DeKalb County Government

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



Agenda

Thursday, January 26, 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

Call To Order

The DeKalb County Board of Commissioners will hold its zoning meeting on Thursday, January 26, 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

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 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 R-60 (Residential Small Lot-60) Zoning District to allow for the construction of single family detached residences, at 4994 Rockbridge Road.

Attachments: Opposition to Z-22-1245331

Z-22-1245331 Recommended Conditions Jan. 2023

Z-22-1245331 Jan 2023 Staff Report 4994 Rockbridge Rd

Z-22-1245331 Staff Report May BOC 2022 4994 Rbridge Rd

2021-3522 May 2022 BOC Recommended Conditions

Z-22-1245331 Staff Report Jan. 2022 BOC 4994 Rockbidge Rd.

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

(1/27/22 Board of Commissioners - Zoning Meeting: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(5/3/22 Planning Commission: Full cycle deferral to the Board of Commissioners - Zoning Meeting)

(5/26/22 Board of Commissioners - Zoning Meeting: deferred for 30 days to the Board of Commissioners)

(6/28/22 Board of Commissioners: deferred to the next meeting to the Board of Commissioners)

(7/12/22 Board of Commissioners: <u>deferred f</u>or 30 days to the Board of Commissioners)

(8/9/22 Board of Commissioners: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(1/5/23 Planning Commission: denied to the Board of Commissioners -**Zoning Meeting**)

D22022-1996 COMMISSION DISTRICT(S): Commission District 05 Super District 07 Application of TR 34 Redan Road LLC c/o Battle Law, P.C. to amend the future land use plan from Suburban (SUB) to Commercial Redevelopment Corridor (CRC) to allow for the construction of single-family attached townhomes, at 1172 Longshore Drive.

Attachments: LP-22-1245892 Jan BOC 2023 Staff Report 1172 Longshore Dr LP-22-1245892 Sept. 2022 Staff Report 1172 Longshore Dr

(9/6/22 Planning Commission: approval per staff recommendation to the **Board of Commissioners - Zoning Meeting)**

(10/4/22 Board of Commissioners - Zoning Meeting: <u>deferred 60 days to the</u> Board of Commissioners - Zoning Meeting)

(1/5/23 Planning Commission: approval per staff recommendation to the Board of Commissioners - Zoning Meeting)

D3 2022-1997 COMMISSION DISTRICT(S): Commission District 05 Super District 07 Application of TR 34 Redan Road LLC c/o Battle Law, P.C. to rezone property from MU-4 (Mixed-Use High Density) zoning district to MR-1 (Medium Density Residential-1) zoning district to allow for the construction of single-family attached townhomes, at 1172 Longshore Drive.

Attachments: Z-22-1245922 Recommended Conditions

Z-22-1245922 Jan 2023 BOC Staff Report 1172 Longshore Dr.

Z-22-1245922 Sept 2022 Staff Reportt 1172 Longshore Dr

(9/6/22 Planning Commission: Approval to the Board of Commissioners -Zoning Meeting)

(10/4/22 Board of Commissioners - Zoning Meeting: deferred 60 days to the Board of Commissioners)

(1/5/23 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

D4 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.

Attachments: Z-22-1245544 Jan 2023 BOC Staff Report 4101 Bouldercrest Rd Z-22-1245422 Staff Report Nov BOC 2022 4101 Bouldercrest Rd Z-22-1245544 Staff Report July 2022 4101 Bouldercrest Rd Z-22-1245544 Staff Report May 2022 4101 Bouldercrest Rd

> (5/3/22 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

(5/26/22 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(7/12/22 Planning Commission: <u>deferred for two full cycles to the Board of</u> Commissioners - Zoning Meeting)

(7/28/22 Board of Commissioners - Zoning Meeting: <u>deferred for two full</u> <u>cycles to the Board of Commissioners - Zoning Meeting</u>)

(11/1/22 Planning Commission: <u>Full cycle deferral per staff recommendation</u> to the Board of Commissioners - Zoning Meeting)

(11/17/22 Board of Commissioners - Zoning Meeting: <u>deferred for a full</u> <u>cycle to the Board of Commissioners - Zoning Meeting</u>)

(1/5/23 Planning Commission: <u>deferred for a full cycle to the Board of Commissioners - Zoning Meeting</u>)

D5 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.

