

Cheryl Greenway thanked Jim Bowersox and asked if anyone had any questions for the applicant.

Lisa DeCarbo stated that she was curious about the addition of the turn lane into this new road. Is that going to be done by the developer or is that being done by the city or state? Jim Bowersox stated that they will be doing that. The left turn lane and the accel/decel, all of the improvements on SR 140, the applicant will be doing that. Plus obviously, a full entrance for the whole frontage out there with monuments and all of the entrance type features.

Lisa DeCarbo thanked Jim Bowersox.

Cheryl Greenway asked if there were any further questions for the applicant. Hearing none she thanked Jim Bowersox and asked him to have a seat.

For the record Cheryl Greenway noted that there is no one else in attendance so she is not going to ask for anyone to speak in favor of or against. Since this is a plat, she doesn't really have to ask for that. So, never mind.

Greenway asked if there was a motion or comments.

Motion

Joe Plontek made a motion that the Planning Commission approve 2014-01996, 13500 Arnold Mill Road, Grand Reserve at Litchfield/Lennar as presented.

Chris Foley seconded the motion.

Cheryl Greenway called the question.

The motion passed unanimously.

TEXT AMENDMENT

14-303

Article 10,

Site Development, Section 10.2

Landscaping and Screening, Section 10.2.3

Neighborhood Compatibility Buffers table, to add PRD under the new project column and to add a type of C/D buffer under the PRD Column

Brad Townsend stated that as part of the Unified Development Code he is actually just going to put this up there, included in the Commission's backup material, staff did not have a buffer requirement between existing Planned Residential Developments and Future New Plan Residential Developments. The mayor and city council in their infinite wisdom has requested that the Planning Commission pass a text amendment that would include that.

Cheryl Greenway asked if there were any questions for Brad Townsend.

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Keith Long stated that he must have totally missed this in the review process going through the buffers, but...He can understand buffers between industrial and residential, commercial and residential, retail, all of that, but he just does not understand the buffer between residential and residential, single family and single family. It seems like in everything that they are doing in the city of Roswell they try to improve transportation access by creating connectivity and creating the through streets. They try to create good designs through charettes and community involvement. They want a walkable/bikable community and then all of a sudden they don't want their neighbors to talk to each other or play with each other. Long doesn't really understand the concept of having a buffer like this between two single family residential uses.

Lisa DeCarbo stated that the way she sees it is this is really a continuation of a buffer that was in place before. They always had a 40 or 50-foot buffer and in between the RPUD's it was 100 as she recalls. One of the other things, as far as having the areas where they have more density, the existing PRD are not in those areas. They are in the areas that are suburban residential that are supposed to be the lower to medium density. So to DeCarbo this is perfectly appropriate.

Cheryl Greenway asked if there were any other comments or questions.

Bryan Chamberlain stated that he was thinking back to work session. It was a Saturday work session with the Council where this issue came up looking at buffers relative to several different kinds of things and then thinking about the Shirley property and thinking about each entity represented in the disagreement.

Chamberlain wants to project that into a different environment where he is developing a community, a neighborhood, and that neighborhood is going to back up to a neighborhood that he does want to subject his new residents to because of its disrepair, older age. Let's assume those people really don't want a new neighborhood. To Chamberlain, the answer to the question of why do they have the buffer is those issues. He doesn't want to see his neighbor, his neighbor doesn't want to see him. So, instead of getting into an upfront battle, that can somewhat be dealt with knowing that there is going to be a buffer and the whole planning process can move forward. An exception could be asked for. Could they do without the buffer so that there is more connectivity should both parties choose to want to do it?

Brad Townsend stated that he thinks that is where he thinks that is where the Council wanted the discussion to start with. If one has an existing planned residential development of an existing type of housing style, be it higher density, be it apartment or that exists, and then one brings in an existing piece of property. He is putting in a planned residential development that may have different housing styles and different housing stock to it. How do they mesh? He thinks the desire was from at the Council level they are going to buffer them from each other to start with and then they are going to look at a plan where they may not need it, or it may be reduced or maybe subjected to a different style and Townsend thinks that is where they wanted the conversations to start with. That is why staff is processing a text amendment and since they are the final decision makers on where that ends up, they will end up with the development that they have desired in the community.

Keith Long asked if that would not require a variance to get rid of that buffer at that time though. Brad Townsend stated that it would. Long stated that will never happen. He can't see a situation

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where an existing neighborhood would ever say "no, we don't want a buffer between them and the new development."

