



Community Development
5047 Union Street
Union City, GA 30291-1497

(770) 515-7950
www.UnionCityGa.org

Minutes

**Planning Commission Meeting
Monday, September 26th, 2022
7:00 p.m.**

PRESENT:

Vice Chairwoman- Linda Johnson

Member- Trevor Cason

Member - Jo Croom

Assistant City - Attorney Patrick Stough

Assistant Director- Janna Keller

Director- Anthony Alston

ABSENT:

Chairwoman- Marilyn McCain

Member-Robert Potts

Planner Record TCF- Carletta Singleton

I. CALLED TO ORDER:

The meeting was called to order at 7:00 p.m.

II. APPROVAL OF MINUTES:

Monday, July 25th, 2022

A motion was made by Trevor Cason, seconded by Jo Croom and carried, Planning Commission approved the minutes with noted corrections. Vote was unanimous. 2-0.

III. OLD BUSINESS:

None

IV. NEW BUSINESS:

- A. Case# 2022RZ-002-08 – An application by Rashard Curney to rezone 3.66 +/- acre tract of land Parcel ID: 09F270301231027 on property zoned R-1 (Single Family Residential) to TCMU (Town Center Mixed Use) located off Stonewall Tell Road to construct 168 residential dwellings and 30 commercial retail spaces.

1. PRESENTATION AND/ OR COMMENTS:

Presentation by Community Development Dept., Tony Alston - (Director) Acreage: 3.66 +/- acres tract of land, Purpose of Use: Commercial and Residential buildings, Current Zoning: R- 1 (Single Family Residential), Proposed Zoning: TCMU (Town Center Mixed Use). The Aerial map shows

R-1 (Single Family Residential) and TCMU (Town Center Mixed Use) properties as the surrounding usage for the proposed property. The property is located at the corner of Koweta Road and Stonewall Tell Road, directly across from the new Stonewall Tell Subdivision that is currently being developed. The site area is 3.66 +/- acres with a total of 168 residential dwellings and 30 commercial retail spaces. The rendering concept shows the plans for the clubhouse, fitness center and commercial aspect of the development. Staff recommends approval of the rezone to TCMU subject to the following conditions:

- a. Conditional approval for a period of one year with eligibility for a renewal for an additional one year period**
- b. Any apartment component shall be developed as a gated modern resort-style residential community that shall be maintained and monitored at the property owner's expense.**
- c. Additional buffer (15' planted buffer) on the North and West side at the property line side to be added to the required buffer as set forth in the Zoning Ordinance.**
- d. That the proposed multi-family community shall include a minimum of two (2) of the following amenities: Playground, walking or bicycling trail, covered picnic area, swimming pool, fitness center, or conference room/ meeting space.**
- e. The proposed TCMU development shall prohibit the following uses: Tattoo & Body piercing shops, vape shops, barber and beauty shops, event centers, hookah lounges, small box discount stores, gas stations, convenience stores and liquor stores or any similar establishments.**

The applicant is present and would like to present. Rashad Curney, with Brykson Planning and Design located at 3249 Calvin Ct, Atlanta, GA 30344 presented. Rashad states that the goal of the project is to bring back a community vibe to Union City, with the focus audience being single parents, teachers, police officers and public servants etc. Applicant stated on record that he approved the proposed conditions proposed by Staff.

2. THE COMMISSIONER'S HAD QUESTIONS ABOUT THE FOLLOWING TOPICS:

- Trevor Cason (member) – Are there any set ideas on their plans regarding shops and apartments? Yes, this project would be a true Mixed Use development; so there will multi-family for apartments and an area for commercial use at the corner.**
- Trevor Cason (member) – Have we ever had this in Union City before? No, this would be the first.**
- Linda Johnson (Vice Chairwoman) – Why have a minimum requirements in the amenities, when the ordinance deems what is allowed? Zoning cases previously introduced before Council has seen similar conditions.**
- Linda Johnson (Vice Chairwoman) – We allow two or three different things in TCMU, such as residential and business, but how can we prohibit these things legally? This is very typical in zoning and planning to recommend restricted uses. Imagine living in a house, and across the street is a liquor store. So, making the recommendations to be restrictive is to protect the brand new subdivisions while also setting standards for TCMU.**
- Patrick Stough (Assistant City Attorney) – The developer has agreed to this? Yes**

