

MINUTES
ROSWELL PLANNING COMMISSION
Tuesday, August 19, 2014
7 p.m.

MEMBERS PRESENT: Lisa DeCarbo, Bryan Chamberlain, Chris Foley, Joe Piontek, Sidney Dodd, Keith Long

MEMBERS ABSENT: Cheryl Greenway

STAFF PRESENT: Brad Townsend, Jackie Deibel and Allison Bray

WELCOME:

Lisa DeCarbo brought the August 19, 2014 meeting of the Roswell Planning Commission to order at 7 p.m. The Planning Commission is composed of volunteer citizens representing both the business and residential citizens of Roswell. The Commission is appointed by the mayor and city council and they are a recommending body only. What the Commission will review tonight will go before the mayor and city council on the second Wednesday of next month, September 10, 2014.

Lisa DeCarbo stated she would like to go over the order of the meeting. First a member of the city planning staff will present the project and give their recommendations. Next, the applicant will make their presentation. The public will then be invited to make whatever comments they want to share with the Commission. After that the applicant will be given a chance for rebuttal. Then the Commission will close the public portion of the meeting and go into their own discussion and make a recommendation.

If one person is representing a group the Commission asks that they get together, get organized, and follow a few basic rules. It really does not do one any good to repeat what the person in front of them said and not bring up other points. Take this opportunity to get organized. The Commission will limit both sides whether one is for or against, to a total of 20 minutes. If one wishes to speak, please fill out one of the comment cards that are placed on the back table and turn it into staff. That way staff will have the name and address for the record.

In the case of rezoning, the city has adopted 10 criteria to evaluate a rezoning request and that is what the Planning Commission will be following this evening.

Bryan Chamberlain stated that he will be recusing himself from the next case.

14-0085
RZ2014-00970, CV2014-00974
LEHIGH HOMES
110 Woodstock Road

Roswell Planning and Zoning Director Brad Townsend stated that this is a rezoning application for 110 Woodstock. The subject property is approximately 2.4 acres and has an existing zoning of RS12 under the Unified Development Code. The request is for R-TH for 21 town home units. This is an aerial of the property showing the surrounding location. As one can see, on the

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opposite side Woodstock is cemetery. Adjacent to the property to the east is cemetery, town house developments to the north, a parking lot, cell tower and water tank to the west, which are all under city ownership. This is the location map of the subject property. The current zoning, the RS12 and the location to the north, R-TH, to the east, west and south all civic for the cemetery and the parking lot, cell tower and water tank. This is the preliminary plan for the proposed town house subdivision showing access to Woodstock Road, the buffers to the east and west and storm water nearing to mostly the northern property line because that is the natural grade of the property. It is high on Woodstock and slopes down to the north.

Staff would recommend approval of the rezoning of this application without the variance. Since the variances were part of the Unified Development Code in dealing with the buffers, they were really scrutinized by the mayor and city council and they felt that they were the only ones that would relieve them and they would look at them project by project. So, they really did not give staff a latitude in dealing with what was appropriate for proper buffers and variances other than what they adopted in the Unified Development Code.

Brad Townsend asked the Planning Commission if they had any questions.

Lisa DeCarbo asked if there were any questions from the Commission for staff.

Chris Foley stated that he just wanted to understand, if Brad Townsend could just give the Commission, he thinks he got most of the details before the meeting, but just for the record the one existing town home that is approximate to this property on the north side has 10 units. Brad Townsend stated that was correct. Foley clarified that was on approximately 1.3 acres. He understands this was under older zoning.

Brad Townsend stated that it was currently zoned, when the town house development was developed it was zoned R3. As part of the Unified Development Code staff put it into the R-TH designation and yes, it is approximately that acreage, 1.6.

Chris Foley thanked Brad Townsend. Lisa DeCarbo asked if there were further questions for staff from the Planning Commission.

Lisa DeCarbo stated that one of the things that the Planning Commission had talked about at their training sessions on the UDC is that procedurally, the Commission would not be seeing applications until all the required studies had been done and all of the analyses were complete. DeCarbo stated that it seemed like there were sanitary and storm water that still had not been totally resolved with staff. Is that something that the Planning Commission should be concerned about?

Brad Townsend stated that the sanitary and storm water are not a pre-requirement for application. They are handled mostly at the land disturbance phase of the project. The studies that are pre-requirement for application deal with steep slopes and traffic analysis. So those are the two things that have been moved to be a part...staff receives them with the application at that time not storm water and drainage. They do have a storm water concept meeting with that engineer and their analysis is included and she has reviewed this application as well as the city engineer has reviewed it.

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Lisa DeCarbo stated that she does not see anything there one the traffic study. Is that because this is a smaller number of units? Brad Townsend stated that was correct, because of the size and the impact it would have. It doesn't trigger a threshold that would require a traffic analysis.

Lisa DeCarbo thanked Brad Townsend and asked if there were any other questions from the Planning Commission to staff.

Joe Piontek stated that there was a ditch on the north side of this property. Is that why they are not connecting that small, little stub road? It almost looks like the road went straight through and it was aiming at that road in the back and then suddenly it wasn't connected and one of the objections they had was about traffic coming out onto Woodstock.

Brad Townsend stated that the access would be through the city parking lot. If one were to take the ditch off, the ditch is mostly to the west and the water goes off of the city's parking lot into that ditch and then heads north and sheet flows off of the property which is what staff would be required of this property after it is developed. It will do that same sheet flow but with less of an amount of water than currently exists. So the connection was when staff discussed it with parks and rec as well as transportation they did not feel that was a safe way to have a private development accessing in and out through the city's park property and the parking lot.

Lisa DeCarbo issued a last call for questions for staff. Hearing none, she stated that the Planning Commission will hear from the applicant at this time.

Don Rolader, 198 Bear Creek Point, Jasper, GA presented the application on behalf of the applicant, Brendan Walsh. Walsh is much more familiar with this project than Rolader is, he has a great grasp of it and he is going to explain it to the Planning Commission. Rolader asked staff to put up the aerial just for a moment again. He just wants to locate the property for the Commission. One comes off of SR 9 at Woodstock Street and he takes a right. Along his right and along his left is the historic cemetery. Then there is this unconquered piece of land on the right, on the north side and that is this property. Past this property, on the same side of the road is the water tank, the cell tower and the parking lot for the city soccer fields. That is what this property is about and that is what Brendan Walsh is asking the Planning Commission to rezone.

At this time Don Rolader stated that he wanted to turn the dialogue over to Brendan Walsh for the presentation and let him bring it to the Commission.