Bryan Chamberlain stated that he does not disagree with that. Thinking about the one the Commission just looked at the plat on, he does not know what the home styles of Pulte are for this property. But there has been quite a bit off development of Litchfield over the years and in fact they may want that overall connectivity even though this is a different...so he can see that this could be the oddity to that circus of events. But in most situations, old butting up to new, I've got mine, you've got yours, I don't want to see yours...blah, blah, blah. He thinks Keith Long is generally right. But, if they want it and it makes sense, Chamberlain doesn't see that a variance would be...as many variances as the Commission sees in these things. He does not see that that would be something that would, just because of the process would not be asked or approved.

Keith Long stated that the biggest reason he will say that is in working on a recent project, thinking about trying to get kids out, and creating community. In the plan that he was working on if Johnny was a friend with the person right behind him, he would have to get in a car and drive three miles for a play date with that individual. How would one walk through the back yard if they have a wall? Two 12-foot ladders?

Lisa DeCarbo stated that one does not have to have an eight-foot wall. He could have a 40-foot natural buffer without a wall.

Keith Long stated that his other point of contention on that is if one has an eight-foot wall or he has the variety of evergreen landscape, when he wants it to be buffered at day one, he is not going to achieve a buffer. There is always going to be either a grade differential or the evergreen trees are going to be so small, there are going to be so many gaps. It is going to take eight to 10 years for that to create a solid screen and by that point, everybody has gotten over the issue of the new development.

Cheryl Greenway asked for clarity's sake right now without this change, a PRD to a PRD requires what buffer. Brad Townsend stated none. Whatever the PRD brings forward as part of its approval. And in some instances when it is an 18,000 square foot single family lot backing up to an 18,000 square foot lot some of the existing PRDs don't have buffers. So, it may be property line to property line. But in some instances, that is not a bad situation to have when the objective of the text amendment is that new PRD start with the level ground of, one is providing at least a CRD buffer adjacent to that existing PRD.

Greenway asked if the city council would have the right if they came up with that having the same type of properties back up to each other that could do away with that buffer, if they wanted to. The city council could.

Brad Townsend stated that if the city council could and if the existing neighbors felt that it was appropriate. But he thinks that what Keith Long's point is, is he doesn't see any current or future scenarios in which that would receive a favorable four votes of city council.

Sidney Dodd stated that he would like to comment on the record that he understands both sides of the argument or the question that they are posing here. But he thinks that they may want to provide some additional focus on the intent and the results. He thinks buffers are certainly

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necessary to protect existing property owners from infringement by different property-type developments. But he thinks that when one drives around Roswell, as they all have for years, some more than others, he will not comment on how many years. One notices some of the development patterns that have taken place in Roswell. And it is hard for Dodd to believe that he has gone from a young corporate whippersnapper to now the kids in his neighborhood refer to him as the old guy. It is hard to believe that that has happened in a short 22-year period. But all things being considered, he thinks that hopefully, if they are lucky, they will see young people and other people move to Roswell. The Commission will have to ask itself what type of housing would they want to live in. How would they contribute to the community? How will they get to know their neighbors? Etc. Any time there is a question like this one where they are talking about a buffer between like developments, they need to really ask the hard questions. And those questions are what is the intent, what will be the result? Is this the right thing to do at this point in time in the city of Roswell? Dodd is sympathetic to those that don't want change but he looks at Japan. Their economy died for 20 years because they had old people that didn't want to do anything and didn't want to allow any change and they didn't want anyone to basically come into their midst. It is just now starting to come back. He would hate to think that that same cycle could be repeated in another community anywhere in the world where they don't want young people, they don't want change. Dodd would just like to add that to the record.

Keith Long clarified that he does think there should be a buffer between really any adjacencies. But in the form of a landscape strip where one can supplement... a 40-foot undisturbed buffer is fine and then one supplements plantings. But the way it is spelled out in the UDC is a 40-foot strip, basically 40 trees per 100 linear feet. That is just creating a very institutional type boundary around each community. If it could allow for something a little more natural and not so rigid he thinks he could go with that.

Cheryl Greenway stated that since they are looking at residential to residential, why not an A-B instead of a C-D.

Brad Townsend stated that he is looking at Councilman Dipolitto's intent. He instituted or indicated that they should process this. Townsend thinks he was looking at it from what is the most restrictive and picked the choices. The choices are C and D which are the largest, requiring the wall or not as in aggressive in dealing with that. His recommendation in starting the text amendment was to C and D. It is up to the Planning Commission if they felt it more appropriate to recommend an A or a B. It is within their purview to do that if they feel that is appropriate or it should be C or D.

