

CITY OF CHAMBLEE, GA.
MINUTES
PUBLIC HEARING AND WORK SESSION
MAY 10, 2007
6:00 P.M.

PRESENT: Mayor Clarkson, Council Members Wedge, Copeland, King, Zanger, and Taylor.

Public Hearing:

3571 Broad Street – Asa Phillips is requesting variances from the zoning ordinance:

Section 902 Landscape

Section 904 Parking front yard

Section 1202 Curb cuts

Section 907(2)(3) Fenestration

Section 908 (d)(3,4) Loading dock location

Section 9079(a)(1) Height of first floor

General Variance

Mayor Clarkson read the Rules of Order for a Public Hearing.

The applicant is requesting seven variances from the City of Chamblee Zoning Ordinance in order to utilize an existing building and parking lot.

The subject property is currently zoned I (Industrial) and is located at 3571 Broad Street.

Michelle Beesten, with Pond & Company, read the City Planner's opinion dated April 30, 2007 (copy included in Minutes).

Variance 1: To vary from the requirements of Section 902 so that neither a landscape zone or landscape buffer is required.

Variance 2: To vary from the requirements of Section 904 to allow parking in the front yard (in front of the building).

Variance 3: To vary from the requirements of Section 1202 to allow two curb cuts on one street frontage despite having less than 400 feet of frontage along said street.

Variance 4: To vary from the requirements of Section 907(a)(3) to allow areas on the building in excess of twenty feet without intervening fenestration.

Variance 5: To vary from the requirements of Section 908(a)(3-4) to allow the existing loading docks servicing the building to face the street and to be visible from the public right-of-way (no screening to be provided).

Variance 6: To vary from the requirements of Section 907(a)(1) to keep the existing first floor height of 12-15 feet and not require that the roof be raised to 18' in order to meet the "storefront street" requirement.

Variance 7: The applicant requests *any other variances* from the provisions of the Zoning Ordinance that would require costly or material modifications to the building or property on which it is located.

Pond & Company recommends denial of the requests for variances 1-5, recommends approval of the request for variance 6. Without specific information on how the plan varies from the zoning Ordinance, variance 7 cannot be evaluated.

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The applicant may withdraw this request without prejudice. If not withdrawn, Pond & Company recommends denial of this variance request.

The attorney, presenting the property owner Asa R. Phillips, and Bill Johnston, with King Realty, Inc. were present to address any questions and requested an extension of the allotted time; the request was denied. After some discussion, the attorney requested an extension of time, Councilmember Copeland made a motion to extend the time for 20 minutes, seconded by Councilmember Zanger and carried with Councilmembers Copeland, King, Zanger, and Taylor voting in favor and Councilmember Wedge opposed. The hearing was open for public comments. Chuck Schmandt spoke in opposition of the variances requested. There being no further discussion this portion of the Public Hearing was adjourned.

3393 Malone Drive – Eco-Lofts North is requesting approval of a Development of Community Impact (variance request to reduce the mixed use ration from 20% to 15% non-residential).

Motion to not hear until after recommendation from the Review Board made by Councilmember Copeland, seconded by Councilmember Wedge and carried with Councilmembers Wedge, Copeland, King, and Zanger voting in favor and Councilmember Taylor opposed.

Change in Zoning Ordinance Section 1102 – Correction in Buffer Specification Table.

A correction to Section 1102 (minimum buffer specifications) of the Zoning Ordinance should be changed from OI to VC (copy of Table Inset included in Minutes). This will be moved to first reading at the May 15, Regular Council Meeting.

Motion to adjourn Public Hearing at 6:45 p.m., made by Councilmember Wedge, seconded by Councilmember King and carried unanimously.

City Planner and/or Development Director:

Preliminary Plat approvals:

Keswick Manor – ten-lot subdivision of single family homes on Keswick Drive.

The applicant is requesting a preliminary subdivision plat review in order to construct 10 single family detached dwellings on 3.105 acres. The site is currently undeveloped. The subject property is zoned Neighborhood Residential (NR-1) and is bounded by Corridor Commercial zoning (CC) to the southeast and by property zoned NR-1 on the other three sides. The CC zoning bordering the site fronts on Peachtree Industrial Boulevard.

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Michelle Beesten, with Pond & Company, read the City Planner's opinion (copy included in Minutes). The City Planner recommends *approval* based on the modified plat submitted; there are items to be worked out and confirmed during technical site view prior to Land Disturbance Permitting. Don Estes, Estes Shield Engineering, was present to address any questions. The Council addressed several questions of concern and citizens from the Sexton Woods and Keswick neighborhoods addressed questions about the proposed subdivision.

