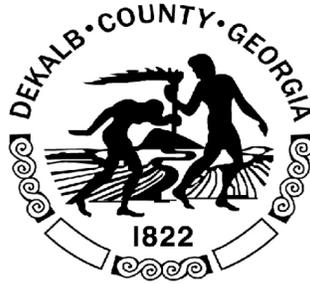


# DeKalb County Government

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



## Agenda

Tuesday, October 4, 2022

5:30 PM

via Zoom

## **Board of Commissioners - Zoning Meeting**

Comm. Robert Patrick, Presiding Officer, District 1  
Comm. Mereda Davis Johnson, Deputy Presiding Officer, District 5

Commissioner Robert Patrick, District 1  
Commissioner Jeff Rader, District 2  
Commissioner Larry Johnson, District 3  
Commissioner Steve Bradshaw, District 4  
Commissioner Mereda Davis Johnson, District 5  
Commissioner Edward "Ted" Terry, Super District 6  
Commissioner Lorraine Cochran-Johnson, Super District 7

The DeKalb County Board of Commissioners will hold its online zoning meeting on Tuesday, October 4, 2022 at 5:30 p.m. This meeting will be conducted via teleconference (Zoom). Simultaneous public access to the meeting will be available (1) via live stream on DCTV's webpage, and (2) DCTVChannel23.TV.

The public is invited to watch the broadcast on DCTV's UStream link DCTV's webpage, and on DCTVChannel23.TV. <https://video.ibm.com/channel/dctv-channel-23>

TO participate and Join from PC, Mac, Linux, iOS or Android: or  
<https://dekalbcountyga.zoom.us/j/94883110323> Or Telephone: Dial: USA 602 333 0032 USA 8882709936  
(US Toll Free) Conference code: 217687

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 15 minutes of time for citizens to speak in favor of an agenda item, and 15 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 by 5:30 p.m. on the date of the public hearing to [PublicHearing@dekalbcountyga.gov](mailto:PublicHearing@dekalbcountyga.gov)

## **Call To Order**

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, a speaker shall complete a speaker card and present it when approaching the podium. If a speaker has any documents for the commissioners, the speaker shall 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. Speakers should always talk directly into the microphone and begin by stating their name, address and the name of any organization they represent. Abusive, profane or derogatory language will not be permitted. Holding up signs, clapping, yelling, standing or laying in the aisles to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing in place will be permitted to show support for or opposition to a speaker's position.

## Roll Call

## Deferred Cases

- D1**     [2022-1487](#)     COMMISSION DISTRICT(S): All Districts  
Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, to amend Article 2 (District Regulations) and to amend Article 5 (Site Design and Building Form Standards) to increase the maximum building height allowed in the OD (Office Distribution) Zoning District, with limitations. This text amendment is County-wide.

**Attachments:** [TA-22-1245671 Sept 2022 Staff Report OD Bldg Height](#)  
[TA-22-1245671 May 2022 Staff Report OD Bldg Height](#)

[\(5/5/22 Planning Commission: approval per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

[\(5/26/22 Board of Commissioners - Zoning Meeting: deferred for 30 days to the Board of Commissioners\)](#)

[\(6/28/22 Board of Commissioners: deferred for a full cycle to the Board of Commissioners\)](#)

(9/1/22 Planning Commission: defer to the Board of Commissioners with no recommendation to the Board of Commissioners - Zoning Meeting)

- D2**     [2022-1481](#)     COMMISSION DISTRICT(S): Commission District 04 Super District 06 Application of AK Memorial Shopping Center, LLC to amend the future land use map from NC (Neighborhood Center) to CRC (Commercial Redevelopment Corridor) Character Area to allow for film/movie/tv production studios, at 5615 Memorial Drive..

**Attachments:** [LP-22-1245669 BOC Staff Report 5615 Memorial Dr](#)

(5/5/22 Planning Commission: approval per staff recommendation to the Board of Commissioners - Zoning Meeting)

(5/26/22 Board of Commissioners - Zoning Meeting: deferred for 30 days to the Board of Commissioners)

(6/28/22 Board of Commissioners: deferred for a full cycle to the Board of Commissioners)

(9/1/22 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

- D3**     [2022-1482](#)     COMMISSION DISTRICT(S): Commission District 04 Super District 06 Application of AK Memorial Shopping Center, LLC to rezone properties from C-1 (Local Commercial) to OD (Office Distribution) Zoning District to allow for OD (Office Distribution) uses, which may include film/movie/tv production studios., at 5615 Memorial Drive.

