Planning Commission Meeting Summary (*REVISED*)

City Hall's Chambers | 3120 Stonecrest Blvd., Suite 155

October 1, 2019, 6:00 P.M.

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) or email MReed@stonecrestga.gov .

I. Call to Order

The Chairman called the Planning Commission meeting to order on Tuesday, October 1, 2019 at 6:18 PM in Stonecrest City Hall's Chamber, Stonecrest, Georgia. The Chairman read the Rules and Procedures for the Planning Commission Meetings and Public Hearings.

II. Roll Call

Commissioner Eric Hubbard, JW Eady, Lisa Wright, and Joyce Walker were present. Commissioner Pearl Hollis was absent. There was a quorum.

Planning & Zoning Director Chris Wheeler and City Attorney Emily Macheski-Preston were present.

III. Minutes

The September 4, 2019 Planning Commission Meeting Minutes Summary was **unanimously APPROVED**. Commissioner Lisa Wright motion to approve the minutes and Commissioner JW Eady seconded the motion.

IV. Old Business:

1. Public Hearing(s):

LAND USE PETITION:	RZ-19-007 **Full cycle deferral Aug City Council Meeting*
PETITIONER:	Rocklyn Homes c/o Battle Law
LOCATION:	1794 Phillips Road
CURRENT ZONING:	R-100 (Residential Med Lot) Zoning District
PROPOSED DEVELOPMENT:	Applicant is requesting to rezone 30 acres to RSM (Small Lot Residential Mix) Zoning District for the development of 240 fee simple single attached units at a density of 8 units per acre.

The Planning & Zoning Director Christopher Wheeler presented **PETITION, RZ-19-007**. Major concerns of the residents are traffic, density, price point, and future development of the surrounding areas. Applicant submitted a Traffic Impact Study and a revised site plan. Staff recommended **APPROVAL** with the eighteen (18) conditions listed in the Staff Report.

The Chairman asked the applicant to come forth. Attorney Michelle Battle gave the Commissioners handouts and stated that Rocklyn held a community meeting on September 25, 2019 and dealt with various issues related to traffic, additional parking, units per acre, width of the street, and community impact. Two handouts were distributed to the Commissioners:

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1) Community Meeting – September 25, 2019, Redan Community Center-Phillips Road, Questions and Answers (**Attachment I**); and 2) Additional Proposed Conditions for Rocklyn Homes, Inc./Phillips Road Project with a map, 'Phillips Road Tract' (**Attachment II**).

The Chairman opened the floor to those in **support** of **RZ-19-007.** None came forth.

Mr. John Harris did submit a *Public Comments Card but,* did not speak to the Commissioners. Mr. John Harris lives at 2959 Lenora Road and supports RZ-19-007.

The Chairman opened the floor to those in **opposition** of **RZ-19-007.**

1. *Did not Submit a Public Comments Card:* Mr. Oscar(?) has lived in the community since 1995 and said the area is deteriorating; will cause more walking; the project is too massive; and will cause a negative effect.
2. *Submitted a Public Comments Card:* Ms. Florena Oliver, representing New Covenant Christian Ministries, 1760 Phillips Road, submitted to the Commissioners and Staff a copy of the New Covenant Christian Ministries – ASK List (**Attachment III**) and discussed the Traffic Study.
3. *Did not Submit a Public Comments Card:* Mr. Eric Jackson spoke on drainage and the number of units proposed.
4. *Submitted a Public Comments Card:* Mr. Charles Caldwell lives at 6342 Phillips Place and is opposed.
5. *Did not Submit a Public Comments Card:* Mr. Dave Marcus spoke few units, fewer traffic and is proposed.

Attorney Battle returned to the podium and addressed the comments.

The Chairman closed the public hearing and turned the floor over to the Commissioners for questions and discussion.

The Chairman and asked for a motion. Commissioner Lisa Wright motion to **APPROVE RZ-19-007** with the eighteen (18) conditions listed in the Staff Report and the three (3) additional conditions: 1) Mandatory HOA; 2) No more than 30% rental at any given time; and 3) Privacy fencing. Commissioner Joyce Walker seconded the motion to **APPROVE RZ-19-007** with Staff's recommended conditions and the three (3) additional conditions. **The motion was unanimously carried.**

LAND USE PETITION:	RZ-19-008
PETITIONER:	Salim Damani
LOCATION:	4623 Klondike Road
CURRENT ZONING:	R-85 (Residential Med Lot) Zoning District
PROPOSED DEVELOPMENT:	Applicant is requesting to rezone 3.0 acres to C-2 (General Commercial) Zoning District for future commercial development.