Brendan Walsh, 120 Thompson Place, Roswell, Ga stated that he was present to talk about and request the zoning approval and variance approval for 110 Woodstock. He wants to give the Planning Commission a little history and background about himself and his company.

LeHigh Homes and Development is a local business that was started in historic Roswell and operates out of historic Roswell. Walsh started the company in 2009 with another family member of his. Their focus is on infill developments, walkable areas, places where they can create unique architecture. Those are kind of the things that they seek out and they feel like they have sought that out here on Woodstock.

Walsh provided a little history about some of the projects his company has done here in Roswell. The first one would be Providence in Historic Roswell, which is located off of Canton Street. They purchased that project when it was zoned and developed for 41 town home units.

They then decreased the density of that to 35 town home units. They sold that project out in 2011 when things were at a standstill in a lot of the real estate market. One thing about that site is they purchased it after it was already developed so they are a little limited to what they are able to do physically on the site. Walsh presented a picture of Providence in Historic Roswell.

Another project would be Providence in Historic Roswell, Phase II which were vacant parcels that they purchased similar to what they have going on here on Woodstock. They were really parcels that nothing was going on on them from that standpoint. What they did there was incorporate a mix of town houses and single family homes on that property to incorporate with some existing homes that were already on that street to blend in really with what was already going on back there. The same, similar design where they decreased the number of units they were allowed to build to create more green area throughout the project.

That is a little bit about the history of what they have done in Roswell. Brendan Walsh stated that he wanted to get into specifics on the history of 110 Woodstock itself. As Don Rolader mentioned, this is located in between Alpharetta Hwy. and Canton Street. It's between a water tower, a cell tower, a parking lot, a cemetery, some town homes and then the majority of Woodstock Road/Woodstock Street (it is a little confusing, it actually has two names) are offices and currently the site is overgrown. When they purchased this property people told Walsh he was probably a little crazy for purchasing it but he heard the same thing when he purchased what was left of Providence in Historic Roswell in 2009. But Walsh really thought it had a charm to the property and he felt like it was a great link to the heartbeat and the stuff that is going on on Canton Street as well as the new developments one is starting to see off of Alpharetta Hwy. which includes Thumbs Up, Lucky's, Pure, Liberty Lofts and the new elementary school which has broken ground up there.

Like Walsh mentioned in his company history, he likes to focus on a walkable area. This is a great walkable area as it connects to Canton Street, which everyone knows. It connects to parks, the soccer fields are right beside them, there is retail and business in the area and something Walsh really likes is there is public transportation. The MARTA bus stop is right around the corner, so the type of market that they are selling to are the people that don't want to use their cars, that don't want to drive, they want to walk, they want to use public transportation and that is who Walsh is targeting with this development.

When Walsh first purchased the property there was a list of things that he wanted to do on the property which included apartments, condos, a stacked flat type scenario with possible retail, restaurant or office on the levels below that and then including possibly some town homes that would sit adjacent to that. When he started looking at it, one thing that he does is he always wants to leave the site that he is developing better looking after they are done with it than when they started. So, when he started to put together site plans and he started to get community feedback, they couldn't get comfortable with something that they thought would really work on the site that incorporated all of those things. And the great thing about Roswell compared to other developments especially here in historic Roswell is one really already has a lot of this mixed use space here. A big term is mixed use. Everyone is mixed use, but when one takes a big look at the scheme of things, mixed use is being in an area where there are all of these types of user friendly things and Roswell already has a lot of that. So, as Walsh has continued to do his research he geared more towards an all residential development.

When Walsh started the developments, one thing that they looked at was a plan that they could fit 28 units into without any buffers or any variances used from that standpoint. They went through this plan, flowed it out, talked to people and they wanted to get some feedback on it including city staff's. So as they were reaching out to people, they spoke to residents in the area, HOA presidents in the area, the Roswell Historical Society, which governs the historic cemetery, which is right next door, business owners on Canton Street and Woodstock Road, the parks and recreation department and also the Roswell Arts Commission. So, as Walsh was able to talk to all of these groups and get an understanding of what the property meant to them, they started to gather the information and wanted to consider what they thought was important into Walsh's revised site plan. So a lot of things that he heard was no apartments on the site, protect the trees, a buffer between the residents in the town home community to the north of them. Respect the sensitivity of the neighboring cemetery. They got feedback from the business owners that they would better served off of Alpharetta Hwy., where there is more traffic or off of Canton Street. Addressing the additional traffic, which would be on Woodstock Street from the developments.

Walsh stated that Lisa DeCarbo had brought up a traffic study. He was not required to do a traffic study for the size of this project, but they went ahead and did one anyway. If the Planning Commission would like for Walsh to share that with them, he would happy to.

When focusing on their revised plan, a lot of the concepts that Walsh wants to incorporate are new urbanism concepts and the Commission will see that on the site plan when he walks them through it here in a second. But, large open spaces and parks, community gathering areas incorporated with small private outdoor spaces. A lot of the market that they are selling to here is going to be empty nesters who are coming from half-acre, acre lots. They are used to a big yard so they are not ready to get rid of their yard completely. These private little courtyards give them that flexibility to grill out, to let the dog out, do those sort of things. There is an area for public art which kind of ties into the large open spaces and community gathering areas. Walsh wanted to make sure they were following the guidelines of the 2030 Comprehensive Plan. And something that is really important to Walsh is strong curb appeal. In Providence in Historic Roswell like Walsh mentioned, the site was already developed so he couldn't do exactly what he wanted there. Here with a raw piece of land they are willing to design this thing that what they feel like looks best for the community and is going to provide the longest term value for everybody. They are doing that with rear-entry garages and great views from the high traffic areas, which Walsh will point out in a second.

Connectivity. The market that they are selling to is a market that wants to put their car in the garage whether they have the ability to do that all work week or if they just have the ability to put the car in the garage all weekend. They don't want to be driving in their car. They do want to be spending their time in their vehicle. So, Walsh feels like he is connecting these two areas between Canton Street and Alpharetta Hwy. Canton Street really is the heartbeat of the city and they want to bring people here closer to the heartbeat of the city that can use those amenities. And like Walsh mentioned before it is creating that buffer park area between the residents and Townsend Place.

Walsh stated that the next presentation didn't transfer on the PowerPoint too well. He pulled up the billboards. He will walk the Commission through a few things on the site that they had talked about. As far as the great architecture coming from the high-traffic views. Woodstock is where one is going to get the most visibility. So, one can see in the front the front units and the alley

loaded units. There is an alley that is here and then an alley that is here. These garages will back up to each other and these garages will back up to each other. What one will be seeing from Woodstock would be the front of this building here and the fronts of this building here. One will notice that the street itself is a little shifted over than what it could be here. There are some large trees that are at the front of the property there which they wanted to save. On their previous plan that Walsh just showed the Commission, they weren't able to save those trees and that is something that is important to the applicant.

