

Sarah Winner made a motion that the Planning Commission does not recommend CU11-01 for 10479 Alpharetta Hwy, No.14, Whipz Auto Brokers. Cheryl Greenway seconded the motion.

Harvey Smith, Sarah Winner, Susan Baur, Cheryl Greenway, Bryan Chamberlain and Sydney Dodd voted in favor of the motion. The record shall reflect unanimous approval of the motion to deny.

CONDITIONAL USE

11-0058

CU11-02

FELLOWSHIP CHRISTIAN SCHOOLS, INC.

10965 Woodstock Road

Brad Townsend stated that CU11-02 is a request from Fellowship Christian School to remove conditions from the 2007 approval for Fellowship Christian School. The following conditions the applicant is requesting to remove:

1. The first condition deals with the site plan. As part of the litigation and lawsuit with the approval they were required to remove any reference to a stadium seating press box at the location and then is what was approved as part of the May 25, 2007 approval.
2. The applicant is requesting that the restriction be lifted to allow them to have lights, public address system on the football field, a 1500-seat stadium, press box on the home side and portable bleachers on the visitors' side of the football field.
3. The other four specific conditions placed on the approval deal with the lighting of the baseball, softball, basketball and tennis courts. The public address system was specifically conditioned not to have for the baseball, softball and tennis courts.
4. The condition related to the marching bands for the Fellowship Christian School as well as the visiting school during outdoor activities. There was also a condition that there shall be no concerts on the property.

Townsend presented an aerial photograph of the current facility and the football field. One can see the current school facility which has a gymnasium, high school, middle school and elementary school in one building, the baseball field, softball field and tennis courts. The open area is the location for the future high school building, which is not built. Also, this aerial was taken when the access point that lines up with Jones Road is currently not there. That has received approval as under construction and will be open shortly for that location.

Townsend presented the Community Development recommendation. There are several conditions that are not in compliance as part of the original approval dealing with mostly landscaping that has either been installed and has died, it has not died or it has not been replaced. Staff is not making a recommendation related to the specifics of the conditional use. That was mayor and city council who made the actual approval for the use with the limitations. So, it will be council's determination whether those limitations should be lifted or not.

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Townsend presented a landscaping plan. The highlighted areas are the deficiencies within the approved landscaping plan. This has been passed on to the applicant. They do know the extent of the trees or shrubbery that has not been placed and has not helped being grown in the location.

There are two recommended conditions from staff that the public address system, lighting, press box and seating area be approved by the Design Review Board for the aesthetics. A second condition does relate to the landscaping. Staff would recommend if it would be approved that this be installed prior to December 31, 2011. That way they get through the summer season and get into the planting season in the winter time and that way the landscaping plan is in compliance with what was originally approved.

Brad Townsend asked if there were any other questions from staff at this time from the Planning Commission.

Harvey Smith asked Townsend if wouldn't the issue about non-compliance, wouldn't that be met when the final CO is issued and the project is complete? Brad Townsend stated that one would normally assume that but with the time frame of the high school building an unknown factor as well as an unknown control...that is the next CO that they would have. The staff has already issued CO's on the middle school and the elementary building that have been included to the existing building. The next CO would be the high school building. This landscaping should have been in there and installed and growing now instead of four years from when it was originally approved.

Smith stated that he remembered that there was concern from reading the old minutes of the zoning meeting back on June 11, 2007. And there was a question about a performance bond being one of the conditions. Smith thinks the city attorney addressed that with the protection of a CO being issued. That is how the berm would guarantee or give assurance that that would be completed. Isn't this kind of redundant right now?

Brad Townsend stated that it was not because they are not in compliance and they don't have a CO for who knows when. He would like to go out and cite them tomorrow that they are not in compliance.

Smith asked how long could the building permit be left open. Townsend stated that there was not an open building permit. Smith asked why it had not been finalized then. He is just asking a question. Why hasn't it been completed, the CO been issued yet? He does not understand how that is an open-ended issue. Townsend stated that the open-ended issue is usually created because when the city goes out and tries to cite them they get such political push back from the department staff. They are told to just leave them alone and Townsend is tired of it.

Susan Baur asked if there were any other questions for staff. Sydney Dodd stated that he had a question for Brad Townsend. Dodd stated that he was a big fan of precedents because that is the only thing that is reasonable and fair. Can Townsend give him the precedent or the histories? Dodd lives in the area so he is very much aware of and his son attending Fellowship but he graduated two years ago. Dodd remembers when Blessed Trinity bought their 80 acres. He remembers when Roswell High School renovated. He knows that is a public school but can Townsend share with him the history of that corridor from a Roswell city approval standard? In other words, Blessed Trinity...

Brad Townsend stated that the simple answer is the change in criteria of requiring it to be a conditional use as to an out right of going to the Design Review Board and just getting a permit to go do. There was a change related to the statute in the zoning ordinance of the code of when a non-residential use, such as a school or a church was going in a residential district, it used to be all one needed to do by right was permit it for that use to go there. He would have to go to the Design Review Board, get their architecture approved, be in compliance with the landscaping numbers, be in compliance with the parking code, be in compliance with the drainage requirements, receive a Land Disturbance Permit, then receive a building permit for the construction. In 2003 the code was changed to require that those types of uses would be brought through a conditional use process and would have to come through a public hearing process, be posted, be legally advertised and then determined by council whether the use would be appropriate or not.

Dodd stated that Blessed Trinity was developed prior to...Brad Townsend state that it was prior to that change. Roswell High School, being a public high school is exempt. Dodd stated that he understood.

Sarah Winner stated that she actually had the same kind of question that Dodd did. She went down to Blessed Trinity last week and talked with the principal, Frank Moore, about this. His recollection was that when they were getting their permits that Devereaux, there are a couple of neighborhoods that are right up against them. Moore stated that there really weren't any complaints. The complaints came from the under construction, the Heritage, the John Wieland area as far as concerns about the noise but they didn't have enough sold or real residents in there to be an issue when they were getting their permits to be able to go forward to build all of this stuff. Winner thinks that it is not a grandfathered thing but she thinks they were there before there were so many homes right around the area where they were building.

Susan Baur asked if there were any further questions for staff. She thanked Brad Townsend and stated that the Commission will now here from the applicant at this time.

Don Rolader presented the application. His address is 11660 Alpharetta Hwy., Suite 630, Roswell, GA. He is here tonight on behalf of Fellowship Christian School. Steve Stroud, Jeff Van Pelt and Hunter Chadwick from the school are also present. Rodney Hawthorne of Sports Tech Lighting, their lighting consultant is also present and will speak briefly to the Planning Commission.

This application is to remove certain conditions from the current zoning of this property, which don't permit lighted athletic fields, public address systems, marching bands and outdoor concerts. In all candor with the Commission, Rolader stated that they have never thought about having an outdoor concert. Christian schools aren't big on that so to them it is not an issue. But it is mentioned in here and he will address it that way.

Further, the applicant seeks additional approval for the seating to increase to 1500 people at the football field that is presently in place. The football field sits 16 feet below street level. The infrastructure is there, all one does is put up the seats and he has a place for people to sit.

The property is located on Woodstock Road and is about 29.76 acres. There are various school buildings and athletic facilities already there. They are finishing up the entry that matches up to Jones Road presently. North of the property is Fellowship Christian Church on about 31 acres. South of the property is Devereaux Downs, state street subdivisions with substantial berm along Woodstock Road and lighted swim and tennis facilities in close proximity to the Fellowship development. Immediately west of the property are two single family homes that are owned by Fellowship Christian Church. Then there is a buffer creek way and then there is Broughton Park subdivision.

The location of the athletic fields in relation to single family housing is similar to that of other high schools and city recreational facilities in the city of Roswell. There is no significant difference in the locations.

Fellowship Christian School is a private high school. It has 226 students in the high school. They have no band; they hope to have on one day. They don't have a band. If one is going to field a football team, there is no one to tote the tuba and beat the drum. It is that simple. The high school has a Class A football team. That is the lowest classification in the state for the smallest schools. It has a baseball team. It has a softball team for the girls, a tennis team, a Lacrosse team, boys and girl's soccer teams which play competitive sports outdoors. Additionally, inside they have wrestling, basketball, and volleyball. Varsity football is played in the fall and averages about six home games. Most all of them will be on Friday night except if there was a playoff game. It would potentially be on Saturday night. Varsity softball is played in the fall. That is the other activity that goes on there. Baseball is a spring sport in Fellowship's classification. In order for Fellowship's students to enjoy an educational experience as good as that offered by Roswell or Centennial, public high schools, or Blessed Trinity private high school competitive athletics are offered. It is patently unfair, it is unreasonable and it is discriminatory to deny Fellowship as a high school outdoor lighting for its football and baseball fields, a PA system to tell one who got the ball or who hit the homerun, or to not allow the marching band to participate, if they ever had one on a Friday night. It's Friday Night Lights, it's part of the high school experience. The other schools are permitted to have them without restriction. There is nothing unique or distinct about the neighborhood that differentiates it from any other neighborhoods located close to school athletic facilities. Look at Roswell High School. Look at Blessed Trinity. Look at the Roswell area park down Woodstock Road the other way. Large athletic facilities, lots of lights, lots of PA systems. What does it do? It attracts people. It does not run them away.

People want to live in Roswell because of number one, recreational facilities. When Rolader's kids were small he remembers how good that was. Number two, they want excellent schools. They are comfortable living amongst them because that is what we do.

Roswell High School and Blessed Trinity High School are on the same street and have larger facilities and far more students. They operate without complaint. Fellowship should be entitled to the same treatment. The present situation is just simply not fair. The school is small, has no band, and in the present facilities it can't expand beyond 270 students. The sporting events would be scheduled just like those of any other high schools. They end in time to be covered on the 11 o'clock news, so obviously they are generally over by 10 o'clock. There is a cross parking easement in place with the church that gives more than adequate parking for 1500 people, if the drew that many. In addition to that on that cross easement there are three exits from this property after a

Friday night football game whereas Roswell High School has one. They can go out onto Crossville Road and they have two places they can go out onto Woodstock Road and it is 1500 people not 6000 like Roswell High School has to get out through one slot. Traffic is not an issue.

They have had a sound generation analysis. Some of the neighbors have had another sound generation analysis. It reminds Rolader of two lawyers arguing over a round sphere and they try to tell one what it is. The numbers are a little different, but when it is all out and dried and said and done it is a few Friday nights in the fall and that is about it. One does not expect any ambient noise from baseball, lacrosse, softball and tennis. They don't draw any crowds.

Rolader stated that their lighting expert in just a moment will describe the state of the art lighting system that has been designed for this facility. It is better than anything which currently exists at other schools in the area. Rolader stated that he was going to turn this over to Rodney Hawthorne for just a minute and let him describe to the Commission and then he will complete their presentation.

Rodney Hawthorne stated that he is with Tech-line Sports Lighting. Fellowship Christian asked him to design lighting with particular emphasis on controlling spill and light trespass because of the neighboring properties and their concerns about being a good neighbor. Hawthorne has spent considerable time reviewing the site and working on this lighting design.

As far as Tech-line Sports Lighting goes, they do nothing but sports lighting. Hawthorne stated that he is an electrical engineer with 29 years experience. They do all of the lighting designs in house. Everything is done with certified lighting designers and planners that have their proper certifications for doing the lighting. All lighting is designed to meet high school requirements.

In this particular case they have gone above and beyond to control the spill light that is going into the dark sky and also trespass onto neighboring properties. They also provide the structural and engineering design with Georgia professional engineering seals as well as the electrical engineering design.

Hawthorne provided a real brief resume of some of their experience. They did the British Columbia Lions, a Canadian Football League stadium last year. They did a rather large high school stadium in Texas. They also did the Georgia State University practice football field lighting last summer when they began their football team.

The critical points for this meeting specifically are the ability in the technology improvements and technology for controlling the spill light on properties. There has been tremendous advancements in the last 10-15 years to control and direct the light that spills onto neighboring properties and allows one to keep control of the light and keep it all on the field.

