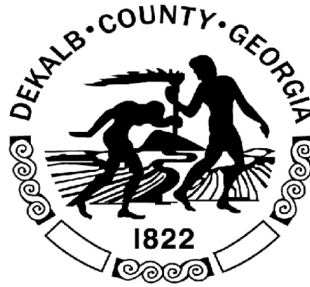


# DeKalb County Government

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



## Agenda

**Tuesday, January 28, 2020**

**6:30 PM**

**Manual J. Maloof Auditorium**

### **Board of Commissioners - Zoning Meeting**

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

**Commissioner Nancy Jester, District 1**  
**Commissioner Jeff Rader, District 2**  
**Commissioner Larry Johnson, District 3**  
**Commissioner Steve Bradshaw, District 4**  
**Commissioner Mereda Davis Johnson, District 5**  
**Commissioner Kathie Gannon, Super District 6**  
**Commissioner Lorraine Cochran-Johnson, Super District 7**

## Call To Order

## Roll Call

Citizens may speak for or against an item that is considered by law to be a zoning ordinance and each side will have ten minutes to present its case. Citizens may also speak for or against an item that is placed on the public hearing agenda but is not a zoning ordinance. In that case, each side will have five minutes to present its case. In the event there is more than one speaker per side, speakers must divide their time in order to complete their full presentation within the ten-minute time allotment, or the five minute time allotment. When the buzzer sounds to indicate that time has run out, the speaker will be expected to immediately cease speaking and to leave the podium area. Prior to speaking, a speaker shall complete a speaker card and present it when approaching the podium. If a speaker has any documents for the commissioners, the speaker shall provide 10 copies when approaching the podium. Seven copies are for the commissioners and the remaining copies are for the planning director, the county attorney and the clerk. Applicants or citizens speaking in favor of an item shall speak first and applicants in zoning ordinance cases shall have the right to reserve time for rebuttal. Opponents of a zoning ordinance item shall have no right of rebuttal. Once the citizens have finished speaking, staff shall make a recommendation for action to the Commission. At this point, citizens are no longer allowed to speak unless called to the podium by an individual commissioner to answer questions or provide information. Speakers should always talk directly into the microphone and begin by stating their name, address and the name of any organization they represent. Abusive, profane or derogatory language will not be permitted. Holding up signs, clapping, yelling, standing or laying in the aisles to show support for or opposition to a speaker will not be permitted, but a show of hands or quietly standing in place will be permitted to show support for or opposition to a speaker's position.

## Deferred Cases

- D1**     [2019-4356](#)     COMMISSION DISTRICT(S): 3 & 7  
Application of Phoenix City Holdings, LLC c/o Battle Law P.C. to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to develop sixty-one single family attached townhomes at a proposed density of 5.94 units per acre, at 3792 Harvest Drive.

**Attachments:** [D1 Phoenix City Holdings Z 19 1243522](#)

[Recommended Conditions Z 19 1243522](#)

(11/7/19 Planning Commission: [approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting](#))

(11/21/19 Board of Commissioners - Zoning Meeting: [tabled](#))

(11/21/19 Board of Commissioners - Zoning Meeting: [taken off table](#))

(11/21/19 Board of Commissioners - Zoning Meeting: [deferred for a full cycle to the Board of Commissioners - Zoning Meeting](#))

(1/7/20 Planning Commission: approval with modified conditions to read as follows: to the Board of Commissioners - Zoning Meeting)

- D2**     [2019-4122](#)     COMMISSION DISTRICT(S): ALL DISTRICTS  
Application of the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Article 5.4.7, Fences, walls, landscape buffers and Article 9.1.3.

**Attachments:** [D.2 Fences and walls](#)

(9/10/19 Planning Commission: Full cycle deferral to the Board of Commissioners - Zoning Meeting)

(9/24/19 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the PECS-Planning, Economic Development & Community Services Committee)

(11/5/19 Planning Commission: approval per staff recommendation to the Board of Commissioners - Zoning Meeting)

(11/19/19 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/7/20 Planning Commission: approval per staff recommendation to the Board of Commissioners - Zoning Meeting)

(1/16/20 PECS-Planning, Economic Development & Community Services Committee: recommended for deferral to the Board of Commissioners - Zoning Meeting)

- D3**     [2019-4123](#)     COMMISSION DISTRICT(S): ALL DISTRICTS  
Application of the Director of Planning and Sustainability for a text amendment to the Zoning Ordinance, Chapter 27, Article 2 to correct errors, omissions and clarifications.

