



Meeting Minutes
Mayor and City Council

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

Monday, February 14, 2011

7:00 PM

City Hall

WELCOME

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

Staff present:

City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Dwayne Orrick; Fire Chief Ricky Spencer; Fire Operations Chief Rick Burnette; Deputy Fire Chief Paul Piccirilli; Environmental/Public Works Director Stuart Moring; Director of Transportation Steve Acenbrak; Community Development Director Alice Wakefield; Strategic Planning and Budgeting Director Keith Lee; Finance Director Julia Luke; Planning and Zoning Director Brad Townsend; Transportation Deputy Director David Low; Economic Development Manager Bill Keir; Community Relations Manager Julie Brechbill; Community Development Program Coordinator Stefanie Dye; City Planner Jackie Deibel; Community Relations Coordinator Kimberly Johnson; Building Operations Technician Tim Thompson; Deputy City Clerk Betsy Branch.

Pledge of Allegiance

Police Chief William Dwayne Orrick

Swearing in of Police Chief William Dwayne Orrick

Former Police Chief Ed Williams, recently retired, introduced the new City of Roswell Police Chief Dwayne Orrick. Chief Williams stated that he has professionally known Chief Orrick for twenty years. Chief Orrick teaches regularly at the International Association of Chief of Police Conference and at the Georgia Association of Chiefs of Police.

Judge Hilliard performed the swearing in of Police Chief William Dwayne Orrick.

Chief Orrick introduced his family and Frank Rotondo, Executive Director of the Georgia Association of Chiefs of Police, who came in support. Police Chief Orrick stated it is an honor and a privilege to have the opportunity to serve the City of Roswell.

Mayor Wood welcomed Chief Orrick. The Mayor expressed his appreciation to Chief Williams for his sixteen years of service and to Rory Howe for ten days of service as Interim Chief of Police.

CONSENT AGENDA

1. **Approval of January 18, 2011 Council Meeting Minutes (detailed minutes to replace Council Brief minutes adopted on January 24, 2011); approval of January 24, 2011 Council Meeting Minutes; approval of January 31, 2011 Special Called Council Brief; approval of January 31, 2011 Open Forum Council Brief.**
Administration
Approved

2. **Approval for the Mayor and/or City Administrator to sign a contract with Curb Tech, Inc. for the Holcomb Bridge Road Middle School Sidewalk project in the amount of \$60,762.42.**
Transportation
Approved

3. **Approval for the Mayor and/or City Administrator to sign an agreement with Georgia Power for Oak Street Pedestrian Lighting.**
Transportation
Approved

Approval of the Consent Agenda

A motion was made by Council Member Dippolito, seconded by Council Member Orleans, to Approve the Consent Agenda.

Motion: Councilmember Dippolito moved for the approval of the Consent Agenda. Councilmember Wynn seconded the motion. There was no public comment.

Councilmember Price stated that today she had discussed this MARTA Intergovernmental Agreement with the Transportation Department and the possibility of asking them to waive or delete an item, which if done, would provide the City some flexibility should there ever be changes in the MARTA routes. Mayor Wood asked if she needed to amend the agreement. Councilmember Price said she could extract it and amend it, or just amend it. Mayor Wood removed Item 4 from the Consent Agenda.

2nd Motion: Councilmember Dippolito moved for the Approval of the Consent Agenda Items 1, 2, and 3. Councilmember Orleans seconded the motion. There was no public comment. The motion passed unanimously.

The motion carried by the following vote:

In Favor: 6

4. **Approval for Mayor and/or City Administrator to sign an amendment to the Intergovernmental Agreement (IGA) with MARTA for the MARTA Offset Funds Bus Stop Amenities project.**

Transportation

Mayor Wood returned to Item 4 and asked Councilmember Price how she would like to amend the MARTA agreement for bus stops.

Amendment: Councilmember Price amended Item 4, of the Consent Agenda, to pursue prior to signing the Intergovernmental Agreement (IGA) with MARTA, the elimination of paragraph "E."

Councilmember Price clarified that paragraph "E" requires the City to remove the bus stop shelter should MARTA drop the bus stop location from their service route. If it was the city's decision when to move it, might give the city more flexibility.

Mayor Wood asked for clearance regarding what streets will have bus stops under this proposal. Director of Transportation Steve Acenbrak stated currently everywhere we have the MARTA Route 185 and the Route 85, which is essentially State Route 9, parts of Holcomb Bridge, west of 400, Mansell Road. Mayor Wood asked if there are any other routes that would have bus stops. Mr. Acenbrak replied no. Mayor Wood stated for example, if MARTA should eliminate the bus route (a remote possibility) on Mansell Road or Holcomb Bridge Road, or State Route 9, Councilmember Price is suggesting that we want to be able to leave the bus stops there if we want to. Councilmember Price replied for instance, if we were to establish a different type of system or trolley.

Councilmember Price clarified for Councilmember Dippolito that the amended motion was prior to signing the agreement, to explore with MARTA, the elimination of paragraph "E" and if not, we would just go ahead with the agreement.

Councilmember Wynn asked if this agreement had been presented to MARTA. Mr. Acenbrak replied it came from MARTA. She noted that Council could not really do anything until it determined if they will accept this alteration. Mayor Wood stated the motion is to see if MARTA will change it and if we cannot get them to change it, then we would sign it anyway. Councilmember Price replied yes, we would proceed with or without "E."

Councilmember Dippolito seconded the motion. There was no public comment. The motion passed unanimously.

This item was pulled from the Consent Agenda for discussion. A motion was made by Council Member Price, seconded by Council Member Dippolito, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

REGULAR AGENDA

Mayor's Report

1. Recognition of the Imagine Roswell 2030 Youth Contest student participants.

The Mayor recognized students who participated in the Imagine Roswell 2030 Youth Contest. Businesses that contributed prizes were recognized.

2. Presentation by the Martha Stewart Bulloch Chapter of the Daughters of the American Revolution.

An award was presented to the Mayor in recognition of the City's patriotic endeavors.

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

Fire Chief Ricky Spencer stated The Georgia Fire Fighters Burn Foundation boot drive is an event that the Roswell Fire Department has supported since 1990. Over the past twenty years, Roswell has collected \$629,000 for this great for this foundation that supports burn victims in Georgia, provides fire safety education to all ages, operates a burn count for burn survivors and supports the local fire department with a 10% payback of the money turned in. This year, the Roswell Fire Department received \$8,000 from the Burn Foundation for fire safety education supplies. During the past twenty years, Roswell Fire Fighters has placed third in the state for money collected for this foundation, but this year the Roswell Fire Department took first place for total money collected, with a total of \$80,522.91.

Mayor Wood thanked the Roswell Fire Department not for just raising money but for keeping Roswell safe. Roswell has an excellent record of fire prevention and in putting out fires before anyone is hurt and saving people from the fires. Whether it is helping the victims, preventing fires or putting out fires, the Mayor said he feels Roswell is the #1 fire department in the state and appreciates all they do.

The Mayor announced that the Roswell Fire Department recently received an award from the Georgia Firefighter's Burn Foundation for collecting \$80,522 during the 2010 Boot Drive, the highest amount raised during that fundraiser.

4. Approval of a Cultural Arts Board appointment.

Mayor Wood nominated Kim Hutchens to fill the Cultural Arts Board vacancy.

Motion: Councilmember Diamond moved for the appointment of Kim Hutchens to the Cultural Arts Board. Councilmember Orleans seconded. There was no public comment. The motion passed unanimously.

A motion was made by Council Member Diamond, seconded by Council Member Orleans for the appointment of Kim Hutchens to the Cultural Arts Board. The motion carried by the following vote:

In Favor: 6

5. Approval of a Resolution in Support of House Bill 180, a Proposed Amendment of the Official Code of Georgia

Annotated, to provide for greater automobile, pedestrian and bicycle safety.

Councilmember Wynn introduced the item and noted that she is a member of the Bike Roswell Association and supports House Bill 180, a Proposed Amendment of the Official Code of Georgia Annotated, to provide for greater automobile, pedestrian and bicycle safety.

Transportation Director Steve Acenbrak stated Roswell is a bicycle friendly community and is still the first city nationally designated by School Friendly Community in the state of Georgia. Mr. Acenbrak stated there is currently a gray area in the law regarding motorists passing safely around cyclists. Many states have a law which gives an indication of a safe passing distance when a motorist is passing a bicyclist that is generally three (3) feet. The State of Georgia is trying to join in to make it easier for people to understand what a safe passing distance is. There is a bill currently pending in the House Legislature about this three (3) foot law and the City of Roswell would like to add its support.

Motion: Councilmember Wynn moved for the approval of a Resolution in Support of House Bill 180, A Proposed Amendment of the Official Code of Georgia Annotated, to provide for greater automobile, pedestrian and bicycle safety. Councilmember Dippolito seconded the motion. There was no public comment. The motion passed unanimously.

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Administration and Finance Department - Councilmember Jerry Orlans**6. Approval of a Resolution to adopt the Signing Authority Policy.**

Presented by Julia Luke, Director of Finance

Councilmember Orlans stated this is a strictly a "house cleaning" resolution. It was recently discovered that staff has identified individuals for signing purposes rather than positions in the City. This Resolution is to clarify and identify different positions, rather than names of an individual.

