

**MINUTES OF THE
ROSWELL PLANNING COMMISSION
September 20, 2011
6:30 p.m.**

Members Present: Cheryl Greenway, Bryan Chamberlain, Harvey Smith, Sidney Dodd, Joe Piontek

Members Absent: Mark Renier and Lisa DeCarbo

Staff Present: Brad Townsend, Jackie Deibel and Sylvia Campbell

Chairman Cheryl Greenway welcomed everyone to the September 20, 2011 meeting of the Roswell Planning Commission. The Planning Commission is comprised of volunteer citizens representing both the business and residential citizens of Roswell. The members of the Commission are appointed by the mayor and city council. The Planning Commission is a recommending body only. What the Commission reviews tonight will go before the mayor and city council on the second Monday of next month, which is Monday, October 10, 2011.

Greenway stated that she would like to go over the order of the meeting. The only item on the agenda tonight is a text amendment. So they really don't have anyone here to speak regarding something they have asked for like a rezoning or something of that nature. Tonight, Greenway will ask the city to present and then they will give anyone in the audience a chance to respond to what the Commission has discussed.

Since this is a short meeting Greenway stated that she is not going to worry about the 20-minute limit or anything of that nature. She asked everyone to put their phones on vibrate or turn them off. This includes members of the Planning Commission. She reminded everyone to state their name before speaking for the benefit of the audience as well as the benefit of the staff recording the minutes of this meeting.

TEXT AMENDMENT

11-0301

RZ11-10

Text Amendment to Section 10 of the Zoning Ordinance to include regulations for donation bins in the city of Roswell.

Roswell Zoning Director Brad Townsend stated that this is a proposed text amendment to include in the city zoning ordinance under Section 10 Regulations Related to Donation Bins. Townsend has placed a photo that the Commissioners can see on their screens. These are some of the current examples that they have of donation bins. A short bit of history with this ordinance is approximately three

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years ago the code enforcement officers came to Townsend and indicated that there were numerous donation bins showing up on shopping center parking lots. They felt that they wanted to control them. Townsend reviewed some issues with the legal department and they asked Townsend to see if he can handle it administratively without an actual code amendment. So there were general rules and an application created, simple regulations and they were directed towards non-profit organizations putting donation bins on private lots. Approximately three months ago a for-profit organization came to the city and was told that they could not put bins on it because the city had an established process for non-profit locations. This issue then was taken to the committee and the mayor and city council requested that the Planning Commission draft an ordinance for donation bins whether for-profit or non-profit and what criteria would they use for those to be placed on private locations.

Townsend searched on the internet and a location in New Jersey has very similar regulations that he felt were appropriate. He thought this would work in Roswell and he took it to committee. The mayor and city council reviewed it and drafted it. As the Commission can see they have definitions, they have what they look for in reviewing them. They have location and placement criteria; they have a minimal fee that just covers administration costs. This is going through the process and they have advertised this and they are looking for feedback and input. This will go to the mayor and city council at the October 10th meeting for their first reading if they choose to move this forward.

Brad Townsend asked if there were any questions from the Commission.

Bryan Chamberlain stated that item six in the application for permit renewal, the very last segment of that item six states, a full explanation and description thereof...whether the applicant is an individual, partnership, limited liability company, etc. A full explanation and description thereof....Is that meant to be sufficiently vague or is Chamberlain not getting it?

Brad Townsend stated that from his understanding it is meant to give the city an understanding. Some of the issues with donation bins are where the material that is put in the bin ends up and who, then profits from it. There is some little distinction as to okay; it is the American Kidney Association. The clothing ends up in their distribution areas and the funds then end up fighting kidney ailments. By asking what the individual that is placing the box on the property they are trying to get at least through the first level of red tape to understand where the money ends up. Not that the city wants to control where the money ends up, but it is to give them an understanding that profit or non-profit that this box being placed on a private piece of property is creating some type of an income in some manner. That is what it is all about. They wouldn't put them there if there wasn't a need or use and some gain could be sought in that.

Harvey Smith stated that he had a couple of questions. Does the size, the maximum size need to be that large? That is like a Dumpster. Do they need to be 12 feet long by 6x6? His other question is regarding screening under F. Does that mean that the existing ones are grandfathered in that are out there or are they going to have to provide some type of screening?

Brad Townsend stated that most of the existing ones that the city has, they have tried to get put into a particular location of the site so that they would be screened from the street. They have had some actually within the past week just be plopped down and didn't get approvals at all. The city is trying to scour and no where they currently are. They have less than one dozen actually permitted through the old procedure. So they know where those are. The ones that haven't been permitted they are trying to find to make sure that they will be in compliance or not in compliance with this. The objective is for the bin to be screened so it would not be visible from the street. When one talks to the people that want to place them, that is the first thing they want. They want visibility; they want to be next to SR 92, right outside Trader Joe's.

Harvey Smith stated that going back to the size, 12 feet is going to look like a Dumpster. Did the city just want to give the latitude? Townsend stated that this was some of the criteria that he found. The 12 feet is pretty big. Most of the standard ones are only six feet or eight feet in width. He just put a maximum top because he didn't want it any bigger. He didn't want it 24 feet wide. So he kept it at 12 feet. Kind of the 12 feet, too is...think of a standard parking stall. If a standard stall is 10 feet wide one would have to take up at least two spots. Is he willing to take up at least two spots as well as if he takes up two, no one is going to be parking next to it. That is the kind of scenario.

Smith stated that the largest one is 6x6x6. Townsend doesn't even think that is low, it might be 10 if that. If the Commission is willing to recommend a smaller size, Townsend does not see a problem with that. As long as it doesn't get below six. He thinks that is kind of the minimum. Smith stated that he would agree with that, he just thinks 12 feet might be excessive because screening a Dumpster out there is going to be a little tough. That is like a roll off tray container.

Bryan Chamberlain stated that it may prove helpful in deciding that number to look at the existing ones that are big. What he is thinking of specifically is Good Will. It seems to him that they have some fairly large ones there. And if the city is not wanting to be punitive with this to the existing folks...From what Chamberlain is understanding is Townsend is not saying that they have to 12 feet, they just could be up to 12. Townsend stated that they couldn't exceed 12. Chamberlain stated that from a practical matter most folks probably aren't going to want to have to put anymore into it than they have to. And most landlords aren't going to want too many parking spaces taken up. So, it may resolve itself without having to worry about the 12. Townsend stated that was correct.

Cheryl Greenway asked Brad Townsend if he knows what that largest one is that is out there now? Townsend stated that he did not particularly know. He can check. He put in 12 because he didn't it would be exceeded. Greenway stated that she was just curious on that.

One suggestion Greenway would have is on Page 2, Item 9. where it says copy of registration with the secretary of state. They could be giving the city one that they initially had when they first set up. But if they are not paying the annual fee they could have been administratively dissolved. So Townsend might want to ask for a current certificate from the secretary of state. Townsend asked like in the last 12 months? Greenway stated in the last three months. They can get that from the state, they just call and request it and then the state can send it to the applicant to give to Townsend. Just to be sure they have kept everything on the up and up. Townsend stated that was a good suggestion.

Cheryl Greenway stated that the other question she has as, this takes care of getting them set up and in place, but what about the maintenance and dealing with them if the company goes out of business and just leaves it there.

Brad Townsend stated that once put in the zoning ordinance it is enforced by code enforcement. So if there is any criterion that the applicant is not meeting or they are dissolved, the city in essence goes back to the owner of the property. To property owner does not have the authority to have this on the piece of property anymore, it needs to be removed and the city goes that route. In essence, if they are dissolved and they are not even an entity anymore, there is no one to go after. So it ends up being the owner of the property's responsibility to maintain it and get rid of it if it no longer is in use.

Cheryl Greenway wondered if the landlords understand that. Brad Townsend stated that some do, some don't. Greenway assumed that there is no intention at this point to have them pay a renewal fee each year or anything like that. Townsend stated that there was not at this point. Greenway stated that if someone let one get in bad shape, then someone would cite it and the city would have to deal with that. Townsend stated that was correct.

Bryan Chamberlain stated to Cheryl Greenway's point about landlord recognition of their possible future maintenance requirement. Item 5 could be expanded to include specific things that the landlord acknowledges. Townsend stated that was correct. Chamberlain suggested that they include that wording on the application.

Cheryl Greenway asked if the Commission had any further question for the city of Roswell. Hearing none she opened the floor for public comment. She asked if there was anyone present who would like to speak in favor of the text amendment.

Brent Howard

Brent Howard and his son, Zane Howard vote in favor, from the public's of view of the text amendment for the donation boxes. Zane Howard is here tonight for his Boy Scout citizenship in the community merit badge that he needs for Eagle. He did not have any questions and stated that the text amendment sounded good to him.

Cheryl Greenway acknowledged that there was no one else in the audience but she also asked if there was anyone present to speak in opposition of the text amendment. No one came forward. Greenway closed the public session.

Motion

Harvey Smith made a motion that RZ11-10 Text Amendment to Section 10 of the zoning ordinance to include regulations for donation bins in the city of Roswell be approved. Joe Piontek seconded the motion.

The motion passed unanimously.

APPROVAL OF MINUTES:

Bryan Chamberlain made a motion that the Planning Commission approve the August 16, 2011 minutes of the Planning Commission as listed. Harvey Smith seconded the motion.

The minutes were approved unanimously.

OTHER BUSINESS

Brad Townsend stated that the Planning Commission will have another meeting next month. They have one text amendment again. Cheryl Greenway stated that she will be out of town so Harvey Smith will handle that meeting. There are bigger issues scheduled for the November meeting of the Planning Commission.

ADJOURN:

Joe Piontek made a motion to adjourn. Bryan Chamberlain seconded the motion. The meeting adjourned at 7:23 p.m.

Cheryl Greenway, Chairman

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CC: mayor and city council
community development
applicant's files