

**CONDITIONAL USE**

**10-0616**

**CU10-05**

**ZION MISSIONARY BAPTIST CHURCH OF ROSWELL, INC.**

**944 Myrtle Street**

**Land Lot 425**

Brad Townsend stated that this is a request for Zion Missionary Baptist Church to use an existing single-family residence as a conditional use as a youth center. The Missionary Baptist Church owns the property and would like to be the home for its youth group discussions and meetings. This is an existing home on Myrtle Street approximately 400 feet from the main sanctuary of the church. The surrounding areas for this location are: It has single-family to the north, there is an existing duplex to the south, single-family to the east, there is single-family as well as an existing two-story office to the west of the subject property. The approximate residence is 1300 square feet. There would be some changes to the interior as well as some handicap requirements that would need to be done to the home for it to be used as this. The church has indicated the hours of operation haven't been established. The church has also indicated from 20 to 25 teens is the maximum number. The ratio of adults to teens would depend on the type of meeting being held but the church indicates one adult for every five teens.

With this application in the change of the use to the conditional use there are variances that will be needed because of the existing development related to the property lines. Customarily they have a 50-foot from the property lines setback requirement along the side and rear in which the 25-feet is a natural buffer.

The house was built approximately in the 1960's as a residential structure and met compliance for the setbacks at that time.

Staff is recommending denial of this application. Their feelings at this time related to the proposed location being approximately 400 feet from the main sanctuary. This introduces a different use. There are existing single-family or duplex homes surrounding this except for the office use. One office use is to the west. Staff feels the church has existing single-family homes that are adjacent to its main sanctuary, which may be more conducive for the youth facility.

In summary the staff would recommend denial of the conditional use.

Sydney Dodd asked Brad Townsend if he has a diagram that shows the church in relationship to the single-family dwelling. Townsend stated that the aerial with the X on it is the main sanctuary with the little cross on it. The red box is the proposed location of Myrtle Street.

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Bryan Chamberlain stated that he believed it was stated that there are properties owned by the church that are closer to or adjacent to the church. He asked Brad Townsend to point those out.

Brad Townsend stated that the yellow pieces of property are under current ownership. He pointed out the subject property that they were talking about as well as the main sanctuary.

Chamberlain stated that on the piece of property that the main sanctuary is on, just below that there is an asterisk on that piece of property. Is that housing or is that parking?

Townsend stated that the church identifies it as future parking. He thinks there may be some stream buffer locations. Chamberlain clarified that there were no structures. Townsend stated that was correct. Chamberlain stated that the properties that lie to the east of the sanctuary referenced as L82 and L92. Are those owned by the church? Townsend stated that one of them currently has the old church on it (L15). He thinks there is also a building that one can see on the aerial. Chamberlain asked Townsend if he knew the current use of those buildings that are close to the church. Townsend stated that he did not

Cheryl Greenway stated for the record that she needs to establish the fact that the property identified in this view the Commission has right now, no. 94-23 is property that she owns. She has checked with the city of Roswell to see if she needed to recuse herself; the feeling is that she does not. Therefore Greenway stated that she is intending to stay on the Planning Commission tonight for the discussion.

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

Frank Lewis stated that he serves as pastor of Zion Baptist Church. The proposed property is the only property that the church has that is adjacent to the church with a building. The property on Zion Circle is not feasible for a youth center. The other two properties that they are dealing with at this time are being used by other ministries. They cannot be used for a youth center. Lewis believes that this is the best site for their youth center for discussion purposes only. They never intended to have overnight retreats or stays at the proposed property at 944 Myrtle Street.

Lewis knows there was a concern by the neighbors about parking and noise. All of the parking will be done in the driveway or at the 88 Zion Circle facility. Larger meetings will be held at the church in the fellowship hall.

Lewis stated that he appreciates the Planning Commission's consideration for them tonight that they do the Lord's Work. God bless you.

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

Bryan Chamberlain asked Frank Lewis if he could speak to the issue of it being a gathering place and it being young adults needing the possibility of some supervision. He asked Lewis to speak to the supervision issues that keep parking under tow and noise levels down and those kinds of things.

Frank Lewis stated this was a youth center with teenagers and they always have adult supervision for any teenage activities that they hold at the church and offsite. Usually there is one adult for every five children.

