



## Legislation Details (With Text)

**File #:** 2018-2437    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Public Hearing  
**File created:** 7/18/2018    **In control:** Board of Commissioners  
**On agenda:** 10/23/2018    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 5 & 7  
Paul Hue - Z-18-1235067

**Indexes:**

**Attachments:** 1. Staff Report and Attachments, 2. Recommended Conditions

Date	Ver.	Action By	Action	Result
10/23/2018	1	Board of Commissioners	withdrawn	Pass
9/25/2018	1	Board of Commissioners - Zoning Meeting		
9/6/2018	1	Planning Commission	approved with conditions per staff recommendation	Pass

**Public Hearing:** YES ☒ NO ☐

**Department:** Planning & Sustainability

**SUBJECT:**

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

**PAUL HUE - Z-18-1235067**

**PETITION NO:** Z-18-1235067

**PROPOSED USE:** Towing business

**LOCATION:** 2018 Rock Chapel Road, Lithonia

**PARCEL NO.:** 16-166-01-004

**INFO. CONTACT:** Marian Eisenberg

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

**PURPOSE:**

To rezone property from R-85 (Residential Medium Lot-85) to M-2 (Heavy Industrial) to allow a vehicle towing service. The property is located the east side of Rock Chapel Road, approximately 975 feet south of Pleasant Hill Road, at 2018 Rock Chapel Road, Lithonia. The property has approximately 358 feet of frontage on Rock Chapel Road and contains 4.98 acres.

**RECOMMENDATIONS:**

**COMMUNITY COUNCIL:** DENIAL.

**PLANNING COMMISSION:** APPROVAL.

**PLANNING STAFF: DENIAL.**

**STAFF ANALYSIS:** The zoning proposal is not consistent with the Suburban character area in which it is located, which does not allow M-2 zoning. Even if the property were re-designated to the Industrial Character Area as requested by the companion application LP-18-1235067, the proposal would not be consistent with the policies and intent of the 2035 Comprehensive Plan. The property is located in the midst of a low-density residential district. Operation of a towing business on the property would conflict with the Industrial Character Area Policy No. 3 to “Prohibit the encroachment of industrial uses into established residential areas.” Although the property is located opposite several non-residential land uses on the west side of Rock Chapel Road, Rock Chapel Road forms a boundary that definitively separates the non-residential west side of the road from the residential east side. The closest industrial character area on the east side of Rock Chapel Road is located almost ½ mile to the south of the subject property, at the intersection of Rock Chapel Road and Union Grove Road; those properties are designated Light Industrial on the Land Use Map but zoned R-85. There are few non-residentially zoned properties on the east side of Rock Chapel Road near the subject property; the closest one is a Shell service station located approximately ¼ mile to the north, at the intersection of Rock Chapel Road with Pleasant Hill Road. Unlike the Shell station property, which is located at an intersection that could potentially become a small commercial node, the subject property is located at a considerable distance from the closest intersections to the north and south. Nor is the zoning proposal suitable in view of the use and development of adjacent and nearby properties. Use of the property for a towing business has the potential to adversely affect the adjoining property to the north, which is developed with an occupied single-family residence, as well as adjoining and nearby properties that could be developed for future single-family residential use under their current R-85 zoning classification. Therefore, the Department of Planning and Sustainability recommends “Denial”. However, in consideration of the Planning Commission recommendation for “Approval”, Staff recommends that if the Board of Commissioners approves the zoning proposal, the attached conditions also be approved.

**PLANNING COMMISSION VOTE: Approval, 7-1-0.** M. Butts moved and P. Womack, Jr. seconded for approval. E. Patton opposed. The motion for support of the zoning proposal was based on reasoning that the towing business would largely be operated off-site, the tow trucks would be driven off the site and returned to the site at discrete times, and that there would not be any activity related to the towing business during the majority of the day. Further, the motion was based on the scarcity of homes in the surrounding area and the conclusion that few homes would be impacted by the proposed towing business.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 5-3-1.** Opponents were concerned that that there would be no buffer protection for adjoining residential properties.