



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

**File #:** 2017-1488

1/23/2018

**File Status:** Approval Review

**Public Hearing:** YES  NO

**Department:** Planning & Sustainability

**SUBJECT:**

**Z-18-21942**

**COMMISSION DISTRICT(S):** 5 & 7

**Title:** Z-18-21942 Quik Trip Corporation.

**PETITION NO:** Z-18-21942

**PROPOSED USE:** Quik Trip Convenience Store

**LOCATION:** 2841 Turner Hill Road & 8175, 8187, 8193 Covington Highway

**PARCEL NO.:** 16-17-02-001; 26-170-02-008; 16-170-02-012; 16-170-02-014

**INFORMATION CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

**PURPOSE:**

To rezone properties from M (Light-Industrial) and C-1 (Local Commercial) to C-1 (Local Commercial) to develop a Quik Trip convenience store within Tier III of the Stonecrest Overlay District. The property is located on the southwest intersection of Covington Highway (U.S. Highway 278) and Turner Hill Road (State Route 124) at 8175, 8187 and 8193 Covington Highway and 2841 Turner Hill Road, Lithonia, Georgia. The property has approximately 367 feet of frontage along the south side of Covington Highway and approximately 316 feet of frontage along the west side of Turner Hill Road and contains 2.59 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Approval

**PLANNING COMMISSION:** Approval with Conditions as recommended by Planning Staff

**PLANNING STAFF:** Approval with Conditions

**PLANNING STAFF ANALYSIS:** The proposed request for C-1 (Local Commercial) District is consistent with the existing commercial zoned districts on the site and in the immediate surrounding area along Covington Highway and Turner Hill Road. The existing commercial uses along Covington Highway (U.S. Highway 278) and Turner Hill Road (State Route 124) support this request for C-1 zoning on the subject site. Located within a Regional Center Character Area, the proposed use is consistent with the following plan policies and strategies

of the 2035 Comprehensive Plan: Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services; Improve the aesthetic appearance along major corridors; and Encourage development within and near transportation corridors and activity centers. The subject site located at the intersection of two major arterials should not have an adverse impact on traffic or transportation facilities in the area. Therefore, it is the recommendation of Planning and Sustainability Department that the rezoning request for C-1 (Local Commercial) District on the subject site be "**APPROVED CONDITIONAL**" subject to the following attached conditions.

**PLANNING COMMISSION VOTE:** 8-0-0. M. Butts moved, J. West seconded for approval as recommended and conditioned by Staff.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** Approval 8-1-0.

## Z-18-21942 RECOMMENDED CONDITIONS

1. Limit use to convenience store with gasoline pumps and service commercial uses within a 4,840 square foot building in substantial compliance with the site plan submitted to the Department of Planning and Sustainability on December 15, 2017. Site plan is conceptual and subject to the approval of the Director.
2. Limit site to one (1) curb cut each on Covington Highway and Turner Hill Road and all road improvements subject to GDOT (Georgia Department of Transportation).
3. Compliance to development standards of the Stonecrest Overlay District to be reviewed and approved by the Planning & Sustainability Department.
4. The retail/convenience store building façade shall consist of four (4) sided brick with accent materials.
5. Support columns for the pump/canopy island shall be composed of four-sided brick.
6. All refuse areas shall be located to the rear of the site and screened from public view with enclosure or similar building materials to match the primary structure.
7. Provide outside trash receptacles for patrons at gasoline pumps and along store entrances
8. Outside vending machines are prohibited.
9. No car washing allowed on site.
10. Provide parking lot lighting on site.
11. The vacuum and air station shall not be located along the public right-of-way.
12. One ground monument sign with a brick base shall be permitted for each street frontage per the Director of Planning & Sustainability.
13. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 300  
Decatur, GA 30030  
(404) 371-2155 / plandev@dekalbcountyga.gov**

**Planning Commission Hearing Date: January 09, 2018, 6:30 P.M.  
Board of Commissioners Hearing Date: January 23, 2018, 6:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** Z-18-21942 **Agenda #:** N.12

**Location/Address:** The southwest intersection of Turner Hill Road (State Route 124) and Covington Highway (U.S. Highway 278) at 2841 Turner Hill Road and 8175, 8187 and 8193 Covington Highway, Lithonia, Georgia. **Commission District:** 5 **Super District:** 7

**Parcel ID:** 16-170-02-001; 16-170-02-008; 16-170-02-012; 16-170-02-014

**Request:** To rezone properties from M (Light-Industrial) and C-1 (Local Commercial) to C-1 (Local Commercial) to develop a Quik Trip convenience store within Tier III of the Stonecrest Overlay District.

**Property Owners:** William E. Corey & U S Enterprises, Inc.

**Applicant/Agent:** Quik Trip Corporation/ Battle Law, PC

**Acreage:** 2.59 Acres

**Existing Land Use:** Chevron Gas, Restaurant, Retail & Office, Auto Repair

**Surrounding Properties:** BP Gas; Enterprise Car Rental

**Adjacent & Surrounding Zoning:** North: M (Light Industrial) District  
East & West: C-1 (Local Commercial) District  
South: City of Stonecrest (Commercial Uses)

**Comprehensive Plan:** Regional Center (RC) Consistent X

<b>Proposed Building Square Feet:</b> 4,840 square feet	<b>Existing Building Square Feet:</b> Approximately 8,670 square feet combined for all parcels
<b>Proposed Lot Coverage:</b> <80%	<b>Existing Lot Coverage:</b> <80%

## **SUBJECT PROPERTY**

The site is located at the southwest corner of the intersection of Turner Hill Road (State Route 124) and Covington Highway (U.S. Highway 278) in unincorporated DeKalb County within Tier III of the Stonecrest Overlay District. The subject site is a combination of four (4) parcels. They are developed with a Chevron Convenience and fuel outlet, a vacated restaurant building and a commercial building consisting of retail and office uses. The combined parcels consists of 2.59 acres and have approximately 367 feet of frontage along the south side of Covington Highway and approximately 316 feet of frontage along the west side of Turner Hill Road. Covington Highway is reduced to two (2) lanes with a turn lane along the property frontage while Turner Hill Road has a total of five (5) lanes with a median along its property frontage. The travel lane closest to the site serves as the on-ramp to Interstate 20 which borders the site along the south. Both frontages are improved with curb and gutter. There are no sidewalks.

Adjacent to the site along the west property line of Covington Highway is auto repair. North of the site is railroad tracks which separate the site from industrial development north of the site. East along Turner Road is a BP convenience store and fuel outlet. Further east are industrial zoned uses. South of the site across Interstate 20 is the City limits of Stonecrest.

## **ZONING HISTORY**

The 2.59 acre site is zoned both M (Light Industrial) and C-1 (Local Commercial). Per the zoning map and submitted documentation, the properties at 8175 and 8187 Covington Highway are zoned M (Light Industrial) and the property at 8193 Covington Road is zoned C-1 (Local Commercial) without conditions. The property at 2841 Turner Hill Road is zoned C-1 pursuant to CZ-76088 with conditions for signage and curb cut location, landscaping, parking areas and traffic islands. If approved, the rezoning to C-1 of the entire site will remove all existing approved conditions and be replaced with new conditions under a new C-1 zoning that will allow the Quik Trip convenience store.

## **PROJECT ANALYSIS**

Per the submitted documentation, this application is being submitted simultaneously with proposed Text Amendment (TA-18-21950) to allow for convenience stores with gas pumps in excess of 4,000 square feet with an alcohol retail sales component within the Stonecrest Overlay District. The subject application requests an amendment to the Official Zoning Map pursuant to Chapter 27, Article 7.3 of the DeKalb Code of Ordinances to rezone the 2.59 acre site from the M (Light Industrial) District and C-1 (Local Commercial) District to the C-1 (Local Commercial) District to allow a 4,840 convenience store. The applicant also seeks companion Special Land Use Permits (SLUP-18-21937 & SLUP-18-21958) to allow accessory fuel pumps and alcohol outlet (beer & wine sales) on the subject site.

The submitted site plan depicts a one-story 4,840 square foot Quik Trip convenience store with 20 fueling stations. Parking is depicted along the perimeter of the convenience store. Auto fueling stations are located along Covington Highway property frontage. Fuel tank storage is depicted in the rear of the convenience store. A right-in-right out only access is shown along Turner Hill Road. A full service access is depicted along Covington Highway. Future inter-parcel access is shown along the adjacent west property line.

The subject site is located within Tier III of the Stonecrest Overlay District which prohibits gasoline service stations and alcohol outlets. Text Amendment (TA-18-21950) is being proposed to allow these uses within the Stonecrest Overlay District to allow redevelopment of the existing Chevron station currently on the subject site. The proposed text amendment does not affect the City of Stonecrest because the subject site is within unincorporated DeKalb County. The site is subject to architectural regulations and design standards per Chapter 27, Article 3.5.15 of the DeKalb County Code. If the rezoning is approved, a separate Stonecrest Overlay District compliance review and approval is required prior to applying for a Land Disturbance Permit (LDP) or Building Permit (BP). Signage requires a separate building permit.

## **ZONING ANALYSIS**

The applicant is requesting to rezone the subject site from the M (Light Industrial) District and C-1 (Local Commercial) District to the C-1 (Local Commercial) District for a Quik Trip Convenience store. The existing M District is intended to provide areas for the establishment of businesses engaged in the manufacturing, processing, creating, or assembling of goods, merchandise, or equipment and the sale and distribution of such goods, merchandise and equipment.

The intent of the C-1 zoning district is to provide convenient local retail shopping and service areas within the county for all residents; provide for the development of new local commercial districts where so designated on the comprehensive plan; and to assure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods.

