

# CITY OF STONECREST, GEORGIA

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## Planning Commission Meeting Minutes

### Summary

May 1, 2018, 6:00 P.M.

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

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The Planning Commission met on Tuesday, May 1, 2018 at 6:02 p.m. in Stonecrest City Hall Chamber in Stonecrest, Georgia.

I. The meeting was called to order by Vice Chairman J.W. Eady.

II. **Roll Call - The Members**

**Present:**

|                  |                     |
|------------------|---------------------|
| Mr. J.W. Eady    | District 1          |
| Ms. Wanda McNeal | District 2          |
| Mr. Eric Hubbard | District 3 (absent) |
| Ms. Pearl Hollis | District 4 (absent) |
| Ms. Lisa Wright  | District 5          |

**Staff Present:**

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

III. Secretary Ms. Lillian Lowe completed the roll call. Vice Chairman J.W. Eady read the Rules and Procedures for the Planning Commission Meetings and Public Hearings for the City of Stonecrest, Georgia. There was a quorum.

Mrs. Nicole Dozier interjected and advised the Chairman that a three (3) board member was present this evening which means, any vote is either pass or fail. As each applicant approach to speak, they should indicate if they would like to proceed with the public hearing or have their case moved to the next meeting.

Vice Chairman J.W. Eady asked for motion to approve the Planning Commission Meetings Minutes Summary dated April 3, 2018.

Ms. Lisa Wright motion to approve the Planning Commission Meetings Minutes Summary dated April 3, 2018. Ms. Wanda McNeal seconded the motion. The motion was approved. The vote was unanimously carried.

IV. **Old Business:**

1. Public Hearing(s)

|                     |                                                                                     |
|---------------------|-------------------------------------------------------------------------------------|
| TEXT AMENDMENT:     | TMOD 18-0002 (Deferred on April 16, 2018)                                           |
| PETITIONER:         | City Council                                                                        |
| LOCATION:           | City-Wide                                                                           |
| PROPOSED AMENDMENT: | Amendment to (Industrial) "Parking Regulations"<br>Chapter 27 Article VI Sec. 6.1.3 |

Mrs. Dozier advised the Chairman that the item scheduled for old business, TMOD 18-0002 (deferred on April 16, 2018), is being withdrawn and it will be re-presented back to the Planning Commission later.

Mr. Bernard Knight approached the podium and began speaking, "Even though the matter is being withdrawn, there are some folks here tonight, starting with myself, are in opposition."

Attorney Emily Preston interjected and advised the Chairman that if the Board wants to have a public hearing on TMOD 18-0002, there should be a public hearing, if not, there should be no comments.

Attorney Preston asked Mr. Knight to please sit down. We just want to keep the order.

Mr. Knight stated, "We were not told that this matter would be withdrawn. I have a court reporter here and have other people here who wants to speak on this manner."

Attorney Preston stated that an email was sent to Mr. Knight stating the petition had been withdrawn. If the Chairman want to entertain the public hearing, that is up to the Board. This is a text amendment, to be clear. This was a city-initiated text amendment. Per Mr. Knight's request, the city removed this item from the agenda to discuss it with him and other members of the public further. TMOD 18-0002 will be deferred, re-advertised as first read, and brought back for public hearing in June 2018. Attorney Preston called for a "Point of Order"

Attorney Preston asked Mr. Knight to sit down several times.

Attorney Preston called for a "Point of Order" again and asked Mr. Knight to please sit down unless he has been recognized by the Chair.

The Commissioners never recognized Mr. Knight.

Attorney Preston asked Mr. Knight to take his seat. The Chairman sound the gavel and Mr. Knight left the podium stating he was denied due process.

Attorney Preston stated that this is not an application. This a text amendment and all that is required is that you hold a public hearing before the City Council. We bring before the Planning Commission for course of recommendation. There are no requirements that you hold a public hearing. This is a deferral of the text amendment, we are holding a public hearing so, there was no advertising for this case, it was not required to be advertised.

The Chairman called for the new business and City Planner Mr. Wheeler presented Land Use Petition RZ-18-002 and Special Land Use Petition SLUP-18-002.

