



**Petition No. RZ11-17, CV11-07 and CU11-09**

HEARING & MEETING DATES			
Design Review Board Meeting 1/3/12	Neighborhood Meeting 1/19/12	Planning Commission Hearing 2/21/12	Mayor and City Council Hearing 3/12/12
APPLICANT/PETITIONER INFORMATION			
Property Owner Judy Ashcroft/ James Blalock	Petitioner Rosa Denning	Representative Bill Kolbrener	
PROPERTY INFORMATION			
Address, Land Lot, and District	40 East Crossville Road, Land Lot 407		
Frontage and Area	180.62 feet on Crossville Road; 1.8 acres		
Existing Zoning and Use	R-1/PV (Single Family Residential/Parkway Village)		
Overlay District 2030	Parkway Village		
Comprehensive Plan; Future Development Map	Parkway Village Overlay District SR92 Corridor		
Proposed Zoning	O-P (Office Professional)		
INTENT			

The applicant is requesting a rezoning within the Parkway Village District from R-1 (Single Family Residential) to O-P (Office Professional) with a conditional use request to allow for a veterinary clinic. The applicant is also requesting several variances with the rezoning request.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

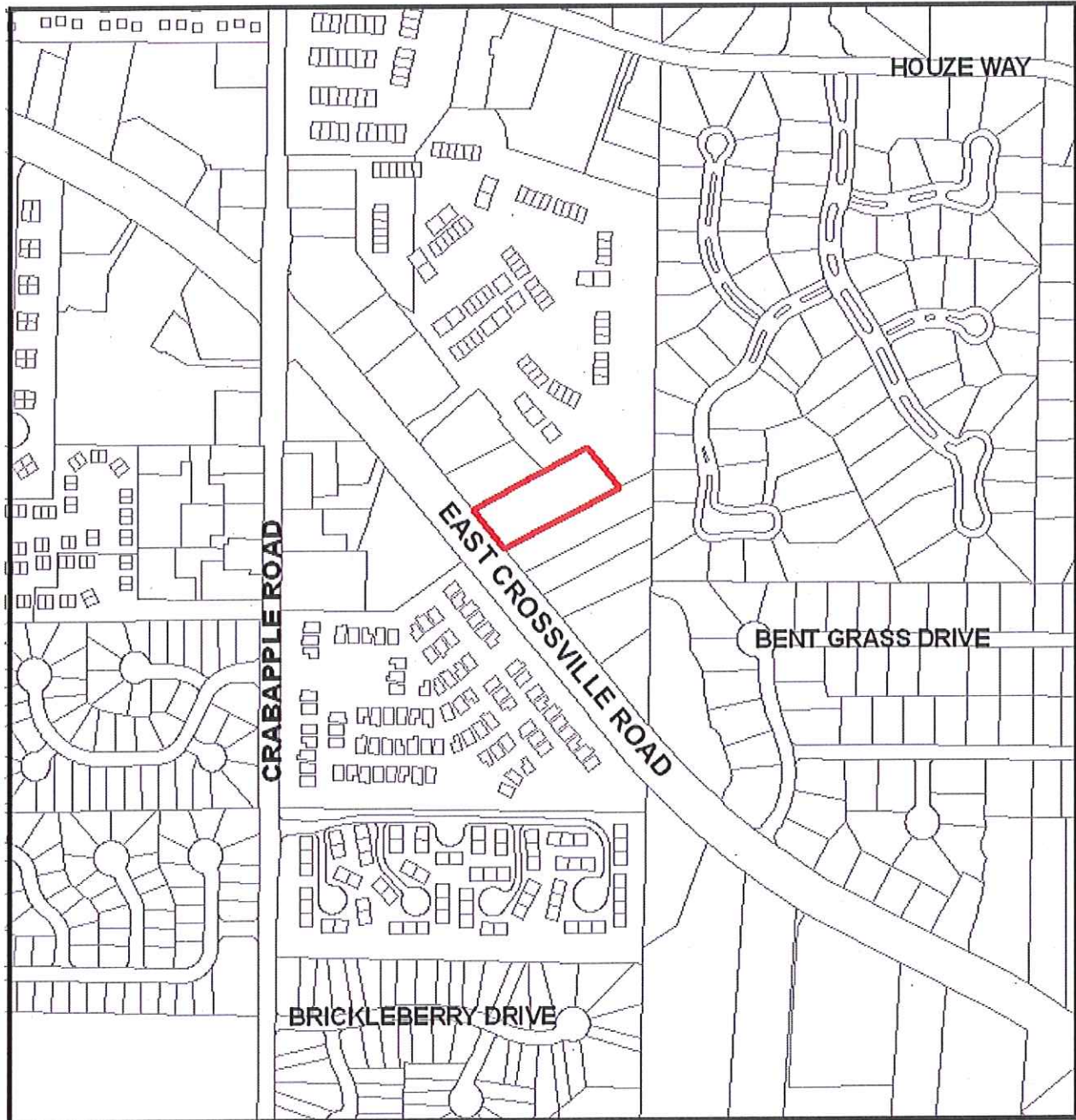
**RZ11-17, CV11-07 and CU11-09 - Approval**

### PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of the rezoning, conditional use and concurrent variances during their February 21, 2012 public hearing with the following conditions.


1. The property shall be developed in accordance with the survey stamped "Received December 6, 2011 City of Roswell Community Development Department."
2. The veterinary clinic shall be interior only, no outside kennels or runs.
3. All signage on the property must conform to the Parkway Village requirements.
4. The applicant shall remove the first 30' of the asphalt drive on the western property line prior to receiving a certificate of occupancy for the business.
5. The applicant shall comply with the Parkway Village fencing requirements prior to receiving a certificate of occupancy for the business.

The Planning Commission also asked the applicant to discuss with the owner of Slopes to see about the possibility of connectivity. This was not a condition.



1 in = 500 ft

## Location

 40 E Crossville Road

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#### **STAFF RECOMMENDED CONDITIONS**

It is recommended that this application for rezoning RZ11-17, CV 11-07 and CU11-09 be approved. The property shall be approved with the following conditions:

1. The property shall be developed in accordance with the site plan stamped "Received February 28, 2012 City of Roswell Community Development Department." The revised site plan shows the removal of the first 30' of asphalt on the northwestern driveway and the detention, retention and channel protection areas and design note as requested by the Public Works/Environmental Department.
2. The veterinary clinic use shall be for interior only, no outside uses are allowed.
3. All signage on the property must conform to the Parkway Village requirements.
4. The applicant shall remove the asphalt drive on the western property line prior to receiving a certificate of occupancy for the business.

**BACKGROUND**

The existing property is zoned R-1/PV and is used for a single family home.

**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY**

SUBJECT PETITION RZ11-17	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	O-P	Veterinary Clinic	1.8142 acres		1,205.5 SF 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	R-1/PV	Slopes restaurant	2.05 acres	3,744 SF	1,826 SF per acre
South	R-1/PV	Single family home	1.35 acres	One home	.74 units per acre
East	R-1/PV	Office complex buffer	16.3 acres	102 offices	6.2 units per acres
West	O-P/PV and R-1/PV	Church and Crabapple Point Townhomes	2.25 acres and 13.8 acres	30,726 SF; and 88 units	13,656 SF per acre; and 6.3 units per acre





