



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes Mayor and City Council

Mayor Jere Wood
Council Member Nancy Diamond
Council Member Rich Dippolito
Council Member Kent Igleheart
Council Member Jerry Orlans
Council Member Betty Price
Council Member Becky Wynn

Monday, August 12, 2013

7:00 PM

City Hall

WELCOME

Present: 7 - Mayor Jere Wood, Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Jerry Orlans, Council Member Betty Price, and Council Member Becky Wynn

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Rusty Grant; Fire Chief Ricky Spencer; Planning and Zoning Director Brad Townsend; Environmental/Public Works Director Stu Moring; Finance Director Keith Lee; Recreation and Parks Director Joe Glover; Transportation Deputy Director David Low; Community Development City Planner Jackie Deibel; Community Relations Coordinator Karen Zitomer; Police Captain Ed Sweeney; Police Captain Geoff Robertson; Deputy Fire Chief Tony Papoutsis; Deputy Fire Chief Paul Piccirilli; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; City Clerk Marlee Press.

Pledge of Allegiance - Douglas Fallon

Special Recognition by Mayor Wood:

Doug Fallon was recognized by Mayor Wood for all of his volunteer work in Roswell. The Mayor said Doug helps with the annual Georgia Bike Summit and also sends weekly emails with information about all of the bike rides in Roswell and is the main reason Roswell is a bicycle friendly community. The theme of this year's summit is economic development, which the City of Roswell has long recognized the importance of and now everyone else in the state is recognizing that being a bicycle friendly community is not just good for the cyclists but also for property values, our children and for the economy.

Mr. Fallon said this is the fourth year for the Georgia Bike Summit and that Roswell won the bid for the meeting to be held here this year. He thanked Eric Broadwell for helping with that and said the meeting is for bicycle advocates, traffic planners, police officers and others who are interested in making cycling safer.

Special Recognition by Mayor Wood:

The Roswell Junior Flyers were recognized by Mayor Wood. Eric Broadwell spoke on behalf of the Junior Flyers and said this is a non-profit youth cycling group working to fight child obesity 'two wheels at a time' participating in various events around the

country. They won several medals at the youth junior nationals this year in Wisconsin and also at the youth track nationals in Pennsylvania. Mr. Broadwell introduced some of the Junior Flyers who were attending the meeting that included: Sophia Broadwell, winner of a time trial and 5th in the nation champion; Luke Broadwell, winner of a team pursuit silver medal from the track nationals; and two of their newest members, Reese Latham and Ryan Garvey. Junior Flyers practices are held year round for children with any bike and or skill level at Lebanon Baptist Church on Mondays from 6:30 pm to 7:30 pm. Anyone ages 6-18 can join the Junior Flyers by going to their website, juniorflyers.org, or by attending a Monday night practice.

Mr. Broadwell talked about the Georgia 400 Hospitality Highway Century event that is held annually in Roswell and said this was their fifth year and the ride is growing. This event makes a huge economic impact on Roswell and gives back to the City by introducing new people to the City as Roswell and Georgia 400 become the center of bicycle awareness during the preparation for and throughout the ride when they shut down Georgia 400. Advertising through radio spots prior to the event gained thousands of dollars for Roswell. 1,379 registrants and 104 volunteers participated this year and 41 people spent the night for this event that helped increase sales for Lucky's Burger & Brew where two volunteer dinners were held and it also increased sales for Roswell Bicycles who hosted their pre-ride packet pick-up. A survey indicated that \$42,978 was spent in Roswell throughout the event gaining about \$3,008 in sales tax revenue. The ride was a huge success.

The Roswell Junior Flyers presented plaques on behalf of the Georgia 400 ride to the Mayor and City Council, the City Administrator, Kristina Lappin and the group in Community Development, and the Roswell Police and Transportation Departments. They also presented a check in the amount of \$1,000 to the Roswell Fire and Police Foundation as their contribution back to the City.

CONSENT AGENDA

1. **Approval of July 8, 2013 Mayor and Council Meeting Minutes (detailed minutes to replace Council Brief adopted on July 22, 2013); Approval of July 22, 2013 Mayor and Council Meeting Minutes; Approval of July 29, 2013 Mayor and Council Special Called Meeting Minutes; Approval of July 29, 2013 Mayor and Council Open Forum Brief; Approval of August 5, 2013 Mayor and Council Special Called Meeting Minutes.**

Administration

Approved

2. **Approval of the Mayor and/or City Administrator to sign a contract with Summation 360 (TWI) for an Interactive Voice Response System in the amount of \$103,870.**
Finance
Approved
3. **Approval of the Atlanta High Intensity Drug Trafficking Areas (HIDTA) Memorandum of Understanding (MOU) for FY 2014.**
Public Safety
Approved
4. **Approval to renew the Memorandum of Understanding (MOU) between the U. S. Department of Justice, Drug Enforcement Administration (DEA) and the Roswell Police Department for FY 2014.**
Public Safety
Approved
5. **Approval for the Mayor and/or City Administrator to sign a relocation agreement with GA Power as part of the River to Historic Square Trail Connection Project and payment of \$26,650.80 to cover the relocation cost.**
Transportation
Approved

Approval of the Consent Agenda

A motion was made by Council Member Wynn, seconded by Council Member Orleans, to approve the Consent Agenda. The motion carried by the following vote:

In Favor: 6

REGULAR AGENDA**Public Safety - Councilmember Becky Wynn**

1. **Approval of the North Fulton Regional Radio System Tower sites to be located in the City of Roswell on Hembree Road and Cox Road and leased to the North Fulton Regional Radio System Authority (NFRRSA).**

(The Fouts Road Tower site approval will be deferred to a future meeting of the Mayor and Council)

Presented by Rusty Grant, Chief of Police

Due to the size, complete detailed minutes may be found under Meeting Details; File # 13-0339; Attachments: MINUTES_MC 081213 North Fulton Regional Radio System Tower sites.

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, that this Item be Deferred and placed on the Mayor and City Council agenda for 9/11/2013. The motion carried by the following vote:

In Favor: 6

Community Development - Councilmember Nancy Diamond

2. **RZ-201301339, CV-201301341, 12055 Houze & 365, 375, 395 Rucker Rd., William R. Hole/D&B Development Inc., Land Lots 1281, 1282.**

Presented by Bradford D. Townsend, Planning & Zoning Director

Planning & Zoning Director Brad Townsend presented this item stating this is a rezoning and a conditional variance for a single family development at 12055 Houze Road and includes property at 365, 375, and 395 Rucker Road. He displayed an aerial photograph of the property and pointed out the three lots that face Rucker Road that are 2-acre parcels and also 12055, a 10-acre parcel connecting to Houze Road. He then displayed the current zoning map of the property and said the applicant is requesting an R-3A for a 47 single family residential development and a variance for the reduction of lot size from 80' to 60' for all of the proposed lots. He displayed a chart of the current R-3A setbacks that allows a minimum lot size of 9,000 sq. ft. but has a minimum lot width of 60' that means with a 10' side setback; the maximum house width would be 60'. He said the requested variance to the minimum lot width of 60' would allow for a maximum house size of 40'. He said he was asked to include in this proposal, the UDC RS-9 proposed calculations which would be the existing 9,000 sq. ft. lot size with a minimum lot width of 60'. But, since the sideyard setbacks in the proposed UDC are 7' that would allow for a house to be 46' in width. The front setbacks change in the proposed UDC from 30' to 20' and the rear from 30' to 20'. This gives an idea of what would be proposed if this goes to RS-9 with the UDC designation. He displayed the proposed site plan showing the 47 lots with a connection to Houze Road. Mr. Townsend said the Planning Commission recommended approval of this rezoning and the concurrent variance with the following conditions:

- 1. The owner/developer shall develop the property in substantial accordance with*

the site plan stamped "Received May 7, 2013 City of Roswell Community Development Department."

2. The proposed subdivision shall not provide vehicular access to the existing stub street in the Reserve @ Crabapple as required by the Roswell Transportation Department. The connection shall not be shown on the preliminary plat, final plat and the land disturbance permit plans.

(Mr. Townsend said the connection might include a pedestrian connection.)

3. The owner/developer shall dedicate right-of-way along Rucker Road as required by the Roswell Transportation Department.

4. A preliminary and final plat shall be required for the development.

5. A stormwater concept plan, approved by the Public Works Department, shall be completed prior to the submittal of the preliminary plat.

6. The number of lots within the subdivision is not guaranteed with the approval of the zoning.

(Mr. Townsend said they are not guaranteed because they may be more reduced due to the detention that would take place.)

7. The entrance from Houze Road shall be built to city standards and shall not be a public right-of-way, but only used for emergency vehicle access only.

Mr. Townsend said that the resolution before Council is the conditions recommended by staff; so if they are to be amended to reflect Planning Commission conditions, they would have to be amended. He said staff recommended approval of the rezoning as well as the concurrent variance with six conditions similar to the Planning Commission conditions but did not limit the access to the Reserve @ Crabapple or to the Houze Road connection for the entrance on Houze Road.

Mayor Wood asked if there has been any discussion of a pedestrian access instead of a vehicle access to this stub street and said he understands there is concern about cut through traffic but there is also the issue of trying to create connectivity for pedestrians. Mr. Townsend replied there had been a lot of discussion about that.

Mayor Wood asked what resulted from the discussions about the bicycle and pedestrian connection. Mr. Townsend referred to the overhead and pointed out the location of the current stub street built and said there was recommendation by the Planning Commission that this be pedestrian access only. He said there is a grade change but does not know how the elevations would work. There is possible room for a pedestrian access to take place if a portion of one lot is cut off and he indicated the lot on the overhead. Mayor Wood asked what staff's opinion is on that. Mr. Townsend replied that staff recommends pedestrian access. Mayor Wood said then the Planning Commission and staff are recommending pedestrian access. Mr. Townsend replied that is correct.

