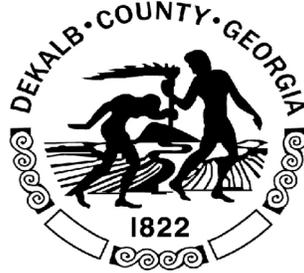


DeKalb County Government

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



Minutes

Tuesday, January 7, 2020

6:30 PM

Manuel J. Maloof Auditorium

Planning Commission

Chairperson Tess Snipes

Co-Chair Jon West

Member April Atkins

Member Jana Johnson

Member Gwendolyn McCoy

Member Vivian Moore

Member LaSonya Osler

Member Edward Patton

Member H. Paul Womack Jr.

Call To Order

Legal notice and posting of signs have been completed in accordance with requirements of the DeKalb County Zoning Ordinance.

The applications on this agenda have been presented to the Community Council. The Planning Department has prepared the required ordinances as well as the staff analysis, findings of facts, and recommendations for all applications that are before us. Each case on the agenda will proceed accordingly:

Announcement of the case by staff.

10 Minutes of testimony will be allocated for the applicant and those in support of the application.

10 Minutes of testimony will be allocated for the opponents.

Public testimony will then be closed and Planning Commission members will commence discussing the merits of the application with respect to the evaluation criteria, staff analysis and public testimony presented at this hearing. At this point, Planning Commissioners may ask questions of the staff, applicant or public for clarification of an issue.

The Planning Commission will then make a motion to adopt the findings of facts for the record as presented in the staff analysis, or as modified by the Planning Commission followed by a recommendation to the Board of Commissioners--Approval, Approval with Conditions, Denial, Deferral, or Withdrawal Without Prejudice.

If you wish to speak on an agenda item at this meeting, please fill out a speakers card (even if you are the applicant) and present it to the Clerk at the time of you presentation.

Present 9 - Member Edward Patton, Member Jana Johnson, Member Vivian Moore, Member LaSonya Osler, Vice Chair Jon West, Member Paul Womack Jr., Chairperson Tess Snipes, April Atkins, and Gwendolyn McCoy

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.
MOTION was made by Jon West, seconded by April Atkins that this agenda item be Approved with a modification to condition #2 to add the word "frontage" to the end of Harvest Drive; and an added condition #7 to read: "Applicant shall provide for relocation of bus stop during and after construction".
- This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:**
- Yes:** 8 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Atkins, and McCoy
- Abstain:** 1 - Chairperson Snipes
- 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.
MOTION was made by Jon West, seconded by Paul Womack Jr. that this agenda item be Approved, per Staff recommendation.
- This text amendment moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:**
- Yes:** 8 - Member Patton, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy
- Abstain:** 1 - Member Johnson
- 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.
MOTION was made by April Atkins, seconded by Paul Womack Jr. that this agenda item be Approved, per Staff recommendation.

This text amendment moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 8 - Member Patton, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy

Abstain: 1 - Member Johnson

- 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.
MOTION was made by Jon West, seconded by April Atkins that this agenda item be Approved, per Staff recommendation.

This text amendment moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy

- 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.
MOTION was made by Vivian Moore, seconded by Edward Patton that this agenda item be Deferred Full Cycle per Staff recommendation.

This text amendment moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy

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.

MOTION was made by Vivian Moore, seconded by Gwendolyn McCoy that this agenda item be Denied.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 8 - Member Patton, Member Johnson, Member Moore, Member Osler, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy

No: 1 - Vice Chair West

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.

MOTION was made by LaSonya Osler, seconded by Jon West, that this agenda item be Deferred Full Cycle, due to issues with building elevations, balconies and trees.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 6 - Member Johnson, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, and Atkins

No: 2 - Member Patton, and Member Womack Jr.

Abstain: 1 - McCoy

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.

MOTION was made by Gwendolyn McCoy, seconded by April Atkins that this agenda item be Approved with a modification to

condition #2 to state that there shall be a 30-minute gap between appointments; and, an added condition #8 to read: "No group therapy sessions at any time".

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 7 - Member Johnson, Member Moore, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy

No: 2 - Member Patton, and Member Osler

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.

MOTION was made by LaSonya Osler, seconded by Vivian Moore that this agenda item be Deferred Full Cycle, per Staff recommendation to consult with the Law Department on the legality of a crematorium next door to a religious facility.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 7 - Member Patton, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, and McCoy

No: 1 - Member Johnson

Abstain: 1 - Atkins

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.

MOTION was made by Vivian Moore, seconded by Jon West that this agenda item be Denied.

This application moves forward to the Board of Commissioners -

Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy

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.
MOTION was made by Vivian Moore, seconded by Jana Johnson that this agenda item be Approved with a modification to condition #6 (prohibited uses) to include check cashing.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy

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.
MOTION was made by Vivian Moore, seconded by Edward Patton, that this agenda item be Approved with Conditions, per Staff recommendation with two additional conditions: #2 - This application does not preclude variance applications; and #3 - No access to Glenhill Place.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy

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.

MOTION was made by April Atkins, seconded by Paul Womack Jr. that this agenda item be Withdrawn without Prejudice.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy

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.

MOTION was made by Gwendolyn McCoy, seconded by Paul Womack Jr. that this agenda item be Deferred to the Board of Commissioners with no recommendation.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy

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

MOTION was made by Gwendolyn McCoy, seconded by Vivian Moore that this agenda item be Deferred to the Board of Commissioners with no recommendation.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy

N11 [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.

MOTION was made by Gwendolyn McCoy, seconded by April Atkins that this agenda item be Deferred Full Cycle to review the traffic study.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 7 - Member Patton, Member Johnson, Member Moore, Vice Chair West, Member Womack Jr., Atkins, and McCoy

No: 2 - Member Osler, and Chairperson Snipes

N12 [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.

MOTION was made by Gwendolyn McCoy, seconded by April Atkins that this agenda item be Deferred Full Cycle.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 7 - Member Patton, Member Johnson, Member Moore, Vice Chair West, Member Womack Jr., Atkins, and McCoy

No: 2 - Member Osler, and Chairperson Snipes

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 27-3.41.6.A (Permitted Uses and Structures) of the Kensington-Memorial Drive Overlay District to allow automotive rental and leasing as a permitted use subject to certain standards. This applies to all properties within the Kensington Memorial Drive Overlay District.
MOTION was made by Jana Johnson, seconded by Paul Womack Jr., that this agenda item be Deferred for Two Full Cycles.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/28/2020. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy

New Business

[2019-4779](#) Commission District(s): All
 Small Box Discount Store Moratorium
MOTION was made by Paul Womack Jr., seconded by Jana Johnson, that this Moratorium agenda item be Extended for 90 days.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 1/14/2020. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, Atkins, and McCoy