

# **SUMMARY**

## **Special Called Mayor and Council Meeting**

### **July 17, 2015**

### **9:00 A.M.**

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**Public Safety Complex, Court/Council Chambers, 115 West Center Street,  
Carrollton, Georgia**

#### **I. CALL TO ORDER**

The Mayor and Council met in a Called Meeting on Friday, July 17, 2015 in the Public Safety Annex Building, 115 West Center Street, Carrollton, Georgia. Mayor Garner called the meeting to order at 9:00 a.m. Members present: Mayor Wayne Garner, Councilmember Mandy Maierhofer, Councilmember Mike Patterson and Councilmember Jim Watters. Members absent: Councilmember Gerald Byrd.

#### **II. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Garner.

#### **III. INVOCATION**

Councilmember Patterson offered the invocation.

#### **IV. CITIZEN COMMENTS**

There were none.

#### **V. ITEMS OF DISCUSSION**

##### **1. Proposed Amendments to the City's Unified Development Ordinance**

Assistant City Manager Tim Grizzard presented Resolution 06-2015 amending the Unified Development Ordinance (UDO) to change the allowable density for Planned Development (PD) District zoning, to clarify the "Unit" definition and to also outline binding site plan requirements.

Assistant City Manager Grizzard, reported that last month the City of Carrollton Planning Commission considered a revision to the UDO to change the allowable density for Planned Development (PD) District zoning from 8 units per acre to 14 units per acre. This change was proposed because the current UDO allows 10 units per acre for non-PD, multi-family (RM) zoning and yet restricts the density to 8 units for PD zoning. One of the purposes of PD zoning is to allow higher density where the development offers nicer features and amenities.

Assistant City Manager Grizzard reported that the Planning Commission felt that 14 units per acre was too dense and recommended a UDO amendment for 12 units per acre. However, Assistant City Manager Grizzard pointed out that if the Mayor and Council were to approve the next agenda item, the density in the Resolution would have to be increased to at least allow for 12.83 units per acre.

Councilmember Patterson inquired to the reason the City would want to put a number on the density of a PD. Assistant City Manager Grizzard advised that the City would want a number on it to have some control of the number of units a development could have per acre and added that there was already confusion with the variety of densities in the various zoning districts in the UDO.

Following a brief discussion, **motion by Councilmember Patterson, seconded by Councilmember Maierhofer to adopt Resolution 06-2015 amending the Unified Development Ordinance to change the allowable density for Planned Developments not to exceed fourteen (14) units; clarify the definition of "Unit"; and outline site plan requirements. (Motion passed 4-0, Councilmember Byrd absent).**

**2. Proposed Rezoning on Cunningham Drive (Public Hearing)  
Rezone from C3 (Neighborhood Commercial) to RM PD (Residential Multi-Family  
Planned Development)  
Property Location: 119-153 Cunningham Drive (East Side)  
Petitioner: Emory Equity LLC on behalf of eight property owners**

Assistant City Manager Grizzard presented to the Mayor and Council for their consideration a request from petitioners, Emory Equity LLC, to rezone property located at 119-153 Cunningham Drive from C3 (Neighborhood Commercial) to RM PD (Residential Multi-Family Planned Development. Assistant City Manager Grizzard advised that the Planning Commission has recommended denying the rezoning request.

The applicant proposes to develop a student housing called Village at West Georgia, Phase II, a 28 (twenty-eight) four-bedroom units, and 16 (sixteen) row-style three-bedroom units, for a total of 44 units, equating to a total of 160 bedrooms. This would be a sister development to a townhouse development that is located across the street, on the west side of Cunningham Drive. The apartment buildings would range in height from two-story to four-story.

The Planning Commission recommended denial of the rezoning, citing several issues including: too many existing multi-family units in the area; additional public safety issues; a sanitary sewer line that cannot handle the load and would need a complete upgrade; and they further expressed frustration over the poor quality of the plans initially submitted.

At this time Mayor Garner opened the Public Hearing for public input on the matter.

Those speaking in favor: Mr. Avery Jackson, of the Tisinger Vance Law Firm spoke on behalf of the petitioner's attorney, David Mecklin. Mr. Jackson described the developer's intention to build student housing on the properties. Mr. Jackson stated the petitioners understood the concerns that the Planning Commission had in regards to non-student occupants.

