

MINUTES

City of Milton Planning Commission Regular Meeting May 27, 2008, 7:00 PM

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ROLE CALL

Commission Members Present: Paul Moore
Cary Schlenke
Fred Edwards
George Ragsdale
Jennifer Fletcher
Joe Craemer

Members Not Present: Curtis Mills

City Staff: Robyn MacDonald, Community Development
Alice Wakefield, Director Community Development

INVOCATION

The invocation was lead by Commission Member Cary Schlenke.

PLEDGE OF ALLEGIANCE

MEETING CALLED TO ORDER

Chair Paul Moore called the meeting to order.

RULES AND PROCEDURES OF MEETING

Chair Paul Moore read the Rules and Procedures of the City of Milton Planning Commission, including procedure for filing out public speaker cards and time allowance for speaking.

CONDITIONS AND STATEMENT OF COMMISSION

Chair Paul Moore read the conditions and statement of the Commission.

**Planning Commission
Regular Meeting
May 27, 2008**

**PLANNING COMMISSION AGENDA
May 27, 2008
7:00 p.m.**

| Agenda Item | Description | Meeting Dates** | Staff Recommendation |
|---|--|--|---|
| I. INVOCATION | | | |
| II. CALL TO ORDER | | | |
| III. PLEDGE OF ALLEGIANCE | | | |
| IV. PUBLIC COMMENT | | | |
| A. Approval of Minutes | Minutes from the April 22, 2008 Planning Commission Meeting | | Approval |
| V. REZONINGS/USE PERMITS NEW | | | |
| A. U03-03/ VC08-03 | 2810, 2820, 2830, 2840, 2850, 2860 Bethany Bend Road (AG-1) Applicant; Church of Jesus Christ of Latter Day Saints Requesting a Use Permit for a 16,728 square foot church with 352 seats, at a density of 2,320.95 square feet per acre on approximately 7.2074 acres and a 2 Part Concurrent Variance to 1) To reduce the 50-foot undisturbed buffer along the east property line to 25-foot (Article 4.23.1); 2) To reduce the 40-foot landscape strip to 20 feet along Cogburn Road (Article 4.23.1) | CZIM- 3/26/08 & 4/23/08 PC – 5/27/08 MCC – 6/16/08 | U08-03 –Approval Conditional VC08-03 – Denial of Parts 1 & 2 |
| VI. TEXT AMENDMENTS DEFERRED | | | |
| A. RZ08-03 | Article 12G – Hwy 9 Overlay District – Scope of Design Review Board | MCC Work Session – 3/10/08 PC- 5/27/08 MCC-6/16/08 | Approval Conditional |
| B. RZ08-04 | Article 12H - NW Overlay District – Scope of Design Review Board | MCC Work Session – 3/10/08 PC- 5/27/08 MCC-6/16/08 | Approval Conditional |
| C. RZ08-05 | Article 12H1- Crabapple Crossroads Overlay District – Scope of Design Review Board | MCC Work Session – 3/10/08 PC- 5/27/08 MCC-6/16/08 | Approval Conditional |
| D. RZ08-06 | Article 12H2 – Birmingham Crossroads Overlay District – Scope of Design Review Board | MCC Work Session – 3/10/08 PC- 5/27/08 MCC-6/16/08 | Approval Conditional |
| VII. TEXT AMENDMENTS NEW | | | |
| A. RZ08-07 | Article 12A – Overlay District Authority – Scope of Design Review Board | MCC Work Session – 3/10/08 PC- 5/27/08 MCC-6/16/08 | Withdrawal |

**Planning Commission
Regular Meeting
May 27, 2008**

PUBLIC COMMENT

Chair Paul Moore called for public comment.

There was no public comment.

Motion and Second: Fred Edwards made a motion to close public comment. Joe Craemer seconded the motion. There was no discussion. Vote: 6-0. Motion unanimously carried.

APPROVAL OF MINUTES

Chair Paul Moore called for a motion to approve the April 22, 2008 Planning Commission meeting minutes of the Planning Commission.

Minutes were not available at the April 22, 2008 meeting.

Motion and Second: Cary Schlenke moved to defer the April 22, 2008 Planning Commission meeting minutes. Seconded by Jennifer Fletcher. There was no discussion. Vote: 6-0. The motion unanimously carried to defer the minutes to the June 24, 2008 meeting.

Chair Paul Moore asked Staff Robyn MacDonald to call the first agenda item.