Hawthorne presented a couple of the spill glare control fixtures. There are actually four levels of spill glare control. There is no spill glare control; the fixture on the left is a standard internal louvered spill control fixture. The one on the right has both internal louvers and external visors and there is also one additional level that is not shown that is

an ultimate spill light control that adds concentric louvers outside the lens that is shown here.

The critical thing about spill light control and what most people see when they look at stadium lighting is what one can see on the fixture on the left. This is a fixture that has, it is old technology but it is also a new technology if one does not apply the technology to design forced spill control. One can still buy this fixture it is just a low budget fixture. It is what one sees at most of the public schools when they go out for bid and they just go out for a low bid. What one gets is the fixture shown on the left.

The center fixture is a spill glare control fixture with the internal louvers but it is designed and applied improperly. One can see that it is shown at a 21 degree aiming angle, which is not adequate for the internal louvers to take effect. Whereas in the one on the right one has the proper aiming angle of 30 degrees and they have also added the 12-inch external visor. What this does is actually blocks the source of the light or the arc tube of the lamp.

Those are three of the spill fixture designs as well as there is a fourth level that is used on select fixtures based on where they are located relative to neighboring properties that adds the concentric louvers around the outside of the lens to further block any light trespass or glare.

Hawthorne showed a closer shot of the level two spill glare control fixture where one can see that the source of the light or the arc tube of the lamp is actually blocked by the internal louvers. He showed a football stadium that they did that has the level two spill glare control fixture on it. If one looks in the far left end zone he can actually see that there is a Jumbo Tron scoreboard down there and because of the spill light control, it is actually in the dark. One cannot even see it off the end of the field there. They also had to add additional lights in the stands on this field because there wasn't adequate light for safety in the grandstands.

They can control with today's technology and engineering experience the spill light to a tremendous level. Fellowship Christian has agreed to invest the extra money it takes to buy the state of the art, latest technology spill glare product and that is what Hawthorne's company has designed for them in this application.

Sarah Winner stated that she had a question for Hawthorne. She understands that they can do lighting on the field that is directed but what is the plan for all of the surrounding parking areas when people are going or coming or the students are leaving the locker rooms and the school. Is the expensive focus Musconi or whatever brand they are using; where is it going to be used? Only on the playing fields or are they going to use it everywhere on the grounds of the school.

Rodney Hawthorne stated that they only design lighting for the athletic fields. He didn't pay much attention but out of all of the existing parking lots, they might already be lit.

Sarah Winner clarified that in effect if there was nighttime activity, even though the lights from the football field might not be a problem, the lights surrounding the schools and the parking lots would be whatever lights they currently have? Hawthorne stated that was correct. They are already there.

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Susan Baur asked if this state of the art lighting proposed for all of the athletic fields or just the football field. Hawthorne stated that it was for all of the fields.

Don Rolader stated that he would like to close by addressing the staff report and conditions. The staff has proposed two conditions if the application is to be approved. Both of those conditions are acceptable to the applicant. The first one is that it goes to the Design Review Board and the second regards landscaping.

Rolader stated that he wants to address the landscaping briefly. Certain conditions noted by the arborist were modified by the Design Review Board. Certain trees were relocated after agreement with members of the city's staff. Two examples are in dead centerfield there is now going to be the batting cage. The trees that are shown there that the arborist noted have actually been agreed to be located elsewhere on the property. Just to the left of that in left centerfield there is a tremendous drop down to the retention pond for the entire facility. By agreement with the staff those trees have been relocated to other places on the property as well. The applicant has planted in number every tree that they were required to plant by the city and has not been cited for any violations up until today when they received the arborist's report was the first notice they had of these deficiencies.

The applicant has worked closely and continuously with the city of Roswell through Alan Elliott, when Alan was alive and Tom Dunn since then. Rolader stated that he believes that Jeff Van Pelt has spoken with Dunn this week. The applicant's site development is not complete nor has it applied for a notice of termination, an NOT. They are absolutely in agreement with the staff and with the city of Roswell that all of the landscaping should be complete and in place before the first permit is issued for the first lighting or PA system. Rolader wants the Commission to understand that they don't have an issue with it. They are just now completing the entrance across from Jones Road. At that time they will be about through until the high school construction has commenced on it. But they have no issue. They are making sure that the landscape is complete and as it should be before proceeding with the permits.

With those things said Rolader stated that he would like to reserve his remaining comment time for rebuttal. He asked the Planning Commission to consider approving this for the reasons that have been given. Rolader will sit down for now and open the meeting up for public comment. He will be happy to answer any questions at this time.

Susan Baur asked if there were any questions for Don Rolader from the Commission.

Sara Winner stated that she would like some clarification on a couple of Rolader's comments. He said a few things that just kind of struck her as odd. He mentioned that they are only talking about five Friday nights. Is he suggesting that the lighting and the PA systems would never be used except for five Friday nights in the course of the year in the future to come?

Don Rolader stated he was not, not at all. He expects that the PA system will be used for baseball and softball games. He expects the most intense impact of this facility to occur on five Friday nights a year. If they are granted what they have asked for the tennis courts, softball and baseball fields will be lit as well as the football field. But as far as impact, noticeable influence on the surrounding neighborhood he thinks it is about five Friday nights a year.

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Sarah Winner stated that Rolader's second comment, we don't even have a band. What was the purpose of that when he is asking for permission to be able to host bands and/or potentially have one of their own in the future? Winner stated that she is confused by what Rolader meant by that comment.

Don Rolader stated that what he meant by that comment was that they presently don't have one so he does not think they would anticipate one in the first or perhaps the second year that they are able to use this facility. They certainly want the ability in the future because the other schools have that same ability and Fellowship wants to be treated equally. But with 226 students they just don't have the numbers right now to field a band. When they have visiting teams several of them will have enough people to do that and Rolader thinks they would reasonably anticipate having their band come with them and perform at halftime of the football game.

Sarah Winner stated that the third comment that Rolader made which kind of surprised her as he referred to Roswell being "blatantly unfair" because the other schools have things that Fellowship doesn't. Is Rolader suggesting that as time goes on and Roswell passes ordinances and new building permits are issued in compliance with those ordinances and everybody agrees to what those are, and then he comes back to a couple of years later because he wants something over and beyond that? How is that unfair? Because everybody complies with the rules as they are at the time building permits are issued.

Don Rolader stated that he thinks that it is patently unfair to allow everybody but one high school to have the proper facilities. This was not an agreed to settlement. It was a court settlement of a law suit that went all the way to the Georgia Supreme Court. Fellowship, since Rolader has represented it, has been fighting for the right to put in a school, to put in fields, to do all of those things for six –eight years now. What he is saying is don't be unfair. If everybody else can have a 6000 seat football field and have the band play and do things like that, they want that opportunity. It's hard to send a child through the high school experience and say, "well because of where you are on Woodstock Road, you may be a good horn player but you are not going to have the opportunity at home to play in the band." If one is a good football player and he runs and scores a touchdown, there won't be a PA system to announce that No. 43 just scored for the Palatines. That is the kind of thing that troubles the applicant. It is not a wild and unreasonable request, it is just normal life. It is high school and it is the kind of thing that the high school experience should include. That is the position that Fellowship is propounding and that is what it asks the city to do.

Susan Baur stated that following up on that, should the Commission assume that back when this compromise was reached that it was always the intention of Fellowship Christian to come forward and ask for permission to move forward on the conditions that were denied to them originally?

Don Rolader stated that he had no idea what the intention was at that time. He knows that five years has elapsed and that the school has matured and has acquired additional students and has developed a need for sports facilities. Based on those needs, that is why this request is made. He honestly cannot tell one what they thought in 2007.

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Susan Baur stated that going forward on that, then in the future even though it might only be five Friday nights and they don't have a band right now. In the future, if the school grows and is successful and becomes larger the needs for lighting the fields will exponentially grow Baur would imagine.

Don Rolader stated that he does not know if it will exponentially grow but it should grow. They anticipate that the school will grow. The idea behind the school is to develop a full-service high school and a full-service middle school to provide the need for students in the area. So, they would hope that it would. They have a large facility there in which to operate and Rolader's feeling is that it is as good location wise and facility wise as anybody else's up and down the same corridor and it ought to be entitled to the same opportunities.

Susan Baur thanked Don Rolader for clarifying.

Cheryl Greenway stated that she would like to take that and just expand a little more. She asked Rolader to correct her if she says this wrong. But it is her understanding from reading through all of this that when everything went through the courts and the decisions were made that these limitations were going to be placed. Fellowship understood that before they built the facilities. Is that correct?

Don Rolader stated that he would have to tell Greenway that there was a court approved settlement. He didn't see anything in that settlement that said those conditions would have to exist in perpetuity.

Cheryl Greenway stated that where she has the problem is, is it went through the procedure, it was laid out between the court and the city council as to what the parameters were. It was to her knowledge after that the decision was made by Fellowship to go ahead and build everything. So to her, they built it knowing that they had these limitations and now it almost makes it feel that they did it with the plan of coming back years down the road and saying, "well, now that we've got it, we have got to do this other." Whereas that should have been considered back when the planning and the building started that they needed this and should this be the location they do it.

Don Rolader stated that he understands Greenway's feelings and he appreciates where it comes from. He would tell Greenway that he has seen no comment that there was pre-meditated sneak up there at all. What they have is a school that has developed and matured and they have had five years go under the dam and they have got a place where they are trying to fulfill a need. He thinks that is the reason for the request. It is not, "no, let's hide in the bushes and we'll jump out and attack the city in five years." It is let's take what we can take, get what we can get. They have a growing student body and a growing school and let's take it where they can go. When Rolader last did it back in 2005 or 2006, it was with the church building and with the school buildings and they were just trying to get enough facility to support the students that they had and to grow it a little bit. Rolader stated that he could not speak to pre-meditation. He understands the feeling, "well here it comes." But again Rolader's feeling is that it wasn't anything that was cast in store for forever more. If it had been forever more then that's a different thing and he understands that. But times change, people change, needs change. His question to the Commission would be if they have a student, it is their child and they put him in high school. What do they expect for that child's experience to include? Is it reasonable for it to include the things the applicant has asked for or is there something special about

this very location that makes it a lot different than Roswell High School or Blessed Trinity or the area park on Woodstock Road? Rolader does not see it, but he thinks that is the key question. Is there something special and different here that says they can't do it but everyone else can.

Sarah Winner stated that she was following up on that train of thought and she was curious. If she were going to enroll her student in a school she would look at what the school offers and make the decision on that. So she assumes the students currently going to Fellowship Christian are aware that there are not lighted fields, that there is not a football field and that is a criteria that they use. If they want those things Winner assumes that they will choose another school. What Winner is having a hard time with is Rolader keeps coming back to it's not fair, it's not fair. That for her is almost rankling because Roswell has been pretty consistent in the last several years with being supportive of homeowners' rights to not have noise infringing on them. Winner is sure that Rolader is sure of the Andretti vote that happened a few months ago where Roswell city council denied Andretti's outdoor race cars that could have created noise for people who lived in the surrounding areas. This is somewhat similar in that they have existing homes and Winner is not saying that she is opposed or in favor of it. It will be interesting to see what people will have to say but she can tell the applicant that the Commission has received a lot of letters from people who are concerned about the noise and she thinks they have just as big of an argument of it's not fair as the applicant has an argument to say that they want to be like all of the other schools. The fact is, the applicant came out of the ground knowing that they couldn't be like all of the other schools just hoping that someday they could get a little piece here and there and eventually get to where the other schools are. Winner thinks the not fair thing falls on both sides.

Don Rolader stated that it may be and that is why the Planning Commission has the fun job tonight.

Sydney Dodd asked Don Rolader to share with the Commission the history of Fellowship Christian School, when it started. He watched the development of the community. He remembers when there was no Devereaux Downs. He lives in Lake Charles Plantation. Their first home went up in the early 1980's and they still have new construction. Can Rolader share with the Commission the history of Fellowship Christian as a school and its development process and then could he share with them the history of Blessed Trinity as well. He might even want to include Roswell High School. Dodd thinks that it is important for him to understand how that history has been impacted. When did the development take place? If there is an issue of fairness, Dodd would like to see the comparison between when the school started, when the athletic fields...he is speaking of all schools in the area for fairness and to compare and to understand that history and the development of the community as well.

