

## MINUTES

### **CITY OF MILTON DESIGN REVIEW BOARD Regular Meeting August 5, 2008**

*This summary is provided as a convenience and service to the public, media, and staff. It is not the intent to transcribe proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted and heard by the Design Review Board, but not quoted. This document includes limited presentation by the Design Review Board and invited speakers in summary form. This is an official record of the Milton City Design Review Board proceedings. Official Meetings are audio recorded.*

Board Members Present:       Kathi Cook  
  Terry Herr  
  Michael Stevens  
  Darryl Jan Porter  
  Vince Pisano  
  Eddie Moore

Not Present:                     Alex Paulson

City Staff:                     Angela Rambeau, Community Development  
  Michael Tuller, Community Development  
  Mark Law, City Arborist

#### **CALL TO ORDER**

##### **Chair Terry Herr:**

- Called the August 5, 2008 meeting to order.

#### **PLEDGE OF ALLEGIANCE**

##### **Chair Terry Herr:**

- Called the first agenda item, Approval of the July 1, 2008 meeting minutes.

**Motion and Second:** Kathi Cook made a motion to approve the July 1, 2008 Design Review Board meeting minutes. Eddie Moore seconded the motion. There was no discussion. Vote: 6-0. The motion unanimously carried.

##### **Chair Terry Herr:**

- Called the next agenda item, Demo permit, 550 Blue Heron Way, demolition of a single family house.

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**Applicant Representative, Gerald Michael Finegold, 3590 Schooner Ridge, Alpharetta, GA:**

- Explained intent and desire of owner to tear down the current house and garage and build another.
- Wants to add swimming pool for children.
- Will try to save as many trees as possible.

**Kathi Cook:**

- Asked about tree save.

**Applicant Representative:**

- Most of back yard is in the 50 ft. no-disturb area.
- Pool will be built outside of the 75 ft. buffer.
- Some trees may have to come down.
- Most trees on property are softwoods and not hardwoods.
- Will replant hardwoods where appropriate on property.

**Eddie Moore:**

- Asked when property is demolished, if trees were not going to be removed.
- Trees in Milton are not automatically taken out during a demolition process.

**Applicant Representative:**

- Stated some trees may be removed.
- Normally that is when the trees would be removed.
- Owner loves the site and the property and will do everything to preserve the site.
- Wants to keep as much landscaping as possible.
- Property not a historical building.
- Built approximately in 1999.

**Kathi Cook:**

- Arborist can issue a permit if dead trees.
- Not get a clearing permit until you get a building permit.
- Demo permit is limited to the demolition of the site.

**Eddie Moore:**

- Asked Staff when a contractor goes to demo a home his understanding is they cannot take down trees.

**City Arborist Mark Law:**

- Normally on demo permits look at just demo of house.
- Site visit.
- Try to minimize the destruction of trees.

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- Few may have to come out with the proximity of the house.
- Specimen trees have to be protected.
- Cannot go through an existing stand of trees to get to the house.

**Chair Terry Herr:**

- Called for public comment.
- No Public Comment.

**Motion and Second:** Kathi Cook made a motion to approve the demo permit for 550 Blue Heron Way, subject to the condition that it is for demolition with the final approval by Staff.

**Eddie Moore:** Made a friendly amendment that all the standard erosion control matters be addressed due to the lake behind the property. Do not want the neighbors upset with the owner because of silt and dirt in the lake.

**Kathi Cook:** Accepted Eddie Moore's friendly amendment.

**Chair Terry Herr:** Made a friendly amendment that the tree protection fence be installed prior to demolition based on the Arborist's recommendations.

**Kathi Cook:** Accepted Terry Herr's friendly amendment.

Motion seconded by Vince Pisano. There was no discussion. Vote: 6-0. Motion unanimously carried.

**Chair Terry Herr:**

- Called the next agenda item, LDP permit for the Montessori School at Morris Road.

**Applicant Bobby Shayan, 20 Mansell Court East, Suite 350-A, Roswell, GA:**

- Project at intersection of Morris Road and Webb Road.
- 2.96 acres.
- Daycare to sit on 1.5 acres of the site.
- Remaining property to be developed in the future.
- Building approximately 9500 sq. ft.
- Underground detention pond.
- Have vegetation accompanying to clean the water prior to discharge.
- Parking is more than required.
- Have city required landscaping.