Mayor Wood asked for Council comment.

Council Comment:

Councilmember Dippolito said this is more of a technical question and asked if conditions #4 and #5 are code requirements to have the preliminary and final plat and a stormwater plan.

Mr. Townsend asked someone if the stormwater is normally at LDP. (The response was not heard.) Mr. Townsend then said they are really pushing the concept plan up before the LDP process because if there is a reduction in the number of lots; they want to know that at the time of preliminary plat. Councilmember Dippolito asked why there would be a reduction in the number of lots. Mr. Townsend replied if they have to increase the detention areas if they are not sized correctly that they need to lose lots and they want to know that at time of preliminary plat. Councilmember

Dippolito said then they haven't done enough study yet to determine how large the stormwater should be. Mr. Townsend said they have done preliminary numbers but doesn't know if they have done the detail to make sure. The concept plan has not been submitted to Public Works. Councilmember Dippolito said that is really a question for the applicant. Councilmember Dippolito referenced condition #4 and asked if the preliminary and final plats are required by code. Mr. Townsend replied yes. Councilmember Dippolito said then that is not really needed as a condition. Mr. Townsend replied correct. Councilmember Dippolito said he likes to remove zoning conditions that are not needed if they are covered elsewhere. Mr. Townsend indicated he agreed.

Councilmember Igleheart asked Mr. Townsend if he has estimated the number of lots that will be available without the variances if they have the 80' width. Mr. Townsend replied they will probably lose between 7 and 8 lots. Councilmember Igleheart asked if that is also generally true if it were 12,000 sq. ft. lots instead of 9,000 sq. ft. lots. Mr. Townsend replied they probably would lose 10 lots if they go to 12,000 sq. ft. Councilmember Igleheart asked if the UDC has been passed. Mr. Townsend replied it has not. Councilmember Igleheart asked if they are zoning to UDC standards now. Mr. Townsend replied they are not.

Councilmember Orlans asked Mr. Townsend if it is correct that the UDC standards he set up have not been approved and that they are just in theory of what might happen. Mr. Townsend replied that is correct. Councilmember Orlans said they are still discussing that. Councilmember Orlans asked if there is a hardship for the variance of 60'. Mr. Townsend replied that he would have the applicant respond to that.

Hearing no further questions from Council, Mayor Wood asked the applicant to come forward.

Applicant:

Don Rolader, 11660 Alpharetta Hwy., Suite 630, Roswell, GA stated that he is present on behalf of the developer. Bill Hole and David Hole are both here with him tonight. Steve Rowe from AEC is the engineer of record for this project. The request is to rezone 16.1 acres to R-3A and develop a 47 lot subdivision on minimum 9,000 sq. ft. lots.

Before this application was filed, Bill and David Hole met with the staff to discuss the proposed development and talked about what would be reasonable, what would fit in the area and what would mesh with existing development. Based on that discussion, they developed an application. Steve Rowe helped with the preparation and the application was filed. Subsequently, at Planning Commission, there was a great deal of attention about this project that resulted in many discussions between David Hole and members of the community. Mr. Rolader thanked Chris Foley from Barrow Downs, Herman Costen from the Reserve at Crabapple and Michael Harmon from Crabapple Registry who have spent substantial time with David Hole talking about this. Two other things occurred. They went to the Public Works staff to discuss the existing destroyed dam and a piece of a pond on the old Dale Murphy property. Working with the Public Works staff, they devised a method to completely eliminate what was left of the old pond; take the water and drop it into the storm drainage system and do that in such a manner as to appease and make staff happy. Secondly, they then redesigned the road that will come in from Houze Road on the property; moved it away from the south property line approximately 35' which will also allow that to have a substantial guardrail and landscape plantings so that it is unobtrusive to the neighbors to the south. That is how they got there. This property is surrounded by property developed for single family residences. The density runs from a low of 1.25 units per acre in Barrow Downs on 20,000 sq. ft. lots to remaining

properties running from 2.92 units per acre in Crabapple Registry on 9,000 sq. ft. lots to 5.26 units per acre in Crabapple Walk on 5,000 sq. ft. lots. The proposed development at 2.92 units per acre on 9,000 sq. ft. lots is less dense than seven of the eight surrounding subdivisions. The only variance requested is to reduce the lot width to 60' from 80' which apparently has some interest in the pending UDC that is coming before the City. If that weren't changed and if the developer were so disposed; he could have just sat on his contract until sometime in January and closed on the property without zoning. That is not his intent and that is not where he is going. The 60' width on the lots exactly matches what Council approved across the street about 12 months ago known as Crabapple Manor on 9,000 sq. ft. lots with 60' lot widths and 3.41 units per acre.

Mr. Rolader said he would like to present an overview of the surrounding properties, look at their zonings and discuss this property. He displayed a graphic on the overhead and pointed out the surrounding properties. Barrow Downs has 20,000 sq. ft. lots and representatives from that subdivision are expected to speak at the end of this presentation. Cottages of Crabapple are the immediate neighbor to the northeast with 6,000 sq. ft. lots and a density of 3.28 units per acre with 55' lot width. Crabapple Registry is across the street with 2.97 units per acre on 9,000 sq. ft. lots with 60' lot widths. The Reserve at Crabapple has 5,000 sq. ft. lots with a 50' lot width. Crabapple Manor across the street has 60' lot width with a 3.41 density. Crabapple Walk is 5.26 units per acre on 5,000 sq. ft. lots and 50' lot width. Those are the neighbors of the applicant's property. Based upon what has been shown, they have done some drawings to give an idea of the type of subdivision that is intended to be developed on this property. He displayed a streetscape on the overhead. He displayed graphs of the proposed houses. On both entrances on Rucker and Houze Roads, they propose substantial entry statements that are comparable to what exists in the neighborhood. He displayed an example of what is across the street. Our intention has been to develop a subdivision that is in total harmony with what is around it to be a part of that part of Roswell.

Mr. Rolader said he wanted to discuss precedents in two areas. Talking about precedents in lot size and density, they are smaller than seven of the eight subdivisions. He said he meant that they have larger lots than seven of the eight subdivisions that they abut. That is important precedent wise that the product, the lot size, everything is like it should be. The other precedent is on lot width and looking at the lot widths in the area; they are right in the middle of them and that creates a reasonable development; much less the fact that it might match what the UDC gets when it is approved whenever that is. He said he knows that is foremost in the City's mind. Their goal from the start has been to meet what the staff has asked them to do; to meet development wise what was in the area; to produce a good subdivision; to attempt to solve any existing problems that the neighbors had in the area that were offensive to them and to do a good job. To date, they have a staff recommendation of approval. They have a Planning Commission recommendation of approval. He said he expects that Council will hear some support from the neighbors tonight for both the application and for the variance. They have done that which they can do. They have proposed a reasonable development that fits in Roswell the way it should and it causes no issues of precedents with either its lot width or its lot size. The only condition they disagree with from the staff conditions is the same one their neighbors disagree with which is they do not want vehicular access from the Reserve at Crabapple. They certainly appreciate that. Not to mention that there is a substantial topography change. They think that if left between us and them; we can work out an agreeable pedestrian access and would certainly explore that with the homeowners association at the Reserve at Crabapple. They are very nice people. Our developer developed the Reserve at Crabapple. The people who live there are very happy with their development. Mr. Rolader completed the presentation and said he would

respond to questions at this time.

Mayor Wood asked about pedestrian bicycle access; not vehicular access between the stub street and said their position wasn't clear. Mr. Rolader said that is 50% up to the people at the Reserve and 50% up to them. He said he would like for the people from the Reserve have an opportunity to speak about this. Mayor Wood said ultimately it may be up to the Council. Mr. Rolader said there is a 15' drop between the end of the Reserve's cul-de-sac and their property line. Mayor Wood said he assumes it is not a cliff but an embankment, that he is not aware of any rock cliffs in that part of town. Mr. Rolader said he couldn't say; but it is a good slope. Mayor Wood said then it would be steep. Mr. Townsend said you better have a mountain bike to do it. Mayor Wood asked what the applicant's stand is on pedestrian access even if it is too steep for a bicycle or a wheelchair. Mr. Rolader said the applicant thinks pedestrian access is a good idea but they want to work it out with the people in the Reserve because they are most affected and they have been very supportive of this development. He said the applicant is willing but wants the input from the Reserve because it is more important to them. Mayor Wood said the Council wants their input as well.

Council questions to applicant:

Councilmember Diamond said looking at the south side of Rucker Road; she knows there has been more dense done on that side in relationship to what Mr. Rolader is talking about but that has been at the exchange of green space. She asked if there is an alternative and to the Mayor's point, if they could do a pocket park or something with that connection with a pedestrian path to the Reserve. Mr. Rolader asked which location she is addressing. Councilmember Diamond said between the Reserve and lots 36 and 37. Mr. Rolader said there is some space in there that they could certainly work with, not huge but there is some room there. Councilmember Diamond said the HOA representatives will give more insight into what they have talked about and they can come back to what of that is comfortable for the applicant and verify all of that. She said there was talk about not only addressing the stormwater on the site but perhaps help improve the site around it. She said she would like to quantify somehow if it is 10% or 20% or what. Mr. Rolader said that is a very good question but he would let Mr. Rowe address that because he is the expert.

