

DeKalb County Government

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



Meeting Minutes

Tuesday, September 24, 2019

6:30 PM

Manuel J. Maloof Auditorium

Board of Commissioners - Zoning Meeting

*Commissioner Jeff Rader, Presiding Officer, District 2
Commissioner Steve Bradshaw, Deputy Presiding Officer, District 4*

*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 Lorraine Cochran-Johnson, Super District 7*

Present: 6 - Commissioner Nancy Jester, Commissioner Jeff Rader,
Commissioner Larry Johnson, Commissioner Kathie Gannon,
Commissioner Steve Bradshaw and Commissioner Lorraine
Cochran-Johnson

Absent: 1 - Commissioner Mereda Davis Johnson

Staff Present: Barbara Sanders-Norwood, County Clerk, Viviane Ernestes, County Attorney

2019-4370 Reconvene

MOTION was made by Kathie Gannon, seconded by Steve Bradshaw, that this agenda item be approved to reconvene the September 24, 2019 Board of Commissioners Zoning Meeting. Commissioner Larry Johnson was out of the room and not voting. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 5 - Commissioner Jester, Commissioner Rader,
Commissioner Gannon, Commissioner Bradshaw, and
Commissioner Cochran-Johnson

Absent: 2 - Commissioner Johnson, and Commissioner Davis
Johnson

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.

New Cases

- N1 [2019-4068](#) COMMISSION DISTRICT(S): 2 & 7
Application of Elizabeth G Newsom to request a Special Land Use Permit (SLUP) to allow a home occupation (skincare studio) with customer contact in a R-75 (Residential Medium Lot) District, at 1513 Frazier Road.

Elizabeth Newsome, 1513 Frazier Rd. Decatur, GA 30033, Charles Mark Parker, 3007 Frazier Ct. Decatur, GA 30033, Rose Boise, 3042 Tolbert Dr. Decatur, GA 30033, spoke in favor

Marc & Rachelle Herscher, 1483 Frazier Rd. Decatur, GA 30033, Mary Beth Cardoni, 1541 Frazier Rd. Decatur, GA 30033, spoke in opposition

MOTION was made by Jeff Rader, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with 9 staff conditions, with amendments to conditions 1 & 2 submitted by Commissioners Jeff Rader and Lorraine Cochran-Johnson. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

N2 [2019-4069](#) COMMISSION DISTRICT(S): 2 & 6
Application of Elegant Homes, LLC to rezone property from R-85 (Residential Medium Lot-85) to RSM (Residential Small Lot Mix) to allow development of a 16-unit mixed residential development, at 1051, 1047 & 1043 Briarcliff Road.

Gloria Glasser, Dunlavy Law Group, 1026 B Atlanta Ave. Decatur, GA 30030, spoke in favor

Allan Ballard, 1324 Stillwood Chase Ct. Atlanta, GA 30306, spoke in opposition

MOTION was made by Jeff Rader, seconded by Kathie Gannon, that this agenda item be deferred for a full cycle, until November 19, 2019. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

N3 [2019-4070](#) COMMISSION DISTRICT(S): 1 & 7
Application of Mumtaz Alli c/o Hilliard Starkey Law for a Special Land Use Permit for an alcohol outlet (alcohol sales in a convenience store) in a C-1 (Local Commercial) District, at 3645 Chamblee Tucker Road.

Alexander Denton, 471 E. Pharr Road Decatur, GA 30030, spoke in opposition

MOTION was made by Nancy Jester, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for a full cycle, until November 19, 2019. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

- N4 [2019-4071](#) COMMISSION DISTRICT(S): 4 & 6
Application of Woodland Asset Management for a Special Land Use Permit for a proposed restaurant with a drive through in a C-1 (Local Commercial) District, at 5100 Memorial Drive.
Scott Peters, 1100 Peachtree St. NE Suite 800 Atlanta, GA 30309, spoke in favor
MOTION was made by Steve Bradshaw, seconded by Kathie Gannon, that this agenda item be deferred for 30 days, until October 22, 2019 for Public Hearing. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:
- Yes:** 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson
- Absent:** 1 - Commissioner Davis Johnson

