

# DeKalb County Government

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



## Meeting Minutes

Tuesday, May 28, 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:** 6 - Commissioner Jeff Rader, Commissioner Larry Johnson, Commissioner Kathie Gannon, Commissioner Steve Bradshaw, Commissioner Mereda Davis Johnson and Commissioner Lorraine Cochran-Johnson

**Absent:** 1 - Commissioner Nancy Jester

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

**2019-3820** Reconvene

**MOTION was made by Kathie Gannon, seconded by Lorraine Cochran-Johnson, that this agenda item be approved to reconvene the March 28, 2019 Board of Commissioners Zoning Meeting. Commissioner Mereda Davis Johnson was out of the room and not voting. Commissioner Nancy Jester was absent from the meeting The motion carried by the following vote:**

**Yes:** 5 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson

**Absent:** 2 - Commissioner Jester, and Commissioner Davis 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, please complete a speaker card and present it when approaching the podium. If you have any documents for the Commissioners, please 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. When speaking, always talk directly into the microphone and begin by stating your name, address and the name of any organization you represent. Abusive, profane or derogatory language will not be permitted. Holding up signs, clapping and yelling to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing will be permitted to show support for or opposition to a speaker's position.

## Deferred Cases

- D1**     [2019-3209](#)     COMMISSION DISTRICT(S): 5 & 7  
Application of Rose C. Evans to amend the Future Land Use Plan Map from Suburban (SUB) to Light Industrial (LIND) to develop a parking lot for a trucking company and utilize the existing residential structure on the site as office space, at 1422 & 1450 Rock Chapel Road.  
*Michelle L. Battle, One West Court Sq. Suite 750 Decatur, GA 30030, Jim Parkman, 1362 Rock Chapel Rd. Lithonia, GA 30058, spoke in favor*  
**MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for a Full Cycle, until July 23, 2019. Items 2019-3209 and 2019-3210 were heard together. Commissioner Nancy Jester was absent from the meeting. The motion carried by the following vote:**
- Yes:**             6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson
- Absent:**          1 - Commissioner Jester

- D2**     [2019-3210](#)     COMMISSION DISTRICT(S): 5 & 7  
Application of Rose C. Evans to rezone property from R-100 (Single-Family) District to C-1 (Local Commercial) District to develop a contractor's office with truck parking, at 1422 & 1450 Rock Chapel Road.

*Michelle L. Battle, One West Court Sq. Suite 750 Decatur, GA 30030, Jim Parkman, 1362 Rock Chapel Rd. Lithonia, GA 30058, spoke in favor*

**MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for a Full Cycle, until July 23, 2019. Items 2019-3209 and 2019-3210 were heard together. Commissioner Nancy Jester was absent from the meeting. The motion carried by the following vote:**

**Yes:**                    6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

**Absent:**                1 - Commissioner Jester

- D3**     [2019-3216](#)     COMMISSION DISTRICT(S): 5 & 7  
Application of Rocklyn Homes, Inc. c/o Battle Law, P.C. to rezone property from C-1 (Local Commercial) to MR-1 (Medium Density Residential - 1) for 124 single-family attached townhome units at a density of 8.4 units per acre, at 2387 Wellborn Rd.

*Michelle L. Battle, One West Court Sq. Suite 750 Decatur, GA 30030, Jan Costello, 1813 S. Hidden Hills Pkwy Stone Mountain, GA 30088, Johnnie M. Washington, 2343 Rolling Trail. Lithonia, GA 30058, spoke in favor*

*Toi Hines, 3019 Sherbourne Cove Lithonia, GA 30058, Cheryl Thompson, 2256 Wind Rose Court Lithonia, GA 30058, Gerald Banks, 2284 Cherokee Valley Cir. Lithonia, GA 30058, spoke in opposition*

**MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be to approve the substitute submitted from the floor with a revised site plan and 9 conditions dated May 28, 2019. Commissioner Nancy Jester was absent from the meeting. The motion carried by the following vote:**

**Yes:** 6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

**Absent:** 1 - Commissioner Jester

## New Cases

**N1**     [2019-3526](#)     COMMISSION DISTRICT(S): 2 & 6  
Application of Toll Bros., Inc. c/o Morris, Manning and Martin, LLP to rezone property from R-85 (Residential Medium Lot) District to HR-2 (High Density Residential-2) District to develop a student housing development consisting of 202 apartment units on 3.38 acres at a density of 60 units per acre, at 957, 961, 953, 949, 946, 948, 9552, 956 and 960 Milledge Place.

