



Petition No. RZ201402667, CV201402668 and CU201402669

**HEARING & MEETING DATES**

Design Review Board Meeting September 2, 2014	Neighborhood Meeting August 14, 2014	Planning Commission Hearing September 16, 2014	Mayor and City Council Hearing November 10, 2014
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**APPLICANT/PETITIONER INFORMATION**

Property Owner Dahlhauser Group LLC	Petitioner Matt Dahlhauser	Representative Matt Dahlhauser
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**PROPERTY INFORMATION**

Address, Land Lot,  
and District 1243 and 1247 Canton Street, Land Lot 410, First District, Second Section

Frontage and Area 100'; 0.92 acres

Existing Zoning and  
Use OP (Office Park), two vacant residential structures

2030  
Comprehensive  
Plan; Future  
Development Map Suburban Residential

Proposed Zoning OR - Office Residential

**INTENT**

The applicant is requesting a rezoning to OR (Office Residential) with a conditional use to allow for stacked flats and two concurrent variance requests. The variance requests are as follows:

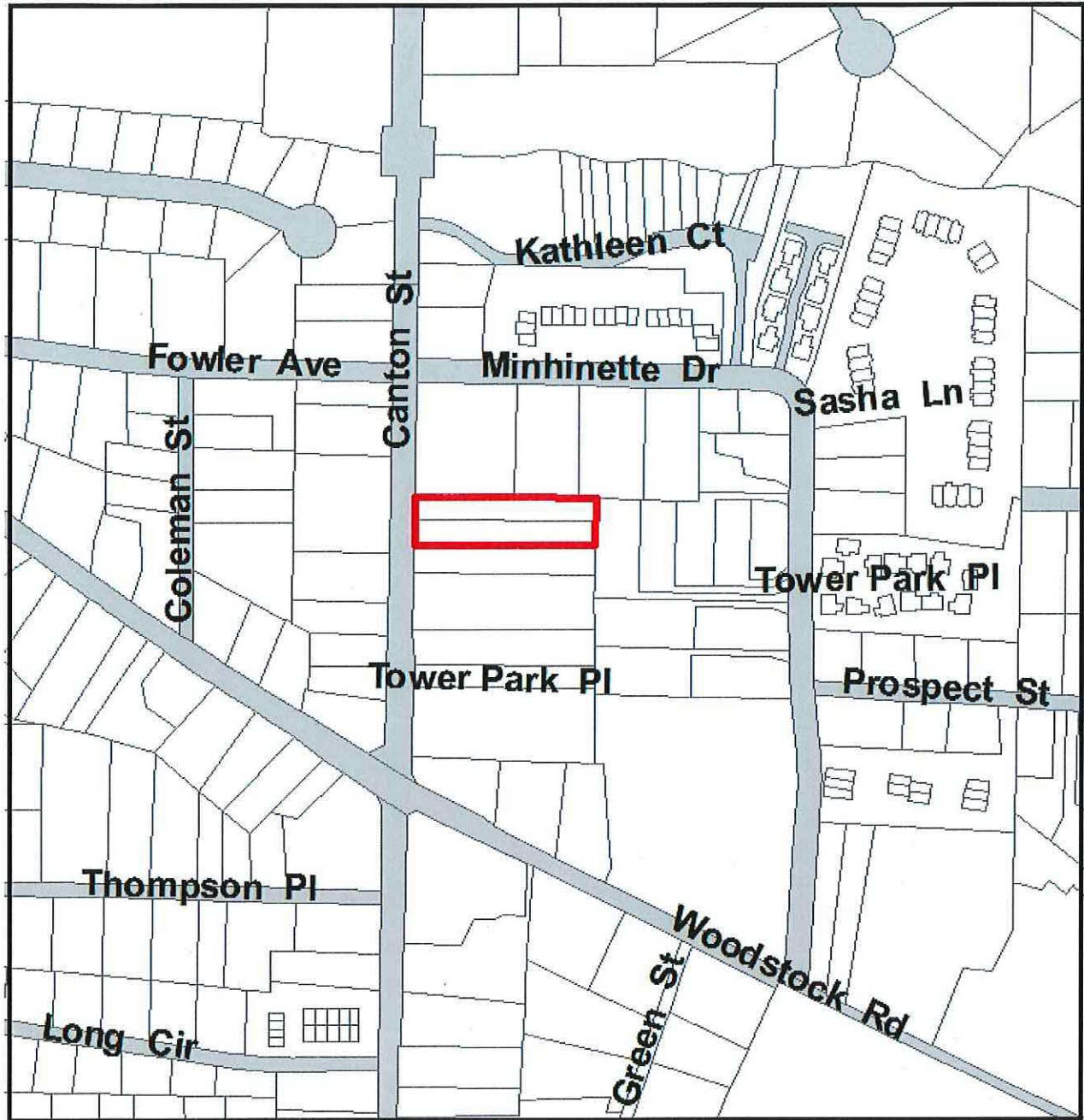
1. Reduction in the rear setback of the townhouse building type under OR (Office Residential) be reduced from 20' to 10'.
2. Reduction in the amenity space requirement from 20% to 18%.

**DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

RZ201402667 - Approval ; CV 201402668 - Approval; CU 201402669 - Approval


## **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission recommended denial of the rezoning, concurrent variances and conditional use during their September 16, 2014 hearing.



1 in = 300 ft

## Location

 1243 & 1247 Canton St

Map Source: City of Roswell GIS  
Map Created by: Micah Stryker

Path: M:\Community Development\Recovered\_New\Micah\GIS\Micah\1243 & 1247 Canton St\1243 & 1247 Canton St Location Map.mxd

Prepared by the City of Roswell Department of Community Development for the Mayor and City Council Hearing on November 10, 2014.

## STAFF RECOMMENDED CONDITIONS

The Community Development Department recommends approval of the rezoning to OR (Office Residential and conditional use request for the stacked flats. The Community Development Department recommends approval of the two concurrent variances for the amenity space reduction from 20% to 18% and for the reduction in the rear setback for the townhomes from 20' to 10' with the following conditions.

1. The number of lots within the development is not guaranteed with the approval of the zoning.
2. A preliminary plat for the property shall be required prior to the issuance of the Land Development Permit.
3. A final plat shall be recorded at the completion of the stacked flats, office and townhome units.



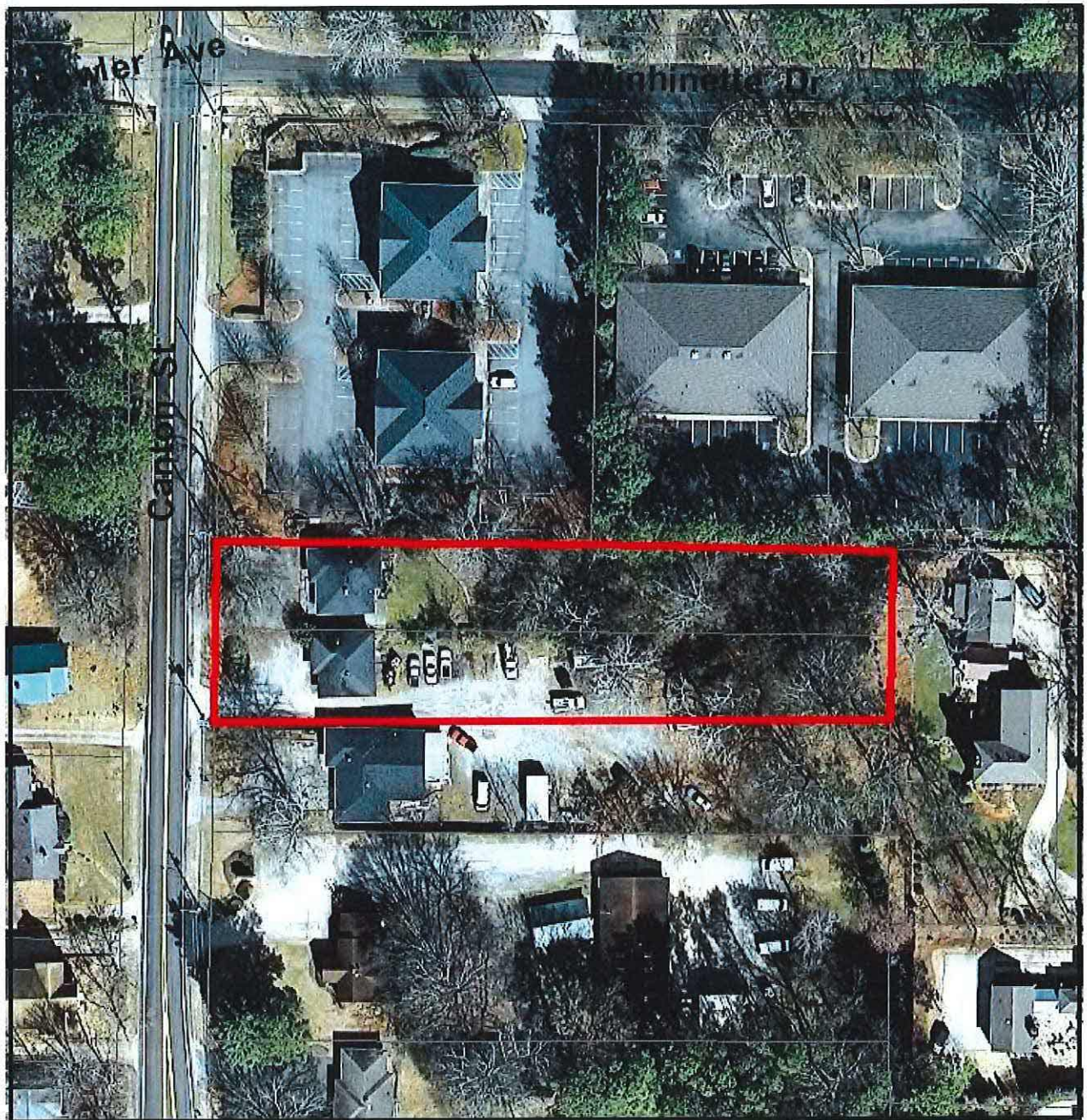
**BACKGROUND**

The property is zoned OP (Office Park).

**EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY**

SUBJECT PETITION 201402667	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	amenity space
	OR	Office, stacked flats, live/work townhomes and townhomes	.92 acres	14 units; office space	18%
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Common area/Amenity area
North	OR	Office building	1.8 acres	6,384 SF	N/A
South	OP	Office use (Q-Care)	.54 acres	2,774 SF	N/A
East	RS-12	Single Family home	.55 acres	One	N/A
West	RS-12	Single Family home	.93 acres	One	N/A





