

- a. The use complies with the applicable specific use standards listed in Article IX, if any, without the granting of a variance.
- b. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristic.

Copies of these criteria are on the back table.

Cheryl Greenway asked that all phones be put on vibrate or turn them off. This includes members of the Planning Commission. Greenway reminded the members to please state their names before speaking for the benefit of the audience as well as for the benefit of staff recording the minutes of this meeting.

Greenway asked City Planner Jackie Deibel to present the first item.

10-0354
RZ2014-02071
CU2014-02072
CREEKVIEW PARTNERS, LLC
285 S. Atlanta Street
Land Lot: 417

Jackie Deibel stated that this applicant has requested deferral to the October 21st Planning Commission meeting. Deibel stated that the Commission will have to make a motion to officially defer these items. They are two separate items but the Commission can make it one motion.

Greenway asked if there was anyone present who would like to speak in regards to these items that relate to 285 S. Atlanta Street. For the record no one came forward.

Motion for Deferral

Joe Piontek made a motion that the Planning Commission defer RZ2014-02071 and CU2014-02072 until the October 21, 2014 meeting. Chris Foley seconded the motion.

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

14-430
RZ2014-02667
CV2014-02668
CU2014-02669
PARKSIDE
1243 and 1247 Canton Street
Land Lot: 410
DAHLHAUSER GROUP, LLC

Jackie Deibel stated that this is an application for rezoning, concurrent variance and condition use for Parkside, which is located at 1243 and 1247 Canton Street. The applicant is requesting to rezone from OP, which is office park to OR, office residential. They are also requesting a conditional use to develop stack flats and town homes.

 **DRAFT**

Jackie Deibel presented an aerial view of the property at 1243 and 1247 Canton Street. To the north is the Minhinette Office Park, to the south is Q Care, to the east and to the west are single family homes. There is a location map that shows Minhinette is to the north and Woodstock Road is to the south. The zoning of the proper as stated is office park. To the north is office residential. To the east is RS12, to the west is RS12 and to the south is office park. Further to the south is neighborhood mixed.

Deibel presented a site plan of the proposed property indicating the eight stack flats in the front, with the seven live-work town homes to the rear of the property.

The applicant is requesting four variances with the rezoning. The first variance is to reduce the side setback along the stacked flats section of the property from 10 feet to five feet along that northern property line from the stack flat section abutting the northern property line with the Minhinette Office Park.

The second variance is to request that instead of doing the type D buffer, which is 40-foot buffer requirement, to ask to do the type C buffer, which is a 20-foot buffer with an eight-foot wall along the east property line abutting the single family home, which is zoned RS12.

The third variance is to request a variance to the percentage of the front entry garage doors for the town homes. The UDC requirement allows for only 50 percent of the width of the individual town house. The applicant is requesting to increase that width on the garage door up to 73 percent.

The fourth variance is a request in the height in the town homes. The ordinance under office-residential allows for 45 feet for three-and-a-half stories. The applicant is requesting to have a 52 foot, eight-inch height for their town homes also still at three-and-a-half stories.

The staff has recommended denial of the rezoning, the concurrent variances and the conditional use request to allow the stacked flats.

Jackie Deibel asked if there were any questions for the staff from the Planning Commission.

Cheryl Greenway called for any questions for the city.

Cheryl Greenway stated that one thing that she just wanted to clarify is when they go back to the aerial, she just wants to point out that is an older one that goes back to 2010 and since then, there has been a building that has been built where Jackie Deibel is kind of drawing the arrows now. So, there is another building there.

Greenway stated that one thing that she thinks would also need to be addressed and conditioned in connection with this is it looks like the two properties are having to share space. Jackie Deibel stated that the two properties do share a cross access easement, the property to the south and the subject property. Greenway stated that with the property on the south, their employees, customers, whatever are parking in the property that the Commission is looking at tonight. Jackie Deibel stated that was correct and there is that building behind it and then another storage area further behind that, like a little storage shed-type thing in that area. Cheryl Greenway stated that she just wanted to mention that.

 **DRAFT**

The other thing is the property north is shown as being office-residential. But really, to Greenway's knowledge all of that is... there is no residential, there is nobody living in that area, she asked to put it that way. It is strictly just offices. Jackie Deibel stated that was correct. That was zoned office-residential under the Unified Development Code when it went through the process.

Cheryl Greenway stated that was all of her questions for now.

Chris Foley stated that he had a follow up question to that. What was the previous zoning under the old code? Jackie Deibel stated that it was Office-Professional, O-P. That was for both of the properties. The one that is zone O-R now and the subject property. Foley clarified that he was referring to the one to the north that has the office park.

Bryan Chamberlain stated that going back to the issue of the shared easement or access. If this property is developed as proposed or similarly what would the access be to the other property to the south of it?

Jackie Deibel stated that she believes the applicant can answer that question but as shown she believes they are still going to be sharing the access between their property, the subject property and the property to the south with Q-Care.

Bryan Chamberlain stated that if he could, he would like to just play through that out loud. The Q-Care property has a lot of trucks coming and going and parking in the back. There is a lot of employee transport vehicles to get to and from work. There isn't anything wrong with the way the property looks at this point but there are a lot of trucks and that to Chamberlain is a totally different look and usage of a driveway than he would think about in conjunction with residential and/or work at home residential.

