

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** Commission District 04 Super District 06

**Application of Memorial Market, LLC c/o Kathryn M. Zickert for a Special Land Use Permit (SLUP) to allow fuel pumps for a convenience store in the C-1 (Local Commercial) zoning district, at 4717 Memorial Drive.**

**PETITION NO:** N5-2025-1225 SLUP-25-1247735

**PROPOSED USE:** Fuel pumps for a convenience store.

**LOCATION:** 4717 Memorial Drive, Decatur, Georgia 30032

**PARCEL NO.:** 18 012 04 001

**INFO. CONTACT:** Lucas Carter, Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of Memorial Market, LLC c/o Kathryn M. Zickert for a Special Land Use Permit (SLUP) to allow fuel pumps for a convenience store in the C-1 (Local Commercial) zoning district.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (Oct. 2025) Denial.

**PLANNING COMMISSION:** (November 6, 2025) Withdrawal without prejudice.

**PLANNING STAFF:** Withdrawal without Prejudice\_revised 11.07.2025.

**STAFF ANALYSIS:** The Applicant has requested to withdraw this application without prejudice. Staff supports this request and recommends *“Withdrawal without prejudice”*.

**PLANNING COMMISSION VOTE:** (November 6, 2025) Withdrawal without Prejudice 6-0-0. Commissioner Costello moved, Commissioner Murphy seconded for a withdrawal without prejudice, per the Applicant’s request.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** (October 2025) Denial 8-0-0.

**Planning Commission Hearing Date: November 6, 2025**  
**Board of Commissioners Hearing Date: November 20, 2025**

## STAFF ANALYSIS

<b>CASE NO.:</b>	SLUP-25-1247735	<b>File ID #:</b> 2025-1225
<b>Address:</b>	4717 Memorial Drive, Decatur, GA 30032	<b>Commission District: 4 Super District: 6</b>
<b>Parcel ID(s):</b>	18 012 04 001	
<b>Request:</b>	Special Land Use Permit (SLUP) to allow fuel pumps for a convenience store in the C-1 (Local Commercial) zoning district.	
<b>Property Owner(s):</b>	Dunn No. 1, LLC	
<b>Applicant/Agent:</b>	Memorial Market, LLC c/o Kathryn M. Zickert – Smith, Gambrell & Russell, LLP	
<b>Acreage:</b>	0.84 acre	
<b>Existing Land Use:</b>	Vacant	
<b>Surrounding Properties:</b>	<b>North:</b> Gas Station; <b>South:</b> Casual Dine-in Restaurant; <b>East:</b> Residential; <b>West:</b> Strip Mall	
<b>Adjacent Zoning:</b>	North: C-1; South: C-1; East: R-100; West: C-1	
<b>Comprehensive Plan:</b>	<b>TC (Town Center)</b> <input type="checkbox"/> Consistent <input checked="" type="checkbox"/> Inconsistent	

### **STAFF RECOMMENDATION: WITHDRAWAL WITHOUT PREJUDICE\_revised 11.07.2025**

The Applicant, Memorial Market, LLC, has requested to withdraw this application without prejudice. Staff supports this request and recommends ***“Withdrawal without prejudice”***.

November 5, 2025

James D. Dunn  
Dunn No. 1, LLC  
2220 Greencliff Drive  
Atlanta, GA 30345

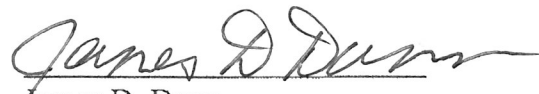
Rachel Bragg, Planning/Zoning Manager  
DeKalb County Planning & Sustainability  
178 Sams Street  
Decatur, GA 30030

Re: 4717 Memorial Drive (SLUP-25-1247735 & SLUP-25-1247739) Notice of  
Owners' Authorization Withdrawal

Dear Ms. Bragg:

I am the owner of the property at 4717 Memorial Drive, which is the subject of two Special Land Use Permit applications submitted to DeKalb County (SLUP-25-1247735 & SLUP-25-1247739). This letter is to serve as my notice that I am withdrawing my authorization for the applications and that the applications are hereby terminated as of the date of this letter, November 5, 2025.

Sincerely,

  
James D. Dunn  
Dunn No. 1, LLC



DeKalb County

DEPARTMENT OF PLANNING & SUSTAINABILITY

**SPECIAL LAND USE PERMIT APPLICATION**

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

Applicant Name: Memorial Market, LLC c/o Kathryn M. Zickert - Smith, Gambrell & Russell, LLP

Applicant Email Address: kzickert@sglaw.com

Applicant Mailing Address: 1105 W. Peachtree Street NE, Suite 1000, Atlanta, GA 30309

Applicant Phone Number: 404.815.3704

Owner Name: Dunn No. 1, LLC

(If more than one owner, attach list of owners.)

Owner Email Address: dunn1@bellsouth.net

Owner Mailing Address: 2200 Greycliff Drive, Atlanta, GA, 30345

Owner Phone Number: 678-662-6518

Subject Property Address: 4717 Memorial Drive, Decatur, GA 30032

Parcel ID Number(s): 18 012 04 001 18 012 04 017

Acreage: ±0.84 Commission District(s): 4 Super District: 6

Existing Zoning District(s): C-1 Proposed Zoning District(s): C-1

Existing Land Use Designation(s): TC Proposed Land Use Designation(s): TC (if applicable)

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

Owner: [Signature] Agent: KMZ

Kathryn M Zickert  
Signature of Applicant:

**Special Land Use Permit Requests:**

- 1) Allow fuel pumps as an accessory to a convenience store located in an activity area (Town Center).
- 2) Allow an alcohol outlet as accessory to a convenience store.

# 4717 Memorial Drive - SLUP

August 4, 2025 @ 6:00 p.m.  
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Bobbie Pettiford	3842 BRETTON WOODS Decatur 30032	MSBOBBIE44@gmail.com
Jim & Rox Kavanagh	549 Balfour Dr. Decatur Decatur 30032	jkavanagh@gmail.com
Will Shepard	543 Hammett Drive Decatur 30032	William Shepard723@yahoo.com
Renee Maciejewski	472 Hammett Dr Decatur 30032	reneemmacie@gmail.com
Duane Longenecker	504 BALFOUR DR DECATUR 30032	DUCLONGER@GMAIL.COM
AMAHLL Lipkins	536 BALFOUR DR. DECATUR, 30032	AMAHLLipkins@gmail.com
Evelyn Moye	3485 Brettan Woods Rd Decatur, GA 30032	evelynkarmoye@gmail.com
IAN Moye	3850 BRETTON WOODS Rd Decatur, GA 30032	ianmoye@gmail.com

# 4717 Memorial Drive - SLUP

August 4, 2025 @ 6:00 p.m.  
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
- Doug Yancey	519 Balfour Dr. Decatur	dsy1944@gmail.com 404-310-5992
Corrie Phillips	606 Collingwood Dr Decatur, GA 30032	Corrie.L.Phillips@gmail.com
Jessica Coale	606 COLLINGWOOD DR DECATUR, GA 30032	jessica.coale@gmail.com

1105 W. Peachtree St. NE, Suite 1000  
Atlanta, Georgia 30309-9813  
Tel: 404 815-3500  
www.sgrlaw.com



Kathryn M. Zickert  
Direct Tel: 404-815-3704  
Direct Fax: 404-685-7004  
kzickert@sgrlaw.com

July 17, 2025

Re: Community Meeting for Nearby Residents Regarding Proposed Development  
at 4717 Memorial Drive, Decatur, Georgia 30092

Dear Neighbor:

We represent Memorial Market, LLC, which seeks to redevelop the  $\pm 0.82$ -acre property at 4717 Memorial Drive, for a gas station with convenience store use. To allow its development, Memorial Market, LLC seeks the following approvals:

1. Special Land Use Permit in order to allow for a gas station.
2. Special Land Use Permit in order to allow for a convenience store with alcohol sales.

You have received this notice as a nearby property owner and to invite you to join us at a Community Meeting to discuss our proposed application and development. The informational meeting will be held on August 4th, 2025 at DeKalb County's Covington Library (3500 Covington Highway, Decatur, GA 30032). The meeting will start at 6:30 p.m. We hope to see you then and in the meantime, please feel free to reach out to me directly with questions.

Sincerely,

A handwritten signature in blue ink that reads "Kathryn M Zickert".

Kathryn M. Zickert





Name and Address of Sender

1105 W Peachtree St NE  
Suite 1000  
Atlanta, GA 30309

Check type of mail or service

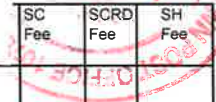
- ☐ Adult Signature Required ☐ Priority Mail Express  
☐ Adult Signature Restricted Delivery ☐ Registered Mail  
☐ Certified Mail ☐ Return Receipt for Merchandise  
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation  
☐ Collect on Delivery (COD) ☐ Signature Confirmation Restricted Delivery  
☐ Insured Mail  
☒ Priority Mail



0000

U.S. POSTAGE PAID  
ATLANTA, GA  
30309  
JUL 17 25  
AMOUNT  
**\$5.60**  
\$2324D502452-8

untable Mail



USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Service Fee	Charge	COD	SC Fee	SCRD Fee	SH Fee
1.	3709 ROCKBRIDGE ROAD TRUST 290 WINDING RIVER DR UNIT 1 ATLANTA, GA 30083						
2.	MARTIN ALEINE R 1110 SATELLITE BLVD NE # 204 SUWANEE, GA 30083						
3.	ABDALLA MUKHTAR 3779 ROCKBRIDGE RD STONE MOUNTAIN, GA 30083						
4.	HARDY GLORIA 3771 ROCKBRIDGE RD STONE MOUNTAIN, GA 30083						
5.	KREIM AVONDALE ESTATES LLC P O BOX 11673 ATLANTA, GA 30083						
6.	SMITH ROSE MARIE KINSCY 3747 ROCKBRIDGE RD STONE MOUNTAIN, GA 30083						
7.	AUGUSTIN SEBANANI 3603 VICTORIA DR STONE MOUNTAIN, GA 30083						
8.	HHC PROPERTY I LLC 255 LANGLEY DR LAWRENCEVILLE, GA 30032						
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)					

Complete in Ink

Privacy Notice: For more information on USPS privacy policies, visit [usps.com/privacypolicy](https://usps.com/privacypolicy).

