

the motion, and it was carried unanimously.

RZ99-01 Robert Taylor/ 66 Woodstock Road/ R-2 to C-1c/ Beauty Shop and Casual Sales.

Mr. McGuire said the applicant wanted to open a beauty shop in the renovated residence and would like to include casual sales of antiques. He noted the future land use plan called for low to medium residential use of 2 to less than 5 units per acre, and said the bicycle and pedestrian walkway plan indicated sidewalks should be provided along Woodstock. He said staff felt the proposed use was incompatible with use and development of adjacent and nearby properties and would have an adverse effect on them. He noted staff also thought the property did not have a reasonable economic use, as zoned, and felt the proposed use would not overburden traffic, transportation facilities, streets or schools. He noted staff recommended denial but felt, if approval were granted, it should be not for C-1c but for OPc, with the following conditions:

1. Dedication of sufficient right-of-way to allow for 42 ft. from the centerline, as required by the Engineering Division Manager; right-of-way to be submitted to Director of Community Development prior to issuance of a development permit.
2. Installation of detention facilities, as required by Engineering Division Manager.
3. All outdoor lighting to be hps, installed so as to prevent direct illumination of adjacent properties.
4. Property to be developed in substantial accord with the site plan entitled "Survey and Site Plan for Robert Taylor" by Bates, Long and Associates, and stamped "Received December 11, 1998 - City of Roswell Community Development Department."
5. Revised site plan, incorporating all conditions of zoning and in compliance with all minimum dimensional requirements, to be submitted to the Zoning Director prior to issuance of development permit.
6. Installation of 5-ft. sidewalk and entrance/exit way, as approved by Engineering Division Manager.
7. Parking surface to be asphalt or concrete, or as approved by

Engineering Division Manager.

In answer to a question from Mr. Dorvee, Mr. McGuire said zoning progresses toward more intense use from OP to C-2 to C-1 to C-3. Mr. Dorvee asked why staff felt the property had no reasonable economic use, as zoned. Mr. McGuire said that because the house is used for a single-family home and is between two parcels zoned OP; staff felt the residential classification was inappropriate but felt that going to a commercial classification was equally inappropriate, in that it could encourage commercial encroachment farther out Woodstock. Mr. Dorvee asked if beauty shops were allowed in OP, and Mr. McGuire said beauty colleges are, but not beauty shops. He said the latter are allowed in C-2. Mr. Dorvee stated that the Mayor had a unique idea: he noted many of the houses, as they go west along Woodstock, have various non-residential uses, with a sort of natural dividing line provided by the day-care center and said the Mayor's idea was that perhaps the area up to the day-care center could be developed with Historic District guidelines. Mr. McGuire said that would be inconsistent with current recommendations of the land use plan but said it would settle a number of issues at one time. He noted that allowing HD guidelines to prevail would authorize commercial uses back to the intersection with Canton Street and said the idea certainly had merit.

Mr. Orians said day cares are allowed in residential, in any case. He also asked how the two houses on either side of the one in question became OP, in view of the fact that he would have expected encroachment to stop at the limit of the HR overlay zoning. Mr. McGuire said he did not know for sure but thought it would have been that a low-intensity OP use was not seen as detrimental to the residential character of the neighborhood, particularly because the houses would continue to look like residences. He added that he thought they were zoned about 1990.

Mrs. White asked how a beauty shop came to be across the street. Mr. McGuire said property closer to the corner is zoned C-2, which allows for beauty shops. He said C-2 reaches about 350-400 ft. along Woodstock on the north side, from the intersection with Canton and said R-2 property picks up after that. Mrs. Riley asked if the OP property was conditioned to a specific use, and Mr. McGuire said he thought it was zoned for a business office. She asked whether he had given any thought to adding on a condition that the use would be restricted to a beauty shop, if it were zoned C-2. Mr. McGuire said no, that staff recommended OP.

Don Rolader, attorney for Mr. Taylor, said the applicant restored the older home and his daughter would like to open a beauty shop there. He stressed that the applicant waived any request to sell antiques and said the principal reason for

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requesting C-2 is that it is the lowest zoning at which one can operate a beauty shop. He went on to say he hoped the Council would set a precedent and allow Woodstock the opportunity to be revitalized in the manner of Canton Street, which he termed a "screaming success." He presented six letters of support from owners of surrounding property.

