



# City of Tucker, GA

PLANNING COMMISSION

December 28, 2017

PLANNING COMMISSION

7:00 PM

MINUTES

City Hall Annex

4228 1st Ave, Suite 2-4

Tucker GA, 30084

## CALL TO ORDER

Chairman George Wellborn called the meeting to order at 7:00 PM.

The following were in attendance:

Attendee Name	Title	Status	Arrived
Ann Coppage	Board Member	Present	
Katherine Atteberry	Board Member	Present	
Damyon Claar-Pressley	Board Member	Present	
George Wellborn	Chairman	Present	
Steve Smith	Board Member	Present	

## PLEDGE OF ALLEGIANCE

## APPROVAL OF MINUTES

Planning Commission - Regular Meeting - Nov 30, 2017 7:00 PM

On packet page 6, remove the "e" from Anne in Commissioner Coppage's first name.

<b>RESULT:</b>	<b>ACCEPTED AS AMENDED [UNANIMOUS]</b>
<b>AYES:</b>	Coppage, Atteberry, Claar-Pressley, Wellborn, Smith

## OLD BUSINESS

## NEW BUSINESS

Public hearing procedures were read into the record by Chair George Wellborn.

1. Recommendation to City Council for an Ordinance to approve a Special Land Use Permit (SLUP-17-004) for fuel pumps and a Special Land Use Permit (SLUP-17-005) for alcohol sales; Concurrent Variance (VS-17-004-01) to allow increased canopy height; Concurrent Variance (VS-07-004-02) to allow an outdoor ice machine/propane display for 5448 E Ponce De Leon Avenue for applicant Jonathan Woher (McBride Dale Clarion) c/o Speedway.

Deputy Director Courtney Smith presented information on the application and staff recommendations. Staff recommends approval of SLUP-17-004 for fuel pumps and SLUP-17-005 for alcohol sales and denial of VS-17-004-01 and VS-17-004-02.

Commissioner George Wellborn proposed that the Commission hears all four public hearings concurrently instead of four separate public hearings. The Commission agreed unanimously to do so.

Commissioner Wellborn opened the public hearings for anyone wishing to speak in favor.

Applicant, Jonathan Woher, 5721 Dragon Way Ste 300, Cincinnati, OH, spoke in favor of the application. He stated that there are no objections on the applicant's part to staff conditions. He mentioned that the hope for Speedway is to be one stop shopping for their customers. In regard to the variance requests, the requested canopy height is standard for Speedway stores, but they can comply with requirements by modifying the signage if the variance is denied. He also mentioned that the variance for propane tanks and ice machines is for customer convenience and that the propane tanks will be monitored by Speedway staff.

Public hearing closed.

Public hearing for anyone wishing to speak in opposition.

Aaron Shores, 1826 Cameo Ct, mentioned that he utilizes the bike path and would like for the safety of cyclists to be taken into consideration.

Public hearing closed.

Members of the Planning Commission discussed the safety of the location of the propane tanks and the necessity of the ice machine to be located outside. The Commission did not see a reason for the ice machine to be placed outside of the building, but that propane tanks should be stored outside of the building for safety purposes.

**SLUP-17-004**

**MOTION TO RECOMMEND APPROVAL WITH STAFF CONDITIONS**

**By: George Wellborn  
Seconded by: Ann Coppage  
Vote: 5-0**

**SLUP-17-005**

**MOTION TO RECOMMEND APPROVAL WITH STAFF CONDITIONS**

**By: George Wellborn  
Seconded by: Damyon Claar-Pressley  
Vote: 5-0**

**VS-17-004-01**

**MOTION TO RECOMMEND DENIAL**

**By: George Wellborn  
Seconded by: Steve Smith  
Vote: 5-0**

**VS-17-004-02**

**MOTION TO RECOMMEND APPROVAL FOR PROPANE TANKS ONLY**

**By: George Wellborn  
Seconded by: Damyon Claar-Pressley  
Vote: 5-0**

**SLUP-17-004 approved with staff conditions; SLUP-17-005 approved with staff conditions; VS-17-004-01 denied; VS-17-004-02 approved for propane tanks only**

2. Recommendation to City Council for an Ordinance to approve a Rezoning (RZ-17-004) from R-75 to RSM to allow for a 40-unit single-family detached development; Concurrent Variance (VC-17-004-01) to compatibility requirements for new and existing subdivisions for 3254, 3298, 3304 and 3320 Lawrenceville Highway and 4448, 4530 Henderson Drive for applicant Dennis Webb (Arden Companies).