3. REMARKS FROM THE PETITIONERS :

4. PUBLIC HEARING OPEN TO THE PUBLIC (2 MIN.)

5. REMARKS:

- Patrick Stough (Assistant City Attorney) – In regards to condition – conditions of zoning should always be designed to address the negative effects of the rezoning. Legal is not sure of the negative effects that exists for this presentation.
- Patrick Stough (Assistant City Attorney) - Pertaining to the property reverting, that cannot happen –we cannot have it happen automatically, there might be something in the ordinance that requires that to happen; I don't believe it is a necessary condition.
- Patrick Stough (Assistant City Attorney) - In reference to the last condition, I am not use to the city putting conditions on a rezoning or prohibiting certain uses; I don't know of any time we've done that. The ordinance would generally state what is allowed.
- Jo Croom (member) - The ordinance should determine what is allowed pertaining to the amenities. These requirements should be approved prior to bringing forth as a condition.
- Trevor Cason (member) – We have brought up a lot of concerns around TCMU from a legal standpoint.

6. PUBLIC HEARING CLOSED TO THE PUBLIC

7. REMARKS FROM PETITIONER AND OTHER

8. VOTE ON CASE # 2022RZ-002-08

A motion was made by member Trevor Cason, seconded by member Jo Croom and carried, Planning Commission approved case# 2022RZ-002-08 as presented with the Planning Commission's concerns on legality and concerns of TCMU permitted uses be noted to Mayor and Council. Vote was unanimous. 2-0

B. CASE # 2022ZM-001-08 – An Application by Nexus Union City Development, LLC to modify City Council approved conditions regarding landscape buffers and site plan modifications at 5600 Campbellton Fairburn Rd composed of approximately 41 +/- acre tract of land Parcel ID: 09F300001150472 & 09F300001150928.

1. PRESENTATION AND/ OR COMMENTS:

Community Development Director informed the Planning Commission that the applicant is requesting to withdraw their application. The applicant needs more time to work with Staff and the Legal team on this project.

2. VOTE ON CASE # 2022ZM-001-08

A motion was made by member Jo Croom, seconded by member Trevor Carson and carried, Planning Commission approved the withdrawal of case# 2022ZM-001-08. Vote was unanimous. 2-0

C. CASE # 2022PP-001-08 - A request to review the Preliminary plat for the residential subdivision plat located on 5137 High Point Rd. consisting of 15.34 +/- acres. The proposal is to develop 133 lots for single family detached homes. The property is zoned TCMU.

1. PRESENTATION AND/ OR COMMENTS:

Presentation by Janna Keller - (Assistant Director) Acreage: 15.34 +/- acres tract of land, Purpose of Use: Single Family lot subdivision, Current Zoning: TCMF (Town Center Multi-Family). The area requested was approved and rezoned to TCMF on May 17th, 2022 by Mayor and Council. Staff recommends approval of this plat with the following conditions: a playground, fire pit, clubhouse and additional planted buffers on the East

and West property line; these are the conditions Mayor and Council put in place during the approval process back in May. The applicant is present and would like to present. Michelle Macauley from Gaskins and LeCraw located at 3475 Corporate Way, Suite A, Duluth, GA 30096 presented. Michelle restated that the property was rezoned in May, where they had many discussions pertaining to the amenities. She clarified the confusion pertaining to the number of units, stating that the application was originally submitted for 139 units; however, they received a notice of correction from the Community Development staff. Per the Zoning Ordinance, there are only 10 units allowed to the net lot area. After a recalculation, they reduced the units to 124. Other than the change in unit number, the site plan matches all conditions of zoning that was added by the Planning Commission and the Mayor and Council. There will be a traffic study conducted with the application for Land Disturbance Permit.

