

**Conditional Use Staff Report**

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## I. PROJECT INFORMATION

<b>Petition Number</b>	CU09-05
<b>Project Name</b>	Animal Surgery Center
<b>Property Location</b>	900 Holcomb Bridge Road Land Lots 501, 502, 525, and 526
<b>Property Size</b>	1.503 acres
<b>Existing Zoning</b>	O-P (Office Professional)
<b>Owner/Petitioner</b>	David Filer, DVM
<b>Action Requested</b>	The applicant is requesting a conditional use to allow for an animal surgery center and emergency clinic

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

### **CU09-05 - 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. The property shall remain as shown on the survey stamped "Received October 6, 2009 City of Roswell Community Development Department," and consistent with these recommended conditions.
2. The animal surgery clinic and emergency center shall only be allowed if the ordinance is adopted by the Mayor and City Council.
3. All activity is to be located inside of the building.
4. The owner/developer shall provide a striped island at the south driveway on Warsaw Road so that it is only right-in/right-out as required by the Roswell Department of Transportation prior to the issuance of a business license.

#### **B. RECOMMENDED PLANNING COMMISSION CONDITIONS**

The Planning Commission recommended approval during their November 17, 2009 hearing with all of the staff conditions.

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

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

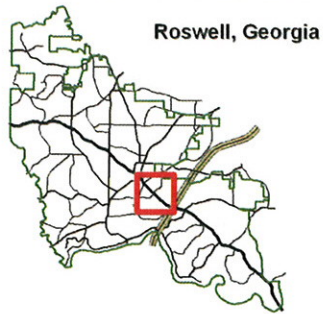
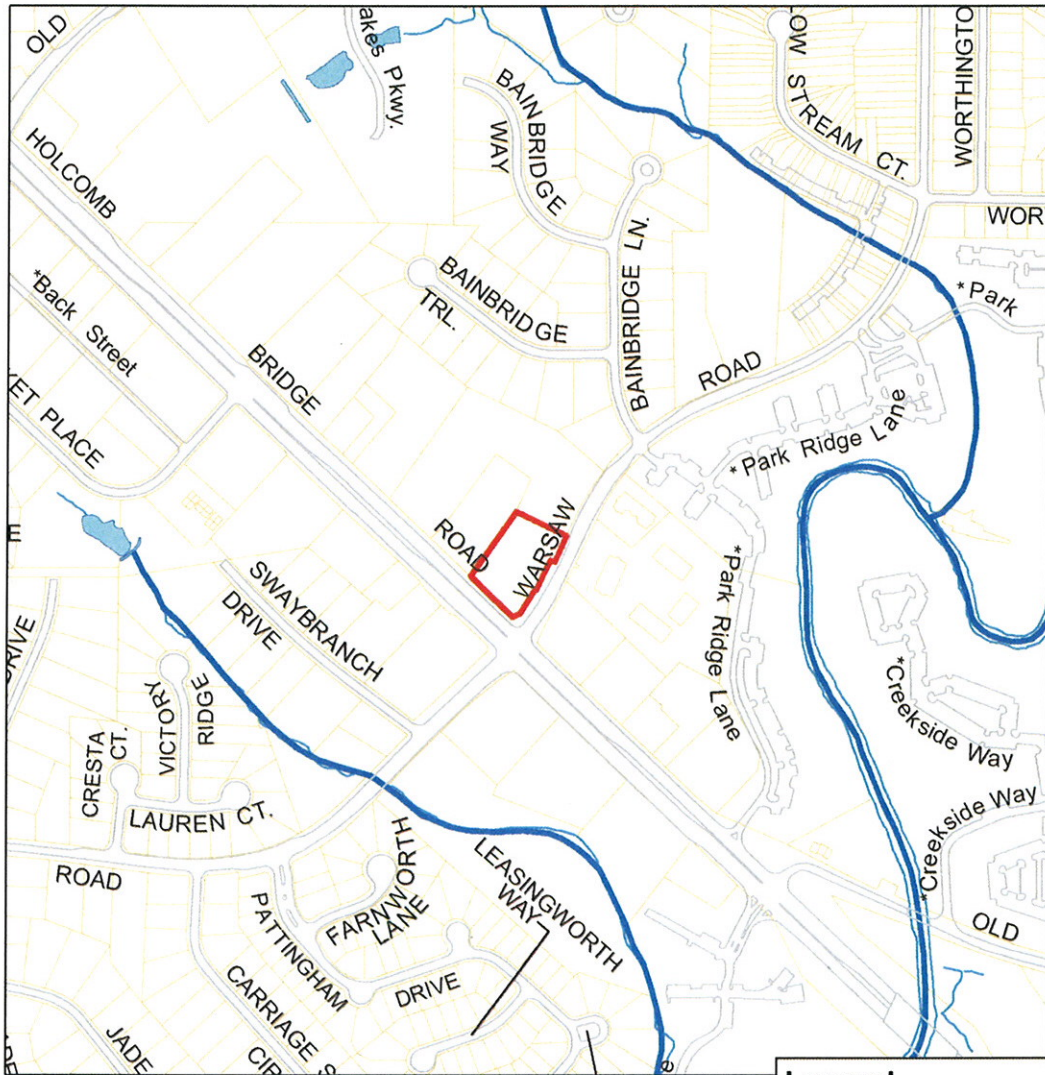
## **III. ASSESSMENT**

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


The site contains an existing one-story 7,618 square foot building and 42 parking spaces. The applicant is requesting the conditional use to allow for an animal surgery clinic and emergency center.

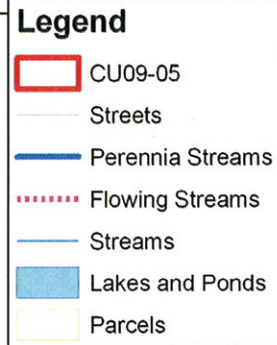
The following maps are provided: Location Map, Zoning Map, Location Aerial Map, Site Aerial Map and a Future Land Use Map.

# 900 Holcomb Bridge Road Location Map



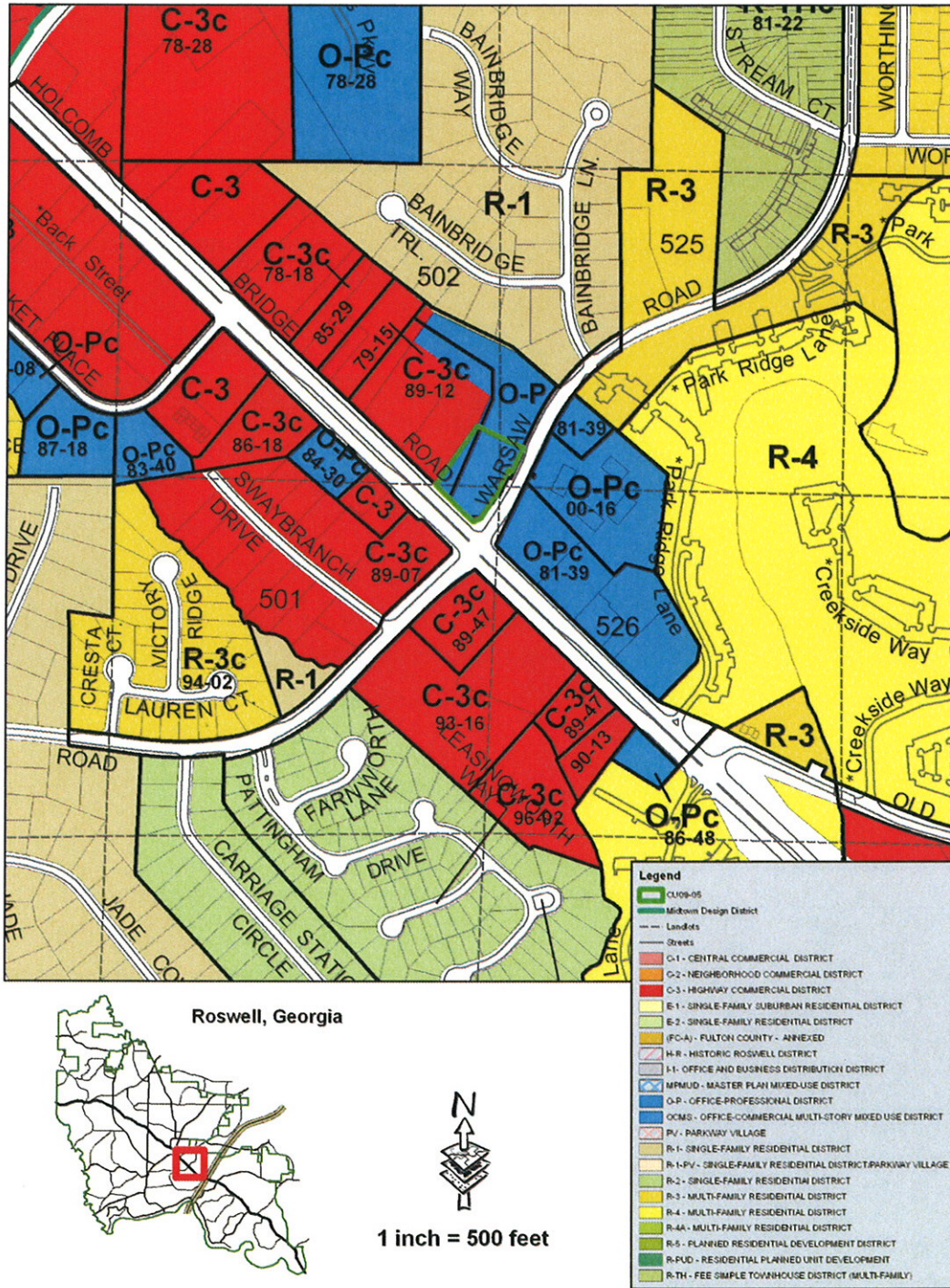
Roswell, Georgia

  
 1 inch = 500 feet



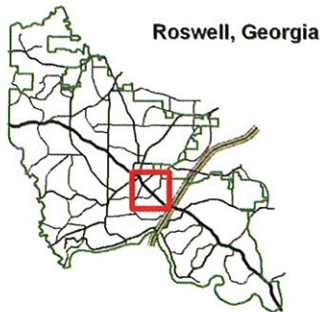
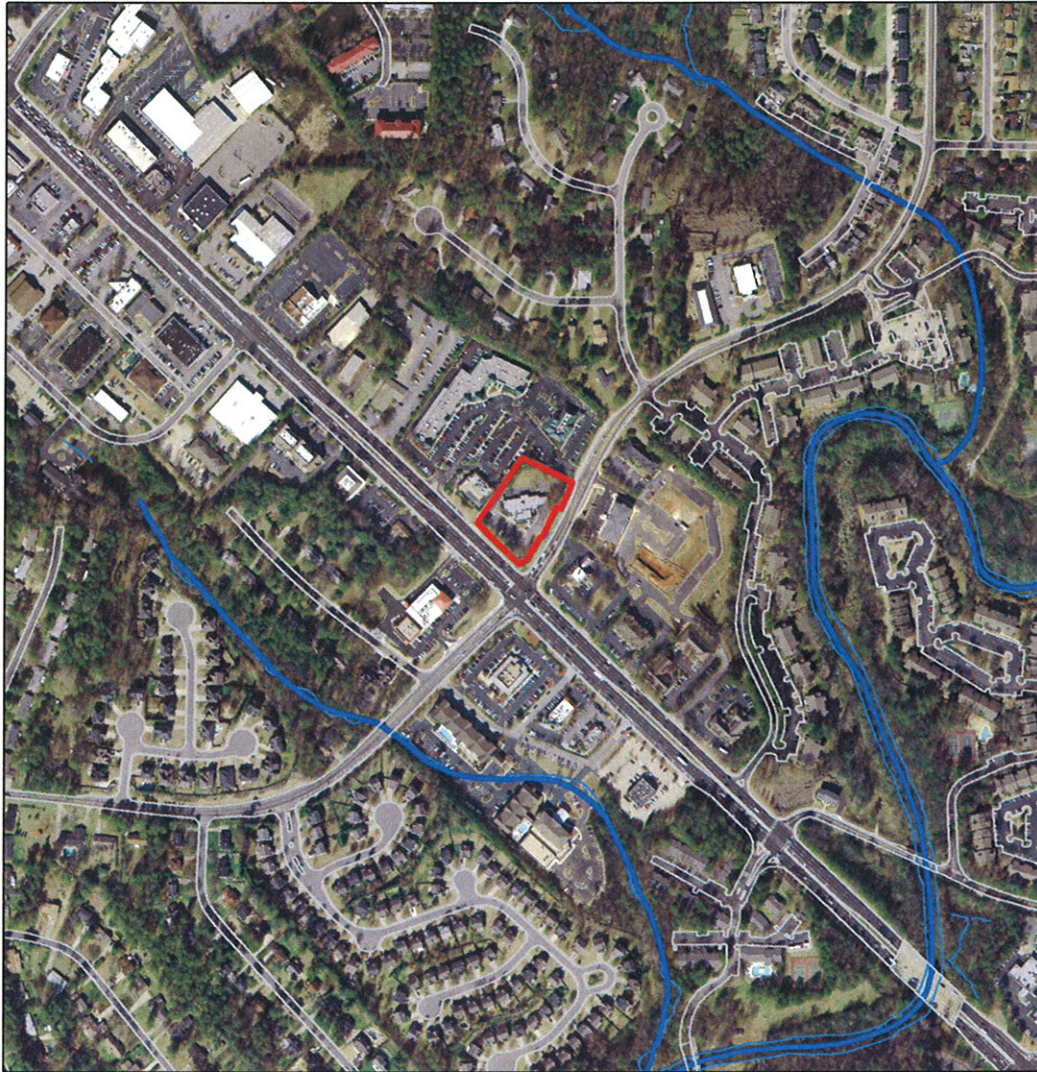
\\Poseidon\comdev\$\Community Development\Rezoning\Conditional Use Maps\CU09-05\CU09-05 Location Map

# 900 Holcomb Bridge Road Zoning Map








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# 900 Holcomb Bridge Road Location Aerial Map



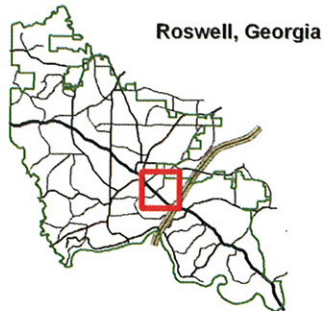
1 inch = 500 feet

### Legend

-  CU09-05
-  Streets
-  Perennia Streams
-  Flowing Streams
-  Streams

\\Poseidon\comdev\$\Community Development\Rezoning\Conditional Use Maps\CU09-05\CU09-05 Aerial Map

# 900 Holcomb Bridge Road Site Aerial Map



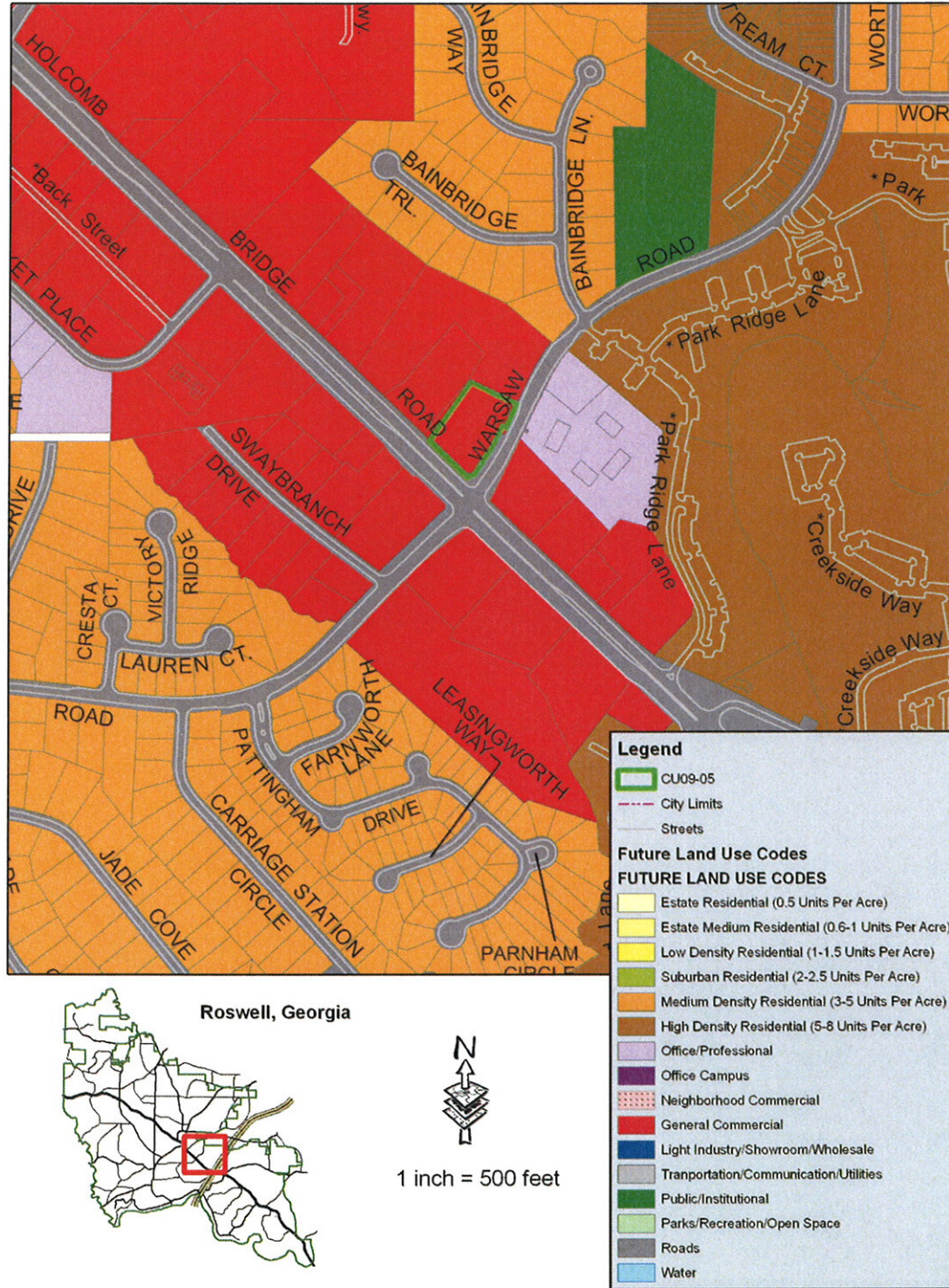
1 inch = 250 feet

### Legend

-  CU09-05
-  Streets
-  Perennia Streams
-  Flowing Streams
-  Streams

\\Poseidon\comdev\$\Community Development\Rezoning\Conditional Use Maps\CU09-05\CU09-05 Aerial Map B

# 900 Holcomb Bridge Road Future Land Use Map



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## **B. DESIGN GUIDELINES**

Not required.

## **C. LANDSCAPE PLAN ANALYSIS**

Not required.

## **D. TRANSPORTATION**

- Accesses located within 250 feet of a signalized intersection shall be right-in/right-out only. Provide striped right-in/right-out island at the south driveway on Warsaw Rd to restrict it to right-in/right-out only.
- Accommodate pedestrian access from the south driveway along Warsaw Rd to the building entrance.
- Prior to any work in the City of Roswell right-of-way, obtain a right-of-way encroachment permit from Transportation Department utility coordinator John Wooten at 770-594-6108 (direct) 6420 (Main).

## **E. ENGINEERING**

Not required.

## **F. ENVIRONMENT**

- Fulton County Department of Health and Wellness has indicated that the building must comply with the Georgia Smokefree Air Act of 2005 and also that plans indicating the number and location of outside refuse containers be submitted for review and approval.

## **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 is zoned O-P (Office Professional).

## **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 an animal surgery clinic and emergency center may be a suitable use in the O-P zoning area. This area contains a mixture of uses.

