

CITY OF STONECREST, GEORGIA

Planning Commission Meeting Minutes

Summary

August 7, 2018, 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, August 7, 2018 at 6:00 p.m. in Stonecrest City Hall's Chamber in Stonecrest, Georgia.

I. The meeting was called to order by the Chairman Eric Hubbard.

II. **Roll Call - The Members**

Present:

Mr. J.W. Eady	District 1
Mr. Eric Hubbard	District 3
Ms. Pearl Hollis	District 4 (Arrived at 6:03 PM)
Ms. Lisa Wright	District 5

Staff Present:

Mrs. Nicole Dozier	Community Development Director
Mr. Leonid Felgin	City Attorney
Mr. Chris Wheeler	City Planner

Staff Absent:

Ms. Wanda McNeal	District 2
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The Chairman completed the roll call and read the Rules and Procedures for the Planning Commission Meetings and Public Hearings for the City of Stonecrest, Georgia. There was a quorum.

III. **Old Business:** None

IV. **New Business:**

1. The Chairman asked for motion to accept the Planning Commission Meeting Minutes Summary dated July 10, 2018. Commissioner Wright motion to approve the Planning Commission Meeting Minutes Summary dated July 10, 2018. Commissioner Eady seconded the motion. The motion was approved. The vote was unanimously carried.

2. Public Hearing(s):

The following Petition(s) located within the city of Stonecrest were presented by City Planner Mr. Chris Wheeler for Public Hearing.

LAND USE PETITION:	RZ-18-003
PETITIONER:	LDG Development
LOCATION:	6554 Chupp Rd / 7247 Covington Hwy

CURRENT ZONING: C-1 (Local Commercial) / R-100 (Residential Medium Lot) / O-I (Office-Institutional)
PROPOSED DEVELOPMENT: Request to change the conditions of zoning to construct 240 townhome units.

Mr. Wheeler read the Staff Report out loud and stated that the applicant is requesting to change zoning condition of zoning case CZ-04019 to construct residential portion of a mixed-use development. The applicant requested that the following conditions be eliminated:
(1) All common area shall be maintained by a mandatory homeowner's associations.
(2) All residential dwellings shall have a minimum of fourteen hundred (1400') square feet of heated space. (3) All dwelling units shall have an attached garage for at least one car.

The applicant requested that the following conditions be modified:
(4) The Development undeveloped portions of the Subject Property zoned C-1 may be developed shall contain a minimum of at least twenty thousand square feet (20,000') of future commercial space. No liquor stores, pawn shops, check cashing, billiard halls or nail salons shall be allowed on the Subject Property.

The proposed site plan footage for units will be ten hundred fifty to twelve hundred (1,050' to 1200') square feet. Site plan indicates a gated townhome development with one proposed points of access located on Chupp Road and located in Stonecrest Tier IV Overlay District.

Currently the Subject properties are heavily wooded and undeveloped with two frontages abutting on Covington Highway and Chupp Road.

Mr. Wheeler stated that several meetings have been held and a neighborhood community meeting was held on July 26, 2018 to create dialogue between the applicant and residences.

The **Standards of Review** shows that the zoning proposal is in conformity with policies; will permit use suitable to the development of the adjacent and nearby properties; has a reasonable economic use as currently zoned; will not adversely affect the existing use or usability of the adjacent or nearby properties. There are no existing changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal. The zoning proposal will not adversely affect any historic buildings, sites, districts, or archaeological resources; will not result in excessive or burdensome use of transportation facilities and utilities; and will not adversely impact the environment or surrounding natural resources.

The **Analysis** shows that the surrounding areas is characterized as a mixture of residential zoning and industrial tracts with a few commercial zoned tracts. The existing zoning of Residential Small Lot District (RSM) is to provide for the creation of residential neighborhoods that allow a mix of single-family attached and detached housing options.

The City of Stonecrest Future Development Map, shown on pages 73 and 77 of DeKalb County Comprehensive Plan, identifies the subject's property as being within Character Area Industrial and Suburban. Overlay districts provide a method of placing special restrictions in addition to those required by basic zoning ordinances.