John McHenry, Director of Community and Economic Development, presented

the application for the rezoning and variance. He also discussed staff recommendations of approval of RZ-17-004 with conditions and denial of VC-17-004-01.

Commissioner George Wellborn proposed that the Commission hear both public hearings concurrently instead of two separate public hearings. The Commission agreed unanimously to do so.

Commissioner Wellborn opened the public hearings for anyone wishing to speak in favor.

Den Webb, 1230 Peachtree Street, Atlanta, GA, representative for the applicant, discussed the changes that have been made to the application to meet the recommendations by staff. He mentioned that the homes will be 2-story and that there will be an access point that aligns with the townhome development across the street. He also discussed the traffic study that was commissioned, and it concluded that the trips added by the development would have minimal impact on traffic in the area.

Neville Allison, Managing Director for the applicant The Ardent Company, spoke briefly on the project and stated that he feels as though they have worked hard to work with the neighbors to develop a plan. They have made several changes to the originally proposed development based on recommendations from staff.

The public hearing was closed.

The Planning Commission expressed concerns about accessibility from one development to the other on the opposite side of Lawrenceville Highway and concerns about the proposed zoning transition. There were also concerns about the trees that are on the property and whether or not they can be saved if the project is approved.

Commissioner Wellborn opened the public hearings for anyone wishing to speak in opposition.

Laurel Jackson, 1606 Brockett Rd, asked that the Commission consider the following: the letter written by Rebecca Calder who abuts the property, character is low density residential, compact homes on small lots do not fit in with surrounding areas, can be developed as zoned.

John Larose, 3577 Bishop Dr, believes the property can and should be developed as zoned and the proposal would be a more appropriate development closer to downtown Tucker. He is also concerned that the tree count will be decimated by

this development.

Levi Shores, 1826 Cameo Ct, believes that R75 can and will work for this development, and RSM is not necessary.

Irina Kosheleva, 3692 S Marlborough Dr, voiced concerns about the rezoning because of the clearing of many trees on the property and the effect that the development would have on traffic.

Rodney McHugh, 3630 Sheffield Place, opposes the rezoning but has been impressed by the developer's willingness to change from townhomes to single family detached homes. She is in favor of a development on the property, but she is opposed to a change in zoning.

Cara Mai, 3576 Bishop Drive, would be directly affected by the development and is concerned about clear cutting of trees in the area. She would like to see the property developed as R-75.

Karen Hagerman, 3568 Bishop Drive, is against the proposed density of the development and she would like to see it developed under the current zoning.

DJ Jennings, 3568 Bishop Drive, is concerned about the proposed zoning not following the Tucker Tomorrow plan.

Michelle Namer, 1707 St. Lawrence Cove, opposes the proposed development and would like to see what can be done under the current zoning.

Debbie Namer, 1707 St. Lawrence Cove, is in favor of development under current R-75 zoning.

Ted McMahan, 3624 Sheffield Place, opposes rezoning.

Robert Cane, 1740 Ronald Road, moved to Tucker to get away from this type of development. He is concerned about the clear cutting of trees.

Meredith Bates, 1712 Ronald Road, believes this type of change should wait until the Tucker Comprehensive Plan is in place.

The public hearing was closed.

Members of the Planning Commission expressed concerns about the amount of tree removal that the development would require and the close proximity to Lawrenceville Highway. There was also concern about the concurrent variance

being essential for the development to happen.

**RZ-17-004**

**MOTION TO RECOMMEND DENIAL**

**By: Ann Coppage**

**Seconded by: Damyon Claar-Pressley**

**Vote: 4-1 (Katherine Atteberry voted against)**

**VC-17-004-01**

**MOTION TO RECOMMEND DENIAL**

**By: Katherine Atteberry**

**Seconded by: Steve Smith**

**Vote: 5-0**

**RZ-17-004 denied; VC-17-004-01 denied**

Commissioner Atteberry requested a 5 minute recess which was granted.

