

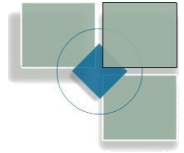


DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov



Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: January 8, 2019, 6:30 P.M.

Board of Commissioners Hearing Date: January 22, 2019 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-19-1235308 **Agenda #:** N4

Location/Address: 2478 Rock Chapel Road, Lithonia, Georgia **Commission District:** 5 **Super District:** 7

Parcel ID: 16-154-04-008

Request: To rezone property from C-1 (Local Commercial) to C-2 (General Commercial) to allow major auto repair within a new three-bay building with accessory storage.

Property Owner: Greater White Rock Baptist Church

Applicant/Agent: Fitzroy & Marsha Smith

Acreage: .99 acres

Existing Land Use: Vacant land

Surrounding Properties: Vacant land, a lake, and an electric utility substation to the north across Rock Chapel Road; a vacant building, a flea market (Memas Finest Antiques), a towing business with vehicle storage yard (Georgia’s Finest Towing Services), and an auto repair establishment (Rock Chapel Complete Auto Car Care) to the east; and single-family homes to the west and south.

Adjacent Zoning: **North:** M **South:** M & R-75 **East:** C-1 **West:** M & R-75

Comprehensive Plan: LIND **Consistent** **Inconsistent**

Proposed Density: NA **Existing Density:** NA
Proposed Units/Square Ft.: Major auto-repair within a 3,506 s.f. building **Existing Units/Square Feet:** Vacant
Proposed Lot Coverage: NA **Existing Lot Coverage:** NA

ZONING HISTORY

The property has been zoned C-1 since the initial adoption of the DeKalb County Zoning Ordinance in 1956.

PROJECT ANALYSIS

The project site is vacant, and the proposed request is to construct a one story, three-bay auto repair garage with accessory storage. There is one proposed driveway off of Rock Chapel Road. This stretch of Rock Chapel Road is a two-lane Minor Arterial with no sidewalks, curb, or gutter. Field investigation of the project site indicates a vacant property with an abundance of mature vegetation. Surrounding uses include vacant land, a lake, and an electric utility substation to the north across Rock Chapel Road; a vacant building, a flea market (Memas Finest Antiques), a towing business with vehicle storage yard (Georgia's Finest Towing Services), and an auto repair establishment (Rock Chapel Complete Auto Car Care) to the east; and single-family homes to the west and south.

Section 4.2.14 of the Zoning Ordinance requires the follow Supplemental Regulations for Major Auto Repair Establishments:

Automobile repair, major, and paint shops. Major automobile repair and paint shops shall not be permitted on property located within three hundred (300) feet of any property used for a school, park, playground or hospital. All activities shall be carried on entirely within an enclosed building, unless in M (Light Industrial) District. For purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed shall be permitted. Cars awaiting service shall be stored inside an enclosed building or in the side or rear yard.

Based on county records, it appears that there is compliance with Section 4.2.14 as there are no schools, parks, playgrounds or hospitals within 300 feet of the subject properties. The applicant has also noted compliance with this requirement on the site plan. All auto repair activities will be required to be indoors or located within a side or rear yard and completely enclosed by a six-foot tall opaque fence.

LAND USE AND ZONING ANALYSIS

Section 7.3.4 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to the official zoning map" states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

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

It appears that the proposed C-2 (General Commercial) zoning is consistent with the following polices of the LIND (Light Industrial) character area: "Protect existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land uses" (LIND Policy #5).

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 properties are surrounded by commercial (C-1) and light industrial (M) zoning, with auto-related businesses as established land uses along this stretch of Rock Chapel Road including Georgia's Finest Towing Services and Rock Chapel Complete Auto Car Care to the east. An abandoned rail right-of-way separates the site from an R-75 subdivision to the south. Therefore, it appears that the zoning proposal demonstrates compatibility.

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

The property appears to have a reasonable use as currently zoned C-1 (Local Commercial).

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

Given the predominant commercial (C-1) and light industrial (M) zoning pattern and auto-related businesses along this stretch of Rock Chapel Road, it does not appear that the zoning proposal would adversely affect adjacent and surrounding properties

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:

There do not appear to be other existing or changing conditions affecting the use and development of the property which give supporting grounds for disapproval.

