



Rezoning Petition No. CU11-02

HEARING & MEETING DATES			
Design Review Board Meeting	Neighborhood Meeting	Planning Commission Hearing	Mayor and City Council Hearing
N/A	3/17/11	4/19/11	5/9/11
APPLICANT/PETITIONER INFORMATION			
Property Owners	Petitioner	Representative	
Fellowship Christian School	Fellowship Christian School	Jeff Van Pelt	
PROPERTY INFORMATION			
Address, Land Lot, and District	10965 Woodstock Road Land Lots 308, 320, 321, 322, and 352 , 1 st District		
Frontage and Area			
Existing Zoning and Use	E-2 (Single Family Residential) ; private school and associated uses		
Overlay District			
2025 Comprehensive Future Land Use Map Designation	Public/Institutional and Low Density Residential		
Proposed Zoning	Requesting a change of approved conditions		

INTENT

The applicant is requesting to remove conditions from the 2007 approval for Fellowship Christian School. The following are the conditions which the applicant is requesting to remove. These conditions are shown with the approved numbers from the 2007 Mayor and City Council approval.

1. The owner/developer shall develop the property in accordance with the site plan prepared by Paulson Mitchell, Incorporated containing five (5) sheets received on May 25, 2007 City of Roswell Community Development Department, or as approved by the Roswell Design Review Board and consistent with these conditions. **(The applicant would like to lift the restriction on this condition regarding the lights and public address system on the football field. The applicant would like approval for a 1500 seat stadium and press box on the home side and portable bleachers on the visitor's side of the football field. The site plan from 2007 did not show these items.)**
15. There shall be no lighting on the baseball field, softball field, basketball courts, and tennis courts located near the Barrington Manor Subdivision.
16. There shall be no public address system used at the baseball and softball fields and tennis courts.
29. There shall be no marching bands, either from Fellowship Christian School or the visiting school, during outdoor athletic events.
30. There shall be no outdoor concerts on the property.

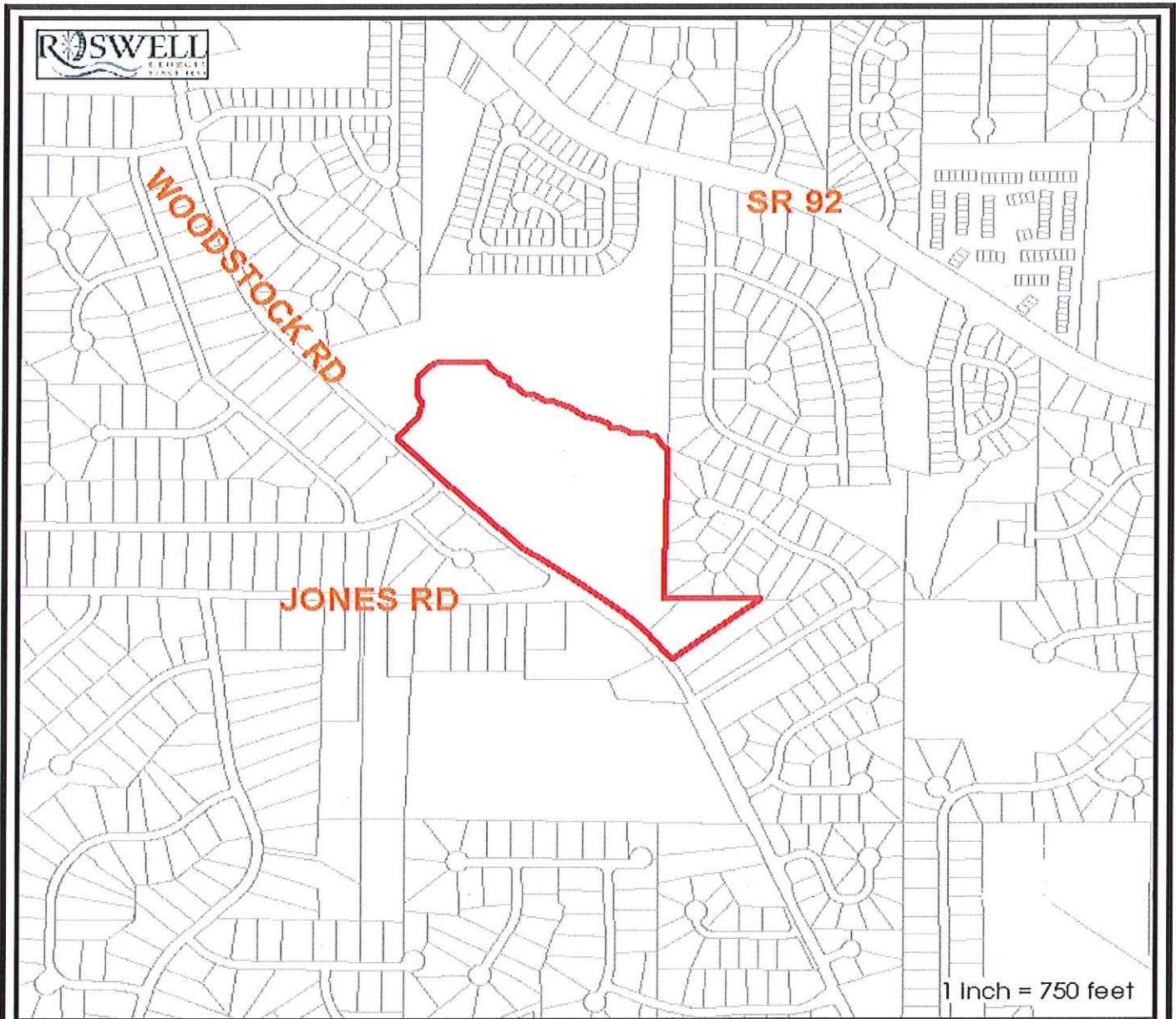
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

