

DeKalb County Government

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



Meeting Minutes

Thursday, May 23, 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 Michelle Long Spears, District 2

Commissioner Steve Bradshaw, District 4

Commissioner Edward "Ted" Terry, Super District 6

Rollcall

Present: 3 - Commissioner Michelle Long Spears, Commissioner Steve Bradshaw and Commissioner Mereda Davis Johnson

Absent: 1 - Commissioner Ted Terry

VoteViaPhone: 1 - Commissioner Robert Patrick

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

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 [2023-1431](#)

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.

MOTION was made by Mereda Davis Johnson, seconded by Michelle Long Spears, that this agenda item be Adopted with conditions. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

D2 [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.

*Favor: Mary S. Hinkel- 1718 Mason Mill Road Northeast Atlanta GA 30329,
Kathie McClure- 1661 Don Aster Drive Atlanta GA 30309, Michael Harvey- 855
Ormewood Ave Southeast Atlanta GA 30316*

Against: Kelly Daire- 1023 Shepherds Lane Northeast Atlanta GA 30324

MOTION was made by Michelle Long Spears, seconded by Michelle Long Spears, that this agenda item be deferred for two full cycles, to September 26, 2024. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

D3 [2023-1142](#)

COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 07

Application of Stix & Stones Homes for a major modification of zoning conditions #1 and #2 pursuant to Z-22-1245596 to increase the number of units and construct a single-family detached cottage development at 1484 & 1520 Columbia Drive.

Favor: Rosalie Ezekiel- 153 Greenwood Place Decatur GA 30030, Elizabeth

Elango- 809 Charles Bank Ave Southeast Atlanta GA 30312

Against: None

MOTION was made by Steve Bradshaw, seconded by Michelle Long Spears, that this agenda item be deferred for 30 days, to June 25, 2024, for Public Hearing. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

D4 [2023-1146](#)

COMMISSION DISTRICT(S): COMMISSION DISTRICT 02 SUPER DISTRICT 06

Application of Fariz Morani for a Special Land Use Permit (SLUP) to build and operate a restaurant with drive through in a C-2 (General Commercial) zoning district within a Town Center (TC) Activity Center, at 1726 Church Street.

MOTION was made by Michelle Long Spears, seconded by Steve Bradshaw, that this agenda item be deferred for 30 days, to June 25, 2024, for Public Hearing. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

D5 [2023-1249](#)

COMMISSION DISTRICT(S): COMMISSION DISTRICT 02 SUPER DISTRICT 06

Application of Fariz Morani to rezone from NS (Neighborhood Shopping) zoning district to C-1 (Local Commercial) district within a Town Center (TC) Activity Center to use the existing building to create a drive-through coffee shop, at 3823 North Druid Hills Road.

MOTION was made by Michelle Long Spears, seconded by Steve Bradshaw, that this agenda item be deferred for 30 days, to June 25, 2024, for Decision Only. Commissioner Robert Patrick voted "YES" via the phone. Items 2023-1249, 2023-1154 were heard together. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

D6 [2023-1154](#)

COMMISSION DISTRICT(S): COMMISSION DISTRICT 02 SUPER DISTRICT 06

Application of Fariz Morani for a Special Land Use Permit (SLUP) to operate a drive through coffee shop within C-1 (Local Commercial) zoning district and within a Town Center (TC) Activity Center, at 3823 North Druid Hills Road.

MOTION was made by Michelle Long Spears, seconded by Steve Bradshaw, that this agenda item be deferred for 30 days, to June 25, 2024, for Decision Only. Commissioner Robert Patrick voted "YES" via the phone. Items 2023-1249, 2023-1154 were heard together. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

New Cases

N1 [2024-0361](#)

COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07

Application of Eritrea Geberehiwot for a Special Land Use Permit (SLUP) to operate a child day care for up to 6 children in the R-85 (Residential Medium Lot-85) zoning district, within the Hidden Hills Overlay District, at 1584 S. Hairston Road.

MOTION was made by Mereda Davis Johnson, seconded by Michelle Long Spears, that this agenda item be denied. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

N2 [2024-0362](#)

COMMISSION DISTRICT(S): DISTRICT 05 SUPER DISTRICT 07

Application of Wendy Rios Ochoa for a renewal of a Special Land Use Permit (SLUP) to operate a child day care for up to 6 children in the RSM (Small Lot Residential Mix) zoning district, at 6168 Marbut Road.

Favor: Wendy Rios Ochoa (No Card)

Against: None

MOTION was made by Mereda Davis Johnson, seconded by Michelle Long Spears, that this agenda item be approved with conditions. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

N3 [2024-0363](#)

COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 07

Application of Rosalie Ezekiel for a Special Land Use Permit (SLUP) to operate a private school in R-75 (Residential Medium Lot-75) zoning district, at 2135 Shamrock Drive.

Favor: Rosalie Ezekiel (No Card) Elizabeth Elango (No Card)

Against: None

MOTION was made by Steve Bradshaw, seconded by Michelle Long Spears, that this agenda item be approved with conditions. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

N4 [2024-0364](#)

COMMISSION DISTRICT(S): COMMISSION DISTRICT 04 SUPER DISTRICT 07

Application of Proverbs Christian School, LLC for a Special Land Use Permit (SLUP) to allow a child day care facility for up to six (6) children in the RSM (Small Lot Residential Mix) zoning district, at 598 Mountain Harbor.

