



Regular Meeting of the Planning Commission
The Chambers at City Center
8534 Main Street – Woodstock, Georgia

DRAFT MINUTES
Tuesday April 3, 2012 7:00 PM

Item 1: PLEDGE OF ALLEGIENCE

Item 2: CALL TO ORDER 7:00 PM

Present: John Szczesniak, Judy Davila, James Drinkard, Joe Linden, Jeff Wood, K. Scott Gordon
Absent; Lee Zell.

Staff; Community Development Director Richard McLeod, City Planner Brian Stockton, Zoning Administrator Patti Hart.

Item 3: APPROVAL OF MINUTES

A) Approval of March 6, 2012 Regular Meeting Minutes

MOTION TO APPROVE MINUTES OF MARCH 6, 2012 AS WRITTEN.

By Judy Davila
2nd Scott Gordon

Motion passes 4-0 (Joe Linden abstained, Jeff Wood not yet in attendance)

Item 4: OLD BUSINESS

MOTION TO REMOVE CUP#004-12 FROM THE TABLE.

By James Drinkard
2nd Judy Davila

Motion Passes by Unanimous Vote (Jeff Wood not yet in attendance)

(Jeff Wood Joined the Meeting at 7:11 PM)

- A) TABLED March 6, 2012 CUP#004-12** The City of Woodstock Georgia has received an application for a Conditional Use Permit (**Case CUP#004-12**) from Cherokee Funeral Home of Woodstock, Georgia. The property is located at 121 Claremore Dr. in Woodstock, GA. The property is identified as tax map and parcel number 15N24P 103U. The property is zoned GC (General Commercial) and the request is for a **Conditional Use Permit** for a Crematory. The Planning Commission held a public hearing on Tuesday March 6, 2012 and The City Council will hold the **official Public Hearing** on Monday, April 23, 2012 7:00 p.m. at The Chambers at City Center, 8534 Main St., Woodstock, Georgia.

Richard McLeod presented the case tabled on March 6, 2012.

The applicant, Kyle Standridge , provided maps from Google earth listing proximities of neighboring cities in terms of footage showing that they are closer to residential than the subject funeral home is. At John Szczesniak's request, Joe Emory of St Petersburg Fl who is a Service Technician for B& L Cremations addressed technical information regarding types of emissions released and monitoring equipment presented in the B&L report at the last meeting.

Mr. Emory - This is a two chamber system in which all emissions pass to the second chamber and are consumed at a temperature of 1600 degrees. Pollution monitoring equipment that can allow more air or shut the system down if it isn't working right. Mercury from silver amalgam fillings will vaporize in the process, but because fewer people have silver amalgam fillings the potential for that emission continues to go down each year. There will be no noise, no odors emitted, no smoke and the only **thing that** you might see are heat vapors like you would see on pavement on a hot day. The monitors show the amount of particulates emitted but not the specific nature of the particulates. There have been independent studies done by the EPA and other agencies and the results are so low that the EPA doesn't bother to regulate it.

In response to questions asked by Planning Commission, Zoning administrator Patti Hart provided the following information;

EPA has chosen not to regulate emissions from crematories because they are so low. The EPA defers to the States and Georgia EPD has also chosen to not regulate crematories. Crematory emissions are consistently the lowest combustible emission included in may on the studies and that puts it below their radar for monitoring and this is what exempts it from having to get an Air Permit. This puts the onus on permitting; there are regulatory requirements that the applicant needs to adhere to prior to receiving their crematory permit from the Funeral Board. Some states (e.g.: Maryland, New York, Ohio) have decided to regulate crematories for things like opaqueness but not the specific nature of the emissions because the levels are so low across the board.

The Funeral Board provided a listing of all of all of the licensed crematories in GA and I isolated the closest ones to our area to illustrate the existence of this use in similar proximity to residential. State Code places a distance requirement of one thousand (1,000) feet from residential on stand-alone crematories but a crematory as an accessory use to a Funeral Home is specifically exempt from that code. I contacted the Board of Realtors as well as a few personal contacts and asked for any kind of industry related documentation that would speak to property value impact from a crematory, but could not find any. I did get some personal feedback that it is sometimes more difficult to sell a home next to a funeral home because of personal perception as it is sometimes difficult to sell a home right next to Commercial but no experiences shared related specifically to a Funeral Home with a crematory. Comparisons were made to the PENN State Study at the last meeting which is the only study that I could find that referenced impact to property values. I spoke with the Staff at the City of Rawlins (subject of Penn State Study) to get the details that we didn't have at the last meeting and what I found was that the levels were acceptable prior to permitting, complaints began immediately about noise, light, smoke and odor and City began remediation through their nuisance ordinance. The neighbors contacted The Department of Environmental Equality to test and the results showed the levels "to be consistent with the levels at the time of permitting". The neighbors sued and the record shows an order to dismiss the petition with prejudice. The crematory was not shut down but it did cease operations on its own because of the costly law suits. Board of Realtors Standard Exhibit "A" Disclosure requires disclosure for known toxins on the property, but not the proximity to a crematory.

