

Conditional Use Staff Report

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I. PROJECT INFORMATION

Petition Number	CU09-03
Project Name	Youth Discovery House
Property Location	742 Bush Street Land Lot 414
Property Size	0.21 acres
Existing Zoning	R-4 (Multi-Family Residential District)
Owner/Petitioner	John Cook/Pleasant Hill Baptist Church
Action Requested	The applicant is requesting a conditional use to allow for a youth discovery house which would include small group discussions and other activities for teenagers. There is one concurrent variance with this application. 1. Variance to the 50' setback and 25' buffer requirement for churches and accessory structures.

This request is proceeding through the conditional use process due to a complaint that was issued. When Code Enforcement went to the site, a youth center was discovered and the applicant was told that they must receive a conditional use permit for the use of this structure. The church is leasing the property to use as a youth center.

II. COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

CU09-03 - Approval

A. RECOMMENDED STAFF CONDITIONS

It is recommended that this application for conditional use be approved. It shall be approved with the following conditions:

1. This structure shall not be used for overnight functions.

B. RECOMMENDED PLANNING COMMISSION CONDITIONS

The Planning Commission recommended approval during their November 17, 2009 hearing with the variance to apply only to the existing structure and the one staff condition.

DESIGN REVIEW BOARD COMMENTS

This item does not require review by the Design Review Board.

III. ASSESSMENT

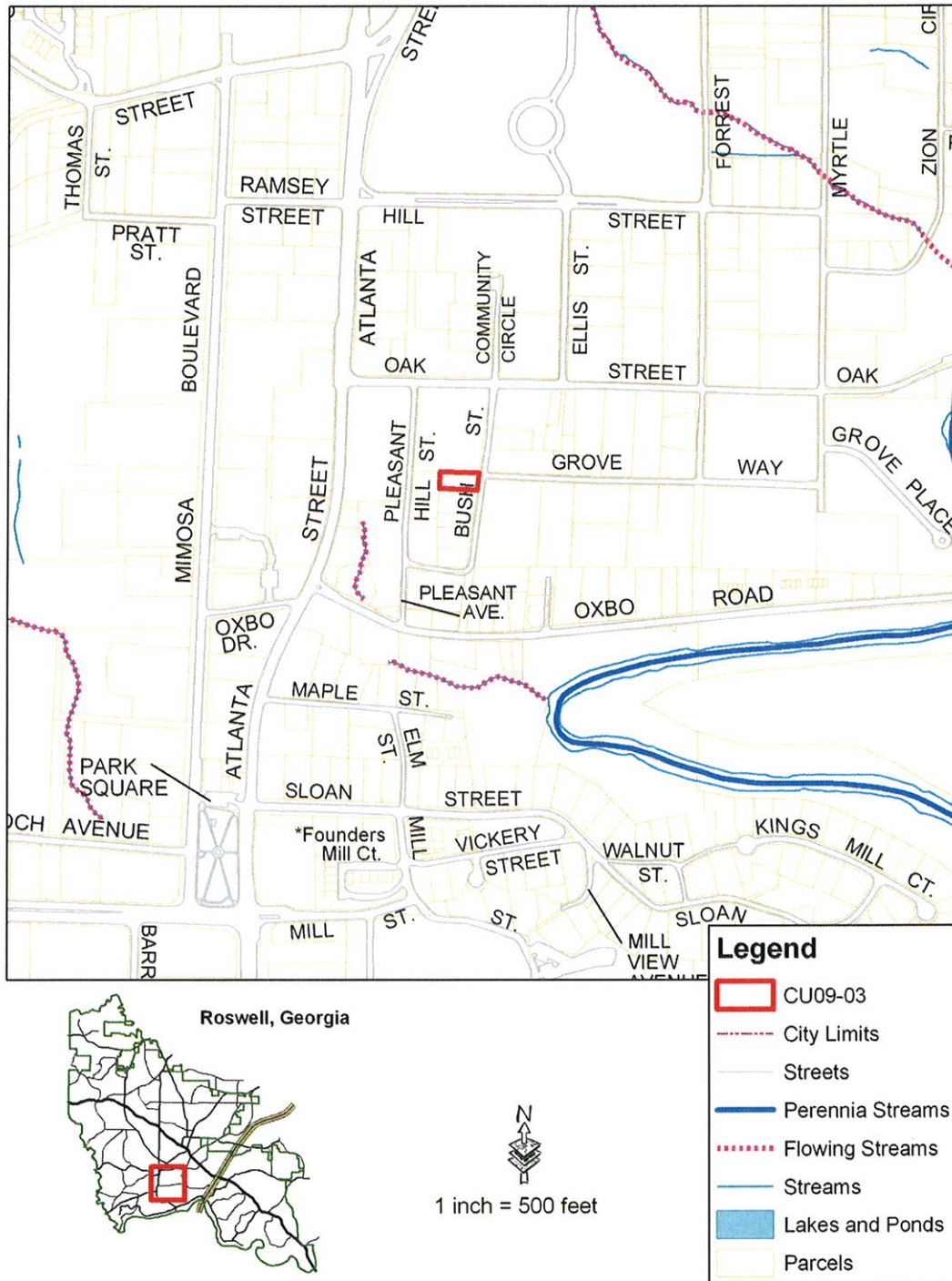
A. SITE PLAN ANALYSIS

Pleasant Hill Baptist Church is requesting a conditional use to allow for a youth discovery center to be located within an existing structure. The building was a residential home which the church is leasing to be used for a youth center. The youth center will be used for small group discussions with teenagers and other activities. Due to the size of the structure, which is 1,305 square feet, it would be limited to a small group from 12-15 people at one time. The church proposes to hold youth activities at the house in the evenings.

A variance to Chapter 10.11 is needed with this conditional use. "In districts where permitted, churches and their customary accessory buildings shall be set back a minimum of fifty (50) feet from any property line; and within the fifty (50) foot setback required along side and rear property lines, a minimum twenty-five (25) foot wide natural buffer." According to the City of Roswell's GIS records, the structure was built in 1940.