Harvey Smith asked Frank Lewis if the church would have a problem limiting the hours. What does he anticipate the hours of operation to be for the youth center? Frank Lewis stated that it would be early evenings, no later than 9:30 or 10 p.m. Smith asked if that would be every day of the week. Lewis stated not every day of the week probably three days a week not later than 9:30 or 10 p.m. And there will be no overnight stays.

Smith asked if it would be a problem limiting the parking because the sidewalks are already existing down to the property. Lewis stated that they have plenty of parking for the young people at their existing church. Smith stated that the concern for overflow parking, he thinks the parking problem is probably on Sunday when people are just parking all up and down the street going to church. He does not think it is related to this function. Would that be the correct assumption? Lewis stated that they would not be parking up and down the street for these activities.

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

Sydney Dodd asked if it would be possible to park the vehicles for this particular facility off street or shuttle them in from the main church campus. In essence obviously Sunday he is sure that the traffic along that street reflects the church. But with this additional facility, would it be possible to assure that there wouldn't be any off street parking that is required and park all of the vehicles either in the driveway or on the main campus of the church? Frank Lewis stated that they could do either/or if the event was in the driveway. But they prefer to park a few vehicles in the driveway and the remainder of the vehicles at the local church parking lot. The church is adjacent to the potential youth facility. Dodd clarified that they could park essentially on the main campus and then just walk to the facility. Lewis stated that was correct.

Cheryl Greenway asked Frank Lewis if he could explain why there is a need to have the youth center off site from the church. Is there not room within the church to do this function? Lewis stated that they are trying to reach those kids in the

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neighborhood who have problems going to local churches. A lot of young people are intimidated with going to the local church as we know it. So they feel more comfortable getting involved in youth activities in facilities other than a church structure. The church feels they use this as an avenue to reach some of the kids in the community who are doing mischievous things in the community. Their goal is to use this as an outreach to better the community.

Cheryl Greenway stated that she drove down the driveway tonight and it is not a very big driveway. One could get maybe four or five cars maximum on it. But everybody would have to leave at one time. It would be hard for someone to get out. She clarified that Lewis was not looking to have cars park in the grass. Lewis stated that he was not.

Bryan Chamberlain asked Lewis to speak to the area of Myrtle Street and Zion Circle, the residential area there. The future view the church has of acquiring properties in that area and the whole development process in terms of redevelopment into the future. Frank Lewis stated that their goal has always been to secure property as it becomes available on Zion Circle and Myrtle Street, in that area when it is affordable. That is what they have done over the years. When he came to Zion 28 years ago, the only property Zion owned was the 929 Zion Circle site. They secured bits and pieces of property over the years to accumulate all of the property that they have today. They believe that if they are going to stay in this community they need to continue to acquire property so that they can do the Lord's work.

Susan Baur asked Lewis if they would be having any outdoor activities at this youth center. Lewis stated that they would not. All of the outdoor activities take place either at 88 Zion Circle or they use the Roswell Area Park or outdoor activities. Sometimes they use the Waller Park Extension.

Cheryl Greenway stated that when she was there tonight there were no outside lights on the house. Will the church be adding some if they are looking to have the children come during the night? Will they be adding some outside lights on the house? Frank Lewis stated that there are lights on the house but they are not turned on. Greenway stated that there were none on and she couldn't tell if there was any lighting out there available for the driveway. Lewis stated that there is very limited lighting now. They need to put lights up on the property. They purchased the house for the Katrina evacuees back in 2005, whenever Hurricane Katrina was. That is what they used the house for during that time.

Susan Baur asked if there were any other questions for the applicant. She thanked Frank Lewis and opened the public portion of the meeting. She asked if there was anyone who would like to speak in favor of the application. Seeing no one she asked if there was anyone who would like to speak in opposition to this application.

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**Donna O'Berry**  
**924 Myrtle Street**

Donna O'Berry and her husband own the property that is right adjacent to 944 Myrtle Street. It is 924 Myrtle Street and it is the duplex that is south of this subject property. O'Berry stated that the Commission had a handout that she gave to Jackie Deibel a little bit ago. She would like to just go through some of it. She won't go through all of it. First of all what is in there is they made some responses, they did go to the neighborhood meeting and had a nice little one on one discussion with Pastor Lewis. O'Berry has made some comments about some comments that Lewis or whoever did the application did in an email to the planning and zoning division. She has some comments about some of the notations that they had on the application. She also has a few pictures that she would like to share with the Commission.