Don Rolader stated that he will call on one of their representatives in just a second to speak to the development of Fellowship. They are much more qualified than Rolader. He is not qualified, although they are to talk about Blessed Trinity. Rolader can talk about Roswell High School. His kids went to school there; his older one through the 10th grade. Roswell High School used to be in downtown Roswell. And Fulton County made the decision that it was not good enough, big enough or a nice enough facility and they bought the acreage up there above the shopping center. At that time there were some athletic facilities put in by the county. The city of Roswell felt that it wanted better

facilities. Roswell has always a competitor in the sports business whether it be kiddie league baseball and basketball or whether it be varsity football. It is a vicious rival. The Roswell Booster Club raised the money to build the existing Roswell stadium was Rolader's understanding. It wasn't public Fulton County money, it came out of the pockets and the hearts and souls of the residents of Roswell who wanted the facility for their children to play on.

Rolader stated that he can give the Commission that part. He asked if they could have someone address the Fellowship development he would be glad to that for them.

Jeff Van Pelt, 12907 Etris Walk, Roswell stated that he has lived in Roswell most of his life. He went to Roswell High School. He went to North Roswell Elementary School back when it was called North Roswell Elementary on Woodstock Road. Fellowship Christian School has been on that campus for over 20 years. It is not anything new. It was there before most of the neighborhoods around it were there. Eleven or 12 years ago they built the high school building on that campus. It was back in the woods, not many people knew it was there but it was there. There were no fields to play on. That is why they decided to go before the Planning Commission six or seven years ago to start this process. They have been there, present in the community for a number of years.

Van Pelt stated that he was not sure about Blessed Trinity. They came after Fellowship and built before 2003, like in 2001 or something.

Jackie Deibel stated that she could answer the Blessed Trinity question. Queen of Angels was getting started in 1998 and Blessed Trinity went through Design Review Board in the summer of 1998. They built those two buildings probably between the late 1990s, early 2000s and the change in the zoning ordinance regarding schools and churches to go through a conditional use happened on April 14, 2003. Blessed Trinity campus came through prior to that change in the ordinance.

Jeff Van Pelt stated that Fellowship church owned most of the land that the school is on prior to that, too. There was like one or two houses bought after that and that is why they were brought into this whole process is because of two land purchases of about two or three acres of their property after that change or they wouldn't have had to do any of this.

Sydney Dodd stated contemporaneously, at the same time that Blessed Trinity was developing their campus and sports facilities, Roswell High School upgraded their athletic facilities as well within a year or so. Dodd thinks that is the way he remembers it. He is just asking.

Jeff Van Pelt stated that he believes that Roswell High School upgraded their football stadium. They also add all of the lacrosse fields. His kids were in middle school at the time he thinks, so that was probably six or seven years ago. He knows that Blessed Trinity added over 1000 seats to their stadium while Fellowship was going through this process five or six years ago. But all of the schools have multiple times as many students as Fellowship does.

Susan Baur asked if there were any more questions for the applicant. Hearing none Baur stated that she is now going to open up the meeting for the public comment portion.

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Susan Baur asked if there was anyone present who would like to speak in favor of this application.

Lisa Pevarell
575 Meadow Glen Trail

Lisa Pevarell stated that she lives directly behind Roswell High School and technically across the street from Fellowship. She lives in a neighborhood...Crossway Lane is the egress into her neighborhood, directly east of Hackett Road. The Dunkin Donuts and Belle's Pizza, their median break is where Fellowship students make a u-turn if they are heading westbound to get into the school. So, theoretically Pevarell ought not like them much because they impeded her ability to make a left. But, be that as it may.

Pevarell stated that she has lived behind Roswell High School for 16 -18 years, something like that and has experienced the growth of the athletic fields and it continues to grow. They are building the new field house and all of that other. She has immensely, immensely enjoyed listening to the spill over sound, if you will, from those athletic fields. She has talked to all of her neighbors; she has lots of friends who live behind Blessed Trinity High School as well. They are all consistent with the idea that they don't necessarily understand the noise issue because this is Roswell. The city has spent the last, heaven knows how many years trying to preserve a small town feel and trying to be the Lake Woebegone of the south where everything just kind of rolls along and everyone does their thing and enjoys and embraces the idea of the small town ideal. Pevarell can't think of much that fits back into that better than kids playing sports. She can't believe the idea that the crack of a baseball bat is offensive. When she was here for the neighborhood meeting a month or so ago she was just amazed at what apparently...maybe she has a screw loose. That she enjoys listening to kids playing ball. She enjoys listening to the band. If she is out in her yard, she hears it. On Saturdays they have neighborhood games. Like, what is that? Is that soccer? No, I think it is the women's professional football. Oh, that's right! And they go through. They have all of that from Roswell High School and it is considerably more consistent and daily and year round than anything Fellowship could possibly pull off given the difference between the student body and the use of the facilities. Roswell High School as one may or may not know is the home field for the Atlanta Women's Professional Football team. So, even when it is not football season, it is football season. Pevarell stated that they have never had a problem with that. Her first offense to the opposition is she doesn't understand why the sound is offensive.

With respect to traffic, whether they have lights or they don't have lights, their traffic impact is not going to change. Their traffic impact is either going to be on Friday night or their traffic impact is going to be on Saturday afternoon. Considering where they are located Pevarell does not see how that makes any big difference. They are not adding that many more people compared to what is at a Blessed Trinity game and what is at a Roswell High School game versus what is going to be at a Fellowship game. She does not see that the timing makes that big of a difference because they are both high traffic periods in that corridor.

As to lights and sound, Pevarell wanted to say that the lighting that Tech-line, the lighting that they presented. Pevarell is a paralegal and for years she did a lot of different general commercial litigation. She worked and did a few light pollution cases with some golf courses and things that abutted residential areas. The lighting that Tech-line has

presented is the most amazing lighting she has ever seen presented out of anything she looked at from those years. She can't even imagine that they would have much spill over when one adds screening and buffering and some of the camouflage screens, all of which would come to the Design Review Board process where that would be appropriate.

Pevarell thinks that going back to the ideal of it is Roswell's ethos, if you will. Given what they know or the uncertainty of what they don't know about what is going to happen with Fulton County redistricting and what the impact of that is going to be on Roswell High School and the community overall. And certainly if one takes it to the worst case scenario among fear mongers of that whole issue. She thinks that they are collectively best served to promote and enhance the growth of Fellowship school to the extent that it serves the community overall. She thinks that having the three really good schools on three corners of one major intersection, that which it has kind of become the main intersection of town benefits them all. And she thinks to the extent that they don't encourage their growth, they hurt themselves collectively.

There are a lot of people who do come to Roswell for their kids to go to Fellowship. Pevarell stated that she commutes into Cobb County each day and she watches cars drop off kids at Fellowship and go back into Cobb County. To the extent they could draw those people here, to the extent they could bring more of them in because their mothers' shop while they have dropped off their kids and wait to pick them up. They bring something into their community when they encourage the growth of quality development like a really good private school.

Pevarell stated with respect to ball fields being adjacent to residential areas in addition to the two schools every single Roswell city park directly abuts residential properties. Whether it is Hembree Park or Waller Park or any of the other parks they are surrounded by residential properties and Pevarell does not know of a single person who has ever really raised a bug fuss about listening to kids play.

Timing. If it is a Friday night game it is over early, before most bedtimes. So that should not be a real issue. Pevarell's understanding is that currently a school is allowed to have a pep band in the Fellowship stands whether it is a day game or eventually a night game as would be their visiting team. So she does not necessarily understand why a pep band that can play throughout a game is allowed, but a marching band that would then play for an additional five or eight minutes would be prohibited. Somehow there is a disconnect in her head as to why one would be okay and the other would not.

To the extent that the school pre-existed the change in the zoning, Pevarell stated that that bothers her; that fairness, equal protection argument. She thinks that had they not made a couple of extra land acquisitions to better buffer themselves they wouldn't have been here five or six years ago or whenever and they wouldn't be here now. That argument is a little fuzzy in her head.

Finally, comparing it to Andretti and the noise factor. With respect to that application there is a really big difference between those tires and engines at Andretti and the crack of the bat or the roar of a crowd. Pevarell stated that she knows which one; from a small town perspective meets what they expect.

Susan Baur asked if there was anyone else who would like to speak in favor of this application.

Brad Jenkins
210 Gabriel Drive
Roswell

Brad Jenkins stated that he was about a block from...he has one of the closest homes in Brookfield to Roswell High School and he has never been bothered by the football games. But he thought he would share his story of how he came to Roswell and really Fellowship was central to that.

Jenkins lived in Cobb County and his business was down in Dekalb County, down at Perimeter. His four children started attending...they started looking at a school. They looked at Fellowship, chose Fellowship, moved to Roswell, moved his business and 100 jobs into the city of Roswell and have been attending there. So, these schools bring in the kinds of things that he thinks they want in Roswell. Fellowship has a tremendous impact and it is not just on Friday night. Jenkins stated that there may be some that perceive that as negative and a small footprint there, but he thinks there are a lot of positives about having really good schools for children. He pointed out that some families choose to have private or Christian education and while Blessed Trinity is there, there are different faiths that want to have different types of schools. One might want to have a Catholic school, a Protestant school, there needs to be choice and diversity. If they don't allow the same opportunities they are kind of picking and choosing who needs to provide that opportunity to those children. Jenkins reminded everyone that there are a lot of positives to having this type of a school available and in his case it is the only reason that his family is in Roswell and the 100 jobs that they brought into the city of Roswell.

Susan Baur asked if there was anyone else who would like to speak in favor of this application.

Steve Howard
5024 Victory Ridge Lane
Roswell

Steve Howard stated that he has lived in Roswell for 10 years. Where he lives he does not have an elementary school option. Not a good one anyway. His son has been over at Mt. Pisgah and Howard made the decision this week to move him to Fellowship. The point he wants to make here is he knows they don't have lights. But it would amaze him if this Commission can't see beyond what is going on here. The development of private school education in Roswell is exactly what Brad Jenkins just said. It is huge to the growth of this community. People are going to continue to come to this community. He knows that there is opposition, he understands that but the value of these homes is going to continue to go up because of that. Howard just wanted to say that he is one of those people that just signed up knowing that they don't have the lights. He certainly hopes that the Planning Commission will consider this.

Susan Baur asked if there was anyone else who would like to speak in favor of this application.

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Charles Petit
3090 Devereaux Chase
Roswell

Charles Petit stated that he was about half the distance between the Blessed Trinity football field and where Fellowship Christian's football or where they want to put the football field. He has never been disturbed or had any reason to not want the Blessed Trinity school over there. They have been a good neighbor. They have never disturbed Petit. The lights have not bothered him.

He would like to address about whether the football field at Blessed Trinity was built first or the subdivision that touches the football field. He used to own the land where the Home Depot and the subdivision is off of Westwind and it was put in first before Blessed Trinity put in their football field. He believes that one will find that the houses are probably about 50 feet from the stadium.

Susan Baur asked if there was anyone else who would like to speak in favor of this application.

Stewart Easterly
7 Legacy Drive
Roswell

Stewart Easterly stated that he was three-tenths of a mile from Fellowship Christian and to the other side, three-tenths of a mile from Roswell Area Park. He has three children all in public school but he is here to say that he is excited about what Fellowship Christian is doing in this community. Easterly has lived here 2 ½ years, one runs into the kids out in the city, they are top, top shelf. He knows that lighting may not necessarily mean that that is not going to happen in the future, but he thinks they find themselves in a common position where a decision has to be made for the better good. He thinks when they consider the impact that that school is having on the students that are there now and the generations to come, when they consider the impact that that school has on the rest of their community, unlike any school Easterly has ever seen they open up their arms for others that aren't part of the school program to be involved in youth sports on Saturdays throughout the week. He thinks when they look at the impact that they have, the positive impact...he certainly understands the opposition. He looks forward to the sound actually. He looks forward to the energy from that. But he knows that there are those that are concerned about lights in the windows and he can understand that opposition. But he thinks when they consider the decision that needs to be made and the better good, the correct decision is to grant approval for the lighting.

Susan Baur asked if there was anyone else who would like to speak in favor of this application.