1 in = 80 ft

**Aerial**

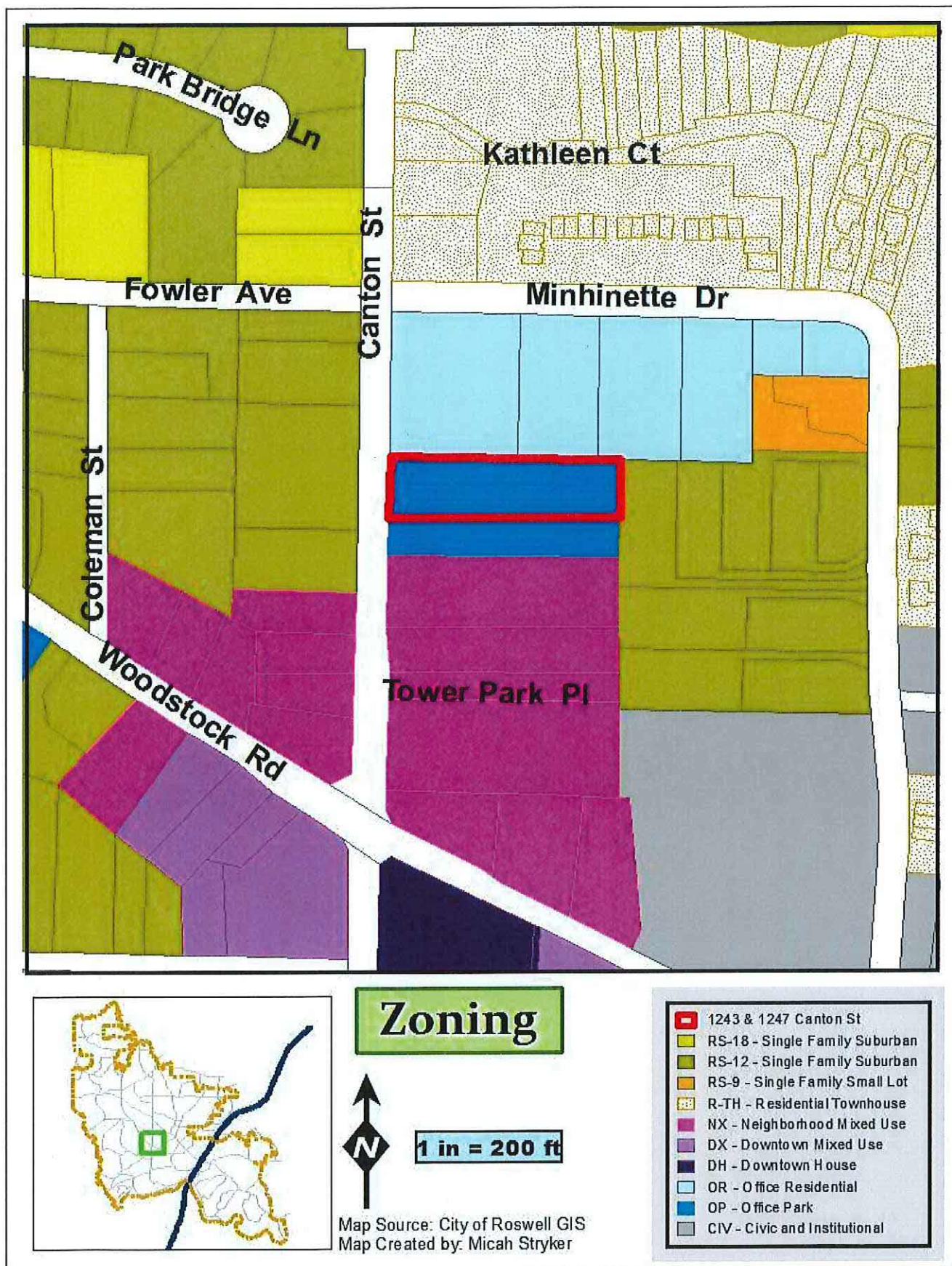
1243 & 1247 Canton St

Map Source: City of Roswell GIS  
Map Created by: Micah Stryker