On the second page, one of their concerns when they had the one on one at the neighborhood meeting was that it appeared to them as neighbors that there was an awful lot of undecided. When they asked how many people were going to be there, they were not sure. Their intention was for it never to be more than 10. They were really not sure what the ages would be; they might be between this and this. What kind of activities are going to go on? Well, we intend for it to be just talking and studying. How many people are going to be allowed? The neighbors just didn't get any answers and so a lot that bothered them. They didn't get an answer on the timing. Tonight is the first time they have heard anything about between 9:30 and 10:30 p.m. Some of that kind of stuff concerned the neighbors.

Parking will be in front of the building. The neighbors kind of asked what kind of vehicles would be allowed to park in the yard and will they be allowed to park in the back. Pastor Lewis indicated at that time that they would just park in the driveway. But O'Berry has pictures that show otherwise from a church perspective.

One of the things that O'Berry wanted to know is, is there a city ordinance about parking in yards? She does not know the answer to that question so she was just asking.

Brad Townsend stated that the city of Roswell does require any parked vehicle to be on a stabilized surface, not in the grass.

O'Berry stated that she will get to the pictures later but what is going on is their duplex is currently empty. They are painting and fixing floors and that kind of stuff. But when there were tenants in there, they have owned that property for three years. They got a call at least twice a month and sometimes three every Sunday that they were parking in that yard. They parked in O'Berry's yard, they parked in their driveway, they parked all over the place on Sundays. So one of

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their big concerns is the last thing on page 2. In their application it says that parking will be shared between the church and the youth center. And at the neighborhood meeting they asked Lewis if that meant that anytime the church needed extra parking they could park at that location and Lewis said yes. So, that is a real big concern of the neighbors and O'Berry stated that she would come back to that later.

On page 3 and 4 contain the church's answers to the questions on the application, most of which the neighbors disagree with. For instance, no. 1, the proposed use is suitable in view of the use of the nearby property. They disagree with that because that is just her interpretation of nearby. They are nearby because they are next door. The office building that is in the neighborhood is not even on the same street. It is behind the trees on another street. So, it doesn't really impact that little corner of the world down there which is all single-family residential. Granted there are a couple of buildings that are up near Norcross Street. They are single-family residential but they are used as office. So one or two people come there in the daytime, stay from 8 a.m. to 5 p.m. and they go home which is a real different use that what is being proposed here.

One of their fears is Lewis had said in the neighborhood meeting that maybe 8-10 people would be there. O'Berry has seen tonight and seen in the report, 20 to 25. The neighbors asked at the meeting if there was enough room at the church to have these meetings, these talk session, whatever they are going to be and Lewis told them yes, there was at the time. O'Berry questioned why they need to have the youth center at this building unless it really is to be able to use it for parking. That bothers them as neighbors.

One of the things O'Berry wanted to say was the question about the outdoor lighting was an excellent one that she didn't even think of. In that duplex, both of the bedroom windows are on the side where this little house is. So if there is outdoor lighting that is going to be going on until 9:30-10:30 p.m. O'Berry thinks that would be intrusive to tenants. It would be to her.

No. 2, proposed use will not affect the use of the nearby properties. O'Berry thinks that is just untrue because she does believe that most tenants, their tenant profile is generally a couple or a single parent, usually a mother with a small child. Both sides of this duplex are two bedroom, one bath. They are small. She does not think herself as a mother of a small child in a non-fenced yard would be wanting to move into a duplex that she knew there were teenagers hanging out next door until 9:30-10 p.m. and cars going in and out all of the time. That is just not how that property has ever been used. That is a concern for them to be able to find good quality tenants that actually want to live right next to something like that.

On page 4, they do not think the approval will be a deterrent to the values of adjacent properties. O'Berry stated that it has been their experience that if one

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goes into a residential neighborhood and he plops a commercial use, whether it is official zoning or not, on a piece of property, it will in fact effect their property values. It will not affect one's property values if the whole block goes commercial in which case people always make a lot of money. But if just one piece and particularly the pieces that are right next door to it...O'Berry realizes that there is a commercial development right behind her but like she said, it is on another street completely and it is across from the art center and it is just not the same thing.

