



# City of Roswell

38 Hill Street  
Roswell, Georgia 30075

## Meeting Minutes Mayor and City Council

*Mayor Jere Wood*  
*Council Member Nancy Diamond*  
*Council Member Rich Dippolito*  
*Council Member Kent Igleheart*  
*Council Member Jerry Orlans*  
*Council Member Betty Price*  
*Council Member Becky Wynn*

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Monday, April 9, 2012

7:00 PM

City Hall

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### WELCOME

**Present:** 7 - Mayor Jere Wood, Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Jerry Orlans, Council Member Betty Price, and Council Member Becky Wynn

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Dwayne Orrick; Fire Chief Ricky Spencer; Deputy Fire Chief Paul Piccirilli; Director of Community Development Alice Wakefield; Community Development Planning and Zoning Director Brad Townsend; City Planner Jackie Deibel; Economic Development Manager Bill Keir; Community Development Manager Stefanie Dye; Director of Environmental/Public Works Stu Moring; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Land Development Manager Clyde Stricklin; Recreation and Parks, Historic and Cultural Affairs Director Joe Glover; Historic and Cultural Affairs Manager Morgan Timmis; Bulloch Hall Historic Site Coordinator Pam Billingsley; Smith Plantation Historic Site Coordinator Chuck Douglas; Barrington Hall Historic Site Coordinator Robert Winebarger; Community Relations Manager Julie Brechbill; Community Relations Coordinator Kimberly Johnson; RCTV Producer/Director Amy Kargus; and City Clerk Marlee Press.*

### Pledge of Allegiance - Police Officer Trevor Primo

### CONSENT AGENDA

1. **Approval of February 27, 2012 Mayor and Council Meeting Minutes (detailed minutes to replace Council Brief minutes adopted on March 12, 2012); Approval of March 12, 2012 Mayor and Council Meeting Minutes (detailed minutes to replace Council Brief minutes adopted on March 26, 2012); Approval of March 26, 2012 Mayor and Council Meeting Brief. Administration**  
**Approved**

2. **Approval of Road Closure for Water for the World Race on Saturday, May 5, 2012 from 7:30 a.m. to 9:30 a.m.**  
*Community Development*  
Approved
3. **Approval for the Mayor and/or City Administrator to sign a contract with JCB for the purchase of a John Deere Backhoe/Loader in the amount of \$70,925.**  
*Transportation*  
Approved
4. **Approval of SR 92/Mansell Impact Fee Credit Change in the amount of \$36,354.73.**  
*Transportation*  
Approved

#### **Approval of the Consent Agenda**

A motion was made by Council Member Wynn, seconded by Council Member Igleheart, to Approve the Consent Agenda. The motion carried by the following vote:

In Favor: 6

### **REGULAR AGENDA**

#### **Mayor's Report**

5. **Recognition of Police Officer Trevor Primo and four (4) Roswell residents for participating in the 23rd Annual Bataan Memorial Death March.**

*Mayor Wood recognized Roswell Police Officer Trevor Primo. Officer Primo explained that this Bataan Memorial Death March, held in the desert at the White Sands Missile Range, New Mexico, is held in tribute to the soldiers who were part of the Bataan Death March during World War II. Participants run 26 miles while carrying a forty pound backpack. Roswell Police Officers Trevor Primo, Pete Pukish, Eugene du Plessis, Lucas Von Esh, along with George Wells, participated as Team Satoria, finishing in six hours and fifty minutes. Team Satoria raised funds for the Special Operations Warrior Foundation, which supports families of fallen and wounded United States Army, Navy, Marine Corps, and Air Force Special Operations personnel.*

*Chief of Police Dwayne Orrick also recognized Roswell Police Officers Trevor Primo, Pete Pukish, Eugene du Plessis, and Lucas Von Esh. George Wells could not be in attendance this evening.*

**6. Reading of a Proclamation of the Georgia Trust Spring Ramble in Roswell.**

*Mayor Wood read the proclamation. The mission of the Georgia Trust for Historic Preservation is to work for the preservation and revitalization of Georgia's diverse historic resources and advocate their appreciation, protection and use. The Georgia Trust has selected Roswell as the location for its 2012 Spring Ramble and Annual Meeting April 20 through April 22.*

*Historic and Cultural Affairs Manager Morgan Timmis expressed her excitement about this event. She noted that approximately two or three years ago Sarah Winters, had expressed the idea of this event taking place in Roswell. Ms. Winters reached out to the Georgia Trust organization. Ms. Timmis introduced Bryn Chanudet, Georgia Trust Special Events Manager. Ms. Chanudet said she is a resident of Roswell and pleased that the Georgia Trust has selected Roswell for their spring ramble. Since 1974, Georgia Trust has been conducting a spring ramble throughout the state; this is the first time they have visited Roswell. Visitors from throughout the state and surrounding states will participate in the tour.*

*Ms. Lee Burns, Georgia Department of Natural Resources was introduced. Ms. Burns stated the State Preservation Conference will also be held in Roswell.*

*Ms. Elaine DeNiero, co-chair for the Georgia Trust Spring Ramble three-day event invited Roswell residents to support the efforts. The Roswell Historical Society will be a beneficiary of the funds that they will share with the Georgia Trust. On Friday, tours will include historic homes as well as private homes rarely seen on Canton Street and beyond; Saturday, there will be tours of the houses on the square; Sunday, the tour will be of the Mill Village. Meals are included.*

*Mayor Wood inquired about costs and tour options. Ms. Chanudet stated there are a variety of registration options; tour options include individual days or tours only. She noted there will be a brunch at Smith Plantation; barbeque at Barrington Hall; dinner at the Mill. There are discounted prices for Georgia Trust members as well as non-member prices. Registration and tickets are available at the Georgia Trust website or by calling Ms. Chanudet directly up until the day before the specific tour event. Tickets are not available through the Convention and Visitor Bureau in Roswell. Mayor Wood encouraged everyone to participate in the Georgia Trust Spring Ramble Event.*

*Mayor Wood asked Ms. DeNiero, who also represents the Roswell Historical Society, to speak about the Civil War exhibit currently on display in the Roswell City Hall lobby. Ms. DeNiero stated this exhibit entitled the Roswell Troublesome Times, is about the Civil War specifically in the City of Roswell. All the photographs and artifacts displayed come from the Roswell Historical Society/City of Roswell Research Library and Archives. This exhibit focuses on what happened in the City of Roswell, how it affected every aspect of each different population class in the town, how it was occupied by the Union forces, and what happened with the mills during that time. She noted this is the 150th commemoration of the Civil War. Mayor Wood encouraged everyone to stop and view the exhibit.*

**7. Reading of a Proclamation for Garden Club Week.**

*Mayor Wood recognized the Roswell Garden Club and its members who have volunteered their time and expertise since 1951. The Mayor noted that the Roswell Garden Club has received many distinguished awards and honors. In 2011, they were awarded Garden Club of the Year from the Dogwood District of the Garden Club of Georgia and from the Fulton Federation of Garden Clubs; received First Place for their Standard Home Show, and Public Relations and Publications Award; the Garden Club of Georgia awarded them a \$200 matching grant for their Holiday Decorating displays throughout the City. Mayor Wood expressed his appreciation to the Roswell Garden Club for their generous donation of time and expertise to beautify the City's award-winning parks, gardens, landscape, and historic homes.*

*Mayor Wood invited Carolyn Herndon, President of the Roswell Garden Club to come forward. Ms. Herndon, stated the Roswell Garden Club has a full schedule for the month of April. She invited anyone interested in detailed information to visit the Roswell Garden Club website for information on events or joining the club.*

**Community Development - Councilmember Nancy Diamond****8. Approval of City Sponsorship for the Rock N Ride motorcycle ride on Saturday, June 23, 2012 from 11:00 a.m. to 2:00 p.m. and approval of Budget Amendment 10015850-07-09-12 in the amount of \$1,000.**

*Presented by Alice Wakefield, Director of Community Development*

*Councilmember Diamond introduced this item. Mayor Wood suggested that Council consider shifting a "seventh of this from their travel budget." The Mayor noted that City Administrator Kay Love had stated that Council had not spent any of their travel budget funds this year. Mayor Wood stated the City did not have any money for this charity because the Special Events budget had previously been spent. This event benefits the Grady Health Foundation, a great cause and program, one which he is more than willing to contribute his share to make sure this event goes forward and helps them raise an anticipated amount of \$100,000. Mayor Wood reiterated that he was looking for support from Council through the shifting of funds from their travel and education budget.*

*Council Comment:*

*Councilmember Wynn stated she would happily shift funds from her travel and education budget to support this event. Ms. Wynn noted this event will raise funds that ultimately will help our public safety officers when they are injured.*

*Councilmember Orlans moved for Approval of City Sponsorship for the Rock N Ride motorcycle ride on Saturday, June 23, 2012 from 11:00 a.m. to 2:00 p.m. and approval of Budget Amendment 10015850-07-09-12 in the amount of \$1,000, to be split seven ways from each Councilmember. Councilmember Diamond seconded. No further discussion. Public comment invited. There was no public comment was made. The motion passed unanimously.*

**A motion was made by Council Member Orlans, seconded by Council Member Diamond, that the City Sponsorship and Budget Amendment for the Rock N Ride motorcycle ride be approved. The motion carried by the following vote:**

**In Favor: 6**

9. **RZ12-03 Text Amendment to approve the Groveway Community Hybrid Form-Based Code. (Second Reading)**  
*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Councilmember Diamond introduced this item. Planning and Zoning Director Brad Townsend stated this proposed text amendment was initiated by Council on January 9, 2012. In addition, Council conducted Groveway Community Hybrid Form-Based Code Work Sessions on January 30, 2012 and on March 26, 2012. Mr. Townsend stated the Atlanta Regional Commission (ARC) Livable Initiation started the process of looking at what "could happen differently" in this location of the City. Mr. Townsend displayed several sketches which were part of the 2009 charrette which "refined the committee, as well as the stakeholders, where we were going, and directed by that." The City then received a grant from the ARC to start the process in creating the hybrid code. Mr. Townsend displayed pictures of the locations, existing properties, areas for redevelopment, and areas which would benefit from this proposed text amendment. Mr. Townsend stated the Design Review Board, Historic Preservation Commission, and the Planning Commission also reviewed this proposed text amendment.*

*Mr. Townsend stated he would review the major points of interest with discussion. He noted that the following major points were included in the Council packet (indicated in draft form, highlighted in red):*

- *Page 7 - Right-of-Way Regulations - Recommendation for 58 feet of right-of-way for primary streets.*
- *Page 7 - Wavier of right-of-way requirement by Mayor and Council.*
- *Page 7 - Control of building height added.*
- *Page 18 - Wood accent added*
- *Page 25 & 40 - Work Force housing is a voluntary provision added.*
- *Page 32 & 46 - Requirement for Public Art to be reviewed by DRB, HPC, and CAB removed.*
- *Page 49 - Map changes: Primary streets stop at Myrtle Street.*
- *Page 56 & 59 - Front setbacks measured from property line changed.*
- *Page 61 & 62 - New street cross-section 58 feet and 50 feet.*

*Page 7 - Right-of-Way Regulations - Recommendation for 58 feet of right-of-way for primary streets.*

*Mr. Townsend stated this deals with the proposal in dealing with what the right-of-way for development would require. He noted there were discussions at the Committee level regarding the requirement of fifty-eight (58) feet of right-of-way. Mr. Townsend provided a schematic draft (page 61 of ordinance) which showed how that 58 feet would be split; twenty-nine feet on each side. Mr. Townsend said this drawing is a generic representation; the cross section could be worked in different ways, making sure that it meets the minimum, as has been discussed in the past in particular areas for lane widths being eleven (11) feet and sidewalks. He said the discussion has mostly been regarding how much landscaping, or parking aisles or curbs would be in that cross section.*

*Page 7 - Wavier of right-of-way requirement by Mayor and Council.*

*Mr. Townsend stated the second area of discussion was the initiation, or included in the material, that a fifty (50) foot cross section would be for all secondary streets. This would require twenty (25) feet from the centerline of the road. He referred to a sketch on page 62 of the ordinance, which is a generalization of that cross section. Mr. Townsend said, "Really, the biggest difference in dealing with the eight (8) feet is*

*that it would allow for on-street parking in the 58 feet. A fifty foot cross section would allow on-street parking but that would reduce the landscape buffer areas; sidewalk areas would have to be reduced to provide that within the fifty (50) foot cross section.*

*Mr. Townsend said the third area on page 7, deals with the Committee discussions regarding how Mayor and Council could waive the requirement dealing with constructing the cross section of the right-of-way as part of development. Page 7 at lines 17-21, shows proposed language highlighted in red. He said the language is in essence allowing Mayor and Council upon a finding that the construction of the cross section did not need to take place by the development, to require the developer to pay an equivalent amount of funds that would be subsequently used by the City to make that improvement to that street cross section adjacent to the property giving those funds. Mr. Townsend noted that added language was for Mayor and Council to review this evening.*

*Page 7 - Control of building height added.*

*Mr. Townsend noted there has been much discussion regarding building height at five stories and three stories. The building height section of the ordinance, which begins on Page 7, clarifies where five stories would be allowed; only adjacent to primary streets. The secondary streets would be a maximum of three stories. The five story portion can only reach a depth of one hundred (100) feet from that primary street. Mr. Townsend displayed a map of the primary and secondary streets in the Groveway area. This map was available as back-up material for Council.*

*Mr. Townsend stated there had been discussion regarding how height measured and where it is measured from. Mr. Townsend referring to a power point slide noted the existing language of "height." He referred to language regarding mean height level between the eaves and the ridges. He noted that language is not included in this proposed text amendment. Mr. Townsend clarified that staff would like clear direction regarding "which way we are going to measure height." He referred to a graphic which displayed the two changes. One graphic showed the "proposed, where we measure from the eaves." Another graphic showed "how it will be measured to the mid-point of the eaves and the peak." Mr. Townsend clarified that one of the graphics should be chosen as part of the text amendment this evening.*

*Page 18 - Wood accent added*

*Mr. Townsend noted that Page 18 showed a simple change in dealing with wood accents.*

*Page 25 & 40 - Work Force housing is a voluntary provision added.*

*Mr. Townsend noted that the next "language" deals with affordable housing. He noted that staff included language to control the amount of dollars earned by the household for workforce housing.*

*Page 32 & 46 - Requirement for Public Art to be reviewed by DRB, HPC, and CAB removed.*

*Mr. Townsend stated the language that dealt with requiring the Historic Preservation Commission (HPC) or the Design Review Board (DRB) to review the public art was eliminated from the text, at the Committee's request.*

*Page 49 - Map changes: Primary streets stop at Myrtle Street.*

*Mr. Townsend explained the map. The first area, including the area on Frazer Street, deals with the reduction of the two areas of primary streets to make certain it did not include residential locations. The fourth area which was part of Committee discussion was to include part of Frazer Street. Mr. Townsend noted that the area on*

*the map with dotted lines is an area needing further direction from Mayor and Council as to whether any further portions of Frazer Street are to be included, south of Norcross Street. Mr. Townsend explained that the map which Mayor and Council had in their packets did not include anything on Frazer Street south of Norcross Street.*

*Mr. Townsend displayed the proposed map as it would be adopted from the Mayor and Council packet unless they chose to make changes or amendments to the map. Mr. Townsend stated he could make those changes this evening if Mayor and Council chose any changes.*

*Page 56 & 59 - Front setbacks measured from property line changed.*

*Mr. Townsend stated the other area of much discussion, has been "Where would multi-family be allowed, or apartments, as permitted or conditional." He said the discussion at Committee, was to break it into two categories with the area south of Oak Street multi-family permitted. The rest of the neighborhood for mixed used would allow for multi-family to be conditional, at those locations.*

*Page 61 & 62 - New street cross-section 58 feet and 50 feet.*

*Mr. Townsend stated the other two small changes deal with measuring from the front property line and the two minimum criteria for sidewalks in the two zoning districts; Neighborhood Commercial being eight (8) feet; Neighborhood Residential being five (5) feet.*

*Mr. Townsend noted this is the second reading of this ordinance.*

*Mayor Wood stated many citizens are here for the first time tonight regarding this proposed ordinance. The Mayor clarified that Planning and Zoning Director Brad Townsend had addressed the changes suggested between the first reading and the second reading. He requested, for the folks who have not heard any of these presentations before from the City, a more general presentation for a general explanation as to what this zoning ordinance will do.*

*Mr. Townsend stated the big picture regarding what this proposed text amendment is about is a "new set of regulations that allows some flexibility for redevelopment for this area." He explained that starting back in 2008 and 2009 when this was looked at as part of the Livable Center Initiative (LCI) and as part of the charrette, which was developed by the Atlanta Regional Commission (ARC), because this has a strong grid of a street network, it provides opportunities for redevelopment for assemblage of property. For properties to be assembled there has to be an economic advantage as well as a market advantage for some redevelopment to take place. The City, Mayor and Council reached out to the community and stakeholders. There was a lengthy process working with stakeholders in the community regarding what the stakeholders wanted. There are two very strong African-American churches which have a presence in this area which were brought into the committee. In addition, the Housing Authority and the surrounding areas were also brought into discussions as to what they felt twenty or thirty years from now what they thought this community should look like and what does this will bring as a "jewel" to the City of Roswell in trying to provide incentives for change. After months and months of meetings and discussions, in December of 2011, the Atlanta Regional Commission felt that their task was done and that the proposed text amendment should start through the public process through required meetings. This proposed text amendment was discussed with the Historic Preservation Commission, the Design Review Board, and the Planning Commission; these are groups appointed by the City of Roswell to provide input. Mayor and Council held work sessions with City staff to discuss this proposed text amendment and identify needed changes. Mr. Townsend stated one of the "arching concerns" that was brought out dealing with a form based code, is the desire*

that "you control what it looks like and not how the building is used." He said the ARC held a few meetings with the Mayor and Council to discuss if this is what was truly wanted to be brought forward, if this community supports this. Mr. Townsend stated the "marching orders" were given to go forward and see what is brought through the community and the stakeholders in that arena. Mr. Townsend noted that the other large issue was that this code does not address a density number. It does not say a "units per acre," it does not control in that manner because that is not how a form based code is uniquely driven to include "we will control the size of the building and the box and the setbacks, but we will not tell you how many dwelling units you put on your piece of property." Mr. Townsend said the other factors that fit into that are how many parking spaces can fit, where the detention is placed, and if the landscaping requirements are met; things of that nature.

Mr. Townsend stated "What distinguishes this as a hybrid code is that we do have a list of uses. Back in the appendix there is a list of uses which are permitted. The original draft came through with many uses identified as conditional. He said the conditional use process is not given to the land owner by right; they must come to Mayor and Council through a public hearing process, signs are posted to notify people who are within 350 feet of the property. Public hearings are held, whether the use is granted or not. That is the conditional use process. Mr. Townsend stated that most of the uses listed in the back of the ordinance are then listed as permitted, that is right then given to that land owner to choose and use that use, and build the building to have that use in it. Mr. Townsend stated that was as succinct an overview as he could provide for about eighteen months of work.

Mayor Wood requested that Mr. Townsend go back to the map to discuss rental housing in this area. The Mayor referring to where the multi-family is permitted asked what the current use of that property is. Mr. Townsend replied, "The majority of it is the Housing Authority, the Child Development Center, a couple of industrial uses." Mayor Wood replied the majority is currently rental housing under the Housing Authority. Mr. Townsend replied, "The Housing Authority has the majority of the property, yes." Mayor Wood said, "Outside of that, you would have to have a hearing and a special consent from the City to put in rental housing. Rental housing is only allowed conditionally with special permission from this Council." Mr. Townsend stated that is correct.

#### *Council Questions:*

Councilmember Igleheart stated his main question was whether the City will get what it says it wants from this proposed text amendment. He asked if "Could we add that all projects will be designed and built by Lew Oliver, Alex Paulson, Dave Schmidt, and a select few others, because if we could do that, we would be okay." Councilmember Igleheart said in zoning, the idea is to encourage and allow what we want but also protect against what we do not want. He was concerned that this does not protect against the worst case. Councilmember Igleheart said, it has been stated over and over we will have high quality building so that will resolve a lot of the issues we are worried about but the ordinance does not state anything about it being high quality brick or high quality materials other than it maybe a little more sturdy than plain wood, but it even states wood siding is allowed. Councilmember Igleheart asked if within the proposed ordinance there is any certainty this will provide high quality buildings. Mr. Townsend replied, "I don't believe there are any words in here that actually define or would determine what a high quality building is. That is why some of the ordinances in dealing with what the guidelines require, provide for opportunity for the City to look at it and review it and make those determinations with the guidelines that are utilized in those standards. Applying this would be subjective, but it is a try to provide a bench level of providing that it be high quality that the City is looking for."



Mayor Wood said, "I thought we were not going to allow wood siding. We were going to allow wood accents which would be an individual treatment." Mr. Townsend replied, "We added wood as an accent." Councilmember Igleheart said, "I am reading specifically from what we have in our book on page 19. Brick or timber applied as columns or piers combined with wood siding, concrete siding, or stucco may be appropriate." The Mayor stated Councilmember Igleheart raised a good point and that it needs to be made clear that wood siding is not allowed. The intent was not to allow wood siding; it could be wood accent as a piece of trim or window trim; timber might be a column. Councilmember Igleheart said that was just one point of many that he wanted to raise. He said the point was even broader; it could be plain concrete, it could be stucco or a number of things that are actually in existing apartments today and is not something that the City wants and needs to be very careful about that. Councilmember Igleheart said it has been stated "No matter what goes through here, it is going to end up going through DRB and/or HPC. I know that is correct, but what power do they have to actually implement anything that they normally would do in terms of what is in the Historic Preservation district and within the DRB rules, normally." City Attorney David Davidson replied, "They will be able to review to ensure compliance with the things that are required under this overlay and they can make recommendations for the guidelines. Just the actual required things that in this, they will make sure that people actually comply with the requirements of this ordinance." Councilmember Igleheart said, "But that does not include the elements of the Historic District that would otherwise apply if they were not under this overlay." City Attorney David Davidson said that is correct. Councilmember Igleheart said height, mass, are not something that HPC could then apply in this instance. Mr. Davidson agreed. Councilmember Igleheart said the DRB could not do all the design things that they normally do unless they fall under the actual requirements of this ordinance, not just the guidelines which there are more of. Mr. Davidson stated that was correct. Councilmember Igleheart said, "Essentially, if they go to these, there is very little power that they have otherwise than what staff has already done through the process. Is that a correct assumption?" Planning and Zoning Director Brad Townsend replied yes. Councilmember Igleheart said that it is a concern that HPC will save us "no matter what." He asked the City Attorney if it is possible that the Roswell Housing Authority element could be "cleaved off" until staff could deal with it, because of the timeline, and approved separately. City Attorney David Davidson replied, "The Council could change the map any way they want to elect to change the map." He asked Councilmember Igleheart if that was the question. Councilmember Igleheart replied, "If we want to do that first, to get that done so they can meet their timeline, we could do that first and then come back and finish the rest of it when we have worked all the things I am going to bring up later. Could we do Part A and Part B, essentially?" City Attorney David Davidson replied, "You could adopt two different ordinances, yes. You would have to do a lot of changes to the other sections in this ordinance but basically you would be adopting two different maps. You could change the map to change the area that this applies to, yes." Councilmember Igleheart said his biggest concern was that this had been done on a relatively quick path so that the requirements of the grant deadline could be met for the Housing Authority. He added that he thought that could be done and still do a better job on the rest. Councilmember Igleheart directing his comments to City Attorney David Davidson, said, "The guidelines that we are going to have, which is mostly what is through here, are just that. Recommendations. Encouragements. Things that say 'may or we hope that you will,' but, in the end, those are just guidelines and a developer can do pretty much what they want whether it fits that guideline or not. Is that correct?" Mr. Davidson replied, "That is true, unless it is part of one of the conditional approvals and the Council makes those guidelines mandatory, then yes, those guidelines are simply guidelines." Councilmember Igleheart said the conditional part is for multi-family but mostly, everything is going to be permitted, under what is proposed.

Councilmember Igleheart stated that he had gone through the ordinance and found instances where it stated that metal siding is allowed and another page said metal siding is not allowed; facades wider than 300 feet have to meet certain guidelines but then another part says no building can be wider than 300 feet; there would not be a façade that is wider than 300 feet. He asked about the orientation of the building. He said there are a number of items which are contradictory or unclear which need to be resolved before Council passes this ordinance.

City Attorney David Davidson conducted the second reading of the AN ORDINANCE TO AMEND CHAPTER 12 OF THE CITY OF ROSWELL ZONING ORDINANCE stating: pursuant to their authority, The Mayor & City Council adopt the following ordinance: 1. Chapter 12, of the Zoning Ordinances is hereby amended by adding Section 12.4, to read as follows, the text of which is incorporated here and by reference.

(The entire 62 page ordinance is on file in the City Clerk's office)

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

Mayor Wood stated he would wait on entertaining a motion from Council until Public Comments were heard. The Mayor said he would hear Public Comments from organizations first and then general individual comments.

Public Comment:

Verna Hill Adeberry, Forest Street, Roswell, Georgia, spoke on the following:

- She is President of the Roswell Tenant Council, for the Roswell Housing Authority,
- Questioned the circumstances of the RHA residents when the building begins and they start moving them out under HUD, Section 8.
- Said the builder, Integral, who will be working on their project has done many other projects in the Atlanta area and many of those apartments are vacant because the rent was too high for people to move back into. And, the builder had told them that 70% of the people who move in would be at a market share price in order for the builder to profit; if they build and don't profit, no one will be living in the housing project and the entire project will be a waste,
- Expressed concern that the builder only wants to make the area look better and make a profit but was not taking into consideration whether the families living there now will be stable after building is completed.

Mayor Wood asked someone from the Roswell Housing Authority to come forward and address Ms. Adeberry's concerns.

Aaron Gravett, representing the Roswell Housing Authority (RHA) made the following comments:

- The Roswell Housing Authority is currently working with Integral and the RHA residents on a possible moving plan and how it will affect them as well as the community at large. The plan is a work in progress, has gone through multiple iterations and phases, and is not yet finalized. However, the RHA is cognizant of the resident's issues.
- They chose Integral because of their focus on community and they have a representative solely dedicated to working in the community as liaison with the residents.

Mayor Wood asked if they would retain the same number of supported housing in the community after the development is complete. Mr. Gravett replied yes. Mayor Wood asked if they anticipate any of the current residents losing a place to live. Mr. Gravett

replied they do not. Mayor Wood asked if it is still their intent to move the residents in phases from one location to another within the RHA. Mr. Gravett replied that is still their intent. Mayor Wood asked if they would be building something new for the residents to move into first or would they move the residents out of the community and then back after the building is completed. Mr. Gravett replied they would be building something new first and that the RHA and Integral are working together to formulate a plan that works best for everyone and there have been multiple iterations about what would have the least impact to the community itself. Mayor Wood asked if the rent would be raised for residents currently receiving under market rate. Mr. Gravett replied that is not in their plan. Mayor Wood clarified they plan to keep the same rental rates and Mr. Gravett replied they could possibly be lower.

Martin Howell, 130 Victory Lane, Roswell, Georgia, representing the Roswell Citizens for Responsible Growth made the following comments:

- Spoke on behalf of the Roswell Citizens for Responsible Growth represents residents in the east area of Grimes Bridge Road including Vickery Creek, Shadowbrook and Martins Landing; their purpose is to keep residents informed of local politics.
- Said he has lived on Grimes Bridge Road eight years, operated a business at 108 Oak Street for two years and had never heard the term "Grovelway" until information was posted recently on the website.
- Said City information promotes this project as a community driven effort. The Grovelway timeline indicates an extensive amount of work has been done over the past four years; the Grovelway timeline indicates 120 people of the 88,000 residents of Roswell were involved in the stakeholder meetings. He does not think people understand what is going on.
- He said the project looks great. He referred to Seaside and Atlantic Station as examples of mixed-use and said this is a great idea for the City and is an area that needs redevelopment.
- Asked if businesses located in the Grovelway area would have to sell their properties and if this has been discussed with them.
- He said he appreciated Councilmember Igleheart's comments about form-based zoning in which nearly every case of development is going to be a conditional use; does not understand why they would want to do that because they would have to meet on every single building front and deal with them case by case.
- He said RHA residents are concerned about where they are going to live and asked how that was going to happen. Asked if it is true that the rent is not going to be raised.
- Referred to the City's recent trip to Greenville, SC; said he had lived there during the time of its redevelopment; it is an example of a town that is progressive and trying to grow but it is about four or five times larger than Roswell and might not be the best example to go by. Greenville has major anchors, which are the hotels and the baseball team; the biggest anchor is the Reedy River, the Reedy River Falls, and the hotel that sits on those falls.
- Roswell has a beautiful cliff overlooking Big Creek, the best piece of property in town, an area that could be beautiful with beautiful homes and a park and yet this project design puts apartments there and not well thought out.
- The City did a great job with the new bridge at Oxbo Road and the roundabout on Grimes Bridge; pleased with the completed project but it is a pass-through to the interstate and this Grovelway project would add another "1,500 or 4,000" people to that area. He stated his concern regarding the addition of 1.5 million square feet of new retail on Oak Street and existing traffic problems in that area.
- Noted his concern with infrastructure and the new water plant; he asked how much effort was being put into infrastructure if they anticipate bringing two to four thousand new people into Grovelway; where will the schools be; where will they get water and sewer; how will they turn left from Oxbo onto Highway 9.

- Asked who is going to pay for it, and if impact fees pay for it; will this be called a blighted community and if a "tax out case in district" will be put there; asked how this could be passed tonight as an open based zoning ruling without even knowing the number of people that are going to be here and the infrastructure costs.

Robert Broome, 5784 Lake Forrest Drive, Atlanta, Georgia, Director of Governmental Affairs for the Atlanta Board of Realtors and the Atlanta Commercial Board of Realtors, spoke on the following:

- He was speaking on behalf of the real estate community because these associations are the chief trade groups, representing approximately 7,500 real estate professionals engaged in all manner of the real estate industry in the metro Atlanta area, including brokerage, property management in both commercial and residential development. They advocate for smart quality growth and take these types of ordinances very seriously. Realtors recognize having a community where people want to live and work is important.
- Dismayed by the amount of hyperbole, exaggerations and explanations of worst-case scenarios.
- Form-based codes are important as a tool for urban planning and can create a sense of place that adds to the overall quality of life that many residents desire.
- Form-based codes as a zoning tool are essentially the DNA of compact walkable mixed-use neighborhoods and are the key to maintaining Roswell's small town feel and small town character for this area.
- Quality of life desired by many residents, taking into consideration the kind of environment that needs to be created for the next generation of buyers in Roswell over the next 3-5 year span and the next 5-10 year span.
- Market analyses trends, based on research by the National Association of Realtors, is also supported by research done by the Atlanta Regional Commission.
- Three key demographics that the City should be preparing for in the future:
  - o Older Boomers (age range of 55-64) predominately want to age in place, which is the idea of staying where you want to be whether that is assisted, or unassisted but in your home close to friends and family, and especially important to this generation is grandchildren. Their demographic has a high demand for mixed-aged, mixed-use communities with walkable urbanized settings. What is being proposed in this form-based code and the flexibility it will offer for redevelopment of this community is exactly what this particular market will be looking for in the next 3-5 years and at the younger end of that spectrum, the 5-10 years following. Adopting this form-based code would be a very forward thinking move to prepare for that market.
  - o Younger Boomers (age range of 46-54) are in their peak earning years and should be looking at the purchase of a second home and investment property but many are tied to suburban properties where they have negative equity. If they want to be the ones moving into the mixed-use communities that were described for the Older Boomers, they would have to unload their suburban properties of which Roswell and North Fulton are filled with and the problem is that the market is not there.
  - o Generation Y (age range from late teens to early 30's) as a group almost universally rejects the suburban sprawl that has been the characteristic of how zoning has been done up until now. They saw their parents and grandparents lose the equity in their homes after the housing market went bust in 2007-2008 and do not want to be tied to home ownership, however that situation is softening a bit. This generation will begin their professional careers as renters by necessity and the worst fear for the real estate industry is that they will become renters by choice. The type of property they want to occupy are in urban settings and mixed-use, mixed-income communities.
- Adoption of this form-based code ordinance is the absolute best thing the Council can do in building for the future of Roswell; asked Council to approve this ordinance and move Roswell forward

*Scott Marcelais, 908 Myrtle Street, Roswell, Georgia, Director of the Roswell Housing Authority (RHA), made the following comments:*

- *Spoke on behalf of the RHA.*
- *Said he has been here 17 months and is relatively new; he can be more objective in what he has seen and experienced.*
- *The Groveway effort has been a dynamic strategic planning process; he, as well as many board members and several tenants were actively engaged in the process.*
- *He said during his time here, the RHA occupancy rate has increased from 45% to 98%; over a quarter million dollars has been invested in long overdue repairs to the residences, which may not be the best but they are safe and descent; they would like to give them better places to live at affordable prices.*
- *RHA has 103 subsidies; HUD requires that the same 103 people who choose to continue to live there will pay the same percentage of their income towards rent in whatever is built in the future.*
- *There is a tenant council in place; RHA tries to keep them active and informed.*
- *The RHA has funds to invest and have purchased additional land; it will pursue more land purchases in the future. Funds for capital investment can leverage 20 fold in private investment as a community with RHA basically as a public body politic. The RHA has the public trust in mind and does not do this for profit. Profit goes back into furthering affordable attainable housing primarily for workforce and essential community workers such as city workers, healthcare, educators, firefighters, etc.*
- *RHA is completely in favor of this process and will possibly be the most active player in its implementation.*

*There were no further comments from organizations.*

*Mayor Wood asked individual speakers to come forward in the audience, forming groups of those in favor of the project and those opposed.*

*Mike Lowry, Old Path Crossing in Wildwood Springs, Roswell, Georgia, made the following comments:*

- *Resident of Wildwood Springs for eighteen years.*
- *He is a realtor but dropped his membership to the Atlanta Board of Realtors last year; he noted that the gentleman who spoke from the Board of Realtors does not speak for him or any of the realtors he knows in the North Fulton Area.*
- *He is a senior citizen and has no desire to live in a live, work, play urbanized community and would rather move to Charlotte.*
- *Said his daughter is part of the up and coming generation and she recently moved to Lexington, Kentucky to escape the urbanization of what for the last forty-five years had been the nicest suburban region in the United States.*
- *He agreed that the Groveway community needs redevelopment and was not opposed to it on a coherent basis with limited densities.*
- *Ultra-high-density housing is not in the character of Roswell or North Fulton and will sow the seeds of the ruin of the region and create yet another slum of the future.*

*Janet Russell, 260 Willow Springs Drive, Roswell, Georgia, made the following comments:*

- *Has lived in the same house in Roswell for thirty-nine years and has attended more Council meetings than all of the people in the room added together including Council and Mayor.*
- *Mr. Andrew Malone, a leading urbanist in the world, came to Roswell recently and spoke about what is needed here. Ms. Russell said she was overwhelmed by the lack of interest shown in someone with real knowledge who came here with a professional opinion.*
- *Said she came before Council thirty-nine years ago requesting the creation of a*

*live, work, play community that would connect every development including streets, parks, churches and shopping centers by sidewalks and bike paths. Roswell was just a village then and could have become a model community for what can happen when a rural community suddenly becomes urban. She said for those who think Roswell is suburban, it has 88,000 residents and is the sixth largest city in the State of Georgia.*

- *There had been much opposition to converting the old Roswell High School into condominiums and homes and now they are full; there was also opposition to the approximately 200 condos built on the river on the east side of Highway 9 and now they are full.*
- *Proponent of bicycles, sidewalks and mass transit.*
- *Referred to an article she recently read that said young people today think it is cool not to use a car because they don't want to sit in traffic; Appreciates the bus stop on Highway 9 close to her street which she can take to the North Springs Marta Station train.*
- *Supports this redevelopment. Groveway is a mess left over from the 1930's and when someone comes to the town square to the Visitor's Bureau, all they have to offer are the historic homes.*
- *Discussed with Councilmember Dippolito the realignment of Oxbo, bringing the street that runs between the cemeteries over to Oak Street (that was just completed), to make it a walking community that would connect to the City Hall complex, the library, and across to Canton Street all the way back to Mimosa; that would become a thoroughfare where businesses would thrive.*
- *Asked if the City's ladder trucks can reach five stories, and what the maximum height of buildings those ladders reach. Mayor Wood asked Fire Chief Spencer to respond how high the ladders could reach and still be functional. Fire Chief Spencer replied the fire truck ladders are 100' in height and if floors are 13 feet high, that would be five stories and it should not be a problem. Chief Spencer stated that fires are fought from building interiors and not the exterior; the ladders are used mainly for rescue. She said that had been a big concern during the prior redevelopment discussions; it is very important when talking about maximum height of a building in hilly areas, that they know what the maximum height is from each point, not just the height of the building and the eaves and the gables.*
- *She did not like the idea of the tall buildings but liked the narrow streets and trees and people walking.*
- *Asked for the total current occupancy of the RHA. [There was an inaudible comment] Mayor Wood said 150 people live in the RHA.*
- *Asked about the existing businesses that use water in this area and for a comparison to what is going to happen.*
- *Asked why "20% of the citizens get their water from the City and the balance get it from Fulton County, which is cheaper."*
- *There are no grocery stores or drugstores in downtown Roswell or on mass transit; from Roswell Road at the Chattahoochee River, the first drug store is six miles from the river on Mansell Road; if this plan is approved, Council should definitely include a grocery and drug store; "when tourists and visitors come to Roswell they think about this little part of town."*
- *Did not think the real number of apartments was 5,000; asked what is the true number.*
- *Supported the idea of redeveloping the Groveway community but urged Council to make a thoughtful decision.*

*Ruth Ann White, 1601 Liberty Lane, Roswell, Georgia, made the following comments:*

- *Purchased a home two years ago in Liberty Lofts where the old Roswell High School building was located, but had lived most of her life in apartment complexes; the multi-family rental units are her main concern with this project and the form-based*

development.

- Lived in Belcourt Apartments on Old Alabama Road for seven years and saw it turn from a very nice safe place to a slum which is why she decided to leave.
- Loves living in Roswell and has been here more than fifteen years but when she began searching for another rental, she could not find anything in her price range that felt safe; apartments start out good but do not stay that way, renters do not take pride of ownership.
- Roswell should draw property owners not more renters because it would not be easy when people want to sell their homes if they are adjacent to rental properties, especially multi-family apartment complexes. She said as everyone knows,
- Attended the meeting about Frazier Street apartments redevelopment, which had been the number one place pinpointed for redevelopment and thought they had learned from that; everyone was excited about redeveloping that into something nicer and condominiums would have been great but the same mistakes will be made by putting more apartments in which would be getting rid of one eyesore and putting in another.
- Thought property tax revenue would be a bigger draw than rental property and more rental property would mean less property tax collected.
- Roswell already has a walkable live, work and play community; she walks to many places on Canton Street and the library; one can go walk anywhere in the City of Roswell.
- Roswell's charm is the historic area and the historic feel of the city; if redevelopment allows it to become a rental community, it will lose that charm.

Lew Oliver, 880 Marietta Highway, Roswell, Georgia, made the following comments:

- Has lived in the Roswell Mill Village for eighteen years; lives there by choice not because it is a blighted area; it is charming with a wonderful diversity of people who are friends from varying cultures and economic backgrounds.
- Thought for years that large constellations of rentals were bad until he worked in Celebration, Florida which was Disney's new town fifteen years ago; that town center is anchored by rentals with some of the highest real estate values in metro Orlando.
- Referred to Greenville, South Carolina; half of the occupied units in their downtown area are rentals.
- The problem with Roswell's rentals is they are unfit for human habitation. They were conceived when the highway was strip zoned and each side of the highway was lined with cheap marts, strip shopping centers, and apartments that had led to the total disenfranchisement and warehousing of people.
- The rentals proposed in Groveway are much higher quality, are walkable and would be beautiful and very different from what has been seen in Roswell; he noted that there are many single family neighborhoods that are blighted slums.
- Many people believe this is a fast tracked process, but it has been going on five years; he personally worked on it and recruited many of the people in the first charrette; they were visionaries who worked very hard and had been consistently behind the project.
- Utilizing existing infrastructure and reducing per capita infrastructure was one of the most ecofriendly and highly efficient things they could do for the city for reducing air pollution and traffic; "The cul-de-sac is the ultimate in waste as far as asphalt and citizen tax payer money to maintain."
- This project would promote pedestrianism where older people could move in and walk around and foster young people who largely do not like suburbia, and would create a catalyst for the city to reinvent itself.

David Tolleson, 2800 Laurel Green Court, Roswell, Georgia, made the following comments:

- Hopes to be living in a Lew Oliver designed senior housing cottage in Groveway

in twenty-five years.

- *Is strongly in favor of the vision of the charrette but said the devil is in the details; when there is a grand and beautiful vision, it can be frustrating when people ask about the details, but if the City is sued by a developer, they will be glad they took the time to get it right the first time. He appreciates the work so far and believes the product is improved.*
- *It helps making some of the proposed apartments conditional which was not the original plan and not supported by everyone as opposed to automatically allowed.*
- *The original vision of the Groveway charrette called for additional housing for seniors and those with disabilities with some market rate housing mixed in; that concept and the numbers involved was far different from what has been discussed in the last couple of weeks.*
- *Asked if the city is ready for what this document allows.*
- *Alpharetta's Planning Commission is having problems with 250 luxury residential units at the massive Avalon development; their comp plan calls for 85% owned and only 15% rental, but their current numbers are 76-24%, which has alarmed the Planning Commission. Those figures are a bit lower than Johns Creek that was 82.6% owner occupied residential in 2010.*
- *Sandy Springs' last published owner occupied rate on their website was 45.7%, making more than half their residential stock rental. WSB-TV aired that Sandy Spring's leaders are having to address crime and school issues caused by their high rental percentage to the point that it has been suggested they may buy and raze apartment complexes to solve the problem.*
- *Roswell lies between these other cities; the 2010 census on the website shows just over half are residences with 58.7% owner occupied and nearly 35% rental, with the remainder vacant. Roswell does not look good compared to Georgia's average rate, which is under 29%; the U.S. average that is 30%.*
- *Auxiliary uses that follow housing; the more affluent the community, the better and stronger its retail and office mix. We may not want the types of businesses that follow apartments as small as 600 square feet.*
- *Even though these proposed apartments will be nice, Tahoe was once considered nice too. Apartments have a life cycle that invariable includes a decline phase.*
- *The impact on our schools is significant. Every child deserves a safe place to attend school where they will receive a good education. Schools need a strong base of single-family owner occupied homes in order to thrive and provide the additional support needed for children and families. If the schools fail, home values drop and businesses move away. The Roswell High cluster has already been buffeted by redistricting, something completely out of the city's control. This district also includes Hembree Springs, Mimosa, Roswell North, Sweet Apple, Crabapple and Elkins Pointe and now the city is planning to hit it with potentially hundreds if not thousands of new apartments and that is in the city's control; he predicted this will make the redistricting look mild by comparison when it "blows up."*
- *Roswell does not have much crime but like Sandy Springs, the majority of serious crime is centered on rental housing. Asked if the stock of apartments should be increased to meet a temporary shift in demand for the Groveway area but the City does not want to further degrade the owner occupied to rental ratios, is there is a plan to eliminate other apartments, and when will that happen.*
- *Greenville, South Carolina has a nice downtown but it cannot be compared to Roswell because it is the hub of its own metropolitan statistical area and Roswell is a suburb. Greenville's business district is centered on a large waterfall, while Roswell is a bedroom community centered on a quaint historic district. A better comparison might be Franklin, Tennessee, an affluent and historic suburb of Nashville, although even that isn't an exact match because Roswell is has unique challenges and opportunities.*
- *Some people are trying to make this an east or west side issue; this project is of*



citywide importance. It presents opportunities and challenges everyone should be excited about and aware of.

- Asked Council not to rush to pass this just for the Housing Authority to make their May grant deadline; suggested they defer this project and pass the overlay for the Housing Authority complex alone if more time is needed to get the rest right. The Canton Street redevelopment had endless delays but the City leaders wanted to get it right and as a result, everyone loves it. Someone noted at the last reading that the details of the ordinance might be a little fuzzy but if they mess it up, they can come back and fix it in the zoning code update; doubted it is legal to take away rights that have already been given.

Booker T. Nuckles, 699 Bush Street, Roswell, Georgia, made the following comments:

- Has lived in Roswell for sixty-one years and had heard a lot of discussion and even anger at the City Council trying to making improvements to the Groveway community district.
- Many people who attended recent meetings are complaining but they never offered any input or ideas before and should have spoken up at the time of the charrettes three or four years ago prior to the time to pass the ordinance. The people who worked with the charrette and with the meetings had tried to work something out that was for the betterment of the entire City; if something isn't done soon to the interior of the City, it will deteriorate further. The city needs a concrete plan for which a number of other people have tried to present.
- Council should pass this ordinance; if anyone is that unhappy with this, they should come to some of the meetings and try to put some information out that is going to be more agreeable to everyone.

Paula Winiski, 120 Buckthorn Court, Roswell, Georgia made the following comments:

- Had difficulty deciding which side to sit on and thinks there is a false division of being either for or against the project; many don't belong in either group because there are two issues here.
- The first issue is the charrette, which was developed over a long period of time that produced a document that is wonderful and creative. She referred to an illustration from the charrette document on the overhead slide. The Groveway community worked very hard over a long period of time to produce a vision for their community that would reflect what they wanted their community to become. She fully supports this plan and wants it to be implemented. Everyone who had spoken at the meeting talked about how wonderful livable, work, and play communities are; she agreed. Most would like an opportunity for that to be a choice, they shouldn't have to decide if they want to be in the suburbs or want a livable, walkable community.
- Needs sometimes change throughout our lifespan. Her son in Seattle and his family have gone through that series, when they were DINKS (dual income no kids) they lived in downtown Seattle and her daughter-in-law would roller blade to work; they loved it and she loved visiting them. After the children came, that wasn't so workable. The school situation wasn't good and the children needed a different environment with more parks so she moved to the suburbs. As they get older and facing retirement they may want a different choice.
- Supports this project. We don't have to be for or against mixed-use developments; but we need choices. The document that was created for implementing this needs improved. As it is now, there are holes in this project that could turn this into something that is less than desired. This vision document came about from a community that came together to produce a dream that want to see implemented. The vision document reads, "The overall vision that came about as a result of this exercise is one of an interconnected community, residential, office, retail and community uses occurring naturally together connected by beautiful streetscapes and safe roadways. The work started with the Oak Street streetscape improvements

that can serve as a foundation for these future projects. The architectural character of the area was not changed much in that modest one to two-story residential and possibly three story commercial buildings could be integrated into the existing fabric of the area." The final paragraph of the summary reads, "Group Two's concept of a community gathering spot along Oak Street met with excitement from residents and business owners alike. The potential for a geographical center for the community may be a positive and worthwhile project to pursue."

- There has been much enthusiasm for the vision but it should be done right; a clear message must be sent to the development and business communities of what is desired in Groveway. There will be a mix of uses and upscale senior housing. It envisions buildings with retail below and housing above to give the true live, work and play environment. The zoning document does not give any guidance on mix of uses, desired mixes of uses, and the mix of upscale and senior housing. It doesn't talk about how we get there. It doesn't require any percentages of housing versus retail or office. We are sending the development community off on a guessing game along with a blank slate of what is required. If a developer comes in under this code or the way it is currently written but comes in with a lot of ambition and a little imagination and wants to build a five-story single use building one of the major streets, they will have a total green light to do so. One of the pictures in the document shows the type of building that is desired and this is being sent to our development community in the document. We need to send a clearer message to our developers that this is not what we had in mind. There is no discussion in the verbiage of what mix of uses is desirable. If we are concerned too many apartments will be built in the adjoining neighborhood mixed-use area, we are told not to worry because apartment use has to come before the City Council for approval. This is not comforting because the document doesn't spell out any criteria that the Council will use to determine if a proposed project is suitable for approval. With no criteria or goals defined how could these decisions hold up in court. There have been no discussions on this issue to this point. There will be some thoughtful denials overturned and built as a judge decides. This has happened and as these sometimes go to court, all ability to control it is lost. There should be an in-depth discussion of those criteria before this zoning code is passed; about senior housing, upscale apartments in the mix of uses. The developers need to be guided on what we are looking for; without clear guidance we waste their time and money and then we will suffer from development that isn't sustainable. There are no incentives in the code to provide for mix of uses or specialty housing. In lieu of "gifting" out five-story heights, use height as an incentive and offer that if it produces the mix or level of quality that is wanted.

- There are no requirements for green space or placing utilities underground for new construction despite there being a strong desire for that among new buyers.
- Concerns about the amount of five-story buildings built to the sidewalks has been raised by members of the boards and commissions. Per the charrette Groveway documents, height deserves further discussion. The intense density possible here is a direct result of the allowed additional two-stories. The pictures should be upgraded and included in the document that is passed before final approval.

- Requested this item be deferred to address concerns being raised by the citizens who do not want to see zoning mistakes of the past repeated in the Groveway community and to provide enough time to discuss the issues that have been and will be brought forward. If that can't be accomplished before next reading, then the Housing Authority section should be cleaved off so this can be given the time it deserves.

- Everyone hopes they can provide a leadership role for Roswell in the development of the mixed-use and form-based zoning and this should be an excellent job, not just good enough.

Sally Johnson, 251 Thomas Circle, Roswell, Georgia, made the following comments:

- *Business owner for 35-years at 950 Canton Street.*
- *Resident of Roswell since 1975.*
- *Everyone in this room wants Roswell to be better and that is why we are here.*
- *Had not read the document and perhaps there are some things that need to be moved but this is about our future.*
- *Twelve years ago the City spent \$1,000 for a consultant to come to the Merchant's Association of Canton Street because they couldn't get people to come to Canton Street; now there isn't enough parking; 88,000 people choose to live in Roswell.*
- *Visited Greenville with the group; the point was not to make Roswell into Greenville but to see the spirit of Greenville, trust in the leaders including elected leaders, developers, planners, business owners, building owners, business centers, and the people who shop on the streets and walk into town and eat in the restaurants. There had been countless hours spent on this project; this was her first big meeting regarding this project.*
- *She read an email she recently received from Richard McCloud, Director of Community Development for the City of Woodstock who was a fellow graduate of Roswell High School:*

*"I'm writing you today to share with you my thoughts and perspective on form-based codes in general and not necessarily the Roswell Groveway plan. I've had the opportunity to review some of the elements of the plan through the documents provided on the City's website. I'm also very familiar with this area as I spent fifteen years of my life as a resident of Roswell and I am now a frequent visitor. Roswell has always been home in my heart and I commend you and the other stakeholders as well as the citizens and elected officials of the City as you jointly strive to make this area a better place for all who live, work or visit Roswell. As the Community Development Director of the neighboring City of Woodstock, we have had remarkable success with our downtown revitalization due in great part to the form-based code that was adopted by the Mayor and Council in 2005. Since that time, our downtown has exploded with quality growth that truly creates a sense of place that people want to be in. Employment has increased significantly in the area with the attraction of dozens of new businesses. New residents provide an active and energetic street life while intimate parks and streetscapes allow comfortable walking from place to place. Woodstock is now looking further to the future with the development of another form-based code for a much larger area of the City. If implemented, nearly one third of the entire City will be covered by a form-based code. One of the defining benefits of a form-based code lies within its very name, the form. Euclidian zoning focuses primarily on prohibiting what people don't want to see where as form-based codes focus on what people do want to see developed. I will not mislead you by saying that switching to form-based code will necessarily solve every urban design ailment, but it will certainly provide a template to achieve the community vision more readily than traditional zoning ever could."*
- *Greenville is a "spirit that was felt when the group was there." There must be trust in the future and trust in the leaders. This will not be perfect and there will be fumbles; we just hope they are small.*
- *Support this plan and wants it started.*

*John Frisbee, Branch Valley Drive in Martins Landing, Roswell, Georgia made the following comments:*

- *Relatively new to this and was glad to hear others had just found out about this recently.*
- *Applauds the effort to try to do something with that area.*
- *There is potential of building a future slum unless care and time is taken to do it right. Some of the pictures were attractive such as the three-story building but another taller one resembled a prison.*
- *Council should defer this item and take time to think it through to get it right.*

- This is an “idyllic” concept of apartments, condos and shops with people walking around and said each of these condos will have a car attached to it, hundreds of extra cars.

*Katie Belew, 905 Camp Avenue, Roswell, Georgia made the following comments:*

- She is a realtor; surprised to see a representative of the industry here because she had not seen any information from the Atlanta Board regarding this topic.
- Heard frustration from the people who have been involved since the beginning of this project, that have been involved in multiple committee meetings and have put in a lot of work.
- There were more people present at this Council meeting, than collectively who attended all the meetings from the Groveway timeline.
- There has been a sincere dedicated group of people interested in Roswell’s future and revitalizing this area that have been working together and talking to each other, but this is a sweeping change in how Roswell approaches development. This can be exciting but large change also creates fear and rumors fly and wild numbers thrown around. She was very involved in homeowners associations prior to moving to Camp Avenue. During municipal elections, there was always opportunity for candidate forums at association clubhouses, a lot of signage, and very high awareness that something was happening in the City of Roswell. To a degree because of the sweeping nature of this change, we have fallen short getting the word out, partly because we are not close to it. The people closest to it who lived in the community were there but further out there were many emails flying around about Groveway.
- Undecided about this project; needs more information; there is cause for concern when Councilmembers are talking about different shortfalls or things that haven’t been shored up.
- Loves the word trust but we will have to live and die by this document that is being created.
- The form-based code she has begun to read about and understand is going to be huge in terms of the ability to get the end result that is wanted; is concerned that we are not quite there yet; hopes as a citizen of Roswell she will have an opportunity to learn more about this and get better educated to be able to make an informed decision.

*Joan Laibson, 2306 Village Lane, Roswell, Georgia in the Orchards of Roswell, made the following comments:*

- Can walk to the stores and that is why she and her husband moved here.
- Did not believe there had been any fear mongering; it is just people like herself who have just heard about this; has attended for the first time, like a lot of people here now who want to learn about this.
- If this has been going on since 2008, why are there so many unanswered questions.
- Is not for or against this project.
- Asked what workforce housing means.
- Asked if people from HUD are to go into these units and not pay more than they are paying now, will the citizens be subsidizing this or who will subsidize it.
- Referred to a picture that had been showing with five-stories and said nothing has been planned out.
- Wants answers; like anything else, it isn’t in concrete yet and the citizens have the right at this point to come forward and state objections and ask questions.
- Asked how many units will there be and what their size will be.

