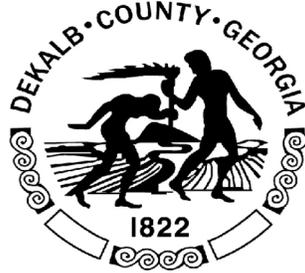


DeKalb County Government

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



Meeting Minutes

Thursday, July 27, 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: 4 - Commissioner Robert Patrick, Commissioner Michelle Long Spears, Commissioner Ted Terry and Commissioner Lorraine Cochran-Johnson

Absent: 3 - Commissioner Larry Johnson, Commissioner Steve Bradshaw and Commissioner Mereda Davis Johnson

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

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 [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: Michele L Battle- 3562 Habersham at Northlake Tucker GA 30084

Opposition: None

**MOTION was made by Lorraine Cochran-Johnson, seconded by
Michelle Long Spears, that this agenda item be approved with
modified conditions in addition to a condition submitted by
Commissioner Lorraine Cochran-Johnson requiring approval of
the elevations by Planning Staff. Commissioner Larry Johnson,
Commissioner Steve Bradshaw, and Commissioner Mereda Davis
Johnson were absent from the meeting. The motion carried by the
following vote:**

Yes: 4 - Commissioner Patrick, Commissioner Long Spears,
Commissioner Terry, and Commissioner
Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw,
and Commissioner Davis Johnson

New Cases

N1 [2023-0583](#)

**COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of ArcOne Construction Company c/o Battle Law, P.C. to rezone
property from R-75 (Residential Medium Lot-75) zoning district to R-60
(Residential Small Lot-60) zoning district to allow for the construction of four
(4) single-family detached homes, at 1481 LaVista Road.**

Support: Michele L Battle- 3562 Habersham at Northlake Tucker GA 30084

Opposition: Louis Myer-WHNA- 1082 Brian Vista Terrace Atlanta GA 30324,

Nancy Sandlin- 1477 Lavista Road Northease Atlanta GA 30024

**MOTION was made by Michelle Long Spears, seconded by Ted
Terry, that this agenda item be deferred for Two Full Cycles, until
November 16, 2023. Commissioner Larry Johnson, Commissioner
Steve Bradshaw, and Commissioner Mereda Davis Johnson were
absent from the meeting. The motion carried by the following
vote:**

Yes: 4 - Commissioner Patrick, Commissioner Long Spears, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

N2 [2023-0584](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of Women Inspiring and Networking c/o Cartesha Cox to allow a Child Care Institution (CCI) for 4 to 6 individuals in the R-75 (Residential Medium Lot-75) zoning district, at 1890 Wee Kirk Road.

Support: TiJuana MP Williams- 433 Highland Avenue Apt. 1216 Atlanta GA 30312, Tawanna Grant- 5458 Spelman Drive Southwest Atlanta GA 30331, Cartesha S. Cox- 1892 Vicki Lane Atlanta GA 30316, Vickie Lynch- 1892 Vicki Lane Southeast Atlanta GA 30316, Cortez Harris- 1892 Vicki Lane Southeast Atlanta GA 30316, Jerinda Jefferson- 2436 Heath Row Decatur GA 30034, Elizabeth J Gaillard- 2882 Stillbrunch Path Lithonia Ga 30038, Cathenne Dixon- 3340 Scenic Court Conyers GA 30094

Opposition: None

MOTION was made by Ted Terry, seconded by Michelle Long Spears, that this agenda item be approved with conditions. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 4 - Commissioner Patrick, Commissioner Long Spears, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

N3 [2023-0585](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 07
Application of Devon Hudson to rezone property from NS (Neighborhood Shopping) zoning district to MU-1 (Mixed Use) zoning district to allow for a mixed-use building with live/work and retail/restaurant uses, at 4750 Flat Shoals Parkway.

Support: DeVon Hudson-4746 Flat Shoals Parkway Decatur GA 30034

Opposition: None

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be deferred for 30 days, and return to the Board on August 22, 2023 for Decision Only. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 4 - Commissioner Patrick, Commissioner Long Spears, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

N4 [2023-0586](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of Leslie Ellsworth for a Special Land Use Permit (SLUP) to expand an existing private school, at 2998, 3038, 2982 and 2974 LaVista Road; and, 1539 & 1529 LaVista Drive.