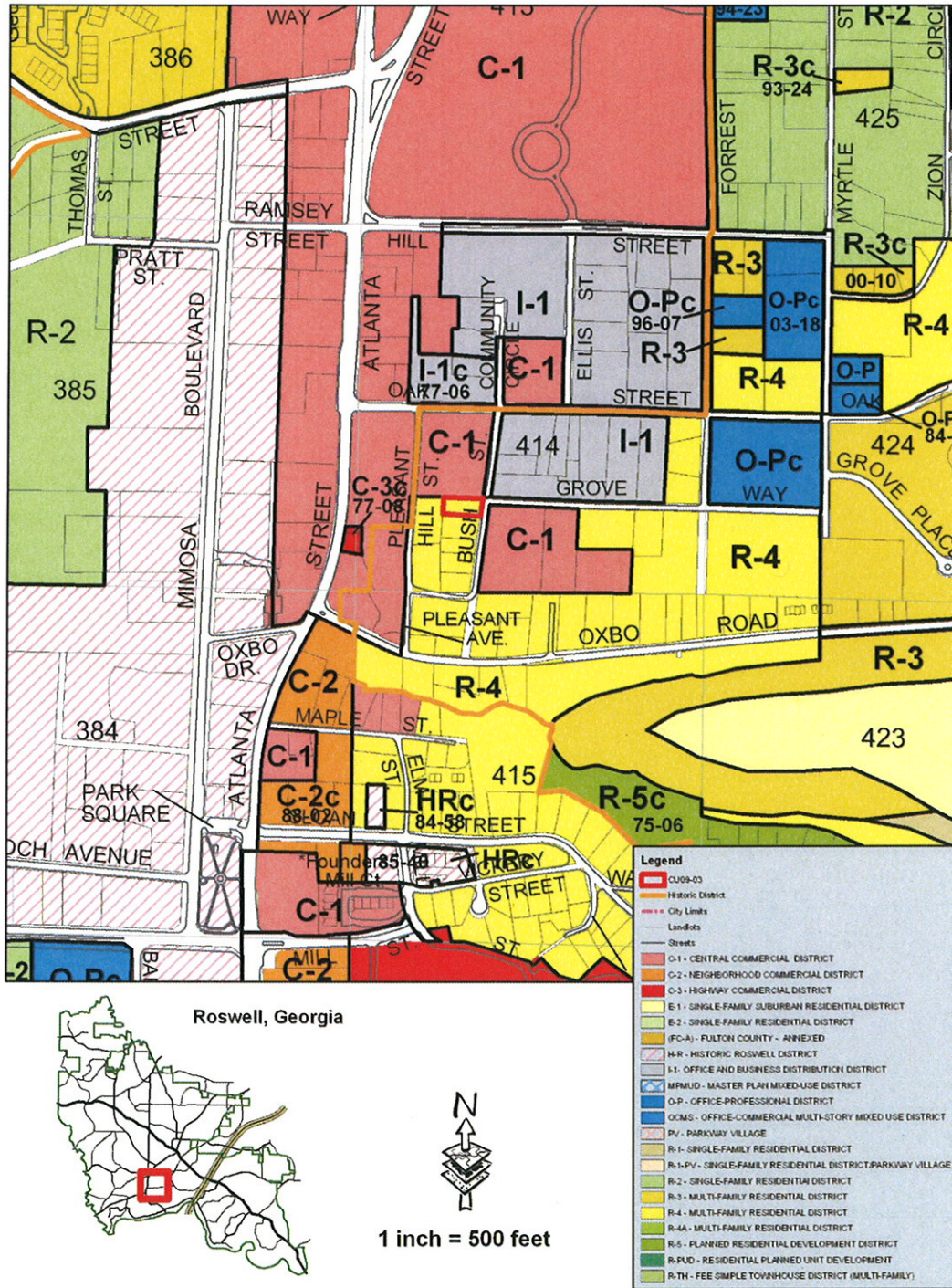
The following maps are provided: Location Map, Zoning Map, Location Aerial Map, Site Aerial Map and a Future Land Use Map.

742 Bush Street Location Map



\\Poseidon\comdev\$\Community Development\Rezoning\Conditional Use Maps\CU09-03\CU09-03 Location Map

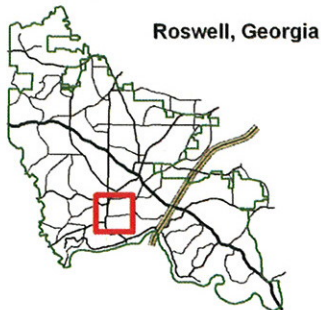
742 Bush Street Zoning Map



\\Poseidon\comdev\Community Development\Rezoning\Conditional Use Maps\CU09-03\CU09-03 Zoning Map







Prepared by the City of Roswell Community Development Department for the Mayor and Council Meeting on December 14, 2009.

742 Bush Street Location Aerial Map



1 inch = 500 feet

Legend







-  CU09-03
-  City Limits
-  Streets
-  Perennia Streams
-  Flowing Streams
-  Streams

\\Poseidon\comdev\$\Community Development\Rezoning\Conditional Use Maps\CU09-03\CU09-03 Aerial Map

