



# City of Roswell

38 Hill Street  
Roswell, Georgia 30075

## Meeting Minutes Mayor and City Council

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

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Monday, March 11, 2013

7:00 PM

City Hall

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### WELCOME

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

### Pledge of Allegiance - Willie Russell.

**Mayor Wood recognized Mr. Russell and thanked him for his many years of service after having just stepped down from the City's Recreation Commission.**

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Fire Chief Ricky Spencer; Deputy Fire Chief Ricky Burnette; Deputy Fire Chief Paul Piccirilli; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Director Stu Moring; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Recreation and Parks Director Joe Glover; Transportation Director Steve Acenbrak; Community Development City Planner Jackie Deibel; Community Relations Manager Julie Brechbill; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; City Clerk Marlee Press.*

### CONSENT AGENDA

1. **Approval of February 11, 2013 Mayor and Council Meeting minutes (detailed minutes to replace Council Brief adopted on February 25, 2013); Approval of February 25, 2013 Mayor and Council Brief.**  
*Administration*  
Approved
2. **Approval of a Resolution to Apply for a 2013 Governor's Office of Highway Safety (GOHS) Grant for an Intoxilyzer 9000 in the amount of \$8,000.**  
*Public Safety*

Approved

Enactment No: R2013-03-10

### Approval of the Consent Agenda

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

In Favor: 6

## REGULAR AGENDA

### Mayor's Report

1. **Presentation by the Historic Roswell Kiwanis on behalf of the Village of Island Park, New York Kiwanis Club to the City of Roswell.**

*Ron Jackson from the Historic Roswell Kiwanis Club spoke on behalf of the Kiwanis Club of the Village of Island Park. Mr. Jackson said on October 29, 2012, Hurricane Sandy hit many parts of Pennsylvania, New Jersey and New York. One of the places hit was the Village of Island Park, New York on Long Island. He said Island Park has a population of about 4,500. Their equipment and fire truck were all destroyed. He said a call went out nationwide to fire departments and chiefs. Fire Chief Spencer said he thought about a surplus fire truck that the City of Roswell had at the time and requested approval and the Mayor and Council voted unanimously to donate that fire truck to Island Park's fire department. He said their Kiwanis Club wanted to express their gratitude to the citizens of Roswell. He said he thinks this recognition is the most special that the City has had in a long time. He said he received an email from the President of the Island Park Kiwanis Club which said, "I wish we could do more to let you know how much we appreciate what you have done for us. I too am still displaced and carless and homeless but we are doing the best we can." The last sentence read, "Who knew that your home town and our home town so many miles apart would one day have so much in common?" On behalf of the Kiwanis Club of Island Park, New York and its citizens, Mr. Jackson presented an award to Chief Spencer, the Mayor and Council and to the citizens of Roswell. The plaque from the Kiwanis Club of Island Park, New York and Barbara Reuben, President read, "Presented to the Roswell Fire Department with deepest appreciation for your generous contribution of the fire apparatus to replace ours lost to super storm Sandy. Our residents can rest peaceful in the knowledge that we can still provide them the fire protection through your generous donation."*

*Mayor Wood thanked Mr. Jackson for bringing this forward.*

*Chief Spencer said there is another award being presented by the Terry Farrell Firefighters Fund to the City of Roswell.*

*Mr. Mike Korsch, Director of the Terry Farrell Firefighters Fund presented two documents, one to Chief Ricky Spencer and the City of Roswell Fire Department and*

the other to the City of Roswell from the Terry Farrell Firefighters Fund in gratitude for their support and donation of a 1992 fire truck on November 26, 2012 in the aftermath of Hurricane Sandy to Island Park, Long Island, New York. He expressed his gratitude to the City for this donation to help Island Park.

**2. Recognition of the Roswell Fire Department for the top award in the Georgia Burn Foundation Fundraiser.**

Roswell Fire Chief Ricky Spencer said the Fire Department has two trophies that were received from the Georgia Firefighter's Burn Foundation during the 2012 Boot Drive, an annual event that all of the firefighters participate in to raise money for burn camps and the children who are burn victims in the State of Georgia. He said they are proud again this year for having collected the most money, \$71,929. He said they also raised the most per capita at \$553.30 each. He said the best thing about this is that it helps the children through sponsoring camps and other activities for them and they are very proud to do this. He said it can only happen through the participation of the members of the Roswell Fire Department who stand in the streets collecting during the Boot Drive. He said this money is presented to the Georgia Firefighter's Burn Foundation and 10% of the money that is collected comes back to the Roswell Fire Department for fire safety educational materials. He said they gladly spend that money each year for coloring books, fireman's helmets, badges and educational things and said that some of the funds also go towards the fire safety education trailer. He said to the citizens of Roswell and to anyone else who comes through Roswell and donates to the Boot Drive, they very much appreciate it and so do the children who are sponsored by the Georgia Firefighter's Burn Foundation.

Mayor Wood expressed his appreciation to the Roswell Fire Department for their efforts and to the citizens of Roswell. He also thanked them for all the time they spend volunteering to help the community.

Chief Spencer said they have been involved in the Georgia Firefighters Burn Foundation Boot Drive and have collected a total of \$769,428.85 and said they are very proud of that. He added that this is the fifth year that the Roswell Fire Department has been awarded First Place.

Councilmember Wynn congratulated the department for this being their fifth year of receiving this award for First Place.

**3. Reading of a Proclamation for March for Meals.**

Mayor Wood read the proclamation for MARCH FOR MEALS AWARENESS MONTH stating, In March of 1972, President Nixon signed into law a new Title of the Older Americans Act that laid the groundwork for more than 5,000 Senior Nutrition Programs; and March 2013 marks the 41st Anniversary of the inclusion of Senior Nutrition Programs, such as Meals on Wheels, into the Older Americans Act. This is the fifth consecutive year that North Fulton Mayors, including Mayor Jere Wood, have participated in Mayors for Meals by delivering a noontime meal to a senior in his city. The Meals on Wheels program provided by Senior Services North Fulton delivers meals to seniors who are unable to prepare meals for themselves; and Senior Services North Fulton has been administering the Meals on Wheels program in the City of Roswell for over 20 years with a 100% volunteer force. In 2012, over 400 volunteers donated their time and personal vehicles to deliver over 25,000 meals with a friendly smile and these efforts have resulted in the improvement in the quality of life for seniors in need in the City of Roswell and enables seniors at home to have continued personal independence, nutritionally-balanced meals and daily visits by caring volunteers. On behalf of the City of Roswell, Mayor Wood proclaimed the

*month of March 2013 as March for Meals Awareness Month in the City of Roswell and asked all of the citizens to join in supporting the Meals on Wheels Program.*

*Mayor Wood recognized the representatives from Senior Services North Fulton.*

*Executive Director of Senior Services North Fulton Carrie Bellware introduced herself and their Meals on Wheels Coordinator Jill Baker and her mother Joan Liles who is an eleven year volunteer with the Program. Ms. Bellware said they are very proud to be the dedicated meal provider for the six cities of North Fulton. She said they currently serve about seventy Roswell older adults providing them with meals and other in home services. She said they are very appreciative to the City of Roswell's support and for dedicating this month as March for Meals. She said this is their way of getting the word out to the community about how important this service is.*

*Mayor Wood asked if someone knows of a senior who could benefit from this service, how they would get in touch with them. Ms. Bellware said they should call the office at 770-993-1906 or they can be contacted via their website, [www.ssnorthfulton.org](http://www.ssnorthfulton.org). Mayor Wood asked where their office is located in Roswell. Ms. Bellware said they recently relocated to the City of Alpharetta. She said they loved their twenty years in Roswell, but they are still close by. They also have the Roswell neighborhood Senior Center which is located on Warsaw Road and said they could stop in there anytime.*

*Mayor Wood asked what services are offered by the Senior Center. Ms. Bellware said the senior centers are very special places where older adults can come on a daily basis for morning activities and a hot lunch. She said they also provide transportation to the many seniors who are home bound and can longer get out. She said they pick them up and take them home and they can go shopping and go on cultural excursions.*

**Administration and Finance Department - Councilmember Rich Dippolito****4. Approval of a Resolution for the Regulation and Issuance of the General Obligation, Series 2013 Bonds.**

*Presented by Keith Lee, Director of Finance*

*Director of Finance Keith Lee presented this item, the Series 2013 Bond Resolution which authorized the execution of the general obligation debt. He said Councilmembers should have received an updated Bond Resolution today based on the competitive bids that were received. He said eight bids were received today for the bonds and the lowest bid submitted is from Stifel, Nicolaus & Co., Inc. for 1.27% True Interest Cost for issuance for these bonds. He said later they will update that price but that essentially means that the City will be borrowing the general obligation debt for 1.27% interest. Mr. Lee showed a comparison of how the Roswell did in the market compared to other entities. He said that Roswell outperformed the other AAA cities and was the only AAA city in the market today. He also pointed out the municipal market index for each year.*

*Mr. Lee pointed out a column that is the spread of how far that Roswell beat the spread for each one of the years based on the market index. He said that Roswell outperformed the market in each of its future years. Mr. Lee showed a sheet that is a summary of the issuance. Based on the updated final numbers, the True Interest Cost is 1.26% and the total aggregate for these bonds is \$9,760,000. There is a premium of \$239,000 and the net interest on the bonds is \$604,000. Mr. Lee then displayed the Debt Service Schedule and said over the life of the bonds the City will pay a total of \$10,664,000. He said these numbers have been updated in the Bond Resolution and reflect what he has just shown.*

*Mayor Wood said that the City Administrator and the Bond Counsel had said that they have never seen a rate this low before for any other city or government. He said this is a precedent setting low rate. He complimented Council and the citizens of Roswell for the decision to go forward with this Bond and said the timing was perfect and the City is getting a great bargain on this money.*

*Council Comment:*

*Councilmember Dippolito asked Mr. Lee if the amended resolution that he provided to them, if the only changes to that are the numbers that were inserted. Mr. Lee replied that is correct; the aggregate amount, the maturity schedule as well as the debt schedule. He said it also identifies Stifel, Nicolaus & Co. as the purchaser. Councilmember Dippolito said for clarification noting that this is the first issuance of bonds at just under \$10 million with approximately an additional \$5 million that the City will be letting in approximately a year. Mr. Lee replied that is correct and that it was decided to issue the \$14.7 million in two series and this is the first of the series.*

*Councilmember Orlans thanked the staff, Mr. Lee and the City Administrator and all of the citizens for approving this bond. He said when he was in Administration; they started this process three years ago with the whole intent of taking advantage of low rates that were coming down at that point in time. He said it took a little longer than they thought, but the rates are really down and even lower than they expected.*

*Motion: Councilmember Dippolito made a motion for approval of Approval of a Resolution for the Regulation and Issuance of the General Obligation, Series 2013 Bonds. Councilmember Orlans seconded.*

*Further Council Comment:*

*Councilmember Price asked if someone wants to invest in the City of Roswell, what would they do. Mayor Wood said it is his understanding that this bid takes up the whole bond issue and asked if that is correct. Mr. Lee replied it has been sold on the primary market and they can discuss it with their investment brokers.*

*There was no further Council discussion. Public comment was invited. There were none.*

**A motion was made by Council Member Dippolito, seconded by Council Member Orlans, that the Resolution for the regulation and issuance of the Series 2013 Bonds be approved. This resolution establishes the terms of the bonds, establishes the construction fund, and provides for the assessment and collection of an annual tax to pay the principal and interest. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: R2013-03-11

