

The city of Roswell has adopted 23 critical guidelines to evaluate a zoning request. Some of the basic guidelines that the Commission will consider include the Land Use Plan, surrounding property values, the surrounding neighborhoods, undeveloped land in the surrounding or immediate area and impact of the city's services. The burden of proof for a rezoning request is always on the applicant.

At this time Cheryl Greenway asked everyone to put their cell phones on vibrate or turn them off. This includes the members of the Planning Commission. She reminded the members of the Planning Commission to please state their names before speaking for the benefit of the audience as well as for the staff recording the minutes of this meeting.

## **REZONING**

**12-0357**

**RZ12-08 & CV12-02**

**JEH HOMES LLC/BANK OF NORTH GEORGIA**

**1580 Old Alabama Road**

**Land Lots: 611 and 612**

Brad Townsend stated that the proposed request is for 81 lots. The homes are attached by an arbor as one can see from an aerial photograph. All of the infrastructure dealing with roads, detention ponds, underground utilities have already been placed on this prior subdivision. It was approved prior for a townhouse development in 2007 as part of a settlement agreement with the land owner at that time. The project was never completed and stopped at this point with the infrastructure in the ground. It was being proposed as 81 lots. There is included an amenity pool for the community in this location. Townsend pointed out the surrounding area. There is C-3 commercial, the R-5 designation which is actually a park area for Big Creek. The OCMS location is the Kimberly-Clark complex to the west of the property. To the north in the yellow is the Belcourt apartments location which is north of this aerial photograph.

The applicant is requesting two variances. The variance would be for the elimination of the required sidewalks for the development. He wants to eliminate that to have less pervious area as well as to provide a more aesthetic appearance to the streetscape. The second variance is to reduce the front yard setback from 30 feet to 10 feet and a minimum of 15 feet to the face of the garage.

This is a preliminary design of the layout for the 81 lots. It shows the location of the pool community area and the two detention ponds that uses the existing road infrastructure and a majority of the existing underground water and sewer connection locations as well as water line connections for that. Some of the water locations may have to be moved a little bit to deal with the actual lot placement for this layout of the development.

Staff is recommending approval with four conditions; actually it ends up being three. There was a condition included dealing with the second access requirement by the fire

marshal. That has been discussed with the legal department. Since this is part of a prior settlement agreement, staff had to run that condition by the legal department. That has been removed from the recommended staff conditions. So Condition No. 2 has been requested to be removed from the staff recommended conditions.

In summary, staff would recommend approval of this property for the proposed 81 lots with four conditions.

Brad Townsend asked if there were any questions from the Planning Commission.

Joe Piontek clarified that the second one, the fire marshal...the second access would be back over to that road that comes up to the stop light? To what is marked as OP on the other chart? Brad Townsend stated that was correct. Piontek clarified that now the staff is not asking for that. Townsend stated that was correct. Piontek asked if that was because of the settlement. Townsend stated that was correct.

Bryan Chamberlain asked Brad Townsend if that has been run by the fire department. Townsend stated that they were part of the meeting, yes. Chamberlain asked if they were in agreement or were they in dissention. Townsend stated that they are in agreement with identifying that they don't need this secondary access.

Lisa DeCarbo stated that there was a recommendation from the transportation department that there be pedestrian access between lots 23 and 32 somewhere to Big Creek Parkway. Is that something that should be included as a condition? Brad Townsend stated that if the Commission wishes to make it as a condition that could be included. He is sure that the applicant will speak to that.

Joe Piontek stated the primary access is cut on Old Alabama. Brad Townsend stated that was correct. Piontek clarified that was right next to where Belcourt comes out and he understands that the road is already there. Townsend stated that it would not be in the Commission's purview to say that the access should be back to that light instead of another cut onto Old Alabama Road. Piontek stated that it was already there. Townsend stated that the prior approval dealing with the settlement agreement, the infrastructure was built as part of that settlement agreement dealing with the access points to Old Alabama as well as the secondary road that goes behind the small retail that fronts Old Alabama. Joe Piontek stated that there was just a lot of stuff hitting Old Alabama right there. Townsend stated that was correct.

Bryan Chamberlain stated that addressing the secondary access, the way it is set up now the secondary and the primary accesses access the neighborhood though the exact same points. There is a choke point prior to getting into the looped street regardless of having the secondary access through the primary access, the fire truck can't get in or it can't get out, an ambulance can't get out. So, in his original reading of this it seemed to make sense that there be a secondary access deeper into the property to get around that problem and it was proposed that that went out on Belcourt.