CU11-02 - The Community Development Department has reviewed the conditions of approval and finds the applicant non-compliant with required landscaping as per approved plan. The staff has no recommendation related to the removal of conditions requested by the applicant.

PLANNING COMMISSION RECOMMENDATION

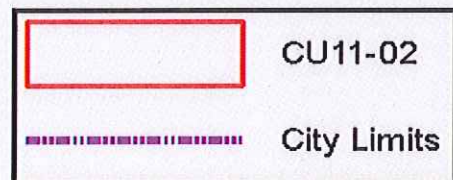
The petition will be heard on April 19, 2011 by the Planning Commission.

Location Map



CITY of ROSWELL

Location Map



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STAFF RECOMMENDED CONDITIONS

The Community Development Department has no recommendation regarding the request to remove conditions from the Fellowship Christian School 2007 approval.

Should the Mayor and Council approve this conditional use for removal of conditions, it should be approved with the following condition.

1. All lighting, public address system, press box and type of seating must be approved by the Roswell Design Review Board.
2. All landscaping referenced in previous phases which is either dead, dying or has not been planted must be installed and/or replanted along Woodstock Road and within the development prior to December 31, 2011. The City of Roswell will withhold issuing permits on the lighting and public address system on the baseball field, softball field, tennis courts and basketball court until all landscaping is completed. Should the Mayor and City Council choose not to approve these uses, all landscaping must be installed prior to the issuance of the building permit for the press box for the football field.

BACKGROUND

Fellowship Christian School went through the conditional use process in 2005 under CU05-03. The conditional use request was approved on February 13, 2006 with the following conditions.

1. There will be no football/soccer stadium with a track on the property.
2. A revised site plan redistributing the items on the property shall be brought back for approval by the Mayor and City Council.
3. The owner/developer shall develop and maintain the property in substantial accordance with the site plan received in the Community Development Department on February 3, 2006 or as approved by the Design Review Board and consistent with these recommended conditions.
4. The owner/developer shall save the 34" oak and 25" oak trees located at the northeast corner of the property near the Barrington Manor Subdivision.
5. The owner/developer shall provide a three hundred (300) foot southbound left turn lane on Woodstock Road into the Fellowship Christian Academy's private drive as required by the traffic impact study and concurred by the Roswell Transportation Department.
6. The owner/developer shall provide a one hundred and fifty (150) foot northbound deceleration lane on Woodstock Road located at the proposed private drive/Jones Road, and a one hundred and fifty (150) foot northbound deceleration lane on Woodstock Road located at the existing curb cut to Fellowship Bible Church as required by the Roswell Transportation Department.
7. The owner/developer shall provide an access easement to ensure continual use of Fellowship Bible Church's private driveways located on SR92/Crossville Road and Woodstock Road. The recorded access easement shall be submitted prior to the issuance of a Land Disturbance Permit as required by the Roswell Transportation Department.
8. The owner/developer shall provide a one hundred and fifty (150) foot eastbound deceleration lane on SR92/Crossville Road as required by the Roswell Transportation Department and contingent on the approval by the Georgia Department of Transportation.
9. The owner/developer shall close all pre-existing residential curb cuts along Woodstock Road with 24" curb and gutter as required by the Roswell Transportation Department.
10. The owner/developer is responsible for all cost associated with the design, construction, equipment, and installation to the existing traffic signal at the intersection of Woodstock Road and Jones Road as required by the Roswell Department of Transportation.
11. The owner/developer shall provide a 20 scale roadway and a 20 scale signal plan of the Woodstock Road at Jones Road intersection, prior to the issuance of a Land Disturbance Permit as required by the Roswell Transportation Department.
12. The proposed private driveway located at the existing Woodstock Road at Jones Road intersection will not be utilized as a construction entrance until the signal improvements are completed as required by the Roswell Transportation Department.
13. The owner/developer shall provide an internal routing plan for all events (i.e. athletic events, pick up/drop off for all school buildings and the proposed routes for students and faculty, etc.) as required by the Roswell Transportation Department.
14. All outdoor athletic activities on the school property shall end by sunset or the conditioned ending time of 10:00 p.m. except in case of mandated overtime at the end of a scheduled game or delays during the game caused by injury, power failure or inclement weather.
15. There shall be no lighting on the baseball field, softball field, basketball court and

tennis courts located near the Barrington Manor Subdivision.

16. There shall be no public address system used at the baseball, softball fields and tennis courts.
17. With the approval of the downstream property owners, streambank restoration and stabilization shall occur for a distance not to exceed 350 feet. This action is maintenance related, not development, and all work will be approved through City personnel. Should the owner/developer not obtain the permission of the necessary property owners to perform the work, the owner/developer shall submit written documentation of such efforts to the Planning and Zoning Director.
18. The owner/developer must submit the legal document regarding shared parking with the church to the Community Development Department prior to the issuance of a land development permit.
19. The owner/developer shall submit a division plat to the Community Development Department prior to the issuance of a land development permit.
20. All of the buffering, landscaping and stormwater management shall be completed during the phase one development when the athletic fields are being built.
21. The owner/developer shall increase the landscape strip along the east 837.23' property line, north 345.46' property line, and east 505.63' property line abutting the Barrington Manor neighborhood to forty (40) feet.
22. The owner/developer shall increase the building setback along the east 837.23' property line, north 345.46' property line, and east 505.63' property line abutting the Barrington Manor neighborhood to fifty (50) feet.
23. The owner/developer shall provide a thirty-five (35) foot landscape strip along Woodstock Road.
24. The owner/developer shall provide an evergreen landscaped six (6) foot berm with a six (6) foot privacy fence along Barrington Manor property line.
25. The owner/developer shall provide evergreen landscaped six (6) foot berms and existing trees between Woodstock Road and parking, buildings, and athletic fields.
26. The owner/developer shall gate the current internal road between the school and church in order to discourage cut through traffic between Jones Road and West Crossville Road. The gate may be open for two hour periods at the beginning and end of the regular school day, during athletic events, and on Sundays during the hours of operation of Fellowship Bible Church.
27. The maximum gross square footage, lot coverage, and impervious area shall be limited to the requested maximums shown in the development statistics listed in the Letter of Intent stamped "Received January 6, 2006 City of Roswell Community Development Department."
28. The minimum landscape area shall be limited to the requested minimum shown in the development statistics listed in the Letter of Intent stamped "Received January 6, 2006 City of Roswell Community Development Department."
29. There shall be no marching bands, either from Fellowship Christian School or the visiting school, during outdoor athletic events.
30. There shall be no outdoor concerts on the property.

A lawsuit was filed against the city by Fellowship Christian School. The Georgia Supreme Court ruling was on March 26, 2007 in favor of the City of Roswell. Fellowship Christian School came back before the City Council on June 11, 2007 to address condition number two which dealt with the site plan. The following are the conditions of approval from the June 11, 2007 council meeting.

Conditions requested by the applicant to be removed - highlighted in yellow

Conditions in compliance – highlighted in green

Conditions in non-compliance – highlighted in blue

Conditions still in process – highlighted in pink

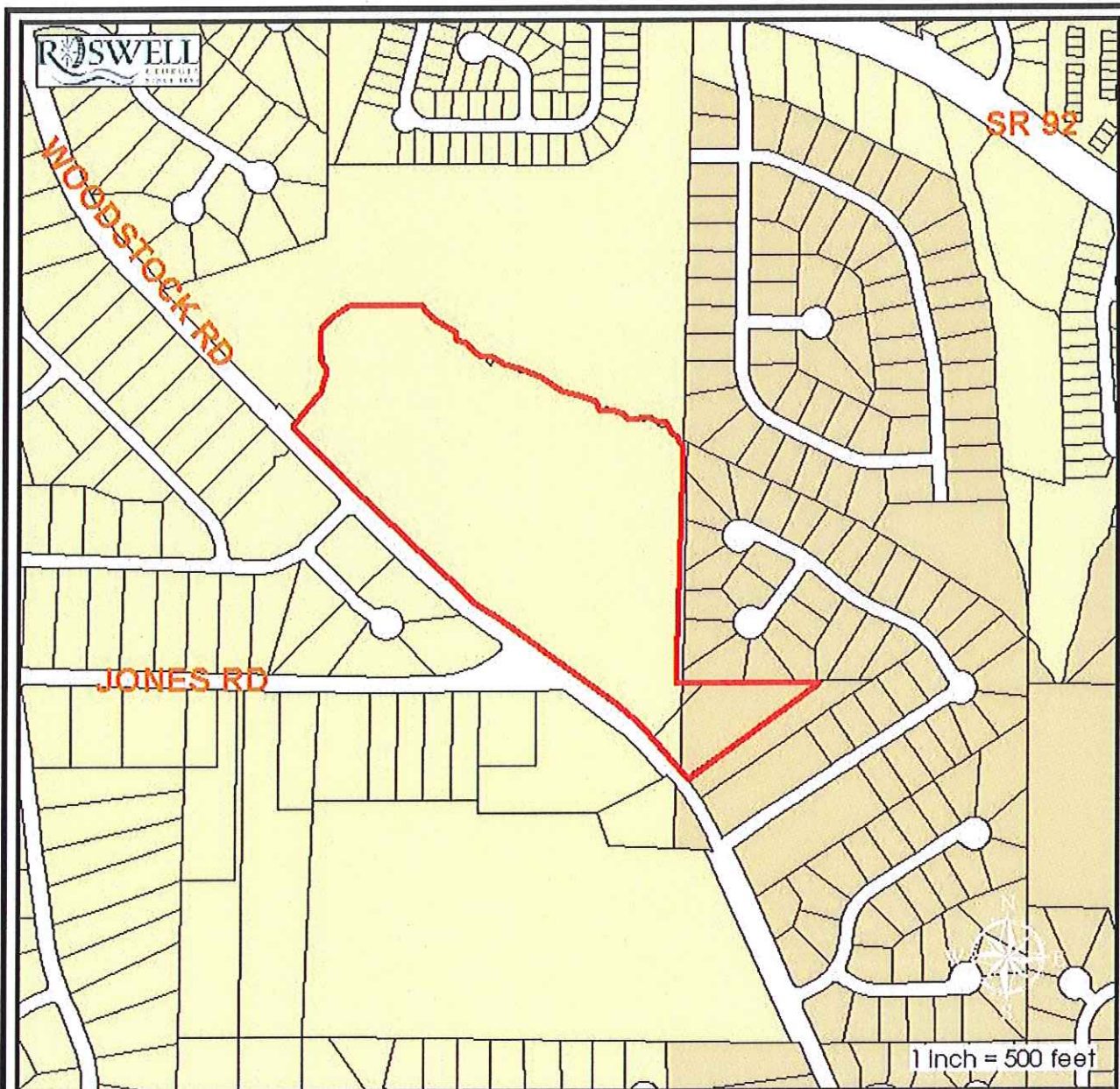
1. The owner/developer shall develop the property in accordance with the site plan prepared by Paulson Mitchell, Incorporated containing five (5) sheets received on May 25, 2007 City of Roswell Community Development Department, or as approved by the Roswell Design Review Board and consistent with the conditions..
2. The property shall be developed in accordance with the May 25, 2007 Amendment to Letter of Intent received from Randall Paulson Architects. A copy is attached.
3. Deleted
4. The owner/developer shall save the 34" oak and 25" oak trees located at the northeast corner of the property near the Barrington Manor Subdivision.
5. The owner/developer shall provide a three hundred (300) foot southbound left turn lane on Woodstock Road into the Fellowship Christian Academy's private drive as required by the traffic impact study and concurred by the Roswell Transportation Department.
6. The owner/developer shall provide a one hundred and fifty (150) foot northbound deceleration lane on Woodstock Road located at the proposed private drive/Jones Road, and a one hundred and fifty (150) foot northbound deceleration lane on Woodstock Road located at the existing curb cut to Fellowship Bible Church as required by the Roswell Transportation Department. (2nd half of condition to be done in the future – explanation submitted by applicant to Transportation.)
7. The owner/developer shall provide an access easement to ensure continual use of Fellowship Bible Church's private driveways located on SR92/Crossville Road and Woodstock Road. The recorded access easement shall be submitted prior to the issuance of a Land Disturbance Permit as required by the Roswell Transportation Department.
8. The owner/developer shall provide a one hundred and fifty (150) foot eastbound deceleration lane on SR92/Crossville Road as required by the Roswell Transportation Department and contingent on the approval by the Georgia Department of Transportation. (Hardship – waived by Transportation)
9. The owner/developer shall close all pre-existing residential curb cuts along Woodstock Road with 24" curb and gutter as required by the Roswell Transportation Department.
10. The owner/developer is responsible for all cost associated with the design, construction, equipment, and installation to the existing traffic signal at the intersection of Woodstock Road and Jones Road as required by the Roswell Department of Transportation.
