

The city has adopted 23 critical guidelines to evaluate a zoning request. Some of the basic guidelines that the Commission will consider include the land use plan, surrounding property values, the surrounding neighborhoods, undeveloped land in the surrounding or immediate area and impact on city services. The burden of proof for a rezoning request is always on the applicant.

Harvey Smith reminded everyone to put their cell phones on vibrate or turn them off. This includes members of the Planning Commission. He will remind the members of the Planning Commission to please state their names before speaking for the benefit of the audience as well as for the benefit of the staff recording the minutes of this meeting

REZONING, CONCURRENT VARIANCE & CONDITIONAL USE

13-0176

RZ2013-00928, CV2013-00930, CU2013-00929

JOHN H. WILSON

10485 Woodstock Road

Land Lot: 370

Jackie Deibel stated that this is a rezoning and conditional use and concurrent variance for property located at 10485 Woodstock Road. The applicant is requesting to rezone the property from R-1, single-family residential to C-2, neighborhood commercial with a conditional use to allow for a bed and breakfast. Deibel presented an aerial view of the property. To the north is the Roswell Area Park, to the north and east of the Roswell Area Park to the south are single-family homes. To the west are single-family homes.

Deibel presented a zoning map of the property. It is zoned R-1. As one can see, most of the property around it is zoned R-1 and the property right there in the light green is zoned R-2. All of that is single-family residential.

The applicant is requesting the C-2 to use the existing home as a bed and breakfast. The applicant is also requesting concurrent variances with this application. This is due to the use of the existing house. Once it is zoned to C-2 abutting any R-1 or residentially zoned property there would need to be a 50-foot setback with a 40-foot buffer. Due to the existing location of the house they would not meet that requirement. So they will be asking for variances to the 50-foot setback and the 40-foot buffer. Deibel presented a site plan of the property showing the existing location of the house and driveway. This is their proposed site plan basically the house is existing. The parking pad is existing.

Staff has recommended denial of this rezoning with the conditional use and concurrent variances. The staff has listed several reasons for the recommendation for denial. Staff feels that the C-2 zoning is inappropriate for this location. The intensification of the property is an inappropriate use, which is incompatible with the neighborhood and it does not comply with the future development map, which is approved under the 2030 Comprehensive Plan.

 **DRAFT**

Harvey Smith asked if the Planning Commission had any questions for staff.

Joe Piontek asked what that setback is there; it looks like 5-10 feet maybe. Deibel clarified that Piontek was asking what the current setback was on the plan. Piontek stated that he sees where 40 and 50 feet are marked. What is the actual number? On the corner of the house it looks likes 5-10 feet.

Jackie Deibel stated that it was about 8 ½ feet and that is the property that is abutting the Roswell Area Park. It is about 10-12 feet abutting the single family house on the other side.

Harvey Smith asked if there were any further questions.

Bryan Chamberlain asked what zoning does allow bed and breakfast in Roswell. Jackie Deibel stated that bed and breakfast is a permitted use in C-1 and C-3. It would be conditional in OP and C-2. Chamberlain asked why C-2 was requested here versus....Deibel stated that it was neighborhood commercial. It is a little bit area for the neighborhood.

Harvey Smith asked if there were any further questions. Hearing none he asked that the applicant come forward and make their presentation.

John Wilson presented the application. He resides at 10485 Woodstock Road. He is a certified chef and a graduate of the Culinary Institute of America. Some of the Commissioners may know him; he is the resident chef instructor at Barrington Hall. He has taught there every Tuesday night for seven years. So, the city pays him sometimes. He is used to giving presentations but in a cooking atmosphere, not in something like this so forgive his nervousness.

Wilson owns a specialty travel company where he takes people to Europe to cook with him and he was unable to attend the DBR meeting and the neighborhood meeting, so he is here for this meeting and the presentation.

Wilson stated that he is here tonight to request a rezoning to C-2 from an R-1 because it is more residential friendly and he would be operating the business and living in the house himself. It would be a four-room inn on Woodstock Street.

He bought the house 10 years ago and at that time he really thought it would be a great bed and breakfast because the bedrooms are large. They are 14 x 15 feet and it has an open floor plan of the living room, dining room and kitchen area. He thinks it would make a great bed and breakfast and it sits on almost an acre of land. They back up to the park on two sides and there is a single-family residence on one side and then another home before they go to a subdivision. Across the street is a single-family residence and then a subdivision.

There seems to be a need for a bed and breakfast in Roswell. There is currently none, there was one on Canton Street at 1050 and Wilson has talked to them at length about how they operated their bed breakfast. He has been talking to the Vacation and Visitors' Bureau Director, Dotty Etris and she says that she gets a request every day or several times a day about a bed and breakfast being in Roswell. He talked to the special events facilities in Roswell and all of them say that they get requests as well because we have so many special events facilities in Roswell and they have no place to for a hotel except for the one's on SR 400 and Mansell Road and Holcomb Bridge Road. So there is nothing like this in the area.

Roswell has the MG plant and they said in the papers that they are wanting to be more business friendly. And in Sunday's paper they said that they are trying to support home-based businesses. So, Wilson was thinking that maybe this was kind of that area.

