



Petition No. CU12-04 and CV12-05

HEARING & MEETING DATES			
Design Review Board Meeting	Neighborhood Meeting	Planning Commission Hearing	Mayor and City Council Hearing
N/A	1/17/13	2/19/13	5/13/13
APPLICANT/PETITIONER INFORMATION			
Property Owner	Petitioner	Representative	
World Harvest Church	World Harvest Church	John Carruth	
PROPERTY INFORMATION			
Address, Land Lot, and District	275 Hardscrabble Road, Land Lots 359 and 360, First District		
Frontage and Area	436.31 feet on Hardscrabble Road; 1.7 acres		
Existing Zoning and Use	R-1; Used as a rental home for the church		
Overlay District	Citywide Design Guidelines		
2030 Comprehensive Plan; Future Development Map	Suburban Residential		
Proposed Zoning	Not Applicable – Conditional use request		
INTENT			

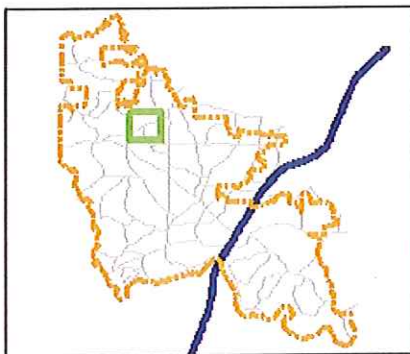
The applicant is requesting a conditional use in order to use the house for offices and small group meetings. There are also several variance requests with the conditional use due to the existing location of the structure and parking.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

CU12-04 and CV 12-05 - Denial

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended denial during their regularly scheduled February 19, 2013 public hearing.



1 in = 400 ft

Location



275 Hardscrabble Rd

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

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Aerial Date: February 2010

STAFF RECOMMENDED CONDITIONS

It is recommended that this application for conditional use CU12-04 and CV12-05 for the variances to the parking and setbacks/buffer be denied. The Community Development Department has recommended denial for the following reasons.

1. The intensification of the property will be an inappropriate use of assembly which is incompatible with the neighborhood.
2. The parking increase will be detrimental to the area.
3. The current house, pool, and out-structure should remain as a residential dwelling unit.
4. There is no sidewalk along Hardscrabble Road in front of this structure to allow for members to walk from World Harvest Church to this property.

If the Mayor and City Council approve this application, the following conditions shall apply.

1. All fencing and landscaping shall be completed prior to a certificate of occupancy for the change of use to assembly.
2. The owner/developer shall submit a site plan indicating the location of a minimum of 30 parking spaces on the site.
3. The Fire Marshal and Chief Building Official shall review all building plans for proper construction and the change of occupancy.
4. The owner shall install a five foot sidewalk along Hardscrabble Road from World Harvest Church to the western property line of 275 Hardscrabble Road as required by the Roswell Transportation Department. The owner shall also install a sidewalk connection from the parking lot of World Harvest Church to the sidewalk on Hardscrabble Road

BACKGROUND

The property is zoned R-1 and has always been used for residential.


EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION CU12-04	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	NA	Church offices and small meeting groups	1.7 acres	1	.58 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	R-1	Single family homes	1.7 acres	5 homes	2.9 upa
South	E-2	Single family homes	3.04 acres	3 homes	.98 upa
East	R-1	Church	4.0 acres	1,818 SF	454 SF upa
West	R-1	Single family homes	1.5 acres	2 homes	1.3 upa



