

CONDITIONAL USE

10-0207

CU10-02

DAVID M. MASTRO

800-A Mansell Road

Brad Townsend stated that this is a petition of David M. Mastro requesting conditional use to operate a hand car wash at 800 Mansell Road. Section 6.5.3 of the city code for C-3 requires that car washes receive a conditional use approval from the mayor and city council. This is an existing building in which Dr. Mastro currently occupies a portion. It used to be utilized as a bank at 800 Mansell Road. He has operated his dental office and owned this property since 1995. He is proposing to have a hand car wash on a portion of the building, which would be the western portion, which was used for the Drive-Thrus. There are seven recommended conditions by staff. They are recommending that there only be two allowed bays for the car wash. That gives the third area for circulation for cars that are not being used in the car wash to be able to completely circulate around the building. They are recommending controlling the hours of operation as well as other state and county regulations dealing with car wash facilities.

In summary, staff would recommend approval with the recommended conditions.

Loren Conrad asked Brad Townsend to show the Commission what those recommendations are on a map. He drove through there and looked at the flow and it looked like it was going to work okay with three bays. What were the concerns?

Brad Townsend presented how it has been proposed. There is an overhang over these two portions of the location. If one actually looks at the picture it shows the two bays that were for drive-thru. What they are saying is the outside, third one needs to be clear and not utilized as a washing location because the traffic can only go one way. This is a one way drive behind the building. So, either they are coming this way, circulating to the car wash locations, waiting in these two locations to be washed, these locations to be dried and this lane is to remain open for proper circulation around the building.

Loren Conrad clarified that proper circulation means somebody got in line and wanted to leave. Brad Townsend stated that was correct. Somebody was parked here, didn't go out this driveway, circulated around and wants to get out to Mansell. It is not a...it is not going to be a high demand issue. Loren Conrad stated that it doesn't sound like a big deal. Townsend stated that the other part of it is fire protection, fire trucks or emergency vehicles wanting to circulate

completely around the building. But there are commercial areas on the sides of the buildings with open parking lots also.

Susan Baur stated that perhaps the applicant would be better able to answer this question but does he know if they are driving the cars around for the customers or are the customers driving them around themselves. Brad Townsend stated that the applicant could explain what he is looking at as far as how the operation would function.

Sarah Winner stated that she actually goes with her mom on a pretty regular basis to one of these wash your car places over in the Norcross area. Her experience is that people tend to drop their cars off and then come back and pick them up and things. They end up with having a lot of cars sitting there with people drying them and then sitting waiting for owners. What can of an impact does that have on the number of parking places? It looks like they have just set aside three parking place. Is that going to be realistic? Her familiarity is that the cars queue up and they need a lot more space than that.

Brad Townsend stated that they are showing rows of drying areas as well as the three parking spaces. The applicant's current dentist office is located in this area of the building. This area is currently vacant. There is probably over flow if one considers these as his employees and people coming for appointments. There might be five to 10 spaces utilized that are not going to be needed as part of the dentist office.

Sarah Winner stated that her question is that she was assuming when they built this building that they put in the minimum number of parking places they had to put in for the size of the building. So, this is basically a new business that needs parking spaces, subtracting spaces from what might have been a minimum required. Her question is the parking spaces required for the physical building, whatever the tenant is, the dentist and whatever he chooses to put in there. She is assuming they have a minimum number of parking places. By adding this new car wash, are they going to run into an issue with there not being enough parking places for putting in a third potential business in this area?

Brad Townsend stated that he thinks some of that is probably dependent on how much interior office space or in the building space that the car wash actually utilizes. If the people are waiting there for them they need some type of waiting room. They need some type of rest rooms and those types of numbers. He believes that there are over 4000 square feet of space still available that the applicant could lease out. So there is going to be some dynamic of that space taken up by the car wash hand washing operation as well as those employees and those needs.

Loren Conrad asked Brad Townsend if this was not probably sized with the bank in mind also. Townsend state exactly. Conrad stated that it is not an additional

service he doesn't think, it is a replacement. The bank is not there anymore. Townsend stated that she thinks the point Sarah Winner is getting at is the operation of the hand car wash lends itself to cars sitting there for a longer period of time than someone just visiting and leaving, or someone employed. That car could be picked up in the morning, washed, waiting for the owner to come back and get it. She was concerned that would then burden the actual numbers of parking spaces on the site.

