

Winner clarified for the minutes that they were basically saying that they are including the two conditions that the planning department has recommended Geiger stated that was correct.

Susan asked if there was any further discussion. Hearing none she called the question. The motion passed unanimously. This will go forward to mayor and city council.

REZONING & CONDITIONAL USE

09-0623

RZ09-09

TAYLOR HOUSE SALON

66 Woodstock Road

Land Lot: 388

Jackie Deibel stated that the request for this rezoning is to remove a condition that was placed on it back in 1999, when it was originally rezoned. Back in 1999 it was rezoned to C-2, which is neighborhood commercial and it was restricted to a hair salon. The applicant would request that that condition be removed in order to allow for other uses within the C-2 zoning district. The structure itself contains 1,368 square feet. The parking area is gravel. The conditions placed on it in 1999 allowed the house to be developed mostly with historic features or the historic feel. City staff has recommended approval of this request and to allow two conditions:

1. For the permitted uses in C-2 excluding convenience stores without fuel pumps.
2. For the owner to install a five-foot brick sidewalk and entrance/exit way within 90 days from the mayor and city council approval.

Karen Geiger stated that she read through this packet and it looks clear to her that when the initial rezoning happened the Commission and then the city council...but the goal was for them to find a way to allow a hair salon to be at this location and the only zoning that they could find was C-2. Is that still the case?

Jackie Deibel stated that the applicant was requesting C-1 at the time and they zoned it C-2 for a hair salon. The hair salon has been out of business for six months or so and she would like to be allowed to use other uses than just a hair salon. They found the zoning but they restricted it to a hair salon. Nothing else can be done there.

Karen Geiger clarified that O-P doesn't allow hair salons. Jackie Deibel stated that it does not. Geiger clarified that the least restrictive rezoning they could find was C-2 and that is what they chose. Deibel stated that was correct. Geiger stated that she was really quite concerned about this because when one starts talking about retail in an area that doesn't have retail really. Around the corner

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there is retail but what they are basically doing is starting to rezone all of Woodstock without a thoughtful, pro-active decision to do that. What it looks like they have done in the past is said, "yes, we want to help you out with this hair salon therefore we are going to give it the most restrictive applicable rezoning and restrict it to a hair salon so that this doesn't happen." So that they don't start having retail all up and down here without a pro-active decision to do that. And now, unless the city can show Geiger some other way to do it, it looks like what they are doing is undoing what they tried to do. Is there some other zoning that she can have that allows...could she make it an O-P and do something else to use the property appropriately? Jackie Deibel stated that she did not think so.

Mark Renier stated that it was under his impression that under the future comp plan that this section is to be zoned C-2, neighborhood commercial. Brad Townsend stated that the future land use map for the area has the area as neighborhood commercial. Renier clarified that includes everything under C-2. Townsend stated that was correct.

Brad Townsend stated that what Karen Geiger was pointing out was probably the thought process that the initial application was brought under in dealing with making sure that that was limited to one specific use for that particular home. Starting to change that is exactly what this application does. There has to be some clear understanding as to this does start the process of what Woodstock would look like if it is different than what is being currently viable. There is O-P on the other side, there is still R-2 zoning, there is the Young Life facility on Woodstock so it is not completely somebody's home or residential but it still has that residential character in dealing with that.

Sarah Winner stated strictly from the perspective of wherever they can try to limit the amount of commercial that they have in Roswell it makes no sense whatsoever to her to put any more commercial in unless there is already an established precedent for commercial. Even though the Future Land Use maps this for commercial once they start changing Woodstock to commercial it will be like a shark feeding fest just like it is everywhere else where "my neighbor is, I want it to because I can conceivably make more money." All of the residential homes whether they are on Coleman or Nancy Trail or Fowler Avenue people have put a lot of money into those homes and there is a huge difference between having a commercial establishment next door to one or an office or a residential home. Winner thinks that the investment that people are putting into Roswell and the aesthetics that coming in off of Woodstock and the school right down the street...her personal opinion is that given this was a very restrictive commercial approval it is surrounded by office and residential. Putting one island of commercial there is not good for the whole of that development. It sets a bad precedent. That is Winner's personal opinion. She can't find anything in the package other than the Future Land Use where they have ignored previously anyway when they have tied it back to what is there currently. It just looks like

they are not going to domino down in the middle of an office residential area and she does not want to be a person that is supporting that.

