

Planning Commission Hearing Date: March 3, 2026
Board of Commissioners Hearing Date: March 26, 2026

STAFF ANALYSIS

CASE NO.:	Z-26-1247929	File ID #: 2026-0140
Address:	3820 & 3828 North Decatur Road Decatur, GA 30032	Commission District: 4 Super District: 6
Parcel ID(s):	18-012-10-004, 18-012-10-003	
Request:	Rezone property from NS (Neighborhood Shopping) zoning district to C-1 (Local Commercial) zoning district to allow a convenience store (with fuel pumps), a drive-through facility for a pharmacy, and retail.	
Property Owner(s):	Local Sandy Ga LLC c/o CVS	
Applicant/Agent:	Scope Builders, LLC c/o Battle Law, P.C.	
Acreage:	Approx. 1.66 acres	
Existing Land Use:	Pharmacy/Retail with accessory drive-through facility	
Adjacent Zoning:	North: R-75 East: C-1 (across North Indian Creek Drive) South: O-I (across North Decatur Road) West: O-I	
Character Area	Town Center (TC)	
Comprehensive Plan:	<u> </u> Consistent <u> X </u> Inconsistent	

STAFF RECOMMENDATION: DENIAL

The subject properties are currently improved with an approximately 10,000 square foot structure that was built circa 1999. The most recent use of the structure and properties was that of a retail pharmacy with an accessory drive-through facility. The applicant, Scope Builders, LLC c/o Battle Law, P.C., requests a rezoning of the subject properties from the NS (Neighborhood Shopping) zoning district to the C-1 (Local Commercial) zoning district to allow for the development of a convenience store (with fuel pumps), a drive-through facility for a pharmacy, and retail.

Convenience stores, pharmacies, and general retail are all permitted uses in the NS zoning district. Drive-through facilities are not, however, and require a rezoning to, at minimum, a C-1 zoning district. In addition, all drive-through facilities located in an activity center (the properties are located in a Town Center (TC) character area) require an associated Special Land Use Permit (SLUP) granted by the Board of Commissioners. The existing drive-through facility appears to pre-date this requirement and is considered legally nonconforming, subject to Article 8 of the *Zoning Ordinance*. A SLUP application is required for a change of ownership in this circumstance (see concurrent application SLUP-26-1247928). Similarly, fuel pumps accessory to convenience stores or other uses are only permitted in the NS or C-1 zoning districts with a SLUP when located in an activity center (see concurrent application SLUP-26-1247927).

Per the *DeKalb County 2050 Unified Plan*, “the intent of the Town Center is to promote the concentration of higher intensity residential and commercial uses, which serve several communities surrounding the center, in order to reduce automobile travel, promote walkability, and increase transit usage” (*DeKalb County 2050 Unified Plan*, pg. 33). This character area is second only to Regional Center (RC) character areas in terms of size, scope and intensity, and like RC character areas, encourages new development to be pedestrian-oriented at street level. The *Unified Plan* also states that “the edge of the [Town Center] should serve as a transition zone, buffering more intense uses in the core from adjacent single-family

neighborhoods and other uses outside the [Town Center's] boundaries" (*DeKalb County 2050 Unified Plan*, pg. 33). Although small improvements are proposed to be made to the streetscape zones in County Right-of-Way (ROW) along the properties' frontages on North Decatur Road and North Indian Creek Road, the proposed addition of fuel pumps to the site and the proposal as a whole becomes increasingly auto-oriented and more intense, and increasingly in conflict with the goals of the character area.

In addition to being located within a TC character area, the subject properties are also located in an area that is encompassed by the *Memorial Drive Revitalization Corridor Plan*, which was completed in December 2019. At the time of this study, it was found that the larger Memorial Drive corridor appeared to contain a vast overabundance of "nearly 2 million more square feet of retail that is supportable under current market conditions" (*Memorial Drive Revitalization Corridor Plan*, pg. 50). Although the Small Area Plan is approximately six (6) to seven (7) years old at the time of this analysis, there does not appear to be anything to suggest that these conditions have drastically altered since the initial study.

The Small Area Plan encourages the "removal, redevelopment, or re-purposing of the oldest or least desirable retail space into other uses", the converting of "existing retail space to job-supportive workspaces (particularly professional office, light-industrial and flex space)", and supports "mixed-use development as an overall guiding principle", but taking care "not to over-supply retail". In this case retail "is best used sparingly as an amenity to increase the attractiveness and viability of housing, workspace, and other non-retail uses" (*Memorial Drive Revitalization Corridor Plan*, pg. 51). The proposed plans in their current state would add additional retail spaces and would convert the existing standalone pharmacy into a *shopping center* (as defined in Article 9 of the *Zoning Ordinance*), where such additions may not be warranted.

The properties are physically restricted by their lack of relative depth and the requirement for a 50-foot transitional buffer adjacent to the residential properties zoned R-75 to the north. The proposed conversion of the existing building into a shopping center would require at least one (1) loading space, which must be screened from view of any ROW, per Section 27-6.1.14. of the *Zoning Ordinance*. The existing drive-through may be partially nonconforming with respect to Section 27-4.2.23. and Section 27-6.1.3. (specifically with respect to maneuverability), and the addition of fuel pumps in what would formerly be parking could exacerbate maneuverability issues on-site. The decision to utilize the existing building footprint may impede a more flexible and pedestrian-oriented design that could visibly enhance the corridor while also complying with modern Code requirements.

While Staff typically favors "adaptive re-use" of existing buildings and sites, the proposal appears to veer further from the the goals and intent of the TC character area (Section 27-7.3.5. (A)) and conflicts with the suggestions of the Memorial Drive Small Area Plan. Instead of expanding or introducing new and distinct uses to the corridor, the renderings and site plan appear to provide for uses for which there is already an established overabundance (Section 27-7.3.5. (B and D)) in a manner that is typical of suburban shopping centers, many of which are struggling to maintain or find new tenants. The further addition of car-oriented uses to a property that is already restricted in its usable area raises maneuverability and traffic safety concerns (Section 27-7.3.5. (G)). Several of the proposed uses, such as pharmacies and retail, are already permitted by-right in the NS zoning district. The request to rezone to C-1 appears to be largely tied to the concurrent requests for a drive-through facility and for fuel pumps. Upon review of the criteria set forth in Section 27-7.3.5. of the *Zoning Ordinance*, the Planning and Sustainability Department recommends a ***Denial*** of this rezoning request.

DEPARTMENT OF PLANNING & SUSTAINABILITY**Chief of Executive Officer**
Lorraine Cochran-Johnson**Director**
Juliana A. Njoku**Zoning Comments March 2026****N1. Z-26-1247920 (2026-0138) 1437 & 1453 S. Indian Creek Drive:**

South Indian Creek is classified as a “Collector” road. All interior streets are to be private, designed to local street standards. Verify there is enough parking provided interior to the site for residents and guests. South Indian Creek Road is classified as a collector road. Land Development permit is required. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot landscape strip with a 10-foot multi-use path. At least 5 feet of the landscape strip must lie between the back of curb and the multi-use path or sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements based on speed limit. All poles and other obstructions must be relocated out of the multi-use path.

N2. Z-26-1247923 (2026-0139) 3003 Chamblee-Tucker Road; 2936 Mercer University Drive:

All interior streets must be private. Mercer University Drive is classified as a “Collector” road. Land Development permit is required. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot landscape strip with a 10-foot multi-use path. At least 5 feet of the landscape strip must lie between the back of curb and the multi-use path or sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). The requirements are for the entire frontage unless a variance is sought. All intersections must meet AASHTO sight distance requirements based on speed limits. All poles and other obstructions must be relocated out of the multi-use path. The access entrance requires reworking due to possible driver confusion and impact to Mercer University Drive. Eliminate the acceleration lane along Mercer University Drive. Chamblee-Tucker Road is classified as a “Minor Arterial” road. If a land development permit is required, please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot multi-use path. Requires pedestrian scale streetlights.

