

Rezoning Staff Report

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I. PROJECT INFORMATION

Petition Number	RZ09-09
Project Name	Taylor House Salon
Property Location	66 Woodstock Land Lot 388
Property Size	.57 acres
Existing Zoning	C-2c (Neighborhood Commercial)
Proposed Zoning	C-2 (Neighborhood Commercial)
Owner/Petitioner	Tara Taylor
Action Requested	The applicant is requesting a change to the conditions from the 1999 approval. The applicant would like other uses allowed in C-2 added to this location.

II. COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

RZ09-09 - Approval

A. RECOMMENDED STAFF CONDITIONS

The proposed rezoning shall be approved subject to the following conditions.

1. All permitted uses in the C-2 zoning district excluding convenience stores without fuel pumps; and the personal service establishments shall be limited to a hair salon only.

RECOMMENDED PLANNING COMMISSION CONDITIONS

The Planning Commission recommended denial during their September 15, 2009 hearing.

DESIGN REVIEW BOARD COMMENTS

This item did not require the Design Review Board.

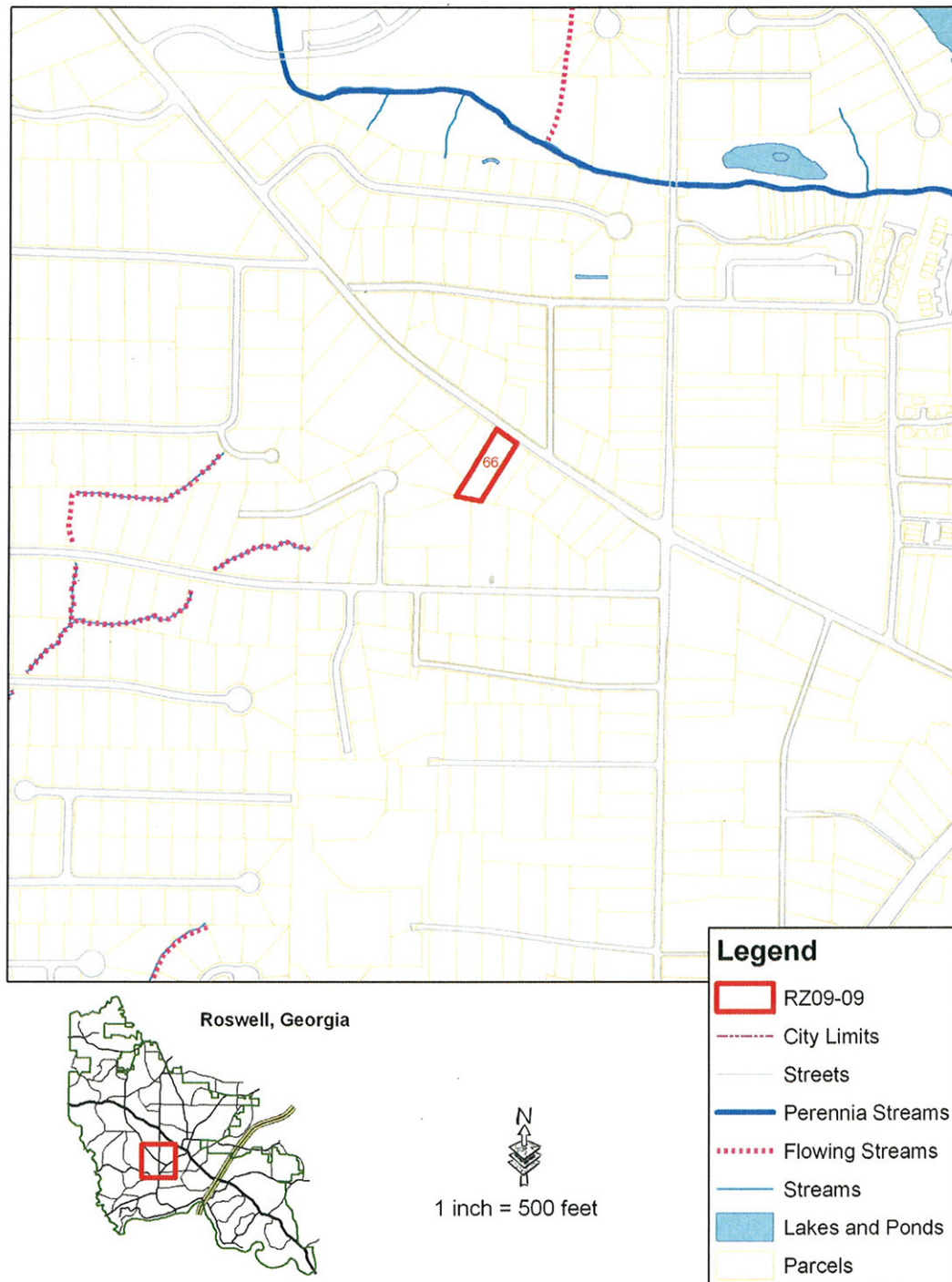
III. ASSESSMENT

A. SITE PLAN ANALYSIS

The applicant is requesting a change of conditions from the original 1999 approval. The property is currently restricted to a hair salon. The applicant is requesting the removal of that condition to allow for other uses which are permitted in the C-2 zoning district. The property is located at 66 Woodstock Street. The structure contains 1,368 square feet. The parking area is gravel and not striped. The parking area is gravel to limit the runoff from the site. Sixteen to seventeen cars can be parked at this site randomly. The properties on either side are both zoned O-P (Office Professional) and are used as an investment office and architectural office.

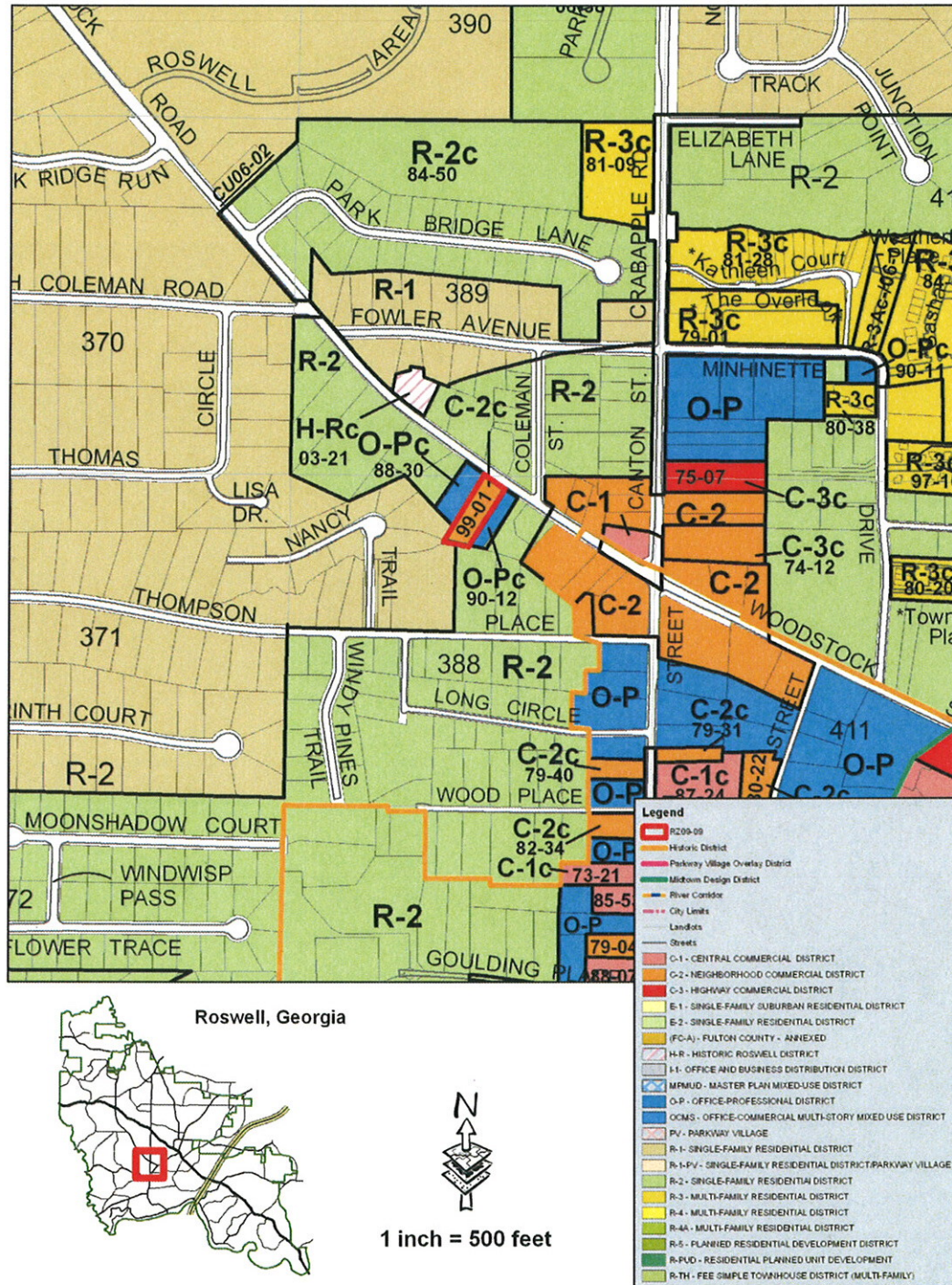
The following maps are provided: Location Map, Zoning Map, Location Aerial Map, Site Aerial Map and a Future Land Use Map.

66 Woodstock Street Location Map



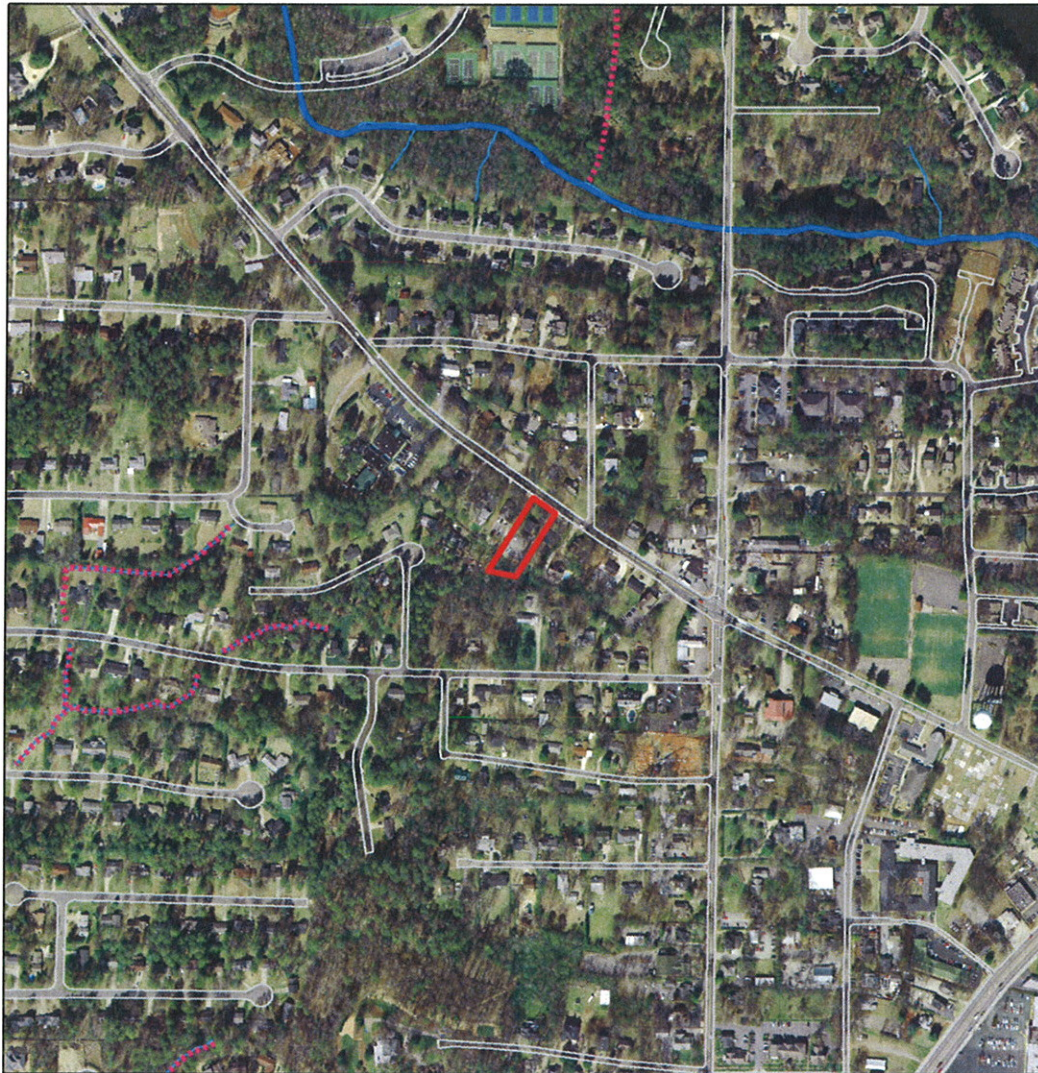
\\Poseidon\comdev\Community Development\Rezoning\Rezoning Maps\RZ09-09\RZ09-09 Location Map

66 Woodstock Street Zoning Map



\\Poseidon\\comdev\\Community Development\\Rezoning\\Rezoning Maps\\RZ09-09\\RZ09-09 Zoning Map

66 Woodstock Street Location Aerial Map




Roswell, Georgia



1 inch = 500 feet

Legend

-  RZ09-09
-  City Limits
-  Streets
-  Perennia Streams
-  Flowing Streams
-  Streams

\\Poseidon\comdev\$\Community Development\Rezoning Maps\Rezoning Maps\RZ09-09\RZ09-09 Aerial Map

66 Woodstock Street Site Aerial Map



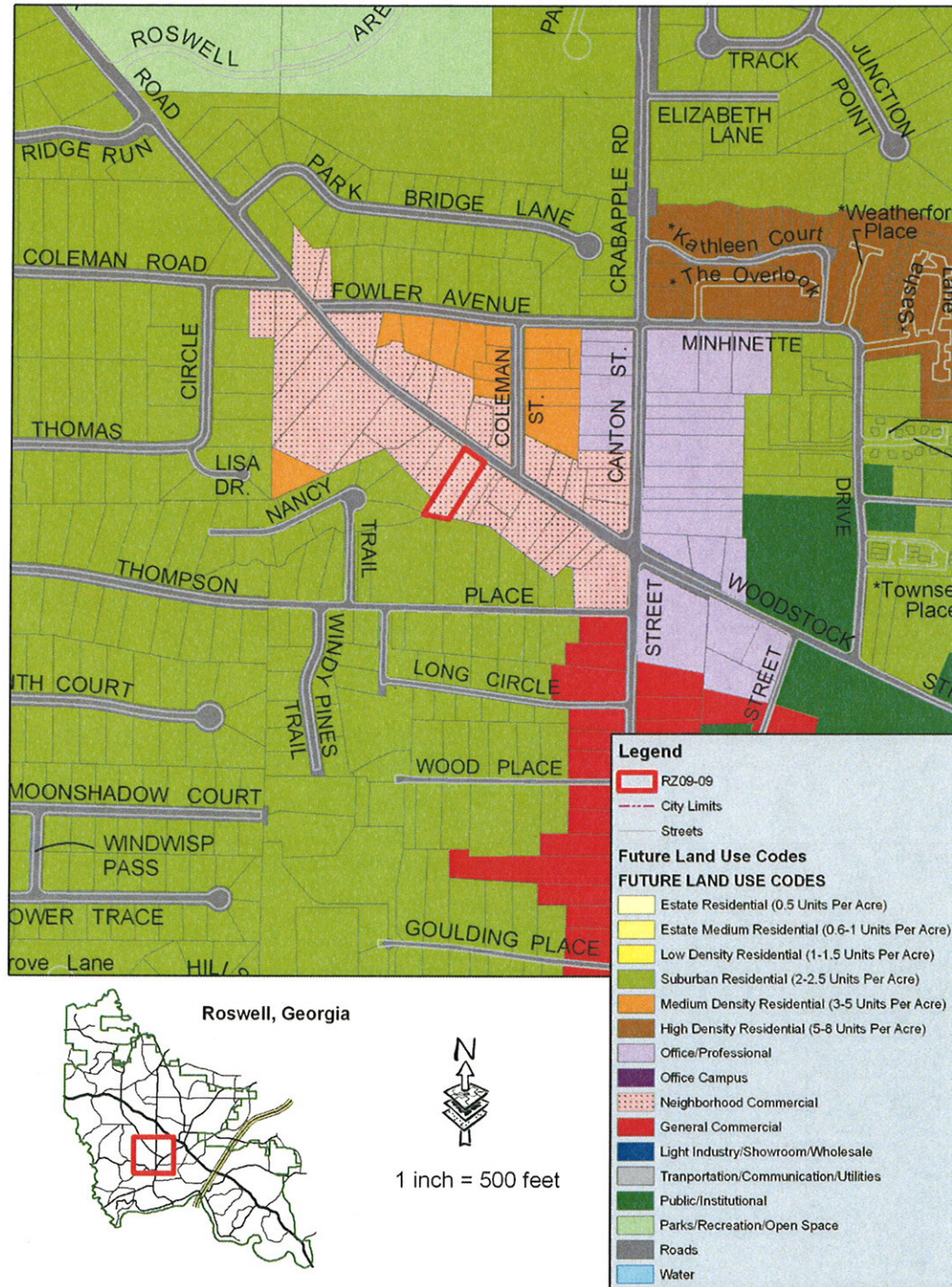
N
1 inch = 250 feet

Legend

-  RZ09-09
-  City Limits
-  Streets
-  Perennia Streams
-  Flowing Streams
-  Streams

\\Poseidon\comdev\$\Community Development\Rezoning Maps\Rezoning Maps\RZ09-09\RZ09-09 Aerial Map B

66 Woodstock Street Future Land Use Map



\\Poseidon\\comdev\\Community Development\\Rezoning\\Rezoning Maps\\RZ09-09\\RZ09-09 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

- If approved, an inspection will be done at the time of a business license.

H. PARKS

- Not required

I. FISCAL IMPACT

- Not required

J. ARCHEOLOGICAL

- Not required

K. TRAFFIC STUDY

- Not required

IV. HISTORY (Listing of prior actions)

The subject property was rezoned in 1999 under RZ99-01 by the Mayor and City Council on March 8, 1999. The property is subject to the following conditions.

1. The developer shall dedicate sufficient right-of-way to allow for 42 feet from the centerline, as required by the Engineering Division Manager; right-of-way to be submitted to the Director of Community Development Department prior to the issuance of a development permit.

2. The developer shall install detention facilities, as required by the Engineering Division Manager.

Prepared by the City of Roswell Community Development Department for the Mayor and City Council Meeting on October 12, 2009.

3. All outdoor lighting to be high pressure sodium, installed so as to prevent direct illumination of adjacent properties.
4. The property is to be developed in substantial accord with the site plan entitled "Survey and Site Plan for Robert Taylor" by Bates, Long and Associates and stamped "received December 11, 1998, City of Roswell Community Development Department.
5. Revised site plan, incorporating all conditions of zoning and in compliance with all minimum dimensional requirements, to be submitted to the Zoning Director prior to the issuance of a development permit.
6. The developer shall install a five (5) foot brick sidewalk and entrance/exit way as approved by the Engineering Division Manager.
7. Parking surface to be asphalt or concrete, or as approved by the Engineering Division Manager.
8. Historic District Guidelines will apply to the building, landscaping, signs (including size) and brick sidewalks and shall be reviewed under those guidelines by the Design Review Board.
9. The use of the property is to be restricted to a beauty shop.

V. CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted – June 26, 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 rezoning is for a change of conditions. The property is presently zoned C-2 conditional, but only allowing for a hair salon. The applicant is requesting that condition be removed.

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 request to change the condition to allow for more of the C-2 uses 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)).**

The property is zoned C-2 (Neighborhood Commercial) and will remain C-2. The request is to change the condition to allow for other uses at the site.

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 property will remain zoned C-2 and that is in conformity with 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 applicant is requesting to remove the condition to allow for other uses in the C-2 zoning district.

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

The property is presently zoned C-2 conditional and is limited to a hair salon.

8. Existing uses and zoning of nearby property.

Location in relation to subject property	Zoning	Land Use	Acreage	Density
North	R-2	Single family home	.32 acres	3.1 upa
South	R-1 and R-2	Single family homes	1.1, .45, 1.1 and .58 acres	.9 upa; 2.2 upa; .9 upa and 1.7 upa
East	O-P	Office	.28 acres	6,550 SF per acre
West	O-P	Office	.44 acres	4,393 SF per acre

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

The request is for a change of conditions. The zoning will not change.

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

The current regulations restrict the property to only a hair salon. This will allow other C-2 uses to be allowed at the property.

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

The request to change a condition will not change the zoning on the property.

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

The request to change the condition will not change the zoning on the property.

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

The property is zoned C-2 (Neighborhood Commercial) and that will not change.

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

The subject property is zoned C-2 (Neighborhood Commercial) and the uses under C-2 are suitable at this location.

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

The applicant has indicated that there have been no stylists for approximately 8 months or more; but there may be a few in the next several months.

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 property owner has tried to keep this only as a hair salon; but due to the loss of stylists she would like to add other C-2 uses to the property.

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

The property is currently zoned C-2 conditional.

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.

There would be no change to the character of the district. The property would remain C-2.

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 proposed change of conditions will not be a deterrent to the value of the adjacent properties.

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

Prepared by the City of Roswell Community Development Department for the Mayor and City Council Meeting on October 12, 2009.

A request for the change of conditions will not have an impact on the environment. The site has already been developed.

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

This is for a change of conditions from the approved rezoning. The zoning of the property will not change.

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 is residential located to the rear of the structure; but everything is existing and there are no changes to the site.

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.

This is not a rezoning; but a change of conditions.

Appendix Attachments:

1. Planning Commission minutes
2. Application
3. Letter of intent
4. 1999 minutes
5. Site/survey plan
5. Tree plan

RZ/Staff Reports/2009/RZ09-09rev