The request to rezone the site to C-1 (Local Commercial) to eliminate previous zoning conditions in order to develop a Quik Trip convenience store is a consistent use with existing Chevron convenience store on the subject site and with other compatible commercial zonings and uses along Covington Highway and Turner Hill Road. The southeast intersection of Covington Highway and Turner Hill Road is zoned C-1 as well as adjacent property west of the subject site and developed with commercial uses. Therefore, the proposed C-1 zoning district is appropriate for the site given its consistency and compatibility with the existing C-1 zonings on the site and in the surrounding area.

**Chapter 27-Article 7.3.5. Standards and factors governing review of proposed amendments to the Official Zoning Map. The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map:**

**A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.**

Located within a Regional Center Character Area, the proposed use is consistent with the following plan policies and strategies of the 2035 Comprehensive Plan: Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services; Improve the aesthetic appearance along major corridors; and Encourage development within and near transportation corridors and activity centers.

**B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.**

The rezoning request to C-1 (Local Commercial) will permit a use that is suitable in view of existing commercial uses at the intersection of Turner Hill Road (S.R. 124 and Covington Highway (Highway 278).

**C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

The request may have a reasonable economic use as currently zoned M (Light Industrial) District and C-1 (Local Commercial) District.

**D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.**

The rezoning request will not adversely affect the existing use or usability of adjacent and nearby non-residential properties along Covington Highway and Turner Hill Road.

**E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**

Previous Board approval for C-1 zoning on the subject site pursuant to CZ-76088 give supporting grounds for approval of the C-1 (Local Commercial) zoning proposal for the proposed retail use.

**F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.**

The proposed rezoning request should not have an adverse effect on historic buildings, sites, districts, or archaeological resources.

**G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The site has frontage along a four-lane major arterial and state highway (Turner Hill Road) with turn lane and a two-lane major arterial and state highway (Covington Highway) with turn lane. The proposed rezoning should not cause an excessive burden on existing streets and transportation facilities. The proposed rezoning will have no impact on area schools.

**H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.**

The rezoning proposal to the C-1 District for retail uses should not adversely impact the environment or surrounding natural resources.

**COMPLIANCE WITH DISTRICT STANDARDS**

Per the chart below, it appears the proposed use and building on the site can comply with minimum development standards of the C-1 (Local Commercial) District per the DeKalb County Zoning Ordinance.

STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
LOT WIDTH (C-1) Table 2.2	A minimum 100 feet of lot width on a public street frontage	Approximately 365 feet of frontage along the south side of Covington Highway and approximately 316 feet of frontage along the west side of Turner Hill Road	Yes
LOT AREA (C-1) Table 2.2	20,000 Square Feet	2.59 acres or 112,820 square feet	Yes
FRONT BUILDING SETBACK Tier III Stonecrest Overlay District Article 3.5.15.D.1	Minimum 15 Feet	>80 Feet on Covington Hwy. >140 Feet on Turner Hill	Yes
SIDE BUILDING SETBACK Tier III Stonecrest Overlay District Article 3.5.15.D.2	Min. 10 Feet with minimum 15 feet between structures	Building setbacks exceed 100 Feet Minimum 40 feet between structures	Yes
REAR SETBACK Tier III Stonecrest Overlay District Article 3.5.15.D.3	10 Feet	>10 Feet	Yes

HEIGHT Tier III Stonecrest Overlay District Article 3.5.15.E	Up to 3 stories	<2-Stories	Yes
PARKING Article 6	Min. 1 space 500 square feet (10 spaces) or maximum 1 space per 150 square feet (33 spaces)	55 Parking Spaces	Exceeds maximum allowed parking

**Staff Recommendation: APPROVAL CONDITIONAL**

The proposed request for C-1 (Local Commercial) District is consistent with the existing commercial zoned districts on the site and in the immediate surrounding area along Covington Highway and Turner Hill Road. The existing commercial uses along Covington Highway (U.S. Highway 278) and Turner Hill Road (State Route 124) support this request for C-1 zoning on the subject site. Located within a Regional Center Character Area, the proposed use is consistent with the following plan policies and strategies of the 2035 Comprehensive Plan: Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services; Improve the aesthetic appearance along major corridors; and Encourage development within and near transportation corridors and activity centers. The subject site located at the intersection of two major arterials should not have an adverse impact on traffic or transportation facilities in the area. Therefore, it is the recommendation of Planning and Sustainability Department that the rezoning request for C-1 (Local Commercial) District on the subject site be "**APPROVED CONDITIONAL**" subject to the following conditions:

1. Limit use to convenience store with gasoline pumps and service commercial uses within a 4,840 square foot building in substantial compliance with the site plan submitted to the Department of Planning and Sustainability on December 15, 2017. Site plan is conceptual and subject to the approval of the Director.
2. Limit site to one (1) curb cut each on Covington Highway and Turner Hill Road and all road improvements subject to GDOT (Georgia Department of Transportation).
3. Compliance to development standards of the Stonecrest Overlay District to be reviewed and approved by the Planning & Sustainability Department.
4. The retail/convenience store building façade shall consist of four (4) sided brick with accent materials.
5. Support columns for the pump/canopy island shall be composed of four-sided brick.
6. All refuse areas shall be located to the rear of the site and screened from public view with enclosure or similar building materials to match the primary structure.
7. Provide outside trash receptacles for patrons at gasoline pumps and along store entrances
8. Outside vending machines are prohibited.
9. No car washing allowed on site.
10. Provide parking lot lighting on site.
11. The vacuum and air station shall not be located along the public right-of-way.



12. One ground monument sign with a brick base shall be permitted for each street frontage per the Director of Planning & Sustainability.
13. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

**Attachments:**

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map & Land Use Map
5. Aerial Photograph/Site Photographs

## NEXT STEPS

*Following an approval of this rezoning action, one or several of the following may be required:*

-  **Land Disturbance Permit** (Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)
-  **Building Permit** (New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)
-  **Certificate of Occupancy** (Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)
- **Plat Approval** (Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)
- **Sketch Plat & Final Plat Approval** (Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)
-  **Overlay Review** (Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)
- **Historic Preservation** (A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)
-  **Variance** (Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)
- **Minor Modification** (Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)
- **Major Modification** (Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)
-  **Business License** (Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).
-  **Alcohol License** (Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)

**Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.**



## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

### DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control is required as a condition of land development permit approval.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

**N1.** Requesting the number of proposed units to determine if traffic study is required per Section 5.3.4.

Presidential Parkway is located within the GDOT right of way for I-285/I-85 interchange. GDOT review and permits are required. At a minimum, 5' sidewalks, pedestrian scale lights and street lights are required per zoning code page 5-14. Relocate entrance to convert existing pavement to provide a left turn lane into property.

**N2.** See N1.

**N3.** Add sidewalks, pedestrian scale lights and street lights along the street frontage.

**N4.** Need more information to comment. Are any of the changes to conditions or removal of conditions related to the Transportation Conditions- please provide.

**N5.** Fill in sidewalk gaps along Hancock Vw and Hancock Dr. Add pedestrian scale lights and street lights per Zoning Code Chapter 5, page 14.

**N6.** Memorial Drive is a state route. GDOT review and approval is required. It is also a major arterial. See Chapter 5, page 14 of the Zoning Code and Section 14-190 of the Land Development Code for infrastructure requirements. Street lights, sidewalks and bike lanes (10' path ok in lieu of bike lanes) are required.

**N7.** Memorial Drive is a state routes. GDOT review and approval is required. It is also a major arterial. See Chapter 5, page 14 and Section 14-190 of the Land Development Code for infrastructure requirements. Street lights, sidewalks and bike lanes (10' path ok in lieu of bike lanes) are required. South Howard is a collector. Dedicate 35' from centerline. Extend sidewalk to driveway at 213 S. Howard Street. Add new curb and gutter, as needed to have at least 5 inches of curbing above asphalt for pedestrian protection. Dedicate a miter of right of way at the corner of South Howard and Memorial.

**N8.** Rowland Road is a collector road. Dedicate 35 feet from centerline.

**N9.** South Deshon Road is a minor arterial. Street lights, bike lanes, and a 6' sidewalk required. (See Chapter 5, page 14 of the Zoning Code). Forty foot right of way dedication required from centerline (Section 14-190 of the Land Development Code). New local roads require 55 foot right of way, two 12 foot travel lanes, 5 foot sidewalks and street lights. (Chapter 5, page 14 of Zoning code, Section 14-190 of Land Development Code.) Due to the curve and the new road being on the interior of the curve, verify stopping and intersection sight distance at the intersection (Per AASHTO standards, Speed limit 45mph). Mitigation may be required during the land development process if sight distance is restricted including, but not limited to, right turn lanes, left turn lanes, clearing and grading of right of way to improve sight distance.

**N10.** No comments

**N11.** No comments

**N12.** Both Turner Hill Road and Covington Hwy are state routes and require GDOT review and permits. Both are major arterials. At a minimum- DeKalb requires 6 foot sidewalks, 50 foot right of way dedication (or as much as required for all public infrastructure to be within the public right of way), bike lanes (10 foot path can be constructed in lieu of bike lanes), pedestrian lighting and street lighting. See Chapter 5, page 14 of the Zoning Code and Section 14-190 of the land development code.

