



**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: November 7, 2019, 6:30 P.M  
Board of Commissioners Hearing Date: November 21, 2019, 6:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** Z-19-1243524 **Agenda #:** N11

**Location/Address:** 4982 Covington Highway **Commission District:** 05 **Super District:** 07

**Parcel ID:** 15-162-02-015

**Request:** To rezone property from OI (Office Institutional) District to C-1 (Local Commercial) District to install an electronic sign.

**Property Owner/Agent:** Johnny Garcia

**Applicant/Agent:** Same as Applicant

**Acreage:** 0.61 acres

**Existing Land Use:** Chiropractic Office

**Surrounding Properties:** To the north and south: single family residences; east: undeveloped land; and west: commercial/retail.

**Adjacent Zoning:** **North:** R-85 **South:** R-85 **East:** R-85 **West:** C-1

**Comprehensive Plan:** CRC **Consistent**  **Inconsistent**

<b>Proposed Density:</b> N/A	<b>Existing Density:</b> N/A
<b>Proposed Units/Square Ft.:</b> N/A	<b>Existing Units/Square Feet:</b> N/A
<b>Proposed Lot Coverage:</b> N/A	<b>Existing Lot Coverage:</b> N/A

**SUBJECT SITE & ZONING HISTORY**

Per the submitted survey, the site consist of a one-story office building with approximately 4,982 square feet of interior heated floor space. This one-story office building is currently operating as a chiropractic office. The subject site is located on the northwest corner of Covington Highway and Glenhaven Circle and is part of the Mrs. C.M. Lanier Subdivision. Primary access via an existing curb cut on Glenhaven Circle. Located on the southeast corner of the lot is an existing ADA access ramp. The character of the area immediately surrounding the site consists of various commercial, retail, and residential uses. Directly north of the subject property are single-family detached homes, east is an undeveloped lot, south is a single-family detached home as well as a used car dealership, and directly west is a shopping center that includes various retail uses.

This site is currently zoned OI (Office Institution) and is part of the Commercial Redevelopment Corridor (CRC) character area.

**PROJECT ANALYSIS**

Per the submitted Letter-of-Intent, the goal is to install an electronic sign and potentially expand the existing building.

**COMPLIANCE WITH DISTRICT STANDARDS**

The site must comply with minimum development standards of the C-1 (Local Commercial) District per Table 2.2 of the DeKalb County Zoning Ordinance.

<b>STANDARD</b>	<b>REQUIREMENT</b>	<b>EXISTING</b>	<b>COMPLIANCE</b>
LOT WIDTH (C-1)	A minimum 100 feet of lot width on a public street frontage	Approximately 175 feet of frontage along Covington Highway and approximately 180 feet of frontage along Glenhaven Circle.	Yes
LOT AREA (C-1)	20,000 Square Feet	26,571 Square feet	Yes
FRONT BUILDING SETBACK	Minimum 60 Feet for thoroughfares and arterials (Covington Highway)	Per DeKalb County’s GIS, it appears the existing office building is setback approximately 56 feet from Covington Highway.	No

SIDE INTERIOR & SIDE CORNER BUILDING SETBACK	20 Feet from interior side boundary lines and 50 feet from side corner lots fronting public streets	Per DeKalb County's GIS, it appears the existing office building is setback approximately 86 feet from the interior side boundary line, 35 feet from the side corner setback.	The existing office building is in compliance with the interior side yard building setback requirement, but does not meet the minimum requirement for the side corner building setback.
REAR BUILDING SETBACK	30 Feet	Per DeKalb County's GIS, it appears the existing office building is setback approximately 75 feet from the rear boundary line.	Yes
TRANS. BUFFERS Table 5.2(a)	50 feet adjacent to residentially zoned property.	There is no existing transitional buffer in place that abuts the residentially zoned to the north of the site.	No. Staff suggest that the applicant builds a 20 foot landscape buffer adjacent to the residentially zoned property to the north of the site.
HEIGHT	2 stories/35 feet	1 story	Yes
PARKING Article 6 Minimum 1 space per 500 Square Feet of floor area. Max. 1 space per 200 Square Feet.	Based on 4,982 square feet of heated floor area, a minimum 10 spaces are required, and a maximum 25 spaces are required.	Based on the submitted survey, the subject property currently has a gravel area as well as an asphalt area that is designated for parking but is unstriped.	Based on the submitted survey, it appears that the site does meet the parking requirement. However, staff recommends that gravel and asphalt area be striped.
OPEN SPACE PROVIDED	10%	Not calculated or depicted on submitted survey	Site should be able to accommodate this standard.
LINEAR FEET OF NEW SIDEWALK	Sidewalks along Covington Highway and Glenhaven Circle frontage	Currently this site has no sidewalks along Covington Highway and Glenhaven Circle.	No. Staff suggest that the applicant adhere to the streetscape requirements per Section 5.4.3 of the DeKalb County for existing streets.

