



Petition No. RZ12-04 and CV12-01

HEARING & MEETING DATES			
Design Review Board Meeting 3/6/12	Neighborhood Meeting 3/15/12	Planning Commission Hearing 4/17/12	Mayor and City Council Hearing 6/11/12
APPLICANT/PETITIONER INFORMATION			
Property Owners Dane Nesbit	Petitioner Dane Nesbit	Representative Daryl Cook	
PROPERTY INFORMATION			
Address, Land Lot, and District	9050 Nesbit Ferry Road; Land Lot 835 , 1 st District, 2 nd Section		
Frontage and Area	Approximately 600 feet of frontage; 5.03 acres		
Existing Zoning and Use	FC-A (Fulton County-Annexed); vacant home		
Overlay District 2030	Citywide Guidelines		
Comprehensive Plan; Future Development Map	Suburban Residential		
Proposed Zoning	RTH-A (Fee Simple Residential Townhouse District)		
INTENT			

The applicant is requesting a rezoning to RTH-A to develop 19 single family attached homes. The applicant is requesting four concurrent variances with this rezoning.

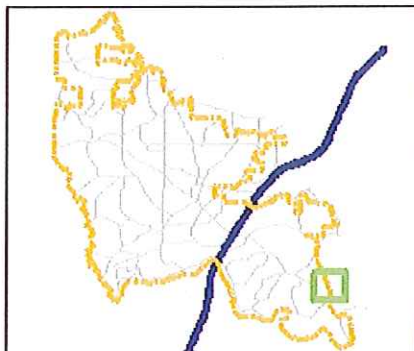
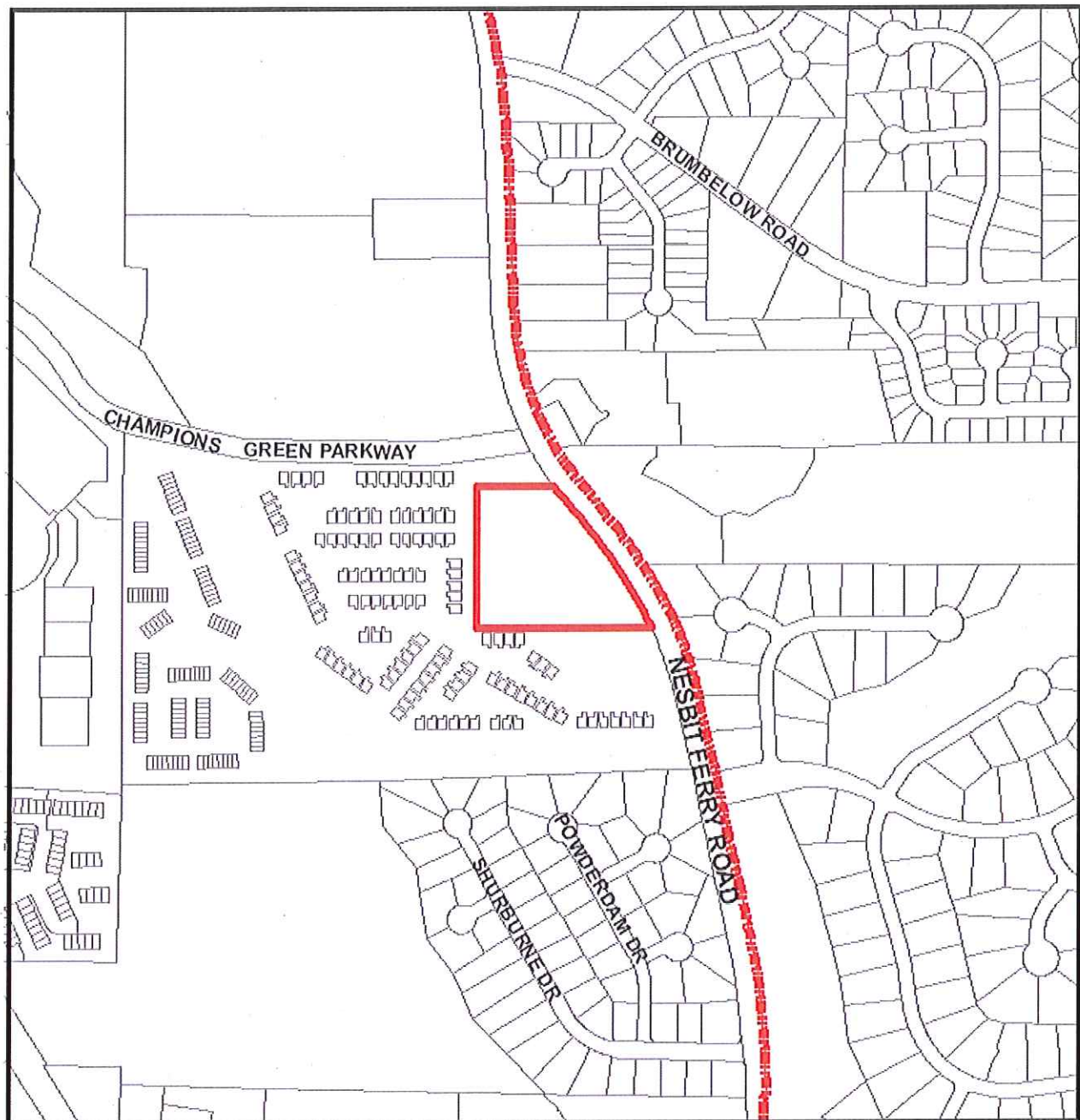
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ12-04 and CV12-01 - Approval