1 in = 100 ft

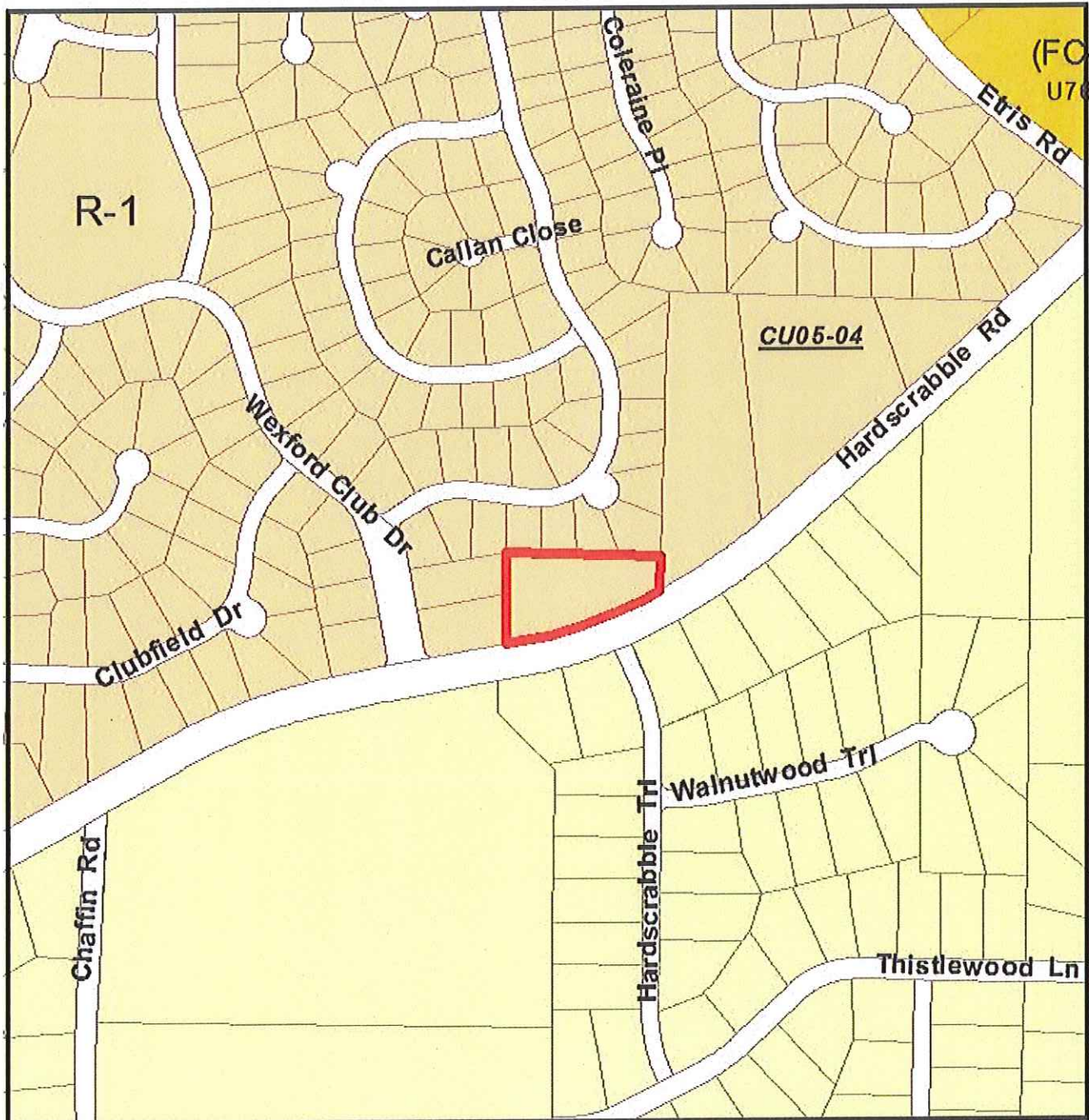
Aerial

 275 Hardscrabble Road

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

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Aerial Date: February 2010



1 in = 400 ft

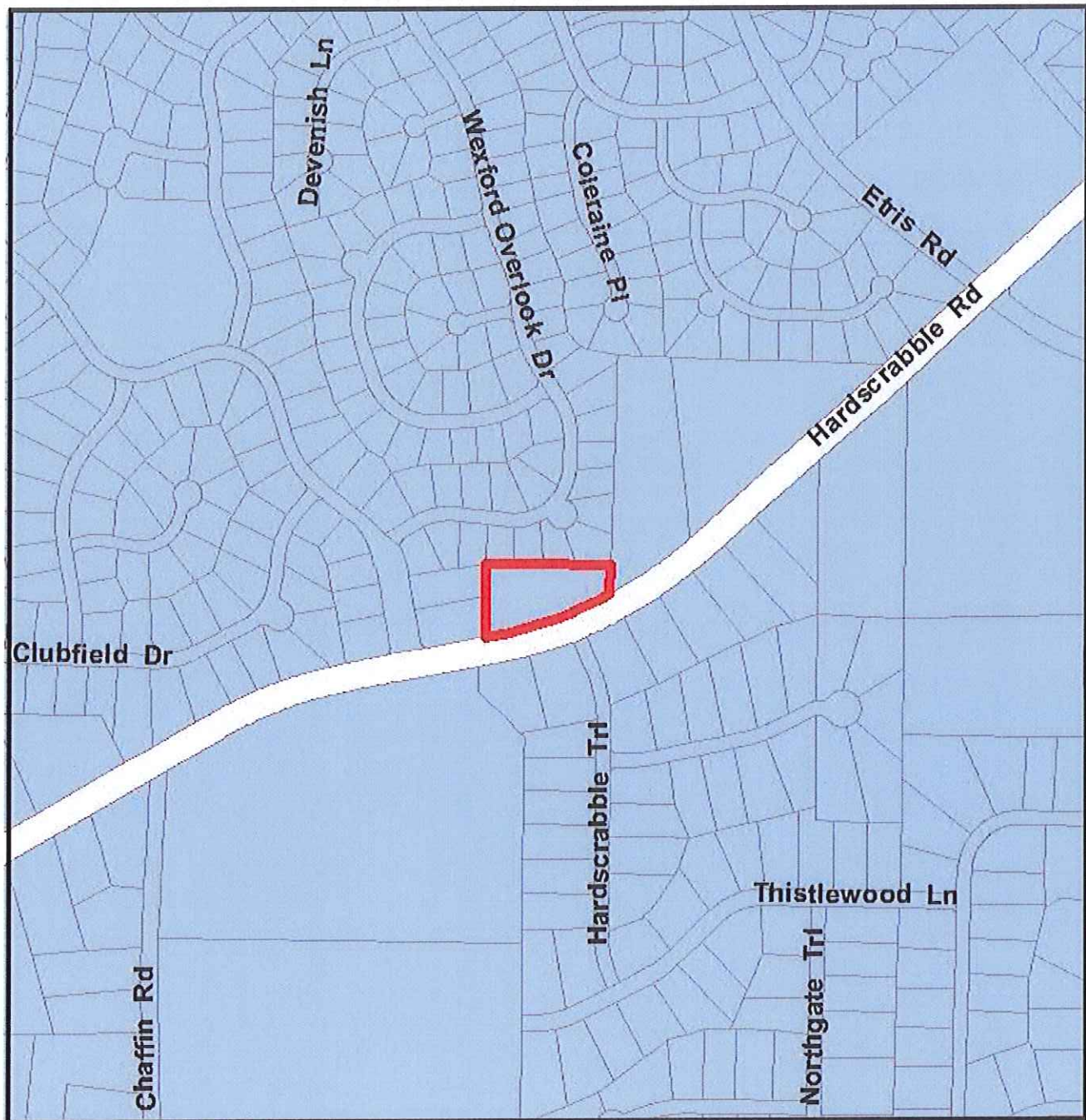
Zoning

- 275 Hardscrabble Rd
- E-2 - Single-family Residential District