Bryan Chamberlain asked Brad Townsend if he can expand any on what there is from the previous law suit that influences this other than someone said, "Hey, you can't do it! Don't ask again."

Brad Townsend stated that pretty much the settlement agreement controlled the development's ingress and egress points since the stipulations of that agreement were held to those.

Bryan Chamberlain stated that he is thinking of it from a public safety standpoint as opposed to a legal issue standpoint. If one has three people in a house and they have 81 houses there are close to 250 people in a disaster situation and it is not an easy climb from the back of the neighborhood up the hill and out through the trees. Brad Townsend stated that was true.

Cheryl Greenway stated in this same regard, in the original site plan, weren't the structures such that there would be...the design was such that a fire would take longer to spread from one house to the other? Brad Townsend stated that the original town homes were conditioned to have two hour fire rated walls between the units. Greenway clarified that with the new design, that is not going to be there any more. Townsend stated that was correct Greenway clarified that with the new design a fire could spread much faster through the complex than before. Townsend stated that the units won't be attached. There will be a separation by some what but they will not have the two-hour fire rated construction is his understanding. But the applicant could speak to that also. Greenway stated that she would like to hear from the applicant about that.

Cheryl Greenway asked if there were any further questions from the Planning Commission for staff.

Harvey Smith stated that without rehashing all the details of the original site plan, this is just a site plan amendment request. Brad Townsend stated that was correct. They are not rezoning. Smith stated that they are not rezoning and those other details; they are just addressing the two variance requests. Brad Townsend stated that the Commission is dealing with the request as well as the change in the type of use going from town homes to detached units.

Cheryl Greenway asked if there were any other questions for the city. Hearing none she thanked Brad Townsend and called the applicant to come forward. She asked that they state their names.

Don Rolader, 11660 Alpharetta Hwy., Suite 630, Roswell, GA presented the application. He is here tonight on behalf of JEH Homes. Jim Jacobi, the principal is also present tonight. Rolader stated that Brad Townsend did an excellent job of explaining this. He will try to be brief and not wear the Commission out. This was approved and ready to go as a 91 unit town home development. The economy failed, the bank took the property

back, the bank has done a work out and the new developer has come in and proposed to develop less units than were there before. The zoning remains intact as it is there is no change in it. There is a change in the design of the town homes.

Whereas before, the town homes were attached, these are only attached at certain points and so to address the question about the fire rating and the fire ability, they get the same or better effect. The units that were stuck together had a two-hour fire wall. In this case they have two units with a minimum of six feet of separation that each have a one hour fire wall so one gets the benefit of two hours worth of fire wall plus the separation. So, that is why that has been done.

On the roadway access, this was done, finished and they could have begun construction on 91 units as it sat. This reduction to 84 units is a reduction in the total development of the site. They sat down in a meeting with the city attorney and with the fire marshal, discussed this in depth and both the developer and the city were satisfied with the outcome of that.

What Don Rolader would tell the Planning Commission is the two things that they are asking for tonight are important to the development. The reduction in the front setback being to 10 feet except that all garages will be 15 feet back, is to let the units sit on the existing utility structure. They don't have to move 84 sets of electricity, 84 sets of water, 84 sets of natural gas and everything else if they make that reduction. It is an internally focused community. It has a sense of community and Rolader thinks this is an advantage.

The other thing the applicant requests is the elimination of the sidewalk. It simply adds impervious surface where they have a centrally focused community with two lakes and a pool and a clubhouse all together with great internal flow and pathways. And so that is not a necessity and would just add impervious surface to the property.

Don Rolader stated that in a nut shell their request is to approve the new site plan, which is less than the old site plan and to grant the two variances. At this time he will be happy to answer any questions that the Commission might have and other than that he reserves any remaining time that they might need for rebuttal.

Bryan Chamberlain thanked Don Rolader for his presentation. He asked him to address his comment "internal flow". Chamberlain is not understanding from a pedestrian safety perspective the thought of no sidewalks with that density of housing on one street. There are houses on both sides, amenities way far away from over half of the houses and a limited ability because of the closeness of the houses for people to get to the amenities other than walking in the street.

Don Rolader stated that if the houses are 10 feet from the setback then they are right there anyhow. There is sufficient room to walk. But to add concrete for the sake of adding concrete doesn't make sense. The central circulation area of this development is the two lakes and the pool facility, which draws everyone to the center of the development. There

are ways across it. For that reason, and they have the support of the staff, they don't see any need to compound it by adding sidewalks to that.

Bryan Chamberlain stated that he is looking for clarification. Rolader stated that he understands. Chamberlain stated that if he was in lot 51 or he is in lot 28 or lot 32 or even lot 21 and he wants to go to the pool he is having trouble seeing how he gets there other than walking on the street.

