



Main: 678-527-0740

Direct: 678-527-0750

Fax: 678-527-0743

wbutler@wsblegal.com

VIA: Hand Delivery

July 20, 2009

City of Roswell  
Department of Community Development  
Planning and Zoning Division  
Brad Townsend, AICP, Director  
38 Hill Street  
Suite G-30  
Roswell, Georgia 30075



Re: Letter of Intent for Approval of Parkway Village ("PV") with Concurrent Variances for Hardships for Approximately 12.45 +/- acres Located at the 225 Crossville Road (a.k.a. Georgia Highway 92) in 1st District, 2nd Section, Land Lots 430, Tax I.D. #12-1980-0430-099-9: (the "Subject Property")

Dear Brad:

I am writing to provide supplemental information to the Application filed on behalf of the property owner, the United States Post Office and Racetrac Petroleum, Inc. in conjunction with the requested approval of the 12.45 +/- acre Subject Property currently zoned R-1 Parkway Village ("R1-PV") to allow a convenience store with gasoline pumps to be developed with requested hardship variances to address the relief needed in light of the development constraints which currently exist on the Subject Property.

The Applicant is proposing to develop a Racetrac service station including a 5,000 square foot convenience store and 9 pumping stations with 18 pumps under a canopy. A copy of a rendering of the proposed facility was submitted with the original Application along with Site Plans which have been revised since receiving comments from the City's staff and the community. In addition, a Landscape Plan has been prepared which incorporates the comments from staff including the additional landscape detail for the stream buffer area.

By way of background as indicated in original submittal, the Subject Property is currently developed with a United States Postal Service ("USPS") mail distribution warehouse facility located in the rear of the property. The distribution facility is accessed via a private drive with a signalized intersection with GA Highway. The

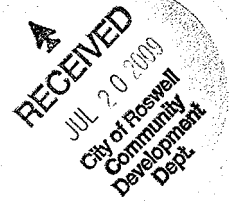


Main: 678-527-0740

Direct: 678-527-0750

Fax: 678-527-0743

[wbutler@wsblegal.com](mailto:wbutler@wsblegal.com)



USPS also owns the property immediately across the private drive which serves the Subject Property. Access to the Subject Property will occur via an entrance from the signalize private drive and a right-in-right-out only access point on an access easement shared with adjacent property to the southeast.

The existing USPS warehouse facility is well hidden from surrounding properties due to the 175' heavily vegetated buffer that exists around the perimeter of the Subject Property and on the USPS property across the unnamed access road. This buffer will remain completely intact, protecting any adjacent property owners to the west from any of the typical externalities associated with commercial uses in proximity to residential areas. Given location of this property on the main corridor of GA Highway 92 and the recognition established by the Parkway Village Overlay of the transitional nature of this corridor, the current proposal has attempted to provide that anticipated protection to adjacent residential uses while recognizing hardships created by a unusually long and narrowly shaped property further confined by a stream traversing the front of the property and associated buffer adjacent to the commercial corridor of Hwy 92.

The Applicant has made a tremendous effort to reconfigure the site a number of times to determine the most appropriate site design which minimized impacts recognizing: (1) that the site is non-conforming under the subsequently adopted Parkway Village Overlay Ordinance; (2) the narrow shape of the lot pre-determines non-conformance at no fault of the property owner or Applicant; (3) the proximity of the warehouse property to adjacent commercial will inherently create the fear of impacts notwithstanding the nature of proposed non-residential use; and (4) the presence of the partially piped stream at this intersection with a 7 lane Highway in front of the Subject Property creates challenges in balancing the need for visibility along a commercial corridor and the importance of protecting the stream and water quality.