PLANNING COMMISSION RECOMMENDATION



The Planning Commission recommended denial of the rezoning application and concurrent variances during their April 17, 2012 hearing. The following were reasons for denial.

1. The number of variances requested with the rezoning request in order to make the plan work.
2. The homes are too close to one another.
3. The extent of the project.
4. The attractiveness of the plan.



1 in = 500 ft

Location

-  9050 Nesbit Ferry Road
-  City Limits

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STAFF RECOMMENDED CONDITIONS

It is recommended that this application for rezoning and the four concurrent variances be approved. The rezoning shall be approved with the following conditions:

1. The site shall be developed in accordance with the site plan stamped "Received February 7, 2012.
2. The bike path and sidewalk along Nesbit Ferry Road shall be constructed prior to the first certificate of occupancy for the homes.
3. The demolition of the existing house shall not impact the existing stand of specimen trees.
4. A preliminary plat for the property shall be required prior to the issuance of the Land Development Permit.
5. A final plat shall be recorded at the completion of each of the separate blocks built.
6. All construction and equipment trailers shall stay out of the tree save area.

BACKGROUND

The property was annexed into Roswell in 1999 from Fulton County. The underlying zoning is AG-1 (Agricultural). The subject property went through a rezoning request in 2005 to build 25 townhomes. The rezoning was denied by the Mayor and City Council. The applicant filed a lawsuit with the city over the denial of the application. The plaintiff dismissed the action in May 2008. The lawsuit was dismissed in May 2008.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ12-04	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	RTH-A	Attached single family homes	5.03 acres	19	3.8 units 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	FC-A	Devonshire townhomes and single family attached homes	40.4 acres	251 units	6.2 units per acre
South	FC-A	Devonshire townhomes and single family attached homes	40.4 acres	251 units	6.2 units per acre
East	Johns Creek	T-R (Townhouse Residential)	20.4 acres	122 units for Eagle Glen	5.9 units per acre
West	FC-A	Devonshire townhomes and single family attached homes	40.4 acres	251 units	6.2 units per acre