**Attachments:** [TA 19 1243417 Errors Omissions Clarifications 2019 Text Amendment Art 2 Jan7 2020](#)

(9/10/19 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

(9/24/19 Board of Commissioners - Zoning Meeting: Full cycle deferral to the PECS-Planning, Economic Development & Community Services Committee)

(11/5/19 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

(11/19/19 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/7/20 Planning Commission: approval per staff recommendation to the Board of Commissioners - Zoning Meeting)

(1/16/20 PECS-Planning, Economic Development & Community Services Committee: recommended for deferral to the PECS-Planning, Economic Development & Community Services Committee)

**D4**     [2019-4397](#)

COMMISSION DISTRICT(S): ALL DISTRICTS

Application of the Director of Planning and Sustainability for a text amendment to amend Table 5.2 to clarify buffer width requirements when adjacent to “R” districts whether adjoining use is single family attached or detached.

**Attachments:** [Sec. 5.4.5. Transitional buffers Jan7 2020](#)

[12.27.19 Ordinance to Amend Ch 27 Art 5 Transitional Buffers](#)

(11/7/19 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

(11/21/19 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/7/20 Planning Commission: approval per staff recommendation to the Board of Commissioners - Zoning Meeting)

(1/16/20 PECS-Planning, Economic Development & Community Services Committee: recommended for approval. to the Board of Commissioners)

**D5**     [2019-4398](#)

COMMISSION DISTRICT(S): ALL DISTRICTS

Application of the Director of Planning and Sustainability for a text amendment to Article 5.7.5 H: Driveways and Article 5.7.5 N Garages.

**Attachments:** [D.5 Driveways and Garage Widths](#)

(11/7/19 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

(11/21/19 Board of Commissioners - Zoning Meeting: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

(1/7/20 Planning Commission: Full cycle deferral per staff recommendation to the Board of Commissioners - Zoning Meeting)

**New Cases**

- N1 [2019-4707](#) COMMISSION DISTRICT(S): 3 & 7  
Application of Tony Dawson for a Special Land Use Permit (SLUP) for an alcohol outlet (beer/wine) within an existing 1,000 square-foot convenience store in the C-1 (Local Commercial) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table of the DeKalb County Code, 3285 Glenwood Road.

**Attachments:** [RECOMMENDED CONDITIONS SLUP 20 1243596](#)  
[N1 SLUP 20 1243596 Tony Dawson 12 9 19](#)

(1/7/20 Planning Commission: [denied to the Board of Commissioners - Zoning Meeting](#))

- N2 [2019-4708](#) COMMISSION DISTRICT(S): 4 & 7  
Application of CRN Development, LLC to rezone property from C-1 (Local Commercial) and R-100 (Residential Medium Lot - 100) to MR-1 (Medium Density Residential - 1) for development of a four-story, 120-unit senior-only multifamily apartment building, on multiple parcels at N. Stone Mtn Lithonia Rd & Rockbridge Rd.

**Attachments:** [Recommended Conditions](#)  
[Z 20 1243605 Staff Report](#)

(1/7/20 Planning Commission: [deferred for a full cycle to the Board of Commissioners - Zoning Meeting](#))

- N3 [2019-4709](#) COMMISSION DISTRICT(S): 5 & 7  
Application of Angela Burke for a Special Land Use Permit (SLUP) to allow a home occupation (Life Health Coaching and Therapy) with customer contact within the Greater Hidden Hills Overlay District in an R-85 (Residential Medium Lot) District, at 4796 Manly Court.

**Attachments:** [Recommended Conditions SLUP 20 1243612](#)  
[N3 SLUP 20 1243612 Staff Report](#)

(1/7/20 Planning Commission: [approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting](#))

- N4 [2019-4710](#) COMMISSION DISTRICT(S): 4 & 6  
Application of Boston Investment Group for a Special Land Use Permit (SLUP) to allow an 8,500 square foot funeral home and 1,500 square foot crematorium in the C-1 (Local Commercial) District, in accordance with Chapter 27, Article 4, Table 4.1 Use Table of the DeKalb County Code, at 5644 Memorial Drive.

**Attachments:** [N4 Boston Investment Grp SLUP 20 1243616](#)

(1/7/20 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

- N5     [2019-4711](#)     COMMISSION DISTRICT(S): 3 &7  
Application of APC Contractors, Inc. c/o Miles Hanford & Tallant, LLC to rezone property from R-75 (Residential Medium Lot-75) to RSM (Residential Small Lot Mix) for a 36-unit single-family attached townhome development at a density of 7.3 units per acre, at 2061 & 2067 Windyhill Road.

**Attachments:** [Z 20 1243617 Staff Report PC](#)

(1/7/20 Planning Commission: denied to the Board of Commissioners - Zoning Meeting)

- N6     [2019-4712](#)     COMMISSION DISTRICT(S): 3 & 6  
Application of Wolverton & Associates, Inc. for a Major Modification of zoning conditions pursuant to CZ-10-16426, to allow construction of a 29,100 square foot grocery store, at 1807 Memorial Drive.

**Attachments:** [N6 Wolverton CZ 20 1243618](#)  
[Recommended Conditions PC](#)  
[Recommended Conditions BOC](#)

(1/7/20 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

- N7     [2019-4713](#)     COMMISSION DISTRICT(S): 3 & 7  
Application of Mack III Development, LLC c/o Battle Law, P.C. for a major modification to remove conditions of CZ-91039, CZ-90052, and CZ-89033 to allow for a mixed-use development in accordance with the I-20 Overlay District, at 1816 Candler Road.

**Attachments:** [N7 Mack III Development CZ 20 1243619](#)  
[Recommended Conditions CZ 20 1243619](#)

(1/7/20 Planning Commission: approved with conditions per staff recommendation to the Board of Commissioners - Zoning Meeting)

- N8**     [2019-4715](#)     COMMISSION DISTRICT(S): 2 & 6  
Application of Chevra Ahavas Yisrael of Atlanta, Inc. to request a Special Land Use Permit (SLUP) to allow a Place of Worship (Synagogue) within the R-85 (Residential Medium Lot) District, , in accordance with Chapter 27, Article 4, Table 4.1 Use Table and Section 27-4.2.31 Supplemental Regulations of the DeKalb County Code, at 1171 Houston Mill Road.

**Attachments:** [N8 Chevra Ahavas Yisrael Synagogue SLUP 20 1243621](#)  
[Letter of Withdrawal from Property Owner-1185 Houston Mills Road](#)  
[\(1/7/20 Planning Commission: withdraw without prejudice to the Board of Commissioners - Zoning Meeting\)](#)

- N9**     [2019-4716](#)     COMMISSION DISTRICT(S): 5 & 7  
Application of Arpon, LLC c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot) District to C-1 (Local Commercial) District for the development of a self-storage facility in conjunction with adjacent C-1 (Local Commercial) zoned property, at 5636 Redan Road.

**Attachments:** [Recommended Conditions Z 20 1243622](#)  
[N9 Z 20 1243622 Staff Report](#)  
[\(1/7/20 Planning Commission: defer to the Board of Commissioners with no recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N10**    [2019-4717](#)     COMMISSION DISTRICT(S): 5 & 7  
Application of Arpon, LLC c/o Battle Law, P.C. to request a Major Modification to approved conditions pursuant to CZ- 18-22137 to amend conditions #1 and #8 to allow a self-storage facility on the site, within a C-1 (Local Commercial) District, at 5636 Redan Road

**Attachments:** [Recommended Conditions CZ 20 1243623](#)  
[N10 CZ 20 1243623 Staff Report](#)  
[\(1/7/20 Planning Commission: defer to the Board of Commissioners with no recommendation to the Board of Commissioners - Zoning Meeting\)](#)

- N11**    [2019-4721](#)     COMMISSION DISTRICT(S): 5 & 7  
Application of the Director of Planning and Sustainability on behalf of Michele Battle, Battle Law, P.C. for a map amendment to the DeKalb County Zoning Maps to amend Article 3.37.5 District boundaries and maps of the Greater Hidden Hills Overlay District to change a portion of the district from Tier 1 to residential area.

**Attachments:** [Recommended Conditions Z 20 1243713](#)  
[N11 Z 20 1243713 Staff Report](#)

(1/7/20 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

- N12**    [2019-4714](#)    COMMISSION DISTRICT(S): 5 & 7  
Application of DR Horton c/o Battle Law, P.C. to rezone property from R-100 (Residential Medium Lot) District, C-1 (Local Commercial) District and RSM (Small Lot Residential Mix) District to RSM (Small Lot Residential Mix) District to develop 324 fee-simple townhomes at a density of 7.81 units per acre within the Greater Hidden Hills Overlay District, at 5702 & 5758 Covington Hwy, 5810 Covington Hwy, and 2650 Young Road.

**Attachments:** [Recommended Conditions Z 20 1243620](#)

[N12 Z 20 1243620 Staff Report](#)

(1/7/20 Planning Commission: deferred for a full cycle to the Board of Commissioners - Zoning Meeting)

- N13**    [2019-4734](#)    COMMISSION DISTRICT(S): 3, 4, 5 and Super Districts 6 & 7  
Application of the Director of Planning and Sustainability to amend Section 27-3.41. of the Kensington-Memorial Drive Overlay District to allow automotive rental and leasing as a permitted use subject to certain standards and to rename the overlay district. This applies to all properties within the Kensington Memorial Drive Overlay District.

**Attachments:** [N13 Kensington Memorial OVD Automotive Rental and Leasing](#)

(1/7/20 Planning Commission: deferred for two full cycles to the Board of Commissioners - Zoning Meeting)

### Item(s) For Decision By The Board

[2019-4779](#)    Commission District(s): All  
Small Box Discount Store Moratorium

**Attachments:** [2019 12.17 Item 2019-4779](#)

[2019 12.10 Walk-on Item 2019-4779](#)

(12/10/19 Board of Commissioners: deferred to the next meeting to the Board of Commissioners)

(12/17/19 Board of Commissioners: approved substitute submitted from the floor)

(1/7/20 Planning Commission: Accepted to the BOC agenda - Public Hearing to the Board of Commissioners - Zoning Meeting)