Susan Baur asked if there were any further questions for staff.

Cheryl Greenway stated that she is kind of of the same opinion as Karen Geiger. She thinks that Jackie Deibel has looked up....at the same time she does not just want to open it back up for anything in C-2 if there is some other way they can accommodate what the applicant is needing. A different zoning?

Jackie Deibel stated that other than C-2, O-P doesn't allow for retail, it doesn't allow for personal service, which a hair salon falls under. The C-2 is the most restrictive of the commercial districts. There is no other way in order to do what the applicant is looking for.

Cheryl Greenway asked if there would be a way of looking at condition no. 1 where they are saying that it would exclude convenience stores without fuel pumps. Would then a different approach be that they add more things there for that condition to keep it from just being anything under C-2? Jackie Deibel stated that could be done.

Brad Townsend stated that one could go through the permitted uses in C-2 and see if there are other ones that they feel are inappropriate. But the applicant is here requesting that it be loosened up in some manner. She is really tied at this point with a hair salon. If the Commission were to see it fit, it could recommend that it stay that way. The recommendation could go to council. The Commission has a request in front of them that says this isn't working, there needs to be some middle ground or some movement one way or another. That is why they are processing the application and they will take it to mayor and city council and let them be the arbiters of working it out.

Susan Baur stated that if there were no other questions from staff the Commission will now hear from the applicant.

Tara Taylor stated that she is the owner of the business and property at 66 Woodstock Road. Her business has been a hair salon for a little over 10 years. About a year ago, Taylor stated that she mostly rents her space to other hair stylists. She is mostly a landlord. She does a little bit of hair herself but she is mostly a landlord. She is a single mom so she likes to be at home with her daughter. There have been a lot of salons in the area in Roswell that have closed in the past year. A lot of hairstylists are now doing hair out of their homes and because of the economy have gone in a different direction. Taylor is wanting to remain a hair salon. Her goal is to keep it a salon, a day spa, keep it the same thing that it has been since their first rezoning. But, because of the economy and just to supplement her income Taylor is looking to incorporate some retail. She is talking possibly art, possibly jewelry, possibly a couple of antiques. She is not

wanting to change the business, the house, the property in any way, shape or form at all. She is a huge lover of Roswell, especially the historic district. When she first got this zoning 10 years ago the mayor said that he kind of was foreseeing Woodstock looking much similar to Canton Street, which is why the brick sidewalk is in as a condition. The mayor said that he really wanted and was hoping to see that kind of historic look come down from Canton Street onto Woodstock just in the section from Canton Street, she is five houses down on the left, to maybe the park. Just that one section where there is a lot of other commercial properties not just residential properties.

Taylor stated that she has put a lot of consideration into traffic. As far as her incorporating some retail, if she was all retail traffic would be less than it is as a hair salon. When she was at full capacity at her hair salon she had eight or nine stylists in there. They were doing two people an hour and there were people in and out parking all over the place. She wants less than what she has or what she had. She would like to have a couple of hairstylists, still have her salon, incorporate the retail so if one isn't doing well, maybe the one will pick up the slack so that she can keep her business. She owns the home and does not want to sell it especially not in this market. It is basically her retirement so she is trying her hardest to hold onto it and make that business work for her the best way that she knows how. This is the best way that she knows how is to be able to incorporate something else that she can sell besides being a service hair salon. She is wanting to do both. She is not wanting to take away the salon part, just adding a few pieces of retail. She has sold shampoo and things like that because that was a condition when she first got the zoning. The city said that she can sell things that pertain to a hair salon, brushes, shampoo, things of that nature. But that is just not cutting it for her right now. She really needs to boost the income a little bit where as everybody has felt at times are very hard. She wants the Commission to understand that she is not wanting to make any changes or do anything crazy at that location.

The quieter it is, the happier she is. Just as long as she can keep her business going she is happy.

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

Cheryl Greenway asked Taylor if she was trying to do any type of a spa facility. Taylor explained that when she says spa, she means either a massage therapist, aesthetician, hair stylist, nail tech, everything that falls under a hair salon.

