



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes Mayor and City Council Zoning

Mayor Jere Wood

*Council Member Rich Dippolito
Council Member Lori Henry
Council Member Kent Igleheart
Council Member Jerry Orleans
Council Member Becky Wynn*

Monday, September 14, 2009

7:30 PM

City Hall

WELCOME

Present: 4 - Mayor Jere Wood, Council Member Rich Dippolito, Council Member Lori Henry, and Council Member Kent Igleheart
Absent: 2 - Council Member Jerry Orleans, and Council Member Becky Wynn

Pledge of Allegiance - Joanne Rooks

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Community Development Director Alice Wakefield; Planning & Zoning Director Brad Townsend; City Planner Jackie Deibel; Economic Development Manager Bill Keir; Community Information Coordinator Kimberly Johnson; Mayor's Executive Assistant Robyn Kenner; Building Operations Technician Doug Heieren; and Deputy City Clerk Betsy Branch.

CONSENT AGENDA

- Approval of August 10, 2009 Zoning Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on August 17, 2009); approval of September 3, 2009 Council Brief Minutes; and approval of September 9, 2009 Council Brief Minutes.**

Administration

**This item was called out of agenda order.
Approval of August 10, 2009 Zoning Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on August 17, 2009); approval of September 3, 2009 Council Brief Minutes; and approval of September 9, 2009 Council Brief Minutes.*

A motion was made by Council Member Rich Dippolito, seconded by Council Member Lori Henry, that this item be Approved. The motion carried by the following vote:

In Favor: 3

REGULAR AGENDA

Mayor's Report

1. **Proclamation for Constitution Week.**

1. *Proclamation for Constitution Week.*

Mayor Wood read the proclamation designating September 17 through September 23 as Constitution Week. September 17, 2009 marks the 222nd Anniversary of the signing of the Constitution of the United States. Mary Simons, Regent of the Daughters of the American Revolution (DAR) Roswell Chapter and National Vice Chairman for Constitution Week, presented Mayor and Council with a framed copy of the signed Constitution of the United States. She noted that the Daughters of the American Revolution petitioned Congress in 1955 to annually set aside September 17th through September 23rd for the commemoration of the signing of the Constitution. President Dwight D. Eisenhower signed it into law on August 2, 1956.

2. **Proclamation of Family Day - A Day to Eat Dinner with Your Children**

2. *Proclamation of Family Day - A Day to Eat Dinner with Your Children*

Mayor Wood read the proclamation designating September 28th as Family Day – A day to eat dinner with your children. Family Day is a national event meant to encourage families to eat dinner together and to emphasize the correlation between parental influence and the reduced risk for teen substance abuse, as indicated by surveys conducted by The National Center on Addiction and Substance Abuse at Columbia University. Joanne Rooks, local Roswell business owner, encouraged Roswell citizens to observe this occasion. She thanked Mayor and Council for their second year of support for this national event.

Introduction of Dr. Betty Price - Council Candidate

Introduction of Dr. Betty Price – Council Candidate

Dr. Price stated she would be running for the open Council seat vacated by Councilmember David Tolleson. Dr. Price noted that she recently resigned from her position as a member of the Roswell Design Review Board in order to qualify as a Roswell City Council candidate. She has also served on the board of the Roswell Historical Society, the Chattahoochee Nature Center, and the Roswell Women's Club. Dr. Price stated that she is concerned with the current economic instabilities, redevelopment of Roswell, and keeping crime to a minimum.

Introduction of Mr. Lee Fleck - Council Candidate

Introduction of Mr. Lee Fleck – Council Candidate

Mr. Fleck offered his condolences to the family members of Roswell Police Detective Danny Redmond. He noted that Detective Redmond had passed away over the weekend and had served twenty-two years with the Roswell Police Department. Mr. Fleck offered his sympathy to the members of the Roswell Police Department as well. No further comments.

Mayor Wood stated Roswell Police Detective Danny Redmond suffered a fatal heart attack at home this past weekend, he was a great public servant, and will be missed by the City of Roswell. The Mayor expressed his sympathy to the Redmond family.

City Administrator Kay Love noted the location and date of the funeral service.

Community Development - Councilmember Richard Dippolito

3. **Conditional Use - CU09-02, GS Yuasa Lithium Power, Inc. / Thomas Deakin, located at 1150 Northmeadow Parkway, applicant is requesting a conditional use for the purpose of manufacturing and assembly of space and aviation batteries. Presented by Brad Townsend, Planning & Zoning Director**

3. *Conditional Use - CU09-02, GS Yuasa Lithium Power, Inc. / Thomas Deakin, located at 1150 Northmeadow Parkway, applicant is requesting a conditional use for the purpose of manufacturing and assembly of space and aviation batteries. Planning and Zoning Director Brad Townsend stated the applicant's request is for a conditional use in the I-1 Industrial District for the assembly of batteries for space, aviation, or military purposes. Conditional uses are required for any manufacturing or assembly use. The proposed site is within an existing industrial building approximately 30,000 square feet in size. No changes will be made to the exterior of the building.*

Mr. Townsend stated staff recommended two conditions:

- 1. The business must be located at the address requested in the application: 1150 Northmeadow Parkway.*
- 2. Any expansion or relocation of the business would require Mayor and Council approval.*

Planning Commission recommended approval of this application at their August 18, 2009 meeting with the following conditions:

- 1. The business must be located at the address requested in the application: 1150 Northmeadow Parkway.*
- 2. Any expansion or relocation of the business would require Mayor and Council approval.*

Staff recommended approval of this conditional use in the I-1 Zoning District.

Council comment:

Councilman Dippolito noted staff had originally included a condition regarding environmental matters. After reading the Planning Commission minutes, his understanding is that "it is not a concern for something that staff has control over." Mr. Townsend replied staff originally had environmental issues concern related to the manufacturing of the batteries, but once staff understood the actual operation in more detail, this is more an assembly of existing batteries and not the manufacturing of new batteries. He stated "most of that would be covered by a state or federal agent in dealing with those controls instead of locally." Councilman Dippolito asked for clarification as to whether the environmental staff is concerned about including that condition. Mr. Townsend replied no.

Mayor Wood welcomed the applicant and GS Yuasa to Roswell. He asked him to describe the GS Yuasa Lithium Power operation.

Applicant:

William Moll, 12380 Brookhill Crossing Lane, Alpharetta, GA, representing GS Yuasa Lithium Power, Inc., stated that in terms of revenue, GS Yuasa Lithium Power is the second largest battery company in the world and is one hundred and ten years old. In 2002, GS Yuasa moved from California to the Atlanta area to be closer to AT&T, their largest customer. In 2004, they began a new business operation involving lithium ion batteries. He explained that the lithium ion cells are made in Japan and brought to their US customers; the cells are then used to make batteries. GS Yuasa

now will be integrating batteries and has been contracted to make a battery for use in the international space station. Mr. Moll stated funds from that contract are helping with the development of their proposed Roswell facility. Batteries made in the Roswell facility will be placed in the international space station.

Public comment was invited; none was heard.

Motion: Councilman Dippolito moved to approve Conditional Use - CU09-02, GS Yuasa Lithium Power, Inc. / Thomas Deakin, located at 1150 Northmeadow Parkway, applicant is requesting a conditional use for the purpose of manufacturing and assembly of space and aviation batteries. Councilman Igleheart seconded.

Council comment:

Councilman Dippolito stated it was good to have a manufacturing facility interested in Roswell. He expressed his appreciation that they had chosen Roswell as their location. He noted that the Planning Commission meeting minutes indicated that GS Yuasa may expand their operation. Councilman Dippolito further stated that hopefully, this is the first step for GS Yuasa and that they will consider Roswell for their future larger facility. Mr. Moll agreed that this is the first step. GS Yuasa is currently working on other programs, including possibly making commercial aircraft batteries for Boeing. No further discussion.

The motion passed unanimously.

Mayor Wood inquired about the batteries Mr. Moll had displayed. He stated that the GS Yuasa batteries brought to the meeting were assembled for aircraft or industrial applications; the satellite batteries assembled for the space station remain in their facility and are not brought out for display purposes.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Kent Igleheart, that this Item be Approved. The motion carried by the following vote:

In Favor: 3

4. Initiation of a Text Amendment to allow for the keeping of companion animals and poultry in the backyard of single-family residential areas.

Presented by Brad Townsend, Planning and Zoning Director

4. Initiation of a Text Amendment to allow for the keeping of companion animals and poultry in the backyard of single-family residential areas.

Planning and Zoning Director Brad Townsend stated this proposed amendment is related to an ordinance initiated for the keeping of poultry in a backyard. For clarification purposes, a definition of companion animals has been added. The companion animal definition has been included in the current code; staff recommends that it be included in the Roswell Zoning Ordinance. The definition would include "regular pets, dogs, cats, birds, hamsters, and other domesticated things that someone might keep." Mr. Townsend said this was taken to Committee; definitions of livestock and poultry were discussed. He stated the current initiation of the ordinance allows for the keeping of roosters; 25 would be the maximum number of poultry; a pen or coop would be required to control the poultry; a grandfathering clause would allow the keeping of over 25 poultry, for an additional 15 birds. Staff recommended the initiation of this text amendment. If Council approved the initiation, it would be reviewed by the Planning Commission and then return to Mayor and Council for two readings prior to adoption of the final ordinance.

Council comment:

Councilman Dippolito stated he understood that the definition of companion animal was added by staff and had not been discussed by Mayor and Council. Mr. Townsend stated that was correct. Councilman Dippolito asked if it was specifically added by staff or was it an elected official's request. Mr. Townsend replied no, it was added by staff. He further stated that staff had questions related to pygmy goats and Vietnamese potbelly pigs. Once livestock was defined in this current manner they wanted consistency in the definitions, since it is not in the Roswell Zoning Ordinance and only in the Roswell Code. Councilman Dippolito stated he was "a little uncomfortable adding this to this particular ordinance since we really haven't had a chance to discuss it." He suggested that it be added to the next Committee meeting agenda for discussion.

City Administrator Kay Love explained that a code enforcement situation arose related to certain types of animals which necessitated a need for clarification and clear guidance for our Code Enforcement officers in the field. Ms. Love stated it was a complete staff initiative that she supported at that time. She noted that she understood the need for Committee discussion and would add it to the next Transportation and Community Development Committee meeting agenda. No further discussion or questions from Council.

Motion: Councilman Dippolito moved to approve the Initiation of a Text Amendment to allow for the keeping of companion animals and poultry in the backyard of single-family residential areas, eliminating the definition of companion animals until there has been Committee discussion, and potentially add that back in the future once Council has had a chance to define it.

Councilman Dippolito inquired if it would be possible to add the definition back in later on, if Council is comfortable with it. Mayor Wood responded yes, Council could expand the definition to add companion animals at a later date even though it is not included at this time. Or, it would be possible to eliminate it or change it. Mayor Wood stated this is the initiation of a discussion and the motion as made "would get it moving."

Restated Motion: Councilman Dippolito moved to approve the Initiation of a Text Amendment to allow for the keeping of companion animals and poultry in the backyard of single-family residential areas, removing the definition of companion animals until there has been Committee discussion and potentially add that back in the future, once Council has had a chance to further define it. Councilwoman Henry seconded.

Mayor Wood clarified that Councilman Dippolito's motion was to initiate the ordinance excluding the reference to companion animals.

Public comment:

Thomas O'Connor, 200 Willow Springs Drive was concerned with how 25 chickens in a back yard could be considered companions; more like a production for food or eggs; rooster numbers are not limited.

Carmen Ford, 585 Upper Hembree Road, asked if the 100 foot set back from any property line (Article 10.7) would apply to people keeping chickens. She stated this was not in previous drafts. Mr. Townsend stated that was referenced to livestock; livestock is defined differently and this does not apply to chickens. Ms. Ford asked if this doesn't apply to chicken owners. Mr. Townsend replied that was correct.

Mayor Wood commented that on Stroup Road there is "a sort of pygmy goat petting zoo for children." The Mayor asked how the 100 foot setback would apply in this case. Mr. Townsend replied he would have to consult with the Legal department.

