

Motion: Councilmember Wynn moved for approval the nomination of Sydney Dodd to the Planning Commission. Councilmember Diamond seconded. No further discussion. The motion passed unanimously.

6. Approval of nomination to the Design Review Board.

Mayor Wood nominated Herman Howard to the Design Review Board.

Motion: Councilmember Igleheart moved for approval of the nomination of Herman Howard to the Design Review Board. Councilmember Orlans seconded. No further discussion. The motion passed unanimously.

Community Development - Councilmember Betty Price

7. CU10-04 & CV10-02, 11000 Alpharetta Hwy., Andretti Indoor Karting & Games

To be deferred to the December 13, 2010 Mayor and City Council meeting.

Councilmember Price introduced the item. Planning and Zoning Director Brad Townsend stated this is a conditional use application with a concurrent variance. The applicant has requested a deferral until the December 13, 2010 Mayor and Council meeting. The Planning Commission recommended deferral of this item until their public hearing on November 16, 2010. The Planning Commission requested that an additional noise study be completed. Information from that completed noise study will be presented at the next Planning Commission meeting and brought forward to the Mayor and Council meeting on December 13, 2010.

Public comment:

Jan Lotz, Executive Director of Chambrel Roswell for fifteen years, noted that Chambrel is a retirement community for seniors situated on thirty-five acres at the corner of Mansell Road and Houze Road. Chambrel has been located there for twenty three years. Currently, this property is very quiet, residents are able to sit on their porches and patios, but she is concerned that an outdoor track will bring noise and increased traffic to the area.

Mayor Wood encouraged Ms. Lotz to return for the public hearing on this item.

No further questions or comments were made.

Motion: Councilmember Price moved for deferral of **CU10-04 & CV10-02, 11000 Alpharetta Hwy., Andretti Indoor Karting & Games** until the Mayor and Council December 13, 2010 meeting. Councilmember Diamond seconded.

Council question:

Councilmember Wynn asked if Chambrel was part of the second noise study that was conducted. Mr. Townsend replied yes. No further discussion.

The motion passed unanimously.

8. RZ10-08 Text Amendment regarding a revision to Chapter 10.39, Sidewalk Cafes (*First Reading*)

Councilmember Price introduced the item. Planning and Zoning Director Brad Townsend stated this is a proposed text amendment to Chapter 10.39 Sidewalk Cafes ordinance. The proposal is to amend the current ordinance which includes increasing a 3-foot clear zone to a 5-foot clear zone. The proposed text amendment also includes the requirement for a barrier used for any sidewalk café to meet ADA requirements. The Planning Commission recommended approval during their October 19, 2010 hearing. Staff recommends approval of the first reading of this proposed text amendment.

Mayor Wood asked if all sidewalk cafes currently meet this 5-foot clear zone requirement. Mr. Townsend replied all sidewalk cafes are currently in compliance. He confirmed for Mayor Wood that this proposed text amendment would not require any change in the current set-up for these sidewalk cafes. Mr. Townsend replied that was correct.

Council comments:

Councilmember Price asked if this applied as well to the ADA barrier. Mr. Townsend replied that he believed there may be some cafes that may have to add a second chain to meet the ADA requirements. Staff would be checking on that as soon as the first reading of the proposed text amendment is approved. Councilmember Price asked if there will be a timeframe in which to comply. Mr. Townsend replied Code Enforcement would be sent to inspect; normally there is sufficient time given in order to comply. Councilmember Price inquired whether there is any place in the city other than Canton Street where this sidewalk café ordinance might apply. Mr. Townsend replied the only place that allows for public encroachment of a sidewalk is along Canton Street.

Assistant City Attorney Bob Hulsey conducted the first reading of AN ORDINANCE OF THE CITY OF ROSWELL AMENDING THE ZONING ORDINANCE ARTICLE 10, SPECIFIC USE REQUIREMENTS DEALING WITH THE SIDEWALK CAFÉ DEVELOPMENT STANDARDS AND CRITERIA stating: WHEREAS, zoning is an exercise of police power to promote the public health, safety, morality or general welfare; and WHEREAS, the Mayor and Council have determined that Article 10, *Specific Requirements*, of the Zoning Ordinance should be amended to clarify and define the development standards and criteria for "Sidewalk Cafes" in certain zoning districts: NOW THEREFORE, amending

1.

Article 10, *Specific Use Requirements*, Chapter 10.39, Sidewalk Cafes Section 10.39.5 Development Standards and Criteria are amended as follows:

Section 10.39.5 Development Standards and Criteria

In order to protect the public health, safety, convenience and general welfare of the surrounding uses, sidewalk cafes shall be subject to the following criteria:

- (a) The operation of such sidewalk cafe seating area shall be conducted in such a way as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets or sidewalks. There shall be a minimum of five (5) feet of clear distance. The minimum five (5) foot requirement will be measured and maintained when chairs and tables are occupied. The sidewalk cafe dining area shall be located adjacent to the building facade and enclosed by a barrier or a post and chain configuration in compliance with ADA requirements, with the five (5) foot clear pedestrian passage provided between the dining area and the edge of the pavement.

Motion: Councilmember Price moved for approval of **RZ10-08 Text Amendment regarding a revision to Chapter 10.39, Sidewalk Cafes (First Reading)**. Councilmember Orlans seconded. No further discussion. No public comments were made. The motion passed unanimously.

9. RC10-01R, Metropolitan River Review Application, for 8015 Holcomb Bridge Rd., Holcomb Bridge Associates, LTD. Land Lots 885, 934

Councilmember Price introduced the item. Planning and Zoning Director Brad Townsend stated this is a proposed Metropolitan River Protection certification for a single family home to be located next to the existing home on the property. The Atlanta Regional Commission has reviewed this application and has found it consistent with the river corridor plan. Maps showing the location of the subject property were displayed. Mr. Townsend stated the Community Development Department recommends approval of the application with the following condition:

1. A division plat must be approved and recorded prior to the issuance of the building permit for the single family home. The plat shall be in accordance with the plans stamped "Received September 23, 2010 City of Roswell Community Development Department."

Mr. Townsend confirmed for Mayor Wood that a division plat would be required.

Council questions:

Councilmember Price asked about the process and who issues the Metropolitan River Protection Act Certificate. Mr. Townsend confirmed that the issuance of this certificate is an act of Council after their review of the application and after the Atlanta Regional Commission has reviewed it for consistency.

Councilmember Orlans commented the site plan showed a strange lot configuration which he was curious about it, but it actually had no bearing on the issue. Mayor Wood suggested that since Councilmember Orlans admitted it was actually a rhetorical question, Council should move along. The Mayor called for a motion.

Motion: Councilmember Price moved for approval of **RC10-01R, Metropolitan River Review Application, for 8015 Holcomb Bridge Rd., Holcomb Bridge Associates, LTD. Land Lots 885, 934**. Councilmember Wynn seconded. No further discussion. No public comments were made. The motion passed unanimously.

10. Approval of a Resolution of barriers for two abandoned subdivisions.

Councilmember Price introduced the item. Planning and Zoning Director Brad Townsend stated this item was discussed at the Community Development & Transportation Committee on October 27, 2010. Mr. Townsend explained that there are two abandoned subdivisions for which the city would like to have control to put a barrier at the subdivisions' entrances to prevent illegal dumping and trespassing. The Legal department redrafted this resolution taking into account comments made at the Committee meeting. Staff recommends approval of the proposed resolution.

Council comment:

Councilmember Price recognized Roswell citizen Sam Evans in attendance and stated that Mr. Evans had brought this issue to Council's attention and "with his diligence, we are going to hopefully make sure that this is not a safety issue to anybody who should come upon these entrances that are blocked."