



# City of Roswell

38 Hill Street  
Roswell, Georgia 30075

## Meeting Minutes Mayor and City Council Zoning

*Mayor Jere Wood*

*Council Member Rich Dippolito*

*Council Member Lori Henry*

*Council Member Kent Igleheart*

*Council Member Jerry Orlans*

*Council Member David Tolleson*

*Council Member Becky Wynn*

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Monday, July 13, 2009

7:30 PM

City Hall

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### WELCOME

**Present:** 7 - Mayor Jere Wood, Council Member Rich Dippolito, Council Member Lori Henry, Council Member Jerry Orlans, Council Member Kent Igleheart, Council Member Becky Wynn, and Council Member David Tolleson

*Staff Present: City Administrator Kay Love; City Attorney David Davidson; Community Development Director Kathleen Field; Deputy Director of Community Development Clyde Stricklin; Planning & Zoning Director Brad Townsend; City Planner Jackie Deibel; Director of Transportation Steve Acenbrak; Transportation Deputy Director David Low; Community Information Coordinator Kimberly Johnson; Building Operations Technician Doug Heieren; and Deputy City Clerk Betsy Branch.*

### Pledge of Allegiance

### CONSENT AGENDA

1.

#### **Approval of July 6, 2009 Council Brief Minutes.**

##### *Administration*

##### *Consent Agenda:*

1. *Approval of July 6, 2009 Council Brief Minutes.*

*Motion: Councilwoman Wynn moved for Approval of July 6, 2009 Council Brief Minutes. Councilwoman Henry seconded. The motion passed unanimously.*

**A motion was made by Council Member Becky Wynn, seconded by Council Member Lori Henry, that this Item be Approved. The motion passed unanimously.**

### REGULAR AGENDA

**Administration - Councilmember Kent Igleheart****1. Approval of an Ordinance of the City Council to Authorize Fulton County to Conduct Election. (First Reading)****Administration**

*The following first item was pulled from the Consent Agenda by Councilman Igleheart, liaison for Administration, for discussion purposes:*

**1. Approval of an Ordinance of the City Council to Authorize Fulton County to Conduct Election. (First Reading)**

*City Administrator Kay Love explained this item is a contract for Fulton County to conduct the City of Roswell municipal elections this November. The total cost will be approximately \$300,000 (Three hundred thousand); General Election cost: \$199,415; General Runoff Election cost (if necessary): \$107,399. The City of Roswell, as in years past, has entered into a standard elections contract with Fulton County. Total cost for the last election was approximately \$124,000. Ms. Love noted that staff is conducting research regarding other possibilities for handling the city's municipal elections, future elections, possibly for the 2011 timeframe.*

*City Attorney David Davidson conducted the first reading AN ORDINANCE OF THE CITY COUNCIL TO AUTHORIZE FULTON COUNTY TO CONDUCT ELECTION stating now, therefore, be it ordained by the mayor and council of the City of Roswell, and it is hereby ordained and established by authority of the same, that the Mayor is authorized to enter into a contract with the Fulton County Department of Registrations and Elections to conduct this election using ExpressPoll or other such measures approved by the Georgia Secretary of State, which contract is attached hereto and incorporated herein. Mr. Davidson noted that if approved, this would be the first reading of the ordinance.*

**This item was pulled from the Consent Agenda for discussion.**

**A motion was made by Council Member Kent Igleheart, seconded by Council Member David Tolleson, that this Item be Approved on First Reading and placed on the Mayor and City Council agenda for 7/20/2009. The motion carried by the following vote:**

**In Favor: 6**

**Community Development - Councilmember Richard Dippolito****2. RZ08-17, CV08-03, Crossville Hardscrabble, LLC, corner of Hardscrabble Road & Highway 92, Land Lots 188, 294, E-2/PV (Single-family residential/Parkway Village) and E-2 (Single-family residential) to E-2/PV (Single-family residential/Parkway Village) and R-2 (Single-family residential).**

***Presented by Brad Townsend, Planning and Zoning Director***

***1. RZ08-17, CV08-03, Crossville Hardscrabble, LLC, corner of Hardscrabble Road & Highway 92, Land Lots 188, 294, E-2/PV (Single-family residential/Parkway Village) and E-2 (Single-family residential) to E-2/PV (Single-family residential/Parkway Village) and R-2 (Single-family residential).***

