

consider include the land use plan, surrounding property values, the surrounding neighborhoods, undeveloped land in the surrounding or immediate area and impact on city services. The burden of proof for a rezoning request is always on the applicant.

Baur asked that all cell phones be placed on vibrate or turn them off. This includes members of the Planning Commission. She reminded members of the Planning Commission to state their name for the benefit of the audience as well as the benefit of the staff who are taking minutes of this meeting.

Susan Baur welcomed Sydney Dodd to the Planning Commission. He is a new member of the Commission. Baur stated that it was great to have him on the Commission and thanked Dodd for serving.

CONDITIONAL USE

10-0539

CU10-04 & CV10-02

ANDRETTI INDOOR KARTING & GAMES

11000 Alpharetta Hwy.

Brad Townsend stated that this was an application for conditional use to allow for an outdoor go-karting track at the property at 11000 Alpharetta Hwy. The petition is by Andretti Inc. The subject property has a C-3 zoning designation. There are existing access points to the outdoor track from the building. As one can see, the large building was an old warehouse building. Customer would exit from that to the outdoor track area. This application was reviewed by the Planning Commission at the September meeting. At that meeting there were concerns related to the proposed noise. The applicant provided a noise study at the first meeting. There was a second study done on Thursday, November 4, 2010 for the hours between 9 o'clock and 11 o'clock. That information was supplied to the Planning Commission. The staff also hired a consultant to do a peer review of the two noise studies. That consultant is present this evening and will be able to answer any questions that one might have dealing with the two noise studies. Townsend is sure that the applicant will get into the details of the noise studies.

This evening the Commission is dealing with a conditional use for an outdoor commercial recreational facility. For the Commission's information there has been an administrative appeal of the determination of two code sections submitted by James Bradford related to this application. That appeal will be heard by the Roswell Board of Zoning Appeals on December 14, 2010 in determination of Townsend has adequately applied two zoning code sections to this application. This review of the conditional use has been reviewed by the Design Review Board. There has also been a landscape plan analysis that has been submitted that is in compliance. This application is also requesting relief of three percent from the required landscaping in the C-3 code. The current site as it is designed, when they paved over the out-parcel on the corner, the applicant

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removed about three percent of the landscaping from the site into paved parking areas. So they only have 17 percent currently instead of the 20 percent required. Staff is present to answer any questions the Commission may have with the information provided to them in the staff report.

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

Warren Fondu, general manager and partner of Andretti Indoor Karting and Games presented the application. The applicant would like to build and operate outdoor go-kart tracks in their south parking lot on Houze Way. As they found out when the applicant was before the Planning Commission last month there are a number of concerns that the residents have, the primary one being noise. In just a couple of minutes Fondu is going to bring up Dr. Ken Conifer of Arpeggio Acoustics. He will present the noise studies and answer questions for the Commission.

One other issue that Fondu wanted to address prior to that was a concern about visibility and what that may do to the traffic patterns on Alpharetta Hwy. as well as along Houze Way. What the applicant has done is commissioned a videographer to take some video footage driving by Alpharetta Hwy. and Houze Way. Fondu has that on DVD, which he can show to the Commission. Fondu stated that what is shown is the applicant exiting their parking lot onto Alpharetta Hwy. He showed a southern approach from Alpharetta Hwy. just south of Mansell Road. The next scene was approaching from the north, coming in front of Andretti's on Alpharetta Hwy. The DVD showed the traffic approaching from the west along Houze Way. He pointed out Alpharetta Hwy. heading north. The DVD was made in the afternoon, Fondu does not know exactly what time of day it was done. It was done during the week. The DVD showed Houze Road approaching Houze Way and a westerly approach along Houze Way.

Susan Baur asked members of the audience to please refrain from commenting and let Fondu give his presentation.

The DVD showed the traffic making a left hand turn onto Houze Way from Alpharetta Hwy.

Warren Fondu stated that the purpose of this video is to show that the visibility concern will be addressed by the additional landscaping that the applicant is proposing specifically along Houze Way. The distance of the actual location of the tracks from Alpharetta Hwy. and the limited amount of time where one can actually see into that parking will have very little effect on the traffic patterns of Alpharetta Hwy. and then along Houze Way. He wanted to show in real time what the actual thing looks like now. Obviously, once they put the landscaping in it will look considerably different.

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Susan Baur asked Fondu if he could speak a little closer into the microphone.

Fondu stated that this time he would like to introduce Dr. Ken Conifer of Arpeggio Acoustics to go over the sound reports for the Planning Commission.

Ken Conifer stated that he was a principal with Arpeggio Acoustic Consulting. They were retained by Andretti to perform noise surveys in the surrounding community. What Conifer is going to principally focus on this evening is the study they did on November 4, 2010 which was prompted from the concerns raised in the last Planning Commission meeting. What Conifer has condensed down it in front of the Commission are key elements from the report that they should have received. The method they used was to select a number of locations in and around the community including both commercial or business properties that are in the immediate vicinity as well as extending out greater and greater distances from the Andretti facility to the west, north and southwest. The graphic is an aerial photograph of the area showing the locations of each of the measurement points. The actual execution of the study involved the use of three time synchronized precision sound level meters. They had one meter operating continuously on the site serving as a reference for activities for everything else that happened for all other measurements. They then would sequentially move to additional meters to each of the other locations numbered 2 through 13 in the graphic. At each measurement cycle they would go through Andretti would operate 20 karts on their property in the location of the proposed track. They had them operate those karts continuously for five minutes while they recorded data and then had the drivers bring the karts to idle. This permitted Conifer to look at the acoustic impact of the kart operation between the conditions of when they are on and effectively just at rest. As one will see in the graphic, the distances that they went out were quite large compared to what Conifer would consider for an environmental noise study. Some of these locations are up to a half a mile away and more. During each of the measurement cycles at each site they had observers present at the meter who not only operated the sound level meter but recorded their subjective assessment of what was audible at each of those locations.

Conifer presented a graphic that showed the time history of the entire duration of the survey for the meter that was installed on the Andretti property. The high levels that step up, the skyscrapers in there, those are when the karts were actually in operation. One will see roughly six intervals in there when the karts were in sustained, full power operation. It was asserted to Conifer by Andretti that these karts were representative of the maximum number in population that would be operated on their property during the operation of their proposed facility. The periods in between these peak intervals are when the karts were at idle. What the Commission is seeing in front of them is the record on site throughout the entire duration. They are seen at idle at the measurement locations. Sound levels were running around 63 dba. When the karts were in operation the levels were

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running between mid 70s to high 70s dba with a couple of them exceeding past 80 at the location of the meter.

