



DeKalb County Department of Planning & Sustainability

178 Sams Street,
Decatur, GA 30030

(404) 371-2155 / www.dekalbcountyga.gov/planning

Planning Commission Hearing Date: November 2, 2023
Board of Commissioners Hearing Date: November 16, 2023

STAFF ANALYSIS

Case No.:	Z-23-1246648	Agenda #: 2023-1143
Address:	4822 Covington Highway	Commission District: 05 Super District: 07
Parcel ID(s):	15 163 01 008	
Request:	Rezone the subject parcel from C-1 (Local Commercial) Zoning District to C-2 (General Commercial) Zoning District to develop a new convenience store with fuel pumps.	
Property Owner(s):	The Kyu Yong Cho & Joo Ah Cho Revocable Trust	
Applicant/Agent:	QuikTrip Corporation c/o Battle Law P.C.	
Acreage:	0.29	
Existing Land Use:	Commercial Redevelopment Corridor	
Surrounding Properties:	North: C-2 East: C-2 South: C-2 West: C-1	
Comprehensive Plan:	Commercial Redevelopment Corridor	
	Consistent X	Inconsistent

Staff Recommendation: Approval w/ Conditions

QuikTrip Corporation, represented by Battle Law P.C., has submitted an application for rezoning from C-1 (Local Commercial) to C-2 (General Commercial) for a new convenience store with fuel pumps. The intention is to merge the subject property with adjacent parcels at 4810 and 4832, both currently zoned C-2, to facilitate development.

The proposal aligns with the Commercial Redevelopment Corridor (CRC) future land use designation with the potential to revitalize an underutilized commercial parcel and provide services to an area in economic decline. It also meets zoning requirements regarding C-2 zoning and supplemental uses for fuel pumps detailed in Section 27-4.2.28.

There is potential to enhance the proposed design to more effectively serve the accessibility needs of residents in the adjacent R-75 (Residential Medium Lot-75) and R-85 (Residential Medium Lot-85) zoning districts along Glenwood Road and Covington Highway by improving walkability and multi-modal transportation compatibility. This improvement can

be achieved by integrating a pedestrian pathway from the sidewalk leading to the storefront and providing a bike rack. Therefore, Staff is recommending these multi-modal transportation features as part of the recommended zoning conditions.

The rezoning would permit a use that harmonizes with adjacent and nearby properties. The subject property, a small C-1 triangle enclosed by larger C-2 parcels, could be brought in line with its surroundings by this change. The presence of similar businesses, primarily auto body shops, auto part stores, car washes, car dealers, and other auto-oriented businesses in the vicinity, further support the compatibility of the intended use within the area.

The subject property currently lacks reasonable economic use under its current zoning. Its small size and positioning, near but not at an intersection, present operational challenges.

The proposal's negligible impact on nearby properties, historic resources, and the environment suggests that it is well-aligned with local regulations and community goals. Therefore, staff recommends approval of the rezoning application with conditions:

1. The development must comply with Section 4.2.28 (Fuel pumps associated with large retail, convenience stores, gas stations, service stations.) of the Zoning Ordinance.

2. The Applicant shall provide at least one (1) bike rack and one (1) pedestrian pathway leading from the sidewalk to the storefront.

3. Property must be consolidated with adjacent parcel(s) prior to issuance of any building permits.



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: Z-23-1246648 Parcel I.D. #: 15-163-01-008
Address: 4822 Covington Highway Decatur, Ga. 30035

Adjacent Roadway (s):

(classification) (classification)

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

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6th Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS: There aren't any traffic engineering concerns at this time.

Signature: _____

Jennifer Russell



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
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**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: _____ Parcel I.D. #: _____

Address: _____

WATER:

Size of existing water main: _____ (adequate/inadequate)

Distance from 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 ____ inadequate ____

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

COMMENTS:

Signature: _____

10/16/2023

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

N1-2023-1142

CZ-23-1246630 / 15-186-04-029

1484 and 1520 Columbia Drive, Decatur, GA 30032

- See review general comments.
- Septic indicated on several surrounding properties.

N2-2023-1143

Z-23-1246648 /15-163-01-008

4822 Covington Hwy, Decatur, GA 30035

- Please review general comments.

N3-2023-1146

SLUP-23-1246650 / 18-062--03-001

1726 Church Street, Decatur, GA 30033

- Please review general comments.
- Septic indicated on surrounding properties.