Jackie Deibel stated that was correct. Bryan Chamberlain thanked Jackie Deibel.

Cheryl Greenway asked if there were any further questions for staff. She thanked Jackie Deibel and asked the applicant to please come forward and stated his name and address.

Matt Dahlhauser stated that he is at 570 Willeo Road, Roswell. He stated that he will reiterate what Jackie Deibel kind of mentioned in her presentation. They are trying to do eight stack flats on the front of the property as well as seven town homes towards the rear. They are requesting an O-P to O-R rezoning. Dahlhauser guessed that there has been some staff comments about not having a whole lot of office component to this O-R rezoning and they kind of addressed that in the fact that they are kind of sharing access with Q-Care. There is an office component that is kind of mixed with the applicants' as well as the property to the north that actually has only office. So they are create kind of a mixed use environment by having some sort of density than this one acre between the different offices so it kind of meets the UDC-type intent of this whole area. That is why Dahlhauser is pushing a little bit more residential to kind of create that walkability as well as kind of the interaction between the residential, a little bit of density and the offices around there.

Matt Dahlhauser stated that he was open to questions or he could go through the variances requested. Cheryl Greenway asked Dahlhauser to go through the variances requests as to his reason for needing the requests.

Dahlhauser stated that the condos up front, the width of the lots themselves is 100 feet. The minimum requirement for the building per the UDC is 60 percent. So he is trying to keep the width of the building as well as keeping a full access drive for Q-Care as well as his units as well as a sidewalk. They are getting kind of pushed on the size of the units on the lower level. He is requesting to infringe on that by five feet. In the back of the property the town homes are allowed a five-foot setback as well as under the O-R designation, a mixed-use building, a general building and some other buildings allow five feet or less. Dahlhauser thinks the intent of abutting a parking lot as well as having the stacked flats with an internal corridor so they don't have to have the people go outside to enter their units. It kind of allows for the applicant to try to spread it out just a little but more and come into that property line by five feet.

As well the setback to the rear, Dahlhauser is requesting a type-C buffer which is 20-feet with an eight-foot wall. They are looking at doing some sort of decorative stone wall, very nice to kind of create kind of a breaking point between the single-family residential on their property as well. They are going to do a lot of architectural treatments to the back of that one end unit to allow for some sort of design elements to help mitigate any type of infringement on that buffer.

In terms of the height, Matt Dahlhauser stated that they are requesting 52 feet, eight inches. And going back through kind of the UDC guidelines they have not taken into account to proposed elevation on the rear of the property. The units will some basements or retaining walls on the basements and the UDC allows for an average grade... there are average grade calculations to understand the heights. They are actually proposing the 52 feet from the lowest grade so it actually may be a little bit less than that in terms or what the final calculations are with grade. But they are requesting some sort of height variance.

On the garage doors, the applicant's intent is the front of the units is actually the front of the property and the front of the actual, to enter into the units at grade level or living room and kitchen level. There is going to be a back entry. Dahlhauser didn't know how staff was going to consider that. That is why he was asking for the variance. But if they meet as a common ground to say that their front is what they intended to be their front then they actually don't need a variance for the back garage doors.

Bryan Chamberlain stated that he was a little confused particularly in reading through the package looking at the site plan they have here. Is he looking at essentially what would be the driveway side of that building? The Q-Care side of the building? Matt Dahlhauser stated that was correct. Chamberlain also asked if the offices on Minhinette would be the front side in what Dahlhauser just said. Dahlhauser stated that was correct. Chamberlain asked what access there is for a person to see the front entrance of the building. Dahlhauser asked Chamberlain if he was saying from a street view. Chamberlain asked Dahlhauser to give him a view where that would be viewed as anything other than the back side of the building. Dahlhauser stated that it would be as one is entering into the units. They are entered from a sidewalk that is going to come up and step up and come to the front of these units here. Chamberlain clarified that someone would park in that 10-space parking area and then walk between Minhinette office buildings and the applicant's building. Dahlhauser stated that it was going to come up to grade on that level so the first level of the actual kitchen and living room areas are going to be at the

 **DRAFT**

same level as the office buildings behind it. But there will be a decorative wall that kind of abuts between the two properties so that there is some buffer between those two buildings.

Bryan Chamberlain asked Matt Dahlhauser to help him with the topography. Looking at the illustration of the buildings, the flats and the town homes, it would appear that the topography here is fairly flat. Yet, when Chamberlain visited the site going to the back, the farthest east Minhinette building and moving to the west. It looks like there is quite a drop in grade from their parking lot down to Canton Street. He did not walk the property so if Dahlhauser could bring Chamberlain up to speed on that overall topographical drop, if in fact it exists.

Matt Dahlhauser stated that there is a big...the high point is back here. And the parking lot currently has a slope that comes down so there will be a foundation wall on the back of this unit coming through here. I will be filled in and kind of made to the level of the office park and the residential in the back.

Bryan Chamberlain stated that if he were standing on the parking lot in that back far east corner of Minhinette. Is he looking into the second or third story window if the applicant's building there? Matt Dahlhauser stated that it would be considered...one technically would not be looking into it because there is going to be a decorative wall there. But, yes one would look at the kitchen/living room area. It would be the center floor.

Bryan Chamberlain thanked Matt Dahlhauser.

Lisa DeCarbo followed up on that. What the applicant is saying is that from the sidewalk on the northern property line, that one would enter those even work-live units, he would be coming in on the floor above the garage floor? Matt Dahlhauser stated that was correct except that this first unit here will actually be at level with the parking lot that is here. So, that will allow for access directly into the unit. So, there is actually front access. The front entry of this unit is actually towards Canton Street or the parking. Lisa DeCarbo clarified that would be the only one. Dahlhauser stated towards Canton Street, yes.

Chris Foley followed up by asking if rather than for the remaining units to the east of that, would go to the northern, northeast corner of the parking lot. And then apparently go up some steps to get to the level up for that sidewalk that the applicant is talking about.

Matt Dahlhauser stated that with any type of residential, he usually enters through his garage, usually when he is there. But if one wants to go through his front door or enter in through that way, they could go that way, yes. Or a guest could come park in that parking lot, go up the steps and come down to the unit.

Chris Foley clarified that there would be steps to get one to that middle floor. Dahlhauser stated that was correct. And some of the staff recommendations on transportation was to allow for some sort of pedestrian access. Dahlhauser's intent would be to have some sort of gate up there as well that could enter into the different office parks that are to the north of the property.

Chris Foley clarified that as one heads east on that sidewalk toward the northeast corner of the property, that sidewalk would just terminate with the last unit. Matt Dahlhauser stated that he could bring it around if needed. It just depends on how it is going to infringe into the landscape buffer. They would need pavers or something like that.

Matt Dahlhauser stated that he also wanted to discuss a little bit of the existing buildings that are on the property. He believes they are vacant. One has been vacant of a long time the other one is operated by a plumbing company. Currently he does not understand how they operate out of it because it is was in pretty much a state of disrepair. Behind the property as well, the woods are very overgrown. There are a few different trailers back there. There is a tractor trailer and some different things and shed so he feels that it will kind of help. He knows that there is some mixed use to the south. The new UDC has it zoned for mixed use so it kind of ties in with the office mixed use, a little bit of density with some stacked flats and residential town homes to kind of bring some walkability to Canton Street from the northern side. It is away from downtown Canton enough that people can come out and be away from it but also can come out of their front door and walk down the street.

Bryan Chamberlain stated that in thinking of the connectivity, walkability, he is parking in one of those 10 visitor parking spaces. He walks to the far east unit. The building is on his right, there is a decorative retaining wall on his left, a screen of some kind. How tall is that screen? Matt Dahlhauser stated that they would keep it up to eight feet. Chamberlain clarified that it would be above his head as he is walking. Dahlhauser stated that was correct. Chamberlain asked what the distance is between that screen and the front of the building. Dahlhauser stated that they will probably inset their doors a little bit, so it is probably in the 12 to 14-foot range from front door to wall.

Bryan Chamberlain clarified from the screen to the front of the building. Forget the front door for a minute. Matt Dahlhauser stated that right now it is shown at about 10 feet. Chamberlain asked how far he is going to walk to the seven units. Dahlhauser stated 175 feet. Chamberlain clarified that he is walking a 175-foot path that is somewhat of a tunnel, it doesn't have a top on it, to the end unit. When he gets to that end unit what is he going to see ahead of him? Is there a continuing screen that goes around the east side? Dahlhauser stated that the wall continues down this path and comes on the back side of the property and creates an eight-foot wall between the residential property and his property. So there would be landscaping back in that area.

Keith Long continued that thought by stating that there is a dashed line on here that pretty much surrounds the entire property. It is identified as retaining wall as owned by others. Is that what Dahlhauser is referring to would be his eight-foot wall? Matt Dahlhauser stated that it would be a decorative wall.

Keith Long stated that if there is a good bit of grade change between the area that says Revolt Investments and Dahlhauser's property, it is hard for Long to read those numbers. It looks like 1088 and then he is dropping down based on his elevations to 1079. So he has about a nine or 10-foot grade change there. Is Dahlhauser planning to have a retaining wall? \

Matt Dahlhauser stated that the units themselves will have a foundation wall on them and dirt will be pushed up in between the property line and there. So, there won't be any retaining walls behind that.

Keith Long stated that he has that. And then the section that says, "retaining wall" under the big tree on the right hand side, but then also on the plan view graphic there is a retaining wall that is a dashed line that surrounds the property. Matt Dahlhauser stated that it was just labeled

incorrectly. It should be a decorative wall instead of a retaining wall. Long clarified that the applicant was not going to have a retaining wall around the property. It is going to be his decorative wall and it will be free standing for eight-feet. Dahlhauser stated that was correct. It will be some sort of stone, brick, something that...what is laid out in the UDC as a decorative stone wall. It is not going to be a concrete block wall or something like that. It is going to be a nice, residential style, decorative wall.

Keith Long asked what was intended for the water quality and detention structure. Matt Dahlhauser stated that he has a civil engineer here that he would to have come up, Lovick Evans, and discuss that.

Lovick Evans stated that he is with LCE Engineers, 603 Macy Drive, Roswell stated that the water quality structure is going to be similar to the type of system that they used at Table and Main, which has some of an open area on the outside of an underground vault. That is the type of system that is going to be utilized. Actually, all of the storm water features are going to be underground.

Keith Long stated that where he was headed with that question is, is the applicant going to provide any public gathering space. Lovick Evans stated that there will be a green space on top of the concrete vault where the detention is. Long asked what that little square would be with the X in it that is just to the south. Evans stated that it was just a gazebo-type thing for mailboxes.

Long stated that his only other comment related back to the landscape plan. Without seeing grading plan it is difficult to see exactly what is happening to that 36-inch oak on the south side. But the applicant identified it as a lost tree or an impacted tree. Then coming back in and putting, just under the canopy he is showing five large oak trees to be planted right under it. It just seems like there is not enough space for what the applicant wants to do here.

Joe Piontek stated that he needed the engineer for one second. This plan indicates that it is not compliant with the storm water ordinances. Lovick Evans stated that they have not actually done the design. It is going to have to comply. It is going to comply. If it is going to be underground, whatever it takes to be underground. It is going to have a vault and they will probably end up with some underground pipes to do additional detention for the storage...the storage for the detention. It is planned out for in there but that actual size and the links haven't been designed yet.

Joe Piontek stated to staff that the storm water ordinance says that if one is going to put up impervious surfaces like this. Then he has to be able to distribute as much water as he did before. Is that correct?

Jackie Deibel stated that what the ordinance states is that whatever is coming off today, one cannot add more with the new construction. So, they have to be at the same level that they are at and with the site as it is today. So, when they build the storm water facility and as Lovick Evans indicated, the storm water concept is just a concept is just a concept at this point. Should it get approve by mayor and city council then they would go more into the hydro and design of the storm water facility and that is further down the road if it is approved by council. So what the applicant has to do is show in their hydrology study to the water resource engineer that it does not go beyond what is going off of the site today.

 **DRAFT**

Joe Piontek thanked Jackie Deibel. He had another question about needing this 20-foot setback variance instead of the 40 feet on the east side of the property. He clarified that there is just that one last residence there, the seventh residence that was put in there. If that wasn't there, one would not even need that setback.

Lovick Evans stated that he guessed if one eliminated residential units yes. Piontek stated that the applicant could get rid of a couple of these variance requests pretty easily. Evans stated that he would rather decrease the size of the units than lose a unit.

Lovick Evans stated that they received staff reports last Wednesday. He reached out to a lot of the staff already and said...a lot of people are actually out of town this week he guessed for vacation. But, he is addressing their concerns and setting up meetings with them. He just has not had the proper time to kind of change any of the site plans per their comments to show the Planning Commission. He knows the Commission needs 12 days prior to a change in a site plan to review it prior to the hearing. They are in the process of addressing some of the staff's comments to make sure everything is taken into consideration.

Cheryl Greenway stated that she would like to go ahead and ask a couple of questions. First of all, when they are talking about the mixed use, it is not necessarily meaning on one section one has an office and in the next section he has residential. The mixed use is meaning within that area that one is developing there would be mixed use that he was developing in that area. Greenway is curious as to why the applicant is going for the home approach when this is already zoned for potentially an office.

Lovick Evans stated just as looking at the entire area and the intent, a lot of the buildings are newer with Q-Care being renovated, which the office park being constructed not that long ago, he does not think those are a redevelop-type opportunity for residential and the intent of the UDC for this kind of node right through the northern part of the property. He feels that creating a little bit of density in that area kind of creates what the intent was of the UDC as well as allowing for anything that they have dealt with in the past on type of urban infill. Creating some sort of density for walkability is usually warranted in the fact that one can come from out of the units, walk down the street, and have restaurants and night life and things like that in close proximity. That is kind of the intent of what they are trying to create in this little O-R node on Canton Street.

Cheryl Greenway stated that it also could be walkable from the standpoint of some type of office complex or a combination of residential and office. The other thing she would mention to the applicant is the guidelines from the UDC, there was a lot of time spent coming up with what the requirements were going to be. And pretty much the understanding was to get a variance from those items, one has to show some type of hardship. And Greenway has not heard from the applicant yet what the hardship is that makes him need these variances.

Matt Dahlhauser stated that he guessed with marketability of a unit. Trying to not decrease the widths of the unit is one of the hardships for the rear of the property. He does not think a person would feel like it takes away from the residential units in the back to have a 20-foot buffer with a landscape wall. The side buffer on the actual condominium units is allowed. The majority of the property is five feet except that one area. He does not think that it takes away from the look of the units. He thinks having more width per what the UDC is requesting for the frontage on Canton Street is more important than having that 10 feet as opposed to five feet.

In terms of hardships, Dahlhauser guessed that things could be addressed to minimize any type of variance request. But from a walkability standpoint and from a product standpoint for Canton Street he thinks they are needed to create a better project.

