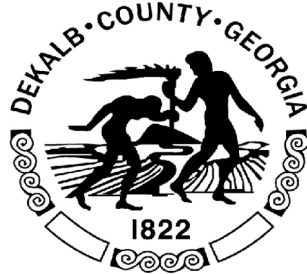


DeKalb County Government

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



Meeting Minutes

Tuesday, November 19, 2019

6:30 PM

Manuel J. Maloof Auditorium

Board of Commissioners - Zoning Meeting

*Commissioner Jeff Rader, Presiding Officer, District 2
Commissioner Steve Bradshaw, Deputy Presiding Officer, District 4*

*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*

Present: 7 - Commissioner Nancy Jester, Commissioner Jeff Rader, Commissioner Larry Johnson, Commissioner Kathie Gannon, Commissioner Steve Bradshaw, Commissioner Mereda Davis Johnson and Commissioner Lorraine Cochran-Johnson

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

2019-4664 Reconvene

MOTION was made by Steve Bradshaw, seconded by Nancy Jester, that this agenda item be approved to reconvene the November 19, 2019 Board of Commissioners Zoning Meeting. Commissioners Mereda Davis Johnson and Lorraine Cochran-Johnson were out of the room and not voting. The motion carried by the following vote:

Yes: 5 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, and Commissioner Bradshaw

Absent: 2 - Commissioner Davis Johnson, and Commissioner Cochran-Johnson

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** [2019-4069](#) COMMISSION DISTRICT(S): 2 & 6
Application of Elegant Homes, LLC to rezone property from R-85 (Residential Medium Lot-85) to RSM (Residential Small Lot Mix) to allow development of a 16-unit mixed residential development, at 1051, 1047 & 1043 Briarcliff Road.

Linda Dunlavy, 1026 B Atlanta Decatur, GA 30030, spoke in favor

MOTION was made by Jeff Rader, seconded by Kathie Gannon, that this agenda item be withdrawn without prejudice. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- D2** [2019-4070](#) COMMISSION DISTRICT(S): 1 & 7
Application of Mumtaz Alli c/o Hilliard Starkey Law for a Special Land Use Permit for an alcohol outlet (alcohol sales in a convenience store) in a C-1 (Local Commercial) District, at 3645 Chamblee Tucker Road.
Alexander Denton, 471 E. Pharr Road Decatur, GA 30030, Mary Baxter, 3228 Henderson Mill Rd. #4 Chamblee, GA 30341, spoke in opposition

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

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- D3** [2019-4074](#) COMMISSION DISTRICT(S): 3 & 7
Application of Georgia General Snapfinger Dev c/o Battle Law to amend the 2035 Future Land Use Plan Map from SUB (Suburban) to TC (Town Center), at 2658 Kelley Chapel Road.
Michelle Battle, One West Court Sq. Decatur, GA 30030, spoke in favor

John W. Frase, President Kings Row Subdivision, (no address), LaKeyshia Tucker, 4034 Shadowbrook Pl. Decatur, GA 30034, Aletha Richardson, 2542 Kelly Lake Dr. Decatur, GA 30032, Princetta Sunny, 2670 Kelly Chapel Rd. Decatur, GA 30034, spoke in opposition

MOTION was made by Larry Johnson, seconded by Mereda Davis Johnson, that this agenda item be to approve the Land Use Map for item 2019-4074, and to approve the substitute submitted from the floor for item 2019-4075 with 14 staff conditions, with an amendment to condition number 10 that no more than 10% of homes shall be rental units. Items 2019-4074 and 2019-4075 were heard together. Commissioners Jeff Rader and Kathie Gannon abstained. Commissioner Lorraine Cochran-Johnson opposed. The motion carried by the following vote:

Yes: 4 - Commissioner Jester, Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

No: 1 - Commissioner Cochran-Johnson

Abstain: 2 - Commissioner Rader, and Commissioner Gannon

- D4** [2019-4075](#) COMMISSION DISTRICT(S): 3 & 7
Application of Georgia General Snapfinger Dev c/o Battle Law to rezone property from R-100 (Residential Medium Lot-100) to MR-1 (Medium Density Residential-1) for a mixed residential development, at Kelley Chapel Road and Snapfinger Road.

Michelle Battle, One West Court Sq. Decatur, GA 30030, spoke in favor

John W. Frase, President Kings Row Subdivision, (no address), LaKeyshia Tucker, 4034 Shadowbrook Pl. Decatur, GA 30034, Aletha Richardson, 2542 Kelly Lake Dr. Decatur, GA 30032, Princetta Sumny, 2670 Kelly Chapel Rd. Decatur, GA 30034, spoke in opposition

MOTION was made by Larry Johnson, seconded by Mereda Davis Johnson, that this agenda item be to approve the Land Use Map for item 2019-4074, and to approve the substitute submitted from the floor for item 2019-4075 with 14 staff conditions, with an amendment to condition number 10 that no more than 10% of homes shall be rental units. Items 2019-4074 and 2019-4075 were heard together. Commissioners Jeff Rader and Kathie Gannon abstained. Commissioner Lorraine Cochran-Johnson opposed. The motion carried by the following vote:

Yes: 4 - Commissioner Jester, Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

No: 1 - Commissioner Cochran-Johnson

Abstain: 2 - Commissioner Rader, and Commissioner Gannon

- D5** [2019-4076](#) COMMISSION DISTRICT(S): 3 & 6
Application of Otto Tract No. 10, LLC c/o Battle Law to Amend The 2035 Future Land Use Plan Map from Neighborhood Center (NC) to Light Industrial (LIND), at 3101 Clifton Springs Road.