N4-2023-1147

Z-23-1246652 / 16-193-04-004, 16-193-04-005

8070 and 8080 Rockbridge Road, Stone Mountain, GA 30087

- Septic 1000 gallons indicated on 8070 Rockbridge Road, installed on 03/17/1981.
- Please review general comments.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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Recommend denial

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**

No comment.

- **Storm Water Management**

The conceptual plan shall indicate:

- (1) the location of the proposed stormwater mgt facility to comply with sec.14-40 of the County codes
- (2) the discharge point from the proposed stormwater mgt facility.

Notes: (1) Stormwater mgt facility must be at least 20' from the property line; (2) the discharge point must be at least 25' from the property line; (3) the County codes require the pre-development conditions to be modeled as wooded

- **Flood Hazard Area/Wetlands**

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

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

- **Landscaping/Tree Preservation**

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

- **Tributary Buffer**

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

- **Fire Safety**



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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**REZONE
COMMENTS FORM:
PUBLIC WORKS ROAD AND DRAINAGE**

Case No.: Z-23-1246448

Parcel I.D. #: 15-163-01-008

Address: 4822 Covington Highway, GA 30032

Drainage Basin: Snapfinger Creek

Upstream Drainage Area: N/A

Percent of Property in 100-Year Floodplain: 0%

Impact on property (flood, erosion, sedimentation) under existing zoning: Flood impact on this property is expected to be minimal since it is in zone X which is outside the floodplain and otherwise referred to as Special Flood Hazard Area. Erosion and sedimentation is also not expected to be prevalent due to the topographic gradient on of the property.

Required detention facility(s): Detention/retention facilities would be required for stormwater management per section 14-40 and other relevant code sections of DeKalb County codes of ordinance as applicable.

COMMENTS:

The proposed use will add to the Highly Visible Pollutant Sources of the county and as such, a stormwater hotspot which will require full compliance with the Stormwater management requirements for hotspot sites as recorded in the Georgia Stormwater Management Manual and other relevant sections of the DeKalb County code of ordinance including the sections relating to erosion, sedimentation and pollution control is required.

Signature: _____



404.371.2155 (o) | Development Services Center
404.371.4556 (f) | 178 Sams Street
www.dekalbcountyga.gov | Decatur, GA 30030

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

REZONING APPLICATION CHECKLIST

Email one (1) copy of your application as one (1) PDF file to Planner. Submit application through our online portal www.epermits.dekalbcountyga.gov

You MUST email us that you've submitted the application online. For questions, email: plansustain@dekalbcountyga.gov

- 1. Schedule a mandatory **Pre-Application Conference** with Planning & Sustainability staff by appointment. Obtain Pre-Application form (to be completed in pre-application meeting). Please email lahill@dekalbcountyga.gov for appointment.
- 2. Hold a **Pre-Submittal Community Meeting** with surrounding neighborhood associations and residents. Provide documentation of the meeting (**meeting notice and sign in sheets**). Letter(s) from homeowners' association(s) may also be provided.
- 3. Submit **Application** (Email to planner and submit online [epermits.dekalbcountyga.gov](http://www.epermits.dekalbcountyga.gov) Please assemble materials in the following order).
 - A. **Application form** with name and address of applicant and owner, and address of subject property;
 - B. **Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting, if any;
 - C. **Letter of application and impact analysis**
 - 1. **Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any.
 - 2. **Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.
 - D. **Authorization Form**, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years.
 - E. **Campaign disclosure statement** (required by State law).
 - F. **Legal boundary survey** of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. (If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.)
 - G. **Site Plan**, printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following:
 - a. complete boundaries of subject property;
 - b. dimensioned access points and vehicular circulation drives;
 - c. location of all existing and proposed buildings, structures, setbacks and parking;
 - d. location of 100-year floodplain and any streams;
 - e. notation of the total acreage or square footage of the subject property;
 - f. landscaping, tree removal and replacement, buffer(s); and
 - e. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.
 - H. **Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).
 - I. **Building Form Information**. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.
 - J. **Completed, signed Pre-application Form** (Provided at pre-application meeting.)



DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

Date Received: _____ Application No: _____

Applicant Name: QuikTrip Corporation c/o Battle Law P.C.

