

# DeKalb County Government

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



## Minutes

**Tuesday, November 1, 2022**

**6:00 PM**

**Zoom Meeting**

## **Planning Commission**

*Chairperson Tess Snipes*

*Co-Chair Jon West*

*Member VACANT (Dist. 1)*

*Member April Atkins (Dist. 2)*

*Member Vivian Moore (Dist. 3)*

*Member LaSonya Osler (Dist. 4)*

*Member Jan Costello (Dist. 5)*

*Member Jana Johnson (Dist. 6)*

*Member Edward Patton (Dist. 7)*

The DeKalb County Planning Commission will hold its online zoning meeting on Tuesday, November 1, 2022 at 6:00 p.m. This meeting will be conducted via teleconference (Zoom).

The public is invited to Join from PC, Mac, Linux, iOS or Android:

Join from PC, Mac, Linux, iOS or Android: <https://dekalbcountyga.zoom.us/j/86330344636>

Or Telephone Dial: USA 8882709936 (US Toll Free) Conference code: 691303

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 10 minutes of time for citizens to speak in favor of an agenda item, and 10 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 [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov)

## **Call To Order**

Legal noticing and posting of signs have been completed in accordance with requirements of the DeKalb County Zoning Ordinance. The items on this agenda were presented at Community Council review meetings last month. The Planning Department has prepared the required ordinances as well as the staff analysis, findings of facts, and recommendations for all applications that are on tonight's agenda. Each case on the agenda will proceed accordingly:

Announcement of the case by Staff. 10 minutes of testimony will be allocated for the applicant and those in support of the application. 10 minutes of testimony will be allocated for the opponents. Public testimony will then be closed and Planning Commission members will commence discussing the merits of the application with respect to the evaluation criteria, staff analysis and public testimony presented at this hearing. At this point, Planning Commissioners may ask questions of the Staff, applicant or public for clarification of an issue.

The Planning Commission will then make a motion to adopt the findings of facts for the record as presented in the staff analysis, or as modified by the Planning Commission followed by a recommendation to the Board of Commissioners: Approval, Approval with conditions, Denial, Deferral, or Withdrawal without prejudice.

Cases on tonight's agenda will be heard at a public hearing before the Board of Commissioners on Thursday, November 17, 2022 @ 5:30 p.m., via Zoom and the County website.

## **Roll Call**

**Present**

8 - Member Edward Patton, Member Jana Johnson, Member Jan Costello, Member Vivian Moore, Member LaSonya Osler, Vice Chair Jon West, Chairperson Tess Snipes, and Member April Atkins

**Deferred Cases**

**D1**     [2022-1471](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 06  
 Application of PMZ Developers LLC c/o Battle Law PC to rezone property from Bouldercrest Cedar Grove Moreland Overlay District Tier 5-Corridor1/R-100 (Residential Medium Lot) to RSM (Small Lot Residential Mix) district to allow for single-family detached homes and single-family attached townhomes, at 4101 Bouldercrest Road.  
**MOTION was made by Vivian Moore, seconded by Jon West that this agenda item be Deferred, full cycle to the January 2023 zoning agenda, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, and Chairperson Snipes

**Not Present:** 1 - Member Atkins

**D2**     [2022-1976](#)     COMMISSION DISTRICT(S): Commission District 04 Super District 06  
 Application of Shalom Restorations, LLC to rezone property from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow single-family detached homes, at 695 Jordan Lane.  
**MOTION was made by LaSonya Osler, seconded by Jana Johnson that this agenda item be Deferred, full cycle to the January 2023 zoning agenda, per staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, and Chairperson Snipes

**Not Present:** 1 - Member Atkins

**D3**     [2022-1998](#)     COMMISSION DISTRICT(S): Commission District 04 Super District

06

Application of ModWash, LLC c/o Battle Law P.C. for a request to modify zoning conditions to remove condition #1 pursuant to CZ-06-1241, restricting the use of the property to office and retail uses to allow a car wash in the C-1 (Local Commercial) zoning district, at 1849 Lawrenceville Highway.

