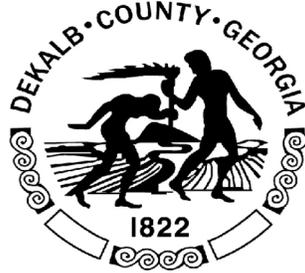


DeKalb County Government

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



Meeting Minutes

Thursday, January 28, 2021

5:30 PM

Via Zoom

Board of Commissioners - Zoning Meeting

*Commissioner Steve Bradshaw, Presiding Officer, District 4
Commissioner Lorraine Cochran-Johnson, Deputy, District 7*

Commissioner Robert Patrick, District 1

Commissioner Jeff Rader, District 2

Commissioner Larry Johnson, District 3

Commissioner Steve Bradshaw, District 4

Commissioner Mereda Davis Johnson, District 5

Commissioner Ted Terry, Super District 6

Commissioner Lorraine Cochran-Johnson, Super District 7

Present: 7 - Commissioner Robert Patrick, Commissioner Jeff Rader, Commissioner Larry Johnson, Commissioner Steve Bradshaw, Commissioner Mereda Davis Johnson, Commissioner Ted Terry and Commissioner Lorraine Cochran-Johnson

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

The DeKalb County Board of Commissioners will hold its online zoning meeting on Thursday, January 28, 2021 at 5:30 p.m. This meeting will be conducted via teleconference (Zoom). 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>

TO participate and Join from PC, Mac, Linux, iOS or Android: or <https://dekalbcountyga.zoom.us/j/94883110323> Or Telephone: Dial: USA 602 333 0032 USA 8882709936 (US Toll Free) Conference code: 217687

For those joining the meeting by telephone, please be aware that your phone number may be displayed to the public viewing or participating in the online meeting.

The Board will provide 15 minutes of time for citizens to speak in favor of an agenda item, and 15 minutes for citizens to speak in opposition. Citizens who attend the meeting via the Zoom link above may join the public comment queue by raising their hand in the Zoom application, while citizens who attend the meeting via telephone may join the comment queue by pressing # and the number 2. 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 also email documents for inclusion into the official record by submitting such materials by 5:30 p.m. on the date of the public hearing to PublicHearing@dekalbcountyga.gov

Deferred Cases

D1 [2020-0836](#)

COMMISSION DISTRICT(S): 1 & 7

Application of Embry Hills Church of Christ c/o Michelle Battle for a Special Land Use Permit (SLUP) to add a new 700-seat sanctuary and expand the parking lot to accommodate 243 parking spaces, at 3214 Chamblee-Tucker Road.

Michelle Battle, 1 West Court Sq, Decatur, GA 30030, James Newman (no address), Sewell Hall, 3327 Stonecrest Ct. Chamblee, GA 30341, spoke in favor

Marryann Pettis, 3197 North Embry Cir., Bill Blumberg, 3312 North Embry Cir., Susan Harris, 3289 North Embry Cir., Teresa James, 3325 North Embry Cir., Hannah Marlow, 3207 North Embry Cir., spoke in opposition

MOTION was made by Robert Patrick, seconded by Lorraine Cochran-Johnson, that this agenda item be deferred to the next meeting, until February 9, 2021 for Decision Only. The motion carried by the following vote:

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

D2 [2020-1163](#)

COMMISSION DISTRICT(S): 5 & 7

Application of Halim Najib for a Special Land Use Permit (SLUP) to operate a Child Caring Institution for teenage mothers in an MR-1 (Medium Density Residential-1) District, at 5797 Marbut Road.

MOTION was made by Mereda Davis Johnson, seconded by Jeff Rader, that this agenda item be withdrawn without prejudice. The motion carried by the following vote:

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

D3 [2020-1169](#)

COMMISSION DISTRICT(S): 4 & 6

Application of Quik Trip Corporation c/o Battle Law P.C. for a Special Land Use Permit (SLUP) to allow an alcohol outlet within a new 4,993 square foot convenience store (Quik Trip) within the C-1 (Local Commercial) District in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 4.2.8 Supplemental Regulations of the DeKalb County Code, at Memorial Drive and Collingwood Drive.

Michelle Battle, 1 West Court Sq, Decatur, GA 30030, Tim Veeth/Drew Eckl & Farnham, 303 Peachtree St. Atlanta, spoke in favor

Mike Cooper, 663 Ridge Ave., Victoria Webb, 3137 Rockbridge Rd., Stephen Binney, 1083 Seville Dr. Clarkston, GA, spoke in opposition

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be deferred for 30 days, until February 23, 2021 for Public Hearing. Items 2020-1169 and 2020-1170 were heard together. The motion carried by the following vote:

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

D4 [2020-1170](#)

COMMISSION DISTRICT(S): 4 & 6

Application of Quik Trip Corporation c/o Battle Law P.C. for a Special Land Use Permit (SLUP) to allow fuel pumps for a new 4,993 square foot convenience store (Quik Trip) within the C-1 (Local Commercial) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 4.2.28 Supplemental Regulations of the DeKalb County Code, at Memorial Drive and Collingwood Drive.

