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JASON YOWELL/METROPOLITAN DESIGN & CONSTRUCTION, INC.

AZALEA TOWNHOMES, Azalea Drive

Land Lots: 378, 379, 380 and 381

Roswell Planning and Zoning Director Brad Townsend presented the application. This is an application for a rezoning on Azalea Drive, land lots 378, 379, 380 and 381. The petitioner is Jason Yowell. They are petitioning for a proposed rezoning for RTH in R1 for the development of 24 town homes and two single family homes on the property. The property also includes numerous variances for this application. Staff is recommending denial of this application.

Townsend presented an aerial photograph showing the location. Azalea Drive is to the south. The two single family homes, one is adjacent to Spring Drive and one is directly to the north of the property. The town homes are in the middle of the property which used to be a lake and a dam location.

The reasons for denial from the planning staff are dealing with the variances to the stream buffer, the piping of the stream, the inappropriate design due to topography of the site. The site goes steeply up from Azalea Drive.

This application is also within the River Corridor. The Atlanta Regional Commission had been sent the plans to review. That application has not opened at this stage. They are reviewing it for the Chattahoochee River Corridor compatibility requirements dealing with erodible soils and what can be allowed for clearing and for impervious. That analysis will probably be about six weeks before they have a complete understanding of whether it meets the criteria for the River Corridor. The staff will have that information prior to it being scheduled and meeting in front of the mayor and city council.

This is a preliminary site plan for the property showing the one access to Azalea Drive, the town homes stretching up into the property, the two single family lots to the north and one to the west of the property.

As Townsend mentioned, there are several variances to this application. The steep slopes, a variance to the stream buffer ordinance, a variance to the setback requirements for the 40 and 50-foot buffer, a variance for building separation, a variance for the number of clusters in the town homes and the applicant is also requesting to vary the sidewalk requirement for both sides of the road.

Staff is recommending denial of this application. He asked if the Planning Commission has any further questions.

Cheryl Greenway asked if there were any questions for staff.

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Cheryl Greenway asked Brad Townsend if he would mind on the overhead, showing a little more information about the variance on the stream buffer as to where they are wanting to go and where the required setback would go.

Brad Townsend stated that on the site plan there is a stream and there is an old dam about here and this was a lake. It is currently full off tires and debris and junk and things of that nature. Normally, with the stream one would have a buffer on each side of this location and one would not be allowed to build within that area. What the applicant is proposing instead of this being a stream, it now becomes a pipe, so the water goes in here and comes out down here. So, the applicant is asking to be able to pipe the stream. They do need Corps of Engineer permits to do that as well as a variance from the Environmental Protection Agency to also do that. They cannot exceed 300 feet in which they can pipe and they are within that area.

Cheryl Greenway asked Brad Townsend if staff knows anything from the Corps of Engineers yet. Townsend stated that they do not. She thanked Townsend.

Sidney Dodd stated that he looked at the topo and he drove the site. What would Brad Townsend say...is that Valley Ridge, the very center where the street is going through? Townsend pointed out Valley Ridge. Dodd stated that he knows what the zoning is on the bottom but he asked Townsend to tell him about the topography. The US Geodetics, the topos look like there is about a 30-foot drop. Townsend stated that he would say that Dodd is pretty close, it is about 30 feet. Dodd clarified that is so the runoff can get to a certain stage. These are streams that feed into the Chattahoochee and that 30 feet allows the potential overflow, like in 2009, to be caught in that basin and not come up to where the other homes in the area are. Townsend stated that was correct. Dodd stated that he was not a water retention or flow expert but has anyone looked at the plan or the preliminary plan?

Brad Townsend stated that the city engineer signed off on the information dealing with the erosion control. She is also reviewing the steep slope analysis and has not provided a recommendation for that as of yet. The public works/environmental officer-engineer is dealing with the hydrology of the property and dealing with certain bio-retention but no detention requirements since the objective is to get the water into the river as quickly as possible. Don't detain it on the site. Since one is so close to the river the objective is to get the water to the river.

Sidney Dodd clarified that there are surrounding homes that exist in that area right now. Brad Townsend stated that was correct. Dodd stated that he understood and thanked Townsend.

Bryan Chamberlain stated that in reading through this submission and looking at the fact that it has gone before ARC and not acted on yet and they have these hydrology issues. Why is the Planning Commission seeing this now? This seems extremely too soon with all of these open issues out there.

Brad Townsend stated that he would agree with that perspective. The applicant submitted the rezoning application first and staff held off as long as they felt prudent to try to get that other information for the Commissioners. At this time that is the best answer Townsend can give Chamberlain.

Bryan Chamberlain stated just as a matter of course, he feels much more comfortable making a recommendation to the council when the Planning Commission has all of the information available as opposed to having to second guess or take innuendo or whatever. He thanked Brad Townsend.

Cheryl Greenway asked if there were any further questions for the city. Hearing none she asked the applicant to please come forward and make his presentation.

Jason Yowell presented the application. He lives at 5010 Old Oak Trace, Roswell, GA. He has lived in Roswell for 18 years. He has raised both of his boys here in Roswell. He is part of the community and not just somebody passing through making a quick buck. There are a lot of different elements to this that are important to understand. They have a site that is 9.71 acres. They are proposing to put 24 units. It gives them an aggregate site density of just over 2.4 units to the acre. The existing R-1 zoning maximum allowable density is just over 2.4 units to the acre. So, the applicant is not looking for any kind of a density bonus. In fact, what they are trying to do is to concentrate the development to maximize the amount of open space that they are able to leave.

In Yowell's original site plan, it was his intention to leave 75 percent of the site in a non-disturbed state that would be put into a conservation easement. Subsequent to the ARC review that they have gone through, it has been reduced to 60 percent because they are subject on part of the property to a previous ARC review. What ARC is reviewing now is the final document. There is nothing new that they are going to see, there are no surprises. It basically conforms fully to ARC. There are no variances being sought from ARC.

Bryan Chamberlain had mentioned that it would be nice to know whether or not the ARC or the Army Corps of Engineers had given their approval in order for the Planning Commission to make a more informed recommendation. Yowell stated that in order to address that he would recommend that if the virtues of the site plan and the overall project are such, that it is something that the Commission feels like they could support, Yowell would suggest perhaps supporting it subject to the approval of the ARC and the Army Corps of Engineers. He expects both of those entities to approve because they have had preliminary meetings. They are not getting any new information. They are just getting the formal submission from the city of Roswell.

What Yowell has in the way of undisturbed, unadulterated area that will be put into a conservation easement is approximately 60 percent of the site. He does not think one is going to find any other development in the history of Roswell that has set aside 60 percent of the site in a conservation easement to be untouched in perpetuity.

Another important consideration in the piping of the creek is that the applicant is going to put an eight-foot diameter pipe. That is a pipe that one could drive a car through. It is not going to stop the creek up. It is going to be filled 20 percent with rock and other natural creek bed material. It is what is called an embedded pipe. It will replicate the flow of the water probably much more accurately than the current flow in the portion of the pipe that the stream is going to be piped.

Yowell presented a picture going upstream. This is a picture that Yowell took standing approximately with his back to where the pipe will begin. This is the portion of the creek that will be undisturbed. If one has ever walked this site, this is an incredibly pretty portion of creek. The

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water cascades down a series of rock ledges and then it gets to where the bed of the old pond was. The dam created a serious sedimentation condition when it was intact and currently the stream disappears under the siltation. It reappears at the dam breach and the sedimentation in the creek is laden with trash, leaf debris and silt. It is basically a silted garbage dump. This is the part of the creek Yowell is proposing to pipe. The original, when the dam initially breached, the sedimentation caused the stream to divert around the perimeter of the pond. Subsequently, a new channel has reopened that mimics the original channel that is more of a direct line from where the pond begins to where the pond ends. One can see the stratification of leaf debris, trash debris and heavy siltation that occurred during the time that the dam was in place. It is very unstable. If a tree were to fall into this channel, the debris is just going to be washed into the river as the creek re-establishes a new channel.

