

## **MINUTES**

### **City of Milton Planning Commission Regular Meeting December 19, 2007, 7:00 PM**

*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 Planning Commission, but not quoted. This document includes limited presentation by the Planning Commission and invited speakers in summary form. This is an official record of the City of Milton Planning Commission meeting proceedings. Official Meetings are audio recorded.*

Commission Members Present: Paul Hackman, Curtis Mills, Cary Schlenke, Paul Moore, Fred Edwards, George Ragsdale

Not Present: Bob Moheb

Meeting Leader/City Staff: Robyn MacDonald, Community Development  
Mike Tuller, Community Development  
Mark Law, City Arborist

### **INVOCATION**

The invocation was led Commission Member Cary Schlenke.

### **PLEDGE OF ALLEGIANCE**

### **MEETING CALLED TO ORDER**

### **CONDITIONS AND STATEMENT OF BOARD**

Chair Paul Moore read to attendees of meeting the conditions and statement of the Board.

### **RULES AND PROCEDURES OF MEETING**

Chair Paul Moore read to attendees of meeting the rules and procedures from the City of Milton Zoning Ordinance. He explained the portion of the Public Comment Card stating that any opponent of a re-zoning application must file this disclosure at least five calendar days prior to the first hearing by the local government or any of its agencies, which is usually the Planning Commission meeting.

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AGENDA  
Planning Commission  
December 19, 2007

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- I. Invocation
- II. Call to Order.
- III. Pledge of Allegiance
- IV. Public Comment
- V. Approval of Minutes from November 27, 2007
- VI. Use permits (Deferred)
  
- A. U07-007; VC07-012  
K-9 Facility - Jennifer Arnold

To request a Use Permit (Article 19.4.3) For Agricultural Related Activities to add a 3,240 sq. ft. training building and to request a 4-part concurrent variance to use the existing parking area within the 100 –foot setback near the west property line (Article 19.4.3.13.4); 2) To increase the maximum building setback from 20 feet to 250 feet for the new building (Article 12h.3.5.C.1); 3) To allow parking between the existing buildings and the street (Article 12H.3.5.F.3); 4) To delete the 75 foot buffer and 10 foot improvement setback adjacent to AG-1 and/or residentially developed properties (Article 12H.3.1.C.2.)

To rezone from O-I (Office-Institutional) to O-I (Office-Institutional) to expand the existing day care facility from 2,000 square feet and 38 students to 3,600 square feet at an overall density of 2,647 square feet per acre. The applicant is proposing a 1,600 square foot building separate from the existing structure. The applicant is also requesting a concurrent variance to reduce the 25-foot buffer and 10-foot improvement setback to a 5-foot landscape strip along the east and west property lines from the existing building for a distance of 150 feet.

**VII. Rezoning  
New**

- A. **RZ07-020; VC07-015  
Daycare Center - Pegaah Firoozi**

To rezone from O-I (Office-Institutional) to O-I (Office-Institutional) to expand the existing day care facility from 2,000 square feet and 38 students to 3,600 square feet at an overall density of 2,647 square feet per acre. The applicant is proposing a 1,600 square foot building separate from the existing structure. The applicant is also requesting a concurrent variance to reduce the 25-foot buffer and 10-foot improvement setback to a 5-foot landscape strip along the east and west property lines from the existing building for a distance of 150 feet.

**VIII. Text Amendments - Deferred**

- A. RZ07-021  
Telecommunications Towers - Deferred.**

**IX. Adjourn**

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**CHAIR PAUL MOORE:**

- Called for public comment on any topic that was not being addressed by the formal agenda.
- No public comment.

**MOTION AND SECOND:** Fred Edwards made a motion to close public comment. Paul Hackman **seconded** the motion. **VOTE:** 6-0. Motion carried and public comment was closed.

**APPROVAL OF MINUTES**

**MOTION AND SECOND:** Paul Hackman made a motion to approve the November 27, 2007 meeting minutes. Fred Edwards **seconded** the motion.

**DISCUSSION:**

**GEORGE RAGSDALE:**

- Asked if minutes were inclusive of changes that Curtis made.

**ROBYN MACDONALD:**

- Stated they were.

**VOTE:** 6-0. Motion carried unanimously to approve the minutes.

**CHAIR PAUL MOORE:**

- Called the next case.

**ROBYN MACDONALD:**

- Stated that on Agenda, 2d page, under **Text Amendments, A., RZ07-021**, Staff recommended deferral for another 30 days to rectify some issues with the Ordinance.

**CHAIR PAUL MOORE:**

- Called for public speakers present to speak on this topic.
- There were none.

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**ROBYN MACDONALD:**

- Called the first agenda item, **U07-007; VC07-012.**
- Expansion of existing K-9 assistance facility.
- Also requesting a 4-part concurrent variance.
- Read remainder of Applicant's Petition to Board.
- Applicant raises and trains service dogs to help children and adults with physical disabilities.
- Proposed new building will be used as a training facility for the recipient of the service dogs.
- 6 training camps per year for a period of 2 weeks each.
- Consistent with the 2025 land use plan.
- Applicant has appropriate local, state and federal permits to operate the facility.
- Discussed parking space requirements and location of parking area.
- Applicant has submitted a revised site plan.
- Staff's opinion is space will provide adequate open space for development.
- Condition regarding protective screening will be included to allow existing structure to encroach into the 75 ft. buffer and 10 ft. improvement setback along the west property line.
- New building open from 9:00 a.m. to 9:00 p.m.
- Primarily used during the 6 training camps per year.
- Discussed the curb cuts with Staff recommending be reduced to 4 curb cuts.
- Limited impact upon the community.
- Staff concluded that the requested use permit is appropriate for the area with recommended conditions.
- Staff recommends approval conditional.
- Discussed the concurrent variances reading from Petition under *Intent* and Staff's Recommendations.
- Staff recommended that Part 2 of the concurrent variance be approved conditional.
- Discussed landscape strips and buffers.
- Applicant want to preserve existing pasture on property were horses graze.
- Staff recommends approval conditional for VC-07-012, Part 4 for all property lines except the west property line.
- 54 spaces of parking required.
- Revised site plan shows 51 spaces provided with administrative variance from Community Development Director.
- Staff recommends denial of Part 1 of VC07-012.
- Staff recommends that Part 3 of VC07-012 be approved conditional.
- Design Review Board recommended new training facility look more like a residence than a barn.

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**CITY ARBORIST MARK LAW:**

- Advised Commission that there were two specimen trees on site.
- Discussion with arborist referencing site plan PowerPoint presentation.
- One is a 29 inch pine.
- Would have to recompense.

**CARY SCHLENKE:**

- Advised Commission she had previously been an active volunteer with K-9 Assistance, so wanted to be recused from the case.
- Recused herself at 7:27 p.m. and left the meeting room.

**CHAIR PAUL MOORE:**

- Made statement to attendees of meeting regarding reason for recusals.
- Advised votes will still take place with remaining Commission members.
- Called Applicant forward.

**APPLICANT JENNIFER ARNOLD, 3160 Francis Road, Milton, GA 30004:**

- Founder and Director of K-9 Assistance.
- Gave Commission lengthy background of K-9 Assistance was started.
- Believed there was a need for this service.
- Took 11 years after father's death to get up funds to start business.
- Labor of love.
- Non-profit organization.
- Provide lifetime upkeep for each dog placed.
- Want to move existing training camp from one building to another.
- Have current parking issues.
- Would not increase amount of traffic.
- Want customers to be able to come in the front.
- Talked about tree buffer requirements.

**PAMELA LITTLE (Civil Engineer) FOR APPLICANT:**

- Will save remaining time for rebuttal.

**CHAIR PAUL MOORE:**

- Called for anyone speaking in opposition.

