

12-0011
CU12-01
THE COTTAGE SCHOOL
720 Grimes Bridge Road
Land Lot: 498

Jackie Deibel stated CU (Conditional Use) 12-01 is located at 720 Grimes Bridge Road, The Cottage School. It is zoned R-1, single family residential. It is a conditional use request to use the existing structure for educational office space and other educational activities. As indicated, the property is zoned R-1. To the north of the property there are single family homes. To the south is The Cottage School back in this area. To the east are single family homes and The Cottage School and to the west there is a single family home, which is this property right over here.

As indicated, the request from the applicant is to use the home at 720 Grimes Bridge Road for educational classes, vocational classes throughout the week, Monday through Friday. The staff has recommended approval of this application with four conditions. The conditions are as follows:

1. The hours of operation shall be Monday through Friday from 8 a.m. to 4 p.m. only.
2. The maximum number of clients at one time at the house shall be six.
3. There shall be no more than four cars parked in the driveway at the house.
4. The applicant shall install a barrier fence of some type along the property line to the end of the shop indicated on the survey submitted on January 17, 2012 with the bearing distance of 401.41. The property line is at a location in the back abutting the property. The property here is 720 Grimes Bridge Road and staff has asked the applicant to install a fence back here along this property line.

Deibel stated that concluded the staff's presentation. She asked if there were any questions from the Planning Commission.

Cheryl Greenway asked Jackie Deibel to go back to the aerial photograph. Can she show Greenway approximately where on that photograph staff is recommending this barrier fence. She is trying to match locations. Greenway clarified that there are single family homes on both sides of the property. Jackie Deibel stated that was correct.

Harvey Smith stated that he was curious about the recommended conditions. How did staff arrive at the hours of operation? Can Jackie Deibel elaborate on the four conditions?

Jackie Deibel stated that condition no. 3 related to the four cars staff recommended approval based on the fact that they thought the use would work well. But they wanted the house to remain similar as a residential structure. Four cars are permitted by right for any residential structure in the city of Roswell. So staff felt that four as the max would be fine at that location. Monday through Friday, 8 a.m. to 4 p.m. is a good time for classes and it is a standard for school or any type of vocational or any type of classes. And staff thought that limiting the number of clients to six was enough people at the house at one time to try to keep it in a residential nature.

Harvey Smith asked about the barrier. Was that suggested by neighbors or the city? Jackie Deibel stated that the fence was suggested by the city. It is due to some issues that have gone on throughout the years and they felt that maybe a barrier or some type of fence to help...Deibel stated that she would let the applicant answer that one.

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Lisa DeCarbo stated that she wondered about there was talk about creating a path from the parking over to this. Where would that occur? Jackie Deibel asked if DeCarbo meant creating a path between The Cottage School and...DeCarbo stated between the main parking. Would the applicant escort the students from the parking area over to...Deibel stated that there is sidewalk along Grimes Bridge Road. They would use the sidewalk unless The Cottage School chose to put a path between their property and this one. They have not indicated exactly where a path would be.

Cheryl Greenway asked if there were any additional questions for staff.

Joe Piontek asked if this property abuts The Cottage School. Jackie Deibel stated that it does, in the rear. The Cottage School is right off...all of this property back here and the drive goes down here and continues on down here. So this is the property and it abuts it in the rear and a little bit on the side.

Sidney Dodd stated that he read the package and it indicated that there would never be more than four cars parked in the driveway. Is that the only parking for the facility? And at Grimes Bridge Road at that point that is a two-lane highway primarily. If one considers that rush hour in Roswell from east to west, Grimes Bridge Road to River Road is used as a bypass if you will. Those of them that have kids that move from Roswell Area Park to East Roswell Area Park use that as a cut-through all the time. Dodd noticed that no one from transportation commented but can staff comment on the changes to traffic at that point?

Brad Townsend stated that the requirement by staff to require only a maximum of four cars, there is a two-car garage on this piece of property so two cars right outside the garage. The four cars are up next to the house. The house is set some 100 feet back off of the road. So they wouldn't be impacting really Grimes Bridge Road at that point. The school does have numerous other parking locations on its current property where the teachers or the clients might be parking and then traversing over to the home. Townsend is not sure that there would be any real impact dealing with the traffic on Grimes Bridge Road and if the hours of operation are between 8 a.m. and 4 p.m. it is usually then peak that they would be coming and going to the location.

Sidney Dodd stated that he didn't notice a conditional or a stipulated condition for staff's recommendation of approval. Is that possible? Can there be a conditional line item that states that there can be no ingress or egress from Grimes Bridge Road as a condition for approval.

