

**Conditional Use Staff Report**

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## I. PROJECT INFORMATION

<b>Petition Number</b>	CU09-04
<b>Project Name</b>	Hands of Mercy Extended (H.O.M.E.)
<b>Property Location</b>	728 Bush Street Land Lot 414
<b>Property Size</b>	.16 acres
<b>Existing Zoning</b>	R-4 (Multi-Family Residential District)
<b>Owner/Petitioner</b>	Pleasant Hill Baptist Church
<b>Action Requested</b>	<p>The applicant is requesting a conditional use to allow for a food pantry to operate at this location. There is one concurrent variance with this application.</p> <ol style="list-style-type: none"><li>1. Variance to the 50' setback and 25' buffer requirement for churches and accessory structures.</li></ol>

This request is proceeding through the conditional use process due to a complaint that was issued. When Code Enforcement went to the site, the food pantry was discovered and the applicant was told that they must receive a conditional use permit for the use of this structure.

## **II. COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION**

### **CU09-04 - Approved**

#### **A. RECOMMENDED STAFF CONDITIONS**

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

1. The food pantry shall operate only on Wednesday afternoons and on one Saturday a month.
2. The structure shall not be expanded.

#### **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, staff condition number two and a change to condition number one to read as follows.

1. The food pantry shall operate only on Wednesday afternoons and on Saturdays.

#### **DESIGN REVIEW BOARD COMMENTS**

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

## **III. ASSESSMENT**

#### **A. SITE PLAN ANALYSIS**

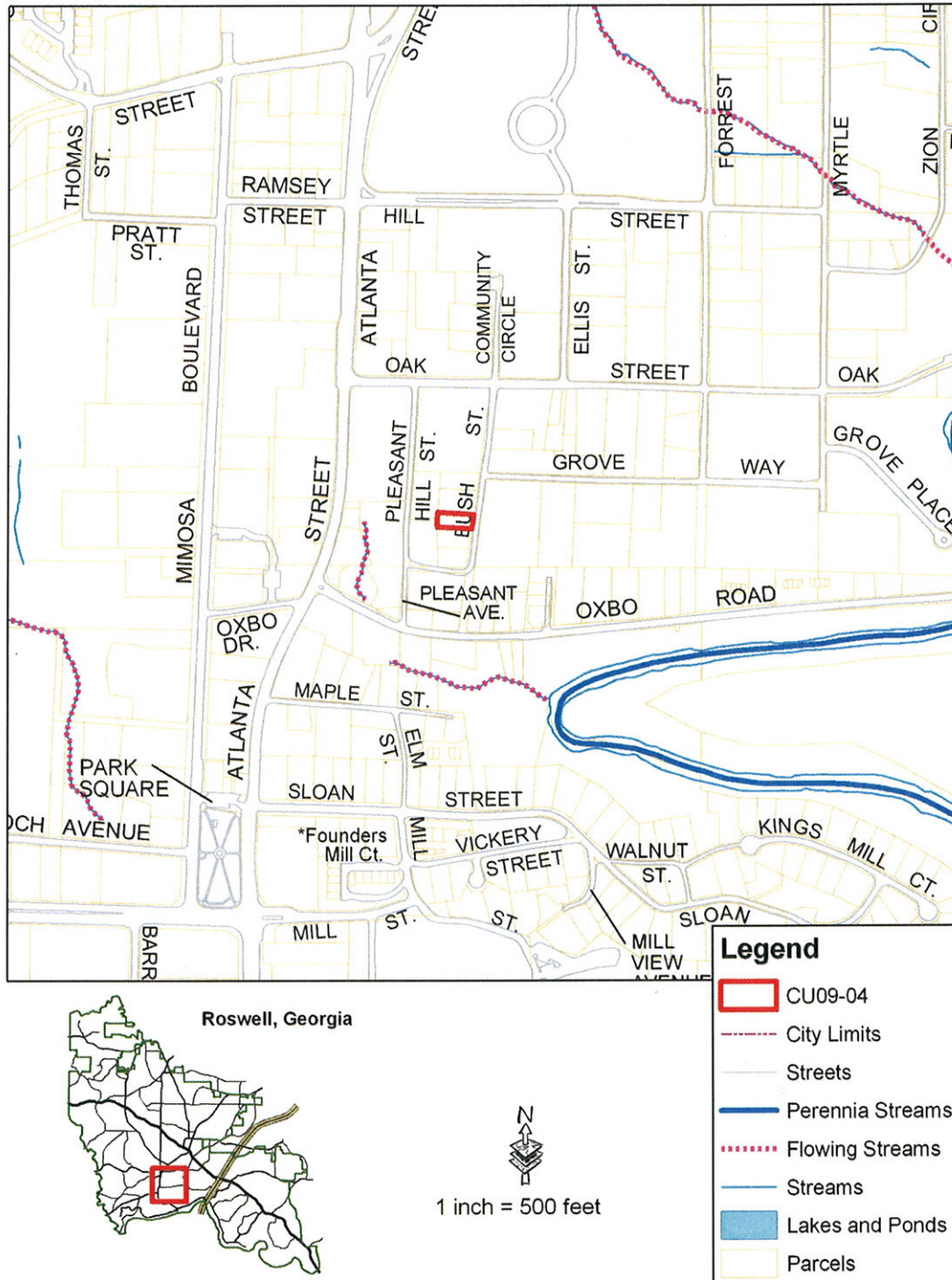
Pleasant Hill Baptist Church is requesting a conditional use to allow for a food pantry to help people in need.