Planning Commission allowed additional Public Input from members of the public not in attendance at the advertised Public Hearing on March 6, 2012. Speakers in opposition tonight:

Martin Juman (Resident of Claremore Lakes, address not stated on the record) presented 235 signature petition in opposition: Presented petition of 235 people who live work or play in the area of the crematory. Several hundred more people out there who have not known about this but would be against it. No one is against crematories, just the placement of crematory in a residential community. Asks the staff to look at petitions and our point of view before it makes its final recommendation. Town of Tucker Georgia denied crematory (presented AJC article). Staff spent a lot of time on this research but according

to the Land Development Code the applicant should have done this research not staff. We have proffered that an entity such as this use has no place in a residential community. Our forefathers of this community set forth the Conditional Use criteria and you should consider whether or not the use proposed will result in a nuisance and whether or not the surrounding property values will be adversely affected. No one has produced any records that have addressed property values except the Penn State Study. We know by Patti's own statements that it is harder to sell a property sometimes and we know that whole Asian community in Tucker was against this because of the reasons they stated and we have according to the latest census data approximately one thousand Asians, we believe that 95% of the community is unaware of the crematory coming in. There is a hint of impropriety surrounding this, (I'm not accusing anyone) a pre-ordained situation that the crematory will come in. Funeral home was built with a vault or empty room with ventilation system that had to be pulled out. If it is true that 78-80% of business will be cremations then it would have to have been known at the inception of this funeral home. Was the cart before the horse or was the assumption that if the funeral home is built it would be allowed? If those home values decline as we believe they will the tax base will go down and this will affect the rest of the community with a higher tax rate. If there is a service representative for this equipment then that suggests that things can go wrong. Nuclear Power plants still being built in the country today, they told Japan, Chernobyl, and Three Mile Island that they would be okay – things were not okay. Provided GA Public Health Department Fact Sheet Document (already in PC Packets and on Website) cites that Crematories unpleasant odors and loud noises are nuisance issues that affect quality of life; echoes the concerns of the 235 petitioners who might very well be affected by this.

Jerry Hill 410 Brooks Walk – This is an industrial incinerator and they use a smokestack, 1600 degree air – will it be 35 foot smokestacks? It will give itself away right away as something unusual. Having operated power plants around the country for 40 years, have learned that if you don't treat those computers, sensors right they are about as good as a doorstep. Those of us who live around the stuff that comes out of that unknown smokestack will be suffering in the time between the computer error registers and the service call is made. Silver amalgam still being used and EPA says that any amount of Mercury is bad, it doesn't go away, it stays in the environment forever. It may not happen for ten years but if the plant doesn't operate like it should there will be some other organic compounds. On the company website they show this beautiful building next to this beautiful lake; should they paint five smokestacks on the building. We will be the ones that have to look at it. In the aerial shots I didn't see any houses in the green circles and also we don't know which came first the crematory or the houses. Think there's a need for crematory but just not here.

Rich Linden 1265 Land O'Lakes Roswell GA- Trying to sell my mother's house 429 Brooks Walk. Property Values have already gone way down and now we have to deal with this. This is really a disgrace that this has come up.

Kyle Standridge addressed public comments and answered additional questions from the Commission Members: The equipment will be thoroughly inspected twice a year by the manufacturer. There is a monitor on the machine, if any issue arises with the machine it will automatically shut off and will not restart until it is corrected. Joe Emory added that the level of severity determines if it can be manually restarted after shut down. If the gas pressure is too high or too low, blower motor that supplies combustion and cooling air to the chamber is off or emission levels shut down could be started again but not until levels are normal again. He added in response to Judy Davila's request for a comparison to the type of service performed on the retort that it is comparable to an oil change in the auto industry. Annually we would recalibrate and test all safety specs.

Mr. Standridge stated that the smoke stack height will be even with the roof line, will utilize the existing vent and could be made to match the building façade (like residential chimney).

