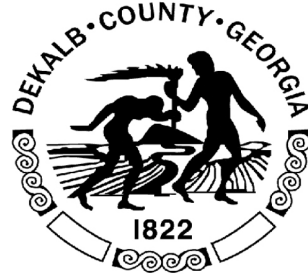


DeKalb County Government

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



Meeting Minutes

Tuesday, October 4, 2022

5:30 PM

via Zoom

Board of Commissioners - Zoning Meeting

Comm. Robert Patrick, Presiding Officer, District 1

Comm. Mereda Davis Johnson, Deputy Presiding Officer, District 5

Commissioner Robert Patrick, District 1

Commissioner Jeff Rader, District 2

Commissioner Larry Johnson, District 3

Commissioner Steve Bradshaw, District 4

Commissioner Mereda Davis Johnson, District 5

Commissioner Edward "Ted" Terry, Super District 6

Commissioner Lorraine Cochran-Johnson, Super District 7

Present: 7 - Commissioner Robert Patrick, Commissioner Jeff Rader, Commissioner Larry Johnson, Commissioner Steve Bradshaw, Commissioner Mereda Davis Johnson, Commissioner Ted Terry and Commissioner Lorraine Cochran-Johnson

Administration: Barbara Sanders-Norwood, County Clerk, Matthew C. Welch, Deputy County Attorney

The DeKalb County Board of Commissioners will hold its online zoning meeting on Tuesday, October 4, 2022 at 5:30 p.m. This meeting will be conducted via teleconference (Zoom). Simultaneous public access to the meeting will be available (1) via live stream on DCTV's webpage, and (2) DCTVChannel23.TV.

The public is invited to watch the broadcast on DCTV's UStream link DCTV's webpage, and on DCTVChannel23.TV. <https://video.ibm.com/channel/dctv-channel-23>

TO participate and Join from PC, Mac, Linux, iOS or Android: or
<https://dekalbcountyga.zoom.us/j/94883110323> Or Telephone: Dial: USA 602 333 0032 USA 8882709936
(US Toll Free) Conference code: 217687

For those joining the meeting by telephone, please be aware that your phone number may be displayed to the public viewing or participating in the online meeting.

The Board will provide 15 minutes of time for citizens to speak in favor of an agenda item, and 15 minutes for citizens to speak in opposition. Citizens who attend the meeting via the Zoom link above may join the public comment queue by raising their hand in the Zoom application, while citizens who attend the meeting via telephone may join the comment queue by pressing # and the number 2. There will be no comment cards, so when you are called upon, please state your name and address for the record. Also, please be conscious of speaking time so that everyone has an opportunity to provide input in the allotted time. Citizens may also email documents for inclusion into the official record by submitting such materials by 5:30 p.m. on the date of the public hearing to PublicHearing@dekalbcountyga.gov

Call To Order

Citizens may speak for or against an item that is considered by law to be a zoning ordinance and each side will have ten minutes to present its case. Citizens may also speak for or against an item that is placed on the public hearing agenda but is not a zoning ordinance. In that case, each side will have five minutes to present its case. In the event there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the ten-minute time allotment, or the five minute time allotment. When the buzzer sounds to indicate that time has run out, the speaker will be expected to immediately cease speaking and to leave the podium area. Prior to speaking, a speaker shall complete a speaker card and present it when approaching the podium. If a speaker has any documents for the commissioners, the speaker shall provide 10 copies when approaching the podium. Seven copies are for the commissioners and the remaining copies are for the planning director, the county attorney and the clerk. Applicants or citizens speaking in favor of an item shall speak first and applicants in zoning ordinance cases shall have the right to reserve time for rebuttal. Opponents of a zoning ordinance item shall have no right of rebuttal. Once the citizens have finished speaking, staff shall make a recommendation for action to the Commission. At this point, citizens are no longer allowed to speak unless called to the podium by an individual commissioner to answer questions or provide information. Speakers should always talk directly into the microphone and begin by stating their name, address and the name of any organization they represent. Abusive, profane or derogatory language will not be permitted. Holding up signs, clapping, yelling, standing or laying in the aisles to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing in place will be permitted to show support for or opposition to a speaker's position.

Roll Call

Deferred Cases

D1 [2022-1487](#)

COMMISSION DISTRICT(S): All Districts
Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, to amend Article 2 (District Regulations) and to amend Article 5 (Site Design and Building Form Standards) to increase the maximum building height allowed in the OD (Office Distribution) Zoning District, with limitations. This text amendment is County-wide.