## **ZONING ANALYSIS**

The request is to rezone the property from OI (Office Institution) District to C-1 (Local Commercial) District to install a 7' X 8' electronic sign facing Covington Highway. Per section 21-3.21-22 of the DeKalb County sign ordinance, electronic signs are only allowed within the C-1, C-2, M, and M-2 zoning districts. The current OI (Office Institution) district does not allow for electronic signs. Based on the submitted diagram, the proposed electronic sign will be approximately 14 feet in height and will be positioned 33 feet from the existing office building and 13 feet from the front boundary line fronting Covington Highway. The requested C-1 (Local Commercial) District is consistent with the existing commercial and retail uses directly west along Covington Highway. Some of the commercial and retail uses include: *O'Reilly Auto Parts*, *Window Tinting*, *BB Auto Gallery* (used car dealership), and *Advance Auto Parts*. The proposed C-1 (Local Commercial) District will be contiguous with the adjacent C-1 (Local commercial) District to the west of the subject property and will be compatible with the C-1 (Local Commercial) districts directly south, across Covington Highway. In addition, the proposed C-1 zoning district designation will not impact the use of nearby residential uses directly north and east of the subject property.

**Chapter 27-Article 7.3.5. Standards and factors governing review of proposed amendments to the Official Zoning Map. 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.**

Located within a Commercial Redevelopment Corridor (CRC) Character Area designated by the 2035 Comprehensive Plan, the rezoning request to the C-1(Local Commercial) District is consistent with the following Plan Policies: Aesthetics—Create and implement performance and aesthetic standards to improve visual appearance; and Signage—implement signage and billboard controls.

In efforts to remain consistent with those plan policies, staff is recommends the proposed electronic sign be monument style with landscaping around the perimeter of the sign, and that the site shall be redevelop in accordance with the streetscape requirements shown in Article 5 of the DeKalb County zoning ordinance. In addition, staff suggest that the applicant install a 20-foot landscape buffer along the north boundary line to protect the single family neighborhood directly north.

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

The rezoning request for C-1 (Local Commercial) District is suitable in view with the adjacent C-1 (Local commercial) District to the west of the subject property and will be compatible with the C-1 (Local Commercial) districts directly south, across Covington Highway.

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

The site currently has a reasonable economic use as currently zoned OI (Office Institutional) District.

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

The approval of the C-1 district on the subject site will not affect the existing use or usability of adjacent or nearby 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.**

As part of the Commercial Redevelopment Corridor Character Area, the proposed C-1 (Local Commercial) District will improve the function and aesthetic appeals for more stable commercial corridors.

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

The proposed rezoning request should not have an adverse effect on historic buildings, sites, districts, or archaeological resources.

**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.**

The Department of Public Works Traffic Engineering Division has commented that a review by the Georgia Department of Transportation (GDOT) is required prior to permitting of the proposed electronic sign. The Public Works Traffic Engineering Division requires the applicant to dedicate 50 feet of right-of-way from the centerline or cover all public infrastructure, whichever is greater. Also, The Public Works Traffic Engineering Division commented that proposed electronic sign cannot be placed within the right-of-way and that a sight distance analysis must be performed to ensure that the proposed sign does not restrict line of sight for Glenhaven Circle or any adjacent driveway access.

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

The rezoning proposal to the C-1 district should not adversely impact the environment or surrounding natural resources.

