

say all staff conditions, it was in the resolution and making that motion it includes the staff conditions, all 10.

Cheryl Greenway clarified that all 10 conditions would have automatically been included thereby. Jackie Deibel stated that was correct.

Bryan Chamberlain stated that it was intended that it was the resolution.

Cheryl Greenway asked Lisa DeCarbo if she wanted to change her vote. DeCarbo stated that she did not. Greenway stated that the vote stands as is.

Harvey Smith stated for the record that he was seconding it based on that assumption because they have a resolution here that included the 10 conditions and he assumed they included that when he seconded the motion.

Cheryl Greenway stated for the record that she voted the same way for that. There is still a long way to go on this. She thanked everyone for their time and they were so succinct and very good with their comments.

At this time the Planning Commission took a five-minute break before the go to their next item.

REZONING, CONCURRENT VARIANCE & CONDITIONAL USE
RZ-201300146, CV-201300149, CU-201300151
REGINA CAELI ACADEMY
UNITED COMMUNITY BANK/ROBERT DONNER
2370 & 2380 Holcomb Bridge Road
Land Lot 730

Jackie Deibel stated that this is a request to rezone to OP (office-professional) with a conditional use to allow for a private school. The applicant is requesting variances to the setback and the buffer. Deibel presented an aerial view of the properties. The 2380, for some reason the arrow is not on there, it is pointing to the smaller one, and one just can see it.

To the north of the property is single family residential zoned FC-A, Fulton County Annexed. To the south across Holcomb Bridge Road is Church. To east is single family residential and the west the first one is vacant land right on the corner. The second one is a single family home. It is zoned FC-A, Fulton County Annexed with an underlying zoning from Fulton County as AG1, agricultural.

Deibel presented the proposed site plan. The applicant has met with staff and has worked out issues with storm water, engineering and fire related to comments from them during the process. And they have also listened to what the Design Review Board had to say and she believes push the building over a little bit further, closer to the vacant property and

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the one home along Scott Road in order to have the buffer closer to the single family homes on the east side in order to have that 40 feet.

The variance request that the applicant is asking for is basically to do a landscaped buffer along the east side for 40 feet instead of basically an undisturbed buffer. Deibel thinks the building on the corner is a little bit closer than 50 feet but she will let the applicant talk to the Commission about that.

The staff is recommending approval of the rezoning, the conditional use for the school and the variances to the setback and buffer with these conditions.

1. To the March 21st site plan, that the school be limited to a maximum of 200 students.
2. To install an eight foot fence along the eastern property line.
3. A combination plat of the two parcels to be approved prior to the LDP.
4. To install a deceleration lane as approved by GDOT.
5. To dedicate sufficient right-of-way in order to accommodate the Roswell Transportation Department for the decel lane.

In speaking with the applicant, Jackie Deibel received an email related to condition no. 2 and the homeowner related to that is here this evening. They indicated that they would rather see more of a screening with buffers instead of a fence. So she will let the applicant address condition no. 2 because he has had conversations with the homeowner

Jackie Deibel asked if there were any questions for staff.

Bryan Chamberlain asked if he was correct in assuming that the property that has buildings on it to the west of this, which would be the second property on Scott Road is not occupied or is that an occupied property?

Jackie Deibel stated that from what she can tell that is a single family home. She thinks that it is occupied. Now the property on the corner is vacant.

Bryan Chamberlain stated that he drove past it and he could not tell and he thought he recalled something in all of these notes about that being vacant property and that it may actually, ultimately be developed as commercial.

Jackie Deibel stated that is possible. Those properties are fronting on Old Scott. At some point in time it is a possibility that they could be rezoned for commercial. This is in the Holcomb Bridge corridor under the 2030 Comprehensive Plan character area. So that character area does look for a mixture of different types of uses, residential, schools, commercial. So there is a possibility that it could be in the future.

Cheryl Greenway asked Jackie Deibel if that is what staff is recommending the fence on the east side and not the west side. Deibel stated that the recommendation for the fence and the buffer was more for the east side because there are established single family

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subdivisions next to it. Whereas as one can tell on the west, the one property is vacant, the other one is single family home, which could technically turn into some commercial in the future. Greenway asked if the Planning Commission should be addressing a buffer at that home for now.

