

Cheryl Greenway called the question. The motion was approved unanimously. The application has been denied.

At this time the Planning Commission took a five-minute break.

CONDITIONAL USE

12-0540

CU12-04, CV12-05

275 Hardscrabble Road

Land Lots: 359 and 360

Brad Townsend stated that this is the application from World Harvest Church for 275 Hardscrabble Road. This is a piece of property that has an existing home that is owned by the church. The applicant is requesting a conditional use in order to use the house for office and small group meetings. There are several variances requested with the conditional use due to the existing location of the structure and the parking.

Staff is recommending denial of the conditional use and the concurrent variances.

Brad Townsend showed the surrounding area. As one can see it is all residential homes across Hardscrabble Road. The existing house backs up to the Wexford development. This aerial gives one a good representation of the existing World Harvest Church. They then have a smaller church facility between this and the existing home that they are requesting to use for assembly and offices at this location.

Staff is recommending denial because of the intensification of the property. It can be used for an existing home. That it might be detrimental to the area if the use is for offices and assembly. There is no sidewalk currently along Hardscrabble in front of this structure. If the members are parking at the parking of the World Harvest location and trying to get to the house, there is no sidewalk for that.

Brad Townsend asked if the Planning Commission had any questions of staff at this time.

Harvey Smith asked Brad Townsend to go back to that other...does the church not own the property in between? Townsend stated that they do not. He is sure they have tried to approach that a couple of times. When that takes place the rest of those dominoes seem to fall. Smith clarified that was not part of the property. Townsend stated that was correct.

Bryan Chamberlain asked Brad Townsend if he could expand a little bit on why the denial. Townsend stated that anytime one takes an existing residential structure and change its type of occupancy, he intensifies the uses. When one thinks of this as a home, three or four cars. Let's say they have children, four cars, whatever. That is the maximum number of traffic one thinks. If one uses this as an office, if he uses this as a gathering spot, the times change of when as to the coming and going, the intensification of that



DRAFT

utilization is going to take place. There are some locations where Townsend thinks it might be appropriate at this time for this location he does not think it is appropriate.

Bryan Chamberlain asked what would change that would make it appropriate? Brad Townsend stated that if they could utilize the property in between. Maybe there could be a parking lot that would be connecting between the two so that there would be one access point that would move all of the cars away from where they are near the back of the house. Maybe they could move to that side of the home. Maybe there are buffer related issues that can take place at the time between the backs of those homes where this would indicate. Realistically, the use of the property if it is assembled with the property in between really does it make it useable for a building. The only utilization would be probably parking if the World Harvest even expands to that point. But they have kind of locked themselves onto the other extremity of the property with their parking lot in the middle.

Bryan Chamberlain stated that in looking at the presumed assemblage of the three properties into the future. There is really no residential use for that with it set as it is. Townsend stated probably not. Chamberlain added that the attractiveness of that as a current residential use is questionable relative to the traffic along there. It is not a part of but it is surrounded yet by Wexford on the north, east and west. Townsend stated that was correct.

Cheryl Greenway stated that in the description of what they are asking for they use the phrase "small meeting groups". There is nowhere that that is really defined anywhere that the Commission could put any type of limitations on the size of what that would mean to her knowledge. So, what that could entail is that if they are using the house for some type of small group meeting there could be activity going on that would then back up to the two, almost three other homes that back up to the back of that lot that could be effected by that activity.

Brad Townsend stated that even if there was a definition of what a group would entail how are they going to enforce it? The enforcement would be almost not possible and they are going on the good will as to the church will actually control...they won't have more than a 20 or a 309-person type of group at the facility.

Cheryl Greenway thanked Brad Townsend.

Harvey Smith stated that yellow parcel, that was the old church. Is that a church now or how is that? Brad Townsend stated that that was a separate church. Smith clarified that that is what is directly east and it is currently zoned R-1. So, everything around this is R-1? Townsend stated that was correct. Smith clarified that at present it was being used as a church but not the same church. It, of course is not World Harvest. Brad Townsend stated that was correct.

 **DRAFT**

Cheryl Greenway asked if there were any other questions for the city. Hearing none she thanked Brad Townsend and called the applicant to come forward and state his name for the record.

John Carruth stated that he is with Millard, Inc. Architects and Engineers. They are located in Roswell at 580 Colonial Park Drive. He is here tonight to represent World Harvest Church in this application. Also present is Van Yon who is one of the church members and a member of their building committee and has worked with Carruth on this property. Unfortunately, their pastor, Pastor Merritt Houghton is out of town tonight and can't be in attendance and another building committee member's daughter is expecting a baby or has already had one. So he could not be here tonight. There are several other members of the church here tonight including some members that live in the Wexford neighborhood.

As Brad Townsend has stated, the applicant is asking for a conditional use to use this existing house at 275 Hardscrabble for additional office space for the church as well as for small group meetings. John Carruth stated that when they talk about small group meetings they are talking Bible studies, committee meetings, things of that sort that goes on with the church. They are not looking to do any kind of large group activity on this site. They are not intending to create a place of assembly by code, which is a building that would have a space for more than 50 people in it. They are not going to have that. They are going to do some renovations. When they submit plans to the building department they will make that very clear on those plans. But they do not want that level of...that would trigger a whole lot of things that they don't want to happen on this property. Practically, any large group meetings that are going to occur are going to occur down the street on the property that Brad Townsend had up on the screen a while ago where they have plenty of room and they have a variety of meeting spaces there. That is where large group meetings are going to occur.

Carruth added that they don't have the parking available on this site for a large group and they don't want to build more parking. Their intent is really to preserve the exterior character as it is today and make minimal improvements. They need to maintain the swimming pool that is on the site. They need to provide an accessible entry into the house. They want to save...there is a ton of existing trees on this property. They want to save the trees and in general they want to upgrade the appearance of the property and keep it in the condition that the church keeps their property. If one is familiar with the World Harvest property, Carruth has told many clients that if all of his clients would keep their properties as beautiful as World Harvest, they would be so much more proud of everything.

John Carruth stated that the proposal is quite simple. They want to add an eight-foot high fence on the northwest corner to screen the rear of the property from their neighbors. They want to place the fence...the grade slopes down towards their northern neighbors. They want to place the fence up the hill so they get the maximum advantage for the fence to screen visibility, to help the neighbors have their visibility screened into the property.



DRAFT

They are proposing the landscaping to be on the neighborhood side of the fence. It is a mix of trees and evergreen shrubs. Currently, the cars that come up this driveway, their lights shine into the upper story windows of the house at Lot 3, directly behind the property. With this fence, that nuisance activity would be screened.

They are proposing parking for nine cars utilizing an existing gravel area that is already there. They are not increasing the amount of parking area. They do have to pave a handicapped parking space but that is really the only significant improvement they are making to the parking. They have to add a ramp from that parking space up to the building. It will be a combination of on grade and then as they get closer to the house it will become a deck that leads up to the entrance on the house.

