



Petition No. 201301339 & 201301341

HEARING & MEETING DATES

Design Review
Board Meeting
6/4/13

Neighborhood Meeting
6/20/13

Planning Commission Hearing
7/16/13

Mayor and City
Council Hearing
8/26/13

APPLICANT/PETITIONER INFORMATION

Property Owner
Constance Thompson, Tracy Erickson,
Walter Potts, and Oral Abernathy

Petitioner
William Hole

Representative
Steve Rowe

PROPERTY INFORMATION

**Address, Land Lot,
and District** 12055 Houze Road, 365, 375, and 395 Rucker Road; LL 1281 & 1282, Second District

Frontage and Area 106.87 feet on Houze Road and 600 feet on Rucker Road; 16.1 acres

**Existing Zoning and
Use** FC-A (Fulton County-Annexed) and R-2 (Single Family Residential)

**Overlay Design
District** Not applicable

2030

**Comprehensive
Plan; Future
Development Map** Suburban Residential

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

INTENT

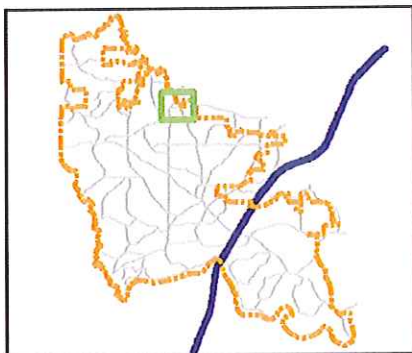
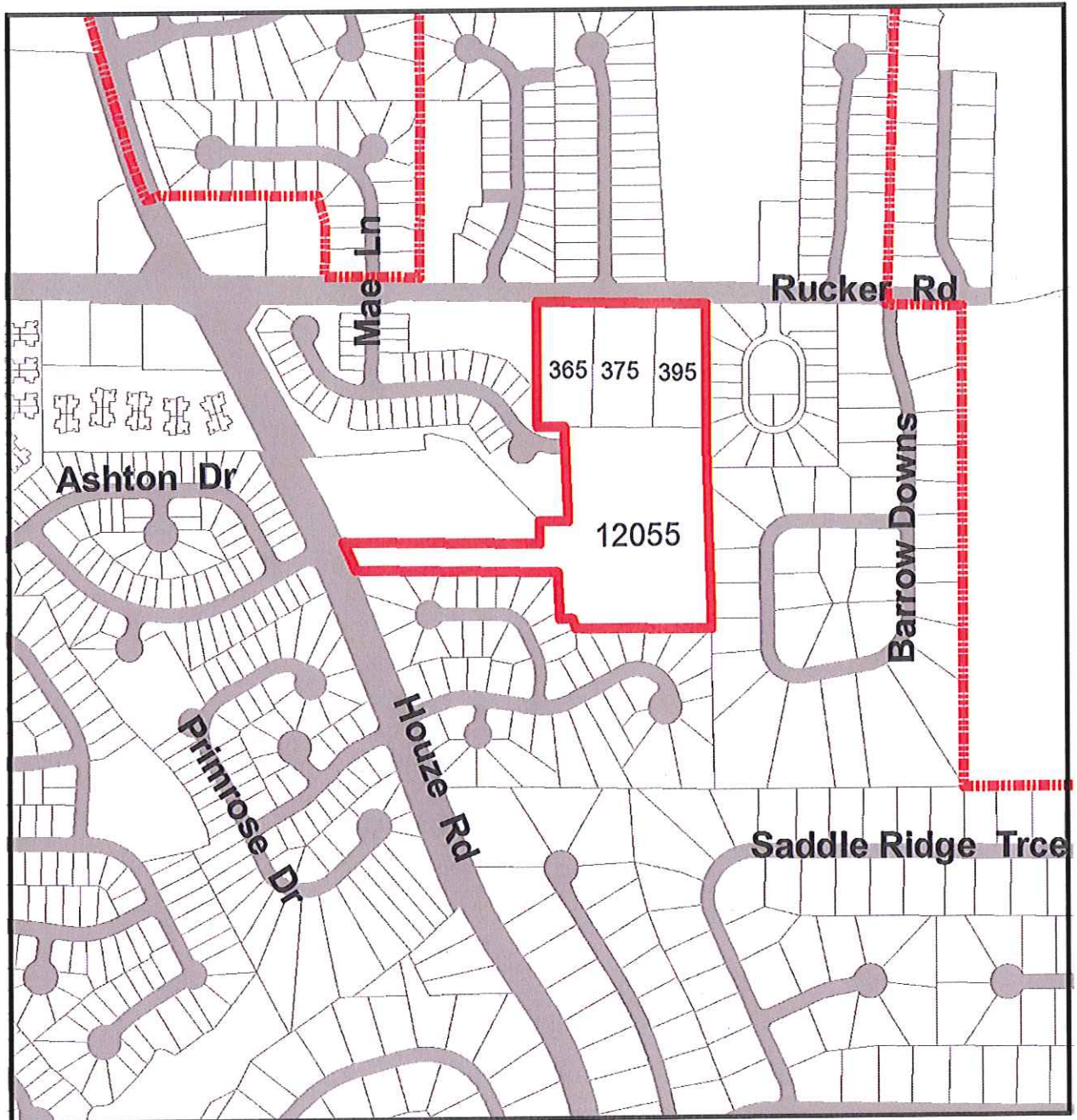
The applicant is requesting to rezone to R-3A to develop a 44 lot single-family residential subdivision. The applicant is requesting a lot width variance with the rezoning request.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION
RZ 201301339 & CV 201301341 - Approval of the rezoning and concurrent variance

