

2. CU05-03R, Fellowship Christian School, Woodstock Road, Land Lots: 308, 320, 321, 322, 352, E-2 (Single-Family Estate Residential District) and R-1 (Single-Family Residential) to Conditional Use, revised.

Councilman Orlans noted that this is the approval of the revised site plan with the removal of the stadium and the lights. Planning & Zoning Director Brad Townsend stated the original Mayor and City Council hearing of the Fellowship Christian School which occurred on February 13, 2006, required the applicant to submit a revised site plan without the football stadium to the Roswell City Council for approval. The applicant submitted a revised plan on May 25, 2007, with numerous items related to the football stadium removed. Those items removed include the visitors stand north of the football field, the lighting surrounding the stadium field, home stands on the south side of the football field, plaza, and sound system on the south side of the field. The revised site plan indicates the removal of all of the associated items that would be in conjunction with the football stadium as it was approved February 13, 2006. The Community Development Department recommended approval of the revised site plan with the original conditions numbered four (4) through thirty (30); those conditions dealt with road improvement requirements, additional landscaping requirements, controlling access through the site. Conditions one through three (1-3) of the original approval referenced the old site plan as well as the site plan to come back. Mr. Townsend stated that staff recommends the removal of those three conditions to be replaced by a condition which would identify the May 25, 2007 plan, or as approved by the DRB and consistent with all conditions. Mr. Townsend said that staff recommends approval of this revised plan; this approval does not open up all of the subsequent conditions of the approval. All that is being dealt with is the revised site plan brought back to Mayor and Council, as per their original approval on February 2006.

Council comment:

Councilman David Tolleson noted that he was delighted that Fellowship Christian Church will be expanding their presence in Roswell. Councilman Tolleson stated that after the final motion at the February 13, 2006 hearing, and adoption that this should come back, there was discussion regarding mitigating traffic on Jones Road. He explained that there is concern that if the main entrance is lined up with the intersection at Jones Road, as the applicant requested that traffic from Cobb County and elsewhere would be funneled down Jones Road instead of onto Rt. 92 and Woodstock Road. Councilman Tolleson stated that the applicant cannot be required to do things offsite; the applicant is paying impact fees and the City appreciates that. He noted that another Councilmember stated that we need to look at options; what are we required to do; whether system requirements are required at the taxpayer's expense; whether it is mitigating traffic on Jones Road or system improvements on Woodstock Road and Rt. 92. When interconnectivity in midtown Roswell was discussed, traffic calming had to be moved to the top of the list and we were willing to foot the bill. He stated that another Councilmember noted that no one could say how much road improvements would cost and asked to see a figure regarding what type of road improvements had to be done, before this item was brought back to Council. He stated that another Councilmember stated that we needed to look at whether this should go into the budget. Councilman Tolleson stated it is his understanding that Jones Road is a collector street and that traffic calming is not currently done on collectors; he asked what would be the answer for this area. He stated that City Attorney David Davidson confirmed that things could be moved on the site. He asked if the entrance should remain where it currently is or should it be moved in alignment with Jones Road. If the entrance is aligned with Jones Road, what is the plan, including a timeframe for any necessary improvements. He noted that this has not been discussed in this budget cycle. He thought that at the rate that Fellowship is going to be build out, that the plan could be addressed. If the City cannot do anything on a collector street, then perhaps that policy should be evaluated. Councilman Tolleson said he thought that we have done a bit of a disservice to the applicant in that they are bringing this back with the stadium changes as required but we do not have the plan to answer the questions from citizens regarding quality of life in

their neighborhood if the entrance is approved at Jones Road. He stated that best practices regarding Transportation would align such an entrance with an intersection, but perhaps it is better to bring the traffic down Rt. 92 and Woodstock Road, as currently is the case. He explained that he did not want to hold up the applicant but there remains unanswered questions relating to whether or not there is a plan, whether it will be in next year's budget proposal from staff to the mayor because it relates directly to whether or not the entrance will be at the Jones Road intersection, or do we retain it where it is currently. Councilman Tolleson stated that this question was posed repeatedly after the motion was made and asked that it be considered that staff and the budget team should come up with those answers, perhaps in a week.

