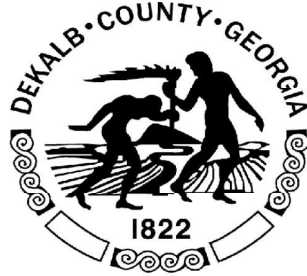


DeKalb County Government

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



Meeting Minutes

Thursday, November 18, 2021

5:30 PM

via Zoom

Board of Commissioners - Zoning Meeting

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

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 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, Viviane Ernstes, County Attorney

The DeKalb County Board of Commissioners will hold its online zoning meeting on Thursday, November 18, 2021 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 [2021-2638](#)

COMMISSION DISTRICT(S): Commission District: 02; Super District: 06
Application of David Kirk to rezone property from NS (Neighborhood Shopping) District to C-1 (Local Commercial) District to allow for development of a new drive-through restaurant, at 3795 North Druid Hills Road.

Support: None

Opposition: Michael Pisani – 2756 Mt. Olive, Lynn Pasqualetti – 1275 Blueberry Trl, Joanne Breaugh 1165 N Druid Woods Ct, Alishah Jibani 3786 N. Druid Hill Rd, Carol Hayes 2665 Spicer Ln

MOTION was made by Jeff Rader, seconded by Ted Terry, that this agenda item be deferred for a full cycle, until January 27, 2022. Items 2021-2638, 2021-2639 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 [2021-2639](#)

COMMISSION DISTRICT(S): Commission District: 02; Super District: 06
Application of David Kirk to request a Special Land Use Permit (SLUP) to allow a drive through facility in Town Center Character Area, at 3795 North Druid Hills Road.

MOTION was made by Jeff Rader, seconded by Ted Terry, that this agenda item be deferred for a full cycle, until January 27,2022. Items 2021-2638, 2021-2639 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 [2021-2641](#)

COMMISSION DISTRICT(S): Commission District 04; Super District 06
Application of Mosaic Communities c/o Battle Law to rezone properties from R-85 (Residential Medium Lot-85) District to RSM (Small Lot Residential Mix) District to allow single-family cottages, urban single-family attached and detached units, and duplexes, at 3943 Norman Road.

Support: Victoria Webb – 3137 Rockbridge Rd,

Opposition: Gina Sgro – 3964 Anna Maria Ct., Rich Shivers - 1074 Sans Souci Way, Sonya Anderson 4244 Bingham Ct Stone Mountain

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be deferred for a full cycle, until January 27, 2022. 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

D4 [2021-2903](#)

COMMISSION DISTRICT(S): Commission District 04; Super District 06
Application of Avondale Park, LLC c/o Battle Law, PC for a Major Modification of the conditional site plan and other conditions of MU-5 (Mixed-Use Very High Density) zoning approved pursuant to CZ-18-22125, to change the mixture of multifamily, office, and retail land uses, and to revise the single-family detached and townhome exterior designs, at 3458 Mountain Drive.

Support: None

Opposition: Emily Halevy - 659 Far Ct, Victoria Webb – 3137 Rockbridge Rd.

MOTION was made by Steve Bradshaw, seconded by Mereda Davis Johnson, that this agenda item be deferred for two full cycles, until March 24, 2022. 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

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 Robert Patrick, that this agenda item be deferred for two full cycles, until March 24, 2022. 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

New Cases

N1 [2021-3155](#)

COMMISSION DISTRICT(S): Commission District 03; Super District 07

Application of Elease Sims for a Special Land Use Permit (SLUP) for a child day care up to six (6) in an R-100 (Residential Medium Lot-100) District, at 3815 Boring Road.

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with conditions. 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

N2 [2021-3156](#)

COMMISSION DISTRICT(S): Commission District 04; Super District 07

Application of Builders Professional Group, LLC c/o Battle Law, PC to rezone property from R-100 Residential Medium Lot- 100) to R-60 (Residential Small Lot-60) to allow for the construction of a single-family detached residential subdivision, at 5277 Rockbridge Road.

Support: Cheryl Lewis Jones – 361 Colchester Drive

Opposition: None

MOTION was made by Steve Bradshaw, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for a full cycle, until January 27, 2022. 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

N3 [2021-3157](#)

COMMISSION DISTRICT(S): Commission District: 03; Super District 06

Application of VG First Baptist Senior, LP for a Special Land Use Permit (SLUP) for a senior housing development of multi-family and detached dwelling units in an R-75 (Residential Medium Lot-75) District, at 2318 2nd Avenue.

Support: None

Opposition: Stephan Binny – (No Address), Dawn Alvin - 2066 Tilson Rd, Octavial Taylor- 2051 Tilson Rd, Courtney Brown Preston Park

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be deferred for Decision Only, until December 21, 2021. 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

N4 [2021-3158](#)

COMMISSION DISTRICT(S): Commission District 03; Super District 07

Application of James Cantrell for a Major Modification of the conditional site plan and other conditions of RSM (Residential Small Lot Mix) zoning approved pursuant to CZ-18-22025, for six single-family homes, at 3446 Midway Road.

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred 2 weeks for Decision Only, until December 14, 2021. Commissioner Steve Bradshaw was absent during this vote. The motion carried by the following vote:

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

Absent: 1 - Commissioner Bradshaw

MOTION was made by Lorraine Cochran-Johnson, seconded by Larry Johnson, that this agenda item be reconsidered. 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

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred to the next meeting, until December 14, 2021 for Decision Only. 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

N5 [2021-3159](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability to amend Section 7.4.6 of the DeKalb County Zoning Ordinance to modify criteria to be considered in evaluating and deciding an application for a Special Land Use Permit (SLUP). This text amendment is County-wide.

MOTION was made by Larry Johnson, seconded by Jeff Rader, that this agenda item be deferred for a full cycle, until January 27, 2022. 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

N6 [2021-3160](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning and Sustainability to amend Section 27-7.5.3 (A) (1) of the DeKalb County Zoning Ordinance to refine variance criteria for the Zoning Board of Appeals. This text amendment is County-wide.

MOTION was made by Larry Johnson, seconded by Mereda Davis Johnson, that this agenda item be deferred for a full cycle, until January 27, 2022. 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

N7 [2021-3161](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for a text amendment to adopt the 2022 Zoning Calendar and Resolution. This text amendment is County-wide.

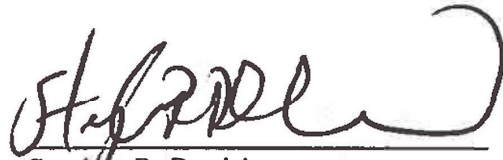
MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred to the next meeting, until December 14,2021 for Decision Only. The motion carried by the following vote:

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

ADJOURNMENT:

There being no further official business, MOTION was made by Mereda Davis Johnson, seconded by Ted Terry, that this agenda item be approved to adjourn the November 18, 2021 Board of Commissioners Zoning Meeting at 8:11 p.m. 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



Stephen R. Bradshaw
Presiding Officer



Barbara Sanders-Norwood
County Clerk