Support: None

Opposition: Jacques P Lesure- 962 Oakwood Chase

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be withdrawn without prejudice. Items 2022-1487, 2022-1481, 2022-1482 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

D2 [2022-1481](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of AK Memorial Shopping Center, LLC to amend the future land use map from NC (Neighborhood Center) to CRC (Commercial Redevelopment Corridor) Character Area to allow for film/movie/tv production studios, at 5615 Memorial Drive..

Support: None

Opposition: Jacques P Lesure- 962 Oakwood Chase

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be withdrawn without prejudice. Items 2022-1487, 2022-1481, 2022-1482 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

D3 [2022-1482](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of AK Memorial Shopping Center, LLC to rezone properties from C-1 (Local Commercial) to OD (Office Distribution) Zoning District to allow for OD (Office Distribution) uses, which may include film/movie/tv production studios., at 5615 Memorial Drive.

Support: None

Opposition: Jacques P Lesure- 962 Oakwood Chase

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be withdrawn without prejudice. Items 2022-1487, 2022-1481, 2022-1482 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

D4 [2022-1486](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of Director of Planning and Sustainability for a text amendment to the Emory Village Overlay-Sec. 3.22 to allow the limited sale of beer, wine, and spirits as an accessory retail use for off-site consumption at any location within the overlay district.

MOTION was made by Jeff Rader, seconded by Ted Terry, that this agenda item be withdrawn. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

D5 [2020-1543](#)

COMMISSION DISTRICT(S): All Districts
Application of the Director of Planning and Sustainability for text amendments to the Zoning Ordinance, Chapter 27, to create Section 4.2.60 (Supplemental Regulations) to address Small Box Discount Retailers, to amend Section 9.1.3 (Defined Terms) to create definition for Small Box Discount Retailers, and for other purposes; and to amend Section 4.1.3 Use Table pertaining to Small Box Discount Retailers. This text amendment is County-wide.

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be deferred for a full cycle, until November 17, 2022. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

New Cases

N1 [2022-1906](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning and Sustainability to adopt a major update to the DeKalb County 2050 Comprehensive Plan, as required by the Rules of the Georgia Department of Community Affairs, Chapter 110-12-1 Minimum Standards and Procedures for Local Comprehensive Planning, and established by the Georgia Planning Act of 1989. The property is located on within the areas of unincorporated DeKalb County. This text amendment is County-wide.

Support: Martha Gross-2855 Briarcliff Road, Don Broussard- 1786 Alderrbrook Dr. 30345

Opposition: None

MOTION was made by Jeff Rader, seconded by Ted Terry, that this agenda item be deferred, until November 17, 2022. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

N2 [2022-1907](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of Charles F. Palmer for a Special Land Use Permit (SLUP) to allow senior housing in the O-I (Office Institutional) Zoning District and the Druid Hills Historic District; and to increase building height beyond 70 feet up to 101 feet, at 1256 Briarcliff Road.

Support: None

Opposition: Will Colby (No Address)

MOTION was made by Ted Terry, seconded by Jeff Rader, that this agenda item be deferred for 30 days, until November 8, 2022 for Public Hearing. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

N3 [2022-1908](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of David Kirk to amend the Land Use Map from LIND (Light Industrial) to TC (Town Center) for a multi-family residential development, at 2920 North Decatur Road.

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be approved. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

N4 [2022-1909](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of David Kirk to rezone property from M (Light Industrial) zoning district to HR-2 (High Density Residential-2) zoning district to allow construction of a multifamily residential development, at 2920 North Decatur Road.

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be approved with conditions. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

N5 [2022-1910](#)

COMMISSION DISTRICT(S): Commission District 01 Super District 07
Application of The Church in Atlanta Inc. c/o Dennis J. Web Jr., Smith Gambrell & Russell, LLC for a Special Land Use Permit (SLUP) to replace the existing church building with a new church in the R-100 (Residential Medium Lot-100) zoning district, at 2345 Shallowford Road.

