

Cheryl Greenway asked if she had a motion.

Lisa DeCarbo stated that she does not have a motion yet but she does want to say that it seems to her after listening to this, one of the things that most folks object to is piping the stream because she thinks in a lot of people's minds the best use of that would be to restore the stream in some way and potentially place the town homes in a different location on the lot. One of the reasons that that is not being done, that they are being placed where they are is being presented is if they were to place them somewhere up farther, say farther northwest on the site which she thinks is kind of what Bryan Chamberlain was alluding to, they would have to cut more trees. From the look of the slopes they are going to have a problem virtually anywhere one puts them on here. But the other thing that seems to be driving the location of them, if DeCarbo is hearing it correctly, is that if they were to be moved somewhere else one would have to pipe a larger area of the stream to get this density and to get the road on there. By doing that, it would then lead to a longer process in terms of the US Army Corps of Engineers approval. By keeping it here, they are limiting the stream piping to 300 feet, or the stream encroachment, the variance.

That doesn't seem like the best reason necessarily to place them there. And it also makes Lisa DeCarbo wonder if this is developable at all, this piece of property with all of the environmental issues. That makes it very hard for her to say yes, until the steep slopes has been completed and until the ARC has been completed.

She almost thinks they are dealing with a property that may not be buildable to this extent.

Motion

Lisa DeCarbo stated that she would like to recommend denial of this rezoning request based on the reasons stated by staff:

1. Variance to the stream buffer.
2. Piping of the stream.

Cheryl Greenway asked if there was a second for that motion.

Bryan Chamberlain seconded the motion reluctantly. He likes the idea of this concept but all of the variety of exceptions that have to be made and the timing of not even knowing other authorities have over this are going to say, it doesn't add up at this point. So he seconds the motion.

Cheryl Greenway called the question.

The motion passed unanimously. The application has been denied.

Cheryl Greenway thanked the applicants for their time tonight.

Cheryl Greenway stated that the Planning Commission would take a two-minute break.

CONDITIONAL USE
14-0096
DON ROLADER
470 Ebenezer Road

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Brad Townsend stated that this is a conditional use application to allow for an equestrian facility located on Ebenezer Road, Land Lots 1071 and 1090, approximately 19 acres. As a current FC-A Fulton County Annexed under the UDC zoning would be RS-30. This is the current property as one can see from the aerial photograph, it has all be cleared farmland. This is the current FC-A wonderful, pale, yellow, yucky color zoning...gold zoning. The applicant is requesting an equestrian facility. The barn would have a living quarters for someone to stay on the property with the horses. It would also have a ring, a covered ring area on the rear of the property. This is the site plan showing the location of the barn and stables and the covered ring area. Actually, one probably won't even see the ring area, the grades change enough. The barn is being placed at the highest elevation and the covered ring area is in the back.

Staff is recommending approval with four conditions.

Brad Townsend asked if there were any questions from, the Commission. These are the same conditions that were included in the resolution.

Cheryl Greenway asked if the conditions have been discussed with the applicant. Brad Townsend stated that staff passed them on to the applicant. He has given them the thumbs up. He received them. Greenway asked if there were any questions for the city.

Bryan Chamberlain clarified that this is under the new zoning, RS30. Brad Townsend stated that it was. Chamberlain clarified that that 30 is determine by the size of the farm or the living area.

Brad Townsend stated that RS-30 is the minimum lot size of a home if it was to be built in the future. That is the new designations that the staff included in the UDC. The number for each of the single family designations was minimum lot size. Now, they have AG3043. 43,560 square feet for their agricultural designation. The RS-30 means a 30,000 square-foot lot. Chamberlain clarified that it was tied into the agricultural.

Bryan Chamberlain thanked Brad Townsend.

Cheryl Greenway asked if there were any further questions for the city. Hearing none she asked the applicant to present his case.

