



## Rezoning Petition No. CU10-01

### HEARING & MEETING DATES

Design Review Board Meeting	Neighborhood Meeting	Planning Commission Hearing	Mayor and City Council Hearing
N/A	03/24/10	04/20/10	5/10/10

### APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
North Fulton Land Acquisitions, LLC	The Pinnacle Companies	Teresa DeVos

### PROPERTY INFORMATION

Address, Land Lot, and District	1327 Holcomb Bridge Road Land Lot 584, 1 <sup>st</sup> District
Frontage and Area	1.07 acres
Existing Zoning and Use	C-3 (Highway Commercial District)
Overlay District	Riverbanks Campus
2027 Comprehensive Future Land Use Map Designation	Commercial
Proposed Zoning	C-3 (Highway Commercial District)

### INTENT

The applicant is requesting a conditional use for a used automobile establishment.

### DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

CU10-01 – Approval with conditions

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## PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval during their April 20, 2010 hearing with the following conditions:

1. The owner/developer shall develop a landscape plan according to the following specifications noted by the City of Roswell Arborist and Landscape Architect:

A. Applicant shall submit before final approval a detailed landscape plan of proposed improvements created by a landscape professional.

B. The Landscape Plan shall comply with Articles 15- Tree Protection & 16 - Landscaping in the Zoning Ordinance.

C. Specifically: Section 16.5.2 - Parking Lot Landscape Strips Adjacent to Street R.O.W. - Option 1 - Ten (10) shrubs and One (1) tree per thirty-five (35) linear feet of street frontage.

- Holcomb Bridge Road frontage: Remove five (5) existing "topped" willow oaks, including stumps and replace with new understory trees (ie Dogwood, Redbud, Crape Myrtle etc., See Appendix B - Section 15.7.2) 200 LF / 35 LF = 57 shrubs required.
- Market Boulevard Frontage: Save and protect existing maple trees and add shrubs between trees, north of driveway. 80 LF / 35 LF = 23 shrubs required.

