

Planning and Zoning  
 1975 Lakeside Parkway, Suite 350  
 Tucker, GA 30084  
 Phone: 678-597-9040  
 Email: [permits@tuckerga.gov](mailto:permits@tuckerga.gov)  
 Website: [www.tuckerga.gov](http://www.tuckerga.gov)

# Land Use Petition Application

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

APPLICANT INFORMATION		
Applicant is the: <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser		
Name: Blackwater Construction Group & Ingenium Enterprises, Inc.		
Address: Ingenium - 221 Roswell Street, Suite 100		
City: Alpharetta	State: GA	Zip: 30009
Contact Name: Erik Houston - Ingenium		
Phone: 770-437-8850 x107	Email: <a href="mailto:ehouston@ingeniumteam.com">ehouston@ingeniumteam.com</a>	
OWNER INFORMATION		
Name: Global Impex, Inc.		
Address: 3473 Satellite Blvd, Suite 355N		
City: Duluth	State: GA	Zip: 30096
Contact Name: Siraj Kazani		
Phone: 404-513-7786	Email: <a href="mailto:siraj@globalimpex.net">siraj@globalimpex.net</a>	
PROPERTY INFORMATION		
Property Address: 4118 Lavista Road, Tucker, GA 30084		
Present Zoning District(s): NL-1	Requested Zoning District(s): No Change	
Present Land Use Category: RAC	Requested Land Use Category: No Change	
Land District: 18	Land Lot(s): 210	Acreage: 1.0
Proposed Development: SLUP for continued alcohol sales and SLUP for renovated fuel pumps. Convenience store redevelopment replaces the existing fuel pumps and convenience store building.		
Concurrent Variance(s): No concurrent variances required.		
RESIDENTIAL DEVELOPMENT		
No. of Lots/Dwelling Units: N/A	Dwelling Unit Size (Sq. Ft.): N/A	Density: N/A
NON-RESIDENTIAL DEVELOPMENT		
No. of Buildings/Lots: 3 Existing/ 2 Proposed	7152 SF Existing/9202 SF Proposed Total Building Sq. Ft.:	0.10 FAR Existing/ Density: 0.17 FAR Proposed

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Community Development  
Department

LAND USE PETITION APPLICATION - REVISED JULY 15, 2020

SLUP-21-0008, SLUP-21-0009

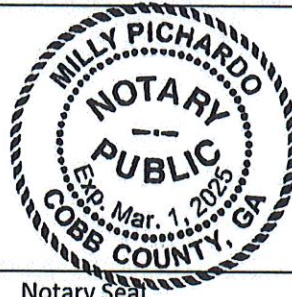
**APPLICANT'S CERTIFICATION**

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 10/15/2021  
Date

Erik Houston  
Type or Print Name and Title

  
Signature of Notary Public 10/15/2021  
Date



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**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), Modification (M) & Concurrent Variance (CV) in request of the items indicated below.

I, SIRAS KAZANI, authorize, Blackwater Construction Group & Ingenium Enterprises, Inc.  
(Property Owner) (Applicant)

to file for SLUP at 4118 LAVISTA RD, TUCKER, GA 30084  
(RZ, CA, SLUP, M, CV) (Address)

on this date OCT 05, 2021  
(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.

For **GLOBAL IMPEX, INC.**

*[Handwritten Signature]*  
AUTHORIZED SIGNATURE

10/05/2021

Signature of Property Owner

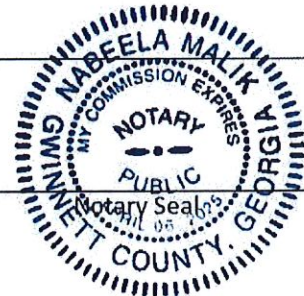
Date

SIRAS KAZANI - PRESIDENT

Type or Print Name and Title

*[Handwritten Signature]*  
Signature of Notary Public

10/5/21  
Date



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**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. _____	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

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) ERIC HOUSTON

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 Signature:  Date: 10/15/2021

OCT 18 2021



October 12, 2021

City of Tucker Planning and Zoning  
1975 Lakeside Parkway, Suite 350  
Tucker, GA 30084

Re: Letter of Intent  
SLUP For Fuel Pumps at 4118 Lavista Road

To Whom It May Concern,

Global Impex, Inc. owns the property at 4118 Lavista Road, Tucker, GA 30084. The site is approximately 1.0 acres and currently contains three buildings, a convenience store, a carwash, and an oil change establishment. The buildings comprise approximately 7,152 square feet. The convenience store is currently authorized to sell alcohol in the form of prepackaged beer and wine by having the necessary State and City licenses for the Year 2021. The establishment, currently branded as a "Shell" station, also operates as a gas station. There are (4) fuel pumps on site available for patron use, each having (2) fueling stations.

The owner seeks to renovate the site by tearing down the existing convenience store, canopy, and fuel pumps and replace them with all new amenities in hopes to attract new customers and serve the existing customers better. The existing oil change building will remain the same, however the renovated site will have a new 5,000 sf convenience store, a new canopy, and new fuel pumps to match the number of existing fuel pumps. The existing carwash will be removed during the project.

In order to continue selling alcoholic beverages and gas through fuel pumps, the City of Tucker Zoning Ordinances, Table 4.1 of Section 46-1124, provide that both the sale of packaged beer and wine and the operation of fuel pumps in the Northlake Overlay District are authorized only through the issuance of a Special Land Use Permit (SLUP).

The applicant is applying for a separate SLUP for each of the respective uses in order to continue selling alcoholic beverages and gas via fuel pumps once the convenience store reopens after being renovated. The applicant will still have to apply for the necessary City and State licenses every year.

Sincerely,

**Erik Houston , P.E.**  
Senior Engineer  
Ingenium Enterprises, Inc.

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Ingenium Enterprises, Inc. Planning and Engineering  
221 Roswell Street, Suite 100 | Community Development Department | Tucker, GA 30084 | 770.437.8850 | www.ingeniumteam.com

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**ANALYSIS OF STANDARDS/CRITERIA – Fuel Pumps**

**ZONING MAP AMENDMENT CRITERIA**

Section 46-1560 of the City of Tucker Zoning Ordinance lists standards and factors that are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map. The applicant shall write a detailed written analysis of each standard and factor as it relates to their proposed project.

No change in Zoning; N/A

**COMPREHENSIVE PLAN MAP AMENDMENT CRITERIA**

Section Sec. 46-1559 of the City of Tucker Zoning Ordinance lists standards and factors that are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map. The applicant shall write a detailed written analysis of each standard and factor as it relates to their proposed project.

Site conforms to current comprehensive plan and will not require amendment; N/A

**SPECIAL LAND USE PERMIT CRITERIA**

Section 46-1594 and 46-1595 of the City of Tucker Zoning Ordinance lists specific criteria that shall be considered by the planning and zoning 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. The applicant shall write a detailed written analysis of criteria as it relates to their proposed project.

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 property is approximately 1.0 acres, which is appropriate for the proposed use. One building is being removed from the property during this renovation and all setbacks, buffers, parking, drive aisle, and open space regulations set forth by the applicable zoning district will be met.

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

The subject site is located at the northwest corner of Lavista Road and Parklake Drive near Interstate 285, a heavily traveled area with many commercial uses all around including retail stores and drive-through restaurants. North of the property is a commercial development with various retail businesses, east of the property is a bank, south of the property is another gas station, and west of the property is a liquor store. The subject site contains an oil change establishment and a convenience store that sells gas via fuel pumps and prepackaged beer and wine. There is also an existing carwash on-site that will be removed. The site currently sell gas via fuel pumps and seeks to continue after the proposed renovations. Therefore, the existing uses as

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a gas station, convenience store, and oil change business will not change in the proposed condition and the proposed use is compatible with other uses area and nearby establishments.

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

The proposed site will retain the same use as the existing development, except for the carwash that is being removed. The current public services, public facilities, and utilities that have served the existing site for many years are adequate to serve the site in the proposed condition.

**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 proposed site will retain the same use as the existing development, except for the carwash that is being removed. Removing the carwash will decrease the amount of traffic created by the proposed site, such that no significant increase in traffic is anticipated.

**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.**

The existing land uses located along the access routes to the site will not be adversely impacted by the character of the vehicles or the volume of traffic created by the proposed use. Personal and commercial vehicles comprise the traffic along Lavista Road and Parklake Drive. Because the proposed redevelopment will retain the same use already existing on the property, the impact to nearby existing land uses will not be adversely affected.

**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.**

The ingress and egress to the site will not change in the proposed condition. The attached site plans show that they are adequate to access the property and provide safe and effective passageway by pedestrians and vehicles. This includes sufficient access for emergency vehicles.