*Carl Westmoreland, 3343 Peachtree Rd. Atlanta, GA 30326, spoke in favor*

*Karen Hernacki, 1141 Biltmore Dr. NE Atlanta, GA 30329, Martha Pacini, 958 Castle Falls Drive NE Atlanta, GA 30329, Mary Hinkel, 1718 Mason Mill Rd. NE Atlanta, GA 30329, Thomas Woodward, 1308 Brook Forest Dr. NE Atlanta, GA 30324, Louis Myer, 1082 Briar Vista Terrace Atlanta, GA 30324, spoke in opposition*

**MOTION was made by Jeff Rader, seconded by Kathie Gannon, that this agenda item be deferred for 2 weeks, until June 11, 2019 for Decision Only. Commissioner Nancy Jester was absent from the meeting. The motion carried by the following vote:**

**Yes:** 6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

**Absent:** 1 - Commissioner Jester

- N2      [2019-3527](#)      COMMISSION DISTRICT(S): 2 & 6  
Application of Dellanney Maxwell Snyder to request a Special Land Use Permit (SLUP) to allow a home occupation with customer contact (Personal Training) in an R-85 (Residential Medium Lot District, at 1384 Brook Forest Drive.

*Dellaney Snyder, 1384 Brook Forest Dr. Atlanta, GA 30324, spoke in favor*

**MOTION was made by Kathie Gannon, seconded by Jeff Rader, that this agenda item be approved with 8 staff conditions. Commissioner Nancy Jester was absent from the meeting. The motion carried by the following vote:**

**Yes:**                    6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

**Absent:**                1 - Commissioner Jester

- N3      [2019-3528](#)      COMMISSION DISTRICTS: 3 & 6  
Application of Duke Land Group, LLC for a modification of zoning conditions in an RSM (Small Lot Residential Mix) District related to the mix of uses approved pursuant to CZ-02081, at 2200 Flat Shoals Road.

*Ellen W. Smith, 1180 Peachtree St. NE Atlanta, GA 30309, spoke in favor*

**MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be approved with 10 revised staff conditions submitted by Commissioners Larry Johnson and Kathie Gannon. Commissioner Nancy Jester was absent from the meeting. The motion carried by the following vote:**

**Yes:**                    6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

**Absent:**                1 - Commissioner Jester

- N4      [2019-3529](#)      COMMISSION DISTRICT(S): 3 & 6  
Application of Erica Stewart for a Special Land Use Permit to operate a 24-hour in-home day care facility for up to six children in an RSM (Small Lot Residential Mix) District, at 2902 Cedar Trace Drive.

*Erica Stewart, 2902 Cedar Trace Drive Ellenwood, GA 30294, spoke in favor*

**MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be to defer the substitute submitted from the floor, until June 11, 2019 for Decision Only.**

**Commissioner Nancy Jester was absent from the meeting. The motion carried by the following vote:**

**Yes:**                    6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

**Absent:**                1 - Commissioner Jester

- N5      [2019-3531](#)      COMMISSION DISTRICT(S): 3 & 6  
Application of J Alexander Brock to rezone property from R-75 (Residential Medium Lot) District to MR-1 (Medium Density Residential-1) District to allow the construction of 13 thirteen single-family attached townhomes, at 1936 Glenwood Avenue.

*Alex Brock, 1230 Peachtree St. Atlanta, GA 30309, spoke in favor*

*Anthony Smith, 395 S. Howard St. SE Atlanta, GA 30317, Dexter Webster, 439 S. Howard St. Atlanta, GA 30317, spoke in opposition*

**MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be to defer the substitute submitted from the floor with revised conditions submitted by**

**Commissioners Larry Johnson and Kathie Gannon, until June 11, 2019 for Decision Only. Commissioner Nancy Jester was absent from the meeting. The motion carried by the following vote:**

**Yes:**                    6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

**Absent:**                1 - Commissioner Jester

- N6**     [2019-3532](#)     COMMISSION DISTRICT(S): 2 & 6  
Application of Greg Ramsey to rezone property from R-100 (Residential-Medium Lot-100) to RSM (Small Lot Residential Mix) to develop 21 urban single-family detached dwelling units, at 3398 Briarcliff Road.

