



**The Chambers at City Center  
8534 Main Street – Woodstock, Georgia**

**WORKSESSION  
6:00 to 7:00 PM**

**Topic: SMARTCODE**

Work Session began 6:00 PM Jeff Moon introduced Community Development Director, Jessica Guinn and announced former City Planner Brian Stockton's new role as Economic Development Director.

Form Based Code discussion began. Brian Stockton led a workshop style discussion, recapping history of community involvement, approval and implementation. Explanation of pedestrian shed, overview of the Transect Zones and percentage limits which offer flexibility within the Transect Zones. Watermark Church was used as an example to illustrate the difference in development of the site under both traditional Euclidian Zoning and Form Based Code.  
Work Session End 6:45PM

**Regular Meeting of the Planning Commission**

***DRAFT MINUTES***

***March 7, 2013 Thursday, 7:00 PM***

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**Item 1: PLEDGE OF ALLEGIENCE**

**Item 2: CALL TO ORDER**

**John Szczesniak, Jay Evans, Judy Davila, James Drinkard, Lee Zell, Jeff Wood, K. Scott Gordon.**

**Staff: Community Development Director Jessica Guinn, Brian Stockton, Patti Hart**

**Item 3: APPROVAL OF MINUTES**

**A) Approval of *February 7, 2013 Regular Meeting Minutes*  
Pg 2 correct spelling of Gorden to Gordon.**

***MOTION TO APPROVE MINUTES OF 2.7.13 AS AMENDED.***

**By K. Scott Gordon**

**2<sup>nd</sup> Lee Zell**

**Motion to approve passes 5-0 (John Szczesniak abstained due to absence)**

**Item 4: OLD BUSINESS**

**A) Case V#107-12 - Tabled after Public Hearing at 2.7.13 Planning Commission meeting.**

**MOTION TO REMOVE V#107-12 FROM THE TABLE.**

**By Jeff Wood  
2<sup>nd</sup> Judy Davila**

Questions for staff:

Jay Evans - Are the three parcels allowing drive-thrus similar in size?

Brian Stockton - Parcel one, with the other fast food restaurant, is the largest. The parcel lines are still being moved a bit.

Jay Evans – Assuming we were to support a denial in this case it seems that another fast food restaurant might run into the same issues given the lot dimensions. Don't we need to consider that, since there are no options other than these three lots, in these variances?

Brian Stockton – Can't answer whether someone else could come in and figure it out given the way that outparcel #3 is currently drawn.

John Szczesniak – Have you discussed the Beaufort site with the applicant?

Brian Stockton – We did not discuss this with the applicant, but they are prepared to discuss it if you wish to hear from them. I did look at the two sites and the Beaufort lot is 35' wider than Outparcel #3, similar to outparcel # 1 (Chick-Fil-A)

Kathryn Zickart - Atty for McDonalds - Only 2 outparcels of the 8 can be used for fast food. I do not think it will create a problem for precedence, as there was no fast food allowed to begin with and Mayor and Council went back and approved 2 fast food pads as a matter of policy. This is not likely to spread to the other parcels. This pad site is narrower; the plat has been recorded so there are no shifting lines. The difference in the size makes it impossible to do rear entry. Three main concerns: 1) Proximity to main entrance center – drive thru traffic could start stacking into main entrance and into our site, whereas Chick-Fil-A has a lot more room. 2) Only way to unload a truck would be to back it in; unsafe operation 3) ADA requires handicapped parking as close to door as possible. With rear entry, safety concerns arise with proximity to drive thru window exit. The Beaufort lot was a remodel and is even wider than the Chick-Fil-A lot, and has three separate entrances, two in the front and one in the back, a lot more parking (showed comparison diagram illustrating site differences). I think this shows our willingness to comply to the fullest extent if we can do it.

James Drinkard – (Clarification) Council approved three outparcels for drive-thrus?

BS – No more than 2 drive-thrus overall, limited to the first three parcels.

Lee Zell – Safety is still an issue for me (ref comparison Ridgewalk Parkway vs. Beaufort SC plan). There is no option to try to avoid safety issue with pedestrians trying to get into the store without crossing drive thru traffic. The traffic patterns that I see for the current Ridgewalk Parkway diagram, there is no way to avoid traffic. The Beaufort diagram has option to turn left, handicapped parking immediately to left and customers can park and never have to cross traffic. My question is, in comparing the two sites, how can the Beaufort property have direct access into restaurant without crossing traffic and the Ridgewalk one doesn't, but somehow we are comparing these two - Why are we comparing the two?

