



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: November 01, 2018, 6:30 P.M.
Board of Commissioners Hearing Date: November 13, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: 2018-2745/ Z-18-1235207 **Agenda #:** N.4

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 rezone property from R-75 (Residential Medium Lot) District, C-1 (Local Commercial) District and C-2 (General Commercial) District to C-1 (Local Commercial) District to redevelop and replace existing a QuikTrip convenience store with accessory fuel pumps and alcohol sales.

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 Harold Shepherd, Jr. and James Harold Shepherd as Trustees for Thomas C. Shepherd under Item II of Last Will and Testament of Dana J. Shepherd

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

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

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

SUBJECT PROPERTY

The site 1.97-acre site is located on the north side of 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 east 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

Per the submitted Letter-of-Intent and site plan documentation, the applicant seeks to redevelop and upgrade the existing QuikTrip Convenience Store and auto fuel pumps. The layout of the convenience store and gas pump islands will be reoriented to allow the main entrance of the QuikTrip convenience store and pump islands to face Orion Drive in lieu of the current orientation on Lawrenceville Highway. The building square footage will slightly increase from 3,297 square feet to 4,977 square feet. However, the number of pump islands will decrease from 11 to 10 thereby reducing the number of pumping stations from 22 to 20. This will facilitate better traffic flow within the site. Two (2) points of access are proposed for the subject site. The existing right-in-right out only curb cut on Lawrenceville Highway will remain to serve clientele traveling west on Lawrenceville Highway. A full-service curb cut is proposed for Orion Drive. The dumpster will be relocated from its current position to the far east side of the site further away from residential development in the adjacent Medlock Park Subdivision. The proposed development utilizes underground storm water detention consistent with EPA standards. Landscaping will be provided along property frontages consistent with Chapter 27-Article 5 Site Design and Building Form Standards of the DeKalb Code of Ordinances. 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. Companion cases include Special Land Use Permit (SLUP) requests for automobile fuel sales (SLUP-18-1235205) and an alcohol outlet (SLUP-18-1235206) as accessory uses for the QuikTrip convenience store.

ZONING ANALYSIS

The combined site is currently zoned R-75 (Residential Medium Lot) District and C-1 (Local Commercial) District. The C-1 zoned portion of the site is zoned with conditions pursuant to CZ-96077 for additional parking spaces for the QuikTrip Convenience Store and the addition of vegetation (needle point hollies) to block lights from adjacent residential properties. 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 1.97 acres to the C-1 (Local Commercial) District to upgrade the existing QuikTrip development on the site with the additional acreage zoned R-75. 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 proposed C-1 District on the site with the added acreage will increase the level of service to customers, provide better traffic flow between the pumping stations and increase the property aesthetics by upgrading the architectural elements of the QuikTrip building

design. In conjunction with the proposed rezoning request, the applicant is requesting two (2) related Special Land Use Permits (SLUP) for the subject site. SLUP-18-1235205 is a request to allow automobile fuel pumps as an accessory use to the QuikTrip convenience store and SLUP-18-1235206 is a request to allow the convenience store to sell beer and wine (alcohol outlet). Both the automobile fuel pumps and alcohol outlet are permitted within a C-1 zoning district with an approved Special Land Use Permit (SLUP). The request to rezone the site to C-1 (Local Commercial) is consistent with existing commercial and non-residential zonings along both sides of Lawrenceville Highway. West and south of the site is zoned C-1 (Local Commercial) District, O-I (Office-Institutional) District and C-2 (General Commercial) District. Therefore, Planning Staff concludes that 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.

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.

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 Commercial Redevelopment Corridor Character Area, the proposed QuikTrip convenience store 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; Encourage development within and near transportation corridors and activity centers; and Upgrade the appearance of existing older commercial buildings with façade improvements.

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 in the area along Lawrenceville Highway and Orion Drive near the North DeKalb Mall.

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 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 residential properties with compliance to transitional buffers. The rezoning request will not affect the existing use or usability of nearby non-residential properties along Lawrenceville Highway and Orion Drive.

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-96077 give supporting grounds for approval of the C-1 (Local Commercial) zoning proposal for the redevelopment of the QuikTrip convenience store.

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 Lawrenceville Highway (a six-lane major arterial with a 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.