- R-1 - Single-Family Residential District
- (FC-A) - Fulton County - Annexed

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

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Aerial Date: February 2010



1 in = 500 ft

Future Land Use

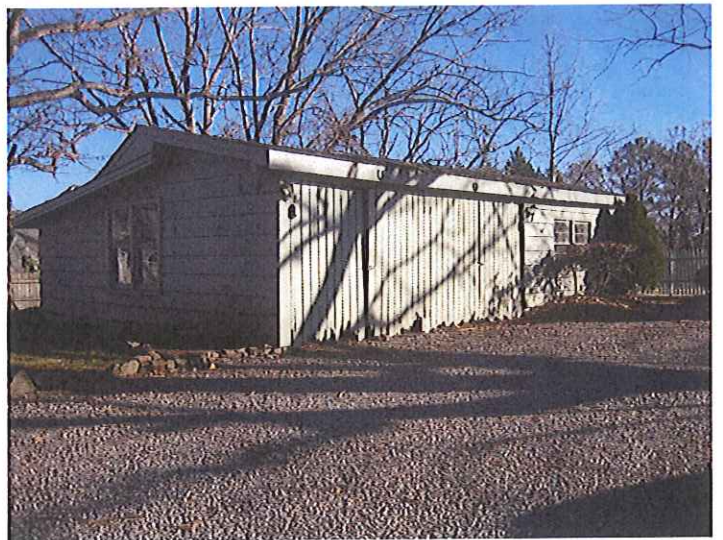
- 275 Hardscrabble Rd
- Character Areas
- Suburban Residential

