

PLANNING COMMISSION MEETING MINUTES SUMMARY
Stonecrest City Hall - 6:00 PM *Spoke-in-Person Meeting
August 2, 2022



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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.love@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 Stefanie Brown (District 1), Joyce Walker (District 2), Pearl Hollis (District 4) and Lemuel Hawkins (District 5) were present. There was a quorum.

Senior Planner Keedra Jackson, MPA, 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**. Ms. Hollis motioned to **APPROVE THE AGENDA**. Ms. Walker seconded the motion. The motion was unanimously **APPROVED**.
- IV. **Approval of Minutes: The Planning Commission Meeting Minutes Summary dated July 5, 2022.** Chairman Hubbard called for a motion to approve the Planning Commission Meeting Minutes Summary dated July 5, 2022. Ms. Hollis motioned to **APPROVE**. Chairman Hubbard seconded the motion. The motion was unanimously **APPROVED**.
- V. **Presentations: Upcoming Cases Presented by Ms. Keedra Jackson, Senior Planner**
 - **RZ-22-002** - The property is located at 2300, 2330, 2368, 2376 South Stone Mountain Lithonia Road and 1801 Coffee Road for rezoning- to allow for the construction of three-building warehouse development to include truck parking.
 - **RZ-22-004** - The property is located at 7301 Stonecrest Concourse, Suite 123 for rezoning
 - **RZ-22-005** - The property is located at 3266 Hayden Quarry Road and 7407 Hayden Quarry Road for rezoning-to develop 55 single-family attached townhomes
 - **RZ-22-006** – The property is located at 2975 Evans Mill Road for rezoning - comprehensive land use change from City Center to Light Industrial.

VI. Old Business: None

1. Public Hearing(s):

LAND USE PETITION: RZ-22-002
PETITIONER: Nick Faber of IDI Logistics
LOCATION: 2300, 2330, 2368, 2376 South Stone Mountain
Lithonia
Road and 1801 Coffee Road
PROPOSED AMENDMENT: To rezone subject properties from M (Light Industrial) and M-2 (Heavy Industrial) to M (Light Industrial) for the amendment of zoning conditions CZ-81143: #7, 10, 11, 14, and 17 to allow for the construction of three-building warehouse development to include truck parking.

Ms. Jackson presented **RZ-22-002** – The petitioner is Nick Faber. The property is located at 2300, 2330, 2368, 2376 South Stone Mountain Lithonia Road and 1801 Coffee Rd. It is in council district 1. The acreage of the property is 205.12 acres. The existing zoning of these properties are light industrial and heavy industrial. The applicant is seeking to rezone the properties to light industrial. The comprehensive plan is showing the subject properties to be heavy industrial. The proposed development request is to resume the subject properties from M2 to light industrial for the development of three warehouse buildings. Staff recommends approval with conditions.

Background of the case, we have two of the five total parcels that comprise the subject property were rezoned in November of 1981. The property was then located in the unincorporated DeKalb County. At that time, the property was rezoned from R100 to light industrial and M2 heavy industrial zoning districts pursuant to the zoning,

Ms. Jackson spoke on five conditions that are being amended or shall be amended. The first is condition number 7 is the height of any building located on the side shall not exceed 40 feet, condition number 10 all buildings shall use earth tone colors the same being defined as colors which shall attempt to blend with the landscape and foliage located on the property, condition number 11 the fronts of any and all buildings constructed on the property shall use some brick, veneer, stone, wood or a mixture of some of the same materials, condition number 4 access to the site shall be limited to the Stone Mountain Lithonia Road or Coffee Road and no street shall be connected to any existing street or future street which runs or is to run through any adjacent residential zoned property. This paragraph does not apply to Coffee Road and the last condition is number 17 a cyclone fence of not less than six feet in height shall be placed on the north and west property lines of the subject property.

