



Petition No. CU12-02

HEARING & MEETING DATES			
Design Review Board Meeting	Neighborhood Meeting	Planning Commission Hearing	Mayor and City Council Hearing
N/A	8/16/12	9/18/12	10/8/12
APPLICANT/PETITIONER INFORMATION			
Property Owner	Petitioner	Representative	
Bank of North Georgia	David Cain	Bill Duggan	
PROPERTY INFORMATION			
Address, Land Lot, and District	1184 Alpharetta Street, Land Lot 427, First District, Second Section		
Frontage and Area	179.68 ft. on Alpharetta St, 200.45 ft. on Prospect St., 55.06 ft. on Strickland Rd; 0.8184 acres		
Existing Zoning and Use	C-3 (Highway Commercial), vacant bank		
Overlay District	Midtown Design District		
2030 Comprehensive Plan; Future Development Map	Highway 9/Alpharetta Highway Corridor Commercial		
Proposed Zoning	Conditional use request to allow for a used car dealership		
INTENT			

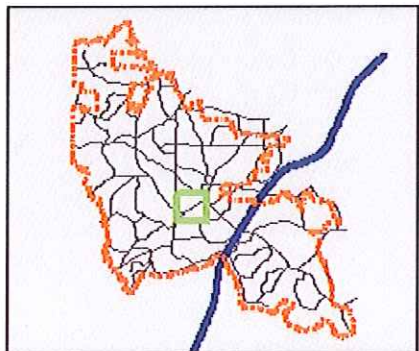
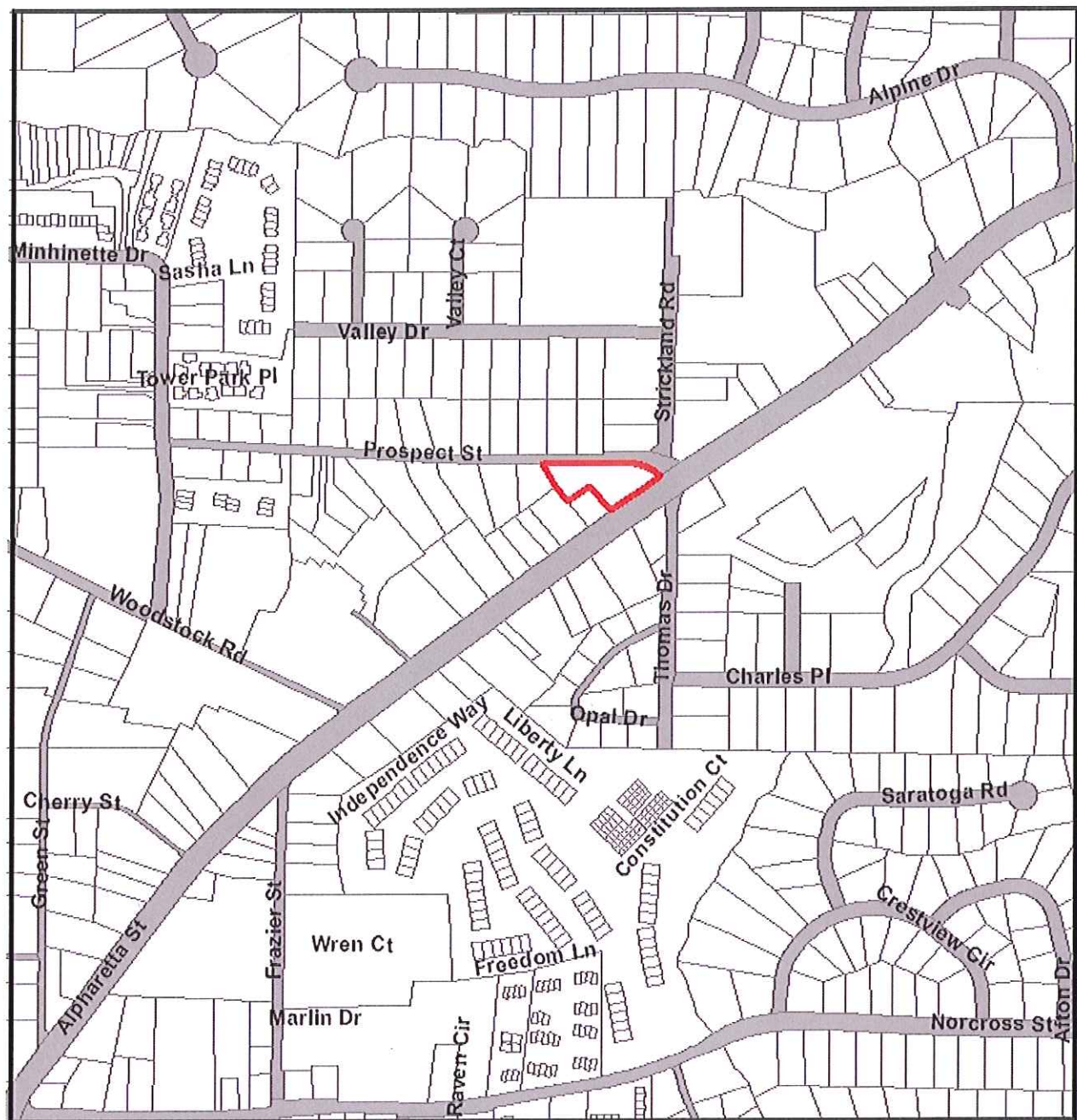
The applicant is requesting a conditional use to use the existing structure and property for a used car dealership