John Szczesniak stated his concern for the 2006 Bartow County Report provided by staff which states that this is a potential environmental issue but not a health issue, concerned with the chemicals emitted

including mercury and hydrochloric acid and that report does cite health concerns, such as respiratory issues from exposure to particulate matter, some states impose setbacks to residential of 500 feet or more. This article doesn't fit with what we were talking about earlier – do you have anything that speaks to these emissions. Joe Emory said that the Hydrochloric Acid comes from the chlorine that was used in the bags around that time frame but that has since been regulated.

Richard McLeod was asked to address public statements made regarding the pre-existence of crematory equipment at the Lakeside Funeral home. He clarified this information at the last meeting and also for the press recently; at no time was there any cremation equipment or ventilation equipment installed at the facility. The applicant presented a detailed set of plans for review that included the location of a crematory room with ventilation. Staff required that these indications be removed from the plans prior to review. There is a concrete block room with a window in it which is a storage room at the moment. Regarding the chimney, any development in that area is subject to the architecture of the Hwy 92 overlay. Jeff Wood asked if it becomes a nuisance, by state definition, can the City shut it down? Richard McLeod stated that we have our own nuisance ordinance and if it violated that we could step in. Patti Hart read the State definition of Nuisance OCGA 41-1-1 and stated that nuisance tends to be curative rather than preventative; something is a nuisance only if it is a known nuisance, and courts tend to uphold a nuisance charge only if there is a substantial amount of fact behind the nuisance charge. James Drinkard read the Funeral Board procedures for suspension/revocation of license which included notification to the city. K. Scott Gordon noted that the manufacturer requires one yearly inspection but the applicant mentioned bi-annual inspections. Kyle Standridge clarified that manufacturer inspection is very thorough but the State inspection is just to make sure you have the right equipment, less technical.

MOTION TO RECOMMEND DENIAL OF CUP#004-12 BASED ON THE LACK OF SIGNIFICANT FACTS SUPPLIED BY THE APPLICANT JUSTIFYING THAT NO SIGNIFICANT PUBLIC HEALTH SAFETY AND WELL BEING OR MORAL CONCERNS OF THE SURROUNDING NEIGHBORHOOD WILL BE ADVERSELY AFFECTED AS WELL AS IF THE APPLICANT HAS PROVIDED SUFFICIENT INFORMATION TO ALLOW FULL CONSIDERATION OF ALL RELEVANT FACTORS.

**By John Szczesniak
2nd Joe Linden**

John Szczesniak recommended denial based, although staff did a great job bringing the additional information but the problem that I have is the lack of environmental regulation. There is conflicting information out there and nothing current. The burden was on the applicant to provide answers to those questions that still remain; will this be a nuisance, affect property values, health and welfare? Bartow study states that it is an environmental issue but not a health issue - there is a lake right next door. Particulate matter is absorbed in to the lungs. Would have to have more information to say yes.

Joe Linden stated if residents physically believe it is a nuisance then it may be a nuisance. There is not enough significant evidence to say this is a good thing and that there are no environmental issues. If we knew for sure that these things were not issues then I would be for it, but I have to side with the petitions.

Judy Davila: we've seen that these are placed right next to residential in other areas, why the state would allow them to be there if it was a known nuisance? Joe Linden stated that for many, many years smoking was allowed in public places but now it has been banned because it has been found to be hazardous. So maybe the estate hasn't caught up to crematories yet.

Jeff Wood this is a tough decision. The available evidence shows only the pros and cons, no unified factual evidence on this. It does concern me that there are no emissions regulations but I don't think that a power plant is a fair example, 3.5 mg mercury in every compact fluorescent light bulb as compared to the average body having 0.25 to 1 gram. Few people worry about throwing a compact florescent light bulb in the trash and where the mercury goes. Nobody knows if a crematory is bad right next to your house but we know car exhaust is – we regulate it some, but not a lot.

John Szczesniak - GA has 28 worst air quality in the US, don't have a whole lot of faith in the state, and of all the rivers we have only 2 have fish that are edible. We are way behind in trying to clean up what we've done (environmentally) in the past.

Scott Gordon - Based on new understanding of the purpose of a Conditional Use permit retracted his position statement provided at the March 6th meeting. He pointed out that home buyers were aware that a funeral home could go in GC, and that the applicant knew that the crematory would need a conditional use permit. That is what a CUP is for; it is not like a variance. To build the structure with a space for the room in the future is just good planning on his part, not dubious as is contended.

