



CITY OF WOODSTOCK

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING, DESIGN & SUSTAINABILITY

770.592.6050

To: Mayor and Members of the City Council

From: Brian Stockton, City Planner

Date: 11.14.2011

RE: V#101-11, Horizon Atlanta Outlet Shoppes, LLC

Case Information:

Case: V#101-11
Applicant: Horizon Atlanta Outlet Shoppes, LLC
Parcels: 15N11 001, 010, 041, 059, 060, 061
Area: 58.623 acres
Location: Woodstock Parkway at Ridgewalk Parkway
Property Owner(s): Ridgewalk Holdings, LLC; David Cody; Dirk Cody; Donna Venable; Dana Adams; City of Woodstock
Current Zoning: Light Industrial with Technology Park Overlay

Applicant's Request:

The applicant proposes to build a 434,000+/- square foot factory outlet center and eight (8) outparcels on the project site. In order to build the project as depicted on the attached site plan, they are requesting the following variances to the Land Development Ordinance:

1. Variance from section 3.903 (7i) seeking relief from maximum grade of sidewalks.
2. Variance from section 7.767 seeking relief from maximum parking requirements.
3. Variance from section 7.946 (1) seeking relief from maximum impervious surface requirements.
4. Variance from section 7.947 (1a) seeking relief from streetscape adjustment requirements.
5. Variance from section 7.948 seeking relief from architectural requirements.
6. Variance from section 9.300 seeking relief from tree density requirements.
7. Variance from section 12.300 seeking relief from stream buffer requirements.
8. Variance from chapter 6 seeking relief from sign standards.

Comprehensive Plan Compatibility:

The parcels included in this application fall into two different classifications established in the Comprehensive Town Plan 2030. The majority of the site is classified as Regional Activity Center (RAC), while a small portion on the south end of the site is classified as Urban Village (T5).

Following is the section from the Comprehensive Town Plan 2030, which describes the intent and development strategy for a Regional Activity Center:

REGIONAL ACTIVITY CENTER (SD-RAC)

A Regional Activity Center is an open air market-like development that focuses on certain retail sectors and blends mixed uses typical of an old time Main Street, such as services, restaurants, offices and residential. These centers are pedestrian friendly where residents, employees and visitors can gather in public spaces and feel part of the community. Regional Activity Centers include a relatively high intensity mix of business and retail, office and employment opportunities, higher-education facilities, sports, recreational complexes, hotels, theatres, civic and semi-public uses (such as libraries, health clinics, museums and religious institutions) that create a multi-dimensional regional destination. A residential component is especially important as it adds density to the center and creates a 24-hour character area. Higher density condominium and rental residential complexes, townhomes, brownstones, live-work units, lofts, senior housing and residential over retail are appropriate to support these uses. This character area is a vibrant place where people can live, work, play and shop.

As an employment and retail oriented town center, pedestrian orientation and connectivity are a key focus. The overall environment should be attractive and enjoyable for walking. Sidewalks, paths, green spaces and open spaces are as important as the buildings. These shopping villages provide a pleasant "Main Street" type façade and allow for ease of internal movement. Design factors fostering community commercial include: addressing the size of commercial development in terms of square footage by breaking up facades of large buildings into more pedestrian-scaled units; design parameters for parking and internal circulation/access; architectural treatments; building setbacks, siting and orientation; buffer requirements to ensure compatibility with adjacent residential; and other factors which promote a pedestrian-friendly environment, even within higher intensity commercial and residential. Sustainable design features include:

- Refocus strip commercial and new development into villages with the feel of a typical "Main Street;"
- Provide a high intensity of mixed uses, size of uses, and types of uses in order to create a critical mass;
- Promote pedestrian scale, connectivity and interconnection within and external to the center;
- Plan for a community street, trail and sidewalk network that is as friendly to alternative modes of transportation as to the automobile;
- Require master planning to address access management;
- Plan and design transportation improvements that fit with community character; and

- Include civic and cultural uses to promote human interaction.