**Aerial Date: February 2010**

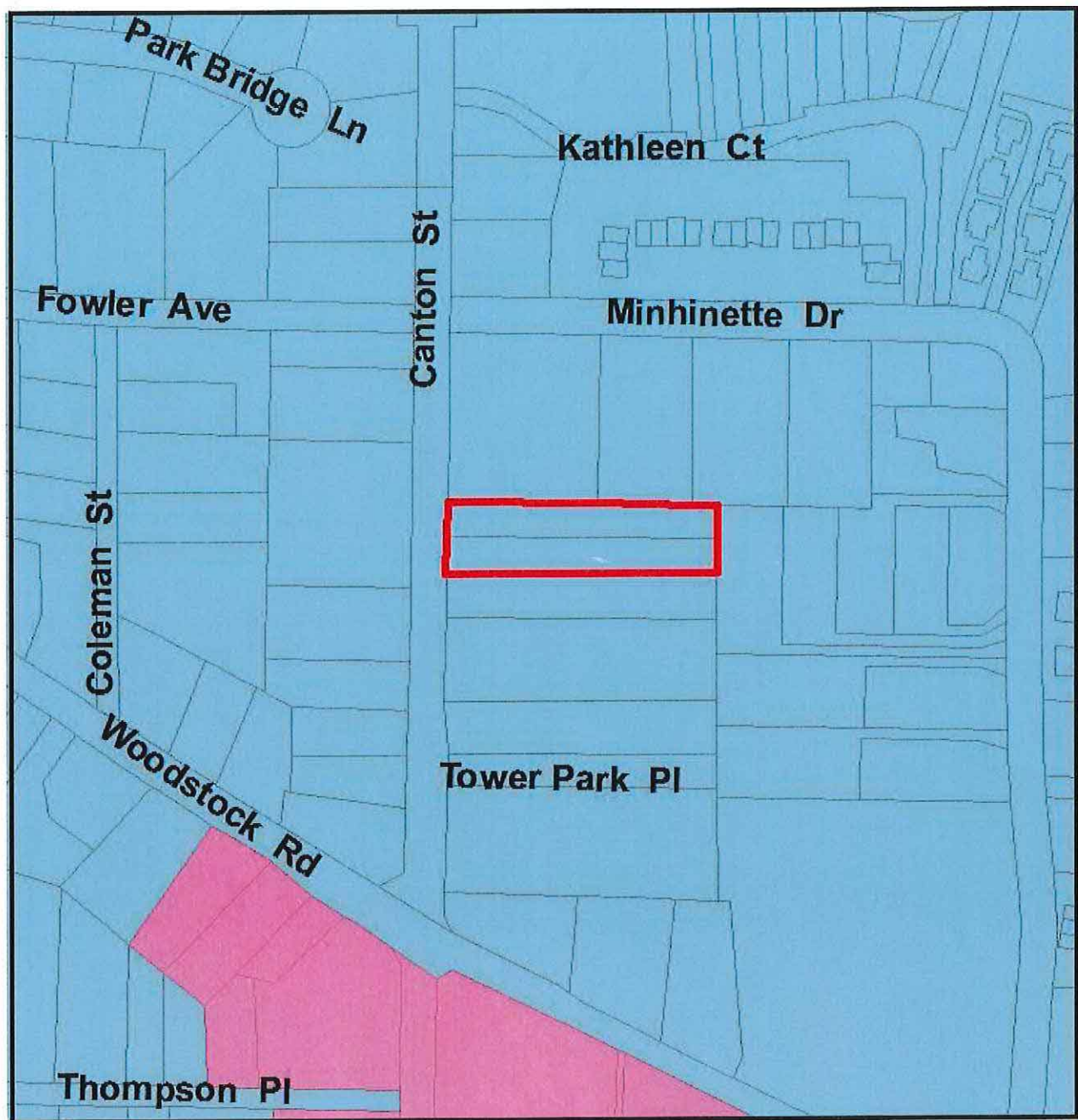
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1 in = 200 ft

