
APPLICANT RESPONSE STATEMENT ANNEXATIONS AND REZONINGS

1) Explain the intent of the requested zoning.

The subject property was zoned as part of the Mountainbrook master planned community. The zoning approved in 2002 known as Case # A007-02 specifically included "Independent Retirement Living Center" as an approved use for the subject property. However, the zoning approval did not include details about the approved use such as an approved site plan or approved number of units allowed. The original Mountainbrook zoning conditions were amended and additional variances were granted in Case #081-15 on October 26, 2015 as shown in the attached minutes. Exhibit "A." Specifically, the Condition Amendment request is as follows:

- a. Amend condition 2 to allow the attached site plan to supersede the approved site plan.
- b. Change the unit count to no more than 299 total units, with a mixture of 175 Independent Units, 99 Assisted Living and Memory Care Units and 25 Cottages, or a similar mixture depending on the final engineering.
- c. Allow the dumpster to be separate from the building façade as long as it is fully screened with either building façade, wall, fencing or landscaping.

2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The subject property is a graded site along Hwy 92 and the proposed use is suitable because it will not negatively impact the adjacent residential development. The senior community will not increase traffic and will be a compatible neighbor to the existing residential development.

3) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposed zoning conditions will not negatively affect the usability of adjacent or nearby property. The proposed senior community will have less traffic impact than other uses for the property and light and noise intrusion will also be less than other proposed uses for the subject property.

4) Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.

The property is already zoned for a senior community and the applicant is merely amending the original zoning conditions.

- 5) **Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

The senior community will not negatively impact traffic because senior residents typically drive less and drive at off peak times. Obviously the age restricted community will not negatively impact schools.

- 6) **Whether the proposed zoning is in conformity with the policy and interest of the land use plan.**

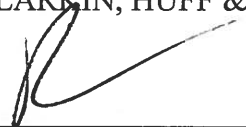
The proposal is consistent with the Neighborhood Living designation on the Future Development Map.

- 7) **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproval of the proposed zoning.**

The proposed Solomon active adult community will create a unique environment that combines age-restricted cottages, independent units and assisted living units that includes a memory care component in one campus where services can be efficiently provided.

SAMS, LARKIN, HUFF & BALLI, LLP

By: _____


PARKS F. HUFF
Attorney for Applicant
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adjacent to the city by crossing a creek and a road. By rezoning this he is afraid of more rezonings on this road that will require expensive road improvements.

Public hearing closed.

CM Baxter - Wondering if there is a compromise to denying or addressing the traffic problem.

Future annexation - cut through road are two major issues by residents.

CM Leonard said he drove the road yesterday - very curvy. Not opposed to density, but thinks three way stop sign and speed tables are necessary. They have these in Driftwood.

Pat Flood stated you design it for the speed you want to accomplish. Driftwood was designed for 15 mph - behind Ingles on Stockwood is 25 mph. Current speed limit on South Cherokee Lane is 25 mph. Someone in the audience stated that a portion of the road is 15 mph.

CM Baxter asked if we are going to see issues like we did with Neese Road because part of it is in the City and part of it is County..

Jeff Moon explained that South Cherokee Lane is all within the County. Therefore, the County is in full control of this road. We can recommend a speed for the speed table design, but they have final say. Council understood this..

Mayor Pro-tem Leonard recommended 15 mph.

Council Member Baxter stated that if the County has more say than we do, that's the danger in approving this.

Motion to approve the 1st reading as presented by staff w/Planning Commission conditions; with 29 lots; request the County Engineer to put design the speed tables for a 15 mph speed limit and include a three-way stop sign(with the understanding that they have the final say since this is a County road); - made by Council Members Mueller/Usher. (2nd Reading on Nov. 9) Motion carried 4-1 - Baxter against. Council Member Baxter doesn't feel a good enough compromise has been reached.

4. Ordinance (ID # 3623) Public Hearing/Vote - Z#081-15 Solomon Development Services, LLC - Condition Amendment and Variances

The City of Woodstock, Georgia has received an application for a Condition Amendment to Case A#007-02, and Variances from Solomon Development Services, LLC of Nashville, TN (Case Z#081-15). The property is located on the southeast corner of Highway 92, and Mountain Brook Parkway in Woodstock, Georgia consisting of ±21.59 acres. The property is identified as tax map and parcel numbers 15N24 212, 212C and 223B, zoned GC (General Commercial) in the City limits of Woodstock, GA. The request is for amendments to conditions required by Case A#007-02 to allow an increase of building height to 77 feet, to change the approved site plan, and to increase the number of allowed residential units and density to develop a senior living community of 175 independent senior units, 50 assisted living or memory care units, and 45 independent cottages. Variances are requested to architectural standards and to the parking ordinance to reduce the required number of spaces.

COMMENTS - Current Meeting:

Presented by Katie Coulborn, Long Range Planner (INSERT STAFF REPORT)

Senior living development.