**N13.** See N12

**N14.** See N12

**N15.** Text not provided for review.

**N16.** No comments.

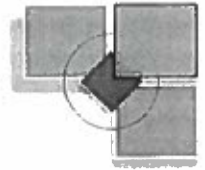


RECEIVED  
NOV 02 2017

DeKalb County Department of Planning & Sustainability

Michael L. Thurmond  
Chief Executive Officer

Andrew A. Baker, AICP  
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP  
OF DEKALB COUNTY, GEORGIA

Z/CZ No. z-18-21942  
Filing Fee: \_\_\_\_\_

Date Received: NOV 02 2017 Application No.: \_\_\_\_\_

Applicant: QuikTrip Corporation c/o Battle Law PC E-Mail: mlb@battlelawpc.com

Applicant Mailing Address:  
One West Court Square, Suite 750, Decatur, GA 30030

Applicant Phone: 404-601-7616 Fax: 404-745-0045

Owner(s): See Schedule A E-Mail: \_\_\_\_\_  
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: \_\_\_\_\_

Owner(s) Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address/Location of Subject Property: 8175 & 8187<sup>8193</sup> Covington Highway, Lithonia, GA 30058 2841 Turner Hill Rd

District(s): 16 Land Lot(s): 170 Block: \_\_\_\_\_ Parcel(s): 16 170 02 001 & 16 170 02 008

Acreage: 0.99 Commission District(s): 5 16 170 02 012

Present Zoning Category: M Proposed Zoning Category: C-1

Present Land Use Category: RC

**PLEASE READ THE FOLLOWING BEFORE SIGNING**

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

**Disclosure of Campaign Contributions**

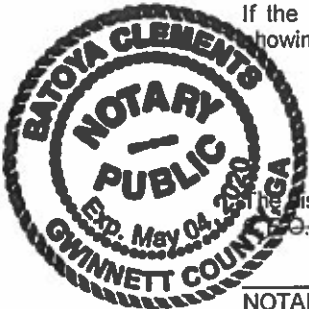
In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions 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 Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.



NOTARY  
May 04, 2020  
EXPIRATION DATE / SEAL

SIGNATURE OF APPLICANT / DATE

Check One: Owner  Agent

**B**attle Law, P.C.  
Commercial Real Estate & Zoning  
ONE WEST COURT SQUARE, SUITE 750  
DECATUR, GA 30030

### **What is a Community Meeting?**

Community meetings are designed to inform the surrounding communities of current rezoning, and special land use permit applications. It's an opportunity for the community to learn about the proposed projects, ask questions, present concerns, and make suggestions. We take this opportunity to encourage you to come out and participate. Owner? Renter? Doesn't matter. All are welcome.

For More Info Contact Batoya Clements at:

Phone: 404-601-7616 ext. 2

Fax: 404-745-0045

Email: [bdc@battlslawpc.com](mailto:bdc@battlslawpc.com)

## **REZONING & SPECIAL LAND USE PERMIT FOR A QUIKTRIP SELF SERVICE GAS STATION**

**Community Meeting  
Thursday, October 26, 2017  
6:30 pm until 7:30 pm  
Union Missionary Baptist Church  
2470 Bruce Street  
Lithonia, GA 30058**

**PROPOSED LOCATION:  
2841 TURNER HILL ROAD  
LITHONIA, GEORGIA 30058**



PLEASE  
PLACE  
STAMP  
HERE

«Title» «FirstName» «LastName»  
«Address»  
«City», «State» «Zip»



<u>Title</u>	<u>FirstName</u>	<u>MiddleName</u>	<u>LastName</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Mr.	Alvin		Shumake	7102 Clifford St	Lithonia	GA	30058-4204
Mr.	Bennie	G	Perry	6803 Magnolia St	Lithonia	GA	30058-4355
Mr.	Billy	Wayne	Kelley	7116 Clifford St	Lithonia	GA	30058-4204
Mr.	Carlos	Saul	Romo	7205 McDaniel St	Lithonia	GA	30058-4227
Mr.	Charles	O	Phillips	5790 Shadow Creek Dr	Lithonia	GA	30058-3221
Mr.	Chieu		Sok	3990 Colonial Trl Sw	Lilburn	GA	30047-7613
Mr.	Church	Of God In Christ I	True	Po Box 433	Scottdale	GA	30079-0433
Mr.	Cortes	Jose Manuel	Prez	7688 Conyers St	Lithonia	GA	30058-4245
Mr.	Eddie	Bishop	Roseberry	3831 Conley Downs Ln	Decatur	GA	30034-4779
Mr.	Ellis	L	Scales	7198 McDaniel St	Lithonia	GA	30058-4226
Mr.	Ellis	O	Woodall	6547 Lazy Creek Ct	Lithonia	GA	30058-6085
Mr.	Eric	S	Zorn	1301 Se 10th St	Bentonville	AR	72712-7998
Mr.	Franklin		Dowdell	7617 Conyers St	Lithonia	GA	30058-4207
Mr.	Harold		Scales	7221 Swift St	Lithonia	GA	30058-4261
Mr.	Harry	L	Smith	7542 Conyers St	Lithonia	GA	30058-4247
Mr.	Howard	N	Lee	109 Glenview Pl	Chapel Hill	NC	27514-1948
Mr.	Hugh	D	Harper	8163 Covington Hwy	Lithonia	GA	30058-4222
Mr.	Jerome	Paul	Smith	Po Box 2104	Lithonia	GA	30058-1045
Mr.	Jerry	A	Crow	Po Box 656	Monticello	GA	31064-0656
Mr.	Jerry		Moore	Po Box 457	Panacea	FL	32346-0457
Mr.	John		Shoemake	7625 Conyers St	Lithonia	GA	30058-4207
Mr.	John	T	Shumake	7625 Conyers St	Lithonia	GA	30058-4207
Mr.	Johnny	S	Roseberry	7115 Clifford St	Lithonia	GA	30058-4203
Mr.	Jose	M	Hernandez	2897 Partain Rd Nw	Monroe	GA	30656-7331
Mr.	Joseph		Lowery	983 Old Wadley Rd	Swainsboro	GA	30401-5873
Mr.	Kenneth	L	White	7125 Rhodes St	Lithonia	GA	30058-4235
Mr.	Larry		Armour	4825 Riveredge Cv	Snellville	GA	30039-6960
Mr.	Leroy		Cummings	2376 Cresta Dr	Decatur	GA	30032-5417
Mr.	Lincoln		Dacosta	2526 Panola Rd	Lithonia	GA	30058-4832
Mr.	Marcus	K	Jackson	818 Heritage Oaks Dr	Stone Mountain	GA	30088-2026
Mr.	Nathaniel		Fallen	2674 Lucas St	Lithonia	GA	30058-4221
Mr.	Navor	Felipe	Flores	7205 McDaniel St	Lithonia	GA	30058-4227
Mr.	Owner		Unknown	Po Box 872	Lithonia	GA	30058-0872

Mr.	Pierre	C	Sheppard	7245 N McDaniel St	Lithonia	GA	30058-4200
Mr.	Quinton		Monson	7130 McDaniel St	Lithonia	GA	30058-4226
Mr.	Randy		Sharpless	135 Alcovy Cir	Covington	GA	30014-4951
Mr.	Rickey	E	Reynolds	7170 McDaniel St	Lithonia	GA	30058-4226
Mr.	Ricky	Lamar	Daugherty	2057 Rogers Lake Rd	Lithonia	GA	30058-5114
Mr.	Robert		Rose	7247 Swift St	Lithonia	GA	30058-4261
Mr.	Roger		Woods	2751 S Wiggins St	Lithonia	GA	30058-4336
Mr.	Roy		Jackson	1613 Ellington Rd Se	Conyers	GA	30013-2185
Mr.	Seabon		Tuggle	7149 Rhodes St	Lithonia	GA	30058-4235
Mr.	Wayne		Nelson	6508 Swift Creek Rd	Lithonia	GA	30058-6076
Mr.	William	T	Reynolds	7192 McDaniel St	Lithonia	GA	30058-4226
Mr.	Willie	Bell	Shepherd	7257 Swift St	Lithonia	GA	30058-4255
Mr.	Willie		Bullard	7090 Clifford St	Lithonia	GA	30058-4202
Mr.	Willie	Est	Sorrell	7281 Swift St	Lithonia	GA	30058-4261
Mr.	Willie	Lois	Minor	7119 McDaniel St	Lithonia	GA	30058-4225
Ms.	Alberta		Shumake	7066 Dean Ct	Lithonia	GA	30058-7343
Ms.	Angela	Cafaye	Billingsley	7109 Clifford St	Lithonia	GA	30058-4203
Ms.	Blanche	Elaine Kilgore	Hughey	1142 Forest East Dr	Stone Mountain	GA	30088-2915
Ms.	Blanchie	Ellis	Shoemaker	720 Sw Butterfield Dr	Lawton	OK	73501-8220
Ms.	Carrie		Banks	7187 McDaniel St	Lithonia	GA	30058-4240
Ms.	Carrie	Mae	Smith	3489 Harper Rd	McDonough	GA	30252-8122
Ms.	Christine		Shepherd	7244 N McDaniel St	Lithonia	GA	30058-4200
Ms.	Clara	Bell	Ross	6979 Bruce Cir	Lithonia	GA	30058-7337
Ms.	Clydie	B	Kelly	7651 Conyers St	Lithonia	GA	30058-4262
Ms.	Cynthia	D	Ivey	7633 Conyers St	Lithonia	GA	30058-4207
Ms.	Darlene		Jackson	7141 Rhodes St	Lithonia	GA	30058-4235
Ms.	Denise		Burley	2274 Salem Rd Se Ste 106-122	Conyers	GA	30013-2097
Ms.	Earnestine	F	Smith	7167 McDaniel St	Lithonia	GA	30058-4240
Ms.	Ella		Kelly	7248 N McDaniel St	Lithonia	GA	30058-4200
Ms.	Erma	Lyons	Mabry	7109 Rhodes St	Lithonia	GA	30058-4235
Ms.	Evelyne		Latimer	7608 Conyers St	Lithonia	GA	30058-4208
Ms.	Flossie		Woods	19351 Magnolia Pkwy	Southfield	MI	48075-4164
Ms.	Geraldine	A	Baker-Green	5194 Mountain Shadow Ln	Stone Mountain	GA	30087-2134
Ms.	Gladys		Allen	1523 Smithson Dr	Lithonia	GA	30058-6157