Was pleased to hear that the folks in the planning and building departments clarified that the equipment was not installed because that was a pretty serious charge. We do have a definitive statement from the State Board of Health that states point blank "There is no evidence that chemicals released into the environment near a crematory are at levels that pose real concern."

Potential environmental issue that does exist is multiple times less than any other point sources currently in our environment. It is clear that the funeral home business has changed and this is something that is in the new business model. We are going to have to realize that if we want a funeral home in our community this is probably going to come with it. In regard to property values, the stigma in there already has created a stigma and the manner in which they are adding the crematory with no signage, invisible stack and I just don't know how many people wouldn't buy the house because now there is a crematory there. This is a very difficult case but the health concerns, the state regulators, the people we look at to regulate this, don't see any. We don't have anything regarding property values, the Penn State Study comparison doesn't seem to apply here.

James Drinkard - At the end of the day we have to rely on the folks who are the experts in their field when it comes to hazards. We were looking for an independent source to answer the question 'is this a concern or is it not?' and what comes back is the Department of Public Health saying 'there is no evident hazard'. Does that mean that 35 years from now something may not come forward, no, but we rely on what we have today. I was struggling with the property value issue, but what Scott just said helps me frame that side of this issue; the funeral home is there already. Most of the people who live near the Funeral Home in Crabapple don't know the crematory is there; I don't know if it will necessarily have an impact. What damage is done is likely already done by the presence of the funeral home. Will it result in a nuisance? Reality vs. Fact; Fact is true and unarguable reality is basic perception, so while the fact of the matter may be that there is no nuisance the perception of the neighbors could be that there is one. At the end of the day when we're dealing with land use decisions we have to rely on fact rather than perception and I don't have evidence that says factually there is a nuisance here. I certainly understand the concerns of the residents but need to deal with fact and don't feel I can support a motion to deny.

Scott Gordon wondered how many of the 235 signatures live in the subdivision or within a half mile of the subdivision which is what the Penn State Study looked at.

John Szczesniak called the question.

Motion to deny CUP#004-12 fails 2-4 (Judy Davila, James Drinkard, Jeff Wood and Scott Gordon against)

MOTION TO RECOMMEND APPROVAL OF CUP#004-12 AS RECOMMENDED BY STAFF AND THE ADDITION OF CONDITION #2 AS FOLLOWS:

- 1) *The applicant agrees to provide to the City of Woodstock Georgia, on an ongoing basis and in a timely manner, copies of any and all reports required by any and all governmental (state, local and federal) agencies regarding the operation of crematories.*
- 2) *The applicant shall enclose the crematory chimney using the same brick materials as the existing structure.*

By Jeff Wood
2nd Judy Davila

Friendly Amendment to add condition #3

- 3) *Bi-annual vendor inspections shall be performed on the cremation equipment and the results of those inspection shall be shall be supplied to the City of Woodstock, Georgia in a timely manner.*

By James Drinkard
Accepted by Jeff Wood and Judy Davila

Friendly Amendment to add condition #3

- 4) *The subject Funeral Home shall be limited to one (1) retort (cremation unit).*

By Scott Gordon
Accepted by Jeff Wood and Judy Davila

Motion to approve with four conditions passes 4-2 (John Szczesniak and Joe Linden against)

Item 4: NEW BUSINESS

A) PUBLIC HEARING Z#053-12 and CUP#005-12 The City of Woodstock Georgia has received a Rezoning application (**Case Z#053-12**) from The Residential Group of Atlanta, Georgia. The property is located north of Hwy 92 and east of the railroad tracks in Woodstock, GA. The property is identified as tax map and parcel number 15N18 009 of ±17.557 acres. The property is zoned DT-GC (Downtown General Commercial) and DT-LR (Downtown Low Density Residential) and the request is to rezone to DT-MRA (Downtown Medium Density Residential) to allow 18 units per acre with variances from the City of Woodstock Georgia's Land Development Ordinance sec(s). 7.726, 7.729 and 7.730. Additionally, in regard to the above styled property, the applicant is seeking a **Conditional Use Permit** for Multi-Family (**Case #005-12**).

The Planning Commission will hold a public hearing for these cases on Tuesday April 3, 2012 and The City Council will hold the **official Public Hearing** for these cases on Monday, April 23, 2012. Both meetings will take place at 7:00 p.m. at The Chambers at City Center, 8534 Main St., Woodstock, Georgia.