**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 proposed use.**

The proposed site will retain the same use as the existing development, except for the carwash that is being removed. Therefore, the proposed site will not create any adverse impacts upon any adjoining land use by generating noise, smoke, odor, dust, or vibration.

**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.**

The hours of operation for the proposed use, considering the existing use will not change, will not create any adverse impacts upon any adjoining land use.

**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.**

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The proposed site will retain the same use as the existing development, except for the carwash that is being removed. Therefore, the proposed site will not create any adverse impacts upon any adjoining land use by reason of the manner of operation.

**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 land uses are compatible with the uses authorized in NL-1, Northlake High Intensity Commercial District.

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

The subject site is classified as RAC, Regional Activity Center, which prescribes a higher density mix of office, retail, housing, services, and employments to serve a regional market area. Most of the parcels in the area are also of the same classification. The proposed uses are consistent with these policies.

**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 subject site is surrounded by commercial uses such that all adjacent land uses are compatible. The proposed site remains in compliance with all required buffer zones and transitional buffer zones.

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

The proposed site will retain the same use as the existing development, except for the carwash that is being removed. Therefore, there is adequate provision of refuse and service areas.

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

The owner intends to use the property as proposed for an extended period of time. Therefore, the length of time for which the special land use permit is granted should not be limited in duration.

**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 proposed site remains in compliance with all land use regulations prescribed by NL-1, Northlake High Intensity Commercial District. Therefore, the size, scale and massing of the proposed site are appropriate with all nearby lots and buildings.

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

The subject site is not located within a historic district, and there are no known historic sites or archaeological resources nearby that could be adversely impacted by the proposed use.

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

The proposed site will comply with the requirements within the supplemental regulations for the Special Land Use Permit for Fuel Pumps. Listed below, are the regulations found in the City of Tucker Code of Ordinances, Section 46-1171:

Fuel pumps as accessory uses shall comply with the following standards:

- (1) The primary building (i.e., convenience store or automobile service station) shall conform to all primary building setbacks.
- (2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all street rights-of-way.
- (3) The canopy shall not exceed the height of the principal building, but in no case shall exceed 20 feet in height.
- (4) The canopy and its columns shall be complementary to the overall color scheme and building materials scheme of the building facade to which the canopy is accessory.
- (5) Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than 30 minutes after closure of the facility.
- (6) Automobile service stations with gas sales shall have a capacity to store one car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
- (7) A minimum of 30 feet is required between a property line and the nearest gasoline pump.

**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 proposed site remains in compliance with all land use regulations prescribed by NL-1, Northlake High Intensity Commercial District. Therefore, no negative shadow impacts on any adjoining lot or building will be created.

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

The proposed use is the same as the existing use, except for the carwash that is being removed. The site has operated as a convenience store, selling gas and prepackaged beer and wine for many years. Considering the land use will not be changing, the proposed use would not result in a disproportionate proliferation of that or similar uses in the subject character area.

**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 the same as the existing use, except for the carwash that is being removed. The area already contains heavy development that is similar to the subject site, in the form of commercial establishment, drive-through restaurants, and other retail stores. Being near Interstate 285, the area is heavily travelled, and the products and services provided at the subject site are necessary and beneficial for the community. Therefore, the proposed uses are consistent

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with the overall objective of the City's comprehensive plan which classifies the subject site as RAC, Regional Activity Center.

**CONCURRENT VARIANCE CRITERIA**

**Section 46-1633 of the City of Tucker Zoning Ordinance lists specific criteria the board shall use in determining whether or not to grant a variance. The applicant shall provide a written analysis of how the request complies with this criteria, if they are requesting a concurrent variance.**

No concurrent variance required; N/A

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**ANALYSIS OF STANDARDS/CRITERIA – Alcohol Sales**

**ZONING MAP AMENDMENT CRITERIA**

Section 46-1560 of the City of Tucker Zoning Ordinance lists standards and factors that are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map. The applicant shall write a detailed written analysis of each standard and factor as it relates to their proposed project.

No change in Zoning; N/A

**COMPREHENSIVE PLAN MAP AMENDMENT CRITERIA**

Section Sec. 46-1559 of the City of Tucker Zoning Ordinance lists standards and factors that are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map. The applicant shall write a detailed written analysis of each standard and factor as it relates to their proposed project.

Site conforms to current comprehensive plan and will not require amendment; N/A

**SPECIAL LAND USE PERMIT CRITERIA**

Section 46-1594 and 46-1595 of the City of Tucker Zoning Ordinance lists specific criteria that shall be considered by the planning and zoning 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. The applicant shall write a detailed written analysis of criteria as it relates to their proposed project.

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 property is approximately 1.0 acres, which is appropriate for the proposed use. One building is being removed from the property during this renovation and all setbacks, buffers, parking, drive aisle, and open space regulations set forth by the applicable zoning district will be met.

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

The subject site is located at the northwest corner of Lavista Road and Parklake Drive near Interstate 285, a heavily traveled area with many commercial uses all around including retail stores and drive-through restaurants. North of the property is a commercial development with various retail businesses, east of the property is a bank, south of the property is another gas station, and west of the property is a liquor store. The subject site contains an oil change establishment and a convenience store that sells gas via fuel pumps and prepackaged beer and wine. There is also an existing carwash on-site that will be removed. The site has an active license to sell prepackaged alcoholic beverages including beer and wine and seeks to continue after the

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proposed renovations. Therefore, the existing uses as a gas station, convenience store, and oil change business will not change in the proposed condition and the proposed use is compatible with other uses area and nearby establishments.

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

The proposed site will retain the same use as the existing development, except for the carwash that is being removed. The current public services, public facilities, and utilities that have served the existing site for many years are adequate to serve the site in the proposed condition.

**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.**

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**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.**

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**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 proposed use.**

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**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.**

The hours of operation for the proposed use, considering the existing use will not change, will not create any adverse impacts upon any adjoining land use.

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**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 proposed site will retain the same use as the existing development, except for the carwash that is being removed. Therefore, the proposed site will not create any adverse impacts upon any adjoining land use by reason of the manner of operation.

**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 land uses are compatible with the uses authorized in NL-1, Northlake High Intensity Commercial District.

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

The subject site is classified as RAC, Regional Activity Center, which prescribes a higher density mix of office, retail, housing, services, and employments to serve a regional market area. Most of the parcels in the area are also of the same classification. The proposed uses are consistent with these policies.

**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 subject site is surrounded by commercial uses such that all adjacent land uses are compatible. The proposed site remains in compliance with all required buffer zones and transitional buffer zones.

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

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

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**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 proposed site remains in compliance with all land use regulations prescribed by NL-1, Northlake High Intensity Commercial District. Therefore, the size, scale and massing of the proposed site are appropriate with all nearby lots and buildings.

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

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The subject site is not located within a historic district, and there are no known historic sites or archaeological resources nearby that could be adversely impacted by the proposed use.

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

The proposed site will comply with the requirements within the supplemental regulations for the Special Land Use Permit for Alcohol Sales. Listed below, are the regulations found in the City of Tucker Code of Ordinances, Section 46-1151:

Alcohol outlets and retail package liquor store uses shall comply with the following standards:

**a. Package stores and liquor stores, developed as a primary use in a freestanding building, must comply with city ordinances pertaining to licensing requirements for a retail package liquor store.**

Not applicable; alcohol sales are not the primary use.

**b. Alcohol outlets in the NS (Neighborhood Shopping) District may only be permitted as an accessory use with a special land use permit (SLUP).**

Not applicable; property is not in the NS District.

**c. Alcohol outlets in the MU (Mixed-Use) districts shall be limited to beer and wine sales with a special land use permit (SLUP).**

Property is within the NL-1 District, however alcohol sales are limited to beer and wine.

**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 proposed site remains in compliance with all land use regulations prescribed by NL-1, Northlake High Intensity Commercial District. Therefore, no negative shadow impacts on any adjoining lot or building will be created.

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

The proposed use is the same as the existing use, except for the carwash that is being removed. The site has operated as a convenience store, selling gas and prepackaged alcoholic beverages for many years. Considering the land use will not be changing, the proposed use would not result in a disproportionate proliferation of that or similar uses in the subject character area.

**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 the same as the existing use, except for the carwash that is being removed. The area already contains heavy development that is similar to the subject site, in the form of commercial establishment, drive-through restaurants, and other retail stores. Being near Interstate 285, the area is heavily travelled, and the products and services provided at the subject site are necessary and beneficial for the community. Therefore, the proposed uses are consistent

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with the overall objective of the City's comprehensive plan which classifies the subject site as RAC, Regional Activity Center.

