

Community Development - Councilmember Nancy Diamond

26. RZ-201301214, CV-201301216, CU-201301219, Intersection of Holcomb Bridge Rd. & Scott Rd., L Barry Teague, Land Lot 677, 712. (This item was deferred at the August 12, 2013 Mayor and Council meeting)

Councilmember Diamond introduced this item. Planning and Zoning Director Brad Townsend stated this is a rezoning, conditional use for approximately 5.1 acres located at Holcomb Bridge Road and Scott Road. The request is to rezone to O-P (Office Professional) with a conditional use to allow for an independent living facility. The applicant requests three variances to the buffer setbacks and parking. Mr. Townsend displayed an aerial graphic showing the existing property; Scott Road and Holcomb Bridge Road were visible; the access into the Walton Community location was visible. Mr. Townsend stated the current zoning is FC-A (Fulton County – Annexed). He explained that the applicant requests O-P zoning designation to allow a 130-suite retirement residence community. The applicant has requested variances; the 50-foot setback in the 40-foot buffer along the northern property line; and a variance to increase the parking allowed on the site from our current code requirements. Mr. Townsend displayed the site plan which showed the proposed building with surrounding landscaping and parking. The landscape plan was displayed which indicated what would remain undisturbed. He noted that there are some very steep slope buffers adjacent to Scott Road, as well as the Holcomb Bridge Road. He noted the landscaping along Centennial Way; this was discussed by the neighbors regarding assuring that landscaping in that area would provide a buffer from any building located in that part. Mr. Townsend indicated an area in which he stated the applicant has amended its plan to remove a drive; and an area of increased landscaping.

The Planning Commission recommended approval of the rezoning, conditional use and concurrent variances during their August 15, 2013 public hearing with the following conditions. Mr. Townsend clarified that the applicant amended the plan to include Condition #4 and #5.

1. The owner/developer shall develop the subject property in substantial accordance with the site plan stamped “Received August 2, 2013 City of Roswell Community Development Department.”
2. A stormwater concept plan, approved by the Public Works Department, shall be completed prior to the submittal for the Design Review Board.
3. The owner/developer must submit a plat to the City of Roswell and it must be recorded prior to the issuance of a Land Disturbance Permit. The plat must clearly identify all buffers, easements and utilities on the property.
4. A landscape buffer plan shall be provided along both the north property line and Centennial Way to be designed to the satisfaction of the neighboring Home Owner’s Association in terms of density, character and screening of site lighting of adjacent residences.
5. Construction of the eight (8) parking spaces in the northeast quadrant of the development shall be identified on the Land Development Plan as future parking until such time the owner provides the city with notification and the city gives them authorization to construct them.

Mr. Townsend stated staff recommends approval of the re-zoning, the conditional use, and the concurrent variances, with staff the following three conditions:

1. The owner/developer shall develop the subject property in substantial accordance with the site plan stamped “Received September 12, 2013 City of Roswell Community Development Department.”

2. A stormwater concept plan, approved by the Public Works Department, shall be completed prior to the submittal for the Design Review Board.
3. The owner/developer must submit a plat to the City of Roswell and it must be recorded prior to the issuance of a Land Disturbance Permit. The plat must clearly identify all buffers, easements and utilities on the property.

Council questions:

Councilmember Igleheart referring to Planning Commission Condition #4 regarding additional landscaping “designed to the satisfaction of the neighboring Home Owner’s Association,” asked what has been done and what is the enforcement. Mr. Townsend stated he would ask the applicant to discuss that; he believed the applicant has discussed it with the Home Owner’s Association. Councilmember Igleheart referred to the parking and stated his concern is that the City has a number set aside based on this type of use. He said he had read everything written about their exempt reasoning, which makes sense. He asked “if this is a very low trip generator use, are our numbers off?” Councilmember Igleheart stated this was his concern, particularly as the City is going forward into the UDC. Mr. Townsend replied, “With our current parking regulation requirement, it is my understanding that when that number was created, it is a number per beds, was really drafted at a nursing home. That type of use provided that type of assistance as well as coming and going, and employee ratio numbers. I think the applicant, the way they have represented their operation, with their years of experience of dealing with the style and parking numbers, I think is a more accurate calculation. Our Unified Development Code (UDC) is actually allowing that type of ‘wiggle room’ by saying ‘provide us the numbers in similar locations, in similar uses of what you are proposing in dealing with that use.’ I think we are seeing a definite migration from what someone would have considered a nursing home, to an assisted living, to if there is any of medical type of use in congregate. It is wherever that model seems to land, we need to have the parking adjust to that. The worse thing is that we would then not have enough parking onsite and then they’ve got to find another offsite location for parking.” Councilmember Igleheart said he agreed and that the applicant’s reasoning seems to be valid but he questioned why the City’s did not follow that. Mr. Townsend replied that was because it has not been looked at for a long time.