Ms.	Gladys		Crew	1911 Creekside Ct	Decatur	GA	30032-4927
Ms.	Ida	Agnes	Fowler	1438 Woodbine Ave Se	Atlanta	GA	30317-1938
Ms.	Inez	Deadwyler	Scales	7204 McDaniel St	Lithonia	GA	30058-4228
Ms.	Iris	R	Matthews	7117 Rhodes St	Lithonia	GA	30058-4235
Ms.	Jessie	Mae	Odion	7069 Rhodes St	Lithonia	GA	30058-4242
Ms.	Josie	Mae	Smith	7534 Conyers St	Lithonia	GA	30058-4247
Ms.	Kim	Cafaye	Skipper	1309 Country Lane Dr Ne	Conyers	GA	30012-2203
Ms.	Letha		Dobbs	7136 Clifford St	Lithonia	GA	30058-4204
Ms.	Lillie	Allen	Lyons	2244 Shamrock Dr	Decatur	GA	30032-7140
Ms.	Lillie	Manning	Ponder	7639 Conyers St	Lithonia	GA	30058-4207
Ms.	Macie	J	Dennis	245 Linkwood Rd Nw	Atlanta	GA	30318-7130
Ms.	Mae	Frances	Anderson	7613 Conyers St	Lithonia	GA	30058-4207
Ms.	Martha		Harper	7130 Clifford St	Lithonia	GA	30058-4204
Ms.	Mary	Grace	Banks	7604 Conyers St	Lithonia	GA	30058-4208
Ms.	Mary	J	Turner	7181 McDaniel St	Lithonia	GA	30058-4240
Ms.	Mary	L	Robinson	3704 Rolling Pl	Conley	GA	30288-1486
Ms.	Mary		Tyler	2665 Lucas St	Lithonia	GA	30058-4269
Ms.	Mattie	Mae	Jackson	7135 McDaniel St	Lithonia	GA	30058-4225
Ms.	Melanie		Jackson	6427 Charter Way	Lithonia	GA	30058-8989
Ms.	Mona		Harper	2643 Rock Chapel Rd	Lithonia	GA	30058-7324
Ms.	Muriel	Patrice	Morton	415 Sir Winston Ct	Jonesboro	GA	30238-4561
Ms.	Myrtle		Webb	5405 Forest East Ln	Stone Mountain	GA	30088-2927
Ms.	Nely	Perez	Cortes	6915 Born St	Lithonia	GA	30058-4344
Ms.	Patty		Wood	1212 Richard Rd	Decatur	GA	30032-2536
Ms.	Pratt		Whitehead	7605 Conyers St	Lithonia	GA	30058-4207
Ms.	Rebecca		Byrd	7600 Conyers St	Lithonia	GA	30058-4263
Ms.	Rosalind	P	Rogers	1536 Pine Glen Cir	Decatur	GA	30035-1527
Ms.	Rosetta		Cox	Po Box 283	Lithonia	GA	30058-0283
Ms.	Sarah	Ann	Martin	2691 Lucas St	Lithonia	GA	30058-4269
Ms.	Sarah	D	Freeman	7208 McDaniel St	Lithonia	GA	30058-4228
Ms.	Tamara		Lester	7125 Clifford St	Lithonia	GA	30058-4203
Ms.	Tammy		Jackson	7133 Rhodes St	Lithonia	GA	30058-4235
Ms.	Toya		Randle	Po Box 370114	Decatur	GA	30037-0114
Ms.	Vernell	H	Starks	2559 Bruce St	Lithonia	GA	30058-7335

Ms.	Vernita		Shumake	2671 Lucas St	Lithonia	GA	30058-4269		
				650 Mount Zion Rd	Jonesboro	GA	30236-1560		
				Po Box 11704	Atlanta	GA	30355-1704		
				7703 Conyers St	Lithonia	GA	30058-4209		
				2325 E Camelback Rd	Phoenix	AZ	85016-3422		
				1 Ashley Way	Arcadia	WI	54612-1218		
				100 Peachtree St Nw	Atlanta	GA	30303-1906		
				Awn	8034 Covington Hwy	Lithonia	GA	30058-4218	
					75 Bryson Lndg Sw	Lilburn	GA	30047-3983	
					205 N Michigan Ave Ste 2940	Chicago	IL	60601-5924	
	C		Elrod	12720 Hillcrest Rd	Dallas	TX	75230-2035		
				30 Westgate Pkwy	Asheville	NC	28806-3808		
				1833 Tree Top Ct	Marietta	GA	30062-1852		
				5200 Buffington Rd	Atlanta	GA	30349-2945		
				Po Box 52427	Atlanta	GA	30355-0427		
				1300 Commerce Dr	Decatur	GA	30030-3222		
				120 W Trinity Pl	Decatur	GA	30030-3313		
				Po Box 10001	Dallas	TX	75301-0001		
				3333 Beverly Rd	Hoffman Estates	IL	60179-0001		
				7 W 7th St	Cincinnati	OH	45202-2424		
			14600 Sw 136th St	Miami	FL	33186-6762			
			2300 E Las Olas Blvd	Ft Lauderdale	FL	33301-1598			
			20820 Greenfield Rd	Oak Park	MI	48237-3051			
			Elizan	Ann	Pope	7626 Conyers St	Lithonia	GA	30058-4208
						Washington	7199 McDaniel St	Lithonia	GA
			Fredearia	L	Bracewell	1775 Alvarado Ter Sw	Atlanta	GA	30310-2481
						500 Water St	Jacksonville	FL	32202-4423
						121 Interpark Blvd	San Antonio	TX	78216-1842
			Hildonia	Martin	Reid	1267 S Hairston Rd	Stone Mountain	GA	30088-2718
						7568 Conyers St	Lithonia	GA	30058-4246
Jaja		Bell	1900 Sigman Rd Nw	Conyers	GA	30012-3458			
			7101 Clifford St	Lithonia	GA	30058-4203			
			4632 E Main St	Columbus	OH	43213-3128			
			Po Box 554	Grayson	GA	30017-0010			

Kavis	L	Camp	7108 Clifford St	Lithonia	GA	30058-4204
Keffory		Smith	2632 Kelly Lake Rd	Decatur	GA	30032-6417
			562 Wylie Rd Se	Marietta	GA	30067-7880
Lee		West	5500 Wayzata Blvd	Minneapolis	MN	55416-1241
			7215 Stonecrest Pkwy	Lithonia	GA	30038-2563
			12 Mountain Rd	Rochester	NY	14625-1817
			Po Box 56607	Atlanta	GA	30343-0607
			Po Box 182571	Columbus	OH	43218-2571
			450 S Orange Ave	Orlando	FL	32801-3383
			6300 Powers Ferry Rd Ste 600	Atlanta	GA	30339-2961
			<b>5317 T L Bower Way</b>	<b>Flowery Branch</b>	<b>GA</b>	<b>30542-2898</b>
			345 W Hancock Ave	Athens	GA	30601-2595
			3060 Peachtree Rd Nw Ste 400	Atlanta	GA	30305-2239
			4647 Cedar Wood Dr Sw	Lilburn	GA	30047-4289
			Po Box 114	Redan	GA	30074-0114
			Po Box 8050	Bentonville	AR	72712-8055
Stonecrest	Lithonia Ga	2940	4280 Professional Center Dr	Palm Beach Gardens	FL	33410-4280
			270 Commerce Dr	Rochester	NY	14623-3506
			2525 Welland Ave Se	Atlanta	GA	30316-4135
Tommie		Abbott	1982 Young Rd	Lithonia	GA	30058-5552
			400 Galleria Pkwy Se	Atlanta	GA	30339-5980
			225 Corey Ctr Se	Atlanta	GA	30312-2046
			<b>215 W Travis St</b>	<b>San Antonio</b>	<b>TX</b>	<b>78205-1421</b>
			150 Vintage Club Ct	Duluth	GA	30097-2075
Yenasry		Mohammed	7665 Conyers St	Lithonia	GA	30058-4262

**SIGN IN SHEET**  
**2841 TURNER HILL ROAD**  
**REZONING COMMUNITY MEETING**  
**UNION MISSIONARY BAPTIST CHURCH – 2470 BRUCE STREET**

THURSDAY, OCTOBER 26, 2017 6:30 PM – 7:30 PM

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Roy	Jackson	1613 Ellington Rd SE Douglas Bldg 30013			678-760 3097	royjackson@bell south-east
Ann	Jackson	1613 Ellington Rd. Conyers, Ga. 30013	Conyers, Ga.	30013	11	afj2004@bellsouth.net
Cathy	Mabry	1430 Smithson Dr. Lithonia GA 30058	Lithonia GA	30058		
Carol	Mabry	7109 RHODES ST LITHONIA, GA 30058	Lithonia, GA	30058		
Corlis	McDaniel	3231 Garden Glade Ln Lithonia GA 30038	Lithonia GA	30038	678-526 9118	corlis.mcdaniel @yahoo.com
Florence Reynolds		7192 McDaniel St Lithonia	Lithonia Ga	30058	409-918 5829	deatricereynolds @gmail.com
William Mabry		7719 Hutchins Dr	Decatur GA	30634	770- 780-8868	
Bill Reynolds	Reynolds	7192 McDaniel St	Lithonia GA	30058	7 482-4177	RBELIND@BELL.COM
Erma	Mabry	7109 Rhodes St.	Lithonia GA	30058	770- 482-1513	
First Name	Last Name	Address	City, State	Zip	Phone	Email Address

**RECEIVED**  
**NOV 02 2017**



**STATEMENT OF INTENT AND**  
**IMPACT ANALYSIS**

Dated November 2, 2017

and

Other Material Required by  
DeKalb County Zoning Ordinance  
for the  
Application for Zoning Amendment

of

**QuikTrip Corporation**  
**c/o Battle Law, P.C.**

for

2.587± acres of land  
located at  
2841 Turner Hill Road & 8175, 8187, and 8193 Covington Highway,  
Lithonia, DeKalb County, Georgia

Submitted for Applicant by:

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

## I. STATEMENT OF INTENT

The Applicant, QuikTrip Corporation, is seeking to rezone a ±2.587-acre tract of assembled land located at 2841 Turner Hill Road and 8175, 8187, and 8193 Covington Highway, in Lithonia, DeKalb County, Georgia (the "Subject Property") from C-1 and M, to C-1, while simultaneously seeking to obtain a Special Land Use Permit to construct a Convenience Store with Accessory Fuel Pumps on the Subject Property. Currently, the Subject Property is improved with a convenience store with gas pumps and a diesel fueling station for trucks, a restaurant, and a small retail commercial center, all of which were built between 1965 and 1982 and are in poor condition. The properties at 8175 and 8187 Covington Highway are currently zoned M, the property at 8193 Covington Highway is currently zoned C-1, and the Property at 2841 Turner Hill Road is also zoned C-1, with .756 acres of the 1.006 acre tract being zoned C-1 (Cond) pursuant to CZ-76088. The Subject Property is located within the Regional Center Activity Center, and within Tier III of the Stonecrest Overlay District. The Applicant's proposed improvements will include the development of a ±4,840 square foot Generation 3, QT convenience store building with 12 fuel islands. This Application, along with the Special Land Use Permit Application submitted by the Applicant, is being submitted simultaneously with the proposed Text Amendment to Tier III of the Stonecrest Overlay District, which proposes to allow for convenience stores in excess of 4,000 sq. ft. with accessory fuel pumps pursuant to a Special Land Use Permit.

