

**City of Decatur
Planning Commission**

**March 8, 2022 Meeting
MINUTES (Draft)**

Members present: Harold Buckley, Jr. (Chair), Gregory Chilik, Todd Ohlandt, Rachel Cogburn

Members absent: Mike Travis, Lori Leland-Kirk, Joe Greco

I. CALL TO ORDER

The City of Decatur Planning Commission met on March 8, 2022 in a regular meeting. At 7:02 p.m., a quorum of in-person members were present and Chair Buckley, Jr. called the meeting to order. He provided introductions and an overview of the procedures of the meeting.

II. OLD BUSINESS

Approval of the February 8, 2022 Regular Meeting minutes.

Chair Buckley, Jr. read the first item of the agenda to approve the February 8, 2022 Regular Meeting minutes. Mr. Chilik moved and Mr. Ohlandt seconded to approve the minutes as presented. There were two abstentions from Chair Buckley, Jr. and Ms. Cogburn. Motion carried 2-0.

III. NEW BUSINESS

A. Smarties Academy c/o Julie Sellers, Dillard Sellers Attorneys at Law, has requested a change in land use designation from RL – Low Density Residential to I – Institutional for property at 465 Clairemont Avenue.

B. Smarties Academy c/o Julie Sellers, Dillard Sellers Attorneys at Law, has requested a rezoning from R-60 – Single Family Residential to I – Institutional for property at 465 Clairemont Avenue.

C. Smarties Academy c/o Julie Sellers, Dillard Sellers Attorneys at Law, has requested a conditional use permit to operate a daycare at 465 Clairemont Avenue.

Due to their relation to one another, Chair Buckley, Jr. read the new business items into the record. He informed fellow commissioners that when it was time to vote that they would need to make separate motions for each of the three agenda items.

Ms. Julie Sellers, Dillard Sellers Attorneys at Law, 1776 Peachtree Street, Atlanta, GA, on behalf of Smarties Academy, presented the applications. She stated that this was an unusual request as Smarties Academy, a daycare and early childhood education center, has been operating in the church facilities as an accessory use since 2012. She added that the requests are to continue to use this property and transition the daycare use from an accessory use to the primary use in the event that the church ceases operations.

Ms. Sellers stated that there would be no change to the use or the drop-off/pick-up.

In response to Chair Buckley, Jr., Ms. Sellers stated that as Smarties Academy is currently operating, it is basically using the entire church facility. She added that they currently have 128 students and that is at their capacity for the current facilities.

In response to Mr. Ohlandt, Ms. Sellers stated that the remnant was consolidated but that did not change the land use designation. She added that one parcel has a majority land use designation of I – Institutional and a small remnant that still has a residential land use designation.

Chair Buckley, Jr. opened the public hearing. Residents were requested to verbally share their comments, or email Ryan Sellers, Senior Planner, so that he could get those comments into the record.

Mr. Richard Herzog, 455 Clairemont Ave, spoke in opposition. He stated that they do not have an objection to Smarties Academy but requested that the public hearing be deferred for further discussion. He added that he lives right next door and had just become aware of the requests being made.

In response to Chair Buckley, Jr., Mr. Herzog stated that his concerns are more prospective rather than negative impacts from Smarties Academy. He added that there are traffic issues with the driveway but he would not be at the hearing for that.

Mr. George Lawes, 510 Clairemont Ave, spoke in opposition. Mr. Lawes raised concerns about the placement of the public notice signs. He also raised concerns about future use capacity. He asked the planning commissioners to put some limitations on this request to prevent traffic concerns that he raised.

There being no more public comment, Chair Buckley, Jr. closed the public comment period.

Ms. Sellers, in her rebuttal to the comments made, stated that the request being made is providing more certainty to the surrounding neighbors than the current zoning does. She added that the request is to limit the use of the property to the existing daycare use, on the existing development of the property.

In response to Chair Buckley, Jr., Ms. Sellers stated that their license is for 148 students and that it would be acceptable if the condition was to limit the total enrollment to 148 students.

Mr. Ohlandt made an observation that placing a cap on enrollment would eliminate many of the concerns and provide an additional layer of certainty.

Chair Buckley, Jr. stated that he would be comfortable supporting a motion if it caps the enrollment at the current licensure of 148 students.