V. New Business

1. Public Hearing(s)

The following Petition(s), located within the City of Stonecrest, were presented at the Public Hearing.

|                       |                                                                 |
|-----------------------|-----------------------------------------------------------------|
| LAND USE PETITION:    | RZ-18-002                                                       |
| PETITIONER:           | Beverly J. Searles Foundation                                   |
| LOCATION:             | 6757 Covington Hwy                                              |
| CURRENT ZONING:       | C-1 (Local Commercial) District                                 |
| PROPOSED ZONING:      | MR-2 (Medium Density Residential) District Conditional          |
| PROPOSED DEVELOPMENT: | Request to rezone property to construct senior living facility. |

Mr. Wheeler read the Staff Report out loud and stated that the applicant is requesting to rezone subject property from C-1 (Local Commercial) District to MR-2 (Medium Density) District Conditional to construct Senior Housing. Staff recommend approval of RZ-18-002 with the following conditions:

1. Access on Covington Highway to be approved by Georgia Department of Transportation.
2. Deceleration land on Covington Highway if required by Georgia Department of Transportation.
3. Two points of access, if possible both to be located on Covington Highway if allowed by Georgia Department of Transportation.
4. No vehicle access to and from said property off Hillandale Road

Mrs. Nicole Dozier interjected and advised the Chairman that a three (3) board member was present this evening which means, any vote is either pass or fail. As each applicant approach to speak, they should indicate if they would like to proceed with the public hearing or have their case moved to the next meeting.

The Chairman asked those in favor of RZ-18-002 to come forth, state name and address. There were none in favor of RZ-18-002.

The Chairman asked those in opposition to come forth, state name and address.

Mr. Dave Marcus(?), Ms. Peaches Moss(?), Mr. Charles Chisolm, Ms. Mandy Garrison, Ms. Reba(?), and Ms. Alma Cole(?) came forth and stated they were in opposition of Petition ZR-18-002.

The Chairman asked for a motion. Ms. Wright motion for approval of Petition RZ-18-002 with staff recommendations, conditions one through four (1-4). Mr. Eady seconded the motion. The motion was unanimously carried. The conditions are:

1. Access on Covington Highway to be approved by Georgia Department of Transportation.
2. Deceleration land on Covington Highway if required by Georgia Department of Transportation.
3. Two points of access, if possible both to be located on Covington Highway if allowed by Georgia Department of Transportation.

4. No vehicle access to and from said property off Hillandale Road

|                       |                                                            |
|-----------------------|------------------------------------------------------------|
| LAND USE PETITION:    | SLUP-18-002                                                |
| PETITIONER:           | Pawanjit Kavr                                              |
| LOCATION:             | 6721 Covington Hwy                                         |
| CURRENT ZONING:       | C-1 (Local Commercial) District                            |
| PROPOSED ZONING:      | C-1 (Local Commercial) District                            |
| PROPOSED DEVELOPMENT: | Request Special Land Use Permit to construct liquor store. |

Mr. Wheeler read the Staff Report out loud and stated that the applicant is requesting a Special Land Use Permit (SLUP) to construct a liquor store on 6721 Covington Highway, in Neighborhood Center, in accordance with Chapter 27-Article 4.1 Use Table and Sections 4.2.23 of Stonecrest Zoning Code. The Staff recommended approval with conditions. The conditions are:

1. Access on Covington Highway to be approved by Georgia Department of Transportation.
2. Limited access to Hillvale Road.
3. Deceleration lane on Covington Highway if required by Georgia Department of Transportation.
4. Additional landscape buffer between the Woman Move On shelter located to the east of the proposed commercial development.

Mrs. Dozier advised the applicant that a three (3) board member was present and the decision made tonight will either be pass or fail. Options are to proceed or defer and wait for full board.

Applicant Mr. Michael Bell decided to defer until next month, June 2018. Attorney Preston stated that the Commissioners will still have the public hearing if deferred. Mr. Bell stated he was not prepared to fulfill the application. The architect had some family issues and did not have the evaluations ready to make this application complete.

The Chairman asked those in favor to come forth and state name and address. There were none in favor of SLUP-18-002.

The Chairman asked those in opposition to come forth and state name and address. Mr. Dave Marcus, Ms. Peaches Moss; Mr. Charles Chisolm, Ms. Mandy Garrison, Ms. Reba(?), and Ms. Alma Cole(?) came forth and stated they were in opposition of SLUP-18-002

The Chairman closed the public hearing and went into discussion with the Commissioners.

The Chairman asked for a motion. Ms. McNeal motion to recommend denial of Petition SLUP-18-002. Ms. Wright seconded the motion. The motion was recommended for denial. The vote was unanimously carried.

