



Legislation Details (With Text)

File #: 2023-1428 **Version:** 1 **Name:**

Type: Ordinance **Status:** Public Hearing

File created: 11/6/2023 **In control:** Board of Commissioners

On agenda: 3/12/2024 **Final action:**

Title: COMMISSION DISTRICT(S): Commission District 5 Super District 7
Application of Michael Reynolds for a Major Modification of zoning conditions pursuant to CZ-87086 to construct a hardware store in the C-1 (Local Commercial) zoning district and Tier 1 of the Hidden Hills Overlay District. 5440 Covington Highway.

Indexes:

Attachments: 1. CZ-24-1246744 (2023-1428) Modified BOC Zoning Conditions.pdf, 2. CZ-24-1246744 Jan BOC 2024 Staff Report 5449 Covington Hwy.pdf

Date	Ver.	Action By	Action	Result
3/12/2024	1	Board of Commissioners	approved with conditions	Pass
2/14/2024	1	Board of Commissioners	deferred for 30 days	Pass
1/25/2024	1	Board of Commissioners - Zoning Meeting	deferred to the next meeting	Pass
1/9/2024	1	Planning Commission	approval with modified conditions to read as follows:	Pass

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

SUBJECT:

COMMISSION DISTRICT(S): Commission District 5 Super District 7
Application of Michael Reynolds for a Major Modification of zoning conditions pursuant to CZ-87086 to construct a hardware store in the C-1 (Local Commercial) zoning district and Tier 1 of the Hidden Hills Overlay District. 5440 Covington Highway.

PETITION NO: N3-2023-1428 CZ-24-1246744

PROPOSED USE: Major modification of zoning conditions to allow a hardware store.

LOCATION: 5449 Covington Highway, Decatur, Georgia 30035

PARCEL NO. : 16-006-02-007

INFO. CONTACT: Lucas Carter, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Michael Reynolds for a Major Modification of zoning conditions pursuant to CZ-87086 to construct a hardware store in the C-1 (Local Commercial) zoning district and Tier 1 of the Hidden Hills Overlay District.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Approval with modified conditions.

PLANNING STAFF: Approval to remove conditions #2 and #4.

STAFF ANALYSIS: The applicant is seeking a major modification of zoning conditions pursuant to CZ-87086 which restricts the allowable land use to an auto-care center and limits parking to employees and vehicles to be repaired at 5449 Covington Highway. The proposed major modification seeks to eliminate these conditions to allow the construction of an Imeca Hardware Store within the C-2 (General Commercial) Zoning District and within Tier 1 of the Hidden Hills Overlay District. The proposed one-story hardware store with sidewalks along Covington Highway aligns with the NC (Neighborhood Center) character area of the *DeKalb 2050 Unified Plan* which encourages retail, neighborhood commercial, professional office, moderate density housing, and public open space that are all easily accessible by pedestrians at lower building heights along the outer edges of the character area (page 41). A hardware store is also a permitted land use in the Hidden Hills Overlay District-Tier, subject to underlying zoning and overlay development standards. The proposed hardware store is in conformity with the *DeKalb 2050 Unified Plan*. The removal of restrictions from CZ-87086 presents a more flexible land use policy while respecting the established character of the area. The proposed major modification is harmonious with adjacent and surrounding properties which include auto-oriented businesses, high-density residential, and general retail. Despite being a parcel designated with an underlying zoning of C-2 (General Commercial), the scope of permitted land uses, and design requirements allowed on this property is controlled by Tier 1 of the Hidden Hills Overlay District which should provide appropriate compatibility with adjacent and surrounding properties. No historic resources are located in the vicinity. Due to the site's access along a major arterial road (Covington Highway) and the proposed commercial land use, it does not appear that 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 nearby residential districts are expected to be minimally disturbed. Staff recognizes the proposed project's potential to contribute positively to the economic landscape, preserve the unique character of the neighborhood center and commercial district, and pave the way for adaptive reuse while honoring the spirit of the *Comprehensive Plan*. The major modification for the Imeca Hardware Store at 5449 Covington Highway could be seen as a positive step toward economic revitalization. Therefore, based on review of Section 7.3.10 (modification of approved zoning conditions) and Section 7.3.5. Staff recommends "Approval of the major modification request to remove conditions #2 and #4". All other approved conditions adopted by the Board of Commissioners on May 26, 1987 as delineated below shall remain in force and in effect.

PLANNING COMMISSION VOTE: Approval with modified conditions 8-0-0. Deanna Murphy moved, Jon West seconded that this agenda item be approved with a modification of recommended conditions to remove conditions #2 & #4. Jana Johnson was not present for this vote.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 8-0-0.