



**DeKalb County Department of Planning & Sustainability**

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

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

**STAFF ANALYSIS**

**Case No.:** SLUP-18-21937 **Agenda #:** N.13

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

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

**Request:** To request a Special Land Use Permit (SLUP) to develop a 4,840 square foot Quik Trip convenience store with accessory fuel pumps in a C-1 (Local Commercial) District within Tier III of the Stonecrest Overlay District in accordance with Chapter 27-Article 4.1 Use Table and Article 4.2.28 of the DeKalb County Code.

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

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

**Acreage:** 2.59 Acres

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

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

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

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

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

## **SUBJECT PROPERTY**

The site is located at the southwest corner of the intersection of Turner Hill Road (State Route 124) and Covington Highway (U.S. Highway 278) in unincorporated DeKalb County within Tier 3 of the Stonecrest Overlay District. The subject site is a combination of four (4) parcels. They are developed with a Chevron Convenience and fuel outlet, a vacated restaurant building and a commercial building consisting of retail and office uses. The combined parcels consists of 2.59 acres and have approximately 367 feet of frontage along the south side of Covington Highway and approximately 316 feet of frontage along the west side of Turner Hill Road. Covington Highway is reduced to two (2) lanes with a turn lane along the property frontage while Turner Hill Road has a total of five (5) lanes with a median along its property frontage. The travel lane closest to the site serves as the on-ramp to Interstate 20 which borders the site along the south. Both frontages are improved with curb and gutter. There are no sidewalks.

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

## **ZONING HISTORY**

The 2.59 acre site is zoned both M (Light Industrial) and C-1 (Local Commercial). Per the zoning map and submitted documentation, the properties at 8175 and 8187 Covington Highway are zoned M (Light Industrial) and the property at 8193 Covington Road is zoned C-1 (Local Commercial) without conditions. The property at 2841 Turner Hill Road is zoned C-1 pursuant to CZ-76088 with conditions for signage and curb cut location, landscaping, parking areas and traffic islands.

## **PROJECT ANALYSIS**

Per the submitted documentation, this application is being submitted simultaneously with proposed Text Amendment (TA-18-21950) to allow for convenience stores with gas pumps in excess of 4,000 square feet with an alcohol retail sales component within the Stonecrest Overlay District. The subject application requests a Special Land Use Permit (SLUP) to develop a Quik Trip convenience store with accessory fuel pumps on the 2.59 acre site. The applicant also seeks a companion rezoning request from M (Light Industrial) and C-1 (Local Commercial) to C-1 (Local Commercial) and a companion Special Land Use Permits (SLUP-18-21958) to allow an alcohol outlet (beer & wine sales) on the subject site.

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

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

**COMPLIANCE WITH DISTRICT STANDARDS**

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

STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
LOT WIDTH (C-1) Table 2.2	A minimum 100 feet of lot width on a public street frontage	Approximately 365 feet of frontage along the south side of Covington Highway and approximately 316 feet of frontage along the west side of Turner Hill Road	Yes
LOT AREA (C-1) Table 2.2	20,000 Square Feet	2.59 acres or 112,820 square feet	Yes
FRONT BUILDING SETBACK Tier III Stonecrest Overlay District Article 3.5.15.D.1	Minimum 15 Feet	>80 Feet on Covington Hwy. >140 Feet on Turner Hill	Yes
SIDE BUILDING SETBACK Tier III Stonecrest Overlay District Article 3.5.15.D.2	Min. 10 Feet with minimum 15 feet between structures	Building setbacks exceed 100 Feet Minimum 40 feet between structures	Yes
REAR SETBACK Tier III Stonecrest Overlay District Article 3.5.15.D.3	10 Feet	>10 Feet	Yes
HEIGHT Tier III Stonecrest Overlay District Article 3.5.15.E	Up to 3 stories	<2-Stories	Yes
PARKING Article 6	Min. 1 space 500 square feet (10 spaces) or maximum 1 space per 150 square feet (33 spaces)	55 Parking Spaces	Exceeds maximum allowed parking

**Article 4.2.28 Compliance with Supplemental Regulations**

STANDARDS	REQUIREMENT	PROPOSED	COMPLIANCE
A. Compliance to building setbacks	Front, Side, & Rear Yard	Setbacks consistent with C-1 & I-20 development standards. (See above chart)	Yes
B. Canopy location	Not less than 15 feet from street rights-of-way	Exceeds 15 Feet	Yes
C. Canopy Height	Not exceed 20 feet	Less than 20 Feet	Yes
D. Canopy and column	Complimentary to overall color scheme	Proposed color rendering depicts complimentary colors	Yes
E. Canopy Lighting	Shall not extend beyond canopy	Proposed lighting is within area underneath canopy	Yes
F. Car Location	One car per bay In front of pump	One car per pump	Yes
G. Gas Pump location	Minimum 30 feet between property line and gasoline pump.	Exceeds 30 Feet	Yes

**LAND USE ANALYSIS**

Automobile fuel sales are allowed in a C-1 (Local Commercial) District with an approved Special Land Use Permit.

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

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

The approximately 2.59 acre site is adequate for operation of automobile fuel sales on the site.

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

The proposed use is compatible with nearby automobile fuel outlets along Turner Hill Road.

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

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

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

Given that Covington Highway and Turner Hill Road are both State Routes and major arterials, Planning Staff anticipates little or no impact on public streets or traffic in the area.

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

Given that Covington Highway is a two-lane major arterial and Turner Hill Road is a five-lane major arterial with turning lanes, the volume of traffic generated by the proposed use should not adversely impact land uses along access routes to the site.

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

The submitted site plan currently proposes three (3) access points on the subject site. One (1) right-in, right-out only curb cut is depicted on Turner Hill Road. Two (2) points of access is depicted along Covington Highway. Future inter-parcel access with the adjacent parcel along the west property line is projected. Emergency vehicles can access the site from the proposed curb cuts.

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

Automobile fuel sales should not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration.

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

The proposed 24-hour operation should not create adverse impacts upon any adjoining land uses, given that the subject site is adjacent to an Interstate on-ramp, near a railroad track and across from another auto fuel outlet.

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

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

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

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

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

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

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

Transitional buffer zones are not required along property lines for the proposed use.

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

Adequate refuse areas will be provided.

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

The proposed use (automobile fuel sales) is a permanent use and should not be limited to any length of time on the subject site.

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

The proposed automobile fuel sales depicts a 1-story 4,840 square foot building consistent in size, scale and massing of nearby commercial buildings in the area.

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

It does not appear that the proposed automobile fuel sales will adversely affect historic building sites, districts, or archaeological resources.

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

The proposed use satisfies the supplemental use regulations required in Article 4 .2.28 (see above chart)

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

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

- S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:**

Planning Staff observed another automobile fuel sales outlet (BP) across from the subject site at the southeast intersection of Covington Highway and Turner Hill Road.

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

The proposed use would provide consumers another option for automobile fuel sales in the area.

