

from the Commission to please state their name for the record so that they will have everything again, correct.

Once the applicant has presented and has been open to the public for their comments, additional questions will be asked by the Commission. Then Cheryl Greenway will make a comment as to closing the public section of the discussion. Once she has closed the public session, no additional comments can be made from the public regarding the issue at hand. One should be sure that if he has any comments that he does it during the 20-minute segment.

## **REZONING**

**13-0026**

**RZ13-01**

**TRATON HOMES, LLC**

**940 Hardscrabble Road and SR 92**

**Land Lot 188**

Cheryl Greenway clarified that this item is really not a rezoning but a changing of condition.

Jackie Deibel stated that the applicant is requesting a change of conditions from the original approved conditions under case RZ08-127. The condition they are requesting to change relates to No. 16 from the original approval. What they want to change is the homes were originally approved to face Hardscrabble Road, but they want to change the homes in order for them to face the rear. So the homes would be interior. The property is located on Hardscrabble Road. An aerial was presented. It is vacant currently but next to it on the left is an assisted living facility. That has been recently approved by the Roswell Design Review Board to go and the corner piece the Commission saw about two months ago for a medical office. It is zoned R-2 that was under the RZ08-17 zoning classification.

Deibel presented the site plan where the applicant has proposed that the road is on the interior and the houses are facing the interior street and not Hardscrabble Road. So, basically they are asking for the homes to face the interior instead of facing them to the exterior.

Staff is recommending a denial of this change of condition. They had several reasons why they have indicated denial. These were found in the Commission's staff recommendation report. Basically it was that the original applicant agreed with Brookfield Country Club subdivision. They also felt it was in order to preserve the look of the Hardscrabble Road streetscape. Staff has not heard from Brookfield Country Club. They have not received anything from them in order to determine whether or not they are in support of this change. So, at this time the staff is recommending denial of this change of condition.

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

Bryan Chamberlain stated that in viewing the property the vegetation is quite overgrown on both sides of the road. The Brookfield West side of the road, which is generally north, has some old wooden fences and all of those houses that he could see, the backs of the houses back up to Hardscrabble Road. He is trying to grasp why they were so focused on...it should be houses facing the road if theirs don't.

Jackie Deibel stated that was a good question. Basically the letter, which she believes was put in the Commission's packet indicated, which was a letter from 2009, listed all of their conditions, Deibel guessed one could say, with CORO which was the original applicant in 2008 and then with the lawsuit, 2010 and this is what they would agree to. They felt that it would preserve the look of Hardscrabble Road even their homes do have a fence and back up, there are homes on Hardscrabble Road that do face Hardscrabble Road.

Bryan Chamberlain stated that those homes that face Hardscrabble Road are to the east of the property they are reviewing tonight and along most of the road frontage of this particular property is a relatively high elevation from the street to what would be the front yards if the houses faced the street. Chamberlain stated that he is not understanding such a focus on...and what the Commission is here to do is decide whether they want to turn the houses around or not.

Jackie Deibel stated that was true.

Chamberlain stated that he was not understanding why the change is not acceptable and second, if one adds a...with going back to the way it was, the access to the fronts of those houses he assumes would be a street, a private street between Hardscrabble Road and the front of the house, which pushes the houses further back.

Jackie Deibel stated that it would be an alley.

Chamberlain stated that aesthetically he is not grasping the benefit here.

Jackie Deibel stated that she understands. Staff felt that they had not heard from Brookfield and since they had not, they needed to make a recommendation for denial, and that is their reason.

Cheryl Greenway asked if there were any other questions for the city. Hearing none she thanked Jackie Deibel and asked the applicant to please come forward.