**CONCURRENT VARIANCE CRITERIA**

Section 46-1633 of the City of Tucker Zoning Ordinance lists specific criteria the board shall use in determining whether or not to grant a variance. The applicant shall provide a written analysis of how the request complies with this criteria, if they are requesting a concurrent variance.

No concurrent variance required; N/A

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**COMMENT/RESPONSE LETTER**



October 15, 2021

**Re: Project:** SLUP Application for Shell Gas Station at 4118 Lavista Road  
**IE. Project No.:** 210040  
**Location:** 4118 Lavista Road, Tucker, GA 30084

This letter is in response to the comments received on October 13, 2021 and references our SLUP application submittal. The comments are addressed as follows:

**Kylie Thomas – Planning and Zoning**

1. Comment: Applicant’s certification form: it appears as though the owner has signed this form. Erik, we will need you to sign this form as you are listed as the applicant

**Response: New form submitted.**

2. Comment: Disclosure report form-Erik, we will also need you to complete this form please

**Response: New form submitted.**

3. Comment: Please provide fuel canopy elevations

**Response: Provided**

4. Comment: Application page: for ‘proposed development’ please note: SLUP for alcohol sales and SLUP for fuel canopy

**Response: Revised application.**

5. Comment: While only one application is required, we will need you to address the criteria for each request separately. One set of criteria for the fuel pumps and one set of criteria for alcohol sales.

**Response: Created two separate documents, one for alcohol sales and one for fuel pumps.**

6. Comment: Building Elevations: The elevation labeled ‘east’-will this be the elevation facing the Parklake Drive? Please confirm the elevations are correctly labeled. Additionally, while these elevations are acceptable for the SLUP process, staff will want to meet to discuss prior to the Planning Commission meeting.

**Response: The labels on the elevations are correct. The 65’ (larger) glass façade faces Parklake Drive to the East. Understood that further discussion is necessary.**

7. Comment: There are several supplemental regulations for fuel pumps, I’ve included a link to them here:

[https://library.municode.com/ga/tucker/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH46ZO\\_ARTIVUSRE\\_DIV2SUUSRE\\_S46-1171FUPUAC](https://library.municode.com/ga/tucker/codes/code_of_ordinances?nodeId=PTIICOOR_CH46ZO_ARTIVUSRE_DIV2SUUSRE_S46-1171FUPUAC) Please address if all

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Ingenium Enterprises, Inc.  Planning and Engineering

Community Development Department | 14499 North Dale Mabry Hwy, Suite 250 | Tampa, FL 33618 | 813.387.0084 | www.ingeniumteam.com

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standards will be met. It may be best to include this in your letter of intent or to address each of the 7 standards individually.

**Response: The supplemental plans are included in the Analysis of Standards/Criteria document under item 17. The design will comply with all regulations.**

8. Comment: Site plan and application state the parcel is .98 acres and the legal description says 1.002 acres. Please confirm which is correct.

**Response: The most current survey from February 2021 does not list a site area. We have revised our application, site plan, and other necessary documents to state 1.0 acres to match the recorded acreage in the Title Description from the survey done in 2006. The updated Site Plan and the existing survey has been submitted.**

If you have any additional comments or questions, please let me know.

Sincerely,

**Erik Houston**

Team Leader

Ingenium Enterprises, Inc.

Phone: 770-437-8850 ext.107

Email: [ehouston@ingeniumteam.com](mailto:ehouston@ingeniumteam.com)

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### 1 TITLE DESCRIPTION

The following described parcel of land lying and being in Land Lot 210 of the 18th District of DeKalb County, Georgia, more particularly described as follows:

**BEGINNING** at the intersection formed by the west line of said Land Lot 210 and the north line of the right of way of LaVista Road (having a variable right of way), said right of way line being 65.5 feet north from the centerline of said road;

**RUNNING THENCE** along said Land Lot line north 0 degrees 21 minutes 40 seconds east a distance of 184.51 feet;

**THENCE**, south 88 degrees 20 minutes 44 seconds east 244.2 feet to the western side of Parklake Drive (having a variable right of way);

**THENCE**, southerly along the curvature of the western side of Parklake Drive, said curve having an arc distance of 157.24 feet, said curve having a radius of 785.34 feet and a chord distance of 156.98 feet and a bearing of south 05 degrees 26 minutes 53 seconds to a point;

**THENCE**, along said right-of-way line south 39 degrees 09 minutes 12 seconds West, 35.05 feet to a point;

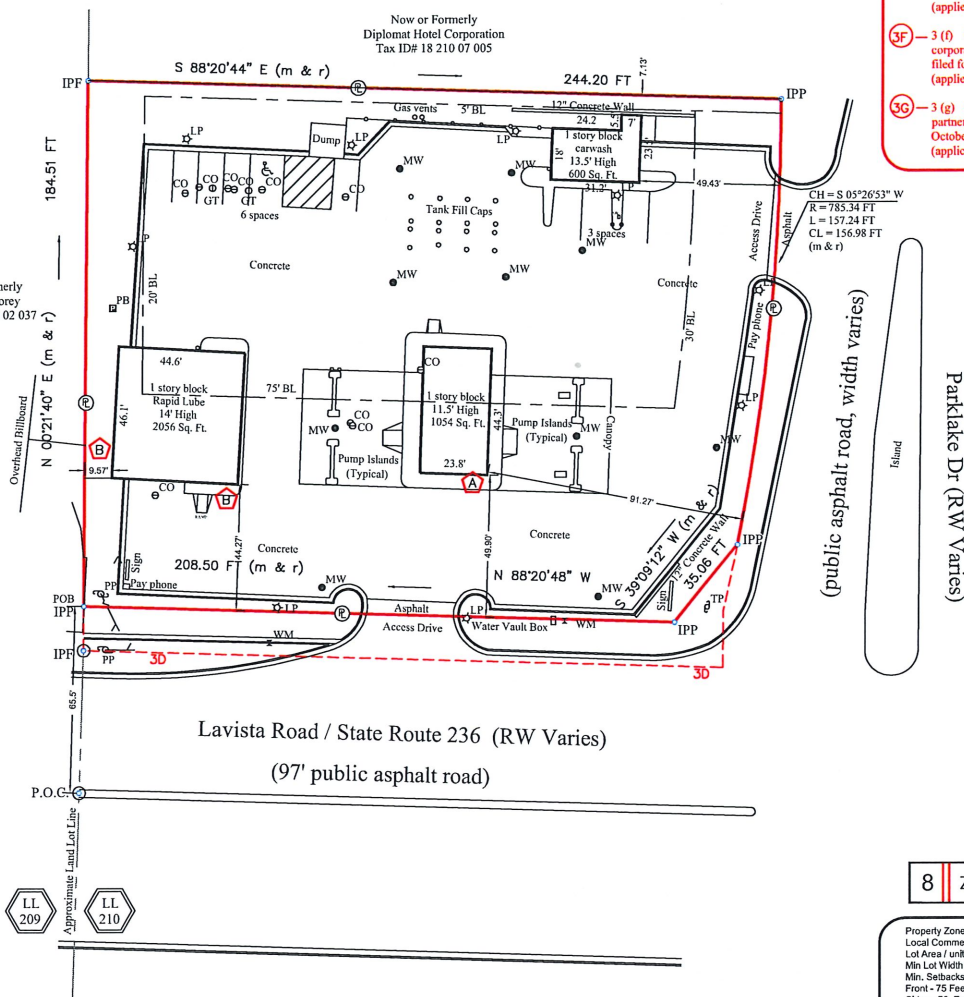
**THENCE**, along the northerly right of way line of LaVista Road, north 88 degrees 20 minutes 48 seconds west a distance of 208.50 feet to the POINT OF BEGINNING;

Said tract containing 43,673 square feet or 1.002 acres.

### 2 TITLE INFORMATION

The Title Description and Schedule B Items hereon are from Steward Title Guaranty Company, commitment No. 1087.41B (36) (O)(R)(4), Dated October 16, 2006.

