

14-0344
CU2014-02072
CREEKVIEW PARTNERS, LLC
2895 S. Atlanta Street
Land Lot: 417

Joe Piontek made a motion to defer this item to the November 18, 2014 meeting of the Roswell Planning Commission. Lisa DeCarbo seconded the motion.

Cheryl Greenway called the question. The motion to defer passed unanimously.

14-0354
RZ2014-02071
CREEKVIEW PARTNERS, LLC
285 S. Atlanta Street
Land Lot: 417

Joe Piontek made a motion to defer this item to the November 18, 2014 meeting of the Roswell Planning Commission. Lisa DeCarbo seconded the motion.

Cheryl Greenway called the question. The motion to defer passed unanimously.

14-0498
RZ2014-03108
FRONTDOOR COMMUNITIES-WAYNE CLARK
Coleman Road Tract, Coleman Road
Land Lot: 234

Joe Piontek made a motion to defer this item to the November 18, 2014 meeting of the Roswell Planning Commission. Lisa DeCarbo seconded the motion.

Cheryl Greenway called the question. The motion to defer passed unanimously.

14-0495
RZ2014-02562 and CV2014-02563
BARRINGTON PLACE
Spring Drive, King Street and Marietta Highway
Land Lot: 376

Jackie Deibel stated that before she gets started, if there are any speakers for this item they can move up to the first two rows in the middle.

This is the rezoning application for 2014-02562, Spring Drive, Marietta Hwy., and King Street. The request from the applicant is to rezone to R-TH, which is Residential Town House for a single family development. As one can see this is an aerial of the subject property abutting King Street, Marietta Hwy., and Spring Drive. This is the zoning of the property, the red line needs to

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go down to King Street, however it does not. The current zoning of the property is RS18, which is single family residential.

This is the proposed site plan that the applicant has submitted. There are 17 single-family lots. The request is to rezone from RS18, single family suburban to RTH, residential town house for a single family development with 17 homes. There are no variances requested with the application.

The staff is recommending approval of this rezoning to RS4, which is residential single family small lot, not to RTH which is residential town house. Staff has chosen to do that because they meet the RS4 single family small lot designation for the application and since they are showing single family lots, they felt that the RS4 designation would fit.

These are the conditions the staff indicated:

1. The site plan received October 6, 2014 said the applicant must do a preliminary and final plat that must be completed in accordance with all regulations. There is no guarantee that the number of lots, which is 17, indicated on this plan may be achieved. That is due to City regulations. Should something have to change for storm water or engineering, they may lose a lot.
2. The exterior of the retaining wall that is proposed along the front of the property needs to be approved by the Design Review Board for style, material and landscaping since it will have a visual impact on Marietta Hwy., SR 120.

Jackie Deibel asked the Planning Commission if they had any questions for staff.

Bryan Chamberlain asked Jackie Deibel to expand for the Commission the reasons for the change to RS4 versus Residential Townhomes.

Jackie Deibel stated that one can see from the site plan that they are single family lots. Townhomes are normally attached units. They were asking for RTH due to the fact that they wanted the lots to be smaller than the normal request under RS18, which is a minimum lot size of 18,000 square feet. The RTH allows for 4000 and 6000 square foot lots, however they are requesting to do single family all detached. After review and discussion, staff felt that the RS4 single family zoning classification worked out better since it is a single family area surrounding it. There are no townhomes in the vicinity.

Sidney Dodd asked Jackie Deibel if the request for RS4 or is the official request...? Jackie Deibel stated that the official request was for RTH by the applicant and that is what has been advertised. The staff is recommending to rezone it to RS4. And as Planning Commission, they can recommend approval to RTH or RS4 or they can recommend denial. They have those options.

Joe Piontek asked if the yield is going to be the same, the number of lots. Jackie Deibel stated that it would be 17. With RS4 the yield would be the same unless they have to provide more storm water or any detention, water quality that they might...say if they are approved and if they run into any grading issues or having to require more water quality or storm water, they could lose a lot. It can always go down.

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

Lisa DeCarbo stated that she just wanted to clarify one thing. She noticed looking at the UDC, technically the RS4 is intended to implement a variety of character areas but not the suburban residential. Although it does say that it is allowed in other areas as defined by the comprehensive plan only in exceptional situations. Is that what the Planning Commission is looking at here? It is exceptional because it is on the border to the historic area where RS4 is an implementation? Jackie Deibel stated that was correct.

Cheryl Greenway stated that her understanding is that part of what Jackie Deibel is referring to about the drainage and the buffers, will some of that have to be determined once they have done more site plan work on the area?

Jackie Deibel stated that technically at this stage is conceptual site plan. So, if they are approved by the City Council and they get into a preliminary plat and then engineered plans, they may find that they have to deal with more drainage or anything and that could cause a loss of a lot. It does happen from time to time.