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**RON MORGAN, 705 Old Saddle Lane (Cobblestone Farms), Milton, GA:**

- Our property on west property line.
- Borders the K-9 facility.
- Held some neighborhood meetings to discuss impact.
- Not opposed to service.
- Negatively impacted by activities and noise.
- Concerns if move closer to property line the impact will increase.
- Possibly decrease property values.
- If consider approving have some conditions to be considered:
  - (1) That city setbacks and buffer requirements be rigidly enforced;
  - (2) No structural parking be allowed in this area;
  - (3) Buffers be designated as undisturbed buffers.
  - (4) Request the City Arborist prepare planting recommendations recommending types of plants and sizes.
  - (5) Request that the construction materials and colors of the new structure be chosen on their ability to blended in with the wooded environment and buffer and we have an opportunity to review the selections.
  - (6) Request that the structure never be used for the housing of animals.
  - (7) Request to allow parking between existing buildings and the street (Francis Road) be denied.
  - (8) Would like to know what long-range plans of the K-9 Assistance are.

**PAMELA LITTLE, 4908 Dillard's Mill Way, Duluth (Civil Engineer-for Applicant)**

- Have worked on and changed site plan and have taken community concerns into account.
- Planning to replant the 75 ft. buffer where not excessive vegetation at this time.
- Complied with setback requirements.
- All parking will be behind the existing building.
- Want to work with neighbors to address their concerns.

**CHAIR PAUL MOORE:**

- Called for a motion to close public comment.

**MOTION AND SECOND:** Fred Edwards made a motion to close public comment. Paul Hackman **seconded** the motion. **VOTE:** 5-0. Motion carried and public comment was closed.

**PAUL HACKMAN:**

- Asked Mr. Morgan if his concerns were addressed.

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**RON MORGAN:**

- Most concerns had been addressed.
- Applicant made a lot of effort to address the concerns.
- Questions about removal of trees in existing buffer.
- Talked about size of tree plantings.

**DISCUSSION WITH COMMISSION, CITY ARBORIST AND APPLICANTS REGARDING TREES, SIZES AND BUFFERS.**

**PAMELA LITTLE:**

- Can do a tree survey to protect the trees that can be saved.
- Referenced their site plan and discussed with Commission.

**CITY ARBORIST MARK LAW:**

- Requirement for landscape buffers was 5 ft. tree at planting.

**CURTIS MILLS:**

- Discussion with opposition Ron Morgan about location of is house referencing map.
- Talked with applicant about parking in front of building referencing map.

**APPLICANT JENNIFER ARNOLD:**

- Parking is between existing structure and proposed structure.

**CHAIR PAUL MOORE:**

- Discussion with applicant about existing trees referencing map.
- Concerned about what was screened from road if on Francis Road.

**CURTIS MILLS:**

- Asked opposition if that addressed his parking concerns.

**RON MORGAN:**

- Have no problem as long as parking is behind the existing building between the proposed new building.
- Have asked that existing parking area in buffer be part of new landscape buffer that is planted.

**PAMELA LITTLE:**

- Totally amenable to that.

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**CURTIS MILLS:**

- Asked if smell was a problem.
- Thought some of new plantings and buffers might help with noise, sight, visibility.
- Not certain if odor buffer.

**RON MORGAN:**

- Part of overall concern.

**APPLICANT JENNIFER ARNOLD:**

- No increase in dogs.
- Dogs not housed in building overnight.
- Only there for training.
- Would not go outside anywhere in buffer area.

**FRED EDWARDS:**

- Asked opposition how old the homes located to north of him were?

**SHANNON POWELL, 715 Old Saddle Lane, Alpharetta, GA:**

- Live right next to Mr. Morgan.
- Have more view of structure than Mr. Morgan.
- Have lived at my residence for 4 years.

**FRED EDWARDS:**

- Inquired of applicant about driveway or access almost into Champions View.
- Pass-thru to applicant's property?

**APPLICANT JENNIFER ARNOLD:**

- Part of our property.

**CHAIR PAUL MOORE:**

- Asked applicant if they planned on using any part of creek in business.
- No housing of animals?
- Building materials.
- Question about future uses of building.
- Asked if air-conditioned building and would windows be closed in winter and summer.