They do want to do some maintenance on the pool deck. It is in sad shape right now. The fence is in sad shape around it. They are proposing to expand the pool deck a little bit mainly to make the property more valuable if they ever decide that for whatever reason it doesn't serve the function for the church anymore it can revert back to a residential use and it is actually a more marketable piece of property.

They are suggesting that it would be useful to have an 18x20 pavilion, covered area next to the pool and they have shown that on the plan.

John Carruth stated that quite simply they just want to make the changes that are so minimal that they can have flexibility in the future to return this to a residential occupancy.

The two variances are really just housekeeping things. They have an existing shed, storage and garage that are within the 50-foot setback that would be required if this is a church. John Carruth asked that that variance be granted to allow that to stay. They are not looking to expand any buildings into the 50-foot setback. They are just trying to grandfather in the existing storage shed. They are asking for a variance to allow the driveway to continue to be in what is supposed to be a 25-foot natural buffer on the west property.

Carruth stated that he needs to go into more detail at this stage because staff has recommended denial. He needs to address the things that they have put into their stipulations. They claim that the applicant is going to have an intensification of the property with an assembly occupancy. Carruth stated that they are not going to have an assembly occupancy. The largest room in the building, with tables and chairs is probably going to have 30-34 people in it at most. They are not planning to have that level of folks using this facility.

The church has just recently entered into a parking agreement with Sweet Apple school up on Etris Road. The church has got passenger vans now so that if they were to have a meeting on this site, they have more than enough capability of moving people from the church parking lot to this location without intensifying the amount of parking.

The staff has said that if the Commission allows this use or the city council allows this use they ought to have a requirement that the applicant put 30 parking spaces on the site. Carruth stated that they don't want that. They don't need that. The way they are intending to use the house as an office they would be required to have 12 parking spaces. They have suggested in their application to put nine on this site and the parking lot at the church qualifies as off-site parking. It meets all of the criteria of the zoning ordinance. They want to request that.

The staff in their comments about recommending for denial stated that the applicant really ought to maintain the current house, pool and out structure as a residence. They want to maintain them just the way they are with the ADA access that they are required to have. They just want to use it a little different. They do want to maintain it but they don't want to change the appearance of the property.

Staff has also recommended or stated that there is no sidewalk along Hardscrabble for the members to use to move from one facility to the other. They are over 700 feet apart and it is just not practical to walk that distance for a lot of folks and that is why they have the idea that if they do need to supplement the parking that is on the site, they will use the passenger vans. There is a sidewalk on the south side of Hardscrabble, though Carruth does not personally recommend a lot of folks crossing Hardscrabble. It is a very busy road.

There were suggested conditions. One of those was the parking. John Carruth does not feel like this is required. It would drastically change the appearance of this property and the church feels like that would be a detriment to the neighbors. Right now they don't feel like what they are proposing is detrimental at all to their neighbors.

The staff has suggested a condition that they add a sidewalk on Hardscrabble on the north side. It is just not needed, first. And second, it would be a huge burden to the church because if one is familiar with the lay of the land there the shoulder slopes away from the road immediately to a drainage ditch. And to add a sidewalk would require a lot of grading, a lot of additional work without a lot of gain.

And the other thing is that the city of Roswell in their plans right now with the transportation department to do improvements for multi-use trails, for bike lanes, for potential sidewalk on the north side...it may affect the width of the road with adding a bike lane so Carruth does not even know what the plan is going to be. So to put a sidewalk there now may be just throwing it away two years from now when the city does their work.

John Carruth stated that just to address a couple of the departmental comments. There was one about providing low impact development methods because the applicant is adding new impervious are. Carruth stated that they are going to work with the

 **DRAFT**

engineering department and environmental folks to do that. They haven't developed the plans for that but they will as they go forward.

One of the departments suggested that they ought to add curb stops in their parking area to keep folks from parking on the grass. Carruth stated that they have a beautiful gravel area that is bordered by natural rock curbs almost completely. There are a couple of gaps and the church is more than willing to accept a condition that they fill in those gaps with similar rock curbing that no one is going to want to take their car and crawl across.

The staff...in their applicant the applicant went through the standards of review for a conditional use application and put a lot of effort in that and staff has done theirs and they disagree with the applicant on a bunch of points. Carruth wanted to take a couple of moments to go through a few of those:

1. Where it says whether the proposal will permit a use as suitable in view of the use and development of the adjacent and nearby property. The staff says that this MAY not be suitable. So that is still subject to interpretation. But the church does say it is suitable. They are a very isolated parcel on Hardscrabble. The two properties to the immediate east are churches. Just up the road is another church, North River Baptist, up the road across the street is Sweet Apple Elementary. They have uses that are other than suburban residential. They do border on six houses at Wexford, two on the west, four on the north side. Already the west side is protected visibly by an eight-foot opaque privacy fence. They feel like with what they are proposing they are suitable.
2. They need to keep the character of the surrounding neighborhood intact. John Carruth believes they are doing that. They are not making changes.
3. Not an issue.
4. Not an issue.
5. Are they in conformity with the comprehensive plan? The staff uses the word assembly again. That is not the applicant's intent.
6. Whether there are other existing or changing conditions affecting the use and development of the property. They are going to have a very minimal effect on the adjacent homes. The addition of the landscape buffers are going to enhance the privacy and the buffering of the Wexford neighborhood.
7. Not an issue.

8. Not an issue.
9. No. 13-the suitability of the subject property under the existing zoning district or overlay district classification. Again the staff states that it an assembly use and the applicant is not an assembly use. The applicant believes they have taken the steps that are required to make this use for this church fit within the context and the intent of the ordinance.
10. No. 18-possible effects of the change in zoning or overlay district for the change in use on the character of the district. This is really not an issue because the applicant is not changing the character of the property unless they are required to put 30 parking spaces on site and they don't want to do that.
11. No. 19-whether the proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property. John Carruth stated that he does not believe that they are intensifying the use. So they don't think it is a detriment.
12. No. 20-possible impact on the environment. It really should be none because they want to keep the site the way it is. They don't want to add 30 parking spaces.
13. No. 21 was not an issue.
14. No. 22 was not an issue.

John Carruth stated that the last thing he would like to deal with in his presentation is the Planning Commission received a letter he hopes from the treasurer of the Wexford homeowner's association. Carruth is going to put some points up on the screen that summarize this letter. He is not going to take the time to read the entire letter into the record.

The letter is from Dave Rettenhouse, the treasure of the homeowner's association. He was asked by the homeowner's association board to investigate this application that the church has made. He goes into why he is not here tonight because he is traveling on business. And he points out that in the past the Wexford homeowner's association has opposed other zonings that have occurred on their boundaries. Carruth stated that Rettenhouse has been a spokesperson; he has been in front of the Planning Commission before. They have opposed those developments.

