

PLANNING COMMISSION MEETING MINUTES SUMMARY
Stonecrest City Hall - 6:00 PM **Spoke-in-Person Meeting*
January 3, 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 lillian.lowe@stonecrestga.gov by noon the day of the hearing, June 7, 2022. 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. Commissioners Joyce Walker (District 2), Pearl Hollis (District 4) were present. Commissioners Stefanie Brown (District 1) and Lemuel Hawkins (District 5) were absent. There was a quorum.

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 Walker seconded the motion. The motion was unanimously **APPROVED**.

IV. Approval of Minutes: The Planning Commission Meeting Minutes Summary dated November 8, 2022. Chairman Hubbard called for a motion to approve the Planning Commission Meeting Minutes Summary dated **November 8, 2022**. Commissioner Hollis motioned to **APPROVE WITH NECESSARY CORRECTIONS**. Chairman Hubbard seconded the motion. The motion was unanimously **APPROVED**.

V. Presentations: Upcoming Cases Presented by Ms. Keedra Jackson, Deputy Director
➤ **SLU22-012**
➤ **SLU22-015**

VI. Old Business: N/A

Public Hearing(s):

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

Deputy Director Keedra Jackson presented **SLU22-012**. “The petitioner is Mrs. Dione Robinson. The property is located at 7173 Covington Highway, Stonecrest, GA 30058. The zoning is light industrial and the acreage of the property is 1.6 acres. The owner is George Grell. The applicant is requesting a Special Land Use Permit to be a late night establishment.”

Below is a bird's eye view of the property”

Aerial Map



Zoning Map



“The property has an odd shape. The subject property is broken down by suites so the access is from Covington Highway and you have the shared driveway that comes through the property.”

“Here is the driveway/slash facade of the property. You have different suites to access the different businesses and you have the driveway. This is the rear view of the subject property looking forward and to the north of the property. This is another elevation of the the late night establishment.”



SLUP-22-012 Front Facade



SLUP-22-012 East View



STAFF RECOMMENDATION

“Based on our findings, conclusions and conversations with the applicant, staff has moved to the decision to deny the application.” (SLUP-22-012)

Chairman Hubbard asked the Board of Commissioners did they have any questions for Deputy Jackson.

Commissioner Walker wanted to get a better understanding of staff's recommendations to deny application. (SLUP-22-012)

Deputy Director Keedra Jackson stated, "We're just stating that based on the findings, speaking with the applicant and attending the CPI meeting lead us to a conclusion of a denial. It appears that the applicant does not meet all of the criteria for the approval. Therefore, staff is recommending denial of this application."

Chairman Hubbard asked the applicant to come forward.

Spoke-in-person: Applicant, Dione Robinson stated that she applied for a business license to have an event space last year and visited the City of Stonecrest several times inquiring about the application process to operate an event space. She stated that her original application states that they will have gatherings or parties for the community that will be after 12:30a.m. This was granted with the application, the Fire Marshall conducted their inspection and she thought everything was approved. In October 2022, Code Enforcement came to look around the location due to a complaint.

Mrs. Robinson stated she got something in the mail and her husband contacted Code Enforcement, Mr. Ferrell, who came to visit the location. She asked him was there any issues they needed to know about. After that, they had a meeting on the phone with Code Enforcement who told them if they have events beyond 12:30am, they should apply for a Special Land Use Permit (SLUP). Mrs. Robinson stated they have clients that have booked event spaces from October through December and the Planning and Zoning Department gave them permission in writing to continue until 3am in the month of October.

She also stated that Mrs. Keedra Jackson told her that she could move forward until December and redo another written statement that states they can continue with the events that were already planned. "I brought in my calendar and she told me we would do them one at a time. In the month of November, we had about four or five events. I submitted my dates and she told me that she would get back with me to go over and review what we need to do. On November 9, 2022, I called the City of Stonecrest and told them we would be here at the establishment. Code Enforcement was sent out again and I felt very violated. In December, Mrs. Keedra Jackson told me to send in the event dates and she was working with me. During December, I received the other citation for my daughter's birthday event and that's when the judge told me stop doing events until we come to some conclusion. Initially, the statement of a nightclub is labeled to the event space, which is pre-existent."