N3/N4/N5. Z-26-1247929 (2026-0140); SLUP-26-1247927 (026-0141); SLUP-26-1247928 (2026-0142) 3820 & 3828 North Decatur Road:

Rockbridge Road is classified as a “Minor Arterial” road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot landscape strip with a 10-foot multi-use path. At least 5 feet of the landscape strip must lie between the back of curb and the multi-use path or sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements based on speed limits. All poles and other obstructions (hydrant) must be relocated out of the multi-use path. Site engineer to determine if guardrail along the property is still required

N6. Z-26-1247933 (2026-0143) 2674, 2682 & 2690 Gresham Road:

All interior streets are to be private, designed to local street standards. Gresham Road is classified as a “Collector” road. Land Development permit is required. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot landscape strip with a 10-foot multi-use path. At least 5 feet of the landscape strip must lie between the back of curb and the multi-use path or sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements based on speed limits. All poles and other obstructions must be relocated out of the multi-use path.

N7/N8. Z-26-1247935 (2026-0144); SLUP-26-1247934 (2026-0145) 2111 Poplar Falls Road:

The existing road infrastructure approaching this development is not sufficient to support the implementation of the development. Poplar Falls Road is classified as a “Local” road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 6-foot landscape strip and a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements based on speed limits. All poles and other obstructions must be relocated out of the multi-use path.

N9. SLUP-26-1247921 (2026-0146) 1313 & 1303 Lithonia-Industrial Boulevard:

Lithonia-Industrial Boulevard is classified as a “Minor Arterial” road. Not enough information to properly review. Access points were set based on the Lithonia Industrial Blvd Road Plans. Applicant does not show interior routes on plans. Streetlights will be required on Lithonia-Industrial Boulevard.

N10. Z-26-1247922 (2026-0147) 6136 Shadow Rock Lane:

Shadow Rock Lane is classified as a “Local” road. The existing road infrastructure approaching this development is not sufficient to support the implementation of the development. The entire right of way width of the corridor is 20 feet wide with a +/- 8-foot road/driveway. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov).

N11. SLUP-26-1247926 (2026-0148) 4031 Rainbow Drive:

Rainbow Drive is classified as a “Minor Arterial” road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot landscape strip with a 10-foot multi-use path. At least 5 feet of the landscape strip must lie between the back of curb and the multi-use path or sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements based on speed limits. All poles and other obstructions must be relocated out of the multi-use path.

N12. SLUP-26-1247930 (2026-0149) 1890 Week Kirk Road:

Wee Kirk is classified as a “Local” road. No comments

N13/N14. LP-26-1247932 (2026-0150); Z-26-1247931 (2026-0151) 1680, 1690, & 1700 Henrico Road:

Henrico Road is classified as a “Collector” road. Please refer to the zoning and land development requirements of Tier 5 of the Bouldercrest Overlay District, Tier 4A within the Soapstone Historic district for development requirements. Concerned about the encroachment of residential into the industrial area and the conflict (truck traffic/noise) that may develop. The two properties on either side of this development are active industrial properties. While overlay infrastructure standards apply. Where silent the Zoning and Land Development Codes are enforced, in respective order. Site plan needs work. At a minimum, the requirements are as follows: Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Prefer internal streets to be private. If public, the internal streets require a right of way dedication of 55 feet (total) OR such that all public infrastructure is within right of way, whichever greater. Requires 24 feet of pavement with curb and gutter. Requires 6-foot landscape strip with a 5-foot sidewalk. Requires streetlights. (hefowler@dekalbcountyga.gov). Internal roundabout must be one-lane, one direction. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot landscape strip with a 10-foot multi-use path. At least 5 feet of the landscape strip must lie between the back of curb and the multi-use path or sidewalk. All intersections must meet AASHTO sight distance requirements based on speed limits. Concerned about entrance location based on horizontal and vertical curves along the site. All poles and other obstructions must be relocated out of the multi-use path.



Thursday, January 29, 2026

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

General Comments:

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

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

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

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

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

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

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

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

1/29/2026

N1-2026-0138

Z-26-1247920

1437 & 1453 South Indian Creek Drive, Stone Mountain, Ga 30083

- See general comments

N2-2026-0139

Z-26-1247923

3003 Chamblee-Tucker Road; 2936 Mercer University Drive, Chamblee, Ga 30341

- See general comments

N3-2026-0140

Z-26-1247929

3820 & 3828 North Decatur Road, Decatur, GA 30032

- See general comments.

N4-2026-0141

SLUP-26-1247927

3820 & 3828 North Decatur Road, Decatur, GA 30032

- SLUP. See general comments.

N5-2026-0142

SLUP-26-1247928

3820 & 3828 North Decatur Road, Decatur, GA 30032

- SLUP. See general comments.

N6-2026-0143

Z-26-1247933

2674, 2682, 2690 Gresham Road, Atlanta, Ga 30316

- See general comments.

LAND DEVELOPMENT ANALYSIS

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

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

Case # and Address/Parcel: _____

- **Transportation/Access/Row**

- **Stormwater Management**

- **Flood Hazard Area/Wetlands**

- **Landscaping/Tree Preservation**

- **Tributary Buffer**

- **Fire Safety**

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – **ROADS & DRAINAGE** - ZONING COMMENTS FORM

Case No.: _____ Parcel ID#: _____

Address: _____

Drainage Basin: _____

Upstream Drainage Area: _____

Percentage of Property in 100-Year Floodplain: _____

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

Required detention facility(s): _____

COMMENTS: _____

Signature: Akin Akinsola

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – **ROADS & DRAINAGE** - ZONING COMMENTS FORM

Case No.: SLUP-26-1247927 (2026-0141) Parcel ID#: 18 012 10 004; 18 012 10 003

Address: 3820 & 3828 North Decatur Road, Decatur

Drainage Basin: Indian Creek

Upstream Drainage Area: N/A

Percentage of Property in 100-Year Floodplain: 0%

Impact on property (flood, erosion, sedimentation) under existing zoning: No record of flood, erosion and sedimentation under existing zoning.

Required detention facility(s): Yes

COMMENTS: The proposed activity under the SLUP application will make the site to become a "stormwater hotspot" hence, a full compliance with the County's Illicit Discharge and Illegal Connection Quality Management Code (Sec. 22.5) and other requirements of the Stormwater management program.

Signature: Akin Akinsola

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – **ROADS & DRAINAGE** - ZONING COMMENTS FORM

Case No.: SLUP-26-1247928 (2026-0142) Parcel ID#: 18 012 10 004; 18 012 10 003

Address: 3820 & 3828 North Decatur Road, Decatur 30032 (Drive thru)

Drainage Basin: Indian Creek

Upstream Drainage Area: N/A

Percentage of Property in 100-Year Floodplain: 0%

Impact on property (flood, erosion, sedimentation) under existing zoning: No record of flood, erosion and sedimentation under existing zoning.

Required detention facility(s): N/A

COMMENTS: Drive thru under this SLUP will not impact existing roads and drainage infrastructure if approved.

Signature: Akin Akinsola

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – **TRAFFIC ENGINEERING** - ZONING COMMENTS FORM

Case No.: Z-26-1247929 (2026-0140)

Parcel ID#: 18 012 10 004; 18 012 10 003

Address: 3820 & 3828 North Decatur Road, Decatur 30032

Adjacent Roadway(s):

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: _____

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 (latest edition 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: After reviewing the location, no Traffic concerns
were identified.