Mr. Chilik stated that he would also support bringing all portions of this now consolidated parcel into the same land use designation as the rest of the parent property.

On a motion by Mr. Chilik, seconded by Ms. Cogburn, the requested land use designation was unanimously recommended for approval. Motion carried, 4-0.

On a motion by Ms. Cogburn, seconded by Mr. Ohlandt, the requested rezoning was unanimously recommended for approval with the condition to cap the enrollment at 148 students. Motion carried, 4-0.

On a motion by Mr. Ohlandt, seconded by Mr. Chilik, the requested conditional use permit was unanimously recommended for approval with the condition to cap the enrollment at 148 students. Motion carried, 4-0.

The recommendation is to be forwarded to the City Commission for consideration and action.

- D. Parkland Communities, Inc. c/o Dani Blumenthal, Battle Law LLC, has requested a change in land use designation from RL – Low Density Residential to RM – Medium Density Residential for properties at 614, 618 and 622 East Lake Drive.**
- E. Parkland Communities, Inc. c/o Dani Blumenthal, Battle Law LLC, has requested a rezoning from R-60 – Single Family Residential to RM-43 – Multiple Family Residential for properties at 614, 618 and 622 East Lake Drive.**
- F. Parkland Communities, Inc. c/o Dani Blumenthal, Battle Law LLC, has requested a special exception to canopy coverage standards for affordable housing for properties at 614, 618 and 622 East Lake Drive.**

Due to their relation to one another, Chair Buckley, Jr. read the new business items into the record. He informed fellow commissioners that when it was time to vote that they would need to make separate motions for each of the three agenda items. He added that there were plenty of written comments received for these applications and that these comments had been posted on the city's website. He reassured participants that these comments are being considered as part of the proceeding even though they would not be read aloud during the public hearing.

Chair Buckley, Jr. informed participants that we had consulted with the city's attorney, Bryan Downs, on these applications and that these applications may not be fully right for review at this time because the tree canopy standards that are the subject of the special exception application will not go into effect until March 21, 2022.

Ms. Michelle Battle, Battle Law LLC, 3562 Habersham at Northlake, Tucker, GA, on behalf of Parkland Communities, Inc., presented the application, with the understanding that the City would not be able to take action on this until the new tree ordinance takes effect. She stated the applicant is seeking the rezone from R-60 – Single Family Residential to RM-43 – Multiple Family Residential to allow for a 34-unit stacked flats development. She added that this development would include six (6) affordable units.

Ms. Battle stated that most of the trees on this site are located in the center of the site, which is posing the current challenges for this development. She added that a lot of the trees on the site are in poor condition based on the tree survey that was conducted.

Ms. Battle stated they held a community meeting with surrounding property owners and that it was well attended. She added that the deference would allow them to continue to work with the community and their concerns with the proposal.

Chair Buckley, Jr. opened the public hearing. Residents were requested to verbally share their comments, or email Ryan Sellers, Senior Planner, so that he could get those comments into the record.

Mr. Robert Wayne, 623 E Lake Dr., spoke in support. He expressed the importance of understanding that with the unusual depth of these lots, 2/3 of the land was never cleared when compared to the neighboring, smaller lots. He stated that with this request, the city has an opportunity to expand and diversify housing options. He added that this is an ideal location for the City to consider broaden the community's housing options so that others could enjoy the walkability and quality of life that the current residents dearly love.

Mr. Jim Jacobi, Owner of Parkland Communities, Inc., 299 S Main Street, Alpharetta, GA, reassured concern residents that he would be the developer, builder, and long-term owner of this project. He added that he hopes he could bring a successful community to the heart of downtown Oakhurst.

Ms. Janna Keller, 510 E Freeman St., spoke in support. She stated that there is a need for more workforce housing within the community and that this project would cater to professional millennials like herself. She added that she has saw several Parkland properties within the metro area and they have done excellent work.

Mr. Randolph Kallenberg, 535 E Lake Dr., spoke in opposition. He expressed concerns with traffic on E Lake Drive and that by added a 34-unit development to this corner would increase the traffic tremendously.

Ms. Heidi Couch, 539 E Lake Dr., spoke in opposition. She expressed concerns with the elevation and water run-off.