Favor: Rebecca Holmes (No Card)

Against: None

MOTION was made by Steve Bradshaw, seconded by Michelle Long Spears, that this agenda item be approved with conditions. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

N5 [2024-0365](#)

COMMISSION DISTRICT(S): COMMISSION DISTRICT 02 SUPER DISTRICT 06

Application of Amy Wilson c/o Battle Law, P.C. to rezone property from R-75 (Residential Medium Lot-75) zoning district to C-1 (Local Commercial) zoning district to operate a specialized school for art classes and other art-related activities, at 558 Medlock Road.

Favor: Charlie Hulett- 3562 Habersham at Northlake Road Tucker GA 30084

Against: None

MOTION was made by Michelle Long Spears, seconded by Steve Bradshaw, that this agenda item be approved with conditions. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

N6 [2024-0366](#)

COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 06

Application of Erica Morgan for a Special Land Use Permit (SLUP) to allow single-family attached townhomes in Tier 3 of the Bouldercrest Overlay District, the Soapstone Historic District, and the R-100 (Residential Medium Lot-100) zoning district, at 2098 & 2124 Cedar Grove Road.

Favor: Erica Morgan (No Card)

Against: Doctor Juane'y A Lynn-Rigsby- 1984 Shelter Rock Drive Conley GA 30288, Darrell Shack- 2147 Silva Court Conley GA 30288, Thomas Ellis (No Card), Jackie S Malcom- 2427 Rock Knoll Drive Conley GA 30288

MOTION was made by Michelle Long Spears, seconded by Steve Bradshaw, that this agenda item be deferred for two full cycles, to September 26, 2024. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

N7 [2024-0367](#)

COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07

Application of MBA Productions, LLC c/o Giacoma, Roberts, & Daughdrill, LLC for a Major Modification of zoning conditions pursuant to CZ-00069 to allow music recording and photography studios in the O-I (Office-Institutional) zoning district, at 6020, 6038, and 6048 Paul Road.

Favor: Patrick Doyle Dodson- 950 East Paces Ferry Road Suite 2450 Atlanta GA 30326

Against: Nikimbe Neal- 6091 Paul Road Lithonia GA 30058, Dorothy Wiley- 6026 Valley Green Road Lithonia GA 30058, Deborah Dublin- 6032 Valley Green Road Lithonia GA 30058, Mary Price- 1376 Kilgore Road Lithonia GA 30058, Paula Conyers Walker- 1390 Arbor Valley Court Lithonia GA 30058, Christina Echols- 5878 Valley Green Road Lithonia GA 30058, Renee Rolling- 1384 Arbor Valley Court Lithonia GA 30058, Fred Pellum- 1385 Arbor Valley Court Lithonia GA 30058, Cedrick Prather- 1349 Kilgore Road Lithonia GA 30058

MOTION was made by Mereda Davis Johnson, seconded by Michelle Long Spears, that this agenda item be deferred for a full cycle, to July 25, 2024. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

N8 [2024-0110](#)

COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07

Application of MARTA to rezone properties from O-I/R-75/MR-1/RSM zoning districts, within the Indian Creek Overlay District to MU-4 (Mixed Use High Density) zoning district, within the Indian Creek Overlay District to allow for a mixed-use, transit-oriented development (TOD) at the Indian Creek Marta station.

Favor: Josh Turner-3152 Roswell Road Northwest #816 Atlanta GA 30302

Against: None

MOTION was made by Mereda Davis Johnson, seconded by Michelle Long Spears, that this agenda item be approved with conditions. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

VoteViaPhone: 1 - Commissioner Patrick

N9 [2024-0114](#)

COMMISSION DISTRICT(S): COMMISSION DISTRICTS 03, 04 & 05; SUPER DISTRICT 06 & 07

Application of the Director of the DeKalb County Planning & Sustainability department to request text amendments to the Zoning Ordinance, 27-3.41 DIVISION 41. - COVINGTON AND INDIAN CREEK DISTRICTS. This text amendment is for properties within the boundary of the Covington and Indian Creek Districts.

Favor: Josh Turner-3152 Roswell Road Northwest #816 Atlanta GA 30302

Against: None

MOTION was made by Mereda Davis Johnson, seconded by Michelle Long Spears, that this agenda item be approved. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

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2024-0700

Commission District(s): All

To Adjourn the Board of Commissioners Zoning Meeting

There being no further official business, MOTION was made by Michelle Long Spears, seconded by Steve Bradshaw, that this agenda item be approved to adjourn the May 23, 2024 Board of Commissioners Zoning Meeting at 8:42 p.m. Commissioner Robert Patrick voted "YES" via the phone. The motion carried by the following vote:

Yes: 3 - Commissioner Long Spears, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Terry

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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:

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Barbara Sanders (May 29, 2024 11:51 EDT)

Barbara Sanders-Norwood
County Clerk

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