## Future Land Use

- 1243 & 1247 Canton St
- Character Areas**
- Historic Area Town Center/Downtown
- Suburban Residential

Map Source: City of Roswell GIS  
Map Created by: Micah Stryker





View of the property



View of the property



View of the property



View of the property





View of property to the east



View of property to the north



View of property to the west



View of property to the south





View of the property



the property



View of the property



View of the property





## NOTICE OF PUBLIC HEARING

Case No: **Rezoning - 201402667**  
**Concurrent Variance - 201402668**  
**Conditional Use - 201402669**

Petitioner: **Parkside / Matt Dahlhauser**

Location: **1243 & 1247 Canton St.**

Land Lots: **410 / 411**

Request: The applicant is requesting a Rezoning with a Concurrent Variance and a Condition use from OP (Office Park) to OR (Office Residential)

Public Hearings: **Neighborhood Mtg. - August 14, 2014**  
**(Room 220) 7:00 p.m.**

**Planning Commission - September 16, 2014**  
**(Council Chamber) 7:00 p.m.**

**Mayor & City Council - October 13, 2014**  
**(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) 641-3771 or [www.roswellga.gov](http://www.roswellga.gov)



## **SITE PLAN ANALYSIS FOR THE UDC ZONING**

The proposed site plan indicates eight stacked flats, three live/work townhomes, three townhomes and 2,328 SF of office space. Within the stacked flats, there are proposed to be three one-bedroom units, four two-bedroom units and one three-bedroom unit. The townhomes indicate a two-car garage and there are 15 parking spaces shown for the stacked flats. The parking requirements within the UDC call for 1.75 spaces for each townhome unit plus .5 per unit for guest parking and for the stacked flats, one bedroom requires 1 per unit plus .2 per unit for guest and two bedroom requires 2 per unit, plus .2 per unit for guest and 3 bedroom requires 2.5 per unit plus .2 per unit for guest. The office parking requirement is 1 per 300 SF. The required parking for the site is 37 spaces. The plan indicates 32 parking spaces. The applicant is working out a shared parking agreement with the office complex to the north for 5 additional spaces. The proposed site plan has also added connectivity to the northern parcel located below the stacked flats.

In the UDC, all multi-family is considered conditional and therefore must be approved by the Mayor and City Council. The applicant has indicated in his letter of intent that the stacked flat units are intended to be for sale.