Motion: Councilmember Orlans moved for the approval of a Resolution to adopt the Signing Authority Policy.

Councilmember Dippolito inquired why the policy mentioned an effective date of March 14, 2011, rather than the current date of February 14, 2011, if approved tonight. Councilmember Orlans replied he agreed that it should be February 14, 2011. City Administrator Kay Love stated she believed the date was predicated on this going to Committee, which if it had gone to Committee it would have been on a March 14th Agenda, however, we moved forward since it was housekeeping and bringing it forward so it can have in place before the signing of upcoming contracts. City Administrator Kay Love confirmed for Councilmember Dippolito that the effective date should be February 14, 2011.

Amended Motion: Councilmember Dippolito moved to amend the Approval of a Resolution to adopt the Signing Authority Policy to change the effective date to February 14, 2011. Councilmember Wynn seconded the motion. There was no public comment.

Councilmember Price asked how the revised version at the dais was different from the Council packet version. Finance Director Julia Luke replied that as this was being reviewed by the Mayor and Council, it was requested to go back and mention the section of the Charter that gave authority to these people who will be signing the various documents and to tighten it up so that it would only be the Mayor, the City Administrator, and the Mayor Pro-tem that could sign checks. The revised version clarified that there is a need for the Finance Director and the future Deputy Director to be able to handle wire transfers and investment purchases. Mayor Wood asked City Attorney David Davidson if it was fair to say that the city is just establishing a policy, which is in line with what the Charter allows and requires. Mr. Davidson replied yes.

Vote: The motion as amended passed 5-1. Councilmember Orlans, Councilmember Igleheart, Councilmember Wynn, Councilmember Dippolito, Councilmember Diamond voted in favor. Councilmember Price abstained.

A motion was made by Council Member Orlans, seconded by Council Member Dippolito, that this Item be Approved with the policy effective date changed. The motion carried by the following vote:

Council Members Orlans, Igleheart, Wynn, Dippolito, and Diamond voted in favor.

Council Member Price abstained.

In Favor: 5

Abstain: 1

7.

Approval of a Resolution to apply for the EPA Sustainable Communities Building Blocks Program.

Presented by Michael Fischer, Deputy City Administrator

Deputy City Administrator Michael Fischer explained that the City has an opportunity to apply for an EPA Sustainable Communities Building Block Program. The announcement was received last week; the application date is February 23, 2011. This is an opportunity to go out for a pilot program that EPA is doing in collaboration with DOT and HUD. They are looking for 20 local governments who would like to receive technical assistance in different areas of interest. There are walking audits, parking audits, sustainable land use code audits, smart growth zoning codes for small communities and rural areas, commuter benefits using smart growth to produce fiscal and economic health, complete streets and climate action planning. Mr. Fischer stated we would like to move forward with applying for this technical assistance in the area of parking audits. We are currently going through parking analysis, and this would provide us, if chosen by EPA, an opportunity to have some technical assistance in the areas of on-street parking, shared parking, and possibly paid parking. This is handled like a grant with no expenses to the City, this is technical assistance they would provide.

Mayor Wood asked for clarification that this is not a grant. They would furnish staffing to help us research and come up with recommendations, serving as consultants to the City. Mr. Fischer replied that was correct, starting with twenty communities, and then possibly opening up more technical assistance in the future.

Councilmember Dippolito asked how this would tie into the parking study that is currently being done. Mr. Fischer explained that there are several things that the local government would have to do such as providing data, ordinances, and any information we have regarding parking. Their technical assistance will look at some of the different focus areas, like the on-site parking, or street parking. They also look at what the City is doing for comparison with national practices. Ultimately, when it is all said and done and after community input is received, they will leave the City with a manual of parking practices based on what the City is currently facing. Councilmember Dippolito said this would expand on what the city is currently doing and provide us some greater input as to possible solutions. Mr. Fischer replied it would actually provide the City "national eyes" looking at the data we are currently developing.

Motion: Councilmember Orlans moved for the Approval of a Resolution to apply for the EPA Sustainable Communities Building Blocks Program and submit the letter of interest. Councilmember Diamond seconded the motion. There was no public comment. The motion passed unanimously.

A motion was made by Council Member Orlans, seconded by Council Member Diamond, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Community Development - Councilmember Betty Price

8. CU10-06, Kings Court Chapel, SE Corner of Willeo Road & Highway 120.

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend noted the subject property is located at the southeast corner of Willeo Road and Hwy 120. The applicant has requested a conditional use to build an approximately 27,000 square foot church containing 520 seats, containing offices, classrooms, gymnasium, and a fellowship hall. This application also includes one concurrent variance to the stream buffer requirements. The application proposes to encroach into the 150 foot impervious setback on the eastside of the stream to allow for parking and for driveway aisles. An aerial photograph was shown. Across Willeo Road to the west, there is commercial property; to the north there is vacant city property and a substation, townhome; existing single family residence to the east; and an existing school to the south. A graphic showing the actual proposed site plan was shown which included the preserved area with either buffers or setbacks, the stream located on the subject property, and location of Georgia Power lines. The proposed building is to be located up on a hill. It will be necessary to meander the road up to make the grade up the slopes. Parking is on the front side and rear of the property. There are twenty-five foot buffer setbacks all around. The building is located 100 feet at one corner and 140 feet at the other corner from the rear property line.

Staff Recommended Conditions are as follows:

- 1. The owner/developer shall develop the property in accordance with the site plan stamped "Received January 18, 2011 City of Roswell Community Development Department."*
- 2. The outdoor play area shall not encroach into the 25 foot undisturbed buffer.*

Mr. Townsend noted that the following two additional conditions had been emailed to

Councilmember Price and distributed to Mayor and Council at the dais.

Additional draft conditions:

3. The owner/developer shall install a lighting system so that the main lighting in the rear portion of the parking lot will automatically turn off by 11:00 p.m. This will allow for security lighting to remain on in the parking lot area to maintain public safety. This lighting system shall be shown on the plans submitted for the Land Development Permit.

4. The owner/developer shall extend the six (6) foot wooden fence located in the twenty five (25) foot natural buffer near the eastern property line to the north and south property lines.

Mr. Townsend stated this application has been recommended for approval by staff. The Planning Commission reviewed this application and recommended denial.

Council questions:

Councilmember Wynn asked if it was correct that the Planning Commission denial was on the original site plan and not on the revised site plan. Mr. Townsend replied that was correct.

Councilmember Igleheart asked if the applicant would deal with the changes in the plan. Mr. Townsend replied that tonight the applicant would go through the details of the Planning Commission changes in tonight's plan. Councilmember Igleheart said he had questions regarding all the vehicular traffic coming out of the one single egress and ingress point and how that affects the traffic there. Mr. Townsend clarified that Transportation was prepared to discuss the traffic issue.

Councilmember Dippolito asked how many stories are proposed for this church. Mr. Townsend replied two stories. Councilmember Dippolito asked how tall that would be. Mr. Townsend replied it is allowed to be a maximum of 35 feet, but any steeple is allowed to go over the actual height. Steeples are not included in the height requirement. Councilmember Dippolito asked what his understanding is of the general building. Mr. Townsend replied there is a gymnasium on one side. Councilmember Dippolito said the engineering staff brought up several questions regarding the water quality and the detention and a request to have that waived. He asked if that has been agreed to by the staff. Mr. Townsend stated that scenario would be handled at the Land Disturbance Permit (LDP) timeframe. Mr. Townsend explained that staff had been aware of that situation. Prior site plans included parking as well as access on the west side of the buffer area and that has been eliminated from the plan, so there will need to be some readjustment as to where the drainage is going to sit. Councilmember Dippolito said looking at the plan, it appears there is no room for it, therefore it should be addressed tonight. Mr. Townsend replied the applicant's engineer in attendance should be able to provide more information. Councilmember Dippolito asked about the meaning of the notation regarding the grading in the flood plan requiring compensation. Mr. Townsend replied he did not know but that the applicant's engineer, Brad Riffel could explain. Councilmember Dippolito said there was discussion at one point about a cross access easement potentially with the day school. He asked if those conversations occurred. Mr. Townsend replied those conversations did occur. Mr. Townsend stated staff vehemently asked them to look into cross access to the townhomes as well as to the school to the south, both property owners wanted nothing to do with having access onto their property. Councilmember Dippolito said the adjoining property owners were requested to participate in that and they were not interested. Mr. Townsend replied that was correct. Councilmember Dippolito said there were a number questions or comments about the steep slope analysis and some

discrepancies. He asked if any of the discrepancies are material or are they notes that can be addressed. Mr. Townsend replied those had been cleaned up.

