

DeKalb County Government

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



Meeting Minutes

Tuesday, November 13, 2018

6:30 PM

Manuel J. Maloof Auditorium

Board of Commissioners - Zoning Meeting

*Commissioner Jeff Rader, Presiding Officer, District 2
Commissioner Steve Bradshaw, Deputy Presiding Officer, District 4*

*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 Jeff Rader, Commissioner Larry Johnson, Commissioner Steve Bradshaw, Commissioner Mereda Davis Johnson, Commissioner Kathie Gannon, and Commissioner Gregory Adams

Staff Present: Barbara Sanders-Norwood, County Clerk, Viviane Ernstes, Deputy County Attorney

2018-3010 Reconvene

MOTION was made by Larry Johnson, seconded by Gregory Adams, that this agenda item be approved to reconvene the November 13, 2018 Board of Commissioners Zoning Meeting. Commissioner Nancy Jester was out of the room and not voting. The motion carried by the following hand vote:

Yes: 6 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

Absent: 1 - Commissioner Jester

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.

Deferred Cases

- D1** [2018-2163](#) COMMISSION DISTRICT(S): 2 & 6
Application of LCI-SVAP NDM JV, LP c/o Kathryn Zickert to rezone property from C-1 (Local Commercial) to MU-4 (Mixed Use-4) for redevelopment of the North DeKalb Mall into a mixed retail, multifamily residential, hotel, and office development at Lawrenceville Highway/Birch Road/Sweet Briar Road.

Alex Brock, 1230 Peachtree Street Atlanta, Ga (no zipcode), spoke in favor

MOTION was made by Kathie Gannon, seconded by Gregory Adams, that this agenda item be deferred for a full cycle, until January 22, 2019. Items 2018-2163 and 2018-2164 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

- D2** [2018-2164](#) COMMISSION DISTRICTS: 2 & 6
Application of LCI-SVAP NDM JV, LP c/o Kathryn M. Zickert for a Special Land Use Permit for Costco fuel pumps as part of redevelopment of North DeKalb Mall into a mixed retail, multifamily residential, hotel, and office development, in accordance with Chapter 27, Article 4, Table 4.1 - Use Table of the DeKalb County Code, at Lawrenceville Hwy/Birch Rd/Sweet Briar Rd.

Alex Brock, 1230 Peachtree Street Atlanta, Ga (no zipcode), spoke in favor

MOTION was made by Kathie Gannon, seconded by Gregory Adams, that this agenda item be deferred for a full cycle, until January 22, 2019. Items 2018-2163 and 2018-2164 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

New Cases

- N1 [2018-2793](#) COMMISSION DISTRICT(S): 5 & 7
Application of Starleatha Denson for a Special Land Use Permit for a group personal care home for up to six persons in an R-85 (Medium Density Residential-85) District, in accordance with Chapter 27, Article 4 of the DeKalb County Code, Table 4.1 - Use Table, at 2336 Wesley Chapel Road.

Starleatha Denson, 2336 Wesley Chapel Rd. Decatur, GA 30035, spoke in favor

MOTION was made by Mereda Davis Johnson, seconded by Gregory Adams, that this agenda item be approved with 1 staff condition. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

- N2 [2018-2808](#) COMMISSION DISTRICT(S): 5 & 7
Application of Joseph Cooley to request a Land Use Map Amendment from Suburban (SUB) to Light Industrial (LIND) to allow future industrial uses, at 2346 Pine Mountain Street.

Joseph Cooley, 355 Knoll Woods Drive Roswell, GA 30075, spoke in favor

Renee Carl, 5741 Fieldstone Dr. Lithonia, GA 30038, Patrilla Arrington, 7101 Pine Mt. Road Lithonia, GA 30058, Robert Scott, 7123 Pine Mountain Rd. Lithonia, GA 30058, Pastor Ed Randolph, 2470 Bruce Street Lithonia, GA 30038, Joyce Mckibbon, 7040 Dunn Ct. Lithonia, GA 30058, spoke in opposition

MOTION was made by Mereda Davis Johnson, seconded by Gregory Adams, that this agenda item be denial. Items 2018-2808 and 2018-2774 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

- N3** [2018-2774](#) COMMISSION DISTRICT(S): 5 & 7
Application of Joseph Cooley to rezone property from RE (Residential Estate) District to M (Light Industrial) District to allow future industrial uses in accordance with Section 27-4.1 of the DeKalb County Zoning Ordinance, at 2346 Pine Mountain Street.

