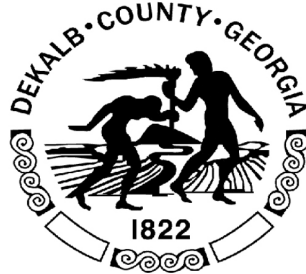


DeKalb County Government

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



Meeting Minutes

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

Present: 7 - Commissioner Robert Patrick, Commissioner Michelle Long Spears, Commissioner Larry Johnson, Commissioner Steve Bradshaw, Commissioner Mereda Davis Johnson, Commissioner Ted Terry and Commissioner Lorraine Cochran-Johnson

Administration: Barbara Sanders-Norwood, County Clerk, Bennett Bryan, Senior Assistant County Attorney

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.

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.

Support: Michelle L. Battle- 3562 Habersham at Northlake Tucker GA 30084

Opposition: None

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be withdrawn without prejudice. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

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.

Support: Michelle L. Battle- 3562 Habersham at Northlake Tucker GA 30084

Opposition: None

**MOTION was made by Mereda Davis Johnson, seconded by
Lorraine Cochran-Johnson, that this agenda item be Full cycle
deferral, until July 27, 2023. The motion carried by the following
vote:**

Yes: 7 - Commissioner Patrick, Commissioner Long Spears,
Commissioner Johnson, Commissioner Bradshaw,
Commissioner Davis Johnson, Commissioner Terry,
and Commissioner Cochran-Johnson

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.

Support: Michelle L. Battle- 3562 Habersham at Northlake Tucker GA 30084

Opposition: None

**MOTION was made by Steve Bradshaw, seconded by Ted Terry,
that this agenda item be withdrawn without prejudice. The motion
carried by the following vote:**

Yes: 7 - Commissioner Patrick, Commissioner Long Spears,
Commissioner Johnson, Commissioner Bradshaw,
Commissioner Davis Johnson, Commissioner Terry,
and Commissioner Cochran-Johnson

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. **MOTION**

was made by Larry Johnson, seconded by Michelle Long Spears, that this agenda item be deferred for 30 days, until June 27, 2023 for Public Hearing. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

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.

Support: None

Opposition: Jenna Teston- 3305 North Embury Circle Atlanta GA 30341, Vicki

Hood- 3154 Chamblee Tucker Road Atlanta GA 30341

MOTION was made by Ted Terry, seconded by Larry Johnson, that this agenda item be deferred for Two Full cycles, until September 28, 2023. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

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.

Support: Aamir Bey- 4449 Rockbridge Rd Southwest Stone Mountain GA 30083

Opposition: None

MOTION was made by Steve Bradshaw, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with conditions. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears,
Commissioner Johnson, Commissioner Bradshaw,
Commissioner Davis Johnson, Commissioner Terry,
and Commissioner Cochran-Johnson

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.

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred to the next meeting, until June 13, 2023 for Decision Only. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears,
Commissioner Johnson, Commissioner Bradshaw,
Commissioner Davis Johnson, Commissioner Terry,
and Commissioner Cochran-Johnson

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.

Support: Michelle L. Battle- 3562 Habersham at Northlake Tucker GA 30084

Opposition: None

MOTION was made by Michelle Long Spears, seconded by Ted Terry, that this agenda item be deferred to the next meeting, until June 13, 2023 for Public Hearing. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

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.

MOTION was made by Michelle Long Spears, seconded by Ted Terry, that this agenda item be approved with conditions. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

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.

Support: Alex Brock- 1105 West Peachtree Street Atlanta GA

Opposition: None

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be deferred for Two Full cycles, until September 28, 2023. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

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.

Support: David C. Kirk-600 Peachtree Street Northeast Suite 3000 Atlanta GA 30308

Opposition: Robert Murphy-2651 Colgan Court Southeast Atlanta GA 30317

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred for 45 days, until July 11, 2023 for Decision Only. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

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.

Support: Michelle L. Battle- 3562 Habersham at Northlake Tucker GA 30084

Opposition: Jackie S. Malcom- 2427 Rockknoll Drive Conley GA 30288

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be deferred for Two Full cycles, until September 28, 2023. Items 2023-0340, 2023-0341 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

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.

Support: Michelle L. Battle- 3562 Habersham at Northlake Tucker GA 30084

Opposition: Jackie S. Malcom- 2427 Rockknoll Drive Conley GA 30288

MOTION was made by Larry Johnson, seconded by Ted Terry, that this agenda item be deferred for Two Full cycles, until September 28, 2023. Items 2023-0340, 2023-0341 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

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.

Support: L. Bakovic- 1439 Conway Road Decatur GA 30030

Opposition: None

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be denied. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

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).

MOTION was made by Mereda Davis Johnson, seconded by Michelle Long Spears, that this agenda item be approved. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

POLICY OF NON-DISCRIMINATION ON THE BASIS OF DISABILITY IN COUNTY SERVICES.

DeKalb County Government does not discriminate against qualified individuals with disabilities or exclude them from participating in or receiving benefits of its services, programs, or activities, based on disability. Janet Essix, DeKalb County Government's Employee Relations Manager and ADA Coordinator, is designated to coordinate the County's compliance with Part 35 of the Department of Justice regulations regarding the Americans with Disabilities Act. Janet Essix may be contacted at 1300 Commerce Drive, 1st Floor, Decatur, GA 30030, 404.371.2309, to request information about access for persons with disabilities to County services, programs and activities, or to discuss a grievance regarding an impediment to such access. Ten days' notice is requested for special accommodations.

ADJOURNMENT:

There being no further official business, MOTION was made by Mereda Davis Johnson, seconded by Michelle Long Spears, that this agenda item be approved to adjourn the May 25, 2023 Board of Commissioners Zoning Meeting at 8:02 p.m. The motion carried by the following vote:

Yes: 7- Commissioner Patrick, Commissioner Long Spears, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson



Robert Patrick
Presiding Officer



Barbara Sanders-Norwood
County Clerk