

# DeKalb County Government

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



## Agenda - Final

Tuesday, January 22, 2019

6:30 PM

Manual Maloof Building

## Board of Commissioners - Zoning Meeting

Commissioner Jeff Rader, Presiding Officer, District 2  
Commissioner Steve Bradshaw, Deputy Presiding Officer, District 4

Commissioner Nancy Jester, District 1  
Commissioner Jeff Rader, District 2  
Commissioner Larry Johnson, District 3  
Commissioner Steve Bradshaw, District 4  
Commissioner Mereda Davis Johnson, District 5  
Commissioner Kathie Gannon, Super District 6  
Commissioner Gregory Adams, Super District 7

## Call To Order

## 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, please complete a speaker card and present it when approaching the podium. If you have any documents for the Commissioners, please 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. When speaking, always talk directly into the microphone and begin by stating your name, address and the name of any organization you represent. Abusive, profane or derogatory language will not be permitted. Holding up signs, clapping and yelling to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing will be permitted to show support for or opposition to a speaker's position.

## Deferred Cases

- D1     [2018-2163](#)     COMMISSION DISTRICT(S): 2 & 6  
Application of LCI-SVAP NDM JV, LP c/o Kathryn Zickert to rezone property from C-1 (Local Commercial) to MU-4 (Mixed Use-4) for redevelopment of the North DeKalb Mall into a mixed retail, multifamily residential, hotel, and office development at Lawrenceville Highway/Birch Road/Sweet Briar Road.

**Attachments:** [July 2018 Staff Report and Attachments](#)  
[November 2018 Staff Report and Attachments](#)  
[January 2019 Staff Report and Attachments](#)

[\(7/10/18 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting\)](#)

[\(7/24/18 Board of Commissioners - Zoning Meeting: deferred.\)](#)

[\(11/1/18 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

(11/13/18 Board of Commissioners - Zoning Meeting: Full cycle deferral to the Board of Commissioners - Zoning Meeting)

(1/8/19 Planning Commission: withdraw without prejudice to the Board of Commissioners - Zoning Meeting)

D2 [2018-2164](#)

COMMISSION DISTRICTS: 2 & 6

Application of LCI-SVAP NDM JV, LP c/o Kathryn M. Zickert for a Special Land Use Permit for Costco fuel pumps as part of redevelopment of North DeKalb Mall into a mixed retail, multifamily residential, hotel, and office development, in accordance with Chapter 27, Article 4, Table 4.1 - Use Table of the DeKalb County Code, at Lawrenceville Hwy/Birch Rd/Sweet Briar Rd.

**Attachments:** [July 2018 Staff Report and Attachments](#)  
[November 2018 Staff Report and Attachments](#)  
[January 2019 Staff Report and Attachments](#)

(7/10/18 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(7/24/18 Board of Commissioners - Zoning Meeting: deferred for two full cycles)

(11/1/18 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

(11/13/18 Board of Commissioners - Zoning Meeting: Full cycle deferral to the Board of Commissioners - Zoning Meeting)

(1/8/19 Planning Commission: withdraw without prejudice to the Board of Commissioners - Zoning Meeting)

## New Cases

N1 [2018-3060](#)

COMMISSION DISTRICT(S): 1 & 7

application of John T. Rosser to rezone property from R-100 (Residential Medium Lot) District to R-60 (Residential Small Lot) District to develop a single-family detached residence on a non-conforming lot, at 2405 Henderson Mill Road.

**Attachments:** [N1 Z 19 1235286 Recommended Conditions](#)  
[N1 John T Rosser Z 19 1235286](#)

(1/8/19 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

N2 [2018-3061](#)

COMMISSION DISTRICT(S): 3 & 6

Application of Langford and Company Strategic Investments, LLC for a Major Modification of zoning conditions, approved pursuant to CZ-04068, to allow the property to be subdivided into two single- family lots in the R-60 (Residential Small Lot) District, at 2184 Cavanaugh Avenue.