**Attachments:** [Z-22-1245670 Recommended Conditions Sept BOC 2022](#)  
[Z-22-1245670 5615 Memorial Dr. BOC Staff Report](#)  
[Z-22-1245670 Recommended Conditions May BOC 2022](#)  
[Z-22-1245670 Staff Report May BOC 2022 5615 Memorial Dr](#)

(5/5/22 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

(5/26/22 Board of Commissioners - Zoning Meeting: deferred for 30 days to the Board of Commissioners)

(6/28/22 Board of Commissioners: deferred for a full cycle to the Board of Commissioners)

(9/1/22 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

- D4**     [2022-1486](#)     COMMISSION DISTRICT(S): Commission District 02 Super District 06  
Application of Director of Planning and Sustainability for a text amendment  
to the Emory Village Overlay-Sec. 3.22 to allow the limited sale of beer,  
wine, and spirits as an accessory retail use for off-site consumption at any  
location within the overlay district.

**Attachments:** [TA-22-1245621 Emory Village OVD Sept 2022 Staff Report](#)  
[TA-22-1245621 May 2022 Staff Report Emory Village OD](#)

(5/5/22 Planning Commission: deferred for a full cycle to the Board of  
Commissioners - Zoning Meeting)

(5/26/22 Board of Commissioners - Zoning Meeting: deferred for two full  
cycles to the Board of Commissioners - Zoning Meeting)

(9/6/22 Planning Commission: withdrawn without prejudice per staff  
recommendation to the Board of Commissioners - Zoning Meeting)

- D5**     [2020-1543](#)     COMMISSION DISTRICT(S): All Districts  
Application of the Director of Planning and Sustainability for text  
amendments to the Zoning Ordinance, Chapter 27, to create Section 4.2.60  
(Supplemental Regulations) to address Small Box Discount Retailers, to  
amend Section 9.1.3 (Defined Terms) to create definition for Small Box  
Discount Retailers, and for other purposes; and to amend Section 4.1.3 Use  
Table pertaining to Small Box Discount Retailers. This text amendment is  
County-wide.

**Attachments:** [Small Box Discount Retailers TA-21-1244279 BOC Staff Report July  
2022](#)

[Small Box Discount Retail Store Staff Report PC July 2022  
TA-21-1244279](#)

[TA-21-1244279 2020-1543 May BOC 2022 Small Box Discount  
Retailers Staff Report](#)

[D3. TA-21-1244279 March 2022 Small Box Discount Retailers Staff  
Report](#)

[D5. TA-21-1244279 Nov 2021 Small Box Discount Retailers Staff  
Report](#)

[D1 TA-21-1244279 Sept 2021 Small Box Discount Retailers Staff  
Report](#)

[D1 TA-21-1244279 July 2021 Small Box Discount Retailers Staff  
Report](#)

[TA-21-1244279 Staff Report March 2021 BOC](#)

(1/7/21 Planning Commission: deferred for a full cycle to the Board of  
Commissioners - Zoning Meeting)

(1/28/21 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(3/2/21 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(3/25/21 Board of Commissioners - Zoning Meeting: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(7/8/21 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

(7/29/21 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(9/9/21 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(9/30/21 Board of Commissioners - Zoning Meeting: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(11/4/21 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(11/18/21 Board of Commissioners - Zoning Meeting: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(3/1/22 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(3/24/22 Board of Commissioners - Zoning Meeting: Full cycle deferral to the Board of Commissioners - Zoning Meeting)

(5/3/22 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

(5/26/22 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(7/12/22 Planning Commission: Full cycle deferral to the Board of Commissioners - Zoning Meeting)

(7/28/22 Board of Commissioners - Zoning Meeting: deferred 60 days to the PECS-Planning, Economic Development & Community Services Committee)

## New Cases

- N1 [2022-1906](#) COMMISSION DISTRICT(S): All Districts  
Application of the Director of Planning and Sustainability to adopt a major update to the DeKalb County 2050 Comprehensive Plan, as required by the Rules of the Georgia Department of Community Affairs, Chapter 110-12-1 Minimum Standards and Procedures for Local Comprehensive Planning, and established by the Georgia Planning Act of 1989. The property is located on within the areas of unincorporated DeKalb County. This text amendment is County-wide.

**Attachments:** [N1-2022-1906 Dir. P&S 5-Year Update 2050 Comprehensive Plan TA-22-1245743](#)

[\(9/1/22 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N2 [2022-1907](#) COMMISSION DISTRICT(S): Commission District 02 Super District 06  
Application of Charles F. Palmer for a Special Land Use Permit (SLUP) to allow senior housing in the O-I (Office Institutional) Zoning District and the Druid Hills Historic District; and to increase building height beyond 70 feet up to 101 feet, at 1256 Briarcliff Road.

**Attachments:** [SLUP-22-1245880 BOC Staff Report 1256 Briarcliff Rd](#)

[SLUP-22-1245880 Sept PC 2022 Staff Report 1260 Briarcliff Rd](#)

[\(9/1/22 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N3 [2022-1908](#) COMMISSION DISTRICT(S): Commission District 04 Super District 06  
Application of David Kirk to amend the Land Use Map from LIND (Light Industrial) to TC (Town Center) for a multi-family residential development, at 2920 North Decatur Road.

