

Baur asked that all cell phones be put on vibrate or turn them off. This includes members of the Planning Commission. She reminded members of the Planning Commission to please state their names before speaking for the benefit of the audience as well as for the benefit of staff recording the minutes of this meeting.

REZONING

11-0266

RZ11-06, CV11-01

ASSURANCE PROPERTY HOLDINGS/ROBERT LEGG

913 Forrest Street

Land Lot 425

Brad Townsend stated that this is a proposed rezoning at 913 Forrest Street, an existing R-2 single family residential location as an office-professional land use designation. The proposed zoning is O-P with the land use designation of O-P is the surrounding zoning designation of the property. The property is also requesting two concurrent variances. There is an existing home on the property, which the applicant wants to use as an office. The two concurrent variances are to reduce the building setback from 50 feet to 40 feet on the northern property line and 50 feet to 20 feet on the southern property line and to reduce the buffer requirements from the 40 feet on the northern property line to 10 feet and from 40 feet to eight feet on the southern property line. This brings the current single family structure into compliance with the O-P criteria since it still has the surrounding R-2 designations north, south and east of the property.

Staff has recommended one condition that deals with an existing curb cut to be closed on the property. The applicant will address that issue. Brad Townsend does not believe that they wish to close that curb cut because of the impact it would have on moving that parking space to the rear. That would require additional tree removal requirements for the property. So the Commission is able to discuss that if they wish.

In summary staff would recommend approval of the rezoning from R-2 to O-P to be consistent with the comprehensive plan designation for this area.

Townsend asked if the Commissioners had any questions.

Bryan Chamberlain stated that he noticed in the Design Review Board minutes from when this was reviewed previously there was no indicated need for closure of that front parking space. So what is the thinking on why that curb should be closed and the parking space moved to the back?

Brad Townsend stated that that curb exists today. It was part of a circular drive that was cut in that really never received RDOT approval for the curb cut locations. They felt by this site having just one in and out it would be more efficient for the location. If one leaves the parking space in the front, it probably

would be more utilized as someone going to the site for the office use or something of that nature. They don't see it as a real detriment but there is, as one would recall, the Forrest Street has kind of a curve there and one is getting to crest at that point. Staff felt that probably for safety issues and site distance it would best be closed.

Bryan Chamberlain stated that relative to that safety issue and site distance the in and out of the old circular, would that remain or would this be a straight in and then have to back out or turn around and drive out?

Brad Townsend stated that the way this is designed, one either has to back in and drive out or drive in and back out. He would not be able to circulate.

Chamberlain asked relative to coming out from the other entrance/exit for the back parking lot, would the site distance issue be any safer having only come out there?

Townsend pointed out the location they were talking about. This is a 24-foot wide access so it would be sufficient for in and out. They have the concern that anyone parking here, backing into Forrest Street, anyone coming northbound on Forrest Street when they are cresting at that location. As well they have an entrance that is like a back entrance into the Cultural Arts Center at that location. Staff just saw too many potential conflicts. Not that the parking spot would even be used 20 percent of the time, but if it is there still available someone is going to use it. By doing that one does impact the rear of the property in some manner in dealing with trees that are back there. Staff understood that when making the recommendation.

Mark Renier inquired if these two concurrent variances will, as these parcels come in for rezoning to O-P, which he is sure will happen in time. These concurrent variances will in essence go away, right? Brad Townsend stated that was correct.

Susan Baur stated that when Brad Townsend mentioned adding a parking spot in the back and impact on trees, does he have any specifics about the impact on...?

Townsend stated that they can get into it but if one looks at...this is the next clump of trees. If he has to extend this area he is definitely going to impact the roots of that location there which is four or five trees at that spot. He will definitely be cutting into 25 to maybe 40 percent of their critical root zone at least impacting them by a parking spot. There are some, there is gravel back there now and people driving around on the site.

Susan Baur asked that where the No.1 parking spot is shown on this plan, that drive does not go all the way to the back. It stops right there?

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Townsend stated that today it does. Baur clarified that today it goes all the way around. Townsend stated that was correct and they are requesting it be paved and stop right here. That way they don't have this access. This becomes a 24-foot drive aisle.