**JENNIFER ARNOLD:**

- Dogs inside during the day and housed inside.
- Outside access would be limited to in between the buildings.
- Bag the dog waste and have a sanitation service pick up and remove it.
- Design Review Board wants to make barn look more like a residence.

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- Working with opposition regarding color.

**APPLICANT JENNIFER ARNOLD:**

- Plan on long-term use with no change.
- Building does have air-conditioning and window kept closed.
- Helps to eliminate any noise.
- Dogs are housed in largest building.
- Puppy building is separate.

**GEORGE RAGSDALE:**

- Asked applicant if they resided on property.

**APPLICANT JENNIFER ARNOLD:**

- Husband and I reside on property.
- Referenced from map where house was located.

**GEORGE RAGSDALE:**

- Change record to reflect that Ms. Arnold does not reside in Alpharetta.
- Discussion about curb cuts.
- How many are there currently?

**APPLICANT JENNIFER ARNOLD:**

- Could eliminate one.
- Others relate to the driveway.

**ROBYN MACDONALD:**

- Currently 6.
- None of those are being added.
- All existing curb cuts.
- Believe one could be deleted.

**GEORGE RAGSDALE:**

- Discussed with staff about their recommendations for curb cuts.

**ROBYN MACDONALD:**

- Transportation engineers thought for public safety would be good idea to lessen the number of curb cuts.

**DISCUSSION WITH APPLICANT ABOUT ALL SIX CURB CUTS FROM MAP**

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**GEORGE RAGSDALE:**

- Asked about horse waste?
- Will there be a restroom facility in new training room?
- Where will septic fields be located?
- Would trees have to be removed to put in septic field?

**APPLICANT JENNIFER ARNOLD:**

- Horse waste in spread in the pasture.
- Will be required to have restaurant facility.
- Septic fields will be located directly behind the facility.

**DISCUSSION WITH COMMISSION AND PAMELA LITTLE REFERENCING  
MAP**

**GEORGE RAGSDALE:**

- Two specimen trees appear to be in parking lot area.
- Can anything be done to save the one by perhaps giving up a few parking spaces?

**CITY ARBORIST MARK LAW:**

- From the drawing, both trees will be disturbed or removed.
- Could possibly do that by eliminating a few parking spaces.
- It is a gravel parking lot.

**ROBYN MACDONALD:**

- Staff would recommend that applicant go to Board Zoning Appeals and request the parking variance.
- Community Development Director has already given them as much as he can.

**CURTIS MILLS:**

- Parking capacity?
- Could increase your level of activity at overall site by perhaps 40-50%?
- Concerns about how bad the traffic could get.

**APPLICANT JENNIFER ARNOLD:**

- 20-30 cars during peak activity time.
- Theoretically possible.
- Not planning on increasing.
- Have just a certain number of dogs we can house.
- Do not have sufficient space.

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**CHAIR PAUL MOORE:**

- Understands many customers come in by bus to facility.
- Asked applicant to explain why not use their own vehicles.
- Percentage of customers coming by bus?

**APPLICANT JENNIFER ARNOLD:**

- Many customers come from all over the country.
- Come to be matched with dog.
- Stay in hotels.
- K-9 Assistance provides bus service to and from hotel to pick them up.
- Varies, but probably 75% of the time.

**CHAIR PAUL MOORE:**

- Parking being suggested is really more by city ordinance.
- Additional reduction by Board Zoning Appeals could reduce the total impact.
- Blend in with the rural presentation.

**CURTIS MILLS:**

- Configuration of the new structures for training.
- Easily converted to another use?

**APPLICANT JENNIFER ARNOLD:**

- Large open area.
- Most of structure is open within training classroom.
- Resting area for customers with disabilities.
- Kitchen area.
- Not something easily turned into something else.

**CURTIS MILLS:**

- Fallback option if recommend smaller reduced parking.
- If reduced capacity would be good for neighbors.
- Would also save money.

**ROBYN MACDONALD:**

- Advised Planning Commission they could not do that.
- Never advertised for that type of variance.
- Cannot arbitrarily reduce it at this point and time.
- Could possibly make a condition they go before the Board Zoning Appeals.
- Cannot do it unilaterally.
- They can start working on their design.
- New year will have a 6-week turnaround for the Board Zoning Appeals.
- If submitted in February after council meeting it would be heard in March.

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**GEORGE RAGSDALE:**

- Would not want to impose a condition that they go before the BZA.
- Just a suggestion or recommendation.

**CURTIS MILLS:**

- Asked if this sounded feasible to Applicant.

**APPLICANT JENNIFER ARNOLD:**

- Would support anything that would help with the overall cost.
- Do not want to slow down our start.
- Have customers that need the service.

**CURTIS MILLS:**

- Asked opposition how they felt.

**RON MORGAN:**

- Would be in support of that.

**GEORGE RAGSDALE:**

- Conclusion from applicant's presentation is applicant is willing to accept all the conditions that have been suggested.
- Asked if that included variance that Staff recommends be denied.

**APPLICANT JENNIFER ARNOLD:**

- Would not have to plant along the pasture.
- Horses need to graze.
- Will do along where the structures are going to be.

**GEORGE RAGSDALE:**

- Made a motion.

**ROBYN MACDONALD:**

- Staff would not be opposed to amending the condition if agreement with everyone concerned to preserve the pasture and to require the buffering up to that parcel.

**DISCUSSION WITH STAFF AND COMMISSION REFERENCING MAP  
ABOUT BUFFERED AREA.**

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**CURTIS MILLS:**

- Sounds like if everything is done that has been discussed, would be a net improvement.
- Community input and comment weighs very heavily with this Commission.
- Understanding also you build with facility already in place.

**MOTION AND SECOND:** George Ragsdale made a motion to approve the Use Permit and that Part 1 of the variance request be denied, the 100 ft. setback on the gravel parking lot, that we approve Parts 2 and 3, and that we approve Part 4, but on the west side only for the first 409 feet and that the 75 foot buffer be maintained. In addition, I move that Staff's conditions be part of the Commission's recommendation with the exception that the existing curb cuts be allowed to be maintained. Paul Hackman **seconded** the motion. **VOTE: 5-0.** Motion carried.

**CURTIS MILLS:**

- Asked if the possibility of reducing the parking was being left as an informal suggestion and no formal inclusion?
- Could we comment that we view this positively?

**GEORGE RAGSDALE:**

- That is what I would do.
- I am okay with that.
- We can make that a separate motion.

**CURTIS MILLS:**

- Made a motion.

**MOTION AND SECOND:** Curtis Mills made a motion that for the record the Planning Commission believes it would be favorable for both the community, neighbors and for the applicant if the maximum parking limit could be reduced and make the best efforts to preserve the two specimen trees. Paul Hackman **seconded** the motion. **VOTE: 5-0.** Motion carried.

**CARY SCHLENKE:**

- Rejoined commission members at 8:25 p.m.

**ROBYN MACDONALD:**

- Called the next agenda item, **RZ07-020, VC07-015.**
- Request to rezone to O & I to O & I to expand existing daycare facility from 2000 sq. ft. and 38 students to 3600 sq. ft.
- Overall density of 2,647 sq. ft. per acre.
- Requesting a concurrent variance to reduce 25 ft. buffer and 10 ft. improvement setback to 5 ft. landscape strip along the east and west property lines from existing building for a distance of 150 ft.

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- Meets the building setbacks required.
- Building height is for one story.
- Proposed building is for a manufactured building.
- Read landscape strip requirements.
- 8 parking spaces are required.
- 9 spaces are provided on site plan.
- Applicant went before Design Review Board.
- DRB wanted new building to look like existing building.
- No positive or negative comments regarding this project.
- Staff recommends approval of RZ07-020 and recommends approval conditional of VC07-015.

**APPLICANT PEGAAH FIROOZI, 2865 Webb Road, Milton, GA:**

- Stated Robyn presented her case.
- Need space for playground.
- Cannot put on top of the drainage system.
- Building will be manufactured but will match existing building.