The following item(s), Text Amendment(s), were presented for Public Hearing by Community Development Director Mrs. Dozier.

|                     |                                                                                              |
|---------------------|----------------------------------------------------------------------------------------------|
| TEXT AMENDMENT:     | TMOD 18-0003                                                                                 |
| PETITIONER:         | City Staff                                                                                   |
| LOCATION:           | City-Wide                                                                                    |
| PROPOSED AMENDMENT: | Amendment to Article IX, Section 9.1.3 to add a definition for "Short-Term Vacation Rental." |

Mrs. Dozier stated that this is the adoption of New Article 27 Short-Term Vacation Rental Ordinance, amend IV, Table 4.1 Use Table as to the permitted locations of Short-Term Vacation Rentals; Amend Article IV, Section 4.2.5.8 to provide supplemental regulations for Short-Term Vacation Rentals, amend and adopt. Requesting discussion of the regulation and location of short-term vacation rentals within the City of Stonecrest. The Staff recommended approval of ordinance.

Attorney Preston stated that TMOD 18-0003 is a city-initiated text amendment, which technically does not require a public hearing. This will be going before the City Council for the next meeting and that will be considered the first read. All text ordinances, right now, like this will have two (s) reads, which means that the City Council will not actually vote on it in May, regardless if Commissioners vote to defer or approve. There is a two-month process right now. This was requested by some of the City Council members. The City is concerned about short-term vacation rentals such as B&R (Boarding/Rooming House) or B&B (Bed and Breakfast) and asked Staff to look at some ways to potentially regulate that.

Attorney Preston stated that the zoning ordinance will be regulating them as a hotel. Thought it would be more appropriate to draft an ordinance specifically tailored for short-term vacation rentals. This was modelled after the one that the city of Sandy Springs just adopted. There will be two (2) parts. The first part is the zoning ordinance (the next three (3) text amendments presented tonight) and the second part is licensing requirement about business licenses. The business license will not come before the Commissioners.

Attorney Preston stated that there will be additional administrative and professional licensing regulations that will be regulating short-term vacation rentals. There are currently existing several vacation rentals that are being operated in the city of Stonecrest. There have been some complaints from neighbors which initiated this text amendment. Attorney Preston read the definition, Article IX, of Short-Term Vacation Rental, renting for less than thirty (30) consecutive days.

The Chairman open floor for comments. There were none. The Chairman closed the public hearing.

The Chairman asked those in favor to come forth and state name and address. There were none in favor of TMOD-18-0003.

The Chairman asked those in opposition to come forth and state name and address. There were none in opposition of TMOD-18-0003.

The Chairman asked for motion for Petition TMOD-18-0003.

Ms. Wright motion to recommend approval of TMOD-18-0003, Short-Term Vacation Rental. Ms. McNeal seconded the motion. The motion to was approved. The vote was unanimously carried.

|                     |                                                                                                                                                                                                                     |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| TEXT AMENDMENT:     | TMOD 18-0004                                                                                                                                                                                                        |
| PETITIONER:         | City Staff                                                                                                                                                                                                          |
| LOCATION:           | City-Wide                                                                                                                                                                                                           |
| PROPOSED AMENDMENT: | Amend IV, Table 4.1 Use Table as to the permitted locations of Short Term Vacation Rentals, Amend Article IV, Section 4.2.5.8 to provide supplemental regulations for Short-Term Vacation Rentals, Amend and Adopt. |

Mrs. Dozier stated that this is the adoption of New Article 27 Short Term Vacation Rental Ordinance, amend IV, Table 4.1 Use Table as to the permitted locations of Short-Term Vacation Rentals, Amend Article IV, Section 4.2.5.8 to provide supplemental regulations for Short Term Vacation Rentals, amend and adopt.

Mrs. Dozier stated that Short-Term Vacation Rentals are zoned and permitted in RE, RLG, R-100, MR-1, and MU-2. A Special Land Use Permit must be obtained to operate that business, within those zoning Districts. Requesting discussion of the regulation and location of short-term vacation rentals within the City of Stonecrest. The Staff recommended approval of ordinance. The city of Stonecrest does not have regulations to control short-term vacation rentals; not regulated or done appropriately. The first thing we did was defined what Vacation Rental is and allow the Planning Commissioner to put conditions on this type of use should they want to operate; Just now we are just discussing and making the public aware.

The Chairman open the floor to the public.