Brad Townsend stated that they are allowed to use the current driveway as a home today. That is why staff was trying to control it so it would not be in excess of what a standard home would use coming and going during the day. That is why staff stipulated the number of clients as well as the number of cars. Townsend does not believe they can eliminate their access of the driveway to Grimes Bridge Road because then they would have to determine if there would be another driveway from the parking lot of The Cottage School to the house in some manner. He thinks that would probably be more intrusive to the property because then they are going to determine what land disturbance are they going to have, is there a way to get it between all of the trees without removing any additional trees and things of that nature.

Sidney Dodd asked Brad Townsend to help him out. How does that work? Let's say that one has four parents that are parked in the driveway and they brought their children for educational assessment. Parent no. 1 that is in the very front of the driveway wants to leave but parents 3 and 4 are still in the facility. How does that work backing out to Grimes Bridge Road which is a two-lane artery at that point?

Brad Townsend stated that he thinks that is an operational thing that The Cottage School is going to have to figure out.

Cheryl Greenway stated that she had one question for clarification. On the number of the clients at one time at the house, when staff said clients Greenway is thinking of that as students. What about teachers? Jackie Deibel stated that they mentioned clients. If there are a couple of teachers, yes.

Cheryl Greenway asked if there were any other questions for the city. Hearing none she thanked Jackie Deibel and asked the applicant to please come forward and present his information.

Joe Digieso presented the application for The Cottage School. He is the treasurer of the cooperation and is also the co-founder and he is currently the acting middle school principal. Their address is 700 Grimes Bridge Road. That is the address for The Cottage School. They are seeking a conditional use permit to have a piece of property that The Cottage School has owned since February 1998. It is a 2232 square foot ground to floor residence with 1189 square foot finished basement. It does have a two-car carport attached to the house but it additionally has an expanded driveway just to address that question of how do cars ingress and egress. There is a turn around. There is a cut out for any individual that finds himself in the situation where he might potentially consider himself blocked in on the property itself. So there is no backing out of the driveway onto Grimes Bridge Road.

Digieso is seeking a conditional use permit to house an ancillary post-secondary plan. He wants to make sure that the Commission understands exactly who the clients are that they are serving. They are serving individuals who have already graduated from high school. The population age would be somewhere between 18 and 25 years of age. They are providing them with a variety of services including career assessment, job readiness training. And the career assessment piece would be provided through the Work Keys Career Assessment instrument, which some of the Commissioners may be familiar with. It is part of the Work Ready community certification program. So they are dealing with individuals that have graduated from high school but are still lacking some employability skills. Hopefully they will be arranging for on-site job training, job shadowing to the greater Roswell business community and the clients that will come to them, some of them will be private clients, families whose children have already graduated from school but are not going on necessarily to any post-secondary educational facility but lack some of those fine skills that they need for employability. Others will be coming to them to go through that career assessment to determine exactly what are their current innate skills, what additional job training might they need, what is their innate skill set that would enable them to be employable. They do envision working with clients on an individual basis and they do have a couple of requests for the Planning Commission's consideration.

In terms of erecting a barrier fence along the back end of the property Digieso stated that he thinks one can see from the aerial photograph that they actually talking about a section of the campus that is all wooded. Their driveway, which has been operational since they established The Cottage School on that property in 1987, is separated from the adjacent properties by approximately an acre, maybe an acre and a half of wooded area. And they have no objection to putting up... in fact Digieso believes that there is already somewhat of a barrier strand of wire that is already run across the back end of that property and the request to formalize that they have no objection to doing.

In terms of some of the other requests Digieso thinks that some of them are a little bit on the restrictive side. And he would like to ask the Commission to consider the possibility of expanding that. He asked that they talk about the number of cars.

They do have, at least their intention is to have at least two individuals available on the property for training, assessment and working directly with the clients. So they would like to have the opportunity to have at least two clients visit that property without being in violation of that restriction. However, if anything were to happen on the property where Digieso needed to send their maintenance crew over, he would hate to have to tell a client or an employee that they have to move their car off site back to the campus so that maintenance can come onto the campus in order to make a repair. He would like for the Planning Commission to consider expanding that to a maximum of six vehicles. Most of the time Digieso would expect they would be able to limit the number of vehicles on that property to a maximum of four. But he would like a little bit of wiggle room. If the executive director of the school had a visiting member from city council and they wanted to come over and look at that program, he would like to have the opportunity to be able to drive them to that property rather than say they have to walk to the property from the campus. This is just a request. It is not a deal breaker for them if the city feels like the recommendation from staff to limit them to four cars is what it needs to be. Then, that is what it needs to be. But they would like that consideration.

Digieso stated that he would be happy to any specific questions the Planning Commission has either at this time or during his rebuttal time. If there are any areas of what they are doing that are unclear to the Planning Commission he would be more than happy to answer their questions.

Harvey Smith asked Digieso to comment on the staff recommended conditions. Would he be in agreement with the Monday through Friday hours of 8 a.m. to 4 p.m.? Joe Digieso stated that 8 a.m. to 4 p.m. is a bit on the restrictive side. It doesn't give his teaching faculty that post-planning time. In terms of the hours of delivery to their clients, they actually expect clients to be restricted to 9 a.m. to 4 p.m. But he would like to have employees have access to the property from 8 a.m. to 5 p.m. just because of logistics. Their client base would be served as they are now between the hours of 9 a.m. and 4 p.m. Smith clarified that in that regard the applicant has no problem there.

The maximum number of clients is six, is he okay with that? Digieso stated that he was not okay with that but this is a compromise situation. It is change and change for some is difficult to embrace. He would like to be able to have again a little bit of wiggle room on that limitation. He would like to be able to have at least 12 students. That is why he gave the Commission the square footage of that property. It is over 3400 square feet of space. And to limit that to two employees, potentially two parents and six clients is a bit restrictive. However, they will defer to the judgment of the Commission if that is what is felt is in the best interest of the community.

Harvey Smith stated that to achieve that, if that were granted then, he thinks he read somewhere where they would use a shuttle bus to bring...how could they accommodate that...Digieso stated that shuttle bus would, and the shuttle bus that is mentioned in the application potentially would be used to pick up clients in the larger geographic area and transport them to their main campus not to 720. Any students that were transported by school vehicles would be dropped off at 700 Grimes Bridge Road and would access that property on foot via public sidewalk.

Harvey Smith stated that he does not see how the Commission could grant the 12 clients and then have the car restriction. They would have to expand both requests. That is his point. Joe Digieso stated that he would be okay with that.

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Smith clarified that Digieso was saying that the fence, as far as the fourth condition, he is in agreement or no? Does he feel like there is a fence existing? He is not positively sure? Joe Digieso stated that it was called a fence but it is really not a fence. If he understands correctly from his conversation with staff that what basically the neighbor is asking for is some physical demarcation of the property line so that students do not inadvertently wander across that property line from the school's property onto private property. And The Cottage School has no objection whatsoever to making sure that that property line is marked with a substantial wire and pole type of barrier.

Cheryl Greenway asked if there were any additional questions for the applicant. Greenway stated that she just wanted to clarify a couple of things and some of the wording is from the city and some of it is from Digieso. She sees the word classes but there really won't be classes in the house as it relates to their students. Joe Digieso stated that it would not be classes in terms of a traditional secondary or middle school where there is an instructor with multiple students receiving instruction at the same time. This is a highly individualized program and would probably either be computer based training as in using a computer generated Word Keys Career Assessment or one to one instruction, job training and job readiness instruction. But not that one stands up and teaches and the students take notes and later on they will be given a test. It is not that type of instruction, not that type of class.

Cheryl Greenway stated that in Digieso's letter he mentioned that the specific purpose of the request would be to provide services to clients of the Georgia Department of Labor Vocational Rehabilitation Program. Is that part of what he is talking about or is that something separate. Digieso stated that they do have an existing contract to provide services to clients that they pre-screen that are referred to them by the department through vocational services. But they have one such client right now and they have one private placement client. Greenway clarified that these are people that are out of high school. Digieso stated that these are students that have graduated from high school. They will be within the age range of 18 to 25 and they have to meet some fairly stringent criterion that The Cottage School has set in place for this program.

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

Lisa DeCarbo stated just to follow up on that, as of right now the school has one client and one counselor who are using this program. How many people do they envision at any point within the next say five years that they will be servicing?

Joe Digieso stated that that was very difficult for him to be able to do that kind of projection. Currently, they are projecting between six and if they get that leeway, up to 10 clients at a time. But how many total clients through the program over the course of five years? These are not individuals that come and stay forever by the way. They are individuals that are passing through as their skills have become established and they are ready for employment. Then, the school's service contract with that individual is terminated. So these are short term placements.

Lisa DeCarbo clarified that Digieso was still thinking six to 10 clients at any given time is around the max he would like to establish. Digieso stated that he believed so in order for them to do the quality job that they envision doing. Some of the Commissioner's that are familiar with The Cottage School know that everything they do is on a diminutive scale. Even in their traditional school setting their maximum teacher-student ratio is 10:1.

Cheryl Greenway asked if there were any other questions. Hearing none she thanked Digieso. They have had several people come in the room since they started so she is just going to repeat

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this. They are limiting 20 minutes for those who want to speak in favor of an applicant and 20 minutes for those that want to speak in opposition to an applicant. With that Greenway stated that she will start with people who would like to speak in favor of the applicant. Anyone who would like to do that please come forward to the microphone.

