

DeKalb County Government

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



Summary

Tuesday, January 28, 2020

6:30 PM

Manual J. Maloof Auditorium

Board of Commissioners - Zoning Meeting

*Commissioner Steve Bradshaw, Presiding Officer, District 4
Commissioner Lorraine Cochran-Johnson, Deputy, District 7*

Commissioner Nancy Jester, District 1

Commissioner Jeff Rader, District 2

Commissioner Larry Johnson, District 3

Commissioner Steve Bradshaw, District 4

Commissioner Mereda Davis Johnson, District 5

Commissioner Kathie Gannon, Super District 6

Commissioner Lorraine Cochran-Johnson, Super District 7

Staff Present: Barbara Sanders-Norwood, County Clerk, Viviane Ernstes, County Attorney

2020-0166 Reconvene
Approved

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.

Deferred Cases

D1 [2019-4356](#)

COMMISSION DISTRICT(S): 3 & 7

Application of Phoenix City Holdings, LLC c/o Battle Law P.C. to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to develop sixty-one single family attached townhomes at a proposed density of 5.94 units per acre, at 3792 Harvest Drive.

Deferred the substitute submitted from the floor and the revised conditions submitted by Michelle Battle to the Planning Department to the next meeting, until February 11, 2020 for Decision Only

- D2** [2019-4122](#) **COMMISSION DISTRICT(S): ALL DISTRICTS**
Application of the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Article 5.4.7, Fences, walls, landscape buffers and Article 9.1.3.
Deferred to the next meeting, until February 11, 2020 for Decision Only
- D3** [2019-4123](#) **COMMISSION DISTRICT(S): ALL DISTRICTS**
Application of the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Article 2 to correct errors, omissions and clarifications.
Deferred to the next meeting, until February 11, 2020 for Decision Only
- D4** [2019-4397](#) **COMMISSION DISTRICT(S): ALL DISTRICTS**
Application of the Director of Planning and Sustainability for a text amendment to amend Table 5.2 to clarify buffer width requirements when adjacent to “R” districts whether adjoining use is single family attached or detached.
Deferred to the next meeting, until February 11, 2020 for Decision Only
- D5** [2019-4398](#) **COMMISSION DISTRICT(S): ALL DISTRICTS**
Application of the Director of Planning and Sustainability for a text amendment to Article 5.7.5 H: Driveways and Article 5.7.5 N Garages.
Withdrawn

New Cases

- N1** [2019-4707](#) **COMMISSION DISTRICT(S): 3 & 7**
Application of Tony Dawson for a Special Land Use Permit (SLUP) for an alcohol outlet (beer/wine) within an existing 1,000 square-foot convenience store in the C-1 (Local Commercial) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table of the DeKalb County Code, 3285 Glenwood Road.
Denied

- N2** [2019-4708](#) **COMMISSION DISTRICT(S): 4 & 7**
Application of CRN Development, LLC to rezone property from C-1 (Local Commercial) and R-100 (Residential Medium Lot - 100) to MR-1 (Medium Density Residential - 1) for development of a four-story, 120-unit senior-only multifamily apartment building, on multiple parcels at N. Stone Mtn Lithonia Rd & Rockbridge Rd.
Approved with staff conditions
- N3** [2019-4709](#) **COMMISSION DISTRICT(S): 5 & 7**
Application of Angela Burke for a Special Land Use Permit (SLUP) to allow a home occupation (Life Health Coaching and Therapy) with customer contact within the Greater Hidden Hills Overlay District in an R-85 (Residential Medium Lot) District, at 4796 Manly Court.
Approved with staff conditions
- N4** [2019-4710](#) **COMMISSION DISTRICT(S): 4 & 6**
Application of Boston Investment Group for a Special Land Use Permit (SLUP) to allow an 8,500 square foot funeral home and 1,500 square foot crematorium in the C-1 (Local Commercial) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table of the DeKalb County Code, at 5644 Memorial Drive.
Withdrawn
- N5** [2019-4711](#) **COMMISSION DISTRICT(S): 3 & 7**
Application of APC Contractors, Inc. c/o Miles Hanford & Tallant, LLC to rezone property from R-75 (Residential Medium Lot-75) to RSM (Residential Small Lot Mix) for a 36-unit single-family attached townhome development at a density of 7.3 units per acre, at 2061 & 2067 Windyhill Road.
Deferred for a Full Cycle, until March 24, 2020 Zoning Meeting
- N6** [2019-4712](#) **COMMISSION DISTRICT(S): 3 & 6**
Application of Wolverton & Associates, Inc. for a Major Modification of zoning conditions pursuant to CZ-10-16426, to allow construction of a 29,100 square foot grocery store, at 1807 Memorial Drive.
Approved with conditions submitted by Commissioners Larry Johnson and Kathie Gannon