*Greg Ramsey, 137 Ponce De Leon Ct. Decatur, GA 30030, Dennis McConnell, 2366 Grey Lock Pl. Decatur, GA 30030, Randy Roosa, 2093 Imperial Dr. Atlanta, GA 30345, Gunter Sharp, 2209 Street Deville Atlanta, GA 30345, Jim Durrett, 2028 Continental Dr. Atlanta, GA 30345, James Attwood, 2230 Lebaron Drive Atlanta, GA 30345, Callie Pendergrast, 2418 Lively Trail Atlanta, GA 30345, Barbara Vargas, 1856 Chrysler Drive Atlanta, GA 30345, Aaron Uddin, 1903 Branch Bend NE Atlanta, GA 30345, Kirk Risley, 2107 Imperial Dr. Atlanta, GA 30345, spoke in favor*

*Matt Hutt, 1961 Continental Drive Atlanta, GA 30345, spoke in opposition*

**MOTION was made by Jeff Rader, seconded by Kathie Gannon, that this agenda item be to approve the substitute submitted from the floor with revised conditions dated May 22, 2019, and a friendly amendment by Commissioner Kathie Gannon to condition #9 that sponsored members have participation in the distribution of the products in the Urban Garden. Commissioner Nancy Jester was absent from the meeting. The motion carried by the following vote:**

**Yes:**                    6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

**Absent:**                1 - Commissioner Jester



- N7      [2019-3556](#)      COMMISSION DISTRICT(S): 4 & 7  
Application of Phillip Witherington to rezone property from R-100 (Residential Medium Lot) to NS (Neighborhood Shopping) District to develop general commercial uses within a 5,000 square foot retail shopping plaza at 425, 433, and 441 North Deshon Road.

*Lance Hammonds, 6933 Waters Edge Dr. Stone Mountain, GA 30087, Laura Walker, 448 Summit View Place Stone Mountain, GA 30087, Maude D. King, 519 Breakwater Terrace Stone Mountain, GA, Melvin Preston, 331 Beechwood Lane Stone Mountain, GA 30087, Joetta Preston, 331 Beechwood Lane Stone Mountain, GA 30087, Clarenton Crawford, 6978 Glen Cove Ln. Stone Mountain, GA 30087, Alexis Jackson, 7327 Tidewater Trace Stone Mountain, GA 30087, spoke in opposition*

**MOTION was made by Steve Bradshaw, seconded by Lorraine Cochran-Johnson, that this agenda item be denied. Commissioner Nancy Jester was absent from the meeting. The motion carried by the following vote:**

**Yes:**                    6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

**Absent:**                1 - Commissioner Jester

- N8      [2019-3557](#)      COMMISSION DISTRICT(S): ALL  
Application by the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Table 4.1 and Article 4.2.23 Drive-through facilities to allow a drive through facility, for a use other than a restaurant, to be allowed in the C-1 (Local Commercial) and C-2 (Commercial) districts.

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

**MOTION was made by Kathie Gannon, seconded by Larry Johnson, that this agenda item be deferred for a Full Cycle, until July 23, 2019. Commissioner Nancy Jester was absent from the meeting. The motion carried by the following vote:**

**Yes:**                    6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

**Absent:**                1 - Commissioner Jester

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

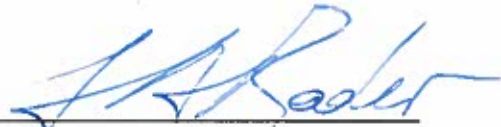
DeKalb County Government does not discriminate against qualified individuals with disabilities or exclude them from participating in or receiving benefits of its services, programs, or activities, based on disability. Janet Essix, DeKalb County Government's Employee Relations Manager and ADA Coordinator, 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 Larry Johnson and seconded by Commissioner Mereda Davis Johnson to adjourn the May 28, 2019 Board of Commissioners Zoning meeting at 9:20 p.m. Commissioner Nancy Jester was absent from the meeting. The motion carried by the following vote:

**Yes:** 6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

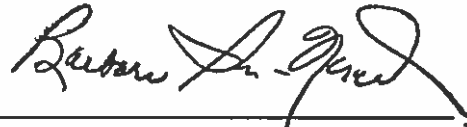
**Absent:** 1 - Commissioner Jester



Jeff Rader  
Presiding Officer



Michael Thurmond  
Chief Executive Officer



Barbara Sanders-Norwood  
County Clerk