Applicant:

Don Rolader, 11660 Alpharetta Highway, Roswell, representing the applicant for Kings Court Chapel Church, noted that Mr. Brad Riffel, engineer with AEC, was present and could address Councilmember Dippolito's concerns. Pastor David Akindoju, pastor of the church and several members from the congregation were present. Mr. Rolader stated the Kings Court Chapel has been in Roswell since 2003, they meet on Oak Street in a small office and have outgrown their current facility; they currently have 200 members, mostly young professional people with children, and selected this site owned by Mr. Herb Coleman. This application is not a zoning application, it is a conditional use permit for the property at the corner of Willeo and Highway 120 and is a request for a variance to locate some of the parking inside the 150 foot stream buffer. The property is 5 acres and is zoned R-1 and will remain zoned R-1. There is a stream crossing the northwest corner of the property as well as electric transmission lines. The portion of the property located within the stream buffer impacts the develop ability of the property. There is a retail center on the west side across the road; St. Francis Day School on the south; River Ridge Subdivision on east; and townhomes, city owned property, and substation toward the north. The property is located on a multi-lane divided median highway in a mixed use area. This property cannot be reasonably developed as a signal family subdivision with those items it must deal with. Development of this property, according to city analysis, will cause the loss of one specimen tree. The applicant intends to develop a church building of 27,500 square feet, seat 520 people, with 153 parking spaces. The density of that development is 4,744 square feet per acre. The church will be a two-story structure located in the southeast quadrant of the tract. This is the third revision of the site plan that the applicant has provided in order to meet as many concerns of the neighborhood as it possibly could. At its closest point, the building is 100.18 feet from the east property line; at the southeast corner, it is 141.27 feet from the property line. There is a 25 foot required undisturbed buffer along the east property line adjacent to the River Ridge Subdivision. Conditionally, there will be a six foot wooden fence and a retaining wall located along the east line. The wooden fence, according to the city's condition, will run the entire length of the line. The retaining wall will be less than the entire length of the line due to the topography. There is one access for this property at Willeo Road, at the southwest corner of the property. There have been many discussions between Brad Riffel and the Transportation Department regarding access to the property. This is the best way to access this property, it eliminates a "nightmarish long ugly" driveway running through the flood plain and an access on Hwy. 120, which is dangerous. Of the 153 parking spaces, 24 are in the 150 foot impervious set-back along with the dumpster pad. The dumpster was moved so it was as far away from the neighborhood as possible. The city commonly allows a variance to permit parking in drive lanes in the 150 foot impervious setback, and only a crossing is inside the 150 foot setback. The applicant is in agreement with all four conditions proposed by the staff. He noted the following from the staff report: A request for a church is suitable in the area; the proposal may not adversely affect the adjacent or nearby properties; it would be unlikely that a single family development would be built on this site. The proposed church will not cause a burdensome use on streets, transportation facilities, utilities or schools. The existing conditions on the property, being the stream and the Georgia Power easement, may make it difficult for a single family home development. The zoning of the property will not change. A church may fit into the mixture of the existing uses.

Mayor Wood asked about the parking within the 150 feet. He asked if the applicant had looked at the pervious parking within that area, and if so, why was it rejected.

Mr. Brad Riffel, AEC, 50 Warms Spring Circle, replied they have always mentioned they would do it, and did not know of any rejection of it. They proposed to provide some permeable surface, whether permeable pavers or pervious concrete. Mayor Wood asked staff if this is pervious parking, is that pervious parking allowed within the 150 foot area, because there is a variance required for all those parking spaces, or just the dumpster. Mr. Townsend replied to allow for parking in that location they would need to get relief from the Mayor and Council, but to make it so it would drain is preferable by staff. Mayor Wood stated he is trying to understand. Mr. Townsend replied to make any type of encroachment into it. Mayor Wood stated he understands that there is a 100 foot undisturbed area and 150 foot no impervious surfaces, so if the parking is pervious, how does that fit within the rules. Mayor Wood said he knows the city will commonly allow roads to cross the 150 foot buffer, and other than the dumpster, if that was all pervious does that remove it from the need for variance. The Mayor said he thought that if it was pervious, a variance was not needed. Mr. Townsend replied he did not know and would research it. Mayor Wood asked the applicant to explain what portion they plan for pervious parking. Mr. Riffel showed the plat and area planned for parking; it would be in the back of the parking spaces forward, basically filling up the drive lanes. The dumpster pad needs to be concrete. Mayor Wood stated they are saying you need a variance but there is also another provision called buffer averaging. Mayor Wood clarified that staff said no. The Mayor asked if a variance is needed to place pervious parking within a buffer area. Mr. Townsend, referring to the site plan, indicated the extra 50 foot buffer from the stream bank. He stated that the definition of a buffer is a natural or enhanced vegetated area with no minor land disturbance or limited minor land disturbance, such as trails and picnic areas. Mayor Wood said it is not pervious, it has to be a buffer of vegetated space. Mayor Wood apologized. The Mayor stated it would be helpful to have a commitment from the applicant regarding the way the pervious pavement would be rather than "maybe here and maybe there." Mr. Riffel stated what they intend to do is to explore providing a lot more pervious pavement throughout the site after budgetary numbers are provided for the church. He indicated on the site plan the areas they intended to do pervious pavement. Mr. Riffel stated the driveway will have a good amount of slope so he was not certain if the porous pavement would hold up on that slope.

Councilmember Wynn said she had a conversation with Mr. Riffel regarding the stormwater utility fees, and that could be an incentive for them to look at any and all pervious surface, it might cost more upfront, but save money in the long run.

Mr. Riffel stated he would clarify and answer Councilmember Dippolito's question regarding the differences in the plans between the Planning Commission and now. Referring to the site plan, he indicated the location of the gymnasium. He stated that at one time the plans had the building pushed forward and causing it to be at the 50 foot setback line. Pastor David had suggested sliding the gymnasium over, moving the entire building footprint forward to avoid the other 50 foot setback. That was an effort to increase the distance of the building from the residential to the building corners, it doubled the difference by doing that.

Councilmember Price asked for clarification of the variances requested. Mr. Riffel replied the variance request was to encroach within the 150 foot impervious setback. Mr. Riffel confirmed there was only one variance request.

Mr. Rolader stated the old plan showed an additional driveway running through the floodplain. Mr. Riffel stated the other Planning Commission site plan changed. He noted there had been a curb cut that was a right in only on Hwy. 120. At that time, we were asking for another variance to encroach in the 100 foot buffer on the west side of the stream. By allowing access or have a full curb cut on Willeo Road, and

through working with the Roswell Transportation Department and allowing us to have full access, we were able to eliminate that drive going through the buffer and accessing Hwy. 120, which was a major change to the site plan from Planning Commission to now. Mr. Riffel noted that the other question was regarding grading within the flood plan, which is called compensatory cut and fill. He explained that in a flood plan, if a cubic foot of dirt is placed in one area another cubic foot of dirt will be removed in a very close area to compensate and not raise the flood plan. Mr. Riffel explained that the detention waiver for this site is half of one percent of the entire watershed that drains through the area. The entire watershed goes way up and is a couple thousand acres, so we are less than half of one percent. Mr. Riffel stated that through the land disturbance permitting process, a standard hydrology stormwater management report is required to prove that our discharge will not have an effect on the entire watershed.

Councilmember Dippolito asked about water quality. Mr. Riffel replied they will have to abide by all state water quality standards and are exploring some alternatives, porous pavement, underground systems that are ground water recharge systems. Councilmember Dippolito asked if they will meet the water quality but want a waiver on the detention. Mr. Riffel stated that was correct. Mr. Rolader said the detention, if constructed, would cause additional land disturbance near the flood plain, so AEC believes it is in the best interest of all concerned to not disrupt it and build that when it will meet the standards without a specified detention pond.

Mr. Riffel showed Council new elevations received and stated the steeple is at 41 feet; the rooftop at 39.8 feet; the primary portion of the building is at 26.8 feet. Another elevation toward the residential area showed a low part of 26.8 feet and higher part at 28.8 feet. Councilmember Dippolito stated it was hard to tell on the site plan elevations because the area behind the steeple was somewhat skewed. He asked if the roof elevation behind the steeple was permitted. Mr. Townsend replied the building height is measured and it is the vertical distance from the grade to the mean height level between the eaves and the ridges of a gable or a hip roof. It would probably be the midpoint of the sloped part and would have to be less than 35. Councilmember Dippolito asked what the highest point is. Mr. Riffel replied the highest point is 38.8 feet but agreed they would make it 35 feet.

Councilmember Igleheart asked how the ingress and egress out of the same access would impact the road and the current traffic. Mr. Riffel replied they would have liked to have multiple ingress/egress and through. Numerous efforts with the neighbors were unsuccessful. He said they were happy to have the entire full access in. The church currently has 200 members, but he did not know how that would affect the traffic. Mr. Rolader replied the two peak use times for the church are Sunday morning and Wednesday evening after rush hour, neither one of the principle use periods used by the church impacts high use areas on the intersection.

