PLANNING COMMISISON MEETING MINUTES SUMMARY

STONECREST CITY HALL, SUITE 155, 6:00 PM

January 7, 2020

I. Call to Order

The Chairman called the Planning Commission meeting to order on Tuesday, January 7, 2020 at 6:04 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, Pearl Hollis, and Joyce Walker were present. There was a quorum.

Planning & Zoning Director Chris Wheeler and Attorney Anamaria Hazard were present.

III. Approval of Minutes

Planning Commission Meeting Minutes Summary dated November 6, 2019 was **unanimously APPROVED.** Commissioner Lisa Wright motion to approve and Commissioner JW Eady seconded the motion.

IV. Old Business

None

V. New Business

1. Public Hearing(s):

LAND USE PETITION:	SLUP 19-007
PETITIONER:	Dana Avist
LOCATION:	3620 Klondike Road
CURRENT ZONING:	R-100 (Residential Med Lot) Zoning District
PROPOSED DEVELOPMENT:	Applicant is requesting a Special Land Use Permit to operate a personal care home up to four people.

Planning & Zoning Director Chris Wheeler presented SLUP 19-007. Staff recommended **APPROVAL** of **SLUP-19-007** with the following seven (7) conditions:

1. Limit the use of personal are home only to three (3) persons.
2. Access shall be limited to the existing curb cut off Klondike Road.
3. All refuse containers shall be screened from public view except during pick up.
4. No identification sign for personal care home shall be posted on the property.
5. Owner/Operator must live on the property according to the supplemental regulations cited in the Stonecrest Zoning Ordinance Sec. 4.2.31 and 4.2.41.
6. The applicants shall secure the necessary certification by the State of Georgia and the necessary business license, building permits and certification of occupancy for three people from the city of Stonecrest.
7. The Special Land Use Permit shall be issued to Dr. Dana Avist (operator) for the operation of a personal care home and shall not be transferable.

Dr. Dana Avist, applicant, addressed the Commissioners. There were two (2) conditions that Dr. Avist addressed: 1) The limitation of 3 persons (the Georgia Department of Community Health requires 80' square feet for each room); and 5) That the owner has to live in the home but, an onsite manager would live in the home 24 hours.

The Chairman asked those in support to come forth. There was none.

The Chairman asked those in opposition to come forth.

1. *Submitted a Public Comment Card*: Ms. Beth Abbott lives at 3648 Klondike Road and has concerns with the proposed personal care home in the community. Ms. Abbott lives two doors from the property and oppose **SLUP-19-007**.

2. *Submitted a Public Comment Card*: Mr. Andy Hill lives next door at 3610 Klondike Road. Mr. Hill has lived there over fifty (50) years and stated that the property has septic tank issues. Mr. Hill is opposed to **SLUP-19-007**.

3. *Submitted a Public Comment Card*: Ms. Andrea Williams lives across the street at 3607 Klondike Road and oppose **SLUP-19-007**. Ms. Williams has concerns with people walking the street and asking for change and cigarettes.

Dr. Avist returned to the podium to address the comments and stated that the property will strictly be a residential community (assisted living) with clients over sixty-five (65) years old; residents will not go out roaming around; and will be supervised twenty-four (24) hours per day; and as for the septic tank issues--waiting for Stonecrest to issue the electrical and plumbing permit.

The Chairman closed the public hearing before the Commissioners went into discussion.

Commissioner Pearl Hollis motion to **DEFER SLUP -19-007** and Commissioner Wright seconded the motion. The vote was **04-to-01** and **not unanimously**. Commissioners Eric Hubbard, JW Eady, Lisa Wright, and Pearl Hollis voted to **DEFER.** Commissioner Joyce Walker voted against the deferral.

LAND USE PETITION:	RZ 19-009/SLUP 19-008 **(DEFERRED)**
PETITIONER:	Shiv Stone Inc. c/o Michael J. Lober
LOCATION:	3210, 3320 & 3300 Turner Hill Road
CURRENT ZONING:	R-100 (Residential Med Lot) Zoning District
PROPOSED DEVELOPMENT:	Requesting to rezone subject properties from R-100 to MU-4 and Special Land Use Permit for a Senior Living Facility and Convenience Store with accessory fuel pumps and alcohol outlet.

Planning & Zoning Director Chris Wheeler advised the Commissioners that Staff received notification (Attachment I) that the Applicant had a personal tragedy in Australia and is requesting a **DEFERRAL** for **RZ 19-009 /SLUP 19-008**.

The Chairman asked those in support to come forth. There was none.

The Chairman asked those in opposition to come forth.

1. *Submitted a Public Comment Card*: Ms. Nichelle Stephens-Smith lives at 7648 Sugar Plum Lane in Stonecrest, Georgia and has concerns with the proposed gas station and assisted living facility being built in the community. Ms. Stephens-Smith stated that she is not satisfied with the answers and is against the plans.

2. *Submitted a Public Comment Card*: Ms. Renee Carl has concerns with the developers flooding Stonecrest with gas stations with underground tanks that get into the water; and there are too many unanswered questions.

The Chairman closed the public hearing before the Commissioners went into discussion.

The Chairman motion to **DEFER RZ 19-009/SLUP 19-008** and Commissioner Wright seconded the motion. The vote was **04-to-01** and **not unanimously**. Commissioners Eric Hubbard, JW Eady, Lisa Wright, and Pearl Hollis voted to **DEFER.** Commissioner Joyce Walker voted against the deferral.

VI. Adjournment

The vote was carried **unanimously** to adjourn the meeting at 6:55 PM. Commissioner Wright motion to adjourn and Commissioner Hollis seconded the motion.

APPROVED:

_____

Chairperson

_____

Date

ATTEST:

_____

Secretary

_____

Date

PLANNING COMMISSION MEETING

January 7, 2020

ATTACHMENT I

LETTER FROM: Lober & Dobson, LLC

DATED: January 7, 2020

RE: Application of Shiv Stone Inc. for rezoning and SLUP at 3310, 3320, and 3330 Turner Hill Road, Stonecrest, GA

LOBER & DOBSON, LLC
ATTORNEYS AT LAW

301 Creekstone Ridge
Woodstock, Georgia 30188
Phone (770) 741-0700
mjlober@lddlawyers.com

January 7, 2020

Re: Application of Shiv Stone Inc. for rezoning and SLUP at 3310, 3320 and 3330 Turner Hill Road, Stonecrest, GA

Dear Neighbors:

Please be advised that the applicant will be requesting a deferral at tonight's planning commission meeting. We will be seeking a deferral for several reasons. You may recall I mentioned at the neighborhood meeting that one of the partners in the applicant's company along with his wife was severely injured in the New Zealand volcano explosion. Tragically, his wife passed away from her injuries and he is still in New Zealand and his hopeful recovery will take far longer than anticipated.

As for the project itself, based on the comments received, we are going back to the drawing board to remove the assisted living portion and considering adding other retail and office uses to go along with the gas station/convenience store. Hopefully we can come up with a concept that will be more palatable to the community.

Sincerely,

LOBER & DOBSON, LLC

/S/ Michael J. Lober

Michael J. Lober, Esq.

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