2. THE COMMISSIONER'S HAD QUESTIONS ABOUT THE FOLLOWING TOPICS:

- Trevor Cason (member) – Do we have a picture of the location? Or an aerial view? No, we don't.
- Linda Johnson (Vice Chairwoman) - This went from 133 to 124? Correct.
- Linda Johnson (Vice Chairwoman) – This is now a TCMF instead of a TCMU? Correct.
- Jo Croom (member) I see that there are conditions that need to be met. Do you agree to those conditions? Yes. Along with the 15ft buffer? Yes.
- Trevor Cason (member) – Is there an entrance to the back of this? No.
- Trevor Cason (member) – Does everything match up with the needs of the Fire Department? We have two access points.
- Jo Croom (member) – How about the width of the road? We meet the subdivision regulation for the minimum street width.
- Jo Croom (member) - I am concerned about an exit, there is no exit anywhere else? No, there is not. We would meet the minimum spacing requirements and providing the second point of access to meet the fire code.
- Trevor Cason (member) - Did they come up with a name yet? No

3. REMARKS:

- Patrick Stough (Assistant City Attorney) – Just to be clear, this is not a recommendation, this is a decision by the Board.

4. VOTE ON CASE # 2022PP-001-08

A motion was made by member Jo Croom, seconded by member Trevor Cason and carried, Planning Commission approved case# 2022PP-001-08. Vote was unanimous. 2-0

D. Case# 2022PP-02-08 – A request to review Preliminary plat for the residential subdivision plat located south of Union Point Place and east of Lower Dixie Road, consisting of 30.87 +/- acres. The proposal is to develop 151 lots for single family and townhomes. The property is zoned PUD (Planned Unit Development).

1. PRESENTATION AND/ OR COMMENTS:

Presentation by Janna Keller - (Assistant Director) Acreage: 30.87 +/- acres tract of land, Purpose of Use: Single Family lot subdivision, Current Zoning: PUD (Planned Unit Development). The area requested will consist of 151 lots; 14 of those lots will be townhomes and the remaining 137 will consist of single-family homes. On June 21st,

Mayor and Council approved the request to create the new planned unit development off Lower Dixie Lake. The request has been circulated to all department and staff has not received any opposition on this request. Staff recommends approval with the requested conditions shown on the plat from the rezoning case before Mayor and Council. The applicant is present and would like to present. Michelle Macauley from Gaskins and LeCraw located at 3475 Corporate Way, Suite A, Duluth, GA 30096 presented. Michelle restated that the property is currently zoned a PUD. She reminded the Commissioners that the plat came before them in May, and that the property sits between two existing communities – Terraces at Union Point to the north and Creekside Cove to the east. During the meeting before Mayor and Council additional conditions were discussed and these are now included in the PUD. Applicant reconfirms that this is for 137 single family homes and 14 townhomes for a total of 151 homes.

2. THE COMMISSIONER’S HAD QUESTIONS ABOUT THE FOLLOWING TOPICS:

- Linda Johnson (Vice Chairwoman) – Did you add it together to come to 151? Correct, it’s 151.
- Trevor Cason (member) – Are the two other developments yours? No, they’re not. They’re much older existing communities.
- Trevor Cason (member) – Are they all going to have three different homeowners’ associations? So there will be those two existing homeowner that’s existing now and for the 151- this will be a new HOA. Correct.
- Jo Croom (member) – The road width, and parking stipulations have been met? You met the sidewalk regulations? Correct. Sidewalks on both sides of the street and streets will be the minimum width.
- Trevor Cason (member) – No complaints from the other existing communities? Part of the requirement, we sent out requests from the homeowners and received no comments.

3. REMARKS:

- Patrick Stough (Assistant City Attorney) – This is a PUD, which means there should’ve been a development plan, there was a development plan approved by Mayor and Council.

4. VOTE ON CASE # 2022PP-02-08

A motion was made by member Trevor Cason, seconded by member Jo Croom and carried, Planning Commission approved case# 2022PP-02-08 including the stipulations by Mayor and Council. Vote was unanimous. 2-0

5. ADJOURNMENT:

A motion was made by all commissioners to adjourn and carried. The meeting adjourned at 7:46 p.m. Vote was unanimous. 3-0.