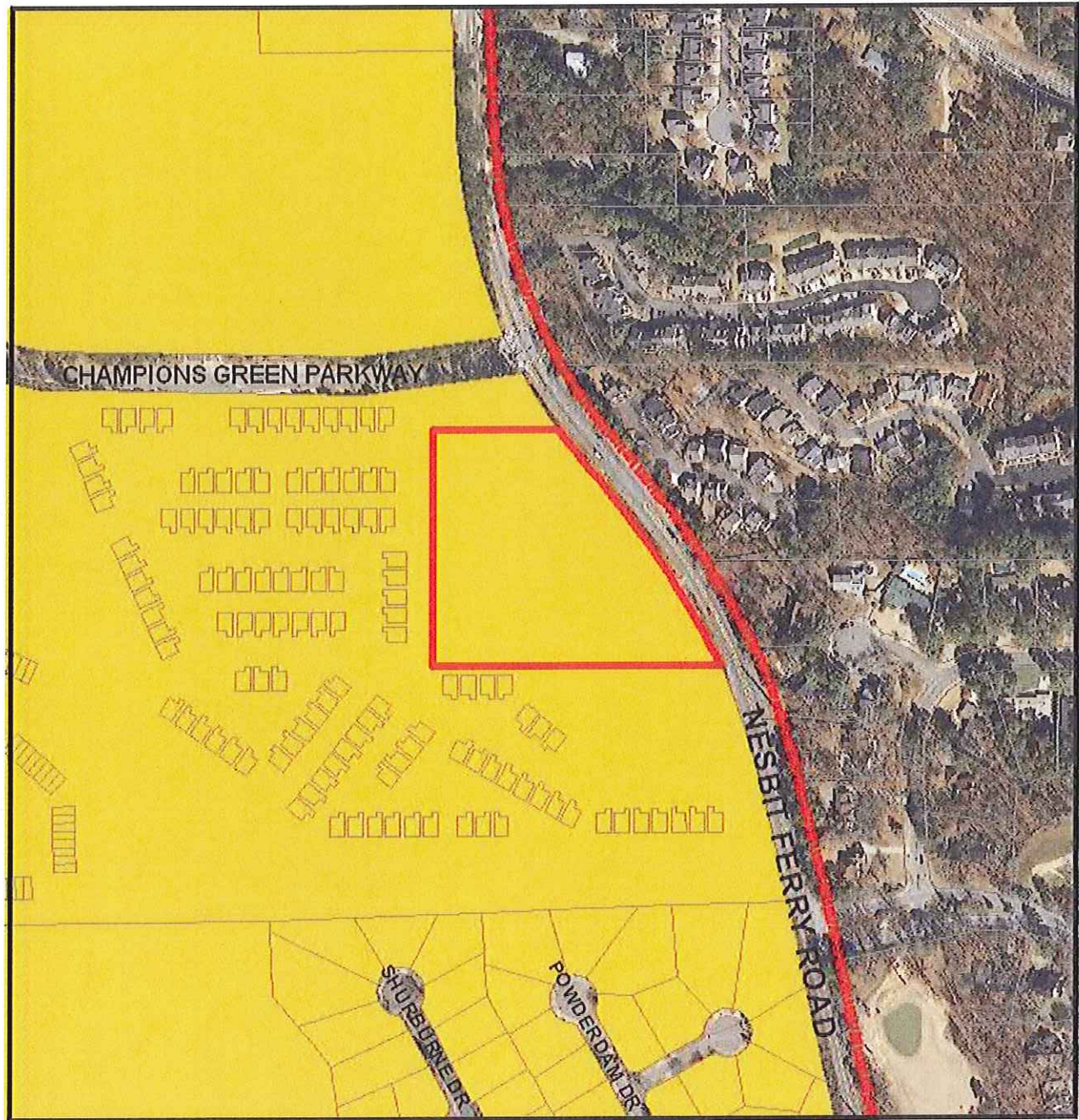
1 in = 200 ft

Aerial






9050 Nesbit Ferry Road
City Limits

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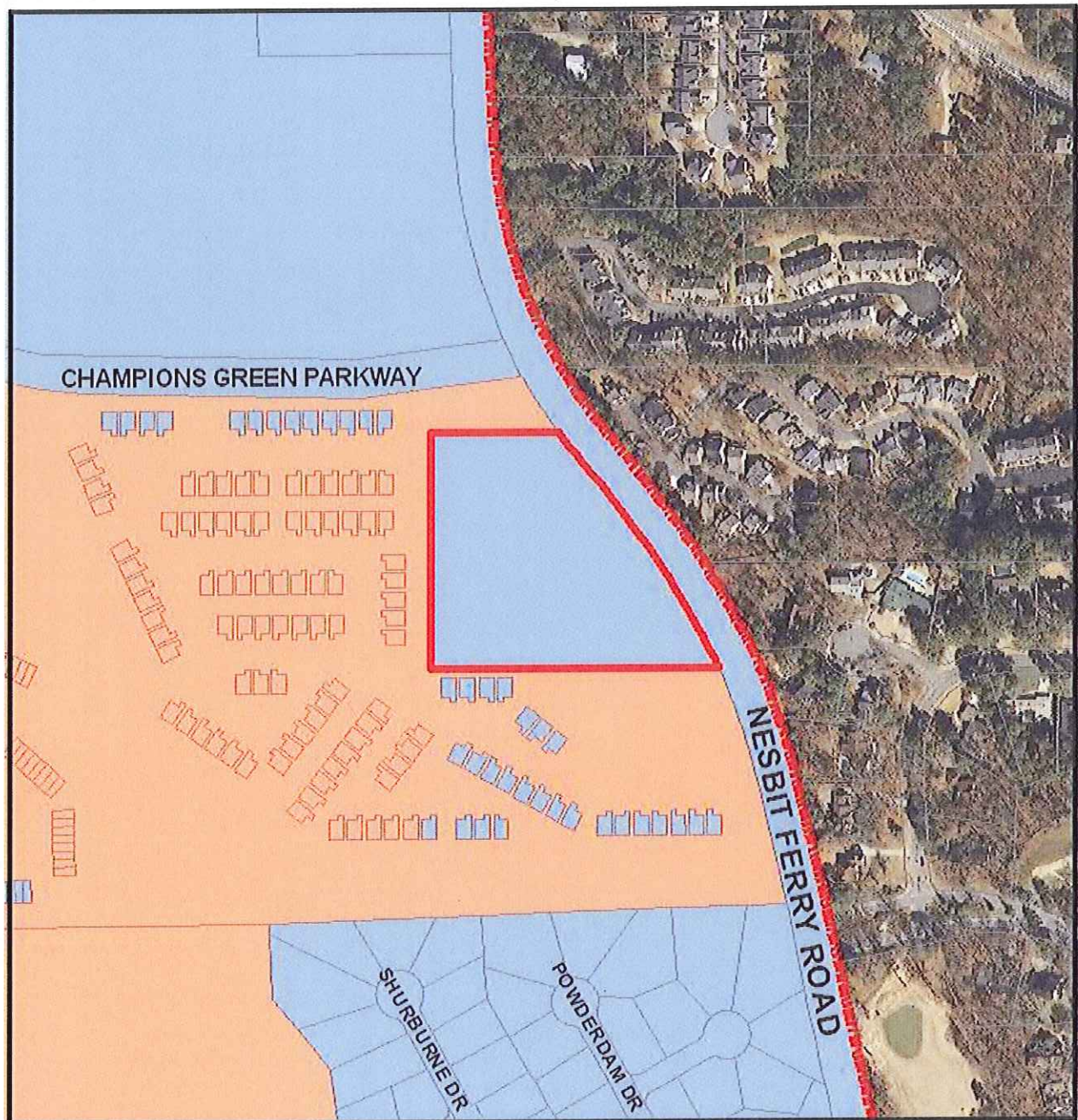


1 in = 300 ft

Zoning

-  9050 Nesbit Ferry Road
-  (FC-A) - Fulton County - Annexed
-  City Limits

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1 in = 300 ft

Future Development

- 9050 Nesbit Ferry Road
- City Limits
- Future Land Use**
 - Holcomb Bridge Road/SR 140
 - Suburban Residential