Applicant E-Mail Address: mlb@battlelawpc.com

Applicant Mailing Address: 3562 Habersham at Northlake Bldg. J, Suite 100
Tucker, GA 30084

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

Owner Name: The Kyu Yong Cho and Joo Ah Cho Revocable Trusts

If more than one owner, attach list of owners.

Owner Mailing Address: 8360 Kennington Way Duluth GA. 30097

Owner Daytime Phone: _____

Address of Subject Property: 4822 Covington Hwy
Decatur, GA 30035

Parcel ID#: 15 163 01 008

Acreage: 0.29 Commission District: 5; 7

Present Zoning District(s): C-1

Proposed Zoning District: C-2

Present Land Use Designation: CRC

Proposed Land Use Designation (if applicable): _____



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

Zoom Instructions:

Go to <https://battlelawpc.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join". To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact

Mark Schwabacher at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: mas@battlelawpc.com

COMMUNITY MEETING TO DISCUSS A REZONING TO ALLOW FOR A CONVENIENCE STORE WITH FUEL STATION

Project Title: 4822 Covington Hwy

When: August 8, 2023

Time: 6:00 PM Eastern (US and Canada)

Register in advance for this meeting:

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

Meeting ID: 871 3203 4527

Password: 399031

PROPOSED LOCATION(S):

Parcel Number - 15 163 01 008

CHO KYU YONG REVOCABLE TRUST	4832 COVINGTON HWY	DECATUR GA 30035
DECATUR 2015 LLC	136 ASTON HALL	MACON GA 31210
DISCOUNT GROUP INC	4913 CLARKE ST	METAIRIE LA 70006
BLUE VINTAGE PROPERTIES LLC	3001 HORSEBARN DR	DURHAM NC 27705
HEDOC CORP INC	4842 COVINGTON HWY	DECATUR GA 30035
STAR 2021 SFR1 BORROWER LP	591 W PUTNAM AVE	GREENWICH CT 6830
ENGLISH NOTASHA	2292 TALMAI DR	SNELLVILLE GA 30078
BONNER RHONDA	1206 HUNTERS DR	STONE MOUNTAIN GA 30083
4781 COVINGTON HIGHWAY LLC	388 E WESLEY RD NE	ATLANTA GA 30305
FERRELL LAMAR CHEVROLET INC	4770 COVINGTON HWY	DECATUR GA 30035
CAREY PAUL INC	PO BOX 450233	ATLANTA GA 31145
PAUL FAMILY PARTNERSHIP LLLP	P.O. BOX 450233	ATLANTA GA 31145
MCGHEE AUTO SALES INC	4888 COVINGTON HWY	DECATUR GA 30035
DECATUR 2015 LLC	136 ASTON HALL	MACON GA 31210
PERTAH HEMRAJ L	4982 ROCK HAVEN DR SW	LILBURN GA 30047
THE KYU YONG CHO REVOCABLE TRUST AND THE	8360 KENNINGSTON WAY	DULUTH GA 30097
MALEA VIOREL	4767 COVINGTON HWY	DECATUR GA 30035
PAUL FAMILY PARTNERSHIP LLLP	PO BOX 450233	ATLANTA GA 31145
FLEMING LI	5583 GLENRIDGE BND	LITHONIA GA 30058
STAR 2021 SFR2 BORROWER LP	591 W PUTNAM AVE	GREENWICH CT 6830
PROMISE HOMES BORROWER I LLC	26050 MUREAU RD STE 110	CALABASAS CA 91302
THACH JOANNE WRIGHT	1789 MCLAIN LN	DECATUR GA 30035
JOHNSON ALLEN LANE JR	1861 MCLAIN LN	DECATUR GA 30035
C AND D PROPERTIES LLC	4414 LUXEMBOURG DR	DECATUR GA 30034
PREMIER PLAZA LLC	3475 OAK VALLEY RD NE UNIT 70	ATLANTA GA 30326
STAR 2021 SFR1 BORROWER LP	591 W PUTNAM AVE	GREENWICH CT 6830
CONNER GERALDINE S	1871 CLARKE LN	DECATUR GA 30035
MATHENY THOMAS	1829 MCLAIN LN	DECATUR GA 30035
LEONARD LAUETA	12 KINGSTONE RD	AVONDALE ESTATE GA 30002
4918 COVINGTON HWY LLC	0 PO BOX 737	CUMMING GA 30028
RS RENTAL II LLC	1955 SOUTH VAL VISTA DR STE 126	MESA AZ 85204
CONNER RICKY LEE	1865 CLARKE LN	DECATUR GA 30035
PAUL FAMILY PARTNERSHIP LLLP	PO BOX 450233	ATLANTA GA 31145
HOPEK ROBERT LEON II LIVING TRUST	1815 MCLAIN LN	DECATUR GA 30035
HWJ LLC	2205 BONNAVIT CT	ATLANTA GA 30345
WASDIN ALAN	2790 EBENEZER RD SE	CONYERS GA 30094
I & C INVESTMENT LLC	320 UNIVERSITY DR	ATHENS GA 30606
GLENHAVEN METHODIST CHURCH	705 COPPER TRACE WAY	WHITE GA 30184
THE KYU YONG CHO REVOCABLE TRUST AND THE	8360 KENNINGSTON WAY	DULUTH GA 30097
PAUL FAMILY PARTNERSHIP LLLP	PO BOX 450233	ATLANTA GA 31145
SPEAF1 LLC	3009 CYPRESS KNEE CT	RALEIGH NC 27607
JOHNSON ALLEN L JR	1861 MCLAIN LN	DECATUR GA 30035

