

text amendment to extent it to 2011. Staff would recommend approval of this proposed text amendment.

Cheryl Greenway stated that she thinks this has been great for businesses she has talked to. They have found the Find It All in Roswell helpful and she thinks it is what the Commission has got to do to help their community.

Motion

Cheryl Greenway made a motion for approval. Mark Renier seconded the motion.

Susan Baur asked if there was anyone from the public who would like to speak in favor or in opposition to this text amendment. Seeing that there was no one here that would like to speak in favor or opposition to it, Baur closed the public portion of the meeting, have a discussion and vote on the motion.

Baur asked that the record reflect unanimous approval of the motion. The recommendation will go forward to mayor and city council.

TEXT AMENDMENT

10-0671

RZ10-09

Text Amendment to zoning ordinance regarding distance restrictions between precious metals and gem dealer locations and pawn shops and/or check cashing locations.

Brad Townsend stated that this is a text amendment dealing with precious metals and gems. This is a request to limit them dealing with the closeness to pawn shops and check cashing establishments to a distance of 5000 feet. This has been reviewed by the Community Development Committee and recommended for initiation by mayor and city council. This will put this language into the ordinance that precious metals and gem dealers shall not be located closer than 5000 feet to any other precious metal and gem dealer or existing pawn shop or existing cash establishments. This in essence eliminates them from being in the city of Roswell. Once one picks 5000 feet from any existing location, there are no other locations for them to go in Roswell.

Cheryl Greenway asked Brad Townsend if he was basically saying that there could be no more that would open. Townsend stated no new ones.

Sydney Dodd asked what is the thinking....Townsend stated they don't want this type of establishment or use within the city of Roswell. Dodd asked what was the reasoning and the thought process behind that or the background. Townsend stated that the background is approximately a year and a half ago the city starting getting a lot of check cashing establishments and Pawn Shops, taking a

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lot of the vacant spaces along Alpharetta Hwy. and Holcomb Bridge Road. They then established a 5000 foot separation between those establishments and new ones. At the time staff proposed a shorter distance which would allow them. The council chose a 5000 foot distance knowing that that would eliminate any new ones from coming in. Approximately three months ago they dealt with a precious metals and gems establishment. Those licenses are required to be heard by mayor and city council. They changed that requirement and now they are going to be handled administratively. But since they are being handled administratively they wanted them to be separated by any new precious metals and gems by a 5000 foot location. Once one looks at the map and identifies the locations of the existing pawn shops, the existing check cashing locations there won't be any location where a precious metal and gem location will be able to locate within the city of Roswell. This was the wisdom of the council.

Sydney Dodd stated that he wanted to get the background.

Brad Townsend stated that the Planning Commission is a recommending body and if they feel like it is appropriate to recommend for this, it will move forward that way. If they feel that it is not appropriate to have they can recommend that way also.

Cheryl Greenway asked Brad Townsend about the one the Planning Commission approved before, which was strictly pawn shops and check cashing. What was the limit that they had on it before? Wasn't it a half of a mile? Townsend stated that mayor and city council put the 5000 limit. It came through he thinks they had a 2500 or 2000 at the time that the Planning Commission probably reviewed it. Greenway stated that the Commission reviewed and recommended it on to council and then when they got it, council changed it to the 5000. So the council has really already approved it for pawn shops and check cashing so all that is really being done here is adding precious metals and gems. Brad Townsend stated that was correct.

Bryan Chamberlain asked Brad Townsend to help him understand the difference between, he does not know what a precious metal and a gem dealer is. But he is thinking of companies like Brown & Co. jewelry. Does that mean there can be no more jewelry stores in Roswell? Townsend stated except for the existing ones that they have, yes. Chamberlain asked if that was their intent or is the precious metals and gem dealers something different. Townsend stated that it was not. A precious metal and gem dealer has to take in the stone and doesn't alter it. They take it in as the jewelry and then resell it. What is happening is with the pawn shops, the precious metals and gems dealer's fear is that they become the fencing mechanism for stolen merchandise. So, if there is no opportunity for that to be an outlet within the city of Roswell they feel that that is appropriate control.

DEBT

Chamberlain asked if a consignment store as an example, Treasures or some of the others along the highway...they take in jewelry and sell it on consignment. Does that fall under this?

Brad Townsend stated that it really is a matter of magnitude. When a Treasures' two percent maybe five percent of their actual inventory and sales is of the jewelry type, they do not fall under that criteria for that.

Harvey Smith stated that it could possibly limit other legitimate jewelry stores from coming into Roswell. Brad Townsend stated that was correct. Smith stated that he personally has a problem with that. They are supposed to be pro-business, but this seems....legitimate business...they are restricting a particular business that could be legitimate. Townsend stated that was correct. Smith wondered if they were inviting a challenge by a legitimate business. He is sure the city attorneys have looked at all of that. Townsend stated that he would hope that they would make their recommendation to council on those issues.

Cheryl Greenway stated that she thinks they are discussing the root of the issue here. What she would recommend to council is that...she understands where they are coming from but maybe they need to consider different definitions of a jewelry store versus a precious metals and gem dealer. Through that not limit good viable businesses from coming into Roswell. But what they are trying to prevent through definition of the nature of the business. She thinks that would be a better way to approach it than having something this broad in the regulations.

Sydney Dodd stated that he could tell Brad Townsend without trying to maintain confidentiality he just looked at the largest retail portfolio in the southeast on behalf of a client that they all know. It is part of the federal government and the statistics on occupancy and rents and absorption don't look very good. A lot of the second generation of older retail space that one will find in Roswell, specifically along SR 9, Holcomb Bridge Road and some other outlying retail corridors within Roswell, they will feel that brunt too. So if one owns one of those centers and he has a potential tenant that he is trying to bring in to those centers to get to some degree of stabilized occupancy, it would take them off the table so to speak. And that is something that maybe could be discussed on an economic/pro-business type basis.

Brad Townsend thanked Dodd for putting that on the record.

Susan Baur asked if there was any further discussion. She asked if there was anyone from the public who would like to speak in favor of or in opposition to this text amendment. Seeing that there is no one from the public who would like to speak in favor or in opposition, Susan Baur closed the public portion, have a discussion and make a motion. Baur asked for a motion or any discussion.

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Motion

Cheryl Greenway made a motion regarding RZ10-09 for denial. Harvey Smith seconded the motion. The record shall reflect unanimous approval of the motion. The recommendation will go forward to mayor and city council next month.

APPROVAL OF MINUTES

Harvey Smith made a motion to the minutes be approved from the last meeting. Mark Renier seconded the motion.

The record shall reflect that all who were in attendance approved the minutes of that meeting on October 19, 2010.

ADJOURN:

The meeting adjourned at 11:45 p.m.

Susan Baur, chairman

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

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