Variance # 1 - 5 story building

Variance # 2 - don't need anymore

Variance # 3 - reduce minimum parking requirements by 10% - staff recommends 8% rather than 10 to consider guest parking

Traffic would have been worse with retail rather than this new use of residential.

Building height - applicant feels height will blend into the hillside and won't be an issue, but staff thinks it may be a problem.

Merrill Gardens was granted a 13' increase in height for a pitched roof.

Woodstock Healthy Living - denied 5' increase

Lifetime Fitness - withdrew request.

Couldn't identify a hardship based on topography or size of project which is why these two were denied.

Get building height slide from Katie C. PP

Proposed building is higher than the lifetime fitness building. Looking south from Hwy 92 - height doesn't look as drastic. But looking from road it looks more significant.

Butterworth property - 10' sidewalks was a condition because of trail connection.

Katie asks that Council add this as a condition - 10' sidewalks instead of 4' sidewalks along Highway 92 frontage in addition to 9 conditions.

Read aloud new conditions of zoning.

Planning Commission in #5 added undisturbed so existing trees won't be taken down.

This building will be built by NFPA code standards. Even if ladder can't reach - hoses will be able too.

Public hearing opened.

Parks Huff, Attorney for Applicant

Senior Living was approved in this community but never fleshed out how it would work. Don Hausfeld is proud to present this.

Start in cottages, use services in main building - this is something missing in most SL developments. There will be multiple dining options (sandwich shop, sports bar area, etc.) This is an active retirement community. Transportation, pool, spa and socialization.

Solomon agreed with the 10' sidewalk condition being added.

Sweat Mountain is 400' higher. When you compare the height of the mountain to that of Lifetime Fitness - not significant issue.

Each floor has a different purpose. Won't work without all five floors. The center of the building is open allowing light to come in. Rendering of cottages were shown. Salt water pool, top notch landscaping. Have the ability to move into an assisted living facility and memory care facility. A husband and wife with different needs can be in the same community.

Without the height the project just doesn't work. Provide a high level of service for the residents and will provide quality jobs within this community.

Charles Koch - 436 Mountain View Lane - the Bluffs behind this project. Supports this project. Thinks this blends well as another residential piece. Likes this better than a general commercial project that would encroach upon them. He is President of their HOA. Best project this piece of land is ever going to see.

Al Rodgers - Glens at Mtn Brook HOA President and Mountain Brook Master Association. Concurs with Mr. Koch. Thankful to Landon Group for keeping them in the loop during this process. Addressed issues with trees and traffic pattern.

CM Baxter - are they going to leave existing trees? Yes per Parks Huff going to save existing trees.

Agrees to 10' sidewalks and 8% parking reduction and parallel parking to the rear per Parks Huff.

Johnson asked for explanation of map on Page 166 - hwy 92 elevation ??? 8:31 pm Trying to show it won't be a huge increase in height from the view from the cottages.

40' uniformed height - LF fitness met the height limit but they are on a 15' hill.

This building will be set back off Hwy 92 about 150' from Highway 92 per Katie Coulborn. Lifetime is about twice as far away. Merrill Gardens is 18' from the road and they got a height variance.

Don Hausfeld - surveyed and pulled elevations from Highway 92 since Planning Commission meeting and Lifetime Fitness is 68' in height as seen from Hwy 92. The townhomes are 69'

990 - 995 - building height 1072 - windows would be at 1092. This proposed building will be 20' lower than townhomes. (LISTEN TO AUDIO)

Per their survey - you will not be able to see the building because of height of trees.

Initially developed Mountain Brook designed this development to have special purpose for this commercial property. Preserved this and who would have ever guessed we would have a retirement village - two end users - set the standard for retirement villages.

Mr. Huff asked Council that instead of replacing the existing zoning conditions with the ones approved tonight, that Council put a condition that this property reverts back to the original conditions/zoning if permits are not pulled in 12 months.

The City Manager stated there is a reversion policy in our Senior Living Ordinance which sets this precedence.

DPC did not vote to approve/deny this project but left it up to the governing body per the City Manager.

Merrill Gardens is farther away than 18' from the road per Katie, but she isn't sure exactly how far.

Motion to approve this rezoning request with conditions from the Planning Commission; addition of 10' sidewalks along the Highway 92 road frontage; and add a reversion clause that this property revert back to the existing zoning & conditions if permits are not pulled in 12 months as made by Council Member Baxter/Usher (it was clarified that the reversion clause applies only to the acreage presented tonight) All in favor. Motion carried 5-0.

ITEM 9. MINUTES APPROVAL

1. Approval of Minutes - 10/12/2015 Regular Council Meeting Minutes

Katie Coulborn reviewed the minutes for me and asked me make some corrections and review the tape regarding the no on-street parking matter. I updated the agenda packet with the corrections to the 10/12 minutes below as I heard it stated.