Wilson presented a survey of the abutting properties. One can see that the park is really on two sides of him. It is in the back and on the west side of the property. Then there is this pan handle that goes down to Park Ridge subdivision and right next door is Bernie O, who live there and he uses that as a rental property and then there is one more house next door. Across the street is the Kuhn's property, which hasn't been lived in for about five years, so that is an empty piece of property. Then they have Woodstock Street.

There is a creek that runs back as one can see on the pan handle, which is part of the property, which is in the buffer zone that is critical. It does run down there and when one hears rain, he can hear it running. It is a beautiful creek. So that is it for the survey.

Wilson presented the site plan. There is a driveway and there is an existing parking pad, which he will increase. There should be no trees taken down and there is going to be no construction. There are two Dogwoods that are in front of that parking pad that he will have to move to enlarge the space. It is a single-family brick home with a walk-out basement and Wilson will be living downstairs. The driveway does obey they property line on the east side. The neighbor's house is very close; it is about five feet from the property line. The creek is in the back and Wilson stated that he does meet the requirements of a 100-foot undisturbed buffer and 50-foot pervious surface. For parking he requires six spaces, two for himself and one for each room. That is why they have to increase this parking pad, one room for him in the garage and then an additional space some place else. Then he would want one for each guest. The DRB suggested that he increase that so that everybody backs up within that parking space so they are not backing out in the driveway or on Woodstock, which would not be a good idea.

The DRB also said that they wanted the headlights from the cars coming in to face west and not shine into the neighbor's house which makes great sense. So they would have to have circulation in the parking pad to be able to turn around in there and then get out on the driveway to get out on Woodstock Street. There is one handicap space at the very top of the driveway over here because there is a side entrance there to the house, which is level so wheelchairs can come and go with easy access. And all of the bedrooms are large

enough. The doors are large enough for a wheelchair. So, there is a big enough space in there for a van, a wheelchair van at the top of the driveway.

John Wilson pointed out the aerial that Jackie Deibel had. One really cannot see much of it but there are a lot of trees on Woodstock. There are 25 Leyland Cypress that he planted 10 years ago and then there are three White Pine trees right in the front. There is now a pad where a tree fell down when they had their last hurricane, or tornado. Now he has that so one can really barely see the house from Woodstock Road unless he is coming from the east heading west.

On the north side is the park, which is all vegetation. Along the pan handle on both sides is all vegetation. So there is very little view of the house if one has driven by it except for down by the driveway. On the east side of the house is where the residence is next door and there are no windows on the west side of the house because that was their garage. It was originally two houses owned by one family and so they bricked up the garage and made it into a master suite. So there are no windows on that side of the house.

The trees in the back from Wilson's property abut Bernie's property and it is fully screened so that they don't see each other's property.

The Roswell Design Review Board asked that Wilson build a seven to eight-foot masonry wall between the two houses and then coming down about five feet past his house for screening. Bernie will talk about it but they had talked the other day, Bernie would also like a wooden fence from the masonry wall down past Wilson's parking area they screened both properties, which makes a lot of sense. They don't have to see anybody in their yard and the neighbors wouldn't see anybody in Wilson's front yard. So, that is a great idea for privacy.

Wilson stated that he is before the Planning Commission hoping that they will consider this rezoning request because Woodstock Street from Canton Street out to the park is residences and non-residences. He would believe that there are less than half that are single-family homes and they are either commercial or OP. There are hair salons, there is a restaurant, the Corner Grocery is there, there is an architect's firm and there is a huge daycare. There are very few single-family residences until one gets past the park, and then there are very few homes. There are all subdivisions past that with great landscaping.

So the bed and breakfast would be a good transition between the non-residential and the residential. It is light operating, it is a house. Wilson would be housing people. It is not like he is asking for a retail store or a garage or a convenience store. To him it feels like the neighborhood, a like use of the neighborhood. It is well-screened by the neighboring properties. The park is in back of Wilson so there are no residences there. It is not in a subdivision. It is on Woodstock Street. It sits way back off the road as one can see. These orange pieces are the other zoning, they are not residential. So, it is a patchwork from Canton Street all the way out to the park. There are very few single-family homes there.

It is not an intense use. It would be just four rooms plus Wilson and probably less cars going there now if there is a bed and breakfast than there is now because Wilson has not seen a lot of his chef.

Wilson stated that he talked to the Visitor's Bureau. Mandy and Dotti are so for this. They said that they get calls everyday and they hate to say no, but they do. They say that there is no bed and breakfast in Roswell. Wilson has talked to all of the special events facilities again. There should be letters in the Commission's packets about that.

Two houses down and to the east, Wilson has letters from Lisa Hochmann, who is in Germany now. She is in favor of it. And then Bernie next door will talk and the two ladies across the street, he just passed out a letter...so it is exciting for Roswell to have something new.

Wilson stated that he was not present for the Design Review Board meeting and the neighborhood meeting. There were some concerns that were addressed and he would like to address them here for himself since he is present.

If it was zoned C-2 and the bed and breakfast fails, or Wilson chooses to sell the property, they would like to know; what other businesses could it be turned into? A lot of business can't be 5000 feet or more and this house is more than 5000 square feet. So that puts a limit on the size of the building that can be used for other businesses that are C-2.

What is allowed is an adult daycare, and they may have this, an automobile broker, places of worship of which there are many on Woodstock already. A clinic, a club, a conservation area, a daycare, an exterminating/pest control business without the storage of vehicles, a finance business, insurance, real estate business, institutional residential living and care facilities, offices, personal services, and public and semi-public uses and schools.