Conifer stated that he has two elements to present. One is the objective data. What was the number? What did they measure? The other is the subjective assessment. There were only four locations where they could have objectively measure the impact of the karts. He presented an image of a cross section of the aerial and it focuses in on those measurement locations where there was a measurable impact of the karts. Those were locations 2, 3 and 5 labeled on that aerial. The measured values though were all within the nighttime limits of the Roswell noise ordinance. For all other measurement locations at increasing distances there was no measurable impact of the operation of these 20 karts. At only one location, location 4, shown in the graphic to the lower right, that was the measurement point at the corner of Houze Way and Houze Road. That meter was approximately 35 feet off of each road. One could hear intermittently the karts running. Anytime there was traffic on either of the Houze roads one could not hear the operation of the karts. At none of the other locations were the karts audible to the observer present. These subjective assessments are substantiated by the recorded data. Conifer reminded the Commission that they had three meters running simultaneously. They had the reference meter running on site and then each of two meters moved sequentially to each of the remote locations. So he is able to show plots of individual time histories of what was going on, on the track and out of the measurement locations off property .

Conifer showed a plot of the first measurement sequence and the blue line indicates karts in operation. The red line is a measurement location that is directly across Houze Way. On the property line he believes that is an Acura dealership across the road. One can see that the levels at that measurement location at the Acura dealership approached were 63 to 64 dba, which is still below the night time noise ordinance limit. One can tell that this is actually an impact from the karts because of what happens when the noise level on the property goes down when the vehicles go to idle. The noise at the Acura location also falls in a time synchronized manner with what was going on, on the property.

Location 7 was on the property of a townhouse development to the west of Houze Road. There one can see no impact of the karts. No observable response in this data that can be attributed to the operation of the karts. The peaks one is seeing there are due to traffic on the adjacent roads.

The next sequence depicted location 3, which is a bit to the southwest and location 4. Location 4 was on the corner of Houze Way and Houze Road. That is where the karts were weakly audible. The spikes one is seeing are vehicle traffic on the adjacent roads. So, if the karts are contributing to the noise level here at all it is only contributing during the quietest periods which are well below the night time noise ordinance limits. In fact, one sees one of the quietest intervals that occurred during that measurement sequence happened during the time when the

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cars were actually coming down to idle. To Conifer's eye this indicates that there probably is no quantifiable impact of the karts at that intersection or at site 4.

Concerning site 5 and site 6, site 5 is on a commercial property due to the west. And there one does see an impact of the karts. One is able to tell that because of the rise in the red line at site 5 that occurs when the karts come up to operating speed. It falls after the karts come to idle. Nonetheless the impact is on the order of about 5 db and the impact is below the ordinance limits.

The green line is in the Roswell Chambrel development. There was no observed impact there. Conifer stated that he was the observer at that point and it was extremely quiet. A very pleasant environment quite frankly.

All of the remaining plots are for locations at greater and greater distances and none of them show a quantifiable observed impact from the operation of the karts. This particular time history actually, the hump in both the red and green line Conifer suspects was a C-130 going into Dobbins.

The last measurement sequence before the survey ended shows no systematic change between the time when the karts were on and the time that the carts were off at these measurement locations. So for all of the locations further away from the Andretti facility than site 5 there was no quantifiable impact due to the operation of the karts. The closest point where there was observed impact was at site 5, which was on the property immediately to the west.

The environmental conditions during this survey were conducive to the survey. There were no sustained winds that would have artificially masked the noise produced by the karts. The temperature conditions were also such that it would tend to promote long range propagation of sound. The temperatures were falling through the evening which tends to create ground level entrapment of sound.

Conifer stated that that concludes the noise survey of November 4, 2010.

Warren Fondu stated that they did the second noise study at the urgency of their neighbors at the first Planning Commission meeting. He wanted to thank all of their neighbors who did come out to participate in that study. He wanted to thank all of the Planning Commission members who were out visiting the locations and talking to the applicant's neighbors and local businesses and gaining first hand knowledge and experience of what the karts are going to sound like in full, top capacity operation. That was the purpose of the test, the purpose of the study and it was a good thing to see everybody come out. By the Planning Commission and by their neighbors being able to talk to their businesses that are neighboring to the applicant as well, he thinks they are able to paint a really clear picture of what the actual operation of what these outdoor go karts is going to be.

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Fondu stated that the last small point that he wanted to clarify is a question that came up in various conversations that have been had since the last Planning Commission meeting. It was about the karts themselves. For the purposes of this test they brought 10 concession karts. These are the slower, smaller engine karts up from Animation Park in Florida. Those are exactly representative of the type of karts that they are going to be running on the smaller, junior, more family oriented track. They used 10 of their high-powered, larger engine karts that they currently have, which they currently operate indoors as those are going to be the ones that they are going to use on the outside.

There is no fundamental difference between an indoor go kart and an outdoor go kart. The engines, the mechanical systems are the same. They will use the same Honda engines regardless of the actual manufacturer of the karts that they use. The difference between an indoor and an outdoor kart comes in the setup specifically with regard to the handling and some of the other ways that one would want it to drive because generally, outdoor go kart tracks are a little bit bigger, have a little bit more room and the karts tend to travel a little bit faster. For all intents and purposes there is no real difference between an indoor go kart and an outdoor go kart.

Fondu stated that summed it up for him. If there are any questions he will be glad to answer them or for Dr. Conifer.

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

Cheryl Greenway stated that she had a couple of questions that she would like to ask. The applicant listed in his application the public hours of operation that he was expecting to have. As she is understanding it from the sound report they are in compliance with the decibel points required from 7 a.m. to 11 p.m. That is 70 decibel points and they are below that during those hours. But the requirement is down to 60 between 11 p.m. and 7 a.m. Greenway stated that the applicant would exceed that during the additional hours that he is looking to be open on Friday and Saturday nights. Greenway has a concern there that there would be excess noise on those two evenings. She asked the applicant to address that.

Warren Fondu stated that as he reads the ordinance on a commercial property it goes down to 65 db during the overnight hours of 11 p.m. to 7 a.m. by which they are still within those guidelines.

Cheryl Greenway clarified that residential would be down to 60 db. She was actually looking at the sound report that the Commission was just discussion and 65 would be the requirement for commercial. So the applicant is close. Greenway stated that she was going to go on to her second point and if she is throwing the applicant a curve here she apologized because she knows they have concentrated so much on sound.