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View of property



View of property



View of the property



View of the property



View of entrance at Devonshire



View of the wall at Devonshire



View of property across Nesbit Ferry



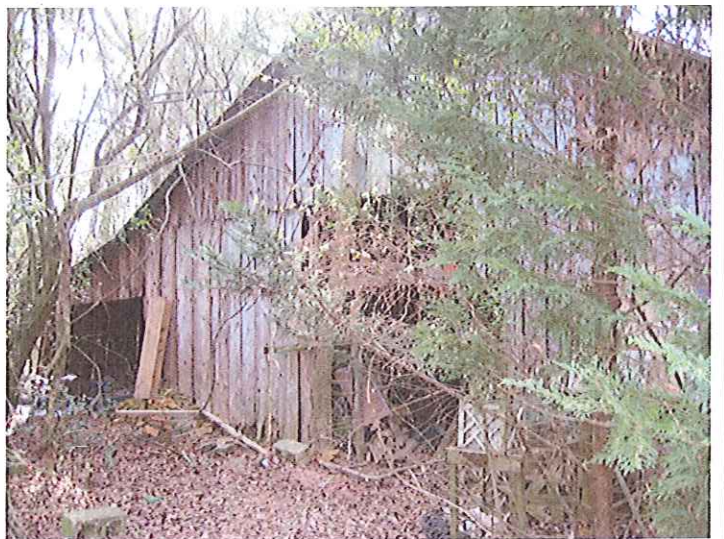
View of entrance for Champions Green



View of the property



View of the property



View of the property



NOTICE OF PUBLIC HEARING

Petition No: Rezoning - RZ12-04 &
Concurrent Variance - CV12-01

Petitioner: Dane Nesbit

Location: 9050 Nesbit Ferry Rd.