Chairman Hubbard stated, "You have an event center but you want to operate as a late-night establishment past 12:00a.m."

Spoke-in-person: Mrs. Robinson stated they have some events past 12:30a.m. She mentioned that they have police reinforcement, sheriffs on sites, full team of security for the area, licensed bartenders and insurance for each event. She stated that they try to stay in compliance with the City of Stonecrest. They have 2 or 3 events weekly but not on a daily basis.

Spoke-in-person: Chef Tony wanted to be clear that the event space was not a club. He stated that it was a simple event space where people come in to rent for parties. There are no events scheduled on Mondays, Tuesdays and Thursday. They have fish fry events on Wednesdays and people rent the spot for Fridays and Saturdays. Chef Tony said he was being penalized and felt that Code Enforcement officer, Mr. Ferrell did him wrong by citing him for party events that was not even his event. He stated his business name was “Chef Tony's Jamaican and American Cuisine Catering” where the community host their events and they ask him to sell food at their events. Chef Tony expressed more concerns he had with Code Enforcement and the City of Stonecrest.

Chairman Hubbard asked Chef Tony was he applying for a Special Land Use Permit (SLUP).

Spoke-in-person: Chef Tony stated, “We want to apply but what other applications do we need. Ms. Jackson’s point of view was to deny.” Chef Tony further explained that the parcel listed at 7173 Covington Highway was not a night club but an event space.

Virtual- City of Stonecrest Attorney Alicia Thompson wanted to remind everyone and for the meeting minutes that the Robinson family time has gone over 10 minutes.

Commissioner Walker stated that it seems like the Robinson application process was a misunderstanding and wanted to know who spoke to them when they started their application.

Spoke-in-person; Applicant, Dionne Robinson stated that she spoke to an older lady in the Planning and Zoning Department several times who eventually gave her a Special Land Use Permit (SLUP). Mrs. Robinson stated she was not sure about the information needed for the application so she came back to the Planning and Zoning Department and the older lady told her she had the wrong application and gave her a special permit application. She stated that everything went well when she completed another permit application for Chef Tony all-white party that took place July 27th.

Spoke-in-person: Chef Tony stated they were told that if they we're going to operate after 12:30a.m., they needed to apply for the Special Land Use Application (SLUP).

Commissioner Hollis stated they must comply with what the law states when serving alcohol. “The City of Stonecrest and the State of Georgia requires you to have to a liquor license in order to have alcohol beverages on the premises.”

Spoke-in-person: Applicant, Dionne Robinson stated, “We was in the process of obtaining the liquor license but it would be pointless if the SLUP application was denied.”

Commissioner Hollis asked was the process of getting a liquor license still in effect and was it clear they want a late-night establishment. Mrs. Robinson replied, “yes.”

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

Spoke-in-person: Caroline Graham stated there are residents that live near the proposed late-night establishment where parties have gone pass 5:00a.m. in the morning. She stated that residents in the area cannot sleep because of the loud music.

Chairman Hubbard asked did the community have a meeting.

Spoke-in-person: Caroline Graham stated they attended the December 13th CPIM Meeting.

Spoke-in-person: Tara Spann who resides in Wellington Chase stated they was aware of the restaurant but had no idea the Robinson’s was operating an establishment; such as a nightclub, restaurant or a late night establishment that was operating after 12:30a.m. intentionally with alcohol and DJs. She stated that she lived right across the street from the Robinson’s establishment and the parties had gotten worse during Covid.

Ms. Spann stated, “The community is not against businesses. Late-night establishments should not be in a residential community. This establishment should be taken to an area closer to the mall where you have other restaurants that stay open in that time frame. We’re asking you to keep the intersection of Covington Highway and Lithonia Industrial more residential and bring in businesses that are going to benefit the residents.”

Spoke-in-person: Tanya Green who resides at 6446 Wellington Chase Court stated she is in opposition but support local businesses. She stated a late-night event should not go past 12:30a.m. and does not want the loud music to attract negative publicity. “We already have a liquor store next door and a gas station across the street, which is a lot to consider. A late-night establishment is not good for the residents of Stonecrest.”

Chairman Hubbard closed the public hearing before going into discussion.

Commissioner Hollis stated that the staff has recanted their denial and they will work with the clients with respect to their application to ensure that they are in compliance. Commissioner Hollis also stated the noise ordinance need to be enforced in order to prevent the peace and quiet of their neighbors who are trying to sleep.

Chairman Hubbard asked for a motion. Chairman Hubbard motioned to **RECOMMEND TO DEFER TO THE NEXT PLANNING COMMISSION MEETING WITH RECOMMENDATIONS FOR THE APPLICANT TO MEET WITH THE COMMUNITY AND THE CITY OF STONECREST PLANNING AND ZONING DEPARTMENT.** Commissioner Hollis seconded the motion. The vote was **unanimously APPROVED.**

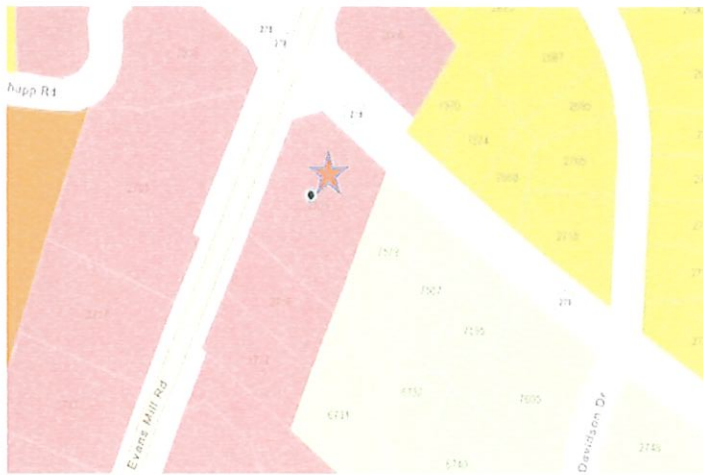
LAND USE PETITION: SLU22-015
PETITIONER: Jim Gamble
LOCATION: 2708 Evans Mill Road, Stonecrest, GA 30058
PROPOSED AMENDMENT: To seek a special land use permit to operate a drive-thru restaurant

Deputy Director Keedra Jackson presented **SLU22-015**. “The applicant is Jim Gamble. The location is 2708 Evans Mill Road. The property is C-1 (General Commercial) and is located in the Stonecrest Area Overlay Tier 2. The acreage is 1.03 acres. The owner is Harbor Capital, LLC The request is a Special Land Use Permit for a Drive-Through Restaurant. The applicant is coming before you to request a Special Land Use Permit (SLUP).drive-through facility. Staff is recommending approval of the Special Land Use Permit for the drive-through restaurant. They've met all of the criteria. On December 13th, they did meet with the community to express some concerns as far as Ingress and egress. Many of the applicants or the community did show some favor of this development. The applicant did speak on the peak hours of the restaurant and I'll allow the applicant to get more into that.”