Brian Stockton - A Planning Commission Member requested staff to research if a MCD's with drive thru has been built under a Form Based Code style code. We provided that answer to you.

Waylon Hodges, Integrity Engineering – Appear to be similar because of proximity to street, but they function differently because of points of access; 60% of Beaufort site traffic can access doors without crossing drive thru lanes as compared to 100% of Ridgewalk Parkway site.

Judy Davila – Current design shows stacking of 11 vehicles. How many vehicles would be accommodated if allowed to drive around building?

Waylon Hogue – (Off Mic showed illustration with cars able to wrap around building one and a half times.)

Jeff Wood – Is the building facing Ridgewalk because it is an “A” road?

Brian Stockton – No, the condition requires Ridgewalk frontage.

Jeff Wood - Could it face B street?

Brian Stockton – Could but we wouldn’t recommend it; would create inconsistency with other 7 parcels.

Lee Zell – It seems staff’s preferred design creates stacking, is that part of the plan?

Brian Stockton - That is the applicant’s argument as to why they need the variances.

K. Scott Gordon - Clarification: Variances #3 Min Clear Glazing and #8 Freestanding Signage were removed by the applicant? We are considering under staff recommendations 1, 2, 4, 5, 6 and 7?

Brian Stockton – Yes.

K. Scott Gordon – Are all of the allowable drive thru lots spoken for?

Brian Stockton – #2 is available, but it is my understanding that the user of Outparcel #1 would not permit a drive thru restaurant to be placed on #2.

Lee Zell – Is lot #2 wider or narrower?

Brian Stockton – Without having the plan I do not know the answer to that. To my knowledge, the final plat for these three outparcels has not been recorded by the city. A plat containing those three outparcels has been filed, but where those lines separating into three outparcels has not been recorded by the city. The four parcels on the other side are still a moving target with the developer and end users.

James Drinkard – Clarification: per agreement with developer and outparcel #1, a drive thru can’t go on outparcel #2.

Brian Stockton – That is my understanding.

Lee Zell – (Inaudible)

Brian Stockton – If the applicants argument is that Chick-Fil-A can do it because their lot is 35 feet wider than their’s then my suggestion back to them is that the developer platted these three lots with these restrictions in place so maybe lot #3 should be 35 feet wider than it is.

### ***MOTION TO RECOMMEND ACCEPTANCE OF STAFF RECOMMENDATION.***

By Jeff Wood

2<sup>nd</sup> John Szczesniak

John Szczesniak – Clarification acceptance of staff’s recommendation: the removal of 3 and 8, Denial 1, 2, 4, 5 and Approval of 6&7.

Jeff Wood - Correct.

Jeff Wood – Council placed these restrictions in accordance with their vision for the area. Developer was aware of restrictions, staff recommendations support the look and feel that we want in that area.

John Szczesniak – I agree, when we set the plan up we made enough concessions with developer to begin with. The vision was for the frontage of those lots to be functional space other than drive thru restaurants. This appears to be a standard, out of the box McDonalds and that is not what we intended the space to be. Do not see enough merit in the case to approve the variances as requested.

Lee Zell – Think we are ignoring safety flat out. Of options 1, 2, 3 (lots) only #1 accommodates the use. Makes good sense to have a business here, a drive thru is allowed, it is a decision of safety. I don’t see other issues. If our plan goes against safety I would like to reconsider the plan.

Jay Evans – Agree with Lee in terms of safety issue. Applicant deserves due process with Council; they can uphold their vision or make adjustments to the plan.

James Drinkard - This will move forward to council.

Judy Davila – If this is a safety issue, maybe this is not the place for this plan.

Scott Gordon – We seem to have developed a position that we are trying to be planners and designers and layout folks and the options that have been presented to us are not all about safety. We are not here to approve the plans, we are approving and denying conditions under which these plans are prepared and developed. Staff will review them for safety, lighting, buffers, setbacks and all technical aspects so I do not agree that we are ignoring safety.

Jeff Wood – Council has the right to go back and allow another parcel to have a drive thru if it just won't work on this particular piece of property.

Lee Zell – The criteria we are considering has to do with space, those are safety issues.

Jeff Wood – The issue is that the zoning requires a certain distance from the road, their desire to achieve a design which allows cars to drive around the building conflicts with the vision of the city.

