

DeKalb County Government

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



Minutes

Tuesday, July 11, 2023

6:00 PM

via Zoom

Planning Commission

Chairperson Tess Snipes

Vice Chair Jon West

Member Deanna Murphy (Dist. 1)

Member April Atkins (Dist. 2)

Member Vivian Moore (Dist. 3)

Member LaSonya Osler (Dist. 4)

Member Jan Costello (Dist. 5)

Member Jana Johnson (Dist. 6)

Member Edward Patton (Dist. 7)

Call To Order

The DeKalb County Planning Commission will hold its online zoning meeting on Tuesday, July 11, 2023 at 6:00 p.m. This meeting will be conducted via teleconference (Zoom).

The public is invited to Join from PC, Mac, Linux, iOS or Android:

Join from PC, Mac, Linux, iOS or Android: <https://dekalbcountyga.zoom.us/s/86330344636>

Or Telephone Dial: USA 8882709936 (US Toll Free) Conference code: 691303

For those joining the meeting by telephone, please be aware that your phone number may be displayed to the public viewing or participating in the online meeting.

The Board will provide 10 minutes of time for citizens to speak in favor of an agenda item, and 10 minutes for citizens to speak in opposition. Citizens who attend the meeting via the Zoom link above may join the public comment queue by raising their hand in the Zoom application, while citizens who attend the meeting via telephone may join the comment queue by pressing # and the number 2. There will be no comment cards, so when you are called upon, please state your name and address for the record. Also, please be conscious of speaking time so that everyone has an opportunity to provide input in the allotted time.

Citizens may also email documents for inclusion into the official record by submitting such materials no later than 3 business days prior to the hearing date to plansustain@dekalbcountyga.gov

Roll Call

Present 9 - Member Edward Patton, Member Jana Johnson, Member Jan Costello, Member Vivian Moore, Member LaSonya Osler, Vice Chair Jon West, Chairperson Tess Snipes, Member April Atkins, and Member Deanna Murphy

Legal noticing and posting of signs have been completed in accordance with requirements of the DeKalb County Zoning Ordinance. The items on this agenda were presented at Community Council review meetings last month. The Planning Department has prepared the required ordinances as well as the staff analysis, findings of facts, and recommendations for all applications that are on tonight's agenda. 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.

Cases on tonight's agenda will be heard at a public hearing before the Board of Commissioners on Thursday, July 27, 2023 @ 5:30 p.m., in-person (this is not a Zoom meeting) at the Manuel Maloof Auditorium, 1300 Commerce Drive, Decatur, Georgia 30030, and via the County website.

Deferred Cases

- D1** [2023-0072](#) COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Bimor, LLC c/o Battle Law, P.C. to request a Major Modification to zoning conditions pursuant to CZ-00043 to allow the construction of eight (8) single-family attached townhomes in the RSM (Residential Small Lot) zoning district, at 7006 Covington Highway.
MOTION was made by Jon West, seconded by Edward Patton that this agenda item be Approved with conditions per Staff recommendation, with a modification to condition #7 to require fencing on the north & west sides of the property addressed in this application. There was an added condition that requires a reasonable percentage of fenestration of the end units, #1 and #7. The requested number of units was amended from 8 units to 7 units.

This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:

Yes: 8 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Member Atkins, and Member Murphy

Abstain: 1 - Chairperson Snipes

New Cases

N1 [2023-0583](#) COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of ArcOne Construction Company c/o Battle Law, P.C. to rezone property from R-75 (Residential Medium Lot-75) zoning district to R-60 (Residential Small Lot-60) zoning district to allow for the construction of four (4) single-family detached homes, at 1481 LaVista Road.

MOTION was made by April Atkins, seconded by Jon West that this agenda item be Deferred, Two-Full Cycles to the November 2023 zoning agenda.

This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

N2 [2023-0584](#) COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of Women Inspiring and Networking c/o Cartesha Cox to allow a Child Care Institution (CCI) for 4 to 6 individuals in the R-75 (Residential Medium Lot-75) zoning district, at 1890 Wee Kirk Road.

MOTION was made by Vivian Moore, seconded by LaSonya Osler that this agenda item be Approved with three (3) conditions, per Staff recommendation.

This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

- N3** [2023-0585](#) COMMISSION DISTRICT(S): Commission District 03 Super District 07
Application of Devon Hudson to rezone property from NS (Neighborhood Shopping) zoning district to MU-1 (Mixed Use) zoning district to allow for a mixed-use building with live/work and retail/restaurant uses, at 4750 Flat Shoals Parkway.
MOTION was made by Vivian Moore, seconded by Edward Patton that this agenda item be Deferred, Two-Full Cycles to the November 2023 zoning agenda.
- This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:**
- Yes:** 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy
- N4** [2023-0586](#) COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of Leslie Ellsworth for a Special Land Use Permit (SLUP) to expand an existing private school, at 2998, 3038, 2982 and 2974 LaVista Road; and, 1539 & 1529 LaVista Drive.
MOTION was made by April Atkins, seconded by Deanna Murphy that this agenda item be Approved with one (1) condition, per Staff recommendation. Commissioner Costello also wanted to include for the record her suggestion that drop off/pick up times be staggered.
- This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:**
- Yes:** 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy
- N5** [2023-0587](#) COMMISSION DISTRICT(S): Commission District 03 Super District 07
Application of The Housing Development Corporation for a Special Land Use Permit (SLUP) to allow for a Senior Housing Development, which will be comprised of a 3-story multi-family building and detached cottages within the R-75 (Residential Medium Lot-75) zoning district,

at 3401 Rainbow Drive.

