



Petition No. RZ11-09, CV11-02

HEARING & MEETING DATES

Design Review Board Meeting	Neighborhood Meeting	Planning Commission Hearing	Mayor and City Council Hearing
N/A	7/21/11	8/16/11	11/14/11

APPLICANT/PETITIONER INFORMATION

Property Owners	Petitioner	Representative
Don Hoyt Spruill Trust	Ashton Atlanta Residential, LLC	Nathan Hendricks

PROPERTY INFORMATION

**Address, Land Lot,
and District** 350 and 370 Rucker Road, Land Lot 1240, Second District, Second Section

Frontage and Area 391.41 feet of frontage on Rucker Road; 8.507 acres

**Existing Zoning and
Use** FC-A (Fulton County-Annexed); Single Family home

Overlay District Not Applicable

2025

**Comprehensive
Future Land Use
Map Designation** Estate Medium Residential - 0.6 to 1 unit per acre

Proposed Zoning R-3A (Multi-Family Residential)

INTENT

The applicant is requesting to develop a single family subdivision containing 28 lots. The applicant is requesting a concurrent variance to the lot width requirement. The lot width requirement in the R-3A district is 80 feet. The applicant is requesting a reduction to 60 feet.

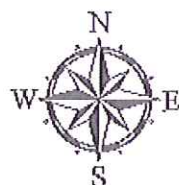
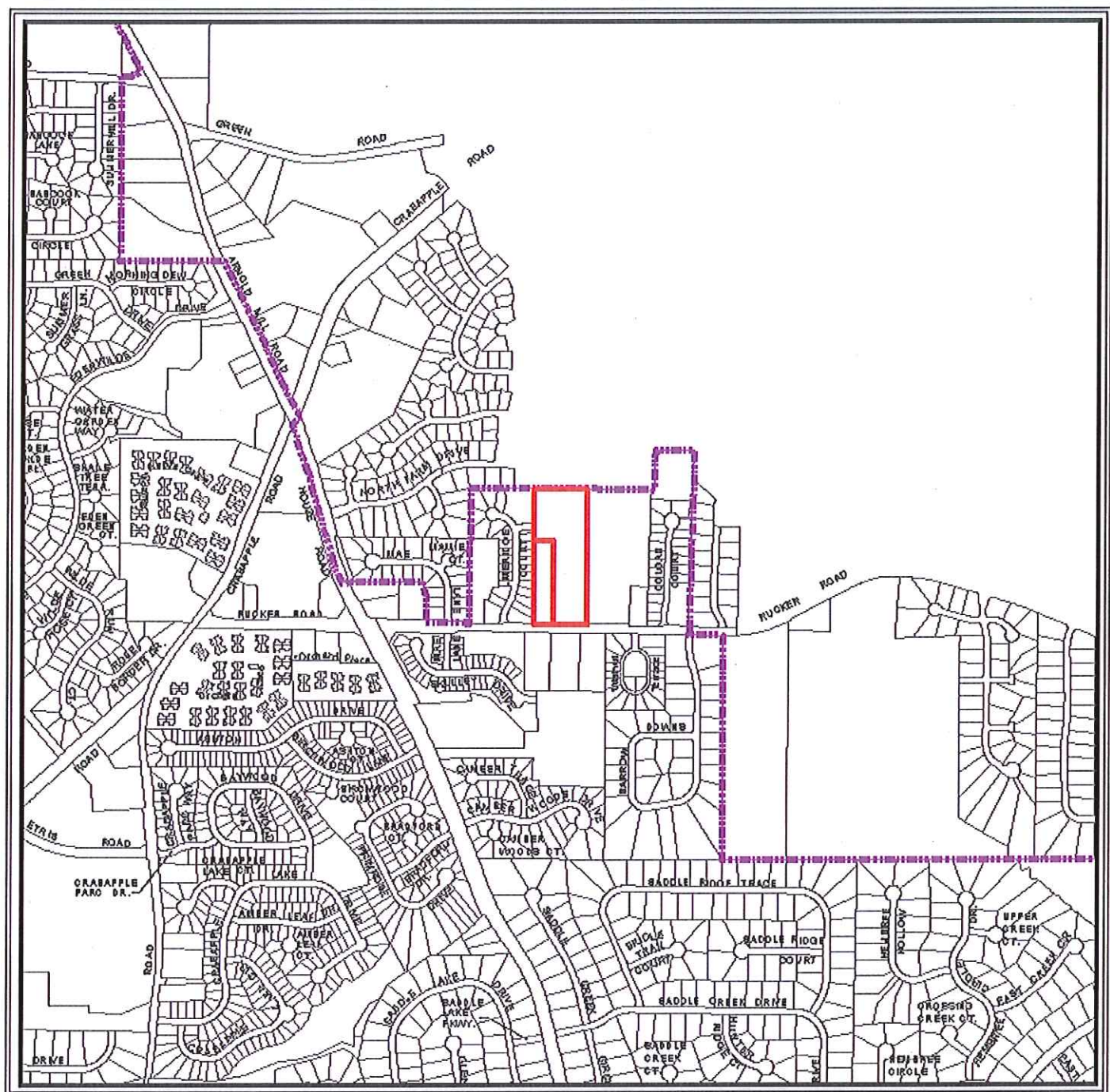
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ11-09 and CV11-02 - Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of the rezoning and concurrent variance to the lot width requirement from 80' to 60' during their August 16, 2011 hearing with the following conditions.