Brian Stockton presented the staff report and DPC recommendation for Z#053-12 and CUP005-12. Richard McLeod stated that staff has concerns about the curb cut requested on Highway 92; significant truck traffic coming out of Reeves using the break in the median to turn and causes backup, rate of speed coming north and poor visibility of the proposed location and school busses that are required to stop at railroad crossing causing back-ups. Study submitted makes no mention of the proximity to the railroad tracks. Called Mr. Tucker of GDOT today to confirm that he had been to the site was aware of the railroad crossing and had any concerns about sight distance. This site is a portion of a property owned by a single entity and includes the frontage along hwy 92 to Laurelwood Drive. Since the applicant is working with the property owner we have an opportunity to create a much safer situation by creating connections for

future parcels through a shared entrance onto Hwy 92. He also said that a light at the proposed curb cut would not be likely because of its proximity to the tracks and the light at highway 5 but a light at Laurelwood Dr could occur. We have discussed this concern with the applicant's attorney.

Parks Huff Presented on behalf of the applicant, The Residential Group with Kurt Alexander Principal with the Residential Group as well as The Fowlers, subject property owners, in attendance. The property is located east of the Railroad tracks north of Highway 92 and west of existing multi-family. The Future Land Use designation for this area is Transportation Hub, that's where multi-family belongs. This property has been in the fowler family for many years and has been marketed for over ten years with many proposals for multifamily and the property owner has a constitutional right have the property used in that way.

At Public Participation meeting, Woodglen residents had concerns regarding perceived problem existing apartment residents. This project will have no subsidies, \$1k per month rent, 90% of units will be 1 and 2 bedroom units, fewer families.

Applicant is willing to include the cross section of the Greenprints Trail showing buffer design presented tonight as a condition of zoning. This will provide a path to downtown and will eliminate people cutting through the Woodglen Residents backyards. The applicant has entered into an agreement with the School Board (Russ Sims in attendance tonight) to provide \$112k for portables needed to offset the increased enrollment due to this project.

The renderings reflect the breaks in elevations, varied materials and we've agreed to screen all of the materials. More commercial type facade closer to Hwy 92 and the type of architectural detail that you want to see from your code.

Handout staff report by Abdul Amir and Donovan Tucker with GDOT agreed that access meets GDOT standards. We ask that you allow this to go through the GDOT process for consideration of the curb cut. We agree with all conditions recommended by staff with the exception of #2 we would like you to allow the GDOT permit process, #3 We want direct access onto Hwy 92 - better marketability and #4 Laurelwood Dr. is not part of the application, this applicant is not in a position to agree.

Questions for the applicant

Scott Gordon – Staff has given good reasons why it is not a good idea to have the direct access on to Hwy 92.

Parks Huff – It's not usually a zoning issue, it is a permitting issue – City still has a seat at the table during the permit process we ask that it remain a permit issue.

Kurt Alexander – I tend to leave traffic engineering to the traffic engineers, at the end of the day we will do what they require.

Joe Linden – How many units?

Kurt Alexander – 286

Jeff Wood – That's 318 allowed at the requested 18 UPA. Is interparcel connectivity required long Hwy 92.

Questions for staff

Jeff Wood – Is interparcel connectivity required along Hwy 92?

Brian Stockton – Downtown Master Plan (DTMP) mandates block size, future developments are required to have streets put in.

John Szczesniak – Would architecture fall under the overlay or the DTMP?

Brian Stockton – DTMP but they are not asking for relief from architecture which is heavily mandated in the DTMP code.

James Drinkard – Estimated distance from curb to Laurelwood?

Richard McLeod – From the center point of median break to center point of Railroad track 198 feet, and to Laurelwood about 6 -700 feet.

Jeff Wood - How did staff decide that apartments along 92 corridor would be a good choice?

Brian Stockton – In the building up front they plan to have the club room and leasing office, 2-3 stories more like commercial up along 92.

Judy Davila – How much greenspace are they required to provide?

Brian Stockton – 20% is required under the development ordinance; they can get credit for the trail and sidewalk areas.

Joe Linden – Is staff okay with these 300 apartments in view of the 308 apartments currently going in Downtown? What is the multifamily limit in this area – is there a number?

Richard McLeod – In the past we have suppressed apartment development. With the recent economic changes and we have demolished the apartments on Dupree, and that has created more room. If built to the maximum density as zoned in 2005 in the all of the DTMP the total residential (all types) allowed would be 13,000 units.

Joe Linden – Is there a limit or balance between owner/renter occupied units in DTMP area?

Brian Stockton – The last time we studied that question city wide we were at 12 - 15% rental units as it stood then.