Cheryl Greenway stated that the concern she would have if she was an individual looking for a home there is that means that he is moving into a little home area where he is going to be surrounded by office. Even though there may be residential to the east side, and there is residential across the street, which was single family homes on both sides, now one is kind of wedged in between offices where the rest of that Canton Street heading back up toward the main part of where there are the restaurants and such, it is all more office. One has all different offices heading in there, one like Mom's Cook. There is a guy who sells vegetables and it just keeps going and it is more offices and restaurants and such as opposed to residential.

One concern that Greenway has is that this kind of going to be like a sore thumb there. It is going to be kind of awkward for that area.

Matt Dahlhauser thanked Cheryl Greenway for her comments. He feels a little differently in the use of the area. If the new zoning requirements for that, the property to the south is mixed use. He thinks that at some point that will be not as industrial. He feels like Vickers is currently for sale and under contract. He feels like that is going to be redeveloped and some different things across the street from Vickers as well. He knows that the Big Catch is coming up to northern end of Canton Street. So, he feels like there are some things happening in that kind of area. Maybe not right now but he feels like his project can be a prelude into some new developments in that area. It does need to be cleaned up.

Some of those areas, even Q-Care, Dahlhauser thinks did a great job. He has dealt with Chris Callas a good amount based on they have cross access with each other. They are going down to a one-lane in and out for him to a two-lane drive access. So he thinks it helps Callas' property out. It helps out with fire access to the back of the property for Chris Callas as well as Dahlhauser's property. He thinks all in all the development kind of will help that little node on the north end of Canton Street.

Cheryl Greenway stated that since Matt Dahlhauser mentioned his neighbor, how is he going to feel in that now he is not going to have the parking spaces that he has been having because now these are going to be homes. Dahlhauser stated that they have discussed it, they have already come up with an agreement. Callas is excited about the project and has already asked Dahlhauser if he could purchase one. The same with the property to the north, they have asked. He has had a lot people coming to him with a lot of interest. They are not marketing it by any means it is just people that they have talked to because they have purchased the property from Neal as well as the plumbing office. So, Dahlhauser has been dealing with the property owners around there. They are very excited to see something happen there and showed interest in actually living in some of the communities.

Cheryl Greenway stated that one of the concerns expressed by the fire department was the inability for a turn around. Based on the current design, how does Dahlhauser plan to address that?

 **DRAFT**

Matt Dahlhauser stated that he has spoken with the fire marshal and he is out of town this week. He was trying to address it prior to him leaving. They are certainly back next week to make sure that they are going to bring a fire hydrant on site as well. So they are discussing with him the exact...what requirements they are going to take to make sure this is addressed per his comments for the staff comments.

Lovick Evans stated that the red that one sees is the standard fire department turn around. What they have done is they have been able to allocate it to where it will go on top of the detention facility. The areas inside where the green space is, it will be grass pavers. So they will still have the green space and the fire department can make their turn around without any impedance.

Cheryl Greenway clarified that the turnaround and the green space Evans was talking about earlier, where he would put like a gazebo or something is all going to be right there together. He has moved the gazebo to the north of it and he has a note on there that that honeycomb hatching is the grass pavers that will be on top in the green space area.

Matt Dahlhauser stated that he also has a picture of the property that shows some of their stacked flats in the front of the property. How it kinds of...they haven't done all of their design components. They have done some elevation renderings to kind of show, but the main access into those units will be off Canton Street. The main pedestrian thoroughfare that comes into kind of a covered hallway or enclosed hallway to access the units on the right as well as go upstairs to access the other units. He knows that someone had spoken about the common area for the site as well. All but three of the units will have outdoor porches and balconies is what their intent is. So, it kind of creates that rooftop deck for entertaining and also to be able to walk to Canton Street. He feels like he has kind of addressed some of the issues of making a rooftop deck or a meeting place for individual units as well as the ability to walk down to Canton Street.

Matt Dahlhauser wanted to show his intent on a question raised in the ARB in terms of the positioning of the condo building up front and how it kind of is portrayed to Canton Street. Some of the units have another access on the side and this is kind of his intent originally to show that one is having a front façade with a side entry on some of the units is kind of what they are showing and what they are kind of proposing for the development.

So, in terms of going outside the norm, Dahlhauser thinks they are kind of staying with some of the other properties on Canton Street and kind of their design to make sure that it goes with the property or with the design of Canton Street.

Cheryl Greenway asked if there were any other questions for the applicant. Hearing none she stated that Matt Dahlhauser will be given a chance to come back up. With that Cheryl Greenway stated that she would like to open the meeting up for comments from the audience. First she would like to invite anyone that would like to speak in favor of the applicant to please come forward. For the record no one came forward. She asked anyone who would like to speak in opposition to please come forward. Again, there are cards in the back. If one would please fill it out with his name and address and turn them into the staff when he comes up. Greenway asked again if anyone would like to speak in opposition of the applicant. No one came forward to speak from either side.

Cheryl Greenway asked the applicant to come back up, she thinks the Planning Commission has a few more questions.