***Planning and Zoning Director Brad Townsend explained that this rezoning application had been vetoed by Mayor Wood after Council approval. As part of a settlement***

agreement, the applicant has now proposed that approximately 6.8 acres be zoned from E-2 designation to R-2 designation and be limited to fourteen single family homes. A proposed site plan of the layout for the fourteen single family homes was displayed on the overhead screen. Mr. Townsend indicated that portion of the site plan remaining exactly as previously approved by Mayor and Council, including the four (4) approved variances. He noted that staff had distributed a set of re-drafted conditions to Council which replaces the previous 17 (seventeen) conditions. Mr. Townsend stated the applicant was in agreement with these re-drafted conditions. Condition 2 remained intact from the previous set of conditions; it had generated much discussion relating to the requirement that the alignment of Hardscrabble Road and the turn lanes be brought back to Mayor and Council for approval prior to the issuance of a land disturbance permit. Condition 12 was changed to remove "townhome" and includes "single family" relating to the single family development. Staff recommended Condition 15, which requires access of the internal driveway to be in place prior to any development receiving a certificate of occupancy (CO) in this area. Mr. Townsend stated "It has been recommended by staff and also by the Planning Commission that it be limited to no more than 5,000 square feet." Mr. Townsend stated "Those were the substantive changes that have happened to the conditions related to those reviewed by the Commission at the settlement agreement." Mr. Townsend added that staff recommended approval of this rezoning application to the R-2 zoning designation, limiting it to fourteen (14) single family homes.

*Council comment:*

Councilman Dippolito referring to the re-drafted conditions shown on the overhead screen noted that Condition 17, relating to travel lanes, was removed because it is included in the city's code. He also noted there was a re-wording of Condition 6. Mr. Townsend confirmed for Councilman Dippolito that the applicant would still be required to install sidewalks along Hardscrabble Road and in the right-of-ways.

Councilwoman Henry requested a condition be considered that staff should notify Brookfield West and the other neighborhoods involved when this item goes before the Design Review Board (DRB).

*Applicant:*

Wendy Butler, 9875 Medlock Bridge Parkway, Johns Creek, representing CORO Hardscrabble, LLC, stated they were in agreement with the conditions presented this evening. They have been working with the community and the staff during the past sixty days and are pleased they "were able to reach an agreement on the fourteen single family homes, with the existing single family home that will remain there, for a total of fifteen (15) homes and no changes to the Parkway Village portion of the property." Ms. Butler noted they had appeared before the Planning Commission and were pleased to have their recommendation for approval and concurrence with the conditions.

Mayor Wood called for Council questions for the property owner; no comments were made.

*Public comment:*

Michael Gould, 600 West Hollow Court, representing the Brookfield Country Club Homeowner's Association, stated he had previously spoken in opposition to CORO's earlier rezoning and high density housing plans. He said that the Brookfield Country Club Homeowner's Association is now supportive of CORO's revised plans for single family homes instead of townhouses on the northeastern portion of their project. Mr. Gould thanked Mayor Wood for his veto of the earlier version of the rezoning. He thanked Councilman Dippolito for his efforts in making sure that the Brookfield

*Country Club Homeowner's Association had all opportunity to discuss their concerns with city officials and that they were made aware of settlement details. Mr. Gould expressed his appreciation to City of Roswell Planning and Zoning Director Brad Townsend, City Planner Jackie Deibel, and to the entire Planning and Zoning department for their outstanding efforts and service.*

*Motion: Councilman Dippolito moved to approve RZ08-17, CV08-03, Crossville Hardscrabble, LLC, corner of Hardscrabble Road & Highway 92, Land Lots 188, 294, E-2/PV (Single-family residential/Parkway Village) and E-2 (Single-family residential) to E-2/PV (Single-family residential/Parkway Village) and R-2 (Single-family residential) with conditions presented by staff along with the additional condition that staff notify the residents of Brookfield Country Club and the additional neighborhoods which were involved in this effort; Community Development staff shall notify the neighborhoods surrounding the development when the commercial institutional portion of this project goes before the Design Review Board (DRB). Councilwoman Henry confirmed for the Mayor that she wanted this added to the motion.*

