PLANNING COMMISSION MEETING MINUTES SUMMARY

STONECREST CITY HALL'S ***ZOOM-VIRTUAL MEETING***, 6:00 PM

October 6, 2020

I. Call to Order

The Chairman called the Planning Commission meeting to order on Tuesday, October 6, 2020 at 6:06 PM via ***ZOOM-Virtual*** meeting. The Chairman read the Rules and Procedures for the Planning Commission Meetings and Public Hearings.

II. Roll Call

Commissioner Eric Hubbard, JW Eady, Lisa Wright, Pearl Hollis, and Joyce Walker were present. There was a quorum. Planning & Zoning Director Chris Wheeler, City Planner Tuyanna Daniels, Attorney Emily Macheski- Preston, and Attorney Anamaria Hazard were present.

III. Approval of Minutes: 'Special Called' Planning Commission Meeting Minutes Summary dated September 16, 2020 was **unanimously APPROVED.** Commissioner Lisa Wright motioned to approve and Commissioner JW Eady seconded the motion.

IV. Old Business: None

V. New Business:

1. Public Hearing(s):

Planning & Zoning Director Chris Wheeler advised the Commissioners that an email notice (ATTACHMENT 1) was received on October 6, 2020, from Parkland Communities, Inc., c/o Battle Law P.C. requesting a **Withdrawal Without Prejudice of Rezoning Application (RZ-20-005).** Mr. Wheeler made a request to move **Petition RZ-20-005** to the front of the Public Hearings.

LAND USE PETITION:	RZ-20-005
PETITIONER:	Parkland Communities, Inc c/o Battle Law PC
LOCATION:	6251 Rock Springs Road & 3810 Evans Mill Road
CURRENT ZONING:	R-100 (Residential Med Lot) District
PROPOSED DEVELOPMENT:	Requesting to rezone 178.10 acres to RSM (Small Lot Residential Mix) District to develop a 367-unit mixed residential community.

Planning & Zoning Director Chris Wheeler presented **PETITION RZ 20-005** and stated that the applicant's rezoning application has been advertised. The Commissioners voted at tonight's meeting on whether to permit the **Withdrawal Without Prejudice of Rezoning Application (RZ-20-005)**.

There were none in support of **PETITION RZ 20-005.**

There were several residents in opposition of **PETITION RZ 20-005.**

Secretary Lillian Lowe read the following comments (ATTACHMENT 2):

1) *Received Email Comment from*: Ms. Buchanan-Perry is opposed.

Mr. Wheeler read the following comments:

2) *Received Email Comment from*: Mr. Curtis and Mrs. Gail Dickerson are opposed.
3) *Received Email Comment from*: Mr. Clyde and Mrs. Pat Jones are opposed.
4) *Received Email Comment from*: Mr. Jim and Mrs. Audrey Burke's lives adjacent to the property and are opposed.

Time ran out and Mr. Wheeler stated that the remaining comments would be forwarded to the Mayor and City Council.

The Chairman motioned to **grant RZ 20-005 Withdrawal Without Prejudice**. Commissioner Wright seconded the motion. The vote was **unanimous**.

LAND USE PETITION:	RZ-20-004
PETITIONER:	Brightstone Apartment c/o Prestwick Co
LOCATION:	2654 Dekalb Medical Parkway
CURRENT ZONING:	M (Light Industrial) Zoning District
PROPOSED DEVELOPMENT:	Requesting to rezone the subject property from M (Light Industrial) to HR-1 and Future Land Use Character area from Light Industrial to Neighborhood Center for existing Senior Housing Development.

Planning & Zoning Director Chris Wheeler presented **RZ-20-004** and stated that the property is currently zoned M (Light Industrial) already in existence as a Senior Housing Complex since 2017. The applicant has two (2) requests. The *first application* is requesting to rezone the subject property from M (Light Industrial) to HR-1; and the *second application* is requesting Future Land Use Character area from Light Industrial to Neighborhood Center for existing Senior Housing Development. Staff recommended **Approval of RZ-20-004**.

Applicant Mr. Edrick Harris, Prestwick Company, presented **PETITION RZ-20-004**. Mr. Harris spoke on being here to clean up zoning and operate as a legal use. Really important to move forward, improve the property, and wants to be, in compliance.