James Drinkard – Has staff reviewed the cross section, would you accept it as a condition?

Richard McLeod – This is the first we've seen it. It provides a nice buffer to the neighborhood to the north and works with the grade elevation. We did not add the requirement for the applicant to build the trail on their property; you can add that if you wish.

Scott Gordon – Does this meet the impervious parking requirement. Any concern about waiving the parking structure requirement? How does staff feel about letting GDOT making the call on the curb cut?

Brian Stockton – They are parked to code; not seeking relief from parking requirements. DPC recommended waiving the structured parking requirement.

Richard McLeod – We **have** the highest injury and traffic rate on GDOT roads. They tend to focus on moving a large number of vehicles rather than safety. This is from data collected and studied by the police department and the sheriff's department, we expect the number of accidents to be higher but what stood out was the severity of the accidents.

Judy Davila – I do not see the placement of dumpsters.

Parks Huff – They are not shown on the plan. They could be added to the south side of Building A, screened on three sides, sunk with masonry finish.

Scott Gordon – Will this include sustainable design elements like LEED Certification?

Kurt Alexander – Sustainable elements, yes, but not LEED Certified. Cost base prohibitive mainly from consultant and commissioning side and the savings the resident sees is comparatively miniscule. Something like Southface would be something that we could work with; LEED is more geared toward office buildings.

Scott Gordon - The property to the east will likely be commercial, this is an opportunity, since there is one owner for all of the property, to Masterplan; set ground rules, number of curb cuts.

James Drinkard – Can't take that into consideration within the scope of this case – that property is not a part of this application.

Richard McLeod – Exhibit "C" was referenced in the conditions but may not have been included in your packets. Illustrates the staff proposed connection to Laurelwood. (Provided to Chairman)

Public Hearing:

Opponents:

Gary Tetrault 106 Woodglen Dr. Owners of 108, 110 and 112 could not be here tonight. Building A is a four residential lot long, 3 ½ stories tall, forty foot building looking down at our yards. At the February meeting we thought the black line (greenway trail) was a buffer. We learned that there is no requirement to buffer residential from residential. Seven or eight years ago they wanted to put 150 units, now it is double that. Traffic gets back up at the railroad tracks as it is. Not sure how apartments hurt property values of homes nearby. Can see that there is a pool but no playground, not happy about kids cutting through.

Katrina Davis 106 Woodglen Ct. Runs the Woodglen neighborhood watch and is aware of who comes and goes. Applicant was receptive at the Public Input meeting that they held. We were originally supposed to have a buffer between us and Serenade but that never happened. 286 units is a high number in a small area. We have a similar rental market with 14 of our 53 homes being

offered for rent and currently five of the 14 are vacant. Concerned with noise, transients, road access. We don't want people cutting through our family neighborhood.

Patricia Hammond 312 Windsong Way. Concerned about traffic. There is only one entrance into Serenade, lots of school busses at the railroad crossing. If you can't get access from Highway 92 it's going to be a big problem. Agree that the Fowlers should be able to sell their property but with so many apartment units this will not be a blessing to this community. Would prefer single family homes. Make entrance other than serenade lane.

Rebuttal

Parks Huff – Will add stipulation as a condition of zoning to address Woodglen's buffer concerns. The Greenprints plan is in place is independent from this zoning issue, we are just in a position to build it and have committed to doing that.

Also separate from the zoning issue is interconnectivity, not proposing to connect at this time but will allow for future connections if needed. This is not single family land, The Land Use designation is Transportation Hub, in bright red, you don't put single family detached in bright red.

Questions for the applicant

Judy Davila – How far is it to the neighborhood?

Kurt Alexander – 30 feet from back of curb.

Jeff Wood – Is the property at Skyline Dr part of the fowlers property?

Parks Huff, No but we are in conversations with that property owner to purchase it.

Judy Davila – Will the trail/buffer offset the height of the buildings? Will buffer be dense enough so that people can't cut through?

Parks Huff – Mature trees will be planted on uphill slope and we could add a black coated chain link fence stipulation to prevent cut through. Depending on what is already there – don't want to cause conflicts.

John Szczesniak - Will you leave the existing tree buffer?

Parks Huff – Grading is needed to install Greenprints trail and buffer.

Scott Gordon – Would like clarification on size of trail and buffer. Is shown differently on different documents.

Brian Stockton – Yes, the trail itself is 10 feet. 30 feet total with buffers shown.

Judy Davila – Is one way in/out okay with the Fire Department?