Susan Baur inquired if Taylor had any of that right now, any of the spa services and her hope is to incorporate that in part. Taylor stated that the house is still set up like a house so she has separate rooms and if someone were to come in and want to rent, because she rents her space, if they wanted to rent a room or a station, a booth and they are an aesthetician or a massage therapist then, yes, she would assume that would fall under hair salon because it is the same kind of

service. She has had nail technicians in there before. She has had a massage therapist in there before and she has had strictly all hair stylists. They do waxing. Anything that basically falls under beauty. As of right now she has one girl who is renting space from her and she has another one that is starting on November 1, 2009.

Taylor has been advertising for a year to try and get more renters in. It has just been very difficult. That is why she is wanting to incorporate some retail without changing the business completely.

Susan Baur asked if there were any further questions for the applicant. Hearing none, she opened the meeting for public comment. She asked if there was anyone from the public who would like to speak for or against this application. Seeing no one from the public who would like to speak for or against the application, Baur asked if there were any questions from staff.

Sarah Winner stated that she had a question related to the C-2 zoning. Instead of saying everything is permitted except fuel pumps, could they be far more restricted with that. Basically, for those on the Commission, or for her who may be opposed to any real expansion of more orange squares any where in Roswell where they don't have to put them. If they restrict this down to a very tight restriction and that it is only for that...what she worries about is if they covert it to anything but they are opening up Pandora's Box as far as what people can come in and then they are going to say....she is curious as to staff's recommendation where they are basically saying everything except fuel pumps.

Was there any consideration to just keeping it very restrictive to exactly what the applicant wants? Winner would like to have staff's thoughts because they are more professional as far as this is what they do for a living. She is interested in why they came to the everything except fuel pumps as opposed to just giving the applicant the little bit that she wants?

Brad Townsend stated that he thinks staff's thought process was that the convenience store with the fuel pumps is definitely, they don't want it looking like a South Atlanta Street. They think that is the one extreme. But it is hard to then put in a box who is going to walk in the door that is going to want to lease this space from the applicant that says they want to sell art supplies. Does he put that in the category of retail? Art supplies are probably retail so it is tough to draw the box. One could probably also look at it from a certain manner of they have a certain square footage of the size of the home. The applicant still wants the hair salon and that type of use there. Maybe the flexibility is saying, "I have three rooms that equal 600 square feet. Maybe I limit that 600 square feet of the area to convert to some other use than the hair salon." This is the first time that the applicant has ever even heard these words. Townsend asked that it not be put on the record that this is the way it has to be. But if one is struggling with not wanting a complete C-2 sitting right there along Woodstock.



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Winner stated that was a big, huge issue for her because what they have seen everywhere else is someone says, "next door I'm C-2" and the Commission has a heck of a time saying no. The applicant thinks they can rent it for more if it is C-2 than office and they are just going to go right down that road. Winner would not want to own the houses behind this or across the street from this with commercial. For those that love the historic character of Roswell, commercial changes the character of the street.

Brad Townsend stated that he wished they had a category that is historic-retail, non-invasive commercial. And it had a list of uses that fit there and one is only allowed to do those if he is using an existing historic single family home. He can't put the parking in the front and the other historic things that the city feels are appropriate when they do conversions of homes. But the city does not have that category. So they are trying to work with the parameters that they have.

Sarah Winner stated that she was sympathetic and she understands the need to want to maximize what one is doing. She is a landlord. She understands that times are tough in getting people in there. But looking at the broader picture, it is no different than someone saying that he can't make his mortgage payment, I want to sub-divide my house and change my zoning from residential to multi-family right here on this lot because it will help him make his payments. While that is very sympathetic for the person who has that large mortgage payment, it may not be the best solution for the people who own properties all the way around it. Winner is hoping that the applicant understands that this isn't some concern of hers that she just does not understand and want to be helpful. It is more of what do they want that street to long-term look like and how do they make sure that the people around there feel like...where the heck did this come from?

Susan Baur asked for a motion or any further discussion.

Cheryl Greenway stated that she was trying to form more questions but she needs a minute to think.

