



Petition No. CU11-06 and CV11-04

HEARING & MEETING DATES			
Design Review Board Meeting	Neighborhood Meeting	Planning Commission Hearing	Mayor and City Council Hearing
	12/15/11	1/17/12	2/13/12
APPLICANT/PETITIONER INFORMATION			
Property Owner	Petitioner	Representative	
Heal our Land Ministries	Heal our Land Ministries	Tad Ransopher	
PROPERTY INFORMATION			
Address, Land Lot, and District	1565 Holcomb Bridge Road, Land Lot 613, 1 st District, 2 nd Section		
Frontage and Area	20' frontage on Holcomb Bridge Road; 2.259 acres		
Existing Zoning and Use	The property is zoned R-3 (Multi-family Residential). The buildings are vacant.		
Overlay District	Citywide Design Guidelines		
2030			
Comprehensive Plan; Future Development Map	The Future Development Map shows the front of the property to be located in the GA 400/Holcomb Bridge Node and the rear of the property is in the suburban residential area.		
Proposed Zoning	Conditional use request		
INTENT			

The applicant is requesting a conditional use to use the existing buildings for a church, church offices and daycare at the church. The applicant is also requesting a variance to the required setback and buffer for a church due to the fact that the buildings currently exist. The required setback and buffer for a church use is a fifty foot setback with a twenty-five foot buffer along the side and rear property lines.

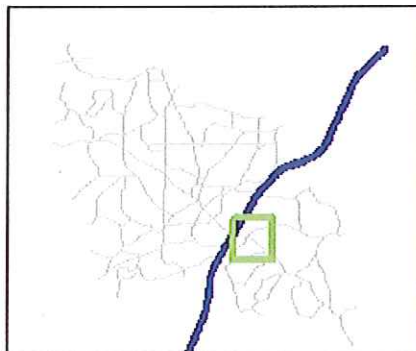
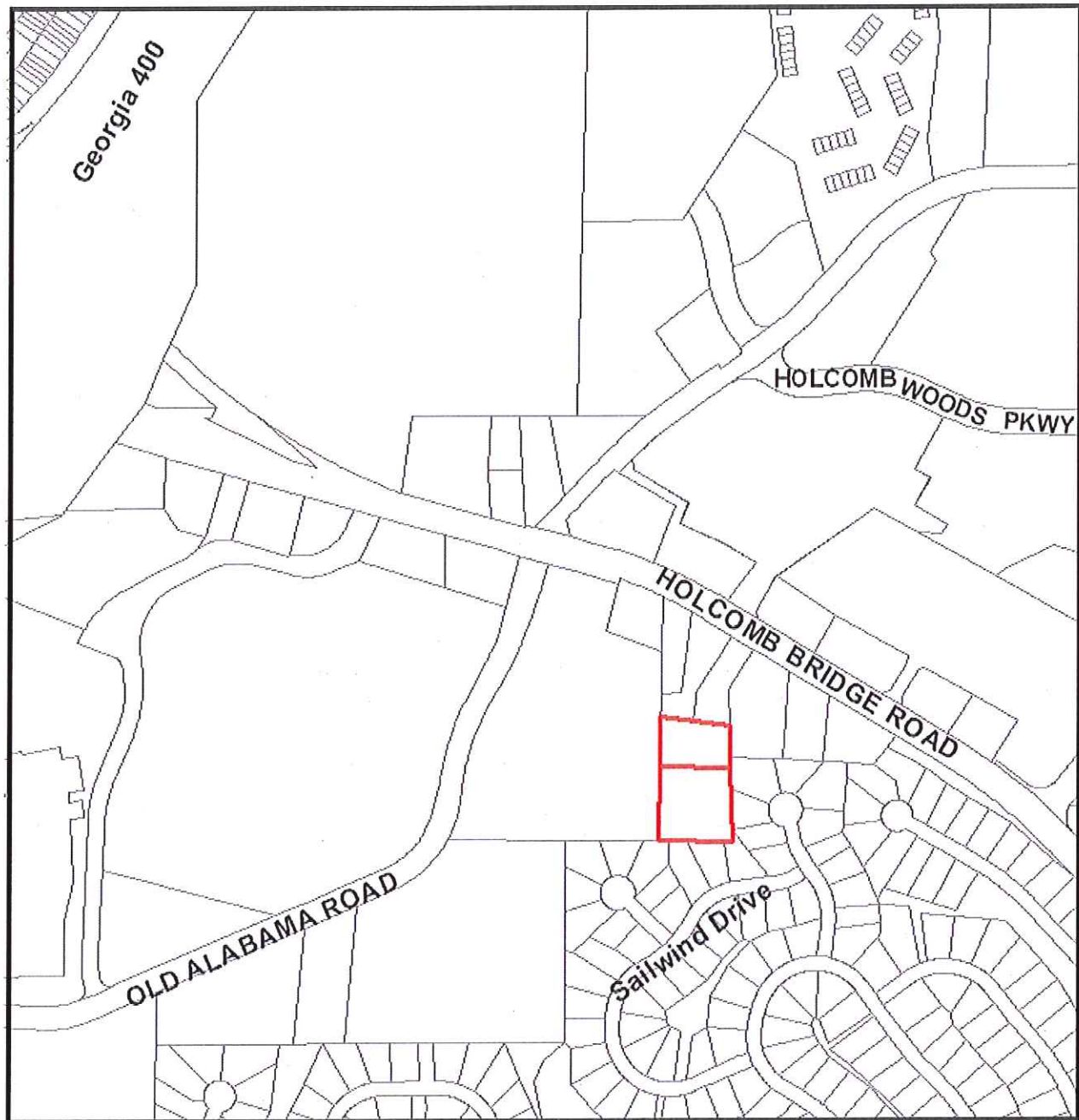
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