Richard McLeod – Many developments have only one way in and out.

Parks Huff – At DPC I believe the Fire Department stated the threshold that triggers a need for a second entrance and this falls below that number.

RECESS

MOTION TO APPROVE Z#053-12 & CUP#005-12 WITH THE FOLLOWING CONDITIONS:

- 1) *A Conditional Use Permit, CUP#005-12, is granted to allow Multi-Family Residential limited to a maximum of 16.5 Density Units per Acre on the ±17.557 acre site.*
- 2) *There shall be no curb cut allowed on Hwy 92.*
- 3) *The subject development shall provide vehicular and pedestrian ingress and egress to Laurelwood Dr. at the location indicated on Exhibit "C" attached to this ordinance and made a part hereto by reference.*

- 4) *The owner of the subject property shall dedicate to the City of Woodstock, Georgia a seventy (70) foot wide Right of Way from the terminus of Laurelwood Dr. to the rear property line abutting the Woodglen Subdivision for a future road connection. Agreement for the aforementioned dedication shall be executed and submitted to the City of Woodstock prior to zoning.*
- 5) *Building mechanical and accessory features shall be located on the side, rear or the roof of the structures erected on the property and shall be screened as to not be visible from any public open space or sidewalk area.*
- 6) *Site design shall reflect future connectivity from the north property line to Woodglen Dr. at a location to be coordinated by the applicant and the Development Process Committee.*
- 7) *Dumpsters shall be located south of Building A as depicted on the site plan presented with the application, to be shielded from public view.*
- 8) *Complete Greenprints Trail to be installed along the northern property line adjacent to Woodglen from the western property line (R/R tracks) to Springfield Park in accordance with the trail/buffer plan and dated 3.2.2012 in addition to a black coated chain link fence where needed. The complete trail section is contingent on obtaining necessary easement across parcel 15N18 010.*
- 9) *Applicant agrees to sign and adhere to these Conditions of Zoning.*

By Jeff Wood
2nd Judy Davila

DISCUSSION

Jeff Wood – Changing the density limit in condition #1 from 18 to 16.5 to match the actual number that they are going to build. Left #2 although I still have concerns about that connection. #'s 3,4,5,6,7 are fine. #8 addresses the dumpster concern and #9 Greenprints Trail: Would like to applaud them for stepping up and doing this for the community.

Judy Davila – If they had gone commercial it would have increased the traffic. I hope we have addressed concerns for neighbors by providing buffer and access protection for the neighborhood.

John Szczesniak – Think this is a great project good fit for the area, but am still concerned about the traffic issue. I would like to see a better solution in place for the unresolved curb cut, but the other option has not been resolved yet.

Scott Gordon – Agree with John, would like to have a better solution for the curb cut but we don't have one yet. Believe the applicant's spirit and intent with the trail is great but am afraid that the extra 30 feet might push everything into the stream buffer, it's going to be tight. I'd like to see everything cleaned up on the plan.

Motion to approve passes by Unanimous Vote

B) PUBLIC HEARING CUP#006-12 The City of Woodstock Georgia has received an application for A Conditional Use Permit (**Case CUP#006-12**) from of AMERCO Real Estate Company of Phoenix AZ. The property is located at 11300 Highway 92 in Woodstock, GA. The property is identified as tax map and parcel number 15N18 071E of ±12.389 acres. The property is zoned GC (General Commercial) with Parkway Overlay District Zoning and the request is for a **Conditional Use Permit** to allow a U-Haul Truck Rental Facility with on site Self Storage.

The Planning Commission will hold a public hearing on Tuesday, April 3, 2012 and The City Council will hold the **official Public Hearing** on Monday, April 23, 2012. Both meetings will take place at 7:00 p.m. at The Chambers at City Center, 8534 Main St., Woodstock, Georgia.

Brian Stockton presented the staff report and read the recommended condition.

Doug Westin U-Haul Business Consultant presenting on behalf of the applicant. (Presented PowerPoint) Proposing a U-Haul Company Store with mini warehouses on the 12 acres, in Phase I we will have interior mini self storage units inside the former dodge dealership building and also in the back (SE) corner will have drive up style self storage. Not visible from the road. Phase II will be a totally enclosed climate controlled self storage. Will not change the existing building except to put the words U-Haul and an orange stripe across the top. Phase II will comply with code standards. The facility is equipped with state of the art burglar system (MAC), motion detectors on all of the storage rooms, stairwells and main showroom as well as a speaker system that could communicate with the MAC system. 24 hour color monitoring system with web based viewing, alarmed rooms with keypad or card swipe. U-Haul has a sustainability program, a PHD on staff, also have box exchange program, fuel economy gauges, packing peanuts are made of corn starch and are harmless to the environment, moving blankets are made of cotton denim and provide a recycling center on site for unwanted items that customers can pick up or drop off if interested. We added a traffic study because we know that people perceive our centers to be a high traffic generator the study shows that the opposite is true.