Bryan Chamberlain asked Jackie Deibel if that issue would be the same whether it is RTH or RS4. Jackie Deibel stated that was correct. No matter what it is zoned, that could happen.

Cheryl Greenway asked if there were any other questions for the City. Hearing none, she asked the applicant to please come forward.

John Paulson stated that he is the applicant as well as the civil engineering company that designed this project. They are actually in agreement with the RS4 zoning as long as they can maintain the setbacks for the RTH.

Cheryl Greenway asked the City if there was any problem with that. Brad Townsend stated that is what they are checking. While staff is checking Cheryl Greenway asked John Paulson would like to talk about regarding the property development. The site plan the Commission is seeing here is the one that Paulson is currently looking at going with. John Paulson stated that was correct. And as Cheryl Greenway understands it if one looks at that back right corner on this picture, that is where he may have some conditions to address on the slope of that corner. John Paulson stated the differential in the grades. Cheryl Greenway clarified that Paulson is aware that that is something that he will have to deal with at some point. Paulson stated that was correct. They have actually worked out that grading issue and the City has seen that.

Cheryl Greenway stated that she would also like to just check that John Paulson also understands that at the top portion there, which will be his detention/water quality, there is an old well there. Paulson stated that he is aware of that.

Jackie Deibel stated to answer Cheryl Greenway's question, under RS4 the front setback for a primary street is 15 feet where R-TH is ten. And the side street minimum is 15 feet where the R-TH is ten. So, they would need to basically get a five-foot front setback variance to keep the houses at the front. That is the only difference.

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Cheryl Greenway clarified that if they go with the RS4 they would need a five-foot variance. Jackie Deibel stated that the primary street front and side street if there is any abutting the side.

John Paulson stated that he did not have anything else he wanted to share with the Commission. Cheryl Greenway asked if there were any questions from the Commission.

Lisa DeCarbo wondered if there is an additional five-foot setback required for both the front and the side. Are those attainable with this lot layout. John Paulson stated that they are. They are actually shown this approved plan.

Bryan Chamberlain clarified that this plan shows the 15-foot setback versus 10. John Paulson stated that these actually show the setbacks for the RTH. They are okay with detached homes. He thinks the neighbors were concerned about town homes and the applicant is saying that they are not going to build town homes. But they like these setbacks.

Bryan Chamberlain clarified with Jackie Deibel that that would require a variance. Cheryl Greenway stated that is what they just said. Chamberlain stated that he was just clarifying.

Cheryl Greenway asked if there were any further questions for the applicant. Hearing none, she stated that they will begin the public portion of the meeting. If there is anyone who would like to speak in favor of the applicant, please come forward and give his card to the staff people and state his name and address.

Angela Moore
165 King Street

Angela Moore stated that she is in favor of the rezoning with conditions. Her family's property is the most impacted by this development. It will run down her entire side and rear property lines. More than half of the homes will be on her property line. She will face the back side of them including the rear entry garages and the alley recommended by the City. This property is located at the corner of Spring Drive and on Marietta Hwy., going towards the City Square. It is a prime location since it is walkable to the square. But it is difficult terrain. It backs up to a four-lane divided highway and adjoins commercial property. For many years it has been undesirable. It is not like other lots in the neighborhood.

Moore would like to point out that the R4 zoning would allow for homes more in keeping with this size homes in the neighborhood. The current zoning allows for approximately 10,000 square-foot homes. Their homes are on average 1500 to 2000 square-foot ranches. The R4 zoning will allow for homes 4000-5000 square feet. It is important to remember that this property adjoins commercial and it has been denied rezoning many times. She of course would like to see less density but this developer has waited a long time to improve this property and has other options to consider. This is a critical decision for the City.

The developer has agreed to many conditions to make this aesthetically pleasing. He will provide a brick or stone column and fencing around the perimeter of the property to buffer the existing homeowners. He will agree to build four-sided brick, stone or wood homes, not cookie-cutter, so that the homes will look nice on the backside too, which is visible from King Street. He will provide sidewalks all the way to the square. He will dedicate the streets to the public and not gate the community making it more neighborhood friendly. He will aid them in obtaining speed

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humps for King Street, which is becoming a dangerous situation that they have been unable to get the City to address.

Angela Moore thanked the Planning Commission for allowing her to express her opinions.

Cheryl Greenway asked if there was anyone else who would like to speak in favor of the applicant. Greenway mentioned that they are trying to save those two rows just for the applicants and for people who are coming up to speak.

Lois Oster
155 King Street

Lois Oster stated that she lives at one of the three properties that adjoin the proposed subdivision. It has been her home for the past 26 years. In that time she has seen many changes in her neighborhood. The area is again going through a transition. The original homes that are in a rundown condition are being torn down. They are functionally obsolete. In today's market there is a demand for larger homes with less property to maintain. Families with children are beginning to fill the neighborhood again bringing back a sense of community. Oster is for growth in their community and she is for progress. With proximity to the square as well as Barrington Hall and Bulloch Hall and the new stores and restaurants that are opening, a pedestrian friendly atmosphere is evolving. She can only say that the plan for the property in question is in keeping with today's housing market. Oster is in favor of this project.

