

**CITY OF BERKELEY LAKE  
4040 SOUTH BERKELEY LAKE ROAD  
BERKELEY LAKE, GEORGIA 30096  
PLANNING & ZONING COMMISSION  
FULL MINUTES  
AUGUST 8, 2023  
7:15 PM**

Those in attendance at the meeting were as follows:

Commission Members:                    Dan Huntington, Chair  
                                                  Pekka Ignatius  
                                                  George Kaffezakis  
                                                  Rand Kirkus  
                                                  Robin Sansone

City Officials:                            Leigh Threadgill - City Administrator  
                                                  Thomas Mitchell – City Attorney  
                                                  Rob Hiller – City Marshal

Citizens Present:                        70

**I. CALL TO ORDER**

Huntington called the meeting to order at 7:15 PM. A quorum of the commission along with City Administrator, Leigh Threadgill, were present at the meeting.

**II. APPROVAL OF OR CHANGES TO THE AGENDA**

Huntington asked if there were any suggested changes to the agenda.

**Kaffezakis moved to approve the agenda as submitted. Kirkus seconded and all voted to approve the agenda.**

**III. MINUTES**

1. Minutes of July 11, 2023

**Sansone moved to approve the minutes of the July 11<sup>th</sup> meeting. Kaffezakis seconded and all voted to approve the minutes.**

**IV. OLD BUSINESS**

There was no old business.

## V. NEW BUSINESS

Huntington noted that the rezoning request and five variances would be considered together.

1. PZRZ 23-08, 4477/4487 Peachtree Industrial Boulevard – Rezoning from GC-A (C-1) to M-1 and PZV 23-09 associated concurrent variances as follows:
  - a. Elimination of the 75-foot buffer adjacent to residential property
  - b. Reduction of the M-1 district area minimum from 10 acres to 4.996 acres
  - c. Increase in the M-1 maximum height from 40 feet to 45 feet
  - d. Reduction in the M-1 75-foot front setback to 11.11 feet along a portion of the property where there is a jog in the Peachtree Industrial Boulevard right-of-way
  - e. Allowance of accessory retail sales in a stand-alone building

Huntington stated that this was a recommendation from Planning & Zoning Commission to City Council regarding the applications and that the final decision on both would be by City Council.

He acknowledged that the Planning & Zoning Commission exists to find the balance between private property rights and the common good.

Huntington recognized Threadgill to review the staff report and recommendation.

Threadgill reviewed the zoning history of the property, the details of the application and the five concurrent variances and the staff evaluation thereof as well as the staff recommendation.

She noted the following regarding the five variances requests:

The 75-foot buffer is required to protect a less intense use from a more intense use and should be maintained in its undisturbed state and supplemented in areas where additional plantings are needed to provide an opaque screen.

The variance to the M-1 district area minimum was something of a technicality because the site is adjacent to a GC-A(M-1) district which is more than 10 acres in area and if added to that there is an area of industrially-zoned property that exceeds 10 acres.

The height variance may not be necessary because in correspondence with the applicant she understands that the building is only proposed to be 35 feet tall, with solar panels of 5 feet making the total height 40 feet and 40 feet is allowed.

The variance to the 75-foot front setback is unnecessary as the site plan has been designed, but the applicant has requested the variance in case the building shifts during design and engineering.

The variance to allow accessory retail sales is not a variance because it deals with the use of the property and not a dimensional standard. A text amendment is needed to allow accessory retail sales as a permitted use in the M-1 district.

She acknowledged there are other city standards that have not been adequately addressed in the proposed plan.

The first is compliance with the city's tree ordinance, which has not been met. The plan shows meeting half the required tree density.

The second is that there is a stream located in the northeast corner of the site, which is subject to buffers, but the proposed plan has not identified the stream or how the buffers will be met.

The third is that the proposed building is going to be constructed of metal, which is not a permitted exterior building material in the Peachtree Corners Activity Center Corridor Overlay which applies to the property currently and is a recommended condition if the application is approved.