Attachments: Z-22-1245935 Jan 2023 Staff Report 695 Jordan Ln.

Z-22-1245935 Nov 2022 Staff Report 695 Jordan Ln

Z-22-1245935 BOC Sept 2022 Staff Report 695 Jordan Ln

N8 - Z-22-1245935 opposition email

(9/1/22 Planning Commission: <u>denial per staff recommendation to the Board of Commissioners - Zoning Meeting</u>)

(10/4/22 Board of Commissioners - Zoning Meeting: <u>deferred for a full cycle</u> to the Board of Commissioners - Zoning Meeting)

(11/1/22 Planning Commission: <u>Full cycle deferral per staff recommendation</u> to the Board of Commissioners - Zoning Meeting)

(11/17/22 Board of Commissioners - Zoning Meeting: <u>deferred for a full</u> <u>cycle to the Board of Commissioners - Zoning Meeting</u>)

(1/5/23 Planning Commission: <u>denial per staff recommendation to the Board of Commissioners - Zoning Meeting</u>)

D6 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.

Attachments: CZ-22-1246934 Jan 2023 Staff Report 1849 Lawrenceville Hwy

CZ-22-1245934 Nov BOC 2022 Staff Report 1849 Lville Hwy

CZ-22-1245934 Sept 2022 Staff Report 1849 Lawrenceville Hwy

(9/6/22 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

(10/4/22 Board of Commissioners - Zoning Meeting: <u>deferred for a full cycle</u> to the Board of Commissioners - Zoning Meeting)

(11/1/22 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting)

(11/17/22 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/5/23 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting)

D7 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.

Attachments: SLUP-22-1246038 Jan 2023 Staff Report 1849 Lawrenceville Hwy PurWater Recovery System Letter

SLUP-22-1246038 Nov 2022 Staff Report 1849 Lville Hwy

(11/1/22 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting)

(11/17/22 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/5/23 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting)

D8 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.

Attachments: CZ-22-1246090 Jan 2023 Staff Report 1347 Bermuda Rd.

CZ-22-1246090 Nov 2022 Staff Report 1347 Bermuda Rd

CZ-22-1246090 Recommended Conditions

(11/1/22 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

(11/17/22 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/5/23 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting)

D9 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.

Attachments: Z-22-1246093 Jan 2023 BOC Staff Report 3375 NE Expressway

Z-22-1246093 Recommended Conditions

Z-22-1246093 Jan PC 2023 Staff Report 3375 NE Expressway

Z-22-1246093 Nov 2022 Staff Report 3375 NE Expressway

(11/1/22 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(11/17/22 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/5/23 Planning Commission: withdrawal per the applicant's request to the Board of Commissioners - Zoning Meeting)

D10 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.

Attachments: Z-22-1246095 Recommended Conditions

Z-22-1246095 Jan 2023 BOC Staff Report 1602 Scott Blvd

Z-22-1246095 Nov 2022 Staff Report 1602 Scott Blvd

(11/1/22 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(11/17/22 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners)

(1/5/23 Planning Commission: <u>deferred for a full cycle to the Board of</u> Commissioners - Zoning Meeting)

D11 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.

Attachments: SLUP-22-1246099 Recommended Conditions

SLUP-22-1246099 Jan 2023 BOC Staff Report 1193 Sherrington Dr. SLUP-22-1246099 Nov 2022 Staff Report 1193 Sherrington Dr

(11/1/22 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

(11/17/22 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners)

(1/5/23 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

D12 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.