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 records, the structure was built in 1940 and the heated floor area contains 728 square feet. The structure is located 7.3 feet from the northern property line abutting the single family home.

The structure is an existing non-conforming structure which has been purchased by the church to assist in the needs and functions which the church provides to the community.

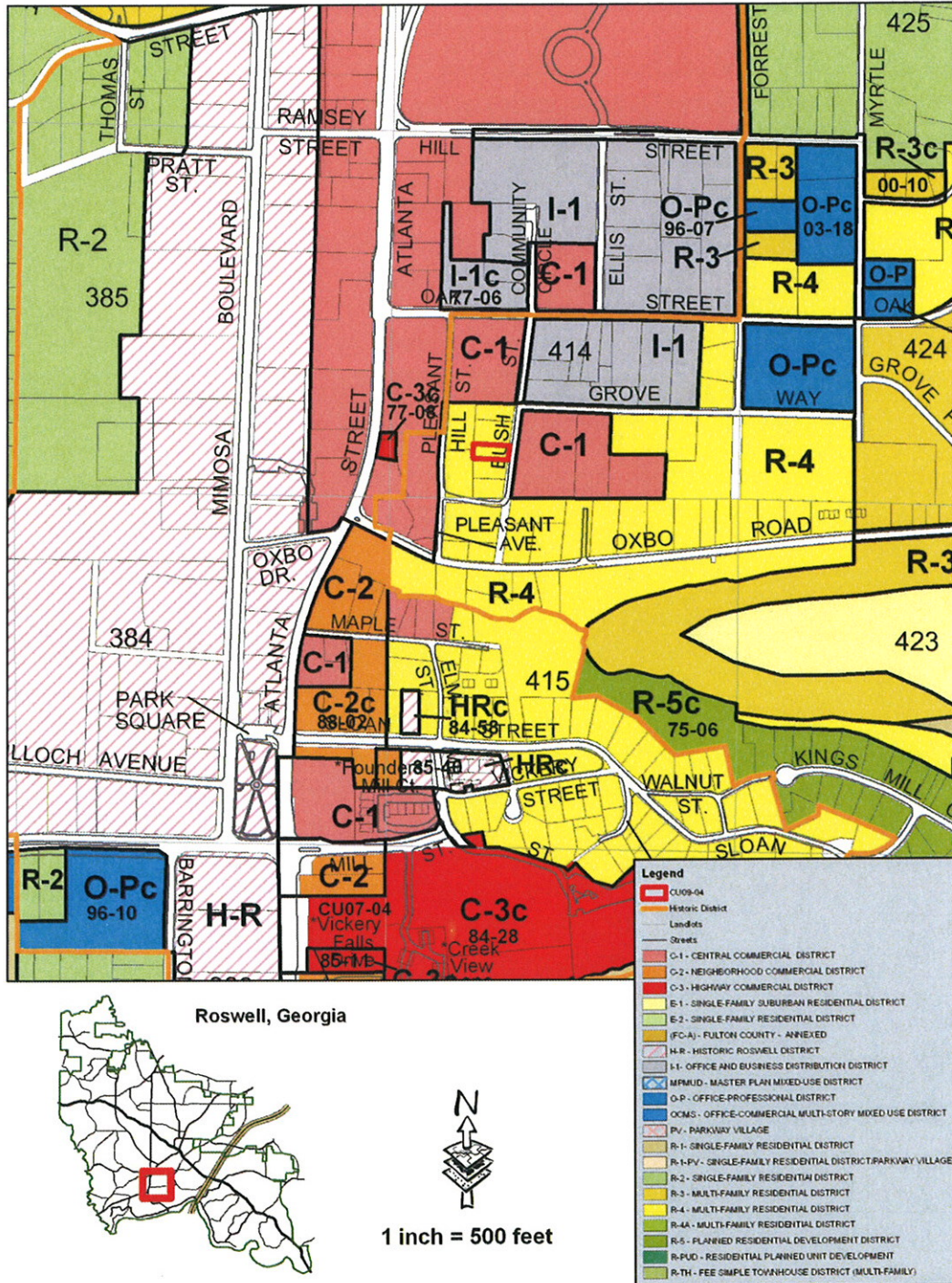
The following maps are provided: Location Map, Zoning Map, Location Aerial Map, Site Aerial Map and a Future Land Use Map.

