

Study Session  
March 13, 2007  
City Council Chambers

Mayor Pro Tem Schmid expressed the Mayor's apology for not being able to attend today's session. He opened the Study Session.

Community Planner Dennis Davison reviewed materials for the Study Session:

- a. the Future Land Use Map
- b. excerpts from the Zoning Ordinance,
- c. Planning Commission Minutes and Findings of the January 2007 meeting when the Planning Commission recommended UGA Amendment 2006-3
- d. Minutes of the Planning Commission meeting June 3, 1997 when the Comp Plan was approved for consideration by Council.

He reminded the Council the Comp Plan was adopted in 1997. He pointed out the pale pink areas on the Comp Plan map signifying designation as High-Density residential. He called Council Members' attention to the 1997 Planning Commission minutes where he indicated that "quote from minutes". He cited discussion of the one-acre stipulation and noted if you require a minimum one acre lot size in the High-Density Residential area, you will be unable to sell any portion smaller than an acre. He gave examples and suggested while you would want to begin with an acre, from there you should refer to the zoning ordinance.

Councilman Overby asked if the sentence "The minimum lot size shall be one (1) acre" were deleted in the Comp Plan, would it be possible to just use 9000 square feet on the Comp Plan to make it compatible with the zoning.

Mayor Pro Tem Schmid suggested the intent was to make sure that there was enough property to ensure enough green space, play area, etc.

City Supervisor Frank Sweet stated that someone who wanted to do a Planned Development could not do it in that area. The idea of a Planned Development is to be able to change the traditional rules.

City Attorney Bob Noe stated the Comp Plan can establish density (such as 24 dwelling units per acre), but open space, parking, etc. are zoning code. He said the problem in court regarding the Torkelson Southern Avenue property was that the development was not in sync with the Comp Plan.

Councilman Larson asked if the purpose of that language wasn't to keep High-Density areas to bigger plots of ground rather than having a quarter acre here and a quarter acre there.

Mr. Noe suggested the possibility is remote because when you establish your Land Use Planning map, you already identify high-density areas.

Councilman Schmidt stated the word "might" is dangerous. He suggested that's what got us in trouble. He stated when we designated off of Southern, there seemed to be some confusion.

Mr. Noe responded that the designation of High-Density Residential was correct for area, but there was inconsistency between the Comp Plan and the zoning.

The Mayor Pro Tem questioned the language of the Comp Plan and the language cited in the minutes.

Mr. Noe said the language is that of the Comp Plan. The City Supervisor stated the "one-acre" stipulation would not allow condominiums.

Councilman Harris asked what happens to property that already has a building on it.

The Community Planner indicated that that would be grandfathered in.

The City Supervisor stated that "lot size" is the term that is troublesome.

The Mayor Pro Tem asked if "parcel" would work as a substitute word.

The City Supervisor suggested the Council stay away from anything that could be considered a "lot."

Councilman Overby suggested we should start with an acre.

Councilman Larson agreed.

Councilman Smeback stated the controlling factor is "24 dwelling units per gross acre." Then the zoning code works.

Councilman Schmidt said he would like to revisit Planned Development. He said he doesn't want to eliminate Planned Development because it is important.

The Community Planner stated you can apply for a Planned Development on any piece of property, but density cannot be higher than comp plan allows. If you can convince the Council that your plan is viable, then they can approve it, but not if you leave this language in the Comp Plan. He reiterated that Planned Development must meet the density requirements of the Comp Plan. He stated there is no minimum lot size or height restriction in the Planned Development.

Councilman Larson asked if the Torkelson Planned Development on Southern would have been allowed even though it is below the 9,000 square foot lot size.

The City Attorney said he believes it would be allowed, because the Planned Development is an exception to the zoning code, but not the Comp Plan.

The Mayor Pro Tem stated when they considered this, the critical item with High-Density was to guarantee we were going to have some open space in the development.

Councilman Larson stated setbacks and percentage of coverage would dictate open space.

The Mayor Pro Tem stated the thinking was if you have a larger parcel, you have more discretion with the plan, i.e. building up instead of out. He said they were trying to get away from too much black top.

Councilman Larson stated those concerns would be addressed through setbacks and lot size restrictions.

The Community Planner stated parking is not counted as open space.

Councilman Harris asked if state requirements governed the high-density amount.

Councilman Smeback noted the state made suggestions on the amount of multi-family High-Density to be included in the Growth Management Plan.

The Community Planner asked if the City Attorney's language prohibits designating anything smaller than one acre as high-density.

Councilman Schmidt asked if the Council Members feel comfortable with 20% green space.

Councilman Larson stated if we were to have changed the language as the City Attorney is proposing, we would still have to decide if we would allow building on fewer than 9000 square feet.

The City Attorney read his suggested language: "The High-Density Residential use category is designed to accommodate compact development services. For purposes of land use designation, there must be a minimum of one (1) acre of land before an area shall be so designated. Minimum lot sizes in an area designated as High-Density Residential shall be as required under the City's Zoning Code."

The Mayor Pro Tem polled the Council. They concurred that the Community Planner should bring the findings and proposed language to the next Council Meeting.

The Study Session concluded at 3:48pm.