Bryan Chamberlain stated that he wants to say that he likes this project and its overall intent as it relates to difficult property segments for infill. He thinks it is a creative use of the stacked flat concept in conjunction with the live and work town home which they have seen work well further down Canton Street by Providence, in that area. So, Chamberlain applauds this and it would be nice if the issues that have to be dealt with here can be dealt with appropriately. He personally has concern about the shared drive space with Q-Care. Not that it is shared drive space with Q-Care but when he did his site survey and he looked behind Q-Care, what he sees in terms of parking and trucks and things like that just doesn't get him excited about this being a place that he wants to live versus that being screened. No something that he has to live with on a day to day basis. To Chamberlain that is a negative and he didn't realize that until they were talking about it that it was going to be shared driveway space.

Matt Dahlhauser stated that it is just shared driveway space. They plan on having another decorative wall come down between Q-Care and themselves to that gated entry for those town home units with kind of infill and kind of the quasi-urban kind of feel. He understands there are going to be some issues with one is not going to have this pristine green space when he looks out of his window every single time. That is just kind of the animal one is dealing with, with infill.

It is kind of a transition area. Dahlhauser does not think it is going to be industrial the entire time. He thinks the vibe and the feel of Canton Street is going to continue to come north. There are some areas for redevelopment on that side and he thinks that their project kind of helps some of that and maybe people will see that there can be some cool stuff on the north side of Canton Street as well.

Given that, Dahlhauser has talked to Chris Callas and he has expressed pretty much a willingness to whatever they need. If Dahlhauser wants to landscape the back of the area where his trucks park and do some different things there or put some more shutters on the side of his building, or whatever he wants to do... Callas has been 100 percent on board with kind of creating because he knows it is going to help his property value as well that there is going to be kind of a...they are going to be somewhat similar in the fact of they do share a drive access so there is some office component to that. They have even looked at the potential of that first unit at the bottom of the condo building and making that kind of a flex-office type use with kind of creating that shop front.

With the UDC there are some guidelines in terms of what is considered a mixed use building and what one is allowed to do to that mixed use building. Dahlhauser knows that property to the south that he showed to the Commission per the UDC would not be allowed currently. If one has a mixed use building it states one cannot have any residential on the first floor. So, it is either all or none, which makes it difficult in an infill type atmosphere because creating that type of mixed use building sometimes one has residential downstairs or he might have some garages or something. So it kind of pigeon holes them into doing either all condo or completely splitting the building it half and doing office/retail with condos above. Dahlhauser thinks this is kind of a unique project in that they would like to do some office up front, but trying to figure out where they kind of position themselves in the zoning process to request that.

 **DRAFT**

Bryan Chamberlain stated that addresses his second point which the idea is to have work and living and there is not a lot work represented down in the front. If the town homes work the way the project they talked about down the street on Canton has worked, they will have people working and living in the same place. That kind of brings that to the fore...to the north of Minhinette is town homes. Go around the corner and one has other than single family, he believes it is more town homes around the corner. In the long term, once the property south of Dahlhauser's begins to redevelop, whether that is 20 years from now or whether it is 12 years from now, who knows? Plus that begins to redevelop with in line with the UDC. The property will be town homes that have created an island of the Minhinette property as opposed to the Minhinette property currently creating an island of it and what is south of it. Particularly if there is mixed use south of him.

Matt Dahlhauser stated that he agrees with that. To Bryan Chamberlain that is a positive, short term, long term. So, those are some of the things that he likes as it relates to the property. Things that are missing are the connectivity and Chamberlain is not sure what one does with that put the Planning Commission's charge is to see how does this fit with not the architectural style by how does this fit with the intent and purpose of the land use and those things. The connectivity is a key ingredient. Chamberlain does not know if Dahlhauser has the opportunity to connect through Minhinette, but that walkability, when one looks at is around his property that people would want to walk to as SR 9 develops with more night life things to do and restaurants and the school and things like that, the park around the corner from them to the east and south by the tower as well as going over. It is easy to see how one can get to Canton Street. But there is so much more. There is a Roswell Area Park up the street from the development. So addressing that connectivity Chamberlain thinks is a key ingredient in keeping this in the spirit of the whole new UDC concept that makes this thing more possible.

Matt Dahlhauser stated that he is 100 percent on board with doing anything that helps connectivity through other parcels. He has spoken to the property owners of the single-family residential and seeing if they want some sort of connectivity. He has to work with Chris Callas on that because the main thoroughfare where those residential are in the back, it would have to have some sort of access through his property. The gentleman put up a fence recently, so Dahlhauser would have to really see what his vision is.

Bryan Chamberlain stated that theirs is a private road also that connects all of those houses. It is not public.

Matt Dahlhauser stated that he did not mind creating some sort of...actually he wants to see how they can...meeting with staff or any of the city officials they can come up with ideas on how to connect that. Currently the site kind of comes in and goes up the hill and then it comes down and then it kind of goes up again. They are trying to level that off a little bit so that the condo units will be more at parking lot level, all of the property to the north. So that will allow...he knows Q-Care has some cross-easements with him to allow for parking. Neal's very open to working with them and so they are trying to figure out so if they create some sidewalks go to his property or what not. Dahlhauser thinks there are a lot of things they can do to help connectivity to not just put them in their own little island he thinks. They are in the process of doing that, it is just as they are going through the site planning and kind of addressing everyone's comments, it is just a process that they have got to go through.

