



DeKalb County Department of Planning & Sustainability

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Michael Thurmond
Chief Executive Officer

**Planning Commission Hearing Date: May 4, 2021, 5:30 P.M.
Board of Commissioners Hearing Date: May 27, 2021, 5:30 P.M.**

**MAJOR MODIFICATION – CHANGE OF CONDITIONS
STAFF ANALYSIS**

Case No.: CZ-21-1244672 **Agenda #:** N. 6

Location/Address: 1630 South Indian Creek Drive, Stone Mountain, GA **Commission District:** 5 **Super District:** 7

Parcel ID: 15-195-08-035

Request: Major Modification to zoning conditions approved pursuant to CZ-96024 to allow a Place of Worship in an OI (Office Institutional) district.

Property Owner: Sarah Powell

Applicant/Agent: Sarah Powell

Acreage: 1.11

Existing Land Use: A one-story building.

Surrounding Properties: To the northwest, north, and northeast: single-family residential (zoned R-75); to the east and southeast: a scrap yard (zoned C-1); to the south: an office park (zoned OI), undeveloped land (zoned R-75), and a vacant church (zoned OI); to the southwest and west: single-family residential (zoned R-75)

Comprehensive Plan: CRC (Commercial Redevelopment Corridor) Consistent Inconsistent

Proposed Building Square Feet: 2,046 square feet	Existing Building Square Feet: 1,056 square feet
Proposed Lot Coverage: maximum 80%	Existing Lot Coverage: (estimated) 15%

Zoning History:

In 1996, the Board of Commissioners approved rezoning of the subject property from R-75 to OI pursuant to CZ-96024, with conditions to use the property for a school for biblical studies in a structure that was already located on the property, and to landscape the northern boundary of the property.

SITE AND PROJECT ANALYSIS

The subject property is a 1.11-acre parcel with 150 feet of frontage on South Indian Creek Drive, a two-lane collector. The property is located approximately 625 north of the intersection of South Indian Creek Drive and Covington Highway, a major thoroughfare. A one-story, 990-square foot building is located on the property. An overgrown gravel and dirt driveway provides vehicular access to the building. The center of the property is cleared; trees and undergrowth are growing around the edges of the property. The site sits approximately 8 feet lower than the street and the topography of the site is level; grading will be required to construct a driveway with an acceptable slope as it enters the site.

The property is located at the edge of a single-family residential neighborhood. Adjoining properties to the south and southeast are deep lots that front on Covington Highway and are developed with non-residential uses, except for one residentially zoned site that is currently undeveloped. The residentially zoned property is likely to be rezoned in the future for a non-residential purpose, consistent with the non-residential uses in the rest of the Covington Highway commercial corridor. However, at this time the transitional buffer requirement applies to section of the subject property that adjoins the residentially zoned property.

The properties on the directly opposite side of South Indian Creek Drive from the subject property are zoned R-75 and are developed with single-family homes. They are part of the southern edge of the R-75 single-family neighborhood that extends to the north, northwest, and northeast of Covington Highway along South Indian Creek Drive.

The proposal currently under consideration is to add to the front and rear of the existing building to increase the square footage of the building by 725 square feet. Thus, the sanctuary of the church would be enlarged to 1,485 square feet, and it would accommodate a total of 105 movable seats. A 44-space parking lot would be constructed to the sides and rear of the building.

Compliance with District Standards:

O-I STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MIN. LOT AREA		20,000 square feet	1.1 acre	Yes
MIN. LOT WIDTH		100 feet	150 feet	Yes
MAX. LOT COVERAGE		80%	80%	Yes
BUILDING SETBACKS	FRONT	Min. – 20 ft.; Max. 60 ft.	More than 125 feet	A variance will be necessary.
	INTERIOR SIDE	North side – superseded by 50 ft. transitional buffer South side – min. 20 ft. except for a portion that is a transitional buffer	North side: 12 feet South side: 20 feet	Variances will be necessary.
	REAR	Min. 30 ft.		Yes