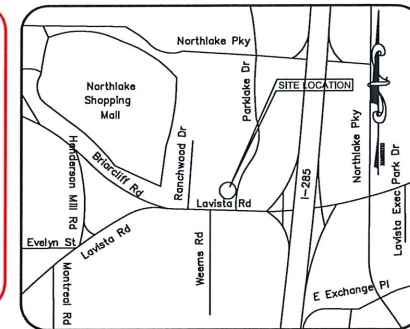
### 19 SURVEY DRAWING



### 3 SCHEDULE 'B' ITEMS

- 3 (d) Right-of-way Deed from Texaco Refining and Marketing Inc., to the Department of Transportation, dated August 10, 1987, filed for record August 14, 1987 at 8:29 a.m., recorded in Deed Book 5917, Page 245, records of DeKalb County, Georgia. (does not affect property, has been incorporated into the current right of way.) INTENTIONALLY DELETED.
- 3 (e) Conveyance of Access Rights by and between the Department of Transportation, State of Georgia, and Texaco Refining and Marketing Inc., dated August 10, 1987, filed for record August 14, 1987 at 8:29 a.m., recorded in Deed Book 5917, Page 248, aforesaid Records. (applies and affects, right to create access driveway, location not described, not of a plottable nature)
- 3 (f) Oil, gas and other minerals reserved in Limited Warranty Deed by Texaco Refining and Marketing Inc., a Delaware corporation, to Star Enterprise, a New York general partnership, dated June 20, 1989, effective as of December 31, 1988, filed for record November 27, 1989, at 8:30 a.m., recorded in Deed Book 6579, Page 252, aforesaid Records. (applies and affects, blanket encumbrance not of a plottable nature.)
- 3 (g) Oil, gas and other minerals rights reserved in Special Warranty Deed by Star Enterprise, a New York general partnership, to Motiva Enterprises L.L.C., a Delaware limited liability company, dated October 1, 1998, filed for record October 23, 1998 at 2:45 p.m., recorded in Deed Book 10262, Page 101, aforesaid Records. (applies and affects, blanket encumbrance not of a plottable nature.)

### 16 VICINITY MAP



### 4 SURVEYOR CERTIFICATION

The survey shall be prepared by a surveyor licensed by the State in which the Property is located, and shall contain the following certification:

This survey is made for the benefit of: Washova Bank, National Association, its successors and assigns, Mayer, Brown, Rowe & Maw, LLP, Motiva Enterprises L.L.C., a Delaware limited liability company, Steward Title Guaranty Company, Sam's Real Estate Holdings-Georgia, L.L.C., Kenneth L. Nunn, a Registered Land Surveyor in the State of Georgia, do hereby certify to the aforesaid parties, their successors and assigns, as of the date set forth above, that I have made a careful survey of a tract of land (the "Premises") as described herein:

- The survey reflected by this plat was actually made upon the ground, that this plat of survey is made at least in accordance with the minimum standards established by the State of Georgia for surveyors and with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by ALTA and ACSM in 2005 and includes items (except for states that require record monument planting), 2, 3, 4, 6, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11 (paper above ground visible evidence), 13, 14, and 16 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Georgia, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.
- The survey correctly shows the location of all visible buildings, structures and other visible improvements situated on the Premises.
- All visible utilities on the Premises are as shown; that except as shown, there are no visible easements or rights of way across said Premises; that the property described hereon is the same as the property described in Steward Title Guaranty Title Company, Commitment No. 1087.41B(36)(O)(R)(4) with an effective date of October 16, 2006 at 5:00 pm, and that all easements, encumbrances and restrictions reflected in said title commitment, or encumbrances which the undersigned has been advised or has knowledge, have been plotted hereon or otherwise noted as to their effect on the subject property.
- There are no visible encroachments onto adjoining premises, streets or alleys by any buildings, structures or other improvements, no visible encroachments onto said Premises by buildings, structures or other improvements situated on adjoining premises.
- Said described property is located within an area having a Zone Designation "X" by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 05071H, with a date of identification of 05/07/01, for Community Number 120995C, in DeKalb County, State of Georgia, which is the current Flood Insurance Rate Map for the community in which said Premises is situated.
- The property has direct physical access to Parklake Drive (R/W Varies) & LaVista Road (SR 236) (R/W Varies), a public street or highway.
- The number of striped parking spaces located on the subject property is 9, and to the extent possible, are graphically shown hereon; and
- All set back, side yard and rear yard lines shown on the recorded plat or set forth in the applicable zoning ordinance are shown on the survey.

Reg. Land Surveyor No. \_\_\_\_\_

### 7 POSSIBLE ENCROACHMENTS

- A - Stone appears to encroach on 75' front setback by up to 25.04'
- B - Rapid Lube appears to encroach on 75' front setback by up to 29.87' and the 20' side setback by up to 20'.

### 11 SURVEYOR'S NOTES

- All statements within the certification, and other references located elsewhere hereon, related to utilities, improvements, structures, buildings, party walls, easements, servitudes, and encroachments; are based solely on above ground, visible evidence, unless another source of information is specifically referenced hereon.
- Property has physical access to LaVista Road (S.R. 236) and Parklake Drive.
- There is no evidence of earth moving work, building construction or building additions within recent months.
- There is no evidence of site use as a solid waste dump, sump or sanitary landfill.

### 5 FLOOD INFORMATION

By graphic plotting only, this property is in Zone "X" of the flood insurance rate map, community panel No. 13006500057H, which bears an effective date of 05/07/01, and is not in a special flood hazard area. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for variance from the federal emergency management agency. Zone "X" denotes areas outside of the 500 Year Flood Plain.

### 12 PARKING INFORMATION

8 regular spaces  
1 handicap space

### 14 BUILDING AREA

Bldg. = 1,054 sq.ft.  
Carwash = 600 sq.ft.  
Rapid Lube = 2056 sq.ft.

### 15 BUILDING HEIGHT

Bldg. = 11.0'  
Carwash = 13.5'  
Rapid Lube = 14'

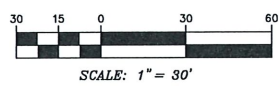
### 13 LAND AREA

43,673 sq.ft.  
1.002 Acres

### 8 ZONING INFORMATION

Property Zoned = C-1  
Local Commercial District  
Lot Area / unit = 20,000 Sq. Ft.  
Min Lot Width = 100 Feet  
Min. Setbacks:  
Front - 75 Feet  
Sides - 50 Feet  
Interior Side - 20 Feet  
Rear - 5 Feet  
Building Height = 2 Stories/35 Feet  
Max. Lot Coverage = 80%  
Other than listed, no bulk restrictions exist.  
\*per approved variance dated 10/14/87  
Parking Requirements:  
Express Lube = 3 spaces per bay, min. 10 spaces  
Food Store = 5.5 spaces per 1,000 sq. ft.  
Source: DeKalb County Code of Ordinances  
www.municode.com

### 17 SCALE



### 9 LEGEND

- X-X- = Barbed Wire
- SS = Sanitary Sewer
- FH = Fire Hydrant
- PP = Power Pole
- IPP = Iron Pin Placed
- OIPF = Iron Pin Found
- MON = Monument Found
- LP = Light Pole
- EP = Edge Pavement
- POB = Point of Beginning
- B/C = Back of Curb
- C/L = Centerline
- CL = Chain Link Fence
- SSMH = Sewer Manhole
- SSE = Sanitary Sewer Easement
- JB = Junction Box
- DI = Drop Inlet
- PL = Property Line
- OMP = Corrugated Metal Pipe
- RCP = Reinforced Conc. Pipe
- DE = Drainage Easement
- WV = Water Valve
- WM = Water Meter
- R/W = Right of Way
- Power Line
- CB = Catchbasin (single wing)
- CB = Catchbasin (double wing)
- CO = Sewer Cleanout
- Record Call
- MB = Handicap Space
- HW = Headwall
- S = Sign
- CO = Sewer Cleanout
- GW = Guy Wire Anchor
- TEL = Telephone Box
- TRB = Telephone Booth
- TP = Telephone Pole

### Abbreviation Legend

- CC = Calculated Corner
- CH = Chord Bearing
- CL = Chord Length
- GT = Grease Trap
- M = Measured Call
- R = Record Call
- PL = Property Line
- R = Radius
- R/W = Right of Way
- SSE = Sanitary Sewer Easement
- MON = R/W Monument
- IPP = Iron Pin Found
- OTF = Open Top Pin Found
- CIP = Crimp Top Pin Found
- B/C = Back of Curb
- EP = Edge of Pavement
- NF = Not Found
- POB = Point of Beginning
- POC = Point of Commencement

### TABLE OF CONTENTS

- 1 TITLE DESCRIPTION
- 2 TITLE INFORMATION
- 3 SCHEDULE 'B' ITEMS
- 4 SURVEYOR CERTIFICATION
- 5 FLOOD INFORMATION
- 6 CEMETERY
- 7 POSSIBLE ENCROACHMENTS
- 8 ZONING INFORMATION
- 9 LEGEND
- 10 BASIS OF BEARING
- 11 SURVEYOR'S NOTES
- 12 PARKING INFORMATION
- 13 LAND AREA
- 14 BUILDING AREA
- 15 BUILDING HEIGHT
- 16 VICINITY MAP
- 17 SCALE
- 18 CLIENT INFORMATION BOX
- 19 SURVEY AREA

