

Please put all cell phones on vibrate or turn them off. This includes members of the Planning Commission. Smith reminded the members of the Planning Commission to please state their names before speaking for the benefit of the audience as well as for the staff recording the minutes of this meeting.

With that Harvey Smith called the first item on the agenda.

REZONING & CONDITIONAL USE

11-0591

RZ11-12, CV11-03, CU11-05

PINNACLE MANAGEMENT CO., INC.

9050 Fouts Road

Harvey Smith stated that the applicant has withdrawn his application.

REZONING AND CONDITIONAL USE

11-0715

RZ11-15

11140 & 11160 West Road

Land Lot: 46

Brad Townsend stated that this is a rezoning case for two pieces of property, which were annexed into the city. The properties were actually in Cobb County, were de-annexed from Cobb County to Fulton County and then annexed into the city of Roswell. This application zones the property E-2. This is the most appropriate zoning designation to provide for the minimum lot size of 30,000 square feet. If the parcels were to be zoned E-1, E-1 has a two-acre minimum requirement and the parcels would be non-conforming to that. Staff has recommended that they be zoned E-2 to make sure that they conform to a minimum of 30,000 square feet.

If one has any questions Townsend stated that he would be happy to answer them.

Harvey Smith asked if the Commissioners had any questions for staff.

Lisa DeCarbo stated that she actually had a question that was passed to her by Mark Renier. He asked how the annexation from Cobb came about.

Brad Townsend stated that the owners of the property, under the retainer of a local attorney and had them de-annexed from Cobb County. There was a discussion and a requirement that Fulton County would be willing to take the property if it were de-annexed from Cobb. Fulton County agreed knowing that the property would then be annexed into the city of Roswell.

Lisa DeCarbo asked if access to the property would still be through a neighborhood that is part of Cobb. Townsend stated that it would not. The access has always been through a neighborhood within the city of Roswell. DeCarbo stated that her one question also then for her would be if these two lots were put together, if they were assembled to be one lot. Would they then meet the E-1 zoning requirements? Brad Townsend stated that they would. DeCarbo asked if there was any discussion of...Townsend stated that the only way to do that would be to remove one of the homes. He doesn't think they want to do that. DeCarbo agreed.

Harvey Smith asked if there were any further questions from the Commission. Hearing none, he stated that the Commission would now like to hear from the applicant.

Olivia Broadwell stated that she is the owner of 11140 West Road. She really has a question with relation to taxation of the property and she did call this question into the city of Roswell but could not get an affirmative answer on this. Her question is really from a property tax perspective. Is there any difference between an E-2, which is the proposed zoning versus an E-1 non-conforming, which is the zoning for the majority of the lots on her street, on West Road.

Brad Townsend stated that from a taxing perspective it is really done on the size of property and the size and improvements to that property. So, between the two zoning districts there would be no distinction rated to taxable purpose because it is determined on the land and the improvement to the property.

Olivia Broadwell stated that was her only question and thanked Townsend.

Harvey Smith asked if there were any questions for the applicant from the Commission. Hearing none he thanked the applicant and opened the meeting up for public comment. He asked if there was anyone who would like to speak in favor of the application to please come forward. No one came forward. Smith asked if there was anyone in the audience that would like to speak in opposition. Hearing no more comments from the public, he asked if there was anything that the applicant would like to say before he closes the public portion of the meeting.

Hearing no further questions, Harvey Smith closed the public portion of the meeting so that the Planning Commission can discuss the application and make a motion.

Hearing no further discussion, Smith called for a motion.

Motion

Bryan Chamberlain made a motion to approve RZ11-15, 11140 and 11160 West Road, Broadwell property. Joe Piontek seconded the motion. Hearing no further discussion Smith called the question.

The motion passed unanimously. 5-0.

REZONING AND CONDITIONAL USE

11-0696

CU11-06 & CV11-04

HEAL OUR LAND MINISTRIES FEDERATION, INC.

1565 Holcomb Bridge Road

Land Lot: 613

Brad Townsend stated that this application is requesting a conditional use to use existing buildings for a church, church offices and nursery for the church. The requested variances are to the existing buildings of the property. Townsend pointed out the gymnasium location, the existing church offices and nursery location, with the playground area. He pointed out Holcomb Bridge Road, the fire station and the old realty buildings. He pointed out the subdivision Martin's Landing on the southern and eastern property. There is commercial property to the west. The property is located at 1565 Holcomb Bridge Road. The subject property is zoned C-3. The buildings are currently vacant and unoccupied. They have been...R-3...they have been unoccupied for several years once the prior school vacated the property.

Staff would recommend approval of the conditional use application with the three conditions that are included in the resolution before the Planning Commission this evening. The applicant has submitted the proper site plans showing the use of the property to be utilized as a church as well as for office space for ancillary non-profit uses of the office space within the current buildings.

Townsend stated that he would be happy to answer any questions the Planning Commission might have.

Harvey Smith asked if there were any questions for staff. Hearing none he stated that the Commission would now like to hear from the applicant at this time.

Chad Ranzifer stated that he was the attorney for the church, Heal Our Land Ministries Federation. As the Commission heard, the applicant is asking for a conditional use zoning. They would like to also have approved the setback that they have that is located adjacent to the Martin's Landing subdivision. They have met with the Martin's Landing homeowners' association as well as they have apparently a sub-set of their homeowners' association. One that would be representing people contiguous to the church property and they have offered that