Mayor Wood asked for a clarification of a firm commitment tonight for a minimum amount of pervious parking. Mr. Rolader replied that as possible, the applicant will develop those parking spaces in the 150 foot setback area as pervious parking places, the dumpster pad will have to be solid. He said they will study and decide if the drive lane itself can be permeable, if it can be and support the loads, they will do that as well. If because of dumpster trucks, the drive lane itself needs to be impervious, they will need to leave it open. Mayor Wood said he would like to see, if there will be an elimination of 500 square feet of pervious area with hard surfaces, he would like to see a replacement somewhere with 500 square feet, and balancing in out. His intention on the original adoption of this was to say "we don't want to lose pervious areas and if Council is granting a variance to go from a vegetative state to a pervious state, we need to at least have the same amount of perviousness." Mayor

Wood stated the alignment might need to be changed, whether in the drive line, or not, but he preferred that that it get to the same pervious area whether the variance is granted or not. Mr. Riffel replied that could be done. Mr. Rolader agreed. Mayor Wood stated the appropriate language should be worked on.

Councilmember Diamond asked if the 24 spaces that make this a variance are requirements from the City. Mr. Townsend replied yes, City code requirements. Councilmember Diamond asked if that falls into the administrative percentage. She asked if the applicant does not need that parking. Mr. Townsend replied they are right on with the numbers. Mr. Riffel stated "We are at 3.5 seats per space." Mr. Townsend said that meets the current requirements. Mayor Wood asked if any parking could be eliminated and asked if the church could live with fewer parking spaces if fewer parking spaces were required. Mr. Riffel pointed out the line showing the 50 foot impervious setback. If everything was eliminated within that area, then it would in essence be the elimination of all of another parking area that would not have access because of the drive aisle. Eliminating other areas of the parking would create the problem that they would be below code. Mayor Wood said Council may be willing to grant you a variance to the parking requirement rather than a variance to the buffer requirement. Mr. Riffel replied the church highly desires the parking.

Councilmember Wynn asked Mr. Townsend for clarification regarding the parking requirements. She stated the plan shows a minimum allowed is 130 and maximum allowed is 174; proposed parking is 153. Mr. Townsend replied that is correct. Councilmember Wynn said the church is actually 23 spaces over the minimum required. Mr. Townsend replied yes. Councilmember Wynn replied 23 spaces could be removed and it will still be meet the minimum requirement. Mr. Townsend replied she was correct. Councilmember Wynn said she counted 23 spaces in the impervious setback. Mr. Townsend confirmed that she was referring to the row of 14 spaces and the row of 9 spaces. Councilmember Wynn said she is looking to see if they could get away with a minimum of 130, that is twenty-three parking places and that row in the impervious setback, leaving the drive that is in the setback. She suggested that it be considered since it would not require a variance then but would mean at a minimum, removing 23 parking places. Mayor Wood clarified that it could mean less of a variance.

Councilmember Diamond stated she appreciated the dumpster being moved from the residential side but it can be seen from the street. She asked if there were any other location options. Mr. Rolader replied that if the dumpster was placed on the school side it would be closer to the neighbors again. Mr. Rolader stated the parking requirement at 153 is reasonable and useful for the church, and if you take out those parking spaces we will lose the drive lane, which loses you the access to the spaces on the other side. He said for the growing population of the church, they will need 153 spaces, which is in the middle of the city requirement. Mr. Riffel referred to a site plan and asked if that was what Councilmember Diamond was thinking regarding the dumpster. Councilmember Diamond replied that it depended upon how it was hidden from street view. Mr. Riffel said there would be a considerable amount of trees saved and will be screened with an enclosure wall. Mr. Townsend said the staff preferred the current location because the truck could be pulled in and turned around. Mr. Townsend, referring to the Mayor's question related to no net loss of impervious surface, noted the removal of the driveway and parking on the west side of the stream and the additional area outside of the 100 foot buffer, but still within the 150 foot. If that could be buffered averaged into the requirement and this section could never be touched, that would work, if balancing one foot by one foot. Mr. Townsend stated he was not sure if that side matches. Mayor Wood replied that would help somewhat. Mr. Riffel replied that would certainly help. Mr. Riffel noted the Georgia Power easement area on the site plan.

City Attorney David Davidson stated the area they were referring to on the site plan could not really be developed anyway, nothing could be gained from it and would be previous no matter what. Mr. Davidson said he did not see the trade-off.

Councilmember Dippolito noted the subject property is within the Garrison Hill district. He noted that he read in the minutes that the church agreed to adhere to the Garrison Hill design guidelines. Mr. Riffel replied yes. Councilmember Dippolito asked if that should be a condition. Mr. Townsend replied it is part of the code and does not need to be a condition. Councilmember Dippolito noted his concern regarding late services until 1 a.m. Mr. Rolader replied that on one Friday per month, Holy Communion/prayer meeting 10:00 p.m. until 1:00 a.m. Councilmember Dippolito asked if there has been any consideration of noise for the neighbors at that time. Mr. Rolader replied noise would be inside the building. Mr. Rolader said "We did a sound test on the building. I provided a copy to Mr. Townsend Brad. The sound test indicates that outside the door of the present structure it is 66 decibels, which is normal conversation level. We would anticipate at those distances absolutely no noise other than people leaving the parking lot when they are through going home. This service is not nearly as well attended as Sunday service and I would anticipate everyone would park in the front near the building."

Councilmember Price asked if the church intends to use the facility for day-time school or regular use during the day. Mr. Rolader replied no school, no mother's morning out program, or day care intended.

Councilmember Igleheart asked when the planned times are for gymnasium use, outside of the meeting times of Sunday morning and Wednesday night. Mr. Roldader replied there will be staff working there from time to time, but the intended use time of the building is Sunday morning, Wednesday night, and one Friday night a month. Mayor Wood asked what time the gym would be in use. Mr. Riffel replied they have not established that yet, the gymnasium is also a multi-use facility and a fellowship hall/events facility.

Councilmember Igleheart stated from the original plan at Planning Commission, this is a major change related to the road ingress/egress (originally on Hwy. 120) change. It has been moved to one place and things have changed in terms of the left turn in, which was not part of the original discussion. Councilmember Igleheart asked for staff to address how that is impacted, and what the changes are and what is expected to happen.

Transportation Deputy Director David Low stated they have done some a.m. and p.m. weekday traffic counts this past year. The key time period is the weekday p.m. peak hour. During that time we have approximately 225 cars making a left turn going northbound to westbound on Hwy. 120. There is 325 feet of frontage along Willeo Road to the property line. He displayed sketches showing the existing striping showing the northbound left turn lane comes about 325 feet down to the property line and the proposed driveway is just north of that. Mr. Low stated the striping could be changed so the two-way left turn lane that is to the south could be extended a little bit further north. That can be used in two ways, as an extension of the northbound left turn lane during the evening peak when it is needed, and also a left turn lane to get into the site on Sunday during the off-peak times. Mr. Low said staff does not expect there will be a queuing problem that it will handle the traffic during the weekday peaks and will provide an opportunity for left turns into the site on Wednesday night and Sunday morning.

Councilmember Price stated the plan shows for the applicant to install sidewalks on Hwy. 120. She noted there are sidewalks on Willeo Road. Mr. Townsend replied the

City requires that all developments, as part of land disturbance, to put in sidewalks where there currently are no sidewalks. Councilmember Price asked who put the sidewalk in on the Willeo Road side of this property. Director of Transportation Steve Acenbrack stated that is where the multi-use trail, T-project several years ago. He explained that there is an existing 10-foot multi-use concrete trail on the eastside, and a 5-foot sidewalk on the west side. Mayor Wood said the proposed sidewalk would be on the Marietta Highway/Hwy. 120 side.

Councilmember Orlans asked Mr. Townsend to repeat the conditions, noting two conditions were in the Council packet but that now there were four conditions. Mr. Townsend distributed the two additional conditions to Mayor and Council, which had been emailed to Councilmember Price on the previous Friday. Mr. Townsend noted these two additional conditions had been emailed to the applicant prior to this meeting. The applicant was in agreement with those conditions. Mr. Townsend said the additional two conditions deal with the parking lot lighting being turned off but allowing them to have security lighting in that location. The fourth condition relates to the extension of the 6-foot fence to the northern and southern property lines.

Councilmember Price asked if there are four conditions. Mr. Townsend replied yes. Mayor Wood proposed a fifth condition related to the previous parking condition, which he would propose during rebuttal.

Councilmember Wynn asked if the rear portion of the parking lot lights automatically turn off by 11:00 p.m. Mr. Townsend replied yes. Councilmember Wynn asked how that will work since Mr. Riffel and Mr. Rolader have said one night a month a service goes until 1 a.m. Mr. Townsend explained that was why staff wanted the security lighting to remain on. It would be necessary to go through a DRB review of the lighting plan to determine that. He said staff was looking to shut off any large parking lot poles lights but still have adequate building security lighting remain on. Lighting that faces the street on the front will remain on. Councilmember Wynn asked if there was a time for all lighting to go off or just conditioning the rear portion of the parking. Mr. Townsend replied staff is to condition the rear portion.

Councilmember Price referring to Department Comments, page 13 of the Staff Report, asked if any of those had been satisfied, or do any rise to another level of additional conditions to be considered, and inquired if the Fire Float test had been performed already. Mr. Townsend replied these are usually given to the applicant to make them aware of certain requirements prior to the land disturbance permit. Most of these have either been addressed or will be addressed, prior to the issuance of a land permit issuance. They do not rise to a new level of condition.