Mayor Garner inquired as to how the City would be assured the property would be rented to students only. Mr. Jackson advised that conditions of the zoning require University of West Georgia students only. Mr. Jackson stated that the developer had agreed to a list of fifteen (15) conditions set forth on the rezoning if approved. Mr. Jackson reported that initially the University of West Georgia did not support the development, but now do support the development and the need for more student housing.

At this time, Mr. Mitt Conerly, local real estate developer associated with the Cunningham project, advised that Carroll Management will have an onsite manager, whom will verify that occupants are current students and have a valid University of West Georgia student identification card and also have a clean background. Mr. Conerly stated that the non-student occupant problem at the Village at West Georgia, Phase I were solved last year by contracting with Carroll Management to have an onsite manager as well as a resident civic police officer. Applicants must follow strict guidelines in regards to student status and background checks.

Mr. Conerly added that there was a need for the student housing and reported that currently the sister development (Village at West Georgia, Phase I) across the street had a waiting list of 91 students.

Those speaking opposed. Ms. Jacqueline Dost of 120 Shady Lane, spoke in opposition of the proposed rezoning. Ms. Dost expressed concerns of two-day notice for the Called Meeting and inquired as to why the matter could not be addressed at the next scheduled Mayor and Council Meeting. Ms. Dost stated she agreed with the Planning Commission's vote recommending denial of the rezoning, citing fears of another Bristol Lake issue, which initially began as "student housing". Ms. Dost further advised that she was not opposed to future development, but felt it should be less density, citing the street size was not adequate for the number of people that will be residing on Cunningham. Ms. Dost also pointed out that other older student housing in the area could lose occupancy levels and in future years fall in disrepair.

There being no further public input, Mayor Garner closed the Public Hearing and inquired to the wishes of the Council.

**Motion by Councilmember Patterson, seconded by Mayor Garner to reject the Planning Commission's recommendation and approve the rezoning of 119-153 Cunningham Drive from C3 (Neighborhood Commercial) to RM PD (Residential Multi-Family Planned Development) subject to strict conditions (listed below language of motion) as presented in the 7/16/15 revised staff analysis.**

**Discussion on the motion: Councilmember Maierhofer expressed concerns of having the same issues that arose with the property across the street (Village at West Georgia, Phase I) and the problems of having an abundance of these type of apartment residences. Mayor Garner stated that six months ago, an expert planner (Mark Fenton) had performed a survey of all properties in Carrollton, as well as surrounding communities and chose The Village at West Georgia, Phase I as an example of a smart development. Mr. Fenton's study pointed out that the City needed more smart developments as The Village at West Georgia, Phase I. Councilmember Patterson pointed out that the developer would be required to comply with the strict conditions of the rezoning. Councilmember Maierhofer posed the question to Assistant City Manager Grizzard if the conditions were binding? Assistant City Manager Grizzard responded that the City would make the developer comply with every condition, which would be binding if property is rezoned.**

**There being no further discussion, Mayor Garner called for a vote on the Motion. (Motion passed 3-1, those in favor: Mayor Garner, Councilmember Patterson and Councilmember Maierhofer; those opposed: Councilmember Watters. Councilmember Byrd absent).**

**CONDITIONS OF ZONING FOR 119-153 Cunningham Drive  
(Applies to 119 Cunningham Drive, 123 Cunningham Drive, 127 Cunningham Drive,  
131 Cunningham Drive, 135 Cunningham Drive, 151 Cunningham Drive,  
143 Cunningham Drive, and 153 Cunningham Drive)**

**AS PRESENTED BY CITY STAFF AND REFERENCED IN MOTION:**

- 1) **No daily or weekly boarding** -- Only complete dwelling units as defined by the City of Carrollton Unified Development Ordinance may be established. No daily or weekly boarding rooms shall be allowed on site.
- 2) **Stormwater** -- Provide a conceptual stormwater plan, developed by a Professional Engineer, which shows the location of the detention and the basic routing of piping. This conceptual plan shall include calculations, surveying, and enough detail to show that the concept plan will work. In other words, that there is sufficient space for a pond large enough to handle the 100 yr event and that the elevations, to and from the pond, can collect the runoff from the development and connect to the existing city stormwater system. To the extent that stormwater runoff from the development will be concentrated on adjacent property, a platted drainage easement, granted to the development by the neighboring property owner is required from the discharge point or points of the project storm water to the receiving stream.