There is concern from a neighborhood across the street that there may be businessmen staying there that would be pedophiles and this was addressed. Talking to the former owner of the bed and breakfast, Wilson does not see it as a weeknight lodging facility. He sees it in conjunction with the special event facilities that are in Roswell. So, it would be more of weekend facility, which is what Wilson is hoping for because he really does not want to work every night. But, because the fees Wilson is going to charge for the rooms is not, he doesn't think a businessman's budget. He would think that they would go to the hotels on the expressway, on SR 400. So, that was addressed.

Schools will be in session and because there are schools two properties from Wilson, it the Parkington Elementary School so he guessed that students walk to school or they are bussed in.

They were worried about the parking circulation and screening pad of the neighborhood to the east. Wilson talked about that in the DRB meeting and there is an engineer from the city of Roswell that has given Wilson recommendation that it does have to be bigger so that they can pull around in the pad and not onto the street or the driveway. So, that has been addressed.

Something else that has been addressed, and Wilson does not know if one does not stay at a bed and breakfast or are familiar with bed and breakfasts within the country and let's say other quaint cities like Roswell. He presented some in Ashville, NC. Someone said that it should be a traditional or Victorian. There are few Victorian houses anymore; they have a lot of maintenance problems. But these are some that are in Ashville, NC and they are not traditional and Wilson's is not either. He knows that he has a beige brick ranch house but it is beautiful on the inside and the gardens are gorgeous if one has ever driven by it. It is on almost an acre. All Wilson wants to do is stay home and garden, make Roswell beautiful.

Keeping in mind a bed and breakfast in cities that are quaint, they are usually not on expressways. They are in neighborhoods and that is where one goes to stay at a bed and breakfast. They are off the beaten path and they are in neighborhoods like Charleston, Savannah, Ashville and Madison. When Wilson did all of this research, they are not in local areas, they are in neighborhoods, not subdivisions of course. It is something that if one is not used to a bed and breakfast it is a unique living situation.

Harvey Smith asked if there were any questions for John Wilson.

Sidney Dodd asked if Wilson if he could speak to why he is wanting to rezone to C-2, which appears to be an up zone when OP or C-1 or some other lesser zone with a potential conditional use would allow this same bed and breakfast.

Wilson stated that was the city's recommendation. That it was more neighborhood friendly and that is why they went with that.

Dodd asked Brad Townsend and Jackie Deibel if to the best of their recollection they could speak to the circumstances surrounding any conditional use permits or rezoning for those commercial businesses that approach Roswell Area Park. Specifically, the Young Life and the Corner Grocery Store is at the corner of Canton Street and Woodstock Street so Dodd understands that completely. But the hair salon and the brokerage and possibly even a restaurant that is a little further up. Can Townsend or Deibel speak to the circumstances that lead to their conditional use or rezoning?

Jackie Deibel stated that most of those were done prior to conditional use so they would not have had to have a conditional use really to any of those. A lot of those are zoned OP however the Taylor Salon is zoned C-1 and that went through a number of versions when it went through rezoning back in 1999. She believes the mayor and city council finally settled on C-1. She is not sure which one is the brokerage but the architects on the other

side of the street down near Young Life is zoned HR. That was a lawsuit case. It started out for commercial and it was denied and went to court and they settled on HR zoning, which would allow them to do office. The other ones she believes are prior; they are a little bit older. So, the most recent ones that Jackie Deibel knows of are the salon and the architect's office there. Other than that a lot of them have been around since the 1980's maybe early 1990's some of them and they were just rezoned as OP or some of that is C-1 or C-2 down in that area to the best of her knowledge.

Sidney Dodd thanked Jackie Deibel.

Bryan Chamberlain stated that a little bit ago Wilson had a map up that showed these other properties that were zoned. Could he put that back up? Wilson stated that he could. Chamberlain stated that from what is on that map the things that are in red are not residential, is that correct? Wilson stated that was correct. Chamberlain stated that going from Canton Street northwest on Woodstock Road, the intensification of residential doesn't seem to really start until one gets past the school.

John Wilson stated that was correct. Dodd thanked Wilson.

Harvey Smith asked John Wilson what he would anticipate charging per night for a room. Wilson stated that there are two rooms that face Woodstock and two for the park. So, the ones that face Woodstock would be \$155 and the ones that face the park, \$175 and they will get a great breakfast.

Joe Piontek stated that he is asking because Wilson's knowledge of the area here. Right across the street from the entrance to the park he has a large....Wilson stated that is a Sikh temple. They just had a new monument sign put up Wilson thinks last week. So, they have a big sign up now.

Harvey Smith asked if there were any other questions for the applicant. If not, this concludes the applicant's portion of the presentation. Smith thanked Wilson and stated that at this time he would like to ask if there was anyone in the audience that is in favor of this application if they would come forward now to speak.

Karen Kuhn

Karen Kuhn stated that her father and mother bought the house directly across the street from the proposed area in question in 1947 when Woodstock was a dirt road past North Coleman. So, Kuhn grew up across the street. She is very sensitive to the desire to keep the residential neighborhood intact. However, for those of them who own property facing Woodstock Road, it is tough because they are sitting on 9/10 of an acre and a cottage style house that is going to be difficult to sell because of the age and because of it not being updated. So, as an owner of the property there and given the changes in the dynamic and culture and size of Roswell they are in favor of seeing a slight change, maybe just a lean into trying something a little different that might enhance their area.

