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

MINUTES
Thursday, January 3, 2013 7:00 PM

Item 1: PLEDGE OF ALLEGIANCE

Item 2: CALL TO ORDER
In Attendance; James Drinkard, John Szczesniak, Judy Davila, Lee Zell, Jeff Wood, K. Scott Gordon. Ward 2 post is currently vacant)
Staff; Brian Stockton, Katie Colbourn

Item 3: APPROVAL OF MINUTES

Approval of December 6, 2012 Regular Meeting Minutes

MOTION TO APPROVE MINUTES WITH THE FOLLOWING CHANGE; Scott Gordon requested on page three of the minutes that the word "ignorance" be changed to "willingness to ignore" in regard to the Ridgewalk Overlay District.
By John Szczesniak
2nd Judy Davila

Motion to Approve Passes by Unanimous Vote

Item 4: NEW BUSINESS

Appoint a Planning Commission Chair
Motion to appoint James Drinkard Planning Commission Chairman
By John Szczesniak
2nd Judy Davila

Motion Passes by Unanimous Vote

Appoint a Vice-Chair
Motion to appoint Jeff Wood Planning Commission Vice Chair.
By Judy Davila
2nd Jeff Wood

Motion Passes by Unanimous Vote

Item 5: PETITIONS AND COMMUNICATIONS

21:00
PUBLIC HEARING – Case Z#058-12

The City of Woodstock has received a rezoning application from Woodstock SLP, LLC of Alpharetta, GA (**Case Z#058-12**). The property is located East of Trickum Rd and North of Popcorn Dr. in Woodstock, Georgia consisting of ±6.63 acres. The property is identified as tax map and parcel number 15N24 033A of ± 4.300 acres zoned OSI (Office Space and Institutional) and 15N24 043 of ±2.33 acres zoned GC (General Commercial). The request is to rezone to SL-C (Senior Living –C) to accommodate an assisted living/memory care facility.

Brian Stockton presented the Staff Report with the DPC recommendation as follows;

At the December 5, 2012 meeting the Development Process Committee Voted unanimously to recommend approval of the applicants request to rezone the subject property to SL-C with the following conditions;

Variance is granted from 7.746 To allow front portion of building to be 105 feet from the front property line.
Variance is granted from 7.746 To allow side drive along front and side of building for fire access.
Variance is granted from 7. 746(3)To allow handicapped parking spaces between the building and the street.
The applicant shall provide 20% Greenspace in lieu of the 20% Open Space required by code.

Peter Millichap presented on behalf of the applicant. Most residents are not driving, mini bus service available for shopping, 5 meals per day served in facility with memory care component on site.

Brian Stockton presented site plan and explained need for variances. SL-C requires building up front, staff felt the request to vary the build to line to allow the front drive access was appropriate given the security issues and special considerations needed for memory care unit.

PUBLIC HEARING
PROPONENTS – Fred Poor 3394 Popcorn Dr - Concerned about building being moved to the back of the property. It will be right up against my property with its dumpsters and mechanicals. I maintain the gravel road and wonder how much my property will be encroached upon by this building.
PUBLIC HEARING CLOSED

Brian Stockton - The retaining wall and dumpster are on the back side not on the side of Mr. Poor's residence.
Peter Millichap - Budget for landscape is $200,000., there will be extensive landscaping against Mr. Poor's property.
Mr. Poor is concerned about drainage once the road is paved. Developer is required to detain

water on their own property to State standards. Detention is shown on the opposite side of the building on the plan.

MOTION WITH RECOMMENDATION TO APPROVE REQUESTED VARIANCES AS PRESENTED BY STAFF AND WITH THE ADDITIONAL CONDITION;

A ten (10)foot landscape buffer shall be planted along the southern property boundary bordering the adjacent residential property.

By Jeff Wood
2nd Judy Davila

Jeff Wood - Was concerned with building getting pushed back toward the adjacent residence to the rear but the aerial shows that they are a significant distance. Fire access goes without saying. Handicapped spaces should be up front near the entrance.
Judy Davila - Better fit for the community against residential than commercial or office, traffic impact is much less as well.
John Szczesniak - Concerned about the berm language, would like us to consider language we've used in the past; "opaque buffer"...etc. Requiring 10 feet on a plan can really cause trouble in engineering phase.
Lee Zell - 10 feet of 90 feet existing between building and Popcorn Drive is not significant I want to ensure minimal impact on neighboring residential and for future development of those properties.
James Drinkard clarified that a berm was not included in the motion under consideration at this time.
Brian Stockton - Read definition of "buffer" and pointed out that specific design guidelines are provided for different buffer widths.
K. Scott Gordon - Agree with John in defining buffer to a specific size, We have a healthy landscape budget and landscape architect and a staff that I trust to achieve what we say we want.

Motion to approve is forwarded to Council as a Tie Vote 3 -3 (Szczesniak, Gordon and Zell opposed)

CLERKS NOTE: Parliamentary procedure on a tie vote dictates that the vote is debatable therefore the clock resets as though the vote had never taken place. At the end of the meeting this vote was reconsidered and an amended motion was approved and forward to Council. See last page of minutes for details of the vote.

PUBLIC HEARING – Case Z#059-12

The City of Woodstock has received a rezoning application KKMS, INC d/b/a/Camp Bow Wow of Duluth, GA. (**Case Z#059-12**). The property is identified as tax map and parcel number 15N24 049A located the south west corner of Hwy 92 and S. Cherokee Lane in Woodstock, Georgia consisting of ±1.54 acres currently zoned GC (General Commercial). The request is to amend a condition of zoning limiting kennel use on the property to three dog's outdoors at one time.

Brian Stockton Presented the Staff Report with the DPC recommendation as follows;

At the December 12, 2012 meeting the Development Process Committee voted unanimously to recommend approval of the applicants request to amend the June 27, 2002 rezoning of the subject property by removing condition number 2 as follows;

Benson Chambers presented on behalf of the applicant. Facility was designed, built and used for a similar use. 'Mans Best Friend' was primarily a training facility. Camp Bow Wow, a national franchise, does day care and boarding for family pets and not training. The facility itself is not to be altered, the zoning permits the use but the condition limits the outdoor areas to three animals at a time. The outdoor areas will be reconfigured by replacing wooden fencing with PVC fencing to allow animals outside for restroom breaks; all activities are all inside the building. At the time this condition was imposed there was residential all around, the strip center had not yet ben built. Sound studies are included in packet indicating no significant changes. Owners can view the facility by webcams at all times. There are two other similar facilities in the city limits, neither have the outdoor limitation. We are not aware of any noise complaints from any of the properties with similar uses.

PUBLIC HEARING
PROPONENTS – Benson Chambers 10 North Street (Attorney for Applicant)
OPPONENTS - Page Aiken – 12910 Hwy 92 Represents the owner of the shopping center to the west, 30 feet to first table of outdoor seating. Purchased the strip center 8.5 years ago and patio seating is very important. Concerned that unlimited dogs will create a significant nuisance to the outdoor seating area.
PUBLIC HEARING CLOSED
Judy Davila - How often is animal waste cleaned up?
Applicant (name not stated for the record)- Immediately.
James Drinkard – What did the maximum number of animals in outdoor areas at one time?
Applicant - 5. Fencing will be 3 to 5 ft higher than what is there and it is paneling, quite a bit more soundproof.
K. Scott Gordon - Could the play areas on the west be shifted to the other side?
Applicant - We are only leasing the portion of the building with the rear and west side play yards. Could possibly shift to the back but would need to check with the franchise.
John Szczesniak- Are overnight boarded dogs let out at night?
Applicant - No, they're put up at 11:30 for lunch then let out after lunch then in from 4:00 to 5:30 for dinner then out for the last time at 6:30. The morning wouldn't conflict with the patio use because the restaurant doesn't open until 11:00.
James Drinkard - Staff found no complaints for the other animal boarding/care facilities??
Brian Stockton - We found none on file for those mentioned and also checked the Trickum Ridge animal hospital which is adjacent to a restaurant.

MOTION TO APPROVE Z#059-12 AS PRESENTED WITH THE ADDITIONAL CONDITION AS FOLLOWS;

The outdoor recreation area on west side of bldg relocated to southeastern corner of the rear of the building.