**Attachments:** [LP-22-1245877 Sept. 2022 Staff Report 2920 N Decatur Rd](#)

[\(9/1/22 Planning Commission: approval per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N4 [2022-1909](#) COMMISSION DISTRICT(S): Commission District 04 Super District 06  
Application of David Kirk to rezone property from M (Light Industrial) zoning district to HR-2 (High Density Residential-2) zoning district to allow construction of a multifamily residential development, at 2920 North Decatur Road.

**Attachments:** [Z-22-1245923 Recommended Conditions Sept 2022](#)

[Z-22-1245923 BOC Staff Report 2920 N Decatur Rd](#)

(9/1/22 Planning Commission: approval per staff recommendation to the Board of Commissioners - Zoning Meeting)

- N5 [2022-1910](#) COMMISSION DISTRICT(S): Commission District 01 Super District 07 Application of The Church in Atlanta Inc. c/o Dennis J. Web Jr., Smith Gambrell & Russell, LLC for a Special Land Use Permit (SLUP) to replace the existing church building with a new church in the R-100 (Residential Medium Lot-100) zoning district, at 2345 Shallowford Road.

**Attachments:** [SLUP-22-1245924 Recommended Conditions 2345 Shallowford Rd](#)  
[SLUP-22-1245924 Sept 2022 Staff Report 2345 Shallowford Rd](#)

(9/1/22 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

- N6 [2022-1911](#) COMMISSION DISTRICT(S): Commission District 03 Super District 07 Application of Troy Morrison for a Special Land Use Permit (SLUP) to allow a Personal Care Home (Community Living Arrangement - CCI) for four (4) individuals in the R-75 (Residential Medium Lot-75) zoning district, at 3771 Elkridge Drive.

**Attachments:** [SLUP-22-1245925 Sept 2022 Staff Report 3771 Elkridge Dr](#)  
[N6 -SLUP-22-1245925 opposition email](#)

(9/1/22 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

- N7 [2022-1912](#) COMMISSION DISTRICT(S): Commission District 04 Super District 07 Application of El Amar Engineering & Construction c/o Battle Law, P.C. to rezone properties from R-75 (Residential Medium Lot-75) zoning district to R-60 (Residential Small Lot-60) zoning district to construct single-family detached homes, at 883 Mountain View Drive.

**Attachments:** [Z-22-1245928 Recommended Conditions Sept BOC 2022](#)  
[Z-22-1245928 BOC Staff Report 883 Mtn View Dr](#)

(9/1/22 Planning Commission: approval per staff recommendation to the Board of Commissioners - Zoning Meeting)

- N8 [2022-1976](#) COMMISSION DISTRICT(S): Commission District 04 Super District 06 Application of Shalom Restorations, LLC to rezone property from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow single-family detached homes, at 695 Jordan Lane.

**Attachments:** [Z-22-1245935 BOC Sept 2022 Staff Report 695 Jordan Ln](#)  
[N8 - Z-22-1245935 opposition email](#)

(9/1/22 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting)

- N9**     [2022-1977](#)     COMMISSION DISTRICT(S): Commission District 05 Super District 07 Application of Starleatha Denson to rezone property from R-85 (Residential Medium Lot-85) zoning district to RSM (Small Lot Residential Mix) zoning district to increase the size of an existing personal care home from six (6) residents to seven (7) residents, at 2336 Wesley Chapel Road.

**Attachments:** [Wesley Chapel request for withdrawal email](#)

[Z-22-1245856 BOC Staff Report 2336 Wesley Chapel Rd](#)

(9/6/22 Planning Commission: Full cycle deferral to the Board of Commissioners - Zoning Meeting)

- N10**     [2022-1978](#)     COMMISSION DISTRICT(S): Commission District 05 Super District 07 Application of Starleatha Denson for a Special Land Use Permit to increase the size of an existing personal care home from six (6) residents to seven (7) residents in the R-85 (Residential Medium Lot-85) zoning district, at 2336 Wesley Chapel Road.

**Attachments:** [Wesley Chapel request for withdrawal email](#)

[SLUP-22-1245857 Sept BOC Staff Report 2336 Wesley Chapel Rd](#)

(9/6/22 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

- N11**     [2022-1979](#)     COMMISSION DISTRICT(S): Commission District 02 Super District 06 Application of Stein Investment Group c/o Smith Gambrell & Russell to rezone properties from C-1 (Local Commercial) zoning district to HR-3 (High Density Residential-3) zoning district to allow for the construction of a mixed-use development to include approximately 30,000 square feet of accessory restaurant/retail space, 6,000 square feet of accessory office space, 392 multi-family units, and a shared structured parking garage, at 3082 Briarcliff Road.

