



Petition No. RZ 201403068 and CV 201403069

HEARING & MEETING DATES

Design Review Board Meeting October 7, 2014	Neighborhood Meeting September 11, 2014	Planning Commission Hearing October 21, 2014	Mayor and City Council Hearing November 10, 2014
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APPLICANT/PETITIONER INFORMATION

Property Owner Ronald Gwatty	Petitioner Mark Fee	Representative Mark Fee
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PROPERTY INFORMATION

**Address, Land Lot,
and District** 951 Mansell Road, Land Lot 505, First District, Second Section

Frontage and Area 197.46' on Mansell Rd, 552.55' on Roswell Commons Circle; 2.47 acres

**Existing Zoning and
Use** NX (Neighborhood Mixed Use)

2030

**Comprehensive
Plan; Future** Highway 9/ Alpharetta Highway Commercial Corridor

Development Map

Proposed Zoning Change of conditions

INTENT

The applicant is requesting a change of conditions from the 2008 zoning. The applicant is requesting two variances with the application.

1. A variance to the building size.
2. A variance to the transparency.

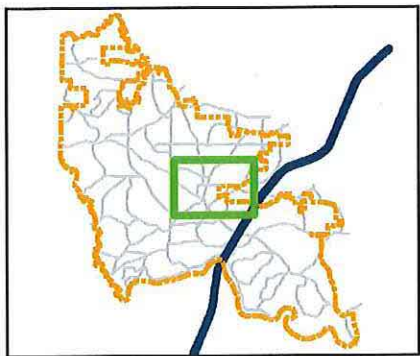
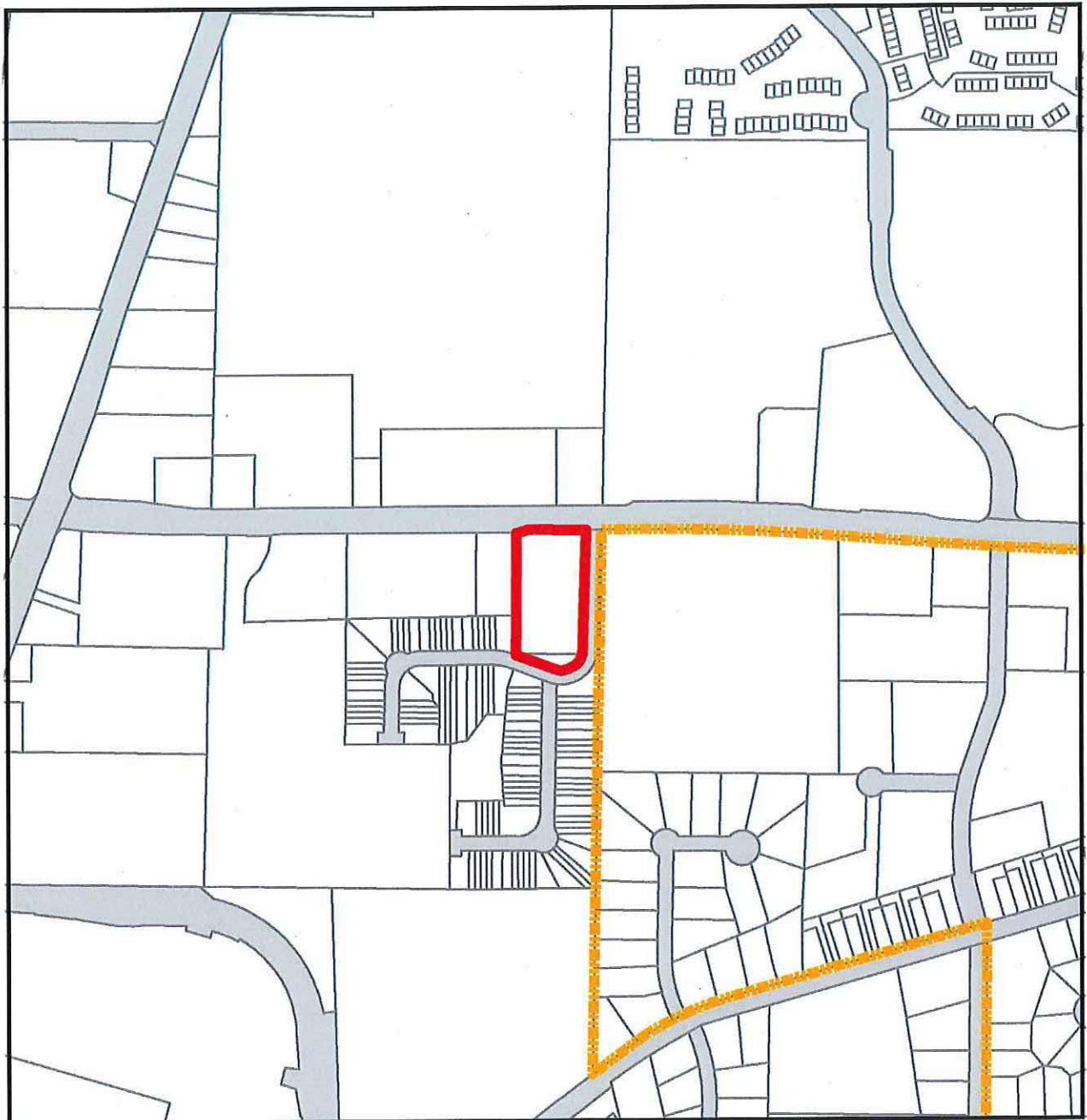
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ 201403068 - Approval and CV 201403069 - Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of the change of conditions request and the concurrent variances during the October 21, 2014 hearing with the following conditions.