She thanked the Planning Commission for allowing her to express her opinion.

Jean Cartwright
King Street

Jean Cartwright stated that she owns two houses on King Street and one on Westside. All three houses were old, dilapidated houses that they redid just as they are. They like the diversity and she sits across from a house that needs to be torn down. There are other houses that are not livable in that neighborhood but are rented out and are dangerous. Cartwright is appalled that people would be against making a safe neighborhood from a very well-known person who does good work. She thinks change is very hard for anybody. They have the change of 2008 where they had no control. To her this is change that they have total control over and good change for the neighborhood and Cartwright thinks it is a very positive direction to go in.

Cheryl Greenway asked if anyone else wants to speak in favor of the applicant.

Donna Walker
150 King Street

Donna Walker stated that she is in favor of this development because the developer has been willing to meet with the neighbors. He has met in their homes in the evening. They have a real problem on King Street with traffic and people coming through that are not in Fulton County. They also have people use it for a cut-through to get to SR120. SR120 is almost impossible for one to get out onto in the morning and then one has to make the decision to go onto SR120 which takes forever or to go down to SR9, which is very dangerous because there are three lanes coming at one and then he has to zip across and try not to get hit. It is very dangerous.

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Also, the developers have been willing to work with the neighbors on making it safer on the streets.

Cheryl Greenway asked if anyone else wants to speak in favor of the applicant.

Sabrina Newman
122 King Street

Sabrina Newman stated that she is for the project. She thinks it would be a good asset for their neighborhood. All of her neighbors have pretty much stated all of the reasons why she agrees with them.

Cheryl Greenway asked if anyone wants to speak in opposition to the applicant.

Jim Parker
76 King Street

Jim Parker stated that he is the second house as one comes from Atlanta Street out King Street. He lives one-quarter of a mile from 108 Spring Street and the intersection of King Street. Parker is opposed to this particular project, to changing the zoning from RS18. He thinks they should keep that zoning. If one changes it right now it requires lots to be 18,000 square feet. So one is talking about under this project, 4000 square feet. Yes, the old houses are going to be torn down and new ones put up just like Parker's house. He lives on a half-acre lot where the Postmistress of Roswell, Eloise Blackwell lived for 36 years. Parker put up a new house there so that is helping the neighborhood. And these other lots, many of them are half-acre lots and new houses can be built like his house and they are not big houses. So, to allow houses to be built on 4000 square-foot lots is totally inconsistent with the character of this neighborhood.

Secondly, it is inconsistent with the 2030 development plan for Roswell. The City has put that forth and is totally inconsistent with it. It says these RS18 lots have to be 18,000 square feet. This neighborhood is not in the historic district, it has some historical significance for the City of Roswell. It is an old neighborhood. It part of the Barrington King estate. Parker stated that he lives directly behind Barrington Hall. So, to change this, to make higher density housing there is totally inconsistent with what is there.

The last thing is this street, King Street, is one-half mile. It is flat. It is a great place and frequently used by dog walkers, joggers, bike riders. If they allow high-density housing development in there one is just going to get more and more traffic. So, Parker thinks it is a neighborhood that has historical significance for Roswell and let's keep it that way.

Is it appropriate for the Planning Commission for Parker to ask these people who oppose the change in this zoning to stand up? Cheryl Greenway stated that he can ask them to stand up. Jim Parker thanked the Planning Commission.

Cheryl Greenway stated that this is for the Spring Drive property.

Holly Williams
274 Valley Ridge Drive

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Holly Williams stated that she lives deeper in the neighborhood on 274 Valley Ridge Drive and she owns 258 and 264 on Valley Ridge Drive. She actually loves the neighborhood so much she bought the house next door and the empty lot between them because they could find nowhere else they want to live. They looked at things like they are talking about developing small lots, tall houses and that just doesn't appeal to Williams. She has a family and just watching, and she agrees with Jim Parker that keeping the zoning at RS18 is really what she thinks is appropriate for the neighborhood. When one thinks about...she does not if the Commissioners have ever been in their neighborhood but it is charming and they have new neighbors with families moving into these old, dilapidated homes and they are actually putting money in them and making them... which they are not dilapidated in Williams's opinion, but putting money in them and making them family homes. When they talked about this with several people, this doesn't appeal to them. Another thing Williams thinks about when she thinks about this type of development, small lots, big houses, a lot of people want the new, shiny, flashy thing, but then again when they are ready to move, there is no one to buy the shiny, new, flashy thing so it ends up being a supply and demand issue and she thinks it is always better to have a little more demand than one has supply. Look across SR9 from her neighborhood at the Roswell Mill. Tons of high-density living that have never been occupied. She knows it is not the same, there are condominiums and some town homes. But there are still some things that have never had an occupant.

Holly Williams thinks the high-density living is something that really, maybe it appeals to some people in some areas but she is not sure if this is the exact place. They are very "neighborhoody", they get together, they talk, they have fun, they plan and they think about and talk about this neighborhood and keeping it. They are so excited to see new families come in. When she looked at the 2030 plan and she looked at the UDC, and she knows the City went through a lot to get that passed, a lot of time, money and expense. And it is in keeping with it, keeping this at RS18.

So, they are opposed to the town homes because if one zones it for town homes, couldn't he put attached town homes if he were given that zoning even though there plan is for Single Family Detached? Couldn't they put town homes on this property?

Cheryl Greenway stated that if this is approved for RS4 they cannot put townhomes on it. Holly Williams stated if they applied for the TH. Cheryl Greenway stated that they applied but they are agreeing to the RS4 now so the town homes are off the table. Williams stated with variances if they can get the variances, which is probably on half of the property. But she does think that keeping the RS18 does keep it in with the neighborhood. Their lots are half-acre lots and keeping with the homes.

Holly Williams thinks the high density doesn't...what's next? Are they going to ask to rezone Barrington Hall? That is a lot of property, one could put a lot of RS4 pieces of land. Is that next? Are they going to tear that down and...

Cheryl Greenway stated that the Planning Commission has to look at each application by itself. Holly Williams stated that she understood, But it is just that...she sees her red light.

Cheryl Greenway asked if anyone else wanted to speak in opposition.

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Martha Harrell
109 Spring Drive

Martha Harrell stated that her property is across the street from the proposed development. She is not opposed to the property at 108 being developed but she is opposed to changing the zoning from RS18. The proposed new zoning is out of character with their existing neighborhood. It is way too dense. It removes too many of the existing trees and the treatment of the natural spring at the corner of Marietta Hwy. and Spring Drive is questionable.

Their neighborhood is comprised of single family detached homes with lots that are at least 18,000 square feet with a minimum lot width of 100 feet and the setback from Spring Drive is 40 to 50 feet. The current zoning of RS18 allows for the maximum building coverage at 30 percent of the lot. Harrell stated that she does not have a plan that is to scale but the plan did state that the lot was 171,931 square feet. If one divides that 18,000 that would give him nine homes.

The developer has asked for the property to be rezoned to either RTH or RS4. Both of these allow homes on lot sizes of 6000 square feet or 4000 square feet if they are loaded with a minimum lot width of...if they are alley loaded. And now they have a minimum lot width of 50 feet, which is half of what they have now. The maximum building coverage for those lots is 60 percent. The setback for R4 is 15 feet. So, to go from 40 to 50 to 15 is a lot. For RTH it is 10 feet. If one divided that by 6000 feet that would accommodate 28 homes. This is too dense and out of character for their neighborhood.

Martha Harrell stated that she has not seen the latest estimate for the number of trees that the developer would remove from the property but the first plan had 400-500 trees being removed. It also had a cement wall and a retaining pond to handle the natural spring. This is not in character with Roswell's vision of sustaining its natural resources.

Harrell has also been told that her neighborhood is the first planned subdivision north of the river. So, they too are sort of historic. Her house was built in 1948. Her neighbors range from newlyweds who just bought their first house, young families, empty nesters, single people and retirees. They even have one of their neighbors here that built his house in 1957 and still lives in it. Their neighborhood is a stable, established suburban neighborhood. She asks the Planning Commission to preserve its character requiring anybody that comes in to do a new development to build on the existing mix of housing types, keep the lot size compatible with the current homes, maintain the current density, preserve existing trees, protect water features, and keep the zoning as approved in Roswell's Unified Development Code and zoning map that just went into effect four months ago in June 2014 at Residential Suburban 18.

The other thing that was concerning Harrell when the Commission was talking about some of the things in the map, the things....

Cheryl Greenway told Martha Harrell she has one minute left.

Harrell stated that she has two minutes left. The things that he said about parking, these houses, the 17, they are two-car garages and then they have allotted for five guest spaces for the whole division. That means that everybody would be parking on Spring Drive or King Street, which are not wide enough to have people parking on the road, and which is right now where they are, one is not allowed to park on the road. She finds that a very difficult thing if they had

people parking on the road. There are tons of families and children and people walking their dogs and riding bikes, it would be a nightmare. It also would only increase the traffic flow problem getting out onto SR120 if they add 17 other families.