742 Bush Street Site Aerial Map

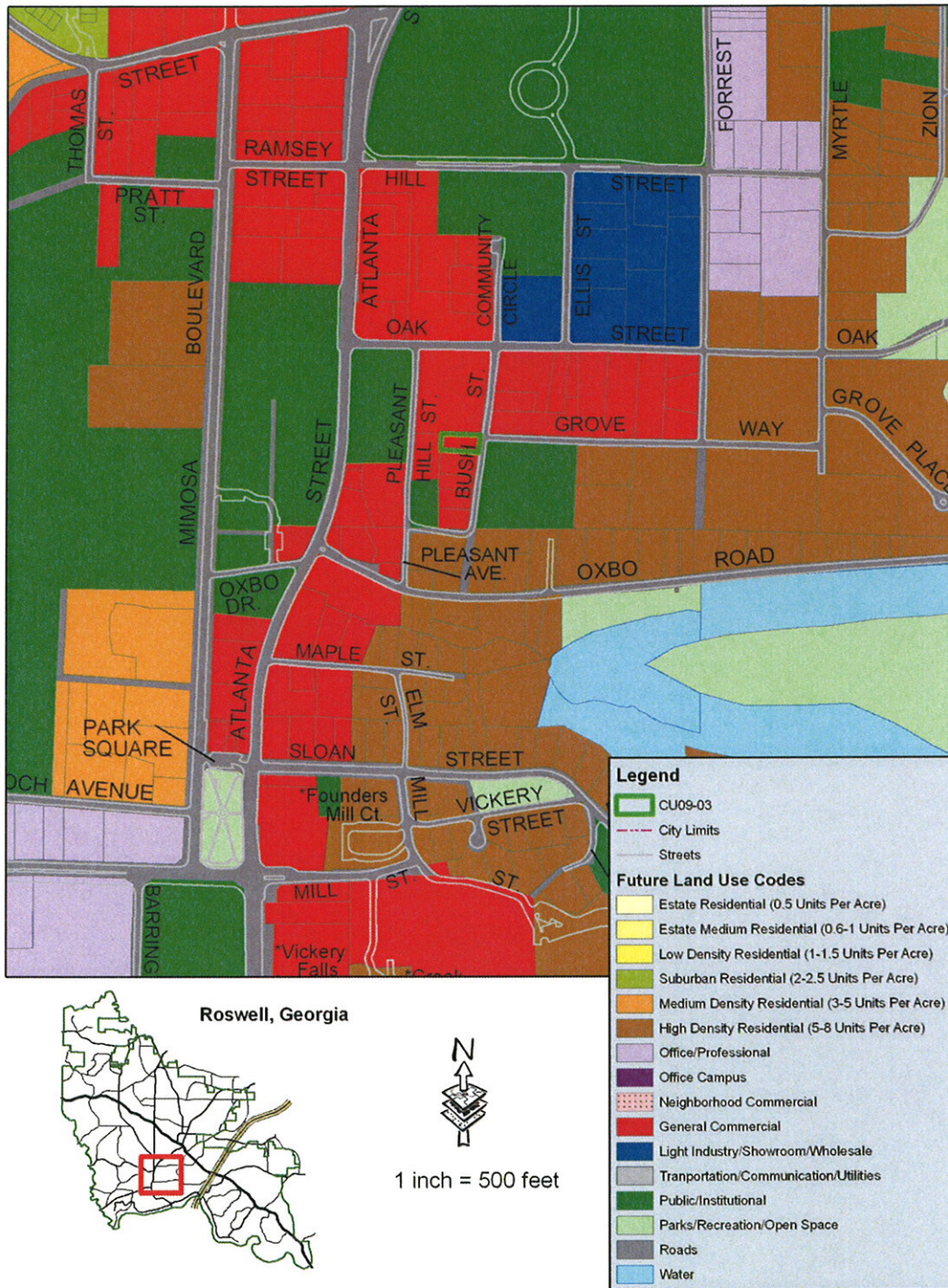


1 inch = 250 feet

Legend	
	CU09-03
	City Limits
	Streets
	Perennia Streams
	Flowing Streams
	Streams

\\Poseidon\comdev\$\Community Development\Rezoning\Conditional Use Maps\CU09-03\CU09-03 Aerial Map B

742 Bush Street Future Land Use Map



\\Poseidon\comdev\$\Community Development\Rezoning\Conditional Use Maps\CU09-03\CU09-03 Future Land Use Map

B. DESIGN GUIDELINES

Not required.

C. LANDSCAPE PLAN ANALYSIS

Not required.