Threadgill reviewed the standards governing the exercise of zoning power as follows:

Will the rezoning permit a use that is suitable in view of the use and development of adjacent and nearby property – it is generally compatible except that it is adjacent to an established residential area to the north/northeast and the impact of industrial development on that area must be considered and mitigated.

Will the rezoning adversely affect the existing use or usability of adjacent or nearby property – if not properly mitigated through the provision of buffers, then the rezoning could have an adverse impact on adjacent or nearby residential property.

Does the subject property have reasonable economic use as currently zoned – this is difficult to answer absent a market analysis.

Will the rezoning result in a use that would cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools – staff has circulated the application to Gwinnett Departments of Water Resources and Transportation. The applicant should comply with any comments that result from review by those departments. DWR has provided comments. Staff has not heard from DOT.

Is the rezoning in conformity with the policy and intent of any land use plan in effect – it is generally consistent with the future development map within the comprehensive plan, but the adjacent residential area should be protected from adverse impacts of any potential development resulting from the rezoning.

Are there other existing or changing conditions affecting the use and development of the property which provide supporting grounds for either approval or disapproval of the proposal – if development would result in the elimination of the existing zoning buffer, that would create an adverse impact on the adjacent residential areas. In addition, this property receives stormwater from off-site that runs onto adjacent property and must be adequately addressed to mitigate any impact to the adjacent property as well as the lake further downstream.

Threadgill reviewed the staff recommendation, which is conditional approval of the zoning change and two of the five variances – the front setback and the district area minimum. It no longer seems like the height variance is needed based on information provided by the applicant. The conditions of approval are as follows:

- 1.) Outdoor storage and display shall be prohibited.
- 2.) Permitted uses shall be limited to the following:
  - a) enclosed warehouse with offices,
  - b) wholesaling with offices, and
  - c) business office
- 3.) Abide by all requirements of the Peachtree Corners Activity Center/Corridor Overlay.
- 4.) To satisfy the following site development considerations:
  - a) Preserve a 75-foot undisturbed buffer adjacent to residentially zoned property. Where there is inadequate vegetative screening to achieve an opaque screen, provide supplemental plantings in accordance with Sec. 42-224 of the City of Berkeley Lake Code of Ordinances.
  - b) Location and design of driveways shall be subject to review and approval of the Gwinnett County Department of Transportation.
  - c) Dumpster pick-up and deliveries shall be limited to between 7:00 a.m. and 7:00 p.m.
  - d) No outdoor loudspeakers will be allowed. Sound level shall be 0 decibels measured at the property lines adjoining residential property.
  - e) Lighting shall be down-cast and directed in towards the property so that it does not shine into nearby residential properties.
  - f) The owner shall repair or repaint any graffiti or vandalism and remove any refuse or garbage illegally dumped on the property within 72 hours.
  - g) Adhere to the state waters buffer and City of Berkeley Lake stream buffer requirements for any and all streams on the subject site or adjacent properties which may have buffers that impact this property.
- 5.) Abide by the following requirements, dedications and improvements:

- a) All roof mounted equipment shall be screened from view, including any solar panels.
  - b) The top of the roof-mounted solar panels shall not exceed 40 feet from the mean grade of the building.
- 6.) Abide by all requirements of the city's buffer, landscape and tree preservation ordinance as well as the Peachtree Corners Activity Center/Corridor Overlay landscaping standards. In the event of a conflict, the more stringent requirements apply.
- 7.) Address all comments from the Gwinnett County Department of Water Resources.

Threadgill stated that a customary condition of rezoning approval is that the site be developed in accordance with the site plan submitted with the application. However, the submitted site plan does not meet many requirements and is not acceptable. The applicant could consider the feedback and submit a site plan that addresses all the requirements for further review and consideration by the city.

Huntington acknowledged the applicant.

Wendy Kraby introduced herself as a land use and zoning attorney who works for Gregory Doyle Calhoun and Rogers out of Dekalb and Cobb counties. She is in attendance representing Builderstone Global who will be the owner and developer and stay and become part of the community.

Tanir, owner of Builderstone stated that he wants to create a beautiful, peaceful project.

Kraby acknowledged that she brought someone from design and construction, a site engineer, and hydrology engineer. She noted that the hydrology engineer is particularly important and circulated copies of a portion of the hydrology report to the commission.

Kraby noted the 50-foot setback adjacent to residential and explained that it is a stormwater easement that has been there since 1987 and benefits all 7 lots along Peachtree Industrial Boulevard. It is an easement area that serves Gwinnett County as well.

Kaffezakis asked about the forebay and wall for the EDD and whether it would be constructed over the 60" reinforced concrete pipe.

George Kyiamah, the civil engineer, stated that a portion of the pond is going to encroach on the 60-inch pipe. The pipe is very deep, but the pond will be shallower.

Kaffezakis asked if Gwinnett County will allow the encroachment.

Kraby noted that the applicant has provided the plans to Gwinnett County for an answer to that question.

Kaffezakis went on to say that If the pipe fails, the county will need to be able to access the pipe, and that could have a negative impact on the bioretention pond.

Kaffezakis asked how close the cast in place wall will be to the property line.

The engineer said that it is about 10 feet, and that it is going to need to be revisited.

Kaffezakis asked about the limits of disturbance, which the engineer said is definitely above one acre, which means the state soil and water conservation commission will have to review the plans.

Kaffezakis asked about the grading that will be necessary to bring the site to the desired elevation.

The engineer responded that what has been done is very conceptual. The pond is in a hole, so the site will have to be built up closer to the elevation of the road. Most likely the pond would have to be elevated, which will result in higher walls.

Kaffezakis asked about the corrugated metal pipes on the northeast side of the property and whether they will be removed or abandoned in place or if they are part of the system with associated easements.

The engineer responded that the pipe bypasses the pond right now. He stated they will modify it to meet current state standards. They have to consider both runoff and water quality control which means they must incorporate green infrastructure into the plan.

Kraby stated that there is a 10-foot drainage easement in the area. There is a historical plat from 1987 that shows a close-up of the retention pond.

There was discussion about the type of vegetation proposed in the bioretention areas and the use of native plants.

Kaffezakis referenced the 2009 storm and how the stormwater management system will behave if a storm exceeds the 100-year storm. The engineer acknowledged the increase in high-intensity storms, but that right now they are just planning to meet the current standards.

Kraby stated that the city's code has extensive requirements for new development.

There was discussion about the proposed accessory building, the timing of its construction and the intended use of the space as well as whether there was a condition of the rezoning that would preclude the sale of the accessory retail building to someone else.

Kraby stated that the developer has considered that and offered a potential condition that the use of the accessory building has to be related to the use of the primary building. It is meant to be a campus for the company.

Threadgill clarified that in order for the accessory retail building to be built the zoning ordinance would need to be amended. Mitchell reiterated that the zoning needs to address the use of the accessory building. Threadgill went on to say that if the zoning is changed to allow accessory retail sales in M-1, her recommendation would be that it would be contained within the primary building.

Kraby explained that the smaller building is meant for a high-end cabinet showroom, not wholesaling, but for retail for a customer to come and meet with a designer to look at the product and pick it out and then buy it and have it delivered. No one will be buying something from that building and taking it with them.

Kaffeidakis noted that if the accessory building were combined with the primary building it would be easier to address stormwater management and maintain required buffers.

There was discussion about whether the primary building could be reconfigured to accommodate the retail sales component.

There was further discussion about concerns related to turning radiuses for trucks pulling through the primary building.

Kirkus asked about pollution control contaminants from truck traffic on site as well as clean-up inside the building.

The owner responded that they won't create any dust or environmental issues. Kraby added they can't clean out the warehouse and put polluted water out on the land.

Sansone asked about tree density. The engineer responded that he understood the site was in an overlay and he understood the tree density to be 20 units/acre. Threadgill clarified that the requirement is 40 tree density units/acre.

Huntington asked about the building material. The applicant responded it is a composite metal and looks like what you would use for a high-rise. Threadgill clarified that the overlay standards prohibit metal, with no specific qualification around what type of metal, so use of any metal would require Planning & Zoning Commission approval. There was further discussion about the overlay standards.

Huntington asked about the stream buffer. He noted that he has visited the site and has stood on the stream and asked how the applicant will address the stream buffer. The engineer stated that there is a stream coming from the pipe, and the stream buffer starts at the headwall of the pipe. Huntington stated that the stream curves and runs right along the property line, and asked how the stream will be protected. Kraby responded that the client is trying to make it a better system than what is there now by putting in a \$300,000 bioretention basin.

Huntington asked about protection during construction and any resulting siltation. Kraby stated that they are aware of the history of the property and perhaps the previous owner may not have done a good job in managing the stormwater. The engineer stated that they will have erosion control during construction; they are mandated by the state to incorporate BMPs during construction. There is a lake just downstream. There are stiff fines. They will put everything in place and will have independent monitors checking the BMPs and testing the water at outfalls after rain events to make sure there is no increased sedimentation. Kraby stated that the laws have changed in the last ten -fifteen years.

Kaffeidakis noted that the goal is to prevent the siltation of nearby water bodies so that there is no need for fines. Having it at the property line, with no buffer, makes it more difficult to

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address issues coming from erosion. Kraby talked about the existing easement that precludes the buffer which is a legal issue.

Kaffezakis asked why the stormwater management system couldn't be shifted south to accommodate stormwater controls. Kraby responded that adjacent property owners have rights to drain into that easement, as does Gwinnett County.

Huntington stated that Berkeley Lake is a Tree City and it is difficult to think about removing the buffer with the trees because of what will be visible from the backyard of the adjacent residential property owner. Kraby stated that if other parties have a right to have the runoff coming in, they also have the right to come in and clear that area.

There was discussion about whether there are alternative designs that preserve the 75-foot buffer. The engineer said yes, and the applicant distributed an alternative design to the commissioners which preserves the 75-foot buffer and results in a smaller accessory building. There was further discussion regarding the easement and existing infrastructure within the required 75-foot buffer.

Threadgill asked if the lots that the easement was meant to serve are using the easement. The engineer stated that it did not appear from his preliminary analysis that water was draining from offsite into the old pond within the easement. Threadgill stated that if the easement isn't being used for drainage, then it should be possible to relocate the stormwater pond elsewhere on site. Kraby stated that this is a question to be decided between the attorneys. She went on to say that the county's water from across the road is coming into this area. Threadgill and Mitchell stated that the county's water is not flowing into the pond but is piped.

Kaffezakis asked about the exterior side slopes. The engineer responded the maximum is 2 to 1. Kaffezakis noted that it is hard to maintain that slope and asked if a technical condition could be included in any approval specifying the maximum side slope. Threadgill responded that she reached out to the city engineer for suggested conditions pertaining to the technical standards and would defer to the attorney as to whether it would be possible to include those types of conditions. The engineer responded that they are using walls for the bioretention and extended dry detention areas. There are no associated slopes. There is access to these areas from the drive aisles. In other areas around the parking lot they prefer 3 to 1 slopes, but in some places there is inadequate space and they use the 2 to 1 standard. There was further discussion about grading and other design issues.

Mitchell stated that any approval, as Threadgill has mentioned, would be site plan specific. If the site plan substantially changes, the applicant will need to come back through the process. They may need to do a little more design work than they would typically do for a conceptual site plan.

Huntington noted that this is a negotiation and asked what the applicant would do to protect the residential areas from the lights, noise and wall. Kraby stated the applicant is working with what they have and referred back to the easement and the inability to make it go away. The engineer stated that some of these easements can be re-aligned and re-recorded if there are no



objections. Kraby reiterated that there are different parties that have rights, and that the applicant can't remove the infrastructure that is already there.

