



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 October 13, 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 Suburban Residential

Development Map

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 four concurrent variance requests. The variance requests are as follows:

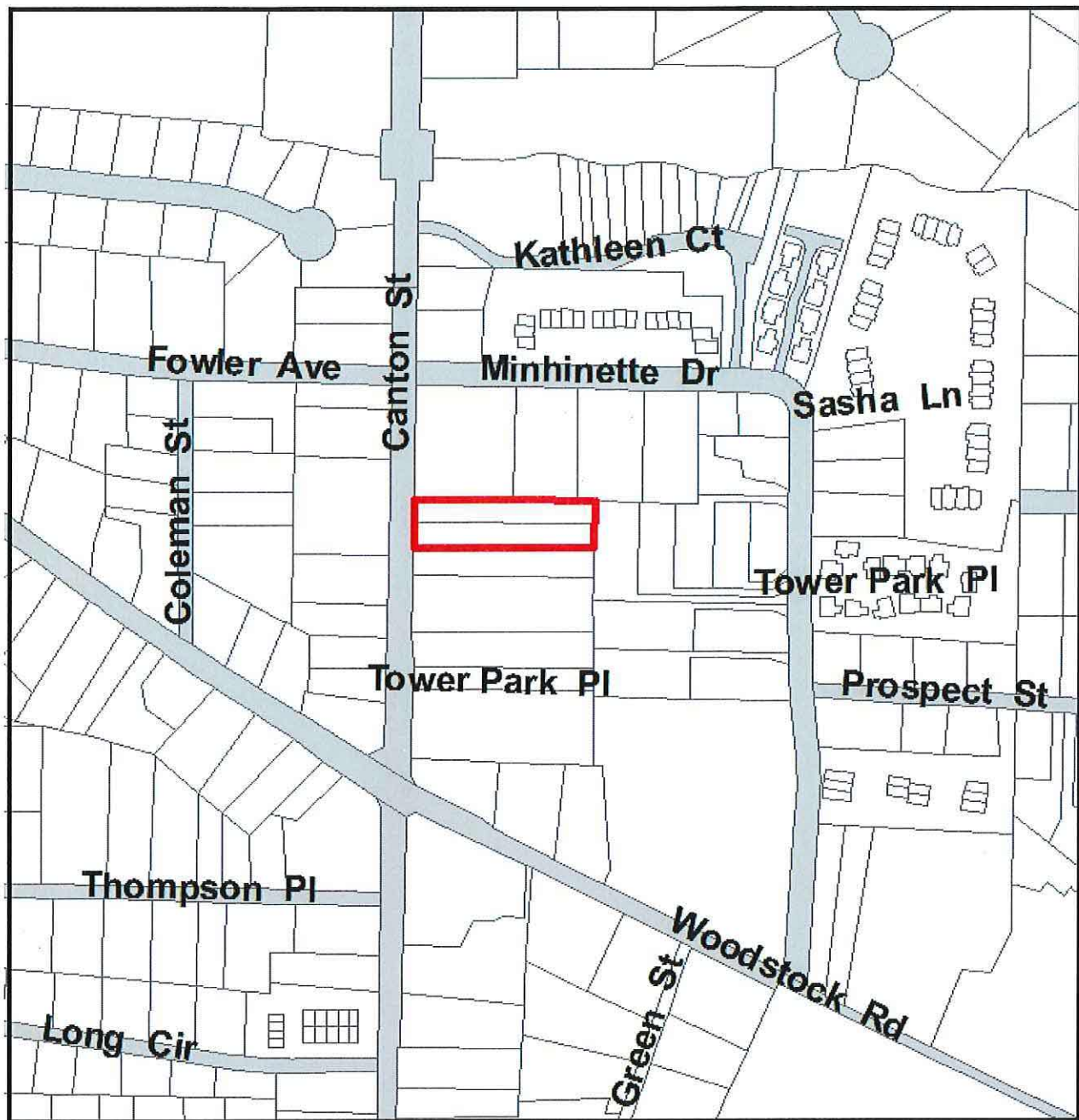
1. Reduction in the side setback abutting the stacked flats from 10' to 5'.
2. To allow for the type C buffer which is 20' with an 8' wall instead of the required type D buffer.
3. An increase in the percentage of the width of the front entry garage doors.
4. To allow for additional height for the townhome building from the allowed 45' to 52'-8".