A Special Land Use Permit will be required in districts zoned RE, RLG, R-100 MU-1, and MU-2. Presently, there is nothing prohibiting short-term vacation rental in the area right now. Visit the city of Stonecrest web site

The Chairman asked those in favor to come forth and state name and address. There were none in favor of Petition TMOD-18-0004.

The Chairman asked those in opposition to come forth and state name and address. Mr. Leonard Thrower and Ms. Sonja Hicks oppose Petition TMOD-18-0004.

Attorney Preston stated that presently, there is nothing prohibiting short-term vacation rental in the area right now unless we try to argue. This is an attempt to prohibit them in certain areas and regulate when they would be allowed. A Special Land Use Permit will be required in districts zoned RE, RLG, R-100, MR-1, MU-1, and MU-2. Visit the city of Stonecrest web site or call Staff.

The Chairman closed the public hearing for Petition TMOD-18-0004.

The Chairman asked for motion.

Ms. Wright motion to recommend approval of Text Amendment TMOD-18-0004, Use Table 4.1, as per staff recommendations and conditions. Ms. McNeal seconded the motion. The motion to approve Use Table 4.1 was passed. The vote was unanimously carried.

Attorney Preston interjected and stated that on the last Petition TMOD-18-0004, there were two parts and that we only presented part one, Use Table 4.1.

With the Chairman's permission, Attorney Preston presented the second part, regulations related to TMOD 18-0004. The adoption of Amend Article IV, Section 4.2.5.8 is to provide supplemental regulations for Short Term Vacation Rentals. What is permitted for short-term vacation rentals?

Attorney Preston stated, "In addition to the definition, where these people can go, part two is how they can operate. There are more rules in Chapter 15 and these are not all the rules. The rules referred to in the zoning ordinance are:

1. No individual renting the property shall stay longer than 30-consecutive days.
2. The chosen short-term vacation rentals shall not be operated in a way to disrupt the residential character of the neighborhood.
3. Must comply to the Noise Ordinance.
4. There shall be at least one parking space, off street for each bedroom.
5. No sign or advertising are permitted to identify as short-term vacation rentals other than what any other single-family residence would have in the sign ordinance.
6. Must all have a land line that has basic ability to call 911 during emergencies.
7. There must be a sign on the door, with a 24-hour telephone number and contact information for the manager or person who is going to respond in the event neighbors have complaints. Available to the code enforcement and law enforcement if there are issues with the rental."

The Chairman opened the meeting to the public.

The Chairman asked those in favor to come forth and state name and address. There were none in favor of Petition TMOD-18-0004, Sec. 4.2.5.8, regulations.

The Chairman asked those in opposition to come forth and state name and address.

Mr. Dave Marcus, Rockland Road, approached the podium and stated that he was opposed to Petition TMOD-18-0004, Sec. 4.2.5.8. Opposed to this being considered now. Not rather it is good or bad. Mr. Marcus stated he would like to see some limitations made but, this was not published as per staff report recommendations or anyway shared with the citizens of Stonecrest. We are hearing it for the first time and we cannot think about. That does not seem, right. Maybe legal and maybe the process but, it does not seem right. I think that what he is hearing in the language Mr. Marcus does not like. Having to apply for a special land use permit is an expensive process. Not sure that should be in place. Strike me that there are only two-type of rentals. There should be a distinction between a B&R that is owner-occupied, where owner is renting out a bedroom or part of a house and those that are vacant properties that is used only for B&R or B&B rentals.

Mr. Knight came forth and stated that he echoes what Mr. Marcus said. There is a sharp difference of opinion as to what is legally required in these planning commission hearings, even for staff-initiated text amendments. As a matter of the Federal and State constitution, it is a matter of state law and matter of our code. The only thing which is legally lack about a text amendment is the publication requirement. The way that the text amendment process is being administered in this City, causes issues and it is troubling. As Mr. Marcus said, giving an oral staff report analysis. Should have been posted on the web site at an adequately reasonable amount of time. The Staff Report was oral and should have been posted so everybody could look at it. Should have been presented in writing and posted in advance.

Mr. Charles Coles is opposed to Sec. 4.2.5.8 and stated that things should stay the same.

Mr. Leonard Thrower is opposed and stated, "There should have been signs posted in every district. The city of Stonecrest is opening its doors to law suits if we approve. We need to take our time. Did not think I would be living in a vacation option community. We say, Come on America to Stonecrest. We can rent it to you for thirty (30) days! Who is going to control the number of people living in these rentals?"