- N5 [2019-4072](#) COMMISSION DISTRICT(S): 3 & 6
Application of Loren Wimpfheimer to rezone from R-75 (Residential Medium Lot) District to RSM (Small Lot Residential Mix) District for 64 single family attached townhomes, at 1639 Eastland Road.
Michelle Battle, One West Court Sq. Suite 750 Decatur, GA 30030, Kenneth Wood, 350 Research Ct. Peachtree Corners, GA 30092, Mike Teale, 1645 Eastland Atlanta, GA 30316, spoke in favor
MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be deferred for 30 days, until October 22, 2019 for Public Hearing. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:
- Yes:** 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson
- Absent:** 1 - Commissioner Davis Johnson

- N6** [2019-4073](#) COMMISSION DISTRICT(S): 3 & 7
Application of LBM ATL, LLC c/o Barbara Odom to rezone property from R-100 (Residential Medium Lot) to RSM (Small Lot Residential Mix) District to construct up to twenty-two single-family attached or detached units, at 5065 Flat Shoals Parkway.

William W. Brunson III, 195 Creekstone Way Acworth, GA 30101, Larry Jennings, 2541 Cumberland Pkwy Atlanta, GA 30339, Barbara Odom, 3632 River Cliff Ct. Decatur, GA 30034, Rachael Dudley, 3632 River Cliff Ct. Decatur, GA 30034, Camille Dudley, 3632 River Cliff Ct. Decatur, GA 30034, Travon Shropshire, 3658 Salem Hills Ct. Lithonia, GA 30038, Derrica Dudley, 3632 River Cliff Ct. Decatur, GA 30034, spoke in favor

Kenneth Banks, 4116 Marquette Ct. Decatur, GA 30034, Clarence Williams, 3736 Seton Hall Decatur, GA 30034, Bruce McMillan, 3874 Brookwater Rd. Decatur, GA 30034, Nezlyan Davis, 3585 Concordia Road Decatur, GA 30034, Linda Cotton Taylor, 4195 Pepperdine Dr. Decatur, GA 30034, Bobby Whitaker, 4065 Pepperdine Dr. Decatur, GA 30034, spoke in opposition

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be denied. Commissioner Nancy Jester was out of the room and not voting. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

- Yes:** 5 - Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson
- Absent:** 2 - Commissioner Jester, and Commissioner Davis Johnson

- N7 [2019-4074](#) COMMISSION DISTRICT(S): 3 & 7
Application of Georgia General Snapfinger Dev c/o Battle Law to amend the 2035 Future Land Use Plan Map from SUB (Suburban) to TC (Town Center), at 2658 Kelley Chapel Road.

Michele L. Battle, One West Court Sq. Suite 750 Decatur, GA 30030, spoke in favor

Jeremy Scott, 2860 Valaise Path Lithonia, GA 30038, Regina Nixon, 2606 Streaming Cliff Decatur, GA 30034, Natasha Browner, 2755 Hilson Commons Decatur, GA 30034, Elizabeth Starr, 2635 Cloud Lane Decatur, GA 30034, Princella Sumner, 2670 Kelly Chapel Rd. Decatur, GA 30034, Denise Peterson, 3723 Rainover Drive Decatur, GA 30034, Iretha Walker, 3709 Rainover Decatur, GA 30034, Charles Glover, 2376 Raintree Ct. Decatur, GA (no zipcode), Phyliss Peek, 3694 Whirlaway Dr. Decatur, GA 30034, Patricia Strong, 3885 Hilson Haven Decatur, GA 30034, Aliya Walker, 5979 Springfair Rd. Lithonia, GA 30038, Jean Hendricks, 2698 Cocklebur Rd. Decatur, GA 30034, spoke in opposition

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for a full cycle, until November 19, 2019. Items 2019-4074 and 2019-4075 were heard together. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

- N8** [2019-4075](#) COMMISSION DISTRICT(S): 3 & 7
Application of Georgia General Snapfinger Dev c/o Battle Law to rezone property from R-100 (Residential Medium Lot-100) to MR-1 (Medium Density Residential-1) for a mixed residential development, at Kelley Chapel Road and Snapfinger Road.

