

DeKalb County Government

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



Summary

Thursday, November 17, 2022

5:30 PM

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

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

Call To Order

The DeKalb County Board of Commissioners will hold its online zoning meeting on Thursday, November 17, 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 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. Interested parties who attend the meeting via the Zoom link above may join the public comment queue by raising their hand in the Zoom application, while interested parties 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.

Roll Call

Interested parties 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. Interested parties 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 interested parties 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 interested parties have finished speaking, staff shall make a recommendation for action to the Commission. At this point, interested parties 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 [2022-1471](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06

Application of PMZ Developers LLC c/o Battle Law PC to rezone property from Bouldercrest Cedar Grove Moreland Overlay District Tier 5-Corridor1/R-100 (Residential Medium Lot) to RSM (Small Lot Residential Mix) district to allow for single-family detached homes and single-family attached townhomes, at 4101 Bouldercrest Road.

Deferred for a full cycle, until January 26, 2023

D2 [2022-1976](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06

Application of Shalom Restorations, LLC to rezone property from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow single-family detached homes, at 695 Jordan Lane.

Deferred for a full cycle, until January 26, 2023

D3 [2022-1998](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06

Application of ModWash, LLC c/o Battle Law P.C. for a request to modify zoning conditions to remove condition #1 pursuant to CZ-06-1241, restricting the use of the property to office and retail uses to allow a car wash in the C-1 (Local Commercial) zoning district, at 1849 Lawrenceville Highway.

Deferred for a full cycle, until January 26, 2023

D4 [2022-1906](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning and Sustainability to adopt a major update to the DeKalb County 2050 Comprehensive Plan, as required by the Rules of the Georgia Department of Community Affairs, Chapter 110-12-1 Minimum Standards and Procedures for Local Comprehensive Planning, and established by the Georgia Planning Act of 1989. The property is located on within the areas of unincorporated DeKalb County. This text amendment is County-wide.

Approved

D5 [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.

Deferred, until December 20, 2022 for Public Hearing

New Cases

N1 [2022-2326](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability to consider approving a resolution to authorize the adoption of the 2050 Comprehensive Transportation Plan Update also known as the CTP.

Approved the substitute

N2 [2022-2252](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06

Application of ModWash LLC c/o Battle Law P.C. to request a Special Land Use Permit (SLUP) to allow a drive-through car wash facility in the C-1 (Local Commercial) zoning district, at 1849 Lawrenceville Highway.

Deferred for a full cycle, until January 26, 2023

N3 [2022-2253](#)

Commission District(s): Commission District 04 Super District 06

Application of D.A. Edwards & Company c/o Dennis J. Webb, Jr., Smith, Gambrell & Russell to rezone property from R-75 (Residential Medium Lot) zoning district to RSM (Residential Small Lot Mix) zoning district to allow the construction of cottage-style urban single-family detached homes, at 1251 Robinwood Road.

Deferred, until December 20, 2022 for Public Hearing

N4 [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.

Deferred for two full cycles, until March 30, 2023

N5 [2022-2255](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07

Application of Wendy Rios Ochoa for a Special Land Use Permit (SLUP) to operate an in-home childcare facility for up to six children in an existing single-family home in the RSM (Small Lot Residential Mix) zoning district, at 6168 Marbut Road.

Approved with conditions

- N6** [2022-2256](#) **COMMISSION DISTRICT(S): Commission District 03 Super District 06**
Application of Kyle Williams to amend the Future Land Use Plan from Neighborhood Center (NC) character area to Light Industrial (LIND) character area to allow for the construction of a distillery, at 2179 Bouldercrest Road.
Approved
- N7** [2022-2257](#) **COMMISSION DISTRICT(S): Commission District 03 Super District 06**
Application of Kyle Williams to rezone property from MU-5 (Mixed Use) zoning district to M (Light Industrial) zoning district to allow for the construction of a distillery, at 2179 Bouldercrest Road.
Approved with conditions
- N8** [2022-2258](#) **COMMISSION DISTRICT(S): Commission District 03 Super District 07**
Application of Alex Brock for a Special Land Use Permit (SLUP) request to allow a drive-through restaurant in the C-1 (Local Commercial) zoning district, at 3507 Memorial Drive.
Approved
- N9** [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.
Deferred for a full cycle, until January 26, 2023
- N10** [2022-2260](#) **COMMISSION DISTRICT(S): Commission District 04 Super District 07**
Application of Future Capital Investment for a Major Modification to zoning conditions pursuant to CZ-20-1243972 to reduce the number of single-family detached lots from 19 to 6 lots in the RSM (Small Lot Residential Mix) zoning district, at 1347 Bermuda Road.
Deferred for a full cycle, until January 26, 2023

N11 [2022-2261](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 07

Application of Mahek Virani to rezone property from R-100 (Residential Medium Lot) zoning district to C-1 (Local Commercial) zoning district to allow the construction of a convenience store, at 8067 Rockbridge Road.

Withdrawn without prejudice

N12 [2022-2262](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06

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.

Deferred for two full cycles, until March 30, 2023

N13 [2022-2263](#)

COMMISSION DISTRICT(S): Commission District 01 Super District 07

Application of Paul Cables, Alpha Residential and Parker Poe to rezone properties from O-I (Office Institutional) zoning district to HR-3 (High Density Residential-3) zoning district to allow apartments, at 3375 Northeast Expressway.

Deferred for a full cycle, until January 26, 2023

N14 [2022-2264](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06

Application of Andrew Rutledge to rezone properties from R-75 (Residential Medium Lot) zoning district to MR-2 (Medium Density Residential-2) zoning district to allow the construction of single-family attached townhomes, at 1602 Scott Boulevard.

Deferred for a full cycle, until January 26, 2023

N15 [2022-2265](#)

Commission District(s): Commission District 04 Super District 06

Application of Thomas J Mazzolini to rezone property from R-75 (Residential Medium Lot) zoning district to R-60 (Residential Small Lot) zoning district to allow a lot split to accommodate two single-family, detached homes, at 2739 Craigie Avenue.

Deferred, until December 20, 2022 for Public Hearing

N16 [2022-2268](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07

Application of Monique Hardnett for a Special Land Use Permit (SLUP) to allow a Child Caring Institution (CCI) for up to six children within the existing single-family detached home in the R-100 (Residential Medium Lot) zoning district, at 1193 Sherrington Drive.

Deferred for a full cycle, until January 26, 2023

N17 [2022-2269](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06

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.

Deferred for a full cycle, until January 26, 2023

N18 [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.

Deferred for two full cycles, until March 30, 2023

N19 [2022-2271](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for a text amendment to Chapter 27-5.1.10 (Maximum Lot Coverage) of the *Zoning Ordinance* to remove the non-vehicular use restriction on pervious materials.

Deferred to the next meeting, until December 13, 2022 for Decision Only

N20 [2022-2272](#)

Commission District(s): Commission District 05 Super District 07

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Section 27-3.37 (Greater Hidden Hills Overlay District) to include senior housing as a SLUP use, subject to supplemental regulations.

Deferred to the next meeting, until December 13, 2022 for Decision Only

N21 [2022-2273](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for adoption of the 2023-2024 Zoning Calendar and Resolution.

Deferred to the next meeting, until December 13, 2022 for Decision Only

2022-2561

Adjournment

Approved