It is the Applicant's contention that the proposed rezoning of the Subject Property will allow for the down zoning of the properties at 8175 and 8187 Covington Highway to C-1 from M, and allow for the consolidation of the 4 tracts into one tract. Additionally, the rezoning will



allow for the removal of the existing conditions under CZ-76088 to which only .756 acres is currently subject, the majority of which conditions are no longer feasible.

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and the Impact Analysis of this Application as required by the DeKalb County Ordinance, § 27, Article 7 Decision Criteria. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

## **II. DESCRIPTION OF AREA**

The Subject Property is an assemblage of 4 tracts of land at the intersection of Turner Hill Road (Major Arterial Road) and Covington Highway (Major Arterial Road), which are improved with single story buildings built between 1962 and 1982. The improvements on the properties located at 2841 Turner Hill Road, and 8193 Covington Highway which are zoned C-1 are used for a convenience store with fuel pumps, including diesel fueling pumps for tractor trailer trucks, a restaurant, a small outdoor kiosk, and two billboards which have current advertising. The properties at 8175 and 8187 Covington Highway which are zoned M, are used for a commercial/office strip center, and are only improved with a cell tower. The Subject Property is abutted by Interstate 20 to the South, a 200 ft Railroad Right of Way and a U-Haul Dealer with outdoor tractor trailer storage to the North, a used car lot and Budget Rent A Car dealer to the East, and the continuation of the Railroad Right of Way and a +/-2,000 sq. ft. BP Gas Station built in 1996 to the East. All of these uses preceded the adoption of the Stonecrest Overlay District, and no improvements have been made to the buildings within the corridor since the adoption of the Stonecrest Overlay District.

NOV 02 2017

**III. IMPACT ANALYSIS**

**A.**

**THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT  
OF THE COMPREHENSIVE PLAN**

The Subject Property is a designated Regional Center in DeKalb Comprehensive Land Use Plan, and the proposed rezoning will serve to implement specific policies and objectives set forth in the County's Comprehensive Plan.

**B.**

**THE PROPOSED REZONING PERMITS A USE THAT IS  
SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND  
NEARBY PROPERTY.**

The proposed use is suitable and consistent with the use and development of adjacent and nearby commercially and industrially zoned properties.

**C.**

**THE SUBJECT PROPERTY DOES NOT HAVE A  
REASONABLE ECONOMIC USE AS PRESENTLY ZONED.**

The Subject Property has limited used as presently zoned, due to the existing conditions placed on a portion of the Subject Property, the mixed zoning districts which prohibit the consolidation of the Subject Property and the Stonecrest Overlay District, Tier III which currently prohibits the redevelopment of the current predominate use of the Subject Property.

**D.**

**THE PROPOSED REZONING WILL NOT ADVERSELY AFFECT THE EXISTING  
USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY**

The proposed rezoning will in no way adversely affect the existing use or usability of adjacent or nearby property. As noted above, development patterns in the area are entirely consistent with the proposed use for the Subject Property.

**E.**

**OTHER EXISTING OR CHANGING CONDITIONS  
AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY**

The Subject Property is located in a commercial industrial area. A portion of the Subject Property is already being used as a convenience store with accessory fuel pumps. This facility has been servicing the community for in excess of 50 years. It is the Applicant's desire to improve the quality of the experience for the surrounding community, as well as for those visiting the Stonecrest Mall area, or traveling along I-20. A quality convenience store, such as QuikTrip, provides not only fuel, but convenience items such as over the counter medicine, hot coffee, hot food, clean restrooms, a wide assortment of beverages, free air pumps, and outdoor seating areas for a quick break, in addition to a clean facility and courteous and attentive staff, which sets a standard in the industry and welcomes people to the area. QuikTrip's high standards draw people to the area, which supports the viability of other businesses, while providing services to the community.

F.

**THE ZONING PROPOSAL WILL NOT  
ADVERSELY AFFECT HISTORIC BUILDINGS,  
SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES**

Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the rezoning requested.

G.

**THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH  
WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING  
STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS**

The proposed rezoning, if approved, will not affect existing transportation facilities or utilities, and it will not negatively impact the schools in the area.

**IV. CONCLUSION**

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

This 2<sup>nd</sup> day of November, 2017.

Respectfully submitted,

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Michèle L. Battle, Esq.  
Romel Cadet, Esq.  
Attorney For Applicant

## CONSTITUTIONAL ALLEGATIONS

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

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

A denial of this Application would constitute an arbitrary and capricious act by the DeKalb County Board of Commissioners without any rational basis therefore, constituting an

abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

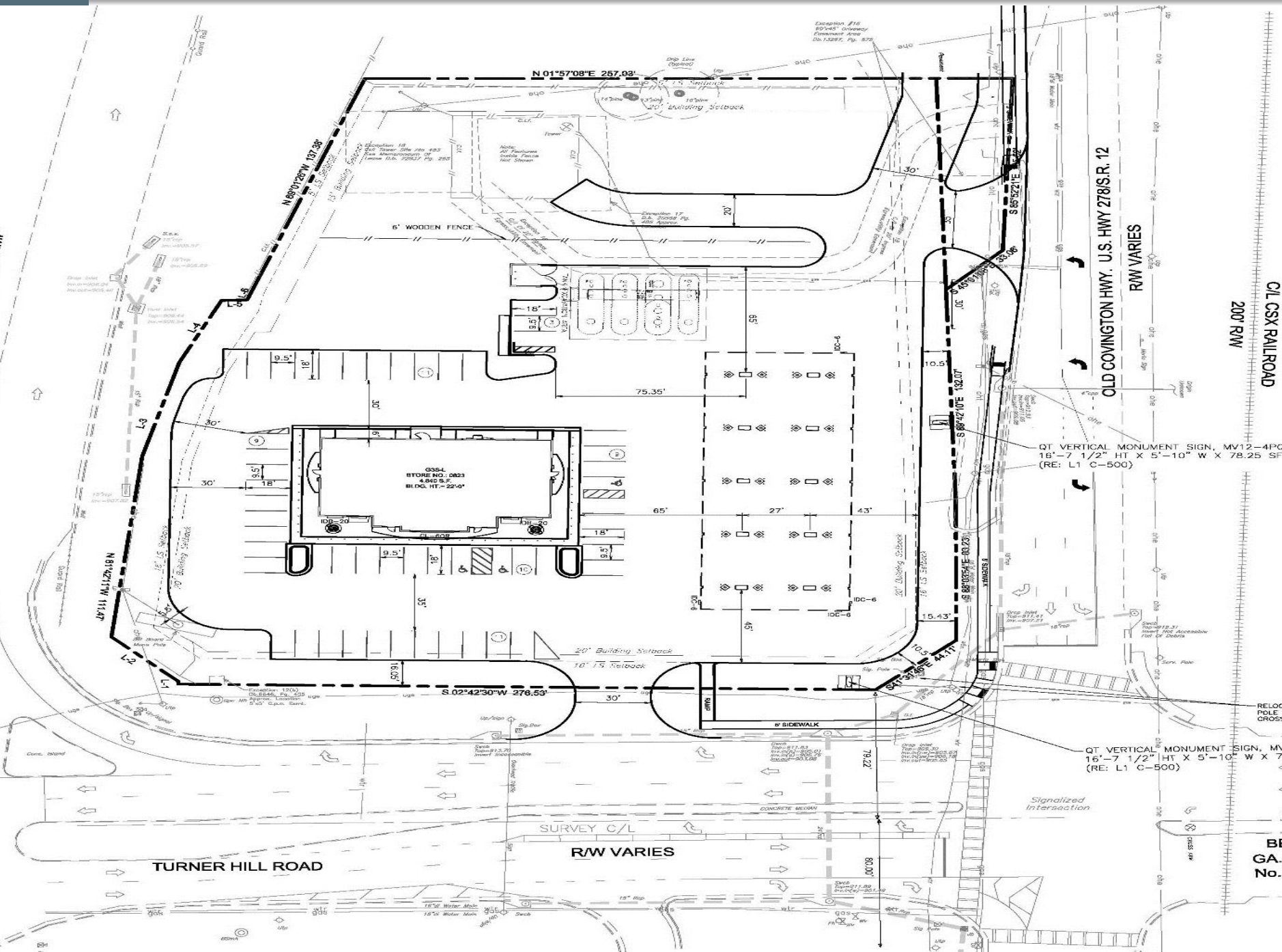
A refusal by the DeKalb County Board of Commissioners to rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation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

The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional zoning classification within a reasonable time, a claim will be filed in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