**Staff Recommendation: APPROVAL WITH CONDITIONS**

The applicant is requesting to rezone the property from OI (Office Institutional) District to C-1 (Local Commercial) District to install an electronic sign and potentially expand the existing building. The site is located within a Commercial Redevelopment Corridor (CRC) Character Area designated by the 2035 Comprehensive Plan, the rezoning request to the C-1(Local Commercial) District is consistent with the following Plan Policies: Aesthetics—Create and implement performance and aesthetic standards to improve visual appearance; and Signage—implement signage and billboard controls.

In efforts to remain consistent with those plan policies, staff is suggesting the proposed electronic sign be monument style with landscaping around the perimeter of the sign, and that the site shall be redevelop in accordance with the streetscape requirements shown in Article 5 of the DeKalb County zoning ordinance. The applicant has agreed to work with the County to improve the site in accordance with the intent of the Commercial Redevelopment Corridor (CRC) Character Area. In addition, staff recommends that the applicant install a 20-foot landscape buffer along the north boundary line to protect the single family neighborhood directly north.

The proposed rezoning request should not have an adverse effect on historic buildings, sites, districts, or archaeological resources. Therefore, the Department of Planning and Sustainability recommends **APPROVAL** of the rezoning request to C-1 (Local Commercial) District subject to the following conditions for consideration:

1. Limit site to general retail, commercial services, or office uses permitted within the C-1 (Local Commercial) District.
2. The proposed electronic sign shall not exceed seven feet in height and eight feet in width.
3. The proposed electronic sign must be monument style with the option of brick or stone material.
4. The proposed electronic sign must have landscaping around the perimeter.
5. The placement of the proposed electronic sign must only front Covington Highway.
6. The proposed electronic sign must be reviewed by the Georgia Department of Transportation prior to permitting.
7. The applicant must dedicate 50 feet of right-of-way from the centerline or cover all public infrastructure, whichever greater.
8. The proposed electronic sign cannot be placed within the right-of-way and that a sight distance analysis must be performed to ensure that the proposed sign does not restrict line of sight for Glenhaven Circle or any adjacent driveway access.
9. All gravel and asphalt area must be striped.
10. Prior to issuance of sign permit, a 20-foot landscape buffer must be planted along the rear of the property in accordance to the buffer planting and material requirements of section 5.4.5 (c) of the DeKalb County Zoning Ordinance.
11. Prior to issuance of sign permit, the applicant will need to adhere to all streetscape requirements along Covington Highway and Glenhaven Circle as shown in section 27-5.4.3 of the DeKalb County zoning ordinance for existing streets.

**Attachments:**

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

## Zoning Comments 10/14/2019

N1. No offsite parking allowed due to curve in the road.

N2. No offsite parking allowed due to proximity to Briarcliff Road intersection.

N3. No comments.

N4. Welborn Road- Collector. Requires pedestrian street lights at 80 foot spacing, 5-foot landscape strip, 6-foot sidewalks, bike lanes, right of way dedication of 35 from centerline or to ensure all public infrastructure is within right of way, whichever greater. Dekalb Medical Parkway- local. Requires pedestrian scale street lights, 3-foot landscape strip and a 6 foot sidewalk. Covington Hwy- Major Arterial and State Route. GDOT review required prior to permitting. Coordinate with GDOT PI No 0008228 and dedicate any necessary right of way. Minimum of 50 from centerline. Sidewalks and pedestrian scale street lighting can be installed under the GDOT project in exchange of the right of way dedication. Ensure all access point meet minimum stopping and intersection sight distance requirements per AASHTO with permitting. Need at least 2 feet of ROW on back of sidewalk for streetlights. Interior roads to be private or must meet the requirements for a local road. (55-foot right of way dedication, five foot landscape strip, 6 foot sidewalk, street lighting.)

N5. Covington Hwy- Major. GDOT permits/review required prior to permitting. Add sidewalks and pedestrian scale lighting along property frontage. Five-foot landscape strip, 6-foot sidewalk. ROW dedication of 50 foot from centerline or to cover public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights.