1. The owner/developer shall dedicate right-of-way as shown on the October 7, 2014 site plan to the Roswell Transportation Department prior to the issuance of the Land Development Permit.
2. The owner/developer shall extend the five (5) foot sidewalk along the entire property frontage along Roswell Commons Circle.
3. Restaurant use shall not be permitted on the property.
4. There shall be no outdoor loudspeakers to be used on the property.



1 in = 500 ft

Location

-  951 Mansell Rd
-  City Limits

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Prepared by the City of Roswell Department of Community Development for the Mayor and City Council Hearing on November 10, 2014.

STAFF RECOMMENDED CONDITIONS

The Community Development Department recommends approval of the rezoning change of conditions and the variance requests for the building size, transparency, and build-to-zone with the following conditions.

1. The owner/developer shall dedicate right-of-way as shown on the October 7, 2014 site plan to the Roswell Transportation Department prior to the issuance of the Land Development Permit.
2. The owner/developer shall extend the five (5) foot sidewalk along the entire property frontage along Roswell Commons Circle.
3. The owner/developer shall provide an easement on his property for the sign for the Roswell Commons neighborhood. This sign shall not be used against the owner's sign allowance.

BACKGROUND

The property is zoned NX (Neighborhood Commercial). The property was rezoned by the Mayor and City Council on October 13, 2008 to C-2 (Neighborhood Commercial) and is subject to the following conditions.

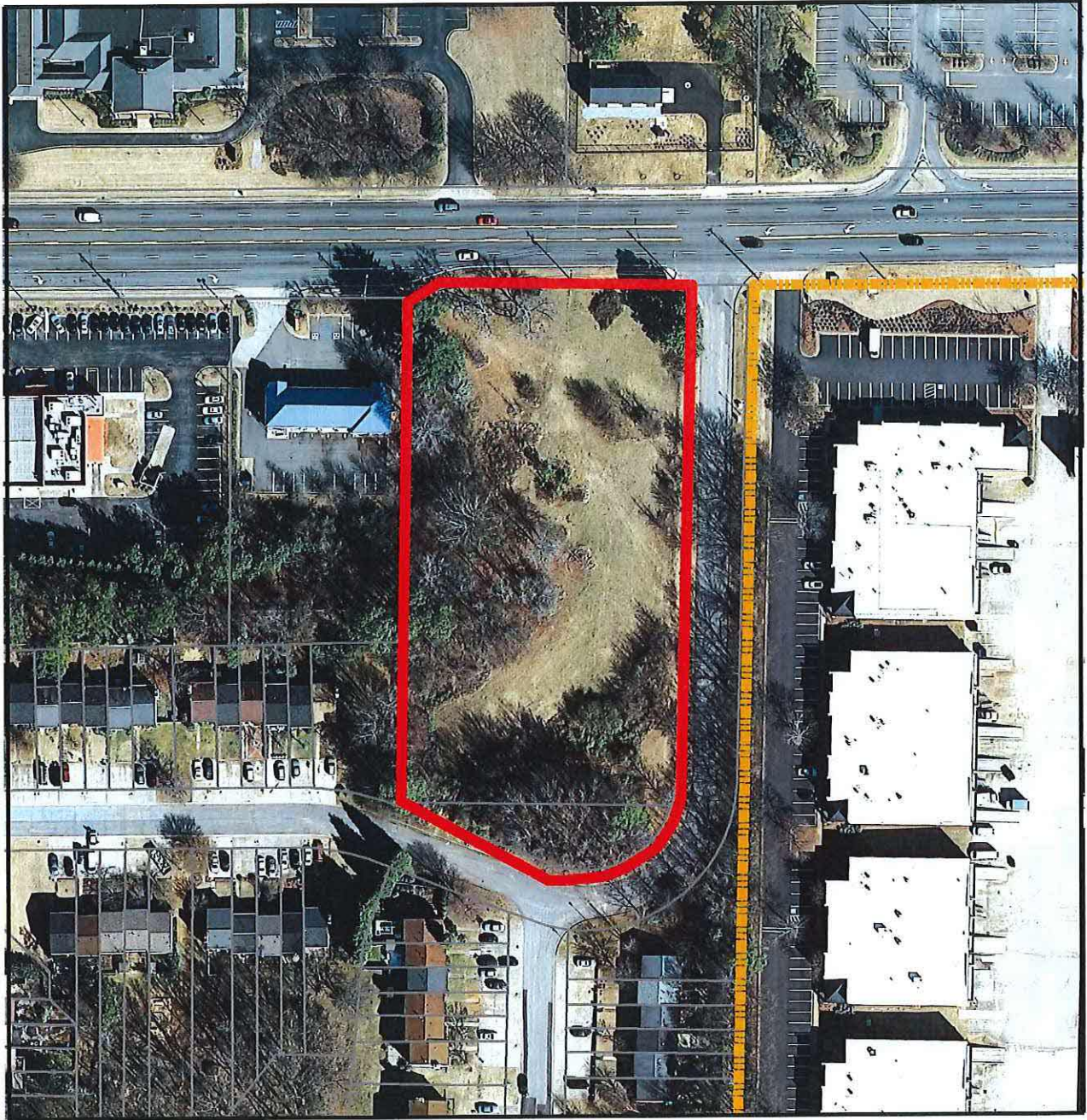
1. The owner/developer shall develop the property in substantial accordance with the site plan prepared by LAI Engineering, stamped "Received October 2, 2008 City of Roswell Community Development Department," and as approved by the Design Review Board and consistent with these recommended conditions.
2. There shall be no restaurant use of any kind within this retail establishment due to the limited amount of parking on the site.
3. The owner/developer shall extend the existing eastbound right deceleration lane on Mansell Road to Roswell Commons Circle as required by the Roswell Department of Transportation.
4. The owner/developer shall install a right-in/right/out only on Mansell Road as required by the Roswell Department of Transportation.
5. There shall be only one monument sign for the entire project. The monument sign shall be located on Mansell Road.
6. The owner/developer shall install a bus stop and bench on the corner of Roswell Commons Circle and Mansell Road in accordance with the Fulton County School system and the Roswell Department of Transportation.
7. The owner/developer shall add fencing along the top of any retaining walls that will be built on the property as approved by the Design Review Board.
8. The owner/developer shall add decorative pavers in the sidewalk around the retail building as approved by the Design Review Board.
9. The owner/developer shall add a tree in the hardscape area in the front of the building as approved by the Design Review Board.
10. The owner/developer shall provide an easement on his property for the sign for the Roswell Commons neighborhood. This sign will not be used against the owner's sign allowance.
11. All deliveries shall be limited to the hours of 7 a.m. to 10 p.m.
12. No loudspeakers or outdoor audio equipment shall be permitted on the property.
13. The owner/developer shall provide evergreen screening at the rear of the property to buffer the neighborhood subject to the approval by the Design Review Board.
14. The material of the retaining walls on the property shall be subject to review and approval by the Design Review Board.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION 201403068	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Amenity space
	Change of conditions	Pet Facility	2.47 acres	N/A	25%
Location in relation to subject property	Zoning	Use	Land Area (Acres)	Square Footage or Number of Units	Common area/Amenity area

Prepared by the City of Roswell Department of Community Development for the Mayor and City Council Hearing on November 10, 2014.

North	Civic	Fulton County land and funeral home	.988 acres; 3.78 acres	N/A	N/A
South	RTH	Townhome development	15.42 acres	105 units	N/A
East	City of Alpharetta	Commercial	15.9 acres	N/A	N/A
West	CX	Commercial – Express Oil	.98 acres	5,860 SF	N/A



1 in = 120 ft

Aerial

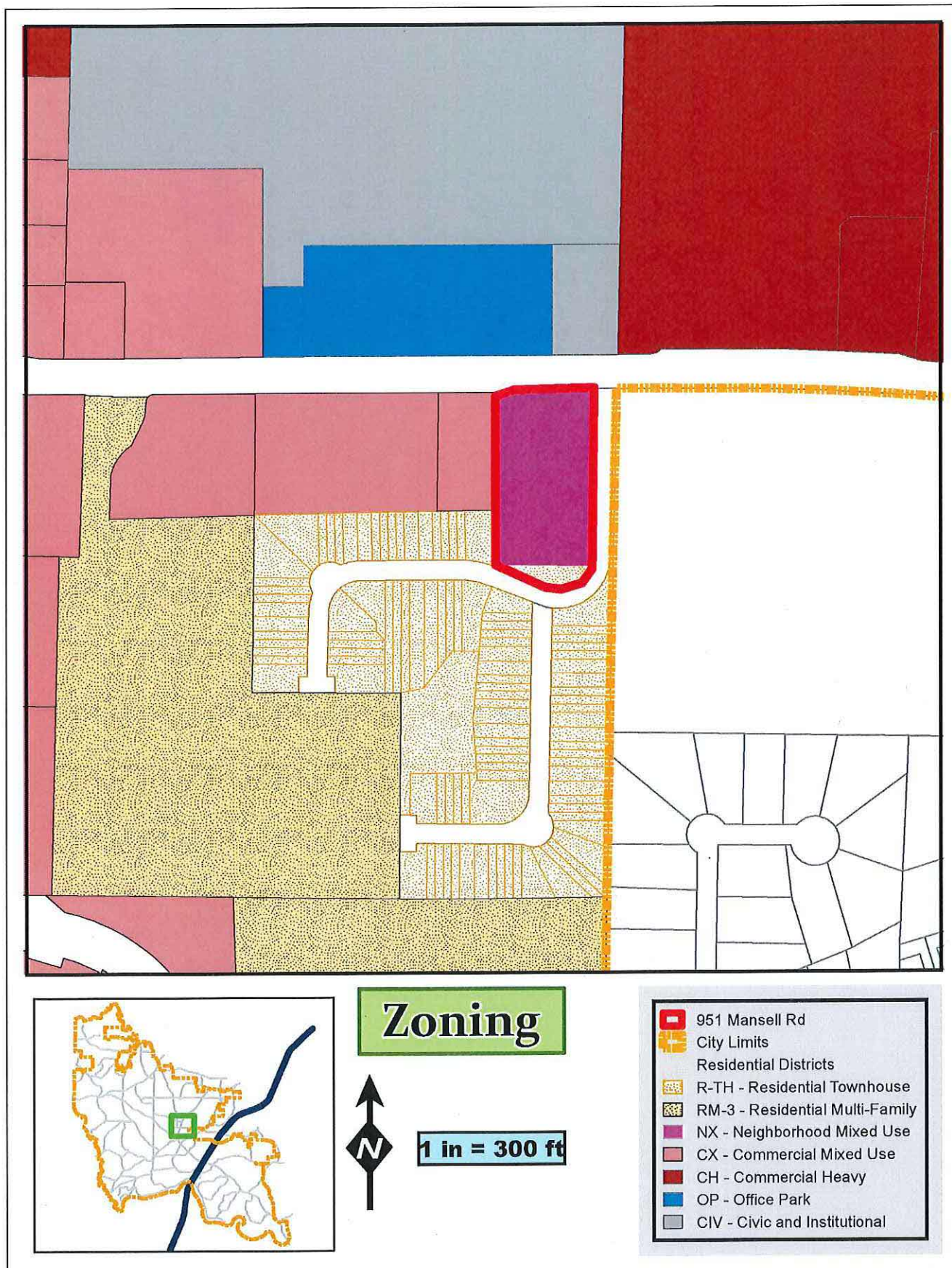


951 Mansell Rd



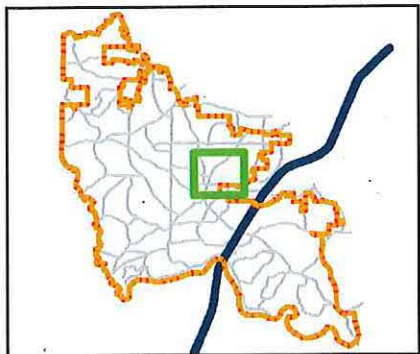
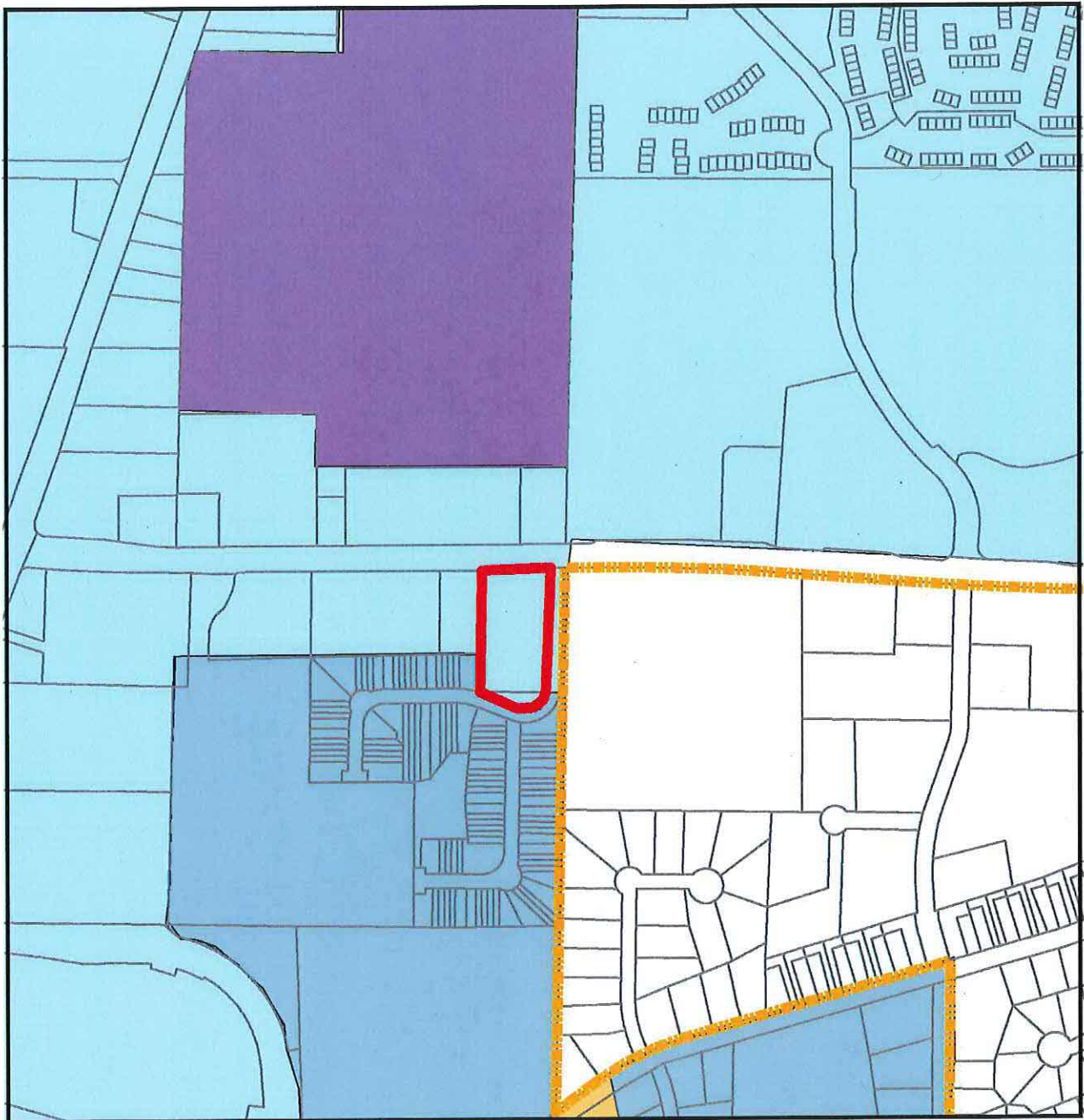
City Limits

Aerial Date: February 2010



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Prepared by the City of Roswell Department of Community Development for the Mayor and City Council Hearing on November 10, 2014.



1 in = 500 ft

Future Land Use

-  951 Mansell Rd
-  City Limits
- Character Areas**
-  GA 400/Holcomb Bridge Node
-  Highway 9/Alpharetta Highway Commercial Corridor
-  Industrial/Flex
-  Suburban Residential



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 - 201403068**
Concurrent Variance - 201403069

Petitioner: **Mark Fee / Myers Y. Cooper Company**
PetSuites

Location: **951 Mansell Rd.**

Land Lots: **505**

Request: **The applicant is requesting a change of condition to remove the prior approved site plan with a conditional use to allow for an animal care use facility with a Concurrent Variance for building size.**

Public Hearings: **Neighborhood Mtg. - September 11, 2014**
(Room 220) 7:00 p.m.
Planning Commission - October 21, 2014
(Council Chamber) 7:00 p.m.
Mayor & City Council - November 10, 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) 641-3774 or www.roswellgov.com



SITE PLAN ANALYSIS FOR THE UDC ZONING

The proposed site plan indicates a 19,800 SF building with play yards. They are indicating a Type C buffer abutting the RTH property which will also need to have an 8' wall along the property line as a part of the buffer. The amenity space on the site exceeds the required 20%. The required parking for the site is 39 spaces. The proposed site plan indicates 38 vehicular parking spaces with 2 motorcycle parking spaces and four bicycle spaces.

DRB Comments and UDC Design Guidelines

The Design Review Board heard this item during their October 7, 2014 hearing and had the following comments.

1. Architectural comments related to the building and roofline.
2. With the right tweaks to the architecture and site plan in terms of view obscuration and proper landscaping, the plan could be implemented.

LANDSCAPE PLAN ANALYSIS

The proposed landscape plan indicates the 20' buffer with an 8' wall along the southwestern corner of the property abutting the residential zoning. The plan shows American Holly, Leyland Cypress and Cryptomeria in this area to add screening. There are also proposed trees and shrubs along the front and sides of the property. There are three specimen trees (Dogwoods) to be removed from the site.

VARIANCE CONSIDERATIONS

The applicant is requesting two variances with the application.

1. The first variance is to the building size. The NX (Neighborhood Mixed Use) zoning allows for a maximum of a 15,000 SF building. The applicant is proposing a 19,800 SF building.
2. The second variance relates to the transparency requirement within the code. For General Building type in the UDC, the required transparency along the primary street is 40% and a side street is 20%. The UDC design guidelines allow for alternatives to ground transparency and the applicant has indicated that the building will have the architectural features required within the list of alternatives.

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.

DEPARTMENT COMMENTS

City of Roswell Environmental
Department

- Approval of the plan does not imply approval of the stormwater solution that is proposed.

City of Roswell
Engineering

- A land disturbance permit will be required.
- Design plan and construction shall comply with the city standard construction specifications.
- Access to sanitary sewer appears to require an offsite easement. Show sanitary sewer connection point.
- Onsite well must be abandoned per state requirements prior to the issuance of the LDP.

City of Roswell Fire Department

- A fire flow test in accordance with the International Fire Code – 2012 Edition, appendix B is required. The test must include a 24 static pressure test to determine the lowest available amount of water. The existing and proposed water hydrants must be calculated based on the 24 static test to determine the total GPM available in each hydrants 20 PSI residual pressure. All of this test documentation must be included on the land disturbance plans.

City of Roswell Transportation
Department

- Consider vehicular connectivity to adjacent parcel on the west (Express Oil Change).
- ADA ramps shall be provided on both sides of Roswell Commons at Mansell Road intersection.
- Sidewalk must be provided along the entire Mansell Road and Roswell Commons Circle frontages.
- Provide sidewalk connectivity to the proposed building.
- Provide ingress and egress (drive length) of a minimum of 25' at the proposed drives along Mansell Road and Roswell Commons Circle. The ingress/egress shall be measured from the right-of-way (see section 2.1.6.C of the City of Roswell Standard Construction Specifications).
- The minimum tangent curb length between the driveway radius of the proposed access on Roswell Commons Circle and Mansell Road intersection must be a minimum of 100 feet. (section 2.1.6 paragraph 8 of the COR).
- Right-of-way at Mansell Road and Roswell Commons Circle intersection shall be mitered a minimum of 20 feet or parallel the back of curb, per the City of Roswell Code.
- The right-of-way at Mansell Road and Roswell Commons Circle must encompass the proposed sidewalk and ADA ramps plus a minimum of one foot. Label the right-of-way, existing and proposed distances from Mansell Road and Roswell Commons Circle centerline along the site frontage.
- Label radii of the proposed driveways on Mansell Road and Roswell Commons Circle. The two proposed driveway radii must be not less than 30' or more than 50'.
- Miter the ROW a minimum of 20 feet at the two proposed driveways and at Mansell Road and Roswell Commons Circle intersection.
- Maintenance bond is required prior to Land Disturbance Permit, if amount of work within the City of Roswell right-of-way is in excess of \$5,000 – Section 9.1

(SC manual)

- Address drainage at LDP submittal.

- At Land Disturbance phase, (2.2.5) – Provide signing and marking plans.

Provide a summary table and quantity and types of all proposed traffic signs.

The proposed traffic signs will be installed by the City of Roswell and paid for by the owner/developer.

Fulton County Board of
Education

- Not applicable

City of Roswell Arborist &
Landscape Architect

- Must provide 4 inch caliper trees to recompense the 12 specimen density units to be removed, see UDC section 12.1.3 B-4 Credit for Planting Trees.

CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Prepared by the City of Roswell Department of Community Development for the Mayor and City Council Hearing on November 10, 2014.

Original plans submitted – August 4, 2014.

Revised plan submitted – October 7, 2014 – made changes due to comments from staff; added proposed right-of-way at the right-in/right-out entrance on Mansell Road and at the intersection of Mansell Road and Roswell Commons Circle, changed a 6' sidewalk to 5' sidewalk to allow for the 1' from back of curb and added the 25' radius returns.

STANDARDS OF REVIEW

1. The zoning map corrects an error or meets the challenge of some changing condition, trend or tract.

The applicant is not requesting to change the zoning. The request is to change the layout of the site plan which was approved in 2008 and the use of the approval from retail to allow for animal care, indoor.

2. The zoning map amendment substantially conforms with the Comprehensive Plan.

The property is located within the Highway 9/ Alpharetta Highway Corridor Commercial character area. The property is zoned NX (Neighborhood Mixed-Use) and the requested animal care, indoor is a permitted use in this zoning classification. The request is to change the conditions to allow for a new layout of the site plan.

3. The zoning map amendment substantially conforms with the stated purpose and intent of this Unified Development Code.

The request conforms to the stated purpose and intent of the Unified Development Code.

4. The zoning map amendment will reinforce the existing or planned character of the area.

The property is already zoned NX (Neighborhood Mixed-Use). This is a request to change the conditions related to the site plan.

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

The subject property which is located on the corner of a major commercial road and abuts a residential development to the south is an appropriate location for this proposed use. The zoning is already in place, so it is just a change of the use and site plan from the original 2008 approval.

6. There are substantial reasons why the property cannot be used according to the existing zoning.

The property is being used under its current NX (Neighborhood Mixed-Use) zoning.

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

The request for an animal care, indoor facility would fit in this location. It is already zoned commercial and it is next to commercial with an established buffer abutting the proposed use and the existing residential to the south.

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 proposed animal care facility will not affect the schools. Comments have been made from all of the departments and the development must comply with all fire, engineering, stormwater and transportation comments.

9. *The zoning map amendment will not significantly impact the natural environment, including air, water, noise, stormwater management, wildlife and vegetation.*

This is a not a rezoning, but a change of conditions. There may not be a significant impact to the natural environment with this proposed use. There will be some removal of trees; however, a number of trees will remain on the site.

10. *The zoning map amendment will not have a significant adverse impact on property in the vicinity of the subject property.*

The property is already zoned NX (Neighborhood Mixed-Use) and the proposed use may not have an adverse impact on property within the vicinity.