Staff Robyn MacDonald:

- Read **U03-03, VC8-03**, 2810, 2820, 2830, 2840, 2850 and 2860 Bethany Bend Road, currently zoned AG-1. Applicant is the Church of Jesus Christ of Latter Day Saints, requesting a Use Permit for a 16,728 sq. ft. church with 352 seats. Staff recommended based on requests from the Applicant and other community input a deferral until the June 24, 2008 meeting.

Applicant Representative, Attorney Pete Hendricks, 6085 Lake Forest Drive, Sandy Springs, GA

- Stated they had been dealing with two community groups.
- Both groups had specific requests regarding this application.
- Stated they had met all morning that Thursday and had withdrawn the two requests for concurrent variances.
- Had not had opportunity to submit to city the revised site plan.
- Would like to continue to engage with the community groups to come to a mutual consensus.
- Requested a deferral to June 24, 2008.

Staff Robyn MacDonald:

- Staff recommended a withdrawal of the concurrent variances, Parts 1 and 2.
- Asked Commission when motion was made to include that withdrawal.

Chair Paul Moore:

- Called for any public comment in support or opposition. There was no public comment.
- Called for a motion.

**Planning Commission
Regular Meeting
May 27, 2008**

Motion and Second: George Ragsdale moved to accept the Applicant's request to withdraw **VC08-03, Parts 1 and 2** and approve their request for deferral to the June 24, 2008 Planning Commission meeting. Jennifer Fletcher seconded the motion. There was no discussion. Vote: 6-0. Motion unanimously carried.

Chair Paul Moore:

- Asked Robyn MacDonald to call the next agenda item.

Staff Robyn MacDonald:

- **Read RZ08-03**, Text Amendment deferred from the last meeting. Article 12G, Highway 0 Overlay District - Scope of Design Review Board.
- Staff made some revisions to the proposed amendment.
- Page 2 of 12G, 12G.3 changed to *shall review for approval all plans for development except for single family detached dwelling units.*
- Changed to make it consistent *land disturbance permit, building permit, primary variance, demolition permit for both residential and non-residential* and take out *or* for clarification.
- On page under "Appeals," *any persons aggrieved by the final decision of the Design Review Board relating to this Article may appeal such final decision to the Board of Zoning Appeals.* She continued that further down the last sentence shall read, *such appeal shall be filed within thirty (30) days after the final decision of the Design Review Board is rendered.*
- Stated State Route 9 Overlay district map had also been fixed to include the correct boundaries of the city.

Chair Paul Moore:

Asked if there were any additional questions for Staff. There were no questions. The Chair called for a motion.

Motion and Second: George Ragsdale moved that the proposed Amendment to Article 12G, the State Route 9 Overlay District be denied. Fred Edwards seconded the motion.

Discussion:

George Ragsdale:

- Stated his reason for the motion was he believed that the Design Review Board should be a recommending body and not an approving body.
- Believes that the authority to make decisions concerning a group of appointed citizens that were not elected should reside with City Council.
- Stated he objected to changing the scope of authority for the Design Review Board.

Joe Craemer:

- Concurred with George Ragsdale.
- Believed the approval of this amendment would go way beyond what had been envisioned with the formation of the Design Review Board.

**Planning Commission
Regular Meeting
May 27, 2008**

Chair Paul Moore:

- Asked George Ragsdale if his motion was consistent with some of the concerns the Planning Commission shared with Staff Tom Wilson in their briefing meeting.
- Concerned that the Design Review Board was a relatively new board as most of the boards with limited experience.
- Perhaps at a later date would be more experienced and able to make better recommendations.
- A stricter criteria needs to be developed first.
- Could revisit the Design Review Board's decision-making authority after that time.

George Ragsdale:

- Stated the Amendment as written restricts the Design Review Board's right of approval to the design criteria that is captioned in the ordinance.
- Did not feel that the Design Review Board would craft what they would like to see, but just support the design standards that exist in the ordinance for approving and not approving.
- Believed the work that should be done would be to step up the design standards to better reflect what the community wants to see in terms of design aesthetics and then talk about whether the Design Review Board should have the right of approval or not.

Cary Schlenke:

- Concurred with George Ragsdale's comments.
- Her hope with the text amendment was there would be a keener eye and closer look and perhaps a better process so that what the citizens of Milton voted for.
- The Design Review Board guidelines should be beefed up before there should be any consideration to changing their scope.
- Stated she would like to revisit this issue after that was achieved.

There was no further discussion. Vote: 6-0. Motion unanimously carried and motion was denied.