- N7** [2019-4713](#) **COMMISSION DISTRICT(S): 3 & 7**
Application of Mack III Development, LLC c/o Battle Law, P.C. for a major modification to remove conditions of CZ-91039, CZ-90052, and CZ-89033 to allow for a mixed-use development in accordance with the I-20 Overlay District, at 1816 Candler Road.
Approved with staff conditions
- N8** [2019-4715](#) **COMMISSION DISTRICT(S): 2 & 6**
Application of Chevra Ahavas Yisrael of Atlanta, Inc. to request a Special Land Use Permit (SLUP) to allow a Place of Worship (Synagogue) within the R-85 (Residential Medium Lot) District, , in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 27-4.2.31 Supplemental Regulations of the DeKalb County Code, at 1171 Houston Mill Road.
Withdrawn
- N9** [2019-4716](#) **COMMISSION DISTRICT(S): 5 & 7**
Application of Arpon, LLC c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot) District to C-1 (Local Commercial) District for the development of a self-storage facility in conjunction with adjacent C-1 (Local Commercial) zoned property, at 5636 Redan Road.
Deferred for a Full Cycle, until March 24, 2020 Zoning Meeting
- N10** [2019-4717](#) **COMMISSION DISTRICT(S): 5 & 7**
Application of Arpon, LLC c/o Battle Law, P.C. to request a Major Modification to approved conditions pursuant to CZ- 18-22137 to amend conditions #1 and #8 to allow a self-storage facility on the site, within a C-1 (Local Commercial) District, at 5636 Redan Road
Deferred for a Full Cycle, until March 24, 2020 Zoning Meeting
- N11** [2019-4721](#) **COMMISSION DISTRICT(S): 5 & 7**
Application of the Director of Planning and Sustainability on behalf of Michele Battle, Battle Law, P.C. for a map amendment to the DeKalb County Zoning Maps to amend Article 3.37.5 District boundaries and maps of the Greater Hidden Hills Overlay District to change a portion of the district from Tier 1 to residential area.
Deferred for 30 days, until February 25, 2020 for Public Hearing

N12 [2019-4714](#)

COMMISSION DISTRICT(S): 5 & 7

Application of DR Horton c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot) District, C-1 (Local Commercial) District and RSM (Small Lot Residential Mix) District to RSM (Small Lot Residential Mix) District to develop 324 fee-simple townhomes at a density of 7.81 units per acre within the Greater Hidden Hills Overlay District, at 5702 & 5758 Covington Hwy, 5810 Covington Hwy, and 2650 Young Road.

Deferred for 30 days, until February 25, 2020 for Public Hearing

N13 [2019-4734](#)

COMMISSION DISTRICT(S): 3, 4, 5 and Super Districts 6 & 7

Application of the Director of Planning and Sustainability to amend Section 27-3.41. of the Kensington-Memorial Drive Overlay District to allow automotive rental and leasing as a permitted use subject to certain standards and to rename the overlay district. This applies to all properties within the Kensington Memorial Drive Overlay District.

Deferred for a Full Cycle, until March 24, 2020 Zoning Meeting

Item(s) For Decision By The Board

[2019-4779](#)

Commission District(s): All

Small Box Discount Store Moratorium

Approved the substitute submitted from the floor

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.