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of the rezoning and concurrent variance during their July 16, 2013 hearing with the following conditions.

1. The owner/developer shall develop the property in substantial accordance with the site plan stamped "Received May 7, 2013 City of Roswell Community Development Department."
2. The proposed subdivision shall not provide vehicular access to the existing stub street in the Reserve @ Crabapple as required by the Roswell Transportation Department. The connection shall not be shown on the preliminary plat, final plat and the land disturbance permit plans.
3. The owner/developer shall dedicate right-of-way along Rucker Road as required by the Roswell Transportation Department.
4. A preliminary and final plat shall be required for the development.
5. A stormwater concept plan, approved by the Public Works Department, shall be completed prior to the submittal of the preliminary plat.
6. The number of lots within the subdivision is not guaranteed with the approval of the zoning.
7. The entrance from Houze Road shall be built to city standards and shall not be a public right-of-way, but only used for emergency vehicle access only.



1 in = 500 ft

Location



12055 Houze Rd & 365, 375, 395 Rucker Road
City Limits

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

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Prepared by the City of Roswell Department of Community Development for the Mayor and City Council Hearing on August 26, 2013.

STAFF RECOMMENDED CONDITIONS

The Community Development Department recommends approval of the rezoning to R-3A for a single family development and approval of the concurrent variance for the reduction of the lot width to 60 feet. The staff recommends approval with the following conditions.

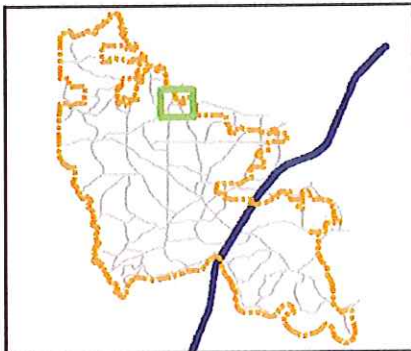
1. The owner/developer shall develop the property in substantial accordance with the site plan stamped "Received August 16, 2013 City of Roswell Community Development Department."
2. The proposed subdivision shall have pedestrian connectivity to the existing stub street in the Reserve @ Crabapple as required by the Roswell Transportation Department. The connection shall be shown on the land disturbance permit plans.
3. The owner/developer shall dedicate right-of-way along Rucker Road as required by the Roswell Transportation Department.
4. The owner/developer shall provide left and right turn deceleration lanes along Rucker Road as required by the Roswell Transportation Department.
5. A stormwater concept plan, approved by the Public Works Department, shall be completed prior to the submittal of the preliminary plat.
6. The number of lots within the subdivision is not guaranteed with the approval of the zoning.

