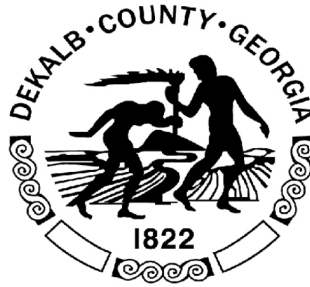


# DeKalb County Government

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



## Agenda

Thursday, January 27, 2022

5:30 PM

via ZOOM

## **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 Jeff Rader, 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

The DeKalb County Board of Commissioners will hold its online zoning meeting on Thursday, January 27, 2022 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](mailto:PublicHearing@dekalbcountyga.gov)

## **Call To Order**

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.

## Roll Call

### Deferred Cases

- D1**     [2021-2910](#)     COMMISSION DISTRICT(S): Commission District 03; Super District 07  
Application of Griffin & Davis Consulting, Inc. Rezone property from R-75  
(Residential Medium Lot - 75) to RSM (Residential Small Lot Mix) Zoning  
District to allow for development of single-family attached townhomes, at  
1484 Columbia Drive.

**Attachments:** [Applicant Request for Withdrawal 12-1-2021](#)

[Z-21-1245080 Staff Report Jan. 2022 1484 Columbia Dr.](#)

[Z-21-1245080 Staff Report Sept. BOC 2021 1484 Columbia Dr.](#)

[\(9/9/21 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

[\(9/30/21 Board of Commissioners - Zoning Meeting: deferred for 30 days to the Board of Commissioners\)](#)

[\(10/26/21 Board of Commissioners: withdrawn without prejudice\)](#)

[\(10/26/21 Board of Commissioners: reconsidered\)](#)

(10/26/21 Board of Commissioners: deferred for a full cycle to the Board of Commissioners)

(1/6/22 Planning Commission: withdrawn without prejudice per staff recommendation to the Board of Commissioners - Zoning Meeting)

**D2**     [2021-2638](#)     COMMISSION DISTRICT(S): Commission District: 02; Super District: 06  
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.

**Attachments:** [Z-21-1244885 Recommended Conditions 3794 N. Druid Hills Rd](#)  
[Z-21-1244885 Staff Report BOC Jan. 2022 3795 N. Druid Hills Rd](#)  
[Z-21-1244885 2021-2638 Recommended Conditions Nov. 2021](#)  
[Z-21-1244885 2021-2638 3795 N. Druid Hills Rd Staff Report Nov. 2021](#)  
[Z-21-1244885 Recommended Conditions July BOC](#)  
[Z-21-1244885 Staff report July BOC 2021](#)

(7/8/21 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(7/29/21 Board of Commissioners - Zoning Meeting: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(11/4/21 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(11/18/21 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/6/22 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

**D3**     [2021-2639](#)     COMMISSION DISTRICT(S): Commission District: 02; Super District: 06  
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.

**Attachments:** [SLUP-21-1244886 Recommended Conditions Jan 2022 3795 N Druid Hills Rd](#)  
[SLUP-21-1244886 Staff Report Jan. BOC 2022 3795 N. Druid Hills Rd](#)  
[SLUP-21-1244886 2021-2639 Recommended Conditions Nov. 2021](#)  
[SLUP-21-1244886 2021-2639 3795 N. Druid Hills Rd. Staff Report Nov. 2021](#)  
[CFA North Druid Hills Relo Traffic Memo](#)  
[Crash Data Exhibit](#)  
[Future Roadway Improvement Concept Option](#)  
[N Druid Hills and Birch Rd Intersection Analysis](#)  
[SLUP-21-1244886 Recommended Conditions July BOC](#)  
[SLUP-21-1244886 Staff report July BOC 2021](#)

(7/8/21 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(7/29/21 Board of Commissioners - Zoning Meeting: deferred for two full cycles)

(11/4/21 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(11/18/21 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/6/22 Planning Commission: defer to the Board of Commissioners with no recommendation to the Board of Commissioners - Zoning Meeting)

- D4**     [2021-2641](#)     COMMISSION DISTRICT(S): Commission District 04; Super District 06  
Application of Mosaic Communities c/o Battle Law to rezone properties  
from R-85 (Residential Medium Lot-85) District to RSM (Small Lot  
Residential Mix) District to allow single-family cottages, conventional  
single-family detached homes, urban single-family attached and detached  
units, and duplexes, at 3943 Norman Road.

**Attachments:** [Spivey Lake Proposed Conditions\\_011322\\_Mosaic and NRN  
Z-21-1244893 3943 Norman Rd. Staff Report Jan BOC 2022  
Z-21-1244893 2021-2641 Norman Rd. Staff Report BOC Nov. 2021  
Z-21-1244893 July 2021 Staff report](#)

(7/8/21 Planning Commission: [deferred for two full cycles to the Board of  
Commissioners - Zoning Meeting](#))

(7/29/21 Board of Commissioners - Zoning Meeting: [deferred for two full  
cycles to the Board of Commissioners - Zoning Meeting](#))

(11/4/21 Planning Commission: [deferred for a full cycle to the Board of  
Commissioners - Zoning Meeting](#))

(11/18/21 Board of Commissioners - Zoning Meeting: [deferred for a full  
cycle to the Board of Commissioners - Zoning Meeting](#))

(1/6/22 Planning Commission: [Approval to the Board of Commissioners -  
Zoning Meeting](#))

- D5**     [2021-3156](#)     COMMISSION DISTRICT(S): Commission District 04; Super District 07  
Application of Builders Professional Group, LLC c/o Battle Law, PC to  
rezone property from R-100 (Residential Medium Lot- 100) to R-75  
(Residential Medium Lot - 75) to allow for the construction of a  
single-family detached residential subdivision, at 5277 Rockbridge Road.

**Attachments:** [Z-21-1245221 Recommended Conditions 5277 Rockbridge Rd  
Z-21-1245221 Staff Report BOC Jan. 2022 5277 Rbridge Rd  
Z-21-1245221 Staff Report BOC Nov 2021  
Z-21-1245221 Staff Report PC Nov. 2021](#)

(11/4/21 Planning Commission: [deferred for a full cycle to the Board of  
Commissioners - Zoning Meeting](#))

(11/18/21 Board of Commissioners - Zoning Meeting: [deferred for a full  
cycle to the Board of Commissioners - Zoning Meeting](#))

(1/6/22 Planning Commission: [Approval to the Board of Commissioners -  
Zoning Meeting](#))

- D6**     [2021-3159](#)     COMMISSION DISTRICT(S): All Districts  
Application of the Director of Planning & Sustainability to amend Section 7.4.6 of the DeKalb County Zoning Ordinance to modify criteria to be considered in evaluating and deciding an application for a Special Land Use Permit (SLUP). This text amendment is County-wide.

**Attachments:** [TA-21-1244986 SLUP Criteria Text Amendment Jan 2022](#)  
[TA 21 1244986 Staff Report 11 4 2021\\_bw](#)  
[N5 TA 21 1244986 SLUP Criteria Text Amendment 3.0](#)

(11/4/21 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(11/18/21 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/6/22 Planning Commission: denied to the Board of Commissioners - Zoning Meeting)

(1/11/22 PECS-Planning, Economic Development & Community Services Committee: no official recommendation)

- D7**     [2021-3160](#)     COMMISSION DISTRICT(S): All Districts  
Application of the Director of Planning and Sustainability to amend Section 27-7.5.3 (A)(1) of the DeKalb County Zoning Ordinance to refine variance criteria for the Zoning Board of Appeals. This text amendment is County-wide..

**Attachments:** [TA-21-1245114 ZBOA Criteria Text Amendment Jan 2022](#)  
[Dir. P&S ZBOA Criterial Text Amendment TA-21-1245114](#)  
[2021-3160 Staff Report BOC Nov. 2021](#)

(11/4/21 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(11/18/21 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/6/22 Planning Commission: approval per staff recommendation to the Board of Commissioners - Zoning Meeting)

## New Cases

- N1     [2021-3515](#)     COMMISSION DISTRICT(S): District 05 Super District 07  
Application of Luxury Living Experience PCH for a Special Land Use Permit (SLUP) for a personal care home for four to six persons in the RSM (Small Lot Residential Mix) Zoning District, at 2038 Mallard Way.

**Attachments:** [SLUP-22-1245307 Recommended Conditions 2038 Mallard Way Rev. 1.14.2022](#)

[SLUP-22-1245307 Staff Report BOC Jan. 2022 2038 Mallard Way](#)

[\(1/4/22 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N2     [2021-3516](#)     COMMISSION DISTRICT(S): District 03 Super District 06  
Application of Rockhaven Homes LLC c/o Battle Law, P.C. to rezone from R-100 (Residential Medium Lot-100) to RSM (Small Lot Residential Mix) Zoning District to allow the construction of single-family detached homes, at 2717 Whitfield Road.

**Attachments:** [Z-22-1245310 Staff Report Jan. 2022 2717 Whitfield Rd.](#)

[\(1/4/22 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N3     [2021-3517](#)     COMMISSION DISTRICT(S): District 04 Super District 07  
Application of Salahadin Kazili for a Special Land Use Permit (SLUP) for an alcohol outlet within an existing shopping center in the C-2 (General Commercial) Zoning District, at 971 N. Hairston Road.

**Attachments:** [SLUP-22-1245311 Recommended Conditions 971 N Hairston Road](#)

[SLUP-22-1245311 Staff Report Jan. 2022 971 N Hairston Rd](#)

[\(1/4/22 Planning Commission: denied to the Board of Commissioners - Zoning Meeting\)](#)

- N4     [2021-3518](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 06 & 07  
Application of Harold Buckley, Jr. for Caliber Car Wash for a Major Modification of Conditions approved, pursuant to CZ-14-19143, to allow a drive-through car wash in a C-1 (Local Commercial) District, at 3644 Memorial Drive..

**Attachments:** [CZ-22-1245320 Staff Report Jan. 2022 3644 Memorial Dr.](#)

[\(1/4/22 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)



- N5     [2021-3519](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 06 & 07  
Application of Harold Buckley, Jr. for Caliber Car Wash for a Special Land Use Permit (SLUP) to allow a drive-through car wash in a C-1 (Local Commercial) District, at 3644 Memorial Drive.

**Attachments:** [SLUP-22-1245321 Staff Report Jan. 2022 3644 Memorial Dr.](#)

(1/4/22 Planning Commission: [denial per staff recommendation to the Board of Commissioners - Zoning Meeting](#))

- N6     [2021-3520](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 06  
Application of Magnolia Gardens PCH, dba Magnolia Cove, for a Special Land Use Permit (SLUP) for a personal care home of up to four persons in the R-100 (Residential Medium Lot-100) Zoning District, at 3956 Ambrose Ridge Court.

**Attachments:** [SLUP-22-1245322 Recommended Conditions 3956 Ambrose Ridge Ct](#)  
[SLUP-22-1245322 Staff Report Jan. BOC 2022 3956 Ambrose Ridge Ct.](#)

(1/4/22 Planning Commission: [Full cycle deferral to the Board of Commissioners - Zoning Meeting](#))

- N7     [2021-3521](#)     COMMISSION DISTRICT(S): Commission District 03 Super Districts 06 and 07  
Application of DeAndre Mathis for a Special Land Use Permit (SLUP) for a proposed boutique wine shop within the C-1 (Local Commercial) Zoning District and the I-20 Overlay District, at 1691 Candler Road.

**Attachments:** [SLUP-22-1245323 Jan 2022 BOC Staff Report 1691 Candler Rd.](#)

(1/4/22 Planning Commission: [Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting](#))

- N8     [2021-3522](#)     COMMISSION DISTRICT(S): Commission District 04 Super District 07  
Application of Kyle Williams to rezone properties from R-100 (Residential Medium Lot-100) to RSM (Small Lot Residential Mix) Zoning District to allow for the construction of single family detached residences, at 4994 Rockbridge Road.

**Attachments:** [Z-22-1245331 Staff Report Jan. 2022 BOC 4994 Rockbridge Rd.](#)

(1/4/22 Planning Commission: [deferred for two full cycles to the Board of Commissioners - Zoning Meeting](#))

- N9     [2021-3523](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 07  
Application of Dorlette Franklin for a Special Land Use Permit (SLUP) for a  
proposed child daycare (up to six) in a R-100 (Residential Medium Lot-100)  
Zoning District, at 3640 Platina Park Court.

**Attachments:** [SLUP-22-1245330 Recommended Conditions revised 1-5-2022 3640  
Platina Park Ct](#)

[SLUP-22-1245330 Staff Report BOC Jan 2022 3640 Platina Park](#)

[\(1/4/22 Planning Commission: approved with conditions per staff  
recommendation to the Board of Commissioners - Zoning Meeting\)](#)