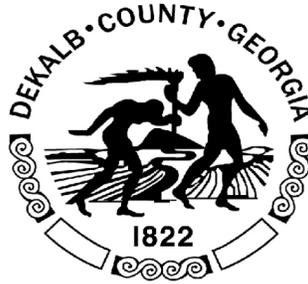


DeKalb County Government

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



Agenda

Thursday, January 25, 2024

5:30 PM

Manuel J. Maloof Auditorium

Board of Commissioners - Zoning Meeting

Comm. Mereda Davis Johnson, Presiding Officer, District 5
Comm. Robert Patrick, Deputy Presiding Officer, District 1

Commissioner Robert Patrick, District 1
Commissioner Michelle Long Spears, 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

Call To Order

Roll Call

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.

Deferred Cases

- D1** [2023-0592](#) COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Smith, Gambrell, and Russell, LLP requesting to rezone from
RSM (Residential Small Mix) zoning district to C-1 (Local Commercial)
zoning district to allow for a retail commercial development, at 5646 and
5650 Covington Highway.

Attachments: [Z-23-1246464 Jan 2024 BOC Staff Report 5646.5656.5650
Covington Hwy.pdf](#)

[Z-23-1246464 July 2023 BOC Staff Report 5646 & 5650 Covington
Hwy](#)

(7/11/23 Planning Commission: [deferred for two full cycles to the Board of
Commissioners - Zoning Meeting](#))

(7/27/23 Board of Commissioners - Zoning Meeting: [deferred for two full
cycles to the Board of Commissioners - Zoning Meeting](#))

D2 [2023-0593](#) COMMISSION DISTRICT(S): Commission District 05 Super District 07 Application of Smith, Gambrell, and Russell, LLP requesting a Special Land Use Permit (SLUP) to allow alcohol sales within a retail commercial development in a C-1 (Local Commercial) zoning district and the Greater Hidden Hills Tier I Overlay District, at 5646 and 5650 Covington Highway.

Attachments: [SLUP-23-1246465 Jan 2024 BOC Staff Report 5646.5656.5650 Covington Hwy.pdf](#)
[SLUP-23-1246465 July 2023 BOC Staff Report 5646 & 5650 Covington Hwy](#)

(7/11/23 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(7/27/23 Board of Commissioners - Zoning Meeting: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

New Cases

N1 [2023-1426](#) COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 07 Application of Dianne C. Belle for a Special Land Use Permit (SLUP) to allow a home occupation with customer contacts in the R-100 (Residential Medium Lot) zoning district, at 3684 Seton Hall Way.

Attachments: [SLUP-24-1246742 \(2023-1426\) Recommended Conditions](#)
[SLUP-24-1246742 Jan 2024 Staff Report 3684 Seton Hall Way](#)

(1/9/24 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

N2 [2023-1427](#) COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 07 Application of Samantha Maffey for a Special Land Use Permit (SLUP) to allow a bank with a drive through in the C-1 (Local Commercial) zoning district and Tier 1 of the I-20 Overlay District, at 2445 Wesley Chapel Road.

Attachments: [SLUP-24-1246743 Recommended Conditions](#)
[SLUP-24-1246743 Jan 2024 Staff Report 2445 Wesley Chapel Road](#)

(1/9/24 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

- N3 [2023-1428](#) COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07
Application of Michael Reynolds for a Major Modification of zoning conditions pursuant to CZ-87086 to construct a hardware store in the C-1 (Local Commercial) zoning district and Tier 1 of the Hidden Hills Overlay District. 5440 Covington Highway.

Attachments: [CZ-24-1246744 \(2023-1428\) Modified BOC Zoning Conditions.pdf](#)
[CZ-24-1246744 Jan BOC 2024 Staff Report 5449 Covington Hwy.pdf](#)

(1/9/24 Planning Commission: approval with modified conditions to read as follows: to the Board of Commissioners - Zoning Meeting)

- N4 [2023-1429](#) COMMISSION DISTRICT(S): COMMISSION DISTRICT 02 SUPER DISTRICT 06
Application of Mark Ferguson for a Special Land Use Permit (SLUP) to allow the existing Po' Boy Shop restaurant to operate as a late-night establishment (beyond 12:30 am) in the C-1 (Local Commercial) zoning district, at 1369 Clairmont Road.

Attachments: [SLUP-24-1246745 \(2023-1429\) Recommended Conditions BOC.pdf](#)
[SLUP-24-1246745 Jan BOC 2024 Staff Report 1369 Clairmont Road.pdf](#)

(1/9/24 Planning Commission: approval with modified conditions to read as follows: to the Board of Commissioners - Zoning Meeting)

- N5 [2023-1430](#) COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 06
Application of Theresa Walcot-Ceesay for a Special Land Use Permit (SLUP) to allow for a Community Living Arrangement (CLA) in the NS (Neighborhood Shopping) zoning district and Tier 2 of the I-20 Overlay District, at 4077 Flat Shoals Parkway.

