

DeKalb County Government

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



Meeting Minutes

Tuesday, March 26, 2019

6:30 PM

Manual Maloof Building

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, Deputy County Attorney

2019-3524 Reconvene

MOTION was made by Kathie Gannon, seconded by Mereda Davis Johnson, that this agenda item be approved to reconvene the March 26, 2019 Board of Commissioners Zoning Meeting. Commissioner Nancy Jester was absent from the meeting. Commissioner Larry Johnson was out of the room and not voting. The motion carried by the following hand vote:

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

Absent: 2 - Commissioner Jester, and Commissioner 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** [2018-3071](#) COMMISSION DISTRICT(S): 5 & 7
Application of Sam and Kimberly A. Underdue for a Special Land Use Permit for a Child Caring Institution (CCI) for up to six children in an R-100 (Residential Medium Lot - 100) district, at 3903 Snapfinger Road.

Kimberly Underdue, 5100 Lost Dutchman Dr. Lithonia, GA 30038, spoke in favor

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with 1 staff condition. 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** [2018-3074](#) COMMISSION DISTRICT(S): 4 & 6
Application of Ralston George to rezone property from R-75 (Residential Medium Lot) District to MU-1 (Mixed-Use Low Density) District to develop 60 attached townhome units and approximately 40,000 square feet of retail development, at 3780, 3770, 3764, 3762 & 3756 Covington Highway.

Davita Camp, 5206 Denmeade Dr. Atlanta, GA 30345, Iris Darden, 3496 Turner Heights Dr. Decatur, GA 30032, Mr. Jamal Matthew, 3252 Covington Dr. Decatur, GA 30032, spoke in favor

Derik Rinehart, 3588 Dove Valley Way Decatur, GA 30032, Thaddeus Moore, 985 Porter Rd. Decatur, GA 30032, spoke in opposition

MOTION was made by Steve Bradshaw, seconded by Kathie Gannon, that this agenda item be deferred for 30 days, until April 23, 2019 for Public Hearing. 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 [2018-3075](#) COMMISSION DISTRICT(S): 5 & 7
Application of Leslie Bortier to rezone property from R-85 (Residential Medium Lot) District to the R-60 (Residential Small Lot) District to develop 25 single-family detached residences, at 1746 Pleasant Hill Road.

Leslie Oka Bortier, 1746 Pleasant Hill Trail Lithonia, GA 30058, Larry Nicholas, 5295 Country Lake Ct. Lilburn, GA 30047, spoke in favor

Gina Mangham, 8179 Pleasanthill Road Lithonia, GA 30058, Pollie Tolson, 1741 Mossy Rock Cove Lithonia, Ga 30058, Michael Harris, 2555 Pleasant Hill Trail Lithonia, GA 30058, Dan DeBardelaben, 7710 Stone Meadow Trail Lithonia, GA 30058, Howard J. Clark, 1722 Indian Wood Rd. Lithonia, GA 30058, Robert L. Baily, 1707 Limestone Ter. Lithonia, GA 30058, spoke in opposition

MOTION was made by Mereda Davis Johnson, 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

New Cases

- N1** [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 Battle, One West Court Sq. Suite 750 Decatur, GA 30030, 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 May 28, 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

- N2** [2019-3210](#) COMMISSION DISTRICT(S): 5 & 7
Application of Rose C. Evans to rezone property from R-100 (Single-Family) District to M (Light Industrial) District 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 Battle, One West Court Sq. Suite 750 Decatur, GA 30030, 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 May 28, 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

- N3** [2019-3211](#) COMMISSION DISTRICT(S): 2 & 6
Application of J. F. Slade for a Special Land Use Permit (SLUP) in an R-60 (Residential Small Lot-60) District pursuant to zoning conditions CZ-88220 to operate an in-home occupation with customer contact for a medical practice, at 1135 Chantilly Crescent.

Kevin Koushel, 2800 Century Pkwy, Ste. 275 Atlanta, GA, Abb Jones, 1092 Chantilly Crescent Atlanta, GA 30324, Doug Henderson, 1125 Chantilly Crescent Atlanta, GA 30324, Michael Brookshire, 1063 Sheridan Park NE Atlanta, GA 30324, Chris L. Hayne, 1110 Chantilly Crescent Atlanta, GA 30324, spoke in opposition

MOTION was made by Jeff Rader, seconded by Kathie Gannon, 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

- N4** [2019-3212](#) COMMISSION DISTRICT(S): 5 & 7
Application of Bradford Rudolph to rezone property from R-100 (Residential Medium Lot) District to RE (Residential Estate) District to operate as an abattoir for meat processing in accessory buildings in the extreme rear yard of the single-family residence, at 1676 Rice Road.

