

surrounding or immediate area and impact of city services. The burden of proof for a rezoning request is always on the applicant.

Susan Baur asked that all cell phones be placed on vibrate or turned off. This includes members of the Planning Commission. She reminded members of the Planning Commission to please state their names for the record as well as for the benefit of the audience who is in front of them this evening. With that Baur called the first item on the agenda.

CONDITIONAL USE

11-0017

CU11-01

WHIPZ AUTO BROKERS, INC.

10479 Alpharetta Street, No. 14

Land Lot: 466

Brad Townsend stated that CU11-01 is a request for a conditional use for a used automobile establishment to be located within a shopping center. This is the shopping center location on Alpharetta Hwy. The zoning map shows that it is properly zoned C-3. Townsend presented a couple of pictures of the shopping center. The applicant will be using an office in an existing retail location and is proposing to sell cars. Townsend presented the current standards that the city of Roswell has for an automobile dealership. When this language was initially drafted they included a minimum of three-quarters of an acre in size. He thinks what they are dealing with here in the actual standard that probably needs to be looked at after this application. Staff did not surmise that they would be using shopping centers with multiple tenants. Most of the used car dealers that they have along Alpharetta Hwy. were taking over existing businesses as in restaurants or buildings that were single tenant, single building users and parking the cars in the parking lots and selling from that location. So that was how the initial ordinance was established. But in this draft as the city currently has in the code, it does not preclude them from going into a shopping center. So, that is probably some text amendment that staff will be looking at once this application is through the process and probably get some feedback from council as to their preference to whether they wish to control that or not wish to control it.

Staff has recommended approval of this application with two conditions. That dealing with the limitation of 10 parking spaces out front and that no additional ground signage on the property. They will use the existing ground sign that is in the tenant and the shopping center.

Bryan Chamberlain stated that on item 2 it says "signage may only be as a wall sign on the building or as a panel on the existing multi-tenant ground sign. Is that implying that they can only have one or the other, but not both? Brad Townsend stated that they could have both. That is what the city would allow an individual. What they weren't going to allow is to have an additional ground sign just for this establishment.

Cheryl Greenway asked if they would then be allowed to park these cars, the 10 parking spots right up by the road and then put things in the windshield that would...Brad Townsend stated that it would be just like any car lot would be able to do.

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Susan Baur stated that she had some questions about the parking requirements for this type of a strip shopping center. She went by it the other day, it was full, it has four restaurants in it. So, as far as parking is concerned in a strip shopping center, what are the requirements for these individual establishments? Are they meeting it as their ample parking for this proposed used car establishment? Brad Townsend stated that there is some parking behind the building. It is not the most desirable place for cars to be parked. When it was originally established it did meet code at the time in dealing with numbers of parking spaces. He thinks what they have is the demand determination by the restaurants whether it is going to be a lunch type of restaurant or a dinner type of restaurant is going to probably skew whether there is sufficient or insufficient parking. That is why staff limited it to 10. They did not feel that this application for that shopping center could be any more than 10 spaces taken up by that location. So it is going to be more of the tenants dealing with their landlord in this situation because they would meet the code in dealing with what is currently there.

Bryan Chamberlain asked if the limit of 10 parking spaces complies... 10 spaces that all can be used by cars for sale or is that the composite of 10 to be occupied by tenants, customers and cars for sale. Brad Townsend stated that he thinks staff wrote it with the understanding that it was 10 cars for sale because that is a number they can then...they can go count them and say one is over or he is under and know whether he was in compliance or not. Chamberlain clarified that on any given day they had 10 people looking at those 10 cars and they all drove in their own car and they had three employees, they are looking at 23 spaces taken up by in a worst case scenario. Townsend stated that would be true in a worst case scenario.

Chamberlain asked Townsend if the Fox restaurant has opened yet. Townsend stated that he did not believe so. He thinks they still have a grand opening pending. Chamberlain stated that Fox has a relatively large footprint. He is assuming that it may have a relatively large number of cars in the parking lot when they are at capacity. Townsend stated that was correct.