Mrs. Riley asked if the applicant was aware that conditioning the zoning to one use stays with the land, even if it is sold. Mr. Rolader said yes. Mr. Joyner complimented Mr. Taylor on the renovation. He asked how many employees there would be. Mr. Taylor said there would be 4 stylists and 2 manicurists.

The Mayor asked if any member of the public would like to speak.

Kevin Caldwell, 73 Woodstock, spoke in favor and said he was glad to see the renovation. He also felt the renovation efforts made on Canton Street should be extended onto Woodstock. **Bill Salomone**, Shelli Lane, said he was neither for nor against, but said this was another situation in which the rezoning sign had such small print it was impossible to read without parking and walking to it.

Mrs. White asked if the applicant had any problem with abiding by HR guidelines. Mr. Rolader said no but indicated perhaps some clarification was needed. He said he would not like to see the applicant have to go through other hearings. The Mayor said that was not his intent, but he said that if the concept was to be extended onto Woodstock, the same guidelines and rules, etc. should, perhaps, apply. Mr. Rolader said the applicant would be happy to comply. Mr. McGuire said the applicant would need to go before Design Review and would be held to HD guidelines.

The Mayor asked Chairman Andy Kalifeh, of the HPC, to comment. Mr. Kalifeh said he thought that part of Woodstock would be a fine addition to the Historic District; he said that starting with one house is a fine start and said, as long as the concept is continued, he thought it would be good for the District.

Mrs. Riley wanted to be sure that any free-standing sign would fall under HD guidelines. Mr. Orleans said he had concerns and stated that if the area is to be considered as part of the Historic District, that issue could be addressed, but said the applicant sought a commercial zoning, which he said would be spot zoning in an area that is still primarily residential. He indicated there is no plan to widen Woodstock and said there is a traffic problem at the day-care center. He noted cars back up in the parking lot and other cars sit for a long time on Woodstock.

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Motion: Mr. Dorvee moved for approval of C-2, subject to the following: Conditions 1-5, as indicated on p. 4 of staff's recommendations, condition 6 modified to state that there would be a 5-ft. brick sidewalk, in keeping with Historic District guidelines, condition 7, as written, condition 8 to read "Historic District guidelines will apply to the building, landscaping, signs [including size] and brick sidewalks and shall be reviewed, under those guidelines, by the Design Review Board and condition 9, the use of the property is to be restricted to a beauty shop. Mr. Tate seconded the motion. Mr. Dorvee urged the Council to support the motion, and he thanked the Mayor for his idea. He went on to say that the City has focused on redevelopment, and he thanked Mr. Rolader for his positive comments. He said revitalization of an area does not happen overnight but needs incentive for reinvestment and said the applicant had made an investment and the fact that he agreed to condition the approval on one use indicated a real commitment to "stay there and do the right thing." He recognized Mr. Orlans' concerns and said perhaps the City should work with the day-care center to create a traffic plan that is more workable. The vote was 5-1 in favor, Mr. Orlans dissenting. The Mayor commented that if the neighborhood would like to be included in the Historic District, they were welcome to approach Mayor and Council with that request.

RZ99-03 City of Roswell/ 374 South Atlanta Street/ HR ad R-2 to HR/ Single-Family Subdivision

Mr. McGuire said the site totals 10.578 acres and has C-2 and HR to the north, as well as R-2, occupied by residential use. He noted there is a gift shop to the south, zoned C-2, as well as HR and R-2, R-2/HR and C-2, with R-1 to the west. He noted the land use plan called for 2 to less than 5 units per acre and said an 8-ft.-wide sidewalk/multi-use path is to be constructed along S. Atlanta. He indicated the applicant sought two variances: one for a 10-ft. front yard setback [30 ft. required] and the other for a side yard setback of 7 ft. [instead of 10 ft.], with a minimum of 15 ft. between structures. He added that, because of concerns related to the Metropolitan River Protection Act [MRPA], the proposal showed narrower streets, in order to reduce impervious surface. He said the applicant would like a 20-ft. rear yard setback on lots 17, 18, 19 and 20. He explained that the City initiated the petition because the HPC, citing demolition by neglect, called on the owner to preserve it. He then explained that the owner, who had an approved plan for the single-family subdivision and had received development permits, felt he had a right to to demolish the structure without negative consequences. He said there was an indication in the HPC minutes that previous HPC membership felt it could be removed. He said the applicant thus filed a request for a demolition permit, which was denied by the present HPC, after which the owner appealed to Mayor and Council. He said Mayor and Council asked the developer to seek a compromise by restoring the