Ms. Kimberly Easley, 542 E Lake Dr., spoke in opposition. She expressed concerns with the tree removal. She also expressed drainage and safety concerns.

Ms. Michelle Spoeth, 9 Fairpark Ln., spoke in opposition. She expressed concerns on behalf of the HOA of Parkside at Feld Avenue Townhomes. Some of these concerns included the tree canopy, drainage issues, garbage and recycling plan, displaced wildlife.

Ms. Erin Murphy, 132 Mead Rd., spoke in opposition. She expressed concerns as to why the applicant did not provide a tree survey. She added that this level of tree removal and building the proposed number of units would create flooding issues for neighbors.

Ms. Tricia Appleton, 308 4th Ave., spoke in opposition. She stated that if the Planning Commission decided to override the new tree ordinance before it was even out of the starting gate, would be an improper use of power.

Mr. Benjamin Bell, 1010 Scott Blvd., spoke in opposition. He stated that this application should not even be before the Planning Commission as they have proven themselves to be corrupt by going against the new tree ordinance.

Mr. Ash Miller, 128 W Benson St., spoke in opposition. He raised concerns about pedestrian safety. He also expressed concerns as to why the written comments were not being read aloud.

In response to the concern raised by Mr. Miller, Chair Buckley, Jr. provided clarity by stating that it was decided that following accusations that a former planning commissioner's written comments had been given preferential treatment, all written comments would be posted on the website for everyone to view.

Ms. Maria Tolcher, 538 E Lake Dr., spoke in opposition. She reiterated the pedestrian safety concerns presented by others.

Mr. Joel Easley, 542 E Lake Dr., spoke in opposition. He stated that he had concerns with the sewage. He also expressed concerns with parking.

Ms. Aviva Vuvuzela, 1492 N Crossing Circle NE, spoke in opposition. She raised concerns about tree removal. She also raised concerns about safety and traffic.

Ms. Carrie Lunsford, 14 Fairpark Ln., spoke in opposition. She expressed that she wanted to expand on the parking concerns. She stated that there is already a shortage of parking at the park.

Ms. Cathy Parlato, 617 E Lake Dr., spoke in opposition. She expressed the concerns about traffic safety. She also expressed concerns that she felt this project is not affordable. She also spoke about run-off water.

Mr. Colin Heron, 24 Fairpark Ln., spoke in opposition. He expressed concerns with traffic, safety, and noise. He also expressed concerns with the wildlife that would be affected by the tree removal.

There being no more public comment, Chair Buckley, Jr. closed the public comment period.

Ms. Battle, in her rebuttal to the comments made, stated that they understand the passion of the community to preserve and maintain the walkability and character of the area. She went on to add that change is often difficult to be absorbed and that in this instance there is a balance that they are trying to achieve. She added that this property currently does not have any storm water detention and that this proposal would include underground water detention. She added that they are providing above the required inclusionary housing of three (3) units by providing six (6) affordable units.

Chair Buckley, Jr. agreed that there is a legitimate concern with guest parking. He added that from the concerns that were presented, there is a lot to talk about between Mr. Jacobi and the concerned neighbors.

Mr. Ohlandt agreed that there is more work to be done and that he felt that tabling until the applicant is ready to come back was the best option.

Motion by Mr. Ohlandt, seconded by Ms. Cogburn, the requested land use designation application was unanimously tabled until the applicant brings the application back. Motion carried, 4-0.

Motion by Mr. Chilik, seconded by Mr. Ohlandt, the requested rezoning application was unanimously tabled until a future date as determined by the applicant. Motion carried, 4-0.

Motion by Ms. Cogburn, seconded by Mr. Chilik, the requested special exception was unanimously tabled until the applicant brings the application back. Motion carried, 4-0.

IV. OTHER BUSINESS

In light of a situation that occurred during public comment, Chair Buckley, Jr. asked staff to look at how we handle speakers and the identification of their addresses when there are individuals with sensitive situations.

V. ADJOURNMENT - There being no other business, the meeting adjourned at 9:33 p.m.

Consistent with the requirements of O.C.G.A. §50-14-1(e)(2)(B) these minutes were approved at the next regularly scheduled meeting on April 12, 2022 and made part of the record.

(draft)

Ryan Sellers, Senior Planner
Acting Secretary to the Planning Commission