D. Section 16.2.5 - Seasonal Color: seasonal color shall be added around the base of any ground sign.

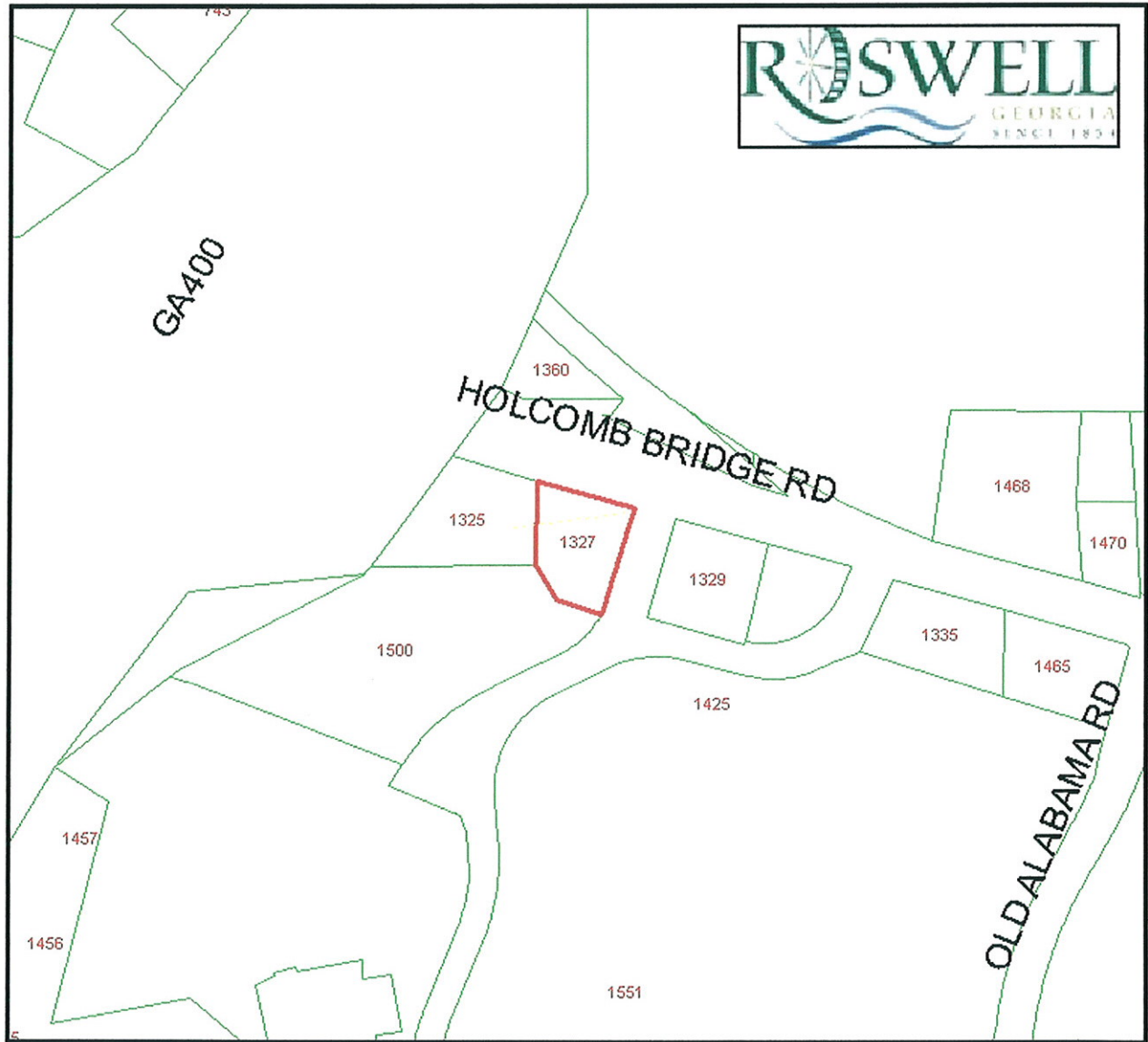
E. General Notes/Requirements:

- Weed and clean out any and all debris and trash from all planting beds.
- Refresh all planting beds with new pine straw mulch.
- Replace any dead or dying plant materials.
- Prune out any and all broken or dead branches from existing trees.
- Weed and feed turf areas.

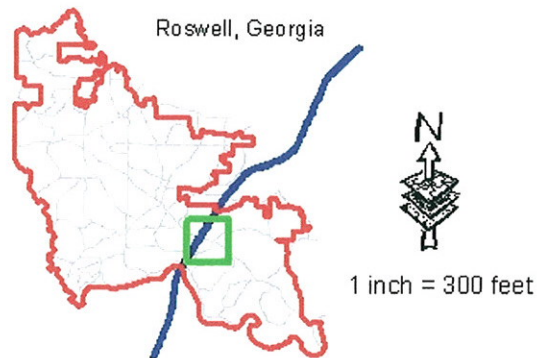
F. Submit Tree Removal Permit Application with fee prior to any removal.

2. The owner/developer shall submit their landscape plan to the Design Review Board for approval. The Design Review Board shall review the landscape requirements of the site. If the owner/applicant fails to implement the approved plan by December 31, 2010, their business license will not be renewed.
3. The owner/developer shall repair or replace the unsafe portions of the sidewalks along Holcomb Bridge Road and Market Boulevard by December 31, 2010.
4. The owner/developer shall upgrade all the ADA ramps to GDOT A3 or later ramp standard along the site frontage by December 31, 2010.
5. Only pre-owned, luxury cars will be sold at this location. (Definition of luxury cars to be determined by staff)
6. Ten (10) designated parking spaces shall be reserved for customers and employees

## Location Map



## Location Map



### Legend

- CU10-01
- City Limits

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## STAFF RECOMMENDED CONDITIONS

It is recommended that this application for conditional use CU10-01 be approved. It shall be approved with the following conditions