**CHAIR PAUL MOORE:**

- Called for public comment. There was none.
- Made a motion to close public comment.

**MOTION AND SECOND:** Paul Moore made a motion to close public comment. Paul Hackman **seconded** the motion. **VOTE: 6-0.** Motion carried.

**DISCUSSION:**

**GEORGE RAGSDALE:**

- Question about age distribution for student.
- Will new septic facility tie into the existing septic?

**APPLICANT PEGAAH FIROOZI:**

- Stated that would not change.
- 2 1/2 to 5 1/2 years of age.
- After school up to 11 years of age from 3:30 to 5:30 p.m.
- Septic will tie into existing septic system.

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**FRED EDWARDS:**

- Question about cars coming and leaving school.
- 70-75 cars per day.
- Are times staggered for cars coming and going?
- Concerned about traffic on Webb Road.

**APPLICANT PEGAAH FIROOZI:**

- Some will be parking and most will drop off and pick up.
- Have a drive-around area.
- Not 70-75 cars all at same time.

**CHAIR PAUL MOORE:**

- Unlike public school.
- Not a hard start time.

**APPLICANT PEGAAH FIROOZI:**

- Anytime from 7:30 a.m. 10:00 a.m.
- Not certain time to drop off children.
- Different programs with different start times.

**CARY SCHLENKE:**

- Question about increase in parking spaces.
- Room if need to add additional entrance?

**ROBYN MACDONALD:**

- Will only be about 4-5 more additional parking spaces.
- Transportation would not want to add an additional curb cut to that area for another entrance.
- Transportation department reviewed this plan and was okay with it.

**CARY SCHLENKE:**

- Advised Robyn MacDonald of a typographic error on page 12 at the bottom.
- It reads northwest overlay district and should be changed to Highway 9.

**GEORGE RAGSDALE:**

- Made a motion.
- **MOTION AND SECOND:** George Ragsdale made a motion to approve applicant's request, **RZ07-020, VC07-015** with Staff's recommended conditions. Paul Hackman **seconded** the motion. **VOTE: 6-0.** Motion carried.

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**ROBYN MACDONALD:**

- Read next agenda item, RZ07-021, Adoption of a Telecommunications Ordinance as Article 17 of the City of Milton Zoning Ordinance.
- Staff recommends deferral for thirty (30 days) for the January meeting to continue editing the Chapter.

**GEORGE RAGSDALE:**

- Asked Robyn MacDonald if it would really be 30 days.

**ROBYN MACDONALD:**

- Next is January 22nd.

**GEORGE RAGSDALE:**

- Would rather defer it until staff brings it back to Commission.

**MOTION AND SECOND:** George Ragsdale moved to defer **RZ07-021**, until Staff chooses to put it back on the agenda. Fred Edwards **seconded** the motion.

**VOTE: 6-0.** Motion carried.

**CURTIS MILLS:**

- Stated he wanted to recognize Commissioner Edwards and Commission Moheb for their service in event that this is their last meeting.
- Would like it on the record.
- May have new members after December.
- Pleasure working with both and hope back in January.

**CHAIR PAUL MOORE:**

- Thanked the Commissioners as well for their service.

**ADJOURNMENT:**

**MOTION AND SECOND:** George Ragsdale moved to adjourn the meeting. Cary Schlenke seconded the motion. **VOTE: 6-0.** Motion carried.

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Meeting adjourned at 9:00 p.m.

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

\_\_\_\_\_  
Paul Moore, Chairman  
Planning Commission

\_\_\_\_\_  
Francesca Ivie  
City Clerk's office

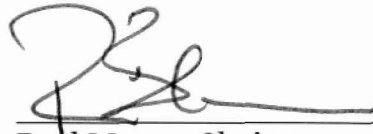
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Meeting adjourned at 9:00 p.m.

Dated Approved: 1-29-08



Francesca Ivie  
City Clerk's office



Paul Moore, Chairman  
Planning Commission