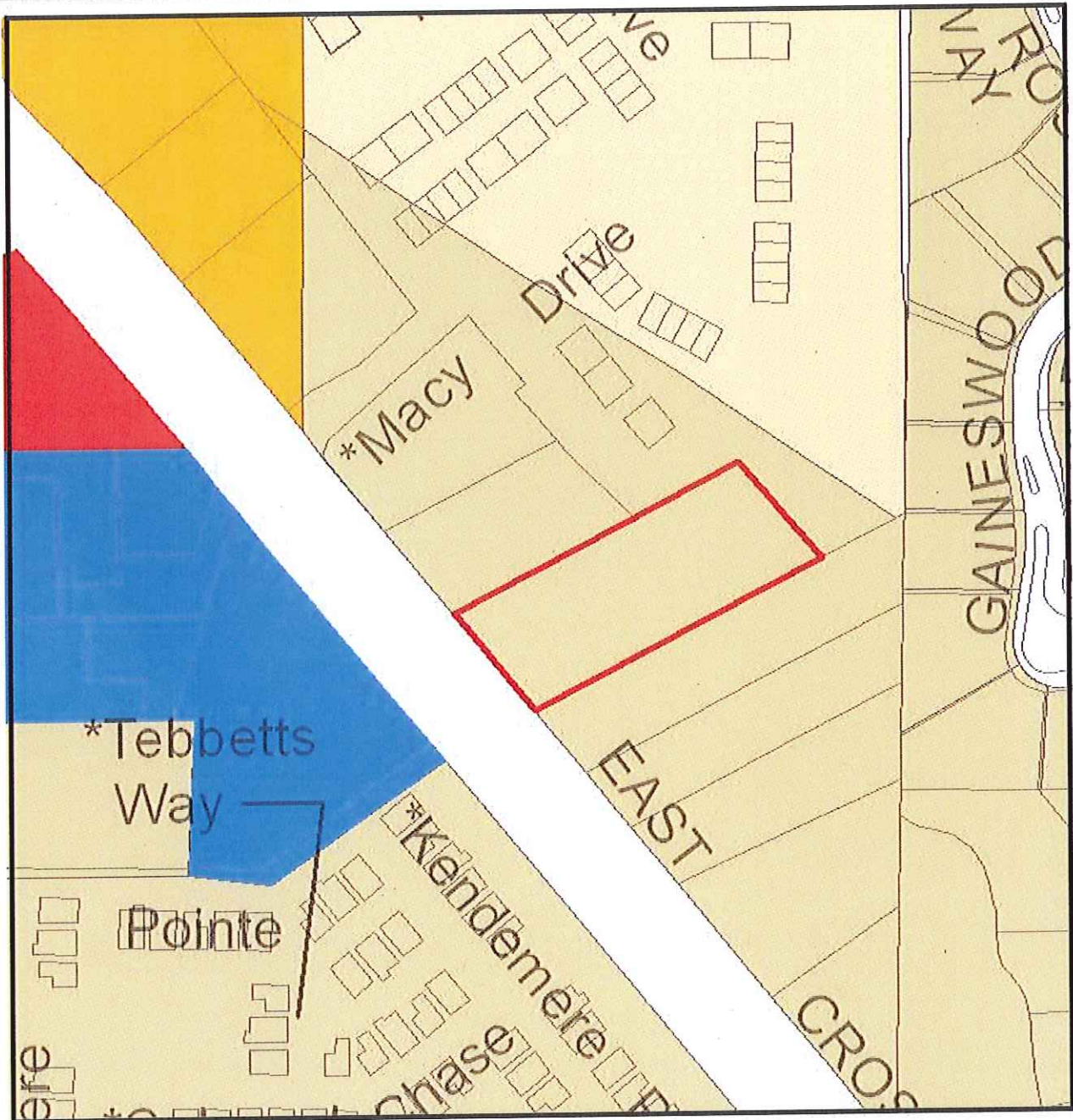
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Aerial

40 E Crossville Road

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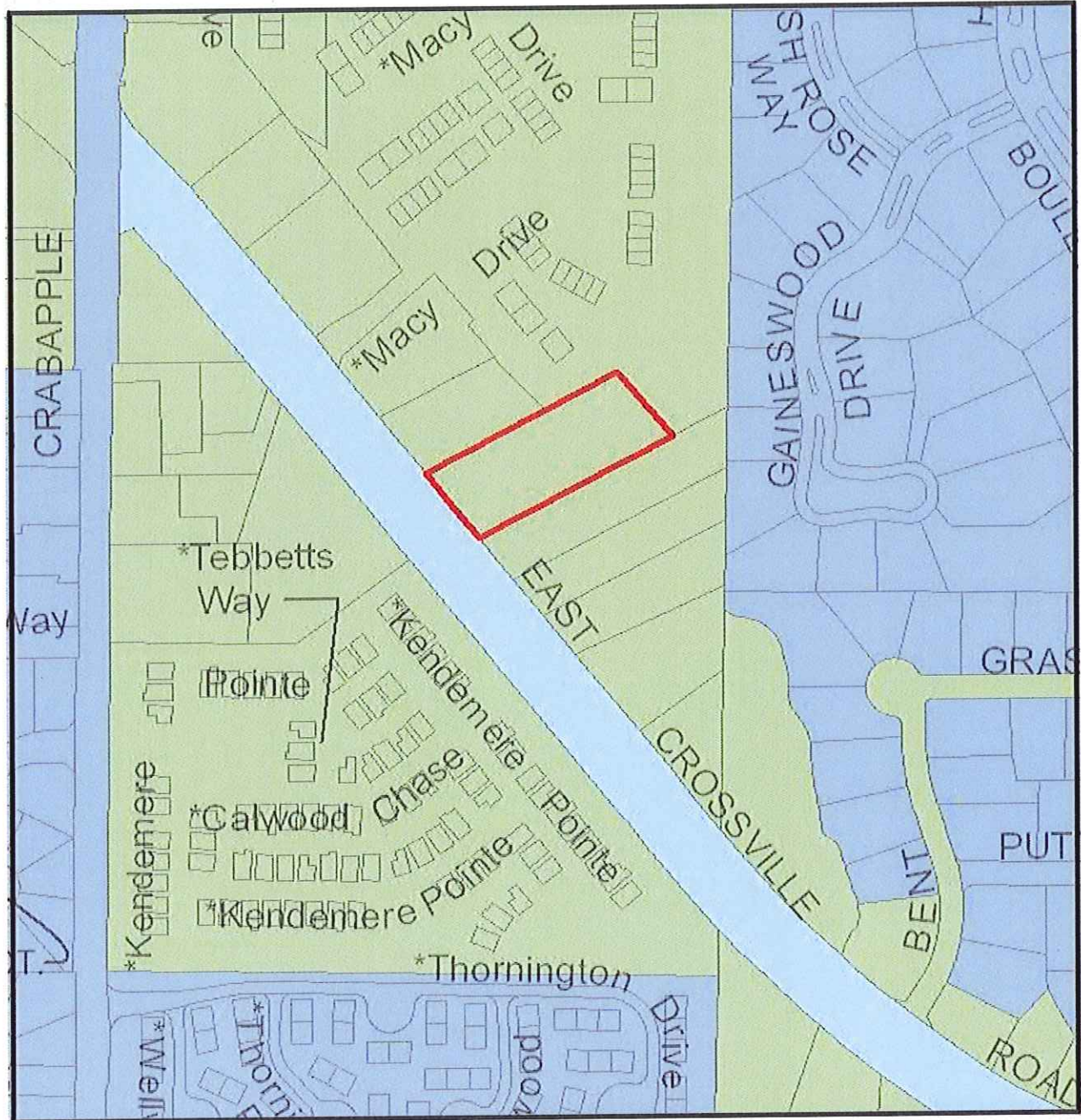
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## Zoning

- 40 E Crossville Road
- C-2 - Neighborhood Commercial District
- C-3 - Highway Commercial District
- O-P - Office - Professional District
- R-1 - Single-Family Residential District
- R-1-PV - Single Family Residential/Parway Village

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## Future Development

40 E Crossville Road

### Future Development Category

- Highway 9/Alpharetta Highway Corridor Commercial
- Parkway Village District Overlay
- Suburban Residential

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View of property



View of property

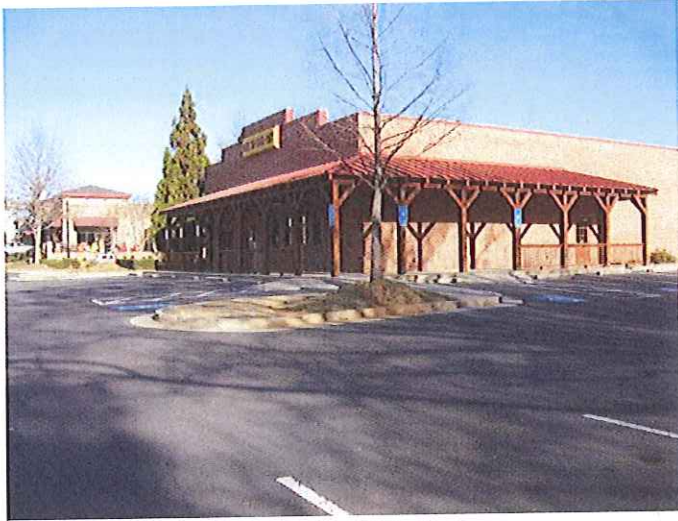


View of the property

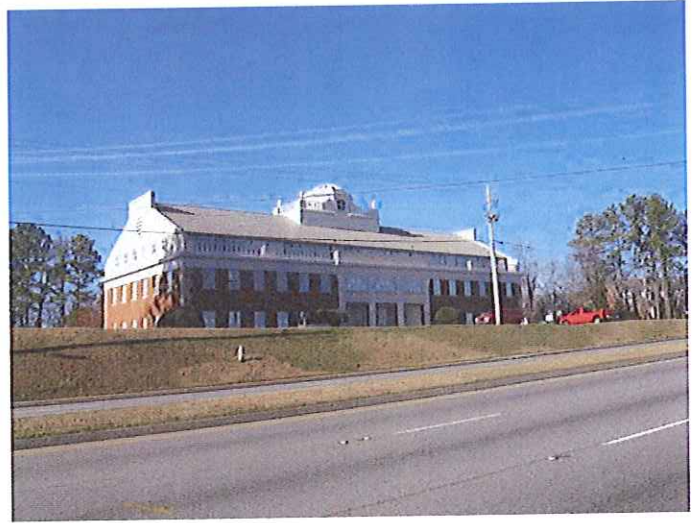


View of the property

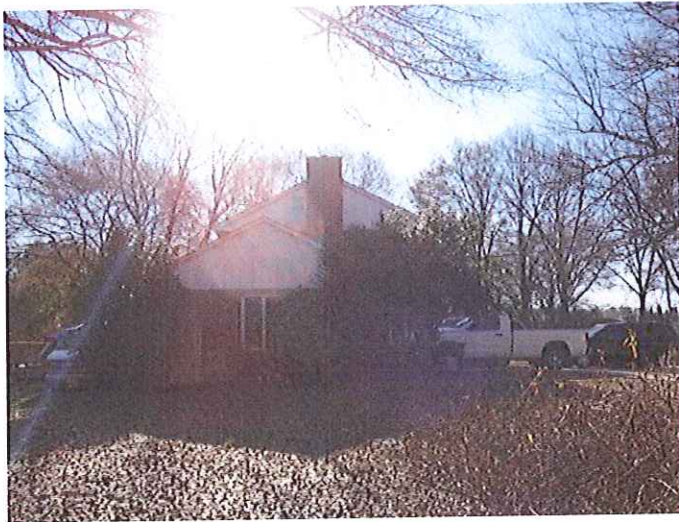




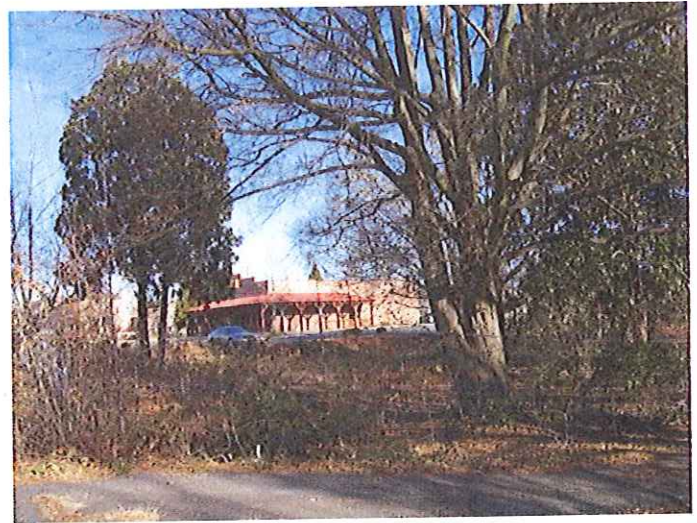
View of Slopes Restaurant to the west



View of church across Crossville Road



View of a single family home to the east

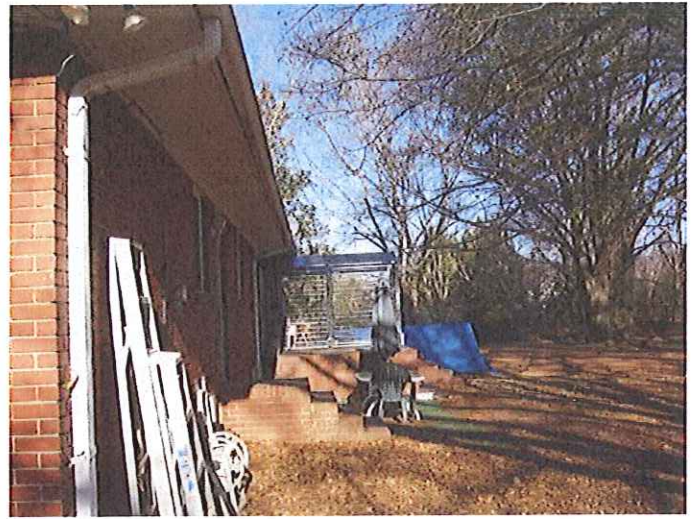


View of Slopes property to west





View of property



View of property



View of property



View of the property







## **SITE PLAN ANALYSIS**

The proposed site plan indicates using the existing house to convert to a veterinary clinic. The existing structure contains 2,187 SF. The site plan proposes a new driveway to go around to the rear of the property for a parking area in the rear of the structure. The plan shows 9 parking spaces for the clinic. The proposed plan indicates removing the two sheds and tent located along the northwestern side property line.

*A revised site plan was submitted on February 28, 2012 which indicates proposed bio-retention and proposed channel protection as required by the Public Works/ Environmental Department. The revised site plan also shows the removal of 30' of asphalt on the driveway located on the northwestern side property line.*

*A proposed buffer reduction plan was submitted on February 28, 2012 which shows the possibility of reducing the 40' required buffer on the northwestern property line. A letter addressing this issue was submitted on February 28, 2012.*

Section 12.2.12 of the Roswell Zoning Ordinance states adaptive reuse administrative approval for homes in the Parkway Village District. This structure could not receive an adaptive reuse approval because a veterinary clinic is not a permitted use in the district.

## **DRB/HPC comments and Design Guidelines**

The Design Review Board heard this item at their January 3, 2012 meeting. The board had the following comments:

1. Meet with the City Arborist to save the trees in the rear.
2. A concern regarding the permeable pavers and the water quality management.

## **LANDSCAPE PLAN ANALYSIS**

The site contains 11 specimen trees which are a variety of oak and dogwood. The site also contains maple, cherry, sweet gum, oak, and apple trees which do not meet the specimen tree size. There will be two oak trees located behind the structure that will be impacted due to the driveway around the house and the new parking area. The proposed landscape plan indicates planting Virginia Pine, Japanese Cryptomeria, American Holly, Deodar Cedar and Emerald Green Arborvitae and a variety of shrubs on the property.

## **VARIANCE CONSIDERATIONS**

The applicant is requesting three variances with the proposed rezoning.

1. A variance to the fifty foot setback requirement abutting the northern property line from 50' to 43'. The northern property line abuts the office complex and the vacant land owned by Slopes restaurant.
2. A variance to the required 40' buffer along the southern property line from 40' to 10'. This will allow for the new proposed driveway to go around the existing structure to the rear of the property.
3. According to Section 10.8 of the Roswell Zoning Ordinance, animal hospitals and veterinary clinics shall have all structures and activities located at least one hundred (100) feet from any property zoned or used for residential purposes. The existing structure does not meet the 100' requirement along the eastern property line abutting the home.

## DEPARTMENT COMMENTS

City of Roswell Environmental Department	<ul style="list-style-type: none"><li>• The revised plan received on 2-28-12 has the bio-retention, detention and channel protection shown and a design note on the plans as requested.</li></ul>
City of Roswell Engineering Division	<p>Show critical root zone for specimen trees on grading and erosion control plans. Provide GASWCC erosion control checklist with LDP plan submittal.</p> <p>2. LDP application will also require a stormwater concept letter from Danelle Volpe.</p> <p>3. All driving surfaces are required to be a dust-free pavement per Section 17.1.6(a)(b)</p> <p>4. Lighting shall comply with Section 17.1.6(c)</p> <p>5. All site improvements shall comply with ADA.</p> <p>6. Address solid waste requirements. If a dumpster pad is required it will need a dry well to intercept the runoff from the pad.</p> <p>7. Natural buffer to remain undisturbed and replanted to buffer standards as necessary.</p> <p>8. For a single row of ninety (90) degree head-in parking, the minimum depth for a parking space plus the width of the aisle shall be forty-two (42) feet per Section 17.3.7.</p> <p>9. Minimum width for one-way non-residential driveway is 14 feet and 24 feet for a two-way driveway.</p> <p>10. Impact to 34" Oak at driveway entrance needs to be addressed.</p>
Fiscal Impact	Not applicable
Archaeological	Not Applicable
City of Roswell Fire Department	<ul style="list-style-type: none"><li>• This is a change of occupancy and the building will have to comply with the current edition of the Life Safety Code for the intended use.</li></ul>
City of Roswell Transportation Department	<ul style="list-style-type: none"><li>• The existing driveway shall be upgraded to GDOT commercial driveway standard. Contact GDOT for commercial driveway permit and specifications.</li><li>• Consider sidewalk connectivity between the existing sidewalk along East Crossville Road/SR 92 and the clinic building.</li><li>• After issuance of the Land Disturbance Permit, obtain right-of-way encroachment permit from Transportation Department utility coordinator John Wooten at 770-594-6108 (direct) 6420 (Main)</li></ul>
Georgia Department of Transportation	The applicant will need to contact GDOT



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City of Roswell Arborist &  
Landscape Architect

- Tree Removal permit cost: 1.8 ac = \$90.00
  - Change Critical Root Zone (CRZ) to 1.5 times diameter at breast height. Currently shown as one times DBH. Example 44" dbh x 1.5 = 66 feet
  - Recommend reducing shrub planting in CRZ of specimen trees.
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## CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted on December 6, 2011.

Revised plans submitted on February 28, 2012. The revised plan indicates the removal of 30' asphalt from the driveway on the western side property line and the proposed bio-retention and channel protection areas required by Public Works/Environmental Department.

A buffer elimination plan was submitted on February 28, 2012. This shows a reduction in or/elimination of the forty foot required buffer on the western side property line abutting Slopes.

## 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 proposed veterinary clinic may be a suitable use related to the existing uses surrounding the subject property.

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

The proposed veterinary clinic may not adversely affect the existing use or usability of nearby properties.

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

The property can currently be used for residential. Any other type of use would require a process through the city. The property does have economic value as it is currently zoned.

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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 proposed request for a veterinary clinic on Highway 92 may not cause a burdensome use on the existing streets, transportation facilities or utilities. The proposed request does not involve the schools.

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*5. Whether the zoning proposal is in conformity with the policies and intent of the 2030 Comprehensive Plan.*

The Future Development Map within the 2030 Community Agenda shows this property to be located within the Parkway Village corridor for development.

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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 Parkway Village District contains both residential and commercial uses

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

There is one residential structure on the property and it is zoned R-1/PV (Single Family Residential/Parkway Village).

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*8. Existing uses and zoning of nearby property. (See page 5).*



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

Without going through the rezoning or the Parkway Village process, the value for the home is based under the R-1 zoning classification.

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

The property can be used in accordance with the existing R-1 (Single Family Residential) regulations.

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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.*

An appraisal would need to be completed to determine whether the value of the property is diminished due to the home remaining for single family use.

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

An appraisal would need to be completed to determine the value of the property under the O-P zoning district.

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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 is being used as a home currently; therefore, it is a suitable use under the existing R-1 zoning classification.

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

A veterinary clinic is a suitable use under the O-P zoning district with a conditional use approval by the Mayor and City Council. The rezoning request with the conditional use request would permit the veterinary use at this site.

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

The property is currently occupied by the property owner.

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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.*

The application states that the owner has attempted to sell the property over the last few years which included trying to sell as an assemblage at one time.

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

The proposed zoning will not create an isolated zoning district. The properties across Crossville Road are zoned O-P. The properties to the west are used for office and commercial uses even though the underlying zoning may not be a commercial zoning classification.

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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 idea of the Parkway Village District is to combine properties in order to develop tracts 7 acres or larger. There are a number of parcels remaining within the district which would need to combine with other tracts to create 7 acres or more.

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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.*

Most of the uses surrounding the subject property are office or commercial; however, there is a residential townhome development across Crossville Road and a single family home to the south. The proposed request may not be a deterrent to the value of the existing surrounding uses.

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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.*

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The addition of a parking lot area will require the applicant to comply with the stormwater requirements and all other engineering requirements.

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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.*

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The idea of the Parkway Village District is to combine properties in order to develop tracts 7 acres or larger. There are a number of parcels remaining within the district which are their own parcel. The rezoning of this property to O-P changes the overall zoning scheme which was to combine parcels of land together; however, the property is to be used as an office type use with little change to the property, so in the future it could still be combined with other parcels of land.

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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.*

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The current structure abuts commercial uses on two sides and across Crossville Road. It does abut a single family home to the south and there are townhomes also located across Crossville Road. The applicant is requesting variances to the setback and buffer due to the current location of the structure on the property.

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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.*

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The existing O-P (Office Professional) zoning within the Parkway Village district contains existing offices. Even with the existing O-P in the district, the applicant would still be required to request a conditional use from the Mayor and City Council.