Lee Zell – We all drive counterclockwise in these places. This clockwise pattern forces crossing lanes of traffic. Looks like an unsafe layout. In this particular case I see, because of a safety issue, why it would be appropriate to offer a variance.

John Szczesniak – The recommendation comes from staff including fire department. If there were a safety concern the fire marshal would have noted his concern. Call the question.

**Motion to recommend acceptance of staff recommendation passes 5-2 (Jay and Lee opposed)**

## **Item 5: PETITIONS AND COMMUNICATIONS**

- A) PUBLIC HEARING – Case CUP#011-13** The City of Woodstock, Georgia has received a Conditional Use Permit application from Todd Starbuck of Kennesaw, GA (**Case CUP#011-13**). The property is located at 9420 Highway 92 in Woodstock, Georgia consisting of ±1.01 acres. The property is identified as tax map and parcel number 15N12 120 zoned GC (General Commercial) with Parkway Overlay District Zoning in the City limits of Woodstock, GA. The request is for a Conditional Use Permit to allow “Automotive/Truck Sales” limited to the operation of a rental car agency

Brian Stockton presented staff report and read the conditions into the record.

Todd Starbuck, Area Manager for Hertz Rent a Car – Only processing rental car transactions on this site. No automotive repair will occur on the property; rental only. Paint the building, not even cleaning cars on site no wash. We have account with car wash across the street.

John Szczesniak – Have you looked at the staff conditions?

Todd Starbuck – Yes, Hertz is okay with them. We will bring everything up to code. We have a sign company for removal of existing non-conforming signs and EPD condition has been satisfied – the fuel tanks have been filled with sand.

Jeff Wood – What constitutes repair? Is it well defined? Repair a flat, change a battery?

K. Scott Gordon – That could be maintenance.

Brian Stockton – Our code does not define repair.

James Drinkard – That could be something that gets worked out between this meeting and Council.

Jeff Wood - Fact that they are not washing on site is good.

PUBLIC HEARING

No Speakers

***MOTION TO RECOMMEND APPROVAL WITH STAFF RECOMMENDED CONDITIONS 1-7.***

**By Lee Zell**

**2<sup>nd</sup> Judy Davila**

Lee Zell – Happy to see that property come to good use and get a paint job after being vacant for ten years and indirectly supporting another local business (off site car wash).

Judy Davila – The applicant will be a good neighbor to improve site and hope the parking lot will mainly be empty indicating successful business.

Jeff Wood – Glad to see a responsible corporate partner come in and clean up the site and signage, this presents a good face to I 575.

**MOTION TO APPROVE PASSES BY UNANIMOUS VOTE**

**B) PUBLIC HEARING – Case Z#063-13** the City of Woodstock, Georgia has received a Rezoning application from CDCI GA 1, L.P. of Atlanta, GA (**Case Z#063-13**). The property is the Town view Subdivision located on the North side of Highway 92 West of I 575 in Woodstock, Georgia consisting of ±8.43 acres. The property is identified as tax map 15N06K and parcel numbers 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177and 177A zoned GC (General Commercial) with Parkway Overlay District Zoning in the City limits of Woodstock, GA. The request is to rezone to R-3C with variances in order to re-plat townhome lots for a single family detached product.

Clarify Staff Report – Owner is CDCI, GA 1 L.P. and case number Z#063-13 (not -12)

Brian Stockton presented staff report and conditions recommendation.

Joel Larkin – This is a distressed townhome development started in the county; streets were put in and partially developed. This was partially developed in the city after annexation; the rest remained in county. The request is to allow developer to come in and build single family detached with two variances. We are comfortable with staff recommendation.

Jeff Wood – What is the R-3C side setback?

Brian Stockton – R-3C only has project perimeters, this is why we are recommend establishing conditions 1 and 2 as platted. For side separation they would need to adhere to ten foot between buildings per fire code.

PUBLIC HEARING

No Speakers

***MOTION TO RECOMMEND APPROVAL WITH STAFF CONDITIONS.***

**By John Szczesniak**  
**2nd Jeff Wood**

John Szczesniak – It is great to see infill in a property that went under being developed.

**MOTION TO APPROVE PASSES BY UNANIMOUS VOTE**

**Item 6: NEW BUSINESS**

**Item 7: PROJECT UPDATES**

Brian Stockton - McDonalds, Oakhurst were approved but Merrill Gardens will return to Council regarding a gate condition.

Lee Zell - full sized semis are parked at the U-Haul site on 92 – staff will look into it.

**Item 8: FINAL ADJOURNMENT 8:20 PM**