Signature: R. Landell

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – **TRAFFIC ENGINEERING** - ZONING COMMENTS FORM

Case No.: SLUP-26-1247927 (2026-0141)

Parcel ID#: 18 012 10 004; 18 012 10 003

Address: 3820 & 3828 North Decatur Road, Decatur 30032 (FUEL PUMPS)

Adjacent Roadway(s):

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: _____

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 (latest edition 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: After reviewing the location, no Traffic Concern
were identified.

Signature: R. Landell

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – **WATER & SEWER** - ZONING COMMENTS FORM

Case No.: _____ Parcel ID#: _____

Address: _____

WATER:

Size of existing water main: _____ adequate _____ inadequate _____

Distance of property to nearest main: _____ Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: _____

Is sewer adjacent to property? Yes _____ No _____ If no, distance to nearest line: _____

Water Treatment Facility: _____ Adequate? Yes _____ No _____

Sewage Capacity: _____ (MGPD) Current Flow: _____ (MGPD)

COMMENTS: _____

Signature: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – **WATER & SEWER** - ZONING COMMENTS FORM

Case No.: SLUP-26-1247927 (2026-0141) Parcel ID#: 18 012 10 004; 18 012 10 003

Address: 3820 & 3828 North Decatur Road, Decatur 30032 (FUEL PUMPS)

WATER:

Size of existing water main: 8"CI adequate ☐ inadequate ☐

Distance of property to nearest main: adjacent Size of line required, if inadequate:

SEWER:

Outfall Servicing Project: Indian Creek

Is sewer adjacent to property? Yes ☒ No ☐ If no, distance to nearest line:

Water Treatment Facility: Snapfinger Adequate? Yes ☐ No ☐

Sewage Capacity: 36 (MGPD) Current Flow: 28 (MGPD)

COMMENTS: Building is existing. Sewer cap may not be required.

Signature: Yola Lewis

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – **WATER & SEWER** - ZONING COMMENTS FORM

Case No.: SLUP-26-1247928 (2026-0142) Parcel ID#: 18 012 10 004; 18 012 10 003

Address: 3820 & 3828 North Decatur Road, Decatur 30032 - DRIVE THROUGH

WATER:

Size of existing water main: 8"CI adequate ☐ inadequate ☐

Distance of property to nearest main: adjacent Size of line required, if inadequate:

SEWER:

Outfall Servicing Project: Indian Creek

Is sewer adjacent to property? Yes ☒ No ☐ If no, distance to nearest line:

Water Treatment Facility: Snapfinger Adequate? Yes ☐ No ☐

Sewage Capacity: 36 (MGPD) Current Flow: 28 (MGPD)

COMMENTS: Building is existing. Sewer cap may not be required.

Signature: Yola Lewis

Rezoning Application to Amend the Official Zoning Map
of DeKalb County, Georgia

Applicant Name: Scope Builders, Inc c/o Battle Law P.C.

Applicant Email Address: [REDACTED]

Applicant Mailing Address: [REDACTED]

Applicant Phone Number: [REDACTED]

Owner Name: Local Sandy GA LLC c/o CVS

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

Owner Email Address: [REDACTED]

Owner Mailing Address: [REDACTED]

Owner Phone Number: [REDACTED]

Subject Property Address: 3820 N Decatur Rd, Decatur, GA 30032 and 3828 N Decatur Rd, Decatur, GA 30032

Parcel ID Number(s): 18 012 10 004 and 18 012 10 003

Acreage: ~~0.65~~ 1.66 Commission District(s): 4 Super District: 6

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

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

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

Owner: Agent: x

Salim Punani

ID JLCWqFvR1VXCmkzeMswTP1G7

Signature of Applicant:

Zoning Meeting

A new project is proposed near you...

Please join Battle Law for a Community Meeting to discuss this project and what it means for the community. To register for the ZOOM please use the QR code below.

If you would like the information emailed to you, please send an email to projects@battlelawpc.com to request the information.



Zoom Meeting Info:

Meeting ID: 831 5766 0806

Password: 104636

<https://otago.zoom.us/join>



participants_83157660806_2025_12_05__1_

Name (original name)	Email	Total duration (minutes)
Jan Dunaway	[REDACTED]t	65
Valerie Dalton	[REDACTED]	28
don weston	[REDACTED]	62
Grant Pfeifer	[REDACTED]	38
Josh Mahoney	[REDACTED]	81
Dave Dawson	[REDACTED]	59
	[REDACTED]	56
Martha Perusek	[REDACTED]	30
Michele Battle	[REDACTED]	19
Barbara McGuire	[REDACTED]	52
SP	[REDACTED]	62
Shelia Harkleroad	[REDACTED]	53
Marla Lampert	[REDACTED]	63
Kother Maru	[REDACTED]k	62
Paul Duhe	[REDACTED]	59
Will Thompson	[REDACTED]	59
Brent Ferricci	[REDACTED]	23
Kayla Barnett	[REDACTED]	58
Victoria Webb	[REDACTED]	58
Elise	[REDACTED]	50
Tamara Chastain	[REDACTED]	46
Valerie Handley	[REDACTED]	60
Erica Hayes	[REDACTED]	61
Dial Heights - Rebecca (Rebecca Runyon)	[REDACTED]	63
Brigette Riley	[REDACTED]	80
Wilfred Best	[REDACTED]	55
Victoria Wojcinski	[REDACTED]	65
Alexis Perry	[REDACTED]	2
Wendy Collins	[REDACTED]	29
Kathleen Andres	[REDACTED]	72
Joe jean Borowski	[REDACTED]	67
Fran Mohr	[REDACTED]	57
Amy Wall	[REDACTED]	71
Jennifer Kapner	[REDACTED]	64
Bonnie Babcock	[REDACTED]	63



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For

A Rezoning from NS to C-1 and Two Special Land Use Permits to Allow for a Convenience
Store with Fuel Pumps, A Drive-Thru Pharmacy, and Retail Space

of

Scope Builders, Inc.
c/o Battle Law, P.C.

for

+/-1.66 Acres of Land
Being 3820 and 3828 North Decatur Road
DeKalb County, Georgia and
Parcel Nos. 18 012 10 003 and 18 012 10 004

Submitted for Applicant by:

Michèle L. Battle, Esq.
Joshua S. Mahoney, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
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mlb@battlelawpc.com
jsm@battlelawpc.com



Battle Law

I. LETTER OF INTENT

Scope Builders, Inc. (the “Applicant”) is seeking to develop on +/- 1.66 acres of land being tax parcel numbers 18 012 10 003 and 18 012 10 004 having frontage on 3820 and 3820 North Decatur Road (the “Subject Property”) with a convenience store with fuel pumps, a drive-thru pharmacy, and retail space. The Applicant is seeking a rezoning from NS to C-1 and two special land use permits. The special land use permits are for the fuel pumps and drive-thru portion of the pharmacy respectively.

This document serves as a statement of intent, analysis of the criteria under the DeKalb County Code of Ordinances and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. DEKALB COUNTY REZONING CRITERIA

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

The Subject Property is within the Town Center future land use designation, which is described on page thirty-three (33) of the DeKalb County 2050 Comprehensive Plan. The intent of the Town Center is “to promote the concentration of higher intensity residential and commercial uses, which serve communities surrounding the center, in order to reduce automobile travel, promote walkability and increased transit usage.” This zoning proposal seeks to rezone the Subject Property from NS to C-1. The Subject Property is the only property zoned NS at the Rockbridge Road and North Indian Creek Drive intersection. Other surrounding properties are zoned C-1, OI, MR-2, and R-75. The C-1 zoning district is a specifically permitted zoning district under the Town Center land use designation as evidenced by the abundant C-1 zoning in the area.

Furthermore, the proposed plan combined several commercial uses on one site which can reduce the number of vehicle trips taken by residents in the area. Residents can travel to the Subject Property for both fuel, pharmaceutical needs, and to visit the proposed retail rather than traveling around to various properties to accomplish the same thing.