**Staff Recommendation: APPROVAL WITH CONDITIONS**

Located at an intersection of two major arterials (Turner Hill Road and Covington Highway), the proposed use for automobile fuel sales accessory to a convenience store is compatible with other commercial uses in the area. Along with various retail and business uses along the Covington Highway corridor, there is one (1) other automobile fuel sale establishment within a half mile of the subject site. Located within a Regional Center character area, the proposed use is consistent with the following plan policies and strategies of the 2035 Comprehensive Plan: Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services. Located along a major arterials, the proposed use should have little impact on traffic. The Department of Planning and Sustainability recommends **“APPROVAL”** of the SLUP request for automobile fuel sales on the site subject to the following attached conditions:

1. Allow automobile fuel sales in conjunction with a convenience store as depicted on the site plan stamped received by the Planning and Sustainability Department on December 15, 2017. Said site plan is conceptual and is subject to compliance to C-1 (Local Commercial) and Stonecrest Overlay District Development standards unless variances are obtained from appropriate regulatory authorities.
2. The retail/convenience store building square footage shall be limited to 4,840 square feet.
3. Limit to not more than one (1) access point from Covington Highway and one (1) access point from Turner Hill Road subject to approval of the Georgia Department of Transportation (GDOT).
4. Provide inter-parcel access to all adjacent parcels. Location is subject to GDOT and the approval of the Department of Public Works, Transportation Division.
5. There shall be a maximum of 20 fueling stations.
6. The retail/convenience store building façade shall consist of four (4) sided brick, with accent materials.
7. Support columns for the pump/island canopy shall be composed of four-sided brick.
8. Refuse areas shall not be visible from the public street and shall be constructed with a combination of brick and wood enclosure to match the building materials of the principal structure.
9. The vacuum and air station shall not be located along the public-right-of-way.
10. Outside vending machines are prohibited.
11. No hand car washing allowed on site.
12. Provide parking lot lighting on site.
13. One ground monument sign with a brick base shall be permitted for each street frontage per the Director of Planning & Sustainability.
14. The approval of this SLUP application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

**Attachments:**

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

## NEXT STEPS

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

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

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





## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

### DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

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

- **Storm Water Management**

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

- **Flood Hazard Area/Wetlands**

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

- **Landscaping/Tree Preservation**

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

- **Tributary Buffer**

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

- **Fire Safety**

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

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

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

**N2.** See N1.

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

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

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

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

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

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

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

**N10.** No comments

**N11.** No comments

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

**N13.** See N12

**N14.** See N12

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

**N16.** No comments.

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION

NOV 02 2017  
Amendments will not be accepted after 5 working days after the filing date.

Date Received: \_\_\_\_\_ Application No.: SLUP-18-21937

APPLICANT NAME: QuikTrip Corporation c/o Battle Law PC

Daytime Phone #: 404-601-7616 Fax #: 404-745-0045

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

E-mail: mlb@battlelawpc.com

OWNER NAME: See Schedule A (If more than one owner, attach contact information for each owner)

Daytime Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

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

E-mail: \_\_\_\_\_

SUBJECT PROPERTY ADDRESS OR LOCATION: 2841 Turner Hill Rd; 8175,8187,8193 Covington Highway

Lithonia, DeKalb County, GA, 30058

District(s): 16 Land Lot(s): 170 Block(s): \_\_\_\_\_ Parcel(s): 16 170 02 012, 16 170 02 014, 16 170 02 008, 16 170 02 001

Acreage or Square Feet: 2.587 Commission District(s): 5 Existing Zoning: C-1, M

Proposed Special Land Use (SLUP): convenience store with accessory fuel pumps

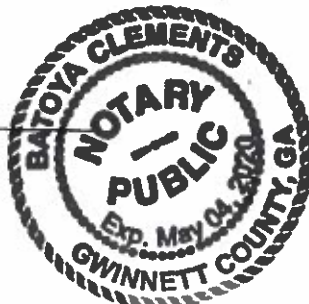
I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Owner: \_\_\_ Agent: X Signature of Applicant: [Signature]  
(Check One)

Printed Name of Applicant: Michelle L. Battle, Attorney For Applicant

Notary Signature and Seal:

[Signature]



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

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

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

For More Info Contact Batoya Clements at:

Phone: 404-601-7616 ext. 2

Fax: 404-745-0045

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

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

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

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



PLEASE  
PLACE  
STAMP  
HERE

«Title» «FirstName» «LastName»

«Address»

«City», «State» «Zip»

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

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



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

Ms.	Vernita	Shumake	2671 Lucas St	Lithonia	GA	30058-4269		
			650 Mount Zion Rd	Jonesboro	GA	30236-1560		
			Po Box 11704	Atlanta	GA	30355-1704		
			7703 Conyers St	Lithonia	GA	30058-4209		
			2325 E Camelback Rd	Phoenix	AZ	85016-3422		
			1 Ashley Way	Arcadia	WI	54612-1218		
			100 Peachtree St Nw	Atlanta	GA	30303-1906		
			Awn	8034 Covington Hwy	Lithonia	GA	30058-4218	
				75 Bryson Lndg Sw	Lilburn	GA	30047-3983	
				205 N Michigan Ave Ste 2940	Chicago	IL	60601-5924	
	C	Elrod	12720 Hillcrest Rd	Dallas	TX	75230-2035		
			30 Westgate Pkwy	Asheville	NC	28806-3808		
			1833 Tree Top Ct	Marietta	GA	30062-1852		
			5200 Buffington Rd	Atlanta	GA	30349-2945		
			Po Box 52427	Atlanta	GA	30355-0427		
			1300 Commerce Dr	Decatur	GA	30030-3222		
			120 W Trinity Pl	Decatur	GA	30030-3313		
			Po Box 10001	Dallas	TX	75301-0001		
			3333 Beverly Rd	Hoffman Estates	IL	60179-0001		
			7 W 7th St	Cincinnati	OH	45202-2424		
Elizan Fredearia Gaynor	Ann	Pope	14600 Sw 136th St	Miami	FL	33186-6762		
			2300 E Las Olas Blvd	Ft Lauderdale	FL	33301-1598		
			20820 Greenfield Rd	Oak Park	MI	48237-3051		
			7626 Conyers St	Lithonia	GA	30058-4208		
			7199 McDaniel St	Lithonia	GA	30058-4240		
	L	Bracewell	1775 Alvarado Ter Sw	Atlanta	GA	30310-2481		
			500 Water St	Jacksonville	FL	32202-4423		
			121 Interpark Blvd	San Antonio	TX	78216-1842		
			1267 S Hairston Rd	Stone Mountain	GA	30088-2718		
			7568 Conyers St	Lithonia	GA	30058-4246		
Hildonia	Martin	Reid	1900 Sigman Rd Nw	Conyers	GA	30012-3458		
			Jaja	Bell	7101 Clifford St	Lithonia	GA	30058-4203
					4632 E Main St	Columbus	OH	43213-3128
					Po Box 554	Grayson	GA	30017-0010

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

NOV 02 2017

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

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

Please print legibly

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Roy	Jackson	1413 Ellington Rd SE Douglas GA 30013			678-760 3097	royjackson@bell south.net
Ann	Jackson	1413 Ellington Rd. Douglas, Ga 30013	Couper, GA	30013	17	atj2004@bellsouth.net
Cathy	Mabry	1430 Smithson Dr. Lithonia GA 30058	Lithonia GA	30058		
Carol	Mabry	7109 RHODES ST LITHONIA, GA 30058	Lithonia, GA	30058		
Corlis	McDaniel	3231 Garden Glade Ln Lithonia GA 30038	Lithonia GA	30038	678-526 9718	Corlis mcdaniel @Yahoo.com
Florence Reynolds		7192 McDaniel St Lithonia	Lithonia GA	30058	4) 918 5829	deatricereynolds. f@mail.com
William Mabry		2709 Kutola Dr	Decatur GA	30634	770 780-8868	
Bill Reynolds	Reynolds	7192 McDaniel St	Lithonia GA	30058	7 482-4177	RRBELLOVER12@AOL.COM
Erma	Mabry	7109 Rhodes St	Lithonia GA	30058	770- 482-1513	
First Name	Last Name	Address	City, State	Zip	Phone	Email Address