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

Based on the submitted information, there are no historic buildings, site, districts, or archaeological resources on the subject property.

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

Based on the submitted information, it appears that public transportation facilities are adequate to service the use contemplated. There will no impact on schools since the proposed use is nonresidential. Per comments from the Department of Public Works, due to the high volume of development in the area causing increased flows, sanitary sewer capacity cannot be guaranteed at the time the development comes on line.

COMPLIANCE WITH C-2 (LOCAL COMMERCIAL) DISTRICT STANDARDS PER ARTICLE 27-TABLE 2.2

STANDARD	REQUIRED	EXISTING/PROVIDED	COMPLIANCE
LOT WIDTH Sec.27-186(a)	100 Feet	311 feet	Yes
LOT AREA Sec.27-186(b)	30,000 Square Feet	43,124 s.f.	Yes
FRONT SETBACK Sec.27-186(c)(4)	60 Feet	Not labeled. Appears to be 57 ft.	Appears not; Need to verify survey.
INTERIOR SIDE YARD SETBACK Sec.27-186(d)	20 Feet	120 Feet (west p/l)	Yes
		20 Feet (east p/l)	Yes
REAR SETBACK Sec.27-186(e)	30 Feet	70 Feet	Yes
TRANS. BUFFERS	No buffer required since does not abut residential zoning	20-ft transitional buffer along southern property line.	<i>Yes (20 ft transitional buffer is a recommended condition of approval)</i>
BUILDING HEIGHT Sec.27-187	Maximum 2 stories (35 ft)	One story (20 ft)	Yes
PARKING Sec. 27-150 (e)	9 spaces	23 spaces	Yes

Staff Recommendation: APPROVE WITH CONDITIONS

The proposed rezoning to C-2 (General Commercial) is required since Major Auto Repair is not allowed in the current C-1 (Local Commercial) zoning district. There is also a companion Special Land Use Permit (SLUP) request (See SLUP 19 1242980) to allow Major Auto Repair in the C-2 (General Commercial) District. It appears that the proposed C-2 (General Commercial) zoning and Major Auto Repair land use is consistent with the following policies and strategies of the LIND (Light Industrial) character area: "Protect existing and zoned undeveloped industrial land from unnecessary intrusion by conflicting land uses" (LIND Policy #5). The properties are surrounded by commercial (C-1) and light industrial (M) zoning, with auto-related businesses as established land uses along this stretch of Rock Chapel Road including Georgia's Finest Towing Services and Rock Chapel Complete Auto Car Care to the east. Therefore, it appears that the zoning proposal would be compatible with adjacent properties and would not be in conflict with the overall objectives of the comprehensive plan. It is the recommendation of the Planning Department that the application be "Approved Conditionally", subject to the following conditions:

1. Land use limited to Major Auto Repair with accessory storage or any use permitted in C-1 zoning. All overnight parking of vehicles awaiting service shall be completely indoors.
2. All refuse areas shall be completely screened from view of public right-of-way, parking and pedestrian areas.
3. A twenty-foot wide transitional buffer shall be provided along the southern property line to provide an appropriate transition to the single-family residential uses south of the abandoned railroad right-of-way. Proposed planting as part of an enhanced transitional buffer shall have a height of at least six (6) feet at the time of planting and planted in a minimum of two (2) rows, with staggered on center spacing such that a continuous opaque screen is created within two (2) years of planting subject to approval by the County Arborist.
4. Provide a 10-foot wide landscape strip, a 6-foot wide sidewalk, and one street tree for every fifty feet of street frontage on center along Rock Chapel Road subject to approval of the County Arborist and the Planning Department.
5. The Special Land Use Permit shall be issued to Fitzroy and Marsha Smith for operation of a major auto repair establishment with accessory storage and shall not be transferrable.