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**Kathi Cook:**

- Is there a tree save area and whether significant trees in that area.

**Applicant Bobby Shayan:**

- Landscape plan was approved by Arborist Mark Law.
- Arborist will look at any changes to a new plan and make his approval.

**Chair Terry Herr:**

- Height of the retaining wall on the eastern most boundary of the property.
- Material used?

**Applicant Bobby Shayan:**

- Varies, but mostly 5-6 feet.
- Not higher than 7 feet.
- Material will be modular wall or concrete wall.
- Cost determining factor.

**Chair Terry Herr:**

- Highway 9 Overlay District (Section 12G4 (c) (3) requires wall to be stone, brick or modular block.
- Need screening of shrubs along face of wall due to height.

**Kathi Cook:**

- Where is the section of sidewalk that is going into the apartments?

**Applicant Bobby Shayan:**

- Sidewalk continues along frontage of site and stops at end of their site.

**Chair Terry Herr:**

- Material of opaque fence?
- Cannot be chain link.

**Applicant Bobby Shayan:**

- Will use whatever materials the city prefers.
- Not using chain link fence.

**Kathi Cook:**

- Development proposed for out parcel?

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**Applicant Bobby Shayan:**

- Out parcel will be either a medical office or senior housing project.
- Do not know for certain at this time.

**Chair Terry Herr:**

- Fence along Morris road should be set back 3 feet from right-of-way.

**Applicant Bobby Shayan:**

- Sara Leaders of the city transportation department and another engineer asked for the design they used.
- Can go back and move it to the right-of-way.
- Easement area at the front of the site along Webb Road.
- City may take it over and it would become public.
- That is reason for the easement area for the city to make improvements.
- Also dedicated some right-of-way off of Morris Road.

**Board Discussion with Applicant about the easement and right-of-way area for the fence.**

**Eddie Moore:**

- Probably will be asking applicant to move the fence.
- Asked Staff to comment.

**City Engineer Jimmy Sanders:**

- Sara Leaders of the city transportation department has dealing with the applicant.
- On vacation so cannot comment tonight.
- Not sure her reasons for telling applicant what he has stated tonight.
- Could resolve this by stating the issue will be resolved with transportation before the permit is issued.
- Fence will then be put in the correct place so not to have to be moved in future.
- Will personally follow-up with Sara to make sure that was her intention.
- If they need future right-of-way then fence needs to be moved.
- Prefers to find out why Sara before it gets approved.
- If it is going to be shown as proposed right-of-way then it should be moved.
- May be some transportation related plans in the future for work in the area.
- May be moot point if that took place.

**Chair Terry Herr:**

- Exterior lighting design at this time?
- What is intent for parking lot lighting?
- One of the requirements of an LDP.
- Specified lighting levels and types of fixtures that can be approved.

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**Applicant Bobby Shayan:**

- Have to check with electrical engineer.

**Staff Angela Rambeau:**

- Will not issue the LDP without all the requirements being met.

**Chair Terry Herr:**

- Called for public comment.
- There was no public comment.

**Eddie Moore:**

- Took a break prior to motion being made and returned after motion was made and vote was taken.

**Motion and Second:** Kathi Cook made a motion to approve the Montessori School at Morris Road with the following conditions: (1) Fencing along Morris Road shall be set back out of the proposed right-of-way as approved by Staff; (2) extend the sidewalk to the eastern property line; (3) the tree save area shall require the Arborist's approval; (4) all approvals are subject to Staff's final review and approval; and (5) Staff shall review the site lighting plan. Motion seconded by Vince Pisano. There was no discussion. Vote: 5-0. Motion unanimously carried.

**Eddie Moore:**

- Returned to the meeting.

**Chair Terry Herr:**

- Called the next agenda item, Building Permit for Windward Village, 12990 Highway 9.

**Applicant Mark Shaw, 13260 Owens Way, Milton, GA:**

- With Easlan Capital.
- Asking for an amendment to the elevation on their plan.
- Have a grocer tenant and have had to do a redesign.
- Occupy about 18,000 sq. feet on the northern end of facility.

**Review new plans with the Board.**

**Darryl Jan Porter:**

- How close are homes to the project?

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**Applicant Mark Shaw:**

- Several hundred feet.
- Their project is on the other side of the Windward Village Parkway connector road that connects Highway 9 back to Webb Road.

**Kathi Cook:**

- Talked about the screening with applicant.