CU11-06 and CV11-04 - Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of this conditional use request and the concurrent variances during their regularly scheduled January 17, 2012 public hearing with the following conditions.

1. To the plan stamped "received November 1, 2011, City of Roswell Community Development Department."
2. To allow for the church and accessory church uses on the property.
3. The maximum assembly area is determined by the approved site plan indicating 970 square feet. Should the assembly area exceed this amount, sufficient parking must be established on site or as part of a recorded agreement prior to the expansion of said assembly area.
4. The church owners shall install and maintain at least thirty (30) Leyland Cypress trees along the southern and eastern boundaries of the subject property. The trees shall be six feet in height and placed six feet on center and they should be planted prior to December 31, 2012 as approved by the Design Review Board and the City Landscape Architect.
5. The southern and eastern boundaries of the property shall not be used for the children's play area.
6. The church owners shall coordinate with the homeowners regarding the configuration and materials for the fence.
7. A compliant pool cover shall be installed to cover the existing pool on the property.



1 in = 500 ft

Location

 1565 Holcomb Bridge Road

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STAFF RECOMMENDED CONDITIONS

It is recommended that this application for conditional use CU11-06 and concurrent variance CV11-04 be approved.

1. To the plan stamped "received November 1, 2011, City of Roswell Community Development Department."
2. To allow for the church and accessory church uses on the property.
3. The maximum assembly area is determined by the approved site plan indicating 970 SF. Should the assembly area exceed this amount, sufficient parking must be established on site or as part of a recorded agreement prior to the expansion of the assembly area.

BACKGROUND

The property is zoned R-3 (Multi-Family Residential). The building was formally a day care facility beginning in 1984. In 1993, under RZ93-11, the new addition was added for classrooms and recreation. The day care remained until 2005. In 2005, the property was utilized as a charter school through Fulton County. The charter school moved out in June 2007 and since that time, the property has been vacant.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION CU11-06	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	NA	Church	2.259 acres		12,102 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	C-3 and C-2	Vacant Remax building, Cartique car wash and Express Oil and Lube	2.95 acres	11,000SF; 2,700 SF; and 3,360SF	6,824 SF per acre
South	R-5	Martins Landing subdivision	2.52 acres	7 homes	2.7 units per acre
East	R-5	Martins Landing subdivision	2.52 acres	7 homes	2.7 units per acre
West	C-3	Shopping Center	11.6 acres	98,187 SF	8,464 SF per acre