Councilman Orlans asked Mr. Townsend to address what would be necessary, internally, to conduct traffic calming on Jones Road since it is a collector road. Mr. Townsend stated the City has a traffic calming policy related to residential streets and not collector streets. The first issue would be as a policy redirection to try to do some traffic calming there. The Transportation Department would have to determine what would be appropriate calming measures for that location, if needed. Alternative measures would most likely have to be brought back to Mayor and Council, be budgeted, and go through the budgeting process. Mr. Townsend stated that Council would probably also be looking at a long term analysis from today until the school is at their full enrollment; full enrollment could be assumed to be a couple of years from now. Mr. Townsend explained that they are not expecting that the traffic pattern will dramatically change initially when ground is broken, but would be farther out in the future. Mr. Townsend stated that the circulation pattern on site regarding the alignment of the entrance shows that the connection to Jones Road is where it should be - where there is a light accommodating right turns in and left turns in; it is the safest transportation connection.

Councilman Tolleson stated that he was not arguing the circulation point and was not suggesting that we hold the application until the end of a whole policy study process. He was trying to get answers to the question asked in February 2006, within a week or so; if this is approved as stated with this entrance, what is the plan; is the plan to recommend a policy change; is the plan to do a study; is the plan to do a study before construction indicating the traffic volume before construction and with a study to be done later at a certain other point, with changes made accordingly; what is the proposal of our Transportation staff and what is the proposal in terms of the City's commitment. Councilman Tolleson stated that we cannot tie the hands of a future Council as to what they must or must not do. He thought that we could establish what our hopes would be as a City, in terms of addressing these issues of concern.

Mayor Wood stated that today, we know there is no existing plan. The Mayor stated that if Council wanted staff to come up with a plan, it should have been made clearer. There was much confusion at the end of that previous meeting. Mayor Wood stated he has not heard Council ask anything since then about the status of the plan; it was never mentioned until tonight. Mayor Wood reiterated that if Council wishes staff to develop a plan then it should be requested within the motion, it could be brought up at Committee, or a motion to defer this item could be made tonight. Mayor Wood repeated that there is no existing plan. Councilman Tolleson stated he thought the reason why the Mayor did not hear the plan asked for was because it was requested to be done before the item was brought back. Councilman Tolleson stated that the community needs to know what the proposal is and asked City Administrator Kay Love about the plan. Ms. Love replied that as the Mayor stated, we do not have a plan since it was not incorporated into the motion back in February 2006. We know that traffic calming does not fit into that policy regarding that road, but it is possible to revisit the policy; the main emphasis would be on how, if at all, the traffic flow will change, but we will not know that until later. She stated that staff would need direction as to how Council would prefer staff to handle that and Transportation would need an opportunity to look at it. Ms. Love stated that it would not be possible for staff to come back with that information in one week.

Councilman Orlans noted the discussion regarding additional transportation costs at the corner of Rt. 92 and Woodstock Road related to stadium traffic which would no longer be necessary under the current plan. Mr. Townsend replied that was correct.

Councilman Joyner stated that the comments referred to earlier tonight regarding Transportation cost issues were his comments and his main concern; he was concentrating on what would happen regarding transportation and the possible number of cars in that area with the stadium and the type of activities there at peak hours and other times. He stated that certainly some road improvements will be needed sometime in the future but that his concern tonight in regard to Transportation costs, is not the same as it was the night of the February 2006 hearing.

Mayor Wood noted that Council should take this opportunity to ask questions of staff. The applicant would still be heard as well as public comment.

Applicant:

John Carruth, Randall Paulson Architects, 85-A Mill Street, Roswell, GA representing Fellowship Christian School stated that they are simply asking for approval of the revised plans which reflect the conditions that this Council unanimously passed in February 2006. They are in agreement with staff condition number one (1). He noted that this is a very straightforward proposal and did not understand why it was necessary to go back through these issues.

No comments from Council at this time.