**Attachments:** [Z-22-1245874 Recommended Conditions 9-23-2022](#)

[Z-22-1245874 Sept 2022 Staff Report 3082 Briarcliff Rd](#)

[Briarcliff East - Zoning Conditions Exhibit](#)

(9/6/22 Planning Commission: 30 day deferral to the Board of Commissioners - Zoning Meeting)

**N12**    [2022-1980](#)    COMMISSION DISTRICT(S): Commission District 03 Super District 06  
Application of Abeba Abebe to amend the future land use plan from  
Commercial Redevelopment Corridor (CRC) to Suburban (SUB) to allow  
the existing single-family house to have a residential zoning classification, at  
2716 Ellen Way.

**Attachments:** [LP-22-1245937 Sept. 2022 Staff Report 3082 Briarcliff Rd](#)

(9/6/22 Planning Commission: [approval per staff recommendation to the Board of Commissioners - Zoning Meeting](#))

**N13**    [2022-1981](#)    COMMISSION DISTRICT(S): Commission District 03 Super District 06  
Application of Abeba Abebe to rezone property from C-1 (Local  
Commercial) / Tier 2, I-20 Corridor Compatible Use Overlay District to  
R-75 (Residential Medium Lot-75) zoning district to allow an existing  
single-family house to have a residential zoning classification, at 2716 Ellen  
Way.

**Attachments:** [Z-22-1245875 Sept 2022 Staff Report 2716 Ellen Way](#)

(9/6/22 Planning Commission: [approval per staff recommendation to the Board of Commissioners - Zoning Meeting](#))

**N14**    [2022-1991](#)    COMMISSION DISTRICT(S): Commission District 03 Super District 07  
Application of Breakthru House Inc. c/o Battle Law, P.C to rezone  
properties from O-I (Office Institutional) zoning district and R-75  
(Residential Medium Lot-75) zoning district to O-I (Office Institutional)  
zoning district to allow personal care homes and offices, at 1866 Eastfield  
Street.

**Attachments:** [Z-22-1245876 1866 Eastfield St. BOC Staff Report](#)

(9/6/22 Planning Commission: [Approval to the Board of Commissioners - Zoning Meeting](#))

**N15**    [2022-1992](#)    COMMISSION DISTRICT(S): Commission District 01 Super District 07  
Application of Fugees Family Inc. c/o Janeya Hisle for a Special Land Use  
Permit (SLUP) to allow a public charter school within the existing buildings  
formerly owned by Northeast Baptist Church in the R-100 (Residential  
Medium Lot-100) zoning district, at 3201 Bolissa Drive.

**Attachments:** [SLUP-22-1245885 Sept 2022 Staff Report 3201 Bolissa Dr](#)

(9/6/22 Planning Commission: [withdrawn without prejudice per staff recommendation to the Board of Commissioners - Zoning Meeting](#))

**N16**    [2022-1996](#)    COMMISSION DISTRICT(S): Commission District 05 Super District 07  
Application of TR 34 Redan Road LLC c/o Battle Law, P.C. to amend the  
future land use plan from Suburban (SUB) to Commercial Redevelopment  
Corridor (CRC) to allow for the construction of single-family attached  
townhomes, at 1172 Longshore Drive.

**Attachments:** [LP-22-1245892 Sept. 2022 Staff Report 1172 Longshore Dr](#)

(9/6/22 Planning Commission: [approval per staff recommendation to the Board of Commissioners - Zoning Meeting](#))

**N17**    [2022-1997](#)    COMMISSION DISTRICT(S): Commission District 05 Super District 07  
Application of TR 34 Redan Road LLC c/o Battle Law, P.C. to rezone  
property from MU-4 (Mixed-Use High Density) zoning district to MR-1  
(Medium Density Residential-1) zoning district to allow for the construction  
of single-family attached townhomes, at 1172 Longshore Drive.

**Attachments:** [Z-22-1245922 Sept 2022 Staff Report 1172 Longshore Dr](#)

(9/6/22 Planning Commission: [Approval to the Board of Commissioners - Zoning Meeting](#))

**N18**    [2022-1998](#)    COMMISSION DISTRICT(S): Commission District 04 Super District 06  
Application of ModWash, LLC c/o Battle Law P.C. for a request to modify  
zoning conditions to remove condition #1 pursuant to CZ-06-1241,  
restricting the use of the property to office and retail uses to allow a car  
wash in the C-1 (Local Commercial) zoning district, at 1849 Lawrenceville  
Highway.

**Attachments:** [CZ-22-1245934 Sept 2022 Staff Report 1849 Lawrenceville Hwy](#)

(9/6/22 Planning Commission: [Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting](#))