



## **DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 300**

**Decatur, GA 30030**

**(404) 371-2155 / [plandev@dekalbcountyga.gov](mailto:plandev@dekalbcountyga.gov)**

**Planning Commission Hearing Date: November 01, 2018, 6:30 P.M.**

**Board of Commissioners Hearing Date: November 13, 2018, 6:30 P.M.**

### **STAFF ANALYSIS**

**Case No.:** 2018-2748/ SLUP-18-1235206 **Agenda #:** N.6

**Location/Address:** The north side of Lawrenceville Highway and the west side of Orion Drive at 1910 Lawrenceville Highway and 2580 Pine Bluff Drive, Decatur, Georgia. **Commission District: 2 Super District: 6**

**Parcel ID:** 18-063-14-009; 18-101-02-001

**Request:** To request a Special Land Use Permit (SLUP) to allow an alcohol outlet accessory to a QuikTrip convenience store in a C-1 (Local Commercial) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 27-4.2.8-Supplemental Regulations of the DeKalb County Code.

**Property Owners:** Plant Improvement Company; W. Clyde Shepherd III; David H. Flint, James T. Budd & Fred S. Aftergut as Trustees of Exempt Credit Shelter Trust u/w Dan P. Shepherd Item V; James

**Applicant/Agent:** QuikTrip Corporation/ Battle Law, P.C.

**Acreage:** 1.97 Acres

**Existing Land Use:** QuikTrip Convenience Store with accessory fuel pumps and alcohol sales

**Surrounding Properties:** Subaru Car Dealership; Retail Plaza; North DeKalb Mall  
Medlock Park Subdivision; Little Creek Horse Farm;  
Townhomes Under Construction

**Adjacent & Surrounding Zoning:** North, South & Northeast: R-75 (Residential Medium Lot) District  
North: C-2 (General Commercial) District  
East: HR-2 (High Density Residential) District  
Southeast: O-I (Office-Institutional)

**Comprehensive Plan:** Commercial Redevelopment Corridor (CRC) Consistent X

<b>Proposed Building Square Feet:</b> 4,977 square feet	<b>Existing Building Square Feet:</b> approximately 3,297 square feet
<b>Proposed Lot Coverage:</b> 62%	<b>Existing Lot Coverage:</b> 51%

## **SUBJECT PROPERTY**

The site 1.97-acre site is located on the north side Lawrenceville Highway (a six-lane major thoroughfare with a median and turn lane) at 1910 Lawrenceville Highway and 2580 Pine Bluff Drive. The site also has frontage along the west side of Orion Drive (a local street). The site is currently developed with an existing QuikTrip convenience store with beer and wine sales in conjunction with accessory automobile fuel pumps on property zoned C-1 (Local Commercial). The site also combines undeveloped property north of the QuikTrip convenience store zoned R-75 (Residential Medium Lot) District. Both road frontages are improved with curb, gutter and sidewalks. Current access to the site is via a right-in, right-out only on Lawrenceville Highway and a full-service curb cut on Orion Drive.

Adjacent to the site along the west is Medlock Park Subdivision. North and northeast of the site is Subaru auto dealership. Further northeast is Bank of America and North DeKalb Mall. Across Lawrenceville Highway opposite the site is Little Creek Horse Farm and Towns at North Decatur (townhomes under construction). Other surrounding land uses include a mixture of commercial and retail uses along Lawrenceville Highway.

## **PROJECT ANALYSIS**

The Special Land Use Permit (SLUP) request is to allow alcohol sales (beer & wine) in conjunction with the redevelopment of the existing QuikTrip convenience store on the site. This is a companion case to rezone the subject property to the C-1 (Local Commercial) District pursuant to Z-18-123520 and a Special Land Use Permit (SLUP-18-1235205) to allow automobile fuel sales as an accessory use to the QuikTrip convenience store.

Per the submitted site plan, the redeveloped QuikTrip convenience store will be reoriented and consist of 4,977 square feet. The redevelopment will decrease the number of fueling stations from 11 to 10 fueling stations that will accommodate 20 gasoline pumps. This will facilitate better traffic flow within the site. Two (2) points of access are proposed for the subject site. An existing right-in-right out only curb cut will remain on Lawrenceville Highway and a full-service curb cut is proposed for Orion Drive. The submitted site plan proposes thirty-eight (38) parking spaces. Staff notes the submitted site plan depicts an encroachment into the required transitional buffers adjacent to residential zoned properties. The site plan depicts a retaining wall in the buffer. A variance must be obtained from the Zoning Board of Appeals to allow the retaining wall within the buffer.

## **COMPLIANCE WITH DISTRICT STANDARDS**

Per the chart below, it appears the proposed use and buildings on the site comply with minimum development standards of the proposed C-1 (Local Commercial) District per Table 2.2 of the DeKalb County Zoning Ordinance except for maximum number of parking spaces.

STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
LOT WIDTH (C-1) Table 2.2	A minimum 100 feet of lot width on a public street frontage	224 Feet of frontage on Lawrenceville Highway and approximately 185 feet of frontage on Orion Drive	Yes
LOT AREA (C-1)	20,000 Square Feet	1.97 Acres	Yes

FRONT BUILDING SETBACK Orion Drive	50 Feet	Approximately 70 Feet	Yes
FRONT SETBACK ON ARTERIALS Lawrenceville Highway	60 Feet	Approximately 80 Feet	Yes
TRANSITIONAL BUFFER Table 5.2(a)	50 Feet adjacent to R-75 Districts	50 Feet	Yes
HEIGHT	2 stories/35 Feet	1-Story	Yes
PARKING Article 6 QT Convenience store with gas pumps 4,977 Square Feet	Minimum 1 space for each 500 square feet of floor area = 10 Spaces: Max 1 space for each 150 Square feet of floor area = 34 Spaces.	38 Parking Spaces	Exceed by 4 parking spaces. Reduce parking spaces or apply for variance through ZBOA

#### **Article 4.2.8 Compliance with Supplemental Regulations**

<b>STANDARDS</b>	<b>COMPLIANCE</b>
(1) Alcohol outlets shall not be located within 300 feet of any school building, school grounds, educational facility, college campus or adult entertainment establishment.	Yes
(2) Alcohol outlets shall not be located within 600 feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.	Yes
(3) Alcohol sales as an accessory use to retail shall not exceed 20% of gross floor area.	Yes

**Section 7.4.6 of the DeKalb County Zoning Ordinance, “Special land use permit; criteria to be applied” states that the following criteria shall be considered in evaluating and deciding any application for a Special Land Use Permit. No application for a Special Land Use Permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in Article 4.**

**A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located:**

The approximately 1.97acre site is adequate for alcohol sales (beer & wine) within the redeveloped QuikTrip convenience store.

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

The proposed use for alcohol sales within the QuikTrip convenience store is compatible with nearby commercial and retail developments on Lawrenceville Highway.

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

Given that the area along Lawrenceville Highway is developed with various commercial uses, it appears that there are adequate public services, public facilities and utilities to serve the proposed automobile fuel sales on the site.

**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 proposed use, so as not to unduly increase traffic or create congestion in the area:**

Given that Lawrenceville Highway is a major arterial, Planning Staff anticipates little or no impact on public streets or traffic in the area.

**E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:**

Given that Lawrenceville Highway is a six-lane major arterial with turning lanes, existing land uses along access routes would not be adversely impacted by traffic generated by alcohol sales within the QuikTrip convenience store.

**F. 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 submitted site plan currently proposes two (2) access points on the subject site. One (1) right-in, right-out only curb cut is depicted on Lawrenceville Highway. One (1) full-service access point is depicted on Orion Drive. Emergency vehicles can access the site from the proposed curb cuts.

**G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:**

Alcohol sales (beer & wine) should not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration.

**H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:**

The proposed 24-hour operation should not create adverse impacts upon any adjoining land uses. Transitional buffers are depicted on the site plan adjacent to residential land use. The other adjacent land use is a car dealership which has not been adversely impacted by the current QuikTrip convenience store with alcohol sales (beer & wine).

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

The manner of operation should not create adverse impacts upon adjoining land uses.

**J. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

The proposed alcohol outlet would be consistent with the requirements of the C-1 zoning district only if a Special Land Use Permit (SLUP) is approved for the proposed use on the site by the Board of Commissioners.

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

Located within a Commercial Redevelopment Corridor Character area, the proposed use is consistent with the following plan policies and strategies of the 2035 Comprehensive Plan: reduce automobile dependency and travel to obtain basic services.

**L. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

The submitted site plan depicts required transitional buffer adjacent to residential zoned property lines.

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

Adequate refuse areas will be provided.

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

The proposed use (alcohol outlet for beer & wine sales within the QuikTrip convenience store) is a permanent use and should not be limited to any length of time on the subject site.