Otto Tract No. 10 LLC, One West Court Sq. Suite 750 Decatur, GA 30030, spoke in favor

Robert Weaver, 2589 Clifton Springs Rd. Decatur, GA 30034, spoke in opposition

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be withdrawn without prejudice. Items 2019-4076, 2019-4077, 2019-4078 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader,
Commissioner Johnson, Commissioner Gannon,
Commissioner Bradshaw, Commissioner Davis
Johnson, and Commissioner Cochran-Johnson

D6 [2019-4077](#) COMMISSION DISTRICT(S): 3 & 6
Application of Otto Tract No 10 c/o Battle Law to rezone property
from MU-4 (Mixed Use High Density) District to M (Light-Industrial)
District to develop a distribution warehouse within Tier 2 of the I- 20
Overlay District, at 3101 Clifton Springs Road.

*Otto Tract No. 10 LLC, One West Court Sq. Suite 750 Decatur, GA 30030, spoke
in favor*

*Robert Weaver, 2589 Clifton Springs Rd. Decatur, GA 30034, spoke in
opposition*

**MOTION was made by Larry Johnson, seconded by Kathie
Gannon, that this agenda item be withdrawn without prejudice.
Items 2019-4076, 2019-4077, 2019-4078 were heard together. The
motion carried by the following vote:**

Yes: 7 - Commissioner Jester, Commissioner Rader,
Commissioner Johnson, Commissioner Gannon,
Commissioner Bradshaw, Commissioner Davis
Johnson, and Commissioner Cochran-Johnson

D7 [2019-4078](#) COMMISSION DISTRICT(S): 3 & 6
Application of Otto Tract No. 10 LLC c/o Battle Law to rezone
property from MU-4 (Mixed Use High Density) District to MR-1
(Medium Density Residential-1) District within Tier 2 of the 1-20
Overlay District, at 3101 Clifton Springs Road.

*Otto Tract No. 10 LLC, One West Court Sq. Suite 750 Decatur, GA 30030, spoke
in favor*

*Robert Weaver, 2589 Clifton Springs Rd. Decatur, GA 30034, spoke in
opposition*

**MOTION was made by Larry Johnson, seconded by Kathie
Gannon, that this agenda item be withdrawn without prejudice.
Items 2019-4076, 2019-4077, 2019-4078 were heard together. The
motion carried by the following vote:**

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

D8 [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.
MOTION was made by Kathie Gannon, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for a full cycle, until January 28, 2020. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

D9 [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 scribes' errors.

Stephen M. Binney, 1083 Seville Dr. Clarkston, GA 30021, spoke in favor

MOTION was made by Kathie Gannon, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for a full cycle, until January 28, 2020. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- D10** [2019-4124](#) COMMISSION DISTRICT(S): ALL DISTRICTS
Application of the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance to add Film/Movie/Television Production Studios to the Use Table 4.1.
Aletha Richardson, 2542 Kelly Lake Dr. Decatur, GA 30032, Martha Gross, 2855 Briarcliff Rd. Atlanta, GA 30329, spoke in opposition
MOTION was made by Kathie Gannon, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for 30 days, until December 17, 2019 for Public Hearing. The motion carried by the following vote:
Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

New Cases

- N1** [2019-4355](#) COMMISSION DISTRICT(S): 3 & 6
Application of Epic XXXVII, LLC c/o Battle Law, PC to rezone property from R-75 (Residential Medium Lot) to R-60 (Residential Small Lot-60) (former request RSM) to allow development of 49 single-family detached homes at a density of 3.29 units per acre, at 2354 & 2378 Whites Mill Road; and 2570 Kelly Lake Road.
Michelle Battle, One West Court Sq. Suite 750 Decatur, GA 30030, Sarah Moore, 2831 Joyce Ave. Decatur, GA 30032, Justin Weston, 1747 Ellington St. Decatur, GA 30032, Adam Winnie, 2705 Oak Village Trace Decatur, GA 30032, spoke in favor

Gail Reeder, 2351 Whites Mill Rd. Decatur, GA 30032, Ken Kozma, 2599 Pautone Trace Decatur, GA 30032, Yvonne Jobe, 2441 LaFortune Rd. Decatur, GA 30032, Mihika Kozma, 2599 Pautone Trace Decatur, GA 30032, Willie Anthony, 2450 Fontaine Circle Decatur, GA 30032, Charlie Smith, 2632 Kelly Lake Rd. Decatur, GA 30032, spoke in opposition
MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be deferred for 30 days, until December 17, 2020 for Public Hearing. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader,
Commissioner Johnson, Commissioner Gannon,
Commissioner Bradshaw, Commissioner Davis
Johnson, and Commissioner Cochran-Johnson

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 Commissioner Nancy Jester and seconded by Commissioner Lorrain Cochran-Johnson to recess the November 19, 2019 Board of Commissioners Zoning meeting at 8:03 p.m. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson



Jeff Rader
Presiding Officer



Barbara Sanders-Norwood
County Clerk