Steve Rowe said he is fairly comfortable they can do a 10% reduction to the flows at this point. That is a fairly standard ratio for other counties that make it a mandate as part of their hydrology. He said he would be comfortable with a 10% reduction at this point.

Councilmember Dippolito said his original question that he had talked to Brad Townsend about that should probably be directed to Mr. Rowe. He asked how he would anticipate that the stormwater retention would impact their plan.

Mr. Rowe said given the information that they had at the time; they took into account where the natural flows were to date and tried to work out areas using a fairly generous multiplier for what pre versus post would be at a volume and they have anticipated those volumes in those areas. In further discussions with the City's stormwater staff, they would be more interested in possibly combining those in a different location to the south possibly as an alternative. They have asked that they look at some alternatives going through the concept as they get better survey data and better input from some of the existing conditions.

Councilmember Dippolito said then they may use a lot, perhaps lot 7 but gain a lot

up... Mr. Rowe said they may or may not; they don't know; he is more comfortable than he thinks Ms. Alloway is right now on the volumes but again they haven't done the full hydrology or started doing anything other than some high level volume calculations based upon developed acreage.

Councilmember Dippolito asked what is the road width and the right-of-way width provided. Mr. Rowe responded it is a 50' right-of-way with a 28' back to curb/back to curb.

Hearing no further questions from Council for the applicant, Mayor Wood said the applicant would have an opportunity for rebuttal. Mayor Wood opened the floor for public comment.

Public Comment:

Herman Kosten, 420 Skulley Drive, Roswell, stated he is the Treasurer of the Reserve at Crabapple and is representing the Board of Directors and the 37 townhome owners of the Reserve at Crabapple and made the following comments:

- The Reserve at Crabapple is located at the corner of Houze Road and Rucker Road, the neighbor just west of the proposed development.
- The 68 vehicles owned by the residents of the Reserve at Crabapple all exit through one exist onto Rucker Road. The residents are mostly adults over 55 years of age. They have two children and a number of visiting grandchildren occasionally on the property and play in the townhome yards and in the two large cul-de-sacs in the development. One third or twelve of the townhome owners and residents are single women. Based on the larger individual homes that would be built in the new development, mostly families with children will be the occupants of those homes. This means that the residents of the two developments are completely different with no commonality.
- The Planning Commission heard their concerns on July 16 and resolved that there would be no vehicular connectivity between the two developments.
- Most residents of the Reserve at Crabapple bought there because of the perceived value, safety, quiet and secure environment and no thru traffic.
- The City of Roswell annexed that area in 2007 and at that time, the streets were private and did not meet the City code. The pavement was not thick enough; at least an inch short and the drainage piping under the streets was not concrete according to Roswell code but instead corrugated piping with less life than concrete. The residents of the Reserve at that time made a significant investment agreeing to put \$24,000 in an escrow account to cover their share of the lack of full pavement and to maintain the liability of the corrugated piping. That was a significant liability on their part. He said the residents are willing to cooperate and work with everyone, but he hopes Council understands that if their desires are not agreed to, they would have no choice but as a community to come back to the City to say they want the escrow money back and the liability for the piping removed.
- He said he does not know why the stub was built; he has heard many reasons but does not have any documentation to support any of them. He could say with confidence that when the development was put in place, the streets were private and he does not believe that anyone thought at that time of connectivity to a development that was going to be built ten years later with public streets. He said that is not logical as to why the stub was built.
- He said that the 16' drop they talked about is almost a cliff. The stub ends 22.5' from his property line and from the end of the stub about 7 or 8 feet, there is a very serious drop which will require a significant amount of fill dirt. Water drainage issues will need to be addressed as well as the long term maintenance.
- At this point, the residents of the Reserve do not envision any benefit to their community for vehicular connectivity between the two developments. He said they will however work with the developer and listen to suggestions on doing something

else to create pedestrian connectivity. He said they are asking that Council move forward with the motion that was passed at the Planning Commission verbatim.

Mayor Wood asked if the residents of the community support this application with the variance as is. He said he understands they object to the vehicular connection but asked what their stand is on the rest of it. Mr. Kosten replied with the changes that have been worked out mutually and with everything else; their Board of Directors and residents wholeheartedly support this new development because they believe the homes that will be built will add value to every surrounding community. There is no question about that.

Councilmember Dippolito said he wanted to clarify their support. He said Council has a list of recommendations or conditions and asked if they are supportive including these conditions. Mr. Kosten replied yes and said he is supportive of the proposal including the request for a lot size variance because looking at the surrounding communities compared to what is happening across north Fulton County with houses that are being built between \$300,000 to \$500,000 and that is the size lot that they are dealing with here. He said they are in support of it all the way. Councilmember Dippolito said that Council has a couple of different sheets and that Mr. Kosten's are not necessarily conditions. He said Council was given some conditions by the neighboring subdivisions and he is getting those confused. Mr. Kosten said he is assuming that most of those things have been worked out. Councilmember Dippolito thanked Mr. Kosten.

Ed Miller, 330 Skulley Drive, Roswell, stated that he lives in the Reserve at Crabapple and is the HOA President.

- They wholeheartedly support the addition of this new development. They feel with the agreement that D&B has worked out with Chris Foley which he believes Council has a copy of; that the connectivity issue of a regular street with an exit on House Road is the appropriate approach.

Mayor Wood said he does not think that anyone on the Council is thinking that they need to have a road that takes the 16' grade up to the other point. He said someone might disagree with him but he does not think they need to spend much more time on the vehicular connectivity issue. He said their interest is in pedestrian connectivity which is an entirely different issue.

Mr. Miller continued his comments:

- They support the density of the new subdivision as it has the best ratio of houses per acre of any community in the surrounding area. It compares favorably with the density of developments in the \$300,000 to \$500,000 range. With these considerations, the addition of this new development will enhance the value of the communities in the surrounding area as well as add value to the City of Roswell.

Chris Foley, 320 Barrow Downs, Roswell said he would like to make a request before beginning his remarks. He said is representing Barrow Downs although they do not have a formal HOA. He said he also has signed letters giving him authorization to speak on behalf of the Reserve at Crabapple, Crabapple Walk, Crabapple Creek, and the Cottages of Crabapple. He said he has the authorization to both speak and negotiate on behalf of five subdivisions. They are the group that worked with Saddle Creek and other subdivisions on a comprehensive negotiated package with the developers. They came to successful conclusion and said he would like to go through the changes that have been agreed to since they made their presentation to the Planning Commission.

- He said the roster has shifted. On the previous presentation they also had Crabapple Woods and Saddle Creek listed on the previous presentation. Those two HOA's voted separately not to endorse this entire package but they will speak later.

- He displayed the agreement that Councilmember Dippolito referenced and said that Council has a legible signed copy with his and David Hole's signature. He said the subdivisions are listed at the top and that he would talk about the issues.
- They were not able to negotiate all issues, much due to the unknowns on water, final house count, etc. that are going to be a product of that.
- They negotiated some drainage, roads, frontage and buffers, especially on Rucker Road and property buffers for those like zoned areas where houses would face houses and there is no code requirement to put up a set buffer. Those were all successfully negotiated with the developer.
- He referred to a slide of the actual terms and conditions and asked if Council has had the opportunity to read and review this because he would not waste timing reading it. He asked if they had questions about this.
Mayor Wood asked if from a zoning standpoint, if these conditions have been incorporated into the conditions recommended by staff and the Planning Commission. There was an inaudible comment from an unidentified speaker. Mayor Wood said, "You are willing to agree to this in addition to those conditions." The unidentified speaker replied, "Yes sir, absolutely." Mayor Wood said then the developer is willing to make this agreement and additional condition.

Mr. Foley said that is their request as well that these be added on to the staff recommendations and those carried forward from the Planning Commission.

Mr. Foley continued his comments:

- He said they want this development to come in successfully. At Planning Commission, they felt there were too many elements of this that would adversely affect the continuity along Rucker Road in terms of the visual appearance and the type of presentation of this neighborhood. They had pre-existing water and traffic conditions that they documented. They have partially addressed this consensus position through this agreement with the developer.
- Road way safety was talked about by the Reserve at Crabapple. They heard that Crabapple Woods residents were concerned about the proximity of the Dell Murphy driveway converted into a street of any type being so close to their yards and their fence and losing the wooded buffer that they currently have which by some accounts tapers from 7' at the narrowest point to over 40' at the widest point. They have concessions in this area that are addressed in this agreement.
- Special consideration #1 has to do with what was talked about by the residents from the Reserve at Crabapple. The bicycle or sidewalk connectivity to the Reserve is compatible with the agreement as well.
- On drainage, they could not address because they do not have final engineering and it is impossible to know how many lots might be deleted from the list of 47 that the developer is seeking so they tried to at least put a statement in the agreement to partially address this. There is one provision that says the developer agrees to address the water going to and from this property. They documented in the previous conversation situations such as what are shown in this presentation with water coming into the back yards of residents on Camber Trace which is the northern most street in Crabapple Woods. They feel that the developer's plan to fill the portion of the lake that they would own once they acquire the property and to place the road at its northern most limit away from the Crabapple Woods residents and to fix the acknowledged draining problem that is currently disrupted and to place that water into the stormwater system that is underground running in a conduit under the newly constructed road was a concession to the Crabapple Woods residents. Some of them didn't see it that way and some of them want no road at all; but he said they feel this is a reasonable approach on the part of the developer which is why the majority of the group did agree with that approach. He referred to a video that shows the incursion of water into the Cottages of Crabapple and into Barrow Downs that emanates from this property and that is covered by the provision in the agreement

backed up by a solid water plan approved by engineering. He said they are in support of Danelle Alloway and the other stormwater staff. He said they will continue to be vigilant on this issue and will continue to back Ms. Alloway and the other engineers' assessment of what it is actually going to take because there is already a bad water situation long before this subdivision comes in.