Name and Address of Sender

Name and Address of Sender

05 W Prachtree St NE  
Apt 1000  
Atlanta, GA 30309

## Check type of mail or service

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature Required            | <input type="checkbox"/> Priority Mail Express                      |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail                            |
| <input type="checkbox"/> Certified Mail                      | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | <input type="checkbox"/> Signature Confirmation                     |
| <input type="checkbox"/> Collect on Delivery (COD)           | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail                        |   |
| <input type="checkbox"/> Priority Mail                       |   |



0000

U.S. POSTAGE PAID

ATLANTA, GA

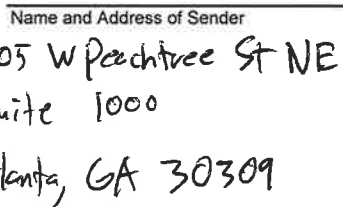
30309  
JUL 17, 25  
AMOUNT

**\$5.60**

S2324D502452-8

## Countable Mail

USPS Tracking/Article Number		Addressee (Name, Street, City, State, & ZIP Code™)		<div><input type="checkbox"/> Priority Mail</div> <div><input type="checkbox"/> Registered Delivery</div>													SC	SCRD	SH
				Fee	Charge	Registration	Value	Amount II	Fee	Fee	Fee	Fee	Fee	Fee	Fee	Fee	Fee		
1.		DECATUR COIN LAUNDRY LLC 38 SHERWOOD LN SE MARIETTA , GA 30032																	
2.		VANDIEXPRESS LLC PO BOX 142036 FAYETTEVILLE , GA 30032																	
3.		OCEAN UNIT 306 LLC P O BOX 2732 SAN PEDRO , CA 30032																	
4.		Y4650 PROPERTY LLC 3723 Covington HWY STE A DECATUR , GA 30032																	
5.		CLINTON ERIC 3800 BRETTON WOODS RD DECATUR , GA 30032																	
6.		ATOSHIM AGOSTINO G 3810 BRETTON WOODS RD DECATUR , GA 30032																	
7.		CAWTHON DAVID CHRISTOPHER PO BOX 3731 LILBURN , GA 30032																	
8.		HOOVER BENJAMIN 3826 BRETTON WOODS RD DECATUR , GA 30032																	
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		Postmaster, Per (Name of receiving employee)															



<input type="checkbox"/> Adult Signature Required	<input type="checkbox"/> Priority Mail Express
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail
<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation
<input type="checkbox"/> Collect on Delivery (COD)	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Priority Mail	

Af  
(fo  
Pc



0000

U.S. POSTAGE PAID

ATLANTA, GA

30309  
JUL 17, 25  
AMOUNT

**\$5.60**

S2324D502452-8

**able Mail**

USPS Tracking/Article Number		Address (Name, Street, City, State, & ZIP Code™)	Postage	Service Fee	Charge	Registered	Value	Sender if COD	Fee	Fee	Fee	Fee	Fee	Fee	Fee	Fee	Fee
1.		REESE HOPE M 3834 BRETTON WOODS RD DECATUR, GA 30032															
2.		PETTIFORD BOBBIE 3842 BRETTON WOODS RD DECATUR, GA 30032															
3.		MOYE IAN ASHER 3850 BRETTON WOODS RD DECATUR, GA 30032															
4.		WAM-DPSC LLC 1110 SATTE LLITE BLVD STE 204 SUWANEE, GA 30032															
5.		TEKLE SAMUEL MICHAEL 4126 HIDEAWAY DR TUCKER, GA 30032															
6.		DAVIDSON CURTIS R 517 COLLINGWOOD DR DECATUR, GA 30032															
7.		RIOS MARGARITA A 523 COLLINGWOOD DR DECATUR, GA 30032															
8.		DUARTE DOROTHY R 516 BRADEORD PARK LN LOGANVILLE, GA 30032															
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		Postmaster, Per (Name of receiving employee)													



Name and Address of Sender

1105 W Peachtree St NE  
Suite 1000  
Atlanta, GA 30309

Check type of mail or service

- ☐ Adult Signature Required ☐ Priority Mail Express  
☐ Adult Signature Restricted Delivery ☐ Registered Mail  
☐ Certified Mail ☐ Return Receipt for Merchandise  
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation  
☐ Collect on Delivery (COD) ☐ Signature Confirmation Restricted Delivery  
☐ Insured Mail ☐ Signature Confirmation Restricted Delivery  
☐ Priority Mail



0000

U.S. POSTAGE PAID

ATLANTA, GA

30309

JUL 17, 25  
AMOUNT

**\$5.60**

S2324D502452-8

Intable Mail



USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	Fee	COD	SC Fee	SCRD Fee	SM Fee
1.	AJ 197 LLC 4665 MEMORIAL DR DECATUR, GA 30032						
2.	BURKES ANDREA 524 COLLINGWOOD DR DECATUR, GA 30032						
3.	CARSON LOIS 3801 BRETTON WOODS RD DECATUR, GA 30032						
4.	DEKALB COUNTY 1300 COMMERCE DR DECATUR, GA 30032						
5.	HYLTON EMILY 3817 BRETTON WOODS RD DECATUR, GA 30032						
6.	BRINKER GARY 3823 BRETTON WOODS RD DECATUR, GA 30032						
7.	THANG KHUP G 3831 BRETTON WOODS RD DECATUR, GA 30032						
8.	HTL REALTY LLC 1096 GARNER CREEK DR SW LILBURN, GA 30032						

Total Number of Pieces Listed by Sender: 8  
Total Number of Pieces Received at Post Office: 8

Postmaster, Per (Name of receiving employee)



Check type of mail or service	
-------------------------------	--

- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature Required            | <input type="checkbox"/> Priority Mail Express                      |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail                            |
| <input type="checkbox"/> Certified Mail                      | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | <input type="checkbox"/> Signature Confirmation                     |
| <input type="checkbox"/> Collect on Delivery (COD)           | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Insured Mail                        |   |
| <input type="checkbox"/> Priority Mail                       |   |



0000

U.S. POSTAGE PAID  
ATLANTA, GA  
30309  
JUL 17, 25  
AMOUNT  
**\$2.40**  
S2324D502452-8

## Countable Mail

USPS Tracking/Article Number

Addressee (Name, Street, City, State, & ZIP Code™)

1.	MMA GABABA LLC
	4787 MEMORIAL DR
	DECATUR, GA 30032

2.	QUIKTRIP CORPORATION
	4705 S 129TH EAST AVE
	TULSA , OK 30032

3.	
----	--

4.	
----	--

5.	
----	--

6	
---	--

7.	
----	--

8	
---	--

Total Number of Pieces Listed  
by Sender

Total Number of Pieces Received at Post Office	2
--	---

Postmaster, Per (Name of receiving employee)



0000

U.S. POSTAGE PAID  
ATLANTA, GA  
30309  
JUL 17, 25  
AMOUNT  
**\$2.40**  
S2324D502452-8

[illegible]

**Complete in Ink**

**Privacy Notice:** For more information on USPS privacy policies, visit [usps.com/privacypolicy](https://usps.com/privacypolicy).

**STATEMENT OF INTENT**

and

Other Material Required by  
DeKalb County Zoning Ordinance  
for the  
Special Land Use Permit

of

Memorial Market, LLC

For

±0.97 Acres of Land  
located in  
Land Lot 12, 18<sup>th</sup> District, DeKalb County  
Address: 4717 Memorial Drive

Submitted for Applicant by:

Kathryn M. Zickert  
Dennis J. Webb, Jr.  
J. Alexander Brock  
Smith, Gambrell & Russell, LLP  
1105 W. Peachtree Street, NE, Ste. 1000  
Atlanta, Georgia 30309  
404-815-3500



## **I. INTRODUCTION**

This Application seeks a Special Land Use Permit (“SLUP”) to allow for a convenience store with gas pumps on a 0.97-acre parcel located in Land Lot 12, 15<sup>th</sup> District, DeKalb County and addressed as 4717 Memorial Drive (Parcel ID 18 012 04 001 and 18 012 04 017<sup>1</sup>) (the “Subject Property”). The Subject Property is currently developed with a one story brick building and a large amount of asphalt paving. The Subject Property has been developed with commercial businesses since at least 1960<sup>2</sup> with the current structure being built in the 1970’s as a used car lot for Carey Paul automotive. The building was most recently used as Free at Last Bail Bonds, however, it has been vacant for past several years. As a vacant property it has attracted a number of persons who loiter and/or stay on the property without authorization, creating a nuisance for the surrounding businesses and nearby residents. The applicant, Memorial Market, LLC, (“Memorial Market” and/or “Applicant”) seeks to redevelop the Subject Property into a Chevron ExtraMile convenience store with gas pumps. The Subject Property is zoned Local Commercial (C-1) which allows the convenience store as a permitted use, however, the accessory fuel pumps require the grant of a SLUP because the property is also within an activity center. Additionally, the Applicant is proposing the sale of alcohol at the store and will require the grant of a SLUP for an alcohol outlet as accessory to a convenience store.<sup>3</sup>

Memorial Market is an experienced developer and owner of convenience stores around the metropolitan area and throughout Georgia. In particular, Memorial Market has developed several ExtraMile branded convenience stores, with the most recent store opened in 2025 near Lake

---

<sup>1</sup> The DeKalb County GIS and Tax maps depict the parcel as a single 0.97 acre parcel, however the survey attached to this application and plat records depict the property as two parcels: a 0.84 acre parcel (18 012 04 001) and a 0.13 acre parcel (18 012 04 017). This SLUP request covers the entire 0.97 acres.

<sup>2</sup> As evidenced from historic aerial photography.

<sup>3</sup> It should be noted that an alcohol outlet is allowed as an accessory to a convenience store with gas pumps within an activity area, without the grant of a SLUP, per DeKalb County Code Section 4.2.8.D. The Applicant, however, is requesting the SLUP out of an abundance of caution and at the request of DeKalb County Planning Staff.

Oconee, Georgia. The ExtraMile store is a new concept that aims to provide a fresh, clean, and enjoyable experience with modern designs.<sup>4</sup> Chevron recently completed a comprehensive overhaul of its interior design, introducing a fresh and modern look and feel incorporated into its ExtraMile store that enhances the shopping experience for its customers. This updated concept is what is now being proposed for the Subject Property.

The Subject Property is an appropriate location for the Proposed Development. The Subject Property fronts Memorial Drive to the northwest, a major arterial, and is located in the southern quadrant of that roadway's intersection with Collingwood Drive, a local road. *Refer to the DeKalb County 2050 Unified Plan's Recommended Functional Classification Map.* Memorial Drive carries a large amount of vehicular traffic, which is ideal for a convenience store. The suitability for a convenience store is evidenced by the presence of a Quiktrip gas station on the nearby parcel at 4733 Memorial Drive, which has enjoyed great success since its recent opening. The Applicant anticipates a similar success for its proposed store. The Applicant's marketing studies have revealed strong market to sufficiently support an additional convenience store at this location. Moreover, the Applicant's proposed convenience store will be located slightly closer to U.S. Interstate 285 (I-285) from the new Quiktrip, thus capturing the eastbound traffic on Memorial Drive. Other development in the area include an Applebee's restaurant to the southwest, zoned C-1, and a single family residential lot, zoned R-100 (Residential Medium Lot-100) to the southeast. It is important to note that residential property to the southeast is separated from the Proposed Development by an existing, undisturbed stream buffer. As a consequence, the Proposed Development will be providing 58-feet of undisturbed buffer with natural vegetation between it and the adjacent residential property. Moreover, the Proposed Development be no

---

<sup>4</sup> Refer to the Chevron ExtraMile website at: <https://www.chevronextramile.com/>



closer to the adjacent residential than the existing development that has existed on the property for the last ±46 years.<sup>5</sup> In all, the proposed ExtraMile store will be a fitting addition to the well-traveled commercial area and blend harmoniously with the surrounding development.

