

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. This text amendment is County-wide.

PETITION NO: D5. TA-21-1244279 (2020-1543)

PROPOSED USE: N/A

LOCATION: County-wide.

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. This text amendment is County-wide.

RECOMMENDATION:

COMMUNITY COUNCIL: (October) 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) 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: (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: Full Cycle Deferral.

STAFF ANALYSIS: See enclosed staff report for further details.

PLANNING COMMISSION 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: (October) 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) 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 time-table; 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.



DeKalb County Department of Planning & Sustainability

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Planning Commission Hearing Date: November 4, 2021

Board of Commissioners Hearing Date: November 18, 2021

TEXT AMENDMENT ANALYSIS

AGENDA NO.: D5 **ZONING CASE NO.:** TA-21-1244279 **COMMISSION DISTRICTS:**
Countywide

APPLICANT: Department of Planning & Sustainability

SECTIONS OF ZONING ORDINANCE AFFECTED BY AMENDMENTS: CHAPTER 27, SECTION 4.2.60 (SUPPLEMENTAL REGULATIONS) TO ADD REGULATIONS TO ADDRESS SMALL BOX DISCOUNT STORES, SECTION 9.1.3 (DEFINED TERMS) TO CREATE A DEFINITION FOR SMALL BOX DISCOUNT STORE, AND TO AMEND SECTION 4.1.3 (USE TABLE) PERTAINING TO SMALL BOX DISCOUNT STORES.

REASON FOR REQUEST:

Moratoria passed by the DeKalb County Board of Commissioners in December 2019, January 2020, October 2020, January 2021, April 2021, August 24, 2021, and October 26, 2021 temporarily prohibits the establishment of any new, small box discount stores in the unincorporated areas of DeKalb County. The initial moratorium—and subsequent extensions—initiated the process of studying the effects of small box discount stores on the health, safety, and welfare of County residents and businesses. Staff contracted with Georgia State University to perform the requisite study. Examination of the research findings continues.

In addition to the report, staff will rely upon additional research, community feedback, Planning Commission, the community councils, and the Board of Commissioners to craft appropriate legislative policies.

RECOMMENDATION(S):

Planning Department: Full-cycle deferral