Mrs. Dozier interjected and addressed the Commissioners. Ms. Dozier stated that typically with text amendment(s), if it is city-wide, it is posted on the city web site and advertised in the paper. This text amendment is being heard by you as one of the many hearings that occur with text amendments.

You are a recommending body and as a courteous, as Attorney Preston pointed out, we bring it here so, it can be heard by public and comments can be heard as it relates to what is brought forward. And, it goes before the Mayor and council for two more public hearings where the public have an opportunity to voice comments. The text is available on the city's web site.

"It is not, it is not posted," shouted the audience, the public.

Mrs. Dozier apologized for the information had not posted to the web site and continued by stating that the text is usually available on the web site at least seven (7) days in advance, prior to meetings. Ms. Dozier stated that the documents will be posted tomorrow and that that were problems with the city's web site. We do try to get the public to come out by advertising in the newspaper. This came about as it relates to an issue found in the City. The uses are not being regulated and found to be in operations.

Attorney Preston interjected and advised the Commissioners that they have the option to defer all these petitions.

The Chairman closed the public hearing and went into discussion.

Mr. Eady motion to recommend deferral of Text Amendment TMOD-18-0004, Sec. 4.2.5.8. Ms. Wright seconded the motion. The motion to defer Sec. 4.2.5.8 was passed. The vote was unanimously carried.

|                     |                                                                                                                 |
|---------------------|-----------------------------------------------------------------------------------------------------------------|
| TEXT AMENDMENT:     | TMOD 18-0005                                                                                                    |
| PETITIONER:         | City Staff                                                                                                      |
| LOCATION:           | City-Wide                                                                                                       |
| PROPOSED AMENDMENT: | Chapter 14, in its entirety, relating to Land Development, subdivision, soil and erosion, and tree regulations. |

Attorney Preston stated that this is the adoption of Chapter 14 Land Development Ordinance. The purpose of this chapter is to establish public policy for the protection of natural resources as well as policies, requirements, and standards for land development. This is like DeKalb County with a few minor changes. The city is starting the Comprehensive Plan Process and will modify this text as needed once the comprehensive plan process is complete. The Staff recommended adoption as a working document.

Attorney Preston gave a brief summation of Chapter 14, a very large ordinance, for the Commissioners. The City has already adopted the modelled ordinances and it has been approved. Some departments are in DeKalb County and now have changed to the city of Stonecrest. There are definitions, references to DeKalb County, and who can enforce the ordinances. Attorney Preston presented the following items:

#### **Sub-division**

The biggest change is on Page 28, Sub-division; some variances required.

Page 28, Sub-division, any times wants to split or divide a lot, the applicant would be handled administratively.

Page 34, Required information for splitting a plat. There will be stamp placed on the survey paperwork.

Page 36, the Design Changes, based on storm water design, roads, and fees. There is a red-lined document but, it is hard to read.

Page 69, Water and Sewer has been taken out, need approval from DeKalb County.

#### **Flood Management Plan**

Page 76, Flood Management Plan and building a house in the flood plain.

Page 100, Flood Hazards, Division VI, will be approved by DeKalb County.

#### **Soil Erosion (no changes)**

Page 104, Soil Erosion already adopted

Tree Protection, Article VI – DeKalb County

Page 136, Plant Species

#### **Stream Buffer (no changes)**

Page 145, Prevention of Erosion

#### **Storm Water Management (no changes)**

Article VIII

Page 162

Mrs. Dozier stated that the city is going under the Comprehensive Plan process and community meetings will be held in all the districts. There will be amendments and modifications made.

The Chairman asked if there were comments if so come forth.

Mr. Knight came forth and stated that this petition had not been posted to the web site. There was no staff analysis posted. Other changes should be brought to the public attention. We want to know why there were changes. Looking forward to a training session soon.

Mr. Charles Coleman and Mr. Dave Marcus came forth.

The Chairman asked for motion to close Petition TMOD-18-0005.

Ms. Wright motion to close Public Hearing TMOD-18-0005. Mr. Eady seconded the motion. The was motion approved. The vote was unanimously carried.

There being no further business, Ms. Wright moved to adjourn the meeting. The Chairman seconded the motion. The vote was carried unanimously to adjourn the meeting at 8:05 PM.

Approved:

Chairman

Date

Attest:

Secretary

Date