Support: Gordon Kenna- 1475 Leafmore Ridge Decatur GA 30033

Opposition: None

MOTION was made by Michelle Long Spears, seconded by Ted Terry, that this agenda item be approved with conditions. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 4 - Commissioner Patrick, Commissioner Long Spears, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

N5 [2023-0587](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 07
Application of The Housing Development Corporation for a Special Land Use Permit (SLUP) to allow for a Senior Housing Development, which will be comprised of a 3-story multi-family building and detached cottages within the R-75 (Residential Medium Lot-75) zoning district, at 3401 Rainbow Drive.

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be withdrawn without prejudice. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 4 - Commissioner Patrick, Commissioner Long Spears, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

N6 [2023-0588](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of Marion Cato for a Special Land Use Permit (Special Land Use Permit) in the R-85 (Residential Medium Lot-85) zoning district to allow a Child Care Institution (CCI) for 4 to 6 individuals, at 928 Fairwind Court.

Support: Marion Cato- 928 Fairwind Court Stone Mountain GA 30083

Opposition: M. Emily Grossman- 852 Hearthstone Drive Stone Mountain GA 30083, Mara Webb- 891 Fireside Way Stone Mountain GA 30083, Sharon S Robinson- 894 Andiron Court Stoane Mountain GA 30083, Vernell Kimbrough- 1006 Vineyard Corcle South Stone Mountain GA 30083, Jade Hutton- 1014 Strap Hinge Trail Stone Mountain GA 30035, Tasha Hines- 936 Fairwind Court Stone Mountain GA 30083

MOTION was made by Ted Terry, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for 45 days, and return to the Board on September 12, 2023 for Public Hearing. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 3 - Commissioner Patrick, Commissioner Long Spears, and Commissioner Terry

No: 1 - Commissioner Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw,
and Commissioner Davis Johnson

Support: Marion Cato- 928 Fairwind Court Stone Mountain GA 30083

Opposition: M. Emily Grossman- 852 Hearthstone Drive Stone Mountain GA 30083, Mara Webb- 891 Fireside Way Stone Mountain GA 30083, Sharon S Robinson- 894 Andiron Court Stone Mountain GA 30083, Vernell Kimbrough- 1006 Vineyard Corcle South Stone Mountain GA 30083, Jade Hutton- 1014 Strap Hinge Trail Stone Mountain GA 30035, Tasha Hines- 936 Fairwind Court Stone Mountain GA 30083

MOTION was made by Ted Terry, seconded by Lorraine Cochran-Johnson, that this agenda item be denied. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 4 - Commissioner Patrick, Commissioner Long Spears,
Commissioner Terry, and Commissioner
Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw,
and Commissioner Davis Johnson

N7 [2023-0589](#)

COMMISSION DISTRICT(S): Commission District 01 Super District 07
Application of Smith Gambrell and Russell requesting to rezone the
properties located at 3355, 3375, and 3395 Northeast Expressway from OI
(Office Institutional) zoning district to HR-3 (High Density Residential)
zoning district in order to remove the existing buildings and redevelop the
property for multi-family buildings, at 3355, 3375 and 3395 Northeast
Expressway.

Support: Alex Brock- 1105 West Peachtree Street Atlanta GA 30309

Opposition- Jenna Teston- 3305 North Embry Court Atlanta GA 30341

MOTION was made by Robert Patrick, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for 60 days, and return to the Board on September 26, 2023 for Public Hearing. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 4 - Commissioner Patrick, Commissioner Long Spears,
Commissioner Terry, and Commissioner
Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw,
and Commissioner Davis Johnson

N8 [2023-0590](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 06
Application of Glen Wylie c/o Battle Law, P.C. for a Major Modification of
zoning conditions pursuant to CZ-19-1243269 to amend an approved site plan
with a new parking lot that is closer to the property line, within Tier 2 of the
I-20 Overlay and M (Light Industrial) zoning district, at 3070 Clifton Springs
Road.

