



Legislation Details (With Text)

**File #:** 2020-0599    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 6/2/2020    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 7/30/2020    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 3 & 6  
 Application of DL Properties c/o G Douglas Dillard to rezone property from Tier 5 Bouldercrest Overlay District to Tier 4 Bouldercrest Overlay District and maintain the underlying R-75 (Residential Medium Lot) zoning to allow for a contractor office, at 4388 E. Conley Road.

**Indexes:**

**Attachments:** 1. Z 20 1243839 staff report

Date	Ver.	Action By	Action	Result
7/30/2020	1	Board of Commissioners - Zoning Meeting	denied	Pass
7/7/2020	1	Planning Commission		

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

**SUBJECT:**

**COMMISSION DISTRICT(S): 3 & 6**  
**Application of DL Properties c/o G Douglas Dillard to rezone property from Tier 5 Bouldercrest Overlay District to Tier 4 Bouldercrest Overlay District and maintain the underlying R-75 (Residential Medium Lot) zoning to allow for a contractor office, at 4388 E. Conley Road.**  
**PETITION NO: N2. Z-20-1243839 2020-0599**

**PROPOSED USE:** Contractor office.

**LOCATION:** 4388 E. Conley Road

**PARCEL NO. :** 15 013 02 017

**INFO. CONTACT:** John Reid

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

**PURPOSE:**

Application of DL Properties c/o G Douglas Dillard to rezone property from Tier 5 Bouldercrest Overlay District to Tier 4 Bouldercrest Overlay District and maintain the underlying R-75 (Residential Medium Lot) zoning to allow for a contractor office. The property is located on the southeast side of East Conley Road and the northeast side of Interstate 675 at 4388 East Conley Road in Conley, Georgia. The property has approximately 687 feet of frontage along East Conley Road and contains 20.34 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Denial.

**PLANNING COMMISSION:** Denial.

**PLANNING STAFF:** Denial.

**STAFF ANALYSIS:** The purpose of Tier 4 of the Bouldercrest Overlay District is to “encourage the development and redevelopment of industrial properties, but to higher design standards than currently exist”. As currently proposed the heavy truck traffic and potential noise impacts associated with the proposed contractor’s office and truck parking lot is not compatible with the adjacent single-family subdivision to the north and east, and there are several requirements of the Overlay District related to compatibility including building height, building materials, parking lot landscaping, sidewalks, and street trees that the site survey does not address. Therefore, the Tier 4 industrial rezoning request is not consistent with the policy and intent of the Suburban character area of the DeKalb County 2035 plan which calls for the preservation of established residential neighborhoods (Suburban Policy # 1). Interstate 675 serves as the line of demarcation between Tier 4 industrial zoning/land use and Tier 5 single-family residential zoning/land use. Permitting an industrial tier at this location is essentially “leap frogging” Interstate 675 to encroach into an established single-family residential area. The proposed outdoor storage yard for containers in the parking lot shown on the site survey requires a Special Land Use Permit (SLUP) approval by the Board of Commissioners, and no SLUP has been submitted. The applicant submitted a letter requesting withdrawal of this rezoning application on June 8, 2020 (see attached). Some neighborhood residents who are opposed to this rezoning request and attended the Community Council District 3 virtual ZOOM meeting wanted to make sure that if the application is withdrawn, that the applicant must wait for at least 24 months before they are allowed to reapply for a rezoning, which would be required if the application were denied. Article 7.2.2.H of the Zoning Ordinance indicates that a “Withdrawal Without Prejudice” by the Board of Commissioners would not be subject to a 24-month waiting period but is silent on whether a “withdrawal” or “withdrawal with prejudice” requires a 24-month waiting period to reapply. While it is normally staff’s policy to recommend withdrawal at the request of the applicant, the Planning Department is sensitive to the neighborhood desires to require a two-year waiting period before the property owner can reapply for a rezoning. Since the zoning ordinance does not provide clear direction whether a withdrawal with prejudice would accomplish this objective, it is the recommendation of the Planning and Sustainability Department that the application be Denied to ensure that the property owners must wait at least 24 months after the Board of Commissioner decision before a rezoning application can be submitted.

**PLANNING COMMISSION VOTE: Denial 7-0-0.** J. West moved, P. Womack, Jr. seconded for Denial, per Staff recommendation.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 7-0-0.** The recommendation was based on statements by neighbors about noise, dust, traffic jams, road damage by big trucks, environmental damage, and code violations caused by the construction business applying for the rezoning.