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Greenway stated that if the applicant has the information with him she would like to look back on what he is planning to do in screening, additional plants, appearance of the kart area. She thinks it would be helpful to see what Fondu is looking to do from the view of the people on the street. Since he is putting up a picture of what the proposed plan is, Greenway asked Fondu to describe and point to what he is looking to add and how he is going to make changes there. She thinks that would be helpful.

Warren Fondu stated that he was actually going to bring up Brad Riffle from AEC as he is helping the applicant with the site plan. He will give the specifics of the actually landscaping.

Brad Riffle with AEC, 50 Warm Springs Circle stated that when they did the landscape plan all they were adding were additional trees. They were not going to add anymore to the ground plane because there was sufficient existing ground plane material there already. They thought that it would be a nice addition to add the shade trees. One can see that they are adding three proposed oaks and six proposed Zelkovas. He pointed out the trees on the plan that are existing. The darker ones are the proposed trees that one sees on the plan.

Cheryl Greenway clarified that Riffle would be adding nine trees to add into the screening from the street. Riffle stated that was correct and pointed out the vicinity they would be located. Greenway stated that she is emphasizing this because she sensed that part of the concern that the Commission is going to be hearing shortly is not just the sound, but also what people are going to see from the street, the view. And that is why she thinks it is important to give the audience the information as to what it is going to look like.

Sydney Dodd stated that he had a question from a point of information. The sound study that was done, did it include individuals that would be waiting to race the go karts and potential traffic that would be leaving the parking lot. As one knows, when there is an outdoor event there are individuals there that potentially cheer. Did the sound study include the human factor or was it just focused on the go karts?

Warren Fondu clarified that Dodd was asking if they had extra people as if they were waiting in line to join the next racing. Dodd stated or exiting the premises or waiting in line, or cheering for others that might be participating in the go kart races. They would be real world in terms of an actual simulation of what it would be like.

Warren Fondu stated that the test was done during their normal operating business hours. They were open inside and actually quite busy. The traffic pattern or flow in and out of their parking lot he would say was very consistent and representative of normal business flow of what they have coming in and out of their parking lot at those hours. They did not have a group of 10 people waiting

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in line as will likely be the case outside. This question did come up in the last Planning Commission meeting. This is not a spectator sport in the way a NASCAR race is. Very rarely do they have groups of people cheering and rooting. There is really no point. The kart operators can't hear them because they are wearing a helmet and driving by at a quick speed. What they found is that the people who are in queue on their indoor track are more talking to each other in normal conversation about what is going on around them. They do not have people that just sit there and watch the racing going on. It is not a spectator sport in that sense.

Susan Baur stated that she has two questions. One is just about the proposed design outside and the canopy in the middle. She sees that there is black fencing proposed along the building. She is wondering if there is any fencing or any type of protection other than the barricades for individuals who will be in the holding pattern under that canopied area under this plan.

Warren Fondu stated that the people waiting in queue will not actually be under the canopied area. He would like to address Baur's question in two parts. What the Commission sees on their screens is the conceptual design of what the structure will look like. It is a tension roof or a tent for all intents and purposes. If will house the go karts, it will be where people get into and out of the go karts and again, conceptual in design. He thinks that what Baur is referring to is best illustrated on the site plan. They do have plans for a fence which Fondu pointed out on the site plan. That is a fence that will go all the way around the parking lot. Essentially right on the grassy areas around the parking lot and that is designed for safety and security to keep people out of the track area that are not intended to be in the track area. It is listed as a black metal decorative fence and it will go all the way around the perimeter of what is now the parking lot. There will be gates in specific locations allowing for access for emergency vehicles and such. The entrance to the track area will come from the door which is on the side of the building. There will be a paved area and another covered canopy where people will queue. There is a security fence in place to keep people out of the track area.

Susan Baur asked if there were any karts running at the time when people come out to the canopied area in the middle. Warren Fondu stated that the karts might be idling but they are not in operation. The karts are put in and parked. The occupants of the previous race are escorted to the canopy area to go back inside and at that time the next heap will be allowed into the canopied area.

Susan Baur stated that she had a question about the sound study and maybe Dr. Conifer can answer this question. In the first package the Commission received there was a figure 2, which was a graph about ambient sound near Brookdale, Chambrel at Roswell subdivision. She is assuming that this is just general sound from the road and what is going on in the community. Is that correct?

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Ken Conifer stated that was correct. Baur asked when the ambient sound drops off significantly at about what time. Conifer stated that it started around 11:30. He must point out that there is an exaggerated vertical scale. The ambient noise falls from 60 db down to 50 db. Baur clarified that the ambient noise does drop between about 11:30 and what time. Conifer stated that it starts picking back up around 4:30 in the morning. That is very characteristic of human activity noise in urban areas.

Baur stated that when she was out there observing and she was at the town home location and Chambrel she noticed that the traffic along Houze is pretty busy there and it does generate a bit of noise. It seemed to be a buffer or a barrier to whatever noise is behind it. She does not know if that was serving in a sense as sort of a buffer to any noise coming from the go karts. Her question is that the hours being proposed on the weekend. There are two evenings that are being proposed to be later hours, until 1 a.m. on Friday and Saturday night she believes. She is wondering if as ambient noise is dropping are the go karts going to be more easily heard or picked up on by the human ear during that period of time. Conifer stated that they would be. Baur clarified that in Conifer's opinion it is not a violation of the zoning ordinance regarding noise. Conifer stated not in the residential area. Baur clarified that if one is in one of the residential areas he may be able to hear a slight roaring of the noise out there. Conifer stated particularly if one is attuned to that noise. If there is something about it that one finds objectionable he would be able to perceive it. He actually found it very interesting out at site 13 and site 11, which is Falstaff Road he did not hear any noise coming from Alpharetta Hwy. There was something off to the north and west, some road out in that direction that was dominating the local ambient noise. So it is whatever the human activity sounds are in the area and at night that area expands as to how far it is going to be perceptible.

There were no further questions for the applicant from the Planning Commission. She opened the public portion of the meeting. Baur reminded the audience that she is going to limit the comments to total in favor and 20 minutes total opposed. She asked if there was anyone who is in favor of this project who would like to speak. No one came forward. Baur asked if there was anyone from the public who would like to speak in opposition to this project. Baur stated that she would take the people who brought cards up first and then go from there.

Baur reminded the speakers to keep their comments concise. There is a 20-minute limit total.