Becky Miller
121 Spring Drive

Becky Miller stated that she does not think she can say it any better than Martha Harrell said it. She would like to ask a couple of questions or reiterate something that bothered her in the presentation a minute ago and the conversation that seems to be going here. It almost feels like this is already planned to be approved and it seems like everyone is comparing between the RS4 and the RSTH. But if Miller understands this correctly, that is not what is on the table. What's on the table is the RS18, the 18,000 square-foot lots versus the 4000 square-foot lots. She really would ask that the Planning Commission go back and compare those two zoning and look at the setbacks and look at what all the difference is between the RS4 and the R18 because that is a huge difference when one starts looking at setbacks, and he starts looking at coverage and density that he can have in those areas. And that one goes to that neighborhood and look at the trees that they are going to have to cut down and the setbacks that he is going to lose.

Miller would ask that the Planning Commission if they were going to consider this seriously to do it that they go over there on Saturday morning, sit on that corner, and see everybody walking on that street. It is so nice. It is why Miller moved there. She is single, she doesn't have kids, but she loves the fact that she can walk out and speak to her neighbor and she sees their kids, and she sees their dogs, and she can speak to them and that they all know each other. It is really great. She likes that she goes down the street and everybody has a front yard. They are getting ready to lose the front yards. One goes down that street and he sees everybody building new homes. They are building them with the setbacks that are called for in the RS18. They have yards. Even the new homes have yards. They are talking about putting these homes right on the roadway. There is a lot to be weighed out there and she would ask if there is an opportunity for the neighbors to give the Planning Commission a presentation, she realizes they can't come to a meeting or anything, but can they present something to them in writing to show them their neighborhood and show them what they would like to keep?

Cheryl Greenway stated that at this time the Planning Commission is here to review the applicant that has been presented tonight. They have to make a decision tonight and then it will go forward to Mayor and City Council in November.

Miller asked if the neighbors get the opportunity to present then? Cheryl Greenway stated that if they want to make a presentation then, they can do that at that time. Miller stated that it was almost like they are not really getting the opportunity. Cheryl Greenway stated that as she understands there has been meetings with the people on the street. There has been meetings with the builder with the neighbors, there has been meetings with the City, so there has been time for them to put together if they want to present it. The Planning Commission cannot defer this unless the applicant asks for it.

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Miller stated that actually the meeting with the City was with the developer who ultimately is not the developer. He is planning on rezoning and flipping this property. Cheryl Greenway stated that regardless of that, the Planning Commission cannot defer this unless the applicant asks for it so they have to vote either in favor or against tonight. Again, the Commission is just a recommending body. Whatever they decide tonight it still goes before Mayor and City Council for a final decision. So, if the neighbors want to do a more formal presentation, it needs to be at the City Council meeting next month.

Cheryl Greenway asked if anyone else wants to speak in opposition to the applicant.

Madge Deusenberry
105 Spring Drive

Madge Deusenberry stated that she was directly across the street from this development. She agrees with what the two previous speakers said. She thinks that their neighborhood is so old that people have forgotten that they are sort of representative of the original Roswell, which she thinks is a big selling point when one tries to attract people here.

She would like to speak to two problems that haven't really been addressed:

1. Noise pollution.
2. What is going to happen when all of the trees come down?

Those trees right now provide a noise buffer. On her end of the street, she lives at the second street up from SR120, the noise now is absolutely horrible in the morning and also in the afternoon during the rush hours. Last Friday, Deusenberry left her house on Spring Drive at 4:15 p.m. heading toward SR9. It took her 25 minutes to get from Spring Drive up to the traffic light on SR9 because the whole place was a parking lot on SR120. Where the traffic is going to come out from this subdivision is down the hill a little way from where her driveway is. She does not see how that location can sustain the kind of traffic that will have to be going in and out of that subdivision. She just does not think it is possible.

The other concern that Deusenberry has is about the spring. It is an historic location. People used to stop at the spring a long time ago and fill up jugs of water because the spring was so pure and good. Over the years it has been allow to deteriorate more and more. The City used to keep it up but she does not see that that is being provided for in this.

Also, she is against the size of the houses. She does not think it is in keeping with their neighborhood at all. She thinks they really need to rethink what they are doing about the historic location and the preservation of what was originally Roswell.

Cheryl Greenway stated that they might have time for one more in opposition.

Judy Berry
103 Spring Drive

Judy Berry stated that she owns the home directly across the street. The entrance to the subdivision would be in her front door. She is the next door neighbor of the previous speaker. It often takes them 10-15 minutes to get out of their driveway because Marietta and everyone else

uses Spring Drive and King Street as a cut through so they can avoid the light at SR 9 and SR120. If this is allowed to go through, it is going to double the traffic. Berry has had to have the school bus pick her kids and her grandkids up at the end of her driveway because they can't safely cross the street now.

The size of these homes is not in character. Berry has lived in her home for 24 years. This would ruin their neighborhood.

Please, please turn it down.

Cheryl Greenway stated that with that they are out of time for opposition. The applicant has a chance to come back up now and make comments regarding some of the issues that have been brought up or anything else that he would to discuss at this time.

John Paulson stated that he is the developer of this site and he will be developing this site. They may not be the builder, but they are the developer. So, they will put in the grades in the streets and the infrastructure and so forth. They have been meeting with the neighborhood, they offered to still meet with the neighborhood. They have come down from 31 units to 17 units, so they feel like they have been thoughtful on their concerns about density and what have you. They feel like they are in a transitional zoning. The property along SR120 is actually commercial and they feel like they are a good transitional zoning to the homes to the south of them. They are improving the sidewalks so everyone can walk safely from King Street, Spring Street all the way up to the square. They are offering to put in wheel stops on King Street to slow down the traffic. And traffic coming from their development will have to wait for a gap to get out. They are not causing the problem. The problem of traffic, and Paulson's offices are at the old Roswell Mill, he has been there for 16 years. The problems are on SR120 and the problems are on SR9. So, Paulson does not believe their 17 lots would do anymore to add to that traffic that's going to make any big difference. So again, their traffic will back up on their property.

They have agreed to the detached homes as well. They were first asking for town homes, they compromised to detached homes. If they were able to build homes that would fit on an RS18 lot, those homes would be magnificent in size compared to everything else in the community. Their footprints are going to be roughly the same footprints as these homes that are around the neighborhood but they will be two stories. They dropped their grades along the perimeter of their development six feet to lessen the impact of the height of the buildings and they are also adding a six-foot high fence along their perimeter to again make it 12 feet of difference that one will not see as far as grade elevation. And, their grade drops as one goes from King Street down to SR120 it drops about 30 or 40 feet as one goes down towards SR 120. So, they fall away from the subdivision as far as view corridors go and so forth.

Again, John Paulson stated that they were willing to still talk to anybody. They have been working with people for years. So he thinks they have come down from 31 to 17, it shows that they have moved forward and trying to make something work here.

John Paulson thanked the Planning Commission for their time.

Cheryl Greenway asked if anyone on the Commission had questions for the applicant or for the City.

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Bryan Chamberlain asked John Paulson to address the spring issue that was brought up here. John Paulson stated that there is a spring at the corner of Spring Street and SR120. It is currently draining into a storm pipe that goes underneath SR120. He has offered to look at it and see if there was something they could incorporate within their detention pond to make it aesthetically pleasing. The wall that they are putting up for the detention pond that the planning staff says that they want to talk about the finishes on that wall, would hide anything that they could do to that spring to show anything to the neighborhood. Paulson is willing to still look at that. They could look at some alternatives there.

Bryan Chamberlain asked if this spring something people can and do frequent now. John Paulson stated that he hasn't seen anyone personally. Chamberlain stated that he knows that in other towns where there have been springs like that, that are flowing wells he thinks they are usually called. If they put up the wall...sometimes they will put some type of a, almost like a drinking fountain setup where people can come and...

John Paulson stated that was not a bad thought. They can certainly explore that.

Joe Piontek stated that he did a lot of work with traffic calming in his neighborhood before, and what he is hearing is that there is a traffic issue in there. His sister actually lives down that street a little bit. The problem exists because of the traffic coming along Marietta Street going straight up into Roswell. They want to cut through Spring and King Streets to get where they are going and go south. About a half of a mile to the west of the development that Paulson is proposing, is a neighborhood called Inverness. It is over in Cobb County. Actually they are in Roswell, aren't they? They proposed to the City and the City built for them a one-way out on the street that comes out to Marietta Street. So, there is no way...there is the same question there. One wants to avoid the light at that point it is Azalea, so one can get all the way around the river. And rather than go into the neighborhood they have to go all the way down to the light and take a right.

Would Paulson be willing to put a traffic calming impediment to the street right there as a variance? As a condition, would Paulson be willing to put a...basically what it does is it forces cars to go out of Spring Street and to the east on SR120. There is really no reason to come out and go west. One cannot get across the barrier. John Paulson stated that he does not have a problem with that at all. He would agree to that, but again they would have to get approval through the state. Piontek stated of course they would be his is just asking Paulson if he would approve that. Paulson stated that he would, absolutely. It is a state route so they would have to ask GDOT about it too. Cheryl Greenway asked if there were any other questions for the applicant or for the City from the Commission. Before she closes the public session, is there any other questions? Hearing none she closed the public session and thanked the applicant.

Cheryl Greenway asked if there was any discussion or any motion.

Sidney Dodd asked Brad Townsend what the next closest non-RS18 residential zoning district that is approximate to this particular area. Brad Townsend stated that he thinks there are a couple of developments down Chattahoochee Street that are probably RS4 at the time or he thinks they were an RM. Dodd asked if they are in the historic district. Brad Townsend stated that they were not. Dodd clarified that they were just outside of it. Townsend stated that was correct.

Cheryl Greenway asked if there was any other discussion.