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 Lawrenceville Highway and Orion Drive. The existing commercial use on the site support this request for C-1 zoning to redevelop and upgrade the QuikTrip convenience store on the subject site. 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: Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services; Improve the aesthetic appearance along major corridors; Encourage development within and near transportation corridors and activity centers; and Upgrade the appearance of existing older commercial buildings with façade improvements. The subject site located on a major arterial (Lawrenceville Highway) 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 in substantial compliance with the site plan, landscape plan and elevations submitted to the Department of Planning and Sustainability on November 1, 2018. Site plan is conceptual and subject to the approval of the Director of Planning and Sustainability.
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 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.
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 rezoning 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.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV**

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: 2-18-123507 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) 6/7TH 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:

Plans and field reviewed. This is not existing
property and 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 OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: 2018-2745/ Z-18-1235207

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.

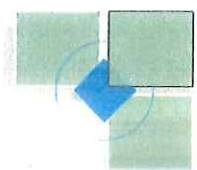
Signature: 



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**

AUG 30 2018

Z/CZ No. 2 18-1235207
Filing Fee: 750

Date Received: BY: Application No.: _____

Applicant: Quiktrip Corporation c/o Battle Law, P.C. E-Mail: mlb@battlelawpc.com

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

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

Owner(s): See Attachment "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: 1910 Lawrenceville Highway and portion of 2580 Pine Bluff Drive

District(s): 18 Land Lot(s): 063 Block: 14 Parcel(s): 009
18 101 02 001
Acreage: 1.974 Commission District(s): 2 and 6

Present Zoning Category: C-1 and R-75 and C-2 Proposed Zoning Category: C-1

Present Land Use Category: SUB

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 C.E.O. and the Board of Commissioners, County, 1300 Commerce Drive, Decatur, Ga. 30030.

NOTARY
05/04/2020
EXPIRATION DATE / SEAL



SIGNATURE OF APPLICANT / DATE

Check One: Owner Agent

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

10/16/2018

N.1

SLUP-18-1235193 2018-2793 15-131-02-009

2336 Wesley Chapel Road

Amendment

- Please see general comments.
- Septic system installed on property on 12/22/17.

N.2

LP-18-1235272 2018-2808 16-168-01-008

2346 Pine Mountain Street, Lithonia, GA 30058

Amendment

- Please see general comments.

N.3

Z-18-1235197 2018-2774 16-168-01-008

2346 Pine Mountain Street, Lithonia, GA 30058

Amendment

- Please see general comments.

N.4

Z-18-1235207 2018-2745 18-063-14-009,18-101-02-001

1910 Lawrenceville Highway, Decatur, GA 30033

Amendment

- Please see general comments.

B Battle 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@battlelawpc.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
1910 Lawrenceville Hwy, Decatur
Sign-in Sheet

Name	Email / Phone	Address
Kyle Taylor	ktaylor06@gmail.com (424) 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/770-906-2081	2726 Harrington Dr
Liam Strain	liamstrain@gmail.com / 312 933 3832	830 Allerton Ct.
Laura Baird	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	327 Taxawith
MARY SHELLMAN	MSHELLU739@AOL.COM	2419 HARRINGTON
LYNNE GAWIN	LGAWIN10@gmail.com	Langdon Court
Martha Arellano	marella@emory.edu	2716 Harrington
NICHOLAS WILLIAMS	NICHOLAS@SHAREALCODE.COM	2716 HARRINGTON DR.
Marylee Putnam	maryleeputnam@comcast.net	2848 Hillbrook
John Beers Phillippey	Beers, Koehn@gmail.com	2777 Harrington
MELISSA SCHOENE	schoenempe@gmail.com	2739 HARRINGTON
MONICA MORGAN	monicamorgan180@gmail.com	DECATUR, GA 30033
Sasha Payne	spayne@emory.edu	2473 Harrington Dr Decatur, GA 30033
Jim Smith	jf1smith@gmail.com	716 Densley Dr
Brenda Prather	brendajprather@gmail.com	840 LARRY LANE
Theresa Same	t-same@bellsouth.net	2530 McCurdy Rd
Dorothy Dabbs	dorothydabbs@aol.net	1725 McClellan Ave
Meredith Chely	wwwmonahan10@aol.com	2692 Harrington Dr
Tanya Myers	tanya.r.myers@gmail.com	2240 Vistamar Dr
Malina Rodriguez	atlanceatruck@gmail.com	2637 Woodridge Dr.
Lisa Mitchell	ugadawg82@gmail.com	2733 Harrington