Public hearing:

Phil Barnett, 11530 Bowen Road, spoke on the following:

- Noted that Council knew this would come back after the February 2006 hearing; he thought that the study should have been requested at the beginning so that the questions were answered tonight.
- Responded to Councilman Tolleson's comment, stating that this Council ties future council's hands every year; the fact that the hands of a future council are being tied should not have any impact on a decision tonight.
- Noted that he lives at the corner of Woodstock and Bowen Roads; Bowen Road has become congested making it difficult to turn left onto Woodstock Road from his driveway.
- Difficult traffic at Woodstock Road and Rt. 92 on Sunday at the Catholic Church.
- Fellowship Christian Church should not be delayed a decision tonight; the decision that Council is asking for is based on information that should have been provided tonight and is a shortcoming as to what happened as a result of that meeting.
- Lining up the intersection at Jones Road is the safest and most prudent thing to do; to allow access to the school at a safer point.

Michael Smith, 2060 Devereux Chase, spoke on the following:

- Resident at this address five years; twenty-four year resident of Roswell.
- Noted that Fellowship Christian School has done an incredible job converting from a site with a proposed stadium to one without the stadium.
- Amendment to the Letter of Intent dated 25 May 2007, refers to removal of football/soccer stadium including home and visitor seating, field lighting, PA sound system, concession stand, press box, and restrooms; neither the 5 June 2007 memo from Brad Townsend to Mayor and City Council or the 8 March 2006 memo from Jennifer Peterson to Eric Munn mentions the removal of

the PA sound system from the football and soccer fields. Mr. Smith requested that the temporary PA sound system be eliminated in any approvals of the revised plan.

Mayor Wood stated that is a fair request and asked staff if the PA system is mentioned in this. Mr. Townsend replied that the original condition sixteen (16) stated there shall be no public address systems used for the baseball, softball fields and tennis courts. Mr. Smith stated that the PA system was of serious concern; the letter of intent includes the PA system for removal but other memos state it is not. Mayor Wood asked the applicant to address this. John Carruth, representing the applicant, stated their amendment to the letter of intent declared that there are no PA systems. Mayor Wood stated that it should simply be worded that there will be no outdoor PA systems. Mr. Carruth agreed and offered that a condition could be added for clarification that there would be no outdoor PA systems.

- Memo dated March 08, 2006, from Jennifer Peterson to Eric Munn, item twenty-nine (29) stated there shall be no marching bands either from Fellowship or a visiting school during outdoor athletic events. Mr. Smith was concerned that it did not include pep bands which he said are just as noisy as marching bands. He requested a revision stating there will be no marching bands, no pep bands, no electronic produced music or sound allowed at any of the events, including mega phones or announcements of any kind.

Mayor Wood stated that Mr. Smith's request regarding pep bands would have to be added as a condition by Council. The Mayor felt that Mr. Smith's request regarding no electronic produced music or sound allowed at any of the events, including mega phones or announcements of any kind would be covered by the condition which stated there would be no outdoor PA system. Mayor Wood explained that the applicant concurred that there would be no outdoor PA system, whether it is permanent or temporary. Mr. Smith stated he was asking that no musical instruments be allowed. Mayor Wood reiterated that Council would have to decide whether or not they want to add that as a condition. Mayor Wood stated this item is a site plan approval and is different from a rezoning and asked City Attorney David Davidson if Council could add additional conditions tonight. Mr. Davidson replied that this item was brought back as a condition of this Council for site plan approval. He stated that it was not back for additional conditions, although if it related to the site plan it would be appropriate or if the applicant agreed to it, it would be fine. Mayor Wood stated this hearing was not properly advertised for discussion of conditional changes. Mr. Davidson replied that was correct; this was not a conditional use hearing, this was just a fulfillment of the condition that was placed on the applicant originally. Mayor Wood stated that the Council would not have the authority to impose any additional conditions tonight unless the applicant agreed with it. Mr. Davidson agreed with the Mayor and added that it would have to apply to the site plan; the use of bands or marching bands did not have anything to do with the site plan. Mayor Wood asked if the PA system would be part of the site plan. Mr. Davidson replied that was originally part of the stadium plan which the applicant agreed to, therefore, he did not have any issue with it.