STEVE GUSTON
890 Windsor Trail

Steve Guston stated that he was president of the Windsor Forest homeowners' association and they are on record for opposing the track for the reasons of noise, the additional traffic it will generate and the visual distraction along Houze

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Way. As far as the noise, the main concern is if they always use these same karts and never change them then it will probably be okay for noise. But if they should decide at some point to go to louder engines, more powerful ones, create a sanctioned go kart track for racing purposes, or if a new owner should come in and decided to do the same, then the neighbors are stuck with a loud noise. Those were their reasons for objecting to this. Guston thanked the Commission for hearing him.

DENISE RAUSH
170 Charleston Circle

Denise Raush stated that she lived at 170 Charleston Circle in Roswell. She is representing the Board of Directors of the Charleston Oaks homeowners' association and she represents the views of her neighborhood. Charleston Oaks homeowners' association opposes the conditional use change of the Andretti's Indoor Karting and Games, Alpharetta Hwy., Alpharetta, GA. They base their opposition on the following provisions of Article 31 of the zoning ordinance, no. 3., whether the property to be effected by the proposal has a reasonable economic use as currently zoned. Andretti's has conducted their business at the current location under current zoning for multiple years. Therefore, the property has a reasonable economic use as currently zoned. As residents of Roswell and members of the local business community, the neighbors are strong supporters of profitable business and good growth. Unfortunately, 10-04 does not meet either of these criteria.

At the last meeting, Warren Fondu pointed out that there was a carnival in the parking lot next to Andretti's. The pertinent point is today the carnival is gone. No one wants to live next to a permanent carnival. And based on the drawings, the canopy looks like a circus tent.

No.22 The consideration of the preservation of the integrity of the residential neighborhood shall be considered to carry great weight. In those instances in which the property fronts on a major thoroughfare and also adjoins an established neighborhood. The factor of preservation of the residential area shall be considered to carry great weight.

Increased traffic in an area prone to backups and accidents will only add to the traffic issues making the situation worse. The hours of operation, particularly keeping the track open until 1 a.m. is excessive creating an atmosphere that could be right for frequent police interaction.

Granting this conditional use could change the character of the neighborhood negatively impacting the neighborhood value and integrity.

Andretti's is requesting variances from their current zoning conditions. In effect requesting rules that are different than the rules their neighbors are required to

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uphold. Because they are asking for favored standing, Andretti's should be held to a high level of compliance of all of Article 31 of the zoning ordinance analysis requirements. And since 10-04 does not meet this level of compliance the request for conditional use of an outdoor go-kart track should be denied.

EVERETT FULLER
2065 Darien Park Drive

Everett Fuller stated that he just wanted to speak a little bit. When they had the thing on November 4, 2010 he does not think it was subjective to what they would actually be doing. They will probably have wrecks of the karts. He also brought a db meter with himself and he was actually getting readings at the track of well over 85 db. He does not know where the applicant is getting their readings. Fuller stated that he does have a little experience with db meters. He used to be in the high-end home theatre business and he used to set up the speakers at 75 db and that kind of thing. He is probably not as educated as that guy but he does have a pretty good bearing on that. Fuller stated that he got out on Houze Way and it was reading at 78. According to when the gentleman was here at the last meeting he said that it is from 65 to 70 db. They have gone over that reading and even their own stuff showed it.

Fuller stated that he is not for this because of the sound thing and he has proof to do that if the Commission would like to see it.

KEVIN TALLANT
202 Triple Gap Road
Cumming, GA

Kevin Tallant stated that he was an attorney practicing law in Cumming, GA. He is here tonight representing the resident council of Chambrel at Roswell. Tallant thinks the question the Planning Commission has to ask itself is whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. That is what they are really dealing with here. It is portion no. 2 on the table at 31.1.4 and it is also codified at OCGA 36.67.3 subparagraph 2.

Tallant stated that the sound study is interesting in a lot of ways. But those are just numbers frankly. Until they actually put some kind of an understanding of the kind of appliance or the kind of noise generating activity that would give one the kind of sound decibel levels they are talking about. Because until then, it is all just numbers.

Tallant gave some examples of things that would operate at a 50 to 80 range give or take sound decibel level: an electric shaver, an alarm clock, a vacuum cleaner, a ringing telephone, and a whistling kettle. Those are just some are just some examples of the kinds of things they are talking about. He is not just talking about the top end of the 80 range. He is talking about between the 50 and the 80

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range and they have already seen in some instances that this sound level, even as one starts to remove himself from the property, it is over the range that they were just talking about. He thinks everyone can agree that is not the kind of thing that one would want to have going on outside his home.

Secondly, specifically with regard to Chambrel and the folks at Chambrel are these fine folks who are sitting over here and have given Tallant a petition which he is going to hand to the zoning administrator where 167 individuals have signed a petition in opposition to this proposal.

One of the things Tallant noticed about the sound study with regard to Chambrel is that the sound meter readings were taken from the interior of the property, from the very interior property. The problem with that is Chambrel actually has 24 cottages that front on Houze Way and Houze Road. So, really the readings at Chambrel are not indicative of the impact that the proposed use will have once it is out there.

There is something else with regard to the sound study that Tallant is concerned about. He does not know about the Commission but growing up he would go to a NASCAR race. In a NASCAR race one hears a lot of things including really loud engines, now this is not a NASCAR engine and he understands that. But one thing one would hear, even above the sound of a NASCAR engine is the squealing tires. He thinks one thing the Commission would have to consider with regard to this sound study is that they have heard a lot about engines but when one takes a look at the design of this track that has been proposed. What one has there are some corners where there are going to be squealing tires. That high pitched sound and they don't know how that is going to impact the surrounding community because no one has actually driven on this track. But it is going to be louder than an engine sound because as one well knows, he can always hear those squealing tires over and above an engine sound.

These kinds of businesses often stand alone by themselves. Outdoor go kart tracks one can often find them stand along. That is the only attraction that is available at the premises. One of the concerns Tallant has and he knows the folks at Chambrel have is; why hasn't this proposal been evaluated like that? What they are actually doing is they have one stand alone business and they are going to combine with it something else that could stand alone. Commissioner Dodd hit on it. They are going to have people standing outside. There are going to be additional people there. This is an entirely new kind of business that could operate by itself but instead they are going to have two businesses combined. The concern that Tallant has in addition to the noise issue, which he thinks Commissioner Dodd was right to raise, the other concern is a traffic issue. Do they have sufficient traffic control? He hopes the folks at Andretti are very successful but at the same time they can't be so successful as to impact adversely the traffic flow in and around this area. For the people Tallant is

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representing tonight, traffic flow is very important especially as it comes to emergency vehicle access in and to their area.