 **DRAFT**

Cheryl Greenway asked if there were any other questions for the applicant. Greenway stated that she would like to add that it is definite that the property needs attention having been there this afternoon. It is clear that the houses are being overgrown by bushes and trees and like was said, the buildings in the back that are falling in and such. She tends to think that Matt Dahlhauser is a little ahead of himself being here at this point and that she thinks he has got to put a little more attention into the drawing. She personally, does not see justification for the variances. She thinks the applicant can do the building without these variances and make it work. But she still personally has a reservation about just putting flats and town houses right into that area because it is right then next to a building that they are sharing space. So, she has some reservations for that

Cheryl Greenway commended the applicant on what he is trying to do but he thinks he has a little more effort before he gets to city council to try to work out some of these issues.

Lisa DeCarbo stated that in looking at the plan, she thinks the applicant mentioned that one of the reasons that he needed the reduction in the setback behind the apartment units was because they needed to do 60 percent coverage along Canton Street. If it were DeCarbo, personally the way she would go for that is she would look for the variance on that percentage. Make it a little more comfortable because it sounds like they had a little bit of difficulty putting in a regulation size driveway and all with that. She thinks he has a little more leeway if Dahlhauser could make that unit smaller he could bring all of them a little farther away from that property line. DeCarbo is concerned spatially what that eight-foot wall and having a very, very narrow space between the units and that. It is going to be tunnel-like. It is decorative but as one makes it as attractive as he makes it, it is still a function of the space one is in and how it feels. She thinks it is a shame that things are going to be so...if that is what Dahlhauser is considering his front for all of these buildings. DeCarbo thinks that when the UDC was put together and they talked about the build-to zones and having things real close to the property line, what have you, it was anticipating that the front of units like this would be on a major road, would be on a primary street or a secondary street, not along a property line like this. She thinks that is one of the unfortunate things about this lot and trying to do all of these units facing basically the back of another office park.

Lisa DeCarbo also wondered too, in terms of how Dahlhauser would address that. If he says he wanted to front those units facing Q-Care. In the future that might be the ideal thing. But like he was saying if that were redeveloped right now, that doesn't feel good either. So it is kind of a conundrum. To DeCarbo she does not like the entrance being on the north side. And being on the south side she thinks again the intent of the UDC in terms of having 50 percent as the maximum for the garage door width was a good idea. So, if the applicant did that DeCarbo thinks one would have to change the configuration of the unit and maybe reduce them a do a shallower but wider unit. She does not know if that is a possibility Dahlhauser would consider or would want to consider.

Lisa DeCarbo stated that she still is not quite sure how one does approach those units on the northern side. If she is taking a look at his elevation, and just assuming that on the parking side, he is hitting that first unit level with the parking with the garage level. Matt Dahlhauser stated that was correct. Lisa DeCarbo added that on the back within the width of that first unit, one has steps that are taking him up to the second floor for the remaining six. Is that correct?

 **DRAFT**

Matt Dahlhauser stated that if one looks at the elevation they do have multiple steps on the actual buildings themselves. So, it is not just going to be a straight run of 175 feet straight down the alley way. There will be some break up stuff. They are going to have planters and different things like that so it is not...Dahlhauser wished he had the ability to get a 400-foot wide parcel on Canton Street. But there is not a whole lot of...everything that is being redeveloped has already been redeveloped. A lot of the stuff he guessed there were constraints. There are a lot of lots that are pretty narrow along that whole corridor so he guessed that is why there is no single family, or single commercial level-type uses currently. But in trying to be creative and find a nice niche for the area that is kind of what they have come up with.

Lisa DeCarbo commented that they are making the best of the situation more or less. She is just trying to get the feel for what that is like, because she thinks it does affect the marketability of the unit. It is not just...she knows a good portion of that they are counting on being the proximity to Canton Street and all that.

Matt Dahlhauser stated that they have done a lot of 3-D, he didn't bring anything but they have done a lot of 3-D modeling. Believe him one of their biggest concerns is the front doors and how they interact with that back unit. The width of the property is 100 feet. They are trying to take everything into consideration, make a nice size unit, make it so it is comfortable, it lays out well. Dahlhauser stated that he has done other infill town homes further inside the city, not in Roswell and he has had people that take the entire unit for actually their offices. They do different things. That is why he kind of wanted to have in this little office/residential node that they could have the ability to market them as a live-work or just work if somebody really wants to put a couple of little...a therapy office or something like that. Dahlhauser is not sure until they really start marketing them. As well as that front unit, they will kind of have a little retail shop for the town homes. That front unit will have a little retail shop next to it that is going to face Canton Street. So it kind of allows to have something pretty unique there if they want to with some parking in front of it. They can rent the town house and people can come park and access that half of the downstairs unit as some sort of office or some sort of home type use.

Cheryl Greenway asked if there were any other questions for the applicant. Hearing none she thanked Matt Dahlhauser and closed the public session and called for a motion or discussion.