Councilmember Dippolito said this is really not a nursing home use, it is really more of an independent living use. Mr. Townsend agreed. Councilmember Dippolito asked if the City’s parking is different for independent living than it is for nursing homes. Mr. Townsend replied, “We don’t have a number for independent. The only number that we have to choose from is nursing homes; that is why it is off.” Councilmember Dippolito clarified that the City uses nursing home ratios also for assisted living. Mr. Townsend replied that it is used for everything in that whole “umbrella” of uses. Councilmember Dippolito referring to the current zoning designation of FC-A, noted that in the Council packet materials, there was reference by the applicant that the underlying Fulton County zoning is agricultural. Mr. Townsend confirmed that is correct. Councilmember Dippolito asked if this property was part of the original master plan with the Centennial Development. Mr. Townsend replied yes. He clarified that it was included in their drainage calculations; he was not certain if it was really master planned as part of that. Councilmember Dippolito said, “So, they master planned this with apartments and townhouses and single family, and agricultural?” Mr. Townsend said he would not respond to what Fulton County was doing. Councilmember Dippolito replied that it seems unusual to have that. Mr. Townsend replied, “And now it is being cleaned up.” Councilmember Dippolito said, “As far as we know, there was no zoning other than agricultural. There were no conditions on this property that we need to be aware of?” Mr. Townsend replied that is correct.

Councilmember Diamond stated her question related to Transportation. Councilmember Diamond asked for a discussion regarding the amount of traffic currently there, and the advisability or feasibility there might be to an intersection at that Scott and Holcomb Bridge Road. She said she knows there is one at Eaves Road but “it seems like we are feeding a lot of people here.” David Low, Deputy Director of Transportation stated, “We have a narrower left turn lane. We also have the option of people going around and using the signal at Fouts Road, so there is some flexibility there.” Councilmember Diamond replied, “When they all leave this area and they come through that roundabout and come onto Scott Road, and the schools are north of that, you would have to turn left and go around by the schools and come back around, to turn left on Holcomb Bridge?” Mr. Low replied, “The need here is for a little bit wider left turn lane and a little bit longer but there is not an absolute need to signalize this intersection.” Councilmember Diamond replied, “What is the threshold. I wonder when you have all these people and the schools tied in there, what is the tipping point at which you would look at another?” Mr. Low replied, “Usually, it is about 6,500 vehicles a day on the side street. I don’t have the number of the existing volume right now or how much it would be with this new trip generation. This is not going to generate a lot of trips.” Councilmember Diamond replied, “Is it on your radar as this area has schools. Is that something you guys watch for where that might at some point need that?” Mr. Low replied that Transportation is looking at that but at this time they are not convinced that a signal is needed at this intersection.

Councilmember Dippolito said he thought Councilmember Diamond had raised a good point. The City has this project being proposed, and the project across the street that is coming up as well. Councilmember Dippolito asked if Transportation has looked at the trip generation from both projects to determine if combined, that a signal could potentially be needed at this location. Mr. Low replied, “It may need one. With this project, it is not absolutely necessary.” Councilmember Dippolito said, “The question is before we look to approve two new projects in the area, I think we need to know if are going to need a signal. Would that be something that is impact fee eligible?” Mr. Low replied that it may be possible, but he was not actually sure. Councilmember Dippolito replied that there is not an answer yet to the Transportation question. Mr. Low replied that is correct.