Andrew Wordes, 335 Alpine Drive, thanked Mr. Townsend, Councilman Dippolito, and City Administrator Kay Love for helping to resolve most of the big issues. He noted the section regarding enclosures and accessory structures (3(e)) and stated that most people would be using dog houses to house the chickens or something small, which may not conform. Mr. Wordes asked the Mayor to explain the definition of a grandfather clause. Mayor Wood asked the zoning staff to respond. Mr. Townsend replied "The current ordinance as drafted, for the initiation, as a requirement for nonconforming numbers of poultry, if adopted by Mayor and Council in its current form, would allow for a maximum of 25 poultry and you could exceed this number by 15, for a total number of 40. A permit holder owning poultry would be allowed to keep that number of poultry for their lifetime of the chicken. As the chickens die off, they come into conformance with a maximum number of 25. In essence, we are grandfathering an additional 15 birds for the life of those birds." Mr. Wordes stated "Not to be rude, but what you are doing is giving me an exception to the rule. You need to look up the legal definition of grandfathering because that gives us the right to continue doing what we were doing prior to it being made illegal." Mr. Townsend replied "That would be a standard grandfathering clause. This is not standard because once the birds no longer live, they expire, and you come into compliance with the 25 requirement." Mr. Wordes replied that it was an exemption to the rule instead of a grandfathering clause. No further comments.

Council comment:

Councilman Igleheart stated he was fine with moving forward with Committee discussion on this text amendment to make it work. He noted that he had emailed responses to some people and hoped to actually go see the "examples." He said he shared some of the concerns regarding a large number of birds in a small neighborhood on a quarter acre lot and was not sure if 25 maximum, is the right number to have.

No further Council discussion.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Lori Henry, that this Item be Approved. The motion carried by the following vote:

In Favor: 3

5. Text Amendment regarding the Expanded Use of Business Banners. (Second Reading)

Presented by Brad Townsend, Planning and Zoning Director

5. Text Amendment regarding the Expanded Use of Business Banners. (Second Reading)

Planning and Zoning Director Brad Townsend stated this proposed text amendment would allow businesses an additional forty (40) days of advertising per year using temporary banners associated with the "Find it All – Roswell, GA" campaign. A sunset provision is included to automatically repeal this text amendment on December 21, 2010. Staff recommended approval of the second reading of this proposed text amendment.

Mayor Wood inquired about the application fee. Mr. Townsend confirmed that the application fee will be \$25, which can include the entire additional forty days if a schedule is included with the initial application.

City Attorney David Davidson conducted the second reading of the ORDINANCE TO AMEND THE CITY OF ROSWELL SIGN ORDINANCE REGARDING "FIND IT ALL IN ROSWELL" CAMPAIGN AND THE USE OF TEMPORARY SIGNS WITHIN THE CITY OF ROSWELL stating pursuant to their authority, the Mayor and Council adopt the following ordinance: 1. Article 22, of the City of Roswell Zoning Ordinance, Signs, Section 22.12 Temporary Signs, is amended by adding the following subsection (a) (3) to it: Section 22.12 Temporary Signs

(a) The following types of signs or advertising devices shall be permitted only by issue of a special permit allowing usage of this type advertising for a period consisting of ten (10) consecutive days. No such special permit shall be issued for the same premises more than forty (40) days per year. No business shall be issued a special permit for more than one sign or device per road frontage to be located on the premises at any one time. Each individual establishment within a multi-tenant center shall be considered to have one (1) road frontage. All signs or advertising devices must be set back out of the right-of-way.

(1) Air- or gas-filled balloons or other devices which have a capacity for air or gas which does not exceed three (3) cubic feet.

(2) Flags, signs, or banners, maximum size of thirty-two (32) square feet, except official government flags.

(3) For the period from September 15, 2009 through December 31, 2010, a business may receive an economic development permit for use of a temporary sign for an additional forty (40) days of advertising per year, cumulative to the 40 days granted in subsection (a) above and subject to the same requirements and limitations set out in (a) above. This subsection (3) shall be automatically repealed on December 31, 2010.