Kevin Moore stated that he was present on behalf of the applicant, which is Traton Homes as well as the owner, which is still CORO, of this property. The applicant is before the Planning Commission for what is termed a request for rezoning but Moore thinks as Cheryl Greenway pointed out; it is really a request to change a condition that was put in place in the original zoning in 2009 that was described by Jackie Deibel very

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well. Moore stated that he wanted to provide an explanation and he has some context for the Commission, explaining what is being proposed by Traton Homes as part of this application for their consideration. What is in front of the Commission now on their screen is the original site plan. This is the one that is referenced in the zoning that was accomplished in 2009 of the entire tract. If one is either familiar or recalls it was a mixed use development that was approved. The residential portion that they are talking about only here tonight focuses just on that basic four-and-a-half acre piece of it at that location. At the time it was approved with 14 lots. One of the conditions, and there were many, but one of the conditions was that the homes or lots that backed up to or fronted Hardscrabble Road, the homes would face Hardscrabble Road. This is one of the conditions that Brookfield West had requested in a letter that was accepted at that time. Certainly that was the case. Times have changed and what is being requested tonight very simply is for that condition to be deleted so that Traton Homes can turn the houses and face them inward and make a more traditional single family, smaller community of 14 homes. Nothing else is being proposed to be changed. There is not a proposal to increase the number of lots or a proposal to change any of the conditions that were put in place in 2009, only to do that. Simply turn the houses around.

Kevin Moore stated that he did want to show the Commission one other aspect that will explain Bryan Chamberlain's question a little bit but touch on that and explain some context for the Commission. One will note that the layout for the residential provided for a private road along the bottom here and an alley in between with a hammerhead private street in the rear as well. What that would mean with those homes that would face Hardscrabble Road would be rear entry, private alley, rear entry homes which one sees from time to time in certain types of developments. They are obviously consistent with a more urban type of feel when one has a private alley with a rear entry, which is how they were proposing to do it at that time.

Moore stated that he will show the Commission the site plan that is being proposed for this that in effect turns those homes around. This is the same tract and it still contains the proposed 14 lots. All they are speaking of here is simply turning the houses to the interior. He believes there are actually some benefits to that, not only from the homebuilder's standpoint which is Traton Homes but from the surrounding community as well in terms of what they view. But now instead of having two private streets, in essence a private street that went along the back of this property and then an alley, there is a single private street that would come between the middle with the same hammerhead feature there. So that the houses would front on the interior road and have rear yards for the rear of this that would be adjacent to Hardscrabble Road. All it does is turn those around. For that particular reason this market is where that is what people really want in this area. They want to have that type of yard. When one has a rear alley with a rear entry, there is no rear yard. The rear yard is taken up by the rear entry. This makes it a much more traditional style of development, style of home building and one in which Traton can build the quality of homes that they build.

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Also, what one has with this type of orientation is, and Moore believes Bryan Chamberlain noted it, when one drives out there or goes on this property the roadway edge here along this frontage, it gives drop off very quickly. That is the high point, is this road. It drops off very quickly down to this area. So actually if one were...what Moore is proposing here is they would have landscaping, which is required along Hardscrabble Road. That is landscaping in detail that would provide very, very good screening, excellent screening because it would be fairly deep landscaping that is required along Hardscrabble Road. Therefore it is enhanced because of the topography. In other words one gets a lot of height coming up because it is the high point with the houses sitting down below it due to the topography.

Under the existing zoning one has houses that would face Hardscrabble Road that would be pushed up if one looks at the old site plan. They are going to be closer to the road, not further away from the road. As the applicant has noted, the real reason this, if one looks at the history of the prior zoning, the real reason this property ended up being R-2, single family residential is it was initially brought through as a town home project for this section. It was town homes and eventually it came back through and was ultimately approved as a single family residential, which is what Brookfield West was really after. Having this section be a single family residential that is what they were after. And that is still what it going to remain today. In fact they think it is going to be enhanced due to the features of it and in effect allow for a type of home, a single family residential which is entirely consistent with the type of home one has in Brookfield, which is directly across the street here. And that is single family residential where families can live and have a backyard. That is the type of home that is being proposed in this location.

Kevin Moore stated that there were a couple of things that he did want to go over because in staff's recommendation they do include, as always, in the event that mayor and city council were to approve it, they have certain recommended conditions that they want the Planning Commission to consider as part of that. Moore stated that he wanted to go through those because from the applicant's standpoint need a couple of points of clarification.