Harvey Smith stated that on 1200 feet though one is going to have to have No.1, right? He thinks staff requires that they have to have four minimum parking spaces. Brad Townsend stated that was correct. Smith commented that that one is not really an option unless he changes the site plan to the rear. He would assume that they can't go any deeper than what Townsend has drawn, or maybe the buffer requirement or trees or to the rear. Townsend stated that was correct. It is either leave it in the front and deal with whatever conflicts they have or push it into the back and impact trees at that location.

Smith stated that he would imagine that No.1 could be used for staff parking, the employees because there is not that much traffic on Forrest Street. But, that will probably be a staff parking space he would guess.

Smith asked Townsend if he thinks that if the Planning Commission recommends approval on this, the precedent of the comprehensive plan...Does he think the other residential pieces will start trickling down? Townsend stated that he thinks that is some of the objective to see this area revitalize itself in some manner into smaller cottage businesses and things of that nature.

Susan Baur asked if there were anymore questions for Brad Townsend. Hearing none she stated that the Commission will hear from the applicant at this time.

Don Rolader, 11660 Alpharetta Hwy, Suite 630, Roswell, GA stated that he was here tonight on behalf of the applicant. He thinks from an overview circumstance he would tell the Commission that the applicant bought a property that was in poor repair. He got it permitted and restructured it and rebuilt it to a very attractive building that it is today. The Commission has in their packets the different pictures of the renovations and Rolader thinks that they are substantial. The applicant was aware that the city of Roswell, in its future land use plan and its comprehensive plan foresees this property to be O-P to convert from residential use to office use. When one does it in an existing structure he has the least impact on the neighborhood and in the interim he has the opportunity for residential properties and for office properties to live in peace and harmony.

The variances the applicant has asked for tonight are the minimum variances available. What they do is fit this house on this property with residential properties on the sides and make it work. There is no advantage to the owner and there is no disadvantage to the city. It is just the variances that are required to make it fit. The applicant's request is to rezone this property to O-P. Rolader thinks they are pretty much in agreement with the staff on most of the major

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points and when one reads the staff review points, they are very affirmative of what the applicant is trying to do.

Rolader stated that he wanted to take just a second and discuss this parking place No.1. The reasons are two-fold. Harvey Smith got it right on the head. The owner of the property would intend that to be his parking space pure and simple. He would come in early in the morning and he would leave when the work day was over on the average day. Secondly, if they don't put it there they will either get into the trees where Brad Townsend showed the Commission or they can come up and build it up here and they get into those trees.

The landscape architect and the engineers on the project are present tonight and the statement Rolader gets is either way they lose four or five trees. Not to mislead the Commission, they are not specimen trees. They are from 12 to 16-inches in diameter. They are nice trees. He thinks if the Commission looks at the general appearance of the remainder of Forrest Street, one will ask himself if it is worth it to knock these trees when they still have residences in the area if they don't have to. That parking space is there. Behind it will be buffer and grass and green stuff so it will still work. But it permits the applicant to not tear up anymore earth behind this building than is necessary to make it work.

Rolader stated that their request of the Commission is that they recommend to the city council that they leave parking space No. 1 where it is and the applicant will certainly respect their opinion, whatever it is. But to the applicant that is really the only issue tonight. They are trying to follow the city's comprehensive plan to put a good looking office building in an area that is converting over. To be a good neighbor and to go forward with this.

Rolader stated that at this time he would like to do two things. If the Commission has questions of any of the three team members they will answer them and other than that he would reserve time for rebuttal and do that after public opinion.

Susan Baur asked if there were any questions for the applicant at this time. Cheryl Greenway stated that she thinks she already knows the answer to this, but she wants to ask it for the record. Is there anyway to come further east on the property to put in the additional parking space because they have trees on the north and trees on the south. Can it come a little further back east?

Don Rolader stated that he will let Peter Frawley see if he can respond to that. The question being, is there any less impact if he went straight back with a parking place and pavement as opposed to north or south?