DISTANCE
1.20'
38.10'
59.58'
41.52'
10.17'
6.20'

Project No. DPLU-0072(1)DEKALB CO  
 SHEET 41 OF 46  
 INTERSTATE HWY. No. 20  
 WEST-BOUND ON RAMP

EXIT # 11X



NOTE: IN IMPROVING GEORGIA

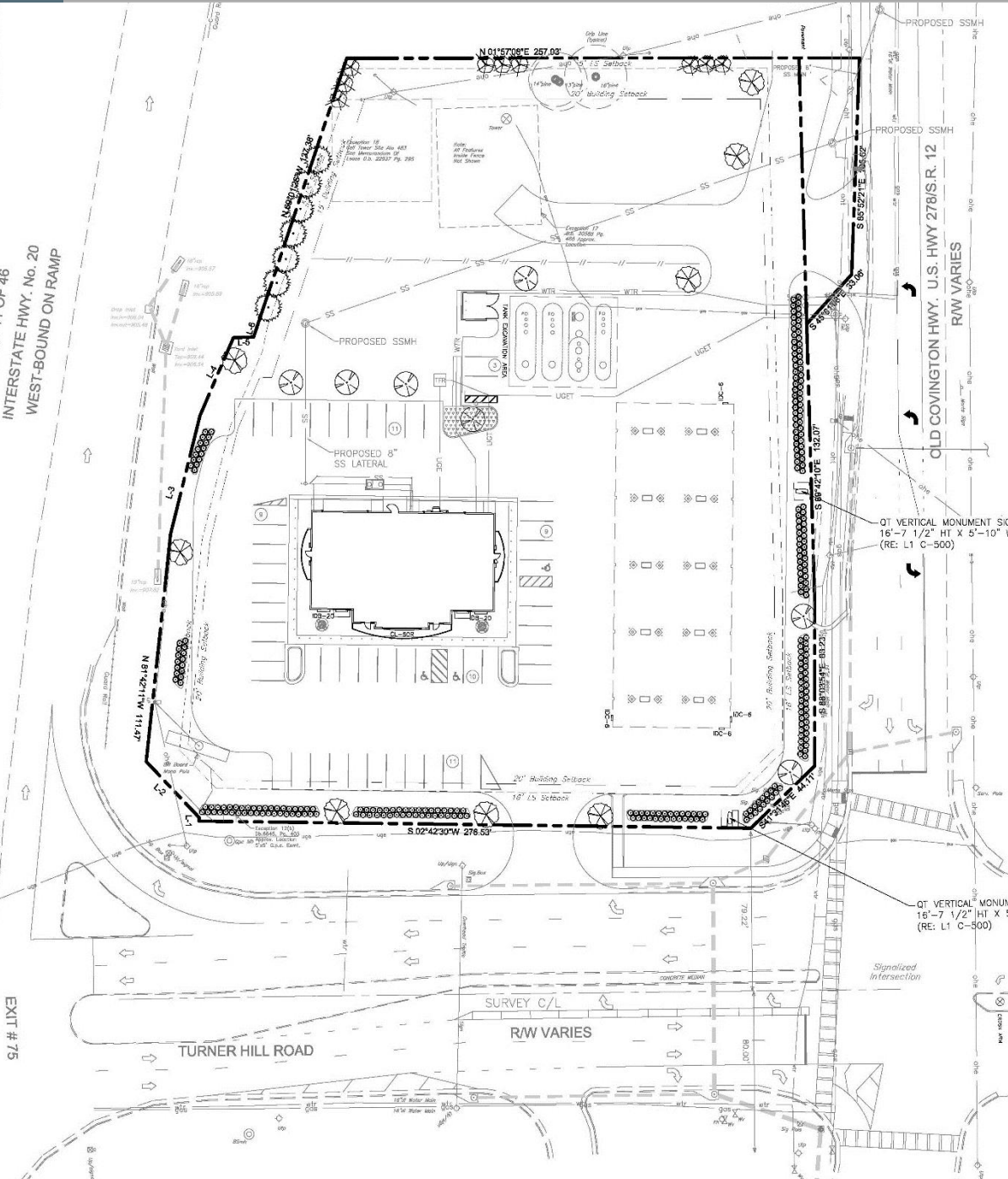
RELOCATE PED. SIGNAL POLE WITHIN 5' FROM CROSSWALK

QT VERTICAL MONUMENT SIGN, MV12-4PQ, 16'-7 1/2" HT X 5'-10" W X 78.25 SF (RE: L1 C-500)

BEGIN GA. HWY. No. 124

COURSE	BEARING	DISTANCE
L-1	N 89°04'46"W	1.70
L-2	S 47°49'14"W	38.10
L-3	N 73°41'40"W	59.58
L-4	N 64°12'33"W	41.52
L-5	N 00°03'59"E	10.17
L-6	N 69°01'29"W	6.20

D.O.T. Project No. DPU-0072(1)DEKALB CO  
SHEET 41 OF 46  
INTERSTATE HWY. No. 20  
WEST-BOUND ON RAMP



Landscape Schedule					
USE	SYMBOL	COMMON NAME <i>Botanical Name</i>	MINIMUM SIZE/ HEIGHT/SPREAD	QUANTITIES	COMMENTS
SHRUBS	(Symbol)	NEEDLE POINT HOLLY <i>Ilex Cornuta "Needle Point"</i>	HEIGHT/SPREAD RATIO = 3:2 24" x 18" HT MIN	278	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR LANDSCAPE BED LOCATIONS AND SHRUB SPACING
PARINGS & PERIMETER TREES	(Symbol)	CRAPE MYRTLE <i>Lagerstroemia indica</i>	2" CALIPER (TOTAL) 6" HT	8	SEE LANDSCAPE PLAN AND ASSOCIATED DETAILS FOR TREE PLACEMENT AND PLANTING SPECIFICATIONS CONTRACTOR TO VERIFY TREE TYPE, LOCATION, SIZE, HEIGHT, AND SPREAD WITH QT REPRESENTATIVE PRIOR TO INSTALLATION.
	(Symbol)	WATER OAK <i>Quercus nigra</i>	3.5" CALIPER 12" HT	7	
	(Symbol)	WILLOW OAK <i>Quercus phellos</i>	3.5" CALIPER 12" HT	8	
	(Symbol)	LEYLAND CYPRESS <i>Cupressocyparis leylandii</i>	3" CALIPER 8" MINIMUM HT	7	
MISC	(Symbol)	TIPWAY 419 BERMUDA SOD		S.F.	
	(Symbol)	BERMUDA SEED		S.F.	
				378 S.F.	

LANDSCAPE REQUIREMENTS		
REQUIRED ORDINANCE	PROVIDED	
(PER SEC. 5.4.4)		
GENERAL PARKING REQUIREMENTS	MINIMUM OF 10% OF THE TOTAL PARKING LOT AREA SHALL BE LANDSCAPED. (112,269 SQ. FT. x .1 = 11,226.9 SQ. FT.)	16,380 SQ. FT. PROVIDED
	MINIMUM OF 1 TREE PER 8 PARKING SPACES 59 SPACES/8 = 7.375 TREES	PROVIDED
	MINIMUM OF 1 TREE ISLAND PER 10 PARKING SPACES	PROVIDED
	LANDSCAPE ISLANDS SHALL BE A MINIMUM OF 250 SQ. FT.	PROVIDED
	IN ADDITION TO TREES, GROUNDCOVER SHALL BE PROVIDED; SHRUBS, IW, MULCH	PROVIDED
	GROUNDCOVER SHRUBS SHALL MAINTAIN A MAXIMUM HEIGHT OF 30"	PROVIDED
	NEW TREES SHALL BE MINIMUM 2" CAL. AT 6" ABOVE THE GROUND & MIN. OF 10' IN HEIGHT	PROVIDED
	75% OF NEW TREES SHALL BE DECIDUOUS HARDWOOD SHADE TREES	PROVIDED (24/51 = 77%)
PERIMETER LS STRIP	A PERIMETER LANDSCAPE STRIP SHALL INCLUDE 1 OVERSTORY DECIDUOUS TREE OR 3 UNDERSTORY, OR THREE EVERGREEN TREES FOR EVERY 50 LINEAR FEET AT A MINIMUM SIZE OF TWO-INCH CALIPER FOR DECIDUOUS TREES AND 8" HEIGHT FOR EVERGREEN TREES. (1,138 SQ.FT./50 = 22.76 TREES)	PROVIDED 11 OVERSTORY 9 UNDERSTORY 27 TREES TOTAL
MINIMUM PLANTING REQUIREMENTS (PER 3.5.6)		
LANDSCAPE STRIPS IN THE FRONT YARD SHALL BE A MINIMUM OF 10' IN WIDTH AND SHALL BE PLANTED WITH A ROW OF STREET TREES AT LEAST 3.5" IN CALIPER AND PLANTED NOT LESS THAN 75" ON CENTER.	PROVIDED	
STONEWALL OVERLAY REQUIREMENTS	NO TREE SHALL BE PLANTED CLOSER THAN 2' FROM THE STREET OR SIDEWALK AND NO CLOSER THAN 5' FROM A FIRE HYDRANT, SIGN POST, STREETLIGHT STANDARD, UTILITY POLE, OR SIMILAR STRUCTURE.	PROVIDED
(PER 3.4.4)		
GENERAL REQUIREMENTS	ALL LANDSCAPED AREAS SHALL BE PROPERLY MAINTAINED IN ACCORDANCE WITH LANDSCAPE PLANS APPROVED AS PART OF THE LAND DISTURBANCE PERMIT. IN THE EVENT THAT A TREE OR ANY PLANT MATERIAL DIES, IT SHALL BE REPLACED WITHIN 12 MONTHS SO AS TO MEET ALL REQUIREMENTS OF THIS SECTION AND TO ALLOW FOR PLANTING IN THE APPROPRIATE PLANTING SEASON.	PROVIDED



