SPECIAL CALLED PLANNING COMMISSION MEETING

City Council Chambers, City Hall
Wednesday, June 4, 2025, at 6:00 PM

ACTION MINUTES

1. PLEDGE OF ALLEGIANCE

Members Present:	Judy Burds	Kurt Nolte	Fred Edwards
	Trey James	Sumeet Shah	
Members Absent:	Vic Jones	Brian McNeese	
City Staff Present:	Diana Wheeler	Robyn MacDonald	
	Paul Frickey (City Attorney's Office)		

2. CALL TO ORDER The meeting was called to order at 6:04 p.m.

3. CONSIDERATION OF PRELIMINARY PLATS

A. **265 Five Acre Road and Parcel ID 22 523007590131** by Epic Design & Build, LLC.
Zoning: T4-Permissive (Five Acre Road Zone, Deerfield Form Based Code)
Request: To subdivide 3.87 acres into 20 units of townhomes at a density of no more than 10,000 square feet per acre.
(This item was deferred from April 23, 2025, Planning Commission to allow the applicant to work with the community regarding the plan and to conduct another public hearing.)

Commissioner Shah recused himself from this item and left the dais. Staff presented an update on the status of the preliminary plat since the April meeting stating the following: During the time between the April 23rd meeting and now, staff confirmed that there was an error in the survey which affects project density. Staff also received an opinion from the City Attorney's office that since the proposed preliminary plat requires a warrant for front entry garages, the application violates the moratorium placed on February 3, 2025, which stipulates that only "by right" developments are allowed and plans with any kind of special approval cannot be accepted.

The applicant's representative, Mr. Ethan Underood stated that the applicant would agree to 16 townhomes by removing 4 townhomes and

will be rear loaded. In addition, they would agree to a minimum of 2,300 square feet excluding the garages.

Mr. Patrick Dodson, who represented the Hornsbys who reside in Five Acre Estates identified issues with the warrant, density, acreage calculations, sanitary sewer and water availability from Fulton County, no tree preservation plan and the plan is not compliant and should be denied.

There were eight additional people who either spoke in opposition or had their name read into the record as being in opposition to the preliminary plat. One person was in support of the application.

Mr. Underwood provided a rebuttal that townhomes are permitted, the warrant is not needed with a revised site plan, the applicant will not have access on Five Acre Road, drop four units and will correct the typographical error in acreage. The applicant has met all the minimum requirements. In addition, the applicant wants to work with the community on the proposed development.

The Planning Commission asked questions of City Staff with Mr. Dodson and Mr. Underwood responding. The Public Hearing was closed and the Planning Commission deliberated on the request.

A motion was made by Commissioner Nolte to recommend denial of the preliminary plat to be forwarded to the Community Development Director and seconded by Commissioner Edwards. The motion was unanimously approved 4-0 with Commissioner Shah having recused himself from the item.

4. NEW BUSINESS - None

5. OLD BUSINESS - None

6. ADJOURNMENT (Commissioner Shah rejoined the meeting at the dais.)

Commissioner Shah made a motion and was seconded by Commissioner James to adjourn the meeting at 6:53 p.m. The motion passed unanimously 5-0.