- Performance Bond: Mr. Smith was concerned that this project could become under funded midstream, possibly effecting completion of the proper berm and shielding, eliminating the beauty of the streets.

In response to the Mayor's question whether the use of a performance bond would be a site plan issue, Mr. Davidson stated that the performance bond could be tied to a site plan if done in the manner of a phased site plan approval, as far as conditioning. Mayor Wood asked if the posting of a performance bond as a condition of the site plan could be imposed by Council tonight. Councilman Orlans asked what the City's normal process is for that. Mayor Wood explained that normally we do not post performance bonds and asked for legal counsel since this was not a full rezoning hearing. Mr. Davidson stated they could not place a bond requirement on the berm. He explained that the facilities would not receive a certificate of occupancy or building permits until those conditions are met. Mr. Davidson felt that there would be protection regarding the completion of the berm and landscaping requirements. Mr. Smith suggested that it should be clearly stated that the berm and the site protection plans be completed first, before any construction. Mr. Townsend stated that condition twenty (20) states that all buffering,

landscaping, and stormwater management shall be completed during phase one development when the athletic fields are being built.

- Cost to the City; Mr. Smith stated this is a costly venture from a non tax paying commercial entity; there will be no amortization of the taxes.
- Contentious issue and deserves a full Council vote.
- Possible conflict of interest for Councilman Orlans since his child applied and was accepted for enrollment to this school.

Mayor Wood asked if that created a conflict of interest. City Attorney David Davidson replied that it does not create conflict of interest. Councilman Orlans noted that he previously had asked several times for Mr. Davidson's legal advice regarding this.

Richard Arena, 830 Jones Road, spoke on the following:

- Noted Jones Road residents signed petitions in opposition to the original application from Fellowship Christian School primarily because of the traffic implications.
- Stated there was a great deal of discussion at the February 2006 meeting regarding mitigating the traffic problem on Jones Road if the plan goes through with the entrance at the intersection of Jones Road and Woodstock Road. At the east end of Jones Road, where the entrance would be, there are currently approximately 7,000 cars road per day, with traffic back-up already. Mr. Smith thought there will be an additional 1,000 cars on Jones Road per day, raising the risk of accidents on this road for residents and will create an encumbrance for the fire station at the intersection of Jones and Lake Charles Road.
- Contentious issue and noted those Council members absent from tonight's meeting raised strong concerns and suggestions regarding remediation of traffic problem if the entrance is at Jones and Woodstock Roads; asked that the full Council be present before consideration of this item.
- Agreed the applicant cannot be required to pay for structural changes; the City cannot pay directly or indirectly for anything that would aid a church or a sectarian institution. He asked City Attorney David Davidson if it would be within the bounds of the State of Georgia Constitution for the taxpayers to implement roadway improvements near this intersection.

City Attorney David Davidson stated it would be within the constitutional bounds to do that. He explained that would be a system improvement which would benefit everyone in that area and not only the school. Mayor Wood asked how the traffic would change on Jones Road if the entrance to Fellowship Christian School was shifted north. Mr. Arena replied that Mr. Carruth had said their intent was to have the entrance on Jones Road. Mr. Arena stated there are so many people that come to the school from Cherokee and Cobb County, who travel down Rt. 92 and use Jones Road as a corridor. If the entrance is at the intersection of Jones and Woodstock, because there are fewer lights, it would be much easier to come down Jones Road rather than face all that traffic on Rt. 92. Mayor Wood asked Mr. Arena if he had any traffic studies establishing that people driving from Cherokee County would take a longer route to reach the school rather than the shorter route. Mr. Arena replied that some things are of "intraocular significance;" if you are driving down 92 from Cherokee County and approaching Bowen Road going to Fellowship Christian School, there is the choice of taking the right on Bowen Road, the left on Jones Road and going straight into the school and encountering one more traffic light at Jones and Woodstock or the series of traffic lights from Bowen Road on down 92. Mayor Wood noted there are three traffic lights. The Mayor stated he drives this route every morning and did not understand Mr. Arena's point of view; he could not intuitively understand the difference whether the entrance is at the intersection or a few hundred yards down the street. Mr. Arena suggested the applicant should be asked why they want the entrance at that location. Mayor Wood noted the applicant would have the chance to respond.