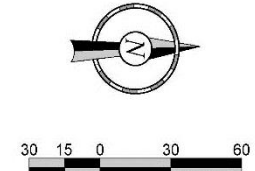
**QuikTrip No. 0823**  
TURNER HILL ROAD  
DEKALB COUNTY, GEORGIA



8. (PERMIT REQUIRED) QUOTATION WITH APPROVED/REVISIONS, REPRESENTATION, PROJECT NO., SITE NUMBER, OR CALL BY WALL OR PLANT, IS SUBJECT TO CONTRACT.  
PROTOTYPE: P-22 (8/10/17)  
DESIGN: 001  
DESIGNED BY: SHAYES  
DRAWN BY: SHAYES  
REVIEWED BY: JPOTTOR

REV	DATE	DESCRIPTION	ORIGINAL	ISSUE DATE:

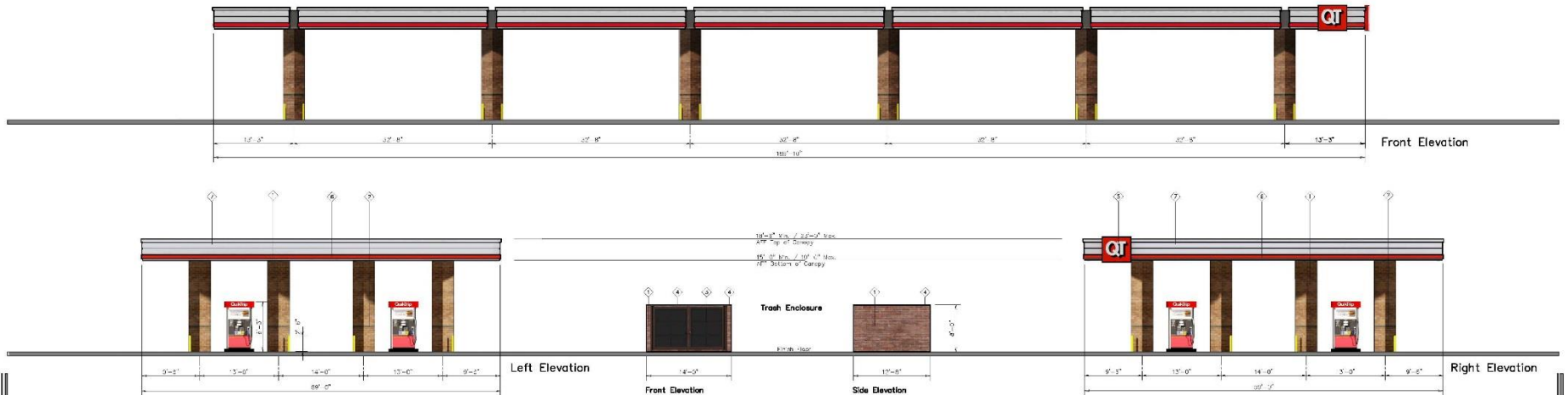
SHEET TITLE:  
LANDSCAPE PLAN  
SHEET NUMBER:  
L100





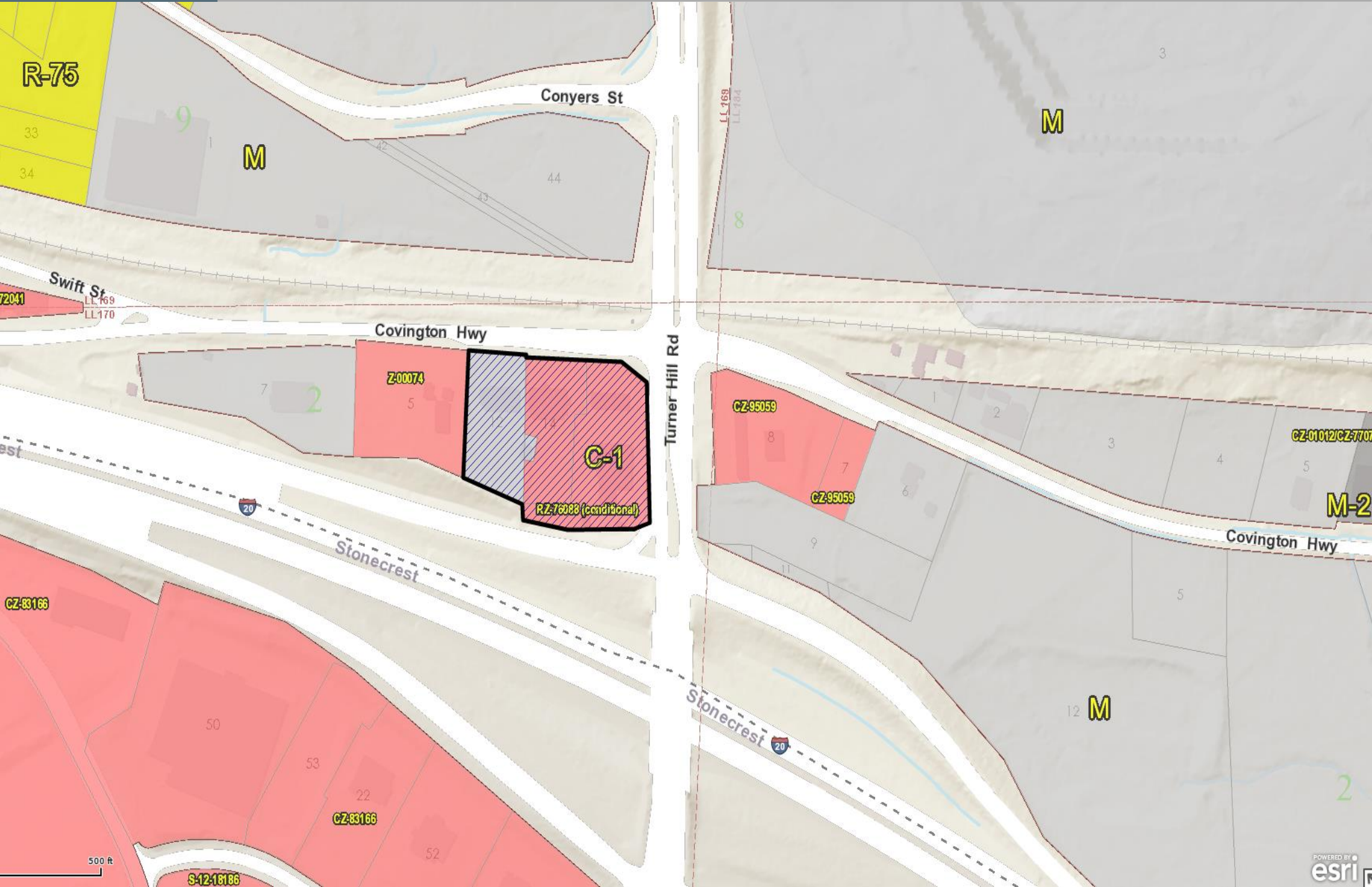


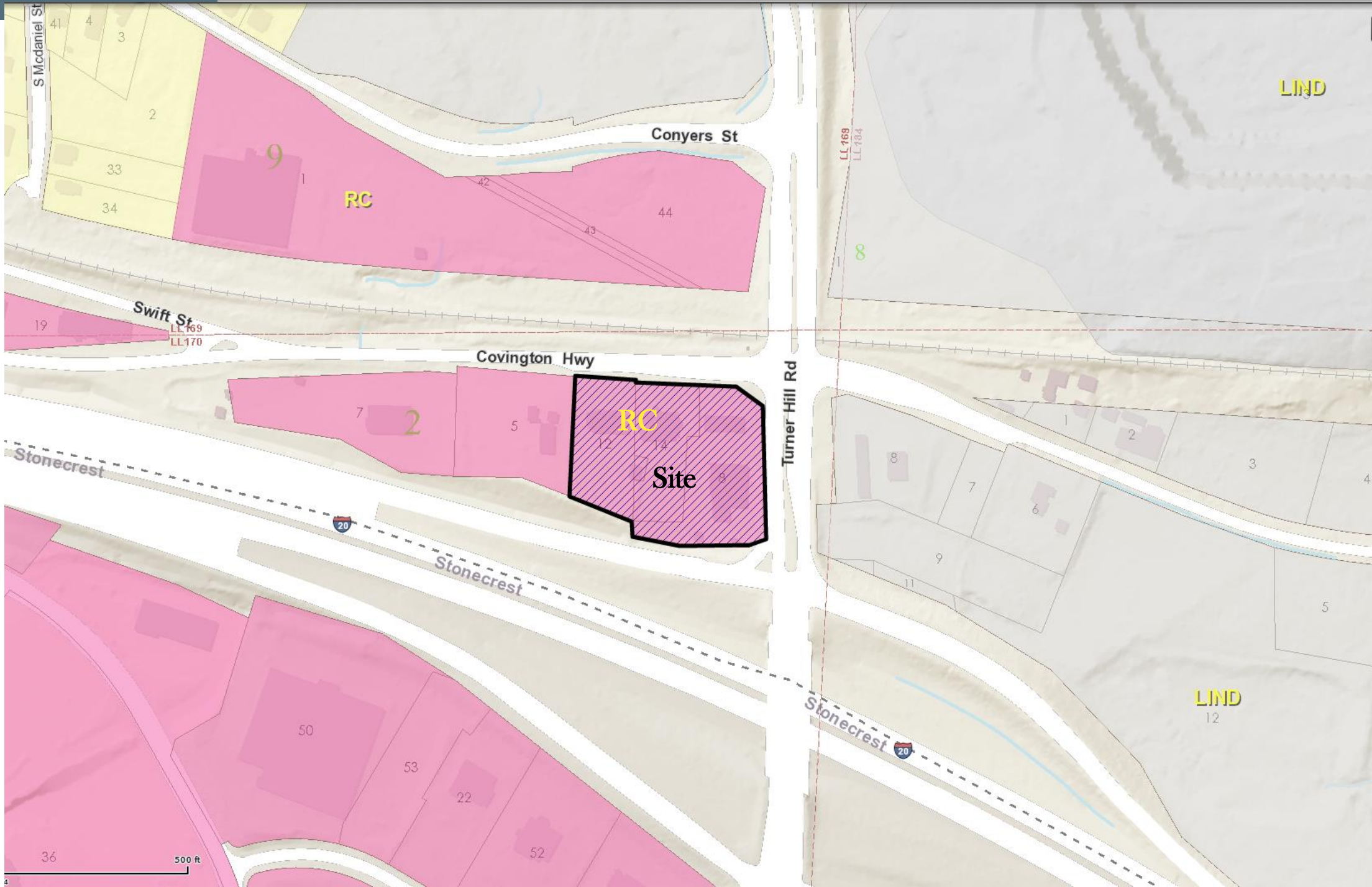
	<b>QuikTrip</b> 4705 South 129th East Ave. Tulsa, OK 74124-1000 P.O. Box 5475 Tulsa, OK 74121-5475 (918) 810-7720	Store # <b>823</b>	G3S Building Elevations	Address: <b>Turner Hill Rd.</b>	City, State: <b>Lithonia, GA</b>	<table border="1"> <thead> <tr> <th>Q#</th> <th>FINISH</th> <th>MANUFACTURER</th> <th>SPECIFICATION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CONCRETE</td> <td>INTERSTATE-STEEL</td> <td>ANSI A63.8-03</td> </tr> <tr> <td>2</td> <td>BRICK</td> <td>INTERSTATE-STEEL</td> <td>ANSI A63.8-03</td> </tr> <tr> <td>3</td> <td>GLASS</td> <td>PIRELLA GÖTTSCHE LOWE</td> <td>PIRELLA GÖTTSCHE LOWE</td> </tr> <tr> <td>4</td> <td>STAINLESS STEEL</td> <td>PIRELLA GÖTTSCHE LOWE</td> <td>PIRELLA GÖTTSCHE LOWE</td> </tr> <tr> <td>5</td> <td>PAINT</td> <td>BECKERS</td> <td>BECKERS</td> </tr> <tr> <td>6</td> <td>WOOD</td> <td>BECKERS</td> <td>BECKERS</td> </tr> <tr> <td>7</td> <td>GLASS</td> <td>PIRELLA GÖTTSCHE LOWE</td> <td>PIRELLA GÖTTSCHE LOWE</td> </tr> <tr> <td>8</td> <td>GLASS</td> <td>PIRELLA GÖTTSCHE LOWE</td> <td>PIRELLA GÖTTSCHE LOWE</td> </tr> <tr> <td>9</td> <td>GLASS</td> <td>PIRELLA GÖTTSCHE LOWE</td> <td>PIRELLA GÖTTSCHE LOWE</td> </tr> <tr> <td>10</td> <td>GLASS</td> <td>PIRELLA GÖTTSCHE LOWE</td> <td>PIRELLA GÖTTSCHE LOWE</td> </tr> </tbody> </table>	Q#	FINISH	MANUFACTURER	SPECIFICATION	1	CONCRETE	INTERSTATE-STEEL	ANSI A63.8-03	2	BRICK	INTERSTATE-STEEL	ANSI A63.8-03	3	GLASS	PIRELLA GÖTTSCHE LOWE	PIRELLA GÖTTSCHE LOWE	4	STAINLESS STEEL	PIRELLA GÖTTSCHE LOWE	PIRELLA GÖTTSCHE LOWE	5	PAINT	BECKERS	BECKERS	6	WOOD	BECKERS	BECKERS	7	GLASS	PIRELLA GÖTTSCHE LOWE	PIRELLA GÖTTSCHE LOWE	8	GLASS	PIRELLA GÖTTSCHE LOWE	PIRELLA GÖTTSCHE LOWE	9	GLASS	PIRELLA GÖTTSCHE LOWE	PIRELLA GÖTTSCHE LOWE	10	GLASS	PIRELLA GÖTTSCHE LOWE	PIRELLA GÖTTSCHE LOWE
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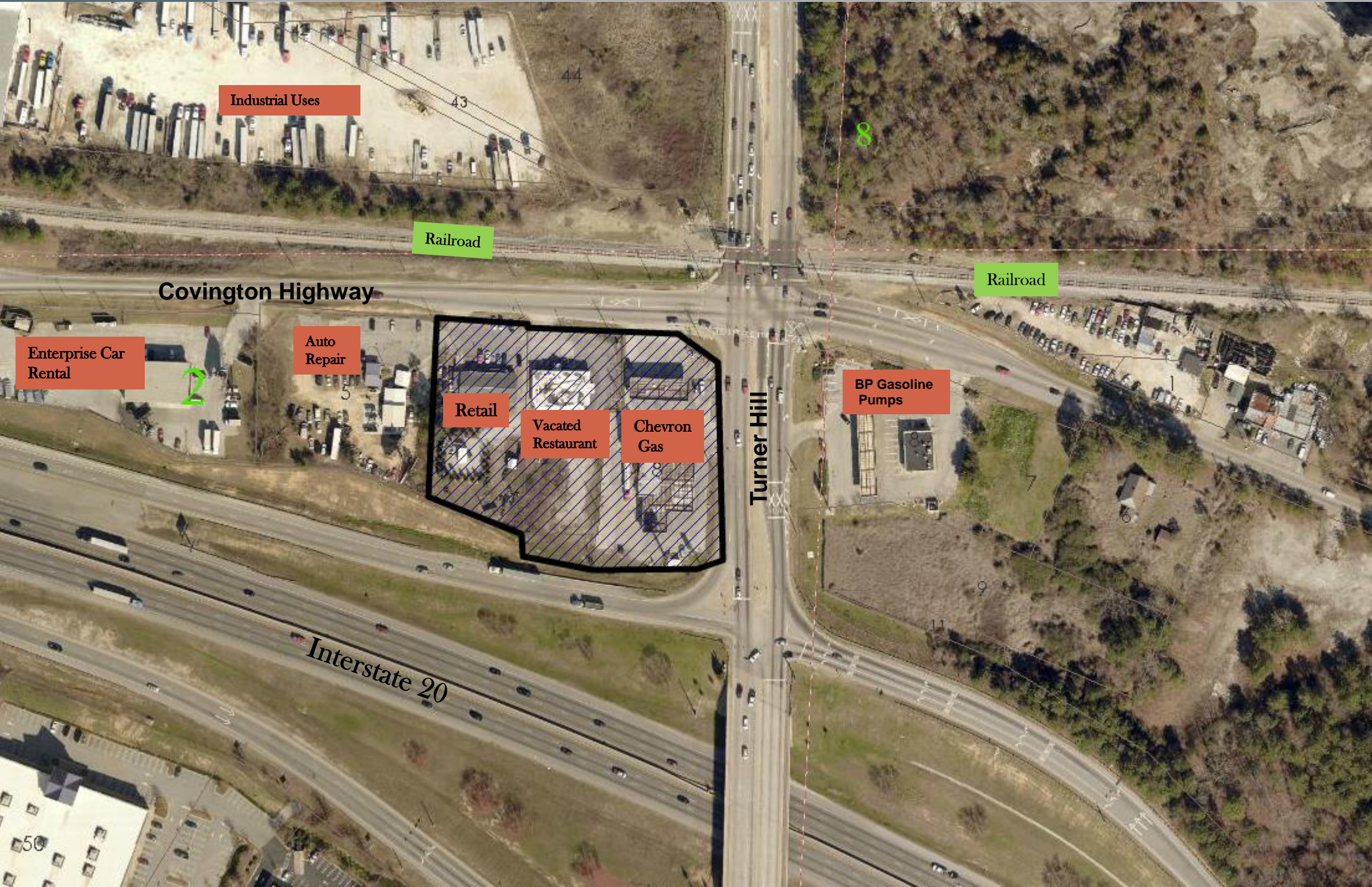


Store #	0823	Double Stack 12 with IDC-20s	Address:	TBD Turner Hill Rd	City, State:	Dekalb County, GA
Serial #	07-0823-GD12	Scale:	1/16" = 1'-0"	Issue Date:	Drawn By:	DM
			Rev/Notes:		COPYRIGHT © 2011 QUIKTRIP CORPORATION. DESIGN PATENTS, TRADEMARKS AND SERVICE MARKS ARE THE EXCLUSIVE PROPERTY OF QUIKTRIP CORPORATION, TULSA, OKLAHOMA. THESE PLANS ARE PROTECTED IN THEIR ENTIRETY BY DOMESTIC AND INTERNATIONAL COPYRIGHT AND PATENT STATUTES. ANY REPRODUCTION, PUBLICATION, DISTRIBUTION OR SALE IN WHOLE OR IN PART IS STRICTLY FORBIDDEN.	

FINISH	MANUFACTURER	SPECIFICATION
1. BRICK	1. HUNTER DOUGLAS	1. 1 1/2" x 3 1/2" x 8" BRICK
2. METAL	2. HUNTER DOUGLAS	2. 1 1/2" x 3 1/2" x 8" BRICK
3. PAINT	3. HUNTER DOUGLAS	3. 1 1/2" x 3 1/2" x 8" BRICK
4. GLASS	4. HUNTER DOUGLAS	4. 1 1/2" x 3 1/2" x 8" BRICK
5. METAL	5. HUNTER DOUGLAS	5. 1 1/2" x 3 1/2" x 8" BRICK
6. METAL	6. HUNTER DOUGLAS	6. 1 1/2" x 3 1/2" x 8" BRICK
7. METAL	7. HUNTER DOUGLAS	7. 1 1/2" x 3 1/2" x 8" BRICK









Turner Hill Road (S.R. 278) Road Frontage





Covington Highway (U.S. 278) Frontage