MOTION was made by Vivian Moore, seconded by LaSonya Osler that this agenda item be Withdrawn without Prejudice, per the Applicant's request and Staff recommendation.

This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

N6 [2023-0588](#) COMMISSION DISTRICT(S): Commission District 04 Super District 06
 Application of Marion Cato for a Special Land Use Permit (Special Land Use Permit) in the R-85 (Residential Medium Lot-85) zoning district to allow a Child Care Institution (CCI) for 4 to 6 individuals, at 928 Fairwind Court.

MOTION was made by LaSonya Osler, seconded by Vivian Moore that this agenda item be Denied.

This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

N7 [2023-0589](#) COMMISSION DISTRICT(S): Commission District 01 Super District 07
 Application of Smith Gambrell and Russell requesting to rezone the properties located at 3355, 3375, and 3395 Northeast Expressway from OI (Office Institutional) zoning district to HR-3 (High Density Residential) zoning district in order to remove the existing buildings and redevelop the property for multi-family buildings, at 3355, 3375 and 3395 Northeast Expressway.

MOTION was made by Jon West, seconded by Deanna Murphy that this agenda item be Deferred, Two-Full Cycles to the November 2023 zoning agenda.

This application moves forward to the Board of Commissioners -

Zoning Meeting on 7/27/2023. The motion carried by the following vote:

Yes: 8 - Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

Abstain: 1 - Member Patton

N8 [2023-0590](#) COMMISSION DISTRICT(S): Commission District 03 Super District 06
 Application of Glen Wylie c/o Battle Law, P.C. for a Major Modification of zoning conditions pursuant to CZ-19-1243269 to amend an approved site plan with a new parking lot that is closer to the property line, within Tier 2 of the I-20 Overlay and M (Light Industrial) zoning district, at 3070 Clifton Springs Road.

MOTION was made by Jon West, seconded by Vivian Moore that this agenda item be Approved with four (4) conditions, per Staff recommendation.

This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

N9 [2023-0591](#) COMMISSION DISTRICT(S): Commission District 05 Super District 07
 Application of Joshua Mahoney for a Special Land Use Permit (SLUP) to allow for a Child Care Institution (CCI) for 4 to 6 individuals in the R-100 (Residential Medium Lot-100) zoning district, at 1193 Sherrington Drive.

MOTION was made by Jan Costello, seconded by LaSonya Osler that this agenda item be Approved with three (3) conditions per staff recommendation, with a modification of condition #2 to extend the expiration date to the year 2027.

This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:

Yes: 7 - Member Johnson, Member Costello, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

No: 2 - Member Patton, and Member Moore

N10 [2023-0592](#) COMMISSION DISTRICT(S): Commission District 05 Super District 07
 Application of Smith, Gambrell, and Russell, LLP requesting to rezone from RSM (Residential Small Mix) zoning district to C-1 (Local Commercial) zoning district to allow for a retail commercial development, at 5646 and 5650 Covington Highway.
MOTION was made by Jan Costello, seconded by Edward Patton that this agenda item be Deferred, Three-Full Cycles to the January 2024 zoning agenda.

This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

N11 [2023-0593](#) COMMISSION DISTRICT(S): Commission District 05 Super District 07
 Application of Smith, Gambrell, and Russell, LLP requesting a Special Land Use Permit (SLUP) to allow alcohol sales within a retail commercial development in a C-1 (Local Commercial) zoning district and the Greater Hidden Hills Tier I Overlay District, at 5646 and 5650 Covington Highway.
MOTION was made by Jan Costello, seconded by Jana Johnson that this agenda item be Deferred, Three-Full Cycles to the January 2024 zoning agenda.

This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

N12 [2023-0594](#) COMMISSION DISTRICT(S): Commission District 05 Super District

07

Application of Elizabeth D. Scott requesting to rezone a property from R-75 (Residential Medium Lot-75) zoning district to O-I (Office Institutional) zoning district to allow for a mixed-use development, at 3837 Redan Road.

MOTION was made by Jan Costello, seconded by Deanna Murphy that this agenda item be Approved, per Staff recommendation.

This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

N13 [2023-0601](#)

COMMISSION DISTRICT(S): All Districts

Application of Director of Planning & Sustainability to amend the DeKalb County Zoning Ordinance to revise definition of "Drive Through Facility" and revise description of land uses and how they are permitted in land use table relating to "Drive Through Facility" and for other purposes. This text amendment is County-wide.

MOTION was made by Jan Costello, seconded by April Atkins that this agenda item be Approved, per Staff recommendation.

This application moves forward to the Board of Commissioners - Zoning Meeting on 7/27/2023. The motion carried by the following vote:

Yes: 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy