

Planning Commission to please state their names before speaking for the benefit of the audience as well as for the benefit of the staff recording the minutes of the meeting.

REZONING & CONCURRENT VARIANCE**09-0810****RZ09-14, CV09-01****SEVEN GABLES HOLDINGS, LLC****2745 Holcomb Bridge Road**

Brad Townsend stated that this is a rezoning for a medical office. It has a current zoning of Fulton County Annexed. The applicant is requesting an OP zoning for a medical office to construct a 4500 square foot medical building. Townsend presented an aerial photograph of the area. He pointed out the middle school at this location. In the subject property there are apartment complexes, there is an assisted living facility. The vacant piece of property is the triangle that is proposed to be rezoned. Townsend provided a closer site aerial which shows the location and the entrance into the school. There is a business called Weed Pro, which is in an older home. There is another business located in an older house at this apartment.

Townsend presented the future land use map. This is the main reason for the denial recommended by staff. The future land use is indicated by the brown color has this area identified for high density residential being on the side of Holcomb Bridge Road. This would introduce a commercial rezoning into that location, for which they have commercial businesses but they are in existing homes in that location.

The subject property is approximately one acre in size. It was annexed in to the city with an underlying AG-2 zoning classification. The proposed development is for a medical office approximately 4500 square feet. In the backup material Townsend has provided the Commission with sufficient information related to the reasons that that staff felt it would introduce this use to that side of the street not consistent with the current comprehensive plan identifying it for high-density residential.

In summary staff would recommend denial of the proposed rezoning being inconsistent with the comprehensive plan and introducing an office use completely on this side of Holcomb Bridge Road.

Susan Baur asked if there were any questions for staff. Sarah Winner stated maybe a quarter of a mile down the street further west there is an office/condominium complex that is attractive. The residential home owners behind it thought it was a good use of land and they all sold. Winner is familiar with this area and she cannot imagine anybody putting quality residential with apartments on either side, a weed contractor beside him and a roofing contractor

on the other side on that tiny little strip of property. She understands and she is big on the comprehensive plan, but she just does not see how it is viable to ever believe any kind of quality, even high-density residential is ever going to fit on that triangle or on the two little tiny pieces that are still zoned Fulton County-Annexed.

Winner asked Townsend if there was any other reason other than the comprehensive plan, because when she went through here, she didn't see anything else. Townsend stated that there was not another reason. Winner stated that then the issue just boils down to the fact that they are trying to put a bigger building on that piece of property than what the city would normally allow.

Brad Townsend stated that was probably the case as well as staff looked at it and with the combination of the other property in the back on could get a more sizable piece of property and do something with it. If one takes the triangle out, he sets himself for making this another similar type of medical office complex. And if that is where it stops, which it would, there is really no other developable land to combine in that location. Staff doesn't have a real problem with the introduction. They think that if the comprehensive plan had said one could put commercial here Townsend believes that this office building would be right on target.

Sara Winner asked to follow up on that. Townsend keeps saying commercial. Her understanding is the applicant was asking for O-P. Townsend stated it was O-P, straight office. Winner clarified that they were not talking commercial here, they were talking office-professional, which is not quite as obtrusive to residential, especially apartments on either side of it. Townsend stated that was correct, he was asking for O-P.

Laura Light asked Brad Townsend if he has a view that the Commission can look at that shows a little it larger area going up and down Holcomb Bridge Road. Townsend stated that this is the other office complex that they were talking about. This site is the Super Target locations. He pointed out TJ's and Self-Storage retail, and a day care. Laura Light asked if they could see comparable of that size in the comprehensive land use plan. Brad Townsend stated that it doesn't go that far.

Sara Winner stated that Brad Townsend said there was no concurrent variance. She was a little confused about that. Is there any question about the size of the building? Townsend stated that there was not. One of the recommended conditions deals with the inter-parcel access request to the east. That may cause some configuration, maybe a parking space will, they will have to move the Dumpster location depending on if that is adopted by mayor and city council. But there are no confirmed....

Laura Light stated that from having been back in that area, the Weed-Pro office, it appears that their driveway goes right across this. So is there going to be a permanent easement there or how will that avoid being an island of property with no access to Holcomb Bridge Road.

Brad Townsend stated that they currently have an easement which accesses down to this location. The parking area is one of the conditions that are requested to be removed. So that should be approved and move forward as proposed. When the parking area is approved Weed-Pro has a joint access back here and they will be able to get out to the light concurrently through that property.

Light clarified that the triangle of property that is for the Weed Pro that has know actual physical connection to Holcomb Bridge Road has a current easement going across the Seven Gables property and is asking for one going across the proposed medical office building. Brad Townsend stated that they are not asking. They currently have an easement across Seven Gables. What the city is asking from this property owner is to allow a joint access through their parking lot so they will then just access directly to the light.

Sarah Winner asked what that will do other than take out more trees. Townsend stated that it would eliminate the curb cut access needing to be at this location, at the Weed Pro. Winner stated that Seven Gables already has a curb cut. Townsend pointed that out and stated that were two right next to each other. Winner clarified that the city is trying to eliminate having two that close to each other. Townsend stated that they were trying to eliminate this one because of the difficulty and then getting it to...Weed Pro out to the light for ease of the left turn. They could store in the middle lane but they wouldn't have a light. Baur clarified that the city was asking Weed Pro and Seven Gables basically to give up the driveway that currently goes across this property and the parking area on there and in exchange for it allow just access across the parking lot for the medical building. Townsend stated that was correct.

Susan Baur asked Townsend if he was saying right now that this property is zoned for agriculture. Townsend stated that was correct. Baur clarified that the future land use plan calls for a multi-family residential, Townsend stated that was correct. Baur asked Townsend to explain it to her because she does not understand it in the zoning ordinance where it talks about multi-family residential. How it talks about this district as not being suitable for new developments in Roswell. Is Baur looking at something old? Is it R-3? Baur stated that she is looking at R-4. Brad Townsend stated that the city eliminated most of the R-4 locations.

Karen Geiger asked if they were saying now that there aren't any variances that are needed with the current site plan. Townsend stated that was correct. Geiger asked if they changed their site plan to eliminate the need for the variance.

Townsend stated that they did. Geiger asked what the variance was. Brad Townsend stated that it was lot coverage. Geiger asked if they reduced the size of the building. Townsend stated that they did.

Susan Baur asked if there were any more questions for staff. Hearing no more questions, Baur stated that the Commission would like to hear from the applicant at this time.

Joe Alcock with Rutledge-Alcock Architects representing Jill Pacole and Seven Gables Property Owners stated that he was pleased to present this design. They think it is a design that will be a well-integrated concept on Holcomb Bridge Road and follow much of the current redevelopment that is happening there right now. He is asking for the property to be rezoned from Agriculture to Office Professional. Their intention is a single story medical office building. It is pretty low intensity from a traffic perspective although they are enhancing a traffic signal. This is only because it primarily exists right now and they don't foresee that being something that actually creates them any better or worse access to Holcomb Bridge Road.

The property is designated on the comprehensive land use plan for high-density housing. There is some of that near by as well as what the applicant is proposing, which is a low story office building. Even though the long term plan kind of has that as a goal Alcock feels they are in keeping with what is developing around there.

The planning staff made five recommendations. Alcock stated that they agree with all of them and he would like to clarify a couple of things just before he dives into this. They are going to propose interparcel connectivity. Right now the Weed Pro actually has an easement agreement that is not on the applicant's property. It is actually just off of their property and the gravel area was actually part of Seven Gables because they own both properties. They were using that for their staff and parking. However, they have since abandoned that in hopes of preserving trees. Presently if one drives out there they have put in some 4x4's and a chain and the gravel area is starting to grow in. One of the conditions is that the applicant remove the gravel. Alcock stated that they will meet that condition. Their hope is they will have a Dumpster and a parking space here and just to turn this into a two-way drive and just bring their curb right to the edge of the property. It was mentioned that there may be additional tree loss. There is actually a 14-inch pine tree that sits right on the property line behind their Dumpster. It is not a large pine but it is big enough to be noticed as a pine tree. It is not a specimen tree. They can move that Dumpster and connect that so that this property can have the access to the light and be able to get in and out without any issues.