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14. All outdoor athletic activities on the school property shall end by sunset or the conditioned ending time of 10:00 p.m. except in case of mandated overtime at the end of a scheduled game or delays during the game caused by injury, power failure or inclement weather.
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17. With the approval of the downstream property owners, streambank restoration and stabilization shall occur for a distance not to exceed 350 feet. This action is maintenance related, not development, and all work will be approved through City personnel. Should the owner/developer not obtain the permission of the necessary property owners to perform the work, the owner/developer shall submit written documentation of such efforts to the Planning and Zoning Director. **(A plan and report was submitted and reviewed by staff. The Legal Department made the determination that it met the condition.)**
18. The owner/developer must submit the legal document regarding shared parking with the church to the Community Development Department prior to the issuance of a land development permit.
19. The owner/developer shall submit a division plat to the Community Development Department prior to the issuance of a land development permit.
20. All of the buffering, landscaping and stormwater management shall be completed during the phase one development when the athletic fields are being built.
21. The owner/developer shall increase the landscape strip along the east 837.23' property line, north 345.46' property line, and east 505.63' property line abutting the Barrington Manor neighborhood to forty (40) feet.
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28. The minimum landscape area shall be limited to the requested minimum shown in the development statistics listed in the Letter of Intent stamped "Received January 6, 2006 City of Roswell Community Development Department."
29. There shall be no marching bands, either from Fellowship Christian School or the visiting school, during outdoor athletic events.
30. There shall be no outdoor concerts on the property.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION CU11-02	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	N/A	School and associated uses	29.76 acres		5,927 SF per acre
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	E-2/PV	Church	31.25 acres	102,844 SF	3,291 SF per acre
South	E-2	Single Family Subdivisions (Devereux Downs; State Street)	80.8718 acres; 61.847 acres	77 lots; 67 lots	.95 units per acre; .92 units per acre
East	R-1	Single Family Subdivision (Barrington Manor)	23.564 acres	32 lots	1.4 units per acre
West	E-2	Two single family homes owned by Fellowship Bible Church; Single family subdivision further west	20.03 acres in subdivision	23 lots	Broughton Park Subdivision - 1.15 units per acre

Zoning Map



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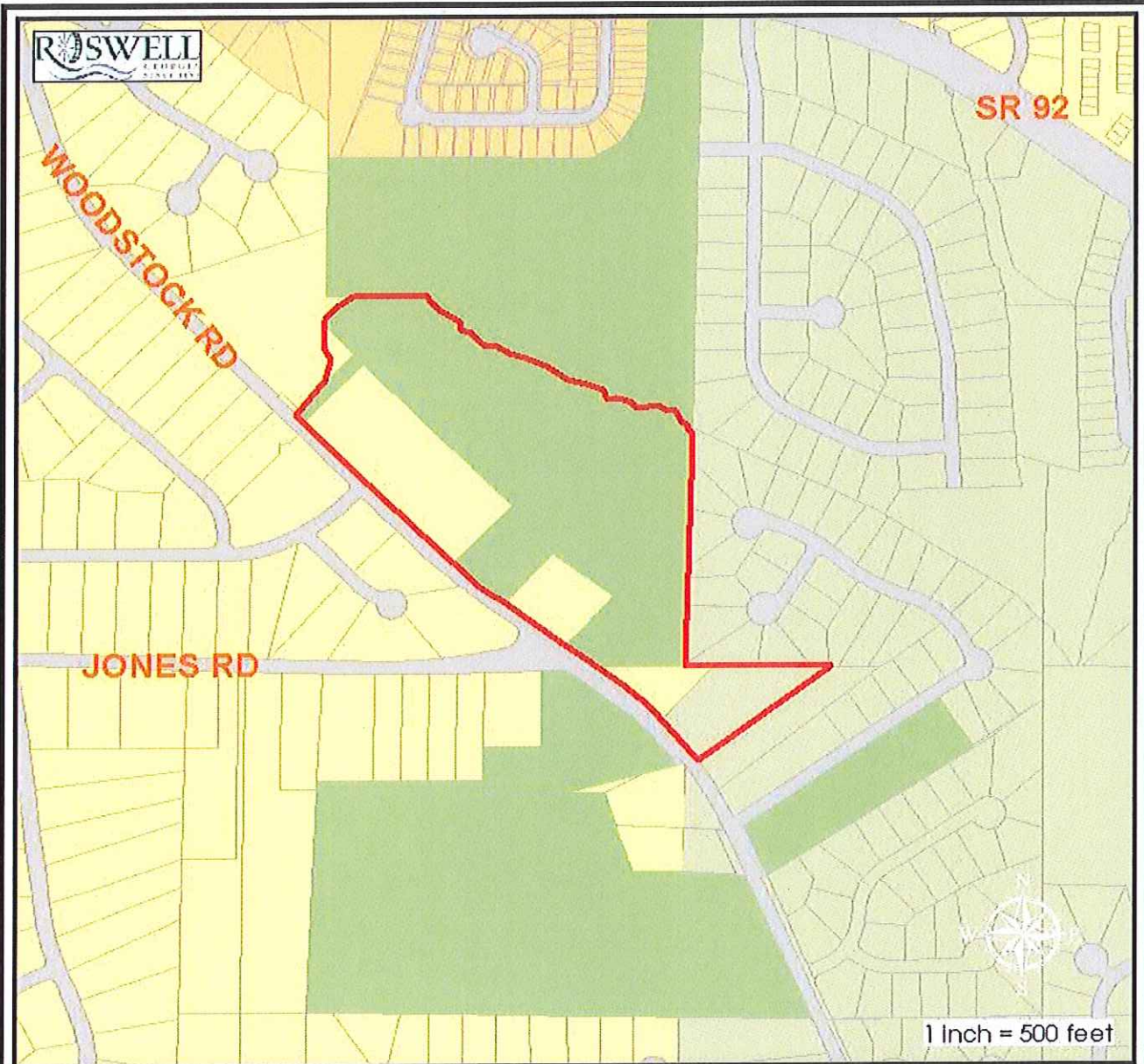


Zoning Map

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Future Land Use Map



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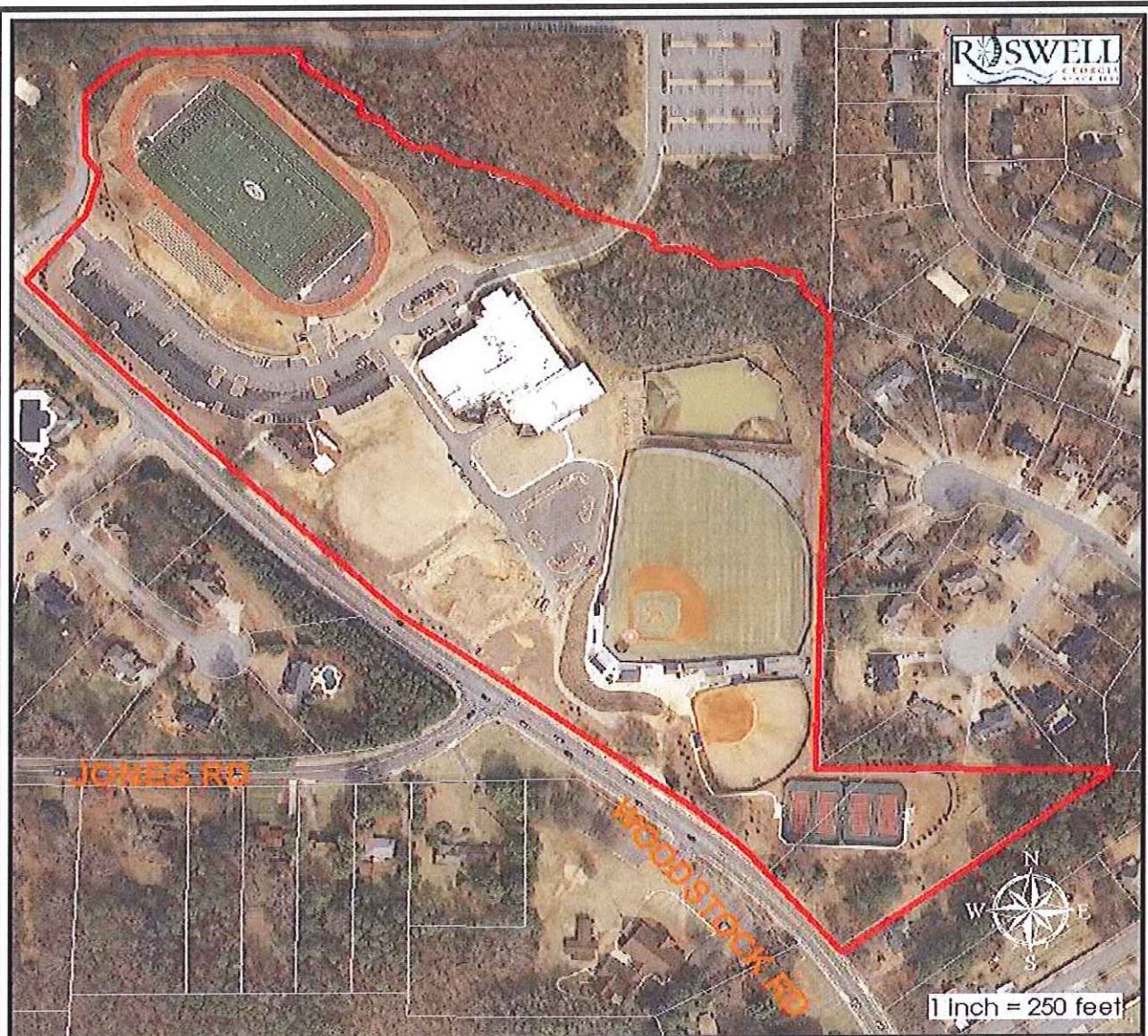
Future Land Use Map



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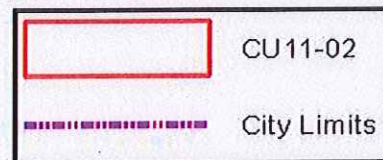
	CU11-02		Neighborhood Commercial
	City Limits		Office Campus
	Future Land Use		Office/Professional
	Single Residential (1-2 Units Per Acre)		Park/Recreation/Open Space
	General Commercial		Public Institutional
	High Density Residential (3-5 Units Per Acre)		Public
	Light Industrial/Showroom/Warehouse		Suburban Residential
	Low Density Residential (1-2 Units Per Acre)		Transportation/Communication/Utility
	Medium Density Residential (3-5 Units Per Acre)		Water

Site Aerial Map



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Aerial Map



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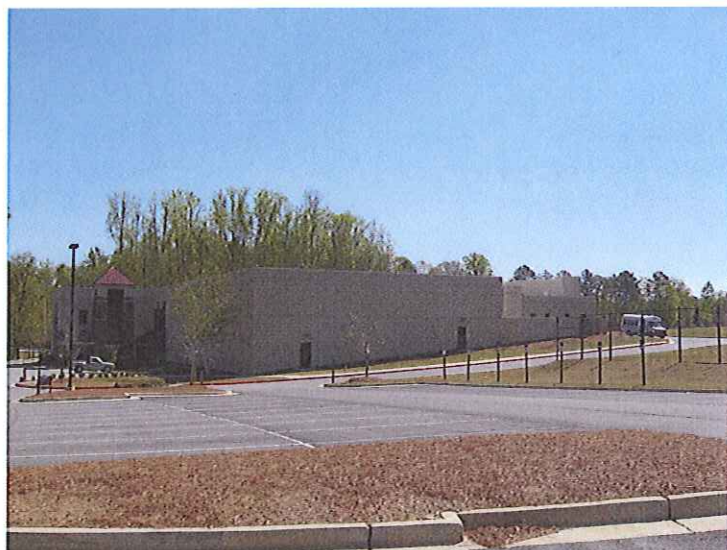
February 2010 Aerial



View of ballfield



View of football field



View of property



View of property



View to the South



View to the East



View to the North (Church property)



View to the West



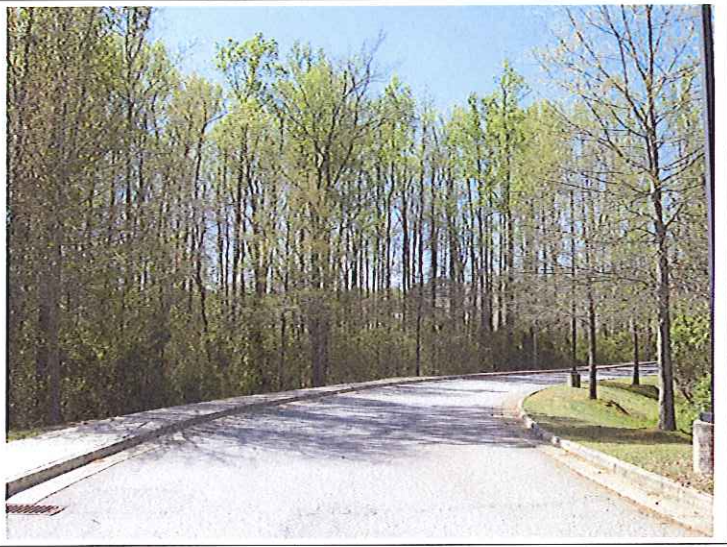
View from Jones Road



View from south



View from Jones Road



View from North (Church property)



Sign Posting

SITE PLAN ANALYSIS

The applicant is requesting to remove conditions to allow for lighting of the ball fields, tennis courts and football field. The request is also to allow for a public address system at the ball fields, tennis courts and football field. The applicant would like to allow for marching bands on the property and for outdoor concerts. The request is also to allow for 1500 seats for the home team and for portable bleachers for the visitors at the football field.

DRB/HPC comments and Design Guidelines

If approved, the applicant shall submit plans to the Design Review Board for approval on the lighting, seating, and the public address system.

LANDSCAPE PLAN ANALYSIS

A landscaping plan has been approved by the Design Review Board for the project; however, the applicant must replace all dead, dying and missing plant materials from the previous phases of work at the school. The approved landscape plan with the Land Development Permit has been highlighted to show all of the missing, dead or dying trees and shrubs. **(See marked up landscape plan).**

VARIANCE CONSIDERATIONS

The applicant is not requesting any variances with the conditional use of the property.

DEPARTMENT COMMENTS

City of Roswell Environmental Department	<ul style="list-style-type: none">• no comments based on the assumption that no site changes will occur from the development
City of Roswell Engineering Division	<ul style="list-style-type: none">• All of the engineering comments relate to the Land Development Permit
Fiscal Impact	<ul style="list-style-type: none">• Not applicable
Archaeological	<ul style="list-style-type: none">• Not applicable
City of Roswell Fire Department	<ul style="list-style-type: none">• The proposed seating construction must comply with the current edition of the Life Safety Code and is not permitted to have storage or the accumulation of combustible waste underneath. Plans must be submitted and a permit obtained prior to installation.• Handrails, guardrails and all other aspects of exiting from the seating must be in compliance with the current Life Safety Code.
City of Roswell Transportation Department	<ul style="list-style-type: none">• Add proposed stadium to initial traffic impact study. Submit the revised traffic impact study to Roswell DOT.• After issuance of the Land Disturbance Permit, obtain right-of-way encroachment permit from Transportation Department utility coordinator John Wooten at 770-594-6108 (direct) 6420 (Main)
City of Roswell Arborist & Landscape Architect	<ul style="list-style-type: none">• Ensure that all previous phase landscape requirements are fulfilled.• Replace all dead, dying and missing plant materials from previous phases.
City of Roswell Recreation & Parks Department	<ul style="list-style-type: none">• No comment

CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted February 1, 2010

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 request is not for a rezoning. The request is to change conditions from a conditional use project.

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

The request to change conditions to add lighting and a public address system may adversely affect the existing use of the adjacent single family homes; however, the additional request for seating may not affect the adjacent properties.

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

The property received a conditional use in 2006 to allow the school and athletic fields. The school sued the city. The city won the lawsuit and in 2007 the school came back before the Council for their existing approval. This request is to change several conditions from that approval.

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 request to change conditions may not cause a burdensome use of the existing streets, transportation facilities, utilities or schools.

5. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.

The land use plan shows this area as institutional and low-density residential.

6. Whether there are other 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 surrounding properties are residential and there are other institutional uses within the vicinity.

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

The property is zoned E-2 (Single Family Residential) and is used as a school.

8. Existing uses and zoning of nearby property. (See table on page 9).

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

N/A

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

N/A

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

N/A

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

N/A

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

A conditional use request is required for a private school in a residential zoning district. A conditional use request was approved in 2006 and 2007 on this property for Fellowship Christian School. This request is asking to change several of the conditions from the 2007 approval.

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

N/A

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

N/A

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.*

N/A

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

N/A

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 school is existing there will be no change in zoning on the property; however, the lights and public address system does change the character of the 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.*

Not applicable

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

The request to change conditions may not have an impact on the drainage, soil erosion and sedimentation, flooding, or air and water quality.

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 request to change conditions may not affect the overall zoning scheme of the area, since the zoning of the property will not change.

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.

There are several residential neighborhoods which abut this property. Barrington Manor Subdivision abuts the Fellowship campus near the baseball and softball fields and the tennis courts. Devereux Downs is located across the street from the development and Broughton Park is located to the west side of the development.

With 2006 and 2007 prior approvals, it is within the purview and discretion of the Mayor and City Council to determine the factors of the preservation of the residential neighborhoods.

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.

N/A