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

CU12-02 - Denial


PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended denial of this conditional use request for a used car establishment at 1184 Alpharetta Street during their September 18, 2012 public hearing.



1 in = 500 ft

Location

 1184 Alpharetta St

Aerial Date: February 2010

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STAFF RECOMMENDED CONDITIONS

It is recommended that this application for conditional use CU12-02 be denied. The property was formally used as a bank and can be used for office or retail.

The following is a reason for denial.

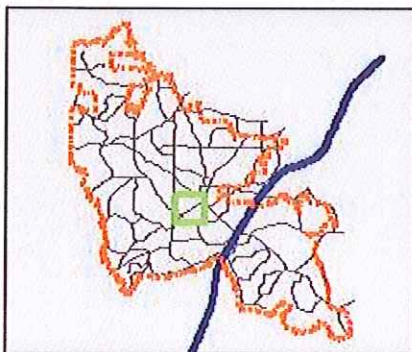
Inappropriate use of the property in the current layout and parking area. The entire parking area is located on a side street facing residential homes.

BACKGROUND

The property located at 1184 Alpharetta Street was formally the Bank of North Georgia until the early 2000s. The property had been a bank since it was built in 1969.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION CU12-02	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	NA	Used car dealership	.8184 acres		9,433 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	R-2 & C-3	Single family homes; and used car dealership	.42 and .46; .405 acres	2 homes; and 948 SF	2.3 upa and 2.1 upa; and 2,340 SF per acre
South	C-3	Check cashing & auto insurance business; and used auto sales	.356 acres; .405 acres	1900 SF; and 1550 SF	5,337 SF per acre; and 3,827 SF per acre
East	C-3	City property; and used car dealership	1.3 acres; 1.03 acres	2,898 SF	2,813 SF per acre
West	C-3 & R-2	Vacant business; and single family home	.243 acres; .33 acres	1700 SF; and 1 home	6,995 SF per acre; and 3.0 upa