In this one he is giving an unequivocal strong support to what the church is proposing. The primary reason is that they are going to take the most dilapidated property that borders Wexford and they are going to improve it and maintain it to a level that is equal

or better than most anybody in that area. Specifically Rettenhouse goes through about 11 different points. The first one being about the house and the property needing a great deal of repair. The church is going to do that. If one ever visits their facilities, they take care of what they have. It is a real investment for them and what they do up the street is a testimony to how this property will be taken care of.

They are not making a change in zoning. Rettenhouse points out in his letter that a lot of homes in Wexford have offices in them. That is what the church is proposing to put here; additional office space that the church can use.

Again, Rettenhouse makes a point about the repairs in items 3 and 4. He is talking about the gravel parking will accommodate at least eight vehicles and he puts the pictures in there.

There really is no environmental change. That is what Rettenhouse's letter states. He goes on in item 5 to say that they are a 1.7-acre piece of property and they are proposing, the letter says eight but they are proposing nine cars on their property. And he likens that to actually four-and-a-half lots of a standard size lot in Wexford. If one did the math with two cars on each of those lots, he is talking about the same number of cars. Nine cars in four-and-a-half lots in Wexford as well as, as proposed to nine on the applicant's.

Rettenhouse makes a case in point No. 6 that they are not contiguous with the World Harvest Church property and it really makes no sense to try to make a connection between the two because the Gethsemane Missionary Baptist Church is in between.

In item 7 he talks about sidewalks and points out that there is a sidewalk on the south side. There is no need for a sidewalk on the north side.

Point 8 is that there have been misconceptions that they are going to have people living in the house. The church has used it as a rental home as they have owned it over the last couple of years but once they make this change to offices, the intent is that no one will live in the house.

Point No. 9 is the property will not be used for overflow parking. That's being taken care of with the agreement with Sweet Apple School.

Point No.10 talks about a berm. They don't have a berm. They have a berm up the street where the lay of the land supported a berm. But they will have the privacy fence. They are putting the privacy fence at the highest point so that portion of Rettenhouse's comment is correct.

Point No. 11 that the church would allow the neighbors on the north side to use the property up to the fence. Practically, when one puts the fence up there and he landscapes it, he really is not going to know what is going on on the back side of it. Up the street where the applicant was conditioned to put berms and privacy fences up, the church has

 **DRAFT**

been more than willing to allow their neighbors to feel like that is an extension of their back yard. It is part of their landscape space. One thing that the applicant has offered in the past and they would offer to the neighbors this time...this is a proposed plan. If one does not like the plant material they are putting essentially in his back yard they will work with him. They changed the plan up the street to work with the neighbors to come up with a different landscape plan on the back side of the berm.

With that, John Carruth stated that he is going to quit talking and let the Planning Commission ask him some questions if they have any.

Harvey Smith stated that he has a few questions with Carruth's opening comments and Smith would like to preface his comments by saying that he thinks World Harvest is a great organization. He has been to revivals there and he has enjoyed going there. It adds a lot to their community. He does not live far from there but the comments...he knows that was a nice letter from the treasurer of the Wexford homeowner's association but are the six property owners here that are adjacent? How do they feel if they are not here? What is their view towards this use? The two to the west and the four to the north, do they support it?

John Carruth stated that he cannot speak for those neighbors. He thinks that at least one of them is here tonight and maybe will speak during the public session. He knows the church has reached out to all of the neighbors to discuss the proposal with them. Carruth thinks they have gotten some very positive feedback from some of them and they have gotten some negative feedback from the others that don't want this use to be there.

Harvey Smith asked if any consideration been given to the hours of operation or limiting the use? If it is going to be church offices it will be used Monday through maybe Sunday, right?

John Carruth stated that church offices are typically used during the weekday.

Harvey Smith stated that the reason he comments is he thinks when they have had some of these requests, if his memory serves him correctly, where it has been maybe an overflow for youth gatherings or something like that. It is used maybe just on a Sunday. It sounds like it is going to be used more for an administrative type facility so that one is not in the assembly definition where there is going to be large congregations. But, Smith is just trying to kind of understand how it is different from if one wanted to open a real estate office right there or he is a plumber or contractor that just wanted to rent the house and come to the city and ask for a conditional use to have an office. How would that be different? And Smith knows what the reaction would be.

Van Yon stated that speaking for the hours of operation, typically everything that the church tries to have, even anything that is late, would really be quiet by 10 p.m. Everything is locked up by 11 p.m. That is standard policy for the church facilities. This particular facility of course would be used...during the week it would be used for office,

which is a very quiet use just as someone would use one's home office. There is a swimming pool on the property. Yon stated that if this was his house he would be inclined to have some after-hours affairs and have time to enjoy the pool. He thinks it is reasonable to assume that someone will want to be able to use this pool when they would normally use a pool. So, to say that it is not going to be used on certain days Yon does not think that is practical. But he thinks that it is a good point that not having anyone live and reside in the house, the evenings are going to be quiet. Those nighttime hours, it should be shut down and locked up and that's it. Daytime operations and then of course Sunday. There might be a small class meeting over there, a few people. They may have five to seven people that need to get together to have a class there.

Bryan Chamberlain thanked the applicants for presenting. He has some points that he wants to get clarification on basically. The parking spaces, John Carruth indicated a number of 12 was some element of requirement. Carruth stated that if one considers this an office space the minimum is one parking space for every 300 square feet. If one counts the basement and the main level, that is around 3600 square feet, which would require 12 parking spaces. Chamberlain asked Carruth if the applicant would be agreeable to putting in 12 spaces. Carruth clarified to add three more. Chamberlain stated that was correct. Carruth stated that the only concern he has is that they would have to cut some trees down to do that. They are very, very wooded. Chamberlain asked if the church had no other choice, would they put in 12 instead of nine?

Van Yon stated that if that was what was required to do, they would do it. They feel that what is there would be adequate, but of course if it needs to be worked out and the least detrimental way of doing that, they will certainly look at that. They really haven't put a study to do that.

Bryan Chamberlain asked the applicant to give examples for what the office space would be used for. Van Yon stated that someone would be using a computer, talking on the phone, having a meeting with someone one on one. It will be church office operations similar to what anyone would be using for any other type of office. Chamberlain asked if there would be a dedicated employee or employees that would be there every day and specific functions met at that facility on a predictable basis? Yon stated that would be the intention. It would be assigned offices, it would be certain staff members, people who are also volunteer staff maybe not paid staff. Chamberlain clarified that it would be a purposed use as opposed to a catch all. Yon stated it would be planned out.