N6. Wesley Chapel Road- Major. Requires five-foot landscape strip, 6-foot sidewalk, pedestrian scale lights, bike lanes and ROW dedication of 50 feet from centerline or to cover all public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights. Ensure all access point meet minimum stopping and intersection sight distance requirements per AASHTO with permitting.

N7 & N8. Panola Road- Major. Requires five-foot landscape strip, 6-foot sidewalk, pedestrian scale lights, bike lanes and ROW dedication of 50 feet from centerline or to cover all public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights. Access must meet sight distance requirements (stopping and intersection) per AASHTO guidelines.

N9. White Mill Road- Collector. Dedicate 35 feet from centerline of road or to cover all public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights. Access must meet sight distance requirements (stopping and intersection) per AASHTO guidelines. Requires 5-foot landscape strip, 6-foot sidewalk, pedestrian scale street lighting, bike lanes. Kelly Lake Road- local. Requires dedication of 27.5 feet from centerline of road or to cover all public infrastructure, whichever greater. Need at least 2 feet of ROW on back of sidewalk for streetlights. Five-foot landscape strip, 6-foot sidewalk, pedestrian scale street lighting. Access must meet sight distance requirements (stopping and intersection) per AASHTO guidelines. New roads, of public, require a ROW dedication of 55 feet, five-foot landscape strip, 6 foot sidewalk, and street lighting. Miter right of way corner at Whites Mill Road at Kelly Lake Road.

N10. Harvest Drive- Local. Verify ownership. Looks like part of the proposed roadway to access this property is on 3659 Harvest Road- owned by others. New roads- local. If public, requires 55 foot right of way, five-foot landscape strip, pedestrian scale lighting.

*N11. Covington Hwy- Major. GDOT review required prior to permitting. Dedicate ROW of 50 feet from centerline or to cover all public infrastructure, whichever greater. Sign must be off right of way and a sight distance analysis performed to ensure that the sign does not restrict line of sight for Glen Haven Circle or any adjacent driveway access.*





**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER [mmalexander@dekalbcountyga.gov](mailto:mmalexander@dekalbcountyga.gov) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

**COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER**

Case No.: Z-19-1243524

Parcel I.D. #: 15-162-02-015

Address: 4982 Covington Highway

Decatur, Georgia

**WATER:**

Size of existing water main: 6" AC, 6" CI, & 16" CS Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

**SEWER:**

Outfall Servicing Project: Lower Snapfinger Creek Basin

Is sewer adjacent to property: Yes ( ) No ( X ) If no, distance to nearest line: Approximately 811 feet North of property

Water Treatment Facility: Snapfinger Creek WTF ( ) adequate ( ) inadequate

Sewage Capacity; \* (MGPD)

Current Flow: 21.77 (MGPD)

**COMMENTS:**

\* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

Signature: 



DEPARTMENT OF PLANNING & SUSTAINABILITY

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

Date Received: 9-5-2019 Application No: \_\_\_\_\_

Applicant Name: DR. JOHNNY GARCIA, D.C.

Applicant E-Mail Address: JOHNNYGARCIADC@GMAIL.COM

Applicant Mailing Address: 4982 COVINGTON HWY, DECATUR  
GEORGIA 30035

Applicant Daytime Phone: (404) 822-4452 Fax: \_\_\_\_\_

Owner Name: JOHNNY GARCIA

If more than one owner, attach list of owners.

Owner Mailing Address: 4982 COVINGTON HWY, DECATUR GA

Owner Daytime Phone: (404) 822 4452 30035

Address of Subject Property: 4982 COVINGTON HWY  
DECATUR, GA 30035

Parcel ID#: 15 162 02015

Acreage: .61 ACRE Commission District: 597

Present Zoning District(s): O-I

Proposed Zoning District: C1

Present Land Use Designation: CLINIC - CHIROPRACTIC

Proposed Land Use Designation (if applicable): SAME - NO CHANGE

# Community Sign In Sheet 9-4-2019

Name	Address
Zoila Cabrera	1913 Glenheven
1. Leo H Mooney	Cir Decatur GA
2. Tony Mooney	1893 Allen Paces Cir
3. Angela Oakes	" " "
4. Anne Kelley	" " "
5. Jessenia Herrera	4425 Mark Anthony Ct
6. Evelyn M. Holbrook	1887 Glenhaven Cir Dec.
7. Wendy West	1887 Glenhaven Cir Decatur
8. Andee Walker West	1888 Glenhaven Circle Decatur
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# **YOU ARE INVITED!**