**O. Whether or not the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings:**

The requested alcohol sales would be within the redeveloped 1-story 4,977 square foot QuikTrip convenience store. The proposed convenience store building is consistent in size, scale and massing of nearby commercial buildings in the area.

**P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:**

The proposed alcohol outlet (sale of beer and wine) will not adversely affect historic building sites, districts, or archaeological resources.

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

The proposed use satisfies the supplemental use regulations required in Article 4 .2.8.B (see above chart).

**R. Whether or not the proposed building as a result of its proposed height, would create a negative shadow impact on any adjoining lot or building:**

There will be no negative shadow impact on any adjoining lot.

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

The proposed use would provide consumers an option for beverage sales (beer & wine) in the area.

**Staff Recommendation: APPROVAL WITH CONDITIONS**

The proposed use for alcohol sales as an accessory use to retail within a QuikTrip convenience store is compatible with other commercial uses in the area. Located within a Commercial Redevelopment Corridor character area, the proposed use is consistent with the following plan policies and strategies of the 2035 Comprehensive Plan: Reduce automobile dependency and travel to obtain basic services and consumer products. The proposed use located on a major arterial (Lawrenceville Highway), should have little impact on traffic. The Department of Planning and Sustainability recommends **"APPROVAL"** of the SLUP request for alcohol sales within the redeveloped QuikTrip on the site subject to the following attached conditions:

1. Allow an alcohol outlet (beer & wine sales) in conjunction with a convenience store as depicted on the site plan, landscape plan and elevations stamped received by the Planning and Sustainability Department on November 1, 2018. Said site plan is conceptual and is subject to compliance to C-1 (Local Commercial) District Development standards unless variances are obtained from appropriate regulatory authorities.
2. Limit site to one (1) curb cut each on Lawrenceville Highway subject to GDOT (Georgia Department of Transportation). Limit site to one (1) curb cut on Orion Drive subject to the Transportation Division of the Department of Public Works.
3. The retail/convenience store building façade shall consist of four (4) sided brick with accent materials.
4. Support columns for the pump/canopy island shall be composed of four-sided brick.
5. All refuse areas shall be constructed with a combination of brick and wood enclosure to match the building materials of the principal structure.
6. Provide outside trash receptacles for patrons at gasoline pumps and along store entrances.
7. Outside vending machines are prohibited. This prohibition shall not prohibit outside equipment used for the storage and sale of ice, or Amazon lockers.
8. No car washing allowed on site.
9. Provide parking lot lighting on site.
10. The vacuum and air station shall not be located within the public right-of-way.
11. A 10-foot wide multi-use sidewalk shall be installed along the frontage of the Property abutting Lawrenceville Highway and Orion Drive, subject to the approval of GDOT.
12. A minimum (where feasible) 8-foot wide sidewalk shall be installed from the Property to Harrington Drive, subject to the approval of GDOT.
13. Project signage with digital scrolling signage or with changing pictures shall be strictly prohibited.
14. A new 8-foot tall wooden fence shall be installed along the Southwest QuikTrip Property line adjacent to the residences on Harrington drive.
15. An 8-foot tall double-sided wooden fence shall be installed between the building improvements and the interior transitional buffer line, including to the extent necessary, on top of the retaining wall to be installed pursuant to the submitted Site Plan.
16. The Applicant shall remove all dead, diseased and dying trees currently located within the transitional buffer and replace said trees in compliance with the Landscape Plan submitted to the Planning and Sustainability Department and the County Arborist and date stamped on October 31, 2018. The Applicant shall comply with the Tree Ordinance, including all tree preservation requirements and recompense, and any trees to be planted for recompense shall be planted within the transitional buffer.
17. Prior to the issuance of any development permits for the proposed improvements, the Applicant shall provide the Planning and Sustainability Department with a copy of the Applicant's pest control management application which shall be valid and in place during the construction of the improvements.
18. All construction work shall be conducted in accordance with the DeKalb County Noise Ordinance.

19. “No idling” signs shall be placed and maintained on the Property near the fence on both sides of the building improvements, and adjacent to the truck loading area. The intent of these signs is to encourage compliance, as places no obligation on the Applicant or DeKalb County to enforce compliance.
20. Prior to the issuance of any development permits for the Property a boundary line adjustment plat shall be submitted to the DeKalb County Land Development Department for review, approval and recordation to incorporate the portion of the Property being rezoned from R-75 to C-1 into the parcel currently having an address of 1910 Lawrenceville Highway.
21. The Applicant shall restripe Orion Drive from Lawrenceville Highway to the bridge.
22. The approval of this SLUP 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.
23. For information purposes only, the Applicant has entered into a Zoning Agreement with the Medlock Area Neighborhood Association, Inc. dated November 13, 2018, a copy of which shall be read into the minutes of the DeKalb County Board of Commissioners.
24. This SLUP is being issued to QuikTrip Corporation and shall be non-transferable except to an affiliated entity of QuikTrip Corporation.

**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 modification 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, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. The site is a stormwater hotspot. Recommend Low Impact Development features and Green Infrastructure be included in the proposed site design to protect as much as practicable.

- **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. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 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.

## **TRANSPORTATION COMMENTS**

N1. No Comment.

N2 & N3- Dedicate 27.5 feet of right of way from the centerline of Pine Mountain Road. Bring road up to current county standards at time of any land disturbance permits from the intersection of Bruce Street to northern property line.

N4, N5 & N6- Lawrenceville Hwy is state route 8. All access points on Lawrenceville Hwy are require GDOT review and approval required prior to submitting any land development permits to DeKalb County. Extend sidewalks along Lawrenceville Hwy within the current right of way to the intersection of Harrington Drive (+/- 200 feet), including any necessary ADA ramps. Restripe Orion Drive from Lawrenceville Hwy to the bridge. Upgrade the traffic signal at the intersection of Orion Drive and Lawrenceville Hwy to include pedestrian features. Street Lights required.

N7- No Comment.

N8- Flake Mill Road is a minor arterial. Requires right of way dedication of 40 feet from centerline of roadway, 6-foot sidewalks, 5-foot landscape strip, streetlights on back of sidewalk and bike lanes. Line up future access points with Boxwood Lane or the required offset of 245 feet centerline to centerline, as required in Section 14-200 (6) of the land development code. Build sidewalk from Catalpa Lane to River Road on west side of road.

N9. No Comment.

N10. Covington Hwy is State Route 10. GDOT review and approval is required prior to any land development permits by DeKalb County. Add sidewalks along the frontage. No parking vehicles within the state right of way.

N11. No Comment.

(6)

COMMENTS FORM:

PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: SLUP-18-1235206 Parcel I.D. #: 18-063-14-009

Address: 1910  
LAWRENCEVILLE Hwy  
DECATUR, GA

Adjacent Roadway (s):

_____	_____
(classification)	(classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	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) 67<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:

Field and plans reviewed. Found no problems that would disrupt traffic

Signature: [Signature] David M. Ross



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER [mmalexander@dekalbcountyga.gov](mailto:mmalexander@dekalbcountyga.gov) OR JOHN REID [jreid@DEKALBCOUNTYGA.GOV](mailto:jreid@DEKALBCOUNTYGA.GOV)

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

Case No.: 2018-2748/ SLUP-18-1235206

Parcel I.D. #: 18-063-14-009; 18-101-02-001

Address: 1910 Lawrenceville Highway and 2580 Pine Bluff Drive

Decatur, Georgia

**WATER:**

Size of existing water main: 8" DI & 30" CS Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to and on Property

Size of line required, if inadequate: N/A

**SEWER:**

Outfall Servicing Project: South Fork Peachtree Creek Basin

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

Water Treatment Facility: R. M. Clayton WWTP ( ) adequate ( ) inadequate

Sewage Capacity; \* (MGPD)

Current Flow: 127 (MGPD)

**COMMENTS:**

\* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

Signature: 

10/16/2018

To: Ms. Madolyn Spann, Planning Manager  
Mr. John Reid, Senior Planner  
From: Ryan Cira, Environmental Health Manager  
Cc: Alan Gaines, Technical Services Manager  
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.

## DeKalb County Board of Health

404.508.7900 • [www.dekalbhealth.net](http://www.dekalbhealth.net)

10/16/2018

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N.6

SLUP-18-1235206 2018-2748 18-063-14-009,18-101-02-001

1910 Lawrenceville Highway, Decatur, GA 30033/1910 Orion Drive, Decatur, GA 30033

☐ Amendment

- Please see general comments.

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N.7

Z-18-1235215 2018-2795 15-118-06-002

2606 Whites Mill Road, Decatur, GA 30034

☐ Amendment

- Please see general comments.