Therefore, the Subject Property is in conformity with the policy and intent of the comprehensive plan.

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 zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The Subject Property was a CVS pharmacy prior to the CVS closing. Across North Indian Creek Drive there used to be a QuikTrip gas station which has since closed and moved. This zoning proposal seeks to provide the uses that were lost. So, the proposed use will be just as suitable as the two uses that were in the area before.



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

The Subject Property does not have a reasonable economic use as currently zoned.

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

This zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The development will be contained to the Subject Property and will use the existing building as much as possible. The building will maintain its distance from the residentially zoned property to the north, which complies with the transitional buffer requirements for C-1 next to R-75.

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.

The CVS that was once operating on the Subject Property has closed. The QuikTrip across North Indian Creek Drive has closed and moved. This zoning proposal seeks to return those uses to the area.

Furthermore, the Applicant is attempting to bring Mosaic Health to the site. Mosaic Health is a healthcare provider that is established in the City of Clarkston. Mosaic Health would be a fantastic amenity for the surrounding community members.

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

The zoning proposal will not adversely affect historic buildings. The Subject Property is not within a historic district or site. The Applicant is not aware of any archaeological resources on the Subject Property.

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 zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The burden streets, transportation facilities, and utilities will match the burden when CVS and QuikTrip were at the intersection. There will be no impact on schools.

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



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The zoning proposal includes fuel pumps. While some have expressed concern surrounding the potential impact on the environment, the Applicant has confirmed that they will be following all EPA. Additionally, the zoning proposal will include electric vehicle charging stations. The stations will empower the surrounding community to purchase and use an electric vehicle rather than a fossil fuel vehicle. This will help to reduce air pollution and contribute to the public health for those living in the area.

III. DEKALB COUNTY SPECIAL LAND USE PERMIT DECISION CRITERIA – FUEL PUMPS

- 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, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located.*

The site plan included with this zoning proposal shows that the Subject Property has adequate land area available for the proposed uses. The proposal will take advantage of the existing building and add fuel pumps. This will involve moving parking spots around to make room for the fuel pumps and adding asphalt on the west side of the Subject Property to make room for the electric vehicle charging stations. However, even with this rearrangement, there is room for the proposed development.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use.*

The proposed fuel pumps are appropriate given surrounding properties. The fuel pumps will replace those that were on the property across the street. QuikTrip has since moved, so this will bring a fuel station back to the area.

- C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use.*

There are adequate public services, facilities, and utilities to serve the proposed use.

- 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.*

There is sufficient traffic-carrying capacity for the proposed fuel pumps.



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E. 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 site has adequate ingress and egress and all buildings and structures will have adequate pedestrian and automotive safety. There will be adequate traffic flow and control.

F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use.

The proposed fuel pumps will not create adverse impacts upon any adjoining land uses by reason or manner of hours of operation.

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

This zoning proposal, taken in its entirety, will result in a use that is consistent with the C-1 zoning classification.

H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.

The proposed use advances the policies of the comprehensive plan by combining several commercial uses onto one parcel. This reduces the amount of required vehicular trips to visit several places that offer the same kind of services. Residents will be able to travel to this one location to meet several needs.

I. Whether there is adequate provision of refuse and service areas.

There is adequate provision of refuse and service areas.

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

The length of time the special land use permit should be granted should not be limited.

K. 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; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.

The size, scale, and massing of the proposed fuel pumps 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.



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

The Subject Property is not within a historic district and is not located on a historic site. There are no historic buildings on the site. The Applicant is not aware of any archaeological resources on the Subject Property.

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

The proposed fuel pumps satisfies the supplemental regulations.

N. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process.

The proposed fuel pumps would return a use that once existed across the street. So, the use is consistent with the needs of the neighborhood.

IV. DEKALB COUNTY SPECIAL LAND USE PERMIT DECISION CRITERIA – DRIVE-THRU PHARMACY

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, transitional buffer zones, and all other applicable requirements of the zoning district in which the use is proposed to be located.

There is adequate land for the proposed drive-thru lane and window including all required, yards, open space, off-street parking, transitional buffer zones, and all other applicable requirements of the C-1 zoning district.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use.

The proposed drive-thru will be on the west side of the Subject Property. West of the Subject Property is only vacant land. The drive-thru pharmacy will not create adverse impacts upon any adjoining land by reason of traffic, noise, smoke, odor, dust, or vibration.

C. Adequacy of public services, public (or private) facilities, and utilities to serve the proposed use.

There are adequate public services, facilities, and utilities to serve the proposed drive-thru pharmacy.



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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.

There is sufficient traffic-carrying capacity for the proposed drive-thru pharmacy. The CVS building on site had a drive-thru pharmacy that was supported adequately by the public street.

E. 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.

There are adequate ingress and egress points on the Subject Property to support the drive-thru pharmacy. The ingress and egress supported the drive-thru pharmacy when CVS operated on site and will support the drive-thru pharmacy under this zoning proposal.

F. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner and hours of operation of the proposed use.

The proposed drive-thru pharmacy will not create adverse impacts on adjoining land uses by reason of the manner and hours of operation.

G. 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 zoning proposal, taken in its entirety, is consistent with the C-1 zoning district classification.

H. Whether the proposed use is consistent with, advances, conflicts, or detracts from the policies of the comprehensive plan.

The proposed drive-thru pharmacy and other combined uses advances the policies of the comprehensive plan by combining several commercial uses onto one parcel. This reduces the amount of required vehicular trips to visit several places that offer the same kind of services. Residents will be able to travel to this one location to meet several needs.

I. Whether there is adequate provision of refuse and service areas.

There is adequate provision of refuse and service areas.

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

The length of time for which the special land use permit is granted should not be limited in duration.



Battle Law

K. 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; and whether the proposed use will create any shadow impact on any adjoining lot or building as a result of the proposed building height.

The size, scale, and massing of the proposed fuel pumps 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.

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

The Subject Property is not within a historic district and is not located on a historic site. There are no historic buildings on the site. The Applicant is not aware of any archaeological resources on the Subject Property.

M. 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.

N. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, as expressed and evidenced during the review process.

The proposed drive-thru pharmacy would return a use that once existed on the Subject Property. So, the use is consistent with the needs of the neighborhood.

V. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a rezoning and two special land use permits to allow for a convenience store with fuel pumps, a drive-thru pharmacy, and retail space be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. 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



Battle Law

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 and Two Special Land Use Permits to Allow for a Convenience Store with Fuel Pumps, A Drive-Thru Pharmacy, and Retail Space 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 and two special land use permits 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 and two special land use permits 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



Battle Law

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 Fulton 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.

Michele L. Battle, Esq.
Attorney for the Applicant



DeKalb County
GEORGIA

404.371.2155 (o)
DeKalbCountyGa.gov

Government Services Center
178 Sams Street
Building A, Suite 300
Decatur, GA 30030

Chief Executive Officer
Lorraine Cochran-Johnson

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Juliana A. Njoku

Authorization

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

12/05/2025
Date

TO WHOM IT MAY CONCERN:

I/We Local Sandy GA, LLC

Name of Owner(s)

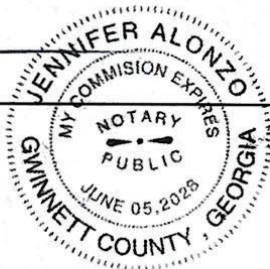
being owner of the above-mentioned subject property hereby delegate authority to:

Scope Builders, Inc. c/o Battle Law, P.C.

Name of Agent or Representative(s)

to file an application on my/our behalf.