Mr. Davidson noted that if approved, this would be the second reading of the ordinance.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Lori Henry, that this Item be Approved on Second Reading. The motion carried by the following vote:

In Favor: 3

Enactment No: Ordinance 2009-09-14

6. Sidewalk Cafe License application SC09-02, 946-Nine South, 946 Canton Street.

Presented by Brad Townsend, Planning and Zoning Director

6. Sidewalk Cafe License application SC09-02, 946-Nine South, 946 Canton Street. Planning and Zoning Director Brad Townsend presented this item and displayed photographs showing the existing tables and chairs located on Canton Street. The layout preferred by staff was displayed. Mr. Townsend noted that the access to the restaurant will remain in its current spot (centered with the restaurant's front door); fencing will maintain a five-foot walking pedestrian area next to the curb; an ADA access gate will be at the northern entrance of the seating area. He said "The alternative leaves the upper area where the existing tables are higher level. Option A, actually reduces that and makes them level with the existing tables that are next to the building."

Mr. Townsend stated there are four recommended staff conditions:

1. The site plan approved is labeled Option A and dated "September 3, 2009."

2. The barrier along the wall shall be a black metal fence with pickets. The fence shall be a minimum of 42 inches in height, adjacent to the drop-off area.

3. The existing flagstone shall be replaced with brick that matches the adjacent sidewalk.

4. The applicant shall obtain a license for land use from the City of Roswell and all applicable permits prior to construction within the public sidewalk area.

Mr. Townsend stated staff recommended the approval of Option A as it relates to this sidewalk café license application.

Council comments:

Councilman Dippolito stated the occupant of 948 Canton Street had voiced concern regarding the ADA access. He asked staff if this recommendation would change the current ADA access and if there is anyway to get to 946 Canton Street other than going through the sidewalk in front of 948 Canton. Mr. Townsend replied "No, that is the only level ramp down." Councilman Dippolito stated "This effectively doesn't change the ADA access other than limiting it to that center portion." Mr. Townsend replied "Correct, as the tables and chairs are set up now, that would be limited to that center portion, also."

No further Council comments. Mayor Wood asked the applicant if Option A was acceptable to her.

Applicant:

Kellie Clark, owner of 946 South Restaurant, 946 Canton Street, replied Option A was acceptable. Mayor Wood invited her to make any comments she might have. Ms. Clark stated "We are good with whatever works for everybody." No further comments or questions.

Mayor Wood invited Council questions for the applicant or staff; no further discussion.

Motion: Councilman Dippolito moved to approve the Sidewalk Cafe License application SC09-02, 946-Nine South, 946 Canton Street. Councilman Igleheart seconded. Mayor Wood asked Councilman Dippolito to confirm if he was adopting staff conditions as part of his motion. Councilman Dippolito replied he was adopting those conditions and Option A. Councilman Igleheart confirmed that he seconded the motion with those conditions and Option A. No further discussion. The motion passed unanimously.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Kent Igleheart, that this Item be Approved. The motion carried by the following vote:

In Favor: 3

7. Initiation of a Text Amendment regarding parking requirements in the Historic District.

Presented by Brad Townsend, Planning and Zoning Director

7. *Initiation of a Text Amendment regarding parking requirements in the Historic District.*

Planning and Zoning Director Brad Townsend stated this proposed text amendment was reviewed and recommended at the Community Development & Transportation Committee "for the reuse of structures in excess of 50 years of age in the C-1 (Central Commercial) as well as the Historic District, would be exempt from the off-street parking requirement but if there was any development there could be no net loss in off-street parking." Mr. Townsend stated the Committee recommended that it be brought forward to Mayor and Council for initiation. Staff recommended approval

of the initiation.

There were no comments or questions from Council.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Lori Henry, that this Item be Approved. The motion carried by the following vote:

In Favor: 3

8. Initiation of a Text Amendment regarding Animal Hospitals and Veterinary Clinics.

Presented by Brad Townsend, Planning & Zoning Director

8. Initiation of a Text Amendment regarding Animal Hospitals and Veterinary Clinics. Planning and Zoning Director Brad Townsend stated this proposed text amendment would allow animal hospitals and veterinary clinics as a conditional use in the O-P (Office Professional) zoning designation. He noted that this item was reviewed at Committee; discussion included an existing medical building in the O-P zoning area at Warsaw Road and Holcomb Bridge Road. An initial draft for this proposed text amendment was included in the Council packet. Staff recommended approval of the initiation.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Kent Igleheart, that this Item be Approved. The motion carried by the following vote:

In Favor: 3

Adjournment - With no further business, the meeting adjourned at 8:20 p.m.