**RE-ZONING TO COMMERCIAL (C1)**

**4982 COVINGTON HIGHWAY, DECATUR 30035**

**PRE-SUBMITTAL COMMUNITY MEETING**

**DATE: SEPTEMBER 4TH, 2019**

**DAY: WEDNESDAY**

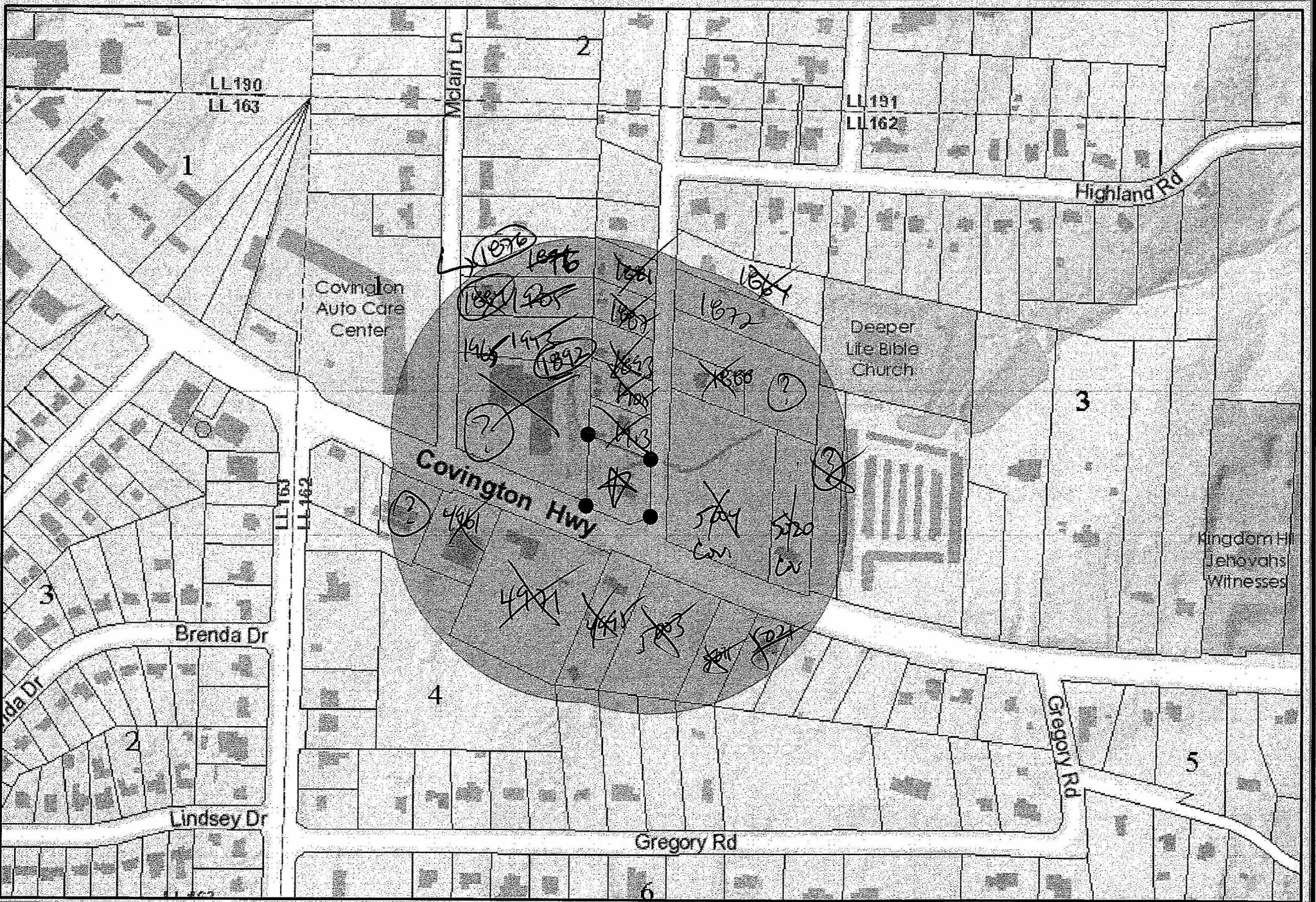
**TIME: 7:00 PM**

**LOCATION OF MEETING:      INJURY 2 WELLNESS CENTERS**  
4982 COVINGTON HIGHWAY  
DECATUR, GEORGIA 30035

**HOSTED BY: DR. GARCIA, DC – INJURY 2 WELLNESS CENTERS**

**LIGHT REFRESHMENTS WILL BE  
SERVED**

**PLEASE RSVP BY CALLING  
404-822-4452**



# DeKalb County Parcel Map



Date Printed: 7/8/2019



**DeKalb County GIS Disclaimer**  
 The maps and data, contained on DeKalb County's Geographic Information System (GIS), are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness, or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.

# LETTER OF APPLICATION

## PROPOSED ZONING CHANGE FROM O-I TO C-1

### 4982 COVINGTON HIGHWAY, DECATUR GEORGIA 30035

Dear Department of Planning & Sustainability,

I am proposing the zoning classification change from O-I to C-1 for the property that I own located at 4982 Covington Highway, Decatur Georgia 30035.

There are two reasons for the proposed change as follows:

- 1) The current zoning classification of O-I is restricting our ability to permit, purchase, and install an electronic sign for our business. We are also the only parcel in this area of Covington Highway that are still zoned O-I with our immediate neighboring parcel being C-1.
- 2) The current zoning classification O-I will potentially limit our ability to grow our business and any potential future expansion of our facility. Currently we operate our Chiropractic practice with approximately 1300 sq. ft. Making our space below average in size for Chiropractic practice, the average being 1600-1900 sq. ft. The current setbacks with O-I zoning limit our ability to add any square footage to our facility. Though we are not currently planning any expansion any time soon, the change of zoning would allow for potential future planning.

The existing use of the property is as a Chiropractic Clinic that has been serving the community for 14 years. The proposed use will be the same, a Chiropractic Clinic that has the potential to serve another 14 years!

Again, there is no change in proposed use of this property.