There were none in support of **PETITION RZ-20-004.** There were none in opposition of **PETITION RZ-20-004.**

The Chairman called for a motion requesting to approve the Land Use application. Commissioner Eady motioned to **APPROVE RZ 20-004 for Land Use.** Commissioner Joyce Walker seconded the motion. The vote was **unanimous**.

The Chairman called for a motion to rezone the Future Land Use application for existing Senior Housing Development. Commissioner Pearl Hollis motioned to **APPROVE RZ 20-004 for Future Land Use**. Commissioner Walker seconded the motion. The vote was **unanimous**.

LAND USE PETITION:	SLUP-20-005
PETITIONER:	Tomika Turner
LOCATION:	2831 Hillvale Cove Dr
CURRENT ZONING:	RSM (Small Lot Residential Mix)
PROPOSED DEVELOPMENT:	To operate a personal care home up to three people.

Planning & Zoning Director Chris Wheeler presented **SLUP-20-005** and stated that the applicant

is requesting to operate a personal care home for up to three (3) people. Staff recommended **Approval of SLUP-20-005 with the following conditions**:

1. Limit the use of personal care home only to three (3) persons.
2. Access shall be limited to the existing curb cut off Hillvale Cove Drive.
3. All refuse containers shall be screened from public view except during pick up.
4. No identification sign for personal care home shall be posted on the property.
5. Owner/Operator must live on the property according to the supplemental regulations cited in the Stonecrest Zoning Ordinance Sec. 4.2.31 and 4.2.41.
6. The applicants shall secure the necessary certification by the State of Georgia and the necessary business license, building permits and certification of occupancy for three people from the city of Stonecrest.
7. The Special Land Use Permit shall be issued to Tomika Turner (operator) for the operation of a personal care home and shall not be transferable.

Applicant Ms. Tomika Turner presented a PowerPoint, "Helping Hands Outreach Program." Ms. Turner has a CLA permit and made changes to the landscape and home to accommodate the residents. Ms. Turner turned the floor was turned over to Ms. Nelson.

There was one in support of **PETITION SLUP-20-005.**

1. *Presented via Zoom:* Ms. Nelson stated that her mother, recently released from the hospital on October 1, 2020, is in Ms. Turner's care. Ms. Nelson spoke on the behavior disability and treatment of her mother; the environment of Ms. Turner's program; planned activities, and Ms. Turner's vision for the tender seniors needing extra care.

There were several in opposition of **PETITION SLUP-20-005.**

1. *Presented in-person in the City Chamber:* Mr. Farley Thompson lives at 2737 Hillvale Cove Drive, Lithonia, GA 30058. Is very disappointed and shocked with how this crimped up and is opposed. Stated this was a bad investment.

2. *Presented in-person in the City Chamber:* Ms. Linda Sullivan, Secretary HOA Board, lives at 2819 Hillvale Cove Way, Lithonia, GA 30058. Ms. Sullivan stated, "it was not cool how it felled on us and how it was handed to us. The Zoom information came after the community meeting; and not in agreement with it." Ms. Sullivan is opposed.

Ms. Lowe read the following comments (ATTACHMENT 3):

3. *Received Email Comment from:* Ms. Justina Jones lives at 2789 Hillvale Cove Way, Lithonia, GA 30058 and is opposed.

4. *Received Email Comment from*: Writer requested a read only; asked not to be identified; and is opposed.

Ms. Turner apologized to speakers for not getting the post card in a timely manner, and that a phone number was left for some form of communication. This is not a commercial based and will not bring harm to the community.

The Chairman called for a motion. Commissioner Eady motioned to **Approve SLUP-20-005 to operate a personal care home up to three (3) people with conditions.** Commissioner Hollis

seconded the motion. The vote was 04 to 01 and not **unanimous**. The Chairman and Commissioners Eady, Wright, and Hollis voted to approved SLUP-20-005 with conditions. The Chairman noted Commissioner Walker's abstention.