Notary Public




Owner

12/5/2025
Date

Chief Executive Officer
Lorraine Cochran-Johnson

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Juliana A. Njoku

Disclosure of Campaign Contribution

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

Have you, the applicant, made \$250.00 or more in campaign 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:

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

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:

CEO Lorraine Cochran-Johnson
1300 Commerce Drive
Decatur, GA 30030

DeKalb County Board of Commissioners
1300 Commerce Drive
Decatur, GA 30030



Notary



Signature of Applicant

10/12/2025

Date

Check one: ☐ Owner ☐ Agent





DeKalb County
GEORGIA

404.371.2155 (o) | Government Services Center
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Decatur, GA 30030

DeKalb County Board of Commissioners
1300 Commerce Drive
Decatur, GA 30030

Notary

Signature of Applicant

Date

Check one: ☒ Owner ☐ Agent

10/3/2026

Expiration Date/Seal



Disclosure of Campaign Contribution

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

Have you, the applicant, made \$250.00 or more in campaign 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:

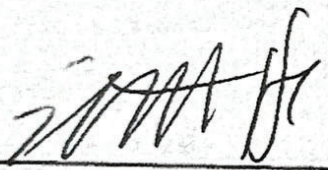
*Notary seal not needed if answer is "No"

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.

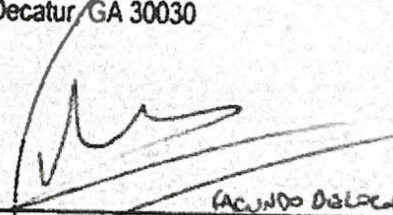
The Disclosure must be filed within 10 days after the application is first filed and must be submitted to:

CEO Lorraine Cochran-Johnson
1300 Commerce Drive
Decatur, GA 30030

DeKalb County Board of Commissioners
1300 Commerce Drive
Decatur, GA 30030



Notary

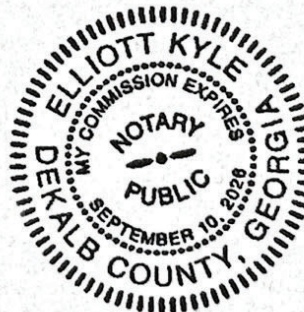


Signature of Applicant *ACUNDO D. L. O. P. II* **12/01/2025**
LOCAL MANAGER LLC Date *12-5-25*

Check one: ☒ Owner ☐ Agent

SEP 10 2026

Expiration Date/ Seal





DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes XX No _____ *

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

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

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

Notary

Signature of Applicant /Date

Check one: Owner _____ Agent XX



Expiration Date/Seal

*Notary seal not needed if answer is "no".

GENERAL NOTES:

- 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
- 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
- 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
- 4: No Geodetic monuments were found within 500 feet of this site.
- 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

FIELD DATA:

DATE OF FIELD SURVEY 12-2-25,
12-3-25.

THE CALCULATED POSITIONAL
TOLERANCE BASED ON REDUNDANT
LINEAR MEASUREMENTS OF
OBSERVED POSITIONS WAS FOUND
TO BE 0.01 FEET.

EQUIPMENT:
ELECTRONIC TOTAL STATION AND RTK GPS
GPS RECEIVER: TRIMBLE R10L
SN: 6340F00404 ROVER
6340F00685 BASE
NETWORK: TRIMBLE VRS NOW RTK GNSS

TOTAL AREA: 67,194.97 SQ FT, 1.543 ACRES

CALCULATED PLAT CLOSURE: 1 FOOT IN 442,203.19 FEET

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT
SOURCE OF TITLE DESCRIPTION FOR SUBJECT
PROPERTY: DB XXXX PG XXX
PROPERTY OWNER AT TIME OF SURVEY:
XXXXX XXXXX
PARCEL NUMBER: XX-XXX-XX-XXX

REFERENCE: PLAT BOOK 26 PG 79

DEED BOOK 26851 PG 722
DEED BOOK 26851 PG 715
DEED BOOK 26851 PG 718

ALTA/ACSM LAND TITLE SURVEY FOR BOOK & CLARK'S NATIONAL
SURVEYORS NETWORK, BY RLS RONNIE J. JOINER #2488, DATED
JULY 23, 2012.

FLOOD HAZARD NOTE: THIS PROPERTY IS
NOT LOCATED IN A FLOOD HAZARD AREA
AS DEFINED BY FEMA MAP OF DEKALB
COUNTY, GEORGIA 13089C0008K EFFECTIVE
DATE AUGUST 15, 2019.

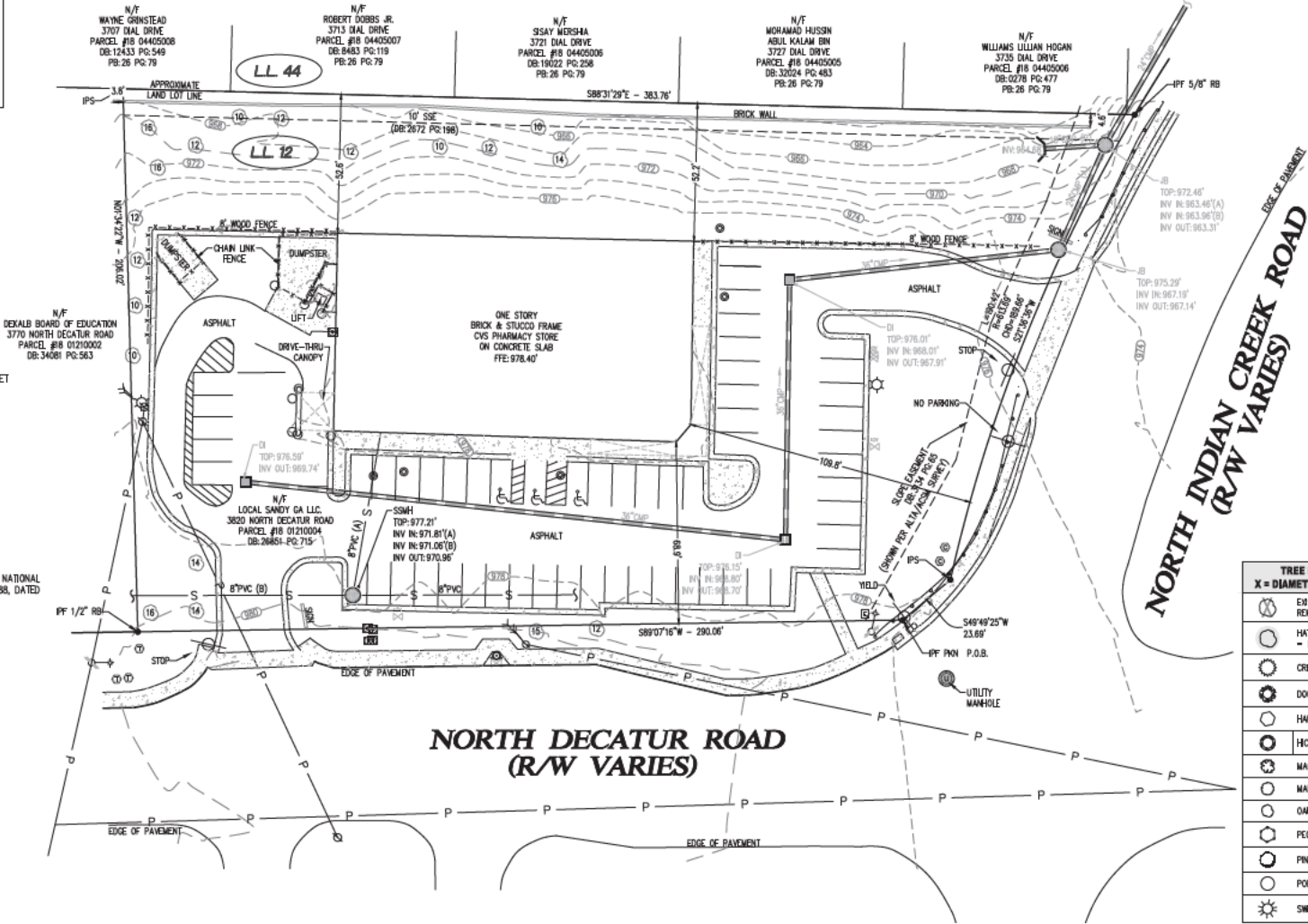
HORIZONTAL & VERTICAL DATUM:
HORIZONTAL: NORTH AMERICAN DATUM OF
1983 (2011) GEORGIA STATE PLANE, WEST
ZONE
VERTICAL: NORTH AMERICAN VERTICAL
DATUM OF 1988. ORTHOMETRIC HEIGHTS
WERE COMPUTED USING GEOID 18.
UNIT OF MEASUREMENT IS U.S. SURVEY
FOOT.
DISTANCES SHOWN ARE HORIZONTAL AT
GROUND LEVEL.
THE DATUM FOR THIS SURVEY IS FROM
TRIMBLE VRSNOW NETWORK

