

# DeKalb County Government

*178 Sams Street  
Decatur, GA 30030*



## Summary

**Thursday, November 21, 2024**

**4:00 PM**

**Government Services Center**

**178 Sams Street, Decatur, Georgia 30030**

## **Board of Commissioners - Zoning Meeting**

*Comm. Mereda Davis Johnson, Presiding Officer, District 5*

*Comm. Robert Patrick, Deputy Presiding Officer, District 1*

*Commissioner Michelle Long Spears, District 2*

*Commissioner Steve Bradshaw, District 4*

*Commissioner Edward "Ted" Terry, Super District 6*

**Administration:** Barbara Sanders-Norwood, County Clerk, Matthew C. Welch, Deputy County Attorney

## 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, 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 [2023-1467](#)

**COMMISSION DISTRICT(S): ALL DISTRICTS**

**Application of the Director of Planning & Sustainability for a text amendment relating to short-term rentals and for other purposes. This text amendment is County-wide.**

**Deferred for two full cycles, March 27, 2025**

D2 [2024-0366](#)

**COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 06**

Application of Erica Morgan for a Special Land Use Permit (SLUP) to allow single-family attached townhomes in Tier 3 of the Bouldercrest Overlay District, the Soapstone Historic District, and the R-100 (Residential Medium Lot-100) zoning district, at 2098 & 2124 Cedar Grove Road.

**Deferred until December 17, 2024 for Public Hearing**

D3 [2024-0105](#)

**COMMISSION DISTRICT(S): Commission District 05 Super District 07**

Application of Battle Law, P.C., LLC to amend character area from SUB (Suburban) character area to CRC (Commercial Redevelopment Corridor) character area to allow for rental townhomes in the R-75 (Residential Medium Lot-75) zoning district, at 3744 Redan Road.

**Approved**

D4 [2024-0106](#)

**COMMISSION DISTRICT(S): Commission District 05 Super District 07**

Application of Battle Law P.C., LLC. to rezone property from R-75 (Residential Medium Lot-75) zoning district to MR-1 (Medium Density Residential-1) zoning district to develop rental townhomes in the R-75 (Residential Medium Lot-75) zoning district, at 3744 Redan Road.

**Approved with conditions**

D5 [2024-0630](#)

**COMMISSION DISTRICT(S): Commission District 05 Super District 07**

Application of Valrie Kong-Quee to rezone property from R-100 (Residential Medium Lot-100) zoning district to C-1 (Local Commercial) zoning district to allow for an administrative office associated with a landscaping business, at 1422 Rock Chapel Road.

**Approved with conditions**

D6 [2024-0635](#)

**COMMISSION DISTRICT(S): All Districts**

Application of the Director of Planning & Sustainability for a text amendment relating to campgrounds within residential areas, and for other purposes. The text amendment is county wide.

**Approved**

D7 [2024-0626](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 07 Application of Dr. Claudette Spencer to rezone property from R-75 (Residential Medium Lot-75) zoning district To MR-1 (Medium Density Residential-1 zoning district to allow for an adult day care facility, at 911 Mountain View Drive.

**Approved**

D8 [2024-0633](#)

COMMISSION DISTRICT(S): Commission District 03 Super District 07 Application of Cultivate Community c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot-100) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the construction of up to sixty-four (64) single-family, attached dwellings, at 5370, 5384 and 5378 Flat Shoals Parkway.

**Deferred for two full cycles, March 27, 2025**

D9 [2024-0634](#)

COMMISSION DISTRICT(S): Commission District 02 Super District 06 Application of Sky Lounge Cafe - Decatur for a Special Land Use Permit (SLUP) to allow for a late-night establishment in the C-1 (Local Commercial) zoning district, at 1850 Lawrenceville Highway.

**denied on the grounds that it does not satisfy the special land use permit criteria contained in subsections (A), (B), (E) and (F) of Section 27-7.4.6 of the Code of DeKalb County, Georgia. Specifically, as referenced in the Planning Department's staff analysis, the existing property appears to be inadequate in size for what would be considered an increase in the intensity of the existing use via late night operating hours, does not appear to have adequate screening to mitigate potential adverse impacts on adjoining residential uses, and does not appear to have adequate ingress and egress to allow for proper traffic flow/control and to address fire/emergency concerns. Thus, granting this application may likely create additional, or increase existing adverse impacts upon, adjoining residential uses by reason of the manner and extended hours of operation**

#### New Cases

N1 [2024-0880](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 06 Application of Hahu Lounge for a Special Land Use Permit (SLUP) to allow for a Late-Night Establishment the C-1 (Local Commercial) zoning district, at 832 Hambrick Road.