If one is really interested in protecting the Chattahoochee water quality, piping this section of the creek is the best thing that could possibly be done. This area has been stepped on hardly by people. Yowell cannot emphasize enough what a trash dump it is and what a hazard it is in terms of the threat of future siltation washing into the river. So, that is the creek that the applicant is piping. It is not a pristine creek.

At the other end where the creek re-emerges...this is taken from Azalea Drive looking toward the dam. The dam was constructed with all kinds of construction debris. One can see at the top of Yowell's shadow the concrete block. There are huge pieces of solid concrete chunks. He pointed out the actual breach. That is not rock, those are sections of concrete. There used to be a road called Chattahoochee Street that ran from Azalea Drive up to the historic district. When they built the dam, they evidently disassembled Chattahoochee Street and used it for fill to construct the dam which is why it was unstable and why it breached. And again, if one thinks this is a pristine creek that should be left untouched, he has not been out to the site. And this will all be cleaned up as part of their process.

Yowell presented a topo drawing. This site plan doesn't show the topo. One of the staff comments was about it being an inappropriate site because they have ignored the topography. The typical development, particularly in town house development, the method is to clear cut a large space, grade it, fill it, make it flat and to ignore whatever the original topography is especially in town house developments. They don't do that. If one will look at the applicant's site plan, they are stepping up the hill the entire way all the way up. Some of their houses have five-foot increments in the step. It respects the topography, it works with the topography. It doesn't work against it. Piping the stream is essential because when they pipe the stream, the buffers go away, the stream is stabilized and the more beautiful parts of the stream are left untouched. They also are leaving 60 percent of the property in a natural undisturbed state that will go into a conservation easement.

Yowell stated that there is another component to this and that which is there is also an acre in addition to the 9.71 acres that they have up the hill. They also have an acre in their assemblage that is actually on the Chattahoochee and lies between the Chattahoochee and the river. Yowell pointed out the acre. What they are proposing to do with that acre is to give it to the city of Roswell Parks and Rec for the benefit of the Atlanta Junior Rowing Association. This will enable the Atlanta Junior Rowing Association to build a new boathouse, to expand their program and to build a new dock at this location which would have public access. It would enable the city of Roswell to continue to connect the necklace of park land that they have.

Again, Yowell does not think the Planning Commission has ever seen a development come before them that leaves 60 percent of the land undeveloped and in addition donates an additional acre for park land and public use. If this is left to single family, way more trees will come down. There are seven platted lots. Even if Yowell didn't re-plat the property for more houses, which he could, the seven houses, when they get pushed out of the creek buffer, much more clearing occurs and it occurs in areas that the ARC have given the applicant more latitude for clearing and they have not taken advantage of all the clearing and grading that they are entitled to under the zones of vulnerability as designed by the ARC. One will have a creek that continues to threaten the water quality of the Chattahoochee. He will have way more trees coming out if he keeps it single family and the parcel on the river doesn't get given to the city, it becomes a private event venue.

Yowell does not think the Planning Commission has ever seen a developer come and offer as many karats on the table as he is offering in this project. In addition, Yowell is proposing to create a system of natural trails from Spring Street, from Valley Drive and a paved trail from Connemara Drive giving pedestrian access from three neighborhoods directly down to the river. Again, he does not think the Commission has seen this kind of connectivity offered in the typical town house development and they are certainly not going to see it in a single family home development of \$1 million houses. It is just not going to happen.

Yowell stated that he has created a...he has been working with the residents of the Connemara II subdivision. They have a private drive access easement that abuts the property. The applicant's road will end here and then they will have an access road that will be available only to emergency vehicles that will have a key to the gate at Connemara. There will be pedestrian egress but the only vehicular egress across here is to be for emergency vehicles.

Staff has recommended that that be a full, public, vehicular road. If the applicant's interior road becomes a public road, all of the houses get pushed back, more trees need to be taken out, more grading needs to be done and it really serves no real purpose other than another public street that goes nowhere because Connemara is not going to allow through-vehicular access.

Jason Yowell asked if he could answer any questions. Cheryl Greenway asked if there were any questions for the applicant.

Lisa DeCarbo asked Yowell a question on piping the stream. He is saying that since all of this silt has accumulated in the lake and the stream has had to take another path, that it would be a better solution to pipe it. Her question is, if all of that silt is accumulated, that has happened over quite a few years and she assumes that there is going to be more silt coming into that area whether it is piped or whether it is a lake. How exactly is the applicant preventing that from going straight into the Chattahoochee?

Jason Yowell stated that whatever silt washes down from this point forward down the stream, washes down the stream. That cannot be prevented. What can be prevented is the silt that has already accumulated with a tremendous amount of garbage in the bottom of the old lake bed. That they can prevent from going in if they pipe it. If they don't pipe it and they leave it alone because they can get in there, they can't touch it because there is a stream buffer requirement. When the trees eventually fall, and they will, they will block that channel, that channel will re-establish itself and every time it re-establishes itself it will flood more of this debris and trash into

the river. If the Commission thinks that is a good idea, then they should not be for what they want to do. They should say that it stay single family, let the trash flush into the river and...

Lisa DeCarbo stated that she was just asking a question as to how Jason Yowell is going to deal with the silt that will come in the future.

Jason Yowell apologized and stated that he has just had a great deal of hostility directed his way from variances corners and one would think that he was coming in and cutting every single tree and clearing this lot line to line, as is the typical procedure with most development. And that is not the case.

Lisa DeCarbo stated that she just wanted to ask a simple question. What she was asking because her understanding is that they all are obliged when they are developing or maintaining a property to prevent as much siltation from going downstream particularly into the Chattahoochee as possible. Jason Yowell stated that he could not agree with Lisa DeCarbo more. DeCarbo stated that it just kind of disturbed her to have a statement saying that whatever is coming off, it is just going straight into the Chattahoochee.

Jason Yowell stated that during the development, because they are going to use high-density polyethylene pipe, it goes in very quickly and they can put that pipe in in a matter of two or three days. So it is going to be very easy to schedule that work to be done between rain events. They have already submitted very, very detailed erosion control plans that are phased. And once the pipe is in, they basically have the ultimate sediment basin during construction. They probably will have less sediment wash off this site into the river than one would have washing off of most construction sites.

Lisa DeCarbo followed up by saying that she was talking about more just beyond the construction period because maybe she is misunderstanding how the pipe would be. She was thinking the idea is to basically what the applicant is doing, by piping it is also establishing underground detention. And to her a pipe doesn't sound like it would hold water long enough for anything that came from upstream from the site beyond the construction period to settle out before it goes into the river.

Jason Yowell stated that DeCarbo was absolutely correct. There is no detention whatsoever in terms of the creek. There is actually no technical detention in this site because of the proximity to the river. One of the first ideas he had was to recreate the dam, create a sediment catch, and he thought, "Wow! What a great idea!" They would be contributing to water quality because they would have a homeowner's association that would be dredging this from time to time. Well, that is the biggest non-starter he could have possibly put forward. Re-establishing the dam for a subdivision, is not going to happen unless it stays single family. Then the existing dam can probably be rebuilt. But as part of the subdivision for detention, that is absolutely not possible.

Lisa DeCarbo thanked Jason Yowell for the clarification.

Bryan Chamberlain asked Jason Yowell if he could go over again with the Commission what has been taken to the ARC for review.

Jason Yowell stated that the site plan that the Commission sees is accompanied by a complete set of drawings that Steve Rowe has that is 24-26 pages. It is a very detailed set of plans. It is way more civil engineering than is normal for a zoning application. The reason is that they have

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the ARC review, they have the steep slope variance and a big function of the steep slope variance is the very detailed phased erosion control plans that the applicant had to submit as part of the zoning. Ordinarily, one would not have to do that until he got to the land disturbance permit process. So, they are doing a lot more engineering upfront because, and understandably one wants to make sure that it can be done and it can be done right before he says, "Okay. Go ahead. Now let's see if you can make a plan that works that they are happy with." That's why it has been a lengthy process and that's why they have an informal approval from the ARC but not a formal one because they have been working very closely with staff to get these plans exactly the way they want them because the erosion is a very serious issue and it needed to be adequately addressed up front rather than well maybe they will make it work.