**MOTION was made by LaSonya Osler, seconded by Jon West that this agenda item be Denied, per staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, and Chairperson Snipes

**Abstain:** 1 - Member Atkins

**D4**     [2022-1906](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning and Sustainability to adopt a major update to the DeKalb County 2050 Comprehensive Plan, as required by the Rules of the Georgia Department of Community Affairs, Chapter 110-12-1 Minimum Standards and Procedures for Local Comprehensive Planning, and established by the Georgia Planning Act of 1989. The property is located on within the areas of unincorporated DeKalb County. This text amendment is County-wide.

**MOTION was made by Vivian Moore, seconded by Edward Patton that this agenda item be defer to the Board of Commissioners' December 13, 2022 a.m. meeting, per Staff recommendation. Jon West recused himself from this case.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Chairperson Snipes, and Member Atkins

**Abstain:** 1 - Vice Chair West

## New Cases

**N1**     [2022-2326](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability to consider approving a resolution to authorize the adoption of the 2050 Comprehensive Transportation Plan Update also known as the CTP.

**MOTION was made by Jan Costello, seconded by Jana Johnson that this agenda item be Deferred to the Board of Commissioners' December 13, 2022 a.m. meeting, per Staff recommendation, with the Board asking that there be a “disclaimer” included in the report, stating that the document does not include rail transit.**

**Jon West recused himself from this case.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Chairperson Snipes, and Member Atkins

**Abstain:** 1 - Vice Chair West

**N2**     [2022-2252](#)     COMMISSION DISTRICT(S): Commission District 04 Super District 06  
 Application of ModWash LLC c/o Battle Law P.C. to request a Special Land Use Permit (SLUP) to allow a drive-through car wash facility in the C-1 (Local Commercial) zoning district, at 1849 Lawrenceville Highway.

**MOTION was made by LaSonya Osler, seconded by Jana Johnson that this agenda item be Denied, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, and Chairperson Snipes

**Abstain:** 1 - Member Atkins

**N3**     [2022-2253](#)     COMMISSION DISTRICT(S): Commission District 04 Super District 06  
 Application of D.A. Edwards & Company c/o Dennis J. Webb, Jr., Smith, Gambrell & Russell to rezone property from R-75 (Residential Medium Lot) zoning district to RSM (Residential Small Lot Mix) zoning district to allow the construction of cottage-style urban single-family detached homes, at 1251 Robinwood Road.

**MOTION was made by LaSonya Osler, seconded by Jana Johnson that this agenda item be Denied.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins

**No:** 1 - Member Costello

- N4**     [2022-2254](#)     COMMISSION DISTRICT(S): Commission District 04 Super District 06  
Application of Avondale Park, LLC c/o Felipe Castellanos for a Major Modification to modify zoning conditions pursuant to CZ-21-1245061 in the MU-5 (Mixed Use 5) zoning district for a mixed residential, office, and commercial development to change the use of the office and retail buildings designated as "A", "B", and "C" on the approved concept plan, to now combine those buildings into one mixed-use building with up to 49,000 square feet of commercial and up to 202 apartment units, at 3458, 3468 and 3478 Mountain Drive.  
**MOTION was made by LaSonya Osler, seconded by Jana Johnson that this agenda item be Deferred, 3-full cycles to the May 2023 zoning agenda, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins

**No:** 1 - Member Costello

- N5**     [2022-2255](#)     COMMISSION DISTRICT(S): Commission District 05 Super District 07  
Application of Wendy Rios Ochoa for a Special Land Use Permit (SLUP) to operate an in-home childcare facility for up to six children in an existing single-family home in the RSM (Small Lot Residential Mix) zoning district, at 6168 Marbut Road.  
**MOTION was made by Jana Johnson, seconded by Jan Costello that this agenda item be Approved with four (4) conditions, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 8 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins

**N6**     [2022-2256](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 06  
 Application of Kyle Williams to amend the Future Land Use Plan from Neighborhood Center (NC) character area to Light Industrial (LIND) character area to allow for the construction of a distillery, at 2179 Bouldercrest Road.

