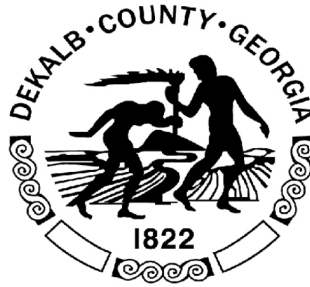


# DeKalb County Government

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



## Agenda

Thursday, May 25, 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, May 25, 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

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.

## Deferred Cases

**D1**     [2022-1471](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 06 Application of PMZ Developers LLC c/o Battle Law, P.C. to rezone property from Bouldercrest Cedar Grove Moreland Overlay District Tier 5-Corridor1/R-100 (Residential Medium Lot) zoning district to RNC (Residential Neighborhood Conservation) zoning district to allow for single-family detached homes and single-family attached townhomes, at 4101 Bouldercrest Road.

**Attachments:** [Z-22-1245544 May 2023 BOC Staff Report 4101 Bouldercrest Rd](#)  
[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: [deferred for two full cycles to the Board of Commissioners - Zoning Meeting](#))

(7/28/22 Board of Commissioners - Zoning Meeting: [deferred for two full cycles to the Board of Commissioners - Zoning Meeting](#))

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

(1/26/23 Board of Commissioners - Zoning Meeting: [deferred for two full cycles to the Board of Commissioners - Zoning Meeting](#))

(5/2/23 Planning Commission: [denial per staff recommendation to the Board of Commissioners - Zoning Meeting](#))

**D2**     [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.

**Attachments:** [CZ-23-1246251 May 2023 Staff Report 7006 Covington Hwy](#)  
[Deferral request for 7006 Covington Highway - March 2023 Agenda](#)  
[CZ-23-1246251 March 2023 BOC Staff Report 7006 Covington](#)  
[Hwy](#)

[\(3/7/23 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting\)](#)

[\(3/30/23 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting\)](#)

[\(5/2/23 Planning Commission: Full cycle deferral to the Board of Commissioners - Zoning Meeting\)](#)

**D3**     [2023-0115](#)     COMMISSION DISTRICT(S): Commission District 04 Super District 06  
Application of QuikTrip Corp c/o Battle Law, P.C. to request a Special  
Land Use Permit (SLUP) to allow the installation of fuel pumps associated  
with a new convenience store in the C-2 (General Commercial) zoning  
district, at 4434, 4450 and 4466 Memorial Drive.

**Attachments:** [SLUP-23-1246256 May 2023 BOC Staff Report 4434.4450.4466](#)  
[Memorial Dr](#)  
[SLUP 23-1246256 March 2023 BOC Staff Report 4434.4450.4466](#)  
[Memorial Dr](#)

[\(3/7/23 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting\)](#)

[\(3/30/23 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting\)](#)

[\(5/2/23 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- D4**     [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-23-1246181 May 2023 Staff Report State Zoning Procedures](#)  
[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](#))

(1/26/23 Board of Commissioners - Zoning Meeting: [deferred for two full cycles to the Board of Commissioners - Zoning Meeting](#))

(5/2/23 Planning Commission: [deferred to the Board of Commissioners - Zoning Meeting](#))

- D5**     [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.

**Attachments:** [TA-22-1246101 May 2023 Staff Report Cottage Housing Development TA-22-1246101](#)  
[TA-22-1246101 March 2023 BOC - Cottage Home Text Amendment](#)  
[TA-22-1246101 Nov 2022 Staff Report Cottage Housing TA-22-1246101](#)  
[CC-2 Comments for TA-22-1246101 Cottage Housing Development](#)

(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 two full cycles to the Board of Commissioners - Zoning Meeting](#))

(3/7/23 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(3/30/23 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(5/2/23 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

## New Cases

**N1**     [2023-0334](#)     COMMISSION DISTRICT(S): Commission Districts 04 Super District 07 Application of Amir Bey for a Special Land Use Permit (SLUP) for a Special Events facility in a C-1 (Local Commercial) Zoning District, at 4449 Rockbridge Road.

**Attachments:** [SLUP-23-1246282 May 2023 BOC Recommended Conditions](#)  
[SLUP-23-1246282 May 2023 BOC Staff Report 4449 Rockbridge Rd](#)

(5/2/23 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

**N2**     [2023-0335](#)     COMMISSION DISTRICT(S): Commission District 05 Super District 07 Application of Austin Brannen (Euphoric Ventures, LLC and Project Cross, LLC) to remove the properties from the Stonecrest Overlay District to allow for light industrial uses, at 8361 & 8637 Covington Highway.