### **Community Development - Councilmember Nancy Diamond**

**5.**

**RZ12-08 & CV12-03, 1580 Old Alabama Rd., JEH Homes, LLC/Bank of North Georgia, Land Lots 611, 612.**

*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Planning and Zoning Director Brad Townsend stated this is RZ12-08 and CV12-03 located at 1580 Old Alabama Road. He said this is a proposed site plan amendment to allow for 81 single family detached homes. The prior settlement agreement was for 94 townhomes. Mr. Townsend displayed a zoning map of the property on Old Alabama Road that is commercial. He pointed out Belcourt Apartments across the road to the east and the Big Creek Parkway and Kimberly Clark to the west of the property. The Site Plan of the townhouse development for the 94 townhomes was also shown. An Arial photograph pointed out the major infrastructure that was put in place, the roads, water, sewer lines, and drainage detention areas and there were places for the passive recreation location. The proposed Site Plan for the 81 developments was shown and that included two detention areas, public spaces, and the single access point to the south up into the development. Mr. Townsend said the applicant is requesting three variances: 1) reduce the front setback from 30 feet to 10 feet with a minimum of 15 feet to the face of the garage; 2) request to remove sidewalks, current code requires sidewalks be placed on both sides of the street in the development and the applicant is requesting to not have sidewalks in the development; 3) relating to lot coverage; when the development was approved for townhomes there was a minimum of 25% lot coverage and when divided to the individual lots, some of those exceed the 25% some up to 50% but overall site plan meets the 25% lot coverage. Mr. Townsend stated that the Planning Commission recommended approval of this application with five conditions. He said one of the major discussions has been about the location of the sidewalk as well as trails. He displayed a graphic that he described as a representation as to how staff would recommend the sidewalk location. It provides a sidewalk around the complete inner loop parcel connecting the passive public areas and provides for connection to future Big Creek Parkway that will be developed to the west through an open space tract for the residents to access the Parkway. It includes a trail connection on the northern section which would be from the future Big Creek Parkway to the Belcourt entrance which would then access through Belcourt if that easement is granted. The northern*

connection was requested dealing with the transportation connection for the future Big Creek Parkway.

Mayor Wood requested that a map be displayed and asked where the Big Creek Parkway is in relationship to this property. Mr. Acenbrak pointed out a red line on the map that runs east and west and said that is generally the alignment. He pointed to the left and said that is the alignment for the new Big Creek road trail that goes down to Holcomb Woods Parkway and that would be simply a trail connection into the...(this comment was not completed). Mayor Wood said the Big Creek Parkway would go from Holcomb Woods Parkway...(he did not complete his comment). Mr. Acenbrak said generally following that and it curves to the west and crosses GA400. He said it is a two-lane road with a multi-use path and a sidewalk with bike lanes. Then there would be a connection for the trail. Mayor Wood asked Mr. Acenbrak to point out the connection. Mr. Acenbrak pointed out an area on the Zoning map and said generally in that area. Mayor Wood asked that the site plan be displayed that shows the connection. Mr. Acenbrak displayed the site plan and pointed out the green dashed line that is the connection. Mayor Wood asked if that is an easement for the trail connection along the rear of the property and then pointed out a red line along the west side of the property that shows a connection and asked if those are easements. Mr. Acenbrak replied yes. Mayor Wood said the applicant would be granting an easement and asked how wide it would be. Mr. Acenbrak replied that the City requested 12 feet. Mayor Wood asked if the red line on the west side of the property would be constructed or if it is an easement. Mr. Acenbrak replied that is a site issue that is a connection. Mr. Townsend stated that the applicant represented that they would put it in when Big Creek exists and there is something to connect to.

*Council Comment:*

Councilmember Wynn asked about staff's recommendation to put a sidewalk on the inner loop and if the developer has commented on that. Mr. Townsend replied he believes they are in concurrence with putting it on the inner loop.

Councilmember Orlans said he had questions on the variance and asked as far as being up to 50% lot coverage, what would create that. He asked if there are some lots that are just way too small. Mr. Townsend replied they are creating appropriate sized lots that have very appropriate sized homes on them. But, they cover more than the 25%. Councilmember Orlans asked how many lots fall into the over 25%. Mr. Townsend replied probably until the model is chosen for a particular lot but there are not a lot of lots that this will probably impact. He said most of them are probably closer to 30% and the 25% and up to the 50%. Councilmember Orlans said then we don't know where we are going to need it but we know we are going to need it. Mr. Townsend replied we know we need it but we know we are already getting it as a whole in the site plan of 25% because of the way it was developed as townhomes; it is nothing different than what the townhouse development was approved. Councilmember Orlans said he was curious because getting up to 50% is a lot from the first variance of 25%. Mr. Townsend replied that is right.

Councilmember Orlans said we have been requiring sidewalks for quite a while in the City and said as he reads this that the only reason they are asking for the variance is just to eliminate some impervious area. Mr. Townsend replied yes, that is their representation. Councilmember Orlans said then we are not going to worry about it citywide but we are going to worry about it here.

Councilmember Igleheart said one of the largest discussion points at the Planning Commission was about the setback part and specifically where the garage and the cars and all of that fit. Councilmember Igleheart said, "My concern would be where those cars will end up when there is parking and there is how ever many cars are in

there. And just thinking of people who will live there eventually, are you going to end up having cars everywhere. I'll never forget the one behind Walmart now that those cars are stuck in there everywhere on every driveway and on every parking spot and every road. I think it probably would be dangerous getting a truck through there. That is my question, if we feel that is okay." Councilmember Igleheart said his key question is if this is ultimately going to work.

Councilmember Dippolito said with respect to the lot coverage that he has a similar concern to Councilmember Orlans. He said he noticed under the City's UDC which is still a work in process and nonetheless the direction we are headed in. In our 6,000 and 9,000 square foot lots, our building coverage is 55% and 45% for each of those. He asked if that is the same as what we are talking about from a lot coverage standpoint. Mr. Townsend replied very similar. Councilmember Dippolito asked if it is the same terminology. Mr. Townsend replied yes. Councilmember Dippolito said then we are essentially talking about the same thing that we are talking about in the UDC that we are approving here. Mr. Townsend replied right. Councilmember Dippolito asked if there has been any discussion about a five foot sidewalk on both sides of the street. He said he knows they had a request not to have sidewalks at all. He said we intentionally changed the ordinance to have sidewalks on both sides of the street because we think that is important and asked if that discussion has ever been held with the applicant. Mr. Townsend replied that the discussion was held and their request came in as part of their application to ask for relief on both sides. Councilmember Dippolito said his other question is two-part and similar to what Councilmember Igleheart was saying about making sure there is enough room for cars to park. He said he believes there was also a similar situation on Minhinette Drive where houses were set back about 15 feet or 12 feet and the back ends of the cars stick out into the sidewalks and some out into the street. He said also in the UDC, there is a setback requirement just as a general requirement for all residential areas that garage doors have to be setback 20 feet from the sidewalk which is a pretty good measurement to have. He asked if there has been any discussion about that with the applicant. Mr. Townsend replied there has not been any particular discussion related to that but he said he thinks a standard of 20 feet to the face of the garage is a good standard. Councilmember Dippolito said his last item which is similar is that for front loading detached and attached houses also in the UDC, says that the garage door should be positioned 5 to 20 feet behind the face of the house so it is staggered and doesn't end up with a garage door that is in front of the house which he doesn't think anyone likes. He said he thinks that is another good standard as well and asked how that works into this condition with respect to the garage doors because it seems like we have said that the garages will be 15 feet back but it really doesn't give any dimension relative to the house. Mr. Townsend replied that hopefully the applicant can clarify that as part of their presentation.

Councilmember Price said, "Regarding the pedestrian access to the future Big Creek Parkway, do we have any parameters for that?" Mr. Townsend pointed out a location and asked if this is what she is referring to. Councilmember Price said, "Is it like a sidewalk; a 5 feet, 10 feet trail? What is meant by that; it is pretty nonspecific?" Mr. Townsend replied they didn't identify what it would be specifically, but it could be anywhere from a 5 foot sidewalk to a 12 foot multi-purpose path.

*Applicant:*

Don Rolader, present on behalf of the applicant, JEH Homes, LLC stated his address as 11660 Alpharetta Highway, Suite 630, Roswell, Georgia. He said this was an approved site with 94 townhomes that had sat for five years undeveloped. He said Jim Jacobi; principle of JEH Homes, LLC has a great deal of experience in this area and is present tonight. The intention behind this entire application is to build a nicer, better, bigger product and more desirable than they had in place for this. That is the



reason for the reduction. This property is surrounded by a myriad of uses. What they really hope to achieve and what is of the upmost importance is two of the variances. They accept the Planning Commission and staff recommendation on the sidewalk on the inner circle. Their feeling and that of the Planning Commission is it is redundant to put the sidewalk on both sides which increases the impervious surface. With it on the interior circle no one is more than 24 feet of pavement from the sidewalk so they would add impervious surface and make it look more institutional and wouldn't gain anything for the subdivision. In general they are in support of and agree with the conditions that staff has proposed. The two variances remaining are of upmost importance. First, they ask that the front setback be 10 feet and to build the size product they want to build in this area to sell it to people who desire to buy it. In response to Council's questions and the concerns of others, part of that condition is that garages must be at least 15 feet from the right-of-way line. These garages are all designed to be two car garages. So, first they can stack four vehicles without interfering with the right-of-way on this property. Additionally, they have overflow parking spaces on the property from place to place as well. Their goal for this project is to put up homes for first time homebuyers.

Mayor Wood requested that Mr. Rolader display a site plan showing a lot plan with the sidewalk distance and the house location, where he had described the garage as being 15 feet from the curb. He asked him to illustrate to Council what he is talking about.

Mr. Rolader said he had a sketch and displayed it and indicated the roadway at the bottom or in the front; the minimum distance to a garage as shown is 15 feet. The garages are two car garages. He said house setbacks will often be closer to the street as short as 10 feet. He said this is the general concept. Mr. Rolader asked if that helps describe this.

Mayor Wood said to Councilmember Dippolito that this shows the two car garage closer to the street than the porch. Councilmember Dippolito said correct and that is what we don't want. Mayor Wood said to Mr. Rolader that he thinks that is Councilmember Dippolito's concern. Mr. Rolader said the fronts of the houses will vary but there will be no garage by condition closer than 15 feet to the street. Councilmember Dippolito asked how that is in relation to the front of the house. Jim Jacobi replied that the garage from the back of the curb as it faces the garage is going to be about plus or minus 25-27 feet.

Councilmember Igleheart said the concern is that in the new UDC that is being put together, one of the things is front facing garages will be recessed further back than the front of the house so that if the garage is 27 feet then the house would be 20 feet or 22 feet. Or, if the garage is 15 feet then the house should be 10 feet.

Councilmember Dippolito said the UDC is set up so that garages are a minimum of 5 feet back from the face of the house. Councilmember Igleheart agreed.

Mr. Jacobi said two of their homes that will be used in this community, the front of the house and the porch is in front of the garage with the garage recessed back which will enable them to break up the front of the streetscape. In addition, they also use carriage style garage doors with hardware and windows and the styles of the doors are varied to help blend the door into the architecture of the house. Several styles of home plans will be offered that will vary in shape and porches. He agrees he does not like when a garage sticks way out in front of the house. With most houses they try to get as close to flush as possible with the front porch. The plans will vary with the overall look and keep the streetscape appearance more aesthetic.

