

PLANNING COMMISSION MEETING MINUTES SUMMARY

Stonecrest City Hall - 6:00 PM **Spoke-in-Person Meeting*

March 7, 2023

As set forth in the Americans with Disabilities Act of 1990, the City of Stonecrest will assist citizens with special needs given notice (7 working days) to participate in any open meetings of the City of Stonecrest. Please contact the City Clerk's Office via telephone (770-224-0200).

Citizens wishing to actively participate and make a comment during the public hearing portion of the meeting please submit a request via email address tsingleton@stonecrestga.gov by noon the day of the hearing, March 7, 2023. The zoom link for the meeting will be sent to you, or you can also submit comments and questions to the same email address by the same deadline to be read into the record at the meeting.

- I. Call to Order:** Chairman Eric Hubbard (District 3) called the Spoke-in-Person meeting to order at 6:00 PM.
- II. Roll Call:** Chairman Hubbard called the roll. Commissioner Stefanie Brown (District 1), Commissioner Joyce Walker (District 2), Commissioner Pearl Hollis (District 4) and Commissioner Lemuel Hawkins (District 5) were present. There was a quorum.

Planning Director Ray White and Deputy Director Keedra Jackson, Planning and Zoning Department was present. Attorney Alicia Thompson, Fincher Denmark, LLC, virtually attended.
- III. Approval of the Agenda:** Chairman Hubbard called for a motion to **APPROVE THE AGENDA**. Commissioner Hollis motioned to **APPROVE THE AGENDA**. Commissioner Hawkins seconded the motion. The motion was unanimously **APPROVED**.
- IV. Approval of Minutes:** The Planning Commission Meeting Minutes Summary dated **February 7, 2023**. Chairman Hubbard called for a motion to approve the Planning Commission Meeting Minutes Summary dated **February 7, 2023**. Commissioner Lemuel Hawkins motioned to **APPROVE**. Commissioner Joyce Walker seconded the motion. The motion was unanimously **APPROVED**.
- V. Presentations: Upcoming Cases Presented by: Mr. Ray White, Planning Director**
TMOD-22-017
SLU22-012
- VI. Old Business: N/A**

Public Hearing(s):

LAND USE PETITION:	TMOD-22-17
PETITIONER:	Planning & Zoning Department
LOCATION:	City Wide
PROPOSED AMENDMENT:	To amend Article 3, Division 5, Stonecrest Overlay Tier 1 and Tier 2, and Section 4.2.26, Extended Stay Motels/Hotels, and Article 9 Definitions of the Chapter 27 Zoning Ordinance

Planning Director Ray White presented **TMOD-22-017**. Mr. Ray White stated that the overlay use table identifies a permitted use and letter reference permitted uses. The reference will be P (permitted use) and SP (special land use permit) application procedure that is specified in Stonecrest ordinance. (Chapter 7-table 3.1)

Table 3.1
Overlay
Use

"Key: P—Permitted use

Pa—Permitted as an accessory Use

SA—Special administrative permit required

SP—Special Land Use Permit (SLUP) required

*Note: Uses permitted in Tiers 5 and 6 of the Stonecrest Area Overlay and the Arabia Mountain Conservation Overlay are determined by the underlying zoning district though the Overlay takes precedence"

Mr. White stated that Article 9 defines Hotel Motel definition as an establishment on providing for a fee sleeping accommodations and customary lodging services.

Stonecrest Article 9 Definitions: Hotel/motel, means an establishment providing for a fee, sleeping accommodations and customary lodging services, including maid services, the furnishing and upkeep of furniture and bed linens, and telephone and desk services.