Baltaci, BuilderStone owner, discussed the alternative plan resulting from meeting with Holben which will mitigate the impact of the stormwater management area and preserve the buffer area.

Michael Penland, Powell Property Group, represents First Citizens Bank, the current owner of the property. He mentioned that most of the calls with interest on the property were M-1 prospects, many either looking to build office/warehouse or mini-storage. The bank has turned a lot of people down in order to be good stewards. They have stayed with Builderstone, after they have asked for numerous extensions, because they are doing a great job and everything they can to do this properly. This is the best prospective buyer thus far. He acknowledged that this is a contentious piece of property.

Chris Holben, 325 Lakeshore Drive, stated that he would be brief and that he and Marlene have lived here for 48 years. They are concerned about this property, mainly impact to the 75-foot buffer, the additional impervious surface and the silt. The pond has been cleaned out three times and he is leery of anyone doing any kind of disturbance. He asked David Huetter to come tonight because he has worked on this property for years. He works with United Consulting. Holben asked Huetter to speak on his behalf.

David Huetter, United Consulting located at 625 Holcomb Bridge Rd in Norcross, has known Chris since about 1999 and has been working with him since then. He has brought some information to provide to the commission regarding the Holben's opinion regarding the site, which was also provided to Threadgill. He distributed his comments on the application. He and Chris met with the applicant to talk about these concerns – relative to the development, relative to the property, past issues of siltation of Hoben's pond and with regard to the buffer. If they take down those trees and build a pond right on the property line that is what Chris will look at from his backyard - the walls of a detention pond not the trees and the deer. It will also result in visibility to other unsightliness on Peachtree Industrial Boulevard as well as noise. It will have a significant impact on the Holben's wellbeing and their property value. Who would want to buy a property that looks out on a big, ugly detention pond wall. He acknowledged the presence of the drainage easement but stated they wouldn't need to plant more trees, they would just ask the existing trees be allowed to remain. There are more than 200 trees in that buffer, many of which are 50-70 feet tall. The footings for the proposed detention pond would result in damage to trees on Holben's property. There was also mention of the stream and stream buffer. He noted that the applicant's engineer acknowledged the stream, and there does need to be a stream buffer. The second information packet he brought includes additional comments following the most recent meeting with the applicant. The alternative site plan was just provided to the commission noting that they can meet the 75-foot buffer, the stream buffers, provide the detention pond and keep the accessory building. This would indicate that there is no hardship. The easement language in the deed reference includes that the easement has to comply with other state and local ordinances. Therefore, if there is a 75-foot buffer required, it sounds like you have to provide a 75-foot buffer unless a variance is granted. He

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requested that the buffer variance not be granted. There is a 60-inch pipe carrying water from the south side of Peachtree Industrial Boulevard under this property that discharges to the stream that flows into Holben's pond and then into the lake. It carries water from Ryerson, the aquatic center, and originates as a flowing stream on the other side of the aquatic center. All of that water from the other side goes through that 60-inch pipe, and it's a lot of water, especially in a big rain event. The 24-inch pipe is much older and was originally designed to carry water along the north side of Peachtree Industrial Boulevard and carry it along the buffer area to the headwall. The 30-inch pipe carries water from the old detention pond that was constructed when the parcel was graded for the future development. In the current conditions of that site, there is almost no water that comes out of the 24-inch or 30-inch pipe. There is very little runoff water being generated from the site currently. Both of those pipes are in poor shape. If either were to be used, they would need to be sleeved. If that is done, it needs to be done without digging the pipes up. It appears that no one is planning to use the 24-inch pipe. How are they going to get water out of the detention pond? Will it go to the 30-inch pipe? Or will it connect to the 60-inch pipe? The hydrology study will need to be updated with respect to the new plan that preserves the 75-foot buffer. The main issue is the 75-foot buffer as well as the amount of impervious surface, but in addition we request a condition that the applicant do a sedimentation survey on Hoben's pond and the inlet at Berkeley Lake, to be done by United Consulting, paid for by the applicant. It is requested that this be a condition of any approval. On the revised plan, they show the stream buffer, but it doesn't look like it is drawn correctly because of the turn in the stream after it exits this property. It shouldn't be an issue if they meet the 75-foot undisturbed zoning buffer. Also, depending on how they design their site it looks like a back corner of the parking area gets pretty close to Hoblen's property and they would request landscaping be done in that area where the development is in line of sight of 325 Lakeshore Drive. Lastly, include a zoning condition that the developer paint the back of the pond wall that blends in better. If they can plant trees to screen it, that would be great, but if not, just paint it to blend.

Janine Brinton, 498 Lakeshore Drive, acknowledged that all the citizens have to follow strict rules, setback rules, impervious rules, etc. The applicant hasn't discussed why they can't build a smaller building and fit in with the rules.

Steve Seitz, 34 Lakeshore Drive, has lived here for 30 years and has worked with Holben on past issues related to the subject property in 2006-2009. This is a difficult site. From past lessons, if there is a performance bond or insurance agreement that covers removal of the silt once it gets into the pond, that would be helpful. Regardless of BMPs there will always be silt deposited into the pond. Rain events are getting more intense. Hopefully, in granting permits, and prior to that a condition to have a performance bond articulating the maintenance of the area and how things can be cleaned out and restored without lengthy legal action.

Marty Brinton, 498 Lakeshore Drive, noted the torrential rains and runoff into the lake. Current regulations aren't adequate to handle these extreme rain events. The pond should be built to handle the large rainstorm, the one-time event. The pond should be built for the worst-case scenario.

Nick Lore, 134 Lakeshore Drive, wished that Bernie Cohen was in attendance. He asked people to look at the stormwater pond serving Peachtree Lakes businesses and observe what an older pond looks like.

Gary Volino, 380 Lakeshore Drive, can think of a hundred reasons not to build this facility, but that sooner or later the property will be developed. If there have been other prospects, what are the benefits of working with this owner and builder over someone else.

Nathan Melanson, 610 Hilltop Lane, noted there may be safety concerns regarding the development's impact on the bike trail and visibility for the cyclists and pedestrians who use it.

Kaffeidakis noted that this is the first time the commission has seen the alternative site plan at this meeting and asked Huetter if, conceptually, this plan makes more sense. There is a general sense that this property will be developed sooner or later by somebody.

Huetter responded that the alternative plan does make more sense and it is nice to see. Once he and Holben were able to meet on site with the applicant and demonstrate the location of the proposed stormwater pond wall on the back corner, the applicant realized the impact. One of the applicant's first responses was that they can do the buffer and want to be good neighbors. This plan still raises some questions, but it is substantially better.

Kirkus asked about the water and whether it's the concentration of the water that is the issue because it should be that the same amount of water that will come through the property as it is now or as it is developed, but you may be concentrating the water in the holding pond and then dumping it into Holben's pond.

Huetter stated there is going to be more water with the addition of impervious surfaces. The subject property is overgrown, very little water is coming off the property now. Most of the water is currently coming from the other side of Peachtree Industrial Boulevard or off Peachtree Industrial Boulevard. The development, with its additional impervious surfaces, will have more water that has to go somewhere, and the developer will direct water to the detention pond. The pond needs to be properly designed and evaluated. It's important to know where the water will come out, how big is the orifice, how long will the water be held, and what rain event will they design it for, the minimum or to hold more water back and slow the water. This may not be evaluated at the concept phase now, but it needs to be clearly documented in the record that this is a concern so that when the city engineer reviews it, they are looking at it and there are conditions that were put on this that the applicant will design this properly and hopefully overdesign it.

There was further discussion about stormwater pond design standards, proposed conditions and increasingly severe rain events as well as water quality.