Bryan Chamberlain asked if the gathering purpose was ruled out. Would the church still entertain this solely for the purpose of office? Van Yon stated that to best describe what happens is as a church grows and they want to be able to have some type of break out meeting, they call them a small group. A small group could have any various purposes whether it was a Bible study, a small social gathering for a common interest. That is really what one of the things that the existing facility doesn't have. It doesn't have a lot of small rooms that they can do things like that in. That is one of the needs. Okay, there are eight of us, let's go over into one of the meeting rooms over at 275. Yon thinks this is

 **DRAFT**

one of the things that will help the church in this situation... And one of the things that he would add that they didn't present initially was the owners of this house approached the church. The church did not seek out to purchase this. The owners actually asked them and stated that they see what the church has done with the community. They would like for the church to make this acquisition. They would like for the church to have it. The church did not approach the owners with a use in mind that they said, "Oh! We are going to use it for awhile. We can't wait until they can turn it into a church office." That was not the intent. It has been a few years here as the process has gone along. The church, yes is looking at opportunities. What can it do to continue to grow in a responsible manner? And this is really viewed as an interim means to solve a problem. That is one of the reasons it wants to be left in a residential form. That this property could be returned as a residence to the community.

Bryan Chamberlain restated his question. If the use of it for a small group gathering area was not allowed, does that change their view of wanting to continue? Van Yon stated that was a very important point. He can not say categorically that they would not be interested. That would involve a conversation with the pastor as well as the rest of the committee. That would be a very detrimental part of it.

Bryan Chamberlain asked for what purpose is the swimming pool deck being enlarged. Van Yon stated that his understanding is the deck does not meet current code requirements. It was very ill-fitted. John Carruth put up one of the photos of the pool. Yon stated that the fencing is too close to the pool. If this was one's pool, he could hardly walk around it safely and certainly not put a table beside or gather around it. So, it is really a matter of trying to bring it up to what is current code and something that is more useful.

Bryan Chamberlain asked about adding a pavilion. What would the footprint of that pavilion square footage be?

John Carruth stated that it is drawn for 18x20 so it is 360 square feet. It is covered like a gazebo area. Bryan Chamberlain asked what the use of that, or uses would be for. Carruth stated again, outdoor...one could actually take a meeting out there in the summer time or spring or fall and have an outdoor meeting under cover. If there was an occasional pool party, it would be used as covered space to get out of the sun.

Bryan Chamberlain stated in the case of a pool party, let's say a youth pool party, what would the maximum number of youth or attendees be at that. He would like to emphasize that he is trying to help here, but at the same time these are questions that people that live on the other side of the fence will be posed with dealing with noise issues. So, he would like to be realistic in addressing these.

John Carruth stated that he thinks that in reality, the church has owned it for a couple of years. He thinks they have had one or two pool parties up there. Chamberlain clarified in the absence of a pavilion and an expanded deck. John Carruth stated that the reality is if it

 DRAFT

is a home and it is maintained and is in good shape, he probably would have more noisy activities at his pool, more frequently than the occasional ones the church might have. Chamberlain asked if he would have 30 kids, would he have 50 kids?

Van Yon stated that unfortunately their other committee member could not be here. It is six children. If six children invited their friends, they would have 30 people. Chamberlain stated that he understands where Yon is leading with that but he is really wanting to get to the nub of what is the load that would generate noise that the church would see this being used for in a maximum capacity?

Van Yon stated that he honestly does not know a way to quantify that. He would be guessing, 30. If one looks at just the size of what they have and the facility. He hesitates to say, "Oh! 35 is too many or 20 is too many." But using reason and common sense it wouldn't be something that they are going to invite 100 people to show up at this small pool. That is not reasonable or safe in their viewpoint.

Bryan Chamberlain stated that going back to the point of John Carruth's very first points as it related to assembly. The Commission is kind of going into to that area of what keeps it from being assembly when one has something that he could use that would lead to that as opposed to not having the pavilion, he didn't expand the deck, he filled the pool in. This is something that will make it possible to have large groups, yet as one can tell, one of the concerns on staff's part is that they are putting undo load on the neighborhood for a non-neighborhood use. He is seeking understanding not passing judgment.

Chamberlain stated that the next item is the driveway. The driveway is pretty narrow to drive into. One has the brick mailbox that is on the eastern side of the driveway. It makes it pretty hard to get in when one is headed west. There is a lot of fast traffic back in forth and it is hard to get out. With 30 parking spaces there that certainly would be a nightmare. With two or three people there that is manageable, but with eight to 12 cars getting out, it seems to Chamberlain that there may need to be a change of how that driveway exits out onto the road for safety and moving of that mailbox. Is that something the applicant would be interested in?

Van Yon stated that they are certainly willing with the department of transportation on that. They realize that is an issue and they actually think moving that brick mailbox back would be an excellent idea. Yon thinks it is too close and kind of in the way. That would be one of the issues. And one other point is that going back there would be no signage. They are not requesting any signage here, just a street number like one would normally have. The applicants will be glad to work with whatever is allowed around that entry that they can make that safer.

Bryan Chamberlain stated that the last item was the sidewalk. From his perspective, after being over there and thinking about that...Chamberlain apologized, he did have another question.

 DRAFT

How many busses does the church have now? Van Yon stated that they have busses for different uses so they are actually working to acquire a second shuttle bus specifically for moving people from Sweetwater parking so that there is one in each space at the same time and they exchange.

Bryan Chamberlain asked if those were manned only on Sunday and special events or is there someone to drive them everyday? Van Yon stated that certain busses required a CDL license and typically those busses would only be run when they are expecting an overflow crowd. But to say that someone can't shuttle a few people back and forth he doesn't think it is necessary to have the CDL driver available at all points.

Bryan Chamberlain stated that to have seniors walk from World Harvest's parking lot, even the western side of it over there does not make sense. To have youth walk over there and if there are youth Bible studies and gatherings whether it is in the summertime during the weekday or on Sundays or Wednesday evenings. That to Chamberlain seems more plausible and if the church had to put in a sidewalk, would that be a deal killer? Yon stated that based their knowledge of what the cost would be, it would be a deal killer.

And the fact that the church has that proposal that came from the city of Roswell about what they want to do with these pathways and enhancements. It makes Yon really sick. He has seen improvements forced upon private parties and then the counties or the government force comes back and tears them up two years later. It seems to be a real waste of money from that standpoint. That it may not meet the specs that want to be designed in as well as it is an economic hardship for the church. They will probably get into 10s of 1000s of dollars to put the sidewalk in.

John Carruth stated that he would like to make a comment on that. When he talked with Rob Delross at the Roswell Transportation Department he started talking about all of the changes that they were going to have to make on the decel lane up at the church and moving that sidewalk and all of those improvements that the church paid for when they improved their property and it just seems like it throwing away money that people had to donate. It is not like it is a corporation or something that makes money. It is people's own pocketbook that have, members' pocketbooks that have paid for these improvements and it doesn't make sense to the applicant.

Harvey Smith asked John Carruth what is the relationship with the church in between the two properties. Would they allow, instead of having to put a sidewalk in, would they grant an easement or say that the church members could walk? Would they consider kids trespassing if they walked down a lower part of the right-of-way where it is a little safer to walk to the other property?