• **Industry Definition:**

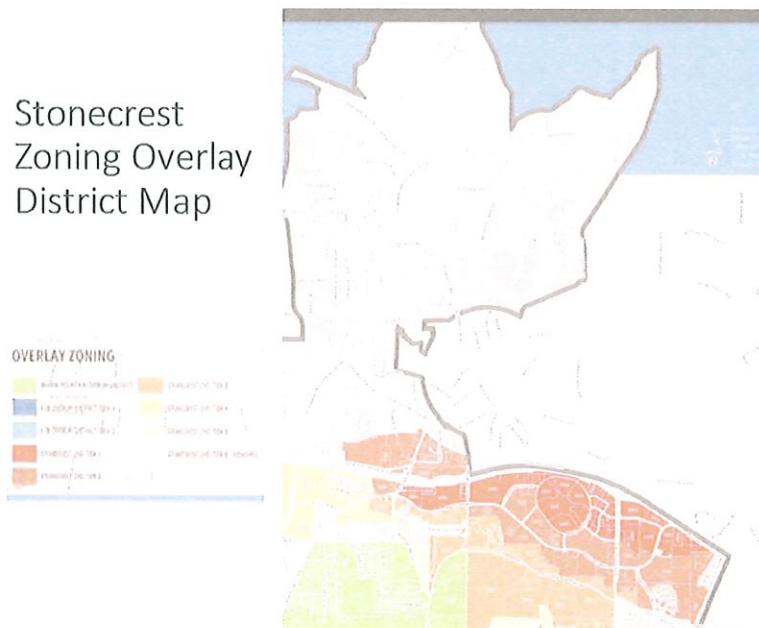
A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, and recreation facilities.

• **Industry Definition:**

An establishment providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Mr. White stated, historically, no Hotels are permitted in the Stonecrest Overlay, which has been the case since Stonecrest was established as a city moving the ordinance from Dekalb to Stonecrest. Mr. White stated that when it comes to Economic Development and opportunity for growth in our city, we need to be considerate of the fact that there is a need for hotel room associated uses for people coming to associated conferences, events etc., at Stonecrest.

Stonecrest
Zoning Overlay
District Map



Stonecrest Overlay Tiers to Permit Hotels Again

- Sec. 3.5.13. High-rise mixed-use zone (Tier I Zone – Hotel Permitted Use).
 - Height: A building or structure in Tier I may exceed the five -story height limit without the necessity of obtaining a SLUP.
- Sec.3.5.14. Mid-rise mixed-use zone (Tier II zone – Hotels requires a Special Land Use Permit).
 - Height: A building or structure in Tier II can have a maximum height of ten stories.
- Extended Stay Motels will not be permitted in the Stonecrest Overlay.

This TMOD is to promote only “Hotels.”



- Article 4, Sec. 4.2.2.26. Use Regulations. No extended stay motel/ hotel may be located within 1000 feet of another extended stay motel/ hotel.

Chairman Hubbard stated he was glad to see that people are recommending the city to develop the Hotel section so the city can have more economic base coming in. *Chairman Hubbard* asked why the applicant needs a Special Land Use Permit (SLUP) if the city is allowing Hotel use.

Director Ray White stated that Tier 1 allows you to build a Hotel without a Special Land Use Permit (SLUP). "As you move away from Tier 1, you start getting into another mix of uses on the edges so that there might be some need to decide on certain kind of conditional circumstances of which we don't see right now. Hotels might need to be more controlled. There were Special Land Use Permits in the concepts earlier on as it moved closer to the residential environments where you start mixing activity. I think that's why they wanted to move it back to you guys to give them some feedback on what you think might be concerned as to how we go about doing this."

Chairman Hubbard asked would there be 3,4, or 5-star hotels if the Overlay is open for hotel development and advised *Mr. White* to include in text that he was not going to do Extended Stay Motels.

Commissioner Hollis stated that she like the idea of hotel development coming to the City of Stonecrest and agreed with *Chairman Hubbard* that an applicant does not need a Special Land Use Permit if the city is allowing the Hotel use, which needs to be noted. *Commissioner Hollis* believes the hotel development would introduce five-star or quality restaurants to the City of Stonecrest.

Commissioner Walker asked did City Council oppose Extended Stays.

Planning Director Ray White stated that a City Councilman mentioned how they've been around the country and witnessed how some Extended Stays were not maintained.