Discussions with the community have led to no conditions with regard to the zoning change. In fact, the community had favorable things to say with regard to our being great for the community and being in support of the change. They said that we have maintained the property, improved the property, given the community improved curb appeal, and that we have provided the community with valuable service and have been "good neighbors". Everyone that attended the Community Meeting was in favor of the proposed change and plan to support the change.

Thank you for your consideration.

Regards,

Dr. Johnny Garcia, DC

Owner – 4982 Covington Highway, Decatur Georgia 30035

# IMPACT ANALYSIS STATEMENT

## Zoning Change From O-I to C-1

### 4982 Covington Highway, Decatur Georgia 30035

- A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.
  - Yes, the zoning proposal conforms.
  
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
  - Yes, this parcel is the only O-I zoned property in this area of Covington Highway. The directly adjacent parcel is a C-1 zoned.
  
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
  - No, the property current zoning is limiting and restricting the economic growth potential of our business.
  
- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties.
  - No, there will be no adverse effects with the proposed change of zoning as the current use would not change.
  
- E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either the approval or disapproval of the zoning proposal.
  - No, there are no existing or changing conditions of use that would be grounds for a disapproval of this change in zoning. The use of the property is currently a Chiropractic Clinic and it is our intention to remain here to serve the community.
  
- F. Whether the zoning proposal will adversely affect historic building sites, districts, or archaeological resources.
  - No, there will be no adverse effects.
  
- 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.
  - No, there will be no excessive use or burdens.
  
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.
  - No, there will be no adverse impacts to the environment or surrounding natural resources. In fact, we have maintained our property for 14 years in a manner that has beautified the appearance and use for the community in which we serve.

