

DeKalb County Government

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



Meeting Minutes

Thursday, March 30, 2023

5:30 PM

Manuel J. Maloof Auditorium

Board of Commissioners - Zoning Meeting

Comm. Robert Patrick, Presiding Officer, District 1

Comm. Mereda Davis Johnson, Deputy Presiding Officer, District 5

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

Present: 6 - Commissioner Robert Patrick, Commissioner Michelle Long Spears, Commissioner Larry Johnson, Commissioner Steve Bradshaw, Commissioner Ted Terry and Commissioner Lorraine Cochran-Johnson

Absent: 1 - Commissioner Mereda Davis Johnson

Administration: Barbara Sanders-Norwood, County Clerk, Terry G. Phillips, Deputy County Attorney

Call To Order

The DeKalb County Board of Commissioners will hold its zoning meeting on Thursday, March 30, 2023 at 5:30 p.m. at the Maloof Auditorium, 1300 Commerce Drive, Decatur, Georgia 30030.

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>

The Board will provide 10 minutes of time for interested parties to speak in favor of an agenda item, and 10 minutes for interested parties to speak in opposition. 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.

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 [2022-2254](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of Avondale Park, LLC c/o Felipe Castellanos for a Major Modification to modify zoning conditions pursuant to CZ-21-1245061 in the MU-5 (Mixed Use 5) zoning district for a mixed residential, office, and commercial development to change the use of the office and retail buildings designated as "A", "B", and "C" on the approved concept plan, to now combine those buildings into one mixed-use building with up to 49,000 square feet of commercial and up to 202 apartment units, at 3458, 3468 and 3478 Mountain Drive.

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be deferred for 30 days, until April 25, 2023 for Public Hearing. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

D2 [2022-2259](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of Chad Mercer for a Major Modification to zoning conditions pursuant to CZ-18-21945 to increase the number of residential units from 6 to 8 units per acre in the MR-2 (Medium Density Residential-2) zoning district, at 211 South Howard Street.

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be denied. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

D3 [2022-2262](#)

COMMISSION DISTRICT(S): Commission District 3 Super District 6
Application of Toll Brothers c/o Kathryn Zickert, Smith, Gambrell, & Russell LLC to rezone property from O-I (Office Institutional) zoning district to RSM (Small Lot Residential Mix) zoning district to allow the construction of single-family attached townhomes, at 1065 Fayetteville Road.

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be deferred to the next meeting, until April 11, 2023 for Decision Only. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

D4 [2022-2537](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Anandi JRK, LLC c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) request to allow accessory fuel pumps for a proposed convenience store within Tier 1 of the Interstate 20 Overlay District and the C-1 (Local Commercial) zoning district, at 2571 E. Wesley Chapel Way.

Support: Josh Mahoney-3562 Habersham at Northlake Tucker 30306

Opposition: None

MOTION was made by Lorraine Cochran-Johnson, seconded by Larry Johnson, that this agenda item be withdrawn without prejudice. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

D5 [2022-2269](#)

COMMISSION DISTRICT(S): Commission District 2 Super District 6
Application of the Director of Planning & Sustainability for text amendments to the *Zoning Ordinance*, Chapter 27-3.22-Emory Village Overlay District-to update permitted and prohibited uses; revise minimum parking requirements; and to address building design and other overlay district enhancements.

Support: Don Water- 1169 Oxford Road Atlanta 30306, David Payne- 1242 Springvalley Lane Atlanta 30306, Cynthia Tauxe- 1553 Emory Road Northeast Atlanta 30306

Opposition: None

MOTION was made by Michelle Long Spears, seconded by Ted Terry, that this agenda item be deferred to the next meeting, until April 11, 2023 for Decision Only. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

D6 [2022-2270](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, to create Section 5.7.9 to consolidate regulations specific to cottage housing development; to amend Article 2 (Residential Zoning Districts: Dimensional Requirements) for the facilitation of cottage housing development in various zoning districts; to amend Section 5.7.5 (Detached Houses) related to cottage housing development, and to revise other applicable sections of the Zoning Ordinance to accommodate cottage housing development.

MOTION was made by Ted Terry, seconded by Larry Johnson, that this agenda item be deferred for a full cycle, until May 25, 2023. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

New Cases

N1 [2023-0064](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Land Engineering and Surveying Inc to amend the Future Land Use Plan from Suburban (SUB) character area to Light Industrial (LIND) character area to accommodate an existing landscape company, upgrade and expand the building, and add additional parking, at 1422 Rock Chapel Road.

Support: Benjamin Middlebrooks- 142 Gle Walk McDonough 30252

Opposition: None

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be deferred for 30 days, until April 25, 2023 for Decision Only. Items 2023-0064, 2023-0065, 2023-0066, 2023-0067 were heard together. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

N2 [2023-0065](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Land Engineering and Surveying, Inc. to rezone property from R-100 (Residential Medium Lot) zoning district to M (Light Industrial) zoning district to accommodate an existing landscaping company, upgrade and expand the building, and add additional parking, at 1422 Rock Chapel Road.

Support: Benjamin Middlebrooks- 142 Gle Walk McDonough 30252

Opposition: None

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be deferred for 30 days, until April 25, 2023 for Decision Only. Items 2023-0064, 2023-0065, 2023-0066, 2023-0067 were heard together. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

N3 [2023-0066](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Land Engineering and Surveying to amend the Future Land Use Plan from Suburban (SUB) character area to Light Industrial (LIND) character area to allow for the construction of a proposed landscaping company, at 1450 Rock Chapel Road.

Support: Benjamin Middlebrooks- 142 Gle Walk McDonough 30252

Opposition: None

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be deferred for 30 days, until April 25, 2023 for Decision Only. Items 2023-0064, 2023-0065, 2023-0066, 2023-0067 were heard together. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

N4 [2023-0067](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Land Engineering and Surveying to rezone property from R-100 (Residential Medium Lot) zoning district to M (Light Industrial) zoning district to allow for the construction of a proposed landscaping company, at 1450 Rock Chapel Road.

Support: Benjamin Middlebrooks- 142 Gle Walk McDonough 30252

Opposition: None

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be deferred for 30 days, until April 25, 2023 for Decision Only. Items 2023-0064, 2023-0065, 2023-0066, 2023-0067 were heard together. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

N5 [2023-0068](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of Craig Wasilewsky to amend the future land use plan from Suburban (SUB) character area to Neighborhood Center (NC) character area, at 710 Fayetteville Road.

Support: Craig Wasilewsky- 1777 Peachtree Street Northeast Suite Atlanta 30309

Opposition: None

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be approved. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

N6 [2023-0069](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of Craig Wasilewsky to rezone property from R-75 (Residential Medium Lot) zoning district to MR-2 (Medium Density Residential-2) zoning district to construct multi-family apartments, at 710 Fayetteville Road.

Support: Craig Wasilewsky- 1777 Peachtree Street Northeast Suite Atlanta 30309

Opposition: None

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be approved with conditions. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

N7 [2023-0070](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of Celina Lane c/o Battle Law, P.C. to request a Major Modification to zoning conditions pursuant to CZ-1243618 to modify condition #1 to allow the site plan to be changed to reflect the operation of a dog daycare business and modify use conditions to include dog daycare, boarding (primary), grooming, indoor/outdoor play area within the existing Parkview Plaza building (Suite B) in the MU-4 (Mixed Use-4) zoning district, at 1807 Memorial Drive.

Support: Josh Mahoney-3562 Habersham at Northlake Tucker 30306

Opposition: None

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be approved with conditions. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

N8 [2023-0071](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Celina Lane c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to allow for a dog daycare business within the existing Parkview Plaza building (Suite B) in the MU-4 (Mixed Use-4) zoning district, at 1807 Memorial Drive.

Support: Josh Mahoney-3562 Habersham at Northlake Tucker 30306

Opposition: None

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be approved with conditions. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

N9 [2023-0072](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Bimor, LLC c/o Battle Law, P.C. to request a Major
Modification to zoning conditions pursuant to CZ-00043 to allow the
construction of eight (8) single-family attached townhomes in the RSM
(Residential Small Lot) zoning district, at 7006 Covington Highway.

Support: Josh Mahoney-3562 Habersham at Northlake Tucker 30306

Opposition: None

MOTION was made by Lorraine Cochran-Johnson, seconded by Larry Johnson, that this agenda item be deferred for a full cycle, until May 25, 2023. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears,
Commissioner Johnson, Commissioner Terry, and
Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis
Johnson

N10 [2023-0115](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of QuikTrip Corp c/o Battle Law, P.C. to request a Special Land Use
Permit (SLUP) to allow the installation of fuel pumps associated with a new
convenience store in the C-2 (General Commercial) zoning district, at 4434, 4450
and 4466 Memorial Drive.

Support: Josh Mahoney-3562 Habersham at Northlake Tucker 30306

Opposition: None

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be deferred for a full cycle, until May 25, 2023. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears,
Commissioner Johnson, Commissioner Terry, and
Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

N11 [2023-0185](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability to amend the DeKalb County Zoning Ordinance to address Workforce Housing. This text amendment is County wide.

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred 30 days, until April 25, 2023 for Decision Only. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson

ADJOURNMENT:

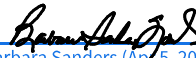
There being no further official business, MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be approved to adjourn the March 30, 2023 Board of Commissioners Zoning Meeting at 7:05p.m. Commissioner Mereda Davis Johnson was absent from the meeting and Commissioner Steve Bradshaw left the meeting at approximately 5:42 p.m. The motion carried by the following vote:

Yes: 5 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 2 - Commissioner Bradshaw, and Commissioner Davis Johnson



Robert Patrick
Presiding Officer



Barbara Sanders (Apr 5, 2023 12:15 EDT)

Barbara Sanders-Norwood
County Clerk