- He talked about green space buffers and visual integrity. They addressed this in the agreement. Part of what they are doing is turning around the five houses that are right on Rucker Road where no other comparable subdivisions have done that and they agreed to turn those around to place a vegetation buffer and to start that buffer approximately five feet past the right-of-way which they feel will give a comparable impression. They also have two comparables cited in that provision, Crabapple Registry and the Reserve of Crabapple; both of which were developed by D&B and they are very satisfied with the way those properties look today and the developer has promised to do something comparable. He referred to a slide on the overhead and pointed out two pictures that show those buffers. They would be more than satisfied with that treatment rather than staring at five row type house son Rucker Road; so that is addressed in the agreement. That was the presentation that alarmed them the most; when they saw those buildable areas so close to Rucker Road. That is also addressed in the staff report that was carried forward by the Planning Commission where they are calling for acceleration and deceleration lanes, wide sidewalks and bike lanes. That all now becomes part of that right-of-way after which this buffer would start. What is not covered and they could not negotiate either because of a lack of available data or the concept was not acceptable to the developer to talk about a house count. We wanted to talk about a house count and negotiated that on the Cottages of Crabapple. We had two levers in those negotiations. One was the square footage of the house. They wanted to put in townhomes of 1,800 sq. ft. and we negotiated that to 2,100. They wanted to put in detached townhomes; we negotiated that to single family housing and capped the number of units. And, even though the lot widths are very small...we have never been fighting the lot widths on this; we have never been fighting the lot sizes on this...it is the whole treatment and would there be any public area and would there be any green space. That is not something we have negotiated here as part of this agreement. I'm sure the people in opposition will talk about what they would like to see in that regard. We have a track record of having successfully negotiated that in the past; so that is the common, the green space. So, the stormwater engineering plan will hopefully address the incursions to and from the approximate properties on and off, not just the net new water and lack of infiltration that will be created when you create so much black top and concrete and asphalt roads but will also deal with these incursions that you see on the proximate properties. What catches all of that is Stalker Creek on some maps and other names but it is a tributary of Foe Killer Creek that ultimately goes into the Chattahoochee. But, what we showed previously are the traffic issues. He pointed to a picture and said it is a back yard in Barrow Downs. He said it is not a wave; it is actually water going over a bridge. These are actual pictures of what is happening in the creek. He pointed out that six to ten feet has eroded. We insist that the drainage plan not only deal with what is there and it is good progress to hear that the developer is willing to have a 10% reduction in the outflow because as we all know when you detain water and you take it in during the middle of a storm and that is the rate that you are using as your benchmark and then your release it at that same rate but over a longer period of time; that is where this erosion happens. We are very much in favor of that 10% drop off that we just heard about.

- The developer said in regards to traffic he doesn't have any control over the traffic and we understand that. The developer does have control over the number of units built which is something we couldn't negotiate. Know, going in that according to Chris Choven of Roswell Transportation, the Rucker/Houze intersection is a "D" in the morning and an "F" in the afternoon. He displayed pictures he took from the driveway

of St. Thomas Equanis and that was one continuous line. One picture shows traveling towards Houze Road on Rucker Road. The other pictures shows around the bend toward Broadwell Road all the way in front of Crabapple Chase that is a continuous line every afternoon. Of course, putting 94 more vehicles as the plan calls for is going to exacerbate the situation. All we are asking for is a reasonable approach when the overall house count is considered. We still think that can be done within the zoning the developer seeks and it is just a matter of if there is green space and is it reasonable or is it a jam packed type configuration.

- He talked about special consideration item #2 from the perspective of a Barrow Downs resident. There have been a lot of rumors about what Alpharetta is doing since the failure of the T-SPLOST initiative for the Rucker Road corridor improvements. It was verified in an add that they are bidding out the design phase of that project that will include extra wide sidewalks, bike lanes and a central turn lane instead of acceleration/deceleration lanes. What the residents are asking in relation to this project is...Roswell has a quarter mile from the already improved intersection that Fulton County did to St. Thomas Equanis and Spring Place where the City line ends. They are asking Roswell since this is a big chunk of that approximate 1,200 feet to do the right thing and get the sidewalks in as is called for in the staff recommendations; put the bike lanes in; start with acceleration/deceleration but do it in such a way that if you ever decide to join the Alpharetta project or go first and connect Barrow Downs via sidewalk for the first time to any city; they ask that it be done in such a manner that the City would only have to restripe to create the central turn lane from the acceleration/deceleration lanes. That is the only element they are asking for in anticipation of hopefully joining that project.

- The residents will continue to monitor and support the City departments, the engineers, the people they have been working with interactively to make sure that their recommendations don't fall on deaf ears as these plans move forward for approval. They are going to support the advocates for green space. They are going to lobby in the UDC development so looking at the UDC as it relates to this project and as it was mentioned in the Planning Commission review of this...you can't just selectively look at UDC and what might happen here in terms of that it gives the density...great it does. No argument there. We have never really opposed those numbers. What we do say is the spirit of it; they don't show it in the single family RS-9 and RS-6 depictions but they show it in the cottage community depiction of the UDC how there is an offsetting green space required when you go for this hyper density. Those are the things we have our ear to the ground on. You may see us again. We do support the developer's application for the zoning variance, but we would like and we do appreciate the developer stipulating to the agreements that we were able to negotiate. We are going to remain vigilant and take it from there.

Michael Harmon, 12203 Limeridge Court, Alpharetta in Crabapple Registry subdivision made the following comments:

- He supports the development and said they developed his neighborhood and did a great job.

- He talked about the traffic issues. There should be an interest to the subdivision on Houze Road and Rucker Road. The traffic coming down Rucker Road is mostly from Alpharetta and most of it is going to Cherokee County. He said he doesn't see why there wouldn't be because it suits the situation.

- He talked about the inner-connectivity issue. His community went through this for a long time with the Council and some of them may remember him because he was very much against it. The way that turned out was not the vision of what the Council wanted. There is gravel there now that does not look the way it should. They actually took up grass and replaced it with gravel. He requested that someone fix it. He expressed sympathy for the residents of the Reserve at Crabapple for having to be dealing with this and it shouldn't happen. He said he supports connectivity but in these small communities it does not make a difference like it does

in a large community. If it is going to be done; it should be made beautiful, something that is appealing, not something that someone who buys a \$300,000 home to have pebble stone that needs to be maintained. He said that is not even their land; the City owns the land. If the City is going to put gravel there; they should maintain it because it does not look good. He said he is confused and asked if Council has actually seen this and what they think about it. He said he personally does not like it in his community and therefore he is totally against it being in this other community.

Douglas Lawson lives at 395 Camber Trace in Roswell and is Vice President of the Crabapple Woods HOA. He was joined by Jenna Partisano who lives at 565 Camber Woods Drive in Roswell and is President of the Crabapple Woods HOA.

- He said they had their homeowner's association meeting last night and it was an interesting meeting. They do not completely disagree with the proposal before Council, but they have some stipulations they would like to have met that have not been met. They understand the proposal and the consensus group and support a big majority of it. As a homeowner and a homeowner association board member in Crabapple Woods, he has a very vested interest in what is taking place.

- Crabapple Woods has two things of major concern that they will be addressing.

- The first specifically deals with the road that would be behind their subdivision.

Speaking on behalf of the HOA and for many neighbors in his subdivision; their main issue is they do not want a road there, period because of what it would do to the property values. He said there is a hill in his back that goes up and on the back side of his property line is the fence along the Dale Murphy property with a driveway that runs there. From his kitchen, he can see cars coming up and down that driveway and if a road was put in there, it would abut his property line and the traffic would be worse than ever before. If there must be a road there; they want it to be what it was previously with the Planning Commission, an emergency access road only, not a main thoroughfare because of the safety issues, the traffic, the cut through potential that would happen. If a main road like this is built, people will cut through the subdivisions that would become a safety issue. There will be additional noise and also headlights and street lights at night.

- Their second main concern is on Camber Woods which around the corner from Crabapple Trace, the zoning provides for no buffer there. They are requesting a consensus for a buffer that could be an 8' or 10' privacy fence. He said in the proposal there are to be six 10' cedar trees placed there, but they will take five years to grow. They are requesting some type of a buffer immediately if this is going to happen.

- He said they didn't agree just to be difficult; it is because there are certain things their residents simply do not want. Primarily it is the road and the buffer issue. They are asking Council to consider these issues as a part of this. They are opposed to this proposal.

Marie & Terry Waldrop, 1015 Jordan Lane in Roswell in Crabapple Manor subdivision located directly across the Rucker Road entrance to the proposed development and made the following comments:

- She supports the project but strongly encourages that the Houze Road entrance to the subdivision be considered. After speaking with Mr. Rowe; she is excited to hear the new plans for that road which eliminates some of the Camber Trace neighbor's concerns.

- No one has bothered to point out that on Houze Road, there are homes on Camber Trace the exact same road that the neighbors have a concern about that back up to Houze Road. So, those people on the same road have more cars going faster and they live with those cars coming and going on Houze Road so that people down the street on Camber Trace are worried about an entrance into a subdivision where there are going to be fewer cars going much slower and people have a destination. She does not think there is going to be cut through or reckless cars

driving at high speeds.

- She asked Council to consider the Houze Road entrance. She said it is hard to get in and out of Jordan Lane and adding the cars coming through the Rucker Road entrance would add more congestion. People driving south on Houze Road would have to turn left onto Rucker Road and then left onto Houze Road so that will create more congestion at an already busy traffic intersection.

