

DeKalb County Government

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



Zoning Summary

Tuesday, September 26, 2017

6:30 PM

Manuel J. Maloof Auditorium

Board of Commissioners

Commissioner Kathie Gannon, Presiding Officer, Super District 6

Commissioner Jeff Rader, Deputy Presiding Officer, District 2

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 Gregory Adams, Super District 7

Present: 7 - Commissioner Nancy Jester, Commissioner Larry Johnson, Commissioner Steve R Bradshaw, Commissioner Mereda Davis Johnson, Commissioner Kathie Gannon, and Commissioner Gregory Adams

Absent: 1 – Commissioner Jeff Radar

Staff Present: Barbara Sanders-Norwood, County Clerk, O.V. Brantley, County Attorney, Viviane Ernstes, Deputy County Attorney

PUBLIC HEARING

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.

Board of Commissioners Meeting Date - Tuesday, September 26, 2017 6:30 P.M.

DEFERRED CASES:

D.1 TA-17-21605 (2017-0593) Approved to adopt the substitute ordinance and attached maps, solely consisting of tiers 1 and 3 of the Kensington-Memorial Drive Overlay District, a copy of which was provided to the Clerk. The substitute Overlay Ordinance does not include tiers 2, 4, 5, and 6 of the originally proposed ordinance that was presented to the Planning Commission and appeared tonight on the Board of Commissioners' agenda for public hearing and consideration after proper notice and advertising were made, but is otherwise materially unchanged from the ordinance properly published and placed on tonight's agenda that consisted of 6 tiers.

Application of DeKalb County Board of Commissioners to amend Chapter 27 of the DeKalb County Code for the adoption of the Kensington-Memorial Drive Overlay District, which includes Tiers 1, 2, 3, 4, 5, and Tier 6 as defined with the associated boundary map. The Kensington-Memorial Drive Overlay District addresses appropriate land uses to encourage economic development, as well as regulate site development, signage, landscaping and architectural standards.

D.2 CZ-17-21564 (2017-0598) Approved with 8 staff conditions, and to add condition #7 back to the list, from the original conditions from 2012

Commission District: 3 Super District: 6

15-090-01-004, 15-090-01-008, 15-090-01-020; Portion of Parcel ID: 15-090-01-013

Application of DeKalb County Board Of Commissioners to request a Major Modification of conditions pursuant to SLUP-12-18066, to reduce the number of approved drive-through restaurants in a C-1 (Local Commercial) District from two (2) to one (1) adjacent to the new Quik Trip gas station on Flat Shoals Parkway. The property is

located on the south side of Flat Shoals Parkway, at the southwest intersection Clifton Springs Road and Flat Shoals Parkway at 3975, 4007 and 4025 Flat Shoals Parkway and a portion of 3101 Clifton Springs Road, Decatur, Georgia. The property has approximately 870 feet of frontage along Flat Shoals Parkway and contains 5.54 acres.

D.3 SLUP-17-21417 (2017-0898) Withdrawn without prejudice
Commission District: 2 Super District: 6
18-051-12-011

Application of Mark Ferguson for a Special Land Use Permit (SLUP) to allow a new 5,092 square foot (Nola Tap & Cajun Kitchen) restaurant within an existing 21,949 square foot multi-tenant commercial building (Clairmont Emory Village Shopping Center) to operate beyond 12:30 a.m. as a Late Night Establishment in the C-1 District. The property is located on the east side Clairmont Road and the west side of Webster Drive, approximately 163 feet north of Powell Lane at 1369 and 1371 (Basement) Clairmont Road in Decatur, Georgia. The property has approximately 296 feet of frontage along Clairmont Road and 248 feet of frontage along Webster Drive and contains 2 acres.

NEW CASES:

N.1 Z-17-21711 (2017-0905) Approved with 6 conditions as noted by applicant and Planning Department
Commission District: 2 Super District: 6
18-151-06-093

Application of Silver Hill Homes c/o Jill Arnold to rezone property from MR-1 (Medium Density Residential-1) to R-85 (Residential Medium Lot-85) to allow use of the site as community greenspace. The property is located on the southeast corner of Jan Hill Lane and Beacon Hill Boulevard, at 1813 Jan Hill Lane, Atlanta. The property has approximately 131 feet of frontage on Jan Hill Lane and approximately 232 feet of frontage on Beacon Hill Boulevard and contains 0.38 acre.

N.2 Z-17-21712 (2017-0907) Approved with 3 conditions as noted by applicant and Planning Department
Commission District: 2 Super District: 6
18-151-07-054

Application of Silver Hill Homes c/o Jill Arnold to rezone property from MR-1 (Medium Density Residential-1) to R-85 (Residential Medium Lot-85) to allow development of a 3,635 square foot single-family detached home. The property is located on the northeast corner of Jan Hill Lane and Beacon Hill Boulevard, at 1812 Jan Hill Lane, Atlanta. The property has approximately 149 feet of frontage on Jan Hill Lane and approximately 153 feet of frontage on Beacon Hill Boulevard and contains 0.55 acre.

N.3 SLUP-17-21706 (2017-0897) Withdrawn without prejudice
Commission District: 3 Super District: 6
15-053-01-020

Application of Carla McKenzie and Shahmee Vickers to request a Special Land Use Permit (SLUP) to increase the number of persons in an existing personal care home from three to six residents in an R-100 (Residential Medium Lot-100) District, in accordance with the Chapter 27-Article 4.1 Use Table of the DeKalb County Code. The property is located on the west side of Telstar Drive, approximately 232 feet south of Nova Lane, at 3651 Telstar Lane, Ellenwood. The property has approximately 75 feet of frontage on Telstar Drive and contains 0.26 acre

N.4 SLUP-17-21609 (2017-0885) Deferred 2 weeks, until October 10, 2017 for Decision Only
Commission District: 3 Super District: 7
15-095-01-044

Application of Carol Tavares to request a Special Land Use Permit (SLUP) to increase the number of persons in an existing personal care home from three to four residents in an R-100 (Residential Medium Lot-100) District, in accordance with the Chapter 27 Article 4.1 Use Table of the DeKalb County Code. The property is located on the east side of Greenvale Way, approximately 450 feet south of Greenvale Drive, at 3146 Greenvale Way, Decatur. The property has approximately 110 feet on the east side of Greenvale Way and contains 0.45 acre.

N.5 SLUP-17-21701 (2017-0892) Approved with 11 staff conditions
Commission District: 4 Super District: 7
18-037-01-016

Application of Charmelle Scott to request a Special Land Use Permit (SLUP) to allow a recreational club for veterans on property zoned RSM (Small Lot Residential Mix) District in accordance with Chapter 27-Article 4.1 Use Table of the DeKalb County Code. The property is located on the north side of Old Rockbridge Road, approximately 680 feet east of Ridge Avenue at 5392 Old Rockbridge Road, Stone Mountain, Georgia. The property has approximately 165 feet of frontage along the north side of Old Rockbridge Road and contains 0.44 acre.

N.6 SLUP-17-21707 (2017-0903) Deferred Full Cycle, until November 14, 2017
Commission District: 4 Super District: 7
18-041-03-006

Application of Vanessa Charles to request a Special Land Use Permit (SLUP) allow a personal care home for up to four (4) residents on property zoned NS (Neighborhood Shopping) District in accordance with Chapter 27-Article 4.1 Use Table and Article 4.2.41 of the DeKalb County Code. The property is located on the south side of Rockbridge Road, approximately 72 feet west of Hambrick Road in unincorporated DeKalb County at 4405 Rockbridge Road, Stone Mountain, Georgia. The property has approximately 120 feet of frontage along the south side of Rockbridge Road and contains 0.54 acre.

N.7 Z-17-21582 (2017-0906) Withdrawn without prejudice
Commission District: 5 Super District: 7
15-195-08-035, 15-195-08-036, 15-195-08-037

Application of Indore Investment Inc. c/o Battle Law, PC to rezone property from O-I (Office-Institutional) District and R-75 (Residential Medium Lot) District to NS (Neighborhood Shopping) District to develop a 5,000 square foot convenience store with gas pumps; and 12,000 square feet of retail space within two buildings for a total building square footage of 17,000 square feet. The property is located on the northeast intersection of Covington Highway and South Indian Creek Drive in unincorporated DeKalb County at 4468 and 4476 Covington Highway, Decatur, Georgia and 1630 South Indian Creek Drive, Stone Mountain, Georgia. The property has approximately 187 feet of frontage along the north side of Covington Highway and approximately 724 feet of frontage along the east side of South Indian Creek Drive and contains 3.58 acres.

N.8 SLUP-17-21696 (2017-0908) Deferred 30 days, until October 24, 2017 for Decision Only
Commission District: 5 Super District: 7
15-228-08-006

Application of Ramana Reddy Bathini for a Special Land Use Permit (SLUP) to allow a retail liquor store (Alcohol Outlet) to operate within a 1,880 square foot suite (Suite A-1) of a 5,100 square foot multi-tenant building in the C-1 (Local Commercial) district in accordance with Chapter 27-Article 4.1 Use Table and Article 4.2.8 of the DeKalb County Code. The property is located on the east side of Holcombe Road, approximately 350 feet north of Redan Road at 1026 Holcombe Road in Decatur, Georgia. The property has approximately 126 feet of frontage along

Holcombe Road and contains 0.65 acre.

CZ-17-21564 ZONING MODIFICATION BOC
APPROVED CONDITIONS 09/26/17

1. Not more than one drive-through restaurant on the C-1 labeled Tract 2 (5.540 acres) on the survey for Maxie Price (the "Survey") prepared by Rochester & Associates, Inc. for Maxie Price, dated March 26, 2012, last revised July 18, 2012, Job. No. G208051.CBT and received by the Planning and Sustainability Department on July 20, 2012. (See Attachment 1). Restaurant shall be entirely internal to the development via the main access points and have an outside pedestrian accessible seating area.
2. Provide road improvements in accordance with development conditions per Georgia Regional Transportation Authority (GRTA) Revised Notice of Decision pursuant to DRI #1850 dated January 12, 2015 (See Attachment 2).
3. The Subject Property shall be developed in general conformity with the DRI site plan prepared by Hughes, Goode, O'Leary and Ryan, Inc. dated July 24, 2008, last revised September 4, 2008 (the "DRI Site Plan") for the 79.53 acre tract (the "Project Site"), with such modifications as are approved by the Director of the Planning and Sustainability Department during the I-20 Overlay District compliance review. (See Attachment 3).
4. Deleted.
5. Consistent with the DeKalb County Zoning Ordinance, prior to submission of an application for the issuance of any development or building permit, the conceptual design package shall be submitted to and approved by the planning and development director after consultation with the district commissioner(s) and super district commissioner(s), as required in the I-20 corridor overlay district.
6. The issuance of a building permit for the drive-through restaurant shall not be prior to: (a) the issuance of a certificate of occupancy for Building C9 as shown on the DRI Site Plan for the project site of which the Subject Property is a portion thereof, or (b) the issuance of a certificate(s) of occupancy for non-residential structures on the Project Site, which have an aggregate square footage of a minimum of 50,000 sq. ft.
7. In addition to compliance with Paragraph 6 above, the development of the drive-thru restaurant shall also be conditioned on the issuance of a certificate of occupancy for a grocery store on the Project Site.
8. These conditions replace all previous Board approved conditions pursuant to SLUP-12-18066.