

# CITY *of* WOODSTOCK

## Application for Public Hearing

### Important Notes:

1. Please check all information supplied on the following pages to ensure that all spaces are filled out accurately before signing this form. This page should be the first page of your completed application package.
2. All documents required as part of the application package shall be submitted at the same time as the application. Incomplete application packages WILL NOT BE ACCEPTED.
3. Please contact the Zoning Administrator in the Community Development Department at 770.592.6039 if you have any questions regarding the application package, this application or the public hearing process.

Contact Person: Joel Barker Phone: 770-778-9133

### Applicant's Information:

Name: William D. Pettit, Jr.  
Address: 1938 Fairview Ave. E., Suite 100 Phone: 206-676-5300  
City, State, Zip: Seattle, WA 98102 Fax: 206-676-5353

### Property Owner's Information:

same as above

Name: Merrill Gardens at Woodstock, LLC  
Address: 1938 Fairview Ave. E., Suite 100 Phone: 206-676-5300  
City, State, Zip: Seattle, WA 98102 Fax: 206-676-5353

### Requested Public Hearing (check all that apply):

Annexation

Comprehensive Plan Amendment

Rezoning

Other:

Variance

#### STAFF USE ONLY:

Case: ✓ # 116-13  
Received by: P. Hunt  
Fee Paid: \$ 700.- ex 1933  
Date: 11.1.13

#### PUBLIC HEARING SCHEDULE:

Public Input Meeting: 11.27.13 latest  
Planning Commission: 1.9.14 7PM  
Board of Appeals: NA  
City Council: 1.27.14 7PM  
Other: WPC 12.4.13 10:AM

**Property Information:**

Location: 12730 Hwy 92 E., Woodstock, GA 30188

Parcel Identification Number(s) (PIN): 15N24149B 1524145 Total Acreage: 8.02

Existing Zoning of Property: SL-C Future Development Map Designation: GC

Adjacent Zonings: North Light GC South R2-SFR SEast OSI West GC

Applicant's Request (Itemize the Proposal):

Variance-7.928 Site Development Standards-Maximum Height of 40 feet

Variance-7.930 Architectural Standards (4) Windows not down to floor-Leave a two foot sill.

Variance-7.930 Architectural Standards (6) No less than 80% historical brick

Proposed Use(s) of Property:

Senior Assisted Living & Memory Care Community

**Infrastructure Information:**

Is water available to this site?  Yes  No

Jurisdiction: City of Woodstock

How is sewage from this site to be managed?

Cherokee County

Will this proposal result in an increase in school enrollment?  Yes  No

If yes, what is the projected increase? N/A students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	N/A	0.725	
Multi Family (Attached) Home	N/A	0.287	

**Traffic Generation:**

If a traffic study is not required as part of this application, complete the following charts to estimate traffic generated by the proposal. Information for additional residential and all commercial/industrial development shall follow the summary of ITE Trip Generation Rates published in the Transportation Planning Handbook by the Institute of Transportation Engineers.

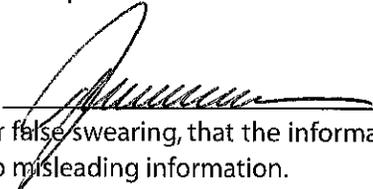
What is the estimated number of trips generated? 45 trips

Code	Land Use(s)	# of units*	Daily Trip Ends	Number of Trips
210	Single Family Home/Townhome		9.57	
220	Apartment		6.63	

\* A unit for residential purposes is equal to one residential unit. For commercial/industrial uses it is defined in the ITE table, but most often is equal to 1,000 square feet of floor area for the use specified.

**Authorization:**

Upon receipt of the completed application package, the Community Development Department shall notify the applicant of scheduled dates, times, and locations of the public meetings/hearings. The applicant or a representative must be present to answer any questions that may be asked. In the event that an application is not complete, the case may be delayed or postponed at the discretion of the department.

This form is to be executed under oath. I, , do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Public Hearing is true and correct and contains no misleading information.

This 31<sup>ST</sup> day of October, 2013.

Print Name William D. Pettit, Jr

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## **APPLICANT RESPONSE STATEMENT VARIANCES**

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

If this application is in response to a variance, please respond to the following standards in the form of a written narrative:

1. Explain requested variance.
2. How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or building(s) involved and which are not applicable to other lands, structure(s) or building(s) in the same district.
3. How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.
4. How the special conditions and circumstances do not result from the actions of the applicant.
5. How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or building(s) in the same district.
6. How no non-conforming use of neighboring lands, structures, or buildings in the same district and not permitted or non-use of lands, structure(s) or building(s) in other districts shall be considered grounds for issuance of a variance.
7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s).
8. Explain how, if granted, this requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.

## Merrill Gardens Hardship Explanation & Variance Answers

The hardship lies in developing a full amenity 148 unit resident multifamily senior housing project in a commercial zone with the Parkway district overlay standards. The Overlay does not allow equal development potential for this project type and limits the ability for the architecture to be residential in character.

It should be noted, no other 148 resident multi-family senior assisted living housing projects have been developed within the Parkway Overlay District. The average age of our residents is 83 years old, and they need various assistance during their day. Approximately 20% of our finished area is dedicated to various community gathering areas to encourage each resident to spend a large portion of their day in the common gathering areas. This substantially assists in nurturing the social, emotional, mental and physical attributes of our residents. Merrill Gardens will be offering a full complement of services from a selection such as:

- 1) Full service Dining
- 2) Housekeeping Services
- 3) Flat Linen Services
- 4) Transportation Services
- 5) Programs, Outings and Events
- 6) Fitness and Wellness
- 7) Staff Availability
- 8) Concierge Services
- 9) Central Clubhouse
- 10) Bistro Café
- 11) Billiards/Poker
- 12) Multi-purpose Classroom
- 13) Media Room
- 14) Business Center
- 15) Card and Puzzle Lounge
- 16) Outdoor Gardening Areas
- 18) Library
- 19) Walking Paths/Picnic Areas
- 20) Beauty/Barber Salon
- 21) Fireside Gathering Room
- 22) Emergency Response System
- 23) On-Site Postal Services

### **Legislative Objective:**

- “Parkway overlay district serves as development standard for highway 92. “
- “Calls for a pattern of commercial and office buildings constructed in 18<sup>th</sup> and 19<sup>th</sup> century styles.”
- “Is intended to generate quality commercial development along expanded highway 92.”

## Variance-7.928 Site Development Standards-Maximum Height of 40 feet

### 1) Explain requested variance.

- a) Merrill Gardens senior housing buildings catering to seniors ,striving to be as independent as is possible for as long as possible, need to express a very residential character and cannot appear commercial or institutional in nature usually overcome by sloped roofs instead of flat roofs.
- b) The pitch of the roof should mimic the pitch of a single family home in order to present a residential feel and character and be proportionate to the building height, however the scale of a multifamily building results in a roof that has significant height.
- c) A steeper pitched roof of 17.5 feet high also allows the addition of dormer windows, which significantly contributes to the residential feel and character and breaks up the long expanse of roof.

### 2) How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or building(s) involved and which are not applicable to other lands, structure(s) or building(s) in the same district.

- a) In order to comply with the 40' height limit and still maintain the residential feel and character, Merrill Gardens at Woodstock would be limited to a two story building. A commercial office building with a flat or minimally pitched roof could easily achieve 3-4 stories.
- b) A two story Merrill Gardens building would require the footprint of the building to expand by 30%, moving the multi-level portion of the community approximately 150 feet closer to the neighboring Lakestone houses to the south. This two story building would then be about 60 feet from our neighbor's backyards instead of a three level structure being about 150 feet from their backyards. Neighbors at the variance meeting also commented they liked how the majority of the three level building was on the front half of the parcel near Hwy 92 and could also serve as a noise barrier for their community for the 20,000+ vehicles per day on Hwy 92.
- c) The increased footprint both removes open and green spaces and compromises the functionality of the senior community by placing units at greater distance from the common space, thus creating an continually increasing hardship on the residents as their mobility declines in the aging process.
- d) Senior Housing Common areas require a minimum 15' floor to floor to create a feeling of a very open, spacious and comfortable gathering area to encourage the residents to come out of their apartments and socialize.
- e) No rentable finished space within the Merrill Gardens at Woodstock is over the 40' height limit. The sloped roof is the only portion of the building which is over the limit.
- f) With the need to have a residential appearance a multifamily/ senior building in the commercial parkway overlay district is at a significant hardship when compared to an office retail or single family residence in complying with site development standards.