No one came forward to speak in favor of the applicant. Cheryl Greenway asked that anyone who would like to speak in opposition to the applicant to please come forward.

Melanie Mosteller

Melanie Mosteller stated that she is the grand-daughter of Howard and Ella Ruth Hunnicutt that live at 730 Grimes Bridge Road, which is right next door to the lot that they are talking about The Cottage School turning into a business. She would like to just first state that she is a special education teacher at Milton High School. She does understand how important it is for this vocational rehabilitation program to take off. She just does not agree with the location of this business not only because of the traffic it is going to cause on Grimes Bridge Road because there is already a lot of traffic. But also because of the noise level that will be next to Mosteller's grandparents' house. They have lived there for 40 years now and lived very peacefully. Mosteller is just afraid and her family is afraid that it is just going to cause a lot of noise level. She knows that the Commission has not been able to see what this house next door looks like compared to where her grandparents' house is. But in the winter time it is very visible. Right now it is still visible and she would just hate for, they say there is only four cars there now, later there may be more. They are kind of considering maybe six clients, maybe 12 clients. Mosteller did a little bit of research and she did notice that there are 16 vocational rehabilitation offices in the Metro area. So there is really not a need for more, especially the community that they are in being residential. He concern as a special education teacher if this is passed, is they had recommended their clients walking from The Cottage School down to this house and if these are clients with physical and mental disabilities her concern is them safely getting there and maybe they would start bussing them in on the little busses that they have therefore causing more traffic. Again, the noise level would be really high.

Mosteller stated that she also had a question for The Cottage School about how other vocational rehabilitation offices around the state of Georgia accept clients from age 18 to seniors, around 65 or so. So her question is why are they limiting it from 18 to 25? That just seems out of compliance with what everyone else is doing if they are going to be a vocational rehabilitation office.

If The Cottage School plans on having a business of this magnitude wouldn't the house need to be handicap accessible? It is not currently. It seems like they would need handicap parking, handicap openings for maybe wheelchairs or disabled clients.

Mosteller would also like to say that her grandparents could not be here tonight. Her grandfather was in the hospital recently. But he does feel very strong about this issue with the noise and the traffic.

Mosteller thanked the Commission and the applicant for their time.

Cheryl Greenway thanked Mosteller and asked if there was anyone else that would like to speak in opposition.

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Karen Mosteller

Karen Mosteller stated that she is the daughter of Howard and Ella Ruth Hunnicutt. This is the second attempt of The Cottage School to use the home next to them for educational and/or vocational activity. The first attempt in 1998 failed because the above mentioned home was built 23 feet from the side lot line instead of the required 25-foot side lot line. This regulation is no longer in practice unfortunately for them. Nevertheless they want to appeal and ask for a buffer zone in the case that The Cottage School conditional use is approved. She would like to tell the Commission a little about how the Mosteller family got started in this beautiful and peaceful neighborhood.

They purchased their five-acre lot at what was then 705 Grimes Bridge Road in 1968. Howard Hunnicutt designed their home and over saw its construction with utmost care and interest. It was a dream come true. At that time there were about five or six houses on this stretch of Grimes Bridge Road. Soon after, new neighbors joined them and after a few years only five new subdivisions were built. They knew that was part of progress in a growing residential community. To their surprise The Cottage School appeared in 1985. It seemed a bit odd and even though they have experienced few problems with the students or perhaps a lack of supervision of the students such as: finding the trail in the back of their lot, some of their trees sprayed with orange paint, the remains of several campfires, a lean-to fort, just to mention a few. They have been able to tolerate this entity in their neighborhood.

Another concern is about the noise, increased level of noise that this kind of operation would in evidently whether it be caused by the hustle and bustle of clients arriving and leaving but also when breaks are taken in between classes and other outdoor activities. All of this would undoubtedly break the peaceful spirit that their neighborhood has always enjoyed. Not only would there be an intolerable level of noise but also an elevated amount of traffic on the road that will create difficulties for all residences and create yet another nuisance for their quiet neighborhood.

They are aware that this school has ambitious plans to expand and have in fact expressed a desire to purchase Hunnicutt's lot. Their plan was to build a track for their track and field team. They have also been informed that The Cottage School tried to obtain another home on this side of the street after having acquired 1.3 acres of a lot where they built their gymnasium. Why do they mention this? Simply to help the Commission understand that the integrity of their neighborhood has been compromised by a never-ending business. Fortunately, The Cottage School uses the tennis courts and soccer fields at the Waller Park for their respective sports activities and competitions with other schools. This is one less lot or two that would be used for a new soccer field and tennis courts.

