**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:**

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| 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:**

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| 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):

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

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| CURRENT ZONING: | R-100 (Residential Med Lot) District |
| PROPOSED AMENDMENT: | 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 to 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 spoked 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 spoked 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. Spoked 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.**

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| 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 typography. 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 and is approved. Salem Middle School and Martin Luther King Jr. 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 spoked 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, and people that can spend 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 feet 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.

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| 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 ask 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 spoked 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:** Greg E. Hubbard

Chairman

05-07-2019

Date

**Attest:** Lillian Lowe

Secretary

05-07-2019

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

**Subject: Rezoning of land located at 4001-3989 Panola Rd from R-100 to R-75 for the Construction of 115 Homes**

After reviewing notes and talking with other neighbors who attended the 2-26-19 Townhall meeting with Michele Battle, Attorney and the Blue River Development Company; it appears the whole intent of the meeting was not really designed to address community concerns; but instead just to present information in a manner that would "sway" or convince the community NOT to oppose the rezoning request being made. Majority of the time was used to talk about two reports, traffic and school impact. There was not enough time to discuss anything in detail nor address the community's real concerns as questions were quickly dismissed. They talked about how lovely the homes would be, with sidewalks, walking trail; that we would choose the building material, exterior cladding, etc., and can expect a $300K+ listing price.

Based on my research of the new homes being built in the Panola Rd area including Browns Mill Estates; these homes are between 2,800 – 3,200 sq ft and are only selling for between 220K to 320K (highest priced homes are over 3,100 sq ft). In comparison, the proposed 115 homes on Panola would only be required to be no less than 1,600 sq ft. Based on your information in the email, the developer has declined to build any homes with a minimum of 2,000 sq ft.

Another meeting was supposed to be held (which did not happen), however, Ms. Battle made it clear that no matter what zoning decision is made, the only two options available are Option 1 and Option 2 below. I feel there is a 3rd option for consideration which I listed below.

**Option 1:** If left as R-100 (15K sqft lots), the Builder will have to max out the land in order to build 115 homes and this would not allow for any green spaces in the subdivision.

**Option 2:** Builder will build 115 homes on the smaller R-75 (10K sqft lots) allowing room for green space and a more esthetic appearance of the neighborhood. However, when several community attendees still objected stating they wanted the larger lots, the presenters' rational was that most new homebuyers do not want to take care of large lots. When asked about an HOA, they stated that there would be an HOA, so the issue of taking care of lots does not hold any weight. Not discussed however, was the fact that the homes would most likely be smaller since only a minimum of 1,600 sqft is required for R-75 zoning. (There goes the $300K selling price)

Neither of the 2 options provided by Ms. Battle addresses the community's traffic concerns, wildlife concerns, school impact concerns or lot size concerns. This may be a done deal already, but here is a third option to consider...if the Land Developer/Builder is really serious about addressing the community's concerns.

**Option 3:** Zoning R-100 remains. Builder can "reduce" the amount of homes previously planned to a number that would still allow for green space, provide a more esthetic appearance of this development and address many of the community's concerns as stated below. The houses would need to be a minimum of 2,000 sqft to get anywhere near a $300 selling price. (Note: 2,801 sqft at Browns Mill Estates is listing at $249,990).

Ms Battle stated they would probably agree to
Average of 2000 SqFT

How do you get a $300K
price from a 1,800 SqFT

1. Traffic Concerns: Fewer homes mean the extra traffic from expected new homeowners would have less impact along Panola Rd (while waiting on the street widening project to start in 2023).
2. Wildlife Concerns: Some of the natural green space would be preserved for area wildlife.
3. School Impact: Less impact on area school attendance.

While, the maximum monetary gains would not be attained by building less homes, for example:

1. City of Stonecrest would receive less tax revenue they expected from 115 houses. (City Taxes, School Taxes, etc.)
2. Land Developer may lose revenue from not developing all 115 lots.
3. Home Builder would be selling less homes....

**The rezoning from R-100 to R-75 and continuing with the constructing 115 homes in this development verses keeping the R-100 code and building less homes, would only benefit the Land Developer, the Home Builder and possibly Stonecrest City (From Tax Revenue).**

**But if all parties are truly interested in the community's concerns, this 3rd option is a viable option and would address some of the major concerns of the community while still allowing revenue gains for Stonecrest City, the Land Developer and the Builder.**

We need further discussions. **Once the vote is taken, it will be too late!**

**Related Questions/Comments:**

Have the lots been already been sold to a Home Builder? If so, who is the Home Builder for this property?

What guarantee do we have that the statements presented at the 2-26-19 meeting (without seeing home specs, construction, square footage or other information in writing) are contractually true?

If there is a Builder commitment in place, can we get their commitment/assurance (including spec drawings and renderings) of the type and square footages of the homes that will be built on this property, if rezoning is approved for R-75?

# 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.

ZONING CASE – CZ–04120

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

No conditions were applied to Z–05–93 (Phase Two). The following zoning conditions were approved for Phase One as per Zoning Case – CZ–04120:

A. Homes to be single family detached.
B. Homes to be no less than 1,850 square feet of heated floor space.
C. All homes within the development shall have exteriors of brick, stone, stucco, or other masonry; hardi–board or hardi–plank or some other cement siding; clapboards, shakes or shingles; or some combination of these materials. There shall be no vinyl or aluminum siding.
D. Each single family detached home shall have a minimum of a two (2) car garage.
E. Street trees shall be installed along both sides of all internal streets; size and type in accordance with DeKalb County standards.
F. The developer shall sod all front lawns of the single family detached houses within the subdivision.
G. This property will be part of the Stonecrest Park development which will have a mandatory home owners association established by the developer which will oversee the maintenance of all common areas of the proposed subdivision including any common areas on the subject property.
H. The development shall have utilities installed underground.
I. Prior to the permanent occupation of any homes, the Applicant shall, at Applicant's sole cost and expense, install along the common property line or on Applicant's property, a permanent, continuous, minimum 6' high wall, fence or combination thereof, along all common boundaries with the Turner Hill Church and the adjacent cemetery to the south of Sill Road. Any wall or fence shall be constructed of wrought iron, masonry, wood, stone, metal or any combination thereof. The homeowners association of Stonecrest Park shall be responsible for necessary repairs or replacement of this wall and/or fence.

The following zoning condition was approved for Phase Two as per Zoning Case – Z–05–93:

Rezoning was approved subject to the approved site plan.