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N.8

Z-18-1235209 2018-2784 15-004-01-005,15-004-01-006

4601 and 4625 Flakes Mill Road

☐ Amendment

- Please see general comments.

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N.9

Z-18-1235224 2018-2797 15-201-11-020

2866 Belvedere Lane

☐ Amendment

- Please see general comments.



### **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@battlelawpc.com](mailto:bdc@battlelawpc.com)

## **REZONING TO C-1 & SPECIAL LAND USE PERMITS FOR ACCESSORY GAS PUMPS & ALCOHOL SALES FOR REDEVELOPMENT OF EXISTING QUIKTRIP**

**Community Meeting  
Tuesday, August 14, 2018  
6:30 pm until 7:30 pm  
Decatur Recreation Center  
231 Sycamore Street  
Decatur, GA 30030**

**PROPOSED LOCATION:  
PORTION 2580 PINE BLUFF DR  
1910 LAWRENCEVILLE HWY  
DECATUR, GEORGIA 30033**



**SIGN IN SHEET**  
**QT 1910 Lawrenceville Hwy Community Meeting**  
**SLUP COMMUNITY MEETING**  
**Decatur Active Living Center— 231 Sycamore Street, Decatur, GA 30030**

Tuesday, August 14, 2018 6:30 PM – 7:30 PM

*Please print legibly*

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Marie	Hall	2665 Woodridge Dr.	Decatur GA	30033	—	—
NICHOLAS	WILLIAMS	2716 HARRINGTON DR	DECATUR, GA	30033		NICHOLAS@SURREALCODE.COM
DARLEEN	JARMAN	2523 PINEVIEW DR	DECATUR	30030		jarmand@usa.net
Chris	Beck	2240 Vistamont Dr	Decatur	30033		
Alicia	Mitchell	2733 Harrington Dr	Decatur	30033		ugadawg82@gmail.com
Jim	Smith	716 Densley Dr	Decatur	30033		JF1SMITH@gmail.com
Meredith	Oakey	2692 Harrington Dr	Decatur	30033		WWMONAHAN10@gmail.com
Kyle	TAYLOR	2746 HARRINGTON DR	DECATUR	30033		keltaylor86@gmail.com
Jean	Logan	322 Taxworthy Cir	Decatur	30033		jeanslogan@gmail.com
John	Beers	2377 Harrington Dr	Decatur	30033		Beers Koehn@gmail.com
* Theresa	Same	2572 McCurdy Way	Decatur	30033		t.same@bellsouth.net

**SIGN IN SHEET**  
**QT 1910 Lawrenceville Hwy Community Meeting**  
**SLUP COMMUNITY MEETING**  
**Decatur Active Living Center- 231 Sycamore Street, Decatur, GA 30030**

Tuesday, August 14, 2018 6:30 PM – 7:30 PM

*Please print legibly*

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Erenda	Prather	840 LARRY LANE	DECATUR GA	30033	404-226-6629	achongal@yahoo.com
MARY	SHELLMAN	2419 HARRINGTON	DECATUR	30033	4-946-7071	MSHELL6239@AOL.COM
Gayla	Green	2738 Harrington <sup>Dr.</sup>	Decatur	30033	404-902-1199	gayla.green@gmail.com
MELISSA	SCHAELE	2739 HARRINGTON	DECATUR	30033	404-630-0030	Schoenemp@gmail.com
MONICA	MORGAN	"	"	"	415-264-8808	Municamorgan180@gmail.com
Mary Lou	Boice	1633 Fox Hills Dr	Decatur	30033	404-634-2999	mboice@emory.edu

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
Abarmard Zafari	2749 Harrington Dr	Decatur	GA	30033-4908
Air Hospitality Grp Llc	Po Box 3688	Lilburn	GA	30048-3688
Alicia Mitchell	4691 Lucerne Valley Rd Sw	Lilburn	GA	30047-4450
Amanda Kate Lyons	2739 Hollywood Dr	Decatur	GA	30033-5019
Andrew Walker	2743 Orion Dr	Decatur	GA	30033-5014
Barbara Carter	2682 Harrington Dr	Decatur	GA	30033-4907
Calvert W Harrison	250 Pharr Rd Ne	Atlanta	GA	30305-2227
Carl A Bramlette	1911 N Creek Dr	Austell	GA	30106-1177
Carl J McClatchey	2745 Hollywood Dr	Decatur	GA	30033-5019
Carlos Handy	13115 Southern Valley Dr	Pearland	TX	77584-3793
Carly Melissa Freeman	2618 Fox Hills Dr	Decatur	GA	30033-4910
Cherian Mathew	1070 Downyshire Dr	Lawrencevi	GA	30044-8152
Cherians Real Estate Llc	751 Dekalb Industrial Way	Decatur	GA	30033-5747
Christopher Michael Zagrodny	803 Jordan Ln	Decatur	GA	30033-5716
Claire V French	840 Whelchel Dr	Decatur	GA	30033-4826
Clarice Teague Jordan	849 Gardenia Ln	Decatur	GA	30033-4807
Clarke J Stallworth III	2651 Fox Hills Dr	Decatur	GA	30033-4926
Clemlyn-Ann Pollydore	797 Jordan Ln	Decatur	GA	30033-5721
Clyde Shephard Nature Preserve	2580 Pine Bluff Drive	Decatur	GA	30033
Current Property Owner	350 Research Ct Ste 100	Norcross	GA	30092-3451
Current Property Owner	1800 Briarcliff Rd Ne	Atlanta	GA	30329-4008
Current Property Owner	1034 S Brentwood Blvd	Saint Louis	MO	63117-1223
Current Property Owner	Po Box 3475	Tulsa	OK	74101-3475
Current Property Owner	1300 Commerce Dr	Decatur	GA	30030-3222
Current Property Owner	2726 Hollywood Dr	Decatur	GA	30033-5003
Current Property Owner	350 Research Ct Ste 100	Norcross	GA	30092-3451
Current Property Owner	1800 Briarcliff Rd Ne	Atlanta	GA	30329-4008
Current Property Owner	340 Royal Poinciana Way	Palm Beach	FL	33480-4048
Current Property Owner	500 Office Park Dr	Mountain Pk	GA	35223-2437
Current Property Owner	1034 S Brentwood Blvd	Saint Louis	MO	63117-1223
Current Property Owner	Po Box 3475	Tulsa	OK	74101-3475
Dac Homes Llc	230 Murphy St	Buford	GA	30518-3226
Daniel Llewellyn	2197 W Ponce De Leon Ave	Decatur	GA	30030-2336

Daniel Peach	2726 Harrington Dr	Decatur	GA	30033-4909
David Hughes	2649 Harrington Dr	Decatur	GA	30033-4906
Dekalb County	1300 Commerce Dr	Decatur	GA	30030-3222
Dennis Price	2695 Harrington Dr	Decatur	GA	30033-4906
Donald B Winston	813 Jordan Ln	Decatur	GA	30033-5723
Emilie A Woodall	2756 Hollywood Dr	Decatur	GA	30033-5003
Erik E Spalvins	2781 Orion Dr	Decatur	GA	30033-5014
Frazier M Aiken	2751 Hollywood Dr	Decatur	GA	30033-5019
G Gordon Boice	2633 Fox Hills Dr	Decatur	GA	30033-4925
Gabriel Nguena	2012 Little River Dr	Suwanee	GA	30024-3266
Gabriel M Bennett	2679 Harrington Dr	Decatur	GA	30033-4906
Gayla Green	2738 Harrington Dr	Decatur	GA	30033-4909
Gc Industrial Corporation	1000 Abernathy Rd	Atlanta	GA	30328-5606
Geoffrey D Diek	4145 N Gloucester Pl	Atlanta	GA	30341-1249
Georges El Khalli	61 Rockwood St	Jamaica Pla	MA	02130-2498
Gerald Kilgore	2550 Tucker Dr	Loganville	GA	30052-4313
Gregory T Germani	846 Whelchel Dr	Decatur	GA	30033-4826
Heather Kelsey Lin	2656 Harrington Dr	Decatur	GA	30033-4907
James Madison Walker	2627 Fox Hills Dr	Decatur	GA	30033-4925
James T Cogburn Jr	2643 Harrington Dr	Decatur	GA	30033-4906
JBGL Atlanta Development 2014 LLC	2805 N. Dallas Parkway Ste. 400	Plano	TX	75093
Jessica Lee Andrews	823 Whelchel Dr	Decatur	GA	30033-4825
John Welker	2652 Woodridge Dr	Decatur	GA	30033-4836
John Griff	809 Jordan Ln	Decatur	GA	30033-5722
Joshua H Ross	40 The Ledges Rd	Newton Ce	MA	02459-2038
Joyce E Weinheimer	2748 Hollywood Dr	Decatur	GA	30033-5003
Judith B Martinez	1618 Jackson Ave E	Oxford	MS	38655-4116
Judy Cole Roan	6420 Black Oak Dr	Cumming	GA	30040-7623
Karimshah Inc Sadruddin Ashiq Ali	1845 Lawrenceville Hwy	Decatur	GA	30033-5728
Kasam Wadhwaniya	2755 Harrington Dr	Decatur	GA	30033-4908
Katherine A Roeder	2623 Woodridge Dr	Decatur	GA	30033-4844
Katy E Poole	2742 Hollywood Dr	Decatur	GA	30033-5003
Kelly Jordan	2662 Fox Hills Dr	Decatur	GA	30033-4910
Kelly Morgan	2674 Fox Hills Dr	Decatur	GA	30033-4910

Kemal Aytac	5120 Forest Run Trce	Alpharetta	GA	30022-4502
Kevin Brown	2632 Fox Hills Dr	Decatur	GA	30033-4910
Krisna Gendo	2773 Orion Dr	Decatur	GA	30033-5014
Kristen Lee Deringer	2631 Woodridge Dr	Decatur	GA	30033-4844
Kristin K Farris	2762 Hollywood Dr	Decatur	GA	30033-5003
Kyle Taylor	2746 Harrington Dr	Decatur	GA	30033-4909
Laura Baird	660 Willivee Dr	Decatur	GA	30033-5409
Laura Thompson	813 Jordan Ln Apt 1	Decatur	GA	30033-5723
Lauren Gay	817 Whelchel Dr	Decatur	GA	30033-4825
Laurie J Wright	795 Jordan Ln	Decatur	GA	30033-5720
Lci Swap Ndm Jv Lp	340 Royal Poinciana Way	Palm Beach	FL	33480-4048
Linda McNeely McLeod	207 Glenn Cir	Decatur	GA	30030-1928
Little Creek Farm Conservancy, Inc.	2057 Lawrenceville Hwy	Decatur	GA	30033
Lucy J Nolton	2751 Orion Dr	Decatur	GA	30033-5014
M Hawkins	2732 Harrington Dr	Decatur	GA	30033-4909
Malina Jo Rodriguez	2637 Woodridge Dr	Decatur	GA	30033-4844
Maria G Zorka	2685 Harrington Dr	Decatur	GA	30033-4906
Marian B Eisenberg	2665 Harrington Dr	Decatur	GA	30033-4906
Marie Montante Hall	2665 Woodridge Dr	Decatur	GA	30033-4845
Marika E Ponton	2715 Hollywood Dr	Decatur	GA	30033-5019
Mary Rowan	2710 Harrington Dr	Decatur	GA	30033-4909
Matthew E Day	2759 Orion Dr	Decatur	GA	30033-5014
Mauricio S Lascano	2618 Woodridge Dr	Decatur	GA	30033-4835
Melvin R Krump	2617 Woodridge Dr	Decatur	GA	30033-4844
Meredith Oakley	2692 Harrington Dr	Decatur	GA	30033-4907
Meredith Swartz	124 Garden Ln	Decatur	GA	30030-2371
Michael Leyrer	2670 Woodridge Dr	Decatur	GA	30033-4836
Michael Earl Cook	829 Whelchel Dr	Decatur	GA	30033-4825
Monica Morgan	2739 Harrington Dr	Decatur	GA	30033-4908
Nha Nguyen	2336 Oak Glenn Cir	Duluth	GA	30096-5628
Nicholas Williams	2716 Harrington Dr	Decatur	GA	30033-4909
Nizar Janmohammad	1851 Lawrenceville Hwy	Decatur	GA	30033-5729
Nooruddin Fazal	2720 Hollywood Dr	Decatur	GA	30033-5003
Paige L Cruse	2639 Fox Hills Dr	Decatur	GA	30033-4925

Plant Improvement Company Inc	Po Box 3475	Tulsa	OK	74101-3475
Regina York	2667 Fox Hills Dr	Decatur	GA	30033-4926
Rms Properties Inc	2651 Redding Rd Ne	Brookhaven	GA	30319-2963
Robert A Sherrill III	824 Whelchel Dr	Decatur	GA	30033-4826
Robert Barnett Cozine Jr	834 Whelchel Dr	Decatur	GA	30033-4826
Robert M Grant	1261 Virginia Ave Ne Apt 3	Atlanta	GA	30306-4809
Robert Matthew Janke	181 Avery St	Decatur	GA	30030-3802
Ronald W Baker Revocable Trust Baker Ronald W As Trustee	5541 Big Boat Dr Sw	Atlanta	GA	30331-8948
Russell Brumfield	2767 Orion Dr	Decatur	GA	30033-5014
Ruthelen W Williamson	2652 Fox Hills Dr	Decatur	GA	30033-4910
Samuel W Lord	2723 Hollywood Dr	Decatur	GA	30033-5019
Seung Hee Han	4127 Rickenbacker Dr Ne	Atlanta	GA	30342-3706
Shadinger Living Trust	2726 Hollywood Dr	Decatur	GA	30033-5003
Sherry Smith	2660 Woodridge Dr	Decatur	GA	30033-4836
Southern Four Capital Llc	500 Office Park Dr	Mountain Pk	GA	35223-2437
Spencer S Farmery	5202 Grayson Pl	Decatur	GA	30030-2786
Stivers Realty Lc	1034 S Brentwood Blvd	Saint Louis	MO	63117-1223
Thomas McKlin	2646 Woodridge Dr	Decatur	GA	30033-4836
Thomas Brieske	2700 Harrington Dr	Decatur	GA	30033-4909
Tpg Homes Fs Llc	11340 Lakefield Dr Ste 250	Johns Creek	GA	30097-2457
Venetia Perry	2686 Harrington Dr	Decatur	GA	30033-4907
Vincenzo Di Pietro	2741 Harrington Dr	Decatur	GA	30033-4908
Vivi Nguyen	830 Whelchel Dr	Decatur	GA	30033-4826
William Robinson	2754 Harrington Dr	Decatur	GA	30033-4909
William T Murdock	2676 Harrington Dr	Decatur	GA	30033-4907
William W Scott III	869 Wintergreen Ln	Decatur	GA	30033-4827
Ying-Ping Hu	535 Oakview Rd	Decatur	GA	30030-4327
Zainulabdin Gillani	1970 Embassy Walk Ln	Lilburn	GA	30047-7826

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

and

Other Material Required by  
DeKalb County Ordinance  
For  
A Special Land Use Permit for  
Accessory Gas Pumps and Alcohol Outlet

Pursuant to DeKalb County Zoning Ordinance

of

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

for

1.974± acres of land  
located at  
1910 Lawrenceville Highway  
and a portion of 2580 Pine Bluff Drive,  
Decatur, DeKalb County, Georgia  
Parcel ID: 18 063 14 02 009 & 18 101 02 001



Submitted for Applicant by:

Michèle L. Battle, 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 obtain a Special Land Use Permit to redevelop the existing 3,297 sq. ft. convenience store, with 11 accessory gas pumps (22 fueling stations) and alcohol outlet located at 1910 Lawrenceville Highway, with a +/-4,977 sq. ft. Generation 3 QuikTrip Store, with 12 accessory gas pumps (22 fueling stations) and alcohol outlet on a ±1.974-acre tract of assembled land located at 1910 Lawrenceville Highway and a portion of 2580 Pine Bluff Drive, in Decatur, DeKalb County, Georgia (the "Subject Property"). The Subject Property is zoned C-1 and R-75, and has land use designations of Commercial Redevelopment Corridor and Suburban. As the existing use is a legal nonconforming use, in connection with the rezoning of the Subject Property, the Applicant is also seeking a Special Land Use Permit for the accessory gas pumps and alcohol outlet.

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. 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. IMPACT ANALYSIS**

*(a) Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.*

The Subject Property is an assemblage of one parcel that the current facility sits on and a portion of the parcel on Pine Bluff Drive. The existing convenience store is 3,297 square feet with eleven pumps (22 fueling stations). The Subject Property, however, is large enough to accommodate a larger facility of 4,977 square feet with 10 pumps (20 fueling stations), in addition to including the required parking spaces and other elements required by DeKalb County.



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

The Subject Property is suitable for the proposed use, which is simply the redevelopment of the existing convenience store. The Subject Property is adjacent to single-family homes along the southeastern border with an R-75 zoning designation. Immediately north of the property is a Stivers Decatur Subaru zoned C-2. Land directly across the street from the Subject property is currently being developed as a townhome community and is zoned HR-2. As it is already an existing use, it will simply continue to service residents in the area.

*(c) Adequacy of public services, public facilities, and utilities to serve the proposed use.*

There is adequate public services, public facilities and utilities to serve the proposed use. The Subject Property has existing access to public water meters and backflow preventers. The sanitary sewer line will also tie into the existing sanitary main.

*(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.*

Since the Subject Property is currently being used for a gas station and convenience store, the public right-of-way has adequate capacity to carry the traffic anticipated from this development. As stated before, there will be less pumps at the new facility and will not increase or create any additional congestion in the area. The majority of the traffic on Lawrenceville Highway is traffic that already utilizes this right-of-way.

*(e) Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.*

The existing land uses located along access routes to the site will not be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use. As stated before, the proposed use is the same as the existing use of the Subject Property.

- (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 proposed redevelopment will have adequate ingress and egress to the Subject Property and to the proposed building and fueling stations. The two existing points of access will be maintain, i.e. a 35-foot wide access point on Lawrenceville Highway and a 30-foot wide access point on Orion Drive.

- (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.*

The propose use will not create adverse impacts on any adjoining land use through noise, smoke, odor, dust, or vibration generated by the proposed use.

- (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.*

Although the facility will be open 24 hours a day and 7 days a week, these hours of operation will not create adverse impacts upon any adjoining land use. These operation hours will be consistent with the current facility's operation hours. The adjacent community has expressed some concerns regarding the sanitation facilities on the site, as well as the sanitation pick up for the Subject Property. The proposed site plan shows the relocation of the garbage dumpster to the southwestern side of the Subject Property closer to the car dealership. Additionally, the Applicant will add an additional garbage

dumpster to cut down on litter being placed outside of the dumpster, and reduce the number of pick up days. A request has also been submitted to the DeKalb County Sanitation Department to move the pick-up time to the end of the route if possible, in order to eliminate the noise generated by trash collection during the early morning hours.

- (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 proposed use will not create adverse impact on the adjoining land use by reason of manner of use, as it will be adjacent to Stivers Decatur Subaru. Although there is residential property also adjacent to the Subject Property, there is a 50-foot buffer and wooden fence that will separate the uses. The Applicant, at the request of the neighborhood, is consulting with a certified arborist to address the ivy growing on the trees within the buffer, and determine which trees are dead, dying or diseased so that they can be removed and replaced with fast growing trees approved by the County Arborist, and to remove the ivy from the trees that are still viable in order to prolong the life of the impacted trees. It is also believed that this may help address the rodent issues that are impacting the residential community.

- (j) *Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.*

The proposed use is consistent with all DeKalb County zoning requirements of the zoning classification. The Applicant is simultaneously filing an application to amend the official zoning map for the Subject Property from C-1 and R-75 to C-1.

- (k) *Whether the proposed use is consistent with the policies of the comprehensive plan.*

The Subject Property has a land use designation of Commercial Redevelopment Corridor and Suburban. C-1 is a permitted zoning district in both land use designations. Therefore, the proposed use is consistent with the policies of the comprehensive plan.

- (l) Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.*

There is a required transitional buffer between the Subject Property and the adjacent residential property of which the Applicant has incorporated in its proposed site plan. The Applicant has also provided all other required buffers.

- (m) Whether there is adequate provision of refuse and service areas.*

The refuse area will be located in the western corner of the Subject Property and near the rear of the convenience store. Delivery trucks and fuel trucks will access the Subject Property from Orion Drive.

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

There should not be a time limit on the duration this special land use permit, if granted. The proposed use is suitable for the current location as this is simply a redevelopment of an existing gas station and convenience store.

- (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 adjacent and nearby lots and buildings.*

The size, scale and massing of the proposed developments are appropriate in relation to the size of the Subject Property and in relation to the size, scale and massing of adjacent and nearby lots. Although, the convenience store will be larger than the existing facility, the Applicant is proposing to develop a smaller version of its Generation 3 Store and to add a portion of the property at 2580 Pine Bluff Drive to increase the overall size of the Subject Property.

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

To the best of the Applicant's knowledge, the proposed use will not adversely affect historic buildings, sites, districts, or archaeological resources.

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

The proposed use satisfies the requirements contained within the supplemental regulations for the Applicant's special land use permit. It should be noted that the redevelopment of the Subject Property is consistent with the intent of the SLUP 6 Ordinance that was approved in 2017 by the DeKalb County Board of Commissioners. But for the addition of the property zoned R-75, the Subject Property could be redeveloped in accordance with the provisions of Chapter 27, Article 4, Section 4.2.28 D. without coming through the public hearing process, as the site will meet the following three (3) criteria:

1. The facility is accessible via direct and secondary access through interparcel access and a secondary street;
2. The facility is a new and larger building that is part of a major redevelopment; and
3. The facility will contain at least two (2) bathrooms capable of serving at least three (3) persons at a time, open to the public and compliant with the Americans with Disabilities Act.

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

*(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 use is consistent with the needs of the neighborhood and community as a whole, and is compatible with the neighborhood. The Subject Property is already being used as a convenience store with accessory fuel pumps. As mentioned before, this QuikTrip has been serving the community in excess of twenty years. The majority of the Subject Property is located on Commercial Redevelopment Corridor. The proposed improvements will only serve to meet the redevelopment goals along Lawrenceville Highway and allow for improved quality of service for the surrounding community and those visiting the area.

### **III. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Special Land Use Permit 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. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights has been submitted with this Application and are attached hereto and by this reference incorporated herein.

This 27<sup>th</sup> day of August, 2018.

Respectfully submitted,



Michèle L. Battle, Esq.

Attorney For Applicant

## NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

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 the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and 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 would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of 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 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 1 of the Constitution of the State of Georgia.

A refusal by the DeKalb County Board of Commissioners to grant the Special Land Use Permit 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 granting of the Special Land Use Permit 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.

A refusal to grant the Special Land Use Permit 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 approve the Special Land Use Permit 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 Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

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, the Applicant is hereby placing the County on notice that it may elect to file a claim 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.



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@battlowlawpc.com](mailto:bdc@battlowlawpc.com)

## **REZONING TO C-1 & SPECIAL LAND USE PERMITS FOR ACCESSORY GAS PUMPS & ALCOHOL SALES FOR REDEVELOPMENT OF AN EXISTING QUIKTRIP**

**Community Meeting  
Tuesday, July 3, 2018  
7:00 pm until 8:00 pm  
Holiday Inn Express  
2183 North Decatur Road  
Decatur, Georgia 30033**

**PROPOSED LOCATION:  
PORTION 2580 PINE BLUFF DR  
1910 LAWRENCEVILLE HWY  
DECATUR, GEORGIA 30033**

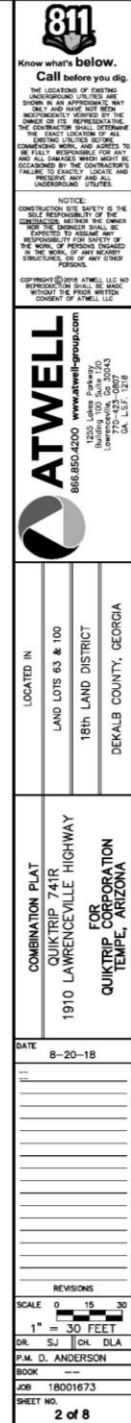
Proposed QuikTrip Community Meeting  
1910 Lawrenceville Hwy, Decatur  
Sign-in Sheet

Name	Email / Phone	Address
KATE TAYLOR	ketaylor06@gmail.com 921-8974	2746 Harrington
Gayla Green	gayla.green@gmail.com 404-902-1199	2738 Harrington
ARLEEN JARMAN	jarmand@usa.net 404-378-8390	2523 PINEVIEW
Daniel Peach	depeach2014@gmail.com/770-906-2089	2726 Harrington Dr
Liam Strain	liamstrain@gmail.com/312-933-5832	830 Allison Ct.
Laura Buird	laleba@gmail.com	2727 Harrington Dr.
Pete Hawkins	psnikwah@aol.com	2732 Harrington Dr.
Timothy Rowan	mrowan@bellsouth.net	2710 Harrington
Morgan Schroeder	morganschroeder@gmail.com	1210 McClellan Way
Jean Logan	jeanlogan@gmail.com	323 Tuxedo Ln
MARY SNEELMAN	MSHELU279@AOL.COM	2419 HARRINGTON
LYNNE GAVIN	LGANIMID@gmail.com	2419 HARRINGTON
Martha Arellano	marella@emory.edu	2716 Harrington
NICHOLAS WILLIAMS	NICHOLAS@SURREALCODE.COM	2716 HARRINGTON DR.
Marylee Putnam	maryleeputnam@comcast.net	2848 Hillbrook Way
John Beer / Phill Koehn	Beer, Koehn@gmail.com	2377 Harrington
MELISSA SCHOENE	schoenempe@gmail.com	2739 HARRINGTON
MUNICA MORGAN	municamorgan180@gmail.com	DECATUR, GA 30033
Sasha Payne	spayne@emory.edu	2473 Harrington Dr Decatur, GA 31033
Jim Smith	jf1smith@gmail.com	716 Densley Dr
Brenda Praetzel	brenda.j.praetzel@gmail.com	840 LARRY Lane
Theresa Same	t-same@bellsouth.net	2538 McCarly Way
Dorothy Dabbs	dorothydabbs@att.net	1725 McLENNAN AVE
Meredith Chely	www.merchan10@aol.com	2692 Harrington Dr.
Tanya Myers	tanya.r.myers@gmail.com	2240 Vistamont Dr
Malina Rodriguez	atl.dance.truck@gmail.com	2637 Woodridge Dr.
Lisa Mitchell	ugadawg82@gmail.com	2733 Harrington