Mayor Wood said some of the houses will have the garage doors to the rear of the front porch, but the diagram displayed here shows the garage door slightly to the front of the front porch. Mr. Jacobi said that is correct and this is just one of the site plans.

Don Rolader continued with his discussion about the two variances of importance, the one is the setback variance that was just discussed that allows the size house that they need to sell to the community that they are targeting. The second variance is no different from what the first townhome site had. There is an overall coverage on the property of no more than 25%. The reason for that with the old one is it was zoned as one lot which is the way the City did it back then so there was no issue of 25% on the property but 50% on a pad. As Councilmember Dippolito noted in his discussion of the small lots, this is about the same number. They are not asking for anything that wasn't there before; they are just clarifying it so they don't get into a discussion of it once construction begins on the property. He said he has mentioned that the staff conditions are generally acceptable to the developer. He said what is of utmost importance is the issue of how they will access the future parkway. They have provided a place on the site plan for that access and are fairly amenable as to how they do it. They feel that a 5 foot concrete sidewalk with a gate at the exterior is more than sufficient to serve the community. If some of Council feels that a little wider path is necessary as long as they can gate it off, they are happy with that. What is not acceptable to the applicant is the imposition of this multi-use path along the top of the property which would directly impact eight of the lots. From the developer's standpoint, it negates those eight lots. This is a gated community. Its goals are safety and security. A lot of the families will have very small children. If you were to ask yourself if you want the public to be traipsing 18 feet from your back patio door then that is not an answer that most people would be satisfied with. The other point is more realistic; no one has investigated this property and looked at it. He displayed an aerial photograph and pointed out the top northwest corner of the property, the Belcourt property, the Belcourt entrance, and the City trail. There are at least two points of consideration. First, the entire northwest corner of the property is a retention pond that is already there and intended to work throughout the duration of this development. It is right on the property line and it is wet. To the west of it is also wet. In order to have a path on this property at that location, would take in excess of 90 feet of bridge. It cannot be walked the way it is. Mr. Rolader then pointed out the northeast corner of the property where it enters the Belcourt property and said there are at least two issues of concern there. First, any path that crosses in that area would cross the main entrance to the Belcourt property and everyone crossing on the path there would have to risk incoming and outgoing traffic of the apartment complex. He said that is the simpler of the two problems; there is a much more significant problem and pointed out on the aerial photograph, the corner point of the applicant's property to the City trail that is a topographic difference of 45 feet. The property climbs to the Belcourt property and then crosses flat and climbs to the trail way. A traditional trail cannot have this type of topography. There would have to be stairs or something similar in two areas. He said he understands the City wanting a trail way and he is happy to see one but for those practical reasons, this is not the right place for it. To give up eight lots of this property is somewhere in the neighborhood of one million dollars. The City realizing that it charges impact fees and it can't extract it from the developer. More importantly, when looking at the physical reasons, he said he doesn't think the City wants to spend the money to create what it would take to do it there. He said the applicant asks that this site be approved on the conditions proposed by staff including the sidewalk and the place that they have put it and that they have the access the applicant has shown to the future trail way and leave it up to the City if a 5 foot sidewalk is sufficient or whatever they would like to have. They also ask that they have the minimum 10 foot setback with the garages being a minimum of 15 foot setback and that they have the 25/50% rule on the coverage

*which is the same as it was with the other development only it was zoned different.*

*Council Comment:*

*Councilmember Diamond asked if this is going to be fenced all around the perimeter of the property.*

*Mr. Jacobi stated it will not be fenced on all sides of the property. He said the entire road frontage coming down from Old Alabama Road to their gated entrance will all be fenced. He pointed out other areas on the aerial photograph and said they do not intend on fencing that. He said however it may get fenced in the future with future homeowners who want to fence in their yards. He said they do not have plans to fence the three sides of the property, only the main road frontage along Old Alabama Road. Councilmember Diamond asked if that is not a security concern backing up to those apartments.*

*Mr. Jacobi said the biggest security concern is if the trail is imposed, the houses would be anywhere from 18 feet to 23 feet from that trail. Those are considered to be some of their best lots. Right now existing, this subdivision has sat vacant for five years. The pine trees in that area have grown substantially to about 15-20 feet tall. They have created a very nice buffer in that area. Especially by the time they begin building houses in that area in about a year, they will be even bigger. He said those are some of the prime lots on this project. He referred to the lot site diagram and said it could be anywhere from 18-1/2 feet from the deck of the house to 23 feet to the face of the house. Their statistical market studies have said if they can build anywhere between 3,000-3,200 square feet, then they will sell for \$350,000. He said their buyers are typically first time buyers and first time move up buyers. They truly believe this subdivision will be a family oriented community. The residents are going to be buying security with the gated access and to have strangers wandering through the backyard immediately 18 feet from the back of the house will definitely impact the security issue, definitely these lots if not the greater access of this subdivision. He said he does not see the apartments as being a security issue but he does see the public or anyone randomly walking 18 feet from the back of the house as a major security issue.*

*Councilmember Diamond said this is interesting because all around the Roswell Area Park, they are getting upwards of \$700,000 for houses that have a trail right next to their house and right behind them. That seems to be an amenity in a lot of markets. But the topography is more of the discussion at this stage. Mr. Jacobi noted it is the topography and the fact that the trail is going to ruin the buffer as well. It will completely eliminate the entire buffer in the back.*

*Councilmember Diamond said you would do the 5 foot sidewalk as part of the development of the southern one. Mr. Jacobi replied yes, the pedestrian access from the community. Councilmember Diamond asked if the 30 foot setback that they presently are under, is that to the right-of-way or to the sidewalk or to the curb. Brad Townsend responded that they think with the prior townhouse development, it was to the edge of the pavement or back of curb.*

*Councilmember Dippolito asked about the detention pond in the back left corner of the property. He said on the aerial photograph it doesn't look like a detention pond, that it looks more like a wet area and said he doesn't see a pond indicated on the plan. He said there is outlet structure in the corner and asked if that is going to be just an outlet or an actual pond.*

*Mr. Jacobi replied there is an actual pond there. To further clarify, it is kind of the last stage water quality pond to make sure they can catch the last bit of settlement that*

may be coming from the two larger ponds. Councilmember Dippolito said then it is a water quality pond. Mr. Jacobi replied yes, it is an active full pond at full pool right now. Councilmember Dippolito said it doesn't show up. He said there is detention pond A and detention pond B. Mr. Jacobi replied those two ponds are the actual detention ponds for the hydra studies to handle the detention. The other pond's main purpose is to handle water quality. Councilmember Dippolito asked staff if they do not require that water quality facilities be shown on plats. Brad Townsend replied it will show up on the plat. He said this is the site plan approval and they have to come back through preliminary plat and it will probably show up just as a depression if there is no water in it.

Mr. Jacobi said to further clarify after working with engineers a little bit more, they have actually cut out that piece of the property. If they move forward and engineer a plat, it will actually be shown as homeowner association owned property. Councilmember Dippolito said then it will be common area property. Mr. Jacobi replied yes sir. Councilmember Dippolito asked if that would be that whole lot. Mr. Jacobi replied no sir. They will form a little triangle that will get cut out and then will be owned by the homeowners association.

Councilmember Orlans asked if they are saying for the retention pond that they are not going to build on lot 25 or 24. Mr. Rolader said no, that a portion of those lots will be removed and added for the water quality pond. Those lots will still remain more than enough size to be buildable. Councilmember Orlans said then they will still build on those lots and still have the detention on them. Mr. Rolader replied that is correct.

Mayor Wood asked someone to address the routing of the trail. He asked Steve Acenbrak if he has a plat that could be shown to describe where the trail is going and how it got routed here and what the other alternatives are. He asked if there is a larger aerial or site plan.

Steve Acenbrak replied he does not but he could make a quick sketch. Mayor Wood said a quick sketch would work for him.

Councilmember Diamond said she believes that Mr. Acenbrak also has some alternatives to the trail and asked if he could show that as well.

Mayor Wood said he wants to look at the routing of the trail and said this is something that has not come to Council and hasn't been discussed. He asked if this is the best route or if there are alternate routes that need to be considered.

Mr. Acenbrak displayed a diagram and pointed out GA400 and Old Alabama Road and the applicant's property. He pointed out where Big Creek Parkway will connect to Holcomb Woods Parkway. He pointed to approximately where Holcomb Woods Parkway will connect. Mr. Acenbrak sketched out on the map and said if Old Alabama Road were extended and indicated where Holcomb Bridge Road is located. He then sketched out Holcomb Woods Parkway. He pointed out where Big Creek Parkway will travel and then eventually cross GA40. He then said this is generally the alignment of the road and trail network. Mayor Wood said that is the road network and asked him to describe the trail network. Mr. Acenbrak said the trail will be parallel to that road. It will be a complete street. Mayor Wood asked Mr. Acenbrak to talk about the connection between this road and the Big Creek Parkway. He asked him to point out the location of Big Creek. Mr. Acenbrak pointed out the creek. Mr. Acenbrak then pointed out the area of the park. Mayor Wood asked what the circle on the diagram is indicating. Mr. Acenbrak replied this is the existing trail system. Mayor Wood said that is not roads, that is the mountain bike trail. Mr. Acenbrak replied no, this is actually Big Creek Park. He said the mountain bike trails

are in the wooded area.

Mayor Wood asked him to point out the parking lot for the Big Creek Park. Mr. Acenbrak pointed out the parking lot off of Old Alabama Road and said there is an access road that runs down along the power line easement and then comes over and connects to the trail. Mr. Acenbrak pointed to an area on the diagram and said this is the destination where people will want to go from one side to the other side. Mayor Wood thanked Mr. Acenbrak and said he has his orientation. He referred to the diagram and pointed out a line coming from the circle and said that is where the trail connects to the parking lot. Mr. Acenbrak replied yes sir.

Mr. Acenbrak said the intent of the trail system was to basically connect the west side of GA400 and for those people to be able to cross GA400 without getting onto Holcomb Bridge and as well there is no real bike facility and he then pointed out an area on the diagram where they would access the trail system. Mayor Wood said then we are looking for a way to connect Big Creek Trail up to the north to the trail system that is indicated in the loop on the diagram. Mr. Acenbrak replied that is correct. He then referred to an area on the map and said that is their concept for the fastest path from the Big Creek Parkway to the trail system. He said they knew it would be running between the Belcourt properties and the new development. Mayor Wood asked if staff had considered routing a trail north of Belcourt Apartments. Mr. Acenbrak replied yes, they had two alternate alignments. One would run immediately north of Belcourt and another even farther north of Belcourt. Both essentially point to the trail network but would hit it at a different location but would still substantially fulfill the requirement of connecting the trail to the park.

Mayor Wood said that he has walked this property in the winter wading through some swamp and said his personal preference, not having engineered it, he doesn't like walking or bicycling up hills. With that in mind, he thinks the northern route would be more suitable because it does not climb a hill and it is through a completely undeveloped area right now. He said from the typography standpoint, one could get from Big Creek Trail across the power line cut north of Belcourt and there are some wetlands to cross but from experience, it is positive being in the wetlands, closer to the creek, it is a much nicer environment rather than following a power line cut which is where he never wants to be versus in the woods. He would much rather take the northern route, not looking at the engineering cost but considering the typography and looking at fewer hills.