Councilmember Diamond stated, “Which triggers first, if we approve this tonight and they go forward, could the impact fee then be calculated after that is all set up?” Mayor Wood for clarification said, “The impact fee is not going to change whether there is a light or not. That impact fee is a formula, correct?” Mr. Low replied that is correct. Councilmember Diamond asked if it could be put toward that. Mayor Wood stated, “The impact fees would be collected and placed in an impact fee fund; we could then later decide to spend money from that fund. We do not make the determination. The impact fee is fixed upon a set formula. The expenditure is approved by this Council, not on a project by project basis but as you all determine it is appropriate. They are not necessarily tied. We are not going to either raise or lower the impact fee depending on whether we put a light in here. What we charge them is fixed. What we spend them on depends upon what you all want to do.”

Councilmember Wynn asked if the City will be charging impact fees for this project. Mr. Low replied yes. Councilmember Wynn asked if the City will be charging impact fees for the project across the street. Mr. Low replied yes.

Applicant:

Mark Lowen, Lenity Architecture, representing Hawthorn Retirement, the proposed developer for this site, stated he appreciated comments made by City staff up to this point in time; he wished to speak to their project and the use, what the process has been. He noted that their civil engineer, Bryan West from Kimley-Horn; landscape architect Shannon Skinner; and property owner Mr. Teague, were all present at that meeting.

Mr. Lowen stated that the applicant is proposing a 130-suite retirement residence. He said this type of facility is considered independent living; some jurisdictions considered it congregate care retirement residence. It is not a medical facility. It is a congregate care in the fact that there are not individual units but have what they call suites, because each of their suites does not have kitchens. Monthly rent covers three meals per day, snacks and activities. Mr. Lowen said, "The reason we have residents moving into our facilities, is not out of a medical need, it is actually out of choice. We typically find the tipping point for our residents moving into our type of facility is, it is time to give up the car keys. They are still active, still physically able to get up and take of themselves. We do not provide those personal services such as bathing, dressing." Mr. Lowen said services include three meals per day, laundry, individual room cleanup, various activities for physically active seniors, and on-demand transportation for church, doctor appointments, volunteer activities, shopping, etc. Their transportation services reduce the impact of traffic. He said approximately 20% of their residents move in with a vehicle, but then most of those vehicles are gone within twelve to eighteen months.

Mr. Lowen stated that a neighborhood meeting was held; they have been working with the local Centennial HOA regarding buffers and design. They have gone through the initial design review, and received positive feedback on their preliminary. They have been before the Planning Commission and received the conditions of the Planning Commission; the applicant supports those conditions.

Council questions:

Councilmember Wynn referring to the parking stated, "It is very interesting that you all are asking for more parking, eighty-two spaces is what I am seeing. But, you say only 20% of your residents will have cars, and I am assuming only one car per suite. That comes down to 26 parking spaces. Which that leaves you, if you are asking, is for another 56 parking places." Mr. Lowen replied that he had a total of 79 parking spaces that he was looking at there. Councilmember Wynn replied, "I am reading here. It says, proposed 82 parking spaces. I am just reading what you did." Mr. Lowen replied, "That is an earlier iteration. We have actually revised it since then." Councilmember Wynn responded, "And then you said, 'the reason that people come here is because it is time to give up their car keys and sixteen to eighteen months goes by and usually the cars go away.' I am still trying to find out how you are asking for more parking spaces if there is not going to be that many cars there." Mr. Lowen replied, "We have staff parking, we have visitors, and we have other services and deliveries and other vehicles that come throughout the day." Councilmember Wynn replied that deliveries would not count because he should have a delivery zone; she asked how many employees he would have there. Mr. Lowen replied, "We have a total of approximately 18 full-time positions." Councilmember Wynn stated that included with the 26 parking spaces would be 44 parking spaces. Mr. Lowen stated there would probably be a dozen employees there on high shift. Councilmember Wynn stated she was still concerned about the applicant's request for more parking, and asked that it be addressed again later in the presentation. Councilmember Wynn referring to the Planning Commission hearing, stated that Mr. Lowen had a made a statement that there would "be a two year bond that requires the completion and maintenance of the landscape improvements." She said she did not see anything regarding who would hold the bond, and who would make sure that all this is done according to the approved site plan. Mr. Lowen replied, "Staff informed me that is a City requirement; that is handled through the City." Councilmember Wynn stated she wanted to make sure that the applicant is okay with that. Mr. Lowen replied, "Absolutely." Councilmember Wynn said she thought that the HOA would be able to review the landscape plan to make sure they are comfortable with it; her understanding is that they would like to have it very compatible to what they have now. Mr. Lowen replied, "Right. The combination of being compatible and they also want as much screening, especially along Centennial." He noted that the HOA President was planning to make comments tonight; they have been working with him on that process. He noted that the HOA President would attend the DRB hearing as they complete the process. Councilmember Wynn asked for more information regarding the need for additional parking. Mr. Lowen, referring to their history, explained that Hawthorn Retirement and the Coulson family have been developing this type of facility for