Elliston Park – fifty-two unit townhome development at Chamblee Tucker Road and Watkins Drive.

A Planned Unit Development review for the proposed development has been reviewed. The subject property is zoned VR, Village Residential. The project will be comprised of fifty-two (52) townhouses on 3.63 acres.

Michelle Beesten, with Pond & Company, read the City Planner's opinion (copy included in Minutes). Pond & Company finds the plans *sufficient* for the recommended Planned Unit Development at this time. However, the tree requirements must be met, and noted inconsistencies with subdivision regulations modified on the preliminary plans prior to presentation to the City Council. The City Planner's review does not include or address the site plan/engineering for the subject project.

Chuck Abbott, Elliston Park Engineer was present to address any questions with reference to the proposed project.

Proposed Zoning Ordinance amendment to provide for Corridor Height overlay districts for State Highways.

The work order for the proposed amendment to the Corridor Height overlay districts requests a budget amendment in the amount of \$7,500 to be appropriated to account #15-10 (City Planner expenses).

Councilmember Copeland made a motion to appropriate \$7,500 to account #15-10 for the work order for the Corridor Height overlay district seconded by Councilmember Wedge and carried unanimously.

Michelle Beesten, with Pond & Company, presented the proposed amendment to the Zoning Ordinance (copy of Corridor Height Regulations included in Minutes).

Pond & Company drafted the Overlay to allow properties with road frontage on the two state routes through Chamblee to be eligible to request additional height, not to create taller buildings "by right". An Overlay district typically, properly defined, should have parcel specific boundaries and may allow the application of a new provision "by-right".

This item will be moved to the Regular Council Meeting Agenda for first reading.

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City Manager's Report and Staff Recommendations:

Request for approval of GDOT Sponsor contract for construction of LCI projects on Peachtree Industrial Blvd., Chamblee Tucker Road, and Hood Avenue.

The request is for approval of the GDOT Sponsor contract for the above listed LCI projects.

Request for approval of budget amendment for Storm Water fund to cover development inspections for compliance with local and state regulations.

The invoices for storm water inspections have exceeded the budgeted amount of \$15,000 based on last year's inspections. The request is that \$45,000 be transferred from account #89-31 to the inspection account #05-31 (fund #7).

Public Works Department is requesting that \$3,600 be transferred from account #89-31 to account #12-31 to cover the price of the new safety equipment for the required storm work. The device is a personnel hoist, safety line and wench system for lowering and retrieving workers out of storm drains.

Proposed agreement with Ambling regarding the purchase and public access easement or rights for properties currently owned by the City of Chamblee.

This item will be discussed at the Regular Council Meeting with the City Attorney.

Chief of Police: request for budget amendment for Municipal Court and discussion of new court software.

The Chief presented the proposed new Court Software and budget amendments requested (copies of the budget amendments included in Minutes).

Motion to Suspend Rules to add the following agenda item; appraisal for Nuisance Abatement on Sexton Woods Drive made by Councilmember Copeland, seconded by Councilmember Wedge and carried unanimously.

Appraisal for Nuisance Abatement on Sexton Woods Drive Property.

The Council will need to approve the fee of \$2,500 for the cost of the appraisal. The City Attorney has received a proposal from a real estate appraiser to provide an affidavit with the "present value of the structure and the cost of repair, alteration, or improvement" concerning abatement of nuisances.

Mayor Clarkson:

Investigate changing the name of Peachtree Industrial Boulevard to Peachtree Boulevard.

The Mayor would like the staff see what is required to change the name of Peachtree Industrial Boulevard to Peachtree Boulevard.

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Councilmember Taylor:

Address safety issues on Peachtree Road including the area from The Cannery to The Lofts at 5300. This is to include discussion on the following items:

On street parking and sidewalk extension.

Narrowing Peachtree Road to two lanes.

Safety issues for pedestrian crossing at Chamblee Tucker and Peachtree Road .

Safety issues for pedestrian crossing at Peachtree Road and Malone Drive even with lighted crosswalk on Peachtree Road.

Addition of a physical barrier to enforce right turns only when exiting from the north entrance (location with no traffic light) at Chamblee Village onto Chamblee Tucker Road.

Councilmember Taylor addressed the safety issues listed above and requested staff recommendations to fix and/or correct. The last item addressing right turns at the north entrance at Chamblee Village will be moved to City Manager's Report and Staff Recommendation. Chief Johnson outlined what can be done to correct the right turn issue and a budget amendment of \$1,000 to install traffic delineators.

Citizen Comment.

There being no further business, the Work Session was adjourned at 8:45 p.m.

R. ERIC CLARKSON – MAYOR

BECKY CRAVEN – CITY CLERK