

Commission to please state their name for the record for the benefit of those who are recording the minutes.

**REZONING & CONDITONAL USE**

**09-0594**

**CU09-01**

**GEORGIA ALLSTAR CHEERLEADING**

**3000 Northfield Place, Suite 100**

Jackie Deibel stated that the property is currently zoned I-1. This is a conditional use request for a cheerleading gym. Basically they are allowing for this conditional use just to be allowed in I-1. It is not allowed by right. They are requesting to be allowed as a conditional use. The staff has recommended approval with two conditions.

1. The location of the business shall be limited to 3000 Northfield Place.
2. Any expansion or relocation of the business within the city must be approved by the mayor and city council.

Cheryl Greenway stated that she had a question from the standpoint of knowing the area there and there is not a lot of traffic to her knowledge at night in that area. And from reading through the information it sounds likes a lot of the classes, the sessions will be more evening type sessions, after school type session. Is there any concern from a security standpoint, police comments or anything like that?

Jackie Deibel stated that the police took a look at this however, she did not hear back from them. She does not see there really being a security issue. There is lighting. They will be leaving in groups and this is located across from a residential neighborhood. Deibel thinks that they will time it well so that the girls are all leaving at one time. She stated that the applicant could answer that also.

Susan Baur asked if there were any questions for staff at this time. Hearing none, she stated that the Commission would like to hear from applicant.

Michael Kramer stated that he is a lawyer in Marietta and represents the entity, Georgia Cheerleading. He does not know how many of the Commissioners are familiar with cheerleading as it exists today. About 15 or 18 years ago the Georgia High School Association made it a sport. It has become a very, very big business. Colleges now offer scholarships and all kinds of benefits to cheerleaders. Kramer stated that his oldest daughter cheered at the University of South Carolina on a scholarship. His younger daughter cheered at the University of Georgia on a scholarship. So it has become a very, very sought after activity. It is not just girls. There are a lot of boys involved. Guys who are big and don't want to get hit all of the time feel it would be easier if he would just throw a 100 pound girl up in the air. When one watches any football game and he sees the cheerleaders on the sideline, that is the culmination of what these little girls have



been doing since they were four, five or six-years-old. These cheerleader gyms and they are all around, are breeding grounds for this. What happens in these places, and this place is 12,500 square feet, so it is not a small room. What the point of the business is is to teach these cheerleaders or children who want to be cheerleaders all the techniques in cheerleading be it gymnastics, stunting, dancing. But just as important is that these cheerleading gyms, and they are all over the place, maintain their own cheerleading squad. They are called All-Star Squads and they go to All-Star competitions. If one is in high school, or if one has a child who goes to Roswell High School and he or she is on the cheerleading squad, they may cheer football, they may cheer basketball but they also may be on the competition squad, which is the pinnacle of the cheerleading life. The competition squad is the squad that actually goes and cheers against other schools and competitions and then competes for the state championship at the end of the year. Aside from that, one can be on an All-Star squad and go to All-Star competitions. And the All-Star competitions are all over the country and there are literally tens of thousands of cheerleaders at these All-Star competitions. One gets noticed at these All-Star competitions just like a football would get noticed by a scout. One will have colleges come up to him and ask if he/she is interested. He/she is allowed to go on recruiting trips. It has blossomed into something that Kramer never really considered back in the sixties when the girls were on the sidelines cheering.

What this business does is they teach the children and they also have separate squads for competition. This particular business Kramer thinks has three or four All-Star squads.

The don't start operating until 5:30 p.m., until the children are out of school and have a chance to get home and do their homework. They are done by 9:30 p.m. There are usually on any given night 40-60 kids in the gym, instructors...there is not a security problem. Kramer stated that he appreciates that but he does not think that is an issue. It is in a really quiet area. This particular building, this particular unit is all the way at the end. The only thing across the street is woods and across the street is a little subdivision.

That is what the intent of this business is. Kramer stated that he would be more than happy to answer any questions the Commission may have.

Cheryl Greenway stated that is why she was worried about security because they are going to be in an industrial park where by the time they are starting their classes, a lot of the other businesses are leaving. And so, there is not going to be a lot of other activity and then they have the homes where hopefully people are at home at night and such, but it still would be a kind of quiet area that....but she thinks it is good as long as there are going to be teachers there that they would be sure that everyone gets to their car safe and all of that. Kramer stated that the instructors are males and they are large males. The instructors are not girls.



Susan Baur asked if there were any more questions for the applicant. Hearing none she opened the meeting up for public comment. She asked if there was anyone present who would like to speak in favor of this application. Hearing none she asked if there was anyone present who would like to speak in opposition to this application. Hearing no more comments or no comments from the public, Baur asked if there was anything more that the applicant would like to say before she closes the public portion of the meeting. Hearing nothing, at this time Baur closed the public portion of the meeting so that the Planning Commission can discuss the application and make a motion. Baur asked if there were any other questions for staff.