MOTION was made by Jeff Rader, seconded by Ted Terry, that this agenda item be deferred for 30 days, until November 8, 2022 for Public Hearing. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

N6 [2022-1911](#)

**COMMISSION DISTRICT(S): Commission District 03 Super District 07
Application of Troy Morrison for a Special Land Use Permit (SLUP) to allow
a Personal Care Home (Community Living Arrangement - CCI) for four (4)
individuals in the R-75 (Residential Medium Lot-75) zoning district, at 3771
Elkridge Drive.**

Support: None

*Opposition: Maryann Bohannan 2183 Chubby Chase Lane, Edward Driver 2205
Rolling View Drive, Constance Hall- 2299 Sterling Ridge Road, Cynthia
Dowdale- 2257 Sterling Ridge Road, Frankie Pendergrass- 2191 Rolling View
Drive, Connie Armor 2898 Sterling Ridge Road, Maryann Lynch 2223 Chubby
Chase Lane, Angela Jones 2221 Sterling Ridge Road*

**MOTION was made by Larry Johnson, seconded by Lorraine
Cochran-Johnson, that this agenda item be deferred for 30 days,
until November 08, 2022 for Public Hearing. The motion carried
by the following vote:**

Yes: 7 - Commissioner Rader, Commissioner Johnson,
Commissioner Bradshaw, Commissioner Davis
Johnson, Commissioner Terry, Commissioner
Cochran-Johnson, and Commissioner Patrick

N7 [2022-1912](#)

**COMMISSION DISTRICT(S): Commission District 04 Super District 07
Application of El Amar Engineering & Construction c/o Battle Law, P.C. to
rezone properties from R-75 (Residential Medium Lot-75) zoning district to
R-60 (Residential Small Lot-60) zoning district to construct single-family
detached homes, at 883 Mountain View Drive.**

**MOTION was made by Steve Bradshaw, seconded by Lorraine
Cochran-Johnson, that this agenda item be approved with
conditions. The motion carried by the following vote:**

Yes: 7 - Commissioner Rader, Commissioner Johnson,
Commissioner Bradshaw, Commissioner Davis
Johnson, Commissioner Terry, Commissioner
Cochran-Johnson, and Commissioner Patrick

N8 [2022-1976](#)

**COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of Shalom Restorations, LLC to rezone property from R-75
(Residential Medium Lot-75) zoning district to RSM (Small Lot Residential
Mix) zoning district to allow single-family detached homes, at 695 Jordan
Lane.**

Support: None

*Opposition: Micky O'Leary 646 Jordan Lane, Stephan Binny 1083 Saville Drive,
Joyce Peacock 696 Jordan Lane*

**MOTION was made by Steve Bradshaw, seconded by Ted Terry,
that this agenda item be deferred for a full cycle, until November
17, 2022. The motion carried by the following vote:**

Yes: 7 - Commissioner Rader, Commissioner Johnson,
Commissioner Bradshaw, Commissioner Davis
Johnson, Commissioner Terry, Commissioner
Cochran-Johnson, and Commissioner Patrick

N9 [2022-1977](#)

**COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Starleatha Denson to rezone property from R-85 (Residential
Medium Lot-85) zoning district to RSM (Small Lot Residential Mix) zoning
district to increase the size of an existing personal care home from six (6)
residents to seven (7) residents, at 2336 Wesley Chapel Road.**

**MOTION was made by Mereda Davis Johnson, seconded by
Lorraine Cochran-Johnson, that this agenda item be withdrawn
without prejudice. Item 2022-1977, 2022-1978 were heard
together. The motion carried by the following vote:**

Yes: 7 - Commissioner Patrick, Commissioner Rader,
Commissioner Johnson, Commissioner Bradshaw,
Commissioner Davis Johnson, Commissioner Terry,
and Commissioner Cochran-Johnson

N10 [2022-1978](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Starleatha Denson for a Special Land Use Permit to increase the size of an existing personal care home from six (6) residents to seven (7) residents in the R-85 (Residential Medium Lot-85) zoning district, at 2336 Wesley Chapel Road.

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be withdrawn without prejudice. Item 2022-1977, 2022-1978 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

N11 [2022-1979](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of Stein Investment Group c/o Smith Gambrell & Russell to rezone properties from C-1 (Local Commercial) zoning district to HR-3 (High Density Residential-3) zoning district to allow for the construction of a mixed-use development to include approximately 30,000 square feet of accessory restaurant/retail space, 6,000 square feet of accessory office space, 392 multi-family units, and a shared structured parking garage, at 3082 Briarcliff Road.

Support: Martha Gross- 2855 Briarcliff Road, Bara Vargas 1853 1853 Chrysler Drive Northeast, Don Broussard- 1786 Alderrbrook Dr. 30345

Opposition: None

MOTION was made by Jeff Rader, seconded by Ted Terry, that this agenda item be deferred for 30 days, until November 8, 2022 for Public Hearing. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

N12 [2022-1980](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of Abeba Abebe to amend the future land use plan from Commercial Redevelopment Corridor (CRC) to Suburban (SUB) to allow the existing single-family house to have a residential zoning classification, at 2716 Ellen Way.