No. 22 was mentioned in the last session. Consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. The applicant had indicated that they didn't think the integrity of the neighborhood would be unchanged. The neighbors simply don't see that that is true. They do believe that a hangout, whatever that is going to be for youth and a parking lot would certainly change the integrity of that end of the neighborhood. Down there where this little house is, 400 feet sounds like a little short distance when Lewis said that the church is just 400 feet away. But it is not even visible. One can't even see it from down there. It is a short block but the two ends of that block are very different.

Pages 5-7. Those cars are parked in the yard of 944 Myrtle Street. The picture was taken from the side if the property that O'Berry owns, the very south side. In the second picture they are actually parked next to their driveway on their property. This was on a Sunday. The third picture on page 5 is the first vehicle that is exiting from O'Berry's driveway. On page 6 is a picture of a second vehicle exiting from their driveway. And then the second picture is the third vehicle and the fourth picture is the fourth vehicle and all of those vehicles are coming out of O'Berry's driveway.

On Page 7 the top picture on page 7, the white car, it is parked in O'Berry's yard right behind their mailbox. The middle picture on page 7 is a picture of and if the Commission will notice that fire hydrant...that is also in their driveway. There are two driveways because it is a duplex. If one will look at that truck just to the right of the truck near the front is a fire hydrant that right after that, that truck ran over. In the last picture the fire hydrant is actually under the truck and then they drove off.

So this is already a problem and it really concerns O'Berry if they are going to be able to share this parking. Back on the first page, just to sum up, O'Berry is respectfully requesting that this application for conditional use be denied. Their four biggest concerns were really no...she does not want to say hard and fast, but very fuzzy guidelines as to what is going to go on, the hours, the ages, that sort of stuff. If there really is room at the church, does this residence really need to be turned into a youth center or is the intent more for it to become a parking lot?

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O'Berry stated that the negative impact on them, this is a personal thing, for being able to get quality tenants. That is their concern.

Bryan Chamberlain referred to the last two pictures on page 7. What property is that? O'Berry stated that was 924 Myrtle Street, that is their duplex. Chamberlain stated that where he is confused is as he looks through...it looks like a totally different building than the one in their packet. O'Berry stated that if Chamberlain is looking at his map, his long map and he saw the picture...she pointed out the subject property and where the duplex is located. The driveway on this map, there are two that she pointed out. She pointed out where the truck was sitting in the picture and they were standing behind the truck with the picture. So that green house is actually across the street. The green house is at 937 Myrtle Street so it is behind it.

Harvey Smith clarified that O'Berry's property was vacant right now and being renovated. When she had a tenant on the property did she have these problems with parking in the driveway? O'Berry stated that they called her at least three times a month. Smith clarified that was even when O'Berry had tenants there. O'Berry stated that was correct, it didn't matter. They would call her and say that they could not get out of the driveway or they would call and say that there is a car in the yard.

One of her other concerns is if it is an ordinance, it is an ordinance. One of the other questions on here was an environmental impact and O'Berry stated that she was not a big greenie but it concerns her to some point of cars parked in the yard with oil and this, that and the other. Plus the plumbing lines go right for her house and she thinks the house next door, don't ask her why, they come right through the middle of her front yard under both of those driveways and out to the sewer. She does not think it is a good plan for the cars to be parked on the grass all of the time.

Susan Baur asked if when O'Berry had these parking problems did she ever contact code enforcement or did she ....O'Berry stated that they contacted the police. And the interesting thing is, she has another picture in here...and they did contact the police a couple of times and they were pretty good about controlling it, whatever because they do park along that street and that is a narrow street. When they get parked along one side of the street on Sunday one really kind of has to navigate your way down that street anyhow.

One of the pictures that O'Berry has on a particular Sunday, there is a police car in it. They are not parked in her yard, but they are parked right down the street. She does not really know if it is the Roswell Police Department's responsibility to keep this from happening or not. She does not know that.

