

Rezoning Staff Report

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I. PROJECT INFORMATION

Petition Number	RZ09-16
Project Name	Orchard Village
Property Location	295 Rucker Road, Alpharetta, GA 30004 Land Lot 1282
Property Size	1.1068 acres
Existing Zoning	C-3c(03-10) – Highway Commercial Conditional
Proposed Zoning	C-3c(03-10) – Highway Commercial Conditional
Owner/Petitioner	Jay Baker – MPARC, LLC
Action Requested	1. Revise condition from previous rezoning to allow sit down restaurants as a permitted use.

II. COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

RZ09-16 – Approval

A. RECOMMENDED STAFF CONDITIONS

1. Condition #2 from RZ04-28 shall be amended to allow sit down restaurants.

RECOMMENDED PLANNING COMMISSION CONDITIONS

The Planning Commission recommended approval during their December 15, 2009 hearing with the following conditions:

1. Condition #2 from RZ04-28 shall be amended to allow restaurants without drive-throughs.

DESIGN REVIEW BOARD COMMENTS

Not required.

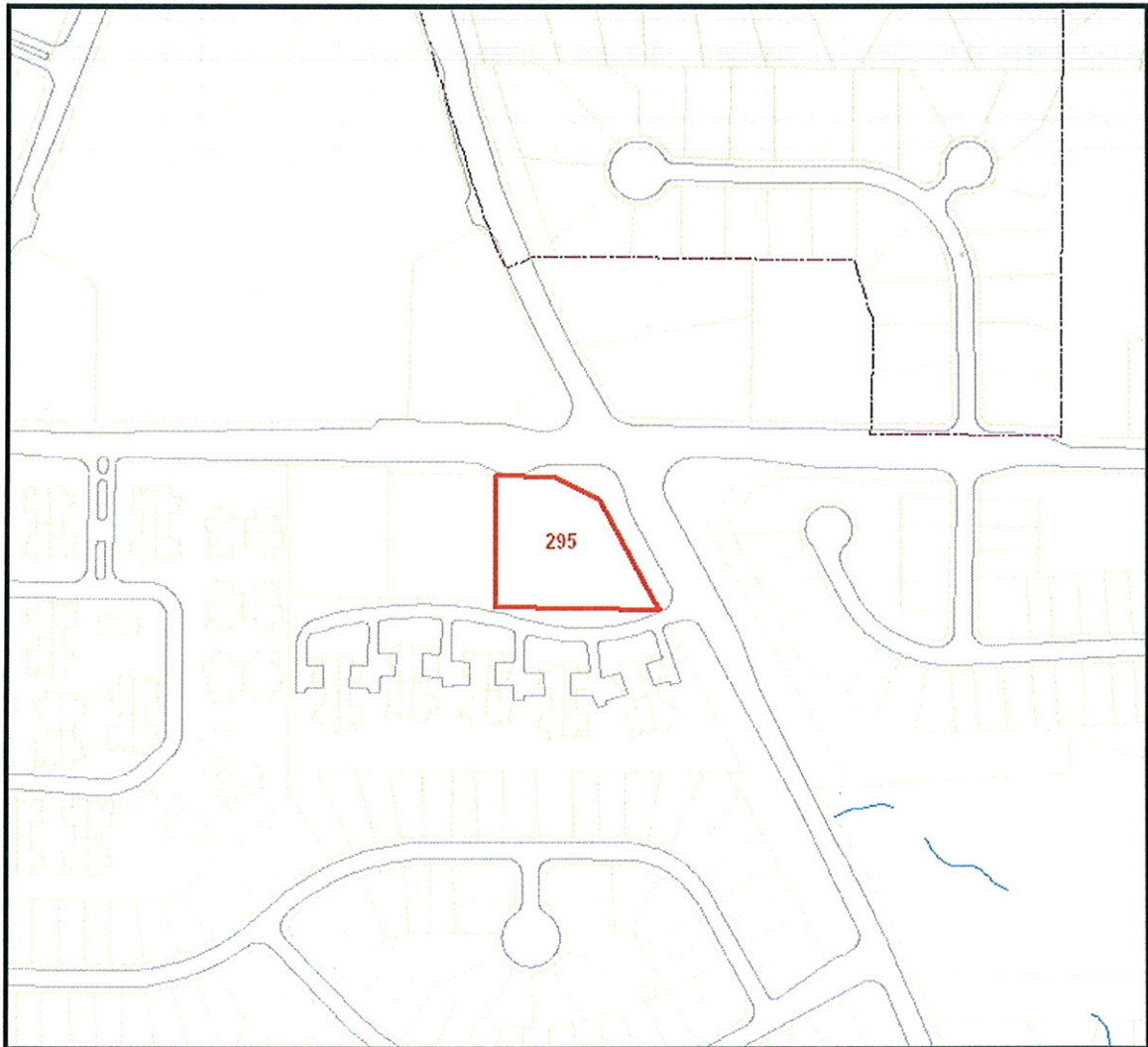
III. ASSESSMENT

A. SITE PLAN ANALYSIS

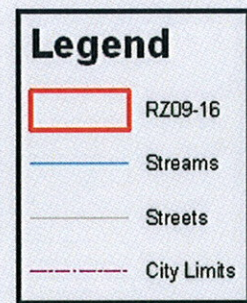