BACKGROUND

A portion of the property off of Houze Road is zoned FC-A (Fulton County-Annexed) as AG-1 property and annexed into the City of Roswell in 2005. The three parcels located off of Rucker Road are zoned R-2 (Single Family Residential) zoned under case number RZ07-03. A copy of the 2007 minutes are included in the packet.


EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION 201301339	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	R-3A	Single Family Residential Development	16.1 acres; 14.4 acres w/o access strip from Houze	44	2.7 upa; 3.0 upa without access strip from Houze
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	FC-A and R-3A	Single Family home; Single Family Subdivision (Crabapple Manor)	5 acres ;and 8.44 acres	1 home; and 27 lots	0.2 acre ;and 3.2 upa
South	FC-A	Single Family Subdivision (Crabapple Woods)	16.6 acres	50	3.0 upa
East	R-1	Single Family Subdivisions (Barrow Downs); (Cottages at Crabapple)	28.58 acres; and 5.78 acres	35 lots; and 17 lots	1.2 upa; and 3.29 upa
West	FC-A and R-5	Townhome Development (Reserve at Crabapple); Single Family Subdivision across Houze Road (Crabapple Walk)	12.38; and 22.97 acres	37 homes; and 121 lots	2.9 upa; and 5.26 upa)



1 in = 300 ft

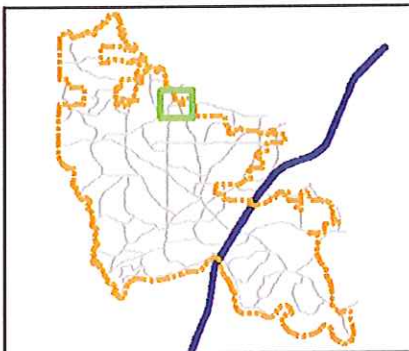
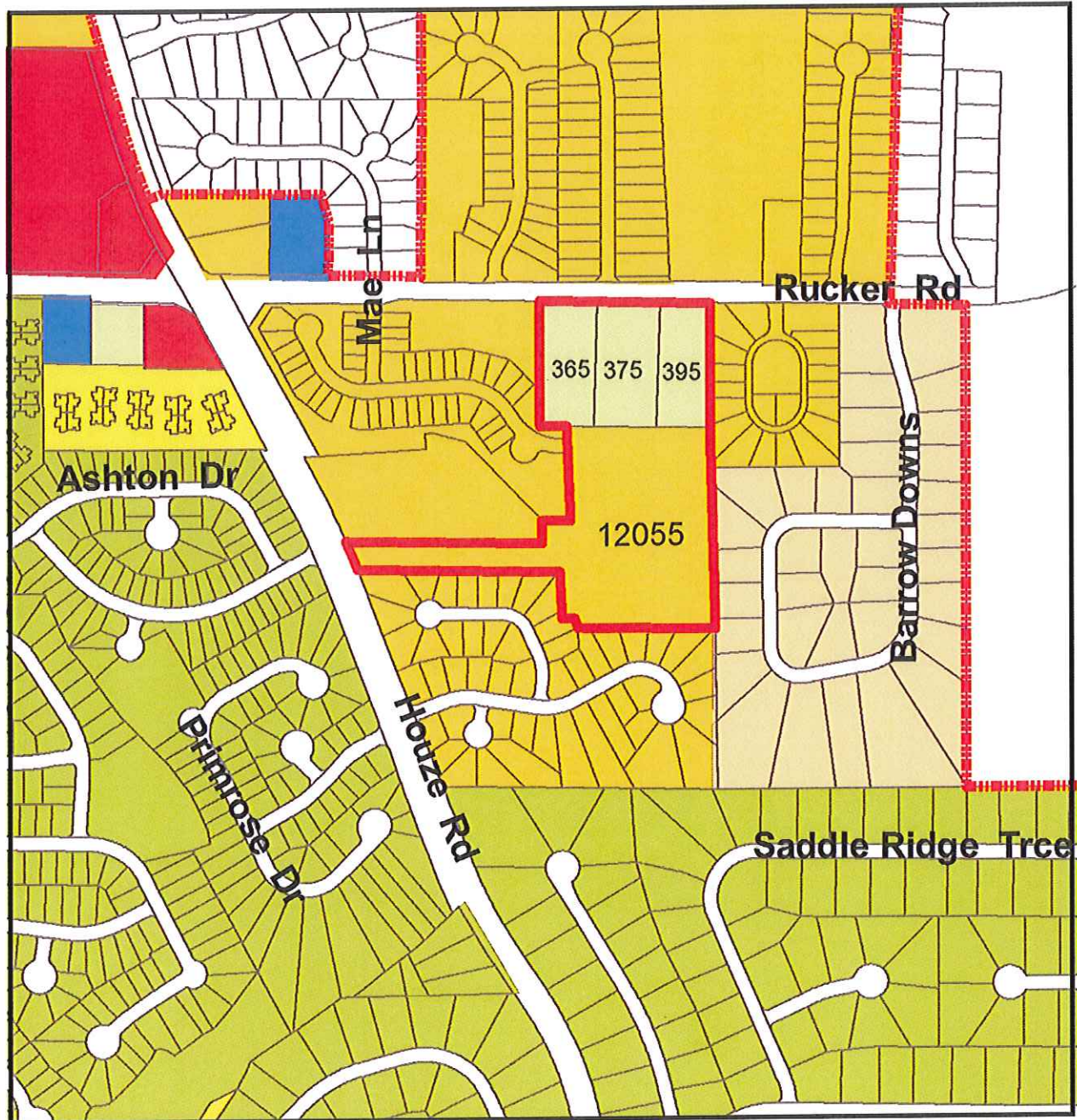
Aerial