**Attachments:** [Staff Report and Attachments](#)

[Staff-Recmmndd Conditions 1-8-19](#)

[Comments by Land Development, Transportation](#)

[Staff-Recmmndd Conditions 1-14-19](#)

(1/8/19 Planning Commission: [approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting](#))

- N3 [2018-3062](#) COMMISSION DISTRICT(S): 3 & 6  
Application of William Walters for a Special Land Use Permit to allow a home occupation (vintage audio electronics repair) with customer contact in an R-75 (Residential Medium Lot) District, at 2088 Brannen Road.

**Attachments:** [N3 SLUP 19 1235300 Recomm Cond](#)

[N3 William Walters SLUP 19 1235300](#)

(1/8/19 Planning Commission: [approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting](#))

- N4 [2018-3063](#) COMMISSION DISTRICT(S): 5 & 7  
Application of Fitzroy & Marsha A Smith to rezone properties from C-1 (Local Commercial) District to C-2 (General Commercial) District to allow major auto repair within a new three-bay building with accessory storage, at 2478 Rock Chapel Road.

**Attachments:** [N4 Z 19 1235308 staff conditions](#)

[N4 Fitzroy Marsh Smith Z 19 1235308 staff report](#)

(1/8/19 Planning Commission: [denied to the Board of Commissioners - Zoning Meeting](#))

- N5 [2018-3064](#) COMMISSION DISTRICT(S): 5 & 7  
Application of Fitzroy & Marsha A. Smith for a Special Land Use Permit to allow major auto repair within a new three-bay (or four bay) building with accessory storage, at 2478 Rock Chapel Road.

**Attachments:** [N5 SLUP 19 1242980 staff conditions](#)

[N5 Fitzroy Marsha Smith SLUP 19 1242980 staff report](#)

(1/8/19 Planning Commission: [denied to the Board of Commissioners - Zoning Meeting](#))

- N6**     [2018-3065](#)     COMMISSION DISTRICT(S): 5 & 7  
Application of Marjorie Ledgister for a Special Land Use Permit to allow a group personal care home of four residents on a property zoned R-100 (Residential Medium Lot - 100) in the Hidden Hills Overlay District, in accordance with Chapter 27, Article 4 of the DeKalb County Code, Table 4.1, at 5393 Rockmoor Dr.

**Attachments:** [Staff Report and Attachments](#)  
[Staff-Recommended Condition](#)  
[Comments from Land Development, Transportation Division](#)

[\(1/8/19 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N7**     [2018-3066](#)     COMMISSION DISTRICT(S): 3 & 6  
Application of VC Development, LLC to rezone property from R-75 (Residential Medium Lot) District to RSM (Residential Small Lot) District to allow the development of a 20-lot single-family subdivision with two open space lots, at 2080 Tilson Road.

**Attachments:** [N7 VC Development LLC Z 19 1235291 staff report](#)  
[RECOMMENDED CONDITIONS Z-19-1235291 \(2018-3066\)](#)

[\(1/8/19 Planning Commission: Full cycle deferral to the Board of Commissioners - Zoning Meeting\)](#)

- N8**     [2018-3067](#)     COMMISSION DISTRICT(S): 3 & 6  
Application of 3012 RIVER ROAD, LLC c/o Shea Roberts to rezone property from R-100 (Residential-Medium Lot - 100) District to RSM (Residential Small Lot Mix) District for development of ten single-family detached homes, at 3012 River Road.

**Attachments:** [Staff Report and Attachments](#)  
[Staff-Recommended Conditions](#)  
[Comments by Land Development, Transportation](#)  
[BOC-Applicant Conditions 1-14-19](#)

[\(1/8/19 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N9**     [2018-3068](#)     COMMISSION DISTRICT(S): 3 & 6  
Application of Scott Bennett for a major modification to remove all conditions on property zoned MR-2 (Medium Density Residential -2) District, pursuant to CZ-05033 for 149 single-family attached townhomes in order to develop 291 apartment units at a density of 24 units per acre within

Tier 2 of the I-20 Overlay District, at 2128 & 2170 Cook Road.