Jackie Deibel stated that they are asking for a variance to that buffer side so staff is recommending approval of what they are showing on the site plan.

Cheryl Greenway thanked Jackie Deibel. She asked if there were any other questions for the city.

Sidney Dodd asked what it was zoned prior to Fulton County-Annexed. Jackie Deibel stated that it was agricultural. So it has never been rezoned under the Fulton County. So, agricultural allows for single family residential at one unit to the acre or kennels are permitted by right and farming, agricultural type uses. So this property was actually never rezoned in Fulton County.

Sidney Dodd thanked Jackie Deibel.

Lisa DeCarbo asked if the site plan that the Planning Commission has here current or have there been changes after talking with some of the departments.

Jackie Deibel stated that the site plan dated March 21st was submitted after they had met with the departments and made the changes requested by those departments. Lisa DeCarbo clarified that it does reflect all of those. Jackie Deibel stated that was correct. DeCarbo thanked Deibel.

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

Robert Donner stated that he was speaking on behalf of Regina Caeli. He thinks the application is pretty straight forward but if he could just tell a little bit of the story of what their use is...it is a hybrid home school. So, their children will meet their two days a week and home school three days a week. That is the intended use. The school is currently in Norcross. It is a religious affiliated school. It is Catholic. They are having a 10-year history, they are in three or four different states and it is basically addressing the issue of the high cost of tuition for private schools. It is a fully accredited curriculum and it is a fantastic model. Donner stated that he is the developer. He is also going to be a parent at the school this year.

Donner presented the concept of the elevation. All of the changes as Jackie Deibel mentioned, they have gone through there, they have met with the neighbors. They have two of their neighbors here present. Mr. Sikes' house is on the eastern border of their property on the border that they are asking for the variance to do the landscape buffer.

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They want to keep the full width of the intended standard buffer but just allow them to landscape it because there is some scrub brush there and it is not sightly. They both have a mutual interest in beautifying that area. They have walked the site together, his wife is a gardener and so they kind of have similar interests in what they would like to plant there. As far as on the western side of the property that house is not occupied that was in question. Mr. Treadwell owns that home. He came and met with the applicant at city hall. Donner thinks Treadwell uses it as a weekend shop, but no one is currently residing there full time. Mr. Cowart, who is here also, owns the lot on the top corner.

Regarding the border on that side, they just asked to reduce it to 25-feet. There is some natural kind of topography there that forms somewhat of a barrier. The first plan that they submitted to the city called for kind of a driveway around the building because they had 25-foot buffers. So, in order to accommodate the changes that were requested they took out the drive around driveway, kept the 40-foot buffer, which is one of their requests on the eastern side, but that kind of squeezed things because it is a tight site. So, that is why they are asking to go to 25 feet. That leaves one lot width between the applicant and the Old Scott Road and then the next shopping center.

The images that the Planning Commission sees are their conceptual drawings. It will be a traditional style building, single story and just under 20,000 square feet.

Robert Donner stated that concluded is presentation. Cheryl Greenway asked if there were any questions for the applicant.

Bryan Chamberlain stated that as it relates to the revised site plan and fire. Has fire approved these distances for being able to get to the back. Robert Donner stated that the biggest concern was the 30-foot and the 50-foot radius and that has been redesigned and they said that it looks like it accommodates that. Of course it will have to be specified in detail when they go for the LDP.

Chamberlain stated that in thinking specifically about the back two corners, the landscape buffers or the undisturbed buffer, whatever they are called. Has fire said that was fine and that they can get their trucks to the back of the building if they need to fight a fire?

Jackie Deibel stated that she can address that. After the emails came through, she called Paul Picarilli and spoke to him specifically and he did indicate that it worked for him.

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

Lisa DeCarbo stated that a lot of the questions or comments that came out of DRB would be maybe doing a slightly different design in terms of the building plan. So they could be set back farther from the road and so that the applicant would not have these buffer issues. Could that be considered at all?

