



Legislation Details (With Text)

File #: 2018-3063 **Version:** 2 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 11/30/2018 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 1/22/2019 **Final action:** 1/22/2019
Title: COMMISSION DISTRICT(S): 5 & 7
 Application of Fitzroy & Marsha A Smith to rezone properties from C-1 (Local Commercial) District to C-2 (General Commercial) District to allow major auto repair within a new three-bay building with accessory storage, at 2478 Rock Chapel Road.

Indexes:

Attachments: 1. N4 Z 19 1235308 staff conditions, 2. N4 Fitzroy Marsh Smith Z 19 1235308 staff report

Date	Ver.	Action By	Action	Result
1/22/2019	2	Board of Commissioners - Zoning Meeting	denied appointment	Pass
1/8/2019	2	Planning Commission	denied	Pass

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

SUBJECT:

COMMISSION DISTRICT(S): 5 & 7
Application of Fitzroy & Marsha A Smith to rezone properties from C-1 (Local Commercial) District to C-2 (General Commercial) District to allow major auto repair within a new three-bay building with accessory storage, at 2478 Rock Chapel Road.
PETITION NO: N4. Z-19-1235308

PROPOSED USE: Major Auto Repair

LOCATION: 2478 Rock Chapel Road

PARCEL NO. : 16-154-04-008

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Fitzroy & Marsha A. Smith to rezone properties from C-1 (Local Commercial) District to C-2 (General Commercial) District to allow major auto repair within a new three-bay building with accessory storage in accordance with Section 27-4.1 Use Table of the DeKalb County Code. The property is located on the southeast side of Rock Chapel Road, approximately 700 feet southwest of Turner Hill Road at 2478 Rock Chapel Road. The property has approximately 311 feet of frontage along Rock Chapel Road and contains 0.99 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: DENIAL.

PLANNING COMMISSION: DENIAL

PLANNING STAFF: APPROVAL W/CONDITIONS.

STAFF ANALYSIS: 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, subject to the attached conditions."

PLANNING COMMISSION VOTE: Denial 8-0-0. V. Moore moved, E. Patton seconded for denial of this application.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 7-0-0. Lots of opposition from residents in the community. Use would lower surrounding property values.