

DeKalb County Government

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



Minutes

Tuesday, March 3, 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 speaker's card (even if you are the applicant) and present it to the Clerk at the time of your presentation.

Roll Call

Present 8 - Member Edward Patton, Member Jana Johnson, Member Vivian Moore, Member LaSonya Osler, Vice Chair Jon West, Member Paul Womack Jr., Chairperson Tess Snipes, and Member Gwendolyn McCoy

Not Present 1 - Member April Atkins

Deferred Cases

- D1** [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 R-60 (Residential Small Lot - 60) for a 25-unit single-family residential development at a density of 5.07 units per acre, at 2061 & 2067 Windyhill Road.
MOTION was made by Jon West, seconded by Jana Johnson, that this agenda item be Denied. This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 3/24/2020. The motion carried by the following vote:
- Yes:** 7 - Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, and Member McCoy
- Abstain:** 1 - Member Patton
- Not Present:** 1 - Member Atkins
- D2** [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 Vivian Moore, that this agenda item be Approved with Staff's conditions. This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 3/24/2020. The motion carried by the following vote:
- Yes:** 8 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Member Womack Jr., Chairperson Snipes, and Member McCoy
- Not Present:** 1 - Member Atkins
- D3** [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 Approved with Staff's conditions. This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 3/24/2020. The motion carried by the following vote:

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

Not Present: 1 - Member Atkins

D4 [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. of the Kensington-Memorial Drive Overlay District to allow automotive rental and leasing as a permitted use subject to certain standards and to rename the overlay district. This applies to all properties within the Kensington Memorial Drive Overlay District.
The 1st motion failed: G. McCoy moved, J. Johnson seconded for Denial. The motion failed 3-5-0.

FINAL MOTION was made by Vivian Moore, seconded by Paul Womack Jr., for Approval to allow auto rentals/leasing in this Tier, per Staff recommendation.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 3/24/2020. The motion carried by the following vote:

Yes: 5 - Member Patton, Member Moore, Member Osler, Vice Chair West, and Member Womack Jr.

No: 3 - Member Johnson, Chairperson Snipes, and Member McCoy

Not Present: 1 - Member Atkins

New Cases

N1 [2020-0082](#) COMMISSION DISTRICT(S): 2 & 6
 Application of Sharon A. Sandinoff for a Special Land Use permit (SLUP) to allow a home occupation (cosmetology studio/ hair salon) in an R-85 (Residential Medium Lot) District at 1737 Reindeer Drive.
MOTION was made by Paul Womack Jr., seconded by LaSonya Osler, that this agenda item be Approved with modified

conditions to read as follows: Condition #2: Start time of 7:30 a.m. on Thursdays and close time of "90 minutes after sunset" on Saturdays, no later than 9:00 p.m.

The Board also asked for a clearer definition of the operation times to be defined before the BOC.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 3/24/2020. The motion carried by the following vote:

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

Abstain: 1 - Member Moore

Not Present: 1 - Member Atkins

N2 [2020-0083](#) COMMISSION DISTRICT(S): 5 & 7
 Application of Sudhir Tejpaul to rezone property in the Kensington-Memorial Overlay District from MU-4 (Mixed Use-4) to HR-1 (High-Density Residential-1) for a multifamily residential building, at 1221 & 4220 S. Indian Creek Place.

MOTION was made by Gwendolyn McCoy, seconded by Jon West, that this agenda item be Deferred, Full Cycle to allow the applicant to submit a more detailed site plan. The Board was concerned that there was no "true" rendering of what was being proposed.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 3/24/2020. The motion carried by the following vote:

Yes: 6 - Member Patton, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, and Member McCoy

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

Not Present: 1 - Member Atkins

N3 [2020-0084](#) COMMISSION DISTRICT(S): 5 & 7
 Application of Senior Design Group LLC c/o Battle Law PC to rezone property from R-100 (Residential Medium Lot) District to RSM (Small Lot Residential Mix) District to develop a mixed residential community

consisting of both single-family detached and attached units, at 1705 Panola Road.

Three motions failed:

1st Motion: G. McCoy moved, J. West seconded for a Full Cycle Deferral to allow the applicant to submit a new site plan. The motion failed 3-5-0.

2nd Motion: E. Patton moved, P. Womack, Jr. seconded for Approval with Staff's modified conditions as follows: Condition #7 - Rental cap shall be 35%; and, condition #10 - replace stucco with hardi-plank. The motion failed 2-6-0.

3rd Motion: J. Johnson moved, P. Womack, Jr. seconded for Approval with Staff's modified condition as follows: - Condition #7 - Rental cap shall be 25%. The motion failed 4-4-0.

Therefore, this application moves forward with No recommendation to the Board of Commissioners - Zoning Meeting, due back on 3/24/2020.

N4 [2020-0085](#)

COMMISSION DISTRICT(S): 4 & 6

Application of Noonan Enterprises for a Major Modification of zoning conditions pursuant to CZ-16-20628 to allow construction of a health services clinic in an OI (Office-Institutional) district, at 4038 Rockbridge Road.

MOTION was made by LaSonya Osler, seconded by Gwendolyn McCoy, that this agenda item be Approved with Staff's conditions, with a modification to condition #13 to read as follows: "Outside amplification prohibited, except for health fair events."

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 3/24/2020. The motion carried by the following vote:

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

Not Present: 1 - Member Atkins

N5 [2020-0086](#)

COMMISSION DISTRICT(S): 3 & 6

Application of Eden Rock Moreland, LLC for a Special Land Use

Permit (SLUP) for a proposed drive-through restaurant in a C-2 (General Commercial) District, at 1250 Moreland Avenue.

MOTION was made by Vivian Moore, seconded by Edward Patton, that this agenda item be Approved with modified conditions as follows: Remove condition #3; and, with a modification to condition #2 to replace the words "stream buffer" with "flood plain".

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 3/24/2020. The motion carried by the following vote:

to the Board of Commissioners - Zoning Meeting, due back on 3/24/2020. The motion carried by the following vote:

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

Not Present: 1 - Member Atkins

N6 [2020-0087](#) COMMISSION DISTRICT(S): 4 & 6
 Application of Core Development Group, LLC c/o Battle Law, P.C. to rezone property from R-75 (Residential Medium Lot - 75) to RSM (Residential Small Lot Mix) to develop a 70-unit luxury townhome community, at 879 & 894 Porter Road.

MOTION was made by LaSonya Osler, seconded by Paul Womack Jr., that this agenda item be Approved with Staff's conditions.

This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 3/24/2020. The motion carried by the following vote:

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

Abstain: 1 - Member Moore

Not Present: 1 - Member Atkins