Don Rolader, 11660 Alpharetta Hwy., Suite 630, Roswell, GA. He is here tonight on behalf of the applicant, Canary Farm. Actually, he is here on behalf of Miss Jada Caesar who is their equestrian. Rolader stated that he walked by this property many times when he lived on Cox Road for 13 years. The neighbors are Wilson Long, former city engineer and dear friend. Dick Stewart used to own this property and a little more, Grid Towers. Stewart has gone to Beaufort, SC. Ted Turner owns a piece a little up the street. Charles Petit and his son developed a subdivision down the street back behind the driving range. It is a beautiful agricultural piece of property.

Jada's dream is to develop an equestrian facility to support her profession and to do it on almost 20 acres on this property. It is very simply stated. It is going to be a 9000 square-foot barn. It will have an apartment in it, which is very common in the horse community. It will have a roof-enclosed riding ring so that any lighting will be contained within that riding ring so there will no impact on the neighbors even though they are far away.

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It is a professional facility. It is not a commercial facility, no pony rides, no trail rides, no tack stops, all of that kind of stuff. Jada Caesar is a professional. She participated both in dressage and hunter jumper and this is her dream to build her property here. She and her father are kind of partners in this. She will be the equestrian member. Rolader understands having been in the horse business, the father will be the finance minister.

That is Caesar's proposal for this property. There will be a gravel driveway. There will be pastures. There will be some gravel parking places, a barn and a covered riding ring. That is the applicant's proposal. The conditions proposed by the staff are absolutely acceptable. They have discussed this at length with many of their neighbors. Several of those neighbors are here with Rolader tonight and the Commission can indicate how much comment they would like to hear from them. He believes he is safe in saying that they are in support and none are in opposition. Rolader asked the Commission's kind consideration and the applicant will do their best to answer any questions that they may have.

Don Rolader thanked the Planning Commission so much for what they do for their city. Cheryl Greenway asked if there were any questions from the Planning Commission.

Bryan Chamberlain asked Don Rolader to enlighten him on the difference between professional use and commercial use.

Don Rolader stated that if one pictures going up the road into Clayton, GA on US 441 on the right side over there they have all those horses tied to a fence. One can go hitch a trail ride. Or one has the tack store up on SR 9 just as he goes into Alpharetta. There are pony rides where they are on a little metal circle and they go around, that is a commercial facility. It lives and makes its money by having the public come in on a daily basis. This circumstance, opposite of that, one has a person who owns a barn, who promotes their professionalism through that, who leases put stalls to other people so inclined and provides lessons to those who do that.

When Rolader's daughter was growing up, Sonny Stevens was on Green Road, right there on the Roswell/Alpharetta border. Stevens and Rolader were grammar school classmates and that is where his daughter learned to ride. That is the kind of facility that it is. It is what Rolader calls a professional equestrian facility.

Bryan Chamberlain thanked Don Rolader.

Cheryl Greenway asked if there were any other questions for the applicant.

Lisa DeCarbo stated that she just wanted to check with Don Rolader on a couple of the comments from engineering. It doesn't sound like this is going to be a commercial use, so some of them don't apply. But one of the questions was whether there would be any site lighting. She was wondering if that has been addressed. Don Rolader stated that they intent no outside lighting other than up under the cover of the covered riding ring. And their contractor is here tonight and has responded to the other questions. And he is in agreement with all of those. There were some issues other than Rolader needs to respond back to Jean Rearick and say no it is not a commercial facility. He talked with Rearick about this. And they talked with Paul Piccarilli in the fire department to make sure that they had a fire hydrant within 1000 feet. If he recalls from Wilson's measurements, it is 720 feet. So they are covered there.

Lisa DeCarbo thanked Don Rolader and stated that he covered her points.

Cheryl Greenway stated she has a question. Will the applicant be breeding?

Jada Caesar stated that she lives at 3306 Winthrop Circle in Marietta, GA. As of right now she does not plan on doing breeding. Maybe with her mare down the line, but like it wouldn't be a breeding facility where they have a lot of foals.