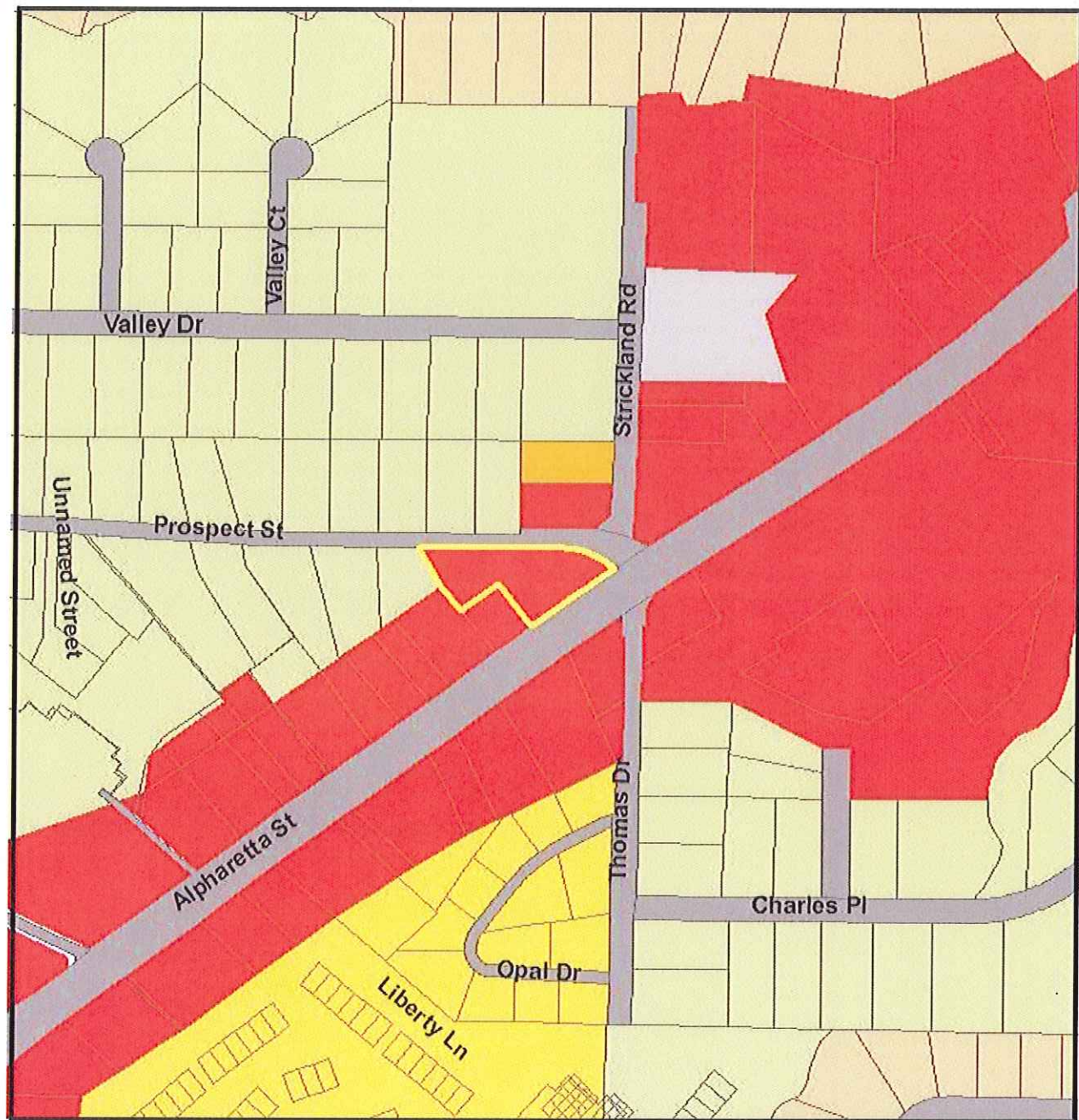
1 in = 100 ft

Aerial

1184 Alpharetta St

Aerial Date: February 2010

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Zoning

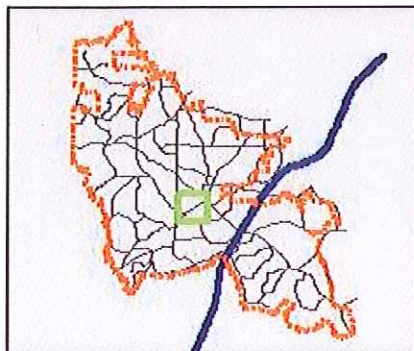
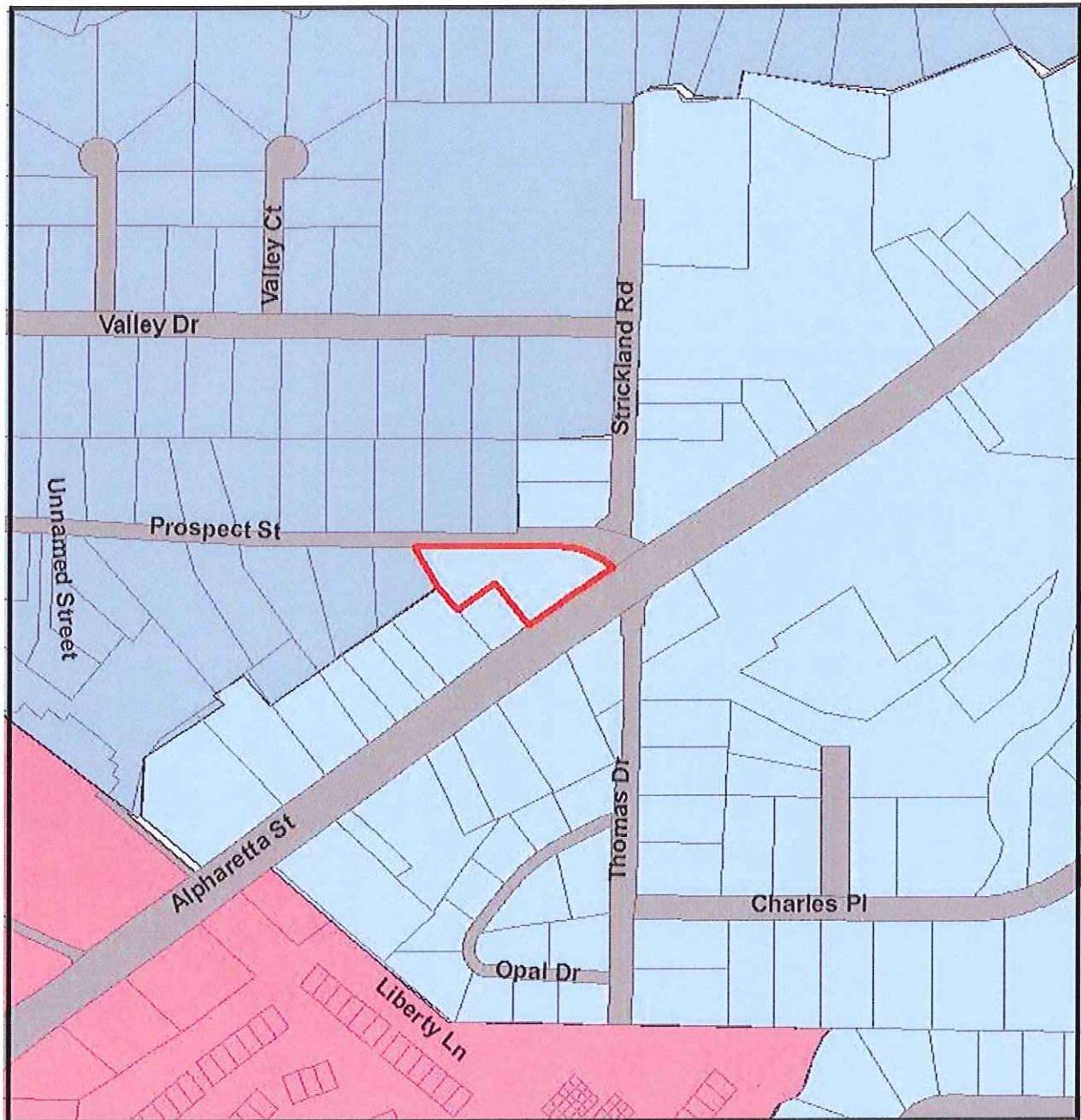


1 in = 300 ft

	1184 Alpharetta St
	C-2 - Neighborhood Commercial District
	C-3 - Highway Commercial District
	I-1 - Office and Business Distribution District
	R-1 - Single-Family Residential District
	R-2 - Single-Family Residential District
	R-3 - Multi-Family Residential District

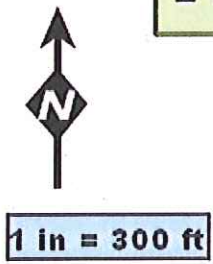
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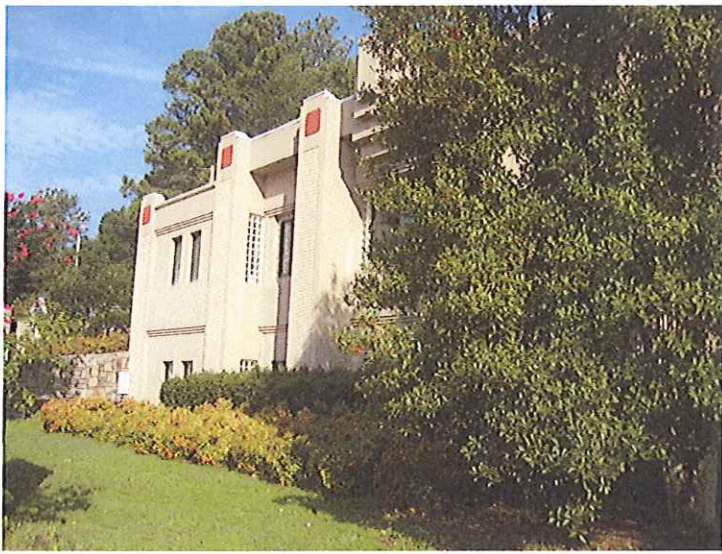