The Proposed Development also aligns with the long-term planning goals noted in the DeKalb County 2050 Unified Plan Comprehensive Land Use Plan (“Comp Plan”). The Comp Plan’s Character Area Use Map designates the Subject Property as being within the Town Center character area. The Town Center character area encourages a variety of commercial uses, including retail and promotes walkability.<sup>6</sup> The proposed ExtraMile convenience store aligns with the use goals and the Applicant is including sidewalks along the frontage to promote walkability along the corridor. The Subject Property is also included in the Memorial Drive Corridor Small Area Plan (“Memorial SAP”) and the Memorial Drive Revitalization Plan (“Revitalization Plan”). The Memorial SAP and the Revitalization Plan expressly state that redevelopment is needed in along the Memorial Corridor and the Revitalization Plan identifies retail as a fitting use.<sup>7</sup> Moreover the Revitalization Plan notes that redevelopment along the Memorial Corridor has stagnated over the past 30 years with little growth.<sup>8</sup> There is no better evidence of this stagnation than the Subject Property’s current development, which was built around 1978, but no longer serves its original purpose and remains vacant. The Applicant’s proposal will reverse this trend and transform property into an attractive retail use that is needed along the corridor.

---

<sup>5</sup> The existing development encroaches into the stream buffer and the Proposed Development will overlap the existing encroachment.

<sup>6</sup> See *Comp Plan*, pg. 33.

<sup>7</sup> See *Comp Plan*, pg. 87. See Also *Memorial Drive Revitalization Corridor Plan*, pg. x

<sup>8</sup> *Memorial Drive Revitalization Corridor Plan*, pg. xix.

The Applicant submits this document as a Statement of Intent with regard to its Application, a preservation of the Applicant's constitutional rights, and a written justification for the proposed SLUP as required by Section 27-7.4.6 of the DeKalb County Zoning Ordinance.

**I. CRITERIA TO BE APPLIED TO SPECIAL LAND USE PERMITS**

**A. Adequacy of the size of the site for 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 size of the Subject Property is adequate for the proposed convenience store with gas pumps and alcohol sales. The Subject Property is relatively small at 0.97-acres and impacted by stream buffers, that limit its buildable area and attractiveness for most commercial development. As an example, most commercial development requires a larger parking area, which is unlikely on the parcel. The proposed ExtraMile convenience store, however, is appropriately sized to fit on the compact lot. Additionally, the Proposed Development will adhere to all setback requirements of the C-1 district.<sup>9</sup>

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

The proposed ExtraMile convenience store and gas pumps will be fully compatible with adjacent properties and land uses. As noted in the previous paragraphs, the Subject Property fronts Memorial Drive, a heavily-traveled major arterial. The Subject Property is located along a corridor that is predominantly zoned C-1 that are developed with compatible commercial uses, including the adjacent Quiktrip gas station. The residential to the south will be buffered from the Proposed Development by the existing stream buffer and natural vegetation. The Proposed Development

---

<sup>9</sup> The Applicant will be requesting a stream buffer encroachment to redevelop portions of the site currently within the DeKalb County stream buffers.

will also incorporate fencing to further buffer the development. Accordingly, the proposed use is appropriate given the Subject Property's location and the existing uses in the area.

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

The proposed convenience store is not anticipated to have any negative impact on public utilities. There are adequate public services, public facilities, and utilities to serve the Proposed Development.

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

The Proposed Development will have sufficient access to public roads and will not overly burden existing streets or transportation facilities. The Applicant used the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 9th Edition, to calculate the anticipated number of vehicular trips. The convenience store and its gas pumps (ITE Category 945) are expected to generate  $\pm 105.6$  trips during the AM weekday peak hour, and  $\pm 135.7$  trips during the PM weekday peak hour. The Subject Property is located on Memorial Drive, a six-lane state highway classified as a major arterial, which is expected to easily accommodate the Proposed Development's trips. As an example, there are approximately 40,300 daily trips on Memorial Drive as noted from the Georgia Department of Transportation's traffic monitoring station 089-3045, located on Memorial Drive south of its intersection with Ladonna Drive. The Proposed Development will contribute a minute amount of trips when compared to the daily volume on Memorial Drive.

**E. 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.**

No. As noted in the paragraphs above, Memorial Drive is a major arterial that accommodates a large volume of daily traffic. The Proposed Development's trips will only constitute a very small portion of the current volume on that roadway, thus there will be no negative impact to traffic. In addition, the Proposed Development will be utilizing an existing curb cut location on Collingwood Drive. Collingwood Drive is a residential street serving the Dunaire subdivision with no outlet, except a second entrance onto Memorial Drive. At the request of the Dunaire residents, the Applicant will be proposing No Outlet signage at its Collingwood Drive curb cut to direct traffic away from the Dunaire subdivision.

**F. Adequacy of ingress and egress to the Subject Property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.**

The Subject Property currently has access to both Memorial Drive and Collingwood Drive through the existing curb cuts, which will be modified to accommodate the proposed design. The Proposed Development will not be adding any additional curb cuts. In addition, the Applicant will be maintaining the sidewalks along both Memorial Drive and Collingwood Drive in order to promote pedestrian travel. Therefore, the Proposed Development will have adequate ingress and egress to adequately serve the convenience store use.

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

No, the proposed use will not create such adverse impacts. As noted in the paragraphs above, the Subject Property is surrounded by commercial uses on three sides that will not be adversely impacted by the proposed convenience store. Additionally, the residential lot to the

south will be adequately buffered by existing vegetation and proposed fencing to mitigate potential negative impacts, if any.

**H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

No. Hours of use will mirror those of the similar businesses in the area.

**I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.**

The manner of operation will be similar to other commercial uses that have existed on the site for the past 65 years. Accordingly, the proposed use will not constitute a more intense manner of operation that would adversely impact surrounding properties.

**J. Whether the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

As stated in subsection A above, the proposed use will be fully compliant with the C-1 district regulations.

**K. Whether the proposed use is consistent with the policies of the Comprehensive Plan.**

As noted in the previous paragraphs, the Subject Property is designated as being in the “Town Center” (TC) character area and subject to the Memorial SAP per the County’s Comp Plan. The Memorial SAP specifically identifies retail uses as an allowed primary use within the Town Center character area. The Memorial SAP and the Revitalization Plan note that the development has stagnated along Memorial Drive and there is a desire for new development and redevelopment along the corridor. The Proposed Development seeks to reverse this stagnation with the development of an attractive ExtraMile convenience store and gas pumps.

**L. Whether the proposed plan 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.**

Yes the Proposed Development will incorporate a 50-foot transitional buffer along the Subject Property's border with the adjacent R-100 zoned property to the south.

**M. Whether there is adequate provision of refuse and service areas.**

Adequate refuse areas will be provided as shown on the site plans submitted with this application.

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

Because the proposed convenience store with gas pumps and its associated alcohol sales are suitable uses for the Subject Property, there is no reason to limit the duration of the requested SLUP.

**O. Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the Subject Property and in relation to the size, scale and massing of the adjacent and nearby lots and buildings.**

The size of the Proposed Development is comparable to adjacent commercial development and appropriate in light of adjacent and nearby properties.

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

The Applicant is not aware of any historic buildings, sites, districts, or archaeological resources on or around the Subject Property.

**Q. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.**

Yes. The proposed convenience store with gas pumps will meet the requirements of Zoning Code § 27-4.2.28:

1. The primary building (i.e., convenience store or automobile service station) shall be exempt from primary building setbacks if located in activity centers.
2. Canopies covering gasoline pumps shall be set back not less than fifteen (15) feet from all street rights-of-way.
3. Canopy height shall not exceed the greater of twenty (20) feet or the height of the principal building.
4. Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building façade to which the canopy is accessory.
5. Canopy lighting shall not extend beyond the area immediately 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 thirty (30) minutes after closure of the facility.
6. Automobile service stations with gas sales shall have a capacity to store one (1) 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 thirty (30) feet is required between a gas pump and the nearest property line.
8. Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
9. When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use. (Not Applicable)
10. The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is prohibited.

In addition, the proposed alcohol sales will meet the requirements of Zoning Code § 27-

4.2.8.B:

1. The use is not located within three hundred (300) feet of any school building, school grounds, educational facility, college campus, or adult entertainment establishment; or
2. The use is not located within six hundred (600) feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.

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

The proposed convenience store building will be of a similar height (one story) to the existing structure on the property, and will not create any negative shadow impacts on any adjoining properties.

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

The Proposed Development would serve both patrons from the surrounding neighborhood as well as travelers passing through the area. The Subject Property's location on a six-lane major arterial makes it an appropriate site for use as convenience store with gas pumps. The Proposed Development is not in conflict with the objectives of the Comp Plan as outlined in the paragraphs above.

**III. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS**

The Applicant respectfully submits that the current zoning classification of and rules relative to the Subject Property owner's right to use the Property established in the DeKalb County Zoning Ordinance, to the extent they prohibit this use, are unconstitutional and constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.



The Applicant respectfully submits that the Board of Commissioners' failure to approve the requested Special Land Use Permit would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

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

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

#### **IV. CONCLUSION**

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

This 18<sup>th</sup> day of August, 2025.

Respectfully submitted,



Kathryn M. Zickert  
Dennis J. Webb, Jr.  
J. Alexander Brock  
Attorneys For Applicant

DEPARTMENT OF PLANNING & SUSTAINABILITY

**AUTHORIZATION**

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

Date: 8/15/2025

TO WHOM IT MAY CONCERN:

I/WE: JAMES D DUNN representing Dunn No. 1, LLC  
Name of Owner(s)

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

Memorial Market, LLC c/o Kathryn M. Zickert - Smith, Gambrell & Russell, LLP  
Name of Agent or Representative

to file an application on my/our behalf.

Joan B. McLaughlin  
Notary Public

James D Dunn  
Owner



**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**DISCLOSURE OF CAMPAIGN CONTRIBUTION**

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

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


Yes: \_\_\_\_\_ No: X \*

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

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

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

Notary

 8/18/2015  
Signature of Applicant /Date for Memorial Market, LLC  
Blake Burton

Check one: Owner X Agent \_\_\_\_\_

Expiration Date/ Seal

\*Notary seal not needed if answer is "No".

## DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes: \_\_\_\_\_ No: X \*

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

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

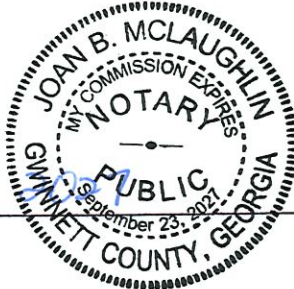
The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Joan B. McLaughlin  
Notary

James D. Dunn 9/15/25  
Signature of Applicant /Date for Dunn No. 1, LLC

Check one: Owner X Agent \_\_\_\_\_

September 23, 2025  
Expiration Date/ Seal



\*Notary seal not needed if answer is "No".