Attachments: TA-22-1246100 Jan BOC 2023 Staff Report Emory Vlg OVD TA-22-1246100 Nov 2022 Emory Vlg Staff Report

> (11/1/22 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(11/17/22 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/5/23 Planning Commission: <u>deferred for two full cycles to the Board of</u> Commissioners - Zoning Meeting)

New Cases

N1 2022-2532 COMMISSION DISTRICT(S): Commission District 03 Super District 07 Application of Mustaq Moosa to amend the Future Land Use Plan from Suburban (SUB) character area to Commercial Redevelopment Corridor (CRC) character area to allow the construction of a three-story "Self-Storage Multi" (multi-story with only interior access) climate controlled public storage building, at 4819 Glenwood Road.

Attachments: 4819 Glenwood Road Request for Withdrawal

LP-23-1246168 Jan BOC 2023 Staff Report 4819 Glenwood Rd

(1/5/23 Planning Commission: withdrawal per the applicant's request to the Board of Commissioners - Zoning Meeting)

N₂ 2022-2533 COMMISSION DISTRICT(S): Commission District 03 Super District 07 Application of Mustaq Moosa to rezone property from R-75 (Residential Medium Lot) zoning district to C-2 (General Commercial) zoning district to allow the construction of a three-story "Self-Storage Multi" (multi-story with only interior access) climate controlled public storage building, at 4819 Glenwood Road.

Attachments: 4819 Glenwood Road Request for Withdrawal

Z-23-1246097 Jan 2023 Staff Report 4819 Glenwood Rd

(1/5/23 Planning Commission: withdrawal per the applicant's request to the Board of Commissioners - Zoning Meeting)

N3 2022-2534 COMMISSION DISTRICT(S): Commission District 03 Super District 07 Application of Mustaq Moosa for a Special Land Use Permit (SLUP) to allow the construction of a three-story "Self-Storage Multi" (multi-story with only interior access) climate controlled public storage building within the C-2 (General Commercial) zoning district, at 4819 Glenwood Road.

Attachments: 4819 Glenwood Road Request for Withdrawal

SLUP-23-1246098 Jan BOC 2023 Staff Report 4819 Glenwood Rd

(1/5/23 Planning Commission: withdrawal per the applicant's request to the Board of Commissioners - Zoning Meeting)

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N4	2022-2535	COMMISSION DISTRICT(S): Commission District 03 Super District 06 Application of Walter Artis & Felicia Williams 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 RSM (Small Lot Residential Mix) zoning district, at 2931 Ward Lake Way.
	Attachments:	SLUP-23-1246169 Recommended Conditions Jan BOC 2023
		SLUP-23-1246169 Jan BOC 2023 Staff Report 2931 Ward Lake Way
		Petition Against SLUP-23-1246169
		(1/5/23 Planning Commission: <u>approval per staff recommendation to the</u> Board of Commissioners - Zoning Meeting)
N5	<u>2022-2536</u>	COMMISSION DISTRICT(S): Commission District 01 Super District 07 Application of Atlanta Sanaton Associates c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot) zoning district to OIT (Office-Institutional Transitional) zoning district to allow for a place of worship, at 3964 Chamblee-Tucker Road.
	Attachments:	Z-23-1246173 Jan BOC 2023 Staff Report 3964 Chamblee-Tucker Rd
		(1/5/23 Planning Commission: <u>deferred for a full cycle to the Board of Commissioners - Zoning Meeting</u>)
N6	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.
	Attachments:	SLUP-23-1246180 Jan BOC 2023 Staff Report 2571 E. Wesley
		Chapel Way
		(1/5/23 Planning Commission: <u>denial per staff recommendation to the Board of Commissioners - Zoning Meeting</u>)
N7	2022-2538	COMMISSION DISTRICT(S): Commission District 04 Super District 06 Application of WSE Development, LLC c/o Dennis Webb, Jr. to amend the Future Land Use Plan from Traditional Neighborhood (TN) character area to Town Center (TC) character area to construct multi-family apartments, at 745 Arcadia Avenue.

