



## Legislation Details (With Text)

**File #:** 2023-1155    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 9/12/2023    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 3/28/2024    **Final action:** 3/28/2024  
**Title:** COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07  
Application of Naqib Hussain to rezone the subject parcel from C-1 (Local Commercial) zoning district to C-2 (General Commercial) zoning district to expand from an auto repair and sales business to a major auto repair business, at 4381 Covington Highway.

### Indexes:

**Attachments:** 1. Z-23-1246662 Recommended Conditions March 2024, 2. Z-23-1246662 March 2024 Staff Report 4381 Covington Hwy, 3. Z-23-1246662 Recommended Conditions Nov. 2023, 4. Z-23-1246662 Nov 2023 BOC Staff Report 4381 Covington Hwy

Date	Ver.	Action By	Action	Result
3/28/2024	1	Board of Commissioners - Zoning Meeting		
3/5/2024	1	Planning Commission		
11/16/2023	1	Board of Commissioners - Zoning Meeting	deferred for two full cycles	Pass
11/2/2023	1	Planning Commission	deferred for three full cycles	Pass

**Public Hearing:** YES ☒ NO ☐

**Department:** Planning & Sustainability

### SUBJECT:

**COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07**

**Application of Naqib Hussain to rezone the subject parcel from C-1 (Local Commercial) zoning district to C-2 (General Commercial) zoning district to expand from an auto repair and sales business to a major auto repair business, at 4381 Covington Highway.**

**PETITION NO: D6-2023-1155 Z-23-1246662**

**PROPOSED USE: Expansion of an existing auto repair business.**

**LOCATION: 4381 Covington Highway, Decatur, Georgia 30035**

**PARCEL NO. : 15-196-03-012**

**INFO. CONTACT:** Andrea Folgherait, Planner

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

### PURPOSE:

**Application of Naqib Hussain to rezone the subject parcel from C-1 (Local Commercial) zoning district to C-2 (General Commercial) zoning district to expand from an auto repair and sales business to a major auto repair business.**

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (Feb. 12, 2024) Approval. (Oct. 2, 2023) Deferral.

**PLANNING COMMISSION:** (March 5, 2024) Approval with Conditions (Nov. 2, 2023) Three-Cycle Deferral.

**PLANNING STAFF:** Approval with conditions.

**STAFF ANALYSIS:** The applicant, Naqib Hussain, is seeking a rezone from the Local Commercial (C-1) Zoning District to the General Commercial (C-2) Zoning District to expand and upgrade an existing auto repair and sales business. The business, *All in One Auto Sales*, has been operating for over 20 years along a heavily automobile serviced corridor - Covington Highway. *All in One Auto Sales* will cease automobile sales in order to transition to become solely a major auto repair business, defined as *a business that services passenger vehicles including the dismantling and repair of engines, transmissions, carburetors, drive shafts, and similar major vehicle parts, the provision of collision repair services including body frame straightening and body part replacement, or the painting or re-painting of passenger vehicles and motorcycles*. The applicant has disclosed, both in the application and during the District 5 Community Council meeting, that once funding is available, new bays will be built in the rear of the property to rent to a variety of registered Georgia mechanics. Because the funding for the construction of bays has not yet been achieved, a timeline of redevelopment is not yet determined. The use of the property as a major auto repair shop within the C-2 Zoning District is consistent with adjacent zoning districts and surrounding land uses. Additionally, the subject property is located in a Commercial Redevelopment Corridor (CRC) character area. According to the *2050 Unified Plan*, CRC is intended to improve the function and aesthetic appeal of commercial corridors within the County and promote redevelopment of corridors suffering from decline (pg. 37). The subject site is less than a mile from the Major Mobility Investment Program (MMIP) I-285 Eastside Bridge Replacement project. Continuing to connect this corridor with advanced infrastructure while improving and expanding businesses opportunities along the corridor supports the intent of the CRC Character Area. *Section 5.4.3 Streetscape Elements and Dimensions* will require sidewalk improvement and a landscape strip. Both of which are elements to further the intent of the CRC character area. Currently, the site consists of a one-story, brick building; metal carport; and a metal building with a gate to the rear of the brick building. The applicant has submitted a site plan, labeled “Site Plan for Rezoning” (see enclosed) of the proposed location for the future building composed of four (4) bays. The proposed change in use will require the applicant to comply with the current regulations specified in *Section 8.1.16 Expansion, redevelopment or improvement of legal nonconforming buildings, structures and/or sites*. The applicant has submitted updated building elevations (see enclosed). It appears the proposed building and bays follow exterior building materials set forth in *Section 5.7.4*. Staff conducted a preliminary zoning review of the proposal, which appeared to comply with *the C-2 zoning district requirements of the Non- Residential Dimensional Requirements (Section 2.24.1)*. As proposed, it appears the applicant has met the supplemental regulations set forth in *Section 4.2.14 Automobile repair, major, and paint shops*. While the applicant has supplied details of proposed landscaping in the site plan, the applicant may need to seek variances from the Zoning Board of Appeals to meet all requirements set forth in *Section 5.4.3 Streetscape Elements and Dimensions*. Specifically, regarding the landscape strip dimensions and requirements. It appears the proposal satisfies the goals of the CRC character area, is consistent with adjacent and surrounding uses, and meets the requirements of a C-2 Zoning District. Additionally, the applicant has made the necessary improvements to the proposal (landscape efforts, continued site clean-up, proposed building materials to match existing buildings) as requested by Community Council, Planning Commission, and the Board of Commissioners. Therefore, upon review of *Section 7.3.5 (A-H) of the Zoning Ordinance*, Staff recommends “Approval with the attached conditions”.

**PLANNING COMMISSION VOTE:** (March 5, 2024) Approval with Conditions 8-0-0. Jon West moved,

Jan Costello seconded for five (5) conditions, per Staff recommendation. **(Nov. 2, 2023) Three-Cycle Deferral 8-0-0.** Jan Costello moved, Jon West seconded for a 3-cycle deferral to the May 2024 zoning agenda to allow the applicant time to address the concerns brought by Community Council, Planning Commission and other interested parties, including an enhanced streetscape plan.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** **(Feb. 12, 2024) Approval 8-0-1. (Oct. 2, 2023) Deferral.** Community Council District 5 voted for deferral to get more information.