approximately 28 years, and have consistently found that a ratio of about .6 to .7 spaces per suite, works ideally for visitors, residents, other possible services that are coming and going from the site. He could not remember the last time they asked for an increase in parking spaces because most jurisdictions are running more in the range of 1 to 1.5 spaces per suite for an assisted living, congregate care type use; this was “actually pretty unusual to ask for an increase versus a decrease.” He stated that they are usually looking to hit in that .6, .7 per suite ratio. One of their big concerns, especially with this site, is that it will not be possible to find street parking; they want to prevent the parking from spilling out into the private roadway, into the roundabout, or the Centennial HOA area.

Councilmember Wynn asked if Mr. Lowen was okay with the construction of eight parking places in the “northeast quadrant, as part of the Planning Commission?” Mr. Lowen replied yes.

Councilmember Diamond directing her comments to staff regarding where the UDC falls on this new number, asked if parking for this type of facility is in the UDC draft, since the City has not had this before. Mr. Townsend replied, “I believe the UDC at this point, is asking for the facility to provide their best information at the time. We no longer have a maximum. That is going away from the chart, but the minimum number that is being picked is really more driven by the actual facility and the utilization that they provide. Depending on the mix of independent care, nursing, medical activities, each facility is a little different. We are not wanting to say that every room that they put in needs 1.5 parking spaces; I think that would be a little high. If their experience says a .6 or a .7 is the number, I think we are waiting for that information to come in. I think that is how the UDC is current being drafted.” Councilmember Diamond asked if there will be a number based on information Council is getting that will be in the UDC or ongoing, that question will be asking the applicant. Mr. Townsend replied, “I think ongoing; we are going to be asking facility by facility. At least that is the way I believe it is drafted.” Councilmember Diamond asked how the determination will be made as to whether that is a reasonable number. She said it seems like somewhere there ought to be a standard.

Councilmember Igleheart commented that the lifestyle described for this facility sounded appealing. Mr. Lowen stated that it is called “a catered lifestyle.”

Councilmember Igleheart referring to the landscaping condition and the parking condition, said he understood from Mr. Townsend that it has been included in there somewhere. Councilmember Igleheart said, “If I suggest later to add those back in, do you have any problem with that? Just so it is clear.” Mr. Lowen replied, “Explain to me, ‘add those back in.’” Councilmember Igleheart stated, “They are not in the existing proposed conditions, as I understand. Is that correct Mr. Townsend?” Mr. Lowen said he thought those were in the Staff Report as conditions, which they support. Mr. Townsend noted that Councilmember Igleheart could put those back in the resolution if he preferred. Councilmember Igleheart replied, “If those are there, you are okay with that, to clarify?” Mr. Lowen replied, “Absolutely.”

Mayor Wood asked if the residents are not driving, are they still walking. Mr. Lowen said the residents are absolutely walking. Mayor Wood stated, “This would be my concern. We are trying to create a walkable community. We have a library across and down the street; we have a wonderful City park we hope they will visit. I am just looking at the route they would have to take. Currently, it seems like a roundabout route. I know the hill is pretty steep but have you all thought about the possibility of pedestrian connection without having to go all the way around the block, and Centennial Way and down with perhaps a pedestrian connection down to the intersection.” Mr. Lowen replied that it is really steep. Mayor Wood said he understood that. Mr. Lowen stated, “Keep in mind, if they want to go to the library, we will be doing regular runs with our vans to the library, the Senior Center, the park. The other thing we found historically with our sites, and you will notice that we have walking trails that encompass the entire building, we find that the number one exercise activity for our seniors, is walking the site because it is a

safe place to do it.” Mayor Wood asked what elevation change is between Scott Road down at Holcomb Bridge Road, and the parking lot. Mr. Lowen requested that the civil engineer respond.