DEKALB COUNTY

ZONING: NS (NEIGHBORHOOD SHOPPING DISTRICT)
FRONT SETBACK: 10' MINIMUM, 60' MAXIMUM
SIDE SETBACK: 15' CORNER LOT, 20' INTERIOR
REAR SETBACK: 20'

NOTE: ZONING INFORMATION SHOWN ON THIS
SURVEY WAS OBTAINED FROM THE DEKALB COUNTY
GIS/TAX MAP WEBSITE AT THE TIME OF SURVEY.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plat, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67



LEGEND	
BSL	BUILDING SETBACK LINE
DE	DRAINAGE EASEMENT (STORM)
SE	SANITARY SEWER EASEMENT
ESP	EDGE OF PAVEMENT (CURB)
R/W	RIGHT OF WAY
S/W	SEWER
PBB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
FTE	FINISHED FLOOR ELEVATION
PAD	PAD ELEVATION
GFC	GARAGE FLOOR ELEVATION
W	GARAGE WEATHER UP ELEV.
MYE	MFL FINISHED FLOOR ELEVATION
PP	POWER POLE
EX	EXISTING TREE TO BE REMOVED
IP	IRON PIN FOUND
HO	HATCHING OVER TREE - LANDMARK TREE
BO	BOLLARD
OP	OVERHEAD POWER
FI	FIRE HYDRANT
WM	WATER METER
WV	WATER VALVE
GV	GAS VALVE
GM	GAS METER
LP	LIGHT POLE
CP	CONCRETE PAD
TM	TELEPHONE MARKER
AC	AIR CONDITIONER UNIT
MD	MAIL BOX
CO	CLEAN OUT
SM	SANITARY SEWER MANHOLE
LC	LEFT WING CATCH BASIN
RC	RIGHT WING CATCH BASIN
DC	DOUBLE WING CATCH BASIN
DI	DROP INLET
HW	HEADWALL

TREE LEGEND X = DIAMETER IN INCHES	
EX	EXISTING TREE TO BE REMOVED
HO	HATCHING OVER TREE - LANDMARK TREE
CR	CREPE MYRTLE
DO	DOGWOOD
HW	HARDWOOD
HI	HICKORY
MA	MAGNOLIA
MA	MAPLE
OA	OAK
PE	PECAN
PI	PINE
PO	POPLAR
SM	SWEETGUM

SCALE: 1"=30'		GRAPHIC SCALE - IN FEET		CLIENT: WILL THOMPSON	
DESIGNED BY: S.BROCK	SHEET NUMBER: 1 of 1	FILE NAME: 3820 NORTH DECATUR ROAD	DATE: 12-5-2025	JOB NUMBER: SURV-3515	
Copyright-2025 These drawings and their reproductions are the property of the surveyor and may not be reproduced, published, or used in any way without the written permission of this surveyor.					
BOUNDARY SURVEY FOR CVS PHARMACY 3820 NORTH DECATUR ROAD LAND LOT 12 - 18TH DISTRICT UNINCORPORATED DEKALB COUNTY, GEORGIA. REVISIONS					
1					
2					
3					
4					
5					

KEYSTONE LAND SURVEYING, INC.
262 WEST CROGAN STREET
LAWRENCEVILLE, GEORGIA 30046
770.545.8700
www.keystonelandsurveying.com



FOR
KEYSTONE LAND SURVEYING, INC.
www.keystonelandsurveying.com

EXHIBIT "A"
LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF DECATUR, COUNTY OF DEKALB, STATE OF GEORGIA,
DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN
LAND LOT 12 OF THE 18TH DISTRICT OF DEKALB COUNTY, STATE OF GEORGIA. CONTAINING
1.544 ACRES ACCORDING TO AN "ALTA/ACSM LAND TITLE SURVEY FOR COMMONWEALTH LAND
TITLE INSURANCE COMPANY, 3820 NOR TH DECATUR ROAD, LAND LOT 12, 18TH DISTRICT,
DEKALB COUNTY, DECATUR, GEORGIA, (CVS PHARMACY)", DATED NOVEMBER 11, 2002,
PREPARED BY SITE DESIGN, INC. WITH THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN OLD 5/8 INCH REBAR IRON PIN LOCATED ON THE NORTHERN RIGHT OF
WAY OF NORTH DECATUR AT THE JOINT CORNER OF THE DEKALB COUNTY BOARD OF EDUCATION
PROPERTY NOW OR FORMERLY, SAID IRON PIN ALSO BEING 1,085.3± FEET FROM THE
INTERSECTION OF THE WEST LINE OF LAND LOT 12 WITH ITS INTERSECTION OF SAID
NORTHERN RIGHT OF WAY; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING ALONG THE
LINE OF SAID DEKALB COUNTY BOARD OF EDUCATION PROPERTY NORTH 02 DEGREES 14
MINUTES 16 SECONDS WEST 205.02 FEET TO AN OLD 5/8 INCH REBAR IRON PIN ON THE
SOUTHERN LINE OF LOT 10, DIAL HEIGHTS SUBDIVISION; THENCE TURNING AND RUNNING
ALONG SAID SOUTHERN LINE OF LOTS THROUGH 15 OF DIAL HEIGHTS SUBDIVISION SOUTH
89 DEGREES 25 MINUTES 30 SECONDS EAST 383.76 FEET TO AN OLD 5/8" REBAR IRON
PIN LOCATED ON THE WESTERN RIGHT OF WAY OF NORTH INDIAN CREEK DRIVE (FORMERLY
COLLINGWOOD DRIVE), CROSSING OVER AN OLD 1/2 INCH REBAR IRON PIN AT 37.87 FEET;
THENCE TURNING AND RUNNING ALONG SAID RIGHT OF WAY AND ALONG A CURVE TO THE
LEFT HAVING A RADIUS OF 813.69 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH
20 DEGREES 44 MINUTES 47 SECONDS WEST 189.66 FEET TO A POINT IN A CONCRETE
SIDEWALK; THENCE SOUTH 48 DEGREES 57 MINUTES 29 SECONDS WEST 23.59 FEET TO
POINT IN A CONCRETE SIDEWALK LOCATED ON THE NORTHERN RIGHT OF WAY OF NORTH
DECATUR ROAD; THENCE TURNING AND RUNNING ALONG SAID NORTH RIGHT OF WAY SOUTH 88
DEGREES 11 MINUTES 09 SECONDS WEST 290.79 FEET TO THE POINT OF BEGINNING,
CROSSING OVER AN OLD 5/8 INCH REBAR IRON PIN AT 10.85 FEET.

TREE REMOVAL NOTE:
NO TREE REMOVAL IS PROPOSED IN CONJUNCTION WITH THE PROJECT IMPROVEMENTS.