Susan Baur asked O'Berry if she had ever talked with the church about this situation. O'Berry stated that she had not. Actually, they have not gone directly to

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the church. The night at the neighborhood meeting when they were telling Pastor Lewis, he was saying that they shouldn't be doing that. O'Berry finds it somewhat difficult to believe that over at least the last three years since they have owned this property that that much parking has gone on those two lots and no one at the church knew it was going on. That is a little....she thinks she might have known that. But maybe not.

Susan Baur asked if there was anyone else who would like to speak in opposition of this application. Hearing no one, Baur stated that the Commission would give the applicant an opportunity to speak if he would like to.

Frank Lewis stated first of all that he would like to apologize to the owner of the property for people parking on her property. The church was never made aware until recently in the very first zoning meeting that they attended; the business administrator of the church attended that, that was a problem there by parking on her property. Lewis stated that he has never held a neighborhood meeting with this lady. This is his first time seeing her. Maybe someone else from the church had a meeting with here, but Lewis stated that he has never held a meeting with her. So he is not sure where O'Berry got her information from.

Lewis stated that they have had people park on her property, for that he did apologize.

Susan Baur closed the public portion of the meeting. She stated that the Commission will have a discussion and make a motion. She asked if there was any discussion or if she heard a motion.

Sydney Dodd stated that he had a question for Brad Townsend. Are issues of parking or adherence to parking...that is normally handled by code enforcement for the city of Roswell? Brad Townsend stated that it is normally handled during regular business hours but usually on the weekends, when code enforcement officers are not available or in the office; unless they are working overtime on weekends or specialty work done on the weekend. One usually calls the police station and have it taken care of through those methods and in that manner.

Dodd stated that he had a follow up question. As it pertains to churches in Roswell...Dodd stated that he was a precedent-type person. Are there other churches that after the adoption of the current zoning ordinances for 2003, are there current churches that have applied for similar types of conditional use changes as it relates to the main church campus and potential properties that they own. By background, Dodd stated that he lives on the west side of Roswell and he has been there for a long time. They have watched churches like Roswell United Methodist play a significant role in the community to give an example. Dodd thinks his two year old, who is now in college, started Mother's Morning Out at Roswell United Methodist Church. When he was a teenager he went to the Dodd Center for the fifth quarter and various activities. The church played a

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major role in keeping their teens and their pre-teens busy in the types of places they should be as opposed to the types of places they shouldn't be. Dodd stated that there are a lot of churches in Roswell. He asked Brad Townsend to provide some historical background and precedence for churches that have asked for this type of permit.

Townsend stated that when they changed the code to require it as a conditional use. Churches normally just had to go to the Design Review Board. He did some research within the past couple of days. They have over 60, almost 80 churches within the community, a majority of them in residential zoning areas or within neighborhoods and backing onto subdivisions. Regarding Dodd's question specifically, the city recently just did another conditional use with Pleasant Hill with a couple of homes that they purchased on Pleasant Hill Drive. They own two homes. One of them they turned into a youth center and one of them was a food pantry, which just went through the conditional use process within the last six months, last year, 12 months.

Townsend stated that it is utilized. One of the last, bigger approvals that was done was Fellowship's, which actually dealt with church, school, and high school and athletic fields. They had a conditional use up on Hembree Road where a Coptic church purchased, Townsend believes it was three homes just adjacent to them, tore down two of the homes for a large recreational youth center and uses the third home as church offices.

Sydney Dodd stated that his last question for Townsend would be if there is a way to potentially amend or modify this application to potentially protect the homeowners and property owners from parking issues that may come up? It sounds like there is a potential partnership here that could evolve from property owners and the church if they seek that out. Dodd is wondering what tools do they have available to them that potentially could make this happen.

Brad Townsend stated that the Planning Commission has within its prerogative to make recommendations on situations that they feel would help this situation of allowing conditional use. If there is an issue of parking, landscaping and fencing pretty much control parking to wherever one wants it to go. If there is a way to put it in a certain way that controls how one gets in and gets out of a piece of property, those can be recommendations that this Commission can make and go on to mayor and city council.

Mark Renier stated that in light of Townsend's answer regarding other applications in the past for this conditional use that have been approved; he knows that the staff recommended denial for this application. Mark Renier asked Townsend if he could tell him why. What was the reasoning for that in this case?