Because with it zoned R-1 she does not know that anybody here would want to build a new home facing Woodstock Road where the traffic starts at about 4:30 a.m. and is bumper to bumper until after school starts. And then it starts again at 3:30 p.m. or whenever school lets out and it is very noisy on Woodstock Road. Kuhn wished that she was owning a property that didn't front Woodstock Road

For that reason Kuhn stated that she is in favor of it. She does not see it as particularly intrusive, the plan that John Wilson has presented here.

Bernie O'Zelsky

Bernie O'Zelsky stated that he owns the property right next to this property to the right, which he does not his north and south, but the only house to the right up here. O'Zelsky stated that he heard that the applicant was proposing a bed and breakfast and he had concerns because the house is really close. Those houses as John Wilson mentioned was built with one driveway and they went into the garages so there is very little room. He thought about it and didn't really respond to anybody and just thought about what he wanted, what would be nice there and he could think of a lot of worse things that could go right there because O'Zelsky has been to these meetings on other occasions where things did not go in his favor. So, before he made a decision on what he wanted he wanted to really think about it. He likes bed and breakfasts, he has stayed in them.

O'Zelsky stated that his big concern, if this is approved is what kind of zoning. He looks at the zonings. He knows there is a C-1, C-3, C-2 but his biggest concern would be that something very aesthetically nice would go in between the properties that would be more, just not something that is thrown up so that it has a purpose of not having the light shine through. He would really almost want to be a part of approving something that is very, very aesthetically appealing between both properties because they are talking about there were recommendations by the DRB of doing masonry walls, eight-foot structures up to the front of the house. Which O'Zelsky understands why, it would be because they wouldn't want anyone being disturbed on either side really. But, he would want that to look really nice if this zoning was approved. He would want it to be just as aesthetically appealing for both sides of it. So, if it was a concrete wall he wants both sides to look nice and if it gradually went down he would want something that would be drawn out and really approved by O'Zelsky and whoever else was part of that approval because that is important to him.

O'Zelsky stated that the driveway, the parking, he thinks they are trying to do that in a way that doesn't shine the lights in there property. So, all in all he can think of a lot of worse things that could go there than a bed and breakfast in Roswell and he lives in Roswell. He does not just own a property in Roswell as an investment, he also lives here.

O'Zelsky stated that he is in favor of this if it is zoned properly.

Harvey Smith thanked O'Zelsky and asked if there were anyone else that would like to speak in favor of the application. Seeing that there is no one, he asked if anyone would like to come and speak against the application, in opposition to the application. Please fill out the information card.

Eric Shumaker
145 Prospect Street

Eric Shumaker stated that he is for a bed and breakfast in Roswell and he does not want this to sound negative for the applicant because he thinks it is a great idea. He does not think it is appropriate to put here at that proximity to the school. It is problematic for Shumaker. He is against creating islands of C property in residential areas. He heard one of the members of the Planning Commission ask about how much his property, a residential property there is from Canton Street to this area and he would say that the Park Bridge Lane just south of there is very residential and there is sort of an atmosphere of residential in this area.

Shumaker is concerned about transient activity on this property. Who knows what can happen? The property is very small in the front. It looks to be that the applicant is actually using some of the park land for lawn and landscaping area. He would say that if the Commission did go ahead and approve this, he would say it would be conditional on only bed and breakfast at this location. It could not be converted into something else that was commercial and it would terminate with the sale of the property or if there wasn't any bed and breakfast activity on this location for a period of time. He would also suggest that they get some fencing on the north side of this property along the property line to protect that area and any ingress/egress from that area around the park and the adjacent school area as people do walk down this sidewalk here.

Shumaker stated that he is concerned about what might happen if they approve an island of bed and breakfast in his neighborhood. Will his neighborhood get a bed and breakfast? Will someone else's neighborhood get a bed and breakfast sort of deep in a residential area? He is not sure. He does not know if that is a positive thing or not. He would have a question for staff. What the proposed plan is for this area with the UDC as well? He would be pro continuing commercial down this corridor if it was continuous down the corridor to a certain point. But he does not want to create an island of commercial space next to the park.

Eric Shumaker thanked the Commission.

Harvey Smith if anyone else would like to speak.

 **DRAFT**

Robert Pachenko
Samuels Bridge Road

Robert Pachenko said that the acoustics need to be worked on; it is pretty hard to hear back there. He has lived on Samuels Bridge Road for 23 years and little by little, commercial properties start getting closer to this family oriented neighborhood. So he is not in favor of rezoning this property for commercial business. That will be the beginning of more businesses starting to get closer to the family oriented neighborhood. Every year they have a bike race that goes up and down Woodstock Road. They have a parade in October. They have some kind of race, the running race that goes through there too and it is awfully, awfully congested with a lot of traffic. If one adds more commercial businesses in there, it is going to add more traffic. That whole Woodstock Road from Alpharetta Hwy. to SR92 is filled with three or four schools, high schools, grammar schools, daycares. And one starts putting in these commercial businesses and pretty soon anybody can open their front yard and put a hamburger stand or a new Wendy's or a McDonald's and this is where it is going to. After living there for 23 years Pachenko does not want to see that continue. So, he is not in favor of this rezoning.