NOV 02 2017

Campaign Contribution Disclosure Statements

**CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT**

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by QuikTrip Corporation in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

NAME OF GOV'T OFFICIAL	OFFICIAL POSITION	AMOUNT OF CONTRIBUTION
N/A	N/A	N/A

By:   
Printed Name: Michael S. Burk  
Real Estate Project Manager

NOV 02 2017

LEGAL DESCRIPTION

OVERALL TRACT

~~ALL THAT TRACT OR PARCEL OF LAND, LYING AND BEING IN LAND LOT 170 OF THE 16<sup>th</sup> DISTRICT, DEKALB COUNTY, STATE OF GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,~~

BEGINNING AT THE BASE OF A BENT RE-BAR FOUND IN A BROKEN RIGHT-OF-WAY MONUMENT WHERE THE SOUTH VARIABLE RIGHT-OF-WAY OF OLD COVINGTON HIGHWAY (ALSO KNOWN AS U.S. HIGHWAY No. 78) INTERSECTS THE NORTH-WESTERLY MITERED VARIABLE RIGHT OF WAY OF TURNER HILL ROAD, SAID BASE OF RE-BAR HAVING THE FOLLOWING STATE PLANE COORDINATE VALUES, NORTH, 1346670.0696 AND EAST, 2320216.5050, GEORGIA WEST ZONE:

THENCE along the Right-of-Way Miter, South 41 degrees 24 minutes 38 seconds East for a distance of 44.16 feet to a Mag Nail Set on the Westerly variable Right-of-Way of Turner Hill Road.

THENCE continuing along the Westerly variable Right-of-Way of Turner Hill Road, South 02 degrees 42 minutes 30 seconds West for a distance of 276.53 feet to a 1/2" re-bar set;

THENCE North 88 degrees 04 minutes 46 seconds West for a distance of 1.70 feet to a 1/2" re-bar set at a point where the mitered Right-of-Way of Turner Hill Road intersects the variable North Right-of-Way of Interstate Highway No. 20;

THENCE along the Mitered Right-of-Way of Interstate Highway No. 20, South 47 degrees 49 minutes 14 seconds West for a distance of 38.10 feet to a 1/2" re-bar set on the North variable Right-of-Way of Interstate Highway No. 20;

THENCE along the North Variable Right-of-Way of Interstate Highway No. 20, North 81 degrees 42 minutes 11 seconds West for a distance of 111.47 feet to a 2 inch open top post found;

THENCE continuing along the North Variable Right-of-Way of Interstate Highway No. 20, North 73 degrees 41 Minutes 40 seconds West for a distance of 59.58 feet to a 5/8" re-bar set;

THENCE continuing along the North Variable Right-of-Way of Interstate Highway No. 20, North 64 degrees 12 minutes 33 seconds West for a distance of 41.52 feet to concrete right-of-way monument found;

THENCE continuing along the North Variable Right-of-Way of Interstate Highway No. 20, North 00 degrees 03 minutes 59 seconds East for a distance of 10.17 feet to concrete right-of-way monument found;

THENCE North 69 degrees 01 minutes 29 seconds West for a distance of 6.20 feet to a 1/2" re-bar found;

THENCE North 69 degrees 01 minutes 26 seconds West for a distance of 137.38 feet to a 1/2" re-bar found;

THENCE leaving the North Variable Right-of-Way of Interstate Highway No. 20, North 01 degrees 57 minutes 08 seconds East for a distance of 257.03 feet to a 1/2" re-bar found on the South variable Right-of-Way of Old Covington Highway;

THENCE along the South Variable Right-of-Way of Old Covington Highway, South 85 degrees 52 minutes 21 seconds East for a distance of 105.62 feet to a 1/2" re-bar found with cap;

THENCE South 45 degrees 01 minutes 08 seconds East for a distance of 33.06 feet to a Mag Nail found;

THENCE South 89 degrees 42 minutes 10 seconds East for a distance of 132.07 feet to a 1/2" re-bar found;

THENCE South 88 degrees 03 minutes 54 seconds East for a distance of 83.23 feet to the base of a bent re-bar found in a broken Right-of-Way monument found, the TRUE POINT OF BEGINNING.

Said property contains 2.587 acres.

NOV 02 2017

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

and

Other Material Required by  
DeKalb County Administrative Ordinance  
For  
A Special Land Use Permit for a Convenience Store  
with Accessory Fuel Pumps  
Pursuant to DeKalb County Zoning Ordinance

of

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

for

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

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Romel Cadet, Esq.  
Battle Law, P.C.  
One West Court Square, Suite 750  
Decatur, Georgia 30030  
(404) 601-7616 Phone  
(404) 745-0045 Facsimile  
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**I. STATEMENT OF INTENT**

The Applicant, QuikTrip Corporation, is seeking to obtain a Special Land Use Permit to construct a Convenience Store with Accessory Fuel Pumps on a ±2.587-acre tract of assembled land located at 2841 Turner Hill Road and 8175, 8187, and 8193 Covington Highway, in Lithonia, DeKalb County, Georgia (the "Subject Property"). Currently, the Subject Property is improved with a convenience store with gas pumps and a diesel fueling station for trucks, a restaurant, and a small retail commercial center, all of which were built between 1962 and 1982 and are in poor condition. The Subject Property is zoned M and C-1, has a land use designation of Regional Center, and is located within Tier III of the Stonecrest Overlay District. The Applicant's proposed improvements will include a ±4,840 square foot Generation 3, QT convenience store building with 12 fuel islands. This Application is being submitted simultaneously with the proposed Text Amendment to Tier III of the Stonecrest Overlay District, which proposes to allow for convenience stores in excess of 4,000 sq. ft. with accessory fuel pumps pursuant to a Special Land Use Permit.

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

**II. IMPACT ANALYSIS**

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



The Subject Property is an assemblage of four individual tracts of land which combined are more than adequate in size for the proposed convenience store use. The existing convenience store located on a portion of the Subject Property is less than 2,000 sq. ft., which is not in line with the County's desires for the development of convenience stores with accessory fuel pumps. Also, the single lot upon which the existing store is located is 1.007 acres, which alone is inadequate in size for a minimum 4,000 sq. ft. convenience store with accessory fuel pumps adjacent to an Interstate Highway. The Subject Property, however, is large enough to accommodate the proposed 4,840 sq. ft. building, in addition to providing the required and desired parking, along with the fuel pumps and driveways.

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

The Subject Property is suitable for the proposed use, which is simply the redevelopment of the existing convenience store, and removal of the diesel fueling station. The Subject Property is adjacent to the entrance to Interstate 20 to the South, a railroad track to the North, along with industrial uses, and automobile uses to the West.

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

The Subject Property has access to public water within the ROW corridor. The existing facility is currently on septic, and not connected to the public sewer system. The closest manhole is currently 1,250 ft from the site. The Applicant is currently examining the feasibility of connecting to the County sewer system. Based upon the size of the facility the Applicant is proposing to install two bathroom facilities with a total of 6 stalls, 4 in the men's restroom and 2 in the women's restroom.