Commissioner Walker pointed out how Extended Stays would benefit the upcoming new company coming to Social Circle, Georgia and would need somewhere near to stay for a few weeks until their homes are built.

Planning Director Ray White stated that the City Council did not exclude extended stays from the city and thinks *TMOD-22-017* was brought forth by the City Council to get alternative opinions and a broader perspective.

Commissioner Walker stated that *Mr. White* gave a different definition of Extended Stays, and most people characterize it as people without a home.

Planning Director Ray White stated that they have been used in that manner.

Commissioner Walker stated that rental properties are expensive, not available and that's why people are looking at Extended Stays.

Commissioner Hawkins wanted further clarification on Extended Stay Motels being within a thousand feet of another Extended Stay Motel and asked was it allowed in the Overlay District.

Planning Director Ray White stated that the separation clause was not supported by some of the Council persons and they were concerned about if it would work. *Mr. White* stated that it was one of those issues that was still somewhat outstanding and need the opinions of the Planning Commission Board.

Commission Hawkins asked does the applicant(s) still have the option of applying for a Variance or an exception.

Planning Director Ray White replied, "If a hardship existed." "Variances are geared toward hardships."

Commissioner Hollis stated that the City Council may be looking at the quality of Extended Stays versus Hotels and have seen that some Extended Stays in certain areas have not been well maintained. She also pointed out that clientele has been transitional when locating housing due to certain circumstances that have deemed them to go to Extended Stay Motels. *Commissioner Hollis* stated that she did not want to see certain types of Extended Stays, but it can be reviewed by quality of experience or satisfaction.

Chairman Hubbard asked those in **support** to speak.

Those in support:

Planner Kierston McMillan spoke on behalf of the constituent, Mrs. Marie Colson, who resides at 6547 Chupp Road who is in favor of TMOD-22-017.

Chairman Hubbard asked those in **opposition** to speak. There were none.

Chairman Hubbard closed the public hearing before going into discussion.

Commissioner Hollis stated that she liked the idea of having a hotel and I would like to see quality brought to the area. *Commissioner Hollis* brought of the fact that Hotels would lend themselves to further growth for the City of Stonecrest, restaurants and other people moving to the city. "As a broker in the area, I see movement in the area where there is growth."

Chairman Hubbard asked for a motion. *Chairman Hubbard* motioned to **APPROVE THE APPLICATION WITH RECOMMENDATIONS THAT THE SPECIAL LAND USE PERMIT (SLUP) REQUIREMENT BE REMOVED.**

Commissioner Brown seconded the motion. The vote was **unanimously APPROVED.**

LAND USE PETITION: SLU22-012
PETITIONER: Dionne Robinson
LOCATION: 7173 Covington Highway, Stonecrest, GA 30058
PROPOSED AMENDMENT: To seek a special land use permit to operate a late-night establishment.

Planning Director Ray White presented **SLU22-012**. “The applicant is Dionne Robinson at 7173 Covington highway. The property is zoned light industrial and has 1.6 acres. The owner of the property is George Grail. This is a Special Land Use Permit for a late-night establishment. The location of the property is in the surrounding parcel located in the City of Stonecrest.”

Location Map



The subject property and all surrounding parcels are zoned industrial either in the City of Stonecrest. The property to the south is General Commercial (C-2) while all the other parcels are zoned light industrial (M)

Planning Commission Office

“This is an aerial photograph of the building.”



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“The actual building in terms of its elevation looks like this.”



“Here is the parking area in which it's located. The development is showing that there's a multi-tenant kind of mini-mall type operation.”