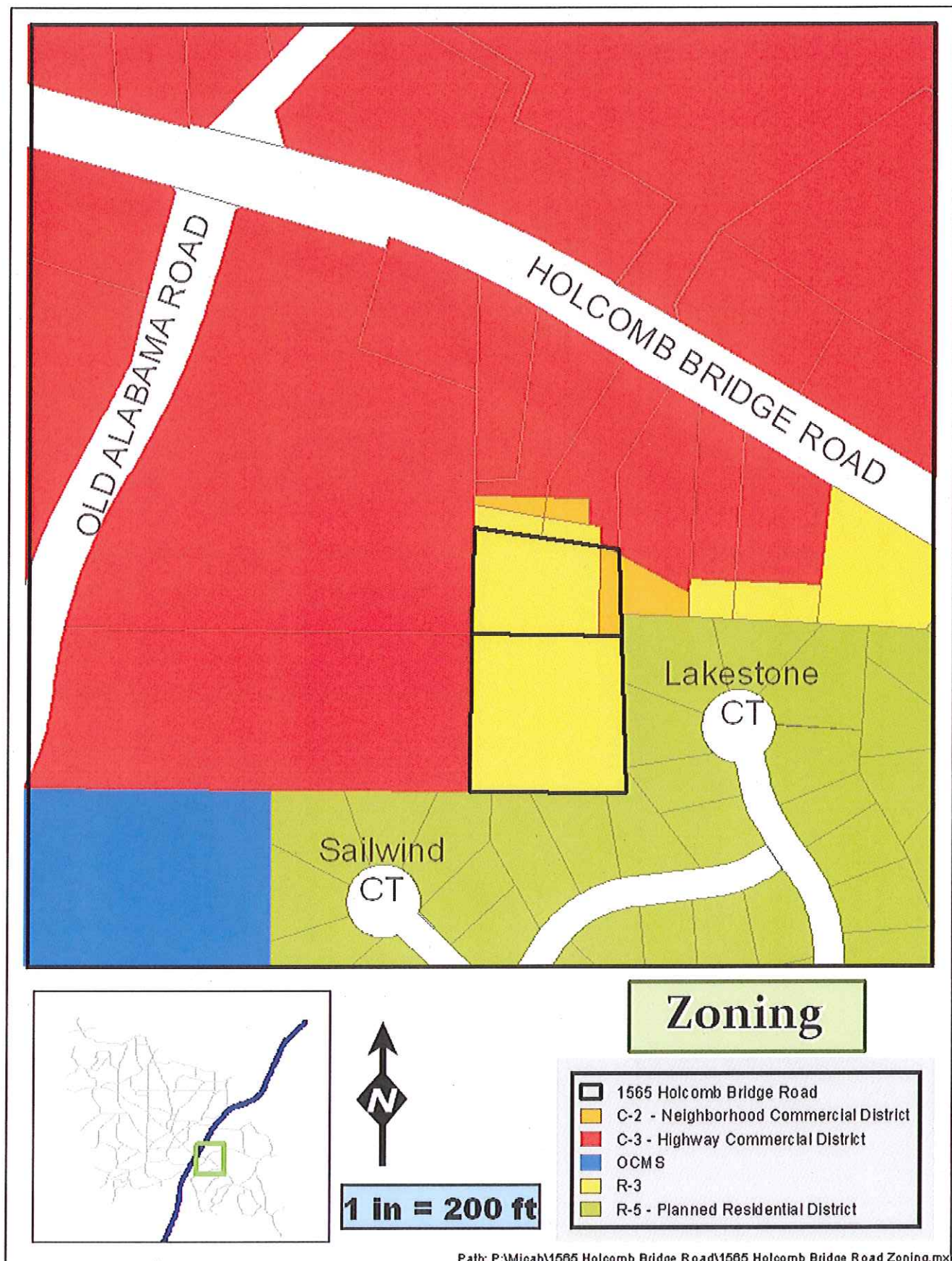
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