Roberto Pachenko thanked the Commission.

Harvey Smith asked if anyone else would like to speak.

Debbie Crawford
Oakridge Run

Debbie Crawford stated that she also lives in Oakridge Run and she has been a Roswell resident and a homeowner here since 1977. The homes begin actually at North Coleman. It is all residential. She used to live off of North Coleman and she moved around the corner to Oak Ridge Run simply because it is a residential area. They have the elementary school, they have the park, they have a daycare center. Children from that elementary school do walk back and forth and will be walking back and forth from Wilson's home. Crawford does not think that having a motel at the end of her subdivision is a very good idea. She would like for it to remain residential. If they allow the commercial to creep in her subdivision, it is not residential anymore. With the park being there it is just so family oriented, which Roswell has always been. She has raised two children there and she wants other people to be able to raise their children and feel as though they are safe. Her children had to walk back and forth, she sees children everyday walk further down and she does not want to have to worry about children, she does not want to have to worry about commercial. It is hard to get in and out of her subdivision as it is now. At certain times of the day one can sit there forever. And to have other commercial business with other people coming and going, spending a night, spending two nights, is more traffic.

Crawford does not think it is good and she is very against it. She thanked the Commission.

Mark Crawford
Oakridge Run

Mark Crawford stated that he has lived in Roswell since 1976. He moved in this area for the specific reason of it being a small town, family oriented area to basically live for most of his life in this area. Over the years he has watched Roswell turn in from a residential small town headed towards more of a big city, a lot of residential, but turning into commercial. He watched Canton Street do the same thing, Alpharetta Hwy. and then it came around a left turn from Alpharetta Hwy. coming up Woodstock and the small homes along Woodstock Road start being turned into commercial property. He watched the daycare center go from a small facility and it continues to expand. They just built a parking lot. The traffic in and out of that area is horrendous in the mornings and in the afternoons. Those small houses along Woodstock continue to be changed from residential to commercial. This is another example of another house being turned in to commercial area.

So it continues to creep down Woodstock and it continues to lessen the more family oriented area into more commercial area. Someone is now moving in the middle of an industrial, commercial facility and property more than it is Roswell. It is getting frustrating to watch Roswell turn into a commercial area.

Mark Crawford is completely opposed to it. He moved here for family residential. If he wanted to live in commercial, he would have gone and lived in downtown Atlanta. He does not want Roswell turning into something like that. So he is opposed to it.

Mark Crawford thanked the Commission.

Harvey Smith asked if anyone else would like to speak in opposition. No one came forward. Smith asked if there was anything else that the applicant would like to say before he closes the public portion of this item.

John Wilson stated that he forgot to mention that he talked to the homeowner's association of Park Ridge subdivision, which is the subdivision just south of him or east of him. They said that they were in favor of it. No one has shown up tonight because they said they live in small homes and that would be a great extra bedroom for them for friends and family to stay at so they could walk from their subdivision to Wilson's bed and breakfast. So, Park Ridge subdivision said that they were in favor of it and Wilson did not mention that before.

Wilson stated that before he even thought of this idea he had a meeting with the mayor and he said to him that Canton Street is mixed use, residential and commercial. That is what part of what Woodstock Road is. So that is what they say the flavor, the quaintness of Roswell is. It is and that is what it is being. Wilson got that from the mayor.

 **DRAFT**

They are talking about four additional cars on Woodstock from Wilson's home, probably no more or if less than he has now because it would be a business and now it is family. There would probably be less traffic coming from his property to get on Woodstock Street. The impact he does not think would be as bad actually with the water usage and garbage and all of that. It would probably be the same or less. They are talking eggs. Wilson stated that he just wanted to address Park Ridge and that the mayor was talking about the mixed uses is kind of what is making Roswell great and unique and quaint.

Bryan Chamberlain stated that the lady with John Wilson handed out this letter. It would be helpful if he had something in writing Park Bridge. Does he have something in writing from Park Bridge? Wilson stated that he met with them twice. He met with the president and someone else on the board and they said they haven't met as a homeowner's association in three or four years. So, they said they could not get a quorum together.

Wilson wrote a letter and he put it in everyone's mailbox and they asked him to do that to make sure that everyone was aware of it and then they say the sign on his property. But they said they could not get a meeting together and so he never went to an HOA meeting for them.

Sidney Dodd clarified that transportation didn't comment. But does Brad Townsend or Jackie Deibel know of any future plans to signalize Coleman Road at Woodstock Road? Dodd stated that he cuts through this area to get over near Bowen Road but it is very difficult making that left turn there, extremely difficult and this is not due to any other reason than traffic is coming north on Woodstock and North Coleman is used as a cut through if one will, from several different sub-neighborhoods that surround this area.

Is staff aware of any plans for signalization of that intersection?

Jackie Deibel stated that transportation has not indicated that they have any plans for signalization that staff knows of at this time.

Harvey Smith stated that he would like to make everyone aware that the public portion of the meeting has been closed. Are there any other questions for the applicant or staff by any members of the Planning Commission before they discuss a motion?

Lisa DeCarbo stated that she had a question for staff. It seems like they have some conflicting opinions as to whether this complies with the intent of the comprehensive plan. If they are talking about an area being suburban residential, that is a primarily residential area. They are confining their commercial to the corridor and no districts. Is that not true or is that...is there a small scale commercial allowed in other areas?