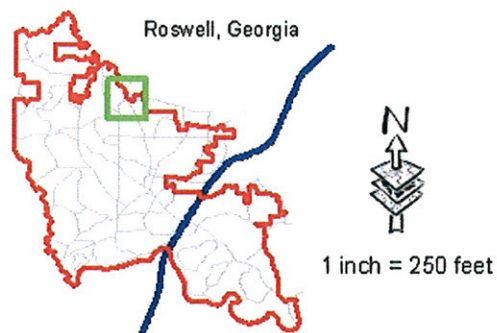
The subject property is developed under the conditions of zoning established under case number RZ03-10. The 1.1068 acre site currently houses a single 10,549.71 square foot building, twenty eight (28) feet in height. The lot coverage of the existing building is 21.88% of the total site. Access to the site is provided by a right-in, right-out only drive on Rucker Road and a left-in, right-in, right-out only drive on Houze Road. The site is served by 45 parking spaces, including two (2) handicap accessible spaces. The total impervious area of the site is 37,385 square feet, or 77.54% of the site. The existing site provides ten (10) foot landscape strips along Rucker Road and Houze Road, a five (5) foot landscape strip along the western property line and an eight (8) foot landscape strip along the southern property line. The total landscaped area of the site is 10,825.57 square feet, or 22.46% of the site.

The following maps are provided: Location Map, Zoning Map, Location Aerial Map, Site Aerial Map, Future Land Use Map, and a Fulton County Zoning Map.