Lance Ledbetter, stated his home address as 680 Rounsaville Road in Roswell in Saddle Creek subdivision. He made the following comments:

- Saddle Creek is the fourth largest subdivision in Roswell with 509 homes representing over 1,000 voters in that respect.
- Their key issue is traffic. He said he could say first hand on behalf of the new subdivision going in or others in that area, that he lives on Rounsaville Road which is a direct cut through from Crabapple Road that can be wound through when Crabapple Road backs up going south bound. Cut through does happen. They have fought issues and have worked with the City of Roswell to find solutions as far as speed bumps among other things which has not been easy.
- The traffic issues have already been shown from previous presentations that there is an intersection rating for Houze and Rucker Road of a "D" for the am and an "F" for the pm. That is not going to improve. The City is putting in a roundabout at the Houze Road and Hembree Road intersection to be determined if that is actually going to help the situation. Currently, the pm traffic for Saddle Creek from the Houze and Rucker Road intersection backs up at least a half a mile in comparison in distance to their entrances. That said, they are concerned that a traffic study has not been done in combination with water areas that are of a concern as well with runoff and the pond that may be affected. He said why a traffic study has not been done is a question. Their understanding is that an intersection study was done for the roundabout. That should be taken into consideration because within that study, the information related to the Houze and Rucker Road was taken into consideration. So, the information is there. Why it has not been addressed within the Planning Commission meeting, he does not know the specifics. He said he understands there is a representative here from the Roswell Department of Transportation and he looks forward to their input.
- There is also a concern to a greater extent that has not been addressed appropriately is green space and he said he is talking about the actual usage of the community green space within the new development. He said he understands there is no proposal for a green space for a common community area of any type. He said if appropriate facilities are not there, the children will be playing in the streets. He said there also is no cul-de-sac based on what he has witnessed in the presentation. Therefore, if they children are not utilizing that then the closest park of any consequence is Sweet Apple which means they would have to walk through certain subdivisions or in front of Publix. Nothing is really appropriate in terms of the green space of what they have witnessed. That is a sincere concern and he said he would not want to be the subdivision that they would be walking through.
- In terms of property size, although he does not have the specifics; he challenged what was being defined as 9,000 sq. ft. which as he understands is less than a quarter of an acre. Therefore, the properties that are going to be put in place are less than a quarter of an acre. For perspective, Saddle Creek properties are on average three quarters of an acre or larger.
- In terms of the other subdivisions that were defined in the previous presentation by the developer, Saddle Creek challenges their apple to apple comparison. He said for example and with no disrespect, Crabapple Reserve would be defined from the perception of most residents in Saddle Creek as more of a retirement community so that is an apples and oranges comparison.
- He said on the back page of his presentation, he made some recommendations. In the conclusions, they are requesting that from a density perspective it be taken into

consideration as far as fewer homes and develop the green space appropriately. As far as common community activity area. The primary concern to Saddle Creek to the greatest extent is the traffic issue.

- He pointed out that Saddle Creek subdivision is split by Houze Road which is GA-140. Their development was developed in 1975 so obviously the traffic concerns were not an issue; now it is an issue. For over a decade, they have been looking to Roswell DOT and to Georgia DOT since this is a state highway. As far as a solution and how their subdivision as a whole can connect from a pedestrian perspective and there has been no solution to date. They are thankful that Roswell DOT has attended their annual meetings to present to their members and have been open in communication about this subject of interest but again, no solution. They have talked about the potential of a bridge or a tunnel among other things and they are open to suggestions. But the traffic that will be generated from this new subdivision is going to create more problems as far as pedestrians and is not even an option for them.

Josh Northcutt, 405 Camber Trace in Roswell, part of the Camber Woods community made the following comments:

- He and his wife live on the cul-de-sac that would border the proposed road on two sides of their property.
- Their primary recommendation is for no road to be put there. The two properties that more directly abut Houze Road took three years and six years to sell and one of the major concerns was the Houze Road abutment. He said his house has a small part abutting Houze Road and if the proposed road is approved; he would have roads on two borders of his property. That would cause a major negative impact to his property value as well as major delays in being able to sell. Additionally, there would be ten houses with a public road behind them. This is as a major detractor for value for the entire neighborhood.
- He discussed privacy and said one reason they picked their house is because on a cul-de-sac and being set back they felt it was fairly private. The driveway on the proposed property as it exists today is at a minimum of 10' above the back yards of most of the houses and in some cases significantly more. The privacy in their back yards would be diminished because cars driving on that road would look directly down into their back yards and into the back of the houses. There would also be headlights coming into the bedrooms at night and traffic noise.
- Their foremost request is to have no road connecting to Houze, but if there must be a road; they request that it before for emergency access only in order to mitigate the risk of privacy and property value.

Robyn Stephens, 345 Camber Trace, Roswell in Crabapple Woods subdivision made the following comments:

- She noted that several Councilmembers have reached back out to her after she voiced her concerns but she has not heard from some of them and said that some of the points she would make would be reiterated.
- She would not have purchased her home seven years ago if she had known there was potential for a road in her back yard.
- Some concerns that she had written to the Mayor and City Council about are water issues, traffic, safety as well as many other things.
- She said to describe her community, on Camber Trace alone there are 17 children under the age of ten and on many days there could be up to 17 children in any of the back yards on Camber Trace. This is a very tight knit community specifically on Camber Trace in her particular neighborhood. Thus, a public road in their back yard is an issue. Also, currently on Camber Trace, there are three homes abutting Houze Road and they know from the recommendation of the developer, there would be an additional six homes that would have a road in their back yard for a total of 9 out of 16 on Camber Trace alone.
- She talked about the water issues and said most of the residents have a cliff in

their back yard and there is a small portion by the fence that is up high and then drains down. The developer says they are going to address those water issues but she is not confident with the approximately 10% that was thrown out there.

- She requested that Council consider all of the issues brought forth this evening. She said her neighborhood's preference is to have no road there at all. She stated that she is familiar with the code and for 29 or more dwelling units, there is a requirement of two access entry points and said she is in agreement with a fire access road and with that would feel comfortable with her 2-1/2 year old twins and the 15 other children playing in their back yards.*

Anthony Russell, 12198 Limeridge Court, Roswell in Crabapple Registry made the following comments:

- He wholeheartedly supports this development; the developer developed his neighborhood and they build a very nice home. There are no drainage issues in his neighborhood and said to the other residents that are at this meeting that he truly believes this developer will take care of the water issues that they are experiencing.*
- Traffic is his biggest concern. Pictures of the congestion on Rucker Road have been shown and he has not heard of any improvement suggestions for Rucker Road. He noted that when they worked with Council and staff about the Ashton Woods subdivision adjacent to them and across the street from this proposed development, some conditions and perhaps escrow requirements for improvements to Rucker Road were place on that developer; but he has not seen requirements on this proposal for Rucker Road. Taking away the access to Houze Road, would exacerbate the traffic issues. He believes the developer is making a concerted effort to move the connection to Houze Road to the north and does not think that anyone would be cutting through to go south on Houze because all of the traffic goes north on Houze in the afternoon. Some improvement to Rucker Road or the Houze Road connection is very much needed.*

Teresa Long, 365 Camber Trace, Roswell in Crabapple Woods subdivision made the following comments:

- Gave a little history on her home. She purchased her home in December of 2002. In 2004 a heavy rain occurred that caused flood waters to come into her yard. Within minutes the water was up to her back door and within an inch of coming into the home. Fortunately, a neighbor who saw this happening was able to redirect the water. The next day she said she found the lake and did not know before it was there. She followed the water and watched it flow across the street and into her yard. She spoke to some of her neighbors and then she spoke to someone at the City of Roswell. They came out and told her that it was private property and was not their responsibility. She hired a professional to resolve the problem by building a wall on the other side of her fence to redirect the water into the creek. As a result of the flood waters, her yard has erosion damage and currently experiences standing water on a regular basis during the rains. She also has a sink hole that holds water after a rain. In addition, there is also a crack across the foundation of her house and has hired a structural engineer and a soil engineer who has said the root cause of that is because her house was built on top soil on a lake bed and there were no piers put under her home. It was constructed by Tory homes. She said she is not asking for any assistance for damages at all. She said she is asking for Council's careful consideration for possibly a hydrology study to ensure that any ground movement or any building does not contribute to any more water in her yard. She said she cannot take any more; it has been a challenge. She also asked that any water associated with that lake today, be redirected somehow into a public system in lieu of just sitting there because she believes that is part of the standing water issue that she is dealing with today.*

David Spaeth, 385 Camber Trace, Roswell in Crabapple Woods subdivision made

the following comments:

- He displayed a slide on the overhead and pointed out that he lives directly behind the lake/dam. He said this is from Google Images in 1993. He pointed out the lakebed that was previously there in 1993 before their houses were built. Unfortunately, they were built on top of that bed. He said his concern is with the hydrology survey that no one knows if it has been done or what the results of it have been. Living directly behind that lake and he said he lives two doors down from Teresa Long who just spoke and said they are very concerned about the water flow. This afternoon, he spoke with a representative, Mr. Akbar, with the North Fulton County Department of Water Resources and he said that the water is flowing into the North Fulton County Stormwater and that all of the water that is flowing from the top of the hill (he pointed it out on the overhead on a graphic from 2007) is all running from north to south. If a road is built over the top of that lake and said flowing north to south means it could go into Camber Trace into their community. If there is a 100 year storm; that is a potential disaster. He said it is Council's duty to take away the chance of that. Mr. Akbar said that nothing should be built in that area. He said the residents are responsible to pay for the line from their sewer system to the street. The owners of that property should be responsible for repairing that broken dam immediately so they will not have this problem in the future.
- He said he has lived in his home for five years and behind his house there is still a dock and motor boat and fishing tackle with the ladder that they used to turn the valve on and off; so this is not just a small pond as it was advertised to be. He said Dale Murphy's children probably fished in that lake many years ago.