JAMES DABBS J.DABBS@CRITICALRESPONSE.COM



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@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 NARRINGTON DR	DECATUR, GA	30033		NICHOLAS SURREAL CODE .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		JF1SM.4K@gmail.com
Meredith	Orlby	2692 Harrington Dr	Decatur	30033		wwmonahan10@aol.com <small>← zero</small>
Kyle	Taylor	2746 HARRINGTON DR	DECATUR	30033		keltaylor06@gmail.com
Jean	Logan	322 Taxwath 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 ^{Dr.}	Decatur	30033	404 902-1199	gayla.green@gmail.com
MELISSA	SCHOEJE	2739 HARRINGTON	DECATUR	30033	404 - 630-0030	schoenemp@gmail.com
MONICA	MORGAN	"	"	"	415-264-8808	monicamorgan80@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 E	AL	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 Sadrudin Ashiq Ali	1845 Lawrenceville Hwy	Decatur	GA	30033-5728
Kasam Wadhvaniya	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 Zoning Ordinance
for the
Application for Zoning Amendment

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



From R-75 and C-1 to C-1

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
mlb@battlelawpc.com

I. LETTER OF INTENT

The Applicant, QuikTrip Corporation, is seeking to rezone a ±1.974-acre assembled tract of land located at 1910 Lawrenceville Highway and 2580 Pine Bluff Drive, in Decatur, DeKalb County, Georgia (the "Subject Property") from R-75 and C-1 to C-1, while simultaneously seeking to obtain a Special Land Use Permit to construct a Convenience Store with Accessory Fuel Pumps and Accessory Alcohol Outlet. Currently, the Subject Property is improved with an older QuikTrip facility with gas pumps that was developed in 1994. The Subject Property is zoned C-1 and R-75, has land use designations of Commercial Redevelopment Corridor and Suburban. The Applicant is proposing to redevelop its existing convenience store facility and gasoline bay by turning it counter clockwise to develop a Generation 3 QuikTrip Store with 10 gas pumps (20 fueling stations).

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 Zoning Ordinance, § 27-7.3.5. A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.



II. IMPACT ANALYSIS

A.

THE LAND USE PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT 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.

B.

THE PROPOSED LAND USE AMENDMENT 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 properties. 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 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 including those that will relocate to the townhomes across the street. The R-75 portion of the Subject Property is a part of the adjacent nature preserve, which is owned by the same entity and individuals who own the Subject Property. The portion R-75 portion of the Subject Property will in no way interfere with the continued preservation of the balance of the property at 2580 Pine Bluff Drive.

C.

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

The economic use of the Subject Property as currently zoned is significantly diminished by the current zoning conditions, as well as the being zoned for two different uses.

D.

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

The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. As noted above, this is simply a redevelopment of an existing use on the Subject Property. Therefore, development patterns in the area are entirely consistent with the proposed use for the Subject Property. Furthermore, redevelopment of the Subject Property will allow for improvements to the Subject Property which will benefit the adjacent residential community, including, installing a sidewalk off site along Lawrenceville Highway that will connect to the adjacent community, clearing out a significant portion of the ivy within the transitional buffer that is negatively impacting the trees, and providing a hiding place for rodents, relocating and increasing the number of trash receptacles on the Subject Property, reducing and reconfiguring the pump stations to eliminate congestion accessing the Subject Property from Lawrenceville Highway, and upgrading the visual aesthetics of the Subject Property.

E.

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

The area in which the Subject Property is located is in the midst of rapid growth and development of residential and commercial uses, especially on the Scott Boulevard and Church Street corridors. It is the Applicant's desire to tie into this spirit of growth and quality development by improving the quality of the experience for the surrounding community. QuikTrip proposes to develop a quality convenience store that provides hot food that is prepared in their new QT Kitchens®, and a wide assortment of hot and cold beverages, fresh fruit, and deli food options. In addition to food and beverages, QuikTrip also offers clean restrooms, free air pumps, and an overall clean facility with courteous and attentive staff. Its high standards of customer service attract people to the area which also supports the viability of nearby businesses.

F.

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

The 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. Additionally, it will not negatively impact the schools in the area.