Michele L. Battle, One West Court Sq. Suite 750 Decatur, GA 30030, spoke in favor

Jeremy Scott, 2860 Valaise Path Lithonia, GA 30038, Regina Nixon, 2606 Streaming Cliff Decatur, GA 30034, Natasha Browner, 2755 Hilson Commons Decatur, GA 30034, Elizabeth Starr, 2635 Cloud Lane Decatur, GA 30034, Princella Sumner, 2670 Kelly Chapel Rd. Decatur, GA 30034, Denise Peterson, 3723 Rainover Drive Decatur, GA 30034, Iretha Walker, 3709 Rainover Decatur, GA 30034, Charles Glover, 2376 Raintree Ct. Decatur, GA (no zipcode), Phyliss Peek, 3694 Whirlaway Dr. Decatur, GA 30034, Patricia Strong, 3885 Hilson Haven Decatur, GA 30034, Aliya Walker, 5979 Springfair Rd. Lithonia, GA 30038, Jean Hendricks, 2698 Cocklebur Rd. Decatur, GA 30034, spoke in opposition

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for a full cycle, until November 19, 2019. Items 2019-4074 and 2019-4075 were heard together. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

- N9** [2019-4076](#) COMMISSION DISTRICT(S): 3 & 6
Application of Otto Tract No. 10, LLC c/o Battle Law to Amend The
2035 Future Land Use Plan Map from Neighborhood Center (NC) to
Light Industrial (LIND), at 3101 Clifton Springs Road.

Michele L. Battle, One West Court Sq. Suite 750 Decatur, GA 30030, spoke in favor

Bill Banks, 3259 Shoals Park Dr. Decatur, GA (no zipcode), Bruce McMillan, 3874 Brookwater Pl. Decatur, GA 30034, Annie Simmons, 4104 Chapel Lake Drive Decatur, GA 30034, Robert Weaver, 2589 Clifton Springs Rd. Decatur, GA 30034, Derrick Murray, 2378 Clifton Springs Manor Decatur, GA 30034, Aliya Walker, 5959 Springfair Run Lithonia, GA 30038, Catria Wood, 3495 Kingswood Run Decatur, GA 30034, spoke in opposition

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be deferred for a full cycle, until November 19, 2019. Items 2019-4076, 2019-4077, 2019-4078 were heard together. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader,
Commissioner Johnson, Commissioner Gannon,
Commissioner Bradshaw, and Commissioner
Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

- N10** [2019-4077](#) COMMISSION DISTRICT(S): 3 & 6
Application of Otto Tract No 10 c/o Battle Law to rezone property from MU-4 (Mixed Use High Density) District to M (Light-Industrial) District to develop a distribution warehouse within Tier 2 of the I- 20 Overlay District, at 3101 Clifton Springs Road.

Michele L. Battle, One West Court Sq. Suite 750 Decatur, GA 30030, spoke in favor

Bill Banks, 3259 Shoals Park Dr. Decatur, GA (no zipcode), Bruce McMillan, 3874 Brookwater Pl. Decatur, GA 30034, Annie Simmons, 4104 Chapel Lake Drive Decatur, GA 30034, Robert Weaver, 2589 Clifton Springs Rd. Decatur, GA 30034, Derrick Murray, 2378 Clifton Springs Manor Decatur, GA 30034, Aliya Walker, 5959 Springfair Run Lithonia, GA 30038, Catria Wood, 3495 Kingswood Run Decatur, GA 30034, spoke in opposition

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be deferred for a full cycle, until November 19, 2019. Items 2019-4076, 2019-4077, 2019-4078 were heard together. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

- N11** [2019-4078](#) COMMISSION DISTRICT(S): 3 & 6
Application of Otto Tract No. 10 LLC c/o Battle Law to rezone property from MU-4 (Mixed Use High Density) District to MR-1 (Medium Density Residential-1) District within Tier 2 of the 1-20 Overlay District, at 3101 Clifton Springs Road.