Staff agree that some of the conditions can be removed and others can be modified. The Department of Community Development recommends approval of RZ-18-003 with the following conditions:

1. Remove zoning condition #1.
2. Modify conditions #17 as follows: A minimum of 20,000' square feet of Commercial shall be developed on the C-1 zoned property at a future date. No Liquor stores, pawn shops, check cashing, billiard halls or nail salons allowed.
3. Modify conditions #8 as follows: Development shall comply with the City of Stonecrest Tree ordinance.
4. Keep conditions #2 through #7 and #9 through #16 of CZ-04019.
5. Trip generation exceeds 100 trips per peak hour. Submit a complete traffic impact study.
6. Provide a sight distance profile for the entrances on Chupp Road.
7. Provide additional right-of-way along the frontage of Chupp Road to provide a minimum of thirty feet (30') from the centerline.

Commissioner Hollis asked, "Why remove the HOA?" The applicant, Mr. Byrd, stated that the applicant removed #1.

The Chairman asked the applicant to come forth.

Ms. Roxanne Daley and Mr. Byrd (?), spokespersons from the Battle Law Firm, stated that the Petition had been modified and that they agree with majority of the changes and conditions. The conceptual site plan requires #14. We do not want to eliminate the garage. We expect opposition from Bernard Knight. His goal is a separate issue to be discussed outside this hearing. Requesting approval from the Planning Commission.

Commissioner Wright addressed the applicant and asked the following questions:

1. The 1400' sf is a three-bedroom?
2. These are affordable homes for the working class?
The applicant answered, "We, Gateway Management Group, are catering to the working class. Rent for a two-bedroom (2BR) range from \$842 to \$1348 and a three-bedroom (3BR) range from \$953 to \$1556. Background checks are done."
3. Have you done other developments like this?
The applicant answered, "Yes, in Kentucky. In Austin, Dallas and Ft. Worth, TX. And, Newton and Augusta, GA."
4. Are they leased?
The applicant answered, "Yes, seventy percent (70%) are leased."
5. On July 26, 2018, a meeting was held?
The applicant answered, "Yes. The first rollout was in early June and the third meeting was held last week. A dozen people did show up."
6. Was an impact study done? The applicant answered, "No."

Commissioner Hollis addressed the applicant and asked the following questions:

1. How old is your oldest project and how do they stand, the status, today?
The applicant answered, "In good standing and \$350 is put away into an account for each unit for maintenance."
2. When developing a project, are you having or allowing for green space?
The applicant answered, "Yes, lots of green space and areas for kids to run and play. Lots of amenities and green boulevard type."

Commissioner Wright addressed the applicant and asked the following question:

1. You mentioned envision for commercial development explain further.
The applicant answered, "Anticipated development..."

Commissioner Hollis asked the applicant, "How will the you support the development?"
The applicant answered, "Will be developed out of the project."

Commissioner Wright addressed the applicant and asked the following questions:

1. The number of people anyway?
The applicant answered, "The two-bedroom is a large area at 850' square feet. The three-bedroom is 1050' square feet. Both exceeds the square feet required. The garden style apartments are smaller."
2. Elaborate on changing from attached to detached garage.
The applicant answered, "Units will have storage on back. There are rental units and not for home ownership."
3. Will these units be green facilities?
The applicant answered, "Yes, eco-friendly with low-flush toilets and LED light bulbs installed during pre-construction."
4. You are targeting the working class, is there a tax incentive?
The applicant answered, "We use a 4% on a tax credit when we sale plus pro-construction. We made 3.5Mil over ten (10) years and are long-term investors. We have to maintain and invest over the fifteen (15) years committed."

The Chairman asked those in support to come forth.

