

Agenda Item

File ID: 2022-2273

Substitute: 12/13/22

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Countywide

Application of the Director of Planning & Sustainability for adoption of the 2023-2024 Zoning Calendar and Resolution.

PETITION NO: TA-22-1246112 (2022-2273)

PROPOSED USE: N/A

LOCATION: N/A

PARCEL NO.: N/A

INFO. CONTACT: Brandon White, Current Planning Manager

PHONE NUMBER: (404) 371-2155

PURPOSE:

Application of the Director of Planning & Sustainability for adoption of the 2023-2024 Zoning Calendar and Resolution.

RECOMMENDATION:

COMMUNITY COUNCIL: CC-1: Approval; CC-2: Denial; CC-3: Approval w/ conditions; CC-4: Approval w/ modification; CC-5: Approval.

PLANNING COMMISSION: Approval.

PLANNING STAFF: Approval.

STAFF ANALYSIS: See attached report.

PLANNING COMMISSION VOTE: **Approval 8-0-0.** LaSonya Osler moved, Jana Johnson seconded for approval of the calendar, as presented, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: **CC-1: Approval 6-0-0; CC-2: Denial 9-0-0.** CC-2 members wanted to change their April 2023 meeting date but did not offer an alternate date; **CC-3: Approval w/ conditions 7-0-0.** CC-3 members recommended approval with the following conditions/modifications: 1) Change meeting time to 6:00 pm. to allow more community input; and, 2) Verify that April meeting date does not conflict with DeKalb County Schools spring break. If it does fall within spring break, try to reschedule so that there are no conflicts; **CC-4: Approval w/modification 8-0-0.** CC-4 members voted for approval with a modification to the February 2023 CC-4 meeting date to February 16, 2023; **CC-5: Approval 6-0-0.**

**A RESOLUTION TO ADOPT THE DEKALB COUNTY, GEORGIA
2023 ZONING AND LAND USE CALENDAR**

WHEREAS, DeKalb County has increasingly become one of the most densely populated counties in the State of Georgia since 1970, due in part to social, political and economic factors; and

WHEREAS, DeKalb County's rapid residential growth and development has outpaced the County's ability to attract commercial and business development; and

WHEREAS, DeKalb County wants to encourage commercial and business development in order to increase the commercial property tax base and increase the services and amenities that are available to DeKalb County citizens; and

WHEREAS, DeKalb County wants to encourage its commercial ventures in DeKalb County and the creation and improvement of such ventures will encourage DeKalb County citizens to frequent DeKalb County businesses; and

WHEREAS, the rezoning of property to residential zoning districts, including those of increased density has adversely affected the ability of DeKalb County to protect the health, safety and welfare of the citizens of DeKalb County in various areas including, but not limited to: (1) adequate infrastructure; (2) sewage disposal; (3) watershed protection; and (4) storm water runoff; and

WHEREAS, the DeKalb County Board of Commissioners recognizes the need to provide opportunities for the involvement of citizens in the development and re-development of their communities and neighborhoods in order that they may fully participate as stakeholders in the land use planning and rezoning process; and

WHEREAS, past experience has established that the involvement of the County's Planning and Sustainability staff prior to the filing of a land use plan amendment application or an application for an amendment to the official zoning map or special land use permit can be beneficial to the applicant and the Board and ultimately produce a better development and a more desirable outcome for the community; and

WHEREAS, the involvement of the County's Planning and Sustainability staff prior to the filing of a land use plan amendment application, an application for an amendment to the official zoning map or a special land use permit has the potential to eliminate the numerous deferrals that currently arise where the applicant has filed an application but said application has deficiencies and the applicant is not ready to present a coherent application to the Board of Commissioners; and

WHEREAS, the involvement of the residents of communities surrounding property that is the subject of a land use plan amendment application, an application for an amendment to the official zoning map or a special land use permit prior to the filing of said application will eliminate the numerous deferrals that currently arise where the applicant has filed an application and has not engaged the community in a meaningful manner prior to the Board of Commissioners' exercise of its legislative power; and

