



**To:** Mayor and City Council  
**From:** Bradford D. Townsend, Planning and Zoning Director  
**Date:** February 3, 2012  
**Subject:** Request for Parkway Village Small Tract (PV11-03)

*Bradford D. Townsend*

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Enclosed please find a request for Parkway Village approval for small tract status (PV11-03). The request has been made by Kevin Attarha of FDB Roswell, LLC.

The site is a 1.94 acre parcel of land located at 300 E. Crossville Road. The applicant is proposing a plan to allow for three one-story office buildings. The revised site plan stamped February 3, 2012 indicates three proposed offices totaling 12,000 square feet. The minimum parking required for the site is 30 spaces. The proposed plan indicates 34 parking spaces for project.

The site is bounded on the south by Crossville Road. The site is bounded to the west and east by property owned by Kevin and Kristen Caldwell. The lot to the east is used as a fence company and the lot to the west is a tree trimming business. To the north of the site, are single family homes located in the Greenway Country Club Estates subdivision, zoned R-1 (Single Family Residential).

The applicant is requesting approval of a Small Tract due to the existing uses and development of the surrounding property. As required by Section 12.2.10(a) of the Zoning Ordinance, the applicant has presented a plan for the Mayor and City Council's review. Should the Council find that "(i) the tract of land can not feasibly be combined with abutting property to create a larger tract of land, or (ii) development of the tract as proposed will result in a better land use than if the small tract were combined with abutting property", the Council may approve development of the proposed plan.

### **Background**

The site appeared before Mayor and City Council seeking small tract status under PV10-01, which was denied at the July 12, 2010 meeting.

The site also appeared before the Mayor and City Council at the March 10, 2008 hearing for a small tract request. The Mayor and City Council denied this request. As a result, the applicant

filed a civil lawsuit against the City of Roswell in which was later dismissed by the Superior Court of Fulton on February 20, 2009. The applicant then requested a new trial which was also denied as well. FDB Roswell, LLC appealed this decision to the Court of Appeals which then transferred the case to the Superior Court of Georgia who dismissed the appeal based on precedence on September 4, 2009.

A request for small tract status was also denied by the Mayor and City Council at their December 10, 2007 hearing. At the July 11, 2005 Mayor and City Council hearing, a request for a small tract and hardship on the property was denied as well.

### **Staff Comments**

The City Landscape Architect/City Arborist and Building department has reviewed the plan for compliance and appropriateness and has no comments.

The Water Resource Engineer has stated the following:

1. The site plan does not appear to allow adequate space to address stormwater requirements for the project. The PW/ENV department does not support the site layout since a stormwater pond is likely not an appropriate solution to the stormwater requirements.
2. The PW/ENV strongly encourages the applicant to set up a concept meeting with the Water Resources engineer.

The City Engineer has reviewed the plans and made the following comments:

1. The location of the water detention or retention areas or utility easements within buffers is discouraged.
2. In the event a detention or retention area is located within the buffer area adjacent to the perimeter of the district, the width of the buffer shall be increased uniformly so that the total square footage of the minimum required buffer area shall be increased by that area disturbed for the detention or retention area.
3. Detention or retention areas may be constructed in side yard buffers or streetscapes, provided they do not interfere with required landscaping and are not enclosed by a wire woven fence or other similar structure unless approved by the design review board.
4. Site plan does not address stormwater for front half of site.
5. Provide interparcel access easements.
6. Provide grading and drainage plan for DRB approval.
7. Upon DRB approval, a transition meeting will be required with planning and zoning, engineering, public works/environmental, transportation, fire and building.
8. Show required buffer to residential uses on plan.
9. Provide access easement to stormwater facilities.
10. A stormwater bmp covenant and NOI (with proof of sending) will be required prior to issuance of the development permit.



11. Development permit application must be accompanied by full civil plans, landscape and tree removal plan, ESPCP plans, GASWCC checklist and city of Roswell checklist.
12. Provide IFC Appendix D turnaround. Outline compliant geometry site on site plan. It should not conflict with proposed parking spaces.

The Department of Transportation has reviewed the plans and made the following comments:

1. Provide vehicular interparcel (or stub out for future vehicular interparcel) access to abutting properties as per section "17.2.5 Inter-parcel Access" of the City of Roswell zoning ordinance.
2. No comment on the small tract request.

The Fire Department has stated that adequate water availability for firefighting must be established.

The Community Development Department has determined that the applicant has not provided sufficient evidence that it is not physically feasible to combine with the adjoining properties as required by Section 12.2.10(a) (i) in the Roswell Zoning Ordinance. However, should approval be granted, the applicant is subject to the following conditions:

1. This approval is based upon site plan dated received on February 3, 2012 by the Community Development Department prepared by Engineering Design Technologies, Inc.
2. The applicant shall coordinate with RDOT and GDOT regarding driveway design.
3. The development of the property shall provide inter-parcel access along the three (3) ingress/egress locations that border the adjacent parcels prior to the issuance of a land disturbance permit as required by the Zoning Director [Section 12.2.3 (m)]. It shall be paved up to the property line.
4. The developer shall verify sight distance per AASHTO requirements upon submittal of Land Disturbance Permit/Development Permit documents.
5. The applicant is required to install sidewalk along Crossville Road.
6. Right-of-way may be required to encompass the deceleration lane, sidewalks and ramps.
7. The applicant is required to install a fence per Parkway Village requirements to be approved by the Design Review Board.