1. One of the conditions that was proposed by staff is that the 30-foot landscape buffer or landscape strip along Hardscrabble Road be placed in a separate parcel to be maintained by the homeowner's association. Certainly the landscaping that would be along Hardscrabble Road would be maintained and be the responsibility of the homeowner's association. But the wording or language of that that says "separate parcel" would make one believe that that would take away from the lots along here and render that not part of their property. Certainly it can be a landscape and maintenance easement that is in favor of the homeowner's association so that they have the maintenance responsibilities of it, but to create a separate parcel, as Moore understands that would in fact ruin that project. One would no longer have the depth to create meaningful lots or lots that would even meet the city of Roswell's required minimums. That may just be a situation of language and they would seek clarification or adjustment from that standpoint.

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2. One of the other conditions that staff has proposed is a minimum four-foot high berm along Hardscrabble Road. The landscaping that they would be putting in place there has plenty of height to it and a berm in this location, the issues with a four-foot high berm is while it may be okay here, as one gets here the ground falls away so quickly from the road that one does not have the width of ground necessary to be able to support a berm. A four-foot high berm with a 2:1 slope is an eight-foot wide berm on one side. So, what happens is one just runs out of room for that. What Moore believes though is that they can certainly provide and work with staff on an excellent landscaping design along Hardscrabble Road. One that they would be plenty happy with and would in fact meet with their satisfaction to that end.
3. The last condition is one that deals with this private road. Staff has recommended a condition that there be a dedication of a private road, a minimum of 50 feet in width. What the applicant is showing is a 40-foot wide private road that encompasses the utilities and as part of this would be a private road maintained by the homeowner's association, which one sees in various developments. But it is a 40-foot private road. The language and again this may simply just be clarification but Moore wants to be sure so that the applicant is clear on what staff is recommending as far as that goes. When they use the word "dedication of a private road" Moore does not want there to be an impact on the size of the lots. If it is a dedication in terms of simply creating a private road 50 feet in width he believes they are okay with 50 feet. But that does not need to be dedicated as a separate, individual parcel again for the same reason.

Kevin Moore stated that he wants to address, and he is glad Jackie Deibel brought it up as it relates to Brookfield. They had communication with Brookfield and emails and phone calls starting in very early February to share with them the applicant's plans and what they were proposing about turning the houses around. They had communication at various points in time up until about a week ago. The applicant had asked time and time again that they were seeking a dialogue with them and certainly would be more than happy to schedule a meeting, coordinate a meeting. They would bring anything they needed and if they needed any information or had any questions. They had a couple of questions that the applicant answered. Last week they called and said that they had a couple of more questions and so in fact, their regular board meeting is tonight and the applicant has representatives there that are meeting with the homeowners right now at 7 p.m.

Moore never received anything from the homeowners either that said that they objected or had any concern and they had a couple of questions. So, hopefully that can be clarified tonight with no problem whatsoever and certainly staff and Jackie Deibel will be able to use that within a very short period of time.

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But again, just to go back to what Moore thinks is a rezoning application and a rezoning request is very simple in its request. They just want to turn the houses around so that it is more typical of single family residential development and single family home building and one that the applicant thinks is much more consistent with this particular area. It typifies the single family homes that are in this area to be oriented front towards the street as opposed to fronting on a major road.

Traton Homes, if the Planning Commission is not familiar with them is a home builder in the metropolitan Atlanta area, family owned for over 30 years. They build an excellent, excellent home and have been doing so for a very long time in Fulton County, in the city of Roswell, in Cobb County, in Cherokee County, Forsyth, all of the northern metro areas as well as the cities. They do a fantastic job and would build a fantastic house in this location. Both Cliff Post and the principle of Traton Homes are here tonight. He can answer any questions potentially that Kevin Moore cannot answer as well as John Lundeen with CORO who is also here and can potentially answer any questions that are more directed to the overall development, which the applicant is not proposing to change whatsoever.