The Planning & Zoning Director Christopher Wheeler presented **PETITION, RZ-19-008**. The first records show zoning as in 1997 as C-2 at corner and the ret zoned R-85. Boundaries remained in place until the new county parcel map was created in 2015. The official zoning was of the whole property was R-85 when the parcel left Stonecrest jurisdiction. Staff recommended **APPROVAL** with the six (6) conditions listed in the Staff Report.

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The Chairman asked the applicant to come forth. Mr. Salim Damani came forth and addressed the Commissioners. Mr. Damani has owned land since 1990 and is requested to rezone property from R-85 to C-2 for future commercial development. A community meeting was held on September 10, 2019 at 7:00PM at Stonecrest City Hall and approximately five (5) people attended.

The Chairman opened the floor to those in **support** of **RZ-19-008.**

1. *Did not submit a Public Comments Card*: Mr. Rodney Kimsey spoke on behalf of his mother's property. Mrs. Kimsey's property has to be a part of what happens at the corner.
2. *Submitted a Public Comments Card* but, did not speak. Mrs. Annabella Kimsey lives at 6716 Browns Mill Road and supports RZ-19-008.

The Chairman opened the floor to those in **opposition** of **RZ-19-008.**

1. *Submitted a Public Comments Card*: Ms. Elaine E. Gibson lives at 6343 Ariaal Drive, Riverbend Subdivision, and is opposed.
2. *Did not submit a Public Comment Card:* Mr. Dave Marcus is opposed.
3. *Submitted a Public Comments Card*: Mr. Alex Hoffman lives at 4405 Roundtree Lane and is opposed.
4. *Submitted a Public Comment Card*: Ms. Celestine Benjamin lives at 6279 Sunflower Place and is opposed.
5. *Submitted a Public Comments Card*: Ms. Tammy Grimes lives at 3640 Trinity Place and is opposed.
6. *Did not submit a Public Comment Card:* Mr. Nathan Alexander is opposed.
7. *Submitted a Public Comments Card*: Ms. Cheryl Mathis lives at 3181 Chaparral Way and is opposed.

The Chairman closed the public hearing and turned the floor over to the Commissioners for questions and discussion.

The Chairman closed the public hearing and gave a motion to **DENY RZ-19-008**. Commissioner Wright seconded the motion to **DENY RZ-19-008**. The Chairman, Commissioners Wright and Joyce Walker voted against **RZ-19-008**. Commissioner JW Eady was for **RZ-19-008**. **The vote was 03-01 and not unanimously carried.**

V. New Business

1. Public Hearing(s):

LAND USE PETITION:	TMOD 19-0003 Stonecrest Overlay District Revision
LOCATION:	Stonecrest Overlay
PROPOSED AMENDMENT:	Text amendment to the Overlay to amend the prohibited and permitted uses and a map amendment to change the boundaries of the Overlay as a whole and the boundaries of Tiers 1-5.

The Planning & Zoning Director Christopher Wheeler presented **PETITION, TMOD 19-003**. Staff recommended text amendment for the removal of the area to the North, above I-20, along

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Lithonia Industrial Boulevard and place in a new overlay district "Stonecrest Industrial Overlay District" or "Viewshed" (**Attachment IV**).

The Chairman asked Ms. Michelle Battle, member of the Steering Committee, to come forth. Ms. Battle stated the Committee looked at the type of growth, architectural, and stated the only difference between Tier I and Tier II is the height.

The Chairman opened the floor to those in **support** of **TMOD 19-003.**

1. *Did not submit a Public Comment Card*: Ms. Laura Brown stated she wanted to get out of the Stonecrest Overlay.

The Chairman opened the floor to those in **opposition** of **TMOD 19-003.**

1. *Did not submit a Public Comment Card*: Mr. Nathan Alexander is opposed to **TMOD 19-003.**
2. *Submitted a Public Comment Card*: Ms. Renee Coil is opposed to **TMOD 10-003**. Ms. Coil stated that people need something to attract them to the City and not storage units and gas stations.
3. *Did not submit a Public Comment Card*: Mr. Dave Marcus is opposed to **TMOD 19-003** and asked the Commissioners not approve but, hold off for the next three-years.