Bradford Rudolph, 1676 Rice Rd. Lithonia, GA 30058, spoke in favor

Linda Rice, 975 Rowland Rd. Stone Mountain, GA 30083, Steven Harris, 1838 Rice Rd. Lithonia, GA 30058, Jan Costello, 1813 S. Hidden Hills Pkwy Stone Mountain, GA 30088, David Brown, 1639 Rice Rd. Lithonia, GA 30058, K. Young Walker, 437 Mountain Park Trail Stone Mountain, GA 30087, Joscelyn O'Neil, 3711 Larkspur Terrace Decatur, GA 30032, spoke in opposition

MOTION was made by Mereda Davis Johnson, 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

N5 [2019-3213](#)

COMMISSION DISTRICT(S): 5 & 7

Application of AIA Ambling Grove, LLC to rezone property from MU-4 (Mixed-Use High Density) to MR-2 (Medium Density Residential-2) for a 120-unit single-family attached townhome development at a density of 11 units per acre, at 3085 Lexington Terrace.

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

Joscelyn O'Neil, 3711 Larkspur Ter. Decatur, GA 30032, spoke in opposition

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with 1 staff condition, the recommendation of the Planning Commission that there be a mandatory HOA, and the recommendation of the Community Council to sell the townhomes instead of renting them. 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 [2019-3214](#)

COMMISSION DISTRICT(S): 5 & 7

Application of Claudette Lawrence to request a Special Land Use Permit (SLUP) in an R-85 (Residential Medium Lot) District to operate an adult day care facility for up to six people within an existing single-family residence, at 1794 Nicole Lane.

Claudette Lawrence, 4261 Lake Breeze Drive Stone Mountain, GA 30083, spoke in favor

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with 4 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

N7 [2019-3330](#) COMMISSION DISTRICT(S): 3 & 6
Application of the Director of Planning & Sustainability Department for ATKM LLC to amend the Future Land Use Map from SUB (Suburban) to CRC (Commercial-Redevelopment-Corridor) for the development of 24 single-family attached townhome units and 6 single-family detached units, at 2602 E. Tupelo Street.

J. Alexander Brook, Smith Gambrell & Russell, 1230 Peachtree St. Atlanta, GA (no zipcode), Atticus LeBlanc, 1401 Conway Rd. Decatur, GA 30030, Rebecca Stovall, 1222 Carter Rd. Decatur, GA 30030, Chris DePree, 1491 Woodfern Dr. Decatur, GA 30030, spoke in favor

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be approved. Items 2019-3330 and 2019-3215 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

- N8** [2019-3215](#) COMMISSION DISTRICT(S): 3 & 6
Application of ATKM Memorial, LLC c/o J. Alexander Brock to rezone property from R-75 (Residential Medium Lot - 75) to MR-2 (Medium Density Residential-2) for development of 24 single-family attached townhome units and six single-family detached units at a density of 5.54 units per acre, at 2602 E. Tupelo St.

J. Alexander Brook, Smith Gambrell & Russell, 1230 Peachtree St. Atlanta, GA (no zipcode), Atticus LeBlanc, 1401 Conway Rd. Decatur, GA 30030, Rebecca Stovall, 1222 Carter Rd. Decatur, GA 30030, Chris DePree, 1491 Woodfern Dr. Decatur, GA 30030, spoke in favor

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be approved with 6 conditions submitted by Commissioners Larry Johnson and Kathie Gannon. Items 2019-3330 and 2019-3215 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

- N9** [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 Battle, One West Court Sq. Suite 750 Decatur, GA 30030, spoke in favor

Regina L. Bryant, 3022 Sherbourne Cove Lithonia, GA 30058, Miranda Y. Chesnut, 5868 Wellborn Trace Lithonia, GA 30058, Gerry Robinson, 2268 Hunters Ct. Lithonia, GA 30058, Brinca McMickens, 5862 Old Wellborn Trace Lithonia, GA 30058, spoke in opposition

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for a full cycle, until 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

N10 [2019-3217](#)

COMMISSION DISTRICT(S): 1 & 7

Application of Mercer Lofts Atlanta, LLC c/o Battle Law, P.C. for a Special Land Use Permit to increase building height from 2 to 5 stories for student apartments above retail uses for Mercer University in an Office-Institutional (O-I) District outside an Activity Center Land Use Designation, at 2891 Mercer University Dr. & 2930 Flowers Rd.

Michelle Battle, One West Court Sq. Suite 750 Decatur, GA 30030, spoke in favor

MOTION was made by Lorraine Cochran-Johnson, seconded by Larry Johnson, that this agenda item be approved with 1 staff condition. 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

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 Lorraine Cochran-Johnson and seconded by Commissioner Larry Johnson to adjourn the March 26, 2019 Board of Commissioners Zoning meeting at 9:00 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



Barbara Sanders-Norwood
County Clerk