Support: Michele L Battle- 3562 Habersham at Northlake Tucker GA 30084

Opposition: None

MOTION was made by Ted Terry, seconded by Michelle Long Spears, that this agenda item be approved with conditions of the major modification request. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 4 - Commissioner Patrick, Commissioner Long Spears,
Commissioner Terry, and Commissioner
Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw,
and Commissioner Davis Johnson

N9 [2023-0591](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Joshua Mahoney for a Special Land Use Permit (SLUP) to
allow for a Child Care Institution (CCI) for 4 to 6 individuals in the R-100
(Residential Medium Lot-100) zoning district, at 1193 Sherrington Drive.

*Support: Michele L Battle- 3562 Habersham at Northlake Tucker GA 30084,
Victor Rodriguez- 1259 Sheppard Court Stone Mountain GA 30083, Monique
Haldnett- 1193 Sherrington Drive Stone Mountain GA 30083*

Opposition: Julie McKay- 4586 Bexley Drive Stone Mountain GA 30083

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be deferred for 30 days, and return to the Board on August 29, 2023 for Decision Only. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 4 - Commissioner Patrick, Commissioner Long Spears, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

N10 [2023-0592](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Smith, Gambrell, and Russell, LLP requesting to rezone from RSM (Residential Small Mix) zoning district to C-1 (Local Commercial) zoning district to allow for a retail commercial development, at 5646 and 5650 Covington Highway.

Alex Brock- 1105 West Peachtree Street Atlanta GA 30309

Opposition: None

MOTION was made by Lorraine Cochran-Johnson, seconded by Michelle Long Spears, that this agenda item be deferred for Three Full Cycles, until January 25, 2023. Items 2023-0592, 2023-0593 were heard together. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 4 - Commissioner Patrick, Commissioner Long Spears, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

N11 [2023-0593](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Smith, Gambrell, and Russell, LLP requesting a Special Land Use Permit (SLUP) to allow alcohol sales within a retail commercial development in a C-1 (Local Commercial) zoning district and the Greater Hidden Hills Tier I Overlay District, at 5646 and 5650 Covington Highway.

Alex Brock- 1105 West Peachtree Street Atlanta GA 30309

Opposition: None

MOTION was made by Lorraine Cochran-Johnson, seconded by Michelle Long Spears, that this agenda item be deferred for Three Full Cycles, until January 25, 2023. Items 2023-0592, 2023-0593 were heard together. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 4 - Commissioner Patrick, Commissioner Long Spears, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

N12 [2023-0594](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Elizabeth D. Scott requesting to rezone a property from R-75 (Residential Medium Lot-75) zoning district to O-I (Office Institutional) zoning district to allow for a mixed-use development, at 3837 Redan Road.

Support: Elizabeth Scott- 2531 Brentford Place Decatur GA 30032

Opposition: None

MOTION was made by Lorraine Cochran-Johnson, seconded by Ted Terry, that this agenda item be approved. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 4 - Commissioner Patrick, Commissioner Long Spears, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

N13 [2023-0601](#)

COMMISSION DISTRICT(S): All Districts

Application of Director of Planning & Sustainability to amend the DeKalb County Zoning Ordinance to revise definition of "Drive Through Facility" and revise description of land uses and how they are permitted in land use table relating to "Drive Through Facility" and for other purposes. This text amendment is County-wide.

MOTION was made by Ted Terry, seconded by Michelle Long Spears, that this agenda item be deferred for 60 days, and return to the board on September 26, 2023 for Public Hearing.

Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote:

Yes: 4 - Commissioner Patrick, Commissioner Long Spears, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

ADJOURNMENT:

There being no further official business, MOTION was made by Michelle Long Spears, seconded by Ted Terry, that this agenda item be approved to adjourn the July 27, 2023 Board of Commissioners Zoning meeting at 9:05 p.m. Commissioner Larry Johnson, Commissioner Steve Bradshaw, and Commissioner Mereda Davis Johnson were absent from the meeting. The motion carried by the following vote::

Yes: 4 - Commissioner Patrick, Commissioner Long Spears, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 3 - Commissioner Johnson, Commissioner Bradshaw, and Commissioner Davis Johnson

Robert Patrick
Presiding Officer

Barbara Sanders-Norwood
County Clerk