Lisa DeCarbo stated that she thinks she remembers the discussion at that one Saturday work session centering on the fact that so many of the PRDs have larger single family homes. If one looks at the chart for the larger lot sizes, C-D is the standard. DeCarbo thinks that perhaps Richard Dipolitto is saying that if there is a case where one of the ways where they could consider a smaller buffer is if in the existing PRD one is up against one of the denser components. Say, there are town homes in that community. And that might be the better place to start with a smaller buffer. But maintain the same kind of thing for the larger lots that they would have if they were just stand alone larger lots next to each other. That is what DeCarbo recalls the discussion being and she thinks the three of them were there that day.

Cheryl Greenway stated that she hears what Lisa DeCarbo is saying but then what they are talking about in a PRD they don't know what lot it is that is going to be facing up to the next side.

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So, now it is forcing everything to the C-D regardless of whether it is a large lot or the town house or all of that. That is where Greenway has an issue with it.

Lisa DeCarbo stated that she that maybe if Brad Townsend is right, that is just where they want to start the discussion and that is where one could end up asking for the variance.

Chris Foley stated that he had a comment. From the same angle that Cheryl Greenway is speaking of as chairperson, the mixed bag that a PRD and probably the PUD is representing puts that random factor in there. And it is exactly because of that randomness where it could be single family against town homes, it could be town homes against town homes. But Foley thinks that the C-D does give two choices in distance in terms of a developer wanting to come in and get a certain density. Now it is not an A-B density and Foley stated that he had a question for Brad Townsend about what would the A or B or A/B mean distance-wise.

Jackie Deibel stated the A buffer is 10 feet with a six foot wall, planted buffer and the B buffer is 20 feet planted buffer. No wall.

Chris Foley clarified that it was kind of a mini version of the C-D. Jackie Deibel stated that was correct. So, his thinking is that for that reason...because the worst case scenario could in terms of the density of the town homes being up against something dissimilar because of the mixed nature. He is in favor, he understands Councilman Dipolitto's thinking of let's start with a safe buffer and then as a body, the Planning Commission and Council, let's be reasonable when people want to put things up against each other where the buffer doesn't make sense.

Sidney Dodd stated that was fine and well, but from a practical standpoint of view, when these developments come before the Planning Commission and ultimately to the city council, one can believe that the MPUs or the neighborhoods are going to be fighting it when that there is a variance being contemplated for that buffer. They are going to suggest that they ought to maintain that for a lack of a better term, buffer by right position and Dodd doubts if they will see very few variances approved due to a heightened state of potential anger and political realities. It is something to discuss now rather than see 500 angry Roswell citizens stating that the store is being given away in terms of variances.

Jackie Deibel suggested that if the Planning Commission chooses to make a recommendation, they could add some language to indicate that a buffer would be required, Type A-D and base it on the type of housing units or lots sizes. If one has an 18,000 square-foot lot that he plans to put in the PRD and he is abutting 18,000 then he can choose the A or B buffer. However, if he is going to use something like town homes or smaller lot sizes, then his choice would be from the C-D buffer. If one wants to add something like that as a recommendation into this ordinance, that is also some talking points that they can have and get the Council to think about some different things. That way, if a PRD does come in and they are abutting, say 18,000 square-foot lots, they have the option to say, "Okay, I am going to choose the A-B buffer because he is abutting the same size lots and he does not need a variance. And then one would take that away. He does not have that variance request.

Joe Piontek stated that he was just worried that if the developer comes in using the PRD as some kind of a subterfuge to try to....he says it is a PRD but it is really town homes and then he has an A-B buffer by right. That is Piontek's worry here is what he is hearing. What Sidney Dodd says is absolutely right. Nobody wants anything in their back yard ever, but the reality is there is

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a limited amount of space in Roswell to build on. This last property was a great example of that. But to come in and say, "Well, we are a PRD". And to bring even a homogenous group of townhomes in and say that this was a PRD, just so that they could get a better buffer type. Piontek does see that a variance would be granted here if it were an appropriate type of property next to another PRD. It could be an add-on like this last Litchfield was. But this is a hot topic right now. So obviously, this is why this came up to the Planning Commission. He agrees with this text amendment.