Chair Paul Moore:

- Asked Robyn MacDonald to call the next agenda item, **RZ08-04**, Article 12H, Northwest Overlay District Scope of Design Review Board. Stated basically the changes were the same or similar.
- Page 2 of 12H, staff recommended *City of Milton Design Review Board shall review for approval all plans for development in the City of Milton and for compliance with the standards herein prior to the approval of building permit building permit, primary variance, land disturbance permit and for both residential and non-residential structures for a demolition permit.* She stated toward the end for the "Appeals" process on page 14, 12H.5, *any persons aggrieved by a final decision of the Design Review Board relating to this Article may appeal from such final decision to the Board of Zoning Appeals.* Later on in the last sentence of 12H.5, *such appeal shall be filed within thirty (30) days after the final decision of the Design Review Board is rendered.*
- Stated the map was also changed to reflect the updated city boundaries.

**Planning Commission
Regular Meeting
May 27, 2008**

Chair Paul Moore:

- Asked if there were any questions of Staff.

George Ragsdale:

- Wanted to clarify that the correction to the map was a matter of fact and not considered part of the amendment.

Staff Robyn MacDonald:

- Stated that was correct for both amendment items.

Chair Paul Moore:

- Asked if there were any additional questions or comments. There were none. Called for a motion.

Motion and Second: George Ragsdale moved that the proposed Amendments to Article 12H of the Northwest Fulton Overlay District be denied. Seconded by Joe Craemer. There was no further discussion. Vote: 6-0. Motion unanimously carried to deny the Amendments to Article 12H of the NW Fulton Overlay District.

Chair Paul Moore:

- Asked Robyn MacDonald to read the next agenda item.

Staff Robyn MacDonald:

- Read the next agenda item, **RZ08-05**, Article 12H.1, Crabapple Crossroads Overlay District - Scope of the Design Review Board.
- Stated similar text amendments on page 3.
- Stated she did add and make the change to include the demolition permit in the Crabapple Overlay.
- No reference to appeals in this Article.
- Map was fine.

Chair Paul Moore:

- Asked if there were any questions for Staff. There were no questions. Called for a motion.

Motion and Second: George Ragsdale moved to approve the text amendment to Article 12H.1.3 with the exception of the words *for approval* being deleted.

Chair Paul Moore:

- Asked for clarification if Mr. Ragsdale was requesting that the words except *for approval* should be accepted.

George Ragsdale:

- Restated that his motion is that the text amendment to Article 12H.1.3 be approved as it is written with the exception of the words *for approval* being removed.

Seconded by Fred Edwards. There was no discussion. Vote: 6-0. Motion to approve with the exception was unanimously carried.

**Planning Commission
Regular Meeting
May 27, 2008**

Chair Paul Moore:

- Asked Robyn MacDonald to read the next agenda item.

Staff Robyn MacDonald:

- Read the next agenda item, **RZ08-06**, Article 12H.2, Birmingham Crossroads Overlay District - Scope of the Design Review Board.
- Stated on page 2, *The City of Milton Design Review Board as set forth in Section 12H.2 of the Ordinance shall review for approval all plans for development in the Birmingham Crossroads and then change prior to the approval of a land disturbance permit, building permit, primary variance and for both residential and non-residential structures for demolition permit and then strike out primary variance because that had been moved toward the front.*
- No appeals process.
- Stated she had sent the Commission an email where she indicated she included the last sentence that had been excluded from the previous draft. She stated it was right before the map portion that said, *the Birmingham Crossroads section of the NW Overlay is 27.1 acres.*

Cary Schlenke:

- Stated page 13 was blank.

Staff Robyn MacDonald:

- Stated nothing was missing.
- When all the pictures were added in it just added in a blank page.
- Said she would correct that when she resubmitted it as it was just a clerical error, but there was nothing added or deleted there.

Chair Paul Moore:

- Asked if there were any other questions for Staff.

There were no questions. Chair Paul Moore called for a motion.

Motion and Second: George Ragsdale moved to approve the proposed text amendment to Section 12H.2.1 as written and that with respect to 12H.2.3 that they approve the amendment as written with two exceptions: (1) removal of the words *for approval*, and (2) relocating the phrase *or primary variance* from the end of that section to immediately following the words, *building permit* in the same sentence. Seconded by Jennifer Fletcher. There was no discussion. Vote: 6-0. Motion unanimously carried to approve the motion with the noted changes.

Chair Paul Moore:

- Asked Robyn MacDonald to read the next agenda item.

Staff Robyn MacDonald:

- Read the next agenda item, **RZ08-07**, Article 12A, Overlay District Authority - Scope of the Design Review Board.
- Stated Staff recommended withdrawal.

**Planning Commission
Regular Meeting
May 27, 2008**

Chair Paul Moore:

- Asked if there were any questions for Staff.

There were no questions. Chair called for a motion.

Motion and Second: George Ragsdale moved to accept Staff's recommendation for withdrawal of Article 12A, Overlay District Authority - Scope of the Design Review Board. Seconded by Fred Edwards.

Chair Paul Moore:

- Asked if there were any questions or comments.

Staff Robyn MacDonald:

- Stated she wanted to make sure that everyone was okay with Staff taking all the preambles out.

George Ragsdale:

- Stated they did not show up as amendments.

Staff Robyn MacDonald:

- Stated not for State Route 9, but on the NW if you look at deleted.
- Staff has asked that to clean it up they wanted to remove those.

George Ragsdale:

- Said they needed to finish this one and then he would make a motion for the preambles.

Chair Paul Moore:

- Took a vote for the withdrawal of RZ08-07.

Vote: 6-0. There was no discussion. Motion unanimously carried.

Staff Robyn MacDonald:

- Stated the preambles discussed were for Birmingham Crossroads, Northwest and Crabapple Crossroads, but not Highway 9 as that was written differently at a different time.
- The preambles did not really apply per discussion with the City Attorney.
- City Attorney suggested removing the preambles.

Motion and Second: George Ragsdale that they recited language at the beginning of Article 12H, 12H.1 and 12H.2 be deleted as recommended by Staff. Seconded by Joe Craemer. There was no discussion. Vote: 6-0. Motion unanimously carried.

**Planning Commission
Regular Meeting
May 27, 2008**

NEW BUSINESS:

Chair Paul Moore:

- Stated for the record he wanted to take a moment to thank Mr. Tom Wilson for his services to the City of Milton as their Director of Community Development. He said that Tom had performed tirelessly and in the professional way that allowed the City to get Milton off of the ground in record time.
- Stated he wanted to thank him personally and on behalf of the Planning Commission.
- Also wanted to welcome Alice Wakefield as the new Director of Community Development who is a very experienced professional coming from the City Atlanta with a number of years working with Fulton County.
- Asked if there were any other additional comments before they moved to adjourn.

George Ragsdale:

- Asked Staff if the Commission could be updated on the status of the moratorium.

Staff Robyn MacDonald:

- Stated she had transmitted the letter both physically and through email.
- Had not received a response as of this date.

George Ragsdale:

- Stated there was a response from the City Attorney that stated there was something that would be going before City Council within a couple of days.

Staff Robyn MacDonald:

- Stated she did not think that happened.
- Said she had not seen anything.

Chair Paul Moore:

- Asked Robyn MacDonald if she would take this issue back up with the City Attorney and find out what the delay is.

Staff Robyn MacDonald:

- Stated she would give the City Attorney a call and ask him about it.

Fred Edwards:

- Stated he had interpreted it as the City Attorney was going to rewrite it.
- He stated he had concerns about this and wanted clarification regarding whether he was just reviewing it or whether he was rewriting it and sending to Council.

Staff Robyn MacDonald:

- Said technically it would not have to come back to the Planning Commission as it was not a text amendment and not a rezoning, but a Resolution that they would do.

**Planning Commission
Regular Meeting
May 27, 2008**

Chair Paul Moore:

- Wanted to clarify they meant there was no reason to rewrite the Planning Commission's letter.
- If the City Attorney wants to write a position to City Council that addresses the Planning Commission's letter, then that is fine.
- The Commission wants clarification regarding this matter.

Staff Robyn MacDonald:

- Stated she would give the City Attorney a call and find out what the situation was.

ADJOURNMENT:

Motion and Second: Fred Edwards moved to adjourn the meeting. Cary Schlenke seconded the motion. There was no further discussion. Vote: 6-0. Motion unanimously carried and meeting was adjourned.

Meeting adjourned at 7:42 p.m.

Dated Approved: _____

Approved By:

Francesca Ivie
City Clerk's Office

Paul Moore, Chairman
Planning Commission

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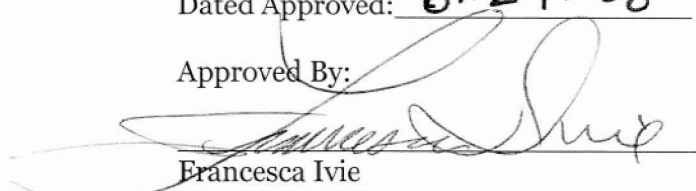
ADJOURNMENT:

Motion and Second: Fred Edwards moved to adjourn the meeting. Cary Schlenke seconded the motion. There was no further discussion. Vote: 6-0. Motion unanimously carried and meeting was adjourned.


Meeting adjourned at 7:42 p.m.

Dated Approved: 6-24-08

Approved By:



Francesca Ivie
City Clerk's Office



Paul Moore, Chairman
Planning Commission