Michele L. Battle, One West Court Sq. Suite 750 Decatur, GA 30030, spoke in favor

Bill Banks, 3259 Shoals Park Dr. Decatur, GA (no zipcode), Bruce McMillan, 3874 Brookwater Pl. Decatur, GA 30034, Annie Simmons, 4104 Chapel Lake Drive Decatur, GA 30034, Robert Weaver, 2589 Clifton Springs Rd. Decatur, GA 30034, Derrick Murray, 2378 Clifton Springs Manor Decatur, GA 30034, Aliya Walker, 5959 Springfair Run Lithonia, GA 30038, Catria Wood, 3495 Kingswood Run Decatur, GA 30034, spoke in opposition

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be deferred for a full cycle, until November 19, 2019. Items 2019-4076, 2019-4077, 2019-4078 were heard together. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

- N12** [2019-4079](#) COMMISSION DISTRICT(S): 3 & 6
Application of Natasha Taylor to rezone property from R-75 (Residential Medium Lot-75) District to RSM (Residential Small Lot Mix) District to construct a two-family residence (“duplex”), at 316 Wilkinson Drive.

Natesha Taylor, 316 Wilkinson Street Atlanta, GA 30316, spoke in favor

MOTION was made by Kathie Gannon, seconded by Larry Johnson, that this agenda item be denied. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

N13 [2019-4122](#)

COMMISSION DISTRICT(S): ALL DISTRICTS

Application of the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Article 5.4.7, Fences, walls and retaining walls and Article 9.1.3.

MOTION was made by Kathie Gannon, seconded by Larry Johnson, that this agenda item be deferred for a Full Cycle and assigned to the Planning, Economic Development & Community Services Committee (PECS), and return to the Board on November 19, 2019 Zoning meeting. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

N14 [2019-4123](#)

COMMISSION DISTRICT(S): ALL DISTRICTS

Application of the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Article 2 to correct scribes' errors.

Stephen Binney, 1083 Seville Dr. Clarkston, GA 30021, spoke in favor

MOTION was made by Kathie Gannon, seconded by Larry Johnson, that this agenda item be deferred for a full cycle and assigned to the Planning, Economic Development & Community Services Committee (PECS), and return to the Board on November 19, 2019 Zoning meeting. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Davis Johnson

N15 [2019-4124](#) COMMISSION DISTRICT(S): ALL DISTRICTS
Application of the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance to add Film/Movie production to the Use Table 4.1.

MOTION was made by Kathie Gannon, seconded by Larry Johnson, that this agenda item be deferred for a full cycle and assigned to the Planning, Economic Development & Community Services Committee (PECS), and return to the Board on November 19, 2019 Zoning meeting. Commissioner Mereda Davis Johnson was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader,
 Commissioner Johnson, Commissioner Gannon,
 Commissioner Bradshaw, and Commissioner
 Cochran-Johnson


Absent: 1 - Commissioner Davis Johnson

ADJOURNMENT:

There being no further official business, **MOTION** was made by **Commissioner Lorraine Cochran-Johnson** and seconded by **Commissioner Kathie Gannon** to adjourn the **September 24, 2019 Board of Commissioners Zoning meeting at 9:28 p.m.** **Commissioner Mereda Davis Johnson** was absent from the meeting. The motion carried by the following vote:

Yes: 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Cochran-Johnson

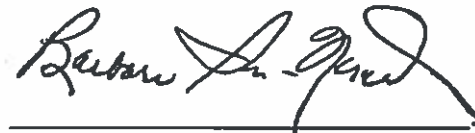
Absent: 1 - Commissioner Davis Johnson



Jeff Rader
Presiding Officer



Michael Thurmond
Chief Executive Officer



Barbara Sanders-Norwood
County Clerk