*Mayor Wood asked if she understood this is a flexible zoning and is not specifying specifically what the uses will be. He said the answer to her question is that it is not*

*known because the zoning does not prescribe the use and until the project is built, the use will not be known. The answer is unknowable unless specific uses are prescribed and in form-based zoning, specific uses are not prescribed; therefore the question is unanswerable as it was asked.*

*Ms. Laibson continued:*

- Noted the earlier comment regarding a drug store and super market and asked if she understood correctly that this is not a planned community.*

*Mayor Wood replied that is correct.*

*Ms. Laibson continued:*

- It is not a planned community, that is another kind of building; it would be up to the developer; this is a free country with supply and demand and nothing should be forced under this plan.*
- More time is needed for consideration of this.*

*Hal Gronholm, 11390 Bowen Road, Roswell, Georgia, made the following comments:*

- Resident of Roswell for over fifty years. Remembers when the City was discussing Canton Street and there were arguments about spending all that money and so forth and the result as can be seen is that it worked out good.*
- He is a developer with projects all over the City but has no projects in Groveway, does not own or expect to own anything there.*
- This is a zoning issue; he been before Zoning on various things and expressed how much of a hassle it is.*
- This is about trust; if the people who elected the Mayor and Council do not trust them to do what they are supposed to do then we are in a world of trouble.*
- He owns some apartments that are in good shape and the residents like them and have expressed how well they are maintained; there are restrictions that they must adhere to and that is a matter of policing your property. If you create a slum, it is your own fault; it is offensive to him when someone says you cannot have apartments without turning them into slums, it is not true.*
- He knows the people who have worked on this project, respects them, and has faith that this will be wonderful for Roswell. There are many areas in the Groveway community that are in need of serious repair and this needs to be passed now and Council can tweak it later.*

*Mayor Wood issued a ten minute break at 9:10pm; the meeting reconvened at 9:20pm.*

*Nancy Allvine, 9295 Martin Road, Roswell, Georgia, made the following comments:*

- Referring to points made by the real estate speaker, said he is "increasing Roswell's apartment stock concession to short-term market demand."*
- Asked if the negative impacts on schools and increases in crime been taken into consideration.*
- ARC projections are that the rental market will begin to weaken and the GenY members will begin buying homes in the 2015-2026 timeframe with a peak in demand around 2020.*
- It would be wise move to limit the percentage of apartments within all Groveway's residential types; More thought should be given as to what is really wanted and what percentage of apartments and homeowners.*

*Mayor Wood in response to Ms. Allvine's question said that is why Council has made zoning for apartments conditional. They have not approved apartments; it has been made conditional to allow more time and to take a specific look at the specific*

*apartment complexes. The total numbers of apartments which people have projected would be if every property were zoned for apartments. This Council has specifically said it is conditional except for where the Roswell Housing Authority is. Mayor Wood said they should get back to Sally Johnson's question regarding trusting the Council to make the right decisions on those conditional zonings. He*

**A motion was made by Council Member Diamond, seconded by Council Member Price, that approval of RZ12-03 Text Amendment for the Groveway Community Hybrid Form-Based code (Second Reading) be approved with the following conditions:**

- 1. Page 2 – 12.4.3 – Orientation – Groveway Community – add “Overlay District.”**
- 2. Page 2 – 12.4.4 – Applicability – Add “in the Groveway Community Overlay District.”**
- 3. Page 3 – 12.4.5 – - How to Obtain Project Approval - Add at the end of paragraph - “In addition outside experts may be utilized in review.”**
- 4. Page 4 – 3) Guidelines: Provide guidance for new development in terms of aesthetics and other considerations such as District character or design details. They are intended to direct building and site design in a way that results in the continuity of the valued character of the Groveway Community. Conformance with the Requirements is mandatory. General conformance with the Guidelines is "mandatory." (removed - preferred and/or recommended). However, guidelines, as indicated by the use of the words “should,” “may” or “are encouraged to,” in various cases, provide a choice of treatments that will achieve the desired effect. Although direct conformance with the Guidelines is "mandatory," (removed strongly encouraged) developers are permitted to propose alternative design details if they are able to show that such details implement the vision communicated in the 2008 LCI study and 2009 Groveway Community Charrette.**
- 5. Page 7 – 12.4.10 - Right-of-Way Regulations – Take out first paragraph - The minimum width of right-of-way for primary streets.....centerline of the road. - Removed**
- 6. Page 7 – 12.4.10 – Paragraph should now read: The minimum width of right-of way for (removed the word “secondary”) streets in the Groveway Community shall be 50 feet constructed as identified in “the” (added the word “the”) cross-section Figure 12.4.1...**
- 7. Page 7 – 12.4.10 – (Took out the words “Upon a finding”) Mayor & City Council may waive the requirement of constructing the street cross-section. However, the developer...**
- 8. Page 7 – 12.4.11 - Buildings and structures in this district shall be at least one (1) story or eighteen (18) feet in height and not to exceed ... Add (“a permitted height of fifty-four (54) feet or four (4) stories, Mayor & Council may conditionally approve a building or structure to a height of”) sixty-six (66) feet Add (“and five (5) stories). Add (“Four and) five story buildings shall be located along primary streets only....Appendix "A".**
- 9. Page 9 – Storefront Standards - Each building must have an entrance that faces the street; building (add “entrances”) on High Visibility Control ....**
- 10. Page 10 – Forecourt Standards - At least one building entry must front onto (add “the”) court (add “yard”).....**
- 11. Page 13 - 12.4.15 - If a lot is bound by more than one (1) public street, .....at a High Visibility Street Corner, the building (add “entrance”) ..... toward the intersection.**
- 12. Page 16 – Take out both pictures**
- 13. Page 17 – Take out paragraph about – (“ For wider facades.....less prominent) - Removed**

14. Page 18 – 12.4.19 – Building Materials – The following standards (add “shall be utilized”). Remove “exist to encourage”.
15. Page 18 – Under Brick and concrete siding standards - Masonry, concrete ..... wood (add “trim”); Remove “accent or metal siding.”
16. Page 19 – Under Stone and timber standards - When used for the primary facade.....columns or piers combined with wood (add “trim”); Remove “siding.”
17. Pages 25 and 40 – The Workforce Housing is a voluntary provision which has been added per the presentation.
18. Page 26 – Remove - 4) “On street parking .... Open space area.”
19. Page 26 – 12.4.25 Along streets – Remove “All streets shall be edged with a landscape strip of no less than six (6) feet in width.”
20. Pages 32 and 46 – Removed – “Requirement for Public Art review.”
21. Page 37 – 12.4.44 Building Materials – Remove “Wood” and just start with “Brick.” Same sentence – Remove “wood or metal siding and”
22. Page 39 12.4.46 – Street Corner Site Design Options - All development proposals....All building (add “entrances) located on street.....
23. Page 48 – The Ordinance shall take effect – Remove “its adoption” – Add (“June 12, 2012”)....
24. Page 49 – The map – Leave the primary streets as they have them in the last reading.
25. Page 53 – Communication towers – Make “C” and not “P.”
26. Page 54 – Under Building Height – Maximum Height – Make 66 feet “Conditional” and add (“54 feet permitted)”
27. Page 55 and 58 – The Front Yard Setbacks measured from the property line was changed as per the presentation.

Council Member Orlans, Council Member Price, Council Member Wynn, Council Member Dippolito, and Council Member Diamond voted in favor. Council Member Igleheart cast his vote in opposition. The motion passed 5:1.

In Favor: 5

Opposed: 1

Enactment No: ORD 2012-04-06

# **10. RZ12-01 Text Amendment related to Sidewalk Cafes. (Second Reading)**

*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Mayor Wood issued a ten minute break in the meeting. When Mayor and Council reconvened, Councilmember Igleheart had not yet returned.*

*Councilmember Diamond introduced this item. Mr. Townsend this proposed text amendment to the Sidewalk Café ordinance is to allow restaurants throughout the city to have sidewalk cafes. Mr. Townsend staff recommended approval of the text amendment.*

*City Attorney David Davidson conducted the second reading of AN ORDINANCE OF THE CITY OF ROSWELL TO AMEND THE ZONING ORDINANCE ARTICLE 10.39.3 USES PERMITTED/APPLICATION FOR LICENSE DEALING WITH THE SIDEWALK CAFÉ LOCATIONS WITHIN THE CITY OF ROSWELL, GEORGIA stating: pursuant to their authority, Mayor and Council do hereby adopt the following Ordinance: 1. Article 10, Specific Use Requirements, Chapter 10.39, Sidewalk Cafes*

*Section 10.39.3 Uses permitted/application for license is amended as follows:*

*Section 10.39.3 Uses permitted/application for*

*(a) Sidewalk cafes are permitted for restaurants located throughout the city. Application for a sidewalk cafe license shall be made to the community development department. If approved by mayor and council, a license for a sidewalk cafe will be issued for one (1) year and shall be automatically renewed if the use remains in compliance with all conditions stated herein. Such license will not be transferable in any manner.*

*(b) The fee for a sidewalk cafe license shall be set by mayor and council by resolution.*

*Mr. Davidson noted that if approved, this would be the second reading. Mayor Wood invited Council questions. There were none.*

**A motion was made by Council Member Diamond, seconded by Council Member Orlans, that the Second Reading of the Sidewalk Cafe Ordinance be approved. The motion carried by the following vote:**

**In Favor: 5**

Enactment No: ORD 2012-04-04

**11.**

**SC12-01, 955 Canton St., #120, Little Alley Steak**

***Presented by Bradford D. Townsend, Planning & Zoning Director***

*Councilmember Diamond introduced this item. Mr. Townsend stated staff recommended approval of this request for a sidewalk café license with three conditions. Mr. Townsend reviewed the three conditions. He displayed a graphic noting the requested sidewalk area for a sidewalk café. He noted the five (5) foot clearance, for ADA requirement, around all the posts, the tree, and the curb. Mr. Townsend stated, "There was a request by Zest to close in three (3) parking spaces. This uses one of those spaces that has been closed in. Little Alley and the owner of Zest have already contractually swapped money to get this done. It is all taken care for this particular location." Mr. Townsend noted that the applicant agrees to the conditions.*

*Staff conditions are as follows:*

- 1. The site plan approved is stamped "Received by the City of Roswell Community Development Department on March 8, 2012."*
- 2. The barrier and all furniture must match all specifications included on the pre-approved list included in the sidewalk café application, specifically the post and chain barrier which shall be "black or non-shiny, non-reflective metallic finish."*
- 3. The post and chain shall feature two chains to meet ADA accessibility requirements.*

*Further Discussion:*

*Councilmember Dippolito encouraged everyone to try the Little Alley Steak restaurant. He noted that what the owner has done with the interior of that building is "absolutely incredible." No further comments.*

*Public comment invited. No public comments were made.*

**A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this Sidewalk Cafe license for Little Alley Steak be**



approved with three staff conditions which include:

1. The site plan approved is stamped "Received" by the City of Roswell Community Development Department on March 8, 2012.
2. The barrier and all furniture must match all specifications included on the pre-approved list included in the sidewalk cafe application, specifically the post and chain barrier which shall be "black or non-shiny, non-reflective metallic finish."
3. The post and chain shall feature two chains to meet ADA accessibility requirements.