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**DISCLOSURE OF CAMPAIGN CONTRIBUTION**

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

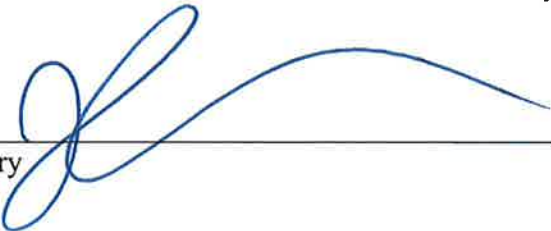
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

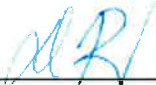
Yes: X No: \_\_\_\_\_ \*

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

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

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

Notary 

 7/30/2025  
Signature of Applicant /Date  
Dennis J. Webb, Jr. - Smith, Gambrell & Russell, LLP

Check one: Owner \_\_\_\_\_ Agent X

01/14/2029

Expiration Date/ Seal

\*Notary seal not needed if answer is "No".





DEPARTMENT OF PLANNING & SUSTAINABILITY

**DISCLOSURE OF CAMPAIGN CONTRIBUTION**

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

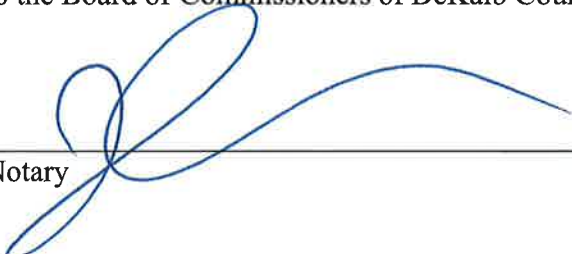
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes: X No: \_\_\_\_\_ \*

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

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

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

  
\_\_\_\_\_  
Notary

Kathryn M Zickert 7/30/2025  
\_\_\_\_\_  
Signature of Applicant /Date  
Kathryn M. Zickert - Smith, Gambrell & Russell, LLP

Check one: Owner \_\_\_\_\_ Agent X \_\_\_\_\_

01/14/2029

Expiration Date/ Seal

\*Notary seal not needed if answer is "No".



---

DEPARTMENT OF PLANNING & SUSTAINABILITY

---

**DISCLOSURE OF CAMPAIGN CONTRIBUTION**

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

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


Yes: \_\_\_\_\_ No: \_\_\_\_\_ \*

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

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

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

\_\_\_\_\_  
Notary

  
\_\_\_\_\_  
Signature of Applicant /Date  
J. Alexander Brock - Smith, Gambrell & Russell, LLP

Check one: Owner \_\_\_\_\_ Agent \_\_\_\_\_

\_\_\_\_\_  
Expiration Date/ Seal

**\*Notary seal not needed if answer is "No".**

---

DEPARTMENT OF PLANNING & SUSTAINABILITY

---

**DISCLOSURE OF CAMPAIGN CONTRIBUTION**

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

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

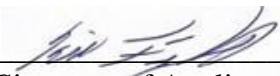
Yes: \_\_\_\_\_ No: \_\_\_\_\_ \*

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

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

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

\_\_\_\_\_  
Notary



\_\_\_\_\_  
Signature of Applicant /Date  
Kirk R. Fjelstul - Smith, Gambrell & Russell, LLP

Check one: Owner \_\_\_\_\_ Agent \_\_\_\_\_

\_\_\_\_\_  
Expiration Date/ Seal

**\*Notary seal not needed if answer is "No".**

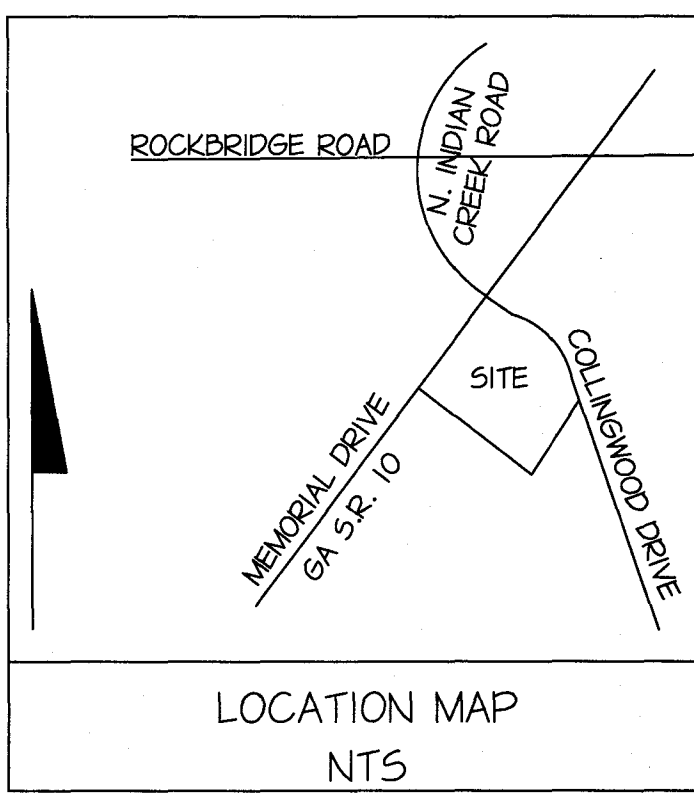


RESERVED FOR THE SUPERIOR COURT CLERK

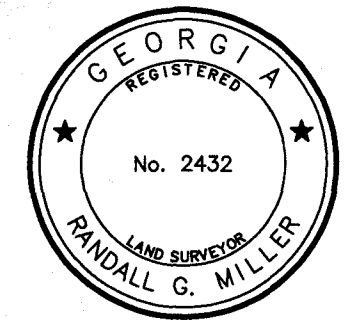
NO ABOVE GROUND EVIDENCE OF A CEMETERY OR ARCHAEOLOGICAL ARTIFACTS FOUND ON THE SUBJECT PROPERTY. NO ARCHAEOLOGICAL SURVEY WAS PERFORMED.

THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVEGROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. NO CERTIFICATION IS MADE BY THIS SURVEYOR TO THE ACCURACY OR SUFFICIENCY OF THE INFORMATION. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

NO INVESTIGATION WAS MADE DURING THE PERFORMANCE OF THE SURVEY TO DISCOVER EVIDENCE OF THE EXISTENCE OF ANY STRUCTURES WHICH MAY INDICATE THE LOCATION OF BURIED UTILITIES OR BURIED PIPELINES ON THE PREMISES. BURIED UTILITIES MAY OR MAY NOT EXIST. INTERESTED PARTIES SHOULD INVESTIGATE THE EXISTENCE OF UTILITIES, IF ANY, AND VERIFY. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY BURIED UTILITIES OR BURIED PIPELINES ON THE PREMISES.



- LEGEND:
- ICV - IRRIGATION CONTROL VALVE
  - IPF - IRON PIN FOUND
  - IPS - IRON PIN SET (1/2" RB)
  - OT - OPEN TOP PIPE
  - CT - CONCRETE TOP PIPE
  - CMF - CONCRETE MONUMENT FOUND
  - N & C - NAIL AND CAP
  - RB - REBAR
  - PP - POWER POLE
  - TP - TELEPHONE POLE
  - LL - LAND LOT
  - LLU - LAND LOT LINE
  - POB - POINT OF BEGINNING
  - BL - BUILDING LINE
  - CL - CENTER LINE
  - PL - PROPERTY LINE
  - PH - FIRE HYDRANT
  - CD - CATCH BASIN
  - DI - DRAIN INLET
  - HW - HEAD WALL
  - JB - JUNCTION BOX
  - DE - DRAINAGE EASEMENT
  - WM - WATER METER
  - WV - WATER VALVE
  - GV - GAS VALVE
  - MH - MAN HOLE
  - T - TELEPHONE LINE
  - UT - BURIED TELEPHONE CABLE
  - S - GAS LINE (APPROXIMATE LOCATION)
  - W - WATER LINE (APPROXIMATE LOCATION)
  - S/S - SANITARY SEWER LINE
  - SD - STORM DRAIN LINE
  - BI - RIGHT OF WAY MONUMENT FOUND
  - P - ANCHOR
  - P - POWER LINE (OVERHEAD)
  - X - FENCE
  - FH - FIRE HYDRANT
  - Tree - TREE



The survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

BASED ON THE INFORMATION SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM - FLOOD INSURANCE RATE MAP "FIRM" OR FLOOD WAY BOUNDARY MAP - COMMUNITY PANEL NUMBER 130065-0086 K, DEKALB COUNTY, GEORGIA DATED AUGUST 15, 2019, FURNISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY THROUGH THE FEDERAL INSURANCE ADMINISTRATION IT IS MY OPINION THAT THE PROPERTY SHOWN HEREON IS OUTSIDE A FLOOD HAZARD AREA.

NO EVIDENCE OF POTENTIAL WETLANDS WAS OBSERVED ON THE SUBJECT PROPERTY AT THE TIME OF THE SURVEY WAS CONDUCTED, NOR HAVE WE RECEIVED ANY DOCUMENTATION OF ANY WETLANDS BEING LOCATED ON THE SUBJECT PROPERTY.

NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

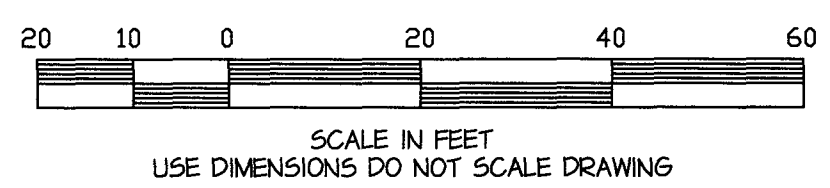
NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL.

To SAM Retail & Chicago Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1 thru 4, 6 thru 11, 13 and 14 of Table A thereof. The field work was completed on 07/10/25.

Date: \_\_\_\_\_  
Randall G. Miller, Ga. R.L.S. #2432

Pursuant to Rule 180-6.09 of the Georgia State Board of Registration for Professional Engineers and Land Surveyors, the term "certify" or "certification" relating to land surveying services shall mean a signed statement based on facts and knowledge known to the land surveyor and is not a guarantee or warranty, either expressed or implied.



DATE	NO.	REVISION	BY

ALTA/NSPS LAND TITLE SURVEY  
FOR

**SAM RETAIL  
CHICAGO TITLE INSURANCE COMPANY**  
LOCATED

4717 MEMORIAL DRIVE  
LL 12 18TH DISTRICT  
DEKALB COUNTY, GEORGIA  
PLAT PREPARED ON DATE 7/23/25

SCALE: 1" = 20' JOB NO.: 6514SRVY FIELD DATE: 7/10/25



94 E. CROGAN STREET, SUITE 100, LAWRENCEVILLE, GA 30046  
(770) 962-1996

COA DONALD W. HARKLEROAD & ASSOCIATES, INC.  
No. PE000295, LSP000260 EXPIRATION: 06/30/2026

SHEET 1 OF 2

TOTAL SITE AREA  
36,694.3 S.F.  
0.84 ACRES  
CURRENTLY ZONED "C-1"

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE PART IN 101,079 AND AN ANGULAR ERROR OF 15 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING CRANDALL'S RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE PART IN 100,000 +/-.

EQUIPMENT USED FOR SURVEY:  
1. SOKKIA SET 3 TOTAL STATION.  
2. TPS RECON DATA COLLECTOR.  
3. TOPCON AUTOMATIC LEVEL.

ALL DISTANCES ARE "GROUND & HORIZONTAL" UNLESS OTHERWISE NOTED.