1. The plan shall be developed in accordance with the site plan stamped "Received August 5, 2011 City of Roswell Community Development Department," and amended to comply with these conditions.
2. There shall be street connectivity between the proposed subdivision with the existing Crabapple Registry subdivision to the west as required by the City of Roswell Transportation Department.
3. The owner/developer shall install a left turn lane on Rucker Road and a right turn lane on Rucker Road into the proposed subdivision as required by the City of Roswell Transportation Department.
4. The detention pond may need to be enlarged to meet the stormwater requirements as approved by the Public Works/Environmental Department.
5. The owner/developer shall install a 40' foot landscape strip area along Rucker Road similar to the Crabapple Registry Subdivision. The landscape area must be located outside the detention area. All landscaping and signage shall be approved by the Roswell Design Review Board.
6. The plat shall indicate a no access easement for the two lots along Rucker Road.
7. The owner/developer shall provide 50' of right-of-way to allow for a connection between the proposed subdivision as required by the Roswell Department of Transportation.



1 inch = 1,000 feet

LOCATION MAP



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STAFF RECOMMENDED CONDITIONS

It is recommended that this application for rezoning RZ11-09 be approved. It is recommended that the concurrent variance for the lot width reduction from 80' to 60' be approved. Should the Mayor and City Council approve this rezoning, it shall be approved with the following conditions:

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2. There shall be street connectivity between the proposed subdivision with the existing Crabapple Registry subdivision to the west as required by the City of Roswell Transportation Department.
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BACKGROUND

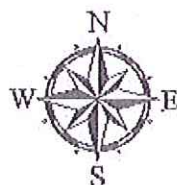
The subject property contains a single family home and vacant land. The property was part of a special use permit in Fulton County in 1997.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ11-09	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	R-3A	Single family homes	8.507	28	3.29 upa
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	N/A	North Farm subdivision in Alpharetta			
South	R-2	Three single family homes	6.0 acres	3	0.5 upa
East	FC-A	Church	9.7 acres	25,907 SF	2,670 SF per acre
West	FC-A	Single Family Subdivision (Crabapple Registry)	8.39 acres	26	3.1 upa