The configuration of this easement, along with channel protection of the receiving stream, shall be subject to the approval of the City Engineer.

- 3) Trees and Landscape -- No trees or other landscape may block the view of drivers, or cause damage to utilities or pavement.
- 4) Parking -- The developer is responsible for providing parking for each residential unit. One space per bedroom is required. The developer may either build said parking on his property or may construct parking on another, adjacent site, at his expense. If he provides parking on another property, it must be contiguous to the proposed site and there must be a written, recordable agreement for the parking that is acceptable to the City engineering staff. There shall also be handicapped parking spaces that comply with the ADA code. For 160 beds, 160 spaces are required which shall include 6 handicapped spaces. None of the required parking may be located on the public right of way.
- 5) Individual utility meters -- Each residential unit shall have individual utility meters and services. Each unit shall have a separate sanitary sewer lateral that does not combine to a common header until it exits the building for a distance of four feet. Developer shall pay all water and sewer tap fees at a rate equal to or greater than the rate in place when the 2014 Water and Sewer Revenue Bonds were issued. The City will issue a combined bill if the owner desires.
- 6) Exterior building material -- All buildings to be wood frame construction with cement board or cement shingle (Hardy Plank) siding, and/or brick, stone or stucco siding. No vinyl siding shall be allowed, except that window trim may be vinyl.
- 7) Roofing -- In keeping with the City's requirement for Phase I, all buildings shall be roofed with architectural shingles, similar to those used on Phase I. Plain, three tab asphalt shingles shall not be allowed.
- 8) Building trim -- All window treatments shall be off-white colors with no signs, drawings or photographs incorporated therein. No outside mailboxes shall be permitted.
- 9) Tenant requirements -- No window air-conditioning units, outdoor cooking, outside drying of clothes, or any maintenance, washing or detailing of vehicles shall be permitted. No garage, estate, rummage or similar sales shall be permitted. Nothing shall hang from outside of windows.
- 10) Trash disposal -- Landlords shall furnish City-approved trash container and recycling container, to be located to the satisfaction of the City Engineer. Individual hobo type containers will not be allowed. This project must be served by either a dumpster type can or a compactor. Easy access to said container by the City garbage truck must be designed into this project.
- 11) No Occupants Without Current Student ID -- The student housing configuration of this development has resulted in the pairing of students in the same units with a criminal element who are not associated with the University. There was a recent incident of gun play with some of the residents. Some of the students, who are forced to share a unit with the perpetrators of the incident, asked the City for help breaking their lease. It is wrong to allow this type of pairing to go on and it gives the student renters a false sense of security. If this requirement cannot be met, then this student housing configuration should not be allowed.
- 12) Curb Cuts -- Extended curb lines are not allowed into the city street. The existing curb line cannot be changed such that it narrows the existing street. The location and width of curb

*cuts and driveways are subject to the final approval of the City Engineer who may require their redesign at his discretion.*

*13) Crosswalks -No more than one crosswalk will be allowed on this development. It shall not be a raised crosswalk. It must align with the internal sidewalks of both phases of this project. The crosswalk shall comply with City standards and with the requirements specified by the City Engineer.*

*14) Additional standard requirements -- All other requirements of the UDO, the City Design and Construction Standards, and the applicable building codes shall apply.*

*15) Building colors will be consistent with the colors used in Phase I.*

## **VI. MAYOR AND COUNCIL ANNOUNCEMENTS**

There were none.

## **VII. CITY MANAGER ANNOUNCEMENTS**

There were none.

## **VIII. ADJOURN**

There being no additional business to address, the meeting adjourned at 9:42 a.m.

The Agenda for Mayor and Council Meetings is available for review in the City Manager's Office, 315 Bradley Street, Carrollton, Georgia and the City's website, [www.carrollton-ga.gov](http://www.carrollton-ga.gov) after 4:00 p.m. on the Friday prior to Council Meeting. The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at this meeting, the City will try to accommodate you in every reasonable manner. Please call (770) 830-2000 from 8:30 a.m. to 5:00 p.m. Monday through Friday at least 48 hours prior to the meeting. A summary of Agenda items acted upon is available within 48 hours of the meeting at the address and website listed above. Minutes to any previous meeting (once adopted) are available upon request or available at the website listed above.