Sidney Dodd told Jackie Deibel that he thinks her verbiage solution, it makes sense to maintain the flexibility and certainly to look at the development that is before the Planning Commission and ultimately city council and decide based on what they see instead of being so how backed into a corner from day one with the language. Dodd stated that he would like to commend Deibel on her very good suggestion.

Bryan Chamberlain told Jackie Deibel that he likes the concept, but he keeps coming back to why are they here. Why are they reviewing this and making a decision. Correct him if he is wrong, but it comes down to that they have two parties that can't agree upon them ending up back to back. So, up front if what they are trying to do is pre-empt a lot of back and forth and nonsense, if that is the case, then he would submit that Mr. Dipolitto's concept of start with the most restrictiveness and allow for that to be changed if the circumstances so require. It cuts a lot of the he said, she said. Oh gosh! They want a buffer, I don't want a buffer. There is a variances I am come here pack the room and just raise all kinds of....So the flexibility, the beauty of the flexibility of the A-B-C-D versus the C-D is the unintended consequences of what Chamberlain just described as well as what Joe Piontek described as gaming the system. So, a bit more restrictive he thinks works in the favor of the whole UDC concept of let's get some definition do it. But with this being available, a variance being allowable, it also gives the flexibility as needed in the future with admittedly he thinks everyone said, 90 percent or more of those cases coming before the Planning Commission the neighbors aren't going to want to know who the new neighbors are.

Lisa DeCarbo stated that one of the things she would like to follow up on for that is she thinks a lot of the problems could be solved simply by the developer going to the neighborhood, talking with them and trying to get these things hashed out. If they want to talk about that last case, none of that happened. As Sidney Dodd says, they want to be good neighbors here and if they can encourage them say C-D is what one has. But if he has a better plan get with the community that he wants to be close to and a part of and connected to. Get the support, get the variance. They will get it if one can really work with his neighbors.

Sidney Dodd stated that to take that a step further, what the Planning Commission would like to ultimately, hopefully encourage is maybe the developer goes to the existing community and says he is thinking about creating this large playground, water park for not only the community that is being developed but the existing community. This is where he would like to do it. Somewhere in this buffer area. And in order to do that he needs to shrink that buffer area but he is going to dedicate X amount of acres to make that happen. That is just a dream at this point but that is what they want to try to put in place. Something that allows both communities to go forward together and have a stake and hopefully have something in common. The question is how does one make that happen. How does he ensure that at the end of the day not only are they protecting the existing home owners or property owners, but they are also trying to

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incorporate a better sense of community in an area that is experiencing new development abutting existing development?

Cheryl Greenway stated that hears what the Planning Commission is saying but she has to admit that what she hears in her head is someone from the community coming up and saying, "Well, when you set this UDC up, this is the buffer you put in, and you had good reasons for doing that. So why would you want to give somebody a variance now? If he didn't think it was good to start with, why did he start out with that? Greenway understands those issues but then that means that the council and the Planning Commission are going to have to be strong enough to say back to them, "Well, but this makes sense because of this." But unfortunately a lot of times that comment by a citizen carries a lot more weight than everybody understanding yes, but this is a good project and it has town houses to town houses or it has a park or whatever. They fall back on that issue, "well that is what you originally set it up. Why are you varying from it?" That is Greenway's concern.

Joe Piontek stated that he believes the way Richard Dipolitto put it in here, this provides leverage for the existing home owners. What Sidney Dodd was just saying was that when the development comes in, there is a limited amount of space. They have got to build somewhere. So there are few properties there and this C-D gives the existing HOA or community some leverage to say, "Yeah, let's have a park or let's have something. You provide something beneficial for our community and we will get behind you and support this." And then they won't have bunch of green shirts or red shirts or whatever shirts they decide to wear that night. They will have a community saying, "We want this new development here." Rather than it always being an argument or a fight.

Cheryl Greenway stated that she does not disagree, she would love to see it but unfortunately they tend to see more of the fights because of the "I don't want it in my back yard" attitude.

Joe Piontek agreed with Greenway and stated that is what he thinks they are doing is they are giving some leverage to the existing people so that it is not a futile fight. If they give them the A-B, then they say they are going to let the developers do what they are going to do. Because they do want to invite the development into Roswell and they want to make it easier for one to build here. But at the same time, this Not in My Back Yard concept can be overcome with some horse trading, with some give and take between the developer and the HOA. Piontek is hearing that maybe in this recent case that didn't happen. He does not know.