Alcock stated that originally they did apply for a lot coverage variance. They basically misinterpreted the code and they thought they had to...they have included all of their impervious surface in lot coverage and lot coverage only

deals with actual building footprint. So they were never out of compliance, they just believed they were. They have not modified their site plan. It was pointed out that they were in compliance and that they did not need that variance. They withdrew that part of the application.

Diving into the conditions Alcock stated that the first one basically describes their site plan on the plans presented. The applicant is fine with that. Condition no. 2 is there is a traffic signal here mainly for the middle school that already exists. Presently it is a three-way operation. Their goal is to turn it into a four-way operation. They were discussing this with their traffic engineers today. They feel that it will probably just be a sensor scenario for their left turn exiting which with 20 vehicles and eight to nine hour days they don't see a huge demand where they will work in a cycle and they are actually stopping traffic on Holcomb Bridge Road for their use other than intermittently as required. As part of Condition no. 2, the applicant asked planning staff if they could modify that condition a little bit.

Because Holcomb Bridge Road is a state highway they fall under the regulations of the Georgia Department of Transportation. They have their rules and the applicant has been caught in the past where they have agreed to conditions of a local municipality and then have been in conflict with what the Georgia DOT would have them do. They would like to accept the terms of that condition and they definitely want to make it pedestrian accessible traffic signals but they would like to be subject to GDOT rules and regulations. Alcock does not want to officially say it, but they are probably very similar to what Roswell would want as well.

Condition no. 3 is the upgrading of the traffic signal. Condition no. 2 was the pedestrian signage; condition no. 3 is the traffic signal. Condition no. 4 is the gravel pit that once upon a time was parking and is presently not. They have no problem removing that. It is mostly in an area where there are no trees so they would not be impacting the critical root zones of trees that are preserved. They would be moving four or five inches of soil there and putting back topsoil. It is not an engineering issue.

Item no. 5, the interparcel connection has already been discussed allowing that portion to be connected through and they would probably be able to exit.

Joe Alcock stated that he would be happy to answer any questions the Commission may have and he will reserve the remainder of his type for rebuttal.

Karen Geiger stated that she had a question on condition no. 2. The applicant would like that to be changed to instead of saying "the latest MUTCD standards" the latest GDOT standards? Alcock stated that was correct, whatever the GDOT standards. He thinks that they are relatively similar; he does not know that for sure.

Sarah Winner asked if Alcock would be opposed to meeting the GDOT plus whatever conditions Roswell would put into it. The Commission's experience is that sometimes Roswell is a little more particular than GDOT and Roswell is going to be maintaining it after the DOT says they can. Alcock stated that he does not have issues as long as they are not in conflict. If the city of Roswell wants him to do something and GDOT asks him not to do something...in the past he has had to come back through zoning. Winner stated that was fair and she understands that.

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

Laura Light stated that the applicant talked about it not being a highly trafficked area. Can he give the Commission some idea of what he was talking about there? This is a one-story building so it is going to be housing...Alcock stated that they will have patients coming and going but there are scheduled events. He does not foresee hundreds of cars like at a Target down the street or even if Weed Pro does develop into something, the size of their parcel doesn't create another large sum of parking. If one ever has three or four cars stacked up to leave from the north side of Holcomb Bridge Road out that light he would be real surprised. What he is trying to say is they have 20 parking spaces. They may have three cars an hour. If they exceed that Alcock would be extremely surprised. Even if all 20 of them leave in the same 15 minutes, he still doesn't see that it can impact to a street that has 60,000+ vehicles on it a day. That is what he meant by that.

Laura Light assumed that this would be going more or less towards "normal office hours" that Alcock would expect. Alcock stated that they may have some extended hours for certain patients but they are not going to be running 24 hours.

Susan Baur asked Alcock if he knew how many or had an idea of how many medical offices he will actually have in this complex. Alcock stated that it was one practice. Baur asked what the practice is. Alcock stated that it was kind of a mixture of things. It is mostly dealing with low-level emergency care, cuts and bruises and flu's. Baur clarified that it was sort of like more of a walk-in type emergency, urgent care clinic.

Sarah Winner stated that it was a "doc in a box" type thing. Alcock stated that it was kind of along those lines.

Karen Geiger stated that she was confused. The minutes she read from the Design Review Board talked about 16 parking spaces and now Alcock says 20. Alcock stated a maximum of 20. He was just kind of just using a rounded number. It is 16 spaces.

Sarah Winner stated that if it is a "doc in a box" and they do have residential around it, some of the doc in a boxes that she is familiar with do have extended

hours and they are on weekends and they're open until nine or ten o'clock a night. If Winner is a residential property owner or even if she is in an apartment she is not sure that she wants that noise and traffic behind her and potentially extending further. So, can the Commission do conditions as far as the hours? Does Alcock know what kind of hours his client wants or doesn't want? Because if it is surrounding by residential they have to be sensitive to that.

Alcock stated that was understood. Winner stated that there is a big difference between a doctor who is seeing people between nine and five and a clinic that is an emergency clinic that is open extended hours. Alcock stated that this practice is exceeding those hours. They have done dentists offices... Winner stated that she was talking about this one. Alcock stated that he understood and he was trying to answer her timing question. It is pretty common for them to have extended hours for people who work and go to those offices after hours and on weekends. They do not have the problems that have conditions of time. Winner clarified on hours that the emergency clinic can be open. Alcock stated that they definitely would like weekends open. Winner stated that they have done that kind of stuff with commercial where like at Target, they cannot be pulling big trucks in here at 10 p.m. They are trying to be protective of the people that live around it. Alcock stated that the other thing he would suggest is that they are adjacent to a business. Winner stated that they are today but that is AG. It is going to get rezoned. Someone like Alcock is going to come in two months from now and ask to change that too. Alcock stated that he does have a 40-foot landscape buffer between the adjacent property and they actually have another 30 or 40 feet before the main entrance and then their swimming pool is right there/

Sarah Winner stated that the question is, is Alcock okay with the Commission putting limits on the hours that he can be open? Alcock stated he is fine with that as long as they are reasonable. Winner asked if his client was and what would Alcock suggest is reasonable. Alcock stated that he would say from 7 a.m. until 10 p.m. He is trying to give himself flexibility. He knows that one their other practices closes at 9 p.m.

Susan Baur asked if there were any other questions for the applicant. Hearing none, she opened the meeting for public comment. She asked if there was anyone present who would like to speak in favor of the application.

JILL FILGALDE

Jill Filgalde stated that she was a member and owner of Seven Gables, this property but she is also the owner of the adjacent property next to this property. She wanted to state that both properties, Weed Pro and Seven Gables are both O&I. They are not agricultural. Weed Pro is a property that as far as Filgalde knows, is an SDA loan and was purchased about four years ago by Weed Pro and it is in O&I. Her property is zoned O&I. That is a sole piece that was agricultural as far as she knows since she has owned this property. Filgalde

stated that she also should mention that there is an easement on the east side of this property. The easement that is there is owned by, seven or eight feet of it is owned by Weed Pro. They have legal right and access out as well as Filgalde. It is totally separate from the other piece of property next to it and there have been a lot of conversations about this. When Weed Pro bought the property they actually came up with a quit claim from 60 years ago showing that they actually did own a good strip of that easement from the back to the front. It has been approved as far as Filgalde knows from the city of Roswell for fire truck and access. The boundary is beyond that easement. Filgalde just wanted to make that perfectly clear.

Sarah Winner stated that was not clear to her. She asked Filgalde to re-explain it. Is the easement on the Seven Gables property? Filgalde stated that it was. Winner clarified that it was not at any point on this one. Filgalde stated that it was not. It is a totally separate property and line. Winner stated that she was okay with that. Filgalde stated that both property owners have guaranteed access to Holcomb Bridge Road. She is not quite sure about the other requirements that were mentioned but she does want to mention that that easement is totally separate.

As an added note, Filgalde stated that when she and her husband purchased this piece of property about eight years ago they first purchased the 1.6 acres next door where Seven Gables is, the one on the east side. They purchased the second piece later on always with the idea that because they had developed their property so nicely and the city of Roswell is really grateful that they left the trees and they tried to adapt to the neighborhood. They live in Roswell and they use Roswell businesses and they are a Roswell business. They wanted to eventually put a medical office building in that location because they thought for the school it would be a good idea. But as the years went by they had other priorities and other things happened in her family, so when the gentleman came along to offer this project, she thought this was a good mix for the neighborhood because something has to be done with this land. Nothing can be done with it but Filgalde bought it for the purpose. It is on a main street and they need something to service the community, and this is ideal for it. Then Target came in down the street and they had all of those issues with them and they are right next to a living...and they are open with the lights on until 10-11 p.m. and no one has complained. She thinks that their corridor really enjoys having all of these things close by to them. With the traffic the way it is, every time one wants to go to a hospital or an emergency room or a doctor, everything is either over SR 400 and it is so nice that they have this opportunity to become a neighborhood within themselves and prefer Roswell businesses. She thought this is the solution.

Karen Geiger asked Filgalde to put the picture back up of the farthest away picture. The one that shows the different lots. She asked which one of these lots Filgalde owns. Filgalde stated that they own where the red triangle is and they own that one right there. And that little 1/2-acre in the back is Weed Pro. All of

these three lots were originally owned by the Ricketts family. She is not sure what their last name was but their father owned the whole lot and she actually in that back Weed Pro lot and retired. When she did they sold it three years ago to Weed Pro. They were operating as plumbers and that property was sold and zoned O&I. Geiger inquired how big the other lot that Filgalde owns is. Filgalde stated that theirs is 1.66 acres, and that own is one acre. It looks a little distorted she has to admit that the size looks a little bigger but she is sure it is to scale. Hers is 1.66 and it actually backs directly onto, it is not in the picture. Theirs backs directly onto...the ravine is their property line with Tapestry. Tapestry is down at the bottom. So, that ravine is actually the property line. Tapestry is assisted living.

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

Andrew Wordese
335 Alpine Drive

Wordese stated that he is familiar with the property. He didn't come here even knowing that this was going to be on the table. But he thinks that anytime someone is willing to make a sizable investment in the city of Roswell that benefits them, they should do whatever they can possible to make it easy for them. It sounds like a good project and he cannot see reason not to approve something like this and to work with them within whatever bounds they need to make it work for them. It would be a benefit to the whole city and it will increase the tax base, which is something that the city definitely needs. Wordese stated that he lives off of Alpine Drive, right off of SR 9. They have 24-hour pawn shops that are open and check cash. So, if they need to keep a medical office that will help those that are injured open until 9 p.m. he thinks that is more than reasonable.

Susan Baur asked if there was anyone else who would like to speak in favor of the application. Hearing no one she asked if there was anyone who would like to speak in opposition to the application from the public. Hearing no more public comment, Baur asked if there were any more questions for the applicant at this time.

Cheryl Greenway stated that she had a question for staff which she feels like she needs to ask now in case the applicant would like to make a comment on it. With the additional information that Jill Filgalde was talking about regarding the drive to the Weed Pro. Does the applicant still feel that condition no. 5 is necessary? Alcock stated that he did. Greenway asked if it was because of the need to cut down the curb access and such. Alcock stated that was correct. Greenway stated that she just wanted to bring that up in case there was anything else he wanted to say on that. It makes sense because then they would come out at the light. It

cuts down the curb and is safer all the way around. It is safer to enter or exit both parcels.

Susan Baur stated that there was a lot of discussion during the Design Review Board meeting about the trees. Can Alcock speak to the trees a little bit? There are a lot of mature trees on the property it sounds like. Alcock stated that there are a lot of mature trees on the site and he would first like to point out that by code they are required 30 units of trees per site. They have over 400 units on the site and they are planting back. He cannot find that exact section real fast but it is in there. They are planning an extensive replanting, mostly shading parking lot areas and street trees along where the orange is. It kind of represents maples, a couple of their ideas to give it some fall color at this time of year. There are two large oak trees there in the Design Review Board came under a lot of discussion. One is 28 inches in diameter and the other is at least 28, 26. According to the city of Roswell Tree Ordinance, if one impacts the critical root zone, which is shown by the dotted lines even one percent they deem that tree as destroyed. What was proposed was trying to kind of boomerang this property around that. They attempted to come up with that design however, they still impacted a portion of the critical root zone and on top of that it actually created a water issue for them. The site actually rolls down from Holcomb Bridge Road and then starts back up so there is kind of a valley through here. When they turned their boomerang this way, they literally built a dam where water would collect back there. The water that is shedding of Weed Pro and Seven Gables actually comes along this way and these little arrows show how it moves in and gets collected here and then is piped back to the storm water system. All of the water, even from almost at their Dumpster comes this way to go that way. It is kind of counter-intuitive but there is no good way to get it down. What they did do is they took and looked at the critical root zone and how much grading they were doing in that area. They had much more significant grading. They have to make that a shallow hill and by adjusting some of their grading efforts and limiting their construction to here, they actually only impact these trees very minimally. They are able to kind of leave the natural grades here and the trees. If one looks there is a 28-inch tree. He showed the critical root zone graphically and the red is what they would be impacting. That is 11.5 percent. The 26-inch tree is 18.7 percent.

According to the Georgia Forestry Commission, one can look this up on their web site, it says "during construction tree conservation efforts require that large portions of tree roots, critical root zone, be protected for all trees to survive. Considering removing trees that have sustained critical root loss in excess of 30 percent." They say that acceptable trees to remain are 29 percent and less. Other municipalities that Alcock deals with say 25 percent, some say 20 percent. Roswell does not have a provision that says if one impacts up to this percent, then the tree is deemed viable and will live. Alcock has used 20 percent, which he thinks is the conservative rule and even in their worse case scenario they are still under that. It has always been the applicant's intention to leave those two large trees, preserve the roots. They have been a little more aggressive on how

to not impact those root zones. They are still compensating the tree recompense with what is required if those trees were destroyed with the replanting. Quite honestly, Alcock feels like this gives them a nice back drop to their building and they really would like to preserve it architecturally.

Sarah Winner stated that she has a follow-up to that. She realizes it is design and review's purview of how the applicant landscapes and how he does his tree plantings. Her personal pet peeve is that continually people plant oak trees and maple trees directly under the power lines. So the trees that Alcock has diagrammed along there, while it is not the Commission's job to tell him how to do his landscaping, if those are oak trees or if those are maple trees that he is going to come across and Georgia Power is going to hack them off so there is a stump with a little umbrella thing sticking on it. Winner would prefer that Alcock does anything to put those trees somewhere else. She does not even know if there are power lines right along there or not, but she is guessing that there are. Just as a resident of that area, she is over all of these hacked off trees that after five years look like just telephone poles. She wished that Alcock would not waste his money doing that and she hopes he talked to Design Review about putting them somewhere else.

Alcock stated that they will definitely look into that. They call it the inverted Mohawk. Winner stated that they don't even Mohawk them, they just whack 'em off like a tabletop. It looks ridiculous.

Susan Baur asked if there were any other questions for staff or the applicant. Hearing none, at this time she closed the public portion of the meeting so the Commission can discuss the application and make a motion.

Laura Light stated that she had a question for staff just for her own edification. What is MUTCD? Brad Townsend stated that is a transportation standard dealing with pedestrian movement that they utilize for timing the lights and things of that nature. Light asked what it stands for. Townsend stated that he does not know.

Sarah Winner stated that she had a follow up to Light's question. Are there instances where Brad Townsend could imagine that there would actually be conflicts between what the DOT would require and what these standards for the coordinated traffic signal would warrant? Brad Townsend stated that to his knowledge, not dealing directly with the DOT permitting and transportation, just the difficulty that he has seen in the three years of getting GDOT permits for certain issues he can always see conflicts. Winner asked what trumps what then. Townsend stated that GDOT, since they have to issue it. Winner clarified that it would be okay to say that requirements from both are acceptable, but in the case of a conflict, GDOT would trump. Townsend stated that would be fine. The request from the applicant is well in line with moving the project forward and conditioning it appropriately.

Susan Baur asked if there was any further discussion or did she hear a motion.

Laura Light stated that she would like to make a comment that as long as she has been on the Commission she is not usually the one that is on the leading edge of saying they ought to go against what the future land use plan is. She in fact is usually the one that says "don't rezone". But this doesn't bother her to do this. She thinks that is why she wanted to zoom out view because she thinks they do have in a microscopic fishbowl they have the apartments on both sides fundamentally, but when one takes it out another x power he sees that they do have some pretty large commercial. Then they start getting a little splotchy. It doesn't matter whether this Dalmatian has 101 or 102 spots in Light's opinion. The spots are already there. The fact that it is across the street from the school adds a little bit different flavor to it. If anyone is thinking of resisting, he won't get support from Light.

Cheryl Greenway stated that she is in favor of approving but she does want to go back to one question that was raised and that was the hours of operation. If they are an emergency type situation, and she would see that they would be required to have low-level lighting. She is not sure that she sees later hours as being a problem for the neighbors. She is curious if anyone else had any comments on that.

Laura Light stated that she does not remember lighting being addressed. Greenway stated not the lighting, but just concerned as to whether they should be operating later than 10 p.m. They were talking earlier about putting the limit condition in here on the hours and she is not sure that she has a problem with the hours is why Greenway is bringing that up.

Laura Light clarified that Greenway does not have a problem with limiting the hours. Greenway stated that she does not have a problem with not limiting the hours. Light asked if Greenway would have a problem with it being a 24-hour, seven days a week operation. Greenway stated that she personally does not and she is also listening to what was comment from the public in that there is not to her knowledge many other places nearby there that are emergency-type places. And if it is providing a benefit for the people around there then she is just trying to raise the question of should the Commission be limiting the hours that they can be open.

Sarah Winner asked if they could ask Brad Townsend a question. What is appropriate? Is the Commission allowed to ask Townsend a question at this point or no? Susan Baur stated she could go ahead.

Sarah Winner asked Brad Townsend if in the O-P designation does anything in O-P currently right now have any kind of limits on what hours they are allowed to be open? Unless it is conditional, she understands that.



DRAFT

Brad Townsend stated that unless it was conditioned, no. In reference to the light issue, Roswell does have a standard light code that deals with parking lots and glare and things of that nature. One would definitely make the assumption of a commercial spot having some security light on. Sarah Winner clarified that this was not commercial, this is office. Townsend stated that this was office related to that so the lighting code would kick in. Winner stated that it was not a problem unless it was a problem and then code enforcement takes care of it. Townsend stated that code enforcement goes out and says turn that one off and turn this one on. One would assume they would have signs on the building, signs on the street kind of scenario, which would be some level of illumination to them. Winner clarified that the Design Review Board worries about that. That is not the Commission's stick. Townsend stated that was correct.

Susan Baur stated that she likes this project. She thinks it is consistent with what is in the adjacent properties around it. She thinks that as the information that we received it says that it will not be an isolated zoning district. There are similar establishments in the area. She thinks that an emergency clinic, 24-hour clinic on that side of SR 400 would be a benefit to the community. She lives over there and she can't think of one that is over there. She goes across SR 400 for emergency care. Baur thinks that it is a good project, she would support it.

Sara Winner stated that she would just like to say that she thinks the Seven Gables property could be a poster child for a beautiful way to develop a property. They have left the big trees in the landscape and she thinks that having an office building in this location does nothing but help Roswell. It is appropriate she thinks working with the traffic signal there even if one ends up having five cars an hour going in and out of there. They are already doing left turns with the school. She thinks that is a non-issue. Winner's personal position is that with the staff recommended conditions if they could add the DOT requirements and indicate if there is a conflict in which case the DOT requirements would prevail. She would be happy to support this and proud to have this kind of development coming to Roswell.

Motion

Cheryl Greenway stated that with all of the Commission's comments she is going to make a motion that the Planning Commission approve RZ09-14 with the five recommended staff conditions with the understanding that No.2 is amended to include that if there is a conflict with the Georgia DOT that the Georgia DOT would rule.

Laura Light seconded the motion.

The record shall reflect unanimous approval of the proposed project. It will go forward to mayor and city council for final decision next month.