Future Development

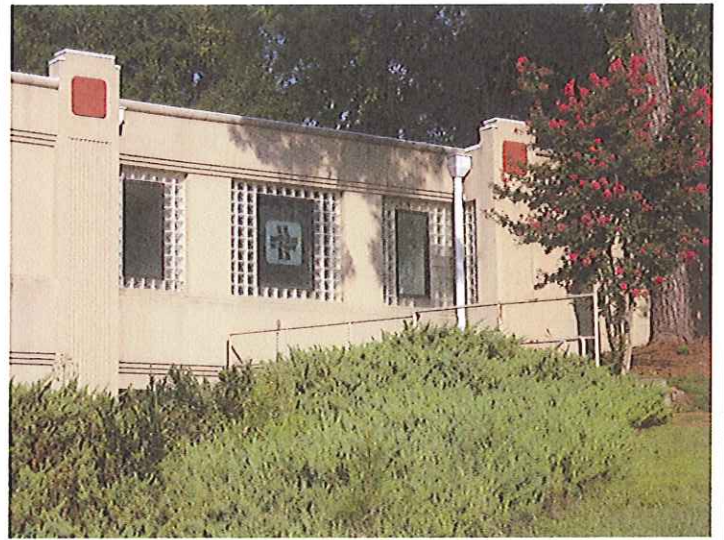
- 1184 Alpharetta St
- Future Development**
- Highway 9/ Alpharetta Hwy Commercial Corridor
- Historic Area Town Center/Downtown
- Suburban Residential



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View of property



View of property



View of the back of the property



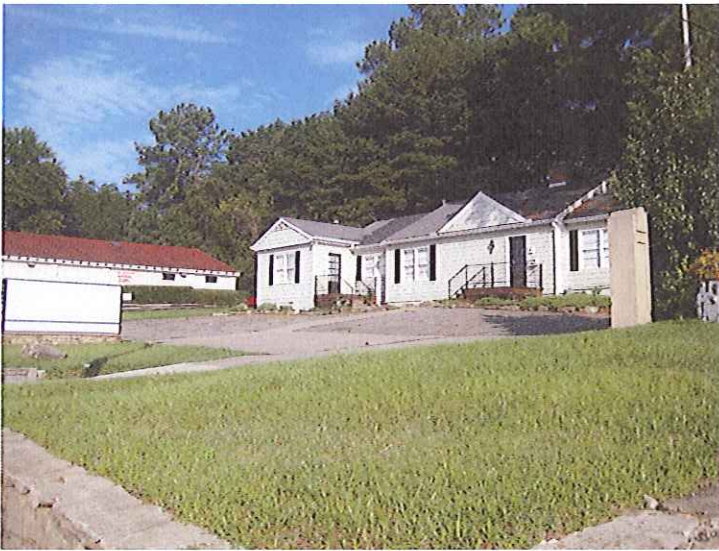
View of the side of the property



View of property to the east



View of property to the south



View of property to the west



View of property to the north



View of the property



View of the property



View of the property and homes across street



View of the property



NOTICE OF PUBLIC HEARING

Petition No: **Conditional Use - CU12-02**

Petitioner: **Bank of North Georgia / David Cain**

Location: **1184 Alpharetta Street**

Land Lot: **427**

Request: **Conditional Use request for the purpose of using the existing building and property for used automotive sales.**

Public Hearings: **Neighborhood Mtg. - August 16, 2012
(Room 220) 7:00 p.m.**

**Planning Commission - September 18, 2012
(Council Chamber) 7:00 p.m.**

**Mayor & City Council - October 8, 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) 641-3770 or www.roswellgov.com**

SITE PLAN ANALYSIS

The existing building contains 7,720 SF. The property is .8184 acres. The density of the site is 9,433 SF per acre. The parking area for the site is located in the rear of the building along Prospect Street. There are a total of 28 parking spaces on the site.

According to Chapter 10.38, Used Automobile Sales Establishment, a property must be its own separate parcel of land, be a minimum of $\frac{3}{4}$ of an acre and a permanent structure used as a business or sales office.

The separate lot of record shall comply with the requirements upon that portion of the land to be used for display and/or offering for sale of used automobiles:

- a) Striped parking spaces for inventory shall be painted on the pavement and not less than nine (9) feet by twenty (20) feet for each used automobile or the appropriate size for the type of vehicle being parked.
- b) A lot shall have a stabilized base of not less than four (4) inches covered by a minimum of two (2) inches of pavement or concrete.
- c) Two (2) driveways, one (1) for ingress and one (1) for egress, or one (1) driveway adequate to permit simultaneous ingress and egress.

The separate lot of record or parcel shall not allow any part of a used automobile to encroach upon any public right-of-way or sidewalk.