Councilmember Dippolito asked if staff has had any discussions with Belcourt Apartments with respect to running a multi-use trail across their main driveway. Mr. Acenbrak replied they have had discussions. They have been in this for a couple of years now. He said he doesn't feel like they have a solid point of contact because they keep changing. He said one person they talked to loved it and another has only been there for two months. He said however, they are working through it with Belcourt. They are aware of it but the decision maker has not been identified who can come forward to make a decision whether they are for or against, so it is just in progress.

Councilmember Orlans asked Mr. Acenbrak if he could rate these three trails according to his preference. Mr. Acenbrak said that typography is going to be a challenge in this area. He is comfortable they can work through it. Crossing the road is really not an issue that can't be overcome. If the three trails were rated, this would be number three being the least desirable of the ones that have been proposed. There are two northern routes that are longer but will be more rustic and scenic and a better experience for trail users.

Councilmember Igleheart said relative to that and not so much the ranking, asked Mr. Acenbrak if they have looked at any of the possible engineering costs if they have to cross things on any of the three routes. Mr. Acenbrak replied no sir, the location of the bridge over GA400 is far and away the bigger issue and these are way down the priority list. There are property impacts and wetlands and other things and staff is not far enough along to have that. He said he has done a value judgment on the three connections and thinks if this doesn't happen it will not be a killer as far as access to the park; they can still make that work.

Councilmember Price said, "In looking at the resolution and I guess this is the relatively new format that we have gone to; it looks like the Whereas's incorporate the variance requests but not in strict definition. I don't know how Councilmember Diamond plans to make the motion. But, it doesn't look like the variances are well spelled out. I'm hoping the motion is going to be more in detail than this resolution."

Councilmember Igleheart requested that the drawing with the sidewalk be put back on the overhead. He said his question is the same as it was before and asked how much space there is on the drawing between the edge of the sidewalk and the front of the garage. He asked if a car will fit between the garage and the sidewalk. He said the point is, why put a sidewalk there if all the cars block the sidewalk.

Mr. Jacobi replied that a stereotypical parking space is 19 feet deep and if the sidewalk is 5 feet that means 25 feet, plus a 2 foot grass strip. So we are at 27 feet right now so there is ample room for the car to park in the driveway and not overhang a sidewalk. Councilmember Igleheart said that is his point; if it is done on the inside loop where the sidewalk is, would that work for the building coverage because you have to do that or what is the point. Mr. Jacobi said it will work. Preferably they would like to have no sidewalks but they will gladly include it and make it work. Councilmember Igleheart asked if that is part of the existing variance or do they need to make that specific to that internal loop to have that space.

Councilmember Orlans said back to what we talked about before; going forward working with the new zoning ordinances, one of the things that came up on front facing garages is trying to always have them recessed from the front wall of the house a minimum of 5 feet. He said that the applicant had stated some of their plans do that and others don't. He asked if that is a stipulation they could live with in making them look that way. He said again, if they are coming in a year from now it would be a requirement.

Mr. Jacobi said his concern with this stipulation is that they like to let the market pick their homes. They believe this community is going to be largely a pre-sale community for people picking their houses and lots. They will offer the two plans and will have the one with the front of the house with the recessed garage. They don't know how the market is going to go and which house plan is going to be the most popular. That kind of restriction that says a certain number have to be built that way would be overly restrictive to them and would impact their sales and the full range of marketability of the site.

Councilmember Diamond asked if the applicant said they have two plans that have recessed garages. She asked how many plans they have totaled. Mr. Jacobi replied that they will offer seven to eight plans in the community. Councilmember Diamond said then the majority would not be recessed. Mr. Jacobi replied that is correct. Councilmember Diamond said because the applicant would not want everyone to choose from only those two, they would want them to pick a variety. Mr. Jacobi replied the good thing about a lot of their plans is that they drastically change the front elevation of every house and the exact same house can be next to each other

*and they will not look like the same house and it is the same way with the two plans with the recessed garage; the two elevations look drastically different.*

*Councilmember Price said, "The prior proposed development there was approved by us. Is that correct?" Mr. Townsend replied, "As part of a settlement agreement." Councilmember Price asked, "How dissimilar is this site plan to that one?" Mr. Townsend replied that the similarities really only differ in the product of the housing provided. The 94 units that were approved as part of the settlement agreement were an attached product of townhomes that were groups of 4-6 buildings together. The road structure is the same and all the other infrastructure including detention and open space areas are in the same location. Councilmember Price said, "How about as the variance is requested this evening?" Mr. Townsend replied, "The variances are only requested related to the...I don't believe it was a sidewalk at all in that development." Councilmember Price said, "Were those same setbacks in the prior plan?" Mr. Townsend replied that the prior plan pushed the townhomes back from the street but they were smaller in depth. Councilmember Price said then these are a larger structure. Mr. Townsend said they are a larger footprint. Councilmember Price said that accounts for the percent coverage as well. Councilmember Price said, "Really the issue that is different is the setback and whether or not there are sidewalks." Mr. Townsend said and that this is a detached separated product.*

*Mayor Wood asked for public comment. There were none. He asked for further Council discussion.*

*Councilmember Dippolito said he likes the idea of going to a detached house product. The single family homes versus the townhomes are a step in the right direction. There are a few things that are important to this that are not quite being achieved and he would like to see us have. He said he had already stated a couple of those and one is having sidewalks on both sides of the street which is important. He said he lives in a 76 unit subdivision which is actually a little smaller than this property and they have sidewalks on both sides and a lot of people moved to that subdivision because it has sidewalks on both sides. He said it encourages people to walk which is important. Generally, he had mentioned some of the comments about the UDC and the code is being reworked. To the extent that they can adhere to that code with this development and other developments that are coming forward as much as possible now even though it is not in place yet, that is the direction that we are trying to head. Starting to make exceptions to the direction that the City is trying to go is not what we want to do. What we want to do is get as close to that code as possible. Right now the City does not have a code that adheres to this plan in any form or fashion. The things that are important there are that the garage doors should be 5 feet behind the front plane of the house or more and that the garage door should be set back 20 feet from the sidewalk. He said he realizes that there may not be enough people agreeing with him on the sidewalks on both sides so if there is not 20 feet from the sidewalk, then it should at least be 20 feet from the curb so there is enough room for a car to park. He said not everyone is going to park their car in the driveway but enough people do and there have been issues in the past with developments that were approved where that wasn't provided for. He said he thinks that is a critical piece of this. He said he would like to see those elements; otherwise, he likes the direction this is heading.*

*Councilmember Wynn said she doesn't live far from this development and she is glad to see that someone is coming in and doing something about this piece of property. She said she also has concerns about sidewalks not being on both sides but said she could compromise on the inner loop and at least there will be some sidewalks. She said she lives in a subdivision that has no sidewalks and it is not good for people to be walking on the street. She said she can compromise with the inner loop and*

*thinks that is good. She said she cannot see any reason to put a variance in or the easement to take from the trail because she said Mr. Acenbrak is right that there is a more appropriate place to put the trail. She said she is concerned on the UDC that they have been working very hard on. One of the problems in the past with the City is that the UDC was so convoluted and complicated and stupid. She says when you are looking at one thing and it contradicts something else, it contradicts something else. Maybe stupidity is not the word but it was very convoluted. She said the only thing she is balking on is the garage doors and where they are situated. She said she would like to see at least a 5 foot indention so that there is parking. She said this is what they are looking at for the UDC and that is really the only thing that she is concerned about which is having the garage out further than the front plane of the house. Everything else she is okay with.*

*Councilmember Price said she wants to clarify one more time. She said, "If a car is parked in the driveway according to the request that we are discussing, the car could cover the sidewalk." She asked if that is correct. Mr. Jacobi replied not if they were pulled all the way forward but it would be possible if they were parked out at the end of the driveway.*

*Mayor Wood asked for clarification under the applicant's proposal as they requested, what would be the minimum distance between the garage door and either the sidewalk or the street. Mr. Jacobi replied that it will be a minimum 19 feet to the edge of the sidewalk. Mayor Wood said then it will be a minimum of 19 feet. Mayor Wood thanked Mr. Jacobi.*

*Councilmember Orlans said he is convinced that Mr. Acenbrak has come up with other alternatives for the easement to go across to Big Creek Park and he can work with that. He said he could also work with the sidewalks only being on the inner circle, not necessarily being on both sides of the street. He said as has been mentioned by others, he would like to move towards the UDC when trying to do front facing garage properties. He said he has never been a fan of front facing garages although it sounds like the developer is going to do this right with the carriage doors that will make them look good. He said the one thing he would like to see on this property is if they can work with the City's approach on the UDC and what they are trying to go forward with in the future with the garages.*

*Mayor Wood asked Mr. Rolader if he has any final comments before hearing a motion. Mr. Rolader said his client understands the garage alignment better than him and he asked Mr. Jacobi to address that issue.*

*Mr. Jacobi said as far as the garage, one thing to keep in mind is that they are not developing this property. This is not a raw land piece of property. It is developed for an entirely different type of product. The streets are in and they have benchmarks that cannot be recreated. He said if this was a raw piece of land that could be engineered from scratch he would have done it completely different. He said not that it is done wrong, it is just done differently. He said with that he has product constraints. He pointed to an area on the aerial map and said they cannot commit that they can do this side of the lots where the house has the recessed garage. He said the uphill side of the site has severe slopes that they must contend with that are very restrictive. He said hopefully one day he could come back to Council with a different project with different circumstances that could be worked the way Council wishes. He then asked Council to consider allowing the recessed garages only in the area he pointed out.*

*Mayor Wood asked for clarification if what is causing the problem is because of the topography and the uphill slope and if the garage is put further back then it is further*



up hill. Mr. Jacobi said no sir; it is just the way that the plans are done. He said the building envelope for the houses along the top is a less deep plan.

Councilmember Wynn addressed Mr. Jacobi and said she thinks the reason he is asking for this is because the infrastructure already exists on this piece of property. Mr. Jacobi replied yes. Councilmember Wynn said because the infrastructure is already there, i.e., the utilities, sewer, and roads is what is restricting the designs of the houses than if they had come in and designed it from scratch. She asked if that is what she is hearing. Mr. Jacobi said yes for the most part and for example it is a lot a function of grading. He said the grade of the road is set. He pointed to an area on the aerial map and said going from one point to another and then referred to the house plan and displayed it. He said for example, a lot of the plans for the garages are a little bit forward and pointed to a front porch on the plan. He said the front porch is not set way back with an obtrusive garage sticking out. He said this not a less aesthetic type house. He said the biggest difference is that a lot of the homes will have the covered back porch incorporated into the footprint of the house. He said for example, there are other homes where the front porch is recessed and the back deck, porch or patio extends beyond the house. He said often times the back yards are 10 feet deep and they need every foot they can get on the top end of the site because of the topographic changes that exist.

Councilmember Diamond asked if there is a way to work with the front setback to make that work. Mr. Jacobi said then the car is going to be overhanging the sidewalk. Mayor Wood said no, if the garage door is at the same distance as shown on the plan but bring the house even closer to the street, the porch closer to the street. Mr. Jacobi said that is what the recessed garage plans do and that is maintaining the minimum 15 feet to the face of the garage but the house is coming forward. Mayor Wood asked what the setback to the house is. Mr. Jacobi said to the face of the house or to any portion of the house, is 10 feet but to the garage is 15 feet is what they are requesting so it meets their product that has the recessed garage which does have the neo-traditional type feel. Councilmember Diamond asked if that is 10 feet from the sidewalk. Mr. Jacobi replied no it is from the right-of-way so then there is an additional 12 feet to the back of curb.

