



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

**Regular Meeting of the Planning Commission
DRAFT MINUTES
June 6, 2013 Thursday, 7:00 PM**

Item 1: PLEDGE OF ALLEGIENCE

Item 2: CALL TO ORDER

In Attendance: John Szczesniak, Judy Davila, James Drinkard, Lee Zell, Jeff Wood, K. Scott Gordon. Absent: Jay Evans.

Staff: Community Development Director Jessica Guinn, Zoning Administrator Patti Hart.

Item 3: APPROVAL OF MINUTES

A) Approval of May 2, 2013 Regular Meeting Minutes

Motion to approve the minutes of the 5.2.13 Planning Commission Minutes with the following corrections;

Page 5 change ‘no’ to “not” (“any trees not planted”) and change “Friendly” to “Friendly”.

**By Judy Davila
2nd John Szczesniak**

Motion passes by unanimous vote.

Item 4: PETITIONS AND COMMUNICATIONS

A) PUBLIC HEARING- Zoning Reversion of A#045-07

The City of Woodstock, Georgia has initiated a rezoning to accomplish the reversion of all properties zoned SL-C in **Case A#045-07** per Land Development Ordinance Sec 7.748(2). The property is located on the northwest corner of Highway 92 and Neese Rd. The property is identified as tax map and parcels 15N18 142, 15N18 143, 15N18 144, 15N18 111, 15N18 111A 15N18 145, 15N1845A and a portion of 15N18 147 consisting of ±10.27 acres. All Parcels are currently zoned SL-C (Senior Living -C) in the City limits of Woodstock, GA. Tax map and parcels 15N18 142, 15N18 143, 15N18 144, 15N18 111, 15N18 111A 15N18 145, 15N1845A consisting of ±9.67 acres were zoned R-40 (Residential) in Cherokee County prior to Annexation and Rezoning on 1.14.2008. It is the city’s intention to rezone to the closest compatible zoning classification in the city which is R-1 (Residential). A 0.67 acre portion of Tax Map and

Parcel 15N18 147 was zoned GC in the city of Woodstock prior to the above referenced rezoning and it will revert back to GC (General Commercial).

Jessica Guinn presented the staff report. Code Sec 7.748(2) stipulates that any SL-C zoned property which does not have a development plan approved within 18 months shall revert back to the previous zoning. The last of four extensions has recently been denied by Council and therefore the property is scheduled to revert. Although the code makes this an automatic reversion we are going through the rezoning process because a large portion of this property was in the county and did not have a city zoning. The city attorney has recommended that we rezone the property to the closest compatible zoning. The property that was previously County R-40 will be City R-1 and the property that was previously City GC will revert back to City GC.

Open Public Hearing / No Speakers / Closed.

Motion to approve with staff recommendations.

By John Szczesniak
2nd Jeff Wood

Motion passes by unanimous vote.

B) PUBLIC HEARING- V#113-13 Del Taco

The City of Woodstock, Georgia has received a Variance application from Del Taco LLC of Atlanta, GA (**Case V#113-13**). The property is located at 9775 Hwy 92 in Woodstock, Georgia consisting of ±0.93 acre. The property is identified as tax map and parcel number 15N12 173D currently zoned DT-GC (Downtown General Commercial) in the City limits of Woodstock, GA. The request is to waive the requirement for a Code Compliance Certificate in LDO Sec 7.723 in order to renovate the former Wendy's building for use as a Del Taco without having to comply with the development guidelines of DT-GC, which includes moving the building closer to the street. The applicant also requests the use of the existing freestanding monument sign and variances to sec 6.4.14 accommodate two (2) fifty (50) foot menu boards.

Jessica Guinn presented the staff report. All properties that are in the Downtown District must get a Code Compliance Certificate (CCC) to certify that it is compliant. This is the former Wendy's building next to the Quick Trip, the applicant is planning to reface the exterior and is seeking a concurrent variance to allow two (2) fifty (50) sq foot drive thru menu boards. One of the biggest issues is that the building would be required to be brought up to the road in order to meet the downtown development standards, this would do away with the cross access easement for the neighboring commercial business to the east, which would be problematic as it is the sole access for that property.

At the May 8, 2013, meeting the Development Process Committee voted unanimously to recommend approval of the applicants request V#013-13 for variance from LDO Sec. 7.723 to waive the Code Compliance Certificate as following:

- 1) A Variance shall be granted to LDO Sec 7.723 to waive the requirement for Code Compliance Certificate; development shall be substantially similar to the architectural site plan by GHA Architecture submitted with application V#113-13.

Jeremy Petit - 7482 Sydney Lane in Marietta – Trying to make use of the Wendy’s building in turning it into a Del Taco drive thru restaurant without having to bring it up to the street. Code requires an 8 foot monument sign and we would like to be able to use the existing thirty-five (35) foot freestanding sign. Given the grade of the road and how far back the building is off the road, as you can see in the exhibits we passed out, there are issues with seeing an eight (8) foot sign.