295 Rucker Road Location Map

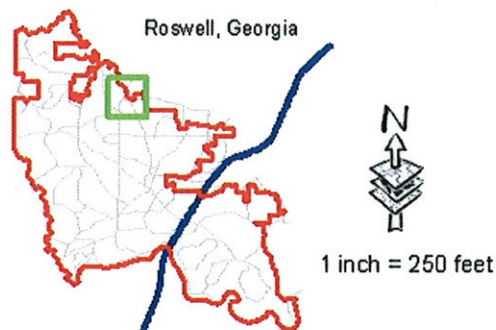
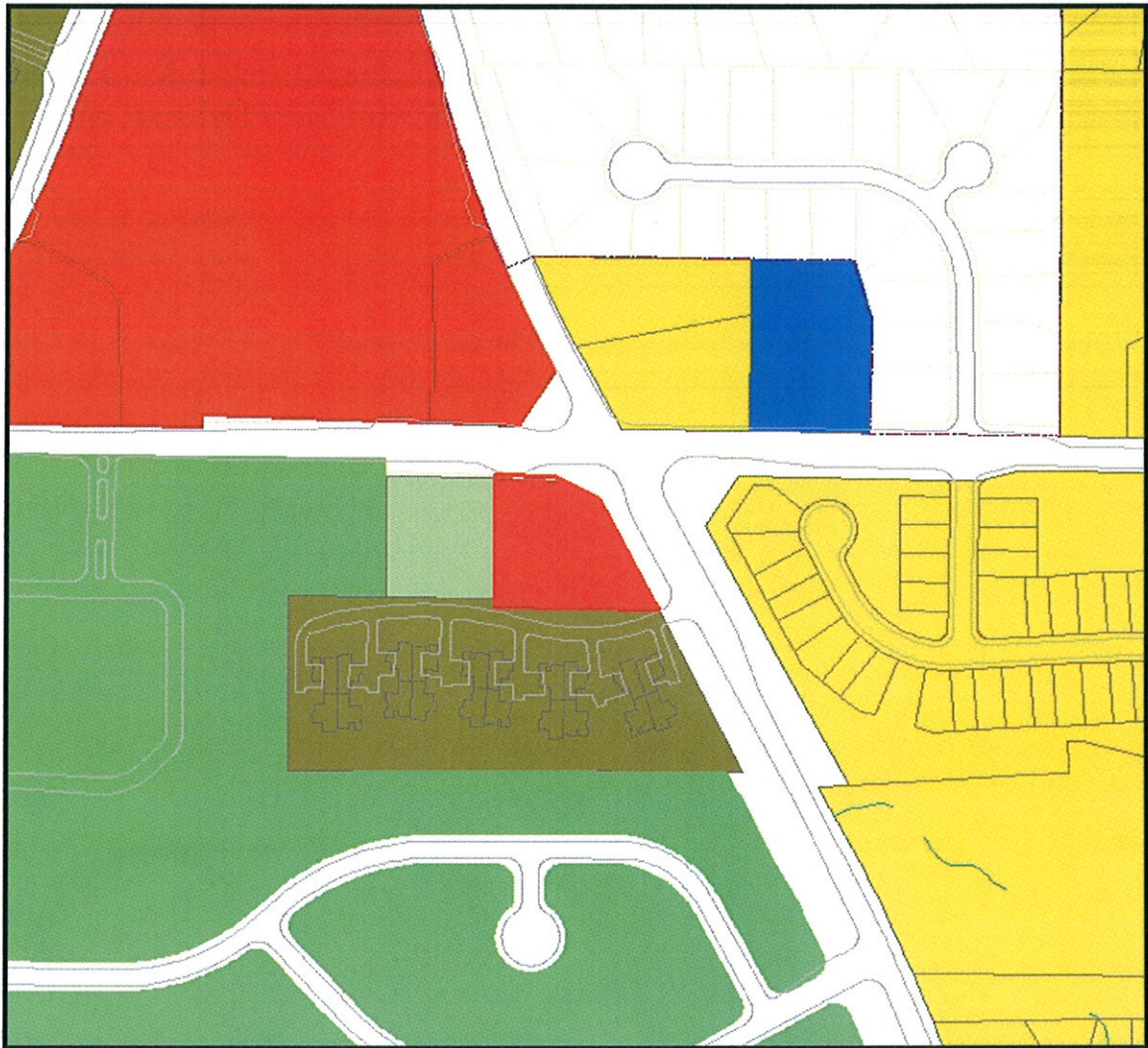


Aerial Map



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295 Rucker Road Zoning Map



Zoning Map

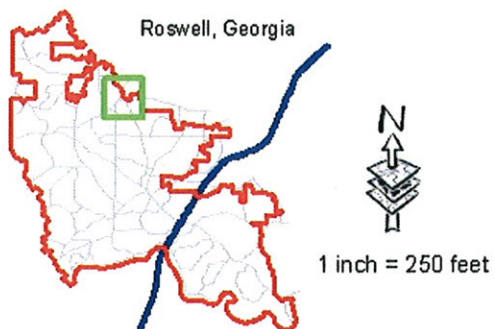
Legend		
RZ09-16	B-1	P-2
Greens	B-2	P-3
Streets	B-R	P-4
City Limits	F-1	P-4A
Zoning District		
(O-3)	O-P	P-5
O-1	O-CEO	P-PUB
O-2	P-V	P-TM
O-3	P-1	
	P-1-PV	

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295 Rucker Road
Location Aerial Map