### **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 consists of offices, retail and restaurants. The proposed use will 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 to be general commercial. The proposed request may be in conformity with the policy and intent, as a conditional use.

### **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 area is a mix of commercial and office uses which gives support for approval of the conditional use request.

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

The subject property is zoned O-P (Office Professional), and the building is currently being used as a medical clinic.

**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	O-P	Retail and restaurant	4.2 acres	9,261 square feet per acre
South	C-3	CVS pharmacy; Olive Garden	3.19 acre; 1.8 acres	5,201 square feet per acre;
East	O-P	Vacant bank; office	1.4 acres; .507 acres	4,443 square feet per acre; 10,073 square feet per acre
West	C-3	Retail and restaurant	4.2 acres	9,261 square feet per acre

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

The proposed request for an animal surgery center and emergency clinic is not a permitted use by right under the existing zoning district. Currently there is a text amendment in the process to allow veterinary clinics in the O-P zoning district as a conditional use. Should the Mayor and City Council approve the ordinance, then a veterinary clinic will be allowed in the O-P district as 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 O-P (Office Professional) and C-3 (Highway Commercial). The proposed request for a veterinary clinic may not be a deterrent to the existing 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 veterinary clinic will not change the zoning scheme of the area because the current dynamics of the area are already office and commercial.

**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 O-P (Office Professional). The property does not abut any residential uses.

Appendix Attachments:

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

RZ/Staff Reports/2009/CU09-05rev