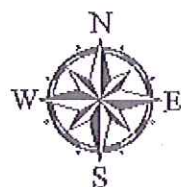
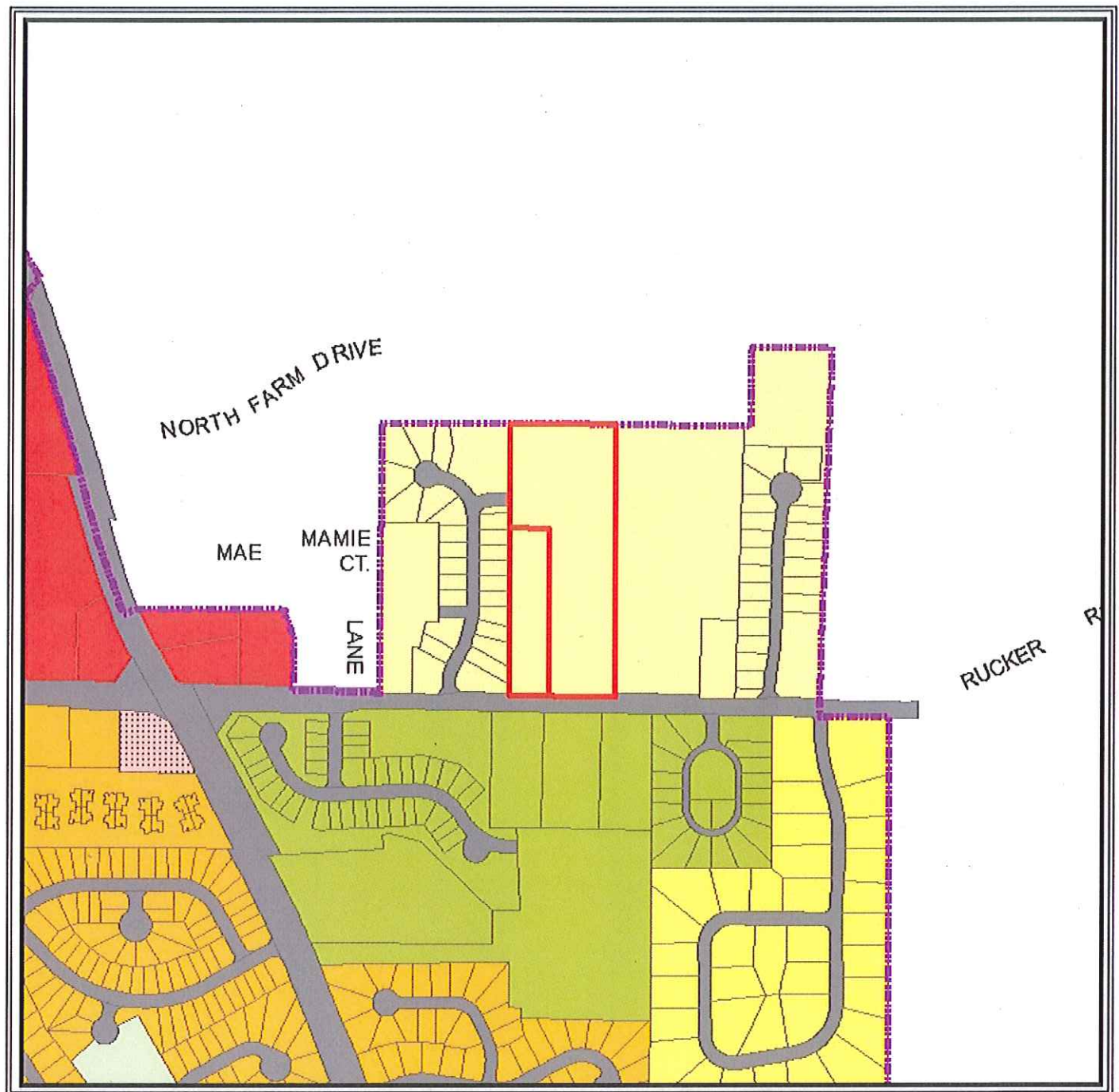


AERIAL MAP



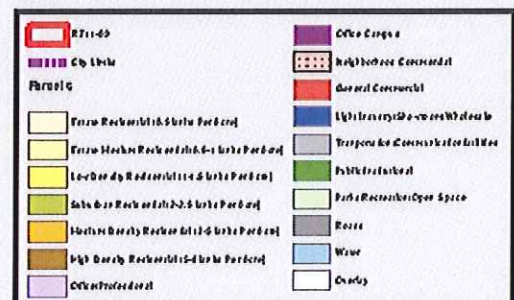
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1 inch = 500 feet

FUTURE LAND USE



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View of property



View of front of property



View of the property



View of the property



View of the church to the east



View of the subdivision to the west



View of a single family home to the south



View of the church property to the east



View of the property



View of the property



View of the property



NOTICE OF PUBLIC HEARING

Petition No: **Rezoning - RZ11-09 &
Concurrent Variance - CV11-02**

Petitioner: **Ashton Atlanta Residential, LLC**

Location: **350 & 370 Rucker Rd.**

Land Lots: **1240**

Request: **FC - A (Fulton County-Annexed) to R-3A
(Multi-Family Medium Density) with a
Concurrent Variance for lot width, to establish
a detached single family residential development**

Public Hearings: **Neighborhood Mtg. - July 21, 2011
(Room 220) 7:00 p.m.**

**Planning Commission - Aug. 16, 2011
(Council Chamber) 7:00 p.m.**

**Mayor & City Council - Nov. 14, 2011
(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

The proposed site plan was revised and submitted on August 5, 2011. The plan indicates 28 lots on 8.507 acres which yields a density of 3.29 dwelling units per acre. The proposed plan shows one curb cut off of Rucker Road with a cul-de-sac. The minimum lot size is 9,000 square feet in the R-3A zoning district. The proposed subdivision contains lots ranging from 9,000 square feet to 16,184 square feet. The plan indicates a lot for detention located along Rucker Road and additional detention in the upper left area of the site plan. The plan does not appear to be a workable plan with respect to stormwater. A lot or two may be lost if determined by the Public Works/Environmental Department that the detention pond needs to be enlarged to meet requirements.

The original site plan was submitted on June 7, 2011 indicating on the proposed plan access via a stub street through the existing Crabapple Registry subdivision located west of the subject property. The Transportation Department has indicated that they want the connection.

The 2030 Comprehensive Plan which is currently being reviewed by the State and ARC indicates connectivity for streets and pedestrians 19 times throughout the plan. The 2025 Comprehensive Plan indicated connectivity or connections seven times throughout the plan.

The differences between the original plan and revised plan are as follows:

1. The revised plan shows the connection between the two subdivisions removed and the proposed connection to the church removed.
2. The revised plan indicates access from Rucker Road.
3. The revised plan contains 28 lots and the original plan had 26 lots.

Both plans are attachments in the packet.

DRB/HPC comments and Design Guidelines

Not Applicable

LANDSCAPE PLAN ANALYSIS

The proposed landscape plan indicates that the required tree density units is 255.2. The total tree density units provided is 475.3. The applicant is proposing to remove ten (10) specimen trees. The specimen tree recompense is 72.6 units and the applicant is proposing 72.9 units in recompense. The landscape plan shows street trees along the proposed road and proposed trees along Rucker Road. These trees are Red Maple, River Birch, Japanese Cedar, American Holly, Eastern Red Cedar, and Shumard Red Oak.

VARIANCE CONSIDERATIONS

The applicant is requesting a variance to Table 5.2 regarding the lot width requirement. The lot width requirement in the R-3A zoning district is 80 feet and the applicant is requesting a reduction to 60 feet.

DEPARTMENT COMMENTS

City of Roswell Environmental
Department

- The lot layout does not appear to leave room to install a detention pond which will meet Roswell requirements.
- Developer may lose lots (likely 3 lots lost) to provide detention which meets the standards.
- The plan does not appear to be a workable plan with respect to stormwater and the developer should expect to lose lots to accommodate stormwater on the site

City of Roswell Engineering
Division

1. Label the line inside the common area as ROW and show ROW width. Provide 50' ROW around common area; unless otherwise approved by Transportation. Provide 24' wide pavement around common area or stripe it as one way counterclockwise, providing Fire is ok with it.
2. Note states that all roads will be 24' BC with 50' R/W. Revise note as needed if common area drive is one-way.
3. Show drainage easements across the lots as needed to ensure that runoff is directed across the lots to the appropriate detention facility.

Notes for LDP Submittal:

1. Provide GASWCC ESPCP checklist for Common Developments with plans. Place checklist on the plans. Detailed plans must be provided for each lot on the final phase plan.
2. Ensure that adequate maintenance access 20' wide, 15% max slope is provided on the grading plan to the detention facilities both proposed and expanded.
3. Show temporary construction easements for offsite work.

Fiscal Impact

Archaeological

Not applicable

City of Roswell Fire Department

- Fire hydrant placement and spacing must be in accordance with the International Fire Code
- Turning radius must be 50' outside and 30' inside including the cul de sacs.