The separate lot of record or parcel shall not allow any loud or boisterous noises to emanate from his/her place of business, either by persons congregating there or by the playing of recording instruments, radios and/or television sets or other sound producing equipment as controlled by the Roswell City Code Article 8.8 Nuisances as amended from time to time.

The property to the east on the corner of Prospect, Strickland and Alpharetta Streets is owned by the City of Roswell and contains 0.1147 acres.

DRB/HPC comments and Design Guidelines

Not applicable

LANDSCAPE PLAN ANALYSIS

Not applicable

VARIANCE CONSIDERATIONS

Not applicable

DEPARTMENT COMMENTS

City of Roswell Environmental
Department

- Location of dumpster pad not noted on survey sheet.
-

City of Roswell Engineering
Division

- Provide oil separator(s) for any car maintenance and car/truck wash operations. Obtain Commercial Wastewater Permit from Fulton County Health Department contact:
Rekha Desai
(404) 612-9425
1030 Marietta Highway
Roswell, GA 30075
 - Install pipe and chain fencing to ensure that cars are not parked on greenspace.
-

Fiscal Impact

Not applicable

Archaeological

Not applicable

City of Roswell Fire Department

- No comment
-

City of Roswell Transportation
Department

- The plan shows/labels an "Old right-of-way" along Prospect Street.
 - Show/label the "existing right-of-way" also.
-

Georgia Department of
Transportation

- Not applicable
-

City of Roswell Arborist &
Landscape Architect

- Provide general maintenance as required including, but not limited to, clean-up, weeding, pruning, edging, replacement, and mulching.
-

CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted on July 2, 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 proposed conditional use request for a used car establishment may not be suitable due to the existing residential uses adjacent to the property.

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

The subject property is surrounded by a number of different uses ranging from single family homes, existing used car dealerships, other commercial business and a vacant business to the west of the site. A used car dealership may adversely affect the single family homes in this area.

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

The property is zoned C-3 (Highway Commercial) and has reasonable economic use under that zoning classification.

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 conditional use for a used car establishment may cause a burdensome use of the existing residential street.

5. Whether the zoning proposal is in conformity with the policies and intent of the 2030 Comprehensive Plan.

The property is located in the Highway 9/Alpharetta Highway Corridor Commercial Character Area of the 2030 Comprehensive Plan. The intent for this area states that new development will follow the vision established by the Midtown Roswell LCI which is to create a mixed-use, pedestrian friendly corridor and activity center. The vision states that by 2030, the vacant or underutilized strip centers will have successfully achieved adaptive mixed-use and commercial infill. One of the goals listed in the future development and design principles is to implement the Midtown Roswell LCI and clarify zoning district requirements. The conditional use request may not meet the intent of the 2030 Comprehensive Plan.

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.

There are already existing used car dealerships adjacent to the proposed site, another use may be better suited for this property.

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

The property is zoned C-3 (Highway Commercial) and is a vacant bank site.

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.*

Not required for a conditional use.

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

Not required for a conditional use.

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

Not required for a conditional use.

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

Not required for a conditional use.

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

The property is zoned C-3 (Highway Commercial). A used car establishment is considered a conditional use in the C-3 district. A conditional use is a "use that would not be appropriate generally or without restriction throughout the particular zoning district and is not automatically permitted by right within a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, maybe found to be compatible and approved by the governing body within a particular zoning district as provided in certain instances by this ordinance."

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

Not required for a conditional use.

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

Not required for a conditional use.

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.*

Not required for a conditional use.

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

Not required for a conditional use.

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.*

As already stated, this area contains several used car establishments adjacent to the subject property. A used car establishment does not meet the intent of the character of the Midtown Roswell 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 whether a used car establishment would be a deterrent to the value 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 property has already been developed; however, as a used car establishment there may be additional requirements due to drainage and sedimentation because of this type of use.

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 property is zoned C-3 (Highway Commercial) and the zoning ordinance does allow for many uses within this zoning classification; however, a used car establishment is considered a conditional use in the C-3 district so that it may be reviewed for its compatibility to the surrounding area. The proposed use for a used car establishment may not carry out the purpose of the overall zoning scheme in this area.

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 property abuts single family homes to the north and northwest. The parking area for the subject property is located along Prospect Street which abuts the residential homes. There is no established buffer between the homes and the commercial property. The current zoning ordinance requirements for a commercially zoned property abutting a residentially zoned property are a 50' setback with a 40' buffer and a 10' landscape strip along streets. The current site is nonconforming with these regulations.

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.

Not required for a conditional use.