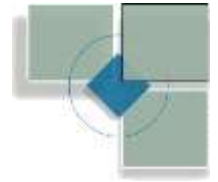




DeKalb County Planning & Sustainability Department

Michael Thurman
Chief Executive Officer

Andrew A. Baker, AICP
Director



ZONING BOARD OF APPEALS MEETING-WEDNESDAY, SEPTEMBER 9, 2020

Members Present: Pamela Speaks, District 1
Mark Goldman, District 2
Alice Bussey, District 3
Nadine Rivers-Johnson (Chairperson), District 4
Jasmine Chatman, District 5
Dan Wright (Vice-Chairperson), District 6

Members Absent: Vacant, District 7

Staff Present: Jahnee Prince, Deputy Director
Jeremy McNeil, Senior Planner

A. Quorum

After a quorum had been determined, Chair Rivers-Johnson called the meeting to order at 1:05 p.m.

B. Reading of the Opening Statement

Chair Rivers-Johnson read the opening statement of procedures to the public.

C. Introductions

Chair Rivers-Johnson asked members of the Zoning Board of Appeals and the Planning Staff to introduce themselves.

D. Agenda

DEFERRED ITEMS:

**D1 A-20-1243991 (Deferred from 7/8/2020 Meeting)
15-031-01-140 & 15-031-01-016
4280 NEWCOMB ROAD & 4053 ENGLISH VALLEY**

Commission District 03 Super District 07

Application of DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT to request the following variance from the DeKalb County Land Development Ordinance: Section 14-442. to allow encroachment of approximately 350 feet into the floodway for the installation of a trash trap within the South River. The properties are located north of English Valley Drive, approximately 2,300 feet east of Weelaunee Road, at 4280 Newcomb Road Ellenwood, GA 30294 and 4053 English Valley Drive Ellenwood, GA 30294.

BOA Action: Motion was made by D. Wright to approve this application based on the submitted plans received September 9, 2020. Motion was second by A. Bussey and passed unanimously.

Commission District 04 Super District 06

BOA Action: Motion was made by D. Wright to deny this application. Motion was second by P. Speaks and passed unanimously.

Commission District 05 Super District 07

BOA Action: Motion was made by J. Chatman to approve this application eliminating variances 3 & 4 with the following conditions: (1) that the proposed landscaping must conform to the submitted rendering received September 4, 2020 with a minimum of six foot trees along with three to four gallons of shrubs; (2) the proposed bay doors must be painted the same as the front facade of the building and must match the top half of the upper windows. Motion was second by D.Wright and passed unanimously.

N1 A-20-1244124 Commission District 03 Super District 07
15-179-03-019
1728 FAIRWAY HILL DRIVE, ATLANTA, GA 30317

BOA Action: Motion was made by D. Wright to deny this application. Motion was second by J. Chatman and passed 5-0. No vote from N. Rivers-Johnson.

N2 A-20-1244199 Commission District 04 Super District 06
18-046-03-285
3172 CHAPEL STREET, SCOTTTDALE, GA 30079

Application of Kyle Williams to request the following variances from the DeKalb County Zoning Ordinance Sections 27-3.36.11 and 3.36.12 to waive the (1) landscape and (2) sidewalk requirement, relating to the Scottdale overlay district. The property is located on the north side of Chapel Street, approximately 225 feet east of 3rd avenue, at 3172 Chapel Street Scottdale, GA 30079.

BOA Action: Motion was made by M. Goldman to approve variance 1 to waive the landscape requirement but not variance 2 to waive the sidewalk requirement. Motion was second by J. Chatman and passed 5-1. A.Bussey voted against the motion.

N3 A-20-1244200 Commission District 03 Super District 07
18-249-04-016
2736 HENDERSON MILL ROAD, ATLANTA, GA 30341

Application of Bishop James Jackson to request the following variance from Chapter 27 of the DeKalb County Zoning Ordinance to allow a detached accessory structure to be located on the side of the principle structure, relating the MR-1 zoning district. The property is located on the north side of Columbia Drive, at 3355 Columbia Drive Decatur, GA 30034.

BOA Action: Motion was made by A. Bussey to approve the application. Motion was second by P. Speaks and passed unanimously.