ALTA/ACSM Land Title Survey

### 18 CLIENT INFORMATION BOX

Outland sticker here

This Work Coordinated By:

**INTERNATIONAL LAND SERVICES, INC.**

621 24th Avenue S.W.  
Norman, Oklahoma 73069  
(405) 701-9352 www.ils-alta.com

Drwn By: RPK	Date: 11-29-06
Surveyor Ref. No: 057805	Revision: Client Comments
Aprvd By:	Date: 12-05-06
Field Date: 01/20/06	Revision: Client Comments
Scale: 1" = 30'	Date:
	Revision:

Prepared For:

Client Ref. No: 100456

Project Address:  
4118 LAVISTA ROAD

Project Location:  
Tucker, GEORGIA

Project Name:  
SHELL CENTRAL

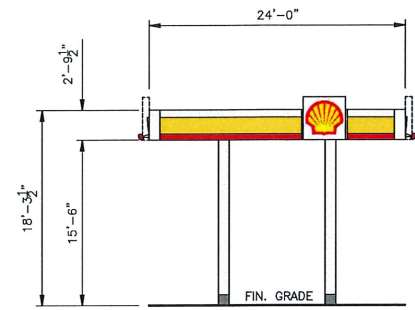
Job Number:  
05-12-008:125

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**Surveyor Title Block**

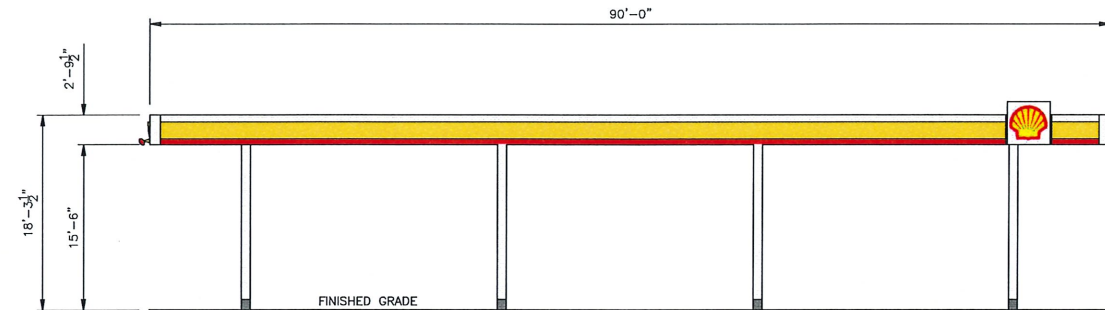
Perimeter Surveying & Development Co.  
1065 Sandtown Road, SW  
Marietta, GA 30008

Phone: 770.425.8824 Fax: 770.425.8788



**SOUTH ELEVATION**

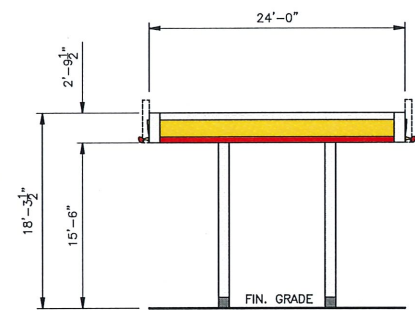
SCALE: 1/8" = 1'-0"



**WEST ELEVATION**

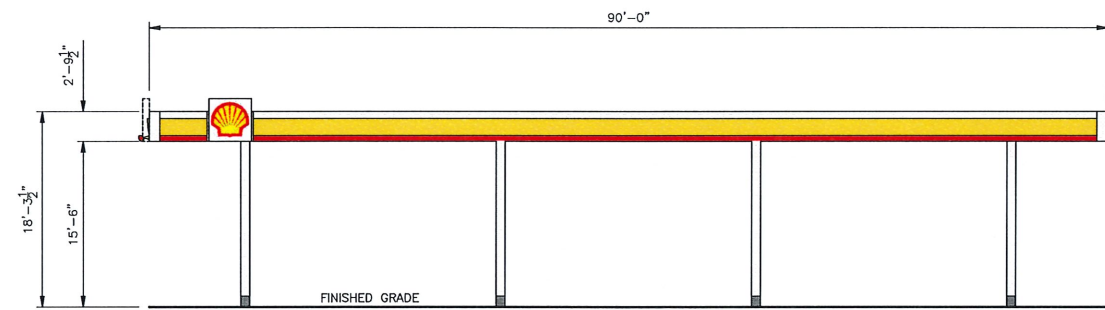
SCALE: 1/8" = 1'-0"

NOTE: COLORS AND MATERIALS SHALL MATCH BUILDING.



**NORTH ELEVATION**

SCALE: 1/8" = 1'-0"



**EAST ELEVATION**

SCALE: 1/8" = 1'-0"

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NO.			DATE:			BY:			MANUFACTURER:		
1			.			.			BLACKWATER CONSTRUCTION		
2			.			.			2180 SATELLITE BLVD., SUITE 400, DULUTH, GA 30097		
3			.			.			PHONE: (404) 964-3569		
SCALE: NOTED			DATE:			APPROVED BY:			DRAWING NO:		
DATE: 10/15/2021			LOCATION:			PROPOSED CANOPY ELEVATIONS			DRAWING NO:		
			4118 LAVISTA RD								
			TUCKER, GA								

**ENVIRONMENTAL SITE ANALYSIS FORM**

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

- 1. CONFORMANCE WITH THE COMPREHENSIVE PLAN. Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.**

The current site is a self-service gas station with driveways on Lavista Road and Parklake Drive. There are three buildings on the property. The oil change building will not be modified in any way, however, the carwash will be removed and the convenience store will be replaced with a new 5,000 sf building. The area is well developed, with many other businesses adjacent to the site. There is another gas station to the south, a bank to the east, a liquor store to the west and a retail center to the north with multiple uses.

**Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.**

This property is shown in dark red which indicates the Regional Activity Center classification. The Comprehensive Plan states that "Regional activity centers typically include a higher-density mix of retail, office, housing, and services, and employment to serve a regional market area. Because it is readily accessible from the highway and is already more developed, future development here is considered both desirable and appropriate." The convenience store offers goods and services to the regional market by way of its proximity to Interstate 285 just as mentioned in this excerpt. Therefore, this project to renovate the convenience store to create a better experience for its patrons conforms with the Comprehensive Land Use Plan.

- 2. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT. For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).**

**a. Wetlands**

None, per U.S. Fish and Wildlife Services National Wetlands Inventory online map

**b. Floodplain**

Zone X - Area of Minimal Flood Hazard, per Panel 13089C0057K, dated 08/15/2019

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- c. **Streams/stream buffers**  
None
- d. **Slopes exceeding 25 percent over a 10-foot rise in elevation**  
None
- e. **Vegetation**  
See Survey
- f. **Wildlife Species (including fish)**  
None
- g. **Archeological/Historical Sites**  
None

**PROJECT IMPLEMENTATION MEASURES.** Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

- h. **Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.**  
None present on site; N/A.
- i. **Protection of water quality**  
Development will adhere to water quality regulations. Final standards and implementation will be coordinated with City of Tucker.
- j. **Minimization of negative impacts on existing infrastructure**  
No impacts to the existing infrastructure are anticipated.
- k. **Minimization on archeological/historically significant areas**  
None present on site.
- l. **Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.**  
None; N/A.

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**m. Creation and preservation of green space and open space**

Development will adhere to open space regulations. See site plans.

**n. Protection of citizens from the negative impacts of noise and lighting**

The existing commercial use will not change for the proposed condition and will not have negative impacts from noise or lighting to the surrounding citizens.

**o. Protection of parks and recreational green space**

No existing parks on or near site; N/A.

**p. Minimization of impacts to wildlife habitats**

No sensitive wildlife on site; N/A.

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October 12, 2021

City of Tucker Planning and Zoning  
1975 Lakeside Parkway, Suite 350  
Tucker, GA 30084

Re: Trip Generation Summary Letter  
SLUP for Fuel Pumps and Alcohol Sales at 4118 Lavista Road

To whom it may concern,

This letter serves to summarize the trip generation results included in the SLUP application for fuel pumps and alcohol sales at 4118 Lavista Road in Tucker, GA. The existing site contains a "Shell" gas station, an oil change facility, and a self-service carwash. The applicant is proposing tearing down the existing fuel canopy, fuel pumps, and convenience store and replacing them with all new facilities. The existing oil change facility is to remain as is, but the carwash will be removed.