 **DRAFT**

Joe Piontek stated that he actually lived in Azalea Point. He owns one of the houses in there and it escapes him what his lot size was. But he thinks it was much less than half an acre. It is the Wieland neighborhood on the left as one is passing by...right there where Sugo was at the clock tower. So, that is much less than half an acre in there. The Planning Commission approved something in here on Chattahoochee Street that is far less than half an acre. Probably RS4 or RS6 at the max. So, Joe Piontek feels like this is absolutely in character with what is going on in this neighborhood. But, he definitely understands the traffic problems that are going to be created and that exist here right now and it sounds like the applicant would be amenable to working with the neighbors on that. It looks like a good development to Piontek.

Bryan Chamberlain stated that in looking at general development, development is not the right word, but when one thinks of commercial and then residential. It is typical to see commercial and then some density reduction as one moves out towards large lots or larger lots. This property is kind of nestled in between all of those things. And Chamberlain is having difficulty getting his arms around the thought that it is totally out of character. It seems to him that this property in fact, being developed like this would be a nice transition moving toward the historic district particularly with the walkability that they have talked about the park and inside the property and would be more of a soft shift from the RS18 and at the same time gives the opportunity to have nice homes, two-story homes with character that enhance the neighborhood as opposed to being an eyesore in the neighborhood.

Those are just Bryan Chamberlain's thoughts.

Cheryl Greenway asked if there were any other comments or discussion. The only thing she will add is she is kind of in agreement with Bryan Chamberlain that from the UDC, from the way it was laid out, when one is going from commercial to residential, they do want to try to have more of a phase, stage type of approach so to speak. To Greenway this helps in that type of a setting. She agrees that if there were going to be 30-something pieces of property, homes on here that would be too much. But the site plan the Commission has with the 17 looks to be very reasonable and falls in line with what was laid out with the other development of the UDC and the work there. The only thing Greenway would add that she thinks should be considered, is in the recommended conditions that staff laid out for us, that they might want to put something in there that talks a little more about the potential grade conditions and that they will work with engineering department for the City. And based on what they might find on the grading that could cause the applicant to lose some lots or cause some additional issues that might have to be addressed by the applicant and the City regarding those. Just so that is something that everyone is aware of. They have already said that there is no guarantee on number of lots but Greenway is just thinking because there is still some grading conditions that are a little bit up in the air that is why she is thinking they might want to indicate that that still needs to be a condition that would be addressed. But that is just a suggestion from Greenway.

It is mentioned in here in the site plan analysis, that the applicant needs to prove that the developing property is being located at an elevation lower than the property to be screened so that the proper setbacks, the proper grading, the proper whatever it may need to be to be is done. That is a little unusual...

A Commissioner stated that it was kind of a requirement of code though at this point, isn't it? They would have to do a condition for it.

 **DRAFT**

Cheryl Greenway stated that she was trying to help. On page 13 of 17, that is what she is referring to is the comments there that until they get a little more into the development there could be some grading issues that might come up. That is all she is referring to because they are not mentioning that in any of the potential conditions.

Bryan Chamberlain stated in support of what Cheryl Greenway is saying, that element on the site plan analysis specifically referenced using this alternative six-foot buffer versus the eight-foot wall on a 20-foot setback but it requires that the topography allows for a step down so that one is not really losing that two feet.

Cheryl Greenway stated that if one does not have that proper step down, then that would have to be readdressed. That is all she is talking about.

Bryan Chamberlain stated that there was one additional thing that he heard commented on was that there was going to be a significant loss of trees. And in the landscape plan analysis, it actually shows there is a net gain of one-half tree once everything is finalized. Though the foliage is coming down in some trees, they are having to be replenished with new trees, bushes and shrubs.

To add to what Bryan Chamberlain is saying, Cheryl Greenway stated that it does quote in here that the plan indicates 38 trees will be saved on the property.

Lisa DeCarbo stated that she wanted to make a general comment about something that she thinks is always going to be a bone of contention. They are talking about this as being sort of a transitional spot. It is in suburban residential but it is also along a major highway. And to DeCarbo, if one looks at the comprehensive plan, he looks at the UDC, there are a couple of things going on here. It talks about new development will be compatible with adjacent existing character with similar densities and lot sizes. When they listen to the comments from the neighbors, there are a couple of things there. One can reserve the lot size and he may end up with, because of the marketing conditions, end up then with a larger home. That is what the Commission is hearing from the developer. By going to a smaller lot size, they end up with a house size that is more compatible with what's already existing. But, because of the way they are looking at the setbacks now there is a change with the UDC in philosophy that if one has the house closer to the street he gets the greater sense of community although a lot of the folks in the neighborhood see it as having a front yard and having the greater setback as creating a greater sense of community.

So, this is one where Lisa DeCarbo sees it as kind of six of one, a half of a dozen of the other. She sees a lot of value to having the smaller homes. She thinks that is something that people are looking for. She wished they could be on lots that were not quite as drastic of a change from 18,000 all the way down to 4,000. She wondered what it would look like on 9,000. She wondered what could happen if it were done on 6000 square-foot lots. Maybe a 6000 square-foot lot allows one to have that front yard in certain areas that are more compatible with the other homes on the street. If they are concerned about this having, even though it is not in the protected historic district, having a historic quality.

 **DRAFT**

So, Lisa DeCarbo has some misgivings going all the way to the RS sprawl even though she does say that there are a lot of things that are very positive doing this as well. She has a little bit of a tough time with that, going quite that drastic.

Sidney Dodd stated that picking up on Bryan Chamberlain's point about transition, it appears to Dodd, and this is just a suggestion, that what might work to satisfy the existing neighborhood and hopefully maintain some of the development requirements for this parcel may be a multiple use that would include the smaller lots towards SR120 and maybe larger lots when one approaches the existing RS18 areas. So the existing homeowners would still have a sense of homogeneity. That is just a thought. Would it reduce the lot yield? Probably, marginally. But it sounds like a potential compromise is worth discussing in order to satisfy both the transition to SR120 as well as the existing neighborhood as one goes further along Spring Street. That is just a thought.

Cheryl Greenway asked if there were any other comments, or does she hear a motion.

Motion

Joe Piontek made a motion to approve RZ2014-02562, CU2014-02563 with the following conditions:

1. The four conditions that the City has outlined under staff recommendations.
2. That the builder grade the property according to the site plan analysis ensuring that the grade conforms to the UDC.
3. That they pursue a right-only traffic calming impediment on Spring Street with the state and the City if they require it.
4. That the Planning Commission grant them a variance. They asked for a conditional variance on the minimum front and side setbacks to 10 feet from the 15 feet that is required by RTH.
5. That they apply for an RS4 versus the RTH zoning that they asked for here.

Having no second, the motion failed. Cheryl Greenway called for another motion.

Bryan Chamberlain stated that he would make the same motion with the absence of the traffic calming move onto SR120 for left turn only. He thinks that as they look at the flow of traffic along SR120 that probably is going to be nixed by the state, but there is not enough space for that to actually take place and the topography doesn't lend itself to that turning out.

Bryan Chamberlain stated that he would like to amend Joe Piontek's motion to eliminate the left turn calming element.

Joe Piontek accepted that amendment. Cheryl Greenway clarified that they are taking that out altogether. Greenway clarified that they have a motion by Bryan Chamberlain and a second by Joe Piontek.

Cheryl Greenway called the question.

The motion passed 4-2. Lisa DeCarbo and Sidney Dodd were against the motion all the rest were for.

 **DRAFT**

Cheryl Greenway mentioned that part of this process is a chance for both the member of the City to voice their feelings and their opinions and also for the Planning Commission to try to get some suggestions to try to take in all that they talked about tonight to help prepare the applicant for the meeting with the Mayor and City Council next year.

14-096

RZ2014-03068 and CV2014-03069

PETSUITES

951 Mansell Road

Land Lot: 505

Jackie Deibel stated that this request is not a true rezoning. It is a request to change the conditions from the original approved site plan from 2008. The location is 951 Mansell Road located on Mansell Road and Roswell Commons Circle. The property is zoned NX. The proposed site plan shows the proposed building of around 19,700 or 19,800 square feet. They are showing a play area in the rear, they meet all of the UDC requirements for the build-to zone. The zoning of the property is NX which was rezoned in 2008 for retail. The applicant is requesting a change of condition. They are asking for two variances. One is a variance to the building size, which in the NX zoning classification the maximum building size is 15,000 square feet. They are proposing 19,700 or 19,800 one of the two,

The second variance to the transparency requirement. Jackie Deibel believes the applicant may have discussed this with Kevin Turner in the zoning department. They may be able to meet this requirement. She believes they will address that at that time.

Staff is recommending approval of the change of conditions and the two concurrent variances with the following conditions:

1. That they shall dedicate the right-of-way as shown on the October 7th plan to the Roswell Transportation Department.
2. They shall extend the five-foot sidewalk along the entire property frontage along Roswell Commons Circle.
3. They shall provide an easement on the property for the sign at Roswell Commons neighborhood.
4. That sign shall not take away from any of the sign allowance for this. This condition was brought forward from the original 2008 approval.

Jackie Deibel asked if there were any questions for staff.

Bryan Chamberlain asked Jackie Deibel to speak to the 15,000 square-foot maximum building in NX. Jackie Deibel stated the NX zoning had been originally C-2 and under Roswell's old zoning ordinance, that maximum was 15,000. That was brought forward from the old code to the Unified Development Code and that is shown under the building mass section of the NX different building types listed. So, 15,000 square feet is the max, which the applicant is just requesting a variance to go almost 5,000 square feet more.

Bryan Chamberlain stated as an aside, is that 15,000 somewhat of an arbitrary number as it was brought into the NX and therefore should possibly be reviewed in the UDC for broader scope.

 **DRAFT**