

DeKalb County Government

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



Meeting Minutes

Thursday, March 24, 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

- Present:** 5 - Commissioner Robert Patrick, Commissioner Larry Johnson, Commissioner Mereda Davis Johnson, Commissioner Ted Terry and Commissioner Lorraine Cochran-Johnson
- Absent:** 2 - Commissioner Jeff Rader and Commissioner Steve Bradshaw

Administration: Barbara Sanders-Norwood, County Clerk, Viviane Ernstes, County Attorney

The DeKalb County Board of Commissioners will hold its online zoning meeting on Thursday, March 24, 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

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 [2021-2903](#)

COMMISSION DISTRICT(S): Commission District 04; Super District 06
Application of Avondale Park, LLC c/o Battle Law, PC for a Major Modification of the conditional site plan and other conditions of MU-5 (Mixed-Use Very High Density) zoning approved pursuant to CZ-18-22125, to change the mixture of multifamily, office, and retail land uses, and to revise the single-family detached and townhome exterior designs, at 3458 Mountain Drive.

*Support: Connie White- 652 Pharr Court, Victoria Webb- 3137 Rockbridge Rd Avondale Estates,
Opposition: None*

MOTION was made by Ted Terry, seconded by Mereda Davis Johnson, that this agenda item be approved with Two Additional Conditions to read as the following:

1. All housing units built in the development shall be “solar ready” and have electric service panels with sufficient capacity to accommodate electric vehicle charging within the garages and solar roof panels. The builder shall offer a solar package to all prospective purchasers.

a. The electrical panel shall be sized to accommodate a 40-amp double pole breaker on the opposite end of the panel labeled “reserved for solar”.

b. A minimum of one 240 V AC plug will be installed in each garage to accommodate electric vehicle charging.

2. Withdrawal of the Commercial portion of the site plan

Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

D2 [2020-1546](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, including, but not limited to Section 9.1.3 (Definitions), Section 4.1.3 (Land Use Table), and Section 4.2 (Supplemental Regulations) of the DeKalb County Zoning Ordinance relating to automobile land uses, and for other purposes. This text amendment is County-wide.

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for Two Full Cycles, until July 28, 2022. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

D3 [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.

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be a Full Cycle deferral, until May 26, 2022. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

D4 [2021-3516](#)

COMMISSION DISTRICT(S): District 03 Super District 06

Application of Rockhaven Homes LLC c/o Battle Law, P.C. to rezone from R-100 (Residential Medium Lot-100) to RSM (Small Lot Residential Mix) Zoning District to allow the construction of single-family detached homes, at 2717 Whitfield Road.

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be deferred for 30 days for Public Hearing, until April 26, 2022. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

D5 [2021-3518](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 07

Application of Harold Buckley, Jr. for Caliber Car Wash for a Major Modification of Conditions approved, pursuant to CZ-14-19143, to allow a drive-through car wash in a C-1 (Local Commercial) District, at 3644 Memorial Drive.

Support: None

Opposition: Mary Capers Irvin – 4060 Woodfen Court Ellenwood Georgia 30294

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for 30 days for Decision Only, until April 26, 2022. Item 2021-3518, 2021-3519 were heard together. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

D6 [2021-3519](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 07
Application of Harold Buckley, Jr. for Caliber Car Wash for a Special Land Use Permit (SLUP) to allow a drive-through car wash in a C-1 (Local Commercial) District, at 3644 Memorial Drive.

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for 30 days for Decision Only, until April 26, 2022. Item 2021-3518, 2021-3519 were heard together. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson,
 Commissioner Davis Johnson, Commissioner Terry,
 and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

New Cases

N1 [2022-1145](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of A.S. Turner & Sons c/o Garlan B. Furin for a Special Land Use Permit (SLUP) to relocate the existing accessory crematory (SLUP-10-16577) to another portion of the parcel within an O-I (Office- Industrial) District, at 2773 N. Decatur Road.

MOTION was made by Ted Terry, seconded by Larry Johnson, that this agenda item be approved with conditions. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson,
 Commissioner Davis Johnson, Commissioner Terry,
 and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

N2 [2022-1168](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 07

Application of Janaee Wallace to rezone property from R-75 (Residential Medium Lot-75) to MR-1 (Medium-Density Residential-1) District to allow conversion of a single-family house to a duplex and conversion of a detached garage to a detached dwelling, at 2551 McAfee Road.

MOTION was made by Ted Terry, seconded by Lorraine Cochran-Johnson, that this agenda item be withdrawn without prejudice. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

N3 [2022-1170](#)

COMMISSION DISTRICT(S): Commission 02 Super District 06

Application of Brad and Marliiss Cornett/Color Wheel Studio for a Special Land Use Permit (SLUP) for a specialized school (an Art Summer Camp) in an M (Light Industrial) District, at 203 Rio Circle.

MOTION was made by Ted Terry, seconded by Lorraine Cochran-Johnson, that this agenda item be withdrawn without prejudice. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

N4 [2022-1171](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of Sean Bitarafan to rezone property from C-1 (Local Commercial) District to MR-2 (Medium Density Residential-1) District to construct townhomes and single-family detached units, at 4226 Glenwood Road.

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with Two Additional Conditions to read as the following:

1. Residential building materials may include a combination of stone, cement wood, or fiber cement siding. Regardless, all combinations of building materials shall comply with Section 5.7.4 of the Zoning Ordinance.

2. The developer shall construct a subdivision sign at the community entrance near Misty Valley Road.

Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

N5 [2022-1172](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 07
Application of P.E.W. LLC c/o Jon Jordan to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to construct detached townhomes, at 5488 Rockbridge Road.

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be deferred for Two Full Cycles, until July 28, 2022. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

N6 [2022-1173](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 07
Application of Municipal Communication LLC c/o Jonathan Yates for a Special Land Use Permit (SLUP) to install a 150 foot tall stealth wireless telecommunication facility (cell tower) in an R-100 (Residential Medium-Lot) District, at 3810 Waldrop Road.

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with conditions. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

N7 [2022-1174](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of Kova Real Estate LLC to rezone property from R-75 (Residential Medium Lot-75) to R-60 (Residential Medium Lot-60) to construct single family detached homes, at 366 South Howard Street.

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be deferred for 30 days for Decision Only, April 26, 2022. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

N8 [2022-1175](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07

Application of Adian Prince to rezone property from R-100 (Residential Medium Lot-100) to C-1 (Local Commercial) for restaurant use, at 1726 Panola Road.

Support: Jan Costello 1813 South Hidden Hills

Opposition: Terri Laferriere -1831 Treymire court

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with conditions. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

N9 [2022-1176](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06

Application of Amy Swick, Inhance Construction Co., LLC for a Land Use Plan amendment for properties at 1493 and 1501 LaVista Road from SUB (Suburban) to NC (Neighborhood Center).

MOTION was made by Ted Terry, seconded by Lorraine Cochran-Johnson, that this agenda item be Full Cycle deferral, until May 26, 2022. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

N10 [2022-1178](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 07

Application of Xandria Branch to request a Special Land Use Permit (SLUP) to allow a 4,500 square foot lounge (Glowbar ATL) within the Stonebridge Village shopping center to operate beyond 12:30 a.m. as a Late-Night Establishment within the C-1 (Local Commercial) District, at 8002 Rockbridge Road.

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be Full cycle deferral, until May 26, 2022. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the Meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

N11 [2022-1179](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06

Application of Clark Property and Porch & Square for a Land Use Plan amendment for properties at 1058 and 1078 Moreland Avenue from TN (Traditional Neighborhood) to CRC (Commercial Redevelopment Corridor), at 1078 Moreland Avenue.

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be deferred for Two Full Cycles, until July 28,2022. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

N12 [2022-1182](#)

COMMISSION DISTRICT(S): Commission Districts 01; Super District 07
Application of the Director of Planning & Sustainability for a Text Amendment for an amendment to the regulations of the Tier 2 Northlake Overlay District to increase the allowed residential density from 30 units per acre to 60 units per acre.

MOTION was made by Robert Patrick, seconded by Lorraine Cochran-Johnson, that this agenda item be Full Cycle, until May 26, 2022. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw

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 Ted Terry, seconded by Mereda Davis Johnson, that this agenda item be approved to adjourn the March 24, 2022 Board of Commissioners Zoning Meeting at 9:15 p.m. Commissioner Jeff Rader and Commissioner Steve Bradshaw were absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Johnson, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Rader, and Commissioner Bradshaw



Robert Patrick
Presiding Officer



Barbara Sanders-Norwood
County Clerk