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

The Subject Property abuts two major arterial roads which can accommodate the traffic that will be generated by the proposed redevelopment. Additionally, the majority of the traffic that will frequent the Subject Property is traffic that is already on the road utilizing the Turner Hill Road/Covington Highway corridor, or traffic coming from the Stonecrest Mall area.

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

The existing land uses along the access routes to the site will not be adversely impacted by the character of the vehicles or the volume of traffic generated by the proposed use for the reasons set forth above. Additionally, the removal of the diesel fuel pumping station from this location will significantly reduce the number of trucks accessing the Subject Property, which should result in improving the traffic flow within the area.

- (f) *Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.*

As the submitted site plan indicates, the Applicant is proposing to eliminate the curb on Covington Highway which is less than 200 ft from the intersection with Turner Hill Road. The Applicant is currently proposing two curb cuts along Covington Highway and a right in/right out curb cut on Turner Hill Road. The proposed locations of the curb cuts are subject to approval by the Georgia Department of Transportation (GDOT) as both Covington Highway and Turner Hill Road are state highways. The proposed project will result in the installation of sidewalks along Covington Highway and Turner Hill Road which should improve pedestrian safety, and it is anticipated that project improvements will need to be made to the intersection of Covington Highway and Turner Hill Road which should improve traffic flow within the area.

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

The proposed use will not create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

- (h) *Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.*

While the proposed use will be open 24 hours a day, 7 days a week, the proposed use will not create an adverse impact upon any adjoining land use by reason of the hours of operation of the proposed use. The area in which the Subject Property is located is predominantly industrial, with residential uses being in excess of 2,000 ft. northwest of the Subject Property.

- (i) *Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.*

The manner of operation of the proposed use is consistent with the adjoining land uses, including the BP Gas Station directly across the street from the Subject Property, and the automobile uses adjacent to the Subject Property, including the used car lot and the Budget Rent a Car facility.

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

The proposed use is consistent with the requirements of the zoning district dimensional requirements.

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

The Subject Property has a Land Use Designation of Regional Center (RC), which is the County's most intense Land Use Designation. There should be no question that the development of a high quality convenience store such as QuikTrip on the Subject Property is consistent with the policies of the comprehensive plan.

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

The Subject Property is not subject to any buffer zones or transitional buffers.

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

The refuse area will be located off of the Covington Highway side of the project behind the store. The trucks that will be making deliveries to the store will gain access to the Subject Property from Covington Highway and enter the store

through a rear door. The fuel trucks will enter the Subject Property through the right in/right out driveway on Turner Hill Road and exit onto Covington Highway, which is deemed the best route through the site in terms of maneuverability and customer safety.

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

No time limitations should be placed on the granting of the proposed Special Land Use Permit. The proposed use is suitable for the area in question, and will facilitate the redevelopment of the corridor and the existing improvements on the Subject Property which are in poor condition.

- (o) *Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.*

The size, scale and massing of the proposed buildings are appropriate in relation to the size of the Subject Property. Currently, there are two billboards and a cell tower located on the Subject Property. While, one of the billboards will be removed, the Applicant is proposing to develop a smaller version of its Generation 3 Store on the Subject Property in order accommodate these existing uses.

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

To the best of the Applicant's knowledge, there are no historic buildings, sites, districts, or archaeological resources in the area that will be adversely impacted by the proposed use.

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

The proposed used satisfies the supplemental regulations for the accessory fuel pumps, including Section 4.2.28 of the DeKalb County Zoning Ordinance.

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

The proposed use will not create a negative shadow impact on any adjoining lot or building

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

The proposed use is consistent with the needs of the neighborhood and community as a whole. The Subject Property is located in a predominantly commercial industrial area. A portion of the Subject Property is already being used as a convenience store with accessory fuel pumps. This facility has been servicing the community for in excess of 50 years. It is the Applicant's desire to improve the quality of the experience for the surrounding community, as well as for those visiting the Stonecrest Mall area, or traveling along I-20. A quality convenience store, such as QuikTrip, provides not only fuel, but convenience items such as over the counter medicine, hot coffee, hot food, clean restrooms, a wide assortment of beverages, free air pumps, and outdoor seating areas for a quick break, in addition to a clean facility and courteous and attentive staff, which sets a standard in the industry and welcomes people to area. QuikTrip's high standards draw people to an area, which supports the viability of other businesses, while providing services to the community. Furthermore, to the extent that QuikTrip elects to close down this particular location, it is their corporate policy to place a restriction on the Subject Property which would prohibit the use of the Subject Property as a convenience store with accessory fuel pumps. Therefore, it is the Applicant's belief that the proposed use is not in conflict with the overall objective of the comprehensive plan, and supports the County's desire to improve the quality of life, and overall experience for the residents of DeKalb County.

### **III. CONSTITUTIONAL ALLEGATIONS**

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just

compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

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

A denial of this Application would constitute an arbitrary and capricious act by the DeKalb County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

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

constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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