Kaffeidakis asked about how to proceed in light of this new alternative site plan and how to determine whether the pond should be designed to handle the 500-year storm, or what the right storm level is.

Threadgill responded that there are other issues beyond stormwater that still need to be addressed, which the alternative site plan does not address, but agreed that it does make sense to have a meeting to determine the proper level of design for the pond.

Ginny Nevins, 116 Lakeshore Drive, noted that the impact on viewshed would go beyond just the adjacent property owners and asked the process if this application was denied.

Threadgill reviewed the procedures related to a rezoning action.

Mitchell asked if the commission had the authority to table applications and stated that in light of what has been presented there is a need to hear from Gwinnett County on the issue of the easement. If the pipes aren't disturbed, the county may not care. With regard to the other two pipes, it seems like the easement isn't really being used. One is being used by the owner, but they can do what they want with their stormwater and have already designed an alternative plan. The other pipe that is bringing water from PIB, it doesn't appear it is doing anything either. To address Kraby's issue about the dominant easement and the rights of easement holders to come into the easement, if they aren't using it, then adjacent owners don't have a right to it. Given the consequence of this particular zoning and a desire for a meeting, it may make sense to have a meeting with the applicant and engineers to hash out a list of conditions so that those aren't drafted in the meeting where the rezoning is being considered, but in advance of that.

Brad Horbal, 142 Lakeshore Drive, stated that he had a whole list of comments that Huetter has covered for the most part. There are some conditions that could be put on the stormwater pond, lowering curve number or reducing the "q" out of the pond are some options. This would increase pond size and reduce the flow. He reiterated the importance of a performance bond, so the city has money for removal of silt that enters Holben's pond or the lake.

Kirkus noted that these are private properties and that would not be a city issue to manage a bond for silt removal. It was noted that this is a legal question.

Huntington closed the public hearing at 9:30.

He invited Kraby back up to address any of the comments from the public.

The applicant's engineer stated that the rules have been made more stringent regarding runoff control. In the past it was just control of the peak flow coming from the development. With added impervious, the amount of runoff increases. Regulations now require green infrastructure that will infiltrate part of the water so there is no increase in runoff above pre-development conditions. This addresses both peak flow and runoff reduction, which makes it more stringent for developers.

Kraby stated that there is quite a bit that has been brought up that are legal issues that need to be discussed between the attorneys, and that may help resolve the buffer issue. Is it more important to have the buffer or more important to have the best stormwater system available? Kraby gets the sense that the buffer was most important.

The Commissioners responded that both are important, and that water quality is important. The lake is a recreational lake for swimming, and it needs to be kept that way. Sediment can cause damage to fish habitat. This is not an either/or but a both.

Kraby noted that, going into this process, the applicant was told that they have to address the stormwater issues and they are making the effort to do that.

Ignatius noted that he reviewed the hydrology report and was impressed with the work that has been done. We should ask if we are better off doing something right or doing nothing at all. He is in favor of doing something right to improve the situation. He stated that the buffer needs to accomplish what a buffer needs to accomplish. He believes a solution can be found.

There was discussion about the accessory building for retail sales and what the options are to address code compliance.

There was discussion about next steps for consideration of the application.

Kirkus noted that he would like the applicant to address the issues raised in the staff report. He also acknowledged the applicant's willingness to meet with the adjacent neighbor to try to work through some of the issues.

**Kaffezakis moved to table the application to September 12<sup>th</sup>, 2023. Sansone seconded the motion. All were in favor and the motion passed.**

#### **VI. CITIZEN COMMENTS**

There were no comments.

#### **VII. DISCUSSION**

There was no further discussion.

#### **VIII. ADJOURNMENT**

**There being no further business, Kaffezakis moved to adjourn. Kirkus seconded the motion. All were in favor and Huntington adjourned the meeting at 9:41 PM.**

Respectfully submitted,

  
\_\_\_\_\_  
Leigh Threadgill

City Administrator