Van Yon stated that anything he would say would be speculation. Certainly World Harvest has certainly been interested in acquiring that property. There is nothing written at this time and so he would be speculating if he said yes or no on that.

 DRAFT

Harvey Smith asked if it was a good relationship where it sounds like it is possible that they....they wouldn't, kids are walking across their property. They are not going to call the police department saying they don't want any trespassing? Are they not an adversarial type?

John Carruth stated that he thinks they get along real well. That is what Harvey Smith is saying, from a practical standpoint it is where it is safer. Instead of the Commission suggesting the church put a sidewalk in, if they could walk 30 feet down. He walks at Sweet Apple all of the time and tries to run sometimes but from a practical standpoint like Carruth just stated, if the future road improvement, if they incorporate it later, it would be why waste the money if it is not necessary? But he does not want to see somebody get hit by a car on Hardscrabble. That is a pretty busy road. And not everybody is going to drive a car. It would depend on what type function the church has down there. Smith just knows how kids, youth groups, they go walking. They like to go so he thinks that would just be one suggestion if that was possible.

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

Cheryl Greenway stated that the applicant mentioned that they are wanting to use the house because they would like to have smaller meeting rooms. Why the need to move the office? Are they out of room for the office staff to be at the church? Why the need to move that?

John Carruth stated that these offices are going to supplement what the church already has available down at the church. Greenway clarified that they are not moving the current offices down there; this is just going to be additional. Carruth stated that they are trying to accommodate additional volunteers, staffers and grow the programs of the church. The church is a growing church and so they have additional needs that come up over time. The house, if one is familiar with the church property, they acquired the house next door to their east and that is mostly offices on the main level and some small group space. Then they added their Legacy Center and that was some additional office space. This is a very active church.

Cheryl Greenway clarified that it is not closing some of that office space and using it for something else. It is just going to be new, additional office space. John Carruth confirmed that it was new and additional.

Cheryl Greenway stated that her next question is more for the city but she would like for the applicants to stay in case they want to comment on it.

If this was approved and the church is allowed to use it for the offices and the meetings and then they turn around and sell it to Joe Smith's business, is there going to be certain rights that would transition into that new person that could cause problems down the road?

 DRAFT

Brad Townsend stated that it depends on if they are given the utilization of office space and meeting space to World Harvest Church as an entity. Then if it changes ownership, they could entitle it that that right doesn't transfer with the transfer title.

Cheryl Greenway clarified that there would need to be something in the conditions that it would not transfer upon sale. Brad Townsend stated that was correct or it would have to revert back to residential.

John Carruth stated that the zoning is not changing. It still is going to be a residential zoning.

Cheryl Greenway stated that as a conditional use she wants to make sure that it doesn't get conveyed to the next person. Carruth stated that they could not sell in to Joe Smith's business though because that would probably be a non-church use. Greenway stated that the applicant talked about the houses. People live in the houses in Wexford that run their business out of the house. Could somebody buy the house and then kind of make that same transition is what she was worried about.

John Carruth stated that he thinks if it became a residence again it would be under the rules of home occupations, whatever the city's rules are at the time and not allowed to use...the only thing he can see is maybe the church next door buys it and wants to use it for office space. But it would be the same kind of use that the Planning Commission has already granted.

Cheryl Greenway stated that she understands. She just wants to be sure they are not giving something to somebody else that could be a problem down the road. She thanked John Carruth.

Harvey Smith stated that made him think of a question that he thought of earlier. If it is a conditional use, wouldn't technically the city of Roswell would be granting a conditional use for this piece of property. Normally, wouldn't that be appropriate when it is the adjacent...the church fits in the residential area where it is surrounded by single family dwellings and that is a conditional use? Brad Townsend stated that was correct. Smith clarified that this is not contiguous to that. There is another church in between and he thinks that could be interpreted...is that even a correct interpretation of that conditional use?

Brad Townsend stated that the conditional use is given to the property to utilize that existing structure the way they are requesting it to be utilized. It is not precluded from asking for that use because it is not contiguous to the main church. It is similar to other church facilities in Roswell where....

Harvey Smith agreed but stated that other types of conditional use requests for just an administrative office. Any other type of business would never even come before the city. Would that be a correct assumption? Does Brad Townsend understand his question that a

 DRAFT

conditional use, the only time one can have a conditional use request would be for a church or a school or like a daycare center. Smith remembers reading that. Brad Townsend stated that one could have a few other types of use. Smith asked Townsend what are some other examples? There is residential all the way around the property.

Brad Townsend stated that the biggest one is schools probably, like in private schools. Harvey Smith stated that schools and churches are typically the use of a conditional request. He doubts that a condition would be granted for an office.

Cheryl Greenway stated that she had one last question for the applicant. She thinks one of the biggest parts of the Commission's concerns is the ability to have an assembly of people. They don't know how big this assembly of people is going to be. She knows that the applicant is saying that they would only want to do what was reasonable but the problem is as they were talking about earlier, is they can't really put a limit on that. It would be very difficult to enforce. Where they are coming from is if one started having too big of parties the neighbors would complain and the police would be called. But then that becomes a problem for everybody.

Greenway would like to know how the applicant is planning on keeping the limits on that if they are given this ability to do it so that they don't start getting into those problems.

Van Yon stated that he believes he would be correct in saying that once the fire department has looked at the size of the building, they are going to have a recommended maximum capacity. If he is wrong, but he believes that is what it would come down to is if they look at this and say that this room is 20x30 and the exits are such and such, then this is only going to allow so many people at one time.

Brad Townsend stated that the scenario of the assembly is not only controlled by what is happening inside the structure, there is all of the outside space to utilize.

Cheryl Greenway stated that she thinks that is the problem. One has the limits based on the building itself that can be set, but outside around the pool there is not a limit per se.

Van Yon asked if a residence has a swimming pool can the city set a limit on how many people one can have at his pool party? Cheryl Greenway stated that they could not but he is not a church with how many members do they have. Yon stated that he probably has more friends than they have church members. He is joking about that, but seriously he does not know how...somebody is going to use some discretion and he can't imagine the church is going to abuse a privilege. Obviously there has got to be....there are other means of regulating something other than saying one can only have so many people at his swimming pool. Realistically if it is a residence and it is one's back yard, he is going to use some common sense as a homeowner as to what he can control and what he can be responsible for and from a liability standpoint. He would think that he would just have to go back on the established record that World Harvest Church has in the community about

 DRAFT

being responsible and being a positive impact on the community and ask for the trust and a little leeway in that.

Cheryl Greenway suggested that they move on to the public portion and then they will come back and give the applicant a chance to rebut or comment on anything else.

Cheryl Greenway opened the meeting up to anyone who would like to speak in favor of the applicant. If one would like to speak in favor of the applicant, if he could please come up. Greenway reminded the speakers that there are cards in the back that they need to fill out. They can do one afterwards and turn it in. But he should state his name and address for the record.