They are a family whose values and interests include an equal opportunity for individuals and the right to an education. Ella Ruth Hunnicutt, Mosteller's mother, dedicated 30 years of her life to special education. Three other members of their family are in the teaching profession. They understand and support all efforts to educate and train our youth through educational programs, to enrich their lives and prepare them for the future. Their only problem is the location that The Cottage School has chosen to do this.

Karen Mosteller stated that she noticed that and she just wanted it to be very clear where her parents' home is. This is the house that is in question. This is the driveway. The driveway is right next to the property line. Her parents' house is here. During the months where there are no leaves

this house is in clear site of her parents' home. It is in their back yard. If it gets approved they have noted their conditions for a following list:

1. They would like a 25-foot buffer zone on the east side of the lot line.
2. A six-foot high evergreen hedge from the road to the end of the back yard.
3. She has heard talk about another fence. They are talking about a fence in between her parents' property and this home.
4. Maximum of six clients at a time in the house.
5. Four cars, two up in the garage and two in the back-up.
6. 8 a.m. to 4 p.m., Monday through Friday.
7. And a fence along the property line. The fence being in between their property.

Sincerely,
Howard and Ella Ruth Hunnicutt

As Hunnicutt's daughter just mentioned, her father is 87 years old. Her mother is 83. They have lived on this property since 1968. They love living there. They love the peacefulness. They feel that with this being approved there will be no peace.

Cheryl Greenway asked if there was anyone else who would like to speak in opposition to the applicant.

Paul Hunnicutt
730 Grimes Bridge Road

Paul Hunnicutt stated that he lives adjacent to the property at 720 Grimes Bridge Road and he also wanted to speak on behalf of the residents at 710 Grimes Bridge Road, which are on the other side of 720. They are a virtual island where they have their residence. They are completely surrounded by The Cottage School there and Hunnicutt can't imagine them being able to get a fair market value for their house under the circumstances that exist. He thinks that the house at 720 really creates something of a wedge in the neighborhood because for that reason that 710 is totally cut off from any real reasonable community experience. Hunnicutt stated that he will not reiterate about the noise or the traffic or the other conditions that have already been talked about that would be experienced very immediately from 730 Grimes Bridge Road. He, too has lived in this community for a number of years and his experience has always been one of a certain aesthetic that they have always enjoyed and certainly noise and interference of a lot of traffic coming in and out...four cars, six cars, shuttles coming back and forth. That is really all Hunnicutt has to say.

Cheryl Greenway asked if anyone else would like to speak in opposition to the applicant. No one came forward. Greenway turned the floor back to the applicant for their rebuttal or response to comments that have been made.

Lynn Haas stated that she was the career counselor and program director at The Cottage School for the program that they would like to move to 720 Grimes Bridge Road. Haas stated that she would like to address a lot of the concerns that were just brought up by the Hunnicutt family. First, there are several VR offices or Vocational Rehabilitation offices but they are not an office. They are a training site. There are no training sites for vocational rehabilitation in the North Fulton area where they are currently located.

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The traffic concerns. Many of their clients even though they are between 18 and 25 are not able to drive for various and sundry reasons. They are able to go through voc rehab to get driver training but that is not something that they offer. So, many of them will be dropped off the same as the students at 700 Grimes Bridge Road. There would not be an influx of traffic because again the school is only at this time six. But even if they went to 10, it would still be the same kind of flow that they have for their students on The Cottage School campus. It would not increase traffic at all in that area.

As far as the noise level concerns, their clients are mandated in the rules that they have to stay inside of the facility. They are not allowed to smoke. They are not allowed to have chew less tobacco, anything that is illegal. There is not loitering around outside. If they are outside of the home at anytime it is because they are working in landscaping training. So they are really just beautifying the property and learning skills to become landscapers or people who work in parks and recreation. So, they would just be making the property look better and not loitering outside. They would be using gardening tools and things like that.

Again, as far as the visibility of the property, just like Haas said, like their landscaping clients would be beautifying their property so it would not become an eyesore for any of the neighbors or anyone who is driving down the street.

For the concerns about their clients with disabilities and walking from The Cottage School over to 720, most of their clients are very high functioning. Those are the clients that Haas chooses in the referral process for their program. If they have a physical disability it does not impede ambulation which also goes into the handicap accessibility of the home. They are not taking in clients that unable to ambulate on their own or need any assistance with ambulation as that is a safety concern. And because of the way their program runs, they do get to decide once a referral is made from vocational rehabilitation, if they would like to accept those clients or if they feel that they are not a right fit for their training program. They have a very specific type of client that they are looking for because they have clerical training, janitorial training and the landscape. So, it would be difficult for someone with a physical disability to be able to do some of the janitorial or landscaping. So that is why they can be a little more selective. And they can also be selective about the ages, again because they are choosing who comes to their program and who does not.

