

Rezoning Staff Report

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I. PROJECT INFORMATION

Petition Number	RZ09-15
Project Name	1385 and 1389 Old Riverside Road
Property Location	1385 and 1389 Old Riverside Road Land Lot 575
Property Size	0.85 acres
Existing Zoning	FC-Ac (Fulton County Annexed conditioned 90-43)
Proposed Zoning	FC-Ac
Owner/Petitioner	Taylor Howerton
Action Requested	Remove condition from previous Fulton County rezoning that restricts property to one driveway.

II. COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

RZ09-15 – Approval

A. RECOMMENDED STAFF CONDITIONS

It is recommended that this rezoning be approved with the following conditions:

1. The owner/developer shall develop the property in substantial accordance with the site plan prepared by BH & D Engineering, Inc., stamped "Received October 6, 2009 City of Roswell Community Development Department," and consistent with these recommended conditions.
2. A division plat shall be submitted to the City of Roswell and recorded prior to any permits being issued.

RECOMMENDED PLANNING COMMISSION CONDITIONS

The Planning Commission recommended approval during their December 15, 2009 hearing with staff recommendations.

DESIGN REVIEW BOARD COMMENTS

Not applicable for single family development outside of Historic District.

III. ASSESSMENT

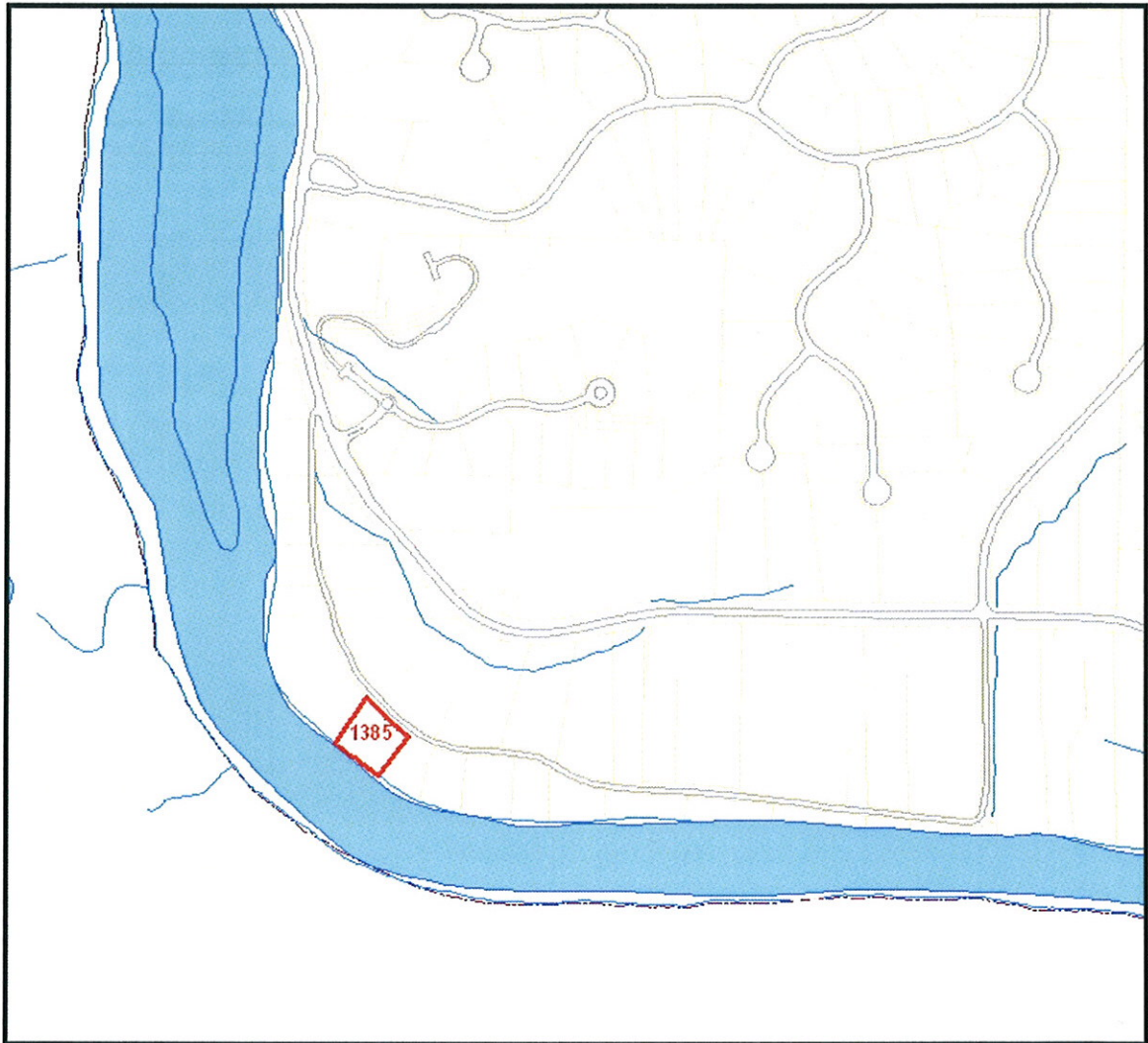
A. SITE PLAN ANALYSIS

The applicant is requesting to remove a condition from a previous rezoning that restricts the property to one driveway. Currently the property has two single-family residences on a single parcel. The subject property is located on the south side of Old Riverside Road adjacent to Chattahoochee River. The applicant is proposing to construct a drive-way for the structure so that it does not have to cross the adjacent property for access. The applicant has indicated that if this change in the rezoning is approved, they will be submitting a division plat to make it a separate parcel.

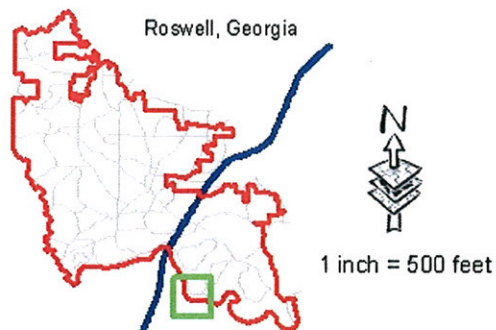
The subject property was annexed from Fulton County to the City of Roswell in 1999. The property was zoned Agricultural (AG-1) under Fulton County regulations which is equivalent to E-2 (Single Family Residential). The property is currently zoned FC-A (Fulton County Annexed). There are pre-existing planning or zoning conditions on the property.

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

1385 Old Riverside Road Location Map



Location Map

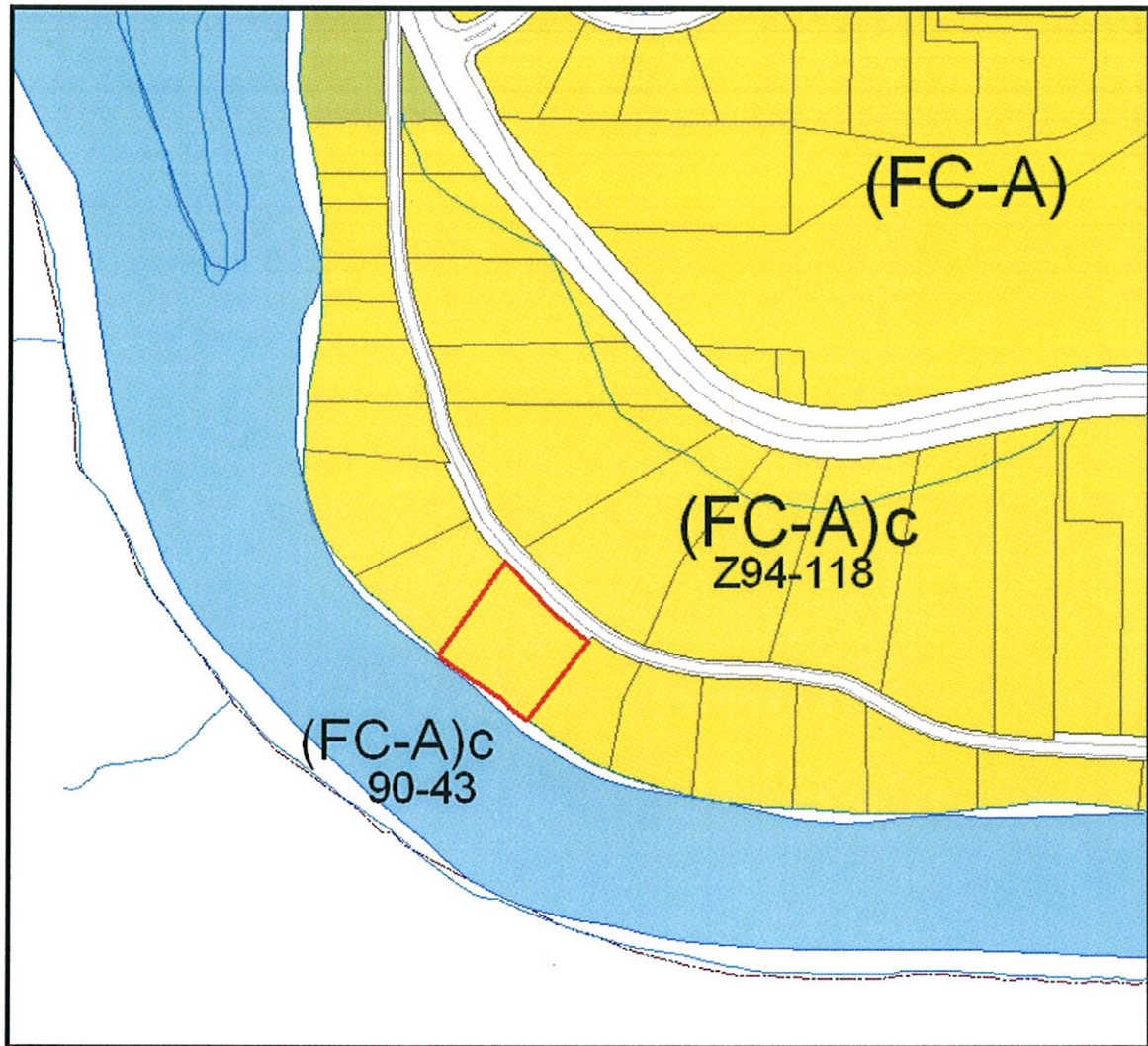


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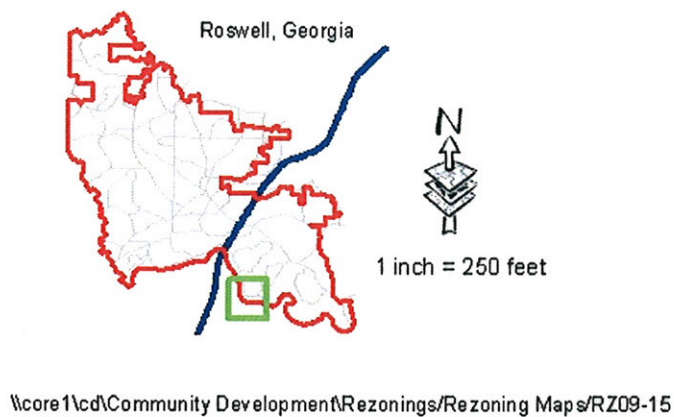
- Chattahoochee River
- RZ09-15
- Streams
- Streets
- City Limits

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1385 Old Riverside Road Zoning Map



Zoning Map

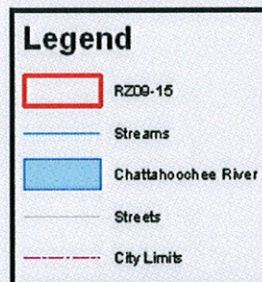
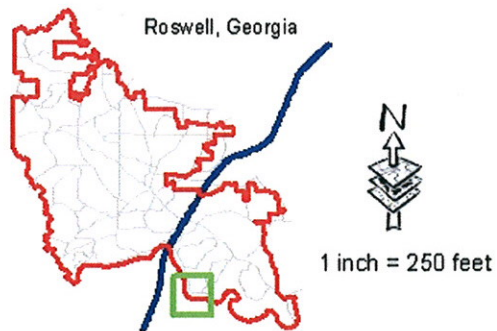


Legend			
	RZ09-15		C-3
	Stream		B-1
	Chattahoochee River		B-2
	City Limits		B-3
	(FC-A)		B-4
	C-1		B-4A
	C-2		B-5
			O-P
			OCBG
			PV
			R-1
			R-1-PV
			R-2
			R-3
			R-4
			R-4A
			R-5
			R-PV
			R-TB

1385 Old Riverside Road
Location Aerial Map

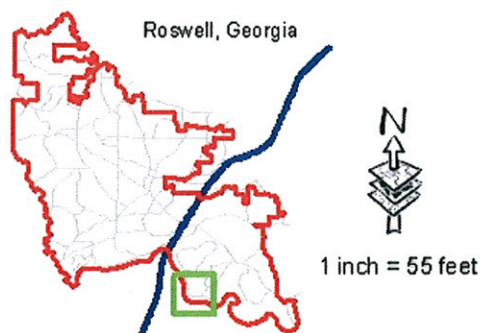


Aerial Map



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1385 Old Riverside Road Site Aerial Map

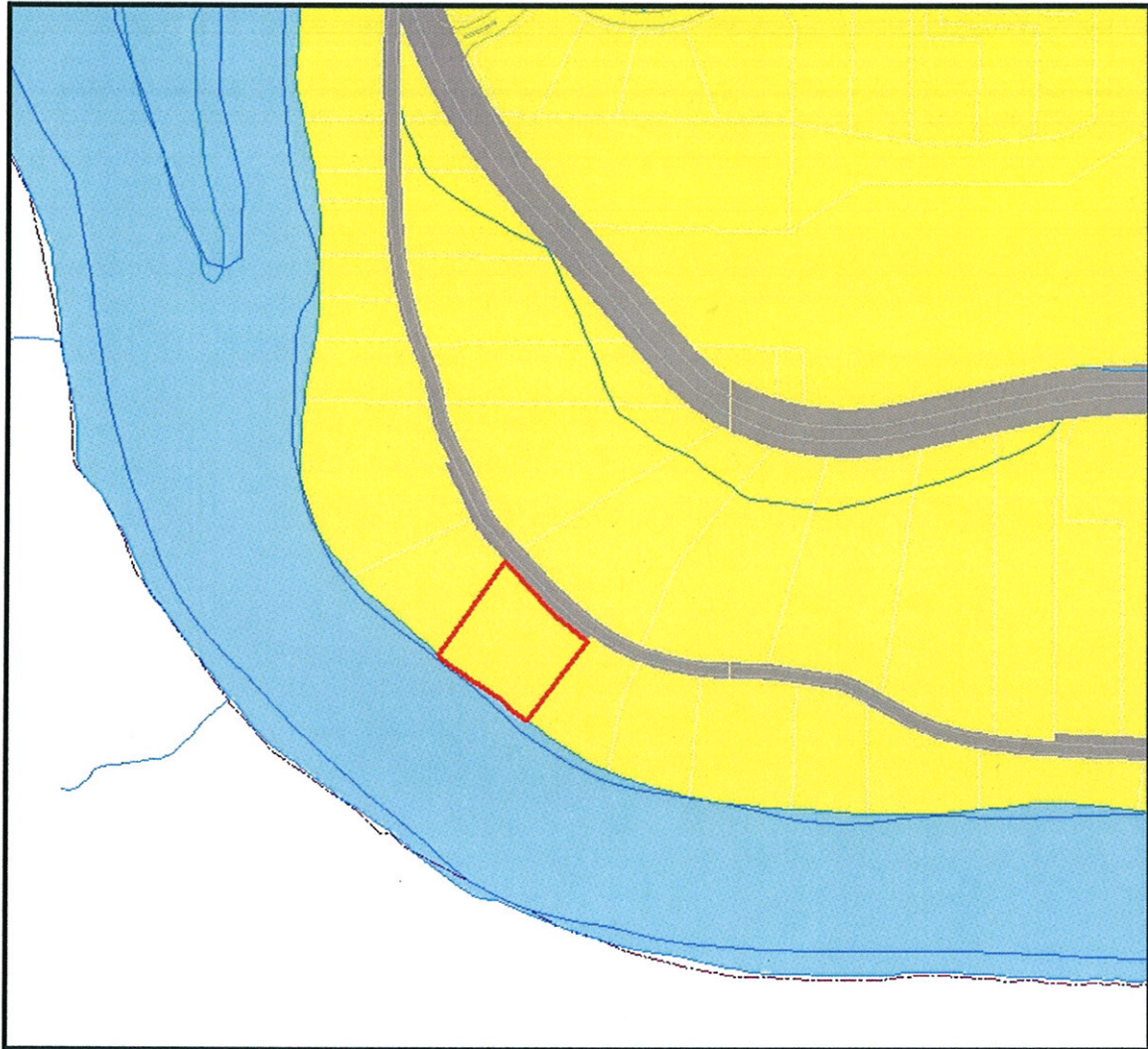


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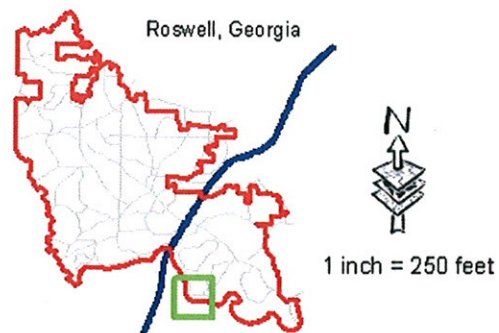
Site Aerial Map



1385 Old Riverside Road Future Land Use Map



Future Land Use Map



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B. DESIGN GUIDELINES

Not required for single family residential.

C. LANDSCAPE PLAN ANALYSIS

Not required for single family residential; however, if the proposed car port is constructed a 7' and 17" hardwood would be removed from the site.

D. TRANSPORTATION

- No comment

E. ENGINEERING

- No comment

F. ENVIRONMENT

- No comment

G. FIRE

- No comment

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 subject property was annexed from Fulton County to the City of Roswell in 1999. The property was zoned Agricultural (AG-1) under Fulton County regulations which is equivalent to E-2 (Single Family Residential). The property is currently zoned FC-A (Fulton County Annexed). There are existing zoning conditions on the property under Fulton County petition #Z90-0043.

Condition #3A states the following..."No more than 1 exit/entrance on Riverside Road. Access for both homes shall be shared. Curb cut location and alignment are subject to the approval of the Fulton County Traffic Engineer."

V. CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted – October 6, 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 property is presently used a single family residence and this will not change.

- 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 is similar to those presently existing on adjacent parcels. This should pose no adverse effects on the existing adjacent 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)).**

The property is presently zoned FC-A, with an economic viability as a single family residence on the Chattahoochee River.

- 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 request will not result in a use that would be burdensome to the 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 comprehensive plan indicates that the property shall be low density residential. The proposed use is in conformity with the 2025 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))**

There are no existing conditions that affect this proposal.

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

The property is presently zoned FC-A (Fulton County Annexed). The property was annexed into the City of Roswell when it was previously zoned R-3 (Single Family Residential) under

Fulton County jurisdiction. The property retained all the rights and privileges of this zoning classification.

8. Existing uses and zoning of nearby property.

Location in relation to subject property	Zoning	Land Use	Acreage	Density