Bryan Chamberlain clarified that ARC is being asked to review or is reviewing erosion control. What other issues are they reviewing? Jason Yowell stated that he is going to defer to Steve Rowe. He is his engineer.

Steve Rowe stated that he was with AEC, 50 Warm Springs Circle, Roswell. What they are reviewing is not so much the erosion control other than seeing that the city engineer has approved it in concept. They are more looking at the vulnerability codes within the ARC. Rowe does not know how familiar the Commission is with how they rate the different areas. It is anywhere from an A to an F zone with each one having a corresponding impervious surface and disturbed area that they can relate to. What ARC is doing is looking at each of those vulnerability codes within the site and seeing how they address those. Whether they are over, under or right on the money and then making an assessment as to yes, one is in compliance with the 1976 ARC Metropolitan River Protection Act Plan. So, that is what they are in the process of reviewing right now. Concurrently, the Corps of Engineers is under review with their stream buffer or their stream impact, the 290 feet of stream impact they are proposing on this. They are not looking at the erosion control as much as they are what mitigation are they going to have to have to be able to do this work. He does not know if it has been submitted yet, but he thinks it is within days as the State Stream Buffer Variance through the EPD, which all of these kind of go concurrently. They are definitely looking at the erosion control, looking at the water quality, looking at all of the other aspects of the run off to be able to make their assessment as to if this would be in the best interest of the state. And that is one thing that they are looking for is will the situation that they have be improved the way it is today over what it would be if they did their work.

Bryan Chamberlain thanked Steve Rowe.

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

Cheryl Greenway stated that she would like to ask a couple of questions. One of the variances the applicant is asking for is to change the town houses which normally are three units together. They are wanting to do just two buildings. Why the change?

Jason Yowell stated that was because the two clusters of two are sandwiched between the drainage easement that will be required for the stream. The other easement on the other side of those houses is an existing sewer line. They are not moving the existing sewer lines. They are leaving them in place and tying into them.

Cheryl Greenway asked what is Yowell's objection to the sidewalks? Jason Yowell stated that his objection is to having a sidewalk on both sides of the road. He does not think there is going to be the volume of pedestrian traffic that is really going to justify sidewalks on both sides. They have them coming on the interior side. If they have sidewalks coming down this side, then what one is going to have is just an awful lot of paving because they are pulling these houses very close to the road. The purpose of pulling them close to the road is to reduce their impervious surface.

Cheryl Greenway stated that the other question she would like to ask is to carry forward a little bit of the question that Lisa DeCarbo asked. From the standpoint of let's say the applicant gets everything approved and he builds this. Now they are three years down the road and they have huge flooding like they had a few years ago. Who is going to be responsible for dealing with this drainage potential problem if there was such flooding that now they have it stopped up and the water now is coming up around the area into the town houses.

Jason Yowell stated that the pipe is eight feet in diameter. An eight-foot diameter pipe is capable of carrying a volume of water that...he does not know how to convey that volume adequately to the Planning Commission. But it is so over, above and beyond what that creek could ever generate. The flooding isn't going to happen upstream of the creek. The flooding is going to happen in the river. It already happens in the river. But that pipe is so big it is not going to get obstructed by debris. One would have to have a mighty big tree block that flow of water to the point where it interrupts the flow.

Cheryl Greenway stated say something does happen. There is nothing they control from things that God does. And less say something happens to it. Who's going to be responsible for maintaining it? Jason Yowell stated that it is going to be the homeowner's association and the only adverse effect of that damming up is going to happen to these town houses. It is not going to happen to any other property. Greenway stated that she understands, but she is concentrating on this project. If she was going to buy one of these, that would be something that she would be concerned about.

Steve Rowe stated in the event of a catastrophic situation that happens. In this area, the pipe is actually the low point of this part of the site. What would happen would be the water would rise up and again, the road will still be three to four feet lower than the first floor of the unit. So, as the water rises, it would actually go over the top of the wall, down the road and would bypass the pipe and find an open path down that essentially the roadway itself would be the conveyance point in a catastrophic blockage of that pipe. So, in no event would the units themselves be compromised now that water would get within probably three feet of their first floor elevation. But, the road would become the default pipe if the pipe were compromised.

Cheryl Greenway clarified that the units would be built at a little higher level than had washed down. Pete Rowe stated that was correct. They never...in engineering these types of developments even in small subdivisions, one never wants to rely on one inlet to drain an area. He always has an overflow or a secondary inlet that can take it up if the leaves cover it or whatever happens on a small scale. On a large scale they have the same situation just they will model essentially this as a dam making sure that that roadway can convey the water that might pop over at that point. Cheryl Greenway stated that was her concern. One has to have a contingency plan there just in case. Steve Rowe stated that absolutely there is. Greenway stated that there are tires and other things there now. Who knows what may be there later?

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Cheryl Greenway thanked Steve Rowe and asked if there were any other questions from the Planning Commission.

Bryan Chamberlain stated that in speaking of significant rain events and flooding of Azalea Drive, thinking back not too many years ago, Azalea Drive was unpassable for quite a period of time. There is only one way in and out of this property for these residents in the way that it is designed. He asked Jason Yowell to address that for the Commission.

Jason Yowell stated that this emergency egress that is set up for emergency vehicles, he thinks if Azalea floods and it looks like it is going to be flooded for an extended period of time he thinks they would expect the police department to open that up on a temporary basis.

Bryan Chamberlain clarified that from the other neighborhood it actually connects to something that is drivable, not just a 10-foot path, a non-paved path. Jason Yowell stated that was correct. But it is not their intention for it to be an everyday through street. It is something that would be an extraordinary circumstance that it would be used by any vehicle other than an emergency vehicle.

Lisa DeCarbo stated that she would like to follow up on that. How is that going to be blocked from regular traffic in a non-emergency situation and who would be able to open it back up?

Jason Yowell stated that gated subdivisions all have emergency access keys that first responders all have because there is not a gated community that a fireman or policeman can't access unilaterally. It is called a Knox Key. At the end of Connemara this is what the gate would look like. To the left one can see that there is a pedestrian gate. And then in the middle would be the locked vehicular gate.

Lisa DeCarbo stated that her question would be that having experienced being in the river corridor and having her very own home about 200 feet from the river, in the event that they do have a flood like they did in 2009, which was something more like a 30-year storm, not even a 50 or 100. She would have to say that emergency equipment and personnel were pretty occupied. So, it might be the kind of thing where one wouldn't not want to necessarily rely on just their services to be able to open this and that would be a question that DeCarbo would think too.

Jason Yowell stated that was a good point and he guessed that is something that the homeowner's association would...he does not know what the legality of them had been, being in possession of a Knox Key. They would have an alternate key for that gate.

Lisa DeCarbo stated that she just remembers how backed up everybody was during that time period in 2009. She knows the city of Roswell had every person available out and about and it still wasn't enough to cover all of the situations that were happening.

Jason Yowell stated that was a very good point so they would probably have some kind of dual key situation for that particular event.

Lisa DeCarbo stated that she does have one other question that plays off of Cheryl Greenway's. In talking about the units, the town homes that do not have the sidewalk in front of them. What is

the setback there? Are they going to have issues with cars going to be out in the road and such?

Steve Rowe stated that each unit right now, again they are not fully designed but they are planned to have a two car garage and they have shortened the driveway such that there is no possible way someone could park in the driveway and feel like they would be not be comfortable sticking out. The driveways are about seven to eight feet long. So they are not like 15 feet where they could feel it. It is short enough where they are going to have to either pull into the garage, or park in an on-street parking situation around the circle in the center.