City of Roswell Transportation
Department

1. The grass strip between the sidewalk and the back of curb shall be 5' wide.
2. Consider sidewalk connectivity between the proposed sidewalk along the cul-de-sac and the existing sidewalk along Rucker Road.
3. Show/Label the radius of the proposed cul-de-sac.
4. Provide ADA ramps where necessary.
5. To the "24 feet" wide pavement shown, add "from BOC to BOC" to be more specific.
6. Show/Label the proposed right-of-way distance from Rucker Road centerline along the site frontage.
7. Condition 1: Provide a left turn deceleration lane along Rucker Road. Specs for the proposed left turn deceleration lane are 11' wide, 50' taper and 100' storage. The pavement section for the additional pavement along Rucker Road shall be minimum 10" GAB/ 3" Binder/ 1-1/2" E or F, as stated in section 2.2.1.C of the City of Roswell standard construction specifications.

8. Condition 2: The street connection to the existing Limeridge Ct shall be constructed at the development owner's expense.

The following comments pertain to the Land Disturbance plans, when submitted:

Provide signing and marking plans.

b. Attach all necessary construction details, such as the latest GDOT ADA ramps, a pavement section for the residential street, which shall be not less than 6" GAB/ 1-3/4" Binder/ 1-1/2" E or F.

c. Show/Label the construction access easement. Any damage to the existing infrastructure shall be repaired or replaced at the owner's and contractor's expense and at the City of Roswell Transportation Department satisfaction

Georgia Department of
Transportation

Not applicable

City of Roswell Arborist &
Landscape Architect

In report

CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original Plans submitted on June 7, 2011.

Revised Plans submitted on August 5, 2011.

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 residential rezoning would be a suitable use due to the existing residential uses within the area.

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

The proposed single family homes may not adversely affect the existing use of the adjacent or nearby properties.

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

The subject property is zoned FC-A (Fulton County-Annexed). The underlying zoning is AG-1 (Agricultural). The subject property is part of an overall tract that was approved by Fulton County for a use permit to allow a church, daycare and accessory structures.

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 rezoning may not cause an excessive burden on the existing streets, transportation facilities, utilities or schools.

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

The future land use plan indicates Estate Medium Residential (0.6-1) units per acre for this area. The proposed rezoning request has a density of 3.1 units per acre; therefore, it does not comply with the intent of the land use plan.

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 density of the residential subdivision located to the west of the subject property is similar to this request. The uses are all single family residential.

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

The subject property is zoned FC-A (Fulton County-Annexed). There is a single family home located on the property.

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

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

The applicant has indicated on the application that the property value for two single family homes would be \$400,000.00.

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

The property can be used in accordance with the existing zoning regulations placed on it by Fulton County.

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 be required to determine if the value of the subject property is considered diminished due to the existing zoning classification.

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

The applicant has indicated on the application that the approximate value under the proposed zoning classification would be \$1,225,000.00.

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

The proposed rezoning request is not suitable under the existing zoning district from Fulton County. The property is part of a larger tract which Fulton County approved a use permit for a church, daycare and accessory buildings.

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

The proposed residential rezoning for 28 homes is a suitable use under the proposed R-3A zoning.

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

The property at 350 Rucker Road has been used as single family for approximately 25 years; however, the property at 370 Rucker has been vacant for approximately 3 years as currently zoned.

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.

According to the application, the property owner attempted to sell the larger tract containing 6.5 acres for about two years under the current zoning. The applicant for the rezoning agreed to purchase the property if the smaller tract was also included.

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

The proposed rezoning for will not create an isolated zoning district due to the nearby existing residential zoning classifications.

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 request to R-3A may not change the character of the zoning district as the existing subdivision to the west is similar in nature to the proposed rezoning. Brandl Estates subdivision located on the north side of Rucker Road to the east of the subject property past the church contains lot sizes that range from 7,000 SF to 16,000 SF.

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 single family homes may not be a deterrent to the value of the existing and adjacent properties. An appraisal would need to be completed to determine the value of the 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 proposed site plan indicates a tie in to the existing detention pond with the subdivision to the west and also detention located in the area near Rucker Road. This property, if developed under the proposed zoning classification, must conform to the current Section 7 of the Roswell City Code including Section 7.2 Soil and Erosion Control and Section 7.3 Flood Damage Prevention.

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.

The overall zoning scheme for this area indicates single family residential. The proposed request for single family residential will help to carry out these zoning regulations.

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 proposed residential rezoning abuts residential neighborhoods to the west in Roswell and to the north in Alpharetta.

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.

There is no undeveloped land in the vicinity which is currently zoned as R-3A (Multi-Family Residential).