Attachments:

1. Departmental Comments
 - a. Land Development Division
 - b. Traffic Engineering Division
 - c. Watershed Management
 - d. Board of Health
2. Application
3. Site Plan
4. Zoning Map
5. Aerial Photograph
6. Location Photographs

NEXT STEPS: *Following an approval of this action, one or several of the following approvals or permits 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 Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Historic Preservation Certificate of Appropriateness** *(Required for any proposed changes to building exteriors or improvements to land when a property is located within the Druid Hills Historic District or the Soapstone Geological Historic District. Historic Preservation Committee public hearing may be required.)*
- **Variance or Special Exception** *(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.)*
- **Major Modification** *(Required if there are any changes to zoning conditions approved by the Board of Commissioner on 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 require submittal

12/21/2018

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

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

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

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

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

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

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

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

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

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

12/21/2018

N.1

Z-19-1235286 2018-3060 18-230-06-060

2405 HENDERSON MILL RD, ATLANTA, GA 30345

Amendment

- Please review general comments.

N.2

CZ-19-1235306 2018-3061 15-146-04-018

2184 CAVANAUGH AVE, ATLANTA, GA 30316

Amendment

- Please review general comments.

N.3

SLUP-19-1235300 2018-3062 15-141-02-063

2088 BRANNEN RD, ATLANTA, GA 30316

Amendment

- Please review general comments.

N.4

Z-19-1235308 2018-3063 16-154-04-008

2478 ROCK CHAPEL RD, LITHONIA, GA 30058

Amendment

- Please review general comments.

DeKalb County Board of Health

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12/21/2018

N.5

SLUP-19-1242980 2018-3064 16-154-04-008

2478 ROCK CHAPEL RD, LITHONIA, GA 30058

Amendment

- Please review general comments.

N.6

SLUP-19-1235296 2018-3065 16-035-01-033

5393 ROCKMOOR DR, STN MTN, GA 30088

Amendment

- Please review general comments.

N.7

Z-19-1235291 2018-3066 15-140-04-011

Z-19-1235291 2018-3066 JREID Commission District 03 Super District 06

Amendment

- Please review general comments.

N.8

Z-19-1235311 2018-3067 15-040-01-003; 15-057-01-012

3012 RIVER RD, DECATUR, GA 30034

Amendment

- Please review general comments.

DeKalb County Board of Health

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12/21/2018

N.9

CZ-19-1235305 2018-3068 15-140-03-018; 15-140-03-020

2128 & 2170 COOK RD, DECATUR, GA 30032

Amendment

- Please review general comments.

N.10

Z-19-1235304 2018-306918-026-06-016

7189 ROCKBRIDGE RD, STN MTN 30087

Amendment

- Septic installed 11/27/2011: Car Care and paint and Collision. Please review general comments.

N.11

SLUP-19-1235307 2018-3070 18-154-05-016

1438 SHERIDAN RD, ATLANTA, GA 30324

Amendment

- Please review general comments.

N.12

SLUP-19-1235312 2018-3071 15-033-01-071

3903 SNAPPINGER RD, LITHONIA, GA 30038

Amendment

- Please review general comments.

DeKalb County Board of Health

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12/21/2018

N.13

SLUP-19-1235315 2018-3072 15-040-05-018

3004 KENVILLE LN, DECATUR, GA 30034

Amendment

- Please see general comments.

N.14

SLUP-19-1235320 2018-3073 MLFURMAN Commission 03 Super District: 07
15-151-05-017

2076 CANDLER RD, DECATUR, GA 30032

Amendment

- Please review general comments.

N.15

Z-19-1235327 2018-3074 04 15-219-01-007; 15-219-01-008; 15-219-01-009;
15-219-01-010; 15-219-01-011

3756 COVINGTON HWY, DECATUR, GA 30032

Amendment

- Septic installed on 08/25/1983. Review general comments.

N.16

Z-19-1242964 2018-3075 16-197-03-015

1746 PLEASANT HILL TRL, LITHONIA, GA 30058

Amendment

- Please review general comments.

Zoning Comments (Jan 2019)

N1. No comment.

N2. Engineer must verify sight distance when placing driveways.

N3. No Comment.