N4 A-20-1244214 Commission District 01 Super District 07
18-249-04-016
2736 HENDERSON MILL ROAD, ATLANTA, GA 30341

Application of Marc Rosefort to request the following variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the front and rear yard setback for a proposed single family residence, relating the R-100 zoning district. The property is located on the west side of Henderson Mill Road at 2736 Henderson Mill Road, Atlanta, GA 30341.

BOA Action: Motion was made by D.Wright to defer the application for 30-days (October 14, 2020 Zoning Board of Appeals Meeting). Motion was second by P. Speaks and passed unanimously.

N5 A-20-1244215 Commission District 01 Super District 07
18-208-01-107
2250 GREENCREST DRIVE, ATLANTA, GA 30341

Application of Marc Rosefort to request the following variance from Chapter 27 of the DeKalb County Zoning Ordinance to increase the maximum allowed lot coverage for a proposed driveway, relating the R-100 zoning district. The property is located on the south side of Greencrest, at 2250 Greencrest Drive Atlanta, GA 30345.

BOA Action: Motion was made by D.Wright to withdraw the application. Motion was second by P. Speaks and passed unanimously.

N6 A-20-1244216 Commission District 04 Super District 07
18 -009--26-016; 18-009-26-015;
18-009-26-014; 18-009-26-013;
and 18-009-26-012
319, 321, 323, 325, & 327 OHM AVENUE, SCOTTDAL, GA 30079

Application of Battle Law, P.C. to request the following variances from Chapter 14 of the DeKalb County Land Development Ordinance and Chapter 27 of the DeKalb County Zoning Ordinance to (1) reduce the DeKalb County stream buffer, (2) to reduce the front yard setback, and (3) to reduce the side corner yard setback for a proposed single-family home, relating to the Scottdale Overlay district. The properties are located east of Ohm Avenue, at 319, 321, 323, 325, & 327 Ohm Avenue, Scottdale, GA 30079.

BOA Action: Motion was made by D. Wright to defer the application for 30-days (October 14, 2020 Zoning Board of Appeals Meeting). Motion was second by P. Speaks and passed unanimously.

Application of DeKalb County Board of Commissioners to request a Major Modification of conditions pursuant to SLUP-12-18066, to reduce the number of approved drive-through restaurants in a C-1 (Local Commercial) District from two (2) to one (1) adjacent to the new Quik Trip gas station on Flat Shoals Parkway. The property is located on the south side of Flat Shoals Parkway, at the southwest intersection Clifton Springs Road and Flat Shoals Parkway at 3975, 4007 and 4025 Flat Shoals Parkway and a portion of 3101 Clifton Springs Road, Decatur, Georgia. The property has approximately 870 feet of frontage along Flat Shoals Parkway and contains 5.54 acres.

Staff Recommendation: Approval w/Conditions. The modification request to allow only one (1) drive-through restaurant on the site does not alter or change the intent of the C-1 zoning district. The request will allow other uses consistent and compatible with existing retail, institutional and commercial uses in the area. The Planning and Sustainability Department recommends "Approval with Conditions."

The following revised conditions reflect the modification and replace existing SLUP-12-18066 conditions:

1. Not more than one drive-through restaurant on the C-1 labeled Tract 2 (5.540 acres) on the survey for Maxie Price (the "Survey") prepared by Rochester & Associates, Inc. for Maxie Price, dated March 26, 2012, last revised July 18, 2012, Job. No. G208051.CBT and received by the Planning and Sustainability Department on July 20, 2012. (See Attachment 1). Restaurant shall be entirely internal to the development via the main access points and have an outside pedestrian accessible seating area.
2. Provide road improvements in accordance with development conditions per Georgia Regional Transportation Authority (GRTA) Revised Notice of Decision pursuant to DRI #1850 dated January 12, 2015 (See Attachment 2).
3. The Subject Property shall be developed in general conformity with the DRI site plan prepared by Hughes, Goode, O'Leary and Ryan, Inc. dated July 24, 2008, last revised September 4, 2008 (the "DRI Site Plan") for the 79.53 acre tract (the "Project Site"), with such modifications as are approved by the Director of the Planning and Sustainability Department during the I-20 Overlay District compliance review. (See Attachment 3).
4. Deleted.
5. Consistent with the DeKalb County Zoning Ordinance, prior to submission of an application for the issuance of any development or building permit, the conceptual design package shall be submitted to and approved by the planning and development director after consultation with the district commissioner(s) and super district commissioner(s), as required in the I-20 corridor overlay district.
6. The issuance of a building permit for the drive-through restaurant shall not be prior to: (a) the issuance of a certificate of occupancy for Building C9 as shown on the DRI Site Plan for the project site of which the Subject Property is a portion thereof, or (b) the issuance of a certificate(s) of occupancy for non-residential structures on the Project Site, which have an aggregate square footage of a minimum of 50,000 sq. ft.
7. Deleted.
8. These conditions replace all previous Board approved conditions pursuant to SLUP-12-18066.