Lisa DeCarbo stated that leads to her next question where the applicant does not seem to have any consideration for guest parking. Steve Rowe stated that they have a substantial lot across the street at the Azalea Park.

Jason Yowell stated that they also have one side of the street that has no houses. So, there is a lot of parallel parking there. Another thing that can be done when the units are actually being designed is they can recess their garage doors to give them a more appropriate off-street parking so that one does not have a bumper overhang beyond the curb line. But the face of the house would be pulled close. It is just that garage would be recessed and Yowell has done this in the past and it accomplishes both tasks at the same time.

Lisa DeCarbo asked how wide are the units set to be. Jason Yowell stated that they range from 25 feet wide to 27 feet wide. DeCarbo estimated that the garage then, if it would be two-car would be approximately 18 feet in width. Yowell stated that it would be 20 feet.

Lisa DeCarbo stated that the other question she has in terms of how they address the topo, when the applicant says that there is a five-foot difference between the finished floor elevation from unit to unit, she assumes that is stepping up a way from Azalea. One of the other steep slopes though is the fact that it is so much higher in the back of each unit than in the face. Steve Rowe stated that they are splits.

Jason Yowell stated that they set into the hill, not just set into the hill going up but set into the hill going back. And that also brings them to another of the staff comments with regard to requiring full plat recording prior to the issuance of building permits. In a subdivision like this where one is going to have foundations that are integral to the site design, they would want to be able to permit the houses during construction leaving the CO on hold at the end to be the final contingent on final plat. They would not get a CO without final plat but they need to be able to permit them so that they can out foundations in as part of the development process. Otherwise they have just got more disturbance than is absolutely necessary.

Lisa DeCarbo thanked Jason Yowell.

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

Sidney Dodd stated that the applicant's variance request is a variance from 75-foot impervious setback and the 50-foot stream buffer that is required. Can Yowell speak to what his variance will ultimately be? In other words so they can have it on the record and understand fully, what is the next...if his variance was approved, what will it be based on his preliminary site plan? Both the stream buffer as well as his impervious setback.

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Jason Yowell stated that basically where the pipe runs...Sidney Dodd added at the closest point. Yowell stated that the area, and he asked Steve Rowe to correct him if he is wrong. Where the stream gets piped basically, those buffers disappear. And the only place that they really have any variance is where the road comes past the exit point of the pipe.

Sidney Dodd stated that that assumes that there is no potential flooding but one still has a risk of flooding, assuming that that pipe is overcome with flood waters or runoff. He guessed that what he is asking is, where are the impervious setbacks if the variance was approved? How far would that impervious setback be to where it originally is shown on prior to any improvements?

Jason Yowell stated that he is going let Steve Rowe answer that.

Steve Rowe stated that the impervious setback they are asking, at least in this stretch where they are doing the piping, to be eliminated 100 percent. So there would be no impervious setback in those areas. Is that the question Dodd has? Dodd stated that was part of it.

Sidney Dodd stated that he guessed he was wondering how one could eliminate it all. He knows they are piping it but one has to assume that the pipe would never have any issue with capacity over and above.

Steve Rowe stated that it really should not. They have taken an analysis of the basin and that is why the size of the pipe is what it is. Just to give Dodd a for instance, the pipe that goes under Azalea Drive he believes is 42-inch. It is a 42-inch pipe that is draining, which is woefully undersized for the base that it is carrying. So what they are doing is they are bringing their pipe, they are sizing it adequately for the basin for the 100-year flow, not the 25-year flow. The code says that they only need to do the 25. Rowe does not feel that is responsible. He thinks the 100-year flow is a more responsible situation. So they have gone ahead and sized it for the 100-year flow. Where the units sit is well above that 100-year hydraulic grade line within the pipe. So even in a catastrophic failure, that pipe that they had talked about, the water is going to go up and over the wall down the road and bypass the units because the units are sitting above the road in the middle. The concern Dodd is having, Rowe is not saying that it is not warranted, but it has been taken into consideration in the design at this stage of the development for the impervious setback, which really, in the grand scheme of things, the impervious setback is more for water quality and what they have done is they have addressed the water quality within these bio-retention areas. Right now, unfortunately the impervious setback is in areas that are muddy and non-vegetated. So, the impervious setback really isn't doing its job as the current situation stands. Post-development they will actually have BMPs in place that will attain that 80 percent TSS removal level of the first 1.2 inches of rainfall, which one does not have today.

Sidney Dodd stated that he had one last question. The Corps of Engineers, their approval obviously, the flood insurance would have to be available on anything that is developed. Will they have the final say on...obviously they would have to change the flood maps in that area to show where the flood plain...Steve Rowe stated that actually the 100-year flood elevation does not move into the site to where the units are. It stays along Azalea Drive and does not penetrate into the site beyond where this little piece is here that they are not developing currently. Dodd clarified that the preliminary site plan would be an area of minimal flooding. Based on his preliminary site plan and if the Corps of Engineers approves it, Rowe is saying that it will be an area of minimum flooding. Rowe stated that was correct. Sidney Dodd thanked Steve Rowe.



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Cheryl Greenway stated that if they could go one step further than that they have talked about the water coming in and if there is a flood how it would go down the street. Can Steve Rowe show Greenway on the map that he is presenting now where the other end is going to come out?

Steve Rowe pointed out where the water occasionally comes in. It flows down the street and then pops out right at that point, Cheryl Greenway asked Rowe what he means by "pops out". Rowe stated that it flows out of the pipe into an existing channel that is already established there. Greenway clarified that supposedly where that tree is there, there is some channel that water is going to go into. It is currently going there now. Essentially they have married up the beginning and end points of this pipe so that it fits within the existing channel positions that are there today. It goes underneath Azalea Drive into the Chattahoochee.

Cheryl Greenway thanked Steve Rowe and asked if there were any other questions for the applicant.

Lisa DeCarbo stated that she is looking at the detailed grading plan and she sees that there are several bio-retention areas. There is one below the long line then it looks to be three different stepped areas behind that. One set of two. The runoff that that is going to capture is basically everything that is within...it looks like they are going to have retaining walls around every single thing here either on the up side or below. Steve Rowe stated that was correct. DeCarbo asked what exactly were those going to be capturing. Rowe stated that those are capturing the onsite water that is captured within this development here.

Lisa DeCarbo stated but not the road itself. What hits the road itself is that being piped into these also. Steve Rowe stated that it absolutely is. And these walls, he does not want one to feel that these walls are three to four feet in height and they are going to be either boulders or granite rubble or some type of aesthetic because these are their front door. These have to look good to make the unit sell. So, the idea is to make these an amenity of the site. It is going to be rich fertile soil. It is going to have the four-foot depth, it is going to have the stone filters at the bottom. It is going to have the nice plant material within them. So the idea is, again, they are trying to create that water quality environment that is not there today as a part of this to enhance the situation. Lisa DeCarbo clarified that what does work down through those bio-retention cells she assumes the set of three that are cured, that would also go to the existing stream bed down at the bottom. Steve Rowe stated that that would discharge into the existing stream bed below the pipe. DeCarbo clarified that the one on the other side then wouldn't discharge...Rowe stated into a pipe that would go back under their road and also end up at that existing stream bed. DeCarbo stated that there must be some additional armoring and some type of intervention that Rowe has to do there as well. Rowe stated that he was going to call it rip-rap because that is the common name, but he would rather have it be smooth river stone that is more indigenous to the area that would look it had been there for 100 years. Lisa DeCarbo thanked Steve Rowe.

Cheryl Greenway asked if there were any other questions for the applicant. Hearing none she asked the applicants to take a seat and she will open the meeting up to the public.

First Greenway would like to open it up to anyone that would like to speak in favor of the applicant. So, if one wants to speak in favor of the applicant, he should please come forward. Greenway reminded the speakers to please state their name and address for the record.