Planning Director Ray White stated, “I can add that staff did meet with the applicant. We had a very lively conversation that was very detailed, emphatic and the applicant was very emotional about their commitment to the property. I received some information from the Code Enforcement Department and my review of that showed that there were several citations that have been given to the applicant over time where the indication is that the police had to come out to the site several times. There was noise emanating, alcohol use and hours that exceeded to not having a late-night establishment designation. This means that they were operating beyond 12:00 midnight. I thought that the discussion we had was very clear, that this is not the case at this point time and that there had been some issues in the past relative to the use of the property. Those things had not emanated outside of the confines of the structure that’s refuted by the Code Enforcement Department. I mentioned to the Chairman and the Director of Code Enforcement that things have not changed in terms of their position with respect to the violations and issues of gaining a required alcohol license from the state, which had not been acquired to have liquor or alcoholic beverages provided for at that location. Code Enforcement believed there was a need to continue the enforcement and that they were not yet in a position to indicate that things were clear. From the Planning and Zoning standpoint, our department cannot move forward if violations are maintained or received to be an issue from the departments in the city.”

Staff recommendation is for denial

Chairman Hubbard asked the *Commissioners* did they have any questions for the *Planning Director Ray White*.

Commissioner Hawkins stated that at one of the public hearings there were people speaking in opposition but does not recall anyone speaking in favor.

Planning Director Ray White stated that the applicant spoke very strongly in favor of the proposal.

Commissioner Hawkins replied, “exclude the applicant.” “I’m speaking of the neighbors.”

Planning Director Ray White stated that he did not recall any neighbors in favor and the record would reflect that there wasn’t anyone who spoke in favor.

Commissioner Hawkins asked *Mr. White* does the applicant has adequate time to obtain the liquor license.

Planning Director Ray White stated that the licensure of businesses operates through the Finance Department who is aware of the time frame associated with the issuance of the license. *Mr. White* stated that he was not sure if there was a definite time, such as sixty or ninety days, that one must acquire the license within that time frame. “It more of an issue. I think of whether a compilation of violations along with that is problematic from an enforcement standpoint.”

Commissioner Hawkins wanted to know when the first public hearing for the scheduled application was.

Planning Director Ray White stated that it was sometime in November 2022.

Chairman Hubbard asked the *Commissioners* did they have any further questions for the *Planning Director Ray White*.

Commissioner Hollis asked was there any location issues with respect to the neighbors or subdivisions.

Planning Director Ray White stated that it’s not directly adjacent to a residential neighborhood.



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Mr. White stated that the Director of Code Enforcement was brought to the scene and had to have authorities come out at any given point to address noise issues and activity levels that would affect other people in the area.

Commissioner Walker asked what was historical about the building or address located at 7173 Covington Highway.

Planning Director Ray White stated that he was not sure but thinks it may have been how the building was being utilized in the past.

Commissioner Walker pointed out that when police were called several times, why wasn't the building closed until the problems were solved.

Planning Director Ray White stated that he would have to get a report from the Code Enforcement Department on that determination and recalls when the applicant (s) met with authorities to quell or overcome the disturbance issues. Also, *Mr. White* stated that he relied on the staff to do their duty and the applicant (s) was aware of what happened on the site.

Commissioner Hawkins pointed out a few suggestions that the applicant (s) meet with Planning Staff to get a detailed list of items needed to complete their application, return with an alcohol license application and to get clarification of the next meeting date.

Planning Director Ray White stated that the staff did meet with applicant (s) about their issues, concerns and reached back out to the Code Enforcement Department who gave further documentation on what they felt were the concerns. *Mr. White* stated that the applicant (s) would have to speak to the courts regarding the licensure because some things happened prior to this meeting. *Mr. White* also stated that the applicant (s) moved to get the license the last time he spoke to them.

Commissioner Hollis asked *Mr. White* when the violation was cited, was the other incident prior to previous incidents or was it the same incident when Code Enforcement came out.

Planning Director Ray White stated that he spoke to the Code Enforcement Director about the constant concerns and activity who stated that there wasn't any activity coming from the property. *Mr. White* brought of the fact that the applicant mentioned issues that prevented them from operating.

Commissioner Hollis asked was the business closed.

Planning Director Ray White stated that the business had not been shut down and understood Code Enforcement operational functions of the business.