Here on the screen this is the aerial view of the property. It is outlined in red with the red star. Here is another view of the properties in question. At the last meeting, we had to defer the case until the applicant updated the legal district description of the property as well as the deed. They have since done that and staff has re-advertised the case to reflect the correct acreage. Again, we have the correct legal description of the property. This is our existing zoning map of the subject properties. Now, I have two stars here but it is a total of five. This is what the proposed use would look like once the properties are rezoned. If the Board of Commissioners chooses to approve this petition, it will show all the parcels being combined as one.

Here is a worksheet that reflects the parking request in case we get into the conversation of parking. They are meeting parking requirements and here you have a breakdown of how many parking spaces that each building will have. Building 1 is a proposed 228 parking, building 2 will have a proposed 120 parking spaces and building 3 is proposed for 99 parking spaces. This does not include trailer parking. There could be a future increase depending on the end user that is selected for this building. However, the applicant is aware that they will stay in compliance with the parking rates. This is the site plan showing the 3 buildings, which is the layout. You have building 1, 2 and 3. The standards and the criteria that staff went by into producing our recommendation and our analysis of the case stems from section 7.3.1 of the zoning ordinance. There are eight factors that staff had to consider in order to provide an in-depth technical review of this application and based on the application staff has recommended approval with a total of 20 conditions.

Ms. Jackson read the conditions into record. Ms. Jackson excluded condition number 18 (there shall be a cyclone fence of not less than 6 feet in height shall be placed on north and west property lines of said property in addition to the 75 feet vegetation buffer).

Ms. Jackson added a condition (the applicant is to produce a performance bond compliant to the Stonecrest regulations) and stated that the amount has not been set but is pending once The Planning Commission receive calculations of the sidewalks so that amount shall be either produced at city council.

Chairman Hubbard thanked Ms. Jackson and asked the Board of Commissioner did they have any questions for Ms. Jackson.

Commissions Hawkins stated that “it’s pretty simple” that the applicant is seeking to rezone the properties to light industrial but was missing the last 3 conditions in the packet.

Commission Hubbard asked Ms. Jackson if she had an extra copy of conditions.

Ms. Jackson apologized that the 3 conditions were not in the packet and there were some last-minute changes made but will give the Commissioners an updated copy after the meeting.

Chairman Hubbard ask Ms. Jackson if the applicant was present.

Ms. Jackson replied “yes.”

Chairman Hubbard asked the applicant to come forward.

Spoke-in-Person: Ms. Kathy Zucker with Gambrell & Russell, 1105 West Peachtree Street, Atlanta, Georgia came forward and presented on behalf of the applicant. Mr. Nick Faber of IDI Logistics. Ms. Zucker thanked Commissioner Hawkins about mentioning the last 3 conditions that were missing and stated she did not have them either. Ms. Zucker stated that she has worked very closely with Ms. Jackson and that she has done an excellent job of communicating with Gambrell & Russell, LLP about what those conditions are and will be. Also, Zucker stated that they we agree with the conditions and will try to get Ms. Jackson a figure on those sidewalks before city council. They have committed to a performance bond to make sure they go in in whatever amount that might be. So, whether we have the amount or not of virtue of the way that the condition is worded now it should cover the circumstance so that you all are protected. Ms. Zucker went on to say that she highly doubts there would not be a default with their client, Mr. Nick Fabor of IDI Logistics. Ms. Zucker stated that Ms. Jackson did a thorough job in presenting this case but wanted to emphasize a couple of factors. The first property was zoned for the first time in 1981 in Dekalb County and it was zoned both heavy and light industrial. Ms. Zucker thought it was helpful for the community to down zone the heavy industrial component of it, which is an area where it is supposed to be industrial development. Ms. Zucker stated, “It is in compliance with your land use plan but there are still neighborhoods in the area. Light industrial, the softer industrial uses go a whole lot better than do the heavy industrial potentials, which could have gone on the site before. We are making the circumstance better.”

The Chairman asked the Commissioners did they have any questions for the applicant.

Commissioner Hawkins asked was the development going to be phased.

Spoke-in-Person: Ms. Kathy Zucker stated, “They anticipate building all three at once so that the construction will occur and be done so it is not going to be staggered over time.”