Support/Representation: Marian Eisenberg

Oppose/Representation: Derrick Murray

MOTION: Approval w/Conditions 6-0-0. J. West moved, V. Moore seconded for approval as recommended and conditioned by Staff.

Application of Mark Ferguson for a Special Land Use Permit (SLUP) to allow a new 5,092 square foot (Nola Tap & Cajun Kitchen) restaurant within an existing 21,949 square foot multi-tenant commercial building (Clairmont Emory Village Shopping Center) to operate beyond 12:30 a.m. as a Late-Night Establishment in the C-1 District. The property is located on the east side Clairmont Road and the west side of Webster Drive, approximately 163 feet north of Powell Lane at 1369 and 1371 (Basement) Clairmont Road in Decatur, Georgia. The property has approximately 296 feet of frontage along Clairmont Road and 248 feet of frontage along Webster Drive and contains 2 acres.

Staff Recommendation: Denial. The applicant's Special Land Use Permit (SLUP) application indicates that the proposed use is for a Late-Night Establishment (LNE) to serve alcohol after 12:30 a.m. within 1,500 feet of property zoned for residential use. Based on field investigation of the project site, it appears that the size of the site is not adequate for the use contemplated since the existing building and parking lot are too close to the property line of the Emory Oaks condominiums to the north and are not in compliance with the Zoning Code. Given the proximity of the proposed Late-Night Establishment to the Emory Oaks condominiums, it appears that the extended operating hours of an LNE may be incompatible with the surrounding multi-family and single-family developments in the area (Section 7.4.6.A & B). Therefore, it is the recommendation of the Planning and Sustainability Department that the application be "Denied".

Notwithstanding these issues, should the Board of Commissioners want to approve the SLUP since it is a new establishment with no live music, Staff would recommend the following conditions:

1. Late-Night Establishment shall close doors to new patrons by 2:00 a.m., with all customers out of the establishment by 2:30 a.m.
2. No live music. Compliance with DeKalb County Noise Ordinance.
3. Provide a minimum of one security officer to secure the establishment and patrol the parking lot at regular intervals during the hours of operation from 12:30 a.m. until a minimum of 30 minutes after closing.
4. The Late-Night Establishment shall be limited to the existing 5,092 square foot suites at 1369 and 1371 (Basement) within the Clairmont Emory Village Shopping Center.
5. Capacity shall be subject to approval of the Fire Marshall's Office.
6. No dance floor.
7. No audible music from exterior of the building.
8. No transfer of the SLUP is allowed.
9. The SLUP shall expire within 24 months of the date of adoption by the Board of Commissioners to allow the governing authority to review the following criteria upon the filing of a new SLUP application for a Late-Night Establishment: (a) Whether the Applicant's use of the premises during the 24 month period has been in substantial compliance with Conditions #1 - #8 above; and/or (b) Whether the Applicant has taken prompt action to address any code enforcement warnings or violations issued regarding the use of the Premises as a Late-Night Establishment.

Support/Representation: Applicant requested Withdrawal without Prejudice

Oppose/Representation: Mary Jo Duncanson

MOTION: Withdrawal w/o Prejudice 6-0-0. V. Moore moved, J. West seconded for withdrawal without prejudice, per the applicant's request.

NEW CASES:

**N.1 Z-17-21711 (2017-0905)
18-151-06-093**

Commission District: 2 Super District: 6

Application of Silver Hill Homes c/o Jill Arnold to rezone property from MR-1 (Medium Density Residential-1) to R-85 (Residential Medium Lot-85) to allow use of the site as community greenspace.

The property is located on the southeast corner of Jan Hill Land and Beacon Hill Boulevard, at 1813 Jan Hill Lane, Atlanta. The property has approximately 131 feet of frontage on Jan Hill Lane and approximately 232 feet of frontage on Beacon Hill Boulevard and contains 0.38 acre.

Staff Recommendation: Approval with one (1) condition. The proposed green space would enhance and add value to the surrounding neighborhood. A natural area is a suitable land use in a single-family residential neighborhood. It is visually pleasing, helps absorb stormwater run-off to reduce flooding and purify groundwater, cools the air temperature, and provides habitat for birds and other wildlife.

Because no development is proposed, the proposal is consistent with the following policy of the 2035 Comprehensive Plan: "Protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density." (Suburban Policy #1) It is also consistent with the following policy: "Promote conservation and greenspace areas as passive use and recreation areas." (Conservation and Open Space Policy #1) Therefore, the Department of Planning and Sustainability recommends "Approval with the following condition":

1. The property shall be preserved as green space.

Support/Representation: Jillian Arnold

Oppose/Representation: None

Public Interest: Beverly Fermou

MOTION: Approval with a modified condition 6-0-0. J. West moved, A. Atkins seconded for approval with a modification to Staff's condition to read, "Property shall be preserved as publicly, accessible greenspace for passive, recreational purposes; and per conditions submitted by the Applicant and accepted by the Planning Department.

**N.2 Z-17-21712 (2017-0907)
18-151-07-054**

Commission District: 2 Super District: 6

Application of Silver Hill Homes c/o Jill Arnold to rezone property from MR-1 (Medium Density Residential-1) to R-85 (Residential Medium Lot-85) to allow development of a 3,635 square foot single-family detached home. The property is located on the northeast corner of Jan Hill Lane and Beacon Hill Boulevard, at 1812 Jan Hill Lane, Atlanta. The property has approximately 149 feet of frontage on Jan Hill Lane and approximately 153 feet of frontage on Beacon Hill Boulevard and contains 0.55 acre.

Staff Recommendation: Approval with one (1) condition. The proposal is consistent with the following policy of the 2035 Comprehensive Plan: "Protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density." (Suburban Policy #1) As a single-family house with a size and scale that is similar to other homes in the neighborhood to the east, the proposed home is suitable in view of the character and use of adjacent and nearby properties. Half of the property will be kept wooded, thereby conserving natural resources.

Therefore, the Department of Planning and Sustainability recommends "Approval with the following condition":

1. The proposed home shall be constructed in substantial compliance with the site plan titled, "Silver Hill Homes", prepared by Georgia Land Surveying Co., dated 4/7/17 and revised for average front yard setback 8/28/17.

Support/Representation: Jillian Arnold
Oppose/Representation: None
Public Interest: Beverly Fermou, Thomas Carr

MOTION: Approval with Conditions 6-0-0. J. Johnson moved, L. Osler seconded for approval with Staff's condition and conditions submitted by the Applicant and accepted by the Planning Department.

**N.3 SLUP-17-21706 (2017-0897) Commission District: 3 Super District: 6
15-053-01-020**

Application of Carla McKenzie and Shahmee Vickers to request a Special Land Use Permit (SLUP) to increase the number of persons in an existing personal care home from three to six residents in an R-100 (Residential Medium Lot-100) District, in accordance with the Chapter 27-Article 4.1 Use Table of the DeKalb County Code. The property is located on the west side of Telstar Drive, approximately 232 feet south of Nova Lane, at 3651 Telstar Lane, Ellenwood. The property has approximately 75 feet of frontage on Telstar Drive and contains 0.26 acre.

Staff Recommendation: Approval w/Conditions. The proposal is consistent with the following policy of the 2035 Comprehensive Plan: "Increase the availability of special needs housing to meet the growing population." (Housing Policy No. 7) The property has adequate area to provide privacy and open space for a group personal care home, and there is sufficient space in the house to provide beds for six client residents and one staff person. An increase in the number of persons in the home is not expected to increase traffic to levels that would increase traffic or create congestion in the area. The group personal care home will function as a residence, and as such, will be compatible with the other residences on Telstar Lane and in the surrounding area. Therefore, the Department of Planning and Sustainability recommends "Approval with the following conditions":

1. The Special Land Use Permit shall be issued to Carla McKenzie and Shahnee Vickers for operation of a group personal care home of up to six client residents and shall not be transferrable.
2. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

Support/Representation: Carla McKenzie
Oppose/Representation: None

MOTION: Approval w/Conditions 6-0-0. J. Johnson moved, L. Osler seconded for approval with Staff's conditions for six (6) residents.

**N.4 SLUP-17-21609
15-095-01-044**

(2017-0885)

Commission District: 3 Super District: 7

Application of Carol Tavares to request a Special Land Use Permit (SLUP) to increase the number of persons in an existing personal care home from three to four residents in an R-100 (Residential Medium Lot-100) District, in accordance with the Chapter 27 Article 4.1 Use Table of the DeKalb County Code.

The property is located on the east side of Greenvale Way, approximately 450 feet south of Greenvale Drive, at 3146 Greenvale Way, Decatur. The property has approximately 110 feet on the east side of Greenvale Way and contains 0.45 acre.

Staff Recommendation: Approval w/Conditions. The proposal to increase an existing three-person personal care home to four persons is consistent with the following policy of the 2035 Comprehensive Plan: “Increase the availability of special needs housing to meet the growing population.” (Housing Policy No. 7) Expansion of the personal care home by one person is not expected to change the manner of operation such that it would create adverse impacts upon any adjoining land use. The group personal care home will function as a residence, and as such, will be compatible with the other residences on Greenvale Way and in the surrounding area. Therefore, the Department of Planning and Sustainability recommends “Approval with the following conditions”:

1. The Special Land Use Permit shall be issued to Carol Tavares for operation of a group personal care home of up to four client residents and shall not be transferrable.
2. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

Support/Representation: Shawn Martin

Oppose/Representation: None

MOTION: Approval w/Conditions 6-0-0. J. West moved, V. Moore for approval as recommended and conditioned by staff.

**N.5 SLUP-17-21701
18-037-01-016**

(2017-0892)

Commission District: 4 Super District: 7

Application of Charmelle Scott to request a Special Land Use Permit (SLUP) to allow a recreational club for veterans on property zoned RSM (Small Lot Residential Mix) District in accordance with Chapter 27-Article 4.1 Use Table of the DeKalb County Code. The property is located on the north side of Old Rockbridge Road, approximately 680 feet east of Ridge Avenue at 5392 Old Rockbridge Road, Stone Mountain, Georgia. The property has approximately 165 feet of frontage along the north side of Old Rockbridge Road and contains 0.44 acre.

Staff Recommendation: Approval w/Conditions. The proposed SLUP (Special Land Use Permit) request seeks to recreational club for veterans in the existing residential structure. Given the limited hours of operation during off-peak times, there should be little impact on traffic. There will be no physical changes to the exterior of the existing single-family residential structure. Therefore, the building will be compatible in character with existing and surrounding single-family residences in the area. The proposed use is consistent with 2035 Comprehensive Plan vision to guide the development of land uses for County residents. The Department of Planning and Sustainability recommends “Approval with the following

conditions”:

1. Limit use to a recreational club within the existing residential structure.
2. Access shall be limited to the existing curb cuts on Old Rockbridge Road.
3. Provide Staff for supervision of club members and activities during hours of operation.
4. All refuse containers shall be screened from public view except during pick-up.
5. Maintain existing 6-foot privacy fence along rear yard (north) property line.
6. Limit signage to one ground monument sign with a base and framework made of brick. Sign height not to exceed 6 feet and sign area is limited to no more than 32 square feet.
7. The applicant shall secure the necessary business license, building permit and certificate of occupancy for the recreational club from DeKalb County.
8. The Special Land Use Permit shall be issued to Charmelle Scott for operation of a recreational club for veterans and shall not be transferrable.
9. The approval of this Special Land Use application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.
10. These conditions are to act in conjunction with previous Board approved conditions pursuant to CZ-88017.

Support/Representation: Charmelle Scott, Mike Cooper, Joe Arrington, Janet Curtis, Danny Pagan, Kinderia Greene

Oppose/Representation: None

MOTION: Approval w/Conditions 6-0-0. L. Osler moved, A. Atkins seconded for approval as recommended and conditioned by staff.

N.6 SLUP-17-21707 (2017-0903) Commission District: 4 Super District: 7
18-041-03-006

Application of Vanessa Charles to request a Special Land Use Permit (SLUP) allow a personal care home for up to four (4) residents on property zoned NS (Neighborhood Shopping) District in accordance with Chapter 27-Article 4.1 Use Table and Article 4.2.41 of the DeKalb County Code. The property is located on the south side of Rockbridge Road, approximately 72 feet west of Hambrick Road in unincorporated DeKalb County at 4405 Rockbridge Road, Stone Mountain, Georgia. The property has approximately 120 feet of frontage along the south side of Rockbridge Road and contains 0.54 acre.

Staff Recommendation: Approval w/Conditions. The proposed SLUP (Special Land Use Permit) request seeks to operate a personal care home for 4 residents in the existing residential structure. The application meets the criteria of the zoning ordinance for a personal care home for up to four (4) persons. Located on a minor arterial (Rockbridge Road), there should be little or no impact on traffic. There will be no physical changes to the exterior of the existing single-family residential structure.

Therefore, the building will be compatible in character with existing and surrounding single-family residences in the area. The proposed use is consistent with 2035 Comprehensive Plan Housing Policies: Increase the availability of special needs housing to meet the growing population; and utilize the zoning code to provide a variety of housing opportunities and choices to better accommodate the needs of residents. The Department of Planning and Sustainability recommends “Approval with the following conditions”:

1. Limit use to a personal care home for up to four (4) persons within the existing residential structure.

2. Access shall be limited to the existing curb cuts on Rockbridge Road. One curb cut shall be designated one-way-in with signage and the other curb cut designated as one-way-out.
3. No parking within 30 feet of the west property line adjacent to residential zoned property.
4. Stripe parking lot per DeKalb County Code in front of residential structure.
5. Provide a 6-foot wide sidewalk and 10-foot wide landscape strip along property frontage.
6. All refuse containers shall be screened from public view except during pick-up.
7. Replace existing signage with a ground monument style sign with a base and framework made of brick. Sign area shall not exceed 32 square feet. Sign height shall not exceed 6 feet.
8. The applicant shall secure the necessary certification for a personal care home by the State of Georgia and obtain necessary permits to include Land Disturbance Permit (LDP) and Building Permit (BP) for site improvements for a certificate of occupancy for four (4) persons from DeKalb County as required prior to obtaining a business license.
9. The Special Land Use Permit shall be issued to Vanessa Charles for operation of a personal care home and shall not be transferrable.
10. The approval of this Special Land Use application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.
11. These conditions shall supersede previous Board approved conditions pursuant to CZ-86076.

Support/Representation: Rushell Williams, Vanessa Charles

Oppose/Representation: Mike Cooper, Joe Arrington

MOTION: NO RECOMMENDATION. The Planning Commission sends this application forward to the Board of Commissioners with no recommendation, due to the applicant not holding their community meeting prior to filing their application.

The PC also seeks a legal opinion from the Law Dept. on whether or not it is legal for the PC or the BOC to act on this application with that requirement not being met.

N.7 Z-17-21582 (2017-0906) Commission District: 5 Super District: 7
15-195-08-035, 15-195-08-036, 15-195-08-037

Application of Indore Investment Inc. c/o Battle Law, PC to rezone property from O-I (Office-Institutional) District and R-75 (Residential Medium Lot) District to NS (Neighborhood Shopping) District to develop a 5,000 square foot convenience store with gas pumps; and 12,000 square feet of retail space within two buildings for a total building square footage of 17,000 square feet. The property is located on the northeast intersection of Covington Highway and South Indian Creek Drive in unincorporated DeKalb County, at 4468 and 4476 Covington Highway, Decatur, Georgia and 1630 South Indian Creek Drive, Stone Mountain, Georgia. The property has approximately 187 feet of frontage along the north side of Covington Highway and approximately 724 feet of frontage along the east side of South Indian Creek Drive and contains 3.58 acres.

Staff Recommendation: Denial. The request is to rezone property from O-I (Office-Institutional) District and R-75 (Residential Medium Lot District) to NS (Neighborhood Shopping) District to redevelop the site for a 5,000 square foot convenience store with gas pumps and 12,000 square feet of retail space within two (2) buildings for a total building square footage of 17,000 square feet. The proposed use reflects inconsistency with the following 2035 Comprehensive Plan Land Use principle for development: Commercial uses that would have a negative influence on adjacent residential neighborhoods or

individual residence shall not be permitted. The proposed rezoning will result in an increase of traffic in an area of stabilized neighborhoods. The two-lane collector street (South Indian Creek Drive) may not be able to sustain the increase in traffic generated by the proposed gas pumps, convenience store and retail uses. The existing O-I (Office-Institutional) District on the site may provide options for economical use of the subject site. Therefore Planning & Sustainability recommends “Denial of the rezoning of the request”.

However, should the Board of Commissioners choose to approve the applicant’s request, the Planning and Sustainability Department recommends the following conditions”:

1. Rezone property to NS (Neighborhood Shopping) District and limit site to 17,000 square feet of retail and commercial uses in substantial compliance with the revised site plan submitted to the Department of Planning and Sustainability on July 20, 2017. Site plan is conceptual and subject to the approval of the Director for compliance to zoning code and approved conditions.
2. Permitted restaurants shall remain open no later than 10:00p.m.
3. Access shall be limited to no more than two (2) curb cuts on South Indian Creek Drive subject to approval by the Transportation Division of the Department of Public Works Department and one (1) curb cut on Covington Highway (SR 278) subject to approval by the Georgia Department of Transportation (GDOT). Provide road improvements (such as deceleration lanes) as required by the Transportation Division of the Department of Public Works and GDOT.
4. Dedicate at no cost to DeKalb County 40 feet from centerline of right-of way along both property frontages. Right of way dedication may impact setbacks.
5. Building walls shall be three (3) sided brick along the front and sides of all buildings.
6. Provide an eight (8) foot high opaque fence along the north property line external to the required buffer adjacent to R-75 (Residential Medium Lot) District zoned property.
7. All refuse areas shall be located to the rear of the site and screened from public view with fencing or similar building materials to match the primary structure.
8. Ground signage must be a monument sign with a brick base not to exceed an overall height of six (6) feet. Sign area shall not exceed thirty-two (32) square feet.
9. Wall-mounted signs shall be channel cut letters directly applied to the building façade. Individual letters shall not exceed 18 inches in height.
10. Provide outside trash receptacles for patrons.
11. Screen roof-top equipment.
12. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.

Support/Representation: Applicant requested Withdrawal w/o Prejudice.

Oppose/Representation: Lillie Lanier, Eugene Toliver, Samson Burrell

1st MOTION: J. Johnson moved for denial, which did not get a second.

2nd MOTION: Withdrawal without Prejudice 6-0-0. J. West moved, V. Moore seconded for withdrawal without prejudice, per the applicant’s request.

Application of Ramana Reddy Bathini for a Special Land Use Permit (SLUP) to allow a retail liquor store (Alcohol Outlet) to operate within a 1,880 square foot suite (Suite A-1) of a 5,100 square foot multi-tenant building in the C-1 (Local Commercial) district in accordance with Chapter 27-Article 4.1 Use Table and Article 4.2.8 of the DeKalb County Code. The property is located on the east side of Holcombe Road, approximately 350 feet north of Redan Road at 1026 Holcombe Road in Decatur, Georgia. The property has approximately 126 feet of frontage along Holcombe Road and contains 0.65 acre.

Staff Recommendation: Denial. This Special Land Use Permit (SLUP) is required since the proposed business qualifies as an alcohol outlet (package store). New supplemental regulations for package stores/alcohol outlets were adopted by the Board of Commissioners on May 23, 2017 which required that new package stores must be located at least 1,000 feet away from existing package stores and alcohol outlets. These new requirements were adopted based on local studies that had shown that the concentration of certain land uses in DeKalb County were associated with increased crime and also increased the probability of business failure, which leads to abandoned property and diminished aesthetic and commercial appeal. The proposed package store will be located next door to the existing Food Mart alcohol outlet and does not comply with these supplemental regulations. Since the proposed use does not comply with the 1,000-foot separation standard designed to minimize the concentration of package stores and alcohol outlets in DeKalb County, it appears that the proposed use would not be compatible with adjacent and surrounding properties (Section 7.4.6 B & Q). Therefore, the Planning & Sustainability Department recommends “Denial”.

Support/Representation: Curt Thompson, Clarence Ruffin

Oppose/Representation: Samson Burrell, Rev. M. Burton, Milton Kirby, Linda Austin, Joyce Dawson

MOTION: Denial 6-0-0. J. West moved, J. Johnson seconded for denial.

Adjourn: It was moved to adjourn at 9:35 p.m.

Marian Eisenberg, Zoning Administrator

LaSondra Hill, Administrative Specialist