Thelma Dutley

Thelma Dutley stated that she lives in Wexford and she is a member of World Harvest Church. The church is composed of very responsible people. They watch over the kids, whatever they have they have they make sure they are not overcrowded. They had a meeting last week and they kept switching from place to place and there was about eight or 10 of them. They didn't have enough room. And that is what they are trying to do. When they have small meetings to have more room.

Thelma Dutley thanked the Commission very much for listening.

Cheryl Greenway asked if there was anyone else that would like to speak in favor of the application.

Rhonda Russell

Rhonda Russell stated that she has lived in Wexford for 22 years and she has been a member of World Harvest Church for six years. Like Thelma said, they are very responsible. She does not think that Wexford will have a problem with the church being their neighbors. She thinks they are doing everything they can do to accommodate them and she does not think they should be afraid that they will do anything to harm their children or their property.

That is all Russell has to say about it. She thanked the Commission for listening.

Cheryl Greenway asked if there was anyone else that would like to speak in favor of the applicant. No one else is coming forward. Greenway asked if anyone would like to speak in opposition of the applicant to please come forward.

 **DRAFT**

Charles Fuller
390 Wexford Overlook Drive

Charles Fuller stated that he is a Wexford resident. Just to give the Commission a perspective, his property is immediately across the fence from this property that is in question. He kind of lives in the corner. His property would be right here on this corner. He really wasn't prepared to speak tonight so please forgive him if he is a little unorganized. He has trouble listening to some of the things that he has heard tonight because he heard some of it a month ago at the informational meeting. He had a lot of questions about it at the time and was promise by these two gentlemen and the pastor of the church that they would approach him directly; contact him before this meeting so they could discuss the issues. They have his email address, they have his phone number, they have his name, they know his address. No contact was attempted to Fuller in any way, shape or form to address any issues that he has. So, the question came up earlier had the applicant contacted the neighbors immediately adjacent to the property? This homeowner they have not. They have not made any attempt whatsoever even though they made a specific promise to do so at the last meeting.

Another thing that kind of surprised Charles Fuller at this meeting was the letter from their homeowner's association, Dave Rettenhouse because in the conversations Fuller has had with the homeowner's association president; he had been informed that the homeowner's association is opposed to this effort. He got an email from them just last week that the homeowner's association was opposed to this effort. Fuller does not know if Rettenhouse is acting on his own behalf and he was kind of surprised to see that the church would present that as if it was the homeowner's association that was in favor of this effort on their part. So, if the homeowner's association has changed their mind in the last few days, Fuller was not informed of that so he apologized for making that statement if that turns out to be the case.

As a neighbor immediately adjacent to this property, Fuller stated that he really just wanted to address three main points but he feels like he will have to address a couple of other things in addition to that.

One was the safety issue. The second was the noise issue and the third, of course is the property value issue which is personal. Property value he won't spend much time on. He just feels like if a conditional use is granted for this that it will diminish the property value of those houses at least immediately adjacent to the property. This church property is surrounded as one can see completely by the Wexford neighborhood so it is kind of a little peninsula there in the midst of their whole, entire neighborhood. With due respect to the other members of his neighborhood and his other neighbors that are here who may support this, they don't live on the other side of the fence and they will not be as impacted as Fuller is.

From a noise issue obviously when this property was purchased a couple of years ago immediately there were several pool parties, loud, noisy pool parties. Once the neighbors

 **DRAFT**

complained that stopped. The church was acting he guessed in violation of residential use of the property but once the complaints stopped they did start using it as a residential property. Fuller understands that there are two gentlemen living in the house currently. He does not know them.

The issue of noise, the fear that Fuller has is based on complaints he has heard from neighbors that live on the other side of the church property in the other section of Wexford of loud music all of the time and stuff coming from the church. Fuller does not hear stuff that happens in the church building itself. What he does hear is routinely especially throughout the spring and summer times when they have big church events on Saturdays or Sundays with big loudspeakers. They can be clearly heard inside of Fuller's house. But he kind of overlooks that. It is a church. They do good work in the community; he doesn't have any problems with the church being there or anything. There are occasions as well that they actually have helicopters landing on their property. Okay, that is pretty cool for the first couple of times but it kind of gets old after a day of helicopters coming in and landing and taking off literally directly over one's back fence. Their fear with that is that with the pool being on the property that as the Commissioners have expressed, how can one really control the number of people. They want a conditional use and Fuller's understanding is that it would be up to 50 people. Fifty people would overwhelm that property, 50 people would overwhelm Fuller's house. He thinks the Commission would say the same thing if they had a large party at their house. Fuller stated that he is very active in his church here in Roswell and they have events and if they were to have a pool party, they don't have a pool, but if they were to have a pool party they could have 100 people show up. And how would they turn them away?

The issue of parking, they say that they would use a shuttle bus to and from the church for parking but why would they not just have the meeting at the church property? Why do they really need that?

In talking with them, this is a personal opinion, but Fuller thinks one of the reasons they can't really tell the neighbors what kind of office space or what kind of use it is, what types of meeting they are going to have, is because they really don't know. They bought this property and Fuller thinks they are just trying to find a use for it, to be quite honest.

They mentioned the improvements that they would like to make to the property. Even Wexford's homeowner's association treasurer, who wrote them a nice letter claims that that this property is the most dilapidated property that adjoins their neighborhood. The church has been the owners of this property for a year-and-a-half, two years. It seems like the owner of a property would have maintained it to a certain standard. They have not done so to this point. Fuller stated that all of this cosmetic stuff, it may be good, but they just don't buy it.

As far as the use of the property on Fuller's side of the fence, is the church going to accept the liability for any accident that occurs on their property on Fuller's side of the

 DRAFT

fence? He does not think so. So, that is not an offer that any of the homeowners on their side of the fence would take the church up on. So, that should not be a selling point.

On the safety issue, Fuller has no doubt that any of the church members would ever do anything to him, his family members, his neighbors to harm them in any way. However, as one knows, whenever one opens up to a public gathering a church, especially doesn't really turn anybody away. By definition a church is accepting, wants people to come in. One has a gathering at a facility like that, that is literally 20-30 feet away from a residential property where small children are playing. Fuller thinks one of his other neighbors might speak who has very small children. His are in middle school and high school. But one does not know what people will show up there. Obviously, if it is a residential property, one might not know who moves in but a residential property kind of has less risk than that.

Fuller guessed that those were most of the points that he wanted to cover. He kind of appreciated in the earlier meetings he sat through today. The emphasis that the Planning Commission put on safety of other properties and sidewalks, the convenience, the kind of family atmosphere or the quality of life issues of the residents of Roswell. And he would just hope that they would keep that under consideration. The staff has recommended denying this conditional use and Fuller would just hope that the Commission would understand that those residents that are on the other side of the fence, literally are also opposed.

Fuller thanked the Planning Commission.

Harvey Smith stated that Fuller just answered his question.