IV. CONCLUSION

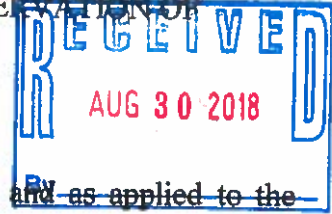
For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application and are attached hereto and by this reference incorporated herein.

This ___ day of August, 2018.

Respectfully submitted,


Michele L. Battle
Attorney For Applicant

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF
CONTITUTIONAL 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 amend the land use and/or 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.

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

A refusal to allow the land use amendment and/or rezoning 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 land use designation and/or 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 land use designation and/or 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.



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 (2-17) (Plus Size/Type On Plans)
- Storm Sewer Line (2-17) (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



QuikTrip No. 0741
1910 LAWRENCEVILLE HIGHWAY
DECATUR, GA



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PROJECT TYPE:	P-99 (05/01/18)
DIVISION:	001
VERSION:	001
DESIGNED BY:	MM
DRAWN BY:	MM
REVIEWED BY:	MM

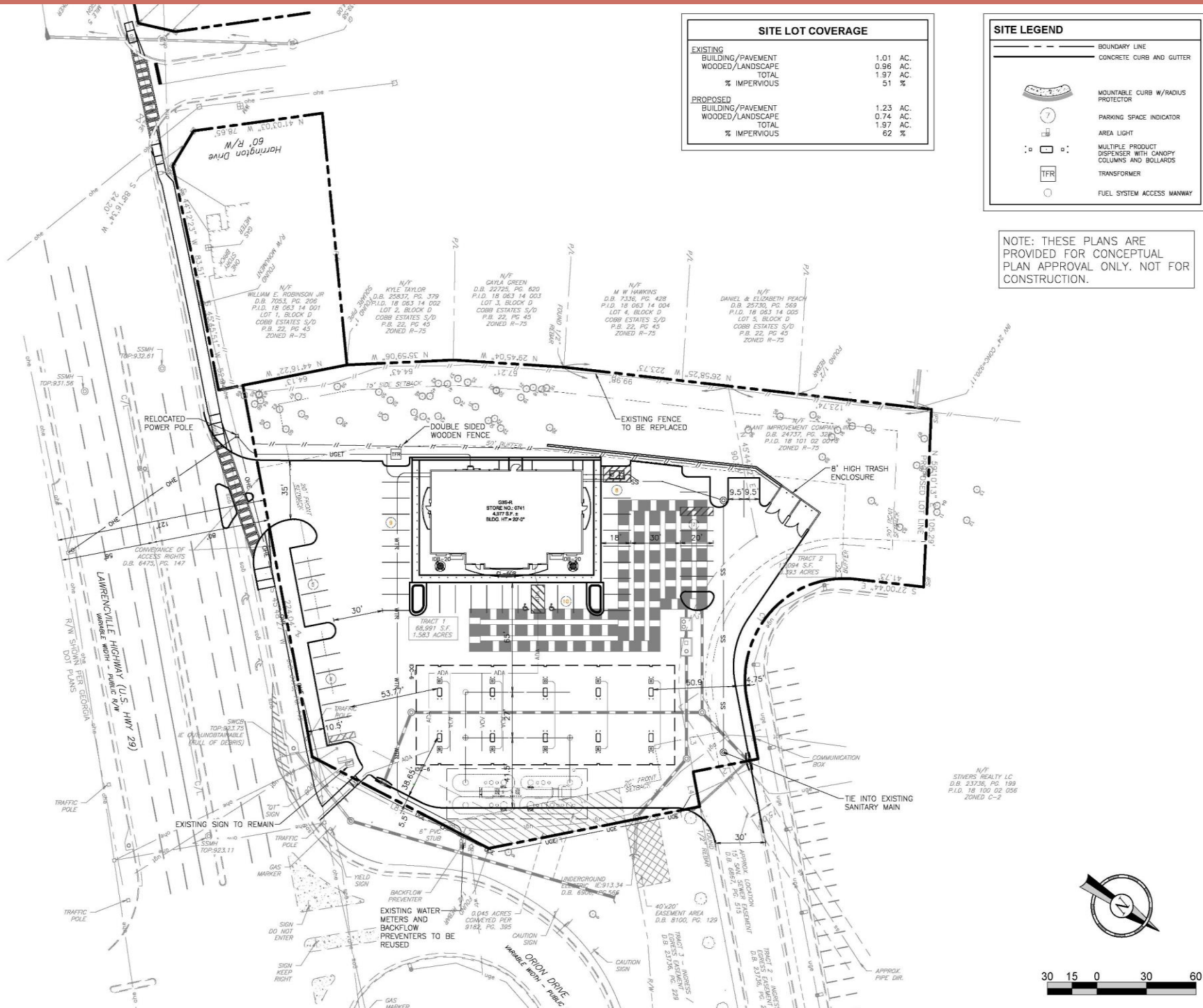
REV.	DATE	DESCRIPTION

SHEET TITLE:
DEMO PLAN

SHEET NUMBER:
1



ORIGINAL ISSUE DATE: 06/19/2018



SITE LOT COVERAGE	
EXISTING BUILDING/PAVEMENT	1.01 AC.
WOODED/LANDSCAPE	0.96 AC.
TOTAL	1.97 AC.
% IMPERVIOUS	51 %
