



Legislation Details (With Text)

**File #:** 2020-1541    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 11/30/2020    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 1/28/2021    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 5 & 7  
 Application of JVCL, LLC to request a rezoning from R-85 (Single-Family Residential) to C-1 (Light Commercial) District to allow a range of commercial uses, at 5021 Covington Highway.

**Indexes:**

**Attachments:** 1. Z-21-1244398 2020-1541 Recommended Conditions, 2. Z 21 1244398 Staff Report Jan 2021

Date	Ver.	Action By	Action	Result
1/28/2021	1	Board of Commissioners - Zoning Meeting	approved with conditions	Pass
1/5/2021	1	Planning Commission	approved with conditions per staff recommendation	Pass

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

**SUBJECT:**

**COMMISSION DISTRICT(S): 5 & 7**

**Application of JVCL, LLC to request a rezoning from R-85 (Residential Medium Lot-85) to C-1 (Local Commercial) District to allow a range of commercial uses, at 5021 Covington Highway.**

**PETITION NO: N9. Z-21-1244398 2020-1541**

**PROPOSED USE: To Be Determined**

**LOCATION:** 5021 Covington Highway, Decatur, GA 30035

**PARCEL NO. :** 15-162-04-007

**INFO. CONTACT:** Brandon White, Current Planning Manager

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

**PURPOSE:**

Application of JVCL, LLC to request a rezoning from R-85 (Residential Medium Lot-85) to C-1 (Local Commercial) District to allow a range of commercial uses. The applicant is seeking commercial zoning of the subject property in order to renovate the existing structure and redevelop the site for commercial use. The applicant has not declared a specific land use or concept plan. However, the applicant states in the letter of intent, “[t]he intended use of the property will be consistent with the allowed land use outlined in the DeKalb County Code of Ordinance, including minor automobile service, offices, and retail.”

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Approval with conditions.

**PLANNING COMMISSION:** Approval with conditions.

**PLANNING STAFF:** Approval with conditions.

**STAFF ANALYSIS:** The C-1 (Local Commercial) Zoning District request or a less intense commercial zoning classification (i.e. NS (Neighborhood Shopping), OI (Office-Institutional), OIT (Office-Institutional-Transitional)) would be consistent with the *Comprehensive Plan*. Suburban Character Area Policy 3 states, “non-residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of the surrounding residents. Small scale nonresidential development shall be limited to qualifying intersections (collector roadway and above).” C-1 zoning presents a wide latitude of uses, however, lot size and applicable zoning development standards will limit the intensity of most redevelopment options. Moreover, the subject property could be a catalyst for the development of a residential office corridor as other older residential structures along this portion of Covington Highway are converted to commercial use and/or as infill development comes along.

**PLANNING COMMISSION VOTE: Approval with Conditions 9-0-0.** Approval with staff recommended conditions along with an amendment to condition #4 to include the following prohibited uses: pawn shops, tattoo parlors, check cashing establishments, adult entertainment business, title pawn and payday loan establishments, dollar stores and night clubs.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval with Conditions 9-0-0.** Approval with the condition that no auto/truck repair, sales, or service; alcohol outlet; convenience store; or gas station uses be allowed.