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

Christy Butler
420 Wexford Overlook Drive

Christy Butler stated that her home is the home that the lights beam right into. So she is coming up here as the mama bear. She has four children and the gentleman mentioned changing the character of the property. For her, the character of the property changed when the family moved out. When Butler moved into Wexford, they love their neighborhood; they made a point to get to know their neighbors. They knew the people that lived behind them and they were hoping that a family would move in and when they found out that the pastor, their neighbors told her that the pastor was moving in, they were excited for that. They wanted to be neighborly. So, they were disappointed to find out that it wasn't going to be a family and very shortly afterwards the cars started coming and people started coming and Butler was the one who called the police and said that this is a single family home. There are lots of cars and then some of the parties started to stop because it wasn't sold for small gatherings, which weren't very small. For Butler right now there are just too many unpredictable things.

 **DRAFT**

Small is very defined by all of us differently. The predictor for future behavior is past behavior. For the last year-and-a-half Butler has been watching that house because literally it is from here to there that...the property. She has been documenting, taking pictures, she can show the Commission how many cars have parked in the back. It is way more than nine. She can show the Commission how many times those shuttles have come. She has all the pictures. And in good faith she knows her other neighbors think it is not a big deal, but it is Butler's back yard! It is her four little babies in the back. And it is a safety issue. They did say the word many times tonight, "volunteers." If it was the same four people that were going to work there and her kids might know that it is Mr. Jones and Ms. Millie, but it is not going to be. It is going to be people and Butler cannot even let her kids go out there. Her yard is fenced in. She doesn't let them go in her back yard anymore. And when Butler moved from 13075 address to Wexford, that was such a dream of hers. And she can't even let her kids in her back yard anymore. It is totally so upsetting. So for Butler it is really a safety issue. Obviously the lights and all of that are annoying, that bothers her. Noise will bother her. All of those are annoying. But it is the unpredictability, that she does not know what is coming and she really does not think one can but stipulations in writing about conditions. They have to the lights off...they even said tonight, 11 p.m. What offices are open until 11 p.m. Most places close down. Butler does not want an office in her backyard open until 11 p.m. That is really late. So she just thinks that there is just too much that no one can say...there are too many things that one really can't...she will move onto something else because she knows she already said that.

Honestly, Butler doesn't want anyone to think that it's because it is a specific church. She is really glad that they are there down the street. She just does not want them in her immediate back yard. When they were down the street, Butler was happy with that. She moved in there knowing they were down the street and there are a couple of other churches on that street. She is totally fine with that.

Butler would just like to say that she is sorry.

Her last point is they keep mentioning that perhaps someday they will turn it over and sell it back to residential property. Butler feels like there is a little bit of, she does not want to say trickery, but that is the word she is going to use. Because who is going to buy a house with parking spots already...handicapped parking spots? No one is going to buy a house that has predestined parking spots at a house already. They have got to know that this is not going back to residential. There is just no way. So, either they know something and they are not letting the neighbors in on it or they just have no clue whatsoever and Butler does not want to be partners with someone in her back yard who has no clue whatsoever.

But it is just not a really good fit and quite honestly, if the World Harvest Church was in behind her house, now she has to move out of Wexford, the neighborhood that she loves, her children love because she can't, especially with you know, everything happened. She just can't have people that she just doesn't know everyday living behind...she just can't do that. And she can't in good faith do that to her four children.

 DRAFT

Butler stated that is all that she has to say. She thanked the Planning Commission.

Cheryl Greenway asked if there was anyone else who would like to speak in opposition of the applicant. No one else came forward. Greenway stated that this is a chance for the applicant to comment on the different comments that have been made.

John Carruth stated that he had a couple of comments. There was a point raised about the Wexford board. And he has a copy of an email that Dave Rettenhouse sent to Jackie Deibel and copied mayor and city council about the strong statement of support for World Harvest Church. In this, in the second sentence he Rettenhouse writes, "*...as I explained on Tuesday, the Wexford board and I strongly support these requests.*" John Carruth does not presume to know if they have actually made a formal statement of support but he just wanted to put that into the record. He is not saying that Mr. Fuller is wrong or not.

John Carruth stated that he thinks the church has made a pretty good case that they are taking the steps to screen visibility for the neighbors. To provide them a nice landscaped vista into the property. To provide some protection by putting fences up. They get into a lot of arguing back and forth but Carruth does not think that is going to be productive. He will state that the church is not resorting to trickery. They can return this to a residence. It will exist right now, the gravel parking area that is large enough to accommodate nine cars. It was that way as a residence. The people that owned it as a residence, that is the way they treated it and the church can return it to that very easily with what they are proposing to do with the property. Carruth stated that he does not know of anything else they need to add unless Van Yon has something.

Van Yon stated that he would like to say that the questions that Mr. Fuller raised, he thought they had been addressed. They will make a definite effort to meet with him after this to speak with him further about the issues he raised. That was an oversight. Yon stated that they had some feedback and he does apologize to Fuller for that and they will make efforts to address his concerns.

Cheryl Greenway asked if there were any questions for the applicant. Hearing none she asked if there were any questions for the staff.

Lisa DeCarbo stated that the church is saying that don't expect to use this for an assembly building per se in that the definition of assembly is 50 people. Is that correct?

Brad Townsend stated that he thinks that is terminology dealing with the building code when they deal with the structure and the building official and the fire marshal look at it for occupancy determination. He thinks they have to deal with the doors, how big the rooms actual function, fire exiting, and those kinds of things. Cheryl Greenway asked Brad Townsend if it would be correct to assume that whatever the fire marshal determined to be the...if they were to do a conditional use does that then become an

 DRAFT

assembly building and just that change how they compute the load that is allowable in the house?

Brad Townsend stated that he thinks that is just a function of how they carve out the room. He does not think it is a function of whether the Planning Commission gives it a use or not.

Harvey Smith stated on that same line to Lisa DeCarbo, would not the life and safety code if the conditional use was granted he would think the same thing the fire department would apply to the swimming pool and the load and the number of people and the number of occupants that can be on that pool deck. Smith stated that he has built pools for community clubhouses and he knows that Wexford used to lease or rent theirs out for senior parties at Roswell High School. So there is a certain number.

Brad Townsend stated that he sure there is an occupancy related to the public...Lisa DeCarbo stated the pool and the enclosure and that is another thing. That is what she was going to get to. Fulton County regulates that from DeCarbo's understanding and there are separate requirements for a pool when it is a residential pool versus when it is a commercial pool. Brad Townsend stated that was correct. DeCarbo stated that if they do the conditional use, then which would it fall under?

Harvey Smith stated that he does not think anything and John Carruth is the architect....the compliance. He just think that it is not going to be grandfathered in because when one changes that use, he would assume they are going to make him bring everything to public....

Brad Townsend stated that he would make that assumption.

Cheryl Greenway stated that to go back to Lisa DeCarbo's question. Which requirement would it fall under, the residential limitation or the commercial? It sounds like Townsend is saying commercial.