Mark Renier stated that he agrees with Sarah Winner that he is sympathetic. He is a landlord himself and he does not think it is good to have empty buildings in Roswell wherever they are. They want to try to get businesses in there but this is a really important area to Roswell and continuing the Canton Street node. He knows that it has been talked about. He does not know if it is ever going to be relative or not, if that should happen or shouldn't happen. Renier thinks if they are going to start rezoning these properties and giving them larger uses categories they need to be really careful about it. Something that Renier talked to Brad Townsend about earlier was that since this isn't an historic district officially but it sort of is as far as he is concerned but it is not. Theoretically someone could come in and tear down this house. They could by this property from the

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applicant, tear it down and per code build something else. They would have to go through the Design Review Board and hopefully the DRB looks through a certain lens to protect that area. He would assume they would do that but he needs to think about what, maybe they could just think about certain uses that would be allowed within a C-2 designation and just limit it to those.

Cheryl Greenway stated that she was trying to find something from the list of items that are approved for C-2 that they could follow the same concept as what was originally approved saying that it is restricted to hair salon. Is there another section they could add that then would restrict it to just what Taylor is trying to do so she can expand her business as she needs to? But they are not opening this up that anyone can do anything there that comes under C-2. From what Greenway is hearing, that is the basic problem.

Karen Geiger stated that she thinks the problem is that what she wants to do is retail. Even though the applicant only wants it to be a side business, Geiger does not think they can condition it to retail as a side business to the main business. It is either going to be retail of less than 5000 square feet or it is not going to be retail. Even if they let her do everything else in C-2, what she really needs is retail and retail is the one thing that is going to more than anything else change the character of Woodstock in that section. Geiger really thought about this before she came in, what could be done as a compromise, but she does not really see a very good compromise. She does not have a big problem with changing the whole street to C-2 if that is what the city council wants to do at some point. She just thinks that it needs to be done pro-actively and not as a response to the zoning request in economic hard times. It suddenly then creates a situation where the city then hasn't had a lot of forethought about how they are going to do it.

Susan Baur stated that she has the same concerns as Winner and Geiger about having this C-2 in the middle of O-P and setting a precedent. She had a meeting a few months back with the legal department about what, if anybody ever wants to rezone something in the surrounding area, a really compelling piece of information is what is in the immediate area. If one has a little piece of C-2 next to O-P and whoever bought that O-P wants to convert it to C-2, they have got a pretty compelling case having that little piece of C-2 sitting there. That is what Baur has learned from her discussions with legal about how these things work. That is her overriding concern and she thinks all of the commissioners share it that this creates a domino effect down this road and it would be a reactive domino effect.

Cheryl Greenway stated that she thinks they are all heading down the same direction. She asked Brad Townsend if he had any other suggestions.

Brad Townsend stated that he does not see a way to maneuver this into something that he thinks the commission would accept recommending approval for at this point.

Motion

Sarah Winner stated that she is going to make a motion. She is going to be the mean person since she brought this up. She thinks everyone is very sympathetic to the applicant. All of them are and that's why this is a hard motion to make. She recommends that the commission does not approve RZ09-09.

Karen Geiger seconded the motion.

Hearing no further discussion Susan Baur asked all of those in favor of the motion to raise their hand. The record shall reflect that Sarah Winner, Karen Geiger, Susan Baur and Cheryl Greenway voted in favor of the motion. She asked for all those against the motion to please raise their hand. The record shall reflect that Mark Renier voted in opposition of the motion.

Mark stated that he would vote in opposition of the motion just for the mere fact that he thinks that something needs to be done to create some form of node in that area to allow what this applicant is hoping to accomplish. He is hoping that city council will with staff figure out what that is and allow something sooner than later to happen. He is voting in opposition so that he can throw that out there.

The motion passed 4-1. The recommendation will be passed along to mayor and city council for a final decision.

TEXT AMENDMENT

09-0280

RZ09-10

Text amendment regarding pawn shops ad check cashing establishments within the city.

Brad Townsend stated that the city of Roswell's current zoning ordinance did not include pawn shops and check cashing facilities as definitions. Staff is recommending four definitions dealing with check cashing establishments, defining pawn, defining pawn broker and pawn shops. They are then allowing that as a permitted use in the C-3 zoning districts. They are then including a limitation that there be no pawn shops or check cashing establishments located within 5000 feet of another pawn shop or check cashing establishment, which then provides a separation of this use from any existing use. There is a map included in the back up material that includes the existing locations for pawn shops, pawn brokers, as well as sale of gold and jewelry of that nature. This will provide a limitation for establishing new pawn shops or check cashing establishments.

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