



Legislation Details (With Text)

**File #:** 2023-0115    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 1/18/2023    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 5/25/2023    **Final action:** 5/25/2023  
**Title:** COMMISSION DISTRICT(S): Commission District 04 Super District 06  
Application of QuikTrip Corp c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to allow the installation of fuel pumps associated with a new convenience store in the C-2 (General Commercial) zoning district, at 4434, 4450 and 4466 Memorial Drive.

**Indexes:**

**Attachments:** 1. SLUP-23-1246256 May 2023 BOC Staff Report 4434.4450.4466 Memorial Dr, 2. SLUP 23-1246256 March 2023 BOC Staff Report 4434.4450.4466 Memorial Dr

Date	Ver.	Action By	Action	Result
5/25/2023	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass
5/2/2023	1	Planning Commission		
3/30/2023	1	Board of Commissioners - Zoning Meeting	deferred for a full cycle	Pass
3/7/2023	1	Planning Commission	deferred for a full cycle	Pass

**Public Hearing:** YES  NO     **Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** Commission District 04 Super District 06  
Application of QuikTrip Corp c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to allow the installation of fuel pumps associated with a new convenience store in the C-2 (General Commercial) zoning district, at 4434, 4450 and 4466 Memorial Drive.

**PETITION NO:** D3-2023-0115 SLUP-23-1246256

**PROPOSED USE:** Installation of fuel pumps associated with a new convenience store.

**LOCATION:** 4434, 4450 & 4466 Memorial Drive, Decatur, Georgia 30032.

**PARCEL NO. :** 15-252-01-002, 15-252-01-005, 15-252-01-007, 15-252-01-008

**INFO. CONTACT:** John Reid, Sr. Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of QuikTrip Corp c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to allow the installation of fuel pumps associated with a new convenience Store in the C-2 (General Commercial) zoning district. The property is located on the north side of Memorial Drive, the southwest side of Interstate 285, and the east side of Northern Avenue, at 4434, 4450, and 4466 Memorial Drive and 187 Northern Avenue, Avondale Estates, Georgia. The property has approximately 337 feet of frontage along Memorial Drive, 423 feet of

frontage along Northern Avenue, and 193 feet of frontage along Interstate 285 and contains 2.15 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (Apr. 11, 2023) Denial. (Feb. 16, 2023) Deferral.

**PLANNING COMMISSION:** (May 2, 2023) Denial. (March 7, 2023) Full Cycle Deferral.

**PLANNING STAFF:** Denial.

**STAFF ANALYSIS:** The application is for a SLUP to allow accessory fuel pumps (related to a convenience store) as required by Section 27-4.1 and the property's location within a Regional Center activity center. The submitted site plan, dated 08/01/22, shows a 5,312 square foot convenience store with four fuel islands, four fuel pumps each, and fifty (50) parking spaces. The applicant has submitted an updated plan (04/19/2023) showing a rendering of a relocated Memorial Garden in the eastern corner of the property. It is vegetated and includes a memorial plaque. The site plan shows the package store, bail bondsman, and existing convenience store with fuel pumps remaining after the construction of the new convenience store with fuel pumps. There is a proliferation of gas stations within two (2) miles of the subject property. There are three existing or BOC approved (SLUP approved for gas pumps and alcohol outlet) QuikTrip (QT) gas stations near the subject property. Additionally, there are eight (8) non-QT gas stations, for a total of 11 approved or existing known gas stations within two (2) miles of the subject property. The *2050 Comprehensive Plan* identifies this location as part of the Kensington MARTA Station Regional and Employment Center; one of only three Regional Centers in DeKalb County. The plan states (page 35): "The intent of the Regional Activity Center is to promote the concentration of intensity, development and regional serving activities in a centralized location that allows for a variety of uses, reduces dependency on automobile travel, and promotes walkability and increased transit usage. These areas include the highest intensity residential, commercial, office, and higher-education facilities allowed within DeKalb County and serve as regional destinations for employment, shopping, and services." The subject parcel is within the core of this Regional Center (see Image 1). The plan further states (page 35), "The most intense development types and tallest buildings should be concentrated in the core of the activity center, gradually transitioning to less intense uses and lower building heights as one moves further from the core." See Images 2 and 3. Approval of this SLUP would not increase the concentration or density of services, retail, offices, or residences and would only provide a service that is already offered on an adjacent parcel. The large parking area (50 spaces) associated with the convenience store appears more suited for a suburban-style development and would not be appropriate at a location designated for the "highest intensity" commercial facilities allowed within DeKalb County. The site plan could be redesigned to increase pedestrian orientation and sidewalk level engagement to better fit the Regional Center Character Area of the site. Therefore, after reviewing criteria H and N of Section 27-7.4.6, Staff recommends "Denial of this application".

**PLANNING COMMISSION VOTE:** (May 2, 2023) Denial 5-3-0. Jon West moved, Deanna Murphy seconded for Denial, per Staff recommendation. Jan Costello, Jana Johnson & Edward Patton opposed. (March 7, 2023) Full Cycle Deferral 7-1-0. LaSonya Osler moved, Jan Costello seconded for a Full Cycle Deferral to the May 2023 zoning agenda. Jon West opposed. Edward Patton was not present for this vote.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** (Apr. 11, 2023) Denial 10-0-0. (Feb. 16, 2023) Full Cycle Deferral 9-2-0. To allow the applicant to address traffic concerns and the memorial garden.