GENERAL NOTES:

1. TOTAL SITE AREA = 1.543 ACRES
2. IMPERVIOUS AREA / OPEN SPACE SUMMARY:
-EXISTING IMPERVIOUS AREA: 42,419 SF = 0.97 ACRES
-POST DEVELOPED IMPERVIOUS AREA: 442,419 SF
-TOTAL PROPOSED LOT IMPERVIOUS COVERAGE: 62.9%
-OPEN SPACE SUMMARY
-PROPOSED/PROVIDED OPEN SPACE: 0.573 ACRES = 24,960 SF
-REQUIRED OPEN SPACE: 15% = 10,845 SF
-TRANSITION BUFFER AREA: 15,743 SF
-ENHANCED/USABLE OPEN SPACE PROVIDED: 6,217 SF

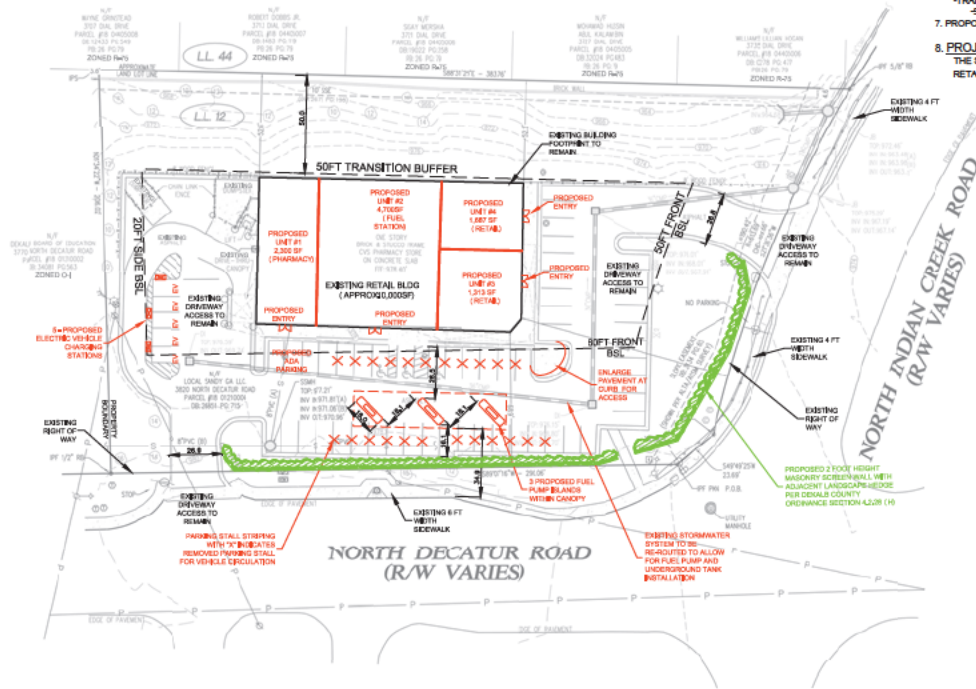
3. PROPOSED PARKING SUMMARY:

- REQUIRED PARKING:
- RETAIL @ 1 STALL PER 500 SF: 6 STALLS
 - FUEL STATION @ 1 STALL PER 500 SF: 10 STALLS
 - PHARMACY @ 1 STALL PER 500 SF: 5 STALLS
 - TOTAL REQUIRED: 21 STALLS
 - PROVIDED PARKING: 31 STALLS

4. ASBUILT AND BOUNDARY SURVEY PROVIDED BY SURVEY DATED DECEMBER 5TH, 2025 PREPARED BY KEYSTONE LAND SURVEYING, INC.
5. NO PORTION OF THIS PROPERTY LIES WITHIN A FEMA DEFINED FLOOD ZONE PER FEMA FLOOD MAP 13089C0086K DATED 8/15/2019.
6. CURRENT PROPERTY ZONING: NS (NEIGHBORHOOD SHOPPING)
-MINIMUM LOT AREA: 20,000SF
-MINIMUM STREET FRONTAGE: 100 FEET
-MAXIMUM LOT COVERAGE: 80%
-MINIMUM OPEN SPACE: 15%
-BUILDING SETBACKS:
-FRONT ARTERIAL: 50 FT
-FRONT MINOR: 50 FT
-SIDE: 30 FT
-REAR: 30 FT
-TRANSITION BUILDINGS:
-50 FT ADJACENT RESIDENTIAL ZONING
7. PROPOSED BUILDING HEIGHT TO BE LESS THAN 35 FEET.
8. PROJECT SCOPE OF WORK DESCRIPTION:
THE SCOPE OF THE PROPOSED IMPROVEMENTS INCLUDES MODIFICATION OF AN EXISTING RETAIL FACILITY TO SERVE AS GAS/FUELING STATION AND VARIOUS RETAIL USES.



VICINITY/LOCATION MAP
NO SCALE



ENGINEER CONTACT:
JONATHAN HICKS, P.E.
JVG CIVIL ENGINEERING, INC.
1105 DRY POND ROAD
RANGER, GA 30734
PH: 770-402-3471
FAX: 404-487-8982

**CONCEPT ZONING PLAN
FOR
NORTH DECATUR RETAIL
3820 NORTH DECATUR ROAD
LAND LOT 12, 18TH DISTRICT, TAX ID: 18 012 10 004
DEKALB COUNTY, GA**

1	ISSUED FOR REVIEW	11/17/2025
2	REVISED FOR CLIENT COMMENT	12/1/2025
No.	Revision/Issue	Date

JVG
Civil Engineering
1105 Dry Pond Road
Ranger, GA 30734
770-402-3471

DEVELOPER:
:
CONTACT:
:

Project	251017	Sheet	
Date	10/17/2025		C3
Scale	1"=30'		



PROPOSED
ENTRY

PHARMACY

FOOD STORE

SALAD BAR

ENLARGE
PAVEMENT AT
CURBS FOR
ACCESS

5- ELECTRIC
VEHICLE
CHARGING
STATIONS

PROPOSED
ENTRY

FUEL
STATION

ELECTRIC
VEHICLE
CHARGING
STATIONS



DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer
Lorraine Cochran-Johnson

Director
Juliana A. Njoku

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Required prior to filing application: signed copy of this form must be submitted at filing.)

Applicant(s) Name: Joshua Mahoney

Phone: [REDACTED] Email: [REDACTED]

Property Address: 3820 North Decatur Road, Decatur 30032

Tax Parcel ID: 18 012 10 004 Comm. District(s): 4 & 6 Acreage: 0.65

Existing Use: _____ Proposed Use: Fuel pumps

Supplemental Regs: _____ Overlay District: No

Rezoning: Yes ☐ No ☒ Existing Zoning: NS Proposed Zoning: _____

DRI: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes ☐ No ☒ Existing Land Use: TC

Proposed Land Use: _____ Consistent _____ Inconsistent _____

Special Land Use Permit: Yes ☒ No ☐ Article Number(s) 27- _____

Special Land Use Request(s): Fuel pumps for retail center with a convenience store.

Major Modification: Yes ☐ No ☒ Existing Zoning Conditions: None

Major Modification Request: n/a

Condition(s) to be modified: n/a

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: _____ Calendar Dates: CC: _____

PC: _____ BOC: _____

Letter of Intent: _____ Impact Analysis: _____ Owner Authorization(s): _____ Campaign Disclosure: _____

Public Notice, Signs: _____ Tree Survey, Conservation (if applicable): _____

Submittal Format:

ONE (1) COMBINED, PDF DOCUMENT UPLOAD via OUR ONLINE PORTAL.