Joseph Cooley, 355 Knoll Woods Drive Roswell, GA 30075, spoke in favor

Renee Carl, 5741 Fieldstone Dr. Lithonia, GA 30038, Patrilla Arrington, 7101 Pine Mt. Road Lithonia, GA 30058, Robert Scott, 7123 Pine Mountain Rd. Lithonia, GA 30058, Pastor Ed Randolph, 2470 Bruce Street Lithonia, GA 30038, Joyce Mckibbon, 7040 Dunn Ct. Lithonia, GA 30058, spoke in opposition

MOTION was made by Mereda Davis Johnson, seconded by Gregory Adams, that this agenda item be denial. Items 2018-2808 and 2018-2774 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

- N4** [2018-2745](#) COMMISSION DISTRICT(S): 2 & 6
Application of QuikTrip Corporation c/o Battle Law P.C. to rezone property from R-75 (Residential Medium Lot) District, C-1 (Local Commercial) District and C-2 (General Commercial) District to C-1 (Local Commercial) District to redevelop and construct a QuikTrip convenience store with accessory fuel pumps and alcohol sales, at 1910 Lawrenceville Hwy & 2580 Pine Bluff Dr.

Michelle Battle, One West Court Sq. Suite 750 Decatur, GA 30030, Theresa Same, 2572 McCurdy Way Decatur, GA (no zipcode), spoke in favor

MOTION was made by Kathie Gannon, seconded by Jeff Rader, that this agenda item be approved with 24 staff conditions and an amendment to condition 9 to provide no spill parking lot lighting on site, and an added condition that one of the two dumpsters will be devoted to cardboard recycling, submitted by Commissioners Jeff Rader and Kathie Gannon. Commissioner Gannon also requested that a Community Agreement be added into the record. Items 2018-2745, 2018-2746, 2018-2748 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader,
Commissioner Johnson, Commissioner Gannon,
Commissioner Bradshaw, Commissioner Davis
Johnson, and Commissioner Adams

N5 [2018-2746](#) COMMISSION DISTRICT(S): 2 & 6
Application of QuikTrip Corporation c/o Battle Law P.C. for a Special
Land Use Permit (SLUP) to allow fuel pumps accessory to a QuikTrip
convenience store in a C-1 (Local Commercial) District, in accordance
with Chapter 27, Article 4, Table 4.1 Use Table and Section 27-4.2.28
- Supplemental Regulations of the DeKalb County Code, at 1910
Lawrenceville Hwy & Pine Bluff Dr.

*Michelle Battle, One West Court Sq. Suite 750 Decatur, GA 30030, Theresa
Same, 2572 McCurdy Way Decatur, GA (no zipcode), spoke in favor*

**MOTION was made by Kathie Gannon, seconded by Jeff Rader,
that this agenda item be approved with 24 staff conditions and an
amendment to condition 9 to provide no spill parking lot lighting
on site, and an added condition that one of the two dumpsters will
be devoted to cardboard recycling, submitted by Commissioners
Jeff Rader and Kathie Gannon. Commissioner Gannon also
requested that a Community Agreement be added into the record.
Items 2018-2745, 2018-2746, 2018-2748 were heard together. The
motion carried by the following vote:**

Yes: 7 - Commissioner Jester, Commissioner Rader,
Commissioner Johnson, Commissioner Gannon,
Commissioner Bradshaw, Commissioner Davis
Johnson, and Commissioner Adams

- N6 [2018-2748](#) COMMISSION DISTRICT(S): 2 & 6
Application of Quik Trip Corporation c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to allow an alcohol outlet accessory to a QuikTrip convenience store in a C-1 (Local Commercial) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 27-4.2.8-Supplemental Regulations of the DeKalb County Code, at 1910 Lawrenceville Hwy & 2580 Pine Bluff Dr.

Michelle Battle, One West Court Sq. Suite 750 Decatur, GA 30030, Theresa Same, 2572 McCurdy Way Decatur, GA (no zipcode), spoke in favor

MOTION was made by Kathie Gannon, seconded by Jeff Rader, that this agenda item be approved with 24 staff conditions and an amendment to condition 9 to provide no spill parking lot lighting on site, and an added condition that one of the two dumpsters will be devoted to cardboard recycling, submitted by Commissioners Jeff Rader and Kathie Gannon. Commissioner Gannon also requested that a Community Agreement be added into the record. Items 2018-2745, 2018-2746, 2018-2748 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

- N7 [2018-2795](#) COMMISSION DISTRICT(S): 3 & 6
Application of Sheryl Campbell to rezone property from R-75 (Medium Density Residential-75) to O-I (Office-Institutional) to allow use of an existing building for an adult day care center, at 2606 Whites Mill Road.