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## BACKGROUND

In May 2008, the Mayor and City Council of Roswell passed RZ08-01 which made used car dealerships a conditional use in C-3 (Highway Commercial District). Any used automobile sales establishment shall have a lot with the following minimums:

1. The lot shall have a minimum size of at least three-quarters ( 3/4) acre and a permanent structure used as a business or sales office.
2. The lot shall comply with the following minimum requirements upon that portion of the land to be used for display and/or offering for sale of used automobiles:
  - a. Striped parking spaces for inventory shall be painted on the pavement and not less than nine (9) feet wide by twenty (20) feet deep for each used automobile or the appropriate size for the type of vehicle being parked.
  - b. A lot shall contain a stabilized base of not less than four (4) inches covered by a minimum of two (2) inches of pavement or concrete.
  - c. Two (2) driveways, one (1) for ingress and one (1) for egress, or one (1) driveway adequate to permit simultaneous ingress and egress.
3. The lot shall not allow any part of a used automobile to encroach upon any public right-of-way or sidewalk.
4. The lot shall not allow any loud or boisterous noises to emanate from his/her place of business, either by persons congregating there or by the playing of recording instruments, radios, and/or television sets or other sound-producing equipment as controlled by Roswell City Code Article 8.8 "Nuisances", as amended from time to time.

The following uses at one time occupied 1327 Holcomb Bridge Road the proposed site of the Conditional use for the used automobile sale establishment.

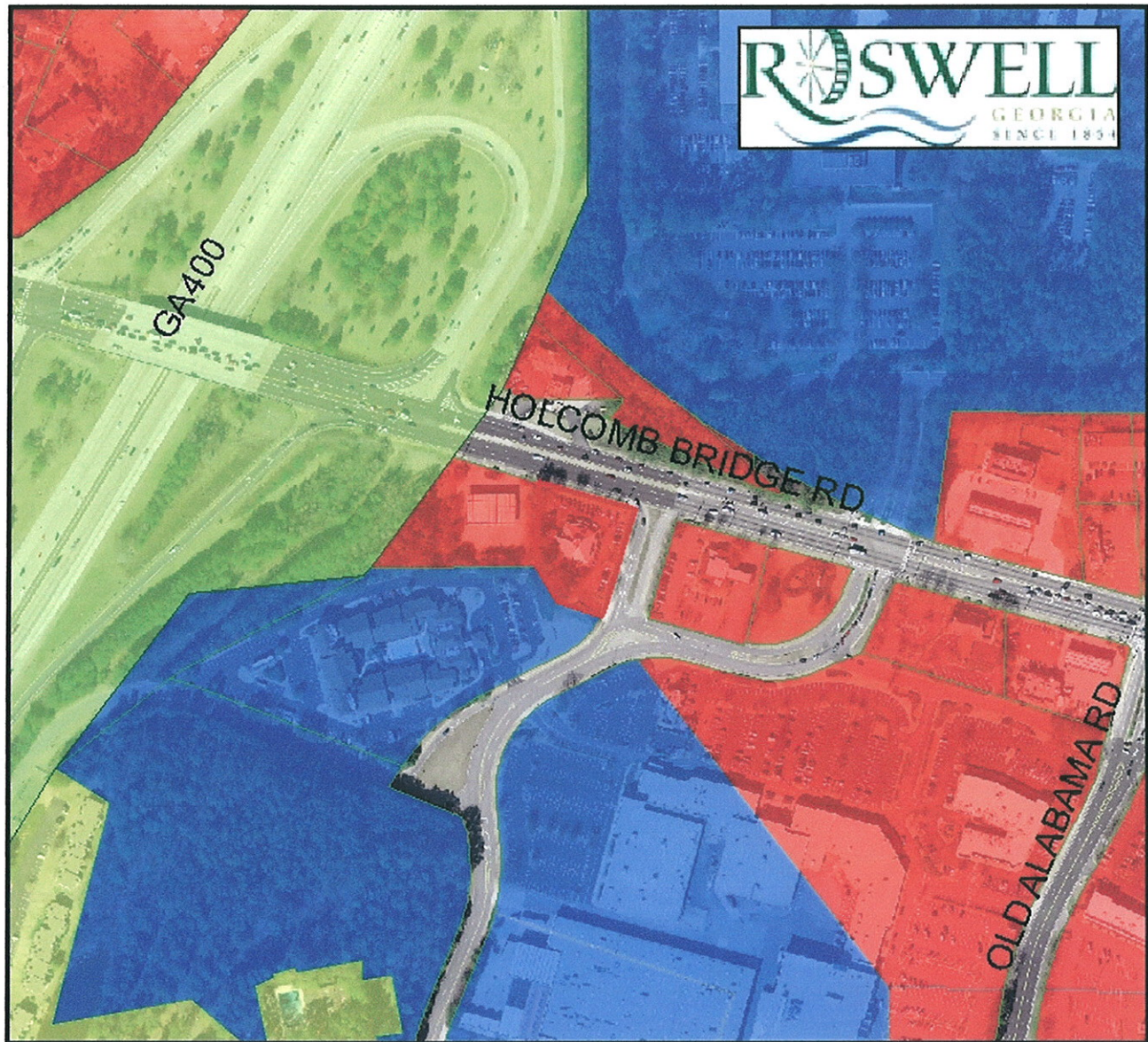
- 1984 – 1998 Bank (BankSouth)
- 1999 – 2003 Weight Loss and Preventive Medicine (Dr. Horowitz)
- 2004 – 2007 AGN Auto Gallery (used car sales)
- 2008 – 2009 KCB Exotic Car Rentals (car rental)
- 2009 - Present Vacant

# EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

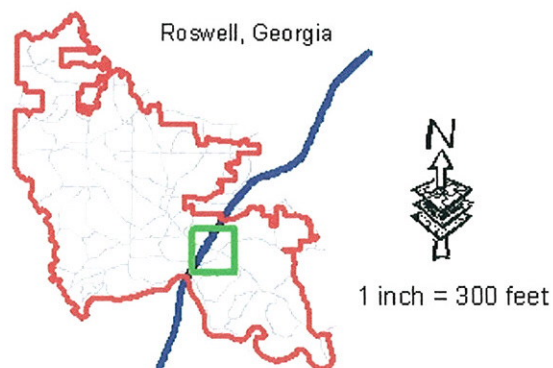
SUBJECT PETITION CU10-01	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	C-3	C-3	1.07 acres		4000 square feet per acre
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Density (Square Feet or Units Per Acre)
North	C-3	Gasoline Station	.543 acres		4,204 square feet per acre
South	OCMS	Hotel	4.49 acres		9,137 square feet per acre
East	C-3	Bank	1.0 acre		3,724 square feet per acre
West	C-3	Vacant Gasoline Station	1.27 acres		1,083 square feet per acre

























## Zoning Map



## Zoning Map

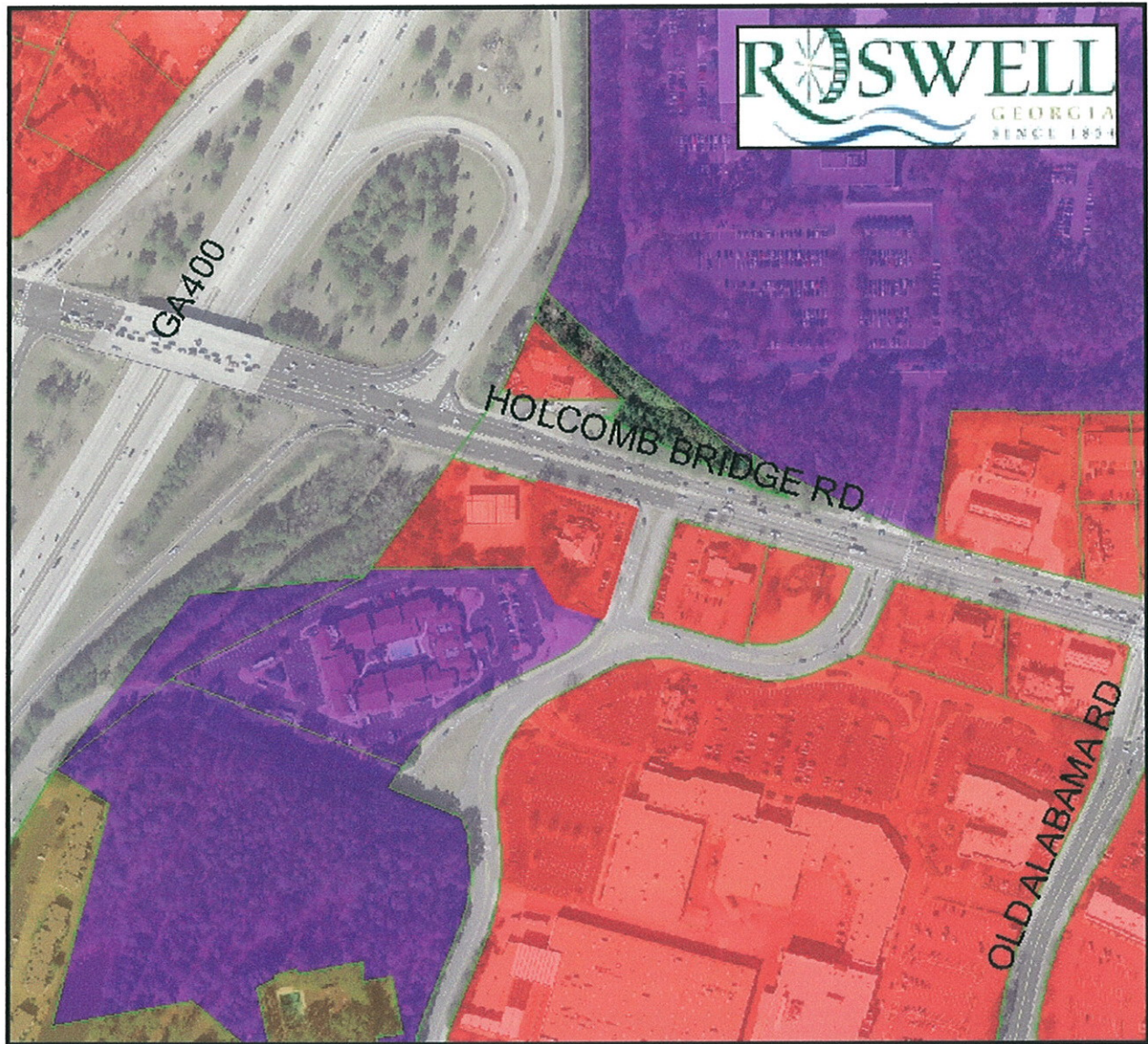


Legend					
	CU10-01		E2		R-2
	City Limits		H-R		R-3
Zoning District					
	(FC-A)		H-1		R-4
	C-1		O-P		R-4A
	C-2		OCMS		R-5
	C-3		PV		R-PUD
	E1		R-1		R-TH
			R-1-PV		

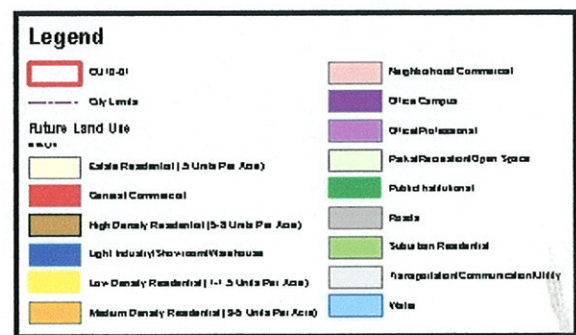
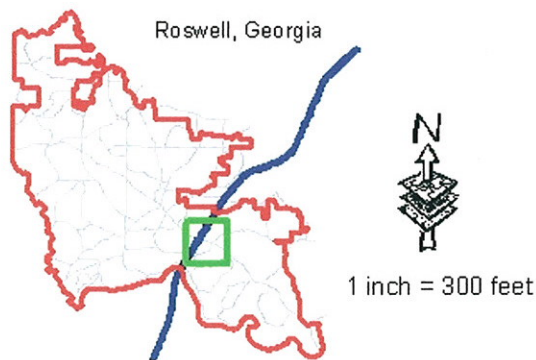
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## Future Land Use Map



## Future Land Use Map



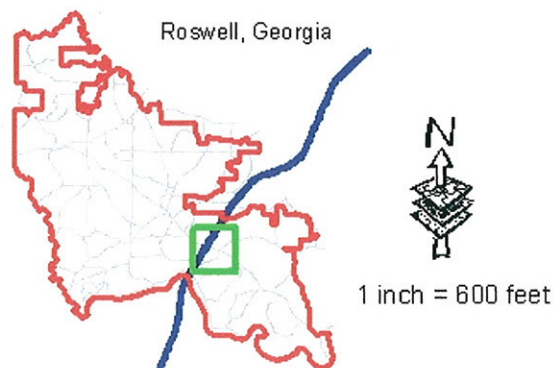
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## Site Aerial Map



## Site Aerial Map



### Legend

-  CU10-01
-  City Limits

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View from the East



View from the South



View from the North



View from the West





View to the South



View to the East



View to the North



View to the West





View from Bank of America



View from Gasoline Station



View from Hotel



View from Vacant Gasoline Station





## NOTICE OF CONDITIONAL USE

Petition No: CU10-01

Petitioner: North Fulton Land Acquisitions

Location: 1327 Holcomb Bridge Rd.

Land Lot: 584

Request: **Conditional Use request for the purpose of using the property as a used automobile establishment**

Public Hearings: Neighborhood Mtg. - March 24, 2010  
(Room 220) 7:00 p.m.

Planning Commission - April 20, 2010  
(Council Chamber) 7:30 p.m.

Mayor & City Council - May 10, 2010  
(Council Chamber) 7:30 p.m.

Location: Roswell City Hall,  
38 Hill Street, Roswell, GA

For more information contact the Planning & Zoning Office, 38 Hill St.,  
Ste. G-30, Roswell, GA (770) 641-3774 or [www.roswellgov.com](http://www.roswellgov.com).

Sign Posting

**SITE PLAN ANALYSIS**

The proposed site is located at the corner of Market Boulevard and Holcomb Bridge Road. The site contains 1.07 acres with an existing 4000 square foot building. The applicant's request is to allow a used car establishment.

The site plan notes that the property has 29 designated parking spaces.

**DRB/HPC comments and Design Guidelines**

Not applicable

**LANDSCAPE PLAN ANALYSIS**

The applicant has not submitted a landscape plan for the proposed development. The City Arborist and Landscape architect has noted in the comments below that the property would have to come into compliance with the current tree and landscape ordinance regulations.

**VARIANCE CONSIDERATIONS**

The applicant is not requesting any variances with the conditional use of the property.



## DEPARTMENT COMMENTS

City of Roswell Environmental Department	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
City of Roswell Engineering Division	<ul style="list-style-type: none"> <li>• See attached landscape plan. Refresh or replace plant material per previously approve landscape plan for Bank South (attached) or submit new landscape plan.</li> <li>• Provide Site Data for parking requirements, show striping, including ADA handicap parking and accessibility routes.</li> <li>• Show fire lanes, stripe as necessary.</li> <li>• If land disturbance is anticipated, provide a BMP Maintenance Agreement for recording at Fulton County from Roswell 400 Detention Pond Owners and call Engineering Division at 770-594-6268 for inspection before and after performance of annual maintenance on detention pond or provide proof of annual maintenance.</li> </ul>
Fiscal Impact	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
Archaeological	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
City of Roswell Fire Department	<ul style="list-style-type: none"> <li>• No comment</li> </ul>
City of Roswell Transportation Department	<ul style="list-style-type: none"> <li>• Market Blvd median geometry is different than as shown on plan. Verify the street name is correct.</li> <li>• Consider interparcel connection with adjacent parcel to the west.</li> <li>• Existing unsafe sidewalk along HBR/SR 140 and Market Blvd?? frontages shall be repaired or replaced as directed.</li> <li>• All ADA ramps along this site frontage shall be upgraded to GDOT A3 or later ADA ramp standard.</li> <li>• Provide a truck routing plan showing wheelpath of a delivery truck entering, unloading and exiting the site using software such as Auto Turn.</li> <li>• Obtain right-of-way encroachment permit prior to any work within the State or City of Roswell right-of-way. Contact John Wooten at 770-594-6108 (direct) 6420 (main)</li> </ul>
City of Roswell Arborist & Landscape Architect	<ol style="list-style-type: none"> <li>1. Applicant shall submit before final approval a detailed landscape plan of proposed improvements created by a landscape professional.</li> <li>2. The Landscape Plan shall comply with Articles 15- Tree Protection &amp; 16 - Landscaping in the Zoning Ordinance. <ul style="list-style-type: none"> <li>• Specifically: <u>Section 16.5.2 - Parking Lot Landscape Strips Adjacent to Street R.O.W. - Option 1 - Ten (10) shrubs and</u></li> </ul> </li> </ol>

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City of Roswell  
Recreation & Parks  
Department

- No comment

## CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted February 24, 2010

### STANDARDS OF REVIEW

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*1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

The property was previously used as an automobile rental facility and used car dealership by the past two tenants. Since the proposed use has been located on the subject property before, it will have no effect on adjacent or nearby properties.

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*2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*

The proposed development will not adversely affect the existing adjacent or nearby properties since the property has a history of being used to display vehicles either through sales or rental.

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*3. Whether the property to be affected by the zoning proposal may have reasonable economic use as currently zoned.*

The proposed development is currently zoned C-3 (Highway Commercial District) which previous permitted used car dealerships until May 2008. Now it is a conditional use. The property has been vacant for at least six (6) months.

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*4. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.*

The subject property is located at the corner of Market Boulevard and Holcomb Bridge Road. The proposed development may not cause excessive or burdensome use of the existing streets, transportation facilities or utilities. The applicant was not required to submit a traffic study for this project.

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*5. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.*

The Comprehensive Plan indicates general commercial for the proposed development. The proposed use is in conformity with the intent of the Comprehensive Plan.

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*6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*



The property has previously been used as an used automobile dealership and rental facility as well.

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

The subject property is currently zoned C-3 (Highway Commercial District). There is an existing 4000 square foot building on the property.

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8. *Existing uses and zoning of nearby property. (See table on page ).*

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9. *An explanation of the existing value of the property under the existing zoning and/or overlay district classification.*

N/A

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10. *Whether the property can be used in accordance with the existing regulations.*

N/A

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11. *The extent to which the property value of the subject property is diminished by the existing zoning district and/or overlay district classification.*

N/A

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12. *The value of the property under the proposed zoning district and/or overlay district classification.*

N/A

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

The property was previously used as an automobile rental facility and used car dealership by the past two tenants. Since the proposed use has been located on the subject property before, it will have no effect on adjacent or nearby properties.

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14. *The suitability of the subject property under the proposed zoning district and/or overlay district classification.*

N/A

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15. *The length of time the property has been vacant or unused as currently zoned.*

N/A

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16. *A description of all efforts taken by the property owner(s) to use the property or sell the property under the existing zoning district and/or overlay district.*

N/A

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17. *The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.*

N/A

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18. *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 applicant has indicated that as a result of this conditional use approval they will be able to rent the property to a qualified tenant.

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19. *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 applicant has indicated the longer the property remains vacant it decreases the value of their property.

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

None

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21. *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.*

Since the property has been a used automobile dealership in the past, the proposed changes will not negatively affect the zoning regulations.

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22. *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 are no adjacent residential properties.

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23. *The amount of undeveloped land in the general area affected which has the same zoning or overlay district classification as the map change requested.*

N/A

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