The limited building envelope created by the existing stream along the frontage, the existing detention area in the rear and the narrow shape of the lot require relief in the form of a hardship variance from several Parkway Village provisions. Due to the proposed layout which will enhance safety and traffic flow, the improvements to the detention area and careful consideration to providing the appropriate vegetation to protect the stream and enhance water quality on the site, the waiver granted by such variances will be as good or better than a project developed in compliance with the overlay district regulations in terms of environmental compatibility and traffic considerations. These requested hardship variances and an explanation are provided below:



Main: 678-527-0740

Direct: 678-527-0750

Fax: 678-527-0743

[wbutler@wsblegal.com](mailto:wbutler@wsblegal.com)



- (1) To vary the requirement for the proposed building to be located within the 400' distance setback required pursuant to Section 12.2.8(11) of the Roswell Zoning Ordinance. As you can see from the site plan and the enclosed aerial photographs, the setback encroaches only slightly into the rear *property* of residentially zoned property. There is no encroachment which places any residential structures within this setback and given the extensive 200 feet + of thick vegetative buffer there will be virtually no impact on the adjacent property from the proposed use. Additionally, precedent has been established confirming the compatibility of service stations with convenient stores far closer to residential properties with the existing Quiktrip facility located less than 1 mile to the west on Hwy 92 and located less than 200' from residential homes;
- (2) To vary the 40' streetscape theme required by Section 12.2.3(a) along GA Highway 92 due to the presence of the existing stream within the 40' area to allow the landscaping and proposed fence area to be located in such a manner as to accommodate the existing stream as shown on the enclosed landscape plan. While the intent and spirit of the streetscape theme will be strictly adhered to, and the streetscape will include sidewalks, split-rail fencing, and heavy landscaping required by the PV Ordinance, a minor variance to accommodate the presence of a stream running parallel to the roadway, behind the sidewalk and fence, is required to accommodate the strict application of the ordinance;
- (3) To increase the maximum number of parking spaces pursuant to Section 12.2.3(e) from 20 to 54 to accommodate the need to provide adequate spaces for the service station and convenience store as well as provide adequate parking area for the flow of traffic and larger truck beds which frequent this type of use. It should be noted that 18 of the requested parking spaces are in fact, gasoline pumps and not actually parking spaces due to the fact that the Roswell Code identified gasoline pumps as parking spaces for purposes of parking calculations;
- (4) To allow encroachment into the 40' landscaped buffer area required pursuant to Section 12.2.3(I) along the eastern property line to accommodate the ingress/egress point, a portion of the canopy and pump island, 4 parking spaces and pavement;
- (5) To allow encroachment into the 30' interior building setback required pursuant Section 12.2.3(I) along the eastern property lines adjacent to the 40' landscaped buffer area to accommodate the ingress/egress point, a portion of the canopy and pump island, 4 parking spaces and pavement;
- (6) To allow encroachment into the 75' no impervious buffer and 50' buffer from the stream bank required pursuant to Article 21.1.9(a) & (b) to hand

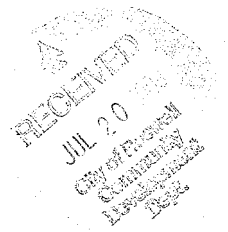


Main: 678-527-0740

Direct: 678-527-0750

Fax: 678-527-0743

[wbutler@wsblegal.com](mailto:wbutler@wsblegal.com)



- clear and re-vegetate the stream buffer and accommodate the pervious areas needed to allow the flow of traffic on and off site. The enclosed landscape plan shows the existing tree that will remain along with the re-vegetation, landscaping and streetscape treatment of the property; and
- (7) To allow a variance from the requirement that the PV property have 400' frontage. Unfortunately, the Subject Property, while almost 12+ acres, is narrow and contains only 225 of frontage along Highway 92.

For your review and consideration as part of this Application, please find enclosed the following supplemental materials:

- (1) A total of 10 full size (24" x 36") copies of the Site Plan, Landscape Plan and Survey showing existing trees on the property;
- (2) A total of 10 (8 1/2" x 11") and 10 (11" x 17") reduced copies of the Site Plan;

As required by the Georgia courts, the Applicant must provide notice to the City of Roswell that the failure to zone this property as requested may adversely affect constitutionally protected rights. We look forward to continue to work with the City staff, the Planning Commission, the City Council and the citizens of Roswell to ensure that the proposed development is in the best interest of all parties.

With Best Regards, I am,

Sincerely,

Wendy S. Butler, Esq.

Enclosures

Cc: Lesleigh Batchelor  
Julie Bowen  
Don Harkelroad  
John Vermont  
Gigi Best