By Lee Zell
2nd Judy Davila

Lee Zell - Have sat at Johnny's outdoor Patio when the three dog maximum was in force, was aware of the dogs but not impacted by them. Would like benefit both parties use the natural acoustics of the building to separate the uses.
Judy Davila - This doesn't seem to be a significant difference and moving the dogs to the far corner wold alleviate any concerns for the patio areas.

SUBSTITUTE MOTION OFFERED:

MOTION TO APPROVE Z#059-12 AS PRESENTED WITH THE ADDITIONAL CONDITION AS FOLLOWS;
Strike the original motion and replace it with the following; The applicant shall work with staff to see if the outdoor recreation area indicated on west side of bldg could be relocated elsewhere on the property.

By John Szczesniak
2nd Jeff Wood

John Szczesniak -Since at this time we can't determine if there is a setback or usable space to the rear of the property, would like to offer more flexibility to go on either side of the building rather than mandating a certain spot on the property. Not in favor of revoking something that they already have with a limited number of dogs on the west side in pens that are already there.
Jeff Wood -They have the use of the western side now and Lee's wording will eliminate that. The topo on the south is uncertain to allow more dogs and for access around building. Very limiting condition as recommended.

SUBSTITUTE MOTION OFFERED:

MOTION TO APPROVE Z#059-12 AS PRESENTED WITH THE ADDITIONAL CONDITION AS FOLLOWS;
The outdoor recreation areas to the East and South of the building shall allow an unlimited number of animals and the West side of the building adjacent to the patio shall be limited to three animals at any one time.

By K. Scott Gordon
2nd Lee Zell

K. Scott Gordon - In order to maintain the current allowed use let the condition on the west stand at three dog limit and allow unlimited dogs in the other outdoor areas. That way they do not lose anything.

Motion to approve passes 4-2 (Wood and Szczesniak opposed).

PUBLIC HEARING – Case Z#060-12

The City of Woodstock has received a rezoning application from Lennar Georgia of Roswell, GA (**Case Z#060-12**). The property is identified as tax map and parcel number 15N17 011 located to the south and East of Haney Dr in Woodstock, Georgia consisting of ±49.26 acres currently zoned DT-VLR (Downtown Very Low Density Residential) The request is to rezone to R-2 limited to 2 UPA for a traditional single family attached subdivision.

Brian Stockton Presented the Staff Report with the DPC recommendation as follows;
The DPC recommends *approval* of rezoning from DT-VLR to DT-VLR with the following variances and conditions;

Variance to section 7.726 (13) to remove the requirement for alleyways.
Variance to section 7.726 (16) to permit garages within 10 feet of the street façade.
Variance to section 7.727 to permit a D1 street type without the requirement for on-street parking. Further, the HOA covenants shall be required to prohibit parking on the street and the HOA shall have the authority to enforce this covenant.
Variance to section 7.727 (6) to remove the prohibition of cul-de-sacs.
Variance to section 7.728 (3) to permit walkways to the front door to be connected to the driveway of the house for access to the sidewalk
Variance to section 7.728 Downtown Site Limits Table to remove the requirement for maximum block sizes.

In addition, the following conditions shall be placed on the property:

- A 20' wide public access easement shall be deeded and recorded on the site plan and shown on all marketing materials for a multi-use trail connection to the City's Greenprints Trail System. The easement shall connect the southern property line of the applicant's property at or near the existing power easement to the eastern property line of the applicants property with the US Corps of Engineers property. The exact alignment of the trail easement shall be determined and approved during the site plan approval process.
- The first street running north/south on the site plan dated 11.11.12 presented at the DPC meeting shall be required to connect to the current stub out of Melanie Lane.
- Applicant shall furnish City with requirements of setbacks from power lines to structures from the owner of the power easement bisecting the site prior to site plan approval.