WHEREAS, the DeKalb County Board of Commissioners believes that the 2023 Zoning and Land Use calendar is necessary to protect the interests of DeKalb County and that it is in the best interests of the public health, safety and welfare of the citizens of DeKalb County that this calendar be established; and

WHEREAS, in order to achieve the aforementioned goals and purposes and to advance the policy reflected above, the Board of Commissioners proposes the 2023 Zoning and Land Use Calendar with specific processing requirements that must be satisfied in order for an applicant to be placed upon the annual zoning calendar schedule; and

NOW, THEREFORE, BE IT RESOLVED AND IT IS DECLARED BY THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, AS FOLLOWS:

1. This resolution and the Zoning and Land Use Calendar, dated December 2, 2022 (“2023 Zoning Calendar”), attached hereto and imposed hereby, incorporates the findings and statements set forth in the preceding "Whereas" clauses, and such clauses are made a part of this resolution and the zoning calendar.
2. The 2023 Zoning Calendar and the attached checklist for complete applications are attached as Exhibits 1 and 2, respectively, and are hereby incorporated herein by reference.
3. For the purposes of this resolution the following terms are defined as follows:

Complete application means an application (1) to amend the official zoning map, (2) to amend the comprehensive land use plan; (3) file for a special land use permit; or (4) file an application for a major amendment/modification to zoning conditions that has complied with the applicable requirements of the Code of DeKalb County and has complied with the applicable requirements set forth in the checklist attached hereto and has complied with the applicable provisions of this resolution.

Mandatory pre-application conference means a meeting(s) before filing an application (1) to amend the official zoning map; (2) to amend the comprehensive land use plan; (3) for a special land use permit; (4) for a major amendment/modification to zoning conditions. In this meeting, the applicant and county staff will discuss the necessary steps, filing deadlines, copies, and attachments for the application. Additionally, they will have the opportunity to discuss the details of the proposed project including, but not limited to, any available site plan drawn to scale, elevations, landscape plans, setbacks, tree surveys, parking calculations, buffers, compatibility, transportation, access and other related planning issues. Staff recommendations for changes will be documented and provided to the applicant. The planning staff shall advise the applicant to discuss the proposed application with the relevant District Commissioner and Super District Commissioner.

Pre-submittal community meeting means a meeting(s) at a publicized time, date and place with members of, or representatives from surrounding neighborhood associations, and communities.

Zoning cycle means the cycle for processing zoning applications which begins each March, May, July, September, November of 2023 and January 2024, as depicted in the 2023 Zoning Calendar.

Surrounding neighborhood associations means an organized existing association of residents or a homeowner's association provided that members of such association reside in or own property within one half (1/2) mile of the property that is the subject of the relevant application.

4. The Board of Commissioners and Planning Commission may hear a maximum of twenty (20) applications each zoning cycle ("Case Cap") with the exception of deferred cases (being for decision only), street name changes, and companion land use amendments. Additionally, the Board authorizes the following:
 - (a) *In July, top priority shall be reserved for non-residential applications for official zoning map amendments to commercial, office, industrial, and mixed use (with a minimum of 25% non-residential square footage) zoning categories and related applications for SLUPs.*
 - (b) *Any application that exceeds the Case Cap will be scheduled for the next appropriate available zoning cycle. If additional slots are open after filling the agenda in accordance with Section (4)(a) of this resolution, the agenda may be filled with additional SLUPs, Rezones, Land Use Amendments, Major Modifications, Text Amendments and Street Name Change Requests on a first filed basis; not to exceed a maximum of 20-cases. However, it shall be the goal to place all related filings on the same agenda.*
 - (c) *Deferred applications, street name change applications, and companion land use amendments are not subject to the 20-case cap and may be scheduled by the Board of Commissioners to a specified time and agenda.*
5. The Board of Commissioners and Planning Commission will hear applications for Land Use Amendments to the *Comprehensive Plan* in the months of March and September, in accordance with the 2023 Zoning Calendar. To be considered for an alternate cycle, the applicant must make a written request stating justification to the Director of Planning and Sustainability and the initiation of the application shall be subject to the approval of the District Commissioner and Super District Commissioner. If there are any remaining slots, the slots may be filled with Land Use Amendments, not to exceed the maximum 20-cases for the March and September public hearings.
6. The 2023 Zoning Calendar adopted in companion with this Resolution establishes a rezone cycle and timeline for posting, advertising and setting the schedule for Community Council meetings, Planning Commission public hearings, and Board of Commissioners public hearings.
7. The Community Council and the Planning Commission will hear the items on the agenda and make recommendations on each case that is forwarded to the Board of Commissioners. Recommendations for deferral are forwarded to the Board of Commissioners for final action.
8. When necessary, the Planning Commission shall sit for a second evening of public hearings, which shall be held following adequate public notice within a newspaper of general circulation within the county.
9. No application for an amendment to the land use plan, an amendment to the official zoning map, a special land use permit or a major amendment/modification to a condition of zoning shall be advertised until such time as the applicant has held: (1) a pre-application meeting with the planning staff, and (2) a pre-submittal meeting with the surrounding neighborhood associations, groups, and community.