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ201402667 - Denial , CV 201402668 - Denial , CU 201402669 - Denial


PLANNING COMMISSION RECOMMENDATION

The Planning Commission will hear this case during their regularly scheduled 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 Planning Commission Hearing on September 16, 2014.

STAFF RECOMMENDED CONDITIONS

The Community Development Department recommends denial of the rezoning to OR (Office Residential and conditional use request for the stacked flats. The Community Development Department recommends denial of all four concurrent variances.

Should the Mayor and City Council approve the rezoning, conditional use and concurrent variances, it shall be approved with the following conditions.

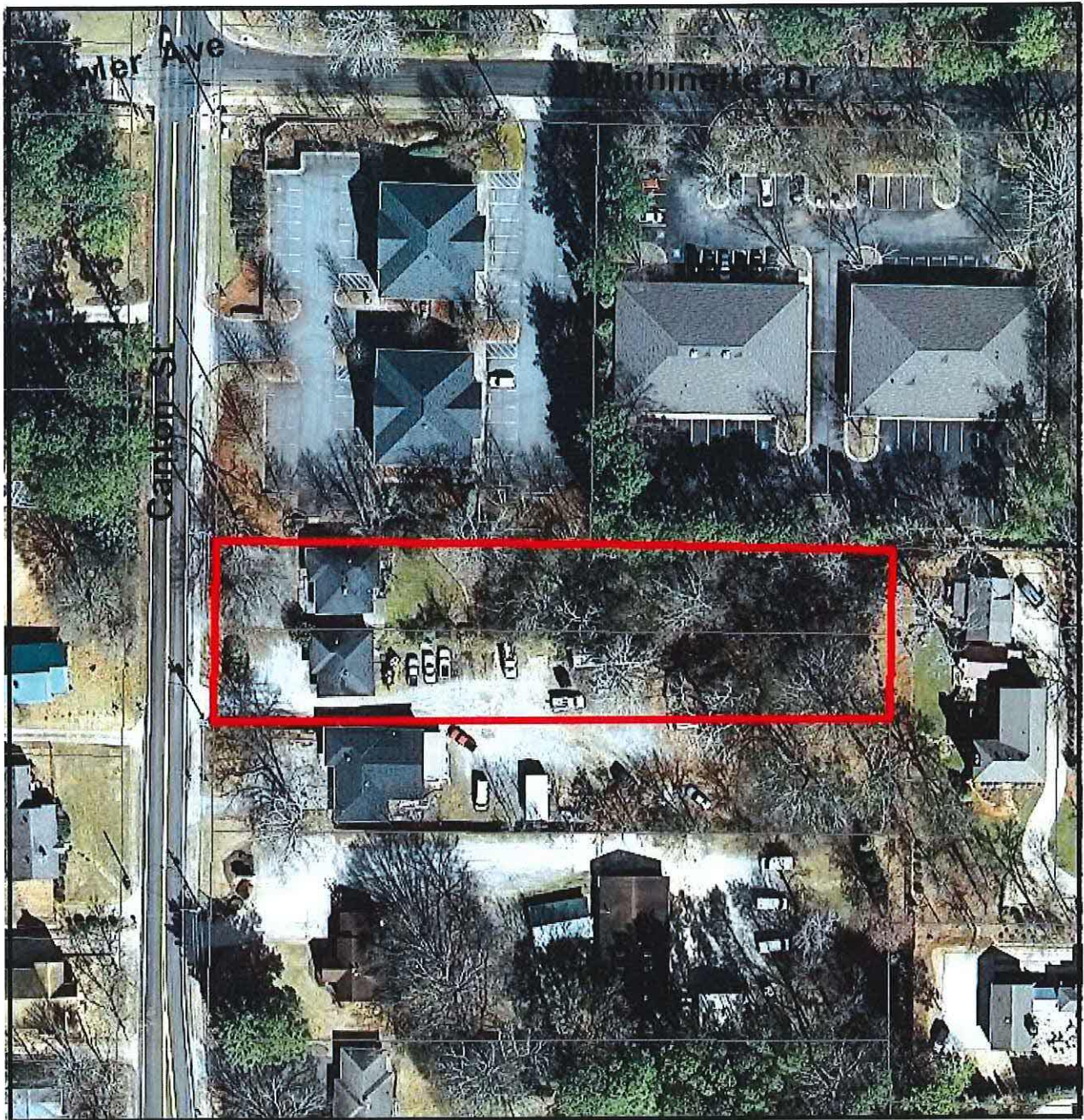
1. A revised site plan meeting all city requirements must be submitted to the Community Development Department prior to the submittal for the Design Review Board.
2. The number of lots within the development is not guaranteed with the approval of the zoning.
3. A preliminary plat for the property shall be required prior to the issuance of the Land Development Permit.
4. A final plat shall be recorded at the completion of the stacked flats and the 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	Common open space
	OR	Stacked flats and live/work townhomes	.92 acres	15	27.5 %
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