Tallant stated that the last thing he wanted to say gets back to the sound study a little bit. He apologized for jumping around. One has to ask the question, when does sound become a problem? They have heard a lot about the numbers and that sort of thing. But it is recognized that about the 45 decibel level is when if one has a 45 decibel sound, that is when he can wake a sleeping person. Chairman Baur raised the issue about going well into the night. When all of the people who live in the residences around here are going to be asleep. They have sound that is going to be over and above that level that would wake a sleeping person. That alone is enough reason for this Planning Commission to send this to the mayor and city council with a recommendation of denial.

STEVE GILLIAM
2040 Darien Park Drive

Steve Gilliam stated that he was with the Darien Park homeowners' association. They are located just off of Houze Road just north of Houze Way. Gilliam has with him tonight 45 signed signatures for the members of their homeowners' association opposing the Andretti outdoor go kart track. The reason for that opposition is similar to what they have all been discussing and hearing already this evening. So Gilliam will not reiterate on that.

He did want to bring one alternative perspective to tonight's meeting and this is in regards more from a personal side than anything else. Gilliam stated that he has lived in Roswell for over 12 years. He has enjoyed the way that the city has kind of continued to grow and prosper throughout those years. The main reason for continuing to remain in Roswell is among other things the safety and security and the family-friendly atmosphere that this city has provided. In August of 2010 there was actually an article posted in the MSNBC.com that rated Roswell, Georgia as one of America's coolest suburbs that was worth a visit. In this article it talks about Roswell's unique stores, restaurants and atmosphere such as the Ann Jackson Gallery, Bulloch Hall, Relish and the other 19th century old south streetscapes. Nowhere in any way, shape or form does it mention the outdoor go kart attraction for Roswell. So the question Gilliam would ask this Planning Commission as well as a concerned member of not only someone that lives nearby the Andretti go kart facility but as a member of Roswell in general is, does this city want to be known for the types of things that were listed in the MSNSB.com article from August 2010 or does it want to be known a city that supports and jeopardizes the history and integrity of the city by allowing the proposal of an outdoor go kart track at Andretti's?

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JAMES GUNKLE
750 Whitehall Way

Jim Gunkle stated that he was current president of the Whitehall homeowners' association and member of the board. He has with him a signed petition by 70 homeowners of the 80 that were able to be contacted over a two day period against the Andretti outdoor karting system. Most issues have been raised well, in full. He does have two questions. When the noise level was tested on the Andretti court, were the karts all going full-throttle, moving, totally circling the track? His second question is how does one measure the impact of traffic congestion if the track is not yet built? One can use supposition, he might use guess work but it can't be measured at this point in time. Houze Way is a main access route into many of the subdivisions and there is great concern. The three big concerns of the homeowners' association are noise, congestion and safety.

JAMES H. BRADFORD
600 Houze Way

James Bradford stated that his office address is 600 Houze Way, Suite E-5. He is here to speak on behalf of North Fulton Executive Square, which is located 135 feet west of the Andretti property. The office project is 36 office-condominium units sitting on approximately six acres.

Two sound studies have been presented concerning this petition. The first study showed that sound levels exceeded the 70 decibels allowed under the city's noise ordinance at several off site locations include their office project. The second study, which was presented tonight showed that sound levels were "plainly audible at locations 1, 2, 3 and 5." Furthermore, the study indicated and Bradford quoted "the karts had measurable impact at locations 1, 2, 3, and 5." Two of these locations are on their office project. Decibel levels were increased by 10 points at location no. 3, which is on the southeast corner of their property. As stated in the first sound study, a 7 to 9 point reduction in decibels was a significant reduction. Therefore, a 10 point increase must be classified as a significant increase in sound levels. In the second sound study the measured levels at location no. 1 which is located at the Andretti and bicycle shop property line, the study states as follows: "this location would exceed the ordinance limits."

Please note that each stamped sound study was applicable at the conditions of that time. But both of them indicated that it was above city standards. Further studies might result in additional proof of unacceptable sound levels and additional violations of the noise ordinance.

At the Planning Commission hearing last month, Bradford bought up chapter 10.1 to 10.5 concerning buffers and setback requirements. He has filed a notice of appeal. Additional grounds for that appeal are parking, which has not been

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talked about at all. No mention has been made of the 125 parking spaces that will be reduced at this site. If one looks at the site plan that has been presented by the petitioner the minimum number of spaces is designated as 489.6. The proposed parking is 386 spaces. But again, no discussion has been made about this item.

In conclusion, speaking on behalf of the North Fulton Executive Square Association, the association is not in favor of the proposed expansion of Andretti's. Speaking on his own behalf, Bradford feels that the members of the Planning Commission are here to control growth while promoting the economic health and quality of life for all citizens. The Planning Commission is here to make sure that this petition conforms to the letter and spirit of the law while also representing the needs for clear, carefully thought out, organized growth. The petitioner has not conventionally shown that his use of the property would not result in a violation of city ordinance.

Bradford respectfully requested that the Planning Commission deny this petition.

Susan Baur stated that they have about two minutes remaining. This is going to be the last person who is going to be able to come up and comment in the 20-minute period.

James Hargraves

Hargraves stated that since he sent an e-mail earlier, he assumed everyone got it; he simply wants to make a couple of points. The volume of the sound and the quality of the sound are two different things psychologically. He does not know about the Commissioners, but he doesn't mind listening to Bach at 70 decibels but he sure does not like listening to a lawnmower or country music or whatever one likes. That is point one. Point two is they did not measure in any of their sound studies on the southern property line or on the eastern property line and there are businesses all along both of those property lines. Hargraves stated that he has talked to the businesses that are on the other side of their property and he hasn't found one that was for this and most of them are violently against it. He does not know if they are here or not and he can't speak for them but it seems to him that to the extent that Andretti wants to improve their income statement they may be doing it at the expense and at the irritation of all of the other businesses, such as the car dealership, the cemetery, the auto place (California Cars) and so on all along the east side of SR 9. Hargraves believes that one of the tenants in that park is a veterinarian and they made a comment that their animals react to sound a lot differently than humans do and it could create a problem for them. He can't imagine them staying there for example if this thing went into operation.