**MOTION was made by Jon West, seconded by Vivian Moore that this agenda item be Approved, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, and Member Atkins

**No:** 1 - Chairperson Snipes

**N7**     [2022-2257](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 06  
 Application of Kyle Williams to rezone property from MU-5 (Mixed Use) zoning district to M (Light Industrial) zoning district to allow for the construction of a distillery, at 2179 Bouldercrest Road.

**MOTION was made by Jon West, seconded by Vivian Moore that this agenda item be Approved with five (5) conditions, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, and Member Atkins

**No:** 1 - Chairperson Snipes

**N8**     [2022-2258](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 07  
 Application of Alex Brock for a Special Land Use Permit (SLUP) request to allow a drive-through restaurant in the C-1 (Local Commercial) zoning district, at 3507 Memorial Drive.

**MOTION was made by Jon West, seconded by Jan Costello that**

**this agenda item be Denied, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 6 - Member Johnson, Member Costello, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins

**No:** 1 - Member Patton

**Abstain:** 1 - Member Moore

**N9**     [2022-2259](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 06

Application of Chad Mercer for a Major Modification to zoning conditions pursuant to CZ-18-21945 to increase the number of residential units from 6 to 8 units per acre in the MR-2 (Medium Density Residential-2) zoning district, at 211 South Howard Street.

**MOTION was made by Jana Johnson, seconded by Vivian Moore that this agenda item be Deferred, 2-full cycles to the March 2023 zoning agenda, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 8 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins

**N10**     [2022-2260](#)     COMMISSION DISTRICT(S): Commission District 04 Super District 07

Application of Future Capital Investment for a Major Modification to zoning conditions pursuant to CZ-20-1243972 to reduce the number of single-family detached lots from 19 to 6 lots in the RSM (Small Lot Residential Mix) zoning district, at 1347 Bermuda Road.

**MOTION was made by Jon West, seconded by Jan Costello that this agenda item be Deferred, full cycle to the January 2023 zoning agenda, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, and Member Atkins



**No: 1 - Chairperson Snipes**

**N11**     [2022-2261](#)     COMMISSION DISTRICT(S): Commission District 04 Super District 07  
 Application of Mahek Virani to rezone property from R-100 (Residential Medium Lot) zoning district to C-1 (Local Commercial) zoning district to allow the construction of a convenience store, at 8067 Rockbridge Road.

**MOTION was made by Jon West, seconded by LaSonya Osler that this agenda item be Denied, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes: 8 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins**

**N12**     [2022-2262](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 06  
 Application of Toll Brothers c/o Kathryn Zickert, Smith, Gambrell, & Russell LLC to rezone property from O-I (Office Institutional) zoning district to RSM (Small Lot Residential Mix) zoning district to allow the construction of single-family attached townhomes, at 1065 Fayetteville Road.

**MOTION was made by Vivian Moore, seconded by Jon West that this agenda item be Deferred, full cycle to the January 2023 zoning agenda, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes: 7 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, and Member Atkins**

**No: 1 - Chairperson Snipes**

**N13**     [2022-2263](#)     COMMISSION DISTRICT(S): Commission District 01 Super District 07  
 Application of Paul Cables, Alpha Residential and Parker Poe to rezone properties from O-I (Office Institutional) zoning district to HR-3 (High Density Residential-3) zoning district to allow apartments, at 3375 Northeast Expressway.