Harvey Smith stated that he is sure it will be commercial. Brad Townsend stated that he is sure it would fit under a commercial...Cheryl Greenway stated that it would allow a lot more people. It would allow more people and it would also require upgrades because probably then one would have to have handicapped access to the pool unless it is grandfathered in. That is one of the other things and it changes the fencing requirements and all of that kind of thing and probably the pool deck size again. So, if the applicant plans to upgrade the pool deck right now to something that meets the residential requirements that may not meet the commercial requirements. So it becomes more complicated.

Cheryl Greenway asked if there were any additional questions for staff. If not, she is going to close the public section of this discussion and let it be just now discussion among the commission.

 DRAFT

Harvey Smith stated that he finds it troubling that there is a miscommunication between the homeowner's association on whether or not they support it or not. He would suggest that by the time it makes it to council, he is sure there are some members, whether it is the present HOA they are saying they support it or not. Smith thinks they need to clarify that because the Commission did get this email from Dave Rettenhouse and he made a point and Smith read it in good faith assuming that that is the gospel. The homeowner's association are supportive and it sounds like there might be a little bit of an issue there.

Smith stated that if he were to support it he thinks it would be only appropriate because the Commission has had similar request where there would be limitations of use and hours of operation and for some reason none of that has been offered up. So, those are just a few of Smith's thoughts. He doesn't know if anyone else has some comments but there are some valid concerns by the adjacent homeowners, not all of them were here but it sounds like out of the six, two of them were here. But he believes they would be able to honestly attest to what happens with the present use and it will only have a fear that it would just get worse if permission were granted.

Cheryl Greenway asked if there were any other comments from others on the Planning Commission.

Bryan Chamberlain stated that World Harvest Church is doing a great job in a lot of different ways in the community. So it is tough to on one hand think of that and then on the other hand think of the problems. But they have to think of the problems. They have done a great job of maintaining their property and creating a look that Wexford can be proud of and anybody that drives past can say, "Wow! This looks nice." There are a lot of these kinds of uses along that street with Sweet Apple, North River Baptist Church; he does not know anything about the little church in between the proposed property site and the church property itself. But it does not look unsightly and it is not uncommon to see little churches like that get in disrepair pretty quickly and the grass get mowed. It is a beautiful area along there. He personally can't envision that reverting back to a residence in the near future. So, in Chamberlain's mind it is reasonable to expect that it will continue to have the demand for some type of use as is being requested here. Knowing youth as they are he thinks adults would as a general rule of thumb in the absence of alcohol at a pool party probably take some responsibility to be quiet. But if he was one of the six residents living adjacent to that property and there was loud talk with kids in the evening, he would be the first to be on the phone with the police trying to get it done.

That brings a negative to the image of the church by itself. So, how that is controlled and what the church's plan is to control that is something that has not been addressed given some opportunity to address it this evening. So, Chamberlain has a very significant discomfort level with the use of outdoor assembly. He strongly applauds the use of the internal small group use in the various rooms. He could see that as a realistic use of the property particularly as overflow from running out of space with all the programs that the church does have, the office use. Every time Chamberlain has been by there during the

 DRAFT

time of doing this review, he has not seen more than three cars in the parking lot during the daytime.

If the Planning Commission were to support it, Chamberlain would think that it would have to be in a way that would eliminate the use of that swimming pool for church gatherings and outdoor gatherings. There is plenty of space on the church property to have a church picnic as an example or an outdoor summer event. It seems to him that this particular property with its adjacent nature to six Wexford homes should not be allowable from a disruption standpoint to their piece and quiet.

Chamberlain personally believes that it is the right thing to do regardless of whether it is temporary or long term use to put in some type of trail or sidewalk from the western edge of the World Harvest Church parking lot to the area of entrance into the building on the targeted property. One cannot have kids traipsing and again, he goes back to kids, but it's the youth opportunity to go over there that is going to be when they maybe don't have a bus they are going to go ahead, they are going to walk over, half of them might want to get on a bus, half of them might not. They need to provide access to that property from the church's existing property and sidewalks or trails seems to be some type of pervious trail to go over there. It seems to Chamberlain that needs to be a must.

If the church said it was going to be used as office only. Bryan Chamberlain stated that he could be in strong support at this point and he just feels that there is that with the pool and the outdoor facilities there, there is too much of a temptation or draw for that facility to be used with volunteers in charge of controlling crowds that one can expect are going to go awry more often than not.

Harvey Smith stated that he agrees with what Bryan Chamberlain just stated, too in the fact that he thinks part of the request for the site plan to build a pavilion or that gazebo and then expand the pool deck...it creates the impression that the church is expanding an amenity package for the church. And Smith agrees 100 percent with Chamberlain that if it is an inside small group/administrative office type atmosphere that is one thing. But he thinks they are creating an exterior assembly by default.

Cheryl Greenway asked if there were any other comments or does any one have a motion.

Bryan Chamberlain stated that he had one more thing. Going back to what John Carruth had said about 12 spaces being required by code if it is an office. It seems to him that if they could do nine, they probably should do 12 unless there is some space requirement that is not allowed. At least there is not an exception being given there for that.

Cheryl Greenway called for a motion.

 DRAFT

Motion

Lisa DeCarbo stated that she must say that she regrets having to do this. She feels the same way that Harvey Smith and Bryan Chamberlain do, that if it were for office only she could be in very strong support. But as it is given to the Planning Commission she would have to recommend denial of conditional use CU12-04 and CV12-05 for 275 Hardscrabble Road.

Joe Piontek seconded the motion.

With that motion and second, Cheryl Greenway called the question.

In favor of the motion were Lisa DeCarbo, Cheryl Greenway, Harvey Smith and Joe Piontek. In opposition to the motion was Bryan Chamberlain.

With that, the motion has been passed and the application has been denied. The applicant will go to the city council on March 11, 2013 and present their information to them at that time.

Cheryl Greenway thanked everyone for their patience and for staying so late. The Planning Commission appreciates it.

TEXT AMENDMENT

12-0520

RZ12-10

Text Amendment to Section 15.4.1 of the city of Roswell Zoning Ordinance regarding the exclusion of single family and duplex residential lots from minimum tree density requirements contained in Article 15, Tree Protection.

Brad Townsend stated that this text amendment is for pieces of property one acre or larger in size that actually have pasture land. They don't have any tree density on them at all and they have not had such for 10 years or more. They would be exempt from the minimum tree density requirement for putting 30 units of tree density on them at that case.

Staff would recommend approval of this proposed text amendment if anyone can really understand it.

Harvey Smith asked for a layman's term for what the intention is. Brad Townsend stated that they have an exiting development that is acre lots or larger. And it is pasture land. They would then be required to put more trees on it than ever existed on the property.

Cheryl Greenway clarified if they developed it into one-acre lots. Brad Townsend stated that was correct. They would be required the minimum street trees and some minimum trees but not try to reforest it with a density that has never been there.

 **DRAFT**