Don Rolader stated that he thinks one would walk along the side of the street would be the answer. Chamberlain asked on the street, on the grass. Rolader stated on the yards that are in the front. Chamberlain clarified one would walk on the yards in the front without a path. Rolader stated that was correct, without a sidewalk. Chamberlain thanked Rolader.

Harvey Smith stated that he would kind of concur with Bryan Chamberlain's concern about no sidewalk and he does not know the city requirement, a five-foot sidewalk is excessive? Could it be narrower? Smith is familiar with other communities that look like this that the pedestrian traffic...he is familiar with a 150-lot development that they have it on one side of the street and he has seen people walking on the opposite side or walking on the curb or gutter and they are almost getting hit by a car. Is this going to be a private drive community? Will it be gated?

Don Rolader stated that it is a private street. Smith stated that one is going to have a narrow street to start with and it is going to be more congested. But that would be Smith's only concern that he thinks Rolader is asking a lot to put...he can appreciate the fact, the concern about impervious surface. But he thinks that if there is a concession...he does not know that they need a five-foot sidewalk. He has seen that down by Lakeside at Ansley on Cox Road. It looks like another street going along parallel to the street. But he does not think it would be unreasonable to request a smaller sidewalk on one side of the street, not necessarily on both sides because he thinks it would be a safety concern.

Don Rolader stated that the applicant would be happy to consider whatever recommendation the Commission makes to the city council for them to consider. He understands Harvey Smith's concern.

Joe Piontek stated that this street says 45 feet wide and there seems to be some kind of a mark and then 24 feet inside of the mark. He does not understand that. Are there edge lines or what does that mean?

Don Rolader stated that he will ask Jim Jacobi to correct him if he is wrong. They have a 45-foot right-of-way and a 24.5-foot street. The outside line is the right-of-way line. And like most of the streets in Roswell, the pavement doesn't go all the way to the right-of-way edges. They have a 24.5-foot section in the middle that is actually paved.

Joe Piontek clarified that the streets are 24 feet. Rolader stated that was correct and they are there today.

Lisa DeCarbo thanked Don Rolader for coming tonight. She wants to add to both Bryan Chamberlain's and Harvey Smith's comments on the sidewalk issue. If they are looking for something to be aesthetically pleasing and for something to be very neighborhood friendly she knows that in her neighborhood they have instances where there are narrow streets where there are no sidewalks. And it is a constant issue for people walking dogs and children. Places where they have maybe the sidewalk on one side is very effective. It doesn't necessarily have to be a serious impervious issue problem. It could be things like impervious pavers, which if one is looking for a good quality development, a very good aesthetic appearance, DeCarbo thinks those are a great possibility.

Also, looking at the difference between the 2007 and the 2012 site plans, there is a great deal less of the internal circulation within the area around the different ponds. If one is looking at the more southerly pond, there is a path above it now that cuts through from one street to the other and is close to the pool and the parking there. But since the access to the northern pond has been cut off, there is nothing there. DeCarbo wondered if the owner would consider, the developer would consider creating along that retention wall perhaps another path and having an easement at lot 78 or there could be access up there.

One of the other access points that jumps out at DeCarbo is transportation did recommend that there would be pedestrian access to Big Creek and suggested that that would happen somewhere between the lots no. 23 and 32. This would connect up with that very nicely, potentially and she would love to see those considered as part of the conditions that the Planning Commission puts on this. She does not know if that is an unreasonable request. She would love to hear from the developer on that.

Cheryl Greenway asked if there were any other questions for the applicant. Hearing none she asked Don Rolader if he had any response to Lisa DeCarbo's questions. Rolader stated that he did not other than to say that whatever recommendations the Planning Commission feel are important for the city council to consider, the developer will certainly take those same recommendations under consideration and would be prepared to respond to them by the time they go to city council.

Cheryl Greenway asked if there were any other questions for the applicant. Hearing none she thanked Don Rolader.

At this Cheryl Greenway opened up the meeting for the public session. She asked for anyone that would like to speak in favor of the applicant to please come forward. Again, she asked that that speaker fill out one of the cards to give to the city representatives. Cheryl Greenway asked that the record show that no one came forward. She asked for anyone would like to speak in opposition of the applicant to please come forward. No one came forward. Since no one has come up either in favor of or in opposition to the application she asked Don Rolader if he had any other comments he would like to make



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or add or questions. Rolader stated that didn't have anything to rebut, so he guessed he would be quiet.

Cheryl Greenway asked if there were any questions for the applicant or the city from anyone on the Planning Commission.