Commissioner Walker stated, “with these three warehouses coming up like that you only had one person from the community.”

Spoke-in-Person: Ms. Kathy Zucker stated, “only one person showed up and spoke at the community information meeting.”

Commissioner Hollis asked was he the president of the homeowner association.

Spoke-in-Person: Mr. Benard Knight stated, “He does not represent the applicant but represent Mr. and Ms. Kelly who is the owner of the property. Mr. Knight believe the gentleman in question is Mr. Darian Senior who is the executive director or president of the homeowner’s association at Rogers Crossings. He is also on the Stonecrest Transportation Advisory Committee. Mr. Knight stated his client, Mr. and Ms. Kelly, have years past reached out to Mr. Darian Senior and the homeowner association whom they have had a good relationship with. They see his interest and think his approval of the project as a continuation to move forward.”

Commissioner Hollis asked does the dark green represent the buffer lines in the developmental drawings.

Spoke-in-Person: Ms. Kathy Zucker replied, “that’s the creek.”

Commissioner Walker asked did Gambrell & Russell, LLP have anything to do with the preservation of constitutional rights, which is located on page 9.

Spoke-in-Person: Ms. Kathy Zucker stated they file preservation of constitutional rights as part of an application, which is a standard thing to do. Ms. Zucker states,” that when you file a rezoning application, there is always the possibility that if the application gets turned down. There may end up being litigation between the parties that is back to play. If that kind of an objection is not made as part of the application, that right is forfeited. It goes in as a matter of course even though 99% of the time it is never used.”

The Chairman asked those in support to speak. There were none in support.

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

The Chairman closed the public hearing before going into discussion.

The Chairman asked for a motion. Commissioner Hawkins motioned to **APPROVE THE APPLICATION WITH CONDITIONS SUBMITTED BY THE PLANNING STAFF**. Ms. Hollis seconded the motion. The vote was **unanimously APPROVED**.

VII. New Business:

LAND USE PETITION:	RZ-22-004
PETITIONER:	592 Lounge, LLC – Calvin Chan
LOCATION:	7301 Stonecrest Concourse, Suite 123
PROPOSED AMENDMENT:	To seek a rezoning from the C-1 (Local Commercial Business) Stonecrest Overlay Tier 3 to the C-1, Stonecrest Overlay Tier 1 to allow for a late-night establishment.

Ms. Jackson presented **RZ-22-004** -The property is located at 7301 Stonecrest Concourse. *Ms. Jackson* stated that staff is changing recommendation to deferral on this case. The applicant was not able to attend the Community Planning Information Meeting. So therefore, staff will allow him more time to address those that had questions at the July 26th meeting for this applicant. The staff would like to defer it to the next hearing, which will be September 6th.

The Chairman asked the Commissioners did they have any questions for the applicant. The applicant was not present.

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

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

The Chairman closed the public hearing before going into discussion.

The Chairman asked for a motion. The Chairman motioned to **DEFER THE APPLICATION TO SEPTEMBER 6TH MEETING**. Ms. Hollis seconded the motion. The vote was **unanimously APPROVED**.

LAND USE PETITION:	RZ-22-005
PETITIONER:	Dossey, LLC, c/o Battle Law PC
LOCATION:	3266 Hayden Quarry Road and 7407 Hayden Quarry Road
PROPOSED AMENDMENT:	Is seeking to rezone the subject properties from R100 (Residential Medium Lot) to MR-1 (Medium Density Residential) to develop 55 single-family attached townhomes to be owned fee simple on +/- 6.9 acres of land being Tax Parcel Nos. 16 182 03 001 and 16 182 02 003 having frontage on 3266 and 7407 Hayden Quarry Road.