The clients go through a vigorous screening process by vocational rehabilitation before they get to Haas but also when the referrals come in they cannot have any criminal record including misdemeanors. She will screen all of them out. They also do a background check on them before they begin any training in their program. So they would know any of that information.

As far as mental disabilities, vocational rehabilitation mandates that all clients must be mentally stable for at least six months before entering any training and they also have medical and psychological records on their clients prior to admitting them. So they would know any of their history or any other problems. They know their medication, they know their stability. They have the option to talk to those medical providers as well if they have any questions about their success in the program.

Again, these are adults and not children so the noise level should not really be a factor because they are not outside playing or anything like that. If they are outside again, they are either walking into or out of their training program or they are doing a specific job task.

The property values. Haas does not feel that the property values would be negatively affected again because they are beautifying the property with people being there. They are not loitering

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outside. There are no large signs to be placed outside of the home. There is not going to be a parking lot at the home. So as one drives by there should be no reason that he sees that this house is anything other than a house unless he knows because he is coming to training there. So they don't plan to do anything that impacts the neighborhood in a large way to draw attention to their program.

Lynn Haas stated that she thinks she got them all, but if she missed any she is definitely happy to answer those questions.

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

Harvey Smith clarified that Haas does not anticipate making any ADA improvements or accessibility improvements because of the type of client that she would expect to have. Lynn Haas stated that they would have the option to continue to screen them in this way. But if they were to make any of those they would be inside the home and not outside the home. There may be a ramp for a wheelchair but again, they are not focusing that much on clients that have physical disabilities. They are doing more clients that are very similar to the students at their school, which is more mental/learning disabilities.

Harvey Smith asked Haas what the property has been used for over the years. He probably could have asked Joe Digieso that question but how has this home been used throughout the ownership. Lynn Haas stated that she would have to direct that to Digieso, she is not able to answer that.

Cheryl Greenway asked Joe Digieso to come back up. Digieso stated that it was rental property. That is what they were restricted to except for the basement. They were given permission to use the basement area for storage for their primary fundraising event, which they just had last Saturday evening, their Holiday Glitter. Other than that it was used as rental property.

Harvey Smith clarified that it was a residential use. Joe Digieso stated that it was residential rental property. And just to kind of clarify, Digieso really wanted to put a sharp point on this. They are a private, independent contractor. They are not a government agency. Therefore they can set any parameters for the clients that they elect to serve. They are not a "you must take these clients because we referred them to you" service. He just wanted to make that really clear. They will not be having recess, they will not be playing volleyball, these are young adults who are coming to them specifically for job training. No recess, no outdoor lunch, no picnic, no frills job training.

Lisa DeCarbo stated that she had one question. It seems that a lot of the conditions that the Hunnicutts have put forth are already recommended by staff as well. But the six-foot high evergreen hedge that would be between the two properties, is that something that The Cottage School would be willing to accommodate?

Joe Digieso stated that it was not. Absolutely not. He would invite anyone from city council to come on out to that property and take a look and see whether or not he feels a six-foot fence along that property line...that was not staff's understanding. That was not part of what was recommended. That was not part of what was presented to The Cottage School and it certainly was not what they agreed to. What they agreed to they already felt was superfluous, but they will agree to it and they will do what they will do what they have agreed to do. But, they were never in agreement with erecting any type of a buffer fence along that driveway portion of the property.

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Lisa DeCarbo stated that actually it is asking for an evergreen hedge and she just wondered if part of the landscaping Digieso was talking about, that is one of the areas where they devote the vocational training. Digieso stated that they would have to destroy a pretty good bit of vegetation to put other vegetation in its place. It really doesn't make a great deal of sense to him. Now, in terms of the future development of the school, that is already an approved plan by city council and the Design Review Board but it is on the back side of that property in the event that they in fact do move forward with the athletic field facilities. There is an agreement to put up a rather significant buffer along that part of the property. But that has nothing to do with the 720 Grimes Bridge Road property.

Joe Piontek stated that he has a question since it was brought up by Paul Hunnicutt about the value of 710 after this. It appears that Taghizadeh owns this property in the middle and his house is less than 50 feet it would appear from the other house. Is he here? Is there any comment? Is there any objection? Is that appropriate for Piontek to ask? He just was wondering because it seems that Taghizadeh's house is very close and clearly an island as it was pointed out in this whole scheme.