Sydney Dodd inquired if because those spaces don't turn over and there is parking ratio permanence. How does that effect the existing zoning requirement for parking at that facility? In other words, say those 10 cars are permanently housed within those spaces. Do they have enough parking per thousand? Dodd assumed it was four or five spaces per thousand that is required in that zone. Townsend stated that was correct. Dodd asked if they had enough to overcome the permanence and have a non-turnover of spaces. Townsend stated that was one of the analyses that they did. The simple answer to that is yes. With the numbers that they have there, Townsend thinks they have a total of...the survey that staff received from the applicant indicates that that have a 163 spaces on site. But there are probably a good 30 or 40 of them in the back of the building, which are not in front. They have with the calculation of the square footage they have one parking space for every 200 square feet of buildable area. The restaurant has five per thousand.

Cheryl Greenway stated that like Townsend was saying, that includes the ones in the back. She is trying to count real quick but that is about 43-44 or so in the back and people are not going to park in the back, or people who have businesses there are not going to want their customers to be parking in the back and having to walk all of the way around the building to come in. So if one looks at just the front spaces Greenway thinks they are dealing with about 120 up front. There are about 10 businesses in there, just in

making it rough, that is about 12 parking spaces per business. That could put a hurt on that shopping center if they have 10 taken up with cars that they are trying to sell and they have their own people there trying to sell them and customers coming in trying to look at them. One of Greenway's biggest concerns is that logistically there is just not enough room.

Harvey Smith asked Brad Townsend what the history of this particular tenant was. Did he lease the space assuming that he could get conditional approval for this or was it wishful thinking?

Brad Townsend stated that he thinks that is the understanding that staff had. That he leased the space or he may be occupying the space and this may be a second business that he is running out of the same space.

Susan Baur stated that she was in the back the other day and there are no lines. It is just the back of the shopping center. So, if they were just looking at the ones in the front...Baur stated that she does not know what the definition of a parking space is but there are no lines back there. So, if they are just looking at the front, and Townsend was saying there are about 120 spaces in the front. Are those requirements being fulfilled minus what they have in the back?

Brad Townsend stated that they still have to count the ones in the back. They can go and tell them to have them re-striped. That could be something that the city requires the applicant to do dealing with bringing some of the code requirements up to compliance. Susan Baur stated when she was there the other day; they have taken another space in that shopping center. They had to put a sign up so they are sort of in between sharing a space and now having their own space from what she could see.

Bryan Chamberlain stated that if in looking at compliance with the current land use plan, it sounds like there is an absence of not allowing car sales in the same property as a retail shopping center. What he is trying to get a handle on is, is there not a conflict from a safety standpoint? A continuity of use standpoint having auto sales with restaurant and retail?

Brad Townsend stated that probably in the every day use of things like that, one probably would see and understand the conflict. He thinks that is part of the tenant mix and the landlord understanding what he is putting into his shopping center. As part of the way that the current zoning code is written, the city could not prohibit it and they couldn't not take the application and process it though a conditional use process. That is why it is written as a conditional use for the Commission and then the mayor and city council to make the determination is the compatibility issue in keeping with the way that they feel the land uses should conflict or not conflict in dealing with the process.

Sarah Winner stated that she was sorry that she was running late. She would like to clarify and if Brad Townsend has already done this she apologized. She clarified that the original intent when the ordinance was written, was it not to imply that a car dealership itself would require a minimum of three-quarters of an acre. That it would not be shopping center and putting little used car lots all over the parking lot. Brad Townsend stated that when he drafted the ordinance and it went through the process that was the intent. Winner clarified that that was the intent that Roswell wants. Townsend stated that was correct. Winner stated that these 10 little spaces in front of a unit, in front of a

shopping complex wouldn't fall into their original intent. Townsend stated that it would not. It is not what they looked at trying to control. Winner stated that given that, conditional use basically means that for the Planning Commission to make a recommendation they listen to input. But it is up to the Commission in their discretion to say what they feel is best for Roswell in keeping in compliance with what they are allowed to do per the ordinances. Brad Townsend stated that was correct. Winner stated that whether there are too many parking spaces or whether they are lined or anything else it really boils down to whether or not the Commission thinks this is in the best interest of Roswell to allow 10 parking places in a strip mall to start becoming used car dealerships. Brad Townsend stated that was correct.