10. ***Pre-application Meeting*** -- the applicant must attend a mandatory pre-application conference with the Planning and Sustainability Department Director (“Director”) or their designee. A request for a pre- application conference shall be made in writing to the Director or their designee, which shall hold such meeting within ten (10) business days of receipt of the written request.
 - a. ***Pre-submittal Community Meeting*** -- No application for an amendment to the land use plan, an amendment to the official zoning map or special land use permit or a major amendment/modification to a condition of zoning shall be filed and/or accepted for filing until such time as the applicant has conducted a publicized pre-submittal community meeting(s) with surrounding neighborhood association(s)/community groups within one-half (1/2) mile of the subject property and adjacent and nearby property owners within five hundred (500) feet of the subject property. A notice of the pre-submittal community meeting shall be made in writing. The pre-submittal community meeting shall be held in-person or via an online meeting service (e.g., Zoom, Skype, Microsoft Teams, etc.). The pre-submittal community meeting shall take place no less than fifteen (15) days after the date of the written notice. Additionally, pre-submittal community meetings shall be conducted no earlier than 5:00p.m. on weekdays or between the hours of 9:00a.m. – 5:00p.m. on weekends. Online meetings shall be recorded. Applicants are required to provide documentation that verifies the occurrence of said meeting(s), including but not limited to notice letter, sign-in sheets, or correspondence from the neighborhood association(s) or residents from the community before the application can be considered complete by the published Filing Deadline.
11. All advertised applications will be placed on the Board of Commissioners’ agenda after a public hearing before the Planning Commission and meeting with the Community Council unless otherwise acted on by the Board of Commissioners. When necessary, the Board of Commissioners shall sit for a second evening of public hearings. The hearing date shall be published on the adopted 2023-Zoning Calendar and held following adequate public notice within a newspaper of general circulation within the county.
12. The applicant will be required to submit to a pre-application conference and to conduct a pre-submittal community meeting as defined above, but the acceptance of an application to amend the land use plan, the official zoning map, or to obtain a special land use permit in connection with or related to a development of regional impact (“DRI”) shall not entitle an applicant to have that application considered by the community council, planning commission or the board of commissioners until such time as the DRI has been subject to complete review and consideration of such application(s) by the appropriate state agency.
13. The County shall provide the applicant/agent with a sign for announcing the date and time of the Community Council meeting. The applicant shall be responsible for posting the sign on the subject property at least fifteen (15) days prior to community council meeting. The applicant/agent shall provide photographic proof of the sign posting.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2022.

ROBERT J. PATRICK
Presiding Officer
Board of Commissioners DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2022.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO FORM:

APPROVED AS TO SUBSTANCE:

VIVIANE H. ERNSTES
County Attorney

ANDREW A. BAKER
Planning & Sustainability Director

DeKalb County Board of Commissioners

DRAFT Zoning Calendar – 2023-2024

For Rezone, Major Modification, Land Use Plan Amendment, & Special Land Use Permit Applications, and Zoning Ordinance Text Amendments