As far as the connectivity, there is connectivity into the parking lot and the rec part there. At the south of their side, the north side of Woodstock Street, there is a trail that ties right into the historic cemetery there. If one has ever tried to walk down Woodstock Street with the way that the grade is there, there is no room for sidewalks, there is really no way to get down there. This is a great trail and a great path that will get one down to Alpharetta Hwy. Walsh feels like it is a little unused and unnoticed now. Bringing this community in, cleaning up the front of this Walsh thinks helps with that visibility and makes it safer for people to get down there.

As far as the art space goes. They have an area designated to the north of the site here and their park. Walsh does not have the details yet of the type of gazebo or gathering area that they will do but they would really like to do some sort of public art that is on display there. And then the north of the property up here is what they are going to designate as their kind of trail system/park system. Really they want everyone to be able to use this thing and access this from that standpoint.

Walsh stated that he had a couple of more slides and then he will finish up with any questions.

Touching on the variances that they need for this project, dealing with the UDC there are two types of buffers that need to go in place when one is butting up an R-TH to a civic space. That is a 40-foot buffer or a 20-foot buffer with an eight-foot privacy fence. What Walsh is asking for is a reduction in the buffers alongside the water tower and the cemetery. Understanding how UDC was written, Walsh can see how one would want buffer protection off of civic spaces, especially in an area where there is a school or a government building or something like that. Here, Walsh feels like they are in a very unique situation though where they are asking for a buffer against something that most people would run from. But they are asking to be closer to the water tower, closer to the cell towers, and why they are doing that is it helps to maximize usable green space between the development and the residents to the north of them. If they don't do those buffers their buildings get pushed up closer to them and they want to utilize these spaces on the side.

They are asking for the reduction in the 40-foot buffer rather than the 20-foot buffer. Previously what Walsh had mentioned about connectivity on a bicycle/walking friendly scale, if they went down to the 20-foot buffer and wrapped the whole property in an eight-foot privacy fence then it doesn't invite that connectivity that they like to see.

If one will look at the site map, Walsh has highlighted in red to the west along the cell tower and the water tower is the variance there. To the east is the variance for the cemetery side.

Once again reiterating kind of back to where he started, these variances aren't something that they need to build the project. It is something that they would like to see because it increases the value of the project over the long term. Being a resident himself of Roswell, Walsh stated that this is something that he is passionate about, something that he cares about and he wants

to make sure that this project is going to provide long-term value to Roswell. Walsh feels like with what he has designed in the site plan now asking for the variance creates more value on the project rather than a design that doesn't ask for any variances.

Brendan Walsh asked if there were any questions from the Planning Commission.

Chris Foley clarified that on the northwest side, where the property abuts the parking lot of the soccer fields, etc. How is that transitioned so that those units 13-9 are back loaded? So the front is facing that parking lot.

Brendan Walsh stated that he did not touch on that during the presentation. That was the building they probably debated the most was where was the high-traffic area. Is it inside the community or is it from the soccer fields and the parking lot? Walsh felt like that if it was going to be from the soccer field's side that was going to be one's higher visibility area than actually inside the community. So they have those oriented towards the soccer fields rather than towards inside of the community.

Chris Foley stated that he got confused looking through these materials about which buffer was the A, B, C, or D. Which letter buffer is that that they are talking about? Walsh stated that they are not actually asking for a variance to 9 through 13. That would be the 40-foot buffer. Foley clarified that is as is so the fronts of these units would have the maximum space between themselves and the parking lot, but would be visible. There is no occluded view or anything like that. It is highly visible. Walsh stated that there was some underbrush and from what he understands, correct him if he is wrong, but they are allowed to clean up underbrush. They just won't be taking down trees in that area.

Chris Foley stated that the other question he had was about the path system that this would connect to. That was on the east side and the cemetery side, is that correct? Brendan Walsh stated that was correct. The east side of his project, the west side of the cemetery. Foley stated that today as he looked at this property it looks like there is an existing kind of cut-through trail that starts down on Woodstock Road on the left side as one looks at from the street and he doesn't know if that...it is probably scary and it is private property so a lot of public use doesn't happen there. But is that all part of the same trail system that feeds into the one Walsh is talking about. Where does the trail that Walsh is talking about terminate, or where does the trail head for that?

Brendan Walsh stated that it stops right behind Thumbs Up and the MARTA bus stop.

Chris Foley asked about the other side where residents would potentially access it, where is that? Walsh stated that would be right in front of their community on Woodstock Road.

Chris Foley thanked Brendan Walsh.

Lisa DeCarbo stated that she had some questions on the tree protection plan. It looks as if there are several trees. There are three in the cemetery property and one on the neighboring property to the north that are actually centered on those properties. The trees are actually there but it appears that they are being removed, is that correct? Is she reading this right?

Brendan Walsh stated that she was not. He will have a professional engineer/arborist that will be on site with them when they start the work. So, they don't have any plans to remove those. What is being shown is the drip lines of those trees. An arborist will design and give them the procedures to protect those trees.

Lisa DeCarbo stated that it was just the way they were designated, it was the solid line that didn't look like just the ghost of the drip line. It looked like they were actually being removed. She did notice that some of them, including the ones on the cemetery property might be impacted say by unit 17 and whatever is going on around there might impact a couple of those trees. She hopes that those will be protected as well as a couple of the others that they want to save right along the eastern boundary near Woodstock.

Brendan Walsh stated that there are three large ones up there on the front. One of them has to go, unfortunately. But two of them they want to be very cautious with.

Lisa DeCarbo asked Brendan Walsh to talk a little bit about the design of the roads. He is looking for a variance to the Bone Earth design? Walsh stated that he was not anymore. Transportation had him switch to a residential yield and so that plan...the last one that he submitted shows the residential yield. DeCarbo clarified that it does follow the comments that they wanted to have the 10-foot travel lane, blah, blah, blah. Walsh stated that there would be a 10-foot travel lane, five-foot grass strip, five-foot sidewalk. DeCarbo clarified that this plan does follow that. There is no more variance on that. She was just double checking.

Keith Long asked what the roads were made out of, it says permeable. What is the surface? Brendan Walsh stated that they will be permeable stones. There will be a base layer of gravel and then above that will be a paved stone. Boral, all of these companies have the permeable paver that one can put down. So, they will doing most of their water quality actually underneath the road system itself.

Chris Foley stated that he had another question about the park area in the north side. When he first looked at the plan and he saw park area and he saw this tiny little triangle he really was not looking at that. That is the trail outline in the northeast corner? That goes around the detention? Brendan Walsh stated that was correct. And so what portion of the drainage will be caught there or from off-site and what does Walsh feel is going to go through these pervious paving surfaces?

Brendan Walsh stated that he cannot answer the technical side of questions of that. From the preliminary meetings he had with Danelle Volpe it was doing the majority of the water quality underneath the paver system, which would be all of the alley ways. As Brad Townsend mentioned, the city of Roswell has an outlet structure to the northwest corner of theirs that flows into a ditch across the applicant's property. So, he thinks Townsend mentioned as a requirement that they will be picking up that water and bringing into their system as well.

But as a general basis the water quality would be under the street and then detention would be in the northeast corner.

Chris Foley thanked Brendan Walsh.

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Lisa DeCarbo stated that there was also some information that the Planning Commission got from one of the adjacent HOAs. They had concerns about using their sanitary system connecting into that on the northern on the northern boundary. Have those questions been resolved?

Brendan Walsh stated that there is a sanitary line that currently comes onto their site. So they will address that and meet the codes and the regulations that they have to when the time is appropriate.

Lisa DeCarbo stated that they were indicating that it was something that they needed to give Walsh permission to use. Is that correct? Perhaps this is a question for staff as well.

Brad Townsend stated that the existing sanitary manhole, which is on the town house property to the north, that is the closest location for the sewer to connect. The applicant is going to have to connect in some way. So, it is either that place, location, or he doesn't build the development.

Lisa DeCarbo just wondered who holds the permission and who decides whether that connection can be made.

Don Rolader offered to help answer that question. There is a Fulton County manhole approximately eight feet into the Townsend Place property. A line coming off the applicant's property right now is sub-standard and there is no valuable easement for it. It is just an old-timey thing from an old-timey house. The applicant will take and build a standard line and they will intend to connect it to the Fulton County manhole. There are two ways to do that. They can negotiate with the people in Townsend Place and pay them for the short easement that is involved. They can even bore it underground if necessary to connect to the manhole. If that doesn't reach an agreement, then they can go to Fulton County and ask them to condemn it. Those are the two ways one would attach to the sewer.

Lisa DeCarbo thanked Don Rolader. She asked if there were any other questions from the Planning Commission for the applicant. Hearing none, she thanked Don Rolader and Brendan Walsh for their time.

At this Lisa DeCarbo opened the hearing up for public comment. Anyone who would like to speak against the application please come forward. The Planning Commission will give 20 minutes to each side, pro and con.

John Monroe
9640 Coleman Road
Roswell

John Monroe stated that although he is a city resident, he is not here in that capacity. He is an attorney representing Lori Henry and the Townsend Place of Roswell homeowner's association. Both of his clients own property on that northern boundary. They have several issues. Monroe thinks the Planning Commission has probably seen them in the letter that he sent to Don Rolader and some of them have been discussed. Although Monroe is not sure that they have been adequately addressed this evening so he is going to touch on them briefly.

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Lori Henry unfortunately could not be here tonight because she was out of town on business. Otherwise she could speak to some of these issues herself. But she owns a tree that is obviously on her property and a large amount of the drip line, which also means the critical root zone is on the project. It looks like from the drawings that the applicant has submitted approximately 36 percent of the critical root zone would be disturbed, which likely will result in the destruction of that tree. It looks like from the revised plan that the homeowner's association also owns some trees that are going to be significantly disturbed and possibly destroyed.

The current situation with the storm water runoff is that water comes across this lot, which is largely permeable, which means it is absorbing a great deal of the water and it goes into that ditch and when it rains hard like it did about an hour ago, it floods Lori Henry's backyard. This project calls for making a great deal of the property impervious by building houses on it and then when the water runs off of those, it will be collected and one can see in item no. 9 in the Commission's packets, the second page, it shows the water being collected and deposited into a detention pond right next to Henry's property, which means the water is being collected and sent right next to here and when it rains hard, she is going to have even more water flooding across her property. At times the water comes up almost to her back door, even today with an empty lot and she is quite concerned that with this development she is going to have water above her back door.

The last item that has already been discussed just briefly a moment ago is the issue of the sanitary sewer. That is not a Fulton County system. That is a sewer lateral that is owned by Monroe's client the homeowner's association. It is maintained by them. It is a private lateral. What they are proposing to do is the same thing as if they were his next door neighbor and they wanted to come and attach to his lateral that goes to the street. They can't do that. They would be trespassing on his property and they would be stealing his service. It can't be done and Monroe's clients have not given permission to do that.

Monroe stated that he is happy to answer any other questions, but otherwise he will stand down and let some others who wish to speak against it talk.

Lisa DeCarbo clarified with John Monroe that he is saying that this is not a public Fulton County manhole. Monroe stated that it is not. DeCarbo clarified that it does not have an existing easement. Monroe stated that there is no easement.

Lisa DeCarbo asked if there was anyone else that would like to speak in opposition.

Aaron Shumaker
145 Prospect Street
Roswell

Aaron Shumaker stated that in a way he will speak both for and against. He has some documentation to provide and he will distribute those now. Just for reference Shumaker stated that he lives at 145 Prospect Street. It is about 100 feet from this property. He will recommend a deferral on this or a withdrawal to correct some issues, some technical issues, he really does not want to see this applicant denied at city council. He doesn't want to see them have to wait another year to try again or something else. So, he would like to see them work together to try to address some of the technical issues with this application.

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Some basic history here...the applicant purchased it early last year. It was the first UDC draft map for changes in Roswell. It was zoned R-2 at the time of purchase. It used to be really a farm with some cows on it. Shumaker kind of imagined that for \$405,000 the applicant saw a value with the R-2 zoning.

The survey that has been included today isn't signed or official. Some of the previous surveys that were provided were signed. Shumaker is not sure if there was just a disconnect here or if it was just a mistake. There happens to be graves on the property line and they don't show up on this survey.

Shumaker stated that he will not comment on the sewer, he thinks they have covered that one.

The proposed site plan has some concerns about fire rules. The International Fire Code, Appendix D requires 26-foot side streets for buildings that are taller than 30 feet. So on the plan here it says that the buildings are going to be 35 feet tall. Shumaker thinks they have a situation here where they need to look at whether their roadway is wide enough to cover Appendix D. The road also needs to be between 15 and 30 feet of each of the buildings. So these are fee-simple town houses. Because they are fee simple town house that means the front of each of those buildings, not the end of a long series of buildings...they are each individual buildings.

Because these streets are so narrow they should probably be marked no parking, which means that anyone who is parking there will be parking on the parking on the front small lot or in garages. There will not be any room for a UPS van, moving vans for instance, etc. on this property except for on that front parking lot.

In the Roswell ordinances 8.3.11-D just specifying Appendix D from the International Fire Code, the minimum road width is 24 feet. So they have parts of the road on this survey and the site plant that show 20 feet wide.

In the UDC it states that private streets need to meet public standards. Those standards don't include any pervious streets. Shumaker is not against pervious streets it is just the standards don't include them.

Lots must have frontage on a street. So, on this plan there are several alleys. Alleys aren't actually streets. Shumaker thinks they need to correct the problem these are called alleys. They need to be brought up to a designation of street. An alley is a public or private thoroughfare which affords only a secondary means of access to abutting property. A street is a dedicated accepted right-of-way or private street approved by the city of Roswell which affords the principal means of access to abutting properties.

So with regards to the parking lot access, that park property. If there was even walking access they would need to get an easement in that situation. That parking lot would probably need to have some curfew at some point. They probably don't want to have this be offsite parking for this community as well, overnight parking, RVs, boats, parties etc. when they have to use this parking lot to service the actual park.

Shumaker stated that there are also perhaps some conditions on these properties when they were deed to the city. He thinks someone might have said it was for park only. That is something to check into.

With regards to the actual town house lots on this property, UDC 2.2.2E says that every lot must have frontage on a public street, private street, built to public standards are specified courier or cottage court. They are stating that these are rear entry units. And they only have one street and in a lot of cases these are alleys. So, they have a technical issue with how they are defining their lots according to what has been stated in the UDC.

So a street frontage, the width in linear feet of each lot where it abuts the right away of any public street, Shumaker actually has a problem with that definition in the UDC. It conflicts with some of the wording they have because one can actually have a private street as well. So, today street frontage, public street, they probably need to correct that at some point.

Lot Line Front, the definition, front property line coincident with the street right-of-way. So the front lot line on these lots needs to be on the street rather than the other side. The primary street entrance needs to happen on these units for fire reasons for instance. If they are rear entry on these units, are the fire crews going to go all the way around? On the pages for town houses it says that an entrance facing the primary street is required.

Regarding storm water, the detention area according to the UDC needs to be on a lot. So today on that plan they don't have an actual lot for that detention area. So they will need to correct that. It also needs to have a 20-foot wide continuous access to it from a public or private road. There is a lot of detail in here but Shumaker wants to make sure that other people have time to speak as well.

He knows there is a question about whether they add sewer or other things available here and some of those things weren't required. But they do have an infrastructure sufficiency here potentially. He thinks it is something they need to decide before they put this in front of city council. They really need to make sure that they have sufficient sewer, even sidewalks for instance for this many town houses.

Shumaker stated that he has heard that people are afraid of the cemetery and they are not too concerned about reducing the buffers against the historic cemetery. It is sort of saddening to him that the cemetery is being portrayed this way. He is a member of the Georgia Municipal Cemetery Association. He spoke in front of city council last year about the care of the cemetery, about the care of the monuments there, how they were respecting the history of Roswell and he has worked with several people from the historic society to work on cleaning up the cemetery, etc. He has also spent hours with David Davidson at the city of Roswell regarding the legal aspects of this property as well.

In the UDC 12.8, Archaeological Sites, it says that the Historic Preservation Commission has jurisdiction when there is an archaeological site within 100 feet of the property that is proposing a development. It is not clear on when that jurisdiction comes in. But quite honestly, if they are asking for a reduction in their buffer to five feet right next to a monument. He thinks it is wise to consult some archaeologists and really try to respect the history here. Shumaker was really saddened to see buildings going so close to some recent graves actually.

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In 2008 the city of Roswell had a report created under some grants by the Jaeger Corporation and in that report it actually shows a possible previous cemetery boundary inside the borders of what's on Woodstock. The document itself, the 47-page document is available digital now. Shumaker had it created and Marlee Press should be able to provide it to the Commissioners. There is quite a bit of detail in it.

In that report it also reports that the concrete walkway that is running through the cemetery should be removed. It is not appropriate. The reason it is there is because during the 1980's there were a lot of people walking through the cemetery to the old Roswell High School. The high school was active at that time and there was some destruction happening on the gravesites so they put the walkway in there. So, the report is basically saying that that walkway is not appropriate and there is actually potentially graves beneath it and it should be removed.

The city of Roswell does not own the cemetery. The city does not have an easement on the cemetery. That trail system only runs from Woodstock to SR9 and it doesn't run anywhere else in that cemetery. On earlier plans from Brendan Walsh, he actually showed a walkway extending from his property across grades. A multi-use trail across grades to what is essentially Shumaker's property. So on Walsh's diagram he is actually showing in the upper right hand corner, he is calling it a cemetery path or trail. It is actually Shumaker's property and it is not a path, it is not a trail, it is actually a very specific ingress/egress easement for funeral processions for the cemetery. It is something more than that. It is actually marked also on the road.

Also in the UDC, the map updated says...it is a question really. Are there substantial reasons why the property cannot be used according to the existing zoning? They really show a substantial reason. They have \$700,000 homes built a block away from this between two town house developments. It is really possible to build R2 on this property. There isn't anything unusual about it. The grade isn't hard, the water situation is not that hard. It is shown that he can handle the buffers, and really if he built R2 there are no buffers required.

There is also a section here that says, what if I need a concurrent variance? It says that the city council will not approve concurrent variances unless there are extraordinary and exceptional conditions or practical difficulties. Shumaker stated that he is not seeing any of those but again, he is really interested in seeing some development here. A few years back he worked with Brendan Walsh and his family on potentially purchasing one of the units downtown before it was built. That didn't work out. It turned out great, Shumaker thinks it looks really nice. He thinks the occupants are really happy about it so he doesn't really have any hard feelings here. It is just that he is very concerned about what is happening with the cemetery.

Here is a picture of the area where these gravestones are actually on the property line. Here is a view of 110 Woodstock from essentially Shumaker's property. They had a funeral last week, so it is still an active cemetery. All the trees that one sees in the background will be cut down. He pointed out the water tower. So, this is one of the stones that is sitting on the property line.

Shumaker also mentioned that the trail running through the cemetery today, although the company says it is not appropriate, it is also closed at night. So it is not actually a sidewalk. He has some other bits from the report itself.

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The old Roswell cemetery also has a resource that is available at the Historic Society. It shows essentially where all the graves are. For instance, this is the border they have been looking at, there are the graves. So it is very simple to see where these things were. They had a multi-use trail running over....Shumaker stated it was over Jeff Pruitt's family from Parks and Rec. It is concerning.

Shumaker thinks they ought to look at giving them some more time. Work out the sewer issue, work on some of these technical issues and make sure they do the lots correctly. If they need to update the UDC to define some of the things slightly differently to get them to build something here, he says they do that too. He just does not think they should move forward and deny them if that is the case, but he also thinks that they need to ensure that they follow the UDC. Staff just spent a lot of time working on it. He won't comment on whether he thinks it is valid or not, but he thinks that they ought to spend some time correcting some of technical issues. They knew they were going to have them, so let's work on that.

Aaron Shumaker thanked that Planning Commission.

Chris Foley stated that in this situation the staff recommendation is to grant the rezoning without the concurrent variance. It seems that Shumaker's pitch here is for a deferral to work out issues or withdraw, once again to work out issues. Would the staff recommendation be counter to his wishes?

Aaron Shumaker stated that he thinks that they should solve the archaeological problem regardless. Even if it is single family homes or one home. He thinks this is critical at this time to do something now that they have it built. It was a cow pasture before. It has grown up. There are a lot of trees in there right now. It is all trees. It is wilderness. There are about 100 rabbits and hawks and everything living in there. Now is the time to address whether one has some folks there while there is nothing there. If she needs to come back later on because, if they do have something in this area where this company thought. They might have archaeological issues, maybe even come back and get a different variance. Get a different zoning that works with what he ends up with. He took the risk to pay \$405,000 for a property that was clearly documented as questionable. Let's try to work with them to see, let's address this first, that is Shumaker's position. If it is town houses, it is town houses. But he really thinks that they need to find out what is here and he would rather see them looking at getting variances for buffers after they know what they can actually put on the property by following some of the lot layout issues. If the lots need to be written differently, if the streets need to be wider, etc. let's get that built correctly and then look at it. That is what Shumaker is saying.

Chris Foley stated that helps. He needs a little definition around how he would foresee the archaeological investigation. Who would be underwriting that? And would Shumaker expect the applicant to conduct a study? What is he suggesting there?

Aaron Shumaker stated that he thinks he would reference that section on the UDC and understand what the city thought should happen at that point. He thinks it does detail what the approach should be. A licensed archaeologist, some non-invasive ways of looking for graves. They have ground penetrator radar and those kinds of things. It is something that the city of Roswell could potentially work with the developer on, but the city does not own the cemetery. The city is not chartered with doing this kind of work although they have accepted responsibility to care for the cemetery and as such they can't trade any easements, etc. because they are

charged with caring for it. It is complicated which is why Shumaker brought it to city council a year ago because he knew something was going to happen on this location.

Chris Foley stated that his biggest concern is that this issue alone could bring everything to a standstill and Shumaker is wanting to see this property developed. The applicant obviously wants to see it developed. He is just wondering how intractable an issue this might become if nobody's willing to step up and pay for this investigation because of the...the lack of ownership here.

Aaron Shumaker stated that he did not have the document in front of him, but if there are grades on his property they are his responsibility. But he thinks they have a responsibility at the city level to protect them. They have rules to protect them. The state has rules to protect them. There are rules around moving them, etc. He just thinks they need to be careful about the history of Roswell. This cemetery is more than 150-years-old. There is some information, title searches, it is just not as detailed as they had hoped. There was a fire in Cobb County, there are Cobb County records

around this property and the properties surrounding it. Shumaker found some new information in Fulton County about the cemetery plots across Woodstock from this property that were new, that they had not found before. So, there is a lot of history here.

Cemeteries are not something to be scared of. This is their history. These are the people that built out town. These are people that worked really hard here.

Aaron Shumaker stated that he could go on but there may be other people that want to talk. He will be happy to answer any other questions but he really appreciates the questions and the time.

Aaron Shumaker thanked the Planning Commission.

Lisa DeCarbo thanked Aaron Shumaker. She stated that now the Commission needs to open up, they have had 20 minutes for those speaking against. She would like to open up the floor for public comment in support of the project. She sees no one coming forward. DeCarbo asked if the Planning Commission would like to see the applicant again in rebuttal.

Brendan Walsh stated that in hearing some of the important questions and concerns that were out there he will address the cemetery concern right off the bat. Like he mentioned in his presentation, Walsh went and met with community members and stakeholders that are in this area. One of those stakeholders is the Roswell Historical Society. He met with Jo and he actually walked the property with her to get her thoughts and feelings and her group's feeling on the project as well. In doing so they had a report prepared themselves by an archaeology firm that investigated the areas that Aaron Shumaker has brought up. Walsh stated that he has the full report and he can get copies for the Commission if needed. But in their finding they did discover any sort of graves or markings that were across property lines. The second part of that would be understanding the sewer. Fulton County has sent the applicant a letter of sewer availability in this area. Walsh believes that is included in the engineering packets. They will address that situation through the LDP process.

As far as the codes go and what has been brought about in that regard, they have met with city staff including transportation and fire several times on this project. The engineers and designers

on this project are ones that are very familiar and contributed in helping with the UDC code itself. So Walsh is confident that they will follow those guidelines as they go through the LDP process as well.

The third part would be the water runoff. Walsh stated that included in Brad Townsend's report is the correspondence between Danelle Volpe, the city engineer responsible for storm water and Walsh's engineer and the preliminary design standards that they will follow for the project.

Sidney Dodd asked Brendan Walsh if he could just briefly describe to the Planning Commission the type of testing the archaeological firm did when coming to their conclusion that there were no graves that bordered his property.

Brendan Walsh stated that two types of studies were done. One is a background/history check, records check, that sort of history-type of report. The second would be a probe report, which is actually going into the field and visually inspecting and then inspecting what the probes themselves in the areas that are defined in this report...in the report it calls out areas that they saw different types of soil samples. Soil samples were tested to see what was going on there and then the report shows what was found in those areas that were questioned. Nowhere in the report there does it call it any concerns or graves crossing over the property line.

Sidney Dodd followed up by asking Walsh if staff reviewed this report. Brad Townsend stated that it was not submitted to staff.

Lisa DeCarbo asked Walsh if he could show the Planning Commission in the report if there is a page that shows exactly the areas that were covered. Branden Walsh pointed out the area and Woodstock Street to the south. The red is the property line. One can see where the survey's test pits, some of the large trees, and fence line that was walked. Walsh showed pictures that were similar to some of the pictures that Aaron Shumaker showed. He pointed out the methods and where they do the surface reconnaissance how that is done. A subsurface examination and the results. Walsh can pull each of these up of what they found.

The easiest thing and the most visual to look at would be this here which shows the outline of the property, where they did the probe search and the surface reconnaissance and anything that they found that was different than other parts of the property.

Lisa DeCarbo clarified that when Walsh says the probe search, basically what do they do? Go through with a metal rod and check? Walsh stated that was correct. That is part of the process.

Lisa DeCarbo stated that the one thing she would say just from looking at what they were provided and looking at this the boundary might be a little different and she is not sure Walsh covered exactly the same area. He covered some areas beyond what Aaron Shumaker had said was potentially additional cemetery property. This is definitely something that DeCarbo would suggest also goes to mayor and city council for their approval.

Lisa DeCarbo thanked Brendan Walsh and asked if there were any other questions from the Commission.

Chris Foley stated that he had another question on the fire just so he can understand...he heard what Shumaker said and the International Fire Code that he cited here. The Roswell Fire

Department seems to be more concerned with the turning radius and the water pressure. They didn't cite any of those issues. His question is in their discussions with fire, were the alleys their primary means of access to some of those units to the extreme west of the property etc. Is that how they are proposing to access those buildings?

Brendan Walsh addressed the alley. One of the initial comments from one of their previous site plans, they had an issue with their alley turnaround. So the idea here in meeting with the fire department is that alley that is to the east side of the property, one will notice the radius of curb where Brad Townsend is highlighting now, is much larger than the radius of curb than the radius of curb that is on the alley between buildings one through four and five through eight. The design there would be a fire truck would pull into that alley to back up and turn around and that is how they would leave or exit the facility. On a previous drawing, that alley wasn't correct. Walsh had his engineer correct it, it was just a mistake. But, the plan that they are showing now meets the fire code.

Chris Foley stated that there was no discussion so he is concerned, no. 1 with what they did talk about in terms of the turning radius, but he is also concerned that the definition of an alley versus a street in terms of the width. Fire did not express any reservations about the width and their ability to get the equipment in there. That was Foley's concern about actually putting out a fire.

Brendan Walsh stated that was a technical question. Like he said they will use professional engineers to design this that will follow the codes designated by Roswell. As they go through the LDP process they will make sure all of those codes are followed.

Lisa DeCarbo followed up saying that she sees on the site plan no. 1 they have a proposed street section that has 20 feet of travel lane and then 24 feet curb to curb. And, that sounds as if it is going to work with fire and all of that, but when one looks at the drawing itself, they see on the side alley it is 20 feet curb to curb not travel lane per se and 23 on the main. Do they have on the plan or would there be adjustments to the plan based on that section? It doesn't look like it was exactly incorporated.

Brendan Walsh stated that he was a little confused as to what Lisa DeCarbo is pointing out here. DeCarbo stated that she was pointing out that the proposed street section shows 24-foot curb to curb but the main street shows 23 and each of the alleys shows 20. She asked Walsh to verify.

Walsh stated that part of the way that this is shown and he is looking at it, it is a little tougher the way these things print. The alley ways, from comments from transportation they meet the requirements for an alley, they don't meet the requirements for a street, which is why they are an alley. The north end of the property there where one has units 9-13, that would be considered alley there with the street section itself stopping at that intersection. So their main residential yield...they looked at a lunar situation first but transportation recommended the residential yield, which is what they switched to. So Walsh believes that is the discrepancy in the cross sections that one is seeing there.

Lisa DeCarbo stated that she thinks Aaron Shumaker did point out something, that they have conflicts within the UDC saying they need a certain width for fire access to each building and then they actually have a smaller thing on the alley way here. DeCarbo thinks there might be a



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problem with that. Because on the alleys, those would still need to be the primary, if she understands the fire code correctly and that would be obviously for RFD too, to take a look at. But it does seem like there is a conflict. That those side alleys will not serve for the fire access properly, necessarily to code.

The other question Lisa DeCarbo has on that....

Brad Townsend stated that he would like to clarify the answer to that question.

The fire truck doesn't need to get down the alley. The fire truck needs to get close to the fire and they can draw 400 feet of hose to fight the fire. The apparatus that they are looking for actually only needs 19 feet of width to sit on the road. So, even with a 20-foot alley with no cars there, they can get the apparatus that they want to. So, let's not make technicalities where they shouldn't be. The Planning Commission is approving and looking at a request for a rezoning. Let's not get bogged down in the minutia of the scenarios in which the fire department and other things...if there are discrepancies, they will getting taken care of through the rest of the process. The Planning Commission's task this evening is a recommendation on the rezoning with the variances or not.

Lisa DeCarbo stated that she understood.

Hearing no further questions from the Commission, Lisa DeCarbo thanked the applicant.

Lisa DeCarbo called for any discussion within the Commission.

Joe Piontek stated that where the applicant wasn't required to do a traffic study, he did one. Where they were looking for an archaeologist report, he came up with one of those as well. It is a difficult lot. It is the last of the infill in Roswell and certainly the applicant is allowed a reasonable profit on his investment and his previous projects all seem to have been really improving Roswell. And it is the kind of project that Roswell is looking for. Something walkable, something that someone who is downsizing could move into. The setbacks against the water tank. He can understand the concern about the graveyard, but against the water tank? That doesn't seem like a big deal to Piontek.

Lisa DeCarbo stated that one of the things that she likes about this plan as opposed to the first plan that Brendan Walsh showed the Planning Commission is she likes the fact that they are rear loaded units. She thinks that is always a superior thing. She thinks it also visually creates a better connection to the rest of the community and to the adjoining properties by facing them that way. She thinks it is much better done than the original plan. That she very much appreciates.

Chris Foley stated that his only comments are that he echoes what Joe Piontek indicated in terms of the applicant did go above and beyond in terms of getting some of these studies done. This is a redo in terms of the plan. It is not kind of an arbitrary plan meant to scare people and to only to back off to a lesser plan. He thinks the applicant really did kind of look at the issues here, not just the numbers. He does have concerns about the graveyard, he thinks everyone should have that cares about the history of Roswell, should have concerns about the graveyard. But, one can do so much due diligence before he is just kind of stuck as he indicated earlier. That is what he would fear that issue might become. It seems that the community is not objecting to the

town homes at all so the rezoning part he thinks, to him, is a pretty obvious choice where that makes sense and staff recommendation actually said that that rezoning makes sense. So, he does not think there is much issue there. As to the setbacks, the five different, some of them variable setbacks. To Foley that indicates that it was a thought through plan that it wasn't just an arbitrary, we want 15 feet or they want to go to five all around. They seem to have some sensitivity in this plan to what they are abutting in each case whether it is the water tower or whether it is the park, etc. So, he thinks in balance, one is never going to get a perfect plan but he thinks the applicant has gone a long way towards addressing most of the issues. Water, fire, those are all going to come out in the wash in the LDC process etc. Foley would love to have the storm water plan already in place, but those are his general comments in terms of the aspects of this applicant's proposal.