Attachments: [SLUP-24-1246746 \(2023-1430\) Recommended Conditions](#)
[SLUP-24-1246746 Jan BOC 2024 Staff Report 4077 Flat Shoals Pkwy.pdf](#)

(1/9/24 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

- N6 [2023-1431](#) COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07
Application of The Varner Group c/o Bejune Industries to rezone property from C-1 (Local Commercial) zoning district to RSM (Residential Medium Lot) zoning district to construct a townhome community, at 6826 Covington Highway.

Attachments: [Z-24-1246747 Jan 2024 Staff Report 6826 Covington Hwy](#)

[\(1/9/24 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting\)](#)

- N7 [2023-1432](#) COMMISSION DISTRICT(S): COMMISSION DISTRICT 02 SUPER DISTRICT 06
Application of AP Zonolite, LLC c/o Troutman, Pepper, Hamilton & Sanders, LLP to rezone property from M (Light Industrial) zoning district to C-1 (Local Commercial) zoning district to expand the office and commercial uses on the property, at 1075 Zonolite Road.

Attachments: [Z-24-1246748 \(2023-1432\) Recommended Conditions](#)

[Z-24-1246748 Jan BOC 2024 Staff Report 1075 Zonolite Road.pdf](#)

[\(1/9/24 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting\)](#)

- N8 [2023-1433](#) COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07
Application of Ashley Denis for a Special Land Use Permit (SLUP) to allow a Personal Care Home (PCH) for up to six (6) persons in the R-85 (Residential Medium Lot) zoning district, at 2056 Tudor Castle Circle.

Attachments: [2023-1433 SLUP-24-1246750 Withdrawal Request.pdf](#)

[SLUP-24-1246750 Jan BOC 2024 Staff Report 2056 Tudor Castle Circle.pdf](#)

[\(1/9/24 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N9 [2023-1466](#) COMMISSION DISTRICT(S): ALL DISTRICTS
Application of the Director of Planning & Sustainability for a text amendment relating to film studio requirements and for other purposes. This text amendment is County-wide.

Attachments: [TA-24-1246761 \(2023-1466\) Film Studios text amendment Jan 2024 Staff Report](#)

(1/9/24 Planning Commission: [denial per staff recommendation to the Board of Commissioners - Zoning Meeting](#))

- N10** [2023-1467](#) COMMISSION DISTRICT(S): ALL DISTRICTS
Application of the Director of Planning & Sustainability for a text amendment relating to short-term rentals and for other purposes. This text amendment is County-wide.

Attachments: [TA-24-1246762 Jan 2024 Staff Report Short Term Rentals Text Amendment](#)
[CC District 1 Recommendations for Short Term Rentals](#)

(1/9/24 Planning Commission: [deferred for two full cycles to the Board of Commissioners - Zoning Meeting](#))

- N11** [2024-0142](#) Commission District(s): COMMISSION DISTRICT 03 SUPER DISTRICT 07
Application of DeKalb County Recreation, Parks, and Cultural Affairs to approve the resolution and authorize the chief executive officer to sign and execute all necessary documents to exercise the power of eminent domain to acquire the property located at 3488 Mosley Road, Ellenwood, Georgia 30294.

- N12** [2024-0143](#) Commission District(s): COMMISSION DISTRICT 03 SUPER DISTRICT 07
Application of DeKalb County Recreation, Parks, and Cultural Affairs to approve the resolution and authorize the chief executive officer to sign and execute all necessary documents to exercise the power of eminent domain to acquire the property located at 4071 Old River Road, Ellenwood, Georgia 30294.

- N13** [2024-0144](#) Commission District(s): COMMISSION DISTRICT 03 SUPER DISTRICT 07
Application of DeKalb County Recreation, Parks, and Cultural Affairs to approve the resolution and authorize the chief executive officer to sign and execute all necessary documents to exercise the power of eminent domain to acquire the property located at 4083 Old River Road, Ellenwood, Georgia 30294.

- N14** [2024-0145](#) Commission District(s): COMMISSION DISTRICT 04 SUPER DISTRICT 06
Application of DeKalb County Recreation, Parks, and Cultural Affairs to approve the resolution and authorize the chief executive officer to sign and execute all necessary documents to exercise the power of eminent domain to acquire the property located at 319 3rd Avenue, Scottdale, Georgia 30002.

- N15** [2024-0146](#) Commission District(s): COMMISSION DISTRICT 04 SUPER DISTRICT 06
Application of DeKalb County Recreation, Parks, and Cultural Affairs to approve the resolution and authorize the chief executive officer to sign and execute all necessary documents to exercise the power of eminent domain to acquire the property located at 304 Creighton Avenue, Scottdale, Georgia 30079.