Sidney Dodd asked Brad Townsend if he could tell them in the city of Roswell if there are any other precedents for this type of conditional use. In other words....Townsend stated that the only one that he is aware of is an Enterprise establishment that rents cars. They went through the conditional use process and it is located on Mansell across the street from the Longhorn Restaurant. There is one on Alpharetta Hwy. also but they went through the conditional use process. That is the only similar automotive besides the sales of auto parts and things of that nature that is in a strip center. Dodd asked if that was a multi-tenant retail strip. Townsend stated that was a multi-tenant center. Most of the other things were retail. He thinks it had the Army-Navy store/recruiter and a sign shop is there and things of that nature. But the rest of it is retail and Townsend thinks they were limited to the number of rental or lease cars that they were able to put on site by the landlord/tenant at that time also. But that operation is totally different from somebody retailing, trying to sell used cars when they are hoping someone drives off the street, likes the chrome tires and kicks the bumper and says that he will buy it as opposed to calling up and saying that he needs to lease a car, he will be there in 20 minutes.

Harvey Smith asked Brad Townsend how would a delivery truck unload used cars there. He sees the transportation department's comments. Would they have to park out on the turn lane on Alpharetta Hwy.? That is one of the busiest...Townsend stated that he has seen that before off the road and it is pretty dangerous. Actually the drive aisle in the parking lot might be blocked at the time if they come in dealing with that which means there is going to be some wheel tearing up curb in getting in and out type thing. But he thinks that is something that the applicant needs to explain to the Commission, how he plans his deliveries.

Susan Baur asked if there were any other questions for staff. Hearing none, she stated that the Commission will now hear from the applicant at this time.

Joshua Armadi stated that he was the general manager for Whipz Auto Brokers. Gregory Mercier sent his apologies for not being able to be here; his 87-year-old father is dying in Michigan so he wants Armadi to speak on his behalf if that would be okay with the Planning Commission.

Armadi stated first of all that Whipz Auto Brokers isn't like other used car dealerships. They are pre-owned vehicles. They will only take up 10 spots of the location, which is in tier four. There is tier one right next to all of the restaurants, tier two is in the middle, tier three is in the middle and then tier four. Armadi stated that he has been there for three or four months now and has yet to see tier four even a fifth of the way full. He understands that when Red Fox opens there will be more traffic but 10 spots he guaranteed will

always be there. The applicant will never have all 10 spots filled up as far as he knows because what he does is he gives the customer, they come to Armadi as the broker and they tell him, "this is what we want." Armadi goes and gets that the next day. So most of the cars that even come on the lot will be there for 30-minutes because the customer comes and picks it up and takes it away. So all of the cars that come on there are already sold.

As far as what the applicant is doing for that complex, Armadi stated that the owner of the complex actually wants them to be there. He thinks this is a great idea. He said that a lot of the businesses there are losing revenue because of what is going on in the economy right now. He thinks a little switch up and a little change is just the thing he needs. When he thinks of what they are going to be doing, they are going to be bringing high-priced cars there, quality cars, things that one could put equity into. They are not going to bring broken down cars. They are not going to bring an eyesore on the complex. What they are bringing is a quality vehicle that someone will enjoy every day of their lives. They guarantee numbers of things on their cars. But they are going to have A-lot cars, the same cars that Jim Ellis has, Hennessey has, Nalley has, those same high-quality cars. They are not going to bring trash on the lot. Armadi stated that he also currently has a verbal agreement with Ferrari of Atlanta and a couple of antique dealers to have a couple of their cars on the lot due to the weather based on that time. They are going to be bringing in customers from around the area that just want to come look at these cars and possibly buy these cars because of the quality, the high standard of these cars. They are bringing in customers that normally would not be near that complex. They send customers to the restaurants; they send customers to that area. They are helping out these little businesses.