**MOTION was made by Jon West, seconded by LaSonya Osler that this agenda item be Deferred, 2 -full cycles to the March 2023 zoning agenda, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 6 - Member Patton, Member Costello, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins

**No:** 2 - Member Johnson, and Member Moore

**N14**    [2022-2264](#)    COMMISSION DISTRICT(S): Commission District 02 Super District 06  
 Application of Andrew Rutledge to rezone properties from R-75 (Residential Medium Lot) zoning district to MR-2 (Medium Density Residential-2) zoning district to allow the construction of single-family attached townhomes, at 1602 Scott Boulevard.

**MOTION was made by April Atkins, seconded by LaSonya Osler that this agenda item be Deferred, full cycle to the January 2023 zoning agenda.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 8 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins

**N15**    [2022-2265](#)    COMMISSION DISTRICT(S): Commission District 04 Super District 06  
 Application of Thomas J Mazzolini to rezone property from R-75 (Residential Medium Lot) zoning district to R-60 (Residential Small Lot) zoning district to allow a lot split to accommodate two single-family, detached homes, at 2739 Craigie Avenue.

**MOTION was made by Jana Johnson, seconded by LaSonya Osler that this agenda item be Denied, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 5 - Member Patton, Member Johnson, Member Moore, Member Osler, and Chairperson Snipes

**No:** 3 - Member Costello, Vice Chair West, and Member Atkins

**N16**     [2022-2268](#)     COMMISSION DISTRICT(S): Commission District 05 Super District 07  
 Application of Monique Hardnett for a Special Land Use Permit (SLUP) to allow a Child Caring Institution (CCI) for up to six children within the existing single-family detached home in the R-100 (Residential Medium Lot) zoning district, at 1193 Sherrington Drive.  
**MOTION was made by Jan Costello, seconded by Jon West that this agenda item be Approved with one (1) condition, that the age limit be restricted to 16 years old.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

- Yes:** 5 - Member Costello, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins
- No:** 3 - Member Patton, Member Johnson, and Member Moore

**N17**     [2022-2269](#)     COMMISSION DISTRICT(S): Commission District 02 Super District 06  
 Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Chapter 27-3.22-Emory Village Overlay District-to update permitted and prohibited uses; revise minimum parking requirements; and to address building design and other overlay district enhancements.  
**MOTION was made by Jana Johnson, seconded by Jon West that this agenda item be Deferred, 3-full cycles to the May 2023 zoning agenda.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

- Yes:** 8 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins

**N18**     [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.

**MOTION was made by Jon West, seconded by Jan Costello that this agenda item be Deferred, full cycle to the January 2023 zoning agenda, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 8 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins

**N19**     [2022-2271](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability for a text amendment to Chapter 27-5.1.10 (Maximum Lot Coverage) of the Zoning Ordinance to remove the non-vehicular use restriction on pervious materials.

**MOTION was made by Jan Costello, seconded by April Atkins that this agenda item be Approved, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Chairperson Snipes, and Member Atkins

**No:** 1 - Vice Chair West

**N20**     [2022-2272](#)

COMMISSION DISTRICT(S): Commission District 05 Super District 07

Application of the Director of Planning & Sustainability for text amendments to the Zoning Ordinance, Section 27-3.37 (Greater Hidden Hills Overlay District) to include senior housing as a by-right use, subject to supplemental regulations.

**MOTION was made by Jana Johnson, seconded by Vivian Moore that this agenda item be Approved, per Staff recommendation. Jan Costello recused herself from this case.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 7 - Member Patton, Member Johnson, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins

**Abstain:** 1 - Member Costello

**N21**    [2022-2273](#)    COMMISSION DISTRICT(S): All Districts  
Application of the Director of Planning & Sustainability for adoption of the 2023-2024 Zoning Calendar and Resolution.

**MOTION was made by LaSonya Osler, seconded by Jana Johnson that this agenda item be Approved as presented, per Staff recommendation.**

**This item moves forward to the Board of Commissioners - Zoning Meeting on 11/17/2022. The motion carried by the following vote:**

**Yes:** 8 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, and Member Atkins