**Eddie Moore:**

- Difference in elevation now requesting?

**Applicant Mark Shaw:**

- Stated they had made the Board's previous recommendations.
- Stated the grocer tenant was requesting a full facade of brick along the back of their building.
- Truck well is off to the south part of the site.

**Chair Terry Herr:**

- Directed Applicant to Section 12G (4) (c) (1).
- If visible from public right-of-way or adjacent residential use, rear or side of loading zone shall be screened from view.
- Read types of screening from section from Ordinance.
- Need to have screen wall to hide the visibility of truck.

**Board discussion with applicant about height of truck and screen wall.**

**Eddie Moore:**

- Exterior facade.
- Stated that applicant's client preferred back of building be completely brick.

**Chair Terry Herr:**

- Directed Applicant to Section 12G (4) (f) (5).
- Minimum 25% fenestration requirement for non-residential building facade.
- True definition of fenestration is windows.
- Applies to all sides of a building.

**Applicant Mark Shaw:**

- This was not mentioned in their last meeting.

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**Chair Terry Herr:**

- Other plans showed some fenestration for the doors, canopies and decoration on the wall.
- Now all those have been removed for the wall.

**Applicant Mark Shaw:**

- Most of rear area will be for storage.
- Could perhaps put up some faux windows.

**Chair Terry Herr:**

- Meet the 25% fenestration requirement.

**Applicant Mark Shaw:**

- Could we get something to Staff and they could distribute to the Board?
- Should be able to get something to the Board in about a week.

**Chair Terry Herr:**

- We could work with Staff and get the new plans electronically.

**Eddie Moore:**

- Need to adhere to the ordinance.
- Here to assist you in anyway we can.

**Staff Angela Rambeau**

- Arborist has some comments about screening in the rear of the building.

**City Arborist Mark Law:**

- Along street side of building applicant is scheduled to go with 19 recompense trees.
- That area has been reduced according to the latest plans and it did not appear there  
is room to plant those 19 trees.
- Need to see a new plan showing where those will be planted on site.

**Eddie Moore:**

- Need to get those 19 trees back.

**Chair Terry Herr:**

- Called for public comment.
- There was no public comment.

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**Motion and Second:** Kathi Cook made a motion to approve Windward Village subject to conditions. The first condition is that they shall meet the 25% fenestration on the building (all sides); the second requirement is that they meet the code requirements for the loading area screening; the third requirement is that they provide sufficient screening and put in the required trees subject to the Arborist's final approval to screen the rear of the building; and the applicant is advised that these approvals can be sent to the Board electronically to review. Specifically the building elevations, not the landscape plan. All of this is subject to the final review and approval by Staff whether electronically or back at another meeting. Seconded by Eddie Moore. There was no further discussion. Vote: 6-0. Motion unanimously carried.

**Chair Terry Herr:**

- Called the next agenda item, Milton Village, 611 North Main Street.

**Applicant Daniel Esteban, 6107 Beechwood Trace, Cumming, GA:**

- Matrix Development Group.
- Proposing a 14,000 sq. ft. retail shopping center.
- Underground detention facility.
- Bio-retention facility for water quality prior to it going into detention pond.
- Stormwater run-off ties into an existing 18" pipe.
- Drainage easement for this allowance.
- No surface run-off.
- Have GDOT approval.
- Have all Fulton County approvals for water, sewer, and health.
- Have Staff's sign-off.
- Property is near Ingles next to the office condos.
- Providing inter-parcel access to the office condos.

**Board discussion with applicant about trees on property.**

**Chair Terry Herr:**

- Asked about the retaining wall on the western property line.
- Needs to be blocked with stone or brick in accordance with ordinance.

**Applicant Daniel Esteban:**

- Can make that change.

**Chair Terry Herr:**

- What are materials going to be on building?
- Asked about the dumpster enclosure.
- Gates required to be non-combustible material.

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**Applicant Daniel Esteban:**

- Stone and brick.
- Dumpster enclosure to match building facade.
- Gate will be non-combustible material.

**Kathi Cook:**

- Asked about the 20 inch oak?
- Good condition?

**Applicant Daniel Esteban:**

- Hoping to save the 20 inch tree.
- Eliminate as much construction traffic over the critical root zone in that area.
- Have shown recompense for the trees.