Re: Community Meeting Notice

Mark Schwabacher <MAS@battlelawpc.com>

Thu 7/27/2023 4:02 PM

To:dennisallen05@comcast.net <dennisallen05@comcast.net>;andrewse199@gmail.com <andrewse199@gmail.com>;kbarksdal22@gmail.com <kbarksdal22@gmail.com>;e7hubbard@gmail.com <e7hubbard@gmail.com>;hlove1223@aol.com <hlove1223@aol.com>;oneiloooo4@comcast.net <oneiloooo4@comcast.net>;Perry_leona@bellsouth.net <Perry_leona@bellsouth.net>;dpriestbrown@bellsouth.net <dpriestbrown@bellsouth.net>;mtaylor7907@gmail.com <mtaylor7907@gmail.com>

Hello members of DeKalb Community Council District 5,

The meeting below for the rezoning for 4810 and 4822 Covington Highway to C-2 was in fact scheduled for Tuesday, August 8th. That is the date communicated on the notices that were mailed out. I apologize for my mistake.

Please find the Zoom meeting details below:

Topic: Covington Highway Quiktrip Community Meeting
Time: Aug 8, 2023 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://battlelawpc.zoom.us/j/87132034527?pwd=MW5yOVJaZldmcHkrRTFyZStHR0VnZz09>

Meeting ID: 871 3203 4527

Passcode: 399031

Thank you,



Mark Schwabacher.
(he/him/his)

Law Clerk

Phone: 404-601-7616

Mobile: 203-216-3967

Email: mas@battlelawpc.com

3562 Habersham at Northlake

Bldg. J, Suite 100

Tucker, GA 30084

www.battlelawpc.com



Meeting ID	Topic	Start Time	End Time	User Email	Duration (Minutes)	Participants
87132034527	Covington	8/8/2023 17:34	8/8/2023 18:11	mas@battlelawpc.com	37	3

Name (Original Name)	User Email	Join Time	Leave Time	Duration (Minutes)	Guest	Recording Consent	In Waiting Room
Josh Mahoney	jsm@battl	8/8/2023 17:34	8/8/2023 18:11	37	No		No
Jordan Battie	jnb@battl	8/8/2023 17:41	8/8/2023 18:11	30	No	Yes	No
bqualls		8/8/2023 17:53	8/8/2023 17:54	1	Yes		Yes
bqualls		8/8/2023 17:54	8/8/2023 18:11	18	Yes	Yes	No



Battle Law

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STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Rezoning from C-1 to C-2

of

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

for

+/- 0.29 Acres of Land
Being 4822 Covington Hwy,
Decatur, Georgia and
Parcel No. 15 163 01 008

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



Battle Law

I. LETTER OF INTENT

The QuikTrip Corporation (the “Applicant”) is seeking to develop a new convenience store with fuel pumps on 3.04 acres of land being Tax Parcel Nos. 15 190 05 016, 15 163 01 008, and 15 163 01 009 having frontage on 4810, 4822, and 4832 Covington Highway. The larger parcels, 4810 and 4832 Covington Highway, are zoned C-2 while the smaller parcel, 4822 Covington Highway (the “Subject Property”), is zoned C-1. The Applicant is seeking a rezoning of the smaller parcel to C-2. Having both adjacent parcels share the same zoning will allow the Applicant to proceed with development and combine the parcels. This document serves as a statement of intent, analysis of the criteria under the DeKalb County Zoning Ordinance and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. DEKALB COUNTY IMPACT ANALYSIS CRITERIA (Section 27-7.3.5)