Development Strategies:

- Buildings should be oriented in close proximity to each other and on both sides of a public street to facilitate walking instead of driving—all parcels should be interconnected wherever topography allows, along streets, squares and plazas;
- Sidewalks should be wide and developed with street trees and landscaping and traditional pedestrian lighting. Seating and gathering areas should be worked into the overall design; all pedestrian areas should be inviting and safe and designed with appropriate furniture, landscaping and amenities;
- A circulation system should connect to adjacent properties and other public rights-of-way;
- Provide bike lanes or wide curb lanes to encourage bicycling and provide additional safety; provide conveniently located, preferably sheltered, bicycle parking at retail and office destinations and at multi-family dwellings;
- Streets should follow urban patterns, such as small blocks within a grid system, and be connected to existing street patterns, where appropriate. Projects are not meant to stand-alone, isolated; rather it should integrate with the communities around it;
- There should be a variety of streets and sections throughout the development having a slightly different character to contribute to the sense of the project having been built up over time;
- Large commercial structures should be designed so that their facades are subdivided into smaller units of scale so that they give the appearance of a number of smaller attached buildings;
- Shop windows, entrances, colonnades, columns, pilasters and other details shall be designed to break down dimensions to human scale;
- Buildings should be designed in a manner, which provides architectural depth to the building.
- Buildings should feature an arcade/structural canopy along the front façade of the building, between buildings and leading from the parking area to provide design and relief from the weather;
- All entrances should be obvious and welcoming. Main entrances should be oriented to the street, with secondary access from an internal plaza and pedestrian way. The front façade of the building should be of a pedestrian scale and appearance;
- The design of a building that occupies a pad or portion of a building within a planned project or shopping center should share similar design characteristics and design vocabulary. Precise replication is not desirable. Instead, utilization of similar colors, materials and textures as well as repeating patterns, rhythms and proportions found within the architecture of other buildings can be utilized to achieve unity;
- Encourage unique architecture styles reflecting the regional or historic character, and discourage “franchise” or “corporate” architecture;
- Taller buildings or portions of a building should be located internally to a site with buildings stepping down in height as they reach the edges of the site that are adjoined by smaller scaled development or as they connect to existing residential uses;

ELEMENTS OF REGIONAL ACTIVITY CENTER

Primary Land Uses:

A mix of commercial, office and associated residential uses. It is always located at a major crossroads where the infrastructure is in place or planned to support regional uses.

Infrastructure:

Full Urban Facilities and Services
Mixed Use/Urban Streets
Internal Pedestrian Ways
Civic Spaces including:
Plazas, Squares and Greens



- Drive through windows, menu boards, equipment and associated stacking lanes should be located to minimize impacts and should be adequately screened from public view and view of adjacent sites;
- Civic gathering places such as plazas and squares should be distributed throughout the development. Amenities such as benches, landscaping, public art, and fountains should be included within the development;
- Shared access and parking should be required where possible. Investigate the possibility of closing and consolidating excess driveways;
- Parking deck facades should partially conceal automobile visibility from any public right-of-way or private drive or street that are open to the general public, such as the appearance of a horizontal storied building, or “wrapped” by retail or residential uses. Any parking deck that is not “wrapped” should contain ground level retail, and murals or landscaping to lessen its impact;
- All parking must be adequately landscaped;
- Regional Activity Centers are designed to serve populations of 80,000 to 200,000 people and have a 20-mile service radius, and should be separated from other Regional Activity Centers by 6 to 10 miles; and
- Regional Activity Centers should include a diverse mix of higher-density housing types within it or on adjacent properties, including apartments, lofts over retail or office, townhouses, apartments and condominiums. Workforce housing and senior developments are also appropriate within this character area.

Surrounding Land Uses:

NORTH: LI w/Tech Park Overlay (single family detached)
EAST: LI w/Tech Park Overlay (single family detached and undeveloped)
WEST: I-575 Right of Way
SOUTH: LI w/Tech Park Overlay (undeveloped)

Background, Issues and Analysis:

The properties included in this application were originally intended to be developed by Cousins Properties in the form of an open air shopping concept known as the Avenue. Although variances were more than likely going to be required for that project, an official application was never submitted.