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

Path: \\Core1\cd\Community Development\Micah\GIS\Micah\275 Hardscrabble\275 Hardscrabble Rd Future Land Use Map.mxd Aerial Date: February 2010



View of the property



View of the property



View of the property



View of the property



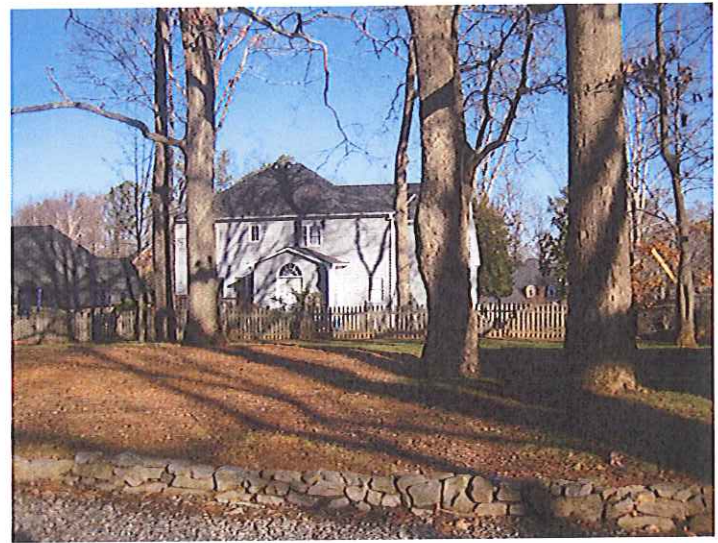
View of property to the east



View of property to the south



View of property to the west



View of property to the north



View of the property



View of the property



View of the property and homes across street



View of the property



NOTICE OF PUBLIC HEARING

Petition No: **Conditional Use - CU12-04 &
Concurrent Variance - CV12-05**

Petitioner: **World Harvest Holdings, Inc.**

Location: **275 Hardscrabble Rd.**

Land Lot: **359, 360**

Request: **Conditional Use for the purpose of using
the existing structure as church offices &
small group meeting space with variance to
the rear setback and existing driveway in buffer**

Public Hearings: **Neighborhood Mtg. - January 17, 2013
(Room 220) 7:00 p.m.**

**Planning Commission - February 19, 2013
(Council Chamber) 7:00 p.m.**

**Mayor & City Council - May 13, 2013
(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.roswellga.gov

SITE PLAN ANALYSIS

The applicant is requesting a conditional use in order to allow the structure which is owned by World Harvest Church to be used for offices and church meeting space for small groups. The site plan shows the existing house, shed and pool on the property. The applicant intends to add nine parking spaces to be located along the existing gravel driveway and parking area located on the property. The use of the property as assembly would require a minimum of 30 parking spaces on the site. The applicant is indicating that church members would park at World Harvest Church and they would be shuttled to the property. The landscape plan indicates some new trees and bushes in the rear of the property to held shield the existing pool and buildings on the property from the homes located to the north.

DRB/HPC comments and Design Guidelines

Not applicable

LANDSCAPE PLAN ANALYSIS

The landscape plan indicates planting 21 new trees and 21 new shrubs onto the property. There are no trees proposed to be removed from the property. The new trees are dogwood, cherry, holly and arborvitae.

VARIANCE CONSIDERATIONS

The applicant is requesting several variances with the conditional use request.

1. There is an existing storage shed located 39' feet from the rear property line. According to Section 10.11 of the Roswell Zoning Ordinance, "all churches and their customary accessory buildings must be at least 50' from any property line." The variance is to allow the existing storage shed to remain at its current location.
2. A portion of the existing parking area is located within the 25' natural buffer which is required according to Section 10.11 of the Roswell Zoning Ordinance. "Within the 50' setback along the side and rear property lines, a minimum 25' natural buffer shall be provided." A portion of the existing drive and area for parking is located within the 25' buffer as shown on the proposed site plan.
3. The third variance is a request to allow for a reduction in the required off-street parking by using off-site parking as allowed under Section 17.4.1 of the Roswell Zoning Ordinance.