Thomas Bard, 1410 Primrose Drive, Roswell said he lives across the street, Houze Road, from the proposed development and made the following comments:

- He said his concern has mostly been mitigated by the Planning Commission. He referred to their recommendation #7 that the road shall not be a public right-of-way and only be used for emergency vehicle access. He said an emergency road would work much better because looking at the road on the aerial map that was shown, the proposed road would only be about 10'-15' from the only entrance to Crabapple Walk and that would cause havoc for the traffic. Because the roads are not matchup and there is only a small gap between them, cars would not be able to get in and out easily. Cars turning out left in the morning to go south would have to be careful not only of traffic coming but also people turning outside of Crabapple Walk. He said that is their biggest concern, but making it an emergency only access greatly mitigates that concern. He said the only other possible option he could think of would be if it were a right turn only in and a right turn only out. That would help the traffic flow and not make it more dangerous for cars coming out of Crabapple Walk.
- He requested that Council consider the Planning Commission's recommendation #7.

No further public comment. Mayor Wood closed the public hearing and said at this time they would hear rebuttal from Mr. Rolader.

Applicant Rebuttal:

Mr. Rolader said he would address three areas of rebuttal. He first addressed traffic and said as long as they build houses in Milton, Alpharetta, Cobb County and Cherokee County, that road is not going to get any better. This development with 47 homes at most is like dropping a bb in the Chattahoochee River compared to the existing traffic problem. That leads to his second point which is entrances and exists to this subdivision. This is a very small subdivision and generates very little traffic. Envision it like a water bucket; if you punch one hole in the bottom of a full bucket of water; it drains out at a certain rate. If you punch two holes in the bucket, it drains out twice as fast. In this case, two entrances for this subdivision makes it better, less traffic impacts one road as opposed to the other and it flows a little better. He thinks

that is how that is solved.

Mr. Rolader then addressed the second issue in reference to the people on Camber Trace and the location of this roadway. Steve Rowe spent a great deal of time with the City of Roswell staff in moving and redesigning this road so that it is much farther away from the people below this property. In addition, that area will provide the opportunity and they would to commit to doing a guardrail and substantial landscaping and if necessary putting a fence. Most of those properties have a fence along the back now. He said they are sensitive to the privacy issue there as it relates to this which is why they moved the road that much farther up the hill. He said the last thing he would point out is the effort on this project has involved the support of five subdivisions and the support of large parts of the City staff. They have a staff recommendation of approval and a Planning Commission recommendation of approval and five subdivisions who have signed on with them and they accept all of the conditions they have put in there. They will accept guardrail, landscaping and fencing conditions on the roadway that connects to the other road. The issue of draining and the lake or lack of a lake can only be made better by what they do but he said he would have Steve Rowe address that because he and that City had talked about how to do that.

Steve Rowe displayed a slide on the overhead and said it is a quick cross section that he worked through with Jean Rearick, the City Engineer. The thought in the original proposal was to take the road along the existing top of the dam. After having a geotechnical engineer investigate that, his recommendation was to actually rebuild it and remove the lake portion and create a culvert which is there now as part of the dam outlet structure that goes into a storm drain that was set just behind Crabapple Woods and then flows between two homes at Crabapple Woods out with a 30" pipe. Therefore, all they would be doing is converting the outlet structure pipe to a culvert pipe allowing the water to exit and not impound it back in the lake; moving the road over to the center of the property and trying to preserve as many of the existing trees as possible, augmenting the plantings at the corner, adding a guardrail as necessary and trying to be as gentle on that approach as they can be with the road knowing they need the access out onto Houze Road both for traffic access as well as fire access. He said he would answer questions at this time.

Mayor Wood asked if the applicant has any further presentation. Mr. Rolader said no unless Council has specific questions. Mayor Wood asked for Council questions for the applicant.

Council questions for applicant:

Councilmember Igleheart said he wanted to clarify what they just said. He said it sounds like they do want access to Houze Road from what was just said. Mr. Rowe replied yes. Councilmember Igleheart said everything that we have been working towards was not. Mr. Rowe replied not from our end. Mr. Rolader said from our end we want the roadway on Houze Road because it allows the flow out of the subdivision to work better. Councilmember Igleheart said then it is not just the emergency anymore. Mr. Rolader said no we are asking for a roadway to come from Houze Road.

Councilmember Dippolito asked specifically on this sketch how that works along the length of the property and if there is kind of a consistent higher portion on the road. Mr. Rowe said it climbs quickly to Houze from the road and they would try to grade as much as possible. They would be limited to a 15% maximum grade out of there. Councilmember Dippolito said he is talking more relative to the Camber Trace houses. Mr. Rowe said what they would try to do is as getting closer into the property towards the east it starts to match grade pretty well; going towards Rucker, it

starts to come out and above that only because it has to get up to the grade of Houze Road which is rising to meet the Rucker Road elevation at the intersection. Councilmember Dippolito asked how much dimension do they think they have between the curb and the property line to the south with the relocation of the road. Mr. Rowe right now it looks like 30'-32'. It was asked if there is plenty of room to landscape. Mr. Rowe said correct and after walking that several times, there are a lot of nice existing trees that they would rather not remove and try to mimic grade as much as they could and do all of their work to the north and make that transition as painless as possible for those people. Councilmember Dippolito said he was glad he mentioned trees because that is another of his questions. He said he was looking at the tree replacement plan and asked if he is reading it correctly that they are required to have 594 units but they are only planting 291. Mr. Rowe said at this scale with not knowing the exact dimension of the homes, yes. When they get the home plans they will be able to add some more trees into that. Councilmember Dippolito said that is less than 50% of the required amount of trees. Mr. Rowe said right and we worked it out with Mr. Foley to bump that number up to at least 60%. It is always better for us to plant the trees versus paying the tree bank but at the level of information he had at the time, he didn't want to commit to something he didn't know that he could do. He said they could absolutely do what they showed on the plan. Councilmember Dippolito said his concern regarding trees and knows you can't always work around trees but removing 16 specimen trees from his count and the number of units that are going into the tree bank is the equivalent of 235 four inch trees. That's a huge number of tree units that are being taken out and not replacing on this property. As a general concern that he really hadn't focused on until this evening but that difference is hard to swallow. He asked Mr. Townsend if there is a requirement of percentage of caliper units that are needed to replace on a piece of property when it is developed. Mr. Townsend said it is all related to a minimum of 30 units per acre which is what they have put back onto the piece of property. Councilmember Dippolito said they could put no units on and just pay it all into the tree bank. Mr. Townsend said that is correct. Councilmember Dippolito said if Council approves it that way. Mr. Townsend replied yes. Councilmember Dippolito said he wanted to point that out to Council and said that is a tough item there.

Councilmember Dippolito said with respect to the architecture; the smaller lots always tend to attract garages that are more prominent than the remainder of the house. If there is a 60' lot with 10' setbacks; you have a 40' wide house. At least 20' of that is going to have to be a garage. He asked to have the pictures shown again of the architecture. Councilmember Dippolito said then the garages would be the prominent feature. Mr. Rowe replied it looks like it is in the same plane as the front porch element. Councilmember Dippolito said it is very dominant relative to the rest of the house. Mr. Rowe said they have tried to use some roof elements and other prominences to soften that edge but it is a necessary part of the home. Councilmember Dippolito said one of the things they have tried to do with the UDC is to have the garages set back 5' from the rest of the house to avoid that prominence. He asked if the developer has any plans that could be used in this situation to have a less dominant garage.

Mayor Wood said the point he thinks Councilmember Dippolito is trying to make is that the UDC which would give a smaller side yard setback also comes with some other provisions having to do with the architecture which are positive things about the UDC. He said he agrees with Councilmember Dippolito that they have been trying to move away from these houses which are dominated by garages and they are the closest thing to the road. He said Councilmember Dippolito has a very good point.

Mr. Rolader said that he thinks Mr. Rowe's statement was that if he mixes up

the design in there, then a certain percentage of them can be set back at least to that distance which is similar to what they did on Old Alabama Road with the townhome development; it was a certain percentage that they set back a certain distance.

Mayor Wood asked if they have looked at the UDC and what it requires as far as garages. He said there has been strong support for the architectural requirements of UDC so this Council may be willing to give them the variance if they go to the UDC standards. He said that if they haven't looked at them, they should because he thinks it is a reasonable approach. He asked if those architectural requirements are available here tonight so they could take a quick look at it as this is being contemplated.

Councilmember Dippolito said he has them. Mayor Wood asked Councilmember Dippolito if he thinks that would be helpful in his decision making process. Councilmember Dippolito said honestly he is choking on this lack of trees and added that he would like to get all of his comments out.

Councilmember Dippolito said he does not have an issue with 9,000 sq. ft. lots and the overall density is consistent with the surrounding area and so he doesn't really have issue with those. He said however there is something about the plan that is just not working and some of it is a factor of the entrance drive that takes up so much area.

Mayor Wood asked if he is talking about the one off of Houze Road.