#### **IV. CONCLUSION**

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

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

Respectfully submitted,

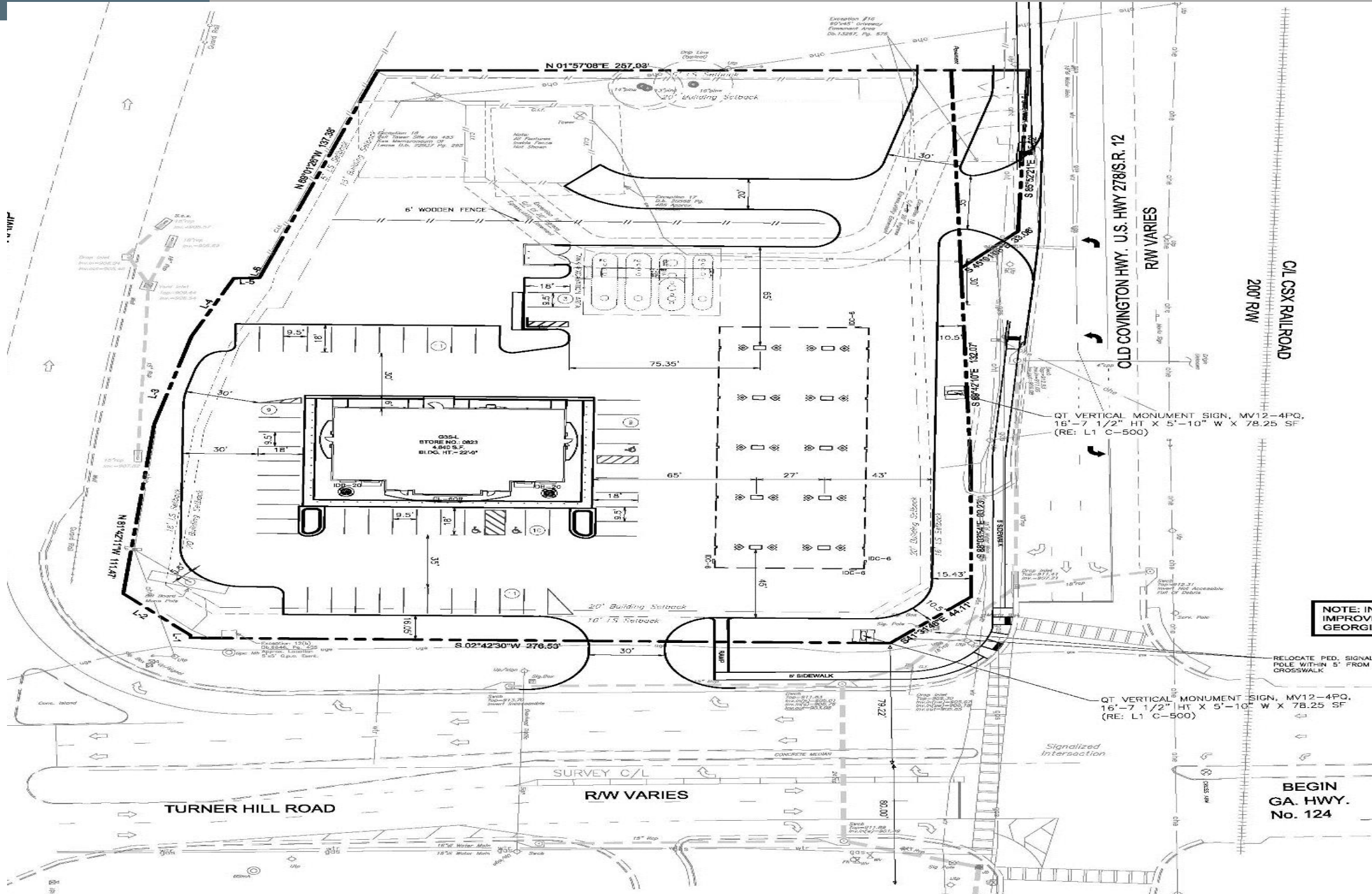


Michèle L. Battle, Esq.

Romel Cadet, Esq.

Attorney For Applicant





OLD COVINGTON HWY. U.S. HWY 278 S.R. 12

R/W VARIES

200' R/W

CL CSX RAILROAD

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

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

NOTE: IN IMPROVI GEORGI

RELOCATE PED. SIGNAL POLE WITHIN 5' FROM CROSSWALK

Signalized Intersection

BEGIN GA. HWY. No. 124

TURNER HILL ROAD

SURVEY C/L  
R/W VARIES

N 01°57'08"E 257.93'

N 89°01'22"W 137.38'

S 02°42'30"W 276.53'

S 88°03'41"E 103.23'

S 88°03'41"E 103.23'

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15' U.S. Setback

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15' U.S. Setback

15' U.S. Setback

15' U.S. Setback

15' U.S. Setback

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15' U.S. Setback

15' U.S. Setback

15' U.S. Setback

15' U.S. Setback

20' Building Setback

20' Building Setback

20' Building Setback

20' Building Setback

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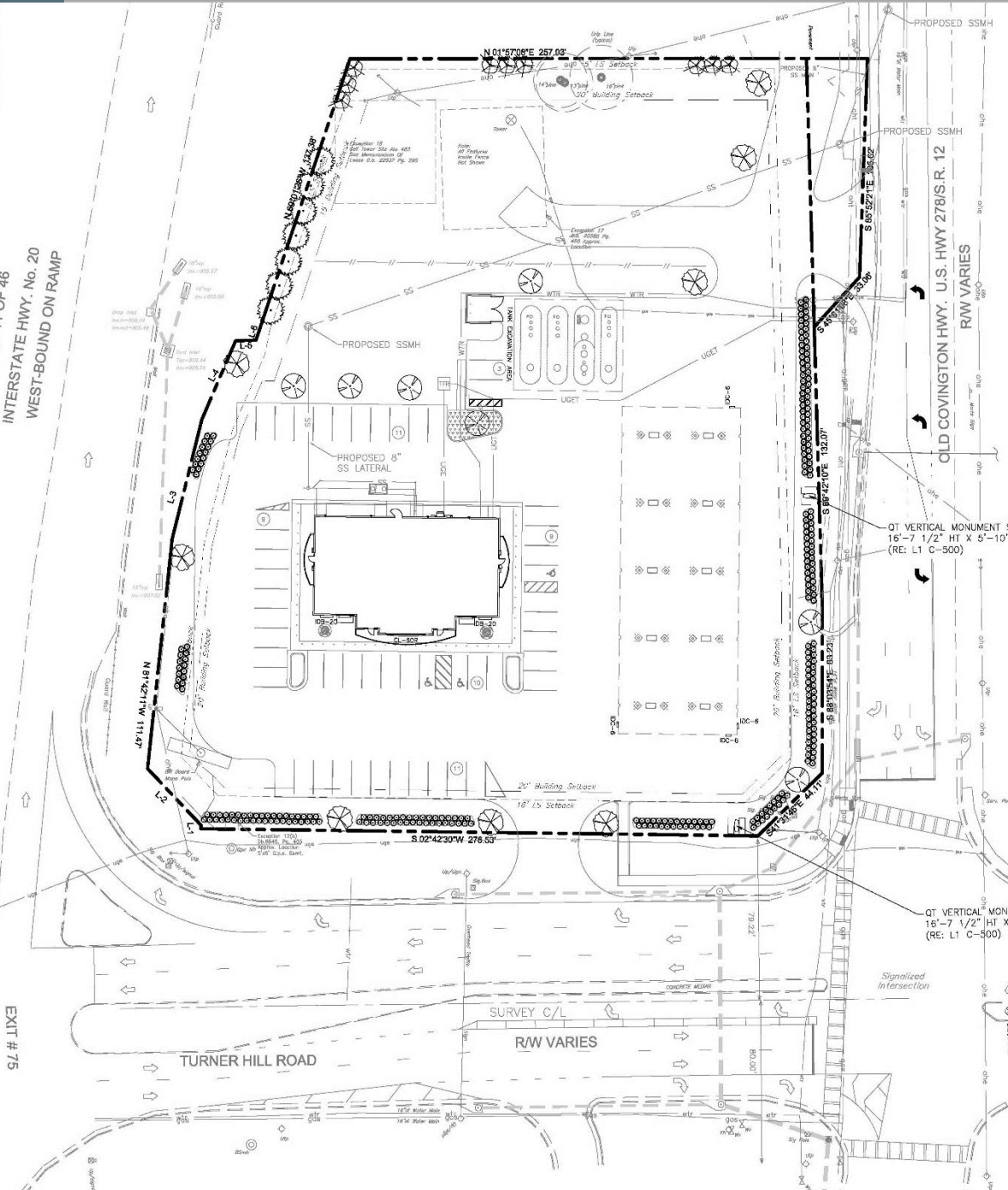
20' Building Setback

20' Building Setback

20' Building Setback

COURSE	BEARING	DISTANCE
L-1	N 89°04'46"W	1.70'
L-2	S 47°49'14"W	38.10'
L-3	N 75°41'40"W	59.58'
L-4	N 64°12'33"W	41.52'
L-5	N 00°03'59"E	10.17'
L-6	N 69°01'29"W	6.20'