The Chairman closed the public hearing and turned the floor over to the Commissioners for questions and discussion.

The Chairman motion to **APPROVE with additional text: 1) Add a map; 2) Add text referencing and minus package stores; and 3) Add text referencing and minus self-storage units in the Overlay as permitted use**. Commissioner Walker seconded the motion to **APPROVE TMOD 19-003 with the additional text: 1) Add a map; 2) Add text referencing and minus package stores in the Overlay; and 3) Add text referencing and minus self-storage units in the Overlay as permitted use. The motion was unanimously carried.**

Attorney Emily Macheski-Preston stated that the dollar store amendment prohibits the dollar store in every tier of the Stonecrest Overlay except the Cluster Village Mixed-Use. Stonecrest will incorporate "that the dollar store amendment prohibits the dollar store in every tier…" into the ordinance for adoption.

LAND USE PETITION:	TMOD 19-0004 Stonecrest Zoning Ordinance
LOCATION:	City-Wide
PROPOSED AMENDMENT:	Define "Small Box Discount Store" and amend the City of Stonecrest Zoning Ordinance Table 4.1 ("Use Table") to prohibit Small Box Discount Stores in the City of Stonecrest.

Attorney Emily Macheski-Preston presented **PETITION, TMOD 19-004**.

The Chairman opened the floor to those in **support** of **TMOD 19-004.**

1. *Did not submit a Public Comment Card*: Mr. Dave Marcus supports **TMOD 19-004** and asked Commissioners to pass **TMOD 19-004.**
2. *Did not submit a Public Comment Card*: Ms. Cheryl Mathis supports **TMOD 19-004** and asked the Commissioners to add Mr. Marcus' comments, text.

The Chairman opened the floor to those in **opposition** of **TMOD 19-004.**

1. *Did not submit a Public Comment Card*: Ms. Michelle Battle does not support
2. *Did not submit a Public Comment Card*: Mr. Alexander does not support **TMOD 19-004** and asked, "Why not have a moratorium on business plans?"
3. *Did not submit a Public Comment Card*: Ms. Renee Coil is frustrated-- had enough! Mr. Clarence Boone attended the community meeting held. Ms. Coil does not support **TMOD 19-004.**

The Chairman closed the public hearing and turned the floor over to the Commissioners for questions and discussion.

The Chairman motion to **APPROVE TMOD-19-004**. Commissioner Wright seconded the motion to **APPROVE TMOD-19-004. The motion was unanimously carried.**

LAND USE PETITION:	TMOD 19-0005 Stonecrest Zoning Ordinance
LOCATION:	City-Wide
PROPOSED AMENDMENT:	Amending the City of Stonecrest Zoning Ordinance Table 4.1 ("Use Table"), to define "Party House" permit Party Houses only via Special Administrative Permit in Zoning Districts "RE" and "RLG," and prohibited Party Houses in every other zoning district.

Attorney Emily Macheski-Preston presented **PETITION, TMOD 19-005**. Sections of the Ordinance Table 4.1 ("Use Table") was read aloud by Attorney Macheski-Preston.

The Chairman opened the floor to those in **support** of **TMOD 19-005.**

1. *Did not submit a Public Comment Card*: Mr. Dave Marcus supports **TMOD 19-005** and asked Commissioners to pass **TMOD 19-005** with the following text: **1) Sec. 4.2.58 (C) – Parking - guests may not be shuttled in; and 2) Add city, county parks, and nature spaces**.
2. *Did not submit a Public Comment Card*: Ms. Cheryl Mathis supports **TMOD 19-005** and asked the Commissioners to add Mr. Marcus' comments, text.
3. *Did not submit a Public Comment Card*: Ms. Amanda Mann(?) supports **TMOD 19-005.**
4. *Did not submit a Public Comment Card: Ms. Grimes(?) supports TMOD 19-005 and stated that people are being shuttled in for events.*

The Chairman opened the floor to those in **opposition** of **TMOD 19-005.** There were none.