Councilmember Dippolito replied that the entry off of Houze Road is 1.59 acres roughly. Looking at the balance of the property, is 15.515 acres rather than 16 and you really get up to about 3.2 units to the acres which is not terrible but he thinks that suddenly it starts to get more dense and the plan feels like they are trying to squeeze sardines into the can rather than creating a sense of place. In most subdivisions, there are roads that flow and they create a nice environment. Here, it is zig-zagging and it doesn't feel comfortable from his perspective from just a driveability standpoint. Also, some of the houses are facing one direction and others are facing other directions and there is not a good sense of community with the plan itself. Some of these lots are extremely long and narrow and perhaps this could be reorganized a little better to create some greenspace because there is no common area. In a subdivision of 47 lots, there should be some sort of an amenity or park. He said they have been talking a little bit about the fact that there is kind of a hole in the UDC which is when looking at these R-S9 and R-S6 subdivisions. There currently is not a provision and they are still talking through that, but it is important to talk about that here. He said if this is the direction that they are starting to head as a City. They need to be thinking about amenity areas, common green space because these are small lots and they don't have the feel that a larger neighborhood has. He said they also need to think about common parking areas because if someone has a party then a lot of people are going to be parking on the streets and it is going to fill up the whole street quickly. He asked if they need to start providing for 8 or 10 parking spaces in these smaller communities that are just common spaces that anyone can use. He said those are two critical things that aren't shown here. He said it just doesn't feel good the way it is designed and he does have issues with that. He said he is okay with having the entrance to Houze Road and that he believes having two entrances will help traffic flow. He said either way, people heading south on

Houze Road are going to get there whether they go first on Rucker or whether they come out on Houze Road, they are just going to go that way. So, it is better to have the traffic flow and take some of that pressure off the Rucker and Houze intersection. He asked a question of staff and asked if they are required to have a traffic study for a project of this size. The response was inaudible. Councilmember Dippolito said, we're not, okay. He asked if they have looked at the future improvements to Rucker Road and determined if they need additional right-of-way. Mr. Townsend replied that Transportation included that as one of their comments. Councilmember Dippolito said, then they do have that and said he thought he saw that but someone had mentioned that they did not.

Councilmember Wynn said she agrees with everything that Councilmember Dippolito said and especially with no green space. This feels like it is just crammed in. She thinks they need to look at some type of green space even if it is just a little playground. She asked if she could address a question to staff. Mayor Wood said absolutely. She referred to page 14 of 17 of the petition under the City of Roswell Transportation Department comments and read, "Due to potential conflict with the existing Birchwood Lane, restrict access along Houze Rd to right-in/right-out only." She asked Transportation Deputy Director David Low if that is still their position. Mr. Low replied, yes. Councilmember Wynn referred to the site plan and asked if it looks like a right-in/right-out or if it is a full access. Mr. Low said they would just make it a right-in/right-out. Councilmember Wynn said that is what she is asking; is the developer asking for full access and Transportation is saying no and asked if that is correct. Mr. Low replied that is correct. Councilmember Wynn said secondly, that early on in the process, Transportation did not like the idea for Houze Road being a full long street, emergency access only and asked if Transportation has changed their mind on that. Mr. Low said they would prefer vehicular access out to Houze Road and not just emergency access. Councilmember Wynn said okay that she must have misunderstood that but Transportation does want the right-in-/right-out on Houze Road and asked if that was correct. Mr. Low said that is correct. She thanked Mr. Low. She said the trees are also of concern to her because she sees that the developer is trying to get 60% of the trees planted and she doesn't think that is enforceable. She said taking that many specimen trees out and not doing everything possible to replace those bothers her a lot. She said her concerns right now is what Councilmember Dippolito brought up and having the right-in/right-out on Houze Road since that is what Transportation wants to have. She said she doesn't know if she can go for this tonight the way it stands.

Councilmember Igleheart said he has a couple of questions for staff for clarification. He said a variance is supported by a hardship and asked if that is correct that it is justified based on a hardship. Mr. Townsend said he would leave that for the city attorney to answer.

David Davidson said he should ask the applicant and said he hasn't heard the hardship yet.

Councilmember Igleheart said, "Yes but the City's standard is that...a variance based on a hardship, correct and I'm trying to figure out what that hardship is. That part is a rhetorical question but the first is clarifying."

Councilmember Igleheart said secondly, "R-2, the 12,000 sq. ft. lot is

approximately 3.64 units per acre. The surrounding areas are all in the low three's is what we are testifying so I guess I'm also not sure how not leaving it R-2 doesn't give you the same density that is around it in terms of the low three's. So, that in and of itself, does not create a hardship.

Councilmember Igleheart said, "The trees...and we kind of said this earlier... actually earlier before this meeting. We used to have a time where we actually tried to protect the specimen trees and we have made things happen around them. Now we are just okay to cut them all down and pay into a tree bank which I think is somehow we have made a mistake when we moved that way." He said he wanted to take a step back and said he thinks they all agree that the work that was done from the developer and the surrounding neighborhoods is really impressive and having been on that side in previous years; he knows how much work goes into that. He said for everyone that has been involved with that it was obviously great work. He said his larger concern is some of the things that they are doing here. He said, "If you guys don't know about the UDC, you better find out because this is a poster child for the UDC. If you can put a 9,000 sq. ft. lot; you can do this. Frankly, as Mr. Rolader said if it had been zoned R-S9 and they followed the basic elements of that being setback; they could just do this without even you guys knowing in terms of a letter or anything else. So, remember that. But looking at this thing, I don't even know how you squeeze some of this stuff in there. But, apparently you can. And I realize why I was confused because it was a Planning Commission recommendation to make that an emergency access. So, I wasn't totally crazy. But, all the elements of that while I appreciate the things that have been brought up by the neighbors that could help...that they support it...just overall I have a real problem with what this does. So, that's a combination of some things. One minor thing that somebody said that they didn't have opposition to lot size and lot width; but the way that you control the number of houses within any area is the lot size and lot width. So, keep that in mind as we go forward."

Councilmember Orlans said he thinks he asked early on what the hardship was for the narrower lots and never heard an answer to that for a variance. He said he also has some similar concerns to what other Councilmembers have said on requesting R-3A and then on top of that they want a variance in lot size. The other point if you are trying to look under the UDC as Councilmember Dippolito mentioned, we are trying to get away from those dominating garages that stand out further than property and not recessed back. He said those are some of the concerns he has with going forward.

Councilmember Price said, "I just want to clarify if there were any requirements on Rucker Road besides buffer. Was there any decel lane to be required, David." David Low said similar to the subdivision across the street that came in about a year ago - they would like a contribution toward a turn lane, toward improvements on Rucker Road from this subdivision.

Councilmember Price said, "But that is not listed as a condition anywhere is it?" David Low said, "I don't think it is."

Councilmember Price said, "My other question regarding...where it makes that hard right turn and it looks like the plan was to be accommodating if it had to cut through to the neighboring subdivision; but I'm just thinking that it looks like more of a contingency plan if it were to be required to have the connection

whereas I'm thinking we are not requiring the connection. I'm not hearing anyone speaking for that. So, I'm just thinking that it should be reconfigured so that the hard right turn isn't there. Also, those two lots instead of being public or part of a lot, therefore, they would be required to maintain that space and if there is some sort of pedestrian access, then it looks like they would have to be trespassing once they got into this subdivision. Or maybe this was going to be reworked; I'm not sure. But, to me the whole configuration is too tight and I wouldn't want to see frankly more than 30 houses in there. But, I know the developer would have a fit to be limited to that low of a number. I just think given that that connection with the neighboring subdivision probably isn't going to be required and some other little park areas or what have you would be an asset that a greatly decreased number of units I think ought to go in there and I'm sure Nancy is ready with her motion to categorize the zoning and of course we have to look forward to this UDC change and I don't know if this is preempting that or what exactly. And then there is the other issue of the Houze Road connection. I don't know; if there were fewer houses then you wouldn't need that little connection. Granted a cut through would be nice for those people in the subdivision that are going south bound. But then if you did right-in/right-out that wouldn't serve that purpose at all. So, I'm just trying to figure out why that is even there except for the fact that there are so many issues. If you just decrease the number of units; you could not have to do that. So, that would be my recommendation."

Mayor Wood asked for further Council comment before entertaining a motion and said the motion would be Councilmember Diamond's. He asked if she has comments before making the motion.

Councilmember Diamond said she has some questions. She asked if a hydrology study would be required on the stormwater issue before anything is done. Mayor Wood said there is a yes from Mr. Moring. An unidentified speaker said, "As part of the LDP process, the hydrology study is done." Councilmember Diamond said there is talk about draining this lake/pond/puddle whatever we are calling it but a good percentage of it is not on the subject property so can that legally be drained that doesn't belong to that property.

David Davison said, "If they control the dam; they control whether that is a lake or not."

Councilmember Diamond asked a question for Transportation. She said, "We have all of these little developments and none of them have risen to the level of a traffic study; but collectively, clearly had they been one unit; we certainly would have wanted one. At what point do we do it; is that something that the impact fees would address. How do we address traffic if..."

David Low said the subdivision across the street made a contribution toward road improvements on Rucker Road and it would make sense for this one to do that as well; kind of in proportion to what the neighborhood across the street did. The one across the street was about \$50,000. This one would be about \$85,000 or \$90,000.

Councilmember Diamond said that would be part of the requirements for Transportation or would we need to put that in the conditions. Mr. Townsend said it could be conditioned tonight in the approval if it is approved. Mayor

Wood said he would give Mr. Rolader an opportunity to respond to that because that is a new issue.