1. *Submitted Public Comments Card:* Mrs. Edwina Clanton is a Stonecrest resident and lives at 3654 Dogwood Pass. Mrs. Clanton stated that she had lived in affordable housing and that the Evan Mills Townhouses are boarded up. It looks bad over there. Mrs. Clanton told the Commissioners, "Do not look down on affordable housing. We want a place to live, work, and play. The complex is only as good as the management. We can make it work!"
2. *Submitted Public Comments Card:* Ms. Trudy Morgan is a Stonecrest resident and stated that she had spoken with Mr. Byrd that this project is a good thing and increases

growth in the area. Ms. Morgan stated that her son can afford to buy a home. Ms. Morgan's address is PO Box 590, Lithonia, GA.

The Chairman asked those in opposition to come forth.

1. *Submitted Public Comments Card:* Ms. Maya McKay (on behalf of Roselyn McKay) asked, "How will the developer, city or county manage and control rodents, snakes, and other wildlife currently living in the brush trees, and overgrowth in the area where the building will take place? Vote yes!" Ms. McKay is a Stonecrest business owner.
2. *Submitted Public Comments Card:* Ms. Faye Coffield is a Stonecrest resident and lives at 3261 Chaparral Way. Ms. Coffield is opposed and said, "There is no such thing as affordable housing. You have rental units with garages of 14,000' square feet. We are trying to build up. Cannot keep having Section 8. Now, we want to rent them. Atlanta is pushing them into Marietta. Make a rule that they need to bring in the crime stats. Crime is generated in rentals and not residential. We will become an upscale city. Hooked up to the sewer system. I worked for my things and bought."
3. *Submitted Public Comments Card:* Mr. Bernard Knight, Attorney-at Law, representing the Kelly's Family (Dan, Jim, Judy and Kelly Land Company) stated, "Petition RE-18-003 should be deferred at least for a month. The Staff states eighteen (18) conditions instead, there are twenty-five (25) conditions cited by DeKalb County." Mr. Knight is not a Stonecrest resident. Ms. Knight is a business owner and practicing law in Stonecrest.

Mr. Knight stated, "If development is mixed-use, must go to ARC. Condition is a legal mechanism...that means you cannot have control over residential and commercial. Condition #17 has a minimum of twenty-five (25') square feet. The property was rezoned twice. Once in 2004 and 2008. It is in Tier IV. Seventy percent (70%) can be residential. I want to correct Ms. Daley by saying the goal is that everyone must obey the rules. We proposed to develop...should be taken out of the Overlay."

The Chairman extended the time for five (5) additional minutes for opposition.

Mr. Knight continued, "I raised points with Mr. Byrd: (1) If more than 4000' square feet, must take to ARC; (2) #6 is a legal mechanism (residential); (3) #17 Hank Johnson instituted the 1400' minimum. Tonight, is the very first hearing and I have a problem, we do not want traffic on Lithonia Industrial Boulevard. They can go up Covington Highway. Petition need to be deferred for real analyzing for at least a month. Everyone goes by the same rule."

4. Mr. Blake lives at 6748 Bill Fair Court (?) is opposed. Mr. Blake said that the area is high density. Things, this type of project, could go South by then.
5. *Submitted Public Comments Card:* Ms. LaTrevia M. Lane lives at 2516 Meadow Springs Drive and is opposed. Ms. Lane wrote, "I am a resident of the Meadow Springs subdivision. I oppose of this construction; will be placed right next door to an already declining apartment complex; the zoning will be changed; traffic will increase, creating

an already crowded area; increase rate in crime rate; and lowered property values. I believe this development will be a gateway to future problems."

Ms. Daley returned to the podium and stated, "The #1 is the request, conceptual plan revised plan. Let me make it clear that it is affordable housing and not Section 8. We revised to allow more than ample space. We are allowed to build three-stories. As for #6, Mr. Knight states legal mechanism, who is in control? There must be some agreement and not one entity is in control."