NOW OR FORMERLY  
WAM-DPSC, LLC  
4705 MEMORIAL DRIVE  
DB 31983 PG 106  
TAX ID 18 012 04 025  
ZONED C-1

NOW OR FORMERLY  
SAMUEL MICHAEL & JOHANNES MICHAEL TEGLE  
501 COLLINGWOOD DRIVE  
DB 31211 PG 262  
TAX ID 18 012 04 002  
ZONED R-100



SITE DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 12 of the 18th District of Dekalb County, Georgia and being more particularly described as follows:

Beginning at an iron pin set at the intersection of the southerly Right of Way of Collingwood Drive and the easterly Right of Way of Memorial Drive; thence along the Right of Way of Collingwood Drive (Right of Way Varies) South 86 Degrees 19 Minutes 08 Seconds East, 34.07 feet to an iron pin set; thence continuing along the Right of Way of Collingwood Drive (Right of Way Varies) following a curve to the right an arc distance of 96.74 feet to an iron pin set, said curvature having a cord bearing and distance of South 38 Degrees 33 Minutes 38 Seconds East, 94.29 feet and having a radius of 123.67 feet; thence continuing along the Right of Way of Collingwood Drive (Right of Way Varies) South 23 Degrees 41 Minutes 08 Seconds East, 41.00 feet to an iron pin set; thence continuing along the Right of Way of Collingwood Drive (Right of Way Varies) South 17 Degrees 13 Minutes 58 Seconds East, 46.00 feet to an iron pin set; thence continuing along the Right of Way of Collingwood Drive (Right of Way Varies) South 17 Degrees 13 Minutes 58 Seconds East, 16.60 feet to an iron pin set; thence South 31 Degrees 49 Minutes 53 Seconds West, 115.75 feet to a ½" rebar found; thence North 59 Degrees 29 Minutes 38 Seconds West, 200 feet to an iron pin set on the easterly Right of Way of Memorial Drive (Right of Way Varies; thence along the easterly Right of Way of Memorial Drive (Right of Way Varies) North 31 Degrees 49 Minutes 52 Seconds East, 200.17 feet to the Point of Beginning, containing 0.84 acres.

We have reviewed Chicago Title Insurance Company for Title Insurance No. 2514256A with an effective date of June 3, 2025, at 12:00 a.m., and have the following opinion concerning Items (13.) through (62.), Schedule B – Section 2:

13. All matters affecting subject property as shown on that Survey of Nickels & Dimes prepared by Josh L. Lewis, III, Ca. Reg. Land Surveyor No. 1751 of Ca. Land Surveying Co., Inc., dated February 3, 1984. No plat provided.

14. Right of Way Deed from J.R. Mobley to State Highway Board of Georgia, undated, filed June 14, 1928, recorded in Deed Book 283, Page 342, DeKalb County, Georgia Records. Existing Right of Way.

15. Right of Way Deed from J.R. Mobley to State Highway Board of Georgia, undated, filed June 14, 1928, recorded in Deed Book 283, Page 343, aforesaid records. Existing Right of Way.

16. General Utility Easement from D.E. Abraham and Claire Farmer Abraham to Georgia Power Company, dated September, 1947, filed October 8, 1947, recorded in Deed Book 704, Page 307(a), aforesaid records. Provided document unreadable.

17. Sewer Easement from J. Wesley Martin and T.D. Dunn to DeKalb County, Georgia, dated January 29, 1964, filed February 26, 1964, recorded in Deed Book 1854, Page 545, aforesaid records. Location unplottable.

18. Sewer Easement from J. Wesley Martin and T.D. Dunn to DeKalb County, Georgia, dated January 29, 1964, filed February 26, 1964, recorded in Deed Book 1854, Page 550, aforesaid records. Location unplottable.

19. Sewer Easement from J. Wesley Martin and Estate of T.D. Dunn, Jr. to DeKalb County, Georgia, dated December 7, 1964, filed January 18, 1965, recorded in Deed Book 1953, Page 778, aforesaid records. Provided document unreadable.

20. State Highway Department of Georgia Right of Way Deed from Mrs. Allie Mae Dunn, Edward Derrill Dunn, Ralph Harrison Birdsong as Executors under Will of T.D. Dunn and J. Wesley Martin to State Highway Department of Georgia, dated June 19, 1970, filed September 25, 1970, recorded in Deed Book 2575, Page 125, aforesaid records. Existing Right of Way.

21. State Highway Department of Georgia Right of Way Deed from Mrs. Allie Mae Dunn, Edvard Derrill Duan, Ralph Harrison Birdsong as Executors under Will of T.D. Dunn, Jr. and J. Wesley Martin individually and as Successor-Executor of Last Will and Testament of Charles Alvin Adair and as Executor of Last Will and Testament of Ruby Martin Adair and W.O. Duvall to State Highway Department of Georgia, dated July 2, 1970, filed September 25, 1970, recorded in Deed Book 2575, Page 132, aforesaid records. Existing Right of Way.

22. State Highway Department of Georgia Right-of-Way Deed from J. Wesley Martin and Estate of T.D. Duan, Jr. (by E.D. Dunn Executor) to State Highway Department of Georgia, dated June 1, 1971, filed June 17, 1971, recorded in Deed Book 2659, Page 22, aforesaid records; as thereafter re-recorded on November 10, 1971 in Deed Book 2729, Page 473, aforesaid records. Existing Right of Way.

23. Right-of-Way Easement from G.E. Hicks to Georgia Power Company, dated April 15, 1977, filed September 9, 1977, recorded in Deed Book 3699, Page 885, aforesaid records. Does not affect subject property.

24. DeKalb County Water Easement from E.D. Dunn and Memorial 285 Corp. to Dekalb County, Georgia, dated April 3, 1981, filed June 1, 1981, recorded in Deed Book 4476, Page 347, aforesaid records.

25. DeKalb County Water Easement from E.D. Dunn and Memorial 285 Corp. to Dekalb County, Georgia, dated April 3, 1981, filed April 19, 1982, recorded in Deed Book 4606, Page 28, aforesaid records. Location unplottable.

26. General Utility Easement from E.D. Dunn to Georgia Power Company, dated April 13, 1984, filed June 21, 1984, recorded in Deed Book 5005, Page 187, aforesaid records. Does not affect subject property.

27. Rights of upper and lower riparian owners in and to the waters of creeks or branches crossing or adjoining subject property, and the natural flow thereof, free from diminution dilution.

28. Permit for xxxx, Guy Poles and Wires from E.D. Dunn to Georgia Power Company dated June 26, 1973, filed July 11, 1973, recorded in Deed Book 3038, Page 309, aforesaid records. Does not affect subject property.

29. State Highway Department of Georgia Right of Way Deed from E.D. Dunn to State Highway Department off Georgia, dated July 20, 1970, filed September 25, 1970, recorded in Deed Book 2575, Pages 130, aforesaid records. Does not affect subject property.

30. State Highway Department of Georgia Right of Way Deed from J. Wesley Martin, W. Duvall, Mrs. Doris Dunn St. Clair, Mrs. Martha Dunn Kerby and E.D. Dunn to State Highway Department of Georgia, dated August 20, 1970, filed September 25, 1970, recorded in Deed Book 2575, Page 119, aforesaid records. Existing Right of Way.

31. Easement by the American Telephone and Telegraph Company of Georgia, recorded June 21, 1930, in Deed Book 331, Page 478, aforesaid records. Does affect subject property.

32. Right of Way Easement by the State Highway Department of Georgia and the County of Dekalb Georgia, recorded February 18, 1964, in Deed Book 1852, Page 389, aforesaid records. Does not affect subject property.

33. State Highway Department of Georgia Right of Way Deed from E.D. Dunn, dated August 21, 1970, recorded September 25, 1970, in Deed Book 2575, Page 115, aforesaid records. Does not affect subject property. Does not affect subject property.

34. State Highway Department of Georgia Right of Way Deed from Mrs. Allie Mae Dunn, Edward Derrill Dunn, Ralph Harrison Birdsong, as executors under the Will of T.D. Dunn, Jr., & J. Wesley Martin, dated June 19, 1970, recorded September 25, 1970, in Deed Book 2575, Page 121, aforesaid records. Does not affect subject property.

35. Memorandum of Lease by and between J. Wesley Martin, W.O. Duvall, Mrs. Doris Dunn St. Clair, Mrs. Martha Dunn Kerby and E.D. Dunn, and MEM., Inc. dated September 26, 1997, recorded in Deed Book 3710, Page 453, aforesaid records. Does affect subject property.

36. Easement between Georgia Power Company and E.D. Dunn, recorded September 29, 1981, in Deed Book 4541, Page 72, aforesaid records. Does not affect subject property. Does not affect subject property.

37. Construction Easement by the Georgia Department of Transportation and the County of Dekalb, Georgia, dated November 4, 2005, recorded December 19, 2005, in Deed Book 18231, Page 130, aforesaid records. Does not affect subject property.

38. Driveway Easement by the Department of Transportation and the County of Dekalb, Georgia, dated November 4, 2005, recorded December 19, 2005, in Deed Book 18231, Page 136, aforesaid records. Does not affect subject property.

TITLE COMMITMENT

39. Construction Easement by the Georgia Department of Transportation and the County of Dekalb, Georgia, dated November 4, 2005, recorded December 19, 2005, in Deed Book 18231, Page 149, aforesaid records. Does not affect subject property.

40. Driveway Easement by the Department of Transportation and the County of Dekalb, Georgia, dated May 18, 2006, recorded June 29, 2006, in Deed Book 18871, Page 27, aforesaid records. Does not affect subject property.

41. Agreement between Georgia Department of Transportation and Wesley Martin, Martha Dunn Kerby, Betty H. Dunn, Thomas D. Hills, Richard A Hills, Mrs. Dickey D. Netherland, Mrs. Mary D. Nichols, Powell Property Consultants, Inc., dated May 18, 2006, recorded July 6, 2006, in Deed Book 18891, Page 31, aforesaid records. Does affect subject property.

42. Construction Easement by the Georgia Department of Transportation and the County of Dekalb, Georgia, dated June 15, 2006, recorded July 6, 2006, in Deed Book 18891, Page 34, aforesaid records. Does not affect subject property.

43. Right of Way Deed between Georgia Department of Transportation and Matthews Realty Associates, Inc., dated June 15, 2006, recorded July 6, 2006, in Deed Book 18891, Page 40, aforesaid records. Existing Right of Way.

44. Right of Way Deed between Georgia Department of Transportation and Matthews Realty Associates, Inc., dated June 15, 2006, recorded July 6, 2006, in Deed Book 18891, Page 45, aforesaid records. Does not affect subject property.

45. Construction Easement by the Department of Transportation and the County of Dekalb, Georgia, dated June 15, 2006, recorded July 6, 2006, in Deed Book 18891, Page 50, aforesaid records. Does not affect subject property.

46. Construction Easement by the Department of Transportation and the County of Dekalb, Georgia, dated June 15, 2006, recorded July 6, 2006, in Deed Book 18891, Page 62, aforesaid records. Does not affect subject property.