Tom Talinsky
3 Meeting Street
Roswell

Tom Talinsky stated that he lives really close to Sydney Dodd. He lives on Meeting Street and he can hear the Blessed Trinity band and the Roswell band every Friday and Saturday night off of Lake Charles. And he is a long way away. So, what is one more

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band and what's one more football game going on? Regarding the lights, Talinsky stated that he works in the engineering business for providing security to nuclear power plants. And this gentleman has got quite a product. He does not think anyone is going to be concerned about lights in their windows. This is a top-notch, state of the art lighting system. Talinsky's company utilizes the same technology at their plants. Roswell High School apparently doesn't have those lights, nor does Blessed Trinity.

Talinsky asked the Commission to do their homework and he thinks these people need not be concerned about lights in their windows.

Lastly, he does not think that there can be any more noise than on July 4th when one has fireworks going off at Roswell High School. At least one day during the year. So they are only going to have four more days in the fall that they are going to have a little bit of noise.

Susan Baur asked if there was anyone else who would like to speak in favor of this application. No one came forward. Baur stated that the Planning Commission will now hear from those who would like to speak in opposition of this application. She has a stack of cards. It is her understanding that they have been put in a particular order so she will follow that order for the next 20 minutes.

Allison Brolick
210 Devereaux Downs
Roswell

Allison Brolick stated that she was the chairperson of the Woodstock Road Neighborhood Coalition. They are a group of neighbors interested in preserving the integrity of their homes along Woodstock Road. She lives in Devereaux Downs with her husband and three small children, ages 9, 6 and 6. She is a lawyer and small business owner here in Roswell running a law practice out of her home. She practices in special education law. She lives directly across the road from the proposed football stadium at issue here tonight. She implores the Planning Commission to not recommend the approval of this application submitted by Fellowship Christian School.

With the Commission's indulgence, several from the coalition will be speaking tonight, but they have coordinated so that they are not repetitive of each other. Please be aware that they are speaking on behalf of nearly all of the homes that are in close proximity to the school property having received signed petitions in opposition to this application from nearly 100 percent of the homes in Barrington Manor, Broughton Park, Greenway Hills and the homes that are in Devereaux Downs that are in closest proximity to the Fellowship property. They will be presenting those petitions to city council next month.

The represented speakers tonight will each be speaking on one topic. Brolick's topic will be traffic. However, she would like to begin with the over riding feeling that all of them in the coalition have, which some of the speakers have sort of touch on this already. That is that nothing has changed. They were here five years ago and five years ago the expansion was granted but the stadium was not. The lights and the PA's were not. And that decision was upheld by the Georgia Supreme Court when Fellowship sued the city of Roswell.

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Brolick would like to just make one note about something that the Commission had mentioned before. There was a newspaper article shortly, she believes it was after that, somewhere around the Georgia Supreme Court article where, and she thinks it was Mr. Munn from Fellowship who said, "We will have lights one day." So there intention was always to come back and reapply for these lights.

It is Brolick's understanding that the Planning Commission's job is in part to find a happy medium that all the parties can live with. However, that plan, that happy medium is what they are currently living with. That plan was approved five years ago where Fellowship got their campus and their buildings and their fields and the coalition was there for the intrusion into their homes that come with the lighted and PA'ed athletic fields. Brolick stated that their neighbors in Barrington Manor, and she is sure the Commission will hear about it, aren't happy right now. They get baseballs flying into their backyard; they hear the unamplified roar of the baseball crowd inside their homes during dinner. And the constant dinging of bats all summer from baseballs being hit.

Brolick stated that she has heard a lot of other neighbors complain about the berm along Woodstock Road that shields nothing from view although they were promised an effective berm.

So, the so-called happy medium has already left a lot of people unhappy. However, it is that happy medium that they are living with now. But Fellowship is back here again taking another bite of the apple. Trying to move that compromise line all the way into their court. The thing is, nothing has changed. Traffic concerns are still the same. The noise concerns are still the same. The light concerns are still the same. The property value concerns are still the same. The concerns of the ability to enjoy their homes are still the same. Nothing has changed. So if nothing has changed, why should the city of Roswell's decision regarding lighting and amplifying of Fellowship's athletic fields change? Brolick submitted that it shouldn't. And she absolutely agrees that they knew five years ago that they were not allowed to have these conditions yet they still decided to go ahead with their expansion. They decided to still go ahead with their plan rather than finding a more suitable location that was not smack in the middle of a bunch of established neighborhoods.

As she mentioned earlier, Brolick's specific speaking topic is on the issue of traffic. As the Planning Commission is aware, they have two other high schools within a stone's throw of their neighborhood, Roswell High School and Blessed Trinity. Five years ago Fellowship produced a traffic study that actually said that one athletic event typically generates enough traffic to grid lock a system. Two or three simultaneous events occurring along a two-lane road would certainly create capacity restraints immediately following a football game. The study concluded that there is no way to practically design a roadway to accommodate this peak in traffic. It was this factor alone that the Georgia Supreme Court relied on when it rejected Fellowship's law suit against the city of Roswell in denying the permit to build the stadium. So what have they done? Fellowship has gone and commissioned another traffic study to contradict its first study. Brolick supposed that opinions are a dime a dozen because of course this new study concludes that if certain road conditions are made, then the traffic generated by the football games will not generate an unacceptable traffic load on the system. The traffic improvements include adding an additional lane going northbound on Woodstock Road at SR 92 and also adding an additional left turn lane on SR 92 going east bound onto King Road. No small undertaking.

Brolick stated that her question for the Commission is who is going to pay for that. Are the taxpayers of Roswell going to have to pay for that? Just so Fellowship can have their athletic games and their football games. Have they offered to pay for that? There are a lot of road improvements that were suggested the first time around that haven't been done short of their own entrance into Jones Road. Are these suggested traffic improvements yet again from their own traffic study, going to happen?

In addition it is important to look at the methodology used in collecting and interpreting traffic data to figure out whether this conclusion regarding the lack of the impact on game day traffic can be trusted. Brolick asked the Commission to keep in mind that she really, really does not know anything about traffic. She is a special ed lawyer; she does not deal in any of these areas. But it doesn't take an expert to find at least three glaring deficiencies in their data.

First, their new traffic study took their Friday evening traffic samples. So what they are holding out is a typical Friday evening for traffic on June 11, 2010. They are looking at a time of year where schools are not in session, families are on vacation, parents aren't shuttling their kids to and from their athletic practices in the evenings particularly down at Roswell Park where a lot of activities take place. So a lot of the traffic that is normally on Woodstock Road during the fall was just simply not there. It seems like they were trying to set up their data results to reflect the lightest traffic flow that they could rather than what the reality is during the fall months.

The second and most obvious red flag is their estimated number of trips that a home football field would generate. Their study says that based on information from previous years which Brolick assumed Fellowship provided to the traffic people, they say that the school can be anticipated to generate 181 trips for Friday night home games. So 181 trips. They are building a stadium that has 1500 home seats and about 500 temporary seats and the visitors' side for guests/fans. One could figure about two per car.

What Brolick submits to the Commission is that Fellowship gave their traffic engineers a low number so that their report could say that football traffic won't have an impact. But if one looks at Fellowship's study they estimate that Blessed Trinity's football games generate approximately 700 trips from their stadium. Their stadium has 2500 seats on the home side and 1000 seats on the visitors' side, so it is 3500 seats versus Fellowship's 2000. Fellowship's stadium capacity is about 57 percent of Blessed Trinity. To they said that Blessed Trinity could expect to generate 700 trips. 57 percent of 700 is about 400 trips, not 181. Brolick stated that she hopes the Commission gets her math.

She does not understand this estimate of 181 trips for their football games. There is just no way. Finally, their new traffic report failed to acknowledge that when cars leave the stadium after a game they don't spread out over an hours' worth of time. They don't stagger. Cars pretty much all try to leave at the same time. It is very consolidated. So to compare the volume of cars leaving a stadium immediately after a game with the number of cars that pass at the same point on a road over the span of an hour, which is what they have done, they are saying that the traffic load after a game is going to be the same as the traffic load from 3:00-4:00 in the afternoon. They are saying that it is the same or that it is no worse, but that is comparing apples and oranges because they are talking about really what should be a whole lot of cars leaving in a condensed period of time versus the same number of cars going in there over an hour.

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So the whole conclusion that football games will not put unreasonable loads on the traffic system can't be believed because it is predicted on faulty data. Both on the amount of traffic on Woodstock Road for a fall Friday evening and the nature of the traffic and the number of trips expected to be generated by their games. So, easily rejecting this new study's conclusion regarding traffic, the real conclusion regarding traffic surrounding the football games remains the same as it was five years ago. Which is that one game grid locks a system; three games would be a nightmare.

Brolick stated that she has checked the football schedules for the fall. Blessed Trinity's isn't up yet but Fellowship's is and Roswell High School's is. Right now there is one game that conflicts, that they are both playing on the same night. There is a reality that there will be more than one home game on the same night in the area.

Throwing the added wrench is that the fire station is a stone's throw from Fellowship's campus. She thinks it is even less than a quarter of a mile up Jones Road. If an emergency were to happen during the football game, especially during people going in or out of the football game, who knows what is going to happen with their emergency services. The traffic situation is really just completely unacceptable.

So, for the traffic reason alone, the reason why the Georgia Supreme Court upheld the Roswell city council's decision the first time around, should not recommend approval of this application under any circumstance.

Brolick implored the Planning Commission to leave them with the happy medium compromise that was struck five years ago.

Allison Brolick asked the Commission if they had any questions.

Sydney Dodd stated that he had a question. Brolick certainly talked about the traffic and the potential implications. But she didn't mention the ingress and egress to the site. Dodd stated that his background is in real estate and the ingress, how one gets into the site, how one exits the site, how many curb cuts, what type of vehicle flow, can one direct the vehicle flow. That is a very important consideration when one talks about traffic studies and of course the impact for traffic. Dodd is just curious. He followed Brolick's presentation but she didn't talk about the ingress and egress to the site. He asked Brolick to share her feeling on that.

Allison Brolick reiterated that she was not a traffic person. She really does not even know what Dodd is asking. Does he mean during games? Dodd stated that during the games if the people are coming to the site. How do they get into the site? Do they get in off of Woodstock at Jones or do they get in off of Woodstock a little further north? Brolick stated that there are two entrances along Woodstock and there is one entrance at SR 92. She has no idea what the people are going to do. In her neighborhood, one thing that she hasn't even mentioned is that their neighborhood streets are a heck of a lot closer to park at than the upper lot at the church. So, people certainly will be using the Woodstock Road entrances. How much they are going to be parking up at the church she has no idea. Her guess would be that they would choose to park in her neighborhood and just walk across the street to the stadium before they would walk all of the way from the church. There is another church across the street on the other side of Jones Road and people park there to go for baseball practices. Sometimes there already

are adults and children crossing Woodstock Road now. Brolick personally, is concerned for other people's safety crossing Woodstock Road. So, exactly where people are going to be parking and where they are going to be going in and out for these games she has no idea. She can only speculate at best.

Sydney Dodd asked Brolick to share her experiences, since she lives in Devereaux Downs and he remembers when every home in their was built. He asked about her experiences with Blessed Trinity in terms of their Athletic events. Brolick stated that she has lived in Devereaux Downs for about six years now. She doesn't really have an experience with Blessed Trinity. Inside her home at some points during the fall she hears band music. She really couldn't tell one whether it comes from Roswell High School or Blessed Trinity. But beyond that she has no experience with athletic events there.

Sarah Winner stated that she had a couple of real quick questions for Brolick. She did go over and talk with some of the people at Blessed Trinity and a couple of homeowners who were out that lived around there. It is her understanding from Blessed Trinity, with the down lights; she thinks they called them Muscone lights that are directed down. That no one has really ever complained about lighting. The only complaints that they have had in the last couple of years had to do with some coaches playing loud CD music in the middle of the day to psych up their kids for a game. On the internet there are lots of city councils and planning commissions that are going through what Roswell has gone through and a lot of them have come up with a guideline or restrictions that are a compromise beyond where they are right now that have said five games, no lights in the summer, maximum number of lights, sound not above this level, there have to be tamper resistant devices put on the sound so that it can never exceed this.

In looking at their plat Winner stated that it was clear to her that they have athletic fields with the baseball and the tennis that are directly in people's back yards. She understands how that can be an issue. Winner stated that what she is looking for is Brolick, being the chairman of her neighborhood coalition, in her mind does she see any kind of compromise where maybe it could be noise and lights five nights a year in the fall, not in the summer. Does Brolick see any room for compromise other than nothing more than what they currently have?

Allison Brolick stated that she has thought a lot about this because she is an attorney and actually she is not an attorney that fights a lot. She comes to compromise. She works with school districts and teachers and her reputation is to try to work amicably with the other side. Based on what they know about the sound, which she has another neighbor who is going to be talking about that.

Brolick's home is about 650 feet away from the football stadium, which is not even the closest home. There are homes that are going to be closest. What the sound study said is that during the football game it is going to be like someone taking a vacuum cleaner and periodically turning it on as one is sitting in their family room trying to watch TV. It says that one is not going to be able to sit out on his deck and talk to someone who is six feet away from him because she is not going to be able to hear them. It is unreasonable.

Sarah Winner stated that she understands that. Her question is and this will be the last question she has for Brolick. Does the benefit of having a successful private school close to one maybe offset five nights a year knowing that there is going to be a football

game making noise. She does not think it is the lights as much as it is the noise. Brolick stated that it was not the lights. She stated that personally she does not have a big issue with the lights on the football stadium. There are issues with the lights on the baseball fields that her neighbor that lives in Barrington Manor will talk about, because that is right up on their homes.

Football fields, lights honestly, the lights themselves don't bother Brolick. It is the fact that then they will be able to play at night, a lot of people with small children, Brolick has small children who go to bed at 7:30 p.m. Their sleep is going to be disturbed. That is what their sound study said. Sleep will be disturbed at these noise levels.

They are talking about noise levels that were actually higher than Andretti. She went back and listened to the minutes of Andretti, louder than Andretti in their homes. Any amount of nights a year it is just unreasonable. They had the opportunity to find a different site for their campus and they chose not to. They chose to push forward with this plan. And now here they are back with the same argument that they had five years ago.

The applicant is saying it is unfair; it is not fair to the homeowners. The residents have established homes there. They have a right to be able to enjoy their homes as they were meant to be enjoyed residences. The person actually, ironically who lives in the home closest to the football stadium has Huntington's Disease. She needs peace and quiet when she comes home from work. The reason why she bought her house toward the back of her neighborhood and why she bought it where it is, is because it was away from the road and it was quiet. That is not going to happen anymore. They have another gentleman who has Friday night Shabbat Dinners in his home. He is not going to be able to do that at Barrington Manor. It is going to disturb him. These are there homes. This is where they live, this is where they eat. This is where they sleep. And they are not going to be able to do this on at least five nights. There is also lacrosse, there is soccer, and Brolick does not know when they play those things.

Susan Baur stated that the Brolick is going to need to wrap her comments up.

Joel Bayer
140 Calet Court
Greenway Hills subdivision

Joe Bayer stated that five years ago he participated in the verifying city council meeting regarding this issue. At the time Mayor Wood and the council approved the current conditional use permit, which allows the Roswell subdivisions around the Fellowship Christian School to enjoy the use of their homes while minimizing the hardships and burdens associated with and created by lights, noise and traffic. Bayer's comments to the Commission this evening revolve around the impact of noise. However, the three problematic variables of lights, noise and traffic are interwoven. They are inextricably linked and in Bayer's opinion cannot satisfactorily be examined independently from one another in terms of the hardships that they pose to the surrounding subdivisions.

For example, while Bayer's comments will focus on the issue of sound and noise, the lighting contractor that spoke to the residents at a neighborhood meeting just the other month has proposed a low-spill stadium light design. He has publicly stated, although one did not get a chance to see that slide, that the properties near or below the grade of

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the fields will experience additional light on their properties. Since the eastern border of the Greenway Hills subdivision and also Barrington Manor is below the grade, their homes will be negatively impacted by these lights. And the same light pollution applies to other subdivisions who will suffer that as well.

The Fellowship Christian School had an acoustical assessment, otherwise known as a sound study. This sound study was prepared for them by Lee Sound Design in 2006 to examine the impact of sound that would be generated by a stadium crowd, marching bands, a public address system. A review of this acoustical assessment was performed by Eric Zwerling, who is the president of the Noise Consultancy. Zwerling is an internationally recognized expert in the field of noise pollution. And this report was made part of the public record during the city council meeting back in 2006. Bayer has a copy with him today and he can easily email the Commissioners a copy to read at their convenience.

Bayer stated that what he would like to show the Commission is that in order to better understand the effects of noise on the subdivisions that completely surround the Fellowship Christian School, he would like to draw their attention to just some of the subdivisions that they show here in the aerial satellite photo. He started in the lower left. There is Lake Charles, Devereaux Downs, Broughton Park, Elgin Place, Glens of Crabapple, Greenway Hills, Barrington Manor and Pinehurst.

The sound study performed for the school by Lee Sound Design indicated that the decibel sound levels and Bayer is not here to debate about decibel readings of 10 or 5 or 35 or 85. But he simply wants to say that the decibel sound levels produced by stadium crowd noise, a marching band and a public address system would be at 85 to 105 decibels. Eric Zwerling's analysis of the sound study showed similar sound levels that will be generated at the site. Specifically, his study details point out that a high school marching band with drum line will range from 97 to 105 decibels depending upon the number of members in the band and the instruments. The crowd noise will range from 80 to 90 decibels and the public address system will range from 80 to 90 decibels. Zwerling states that it would be reasonable to assume that some of these sources of noise will occur simultaneously and therefore will reinforce one another resulting in a proportionately higher sound level. The key to the sound measurements of course, is what will be the estimated measurement of the sound in each of the surrounding subdivision locations. The estimated measurement of sound was only done at the Devereaux Downs subdivision. Zwerling believes that the crowd noise and the public address system will be at 55 to 65 decibels, which is louder than the proposed Andretti facility at the residential locations.

Please understand that this sound data was taken at a specific Devereaux Downs subdivision address that was not the closest address to the fields. In other words, there are homes in other surrounding subdivisions such as Greenway Hills, Barrington Manor and Broughton Park that are closer and where the sound readings will be at higher or louder sound levels and decibel readings. Right now neighbors in Bayer's neighborhood can hear without any amplification, sound from the practice games at the baseball fields inside of their home.

Baker asked the Commission to turn to slide no. 2. What he has done here is to focus on down to the Greenway Hills and Barrington Manor subdivisions. He has just taken two locations. Location no. 1 is from a house at the edge of the Greenway Hills subdivision

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to the football fields. Location no. 2, which is a distance of less than 400 feet, was taken from another home in his subdivision to the baseball fields. The baseball fields can plainly be seen from their subdivision. The sound report prepared at the request of Fellowship Christian School by Lee Sound Design does not take into consideration the effects of sound produced by stadium crowds, marching bands, a public address system on these other subdivisions that are in close proximity. And there are no estimations of sound levels and noise that would be generated from outdoor concerts.

One of the recommendations in the Lee Sound Design study in order to attenuate or lessen the sound level in the direction of Devereaux Downs was to direct the public address system east towards Greenway Hills, which is the subdivision that shares the property line directly east of the school. Regardless of which direction a public address system is directed or aimed, the subdivision in the sound path will suffer the effects. In the executive summary of this report Eric Zwerling makes the following incites:

"The acoustical impact will be very significant even at the levels predicted by the Lee Sound study and will completely alter the acoustical environment for these neighborhoods when the facility is in operation. The stadium will introduce an entirely new set of sounds which alone will be highly noticeable. But it is also introducing them at levels significantly above the current ambient levels. Sounds from a stadium at the 55 to 70 decibel level will disrupt peaceable enjoyment of the outdoor spaces and will even interfere with speech at times. There will be times when people sitting in their back yards will have difficulty having a conversation at distances greater than a few feet. In addition, the sound from the source will certainly be heard inside the houses even with windows closed and could prove disruptive to sleep."

If all this were not enough, think of the hardships that this noise pollution will cause the individual residences of these subdivisions.

Bayer stated that he would like to repeat the last sentence of Zwerling's summary. There will be times when people sitting in their back yards will have difficulty having a conversation at distances greater than a few feet. In addition, sound from this source will certainly be heard inside the houses even with windows closed and could prove disruptive to sleep.

Bayer asked that they personalize this hardship just for a moment because that is exactly what it is. There are residents in these subdivisions that get up each morning at 3:30 a.m. while the rest of us get to snooze a little longer. They start their work shifts early and must get to bed in the early evening, perhaps at 8 p.m. to get seven hours of sleep. There are others in the subdivisions that have young children in their families. They go to school, or are elderly or suffer from other medical conditions that would be harmed by this additional noise. Clearly, to allow a change in the current conditional use permit, which would cause a direct impact on the ability of these residents to get a good night's rest or otherwise harm their health is unconscionable.

After spending many hours in his neighborhood talking to well over 90 percent of his neighbors, they are adamantly, resolutely, and unequivocally opposed to the lifting of the conditions of the conditional use permit. Most of his neighbors were shocked to learn that the subdivision surrounding the Fellowship School once again faced the possibility of noise, lights and traffic problems after erroneously assuming that this matter had been permanently resolved by the mayor and city council in 2006.

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Bayer thinks that the Planning Commission will be interested to know that the questions that were most often asked him by his neighbors regarding this issue generally took the form of, why should the homeowners in the surrounding subdivisions, who have the right to claim, demand an expectation as protected by law to enjoy the peace and tranquility of their homes have to suffer the hardships that would be inflicted on them if the conditional use permit provisions are changed. Said another way, why is it more important that the sports objectives of the school over ride the rights of the homeowners to enjoy their homes without the unwelcome intrusion of lights, noise and traffic.

Bayer asked that each of the members of the Planning Commission to deny the approval of this application. He thanked the Commission for their time, their patience and their attention to this matter.

Susan Baur thanked Baker and stated that they are at 20 minutes so she is going to close the public portion of the meeting. That is why she advised the public ahead of time to make sure that they use their time wisely. It is her obligation to make sure that there is equal time so she has to fulfill that obligation and she is going to.

Baur stated that the Planning Commission will now hear rebuttal and then they are going to take a five-minute break after the rebuttal. Baur asked the Planning Commission members to please not have any discussion. Take care of their business. They have some things up here that they need to read as well. They have some letters that they need to read, so they are going to take five minutes to just take of that business. She asked the Planning Commission members to limit their discussions at this point.

Don Rolader stated that he would try and be brief. He has two subject matters he really wants to cover with the Commission and he will be straight forward with those. The first question is, the judge decided this in 2007, is it over forever? For Fellowship School to accept that would be for Fellowship School to pull its pockets out, hang its head and go "Oh darn that is as good as we could ever do. We are just going to be mediocre and that is life."

Rolader stated that was not human nature. Every day of ones life he tries to do the very best that he can do. One wants the best for his children; he wants the best for his community. He wants all of those things. One is not stuck with it forever, that is why they have zoning laws. If one doesn't like the way something is ask the city of Roswell to change it. Ask the city of Roswell to use a little bit of common sense and a little bit of thought and as they continue to progress, they grow.

Rolader stated that he moved to Roswell in 1977, it had 12,000 people. He lived right out off of Lake Charles, Toll Wood Drive. He lived in the poor section. They did not have a lot going on in Roswell. They have the Public House and they had Bob's Dairy Barn and he thinks the McDonald's was up there and that was it. He didn't sit still with that. Roswell grew like a race horse and it was good. So Fellowship School wants to grow and Rolader thinks that is good. He thinks the want to be like the other high schools in the area. He doesn't think that is evil. That's argument No. 1.

Argument No. 2 to Rolader even makes more sense. Look around one's community. Everywhere he finds a school, everywhere he finds a Roswell recreational facility, he will find neighborhoods all around it. Why? Because it is good. People can walk to it. They

can get to it, they can use it. People try to come in from outside and use Roswell's rec facilities all the time. They will one a Roswell address if you don't watch them because they are good. Recreation does not cause the disruption of someone's neighborhood. If the people near Roswell High School, the people near Blessed Trinity and the people near the Roswell Area Park are not suffering today with those mega facilities and when one asks himself reasonably how are these neighbors truly going to suffer from this high school playing football games six nights a year? Rolader stated that he was going to continue to dwell on that because that is the fact. The rest of it is non-impact stuff. And they go home at 9:30-10 p.m. It is not all night. So, it is just less than everybody else has in the area. And that is not a rational basis for decision to Rolader. A rational basis for decision is, is there some harm coming to these homeowners that is exceptional or unusual that doesn't affect other homeowners in the city of Roswell. He can't get to that answer. He doesn't see people moving out from Roswell High School. He does not see them moving out from Blessed Trinity. They move in there. It doesn't bother them. People living in the Downs and living nearby say that Blessed Trinity doesn't bother them. That is a 4000-seat, 3500-seat facility. Fellowship is going to be 1500 seats total. 1200 and 300.

To Rolader it is that simple because it is just reasonable. Do what is fair and what is normal and what makes one's community better. Does a good school make one's community better? He thinks so. Does making that good school better make one's community even better? He thinks so. Is this truly harmful to the close-by neighbors? He does not think so. It is fear of the unknown. They call it a NIMBY in the business, not in my back yard. But it is not there yet. Not in any appreciable amount and the fear is that it is going to be terrible. But if they let history be their guide and they look at the bigger places on the same street that have it there, there is no negative impact.

That is the argument that Fellowship is putting forth to the Planning Commission. Five years has gone by. That was the decision then, they don't want that to be the decision now. They want to be as good as everybody else.

Don Rolader thanked the Commission.

Susan Baur stated that at this time the Planning Commission will take a five-minute break.

After the break Baur stated that they have closed the public portion of the meeting, they have heard the rebuttal. Now is the time for the Planning Commission to have a discussion. They will ask staff any questions they may have and they will move forward with the motion one way or the other. That is where they are at.

Susan Baur asked to hear any discussion, any questions for staff at this time.

Bryan Chamberlain asked Brad Townsend as it relates to the sound system, just the issue of sound. The recommendation was should this go forward that all of that would be reviewed by the Design Review Board. Is that correct? Townsend stated that it was. What would the expectations be in terms of sound limitation for the benefit of those who are in objection to this?

Brad Townsend stated whatever representation from Fellowship that would go to the Design Review Board. He believes that the Design Review Board would take into

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consideration how it would be impacting the neighborhoods. He cannot speculate as to if they would put limitations or try to control length of time or allowable decibels or things like that. But that would be in their purview in dealing with the situation.

Chamberlain clarified that the Design Review Board would provide guidelines. Townsend state that they would hope so.

Susan Baur stated that she had a question for Brad Townsend about the chronology of this case. She heard that in the public portion that the Georgia Supreme Court upheld the decision and that was a decision that said that they would have no football field at the time. What was the chronology from that point on because they have a field now?

Brad Townsend stated that once the Supreme Court acted in dealing with the request for a stadium...the initial approval by council by council was to deny the stadium and the lights and the press box and the sound system. That was then taken through the court system and upheld by the courts that that is the way it was approved. The site plan that was then adopted by the mayor and city council showed that those items were not as part of the approval. The track, the fields, the goal posts, the parking lot, the drainage, the baseball locations, the tennis courts, the expansion of the existing high school building with elementary and middle school, the future high school building were all approved as part of a master plan by mayor and city council with the 30 conditions that are included in the Commission's backup material as part of that final approval. Once that approval was granted, they went through the Land Disturbance permit phase, they went through the Building permit phase, they went to the Design Review Board for landscaping approvals and they then started the construction and they are today where they are.

Susan Baur asked if there were any other questions for staff or any discussion. Baur called for a motion.

Sydney Dodd stated that he had one more question for Brad Townsend. In terms of the timing when they talked about the precedence for Blessed Trinity and others. Is the continuing, schools by right or churches by right, that zoning district does not exist in the city of Roswell anymore?

Brad Townsend stated that it did not. Prior to this the review process if a church or a school was to locate in a residential zoning district, it was only required to go to the Design Review Board for aesthetics. It did have to meet certain setbacks, additional buffer requirements and things of that nature but it did not require a conditional use process to be adopted or approved by mayor and city council.

Dodd clarified that the development of athletic facilities, that was included by right within that zoning district? Brad Townsend stated that they were included as part of an accessory to the high school building. Dodd asked if they did not have to go before the Design Review Board. Townsend stated that they would have. But they did not need a conditional use approval by mayor and city council to do that prior to 2003. Dodd assumed it was prior to. When a school would want to develop athletic facilities and they would go through the design review process, would that be open to the public for comment? Townsend stated that it would.

Dodd asked if there were any such comments when Blessed Trinity developed that campus under the auspices of the Diocese. He was here in Roswell and he usually does not miss anything. There is a reason for that but he just does not remember and he is getting older.

Brad Townsend stated that he thinks Jackie Deibel would probably be able to shed some light at least to what that process was at the time.

Jackie Deibel stated that Queen of Angels went through first and that was the beginning portion of 1998. That is the elementary school. Blessed Trinity went through second, more towards to middle of 1998. They both went straight to Design Review Board for building aesthetics, landscaping, fields, everything. During that process, within anywhere from four to six months, within that process there was some opposition to the landscaping and buffering the campus. They did have something where there were around 23 standards brought up by, Deibel believes it was Devereaux Downs. It was actually State Street subdivision, not Devereaux Downs, but State Street because they abutted the Blessed Trinity campus. And that was discussed at length by staff and city council members at that time and it was addressed. So when the church went in a couple of years after that, somewhere in the beginning of 2000-2001, a lot of those issues along the drive and the buffering were discussed once again. It went through and had to be addressed and put in.

So, there was discussion with the neighbors regarding that campus during that time period. It was just a public meeting. Design Review Board is a public meeting where anyone can attend and comment. It is not an advertised public hearing as Planning Commission or city council is.

Sydney Dodd clarified that it was handled with the design and the site plan and the type of equipment and the landscaping, etc. Jackie Deibel stated that was correct.

Sarah Winner stated that she would just like to throw a few things out for discussion purposes. Things have changed in Roswell, they grow, rules change and rules that applied four years ago might be different now. So, in her mind one has to deal with whatever is on the table now. Rules are what they are now. Having said that, the Planning Commission's job tonight is to make a recommendation to council on what is the best thing for Roswell? It is not necessarily the best thing for a person or for a homeowner or for a business, but what is the best thing for Roswell in keeping with the ordinances that they have. They have the ability to tell Fellowship that they can have whatever they want as far as lights and noise and they have to balance that against the people who say, "you know what, I don't want that." So they have to kind of weigh both of them. For Winner to try to make that decision, she went to neighborhoods that abutted schools, specifically Nesbitt Lakes, which is up against Centennial High School on the east side and she also walked around in a couple of neighborhoods over by Blessed Trinity. She also went back and looked at old tax digest records on the home sales and also on values of homes. It is not apparent to Winner that being close to a school actually harms one's home values, causes a reduction in sales or even creates a lot of negative feelings with the people who live close to the schools. Most of the people she talked to in Nesbitt Lakes were adamantly opposed to Centennial High School putting up their lights for their football games.

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Winner stated that her personal home is almost four miles away from Centennial and she hears every marching band sound every Friday night. That is just part of having a high school within four miles she guessed. Her guess is that some of the neighbors who are close to this proposed football field probably already hear Roswell or Blessed Trinity when they play.

Winner personally believes that having private schools does actually help a community. When people describe a community and they say is this a good place to live, they are going to talk about churches, schools, crime and private schools are attractive to a large number of people.

Winner does not think it is about trying to be fair with the other schools have it so we want it too. She thinks it is more in keeping with what are the rules today and what is best for Roswell.

Winner stated that she spoke to the principal over at Blessed Trinity and his secretary pulled the stats on how many people who had complained about lights. Virtually nobody has ever complained about the lights. There have been complaints about the noise. So then she tried to go to other schools and called other schools even in other cities that have had problems with this and they have created a lot of different rules that have to do with how many nights a week there can be lights, how many nights a week there can be noise, that junior high games have to be at a significantly lower decibel than the varsity games. Winner is thinking that personally, for the good of all of Roswell, maybe there is another step of compromise that they want to consider. Her concern though is that Fellowship Christian will continue to come back to the well and maybe take a bite now, but in two years they will be back for a bite of this and back for a bite of that. That is Winner's biggest concern with stepping beyond the agreement that was made five years ago. If she felt that in good faith Fellowship Christian was ready to say, "you know what; if we get this we are done." She thinks she would feel better about it, but she does not have that warm and fuzzy, she kind of feels like they are just kind of in the, eventually we will have lights everywhere anytime we want.

Winner stated that she is kind of torn on what to do with this. Her gut instinct right now that maybe the best thing for Roswell would be to potentially give them the ability to, on a limited number of nights, literally six nights through a certain period, football lighting, stadium noise there to all be controlled with certain decibel levels and lighting. But that there would not be lighting allowed on the tennis courts and the baseball fields, which clearly Winner does not know how those people would be able to enjoy their homes at all with baseball games and tennis games that can have a lot of laughing and talking going on every night of the week for extended periods of time.

That is kind of where Winner's head is right now. She asked what the rest of the Planning Commission thinks.

Bryan Chamberlain stated that from a practical sporting environment, the reason why there are only five games that are being discussed is because in high school, there are usually 10 games in a season and they play five at home and five away. That is pretty typical across the United States. So far as baseball is concerned obviously baseball is America's sport but it is not the most popular sport in the south. Nor is it the most profitable sport professionally. He can speak from experience that there is no entity that is more profitable than football. There is nothing in the south that is more revered than

football other than Christianity itself. If there is a no.2 he will stand corrected. That being said, there is a way to handle it with scheduling that can be sensitive to the neighbors. Chamberlain lives very close to this area too and he can usually hear Blessed Trinity from time to time when he is outside. He can hear it. He just listens for the marching band because he likes the sound of it.

One thing that Chamberlain would like both the neighbors and the schools to consider is that he is grateful that schools reach out to our kids after hours. Because we know our kids will be in school when they are supposed to be in school and hopefully doing what they are supposed to do with their studies. But as a father, he worried about his kids in those evening hours. Who were they with? What friends did they have? What type of activities did they have? He was comfortable if they were going to the school because being together in a school environment and whether that is Roswell High School or Blessed Trinity or Fellowship, in a school environment one has a better chance that his/her child will be supervised and hopefully doing the right thing. Where the kids go astray is when they don't have some place to go and they are not supervised. And it is easy when one has younger children to think that he/she will always be there for them. But once they turn maybe 15 and get that driver's permit, they won't want to be around him/her in the evening hours too much. And then parents will have to rely on what they have taught them and the environments that they are in. The safest environment for one's child is probably at school if they are away from the parent. And church functions certainly are in that category as well. He just says that to reiterate that there is a partnership that can happen between the neighborhoods and certainly the schools and the churches that can be win-win for everyone. They just need to find out where that is. He is hopeful that they can do that because that is what the community is all about. He would hate to think that they couldn't find common ground to make all parties happy in this effort.

Harvey Smith stated that it is a tough situation. He knows if one listens to both sides of the argument and he tries to be an objective thinker. He tries to remember...he has lived in Roswell since 1987 also and he knows this was very controversial five years ago. Smith stated that the chronology of events kind of fade from memory as far as the legal process that Fellowship went through to get to where they are now. He can only imagine part of that marathon meeting and some of the meetings that he has been involved with, with his tenure on the Planning Commission is there is such a fear of the unknown back five years ago. He thinks that if both sides were totally honest with each other they would probably agree that there are things that they under-estimated and over estimated when that decision was made back then. Five years later Smith thinks that some sides might commend them on the actual development itself and the value that it has added to the community. He can't help but think that it is just a little premature to think that the landscaping that may not be in place now, 10 or 15 years from now one is really going to have a jewel on Woodstock Road as they look at the berm at Devereaux Downs. That was developed 20 years ago. That type berm that was created as a buffer behind Allison Brolick's house and the tennis courts, that is like driving by Callaway Gardens. It was almost unheard of to have that type of landscaping planted. But Smith would like to think that over a period of time if the school truly wants to be a good neighbor the same type end result will occur.

Being in the real estate business, Smith knows that good private schools, positively impact, the public high school positively impacts their community. It is one of the reasons all of them chose to live in Roswell and move to Roswell. That is a big drawing card.

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Smith does not think one can objectively measure the economic impact or the deterioration of property values based on the last three or four years of the economy we have been in. He doesn't think one can objectively say that his property value went down 20 percent because of Fellowship Bible Church. He does not think there is an expert here that can say that. He would like to think that they could come up with some type of compromise that they could move forward on instead of a complete denial and he is inclined to think that there is some middle road, a middle ground that they can both accomplish a win-win and with the belief that things do change in the community. Just because what was done five years ago doesn't mean it was set in stone. He does not think that means anybody is going back on their word with an agreement that actually he does not think the agreement was made by the church. It was made by the court system. Smith does not think that it should be in the spirit of harmony and compromise; it shouldn't be that they just want to be stubborn and say they are not going to compromise because they said they said they weren't going to do this five years ago. Their community is a fluid community and they need to keep that in mind.

Bryan Chamberlain stated that on the items that the Commission is considering, 15, 16, 29 and 30 either their inclusion or removal from their decision. He shares some of the concerns of the folks that live back by the tennis court and the baseball stadium as it relates to light and to some degree sound. One is never going to be able to deaden the sound of a bat or muzzle the sound of a crowd. The baseball and softball fields are there so the noise is there. The question then remains do they add to the noise with a PA system? In Chamberlain's mind he is not clear on when those games are played and to what length of time those games would have noise that would be bothering the neighbors. He does have some concerns about nighttime games being played for baseball. Chamberlain asked if anyone could enlighten him as to when the high school baseball games are played. Daytime? Nighttime?

In putting together a list of possible compromise items it may be quite suggestible that the lights for the baseball/softball field and tennis courts relative to their close proximity to the folks in Barrington Manor, that that not be removed from the current condition.

Marching bands on the fields. Chamberlain stated that he was not sure that he understands that one. If one has six games in a season and five or six of them are at home and they are played at night and there is a marching band and the marching band marches for five minutes at half-time. 10 minutes at half-time. How much in the scheme of a full year is that a problem? Concert on the other hand... Don Rolader indicated that a concert was not in the offing in their general thinking. So Chamberlain is not sure why that is being lifted or requested to be lifted as a condition. That seems to him to fall on the table of possibly remaining in as a compromise.

He certainly can understand the need for an active football team as a draw to the school for a balanced high school experience. The need for people to be able to sit at... people are going to be at the football games regardless. If they make it more comfortable for them to be there, that doesn't necessarily place an additional hardship on anyone other than the folks that have to pay for the seating. The public address system certainly makes sense that one needs a public address system at a gathering of that nature. And if there are certain restrictions placed on how long, how often and when those public address facilities can be used once again offers a great opportunity for compromise. Chamberlain sees there being a middle ground here that could be good for all parties

and as Sarah Winner pointed out, we are here for the better good of the community as a whole.

Cheryl Greenway stated that she agreed with the statement that they have seen a lot of change in Roswell. Having grown up here in Roswell, there was a time when the park was bought on Woodstock Road that the argument was that, "we don't need a park out there that is too far outside the city of Roswell." And it is now the heart of Roswell. But in that same vein, and Greenway is not trying to say that anybody did something dirty or anything of this nature. They are only talking five years. Five years ago it went before the courts and the courts said this is what we approve as this. They are not that much further down the road. The other issue she sees is that it wasn't like Fellowship was there and the houses have now built around Fellowship. The houses were there and Fellowship built around the houses. Greenway thinks they have to live in a world of compromise. They have to try to find a happy medium to try to make it all work. Private schools do add value but she thinks she hears from her fellow Commissioners that they all would like to see some type of compromise, but she thinks to just approve this with all of these items being lifted is just too much. The baseball fields and the tennis courts are just so close to the houses. There has to be consideration there from the school of how it would interfere with the lives of the people in the homes right there at it. So from the standpoint of trying to approve this as is Greenway stated that she cannot go for it. She does not know that the Planning Commission has the right to sit here and try to say which one is yes and which one is no, though. She does not know if that is something that can be worked out between now and the presentation of the city council or not. She cannot be in favor of this as it is in completeness. It would have to be some moderation.

Sarah Winner asked Susan Baur if the Commission was able to take each of these five items individually and make a recommendation as opposed to doing the whole thing at once. Susan Baur stated that she would have to defer to Brad Townsend on that. She believes they can and asked Townsend to give them some guidance.

Brad Townsend stated that the application was submitted as a whole, but the Commission is more than willing to make individual recommendations on each one of the items that they are choosing to remove from the original approval.

Sarah Winner stated that she would like to suggest:

That maybe they could find common ground on maybe an approval that they do not recommend approval for no. 15, which says that there will be no lighting on baseball fields, softball fields, basketball courts and tennis courts located near the Barrington Manor subdivision.

That they recommend denial for no. 16, there shall be no public address systems used at the baseball and softball fields and tennis courts.

That they recommend denial on no. 29, that there shall be no marching bands either from the Fellowship Christian School or the visiting school during athletic events. She believes that would allow them to still have pep bands in the stadium. That is Winner's understanding that that is what they can do now.

And that no. 30 is also a denial, that there should be no outdoor concerts on the property. And that no. 1, which was basically the school asking for permission to be able to have lights and a PA system on their football field.

That they encourage Fellowship Christian to deal with the local neighborhoods and see if they can reach some kind of compromise that would limit the number of interscholastic events that can take place in the fall on that field.

That they would limit the number of interscholastic events that can take place in the springtime perhaps to 10 spring, 10 fall.

That during the school year there would be no evening games or practices in the field from the end of the fall season until the beginning of the spring season.

That there would never be lights on Sundays. There would never be lights used during the summer months from the end of the school year until the beginning of the school year.

For any practices and activities Monday through Friday that lights would always be out by 8 p.m.

For games Monday through Saturday, lights would always be out by 9 p.m.

That games could only occur one evening of one weekend within the time parameters outlined previously.

That the public address system would have speakers that would be directed away from the residential homes and would include scoop shields to direct the sound onto the field.

That there would be tamper resistant limit guards placed on the PA system.

The PA system can only be used for varsity games.

Those are just some suggestions that perhaps some kind of compromise could be worked out with the neighborhoods and the school so that perhaps the school can have the benefit of a football program and the neighbors most harshly affected by the lights and the noise could have some relief over by the baseball fields and tennis courts.

Susan Baur stated that her sons attend a private Christian school and so she understands they are going through a growth process. She understands living through that as a parent the importance of athletics and attracting students through athletics. It is vital. This particular school was looking at a particular piece of land and because of the very negative response from the residents around this piece of land, they chose to look elsewhere and found a piece of land that it now resides on that is adjacent to a park and their athletic facilities are not around any residential areas whatsoever. So Baur understands this process. She certainly understands both sides of it.

She does agree with Sarah Winner and some of her fellow commissioners that the lighting near the baseball/softball field, basketball and tennis courts located near Barrington Manor subdivision would place an undo hardship on the houses around that

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area. And they look at 23 Critical Standards of Review when considering a request. One of them is the consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood the factor of preservation of the neighborhood shall be considered to carry great weight.

Baur thinks that in this situation given that criterion, No. 15 just should not be lifted as a condition of this property. She also tends to agree with No. 16 for the same reasons. There shall be no public address systems used at the baseball/softball fields and tennis courts should not be lifted as a condition of this property.

She also tends to agree that no marching bands either for Fellowship Christian School or for the visiting school during outdoor athletic events. She also agrees that should not be lifted and that there shall be no outdoor concerts on the property. She agrees that that should not be lifted.

She does, however feel that there is potential for given the location of the football field that there is potential, as her fellow commissioners have said to have a football program there that has lighting, a stadium, a press box, PA system if there are limitations and parameters set on that and hopefully those parameters can be agreed upon between the residents and the school. Baur's inclination is to support lifting the first condition.

Sarah Winner stated that she would like to make an easy motion.

She recommended that the Planning Commission recommend denial of Nos., 15, 16, 29 and 30, identified in CU11-02, 10965 Woodstock Road, Fellowship Christian Schools. On No. 1, which has to do with the restriction on the football field that they recommend that the Fellowship school and the local neighbors try to reach some kind of compromise prior to the council meeting and that the council makes their best decision based on the information at that time.

Susan Baur clarified that Winner's motion is lift condition No.1. Sarah Winner stated that it was not to lift condition No.1, she is not making a recommendation on condition No. 1 except to say that she would like to see maybe some good faith effort on the part of Fellowship Christian School to meet with the neighborhood community folks to find out if there is some way for the good of all of Roswell that they can have some kind of compromise that will help the school and not be too detrimentally harsh on the neighbors that could be effected. She does not want to recommend approval or denial at this point on No. 1.

Susan Baur asked Winner if she was making a motion.

Harvey Smith's microphone was not turned on.

Brad Townsend clarified that Sarah Winner was recommending that those conditions not be removed from the original approval.

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Motion

Sarah Winner stated that her recommendation would be that they not remove the conditions 15, 16, 29 and 30. And that for condition 1 they do not remove that one either but they encourage the school and the neighborhoods to work together to see if a compromise can be reached on condition 1 that would allow it to be partially lifted.

Brad Townsend stated that he believed that was the form of a motion. Susan Baur called for a second to the motion. Cheryl Greenway seconded the motion.

Sydney Dodd stated that it just seems ambiguous. Are they recommending to council to deny and then negotiate?

Susan Baur clarified what she interpreted it to be. That basically, for four of the five conditions they are saying that they should not be lifted and that those should remain in place. The first one should not be lifted, the Commission is not recommending that it be lifted as it is but they are recommending that the neighborhoods and the school get together to see if they can reach a compromise that would allow that one to be an altered condition.

Bryan Chamberlain stated that he would recommend that the Commission does recommend the lifting of No. 1, with conditions. Not conditions that they identify but with conditions so that they have a specific point of action rather than passing along somewhat of an ambiguous recommendation to the council. At that point then the conditions, he is not sure who put those on there, but basically it relates to the limited use of the lights and the sound system in a fashion that is acceptable. Chamberlain thought that a lot of the things that Sarah Winner went over in terms of those conditions were very helpful. Chamberlain is not sure that this body is prepared to make those recommendations but certainly someone could meet with Winner and she could offer up the items that she has researched and found to be useful in other places.

Susan Baur asked Brad Townsend if they say they are recommending with conditions, do they have to be specific on the conditions that they think need to be there. Or is it enough to say that they should include the following areas?

Brad Townsend stated that he believes the Commission probably should provide the direction to council that they want these specific area. If they are looking at providing the stadium seating and the press box and the PA system and the lighting for the football field, if they feel it would be appropriate to have a number of limits on times of use in a 12-month period. They want a limitation on the length or duration. Does Winner want it to be able to be 9 p.m. or 10 p.m. or 11 p.m. or things of that nature? Those are normal conditions that are put on a conditional use that try to reach that compromise location for the community to know that there is some protection. They shouldn't be disturbed at a certain time of the evening with what they feel is their normal neighborhood that should be at midnight.

Cheryl Greenway asked if they are going to add more of these items to that first one; could they separate it into two separate motions and let one address 15, 16, 29 and 30. Vote on that and then come back and address No.1 in more detail?

Brad Townsend stated that would be fine.

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Harvey Smith asked Townsend if wouldn't the Design Review Board determine the PA system and lighting? Why does the Commission have to put those conditions or get into that aspect? Don't they approve that?

Brad Townsend stated that staff looked at it in saying that they were the appropriate board that would understand it most and probably protect the community the most but it is within the Planning Commission's discretion to make recommendation on that.

Sarah Winner suggested they try to eat this animal in small bites. She clarified that they could make two motions. One that would just move forward on four of the items and then the second more complicated motion on the one that they are worried about.

Brad Townsend stated that was correct.

Motion

Sarah Winner stated that she would move...

Susan Baur stated that the Commission has a motion they need to vote on. Cheryl Greenway asked if Winner can withdraw her original motion. Brad Townsend stated that if the person who seconded agrees, she can withdraw the original motion.

Cheryl Greenway stated that she would agree. Sarah Winner stated that she would like to withdraw her motion and rephrase it

Sydney Dodd asked if before Winner does that, could Brad Townsend quickly tell the Commission the steps the Design Review Board would take assuming it is in their court.

Townsend stated that they would look, they get a lighting plan, they have standards that are in the code dealing with lighting. They have very little...since he has been in Roswell they have not had a sound issue to deal with. But they would look at the expert information provided to them dealing with the sound. They will definitely deal with aesthetics and landscaping in situations of how the football stadium seats would look and things of that nature. They have a public meeting in which people are welcome to go to and speak on their own behalf in dealing with how this situation is developed and would impact them. They then make a determination prior to the applicant getting a building permit to do anything with particular conditions that the Board feels might be appropriate. That would protect the neighborhood as well as protect Fellowship's right to utilize the property as the use that they want to be able to use it.

Dodd clarified that the Design Review Board makes their recommendation to the mayor and city council? Townsend stated the Board actually has final approval. But the applicant then has appeals process to mayor and city council if they feel that anything that the Design Review Board had placed on them would be arduous or above what they feel that they could actually construct and live with.

Susan Baur asked Townsend if the Design Review Board gets into issues like time of day or time of year. Townsend stated that they can.

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Withdrawal of Motion

Sarah Winner stated that she is withdrawing the motion she made previously to deny four items and make a recommendation on the fifth item. Cheryl Greenway concurred with retraction.

Motion

Sarah Winner proposed a new motion which is that regarding CU11-02, 10965 Woodstock Road, Fellowship Christian School that the Planning Commission move to deny lifting the restrictions on items No. 15, 16, 29 and 30 on the current restrictions.

Cheryl Greenway seconded the motion.

Susan Baur asked if there was any further discussion.

Harvey Smith stated that he has a problem with No. 29, with not lifting that if they are considering some compromise on No. 1, with a marching band. Would that not inhibit a visiting team even though...he is trying to give them the full rights of say a football team on Friday night with Friday night lights and a PA system. He is a little confused. He knows they are trying to compromise but to Smith it seems like if the visiting team had a marching band, would they not want to come play or participate on their schedule and their development of schedule for the school. Is that the betterment of the community?

Sarah Winner stated that it is her understanding that one can have a pep band or something in the field and that they could probably move forward with having an orchestra. If one has a marching band, Winner remembers when she was in band; they had to have nighttime practices out on the field. And that went on before football games and things, even when there were away games. So, if one actually has a marching band he is going to have to have night practices at least once or twice a week every single week of football season. So that is compounding the amount of noise. Winner thinks one can get almost as much pump out of having a pep band in the stands as he can having the performances at halftime. But that is where Winner's head was on that particular item.

Harvey Smith clarified that they are not saying that they are prohibiting bands from sitting in the stands playing. Winner stated that it was her understanding in reading over this that they are already allowed to have bands in the stands, or whatever they have for their athletic events, pep bands or whatever.

Brad Townsend stated that was his understanding.

Winner clarified that that was not even an issue. They already have that approval.

Sydney Dodd stated that the time that a marching band that would be on the field...halftime is 20 minutes and usually the marching band is given five to seven minutes and that is it. They have to get off the field. But in a pep band, they would be in the stadium seats playing during the whole game. Wouldn't a marching band be less...

Sarah Winner stated that a marching band still plays in the stands during the whole game. At least they did when she was in a band. They play every time there is a

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touchdown, every time there is something serious going on. But one wouldn't have all the practices required for the outdoor physical marching on the field that has to take place before a performance on Friday nights.

Sydney Dodd asked why the Commission is separating the items for rezoning petition on CU11-02.

Sarah Winner stated she thought that maybe they could get agreement not to support those four items. But if they can't get agreement...Dodd stated that he was speaking to why are they separating 1, 15, 16, 29 and 30. wouldn't the motion be for...Winner stated that it was her understanding that Brad Townsend told her that they could split this into two separate motions. Dodd stated that he understood. He is trying to find out what the reasoning is for splitting it.

Cheryl Greenway stated that she is supporting this from the standpoint that they have more conditions they are looking at putting on No.1 and for clarity sake and from their discussion it seemed to easier to address these four separately and then go back and address in one motion, No. 1 because there are going to be more conditions that they are looking at putting with that motion. So it was strictly to keep it clear and concise.

Susan Baur asked if there was any other discussion. Hearing none she called the question.

Sydney Dodd asked Baur if she could restate the motion.

Sarah Winner stated that the motion is to recommend that...it is kind of like a double negative. The motion is to recommend that the Commission does not approve the lifting of restrictions no. 15, 16, 29 and 30. In effect they are saying that they want it to continue that there cannot be lights and noise on the baseball fields and tennis courts, no public address systems, no marching bands, no outdoor concerts.

Susan Baur stated that they have a motion and a second. She asked Sydney Dodd if he had any other questions or anymore discussion.

Susan Baur called the question.

The motion was approved unanimously. That recommendation will go forward to mayor and city council next month.

Bryan Chamberlain stated that he had a comment before the Commission discusses No. 1. Are not the stadium seats constructed now? Brad Townsend stated that the slope is there. When the LDP plan was approved it was graded in a certain manner that would avail itself of seats. Chamberlain stated that he has stood on top of it; he has been by the crosses and hasn't seen seats. They are not that obtrusive if one cannot see them.

Motion on Condition No. 1

Sarah Winner stated that this particular condition is much broader than just the football field and the lights. So they don't actually want to lift this, they want to modify this condition do they not?

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Brad Townsend stated that condition No. 1 identifies the site plan that was approved. That approved site plan does not include the stadium, does not include a press box, does not include light stands for the lights or identify a PA system for that location. So that it why it is odd to be dealing with something that is not there instead of conditioning it not to be included.

Winner just wanted to make sure they were phrasing this motion right because basically they want them to be consistent with the site plan but a revised site plan to include a stadium with the following conditions. Would that be the correct way to phrase it? Brad Townsend stated that would be correct. He would also include Design Review Board approval of any permit that they would need for that.

Sarah Winner asked if the Commission wants to discuss individual conditions on this before they go through this or do they want her to take a stab at it.

Bryan Chamberlain stated that his only comment would be that he does not know that the Planning Commission needs to do the job of the Design Review Board. He thinks they have more expertise there than the Commission does.

Sarah Winner asked if the Design Review Board dictates how things can be used. Brad Townsend stated that because this is a conditional use it is council that will dictate the use. Winner clarified that it is a recommendation coming from either the Planning Commission or the Design Review Board. Townsend stated that the Commission is going to want to be able to provide some parameters in which Design Review Board will want to specifically try and make sure that they nail it down one way or another.

Winner stated that in fairness she is big on searching on the internet. She went to a bunch of different schools in a bunch of different neighborhoods where planning commissions had had the exact same discussion that the Commission is having tonight. She tried to make a composite of compromise conditions that they can throw out as a straw horse for the council to consider, for the neighbors to consider, for Fellowship Christian to see if they can exist with. As a discussion before they vote on this, the conditions that were used that Winner compiled are;

1. That there is a limit on the number of interscholastic games including playoffs that can be held in the evenings in the fall.
2. That there is a limit on the number of interscholastic games that can be held in the spring. All of this would be on the stadium field.
3. That during the school year there are not evening games between fall season and spring season.
4. That there are never lights on Sunday. She could expand that to say lights or PA systems on Sundays.
5. That there are no lights in the summertime.
6. No PA in the summertime.
7. Basically they would be restricting usage of the field strictly to the spring athletic season and the fall athletic season. Not the summer or the wintertime.
8. That practices would always end by 8 p.m.
9. For interscholastic games that take place Monday through Saturday, bearing in mind that there are junior varsity and junior high teams that might be out there too.

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10. That the lights would be out by 9 p.m. except for varsity football games, which would go until 10 p.m.
11. Games on the field can only take place on one evening of the weekend, either Friday or Saturday but not both.
12. That the public address system be modernized and have speakers that would direct noise away from the residential homes and include scoop shields to direct sound onto the field and away from the surrounding areas.
13. There would be a tamper limit guard put on the PA system so that some student or coach could not turn up the noise when they wanted to.
14. The PA system can only be used during varsity games.

Sarah Winner stated that the Commission can discuss whether any or all of those should be included in their recommendation to council to consider.

Susan Baur stated that she be inclined not to get into all of the details on the PA system and defer to the Design Review Board on that. The condition about no lights...

Sarah Winner stated that she will throw out that Blessed Trinity does have restrictions on their PA system and they actually set the decibel level for their junior varsity games significantly lower because that reduced the amount of noise. That is just something for the Commission to consider. She would suggest that maybe they either suggest that it is lower or that it is restricted to varsity because the PA system is really what she thinks people hear.

Susan Baur stated that she does not have a problem with restricting it to varsity. She is just talking about the details of the tamper guard and all that. She is not an expert on PA systems and how they operate.

Sarah Winner stated that apparently tamper guards cost about \$30. And it is something that is put on there that prevents someone from saying, "Oh, I turned it up. I didn't know it was a problem." Until five residents call and say, "My God, it was so loud tonight. I don't know why it was so loud tonight."

Susan Baur stated that when they say no lights in the summer, quite often these football programs will have practices in the summer leading up to varsity football. Sarah Winner stated that it does stay light. She does not know if lights are the big deal. It's the PA system that would be the big deal she would think. But in the summertime she would think that at least until 8 p.m. they could probably play without lights, she does not know.

Bryan Chamberlain stated that it depends on the weather conditions. It is a safety thing. Once the ambient temperature reaches a certain point and they are using so much body fluid, coaches usually have the flexibility to practice their kids later in the evening to prevent them from falling out. In Georgia and other places, there have actually been deaths of kids....

Susan Baur stated that she was cool with deleting that one. At this school there are multiple grades, which means they are going to have multiple football programs. They are probably going to have a junior program, a middle school program and a high school program and they are all going to be practicing and sharing one field.

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Sarah Winner stated that was correct but those practices would have to end by 8 p.m. during the school year.

Susan Baur stated that was fine but there may be lights going on.

Sarah Winner stated that they could have lights but the PA system would be restricted for the varsity games. Basically it is saying that one can only have a limited number of games in the fall, a limited number of games in the spring. That practices can use the lights but not the PA system. Practices end by 8 p.m. and the varsity team is the only one allowed to use the PA system. And there cannot be two games on Friday and Saturday night consecutively. They make it generic enough that it says interscholastic so that the field cannot be used by other schools or that there is a limit on them.

Susan Baur asked Sarah Winner if she wanted to run through those again. Winner stated that she would take them one by one. The Commission stated that had them. Winner asked Brad Townsend if they should just make them more general.

Brad Townsend stated that they want to control the number of games. They want to limit the PA system to the varsity activities. They want to make sure that there are tamper resistant or a maximum sound to the PA system. There will be no Sunday lights or Sunday activity at all. That the limitation on one of the weekends, either Friday night or Saturday night, not both. He thinks that the Commission has given enough information to staff to at least write it down, get it to Fellowship, get it to the neighbors and say that when this comes to mayor and city council, are they going to agree with this or not agree with this. Staff will sort it out at that time. Townsend thinks that Don Rolader is probably writing them down pretty good anyway. So he gets to earn his money for the next couple of weeks. The staff hammers out the details and they take it to council.

Sarah Winner asked if the motion could be generic enough that the Commission suggests that the Commission move it with discussion about all of the topics. Brad Townsend stated that was correct.

Motion

Sarah Winner made a motion that restriction no. 1 be modified to include a stadium, a public address system, a press box and bleachers and lighting but that they have conditions placed on them that cover the topics that were discussed during the Planning Commission meeting in April.

Bryan Chamberlain seconded the motion.

Susan Baur asked if there was any further discussion. Hearing none, she called the question. The motion was approved unanimously. This recommendation will go forward to mayor and city council next month for a final decision.

Baur thanked the audience for being a very civil and patient group tonight.

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