Mayor Wood said to help understand this, the design where the garage is recessed would work but there wouldn't be as many options on design and asked if that is what he is hearing. He then said on the uphill side. Mr. Jacobi said that would be extremely restrictive just given the site conditions. He pointed to another area on the map and said he has a little more freedom there because it is all downhill grade. Mayor Wood said he is still trying to understand this. He asked Mr. Jacobi to display the site plan with the recessed garage. Mr. Jacobi said he did not have that plan. Mayor Wood asked him to sketch it.

Mr. Jacobi sketched a plan and said they have two plans, the Curtis and the Walker. He pointed to an area in blue on the plan and said it represents how the house is forward of the garage 5 feet. He said the big difference in these homes is how the deck and the patio work off the back of the house and then the overall footprint and total depth that is needed plus some sort of back yard actually grows.

Mayor Wood asked Councilmember Dippolito to assist with an explanation. Councilmember Dippolito said he will do his best but he is not sure what the question is. Mayor Wood said he wants to know if there is a way to take the product that shows the garage to the rear of the front porch and make it work because he said he does not really understand the limitations. Councilmember Dippolito said it is not as simple as sliding the right half of it forward.

Mayor Wood said that Mr. Jacobi has a plan showing where part of the house is in front of the garage. He asked if we used that same plan on all of these sites would it work. Councilmember Dippolito said he thinks it would.

Mr. Rolader said he would try to explain. He displayed the property site plan and pointed the side of the property where it goes up hill from that point. He said to dig back into that existing bank which has already been graded causes them some heartburn if they can't make some of those products flush. He said to get the house in there, if they have to push the garage back 5 feet, they are pushing some of those houses into that dirt hill. He said they don't have a setback problem; they have a topography problem. He said that side particularly is causing the problem. He said the other side where it drops away is not a problem.

Councilmember Dippolito said then it is not because you can't do it, there would just be an additional cost of having to do additional grading. Mr. Rolader said that and how much sense it makes and what kind of product you get at the end. He said it depends on how severe the bank is behind what is constructed at that point in time is an aesthetic problem. Councilmember Dippolito said right because there is a point where the rear slope would be too extreme. Mr. Rolader said yes it could be too extreme.

Councilmember Diamond asked what about the middle. Mr. Jacobi said he could work with the middle. He said not having this site fully engineered he feels like he is stepping into a big bear trap there. He said he wished he already had all of the LDP plans completed; he could then answer that exactly. He said he can commit that they can do the far side as he pointed out on the site plan. Mayor Wood asked if that would be on both sides of the road on the far side. Mr. Jacobi said it is a single loaded street so they would come all the way down as indicated on the site plan where they would begin and said they could commit to doing it on that side.

Councilmember Diamond asked Mr. Jacobi if they would like more time to look into this. Mr. Jacobi replied no, they don't want to defer. Councilmember Diamond thanked the applicant.

Councilmember Dippolito said on the property line to the right there is a lot of open space and asked what that is to be used for. He said there are two triangles of open space shown.

Mr. Jacobi said they will be grading that slope back and said that is the highest point on the site which is up against the property line. He said the way the site was developed was for a three-story townhouse and the three-story faced the front of the street and would be two-story on the back of the house. He said there is 10 feet of dirt that has to come out of there. He said not only that but their houses are bigger and that bank has to be laid even further back. He pointed to an area on the map and said if he has to do anything there he will have to get a grading easement from Belcourt and take out all of the huge trees and said he doesn't think anyone wants that.

There was no further Council discussion. Mayor Wood asked for a motion.

First Motion: Councilmember Diamond made a motion for approval of this amendment of the site plan RZ12-08 & CV12-03, 1580 Old Alabama Rd., JEH Homes, LLC/Bank of North Georgia, Land Lots 611, 612 with the reduction of the front setback from 30 feet to 10 feet with the garages to be a minimum of 15 feet from the right-of-way. The lot coverage not to exceed 50% on each lot with a minimum of 25% overall with the following conditions:

1. The owner/developer shall develop the property in accordance with the site plan stamped "Received February 20, 2013 City of Roswell Community Development Department."
2. A preliminary plat for the property shall be required prior to the issuance of a Land Development Permit.
3. A final plat shall be recorded prior to the sale of any homes.
4. A 5' sidewalk to be added on the inner-loop of the development with a 2' landscape strip to be installed prior to the sale of the homes. The words "or less" was deleted from the original recommended condition.
5. The owner/developer shall install a pedestrian access from the development to the future Big Creek Parkway. A gate to be left to the discretion of the developer. The access shall be shown on the preliminary and final plats.

Second to First Motion: Councilmember Orlans.

Further Council Comment:

Councilmember Igleheart said he would like to clarify that on the inner loop with those dimensions that it gives the space to have the car outside of the sidewalk.

Councilmember Diamond said she doesn't know that she addressed the inner loop sidewalk and that she needs to add that.

Mr. Townsend said that the sidewalk is all going to be in the right-of-way and setback is measured from the right-of-way in; so there is going to be at least a foot gap of grass on the other side of the sidewalk before measuring the setbacks for the house. Councilmember Igleheart said that then provides the space needed. Mr. Townsend replied yes.

Councilmember Dippolito said this is his third time saying this but he would only support having 20 feet for a car from the garage to either the face of the sidewalk if there is no sidewalk then to the face of the curb so there is room for one full car length in the driveway. He said he would also support the garage being at least 5 feet behind the front wall plane of the house. He said he understands Mr. Jacobi's issue about the slope but it seems the grading is only applicable between lots 33-51 on the east property line. He asked Mr. Jacobi if that is where the grading issues are. Mr. Jacobi replied lots 32-57. Councilmember Dippolito asked if there are also grading issues on the front of the property. Mr. Jacobi replied yes; that is the entire uphill side of the site. Councilmember Dippolito said he knows it drops down but it is hard to visualize how a house would fit into that. He said you wouldn't be able to push the house far enough back. Mr. Jacobi said their issue is that the slopes are crashing into the back of the house so he has to push those slopes further up the hill. There is actually less room to work with right at the entrance. He referred to how the sewer line comes into the back of the lots and said the sewer line is about 10 feet higher than the pat. He said he has to take out the sewer line and bring a slope straight on down.

Councilmember Dippolito said he thought he understood this but perhaps now he doesn't. He said the grading doesn't really impact where the front of the house because if there is enough room to put a car in the driveway that sets where the garage is going to be essentially if it is 20 feet back. He said then regardless of what plan you use, the garage is always going to be setback 20 feet which will automatically push the house back. If the other side of the house where the porch is, is forward actually gives you more of an opportunity not to have a grading issue. Mr. Jacobi said all of their plans where the garage is forward, the patio and the deck extends further out and with that he is trying to create some sort of backyard for the residents; whereas on the other site plan, the porch could be incorporated within the

building envelope and he has to go an extra 10 feet to get a patio or a deck in there. Councilmember Dippolito said then the house itself is deeper. Mr. Jacobi said just for the fact of the accessories at the end of the house. Councilmember Dippolito asked if he could fit those house plans 20 feet between the garage and the curb on those properties. Mr. Jacobi said if they went from the curb to the face of the garage then the issue they have is they only gain 7 feet. With a 2:1 slope at 7 feet you only gain 3 vertical feet so that only adds 7 feet to the backyard and that is really not going to get it. If you only gain 7 horizontal feet and 3 vertical or 3.5 at the best, then only 7 horizontal feet are gained to transfer to the backyard. Although every foot is precious to have the backyards as big as possible, to get technical, that is not going to be enough. He said he needs the ability to use the front with the garage forward homes anywhere on the site excluding lots 1-25. On lots 1-25 he can make the commitment to use a forward house. He said that is still market restricting. Councilmember Dippolito said he understands there is a difference in what people like. He finds it hard to believe that people would rather have their garage closer to the street but that is a personal preference. He said he still does not understand how there is an issue on the other lots. He said he understands with lots 32-57 but he is not with him on the other lots. Mr. Jacobi said he is trying to get as much of a useable and desirable backyard as possible on all of the homes.

Councilmember Orlans asked Councilmember Diamond to clarify in her motion what she said about the garages and setbacks.

Councilmember Diamond said she had in there that the original agreement was 30 foot setbacks for all of the houses. This would create a 10 foot setback with a 15 foot garage setback. That can be adjusted to lots if that is someone's preference.

Mayor Wood said he thought he heard a 20 foot minimum setback for the garage door. Councilmember Diamond said 10-15 and they had talked about 5 in between. She said he is right, a 10 foot setback for the house and a 20 foot setback for the garage. Mr. Rolader said he thinks the condition stated a reduction to 10 foot for the house with 15 foot for the garage. Mayor Wood said the garage could be as close as 15 feet to the right-of-way. Councilmember Diamond said they could make it 20 feet on the side with the sidewalks. Mr. Rolader said the sidewalk is in the right-of-way.

Councilmember Diamond said the condition was going into the right-of-way. She corrected herself and said going into the sidewalk. There is a difference, if there is no sidewalk there, if you are in the right-of-way.

Councilmember Orlans said the sidewalk won't matter because the sidewalk is in the right-of-way so it will still be the same dimensions from the right-of-way back. He said to Councilmember Diamond then the answer to his question is that she did not address the garage front back. Councilmember Diamond said correct. She said her motion was to have it back but if someone wants to amend it for a percentage or certain lots then she is open to that suggestion.

Mayor Wood said she could change the motion or she could wait for an amendment. He asked if she would like to make a change. Councilmember Diamond said she wouldn't know where to start with the numbers. Mayor Wood asked Council if they have anything to propose to Councilmember Diamond so they will not need to vote on a first and a section motion. Councilmember Orlans said they need to first clarify the setbacks. He said he would amend it to make the garage further back than the plane of the house on lots 1-25.