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

The proposal to rezone the Subject Property to C-2 is in conformity with the policy and intent of the comprehensive plan. The Subject Property has the Commercial Redevelopment Corridor (CRC) future land use designation. The CRC designation has the purpose of promoting redevelopment of commercial areas. The Subject Property is currently vacant. The rezoning proposal promotes the CRC goal of redeveloping underutilized commercial areas.

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

The proposal to rezone the Subject Property will permit a use that is suitable in view of the use and development of adjacent and nearby properties. First, the Subject Property is a small triangle of C-1 enclosed by larger C-2 parcels. Rezoning the Subject Property to C-2 will bring the parcel in-line with the other parcels adjacent to it. Second, the Covington Highway Corridor already hosts a number of businesses similar in character to the proposed convenience store with fuel pumps.

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. The small size of the parcel and its position near, but not on, an intersection presents a hardship preventing the parcel from operating independently. The Subject Property is currently vacant paved space.

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



Battle Law

The zoning proposal will not adversely affect the existing use or usability of nearby properties on Covington Highway. The surrounding parcels are all zoned C-2 already.

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 Applicant is not aware of any other existing or changing conditions that provide grounds for either approval or disapproval of the zoning proposal.

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

The Applicant is not aware of any historic building, sites, districts, or archaeological resources on the Subject Property.

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

The proposed convenience store with fuel pumps is designed to capture existing traffic in the area, and the Applicant does not expect to create additional traffic that will burden existing streets or utilities.

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

The Subject Property is already paved. The proposed use does not further adversely impact the environment or surrounding natural resources.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that this Application for a rezoning from C-1 to C-2 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



Battle Law

destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

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

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

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

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

A refusal to allow the rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.



Battle Law

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

Michele L. Battle, Esq.
Attorney for the Applicant



DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

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.

Date: ³¹ 7/13/2023

The Kyu Yong Cho Revocable Trust And The Joo Ah Cho Revocable Trust

Name of owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegate authority to

Battle Law P.C.

Name of Agent or Representative

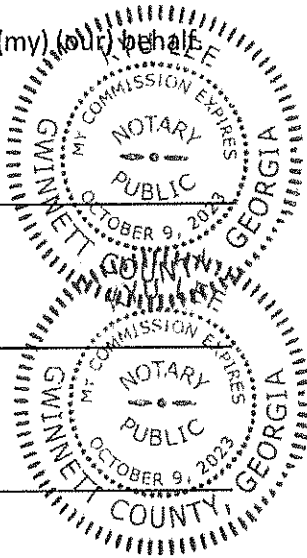
to file an application on (my) ~~(our)~~ behalf

[Signature]
Notary Public

[Signature]
Notary Public

Notary Public

Notary Public



[Signature]
Owner

[Signature]
Owner

Owner

Owner



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 filling of this application?

Yes ___ No *

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

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

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

Notary

Signature of Applicant / Date July 31, 2023

Check one: Owner X Agent

Expiration Date/ Seal

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



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 filling of this application?

Yes ___ No X *

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.