Jeff Wood – Additional variance for menu boards are not listed in the recommendation are they covered in the Code Compliance Certificate?

Jessica Guinn – Signs are covered in chapter 6, but the code compliance certificate if granted would cover the non-conforming signs as well, like the existing non conforming freestanding sign; if the CCC is waived that would be permitted to be used.

Jeff Wood – Can’t you reface legal non-conforming signs?

Jessica Guinn – In DT in order to get a CCC you are required to bring the property fully into compliance.

John Szczesniak – Are the signs on the building compliant with the sign code?

Jessica Guinn – Signs would be permitted separately. They will have to submit their permit application.

Judy Davila – (Inaudible) Height of ...

Jessica Guinn – It is not anything that would be inconsistent with the downtown district.

Jeff Wood – What are the exterior Materials?

Jeremy Petit - Stucco and stone façade.

John Szczesniak – Would you put a parapet on top of the building if you needed to shield the mechanicals?

Jeremy Petit – Yes we would do that if needed.

Jeff Wood – Does waiving Sec 7.723 remove the requirement to have to do dark skies?

Jessica Guinn – The only place in code where Dark Skies is required is in the Technology Park Overlay. The Submittal Checklist in chapter three includes Dark Skies but those are the only places where it is referenced.

John Szczesniak – In your opinion would dark skies matter if it is surrounded by buildings that are not dark skies compliant?

Jessica Guinn – I don’t think so given the location; quick trip next door lit up like daytime 24 hours. One more clarification, at the time of DPC meeting the request for the menu board had not been included in the recommendation. We would ask that if you want to allow the two menu boards at fifty square feet you include it as an additional recommended condition. It would not be covered in the code compliance certificate waiver.

Open Public Hearing / No Speakers / Closed.

Motion to recommend approval of V#113-13 with the conditions as recommended by staff and the addition of conditions #3 and #4 as follows;

3) Del Taco shall be permitted to construct two menu boards at fifty (50) sq ft each along the drive thru lane.

4) The applicant shall add a parapet to the building to shield all rooftop mechanicals.

By John Szczesniak
2nd Lee Zell

John Szczesniak – At staffs request I added the drive thru menu boards to make sure it was included and the parapets will prevent air conditioners being seen from 92.

Judy Davila – Think the variance is appropriate to stay in line with the buildings currently on 92.
 K. Scott Gordon - I'm having a little heartburn over the pylon. Coming from the west an 8 foot sign would clearly not be visible but part of me wishes we would at least lower it a little from thirty five feet so that it was at least the same height as the Meineke Muffler place. I don't want the applicant to have the extra cost to do that, I am grateful to see the empty building come forward but I wish we could get a rein on these tall pylons. I just don't know in this case if it is economically feasible to ask them to shorten it.

Motion passes by unanimous vote.

C) PUBLIC HEARING- Z#065-13

The City of Woodstock, Georgia has received a Rezoning application from One Square Development of Alpharetta, GA (**Case Z#065-13**). The property is located at 122 Dupree Rd in Woodstock, Georgia consisting of ±2.520 acres. The property is identified as tax map and parcel number 15N12 189 zoned DT-RO (Downtown Residential Office) in the City limits of Woodstock, GA. The request is to rezone to DT-MRA to accommodate up to 15 single-family detached units.

Jessica Guinn presented the staff report. The property was rezoned in 2006 from DT-MRA to DT-RO to build a 24 hour call center and was tied by condition to a specific plan. Since that time the area has developed more residentially and the request is to rezone back to DT-MRA to allow a new single family subdivision. Under the current DT-RO they would be allowed up to 8 UPA which is more units than they are requesting on the 2.5 acre property which equals about 6 UPA. This proposal is also less dense than what is permitted in DT-MRA at 9 UPA. They are not requesting any variances.

At the May 8, 2013, meeting the Development Process Committee voted unanimously to recommend approval of the applicant's request to rezone the subject property from DT-RO to DT-MRA with the following conditions:

- 1) Up to 15 SFD units shall be permitted on the subject 2.52 acre site.
- 2) The site plan submitted for review shall be substantially similar to the site plan submitted with the application, dated 4.15.13, and attached hereto as Exhibit "A".

Jason Scheidt – 3245 Dunn St Smyrna. Being in the code of Downtown is a great opportunity; there is so much going on with Walton. We want to bring the right density to the area and be consistent with what is around us. (Presented site plan and examples of housing styles) Front porches and usable green space. If this is successful we would like to continue down Dupree and other places in the area. Neighbors were not happy with the commercial building and were

thrilled that we were going to return it to a residential use and not a 24 hour call center as was planned previously.