 12055 Houze Rd & 365, 375, 395 Rucker Road
City Limits

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

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Prepared by the City of Roswell Department of Community Development for the Mayor and City Council Hearing on August 26, 2013.



1 in = 500 ft

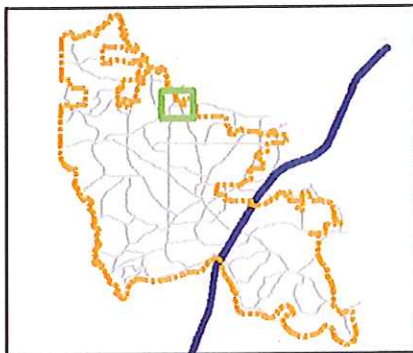
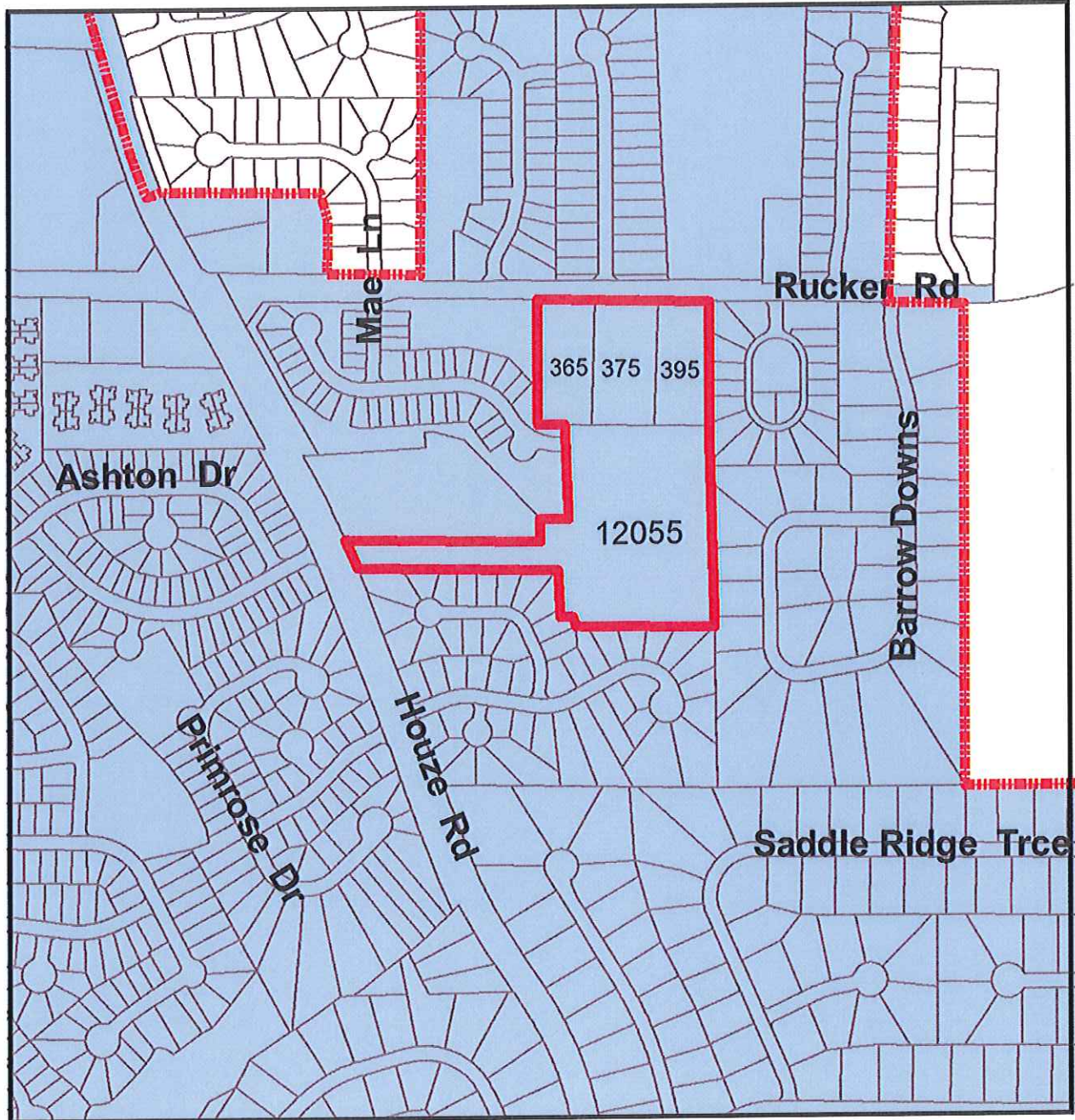
Map Source: City of Roswell GIS
Map Created by: Micah Stryker