Bryan West, Kimley-Horn, civil engineer for the applicant, responded, “Forty feet.” Mayor Wood said, “If we had a trail that was 112 pitch, or maybe 114. To descend that 40 feet, how long would the trail be.” Mr. West replied, “It would be about 480, 500 linear feet, roughly. You would have about 600 feet total.” Mayor Wood replied, “If I started at Scott Road and went up traversing, where would I be in that parking lot. How far back would I be, just out of curiosity.” He asked to view the area on the map or site plan. Mr. West referring to the map, replied, “Roughly it would be here from here at the corner up to about this location.” Mayor Wood asked if they went down Holcomb Bridge Road where would it be, if he traversed paralleling Holcomb Bridge Road. Mr. West indicated on the map the approximate locations. Mayor Wood thanked Mr. West for answering his question and asked him to present his prepared information at this time.

Mr. West stated he had a series of graphics to show Mayor and Council that include the tree save areas that are densely forested there. He said one of the objectives was to preserve as much of the native trees that are in those buffers with minimal impact. Mr. West stated if they cut into that slope there may be slope stabilization issues associated with the 2:1 slopes, and the 2.5:1 slopes currently there. Mr. West stated, “This was part of the master plan for the Centennial property. It was zoned with that property as a conditional use. The property was mass graded at the same time that the rest of the property out there was graded. They basically table-topped this site to provide a pad for this property, and they planted the buffers along both Holcomb Bridge and Scott Roads. One of the last things we want to do is go in and take out a lot of the existing vegetation and disturb the slopes that are out there as well.”

Mayor Wood asked for further Council questions. None were heard.

The Mayor stated he would open the hearing for public comments which would be followed with time for rebuttal by the applicant; the applicant would not be permitted to present any new information during rebuttal. Mayor Wood asked if the applicant had anything further to present.

Mr. Lowen replied, “Just a quick point of clarification. Based upon the information we received in a zoning verification letter, the underlying zoning under Fulton County, what we have is O-I; not agricultural. That was based upon a letter produced June 10, 2002.”

Public Comment:

Svein Romstad, 325 Glen Reserve, stated he is the Centennial HOA President, and would be speaking on behalf of the HOA. Mr. Romstad said the HOA is not against the project but is not very excited about it either. They have worked with the developer and found that he has been responsive answering questions, being onsite with the HOA members, and trying to address their concerns. The HOA is concerned about the size of the project on this piece of land; the changes presented “have not been for reducing the buildings, but has been to reduce some of the infrastructure.” Mr. Romstad said, “A couple of things that they have reduced is the eight parking spaces, which we think is a positive development and we hope that is truly implemented. There also have been some changes to allow for the landscape buffer to be a little bit bigger than originally proposed. I think that at this stage, the key thing is that we want to try as best as possible to protect the look and feel of Walton Centennial. The landscaping is going to be paramount for this. Therefore, we are looking at some assurances from the City Council that these landscape proposals are truly implemented, and no disrespect to the developer because I work for the developer myself, they have a tendency to maybe shortcut the landscaping when it is all said and done. We just want to make sure that does not happen in this case because it will dramatically change the look and feel of the neighborhood. My final comment is to the Transportation. I would invite you to come and drive to Scott

Road and try to get on to Holcomb Bridge Road. It is not an easy task without those developments coming in, and it is going to be more and more difficult with the schools and so on. We hope that it will be reconsidered and have traffic lights put up there when these two developments come in. Let's get some assurances that the landscaping is implemented."

Mayor Wood asked staff to explain what is done to assure compliance with landscaping conditions in a rezoning.