Commissioner Wright addressed the applicant and asked the following questions:

1. Provide the crime stats? Why these are not built to sale?
The applicant answered, "We build affordable housing. That is what is done. We will have multi-family up the road; we are long-term developers; we are watching these; we have annual inspections and code enforcement. We are watching. We have control and have zero tolerate for crime."
2. How are you different?
The applicant answered, "Question never came up. Do not have stats in pocket."
3. There is a moratorium on the sewer system?
The applicant answered, "At one point and the issues were resolved."
4. Talk about the legal mechanism? Looking at the overall project?
The applicant answered, "We are designing for whatever the square feet that comes in. Not very familiar."

Commissioner Hollis addressed the applicant and asked the following question:

1. How is the impact in Lithonia on the egress?
The applicant answered, "Lithonia Industrial is commercial off Macedonia and has green space and emergency access."

Commissioner Wright addressed the applicant and asked the following question:

1. Look at the total square feet, would it comply?
The applicant answered, "Yes. We would have to comply. We would lose if not. Will have to look at it. We have a quality development and is offering a different product. We know how to do it right."

The Chairman asked for motion to closed Public Hearing RZ-18-003. Commissioner Eady motion to closed Public Hearing RZ-18-003. Commissioner Wright seconded the motion. The motion was approved. The vote was unanimously carried.

Commissioners went into the discussion.

The Chairman asked for a motion for RZ-18-003. Commissioner Eady motion to defer RZ-18-003 with Staff recommendations and the following conditions:

1. Remove zoning condition #1.
2. Modify conditions #17 as follows: A minimum of 20,000' square feet of Commercial shall be developed on the C-1 zoned property at a future date. No Liquor stores, pawn shops, check cashing, billiard halls or nail salons allowed.
3. Modify conditions #8 as follows: Development shall comply with the City of Stonecrest Tree ordinance.
4. Keep conditions #2 through #7 and #9 through #16 of CZ-04019.
5. Trip generation exceeds 100 trips per peak hour. Submit a complete traffic impact study.
6. Provide a sight distance profile for the entrances on Chupp Road.
7. Provide additional right-of-way along the frontage of Chupp Road to provide a minimum of thirty feet (30') from the centerline.

The Chairman seconded the motion to defer RZ-18-003 with Staff recommended conditions. The motion was approved. The vote was unanimously carried.

Mr. Wheeler advised the Planning Commissioners that Petition RZ-18-004 (shown below) has been *withdrawn* by the applicant, Invictus Development, Inc.

LAND USE PETITION:	RZ-18-004
PETITIONER:	Invictus Development Inc
LOCATION:	6169 Hillvale Rd
CURRENT ZONING:	R-100 (Residential Medium Lot)
PROPOSED DEVELOPMENT:	Request to change the zoning of the subject Property from R-100 to MR-1 (Med Density Residential) to construct a senior living facility.

Mr. Wheeler advised the Planning Commissioners that Petition SLUP-18-004 (shown below) has been *withdrawn* by the applicant, Invictus Development, Inc.

LAND USE PETITION:	SLUP-18-004
PETITIONER:	Invictus Development Inc
LOCATION:	6169 Hillvale Rd
CURRENT ZONING:	R-100 (Residential Medium Lot)
PROPOSED DEVELOPMENT:	Request to Special Land Use permit to construct a Senior living facility.

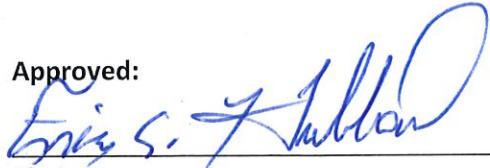
Mr. Wheeler advised the Planning Commissioners that Petition AX 18-0001 (shown below) has been *deferred* by the applicant, Halpern Enterprises.

LAND USE PETITION:	AX 18-0001
PETITIONER:	Halpern Enterprises
LOCATION:	6024 Covington Highway
CURRENT ZONING:	R-100 (Residential Medium Lot)
PROPOSED:	Request to annex the western portion of this Parcel into the City of Stonecrest and change the zoning of the subject property from C-1 w/conditions and MU-5 to MU-5 to build a 160 townhomes subdivision.

V. 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 7:15 p.m.

Approved:



Chairman

09/11/2018

Date

Attest:



Secretary

09-11-2018

Date