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Steve Jordan
160 Connemara Road

Steve Jordan stated that he lives on that piece of property right there, immediately next door to this development. He has lived there just shy of 30 years and what they are planning to develop has been an eyesore for many, many years. What they are planning will be a significant improvement. His only concerns are two-fold. That their road where it connects to his street, Connemara not be considered a public access road. He owns his piece of the road. That is a private road that he has owned for the 28-29 years he has lived there as is their neighbor's piece of the road. They are willing to have a gate there to allow access for emergency vehicles or if Azalea Drive is flooded for several days that is not a big deal. But they bought at the end of a cul-de-sac and it is a beautiful area and it should not be changed into a public thoroughfare because what will happen is people from Cobb County will find that as a cut through and all of a sudden they will have hundreds of cars per day going pass their house and Jordan does not think that is good for Roswell.

Bryan Chamberlain asked Steve Jordan to describe to him his section of the road, what is it made of? Jordan stated that it is asphalt but it is only about 30 feet wide. It does not meet city code and therefore it is just really not suitable to become public access. It is just too narrow. Two cars just barely can go on it in opposite directions. One has to be real careful if there is someone coming the other way.

Bryan Chamberlain thanked Steve Jordan.

Cheryl Greenway asked if there was anyone else that would like to speak in favor of the applicant.

Tay Peak
150 Connemara Road

Tay Peak stated that she lives right next to the Jordan. She just wanted to say for the record that she concurs and agrees with everything that Steve Jordan said. They have met many, many times as neighbors and look forward to this being a possibility.

David Loy
119 Connemara

David Loy stated that he commends these gentlemen on what he thinks is a wonderful plan. He is very excited about it. This is a horrible trash dump. There are people living in there. There are tents and almost a homeless situation. It would give the neighbors access to the Chattahoochee River which they now can't really get to without driving all the way down. Loy is very excited about it and hopes the Planning Commission passes it.

Cheryl Greenway thanked David Loy.

Robin Montcrief

Robin Montcrief stated that she lives down the street as well. And she concurs. She thinks it will be an asset to a part of Roswell there and the site does need some cleaning up when they go hiking down there. It is fun to see the creek but it will be nice to have some nice homes. However they are concerned about the thoroughfare going straight through. As it is they have to wait for 10 to 15 minutes on an average day to get out of their street onto Roswell, SR-9 as it is. And if they are backed up with thoroughfare, none of them will ever get in or out of their neighborhood. So, they would like to keep it private with access as needed for the new development.

Cheryl Greenway thanked Robin Montcrief.

Greenway asked if there was anyone else to speak in favor of the applicant.

Robert Armstrong
6283 Indian Field
Norcross, GA

Robert Armstrong stated that he has a company called Atlanta Land Group and they represent the owner of this property, George Greenwood. During the marketing of this property they spent a lot of time meeting with local residential developers. A number of them had visions of a single family development which would have included a lot of significant tree removal throughout the site. They were glad looking back now on their selection to go under contract with Jason Yowell. He has had a tremendous amount of attention to detail on a site that is very sensitive to everyone in the area. Armstrong thinks Yowell has addressed about every topic and issue as well as can be expected by any developer. He has hired a very good firm to work for him, not only in working with the ARC but also in working with the city of Roswell. They are very pleased with the progress he has made and the effort he has made to bring this to the Planning Commission tonight.

Cheryl Greenway asked if there was anyone else to speak in favor of the applicant. No one came forward. She opened the floor to anyone who would like to speak in opposition of the applicant.

John Forbes
253 Valley Ridge Drive

John Forbes stated that he just wanted to comment on a couple of things about the property itself. He does not want the council to get the misinterpretation of the condition of it. He has hiked that area recently in the last month four or five times and the extent of the garbage that he has seen is two tires that were used as bumpers where the pond basin is and a paddle boat. That is the extent of the trash/garbage that he has seen on the property. It is a beautiful property. It has nice flowing streams through it. Now that the dam is not there, the pond that confuses everything seems more natural that way than it would be to be piped up, to him.

That's is about the extent of what Forbes would like to say.

Cheryl Greenway thanked John Forbes. She asked if anyone else would like to speak in opposition of the applicant.

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Jason Gallenberger
247 Valley Ridge Drive

Jason Gallenberger stated that his concern with this development is the population density and the number of vehicles that will be required to park off site in the neighboring communities. One being the park, which is already overflowing on the weekends and Azalea Drive, which is lined with cars from one end to the other. The number of vehicles that would be added would either dump into the neighboring communities of Connemara, Valley Ridge Drive and Spring Street. Gallenberger does not think it does a service to those neighborhoods to have a huge number of vehicles being parked in front of all of those residential areas.

Cheryl Greenway thanked Jason Gallenberger.

Fredric Lineman
248 Valley Ridge Drive

Fredric Lineman concurred with John Forbes who just said that he had hiked there. Lineman does not see it as a trash heap, he thinks that is being exaggerated. He saw two tires and a left over paddle boat probably from when there used to be a pond there. He has lived on Valley Ridge Drive for 25 years.

The way Lineman sees it, R-1 says 2.4 units per acre. They are taking three-and-a-half acres and putting 22 units on it. The applicant's interpretation is that he is taking 10 acres and putting 22 units or 24. But, to Lineman it is going to be a little too dense. What else can he say? The other concern of his is if they were to make a public dedicated access road up to Connemara Street, it is probably going to lose a little bit of a luxury appeal and the \$550,000 price tag is going to drop in Lineman's belief and it is going to end up being a bunch of investor-owned rental properties. So it would be a big glorified apartment complex. That said, he realizes the difficulty of putting any single homes on the property so maybe putting town homes is going to be a suitable thing, but maybe there could be less of them. When one looks at the community development department's finding about it for instance, they object to the two-unit town homes. There should only be three-unit ones and in the way it seems to be set, there is not room. On one side of them is drainage and on the other side is the road and the pipe so one cannot fit a third one in there secondly. So, maybe one does away with those. That decreases the density somewhat.

This one up here on the right, the retaining wall is too close to the Connemara Street property, it goes over the 40-foot buffer, delete that one. So, now one has kind of reduced the density somewhat probably halfway between what R-1 is and what they are proposing.

The applicant claims he is reserving or conserving 60 percent of the property. If one looks at the topographical map, to Lineman it looks like a good bit of that is unbuildable to begin with, although he is no expert. It is just his personal take on it.

As far as the basin, it is untamed nature. It is an irreplaceable, to Lineman, beautiful kind of sublime area and once one fills it over and builds a road on top of it, he can't get it back. There is no more of that in Roswell.

Here's the pipe that starts right there and one sees the two-main unit just adjacent to it. The applicant says the setback buffer doesn't exist once he pipes over the stream because the setback is just directly perpendicular to that. Actually, if one reads in the code it says an impervious surface like the foundation of a building plus five feet is considered disturbed area. So, there is disturbed area within the 25-foot stream buffer for whatever that is worth.

Lastly, Lineman has no way of knowing this but it says somewhere that one cannot have an increased rate of runoff after the property is developed versus before it was begun. He does not see how if one has impervious surfaces that water has got to go somewhere. It used to go into the ground he believes and now it is going to come through the eight-foot pipe.

Lastly, the sediment the applicant mentioned, when it was a pond one gets sediment. But now that the pond is gone, the rain has removed all that. If one goes back and looks at that stream, he could probably drink the water it runs over so much flat rock. And yes, someone is right, there is a camper down there, an urban camper, one. It is not a campsite, there is not a whole group of them. But Lineman can see that perhaps they might have to go with some town homes, but maybe less of them would be his appeal.

Lineman thanked the Planning Commission. Cheryl Greenway thanked Lineman and asked if anyone else would like to speak in opposition. Please come forward.