- 3 How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.**

There are no other similar communities of our size and nature in the Hwy 92 Commercial Overlay District.

- 4) How the special conditions and circumstances do not result from the actions of the applicant.**

The special conditions and circumstances do result from the actions of the applicant due to the residential nature of our new community

- 5) How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or building(s) in the same district.**

We do believe any residential senior assisted living community of 148+ units with large communal spaces adjoining a residential SFR community should be granted the same privilege to enable them to mass most of the units away from the adjoining SFR community. This helps mitigate the noise and privacy concerns for each community.

- 6) How no non-conforming use of neighboring lands, structures, or buildings in the same district and not permitted or non-use of lands, structure(s) or building(s) in other districts shall be considered grounds for issuance of a variance.**

We are non-conforming because we are residential community in a commercial overlay district.

- 7) Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure (s) or building(s).**

The intent of the overlay district is to maintain the quality of the community. The overlay intent is more directed towards retail and commercial. Being residential in nature and adjoining a SFR the elevations and materials more directly reflect and complement the immediate Lakestone community.

- 8) Explain how, if granted, this requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.**

The majority of the business and residences having pitched roofs this would be more in harmony with the surrounding properties. There are not detriments to the public welfare, but it should enhance the public welfare opportunities.

**Variance-7.930 Architectural Standards (4) Windows not down to floor-Leave a 2' Sill height under window.**

**1) Explain requested variance.**

It diminishes the indoor outdoor connection from the common spaces to the landscape gardens and is important to this architecture.

**2) How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or building(s) involved and which are not applicable to other lands, structure(s) or building(s) in the same district.**

This is needed in the effort to encourage exercise for our Seniors still striving to stay as independent as possible and for them to stay connected to the outside and to be even more enticing to draw them outside for long walks this indoor outdoor connection in the commons areas is critical. Their continually aging bodies so often tell them to stay indoors too much, and they can develop a "shut in" feeling. This is counterproductive to them mentally, emotionally, socially and physically. These various indoor outdoor connections vital to prevent the "shut-in" feeling and are meant to entice them daily to stay connected to the outside world and to get some exercise and fresh air strolling outside through our park trails, gardens, creek side and recreational picnic areas.

**3) How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.**

There are no other similar communities of our size and residential nature in the Hwy 92 Commercial Overlay District.

**4) How the special conditions and circumstances do not result from the actions of the applicant.**

The special conditions and circumstances do result from the actions of the applicant due to the residential nature of our new community

**5) How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or building(s) in the same district.**

We do believe any residential senior assisted living community of 148+ units with large communal spaces adjoining a residential SFR community should be granted the same privilege to assist in the effort to encourage exercise for Seniors still striving to stay as independent as possible and for them to stay connected to the outside and to be even more enticing to draw them outside for long walks this indoor outdoor connection in the commons areas is critical..

- 6) How no non-conforming use of neighboring lands, structures, or buildings in the same district and not permitted or non-use of lands, structure(s) or building(s) in other districts shall be considered grounds for issuance of a variance.**

We are non-conforming because we are residential community in a commercial overlay district.

- 7) Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure (s) or building(s).**

The intent of the overlay district is to maintain the quality of the community. The overlay intent is more directed towards retail and commercial. Being residential in nature and adjoining a SFR the elevations and materials more directly reflect and complement the immediate Lakestone community.

- 8) Explain how, if granted, this requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.**

The intent of the overlay district is to maintain the quality of the community. The overlay intent is more directed towards retail and commercial. Being residential in nature and adjoining a SFR the elevations and materials more directly reflect and complement the immediate Lakestone community.