47. Unrecorded lease evidenced by Memorandum of Lease by and between J. Wesley Martin; Dickie D. Netherland; Mary D. Nichols; Betty Dunn; Martha Dunn Kerby; and Dunn Dekalb Property, LLC, a Georgia limited liability company and Memorial-285, Inc. (f/k/a MEM, Inc.), a Georgia corporation, dated September 25, 2008, recorded October 15, 2008, in Deed Book 21096, Page 161, aforesaid records. Does not affect subject property.

48. Unrecorded lease evidenced by Memorandum of Lease by and between Borden E. Taylor, Jr. and Ann Martin Price; Wesley Adair Martin, Betty H. Dunn, Dunn Dekalb Property, LLC, a Georgia limited liability company, Lynn Kerby Bauer and Claire Kerby Danielson, William Brumby, and Mary Frances Duvall Nichols, and Advance Stores Company, Incorporated, dated February 2, 2016, recorded May 10, 2016, in Deed Book 25545, Page 797, aforesaid records. Does not affect subject property.

49. Permanent Water Easement by and between Wesley Adair Martin, Ann Martin Price, Thomas D. Hill, Lynn Bauer, James O. Nicholas, Borden E. Taylor, W. Duvall Brumby, Claire Danielson, James D. Dunn and Dekalb County, Georgia, dated August 7, 2013, recorded August 10, 2018, in Deed Book 27080, Page 122, aforesaid records. Does not affect subject property.

50. Memorandum of Easement by and between Borden E. Taylor Jr.; Ann Martin Price; Wesley Adair Martin; and Dickey's Mile, LLC; and Nichols Memorial LLC; Dunn Dekalb Property, LLC; and Dunn No. 1, LLC; and Kerby Dekalb Properties, LLC, and American Tower Asset Sub, LLC, dated September 4, 2019, recorded September 19, 2019, in Deed Book 27804, Page 661, aforesaid records. Does not affect subject property.

51. Permanent Sewer Easement between Dekalb County, dated July 19, 2021, recorded August 16, 2021, in Deed Book 29640, Page 338, aforesaid records. Does not affect subject property.

52. Temporary Construction Easement between Dekalb County, dated July 19, 2021, recorded August 16, 2021, in Deed Book 29640, Page 350, aforesaid records. Does not affect subject property.

53. 50'Buffer and Ladonna Drive (not dedicated) shown on Plat, recorded December 22, 198, in Plat Book 76, Page 130, aforesaid records. Does not affect subject property.

54. Easement by Georgia Power Company, recorded June 21, 1984, in Deed Book 5005, Page 198, aforesaid records.

55. Memorandum of Lease by and between Memorial-285, Inc., Glenn H. Collis, and Matthews Realty Associates, Inc. recorded September 22, 1982, in Deed Book 4660, Page 298, aforesaid records.

56. Amendment to Lease and Memorandum of Lease Agreement by and between Memorial-285, Inc., and Robert D. Mordt; Henry A. Davis, Larry S. King and John A. Johnson, dated December 22, 1983, recorded January 23, 1984, in Deed Book 4907, Page 762, aforesaid records; as affected by Addendum to Lease by and between Memorial285, Inc., and Mordt, Davis & Company, and Matthews Realty Associates, Inc., dated December 9, 1982, recorded January 23, 1984, in Deed Book 4907, Page 764, aforesaid records. Does not affect subject property.

57. Memorandum of Lease by and between Memorial-285, Inc., and Dial Call, Inc., dated July 1, 1994, recorded April 26, 1995, in Deed Book 8531, Page 617, aforesaid records; as affected by Amended Memorandum of Agreement between Memorial-25, Inc., and Tower Asset Sub, Inc., dated August 30, 2005, recorded October 24, 2005, in Deed Book 18035, Page 287, aforesaid records; as further affected by Georgia Assignment and Assumption of Lease or Other Agreement from Tower Asset Sub, LLC, to American tower Asset Sub, LLC, dated February 28, 1007, recorded February 18, 2009, in Deed Book 21271, Page 411, aforesaid records; as further affected by Memorandum of Lease by and between Memorial 285, Inc., and American Tower Asset Sub, LLC, dated June 29, 2017, recorded July 20, 2017, in Deed Book 26368, Page 629, aforesaid records. Does not affect subject property.

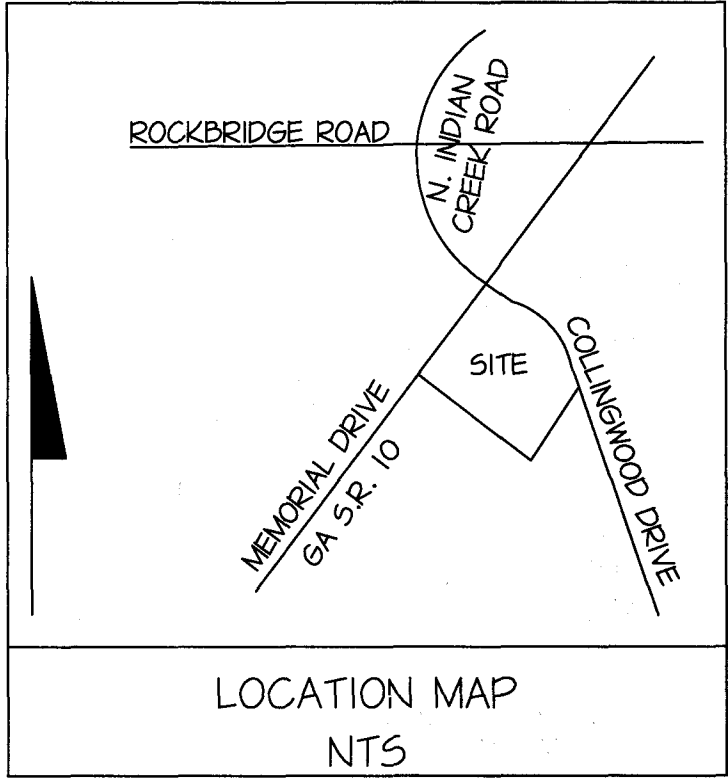
58. Easement between Memorial-285, Inc. and Georgia Power Company, recorded October 14, 1996, in Deed Book 9175, Page 440, aforesaid records. Does not affect subject property.

59. Lease Agreement between Memorial-285, Inc., L. & L. Enterprises, Inc., and Matthews Realty Associates, dated December 2, 1982, recorded August 24, 1983, in Deed Book 4820, Page 574, aforesaid records. Does not affect subject property.

60. Lease Agreement between Memorial-285, Inc., Mordt, Davis & Company., and Matthews Realty Associates, dated June 4, 1982, recorded August 24, 1983, in Deed Book 4820, Page 584, aforesaid records. Does not affect subject property.

61. Easement between Georgia Power Company and E.D. Dunn, as agent for Memorial-285, Inc., recorded in Deed Book 8496, Page 503, aforesaid records. Does not affect subject property.

62. Memorandum of Lease by and between Memorial-285, Inc., and Mordt, Davis & Company, dated March 17, 1983, recorded March 23, 1983, in Deed Book 4732, Page 476, aforesaid records. Does not affect subject property.



- LEGEND:
- ICV - IRRIGATION CONTROL VALVE
  - IPF - IRON PIN FOUND
  - IPS - IRON PIN SET ( 1/2" RB )
  - OT - OPEN TOP PIPE
  - CT - CONCRETE TOP PIPE
  - CNF - CONCRETE MONUMENT FOUND
  - N & C - NAIL AND CAP
  - RB - REBAR
  - PP - POWER POLE
  - TP - TELEPHONE POLE
  - LL - LAND LOT
  - LLL - LAND LOT LINE
  - POB - POINT OF BEGINNING
  - BL - BUILDING LINE
  - CL - CENTER LINE
  - PL - PROPERTY LINE
  - FH - FIRE HYDRANT
  - CB - CATCH BASIN
  - DI - DROPP INLET
  - HW - HEAD WALL
  - JB - JUNCTION BOX
  - DE - DRAINAGE EASEMENT
  - WM - WATER METER
  - WV - WATER VALVE
  - GV - GAS VALVE
  - MH - MAN HOLE
  - T - TELEPHONE LINE
  - UT - BURIED TELEPHONE CABLE
  - S - GAS LINE (APPROXIMATE)
  - W - WATER LINE (APPROXIMATE LOCATION)
  - S/S - SANITARY SEWER LINE
  - SD - STORM DRAIN LINE
  - IS - RIGHT OF WAY MONUMENT FOUND
  - P - POWER LINE (OVERHEAD)
  - X - FENCE
  - HY - FIRE HYDRANT
  - TR - TREE



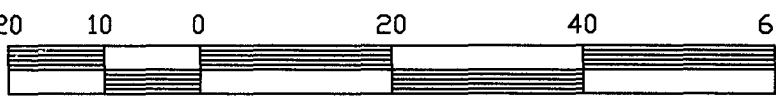
The survey was prepared in conformity with The Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67, Authority O.C.G.A. Sec. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

To SAM Retail & Chicago Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1 thru 4, 6 thru 11, 13 and 14 of Table A thereof. The field work was completed on 07/10/25.

Date: \_\_\_\_\_  
Randall G. Miller Ga. R.L.S. #2432

Pursuant to Rule 180-6-09 of the Georgia State Board of Registration for Professional Engineers and Land Surveyors, the term "certify" or "certification" relating to land surveying services shall mean a signed statement based of facts and knowledge known to the land surveyor and is not a guarantee or warranty, either expressed or implied.

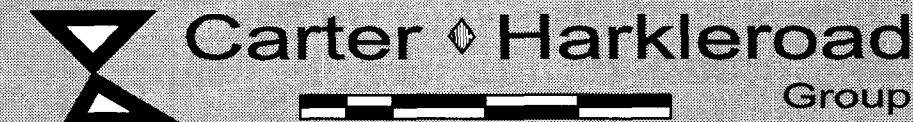


SCALE IN FEET  
USE DIMENSIONS DO NOT SCALE DRAWING


DATE	NO.	REVISION	BY
------	-----	----------	----

ALTA/NSPS LAND TITLE SURVEY  
FOR  
**SAM RETAIL  
CHICAGO TITLE INSURANCE COMPANY**  
LOCATED

4717 MEMORIAL DRIVE LL 12 18TH DISTRICT DEKALB COUNTY, GEORGIA	PLAT PREPARED ON DATE: 7/23/25
SCALE: 1"= 20'	JOB NO.: 6514SRVY
	FIELD DATE: 7/10/25



94 E. CROGAN STREET, SUITE 100, LAWRENCEVILLE, GA 30046  
30046

COA	DONALD W. HARKLEROAD & ASSOCIATES, INC. No. PEF000295, LSF000260	EXPIRATION: 06/30/2026
-----	---	------------------------



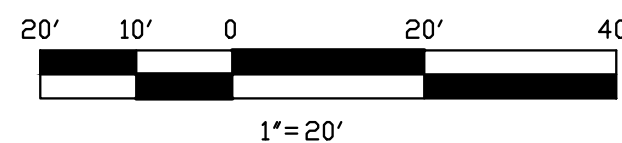


RIGHT OF WAY DEEDS  
DB 283 PG 342  
DB 283 PG 343  
DB 2575 PG 125  
DB 2659 PG 22  
DB 2729 PG 473

NOW OR FORMERLY  
WAM-DPSC, LLC  
4705 MEMORIAL DRIVE  
DB 31983 PG 106  
TAX ID 18 012 04 025  
ZONED C-1

NOW OR FORMERLY  
WAM-DPSC, LLC  
560 LADONNA DRIVE  
DB 31983 PG 106  
TAX ID 18 012 04 017  
ZONED C-1

NOW OR FORMERLY  
SAMUEL MICHAEL & JOHANNES MICHAEL TEKLE  
501 COLLINGWOOD DRIVE  
DB 31211 PG 262  
TAX ID 18 012 04 002  
ZONED R-100



Know what's below.  
Call before you dig.