**denied on the grounds that it does not satisfy the special land use permit criteria contained in subsections B and N of Section 27-7.4.6 of the Code of DeKalb County, Georgia. Specifically, noise resulting from the proposed use likely to disturb the quiet enjoyment of residents of the several nearby residential communities. The proposed use is therefore incompatible with nearby properties and is inconsistent with the community's needs. Additionally, I move to deny the application on the grounds that the establishment is not in compliance with Section 4-146 of the Code of DeKalb County, Georgia related to alcoholic beverages as referenced in the Planning Department's staffs' analysis, which violates the SLUP Supplemental regulations contained in subsection A of section 27-4.2.32 which requires the "protection of public health, safety, and welfare**

N2 [2024-0891](#)

COMMISSION DISTRICT(S): Commission District 04 Super District 07 Application of Wen Georgia, LLC c/o Dillard Sellers for a Special Land Use Permit (SLUP) for a drive through for a restaurant in the C-1 (Local Commercial) zoning district, within the Hidden Hills Overlay District, Tier 2, at 4850 Redan Road.

**Approved with conditions**

N3 [2024-0899](#)

**COMMISSION DISTRICT(S): Commission District 02 Super District 06**  
**Application of NDM (EDENS), LLC c/o Dennis J. Webb, Jr., Smith,**  
**Gambrell & Russell, LLP for a major modification of zoning conditions**  
**pursuant to Z-22-1245595 rezoning conditions to add two (2) additional**  
**parcels, to revise certain requirements, and to amend the Master**  
**Development Plan in an MU-4 (Mixed-Use High-Density Zoning District), at**  
**2050 Lawrenceville Highway; 2692 Sweet Briar Road; 3777 N. Druid Hills**  
**Road; 3861 N. Druid Hills Road; 2052 Lawrenceville Highway.**

**Approved**

N4 [2024-0900](#)

**COMMISSION DISTRICT(S): Commission District 02 Super District 06**  
**Application of NDM (EDENS), LLC c/o Dennis J. Webb, Jr., Smith,**  
**Gambrell & Russell, LLP to rezone two (2) properties, totaling 1.52 acres**  
**from C-1 (Local Commercial) zoning district(s) to MU-4 (Mixed Use High**  
**Density) zoning district to allow the parcels to be incorporated into the overall**  
**development of Lulah Hills, at 3861 N. Druid Hills Road and 2052**  
**Lawrenceville Highway.**

**Approved**

N5 [2024-0901](#)

**COMMISSION DISTRICT(S): All Districts**  
**Application of the Director of Planning & Sustainability for a text amendment**  
**to Chapter 27 of the DeKalb County zoning ordinance for supplemental**  
**regulations for Special Events Facilities. This text amendment is**  
**County-wide.**

**Approved**

N6 [2024-0890](#)

**COMMISSION DISTRICT(S): Commission District 04 Super District 06**  
**Application of the Director of Planning & Sustainability for a partial update to**  
**the Kensington Supplemental LCI Plan and adoption of the**  
**MARTA-Kensington Master Plan Study.**

**Approved**

N7 [2024-1108](#)

**COMMISSION DISTRICT(S):** Commission District 04 Super District 06  
Application of Claudette Pile for a Special Land Use Permit (SLUP) for a personal care home, up to six (6) in the R-85 (Residential Medium Lot-85) zoning district, at 4293 Hambrick Way.

**Approved with conditions**

N8 [2024-1109](#)

**COMMISSION DISTRICT(S):** Commission District 03 Super District 07  
Application of Cameron Grogan c/o BF Austin, LLC to rezone properties from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the development of a new, 62-unit, single-family attached development, at 1491, 1531 and 1555 Austin Drive.

**Deferred for two full cycles, March 27, 2025**

N9 [2024-1110](#)

**COMMISSION DISTRICT(S):** Commission District 04 Super District 06  
Application of David M. Cesar to rezone property from NS (Neighborhood Shopping) zoning district to O-I (Office-Institution) for a child day care center for more than six (6), at 3960 Rockbridge Road.

**Approved with conditions**

N10 [2024-1111](#)

**COMMISSION DISTRICT(S):** Commission District 03 Super District 07  
Application of Dr. Anterro Graham c/o Pro Cutters Landscapes, Inc. to rezone property from O-I (Office-Institution) zoning district to C-1 (Local Commercial) zoning district to allow a landscape business and related uses, at 3089 Snapfinger Road.

**Deferred for two full cycles, March 27, 2025**

N11 [2024-1112](#)

**COMMISSION DISTRICT(S):** Commission District 03 Super District 06  
Application of Linda Dunlavy, Dunlavy Law Group, LLC to rezone property from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the development of twelve (12) single-family attached townhomes, at 2452 La Fortune Drive a.k.a. 2724 Kelly Lake Road.

**Deferred for two full cycles, March 27, 2025**

N12 [2024-0815](#)

**COMMISSION DISTRICT(S): All Districts**

**Application of the Office of Commission District 2 to amend Chapter 27 of the Code of DeKalb County, Georgia, as revised 1988, to reduce the minimum unit size for single-family dwelling units in single-family R-75 (Residential Medium Lot-75) and R-85 (Residential Medium Lot -85) zoning districts.**

**Deferred until January 23, 2025 for Decision Only**

N13 [2024-1077](#)

**COMMISSION DISTRICT(S): All Districts**

**Application of the Director of Planning and Sustainability to adopt the 2025-26 Zoning Calendar and Resolution. This text amendment is County-wide.**

**Approved**

2024-1601

Adjournment

**Approved**