Staff recognizes that there are some natural features on this property that will not allow us to get the grid streets that we would like to see downtown, for that reason we supported the removal of the alley loaded product in this case.
Parks Huff presented on behalf of the applicant. This is a 50 acre tract south of Woodstock Knoll, Toll Brothers, which was originally in the downtown Masterplan but the property was rezoned to allow a more traditional neighborhood product. Corps land to the east, topo and creeks make it difficult to build to the DT standard but as developed will be the same density as DT-VLR at 2 UPA. No impacts being added in this case. Alley fed products don't work here. We asked for R-2 but staff prefers it remain in the DT district and recommended conditions to allow

this traditional product to work within the DT. These are 97 homes with two car garage, 3000-3200 sq ft, $250 - 315K. 60% with basements that will add $40K to that range. Meaningful contiguous open space, green space is 19 acres almost 40% of site. Lot sizes are a little larger than DT requires.
Difference with staff is #5, 7.729 Design Criteria. We are asking for approval of renderings rather than listing all of the minute differences in the Downtown code.
In agreement with condition for trail network connection.
We showed a cul-de-sac at the proposed connection to Melanie Lane that staff would like to see. The neighbors stated that they would like to see that connection so we are willing to do whatever you prefer. Driveways are 20 feet from back of sidewalk.

John Szczesniak - Would it help if we created conditions that stipulate variances to architecture rather than attach the renderings as approval of architecture presented?
Brian Stockton - Staff doesn't support any variances to architectural requirements. Those code were written by a single family home architect. Three single family products and apartments have been able to meet the standards, issue with porches but there is a development currently in the DT with 5 foot porches and they don't look out of place. A 5 foot porch is usable and will activate the connection to the community we seek, a 3-4 foot porch will not do that.
K.Scott Gordon - Were variances granted in the other developments that you mentioned? It seems if this development gets variances to several features of the code that provide the context for porch width (alleys, proximity to street), should we still require the porch width?
Brian Stockton - Nothing has been varied to architecture that I know.

PUBLIC HEARING
PROPONENTS - John Whitmire 109 Linton St - Not pro or con, just comments. Happy about decrease in density proposed and higher price point from past plans presented. Entrance to property from Melody Lane, there are a number of small children on Dean Street. And you can't rock on a ~~tree~~ Three foot porch.

PUBLIC HEARING CLOSED

John Szczesniak -

> ***MOTION IN REGARD TO Z#060-12 TO REZONE THE PROPERTY FROM DT-VLR TO DT-VLR WITH THE FOLLOWING CONDITIONS AS RECOMMENDED IN THE DPC RECOMMENDATION ON DECEMBER 12th WITH THE ADDITION OF THE FOLLOWING CONDITIONS;***
>
> ***("Parks 1") THE MAXIMUM NUMBER OF 97 HOMES YEILDING A DENSITY OF LESS THAN 2 UNITS PER ACRE.***
> ***("Parks2") APPROXIMATELY 19 ACRES OF THE SITE WILL BE OUTSIDE LOTS OR STREETS BEING COMMON AREA GREENSPACE OR STORMWATER AREAS AS DEPICTED IN SITE PLAN DATED NOVEMBER 11, 2012***
> ***("Parks 3") IN LIEU OF THE STANDARDS OF SECTION 7.729 REGARDING***

ARCHITECTURE THE ARCHITECTURE PROPOSED BY THE APPLICANT AS PRESENTED.

By John Szczesniak
2nd Jeff Wood

John Szczesniak Developer is a national developer I think they know what they are doing, they know what their markets demand right now.

Jeff Wood - A little Concern about "approximately" 19 acres - Should we change that to "a minimum of ".

Friendly Amendment offered by Jeff Wood to change additional Condition #2 as follows;
~~APPROXIMATELY 19 ACRES~~ A MINIMUM OF 35% OF THE SITE WILL BE OUTSIDE LOTS OR STREETS BEING COMMON AREA GREENSPACE OR STORMWATER AREAS AS DEPICTED IN SITE PLAN DATED NOVEMBER 11, 2012.
John Szczesniak Accepted

Motion to divide the question to separate the condition #3 regarding the architectural requirement.
By K. Scott Gordon
2nd Lee Zell
Motion to divide passes by unanimous vote.

Return the main motion.

Judy Davila offered Friendly Amendment to require the applicant to place an all way stop sign at the intersection of Linton and Melanie prior to connecting Molly Lane.
Not Accepted by John Szczesniak
Judy Davila offered the above as a regular amendment.
For lack of second return to the main motion.