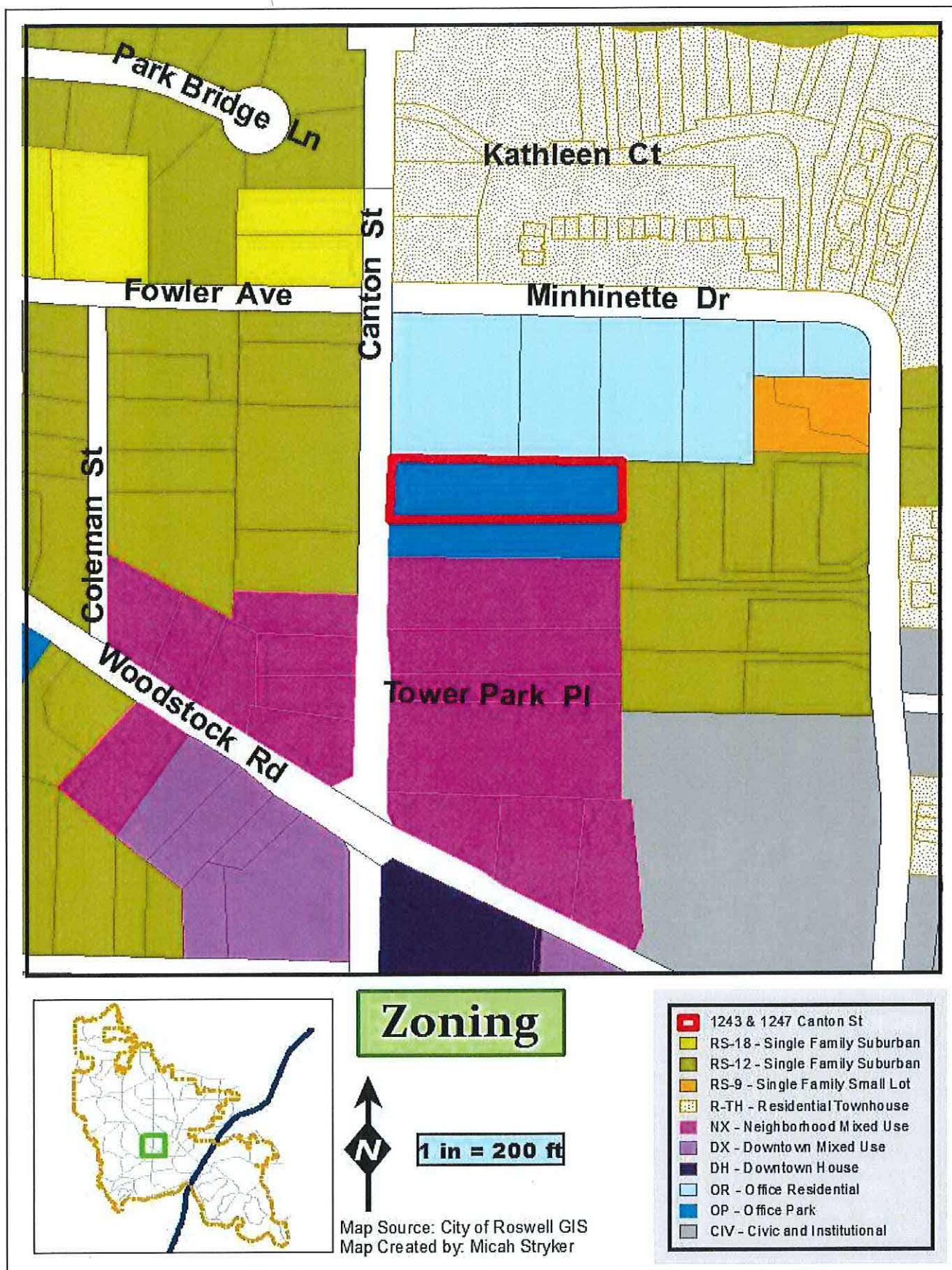
Aerial

1243 & 1247 Canton St

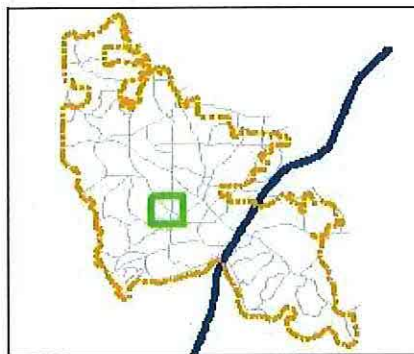
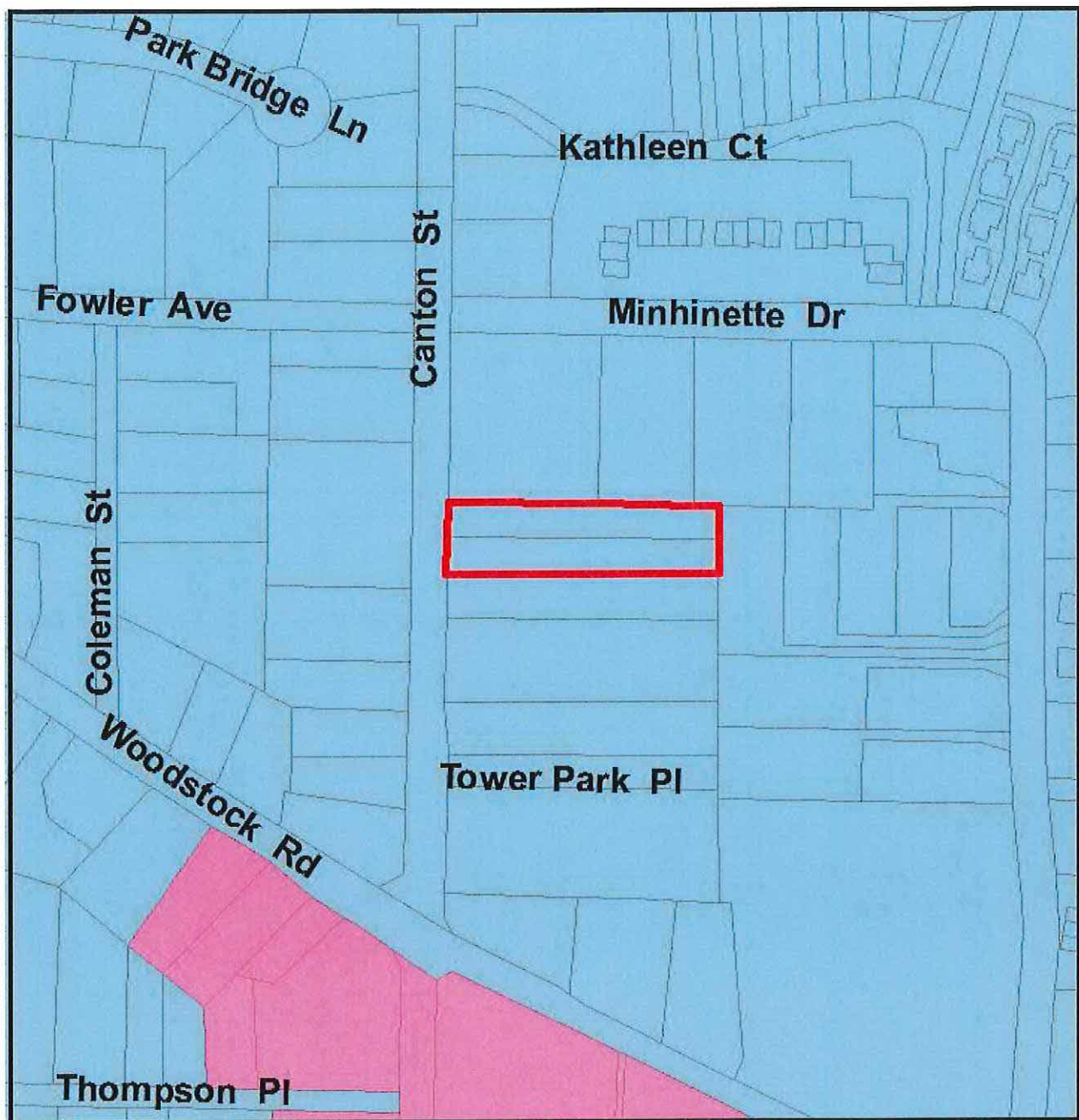
Map Source: City of Roswell GIS
Map Created by: Micah Stryker

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

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Prepared by the City of Roswell Department of Community Development for the Planning Commission Hearing on September 16, 2014.



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



View of
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.roswellgov.com

SITE PLAN ANALYSIS FOR THE UDC ZONING

The proposed site plan indicates 8 stacked flats and 7 live/work townhomes for a total of 15 units. Within the stacked flats, there are proposed to be three one-bedroom, four two-bedroom and one three-bedroom units. The live/work townhomes indicate a two-car garage and there are 17 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 proposed site plan meets the parking requirement for this development.

In the UDC, all multi-family is considered conditional and therefore must be approved by the Mayor and City Council. The subject property is an inappropriate location for this proposal due to the layout of the site.

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 comments on the plan.

1. What is the hardship for the variance requests?
2. There was some discussion on the garage doors for the townhomes.
3. The site plan doesn't really address the intent of the new regulations related to the garage doors for the townhome units.

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 four variances with the rezoning and conditional use application.

1. The applicant is requesting to reduce the side setback of the stacked flats from 10 feet to five feet along the northern property line. The northern property line abuts the parking lot area for an office building.
2. The applicant is requesting a variance to the rear buffer from the Type D buffer to the Type C buffer. The applicant has indicated in the variance section that they are requesting to do a Type C buffer because that is what is allowed when abutting townhomes as indicated in his letter of intent. The property to the rear is zoned RS-12 and contains single family homes within the "Old Place" subdivision behind this development. There are no townhomes to the rear of this property. A type D buffer is required.
3. The applicant is request a variance to the percentage of front entry garage doors for townhomes. The UDC requirement allows for only 50% of the width of the individual townhouse unit and the applicant is requesting that percentage be 73%. The applicant plans to have a two car 18' garage door and this request is due to the width of the site and also, the proposed townhomes have two front entries so the garage doors would be considered the rear of the building.
4. The applicant is requesting a variance to the height of the townhomes. The ordinance under OR only allows for 45' for 3 ½ stories. The applicant is requesting to have a height of 52'-8" for 3 ½ stories.

During adoption of the Unified Development Code, the neighborhood compatibility buffer was established by the Mayor and City Council and the process to reduce a buffer requirement is located in section 13.4.8. Section 13.4.8 of the UDC states that the City Council will not approve a concurrent variance unless there are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property

in question because of its size, shape or topography that are not applicable to other properties in the same zoning district.

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.

Letter D of these criteria states that "the special circumstances are not the result of the actions of the applicant," to grant the variance, there would need to be a topographical reason on the property to request the variance.

Therefore, it is only within the authority of the Mayor and City Council to reduce a neighborhood compatibility buffer.

DEPARTMENT COMMENTS

City of Roswell Environmental
Department

- Conformance with the stormwater ordinance is required. The facilities shown on the plan are not sufficient to for compliance. Additional area located away from building foundations will need to be dedicated to stormwater compliance.
- Hose bibb with backflow preventer required within 50 feet of pad for wash down.
- Show dumpster pad drain connection to sanitary sewer on site plan.

City of Roswell
Engineering

- Please add a graphic scale to the site plan.
 - Driveway width to townhomes does not meet city standards.
 - LDP plans shall comply with the city construction specifications.
 - Proposed storm pipes and structures should not encroach on the existing drainage easement other than to cross over it.
 - Show an outline of the fire apparatus access road turnaround per appendix D in the IFC.
 - 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.)
 - Show any proposed gates.
-

City of Roswell Fire Department

- During the pre-application meeting, it was discussed and I thought agreed on that there would be a connection to another road. The driveway exceeds the minimum of 150' which will require a turn-around in accordance with the 2012 edition of the International Fire Code appendix D. In addition, the access for aerial apparatus must be in compliance since the buildings fall within that requirement.
- 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.
- If you were planning on using the middle parking area as a turn around, the turning radius is not adequate. The turning radius must be 50' outside and 30' inside. In addition, please look at the IFC for required aerial apparatus roadway width and all other requirements.

City of Roswell Transportation Department

- Eradicate as much of the existing double yellow striping along Canton St as necessary to allow left in/out.
 - Verify the proposed driveway has adequate sight distance. Provide sight distance sketches on the proposed landscape plans. Provide a written certification that the sight distance is adequate.
 - 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.
 - Provide sidewalk connectivity between the proposed buildings and the sidewalk along Canton Street. Verify the driveway accommodates pedestrian and wheelchair crossing.
 - If vehicular connectivity to adjacent parcels is not feasible, consider 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)

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.

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.

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 project should include some office with residential and not just the residential uses.

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.

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; however, it may not conform to the stated purpose of section 6.1.1, OR – Office Residential district intent statement of the UDC. 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.

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 no townhomes or multi-family within the immediate area. There are townhomes along Canton Street and Minhinette Drive.

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

The subject property may not be the appropriate location for the live/work townhomes and stacked flats due to no other townhomes or other existing multi-family is in the vicinity. The subject property may be best suited for a mix of office and residential, but not just residential uses on the property.

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.

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

Although the property is located on Canton Street just outside the historic district, the layout of the proposal is inappropriate at this location.

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 Fire Department has made several comments related to access into and through the site. There is no connection shown as discussed in the pre-application meeting and the road length exceeds the fire department standard without a turn-around. A turn-around will be required within the site if there is no connection; therefore, the plan will change due to meeting fire code requirements. The current plan does not show facilities that comply with stormwater; therefore, the plan will change to meet those requirements.

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.

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.

Conditional use questions – Section 13.4.7 letter C

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 use is not compatible with the adjacent uses with the current layout of the property.

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 Fire Department has made several comments related to access into and through the site. There is no connection shown as discussed in the pre-application meeting and the road length exceeds the fire department standard without a turn-around. A turn-around will be required within the site if there is no connection; therefore, the plan will change due to meeting fire code requirements. The current plan does not show facilities that comply with stormwater; therefore, the plan will change to meet those requirements.