JAMES DABBS JDABBS@CRITICALRESPONSE.COM



# Survey





**EXISTING LEGEND (ITEMS TO BE REMOVED)**

○	DROP INLET
⊙	JUNCTION BOX
⊕	SANITARY SEWER MANHOLE
⊕	LIGHT POLE
⊕	POWER POLE
⊕	TRANSFORMER PAD
⊕	BOLLARD
⊕	METER
⊕	SIGN
⊕	TREE
⊕	CURB & GUTTER
⊕	Underground Electric
⊕	Sanitary Sewer Line (Plus Size/Type On Plans)
⊕	Storm Sewer Line (12" (Plus Size/Type On Plans)
⊕	Storm Sewer Line (24" (Plus Size/Type On Plans)
⊕	Underground Telephone Line
⊕	Water Line (Plus Size/Type On Plans)
⊕	BUILDING
⊕	CONCRETE PAVING
⊕	ASPHALT PAVING

NOTE: THESE PLANS ARE PROVIDED FOR CONCEPTUAL PLAN APPROVAL ONLY. NOT FOR CONSTRUCTION.

NOTE: REFER TO SURVEY FOR EXISTING TREE TYPES AND SIZES.



PROJECT NO. 18-LD-121



8745 Sugarloaf Parkway • Suite 100 • Duluth, Georgia 30097  
Phone: 770-441-0860  
www.wolverton.com

**QuikTrip No. 0741**  
1910 LAWRENCEVILLE HIGHWAY  
DECATUR, GA



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PROJECT: P-18 (05/01/18)
DIVISION: 001
DESIGNED BY: MM
DRAWN BY: MM
REVIEWED BY: MM

REV	DATE	DESCRIPTION

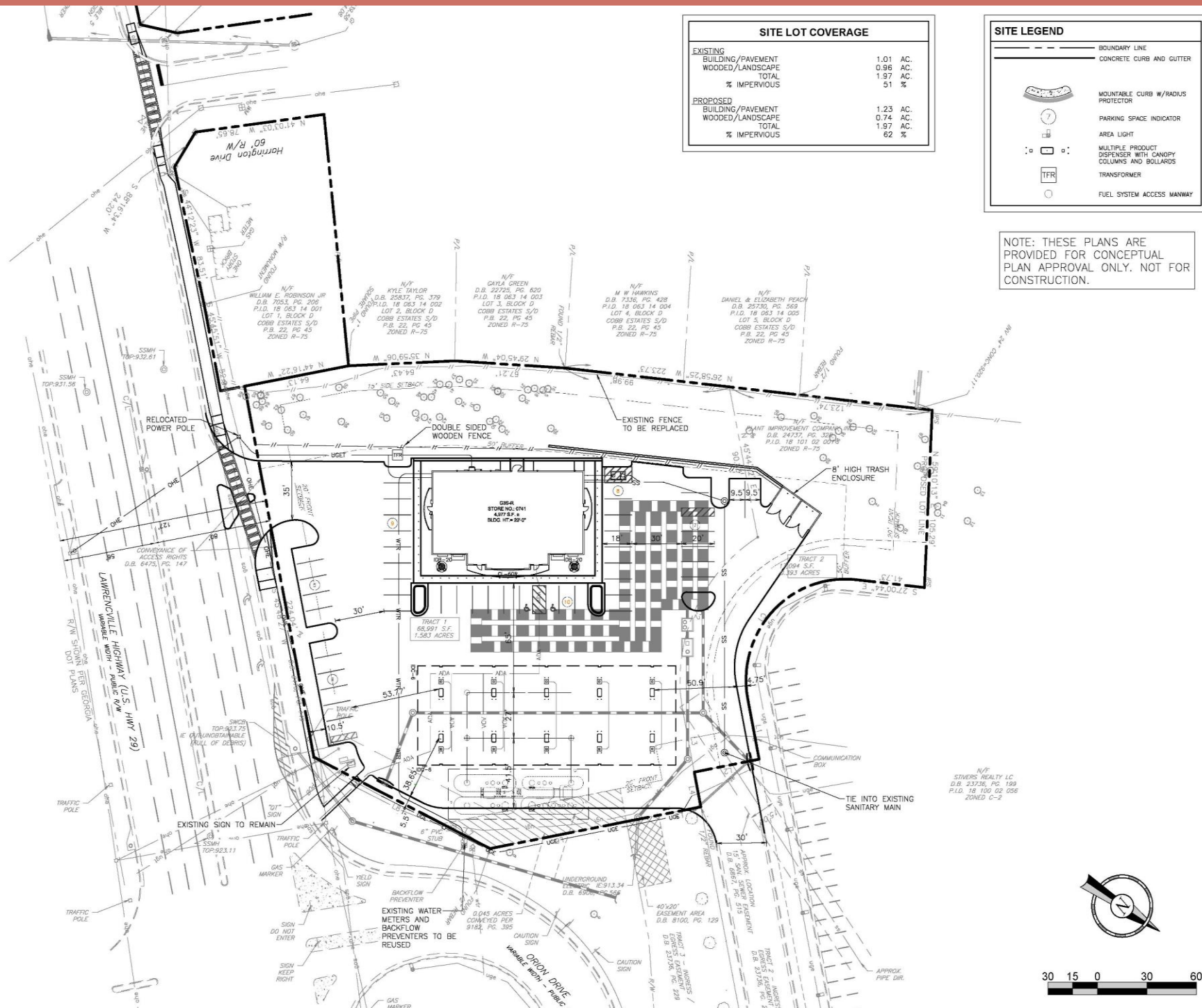
SHEET TITLE:  
DEMO PLAN

SHEET NUMBER:

ORIGINAL ISSUE DATE: 06/19/2018







PROJECT NO.: 18-LD-121



6745 Sugarloaf Parkway •  
Suite 100 • Duluth, Georgia 30097  
Phone: 770-447-8888  
[www.wolvertoninc.com](http://www.wolvertoninc.com)

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PROTOTYPE: P-94 (05/01/18)

VERSION: 001

DESIGNED BY: MM

VIEWED BY: MM

[illegible]

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SHEET TITLE:

SITE PLAN

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2



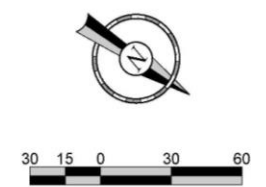
**GRADING LEGEND**

- ST STORM PIPE (< 12" NEW)
- ST STORM PIPE (> 12" NEW)
- ST STORM PIPE (> 12" EXISTING)
- FD FRENCH DRAIN
- GD BACK OF CURB DRAIN
- MAJOR CONTOUR (NEW)
- MAJOR CONTOUR (EXISTING)
- MINOR CONTOUR (NEW)
- MINOR CONTOUR (EXISTING)
- ADA ADA PATH OF TRAVEL
- TC TOP OF CURB ELEVATION (NEW)
- G GUTTER ELEVATION (NEW)
- FG FINISHED GRADE ELEVATION (NEW)
- FG SPOT ELEVATION (EXISTING)
- SG STORM GRATE (NEW)

**GRADING NOTES**

1. GAS CANOPY INSTALLER SHALL INSTALL THE CANOPY COLUMN DRAIN PIPE AND OVERFLOW FITTING. THE STORM WATER INSTALLER SHALL CONNECT THEIR PIPING TO THE GAS INSTALLER'S OVERFLOW FITTING.
2. TO AVOID ANY DEFINED CRESTS OR SUMPS, "GRADE BREAKS" SHALL BE CONSTRUCTED AS A "VERTICAL CURVE". SURVEYOR & CONTRACTOR SHALL CONFER WITH QUIKTRIP CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION STAKING OR CONCRETE PLACEMENT RELATIVE TO ANY GRADE BREAKS.