D. TRANSPORTATION

Not required.

E. ENGINEERING

Not required.

F. ENVIRONMENT

Not required.

G. FIRE

- Certificate of occupancy will require fire department review and approval.

H. PARKS

No comment.

I. FISCAL IMPACT

Not required.

J. ARCHEOLOGICAL

Not required.

K. TRAFFIC STUDY

Not required.

IV. HISTORY (Listing of prior actions)

The property has been used as a residential home.

V. CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted – August 20, 2009

VI. STANDARDS OF REVIEW

1. Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property? (O.C.G.A. § 36-67-3(1))

The proposed conditional use request is to use an existing home for a youth discovery house as an accessory use to the church. The use is suitable in view of the uses that surround the site. Other than one single family home which is adjacent to the subject property, there is the retail center, child development center and the church in the vicinity.

2. Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property. (O.C.G.A. 36-67-3(2))

The proposed use of the house for the discovery house may not adversely affect the adjacent or nearby properties.

3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned. (O.C.G.A. 36-67-3(3)).

This proposal is a conditional use request and will not change the zoning of the property.

4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. (O.C.G.A. 36-67-3(4))

The proposal may not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

5. Whether the proposal is in conformity with the policy and intent of the Comprehensive Plan including the land use element. (O.C.G.A. 36-67-3(5))

The 2025 Comprehensive Plan indicates this area as general commercial. The proposed accessory use for a church does not comply with the Future Land Use Plan.

6. Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal. (O.C.G.A. 36-67-3(6))

Other than the single family home adjacent to the property, all of the other uses currently existing give supporting grounds for either approval or denial of the request. Several of the uses are related to the church.

7. Existing use(s) and zoning of subject property.

The subject property is zoned R-4 (Multi-Family Residential).

8. Existing uses and zoning of nearby property.

Location in relation to subject property	Zoning	Land Use	Acreage	Density
North	C-1	Retail center parking area	1.86 acres	N/A
South	R-4	Single family home	.28 acres	3.6 units per acre
East	C-1	Child Development Association	1.6 acres	2,334 square feet per acre
West	R-4	Pleasant Hill Baptist Church parking area	.83 acres	N/A

9. Suitability of the subject property under the existing zoning district and/or overlay district classification for the proposed use.

The proposed request for a youth discovery center as an accessory use to a church is not a permitted use by right under the existing zoning district. Church accessory uses are allowed as conditional uses in the zoning district, which must be approved by the Mayor and City Council. A conditional use is a use that would not be appropriate generally or without restriction throughout the particular zoning district and is not automatically permitted by right within a zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, may be found to be compatible and approved by the governing body within a particular zoning district as provided in certain instances by the zoning ordinance.

10. Possible effects of a change in zoning or overlay district map, or change in use, on the character of a zoning district or overlay district.

The proposed conditional use is not a change to the zoning. The proposed request may be consistent with the character of the district as it is a function of the church.

11. Whether the proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

The use is an accessory use to the church; it would not be a deterrent to the value to the existing surrounding uses.

12. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.

The proposed conditional use is not for an addition in building or grading area and therefore may not negatively impact drainage, soil erosion and sedimentation, flooding, air quality and water quality.

13. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will carry out the purposes of these zoning regulations.

The area mainly consists of the church and commercial uses and the overall zoning scheme will not change; however, the one single family home adjacent to the property does affect the dynamics of the area.

14. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight. In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor of preservation of the residential area shall be considered to carry great weight.

There is a residential home adjacent to the property. Section 10.11 of the Roswell Zoning Ordinance requires churches and their customary accessory buildings to be set back a minimum of 50 feet from any property line with a 25 foot buffer along the side and rear property lines. Since this structure is existing and was acquired by the church for use, it is considered to be an existing non-conforming structure. A variance has been requested as part of the conditional use request.

Appendix Attachments:

1. Planning Commission minutes
2. Application
3. Letter of intent
4. Map

RZ/Staff Reports/2009/CU09-03rev