Cheryl Greenway stated that she thinks they need to stay focused on houses that exist. Joe Piontek agreed to stay focus. On a more general case though, he thinks that the C-D provides some leverage for some conversation that could then become a variance that they would agree to.

Cheryl Greenway stated that Joe Piontek made a comment that his concern was that by having that A-D it would give a town house able to come back up to another town house and be closer than it would be otherwise. Because they could just say they are a PRD. Could they really do that? Could they just build town houses and say they are a PRD.

Sidney Dodd followed up on Cheryl Greenway's question by asking if one wouldn't have to take that preliminary plat before the Planning Commission and at that time the request by the

developer for the A-B or the C-D, wouldn't a determination be made at that point? At the approval of the preliminary plat?

Brad Townsend stated that the PRD has some specific criteria in place. One has to have at least a minimum of 10 contiguous acres so it is not a five or a three-acre piece of property. So, it has to have at least 10 contiguous acres even to apply. But Joe Piontek is correct. They are going to try and slide it in where they can slide it in and Townsend thinks with as many existing PRDs that they have, there is not a lot of vacant land and they know on one hand that the vacant land that is next to the existing PRDs....it is not that it is going to be applied on a lot of locations so the objective is to provide that buffer next to the existing homes. And that is where they want to start and that is what the objective of the text amendment tries to at least establish, that first part.

Bryan Chamberlain stated that he was thinking about Cheryl Greenway's question of the A-B, C-D and someone coming in and saying well if one only goes C-D, why did they even do it? He is sitting back thinking if they have neighborhood A and new neighborhood B proposed and the argument comes up. They want them as far away from us as possible, whether it is A against B or B against A. And there is no resolve to that prior to coming to the Planning Commission meeting. It doesn't matter whether they do a variance or not. They are not happy about it. On the other hand, if there is a resolve as it relates to the buffer prior to them coming to the Planning Commission meeting and there is a general agreement of minds, new and old. Then there will certainly be that lone voice saying, "Well, why did you do that?" But it is rather hollow in that the bulk of the people in the existing neighborhood say they support this. So at that point Chamberlain is not sure there is a lot of credibility to the question being asked and therefore a reference could be made to this discussion if nothing more than this is the intent. Here is how it is set up, here's why it is set up and they make allowance for it in those proper situations for them to have a variance. That is the real answer to it.

Cheryl Greenway stated that one comment she would have on that is what they are discussing here and now will fade with time. They will not always be on this Commission. And so when issues come up down the road, they are not going to have this discussion in their mindset. So, what they are putting into here is what has to be a guideline for those to come after the present Commission. They are not going to know this.

Bryan Chamberlain stated that he does not discount that at all. He does not disagree with that at all, but it still come back to why are they here. It is because there are some people that don't want a new development close to them. And if the majority of the people in that existing neighborhood, when one comes up says PRD says they do not want them. They want a buffer. It doesn't matter whether it is an A-B, C or D buffer they don't want them there. On the other hand if they don't want them there the C-D gives them the most release by the way it is set up. The wording they are working on. On the other hand, if they do want them there this approach this gives it the ability for it to come together so someone that says, "Well why aren't you allowing a variance?" They are allowing a variance because there is similarity. He would think that any planning commission and/or council, regardless of how long they have been away from this particular issue, would look at that and say, "That's why we are doing it." Because there is a logical reason. There is a similarity to the neighborhoods. If there is not similarity or continuity, it isn't going to happen anyway. The variance wouldn't be approved he is thinking.

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Cheryl Greenway stated that basically what she hears Bryan Chamberlain saying is if the community is against it, it is not going to get approved, period. Chamberlain agreed. Greenway stated that is the point she is trying to make to a certain extent that that tends to be the approach they have. If a community comes up and says they don't want it. They don't care if it is the nicest thing there is out there. And the topography is such that they can't do that buffer. Is the Planning Commission going to say, "Yes, we will approve the smaller buffer because of topography issues" or are they going to say, "Gee, everybody is against it so they are not approving anything?"

Bryan Chamberlain stated that their history would show that if the C-D is there as Richard Dipolitto has proposed, they would follow the C-D and say that is the only thing that it can have. One cannot have relief from that because everybody in this room, in the audience, has said that they don't want it. They have a pretty good history of that.