The Chairman closed the public hearing and turned the floor over to the Commissioners for questions and discussion

The Chairman motion to **APPROVE TMOD-19-005 with additional text: 1) Sec. 4.2.58 (C) – Parking - guests may not be shuttled in; and 2) Add language for city, state parks, and nature spaces**. Commissioner Eady seconded the motion to **APPROVE TMOD-19-005 with additional text: 1) Sec. 4.2.58 (C) – Parking - guests may not be shuttled in; and 2) Add language for city, state parks, and nature spaces. The motion was unanimously carried.**

VI. Adjournment

There being no further business, Commissioner Eady moved to adjourn. The Chairman seconded the motion. **The vote was carried unanimously** to adjourn the meeting at 9:47 PM.

APPROVED:

_____

Chairman

_____

Date

ATTEST:

_____

Secretary

_____

Date

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Attachment I

Community Meeting – September 25, 2019
Redan Community Center – Phillips Road

Questions and Answers

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Community Meeting – September 25, 2019

Redan Community Center – Phillips Road

Questions and Answers:

Michele Battle and Mike Hart – Representing Rocklyn Homes

1. Residents: Concerned about the storm water disrupting the water flow

   A: RH is building a detention pond; according to city/county regulations – builder cannot increase the flow. The flow will actually decrease.

2. Residents: Concerned about the rats, snakes and wolves that will come onto their properties once construction starts.

   A: MH: It will be difficult to corral snakes. We can work together on this issue.

3. Residents: Why so many units? Why can't builder build less units? If you drop the number of units, then we might accept you.

   A: MLB: We dropped from 8 units per acre down to 7.

4. Residents: Phillips Road is unable to absorb the new traffic.

   A: MLB: It is the County and/or City's responsibility to deal with the traffic issues. We will be installing a dedicated left turn lane and a deceleration lane.

5. Residents: Will there be any type of fencing between residents' homes and new development? If so, please use material other than wood or vinyl for the fence.

   A: MH: Yes

6. Residents: Has this Development been approved?

   A: MLB: No. The Planning Commission will meet on October 1st at 6:00 p.m. and City Council meets October 28th at 7:00 p.m. Also, New Covenant Church is having a meeting on Sunday, Sept. 29th at 2:30pm

7. Residents: The area around Phillips Road and Covington Hwy. has been downgraded because of the commercialization going on – as only Family Dollar stores and the like come in which causes crime to rise, etc. Please don't allow this to happen here.

   A: MH: South DeKalb is being developed as the Millennials are coming back to where they were raised. Also, the Millennials do not want to have yard maintenance.

   A: MLB: You all need to put pressure on the City regarding new development of roads, etc., because South DeKalb is going to be developed.

8. Residents: Why can't you build single-family homes and ask $200K.

   A: MLB: The developer would lose money as the cost of the homes would have to be much greater due to the cost of the land, and the cost of the infrastructure.

9. How soon will construction begin?

   A: MLB: Towards the end of 2020, provided the development has been approved.

10. Where will the detention pond be located?

    A: MLB points to the location on the site plan.

11. Where will detention pond drain?

    A: MLB -- I will find out and get back to you.

12. What about taxes?

    A: MLB: Property taxes will continue to rise regardless of whether this property gets developed. Also tear-downs are being done over rehabs. More and more folks are moving to DeKalb County from the City of Atlanta.

13. What about lights and sidewalks?

    A: MLB: RH will install lights and sidewalks along the property's street frontage on Phillips Road, as well as within the proposed community.

Attachment II

Additional Proposed Conditions for Rocklyn Homes, Inc. / Phillips Road Project

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ADDITIONAL PROPOSED CONDITIONS

FOR

ROCKLYN HOMES, INC./PHILLIPS ROAD PROJECT

1. There shall be a mandatory homeowner's association ("HOA") with automatic membership for all homeowners and their successors

2. At no time shall more than 35% of the townhome units located within the townhome community be rental units. Additionally, the leasing of non-owner occupied units for short term rentals of less than six months shall be strictly prohibited. The rental restrictions shall be detailed in the Declaration of Restrictive Covenants recorded for the community, a copy of which shall be delivered to the City of Stonecrest simultaneously with the recording of the Final Subdivision Plat or Condominium Plat.