Brad Townsend, Planning and Zoning Director, stated, "Their rezoning this evening is part of your resolution. Condition #1 is the stamped plans 'Received September 12 by the Community Development Department.' In those set of plans there is a landscaping plan identified 'Roswell Retirement Residence Preliminary Landscaping Plan.' The last revision was done on 9/11/13. This landscaping plan still processes through staff to the Design Review Board, and they are the final board approving the landscaping plan. This landscaping plan is then included in the Land Disturbance Permit, as well as the Building Permit for the construction of the building. The Certificate of Occupancy is not issued unless it is compliant with that plan that is final approved by the Design Review Board."

Mayor Wood clarified that once there is a final approval, once the Design Review Board (DRB) passes on this, and they vary seldom have limited landscaping, usually they add to it, then City inspectors go out as part of the building permit process, to compare what is on the ground to what is in the site plan. Mr. Townsend said the Mayor's description of the process is correct. Mayor Wood asked what would occur if what is on the ground is not consistent with what is on the site plan. Mr. Townsend replied, "They don't occupy the building."

Mayor Wood called for further public comments. None were heard. The Mayor called for further discussion by Council.

Further Council discussion:

Councilmember Wynn stated that Mr. Romstad could speak during the Design Review Board public hearing and express the HOA's desires regarding this project. She commented that this board includes a "very great" landscape architect that "knows what he is doing."

Councilmember Diamond asked if the landscaping should be included in a condition since this was going to the DRB. Mr. Townsend replied no. Councilmember Diamond asked about the 2-year bond. Mr. Townsend replied that it is Code, and is standard.

Mayor Wood asked Transportation staff if it is practical to put a trail in from the parking lot to Scott Road and Holcomb Bridge Road; it would shorten walking distances. The Mayor commented that he enjoys walking through the woods, and the gravel wooded trail at Leita Thompson Park. Transportation Director Steve Acenbrak said the Mayor brought up a good point, and having just moved his mom here from Florida for the exact same reason, he is a little bit more familiar with these sorts of senior living issues, they do walk a lot. Mr. Acenbrak stated, "Going up the slope is going to present some engineering challenges because you would have to think about the slope, the drainage, stabilities, maybe some retaining walls. It could be expensive, but the idea of having a direct access probably not Holcomb Bridge, but maybe Scott Road would probably be an amenity to the site plan. I would like to work with their civil engineer a little bit more and maybe flush that out if that is your desire." Mayor Wood responded that would have to be Council's desire. Mayor Wood asked Mr. Townsend if this something that the DRB could look into and require if they thought it was appropriate. Mr. Townsend replied,

“They could definitely look into it.” Mayor Wood replied, “If they said ‘we want it’ could they force the issue, if they thought it was practical.” Mr. Townsend replied that unless Council put that in as a condition, DRB would not force it as an issue because it is not a general requirement. He noted that the applicant is providing a sidewalk that connects to Scott Road. Mayor Wood asked if they could be given the option to require it. Mr. Townsend replied, “If you put it in as a requirement what they are going to quibble about is how much does it cost; how much retaining wall. The issue is going to be ‘do I have to tear out this 500 trees to be able to do this and does it make sense.’” Mayor Wood said he would hate to put it in as a “hard and fast” condition because there are a lot of other things that need to be considered.

Councilmember Diamond stated there are sidewalks all the way along both streets. Mr. Townsend stated that is correct.

Councilmember Dippolito referring to the discussion regarding landscaping, asked the HOA and the applicant if the latest plan discussed was the one dated September 11; that is the one that was included in the Council’s packet and is also going to the DRB. Mr. Lowen replied, “The only changes in the September 11 plan, is that at the Planning Board, we were requested to give better details along the north buffer area. The area of most concern for the HOA was along Centennial. That hasn’t changed. The changes were basically up there along the north buffer area where the rain garden and drainage swale area was.” Councilmember Dippolito asked if it is substantially similar to what Council was provided. Mr. Lowen said that is correct.

Councilmember Diamond said, “If this was originally zoned O-I, I am not clear why are we re-zoning it if it has already got O-I on it.” Mr. Townsend replied that staff is not sure if the O-I, from the County allowed the independent living, so it is being rezoned to Roswell O-P with the conditional use.

