

# DeKalb County Government

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



## Minutes

**Tuesday, March 7, 2023**

**6:00 PM**

**via Zoom**

## **Planning Commission**

*Chairperson Tess Snipes*

*Co-Chair Jon West*

*Member Deanna Murphy (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)*

## Call To Order

The DeKalb County Planning Commission will hold its online zoning meeting on Tuesday, March 7, 2023 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/s/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)

## Roll Call

**Present**            9 - Member Edward Patton, Member Jana Johnson, Member Jan Costello, Member Vivian Moore, Member LaSonya Osler, Vice Chair Jon West, Chairperson Tess Snipes, Member April Atkins, and Member Deanna Murphy

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, March 30, 2023 @ 5:30 p.m., in-person (this is not a Zoom meeting) at the Manuel Maloof Auditorium, 1300 Commerce Drive, Decatur, Georgia 30030, and via the County website.

## Deferred Cases

- D1**     [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, for Two Full Cycles to the July 2023 zoning agenda.**

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

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

**Abstain:** 1 - Vice Chair West

**D2**     [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 Jon West, seconded by Vivian Moore that this agenda item be Denied, per Staff recommendation.**

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

**Yes:** 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

**D3**     [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 Jon West, seconded by Jan Costello that this agenda item be Deferred for 30 days to the April 25, 2023 Board of Commissioners' a.m. meeting.**

**This application moves forward to Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

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

**No:** 1 - Chairperson Snipes

**D4**     [2022-2537](#)     COMMISSION DISTRICT(S): Commission District 05 Super District 07  
 Application of Anandi JRK, LLC c/o Battle Law, P.C. for a Special

Land Use Permit (SLUP) request to allow accessory fuel pumps for a proposed convenience store within Tier 1 of the Interstate 20 Overlay District and the C-1 (Local Commercial) zoning district, at 2571 E. Wesley Chapel Way.

**MOTION was made by Jan Costello, seconded by Deanna Murphy that this agenda item be Denied, per Staff recommendation.**

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

**Yes:** 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

**D5**     [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 April Atkins, seconded by Deanna Murphy that this agenda item be Approved, per Staff recommendation.**

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

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

**No:** 1 - Member Johnson

**D6**     [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 Jana Johnson, seconded by April Atkins that this agenda item be Deferred Two Full Cycles, per Staff recommendation to the July 2023 zoning agenda. (rev. 3.15.2023)**

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

**Yes:** 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

**New Cases**

**N1**      [2023-0064](#)      COMMISSION DISTRICT(S): Commission District 05 Super District 07  
 Application of Land Engineering and Surveying Inc to amend the Future Land Use Plan from Suburban (SUB) character area to Light Industrial (LIND) character area to accommodate an existing landscape company, upgrade and expand the building, and add additional parking, at 1422 Rock Chapel Road.

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

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

**Yes:** 5 - Member Costello, Member Osler, Vice Chair West, Member Atkins, and Member Murphy

**No:** 3 - Member Patton, Member Johnson, and Chairperson Snipes

**Not Present:** 1 - Member Moore (due to technical issues)

**N2**      [2023-0065](#)      COMMISSION DISTRICT(S): Commission District 05 Super District 07  
 Application of Land Engineering and Surveying, Inc. to rezone property from R-100 (Residential Medium Lot) zoning district to M (Light Industrial) zoning district to accommodate an existing landscaping company, upgrade and expand the building, and add additional parking, at 1422 Rock Chapel Road.

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

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

**Yes:** 5 - Member Costello, Member Osler, Vice Chair West, Member Atkins, and Member Murphy

**No:** 3 - Member Patton, Member Johnson, and Chairperson Snipes

**Not Present:** 1 - Member Moore (due to technical issues)

**N3**     [2023-0066](#)     COMMISSION DISTRICT(S): Commission District 05 Super District 07

Application of Land Engineering and Surveying to amend the Future Land Use Plan from Suburban (SUB) character area to Light Industrial (LIND) character area to allow for the construction of a proposed landscaping company, at 1450 Rock Chapel Road.

**MOTION was made by Jan Costello, seconded by Deanna Murphy that this agenda item be Denied, per Staff recommendation.**

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

**Yes:** 5 - Member Costello, Member Osler, Vice Chair West, Member Atkins, and Member Murphy

**No:** 3 - Member Patton, Member Johnson, and Chairperson Snipes

**Not Present:** 1 - Member Moore (due to technical issues)

**N4**     [2023-0067](#)     COMMISSION DISTRICT(S): Commission District 05 Super District 07

Application of Land Engineering and Surveying to rezone property from R-100 (Residential Medium Lot) zoning district to M (Light Industrial) zoning district to allow for the construction of a proposed landscaping company, at 1450 Rock Chapel Road.

**MOTION was made by Jan Costello, seconded by Deanna Murphy that this agenda item be Denied, per Staff recommendation.**

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

**Yes:** 5 - Member Costello, Member Osler, Vice Chair West, Member Atkins, and Member Murphy

**No:** 3 - Member Patton, Member Johnson, and Chairperson Snipes

**Not Present:** 1 - Member Moore (due to technical issues)

**N5**     [2023-0068](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 06

Application of Craig Wasilewsky to amend the future land use plan from Suburban (SUB) character area to Neighborhood Center (NC) character area, at 710 Fayetteville Road.

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

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

**Yes:** 6 - Member Patton, Member Johnson, Member Costello, Vice Chair West, Member Atkins, and Member Murphy

**No:** 1 - Chairperson Snipes

**Abstain** 1- Member Osler

**Not Present:** 1 - Member Moore (due to technical issues)

**N6**     [2023-0069](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 06

Application of Craig Wasilewsky to rezone property from R-75 (Residential Medium Lot) zoning district to MR-2 (Medium Density Residential-2) zoning district to construct multi-family apartments, at 710 Fayetteville Road.

**MOTION was made by Jan Costello, seconded by Jana Johnson that this agenda item be Approved with five (5) conditions, per Staff recommendation.**

**This application moves forward to the Board of Commissioners - Zoning Meeting, due back on 3/30/2023. The motion carried by the following vote:**



**Yes:** 6 - Member Patton, Member Johnson, Member Costello, Vice Chair West, Member Atkins, and Member Murphy

**No:** 1 - Chairperson Snipes

**Abstain** 1- Member Osler

**Not Present:** 1 - Member Moore (due to technical issues)

**N7**     [2023-0070](#)     COMMISSION DISTRICT(S): Commission District 03 Super District 06  
 Application of Celina Lane c/o Battle Law, P.C. to request a Major Modification to zoning conditions pursuant to CZ-1243618 to modify condition #1 to allow the site plan to be changed to reflect the operation of a dog daycare business and modify use conditions to include dog daycare, boarding (primary), grooming, indoor/outdoor play area within the existing Parkview Plaza building (Suite B) in the MU-4 (Mixed Use-4) zoning district, at 1807 Memorial Drive.  
**MOTION was made by Jon West, seconded by Jana Johnson that this agenda item be Approved with one (1) modified condition (condition #1), per Staff recommendation.**

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

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

**No:** 1 - Chairperson Snipes

**N8**     [2023-0071](#)     COMMISSION DISTRICT(S): Commission District 05 Super District 07  
 Application of Celina Lane c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to allow for a dog daycare business within the existing Parkview Plaza building (Suite B) in the MU-4 (Mixed Use-4) zoning district, at 1807 Memorial Drive.  
**MOTION was made by Jana Johnson, seconded by Edward Patton that this agenda item be Approved with one (1) condition, per Staff recommendation. Planning Commission discussion included their wish for continued communication between the applicant and neighbors regarding sound control strategies. Also, that the applicant consider reduced outside hours for the dogs**

**and/or shrubbery/fence to help absorb sound.**

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

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

**No:** 1 - Chairperson Snipes

**N9**     [2023-0072](#)     COMMISSION DISTRICT(S): Commission District 05 Super District 07  
 Application of Bimor, LLC c/o Battle Law, P.C. to request a Major Modification to zoning conditions pursuant to CZ-00043 to allow the construction of eight (8) single-family attached townhomes in the RSM (Residential Small Lot) zoning district, at 7006 Covington Highway.  
**MOTION was made by Deanna Murphy, seconded by Jan Costello that this agenda item be Deferred, Full Cycle to the May 2023 zoning agenda.**

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

**Yes:** 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy

**N10**     [2023-0115](#)     COMMISSION DISTRICT(S): Commission District 04 Super District 06  
 Application of QuikTrip Corp c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to allow the installation of fuel pumps associated with a new convenience store in the C-2 (General Commercial) zoning district, at 4434, 4450 and 4466 Memorial Drive.  
**MOTION was made by LaSonya Osler, seconded by Jan Costello that this agenda item be Deferred, Full Cycle to the May 2023 zoning agenda to allow time for the traffic study.**

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

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

**No:** 1 - Vice Chair West

**Not Present:** 1 - Member Patton (due to technical issues)

**N11**    [2023-0185](#)

COMMISSION DISTRICT(S): All Districts

Application of the Director of Planning & Sustainability to amend the DeKalb County Zoning Ordinance to address Workforce Housing. This text amendment is County wide..

**MOTION was made by Jana Johnson, seconded by Jon West that this agenda item be Deferred for Two Full Cycles to the July 2023 zoning agenda.**

**This application moves forward to the Board of Commissioners - Zoning Meeting due back on 3/30/2023. The motion carried by the following vote:**

**Yes:** 9 - Member Patton, Member Johnson, Member Costello, Member Moore, Member Osler, Vice Chair West, Chairperson Snipes, Member Atkins, and Member Murphy