Mayor Wood asked Councilmember Diamond if she was in agreement with amending her motion to say that the lots 1-25 that the garage would have to be setback a

*minimum of 5 feet from the front of the house.*

*Mayor Wood said that is a motion and a second. He asked if Mr. Rolader could live with that. Mr. Rolader replied, yes sir.*

*Councilmember Orlans said the main reason for that is because this infrastructure is already there and because it is setup all the way. He said he wouldn't try to do this if it was new or something different.*

*Councilmember Diamond asked if he was saying from the sidewalk or from the road. She said lots 1-25 is not on sidewalk so it is the right-of-way.*

*Mr. Townsend said that everything on the front properties to the house and the garage is measured from the property line. He showed the existing cross section for the right-of-way. He said looking at this graphic and pointed out for example the outer loop and the inner loop. He said the sidewalk is going to be placed in the right-of-way and he pointed out the location on the graphic. He said it would be a 5 foot sidewalk around the inner loop of the development. There is actually 10 feet from back of curb to the property line and a 10 foot utility easement. The structure has to be out of that utility easement one way or another, so what you are asking is to push the front garage. He pointed out the house and the garage location back 10 more feet. He said if that is the design you are looking for in pushing that.*

*Councilmember Dippolito said then the house would be 30 feet from the back of curb. Mr. Townsend replied yes. Councilmember Dippolito said he thought they were trying to say something a lot closer than that. Mr. Townsend said he put the graphic up because he doesn't think they comprehend that the curb to curb location of the right-of-way with no sidewalk provides a lot more depth.*

*Mayor Wood said starting from ground zero, the applicant is asking for the setback from the right-of-way to the front of the house would be 10 feet. He said that would actually be 30 feet from the curb. Mr. Townsend replied it would be 20 feet from the curb. Mayor Wood said it is 20 feet from the curb and 10 feet from the right-of-way. Mr. Townsend replied that is correct. Mayor Wood said it is a 20 foot setback from curb is what the applicant is asking for the house, not 30 feet. He said the sidewalk doesn't change anything. The sidewalk goes within the right-of-way. It is still measured 10 feet from the right-of way whether the sidewalk is there or not.*

*Councilmember Diamond said when they started talking about the UDC; the wording is worded from the sidewalk. Mr. Townsend replied correct, that is a change.*

*Mayor Wood said today we are talking about a 10 foot setback from the right-of-way which doesn't change whether there is a sidewalk or not. Councilmember Diamond said then we are back to the 10 foot setback with the 15 foot garage on "x" number of homes. She asked for input on what that percentage would be. Mayor Wood said it would be lots 1-25 where the garage would be setback 15 feet from the right-of-way.*

*Councilmember Diamond said she thought that was one of the conditions suggested by the applicant for the entire subdivision. She asked where number 6 came from on the conditions sheet. Mr. Rolader said he added number 6 when he sent it to Mr. Townsend just to clarify.*

*Councilmember Diamond read, "The front setback reduction variance is approved with the garage as a minimum of 15' from the right-of-way." Mr. Rolader said that is correct if they move the house up to 10 feet from it. Councilmember Diamond said, "Right." Mr. Rolader said we wouldn't have to. What some of the other*

councilmembers were requesting is that all of the garages be at least 5 feet behind the front of the house. There are places where we can do that and places where we can't. That's the difference. On the west side of the property that is not a problem because we are going downhill. So, we are saying a minimum 10 foot for a house and 15 foot for a garage everywhere setback from the right-of-way. But, if you are saying that all garages have to be 5 more feet behind the home that complicates us except on lots 1-25.

Mayor Wood asked Councilmember Diamond to repeat the motion with the change from the top.

Councilmember Diamond repeated the motion.

*Motion Restated:* Councilmember Diamond made a motion for approval of this amendment of the site plan RZ12-08 & CV12-03, 1580 Old Alabama Rd., JEH Homes, LLC/Bank of North Georgia, Land Lots 611, 612 with concurrence variance for minimum lot coverage to go to 50% with a minimum of 25% overall. The front setback variance of 10 feet with a 15 foot minimum garage setback or a minimum 5 foot from the front on lots 1-25. On the rest of the lots the front setback reduction variance is approved at 10 feet with the garages to be a minimum of 15 feet on the remainder of the lots, with the following conditions:

1. The owner/developer shall develop the property in accordance with the site plan stamped "Received February 20, 2013 City of Roswell Community Development Department."
2. A preliminary plat for the property shall be required prior to the issuance of a Land Development Permit.
3. A final plat shall be recorded prior to the sale of any homes.
4. A 5' sidewalk to be added on the inner-loop of the development with a 2' landscape strip to be installed prior to the sale of the homes. The words "or less" was deleted from the original recommended condition.
5. The owner/developer shall install a 5 foot pedestrian access shown on the location on the attached exhibit identified as zoning condition sketch 3-8-13. An access shall be shown on the preliminary and final plats.

Mayor Wood asked Councilmember Orlans if he reaffirms the second to this motion.

Councilmember Orlans said he thinks they are there and primarily this is going with the setback but as he was trying to say earlier, it doesn't matter what they were as far as where the garage faces and the plane of the house. He said he thinks Councilmember Diamond had covered everything and with lots 1-25 the garage will be recessed back from the plane of the house with a minimum on those lots and it is a free for all based on the market for the remainder because of the existing structure.

Mayor Wood said there are a motion and a second. He asked for further Council discussion.

*Further Council Comment:*

Councilmember Price asked if this is what these houses are supposed to look like or is this just a similarity. Mr. Jacobi replied it is a similarity and then displayed examples of other plans on the overhead. Councilmember Price said, "What concerns me is if the garage is recessed which I understand is a design element that we are looking for in general; I'm not sure it is going to fit with this in terms of your gables and your roof structure. It may look silly and I hate to be over analyzing this when none of us except for one is an architect up here."

Mr. Jacobi said he would like to give some history on their company. He said the company was founded in 2007 just as the market was starting to crash.

They have not only endured but have thrived throughout this entire recession, having doubled almost every year since. Last year they closed 168 houses and this year to-date already has 125 on the books. They understand their buyer and understand the market extremely well. He referred to a house plan on the overhead and said the response from just this one plan alone is extremely popular and there has never been any negative feedback on the garage. Councilmember Price said it is aesthetically pleasing even though the garage is a snout garage. She said she doesn't have a problem with that and recessing it in that style house may be a foolish goal. She said she has no problems with the garage sticking out in front. She said she doesn't know how that changes anything that they have been describing. She asked if they are able to work it either way. Mr. Jacobi said it is restrictive on lots 1-25. Mr. Rolader said the way the conditions are presently proposed gives him enough leeway to do what he needs to do. He has restricted lots 1-25 as to what will be in the front and the rest of it he can work with so it is okay.

Councilmember Dippolito said he agrees with Councilmember Price that it would be foolish to try to take this house and convert it to the garages in the back but said he didn't think they would do that; they would need a different plan. He said he still thinks they are departing too much from the UDC and with a little more work they could get there. He thinks they are very close and would love to see this plan worked a little more and some house plans brought forward that are more consistent with the UDC. He said he does not support this as shown but he thinks they are very close and wishes they could get there.

Mayor Wood said there are a motion and a second. He asked for further Council discussion. There was none.

A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this be approved. This approval is for a site plan amendment with concurrent variances for lot coverage up to 50% with a minimum of 25% overall; reduction in the front setback from 30 feet to 10 feet for lots 1-25 with the garages to be setback a minimum of 5 feet from the front plane of the house; and on the remainder of the lots the front setback shall be 10 feet with a minimum of 15 feet for the garages. This allows for 81 single-family attached homes and is subject to the following conditions:

1. The owner/developer shall develop the property in accordance with the site plan stamped "Received February 20, 2013 City of Roswell Community Development Department."
2. A preliminary plat for the property shall be required prior to the issuance of a Land Development Permit.
3. A final plat shall be recorded prior to the sale of any homes.
4. A 5' sidewalk to be added on the inner-loop of the development with a 2' landscape strip to be installed prior to the sale of the homes.
5. The owner/developer will install a five foot pedestrian access shown on the location on the attached exhibit identified as zoning condition sketch 3-8-13. The access shall be shown on the preliminary and final plats.

Council Members Diamond, Wynn, Igleheart, Price and Orleans voted in favor of the motion. Council Member Dippolito opposed. The motion carried by the following vote:

In Favor: 5

Opposed: 1

Enactment No: R2013-03-12

**6. RZ12-09, CV12-04, Pine St. @ Chattahoochee, Prime Interest, Inc. Land Lot 382. [Applicant has requested deferral to the March 25, 2013 Mayor and Council meeting]**  
*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Councilmember Diamond introduced this item and said that the applicant has requested deferral of this item to the March 25, 2013 Mayor and Council meeting.*

*Planning and Zoning Director Brad Townsend said if this item is going to be deferred, he will not go into the details of the application unless Council has questions.*

*Motion: Councilmember Diamond made a motion to defer this item, RZ12-09, CV12-04, Pine St. @ Chattahoochee, Prime Interest, Inc. Land Lot 382 to the March 25, 2013 Mayor and Council meeting. Councilmember Wynn seconded.*

*Mayor Wood asked for public comment.*

*Public Comment:*

*Bonnie Lege stated her home address as 365 Chattahoochee Street. She said she has lived there almost twenty years. She requested that Council completely deny this proposal for this property to be built on. She said there have been too many developments in their neighborhood and what is being proposed are too many homes on a very small piece of property that will affect their property values. That piece of property is just too small for sixteen homes to be put at the top of that hill. She has seen the environmental impact in a negative way due to other developments on their street. They need some green space.*

*There were no further public comments. The public hearing was closed.*

*Mayor Wood said this is a motion to defer and he encouraged the citizens who wished to be heard to come back to the council meeting on March 25, 2013 if the deferral passes.*

*Council Comment:*

*Councilmember Dippolito asked Ms. Lege to indicate her home on the aerial map. Ms. Lege pointed out her address on the map and said she lives on Chattahoochee Street. She said that prior to this development, that John Wieland had built thirty-three homes on S. Main Street and six on Chattahoochee Street. She said also Barrington Gates and the Enclave properties were developed above them. She said that her property has been washed out from the storm water runoff due to these developments. She said she has seen a lot of changes in this neighborhood that used to be a quaint, lovely wooded area and there used to be abundant wildlife.*

**A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this rezoning from R-2 to R-THA with variances at Pine Street and Chattahoochee Street be deferred and be placed on the Mayor and City Council agenda for 3/25/2013. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: R2013-03-17

**7. CU12-04, CV12-05, 275 Hardscrabble Rd., Land Lots 359, 360.**



*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Planning and Zoning Director Brad Townsend presented this item stating the applicant is requesting to use the property for office use and small group meetings. The proposed site plan proposes nine parking spaces and a new pool deck and pool pavilion. Mr. Townsend displayed a zoning map and indicated the single family residential surrounding the property except to the east where there is an existing smaller church and the World Harvest Church. Mr. Townsend then displayed an aerial photograph of the existing structure and indicated the entrance of the driveway on the west side of the property that comes up and circles back with an existing pool, garage area and the home. He displayed another aerial photograph and pointed out the current World Harvest church location indicated by a green outline, a separate church indicated by a yellow outline and the applicant's subject property indicated by a red outline. He then displayed the existing proposed site plan and indicated the parking area indicated in yellow, the proposed addition to the pool area outlined in red, and the existing home on the existing site. Mr. Townsend stated that the applicant is requesting three variances to deal with the existing structure from the setback requirements from the property lines, the existing structure is only 39 feet that normally would be a 50 foot building setback as well as the current driveway does encroach into what would be a 25 feet buffer next to the western property line. He said the applicant is also requesting the reduction of required parking spaces to allow for the office space use dealing with changing it from a home into an office and assembly area. He said that staff had recommended denial of the application dealing with intensification of the property and with parking use; hard to determine for that use; dealing with the pool house should remain a residential use and should not be used for assembly that intensifies and allows for more people on the property than a normal single family home. He said one of the final reasons is the disconnection from the existing site to this location by sidewalk which would allow people to park at the other site and walk to this location. The Planning Commission also recommended denial at the February 19, 2013 meeting.*

*Mayor Wood stated that he believes Councilmember Diamond has a recommendation for deferral.*

*Councilmember Diamond said they could talk about this with the parties involved but she expressed concerns and said there are nine new items for consideration by the applicant. She wants to make sure that the neighbors and everyone involved has a chance to see those and go through them. She said the few neighbors that she knew to contact had not had a chance to see them as of this afternoon. She said she would like to be able to meet with everyone to go through this. She said this has not been talked about at length with the applicant because this recently came about. She said she values the time everyone has taken to come here and that needs to be taken into account. She said she would like to suggest a deferral.*