With that, Kevin Moore respectfully requested that Planning Commission's recommendation of approval of this request to the mayor and city council.

Moore thanked the Commission. Cheryl Greenway asked if there were any questions for the applicant.

Lisa DeCarbo stated that she had a few questions. The applicant said that he had some topography issues at the road where a four-foot berm might be difficult. One of the recommended conditions from Transportation would be an eight-foot wide concrete multi-use path. They prefer it to be 10. Does the applicant have problems in fitting that in? Does he intend to?

Kevin Moore stated that that is part of the transportation plan that is in place. That has been in place as part of the transportation plan and improvements along Hardscrabble Road. So, that is anticipated and included, so yes.

DeCarbo stated that it just didn't seem to her on the drawing. It wasn't real clear that that was going to be something there.

One of the other things that Lisa DeCarbo wondered is the other conditions that Brookfield West talked about. They had talked about putting monument signage on each side of the street and also having a smaller scale similar landscape treatment on the other side of Hardscrabble Road. Are those conditions that the applicant would still abide by in that letter?

Kevin Moore stated that those are still conditions that would be satisfied by either Traton Homes or CORO depending on whose basket that would fall in. Lisa DeCarbo stated that

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the Commission could let the applicant work that out themselves. Moore stated that there is no proposal to change any of those conditions that are listed in their letter.

Lisa DeCarbo stated that another question she has is sometimes when one gets on a street like that as Bryan Chamberlain noted, on Hardscrabble Road and the north side there is a fence fairly close to the road at the back of those homes. Does the applicant anticipate maybe because of the topography will not be an issue, but do they anticipate allowing folks to put fences, fencing their property all the way to Hardscrabble Road? The back yards?

Kevin Moore stated that the landscaping that will be in place that will be along Hardscrabble Road, in order for it to be maintained by the homeowner's association would be placed in a landscape maintenance easement is what they would propose so that it can be maintained. As far as the potential homeowners being able to fence their individual properties, the applicant would not see a need to restrict them to do that. They don't want to restrict somebody who buys a home not to be able to appropriately fence. Obviously the covenants for this association and for these properties would be very strict on how that would be done. But they would not want to unreasonably restrict someone from fencing their property.

Lisa DeCarbo stated that she was just wondering if maybe that was part of the concern as far as having the houses face the street. Because when one goes down a street and things are nice and open, all of a sudden he gets to a section where the fences are very close to the lot lines. It becomes kind of a tunnel and it is not always the most pleasant walk, the friendliest walk.

Kevin Moore stated that the only difference he would say here is that the landscaping that will be up along the road would prevent that look that he is very familiar with as well.

Lisa DeCarbo thanked Kevin Moore. Moore thanked DeCarbo for her questions.

Harvey Smith stated that his question was kind of for Jackie Deibel also. In the first condition, the staff recommended the landscaping. Does their landscaping plan answer that condition for the staff of the Commission approved? How does that compare?

Jackie Deibel stated that the landscape plan that they have submitted would have to go to Design Review Board and be approved because the Design Review Board has approved landscaping plans for the medical clinic and for the assisted living facility. Since the project is all part of one, they would like it to tie in all together. That is why staff put the condition in there.

Harvey Smith asked Deibel if she was referring to really what fronts Hardscrabble Road, right. The buffer outside the development. Deibel stated along the streetscape, so that is why they put that condition in there to have it approved by the Design Review Board.

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Smith stated that he is sure that Deibel is not familiar with what that might be. But the applicant did mention that condition but he would not have a problem with that condition.

Kevin Moore stated that he would not. It should be consistent. He did not mention that one because they did not have any clarification or issue with that.

Harvey Smith thanked Kevin Moore.

Cheryl Greenway asked if there were any additional questions for the applicant.

Sidney Dodd stated that given the fact that Brookfield West and their homeowner's association negotiated back in 2009 to have those homes basically face the other way as opposed to on the other side of the road. Did they give a reason for requesting that? Dodd stated that he is not following the logic. If in fact there are homes in Brookfield West that have that same relationship with Hardscrabble Road why were they requesting that the applicant turn their homes the other way?