N4 & N5. Rock Chapel Road is State Road 124. GDOT review and approval required prior to issuing any permits. GDOT Contact: Justin Hatch at juhatch@dot.ga.gov Minor Arterial. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. No acceleration lane. Prefer deceleration lane. Verify driveway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. 6 foot sidewalk. Street lights required.

N6. No Comment.

N7. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Tilson Road is classified as a collector street. Right of way dedication of 35 feet from centerline, 6 foot sidewalks, street lights, bike lanes required. Verify driveway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required.

N8. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. River Road is classified as a minor arterial. Right of way dedication of 35 feet from centerline, 6 foot sidewalks, street lights, bike lanes required. Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required.

N9. Cook Road is within the GDOT I-20 Right of Way. GDOT review and approval for access is required prior to issuing any permits. GDOT Contact: Justin Hatch at juhatch@dot.ga.gov . Construct sidewalks up to Flat Shoals Road within the existing right of way.

N10. No comment.

N11. No comment.

N12. No comment.

N13. No comment.

N14. Candler Road is State Route 155. GDOT review and approval required prior to permitting. GDOT Contact: Justin Hatch at juhatch@dot.ga.gov GDOT review and approval for access is required prior to issuing any permits.

N15. Covington Hwy is a State Route. GDOT review and approval for access is required prior to issuing any permits. GDOT Contact: Justin Hatch at juhatch@dot.ga.gov . Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Covington Hwy is classified as a major arterial. Right of way dedication of 50 feet from centerline, 6 foot sidewalks,

10 foot landscape strip, street lights, bike lanes required. Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required. Porter Road is classified as a local street. Bring frontage of Porter up to local street standards, including right of way dedication, as needed, sidewalks and streetlights.

N16. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Pleasant Hill Trail is classified as a local road. Right of way of 27.5 feet from centerline, six foot landscape strip, 5 foot sidewalks, street lights requires. Pleasant Hill Road is classified as a minor arterial. Right of way 40 from centerline, 10 foot landscape strip, 6 foot sidewalks, street lights required. Right of way Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required. All public road right of ways must be brought up to current standards.

DEPARTMENT OF PLANNING & SUSTAINABILITY

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



Date Received: _____ BY: _____ Application No: 1235308

Applicant Name: Fitzroy Smith and Marsha Barrow Smith

Applicant E-Mail Address: fitzroyduncan@hotmail.com

Applicant Mailing Address: 1050 Bell Hill Place, DuPont WA 98327

Applicant Daytime Phone: (202) 271-7753 Fax: N/A

Owner Name: Fitzroy Smith and Marsha Barrow Smith
If more than one owner, attach list of owners.