Jackie Deibel stated that in the UDC, which she believes is what Lisa DeCarbo is discussing; most of it is the corridors and nodes. There will be some neighborhood mixed in different locations throughout the city. However, in this location it is showing suburban residential.

 **DRAFT**

Harvey Smith asked if staff could expand...the applicant stated that staff recommended C-2. Is that correct? Jackie Deibel stated that is correct. When they met they looked at the chart as to what would be the best request and C-1 and C-3. C-3 is obviously the highway commercial zoning one sees on Alpharetta Hwy. C-1 one is more the downtown historic area. One does not see a lot of C-1 outside that area. And then there is OP, which is more office of he has C-2 which is neighborhood commercial. There were not a lot of choices. This was the best choice when the staff met with Wilson prior to submittal.

Smith stated that by default Deibel would say they made the recommendation.

Sidney Dodd stated that OP would require a conditional use as well and it would be a lesser zone than C-2. So if there is a concern that the property may be transacted or sold at some point, and someone may want to use it for some other higher intensity commercial type use, that would be problematic to the neighborhood. Wouldn't OP possibly with a conditional use be a better solution to limit...?

Jackie Deibel stated that was true and the city council and the Planning Commission has the right to change a zoning as it goes through if they chose to make a recommendation for approval. They can approve it to a different classification that has been asked by the applicant.

Sidney Dodd thanked Jackie Deibel.

Lisa DeCarbo stated that she had a question for staff. If the Planning Commission were to consider an OP designation as opposed to the C; what would be the most intense use one could put on a parcel of this size? What are some of the other ones that might be problematic next to a residential area? Because it seems like some of the ones that John Wilson suggested are also possible if they change to the C-1 or the C-2 would not be real desirable.

Jackie Deibel stated that the most intense use would probably be a daycare. However it is a conditional use in OP. But once one zones in OP someone could come through and ask for it as a conditional use. Deibel stated that she will check the chart. She stated that one could also ask for a conditional use for an animal hospital or vet clinic in OP.

Sidney Dodd stated to Jackie Deibel that the zoning by right under C-2 is more intense than the zoning by right of OP. Deibel stated that they are very close. OP is office and it is a little bit less but some of the permitted uses and everything are less intense than some of the other ones. And yes, OP is probably better but it is more of an office type zoning.

Bryan Chamberlain stated to further the discussion on the suburban residential under the 2030 Land Use plan. Where does that start relative to Canton Street and move north? He believes Jackie Deibel said that this was from an appropriate use standpoint in conjunction with the 2030 land use plan. Chamberlain stated that he is trying to get a

handle on where that starts relative to the mixes of uses just south. Jackie Deibel stated that she did not bring her comprehensive plan with here, however it does go past Fowler and down...it could very well go down Canton Street, she does not know if it goes all the way to Canton. She does not have the comp plan with her but the future land use map is in the Commissioners' packets. It does show it going a distance down past Fowler.

Harvey Smith asked Brad Townsend or Jackie Deibel if one of them could expand...they all know this would create an isolated zoning district and could they expand on why that would be a negative thing if it were granted. Why does the city never seem to support isolated zoning districts? Can Townsend or Deibel expand on that?

Jackie Deibel stated because it would be different than the rest of everything that is surrounding them and it is a different type of use, a little bit more intrusive. So, staff normally does not support that based on the fact that most of the time when they get zoning requests for something different it is surrounding mostly by residential. So they don't normally support those based on the fact that it is creating that isolated district, that there is no other zoning in the area that is surrounding it that is the same.

Harvey Smith clarified that was the intention behind the zoning codes that they have and that is what he was asking.

Smith asked if there were any further questions for the staff or the applicant.

Joe Piontek asked if one can put a burger joint in C-2, residential/commercial. Jackie Deibel stated that he could not. Piontek thanked Deibel. Deibel stated that she would like to double check that because she thinks one can do restaurants but she thinks there is a limit.

Piontek stated that there should be minimum acreage for restaurant use under C-2.

Jackie Deibel stated that restaurants are permitted in C-2. Restaurants with drive-through facilities are not permitted in C-2. So one would have to have a restaurant but no drive-through restaurant would be allowed in C-2. However, should this be approved by the city council they can always condition it to the plan and they can also condition it to specifically being a bed and breakfast only. It was asked earlier about the houses down the street. The Taylor House salon was approved specifically as a salon only when that went through in 1999. Recently, a couple of years back the owner asked for something else and she came back through the process to ask to do a little bit more in the salon other than just a salon. So the city council can approve if they choose to do so and limited it specifically to a bed and breakfast only which means no other type of use in the C-3 permitted uses would be allowed to go in that location unless somebody chose to come back through the process and rezone the property.

Sidney Dodd apologized for going out of order. He asked John Wilson if he would consider amending his application for the bed and breakfast to operate on a Friday,

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Saturday, Sunday, weekend type basis which he indicated in his original presentation was the intent all along.

John Wilson asked what about Thursday, Friday, Saturday, Sunday. The reason he says that is that special events facilities, they have rehearsal dinners coming in for like Friday night. So a lot of them come in on Thursday night to prepare, to bring in flowers and dresses and all of that. So they are here one night before, a Thursday night and then Friday night would be the rehearsal dinner and then the wedding is on Saturday. He sees a lot of Thursday night activity.