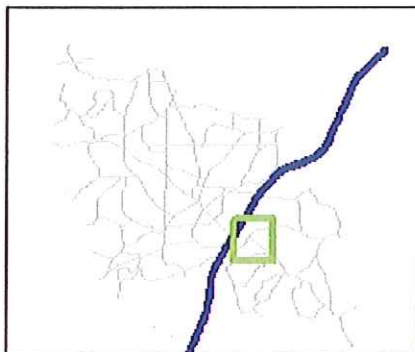
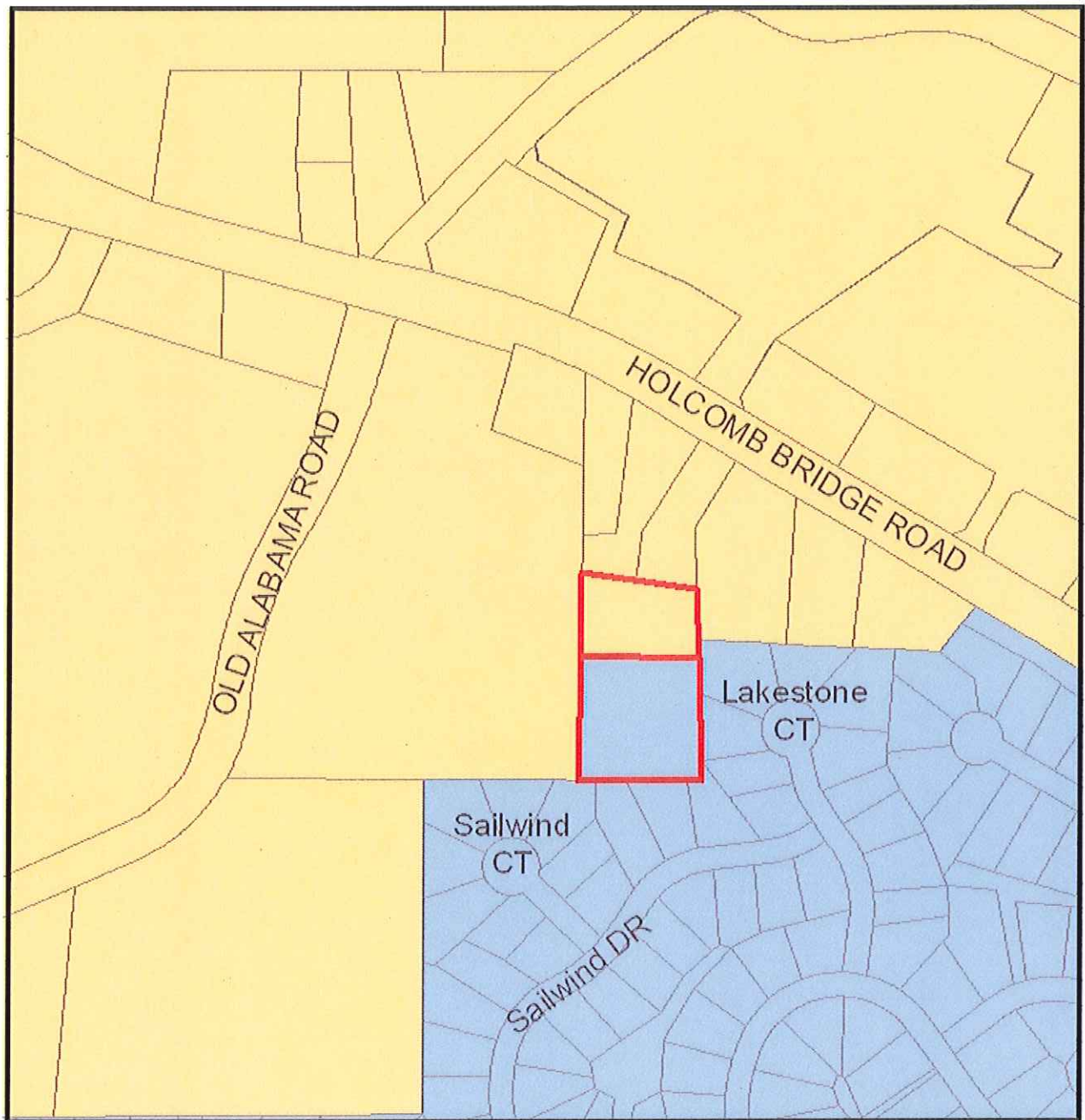
Aerial



