

undeveloped land in the surrounding or immediate area and the impact on city services. The burden of proof for a rezoning request is always on the applicant.

Baur asked that all cell phones be placed on vibrate or turn them off. This includes 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 benefit of staff recording the minutes for this meeting.

Baur took this opportunity to welcome Tom Wilson to the Planning Commission. He is their newest member. He has a great deal of experience in community development and the Commission is very happy to have him.

At this time Susan Baur called the first item on the agenda.

Jackie Deibel stated that she would like to introduce Lynn Buffkin. She is the new planner with the city of Roswell and she will be working on rezonings. The Commission will see her from now on. Susan Baur stated that the Commission will look forward to working with Buffkin.

REZONING
SITE PLAN APPROVAL
RZ10-02
1266 Minhinette Drive

Jackie Deibel stated that RZ10-02 is not typically a rezoning. It is a site plan approval. This was a petition back in 2006 that was at 1266 Minhinette and 1253 Minhinette Drive. It went before mayor and city council for R-2 to R-3a and was denied. It went to court and the court overturned the city council's decision. Last year it came through and rezoned per court order to R-3a. With that the city of Roswell put in a condition that a site plan with density not to exceed five units for the whole site would have to come through prior to any permits. The owners of 1266 Minhinette have come through. Deibel pointed out that the red out-lined area is the property that is going for a site plan approval. The applicants are asking to divide that lot into two lots to build two single family homes for site plan approval.

The staff is recommending approval. The applicant is asking for one variance, a variance to the minimum lot width requirement. The required lot width for R-3a is 80 feet. They are asking for 55 feet. The staff has recommended approval of the variance and the site plan with two conditions:

1. It shall be limited to two single family homes.
2. A division plat must be submitted and recorded prior to the issuance of any permits.

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

Loren Conrad stated that he had a question about the adjacent lot. If he looks on the overhead photograph it looks like there is some kind of structure on the line between...

Jackie Deibel stated that there is a current house that sits on the property at 1266 so they either choose to tear that down or leave it as it remains. Loren Conrad stated that he sees the main house but it looks like some other little structure beside it. Deibel stated that there is only one house on the property. Conrad stated that he did not know what that little structure is. Deibel stated that the applicant has indicated that it is a dog house. Conrad stated that is very moveable. Deibel state that it might be coming down. Conrad clarified that the site plan is what is shown here with the limits of the building line. Deibel stated that was correct. Conrad clarified that within that there will be a single family dwelling that meets the code is terms of size. Deibel stated that it would meet all of the minimum dimensional requirements except for the minimal lot width variance that they are requesting.

Hearing no further questions from staff Susan Baur stated that the Commission would now like to hear from the applicant at this time.

Alfredo Ortiz stated that he was one of the co-applicants. Lew Oliver is actually his partner and the gentleman who actually is the architect-designer for the site plan. He is out of the country though for the month. So, any specific technical questions Ortiz will probably tell the Commissioners that he would have to get back to them on any questions regarding that which he is more than happy to do because he is not the technical expert.

Ortiz stated that this has been a long and arduous process three years in the making. He believes a couple of Commissioners have heard him comment on this before. This has been three years, there is a law suit that came forth. He was sad that it had to come to that, but he is happy that they are here and they obviously appreciate the staff and their recommendation and their trying to work with them on this lot. This is an opportunity to retrofit what is there and improve on the area and they are appreciative of the help and support.

Susan Baur asked if there were questions for the applicant.