Councilmember Orlans asked Mr. Townsend if there currently are sidewalks on Centennial Way and Scott Road in that intersection. Mr. Townsend replied yes. Councilmember Orlans referring to the site plan noted the location of a ramp toward Centennial Way; he said it could be easier to cut a trail just through from the building part in back of the building over to Centennial Way, then there are sidewalks all the way down and around. Councilmember Orlans commented “we might have fewer hip replacements by doing it that way, too.”

Mayor Wood noted that City Attorney David Davidson had offered a suggestion for Council consideration, which is to go to the Transportation Department and ask if they believe the benefit outweighs the cost, the environmental cost. Mayor Wood said he would like Council to take a second look at this although he did not want to hold up the rezoning and prevent it from moving forward. He explained that the City is trying to become a pedestrian community; seniors, more than any other group is going to be walking; walking does not lead to hip replacements but leads to a longer life with an exercise that keeps people moving.

Mayor Wood asked the Transportation Director to give his thoughts. Mr. Acenbrak stated he would be happy to explore a variety of possibilities that hopefully would make the pedestrian connection without being onerous to the development, without sacrificing any of the tree buffer, and still become an amenity to the site, also help mobility, provides another mobility option. Mr. Townsend asked whether it would be Scott Road or Holcomb Bridge Road. Mr. Acenbrak stated it would be necessary to look; it would be site specific. He asked if it could be stated, “a pedestrian connection to either Holcomb Bridge or Scott Road as the most feasible connection.” Mayor Wood stated Council would first have to approve it. The Mayor said he was trying to structure something that Council might support. Mayor Wood asked City Attorney David Davidson to state his reservation and suggestions. Mr. Davidson stated, “I think if you are going to do that, you will need to make it a condition, and then you can leave it in the discretion of the Transportation Director on whether it is going to be required after he goes through with their civil engineer.” Mayor Wood responded, “I don’t know what position is going to take, I am just making a

suggestion but before we get to Council, I would like any last words from the applicant on that suggestion, your thoughts, your reservations.”

Councilmember Dippolito said he agreed with the need to have pedestrian walkways, and completely agree with it, particularly with this type of use. He said he had a hard time looking at the site plan, thinking about those grades and all the existing tree buffer, trying to understand how a pedestrian walkway could actually be put in that doesn't absolutely “massacre” that buffer that currently exists there. Councilmember Dippolito asked Mr. Acenbrak if he had viewed the site plan, and thought about where this trail could potentially go. Mr. Acenbrak replied, “Yes. Looking at it just now, of course, it is steep in one plane, but if you cut across those contour lines like the Appalachian Trail, where you just sort of go across it. The way he pointed out, obviously we would have to look at exactly those areas, and we would have to look at storm drainage. For instance, you would have to put some ditches or something so that it doesn't create an erosion problem when you cut across those contour lines. I think there is so bio-friendly, swale type of things that we could do that would preserve the buffer, would allow for the trail, and still would be able to make the connection without a great deal of problem.”

Mayor Wood said, “I am not envisioning an eight foot sidewalk. I am envisioning a walking path, narrow.” Councilmember Dippolito replied, “There is already an existing sidewalk that is why I am not understanding why we are trying to add another one.” Mayor Wood responded, “My reason is there is existing sidewalk but you are tripling the distance, potentially, to get down to where you are going. The second point, I am just talking about me personally, if I have a choice to walk on a sidewalk along a road or through the woods on a narrow trail, I will walk through the woods on a narrow trail every time and enjoy it. I don't know if it is feasible or not but I know that is something to consider. Anything that I can do to encourage people to walk in Roswell I would like to look into. Just a thought.”

Mr. Acenbrak stated, “One other aspect of that is, it might be a more pleasant experience walking under the canopy of the trees as opposed to walking out in the sun.” Councilmember Dippolito replied, “If you have trees, but you have to tear them all out to put the path in.” Mr. Acenbrak replied it would be possible to meander it through.