Trip generation for the existing and proposed uses has been estimated based on the information contained in ITE's Trip Generation Manual, 11<sup>th</sup> Edition. The estimated total trips generated during the AM Peak and PM Peak hours for the existing and proposed conditions are listed below.

- Existing – AM Peak Total Trips – 47
- Existing – PM Peak Total Trips – 43
- Proposed – AM Peak Total Trips – 39
- Proposed – PM Peak Total Trips – 35

The number of fueling stations remains the same from the existing condition to the proposed condition. Therefore, the number of trips generated does not change for that use. The overall number of trips generated decreases between the existing and proposed conditions due to the removal of the carwash in the proposed condition. For further information, the complete results of the estimated trips generated are attached to this letter. The tables included in the attachment contain the trips generated per use as well as the criteria used to calculate the number of trips generated.

Sincerely,

Erik Houston  
Project Manager  
Ingenium Enterprises, Inc.

Cc: File

Attachment: Trip Generation Results

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Ingenium Enterprises, Inc.  Planning and Engineering  
221 Roswell Street, Suite 100 | Alpharetta, GA 30009 | 770.437.8850 | [www.ingeniumteam.com](http://www.ingeniumteam.com)

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PROJECT DETAILS	
Project Name:	210040 - 4118 LaVista Road
Project No:	
Country:	
Analyst Name:	James Neff
Date:	5/9/2021
State/Province:	
Analysis Region:	
Type of Project:	
City:	
Built-up Area(Sq. Ft):	
Clients Name:	
ZIP/Postal Code:	
No. of Scenarios:	4

SCENARIO SUMMARY									
Scenarios	Name	No. of Land Uses	Phases of Development	No. of Years to Project	User Group	Estimated New Vehicle Trips			Total
				Traffic		Entry	Exit		
Scenario - 1	PM Peak - Existing	3	1	0		21	22		43
Scenario - 2	AM Peak - Existing	3	1	0		23	24		47
Scenario - 3	AM Peak - Proposed	2	1	0		19	20		39
Scenario - 4	PM Peak - Proposed	2	1	0		17	18		35

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**Scenario - 1**

Scenario Name: PM Peak - Existing

User Group:

Dev. Phase: 1

No. of Years to Project: 0

Analyst Note:

Warning:

**VEHICLE TRIPS BEFORE REDUCTION**

Land Use & Data Source	Location	IV	Size	Time Period	Method		Entry Split%	Exit Split%	Total
					Rate/Equation				
941 - Quick Lubrication Vehicle Shop Data Source: Trip Generation Manual, 10th Ed	General Urban/Suburban	1000 Sq. Ft. GFA	2	Weekday, PM Peak Hour of Generator	Average 9.42		9	10	19
945 - Gasoline/Service Station With Convenience Data Source: Trip Generation Manual, 10th Ed	General Urban/Suburban	Vehicle Fueling Positions	8	Weekday, PM Peak Hour of Generator	Average 15.87		63	63	126
947 - Self-Service Car Wash Data Source: Trip Generation Manual, 10th Ed	General Urban/Suburban	Wash Stalls	1	Weekday, PM Peak Hour of Generator	Average 8.00		4	4	8

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Scenario - 2

Scenario Name: AM Peak - Existing

User Group:  
No. of Years to Project 0  
Traffic:

Dev. phase: 1

Analyst Note:

Warning:

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method		Entry Split%	Exit Split%	Total
					Rate/Equation	Average			
941 - Quick Lubrication Vehicle Shop Data Source: Trip Generation Manual, 10th Ed	General Urban/Suburban	1000 Sq. Ft. GFA	2	Weekday, AM Peak Hour of Generator	Average	10.14	10	10	20
945 - Gasoline/Service Station With Convenience Data Source: Trip Generation Manual, 10th Ed	General Urban/Suburban	Vehicle Fueling Positions	8	Weekday, AM Peak Hour of Generator	Average	13.66	56	54	110
947 - Self-Service Car Wash Data Source: Trip Generation Manual, 10th Ed	General Urban/Suburban	Wash Stalls	1	Weekday, AM Peak Hour of Generator	Average	8.00	4	4	8

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**Scenario - 3**

Scenario Name: AM Peak - Proposed

Dev. phase: 1

User Group:  
No. of Years to Project: 0  
Traffic: 0

Analyst Note:

Warning:

**VEHICLE TRIPS BEFORE REDUCTION**

Land Use & Data Source	Location	IV	Size	Time Period	Method		Entry Split%	Exit Split%	Total
					Rate/Equation	Average			
945 - Gasoline/Service Station With Convenience Data Source: Trip Generation Manual, 10th Ed	General Urban/Suburban	Vehicle Fueling Positions	8	Weekday, AM Peak Hour of Generator	Average	13.66	56	54	110
941 - Quick Lubrication Vehicle Shop Data Source: Trip Generation Manual, 10th Ed	General Urban/Suburban	1000 Sq. Ft. GFA	2	Weekday, AM Peak Hour of Generator	Average	10.14	10	10	20

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Generated By OTISS Pro v2.1

**Scenario - 4**

Scenario Name: PM Peak - Proposed

Dev. phase: 1

User Group:  
No. of Years to Project: 0  
Traffic: 0

Analyst Note:

Warning:

**VEHICLE TRIPS BEFORE REDUCTION**

Land Use & Data Source	Location	IV	Size	Time Period	Method		Entry Split%	Exit Split%	Total
					Rate/Equation	Average			
945 - Gasoline/Service Station With Convenience Data Source: Trip Generation Manual, 10th Ed	General Urban/Suburban	Vehicle Fueling Positions	8	Weekday, PM Peak Hour of Generator	Average	15.87	63	50%	126
941 - Quick Lubrication Vehicle Shop Data Source: Trip Generation Manual, 10th Ed	General Urban/Suburban	1000 Sq. Ft. GFA	2	Weekday, PM Peak Hour of Generator	Average	9.42	9	46%	19

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# City of Tucker

## Public Participation Plan Report Project Name:

**Contact Name:** Erik Houston

**Meeting Date:** Thursday, October 7, 2021

**Meeting Location:** Virtual (Microsoft Teams)

**Meeting Start Time:** 2:00pm

**Meeting End Time:** 2:30pm

**Number of people in attendance:** 7

### **Attendees:**

1. Erik Houston – Ingenium Enterprises, Inc.
2. Ryan Henderson – Ingenium Enterprises, Inc.
3. Siraj Kazani – Global Impex (Owner Representative)
4. Mary Still – Community Member
5. Joe Kilpatrick – Community Member
6. Kylie Thomas – City of Tucker Planning and Zoning
7. Jessica Echols – City of Tucker

**Date of Filing of Land Use Petition Application:** October 12, 2021

**General Introduction:** Mr. Houston began the meeting by giving a summary of the project. He discussed the existing conditions and what is being proposed. He addressed the reason the meeting is being held and explained some of the SLUP process.

### **Summary of concerns and issues raised at the meeting:**

1. Mr. Kilpatrick requested clarification on the existing buildings.

Applicant Response: The building on the west is the oil change facility that will be remaining in place, as is. The carwash, located on the northside will be completely removed.

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2. Mr. Kilpatrick requested clarification on the features shown on the site plan.

Applicant Response: The thick red outline is the fuel pump canopy in the center. The number of pumps will not change at (8) fueling stations. The building to the east is the brand new convenience store.

3. Mr. Kilpatrick was concerned requested clarification that there is currently an active alcohol license.

Applicant Response: Mr. Kazani, the owner's representative responded that there is a currently active alcohol license to sell beer and wine.

4. Ms. Still requested clarification on which SLUP's are being applied for.

Applicant Response: SLUP's for continuing alcohol sales and fuel pump service are being applied for.

5. Mr. Kilpatrick raised a concern for structural adequacy of the fuel canopy in windstorms.

Applicant Response: The fuel canopy requires a separate building permit and the structural engineer will need to provide plans/calculations that show its compliance with all necessary design regulations.

6. Mr. Kilpatrick asked if there are any issues with the rainwater draining off the canopy

Applicant Response: No issues are anticipated. Construction drawings have not been finalized at this phase in the project. All options will be considered for how the water reaches the proposed piping at the northeast corner of the site. This will be either through surface discharge or through underground pipe system. There is no current stormwater pipe system.

7. Mr. Kilpatrick asked about the existing neighbors to the north and the fence between the two properties. He asked who maintains the landscaping in that area.

Applicant Response: The neighbor to the north is a commercial building with multiple uses. The fence is on the neighbor's property and will remain, but there will be a small retaining wall built on the project site to handle grade changes. Some of the trees and other existing landscaping will be removed, but there will be a landscape plan to provide adequate screening.