Kevin Moore stated that he did not want to speak for them. He doesn't know he wasn't there at the time and why they asked for that particular item. So, all he can do is guess and go back to them now and say, can we look at this, and see if they have any objection are not. All Moore can do is speculate or guess as to why they may or may not have or why they asked for that or not. Moore does not know what the specific conversation was. He thinks it was just one thing out of a list of many that was included in their letter if one looks at the existing zoning. It was just included in the letter as one of several items. But he cannot answer that.

Sidney Dodd stated that he was just curious. He would like to hear Brookfield's side but he wants to hear the applicant's side too to understand why this request was made or why this is a condition if in fact the other side of the street from a symmetrical standpoint of view doesn't have that treatment for Hardscrabble Road either. He thinks Kevin Moore for attempting to answer. Moore stated that he thinks it looks better if they are oriented the same way. He agrees with Dodd.

Bryan Chamberlain asked if it was correct that in the revised site plan what the applicant is proposing is they would reduce the number of private road surfaces by one. Kevin Moore stated that was correct. They would reduce it from two to one. Chamberlain clarified that they are getting rid of some impervious surface as well. Moore stated that was correct.

Cheryl Greenway asked if there were any questions for the applicant. She thanked Kevin Moore and at this time opened the discussion up to the public. She asked if there was anyone who would like to speak in favor of the applicant to please come up. This is a reminder that they will have a 20-minute limit.

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**Jennifer Bent**  
**930 Hardscrabble Road**

Jennifer Bent stated that she lives next door to 940 Hardscrabble Road. She is present because at the last meeting the people that are affiliated with 940 Hardscrabble Road said that they were going to put a fence in that will be compatible to the fence that Bent has around her property. Tonight she is hearing them saying that the people who will be buying the homes there will be responsible for putting up their own fences. She just wanted to make sure that she is hearing what they said correctly.

Cheryl Greenway stated that is what she understood. Jennifer Bent stated that that is not what they said at the last meeting. Greenway reminded Bent that they are asking for people who want to speak in favor of the applicant. Is she in favor of the applicant continuing with the project as proposed? Bent stated that she was not. She is not saying that she is not in favor of it but she needs to know whether they are going to be putting up a fence or people are just going to put up random fences that they like. Greenway stated that the applicant will have a chance to come back up after the public session to address any questions or comments so the applicant can address that again at that time.

Jennifer Bent thanked Cheryl Greenway. Greenway thanked Bent and asked if anyone else would like to speak in favor of the applicant. No one came forward. Greenway asked if there was anyone that would like to speak in opposition of the applicant. No one came forward.

Cheryl Greenway asked Kevin Moore to come back up and address the fencing, just to clarify that.

Kevin Moore stated that at the time the applicants had their initial neighborhood public meeting it was their understanding that this property was within the requirement that required the developer or the builder to install a fence along Hardscrabble Road of a certain type and nature. That was just their understanding so that is what they were talking with Jennifer Bent about was that type of fence that was required by city of Roswell development standards, not that they were proposing but what was required.

They have subsequently learned once they got into kind of some of the nuts and bolts that it made them wonder if they have to put up a fence or not. They looked at it and it was determined that this property does not fall within that category of properties that require a fence along Hardscrabble Road. Since no fence is required, the proposal at this point is that they are not going to install a fence. They had rather install the extensive landscaping along Hardscrabble Road. But that is the clarification. Their proposal is not to install one at all.

Cheryl Greenway asked Moore if there was anything else he would like to add. Moore stated that he had nothing further.

