issuance of an NFA letter or equivalent, or meeting risk-based criteria established by the regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (e.g. property use restrictions, AUL's, institutional controls, or engineering controls).

Based upon the information obtained during our assessment and our observations, ETRI believes that no *controlled recognized environmental conditions* exist on the subject property.

#### 10.1.4 Recognized Environmental Conditions

The term recognized environmental condition means the presence or likely presence of hazardous substances or petroleum products in, on, or at a property due to a release to the environment; under

conditions indicative of a release to the environment or under conditions that pose a material threat of future release to the environment. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be subject to enforcement action if brought to the attention of the appropriate government agencies.

Based upon the findings and conclusions of this assessment, ETRI believes that no *recognized environmental conditions* exist on the subject property.

#### **10.1.5 Conclusions and Recommendations**

ETRI has performed a *Phase I Environmental Site Assessment* in conformance with the scope and limitations of ASTM Practice E 1527-13 of the real property located at 3145 Tucker Norcross Road, Tucker, Georgia, the *property*. Any exceptions to, or deletions from, this practice are described in Section 12 of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the *property*, and no further investigation is currently recommended.