Councilmember Diamond said green space, tree saving and common parking are central themes and she said those are concerns that she has had. She thinks that obviously the UDC is not there yet and they have a long way to go before it is where they are comfortable and this is an illustration of one of those as looking through and that is one of their work sessions coming up which is comparatively looking so these kinds of things jump out. She said it looks to her like the three units that are presently R-2 could be continued on south and accomplish a lot of what it is. Having said that, it seemed like the stormwater problems that Camber Woods is having that this project may represent the best opportunity to get any relief from that. She said what she would like to throw out even though she is not presiding is given what she is hearing is if there is an interest for the applicant to regroup and defer for a little while and come back and see if they can adjust that.

Mayor Wood said she could make a motion for deferral if she wishes. That would not be the presiding officer's decision; that would be a Council decision to either make a decision tonight or ask for a deferral. She said she can ask for a deferral. He said he is not sure it would solve any problems but she could ask for a deferral.

Councilmember Diamond said she would like to know if the applicant has any interest in that or if this is the plan they want to live and die with.

Mayor Wood said before getting to that question; he asked if she would like to make any other comments so Mr. Rolader can address that and the question regarding contribution.

Councilmember Diamond said if they do this and if there is a road and regardless of whether it is emergency access or whatever; she said she thinks a guardrail and a fence and the plantings are totally appropriate and that is something she would want to see in there. She said she would also like to see some substantive green space alternative whether it goes around the specimen trees which would be ideal; it looks like they are all over the map on the property and said she is not sure how viable that is. She said they have a long way to go here. She said she would make a motion or hear from the applicant as to if they would like to defer.

Mayor Wood asked Mr. Rolader to come forward to address that issue. He said if there is a deferral and he has no objection to a deferral then there would be an opportunity to address a lot of these issues. He said if he is not in support of a deferral and he would like Council's decision tonight; then he would like to hear his response to Transportation's suggestion for a contribution because that is not something that is part of the record up to now.

Don Rolader said he would try to address both subjects very briefly. He said on the right-of-way, they are happy to contribute necessary right-of-way because they understand it is a system improvement in the City. He said they would be more resistant to an extraction because Roswell charges impact fees; therefore it can't extract from private development in addition to what it gives. He said if they give the City right-of-way then they know what they are going to do with it and they are happy to do that. He said tell us what you want

and we will do it. Mr. Rolader said regarding the deferral – they have a good deal of time invested but he said they could invest some more time if Council feels it is absolutely necessary.

Mayor Wood said his comment to Mr. Rolader is and he doesn't have to answer this question. He said there have been a lot of issues raised here; more issues than he can keep track of. He said you are never going to make everybody happy; that's also clear to him because there are people on opposite sides of this fence. He said if Mr. Rolader feels it would be productive to have more time with Council to try to work out some of these issues then it makes sense for a deferral but it is his judgment call.

Mr. Rolader said he thinks it is worth exploring the possibility. Mayor Wood said then you would not be opposed to a deferral. Mr. Rolader replied, no.

Mayor Wood thanked Mr. Rolader.

Motion: Councilmember Diamond made a motion to defer this item for two weeks to 9/11/2013 and then corrected herself to say for a month. Mayor Wood asked Mr. Rolader if that is sufficient time. Mr. Rolader asked what the day of the month is. Councilmember Diamond said she would like for it to be a couple of weeks. Councilmember Dippolito said Wednesday; 9/11/2013 is the next Radio Tower meeting. Councilmember Diamond said her intention was for two weeks. Mayor Wood said he doesn't want to have the towers and this item on the same night. Unidentified speaker said that 8/26/2013 is in two weeks. Councilmember Diamond said that is what she wanted that she had miss spoken.

Mayor Wood noted the motion is to defer to 8/26/2013. He called for a second. Councilmember Wynn seconded the motion for deferral.

Mayor Wood asked for further discussion from Council on the motion for deferral.

Councilmember Igleheart said he supports the general idea but said are they saying to fix all of this stuff and asked if there is any direction for them and can they really do that in two weeks. Mayor Wood said he doesn't think they can fix everything and make everybody happy in twenty years. The question is do they think they can get a majority vote from Council in two weeks. There are differences of opinion and they all have a rational foundation and he said he doesn't think they can make everybody happy. Councilmember Igleheart said he is just trying to be realistic. Mayor Wood said he understands and he is trying to be realistic. They are asking for two weeks and if they think they've made progress; it is always possible for further deferral if this Council so chooses. But, there is a motion for deferral. His preference is always to try to work things out recognizing that doesn't make everybody happy but if Council feels it is productive to have more time and the applicant feels it is productive to have more time; he doesn't think there is a crisis that they may need to make a decision tonight.

Councilmember Diamond said that Councilmember Igleheart had asked if there is any more guidance and said she is hoping that enough has been heard where there is some guidance and they can talk about that. There are people in this area who want to know what is going to be behind them and do not

want to have this hanging over them. She said there is also an opportunity here to help some of the drainage issues and she would like to give it a shot.

Mayor Wood stated the following comments to the audience. More than likely there will be a development on this property at some point in time. If there can be a consensus of the community...he always finds it better for the community to make the decision with the developer rather than the Council to make the decision who doesn't live there. The Council does their best but they don't always make everybody happy. Mayor Wood called for a vote on the motion for deferral.

A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this rezoning with a concurrent variance to allow for a single family development at Houze and Rucker Road be deferred and be placed on the Mayor and City Council agenda for 8/26/2013.

Restated Motion: Councilmember Diamond made a motion to defer RZ-201301339, CV-201301341, 12055 Houze & 365, 375, 395 Rucker Rd., William R. Hole/D&B Development Inc., Land Lots 1281, 1282 to be placed on the Mayor and City Council agenda for 8/26/13. Councilmember Wynn seconded.

The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-08-54

3. RZ-201301214, CV-201301216, CU-201301219, Intersection of Holcomb Bridge Rd. & Scott Rd., L Barry Teague, Land Lot 677, 712. *(There is a request for deferral)*
Presented By Bradford D. Townsend, Planning and Zoning Director.

Planning & Zoning Director Brad Townsend presented this item stating the applicant is requesting deferral to the September 11, 2013 Mayor and Council meeting.

Motion: Councilmember Diamond made a motion for deferral of IRZ-201301214, CV-201301216, CU-201301219, Intersection of Holcomb Bridge Rd. & Scott Rd., L Barry Teague, Land Lot 677, 712 to be placed on the Mayor and City Council agenda for 9/11/2013. Councilmember Wynn seconded. The motion passed unanimously.

Council Comment:

Councilmember Diamond said that is September 11th and I guess that is when we have to do it. Mayor Wood asked if it could be deferred to 8/26/2013. Mr. Townsend replied no that it has already been advertised for 9/11/2013. Mayor Wood said it is up to Council but he prefers not putting an item on behind the tower item. Councilmember Diamond asked if it could be deferred to after 9/11/2013 or is that up against the 65 days. Mr. Townsend said he thinks that the 11th is the 64th day. There were inaudible comments about possible dates. Mayor Wood said they would be doing the applicant a favor if they could put them on a night other than either of these two issues that were heard tonight. It was brought up that the next date would be 9/23/13. Councilmember Diamond asked if that would work for everyone and asked if there is room in the application timeline. Mr. Townsend said they would probably have to re-advertise and put new stickers on the public notices. Mr. Townsend said then it would be deferred to the 23rd.

2nd Motion: Councilmember Diamond made a motion to defer this item to be placed on the Mayor and Council agenda for 9/23/2013. Councilmember Wynn seconded. The motion passed unanimously.

A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this rezoning with concurrent variances and a conditional use be deferred and be placed on the Mayor and City Council agenda for 9/23/2013. The motion carried by the following vote:

In Favor: 6

4. Approval of a Resolution to adopt the Short Term Work Program (STWP) and Capital Improvement Element (CIE) covering the five year period 2013-2018.

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning & Zoning Director Brad Townsend introduced this item.

There were no questions from Council. Public comments were invited. No comments were made.

A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this Resolution to adopt the STWP and CIE be approved. The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-06-34

5. Text Amendment TA13-0355, to amend Chapter 12 of the Zoning Ordinance regarding building material allowed as part of new development.

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning & Zoning Director Brad Townsend presented this item stating this item is the Text Amendment initiating to Article 12 of the Zoning Ordinance to change the Groveway Overlay Hybrid Form Based Code to include language related to removing prohibited materials and making the term inappropriate.

There were no questions from Council. Public comments were invited. No comments were made.

Councilmember Diamond made a motion for approval of Initiation of Text Amendment TA13-0355, to amend Chapter 12 of the Zoning Ordinance regarding building material allowed as part of new development and be placed on the 9/17/2013 Planning Commission agenda and be placed on the Mayor and City Council agenda on 9/23/2013 for first reading. Councilmember Igleheart seconded. The motion carried by the following vote:

In Favor: 6

City Attorney's Report

6. **Approval of a Boundary Adjustment for the East Roswell Library Site located at the intersection of Holcomb Bridge Road and Fouts Road, approval of a Fouts Road Library Deed, and approval of an associated parking easement. (This item was deferred at the August 27, 2012 Mayor and City Council meeting)**

City Attorney David Davidson presented this item stating this is expanding the boundary by 25 feet and approving the deed to be signed by the Mayor and the easements. Mayor Wood asked if this comes with recommendation from staff. Unidentified speaker replied yes. Mayor Wood said yes. He called for a motion.

There were no questions from Council. Public comments were invited. No public comments were made.

A motion was made by Council Member Wynn, seconded by Council Member Igleheart, that this Deed and Easement for the East Roswell Library Site be approved. The motion carried by the following vote:

In Favor: 6

7. **Recommendation for closure to discuss personnel and real estate.**

Mayor and City Council agreed that there would be no closure due to the lateness of the meeting.

Adjournment - After no further business, the Mayor and Council meeting adjourned at 1:05 a.m.