LP-23-1246182 Jan BOC 2023 Staff Report 745 Arcadia Way

Attachments: Withdrawal Letter for LP-1246182 and Z-1246183 WSE

Development - Arcadia Ave

(1/5/23 Planning Commission: withdrawal per the applicant's request to the **Board of Commissioners - Zoning Meeting)**

N8 2022-2539 COMMISSION DISTRICT(S): Commission District 04 Super District 06 Application of WSE Development, LLC c/o Dennis Webb, Jr. to rezone properties from MR-2 (Medium Density Residential-2) zoning district and R-75 (Residential Medium Lot) zoning district to HR-2 (High Density Residential-2) zoning district to allow for the construction of multi-family apartments, at 745 Arcadia Avenue.

Attachments: Withdrawal Letter for LP-1246182 and Z-1246183 WSE Development - Arcadia Ave Z-23-1246183 Jan 2023 Staff report 745 Arcadia Ave.

> (1/5/23 Planning Commission: withdrawal per the applicant's request to the Board of Commissioners - Zoning Meeting)

N9 2022-2540

COMMISSION DISTRICT(S): Commission District 04 Super District 06 Application of MARTA c/o Debbie Frank to rezone properties from R-75 (Residential Medium Lot-75), MR-2 (Medium Density Residential-2), and C-1 (Local Commercial) zoning districts to MU-5 (Mixed Use Very High Density) zoning district to allow a future mix of land uses to implement the LCI Plan and transit-oriented development goals, at 3350 Kensington Road.

Attachments: Z-23-1246187 Recommended Conditions Jan 2023 Z-23-1246187 Jan 2023 Staff Report 3350 Kensington Rd.

> (1/5/23 Planning Commission: <u>deferred for two full cycles to the Board of</u> Commissioners - Zoning Meeting)

N₁₀ 2022-2541 COMMISSION DISTRICT(S): Commission District 04 Super District 07 Application of Natalie Brannon to request a Special Land Use Permit (SLUP) to operate an in-home childcare facility for up to six children in an existing single-family, detached home in the R-100 (Residential Medium Lot-100) Zoning District, at 6651 Princeton Park Court.

Attachments: SLUP-23-1246189 Jan 2023 Staff Report 6651 Princeton Pk Ct.

(1/5/23 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting)

N11 2022-2542 COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Section 2.24.1, Table 2.2 (Non-Residential Zoning Districts Dimensional Requirements) to reduce or eliminate the minimum multi-family unit size in the O-I (Office Institutional) Zoning District. This text amendment is County-wide..

Attachments: TA-22-1246147 Multi-Family Unit Size in O-I Jan BOC 2023 Staff

Report

(1/5/23 Planning Commission: <u>approval per staff recommendation to the</u> <u>Board of Commissioners - Zoning Meeting</u>)

N12 2022-2549 COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability to amend Article 6 (Parking) of the DeKalb County Zoning Ordinance to add minimum and maximum studio apartment parking ratio standards. This text amendment is County-wide.

Attachments: TA-22-1246199 Studio Parking Ratio Jan BOC 2023

(1/5/23 Planning Commission: <u>approval per staff recommendation to the</u> Board of Commissioners - Zoning Meeting)

N13 2022-2543 COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for text amendments to the DeKalb County Zoning Ordinance to align with updates to the state zoning procedure statutes. Amendments include but are not limited to Section 9.1.3 (Defined Terms), Section 7.1.2 (Governing Bodies), Section 7.2.4 (Public Hearings), Section 4.1.3 (Use Table), and Section 7.5.8 (Appeals of Decisions of the Zoning Board of Appeals). This text amendment is County-wide.

Attachments: TA-22-1246181 Zoning Procedure Statutes Jan BOC 2023

Georgia-2021-HB1405-ZPL

(1/5/23 Planning Commission: Full cycle deferral per staff recommendation

to the Board of Commissioners - Zoning Meeting)

N14 2022-2550 COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for a text amendment to the DeKalb County Zoning Ordinance, Section 5.4.4 (Site and Parking Area Landscaping), to address parking lot landscaping requirements. This text amendment is County-wide.

Attachments: TA-22-1246200 Parking Lot Landscaping Jan BOC 2023

(1/5/23 Planning Commission: <u>approval per staff recommendation to the</u> Board of Commissioners - Zoning Meeting)