The following must be submitted at time of application submittal:

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o Copy of the letter that was mailed to neighbors

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- Copy of address list for mailing
- Meeting sign-in sheet (Included in this report)
- Meeting minutes (Included in this report)
- Copy of the plan that was presented at the neighborhood meeting

I, the undersigned, as the applicant or an authorized representative of the applicant do solemnly swear and attest that the information provided is true and accurate. I have included a complete record of the neighborhood meeting, as well as an honest response regarding the intentions for development.

*Erik Houston* 10/11/2021  
 Signature of Applicant or Authorized Representative Date

Erik Houston 10/12/2021  
 Type or Print Name of Applicant or Authorized Representative Date

*[Signature]* 10/11/2021  
 Signature of Notary Date



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September 23, 2021

Re: Special Land Use Permit Public Participation Meeting  
Shell Gas Station  
4118 Lavista Road  
Tucker, GA 30084

Dear neighbors of 4118 Lavista Road,

Blackwater Construction is working with Ingenium Enterprises, Inc. to redevelop the property at 4118 Lavista Road. The site is located at the corner of Lavista Road and Parklake Drive near Northlake Mall, and currently has a Shell Gas Station, Castrol Premium Lube Express, and hand carwash facility. Blackwater Construction is proposing renovations to the property which include updating the Shell Station with a new fuel canopy and convenience store and removing the existing carwash. The Castrol building will remain. The newly developed site will offer a much-needed upgrade in appearance and function, providing the community with new amenities and enhanced appeal.

In order to install the new fuel canopy and allow the new convenience store to sell alcohol, the city requires a Special Land Use Permit. The first step applying for a SLUP is to hold a Public Participation meeting to present the proposal and receive feedback from the community. You are receiving this letter because you own property within 500' of the project site. We hope you are able to meet with us via Microsoft Teams at the following time:

**Meeting Date/Time: October 7, 2021 at 2:00pm**

**Meeting Location: Microsoft Teams (Virtual)**

<https://bit.ly/3u1O6t7>

**Or via call-in: +1 813-397-8147; Phone Conference ID: 829287655#**

We have included a site plan of the current proposal in which we look forward to discussing with you on October 7, 2021. This will be a great opportunity to provide questions/concerns/comments about the projects, but if you are unable to attend or wish to reach out beforehand, Ingenium can be reached at [ehouston@ingeniumteam.com](mailto:ehouston@ingeniumteam.com) or 770-437-8850.


A flyer outlining the land use petition process in the City of Tucker is also included. Questions relating to city matters can be addressed to [info@tuckerga.gov](mailto:info@tuckerga.gov).

Best Regards,  
Ingenium Enterprises, Inc.

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Ingenium Enterprises, Inc.  Planning and Engineering  
221 Roswell Street, Suite 100 | Alpharetta, GA 30009 | 770.437.8850 | [www.ingeniumteam.com](http://www.ingeniumteam.com)

**SLUP-21-0008, SLUP-21-0009**





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*J. Blackwell*

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1. 3983 4073 LAVISTA ROAD HOLDINGS LLC  
900 19TH ST 8TH FLOOR  
WASHINGTON, DC 20006

2. PRITI ENTERPRISE INC  
2155 RANCHOWOOD DR NE  
ATLANTA, GA 30345

3. COREY JANELLE D  
225 COREY CTR SE  
ATLANTA, GA 30312

4. FRONT ROW CENTER PROPERTIES LLC  
17179 STRAWBERRY DR  
ENCINO, CA 91436

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2 BARAKA LLC  
1500 MARKET BLVD  
ROSWELL, GA30076

TRANSFIGURE REAL ESTATE HOLD  
1875 GRAMERCY CT  
DUNWOODY, GA 30338

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1.	LAVISTA OIL 957 LLC 8924 E PINNACLE PEAK RD STE G-5-554 SCOTTSDALE, AZ 85255				
2.	QUANTUM STAR LLC 2100 PARKLAKE DR D2 ATLANTA, GA 30345				
3.	2 BARAKA LLC 1500 MARKET BLVD ROSWELL, GA 30076				
4.	LEGACY LAVISTA LLC 3756 LAVISTA RD STE 200 TUCKER, GA 30084				
5.	<b>RECEIVED</b> City of Tucker <b>OCT 18 2021</b>				
6.	Community Development Department				
	<b>SLUP-21-0008, SLUP-21-0009</b>				



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USPS® Tracking Number Firm-Specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airift
1.	GLOBAL IMPEX INC 2055 N BROWN RD STE 235 LAWRENCEVILLE, GA 30043				
2.	ISAKSON E ANDREW BARNHART DAVID L 3350 RIVERWOOD PKWY SE # 1550 ATLANTA, GA 30339				
3.	COX BROADCASTING INC 5200 BUFFINGTON RD ATLANTA, GA 30349				
4.	FIRST NATIONAL BANK OF ATLANTA GA TAX DEPT PO BOX 2609 CARLSBAD CA 92018				
5.	<b>RECEIVED</b> City of Tucker <b>OCT 18 2021</b> C S T REAL ESTATE HOLDING CO 101 N TRYON ST CHARLOTTE, NC 28255				
6.	Community Development Department <b>SLUP-21-0008, SLUP-21-0009</b> COREY JANELLE D 225 COREY CTR SE # 1 ATLANTA, GA 30312				



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Postage

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Special Handling

Parcel Airfit

1.	CHICK FIL A INC 5200 BUFFINGTON RD ATLANTA, GA 30349				
2.	WM G HENDERSON FAMILY CEMETERY 4145 LAVISTA RD TUCKER, GA 30084				
3.	3983 4073 LAVISTA ROAD HOLDINGS LLC 900 19TH ST FLOOR 8TH WASHINGTON, DC 20006				
4.	KROGER CO 1014 VINE ST DEPT 7TH FLOOR CINCINNATI, OH 45202				
5.	<b>RECEIVED</b> City of Tucker <b>OCT 18 2021</b> BEL NORTHLAKE LLC 2 INTERNATIONAL PL BOSTON, MA 2110				
6.	Community Development Department <b>SLUP-21-0008, SLUP-21-0009</b> ATLANTA GSA CIS LLC P.O. BOX 13470 RICHMOND, VA 23235				



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USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airfit
1.	2 BARAKA LLC 1500 MARKET BLVD ROSWELL, GA 30076				
2.	NORTHLAKE SQUARE LLC 750 HAMMOND DR BLDG 10-25 ATLANTA, GA 30328				
3.	LAVISTA OIL 957 LLC 8924 E PINNACLE PEAK RD STE G-5-554 SCOTTSDALE, AZ 85255				
4.	<del>RECEIVED City of Tucker GCT 18 7071</del>				
5.	<del>Community Development Department</del>				
6.	<del>SLUP-21-0008, SLUP-21-0009</del>				

## Instructions for Certificate of Mailing — Firm

This service provides evidence that the mailer has presented individual items to the Postal Service™ for mailing, and is available for the following products:

- Domestic services: First-Class Mail®, First-Class Package Service®, Priority Mail®, Media Mail®, Library Mail, Bound Printed Matter, Merchandise Return Service, Parcel Return Service, and USPS Retail Ground™.
- International services: First-Class Mail International® (unregistered items), First-Class Package International Service® (unregistered items), Free Matter for the Blind, and Airmail M-bags®.

The following instructions are for the preparation and use of PS Form 3665, *Certificate of Mailing* — Firm (including USPS-approved facsimiles):

1. Complete and print all forms in ink or ball point pen.
2. Enter the name and address of the sender at the top of the form.
3. Enter a complete return address on each article.
4. Ensure the articles are properly packaged.
5. In the appropriate column, enter the applicable postage and fees.
6. Insert a firm-specific identifier or account number if desired. (This number is for the sender's use only, and the Postal Service will not use it for identification.)
7. When describing and listing three or more individual pieces but not presenting the pieces in the order shown on the sheet, consecutively number each entry line on the sheet and number each piece to show both the corresponding sheet and line number.
8. Enter the total number of articles in the proper space at the top of the form.
9. Obliterate all unused portions of the "Address" column by drawing a diagonal line through the unused portion on the form.
10. When the number of articles presented exceeds the allotted space on the form, use multiple sheets, and in the provided blank spaces in the lower left of the form, number them consecutively to show sheet number and total number of sheets (such as "Page 1 of 4," "Page 2 of 4," etc.).