The current applicant proposes to develop a 434,000 +/- square foot open air factory outlet center on the reconfigured site in addition to eight (8) outparcels. The proposed siteplan includes the relocation the current Woodstock Parkway to the eastern edge of the property and realigning it with the current road accessing the Meridian neighborhood. The current intersection with Rope Mill Road at Ridgewalk Parkway will be transformed into the main entrance into the project. There is also a planned intersection in the form of a round-a-bout with a secondary entrance into the project at Rope Mill Road and Woodstock Parkway.

While planning staff agrees that the proposed use (regional shopping area) is consistent with the City’s comprehensive plan, it is our opinion that the proposed design of this project in no way follows the development strategy or intent of a Regional Activity Center as stated in the plan. Some of the elements

found in the plan, which are lacking from this proposal include orienting buildings and store entrances to public streets, incorporating a mix of uses, developing a unique architectural style reflecting regional or historic character, and integrating the project with the community around it.

Following are the code sections, which deal with the circumstances outlined by city code allowing for the approval of variances. Section 10.160 deals with variances sought to city ordinances generally and section 6.6.8 deals with variances sought to the sign ordinance.

10.160. Variances.

1. The following conditions must be considered before a variance from the requirements of the City's ordinances can be considered by the Commission and granted by the Council:
 - a. There is exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography; and,
 - b. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,
 - c. Such conditions are peculiar to the particular piece of property involved; and,
 - d. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same district are allowed; and,
 - e. Relief, if granted, would not cause substantial detriment of the public good, or impair the purposes and intent of the Ordinance.

In granting a variance, the Council may attach thereto such conditions regarding the location, character and other features of the proposed building, structure, or use as it may deem advisable so that the purpose of this Ordinance will be served.

However, the Council shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited without a rezoning.

2. No variance shall be authorized unless the Council finds that all of the following conditions exist;
 - a. That the special circumstances or conditions applying to the building or land or building and land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity; and,
 - b. That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant; and,
 - c. That the condition from which relief or a variance is sought did not result from willful action by the applicant; and,
 - d. That the authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City.

6.6.8. Variances.

- (a) Variances from the regulations of this chapter shall be limited to the following hardship situations:
 - (1) Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or
 - (2) Where visibility of a conforming sign from the proposed street and within fifty (50) feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and
 - a. Placement of the sign elsewhere on the lot would not remedy the visual obstruction;
 - b. Such visibility obstruction was not created by the owner of the subject property; and
 - c. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.
- (b) Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. No variance shall transfer to a new owner or occupant of the property.
- (c) Relief from the application of the provisions of this chapter by use of variances granted by the City shall be granted only upon a finding of hardship as previously defined. Hearing on such variances shall be noticed using this same time frames and notice requirements as for appeals under this chapter.

Development Process Committee Recommendation:

With respect to variance request 1 (Variance from section 3.903 (7i) seeking relief from maximum grade of sidewalks), the DPC unanimously recommends approval of this variance conditioned on the fact that an approved ADA accessible route is provided.

With respect to variance request 4 (Variance from section 7.947 (1a) seeking relief from streetscape adjustment requirements), which was requested by the applicant at the request of the city so that complete street guidelines and standards could be incorporated into the design, the DPC unanimously recommends approval of this variance conditioned that the streetscape conditions for Ridgewalk Parkway and Woodstock Parkway attached as Exhibit DPC-A are adhered to.

With respect to all other variance requests (2, 3, 5, 6, 7 and 8), the DPC recommends (with a vote of 4-2) denial based on the failure of the applicant to prove how the requested variances are required due to size, shape, topography, or a peculiarity associated with the parcels of land included in this application and the relief which is sought does in fact appear to be created from willful action(s) of the applicant and the inflexibility of their design plan.

Planning Commission Recommendation:

At the special called meeting on November 9, 2011 the Planning Commission unanimously recommended approval of the following:

Variance request 1 to section 3.903 (7i) is approved as requested.

Variance request 2 to section 7.767 is approved with the following conditions:

- a. Applicant shall be allowed to build 3.3 impervious spaces per 1,000 square feet of gross floor area.
- b. The calculation shall be allowed to include interior plaza space in the gross floor area of the project.
- c. The approval of this variance does not apply to the outparcels.