Land Lot: 835

Request: FC-A (Fulton County Annexed) to RTH-A
(Fee-Simple Townhome Medium Density)
with Concurrent Variances for buffer & side
setbacks, for the purpose of developing 19 homes

Public Hearings: Neighborhood Mtg. March 15, 2012
(Room 220) 7:00 p.m.

Planning Commission April 17, 2012
(Council Chamber) 7:00 p.m.

Mayor & City Council May 14, 2012
(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

The proposed site plan indicates 19 single family attached homes on the 5.03 acre property which yields a density of 3.8 dwelling units per acre. The plan shows a 24' private drive with a 5' pedestrian sidewalk to give pedestrians access to the sidewalk along Nesbit Ferry Road. The detention/bio-retention area is located in the southwestern corner of the subject property.

DRB/HPC comments and Design Guidelines

The project was reviewed by the Design Review Board on March 6, 2012. The board had the following comments.

1. Questions related to the attachments of the units. How are the homes to be attached?
2. There needs to be more variation of the perimeter trees. There should also be some variety of trees located in front of the homes.

LANDSCAPE PLAN ANALYSIS

The proposed landscape plan indicates Leyland Cypress trees along the western property line, American Holly along the southern property line and Loblolly Pine along the northern line.

The Design Review Board indicated in their comments that the applicant should have a variety of trees along the property lines and not just one type. The applicant should mix up the trees shown on the plan within the development. The applicant is proposing Leyland Cypress, Loblolly Pine, American Holly, Yoshino Cherry, Cryptomeria, Little Gem Magnolia, Virginia Pine, Red Maple, Bald Cypress, Japanese Zelkova, and Bosque Elm.

The landscape plan indicates the removal of one specimen tree from the property.

VARIANCE CONSIDERATIONS

The applicant is requesting four concurrent variances with the rezoning application.

1. The first variance request is to reduce the required interior front yard setback from thirty (30) feet to fifteen (15) feet.
2. The second variance request is to reduce the side corner yard setback from the interior street from twenty (20) feet to five (5) feet.
3. The third variance is to reduce the required interior sidewalk requirements from both sides of the proposed interior street to what is indicated on the proposed site plan.
4. The fourth variance request is to allow for an increase in the individual lot maximum coverage from forty (40) percent to fifty (50) percent.

DEPARTMENT COMMENTS

City of Roswell Environmental Department	<ul style="list-style-type: none">• The hydrology report does not include details on sizing of the structures.• For this point, this submittal is sufficient, but revisions to the site plan may need to be provided if the requirements cannot be met.
City of Roswell Engineering Division	<ul style="list-style-type: none">• Analyze existing storm Devonshire storm sewer system to 10% point.• 5 foot (not 2 foot) grass and 5 foot sidewalk along Nesbit Ferry Road is the city standard. Sidewalk is to be located one-foot from the property line. Dedicate additional ROW as mandated.• Inside turning radius of 30 feet should be used with a 20 lane. Outside turning radius is 50 feet with a 20 foot lane.(Show turning radii on preliminary plat).• This is considered a private road and as such must be constructed to City Standards. Pavement, Storm Sewer and Inlets, etc.• Investigate the possibility of interparcel access with Devonshire for both vehicles and pedestrians.• Provide drainage easement for roof drain pipes and storm sewers located on private property.• Request a Focus meeting with city staff (Development Plan Review Team) (DPRT) prior to submitting for LDP.• Provide access per Georgia Stormwater Management Manual to stormwater Facility for maintenance. A Stormwater BMP Covenant will be required with LDP.• Address impact to 30" oak on adjacent property. Are there any other trees on adjacent property that will be impacted?• Do not plant Leyland Cypress within 10 feet of sanitary sewer.
Fiscal Impact	A fiscal impact analysis was done and it indicates that the city will see a higher net revenue in 2013 when the development is built and then a lower revenue once the project is completed.
Archaeological	Not required
City of Roswell Fire Department	<ul style="list-style-type: none">• A fire flow test is required to determine if there is adequate water available for fire fighting.• The fire flow test must be conducted in accordance with the 2006 edition of the international Fire Code and appendices B and hydrant locations and numbers in accordance with appendix C.• The fire flow must be calculated for each proposed fire hydrants that will be within the property and must be calculated down to 20 PSI residual as prescribed in the IFC.• It appears that the turning radius is adequate – it must be 50' outside and 30' inside.• The grade in roadway cannot exceed 10%.

