



Rezoning Petition No. RZ10-07

HEARING & MEETING DATES			
Design Review Board Meeting	Neighborhood Meeting	Planning Commission Hearing	Mayor and City Council Hearing
N/A	08/19/10	09/21/10	10/11/10
APPLICANT/PETITIONER INFORMATION			
Property Owners	Petitioner	Representative	
RBC Bank	David Oliver/ JAZ Development	David Oliver	
PROPERTY INFORMATION			
Address, Land Lot, and District	595 E Crossville Road Land Lot 467, 1 st District 2 nd Section		
Frontage and Area	274 feet along Crossville Road; 0.628 acres		
Existing Zoning and Use	C-3c (Highway Commercial), vacant building		
Overlay District	Midtown Overlay District		
2025 Comprehensive Future Land Use Map Designation	Office Professional		
Proposed Zoning	C-3 (Highway Commercial District)		
INTENT			

The applicant, David Oliver with JAZ Development, is requesting to change three conditions from the original 1983 rezoning approval. The three conditions requested to be changed are as follows:

1. That the structure would house no restaurant.
2. That the structure would house no alcoholic beverage outlets.
3. At least 50% of the building by gross square footage shall be devoted to office-professional use.

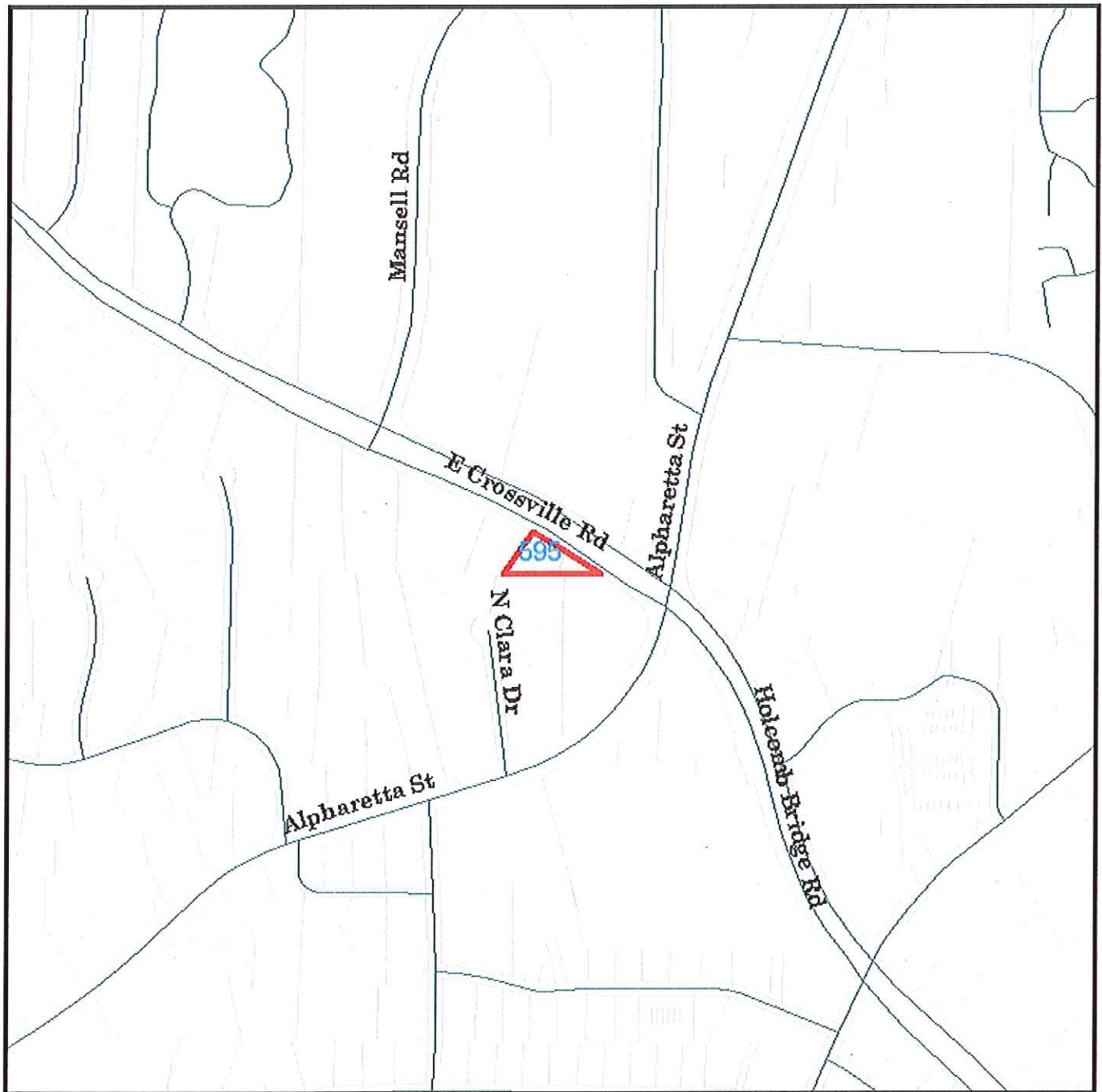
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ10-07 - Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of this rezoning during their September 21, 2010 public hearing with the following conditions.

1. The owner/developer shall be required to review the possibility of inter-parcel access with the Bank of North Georgia.
2. The existing ground sign must come into total compliance with the existing sign regulations prior to the issuance of any business license.
3. No liquor or retail package store will be allowed on this site.



Roswell, Georgia
1 inch = 500 feet

Location Map

Legend

- RZ10-07
- City Limits

\\core1\cd\Community Development\Legistar attachments

STAFF RECOMMENDED CONDITIONS

It is recommended that this application for rezoning RZ10-07 be approved. The request shall be approved with the following conditions. These conditions are being placed on the property to ensure that the applicant meets the parking requirements.

Conditions:

1. Only one tenant space within the building shall be allowed to be used for a restaurant. Such tenant space size shall not exceed a total of 1,500 square feet.
2. Seasonal plantings shall be added to the brick planter located in the front of the building as reviewed and approved by the Design Review Board.
3. The owner/developer shall be required to review the possibility of inter-parcel access with the Bank of North Georgia. Should the Bank of North Georgia agree to the inter-parcel access, a joint access agreement between the two properties must be reviewed by the City of Roswell and recorded with Fulton County prior to the issuance of the first business license.
4. The existing ground sign must come into total compliance with the existing sign regulations prior to the issuance of any business license.
5. No alcohol beverage store will be allowed on this site.
6. At least 50% of the building shall be devoted to office-professional use.

BACKGROUND

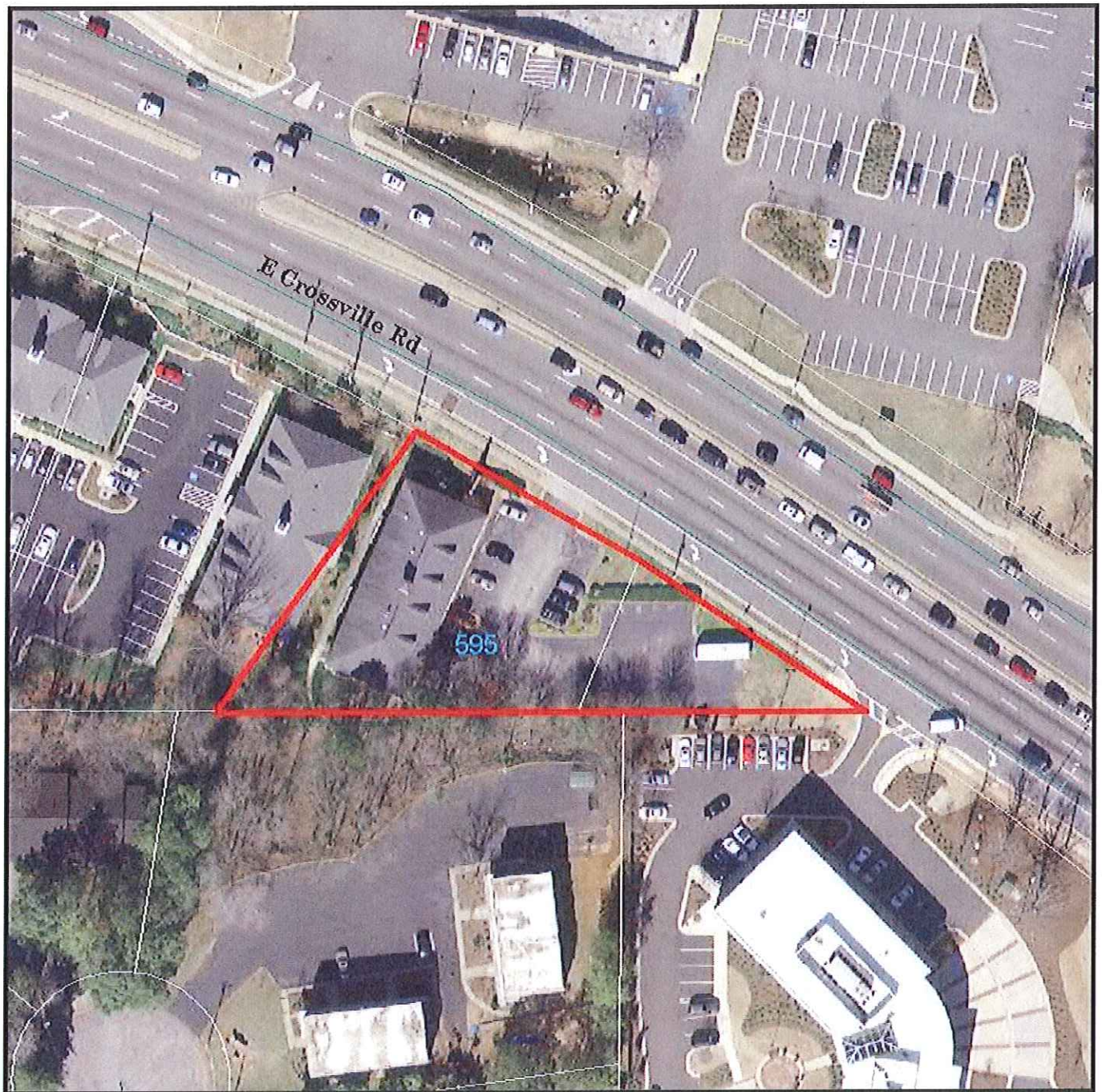
The subject property was rezoned by the Mayor and City Council on March 14, 1983 under rezoning petition RZ83-01. The property is subject to the following conditions.

1. A fifteen (15) foot landscape buffer shall be provided adjacent to the south property boundary.
2. The architectural design shall be in accordance with that shown on the site plan submitted to the Zoning and Inspections Office on January 4, 1983.
3. Improvements to Crossville Road shall be installed by the developer as required by the City Engineer.
4. A sidewalk shall be installed by the developer along the entire frontage of Crossville Road.
5. The subject property shall be developed substantially in accordance with the site plan received by the Zoning and Inspections Office on January 4, 1983. The site plan was prepared by Richard Debban entitled, "Proposed Retail Building for CGFC Partnership." A revised site plan incorporating all the required conditions of zoning shall be submitted to the Zoning Office for review and approval.
6. That the structure would house no restaurant.
7. That the structure would house no alcoholic beverage outlets.
8. At least 50% of the building by gross square footage shall be devoted to office-professional use.

A clarification was made on April 15, 1983 to condition number one, so that it would read "A five foot landscape strip shall be provided to the south property boundary."

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ10-05	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	C-3	C-3	0.6	NA	14,490 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	C-3	Crossville Village Shopping Center	7.7 acres	61,140 SF	7,940 SF per acre
South	O-P	Drake House	1.2 acres	6,400 SF	5,333 SF per acre
East	C-3	Bank of North Georgia	3.95 acres	35,869 SF	9,081 SF per acre
West	O-P/PV	Wilton Center	2.7 acres	47,792 SF	17,700 SF per acre



Aerial Map

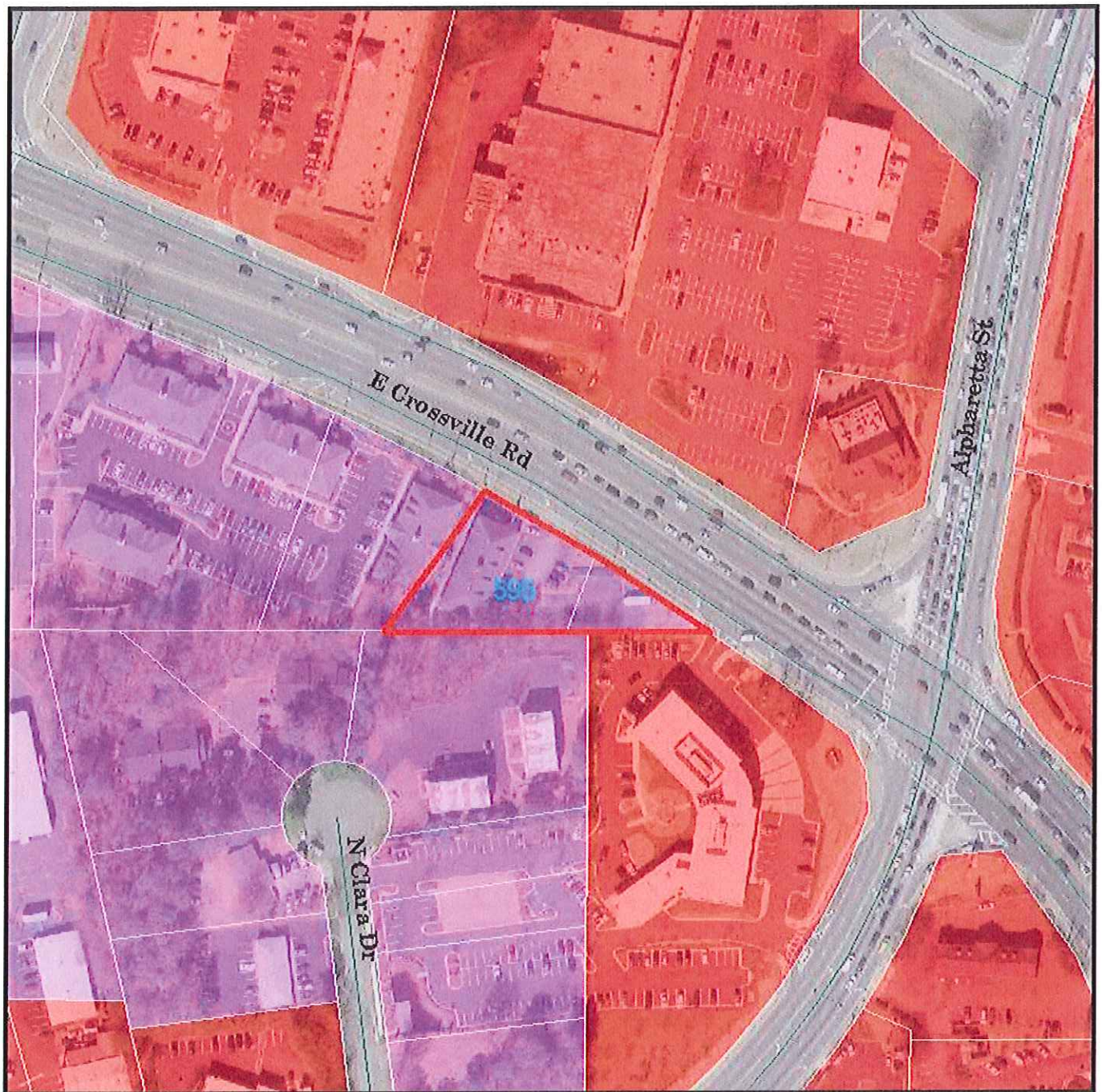


Roswell, Georgia
1 Inch = 75 feet

Legend

- RZ10-07
- City Limits

\\core1\cd\Community Development\Legistar attachments



Future Land Use Map



Roswell, Georgia
1 inch = 150 feet



\\core1\cd\Community Development\Legistar attachments



View of property



View of property



View of property



View of Property



View of the Roswell Beverage Store



View of the Bank of North Georgia



View across Crossville Road



View of the Wilton Center



NOTICE OF REZONING

Petition No:

RZ10-07

Petitioner:

JAZ Development LLC./
David J. Oliver

Location:

595 E. Crossville Rd.

Land Lots:

467

Request:

Change zoning C-3c (Highway Commercial)
conditional to C-3 (Highway Commercial) removal
of conditions.

Public
Hearings:

Neighborhood Mtg. - August 19, 2010
(Room 220) 7:30 p.m.

Planning Commission - September 21, 2010
(Council Chamber) 7:30 p.m.

Mayor & City Council - October 11, 2010
(Council Chamber) 7:00 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

SITE PLAN ANALYSIS

There is an existing vacant building on the property containing 9,100 square feet. There are thirty-eight (38) parking spaces on the site. The property was developed in the mid 1980s. The property was foreclosed in November of 2009. The property is currently owned by RBC Bank.

The applicant is looking to re-establish the building and site for use for office and commercial. With only 38 parking spaces on the site, only a small restaurant or deli would be allowed at this location. With the minimum parking requirement for restaurant of 1 space per 125 SF per the zoning ordinance, a 1,500 SF space in the building would be the largest square footage allowed for a restaurant tenant in order to meet parking requirements.

DRB/HPC comments and Design Guidelines

The applicant went to the Design Review Board in August for approval to change the roof and paint.

LANDSCAPE PLAN ANALYSIS

There are existing trees and landscaping on the site. Most of the trees are located on the side and rear of the property. The front along Crossville Road contains small shrubs and grass. The parking lot area contains a few trees and grass. There is a small brick planter located in the front of the building.

VARIANCE CONSIDERATIONS

Not applicable.

DEPARTMENT COMMENTS

City of Roswell Environmental Department	N/A
---	-----

City of Roswell Engineering Division	N/A
---	-----

Fiscal Impact	N/A
---------------	-----

Archaeological	N/A
----------------	-----

City of Roswell Fire Department	N/A
---------------------------------	-----

City of Roswell Transportation Department	N/A
--	-----

City of Roswell Arborist & Landscape Architect	No Comment
---	------------

City of Roswell Recreation & Parks Department	No Comment
--	------------

CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original Plans submitted on July 2, 2010.

STANDARDS OF REVIEW

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 request is to remove three conditions from the original 1983 zoning. The applicant would like these conditions removed, to allow for a variety of tenants.

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

The request to remove three conditions will not adversely affect the existing or usability of adjacent or nearby properties.

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

The property is zoned C-3 (Highway Commercial). The request is to remove three conditions.

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 property is located on Crossville Road. The request will not cause a burdensome use of existing streets, transportation facilities or schools.

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

The Future Land Use Map identifies the subject property as suitable for Office/Professional; however, the property is zoned C-3 (Highway Commercial) and is located next to the Bank of North Georgia, the Wilton Center and the Humanity House. It is located across the street from the Roswell Beverage Store and the Stony River restaurant.

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 request to remove the three conditions reflects the nature of the surrounding uses. There are now more office and commercial uses compared to 1983.

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

The subject property is currently zoned C-3 (Highway Commercial) and is vacant.

8. Existing uses and zoning of nearby property. (See page 6).

The subject property is surrounded by office and commercial uses. North of the property across Crossville Road is the Crossville Village Shopping Center. South of the property is the Drake House. To the east of the property is the Bank of North Georgia and the Wilton Center office complex is located to the west.

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

The subject property is currently vacant. The applicant indicates that repairs are needed for the building.

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

The property is zoned C-3 conditional (Highway Commercial) and can be used under the C-3 zoning classification.

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 applicant indicates that there can many small retail/restaurants that may be active in the market and the condition to now allow them diminishes the value.

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

The value of the property may increase should the three conditions be removed in order to attract different tenants.

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

The existing C-3 zoning allows for office and retail uses; however, no restaurant use is allowed.

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

The removal of the three conditions will allow the applicant to have the flexibility to attract additional tenants.

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

According to the application, the property went into foreclosure in November 2009 and was vacated soon after that 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.

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

The property is zoned C-3c (Highway Commercial). The request will not create an isolated zoning district.

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 property is zoned C-3 conditional (Highway Commercial). The request is not for a change in zoning.

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 would like to attract some tenants which would be an improvement over a vacant building.

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

The proposal is not for a new structure. It is a request to remove zoning conditions.

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 property is located on Crossville Road, just outside the Parkway Village District. The area has changed over the last twenty years since this property was rezoned.

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 residential neighborhoods adjacent to the property.

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.

Not applicable; this is a request to remove zoning conditions