Zoning

	12055 Houze Rd & 365, 375, 395 Rucker Road
	City Limits
	C-3 - Highway Commercial District
	O-P - Office - Professional District
	R-1 - Single-Family Residential District
	R-2 - Single-Family Residential District
	R-3 - Multi-Family Residential District
	R-5 - Planned Residential District
	(FC-A) - Fulton County - Annexed

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Prepared by the City of Roswell Department of Community Development for the Mayor and City Council Hearing on August 26, 2013.



1 in = 500 ft

Future Land Use



12055 Houze Rd & 365, 375, 395 Rucker Road
City Limits



Suburban Residential

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

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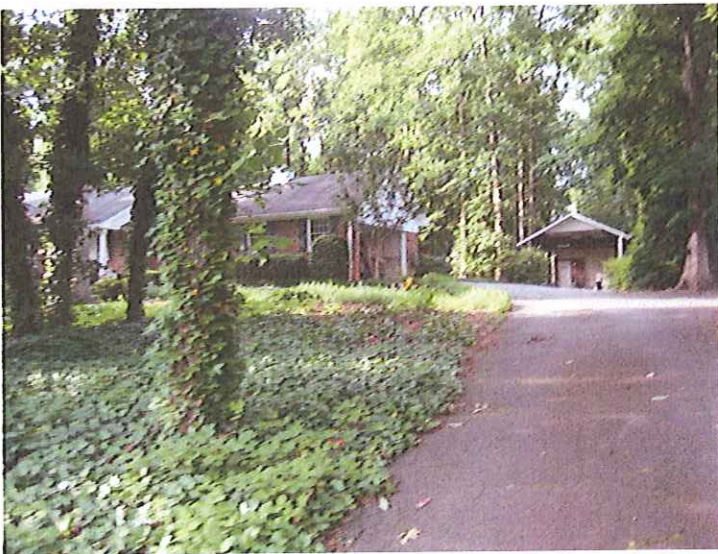
Prepared by the City of Roswell Department of Community Development for the Mayor and City Council Hearing on August 26, 2013.



View of the property



View of the property



View of the property



View of the property



View of property to the east (Barrow Downs)



View of property to the north (Crabapple Manor)



View of property to the west (Reserve at Crabapple)



View of property to the south (Crabapple Woods)



View of the property



View of the

property



View of the property



View of the property



NOTICE OF PUBLIC HEARING

Case No: **RZ-201301339, CV-201301341**

Petitioner: **William R. Hole / D&B Development, Inc.**

Location: **12055 Houze Rd. & 365, 375, 395 Rucker Rd.**

Land Lots: **1281, 1282**

Request: **Change in zoning from FC-A (Fulton County - Annexed) & R-2c (Single - Family Medium Density) conditional to R - 3A (Multi - Family Medium Density) with concurrent variance to lot width.**

Public Hearings: **Neighborhood Mtg. - June 20, 2013**
(Room 220) 7:00 p.m.

Planning Commission - July 16, 2013
(Council Chamber) 7:00 p.m.

Mayor & City Council - August 26, 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.roswellgov.com**

SITE PLAN ANALYSIS

The revised site plan submitted on August 16, 2013 indicates a 44 lot single family development. The proposed lot size is a minimum of 9,000 square feet. The parking required is a minimum of 2 spaces with a maximum of 4 spaces. The proposed site plan indicates 88 parking spaces for the site which is two spaces for each dwelling unit. The density of the project is 2.7 units per acre. There is a 1.1 acre park area on the western side of the development. The plan also shows twelve (12) additional parking spaces at the park. The road from Houze into the development has been moved to approximately 20 feet from the property line; however, sections of the road are closer to the property line.

DRB/HPC comments and Design Guidelines

Not applicable

LANDSCAPE PLAN ANALYSIS

The landscape plan/tree protection plan for the proposed rezoning indicates the removal of 18 specimen trees with a total of 111.2 tree density units. The applicant is required to recompense for the specimen trees and to meet the tree density requirements for the site. There are 594.2 units required for this site. The applicant is providing 291.4 units on the site and will be paying to the tree bank for the remainder of the balance.

VARIANCE CONSIDERATIONS

The applicant is requesting a variance to the lot width for each lot. The required lot width under the R-3A zoning is 80 feet. The applicant is requesting that the lot width be reduced to 60 feet.

DEPARTMENT COMMENTS

City of Roswell Environmental Department	<ul style="list-style-type: none"> • The sketch showing two detention facilities in the site area implies that these are stormwater ponds and the drainage area does not appear to support this. The area set aside for stormwater compliance appears inadequate and the applicant should expect to lose 3-4 lots. Please set up a stormwater concept meeting with the water resources engineer.
City of Roswell Engineering Division	<ul style="list-style-type: none"> • Provide Steep Slope Analysis. • Show proposed street names on plans. • Show proposed drainage, access, utility easements. All easements shall be a minimum 20 feet wide or as requested by city engineer. • Address the condition of the existing dam and modifications require to construct a road across. The city will not accept this as public ROW. • Provide information for survey and topographic information. Show all existing utilities
Fiscal Impact	<ul style="list-style-type: none"> • The fiscal analysis for a twenty-year period indicate that the revenues would exceed the costs.
Archaeological	Not required
City of Roswell Fire Department	<ul style="list-style-type: none"> • A fire flow test is required to determine if there is adequate water available for firefighting. The flow test must comply with the 2006 edition of the International Fire Code and appendix B. The LDP must show the fire flow test on the plans and the test must calculate the Proposed Fire Flow at the Proposed Fire Hydrants.
City of Roswell Transportation Department	<ul style="list-style-type: none"> • Provide interparcel connectivity with existing adjacent residential subdivision to the west thru "Skulley Drive" - • Provide left and right turn deceleration lanes along Rucker Road. Meet with Transportation to discuss details. • Provide 4' bike lane, 24" curb and gutter, minimum 5' grass strip and 5' wide sidewalk along Rucker Road frontage - Dedicate right-of-way along the entire Rucker Road frontage as necessary to encompass the required sidewalk plus a minimum 1 foot. • Due to potential conflict with the existing Birchwood Lane, restrict access along Houze Rd to right/in-right/out only. • Provide internal sidewalk as per the City of Roswell Code
Fulton County	<ul style="list-style-type: none"> • Anticipated water demand 12,690 gallons per day • Sewer - Big Creek; Anticipated sewer demand is 11,421 gallons per day
City of Roswell Arborist & Landscape Architect	<ul style="list-style-type: none"> • Street trees cannot be applied to the site density factor (SDF) requirement or specimen recompense per Zoning Ordinance Section 15.4.4 - Street Trees - "The requirements of this section shall be independent of and in addition to all other section of the article." • Do not show the use of 4-inch caliper understory trees since this is not easily found or practical in the nursery/landscape industry. Should be no larger than 3-inch caliper, generally 2-inch.

CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted May 7, 2013.

Revised landscape plans submitted June 10, 2013.

Revised site plan submitted August 16, 2013.

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 for 47 single family homes with a minimum lot size of 9,000 SF. This proposed development is suitable to this area. Several of the existing subdivisions contain lots of the same size as the proposed development.

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

Except for one lot, everything surrounding the subject property has been developed into single family subdivisions. Some of the developments were done through Fulton County and annexed into the City of Roswell and the others were zoned in the City of Roswell. Only one subdivision, Barrow Downs, located east of the subject property contains lot sizes larger than 9,000 square feet.

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

The property is currently zoned R-2 and FC-A. On the part that is zoned R-2, a development with homes with a minimum lot size of 12,000 SF can be built. On the FC-A section, homes with a minimum lot size of 1 acre can be built. There are no subdivision developments surrounding the subject property that contain homes on a minimum of 1 acre lot sizes. Only one subdivision, Barrow Downs, located east of the subject property contains lot sizes larger than 9,000 square feet.

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 subdivision will add homes to this area; however, the development will have access from both Houze and Rucker Roads allowing people to be able to enter and exit onto two roads.

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

The 2030 Comprehensive Plan indicates suburban residential for this area. The proposed single-family development complies with the intent of the plan.

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.

Except for the property with one home on a five acre tract, the rest of the surrounding area is already developed. The lots sizes in the surrounding subdivisions range from 6,000 SF to over 18,000 SF with a majority of the lots around the 9,000 square foot size.

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

The subject property is currently zoned R-2 (Single Family Residential) and FC-A (Fulton County-Annexed). There are several homes currently on the subject 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 in their application that the existing value of the property is approximately \$1.175 million.

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

The property can be used under the R-2 and FC-A regulations. Under the R-2 zoning, the lot sizes for homes would be a minimum of 12,000. Under the FC-A portion, the lot size for the homes would be 1 acre.

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 need to be completed in order to determine whether the subject property is diminished by the current R-2 and FC-A zoning classifications.

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

The applicant has stated in their application that the approximate value under the proposed zoning district would be \$2.35 million.

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

The existing zoning districts of R-2 and FC-A do not allow for a development with 9,000 square foot lots which are similar to many of the surrounding subdivisions.

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

The single family development is suitable under the proposed R-3A zoning classification.

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

The property is not vacant. There are several homes located on the property.

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.

The applicant has indicated in the application that the properties have been listed for almost two years.

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

The proposed rezoning will not create an isolated zoning district. The lot sizes in many of the surrounding subdivisions are currently at 9,000 SF. Only one subdivision, Steven's Hollow, located to the east contain lots of a minimum of 18,000 SF.

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.

Other than the one 5 acre tract, the proposed single family development may complete the character of the area which is mainly single family subdivisions.

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 subdivision will mainly complete this quadrant; other than the one 5 acre tract which still remains. The proposed development may not be a deterrent to the value of the existing developments.

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 development will be required to meet the stormwater management for the City of Roswell.

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 for suburban residential and with these parcels being developed into a subdivision than this area will be almost completely built out with single family homes.

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 site plan indicates a 40' buffer abutting the Barrow Downs subdivision which is zoned R-1. The remaining subdivisions surrounding the subject property are zoned similar or more dense than the proposed rezoning.

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 vacant land in the general area that is currently zoned R-3A.