Tom Wilson asked Brad Townsend if there is a portion of this building, not occupied by the dentist, that will still remain unoccupied and possibly rented in the future for a third use on this property. Townsend stated that the applicant could probably speak to that but his assumption to that question would be yes. He can't see a hand car wash operation using 4000 square feet of a building. He can't understand why it would need that much space, internally anyway. Wilson stated that he just wanted to be sure that they have enough parking for that remainder of whatever parking ratio there is for commercial operations.

Susan Baur asked if there were any other questions for staff. Hearing none, Baur stated that the Commission will now hear from the applicant.

David Mastro presented the application. Anthony Lynch was also present. Mastro stated that the hand car wash, he utilizes about...he has five employees so they take up about five to six spaces. Mastro stated that he has a low volume dental practice. It is not a high volume so they usually would have maybe three patients there at a time at the most. They probably would utilize eight to nine spaces at max at any one time and a lot of times not even that many. The rest of the spaces could be utilized for the car wash for people if they left their cars.

Anthony Lynch stated that there was a total of 35 parking spaces on this site. The way the site plan is shown now with three wash bays just shows the code requirement for stacking and drying, which is two stacking and two drying per bay. That is what is shown on this site plan but there are extra parking spaces that Dr. Mastro does not use that could be utilized for cars that are waiting to be picked up.

Dr. Mastro stated that he was not planning on using the rest of the building for any other businesses other than the car wash other than him possibly expanding his office and taking some of that space just for additional room. There would not be any other businesses in there other than those two. And the car wash is just replacing the bank that is no longer there. It is not another business; it is just replacing an empty building.

Susan Baur asked if there were any questions for the applicant. Loren Conrad asked the applicant how this will affect his business going to two bays instead of three. Mastro stated that he was fine with that. He does not think that would be a problem having just two and having that one lane access free. His only request

 **DRAFT**

would be could it be possible that they leave the inside one open and utilize the outside one for the wash. If that is not possible they will do it two inside and the outside as a drive through. Just from a point of view of space, people getting in and out of their cars and things.

Mark Renier asked Dr. Mastro if this was going to be his operation, it isn't going to be leased to some other operation. Mastro stated that it would be his operation. Renier asked for Mastro's thoughts about the water quality issues. That is one of his concerns. He knows there is a lot of discussion about water quality and how the applicant is going to be capturing the run off and treating it.

Anthony Lynch stated that he can address that. He is Dr. Mastro's civil engineer for this project. What they plan to do is to capture all of the wash water from this operation into catch basins that will be routed through at least an oil/water separator and probably a recycling system that will reuse some of this wash water. That will be discharged into a sanitary sewer system, which is owned by Fulton County. So they will have to go through Fulton County for the permitting process and meet all of their requirements to discharge into their system. It is not the applicant's plan at this time to discharge any of this waste water into the storm water system of the city of Roswell. Lynch stated that he has spoken to staff about that and that is their plan at this point. He knows that if they do discharge water into the storm water system they would have to treat that water in some way. But it is their plan not to do that at this time.

Tom Wilson asked Brad Townsend if he had any feelings about that inside lane versus the outside lane. Brad Townsend stated that the inside lane is currently covered. That is why he thought it was the more appropriate one to do the washing of the car. He really does not have a preference, probably the outside lane. It looks like it is a little wider just because of the way the bank was designed and dealing with an ATM drop off and the bank teller location. He really doesn't know...

Lynn Buffkin stated that there was a garbage can on that third lane. If the applicant decides to utilize the outside lane, that trash bin would have to be moved to another location. That was the reason why staff suggested the inner two versus the outer one just for traffic flow there.

Tom Wilson stated that it was his concern as well that a garbage truck might not fit neatly through that inside lane. Brad Townsend stated definitely height-wise the way that canopy height...

Anthony Lynch stated that the garbage truck does not use that lane now. He drives in and then he backs out. He never goes through there. He backs back out to the other side and goes out that way.

Susan Baur asked if there are specific hours of when the garbage man comes to pick up and how it is not going to interfere with their operation.

Anthony Lynch stated that it is the city of Roswell that picks up the trash there. He is not exactly when their time is when they come. Susan Baur stated that that might be something that needs to be coordinated. Lynch stated that he honestly never sees them come through there.

Brad Townsend stated that they are gone before Lynch is there. Lynch stated that he does not know when he has seen them last to be honest. He knows they come but he never sees them when he is there.

Susan Baur stated that the only thought she has with the inside versus the outside lane is if an emergency vehicle had to get through. Would it be easier for an emergency vehicle to get through the outside lane if there was a height issue with that vehicle? That is just her thought on that.