The owner, Mr. Lee, also sees what Armadi sees in their concept. Lee loves the concept and thinks it is going to bring him much more revenue and help out the others. He is not a selfish man. He didn't take them there because it is money for him, he took them there because if this is going to help out his customers and those businesses, let's do this. Let's go. Armadi showed Lee the concept of everything he wants to do and he loves the idea. He thinks it is great for his community. It is a whole new stream of income that they will be bringing to them. They are not going to bring low-quality anything.

Armadi state that they are also going to be upping the security in that lot. They are going to have video cameras set outside so anything regarding the security of other cars, customer cars, cars that may be there overnight is all secure. They are going to have very high quality video security set up on the lot for those people who have any worries of that issue.

The thing Armadi has noticed, especially in the last year or two is, like was mentioned with Enterprise, there are people around Georgia, Florida, Tennessee that have started noticing that this concept is actually bringing in more revenue to that area having it help out other businesses as well as themselves. What Armadi wants to do he wants to bring that not just to here, in Roswell but they want to eventually bring it across the nation, this whole new concept of selling vehicles. They want to get what the customer wants, not try to force him into what he should have. That is why customers come to Whipz. They state what it is that they want and Armadi goes the next day and gets it for them. So any cars that one will see on the lot, very few will ever be there, 10 just in case they ever hit 10, they will hopefully never hit 10, but they are not in the business of storing vehicles. They will not trash them, they won't dump them in people's neighborhoods, they won't dump

cars where they shouldn't be. The applicant plans on parking in the back. Whether there are lines or not, he will have the owner and himself make some lines if there are not any lines currently back there.

Armadi asked the Commission if he answers questions now or sit down and have some rebuttal. Susan Baur stated that the Commission may ask him some questions. Baur asked if there were any questions for the applicant at this time.

Harvey Smith asked Armadi how he plans to take delivery of the vehicles. How will they be delivered to his lot? Armadi stated that they plan on buying their own delivery truck and trailer. Smith asked if he meant a big tractor-trailer truck, like an 18-wheeler. Armadi stated that it would not be an 18-wheeler, only one or two cars at a time and they won't store it on the lot. It will be at his own house.


Sarah Winner asked if Mr. Lee was present this evening or is Armadi is speaking on behalf of Lee, too. Armadi stated that he does not believe he sees Lee but he was spoken with him many times. Winner stated that she has a question for Armadi because he made an interesting comment that Lee was not interested in the money, he was interested in doing it for his tenants. Winner stated that she stopped at three different strip center complexes on Alpharetta Hwy., including Lee's and she asked some of the tenants how they would feel about having a small area of the parking lot set off for used cars. What does Armadi think the majority of those people told Winner? Armadi stated that he honestly has not had any confrontations with anybody. Everyone he has spoken to has loved the idea. Winner asked who Armadi has spoken to. Armadi stated that he has spoken to The Real Deal, the barbershop, the people in the Mexican bakery, San Poncho and they all seem to love the idea and think it will help bring in more customers. Sarah Winner stated that that was interesting because she can tell Armadi that a majority of the people that she talked to didn't like the idea one little bit. Armadi stated they had not spoken with those people. He apologized for any confusion they may have. Maybe it is confusion that is perhaps fearing them away a little bit from this idea. They don't know how to except...maybe they think Armadi is bringing on trash cars. Maybe they think they are going to drive customers away. He does not know. He hasn't spoken with them.

Sarah Winner clarified that Armadi has not spoken with them but they love the idea. Armadi stated that the people who hate the idea he guessed that Winner spoke with. Winner stated that she would not use the word hate. But she is curious. Armadi stated that maybe they don't know what he is doing but yet he just told her that everybody loved his idea so she is confused by that. Could Armadi clarify that for her?