3. Recommendation to City Council for an Ordinance to approve a Rezoning (RZ-17-004) from R-75 to RSM to allow for a 40-unit single-family detached development; Concurrent Variance (VC-17-004-01) to compatibility requirements for new and existing subdivisions for 3254, 3298, 3304 and 3320 Lawrenceville Highway and 4448, 4530 Henderson Drive for applicant Dennis Webb (Ardent Companies).

John McHenry, Director of Community and Economic Development, presented the application for a rezoning from R-75 to RSM. He also discussed staff recommendations of approval of RZ-07-005 with conditions.

Commissioner Wellborn opened the public hearing for anyone wishing to speak in favor.

Den Webb, 1230 Peachtree Street, Atlanta, GA, representative for the applicant, presented the plans for the development, and stated that they are willing to meet all three criteria for the density bonus. He mentioned that this development is different from the proposed development across the street, as it would attract a different type of buyer than single-family detached would. He also stated that they would be able to preserve seven of the eleven specimen trees on the property. He believes that the green space in the back of the development would create a separation between the development and the

properties behind it, and that the development plans exceed the green space requirement in the Code. He also mentioned that he does not believe the property can be developed under its current zoning because it has not been developed in the time that it has been vacant.

Neville Allison, 2622 Winding Lane, Atlanta, GA, applicant, stated that they have made changes to the plans to be more in line with what the neighbors would like to see and maintain a high-quality product. He stated that if they attempted to develop the property under the current zoning, the trees would have to be clear cut with loading on Bishop Drive. He stated that he would like to create a transition that neighbors and buyers will be happy with.

Public hearing closed.

Commissioner Wellborn opened the public hearing for anyone wishing to speak in opposition.

Pat Jolly, 3593 Bishop Drive, does not want another townhome development with Avery Hills already there.

John Larose, 3577 Bishop Drive, believes the property can and should be developed under current zoning.

Trish Regan, 3647 Sheffield Place, does not approve of townhomes if the single-family development across the street is not approved and would like to see it developed under the current zoning.

Robert Varalla, 3548 Terri Lynn Court, is concerned about the already dangerous traffic becoming more dangerous due to the development.

Irina Kosheleva, 3692 S Marlborough Drive, is concerned about the construction noise and the clearing of the land and the animals that currently live there.

Rodney McHugh, 3630 Sheffield Place, would like to see the property developed as R-75.

Levi Shores, 1826 Cameo Court, would like to see the property developed as R-75.

Debbie Namer, 1707 Saint Lawrence Cove, read statement from two citizens who were not present.

Public hearing closed.

Members of the Planning Commission expressed concerns about the townhome

use of the property and how it does not fit in with the surrounding area, but also believe that something needs to be developed there as there is a lot of trash dumped on the property. There was concern about the density and the proposed zoning not being an appropriate transition in the area.

**RZ-17-005**

**MOTION TO RECOMMEND APPROVAL WITH CONDITIONS AS IDENTIFIED BY STAFF**

**By: Katherine Atteberry**  
**Seconded by: None**  
**Motion Fails**

**MOTION TO RECOMMEND DENIAL**

**By: Ann Coppage**  
**Seconded by: Steve Smith**  
**Vote: 4-1 (Katherine Atteberry voted against)**

<b>RESULT:</b>	<b>RECOMMEND DENIAL [4 TO 1]</b>
<b>MOVER:</b>	Ann Coppage, Board Member
<b>SECONDER:</b>	Steve Smith, Board Member
<b>AYES:</b>	Ann Coppage, Damyon Claar-Pressley, George Wellborn, Steve Smith
<b>NAYS:</b>	Katherine Atteberry

**CITY BUSINESS ITEMS**

**PREVIOUS LAND USE PETITION UPDATES**

Courtney Smith, Deputy Director of Community Development, updated the Planning Commission on past land use cases.

**COMMENTS BY STAFF AND PLANNING COMMISSIONERS**


Commissioner Atteberry thanked Commissioner Wellborn for his service as Chairman on the Planning Commission as this was his last meeting. Commissioner Wellborn thanked everyone and mentioned that he has enjoyed his time on the Planning Commission.

**ADJOURNMENT – 11:03 PM**

Approved,

Attest:





  
Olivia Wilson, Administrative Assistant

(Seal)

**APPROVED**

2/22/18