3. Privacy fencing shall be installed along the southern boundary line of the Subject Property.

PHILLIPS ROAD TRACT

AEP ALLIANCE
ENGINEERING + PLANNING
LANDSCAPE ARCHITECTURE

ROCKLYN HOMES
The Most Important Home We'll Build Is Yours

0' 60' 120' 240'

N

Attachment III

City of Stonecrest, Georgia
Rezoning Application – RZ-19-007
New Covenant Christian Ministries – ASK List

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City of Stonecrest, Georgia

Rezoning Application – RZ-19-007

New Covenant Christian Ministries – ASK List

October 1, 2019

The New Covenant Christian Ministries -1760 Phillips Rd, would like for the board to consider the items on this, "Ask", list when considering the approval of rezoning application, RZ-19-007

We realize that several of these items are not the responsibility of the developer but of the city. It is our desire that the city would make the necessary commitments that would benefit the community.

1. The staff is recommending 7 units per acre (211 down from 241) with a price point of $190K. Is it possible to request 6 units per acre (180 units) with a price point of $220K which should still allow the developer the gross sales but less density to the community. And would bring in the type or residents the city of Stonecrest is attempting to attract.
2. One or more traffic lights be installed along Phillips Rd. between the existing one on Marbut Rd and Stone Mountain Lithonia Rd.
3. Additional Street Lights be installed along Phillips Rd between Marbut Rd and Stone Mountain Lithonia Rd.
4. Request a subsequent traffic study be conducted during football/baseball season at Redan Park to develop a true picture of the type of traffic that does currently exists.
5. The corner of Phillips Rd and Deshon Rd is a currently a major safety concern. It is basically a blind spot. There is needed improvement to this intersection if additional traffic is to be added to Phillips Rd.
6. Request a review of the type and quality of materials that will be used in the development and request an upgrade to ensure the durability of the structures in the new community.
7. Request a garden installation that could benefit the community as a whole not just inside the proposed new community
8. Request a physical fence barrier be installed between the new community development and New Covenant Christian Ministries (NCCM) . The type, quality and height of the barrier will be approved by NCCM
9. Request signage in the community that designate it as a community with covenants. It's great to have covenants. Problems arise when there is no body or individuals with authority put in place to assure adherence and enforcement of them. Allowing thirty-five % rentals, will that be based on the total number of potential units or the units currently completed. It is our understanding that the units will not be built until sold. Thirty-five % of 211 is 73. Thirty-five percent of 30 is 10.5
10. Install signage and traffic signals to indicate a recreation area is ahead.
11. Develop language for each home owner transaction that ensures the life of the HOA
12. Sidewalks on Phillips Rd.

13. In previous meetings there was questions regarding the drainage and retention ponds of adjacent properties. Hopefully the committee/council have addressed these issues.

Attachment IV

Proposed Viewshed Zone (Tier VI Zone) of the Stonecrest Area Overlay District

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ATTACHMENT IV

View Shed

PROPOSED VIEWSHED ZONE (TIER VI ZONE)
of the Stonecrest Area Overlay District

Sec. 3.5.15.3. – Viewshed Zone (Tier VI Zone).

A. *Statement of purpose and intent.* The intent of Tier VI is to promote uniform and visually aesthetic development which serves to unify the distinctive visual quality of the Stonecrest Area Overlay District.

B. *Principal uses and structures.* The authorized principal uses of land and structures of property in Tier VI are the principal uses and structures which are authorized by the underlying zoning district of the property.

C. *Prohibited uses.* The following principal uses of land structures shall be prohibited within Tier VI: Viewshed Zone of the Stonecrest Area Overlay District:

1. Sexually oriented businesses.
2. Automobile title loan establishments.
3. Pawn shops.
4. Package stores.
5. Check cashing establishments.

D. *Accessory uses and structures.* The authorized accessory uses and structures of property in Tier VI are the accessory uses and structures which are authorized in the underlying zoning district of the property.

E. *Lot width, lot area and setbacks.* Lot width, lot area and setbacks of property in Tier VI shall be governed by the lot width, lot area and setback regulations of the underlying zoning district of the property.

F. *Height of buildings and structures.* The height of buildings and structures on property within Tier VI shall be governed by the height regulations of the underlying zoning district of the property.

G. *Required parking.* The minimum number of required parking spaces of property in Tier VI shall be as provided in the parking regulations of the underlying zoning district of the property.

H. *Sidewalks.* A planting strip shall be provided between the curb and the pedestrian travel lane in compliance with land development standards. Sidewalks shall be provided on both sides along the right-of-way of all public streets.

I. *Design Guidelines.* All property in Tier VI shall be governed by the Design Guidelines of the Stonecrest Area Overlay District. See section 3.5.18.

[End Tier VI]