Commissioner Hollis asked was the applicant still catering events and using their kitchen to prepare food.

Planning Director Ray White replied, "Not to my knowledge but they have a restaurant nearby."

Commissioner Hollis wanted to know can the applicant (s) have a restaurant at the location and exclude the event center.

Planning Director Ray White stated that the applicant (s) have a restaurant and that they were providing resources to the event center.

Commissioner Hollis wanted to know the location of the restaurant. *Mr. White*, replied, "It's about five miles away."

Chairman Hubbard pointed out that the applicant was applying for a Special Land Use Permit (SLUP) so they can operate as a late-night establishment and asked did the applicant meet with the Planning Department to address the concerns that were recommended by Commissioner Hawkins at the previous meeting.

Planning Director Ray White replied, "Yes," and stated that the applicant was very direct about their concerns and felt there were some undue enforcements taking place against them. *Mr. White* pointed out that this was a Code Enforcement issue that seemed to have gotten enlarged and the applicant (s) were expressing their concerns.

Chairman Hubbard stated that he can appreciate getting the knowledge from Code Enforcement, which is enforcing the law and the Judicial System would have to deal with Code Enforcement violations. One would go before the court if they got a fine and pay the city for violating the law or ordinance. Also, *Chairman Hubbard* asked did the applicant pay for the Special Land Use Application (SLUP).

Planning Director Ray White stated that the Planning Department advised them to pay so the application can be processed but the applicant (s) had citation issues that stopped the application from going forward. *Mr. White* stated that land use requirements prohibit anything, but the city will provide approval if the applicant meets requirements.

Chairman Hubbard asked *Mr. White* would he recommend approval if the applicant (s) complied.

Planning Director Ray White stated that the applicant would get approval if they met the regulations.

Commission Hollis asked what responsibilities the City of Stonecrest has in terms of maintaining the facility.

Planning Director Ray White stated he was not sure and if the facility was on a national historical register, it would be eligible for protection and funding from the federal government. *Mr. White* stated that the facility would be required to meet the code and bring those efficiencies up to standard.

Chairman Hubbard asked the applicant to come forward.

Spoke-in-person: Applicant, Chef Tony stated since October 2022, they were sent emails that gave them permission to hold their events. The applicant stated that they completed the two items requested by the Finance Manager, Mr. Hawkins, and spoke with Mr. White at the Planning and Zoning office. He also mentioned he just spoke with Mr. White yesterday regarding the liquor license.

Spoke-in-person: Applicant, Dionne Robinson stated that she was confused and was given permission by former Senior Planner, Keedra Jackson, to have their events from October 2022 – December 2022. Mrs. Robinson stated that she called the City of Stonecrest almost every day to make sure they followed the agreement until the end of the year and had email correspondence from October and November regarding the matter. The fine was paid for the two violations in October 2022. On November 19, 2022, she came by the office to speak with Ms. Jackson, and they were cited for violations that same night. The citation was deferred by the court administration since it was an ongoing situation with the Planning Commission. The applicant stated they have started the liquor license process and have complied with everything.

Chairman Hubbard asked did the applicant have a receipt for the October 2022 citation and did they have events past midnight.

Spoke-in-person: Applicant, Dionne Robinson stated that she's been at the banquet hall facility for over a year and has not had any problems with the police.

Chairman Hubbard asked for the record did the applicant have any outstanding citations, past due fees or the event center staying open past 12:30a.m. with the City of Stonecrest.

Spoke-in-person: Applicant, Dionne Robinson stated that the City of Stonecrest court Judge deferred the November 2022 citation until the issues were solved with Planning Commission.

Commissioner Hollis asked Mrs. Robinson was there extended hours past 12:30am.

Spoke-in-person: Applicant, Dionne Robinson stated that their business had about eight reservations that were cancelled because the facility could not operate past 12:30a.m. They haven't had any business since November 2022. She applied for the Special Land Use Permit (SLUP) October 2022, which was a day after the first citation.