Robert Donner stated that a lot of the design comments to his understanding, the major issue was that border, the 25-foot going...so they did fully accommodate that one. And then the site plan looked a lot different. As far as the architectural style goes, they are a traditional school; they would like to keep a traditional architecture. But as far as the configuration of the plan, they are totally open to that.

Lisa DeCarbo stated that she just wanted to be sure. They are calling for a 40-foot buffer on each side. Donner is making it so that he can only have a 25. Donner stated on the western border. Those are unoccupied lots on the left and then they probably would likely not ever be used for residential again because there is full commercial east and west of their property.

Lisa DeCarbo thanked Robert Donner.

Cheryl Greenway asked if there were any additional questions.

One thing that Greenway wanted to clarify is Donner said their students will only be there two days a week. The rest of the week, Monday through Friday will be offices? Donner stated that it will be just the administrative staff for the school and from there manage the other campuses in other states; there are five to seven of them. And then the growth plan ultimately would be a Monday, Thursday class school and then maybe another whole school of students would come Tuesday and Friday. So that is a potential. Currently it is not at that volume right now.

Cheryl Greenway asked if there is any consideration of doing anything in the back of the property. A gathering of the students in the back where they might be doing something and the playground area that would be a disturbance for the neighbors, the housing.

Robert Donner stated that other than the sound of children's play, no. They have no intent for team sports. They have no intent for athletic or stadium lighting or anything like that. So other than during school hours, hearing children on the playground, typical just playing, there won't be any other kind of organized activities there.

Cheryl Greenway thanked Roberto Donner.

Bryan Chamberlain asked how many houses there are behind the playground. Three? Robert Donner stated that Mr. Sikes' property borders that eastern side and then there is another property that borders it but the house is on the farthest away side of that property. Now on the western side there are no occupied homes that are adjacent to it.

Chamberlain asked of those that do border, is he correct that the elevation of those properties are up quite a ways from the playground area. Donner stated that was correct. From Holcomb Bridge Road to the back corner there is roughly a 40-foot elevation change. So as it goes up, Mr. Sikes' property's driveway goes up and it is kind of at a

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halfway point. The other property is a lot steeper but that house is so far removed it doesn't really have visibility to where they are.

Bryan Chamberlain asked about the property between the playground area and those respective houses. Is that grown up with trees and things? Or is it open? Robert Donner stated that there were a lot of shrubs. There are two or three specimen trees, which unfortunately they have to remove. They are going to over-canopy with the re-plantings there. And they are big on landscaping and the neighbors have gone and seen his other work. But the intent here is to use natural landscaping as a buffer and as a barrier and the height will play to that advantage too.

Harvey Smith asked if this was an assemblage of two pieces of property put together. Robert Donner stated that it was. Smith stated that he was looking at the bigger part. But both parcels are adjacent to Holcomb Bridge Road. Who are the two pieces? It looks like at the very top of the triangle that house, at the very peak, is that Cowart's property? Or is that box a house? Robert Donner stated that is where they took a sampling of a tree count. Smith stated that he could not read the fine print. Donner stated that the dotted lines represent the property boundaries. He pointed out Cowart's, Treadwell's and Sike's properties.

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

Lisa DeCarbo stated that she wanted Donner to verify the entrance he has on Holcomb Bridge Road is currently a right-in and a right-out only. Donner stated that was correct. DeCarbo thanked Donner.

Cheryl Greenway asked if there were any additional questions from the Commission. Hearing none she thanked Robert Donner and asked if there was anyone present who would like to speak in favor of the applicant.

Jim Cowart

Jim Cowart stated that he has 55 years of experience in developing land and enjoys a good reputation of having a good relationship with the Board of Education, the church and so forth. He has always felt like the best people he could have for neighbors of his subdivisions are good schools and churches. He views this as...he stated that he has a conflict of interest. He owns a lot next door to this but that is not the real problem. He views this as an asset to the residential community. It is an amenity for the neighborhood because it is a good concept for education and their children and he is totally for it.

Cowart stated that he will answer any questions the Planning Commission might have. Cheryl Greenway asked if there were any questions for Jim Cowart. There were none. She thanked Cowart.