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



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

LANDSCAPE REQUIREMENTS	
REQUIRED ORDINANCE	PROVIDED
(PER SEC. 5.4.4)	
MINIMUM OF 10% OF THE TOTAL PARKING LOT AREA SHALL BE LANDSCAPED. (112,269 SQ. FT. x .1 = 11,226.9 SQ. FT.)	16,380 SQ. FT. PROVIDED
MINIMUM OF 1 TREE PER 8 PARKING SPACES 59 SPACES/8 = 7.375 TREES	PROVIDED
MINIMUM OF 1 TREE ISLAND PER 10 PARKING SPACES	PROVIDED
LANDSCAPE ISLANDS SHALL BE A MINIMUM OF 250 SQ. FT.	PROVIDED
IN ADDITION TO TREES, GROUNDCOVER SHALL BE PROVIDED; SHRUBS, IW, MULCH	PROVIDED
GROUNDCOVER SHRUBS SHALL MAINTAIN A MAXIMUM HEIGHT OF 30"	PROVIDED
NEW TREES SHALL BE MINIMUM 2" CAL. AT 6" ABOVE THE GROUND & MIN. OF 10" IN HEIGHT	PROVIDED
75% OF NEW TREES SHALL BE DECIDUOUS HARDWOOD SHADE TREES	PROVIDED (24/31 = 77%)
A PERIMETER LANDSCAPE STRIP SHALL INCLUDE 1 OVERSTORY DECIDUOUS TREE OR 3 UNDERSTORY, OR THREE EVERGREEN TREES FOR EVERY 50 LINEAR FEET AT A MINIMUM SIZE OF TWO-INCH CALIPER FOR DECIDUOUS TREES AND 8" HEIGHT FOR EVERGREEN TREES. (1,138 SQ.FT./50 = 22.76)	PROVIDED 11 OVERSTORY 9 UNDERSTORY 27 TREES TOTAL
MINIMUM PLANTING REQUIREMENTS (PER 3.5.6)	
LANDSCAPE STRIPS IN THE FRONT YARD SHALL BE A MINIMUM OF 10' IN WIDTH AND SHALL BE PLANTED WITH A ROW OF STREET TREES AT LEAST 3.5" IN CALIPER AND PLANTED NOT LESS THAN 75" ON CENTER.	PROVIDED
NO TREE SHALL BE PLANTED CLOSER THAN 2' FROM THE STREET OR SIDEWALK AND NO CLOSER THAN 5' FROM A FIRE HYDRANT, SIGN POST, STREETLIGHT STANDARD, UTILITY POLE, OR SIMILAR STRUCTURE.	PROVIDED
(PER 3.4.4)	
ALL LANDSCAPED AREAS SHALL BE PROPERLY MAINTAINED IN ACCORDANCE WITH LANDSCAPE PLANS APPROVED AS PART OF THE LAND DISTURBANCE PERMIT. IN THE EVENT THAT A TREE OR ANY PLANT MATERIAL DIES, IT SHALL BE REPLACED WITHIN 12 MONTHS SO AS TO MEET ALL REQUIREMENTS OF THIS SECTION AND TO ALLOW FOR PLANTING IN THE APPROPRIATE PLANTING SEASON.	PROVIDED



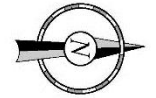
QuikTrip No. 0823  
TURNER HILL ROAD  
DEKALB COUNTY, GEORGIA



PROTOTYPE: P-22 (8/10/17)  
DESIGN: 001  
DESIGNED BY: SHAYES  
DRAWN BY: SHAYES  
REVIEWED BY: JPOTTER

REV	DATE	DESCRIPTION	ORIGINAL	ISSUE DATE:

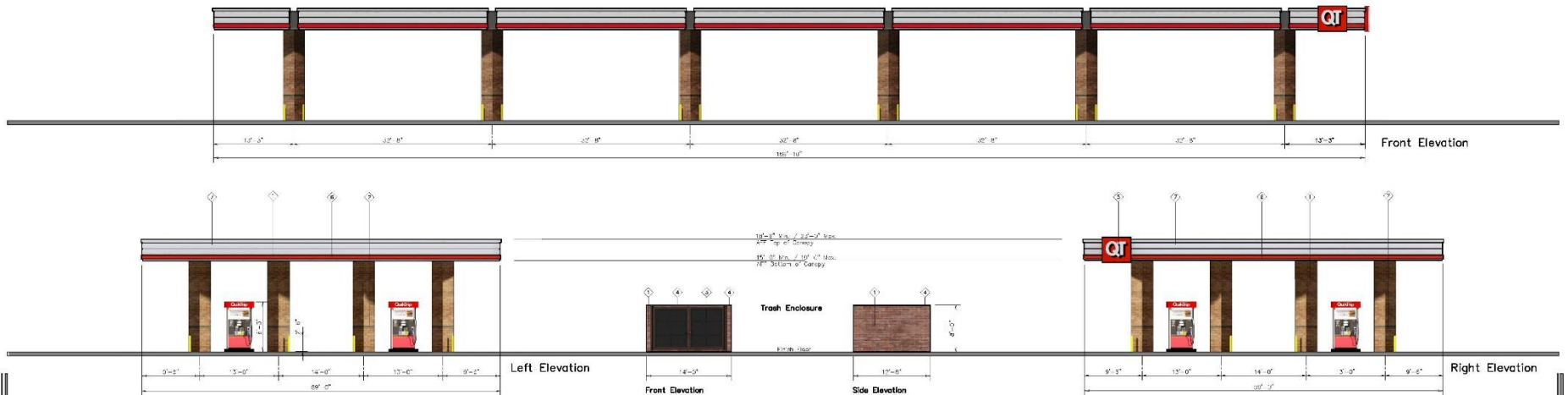
SHEET TITLE:  
LANDSCAPE PLAN  
SHEET NUMBER:







	<b>QuikTrip</b> 4705 South 129th East Ave. Tulsa, OK 74124-1000 P.O. Box 5475 Tulsa, OK 74121-5475 (918) 810-7720	Store # <b>823</b>	G3S Building Elevations	Address: Turner Hill Rd.	City, State: Lithonia, GA	<table border="1"> <thead> <tr> <th>Q#</th> <th>FINISH</th> <th>MANUFACTURER</th> <th>SPECIFICATION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>CONCRETE</td> <td>INTERSTATE-STEEL</td> <td>ANSI A63.1-01-01-0100</td> </tr> <tr> <td>2</td> <td>BRICK</td> <td>INTERSTATE-STEEL</td> <td>ANSI A63.1-01-01-0100</td> </tr> <tr> <td>3</td> <td>PAINT</td> <td>PPG INDUSTRIES</td> <td>PPG PRIMER</td> </tr> <tr> <td>4</td> <td>GLASS</td> <td>PPG INDUSTRIES</td> <td>PPG CLEAR GLASS</td> </tr> <tr> <td>5</td> <td>GLASS</td> <td>PPG INDUSTRIES</td> <td>PPG CLEAR GLASS</td> </tr> <tr> <td>6</td> <td>GLASS</td> <td>PPG INDUSTRIES</td> <td>PPG CLEAR GLASS</td> </tr> <tr> <td>7</td> <td>GLASS</td> <td>PPG INDUSTRIES</td> <td>PPG CLEAR GLASS</td> </tr> <tr> <td>8</td> <td>GLASS</td> <td>PPG INDUSTRIES</td> <td>PPG CLEAR GLASS</td> </tr> <tr> <td>9</td> <td>GLASS</td> <td>PPG INDUSTRIES</td> <td>PPG CLEAR GLASS</td> </tr> <tr> <td>10</td> <td>GLASS</td> <td>PPG INDUSTRIES</td> <td>PPG CLEAR GLASS</td> </tr> </tbody> </table>	Q#	FINISH	MANUFACTURER	SPECIFICATION	1	CONCRETE	INTERSTATE-STEEL	ANSI A63.1-01-01-0100	2	BRICK	INTERSTATE-STEEL	ANSI A63.1-01-01-0100	3	PAINT	PPG INDUSTRIES	PPG PRIMER	4	GLASS	PPG INDUSTRIES	PPG CLEAR GLASS	5	GLASS	PPG INDUSTRIES	PPG CLEAR GLASS	6	GLASS	PPG INDUSTRIES	PPG CLEAR GLASS	7	GLASS	PPG INDUSTRIES	PPG CLEAR GLASS	8	GLASS	PPG INDUSTRIES	PPG CLEAR GLASS	9	GLASS	PPG INDUSTRIES	PPG CLEAR GLASS	10	GLASS	PPG INDUSTRIES	PPG CLEAR GLASS
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Serial # <b>07-0823-G3S2</b>	Scale: <b>1/16"=1'-0"</b>	Issue Date: <b>10.11.17</b>	Drawn By: <b>JK</b>	Rev/Notes:	COPYRIGHT © 2011 QUIKTRIP CORPORATION. G3S IS A TRADEMARK OF QUIKTRIP CORPORATION. TULSA, OKLAHOMA. THESE PLANS ARE PROVIDED IN THEIR ENTIRETY BY QUIKTRIP AND NO OTHER PARTY. ALL RIGHTS RESERVED. ANY UNAUTHORIZED USE, REPRODUCTION, PUBLICATION, DISTRIBUTION OR SALE IN WHOLE OR IN PART, IS STRICTLY FORBIDDEN.																																													