**Attachments:** [Z-23-1246378 Recommended Conditions May 2023 BOC](#)  
[Z-23-1246378 May 2023 BOC Staff Report 8361.8637 Covington Hwy](#)

(5/2/23 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

**N3**     [2023-0336](#)     COMMISSION DISTRICT(S): Commission District 02 Super District 06 Application of Dunlavy Law Group, LLC for a Special Land Use Permit (SLUP) to allow a Cultural Facility (religious, cultural, and social offerings) in the MR-2 (Medium Density Residential-2) zoning district and the Druid Hills Historic District, at 1500 North Decatur Road.

**Attachments:** [SLUP-23-124638 Recommended Conditions BOC](#)  
[SLUP-23-1246382 May BOC 2023 Staff Report 1500 N. Decatur Rd](#)

(5/2/23 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

N4 [2023-0337](#) COMMISSION DISTRICT(S): Commission District 02 Super District 06 Application of VS Realty 1 c/o Smith Gambrell and Russell for a major modification pursuant to CZ-79009 to existing conditions of zoning for the properties located in the O-I (Office-Institutional) zoning district, at 1799 and 1805 Clairmont Road.

**Attachments:** [CZ-23-1246383 Recommended Conditions](#)  
[CZ-23-1246383 May 2023 Staff Report 1799 & 1805 Clairmont Rd](#)  
[\(5/2/23 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

N5 [2023-0338](#) COMMISSION DISTRICT(S): Commission District 03 Super District 06 Application of Emily M. Johnson to rezone properties from the Bouldercrest Overlay District Tier 5, with underlying zoning of C-1 (Local Commercial) and R-100 (Residential Medium Lot-100) zoning districts to the Bouldercrest Overlay District Tier 3, with underlying zoning of C-1 (Local Commercial) zoning district for the expansion of the existing Safe Haven office building, at 2001 River Road and 2938 Bouldercrest Road.

**Attachments:** [Z-23-1246384 May 2023 Staff Report 2001 River Rd & 2938 Bouldercrest Rd](#)  
[\(5/2/23 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

N6 [2023-0339](#) COMMISSION DISTRICT(S): Commission District 03 Super District 07 Application of David Kirk for a Special Land Use Permit (SLUP) to allow the construction and operation of a restaurant with a drive-through on a portion of the property located in the C-1 (Local Commercial) zoning district, at 3507 Memorial Drive.

**Attachments:** [SLUP-23-1246386 May 2023 Staff Report 3507 Memorial Dr](#)  
[\(5/2/23 Planning Commission: denied to the Board of Commissioners - Zoning Meeting\)](#)

N7 [2023-0340](#) COMMISSION DISTRICT(S): Commission District 03 Super District 06 Application of KBD Development c/o Battle Law, P.C. to rezone from Bouldercrest Overlay Tier 3 & Soapstone Historic District with underlying zoning of R-100 & C-1 to Bouldercrest Overlay District Tier 3 & Soapstone Historic District with underlying zoning of RSM district to allow for construction of single-family attached townhomes, at 2098 & 2021 Cedar Grove Road and 3345 Bouldercrest Road.

**Attachments:** [Z-23-1246390 May 2023 Staff Report 2098.2124 Cedar Grove Rd & 3345 Bouldercrest Rd](#)

(5/2/23 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

- N8 [2023-0341](#) COMMISSION DISTRICT(S): Commission District 03 Super District 06 Application of KBD Development c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow the construction of single-family attached townhomes in the Bouldercrest Overlay Tier 3 & Soapstone Historic District with underlying zoning of RSM District, at 2098 & 2124 Cedar Grove Road and 3345 Bouldercrest Road.

**Attachments:** [SLUP-23-1246391 May 2023 Staff Report Cedar Grove Rd & Bouldercrest Rd](#)

(5/2/23 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

- N9 [2023-0342](#) COMMISSION DISTRICT(S): Commission District 04 Super District 06 Application of Ivo Bakovic to rezone from R-75 (Residential Medium Lot-75) zoning district to R-60 (Residential Small Lot-60) zoning district to build single-family, detached houses, at 1439 Conway Road.

**Attachments:** [Z-23-1246379 May 2023 Staff Report 1439 Conway Rd](#)

(5/2/23 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting)

- N10 [2023-0390](#) COMMISSION DISTRICT(S): All Districts Application of the Director of Planning & Sustainability for a text amendment to consider authorizing a resolution to approve the 5-year LCI Plan Update for the Tucker-Northlake Master Plan LCI, as required by the Atlanta Regional Commission (ARC).

**Attachments:** [2020 Tucker Northlake LCI Update- DeKalb County Projects](#)

(5/2/23 Planning Commission: approval per staff recommendation to the Board of Commissioners - Zoning Meeting)