LAND USE PETITION:	SLUP-20-006
PETITIONER:	Jodie-Anne Goulborne
LOCATION:	6763 Hill Creek Cove
CURRENT ZONING:	R-100 (Small Lot Residential Mix)
PROPOSED DEVELOPMENT:	To operate a personal care home up to six people

Planning & Zoning Director Chris Wheeler presented **PETITION SLUP 20-006** and stated that the applicant is requesting to operate a personal care home up to four (4) people and not six (6) as listed. Mr. Wheeler stated six (6) was a typo. Staff recommended **Approval of SLUP 20-006 with the following conditions**:

1. Limit the use of personal care home only to four (4) persons.
2. Access shall be limited to the existing curb cut off Hill Creek Cove Drive.
3. All refuse containers shall be screened from public view except during pick up.
4. No identification sign for personal care home shall be posted on the property.
5. Owner/Operator must live on the property according to the supplemental regulations cited in the Stonecrest Zoning Ordinance Sec. 4.2.31 and 4.2.41.
6. The applicants shall secure the necessary certification by the State of Georgia and the necessary business license, building permits and certification of occupancy for three people from the city of Stonecrest.
7. The Special Land Use Permit shall be issued to Judith Goulbourne (operator) for the operation of a personal care home and shall not be transferable.

Applicant Ms. Judith Goulborne (Administrator), RS Covington Development, and Owner, Mr. Tyrell Carty (licensed RN and will be available 24 hours) presented SLUP-20-006. The applicant stated that the house is empty. Met with the HOA President Mr. Senior and the goal is to provide the best care possible. Will live in the home.

There were none in support of **PETITION SLUP 20-006.** There was none in opposition of **PETITION SLUP-20-006.**

The Chairman motioned to **Approve SLUP 20-006 to operate a personal care home up to four (4) people with Staff Recommendations.** Commissioner Eady seconded the motion. The vote was **unanimous**.

2. Adoption of the 2021 Planning Commission Meeting Schedule

Mr. Wheeler presented the 2021 Planning Commission Meeting Schedule (ATTACHMENT 5). Commissioner Eady requested to keep Tuesdays as the Planning Commission meeting dates and change the Wednesday, November 3, 2021 meeting date to Tuesday, November 9, 2021. Mr. Wheeler advised the Commissioners that November 3rd will occur during Election Week. There will be ***'NO'*** Wednesday meetings for the Planning Commissioners.

The Chairman called for a motion. Commissioner Wright motioned to **Approve** the Adoption of the 2021 Planning Commission Meeting Schedule with the one change: Change the Wednesday, November 3, 2021 meeting date to Tuesday, November 9, 2021. Commissioner Walker seconded the motion. The vote was **unanimous**.

VI. Adjournment

The vote was carried **unanimously** to adjourn the meeting at **7:53 PM**. The Chairman motioned to adjourn, and Commissioner Wright seconded the motion.

_____

Chairman

_____

Date

_____

Secretart

_____

Date

DRAFT

ATTACHMENT 1
RZ-20-005

October 6, 2020
SENT VIA E-MAIL

From: Parkland Communities, Inc.
c/o Battle Law P.C.

RE: Withdrawal Without Prejudice of
Rezoning Application (RZ-20-005)

DRAFT

Battle Law, P.C.
Commercial Real Estate & Zoning
www.battlelawpc.com

MICHELE L. BATTLE, ESQ.
President

October 6, 2020

VIA: E-MAIL

Chris Wheeler
City of Stonecrest Planning and Sustainability
3120 Stonecrest Boulevard
Stonecrest, Georgia 30038

RE: Request for Withdrawal Without Prejudice of Rezoning Application (RZ-20-005) for 6251 Rock Springs Road & 3810 Evans Mill Road, Stonecrest, Georgia 30038

Dear Mr. Wheeler,

On behalf of the applicant, Parkland Communities, I am hereby requesting a withdrawal without prejudice of Rezoning Application (RZ-20-005) for 6251 Rock Springs Road & 3810 Evans Mill Road, Stonecrest, Georgia 30038. Feel free to contact me with any questions regarding this request.