*Mayor Wood asked if that is a motion for deferral.*

*Motion: Councilmember Diamond stated that is a motion for deferral.*

*Mayor Wood asked if there is a list of the additional conditions proposed by the applicant for the audience and Council to see what they are proposing. Mr. Townsend displayed a list of the conditions on the overhead.*

*Mayor Wood asked if these are conditions that the applicant is offering to add to the conditions that staff is recommending. Mr. Townsend replied yes, that is his understanding that the applicant is stipulating to agreeing to the conditions. Mr. Townsend read the conditions as follows:*

- 1) *The Owner's use of the property is conditioned to the submitted site plan. No other structures may be built or expanded without approval of the City of Roswell.*
- 2) *The Owner may use the existing house for office space and small meetings with a maximum of 25 people allowable on site at any one time.*
- 3) *The pavilion or gazebo at the pool is removed from the site plan.*
- 4) *The existing pool will be brought up to current code. Use of the pool will be limited to alcohol free activities, with a limitation of 25 people maximum, and outdoor use shall end at sunset or earlier.*
- 5) *Exterior lighting on the property shall be directed, placed, and shielded away from adjacent residential properties.*

*Mr. Townsend said these are suggested to be amendments to regular staff conditions as follows:*

- 1) *All fencing and landscaping shall be completed prior to a certificate of occupancy for the change of use to an office occupancy.*
- 2) *The Owner will maintain the current parking area and configuration with a total parking count of nine maximum and refurbish and maintain the natural stone edging along perimeter of parking area.*
- 3) *The Fire Marshal and Chief Building Official shall review all building plans for proper construction and the change of occupancy.*
- 4) *The Owner is not required to add a public sidewalk along the Hardscrabble Road frontage.*

*Mayor Wood asked if this included an additional fence and landscaping between the adjacent residential properties. Mr. Townsend replied he thinks that was part of the original site plan. Mayor Wood said then there will be a fence to screen the view and sound.*

*Second to Motion: Councilmember Wynn seconded the motion for deferral.*

*Mayor Wood stated he would hear public comment on the motion for deferral. Opinions can also be expressed on the main issue itself. He encouraged opinions be held until this comes back to Council after further discussion. He said comments could be made at this time but there will be other opportunity if this motion for deferral is passed.*

*Council Comment:*

*Councilmember Dippolito said typically a conditional use is used with a church in a residential area and this is for use as offices and there was specific language in those conditions about there being a change of use. He said we are not changing the zoning from residential and asked if that is correct. Mr. Townsend replied that the zoning is not changing. Councilmember Dippolito said the zoning would still be residential; the conditional use is for use of church offices. Mr. Townsend replied that is correct. Councilmember Dippolito said he wants to make sure we are not trying to strictly put an office in a residential setting.*

*Councilmember Price said she is wondering about the issue of the sidewalk. She asked if the City has plans to put a sidewalk on this road at some point in the future or is there any sidewalk there on either side of the road. Mr. Townsend replied there is existing sidewalk on the south side of the road and there are plans that he is aware of to widen and put multi-purpose paths on the other side of the property. Councilmember Price asked if that is on the northwest side. Councilmember Price asked if that is not then an issue tonight because of the reasonably eminent activity there. Mr. Townsend replied that he does not know how to define eminent but they were dealing with the sidewalk with this application and felt it appropriate at the time. He said Mr. Acenbrak from Transportation could provide a timeframe on the sidewalks. Councilmember Price said she would like to hear that if possible.*

Transportation Director Steve Acenbrak said there is a project under design now known as the "Hardscrabble Green Loop" which will make a multi-use path between Roswell High School and Sweet Apple Elementary along Hardscrabble Road and there will be a roundabout at the eastern Chaffin Road intersection. There will be a multi-use path, looking at this slide, along the bottom part and a sidewalk along the top part. Mayor Wood asked if he was referring to the top part as being the north. Mr. Acenbrak replied yes sir. Mayor Wood said then there will be a sidewalk on the World Harvest side. Mr. Acenbrak replied yes, continuous along that corridor. Mayor Wood asked if that has been funded. Mr. Acenbrak replied it is funded. Mayor Wood said we have the money and we are in design and asked when construction is anticipated. Mr. Acenbrak replied it is probably still two to three years away because the design has to be completed and go through the Georgia Department of Transportation plan development process. There are also environmental regulations to be cleared, right of way has to be acquired and some utilities have to be moved. It is still several years off but it is an active project that is moving forward through the system.

Mayor Wood asked for further Council questions. There were none. Mayor Wood then said they would hear public comment.

*Public Comment:*

John Carruth stated he is part of the applicant team and is an architect at Millard, Inc. Architects located at 580 Colonial Park Drive, Roswell. He stated his home address as 46 Goulding Place, Roswell. He said they are a little surprised by the motion to defer tonight. They feel they are prepared to speak on this. He said that of the nine conditions they presented, only a couple of them are real changes to what was proposed with the Planning Commission. He said they came to the Planning Commission and heard them and they were concerned about a lack of limitations on what they were proposing. So, they have come to Council tonight with a proposal to add some conditions to limit the number of people that can be on the site at any one time to 25. Also, to limit the number of people who use the pool that exists on the property and to limit the times of day that could be used so that there will not be parties with teenagers. The rest of these conditions are pretty much just tweaking a word or two that the staff had done or as the sidewalk was just discussed. He said staff had recommended that they put a sidewalk and they have said all along even at Planning Commission and in their application that they did not want to have to put the sidewalk because they knew the City was planning to do a sidewalk. Mr. Carruth asked that the applicant be allowed to speak tonight.

Mayor Wood said the Council will first vote on the motion to defer. If the motion fails to pass, then the applicant will have their opportunity to make a presentation. He said anyone can speak on this issue, but he wants people to focus on is whether or not they support or oppose the motion for deferral that is on the floor now.

Charles Fuller stated his home address as 390 Wexford Overlook Drive. Said his property immediately adjoins the property that is in question tonight. He spoke in opposition at the Zoning Committee meeting to this along with some of his other neighbors. They are not prepared for any changes and this has been one of their concerns, the changing nature of the proposal of the church. He requested that Council vote to defer this matter until the neighbors who are opposed have a chance to review these changes.

Erik Nelson stated his home address as 400 Wexford Overlook Drive next door to Mr. Fuller and has lived there for about twenty years. He said as far as the deferral it is

difficult to say because he would like to know to what extent the Planning Commission has taken into account the nine additional items. He was told that the Planning Commission had not seen these additional nine conditions. He wanted to know then if that could affect its decision or its potential recommendations for this ultimately.

Mr. Townsend responded that the only way to get a recommendation from the Planning Commission is for the Council to direct it to go back to them if that is their preference. Mr. Nelson asked if that is something that Council would be looking to do based on some fairly significant changes. Mayor Wood said it is within this Council's authority to do that. Whether they choose to do that is up to the Council.

Mr. Nelson continued and said because it plays a little bit into the deferral process and if that is not going to change, then probably a deferral would not be appropriate. If it is going to be something that the Planning Commission would relook at; he would be interested. Being someone who has lived on the adjacent property for twenty years he has a fairly vested interest and quite candidly the church has been delightful to deal with over the last year and a half that he has been their neighbor and has found them to be very upstanding.

Jeff Gerr stated he is a board member of the Wexford Homeowners Association and that he supports the deferral. He said he just received the list of nine items today and they have not had time to review them. Originally, they stood in support of this initiative then when the Planning Committee came back; their President Travis Burke sent a letter stating that they no longer support this and in fact opposed it. They have not had time to review these items and discuss them with the impacted homeowners and review with the board.

There were no further public comments. The public hearing was closed. Mayor Wood said other public comments could be made at another meeting if this item is deferred. He said if it is not deferred, public hearing will be reopened to discuss the merits.

Mayor Wood said there are a motion and a second to on the floor to defer this item. He asked for further Council discussion.

*Further Council Comment:*

Councilmember Dippolito said it is important for the neighbors to have input into this application and they have had that input and it is obvious that the church is trying to work with the neighborhoods to meet some of their concerns and come up with additional conditions. He said he believes this is headed in the right direction and it should not be forced through when it appears everyone is willing to work together to come up with positive conclusions that meet everyone's goals. He said he believes Councilmember Diamond has some ideas for that. Councilmember Dippolito stated he supports deferral of this item.

Councilmember Diamond said they need to set a date for the deferral. She said they have a choice of March 25, 2013 which might be a push to gather homeowner's comments. She said another option is April 8, 2013 which is the week after spring break for most people.

Mayor Wood noted that he knows that the World Harvest Church would like to hear this tonight but the deferral came from residents of Wexford. Mayor Wood asked the representative from Wexford if he had a preference for the first date or the second date. The representative replied they prefer the second date. Mayor Wood asked Councilmember Diamond what date she is proposing. Councilmember Diamond

*stated April 8, 2013.*

*Mayor Wood stated there is a motion to defer this item to April 8, 2013. He asked Councilmember Wynn if she concurred. She replied, yes sir.*

*Mayor Wood stated that is the motion before the floor. He said before taking a vote he would like to thank everyone who came to the meeting. He encouraged anyone with questions about this and anyone who is in favor of this to meet. He thanked the World Harvest Church for their willingness to compromise and said although they have turned out a lot of people tonight and their heart is in favor of moving forward, working with the neighborhood in the long term will be their best course of action which is the action they have taken so far. Mayor Wood noted that he is in support of Council's deferral if that is the way they vote. He said working things out with your neighbors is always better than having Council decide.*

*Councilmember Price said, "I see a lot of people here and I suspect they have a lot of opinions and they may or may not come back next time. I don't necessarily think that going and working it out in small groups is the way to go. This is our public hearing and I think it is important that we hear from people." Applause was heard from the audience.*

*Mayor Wood stated that the public hearing has been held and they have given everyone an opportunity to speak on the question of deferral. He said they now have a vote on deferral and if the Council votes against a deferral then they will re-open it for public hearing and anyone who wishes to comment on this subject will have that opportunity.*

*Councilmember Igleheart said he appreciates the sentiment and understands the frustration of coming back numerous times. He said however having dealt with issues where the Council has to settle things on the fly; it is a whole lot better to do it in a more reasonably timed approach. He stated that he supports deferral.*

*Councilmember Price said, "I am not saying that we might not get to a deferral at some point this evening. But, I would certainly like to know the reasons that people do or don't support this with or without these changes. I would like to be able to think about those things over the coming days if we defer it. But, leaving it at this level of all we have had input from was whether or not someone wanted to defer as opposed to what they actually think about the issue. I feel like we are wasting time if we go home at this point without addressing something. It just seems silly to me."*

*There was no further Council discussion.*

*Motion Restated: Councilmember Diamond made a motion for Deferral of CU12-04, CV12-05, 275 Hardscrabble Rd., Land Lots 359, 360 conditional use and variance request for World Harvest Church and to place this item on the Mayor and City Council agenda for April 8, 2013. Councilmember Wynn seconded.*

*Mayor Wood called for a vote.*

**A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this conditional use and variance request for World Harvest Church be deferred and be placed on the Mayor and City Council agenda for 4/8/2013. Council Members Diamond, Wynn, Igleheart, Dippolito and Orlans voted in favor of the motion. Council Member Price opposed. The motion carried by the following vote:**