PROPOSED BUILDING/PAVEMENT	1.23 AC.
WOODED/LANDSCAPE	0.74 AC.
TOTAL	1.97 AC.
% IMPERVIOUS	62 %

SITE LEGEND

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- MOUNTABLE CURB W/RADIUS PROTECTOR
- PARKING SPACE INDICATOR
- AREA LIGHT
- MULTIPLE PRODUCT DISPENSER WITH CANOPY COLUMNS AND BOLLARDS
- TRANSFORMER
- FUEL SYSTEM ACCESS MANNAY

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

PROJECT NO.: 18-LD-121

WOLVERTON

 Engineering Solutions You Can Trust

 6745 Superior Parkway • Suite 102 • Dublin, Georgia 30097

 Phone: 770-441-9989

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QuikTrip No. 0741

 1910 LAWRENCEVILLE HIGHWAY

 DECATUR, GA

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 PROTOTYPE: P-04 (05/01/18)

 DIVISION: 001

 VERSION: 001

 DESIGNED BY: MM

 DRAWN BY:

 REVIEWED BY: MM

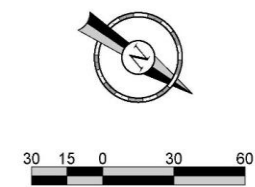
REV	DATE	DESCRIPTION

SHEET TITLE:

 SITE PLAN

SHEET NUMBER:

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- 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 HUMPS, "GRADE BREAKS" SHALL BE CONSTRUCTED AS A "VERTICAL CURVE". SURVEYOR & CONTRACTOR SHALL CONFERENCE WITH QUIKTRIP CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION STAKING OR CONCRETE PLACEMENT RELATIVE TO ANY GRADE BREAKS.

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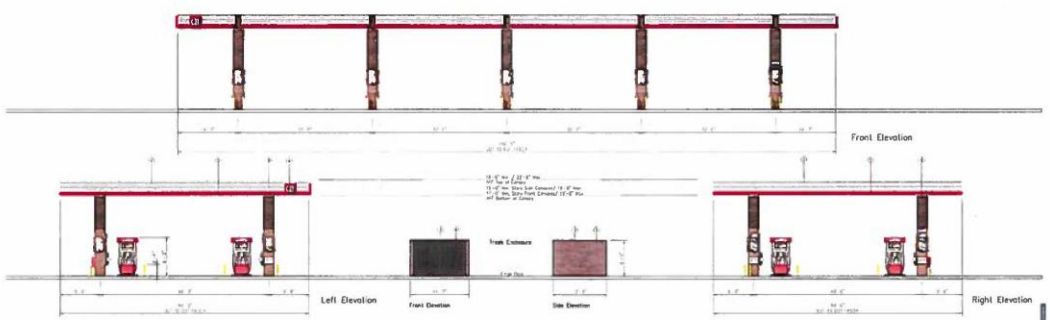
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SHEET TITLE:
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 SHEET NUMBER:

