



## Rezoning Petition No. CU11-01

HEARING & MEETING DATES			
Design Review Board Meeting N/A	Neighborhood Meeting 3/17/11	Planning Commission Hearing 4/19/11	Mayor and City Council Hearing 5/9/11
APPLICANT/PETITIONER INFORMATION			
Property Owners OLP Land Trust	Petitioner Greg Mercer	Representative Greg Mercer	
PROPERTY INFORMATION			
Address, Land Lot, and District	10479 Alpharetta Highway, Suite 14 Land Lot 466 , 1 <sup>st</sup> District		
Frontage and Area			
Existing Zoning and Use	C-3 (Highway Commercial District)		
Overlay District			
2025 Comprehensive Future Land Use Map Designation	Commercial		
Proposed Zoning	C-3 (Highway Commercial District)		
INTENT			

The applicant is requesting a conditional use for a used automobile establishment to be located within a shopping center.

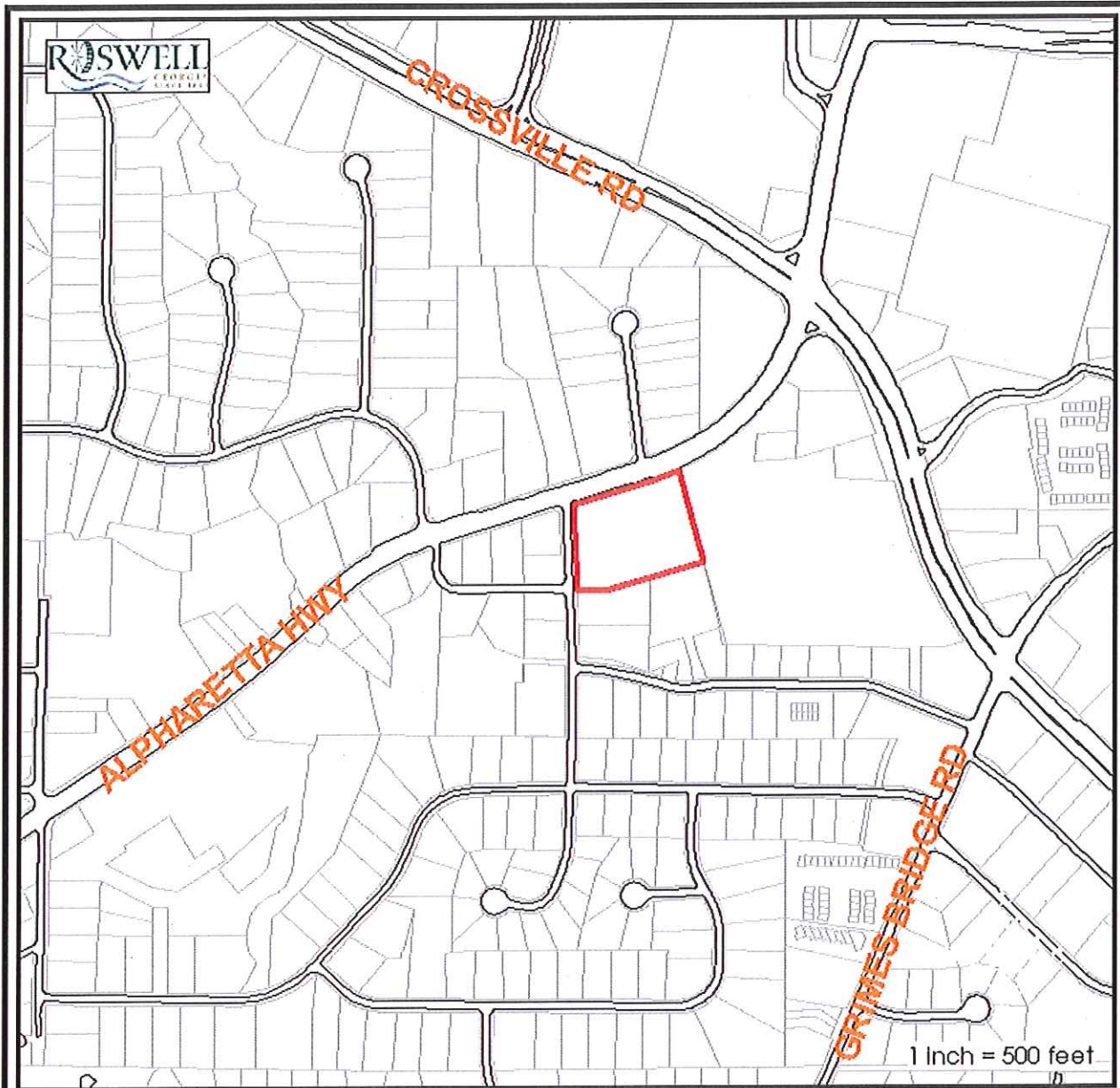
### DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