So quality of sound...also during the application process no consideration or no consultation was done with either of the two enforcement agencies, either code enforcement or police. Hargraves stated that he called both. Both had objections

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to this and they were not considered in the process by community development when they were approving this thing. If one takes a look at their community development report, the police department is not on the list. Hargraves stated that he talked to Chief Williams and he agreed with Hargraves that at night, instead of this scenic drive down SR 9 and Houze Way...anyone who knows that intersection it is hardly with two or three cars on one's visibility. It is usually crammed with cars and at night, this operation with lights on and glaring go karts...if one does not think people are going to be looking over there at the go karts instead of watching the car in front of them, unless there is an absolute screen blocking the visibility of this go kart track and even if there is...the noise.

Hargraves stated that he sent the Planning Commission an email of some of this but he would say also, the decibel levels during the night of the second test, they had a portable db meter at the site and down around where the karts were it was about 70 db. They got up on the sidewalk on Houze Way about where the two tracks were and it was 85 db. So obviously, where one sticks his microphones makes a big difference because they were getting some reflection presumably off the back wall of that 12-foot tall building. When they build this track and put it is a pit to keep people from running over the viewers, Hargraves thinks they are going to have a two-foot wall or something that they build the track in. That is going to tend to change the characteristics of the sound he would think, and force the sound straight up. Some of the sound that might be disbursed now, will get directed to the clouds and then when one gets these temperature inversions of the cold and warm air it will bounce off of that and be distributed further out into the neighborhoods.

The sound study that was done in Hargraves' opinion is next to useless because there are too many environmental things, like that east Roswell subdivision that had a problem with rise and amplitude or two miles away. But they only complained about three times in the year out of two or three performances a week. The question is how many times does one want to hear the sound of 20 go karts? In Hargraves' subdivision, in Windsor Forest which he added they got 30 signatures, they did not have time to do a petition. They hear routinely the Roswell High School when they play football games. Not routinely but sometimes one hears them sometimes he doesn't.

Susan Baur told Hargraves that he needed to wrap it up. The 20 minutes is up. She now gave the applicant an opportunity for rebuttal.

Warren Fondu stated that at this time he would like to thank all of their residential and business neighbors for participating in the second noise study and for participating in this process all together. He thanked the Planning Commission as well for participating in the study. They were all out there, they heard, they saw. Fondu stated that he had nothing specific to report at this time. He and Dr. Conifer are available for any specific questions if the Commission has any left.

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Susan Baur asked if there were any questions at this time.

Bryan Chamberlain stated that one of the comments was about squealing tires. The night that the sound study was done, was that fairly representative activity in terms of whether one would have heard squealing tires or not.

Warren Fondu stated that it was. The track was not set up with as many twists and turns as that. Those drawings are conceptual. Likely, the track is not going to contain as many twists and turns. But more importantly than that is squealing tires can be controlled. Squealing tires is a matter of chemistry and finding the right tire rig up and the right surface that they are riding on. When they first opened the indoor track it was a concern, they fixed that. Does one hear the squealing inside, occasionally. Will one hear them squealing outside? Fondu does not know but they will certainly do everything in their power to prevent that from happening because that is not an enjoyable experience for anyone including the go-kart rider.

Chamberlain stated that his second question relates to the comment made by the gentleman representing Chambrel. He referenced 45 decibel sound levels will wake a sleeping person. Chamberlain asked the applicant to address that. Dr. Ken Conifer stated that was a recommended outdoor sound level so one can find that in various standards and WHO recommends that as a target ambient outdoor noise level for repose. He pointed out that that level was obtained during the noise surveys at only a couple of the sites and all of the were above that already for reasons other than Andretti. Contributions from sources other than Andretti were setting that level already above 45 db. That is evident in both the November 4, 2010 and the September 16, 2010 data at Chambrel. Chamberlain asked if that ambient level would tend to be highest near the public right-of-ways, the road with traffic going by. Conifer stated absolutely.

Susan Baur asked if there were any other questions at this time.

Harvey Smith stated that one of the folks in opposition, Mr. Hargraves, referenced having spoken with Chief Williams. Smith asked if the Commission could get some documentation of that discussion. Susan Baur stated that after rebuttal the Commission could ask Brad Townsend some questions about that.

There were no further questions for the applicant. Susan Baur closed the public portion of the meeting and stated that the Commission will have a discussion. She told Brad Townsend that the Commission may have some questions for him as well.

Cheryl Greenway stated that before she goes to a question for Brad Townsend, it is her understanding that the separate report that the city of Roswell obtained is called a Noise Survey Peer Review. It is her understanding that that company is here. Did Townsend not say that earlier? Brad Townsend stated that there is a

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representative from Newcomb and Boyd here this evening. Greenway asked if he could come forward. She would love to have his comments on what he has heard about the sound study and the comments by the audience as far as adding more people to it, adding more squealing tires to it; she would just love to have his general comments.

David Copeland stated that he is representing Newcomb & Boyd Consulting Engineers and their services have been retained by the city of Roswell to peer review the two noise survey reports that were provided by Arpeggio Acoustic Consulting. They did provide a survey peer review of that and Copeland would like to just read their conclusion from that first and then they can address any questions the Commission may have.

Copeland stated that they have concluded that based on their review of both noise survey reports provided by Arpeggio Acoustic Consulting, LLC it is their assessment that these reports provide an accurate analysis of the acoustical impact of the proposed Andretti's Speed Lab outdoor go-kart track. That is very brief but that is essentially what they have found based on their peer review of their two reports. Copeland stated that he would be happy to answer any questions.

Cheryl Greenway stated that she thinks one of the concerns...she was out there the night the sound test was done. When she was standing near the intersections of Houze Way and Houze Road she could not hear the vehicles. She could when cars were not passing by she could just hear a low kind of hmmm type noise. That was all she could hear. But she can understand some concern being expressed that if one adds more to it, there is more confined area the cars were going through, they were doing circles that night. What is being laid out is more of a routine path that they would go through so there are more curves. What Greenway is trying to find out is whether Copeland would see that this would greatly increase the noise level or would this be a nominal increase to the noise they were hearing the night of the test.

David Copeland stated that it would be his opinion that the track layout that has been presented in relation to the circular path as he understands the cars were going in when the measurements were taken, that there perhaps could be some negligible differences in the sound level, perhaps increasing, perhaps decreasing. But again, he would say negligible. He would not characterize that as a significantly larger or increased sound level due to the proposed track layout if indeed that is the layout that is used. He would add to that that it is his understanding that on the second noise survey there were 20 go-karts in operation at the same time. He does not know exactly the arrangement or the details of what the proposed outdoor go-kart track would have but his understanding was that that was maximum that would ever be at one time if that is the case. It is realistic to assume that significantly at longer, other times during the operation of the proposed new site that there would be less go-karts

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operating and therefore that would significantly reduce the noise levels produced. So this would be a peak number that they are discussing and that other noise that was produced by fewer cars would therefore provide a lower level.