City of Roswell Transportation Department	<ul style="list-style-type: none"> • No right-of-way dedication is necessary along the proposed private drive. • Provide internal sidewalk as required in section 2.2.4.A & B of the City of Roswell standard construction specifications and Subdivision regulations; or obtain variance. • Stop sign is normally provided at intersection, when warranted. Explain the reason for the proposed midblock stop sign along the proposed private driveway. • The width of the grass strip between the proposed sidewalk and back of curb along Nesbit ferry road shall be 5'. <p>The sidewalk could be meandered as necessary to avoid existing utilities.</p> <ul style="list-style-type: none"> • The proposed drive shall have appropriate intersection sight distance at Nesbit Ferry Road. Provide appropriate intersection sight distance sketches (horizontal and vertical) • The right-of-way, along Nesbit Ferry Road frontage, shall be no closer than one foot from the back of the proposed sidewalk. • The transition taper shown is inadequate for 40 MPH road.
Georgia Department of Transportation	No comment
City of Roswell Arborist & Landscape Architect	<ul style="list-style-type: none"> • Size of new trees must be described by caliper inch and not DBH as shown. DBH is for existing tree sizing. • Deciduous specimen recompense trees must be 4" minimum caliper. Height may be used for evergreen trees and must be 10'-12' minimum for specimen recompense if used. • If CRZ of specimen tree is impacted by 20% or more then tree will be considered a 'lost' tree and require recompense. The 30" oak that is off site may fit this criteria. Show percent of impact to all specimen CRZs. Show all CRZs on grading plan. • Substitute Green Giant Arborviate for Leyland Cypress

CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted on February 7, 2012.

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 subject property borders Devonshire which is a residential development containing manor homes and townhomes on the north, south and west sides of the property. The proposed attached homes rezoning request may be a suitable use due to the surrounding area.

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

The proposed attached residential homes are similar to the residences in the area; therefore, they should not adversely affect the existing use of adjacent or nearby properties.

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

The subject property is zoned FC-A (Fulton County-Annexed) with an underlying zoning of AG-1 (Agricultural) from Fulton County. The AG-1 zoning requires a one acre lot size for single family homes. With 5 acres, the property could possibly contain 4 homes at most.

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 proposed request for 19 attached residential homes may not cause a burdensome use of the existing streets, transportation facilities or utilities as Nesbit Ferry Road is already a widely traveled road.

5. Whether the zoning proposal is in conformity with the policies and intent of the future development plan.

The 2030 Comprehensive Plan indicates this area to be in the character area of "Suburban Residential". The intent of this character area is to continue to foster stable, established suburban neighborhoods, building on the existing mix of housing types. These neighborhoods are predominately single family with newer, master-planned developments providing mixed residential housing types; single family attached, single family detached and limited multi-family.

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 area along Nesbit Ferry Road contains a mixture of residential and some commercial uses (daycare facilities).

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

The subject property is zoned FC-A (Fulton County-Annexed) and contains one single family home which is vacant.

8. Existing uses and zoning of nearby property. (See page 5).

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

An appraisal would need to be completed to determine the existing value of the property under the current zoning.

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

The property can be used under the existing regulations. The current regulations would allow for possibly four single family homes on the property.

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

To determine whether the subject property is diminished due to the existing zoning district, the applicant would need to have an appraisal of the property done.

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

An appraisal would be required to determine the value of the property under the proposed R-THA zoning district.

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

The underlining zoning of the subject property is AG-1 (Agricultural). This zoning would allow for single family homes on a minimum of 1 acre lot sizes.

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

The proposed request for attached single family homes is suitable under the R-THA zoning classification.

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

The property has been vacant for several years.

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 has stated in the application that the property has been listed for sale for the past several years.

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

The proposed rezoning to R-THA (Residential Townhouse) will not create an isolated district due to the underlining zoning of A (Apartments) placed on the Devonshire development by Fulton County in 1995.

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 character of the area currently consists of townhomes, attached single family homes, and single family homes. The proposed rezoning will not 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.

An appraisal would be required to determine if the proposed development would be a deterrent or an improvement to the development of the adjacent properties.

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

The proposed rezoning shall comply with all of the stormwater and drainage requirements on the property.

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 overall zoning scheme of this area has a mix of homes, apartments, and townhomes. The proposed attached residential development will fit in with the current mixture of residential types.

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 subject property abuts Devonshire which was zoned "A" Apartments prior to it being annexed into Roswell. With the similar zoning classifications, the proposed site plan indicates the five and ten foot landscape strips which are required.

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.

There is no undeveloped land in the general area which currently has the R-THA zoning classification.