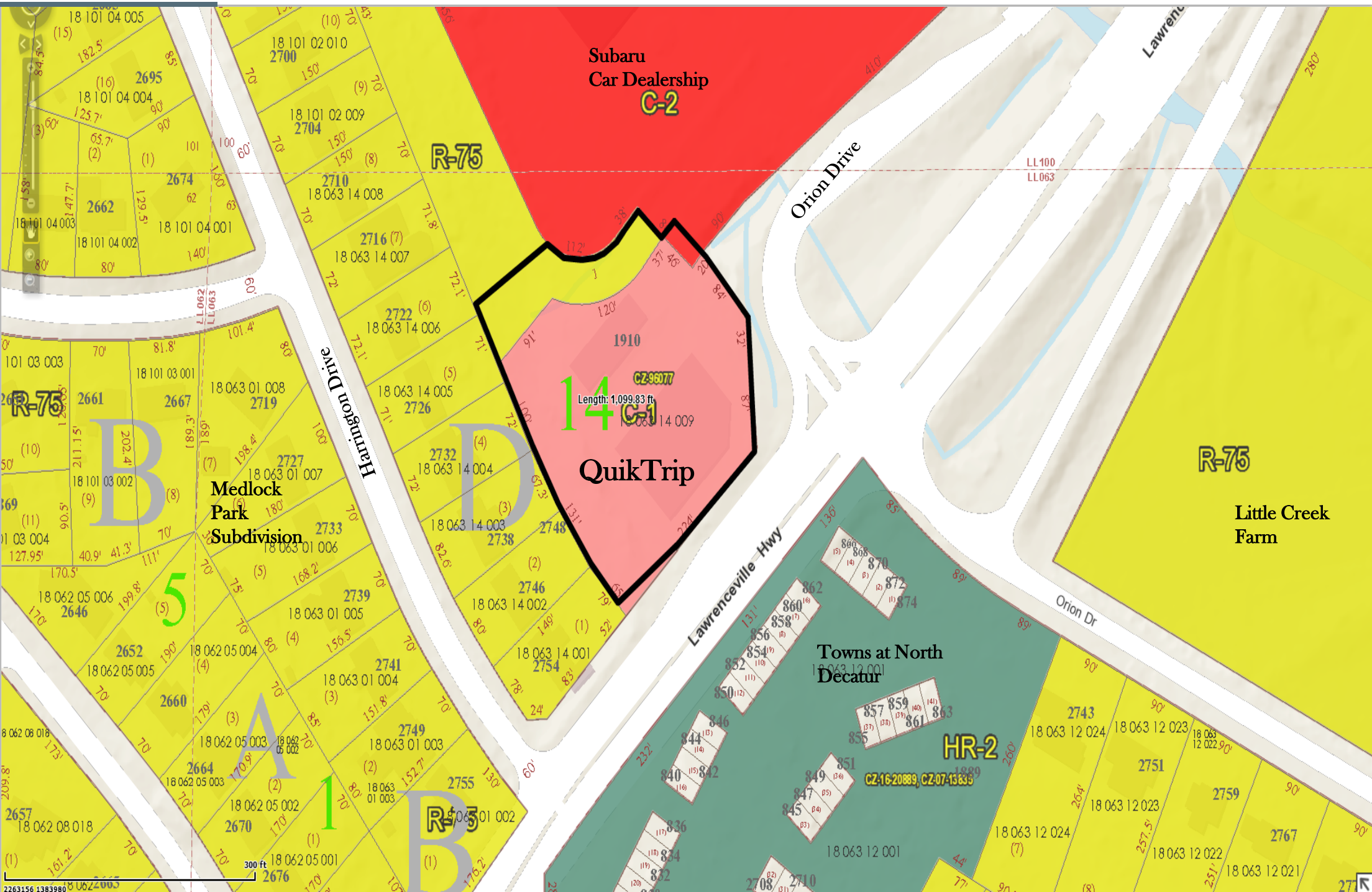




	Project #	741	G3S-L Building Elevations		Address	1910 Lawrenceville Hwy	City/State	Decatur, GA	<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISION	DATE			
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Sheet #	07-0741-G3SL	Scale	1/16"=1'-0"	Date	10.29.18	Drawn By	JK								



	Project #	741	Double Stack 10 Canopy Elevations		Address	1910 Lawrenceville Hwy	City/State	Decatur, GA	<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISION	DATE			
	NO.	REVISION	DATE												
Sheet #	07-0741-GD10	Scale	1/16"=1'-0"	Date	06.29.18	Drawn By	JK								





Subaru Car Dealership

Medlock Park Subdivision

1910
Leng
QuikTrip

Little Creek Farm

Towns at North Decatur Under Construction

300 ft



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

