



Legislation Details (With Text)

File #: 2020-1543 **Version:** 1 **Name:**

Type: Ordinance **Status:** Public Hearing

File created: 11/30/2020 **In control:** Board of Commissioners

On agenda: 12/20/2022 **Final action:**

Title: 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.

Indexes:

Attachments: 1. Substitute 2022 12.20 Item 2020-1543, 2. Small Box Discount Retail Store Nov 2022 BOC Staff Report, 3. Small Box Discount Retailers TA-21-1244279 BOC Staff Report July 2022, 4. Small Box Discount Retail Store Staff Report PC July 2022 TA-21-1244279, 5. TA-21-1244279 2020-1543 May BOC 2022 Small Box Discount Retailers Staff Report, 6. D3. TA-21-1244279 March 2022 Small Box Discount Retailers Staff Report, 7. D5. TA-21-1244279 Nov 2021 Small Box Discount Retailers Staff Report, 8. D1 TA-21-1244279 Sept 2021 Small Box Discount Retailers Staff Report, 9. D1 TA-21-1244279 July 2021 Small Box Discount Retailers Staff Report, 10. TA-21-1244279 Staff Report March 2021 BOC

Date	Ver.	Action By	Action	Result
12/20/2022	1	Board of Commissioners	approved substitute	Pass
12/13/2022	1	PECS-Planning, Economic Development & Community Services Committee	recommended for approval.	Pass
11/17/2022	1	Board of Commissioners - Zoning Meeting	deferred	Pass
10/4/2022	1	Board of Commissioners - Zoning Meeting		
7/28/2022	1	Board of Commissioners - Zoning Meeting	deferred 60 days	Pass
7/12/2022	1	Planning Commission		
5/26/2022	1	Board of Commissioners - Zoning Meeting	deferred for a full cycle	Pass
5/3/2022	1	Planning Commission	Full cycle deferral per staff recommendation	Pass
3/24/2022	1	Board of Commissioners - Zoning Meeting	Full cycle deferral	Pass
3/1/2022	1	Planning Commission	deferred for a full cycle	Pass
11/18/2021	1	Board of Commissioners - Zoning Meeting		
11/4/2021	1	Planning Commission	deferred for two full cycles	Pass
9/30/2021	1	Board of Commissioners - Zoning Meeting		
9/9/2021	1	Planning Commission	deferred for two full cycles	Pass

7/29/2021	1	Board of Commissioners - Zoning Meeting		
7/8/2021	1	Planning Commission	Full cycle deferral per staff recommendation	Pass
3/25/2021	1	Board of Commissioners - Zoning Meeting	deferred for two full cycles	Pass
3/2/2021	1	Planning Commission	deferred for two full cycles	Pass
1/28/2021	1	Board of Commissioners - Zoning Meeting	deferred for a full cycle	Pass
1/7/2021	1	Planning Commission	deferred for a full cycle	Pass

Substitute

Public Hearing: YES NO Department: Planning & Sustainability

SUBJECT:

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.

PETITION NO: TA-21-1244279 (2020-1543)

PROPOSED USE: N/A

LOCATION: All Districts

PARCEL NO. : N/A

INFO. CONTACT: Brandon White, Current Planning Manager

PHONE NUMBER: 404-371-2155

PURPOSE:

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.

RECOMMENDATION:

COMMUNITY COUNCIL: (June 2022) CC-1: No Quorum; CC-2: Approval; CC-3: Approval; CC-4: Approval; CC-5: Approval. (April 2022) CC-1: Approval; CC-2: Approval; CC-3: Approval w/ conditions; CC-4: Full Cycle Deferral; CC-5: Approval w/conditions. (February 2022) CC-1: No Action Taken; CC-2: Full Cycle Deferral; CC-3: Approval; Cycle Deferral; CC-4: Full Cycle Deferral; CC-5: Full Cycle Deferral. (October 2021) CC-1: No Quorum; CC-2: Deferral; CC-3: Deferral; CC-4: Deferral; CC-5: Deferral. (August) CC-1: No Quorum; CC-2: Deferral; CC-3: Deferral; CC-4: Deferral; CC-5: Deferral. (June 2021) CC-1: No action taken; CC-2: Deferral; CC-3: Deferral; CC-4: Deferral; CC-5: Deferral. (February 2021) CC-1: Approval; CC-2: No action taken; CC-3 Deferral; CC-4 Deferral; CC-5 Deferral. (December 2020) CC-1: Approval; CC-2: No action taken; CC-3: No action taken; CC-4: Deferral; CC-5: No action taken.

PLANNING COMMISSION: (July 12, 2022) Full Cycle Deferral. (May 3, 2022) Full Cycle Deferral. (March 1, 2022) Full Cycle Deferral. (November 4, 2021) Two-Cycle Deferral. (September 9, 2021) Two-Cycle

Deferral. (July 8, 2021) Full Cycle Deferral. (March 2, 2021) Two-Cycle Deferral. (Jan. 7, 2021) Full-Cycle Deferral.

PLANNING STAFF: Approval.

STAFF ANALYSIS: See enclosed documents.