Public Comment:

Tim Romashko, River Ridge Subdivision HOA President, spoke on the following:

- River Ridge Subdivision does not support the proposed plan at this time.
- Concerns regarding left turn lane used for both directions, could back-up traffic to the south; intersection works well now but there are three lanes; may create serious problem with only one access/driveway; 153 parking spaces.
- Inverness resident member of U.S. Fish and Wildlife Service has concern regarding the encroachment in stream buffer will compromise the stream.
- Angled parking lot will have drainage issues; driveway sloped, steep grade.
- Stormwater detention missing from plan, asked if that would require a variance.
- Concern regarding property values of six homes overlooking proposed parking lot; referred to Standards of Review #19.
- Noted Standards of Review #22; "consideration of the preservation of the integrity or residential neighborhoods shall be considered to carry great weight."
- HVAC noise; discussion regarding moving gymnasium location, plans did not

show that move.

- *Parking lot lighting, pole placement, Dark Sky Foundation recommended fixtures.*
- *Landscaping.*
- *Maximum building height and architecture concerns.*

Mayor Wood asked for clarification from staff that Council is not approving the lighting plan tonight. Mr. Townsend replied the lighting plans are approved by the Design Review Board, which must meet the City's current lighting standards. Mayor Wood noted that many of Mr. Romashko's concerns would be addressed at the Design Review Board level, tonight Council is looking at use, buffer, and site issues.

Kim Lawrence, 71 Skyland Drive, spoke on the following:

- *Adjacent homeowner, appreciative of changes the church has done this far with issues identified.*
- *Subject property is not the best fit for this size project; only 40% of the lot usable.*
- *25-foot buffer does not seem like a substantial buffer between homes and parking lot when considering the lights and size of building 3 stories in height.*
- *Requested firm commitment for variety of plantings to create as much natural screen as possible, which will help with sound and light; due to the lay of the land, fence will help but only at basement level of home, plantings will help at main level, no amount of buffering will help at upper level; tree loss will allow more street noise.*
- *Concerns about late night services, asked that services conclude by 10 or 11 p.m.*
- *Concerned about loss of property value.*

Tim Sakhnovsky, resident of River Ridge, spoke on the following:

- *Adjacent property owner.*
- *Proposed project is too much development on too little developable land.*
- *Requested consideration of a greater undisturbed buffer; 25-foot buffer is not enough for adjacent property owners; neighbors requested 100-foot buffer similar to that of St. Francis School.*
- *Egress and ingress on poorly designed intersection of Hwy. 120 and Willeo Road; will be a "game between the three and four car length spacing there for ingress and egress."*
- *Bicycle safety aspect; Willeo Road bike lane will basically not be usable by the amount of traffic.*
- *One point of access is unrealistic for this size development along Willeo Road; what had been a right in and right out has now become a full intersection ingress and egress on Willeo Road.*
- *Variance on stream buffer; does not believe that a loss of 24 spaces demonstrates a hardship and granting of the variance; will be a detriment to the environment; waiver for detention has not been demonstrated.*
- *Address condition for no day school use.*

Mayor asked for clarification from staff if they are making a decision to waiver or not waiver the detention pond if, this is passed. Mr. Townsend replied the detention issue will be determined as part of the land disturbance permit. Council is discussing whether this property could be used for this church facility with this amount of parking with the variance. Mayor Wood said Council is not granting any variances to the detention pond. Mr. Townsend replied no, if they can meet the requirements for detention as well as water quality standards, then that is determined by the Public Works/Environmental Department. Mayor Wood replied the applicant will still need to meet the detention requirements. Mr. Townsend replied that was correct.

Councilmember Dippolito stated he was struggling with that, because there is no place to put the detention unless it is underground, which is very expensive and

maybe that is something they will want to do, but we are already encroaching into the impervious setback, so there is no place to put the detention. Mr. Townsend replied "underground." Councilmember Dippolito stated Council is approving the site plan but they would have to change the site plan to put the detention in. Mayor Wood said "If you put in all pervious parking, and caught all the water off the building and put it into a cistern, it theoretically could happen." The Mayor said he understood what Councilmember Dippolito was saying and was not sure how or whether the applicant will do it or not, but that is not the determination at this time. Councilmember Wynn inquired whether the applicant would have to go back through this whole process again if they cannot meet the approved site plan, if approved tonight, and the Public Works engineers determine the detention is required and they do not want to do it underground. Mr. Davidson replied if Council's approval is conditioned on this site plan, the applicant will have to change the site plan, and will then have to come back to change that site plan. It will require going through the whole approval process again. Councilmember Wynn asked if the Public Works/Environmental engineers will ensure what we are doing here. Mr. Townsend replied yes.

Mary Campo, 75 Sky Land Drive, spoke on the following:

- Adjacent property owner; 20-years.
- 25-foot buffer inadequate.
- Proposed development will lower property values for bordering homeowners and entire neighborhood; had been told property would never be developed due to the flood plain.
- Subject property is not fit for this 27,000 square foot structure. Elevation and distance of this size building from the adjacent homes; "No fence could be built high enough and no trees could be planted that would grow tall enough during our life time to mend the devastation this would cause to our investment."

Dan Maldonado, 330 Old Tree Trace, spoke on the following:

- 10-year resident of River Ridge Subdivision.
- Growing church will increase activities to nightly, eventually creating continual use and nightly activities; continual noise, lighting; size of proposed building.
- Concerned about environmental impacts from the proposed development; reasonable expectations for development of property zoned R-1; laws are passed for the public good; reasonable expectation in terms of ordinances and laws that exist is that if this property was ever developed, it would be single family dwellings.
- Setback are to protect streams, greenspace, and water quality; dangerous to routinely or haphazardly approve exception of the law; this is not a large tract of wooded land with no subdivisions around where this conditional use permit might make sense.
- Concerned their home and property values could decrease.

Laura Light, Inverness resident, spoke on the following:

- Garrison Hill overlay is a recommended overlay and is not part of code like the Parkway Village; should be included as a condition.

Applicant Rebuttal:

Mr. Rolader stated the objections are just "not in my backyard," the petitioners are asking Council to preserve their view. Mr. Herb Coleman and his ancestors have owned that property before any of those who object came here and would like a reasonable use of their property. He said the development of a church on a 5.88 acre parcel of land is not destructive of property values. Mr. Rolader said Roswell historically has churches in neighborhoods. He noted there is a two-story strip shopping center across the street, Georgia Power poles and lines, a school, and a neighborhood on one side of the subject property. Traffic is not an issue in this application, church activity will not be there during peak traffic times. Transportation

has proposed a revised traffic pattern for that intersection that the applicant is fine with one access and as long as it is possible to get in and out both ways. To classify this entire area as R-1 is not realistic with a school and shopping center and the other things that are there. The detention issue will be resolved by the City department handling that. Mr. Rolader stated that if Mr. Brad Riffel, as a professional engineer was not confident that it would be approved, he would not have drawn it this way, he has the experience and ability to deliver that and cannot permit his client to build it if it does not meet the proper standards. If the pluses and minuses are weighed, you might conclude this use has less impact than a single family subdivision where you have people capable of coming and going 24 hours a day, pets, basketball poles, spot lights in the back yards. Other churches with subdivisions all around, live in peace with each other. Mr. Rolader said it was his opinion that the environmental impact is less than that of a single family subdivision. An Inverness resident employed by the U.S. Fish and Wildlife Service has provided Mayor and Council an e-mail stating he has reviewed the new plan for environmental impact, supports it, and finds it acceptable. There is no impact on the Fulton County School System. The church will generate less water and sewer demand than a single family subdivision. The density is 4,744 square feet per acre, the structure is two-stories, and is located a minimum of 100 feet from any nearby surrounding property. The intersection of Willeo Road and Marietta Highway has reasonable traffic service, it is not a problem now. If the church does not impact it during peak times, then it cannot become a problem because of the church. This is not a loud or constant use of the property. The applicant has provided a sound analysis. There is no negative impact on health, safety, morals, or welfare of the general public. Mr. Coleman would like some reasonable use of his property. He offered it to the City but the City would not take it. Unnecessary restrictions on this property would not be fair, that are not restrictions on each church that has been approved next to a subdivision. Mr. Rolader displayed a site plan noting specific areas and the relocation of the dumpster that the applicant would commit to make those spaces pervious, provided a minimum pervious pavement at the 23 parking spaces within the 150 foot impervious setback. He said that he knew of no City regulation that states pervious has to be traded for impervious, foot for foot. The driveway access up the steep hill cannot be made pervious. The request is for only 153 parking spaces, and is foolish not to ask for that many spaces for a growing congregation. Mr. Rolader stated that if it were not common for the city to grant variances within the last 50 feet of the buffer, then we would be in error.

Mayor Wood clarified that he was not aware that is commonly done. He was aware that it is commonly done for driveways to pass over it, but was not aware that the City commonly grants variances for that pervious portion of the buffer. The City does allow stream buffer averaging. The Mayor said it is uncommon that the city grants variances.

Mr. Rolader continued and said any other restrictions placed on this property that are not placed on any other churches in this area are discriminatory. The church is not asking for any special treatment, only for the ability to relocate its Roswell congregation to serve its people. They are currently located on Oak Street, entering onto Highway 9 has not created a problem. The applicant will comply with the Garrison Hill guidelines and standards.

Councilmember Wynn asked Mr. Townsend about the distance from the townhouses to the property line noting there was a question about the setback or the 100 foot stream buffer. Mr. Townsend replied there is a 25 foot undisturbed buffer from the townhomes; the building structure is 150 feet from that property line. Councilmember Wynn asked if that makes it 175 feet from the structure to the property line. Mr. Townsend replied yes. Councilmember Wynn stated the revised a multi-left turn

does not take away a left turn from Willeo Road to Marietta. The stack lane will not be shortened. Mr. Low replied that was correct. He explained that the restriping of the area as more of a two-way left turn lane does not take anything away from traffic moving north and making the left turn. The lane could be used for the northbound left turn during peak periods and could also be used for southbound left turns into the church during the off-peak periods. Councilmember Wynn said she understood him to say that when this church is in session, there will not be a traffic jam at those turn lanes. Mr. Low replied that was correct. Councilmember Wynn asked if the bike lanes are going to be hampered or eliminated. Mr. Low replied there would be no effect on the bike lanes. Councilmember Wynn asked if it is correct that should the church damage the bike lanes in any way they will need to be repaired. Mr. Low replied that was correct.

Mr. Townsend noted staff actually measured the distance from the northern property line; it is a 150 feet from the building to the property line, with the twenty-five foot undisturbed buffer within the 150 feet.

Councilmember Wynn inquired about landscaping plan the tree survey, and the protection and tree replacement plan, she asked if the planting that abuts the subdivision are Crepe Myrtles. Mr. Riffel replied no, those would be a dense evergreen shrub, similar to Leland Cypress. Councilmember Wynn asked how sparse the 25 foot undisturbed buffer is, containing mostly tall trees. Mr. Riffel replied it was hard to judge, some areas are more vegetated than others. Councilmember Wynn asked if they would be willing, instead of planting the line of evergreens, to work with the City arborist to plant evergreen understories within the 25 foot undisturbed buffer where it is sparsely vegetated. Mr. Rolader replied yes, but that it is something they have not been able to agree to with staff. He said there is not much understory growth and the applicant could enhance it. Councilmember Wynn said if this was approved she would look at a condition to plant inside the undisturbed buffer, with the City arborist and to have the neighborhoods review (not approve) the planting design, but still put evergreen on the edge.

Councilmember Wynn stated she appreciated the applicant wanting to do pervious pavers within the parking area or parking lots, but the drive through would also need to be pervious surface. Mr. Rolader replied his concern would be the weight of the service trucks and dumpster trucks, which could damage it. Mayor Wood stated if the purpose of pervious paving is to get absorption and so there is not a net loss of pervious area, it does not necessarily have to be in the driveway, it can be on the other side of the driveway. The Mayor explained that the applicant could easily off-set the loss of pervious by adding more pervious parking elsewhere. Councilmember Wynn said there are 20 parking spaces on the other side that is outside the impervious, which she assumed could also be done with pervious pavers. Councilmember Wynn stated she was concerned about the detention waiver because that is a stream and how it would work with 153 spaces pervious, or not, and that the runoff that will go into the stream. She was concerned that what has been drawn will not work unless there is a detention area. Mr. Riffel stated "Whenever development is on the 100-year flood plain, it is very common to waive detention because you would rather that water get away quicker than be held back as water is building up in the 100-year flood plain from a storm. You are starting to release it as the water gets higher. It is very common, for instance, the new Sharpshooters on Foe Killer Creek that we had the detention waived on that. We abided and did all the water quality (testing) and there is no detention on that site as well, with the exact same conditions." Councilmember Wynn replied that the Sharpshooters site has a lot of pervious surface plus a bio-retention pond, and hardly any impervious surface. She suggested that the applicant make the building smaller so that a detention could be put in. Mr. Riffel replied they are considering an underground system with large

chambers that stores water over a period time, so there is a detention aspect to it, on a gravel bottom, and for percolation or groundwater recharge. This system is being investigated. If it used in certain zones that are in the low areas, then the water could be brought to it because of the pressure and the groundwater getting to the stream; if there are good percolation rates, this system should work very well. Mr. Riffel stated a standard hydrology study process would have to be completed to prove a detention is not needed because of the relation to the entire water shed. Councilmember Wynn suggested the applicant be very aware and considerate of the lighting and felt the lighting does not need to be every five feet. Mr. Rolader stated his discussion with the neighbors indicated everybody agreed there should be some lighting in the rear for safety and security.

Mr. Townsend confirmed for Councilmember Price that this proposed church would be serviced by the public sewer system.

Councilmember Dippolito asked if the proposed building footprint is approximately 20,000 square feet. Mr. Riffel replied yes. Councilmember Dippolito asked if the second story of the building is the sanctuary and gymnasium. Mr. Riffel replied yes, the gymnasium and sanctuary demand tall spaces. Councilmember Dippolito stated he was very concerned about the lights at night and the noise. He noted that he respected the church wanting to have communion at night but agreed with the neighbor's suggestion that there not be any activities after 10:00 p.m. to help eliminate any possible problems with car noise at 1:00 a.m. Councilmember Dippolito asked what may have been considered by the applicant to potentially limit night activities until 10:00 p.m. Mr. Rolader stated there are at least 22 churches in the City that do not have that restriction. He suggested that the applicant would not use the rear parking area and leave the lighting turned off, which would limit activity in the rear. The average Friday night prayer meeting attracts approximately 75 people. He had concern with asking the applicant not to use their facility at a certain time on Friday night. Mayor Wood asked Mr. Rolader if he was proposing a condition that there would be no parking in the rear of the building after 10:00 p.m. Mr. Rolader replied yes, including the lighting restrictions, whatever the outcome.

Councilmember Price asked if any other churches clarified or indicated routine use of their church past midnight. Mr. Townsend replied there are churches that conduct midnight mass at Christmas.

Councilmember Orlans, referring to Mr. Rolader's list of churches, asked how many were approved since the City has had conditional use. Mr. Rolader stated he did not have that answer, the local churches were pulled from a Google map.

Councilmember Igleheart noted the subject property is R-1, which does have less buffer requirement based on that between two properties, and because it is a church, which is allowed under R-1, it has a smaller buffer than a building this size might otherwise have. Mr. Townsend replied that was correct. Any commercial use of the property of a commercial zoning district would have a greater buffer adjacent to the R-1. Councilmember Igleheart said that seems to be a primary concern, the end result is that it is much closer than perhaps anything else would be towards the neighbors and needs to be considered. Councilmember Igleheart noted there are almost 6 acres, and if there are 2 ½ units per acre, a neighborhood of 2,000 square foot single-family homes could be built on the subject property. He roughly estimated that approximately 15 single family homes of that size could fit in there and may have much less impact overall than what the larger project ends up being.

Mr. Townsend read the Garrison Hill design guidelines, Section 19.23.4 "The Garrison Hill Overlay District Design Guidelines approved by Roswell City Council on

March 13, 2000, are hereby adopted and made part of this Ordinance that guidelines shall apply within the Garrison Hill Design District as shown in the Official Design District Map, said guidelines shall be used by the Design Review Board in review of development proposals within the Garrison Hill Design District.” Mayor Wood thanked Mr. Townsend for the clarification.

Councilmember Dippolito said he wished to make comments regarding the potential uses for the property and if this was single family or multi-family, such as townhouses, and a perspective on the scale of the church. He said the church is about 195 feet long, which would be the equivalent of approximately 8 townhouses. If they thought about townhouses going in there in lieu of the church, the building would be about the same size. He concurred with Councilmember Igleheart’s comments that even though there would be something of that size and magnitude, it would have far less impact, from a parking standpoint, and from a light and sound standpoint. Councilmember Dippolito stated Mr. Rolader’s comments were well taken, that people have parties, dogs, etc., but he had concerns setting up the structure of this knowing that they have services until 1:00 a.m. that will disturb the neighbors.

Mayor Wood called for a motion.

Councilmember Price said we have heard opposition and received e-mails from different people. Primarily, the issues mentioned were decreased property values, traffic concerns, noise concerns, cutting down trees, non-residents of Roswell, and loss of tax revenue to the city. As R-1 zoning, most people would have assumed this parcel of land would not be developed due to its terrain, the stream, and the Georgia Power easements. Council’s job this evening is not the details, but use of the property. Major concerns regarding the site such as traffic have been addressed. Other concerns before any land disturbance permits are issued will be addressed.