Michelle Battle, 1 West Court Sq, Decatur, GA 30030, Tim Veeth/Drew Eckl & Farnham, 303 Peachtree St. Atlanta, spoke in favor

Mike Cooper, 663 Ridge Ave., Victoria Webb, 3137 Rockbridge Rd., Stephen Binney, 1083 Seville Dr. Clarkston, GA, spoke in opposition

MOTION was made by Steve Bradshaw, seconded by Ted Terry, that this agenda item be deferred for 30 days, until February 23, 2021 for Public Hearing. Items 2020-1169 and 2020-1170 were heard together. The motion carried by the following vote:

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

D5 [2020-1171](#)

COMMISSION DISTRICT(S): 4 & 6

Application of Lennar Corporation c/o Battle Law P.C. to rezone properties from R-85 (Single-Family Residential) District to RSM (Small Lot Residential Mix) District to construct urban detached townhomes at a density of 4.38 units per acre, at 4549 Erskine Road and 1247 Oakmont Drive.

Michelle Battle, 1 West Court Sq, Decatur, GA 30030, spoke in favor

Henry Griesbach, 1253 Patello Ave., Alem Giorgis, 4479 Erskin Rd., Cassandra Holloway, 1229 Otella & 4270 Wheaton (no city), Gareth Young, 1176 Cimmaron Ct. Clarkston, GA, Stephanie Minderhout, 1273 Otello Ave., Brian Lucy, 1138 Otello Ave., Torri LaConte, 1276 Otello Ave., spoke in opposition

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 Rader, Commissioner Johnson, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

D6 [2020-1184](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27 to amend Section 4.2.35. Mini-warehouse, Section 9.1.3. and Section 4.1 Use Table pertaining to Self-Storage and Mini-warehouse, in all districts of DeKalb County.

MOTION was made by Larry Johnson, seconded by Mereda Davis Johnson, that this agenda item be deferred for a Full Cycle, until March 25, 2021. The motion carried by the following vote:

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

New Cases

N1 [2020-1531](#)

COMMISSION DISTRICT(S): 3 & 6

Application of Williams Teusink LLC c/o Kyle Williams to rezone property from Bouldercrest Cedar Grove Moreland Overlay District Tier 1/M (Light Industrial) District to M (Light Industrial) District to allow for a truck parking lot (Transportation Equipment Storage) and an accessory vocational school (outdoor truck driver training related to maneuvering and parking), at 1795 Constitution Road.

Kyle Williams, 309 Sycamore St. Decatur, GA 30030, spoke in favor

MOTION was made by Ted Terry, seconded by Jeff Rader, that this agenda item be withdrawn. Commissioner Larry Johnson was out of the room and not voting. The motion carried by the following vote:

Yes: 6 - Commissioner Patrick, Commissioner Rader, Commissioner Bradshaw, Commissioner Davis Johnson, Commissioner Terry, and Commissioner Cochran-Johnson

Absent: 1 - Commissioner Johnson

N2 [2020-1532](#)

COMMISSION DISTRICT(S): 1 & 7

Application of Corporation of Mercer University c/o Battle Law PC to request a Special Land Use Permit to allow up to five stories in building height for any future development on the Mercer University Campus in the O-I (Office Institutional) District, 2930 Flowers Road.

Michelle Battle/Josh Mahoney, 1 West Court Sq, Decatur, GA 30030, Kellie Appel, 3001 Mercer University Dr. Atlanta, GA 30341, spoke in favor

MOTION was made by Robert Patrick, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with staff's conditions. The motion carried by the following vote:

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

N3 [2020-1534](#)

COMMISSION DISTRICT(S): 5 & 7

Application of LandLife LLC c/o Battle Law, P.C. for a request to modify the conditions of zoning pertaining to CZ-07-12945 in the MU-1 (Mixed Use- 1) and MU-4 (Mixed Use - 4) zoning district to eliminate the zoning condition requiring senior apartments, 1688 Rock Chapel Road.

Michelle Battle/ Danny Blumenthol, 1 West Court Sq, Decatur, GA 30030, spoke in favor

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

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

N4 [2020-1535](#)

COMMISSION DISTRICT(S): 3 & 7

Application of Memorial Properties for a Special Land Use Permit (SLUP) to allow for the construction of a 15.6-foot high, 634 square foot mausoleum structure in an existing cemetery in the R-75 (Residential Medium Lot) District, at 4085 Glenwood Road.

Daniel Ashley, attorney for applicant (no address), spoke in favor

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

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

N5 [2020-1536](#)

COMMISSION DISTRICT(S): 3 & 7

Application of Urban Retail LLC c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to redevelop the existing gas station with a new convenience store with fuel pumps in the C-1 (Local Commercial) District, at 4845 Flat Shoals Parkway.