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Notary

Signature of Applicant /Date

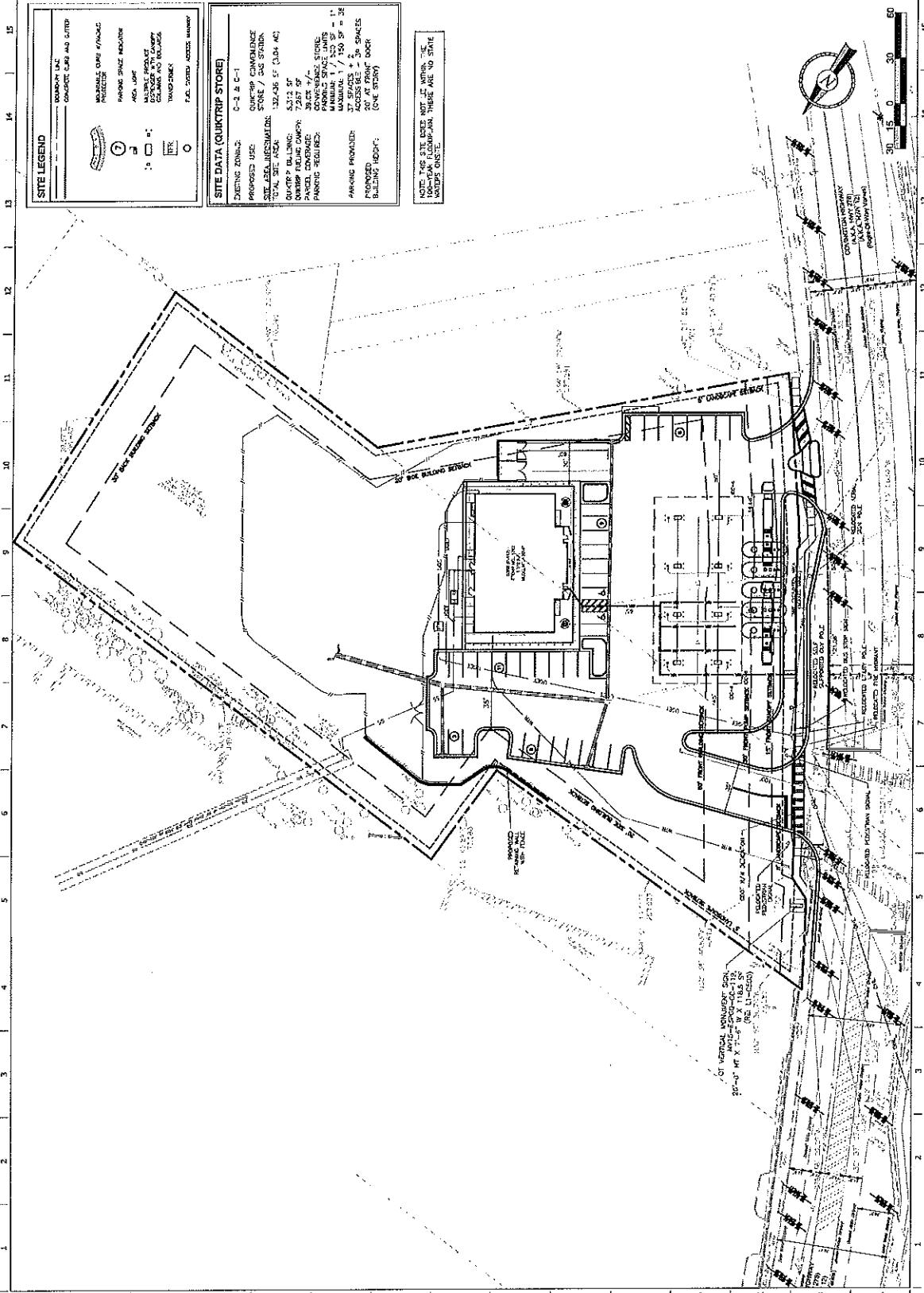
Check one: Owner ___ Agent X

Michael S. Burk
Real Estate Project Manager
QuikTrip Corporation

Expiration Date/ Seal

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

		QuikTrip No. 1762 COVINGTON HWY & GLENWOOD RD DEKALB COUNTY, GA				PROJECT NO: 1762 DATE: 11/11/2011 DRAWN BY: J. B. BROWN CHECKED BY: J. B. BROWN DATE: 11/11/2011		ORIGINAL ISSUE DATE: 11/11/2011 SHEET TITLE: SITE PLAN SHEET NUMBER: 1	
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SITE LEGEND

	BOUNDARY LINE
	DRIVE THRU AND QUICK
	ROADWAY
	UTILITY
	EASEMENT
	PROPOSED BUILDING
	PROPOSED PARKING
	PROPOSED DRIVEWAY
	PROPOSED ACCESS
	PROPOSED SIGN
	PROPOSED LIGHT POLE
	PROPOSED STORM DRAIN
	PROPOSED UTILITY
	PROPOSED EASEMENT
	PROPOSED SETBACK
	PROPOSED UTILITY POLE
	PROPOSED STORM DRAIN
	PROPOSED UTILITY
	PROPOSED EASEMENT
	PROPOSED SETBACK

SITE DATA (QUIKTRIP STORE)

ZONING DISTRICT: C-2 & C-1

PROPOSED USE: QUIKTRIP CONVENIENCE STORE / GAS STATION

SITE AREA INFORMATION: 132,496 SF (3.04 AC)