**Chair Terry Herr:**

- Overlay does not allow for shoebox lighting, Section 12G (4) (e) (3) and (4).
- Maximum height is limited to 28 feet in ordinance.
- Will need photometrics for that.
- Can transformer be moved from the front of the building?

**Applicant Daniel Esteban:**

- Can see if it can be moved to back
- Had only a minimum amount of area in back that fire marshal required.
- Otherwise will have to locate it to the south side of the building.
- It can be moved to the southeast corner of the building.

**Chair Terry Herr:**

- Called for public comment.
- There was no public comment.

**Motion and Second:** Kathi Cook made a motion to approve Milton Village subject to conditions. First, that the applicant meet the requirement that there be no crossties and has to be brick or stone or modular block on Highway 9, the applicant meet the 12G4(e) lighting fixture requirements regarding the style and maximum height, and that the applicant's site plan incorporate the 28 inch oak if it is found to be in good condition by the City Arborist, with final approval by Staff, that the transformer be relocate currently fronting Highway 9, and that the applicant use best management practices to stay out of the critical root zone of the two specimen trees along the south of the property. Seconded by Eddie Moore. There was no discussion. Vote: 6-0. Motion unanimously carried.

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**Chair Terry Herr:**

- Called the next agenda item, Hidden Forrest Recreation Area, 13340 Morris Road.

**Applicant, Javad Oskoei, 2145 Clay Drive, Atlanta, GA:**

- Recreation for subdivision located at 13340 Morris Road.
- Townhouse community project.
- Pool house and pool will be part of the subdivision.
- Part of the LDP permit that they had before.
- No extra clearance required.
- Not removing any trees.
- Material will be same as building that is already started.
- 4 sides of brick which is a taupe color.
- Fence is pre-painted aluminum.
- Five feet for safety purposes.
- Will bring all samples at the next meeting.
- Project consists of high quality town homes.

**Kathi Cook:**

- Will construction be outside of the limits of wetlands?

**Applicant, Javad Oskoei:**

- Stated it was outside of wetlands.

**Staff Angela Rambeau:**

- Discussion about whether this case was for site or building.
- Entire recreation area, site and building.

**Chair Terry Herr:**

- Asked applicant to bring in his sample material boards.

**Board discussion about materials while applicant left meeting to get material boards.**

**Applicant, Javad Oskoei:**

- Reviewed the roof shingles with Board.
- Reviewed color of brick, building paint and trim colors.
- Reviewed brick samples with Board.

**Eddie Moore:**

- When is work going to be commenced?

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**Applicant, Javad Oskoei:**

- Work will commence as soon as they get permit from City of Milton.
- People in community are getting annoyed because the pool is not being built soon enough.

**Chair Terry Herr:**

- Called for public comment.
- There was no public comment.

**Motion and Second:** Kathi Cook made a motion to approve Hidden Forrest Recreation Area subject to the applicant constructing the building with the materials presented tonight. Seconded by Eddie Moore. There was no discussion. Vote: 6-0.

**COURTESY REVIEWS:**

- 1) Courtesy Review for Fulton County Schools, James R. van den Heuvel, 9 portable classroom buildings at three different schools

**Applicant James R. van den Heuvel, 210 Independence Lane, Peachtree City, GA:**

- 9 portable classroom buildings at three different schools.
- Milton High School, 6 portables.
- Crabapple Crossing Elementary School, 2.
- Summit Hill Elementary School, 1.
- Pass out some photographs of the portables they have at other schools for the Board's review.
- All are pretty well screened.
- When new high in Milton is built, will decrease need for some portables

**Chair Terry Herr:**

- Asked applicant about skirting of the stair area on the portables.

**Applicant James R. van den Heuvel:**

- Now using aluminum stairs and ramps exclusively.

**Vince Pisano:**

- Asked about landscaping of area.

**Applicant James R. van den Heuvel:**

- Seed and straw the area.
- Do not have a landscaping budget.
- Sometimes the community will get involved and do landscaping.

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- Use is supposed to be temporary, although sometimes they are not.

**Chair Terry Herr:**

- Called for public comment.
- There was no public comment.

**Chair Terry Herr:**

- Stated the portables are needed.
- They are what they are.
- Called for any suggestions or recommendations.
- There were none.

**Applicant James R. van den Heuvel:**

- Made the suggestion that the Board introduce themselves at the beginning of a meeting.
- Public and presenters will know who they are dealing with.

**Chair Terry Herr:**

- Appreciate the comment.
- Will add to the agenda from now on.