Joe Digieso stated that he appreciates Paul Hunnicutt's concern for the folks at 710, but he would have suspected that if they had a concern they would have been here. Just for the record however, several years ago they did offer to buy that property at fair market value and in fact they went all the way to closing and the owner failed to show up. Digieso guessed if Taghizadeh was worried about selling his property he would have done so and that was well over seven years ago.

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

Sidney Dodd stated that he had a question for staff. When the considerations for line items in terms of conditionals, what was considered? He noticed that the maximum number of clients, obviously that was a line item, but can Joe Digieso talk about the buffers? Can they talk about the fences? What was the thought process that led him to the line items that he recommended with approval?

Brad Townsend stated that the thought process in recommending for the conditional use was to note that this is a residential community and that the conditional use utilization of the property should not be that any more than what would figure a standard residential home would be. The city of Roswell has within its codes that they could use it as a home occupation. One can get a home occupation license and run a business out of his house and the city has real strong stipulations on what a home business looks like. One cannot have coming and going, he can't sell retail, he does not have a sign, it is as if it is a home. So, when the decision to determine whether they would recommend for this Townsend said to keep it at a scale in which the number of cars, the number of clients, does not get to a point where it is anything different than being a good neighbor. That is kind of where he drew the line. He is not sure he drew it in the right place and that is where wisdom will be through the whole process. But that was Townsend's objective and that was his forethought in trying to make that determination.

Dodd clarified that the fact that it is an existing property; obviously that is why they are here for a conditional use. If they were starting from scratch and it was just a vacant tract of land one would impose the commercial setbacks that would be necessary for...

Brad Townsend stated that he would push it away from the homes that exist. He would have additional buffers. He would try to mitigate what potentially would be neighbor to neighbor conflicts in some manner, yes.

 **DRAFT**

Dodd clarified that in essence Brad Townsend was saying that the line items that were forwarded with a recommendation for approval were based on some type of compromise between the conditional use as a quasi-commercial property and the fact that it is an existing residential property tried to not impact the residential character of the neighborhood. Brad Townsend stated that was correct.

Brad Townsend stated that the purpose of the fence was that when one drives onto The Cottage School into the southern property line he really does not know where the difference is. He thought there was a reason to show a demarcation. He didn't want to determine what type of barrier it would be, he just needed the Hunnicutt's and The Cottage School to understand that there is a property line here that the privacy and the neighbors need to acknowledge the differences. If the school has students out there they can't be wandering on somebody else's property. And unless they are aware of that in some manner and the only way they would be aware of that is if they knew that this line of trees they are not supposed to cross. This line of trees they can cross. It is difficult to distinguish that when one just drives by or walks by that location. That was the thought process in dealing with that barrier.

Harvey Smith stated the one question that it seems like the applicant alluded to a plan that council has approved for future expansion of The Cottage School. Is that correct? Can Brad Townsend elaborate on that or what has been approved, what is the future? Townsend stated that he was going to turn that to Joe Digieso. He probably knows more details that Townsend does.

Joe Digieso stated that on the aerial photo they acquired approximately this portion of 710 Grimes Bridge Road. This is their current gymnasium and so their plan was to at some point in time use this plateau of property for an athletic field. At the time that they submitted the application to the ARC, to planning and zoning and to the city council, they planned a Phase I, Phase II if you will. Phase I being the completion of the gymnasium. Phase II at some point in time in the future being the creation of that athletic field as part of the agreement they agreed to put in a buffer line of trees here and here to shield the athletic field from the neighbors, from their back yards.

Harvey Smith stated that he thought the property west of that is 720. He thought that is the property that The Cottage School owns. Joe Digieso stated that the red line property is 720. This property here is 710; this property over here is 730. Smith clarified that the school purchased part of 710. Digieso stated that they purchased part of 710 many, many years ago. So they own that back almost acre and a half of 710. They own all of 720. This portion of 720 and this portion of 710 create a very, very nice plateau. It would take very, very little excavation to create a playing field. They have not chosen to do that at this time and don't have any immediate plans to do so. But Digieso did want the Planning Commission to know that if and when The Cottage School ever does move in that direction, there is already a provision for a clear buffer, a planted buffer that would shield that field from the back yards of their neighbors.

Harvey Smith clarified that the owners of the balance 710, they have kind of conceded. He has the impression that they understand it is a future...that is probably why they are not here objecting. They have conceded the fact that it is going to be developed one day as part of that question. Joe Digieso stated that was correct.

Cheryl Greenway asked if there were any other questions for the applicant. Hearing none she thanked the applicant and asked if there were any question for the city staff from the Planning

Commission. If not she is going to close the public section of the discussion. Greenway called for a motion or comments.