DATE	NO.	REVISION	BY

SITE PLAN  
FOR  
MEMORIAL MARKET, LLC

LOCATED  
4717 MEMORIAL DRIVE  
DEKALB COUNTY, GEORGIA

SCALE: 1"=20'	PRJ. NO.: 6514	DATE: 05-22-25	BY: NSW
---------------	----------------	----------------	---------



94 E. Crogan Street, Suite 100, Lawrenceville, Ga 30046  
(770) 982-1996

COA	DONALD W. HARKLEROD & ASSOCIATES, INC.	
	No. PEF000295, LSF000260	EXPIRATION: 6-30-2026

SHEET C2.0

## Example Architectural Elevations







## DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer  
Lorraine Cochran-Johnson

Director  
Juliana A. Njoku

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

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

Applicant(s) Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Property Address: \_\_\_\_\_

Tax Parcel ID: \_\_\_\_\_ Comm. District(s): \_\_\_\_\_ Acreage: \_\_\_\_\_

Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Supplemental Regs: \_\_\_\_\_ Overlay District: \_\_\_\_\_

Rezoning: Yes \_\_\_\_\_ No \_\_\_\_\_ Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

DRI: \_\_\_\_\_ Square Footage/Number of Units: \_\_\_\_\_

Rezoning Request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Land Use Plan Amendment: Yes \_\_\_\_\_ No \_\_\_\_\_ Existing Land Use: \_\_\_\_\_

Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_\_ Inconsistent \_\_\_\_\_

Special Land Use Permit: Yes \_\_\_\_\_ No \_\_\_\_\_ Article Number(s) 27- \_\_\_\_\_

Special Land Use Request(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Major Modification: Yes \_\_\_\_\_ No \_\_\_\_\_ Existing Zoning Conditions: \_\_\_\_\_

Major Modification Request: \_\_\_\_\_

\_\_\_\_\_

Condition(s) to be modified: \_\_\_\_\_



## DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer  
Lorraine Cochran-Johnson

Director  
Juliana A. Njoku

### Zoning Comments November 2025

#### **Z-25-1247710 (2025-1221) 447 Warren Avenue:**

Warren Avenue is classified as a local road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.

#### **SLUP-25-1247734 (2025-1222) 2050 Lawrenceville Hwy:**

N. Druid Hills Road & Lawrenceville Highway are both classified as a Major Arterials, also a Georgia State Route. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. If not already in place: Requires a right of way dedication of 75 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 10-foot multiuse path with pedestrian scale streetlights. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

#### **SLUP-25-1247732 (2025-1223) 4144 Memorial Dr; 3416 Covington Hwy:**

Memorial Drive & Covington Highway are both classified as a Major Arterials, also a Georgia State Route. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. If not already in place: Requires a right of way dedication of 75 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 10-foot multiuse path with pedestrian scale streetlights.

#### **SLUP-25-1247733 (2025-1223) 4144 Memorial Dr; 3416 Covington Hwy:**

Memorial Drive & Covington Highway are both classified as a Major Arterials, also a Georgia State Route. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. If not already in place: Requires a right of way dedication of 75 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 10-foot multiuse path with pedestrian scale streetlights.

#### **SLUP-25-1247735 (2025-1225) 4717 Memorial Drive:**

Memorial Drive is classified as a Major Arterial, also a Georgia State Route. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. If not already in place: Requires a right of way dedication of 75 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 10-foot multiuse path with pedestrian scale streetlights. Collingwood Drive is classified as a local road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.

#### **SLUP-25-1247739 (2025-1226) 4717 Memorial Drive:**

Memorial Drive is classified as a Major Arterial, also a Georgia State Route. Refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. If not already in place: Requires a right of way dedication of 75 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 10-foot multiuse path with pedestrian scale streetlights. Collingwood Drive is classified as a local road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from the centerline of roadway, all public infrastructure must be within right of way. Requires a 5-foot landscape strip with a 5-foot sidewalk.





Friday, September 12, 2025

To: Mr. John Reid, Senior Planner  
From: Ryan Cira, Director, Division of Environmental Health  
Cc: Alan Gaines, Deputy Director, Division of Environmental Health  
Re: Rezone Application Review

General Comments:

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

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

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

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

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

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

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

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

9/12/2025

N4-2025-1224

SLUP-25-1247733

4144 Memorial Drive, Decatur GA; 3416 Covington Highway, Decatur, 30032

- See general comments

N5-2025-1225

SLUP-25-1247735

4717 Memorial Drive, Decatur, Ga 30032

- See general comments

N6-2025-1226

SLUP-25-1247739

4717 Memorial Drive, Decatur, Ga 30032

- See general comments

9/12/2025

N7-2025-1228

TA-25-1247740

Text amendment

- See general comments

N8-2025-1233

TA-25-1247762

Amendment

- See general comments

N9-2025-1304

TA-25-1247742

Text amendment

- See general comments



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)**

---

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

**DEVELOPMENT ANALYSIS:**

- **Transportation/Access/Row**

---

---

---

- **Storm Water Management**

---

---

---

- **Flood Hazard Area/Wetlands**

---

---

---

- **Landscaping/Tree Preservation**

---

---

---

- **Tributary Buffer**

---

---

---

- **Fire Safety**

---

---

---



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)

SLUP-25-1247739 (2025-1226) 4717 Memorial Drive (beer/wine sales)

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

**DEVELOPMENT ANALYSIS:**

- Transportation/Access/Row

---

---

---

- Storm Water Management

Zoning for this property is C-1 some type of detention system would be suffice.

---

---

- Flood Hazard Area/Wetlands

No flood hazard

---

---

- Landscaping/Tree Preservation

---

---

---

- Tributary Buffer

---

---

---



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)

**REZONE  
COMMENTS FORM:**

**PUBLIC WORKS ROAD AND DRAINAGE**

Case No.: \_\_\_\_\_ Parcel I.D. #: \_\_\_\_\_

Address: \_\_\_\_\_

Drainage Basin: \_\_\_\_\_

Upstream Drainage Area: \_\_\_\_\_

Percent of Property in 100-Year Floodplain: \_\_\_\_\_

Impact on property (flood, erosion, sedimentation) under existing zoning: \_\_\_\_\_

Required detention facility(s): \_\_\_\_\_

**COMMENTS:**

---

---

---

---

---

---

---

---

---

---

Signature: Akin Akinsola



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)

**REZONE  
COMMENTS FORM:**

**PUBLIC WORKS ROAD AND DRAINAGE**

Case No.: SLUP-25-1247739 (2025-1226) Parcel I.D. #: 18 012 04 001

Address: 4717 Memorial Drive, Decatur 30032 (beer/wine sales)

Drainage Basin: Indian Creek

Upstream Drainage Area: N/A

Percent of Property in 100-Year Floodplain: 0%

Impact on property (flood, erosion, sedimentation) under existing zoning: No impact of flood, erosion and sedimentation has been reported on the property under existing zoning.

Required detention facility(s): Not Applicable

**COMMENTS:**

The business activity planned under this SLUP application if approved, will have no appreciable impact on existing roads and drainage infrastructure.

---

---

---

---

---

---

---

Signature: Akin Akinsola





**DEKALB COUNTY  
GOVERNMENT PLANNING  
DEPARTMENT DISTRIBUTION  
FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)

**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-25-1247732 (2025-1223) Parcel I.D. #s: 15 231 05 002; 15 231 05 003  
Address: 4144 Memorial Drive; 3416 Covington Highway, Decatur 30032  
(fuel pumps)

Adjacent Roadway (s):

(classification) (classification)

Capacity (TPD) \_\_\_\_\_  
Latest Count (TPD) \_\_\_\_\_  
Hourly Capacity (VPH) \_\_\_\_\_  
Peak Hour. Volume (VPH) \_\_\_\_\_  
Existing number of traffic lanes \_\_\_\_\_  
Existing right of way width \_\_\_\_\_  
Proposed number of traffic lanes \_\_\_\_\_  
Proposed right of way width \_\_\_\_\_

Capacity (TPD) \_\_\_\_\_  
Latest Count (TPD) \_\_\_\_\_  
Hourly Capacity (VPH) \_\_\_\_\_  
Peak Hour. Volume (VPH) \_\_\_\_\_  
Existing number of traffic lanes \_\_\_\_\_  
Existing right of way width \_\_\_\_\_  
Proposed number of traffic lanes \_\_\_\_\_  
Proposed right of way width \_\_\_\_\_

**Please provide additional information relating to the following statement.**

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7<sup>th</sup> Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the \_\_\_\_\_ square foot place of worship building would generate \_\_\_\_\_ vehicle trip ends, with approximately \_\_\_\_\_ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the \_\_\_\_\_ (Single Family Residential) District designation which allows a maximum of \_\_\_\_\_ units per acres, and the given fact that the project site is approximately \_\_\_\_\_ acres in land area, \_\_\_\_\_ daily vehicle trip end, and \_\_\_\_\_ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS: Did not see any traffic engineering concerns  
at this time.

Signature: Jerry White



**DEKALB COUNTY  
GOVERNMENT PLANNING  
DEPARTMENT DISTRIBUTION  
FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)

**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: SLUP-25-1247733 (2025-1224) Parcel I.D. #s: 15 231 05 002; 15 231 05 003  
Address: 4144 Memorial Drive; 3416 Covington Highway, Decatur 30032  
(beer-wine sales)

Adjacent Roadway (s):

(classification) (classification)

Capacity (TPD) \_\_\_\_\_  
Latest Count (TPD) \_\_\_\_\_  
Hourly Capacity (VPH) \_\_\_\_\_  
Peak Hour. Volume (VPH) \_\_\_\_\_  
Existing number of traffic lanes \_\_\_\_\_  
Existing right of way width \_\_\_\_\_  
Proposed number of traffic lanes \_\_\_\_\_  
Proposed right of way width \_\_\_\_\_

Capacity (TPD) \_\_\_\_\_  
Latest Count (TPD) \_\_\_\_\_  
Hourly Capacity (VPH) \_\_\_\_\_  
Peak Hour. Volume (VPH) \_\_\_\_\_  
Existing number of traffic lanes \_\_\_\_\_  
Existing right of way width \_\_\_\_\_  
Proposed number of traffic lanes \_\_\_\_\_  
Proposed right of way width \_\_\_\_\_

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7<sup>th</sup> Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the \_\_\_\_\_ square foot place of worship building would generate \_\_\_\_\_ vehicle trip ends, with approximately \_\_\_\_\_ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the \_\_\_\_\_ (Single Family Residential) District designation which allows a maximum of \_\_\_\_\_ units per acres, and the given fact that the project site is approximately \_\_\_\_\_ acres in land area, \_\_\_\_\_ daily vehicle trip end, and \_\_\_\_\_ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS: Did not see any traffic engineering concerns  
at this time.