Allison Vrolyk, 210 Devereux Downs, spoke on the following:

- Uses Jones and Bowen Road to avoid Rt. 92 rush hour traffic.

- Traffic and system improvements were a big issue not resolved in 2006; this is a very important issue to the citizens who live in and around Fellowship School.
- Requested deferral of this application and approval of the final site plan until answers are received; citizens, school, and Council need to have all of the concerns fully discussed and resolved before approval.

Rick MacDonald, 1105 Allenbrook Lane, spoke on the following:

- Contentious issue for seven or eight years; a site plan approval tonight does not seem necessary.
- Requested a deferral of this vote until a full Council could be present.

Joe Baxter, 320 Allenbrook Court, spoke on the following:

- Felt that a rush to conclusion of this matter after multiple lawsuits and countersuits seems inappropriate;
- Expressed appreciation regarding the agreement to remove any and all of the PA systems.
- 6-foot berm, around Barrington Manor, with a 6-foot opaque fence; he thought the opaque fence would be a chain link fence with an insert.

Planning & Zoning Director Brad Townsend stated the condition calls for a six (6) foot privacy fence. Mayor Wood stated that it does not state specifically what sort of fence it is; it would be reviewed by the Design Review Board (DRB). Mr. Baxter stated that the school agreed to do plantings rather than a six foot fence on top of the berm. He asked that it be deferred to the extent that it is reviewed, to stop the site plan or go back to the DRB. Mr. Baxter stated the neighborhoods seem to prefer relatively dense plantings such as Leyland Cypress to provide a better sound buffer and visibility shield.

- Remediation of existing water drainage problems coming off the property; today's site plan refers to the extent of 350 feet. He asked for an explanation of what that means.

Planning & Zoning Director Brad Townsend replied condition seventeen (17) states that with the approval of the downstream property owners, stream bank restoration and stabilization shall occur for a distance not to exceed 350 feet. Mr. Townsend explained that staff determined it would be measured from their property line, 350 feet downstream. Mr. Baxter suggested that an additional study be done regarding the flow of water coming from there. He stated that he knew the City is undergoing great effort to revise our current stormwater policies and Code. Mr. Baxter stated the damage will continue to get worse based on the current plans and the proposed location of the detention pond which will feed directly into the area heavily eroded. He would like to see them expand that area.

- Requested deferral of this application until it could be reviewed in detail by the City's engineering staff.

Melba Smith, 2060 Devereux Chase, spoke on the following:

- Explained that large hardwood trees often die within a year or so after root systems have been disturbed by construction or change in water distribution underground. Noted that pine trees are susceptible to pine beetle. This site plan shows many existing large pines which would be vulnerable to construction disturbance and pine beetle. She suggested that all existing trees be removed at the start of construction and replaced with a berm and new landscaping along the entire front of the property, which is more likely to survive. Suggested a provision be included that in the event the landscaping or trees die that they be replaced with the same or similar size and type of landscaping material.
- Suggested City Attorney review agreements and create restricted covenants between the church and the school relating to the site plan that will run with the land for the neighborhood's protection in the event that either the Fellowship School or Fellowship Church needs to relocate; her concerns were regarding shared parking, berm maintenance, correction of problems and maintenance to the stream.

- Traffic studies regarding entrance; answers needed regarding what exactly is needed at the intersection and what the systems improvement costs will be.

Powell Harrison, Highland Colony Drive, previous BZA member, spoke on the following:

- Questioned City Attorney if a quorum of Council was present and if so, would it be appropriate for Council to make a decision. City Attorney David Davidson responded that there was a quorum of Council present; if Council decided to make a decision they could do so.
- Thought that the City has taken wise and prudent counsel over the years in regards to this issue.
- Thought that some people were proposing standards tonight for the Council that are unprecedented and are not in the City of Roswell's ordinances; warned against going too far to the point of engaging in nit picking and frivolous standards and requirements.