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Howard Sikes
2400 Powder Ridge

Howard Sikes stated that he and his wife have lived at 2400 Powder Ridge for 28 years. They want to live there for another 28 years. Their property abuts the proposed development for about 330 feet along the east side from the intersection of Holcomb Bridge Road and Powder Ridge. They feel that the placing of a school here is a reasonable compromise between residential and commercial. Residential at that place is no longer viable he thinks and Sikes would really hate to see...they think would be disastrous at that particular point. So they think this is a reasonable compromise. They initially had concerns about rain water run off and landscaping in the buffer area but they have looked at the plans, they have talked to Robert Donner, they walked the property with him and they have actually gone to a previous development of his in Sandy Springs and it has allayed their concerns in those two areas. Sikes' wife specifically did not want a fence. She wanted a so-called live landscaped buffer area and he has gone along with that.

Their main concern is stabilizing this property and keeping it out of commercial hands. In view of that the Sikes' are in favor of this proposal going forward.

Cheryl Greenway thanked Howard Sikes. She stated for the record that there is really no one else to come forward to speak in favor of the applicant and there is no one else to come forward to speak in opposition of the applicant. So she asked the applicant if he has any additional comments or anything else he would like to say. Robert Donner stated that he did not.

Lisa DeCarbo asked Robert Donner what type of landscape border or buffer was he talking about having. Donner stated that they would actually use Harrison Architectural Landscape Services and design one with the neighbors' input and approval. But their typical stuff as one has seen on their other projects is a lot of Leyland Cypress type screening with staggered height bushes and then some color at the bottom. So they will try to get year-round greenery, things that will grow and fill and then just stagger the layers down. They are talking about actually a nice embankment here so the neighbors will see some nice landscaping on their side, the applicant will see it on his side and then they will have the vertical screen.

Lisa DeCarbo thanked Robert Donner. She asked staff why there was a concern for having this stay as an undisturbed buffer. Do they have steep slopes? Is this something that engineering is going to be okay with?

Jackie Deibel stated that she does not see a problem with an additional landscape buffer. The normal buffers that the city requires when any type of commercial or office development is abutting residential is a standard undisturbed buffer or basically it is considered an undisturbed buffer. Whereas, if they want to landscape it, staff does not have a problem with that and Deibel does not think that anybody in engineering did

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either. They will be required to go to Design Review Board. They have been through DRB for their initial. DRB will have the final approval on the landscaping so that will be handled by that Board.

Cheryl Greenway stated that she also has one additional question. Didn't she see where this is going to have also young children, K-12? Robert Donner stated that it is K-12. Greenway asked if there is going to need to be some therefore some fencing in the backyard for the smaller children for when they are out to play. Donner stated that they had not intended on that because the natural topography kind of lends itself nicely to a walled-in area naturally without putting any kind of fencing in. If anything it would be more on the temporary type, a rope-type fence or something if they needed to do that but not the eight-foot tall kind of idea. Greenway stated that she assumed anything that would be required by the school standards is what Donner would have to deal with as far as dealing with the small children and such. Donner stated that was correct. Their accreditation has requirements for those kinds of things and he is not fully versed on those.

Cheryl Greenway thanked Robert Donner and asked if there were any other questions for the applicant or the city. Hearing none she called for a motion or any discussion.

Motion

Harvey Smith stated that it is not oftentimes one has these applications and the only two people speaking are for it. It sounds like a happy meeting of the minds for this particular use.

Harvey Smith made a motion that RZ-201300146, CU-201300151 and CV-20130014 located at 2270 and 2380 Holcomb Bridge Road be approved for rezoning with the conditional use and concurrent variances to be approved also as stipulated by the staff. There are six conditions.

Jackie Deibel asked Harvey Smith if he wanted to indicate on that one condition and say not have a fence and do a tree buffer. Harvey Smith stated that he would amend that to say that item no. 3 instead of an eight-foot tall fence that would be a tree buffer as agreed to by the applicant.

Sidney Dodd seconded the motion.

Cheryl Greenway called the question. The motion passed unanimously.

She thanked the applicant for his patience tonight.

APPROVAL OF MINUTES

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