Denise Forbes
253 Valley Ridge Drive

Denise Forbes stated that she and her husband, John, live in the Cherokee Hills subdivision. She would like to speak out as being opposed to this project requesting a rezoning of Azalea Drive for the following reasons:

1. They are extremely concerned about the piping or covering the stream, which flows through the property.
2. There appears to be quite a number of variances or challenges with this project in particular the Army Corps of Engineers' Federal Stream variance.
3. The property's topography is steep, which requires the clearing of the small area of the property and major earth moving and fill-in work in order to build the high-density proposed development of 22 town houses in Forbes estimation of approximately three acres.
4. The project screams over capacity for the site. Capacity beyond what is normal, allowed or desirable.
5. The neighbors have a petition, which is signed by 28 people on Valley Ridge Drive opposing the rezoning.

In closing and according to Roswell history, the native Americans who lived in this area near the Chattahoochee long before any of the current residents called it "the enchanted land." And it truly is enchanted. They enjoy a quiet, peaceful existence with their friends and neighbors on

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Valley Ridge and in Cherokee Hills. And for all of the reasons, they ask that the zoning remain R-1 for the Azalea property.

Denise Forbes thanked the Planning Commission.

Cheryl Greenway asked Denise Forbes if she had that petition. Forbes stated that she does. Greenway asked her if she could give that to the city. Cheryl Greenway thanked Denise Forbes.

Martha Harrell
109 Spring Drive

Martha Harrell stated that many of her neighbors are also on Spring Drive and oppose the property. One of the things that they are going to do is take a piece of one of the lots that has not been developed and build a single family home on there, but they are going to turn it around backwards and put the back of the house to Spring Drive. They oppose that. That only messes up the values of lots around them and the value of the lots all over their street. All of the homes that they have been in. And they also disagree with them changing the zoning. They think it needs to stay as Residential-1. If the city gives them other things that allow more density and stuff, the neighbors are fearful of what could happen with that. Harrell stated that she, too agrees with all of the problems that she thinks it would cause to the river and run off.

Martha Harrell thanked the Planning Commission.

Cheryl Greenway asked if anyone else would like to speak in opposition of the applicant to please come forward.

Holly Williams
258 Valley Ridge

Holly Williams stated that she owns 264 Valley Ridge and 274 Valley Ridge. She has lived there 15 years and for her, one thing that she is concerned about is this new house on Valley Ridge. She welcomes a new house, she owns an empty lot but the lot, which is a flat picture that the Commission is looking at...it drops off like this basically. There is a huge sewer pipe running through it and Williams is concerned for the house that is already on Valley Ridge about right here. Her driveway is already a feat of nature to say, attached to her house because most of the neighbors live on a steep slope. If one drops something on Williams' driveway, it ends up in John's yard because it keeps rolling and makes it across the street. So, they don't mind steep living but Williams is concerned about the neighbors' property, disturbing property that has never been touched after a house that has been there since probably the 1960's.

The second thing is the piping of the stream. In Roswell, where they seem to value their parks and want to have a reputation for their parks and their city and preservation, it kind of bothers Williams that they are going to re-route water. She understands that it obviously needs a little work. No one has brought up the big red house with the toilet falling out of it. That should be cleaned up. The stream probably looks good compared to that.

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It just seems to Williams....changes happen all of the time, but she is not sure if it is the right decision to re-route this stream. She is worried about sink holes, erosion they are talking about. Between the stream and the steepness, those are her two main concerns for the development.

And just to touch on the walking trails they seem like a very nice addition. It would be delightful but Williams is worried about the upkeep and maintenance. Who is going to take care of that? Who is going to maintain it? If she does not keep her ivy cut back from year to year, from season to season, one cannot even see the edge of the flower beds.

They love where they live. They treasure it. They love their fox that comes to visit. She loves to see owls. Williams love to see the deer walk through the neighborhood and she would just hate to see all of that end with something with so many exceptions to the current set of guidelines that Roswell has in place.

Holly Williams thanked the Planning Commission.

Cheryl Greenway thanked Holly Williams and asked if there was any one else that would else that would like to speak in opposition to the application. No one came forward. Greenway stated that this is the applicant's chance to rebut or make any additional comments that he would like to make.

Jason Yowell stated that it is kind of interesting that all of the opposition seems to come from Valley Ridge. They are the people that are the least affected by this development. If this is single family, it doesn't matter what else goes on that house is going to get built. Yowell is very curious to see what elevations the young lady was referring to that says that the back of it is going to face Valley Ridge. That would be a very curious architectural choice. It would make no sense. But the reason they sited the house there is that is the area of the site that that requires the least amount of grading, the least amount of tree clearing. There is another lot right here. If this doesn't get zoned for the town houses not only does that house go in, but another house goes in right here. So, if one really wants to see less houses on Valley Ridge, voting against this is not the way to do it.

Again, Yowell is looking at the existing land use and zoning of abutting property and assuming that it is correct. The single family homes in Cherokee Hills have a density of 2.2 units per acre. Is that correct? And he is at 2.4 so he does not see the density arguments that are being made from that particular neighborhood. That is a pretty interesting case of the pot calling the kettle black. And the last lady came out and said that the all live on steep slopes. Wow, how about that? Yowell stated that he is going to let Steve Rowe address the rest of it.

Steve Rowe commented quickly on the increased run off. Technically, Frederic Lineman is correct but there is an exception within the storm water ordinance that allows direct run off when one is attached to a FEMA flood plain. Actually, when one models the flood events it is actually safer for everybody to go ahead and get this storm water into the river and downstream because of the way the hydrographs mimic each other. If they did detain their flow they would actually be discharging their peak flow that the overall basin would be starting to peak and it would actually make the flooding worse in the area. So allowing it to get downstream is actually better for the environment, better for the situation.

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The piping of the stream is actually in this situation is going to make it better because the way the Corps of Engineers is looking at it is, is it improving a situation that one has? Are they accounting for this water quality in other places? The answer to both of those questions is yes. So, they are creating a situation where they are going to have better situations.

They absolutely need variances on this property. It is topographically challenged. It has ARC vulnerability code challenges right there. So, in order to develop this site for almost any type of development whether it be a town home or single family residence there is going to be some level of variances that will be needed. And that is the reason that this process is in place, so that they have the ability to go ahead and ask for those and to prove that their need is there as a hardship, not as a self-imposed hardship. And this situation on this property is definitely not a self-imposed hardship.

Steve Rowe stated that the way the city of Roswell calculates density for themselves and others, the applicant is in the range of the density calculations. So, he feels like they are meeting that. And the steepness of the property, all of these properties at one point were undeveloped and extremely steep and Rowe would bank on the fact that the erosion control measures that are imposed today as a part of their development are far in excess of when Valley was developed and when Spring Road was developed. So, in both of those situations they probably had more runoff into the river than the applicant would even have at this stage. The whole point is to be able to catch one's runoff and to manage it on site with regards to these bio-retention areas. And piping their offsite water, they will be able to manage that run off within their property to manage the silt, to manage the mud and be able to manage that process throughout construction and beyond.

Steve Rowe stated that he thinks he has covered everything. If the Commission has any additional questions, he will be happy to answer them.

Bryan Chamberlain stated that he appreciates Steve Rowe's follow up. If he could, from more of a simplistic perspective, there are a lot of variances requested. He understands that there are admittedly several needed to make it work.

Steve Rowe stated that was correct. Chamberlain stated that of these variances, presuming that that is the knockout that it can't go forward because of all of the variances. What are they giving up that he could live with and have a viable project?

Steve Rowe asked Brad Townsend to put up the variance list. It would be easier to kind of hit them item by item if that is okay. Essentially, to build the development that one is seeing here it would take all of the variances obviously to make it happen.

Bryan Chamberlain stated that they have heard several of the public comment that there were various things that they were not happy with.

