

DeKalb County Government

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



Summary

Thursday, May 26, 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

Administration: Barbara Sanders-Norwood, County Clerk, Matthew Welch, Deputy County Attorney

The DeKalb County Board of Commissioners will hold its online zoning meeting on Thursday, May 26, 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 [2021-3522](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 07
Application of Kyle Williams to rezone properties from R-100 (Residential Medium Lot-100) to R-60 (Residential Small Lot-60) Zoning District to allow for the construction of single family detached residences, at 4994 Rockbridge Road.

Deferred for 30 days for Public Hearing, until June 28, 2022

D2 [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.

Deferred for a full cycle, until July 28, 2022

D3 [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.

Approved

D4 [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.

Approved with substitute conditions

D5 [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).

Approved

D6 [2021-2638](#)

COMMISSION DISTRICT(S): Commission District: 02 Super District: 06
Application of David Kirk to rezone property from NS (Neighborhood Shopping) District to C-1 (Local Commercial) District to allow for development of a new drive-through restaurant, at 3795 North Druid Hills Road.

Withdrawn without prejudice

D7 [2021-2639](#)

COMMISSION DISTRICT(S): Commission District: 02 Super District: 06
Application of David Kirk to request a Special Land Use Permit (SLUP) to allow a drive through facility in Town Center Character Area, at 3795 North Druid Hills Road.

Withdrawn without prejudice

New Cases

N1 [2022-1469](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of Amy Swick, Inhance Construction Co., LLC to rezone properties from O-I (Office-Institutional) to MR-2 (Medium Density Residential-2) District for a proposed townhome community, at 1493 LaVista Road.

Approved with conditions

N2 [2022-1470](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of LaVista Investors Inc. c/o M. Hakim Hilliard to modify an existing Special Land Use Permit (S-10-16129) in the R-85 (Residential Medium Lot) District to add two adjacent parcels of land containing single-family homes to the synagogue campus and modify the existing SLUP conditions to allow the two homes to be used as single-family residences for synagogue parishioners, at 1252 Merry Lane.

Approved with conditions

N3 [2022-1471](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of PMZ Developers LLC c/o Battle Law PC to rezone property from Bouldercrest Cedar Grove Moreland Overlay District Tier 5-Corridor1/R-100 (Residential Medium Lot) to RSM (Small Lot Residential Mix) district to allow for single-family detached homes and single-family attached townhomes, at 4101 Bouldercrest Road.

Deferred for a full cycle, until July 28, 2022

N4 [2022-1472](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of Ryan Jones, PE to rezone properties from O-I (Office Institutional) (conditional) to NS (Neighborhood Shopping) Zoning District to allow construction of a medical office with a drive-through, at 1799 Clairmont Road.

Withdrawn without prejudice

N5 [2022-1473](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of Ryan Jones, PE for a Special Land Use Permit (SLUP) to allow a drive-through (medical facility) in the NS (Neighborhood Shopping) District, at 1799 Clairmont Road.

Withdrawn without prejudice

N6 [2022-1474](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 07
Application of Liagiba, Inc. dba Abigail Manor PCH for a Special Land Use Permit (SLUP) application for a personal care home for up to 4 individuals in the R-100 (Residential Medium Lot) District, at 518 Lake Michele Court.

Deferred for 30 days for Public Hearing, until June 28, 2022

N7 [2022-1475](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of East Lake Holdings, Inc. to rezone property from C-1 (Local Commercial) and M(Light Industrial) to MR-2 (Medium Density Residential-2) for development of a multifamily and townhome development, at 1847 2nd Avenue.

Deferred for 30 days for Public Hearing, until June 28, 2022

N8 [2022-1476](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of NDM EDENS LLC c/o Dennis J. Webb, Jr. to rezone property from C-1 (Local Commercial) to MU-4 (Mixed Use-4) to allow mixed retail, office, and residential development with a grocery store and movie theater, at 2050 Lawrenceville Highway.

Approved with conditions dated May 26, 2022

N9 [2022-1477](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 07
Application of Kova Real Estate, LLC to rezone property from R-75 (Residential Medium Lot-75) to R-60 (Residential Medium Lot-60) to allow an 11-lot subdivision for single-family detached homes, at 1500 Columbia Drive.

Deferred for 45 days for Decision Only, until July 12, 2022

N10 [2022-1478](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 07
Application of FL Sims Funeral Home Decatur LLC to rezone from R-100 (Residential Medium Lot) to O-I (Office Institutional) to allow for a funeral home, at 4031 Rainbow Drive.

Withdrawn without prejudice

N11 [2022-1479](#)

**COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of Nationwide Investments, LLC to rezone from Tier 2 of the
Scottdale Overlay District to Tier 1 of the Scottdale Overlay District, to allow
construction of a single-family detached and single-family attached
(townhome) development, at 496 Warren Avenue.**

Approved with conditions

N12 [2022-1480](#)

**COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of Nationwide Investments, LLC to rezone from R-75
(Residential Medium Lot-75) to MR-1 (Medium Density Residential-1), to
allow construction of a single-family detached and single-family attached
(townhome) development.**

Approved with conditions

N13 [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..**

Deferred for 30 days for Public Hearing, until June 28, 2022

N14 [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 film/movie/tv production studios, at 5615 Memorial Drive.**

Deferred for 30 days for Public Hearing, until June 28, 2022

N15 [2022-1483](#)

**COMMISSION DISTRICT(S): Commission District 04 Super District 07
Application of Battle Law, PC to rezone property from R-100 (Residential
Medium Lot-100) to RSM (Residential Small Lot Mix) to develop a 26-unit
senior housing community, at 373 Stone Mountain-Lithonia Road.**

Deferred for 30 days for Public Hearing, until June 28, 2022

N16 [2022-1484](#)

**COMMISSION DISTRICT(S): Commission District 04 Super District 07
Application of Battle Law, PC for a Special Land Use Permit (SLUP) to
develop senior housing cottages within the RSM (Residential Small Lot Mix)
District, at 373 Stone Mountain-Lithonia Road.**

Deferred for 30 days for Public Hearing, until June 28, 2022

N17 [2022-1485](#)

**COMMISSION DISTRICT(S): All Districts
Application of Director of Planning & Sustainability for a text amendment to
modify Section 5.7.5.I.2 (Detached Houses- Maximum Size) to modify the
maximum size of single-family cottages. This text amendment is
County-wide.**

Approved

N18 [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.**

Deferred for two full cycles, until September 29, 2022

N19 [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.**

Deferred for 30 days for Public Hearing, until June 28, 2022

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.