Dale Nesbit, 9050 Nesbit Ferry Road, spoke on the following:

- Suggested a PA system should be allowed for emergency purposes only; suggested that both sides put the safety of children (K-12 grade) first; try to come to an agreement regarding the public address system.
- Council quorum present will decide what is in the best interest, whether the four present can decide or if it is perhaps better for the entire Council to be present; asked them to use their best judgment,

Scott Ralston, 800 Trakehner Tarn, spoke on the following:

- Contentious issue and deserves a full Council vote; defer decision until then.
- High continuous berm with mature landscaping is the preferred site plan improvement.
- Agreed with Councilman Tolleson regarding answers needed for road improvements; asked if that is that something that could be passed on to Fellowship Christian School.
- Asked if it would be possible to move the main entrance to Highway 92.

Unidentified speaker, Allenbrook Lane, spoke on the following:

- Concern regarding increased pollution in his backyard stream from cars dripping oil, antifreeze, runoff; requested study and asked if any information existed regarding the possibility of stream pollution.

Planning & Zoning Director Brad Townsend replied that he did not know of a study, but the applicant would need a detention area. Mr. Townsend stated that a land disturbance permit would control any runoff related to the project.

- Opinion that Councilman Orlans should recuse himself.
- Concerned loud sounds will carry to his neighborhood during events.

Marty Black, 725 Statestreet Court, spoke on the following:

- Asked if there is any protection for the residents to prevent the school from later on requesting to build the stadium and a sound system, should the site plan presented tonight be approved.

City Attorney David Davidson replied that the previously approved application was for a conditional use. Mr. Davidson explained that the applicant could come back at any time and make the request; it would be necessary to go through the entire lengthy process.

No further public comments or questions.

Applicant:

John Carruth, Randall Paulson Architects, 85-A Mill Street, Roswell, GA representing Fellowship Christian School stated a traffic study was completed. He noted that other traffic counts spoken of tonight

were not from traffic studies and not accurate counts; he thought they were "making up numbers." Mr. Carruth stated his traffic study is the same traffic study that the City of Roswell submitted as evidence to the Supreme Court of Georgia; it states that on Jones Road only one percent of the Fellowship School traffic uses Jones Road. He noted that Mr. Arena stated that road has seven thousand cars per day. Mr. Carruth stated "we are talking about twenty-five cars when Fellowship is built out using Jones Road." He explained that if Jones Road has a problem, it is not because of Fellowship School, it is because of the City of Roswell and its growth, including all the neighbors that use that road to avoid another intersection. Fellowship School should not be asked to deal with this. He reiterated that one percent of the trips generated on Jones Road are for Fellowship School. Mr. Carruth stated that he would not address all the public comments unless Council had specific questions. No Council questions were heard.

Council comments:

Councilman Joyner noted there were some valid concerns made tonight but that as long as this City operates as it does under this Charter, a guarantee cannot be made that every Council member will be here to vote. Councilman Joyner noted that he travels out of state from time to time; Councilman Orlans and Councilman Tolleson also do the same. It is not possible to ask the applicant to wait until finally all Councilmembers are present and noted that this is a part-time position, if it were a full-time position then it might be different situation. Councilman Joyner stated that we have known for quite a long time how important this issue was tonight and that it would be returning to Council. He made every effort to be at this meeting tonight as did everyone. He felt the decision needed to be made tonight while before Council. Councilman Joyner stated that it may be possible to have traffic improvements made quicker with this development of this school as opposed to nothing being developed there; the overall traffic in Roswell is not the overall problem of the City of Roswell. Developments going on in the north section of Atlanta in Cherokee and Cobb Counties are the cause of the traffic. Traffic will continue to get worse because of the greater Atlanta area growing, not because of the school or development in Roswell. Councilman Joyner felt that the traffic will probably double in the next decade from what it is now. He said there cannot be enough streets widened or enough improvements made to resolve the traffic issues within Roswell.