Armadi stated that the people who may not like their...everyone he has shown this idea to has loved it. So, anybody that doesn't like this idea he has not confronted because they have not spoken with him expressing their dislike for this concept. What his theory is they don't exactly know what Armadi is bringing to the table for this complex. That is what he is saying.

Sarah Winner thanked Armadi for clarifying, sort of.

Susan Baur asked if there were any other questions for the applicant.

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Cheryl Greenway stated that the applicant mentioned that he is going to put security cameras up, but if he is only taking up 10 spaces; where does he plan on putting the security cameras? Armadi stated next to their signs and as far as where else, he would have Greg Mercier talk to Mr. Lee. But as far as right now, Armadi stated that he has very high-quality video cameras that he is buying for the security and they work night, day, weather storms, they work during anything so during power outages they are always on. Greenway clarified that Armadi said that he was going to put them next to his signs. Armadi stated that he was going to put them where his store is. Greenway clarified that they are going to be facing into his store or facing out from his store. Armadi stated that they would have them inside his store and outside of his store, facing out towards the parking lot. Greenway clarified that it is more just a camera for the control within his operation, not for the parking lot. Mercier is going to speak with Lee if they can do it for the whole parking lot, too, just to help up the security. Greenway stated that would be a pretty big adventure if he was going to put security cameras for the whole parking lot, including that back parking lot. Armadi stated that they have not spoken about the back parking lot. Greg Mercier would have to answer that question.

Cheryl Greenway stated that her other question for Armadi is she kind of hears him saying two different things. One, he is saying that he would only bring in a car because he has already done pre-sale. Someone has come in and said that they want a particular car; he goes and finds it for them. That is one thing. Then he is saying that he is also going to find collector-type cars that he would bring and put out there. Is it both, or is it one or the other. Armadi stated that mainly the cars will already be sold. The cars that will be on the lot are an attracter. Three of them out of the 10 spots that would maximally be used would be attraction cars to bring customers onto the lot. Any other spaces that they would be using would be a car that someone would be to see one of and say that they want the car, it's a very nice car, he wants this one. That is why the applicant is only limiting himself to 10. He does not want more than that because he is in the business mainly of the car is already sold before they even get it. Cheryl Greenway asked if he really needs 10. Armadi stated that Greg Mercier would have to answer that question because he knows mainly exactly how many cars he wants there at all times. If he has stated 10, then Armadi believes it would be close to 10.

Susan Baur thanked the applicant. She stated that the Planning Commission will now here from members of the public at this time. Baur asked if there was anyone in the audience that would like to come up and speak in favor of this application. No one came forward. Baur asked if there was anyone who would like to speak in opposition of this application.

**Ann Bromhall
Mansell Circle**

Ann Bromhall stated that she has lived on Mansell Circle for 36 years and she has seen it all going down there at the end of the street. What she has done is gotten a petition from the neighborhood with signatures and pictures. As the Commission can see, the surrounding neighborhood is very concerned about additional traffic, additional cars at the end of their street. So, with the anticipation of the Alpharetta Hwy., landscaping they had hopes of improving the neighborhood by cleaning it up and eliminating more signage. The neighbors have five major reasons that they are concerned about the used car lot.

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1. Test driving up and down their street. It is almost a daily affair from other lots. There are other brokers at the corner of Colonial Park and Mansell Circle in that building. There is more than one; Bromhall thinks there is one also on Mansell Circle, already brokers in the area loading and unloading cars. It is an ongoing daily problem with people test driving on their street.
2. This will also increase their traffic problem at Alpharetta Hwy., and Mansell. There is traffic coming from both sides of Alpharetta Street trying to get into the center lane and this is just increasing the traffic problem that much more.
3. The neighbors hate to see the strip mall ruined by used cars out in the front. Bromhall thinks they have already established that the tenants, she does not believe are going to speak up because she has also spoken to some of them that are very concerned about this but because of the relationship she thinks with the tenants and this applicant, there might be a problem about them speaking up.
4. There are lots of other locations on the highway that would serve well as a used car lot.

The neighbors are asking that the Planning Commission consider denial of this application.

Bromhall added that she has a picture on the back. It was taken three weeks ago from the other brokers in front of her house.

Sarah Winner asked Bromhall if she could, for the record read out the total number of signatures, not the names, on her petition so that everybody knows. Bromhall stated that the total number of signatures is about 25 but she thinks it was 20 actual residents. Some people signed double.

Susan Baur asked if there were any questions for Bromhall.

Cheryl Greenway clarified that the picture was taken outside of Bromhall's house. Bromhall stated that it was across the street. She is on her property and that is across the street. Greenway asked if Bromhall knew what they were unloading cars for. Bromhall stated that they were for those other brokers that are already down there. This is a routine thing as well. The 18-wheelers come, load, unload, load one or two, drop one or two, pick up one or two and leave. So they have to park some place. They also come down there. They cannot make the turn. They come down Maxwell and cannot make the turn onto Mansell so they come up Bromhall's street and back all of the way down to Colonial Park. There are constantly 18-wheelers in the neighborhood from those. They don't always take a whole load, sometimes it is one car or two cars or whatever. But they will drive a couple of cars off or pick up a couple of cars or take some more here or there. They are backing up into Bromhall's street, backing all the way down Mansell Circle to get to the other broker lots.

Cheryl Greenway asked Brad Townsend if this was really supposed to be allowed. Brad Townsend stated not if they are inhibiting, which would be safety traffic. If traffic cannot flow they cannot be doing that. He would have to check with code enforcement if there are loading and unloading situations that the city of Roswell needs to be aware of he can

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have them check into it. Cheryl Greenway stated that she knows this street and she knows that when one drives down it if he has to pass something this big in the road it is going to be a little difficult.

Ann Bromhall stated that was just on her end of the street. They are always at the other end down near the shopping mall and the Alpharetta Street area because the brokers' offices are actually down at that end. But they get caught every once in awhile and they come up in here and this is what happens. Cheryl Greenway asked Bromhall if she has called the police on them when they are doing this. Bromhall stated that they have considered it and they did not know if they were breaking the law or not they will just not give them an answer.

Harvey Smith asked Brad Townsend how do these other brokers operate in Office-Professional. Why didn't they come to the Planning Commission for conditional use permits? Where are they parking their cars? Brad Townsend stated that the auto broker license is an office use only and because the city of Roswell issues them and they are controlled licensing by the state. It is difficult for them. They don't have any other criteria other than that they are using an office space as an office use with a phone. They are not supposed to store any cars on site. They are not supposed to have cars there waiting for somebody. The brokering is to be done, when they are given a license the city pretty clearly tells them that they are not to be dropping off, loading and unloading within the location. It is supposed to be an office type of use. That is how the city of Roswell issues them a business license for that. Townsend stated that staff will be looking into this more tomorrow.

Susan Baur asked if there were any further questions for Ann Bromhall. Hearing none she thanked Bromhall and asked if there was anyone else who would like to speak in opposition to this application. Hearing no more comments from the public Baur asked if there was anything the applicant would like to say in rebuttal before she closes the public portion of the meeting.

Joshua Armadi stated that the only he really has to say is that he apologizes for what is going on in the speakers' own neighborhoods. He would definitely hate to see anyone on his staff or anyone driving through public neighborhoods or testing through neighborhoods. He does not even see how one can test drive a car in a neighborhood when the speed limit is 25 mph. He would rather have his customers test driving on real roads, Hembree, Alpharetta Hwy., Alpharetta Street, Mansell, the highway. Those are the streets they should be test driving on. Armadi apologized for what the neighbors have been seeing but that is not how they are going to conduct business and that is not them. He apologized for what has been happening to them but that is not how Whipz will conduct business.

Susan Baur re-opened the public portion of the meeting to allow for another speaker.

Renee Davis
10479 Alpharetta Street

Renee Davis stated that she is an administrative assistant for Whipz Auto Brokers and there were just a couple of things that she wanted to say in favor of the application. She really appreciates the questions that are coming from the Commission. They are very valid and she even appreciates the comment from the one person here that represented

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the petitioners and their opposition. She needed to clarify that when Whipz Auto Brokers came into the community to open up the office they were sharing an office room in the barbershop, which is one of the tenants in the shopping center. They were waiting for the location where they are physically at now in Suite 11 not 14 that it shows on the agenda. They finally got into the new location and they are remodeling now and getting the office ready. The one thing Davis would really like to point out is that a lot of the concerns that she is hearing this evening, of course they are valid concerns, but she thinks a lot of it is kind of presumptive in terms of the parking spaces that are being utilized at one time. One has got to kind of look at the whole picture if there were 10 spots used at that same time; how could this create a problem for the shopping center. But right now, of course they haven't even opened up their doors or anything like that. There has never been a customer that has parked a car in the lot at this point. Davis stated that she really appreciates the concerns and it seems to her that Roswell, as she looks at the other retail areas that this is a community that obviously does embrace some diversity and in that Whipz's concept of marketing, of selling cars is somewhat of a trend that they are seeing more and more car companies, like it was mentioned earlier about the Enterprise car rental company, who also sells cars too. How they are positioning themselves in a retail shopping center? Not only Enterprise but Avis and different national car rental companies. Davis thinks they are seeing somewhat of a trend as to car companies and how they are positioning themselves to enhance or to uniquely target their market or enhance their customers' buying experience. And of course by them being a smaller dealership they would be more of a personalized service to the customers because they are a smaller dealership. There are not going to be three or four salespersons outside the door waiting to approach the customers. When they come to see them they have set up for the most part a pre-set appointment other than customers who might have seen any signage or cars off the street. So everything is appointment, more individualized personal attention to the customers.

Renee Davis asked if there were any questions from the Planning Commission. She thanked the Commission and stated that the applicant really appreciates this opportunity to engage in some dialogue about their position.

At this time Susan Baur closed the public portion of the meeting and have a discussion and make a motion.

Bryan Chamberlain asked Brad Townsend what is the current business license for this business. What classification? Townsend stated that it was an auto broker, office use only. Chamberlain asked if this was approved, would the applicant be applying for a different...Townsend stated that it would be a used car establishment. Chamberlain clarified that it would formally become a used car business license for the establishment versus the restrictions of a broker. Townsend stated that was correct.

Cheryl Greenway stated that she would like to take that just one step further. The applicant does not need any conditional use if they wanted to just continue to be a broker of the cars. Brad Townsend stated that was correct. What is adding the additional request here is wanting to have additional cars that they park on a lot and become technically a used car sales business. Townsend stated that was correct.

Sarah Winner stated that she was on this Planning Commission when they voted to approve the new ordinances to try to limit the number of used car dealerships and also the number of pawn shops within Roswell. The theory behind that was that one can get

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to a point where there are too many used car dealerships and too many pawn shops and it is not healthy for the community. Regardless of ones business, if they had 17 veterinarians on one street it would be a problem. Because there was such a proliferation this ordinance was put in place. And the spirit of the ordinance was that if one is going to be in the used car business, be in the used car business. Have at least $\frac{3}{4}$ of a lot, have a selection, be a legitimate dealer. But if the city of Roswell opens the door where they start allowing every strip center that has an empty parking place to start setting up little used car lots all over their parking lot, Winner hates to think what it will look like in a few years. Winner stated that she is going to vote that the Planning Commission does not support this and she feels strongly that this should not be recommended for approval.

Susan Baur asked if there was any other discussion or does she hear a motion.