North	FC-A	Single Family Residential	1.44	.69 upa
South	N/A	N/A	N/A	N/A
East	FC-A	Single Family Residential	.46	2.17 upa
West	FC-A	Single Family Residential	.49	2.04 upa

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

The application does not indicate what the existing value of the subject property is under the FC-A zoning classifications.

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

The current regulations restrict the property to a single family dwelling.

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 of the property would have to be completed to determine whether the subject property is diminished due to the existing zoning classifications.

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

An appraisal of the property would have to be completed to determine the value of the subject property under the respected zoning district classification.

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

The property is presently zoned FC-A, with an underlying R-3 zoning classification.

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

The proposed development would be a suitable use under the residential zoning district.

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

The property has been used as a single family residence for an unspecified period of time.

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 submitted by the applicant does not indicate what efforts may have been taken by the property owner to sell or use the property under the existing zoning.

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

The proposed residential zoning will not create an isolated district, due to neighborhood development.

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 proposed development is already within an established residential setting and the changes will not affect the character of the area.

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.

Based on the information provided by the applicant, there is no indication of a deterrence to the value of adjacent property.

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

The site is relatively flat with there will be no net gain of impervious area with the removal of existing gravel and installation of new gravel.

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

Although the property is zoned FC-A with an underlying zoning of R-3, the site has already been developed as a single family dwelling. The 2025 Comprehensive Plan shows the area as low density residential.

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.

The subject property is adjacent to Chattahoochee River and is established within a residential setting. The neighborhood will be preserved with the proposed changes to the driveways by the applicant.

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.

None

RZ/Staff Reports/2009/RZ09-15