Commissioner Hollis asked the applicant do they have a lease agreement and what were the terms of that agreement. Applicant, Dionne Robinson replied, "Yes, three years."

Commissioner Hollis asked the applicant do they still have to pay the terms of lease if the SLUP application is not approved. Applicant, Dionne Robinson replied, "Yes."

Commissioner Hollis asked was the serving of liquor without a license a complimentary to the customer or client (s).

Spoke-in-person: Applicant, Dionne Robinson stated it depends on the event.

Commissioner Hollis asked was the serving of alcohol in the lease agreement.

Spoke-in-person: Applicant, Chef Tony stated that no events have occurred since December 2020.

Spoke-in-person: Applicant, Dionne Robinson stated that they must ensure their customer's events, which include alcohol.

Commissioner Hollis asked was alcohol sold at events or was it just for special occasions.

Spoke-in-person: Applicant, Chef Tony stated there was no selling of alcohol at their events.

Commissioner Hollis asked the applicant (s) do they have clearance from the city whether alcohol was permitted or not.

Spoke-in-person: Applicant, Dionne Robinson stated that they were just leasing out those hours. They did know they had to pay seven thousand dollars for an alcohol license because they were not the ones having the event specials.

Commissioner Hollis asked how the liquor license process takes place if the applicant let someone lease or rent the property for that day.

Spoke-in-person: Applicant, Chef Tony stated that they would have to purchase the liquor license from the state. *Commissioner Hollis* replied, "Understood."

City Attorney Alicia Thompson wanted to address some procedural points:

1. Open up the floor for public hearing for the case presented **SLU22-012**
2. Make sure someone was timing the responses of the individuals that are for and against the matter.

Chairman Hubbard stated that the Planning Commission can approve or deny but informed the applicants that City Council determines the final approval.

Chairman Hubbard asked those in **support** to speak. There were none.

Chairman Hubbard asked those in opposition.

Those in opposition:

Spoke-in-person: Tara Spann who resides in Wellington Chase that's across the street from the event facility stated that she has been in the hospitality industry for over twelve years and has experience with hotel/motels. Ms. Spann stated that she recalls in the January meeting that the applicant (s) stated that they were selling tickets in exchange for the alcohol.

Ms. Spann stated that the residents in the area were not aware of the extra noise, traffic and the event facility operating in the early hours of the morning. She pointed out that since Code Enforcement and other people got involved, the neighborhood is quiet with less traffic, drag-racing, etc. *Ms. Spann* stated that the city is bringing in hotels and restaurants but is neglecting that area of Covington Highway, which already has three gas stations next to each other. She feels that putting a late-night establishment in that area until 3am would bring on loud music and heavy car traffic. She also mentioned that many of the residents have been in the Wellington Chase subdivision since it was built and did not buy their homes to live next to a late-night establishment. *Ms. Spann* and the residents in the area are not against new development but feels that late-night establishments need to be near Stonecrest Mall.

Chairman Hubbard closed the public hearing before going into discussion.

Commissioner Brown wanted further clarification as to why the applicant is required to obtain a liquor license since the applicant is not providing the alcohol to the client who is renting the space.

Chairman Hubbard stated that the Robinson's were at the Planning Commission to get a "Special Land Use Permit" (SLUP) recommendation.

Commissioner Brown stated that it was recommended in the previous meeting that the applicant (s) get a liquor license as part of their process, which is costing them more money. "What are the baseline requirements for the applicant to submit and being considered their Special Land Use Permit (SLUP) for that space."

Chairman Hubbard stated that the applicant was told to get an alcohol license if they were going to sell alcohol, which is required by the state, county and city. He stated that the applicant was at the Planning Commission to extend the hours to become a late-night establishment staying open past 12:30a.m., which has nothing to do with the alcohol license. *Chairman Hubbard* stated that the purpose for the meeting was to address the concerns that Commissioner Hawkins pointed out at the February 7th Planning Commission Meeting and the city has come forth with recommendations.

