

**MINUTES OF THE  
ROSWELL PLANNING COMMISSION  
May 17, 2011  
7 p.m.**

**Members Present:** Chairman Susan Baur, Cheryl Greenway, Sarah Winner, Bryan Chamberlain, Harvey Smith and Sidney Dodd

**Members Absent:** Mark Renier

**Staff Present:** Brad Townsend, Jackie Deibel, Bob Hulsey and Sylvia Campbell

Planning Commission Chairman Susan Baur welcomed everyone to the May 17, 2011 meeting of the Roswell Planning Commission. The Planning Commission is comprised of volunteer citizens representing both business and residential citizens of Roswell. Members of the Planning Commission are appointed by the mayor and city council. The Planning Commission is a recommending body only and what the Commission reviews tonight will go before mayor and city council on the second Monday of next month, which is Monday, June 13<sup>th</sup>.

A member of the city planning staff will present the application or text amendment and give staff's recommendation. Next the Commission will invite the public to make whatever comments that they would like to share with the Commission and after listening to the comments from the public the Commission will close the public portion, have a discussion and make a recommendation.

The city of Roswell has adopted 23 critical guidelines to evaluate a zoning request. Some of the basic guidelines that the Commission will consider include land use plan, surrounding property values, the surrounding neighborhoods, undeveloped land in the surrounding or immediate area and impact on city services.

At this time Susan Baur asked everyone to put their cell phones on vibrate or turn them off. This includes members of the Planning Commission. She reminded everyone to state their names for the record for the benefit of the person recording the meeting minutes and for the benefit of the audience.

**11-0110**

**RZ11-05 Text Amendment for active recreational facilities in residential zoning districts.**

Brad Townsend stated that this is a proposed text amendment to the Roswell Zoning Ordinance dealing with active recreational facilities. This was a use that was identified in Article X, Chapter 10.5 of the code. It was then utilized as part of

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an interpretation that it was to apply to commercial development. James Bradford appealed Townsend's decision related to Andretti's in reference to this particular text of the code. In discussing it with the legal department it was recommended that it be removed from Chapter 10.5 and included as it was originally establish in the zoning ordinance prior to 2003 as part of each of the individual residential zoning categories. This way it will refer to one's community type buildings. The swimming pools, the recreational buildings and just be identified in active recreation within a residential zoning district. So they are taking that out of 10.5 and putting it in each of the residential categories. This has been reviewed by committee, it is going through the regular public hearing process for a text amendment and will be processed to the mayor and city council at their meeting next month.

Bryan Chamberlain asked Brad Townsend if in moving this to the residential section, if there was a desire to have some type of recreation facility in commercial, is that allowed or would this cause it to not be allowed.

Brad Townsend stated that the city has actually two listed uses, commercial recreational facility indoor and commercial recreational facility outdoor in the commercial designations already. So it would not preclude them from doing something recreational in a commercial district. This only clarifies this use with the additional setback requirements is dealing with the residential categories.

Harvey Smith stated that since Andretti's is an ongoing matter, or has it been...Brad Townsend stated that it has not been resolved. The council did deny the application within the 30-day time frame. They did submit a law suit so Townsend believes it is still pending. Since they have their legal department here this evening they may get an update.

Bob Hulsey, assistant city attorney stated that this would not have any effect on the law suit. That was not the basis of the decision so it would not be effect it in any way. The litigation is with the Superior Court of Fulton County and the city of Roswell has been given a briefing schedule and will submit it for decision some time in August 2011

Harvey Smith stated that answered his question. Brad Townsend thanked Bob Hulsey.

Cheryl Greenway stated that the wording refers to on the last part about within the 50-foot setback required along side and rear property lines. Is there any need to clarify side and rear property lines? She asks this only from the standpoint of there are numerous recreational pools and such that she can think of in several subdivisions that are on corner lots. Therefore she is wondering if there is a need to clarify what is considered the front and what is considered the sides.

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Brad Townsend stated that it is usually done case by case. There are criteria, major streets, minor streets and fronts and things of that nature that the code is already pretty clear on. It is an administrative determination as to what makes the proper setbacks.

Cheryl Greenway clarified that it could be done administratively as opposed to having to go to the Board of Zoning Appeals. Brad Townsend stated that was correct.

Susan Baur stated that they are assuming that these active recreational facilities, they are permitted in all of these automatically. Brad Townsend stated that was correct. Baur asked about the residential historic category. It would be section 5.13 that gets into that.

Brad Townsend stated that they can look into that. He thinks they left that one out for a specific reason. But they can look into that.

For the record Brad Townsend stated that Sidney Dodd has joined the meeting at this time.

Sidney Dodd stated that he read the text amendment and he is always interested in how it came to fruition.

Brad Townsend stated that in part of 2003 this was a section of the code that was part of each of the residential zoning districts. Then it was moved into a catch-all chapter of the code in Article X, Chapter 10 and it was then applied, he believes incorrectly to commercial locations. With the advice of the legal department it has been taken out of that general category and put individually into each of the residential categories. So it only applies then residentially.

Susan Baur stated in table 5.1 it doesn't list this act of recreational facilities. It doesn't have to? It is not necessary?

Brad Townsend stated that it was an accessory to the residential category. That is why it is put in their generally. He would it in each category so it is identified for established, not in the table but in the individual zoning districts.

Hearing no further questions from the Commission, Susan Baur asked if there was anyone from the public that would like to speak in favor of this text amendment. No one came forward. Baur asked if there was anyone who would like to speak in opposition. No one came forward. Baur closed the public portion of the meeting. The Commission will now have a discussion and make a motion.

Hearing no discussion, Susan Baur called for a motion.

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## **Motion**

Harvey Smith made a motion that text amendment RZ11-05 regarding the allowance of the principal use of active recreational facilities in all residential zoning districts within the city limits of Roswell be approved.

Cheryl Greenway seconded the motion. The motion passed unanimously. This recommendation will go forward to mayor and city council next month.

## **APPROVAL OF MINUTES:**

Susan Baur asked if there were any changes that need to be made to the minutes. Bryan Chamberlain stated that on page 40 there is a section from page 40 through page 41 that should be attributed to Sidney Dodd as opposed to Bryan Chamberlain. It starts at the bottom of page 40. It is much too eloquent for Bryan Chamberlain.

Susan Baur stated that she remembers the comment about the revered football and Christianity in the south. That was definitely Sidney Dodd.

It ends in the middle of page 41. There are three references to Chamberlain that should be Dodd.

Cheryl Greenway stated that at the bottom of page 2, she guessed that she faded off in her talking. She has, "In the windshields that would..." and then Brad Townsend started talking. Greenway stated that she thinks all she said then was "put things in the windshields that would attract passers-by." She did not know if they needed to add that or not, but she thought she would mention it.

Susan Baur stated that on page 20 toward the bottom of the page it says, "Susan Baur stated that following up on that" and then it goes forward to the next page. That is all Sarah Winner. So the bottom of page 20, the paragraph one up from the bottom and then going on to page 21 that whole dialogue is Sarah Winner. It goes on over to page 22. On page 46, the fourth paragraph down it says "Susan Baur clarified", that is Sarah Winner.

Sidney Dodd stated that his name is misspelled throughout the document. SY is the female spelling of Sidney. In the last 20 years or so there has been a great movement to name female children after male names. SY is the female spelling. He thought Brad Townsend might have done it personally because he knew Dodd was sensitive to such things.

Susan Baur stated that on Page 51 or 54 down to the bottom, if she said this someone should have slapped her. But it says "Susan Baur stated that she was

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