Bryan Chamberlain stated that he had a question for Brad Townsend. He believed that in transportation's comments they suggested five-foot sidewalks on both sides. That hit him as being a bit excessive for the size of the neighborhood. But the need for some type of walkway to keep a lot of folks like grass, off the road so kids don't get hit certainly seems to be in order. Relative to what Harvey Smith was saying, what are some of the acceptable options that are seen for this type of a development?

Brad Townsend stated that the requirement for sidewalks on both sides of the street was something that was recently upgraded. Most of the time they required, for at least on one side of the street, for it to be put in for a subdivision. When one looks at what they currently have in the development of the 45-foot width of right-of-way they have a 10-foot grass area on either side. So if it would be the recommendation of the Commission, it would seem that the inner loop of the development, which then connects to a pathway getting to the pool area and the parking area, would be the least impactful of the improvements. He would maintain a standard five-foot sidewalk. That would then provide a 5.5-foot grass strip between that and the edge of the pavement. If the Commission saw that that was appropriate it could be recommended as a condition to council.

Harvey Smith clarified that Brad Townsend is suggesting that they would have just a grass path. Townsend stated that was not correct. Smith apologized as he was reading another thing when Townsend was making the comment. Smith stated that he understands that they would have beauty strip in between the curb and the sidewalk.

Brad Townsend stated that in the 45-foot right-of-way one has the 24 feet of pavement. Smith clarified that one is going to have 10 feet of right-of-way, so have like a one foot beauty strip and maybe a three foot walk. He would not be for a five-foot sidewalk poured right at the back of the curb. Townsend stated that they do not have curbs. Harvey Smith stated that it was a code gutter. But don't pour to that. Townsend stated that the 5.5 green and then the five foot sidewalk where one moves it in one foot and makes this four-and-a-half and put one foot. It could be designed either way. But he thinks at least along the interior loop of the development seems to make the most reasonable sense for getting....one has a connection of a pathway already at this point for this area to be able to get to the pool of that location. Harvey Smith stated that he would agree with that, inside the perimeter.

Harvey Smith stated that he had one other question. As far as the request to change the setbacks, could they elaborate...he is not following. What is the logic behind the sewer, the utility connections? Can Brad Townsend expand on that because the laterals are on

each lot? If they reduce the number of lots it seems like they are just bringing the houses closer to the street. How would that effect the...How are they saving expense by doing that, by making this request?

Don Rolader stated that the site was previously graded for the development. It is pretty much ready to go as it is; the utilities where their stuff fit and where the city has requested that they put it. If they go back to a greater setback they would have to go in and re-grade and they would have to relocate many of the utilities. That is the reason for the request.

Harvey Smith stated that all of the taps are in the right-of-way now. He was out there today, like the sewer tap is there. He is coming up to a lateral...Smith just thinks the streetscape would look better if the houses were further back, even back to the original setback. They just have an extension to the laterals and the taps that are there.

Don Rolader stated that he understands that they would have to re-grade everything, too. Harvey Smith stated that it is grade, there are a lot of pine trees growing up out there but he does not follow why that is...these are basement lots they are all slab ready now he believes. He would have to look at it closely because it is so grown up but it is just the distance. The taps are on each individual lot already, that didn't change.

Don Rolader stated that structures would be a minimum of 10 feet off the right-of-way line. The garages would be 15 so that one could park an automobile in front of the garage and not have it in the right-of-way. But if one goes further back, one has more driveway and more stuff and it doesn't yield any benefit in doing that. He thinks that is the argument of the developer and it has been supported by the staff. It makes just as much sense to keep them as close to the lot fronts as they can.

Harvey Smith suggested that it would just make the sidewalk look better when he puts that in. It would give it more of an avenue look. The utilities are there, they are going to save 20 feet to run a gas line or water service to the house, maybe 20 feet more in driveways. He is just trying to understand that the utilities are there and bringing them closer to the street...it is just going to save them money tying into the utilities. They are not moving anything.

Don Rolader stated that he understands but he thinks from the developer's standpoint he didn't see any gain to the community or the development by adding 20 more feet of driveway on each lot when one multiplies that by 80-something lots. It is a good deal of concrete. And it doesn't add to the appeal to do it.

Cheryl Greenway asked if there were any further questions for the applicant or the city before she closes the public session.



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Lisa DeCarbo stated that she had one more quick question on the floor plans. Is one of the reasons for bringing them closer also that they have changed in configuration? Do they have a larger footprint now on those because they are separated?

Don Rolader stated that it is a larger footprint. Lisa DeCarbo asked if it had affected the floor area ratio for the... Rolader stated that they should be a larger floor area than what was proposed before. He doesn't develop for a living so when he turns back and looks at Jim Jacobi, forgive him but he wants to make sure he doesn't say the wrong thing. It is a larger home. It is a larger footprint. Lisa DeCarbo clarified that that information, the floor area ratio and all of that will be provided when they get to the preliminary plat. She guessed that was a staff question. Brad Townsend stated that it would be.

Cheryl Greenway asked if there were any other questions for the applicant or the city. Hearing none, Don Rolader thanked the Commission and Cheryl Greenway closed the public portion of this. She asked if there was any discussion by the Commission or does she hear a motion?

Joe Piontek stated that if one does not put in the sidewalks when he develops the place they are not going in afterwards. He can only see this raising the value of the houses to require this inner loop of the sidewalks. He does not see that they need sidewalks on either side of the street, but certainly this inner loop of sidewalks. He is in a dispute right now in his neighborhood and they are trying to figure out how to get something for the pedestrians and the roads are too narrow, there's just no way to do it at this point. So without doing before the houses go in, Piontek does not see it ever happening afterwards. He thinks it would be very positive if the Commission adds that as a condition.

Cheryl Greenway asked if anyone else wanted to discuss their opinion or have any other areas they want to discuss. Or is anyone now ready to make a motion?

Bryan Chamberlain stated that he thinks this is going to be a very nice addition to that section of Roswell and a nice use of that particular space next to the apartments that one does not see next to some retail and office that looks good and it has a beautiful view to the north and west. He applauded the applicants for what they are doing here.

Cheryl Greenway asked if there were any comments or a motion.

### **Motion**

Harvey Smith stated that he would like to make a motion that he would move that RZ12-08 be approved with the three conditions that Brad Townsend discussed earlier. They are deleting no. 2 but the staff recommended related to the secondary access that was deleted. But he would like to add the condition that a sidewalk approved by staff be recommended on the interior side of the development street, the inner perimeter. He does not know how to describe that more properly for the plat but...

Cheryl Greenway suggested that he just say five feet....Smith stated five feet or less but with a beauty strip. He thinks the strip of grass be the cove gutter and the sidewalk, not pouring the sidewalk adjacent to the cove curb. But it could be less than five feet, maybe four feet. He thinks aesthetically it would be more pleasing.

Cheryl Greenway stated that she has a motion and called for a second. Joe Piontek seconded the motion.

Cheryl Greenway stated that she has a question on Smith's motion. At one point the Commission mentioned what is on their page 15 about dedicating a minimum 12 foot access easement for pedestrian connectivity with the Big Creek. Does Smith want to consider that in his motion as a recommendation or would he rather leave his motion as stated? Harvey Smith stated that he would leave it as stated. If that is something that the council would consider but he was just looking at basically the four staff recommendations. He is referring to those four conditions. They are deleting the one with the fire access.

Lisa DeCarbo stated that she would like to see that dedication as one of the additional conditions personally. Dedicating a minimum 12 foot access easement for pedestrian connectivity with the future city of Roswell Big Creek trail project between lots 23 and 32.

Harvey Smith stated that he would agree to that amendment. That can be added. Joe Piontek agreed to second the amendment.

Lisa DeCarbo asked if everyone would also agree that the Commission require that an access easement and trail be provided somewhere in the vicinity of lot 78 and a trail be provided along the northern retention pond leading to the pool amenity area. What does the Commission feel about that? It makes it more similar to the original site plan as offered in 2007.

Bryan Chamberlain stated that he would support that whole heartedly.

Brad Townsend stated that he wanted to make sure the Commission understands what is being asked. The 12-foot pathway along here going from lot 24...Cheryl Greenway stated that is not what she thinks the Commission is after. Townsend stated that he does think that is what transportation is after. So he wanted the Commission to understand that. That is what they are talking about. They are talking about a future Big Creek Road going right here connecting through this development all the way to the Belcourt development, which then connects into the Big Creek Parkway Park. So that is a pedestrian type of look.

Cheryl Greenway asked Brad Townsend to drawn that more where he said Big Creek would go. Townsend showed where the road is going to go. That is future road hopefully

in their lifetime. Greenway clarified that is the Big Creek Parkway to the bridge. Townsend stated that was correct.

Lisa DeCarbo stated that the way it is phrased it is a little different. It says the best location of any easements would be between lots 23 and 32. Brad Townsend stated that was correct. DeCarbo clarified that what transportation really meant was something along the back of all of those lots. That would be a public property, part of a public trail. Townsend stated that was correct. He wanted the Commission to understand that that is what they were requesting. Lisa DeCarbo stated that she still supports that, personally.