Commissioner Hollis asked has there been any mention that the applicant does not have to get a liquor license and why was it necessary to have a liquor license if the establishment is not a night club.

Chairman Hubbard stated that the city is not saying the applicant need a liquor license but if you're selling liquor, you need to have a license, which is required by the law. He stated that the Planning Commission was not there to debate a liquor license. The applicant's establishment is considered a special event use and they will have to submit a Special Land Use Permit (SLUP) to operate their business past 12:30a.m. Also, he stated that the violations in the past have been paid and a ticket has been deferred.

Commissioner Hawkins asked did the applicant (s) meet with the Planning Staff to address the items or concerns mentioned in the February 7th Planning Commission Meeting. *Commissioner Hawkins* stated that he will be following the recommendations from staff.

Commissioner Brown mentioned that Code Enforcement gave their opinion based on the activity from previous activities that occurred at the event space but it seems like those violations has been solved based on the November meeting being deferred. She went on to say that it seems like the issue is the operating hours that's causing them to get cited and events going past midnight is why they're asking for this special land use permit. "I'm not quite understanding the recommendation of saying no based on previous activity occurring and not being addressed when it seems it has been addressed. That's my confusion."

Planning Director Ray White stated that he spoke with the Director of Code Enforcement earlier and asked him to verify additional and ongoing violations. Mr. White stated that Code Enforcement replied, "They're not going to do anything other than what they've been doing. Code Enforcement has come out many times in the past consistently and he did not want to continue citing them over again."

Planning Director Ray White stated that he assumed that the willingness to continue what was being done was enough for him to feel like the citations just stood in terms of the property being managed improperly. "He didn't have any confidence apparently that would change."

City Attorney Alicia Thompson stated that there was some confusion around alcohol licensing and how it works for event centers. *Attorney Thompson* stated that the licensing should be tied to who's selling the alcohol. If there is an establishment that is selling alcohol, they should be licensed to sell the alcohol. If there's an event, whoever is hosting that event, should be licensed to sell alcohol.

Chairman Hubbard stated that one of the Commissioner's question was does the applicant (s) have to have an alcohol license to operate in a Special Land Use Permit (SLUP).

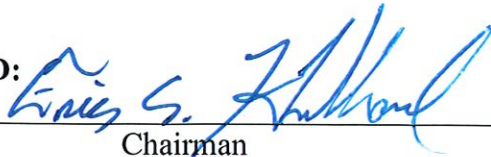
"I informed him that Special Land Use Permit (SLUP) to stay open past 12a.m. has nothing to do with a liquor license unless you're selling alcohol. If they're not selling alcohol, they can be open until 2:00a.m. To follow the laws, you have to have a Special Land Use Permit (SLUP) because you can only stay open until 12a.m. without that Special Land Use Permit (SLUP). I'm saying your Special Land Use Permit (SLUP) is not contention on you to have an alcohol license."

City Attorney Alicia Thompson stated that Chairman Hubbard's answer was correct. "If you're not going to serve alcohol, you wouldn't need an alcohol license. If you're serving alcohol, you would." Attorney Thompson stated that she can provide some research when the case goes before City Council.

Chairman Hubbard asked for a motion. *Commissioner Hollis* motioned to **APPROVE THE APPLICATION (SLU22-012)**. *Commissioner Brown* seconded the motion. The vote was **unanimously APPROVED**.

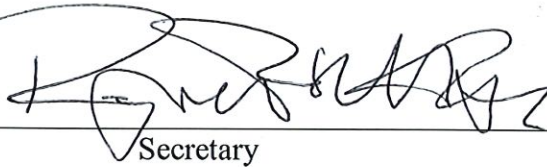
- VII. **Adjournment:** Chairman Hubbard motioned to adjourn the meeting. Ms. Hollis seconded the motion. The meeting was adjourned at 7:52PM.

APPROVED:


Chairman

06-26-2023
Date

ATTEST:


Secretary

11-July-2023
Date