O-I STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MIN. OPEN SPACE	No enhanced open space required	N.A.	N.A.
MAX. BLDG. HEIGHT WITHOUT SLUP	5 stories and 70 ft.	1 story; less than 70 feet	Yes
TRANSITIONAL BUFFER	Min. 50 ft. w/screening fence along north and part of south property lines.		
PARKING	Min. 1 space/40 s.f. in largest assembly room = 37 spaces Max 1 space/20 s.f. in largest assembly room = 74 spaces	44 spaces	Yes

LAND USE AND ZONING ANALYSIS

Section Sec. 7.3.5 of the *Zoning Ordinance* (Standards and factors governing review of proposed amendments to the official zoning map) states that the following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the official zoning map.

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

The proposal is consistent with the policies of the *2035 Comprehensive Plan*. It would allow a place of worship to add to the civic and spiritual life of the surrounding community.

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

As with many non-residential properties that are located at the edge of residential neighborhoods, screening and buffering is necessary to mitigate potential negative effects on adjoining residential properties. The required transitional buffer and screen would be sufficient to make the proposed use suitable in view of the use and development of adjacent and nearby properties.

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

The building appears to have been vacant for several years. A bible school is located on another nearby property, located at the northwest corner of South Indian Creek Drive and Covington Highway. It is very unlikely that the subject property has reasonable economic use with the condition for use as a bible school.

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

If existing dense vegetation along the north property line is left in place, and required screening along the south property line is put in place, the proposed church would not cause a disturbance to adjoining and nearby residential properties, and may be suitable at the proposed location.

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 non-residential character of the property was established in 1996. While the proposed place of worship would introduce more activity onto the property than the small bible school that was permitted at the original time of rezoning, it is a relatively small church and is located approximately 600 feet from an intersection with a major thoroughfare, which allows for good access by congregants without the necessity to travel to the place of worship through a residential intersection.

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

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

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:

Comments by the County Division of Transportation and the County Division of Traffic Engineering indicate that South Indian Creek Drive and other access routes have sufficient traffic carrying capacity for the proposed use. There have been no indications from other commenting departments, divisions, and agencies that the proposed place of worship would overburden the public infrastructure.

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

The property is located on a cleared lot and the loss of natural resources would be minimal.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS.

The proposal is consistent with the policies of the *2035 Comprehensive Plan*. It would allow a place of worship to add to the civic and spiritual life of the surrounding community. The church building is located towards the south side of the site, where adjoining non-residential properties (with the exception of one vacant, residentially zoned property that is likely to be rezoned for non-residential use) would not be negatively impacted by any noise that would result from church activities. The screening fence that is required along the transitional buffer on the north side of the property, as well as the transitional buffer itself, is expected to adequately screen the adjoining residential property from the proposed church and parking lot. Comments by the County Division of Transportation and the County Division of Traffic Engineering indicate that South Indian Creek Drive and other access routes have sufficient traffic carrying capacity for the proposed use. Public services, public facilities, and utilities appear to be adequate to serve the existing place of worship, and there has been no other indication from reviewing departments and agencies that the new sanctuary will generate increased demands on the public infrastructure to the extent that the infrastructure would become inadequate. The proposed use would be consistent with the needs of the neighborhood and of the community as a whole. Therefore, the Department of Planning and Sustainability recommends "Approval" with the following modifications to the conditions approved pursuant to CZ-96024:

(Note: a clean version of these conditions follows this marked-up version)

1. The property shall be used as a ~~school for biblical studies~~ **1,715 square foot place of worship**.
2. ~~The existing structure shall be maintained.~~
3. ~~A visual screening of n~~ **Natural vegetation shall be installed maintained in the transitional buffer** along the northern boundary of the property.

Revised Conditions

1. The property shall be used as a 1,715 square foot place of worship.
2. Natural vegetation shall be maintained in the transitional buffer along the northern boundary of the property.