James Drinkard called for the vote on the Motion to rezone to DT-VLR with staff conditions plus Parks 1 and 3. "Parks 5" will be considered separately.

Motion to approve passes by unanimous vote.

Planning Commission requests the variances to 7.729 Architecture be enumerated by the applicant in lieu of their request for approval of architecture presented in rendering submitted ("parks 5" request).
Parks Huff - We asked for traditional zoning neighborhood, which is what Woodstock Knoll is and they don't have any of these architectural standards because it is a traditional product. You will have a hard time winning in court saying that the adjacent property can't have a traditional zoning. Especially when we have tried to work with the DT code.

Brian Stockton - For the record; staff requested this discussion regarding architecture three weeks ago and just got the information yesterday. I would rather, because I think the rest of their concerns can be handled in a meeting, is to send it forward as it is or table the discussion until next month.

MOTION TO TABLE THE VOTE ON ARCHITECTURE TO THE FEBRUARY 7, 2013 PLANNING COMMISSION MEETING.

By John Szczesniak
2nd Judy Davila

Motion to Table vote on architecture passes by unanimous vote.

PUBLIC HEARING – Case Z#061-12

The City of Woodstock has received a rezoning application from Windsong Properties, LLC of Woodstock, GA (**Case Z#061-12**). The property is identified as tax map 92N04 parcel numbers 029, 030 and 031 located the corner of Rope Mill Rd and Rusk St in Woodstock, Georgia consisting of ±4.71 acres currently zoned DT-MRA (Downtown Medium Density Residential. The request is to amend a condition of zoning to allow an American Pillar buffer to be planted against the abutting residential neighbor's property to the south where the condition requires Cryptomeria.

Brian Stockton Presented the Staff Report with the DPC recommendation.

Mark Carruth - As Brian stated this is all about changing the planting type. When the condition was places the variety was selected to buffer a three story with structured parking underneath. We rezoned the property for one story residences currently under development and the variety stipulated by condition which grows to 50-60 feet tall and 30 feed wide, the scale is no longer appropriate. We propose to plant American pillar which grows in a more narrow form grows very rapidly. The Blights are in agreement with the substitution.

PUBLIC HEARING – No Speakers

MOTION TO RECOMMEND APPROVAL OF CASE Z#061-12 as presented by staff.
By Lee Zell
2nd K. Scott Gordon

MOTION TO APPROVE PASSES BY UNANIMOUS VOTE.

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John Szczesniak offered a motion to reconsider the vote of Z#058-12. Lee Zell offered a 2nd to reconsider the vote.

Parliamentary procedure on a tie vote dictates that the vote is debatable therefore the clock resets as though the vote had never taken place.

MOTION WITH RECOMMENDATION TO APPROVE REQUESTED VARIANCES AS PRESENTED WITH THE ADDITIONAL CONDITIONS;

> ***1) A minimum ten (10) foot landscape buffer shall be planted along the southern property boundary bordering the adjacent residential property.***

By John Szczesniak
2nd Jeff Wood

Lee Zell offered Friendly Amendment to extend the 10' buffer, as practically possible, on the eastern boundary of the property to extend the length of the building. John Szczesniak accepted. Jeff Wood accepted

SUBSTITUTE MOTION TO *WITH RECOMMENDATION TO APPROVE REQUESTED VARIANCES AS PRESENTED WITH THE ADDITIONAL CONDITIONS;*

> ***1) A minimum ten (10) foot landscape buffer shall be planted along the southern property boundary bordering the adjacent residential property.***

By Jeff Wood
2nd John Szczesniak

Lee Zell proposed friendly amendment to add a 5 foot buffer against the eastern property extending the length of the building. Not Accepted by Jeff Wood. Lee Zell offered this as a regular amendment. Amendment dies for lack of second. Return to main motion.

Motion to approve passes 5-1 (Zell Opposed)

Item 6: PROJECT UPDATES

Item 7: FINAL ADJOURNMENT

APPROVED _____ DATE 02/07/2013
James Drinkard - Chairman