Harvey Smith stated that he had a question for Brad Townsend. What effect does the appeal have on the Commission's finding tonight that James Bradford has filed? He filed two appeals to mayor and city council next month?

Brad Townsend stated that the appeals are to the Board of Zoning Appeals. They do not go to mayor and city council. What Townsend would recommend this evening if the Board wishes for this recommendation to go forward to mayor and city council on some format that they probably determine that a condition be added that if such appeals of the administrative determination are found successful by James Bradford, that such approval is null and void because this application doesn't pass standard related to landscape or parking as well as buffer setbacks required by those two code sections.

Sydney Dodd asked Brad Townsend if he could provide the Commission with the historical zoning approval for... Startime used to have an outdoor go-kart racing facility. He does not think it is any longer in operation. However, he would be very interested in seeing some of the particulars as it pertains their zoning approval. Any code issues...

Brad Townsend stated that the Startime application, when they included a batting cage as well as a putt-putt golf and an outdoor track, the zoning code did not require a conditional use approval for that use to be located there. The property was at the time zoned C-3, similar to this location. That track met the commercial requirements for landscaping, a 10-foot landscaping buffer adjacent to Commerce Parkway, similar to what is being proposed this evening. That approval just went to the Design Review Board and did not require a conditional use process. That code has been changed in 2003 to state that anything that had commercial recreational outdoor facilities was required a conditional use process which is processed through the Planning Commission and then formerly reviewed by the mayor and city council. The council has the authority to either adopt or deny the application.

Sydney Dodd asked as a follow-up if there were any records or history as it pertains to Startime when they were in operation as an outdoor go-kart facility. Townsend stated that when discussing it with some of the code enforcement officers that they did not have any noise issue. There are not particular residential homes adjacent to there. He believes there is an apartment complex on the other side of Commerce Parkway but there are no single family homes probably within $\frac{3}{4}$ of a mile of that location.

Harvey Smith stated that the comment that James Bradford made about the parking, is that an issue that engineering...he can't find it through his notes. Was

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that properly addressed? Is the number of required spaces suitable for the project if it goes forward? Brad Townsend stated that in the determination of the zoning director it is. There are sufficient numbers of parking spaces. The termination that James Bradford is appealing is the caveat in which when a use is not specifically mentioned that the zoning director has the authority to determine appropriate numbers of parking spaces. In this particular instance they used what was the interior square footage of the separate uses within Andretti's dealing with the restaurant, dealing with the arcade, dealing with the track as well as adding maximum number of employees on any shift that he might have within the operation to determine sufficient number of parking spaces.

Susan Baur asked Bradford if staff has discussed this or they have sent it to the police department for their comment. Brad Townsend stated that they sent an email after the last meeting specifically to the police chief. They included his response in the Commission's backup material. They did not see that they would be involved in the review process in dealing with anything. They will probably deal with the land disturbance permit if there is anything related to crimes or TED issues that they would recommend for this application. They know it is going through the review process. Staff is constantly in contact with the police department as well as the code enforcement department.

Cheryl Greenway stated that she would like to discuss one thing for a minute for her concern that was expressed, she forgot which person it was, but it was a concern that what if it got approved and then they wanted to add more cars, louder cars, etc. She asked Brad Townsend to correct her if she is wrong but if that happened, then a complaint could be filed with the city of Roswell. At that time the city would study, look at the noise level and then the applicant would be cited for that violation and they could be shut down if they didn't fix it.

Brad Townsend stated that was correct.

Cheryl Greenway clarified that if this was approved and if that did happen, then there are things in place that would put them in the position of having to comply or shut the facility down.

Brad Townsend stated that in every instance this operation has to comply with the city's current standards for noise levels. That is what is on the books, that is what they will have to comply with. Cheryl Greenway clarified that that was true whether it is them or whether they sell it to somebody else, they would have to still comply with the ordinances. Townsend stated that was correct.

Susan Baur asked if there was any discussion.

Mark Renier stated that at the last Planning Commission hearing it seemed like the major concern was noise, noise, noise. Everyone was really concerned about the noise and questioned the original noise study. The Planning Commission

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decided to do a second study; that made a lot of sense. They went out to the study with the neighbors. Renier stated that there were five of the commissioners present. Three of them went to many of the locations starting with the Roswell Bicycle Shop. Renier stated that he talked to that owner while the first round of karts were going listening inside his door, outside his door. He told Renier that he had no issue with this. They then went in back of the Roswell Bicycle Shop to the massage therapist at the office building right there on Houze Way. They went inside with her and absolutely heard nothing. The only thing they heard was the lights that were on in her office building, the fluorescent lights. They shut the lights off, they still heard nothing. They then followed the meter reader; they went to areas 5, 10, 11 and 12. At all of those areas during the height of the 20 karts that were running, they wanted to hear something. They tried to hear something. There was just nothing there. The only thing they heard intermittently at times were airplanes overhead or cars driving by. There was no sound. So in Renier's opinion, since the major complaint was noise from those areas and the neighborhoods wanted a second study...it is fall and the leaves are pretty much off of the trees. In his opinion and he thinks that the attorney for Chambrel said it right. These are numbers. Renier does not know what the numbers mean, he just knows what his ears hear. And he heard absolutely nothing there. So based on the fact that the second study was conducted and he thinks in a manner that reflected transparency and fairness. Everyone was invited.

He knows there was an email sent out before that stated that people weren't invited to see the meter readings. Renier wanted to put any conspiracy theories to rest. That wasn't the case as far as he was concerned because they were all invited to look at the meter, see what it was reading at every location. So in terms of the noise Renier has no issue that there's not going to be an issue in those neighborhoods. With some of the issues with the landscaping maybe could have a little more enhanced landscape plan.

Mark Renier stated that he would like to talk about the tent. Maybe they could go with more of an earth tone tent as opposed to a bright blue tent to tone that down a little bit if the applicant would be willing to do that. Other than that, Renier does not see any issues here for him.