CU11-01 - Approval

### **PLANNING COMMISSION RECOMMENDATION**

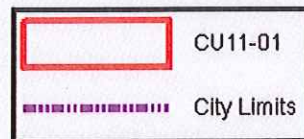
The Planning Commission recommended denial of this conditional use request during their April 19, 2011 hearing.

## Location Map



**CITY of ROSWELL**

**Location Map**



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#### **STAFF RECOMMENDED CONDITIONS**

It is recommended that this application for conditional use CU11-01 be approved. The proposed project is subject to the following conditions:

1. The applicant is limited to ten parking spaces in the front of the shopping center for sale of the used cars.
2. Permanent signage for the used car sales may only be as a wall sign on the building or as a panel on the existing multi-tenant ground sign.



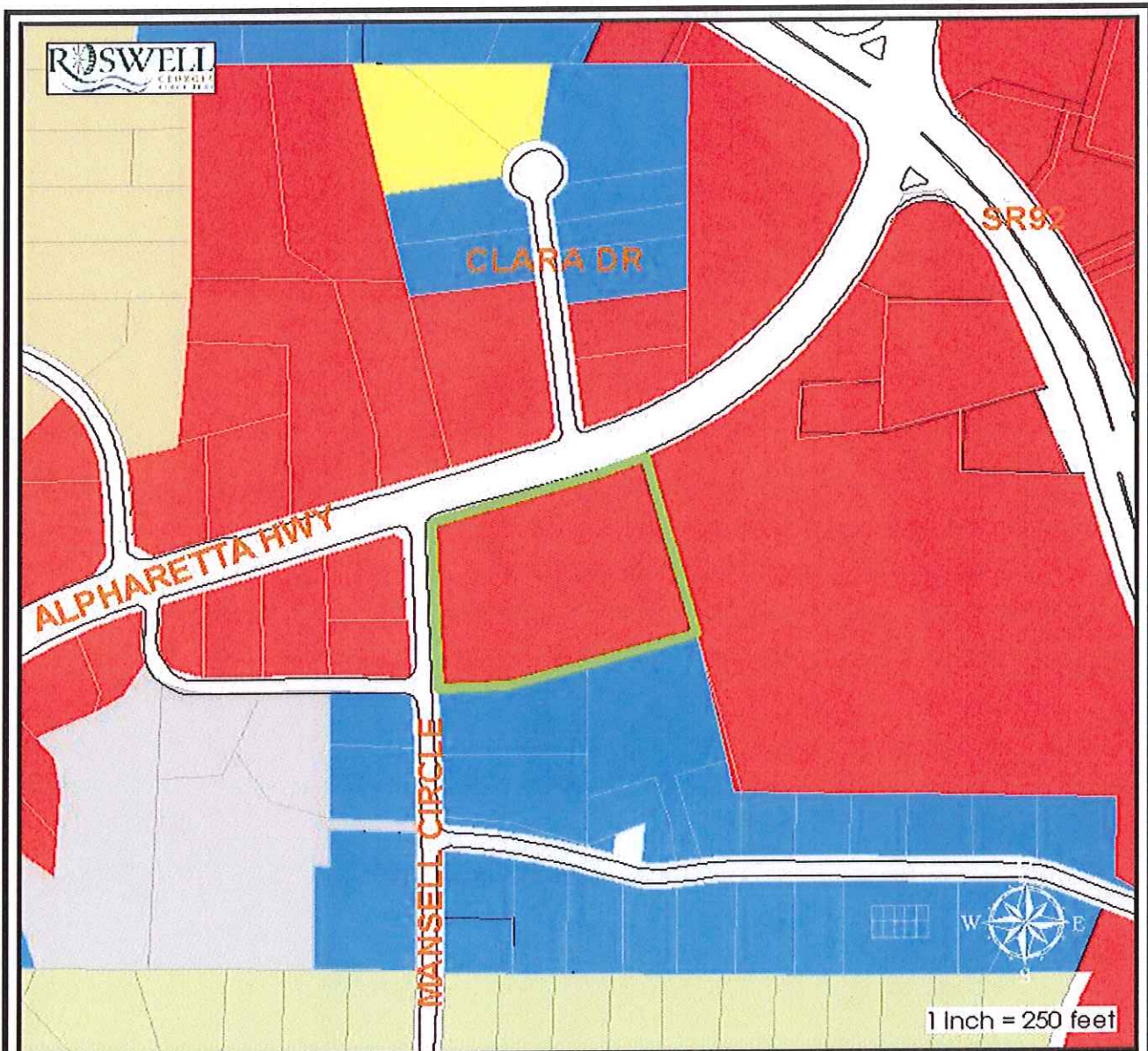
## BACKGROUND

The existing shopping center has always been zoned C-3 (Highway Commercial).

## EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION CU11-01	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	C-3	C-3/ used car establishment	3.256 acres		Shopping center – 9,878 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	Car wash; Dance Fashions	1.56 and 2.679 acres	13,654 SF; 8,160 SF	8,752 SF per acre; 3,045 SF per acre
South	O-P	Office	0.8 acres	6,060 SF	7,575 SF per acre
East	C-3	Shopping center	14.24 acres	149,411 SF	10,492 SF per acre
West	C-3	Office and Day Spa	0.441 and 0.35 acres	2,494 SF; 2,280 SF	5,655 SF per acre; 6,514 SF per acre

# Zoning Map



## CITY of ROSWELL

## ZONING MAP

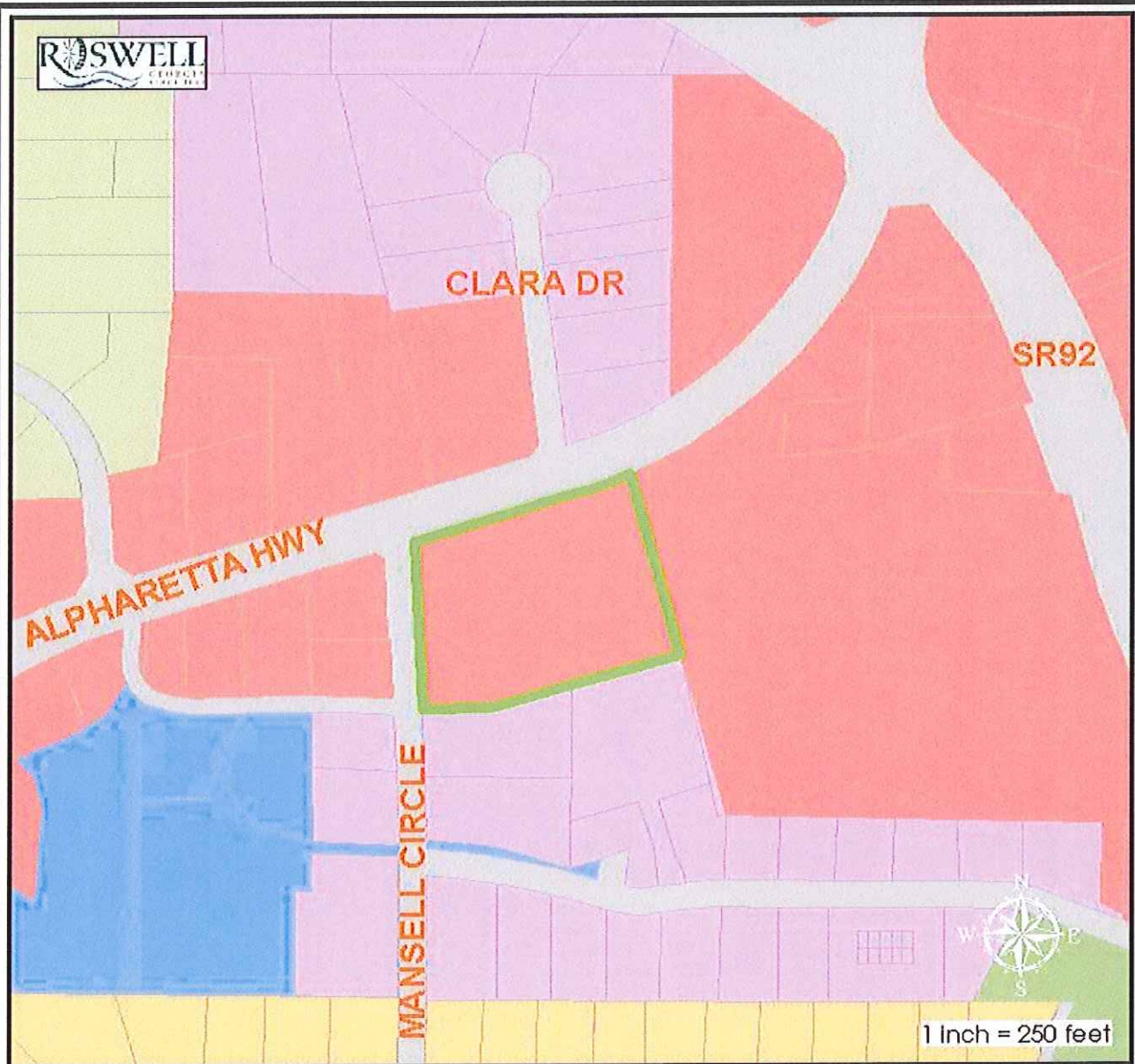


Color	Zone
Green	C-1 - CENTRAL COMMERCIAL DISTRICT
Yellow	C-2 - MIDWAY COMMERCIAL DISTRICT
Red	C-3 - HIGHWAY COMMERCIAL DISTRICT
Light Green	R-1 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-2 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-3 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-4 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-5 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-6 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-7 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-8 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-9 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-10 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-11 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-12 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-13 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-14 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-15 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-16 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-17 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-18 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-19 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-20 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-21 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-22 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-23 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-24 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-25 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-26 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-27 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-28 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-29 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-30 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-31 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-32 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-33 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-34 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-35 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-36 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-37 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-38 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-39 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-40 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-41 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-42 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-43 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-44 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-45 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-46 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-47 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-48 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-49 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-50 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-51 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-52 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-53 - SINGLE FAMILY RESIDENTIAL DISTRICT
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Light Blue	R-92 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-93 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-94 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-95 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-96 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-97 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Blue	R-98 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Yellow	R-99 - SINGLE FAMILY RESIDENTIAL DISTRICT
Light Green	R-100 - SINGLE FAMILY RESIDENTIAL DISTRICT

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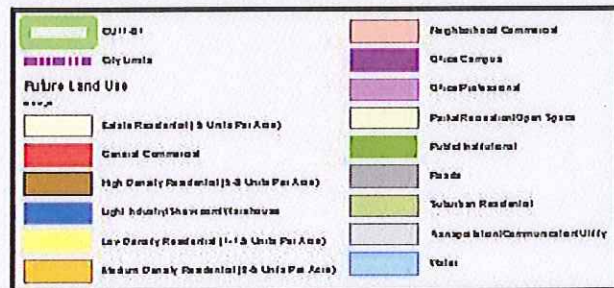


# Future Land Use Map



**CITY of ROSWELL**

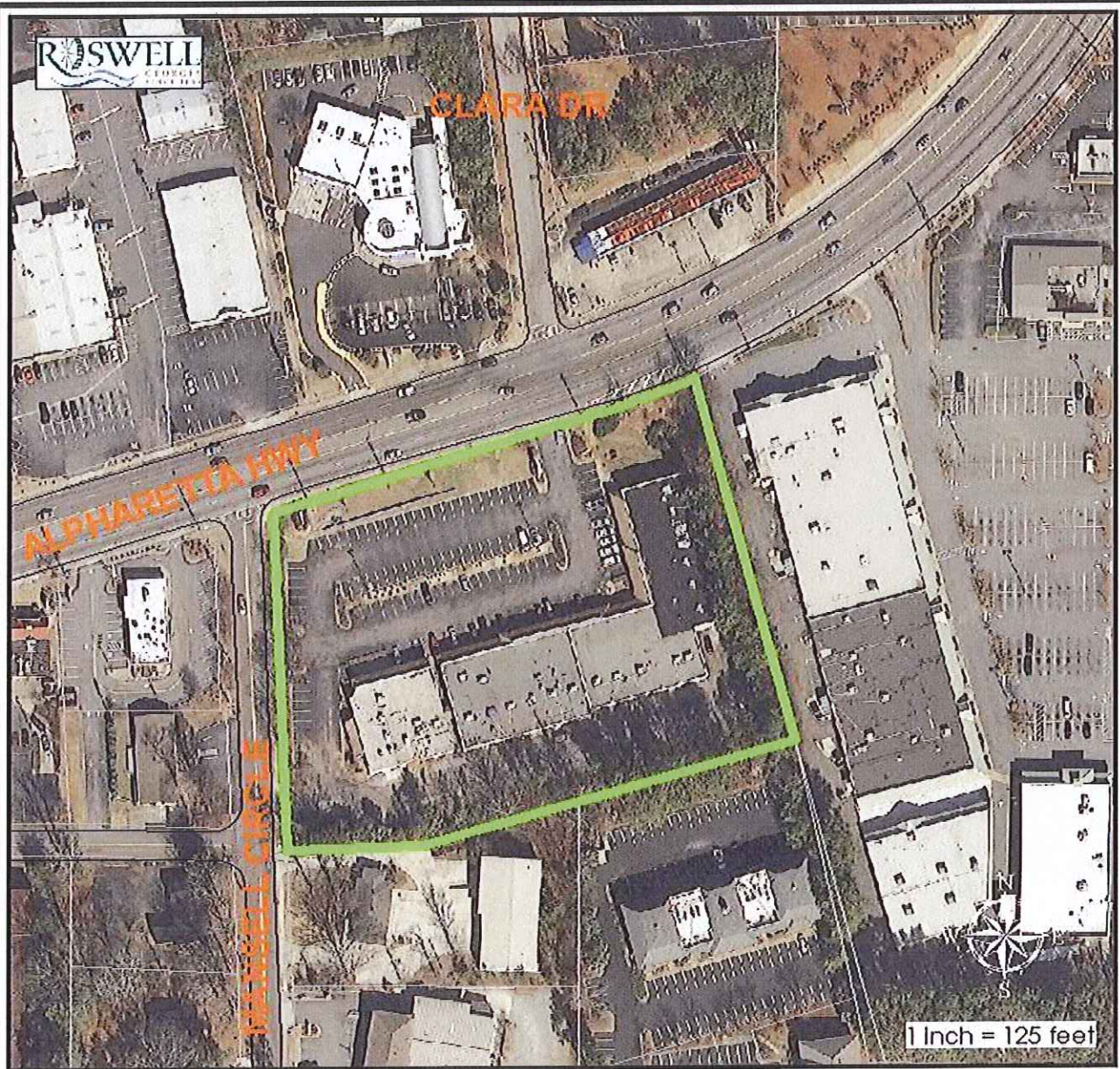
**FUTURE LAND USE MAP**



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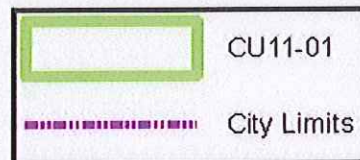


# Site Aerial Map



**CITY of ROSWELL**

**AERIAL MAP**



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View from across Mansell Circle



View from across Alpharetta Street



View from across Alpharetta Street



View from across Alpharetta Street





View to the South



View to the North



View to the North



View to the West





Sign Posting

### **SITE PLAN ANALYSIS**

The applicant is requesting a conditional use to establish a used car sales facility within a shopping center. The property is zoned C-3 (Highway Commercial). The applicant has leased a tenant space in the shopping center and is currently operating an auto broker's office. He has indicated that the landlord of the property has given him 10 spaces in the parking lot area for his vehicles. The shopping center is surrounded by commercial and office uses. The used automobile establishment must comply with the following requirements of Article 10.38 of the Roswell Zoning Ordinance.

1. The lot shall have a minimum size of at least  $\frac{3}{4}$  acre and a permanent structure used as a business or sales office.
2. The lot shall comply with the following minimum requirements upon that portion of the land to be used for display and/or offering for sale of used automobiles.
  - a) Striped parking spaces for inventory shall be painted on the pavement and not less than nine (9) feet wide by twenty (20) feet deep for each used automobile or the appropriate size for the type of vehicle being parked.
  - b) A lot shall contain a stabilized base of not less than four (4) inches covered by a minimum of two (2) inches of pavement or concrete.
  - c) Two (2) driveways, one (1) for ingress and one (1) for egress, or one (1) driveway adequate to permit simultaneous ingress and egress.
3. The lot shall not allow any part of a used automobile to encroach upon any public right-of-way or sidewalk.
4. The lot shall not allow any loud or boisterous noises to emanate from his/her place of business, either by persons congregating there or by the playing of recording instruments, radios, and/or television sets or other sound-producing equipment as controlled by the Roswell City Code Article 8.8 "Nuisances", as amended from time to time.

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

Not applicable

### **LANDSCAPE PLAN ANALYSIS**

Not applicable

### **VARIANCE CONSIDERATIONS**

The applicant is not requesting any variances with the conditional use of the property.



## DEPARTMENT COMMENTS

City of Roswell Environmental Department	• Not applicable
City of Roswell Engineering Division	• No comment
Fiscal Impact	• Not applicable
Archaeological	• Not applicable
City of Roswell Fire Department	• No comment
City of Roswell Transportation Department	• Show how the auto delivery trailer will enter and exit the site coming from both directions along State Route 9/Alpharetta St. Provide sketch of the routing plan using software such as Autoturn.
City of Roswell Arborist & Landscape Architect	• No comment
City of Roswell Recreation & Parks Department	• No comment

## CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted December 8, 2010.

## 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 conditional use request for a used car establishment may be a suitable use in view of the adjacent properties. The adjacent properties are commercial uses and office uses. There is retail, a car wash, office and a shopping center in the surrounding area.

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

The proposed used auto sales may not adversely affect the existing uses of adjacent or nearby properties. The surrounding uses are all office and commercial.

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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 is zoned C-3 (Highway Commercial). The proposed request for a conditional use will not change the zoning on the property.

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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 conditional use request for a used car establishment may not cause a burdensome use on the existing streets, transportation facilities, utilities or schools.

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

The land use plan shows this area as general commercial

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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 property is a multi-tenant shopping center in a commercial zoned area. The property is located along Alpharetta Street which is a heavily traveled corridor.

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

The property is zoned C-3 (Highway Commercial). The property is a multi-tenant shopping center with several retail uses currently existing in the center.

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



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

N/A

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

N/A

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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.*

N/A

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

N/A

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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 proposed used auto sales establishment is not permitted by right. A conditional use approved by the Mayor and City Council is required.

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

N/A

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

N/A

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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.*

N/A

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

N/A

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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 proposed request for a conditional use will not change the zoning of the property. The property is located on an established commercial corridor and the conditional use request for a used car establishment may not change the character of this zoning district.

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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.*

The proposed used car dealership may not be a deterrent to the value of the adjacent uses and development since the area already allows for commercial uses.

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 conditional use request may not impact the environment since the request is to allow for the applicant to sell used cars in an existing shopping center.

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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.*

The overall zoning scheme for this area is commercial. The proposed conditional use for a used car establishment is a commercial use and it may carry out the purposed of the zoning scheme for this area.

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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.*

There are no adjacent residential properties; all of the uses surrounding the shopping center are either office or commercial.

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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.*

N/A