Joann Smart-Gaither, 3702 Rainover Drive Decatur, GA 30034, spoke in favor

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be approved with 3 staff conditions. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

- N8** [2018-2784](#) COMMISSION DISTRICT(S): 3 & 7
Application of Sid Tepaul to rezone property from R-100 (Residential Medium Lot-100) to RSM (Residential SmallLotMix)to allow development of a33-lot urban single-family detached subdivision, at 4601 & 4625 Flat Shoals Road. (Amended to R-75 (Single-Family Residential District and 13 single family detached homes on 10/12/18).
Sid Tejpaul, 9155 Wants Ferry Xing Duluth, GA 30097, Mary Melsongreen, 4557 Warren Mill Trail Ellenwood, GA 30294, Barney Franklin, 4431 Legacy Mill Dr. Ellenwood, GA 30294, spoke in favor

Marcia Glenn Hunter, 3846 Boxwood Walk Ellenwood, GA 30294, Phyllis Wallace, 3976 Ansley Bend Ellenwood, GA 30294, spoke in opposition

MOTION was made by Larry Johnson, seconded by Gregory Adams, that this agenda item be deferred, until December 4, 2018 for Decision Only. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

- N9** [2018-2797](#) COMMISSION DISTRICT(S): 3 & 7
Application of Tarick Miller to rezone property from the O-I district (with conditions pursuant to CZ-77-118) to RSM (Residential Small Lot Mix) to allow a room addition to the existing unoccupied house on the property and allow it to be used for residential purposes, at 2866 Belvedere Lane.

Tarick Miller Sr. 2866 Belvedere Lane Decatur, GA 30032, spoke in favor

MOTION was made by Larry Johnson, seconded by Gregory Adams, that this agenda item be approved with 1 staff condition. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

- N10** [2018-2777](#) COMMISSION DISTRICT(S): 5 & 7
Application of Tycore Auto Services for a Special Land Use Permit (SLUP) to allow major auto repair within Tier 1 of the Greater Hidden Hills Overlay District and the C-2 (General Commercial) District, at 5361 Covington Highway.

Duane Young & Linda Wiggins-Young, 3938 Snapfinger Rd. Lithonia, GA 30038, Eric Joseph Sissoko-Karla, 3791 Mary Anna Dr. Tucker, Ga 30084, Liane Levetan, 2250 Chrysler Terrace Atlanta, GA 30345, spoke in favor

Jan Costello, 1813 S. Hiden Hills Pkwy Stone Mountain, GA 30088, Marilyn Jackson-English, 1592 Golf Link Dr. Stone Mountain, GA 30088, spoke in opposition

MOTION was made by Mereda Davis Johnson, seconded by Gregory Adams, that this agenda item be deferred, until December 11, 2018 for Decision Only. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

- N11** [2018-2794](#) COMMISSION DISTRICT(S): 2 & 6
Application of the Director of Planning and Sustainability for the Emory Jewish Student Center to rezone property from OI (Office Institutional) to OIT (Office Institutional n Transitional) to allow the use for an existing student center, at 1526 N. Decatur Rd (Application amended due to legal discovery).

Linda Dunlavy, 1026 B Atlanta Ave. Decatur, GA 30030, Marc Morrison, 622 Kimberly Ln. Atlanta, GA 30306, Rabbi Zallman Lipskier, 1526 North Decatur Rd. Atlanta, GA 30307, spoke in favor

MOTION was made by Kathie Gannon, seconded by Jeff Rader, that this agenda item be deferred, until December 4, 2018 for Decision Only. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

- N12 [2018-2796](#) COMMISSION DISTRICT(S): All
Application of the DeKalb County Board of Commissioners for a text amendment to adopt the 2019 Rezone Calendar and Resolution.
MOTION was made by Kathie Gannon, seconded by Nancy Jester, that this agenda item be approved. The motion carried by the following vote:
- Yes:** 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams

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 Commissioner Mereda Davis Johnson and seconded by Commissioner Nancy Jester to adjourn the November 13, 2018, 2018 Board of Commissioners Zoning Meeting at 8:33 p.m. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Adams



Jeff Rader
Presiding Officer



Barbara Sanders-Norwood
County Clerk