Aerial Map

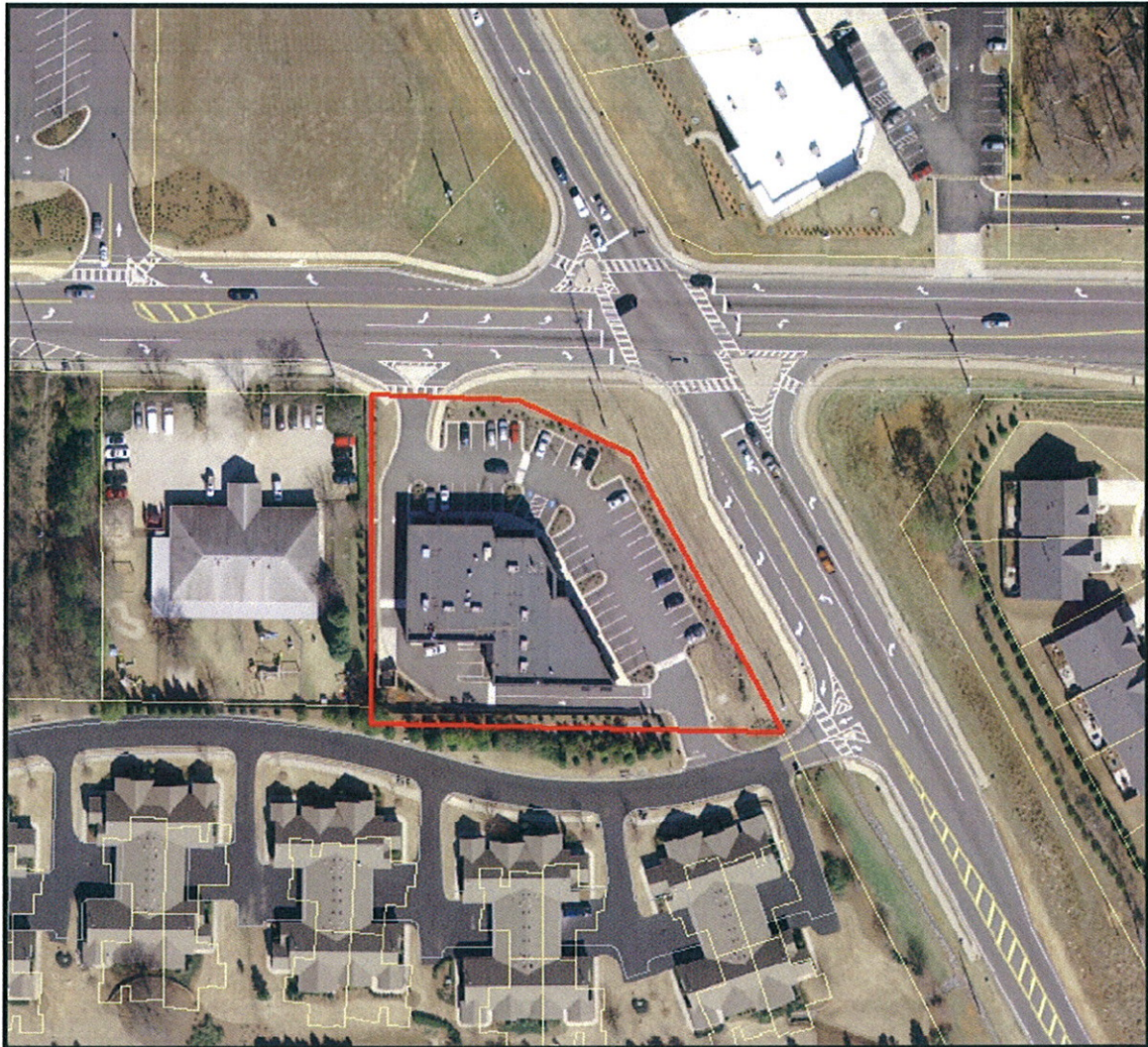


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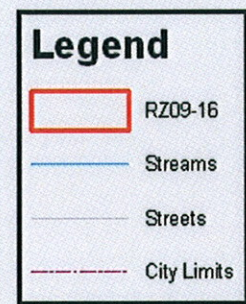
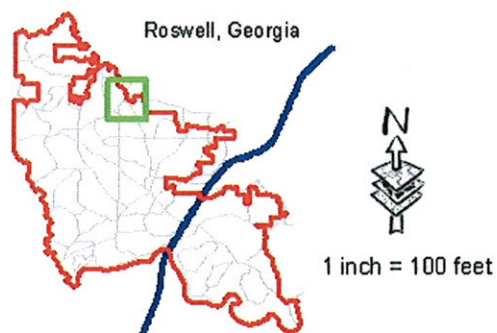
- RZ09-16
- Streams
- Streets
- City Limits

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295 Rucker Road Site Aerial Map

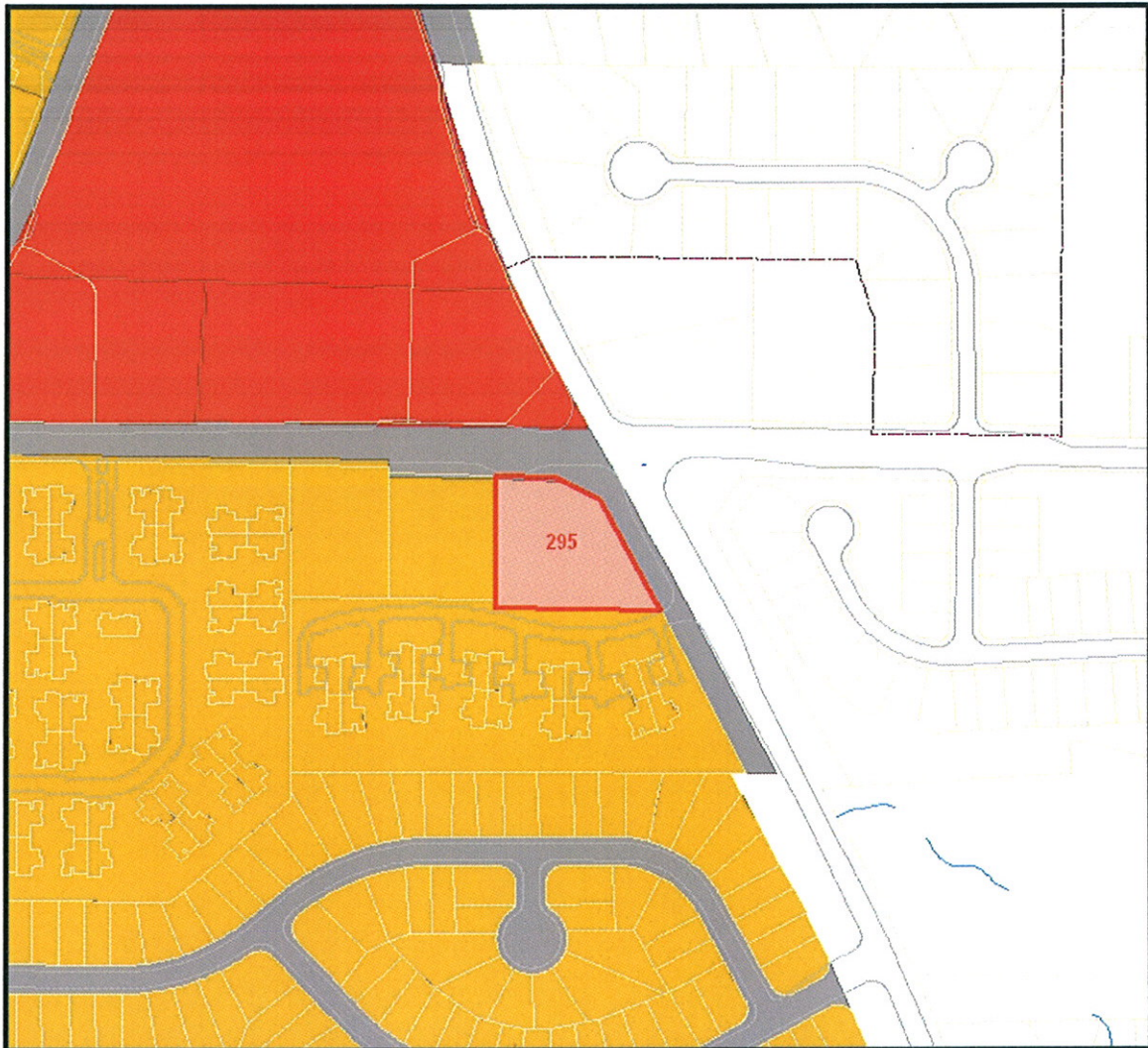


Aerial Map

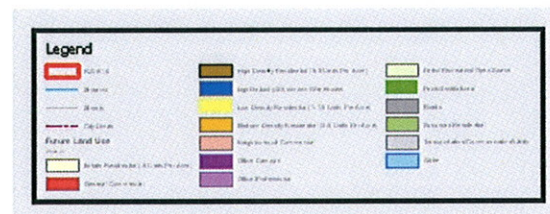
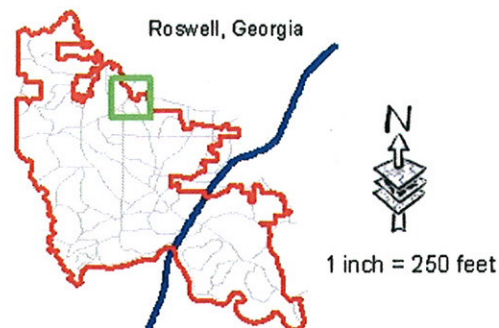


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295 Rucker Road Future Land Use Map



Future Land Use Map



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B. DESIGN GUIDELINES

Not required.

C. LANDSCAPE PLAN ANALYSIS

The applicant is not proposing to change the existing site or landscaping. The City of Roswell Landscape Architect and Arborist have reviewed the site and determined that it complies with the conditions of zoning applied under rezoning case RZ03-10, the design plan originally approved by the Design Review Board, and those plans submitted for issuance of a Development Permit. The site has been issued a Certificate of Occupancy by the City of Roswell.

D. TRANSPORTATION

- No comment

E. ENGINEERING

- No comment

F. ENVIRONMENT

- No comment

G. FIRE

- No comment

H. PARKS

- No comment.

I. FISCAL IMPACT

- No comment

J. ARCHEOLOGICAL

- Not required

K. TRAFFIC STUDY

- Not required

IV. HISTORY (Listing of prior actions)

The subject property was rezoned on June 9, 2003 by Mayor and City Council to commercial in 2003 under petition RZ03-10 with the following conditions:

1. The owner/developer shall develop the property in substantial accordance with the site plan entitled "Jebco Ventures, Inc." prepared by David A. Burre Engineers and Surveyors, Inc. stamped "Received May 30, 2003, City of Roswell Community Development Department."
2. A revised site plan incorporating all conditions of zoning shall be submitted to the Planning and Zoning Director prior to the issuance of a Land Disturbance Permit.
3. The owner/developer shall install a five (5) foot sidewalk and a five (5) foot grass strip along Rucker Road as required by the Roswell Transportation Department.
4. The owner/developer shall install a five (5) foot sidewalk with a two (2) foot grass strip along Houze Road as required by the Roswell Transportation Department.
5. The entrance onto Rucker Road shall allow for a right-turn only entrance/exit as required by the Roswell Transportation Department. The current status of Houze Road with a right-in/right-out entrance onto Orchard Place shall remain in effect without changes.
6. All lighting shall be high-pressure sodium and shall be installed so as to prevent direct illumination of adjacent and nearby properties. No direct glare from on-site lighting shall interfere with vehicles traveling along Houze and Rucker Roads.
7. The primary exterior building material shall be brick.
8. The property shall be limited to the following uses: retail, office, medical/dental clinic, pharmacy, bank and dry cleaners. Only the bank and dry cleaners are permitted to have a drive-thru. A veterinary clinic shall be excluded from the uses.
9. A six (6) foot tall wall shall be constructed along the west property line. The wall shall be of materials agreed upon by the wet's property owners and approved by the Design Review Board. If no agreement on materials is reached, then it shall be brick and the design shall be approved by the Design Review Board.
10. All dumpsters and loading docks shall be screened from view with substantial landscaping and fencing as approved by the Roswell Design Review Board.
11. Any deceleration lane located on Houze Road shall be approved by the Roswell Department of Transportation and Georgia Department of Transportation.
12. The right-in/right-out and left-in onto the access easement off of Houze Road shall be approved by the Roswell Department of Transportation and Georgia Department of Transportation.
13. Fencing or dense landscaping shall be added along the south property line. The landscaping shall be sufficient to shield the homeowners in the Orchards from the sight of the building. This is honoring the easement agreement between both parties to block the view from the Orchards.

The property again received a change in these previously approved conditions under petition RZ04-28. The following conditions were approved by Mayor and City Council on March 14, 2005:

1. The property shall be limited to a density not to exceed 9,531.72 square feet per acre.
2. The property shall be limited to the following allowed uses: retail trade establishments; offices; clinics; finance, insurance and real estate establishments; business service establishments not exceeding 2,500 square feet of gross floor area; and personal service establishments.

3. Massage establishments and laundromats shall be prohibited on the subject property.
4. The property shall be limited to one (1) building not to exceed twenty eight (28) feet in height.
5. The owner/developer shall develop and maintain the property in accordance with the Site Plan received in the Community Development Department on November 2, 2004.
6. Drive-throughs shall only be utilized by bank, dry cleaning and coffee shop uses. The drive through for the coffee shop shall be open no earlier than 6:30 a.m. and shall close by 8:30 p.m.
7. All exterior lighting shall be high-pressure sodium and shall be installed so as to prevent direct illumination of adjacent and nearby properties. No direct glare from onsite lighting or signs shall interfere with vehicles traveling along Houze and Rucker Roads or residents nearby.

V. CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted – October 3, 2009

VI. STANDARDS OF REVIEW

- 1. Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property? (O.C.G.A. § 36-67-3(1))**

The property is currently being used as a shopping center. The purpose of this application is to request that Alpine Bakery and Pizzeria, a current tenant, be allowed to expand for the sole use of adding a dining area for on-premises consumption. Since this is an existing tenant this added use will have no effect on adjacent or nearby properties.

- 2. Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property (O.C.G.A. 36-67-3(2))**

The use of the tenant is not changing and there will be no additional exterior work.

- 3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned (O.C.G.A. 36-67-3(3)).**

The current use will be severely impacted if Alpine Bakery is not allowed to sell for on-premise consumption. This tenant has indicated that they will vacate the property if they can not expand their business.

- 4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools (O.C.G.A. 36-67-3(4))**

No excessive burden will be created by expanding the use of the tenant.

5. Whether the proposal is in conformity with the policy and intent of the Comprehensive Plan including the land use element (O.C.G.A. 36-67-3(5))

There will be no change in the comprehensive plan; therefore, the subject property remains in good standing.

6. Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal (O.C.G.A. 36-67-3(6))

Alpine Bakery and Pizzeria is an existing tenant currently selling baked goods and pizza to its patrons. This will not change if this request is approved.

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

The subject property is currently zoned C-3 (Highway Commercial District) conditional under case number RZ03-10 and is currently developed with a 10,549.71 square foot building, at a density of 9531.72 square feet per acre. Per the conditions of zoning, the property is currently limited to the following allowed uses: retail, office, medical/dental clinic, pharmacy, bank and dry cleaners. At present, retail uses, offices and a dry cleaner operate on the property.

8. Existing uses and zoning of nearby property.

Location in relation to subject property	Zoning	Land Use	Acreage	Density
North	C-3c	Convenience Store	2.83 acres	3533.57 SF per acre
South	R-3c	Residential	4.5 acres	4.4 upa
East	FC-A	Residential		
West	R-2c	Daycare Center		6090 SF per acre

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

The application does not indicate what the existing value of the subject property is under the current zoning classification.

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

The property can be, and is currently, used in accordance with the existing regulations and conditions of zoning; however, the applicant indicates that the desired uses do not comply with the existing conditions of zoning.

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 of the property would have to be completed to determine whether the subject property is diminished due to the existing zoning classifications.

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

An appraisal of the property would have to be completed to determine the value of the subject property under the revised zoning district classification.

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

The property is presently zoned C-3c(03-10) with does not allow sit down restaurants.

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

The proposed office development would be a suitable use under the C-3 (Highway Commercial) zoning district.

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

The property is not vacant or unused.

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 property is currently leased to several tenants with uses allowed under the current conditions of zoning. The applicant was in contact with the staff on numerous occasions prior to filing this rezoning application to determine what uses were permitted on the subject property under the current conditions of zoning.

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

The proposal would not create an isolated zoning district unrelated to adjacent and nearby districts as the adjacent property to the north of the subject property is zoned C-3 (Highway Commercial District) conditional.

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 subject property is currently zoned C-3 (Highway Commercial District) conditional and the proposed uses are allowed in the zoning district proposed. The staff is of the opinion that the change in the zoning map and the change in use, for the allowance of restaurants, will be consistent with the current character of the zoning district.

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.

Based on the information provided by the applicant, there is no indication of a deterrence to the value of adjacent 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 site is already developed and is environmentally compliant based on City of Roswell codes and ordinances, at this time.

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 subject property is currently zoned C-3 (Highway Commercial District) conditional; therefore, the proposed map amendment does not alter the existing zonings and will continue to carry out the purposes of the 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 property is currently developed as a commercial center and is zoned C-3 (Highway Commercial District) conditional. The applicant is not proposing changes to the site which could possibly impact the preservation of abutting residential areas.

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.

None