Deadline to Hosting Community Meeting	Deadline to File/Amend Application	Deadline to Request Withdraw and Refund	Deadline to Post Signs	Community Council via Zoom					Planning Commission Public Hearings via Zoom		Board of Commission Public Hearings Malooof Auditorium	
				District 1 5:30 p.m.	District 2 6:30 p.m.	District 3 6:00 p.m.	District 4 5:30 p.m.	District 5 6:30 p.m.	Regular Meeting	(As Needed)	Regular Meeting	(As Needed)
12/16/2022	12/23/22	2/16/2023	2/21/23	2/15/23	2/07/23	2/08/23	2/16/23	2/06/23	3/07/2023 ***Land Use	3/09/2023	3/30/2023 ***Land Use	4/04/2023
3/01/2023	3/09/2023	4/13/2023	4/18/23	4/12/23	04/11/23	4/12/23	4/11/23	4/03/23	5/02/2023	5/04/2023	5/25/23	5/30/2023
4/26/2023	5/04/2023	6/22/2023	6/27/23	6/21/23	6/13/23	6/14/23	6/20/23	6/12/23	7/11/2023	7/13/2023	7/27/2023	8/01/2023
6/28/2023	7/07/2023	8/24/2023	8/17/22	8/16/23	8/08/23	8/09/23	8/15/23	8/07/23	9/12/2023 ***Land Use	9/14/2023	9/28/2023 ***Land Use	10/03/2023
8/30/2023	9/07/2023	10/12/2023	10/18/23	10/11/23	10/10/23	10/04/23	10/10/23	10/02/23	11/02/2023	11/09/2023	11/16/2023	N/A
10/25/2023	11/02/2023	12/21/2023	12/20/23	12/13/23	12/12/23	12/06/23	12/12/22	12/04/23	1/09/2024	1/11/2024	1/25/2024	1/30/2024

***New Future Land Use Map Amendment applications shall only be heard in March and September.

Slots on the agenda are filled with cases in the order that they are filed, not to exceed 20 maximum cases, per adopted 2023 Zoning Calendar Resolution. SLUP applications with companion rezoning applications shall be heard together (consecutively) on the BOC Agenda. Deferred cases, companion Land Use Amendments and street name change applications are not subject to the 20-case maximum. If the agenda exceeds 10 cases (including deferrals), Planning Commission or the Board of Commissioners may schedule additional cases on “as-needed” dates.

Please find all meeting agendas, including a link to the join the meeting on our website: <https://www.dekalbcountyga.gov/planning-and-sustainability/public-hearing-agendas-info>

REZONING APPLICATION CHECKLIST

Submit 4 printed, collated sets of the complete application (no staples, no binders) and a PDF version on a flash drive

_____ 1. Schedule a mandatory **Pre-Application Conference** with Planning & Sustainability staff by appointment. Obtain **Pre-Application form** (to be completed in pre-application meeting). Please call 404-371-2155 for appointment.

_____ 2. Hold a **Pre-Submittal Community Meeting** with surrounding neighborhood associations and residents. Provide documentation of the meeting (**meeting notice and sign in sheets**). Letter(s) from homeowners association(s) may also be provided.

_____ 3. Submit **Application** (Submit 4 printed, collated sets and a PDF version on a flash drive. Please assemble materials in the following order.)

_____ **A. Application form** with name and address of applicant and owner, and address of subject property;

_____ **B. Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting, if any;

_____ **C. Letter of application and impact analysis**

1. **Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any.

2. **Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.

_____ **D. Authorization Form**, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years.

_____ **E. Campaign disclosure statement** (required by State law).

_____ **F. Legal boundary survey** of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. *(If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.)*

_____ **G. Site Plan**, printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following:

_____ a. complete boundaries of subject property;

_____ b. dimensioned access points and vehicular circulation drives;

_____ c. location of all existing and proposed buildings, structures, setbacks and parking;

_____ d. location of 100 year floodplain and any streams;

_____ e. notation of the total acreage or square footage of the subject property;

_____ f. landscaping, tree removal and replacement, buffer(s); and

_____ g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.

_____ **H. Reduced Site Plan**, reduced to 8.5" x 11".

_____ **I. Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).

_____ **J. Building Form Information**. Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.

_____ **K. Completed, signed Pre-application Form** (Provided at pre-application meeting.)

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED