

CITY OF STONECREST, GEORGIA

**Planning Commission Meeting Minutes
Summary**

April 2, 2019, 6:00 P.M.

Stonecrest City Hall's Chambers | 3120 Stonecrest Blvd., Suite 155 | Stonecrest, Georgia 30038 |
(770) 224-0200 | www.stonecrestga.gov

The Planning Commission met on Tuesday, April 2, 2019 at 6:07 p.m. in Stonecrest City Hall's Chamber in Stonecrest, Georgia.

I. Call to Order

The Chairman read the Rules and Procedures for the Planning Commission Meetings and Public Hearings and completed the roll call for the City of Stonecrest, Georgia. There was a quorum.

II. Roll Call

Present:

Mr. J.W. Eady	District 1
Vacant	District 2
Mr. Eric Hubbard	District 3
Ms. Pearl Hollis	District 4
Ms. Lisa Wright	District 5

Staff Present:

Mrs. Nicole Dozier	Community Development Director
Mr. Chris Wheeler	City Planner
Mrs. Emily Macheski-Preston	City Attorney

III. Minutes: Approval of the Planning Commission Meeting Minutes Summary dated March 5, 2019

Commissioner J.W. Eady motion to approve the Planning Commission Meeting Minutes Summary dated March 5, 2019. Commissioner Pearl Hollis seconded the motion. **The motion was unanimously carried.**

IV. Old Business: None

V. New Business:

City Planner Chris Wheeler advised the Commissioners that the applicant, c/o Battle Law, P.C., for petition **RZ 19-001, RZ 19-002, and RZ 19-004** would be arriving late. The Chairman asked for a motion to amend the Agenda to move **SLUP 19-001** to the first public hearing for tonight's meeting.

Commissioner Lisa Wright motion to approve motion to amend the Agenda to move public hearing for **SLUP 19-001** to first and resume regular order. Commissioner Hollis seconded the motion. **The motion was unanimously carried.**

1. Public Hearing(s):

LAND USE PETITION:	SLUP 19-001
PETITIONER:	Dileane Matthews
LOCATION:	3317 Panola Road

CURRENT ZONING:
PROPOSED AMENDMENT:

R-100 (Residential Med Lot) District
Applicant is requesting a special land use permit for the operation of personal care home for four to six people.

Mr. Chris Wheeler read the Staff Report out loud and advised the Planning Commissioners that the advertised **Petition SLUP 19-001** requested a Special Land Use Permit (SLUP). The applicant lives in the Black Hawk Forest Subdivision and came the City last year to inquire. Staff determined there were no personal care homes within 1000' square feet of the subject's property. During the SLUP process, Ms. Matthews was notified by a neighbor that she had an existing personal care home. When Staff check distances on the State's website, the resident on the South did not appear. Staff double checked and did verify that a personal care existed. There was an error on the Staff part and the City Attorney was consulted. The Staff believes approval would change the character of the area, go against zoning ordinance by allowing a personal care home to operate within 1000' square feet of another personal care home, and recommends denial of **Petition SLUP 19-001**.

The Chairman asked the Commissioners if there were questions. There were none.

The Chairman opened the floor to the applicant, Ms. Dileane Matthews.

Ms. Matthews stated she is a registered nurse; specialized in geriatric care; saw a need; the Staff gave the okay and received letter from Mr. Wheeler to not go forward. Ms. Matthews stated that she invested life savings to go after a dream.

Ms. Matthews used up the entire ten minutes allotted and ran out of time. The Chairman did not open the floor to those in **support** of **SLUP 19-001**. The Chairman opened the floor to those in **opposition** of **SLUP 19-001**.

1. *Submitted a Public Comments - Rules card:* Ms. Geraldine Champion lives at 5076 Miners Creek Circle and spoke on the heavy traffic; senior housing and rentals; worn streets; and is opposed.
2. *Submitted a Public Comments - Rules card:* Ms. Barbara Lee lives at 3507 Hunters Pace Drive and spoke on traffic backed up in the morning and afternoon; working with the county commissioners; investigating the truth; property value; and is opposed.
3. *Submitted a Public Comments - Rules card:* Ms. Shelia Williams lives at 3265 Hilson Head Lane and agrees with the denial, too much traffic.
4. *Did not submit a Public Comments – Rules card:* Ms. Harriett Harris lives at 4855 Wolverton Drive and lives across the street from a personal care home. Spoke on the police being called numerous times for the chaos, trash, and noise.

The Chairman turned the floor over to the Commissioners for questions and asked applicant to come forth. Commissioner Wright asked Ms. Matthews if the business was currently operating as a personal care home. Ms. Matthews replied, "Yes. We applied and with three people, do not need a special land use permit."

Community Director Nicole Dozier interjected and stated that the Amendment passed in February 2019; with six or less -- need a SLUP; have a minimum of 1800 square feet is currently in place; homeowners must reside on the premise; and the applicant must apply and comply. The City of Stonecrest is currently sending out notices to existing businesses. Businesses have until next year to come into compliance.

The Commissioners went into discussion. The Chairman thanked everyone for coming out and presenting comments; and stated it takes a lot of encourage to come forth and speak to people.

The Chairman closed the public hearing and asked for a motion. Commissioner Hollis motion to deny **SLUP 19-001 based on the Staff recommendation and opposition**. Commissioner Eady seconded the motion to deny **SLUP 19-001**. **The motion was unanimously carried.**

LAND USE PETITION: RZ 19-001
 PETITIONER: Blue River Development, LLC c/o Battle Law, P.C.
 LOCATION: 3898 - 4001 Panola Road
 CURRENT ZONING: R-100 (Residential Med Lot) District
 PROPOSED DEVELOPMENT: Applicant is requesting to change zoning on 53 acres from R-100 to R-75 for the development of 115 single family detached home subdivision.

Mr. Chris Wheeler presented the Staff Report and advised the Planning Commissioners that the advertised **Petition RZ 19-001**, was previously heard at the February 5, 2019 meeting. Applicant requested a deferral to have more community meetings and to complete a traffic study. This is a suburban area with a huge greenspace, graded with stone and rock, and unable to develop the site. The Land Development Inspector confirmed the site's topography. The standard review is in line with the Comprehensive Plan. Flat Rock Elementary School would not have capacity for additional students if the land was developed is approved. Salem Middle School and Martin Luther King High School would have capacity. The Staff recommended approval with conditions.

The Chairman asked if there were questions and opened the floor to the applicant, Ms. Michelle Battle, Battle Law, P.C. Ms. Battle spoke on the economy down turn in the area and significant number of homes loss value and waiting for recovery; traffic issues along Panola Road; working with GDOT; the City has not funded any improvements on I-20 corridor and Brown Mills; negative impact on traffic; and improvements and sidewalks on Panola Road. Some people are looking for smaller lots and bigger homes.

The Chairman motion to extend two (2) additional minutes to the applicant and **opposition of RZ 19-001**. Commissioner Wright seconded the motion. **The motion was unanimously carried.**

The Chairman opened the floor to those in **support of RZ-19-001**.

1. *Submitted a Public Comments - Rules card:* Mr. Joel Thebodeaux lives at 5429 Savoy Chase Crossing and is in support. Mr. Thebodeaux spoke on wanting more retail, commercial, transit, density, people that can spent money and pay taxes.
2. *Submitted a Public Comments - Rules card:* Mr. Wilbert V. Paynes lives at 4171 Sandy Lake Drive and supports RZ 19-001. Mr. Paynes wrote, "Support is contingent on provision for: A). Legally incorporated HOA – Mandatory membership for all plus the Architecture Review Board; B). Developer maintain open space as discussed with community; C). Homes must be a minimum of 2000 square feet; and D). Restrict renting property and no ABB; E). Two lanes exiting the subdivision; and F). Strict adherence to – future expansion of Panola Road."
3. *Did not wish to speak and Submitted a Public Comments - Rules card:* Mr. Hiram Smith lives at 3840 Cain Mill Drive and is in support. Mr. Smith wrote, "No less than 2000' square fee homes. Consider less than 115 homes for that space."

The Chairman opened the floor to those in **opposition of RZ-19-001**.

1. *Submitted a Public Comments - Rules card:* Ms. Sabreen Z. Mateen lives at 3808 Crossvale Road and spoke on the impact on residents, traffic, decreasing the number of homes, and staying within the guidelines of R-100.
2. *Submitted a Public Comments - Rules card:* Ms. Sharon Rivers lives at 4215 Sandy Lake Drive, is opposed, and submitted **Attachment 1**.
3. *Submitted a Public Comments - Rules card:* Dr. Barbara Lee lives at 3507 Hunters Pace Drive and wrote that R-75 zoning is not consistent with residential properties in the area.
4. Ms. Bola Toshay (?), a realtor, stated the contract is still pending, the agreement is not signed yet, and the property sold for \$1.8 million. The 115 homes will sell for \$75,000 each and the seller will make \$8 million. Understand the City needs property tax but, do not want to sacrifice our lifestyle.
5. Mr. Rodney White lives at 4428 Moultrie Creek Road; does not approve--should not move

forward.

The time ran out and the Chairman motion to extend time an additional eight (8) minutes. Commissioner Eady seconded the motion. **The motion was unanimously carried.**

6. Ms. Elaine McKent (?) lives on Wind Chester asked why pack \$300s homes on Panola Road. Will increase taxes and move it somewhere else.
7. *Submitted a Public Comments - Rules card:* Ms. Alice Colley lives at 4049 Panola and stated it would be burdensome and crowded. Ms. Colley is opposed.

The Chairman extended Ms. Battle an additional eight (8) minutes to address public comments before turning the floor over to the Commissioners for questions and discussion.

The Chairman closed the public hearing before the Commissioners went into discussion.

The Chairman motion to approve petition **RZ-19-001**. Commissioner Eady seconded the motion. **The motion was unanimously carried.**

LAND USE PETITION:	RZ-19-002
PETITIONER:	Stonecrest Capital Partners, LLC c/o Battle Law, P.C.
LOCATION:	3606 Dogwood Pass
CURRENT ZONING:	Small Lot Residential District
PROPOSED DEVELOPMENT:	Applicant is requesting to change zoning in Phase 4 of this existing 113 unit Park of Stonecrest subdivision project to from Small Residential Lot (RSM) to Residential Small Lot (R-60).

Mr. Chris Wheeler read the Staff Report and advised the Planning Commissioners that the advertised **Petition RZ 19-002** is Phase 4 of the development with two (2) different zoning. The green area is zoned RSM, a clean-up of previously approved plan, Pod D. The Staff recommended approval of **RZ 19-002**.

The Chairman asked if there were questions and opened the floor to Stonecrest Capital Partners, LLC, c/o Battle Law, P.C. Ms. Battle gave the Commissioners and Staff a handout (**Attachment 2**) and stated that remnant of properties is the result in the 117 homes being built and requested approval of **RZ-19-002**.

The Chairman opened the floor to those in **support** and **opposition** of **RZ 19-002**. There were none.

The Chairman turned the floor over to the Commissioners for questions. There were none.

The Chairman closed the public hearing before calling for a motion.

The Chairman turned the floor over to the Commissioners for discussion.

Commissioner Hollis motion to approve petition **RZ 19-002**. Commissioner Wright seconded the motion. **The motion was unanimously carried.**

LAND USE PETITION:	RZ-19-004 Flat Rock Modification
LOCATION:	5627 Browns Mill Road
PETITIONER:	Community Development Department
CURRENT ZONING:	R-100 (Residential Med Lot) District
PROPOSED DEVELOPMENT:	Staff is recommending correcting the zoning on Phase 4 of this existing subdivision project from Residential to

Neighborhood Conservation (RNC) to accurately reflect this conservation development that is clustering 149 homes and provide more open space.

Mrs. Nicole Dozier stated there are seven (7) tracts in Creekwood Conservation Subdivision project, zoned R-100. The advertised petition **RZ 19-004** is interested in Tract 1, the green space, that have a historic cemetery. Staff recommended correcting the zoning on Phase 4 of this existing subdivision project from Residential to Neighborhood Conservation (RNC) to accurately reflect this conservation development.

There was one correction made to the Staff Report, under Standards of Review, 2nd Bullet reads “The use would not be suitable in view of adjacent and nearby property or properties.” It should read “The use would be suitable in view of adjacent and nearby property or properties.”

The Staff Report states that the applicant does meet all criteria for approval for the rezoning. Mrs. Dozier recommended for rezoning with conditions. The conditions for petition **RZ 19-004 Creekwood Subdivision** are:

1. The owner of the property is responsible for compliance with the Corps of Engineers’ requirement regarding wetlands.
2. All utilities to be located underground.
3. Protective covenants will be filed with recording of Final Plat.
4. Streetlights to be provided prior to Final Plat.
5. Sidewalks are required.
6. Sketch plat approved does not constitute approval of the storm drainage or sanitary sewer systems. No construction shall begin until construction plans are approved and a development permit obtained.
7. Recorded off-site sewer easement required prior to issuance of development permit.
8. All proposed streets are planned to be 12% grade or less. If a grade greater than 12% is necessary, approval from the development director will be required.
9. A 75’ Tributary buffer will be maintained on all state waters that are not approved for a buffer encroachment variance by DeKalb County or GA E.P.D.
10. 5’ planting strips, 5’ concrete sidewalks, and 6’ header curb to be provided on both sides of all interior streets. A.D.A ramps to be provided at all street intersections.

The Chairman asked if there were questions and opened the floor to those in support.

The Chairman opened the floor to those in **support** of **RZ 19-004**.

1. *Submitted a Public Comments - Rules card:* Mr. Johnny Waits lives at 3979 Crossvale Road, Flat Rock Archive, stated the houses were moved back; asked to save the slave cemetery, and is in support.
2. *Submitted a Public Comments - Rules card:* Ms. Mera Cardenas, 3350 Klondike Road, Arabia Mountain Heritage Area Alliance, has been working over ten years with developers; DR Horton reconfigured the lot at no cost. Ms. Cardenas stated this is a Native American cemetery and is in support.
3. Ms. Battle stated that DeKalb County has agreed to acquire the greenspace. Allowed to preserve 20 acres minimum and is an excellent opportunity and for approval.

The Chairman opened the floor to those in **opposition** of **RZ 19-004**. There were none.

The Chairman turned the floor over to the Commissioners for questions. There were none.

The Chairman turned the floor over to the Commissioners for discussion. The Chairman spoke on D.R. Horton enhancing the African American cemetery; how slaves helped build up this county; and recognized

the historical value.

The Chairman closed the public hearing before calling for a motion.

The Chairman motion to approve petition **RZ 19-004**. Commissioner Hollis seconded the motion. **The motion was unanimously carried.**

VI. Adjournment

There being no further business, Commissioner Wright moved to adjourn. Commissioner Eady seconded the motion. The vote was carried unanimously to adjourn the meeting at 8:10 p.m.

Approved:

Chairman

Date

Attest:

Chairman

Date

ATTACHMENT 1

Handout for RZ19-0001

Rezoning of Land Located at 40001-3989 Panola Rd From R-100 to R-75 for the Construction of 115 Homes

Submitted by

**Sharon Rivers
Stonecrest Resident**

ATTACHMENT 2

Handout for RZ 19-002

ZONING CASE – CZ-04120

ZONING CONDITIONS (PER APPROVED D.P. #07012. THE PARKS OF STONECREST POD D)

Submitted by

**Michelle Battle, Attorney
Battle Law, P.C.**