- 2) Courtesy Review for RZ08-08/U08-04/VC08-04, 3499, 3501 Bethany Bend Road  
Bajun American Properties, LP

**Applicant, Steven Rowe, 8995 Roswell Road, Atlanta, GA:**

- Site located at break point where Bethany Bend and Strickland Road break at intersection.
- North of McGinnis Ferry, Morris Road 3-way stop intersection.
- To rezone from AG-1 to TR (Townhouse Residential) and obtain a use permit for senior housing to develop 98 residential units (Article 19.4.41(2)). The applicant is also requesting a 2-part concurrent variance:
- To reduce the setback from 100 feet to 10 feet for pool fencing (Article 19.3.12.B.3).
- To increase from 2 stories (30 feet) to 3 stories (40 feet) from average finished grade to bottom of roof eave (Article 12G.4.F.14).
- Gated community.
- Proposing sculpture of horse representative of the Milton symbol and logo of development.
- Fronts of buildings will face Bethany Bend Road.
- Parking will be underneath buildings.
- 16 spaces underneath each unit and overflow parking near clubhouse and pool.
- Asking for height variance to 3 stories.
- Will have a walking trail.

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**Chair Terry Herr:**

- Asked if the properties that back up to this in the Hidden Forrest section single family.

**Applicant, Steven Rowe:**

- Single family homes.

**Kathi Cook:**

- Asked about buffers.

**Applicant, Steven Rowe:**

- None, because both are TR zoning against TR zoning.

**Kathi Cook:**

- What about trees?
- Some good Dogwoods and Oaks.

**Applicant, Steven Rowe:**

- Will be looking at that.
- Still early in the process of designing this.
- Do have a tree survey now and will be providing report to Mark Law.

**Applicant Tracy Ward, 4245 Madison Drive, Cumming, GA:**

- There are 7 buildings.
- Subtle changes building to building.
- Variety of 2 and 3 stories over a basement.
- Rear will be access to parking below the units.
- Will look like large houses.
- Some variation on front - not exact replicas of each other.
- Would propose a flat roof with a 4-5 foot parapet to hide the mechanical on roof.
- If sloped roof, would more than likely be asphalt shingles.
- Part of the variance being requested is to go from 30 feet to 40 feet and allow a flat roof.
- Will primarily be brick.
- Very classy development.
- Park-like setting.
- Will not see a lot of cars.

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**Chair Terry Herr:**

- Topography and grading questions.
- Could they do any splits?
- Maybe 2 1/2 stories on front.

**Applicant, Steven Rowe:**

- Maybe possible but have not gotten into that level of detail yet.
- Will see about varying the heights and grade elevations.

**Chair Terry Herr:**

- Concern about how close the buildings are together.
- Side windows.
- Pretty dense.

**Darryl Jan Porter:**

- Looks like office building to her.
- Flatness on top.
- Too contemporary for Milton.

**Chair Terry Herr:**

- Looks more urban.
- Sometime might see in Midtown Atlanta.
- Different than what they prefer in Milton.

**Kathi Cook:**

- Talked about the elevations.
- Requested landscape area around clubhouse and pool be more than 10 ft. landscape strip.
- Mix plantings in that area with Evergreens to help with screening.

**Applicant, Steven Rowe:**

- Have more than 10 feet.
- Can encroach outside of that.
- Can plant up to the fence line which is about 20 feet.

**Chair Terry Herr:**

- Park area.
- Perhaps better to use space to have more room between buildings.

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**Applicant Tracy Ward:**

- Can look at that.

**Kathi Cook:**

- Discussion with applicant about curb cuts.
- Do not know what the future land use of the AG property is fronting Bethany Bend.

**Applicant Tracy Ward:**

- Issue was too close to the Strickland intersection breakaway.
- Became a safety issue.

**Michael Stevens left meeting at 7:49 p.m.**

**Chair Terry Herr:**

- Suggest looking at a reduction of the 25 ft. buffer.
- Move the road to the east as close to the property line as possible.
- Try to get more space between the buildings.
- Baffled by the 100 ft. setback for the pool fence.

**Applicant Tracy Ward:**

- Since it is considered a commercial pool it falls into a different category.