Ms. Jackson presented **RZ-22-005** –*Ms. Jackson* stated she would give a brief summary of the case but the applicant had his own presentation he would like to share. The applicant is Dorsey, LLC, in care of Battle Law, PC. The owners are Thomas W. Poole, Chad Johnson, and Patricia Johnson. The property is located at 3266 Hayden Quarry Road and 7407 Hayden Corey Road. The parcel numbers relating to these addresses are on your screen. The property is located in district 1. The acreage of the property is track 1 is 20.98 acres track 2 is 10.05 acres. The property is zoned R100 and the applicant is proposing to rezone the property to MR1 medium residential density. The comprehensive plan is currently showing urban neighborhood and there will not be a land use change for this rezoning.

The proposed development is to rezone the properties from R100 to MR1 to develop 55 single-family attached townhomes to be owned, which will be fee simple. The property has 6.9 acres of land being taxed and the frontage of both properties are listed in the packet. Staff does recommend approval.

Chairman Hubbard thanked Ms. Jackson and asked the Board of Commissioners did they have any questions for Ms. Jackson.

Commissioner Walker asked will the 55 single-family attached townhomes be fee simple.

Ms. Jackson stated the properties will be HOA (homeowner association) and fee simple.

The Chairman asked the applicant to come forward.

Spoke-in-Person: Mr. Josh Mahoney with Battle Law, P.C. located at 562 Habersham and Northlake in Tucker, Georgia came forward and presented on behalf of the applicant. Mr. Mahoney wanted to discuss the proposed rezoning from R100 to MR1 that will allow them to bring 55 single-family attached townhomes that's fee simple, which means for owner occupied and not for rent homes. Mr. Mahoney stated that the development will be townhomes. People will be able to come in and purchase their own townhome, pay a mortgage on it and be renting it. Mr. Mahoney stated that townhomes in that area is not new to that community. They are proposing a 25% rental cap on the units, which means 25% will be available for rent and 75% for homeownership. Mr. Mahoney stated for them to build, they would have to seek a right-a-way abandonment. This is due to Old Hayden Road being barricaded, overgrown and not in use anymore.

The Chairman asked the Commissioners did they have any questions for the applicant. There were none.

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

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

Those in **opposition**:

Spoke-in-Person: Mr. Dave Marcus who resides at 6501 Rockland Road in district 5 stated concerns of another developer coming in to clear-cut 100% of the land that can be seen on Rock Springs, Rockland, and Hayden Quarry Road. Mr. Marcus stated that this is not in the best interest of the city. Our natural resources are an attraction for those of us who live here and for people who visit. The trees keep things a little cooler. They take chemicals out of the air and replace it with oxygen. Mr. Marcus feels that The Planning Commission needs to decide how many of those will be approved. He stated that Stonecrest is a city that thrives to be walkable and would like to see multi-use zoning areas for walking. When we keep building communities that are only residential, we get no walkability. Is it in the interest of Stonecrest to allow another clear-cutting development with no walkability with potential traffic problems.

Spoke-in-Person: Mr. Benard Knight wanted to confirm what Mr. Marcus stated about 2013 Stonecrest Livable Communities Initiative (*LCI plan*). For the record, Mr. Knight stated he was speaking individually but is a member of the Board of Stonecrest Business Alliance, Inc., as well as its past Chairman. The business alliance partnered with Dekalb County back in 2012 to apply to the ARC for the LCI planned study. There was a grant that was a public process and the product is the 2013 plan. Also, Mr. Knight states the 2013 plan does speak specifically about the intersection at Turner Hill Road and Hayden Quarry Road. It is supposed to be a cluster in which the cluster is supposed to be focused on walkability and on mixed use. The Livable Communities Initiative (*LCI plan*) functions as a small area study. It is also expressly incorporated into the Stonecrest Comprehensive Plan 2038 update. It functions as an additional layer of Future Land Use Planning. It would be appropriate to look at the *LCI plan* for determination to be made is the proposal in all its respects consistent with the *LCI plan*.