Signature: Jerry White



**DEKALB COUNTY  
GOVERNMENT PLANNING  
DEPARTMENT DISTRIBUTION  
FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)**

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

**Case No.:** \_\_\_\_\_ **Parcel I.D. #:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**WATER:**

**Size of existing water main:** \_\_\_\_\_ (adequate/inadequate)

**Distance from property to nearest main:** \_\_\_\_\_ **Size of line required, if inadequate:** \_\_\_\_\_

\_\_\_\_\_

**SEWER:**

**Outfall Servicing Project:** \_\_\_\_\_

**Is sewer adjacent to property:** Yes \_\_\_\_\_ No \_\_\_\_\_ **If no, distance to nearest line:** \_\_\_\_\_

**Water Treatment Facility:** \_\_\_\_\_ adequate \_\_\_\_\_ inadequate \_\_\_\_\_

**Sewage Capacity:** \_\_\_\_\_ (MGPD) **Current Flow:** \_\_\_\_\_ (MGPD)

**COMMENTS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature:** \_\_\_\_\_



**DEKALB COUNTY  
GOVERNMENT PLANNING  
DEPARTMENT DISTRIBUTION  
FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)

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

Case No.: SLUP-25-1247739 (2025-1226) Parcel I.D. #: 18 012 04 001

Address: 4717 Memorial Drive  
Decatur, GA 30032  
(beer/wine sales)

**WATER:**

Size of existing water main: 6" CI and 8" DIP (adequate/inadequate)  
Distance from property to nearest main: adjacent Size of line required, if inadequate: \_\_\_\_\_

**SEWER:**

Outfall Servicing Project: Indian Creek

Is sewer adjacent to property: Yes \_\_\_\_\_ No \_\_\_\_\_ If no, distance to nearest line: \_\_\_\_\_

Water Treatment Facility: Snapfinger adequate \_\_\_\_\_ inadequate \_\_\_\_\_

Sewage Capacity: 36 (MGPD) Current Flow: 25 (MGPD)

**COMMENTS:**

Sewer capacity may be required

Signature: Yola Lewis



<b>MARTA November 2025 Case Comments</b>
--

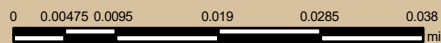
**N5&N6 - SLUP-25-1247735 & SLUP-25-1247739 (2025-1225; 2025-1226)**  
**4717 Memorial Drive, Decatur, GA 30032:**

The western driveway of the parcel creates risk due to the weaving zone introduced by the overlap of Applebee's acceleration lane with the 4717 turning lane. The increase in traffic using 4717 Memorial Drive due to a gas station increases exposure to this risk and necessitates a countermeasure. Preferred countermeasure is to close the western driveway and exclusively serve traffic via Collingwood Drive. Backup countermeasure would be to bump out the curb prior to the western driveway to prevent conflicts between entering and exiting vehicles.





### DeKalb County Parcel Map



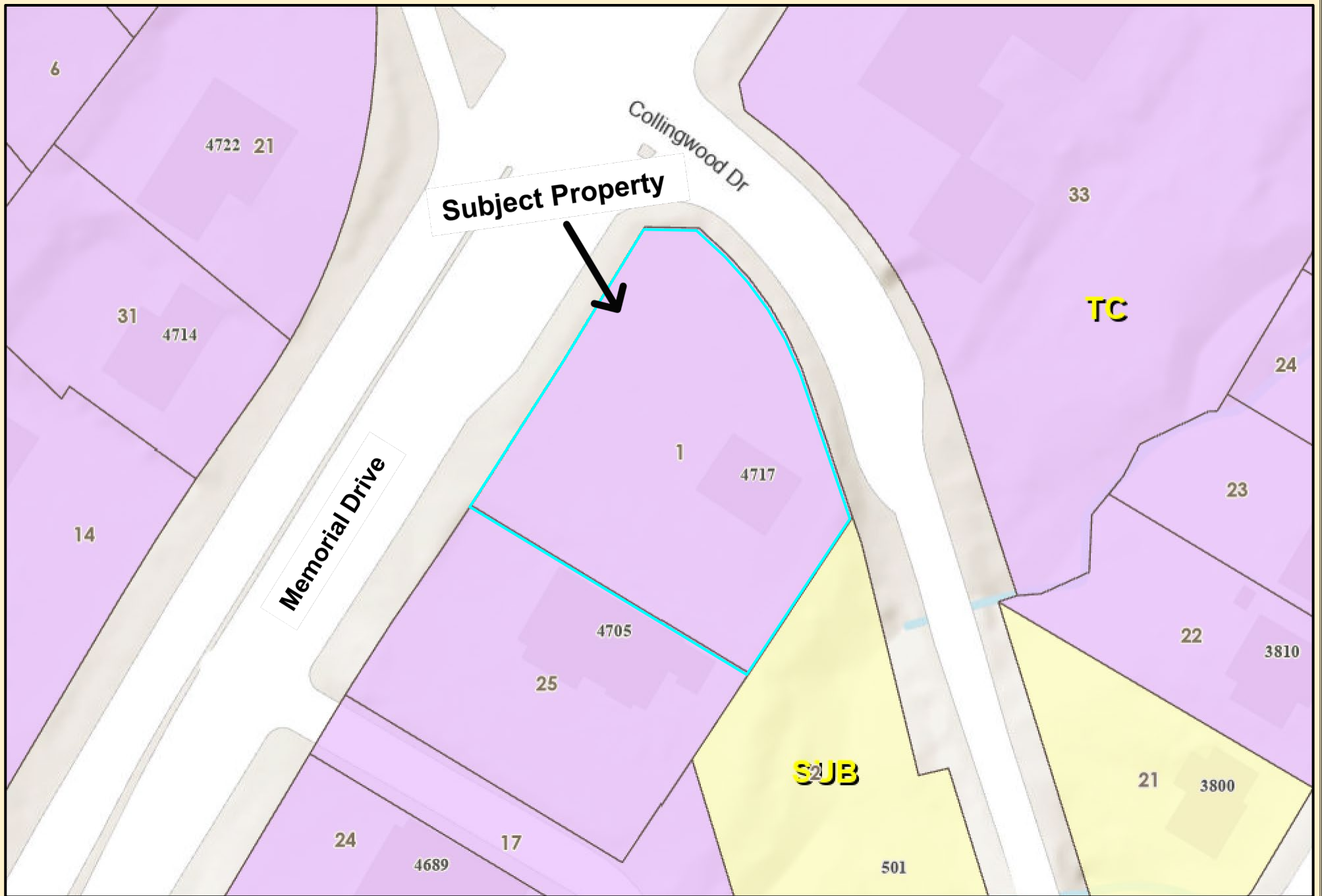
Date Printed: 9/17/2025



#### DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.





### DeKalb County Parcel Map

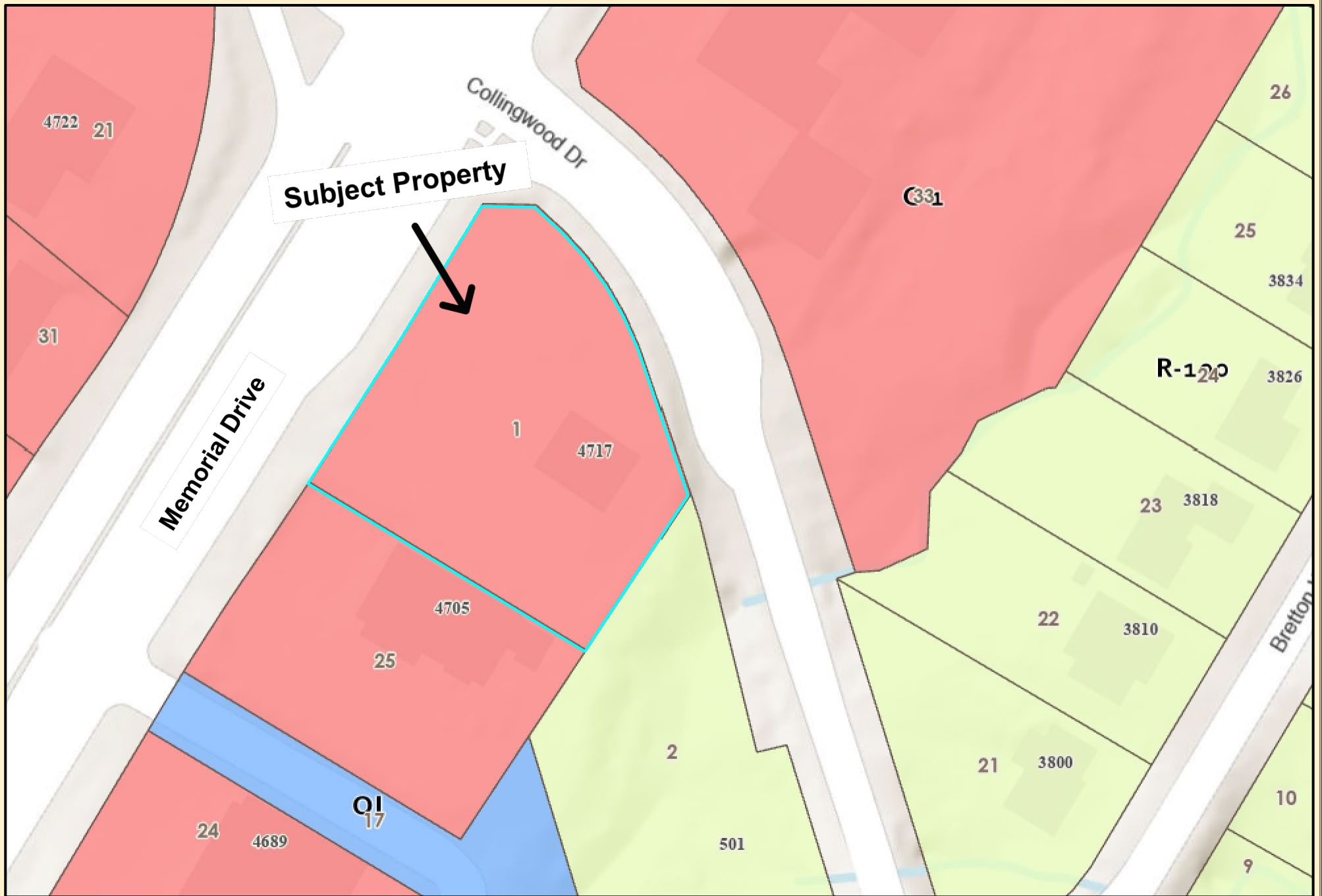
0 0.00475 0.0095 0.019 0.0285 0.038 mi

Date Printed: 9/17/2025



#### DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.



### DeKalb County Parcel Map

0 0.00475 0.0095 0.019 0.0285 0.038 mi

Date Printed: 9/17/2025



#### DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.