**Attachments:** [N9 CZ 19 1235305 Recomm Cond](#)

[N9 Scott Bennett CZ 19 1235305](#)

[\(1/8/19 Planning Commission: Full cycle deferral to the Board of Commissioners - Zoning Meeting\)](#)

- N10** [2018-3069](#) COMMISSION DISTRICT(S): 2 & 6  
Application of Scott Bennett to rezone commercially developed property from RSM (Small Lot Residential Mix) District to the C-1 (Local Commercial) District to allow for future commercial uses, at 7189 Rockbridge Road.

**Attachments:** [N10 Z 19 1235304 Recomm Cond](#)

[N10 Scott Bennett Z 19 1235304](#)

[\(1/8/19 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N11** [2018-3070](#) COMMISSION DISTRICT(S): 2 & 6  
Application of Carl Trevathan for a Special Land Use Permit to allow a one-story, 2,100 square-foot classroom addition to an existing place of worship in the R-85 (Single-Family Residential) District, at 1438 Sheridan Road.

**Attachments:** [SLUP 19 1235307 Recommended Conditions](#)

[N11 Carl Trevathan SLUP-19-1235307](#)

[\(1/8/19 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N12** [2018-3071](#) COMMISSION DISTRICT(S): 5 & 7  
Application of Sam and Kimberly A. Underdue for a Special Land Use Permit for a Child Caring Institution (CCI) for up to six children in an R-100 (Residential Medium Lot - 100) district, at 3903 Snapfinger Road.

**Attachments:** [N12 Sam & Kimberly Underdue SLUP 19 1235312](#)

[Comments by Land Development, Transportation Divisions](#)

[\(1/8/19 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N13** [2018-3072](#) COMMISSION DISTRICT(S): 3 & 6  
Application of Michelle Williams for a Special Land Use Permit (SLUP) to allow a child day care facility for up to 6 children in an RSM (Residential Small Lot Mix) district, at 3004 Kenville Lane.

**Attachments:** [Staff Report and Attachments](#)

[Staff-Recommended Conditions](#)

[Comments by Land Development, Transportation Divisions](#)

[\(1/8/19 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N14**    [2018-3073](#)    COMMISSION DISTRICT(S): 3 & 7  
Application of Barry Hayden for a Special Land Use Permit to allow a Late-Night Establishment within 1,500 feet of a residential district, on property zoned C-1 (Local Commercial)/I-20 Overlay District, Tier 2, at 2075 Candler Road.

**Attachments:** [Staff Report and Attachments](#)

[Additional Information from Applicant](#)

[Neighbor's Signatures, Shared Pkng. Agrmnt.](#)

[\(1/8/19 Planning Commission: deferred for 30 days to the Board of Commissioners - Zoning Meeting\)](#)

- N15**    [2018-3074](#)    COMMISSION DISTRICT(S): 4 & 6  
Application of Ralston George to rezone property from R-75 (Residential Medium Lot) District to MU-1 (Mixed-Use Low Density) District to develop 64 attached townhome units and approximately 22,520 square feet of retail development, at 3780, 3770, 3764, 3762 & 3756 Covington Highway.

**Attachments:** [N15 Ralston George Z 19 1235327](#)

[\(1/8/19 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N16**    [2018-3075](#)    COMMISSION DISTRICT(S): 5 & 7  
Application of Leslie Bortier to rezone property from R-85 (Residential Medium Lot) District to the R-60 (Residential Small Lot) District to develop 25 single-family detached residences, at 1746 Pleasant Hill Road.

**Attachments:** [N16 Z 19 1242964 Recomm Cond](#)

[N16 Leslie Bortier Z 19 1242964](#)

[\(1/8/19 Planning Commission: deferred substitute to the Board of Commissioners - Zoning Meeting\)](#)