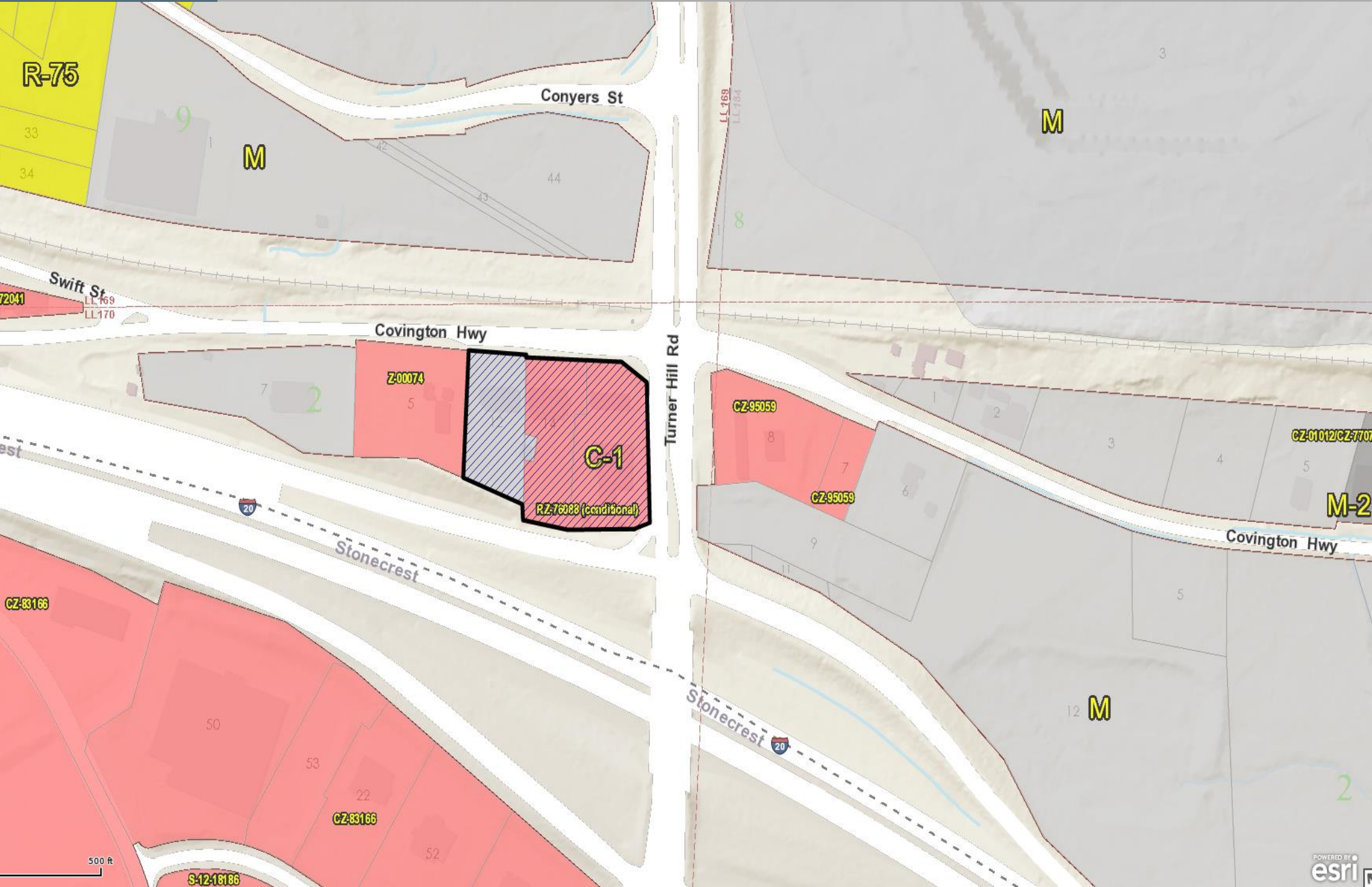


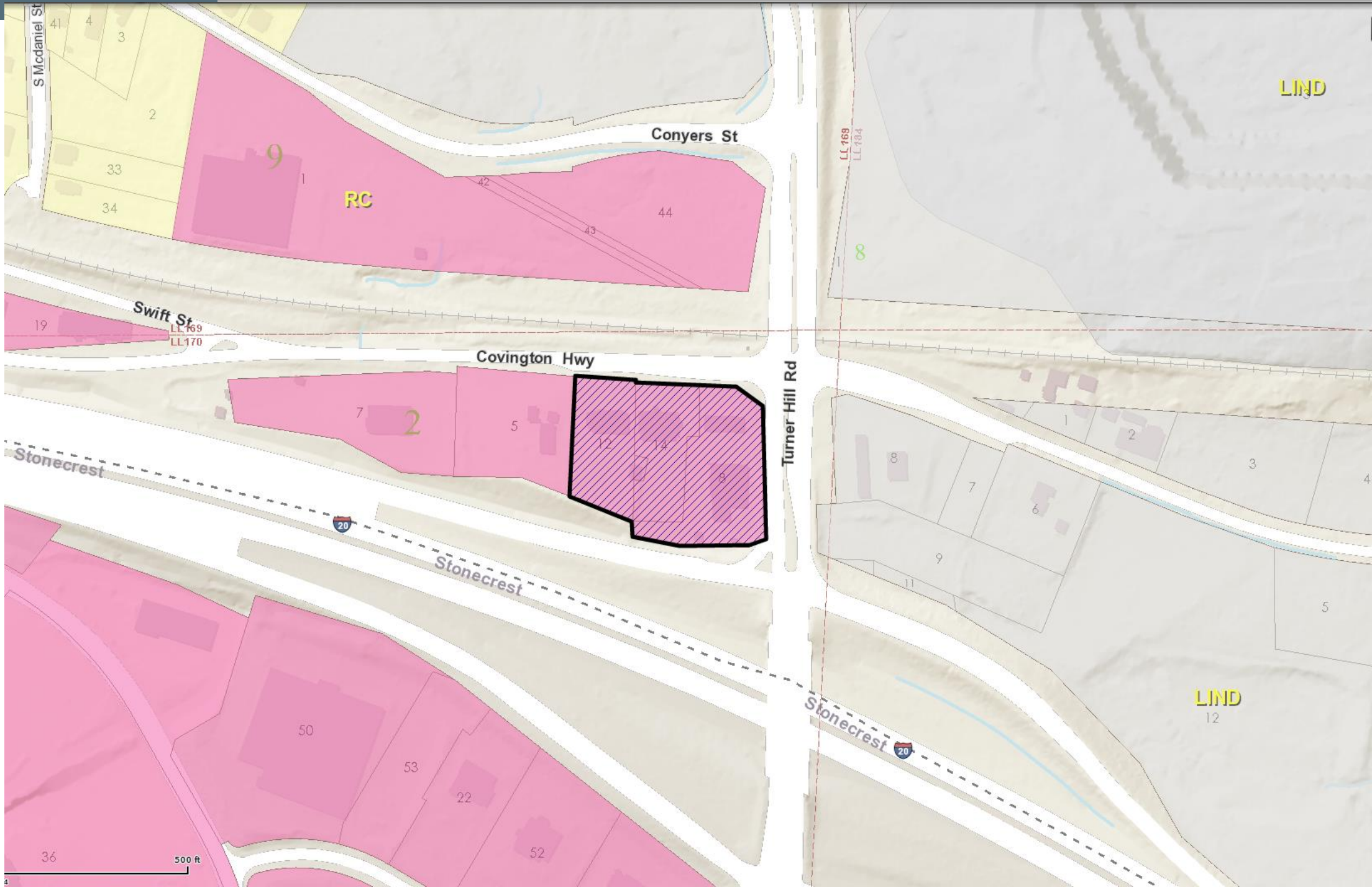
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Serial #	07-0823-GD12	Scale:	1/16" = 1'-0"	Issue Date:		
Drawn By:	DM	Rev/Notes:				

FINISH	MANUFACTURER	SPECIFICATION
1. INTERIOR FINISH	1. INTERIOR FINISH	1. INTERIOR FINISH
2. EXTERIOR FINISH	2. EXTERIOR FINISH	2. EXTERIOR FINISH
3. ROOF FINISH	3. ROOF FINISH	3. ROOF FINISH
4. FLOOR FINISH	4. FLOOR FINISH	4. FLOOR FINISH
5. PAINT FINISH	5. PAINT FINISH	5. PAINT FINISH