Motion: Councilmember Price moved to Approve CU10-06, Kings Court Chapel, SE Corner of Willeo Road & Highway 120 with the following conditions: as in our packet on page 4, Condition #1: The owner/developer shall develop the property in accordance with the site plan stamped “Received January 18, 2011, City of Roswell Community Development Department.” Condition #2: The outdoor play area shall not encroach into the 25 foot undisturbed buffer. Condition #3 (as presented this evening): The owner/developer shall install a lighting system so that the main lighting in the rear portion of the parking lot will automatically turn off by 11:00 p.m. This will allow for security lighting to remain on in the parking lot area to maintain public safety. This lighting system shall be shown on the plans submitted for the land development permit. Condition #4: The owner/developer shall extend the 6-foot wooden fence located in the 25-foot natural buffer near the eastern boundary line to the north and south property lines. Condition #5: Enhanced buffer and undisturbed buffer plantings and screenings as determined by the Design Review Board. Condition #6: The usage would not include a daycare or school. Condition #7: Parking be restricted in the rear of the building after 10:00 p.m. Councilmember Price stated the Garrison Hill Guidelines did not need to be addressed as a condition, as stated earlier. Concurrent variance for CV10-03 be approved with the additional condition of a minimum of 23 spaces pervious surface. Councilmember Orlans seconded the motion.

1st Amendment: Councilmember Wynn amended Councilmember Price’s motion related to Condition #5, regarding the undisturbed buffer: The City Arborist will meet with the applicant to form a landscape plan to be reviewed, not approved, by the neighbors or a representative of the neighborhood, to be presented after that to the DRB for final approval. Clarification of Condition #7: 43 parking spaces be pervious

surface, as indicated in red on Mr. Riffel's site plan drawing. Councilmember Dippolito seconded the amendment.

Councilmember Orlans asked City Attorney David Davidson whether Condition #6 is a valid condition to be placed on the property. Mr. Davidson replied the applicant has already agreed to it.

2nd Amendment: Councilmember Dippolito moved to amend the motion to add Condition #9, the left turn lane as presented is not approved, but that it will be changed to include a two-way center turn lane as recommended by the Roswell DOT; and to modify Condition #3 to read: the parking lot lighting will automatically turn-off at 10:00 p.m. Councilmember Diamond seconded the motion.

Councilmember Diamond thanked everyone for staying so long. She noted that she would have liked the church to have availed themselves of the opportunity zone where they could have taken advantage of payroll reduction credits for their growing church and some of the things they could have done in the commercial districts and revitalize some of the areas that are empty, and once we get down to it, we are throwing around pervious parking, but it is quite expensive as is this detention plan. By the time we are done with all of this, it is going to have a hefty price tag. If it comes to a point where this is not a workable plan for the applicant, and it is approved, she encouraged them to speak to the Community Development Department about some of the areas that would be suitable and solve everyone's problem.

Mayor Wood said he encourages the church not to close the contract until they have further confirmation regarding the cost of the conditions, pervious pavement, underground detention area, etc. The Mayor wants the church to go into this with full understanding that it expensive to avoid the detention pond and put in pervious paving, and hopes they fully evaluate the costs before making a commitment. Council supports the church but also supports the community, making this a balancing effort. This is an intense use for this site and is going to be more expensive than just what the property is.

Councilmember Igleheart said this is a difficult decision for him. He appreciates the church's attempts in staying in the city and glad they are growing, this is an intense use for this property. Councilmember Igleheart also noted his appreciation of all the work by everyone to make changes, this is the most adapted plan he had ever seen. He is concerned about the ultimate impact on everyone involved and the traffic aspect since there are similar situations in other areas that are a problem. Hopefully, the church will continue to grow but as the programs grow traffic going through there will be impacted at times. Councilmember Igleheart referred to Standard of Review #3: Will the affected property have reasonable economic use. He stated one of the reasons why it does not, is because it is on a big highway and has Georgia Power lines. The existing Garrison Walk Townhomes have a worse situation. There is no question that something could go in there that has less impact and for what it is currently zoned for without any changes. Councilmember Igleheart said all of the changes made has been an attempt to make it as good as it could be based on all of the elements that have to go into it, but the overall impact is too intense for what this property will allow and therefore, he would have a hard time supporting the proposed plan.

Councilmember Dippolito thanked the church for all their efforts. He said they have done a good job working with the neighborhoods and trying to get this the best it can be but a lot of unanswered questions remain, which makes it a difficult decision for Council. In looking at the Standards of Review #14: The suitability of the subject

property under the proposed zoning district in the overlay district classification. He said suitability means that it is an appropriate use and that is something that is right for this property. This building, a church use, would be a nice buffer between the street and the neighborhood, ordinarily. However, this building is very large which requires a lot of parking that is encroaching into the buffer, so how suitable is it really when we get to the size of it. Speaking about the impacts on the neighborhoods from the noise standpoint, which was the reason for one of the conditions proposed and the "consideration of the preservation of the integrity of the residential neighborhood shall carry great weight" is something that has always been the corner stone for Roswell. The impact from light and noise is going to be significant on these existing neighborhoods. Councilmember Dippolito noted that Mr. Mauldenado phrased it very well in that the neighborhood had a reasonable expectation that the property would be developed R-1 and it would be R-1 as a church, but it is not the same thing as having residences directly behind you and therefore, this was also a difficult decision.

Mayor Wood stated there would be a vote on the second amendment, the first amendment, and then the general motion.

Mayor Wood asked staff to restate the conditions that added in the 2nd Amendment. Mr. Townsend explained the 2nd Amendment dealt with the left turn lane as it was presented but is not approved by RDOT, and was not part of this approval. Mr. Townsend clarified for Mayor Wood that it was revised to a two-way left turn, to be paid by the applicant. Mr. Townsend clarified that the change to Condition #3 was the automatic turn-off at 10:00 p.m. instead of 11:00 p.m. Councilmember Dippolito agreed that was correct and clarified that he would eliminate all the security lighting language to say "the lighting would be turned off at 10:00 p.m., to the site." Councilmember Dippolito stated security lighting such as over doorways could be minimal but he did not want the security lighting to become minimal pole lighting. He said the problem with the condition is that it is very vague in defining what it is so by the having no lighting after 10 p.m. we eliminate the vagueness of it. Mr. Rolader stated some lighting is necessary. If we need to turn off the majority of the parking lot at 10:00 p.m. it makes more sense to do it in the rear parking lot, but if Council wants to do it through the entire parking area that is their decision. There must be security lighting for the protection of the church, the neighbors, and the people coming and going from the church, so leave security lighting in the issue and deal with it as Council chooses. Mayor Wood asked Councilmember Dippolito if his condition would be okay with "the security lighting as defined by the Design Review Board." Councilmember Dippolito replied he understands the need to have security and supports that, he reiterated that the condition is too vague and therefore, he could not support it.

Vote on the 2nd Amendment

Mayor Wood stated he would be calling for the vote on this amendment in two separate pieces with the first piece for the turning off all the lighting at 10:00 p.m. and the second piece regarding the turn lanes.

Councilmember Dippolito was agreeable to the vote being taken in the manner Mayor Wood suggested.

Mayor Wood asked staff to clarify what is meant by "double left turn lane."
Councilmember Orlans asked for clarification regarding the RDOT recommendation.

Mr. Acenbrack stated there is an existing left turn lane on Willeo Road to go west bound on Hwy. 120. The idea for the two-way left turn lane is that it allows for traffic stacking for the northbound to the westbound movement to occur during normal operations. When traffic is trying to "go into" it still allows them to use the lane, as a

shared use and is called a two-way left turn lane. It does not stripe-out a dedicated left turn lane into their property. It does allow for both uses because the peak times of both uses will not occur at the same time.

Councilmember Orlans stated he thought Councilmember Dippolito was saying if that is not good, something else comes into play, or this RDOT staff recommendation, as an amendment for conditions. Councilmember Dippolito replied yes, and if we have it as approved by the RDOT, if they need to modify it as they get into the final detail, they can make some modifications. Mr. Acenbrack asked if the graphic of proposed striping was what Councilmember Dippolito wanted to add. Councilmember Dippolito agreed if that was the RDOT recommendation, subject to final engineering. Mr. Acenbrack replied yes and clarified that they have not yet precisely located the entrance and there are a few things that have not been worked out, such as bikes and pedestrians going across the multi-use trail, but those can be worked through. Mr. Acenbrack stated that as RDOT works into those details, the core concept will remain sound and the striping plan as shown will survive and is fine with RDOT. Councilmember Igleheart said he does not support this overall and may abstain, but if Council should approve, this should be included.

The Mayor called for the vote on the 2nd Amendment to require the double left turn lane.

Vote: The motion passed unanimously.

Vote on the 2nd Amendment regarding turning off all exterior lights at 10:00 p.m. Councilmember Dippolito modified the motion to make it "more palatable so I don't seem harsh and unconcerned about security, which I am sensitive to." He modified the 2nd Amendment lighting wording to state: All parking lot lighting off by 10:00 p.m. and security lighting on the building off by 11:00 p.m. Security lighting to be determined by staff, followed by DRB decision. Mayor Wood stated it would ultimately be a DRB decision. Councilmember Diamond did not agree to the modified motion because of the public safety aspect.

Vote: Councilmember Dippolito's modified 2nd Amended motion regarding turning off all exterior lights at 10:00 p.m. failed due to lack of a second.