Owner Mailing Address: 1050 Bell Hill Place, DuPont WA 98327

Owner Daytime Phone: (202) 271-7753

Address of Subject Property: 2478 Rock Chapel Road,
Lithonia, GA 30058

Parcel ID#: 16 154 04 008 / 4370048

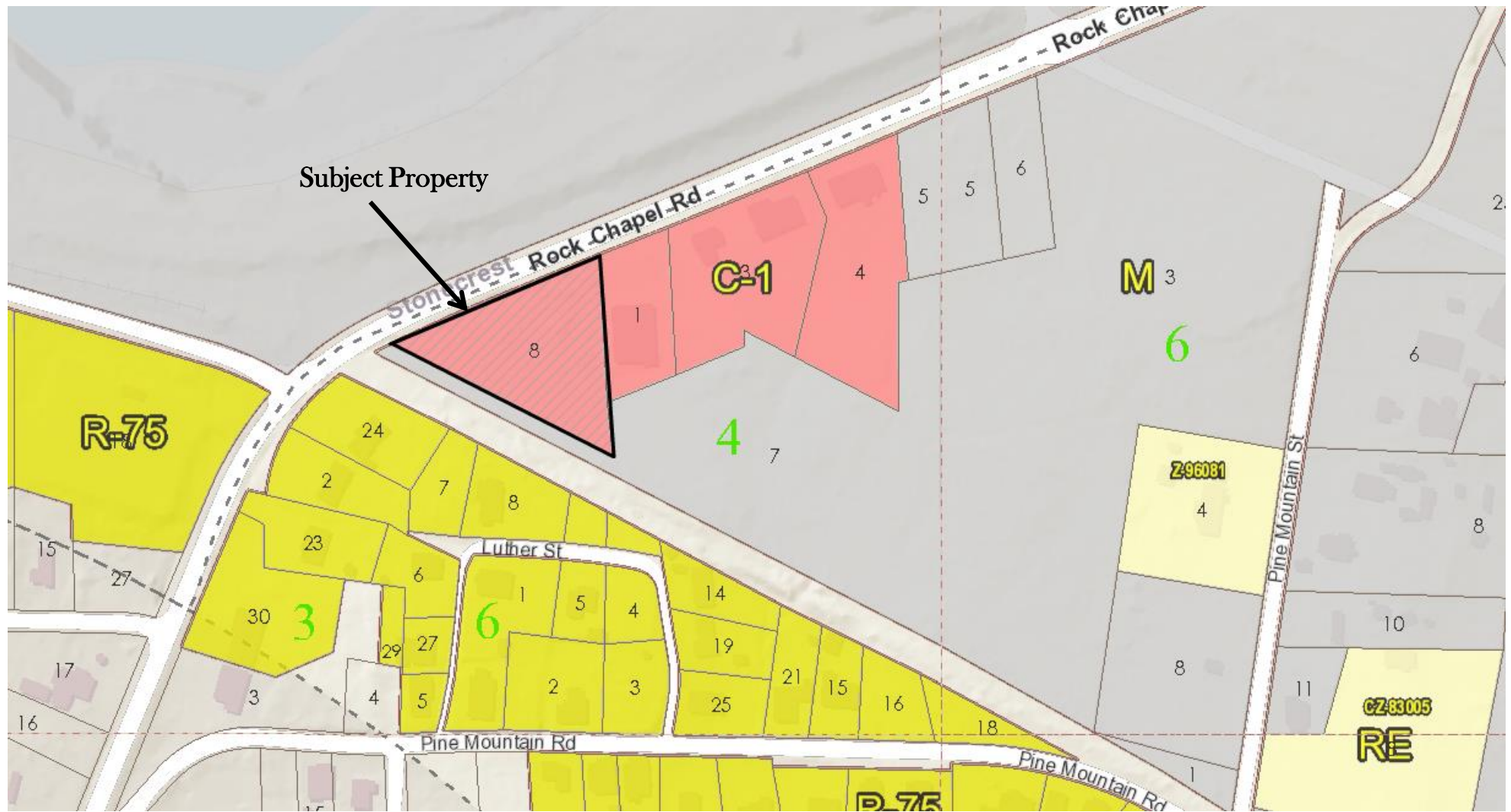
Acreage: 0.99 Commission District: 05 and 07

