

DeKalb County Government

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



Meeting Minutes

Thursday, July 29, 2021

5:30 PM

via Zoom

Board of Commissioners - Zoning Meeting

*Commissioner Steve Bradshaw, Presiding Officer, District 4
Commissioner Lorraine Cochran-Johnson, Deputy, District 7*

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 Ted Terry, Super District 6

Commissioner Lorraine Cochran-Johnson, Super District 7

Present: 7 - Commissioner Robert Patrick, Commissioner Jeff Rader, Commissioner Larry Johnson, Commissioner Steve Bradshaw, Commissioner Mereda Davis Johnson, Commissioner Ted Terry and Commissioner Lorraine Cochran-Johnson

Administration: Barbara Sanders-Norwood, County Clerk, Viviane Ernstes, County Attorney

The DeKalb County Board of Commissioners will hold its online zoning meeting on Thursday, July 29, 2021 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

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 [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.

MOTION was made by Larry Johnson, seconded by Mereda Davis Johnson, that this agenda item be deferred for a full cycle, until September 30, 2021. Commissioner Lorraine Cochran-Johnson was out of the room and not voting. The motion carried by the following vote:

Yes: 6 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Terry

Absent: 1 - Commissioner Cochran-Johnson

D2 [2020-1546](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, including, but not limited to Section 9.1.3 (Definitions), Section 4.1.3 (Land Use Table), and Section 4.2 (Supplemental Regulations) of the DeKalb County Zoning Ordinance relating to automobile land uses, and for other purposes. This text amendment is County-wide.

MOTION was made by Larry Johnson, seconded by Robert Patrick, that this agenda item be deferred for a full cycle, until September 30, 2021. Commissioner Lorraine Cochran-Johnson was out of the room and not voting. The motion carried by the following vote:

Yes: 6 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Terry

Absent: 1 - Commissioner Cochran-Johnson

D3 [2021-2109](#)

COMMISSION DISTRICT(S): 4 & 6

Application of Kyle Williams & Williams Teusink, LLC to amend the Land Use Plan from Suburban (SUB) to Regional Center (RC) to allow the construction of single-family attached townhomes and single-family cottages. at 3581 Rockbridge Road.

Support: (None)

Opposition: James Gelin - 227 1st Ave, Victoria Webb - 3137 Rockbridge Rd, Stephen Binney 1083 Seville Dr Clarkston GA

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be deferred for 30 days, until August 24, 2021 for Public Hearing. Items 2021-2109, 2021-2110 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

D4 [2021-2110](#)

COMMISSION DISTRICT(S): 4 & 6

Application of Kyle Williams & Williams Teusink, LLC to rezone properties from R-75 (Residential-Medium Lot-75) District to MR-2 (Medium-Density Residential-2) District to allow for the construction of single-family attached townhomes and single-family cottages, at 3581 Rockbridge Road.

Support: (None)

Opposition: James Gelin - 227 1st Ave, Victoria Webb - 3137 Rockbridge Rd, Stephen Binney 1083 Seville Dr Clarkston GA

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be deferred for 30 days, until August 24, 2021 for Public Hearing. Items 2021-2109, 2021-2110 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

New Cases

N1 [2021-2638](#)

COMMISSION DISTRICT(S): 2 & 6

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.

Support: (None)

Opposition: Carol Hayes - 2665 Spicer Lane Decatur GA, Janeah Saadeh -2775 Mount Olive Drive / 3802 North Druid Hill, Micheal Pisani -2756 Mount Olive Drive, Lynn Pasqualetti -1275 Blueberry Trail 30033, Stephen Binney - 1083 Seville Drive Clarkston GA 30021

MOTION was made by Jeff Rader, seconded by Ted Terry, that this agenda item be deferred for two full cycles, until November 18, 2021. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

N2 [2021-2639](#)

COMMISSION DISTRICT(S): 2 & 6

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.