DEPARTMENT COMMENTS

City of Roswell Environmental Department	<ul style="list-style-type: none">• Should improvements of 1,000 SF of impervious area or greater be proposed, please contact the water resources engineer for a stormwater concept meeting.
City of Roswell Engineering Division	<ul style="list-style-type: none">• Redevelopment that involves the creation or replacement of between 1,000 sf and 5,000 sf of impervious cover for non-residential property shall provide water quality protection only using approved low impact development methods per Section 7.2.1.2(f) as revised and adopted per Ordinance No. 2012-10-15.• Schedule a Stormwater Concept Plan and Consultation Meeting with the water resources engineer prior to submitting for a development permit.• Proposed Land Disturbance of 5,000 sf or more will require an LDP.• Inspection and Maintenance Agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the City of Roswell as provided in section 7.2.3.4, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with section 7.2.3.4.• Install curb stops at all parking spaces and install a device to prevent parking on the adjacent landscaped / natural areas.• Gravel parking and driveway shall be maintained to be dust free.
Fiscal Impact	Not applicable
Archaeological	Not applicable
City of Roswell Fire Department	<ul style="list-style-type: none">• This will be a change of occupancy and will require plans to be submitted to make the change in occupancy and meet the requirements of the 2000 edition of the Life Safety Code for the intended use.• A new certificate of occupancy is required and can be issued after plans have been approved and all inspections completed.
City of Roswell Transportation Department	<ul style="list-style-type: none">• No Comment
Fulton County	<ul style="list-style-type: none">• Anticipated water demand is 1,245 gallons per day. The property is located in the Little River Basin. The anticipated sewer demand is 1,121 gallons per day.
City of Roswell Arborist & Landscape Architect	<ul style="list-style-type: none">• Provide Landscape Maintenance and Replacement Bond prior to C.O. per Zoning Ordinance Section 16.4.2.

CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted on December 4, 2012.

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 conditional use request to use the structure for church offices and small group meetings may not be suitable due to the existing single family subdivision on the north and west and the single family homes across Hardscrabble Road. The change of use to assembly would intensify the use of this property.

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

This structure should be used as a residential dwelling unit to keep the character of the surrounding neighborhood.

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

The property can be used for single family residential. The church had been renting the house until recently when they determined that they wanted to use it for small group meeting space.

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 request should not cause a burdensome use on the existing streets, facilities or utilities. There would be no effect to the schools.

5. Whether the zoning proposal is in conformity with the policies and intent of the 2030 Comprehensive Plan.

The 2030 Comprehensive Plan indicates this area as Suburban Residential. The request to use the home for church related uses may meet the intent of the plan with buffers and landscaping; however, by using the home for assembly which will intensify the property would be incompatible with the surrounding neighborhood.

6. Whether there are 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 existing single family homes adjacent to this property which may be affected due to the change of use for this property give supporting grounds for a denial of this conditional use request.

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

The property is zoned R-1 (Single Family Residential) and is a rental house.

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.

Not required for a conditional use.

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

Not required for a conditional use.

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

Not required for a conditional use.

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

Not required for a conditional use.

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

A conditional use is a "use that would not be appropriate generally or without restriction throughout the particular zoning district and is not automatically permitted by right within a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, maybe found to be compatible and approved by the governing body within a particular zoning district as provided in certain instances by this ordinance." The proposed request for a conditional use for this property may not be suitable due to the assembly use being incompatible with the neighborhood.

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

Not required for a conditional use.

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

Not required for a conditional use.

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.

Not required for a conditional use.

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

Not required for a conditional use.

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 home structure will not be changing. The applicant plans to do some improvements on the property; but there are no plans to change the look of the structure.

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 area is existing and developed. To use the structure for church offices and small group meetings may be a deterrent to the adjacent homes and neighborhood due to the intensification of how the property would be used.

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

The applicant is proposing to add nine parking spaces onto the property along the existing driveway. If this is approved, one of the conditions by the staff is to see a plan showing a minimum of 30 parking spaces on the site in order to meet the requirements for parking.

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 zoning scheme in this area is mainly single family homes with two churches and an elementary school at and Hardscrabble and Etris. The request is to use the home for church offices and small group meetings.

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 property abuts single family homes on two sides and across the street. The applicant is proposing to plant new trees and shrubs to shield the homes located in the Wexford Subdivision from the home. Other than using the existing drive and parking area for parking spaces, there will be no change to the front of the property as the house will remain.

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 required for a conditional use.