Brad Townsend stated that their reasoning was just the large separation that it has from the main sanctuary. In Pleasant Hill and most of the other locations

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where they deal with this there is a complete adjacency of the youth facility to the main structure. As brought up by the Board, it is a matter of supervision of youth and when they feel like they can get away from something and get away with something and nobody is watching, that's when one ends up calling code enforcement or calling the police because things just get out of control. Townsend totally understands and it's admirable of the church trying to deal with the youth in the community. He completely understands the thought process that a church building, sometimes the youth don't feel comfortable what may be considered that high church, religious sanctuary location. And the youth facility in a house with a bunch of couches is where they are going to be able to get through to most of these, to some of the youth that are there.

Staff's biggest concern was how it was going to be supervised and with the change of a conditional use to this location they have now migrated a non-residential structure on this side of the street in the middle of this block. They have some very high expectations of some redevelopment in different areas of the community and one of them is the Oak Street, Grove Way type of location which they hope can foster some type of plans that be utilized and they want the church to be a strong component of that. They are wanting both churches in this community to be strong and to be healthy because they are some of the larger stakeholders for that. Hopefully that answers Renier's question. Mark Renier stated that it did and thanked Townsend.

Harvey Smith stated that he had a question with a comment. He is looking at a map. Isn't there a property, there is one to the north there is one lot and then the second lot north of the subject property that is zoned OP-C, Office-Professional.

Brad Townsend stated that the OP-C is probably referencing the blue property to the north. There are two homes and then one gets to the office development. He totally agrees that this is transitional. There is nothing that is perfect here; it is all pretty messy dealing with rezonings that happened 30-40 years ago of what is going to happen here. Smith asked if there were current businesses. He knows that there is a tree service. Townsend stated that some of them are vacant. He is not sure that all of those businesses, some of those buildings are vacant along Warsaw.

Harvey Smith stated that his only comment other than the question for Brad Townsend would be that he thinks per Sydney Dodd's question too, he would support this type use with conditions to the mayor and city council. He thinks a lot of the issues that this one property owner is concerned with could be addressed by fencing, by landscaping, by limiting the hours of operation, maybe possibly the days of the week. He thinks the problems O'Berry is having are no different from...go down Mimosa on a Sunday or any of the other...somebody is having a wedding or a big funeral, that is church row and that is mixed use up and down that street. They've got, people just understand...they learn to grin and bear it because that is part of the environment that they chose to live in. Smith can

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appreciate what that particular owner....what her concerns are but she brought the property three years ago and the church has been around a long time, and that is the type of traffic that one typically has on Myrtle Street on Sunday or any big overflow event they are going to have that. But that is what Roswell has the police department for, they have code enforcement. There are mechanisms to correct those inconveniences if given the opportunity. Those are all of Smith's comments unless somebody...unless Susan Baur is ready to ask for a motion.

Susan Baur asked if there was any further discussion.

Bryan Chamberlain stated that he too would support the Commission finding ways to help provide conditions so that the church can continue with its outreach to the community. Realizing that the area is in transition there are some businesses represented or business zoning represented throughout. It doesn't seem to him to be that big of a change from the current absence of residents in that property. As they talked about, fencing and landscaping and possibly putting in a U-shaped driveway or something to provide for better in and out flow. The other issues is it seems to Chamberlain that what he heard was not so much this change for a youth facility would increase the parking problem they are currently experiencing. The neighbors seem to be experiencing a parking problem. That issue Chamberlain perceives needs to be taken off line from this and discuss directly with the church so that they have good neighborhood relationships between the neighbor and the church.

Susan Baur stated that her concern is that this property is, and it is a transitional type of community right now but it's largely surrounded by other residential units across the street from it, directly adjacent to it. She is concerned that when the Commission considers no. 22 of their criteria about the consideration of the preservation, the integrity of residential neighborhoods shall be considered to carry great weight. Baur stated that she is inclined not to support this because she does think it has the potential to adversely affect the residents who live immediately around this property.