## **Variance-7.930 Architectural Standards (6) No less than 80% historical brick**

### **1) Explain requested variance.**

Merrill Gardens at Woodstock proposes to use stone at the base and fiber cement siding above in lieu of an all brick facade. This is fitting to both the architectural style consistent in the building and the residential expression on the elevations and in keeping with the regional architecture and our neighbors joining our southern boundary in the 200+ single family residential community named Lakestone. In our multiple previous variance meetings with the neighbors, Lakestone community neighbors were very insistent that our community flow with their stonework accent community architecture. We showed plans of another Merrill Gardens community that was over 80% brick, and many of them were displeased with the heavy brickwork exterior. Many said it looked too institutional/commercial and wouldn't flow with the Lakestone community architecture. The mixing of materials allows for the building to be broken up both horizontally and vertically, breaking up the overall perceived mass of the building.

### **2) How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or building(s) involved and which are not applicable to other lands, structure(s) or building(s) in the same district.**

- a) Brick is a quality material appropriate for commercial, retail and single family residences. On a large multifamily building brick is appropriate for very formal dormitory and hospital type of buildings of an institutional type nature in this area. Seniors still striving to stay as independent as possible tend to avoid institutional looking buildings because they represent institutional levels of care, preferring to be in communities that are reminiscent of "home." We displayed another 3 level over 55 feet high and over 80% brick community Merrill Gardens had building plans to construct in Madison, Alabama. The Lakestone neighbors commented that with the heavy brickwork it had an institutional and commercial office building look and feel to it. They requested that our designs match the architectural flavor of their neighborhood with stacked stone and various cement fiber board accents.
- b) A regional style of architecture which is more conducive with a residential senior community is that of the Georgia southern/plantation architecture which is characterized with a strong base, with lighter upper stories, large windows, and gracious porches that promote indoor and outdoor living (important to the health and well-being of residents).
- c) This style does not conflict with a majority of the architectural standards in the Parkway Overlay District. It represents 18<sup>th</sup> and 19<sup>th</sup> century architecture, has façade that is broken up, is of a traditional style, has multi-pane windows, traditional/historic paint colors, pitched roof of greater than 4.5:12 and architectural shingles.

- 3) How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.**

There are no other similar communities of our size and residential nature in the Hwy 92 Commercial Overlay District.

- 4) How the special conditions and circumstances do not result from the actions of the applicant.**

The special conditions and circumstances do result from the actions of the applicant due to the residential nature of our new community

- 5) How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or building(s) in the same district.**

We do believe any residential senior assisted living community of 148+ units with large communal spaces adjoining a residential SFR community should be granted the same privilege to assist in their efforts to avoid looking and feeling institutional or commercial in nature.

- 6) How no non-conforming use of neighboring lands, structures, or buildings in the same district and not permitted or non-use of lands, structure(s) or building(s) in other districts shall be considered grounds for issuance of a variance.**

We are non-conforming because we are residential community in a commercial overlay district.

- 7) Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure (s) or building(s).**

The intent of the overlay district is to maintain the quality of the community. The overlay intent is more directed towards retail and commercial. Being residential in nature and adjoining a SFR the elevations and materials more directly reflect and complement the immediate Lakestone community.

- 8) Explain how, if granted, this requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.**

The intent of the overlay district is to maintain the quality of the community. The overlay intent is more directed towards retail and commercial. Being residential in nature and adjoining a SFR the elevations and materials more directly reflect and complement the immediate Lakestone community.

**Narrative:**

Ron Buchanan, the General Contractor and myself Joel Barker, his co-developer conducted Formal Meeting Dates and Times at The Little River United Methodist Church (across the street from our parcels) to meet with all of our neighbors on the mailing list. These dates were:

**December 29, 2012, January 2, 2013 with several subsequent meetings** set at the time requested by various neighbors about every 3-4 weeks to show pictures and answer questions. Only the Lakestone community neighbors showed up at the meetings. Since the Lakestone community Homeowners Association had the emails to the entire neighborhood, we were able to send and respond to every email inquiry from them in a timely manner. Our architects emailed all of our Lakestone neighbors a 3 Dimensional 3 level view from their back decks and ground level of approximately what they should expect to see of our 3 level community with the one level portion closest to them. We showed these same 3 Dimensional 3 level views at the Planning & Zoning meetings and City Council meetings. At no time in any of our 6-8 meetings with various Planning & Zoning, Building Department or city Council meetings did anyone mention a 40 foot height restriction for our SL-C zoning classification.