Peter Frawley stated that he is the landscape architect. His address is 675 Seminole Avenue, Atlanta. They were actually just sitting down looking at that very scenario to see if that would work. There seems to be if they go far enough back it may work. They have to play with it a little bit. There may be a little bit of a

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turn around problem with that, but it may be able to work out with less impact to the trees.

Cheryl Greenway stated that just in being familiar with Forrest Street that may be a small street, but there is a lot of traffic on it. That, to her would be dangerous to be backing out. People tend to speed on that street and they come over that hill before they could realize that one is coming in or out. She thinks it would be a safety issue more than anything else. If the applicant could put that other parking space in toward the back, Greenway thinks they would be safer.

Susan Baur asked if there were any other questions at this time.

Harvey Smith stated that he guessed the requested variance, like was stated earlier, the building setbacks, that is just to make it comply with NOP. Rolader stated that was correct. Smith stated that he does not see a problem with it but it is just going to...the adjacent property that is residential. If they feel like it is ultimately going to be rezoned to O-P down the street...but if that wasn't the case that would be an issue for Smith. He does not see a problem with it from that standpoint but he was just curious if Brad Townsend saw a reason...that is going to set a precedent but ultimately the comprehensive plan, which is what they are anticipating anyway with the adjacent residential properties. Smith asked if that was a correct assumption.

Don Rolader stated that if the Commission did not grant the variance the house would be about this wide.

Peter Frawley stated that they are going to respect the buffers. The buffers are probably 90 percent vegetated right now and they are infilling where they are not vegetated with respect to the remaining house on one side of the property.

Mark Renier stated that it looks to him on the site plan, he does not know if the civil engineer is here, but they might be able to squeeze in one parking space next to the three. Or as Cheryl Greenway said, to possibly...they are only 10 feet wide or nine feet wide so he potentially squeezes one in there. He would rather see no additional curb cut on Forrest Street and potentially lose a couple of 12 and 16-inch caliper trees and maybe mitigate with some additional landscaping and some additional plantings. He thinks the future of forestry is going to be such that to add another curb cut for one parking space is sort of absurd to Renier. But he thinks they could probably pick that one up next to the three and mitigate with some additional plantings. Other than that Renier stated that it seems to make sense with the future of the land use.

Cheryl Greenway stated that she would like to mention having gone up and down the street a lot, the improvements that have been made to the house are great. It definitely looks a lot better after the remodeling the applicant has done.

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The other point that Greenway would like to make is the biggest adjustment to the buffer requirement really she thinks is more to the south side where there really isn't any structure at this point in time. The buffer and border between the building and the home that is north of it is only a 10-foot adjustment to the building set back. That makes Greenway feel a little bit more comfortable. The variances are needed because it is just being changed to Office-Professional. There are no new structures being built, there is no additional structures being built. It is just because of the change to Office-Professional. She agrees with what is being proposed here other than she would like to see just the one curb cut and see if they can't find some other way to make the parking space work on the back side.

Susan Baur asked if there were any other questions for the applicant. Hearing none she opened the meeting for public comment. Baur asked if there was anyone in the audience who would like to come up and speak in favor of this application, he can come forward now. Seeing no one, she asked if there was anyone who would like to speak in opposition to this application. Seeing no one, Baur closed the public portion of the meeting.

Baur asked if there was anything else the applicant would like to say. There being no further comment from the applicant or staff, Baur closed that portion and stated that they will now have a discussion and make a motion.

Baur asked if there was any discussion at this time or did she hear a motion.

Motion

Mark Renier made a motion to approve RZ11-06 with the concurrent variances and the staff recommendation no. 1 to close the one curb cut. Bryan Chamberlain seconded the motion.

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

PRELIMINARY PLAT

11-0398

TAIMEN ON THE RIVER SUBDIVISION

Riverside Road

Land Lots: 493 and 494

Brad Townsend stated that this was a proposed preliminary plat for Taimen on the River. It is a single family detached development that is proposed for 10 lots along Riverside Drive. This property has a long history in dealing with its development. The simplest way to put this is the current development is in R-1. It was originally designed went through the approval process as a five, long flag lot development with the understanding that it would be a substantial driveway as its

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