Support: (None)

Opposition: Carol Hayes - 2665 Spicer Lane Decatur GA, Janeah Saadeh -2775 Mount Olive Drive / 3802 North Druid Hill, Micheal Pisani -2756 Mount Olive Drive, Lynn Pasqualetti -1275 Blueberry Trail 30033, Stephen Binney - 1083 Seville Drive Clarkston GA 30021

MOTION was made by Jeff Rader, seconded by Ted Terry, that this agenda item be deferred for two full cycles, until November 18, 2021. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

N3 [2021-2640](#)

COMMISSION DISTRICT(S): 3 & 7

Application of Neville Allison to rezone property from R-100 (Residential Medium Lot-100) District to R-60 (Residential Small Lot-60) District to develop a 76-unit single-family residential subdivision, at 5035 Flakes Mill Road.

Support: (None)

Opposition: Lee Walker -5059 Tara Creek Drive, Sylvester Wilson -3756 Tara Creek Court Ellenwood Ga, Ronald Hudson (No Address)

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be denied. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

N4 [2021-2641](#)

COMMISSION DISTRICT(S): 4 & 6

Application of Mosaic Communities c/o Battle Law to rezone properties from R-85 (Residential Medium Lot) District to RSM (Small Lot Residential Mix) District to allow single-family cottages, duplexes, and triplexes, at 3943 Norman Road.

Support: Phyllis Rooney -3083 Garfield Drive Stone Mtn Ga, Victoria Webb - 3137 Rockbridge

Opposition: Ann McCormick- 918 Bell Glade Drive Stone Mtn, Karen Grage - 3970 Sans Souci Court, Deidre Burton - 252 San Souci Way Clarkson Ga, Teresa Best -4096 Norman Road, Gina Sgro - 3964 Anna Maria Court, Steve Britz - 989 Holly Hedge road

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be deferred for two full cycles, until November 18, 2021. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

N5 [2021-2642](#)

COMMISSION DISTRICT(S): 3 & 6

Application of Benjie Williams to request a Special Land Use Permit (SLUP) to allow a transitional housing facility for up to 12 residents within Tier 2 of the I-20 Overlay District and the MR-2 (Medium Density Residential-2) District, at 2445 Candler Road.

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

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

N6 [2021-2643](#)

COMMISSION DISTRICT(S): 3 & 6

Application of Loren Howard for a Special Land Use Permit (SLUP) for an in-house child day care facility in an R-75 (Medium Lot Residential -75) District, at 3008 Rollingwood Lane.

Support: Dan Wingate- 2151 Hosea Williams Drive, Sylvester Pierce - 2474 Sim Street Atlanta GA, Mr. Garr 1042 Forrest Heights Stone Mtn.

Opposition: (None)

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

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

N7 [2021-2644](#)

COMMISSION DISTRICT(S): 4, 5 & 7

Application of the Director of Planning & Sustainability for an amendment to the text of Section 27-3.37.9 and 27-3.37.10 of the Zoning Ordinance, regarding Tier 2 of the Hidden Hills Overlay District, to prohibit late-night establishments and for other purposes.

Support: (None)

Opposition, Joann Proctor - 4641 Bexley Way Stone Mtn Ga, Terry Orell 4651 Bexley Drive Stone Mtn 30083, Wilma Byrd - 1154 Sheronton Drive 30083, Michelle Shannon -Sheronton Subdivision

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred, until August 10, 2021 for Decision Only. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

N8 [2021-2645](#)

COMMISSION DISTRICT(S): 3, 5, 6 & 7

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, including, but not limited to Section 27- 3.33 (I-20 Corridor Compatible Use Overlay District), Section 27-3.33.5. Principal uses and structures, and Section 27-3.33.6. Prohibited uses of the DeKalb County Zoning Ordinance, relating to temporary produce stands. This text amendment affects Commission Districts 3 and 5 and Super Districts 6 and 7.

MOTION was made by Larry Johnson, seconded by Mereda Davis Johnson, that this agenda item be deferred, until August 10, 2021 for Decision Only. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader,
Commissioner Johnson, Commissioner Bradshaw,
Commissioner Davis Johnson, Commissioner Terry,
and Commissioner Cochran-Johnson

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 Robert Patrick, seconded by Mereda Davis Johnson, that this agenda item be approved to adjourn the July 29, 2021 Board of Commissioners Zoning Meeting at 9:00 p.m. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Stephen R. Bradshaw
Presiding Officer

Barbara Sanders-Norwood
County Clerk