Spoke-in-Person: Vivian Hudson who resides at 3368 Maple Leaf Court in Stonecrest stated that her property is near the property being developed on Rock Springs Road. Ms. Hudson agreed with concerns Mr. Dave Marcus mentioned on the clear cutting of the trees and building more homes on the property. Ms. Hudson stated she had concerns about the developer opposing to change the zoning from. More homes on the property are not in the interest of the residents of this city. Ms. Hudson stated, “we are at the Spring Lake Subdivision living the nightmare of this construction clearing a majority of all the mature trees.”

Spoke-in-Person: Ms. Doria Shelton who has lived in Spring Lake Subdivision for 15 years loves the privacy, beauty of Stonecrest. Ms. Shelton stated that the developers have totally wiped out everything. It is incredible and unrecognizable. The damages come from blasting everyday between 11am and 12:30pm, shaken of houses, beavers in the lake and coyotes on the property every day and night.

Spoke-in-Person: Iris McKee who resides at The Spring Lake Subdivision stated she has witnessed what is taking place on Rock Springs Road. “When I moved to the Stonecrest Lithonia area almost 30 years ago, I had tremendous high expectations of what this community would look like. Especially, for African Americans who had a pretty good high income in the value of our homes and perception of our communities. As I look over the years, I see how things are now turning completely different than what I expected. To be able to shop, play and live all of that stuff in my own community. I am just seeing all we are doing is just building. What additional value is being brought into the community for those of us who are homeowners and have invested in this city and community. What is the added value to us. In the proposal, there is no additional value being brought to the community.”

Spoke-in-Person: Mr. Josh Mahoney with Battle Law, P.C. located at 562 Habersham and Northlake in Tucker, Georgia came forward to address concerns on trees. Mr. Mahoney stated “We do not want to clear cut this property. We are looking to preserve many mature trees as possible and replant. We do not want to clear-cut because having trees is beautiful and makes our development look much nicer. Mr. Mahoney stated they will be installing sidewalks, both inside of the community and on the frontage. By bringing in the housing you can attract the businesses. When you attract the businesses, those sidewalks and trails go places. We are proposing some homes and hoping to attract more businesses so that we can have a walkable community.”

The Chairman closed the public hearing before going into discussion.

The Chairman asked for a motion. Commissioner Hawkins motioned to **DEFER THE APPLICATION TO SEPTEMBER 6TH MEETING**. Ms. Walker voted against the deferral but voted for the application. Ms. Hollis seconded the motion. The vote was **unanimously APPROVED**.

LAND USE PETITION:	RZ-22-006
PETITIONER:	Wilson, Brock, Irby, LLC. on behalf of Duke Realty Limited Partnership
LOCATION:	2975 Evans Mill Road (16 106 01 006) and 6378 East Glen Road (16 106 01 007)
PROPOSED AMENDMENT:	To seek a rezoning from R-100 (Residential Medium Lot) to OD (Office Distribution) and to seek a comprehensive land use change from City Center to Light Industrial

Ms. Jackson presented **RZ-22-006** - the property is located at 2975 Evans Mill Road and 6378 East Glen Road. The applicant is Wilson Brock Wilson, Brock, Irby, LLC. on behalf of Duke Realty Limited Partnership. Ms. Jackson stated the applicant is not present but received an email that they are withdrawing this application without prejudice. At this time, staff would like to recommend a withdrawal.

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

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

Those in **opposition**:

Spoke-in-Person: Mr. Dave Marcus who resides at 6501 Rockland Road in district 5 stated “I do not want to belabor all the problems of Duke Realty, but we all know it is spot zoning that would move industrial south of I-20 that would end up very likely as an industrial area between New Birth and Evans Mill Road from the Dairy Queen down Evans Mill Road, which is unoccupied.”

This rezoning will increase the value of that land, the attractiveness for other companies to ask for rezoning to move more industrial there and for them it will not be spot zoning. If the first one goes through, the second would be a domino and the domino is going to put industrial in an area of the Future Land Use Plan. The will of the citizens as seen in the Comprehensive Plan says city center type of development, which we are never going to have with a warehouse in the middle of it. Mr. Marcus also stated that “Duke Realty seems determined to do this. They are popping up once a year and I ask the Commission to do something, which I believe you can. Do not defer the application and do not accept the withdrawal. But instead, to vote against it.”