Variance request 3 to section 7.946 (1) is approved per applicant's request.

Variance request 4 to section 7.947 (1a) is approved as requested.

Variance request 5 to section 7.948 is approved with the following conditions:

- a. No part of any building or tower shall exceed 60 (sixty) feet in height.
- b. Exterior building elevations shall be comprised of no less than 51% brick
- c. Building parapets shall be made of same materials used on the buildings and varied in height as to screen rooftop mechanical units from view of adjacent parking areas. Parapets shall also be used to vary heights of buildings.
- d. Buildings D and E architecture shall be substantially similar to the drawings depicted by the submittal of the courtyard view in the Schematic Design Presentation dated as part of this application.
- e. All building elevations shall be approved by staff. If staff and the applicant cannot achieve an approved set of architectural elevations within 90 (ninety) days of submittal, applicant shall submit elevations to the Planning

Commission for consideration. Planning Commission shall have the final right of approval.

- f. The approval of this variance does not apply to the outparcels.

Variance to request 6 to section 9.300 to allow a reduction in the required tree density units required to 18 density units per acre.

- a. The approval of this variance does not apply to the outparcels.

Variance to request 7 to section 12.300 as requested.

Variance to request 8 to chapter 6 as requested with the following conditions:

- a. Approval of 1 (one) pole sign along the property frontage of I-575 with a maximum sign copy area of no more than 400 square feet.
- b. No LED signage shall be allowed or permitted on site.
- c. No billboard shall be allowed on any property that is included in this application. The sign allowed as condition (a) of this variance shall not be considered a billboard.
- d. No pole sign shall be permitted on outparcel 1 (one) as depicted on the site plan dated 11/7/11.
- e. Prior to the issuance of a certificate of completion on the first building, the applicant shall submit for staff approval a complete and detailed sign package. If applicant and staff cannot achieve approved sign package with 90 (ninety) days of submittal, applicant shall submit sign package to Planning Commission for consideration. Planning Commission shall have the final right of approval.

The following conditions are also placed on the property:

- a. To increase water quality, the applicant will agree to a wet water detention area planted with aquatic plants. Additionally, a water cleansing insert will be placed at each drop inlet to provide an initial water quality treatment prior to entering the storm water system.
- b. The applicant shall provide space within the main buildings from which the Woodstock Police Department can operate a police substation. The total usable square footage of said space shall be at least 150 square feet but shall not exceed 400 square feet.
- c. All conditions stipulated in the September 19, 2011 GRTA Notice of Decision shall be met by the applicants.
- d. The applicant will post a bond to ensure that Ridgewalk Parkway from the east side of the I-575 exit ramp to the proposed relocated Woodstock Parkway is improved as agreed to by the City of Woodstock and other related government entities including curb, gutter, traffic signalization, sidewalks, street lighting and street trees.

- e. If the subject development is not substantially completed within two years following the issuance of a Land Disturbance Permit or if the development remains unoccupied for a period of two years the applicant / owner shall cause for the demolition of all unoccupied buildings and the remediation of the site to a "greenfield state".
- f. No outparcel shall have direct access/curbcut onto Ridgewalk Parkway or Woodstock Parkway.
- g. Applicant shall install trees, shrubberies, and other landscaping on their property between the traffic circle and the Montclair subdivision so as to create a year-round opaque screening.
- h. Applicant shall augment existing trees along the subject property's border with the Montclair neighborhood so as to ensure a year-round opaque landscape screening of the site.
- i. Any retaining walls in excess of four (4) feet in height that are located on the subject property shall feature landscaping sufficient to screen all or a majority of the masonry or other building material.
- j. Prior to the issuance of a Land Disturbance Permit, the applicant shall submit for Staff approval a complete and detailed landscaping plan for the subject property; said plan should detail plant materials, locations, and sizes at time of installation as well as other pertinent details. If applicant and Staff cannot achieve an approved sign package within 90 days of submittal, applicant shall submit a complete landscape plan for review and consideration by the Planning Commission, and the Planning Commission shall have the right of final approval.