6. SIGN FINISH	6. SIGN FINISH	6. SIGN FINISH
7. GLASS FINISH	7. GLASS FINISH	7. GLASS FINISH
8. METAL FINISH	8. METAL FINISH	8. METAL FINISH
9. WOOD FINISH	9. WOOD FINISH	9. WOOD FINISH
10. OTHER FINISH	10. OTHER FINISH	10. OTHER FINISH

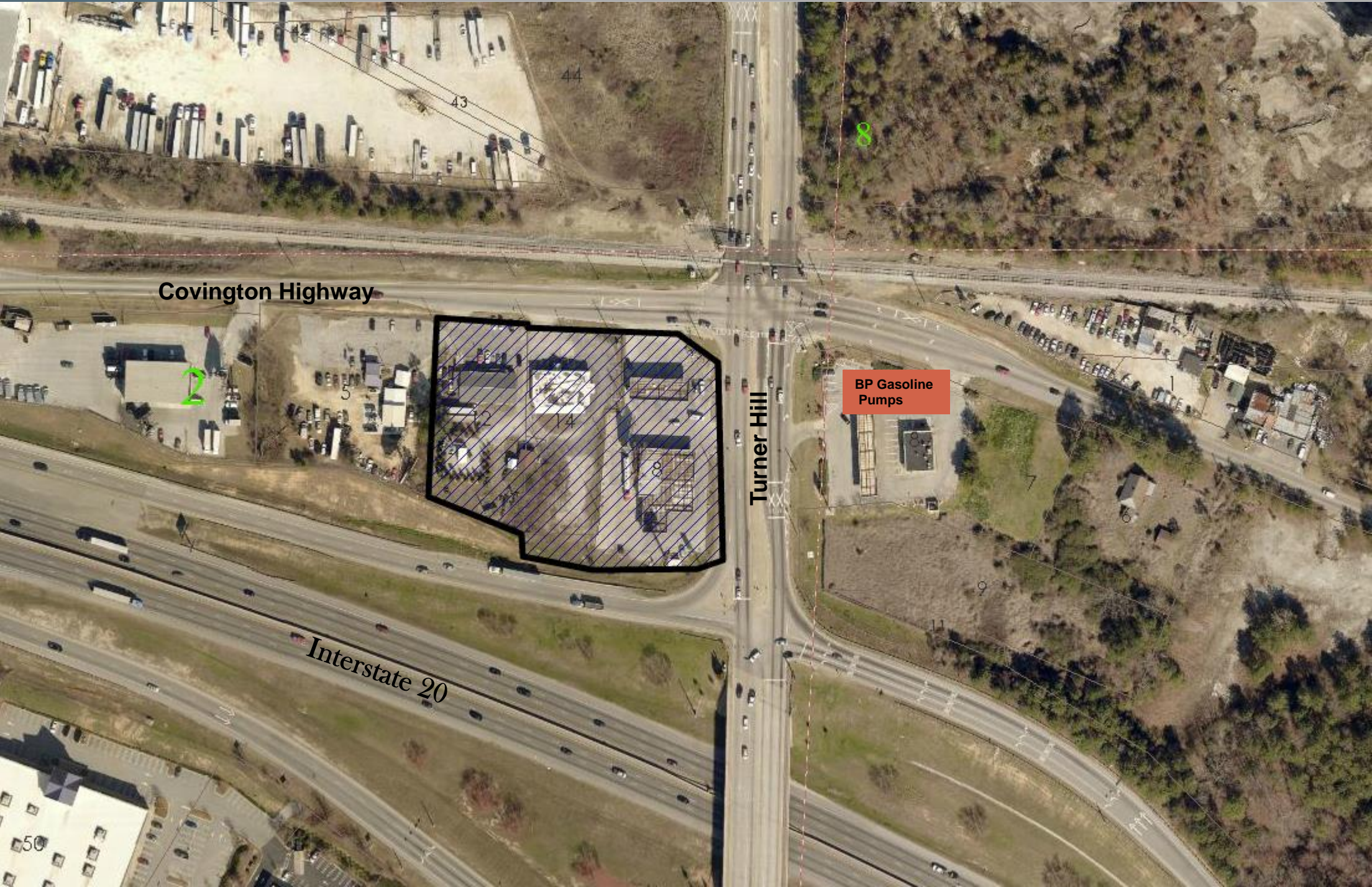
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Covington Highway

Turner Hill

Interstate 20

BP Gasoline Pumps

2

8

11

44

43

5

2

4

8

7

6

50





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







Covington Highway (U.S. 278) Frontage