Spoke-in-Person: Ms. Karen Henderson who resides at 3263 Spring Lake Overlook with Spring Lake Homeowners Association and serve as President of the Association stated that “she is relieved that Wilson Brock Wilson, Brock, Irby, LLC have withdrawn their application but is not confident that it will not show up again. I am happy to be able to have my opposition on the record to change this zoning from the R100 to the OD, which would bring warehouses and distribution centers into that area of Evans Mill Road. I think it would cause traffic, put a stop to some of the things that we want to have in our community and that walkable community that we have talked about. I have been a resident of Spring Lake for 23 years and now a resident of what is now City of Stonecrest for 33 years. I have been very hopeful of businesses to come in our area that are close enough for us to walk. This is what I would like to see. I believe that a warehouse and distribution center would end a lot of those plans.”

Spoke-in-Person: Kevin Alexander who resides in the Decatur area came forward and presented on behalf of his grandfather who resides on Evans Mill Road and Hunters Run Phase 3 community. Mr. Alexander stated “the R100 changed to RSM but was changed back over to preserve the value of the land. We spoke on the Rockland community. I do not think it is in the best interest of the community to change the R100 to a distribution center. You have a church there, which does not mix with a distribution center. Then across the street, you have beautiful, residential homes. They are not cluster homes. They have front and backyards. It does not make much sense to put a distribution center here and cut down all those trees, which use to be trees before there was a road paved there to get on Woodrow Drive off I-20. There is a lot of people who walk around the circle in The New Birth Church area. You have recreation, such as football fields and basketball courts in that area. You should try to build more open space. Public land for those people to continue to walk on. If you are walking uphill, you have 18-wheeler trucks coming and it does not make sense. I would like for you to make a decision to deny this. Build on something that will add value to community. If you build homes, then keep it as R100 and build nice homes that are along the road. “

Spoke-in-Person: Mr. Dave Marcus who resides at 6501 Rockland Road in district 5 stated, "I would like to add, it was the choice of Duke Realty to not be here. We are here and I think everybody in this room is deeply against this. Again, I ask you to be bold and to vote for a rejection of this application."

Spoke-in-Person: Ms. Vivian Hudson who resides at 3368 Maple Leaf Court in the Spring Lake Subdivision stated "I agree with what all that has been said about this development changing from R100 to a commercial district is not in the best interest of the residents who are there now. We have a beautiful neighborhood, and we want to keep it that way. We've had too much change in recent years in terms of destroying the environment. I am hoping that you all will carefully consider this application even though the developer has withdrawn it. If it ever comes back up again that you will reject this application."

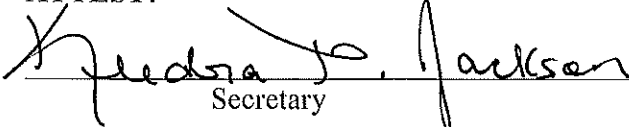
Spoke-in-Person: Major Scotland who resides at 3837 Evans Mill Road in the Hunters Run Phase 3 stated "The lots are not conducive to the subdivision. R100 in that area is not very conducive to commercial construction up from Browns Mill to Dairy Cream area because of the topography. It is heavily covered with a vegetation, particular trees. It would be conducive to building R100 subdivision if one wanted to do that and make it a walkable area up to the area where you see the retirement community. I recommend that we change the zoning so that it will stay R100."

The Chairman closed the public hearing before going into discussion.

The Chairman asked for a motion. Commissioner Hawkins motioned to **ACCEPT THE WITHDRAWAL AS SUBMITTED BY THE APPLICANT**. The Chairman seconded the motion. The vote was **unanimously APPROVED**.

VII. Adjournment: The Chairman motioned to adjourn the meeting. Ms. Hollis seconded the motion. The meeting was adjourned at 8:05 PM.

APPROVED:  10-4-2022
Chairman Date

ATTEST:  10-5-22
Secretary Date