Michelle Battle, 1 West Court Sq, Decatur, GA 30030, spoke in favor

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with staff's conditions. Items 2020-1536 and 2020-1537 were heard together. The motion carried by the following vote:

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

N6 [2020-1537](#)

COMMISSION DISTRICT(S): 3 & 7

Application of Urban Retail LLC c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to redevelop the existing gas station with a new convenience store and an accessory alcohol outlet in the C-1 (Local Commercial) District, 4845 Flat Shoals Parkway.

Michelle Battle, 1 West Court Sq, Decatur, GA 30030, spoke in favor

MOTION was made by Larry Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with staff's conditions. Items 2020-1536 and 2020-1537 were heard together. The motion carried by the following vote:

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

N7 [2020-1538](#)

COMMISSION DISTRICT(S): 3 & 7

Application of Brian C. Morris to rezone property from O-I (Office Institutional) to RSM (Small Lot Residential Mix) to allow the construction of a single-family home, at 1548 Line Street.

Brian Morris (no address), spoke in favor

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

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

N8 [2020-1539](#)

COMMISSION DISTRICT(S): 2 & 6

Application of The Church in Atlanta Inc c/o Dennis Webb, Jr. to request a Special Land Use Permit (SLUP) to rebuild and expand a Place of Worship in the R-100 (Single-family Residential) District, at 2345 Shallowford Road.

Alex Brock, Smith Gambrell Russel (no address), spoke in favor

MOTION was made by Jeff Rader, seconded by Ted Terry, that this agenda item be deferred to the next meeting, until February 9, 2021 for Decision Only. The motion carried by the following vote:

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

N9 [2020-1541](#)

COMMISSION DISTRICT(S): 5 & 7

Application of JVCL, LLC to request a rezoning from R-85 (Residential Medium Lot-85) to C-1 (Local Commercial) District to allow a range of commercial uses, at 5021 Covington Highway.

MOTION was made by Mereda Davis Johnson, seconded by Lorraine Cochran-Johnson, that this agenda item be approved with staff's conditions and the Community Council and Planning Commission's prohibited uses stipulations. The motion carried by the following vote:

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

N10 [2020-1542](#)

COMMISSION DISTRICT(S): 2 & 6

Application of Julie Sellers to request a Special Land Use Permit (SLUP) to allow drive-through restaurant within an existing vacant building in the C-1 (Local Commercial) District in accordance with Section 27-4.2.23 (Supplemental Regulations) of the zoning ordinance, at 3033 N. Druid Hills Road.

Julie Sellers, 1776 Peachtree St. Atlanta, Ga, 30309, spoke in favor

MOTION was made by Jeff Rader, seconded by Ted Terry, that this agenda item be approved with staff's conditions dated January 28, 2021, and that the landscape plan stipulate 9 seating benches. The motion carried by the following vote:

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

N11 [2020-1543](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning and Sustainability for text amendments to the Zoning Ordinance, Chapter 27, to create Section 4.2.60 (Supplemental Regulations) to address Small Box Discount Retailers, to amend Section 9.1.3 (Defined Terms) to create definition for Small Box Discount Retailers, and for other purposes; and to amend Section 4.1.3 Use Table pertaining to Small Box Discount Retailers. This text amendment is County-wide.

MOTION was made by Lorraine Cochran-Johnson, seconded by Jeff Rader, that this agenda item be deferred for a Full Cycle, until March 25, 2021. The motion carried by the following vote:

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

N12 [2020-1546](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27, including, but not limited to Section 9.1.3 (Definitions), Section 4.1.3 (Land Use Table), and Section 4.2 (Supplemental Regulations) of the DeKalb County Zoning Ordinance relating to automobile land uses, and for other purposes. This text amendment is County-wide.

MOTION was made by Larry Johnson, seconded by Mereda Davis Johnson, that this agenda item be deferred for two Full Cycles, until May 27, 2021. The motion carried by the following vote:

Yes: 7 - Commissioner Patrick, Commissioner Rader, 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 Commissioner Larry Johnson and seconded by Commissioner Jeff Rader to adjourn the January 28, 2021 Board of Commissioners Zoning meeting at 9:11 p.m. The motion carried by the following vote:

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



Stephen R. Bradshaw
Presiding Officer



Barbara Sanders-Norwood
County Clerk

01.28.2021 Zoning Minutes for signature

Final Audit Report

2021-02-10

Created:	2021-02-09
By:	Kristin Rodgers (kwrogers@dekalbcountyga.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAMQ6jyZb2RTeaYcAaA1Iq6GC10udQdweE

"01.28.2021 Zoning Minutes for signature" History

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-  Document emailed to Barbara Sanders (bhsander@dekalbcountyga.gov) for signature
2021-02-09 - 6:39:37 PM GMT
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-  Document e-signed by Barbara Sanders (bhsander@dekalbcountyga.gov)
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