Keith Long stated that he thinks from the original plan that the applicant showed up there that he likes the town home units that replace the 14-21 that were parallel to that internal drive that helped get some of the buildings away from the cemetery so that one could have a bigger buffer there. Mayor and council's decision is the buffer, but Long would prefer to see more of a landscape strip treatment there rather than a wall of evergreens just so it blends in more with the cemetery rather than having a barrier wall there.

Lisa DeCarbo stated the only place that she has any concern at all in terms of the reduction of the buffer frankly, would be the one little section where they go down to the five-foot. Perhaps there is a reason for that one being shifted forward or towards Woodstock that way. Maybe it is the fact that the detention has to be a certain size at the rear, but if anything she would say push both the blocks that are 18-21 and 14-17. If they could go back a couple of feet it would be great to align some of that sidewalk and maybe have a little more connectivity there between 14 and 17 and the way they addressed 5-8. And then just get themselves a tiny bit more breathing room there but she does not know how significant that is. She does not know if that is something worth denying it for quite frankly.

The only other concern Lisa DeCarbo might have is if these are 20-foot wide units she is assuming that they are going to be parking two cars at the back. She hopes that parking does not become a problem and again she thinks one point brought up by one of the public comments is perhaps there is a little concern that the lot for the park might be used as overflow and that might be something that has to be addressed by signage or what have you. Those are DeCarbo's main concerns, which are not very big for a project of this size.

Lisa DeCarbo asked if there were any other comments or does she hear a motion.

Keith Long stated that the motion is going to involve denying the concurrent variance to the civic buffer. How does the plan work without the variance to the buffer?

Brad Townsend stated that it doesn't. It would probably cut out.

Keith Long stated that he would probably be for it. They would lose 18, 17, 5 and 4.

Lisa DeCarbo stated that it looks as if units five and four would come off and potentially 17 and 18 also would have to potentially shift 13-16 if they remained and 21-19 back north towards the end the of the site.



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Lisa DeCarbo asked staff if this was on HPC's agenda at all because of the archaeological site. Brad Townsend stated that it was not. It went to Design Review Board. DeCarbo clarified that it typically goes to one or the other but not to both.

Keith Long stated that he would like to make a motion here denying one without the other. The one against the cemetery, sure he can see that. But the one against the water tower, he really does not have a problem with that. He does not think any of the Commissioners does.

Brad Townsend stated that Long could structure his motion and his recommendation to the council in any way he feels appropriate. Look at it this way, the site plan they have proposed in front of the Planning Commission with the concurrent variances can go as a package. Staff took the position of they didn't have with the related variances and buffer requirements, they didn't have the authority to say this should be relieved or not be relieved. And one looks at the extraordinary circumstances of those situations and make those determinations and recommendations to council. If he feels that the buffer adjacent to the cell tower and the water tank is appropriate at a five-foot designation that could be part of his motion. And if he feels the ones next to the cemetery should stay at the 40 feet or the 20 feet with the wall, that can be part of his recommendation. Don't try to redesign Walsh's plan for him but provide proper guidance to council what he feels would be the appropriate buffer to maintain.

Joe Piontek asked Brad Townsend if they have the definitive A, B, C, D lines drawn on one of these depictions. Brad Townsend stated that he put the graphic up that they used in their presentation showing the buffer variance request. If they kind of go clockwise buffer no.1 related to the water tower and tank is required to be a 40-foot buffer. They are requesting five feet. If they go counter-clockwise they have this buffer over here, which they could identify as buffer no.2, which is adjacent to the cemetery.

Jackie Deibel stated that on the buffer of letter C on their plan they are requesting a reduction from 40 feet to 13 feet for a length of 127.3 feet. Brad Townsend clarified that the 13 is at the northern closest point and it kind of widens out and actually becomes 38 down here at the center wise point.

Letter E is asking for a reduction from 40 feet to a range from 13 feet, which Brad Townsend just showed to 38 feet. So they are ranging buffers C and E.

Chris Foley clarified that as he sees it, it is C, E and A that would comprise the primary, he guessed D as well, abuts the cemetery. Brad Townsend and Jackie Deibel stated that was correct. So if the Commission made a motion where they wanted to include all of the cemetery buffers they should include A, C, D and E. Townsend and Deibel stated that was correct.

Brad Townsend stated they have identified B as the one next to the tower and cell tower parking lot. That is B.

Keith Long stated just as a point of discussion here in considering a motion that would involve D, D would, while it is a buffer to the cemetery and from a historical perspective it might be just as valid as the others above it. There are no housing units facing there so if that is part of the consideration here that does make it a little different. It is still historically the same, but in terms of proximity of units to the cemetery, etc., that is really not a site line from what he understands there. That is cemetery but he is saying there are no units directly facing from the development



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there. While as the other buffers they are defining above it, C, E and A, there would potentially be a see through from the cemetery to the housing units. He is saying that one is not seeing right into the development down at that lower one. But again, if they go back to the historical maps that may be just of the same significance as the others. He does not mean to diminish that.

Chris Foley stated that his concern wasn't so much with the optics of it, but disturbing the archaeology. Keith Long stated that his concerns were on both. And he is just saying that there is one differentiating factor on that one. But that is not going to yield any more units in this depiction. But, again it is not the Commission's job to design or redesign here so he just wanted to call that out if that was a concern because one of the objections showed them a picture of the pine trees and the graves and that visual buffer from the standpoint of people visiting the graveyard for historical purposes or for family members to see right through. That is a concern of Foley's is that they would be seeing right through two units. While he sees the down that abuts Woodstock Road as having less of that consideration. That's all.

Brad Townsend stated that is the site plan dated August 7th.

Motion

Joe Piontek made a motion that the Planning Commission approve the rezoning RZ2014-00970 for R12 to R-TH. And that they deny part of the concurrent variance 2014-00974, those variances labeled A, C, D and E on the site plan dated August 7th. And that they recommend approval of the concurrent variance labeled E on the same site plan.

Chris Foley seconded the motion.

Lisa DeCarbo called the question. The motion passed with unanimous approval.

APPROVAL OF MINUTES

Lisa DeCarbo asked if she heard any corrections to the July 15th Planning Commission meeting minutes. Hearing none she called for a motion,

Joe Piontek made a motion to approve the minutes. Bryan Chamberlain seconded the motion. The minutes were approved unanimously.

ADJOURN

The meeting adjourned at 8:35 p.m.

X

Lisa DeCarbo
vice-chairman, Roswell Planning Commission

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