Jeff Wood – Asked applicant to accept Dark Skies as explained by staff.

Jessica Guinn – Requires lighting to be downcast; what you would expect in a residential neighborhood, 0.1 foot candles at the property line.

John Szczesniak – Which site plan are we looking at the one with trees or without?

Jason Scheidt – They are the same but on one I highlighted the tree save areas.

Judy Davila – What is the shortest depth of the porches that you have.

Jason Scheidt – My shortest depth is eight feet; six foot porches don't work for me.

Open Public Hearing/No Speakers/Closed.

Motion to approve with staff recommendation as stated and the addition of condition #3 to require the Dark Skies compliant lighting to the current standard.

Jeff Wood – Good use of the property. I recall having a lot of heartburn and there was a lot of push back from the neighbors on the DT-RO zoning. Good to have more residential downtown and they can get the sidewalk completed on that part of Dupree.

John Szczesniak – I think it's a fantastic plan and does nothing but improve the downtown district.

Judy Davila – This is an excellent product to enhance and continue the flow into downtown.

Lee Zell – Great change back to residential which will support out downtown in making it a great place to live and walk to restaurants..

K. Scott Gordon – I appreciate the architectural details, the character of that will fit in well with what we are trying to achieve.

Motion passes by unanimous vote.

D) PUBLIC HEARING- LDO Chapter 6

The City Council of the City of Woodstock is proposing revisions to the Land Development Ordinance Chapter VI Sign Standards.

Jessica Guinn presented the following changes to the sign code;

6.1.3 Definition of Building Official and replaced with "Community Development Director" replace throughout code.

6.1.3 Def. of window sign. Add "The display of merchandise shall not be construed as a window sign, nor shall any sign located more than 12 inches back from the interior surface of the glass

6.2.5 (c) No sign shall be placed on any utility pole, light pole, telephone pole, street sign or similar utility fixtures, other than identification labels attached by the owner of those poles and fixtures. No sign shall be placed on any utility pole, light pole, telephone pole, street sign or similar utility fixtures, except as permitted within this chapter.

6.4.14 (1) Currently permits 1 drive-thru sign change to permit 2 drive-thru signs.

6.4.14 (3) Drive-thru signs limited to 30 sq. ft. change to Drive-thru signs limited to 45 sq. ft.

6.4.16 New section added to address signs on light poles (incl. seasonal banners)

6.4.17 New section added to address streetlight banners in LI,GC and FBC zoning classifications

Open Public Hearing / No Speakers / Closed.

Lee Zell – Does this only apply to holiday signs or would it allow those twelve foot fabric banners that stick in the ground?

Jessica Guinn – We can't regulate content, but you would have to have the permission of the owner of the property and the owner of the pole to get a permit. The City owns most ROW that utility poles are on.

Jeff Wood - Correction on item 6.4.14(3) 45 sq feet

Open Public Hearing/No Speakers/Closed.

Motion to recommend approval of the text amendment to Chapter 6 as presented by staff.

**By Judy Davila
2nd K. Scott Gordon**

Motion passes by unanimous vote.

E) PUBLIC HEARING- LDO Chapter 7

The City Council of the City of Woodstock is proposing revisions to the Land Development Ordinance Chapter VII Performance Zoning Standards Section 7.301 ESTABLISHMENT OF DISTRICTS, and adding Section 7.509 – RAILROAD DISTRICT USE STANDARDS.

Jessica Guinn presented a text amendment to LDO Chapter VII, Section 7.301. Establishment of Districts, is proposed in order to provide clarity on signage allowable within the RR- Railroad District. *The only allowable uses within this district are (1) railroad infrastructure, (2) utility infrastructure, (3) easements, (4) transportation infrastructure and (5) signage provided such signage is required by Federal, State or City law or regulation.*"

Open Public Hearing / No Speakers / Closed.

Motion to recommend approval of Chapter 7 with staff recommendations.

**By K. Scott Gordon
2nd Judy Davila**

Motion passes by unanimous vote.

Item 5: PROJECT UPDATES

- 1) Building permit update.
- 2) Outlet mall scheduled to open in July.
- 3) Update to the Urban Redevelopment Area moving forward to Council which will allow the city to request an Opportunity Zone.
- 4) Consideration is being given to removing sections Hwy 92 from the DTMP and putting them back in the 92 Overlay.
- 5) CD Reorganization replaces the Zoning Administrator position with Current Planner and introducing a Long Range Planner Position.

- 6) CUP#012-13/V#111-13 Hennessy Honda; Auto Storage Lot was approved with conditions.

Staff will check on the following;

Jeff Wood – Timing of the new light on Town Lake Parkway.

John Szczesniak – When the I575 Ridgewalk exit signalization will be working.

James Drinkard – Staff to check history of Dark Skies and previous text amendments.

Item 6: FINAL ADJOURNMENT