*Councilwoman Henry also stated "It doesn't delineate in the first condition what goes to DRB and what doesn't go to DRB." She asked "Do we need to revise that condition as well, or is it the intention that all of it goes to DRB since it is a mixed use project." Planning and Zoning Director Brad Townsend stated "It doesn't require a single family development to go to the Design Review Board for the review of their homes. It would be staff understanding that the homes would not go, but you would like the condition that they would go?" Councilwoman Henry replied "No, the first condition states that this site plan as approved; and that includes the single family homes because that is the approved site plan. I want to be clear that there might be a conflict there, we might want to change the first one." Mr. Townsend added it stated "commercial institutional." Councilwoman Henry agreed with Mr. Townsend and added that should go to the DRB. Councilman Dippolito asked if the neighborhoods should be notified anytime it goes to DRB. Councilwoman Henry responded "In Parkway Village, the notification isn't quite there." Councilman Dippolito replied that there were different notification requirements for DRB and that he was trying to accomplish what she was asking, thinking it would be appropriate and not a burden for staff to notify the neighborhoods anytime it goes to DRB. Councilwoman Henry replied yes, it would be appropriate but wondered if it would call for a change to the zoning ordinance; it most likely would and Council considered that in committee. Councilman Dippolito replied that for this instance, it could be made a condition. Councilwoman Henry agreed. Councilman Dippolito requested the conditions be displayed again on the screen overhead. He stated "Rather than say the commercial institutional portion, why don't we say 'when any portion of this project goes before the Design Review Board.'" Councilman Dippolito asked "Can we commit the staff to a zoning condition?" City Attorney David Davidson replied this would not need to be a zoning condition; it could be a directive from Council to staff. Councilman Dippolito requested how it could be documented so that it is not forgotten. Mayor Wood commented that staff had made those condition changes as Councilman Dippolito dictated and they appeared "good" on the overhead screen.*

*Councilwoman Wynn had concern with the versions of Condition 15 and Condition 18 from the Council book and the overhead screen; she questioned which conditions were being voted on at this meeting. Mayor Wood replied the conditions viewable on the projected overhead screen were the conditions for Council to vote on. Planning and Zoning Director Brad Townsend noted those conditions on the screen had also been sent to Council as a PDF document before the meeting. No further comments.*

*Mayor Wood noted there was a motion on the table. The motion was seconded by Councilman Orlans. No further discussion. The motion passed unanimously.*

*Mayor Wood thanked the developer for the bicycle lane.*

A motion was made by Council Member Rich Dippolito, seconded by Council Member Jerry Orlans, that this Item be Approved with conditions. The motion carried by the following vote:

In Favor: 6

3. **Sidewalk Cafe License application SC09-04, Ceviche, 963 Canton Street, and permission to fill in the parking space in front of their location. (Deferred from July 6, 2009)**

*Presented by Brad Townsend, Planning and Zoning Director*

2. Sidewalk Cafe License application SC09-04, Ceviche, 963 Canton Street, and permission to fill in the parking space in front of their location. (Deferred from July 6, 2009)

*Planning and Zoning Director Brad Townsend stated this application is in compliance with sidewalk cafe requirements. City staff had visited the site last week and discussed with the applicant the location of the requested posts and chain barrier and the location of the parking space area requested to be filled in. He referred to a July 8, 2009 graphic indicating the staff recommendation for a five foot clear walkway path around the sidewalk café location and entrance into the café, and the parking space. Mr. Townsend noted that staff recommended approval with the three conditions as indicated in the staff recommendation. Mr. Townsend confirmed for Mayor Wood that the cost for these improvements would be the responsibility of the applicant.*

A motion was made by Council Member Rich Dippolito, seconded by Council Member Becky Wynn, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

### **ADDENDUM TO AGENDA**

**Wireless Application, 10930 Crabapple Rd. Village Festival, Verticality - Roswell, LLC (T-Mobile - Clearwire).  
(Deferred from April 13, 2009; May 11, 2009; and June 8, 2009)**

***Presented by Brad Townsend, Planning and Zoning Director  
Withdrawn by applicant.***

*Wireless Application, 10930 Crabapple Rd. Village Festival, Verticality - Roswell, LLC (T-Mobile - Clearwire). (Deferred from April 13, 2009; May 11, 2009; and June 8, 2009) Withdrawn by applicant.*

*Mr. Townsend explained this application had been withdrawn and requires no further action. The applicant will begin the process again once they have found a more appropriate site.*

**Applicant Withdrew.**

### **Adjournment:**

*With no further business, the Mayor and Council Zoning meeting adjourned at 7:55 p.m. for a work session regarding the South Atlanta Street Corridor and the Intelligent Transportation System (ITS) Master Plan.*

