

DeKalb County Government

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



Meeting Minutes

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 Lorraine Cochran-Johnson, Super District 7*

Present: 7 - Commissioner Nancy Jester, Commissioner Jeff Rader, Commissioner Larry Johnson, Commissioner Kathie Gannon, Commissioner Steve Bradshaw, Commissioner Mereda Davis Johnson and Commissioner Lorraine Cochran-Johnson

Staff Present: Barbara Sanders-Norwood, County Clerk, Viviane Ernstes, Deputy County Attorney

2019-3259 Commission District(s): All
Motion to Reconvene meeting

MOTION was made by Nancy Jester, seconded by Kathie Gannon, that this agenda item be approved to reconvene the January 22, 2019 Board of Commissioners Zoning Meeting. Commissioner Lorraine Cochran-Johnson was out of the room and not voting. The motion carried by the following hand vote:

Yes: 6 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, and Commissioner Davis Johnson

Absent: 1 - Commissioner Cochran-Johnson

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.

Marcia Ernst, 1230 Peachtree St. Atlanta, GA 30309, spoke in favor

MOTION was made by Kathie Gannon, seconded by Lorraine Cochran-Johnson, that this agenda item be withdrawn without prejudice. Items 2018-2163 and 2018-2164 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- 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.

Marcia Ernst, 1230 Peachtree St. Atlanta, GA 30309, spoke in favor

MOTION was made by Kathie Gannon, seconded by Lorraine Cochran-Johnson, that this agenda item be withdrawn without prejudice. Items 2018-2163 and 2018-2164 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

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.
MOTION was made by Nancy Jester, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with 1 staff condition. The motion carried by the following vote:
- Yes:** 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson
- 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.
Moses Langford, 2184 Cavanaugh Ave. Atlanta, GA 30316, spoke in favor
MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be deferred to the next meeting until February 12, 2019 for Decision Only. The motion carried by the following vote:
- Yes:** 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson
- 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.
William Walters, 2088 Brannen Rd. Atlanta, GA 30316, spoke in favor
MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be deferred to the next meeting until February 12, 2019 for Decision Only. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

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.

Beresford McFarlane, 2014 Evergreen Dr. Conyers, GA 30013, spoke in favor

Samson Burrell, 4228 Carrollwood Dr. Stone Mountain, GA 30083, Vickie V. Scott Jordan, 2510 Rock Chapel Rd. Lithonia, GA 30038, Tonia Kilgore, 2081 Luther St. Lithonia, Ga 30058, Vann Wynn, 2223 Luther St. Lithonia, GA 30058, Renee Cail, 5741 Fieldstone Dr. Lithonia, GA 30038, Zaiah Shepherd, 5741 Fieldstone Dr. Lithonia, GA 30038, Robert Scott, 2530 Rock Chapel Rd. Lithonia, Ga 30058, Isaael Kilgore, 2322 Luther St. Lithonia, GA 30058, Patricia Arrington, 7101 Pine Mt. Road, Lithonia, GA 30058, spoke in opposition

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be denied. Items 2018-3063 and 2018-3064 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- 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.
Beresford McFarlane, 2014 Evergreen Dr. Conyers, GA 30013, spoke in favor

Samson Burrell, 4228 Carrollwood Dr. Stone Mountain, GA 30083, Vickie V. Scott Jordan, 2510 Rock Chapel Rd. Lithonia, GA 30038, Tonia Kilgore, 2081 Luther St. Lithonia, Ga 30058, Vann Wynn, 2223 Luther St. Lithonia, GA 30058, Renee Cail, 5741 Fieldstone Dr. Lithonia, GA 30038, Zaiah Shepherd, 5741 Fieldstone Dr. Lithonia, GA 30038, Robert Scott, 2530 Rock Chapel Rd. Lithonia, Ga 30058, Isaael Kilgore, 2322 Luther St. Lithonia, GA 30058, Patricia Arrington, 7101 Pine Mt. Road, Lithonia, GA 30058, spoke in opposition

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be denied. Items 2018-3063 and 2018-3064 were heard together. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- 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.
Beverly Dabney, 2384 Dawn Drive Decatur, GA 30032, Dawn Alvan, 2066 Tilson Rd. Decatur, GA 30032, Marjorie Ledqisler, 5393 Rockmoor Dr. Stone Mountain, GA 30088, spoke in favor

MOTION was made by Lorraine Cochran-Johnson, seconded by Mereda Davis Johnson, that this agenda item be approved with 1 staff condition. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- 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.