Harvey Smith stated that he wouldn't from the standpoint of because one is creating an...he thought it was an easement between two lots. So, he would not be in agreement with that because they are going to create an easement across multiple lots. He thought at this point it could be in between two lots and that would be simple enough to get to the beltway. So if they are talking something between those two lots....Lisa DeCarbo added or some of the others. Smith stated that he would even allow the latitude to the developer as to what made the most sense to them as long as they have access to the park. He thinks that would be an advantage to the community quite frankly. DeCarbo stated that would be a great selling point for them.

Cheryl Greenway asked if the Commission wants to include that as a condition that they consider an easement right away to the Big Creek Park. Would that be a better way to raise that perhaps for the future park?

Harvey Smith stated the future parkway. He stated that he would get Don Rolader to kind of make that motion, he is an attorney. Smith stated that he thinks that was the Commission's intention to create access from the community. So as far as the proper way of phrasing it as far as their comments, he guessed just access from this development to that where it made the most sense

Cheryl Greenway stated that the Commission will change that part of it as being the access as deemed best by the developer to access the new park when done.

Brad Townsend stated that probably in not moving lots around they have an open space tract right at this location. That means no movement of any lines; it just needs making sure that that is included.

Harvey Smith stated that would be his intent where it is not re-platting, not re-designing the site plan because that has been approved. They are not amending the entire thing just where it made the most sense to have access to it.

Joe Piontek stated that on the Big Creek Parkway plans, if one does not provide that easement across the bag, and now he sees that as multiple lots that they have to provide easement on. But there is really no way to get from Big Creek Parkway over to the trails.

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And that is the whole proposal on the Big Creek Parkway. So, the Commission could leave it to the applicant's discretion but where else are they going to do it.

Cheryl Greenway asked if Piontek meant where else other than that open space lot. Is he trying to go back to the back side of the development? Joe Piontek stated across the back so that one can connect the Big Creek Parkway to the trail system that is over here. He thinks that is what transportation wanted was a way to connect this garden parkway to the bicycle trails and what all they have on the other side of it.

Brad Townsend stated that this is an internal road at Kimberly-Clark. That is probably the preferable alignment at this location for when the Big Creek Parkway connects somewhere down here onto Old Alabama. And then runs north, goes across SR 400 to some connection west of SR 400. This discussion is, this is the actual road. There is some parking at this location back to the Big Creek area where bikers and mountain bikes and things like that go here. This is the Belcourt access divided road in this location. They have some opportunities it just depends on what the city feels is appropriate in making sure that the connectivity points happen.

Harvey Smith stated that is what the Commission's intentions are. That where it is legally possible where they have access from this property to that property, he thinks they are just trying to make that connection.

Cheryl Greenway stated that in looking at the picture that is on the screen, and it may be that her bad eyesight just hasn't seen it. But it looks like there is a gap in between a couple of the buildings around 44 and 45. Even though on the drawing here, it doesn't look like there is a gap. But on the site plan it doesn't look like a gap but on here there looks like there is a gap between the buildings. Is she seeing that correctly?

Harvey Smith stated that he thinks the Parkway is in between. There is private property in between.

Brad Townsend stated that there is an existing 20-foot drainage easement at this location that goes to this open space area. Cheryl Greenway clarified that was the space that she is seeing. Townsend stated that was correct. Townsend stated that this was provided to him by the transportation director. What it is discussing is they are discussing this piece of property here. What they have looked for relates to trail connection in this location because of this being the preferred alignment at some time in the future of that road. And that is why they made their comments the way they did to their recommendations.

Bryan Chamberlain stated as a point of clarification he is getting enough pieces that he is getting confused. Is it transportation's recommendation that this property provide the 12-foot easement to run clear across the back to give them the connectivity? Brad Townsend stated for a trail connection that was correct. Chamberlain asked what the quid pro quo for the developer of providing a 12-foot easement on all of those properties back there.

He is not tracking with that. He can see one connection. Brad Townsend stated that he will let the transportation director speak to that issue.