**NOTE: THESE PLANS ARE PROVIDED FOR CONCEPTUAL PLAN APPROVAL ONLY. NOT FOR CONSTRUCTION.**



PROJECT NO. 18-1235205

**WOLVERTON**  
Engineering Solutions You Can Trust

8145 Sugarloaf Parkway • Suite 102 • Duluth, Georgia 30097  
Phone: 770-441-0888  
www.wolvertoninc.com

**QuikTrip No. 0741**  
1910 LAWRENCEVILLE HIGHWAY  
DECATUR, GA



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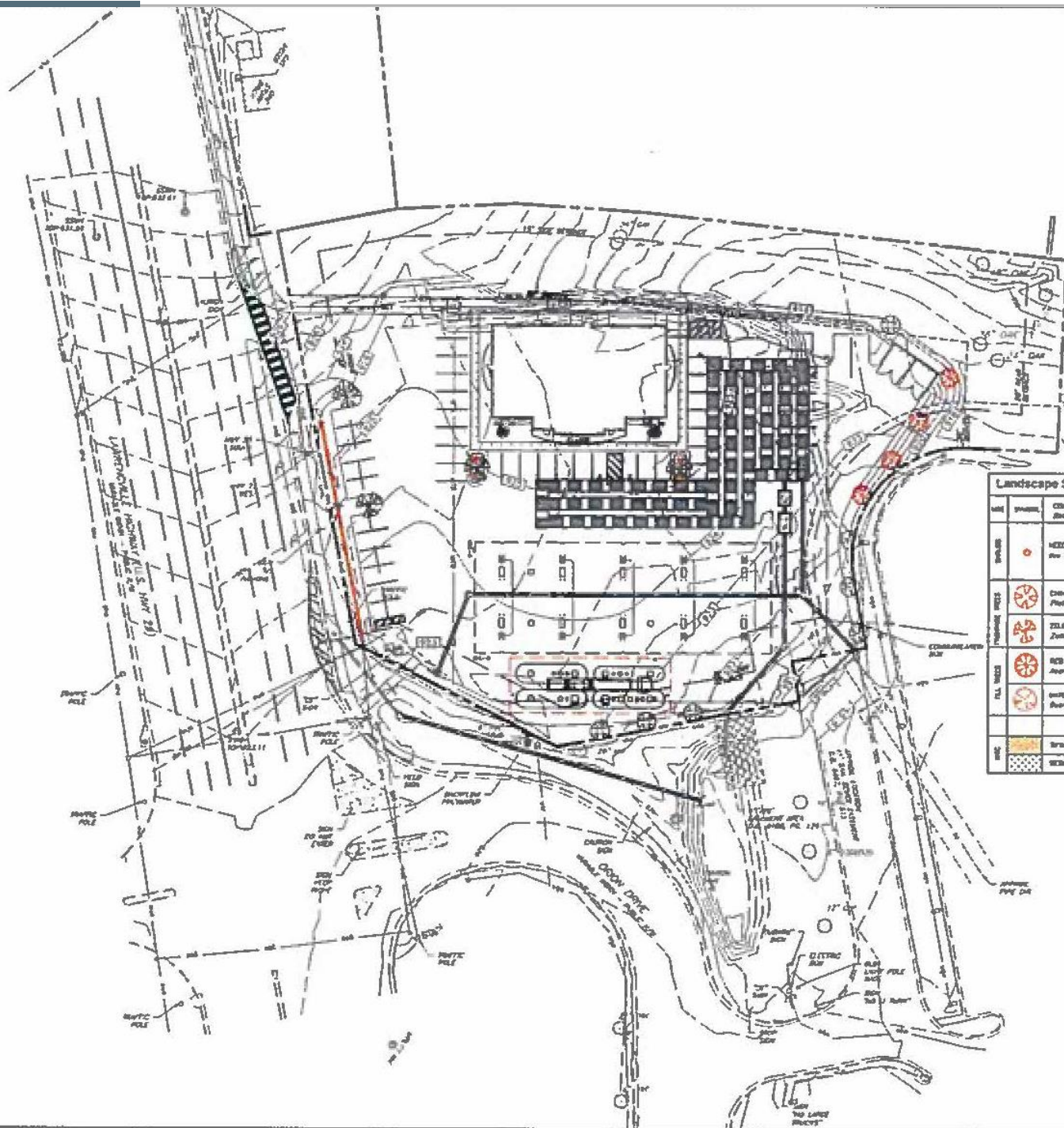
PROTOTYPE: P-34 (05/01/18)  
DIVISION:  
VERSION: 001  
DESIGNED BY: MM  
DRAWN BY:  
REVIEWED BY: MM

REV	DATE	DESCRIPTION

SHEET TITLE:  
GRADING PLAN

SHEET NUMBER:





LANDSCAPE REQUIREMENTS																				
	REQUIRED GRASS/SCAPE	PROVIDED																		
PERMITS NEED	VEGETABLE IF TREE PLANTING COMP ALONG INTERIOR PROPERTY LINES (1) OVERSHOOT TREE 91% 80 LF 8 470 LF/50 = 10 TREES REQ.	10 TREES PROPOSED																		
SEALTY NEED	PROVIDE 10 TREES PER AC. (1.60 AC= 47.3 TREES REQ.)	TWO TREES TO REMAIN TO BE DETERMINED BASED ON FUTURE TREE SURVEY <table><tr><th colspan="4">PROPOSED TREES</th></tr><tr><th>SIZE (INCHES)</th><th>NUMBER</th><th>SLANTY TREES (INCHES)</th><th>SLANTY TREES (INCHES)</th></tr><tr><td>2"</td><td>15 EA.</td><td>0.5</td><td>0.0</td></tr><tr><td colspan="2">TOTAL PROPOSED</td><td></td><td>0.0</td></tr></table>			PROPOSED TREES				SIZE (INCHES)	NUMBER	SLANTY TREES (INCHES)	SLANTY TREES (INCHES)	2"	15 EA.	0.5	0.0	TOTAL PROPOSED			0.0
PROPOSED TREES																				
SIZE (INCHES)	NUMBER	SLANTY TREES (INCHES)	SLANTY TREES (INCHES)																	
2"	15 EA.	0.5	0.0																	
TOTAL PROPOSED			0.0																	
PERMITS LF	1 SLAND/10 SPACES = 0 SPACES = 0 SLANDS REQ.	5 SLANDS PROPOSED																		
PERMITS LF	1 TREE/0 SPACES = 0 SPACES = 0 TREES REQ.	0 TREES PROPOSED																		
GRASS SPACE	70% 6,500 SF.	67% 32,511 SF.																		

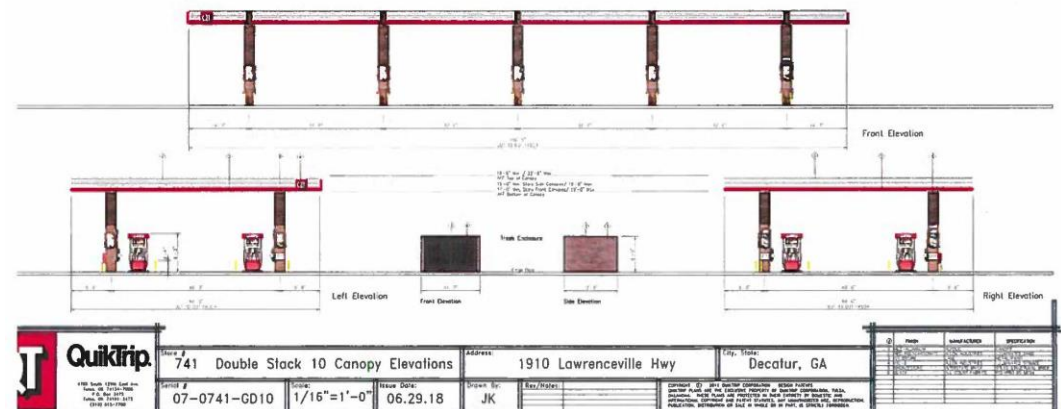
NO.	SYMBOL	PLANT NAME / COMMENTS	QUANTITY	UNIT	PRICE	TOTAL	DATE	BY	REMARKS
1		NEEDLE POINT HAWK Five Corners, Kansas Plant	100	EA.	1.00	100.00			SEE LAYOUT FOR LOCATION AND SPECIES
2		CHERRY PRUNELLA Plumosa Chinensis	10	EA.	1.00	10.00			SEE LAYOUT FOR LOCATION AND SPECIES
3		YUCCA - YUCCA BENT Zosterifolia	10	EA.	1.00	10.00			SEE LAYOUT FOR LOCATION AND SPECIES
4		RED BUDLE Jap. Quercus	10	EA.	1.00	10.00			SEE LAYOUT FOR LOCATION AND SPECIES
5		WINTER OLE Quercus nigra	10	EA.	1.00	10.00			SEE LAYOUT FOR LOCATION AND SPECIES
6		SPRING OLE	10	EA.	1.00	10.00			SEE LAYOUT FOR LOCATION AND SPECIES
7		WINTER OLE	10	EA.	1.00	10.00			SEE LAYOUT FOR LOCATION AND SPECIES

NOTE: THESE PLANS ARE PROVIDED FOR CONCEPTUAL PLAN APPROVAL ONLY. NOT FOR CONSTRUCTION.