Staff is recommending approval with conditions

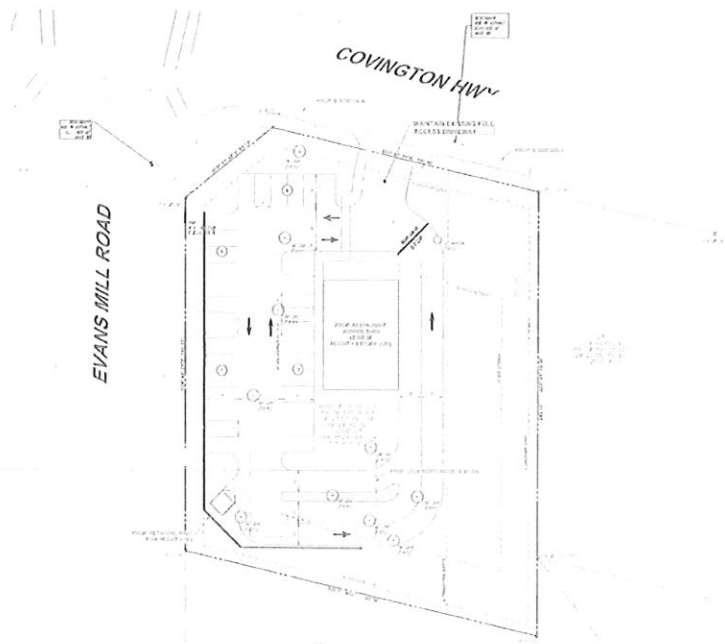
1. The Special Land Use Permit shall be valid as long as the Boston Market is the operator
2. The applicant shall install sidewalks along the front edge on Covington Highway and Evans Mill Road.

Zoning Map



Section 4.2.23- Drive-thru facility, Restaurant

- Drive-through facilities shall not be located within 60 feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed use development.
 - B.
- No drive-through facility shall be located on a property less than 10,000 square feet in area, unless part of a mixed use development. Stacking spaces for queuing of cars shall be provided for the drivethrough area as required in [article 6](#) of this chapter.
 - C.
- Drive-through lanes and service window serving drivethrough lanes shall only be located to the side or rear of buildings.
 - D.
- Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.



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Chairman Hubbard asked the applicant to come forward.

Spoke-in-person: George Shield who is the Sr. Vice President of Pavillion Development stated they will lease the property to Boston Market and it will be a corporate operated store. Mr. Shield stated it was an important designation that the quality standards that go along with this type of business and corporate stores are a lot stricter on quality standards most of the time. Mr. Shield stated that Mrs. Jackson was extremely helpful to him when talking about the use, preparing his site plan and laying out the process. He mentioned that Boston Mark is a great tenant to have in a community, a healthy food alternative and a very positive economic enhancement in the area.

Commissioner Hollis asked was Boston Market a drive-through only and George Shield replied, “no”

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

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

Those in opposition

Spoke-in-person: Carolyn Graham stated the community was happy that Boston Market was coming to the city but was concerned about the traffic and was a traffic study done due to the traffic backup on I-20, Evans Mill Road and Covington Highway.

Spoke-in-person: Tanya Green stated they are excited about the new establishment but is concerned about new establishments or businesses coming to the city not maintaining the property.

Spoke-in-person: Alfreda Sims who resides in Wellington Chase stated she does not have a problem with Boston Market coming to the City of Stonecrest but her concern is making sure they maintain the property.

Spoke-in-person: Carolyn Graham stated that she was more concerned about what's going on between the Family Dollar on Covington Highway down towards the BP Gas Station and the Boston Market.

Spoke-in-person: George Shield stated, "The traffic volume at that intersection is about 57 cars a day. We only need 2% of those cars to pull in. We're just trying to capture a piece of the business that's already there. Boston Market is more of a local market. I really do understand your concern for cleanliness.

Chairman Hubbard closed the public hearing before going into discussion.

Chairman Hubbard asked for a motion. Commissioner Walker motioned to **RECOMMEND APPROVAL OF THE APPLICATION TO CITY COUNCIL WITH CONDITIONS ATTACHED BY THE PLANNING DEPARTMENT**. Commissioner Hollis 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 7:01PM.

APPROVED:  02-07-2023
Chairman Date

ATTEST:  02-07-2023
Secretary Date