Loren Conrad inquired what type of house the applicant intends to put on the lot. Ortiz stated that unfortunately, he is not sure if Lew Oliver has provided that. It was not really for this part of the meeting. He is sure that if the Commission is familiar with Oliver's work he does a lot of cottage-type stuff. The new design and the new thinking now, in the old and the new building environment that exists is that one is working smaller square footage. The whole idea is that 4000 plus square foot homes are times of the past. So they are working with some ideas that Oliver has already laid out and have already actually in place at Sarande and

other cities. Conrad stated that he was curious because the two homes that are there are pretty old and pretty simple. Ortiz stated that these were actually going to be relatively smaller square footage that meets the requirements within the codes. They are going to be fairly simple; the price points are going to be relatively reasonable. They are shooting for between \$299,000 and \$329,000. One can kind of imagine what that translates to. Conrad stated that he was thinking about the neighborhood blending. If they stick something in there that is far different... Ortiz stated that is really part of what they are really trying to come into now with more of the site plan approval. The idea is that if one looks at a lot of Lew Oliver's work it is kind of more cottage-type feeling, which Ortiz and Oliver believe is going to be more appropriate there. Conrad stated that he thinks it would be.

Susan Baur asked if there were any further questions from the applicant. There were none. Baur stated that she will not open this meeting up to the public. She asked if there was anyone here from the public who would like to speak in favor of this application. If so, they can come forward at this time.

Tad Servy

Tad Servy stated that he lives in the home across the street, 1230 Minhinette and he is in favor of going ahead and proceeding with this.

Susan Baur asked if there was anyone else who would like to speak in favor of this application. Hearing none, she asked if there was anyone from the public who would like to speak in opposition to this application. No one came forward. Baur closed the public portion of the meeting and stated that the Commission would have some discussion and a motion.

Loren Conrad stated that he had a question for staff. The conditions apply to both lots. So what are the implications for the future of this if they try to build something on the other lot other than what is there if it is donated to this site plan. Jackie Deibel stated that the lot at 1253 Minhinette, which is not a part of this tonight, should they ever decide to split the lot or build something separate than what the house is there they would also have to come back through the process for site plan approval just like this one. Conrad clarified that is what the condition does. It still lays on that property? Deibel stated that was correct. They have put that in the staff report. Conrad clarified that other than that that is the only implication. Deibel stated that was the only thing.

Susan Baur asked if there were any other questions for staff. Hearing none, she asked for any discussion or a motion.

Loren Conrad stated that he has been with this project since its beginning and he really likes the way it turned out with less density that was originally proposed

with the additional town homes in there. So he thinks it will make it less crowded, more appealing, more green space. He likes the way it turned out.

Motion

Loren Conrad made a motion to approve RZ10-02 with conditions as stated.

Sarah Winner seconded the motion. The motion passed unanimously for approval of this project. This recommendation will go forward to mayor and city council next month.

TEXT AMENDMENT

RZ10-01

Text Amendment to Article 10, Chapter 10.23 Home Occupations and to the city code, Article 22, Traffic and Motor Vehicles.

Jackie Deibel stated that this text amendment deals with commercial vehicles which basically are parked in residential neighborhoods. The addition to this text amendment indicates that no one, no person shall park or let stand a commercial vehicle with weight that exceeds 10,001 pounds on a residential lot unless it is completely screened or in a garage except for during the portion of loading or unloading. Basically what this text amendment is indicating is that commercial vehicles are not allowed to be parked in driveways unless they are screened from view or within a garage. That is the basis of this text amendment.

Loren Conrad clarified that this allows moving vans to park for awhile out at the curb while they are loading and unloading. Deibel stated that was correct if someone was moving. Conrad clarified that there could be other large vehicles...Deibel stated as long as they are unloading and loading.

Sarah Winner stated that she had a couple of questions. This 10,000 pounds, is that the break where they have to have that GA DOT number on the side of the car? Deibel stated that it was. Winner clarified that for vehicles that have those magnetic GA DOT numbers that they can pull them off and on...she has encountered problems where people can actually take that GA DOT number and throw it in the back of the truck. There have been issues with code enforcement coming out and there being arguments about if the vehicle was over 10,000 pounds or if it was not because if one can't visibly see the DOT number and people were running around with cameras at 2 a.m. and trying to catch people pulling their trucks in because the board or magnetic sign has come off. How would that be addressed if this is put forward? That puts people in an awkward situation.

Jackie Deibel stated that she understands what Winner is asking. She is trying to figure out how best it would be to indicate that. Winner stated that there is no way to know how much a truck weighs unless it has the DOT number on it. Deibel