Sydney Dodd stated that he would just like to add that one of the reasons why they are seeing the influx of he does not want to say undesirable tenants, that wouldn't be correct, but tenants that are different from what one traditionally sees in retail space. Retail properties are having quite a difficult time with occupancy and break even income. Dodd is not a big fan personally of the pawn business, per se but he knows that that is a growing business. In fact, they are actually positive for the year in terms of the retail space that they occupy nationwide in their sales. He understands the feeling possibly of the Commission when it comes to looking at non-traditional tenants. But he thinks it would be more deafening to have a vacant retail center in a given area and if one drives some of the corridors just south of them going towards Atlanta, he will notice that there are a lot of retail centers that are vacant and Dodd thinks the question that the Commission is going to have to ask itself at some point as they go forward in Roswell and the major retail in corridors is which would be more preferable. Centers that are mostly vacant or centers that have tenants that are non-traditional. He is not here to try to sway the Commission one way or the other but those are the types of choices that they are going to have and as they go into the future of Roswell planning, they should start thinking about exactly what is going to happen to some of these centers that are less than 50 percent occupied.

Susan Baur asked if there were any other comments.

Baur stated that she tends to agree with Sarah Winner that putting a used car lot in the strip shopping center really does not, it is not in keeping with the intent of Article 10.38 specifically no.1 which states that a lot shall have a minimum size of at least $\frac{3}{4}$ of an acre and permanent structure used as business or sales office. She is also concerned about the parking. There is not parking right now that she sees. There are no lines in that shopping center. They may put them back there. Baur does not know who is going to want to park back there. She would venture to guess that the other tenants won't be very happy that their customers may have to park back there. But she can see the potential that this would have an adverse impact on the other businesses in that strip shopping center and she is not inclined to support this application.

Sydney Dodd asked Brad Townsend if he knows the occupancy of this center currently, roughly. Townsend stated that from his understanding it is full.

Motion

 **DRAFT**

Sarah Winner made a motion that the Planning Commission does not recommend CU11-01 for 10479 Alpharetta Hwy, No.14, Whipz Auto Brokers. Cheryl Greenway seconded the motion.

Harvey Smith, Sarah Winner, Susan Baur, Cheryl Greenway, Bryan Chamberlain and Sydney Dodd voted in favor of the motion. The record shall reflect unanimous approval of the motion to deny.

CONDITIONAL USE

11-0058

CU11-02

FELLOWSHIP CHRISTIAN SCHOOLS, INC.

10965 Woodstock Road

Brad Townsend stated that CU11-02 is a request from Fellowship Christian School to remove conditions from the 2007 approval for Fellowship Christian School. The following conditions the applicant is requesting to remove:

1. The first condition deals with the site plan. As part of the litigation and lawsuit with the approval they were required to remove any reference to a stadium seating press box at the location and then is what was approved as part of the May 25, 2007 approval.
2. The applicant is requesting that the restriction be lifted to allow them to have lights, public address system on the football field, a 1500-seat stadium, press box on the home side and portable bleachers on the visitors' side of the football field.
3. The other four specific conditions placed on the approval deal with the lighting of the baseball, softball, basketball and tennis courts. The public address system was specifically conditioned not to have for the baseball, softball and tennis courts.
4. The condition related to the marching bands for the Fellowship Christian School as well as the visiting school during outdoor activities. There was also a condition that there shall be no concerts on the property.

Townsend presented an aerial photograph of the current facility and the football field. One can see the current school facility which has a gymnasium, high school, middle school and elementary school in one building, the baseball field, softball field and tennis courts. The open area is the location for the future high school building, which is not built. Also, this aerial was taken when the access point that lines up with Jones Road is currently not there. That has received approval as under construction and will be open shortly for that location.

Townsend presented the Community Development recommendation. There are several conditions that are not in compliance as part of the original approval dealing with mostly landscaping that has either been installed and has died, it has not died or it has not been replaced. Staff is not making a recommendation related to the specifics of the conditional use. That was mayor and city council who made the actual approval for the use with the limitations. So, it will be council's determination whether those limitations should be lifted or not.

 **DRAFT**