Steve Acenbrak, director of transportation stated that it was a pleasure to speak to the Planning Commission. A lot of times these projects work independently and they are sort of working in one direction and things just sort of fall. This property has been vacant now for some number of years and they have gone ahead and secured funding from the city council on their own to work this design. They probably could do some coordination with the developer and work through some issues. The idea of course they know in the grand scheme of things is to create a roadway and parkway connection across GA 400 for their local citizens so that they can take some pressure off of the Holcomb Bridge corridor which is the most heavily traveled corridor north of I-285 in the entire metro Atlanta region. They have a lot of congestion there and they looked at widening Holcomb Bridge Road but this road connection actually provides a bypass for the Holcomb Bridge/400 which actually works better. Their little joke that they have in their department is that  $6+2=9$  because it actually adds capacity by separating the traffic. So the through traffic uses Holcomb Bridge Road and the local traffic will use Big Creek Parkway. An element that Acenbrak thinks the Commission may not know but is part of this thing is that the bridge over SR400 is envisioned to be four lanes wide. It is going to be a nice, well-decorated bridge but it is only going to have two vehicular travel lanes. The rest of it will be sidewalk, bike lanes in the road and then a multi-use trail. So this bridge is actually going to be a trail connection across SR400. So the people that are in this town house, this new development, can have access to Big Creek Park and then go on up to the mall and the rest of the Alpharetta Greenway/ Forsyth Greenway. But they can also have access to the other side of SR 400. So they get access to Warsaw Road and the Wal-Mart and the other amenities that are on that side. So the quid pro quo for transportation is that the road works both ways. It is an access for the people on the west side to get to the east side and it an access for people on the east side to get to the west side. So, they are still very, very preliminary in the alignment and the design as Brad Townsend mentioned they do have a firm and they are working through the design elements. They are working through the environmental document because they expect to have federal funding to help pay for this but it is just a concept right now to help all of these pieces come together. Acenbrak would be happy to enter into a dialogue with the developer to see if there is something that they want from transportation that they certainly are open to any type of connectivity that will help things not be cul-de-sacs and will add to mobility. He heard the mayor and city council say on a number of occasions that one of the assets of Roswell is the fact that it is a walkable community and they want it to be more of a walkable/bikable community. This adds to that fabric of the walkable, bicycle community that a lot of people like about Roswell. It is their preference to have that connection and they would certainly be open to talking about how to make that work for all of the parties.

Bryan Chamberlain thanked Steve Acenbrak for his input. He is still a little confused. If their first understanding of their recommendation of a 12-foot easement to be just between two lots, is incorrect but that it is to go clear across from 24 to 32 or whatever

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the numbers were. His point of clarification now needs to be on is this for a bike trail from Big Creek over to the Parkway? Or is this for the Parkway?

Steve Acenbrak stated that it is for the Parkway. They are talking trail access not a vehicular access. Chamberlain stated that going from trail access then clear across the back, what is there on the other side of the property line? Is that Belcourt Apartments? Acenbrak stated that was correct. Chamberlain asked if at Belcourt Apartments is their property just trees or are their housing units right there? Acenbrak stated that it is the property line. Chamberlain asked what is on their side of the property line? Is it construction or is it open space? Acenbrak stated that it was mostly woods right now, today. Chamberlain stated from the perspective of let's be fair to all, rather than asking this developer to encumber that many lots with a 12-foot easement that people buying those lots may object to, why not ask Belcourt to participate in this? Acenbrak stated that they certainly can. To be honest, just like the next issue that they are going to talk about these are staff and consultant issues and that they really are not prepared to talk about those kinds of details yet but then this happens and they are forced to start talking about some of those details that they really haven't fully vetted out. Right now, again, it is just a line on the map. He does not know what their current state of their discussions with Belcourt is. It is probably limited to maybe...in the continuum it is very low on that side because that is just not the priority right now but it is part of their overall connectivity plan if one will. So, is it half of them and half at Belcourt or one way or the other. Acenbrak stated that he does not know those details but he would certainly be happy to do that.

Acenbrak stated that he would like to say one other thing. In their perception in the years that he has lived in Roswell, he remembers the people that when he lived in what is now John's Creek/Fulton County and the concept of the Alpharetta greenway was going to come in. The people were just wildly upset about the Alpharetta greenway and how horrible that is and how could the city possibly do something like that? The Alpharetta greenway in every measure has been a remarkable success. Roswell ties into it, Forsyth County ties into it and his friends that are real estate agents will tell one that there is absolutely a 10 percent premium for every house that is on the Alpharetta greenway. People flock to live there and have access to that great amenity. He does not believe that this is an encumbrance; he believes this is a great amenity for these people now to have direct access to a trail system. And in most cases, if one puts it in first and everybody realizes it is there when they are in that consideration. It works well. To go in and retrofit it, not so much. That is kind of transportations' going in position now but again they will be happy to negotiate and see what they can get for the city.

Bryan Chamberlain stated to Cheryl Greenway that it would be good to hear these folks' view on that particular issue. Greenway asked Don Rolader if he would like to make any comments about this discussion.

Don Rolader stated that he had two, he thinks very pertinent comments. He knows for a fact that not this developer or any developer wants the general public traipsing across the

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back of 10 of his lots, 20 feet from the back door of people's homes. This is a gated, secluded, sequestered community where security and public safety are important. If one puts a public path across there that doesn't do any good. The other thing that concerns him is one gets to the edge of this property at the Belcourt property and they have no duty to grant anything to the city. They could be granting a 12-foot path to a dead end. So those are Rolader's concerns. Considering a single access point out of the subdivision to a greenway would probably make some sense. He would certainly consider that. But bearing the back end of 10 of their lots to it and trying to convince people they should buy them, not a good idea from the developer's point.

Steve Acenbrak stated that there is another access to the trail. The great thing about this bridge was that there was going to be a way for a bike to get across SR 400. If one looks further down on that map, there is a trail access that connects at the very end of the greenway parking lot to the trail before it goes across the bridge. So, this is not the only way to get to the trail. There is actually, probably even a better way further on down. And if one is a bike rider, he is going to be down in that parking lot anyway. So, he can see the point there.

Cheryl Greenway stated that what she is hearing is she thinks is more of what the Planning Commission was after was the last thing that Don Rolader mentioned. Access of the people living in this community to be able to get to the Big Creek Park.

Harvey Smith stated that he would agree with that. He was suggesting single point access. It is private access by the residents only. He is not suggesting public access from the trail. But he thinks that would be a nice touch, part of the amenities for this development that he thinks would be a plus. But it could be gated with private access there. He was definitely talking trail. He appreciates Steve Acenbrak talking about developing the street but his intention with the motion was to grant access to the trail system.

Cheryl Greenway stated that she thinks where they are at is Smith's motion, she feels like they need to restate this just because they have talked about a lot of things. But it is to approve the new site plan, to approve the front setbacks but not the removal of the sidewalks with the recommendation that the sidewalks be done on the inner circle of the property, five-foot sidewalks. Smith added or less. Greenway continued to include the conditions, 1, 3 and 4 recommended by staff and to add to that some type of access to the Big Creek future park. Does that sound appropriate to everyone?

Joe Piontek stated that he can still second that motion.

Lisa DeCarbo stated that Harvey Smith had also wanted there to be included a beauty strip between the curb and that sidewalk. Smith stated that is correct. Grass between the sidewalk and the gutter.

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Hearing no further comments, Cheryl Greenway called the question. The motion passed unanimously, 5-0.

Greenway thanked the Commission and the applicant for their patience. She pointed out to Brad Townsend that on page 4 of that where he does list his staff recommendations. The first line says approval of the rezoning request. But it wasn't a rezoning. So she just wanted to make sure that doesn't get in to the mayor and city council.

**REZONING**

**12-0546**

**RZ12-09, CV12-04**

**PRIME INTEREST, INC.**

**Pine Street at Chattahoochee**

**Land Lot: 382**

Brad Townsend stated that this is a rezoning request and a concurrent variance for a 16-lot attached development on Chattahoochee Street and Pine Street. He presented an aerial of the property. One can see Atlanta Street at the north end, Chattahoochee Street to the west, Pine Street to the south, commercial development all to the east. It is a residential area. The green area shows the outline of the property. It is the combination of several lots in this area. This is the preliminary site plan showing the 16 lots with the one row connecting to Chattahoochee Street to Pine Street. This is approximately 3.4 acres of property for 16 attached residential homes. Each home will be on its own lot of record. The proposed development is surrounded by single family or duplex homes as well as commercial development. The existing neighborhoods are the Enclave at Chattahoochee. It is a single family detached condominium and Azalea Point is a subdivision with minimum lot sizes of 16,000 square feet. The Design Review Board reviewed this application on January 3, 2013 and had some concerns with the development. They are included in the Commission's back up material. There are five specimen trees on the property to be removed. There are two specimen trees proposed to be saved. The landscaping plan includes a mixture of elm and maples.

There are four variances requested. The applicant is requesting a front yard setback variance from major streets from 50 feet and minor streets of 30 feet. The applicant is requesting a front setback of five feet. The second variance setback reduction abutting the R-2 zoning required from 50 feet to 25 feet. The third variance is the buffer reduction abutting an R-2 designation from 40 feet down to 20 feet. The final variance is to increase the lot coverage for each lot requirement from 40 percent to 45 percent.

After review of the site plan staff has recommended that Lot 4 have a side setback of 20 feet. This ends up being a corner lot when one looks at the application. Staff indicates that that should be a minor Street setback of 20 feet instead of as proposed on the plan of five feet.

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