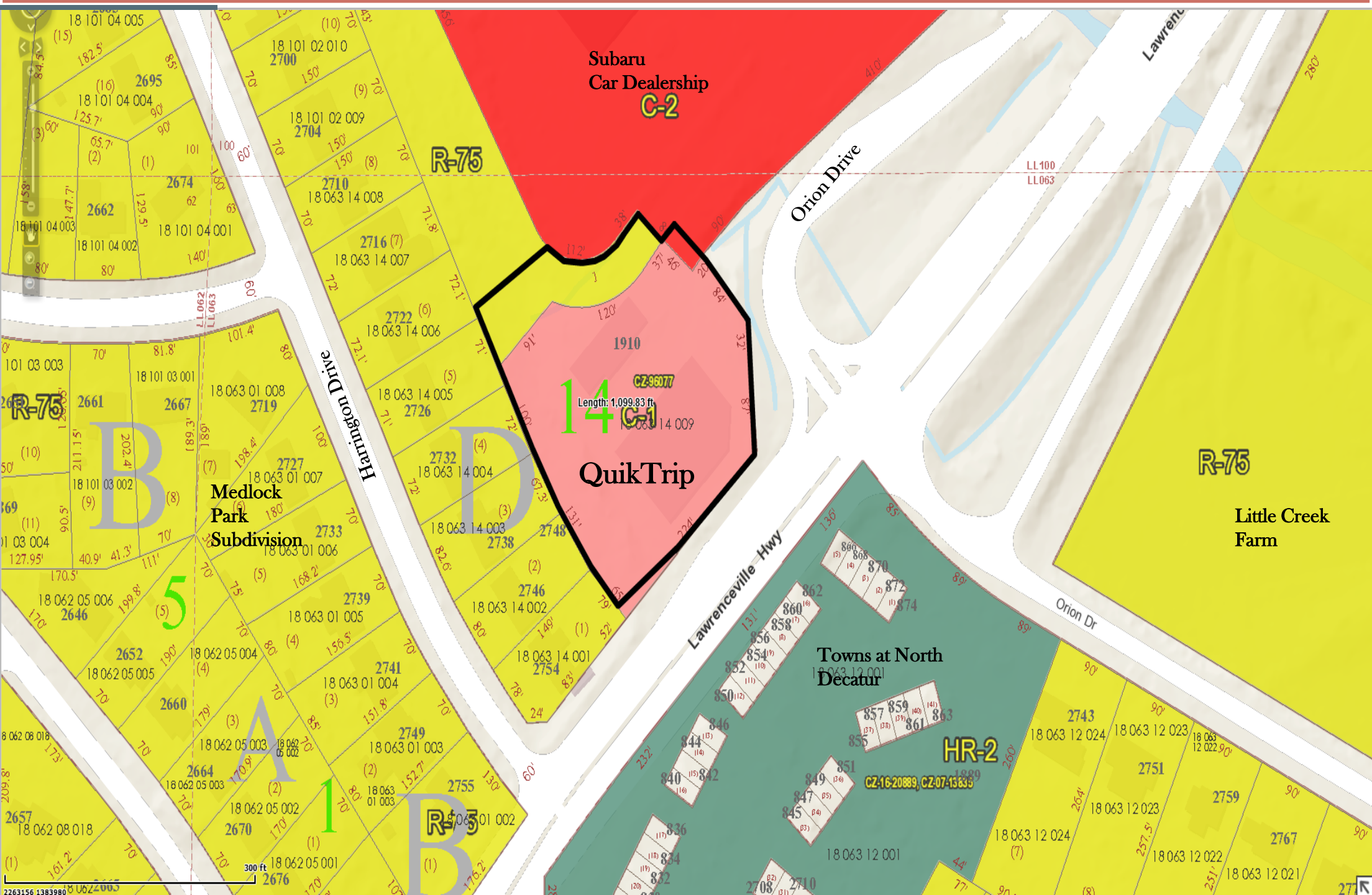


N4, N5 & N6

# Z-18-1235207; SLUP-18-1235205 & SLUP-18-1235206 Architectural Rendering Submitted 11-01-18

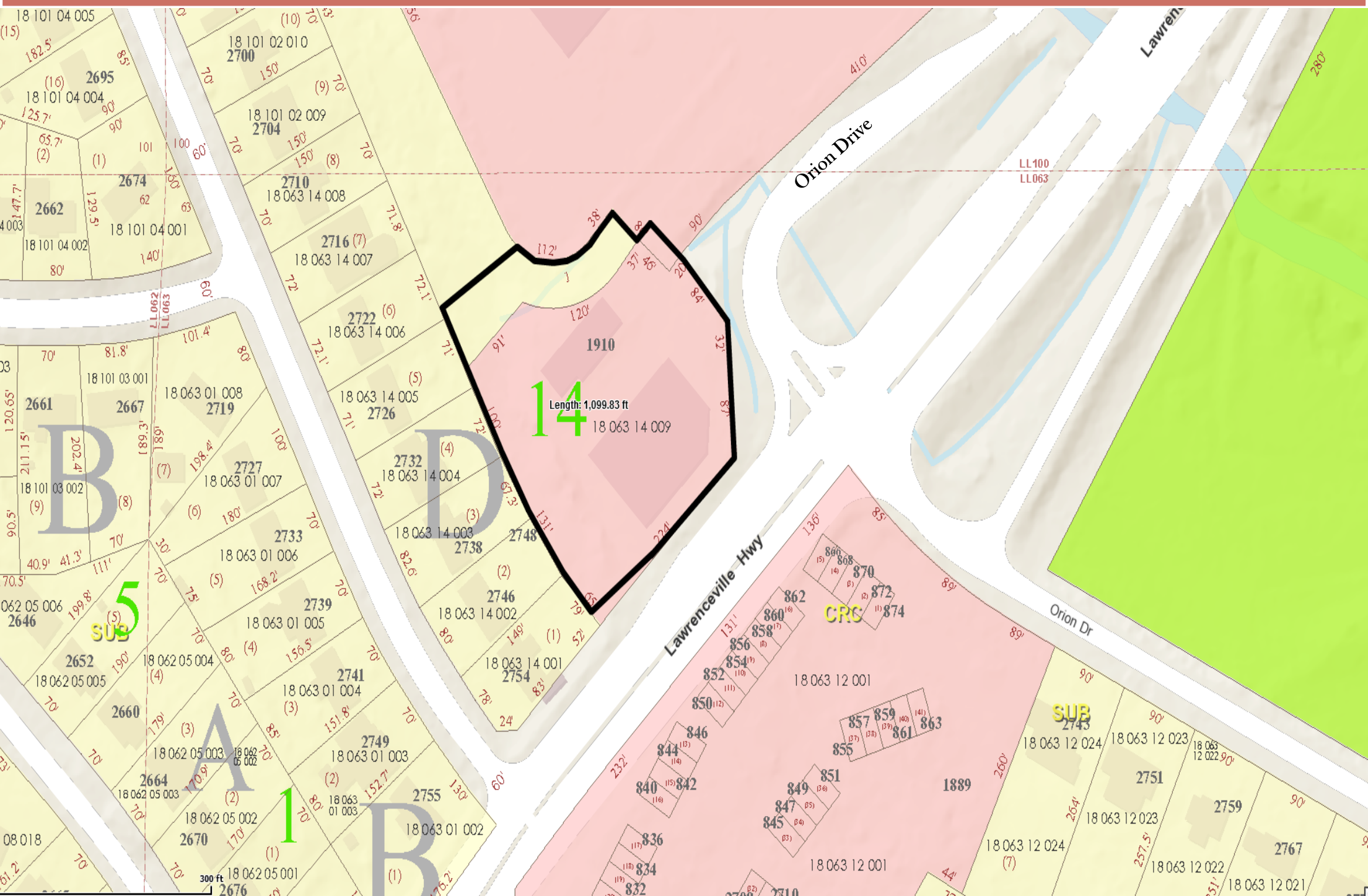






**Z-18-1235207; SLUP-18-1235205 &  
SLUP-18-1235206**

**Future Land Use Map  
Suburban & CRC**







Subaru Car Dealership

Orion Drive

1910

QuikTrip

Little Creek Farm

Medlock Park Subdivision

Lawrenceville Highway

Towns at North Decatur Under Construction

B

5

A

1

300 ft







## Z-18-1235207; SLUP-18-1235205 & SLUP-18-1235206 Existing Site Photos