11. Present PS Form 3665 and the mailing as follows:

- When the mailing has fewer than 50 mailpieces *and* less than 50 pounds, present the form and mailing at a retail Post Office™ location.
- When the mailing has at least 50 mailpieces *or* at least 50 pounds, present the form and mailing at a business mail entry unit (BMEU) or USPS-authorized detached mail unit (DMU).

**Privately Printed Forms:** The Postal Service allows mailers to use USPS-approved privately printed or computer-generated firm sheets that are nearly identical in design elements and color to the USPS-provided PS Form 3665. See DMM 503 for details on the approval process.

The mailer must retain the original written approval granted by the Postal Service as evidence that the privately printed facsimile of PS Form 3665 has been approved by the Postal Service. The Postal Service does not retain records on the facsimile approvals. A mailer using privately prepared forms must periodically verify them against the USPS-provided version and, if necessary, make routine updates and obtain approval of the updated facsimile form.

A mailer using an approved privately printed form and wanting the form sheets postmarked by the Postal Service must present the forms with the articles to be mailed at a Post Office facility. The forms become the mailer's only receipt (the Postal service does not retain a copy).

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1

TITLE DESCRIPTION

The following described parcel of land lying and being in Land Lot 210 of the 18th District of DeKalb County, Georgia, more particularly described as follows:

BEGINNING at the intersection formed by the west line of said Land Lot 210 and the north line of the new right of way of LaVista Road (having a variable right of way), said right of way line being 65.5 feet north from the centerline of said road;

RUNNING THENCE along said Land Lot line north 0 degrees 21 minutes 40 seconds east a distance of 184.51 feet;

THENCE, south 88 degrees 20 minutes 44 seconds east 244.2 feet to the western side of Parklake Drive (having a variable right of way);

THENCE, southerly along the curvature of the western side of Parklake Drive, said curve having an arc distance of 157.24 feet, said curve having a radius of 785.34 feet and a chord distance of 156.98 feet and a bearing of south 05 degrees 26 minutes 53 seconds to a point;

THENCE, along said right-of-way line south 39 degrees 09 minutes 12 seconds West, 35.06 feet to a point;

THENCE, along the northerly right of way line of LaVista Road, north 88 degrees 20 minutes 48 seconds west a distance of 208.50 feet to the POINT OF BEGINNING;

Said tract containing 43,673 square feet or 1.002 acres.

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Topography and Existing Building Info

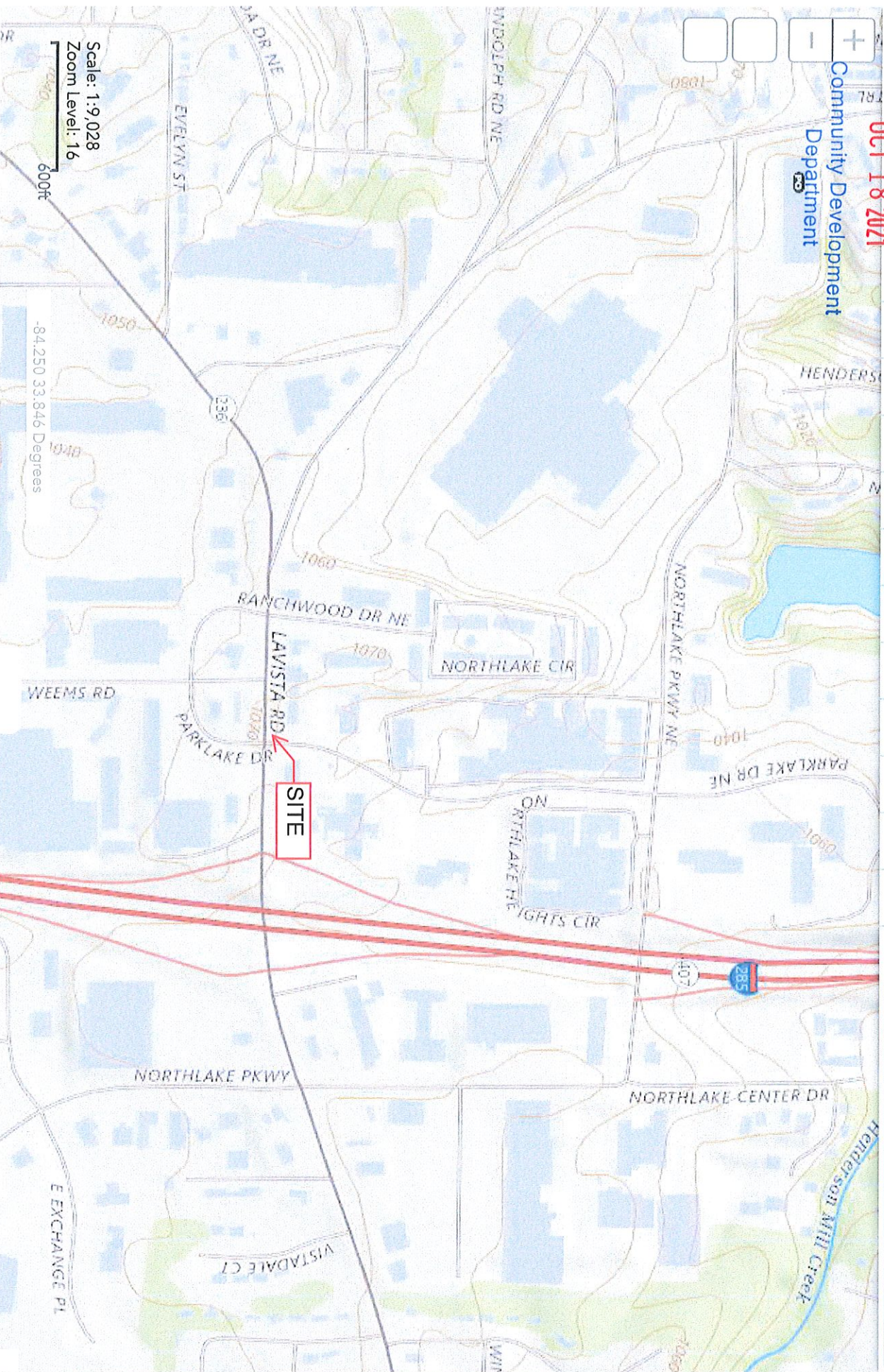
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# GLOBAL IMPEX, INC

Exporters of Paper, Pulp & Scrap

3473 Satellite Blvd, Suite 355N,

Duluth, GA 30096, U.S.A.

PH: 678-584 5345 Extn: 101 FAX: 678-584 5347

Email: [siraj@globalimpex.net](mailto:siraj@globalimpex.net)

September 30, 2021

Re: Owner Designation of Applicant/Agent for Proposed Shell Station, 4118 Lavista Road, Tucker, GA 30084

To Whom It May Concern:

Please let this letter serve as authorization for Blackwater Construction Group and Ingenium Enterprises, Inc. to act as an authorized agent to submit plans for the construction of a new Shell Station property referenced as 4118 Lavista Road to entities listed below for purposes of obtaining permits and licenses for construction:

- City of Tucker
- Dekalb County
- Dekalb County Water and Sewer
- Dekalb County Fire Rescue Department
- Dekalb County Health Department
- State of Georgia Department of Transportation
- State of Georgia Environmental Protection Division
- State of Georgia Fire Marshal's Office
- Georgia Soil and Water Conservation Commission
- Any Private Utilities
- Any Third-Party Review

Sincerely,

Siraj Kazani (President)

Global Impex Inc.

For GLOBAL IMPEX, INC  
  
AUTHORISED SIGNATURE

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**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), Modification (M) & Concurrent Variance (CV) in request of the items indicated below.

I, SIRAS KAZANI, authorize, Blackwater Construction Group & Ingenium Enterprises, Inc.  
(Property Owner) (Applicant)

to file for SLUP, at 4118 LAVISTA RD, TUCKER, GA 30084  
(RZ, CA, SLUP, M, CV) (Address)

on this date OCT 05, 2021  
(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.

For **GLOBAL IMPEX, INC.**

*[Handwritten Signature]*

**AUTHORIZED SIGNATURE**

10/05/2021

Signature of Property Owner

Date

SIRAS KAZANI - PRESIDENT

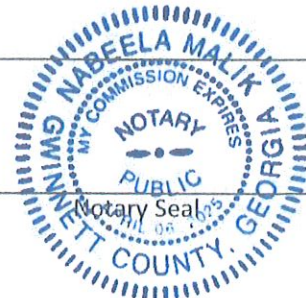
Type or Print Name and Title

*[Handwritten Signature]*

Signature of Notary Public

10/5/21

Date



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LAND USE PETITION APPLICATION - REVISED JULY 15, 2020

**SLUP-21-0008, SLUP-21-0009**