# 728 Bush Street Location Map



\\Poseidon\comdev\$\Community Development\Rezoning\Conditional Use Maps\CU09-04\CU09-04 Location Map

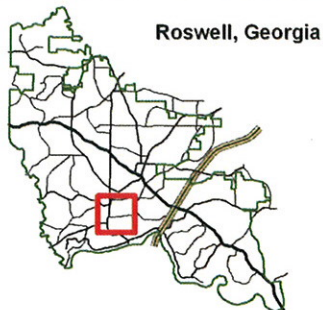
# 728 Bush Street Zoning Map



\\Poseidon\comdev\$\Community Development\Rezoning\Conditional Use Maps\CU09-04\CU09-04 Zoning Map

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

# 728 Bush Street Location Aerial Map









Roswell, Georgia



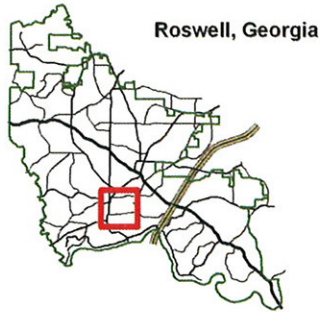
1 inch = 500 feet

## Legend

-  CU09-04
-  City Limits
-  Streets
-  Perennia Streams
-  Flowing Streams
-  Streams

\\Poseidon\comdev\$\Community Development\Rezoning\Conditional Use Maps\CU09-04\CU09-04 Aerial Map

