

DeKalb County Government

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



Zoning Minutes

Thursday, July 27, 2017

Reconvened at 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 Jeff Rader, Commissioner Larry Johnson, Commissioner Steve R Bradshaw, Commissioner Mereda Davis Johnson, Commissioner Kathie Gannon, and Commissioner Gregory Adams

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 - Thursday, July 27, 2017 6:30 P.M.

AGENDA

DEFERRED CASES:

D.1 Z-17-21271 (2017-0578) Commission District: 3 Super District: 6
15-083-01-003

Application of Antrell Gales to rezone property from MU-5 (Mixed Use - 5) (conditional) to MU-5 (Mixed Use-5) (conditional) to allow a movie studio and accessory uses. The property is located on the northwest side of Bouldercrest Road, approximately 2,650 feet north of Constitution Road at 2055 Bouldercrest Road in Atlanta, Georgia. The property has approximately 1,430 feet of frontage along Bouldercrest Road and contains 23.7 acres.

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be withdrawn without prejudice. The motion carried by the following vote:

Yes: 7

Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Gannon, and Commissioner Adams

D.2 Z-17-21425 (2017-0592)
15-225-01-010

Commission District: 4 Super District: 7

Application of Rea Ventures Group, LLC to rezone property from R-100 (Single-Family Residential) to RSM (Residential Small Lot Mix) to allow development of 42 single-family attached townhomes and 8 single-family detached homes at a density of 4.4 units per acre. The property is located on the north side of Redan Road, approximately 415 feet east of Ellis Road, at 4640 Redan Road, Stone Mountain. The property has approximately 424 feet of frontage on Redan Road and contains 11.35 acres.

Matthew Monroe, 2964 Peachtree Rd. NW Suite 200 Atlanta, GA 30305, spoke in favor

MOTION was made by Steve Bradshaw, seconded by Gregory Adams, that this agenda item be withdrawn without prejudice. Commissioner Larry Johnson was out of the room and not voting. The motion carried by the following vote:

Yes: 6

Commissioner Jester, Commissioner Rader, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Gannon, and Commissioner Adams

Absent: 1

Commissioner Johnson

D.3 CZ-17-21421 (2017-0530)
18-104-05-060

Commission District: 2 Super District: 6

Application of Brock Built Homes, LLC to rezone from R-100 (Single-Family Residential) to R-100 (Single-Family Residential) - Conditional, to remove conditions of a 1993 Board of Commissioners decision and allow a seventh lot within the Waldorf's Gale subdivision. The property is located on northeast corner of Waldorf Court and McConnell Drive at 1158 McConnell Drive, Decatur. The property has approximately 108 feet of frontage along McConnell Drive, 114 feet of frontage along Waldorf Court and contains 0.46 acre.

Bob Zoeckler, 4013 Harvest Run Clarkston, GA 30021, spoke in favor

Lalaini Brionis, 1134 Waldorfs Ct. Decatur, GA 30033, John Musser, 1174 McConnell Dr. Decatur, GA 30033, Kurt Knapp, Waldorfs Ct. Decatur, GA 30033, spoke in opposition

MOTION was made by Jeff Radar, seconded by Kathie Gannon, that this agenda item be denied. The motion carried by the following vote:

Yes: 7

Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Gannon, and Commissioner Adams

NEW CASES:

N.1 TA-17-21565 (2017-0567) All Districts

Application of DeKalb County Board of Commissioners for a Text Amendment, relating to Section 27-5.4.7 and Section 27-9.1.3 of the DeKalb County Zoning Ordinance and amending Table 5.3 relating to fences, walls, and retaining walls.

MOTION was made by Jeff Radar, seconded by Nancy Jester, that this agenda item be deferred to the regular meeting on September 12, 2017 for Public Hearing. The motion carried by the following vote:

Yes: 7

Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Gannon, and Commissioner Adams

N.2 TA-17-21605 (2017-0593) Commission Districts: 3, 4 & 5 Super Districts: 6 & 7

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 as defined with the associated boundary map. The Kensington-Memorial Drive Overlay District addresses appropriate land uses, encourage economic development, and regulate site design, signage, landscaping and architectural standards.

Jason Yowell 5010 Old Oak Tr. Roswell, GA 30075, Linda Hamby, 10695 Avian Drive Johns Creek, GA (no zipcode), Joseph Ryan Keever, 3897 Redan Road Stone Mountain, GA 30083, Pastor John Kistop, 6231 Arbor Link Rd. Lithonia, GA 30058, Dale Nesbitt, P.O. Box 1822 Roswell, GA 30077, Ray Gilley, 125 Clairemont Ave Ste. 150 Decatur, GA (no zipcode), spoke in favor

Beth Thompson, 780 Rowland Rd. Stone Mountain, GA (no zipcode), Joe Arrington, 466 S. Rays Rd. Stone Mountain, GA 30083, Gwen Williams, 4081 Seneca Way Stone Mountain, GA 30083, Stephen M. Binney, 1083 Seville Dr. Clarkston, GA 30021, spoke in opposition

MOTION was made by Steve Bradshaw, seconded by Jeff Radar, that this agenda item be deferred full cycle, until September 26, 2017.

SUBSTITUTE MOTION was made by Mereda Davis Johnson, seconded by Gregory Adams, that this agenda item approve tier 3 only, and defer all remaining tiers for full cycle, until September 26, 2017.

After discussion, Mereda Davis Johnson amended the SUBSTITUTE MOTION, which was accepted by Gregory Adams, that this agenda item be approved to direct the County Attorney to draft and advertise an ordinance for tier 3 only in conformity with the Zoning Procedures Law, and to defer all remaining tiers for full cycle, until September 26, 2017. Upon further discussion, Mereda Davis Johnson withdrew her motion.