Susan Baur stated that she will speak from the other team who went to this second sound study. She and Cheryl Greenway were together at the other locations. They were at locations 4, 6, 7, 8, 9 and 10. Seven was the town homes along Houze Road and she heard nothing. Four was the corner of Houze Way and Houze Road and Baur did not look at the second sound study carefully against her note until just today and it was exactly the same. It was what Arpeggio reported which was very, very slight. But she had to strain to hear it. She really had to strain to hear it. She heard nothing at any of the other locations. These studies went on between the period of 9 and 11 p.m.

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Baur stated that she agrees with Mark Renier. She thinks the second study was done with a lot of transparency as well. She believes that. She commends Andretti for doing a second sound study with the full operation running. She thinks it gave the Commission a very fair assessment of what the sound potentially would be.

Baur's only concern is the hours between 11 p.m. and 1 a.m. on the weekends when ambient sound drops off a lot and there is a potential, even though it would not violate the zoning ordinance for sound. Potentially the people who live in the town homes, and they would not know this unless they did a third sound study at 1 a.m. But potentially the town homes or Chambrel could hear some buzzing between 11 p.m. and 1 a.m. Baur stated that she live closed to GA 400 and she does not hear GA 400 until about midnight when her window is open and she can hear the slight buzzing of GA 400. She is very familiar with what that is and it is true that if one is listening for it he will hear it.

Baur stated that her concern is those weekend hours between 11 p.m. and 1 a.m.

Harvey Smith stated that he had a couple of comments. He was in the group with Mark Renier and to reiterate, that was very enlightening for him because the first study when he was at last month's meeting he did not have a clue of how it was done, how the meter was set up. They were very transparent. Smith was in the group where he could walk right up to the meter. It was very interesting to see it fluctuate. When a plane would fly overhead it would go up maybe six or either decibels. His only other point that Renier made related to the noise, Smith does not see an issue with the noise. The farthest, he guessed when they went to Darien Park and Litchfield Place and then that nine acre tract that the gentleman spoke about last month. When one is standing there in the street and are timing it when the gentleman...they were out of range for the two way radios. And when they have to call one of the testers on the cell phone to say that the go karts are idling or running...then one cannot hear them if they have to call him on a cell phone to tell him if they are running or not, it is kind of a moot point.

Smith's only concern would be the hours of operation, the lateness. He doesn't understand why they have to run past 11 p.m. to operate that type of business. He has some concerns about the visibility but he thinks that could be accomplished by more screening to the landscape plan. Those are his comments but he agrees with Mark Renier on his comment that he thought the main issue was the noise. Having been there and seem it for himself, the way it was tested Smith does not know how they could then test it any better.

Bryan Chamberlain stated that he shares the concerns about the weekend operation past 11 p.m. In thinking back to last month's meeting, the two concerns expressed by people in opposition were about the sound (auditory) and visual. It would appear that both have been addressed. One from the actualization of the

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sound study and that tree plantings are going to be put in place to mitigate the visual impact that seems to be viewed as negative by some folks. But Chamberlain would strongly suggest that the Planning Commission consider limitation on those weekend hours.

Cheryl Greenway stated that she appreciates the neighbors' concern but as the Commission was discussing, she stood in Chambrel and walked from Houze, walked not driving in a car, but they walked from the corner of Houze Way and Houze Road to Chambrel and then back down into Chambrel. They still heard nothing going on. They were in Chambrel, they were running all 20 karts, they still heard nothing. She has to give Andretti's credit from the standpoint of the listened to the Commissions concerns last month, they asked for a deferral, they organized the second sound test, they are paying money for a valuable service. A second party came in from the city of Roswell to give their opinion as to the validity of the sound test. It is not just somebody standing there going, "Yeah. It's fine." The applicant has done what Greenway would call due diligence to try to prove that they can make this work. She does have the same concern about them operating after 11 p.m. That still gives her concern that that just creates other issues. She thinks they can deal with the landscaping to make it an attractive situation with the fence. She thinks they add the security and safety to keep one of the karts from going out into the road or such. The same she heard was the concern of noise and she would have the same concern if she was one of the neighbors. But having been there and listened to it, Greenway just doesn't see it being as big of an issue as she thinks maybe the neighbors are worried that it is. She really thinks the applicant has made good efforts to try to make this a doable deal that works for everybody.

Susan Baur called for a motion or any other discussion.

Motion

Cheryl Greenway stated that she would make an attempt at a motion. The Commission may have to amend it.

Cheryl Greenway made a motion that the Planning Commission approve CU10-04 and CV10-02 to mayor and city council. However she does feel that a condition should be put on it to limit the hours of operation to no later than 11 p.m. She also feels that they need to have the understanding with the city council that if the administrative appeal is such that it reverses Brad Townsend's determination then this becomes a moot point and that the site plan is no longer valid and the applicant would have to withdraw at that point and then go to the Board of Zoning Appeals to deal with that issue should that happen.

Cheryl Greenway stated that she will stop at that and see if there are any comments.

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Mark Renier asked Brad Townsend a question before the Commission votes. On the hours of operation to 11 p.m. again he would assume this is mainly because of the noise issue. If the noise becomes an issue, that is a code enforcement issue.

Brad Townsend stated that was correct. Renier stated that if there is no noise issue, he doesn't understand what the issue is with taking them through midnight or 12:30 a.m. He doesn't understand what that issue is. If there is an issue with the noise and it is a code enforcement issue, Renier would recommend that at some point they are backed down to 11 p.m. so that they go beyond that point. He hates to hand cuff the applicant to something that may not be an issue yet. That is his only concern with holding them to that 11 p.m. hour.

Susan Baur asked if there was second on the motion.

Harvey Smith asked if Cheryl Greenway could restate the issue or did they address the visibility or any additional screening. Could that be a condition of the motion?

Cheryl Greenway stated that it is her understanding that the applicant does not have to go before the Design Review Board. Brad Townsend stated that they will go back in front of them. Greenway stated that the Design Review Board would take care of additional screening or anything like that would be needed.

Brad Townsend stated that the Planning Commission could make that recommendation to go on to council that they look at additional screening along Houze Way to totally visually block off any visualization of the karts. The material and location shall be acceptable to the Design Review Board.

Cheryl Greenway added a condition to her motion that that be looked at by city council that the appropriate amount of screening is done to make this site appealing to the eye and safe.

Harvey Smith seconded the motion.

Susan Baur asked that the record reflect unanimous approval of the motion. This recommendation with go before mayor and city council on Monday, December 13, 2010. If one is interested in this issue he should mark his calendars for Monday, December 13th.

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

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