Chris Foley stated that he just had a point of discussion. He didn't have a specific question for the applicant so he thought he would reserve these comments until he heard all of the feedback. He agrees with some of what Bryan Chamberlain said and some of what Lisa DeCarbo said. But his net impression here is this property is less than an acre, just under an acre. He thinks the ambition of the applicant is a worth ambition but he just does not think there is enough space inside that acre to do...it seems like a forced fit to him. He can't help but picture anything on the northern property line as looking at anything short of an alley. It is there by necessity, not for the benefits of the residents necessarily but to meet minimum code. Where minimum code can't be met, there are four concurrent variance portions of this application that Foley thinks start to move away from the intent of the UDC.

Foley thinks that the nature of the property, one can say what he will about the commercial neighbors and trying to be the pioneer for residential in this particular area. He thinks it could work under the right circumstances in less of a forced configuration where all of these variances would not be necessary. Some points have been brought up already in discussion about what could be done to let a smaller, less ambitious development on the same line breathe within this



DRAFT

acre of space. But Foley thinks it has really turned around. One has garages that are facing commercial properties, he has the residential portion of it facing a wall and an alley. He thinks it is a bit of a forced fit but he believes, as Cheryl Greenway does that with some work maybe a version of this could work but Foley does not think this version works.

Cheryl Greenway thanked Chris Foley and asked if anyone else had discussion or comments.

Bryan Chamberlain asked Brad Townsend if Council denies this, how long does the applicant have to wait before he can come back on something else.

Jackie Deibel stated that under the code one has to wait 12 months after denial. So if he is denied in October of this year he could not file again until November of 2015.

Bryan Chamberlain thanked Jackie Deibel.

Cheryl Greenway asked if there were any other comments or discussion from the Planning Commission. Hearing none she called for a motion.

Cheryl Greenway stated that she was going to bring one thing up just as a question for the city staff and also for the applicant. She thinks that from what the applicant is hearing from the Planning Commission they have a lot of reservations about it. Is it possible for the applicant to defer for a month if he wants to do that, to come back with a different drawing? There are no guarantees but if he wanted to try do something a little different not needing the variances and taking in kind of what he has heard tonight. He may very well not. He just may want to go on to city council and that is fine. Greenway just wanted to give him options.

Brad Townsend stated that he would like to clarify that option for the Commission. They already have six items on the agenda for the next Planning Commission meeting. So, this will be a seventh item. The Commission is more than willing to stay here as long as they can do everything.

Cheryl Greenway added that means it will be late but that is an option for the applicant if he wants to do it. She just wanted to mention that as an option if that is what the applicant wanted to do.

Motion

Chris Foley stated that he would like to make a motion recommending that the city of Roswell Mayor and City Council deny the requested rezoning with conditional use and concurrent variances to allow for stacked flats and town homes per case RZ2014-02667, CV2014-02668 and CU2014-02669 located at 1243 and 1247 Canton Street.

Whereas notice to the public regarding said zoning has been duly published in the Roswell Neighbor, the official news organ of the city of Roswell.

And, whereas a public hearing was held by the Planning Commission on September 16, 2014.

And whereas the Planning Commission is a recommending body to the mayor and city council....

 **DRAFT**

Cheryl Greenway told Chris Foley that he did not need to do all of that. Foley stated that he just wanted to make sure.

Cheryl Greenway stated that there is a motion for denial. Lisa DeCarbo seconded the motion. Cheryl Greenway called the question.

The motion for denial passed unanimously.

At this time Cheryl Greenway stated that the Planning Commission will take a very quick five-minute break. She needs to consult with the city for just a minute before they hear the next item.

PRELIMINARY PLAT
14-431
2014-02584
WINDFAIRE PHASE 3
Eves Circle

City Planner Jackie Deibel presented the application. The applicant is requesting approval of a preliminary plat for Windfaire Phase 3. It has 17 lots and is 19.78 acres. Deibel presented a portion of it and the other half. It was too big to put one piece of paper. The applicant is requesting a preliminary plat. The lots are 30,000 square feet. It is located off of Eves Circle.

Jackie Deibel deferred to the Planning Commission for any questions. Cheryl Greenway asked if there were any questions for the city.

Lisa DeCarbo stated that this plat shows that there is a connection through to Woodman Place. Jackie Deibel stated that was correct. DeCarbo stated that it was her understanding that that is no longer a public right-of-way. Deibel stated that was correct. It was abandoned in 1998 by the mayor and city council. DeCarbo asked if the connection could be made there. Deibel stated that the connection as a full right-of-way cannot be made. However, transportation has indicated that they would like to see the road there and posted with future access should any time in the future whether it is 20 years or 50 years since some agreement changed then to have access to the road. They could put up a gate or bollards to not allow access. But they would like it to stay as it is and with the right-of-way as shown on the plat.

Lisa DeCarbo clarified that they would actually build out the road. Jackie Deibel stated they would be required to build out the road and put up bollards or a gate. Thus, the right-of-way has been abandoned, that is correct.

Cheryl Greenway asked if there were any other questions for the city. There were none.

 **DRAFT**