**In Favor: 5**

Opposed: 1

8. **RZ12-10 Text Amendment to Section 15.4.1 of the City or Roswell Zoning Ordinance regarding the exclusion of single family and duplex residential lots from minimum tree density requirements contained in Article 15 Tree Protection. (First Reading)**

*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Planning and Zoning Director Brad Townsend presented this item stating there is existing property that is either pasture or farm land that does not have existing trees on it. The City's code would require them to put a minimum of a 30 unit tree density to that piece of property and this ordinance would give them an out by not requiring the 30 total units but would require some minimum trees and street trees on the property. He said this language was drafted by the Legal Department and said that staff recommends approval of the first reading.*

*City Attorney David Davidson conducted the first reading of AN ORDINANCE TO AMEND SECTION 15.4.1 OF THE CITY OF ROSWELL ZONING ORDINANCE REGARDING THE EXCLUSION OF SINGLE FAMILY AND DUPLEX RESIDENTIAL LOTS OF ANY SIZE FROM MINIMUM TREE DENSITY REQUIREMENTS CONTAINED IN ARTICLE 15 TREE PROTECTION stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:*

*1.*

*The City of Roswell is hereby amending Article 15 TREE PROTECTION of the City of Roswell Zoning Ordinance, Chapter 15.4.1 Minimum Tree Density Requirements, as follows:*

**Section 15.4.1 - Minimum Tree Density Requirements**

**(a) Requirement.** *A basic requirement of this article is that all applicable sites, including all single family and/or duplex residential lots one (1) acre or greater in size, shall maintain a minimum tree density of thirty (30) units per acre. The term "unit" is an expression of basal area, and is not synonymous with "tree". The density requirement must be met whether or not a site had trees prior to development for the issuance of a development permit. excluding single family and/or duplex residential lots.*

*Notwithstanding the foregoing, the Zoning Director may grant an exemption for single family and/or duplex residential lots one (1) acre or greater in size, if the applicant for the exemption demonstrates that the lot has not met the minimum tree density requirements for ten (10) years before the year the application is made and that the lot has never been a part of a previous site plan subject to the tree density requirements.*

*Mr. Davidson noted that if approved this would be the first reading.*

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

**A motion was made by Council Member Diamond, seconded by Council Member Price, that this Text Amendment to Section 15.4.1 of the Zoning Ordinance be approved on First Reading and be placed on the Mayor and City Council agenda for 4/8/2013. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: ORD 2013-04-01

**9. Approval of a Resolution to Adopt the 2013 Urban Redevelopment Plan.**

*Presented by Alice Wakefield, Community Development Director*

*Community Development Director Alice Wakefield presented this item and stated this is a request to approve the Roswell Urban Redevelopment Plan dated 2013. This is the second Urban Redevelopment Plan that takes into consideration property that is located north of Sun Valley all the way to the city limits. This plan encompasses almost all of the commercial property and industrial property located north of the City. This plan is a requirement for submittal for an opportunity zone. Staff asks that Mayor and Council approve the plan so staff can forward it on to the Georgia Department of Community Affairs (DCA). One of the things that came up at the Committee was that Councilmember Price asked that on the introduction that the reactivation of the DDA be included. They will make sure that change is made prior to submitting the document to DCA.*

*Council Comment:*

*Councilmember Diamond asked a question on page 11 of the plan under Parcel Acquisition. It reads, "There will be no condemnation except as allowed under the Urban Redevelopment Law". She said we try very hard never to do that and asked if this is restricting us by stating that there will be none or is this something that we have to do under this regulation.*

*Ms. Wakefield said she doesn't think you have to make a notification under this regulation but this document would not prevent it from doing it in the future. She said as Councilmember Diamond mentioned, it has been the practice of this body not to condemn property although that is one of the remedies to eliminating blight. She said they could change or soften the language and say it is not the intent. Councilmember Diamond yes she thinks this is pretty restrictive the way it is.*

*Motion: Councilmember Diamond made a motion for approval of Approval of a Resolution to Adopt the 2013 Urban Redevelopment Plan. Councilmember Wynn seconded.*

*Public comments were invited. No public comments were made.*

*Further Council Comment:*

*Councilmember Price asked for clarification on the change that was just made.*

*Ms. Wakefield said the change will be made to page 11 in the section that talks about Property Acquisition that says that the City would not do it; but staff will that language and she would send that change out to everyone tomorrow. She said the language change is that it is not the City's intent to condemn a property. Councilmember Diamond was concerned that this would imply that the City would never do that.*

*Mayor Wood asked for the record, under what condition would the City condemn property under this act. Ms. Wakefield replied if there was a property that is in such a condition of deterioration and there has been no involvement from the property owner. It has to be for a public purpose of course. Mayor Wood asked if the City can condemn property if it was structurally unsound under a different ordinance. Ms. Wakefield said she does not think so. She said condemning property and acquiring parcel acquisition is one of the ways to eliminate blight. Mayor Wood said but if the building is falling down, then we can condemn that regardless of this act. Ms.*



Wakefield replied yes sir.

Mayor Wood said he honestly does not see any occasion when the City is going to condemn property. He said some people may think if this language is softened that the City has intention to condemn. He said the resolution can be changed if circumstances change substantially and this could be walking into a trap if the language is changed as suggested because people will read more into it than you really need to do.

Councilmember Diamond said, "Is that to say categorically we will not?" Mayor Wood said he would say categorically we will not and can also categorically say if circumstances change we would have to change this resolution and change it. He said if we start messing with this language then people are going to start reading into this something that is not there.

Councilmember Diamond said she is fine with her motion and will let everyone else decide.

Mayor Wood said there is a motion to change it with that language.

Councilmember Price said, "To change to what language? That's what is key here."

Councilmember Diamond said the language is, "It is not the City's intention to do condemnation except as is allowed under the Urban Redevelopment Law..." (Councilmember Diamond did not read the entire sentence.) She said, "I am just adding that caveat; that it is not our intention. We're not setting out to do it, but I don't want to box us into a situation where we have got to go through a big administrative shift to do something we might need to do in a timely manner."

Councilmember Price asked, "What is in the Urban Redevelopment law that allows us to condemn?" Ms. Wakefield replied, "Not having the law in front of me, I really can't tell you exactly what is in the law. I know that the law allows and Mr. Davidson correct me if I am wrong, allows for condemnation but it is under the Urban Redevelopment law and it has to be for public purpose."

City Attorney David Davidson said that cleaning up blight is considered a public purpose.

Mayor Wood said, "Here is my point; under any circumstances I believe we need to make a condemnation which really is for infrastructure improvements, I think we already have the right under other laws. I don't see us condemning something just to get rid of it; I see us condemning something for infrastructure improvement."

Councilmember Diamond said that is exactly what this is saying, that there will be no condemnation except allowed under this law. Mayor Wood said his point is that the City can do a condemnation under other laws to get to the same location.

Councilmember Diamond said, "But, we are saying we will only use this law to do that; I think we are both saying the same thing. We are just looking at it differently."

Mayor Wood read the sentence in question, "There will be no condemnation except as allowed under the Urban Redevelopment Law in order to clear up a clouded title or in cases of threats to public health and safety." He said he is getting confused.

Councilmember Diamond said she thinks their intent is the same.

Mayor Wood said there are a motion and a second. There was no further Council comment.

**A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this Resolution to adopt the 2013 Urban Redevelopment**

Plan be approved. As part of the motion Council Member Diamond added that on page 11 of the plan, language would be changed under Parcel Acquisition to read: "It is not the City's intent to condemn property except as allowed under the Urban Redevelopment Law..." The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-03-13

10.

**Approval of a Resolution to Submit an Opportunity Zone II application to the Georgia Department of Community Affairs (DCA).**

*Presented by Alice Wakefield, Community Development Director*

*Community Development Director Alice Wakefield presented this item stating, now with the approval of the Urban Redevelopment Plan, we can now pursue an application with the Georgia Department of Community Affairs (DCA) for a second Opportunity Zone. She displayed a map and said it is the boundaries of the Opportunity Zone which are basically the same boundary as the Redevelopment Plan. The 2010 census basically expanded the qualifying census tracts and so they want to take advantage of that opportunity and pursue the Opportunity Zone for the hospital area and the industrial property which will give them the opportunity for redevelopment and marketing the property with the Opportunity Zone as a tool.*

*Mayor Wood referred to the map and asked if it is in addition to the existing or the total opportunity zone. Ms. Wakefield replied that it is a total new Opportunity Zone because we are already two years into the timeframe of the old Opportunity Zone. If this is approved, it will start the clock again for the ten years. Mayor Wood said he likes that. He said then that this map is the total Opportunity Zone old and new combined. Ms. Wakefield replied no, it is the new one and the old one is south of this.*

**A motion was made by Council Member Diamond, seconded by Council Member Orlans, that this Resolution for a new Opportunity Zone II application be approved. The motion carried by the following vote:**

In Favor: 6

Enactment No: R2013-03-14

**Environmental / Public Works Department - Councilmember Kent Igleheart**

11. **Approval of Budget Amendment 10061101-03-11-13 and the addition of a scope of work to the Jacobs Engineering Group, Inc. contract to develop a master plan for the Waller Park area in an amount not to exceed \$14,500. (This item was deferred from the February 25, 2013 Mayor and City Council meeting)**

*Presented by Stuart Moring, Director of Public Works/Environmental*

*Councilmember Igleheart introduced the item stating that he thinks of this as what they need to do to make this entire public space area into the gem of the Groveway area which he said they have all worked on for so long to try to get things to change and make this an amenities rich area. He said he hopes this will be the catalyst for that and that he is looking at the bigger picture as opposed to just a master plan for the parks. He said for clarification, this includes Waller Park, Waller Park Extension, Grimes Bridge Park and the Vickery Creek area that goes all along Oxbo Road. He said for anything that is publically owned there, to try and come up with a better plan. He said one of the key elements is that the City has an opportunity to work with Jacobs Engineering Group, Inc. who is already doing the water plant and also has extensive experience working with the City's Recreation and Parks Department on these parks as well as other things.*

*Director of Public Works/Environmental Stu Moring stated that he had nothing to add. He said the summary provided by Councilmember Igleheart was excellent.*

*Mayor Wood asked where the money will come from for the \$14,500 expenditure. Mr. Moring said what is proposed in this agenda item is an allocation from the General Fund Operating Contingency and that is based on the Budget Amendment as cited.*

*There was no Council discussion. Public comment was invited. There was none.*

*Motion: Councilmember Igleheart made a motion for Approval of Budget Amendment 10061101-03-11-13 and the addition of a scope of work to the Jacobs Engineering Group, Inc. contract to develop a master plan for the Waller Park area in an amount not to exceed \$14,500. (This item was deferred from the February 25, 2013 Mayor and City Council meeting. Councilmember Orlans seconded. The motion passed unanimously.*

*Councilmember Igleheart noted that the large part of this is to have public input. He said the first public meeting on this master plan is scheduled for Wednesday, March 27, 2013 at 6:30pm at the Adult Recreation Center.*

*Mr. Moring said that Julie Brechbill and the Community Relations staff are prepared to put out notices. They will also contact everyone who contacted the City by email regarding the water plant to make them aware of this meeting.*

**The motion carried by the following vote:**

**In Favor: 6**

**City Attorney's Report**

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

A motion was made by Council Member Price, seconded by Council Member Igleheart, that this recommendation for closure be approved. The motion carried by the following vote:

In Favor: 6

*Meeting adjourned at 10:00 p.m.*