**Kathi Cook:**

- Just making recommendations.
- More separation between buildings.
- Minimum of 30 ft.
- Keep green space area with a substantial sculpture.
- Heavy planting adjacent to the single family residential Hidden Forrest Subdivision.
- Likes that fronting faces Bethany Bend.
- Incorporate trees when tree survey is completed.

3) Courtesy Review for U08-05/VC08-05, 1150 Birmingham Road, Milton  
Conservation Burial Partners

**Applicant Jim Bell, 1150 Birmingham Road, Milton, GA:**

- Requesting a use permit to develop a cemetery on approximately 17.313 acres (Article 19.4.9).
- Also requesting a concurrent variance.

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- Variance is to delete the 75' buffer and 10' impervious setback to 0' along western property lines N 00° 32' 03" W for 360.96', S 89° 27' 57" W for 65.23', and N 00° 32' 03" W, along all eastern property lines, and along the northern property line from northeastern corner to the 50' stream buffer line for a distance of 320' (12H.3.1 Section C.2).
- Site to bury bodies without vaults or embalming.
- Without headstones.

**Darryl Jan Porter:**

- How would you locate burial site without use of headstones?
- Will allow flat fieldstone markers.
- Locate by GPS system.

**Kathi Cook:**

- Buffer being asked for is because you want to leave land as is?
- Any activity within the 75 ft. buffer?

**Applicant Jim Bell:**

- Land is field surrounded by trees and want to leave it.
- Want to keep it a green space.
- Do not want to install irrigation, wells and electricity.
- No activity or burial within that buffer.
- Old concept that we are reinventing and doing it in phases.
- Land will be in either deed restriction or land bank.
- Will be done in phases.

**Board reviewed buffer areas from site plan with applicant.**

**Darryl Jan Porter:**

- How will people get to sites?
- Paths or roads?

**Applicant Jim Bell:**

- Paths.
- Will not be paving any roads.
- Park on road and walk up on paths.
- Some areas will have gravel, but no paved surfaces.

**Kathi Cook:**

- Would like all specimen trees to remain.

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**Applicant Jim Bell:**

- Arborist Mark Law has been out to property.
- Phase one has no specimen trees.
- Just a cow pasture.

**Eddie Moore:**

- What is Staff's position?

**Staff Mike Tuller:**

- Look at the requirements under a use permit.
- Originally was conceived as perhaps a donation to the city.
- Evolved more into Mr. Bell's enterprise.
- Staff sees this as pretty innovative.
- Helps protect the rural environment of the area.
- Being done in other parts of the country successfully.
- Other than buffers, cut and dry.

**City Arborist Mark Law:**

- Discussed with Mr. Bell the tree issue in Phase 3.
- Nice wooded lot with nice trees and layout of the land.
- May be doing burials in the future.
- Can do that in and amongst the trees so as to not harm them.
- Not going to remove trees.
- Method to planting within existing stand of trees.

**Chair Terry Herr:**

- Good use of the land.

**There were no other questions or comments.**

**ADJOURNMENT**

There was no further business of the Design Review Board.

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**Motion and Second:** Terry Herr made a motion to adjourn the meeting. Seconded by Eddie Moore. There was no discussion. Vote: 5-0. Motion unanimously carried. Design Review Board meeting adjourned at 8:09 p.m.

Dated Approved: \_\_\_\_\_

Approved by:

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Francesca Ivie  
City Clerk's Office

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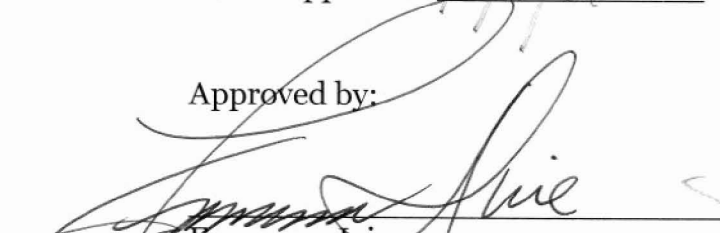
Terry Herr, Chair  
Design Review Board

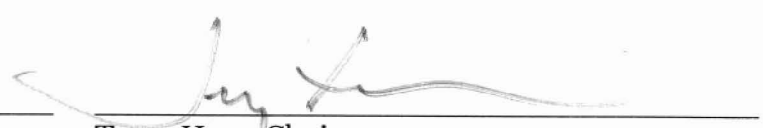
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Dated Approved: 10/7/08

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City Clerk's Office

  
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Terry Herr, Chair  
Design Review Board