

Mayor Wood asked when it was expected to have the curb cut and access because the City was looking to share the access. Mr. Equels replied that the Roswell Transportation Department had commented on that. For this initial phase, there will be a temporary construction entrance, most likely in the area where the main entrance will be. Phase II is when they will do the permanent entrance and exit from the facility. In talking with City staff, they want to consolidate that entrance to make it accessible not only to the environmental campus but also for the adjacent Roswell Park. Mayor Wood asked when they might be in phase II. Mr. Equels replied that the solicitation process was still active, so he did not know exactly when it will be submitted to the Board of Commissioners for recommendation for award but expects August or September. Once the Board of Commissioners makes the award, then in about 60-90 days they will probably see the start of construction. Most of the initial phases of that project will be permitting and design, development of design criteria, etc. He stated there will not be too much construction the beginning of next year. Most of the heavy construction will probably be from July 2006 on. He noted it was a 3-year construction period. Mayor Wood asked if there was a possibility of getting the consolidated entry on the front end of the project rather than 3 years from now. Mr. Equels replied that it would make sense that they would want to put that installation in first. They may have an interim upgrade because there was going to be a lot of construction activity and will probably have to do an interim improvement to make that entrance durable during construction. Towards the end of the construction period, they will make any repairs and any permanent improvements that they need to do. Mayor Wood stated any assistance on expediting that would be appreciated because the development of the City's adjacent park depends upon having good access through this property. Mr. Equels responded that they will work closely with the Roswell Transportation Department and the Parks Department on shared access.

Public Comment:

Kathy Cohn, a resident of Ellard, said they had been involved as community with the project. She asked the size of the berming and vegetation. Mr. Equels replied that they had submitted a lot of design information to the Design Review Board and could go over that with her. All along the back part of the project, 300-400 feet, will be berming. It will be approximately 10 feet with landscaping on top, mostly tree cover. He stated the reason they split the project into two phases was to get the landscaping in and establish the barrier. Ms. Cohn responded that they appreciate that. Mr. Equels said if she wanted to see information on it, he had the design. Also, the DRB has had their initial review of the project. They will go back to Design Review Board and the City in order to give more detail information about the spacing of trees, etc. Ms. Cohn stated they would like to continue to have representation or a liaison to the project. Mr. Equels responded that the siting committee had not yet dissolved. They are going to work with the City of Roswell through the Design Review Board and that was an avenue in which they could have input. Also, they plan on have public meetings when they start phase I and phase II.

There was no further public comment.

Motion: Councilman Tolleson moved to approve RC05-01R, Johns Creek Environmental Campus, Holcomb Bridge Rd. Land Lots: 882, 883, 884, 935, and 936. Councilwoman Henry seconded the motion. The motion passed unanimously.

Other:

3. PVST05-03 & PVH05-01, Magnolia Manor, 300 East Crossville Road.

Ms. Canon handed out a revised staff report to Mayor and Council and the applicant. She stated this was a request for a Parkway Village Small Tract and a Hardship for property located on Highway 92. Via the overhead, she showed a map of the 1.94 acre tract located between Caldwell Landscaping to the west and to the east. Other surrounding properties include a clock company and a single-family residence. She stated within the Parkway Village Design Guidelines are aspects that need to be considered when someone makes a request for small tract and hardship. To be a village, there has to be seven acres and have at least 400 feet of road frontage on Highway 92. This property does not have that. Additionally, City Council would need to consider whether there is physical feasibility to combine adjoining properties to meet the seven acre requirement. Staff reviewed the properties surrounding the site, the existing uses on the property, and the information supplied by the applicant. Within their request, the applicant asked for variances along the western and eastern property lines. Staff

reviewed the file for the adaptive reuse to the west and found the property had been developed in accordance with the regulations under adaptive reuse, and no variances were granted. Staff also reviewed the property on the other side and found that there was a 15-foot variance granted adjoining the adjacent property. However, in reviewing the subject proposal for office development, there was a request for reduction on one side down to 5-feet from the required 15-foot setback requirement, and on the adjoining side property line, there was a request to reduce down to zero on the east side. When it was considered how much development that would allow the property to contain, it exceeded the threshold City Council was use to considering. The normal threshold is approximately 10,000 square feet per acre. Ms. Canon stated staff supports the request for Parkway Village Small Tract but did not support the hardship request. In doing that, it will reduce the square footage to fall slightly below 10,000 square feet. Staff supported the request for Small Tract with the following conditions:

1. The tree caliper for the cedar tree shall be 3-inches.
2. The oak trees planted in the back of the lot shall be planted 30-45 feet on center.
3. The tree species *Salix matsudana* is not on the City's Tree Species Selection List. The applicant shall select a revised tree selection from the City's Tree Species Selection List, and shall be approved by the Design Review Board.
4. The applicant shall coordinate with RDOT and GDOT regarding driveway design.
5. The development of the property shall provide inter-parcel access for adjacent properties.
6. The developer shall verify sight distance per AASHTO requirements upon submittal of Land Disturbance Permits/Development Permit documents.
7. The applicant is required to install sidewalk along Crossville Road.
8. Right-of-way may be required to encompass the deceleration lane, sidewalks and ramps.

Ms. Canon stated staff recommended denial of the hardship request finding that granting the hardship request as demonstrated on the site plan may result in an overly developed property which is contrary to the intent and regulations of the Parkway Village District. Ms. Canon pointed out the revision in the staff report as handed out. Staff had stated the applicant requested approval of a small tract due to the existing uses and development of the surrounding property. Staff stated due to the surrounding properties the land is unable to be combined with surrounding acreage for the creation of a 7-acre village. The following is the clarification in the staff report: *This statement is based on the applicant's information which revealed that the adjoining property owner and the applicant could not reach mutual terms regarding a property transaction. However, although an agreement could not be reached, it is physically feasible to combine adjoining tracts resulting in 5.81 acres. If the remaining tract to the east is also included, then there could be a possibility of an 8.10 acreage assemblage.* Ms. Canon said that would obviously allow that area to be a 7-acre village.

Mayor Wood noted that no specimen trees were saved on the site plan. He asked if it was staff's opinion that it was not feasible to save those trees. Ms. Canon replied that the critical root zone of those trees do not allow access into the site from Highway 92. Mayor Wood stated it currently had access from Highway 92. Ms. Canon responded that to be able to access and develop the site as proposed with the six trees located there, it would not be possible. She confirmed for Mayor Wood that the City's landscaper had determined that it was not possible to access the property and save any of the trees. The Mayor asked if there was the possibility of interparcel access or future interparcel access between this and adjacent properties if developed. Ms. Canon replied that there was always that possibility and they would have to work it out among one another. Mayor Wood asked if the current site plan anticipated that. Ms. Canon replied that the existing site plan identified interparcel access on the east side. It was not shown on the west side, but there was the possibility. The applicant was very close to the property line with their parking, so it could be expanded.

Applicant:

Fred Fatemi with Engineering Design Technologies stated they planned to develop the property. (Mr. Fatemi moved away from the microphone and his presentation was inaudible.)

Mayor Wood noted that the applicant had asked for a variance based on a hardship. He asked Mr. Fatemi to explain the hardship. Mr. Fatemi replied that it was a narrow property. (Mr. Fatemi once again moved away from the microphone and the remainder of his response was inaudible.)

Councilman Orlans stated he knew Mr. Fatemi represented an engineering firm but asked if Mr. Fatemi had an interest in the project himself. Mr. Fatemi answered yes. Councilman Orlans stated he needed to recuse himself because he does business with Mr. Fatemi. Mayor Wood excused Councilman Orlans.

Public Comment:

Kevin Caldwell, 185 Hamilton Way, Roswell, GA, stated he and his wife were the co-owners of the two adjacent abutting properties. They purchased 280 E. Crossville Rd. in October 1998 and 310 E. Crossville Rd. in February 2004. They attempted to negotiate with the applicant in September or October. They hired an appraiser from which they had an appraisal report dated May 2004. They had title work done from which they put together an offer based on the appraisal. They also had from the Board of Equalization their tax for 2005 for the appraisal of their property at 280 E. Crossville, which had substantive improvements. They did their due diligence in an attempt to assemble but only received verbal responses. Mr. Caldwell stated he and his wife had made substantive improvements to their properties and as their business grows, they want to acquire and assemble more property to do more business to eventually do what Parkway Village asks them to do, which is to assemble seven plus acre villages. He stated they had two out of four that touch each other and were in touch with the Masons, the property to the east, who allowed them a variance so they could put a fence on the property line. Mr. Caldwell stated the properties are easily assembled, which is the intent of the Parkway Village Zoning Ordinance. He referred to the ordinance which states, "It is the express legislative intent of Mayor and Council that strip or single-lot commercial development will undermine the objective sought through the adoption and implementation of this chapter." He stated these were properties that had very little grade change, they all touched each other, and were the first seven acres in Parkway Village traveling west on Highway 92. He commented that eventually his company will no longer be there, and it will be nice development that someone will come along and do, but he did not think this was the one. Besides going against the spirit of the ordinance, the applicant asked for a 5-foot setback instead of 15-feet on one side and zero on the other side. Regarding the six large oak trees in front, he was an arborist that helped the City write the tree ordinance, and stated those trees did not need to be destroyed. He noted in his Design Review Board comments he was adamant against destroying large oak trees and there was no reason to destroy all six oak trees in this development. He described this as "simply trying to jam something in to make the numbers work." Mr. Caldwell stated this project did not make sense in this area with "wall to wall parking and buildings." He asked that Mayor and Council vote against the proposal. He asked if they do approve the proposal that they not approve the setbacks and make the applicant have the 15-foot setbacks.

There was no further public comment.

Rebuttal:

Mr. Fatemi stated one of the problems was the neighboring property owners had a vested interest. They had tried to buy the property several times under value. Mr. Fatemi stated they offered to buy the neighboring property for the same price that was offered to them. They were willing to buy the neighbors out to make this a 7-acre property but had been refused. He further stated they were not playing by the rules and making accusations that did not exist. He asked Mayor and Council to approve their request for a hardship.

Councilman Tolleson stated the purpose of Parkway Village was to prevent lots of little usages and having piece meal and a lot of curb cuts up and down the corridor. It was to assemble villages or the closest thing to a village. They could not make one owner buy out another, noting currently everybody seemed to have good existing businesses. If Council approved this, they would prevent the option for future assemblage. Additionally, hardships were generally when too much was trying to be fit onto a property, and he thought that was the case here.

Motion: Councilman Tolleson moved to deny PVST05-03 and PVH05-01. Councilwoman Henry seconded the motion. The motion passed unanimously. (Councilman Orlans did not vote as he had recused himself.)