The ORIGINAL MOTION was voted on, which was made by Steve Bradshaw, seconded by Jeff Radar, that this agenda item be deferred full cycle, until September 26, 2017.

The motion carried by the following vote:

Yes: 7

Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Gannon, and Commissioner Adams

N.3 Z-17-21590 (2017-0594)
15-244-04-016, 15-244-05-014

Commission District: 2 Super District: 6

Application of Alfred Barnes Moore to rezone property from R-85 (Single-Family Residential) to RSM (Residential Small Lot Mix) to bring an existing non-conforming residential triplex into compliance with the zoning classification of the property. The property is located on the northwest side of Scott Boulevard, approximately 525 feet north of North Parkwood Road, at 128 Scott Boulevard, Decatur (rear portion of property, located in unincorporated DeKalb County) and 126 Scott Boulevard (front portion of property, located in City of Decatur). The property has approximately 75 feet of frontage on Scott Boulevard and contains 0.5 acre.

Alfred Barnes Moore, 222 12 St. NE #1008 Atlanta, GA 30309, spoke in favor

MOTION was made by Kathie Gannon, seconded by Jeff Radar, that this agenda item be deferred to the regular meeting on September 12, 2017 for Public Hearing. The motion carried by the following vote:

Yes: 7

**Commissioner Jester, Commissioner Rader,
Commissioner Johnson, Commissioner
Bradshaw, Commissioner Davis Johnson,
Commissioner Gannon, and Commissioner
Adams**

N.4 Z-17-21555 (2017-0596)
15-147-05-013, 15-148-02-032

Commission District: 3 Super District: 6

Application of Clare Allah for Chris 180, INC to rezone property from O-I w/Conditions (Office-Institutional with Conditions) and R-75 (Single-Family Residential) to O-I (Office-Institutional), for development of a two-story, 20,000 square foot office building. The property is located on the southeast corner of Fayetteville Road and Pine Trail, at 1030 Fayetteville Road and 1735 Pine Trail, S.E., Atlanta. The property has approximately 433 feet of frontage on Fayetteville Road and approximately 398 feet of frontage on Pine Trail and contains 2.99 acres.

Kathy Colbenson, 729 Brownwood Ave. Atlanta, GA 30316, Kasey Sturm, One Alliance Center, 4th Fl. 3500 Lenox Rd. Atlanta, GA 30326, spoke in favor

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be approved with conditions submitted by Commissioners Larry Johnson and Kathie Gannon. Items N4 and N5 were heard together. The motion carried by the following vote:

Yes: 7

**Commissioner Jester, Commissioner Rader,
Commissioner Johnson, Commissioner
Bradshaw, Commissioner Davis Johnson,
Commissioner Gannon, and Commissioner
Adams**

N.5 Z-17-21589 (2017-0597)
15-148-02-031

Commission District: 3 Super District: 6

Application of Clare Allah for Chris 180, INC to rezone property from R-75 (Single-Family Residential) to O-I (Office-Institutional) to allow construction of a 1,814 square foot building for accessory housing. The property is located on the south side of Pine Trail, approximately 398 feet from the corner of Pine Trail and Fayetteville Road, at 1743 Pine Trail, Atlanta. The property has approximately 336 feet of frontage on Pine Trail and contains 1.21 acres.

Kathy Colbenson, 729 Brownwood Ave. Atlanta, GA 30316, Kasey Sturm, One Alliance Center, 4th Fl. 3500 Lenox Rd. Atlanta, GA 30326, spoke in favor

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be approved with conditions submitted by Commissioners Larry Johnson and Kathie Gannon. Items N4 and N5 were heard together. The motion carried by the following vote:

Yes: 7

Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Gannon, and Commissioner Adams

**N.6 CZ-17-21564 (2017-0598) Commission District: 3 Super District: 6
15-090-01-004, 15-090-01-008, 15-090-01-020 & a portion of 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 of 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 5.540 acres.

Shane Lanhom, 1550 N. Brown Rd. Ste. 125 Lawrenceville, GA 30043, spoke in favor

Robert L. Weaver, 2589 Clifton Springs Road Decatur, GA 30034, Derrick Murray, 2378 Clifton Springs Mn Decatur, GA 30034, spoke in opposition

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be deferred full cycle until September 26, 2017. The motion carried by the following vote:

Yes: 7

Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Gannon, and Commissioner Adams

**N.7 Z-17-21580 (2017-0600) Commission District: 3 Super District: 6
15-143-02-016**

Application of REMA Us Investments, LLC to rezone property from R-75 (Residential Medium Lot) District to R-60 (Residential Small Lot) District to allow three (3) new proposed lots with a minimum 72-foot lot width and street frontage. The property is located on the south side of Eastland Road, approximately 72 feet west of Glynn Drive at 1483 Eastland Road, Atlanta, GA. The property has approximately 216 feet of frontage along the south side of Eastland Road and contains 0.91 acre.

William R. Probst, P.O. Box 1482 Stone Mountain, GA 30086, spoke in favor

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be approved with conditions & site plan submitted by Commissioners Larry Johnson and Kathie Gannon. The motion carried by the following vote:

Yes: 7

**Commissioner Jester, Commissioner Rader,
Commissioner Johnson, Commissioner
Bradshaw, Commissioner Davis Johnson,
Commissioner Gannon, and Commissioner
Adams**

ADJOURNMENT:

There being no further official business, MOTION was made by Commissioner Kathie Gannon and seconded by Commissioner Nancy Jester to adjourn the July 27, 2017 Zoning meeting at 8:48p.m.



Kathie Gannon
Presiding Officer



Barbara Sanders-Norwood
County Clerk