Anthony Lynch stated that it would be easier for any vehicle to get through that outside lane. It is 11 feet wide and the other two lanes are the standard drive through for a bank. They are about 8 ½ feet wide. So it would be easier for any vehicle to get through the outside lane. He would request that they work with the fire department and see if there are any code issues with this building and if there is then they would have to abide by those codes for circulation on the site for emergency vehicles.

Susan Baur clarified that Anthony Lynch did not have any strong feelings about which lane. His preference would be using that outside lane? Lynch stated that the doctor's preference would be the outside lane because there is more room to work.

Tom Wilson asked Brad Townsend if this would require a land disturbance permit to modify that site to capture that water. Brad Townsend stated that it would. Wilson asked if the fire department would review it during the land disturbance permit process. Townsend stated that they would.

Susan Baur asked if there were any other questions for the applicant.

Mark Renier stated that he had a question for the engineer. He knows that he hopes that business goes well and this potentially could stack up if he has two lanes. It could potentially stack up into that rear driveway. If one looks at fast food users who have drive lanes and they are stacked up six, seven, sometimes 10 deep. Theoretically he could stack up into that rear drive lane. And, so somebody is there in the middle of that drive lane with a car behind them and a car in front of them. There is no bypass lane. There is no way to escape. That is something that Renier has thought about and asked the applicant if he wanted to address that.

Anthony Lynch stated that it was correct that there would not be room for a bypass on that lane. One way they might can solve that would be through operations and have the employees move the cars from the point where one gets to the narrow lane where they start stacking. Just have the customers come in and park their cars in a designated location and then have the employees stack the cars. That would be a way to solve it.

Susan Baur stated that one could always change the one way direction the opposite way, too. That would eliminate the stacking issue. Baur asked the applicant to explain his thoughts on the flow and from an operational standpoint of how these cars would come through. They would come through the back and stack up, going through the back and coming out the front.

Dr. Mastro stated that they have access in on Mansell Road. They have access in through the Wachovia parking lot and also through that shopping center at the red light through the back way. So cars can come in from two directions from the back and one direction from the front. He wouldn't think they would have a problem with too many cars being stacked up just because of all of the different places they could drive them in from. If they were stacked up, they could stack up going back in this direction, which is just driveway and that is at least three wide going through there in the back, too. He does not feel like they would have a problem with stacking up too many cars in there.

Susan Baur stated that is why she asked that question to staff about operationally how they were going to run it because in other car washes that she visited such as this, quite often the customer would just park it in the front, go in, and an attendant would come out and move the car. That way there is more control operationally on those cars. So potentially, if there was more control that back road could be keep it from being blocked just in the event of there being a situation where someone would have to come all the way through.

Dr. Mastro stated that it would make a lot of sense to have the employees drive the cars around. The customer could pull in and park but he would let the employees take it over from there.

Loren Conrad stated that in Mastro's review of how these things operate, he is sure that Mastro looked at other car washes, the way of dropping one's car off and coming back and getting it sometime later. How much of that goes on? Is that a big factor? Mastro stated that the car washes that he visited, there are two in Alpharetta. He never sees that happening much at all. The one especially, he does not see them waiting at all. They are just in and out. The other one he has gone to several times and the same thing there. One might have a couple of cars out there but it is not a big stacked up issue. One does not see cars lined up going through and theirs is very similar, going around the back of the building to. Whenever Mastro has gone he is like the only car that pulls up to the very corner

of the building where one starts entering into it. He does not think they would have that issue, honestly.

Susan Baur stated that just going off of what Loren Conrad had asked the applicant, is he going to have any detailing services at his car wash or is it strictly a hand car wash?

Dr. Mastro stated that it would just be a car wash. They are not going to wax cars or anything like that. It will just be a car wash. Baur stated that is the scenario where she would think that someone might leave the car for a period of time. So that is not the case in this situation.

Susan Baur asked if there were any other questions for the applicant.

Loren Conrad stated that he had a question for staff. In one of the transportation recommendations there was something about interparcel access, they were looking for interparcel access. He was not sure what that meant because there is interparcel access going back into the bank parking lot. Does staff know what that is about? It is not mentioned as a condition.

Susan Baur stated that it was number one of the city of Roswell Engineering Division; provide interparcel access agreement with adjacent property.