Site Plan Checklist, if applicable:

- | | | |
|---|---|------------------------|
| * Density | * Frontage | * Sidewalks |
| * Density Bonuses | * Street Width | * Fencing/Walls |
| * Mix of Uses | * Landscape Strips | * Building Height |
| * Open Space | * Parking - Auto | * Building Separation |
| * Enhanced Open Space | * Parking – Bicycle | * Building Orientation |
| * Pedestrian Plan | * Screening | * Streetscapes |
| * Lot Size | * Perimeter Landscapes | * Garages |
| * Setbacks: front, sides, side corner, rear | * Bldg Materials: Roof, Fenestration, Façade Design | |

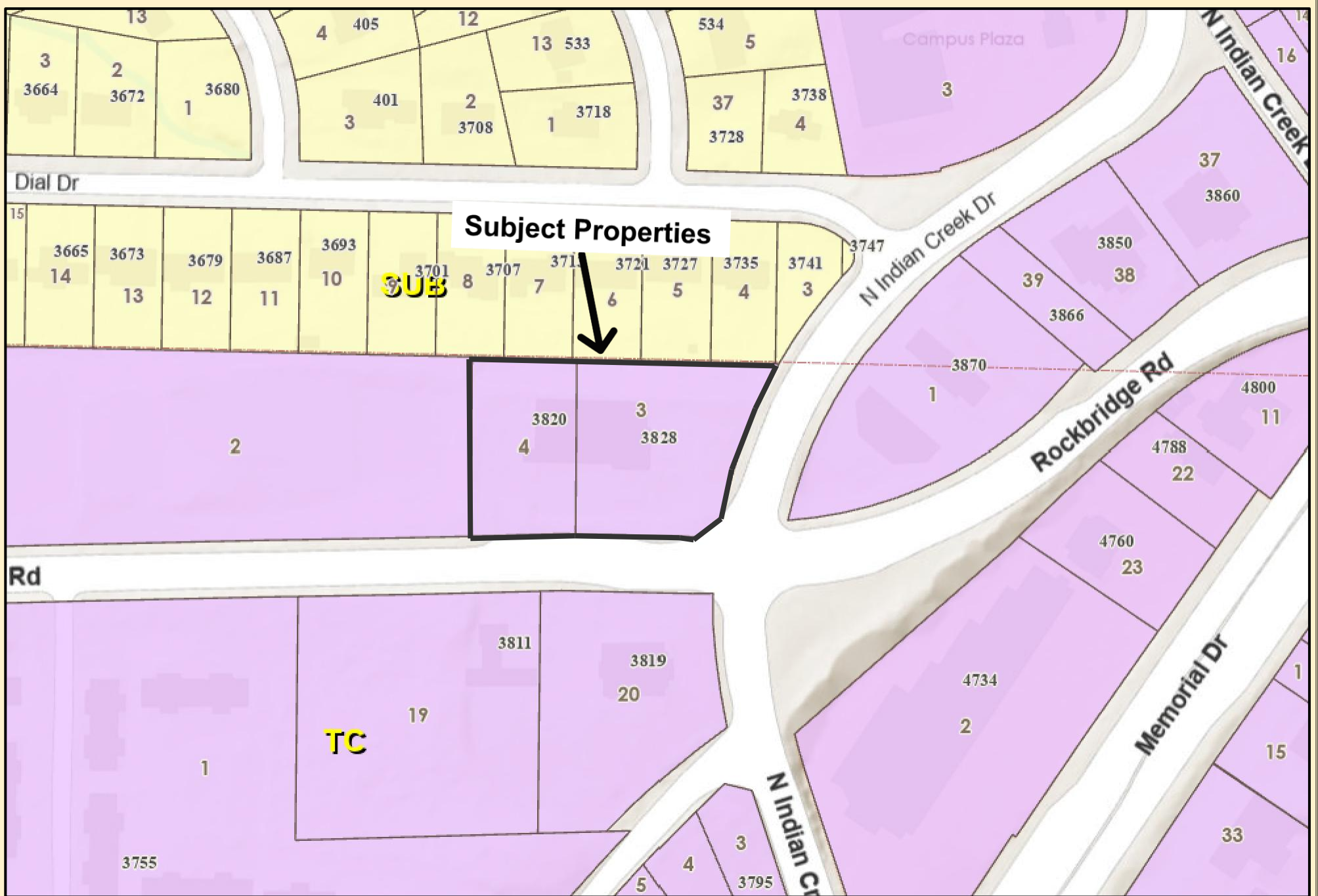
Possible Variances: Variances may be sought dependent on final design. 50-foot transitional must be maintained along the northern boundary line.

Comments: The Applicant may need to apply for two SLUPS - Fuel Pumps in a TC and the continued operation of a drive-thru pharmacy. There may be the potential to keep the drive -thru, however, the Applicant will have to show no lapse in business. Something to consider is the two vehicular uses (fuel pumps and drive thru) on one (smaller) parcel and within a TC and NS (promote walkability and uses to serve the surrounding community).

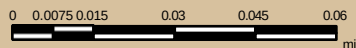
Applicant may consider moving fuel pumps to the northwest portion of the property to lessen visibility from the street or consider no fuel option, as the pumps would be new. The building is existing and will serve 4 retail shops (pharmacy, convenience/gas store, and two undisclosed retail shops. Applicant should note the site is within the Memorial Drive SAP, which provides goals for the Corridor and surrounding neighborhoods. Supplemental Regs in Section 4.2.23 and 4.2.28 should be addressed in the Application.

Planner: Andrea Folgherait, Sr. Planner

Date: November 25, 2025



DeKalb County Parcel Map



Date Printed: 1/14/2026

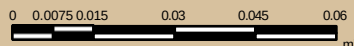


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DeKalb County Parcel Map



Date Printed: 1/14/2026



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COMMUNITY COUNCIL



Case Number: **Z-26-1247929 (2026-0140)**

Location: **3820 & 3828 NORTH DECATUR ROAD**



Purpose: To rezone property from NS (Neighborhood Shopping) to C-1 (Local Commercial) to allow a convenience store (with fuel pumps), a drive-through facility for a pharmacy, and retail.

Community Council Meeting – District 4

February 17, 2026

5:30 PM

Held virtually via Zoom



Meeting Agendas & Information

[TinyURL.com/DeKalbHearings](https://tinyurl.com/DeKalbHearings)

www.dekalbcountyga.gov

plansustain@dekalbcountyga.gov

(404) 371-2155

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DeKalb County
GEORGIA



REZONING

Case Number: **Z-26-1247929 (2026-0140)**
Location: **3820 & 3828 NORTH DECATUR ROAD**

Purpose: To rezone property from NS (Neighborhood Shopping) to C-1 (Local Commercial) to allow a convenience store (with fuel pumps), a drive-through facility for a pharmacy, and retail.

Planning Commission
March 3, 2026
6:00 PM
Held virtually via Zoom →



Meeting Agendas & Info
tinyurl.com/DeKalbHearings
www.dekalbcountyga.gov
plansustain@dekalbcountyga.gov
(404) 371-2155

Board of Commissioners
March 26, 2026
5:30 PM
Held @ 178 Sams Street,
Decatur, GA 30030

COMMUNITY COUNCIL
Case Number: Z-26-1247929 (2026-0140)
Location: 3820 & 3828 NORTH DECATUR ROAD
Purpose: To rezone property from NS (Neighborhood Shopping) to C-1 (Local Commercial) to allow a convenience store (with fuel pumps), a drive-through facility for a pharmacy, and retail.
February 17, 2026
5:30 PM

SKYLINE SEVEN
REAL ESTATE
404.812.8910
skylineseven.com

DeKalb County
Case Number: SLUP-26-1247927 (2026-0141)
Location: 3820 & 3828 NORTH DECATUR RD.
Purpose: A Special Land Use Permit

REZONING



Case Number: **Z-26-1247929 (2026-0140)**
Location: **3820 & 3828 NORTH DECATUR ROAD**



Purpose: To rezone property from NS (Neighborhood Shopping) to C-1 (Local Commercial) to allow a convenience store (with fuel pumps), a drive-through facility for a pharmacy, and retail.

Planning Commission
March 3, 2026
6:00 PM
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Meeting Agendas & Info
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