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Sidney Dodd asked Kevin Moore about from the elevation of Hardscrabble Road to the top of the berm of the landscaping buffer, how high would he say that it will be? Kevin Moore stated that once one puts in the...that's assuming that...depending he guessed on the height of the berm. But they are proposing that it not be a minimum height of a berm. There maybe some berming that is done but one is going to have basically three levels of landscaping. There is a shorter bush-type landscaping, and then some medium-type landscaping plantings and then one gets to the higher evergreen and shade tree-type landscaping that is behind that and interspersed. So, at planting those are usually, the top height is about six feet in height or more. Top growth they are looking at 12-15 feet and greater height. That is the type of landscaping that when it grows up one gets both the short and intermediate visual as well as the height. So it ends up being very high.

Sidney Dodd stated that he understands. He is not saying that the applicant's plants will be of the same variety and types, trees and plants but would it be similar generally speaking to what one would find in front of Devereaux Downs as he is going south on the right side of Woodstock Road? Something like that? Henry Moore stated that he was not exactly familiar with that specific one but if it is a nice subdivision and they did a nice looking landscaping that is attractive, then he would say yes, that would be consistent with what one would find in a heavily landscaped road frontage for a very nice subdivision with very nice homes. It is important for them as home builders from a marketability standpoint that they create some privacy for their future owners as well.

Sidney Dodd thanked Kevin Moore.

Harvey Smith asked Kevin Moore with that in mind it sounds like the berm would enhance the development, even putting the minimum berm because that is going to be mainly for sound attenuation, too and visually. Hardscrabble Road is going to get busier. If Moore is not familiar with what Sidney Dodd was talking about, that looks like Calloway Gardens over there. So, Smith would not want him to agree to...Devereaux Downs is not a typical berm. That is quite extensive. One can't see anything through that. They spent a lot of money on that. But Harvey Smith would recommend that a berm would be in order, even with the grade change and it would toe out to the back of the yard where he really does not think that is going to affect how the applicant would develop the property. That is just a comment.

Bryan Chamberlain asked if this will be a homeowner's association managed property. Kevin Moore stated that it would be. Chamberlain clarified that it will have covenants that things like the fencing issue could be designated. Moore stated that absolutely there would be covenants in place to control fencing among other things.

Cheryl Greenway asked if there were any further questions for the applicant from the Planning Commission. Cheryl Greenway stated that she had just a couple of questions if the applicant does not mind. The city of Roswell did make some suggestions if the

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Planning Commission did vote to approve and she would just like to recount those to be sure that they are on the same page.

1. She thinks that Kevin Moore has already talked about that he would agree to similar landscaping as the area. Moore stated that was correct.
2. A 30-foot streetscape buffer shall be a separate parcel panel controlled and maintained by homeowner. What he is saying that it would be owned by the individual but there would be an easement to maintain it by the homeowner's association. Kevin Moore stated that was correct.
3. The buffer shall contain a minimum four-foot berm with landscaping but again the Planning Commission has discussed some of the issues there.
4. The interior road shall be dedicated as a private road with a 50-foot right-of-way. Did Moore say earlier that it would only be 40 feet?

Kevin Moore stated that what is proposed is a 40-foot private road which is all they need and he just wanted to make sure dedication does not mean dedication of a separate parcel. Again that takes away from their ability to have lot sizes and setbacks from those lines. They may not have a problem with this; he just does not want that interpreted a different way. Typically dedication means dedicate separately or dedicated to the public and as long as they are talking about what they have proposed, 40 feet versus 50 feet, they think that 40 feet is just as appropriate but they just do not want to dedicate it as a separate parcel.

Bryan Chamberlain asked if that would be handled as an easement instead of a dedicated parcel. Kevin Moore stated that it would be. Chamberlain asked if the fire department had anything to say about the 40 versus 50 feet. Moore stated not in the comments that he received specific to that item. Chamberlain stated that they have certain radius requirements, 30 and 50 he thinks on the turns. Kevin Moore stated not that they saw in their comments that they received.

Harvey Smith asked how wide is the paved area itself. When they are saying 50 feet versus 40 feet, the street is probably paved the same width though, right? Kevin Moore stated that was correct, to him and Smith it looks the same. Harvey Smith asked if it was 24 feet wide or how much asphalt do they have? Kevin Moore stated that it was 24 feet. Smith clarified that it won't have a curb on the back side. It is just going to be a private drive off of that. Moore stated that was correct, off of that. Smith stated that would leave them with about an eight-foot easement on either side of it then for utilities if it is 40 feet. Moore stated that was correct and then eight-foot utility easements on each side, correct. Smith stated that a private drive is fine with him.