## **DRB Comments and UDC Design Guidelines**

The applicant went to the Design Review Board at the September 2, 2014 meeting. The board had the following comment on the plan.

1. What is the hardship for the variance requests?

## **LANDSCAPE PLAN ANALYSIS**

The proposed plan indicates the removal of all of the trees from the property. There are three specimen trees, a 30" oak, 26" oak and 24" oak on the site. There are also several specimen trees located just off of the subject property that may be impacted due to this development. The proposed landscape plan indicates Columnar Red Maple, Nuttall Oak and Allee Elm to be planted on the site. The applicant proposes to make a contribution to the tree bank in the amount of 12,004.20.

## **VARIANCE CONSIDERATIONS**

The applicant is requesting two variances with the rezoning and conditional use application.

1. The applicant is requesting to reduce the rear setback for a townhouse building type under the OR (Office Residential) zoning classification from 20' to 10'. The proposed site plan has the 40' buffer abutting the RS-12 zoned property. Required under the townhouse building type is a 20' rear setback from the interior buffer line. The applicant is requesting that setback be reduced to 10'. The applicant is also proposing to do the 8' wall along the rear of the property.
2. The applicant is requesting a variance to the amenity space requirement. A mixed use type building in OR requires 20% amenity space. The proposed plan indicates 18% amenity space. The proposed plan is using their rooftop balconies as the amenity space for the development.

Criteria A through G under section 13.4.8 of the UDC shall be considered by the City Council when making a determination on the variance request. The criteria are summarized as follows: depriving the rights of the applicant commonly enjoyed by properties in that zoning district, not conferring any special privileges to this property that are denied to other properties, it is in harmony with the UDC and not injurious to the neighborhood, circumstances are not the result of the actions of the applicant, it is the minimum variance that will make possible the proposed use of the land, it does not permit a use or structure that is not permitted by right in that zoning district, and does not reduce the lot size below the minimum lot size allowed.

## DEPARTMENT COMMENTS

City of Roswell Environmental Department	<ul style="list-style-type: none"><li>• Conformance with the stormwater ordinance is required. Additional area located away from building foundations will need to be dedicated to stormwater compliance.</li><li>• Hose bibb with backflow preventer required within 50 feet of pad for wash down.</li><li>• Show dumpster pad drain connection to sanitary sewer on site plan.</li></ul>
City of Roswell Engineering	<ul style="list-style-type: none"><li>• Please add a graphic scale to the site plan.</li><li>• LDP plans shall comply with the city construction specifications.</li><li>• Proposed storm pipes and structures should not encroach on the existing drainage easement other than to cross over it.</li><li>• Show existing or proposed joint or cross-access easements with adjacent properties. (Adjacent property can only access the building in the rear via this properties driveway.)</li><li>• Show any proposed gates.</li></ul>
City of Roswell Fire Department	<ul style="list-style-type: none"><li>• A fire flow test must be conducted in accordance with the 2012 edition of the International Fire Code appendix B. The test must include a 24 static test and the flow rate in GPM must meet the requirements of appendix B. Show ALL documentation and include on the LDP the calculated GPM at 20 PSI residual for ALL PROPOSED fire hydrants as well as the existing hydrants.</li></ul>
City of Roswell Transportation Department	<ul style="list-style-type: none"><li>• Eradicate as much of the existing double yellow striping along Canton St as necessary to allow left in/out.</li><li>• Verify the proposed driveway has adequate sight distance. Provide sight distance sketches on the proposed landscape plans. Provide a written certification that the sights distance is adequate.</li><li>• If necessary, dedicate additional right-of-way along Canton Street to achieve a minimum 25' right-of-way from canton Street centerline along the site frontage. Show/annotate the right-of-way distance from canton Street centerline along the site frontage.</li><li>• Provide sidewalk connectivity between the proposed buildings and the sidewalk along Canton Street. verify the driveway accommodates pedestrian and wheelchair crossing.</li><li>• If vehicular connectivity to adjacent parcels is not feasible, consider</li></ul>



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pedestrian connectivity.

Comments: After receiving the Land Disturbance Permit, obtain right-of-way encroachment permit from Transportation Department utility coordinator John Wooten at 770-594-6108 (direct) 6420 (Main)

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Fulton County Board of Education

- The proposed development may generate between 0 to 3 students for Roswell North Elementary, 0 to 1 students for Crabapple Middle School and 0 to 2 students for Roswell High School. The existing elementary school and high school are over capacity.
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City of Roswell Arborist & Landscape Architect

- Revise tree density using 20 units per acre, see UDC Section 12.1.5 B.
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#### CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted – July 1, 2014.