PLANNING COMMISSION VOTE: (July 12, 2022) Full Cycle Deferral 7-0-0. Jon West moved, Jana Johnson seconded for a full cycle deferral to the September 2022 zoning agenda. (May 3, 2022) Full Cycle Deferral 7-0-0. Gwendolyn McCoy moved, Edward Patton seconded for a Full Cycle Deferral to the July 2022 zoning agenda, per Staff recommendation. (March 1, 2022) Full Cycle Deferral 7-0-1. Vivian Moore moved, Jon West seconded for a full cycle deferral, per Staff recommendation to the May 2022 zoning agenda. Tess Snipes abstained; Jana Johnson was not present for this vote. (November 4, 2021) Two-Cycle Deferral 8-0-0. Jon West moved, Gwendolyn McCoy seconded for a 2-cycle deferral to the March 2022 zoning agenda. (September 9, 2021): Two-Cycle Deferral 8-0-0. Jana Johnson moved, Jon West seconded for a Two-Cycle Deferral to the January 2022 zoning cycle. Edward Patton was not present for this vote. (July 8, 2021) Full Cycle Deferral 6-0-0. Jon West moved, Edward Patton seconded for a Full Cycle Deferral, per Staff recommendation. Jana Johnson was not present for this vote. (March 2, 2021) Two-Cycle Deferral 9-0-0. J. Johnson moved, J. West seconded for a two-cycle deferral to the July 2021 zoning agenda with the condition that the small discount box store study from Georgia State University be sent to all Community Council, Planning Commission and Board of Commission members and made available to the public once it has been received. (Jan. 7, 2021) Full-Cycle Deferral 8-0-0. P. Womack, Jr. moved, J. West seconded for a full-cycle deferral to the March 2021 zoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (June 2022) CC-1: No Quorum. CC-1 Board

between small box discount retailers (SBDR) to one mile, applicable to both freestanding SBDRs as well as SBDRs in shopping centers; (CC-2) Approval 6-0-0; CC-3: Approval 7-0-0. CC-3 Board members made the following comments: 1) Clarify the definition - What is the standard for “price lower than...” and, 2) Increase distance separation to one (1) mile; CC-4: Approval 11-0-0; CC-5: Approval 9-0-0. CC-5 Board members voted for approval with the following conditions: Under "Item B3", it is recommended that high-quality surveillance equipment be used that meets or exceeds what is needed by the DeKalb County Police to clearly identify suspects to bring charges; and, 2) under "Item B4" that there be a 6-foot tall solid wooden or opaque fencing to screen the dumpster area from the public view. (April 2022) CC-1: Approval 7-0-0. The board made

the following comments: 1) Define “price lower than...”; and what is the standard for this? 2) Refine the definition. 3) Extend distance separation to one (1) mile. CC-2: Approval 9-0-1; CC-3: Approval

w/conditions 7-3-0. Approval w/ a condition that the separation distance between small box retailers & other uses identified

in the text amendment shall be one mile. Comments included: Small box retailers provide affordable shopping

opportunities for some members of the communities such as younger shoppers but tend to be detrimental to the

overall image of the community, tend to be poorly organized and secured, and therefore should be located at least one mile from each other and from the land uses identified in the text amendment. However, they thought that the proposed regulations would improve the appearance and operation of small box retailers. CC-4: Full Cycle Deferral 10-0-0. Full cycle deferral to allow time to fully review the proposed amendments; CC-5: Approval w/conditions 6-0-2. Approved w/removal of NS-Neighborhood Shopping from permitted zoning districts, and prohibition of LED ribbon lights, flashing lights, neon lights. (February 2022) CC-1: No Action Taken based on Staff’s recommendation for FCD. However, the following points/questions were noted: 1) Should GSU Andrew Young Policy school weigh in on this instead of the criminal justice staff; 2) Small box establishments may need to be evaluated in context with check cashing establishments

and other places that are prevalent near them; 3) A distance requirement may need to be considered; 4) Regulations may need to vary depending on context specific factors; and, 5) Zoning may not be appropriate remedy for public safety issues related to small box establishments. CC-2: Full Cycle Deferral 10-0-0; CC-3: Approval 9-0-0. The Council supports regulation of small box discount retailers even if such regulation cannot address all of the issues identified in the GA State study. CC-4: Full Cycle Deferral 10-0-0 to allow sufficient time to read the consultant's report in detail so that a more informed recommendation could be made; CC-5: Full Cycle Deferral 10-0-0. (October 2021) CC-1: No Quorum; members present voted for Full Cycle Deferral 2-0-0; CC-2 Full Cycle Deferral 7-0-0; CC-3 Full Cycle Deferral 8-0-0; CC-4 Full Cycle Deferral 10-0-0; CC-5 Full Cycle Deferral 8-0-0. (August 2021) CC-1 No Quorum; Members present voted for Deferral 2-0-0; CC-2: Deferral 7-0-0; CC-3: Deferral 8-0-0; CC-4: Deferral 11-0-0; C-5: Deferral 8-0-0. (July 2021) CC-1: No quorum, no action taken; CC-2 Deferral 9-0-1; CC-3: Deferral 11-0-0; CC-4: Deferral 12-0-0; CC-5: Deferral 8-0-0. (February 2021) CC-1: Approval 2-0-0 of proposed timetable; CC-2: No action taken; CC-3: Deferral 8-0-0 with the understanding that the moratorium will be extended and the text amendment will be placed on the May BOC agenda; CC-4: Deferral 11-0-0 to allow more community input; CC-5: Deferral 9-0-0. (December 2020) CC-1: Approval 5-0-0; CC-2: No action taken but feedback was provided to Staff; CC-3: No action taken; CC-4: Deferral 12-0-1; CC-5: No action taken but feedback was provided to Staff.