Cheryl Greenway asked if there were any other questions for the applicant. Hearing none she thanked Kevin Moore and closed the public session. She asked if there were any other comments or a motion from the Planning Commission.

Harvey Smith stated that he really does not have a problem with it. He thinks conceptually it is safer and aesthetically more pleasing in his opinion. He knows they

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can't understand what the issue might have been four years ago other than it was part of the compromise with the law suit. But when one has a private drive like this where instead of having...he would prefer to see...one has seven lots that are going to be accessed from the interior from one common entrance to this mixed use plan. It makes better sense to Smith this way than it did four years ago. He thinks if they meet the conditions that the staff has recommended, he has absolutely no problem with it with the clarification on a couple of issues really from legalities.

Cheryl Greenway asked if there were any other comments or a motion.

Lisa DeCarbo stated that she has a question for staff really to settle the question on the dedication of the road. Is that something that needs to be a separate parcel or is that a non-issue.

Alice Wakefield stated that the private road really would not be dedicated. She thinks that what the city of Roswell is asking for is 50 feet of right-of-way.

Cheryl Greenway stated that she was looking for a motion. She has to say that personally she does not have an issue as far as the way the houses will look. She thinks it does make more sense to have a single road to have them facing each other. Her biggest qualm is not knowing, how Brookfield West feels about that and not knowing exactly why they asked for that condition. She thinks the timing is rather unfortunate that one will not know that probably until this meeting is over. But she has a hard time supporting the change until they know what it was put in place. That is just her opinion.

Greenway clarified that Brookfield West was notified and were asked several times to make comments and the city received nothing from them.

Jackie Deibel stated that was correct. Once they got something in from the applicant, notifications did go out and staff personally called Brookfield because one of the conditions in this original approval was that anytime something came in regarding this parcel, staff had to notify and personally call Brookfield West. So they did notify them. At the neighborhood meeting there was no one from Brookfield West who came to the neighborhood meeting.

Cheryl Greenway told Lisa DeCarbo that she hears what she is saying but she tends to kind of feel if they had a problem they would have showed up.

Harvey Smith agreed with Greenway. He thinks there questions might have been answered for that reason.

Cheryl Greenway asked if there was a motion from anyone.

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## Motion

Harvey Smith made a motion that the rezoning application, which actually is just a change in condition of 13-0026 be approved with the following conditions as stipulated by the city staff with the exception:

1. That under no. 2 the 30-foot streetscape buffer shall not be a separate parcel controlled and maintained by the homeowner's association.
2. In no. 4 instead of a 50-foot right-of-way there would be a 40-foot right-of-way unless staff could recommend a reason why it would need to be 50 feet instead 40 feet. Is that a question for Alice Wakefield while he is making the motion? Is that a pertinent reason that needs....because the street itself, if they are going to have 24 feet of pavement regardless?

Alice Wakefield stated that was the standard for complete streets and that is what the city's desire is as they have new development. To have complete streets which is of course is a street that accepts multiple modes of transportation. So, that is why they say the 50 feet

Harvey Smith stated that he knows that they have approved private drives that are 20 feet wide in the city. Alice Wakefield stated that she does not doubt that.

Smith stated that is his motion.

Cheryl Greenway asked for a second to Smith's motion. Bryan Chamberlain seconded the motion.

Cheryl Greenway called the question. The motion passed 4-1. Lisa DeCarbo voted no and the rest of the Commission voted yes. The motion has been approved and will move forward to city council next month.

Before the Commission starts their next item Cheryl Greenway stated that she wanted to mention again because she has seen several people come into the room since they started. There will be two 20-minute open sessions. The first 20 minute session will be for those speaking in favor of an applicant and the next 20 minutes for those speaking in opposition to an applicant.

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