Cheryl Greenway stated that the only reason she asked is she does not know if there needs to be any consideration on the limit when they talk about a limit of 25 horses being boarded. If the applicant does do some breeding and she has ponies, does that come into play in counting the 25?

Jada Caesar stated that they are planning on doing a 14-stall barn. Cheryl Greenway clarified that that would give her plenty of room there. Caesar stated that it would. Greenway stated that is what she was wondering. Don Rolader stated that unless everybody got pregnant at once, they would be all right. Cheryl Greenway stated that with horses one never knows. Caesar stated that it would not be an active breeding. It would maybe be one. Greenway stated that she deals with horses so she could just see that happening so she just wanted to check.

Cheryl Greenway asked if there were any other questions for the applicant. Hearing none, she asked if there was anybody in the audience that would like to speak in favor of the applicant. Please come forward and stated his name and address.

David Gower
825 Ebenezer Road

The numbers on Ebenezer are out of sequence. Maybe the Planning Commission could fix that. Gower lives right on the corner of this property and he is an adjacent neighbor. He has taken care of this property for the last 10 years when the Cains owned it. Horses have lived there for the last 10 years and Gower took care of them. Horses make good neighbors. He would rather the horses be there than 20 houses. It is a better use for this property he thinks for this particular road. The neighbors walk in the evening, they take their dogs for a walk, they talk to each other. They compare notes and it is a nice community feeling. The more houses he thinks the more that is going to be lost. The more traffic, the more problems.

The other thing Gower would like to address is Jada Caesar, as a professional. His wife has a horse and it lives at the same place that Caesar keeps her two horses at the present time. She is truly a professional and they trust her when she says that she is going to use this for a professional use and they understand what she means by that. Gower would be very happy to have her as a neighbor.

Cheryl Greenway asked if there was anyone else that would like to speak in favor of the applicant.

Gary Cochran
470 Ebenezer Road

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Gary Cochran stated that he and his wife will be living at 470 Ebenezer Road. There actually is a numbering issue there. But in the diagram before the Planning Commission, they are in the house that is to his right looking at the picture where one can see the little riding ring and the horse barn and so forth there. So, they are very much in favor of having this. There is a 400-foot line fence with this property. And they think it will be very nice to have an equestrian facility there where they can look out and see horses and so forth. They will have a barn themselves and some horses.

Cheryl Greenway thanked Cochran. She asked if anyone else would like to speak in favor of the applicant. No one came forward. She asked if anyone would like to speak in opposition to the application to come forward. For the record, no one came forward.

Cheryl Greenway asked Don Rolader if there was anything else he would like to add. Rolader had no further comments.

Cheryl Greenway asked the Planning Commission if any other questions have come up either for Don Rolader or for the city. Hearing none, she closed the public portion of this session. She asked for a motion or comments.

Motion

Bryan Chamberlain made a motion that the Planning Commission approve case no. CU2014-00052 located on Ebenezer Road with approval as presented by staff.

Sidney Dodd seconded the motion as presented with the four conditions.

Cheryl Greenway called the question. The motion passed unanimously.

APPROVAL OF MINUTES

Cheryl Greenway asked if there was a motion to approve the minutes or if there are any changes to the minutes.

Sidney Dodd stated that he would have to abstain because he was not at the February 18th meeting.

Cheryl Greenway stated that was fine. She asked Brad Townsend if they could pass the minutes because Sidney Dodd wasn't here. Since he would have to abstain, there are only three. Lisa DeCarbo stated that was not there either. So there are only two.

Cheryl Greenway stated that the Planning Commission cannot approve the minutes. Brad Townsend stated that staff will put them on the next meeting's agenda so the Commission will have two sets.

Cheryl Greenway asked Brad Townsend if there was anything he needed to mention to the Planning Commission now or should they close.

Brad Townsend stated that as the Commission is aware, the UDC was adopted. It will become effective when the guidelines are approved or June 1, 2014, whichever is later. The design

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