The motion carried by the following vote:

In Favor: 5

12.

**RZ12-02 Text Amendment to allow Farmers' Markets in commercial zoning districts. (Second Reading)**  
*Presented by Bradford D Townsend, Planning & Zoning Director*

*Councilmember Diamond introduced this item. Mr. Townsend explained that this proposed text amendment is to allow Farmers' Markets and includes definitions of markets and produce. It allows for farmers' markets to be a permitted use in C-1, C-2, and C-3; H-R; and MPMUD. A manager is required to be on site. This text amendment will control the hours and the number of days of operation. The applicant will be required to receive a Farmers' Market Permit which can be issued by the Planning and Zoning Director, a new authority to do this, if Mayor and Council should approve this text amendment. Mr. Townsend stated staff recommended approval of this second reading.*

*The Planning Commission recommended approval of this text amendment during their February 21, 2012 hearing and included a proposed amendment to allow for an additional banner to be used by the farmers' market.*

*City Attorney David Davidson conducted the second reading of AN ORDINANCE TO AMEND SECTIONS OF THE CITY OF ROSWELL ZONING ORDINANCE REGARDING THE USE OF FARMERS' MARKET, CREATING A DEFINITION OF FARMERS' MARKET, TO ALLOW THE USE OF A FARMERS' MARKETS TO BE LOCATED AS A PERMITTED USE IN THE CITY OF ROSWELL ZONING DISTRICTS H-R, MPMUD, C-1, C-2 AND C-3 CREATING A FARMERS' MARKET PERMIT REQUIREMENTS TO ALLOW FOR THE APPROVAL OF A FARMERS' MARKET PERMIT BY THE ZONING DIRECTOR stating: pursuant to their authority, Mayor and Council do hereby adopt the following Ordinance: 1. The City of Roswell is hereby amending Article 3 of the City of Roswell Zoning Ordinance, Chapter 3.2 Definitions, by adding the following definitions dealing with Farmers' Market:*

*Farmers' Market: An outdoor market open to the public:*

- (a) At least 75 percent of the displayed inventory of the products sold in each Farmers' Market is Farm Products or Value-Added Farm Products.*
- (b) At least 75 percent of the booths open during the market's hours of operation are Producers, or family members or employees or agents of Producers; and*
- (c) If a booth sells Farm Products or Value-Added Farm Products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least 2 inches tall and visible to the*

consumer.

*Producer: means (a) a person or entity that raises farms products on land that the person or entity farms and owns, rents or leases or (b) a person or entity that creates (by cooking, canning, baking, preserving, roasting, etc.) Value-added Farm Products.*

*Farm Products: means fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.*

*Value-Added Farm Product: means any product processed by a Producer from a Farm Product, such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, tea, smoked or canned meats or fish, sausages, or prepared foods.*

2.

*The City of Roswell is hereby amending Article 6 of the City of Roswell Zoning Ordinance, Table 6.1 Permitted uses in Office and Commercial Zoning Districts, as follows:*

TABLE 6.1

PERMITTED USES IN OFFICE AND COMMERCIAL ZONING DISTRICTS

USE O-P C-1 C-2 C-3 I-1

Farmers' market X P P P X

(C-Conditional Approval Required, X-Not Permitted, P-Permitted)

3.

*The City of Roswell is hereby amending Article 7 of the City of Roswell Zoning Ordinance, Table 7.1 Permitted uses in Mixed-use Zoning Districts as follows:*

TABLE 7.1

PERMITTED USES IN MIXED-USE ZONING DISTRICTS

USE H-R OCMS MPMUD

Farmers' market P X P

(C-Conditional Approval Required, X-Not Permitted, P-Permitted)

4.

*The City of Roswell is hereby amending Article 10 of the City of Roswell Zoning Ordinance, amending the title Chapter 10.19.5 Farm Produce Market, to read Chapter 10.19.5 Farmers' Market and by adding language which reads as follows:*

*A farmers' market permit is required to operate a Farmers' Market. Said permit shall expire twelve months from issuance and such use shall thereafter only operate upon issuance of a new farmers' market permit in the manner prescribed in Section 31. In addition to the requirements set forth in this Section of the Zoning Ordinance, as part of the application for farmers' market permit a Farmers' Market shall submit documentation showing (as opposed to merely stating) that it will comply with the following standards:*

*(a) Farmers' market temporary: After the approval of a Farmers' market Permit a person(s) may sell or offer to sell farm products and value-added farm products at*

*approved commercially zoned locations as a temporary use under the requirements as set forth in this Section and article 10.31.*

*(b) Farmers' market permanent: A permanent facility for a farmers' market may be permitted in the historic district under the requirements as set forth in this Section with final design approval by the historic preservation commission according to the standards of Chapter 10.26 "Outside Storage" provided approved fencing may be temporarily opened or removed and must be closed or reinstalled nightly.*

*(c) Removal of temporary displays: Temporary appurtenances such as umbrellas, tables, and displays shall be removed when not in use or may be stored within the screened storage area.*

*(d) Removal of waste product: All waste containing putrescible products shall be removed from the site each day.*

*(e) Delivery: Nothing in this section shall be construed to prohibit delivery of farm produce to customers provided orders are placed in advance.*

*(f) Market Manager: On site presence of a Market Manager during all hours of operation who shall direct the operations of all vendors participating in the market and verify that the requisite number of individual booths are operated by Producers.*

*(g) Booths: Assignment of booths and registration of Producers.*

*(h) Rules: An established set of operating rules addressing the governance structure of the market, hours of operation, maintenance, security requirements, and the appointment of a Market Manager.*

*(i) Recycling: Provision for recycling in accordance with all applicable codes.*

*(j) Hours of Operation: Hours of operation shall be during a window between 7 a.m. and 9 p.m. but in no event may a market operate more than two (2) days per week and for more than six (6) hours per day. Set-up of market operations shall begin no earlier than 6 a.m. and take-down shall end no later than 10 p.m.*

*(k) Parking Requirements: During the hours of operation, dedicated and exclusive parking shall be provided at the rate of a minimum of 1 space per booth. Notwithstanding the foregoing, in zoning districts where there is no minimum parking requirement, there shall be no parking required for a Farmers' market.*

*(1) Except as provided in subparagraph (2) below, all required parking spaces must be provided on-site. For the purposes of Farmers' Markets only, required on-site parking spaces of the host property may apply towards meeting the number of required parking spaces required for the Farmers' Market and without rendering the host property deficient in its parking requirement so long as a written document, signed by both the property owner and the Market Manager, establishes that there will be no parking demand associated with the use of the host property for the same parking space(s) during the hours of the Farmers' Market operation.*

*(2) Off-site parking up to eight hundred (800) feet away may apply to the number of parking spaces required by the Farmers' Market, provided that:*

*(a) Such facilities shall be under the same ownership or control as the host property or Farmers' market. Such ownership or control shall be evidenced either by deed or by lease, which shall be filed with the City of Roswell; and*

*(b) All commercial vehicles or vehicles necessary for the operation of the Farmers' Market shall be maintained on-site.*

*(l) Farmers' market Permit: A farmers' market permit for a Farmers' Market shall expire 365 days from the date of issuance. A farmers' market permit for a Farmers' Market may be renewed upon a reapplication in the same manner as required for initial issuance. A farmers' market permit for a Farmers' Market may be transferred in the same manner as provided for in Section 31.7 or as said subsection may hereafter be amended. Failure to comply with these standards or otherwise meet the definition of a Farmers' Market after issuance of a farmers' market permit may result in the revocation of the farmers' market permit.*

5.

*The City of Roswell is hereby amending Article 22 of the City of Roswell Zoning Ordinance, amending the Chapter 22.12 Temporary Signs, by adding Section 22.12 (e) language which deals with banners for Farmers market to reads as follows:*

*(e) One temporary banner identifying a City approved Farmers' market with a maximum size of 32 square feet shall be allowed no more than twenty-four hours before and two hours after the hours of operation for said farmers' market. Said banner shall be set back out of the right-of-way.*

6.

*The City of Roswell is hereby amending Article 31 of the City of Roswell Zoning Ordinance, Chapter 31.7 PERMITS AND CERTIFICATIONS by adding the following new Section 31.7.10 Farmers' market Permits:*

*(1) Farmers' market Permits: The Zoning Director or his designee shall be responsible for processing farmers' market permits, making or causing to be made all necessary forms and application requirements, and deciding thereon.*

*(2) Applications: A property owner, or any other person with notarized written consent of the property owners, may file with the Zoning Director or his designee an application for a farmers' market permit on such property, provided that such permit is authorized generally or in the zoning district in which such purpose use is so designated. The application shall be filed on a form provided for such and shall be accompanied by plans, reports or other information, exhibits or documents as may reasonably be required by the Zoning Director to make the necessary findings in the case.*

*(3) Action by Zoning Director: The Zoning Director or his designee shall examine the application and supporting materials for conformity with the requirements and stated intent of the use, make such referrals as are called for in the circumstances of the case, and shall within 30 days (unless a longer period is mutually agreed upon) decide on the application. The Zoning Director may issue the permit as applied for, may issue a permit conditional upon changes from the applicant, set forth in writing, as necessary to assure conformity with the requirements and stated intent of this part, or may deny the application, with written reasons for such denial.*

*(4) Farmers' market permit transfer: The transfer of a farmers' market permit is authorized upon the approval of the Zoning Director, or his designee after a request for such transfer has been made in writing by the new owner or operator, accompanied by an affidavit certifying that the new operator or owner is familiar with and will abide by the terms of the original farmers' market permit.*

(5) *Withdrawal of Application: An application for farmers' market permit may be withdrawn at any time without limitation on resubmittal.*

(6) *Appeals From Decision of the Zoning Director: Appeals from decisions of the Zoning Director or his designee shall be submitted to the Board of Zoning Appeals, as provided in Section 31.6.*

(7) *Appeals: Appeals of a decision of the board of zoning appeals under the provisions of this section shall be as provided for in Section 31.6.6.*

7.