Mark Renier asked Brad Townsend a question regarding the first condition about expansion and relocation. He stated that he needs some clarification on why that is in there. Expansion...he understood the applicant's attorney saying that there was going to be about 12,500 feet. Is Townsend saying that they are not going to be able to expand within this building to anything greater than that if they want to take more space? Brad Townsend stated that if they want to take more space then that needs another approval from mayor and city council. Renier clarified that this is going in as a 12,500 foot space. Townsend stated that is the way the applicant is proposing it with what they are going to use and if they choose a different spot or choose to be enlarged, Townsend wants that to be approved by mayor and city council. Renier asked Townsend if he was specifically saying within this property. Townsend stated or to another building or industrial area or something of that nature. Renier asked Townsend if there are any other designations that allow for this type of use within Roswell or is it all conditional. Townsend stated C-3 or commercial. Renier clarified that if they wanted to go somewhere that was C-3 then they would not need to go back through, they could just go there. Townsend stated that was correct.

Sarah Winner stated that she had a quick question for Brad Townsend. It would seem to her if the Commission is approving cheerleading in this particular and once they have established this precedent that whether the applicant wants to expand to another 2000 square feet or whether they want to move a quarter of a mile down the road...does the Commission really want to go back to mayor and city council and bother them with something like this? Townsend stated that the recommendation would be to leave the condition in and the concern they would have would be if there are different situations where staff sees that they don't want...they have got heavy manufacturing right next door, which they don't think will be appropriate for this type of use. Or this type of use now creates some situation where the conditional use needs more conditions on it. There might be safety issues. There might be things the staff is unaware of with a different location that are not particular to this site that they would want to look at and that is why they next approval would be required.

Sarah Winner stated that she understands that is more of a relocation issue but it is conceivable that they may want to expand. Hopefully they will be successful



and they will grow and want more space. And it may never happen but it just seems to Winner if they want to add another 1000 square that they have to go to the mayor and city council for that, that just seems...Brad Townsend stated that in all reality if they are expanding, it is going to be substantial enough for the staff to want to know it. They just don't want them coming in and saying that their business license now has tripled in size type of scenario. That would be a great and the staff wants to encourage that, but they are putting a condition in by saying if one is going to expand he will receive mayor and city council approval for that.

Sarah Winner thanked Townsend for clarifying.

Cheryl Greenway asked Townsend if there needs to be anything in the condition that ties it directly to Georgia All-stars from the standpoint of if they rent this for several years and now they want to expand but there is not room to expand there so they move somewhere else. Does the Commission want to make it proprietary to them so that someone else doesn't come in and say there is already a conditional use here, they can now do another cheerleading something or a sports something or whatever.

Brad Townsend stated that he would not condition it just to this particular one. They are conditioning the use of that space to cheerleading. Whether it is this current operation and operator it makes no difference to its fitting. Cheryl Greenway stated that she just wanted to double check on that. Townsend stated that it does not make a difference to this operation.

Karen Geiger stated that she does not see the language in the application that says that this application is conditioned to blank. Is it conditioned to a dance and cheerleading class facility? What is the terminology the applicant is looking for for this conditional use? Brad Townsend stated that the definition relates to the school of the arts. Jackie Deibel stated that it was an educational use not operated by Fulton County that offers instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts or marshal arts. Geiger clarified that they are conditioning this application to a school of the arts. Townsend stated that was correct.

### **Motion**

Karen Geiger made a motion that CU09-01 be approved with the conditional use of the property at 3000 Northfield Place as a school of the arts.

Mark Renier seconded the motion.

Sarah Winner asked Karen Geiger if it was her intention not to include the conditions. Geiger stated that she wanted to include what is recommended by staff but to add that it is the conditional use specifically for a school of the arts.

 **DRAFT**

Winner clarified for the minutes that they were basically saying that they are including the two conditions that the planning department has recommended Geiger stated that was correct.

Susan asked if there was any further discussion. Hearing none she called the question. The motion passed unanimously. This will go forward to mayor and city council.

## **REZONING & CONDITIONAL USE**

**09-0623**

**RZ09-09**

**TAYLOR HOUSE SALON**

**66 Woodstock Road**

**Land Lot: 388**

Jackie Deibel stated that the request for this rezoning is to remove a condition that was placed on it back in 1999, when it was originally rezoned. Back in 1999 it was rezoned to C-2, which is neighborhood commercial and it was restricted to a hair salon. The applicant would request that that condition be removed in order to allow for other uses within the C-2 zoning district. The structure itself contains 1,368 square feet. The parking area is gravel. The conditions placed on it in 1999 allowed the house to be developed mostly with historic features or the historic feel. City staff has recommended approval of this request and to allow two conditions:

1. For the permitted uses in C-2 excluding convenience stores without fuel pumps.
2. For the owner to install a five-foot brick sidewalk and entrance/exit way within 90 days from the mayor and city council approval.

Karen Geiger stated that she read through this packet and it looks clear to her that when the initial rezoning happened the Commission and then the city council...but the goal was for them to find a way to allow a hair salon to be at this location and the only zoning that they could find was C-2. Is that still the case?

Jackie Deibel stated that the applicant was requesting C-1 at the time and they zoned it C-2 for a hair salon. The hair salon has been out of business for six months or so and she would like to be allowed to use other uses than just a hair salon. They found the zoning but they restricted it to a hair salon. Nothing else can be done there.

Karen Geiger clarified that O-P doesn't allow hair salons. Jackie Deibel stated that it does not. Geiger clarified that the least restrictive rezoning they could find was C-2 and that is what they chose. Deibel stated that was correct. Geiger stated that she was really quite concerned about this because when one starts talking about retail in an area that doesn't have retail really. Around the corner

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