Councilman Orlans directed staff to begin the process of checking the traffic calming issues on Jones Road and to create some current benchmarking for future work. He said that because of the policy in place there is really nothing we can do on that issue tonight. In response to those concerns regarding improvement costs, Councilman Orlans stated the only indication of road improvements was at Highway 92 and Woodstock Road.

Motion: Councilman Orlans moved for approval of CU05-03R, Fellowship Christian School, Woodstock Road, Land Lots: 308, 320, 321, 322, 352, E-2 (Single-Family Estate Residential District) and R-1 (Single-Family Residential) to Conditional Use, revised site plan with staff conditions outlined and also conditions outlined in the letter from Fellowship Christian School dated May 25, 2007 which would include the removal of the PA system, football, soccer stadium including home and visitor seating, field lighting, public address sound system, concession stand, press box, and restrooms. The Mayor inquired if there would be an emergency PA system. Councilman Orlans replied that is not addressed. Mayor Wood clarified that there would be no outdoor PA system, period. Councilman Orlans agreed. **Second:** Councilman Joyner seconded the motion.

Further discussion:

Councilman Tolleson stated there is no doubt that Fellowship is an asset to the community and that everyone wants them in the community regardless of where the entrance is. The question before Council last February was regarding a plan to protect the community, assuming the entrance is at Jones Road.

Councilman Tolleson stated that he appreciated Councilman Orlans' request to move traffic calming forward and he would second that. He thought there will be need for a system improvement as part of the Transportation Master Plan and with the motion and second this application will go forward. He said that he supports Fellowship but was concerned that we did not get answers requested. That is not the applicant's fault, we should have had those answers before now. Councilman Tolleson stated that it is his understanding that by passing this, the City will now commit to gauging the impact of these changes and making improvements to mitigate their impact. In his mind, since a delay tonight is not in the offering, this is a promise from the City to the citizens that we will investigate and undertake the necessary system improvements here.

Mayor Wood explained that staff was not in any way at fault for not providing answers. One Council member's question regarding whether or not there should be a traffic calming study was not a directive for staff to do a study. Mayor Wood stated that at no point in time following that meeting did he or anyone on this Council pursue it with staff; any Councilmember could have brought it up. Mayor Wood reiterated that it was not staff's fault that there was no follow-up on a traffic calming study. Staff did what they had been asked to do. If anyone was at fault it was the person who asked that question.

Vote: The motion passed unanimously.

At 9:25 p.m., the Mayor issued a break in the meeting. The meeting reconvened at 9:40 p.m.

Other

3. PVH07-01, 1480 Woodstock Rd., Land Lots 117, 118, hardship variance request to remove condition from PV95-03.

Planning & Zoning Director Brad Townsend stated this application was reviewed in 1995 as a hardship application with condition #6 referring to the use of the property to be limited to an office professional use. Mr. Townsend stated staff recommends that Condition #6 be amended to include a hair salon as a permitted use as requested by the applicant. Mr. Townsend stated that staff recommends approval.

Applicant:

Marla Constable, realtor for the property owner and applicant Touran Aadalain, explained that Ms. Aadalain had been married to Morris Greenstein who made application in 1995 requesting office professional use for this property. Mr. Greenstein has since passed away and Ms. Aadalain wishes to sell the house to move into a smaller home. This property has been on the market since April 2006. Ms. Constable stated they have had only two contracts on the property and limited traffic. She explained that the only thing holding up the current contract for the sale of the property is the condition placed on the property back in 1995. The applicant requests that Mayor and Council approve the removal of this condition so that the sale of this property can proceed. Ms. Constable stated the lot size is 0.9 acre.

Kelly Davis, realtor representing the buyer of the property stated the existing size structure is about 2300 square feet. Mayor Wood asked if there will be any improvements made to this property. Ms. Davis stated renovations are planned for the interior; no changes to the exterior. Ms. Davis stated they would follow the guidelines of the Design Review Board regarding the parking and fencing requirements.

No Council comment.

Public comment: