

Rezoning Staff Report

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I. PROJECT INFORMATION

Petition Number	RZ09-01
Project Name	Cherdon Properties
Property Location	55 West Crossville Road Land Lot 393
Property Size	1.78 acres
Existing Zoning	C-3c (Highway Commercial)
Proposed Zoning	C-3 (Highway Commercial)
Owner/Petitioner	Cherie O'Keefe
Action Requested	The applicant is requesting to remove the condition from the 1979 rezoning approval restricting this use only to a veterinary clinic. The applicant would like the opportunity for the site to be used for other office or commercial uses.

II. COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

RZ09-01 - Approved

A. RECOMMENDED STAFF CONDITIONS

It is recommended that this application for rezoning to C-3 (Highway Commercial) be approved. It shall be approved with the following conditions:

1. The subject property shall be limited to a veterinary clinic and all permitted uses in the Parkway Village District, except for the service station use.
2. The owner/developer shall be required to submit for a Land Development permit for all changes to the site.
3. Prior to the establishment of a new business, the stone piers and white fencing as shown in the Parkway Village District Design Guidelines shall be placed in the front streetscape of the site.
4. Any exterior changes to the site or building must be approved by the Design Review Board.

B. RECOMMENDED PLANNING COMMISSION CONDITIONS

The Planning Commission recommended the property be rezoned to O-P (Office Professional) during their April 21, 2009 hearing with the following conditions.

1. All four staff conditions.
2. Should the property be subdivided, the allowance for the veterinary clinic shall not run with the subdivided piece, but only remain as established.

DESIGN REVIEW BOARD COMMENTS

This item was not heard by the Design Review Board.

III. ASSESSMENT

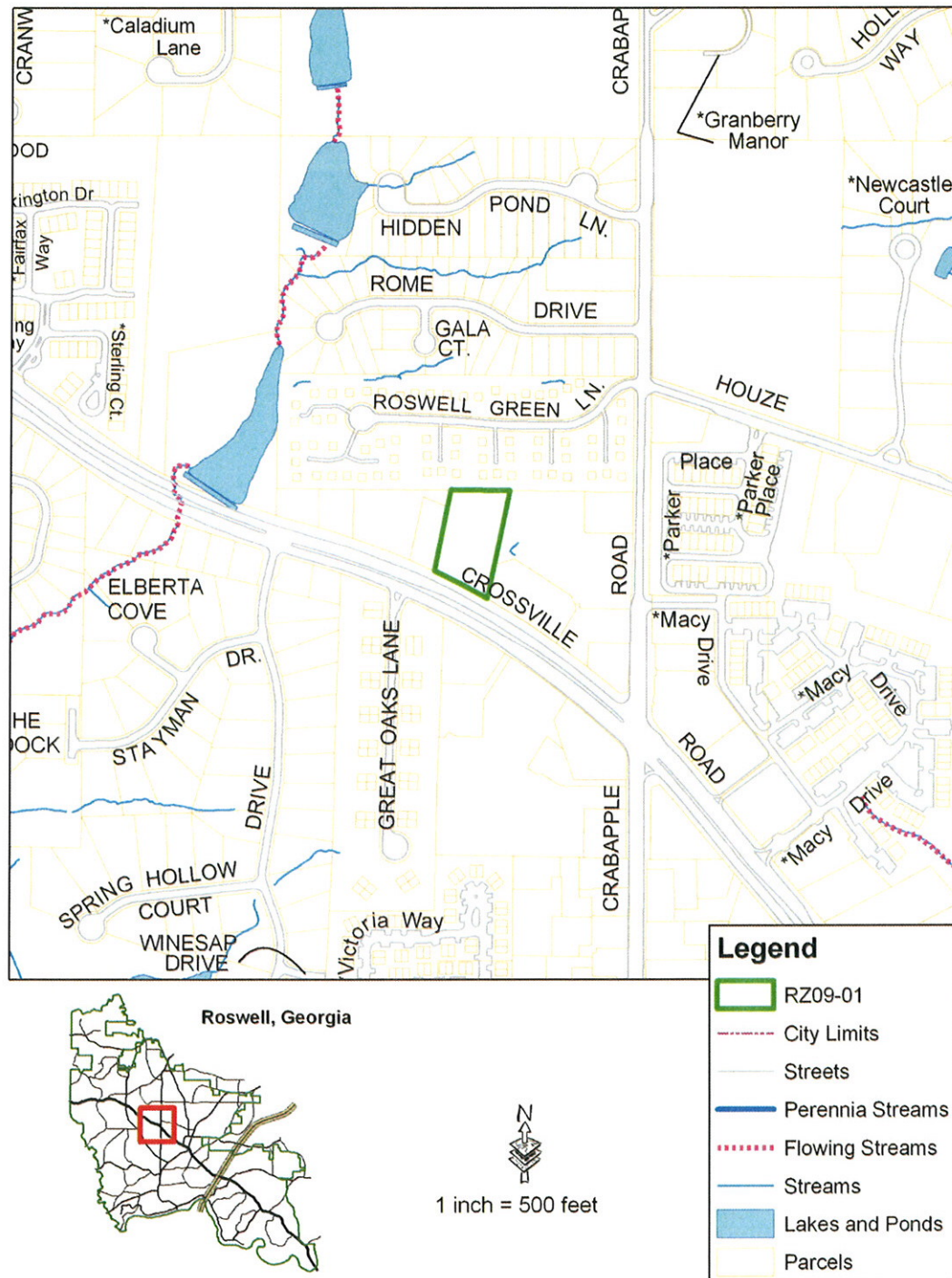
A. SITE PLAN ANALYSIS

The 1.78 acre site is located at 55 W. Crossville Road. The structure is an existing one-story house with a basement which was rezoned in 1979 to allow for a veterinary clinic. The existing structure contains 1,504 square feet. The property site contains a total of six (6) parking spaces.

The applicant's request is to remove the condition restricting the use to a veterinary clinic so that they have the option to use the structure for an office or for it to become a part of a larger tract in the Parkway Village District possibly in the future.

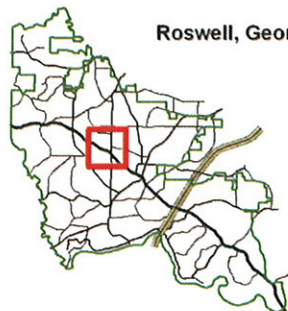
The following maps are provided: Location Map, Zoning Map, Location Aerial Map, Site Aerial Map and a Future Land Use Map.

55 Crossville Location Map



\\Poseidon\\comdev\$\\Community Development\\Rezoning Maps\\Rezoning Maps\\RZ09-01\\RZ09-01 Location Map

55 Crossville Location Aerial Map



Roswell, Georgia



1 inch = 500 feet

Legend	
	RZ09-01
	Perennia Streams
	Flowing Streams
	Streams
	Streets

\\Poseidon\\comdev\$\\Community Development\\Rezoning\\Rezoning Maps\\RZ09-01\\RZ09-01 Aerial Map

55 Crossville Site Aerial Map



Roswell, Georgia



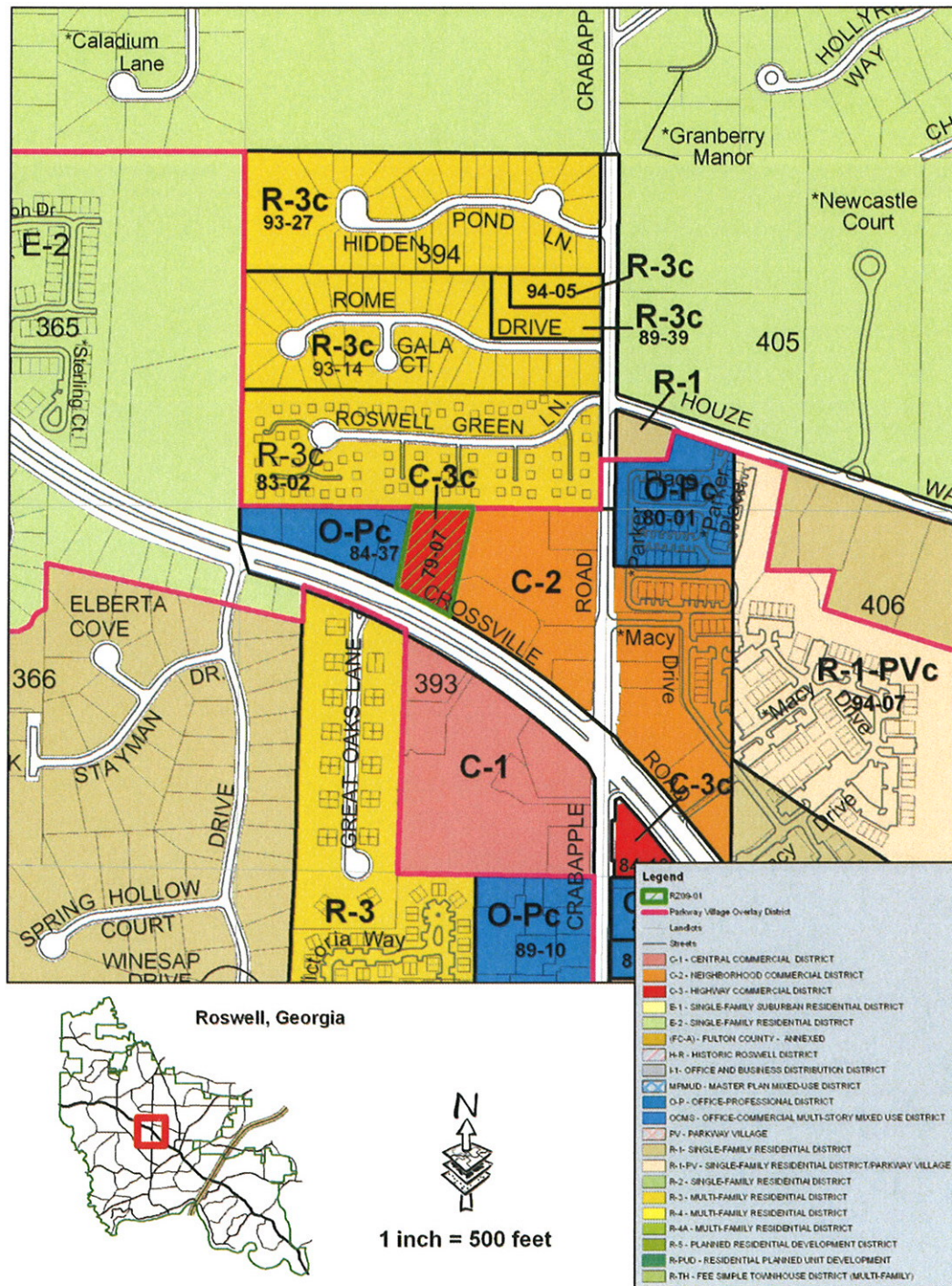
1 inch = 250 feet

Legend

- RZ09-01
- Perennia Streams
- Flowing Streams
- Streams
- Streets

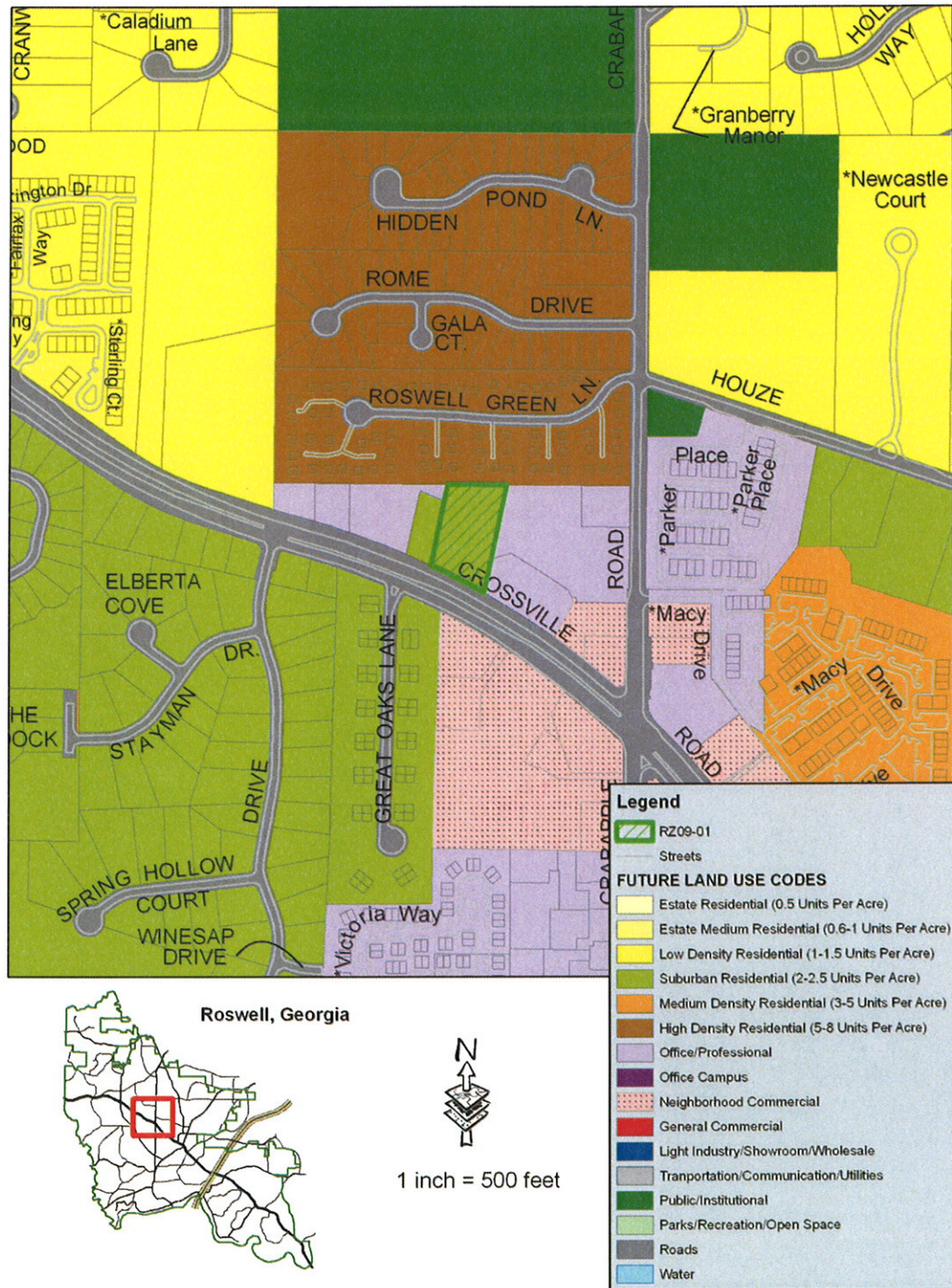
\\Poseidon\comdev\$\Community Development\Rezoning Maps\Rezoning Maps\RZ09-01\RZ09-01 Aerial Map B

55 Crossville Zoning Map



\\Poseidon\\comdev\\Community Development\\Rezoning Maps\\Rezoning Maps\\R209-01\\R209-01 Zoning Map

55 Crossville Future Land Use Map



\\Poseidon\comdev\$\Community Development\Rezoning\Rezoning Maps\RZ09-01\RZ09-01 Future Land Use Map

B. DESIGN GUIDELINES

- Not required

C. LANDSCAPE PLAN ANALYSIS

- Not required

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 property was rezoned in 1979 from C-2 (Neighborhood Commercial) to C-3 conditional (Highway Commercial). The Mayor and City Council approved the rezoning during their May 7, 1979 hearing subject to the following condition.

1. The property will be used only for a Veterinary Clinic.

V. CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted – December 2, 2008

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 request is to remove a condition of zoning from the 1979 approval limiting the use to a veterinary clinic. The surrounding area is mainly commercial with residential to the rear of the site and the property fronts on Highway 92.

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 request to remove a condition to allow for in the future the possibility of office or commercial at this site may not adversely affect the existing use of adjacent and nearby property. The subject property is located within the Parkway Village District which allows for office and commercial uses.

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 property is zoned C-3c/PV and is used as a veterinary hospital only. Due to the 1979 condition restricting the use to a veterinary hospital, the property may not have a reasonable economic use as presently zoned.

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))

The request to remove a condition so in the future a new use may be allowed may not cause a burdensome use of existing streets, transportation facilities, utilities or schools.

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))

The Future Land Use plan indicates suburban residential for this site. The property has been zoned C-3 conditional (Highway Commercial) since 1979.

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))

The site is located within the Parkway Village District which allows for office, commercial, and residential uses. The Parkway Village District was established in 1992 by the Mayor and City Council. Since the site is within the district, the subject property should be allowed the uses which are permitted in the Parkway Village district.

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

The property is zoned C-3c/PV (Highway Commercial)/Parkway Village). The existing use of the property is a veterinary hospital.

8. Existing uses and zoning of nearby property.

Location in relation to subject property	Zoning	Land Use	Acreage	Density
North	R-3	Residential	10.6 acres	6.3 units per acre
South	C-1/PV; and R-3	Village Festival shopping center; Crossville Station residential homes	9.65 acres; and 9.48 acres	8,496 square feet per acre and 5.9 units per acre
East	C-2/PV	Office complexes	4.8 acres	8,808 and 7,692 square feet per acre
West	O-P/PV	vacant land; further down a vacant house	.55 acres; and 1.33 acres	.75 units per acre

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

An appraisal would be required to determine the existing value of the subject property.

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

The property can be used as a veterinary hospital but that is the only use allowed at the site.

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 have to be completed in order to determine if the existing condition limiting the use to a veterinary hospital diminishes the value of the property.

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

The request is not to change the zoning of the property but to just remove the existing condition.

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

The removal of the existing condition may allow for the applicant to consider another type of use for the site or be a part of a larger development should that happen.

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

Under the C-3 conditional zoning, the subject property is limited to the veterinary hospital use which may not be a suitable use for the site.

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

The property is not vacant; it is being used as a veterinary hospital.

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 would request that the condition be removed so that it may be used for an office or able to sell and use with other property to create a larger tract for development.

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

The request to remove a condition of zoning on an existing C-3 zoned property does not create an isolated zoning district.

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 Parkway Village District exists and the goal of the district is to create larger tracts of development. The removal of the condition may allow for this property to in the future join with another tract to create a larger development.

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 request for a rezoning to remove a condition to allow for another type of use may not be a deterrent to the value of the development 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 request to change the condition of zoning will not have an impact on the environment. Should this property become a part of a larger development within the Parkway Village District in the future or if the use changes, it will have to comply with all environmental regulations.

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 Parkway Village corridor was established to allow for large tracts to develop with a mix of uses.

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 request to change the condition of zoning will not have an impact on the environment. The current structure is located approximately 230 feet from the rear property line. Should this property become a part of a larger development within the Parkway Village District in the future, it will have to comply with all buffers and setbacks abutting residential outside of the district.

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.

This request is to change a condition from the 1979 approval requiring it only to be allowed as a veterinary clinic.

Appendix Attachments:

1. Planning Commission minutes
2. Minutes from 1979 and 1979 approval letter.
3. Application form
4. Letter of intent
5. Plans

RZ/Staff Reports/2009/RZ09-01rev