*This Ordinance is enacted pursuant to the authority granted to municipal governing authorities in Chapter 35 of Title 36 of the O.C.G.A., known as the Municipal Home Rule Act of 1965.*

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

*Further Discussion:*

*Councilmember Price asked if there were any changes between the first and second reading of this proposed text amendment; were changes incorporated. Mr. Townsend stated, "Everything that was requested at first reading was put into the ordinance and changed." Mayor Wood asked for a summary of those changes. Councilmember Diamond noted that there only change was allowing the farmers' market to have its own banner. Mr. Townsend agreed that was the only issue; allowing the farmer's market to have an individual banner that could not be in place more than twenty-four (24) hours before and would need to be removed or brought down within two (2) hours after the farmer's market closed. Councilmember Price asked if the fee discussion was part of this discussion, or was it a separate ordinance. Mayor Wood clarified that a fee would fall under a separate ordinance, specifically. Councilmember Price asked if that would show up within this ordinance. Mr. Townsend said he thought there was a resolution. Mayor Wood clarified that the practice is to set the fee by resolution, so that there does not need to be a reading of the ordinance each time; it is only done once. Councilmember Price inquired if the fee was already set and that it is not looked at this time. Mr. Townsend stated that was right. Mayor Wood explained that that the fee is set by a separate action. Mayor Wood explained, "We pass an ordinance saying the fee is to be established by resolution and we will establish it by resolution." He noted that he was not certain that Council had passed the resolution at this time. Councilmember Price, "I think we did, that is why I am wondering. That is not part of this." Mayor Wood stated it is not; for procedural reasons it is separated since a resolution does not take a reading. No further discussion.*

**A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that the Second Reading of the Ordinance which will allow Farmers' Markets in commercial zoning districts be approved. The motion carried by the following vote:**

**In Favor: 5**

Enactment No: ORD 2012-04-05

13. **RZ11-14 Text Amendment to the Sign Ordinance related to the distribution of allowable ground and wall sign square footage. (Second Reading) Deferred by the Mayor and City Council during their March 12, 2012 hearing.**  
*Presented by Bradford D. Townsend, Planning & Zoning Director*

*Councilmember Diamond introduced this item and requested a deferral.*

*Councilmember Diamond expressed her appreciation to Planning and Zoning Director Brad Townsend and City Planner Jackie Deibel. Councilmember Diamond noted that Mr. Townsend had "stepped into this" after we had a staff departure. She recognized that Mr. Townsend and Ms. Deibel are the employees who have put in countless hours and done all the work. Mr. Townsend thanked Councilmember Diamond.*

**A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this Sign Ordinance be deferred and be placed on the Mayor and City Council agenda for 5/14/2012. The motion carried by the following vote:**

In Favor: 5

**Transportation Department - Councilmember Betty Price**

14. **Approval of Budget Amendment 35042200-04-09-12 in the amount of \$32,197 to cover the cost to move three Georgia Power poles as part of the SR9/SR120 Intersection improvement project.**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Price introduced this item. Mayor Wood asked if there was any alternative to doing this. Director of Transportation Steve Acenbrak, replied there was no alternative; this is to prevent the continuous problem of the wall being "ripped down" by trucks.*

*Motion: Councilmember Price moved to deny Approval of Budget Amendment 35042200-04-09-12 in the amount of \$32,197 to cover the cost to move three Georgia Power poles as part of the SR9/SR120 Intersection improvement project. The motion failed due to lack of a second.*

*Further Discussion:*

*Councilmember Dippolito asked Mr. Acenbrak if there are alternative layouts that be considered to keep the poles that are there. Mr. Acenbrak stated that they have looked at this for months and months. He noted that he also has asked staff that same question thinking the poles should remain where they are, but the physics just do not allow it. He referred to a photograph displayed, noting the location on the square and explained that the trucks have outgrown this corridor; there is a seven and half (7.5) foot left turn lane. Computers have been used to determine the wheel path of the trucks that go through there. Staff has done a considerable amount of research; it is the product of an enormous amount of work. There is a limited amount of width and turning radius. He explained that staff "changed the geometry of the way the tractor would move through and make the turn so that the trailer would not keep scraping the wall." The only realistic alternative would be to move the wall. Mr.*

Acenbrak stated he discussed this with Recreation and Parks Director Joe who was not certain this should be done. Mayor Wood asked if it would cost the City more to move the wall than it would to move the poles. Mr. Acenbrak said, "I think the objection is touching the square, what we are doing is shaving a little corner off the square." He confirmed for Mayor Wood that it would cost a substantial amount to move this wall. Mr. Acenbrak stated, "I think we would be touching the sacred area." Mayor Wood stated, "It is going to cost us, one way or the other. It is not sacred to me but it may be to others." Mr. Acenbrak said it is not a historic wall but it is a "sensitive wall to say the least." Councilmember Dippolito asked if all options have been exhausted to have Georgia Power pay for this move of the power poles. Mr. Acenbrak replied, "Yes. Their original bill was \$64,000. We negotiated and they now are saying that they need \$32,000 to move these poles. We are out of legal options because they are claiming prior rights. This is the first time I have ever seen this, but apparently, they are right." Councilmember Dippolito said, "I thought our representative, Nancy Davis, was going to try to go to bat for us to make this work." Councilmember Price replied those discussions have not yielded anything. Councilmember Price noted that earlier in the meeting there was discussion of the famous city designer who was in town, stated his solution to the problem was to change the pedestrian island and leave the square alone, which she agreed with. Councilmember Price explained that she is not ready to move forward on this because perhaps the City could still get Georgia Power to move, and to look at some other routing of the truck wheels with a pedestrian island modification, in lieu of spending \$32,000. Mayor Wood asked Mr. Acenbrak if any further research would result in any different answer than what he has currently. Mr. Acenbrak replied, "There are two issues here. We are overlapping two issues. One is freight movement and the other is pedestrian movement." He referred to a photograph displayed and noted the pole which is needed to be moved for freight movement. The other two poles are for pedestrian movements. He said sidewalks are being built along this area. If the poles are not moved, there will be a telephone pole in the middle of the sidewalk, which will not meet ADA requirements. ADA requirements cannot be met with a wall and a curb. There is no other place to put the pole. Mr. Acenbrak said the pole on the other side also will not meet ADA requirements. He assured Mayor and Council that he would go back and look at this again if the issue of moving these poles is not met with the universal support of Council. Mayor Wood replied that at some point at time it is time to make a decision.

2nd Motion: Councilmember Dippolito moved to defer Approval of Budget Amendment 35042200-04-09-12 in the amount of \$32,197 to cover the cost to move three Georgia Power poles as part of the SR9/SR120 Intersection improvement project. Mayor Wood asked if that was deferral to have Mr. Acenbrak take another look. Councilmember Dippolito confirmed that was correct. Councilmember Wynn seconded.

#### *Further Discussion:*

Councilmember Orlans stated he agreed that at some point a decision is needed. He suggested that this item be approved with condition that Mr. Acenbrak take one more look at this instead of letting it drag on. Mayor Wood asked if anything would be held up if Council deferred this item. Mr. Acenbrak replied, "Mayor, we have already let this to construction. We are working around this. The contractor is out here right now working on sidewalks. He is working on everything else. This is two projects. One was MARTA and one was City." Mayor Wood asked if Council would bring this back to the next meeting would it hold the contractor up, time and money. Mr. Acenbrak said yes, it almost assuredly will. Mayor Wood replied, "Yes, it is going to cost us more money to hold this up. That is the downside here."

Councilmember Dippolito withdrew his motion. Mayor Wood confirmed the motion

*was withdrawn.*

*Councilmember Orlans suggested that this item be passed with idea that staff take one more look at it and move forward if they need to.*

*Councilmember Price said, assuming that the money could be found, within the Contingency Fund, noted that she did not have any problem, conceptually, of the two southerly poles; her only concern is the one on the square, which she thought could be looked at more carefully. Mr. Acenbrak referred to the displayed graphic and asked which poles she was okay with moving for the pedestrian requirement. Councilmember Price noted which two poles she was okay with assuming there is the money. She confirmed for Mayor Wood that her concern with the pole on the square was about the shaving off more of the square. Mayor Wood asked if her concern was not with the pole but with the design. Councilmember Price replied, "No, if we move that pole, in effect, it will make the square smaller." Mayor Wood stated he did not understand. Mr. Acenbrak explained that Councilmember Price is correct. He pointed out which portion of the square would be made smaller and also which portion would be made larger; there would be a net gain at the square. Mayor Wood asked how much the square would be made smaller. Mr. Acenbrak stated he had the number at the previous meeting; he thought that it would be on the order of forty (40) square feet, a small amount. He pointed out the area where the shaved edge would be and the addition of the truck apron which allows trucks to make the turn. Mayor Wood asked Councilmember Price if it is fair to say that this is an issue about the turning radius design. Councilmember Price replied, "With the pole where it is, nothing would change. With the pole removed, yes, they will cut more into that turn." Mayor Wood stated her concern is not with the pole placement or the expense, but with shaving off some of the square. Councilmember Price responded that it is a combination but the real problem is with the pedestrian islands that do not allow the trucks to make the turn. Mr. Acenbrak explained that if the pedestrian island is wiped out entirely, what would happen is that the trucks would be swinging out too far in order to clear this area. With the signal phasing, there was a chance that it would cause accidents; there is some concern about pedestrians waiting in this area; it is a very tight situation. Councilmember Price said she thought that the pedestrians are safer with the pole there. Mayor Wood stated that he would caution Council on second guessing engineers on safety questions and turning radius. Councilmember Price said she would rather have a pole there between her and a truck, than no pole. Mr. Acenbrak stated "I am one hundred percent confident running Auto Turn, the industry standard for exactly these types of situations."*

*Mayor Wood said he would entertain a motion on the two poles to the south, south end of the intersection.*

*Motion: Councilmember Price moved to move the two poles at south end of the intersection. She questioned the cost. Mr. Acenbrak confirmed for Mayor Wood that the cost would be prorated for the cost of the two poles. Councilmember Dippolito seconded. No further discussion. The motion passed unanimously.*

*Mayor Wood noted that he assumed that Councilmember Price would be making a motion not to move the pole to the north. She said he assumed correctly.*

*Motion: Councilmember Price moved not to move the pole to the north. Motion failed due to lack of a second.*

*Mayor Wood asked if any member of Council had an alternate motion. Councilmember Price inquired about a deferral. Mayor Wood said he would not move to defer until he had at least a motion to defer. He asked if there was motion*



*on the pole to the north.*

*Councilmember Orlans stated, "As I was saying earlier on the movement of the pole to the north, with Transportation taking one final look at it and seeing if there is an alternative." Mayor Wood said "If there is an alternative, not move it, but if there is no alternative it does not need to come back to Council." Councilmember Orlans replied that was correct.*

*Alternate Motion: Councilmember Orlans moved that Transportation should take one final look at the pole to the north to see if there is an alternative. If there is an alternative, not move it, but if there is no alternative, it does not need to come back to Council. Councilmember Dippolito seconded. No further discussion. The motion passed 4:1. Mayor Wood clarified that Councilmember Orlans, Councilmember Wynn, Councilmember Dippolito, and Councilmember Diamond voted in favor of taking a second opinion, but if "things" cannot be changed for safety reasons, to go ahead and move the pole. Councilmember Price was opposed.*

**A motion was made by Council Member Orlans, seconded by Council Member Dippolito to move the pole to the north along with the Budget Amendment be approved but for staff to look at an alternative one more time. If an alternative cannot be found, the pole will be moved and this will not have to come back to Council. The motion carried by the following vote - 4:1. Council Members Orlans, Dippolito, Wynn and Diamond voted for the motion. Council Member Price opposed the motion.**

**A motion was made by Council Member Price, seconded by Council Member Wynn, that moving the two poles at the south end of the intersection and the budget amendment be approved. That vote passed unanimously.**

**In Favor: 5**

### **City Attorney's Report**

#### **15. Recommendation for closure to discuss personnel and acquisition of real estate.**

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

**City Administrator Kay Love suggested deferment of closure until April 23, 2012.**

**Mayor Wood stated closure was cancelled due to the late hour.**

**In Favor: 5**

### **Adjournment**

*After no further business, the meeting ended at 11:55 p.m.*