Steve Rowe stated that obviously the steep slopes ordinance that is a non-starter. If they do not get that variance the project is done. It just doesn't work. The entire property from edge to edge is within a steep slope, the vulnerability area. So that is something that they will need. A variance to the stream buffer ordinance within the city. They would need that, not for the entire property mind you, just for that 300-foot stretch off area where they are impacting. So, that is

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where they would be piggy-backing on top of the corps' permit and the state stream buffer permits.

Bryan Chamberlain asked for a point of clarification on his part. He thought he heard Steve Rowe say earlier when Sidney Dodd was questioning the impervious surface issues and the stream buffer issues. That if one piped it, those issues go away. And now Rowe is saying that they have to have... Steve Rowe stated that Dodd was asking to what level they were reducing them is what he thought was the question. If he misunderstood, he apologized. Chamberlain clarified that Steve Rowe's request is that they go away. Rowe stated absolutely.

Brad Townsend stated that they need to go from 75 to 0.

Bryan Chamberlain stated that he thought he heard him say that it automatically went away. Steve Rowe stated that the variance stays. Brad Townsend stated that it was but it is not required. Chamberlain stated that he appreciates that clarification.

Steve Rowe stated that the next variance would be to get that unit. Again, there is some reshuffling and they are trying to use a consistent unit so they are not having special developments. That would be to be able to get that last unit fit in. It is not a big encroachment into that 40-foot buffer but it is an encroachment into that.

Bryan Chamberlain clarified that it was unit no. 22. Steve Rowe stated that it was variance no. 3 up on their list on the board. Brad Townsend stated that it was unit no. 15.

Sidney Dodd asked Steve Rowe if he could share with the Planning Commission the logistics or the thinking of why they have come before the city of Roswell prior to the ARC and the Corps of Engineers' approvals. He is just trying to understand...

Steve Rowe stated that they came to the city and it is a concurrent process as one goes through all of them because he kind of needs everybody to approve these as they go forward. They started with the planning department, tried to work out a site plan, they thought they had it close. They sat down with Jim Santo with the ARC. In sitting down with Santo what they discovered was that two of the properties had already had previous...that they all had approvals of their vulnerability codes. So they could not amend those two areas. One of the sites was this Connemara lot had already been through a review. And this was a non...this was an area that they could not touch again. The other site was across the street and it was also part of another review. So what they had to do was kind of rework the site. They were already limited on their impervious surface in areas here. So, that is where the ARC came in. As they started to rearrange this and tried to figure out, they tried to minimize the amount of stream impacts and they were able to get those under the 300-foot threshold for a nationwide permit. The difference is if one has to go for an individual permit, which is over 300 feet it is about a two-year process where a nationwide permit, which is under 300 feet is about a 45 to 60-day process. So, they went ahead and were able to squeeze that down to be able to fit within there and as a part of that buffer variance, they would need to go for a state stream buffer variance. In addition to the state stream buffer variance, the city of Roswell has their buffers that they go outside of that 25 feet. So, that is kind of how they have kind of gone through this. To go to one and then the other and then the other didn't make sense. They kind of had to hit them all at the same time and it was an error of process. If one looks at the original submittal date of October through March, they have been going through various agencies, various processes, various departments within

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the city to be able to make this all work out. It has been a collaborative effort among RDOT, the state, the feds, ARC, the planning department, the engineering department. It has really been a whirlwind of going through processes.

Bryan Chamberlain stated that going back to the list of variances, he thinks they still had three to finish. Steve Rowe stated that the distance between units again he believes it is for these units that are right here against the sewer line, the 20 feet. They were too close based upon the TR code, not the building code mind you, but the zoning code. So, from a building standpoint they are able to do that. From the zoning they were not. Again, being hemmed in by vulnerability codes, stream buffers, city buffers it is trying to make the numbers work with the development costs, with the land costs plus all of the things that go into it. The two town homes, Steve Rowe thinks that they have kind of hit on that why they needed that for these two units here or these two sets of units. It was because they were hemmed in on either side.

And then a variance to the sidewalk requirement. They have done several developments like this, these infill type developments and putting sidewalks on both sides of the street really is an effective use of money but also, one is adding impervious surface that is really not necessary. This is going to be a small, intimate community, 22 homes. They are not going to have a heavy pedestrian flow, where it is not a problem to walk across the street to get to a sidewalk.

Bryan Chamberlain thanked Steve Rowe and asked if he could speak to...basically there is nothing that he could give up on this list, he needs all of them. Rowe stated that he needs all of them only because there are so many competing pieces. They tried to equate this when talking with Eric and Jason. It is kind off like a bowl of Jello. If he is able to compress one side somewhere, it is going to have to pop out somewhere else. He has not run the Performa numbers but Jason Yowell has kind of given him the number of units that they need to make this deal financially work. And they are kind of at that number. If there was a variance that Rowe could maybe work with a smaller variance, it might be number 3. Because he might be able to make the unit shorter and wide possibly but again, that gets into a different architectural plan and he is buying more architectural fees. Steve Rowe does not want to speak for Jason Yowell, but that might be one where he might be able to give in a little bit. But the rest of them are just a function of the geometry of the site, where the stream is situated, the ARC vulnerability codes, all the things that Rowe really has no control over.

How far do they encroach over the 40-foot and 50-foot setback on Lot 15? Steve Rowe stated that he was going to go to a scale drawing. They are probably at 30 feet where they are supposed to be at 40 feet. Again that could be a function of the architecture. They might be able to work around that one. But the others are just a function of the site, the stream location, the steep slopes, the things that are just inherited with the property. Not a part of the site design.

Bryan Chamberlain stated that this functional development that they have here, the town homes, there is no placement up further north near where the houses are that would accommodate that and eliminate some of these issues.

Steve Rowe stated that it would not because it becomes...to move it further north they then exceed the 300 feet of the stream buffer variance that they are capped at per the Corps of Engineers.



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Bryan Chamberlain stated that in the Commissioners' packets there is nothing that speaks to the product itself and the look of the product. He may have missed that. Steve Rowe stated that they actually have not designed this yet because this is such a site specific and sensitive design. They wanted to get a little further into the process before they engage an architect to be able to start drawing plans. This is not your traditional town home development where one knows a box is going to fit. This has to be designed per specific site, per specific building cluster Rowe believes. They are trying to make the most use of the site, make the most use of the parameters, but if they can get an approval tonight, they probably have enough comfort level to be able to start engaging the architect and be able to come up with some concepts on that.

Bryan Chamberlain stated that in the financials, there is an assumption as to the selling price of each and the cost to build. Steve Rowe stated that he was going to let Jason Yowell answer that. That is not an engineering function. Chamberlain thanked Steve Rowe.

Jason Yowell stated that they anticipate an opening price point in the low to mid-\$500's. He is in discussions with Lew Oliver to do the design work. Yowell is sure that everyone here is familiar with Lew Oliver's work around the Mill and the site designs that he is currently involved in designing around actually this building. They were having a presentation across the hall tonight that he...with his designs. If one has Lew Oliver on this, he is going to get just an absolutely spectacular project. They don't anticipate any problem with that price point. It is a very unique location. It is unmatched and unparalleled by anything else in Roswell. They need the unit count that they have because they have got some extraordinarily high development costs that are way beyond the norm. But they are going to have a project that is way beyond the norm in terms of visual appeal, livability and also integration into the larger community.

Cheryl Greenway asked if there were any other questions for the applicant. She asked the applicant to address the question raised by the lady on Spring Drive. About the house not facing Spring Drive but rather the back of the house.

Jason Yowell stated that he thinks she was referring to the house on Valley. Cheryl Greenway stated no, Spring Drive. Yowell stated that in any event it is the same thing, why would one put a house that didn't face the street? He does not know where she gets the idea that the house doesn't face the street. It is cocked on an angle but that doesn't mean that it does not have a front elevation that addresses the street.

Cheryl Greenway clarified that it was not going to face Spring Drive. Jason Yowell stated that it would face Spring Drive. One would be an idiot to build or design a house that didn't address the street that it comes off of. That is just such bad design, it is beyond Yowell's comprehension to even think of doing something like that. He does not know where anyone would get the idea that it wouldn't face the street it comes off of.

Cheryl Greenway asked if there were any other questions. She stated that now is the time to ask any questions of the applicant or the city before she closes the public session. Cheryl Greenway stated to an audience member that has already been closed. That was when they had the session to come if one wanted to speak in favor of or against. She was sorry.

Cheryl Greenway asked if there were any questions of the applicant or the city. Hearing none she closed the public part of this application. She is looking for discussions, comments or a motion by the Commission.



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Cheryl Greenway stated to the audience that the Commission needs their full attention.

Lisa DeCarbo stated that she sees that this is a very difficult site to develop. Obviously lots of challenges. She is very familiar with all of these kinds of challenges. She faces them as an owner and as a developer. But when one has all of these steep slopes, and she knows so much has been developed in the city on areas with steep slopes. But she is uncomfortable moving forward with it without the analysis from the engineering department because just because they have had development on steep slopes before that maybe would not be allowed by the current regulations, they need to go by the current regulations. They are in place for a reason. She hates to see a property not used. She hates to see nothing come of it. But the way it is being done she knows is probably as clever as one could possibly do it. But it still just seems like an awful lot on a very fragile piece of property.

Sidney Dodd stated that he would concur with DeCarbo in that he does not think the Planning Commission should be involved in a concurring approval with certainly ARC and the Corps of Engineers and even their own engineering department. And given that, their determinations and their approvals will have a large influence on what this Commission and probably what the council will decide. It is almost like trying to understand and vote on something where they don't have all of the information. He would not be comfortable with that because he would hate to see an area that has a liability issue in the future because the Planning Commission didn't have all of the information prior to making a recommendation to council. He does not understand why there is such a concurrent expedited pace to the point where they can't get all of the information in first, digest that information, and then make an informed decision. That is just Dodd's opinion but he would feel more comfortable if he had Roswell's engineering department overview and the state of Georgia as it pertains to the navigable stream and then the Corps of Engineers and the ARC. If all of that information was concluded and presented, then he thinks the Planning Commission could make an informed decision and they would all feel more comfortable.

Bryan Chamberlain stated that he had a question for Brad Townsend. Procedurally, they have the choice of deferring this or must they decide yay or nay. Brad Townsend stated that the council meeting has been advertised for April 14th. If the Planning Commission chooses to defer they would be deferring that meeting also. It is within the Commission's purview. They are running into the back end of if the Commission defers here and council defers, they only have one meeting to meet before they have to act and staff is not sure when the ARC...hopefully they will get it in two weeks, they may not get it in eight weeks. So, yes, they are in a quandary of an outside agency's review timing process and where they have started their own review timing process.

Bryan Chamberlain stated that from the perspective of their selection of choices on a decision this evening, if they choose to deny as was recommended by staff, when are they and under what conditions are they able to come back and request again?

Cheryl Greenway stated that the applicant goes to city council. Chamberlain assumed that city council moves on it. And ARC in the middle of the summer then comes out and says that everything is fine. They have a quandary here of not having all of the purview of what is coming down the pipe on this. The Commission's view with that information may be different than the staff's view, which the Commission's view is then collectively a presentation of what they have

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heard tonight to the city council. And the city council is going to make a decision. If the Commission defers certain things get delayed. If they deny, certain things get stopped.

Brad Townsend stated that denial goes forward one way or another. Chamberlain stated that it goes to the council, if the council says no then the thing is over. What are their options? The applicant referenced that they could just go about this with single family housing. Is there any delay or period of time they have to go through before they can come back on that property? As Chamberlain understands it they are working with a buyer at this point as well or a seller at this point as well.

Jackie Deibel stated that if there is a denial on a rezoning, someone cannot come back for another rezoning for a year. However, if somebody chooses to build under the R-1 zoning, that is allowed. There would be no time period if someone wanted to build a single family home. However, as indicated, this is in the river corridor but if they chose to build just some single family homes, they may have to talk to ARC but they may be able to use some of the numbers that have been possibly found consistent or however ARC may find this. Currently, it is down at the ARC. The review has been open and it will go...it is in process. It can be anywhere from realistically, she has seen them done within four to six weeks. So, what happens is, once the staff gets the preliminary finding back from the ARC, not their final, but preliminary, they start the advertising for city council. At this point the rezoning is scheduled for April 14th. However, if the staff does not have the preliminary finding back for the ARC in time, then most likely this item will be deferred from the April 14th meeting most likely to the May 12th meeting. Because between now and that time they should get the preliminary finding and the final finding. The city council cannot vote on an ARC river corridor application without the final finding from the ARC. So, should staff not have the final finding by May 12th then it would be deferred one more time. That is the time limit which city council would have to act on the rezoning. The advertised day is April 14th. They have to make a decision within 65 days from that date for the rezoning application which would be June 9th. Deibel believes that is the second Monday in June.

Brad Townsend stated that the Planning Commission as a board, they can take an action subject to ARC finding it consistent if that could be their choice.

Jackie Deibel stated that also some of the other items that are going through...realistically the city engineer, the ARC plans had to get down to ARC before the city engineer could...she reviews the erosion control plans but her recommendation, she wanted to see how ARC's recommendation also went into effect with what they are finding consistent or inconsistent based on that. So, she is reviewing steep slopes but she also gives a form that would go to the state, the Army Corps of Engineers for that portion. So, that therein lies the issue due to the fact that these things are all running so much concurrently with the steep slopes erosion control for the ARC and the rezoning. So everything is trying to mend together is how one would want to look at it.

Brad Townsend stated that in a perfect world their objective is to get to one meeting with all of the information in front of mayor and city council so that they are dovetailed together and they can act on the ARC, they can know the steep slope scenarios and have the Planning Commission's recommendation on the project in taking that forward to a conclusion.

Bryan Chamberlain thanked Brad Townsend.

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Cheryl Greenway asked if she had a motion.

Lisa DeCarbo stated that she does not have a motion yet but she does want to say that it seems to her after listening to this, one of the things that most folks object to is piping the stream because she thinks in a lot of people's minds the best use of that would be to restore the stream in some way and potentially place the town homes in a different location on the lot. One of the reasons that that is not being done, that they are being placed where they are is being presented is if they were to place them somewhere up farther, say farther northwest on the site which she thinks is kind of what Bryan Chamberlain was alluding to, they would have to cut more trees. From the look of the slopes they are going to have a problem virtually anywhere one puts them on here. But the other thing that seems to be driving the location of them, if DeCarbo is hearing it correctly, is that if they were to be moved somewhere else one would have to pipe a larger area of the stream to get this density and to get the road on there. By doing that, it would then lead to a longer process in terms of the US Army Corps of Engineers approval. By keeping it here, they are limiting the stream piping to 300 feet, or the stream encroachment, the variance.

That doesn't seem like the best reason necessarily to place them there. And it also makes Lisa DeCarbo wonder if this is developable at all, this piece of property with all of the environmental issues. That makes it very hard for her to say yes, until the steep slopes has been completed and until the ARC has been completed.

She almost thinks they are dealing with a property that may not be buildable to this extent.

Motion

Lisa DeCarbo stated that she would like to recommend denial of this rezoning request based on the reasons stated by staff:

1. Variance to the stream buffer.
2. Piping of the stream.

Cheryl Greenway asked if there was a second for that motion.

Bryan Chamberlain seconded the motion reluctantly. He likes the idea of this concept but all of the variety of exceptions that have to be made and the timing of not even knowing other authorities have over this are going to say, it doesn't add up at this point. So he seconds the motion.

Cheryl Greenway called the question.

The motion passed unanimously. The application has been denied.

Cheryl Greenway thanked the applicants for their time tonight.

Cheryl Greenway stated that the Planning Commission would take a two-minute break.

CONDITIONAL USE
14-0096
DON ROLADER
470 Ebenezer Road

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