Mayor Wood replied, “Rich, I guess my point is, every weekend I go mountain biking, and I know I am not expecting these people to go mountain biking but I am up along very steep slopes in the north Georgia mountains traversing the hill. These are hiking trails and they work. I see it as something that works and to me would be an amenity. Anything you make to make walking more pleasant is helpful. A good example of the hiking trails that we have on Leita Thompson and at Big Creek, those are environmentally sensitive, they are gravel surface, they are narrow in places, and you don't notice a loss of trees. You have to be sensitive in the development of it. Any chance that I can get to put in trails, I at least like to consider them.”

Councilmember Diamond replied, “I applaud the idea, I just think you are talking about people who are giving up their cars. I think about the elderly people in my life, and that elderly are not comfortable walking on uneven surfaces, on slopes, with roots in the way. I can just tell you from the day to day stuff I do with the seniors in my life, they are not all as adventurous as you are. I think security is an issue. I think safety is an issue. I find it odd to be in a position to be arguing against a trail because that goes against everything that we want but in this case I am just having trouble seeing it. For the neighborhood, there is just not that many trees in that area. You are up against Holcomb Bridge Road, any buffer you can keep and maintain up there would add to the peace and quiet in the neighborhood and still allow you to have a walking trail around there. I believe these people do this all the time around the country and developed a model that works. I am comfortable with sidewalks all the way across the property.”

Applicant:

Mr. Lowen noted that Councilmember Diamond had stated 90% of what he was about to say. He said part of their concern is that if he goes back to the developers to tell them that the City wants a gravel trail put in for their seniors, it would not be well received; those trails would also have to be built to ADA standards for those seniors. Mr. Lowen said if the applicant has already committed to the Centennial HOA that they would protect and preserve as much of Centennial, so they would not do it on that site. He likes the idea, but it does not work for this site. He noted the topography on the banks of this site. He said that their average senior is an 82 year old female widow; some are still driving. He questioned whether or not he would put his 86 year old mother on a path that has been suggested; it also would be a security concern for this age group. There is good sidewalk access to good, stable sidewalks for the seniors.

Further Council Comments:

Councilmember Igleheart said he knew that the applicant and the developer are planning a good project, want to do a good project, and want to please their neighbors, he trusts that they will do that, but there is also the issue of trust but verify. Councilmember Igleheart asked Mr. Townsend if it gets to the point of accepting this condition, was it designed to satisfaction of the neighboring HOA, based on density (remainder of sentence inaudible). He asked about the mechanism for that because “you don’t want to let one person say ‘no you can’t do all this.’” Mr. Townsend replied, “I have no idea how to enforce that.” Councilmember Igleheart asked how to ensure that it is something that they are happy with, and that how the DRB would ultimately be the one to determine what those elements would be. Mr. Townsend replied, “The final plan, yes.” Councilmember Igleheart said, “I just want to make sure that we have an enforcement ability.” Mr. Townsend responded, “I don’t think there is an enforcement ability.” Councilmember Igleheart replied, “Other than the DRB putting that plan forward. Can we put a note somewhere that we really want DRB to make sure these things are met, that the residents want, and then will be happy. We can contact them I suppose.”

Councilmember Diamond said she assumed that the DRB reads Planning Commission and Council minutes before they go into their discussion. Mr. Townsend stated those minutes are passed forward to DRB.

Councilmember Wynn said, “I just want to make sure that Transportation does look very, very serious about Scott and Holcomb Bridge. That is my neck of the woods, and you take your life in your hands trying to make a left turn out of that, especially during school. Especially parents taking their kids to school and teenagers leaving at night. Please look very closely at that.”

No further discussion.

Motion: Councilmember Diamond moved to approve *Rezoning with concurrent variances and a conditional use for RZ-201301214, CV-201301216, CU-201301219, Intersection of Holcomb Bridge Rd. & Scott Rd., L Barry Teague, Land Lot 677, 712.* Councilmember Diamond stated, “I move to approve the resolution recommending approval for this property with concurrent variances #1 and #2, as listed, with the following conditions #1 through #3, as listed on the staff report, adding the reduction of eight spaces from the Planning Commission plan. It is a reduction of eight from their original request. The landscaping plan, as approved by DRB.” Councilmember Dippolito seconded. No further discussion. The motion passed unanimously.

Mayor Wood issued a ten-minute break in the meeting. The Mayor and Council meeting reconvened at 9:41 p.m.