Revised plan submitted - October 2, 2014. The applicant has reduced the concurrent variances requested, dropped a townhouse unit and changed one stacked flat unit into an office unit.

The applicant met with the Fire Department and the turn-around indicated satisfies the fire requirements.

Revised plan submitted – October 29, 2014 – The revised plan has changed to a mixed use building type under the OR district. The plan has added 18% amenity space and removed the variance request to the type D buffer in the rear.

#### STANDARDS OF REVIEW

##### *1. The zoning map corrects an error or meets the challenge of some changing condition, trend or tract.*

The subject property has office professional use to the north and south of the property and single family residential uses to the east and west of the property. The proposed plan includes a mix of office and residential on the property.

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##### *2. The zoning map amendment substantially conforms with the Comprehensive Plan.*

The 2030 Comprehensive Plan indicates suburban residential at this location. Section 1.2.2 of the 2030 Comprehensive Plan, suburban residential states in the vision/intent for this character area that the area is predominately single family with newer master planned developments providing mixed residential housing types. Based on this section, the proposed development substantially conforms with the Comprehensive Plan.

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##### *3. The zoning map amendment substantially conforms with the stated purpose and intent of this Unified Development Code.*

Section 1.1.2 is the stated purpose of the Unified Development Code. The proposed map amendment for O-R zoning does substantially conform to the items included within this section. This section states that OR is intended to provide for a variety of office and employment uses while allowing for housing and limited retail and service-related options. It is to promote a balance of employment and housing options with access to convenience retail services and goods. By having a mix of office and residential, the proposed plan meets the intent of the UDC.

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*4. The zoning map amendment will reinforce the existing or planned character of the area.*

This area is just outside the northern end of the Historic District. There are currently a mix of uses within the area including single family residential, office and commercial. Although there is OR to the north of the subject property it is OP to the south and RS-12 to the east and west. There are townhomes along Canton Street and Minhinette Drive.

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*5. The subject property is appropriate for the development allowed in the proposed district.*

The proposed plan includes a mix of office and residential. With the mix of uses, the proposed plan meets the intent and works with the mix of office and residential in the vicinity.

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*6. There are substantial reasons why the property cannot be used according to the existing zoning.*

The property is zoned OP (Office Park), it would allow for office use only. The property can be used under the current OP zoning regulations.

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*7. There is a need for the proposed use at the proposed location.*

With a mix of office and residential uses, the proposed plan may work at this location due to the proximity to the Historic District.

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*8. The City and other service providers will be able to provide sufficient public facilities and services, including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.*

The proposed plan was revised and the applicant met with the Fire Department that includes a turn-around that meets Fire Department standards. The proposed plan also includes an approximate location of water quality/ detention for the site. The applicant will be required to comply with all stormwater requirements.

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*9. The zoning map amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.*

The proposed map amendment may not significantly impact the natural environment as long as it complies with all of the city regulations.

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*10. The zoning map amendment will not have a significant adverse impact on property in the vicinity of the subject property.*

The proposed OR zoning may not have an adverse impact on the property within the vicinity.

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Conditional use questions – Section 13.4.7 letter C

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*1. The use is allowed as a conditional use in the respective zoning district (see Article 3 through 7).*

Multi-family is allowed as a conditional use as long as it is approved by the Mayor and City Council.

*2. The use complies with the applicable specific use standard listed in Article 9, if any, without the granting of a variance.*

The multi-family use complies with the standards from section 9.3, letter E.

*3. The use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics.*

The proposed uses may be compatible with the adjacent uses due to the mix of office and residential.

*4. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset.*

The proposed use must comply with all city regulations which would include mitigating any adverse impacts from the project.

*5. The City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, police, fire and emergency medical services, while maintaining sufficient levels of service to existing development.*

The proposed plan was revised and the applicant met with the Fire Department that includes a turn-around that meets Fire Department standards. The proposed plan also includes an approximate location of water quality/ detention for the site. The applicant will be required to comply with all stormwater requirements.

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