Questions for Applicant

Jeff Wood – Will vehicles be services on site? Fueling station on site?

Doug Westin – We use a service center in Marietta, only check fluids on site, no gas refueling on site either.

Joe Linden – Other U-Haul facilities in the area?

Doug Westin – There are some feed stores that are U-Haul agents in the area but not a company owned store such as this.

Patrick Spencer – Typically we find that a company Store acts as a support to the feeder stores because it acts as resource for them.

John Szczesniak – In the past staff has rejected the idea of self storage, **if** staffs support of this due to the fact that it is a reuse of an existing building?

Brian Stockton – I believe in the past self-storage was prohibited in the overlay. Now it is available as a conditional use.

PUBLIC HEARING

No Speaker Signed up

MOTION TO APPROVE CUP#006-12 WITH THE FOLLOWING CONDITIONS:

- 1) All future plans submitted for development shall conform to any and all City of Woodstock Georgia codes applicable at the time the plans are submitted for development.*

By Scott Gordon
2nd Joe Linden

John Szczesniak - thinks it's a good use for the site; it has been vacant for a while. Only concern is that I pass a U-Haul location in Cobb Parkway ay Old 41 a couple of times a week and it always looks cluttered, trucks parked up front, signs and banners everywhere. We have an opportunity to mitigate that here.

James Drinkard – I had the same thoughts initially about all of the trucks that would be parked up front and then thought about the fact that this was a car lot originally with all of the cars parked up front.

Jeff Wood – Is the size of the existence flagpole in compliance?

Richard McLeod – Both the flagpole and the existing sign are currently non-compliant but allowed to continue unless you want to place conditions to address that.

Judy Davila – Was the dealership there prior to the overlay?

Richard McLeod – No, but, the use was allowed pursuant to the underlying GC zoning.

Judy Davila – I have a problem with it not conforming to the overlay and looking like a parking lot up front.

Jeff Wood – I don't think the proposed architecture complies with the 92 Overlay.

Richard McLeod – I would argue that it more closely follows the architecture of the overlay, its brick it has the nice palladium windows. Most developments have parking up front because that is what is allowed, this one is just very large because it is a dealership. The Honda Dealership is the same.

Judy Davila – you have a residential area, how many hours will they be operating?

John Szczesniak – It says 7am to 7pm.

James Drinkard – You have a residential area but it's separated from the subject site by flex warehouse buildings.

Jeff Wood – Hames Road is the entrance to a 7 or 800 home subdivision.

Joe Linden – What is the difference between having automobiles parked in front of an automobile dealership and trucks being parked in front of a U-Haul dealership?

Concerned about a cluttered appearance, turning the site into a huge sign with all of the U-Haul branding and the aesthetic impact that that might have to the corridor. This a corporate store, I would have a little more concern about the maintenance of an agent store.

John Szczesniak – Is the one on 41 a corporate store?

Patrick Spencer – Yes.

John Szczesniak - We could mitigate the visual impact that this would have on the area.

Jeff Wood – Is there a plan for complete outdoor storage.

Doug Westin – Yes on the back right corner we plan to have covered RV storage.

Richard McLeod – Just asked the applicant if they would be willing to restrict the front row of parking along 92 to customers only with no trucks and they said not initially but in Phase II would concede to that.

Patrick Spencer – There's 15 spaces to the right of the entrance and 15 to the left, just let us park to the right and the parking in front of phase two will be customer parking. Display is our number one advertising medium; we have to have something up front.

John Szczesniak offered a friendly amendment condition #2 Applicant will work with staff to limit truck parking on the northern property line fronting 92, from the driveway at Highway 92 to Hames Road, not to exceed fifteen (15) spots.

Accepted by Scott Gordon and Joe Linden

Motion to Approve with 2 conditions passes 4-2 (Judy Davila and Jeff Wood against)

Item 5: STAFF COMMENTS

Richard McLeod – On the west side of town they've begun clearing the last segment of the grid network at Market St., in the next few months we'll have multiple ways of getting around that part of town.

Item 6: FINAL ADJOURNMENT - 11:30PM