Vote on the 1st Amendment

Mayor Wood asked for staff clarification. Mr. Townsend replied the 1st Amendment modified new Condition #5 dealing with the undisturbed buffer requiring that the City Arborist be involved in the review of the landscaping and the neighborhood be allowed review of the landscaping plan but not approval, and the Design Review Board will have final approval of the additional required understory landscaping in the undisturbed 25-foot buffer. Mr. Townsend stated the next piece of the amendment, Condition #8, increased the pervious pavers from 23 to 43 spaces. No further questions or discussion. Mayor Wood noted Councilmember Igleheart's statement that he does not support the overall, but if it is passed, this should be a part. Mayor Wood noted there was a second back when the motion was made. The Mayor clarified this related to the plantings in the buffer and with 43 pervious parking spaces in front of the building.

Vote on the 1st Amendment: The motion passed unanimously.

Mayor Wood aske

A motion was made by Council Member Price, seconded by Council Member Orlans, that this Item be Approved with Conditions. The motion carried by the following vote:

Council Members Orlans, Price, Wynn, and Diamond voted in favor.
Council Members Igleheart and Dippolito were opposed.

In Favor: 4

Opposed: 2

9. **RC10-03R, River Corridor, 1035 Martins Lake Close, Jeffrey & Patricia Atkinson.**

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend stated this is a River Corridor item which has been reviewed the Atlanta Regional Commission (ARC). The homeowner of the single family lot is requesting to build a pool and retaining walls. It is consistent with the Chattahoochee Corridor Plan, and has been approved by ARC. Staff recommends approval. The applicant was not present. Mayor Wood called for public comment. None was heard.

Motion: Councilmember Price moved for approval of RC10-03R, River Corridor, 1035 Martins Lake Close, Jeffrey & Patricia Atkinson. Councilmember Wynn seconded the motion. There was no public comment. The motion passed unanimously.

A motion was made by Council Member Price, seconded by Council Member Wynn, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

10. **Initiation of a text amendment to add a definition for a boutique hotel, determine the Zoning District where the boutique hotel will be a permitted use and determine the parking requirement.**

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend said this issue has been discussed at prior committee meetings. Staff has included a draft initiation that includes a boutique hotel that will not exceed 30 rooms, and would have a similar definition of a regular hotel, which would allow for accessory uses for full dining, bar, retail uses, and special events or conference centers. Staff included the table of the use which would be permitted in C1, permitted in C3, also permitted in HR, OCMS, and MPM use zoning districts. Staff has included an initiation of the parking requirement similar to that of a hotel of one (1) space per lodging unit, plus one (1) space for each 150 square feet of accessory uses, that would be the minimum parking requirement. Staff recommends approval of the initiation.

Motion: Councilmember Price moved for the approval of an Initiation of a text amendment to add a definition for a boutique hotel, determine the Zoning District where the boutique hotel will be a permitted use and determine the parking requirement. Councilmember Diamond seconded. There was no public comment. The motion passed unanimously.

A motion was made by Council Member Price, seconded by Council Member Diamond, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

11. **Initiation of a proposed text amendment adding Human Signs as an allowed sign to Section 22 of the Zoning Ordinance.**

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend stated this has been discussed in prior meetings at Committee. Staff has drafted a definition of human signs, meaning a sign that is worn, including costumes or held by human for commercial advertising and promotion purposes. Staff has also included language requested by Council that would limit the human sign for 40 additional days in excess of the banner sign as well as the "Find It All" additional temporary sign banners. This would give some individual business establishments a total of 120 days, with 80 of that being for temporary banners, and 40 of it being a human sign.

Councilmember Price stated for purposes of working on this proposed text amendment, she would move to approve.

Motion: Councilmember Price moved to approve the Initiation of a proposed text amendment adding Human signs as an allowed sign to Section 22 of Zoning Ordinance. Councilmember Dippolito seconded the motion. There was no public comment. The motion failed to pass 4:2. Councilmember Orleans, Councilmember Igleheart, Councilmember Wynn, Councilmember Diamond voted in opposition. Councilmember Price, Councilmember Dippolito voted in favor.

A motion was made by Council Member Price, seconded by Council Member Dippolito, that this item be Approved. The motion failed by the following vote:

**Council Members Price and Dippolito voted in favor.
Council Members Orleans, Igleheart, Wynn, and Diamond were opposed.**

In Favor: 2

Opposed: 4

12. **Approval of a Resolution to reallocate funds from completed Community Development Block Grant (CDBG) projects to the Arts Village Infrastructure Project.**

Presented by Alice Wakefield, Director

Director of Community Development Alice Wakefield stated Fulton County advised the City there were funds remaining from two (2) completed Roswell CDBG projects totaling \$155,744.74. There is a timing urgency to get this to Fulton County in order for them to advertise the change. Staff recommends the funds be reallocated to the Arts Village Project for the purpose of demolishing the Oxbo Apartments and for site work related to infrastructure improvement.

Motion: Councilmember Price moved to approve the revised Resolution to reallocate funds from completed Community Development Block Grant (CDBG) projects to the Arts Village Infrastructure Project (which is slightly different from the resolution in the Council packet). Councilmember Dippolito seconded the motion. There was no public comment. The motion passed unanimously.

A motion was made by Council Member Price, seconded by Council Member Dippolito, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Public Safety - Councilmember Nancy Diamond

- 13. **Approval of a Resolution to Accept a FY 2010 Homeland Security Grant award of \$48,469 and approval of Budget Amendment 3921G1-02-14-11 to establish the budget. Presented by Ricky Spencer, Fire Chief**

Fire Chief Ricky Spencer stated this is to request a boat for \$48,469 through the Federal Government for the purpose of Chattahoochee River emergency rescues. The City of Roswell has no obligation.

Motion: Councilmember Diamond moved for Approval of a Resolution to Accept a FY2010 Homeland Security Grant award of \$48,469 and approval of Budget Amendment 392G1-02-14-11 to establish the budget. Councilmember Igleheart seconded the motion. There was no public comment. Councilmember Orleans inquired about the type of boat. Chief Spencer replied this specialized boat would allow fire and rescue personnel to cross the shoals in the river and is equipped with a hard bottom that will allow passage over rocks, and trees. The motion passed unanimously.

A motion was made by Council Member Diamond, seconded by Council Member Igleheart, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

City Administrator's Report

- 14. **Approval to reschedule the May 30, 2011 meeting (5th Monday of the month) to Wednesday, June 1, 2011.**

City Administrator Kay Love stated this item is an approval to reschedule the May 30, 2011 meeting, a 5th Monday meeting that will land on Memorial Day Holiday, and reschedule it until Wednesday, June 1, 2011.

Motion: Councilmember Igleheart moved for Approval to reschedule the May 30, 2011 meeting (5th Monday of the month) to Wednesday, June 1, 2011. Councilmember Wynn seconded the motion. There was no public comment. The motion passed unanimously.

A motion was made by Council Member Igleheart, seconded by Council Member Wynn, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

City Attorney's Report

15. **Approval of Phase II of the Tower Cloud, Inc. lease to build fiber on the Hightower Water Tank site which is located on City property. (Deferred from January 24, 2011) (Tower Cloud requested a deferral to the February 28, 2011 Mayor and City Council meeting)**

City Attorney David Davidson stated Tower Cloud, Inc. has requested a deferral until February 28, 2011.

Motion: Councilmember Orlans moved for the deferral of the Approval of Phase II of the Tower Cloud, Inc. Lease to build fiber on the Hightower Water Tank site which is located on City property. Councilmember Price seconded the motion. There was no public comment. The motion passed unanimously.

A motion was made by Council Member Orlans, seconded by Council Member Price, that this Item be Deferred and placed on the Mayor and City Council agenda for 2/28/2011. The motion carried by the following vote:

In Favor: 6

16. **Approval of an Amendment to the current Telecommunications Lease Agreement dated November 21, 2005 between the City of Roswell and New Cingular Wireless PCS, LLC for a location upon Hightower Water Tank owned by the City. (Deferred from January 24, 2011)**

City Attorney David Davidson said this amendment would add three antennas. The City of Roswell will receive an additional \$2,700 more per month. This will bring the current rent up to approximately \$36,500 for the year. Mayor Wood asked Mr. Davidson if this is the market rate rent for this type of lease. Mr. Davidson replied yes. Councilmember Orlans stated that was subjective.

Motion: Councilmember Orlans moved for the Approval of an Amendment to the current Telecommunications Lease Agreement dated November 21, 2005 between the City of Roswell and New Cingular Wireless PCS, LLC for a location upon Hightower Water Tank owned by the City. Councilmember Diamond seconded the motion. There was no public comment. The motion passed unanimously.

A motion was made by Council Member Orlans, seconded by Council Member Diamond, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

17. **Recommendation for closure to discuss personnel.**

Motion: Councilmember Dippolito moved for the Recommendation for closure to discuss personnel. Councilmember Diamond seconded the motion. There was no public comment. The motion passed unanimously.

A motion was made by Council Member Dippolito, seconded by Council Member Diamond, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Adjournment

After no further business, the Regular Meeting adjourned at 10:40 p.m. for a work session to discuss the City of Roswell Pension Plan.