TOTAL SITE AREA: 5,212 SF

QUIKTRIP BUILDING: 3,287 SF

DRIVE THRU: 1,925 SF

PARKING: 36 SPACES

PARKING REQUIRED: 36 SPACES

CONVENIENCE STORE: 11' MINIMUM SETBACK

DRIVE THRU: 11' MINIMUM SETBACK

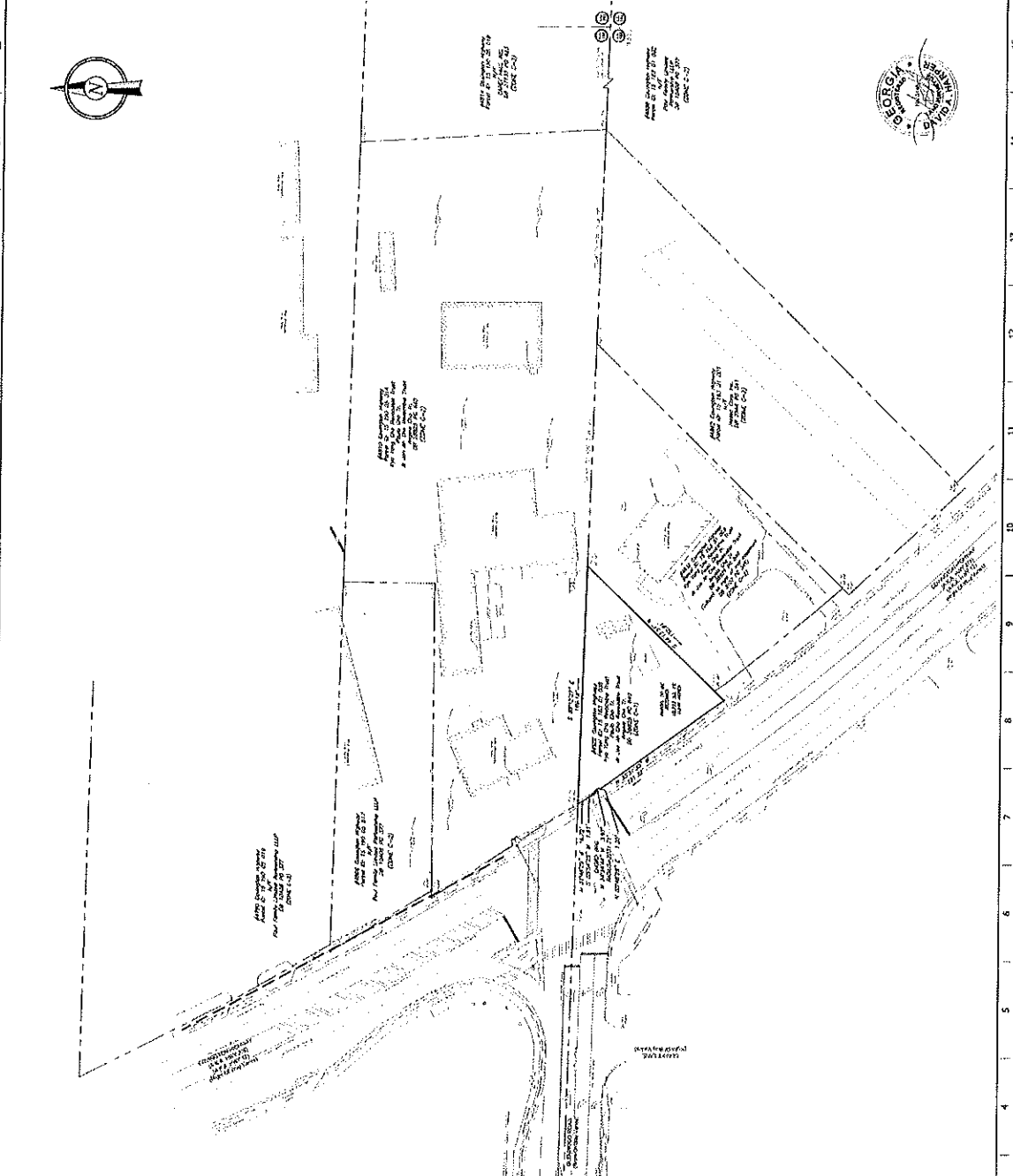
PARKING: 1' / 120 SF = 36 SPACES

PARKING PROVIDED: 36 SPACES

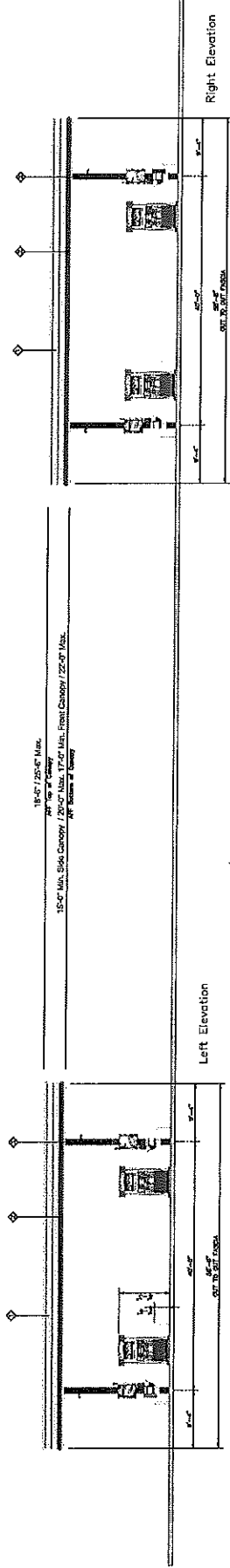
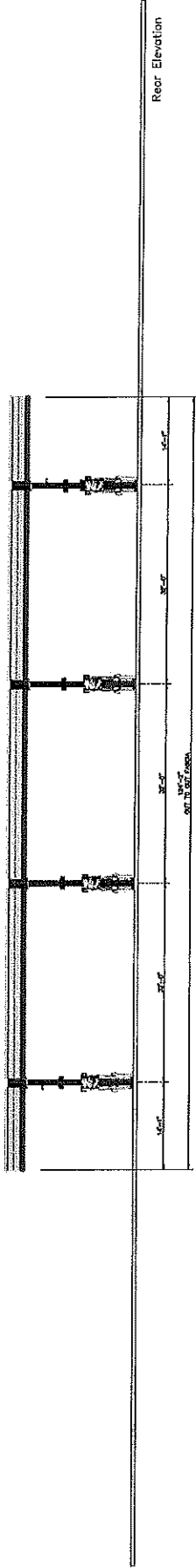
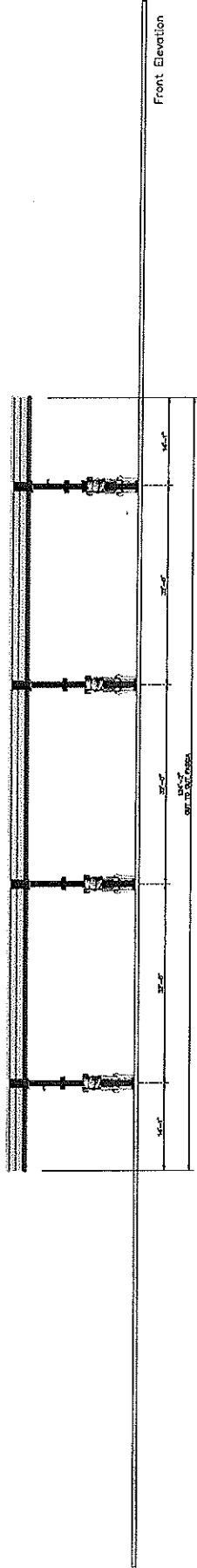
PROPOSED: 20' AT FRONT DOOR

BUILDING HEIGHT: (ONE STORY)

NOTE: THIS SITE DOES NOT MEET WITH THE 100-FOOT FLOODPLAIN. THESE ARE US STATE MAP'S CORRECTION.



SURVEY DESCRIPTION
 ALL THAT PORTION OF PARCELS OF LAND TRACT AND BEING A LAND TRACT 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



<p>QUIKTRIP 1762 Double Stack 8 Canopy Elevations</p>	<p>Store # 1762</p>	<p>ADDRESS TBD Covington Hwy</p>	<p>City, State Decatur, GA</p>
	<p>Serial # 07-1762-GD08</p>	<p>Issue Date 8/16/2023</p>	<p>Drawn By</p>
<p>Scale: 1/8" = 1' - 0"</p>		<p>Comments: 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. 5. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.</p>	