Cheryl Greenway stated that they have a development that is already there, been there for a good while. He is wanting to put in a PRD, it is going to back up residential to residential. But they don't want it because the older people that have been there have liked having the big open area, not having the neighbors and all of that. So, now they have a new one coming in that is going to put big home next to big home but they can't do it because the neighborhood is against them. Either way, one is backing up a home to a home where in any other neighborhood one goes into he does not have that big of a buffer.

Bryan Chamberlain stated that if they are big homes, a 40-foot buffer is not that much distance. If one is dealing with, in this case acre lots, that is not that big of a distance. Cheryl Greenway green stated that they were half-acre lots. Chamberlain stated that he would look at it and say, as in the Shirley property case, the 40-foot buffer seemed to make a difference because they had real issues in terms of how many lots can they put on this odd topography. They need to have as many lots as possible and it doesn't make adequate space for the buffer as designed. That is a different issue than giving relief to the existing neighbors by definition and then giving a variance to the new neighborhood should there be agreement between the two neighborhoods. He does not see those two issues being the same thing.

Keith Long stated that in just about every project that comes through here, the Commission applies conditional approval on certain aspects of it if there is a grievance or if there is an issue between the city of Roswell and the developer or disputing home owners, land owners or developers. He thinks his biggest point with it was, why does one go with the strongest buffer they have on their code as opposed to being able to come back in the future and apply a conditional variance. That would go back to what Jackie Deibel was saying about the A-D. Then if there is single family against single family and they are big lots, then one has that ability to say, A is fine here. Where one has town homes against single family, they will make it a condition of their approval that one have a buffered D or C.

Brad Townsend asked if that was the form of a motion. Cheryl Greenway stated that she did not know.

Sidney Dodd stated that he would just like to add one last thing. He is listening to the discussion and it appears that the intent is to give the leverage to the existing home owner. Shouldn't the intent be to have balance and reasonability in anything and everything that the Commission approves in order to fulfill a greater goal? Maybe he is naïve in that or maybe he is wrong.

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Maybe someone should tell him what the long term goal and the intent is. He can adjust and conform to that. But he would think that they would want more balance in the process so they could meet their Roswell 2030 goals or have a community that is more balanced. And hopefully as they go through the gentrification process...his wife cried because there are some older homes that are being bought on Jones Road between Woodstock and Bowen. He knows the Planning Commissioners have noticed these old homes being purchased. They are tearing down the homes and they are building these vehement houses. He asked his wife why she was crying and she said because she liked the flowers in front of the old, small homes that used to be on Jones Road. They are starting to get old and soft.

Sidney Dodd stated that he realizes that change is coming and how they proceed, he would just suggest that they should do it in a balanced way that doesn't favor the developer extremely and it doesn't favor the existing homeowners to the point where they chase all of the developers away and they go to Alpharetta.

Chris Foley stated that he just had some comments. While all of the members of the Commission have made some valid points that he can't disagree with anybody 100 percent. In Sidney Dodd's last remarks here about the balance Foley believes that when...UDC brought in a lot of new code. And there was an attempt in general to strike that balance. He thinks that his perception of the development community's reception to the UDC is that it has given them, by and large, a lot of options that weren't there before. There is a lot of zoning that can be achieved under the UDC without the need for a variance. And so he thinks in the spirit of the UDC, the way Foley looks at this, this is a loophole. This was an oversight in an overall plan that was a fair and balanced approach. And what he does not want to do is create a hole in that overall scheme that somebody could drive a truck through so to speak. He really thinks this the good place to start because it is not inconsistent with the balance of the UDC.

Cheryl Greenway called for a motion.

Motion

Lisa DeCarbo made a motion to approve the change as proposed. Joe Piontek seconded the motion.

Cheryl Greenway called the question. The text amendment was approved 4-3. Lisa DeCarbo, Bryan Chamberlain, Joe Piontek and Chris Foley were in favor of approving the text amendment. Keith Long, Cheryl Greenway and Sidney Dodd opposed the motion.

LEGAL DISCUSSION

Cheryl Greenway stated that she had asked Bob Hulse, the city attorney to be here tonight. They have some new members of the Planning Commission and also with the new UDC in place she thought it would be good to get some comments and input from Hulse from the legal standpoint and how the Planning Commission can be effected by what they are doing or how it effects the legal issues by what they are doing.

Bob Hulse stated that he told Cheryl Greenway that they can do this on a very informal basis. He has given the Commission a handout. It is not as intimidating as it looks. The handout is three pages or maybe three-and-a-half pages. The rest of it is supporting material. What he has

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