Sincerely,

Michele L. Battle

One West Court Square, Suite 750, Decatur, GA 30030
Mailing Address: P.O. Box 1027, Pine Lake, GA 30072
Phone: 404.601.7616 • Fax: 404.745.0045 • mlb@battlelawpc.com

ATTACHMENT 2
RZ-20-004

October 6, 2020
SENT VIA E-MAIL

Lillian Lowe, Secretary
Read the Following Comments – Opposition:

Ms. Buchanan-Perry Parkland

DRAFT

Lillian Lowe

From: Megan Reid
Sent: Saturday, October 3, 2020 8:18 PM
To: Chris Wheeler; Lillian Lowe
Subject: Fwd: Impact of Parkland Development Rock Springs Rd
Attachments: New Rock Springs Rd Project II.docx

Sent from my iPhone

Begin forwarded message:

> **From:** Iris Perry <irisbuchananperry2006@gmail.com>
> **Date:** October 3, 2020 at 12:18:09 PM EDT
> **To:** Megan Reid <MReid@stonecrestga.gov>
> **Cc:** George <turnerg1@comcast.net>
> **Subject: Impact of Parkland Development Rock Springs Rd**

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see my comments attached.

I hope this is helpful.

Iris Buchanan-Perry, M.D., MSc
Rock Springs Rd
Resident

Parkland Communities' (Highland Park)

Deleterious Effects on the Community

Global Reasons:

1) **Safety**
    a. **Fire Department on Evans Mill uses Rock Springs Rd access to provide safety to surrounding area**
        i. **A roundabout will not provide safe access or ease of travel for the Fire Department or other Emergency vehicles**
        ii. **What accommodations are outlined for the ease of travel for emergency vehicles?**
        iii. **Due to the need for easy travel, speed bumps, to deter accidents on Rock Springs Rd, have been denied**
    b. **Increasing the density increases the risk of heightening Crime**
    c. **Low Response time from the Law Enforcement**
    d. **No sidewalks on Rock Springs Rd, Evans Mill Road, or the surrounding streets, and inadequate sidewalks on Panola Rd.**
2) Resources:
    a. **Limited and Unreliable Internet access**
    b. **Frequent interruptions of Power for the area in total**
    c. **Inadequate Roads** to accommodate the present number of Cars
        i. Panola Rd and Evans Mill road are already over populated
    d. **Inadequate Schools space**
        i. Overcrowding of classrooms will have a negative effect on learning for the area children.
    e. Limited Grocery stores
        i. 2 grocery stores in the immediate area
        ii. Poor selection of Healthy foods.
    f. Over-abundance of Fast Foods
    g. Limited other shopping areas

i. Stonecrest Mall was never adequate for the shopping behavior of the residents
ii. Stonecrest Mall has an increase and increasing loss of anchor stores despite other malls' prosperity

h. Under-Developed Green space
i. <u>Paucity of Parks and Recreational facilities</u>
ii. To use the walking paths requires travel by vehicles to walk or run
iii. The <u>closest entrance</u> to the walking trail (Evans Mill) has inadequate parking and cars are already parking on the grassy areas

i. No Sit-down Restaurants (prior to CV19)

j. No additional resources will be provided to this area for 10 years (2030).

k. The present census will not include residents of 347 homes (average 694/2 per household)

3) **Millennial Living** (as mentioned this project desires to attract)
a. They prefer to Rent and not purchase (Washington Post 2019)
b. Not an area where they can **Live, Work and Play**
c. Public transportation is inadequate
i. The Marta rail is none existent (ends at Indian Creek station 7.5 miles away)
ii. Will increase the number of cars on the roads
iii. Bus Service is not easily accessible (2 miles in either direction from Rock Springs Rd)

4) Other construction
a. Farrington Farms, on Rock Springs Rd, already has Townhomes.
i. This project has not been completed and the occupancy is rate 30% over 10 years.
ii. Filled with Renters

5) This project will change the topography of the area
a. Townhomes and smaller homes will not be able to accommodate the number of vehicles per house hold therefore cars will be parked outside of the residences (on the Street)

b. Street parking can be a safety hazard depending on the number of cars and the width of the streets
c. Cars on the street will be unsightly
d. Crowded street parking can discourage other residents to occupy the homes
e. Unoccupied homes also increases the possibility of crime and unauthorized squatting.
f. Townhomes and Smaller homes Encourage renters without commitment to the area
g. This project encourages investors to rent-out and they will also not have an investment/commitment to the area.

6) Changing the topography as outlined will negatively impact the home values, which are already devalued.
7) Mandatory Homeowners Association fees will not be able to be enforced

Specifics for Rock Springs Rd:

1) Traffic is already heightened on Rock Springs Rd
2) Over 30 years despite the posted speed limit 2-3 accidents occur annually.
3) Property Damage 2-3 times each year have occurred to the present residents
4) Deaths due to speeding and the number of cars have occurred on Rock Springs Rd.
5) **No-left turn** will not and cannot be enforced

Suggestions:

1) Spend the $1 million outlined to providing a round-about on Rock Springs Rd **on improving the present infrastructure** by increasing the resources needed to accommodate the new residents
2) <u>Keep the area as R 100</u>
   a. This will not change to topography of the present community
   b. Fewer residences and therefore fewer number of vehicles
   c. Larger residences adds more potential to have cars parked in their garages
      i. No Street parking

d. Maintains the beauty of the area

ATTACHMENT 3
SLUP-20-005

October 6, 2020
SENT VIA E-MAIL

Lillian Lowe, Secretary
Read the Following Comments – Oppositions:

Ms. Justina Jones
and
A writer requested a read only and asked not to be identified.

DRAFT

Lillian Lowe

From: renee jones <sybernay@gmail.com>
Sent: Thursday, October 1, 2020 2:53 PM
To: Lillian Lowe
Cc: hillvale_hoa@yahoo.com
Subject: Re: Personal Home care-Hillvale Commons

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms. Lowe,
My name is Jestina Jones and as a homeowner in Hillvale Commons, I'm totally against allowing a homecare facility in our community.

Please consider my petition to deny this business to operate in our community.

Jestina Jones
2789 Hillvale Cove Way
sybernay@bellsouth.net

Lillian Lowe

From: Fiorella Griffith <fiorella.griffith@gmail.com>
Sent: Tuesday, October 6, 2020 8:34 AM
To: Lillian Lowe
Subject: I do not support Petition:SLUP-20-05

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Ms. Lowe,
My name is Fiorella Griffith, and my husband, my son and myself reside on Hillvale Cove Drive in Hillvale Commons. We are homeowners and have lived here since July 2003. We bought our home in Hillvale Commons because we fell in love with this beautiful quiet family oriented community. This is also the reason why we have chosen to stay here for close to 20 years. We have witnessed different ups and downs in the economy that have impacted surrounding communities in an unfavorable manner. However, we, the residents of Hillvale Commons, have managed to keep our community to the highest standards. This has been primarily due to the fact that we value, respect and love our community. It is because of this love, that we have been very deliberate in keeping the community a residential one, that focuses on single-family homes with no commercial activity.
I am fully convinced of the above fact, and therefore, I cannot support the below petition:

Petition:SLUP-20-05
Location: 2831 Hillvale Cove Drive
Petitioner: Tomika Turner
Request: Special Land Use Permit to operate a personal care home up to 3 people

Approval of this above-mentioned petition will open up our residential community to commercial activity. While the petitioner is asking for a maximum of three individuals in the home, a personal care home will open traffic to care-givers, service givers and family members of each of these three residents. Personally, I believe that this will exponentially increase traffic of individuals that do not reside in the community. In my mind, this will open up the opportunity for activity that may not be welcomed by our residents. Not to mention that it will set a precedent for future commercial petitions.
I hope that you can take my opinion into consideration as part of the decision making process during the Council meeting today. If possible, please do not disclose my name to the public.
However, feel free to reach out to me with any questions or comments.
Sincerely,
Fiorella Griffith (A proud resident of Stonecrest)

ATTACHMENT 4

2021
Planning Commission
Meeting Schedule

Presented
by

Chris Wheeler, Planning & Zoning Director

DRAFT

Planning Commission Meeting Schedule

2021

January						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

June						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

July						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August						
Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October						
Su	Mo	Tu	We	Th	Fr	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

November						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

December						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Federal Holidays 2021					
Jan 1	New Year's Day	Jul 4	Independence Day	Nov 11	Veterans Day
Jan 18	Martin Luther King Day	Jul 5	Independence Day (obs.)	Nov 25	Thanksgiving Day
Feb 15	Presidents' Day	Sep 6	Labor Day	Dec 24	Christmas Day (obs.)
May 31	Memorial Day	Oct 11	Columbus Day	Dec 25	Christmas Day
				Dec 31	New Year's Day (obs.)

1/5/2021

2/2/2021

3/2/2021

4/6/2021

5/4/2021

6/1/2021

7/6/2021

8/3/2021

9/7/2021

10/5/2021

11/9/2021

12/7/2021

APPROVED | 10-6-2020/LL