We discussed the need for a 3 level structure with the neighbors to mass most of the structure on the front 2/3rds of the property away from their property lines. They were very much in agreement with that. This ensures the least amount of noise and privacy between our residents and the Lakestone neighbors. Neighbors at the variance meeting also commented they liked how the majority of the three level building was on the front 2/3rds of the parcel near Hwy 92 and could also help serve as a noise barrier for their community for the 20,000+ vehicles per day on Hwy 92.

We also emailed the complete Lakestone Community ahead of time on Friday, February 22, 2013 that we would begin floating Big Red balloon clusters at the 60 feet height at what we estimated to be above the highest peak of the east and west ends of the roofline of the 3 level portion of the structure closest to the Lakestone neighbors on our southern boundary. We floated these two Big Red balloon clusters for four days until they ran out of helium. We took pictures, and you can barely see the Big Red balloon clusters from the three western properties joining us because the beautiful large old trees are so thick, just the way we like it. We are also trying to maintain the privacy of our residents' windows. We also knocked on the doors of our southern boundary neighbors and discussed with them the Big Red balloon clusters. Many of the residents commented that they were fine with the view especially since they were approximately over 150' away.

We also agreed to increase the 25 foot undisturbed buffer to a 50 foot Undisturbed Buffer between us and the Lakestone neighbors to ensure and preserve the old growth trees and bushes and each community's privacy.

We displayed another 3 level over 55 feet high and over 80% brick community Merrill Gardens had building plans to construct in Madison, Alabama. The Lakestone neighbors commented that with the heavy brickwork it had an institutional and commercial office building look and feel to it. They requested that our designs match the architectural flavor of their neighborhood with stacked stone and various cement fiber board accents.

**In Summation:** We have already discussed many multiple times in our many neighborhood meetings through our previous Zoning, Annexation and Variance process the community being over 40' height and less than 80 % brick variance issues, just not the 2' Window Sill Variance. If we can supply the City of Woodstock with 10 letters of support from our Lakestone neighbors acknowledging these Variance items of our community being over 40' height on the front 2/3rds of the property were discussed and they are in support of, then we respectfully request your consideration of approving this Variance item without the need for us to continue the full Variance approval process of about 90 days.

Merrill Gardens is at a complete standstill on this project now and will be set back up to 6 months which will substantially increase their architectural, mechanical and civil engineering redesign costs; 3 months in the Variance approval process and then another 3 months to redesign the entire community to a two level community. They cannot complete site work without knowing where the building pads will be if the entire community has to be completely redesigned by the architects to spread out the entire community to a **two level structure ONLY 60 feet** from our Lakestone neighbors property lines. With our current building designs submitted to the city of Woodstock, **the single level part of the community is approximately 100' from their property lines.** A two story Merrill Gardens building would require the footprint of the building to expand by 30%, **moving the two level portion of the community approximately 150 feet closer to the neighboring Lakestone houses** to the south. Our Lakestone neighbors are going to be very unhappy with us about this. We are striving to bring a high quality and unique 148 unit residential multi-family senior assisted living housing project to the City of Woodstock within the Parkway Commercial Overlay District. We will be generating dozens of full time construction jobs for the two year building cycle. Merrill Gardens once opened will employ between 30-45 full and part time employees in our community and significantly stimulate the economy in the immediate area by the shopping, dining out, banking and doctor visits our residents will be doing. This indirectly may also add many additional employees in these and other various businesses our residents will need services from in the area. We respectfully request consideration to grant approval on the 40' height variance as stipulated so the project is no longer at a standstill and creating a greater hardship on the good people of Merrill Gardens in bringing this unique senior assisted living community to the city of Woodstock.