Sydney Dodd stated that he failed to mention that he has a history with Fellowship Christian too. That is where his son went to high school. Obviously that campus has undergone some significant changes over the last five years. It has gone from a church to a school building, to a church and a school campus. They have several homes that are a significant distance that they own from the main school campus and the main church campus. Those homes have affectively helped the school transition from where they were two years ago to where they are today. Specifically, there is a house that Dodd is sure Townsend is aware of that was used as a locker room by the football team. As one might have guessed, Dodd's son was on the football team and certainly he pulled him out of that locker room to take him home many times. It would appear that...Dodd would love to see, if it's available, those conditional use permits that have been approved for churches and he knows the Fellowship campus very

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well. They have several houses that they have used over the years that have really helped them get to where they are today, which is a church and a school campus. Dodd would just want to see hopefully if there is precedent after the 2003 zoning ordinances that were passed to see what the history is for there so the Commission would have the full knowledge hopefully before they would vote one way or the other.

Cheryl Greenway stated that she was on the Planning Commission when they looked at the church expanding into the two houses. And to her, one thing that was very important in that decision was that they were very close to the church. It was not a matter of having to actually even walk out onto a street. One could get to the two buildings that they were going to use for their outreach purposes by just walking through the back yard of the church into the houses. So it does give Greenway a little concern the distance that the applicant is dealing with here but she wants to see the Commission reach out into the community and do all that they can to help all of the churches around here that have grown so much and have done so much good. And that is because of thinking outside the box and reaching out to help people.

Cheryl Greenway stated that one thing that is needed in this case is more of a defined use, time, schedule, plan approach. They are going to have youth meetings there on Tuesday and Thursday nights from 5 p.m. to 8 p.m. or whatever. She thinks that would just help more and she thinks that parking is going to have to be something that is worked on by the church to be sure that they keep in compliance and stay good neighbors from that standpoint. It is a neighborhood in transition that is a definite. Greenway thinks consideration has to be given to the fact that that home is surrounded by residences where people are living. It is not all office-professional of people just being there during part of the day and then gone. She thinks they have to be considerate and respectful of their situation.

Going back to the other one that the Commission approved, there really were no other homes right around those two that were approved for the church to use. They were somewhat isolated in that the other buildings around them were the child development center building and then a shopping center. So it is a little bit of a different comparison.

Harvey Smith stated that he had a question for Brad Townsend. What is the appropriate use for the property now? The church owns the property. Townsend stated that it is some residential component. Smith clarified that is all it could be used for if they rented it out to an individual or somebody lived there. They can't use it as an office or administrative type...Townsend stated that he would not recommend that.

Susan Baur called for a motion.

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## **Motion**

Harvey Smith made a motion that this application for a conditional use, CU10-05 be approved with conditions:

1. the hours of operation would be limited.
2. parking would be limited
3. fencing and landscaping would be installed that would be conducive to adjacent property owners.

Sydney Dodd seconded the motion.

Bryan Chamberlain stated that he would add elements of supervision. Some specifics of time, dates and that will be fine with him.

Susan Baur asked that the record reflect Dodd, Smith, Chamberlain voted in favor of the motion.

Baur, Greenway and Renier vote in opposition to the motion.

Brad Townsend stated that the motion denies the application. And that recommendation will go forward to mayor and city council next month, Monday, December 13, 2010.

## **CONDITIONAL USE**

**10-0617**

**CU10-06**

**KINGS COURT CHAPEL**

**SE Corner of Willeo Road and SR 120**

Brad Townsend stated that CU10-06 and SV10-03 is a request for King's Court Chapel. They have an existing property of approximately five acres in size. There are town homes to the north. Also there is vacant city land across SR 120. St. Francis Day School is to the south, single-family residential to the east and commercial (C-1) property to the west of the subject property. The applicant is requesting the use of a conditional use. Townsend presented the zoning map for the area with the aerial. One can see the school buildings to the south, the R-3 yellow area is the town homes to the north, the C-1 and O-P designations across Willeo Road are the commercial retail areas and the office buildings and single-family residential. One can see the homes to the east of the property. The conditional use that is being requested is approximately 35,000 square feet of church building that includes a 570 seat sanctuary. It is approximately 5.8 acres. They are proposing 134 parking spaces that will be surrounded by the church. They also are requesting that a future phase of 45 spaces be located west of the stream that they need to cross to get to the property. There is a 100-foot undisturbed buffer from the perennial stream as well as an additional 50-foot impervious setback. Also in this location there is a Georgia Power Company

*10/18/2010*