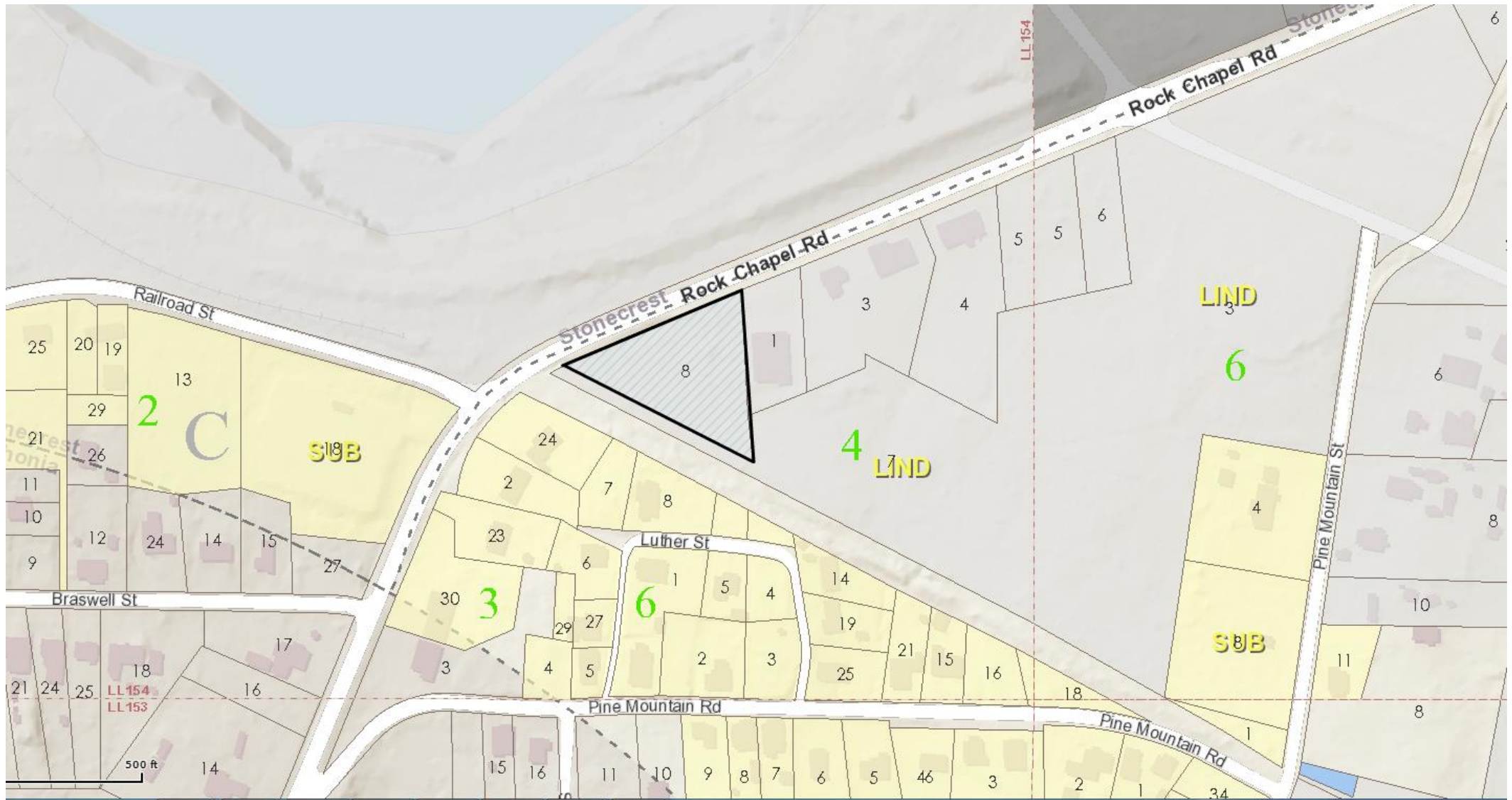
Present Zoning District(s): 05 and 07

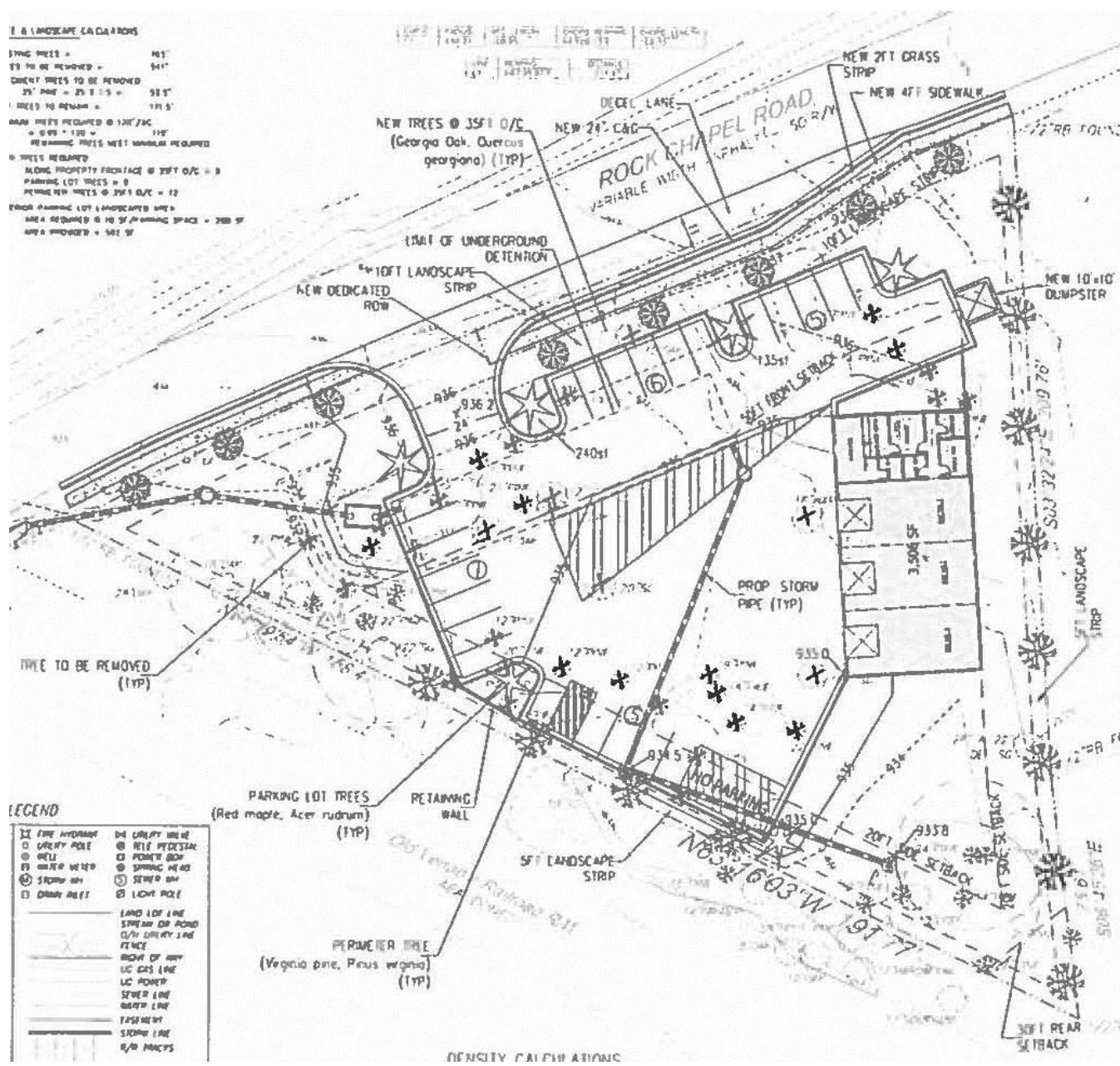
Proposed Zoning District: 05 and 07

Present Land Use Designation: C1 - Auto Repair and Maintenance, Minor (LIND)

Proposed Land Use Designation (if applicable): C2 - Auto Repair and Maintenance - Major







I & LANDSCAPE CALCULATIONS

STAND TREES = 101'
 TO BE REMOVED = 541'
 CURRENT TREES TO BE REMOVED
 25' DIA = 25 x 1.5 = 375'
 TREES TO REMAIN = 171.5'

MAIN TREES REQUIRED @ 120' O/C
 = 0.99 x 120 = 119'
 REMAINING TREES MEET MINIMUM REQUIRED

NEW TREES REQUIRED
 ALONG PROPERTY FRONTAGE @ 20FT O/C = 8
 PARKING LOT TREES = 8
 PERMETER TREES @ 20FT O/C = 12
 TOTAL PLANNING LOT LANDSCAPED AREA
 AREA REQUIRED @ 10 SF / PLANNING SPACE = 200 SF
 AREA PROVIDED = 501 SF

LEGEND

XX FIRE HYDRANT	OH CURBLY WALK
○ UTILITY POLE	○ W/LE PILESTAR
○ WELL	□ POINTY BOX
○ WATER METER	○ SPRING HEAD
○ STORM MAN	○ SEWER MAN
□ DRIVE ASSET	○ LIGHT POLE

— LAND LOT LINE	— STRIP AND POND
— HIGHWAY AND FENCE	— CURB, UTILITY AND FENCE
— HIGHWAY OR HWY	— UC GAS LINE
— UC WATER	— UC POWER
— STORM LINE	— WATER LINE
— FURNACE	— STORM LINE
— R/W PRICYS	

DENSITY CALCULATIONS

