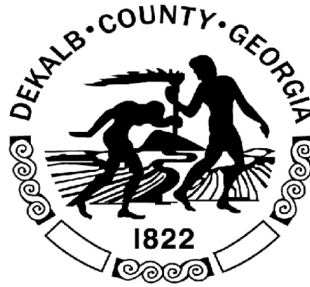


DeKalb County Government

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



Agenda

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

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.

Attachments: [CZ-23-1246251 Recommended Conditions July BOC 2023](#)
[CZ-23-1246251 July BOC 2023 Staff Report 7006 Covington Hwy](#)
[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)

(5/25/23 Board of Commissioners - Zoning Meeting: Full cycle deferral to the Board of Commissioners - Zoning Meeting)

(7/11/23 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

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.

Attachments: [Z-23-1246452 July BOC 2023 Staff Report 1481 LaVista Road](#)

(7/11/23 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

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.

Attachments: [SLUP-23-1246455 Recommended Conditions](#)
[SLUP-23-1246455 July 2023 Staff Report 1890 Wee Kirk Road](#)

(7/11/23 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

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.

Attachments: [Z-23-1246456 July 2023 BOC Staff Report 4750 Flat Shoals Pkwy](#)
[Z-23-1246456 July PC 2023 Staff Report 4750 Flat Shoals Pkwy](#)

(7/11/23 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

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.

Attachments: [SLUP-23-1246458 Recommended Conditions](#)
[SLUP-23-1246458 July 2023 Staff Report LaVista Rd & LaVista Dr](#)
[\(7/11/23 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

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.

Attachments: [Withdrawal](#)
[SLUP-23-1246459 July 2023 Staff Report 3401 Rainbow Dr](#)
[\(7/11/23 Planning Commission: withdrawn without prejudice per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

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.

Attachments: [SLUP-23-1246460 Recommended Conditions](#)
[SLUP-23-1246460 July 2023 Staff Report 928 Fairwind Court](#)
[\(7/11/23 Planning Commission: denial per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

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.

Attachments: [Z-23-1246461 July 2023 BOC Staff Report 3355.3375.3395 NE Expressway](#)

(7/11/23 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

- 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.

Attachments: [CZ-23-1246462 Recommended Conditions](#)
[CZ-23-1246462 July 2023 Staff Report 3070 Clifton Springs Road](#)

(7/11/23 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

- 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.

Attachments: [SLUP-23-1246463 Recommended Conditions_rev. 7.14.2023](#)
[SLUP-23-1246463 July BOC 2023 Staff Report 1193 Sherrington Dr.](#)

(7/11/23 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

- 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.

Attachments: [Z-23-1246464 July 2023 BOC Staff Report 5646 & 5650 Covington Hwy](#)

(7/11/23 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

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.

Attachments: [SLUP-23-1246465 July 2023 BOC Staff Report 5646 & 5650
Covington Hwy](#)

(7/11/23 Planning Commission: [deferred for two full cycles to the Board of
Commissioners - Zoning Meeting](#))

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.

Attachments: [Z-23-1246466 July 2023 Staff Report 3837 Redan Road](#)

(7/11/23 Planning Commission: [approval per staff recommendation to the
Board of Commissioners - Zoning Meeting](#))

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.

Attachments: [TA-23-1246468 July 2023 BOC Staff Report Drive Throughs
2023-0601](#)

(7/11/23 Planning Commission: [approval per staff recommendation to the
Board of Commissioners - Zoning Meeting](#))