728 Bush Street  
Site Aerial Map



Roswell, Georgia



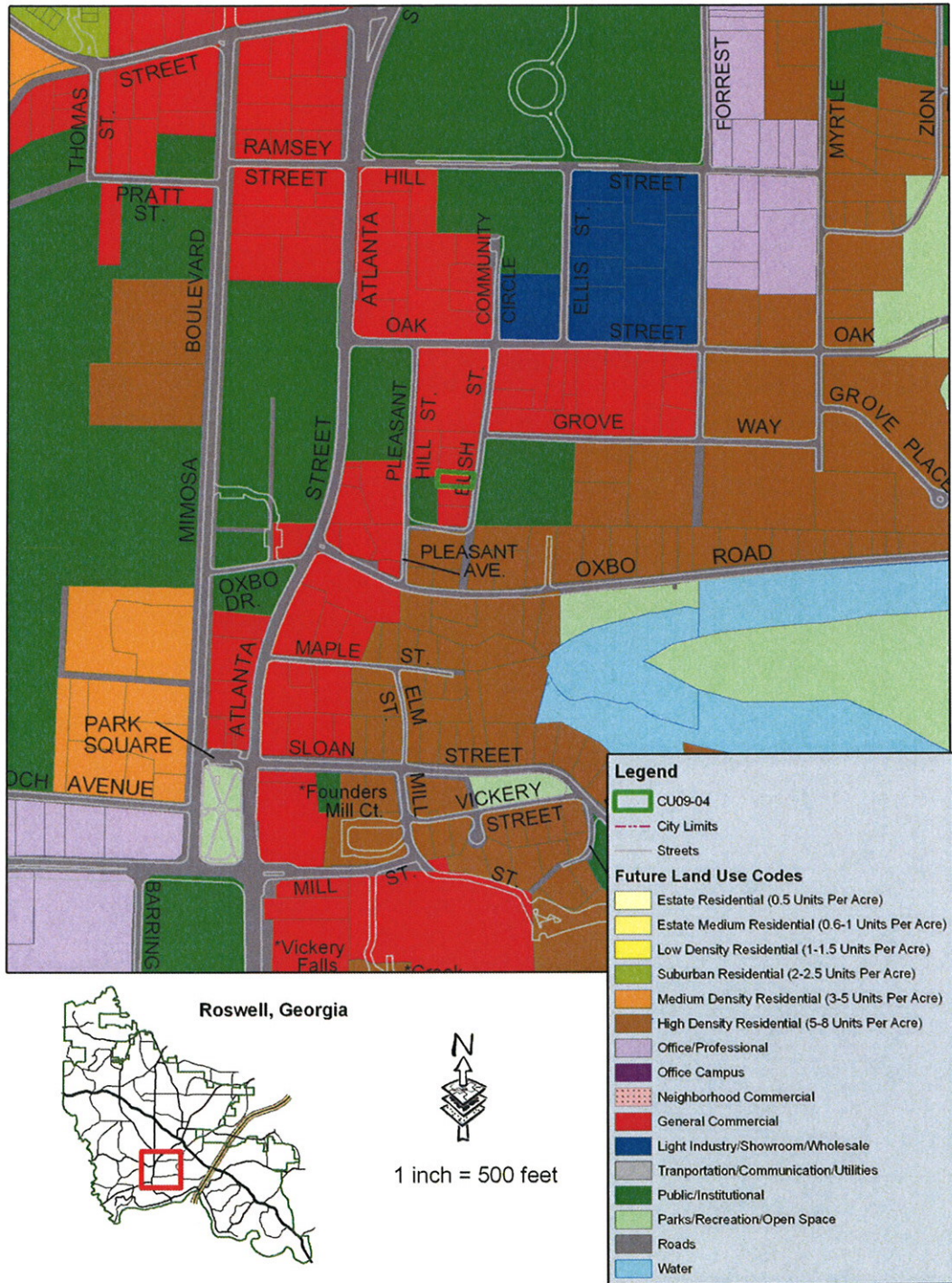
1 inch = 250 feet

**Legend**

- CU09-04
- City Limits
- Streets
- Perennia Streams
- Flowing Streams
- Streams

\\Poseidon\comdev\$\Community Development\Rezoning\Conditional Use Maps\CU09-04\CU09-04 Aerial Map B

# 728 Bush Street Future Land Use Map



\\Poseidon\comdev\$\Community Development\Rezoning\Conditional Use Maps\CU09-04\CU09-04 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)**

**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 for food pantry to assist people in need as an accessory use to the existing church is a suitable use in the area.

**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 area is a mix of uses consisting of residential, institutional, and commercial. The food pantry 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 use of this structure as an accessory use to the existing church is not in conformity with the policy and intent of the Comprehensive 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))**

The existing conditions which give support to the conditional use are the existing mixture of uses in the surrounding area. Pleasant Hill Baptist Church is an established fixture in this area and it is growing. The request to use this structure as a food pantry twice a week assists them with their ministries.

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

The subject property is zoned R-4 (Multi-family Residential), and is currently being used by Pleasant Hill Baptist Church for a food pantry.

**8. Existing uses and zoning of nearby property.**

<b>Location in relation to subject property</b>	<b>Zoning</b>	<b>Land Use</b>	<b>Acreage</b>	<b>Density</b>
North	R-4	Single family home	.28 acres	3.6 units per acre
South	R-4	Pleasant Hill Baptist Church	1.23 acres	existing
East	C-1	Child Development Association	1.6	2,334 square feet per acre
West	R-4	Pleasant Hill Baptist Church	1.23 acres	existing

**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 food pantry as an accessory to a church is not a permitted use by right under the existing zoning district. Accessory uses to a church are allowed as conditional uses in the R-4 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.

**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 area is zoned R-4 and C-1. The proposed request for a food pantry as an accessory to the existing church may not be a deterrent to the existing residential and businesses already located in this area.

**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 request for a food pantry to be an accessory to the established church will not change the zoning scheme of the area because the current dynamics of the area are mainly a mix of non commercial uses.

**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.**

The property under request is zoned R-4 and the houses on either side are zoned R-4. There is a single family residential home next door adjacent to the north of the subject property. A variance request has been submitted as part of the conditional use request.

Appendix Attachments:

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

RZ/Staff Reports/2009/CU09-04rev