Lynn Buffkin stated that this was something that the transportation department usually asks in every case that comes forward. Because this is a conditional use they can't even request actual interparcel access on this because they are not changing the rezoning of the property. They are only changing the use. They are asking for a conditional use. They couldn't provide interparcel access with the Wachovia Bank that is adjacent to the property. That is their ATM drive-thru and that is not something that would even be possible.

Brad Townsend added that there are too many conflicts created.

Loren Conrad stated that was fine, he just wondered what happened to it.

Mark Renier asked Dr. Mastro if the customers are stopping their vehicles here and having the employees queue them around, does that mean they are going to be stacking up probably within most of Mastro's parking field for his dentist office? If that is true, then Sarah Winner brought up a good point. Does it make any sense to modify his plan where they are queued in front and they come through this way?

Dr. Mastro stated that he did not see a problem with that.

Renier stated that he just wanted to make sure that people have a way to get out and not interfere with Mastro's parking field as well. Mastro stated that he wouldn't see a problem with them reversing it and going around the other way.

Anthony Lynch stated that if it is reversed one may have a problem with blocking parking. He might have the same problem if they have a lot of stacking in the front. But they would lose parking in the front place.

Brad Townsend stated that they are going to be stacking in somebody's parking; either the dentist's parking or a potential future tenant's parking. But he thinks it is probably a safer stack to stack in front potentially.

Dr. Mastro stated that he would not see that it would be a problem for them to go the opposite way.

Tom Wilson stated that he also thinks that the transportation department will take a look at that stacking issue whenever the land disturbance permit is before them. They may want to prohibit anybody trying to turn in off of Mansell Road in there and not be able to make it in because of stacking. So, they will take a look at that.

Dr. Mastro stated that was the nice thing about going the other way is one does have more clearance and more room to park more cars in on this and going around the building in that direction from the back side. The parking places on the side are all employees' parking places from Mastro's office. They don't have patients ever parking there. They always park out here in the front corner. So it wouldn't affect them.

Susan Baur asked if there were any more questions for the applicant. Hearing none she opened the hearing up for public comment. She asked if there was anyone from the public that would like to speak in favor of this application. No one came forward. Baur asked if there was anyone who would like to speak in opposition. Seeing that there is no one who would like to speak in favor or in opposition she closed the public portion of the meeting.

Susan Baur asked if there was anything the applicant would like to add. Hearing no further comments she closed that portion of the meeting. She asked if there were any further questions for staff. Hearing none she closed the public portion of the meeting and asked for discussion and a motion.

Motion

Loren Conrad made a motion to approve CU10-02 as conditioned by staff with the exception that, it only says that it is limited to two bays but give the applicant the option to work through which of the two bays they use, the two inside or two outside bays. They will also have the option of looking at the flow of traffic

whether it should go the way it is specified now through the entrance from the back or from the entrance from the front.

Mark Renier seconded the motion. The motion passed unanimously.

This recommendation will go forward to mayor and city council next month.

Mark Renier asked Brad Townsend if when he is making a motion or someone is making a motion to approve in terms of conditions, when the conditions don't include listing all of the departments' recommendations, is it just understood that those recommendations are part of the condition.

Brad Townsend stated that those carry through to the mayor and city council and if they are code requirements, which a majority of them already are, they get caught at the LDP stage when the city issues them that type of permit.

TEXT AMENDMENT

10-0346

RZ10-04

Text Amendment regarding companion animals.

Brad Townsend stated that staff has provided the Commission with the changes in red that he believes were requested. The one clarification that the Commission was looking for, which Jackie Deibel received information on, is the state will not issue an exotic animal permit for any residential area. One needs to be out in the country on big land. Any residential district or residentially zoned land they will not issue an exotic animal permit. So that pretty much clears up that one is not going to get one in Roswell to that extent.

What Townsend has included is clarifying the language on page 1 and on page 2, including the recommendation of a maximum of 10 cats per residential unit. They are hopefully set to send this to mayor and city council with either the Planning Commission's approval or not approval as the case may be to get this in front of them.

Loren Conrad stated that in Article 2 there is a repetition of the "companion animals do not include..." They need to strike one of those.

Sarah Winner stated that she had a couple of questions. In Section 3-C where they are talking about no more than 10 cats per unit, she thinks they have to put something in there to grandfather things in. Someone who is 60 years old who has 12 cats and loves them all and is taking them all to vets shouldn't suddenly be told she has to get rid of two cats. How will Roswell handle that? If someone can produce veterinary documentation showing that they have cared for and have been caring for animals...she just can't support anything that would force people to get rid of pets that they have loved and cared for correctly.