Sidney Dodd asked Joe Digieso if he could once again tell him why....

Cheryl Greenway stated to Sidney Dodd that she has closed the public section. She needed the questions before she closed it. Dodd stated that was okay. Maybe if they could get some discussion of some general feelings or consensus.

Harvey Smith stated that his initial impression is that since this is a conditional use request that he thinks that if it were approved or the Commission moved it forward, if he understands correctly that could be revoked at any time by the city of Roswell if they felt like it was being, the use was being abused or they were not in compliance with what conditions the Commission imposed on them. He asked for clarification. Smith stated that it is his interpretation that the applicant does not have to respond. But if the Commission moved it forward and if it were so approved he thinks that is where the enforcement, it could be revoked. He feels confident in that request.

Smith stated that he was not ready to make a motion but just to stimulate some discussion amongst his peers, it is apparent by the fact that representatives of 710 have all but conceded that there is a future land use plan that has been approved by Roswell City Council. He thinks it is inevitable that it will be further developed down the road. As the city staff has explained they took a stab at putting some conditions on this where it would be a less obtrusive use of the property and it is something that if you will, that he could start and if it were abused it could be revoked. That is his initial impression. As everything around the city of Roswell, as they do grow things have changed in the last 40 years. That road has gotten busier and SR 400 has been expanded. But Smith thinks that with certain conditions he thinks they can try to control some of the growth. But, those are just Smith's comments.

Cheryl Greenway asked if there were any further comments or is anyone closer to a motion.

Lisa DeCarbo stated that her feeling in terms of looking at those conditions, she thinks that these are reasonable. She thinks that staff has recommended things that would make a less impactful use on the neighborhood. Limiting from 8 a.m. to 4 p.m. seems reasonable for the hours. Limiting the number of clients in the house to six and four cars in the driveway, she does think that is all reasonable. She would not want to expand those in terms of the conditions she thinks those are all in keeping with the residential quality of the neighborhood.

Sidney Dodd stated that he drove the property and he is very familiar with the area. It would have been really helpful for transportation to have commented even if they don't feel that there would have been an adverse impact to the area. He looked at the one mile, three-mile, five-mile population and the traffic flows in the area in the studies that were available through ESRI and he had a concerned that there might be an impact to traffic. He thinks in the future it might be helpful if anytime there is a conditional use permit where one has a commercial use within a residential area; by standard operating policy it would be very helpful if transportation would give the Commission some type of guideline as to how they see it. Otherwise, he is left to his own interpretation. That is just a comment.

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Motion

Harvey Smith made a motion that CU12-01, 720 Grimes Bridge Road, The Cottage School, that the conditional use be approved with the staff recommended conditions as stipulated. There are four conditions:

1. The hours of operation shall be Monday through Friday from 8 a.m. to 4 p.m. only.
2. The maximum number of clients at one time in the house shall be six.
3. There shall be no more than four cars parked in the driveway at this house.
4. The applicant shall install a barrier fence of some type along the property line to the end of the shop indicated on the survey submitted on January 17, 2012 with a bearing distance of 401.41 feet.

Joe Piontek seconded the motion.

Cheryl Greenway called the question. The motion passed unanimously.

At this time Cheryl Greenway stated that the Planning Commission will take a short, five-minute break and be back.

12-0036

RZ12-04, CV12-01

DANE NESBIT

9050 Nesbit Ferry Road

Land Lot: 835

Brad Townsend presented the application for RZ12-04, CV12-01. This piece of property was annexed into Roswell in 1999 from Fulton County. It had an underlying zoning of AG-1 Agriculture. The subject property has been through a request for rezoning in 2005 to build 25 town homes, which was denied by mayor and city council. The applicant filed a law suit to the city denying the application. The Plaintiff dismissed the action in May 2008. As one can see from the aerial photograph this is an approximate five-acre parcel. It is requesting a rezoning to build 19 town homes.

To the north, south and west are all city of Roswell, Devonshire town homes and single family attached. Those developments are approximately 40 acres in size with 251 total units in the Devonshire town home/single family development. East across Nesbit Ferry is the city of John's Creek. There is a town house development on 20 acres of property called Eagle Glen. That property is at 5.9 units to the acre.

Staff included six recommended conditions dealing with the proposed development. Staff is recommending approval of the proposed rezoning for single family homes. There are four concurrent variances that are requested with the rezoning:

1. To reduce the required interior front setback from 50 feet to 30 feet.
2. To reduce the corner/side yard interior street from 20 feet to five feet.
3. To reduce the required interior sidewalk requirement from both sides of the street to one side of the proposed street.
4. To allow an increase the imageable maximum lot coverage from 40 percent to 50 percent.

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