



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Legislation Text

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File #: 2019-3556, Version: 1

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Public Hearing: YES  NO

Department: Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** 4 & 7

**Application of Phillip Witherington to rezone property from R-100 (Residential Medium Lot) to NS (Neighborhood Shopping) District to develop general commercial uses within a 5,000 square foot retail shopping plaza at 425, 433, and 441 North Deshon Road.**

**PETITION NO:** N7. Z 19 1243173

**PROPOSED USE:** General Commercial Uses

**LOCATION:** 425, 433, and 441 North Deshon Road

**PARCEL NO. :** 18 030 01 011, 18 030 01 012, 18 030 01 013

**INFO. CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

**PURPOSE:**

Application of Phillip Witherington to rezone property from R-100 (Residential Medium Lot) to NS (Neighborhood Shopping) District to develop general commercial uses within a 5,000 square foot retail shopping plaza. The property is located on the east side of Janie Way and the west side of North Deshon Road at 425, 433, and 441 North Deshon Road. The property has approximately 259 feet of frontage along the east side of Janie Way and approximately 310 feet of frontage along North Deshon Road and contains 2.03 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** FULL CYCLE DEFERRAL

**PLANNING COMMISSION:** DENIAL

**PLANNING STAFF:** DENIAL

**STAFF ANALYSIS:** The subject properties fall within a SUB (Suburban ) character area which calls for protecting established residential neighborhoods and focusing commercial development around major intersections classified as collector roadway and above (SUB Policy #1. Residential Protection & Policy #3. Non-residential development). The subject properties are in the middle of a residential area, with the Waters Edge single-family subdivision to the east across North Deshon Road and a combination of single-family homes, vacant land, and a telecommunication tower to the north and west. The nearest intersection at Janie Way/North Deshon Road is not a major intersection as Janie Way is a narrow two-lane local road with no curb

and gutter and no sidewalks. The nearest major intersection is approximately 775 feet to the south at North Deshon Road (Minor Arterial) and Rockbridge Road (Minor Arterial) where existing commercial development is already located, including the Deshon Plaza Shopping Center, Quik Trip convenience store, McDonalds restaurant, and retail businesses. Permitting commercial at this location is essentially “leap frogging” several single-family zoned (R-100) properties that lie between the commercial at the existing North Deshon/Rockbridge node and this location. Further, the submitted site plan and application do not indicate what specific commercial uses are proposed, nor how the proposed site layout will adequately protect the surrounding residential area with appropriate transitional buffers, landscaping, driveway access restrictions, or the provision of required parking and adequate internal circulation. Based on the submitted information, it appears that the request does not comply with the intent of the SUB character area of the Comprehensive Plan to protect established residential neighborhoods from incompatible development (Sec 7.3.4.A) and therefore may not permit a use that is suitable and compatible with adjacent and nearby properties (Sect. 7.3.4.B). It is the recommendation of the Planning & Sustainability Department that the application be, respectfully, “Denied”.

**PLANNING COMMISSION VOTE: DENIAL 9-0-0.** L. Osler moved, A. Atkins seconded for denial per Staff recommendation.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: FULL CYCLE DEFERRAL (13-0-0).** Council recommended Full Cycle Deferral due to the following: 1) The applicant did not provide adequate notification for the pre-submittal community meeting; and 2) The applicant has not specified a specific land use and needs to provide more clarification as to the scope of the proposed project. Some concerns were expressed that commercial use is not appropriate in the middle of residential area.