Sidney Dodd stated that he understands and, believe him he understands. His daughter was just married at Naylor Hall about a year ago and they planned many events. There was a lot of event planning going on. So, Wilson would be amenable to Thursday, Friday, Saturday and Sunday? Wilson stated that he would.

Sidney Dodd thanked John Wilson.

Joe Piontek stated that he wanted to be crystal clear. If the Planning Commission tells Wilson that it is okay to put a bed and breakfast as a conditional use of this C-2, it can only be a bed and breakfast in the C-2?

Jackie Deibel stated that if it is approved by the mayor and city council with that condition then that is all it can be. And if one puts the restriction on it that he can only do it Thursday through Sunday, that is all that Wilson can do.

Lisa DeCarbo stated that she just wanted to follow up on the one question that was being asked about where the suburban residential goes. She managed to bring the map up such as it is on this little screen. The suburban character, the suburban residential area extends all the way to Canton Street along Woodstock. It looks to be only picking up the properties that face Canton Street itself.

Harvey Smith stated that if there are no further questions; would anybody entertain a motion? Or would the Commissioners like to discuss this further?

Bryan Chamberlain stated as a point of discussion, he sees a lot of benefit to the B and B concept. He sees a lot of benefit to the B and B concept close to the Canton Street area. He sees some real nice tie in to having a park right there and the low intensity hotelery, for lack of a better term in that location. If something was going to be done there. That is the last house prior to coming to the school. So, from Canton Street north to the park, the way that house is hidden, kind of the narrow nature of the lot, it doesn't look like that by itself unless there is an assemblage of some kind would be turned into something else in the future. He is trying to think what an appropriate use long term would be if it was not torn down and turned into something else. Residential obviously, but that is not the intent here to have it only residential. Chamberlain stated that he is torn between some neighbors not wanting to have the intensification of commercial creep further north, and

at the same time seeing all of the commercial creep that there is between Canton Street and the entrance to the park. Moving farther north there certainly isn't the evidence of commercial until one gets up pretty close to just above Fellowship there. So, his struggle here is with at what point does what is there now continue to grow in some fashion and he's lost out on an opportunity versus is everything that is there now that is commercial do a turn around and go back to residential? Chamberlain kind of doubts that. And that is the struggle he has.

Harvey Smith stated that he would concur with those thoughts to. His concern is that in order to achieve this...it is an isolated zoning district. It has to be rezoned to C-2 to make it work. Smith's personal opinion is he thinks it is more suited for the Canton Street corridor where one is closer to these other restaurants and the events down town. He thinks they are all kind of concerned with the creep. The commercialization is creeping northward and that is part of growth. But they want quality growth. He thinks the 2030 Comprehensive Land Use Plan addresses that. How many months has the Planning Commission spent on that? Suburban residential was designated that for a reason. And Smith thinks personally that they should try to honor that with their comments and the recommendation to council. But, they are close to an elementary school; they are close to the Roswell Area Park. The nature of this particular area for recreational use...it is very youth oriented and the neighborhood feel. Smith does not know in his personal opinion that this is the right location for this particular use. But, that is his opinion and if anyone would like to make a motion on this so that they can move forward, Smith would appreciate it.

Joe Piontek stated that he is not ready to make a motion. He does want to express an opinion here. This is the property that Wilson owns. Ironically, when one looks at the map of this property there happens to be a parade that day with at least 1000 people strewn up and down Woodstock Road. This is a heavily used street. When he drives down it he assumes that most of the houses there were businesses. There is a brokerage firm on the left, there is a hair salon, there is a grocery store, there is a huge facility with Young Life. There is another school further down the property and then there is FCS down the road. To limit his use of his property this way, and whether they call it OP that he can turn into a bed and breakfast or C-2 that can only be used as a bed and breakfast, Piontek is pretty satisfied either way. Four extra cars on this property really doesn't put that much more drain on the system.

Sidney Dodd stated that he thinks if one could limit the use through the language within the conditional use and maybe down zone to OP and have some type of limit on what can ultimately develop there to protect the surrounding neighborhood. There seems to be a way to make this work for the neighbors and for the property owner. Dodd knows this corridor quite well like all of them do, it is partially commercial in nature especially as one travels north westerly from Canton Street. That being said, those protections can be built into the conditional use. It is something to think about.

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Harvey Smith stated that in addition to the rezoning request, is there any comments on the variance? Because it is still...is it too close? They are focusing more on an appropriate use but now they are going to have to gravitate to current variances.

Sidney Dodd asked Jackie Deibel and Brad Townsend if they can speak to the variances that would be needed for OP versus C-2.

Jackie Deibel stated that the variances would be the same. Any OP, C-1, C-2, C-3 or I-1 abutting any residentially zoned property all require a 50-foot setback and a 40-foot buffer. So, the variances would be the same for either OP or C-2.

Harvey Smith stated that right now it is hard to read the map, but what is the distance? Jackie Deibel stated that the house from the park is like 8.6 feet and the house on the other side is 26 feet from the property line to the house on the side abutting the single-family home. From the house abutting the park it is eight feet, six inches. Smith clarified that they were talking about a variance of about 80 percent and 50 percent to even make it work within it.

Harvey Smith asked someone to make a motion.

Bryan Chamberlain stated that it appears from a variance standpoint of view that the southern property owner would be the most effected, which is the gentleman that came up and spoke in favor. Jackie Deibel stated that was correct. Chamberlain stated that the northern boundary line of the property is the Roswell Area Park. Deibel stated that the park personnel had no comment on this application. Staff did talk to them.

Harvey Smith asked if he hears a motion for anybody.

Lisa DeCarbo apologized to Harvey Smith and stated that she just wanted to express her opinion too. She agrees that she thinks a bed and breakfast is a great use that they need in Roswell. She does not know if this is the most ideal place because she does disagree with Joe Piontek. When she drives down Woodstock Road she finds that once she gets past Young Life that is when she really feels that it has turned to a residential character. To her, having churches and schools doesn't interfere with that. That doesn't give DeCarbo that commercial vibe. That definitely gives her a family oriented, entirely residential kind of vibe. She sees that as a completely different feel in terms of the use.

DeCarbo stated that she has a little bit of a problem with the setbacks. She has a problem with the incursion onto the park property. Maybe that is not an issue for the park. She is a little concerned about the homeowner here. Certainly if the Commission were to approve this she thinks one of the things they absolutely have to do is ensure that his opinion is taken into heavy consideration as far whatever wall or vegetative buffer is put there.

But she has a hard time doing an isolated zoning district. It seems to her that in the comprehensive plan, as Harvey Smith noted, the city has been very careful in denoting

which corridors become more commercialized. The only way DeCarbo could possibly support this is if it were limited in what the commercial use could be. And even then she still has some misgivings about it because to her it is creating more creep farther down into what she considers a very residential area.

Bryan Chamberlain asked Jackie Deibel to put the slide up again that denotes the commercial areas that were from Canton Street north to the subject property.

Harvey Smith asked if that were the city's slide or the applicant's slide. Jackie Deibel stated that it was the applicant's slide. Harvey Smith asked if that was accurate. Deibel pointed out the temple, that is the park, that is Young Life Daycare. That is zoned R-2 just so the Commission knows. Prior to the change in the ordinance in 2003 Daycares were permitted uses in residentially zoned districts. That is the architect's office; Taylor Salon is one of those three. She does not know all of the different businesses.

Harvey Smith asked where the HR district stops right there. Jackie Deibel stated that the HR district stops down further close to Canton Street. It is right in that general area before the Taylor Salon and the Taylor Salon is in one of those three. Smith clarified that of course that is conducive with HR right there so that was designed for that.

Harvey Smith stated that if he did not hear a motion he was going to make one.

Motion

In the essence of time Harvey Smith made a motion that this resolution recommending that this requested rezoning with a conditional use and concurrent variances to allow for a bed and breakfast, he moved that it be denied.

Lisa DeCarbo seconded the motion. Harvey Smith called the question. The record shall reflect that Lisa DeCarbo and Harvey Smith voted for the denial. He called the question for opposition to the motion. Bryan Chamberlain, Joe Piontek and Sidney Dodd were opposed to the motion. The motion failed 3-2.

Harvey Smith asked if he could hear a new motion.

Bryan Chamberlain asked staff what is the most restrictive zoning. Is OP more restrictive than C-2?

Brad Townsend stated that in dealing with the number of uses that are allowed, yes. Chamberlain clarified that the setbacks and all of that remain the same. Townsend and Jackie Deibel stated that they were pretty similar.

Bryan Chamberlain proposed that the Planning Commission move forward with an acceptance with the following conditions and please jump in on anything that he forgets to include.

1. This shall be approved as OP conditional use, bed and breakfast only with the restriction to renting out rooms Thursday through Sunday nights only.
2. The other conditions that Brad Townsend and Jackie Deibel had put on it.
3. That it be developed in accordance with the site plan stamped received April 12, 2013, city of Roswell.
4. The structure may not be expanded or enlarged.
5. That Bernie O'Zelsky have equal say in design and approval of the screening between the two properties.
6. In conjunction with transportations' recommendation that the additional parking be expanded down toward the street and set up as a turn around area to avoid light intrusion on the neighbors and open up the parking space area for handicapped leaving two spaces usable in the garage.
7. As it relates to the two variances, that they be approved.

Joe Piontek seconded the motion.

Harvey Smith asked if there was any further discussion on this particular motion. Hearing none he called the question.

The record shall reflect that Bryan Chamberlain, Joe Piontek and Sidney Dodd were in favor of the motion. Lisa DeCarbo and Harvey Smith were opposed to the motion.

The motion carries, 3-2.

PRELIMINARY PLAT

13-0276

2013-01234

ACADIA HOMES/CLINT WALTERS

441 Chattahoochee Street

Chattahoochee @ Pine Street

Land Lot: 382

Jackie Deibel stated that this is a preliminary plat for Village on Pine located at Pine Street and Chattahoochee Street. This was a rezoning that got approved by council. The Planning Commission should remember it from a few months back. It is for 15 single-family lots, zoned R-TH-A. The property has been reviewed by all departments and it includes storm water detention areas. Staff recommends approval.

Bryan Chamberlain asked what the significant changes are in this plat to what they originally reviewed for this property. Jackie Deibel stated that there were less lots than what had been originally on the plan. She thinks they had somewhere around 19 before when they were going through the rezoning process. Chamberlain clarified that they opened up that upper neck. Jackie Deibel stated that was correct. Chamberlain stated that it seems like there was some question in that previous meeting about the proximity of the

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