Jonathan Sieling, 560 Parker Ave. Decatur, GA 30032, spoke in favor

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be approved with 8 staff conditions dated January 22, 2019. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- 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.

Shea Roberts, 945 E. Paces Ferry Rd. Ste 2750 Atlanta, GA 30326, spoke in favor

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be approved with 9 staff conditions and a site plan dated January 22, 2019. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- 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.

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be deferred until March 12, 2019 for Decision Only. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

N10 [2018-3069](#) COMMISSION DISTRICT(S): 4 & 7
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.

Carl Trevathan, 407 Smokerise Circle Marietta, GA 30067, Stephen Binney, 1083 Seville Dr. Clarkston, GA 30021, spoke in opposition

MOTION was made by Steve Bradshaw, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with 4 staff conditions. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

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.

MOTION was made by Jeff Rader, seconded by Kathie Gannon, that this agenda item be approved with 3 staff conditions. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- 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.

Kimberly Underdue, 5100 Lost Dutchman Dr. Lithonia, GA 30038, spoke in favor

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred full cycle, until March 26, 2019 Zoning meeting. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- 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.

Michelle Williams, 3004 Kenville Lane Decatur, GA 30034, spoke in favor

MOTION was made by Larry Johnson, seconded by Kathie Gannon, that this agenda item be approved with 5 staff conditions, plus 1 condition regarding the hours of operation. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- 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.

Jaelyn Bray, 1494 Druid Valley Drive Atlanta, GA 30329, Arlecia Terrell, 382 Summer Glen Ct. Stone Mountain, GA 30087, Otis Hayden, 2724 Monarch Dr. Ellenwood, GA 30294, Tameika Rayden, 2724 Monarch Dr. Ellenwood, GA 30294, Dan Kniesly, 2076 Candler Rd. Decatur, GA 30032, Derrick Handspike, 2464 McAfee Rd. Decatur, GA 30032, Kimberly Fitzgerald, 382 Summer Glen Ct. Stone Mountain, GA 30087, spoke in favor

Wayne Powell, 3056 San Juan Dr. Decatur, GA 30032, Petronia Perriman Martin, 2930 Edna Lane Decatur, GA 30032, Dorrie Toney, 2465 Miriam Lane Decatur, GA 30032, Terryl Abasanya, 2926 Gena Dr. Decatur, GA 30032, Barbara J. Mobley, 3009 Miriam Ct. Decatur, GA 30032, spoke in opposition

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be denied. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson

- 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 60 attached townhome units and approximately 40,000 square feet of retail development, at 3780, 3770, 3764, 3762 & 3756 Covington Highway.

Ed Amar, 3493 Wren Rd. Decatur, GA 30032, Iris Darden, 3496 Turner Heights Dr. Decatur, GA 30032, Derik Rinehart 3588 Dove Valley Way Decatur, GA 30032, Thaddeus Moore, 985 Porter Rd. Decatur, GA 30032, Davita Camp, 5206 Denmeade Dr. Atlanta, GA 30345, spoke in favor

MOTION was made by Steve Bradshaw, seconded by Kathie Gannon, that this agenda item be deferred full cycle, until March 26, 2019 Zoning meeting. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader,
Commissioner Johnson, Commissioner Gannon,
Commissioner Bradshaw, Commissioner Davis
Johnson, and Commissioner Cochran-Johnson

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

Larry Nicholas, 5295 Country Lake Ct. Lilburn, GA 30047, Leslie Bortier 1746 Pleasant Hill Trail Lithonia, GA 30058, Raouf Masry, 1000 Grace Hill Drive Roswell, GA 30075, spoke in favor

Michael Harris, 2555 Pleasant Hill Trail Lithonia, GA 30058, Dan DeBardelaben, 7710 Stone Meadow Trl. Lithonia, GA 30058, spoke in opposition

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred full cycle, until March 26, 2019 Zoning meeting. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader,
Commissioner Johnson, Commissioner Gannon,
Commissioner Bradshaw, Commissioner Davis
Johnson, 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 Commissioner Larry Johnson and seconded by Commissioner Kathie Gannon to adjourn the January 22, 2019 Board of Commissioners Zoning meeting at 9:18 p.m. The motion carried by the following vote:

Yes: 7 - Commissioner Jester, Commissioner Rader, Commissioner Johnson, Commissioner Gannon, Commissioner Bradshaw, Commissioner Davis Johnson, and Commissioner Cochran-Johnson



Jeff Rader
Presiding Officer



Barbara Sanders-Norwood
County Clerk