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be approved. Item 2022-1980, 2022-1981 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

N13 [2022-1981](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of Abeba Abebe to rezone property from C-1 (Local Commercial) / Tier 2, I-20 Corridor Compatible Use Overlay District to R-75 (Residential Medium Lot-75) zoning district to allow an existing single-family house to have a residential zoning classification, at 2716 Ellen Way.

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be approved. Item 2022-1980, 2022-1981 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

N14 [2022-1991](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 07
Application of Breakthru House Inc. c/o Battle Law, P.C to rezone properties from O-I (Office Institutional) zoning district and R-75 (Residential Medium Lot-75) zoning district to O-I (Office Institutional) zoning district to allow personal care homes and offices, at 1866 Eastfield Street.

Support: Nikki Sosebee- 321 Eastfield Street, Kyle Hight- 1902 Eastfield Street, Ashly 1866 Eastfield Street, Adrane 1866 Eastfield Street, AJ 1866 Eastfield Street

Opposition: None

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with 1 condition. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

N15 [2022-1992](#)

COMMISSION DISTRICT(S): Commission District 01 Super District 07
Application of Fugees Family Inc. c/o Janeya Hisle for a Special Land Use Permit (SLUP) to allow a public charter school within the existing buildings formerly owned by Northeast Baptist Church in the R-100 (Residential Medium Lot-100) zoning district, at 3201 Bolissa Drive.

MOTION was made by Robert Patrick, seconded by Lorraine Cochran-Johnson, that this agenda item be withdraw without prejudice. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

N16 [2022-1996](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of TR 34 Redan Road LLC c/o Battle Law, P.C. to amend the future land use plan from Suburban (SUB) to Commercial Redevelopment Corridor (CRC) to allow for the construction of single-family attached townhomes, at 1172 Longshore Drive.

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for 60 days, until November 17, 2022. Item 2022-1996, 2022-1997 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

N17 [2022-1997](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of TR 34 Redan Road LLC c/o Battle Law, P.C. to rezone property from MU-4 (Mixed-Use High Density) zoning district to MR-1 (Medium Density Residential-1) zoning district to allow for the construction of single-family attached townhomes, at 1172 Longshore Drive.

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for 60 days, until November 17, 2022. Item 2022-1996, 2022-1997 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

N18 [2022-1998](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of ModWash, LLC c/o Battle Law P.C. for a request to modify zoning conditions to remove condition #1 pursuant to CZ-06-1241, restricting the use of the property to office and retail uses to allow a car wash in the C-1 (Local Commercial) zoning district, at 1849 Lawrenceville Highway.

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be deferred for a full cycle, until November 17, 2022. Commissioner Mereda Davis Johnson was absent during this vote. The motion carried by the following vote:

Yes: 6 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

Absent: 1 - Commissioner Davis Johnson

2022-2328 Adjourn

There being no further official business, MOTION was made by Ted Terry, seconded by Jeff Rader, that this agenda item be approved to adjourn the October 4, 2022 Board of Commissioners Zoning meeting at 8:58 p.m. Commissioner Mereda Davis Johnson was absent during this vote. The motion carried by the following vote:

Yes: 6 - Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Terry, Commissioner Cochran-Johnson, and Commissioner Patrick

POLICY OF NON-DISCRIMINATION ON THE BASIS OF DISABILITY IN COUNTY SERVICES.

DeKalb County Government does not discriminate against qualified individuals with disabilities or exclude them from participating in or receiving benefits of its services, programs, or activities, based on disability. Janet Essix, DeKalb County Government's Employee Relations Manager and ADA Coordinator, is designated to coordinate the County's compliance with Part 35 of the Department of Justice regulations regarding the Americans with Disabilities Act. Janet Essix may be contacted at 1300 Commerce Drive, 1st Floor, Decatur, GA 30030, 404.371.2309, to request information about access for persons with disabilities to County services, programs and activities, or to discuss a grievance regarding an impediment to such access. Ten days' notice is requested for special accommodations.

ADJOURNMENT:

There being no further official business, MOTION was made by Ted Terry, seconded by Jeff Rader, that this agenda item be approved to adjourn the October 4, 2022 Board of Commissioners Zoning meeting at 8:58 p.m. Commissioner Mereda Davis Johnson was absent during this vote. The motion carried by the following vote:

Yes: 6 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

Robert Patrick
Presiding Officer

Barbara Sanders-Norwood
County Clerk