1565 Holcomb Bridge Road

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1 in = 300 ft

Future Development

- 1565 Holcomb Bridge Road
- GA 400/Holcomb Bridge Node
- Suburban Residential

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View of property



View of property



View of the property



View of the property



View of vacant building to the northeast



View of the homes to the south



View of commercial uses to the north



View of shopping center to the west



View of property



View of property



View of the property



View of the property



NOTICE OF PUBLIC HEARING

Petition No: Conditional Use - CU11-06
Concurrent Variance - CV11-04

Petitioner: Heal Our Land Ministries Federation

Location: 1565 Holcomb Bridge Rd.

Land Lot: 613

Request: Conditional Use request for the purpose of
using the facility for a church with concurrent
variances for setback requirements.

Public Hearings: Neighborhood Mtg. Dec. 15, 2011
(Room 220) 7:00 p.m.

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

Mayor & City Council Feb. 13, 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 site plan shows the existing buildings on the site. The total square footage existing is 27,339. The applicant plans to use the buildings for a church, church offices and church daycare use. There are currently 59 parking spaces located on the site. The church indicates using 970 square feet as their worship assembly area. The subject property contains 59 parking spaces currently on the site. The 59 parking spaces are adequate for what is needed by the church for their services and office uses.

DRB/HPC comments and Design Guidelines

Not applicable

LANDSCAPE PLAN ANALYSIS

The site is existing and the applicant plans to keep the property as it is currently. Currently, there are 6 specimen dogwood trees on the site and one 43" water oak. There are also a variety of other trees located on the property. The plans do not indicate the removal of any trees from the property.

VARIANCE CONSIDERATIONS

The applicant has requested a variance because by requesting a change of use to the existing buildings to allow for a church, there are certain setbacks and buffers that churches are required to meet.

In the 1980s zoning ordinance, R-3 zoning districts were required to establish a fifty foot setback with a 25 foot buffer abutting any single family residential zoning. The Martin's Landing subdivision is zoned R-5 which is considered an R-PUD which in 1983 allowed for single family, multi-family and other uses. The required rear setback for R-3 was 30 feet which is what is shown on the plans.

Section 10.11 of the Zoning Ordinance states that churches and their customary accessory buildings shall be setback a minimum of fifty (50) feet from any property line and within the fifty foot setback required along side and rear property lines, a minimum twenty-five foot wide natural buffer shall be provided.

DEPARTMENT COMMENTS

City of Roswell Environmental Department	<ul style="list-style-type: none">• Provide inspection report for BMP's on site and perform recommended maintenance.• Provide stormwater BMP covenant.
City of Roswell Engineering Division	<ul style="list-style-type: none">• Provide Inspection Report from a certified engineer for Stormwater best management practices (BMPs).• Provide Stormwater BMP Covenant signed by property owner.• Perform maintenance identified in the report in #1 above prior to occupying the facility.• Show building setbacks on plan. Remove or relocate non-conforming structures or request variance. A previous approved plan called for the shed to be removed.• Expose and repair drop inlet.• Shield exterior lighting from adjacent properties.• Test and flow the private fire hydrant to ensure that it meets RFD requirements.• Overhead power may need to be relocated to accommodate fire truck access in addition to meeting the 30' inside /50' outside turning radius.• Update site to meet current ADA standards.• Add sanitary sewer easements: check DB 7568, page 453; DB 8931 page 451; and DB 9055 page 383.
Fiscal Impact	Not Applicable
Archaeological	Not Applicable
City of Roswell Fire Department	<ul style="list-style-type: none">• The turning radius in the parking areas is not adequate. You must provide a turning radius of 50' outside and 30' inside.
City of Roswell Transportation Department	<ul style="list-style-type: none">• Provide sidewalk connectivity from Holcomb Bridge Road\SR 140 to church building.• Provide vehicular and/or pedestrian inter parcel connectivity with all adjacent parcels.
Georgia Department of Transportation	Not Applicable
City of Roswell Arborist & Landscape Architect	<ul style="list-style-type: none">• Comply with Article 15 Tree Protection & Article 16 - Landscaping for any proposed site changes that may affect trees on the site.

CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original Plans submitted on November 1, 2011.

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 applicant is requesting to use the existing buildings for a church and church offices

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

The adjacent properties are already in existence. A church use at this location may not adversely affect the surrounding properties.

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

The property is zoned R-3. The conditional use request will not change the zoning of the property.

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 is to use the property for a church, church offices and a daycare within the church.

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

The 2030 Comprehensive Plan indicates that this property is located in the GA 400/Holcomb Bridge Node. The property is part of the southeast quadrant in the node. The vision for this entire quadrant is for a pedestrian-oriented, mixed use activity center. While this request may not be mixed use, the node section of the 2030 Comprehensive Plan states to allow for adaptive re-use solutions for redevelopment. A portion of the subject property is located within the suburban residential area as indicated in 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.

The property has been vacant since June 2007 when the Fulton County charter school moved out of the building. There have been several inquiries over the last couple of years regarding the use of this property.

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

The property is zoned R-3 (Multi-Family Residential) and contains two vacant buildings.

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 proposed request for a church, church offices and daycare related to the church may be a suitable use in the location. The property contains two existing buildings with parking and a playground area.

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.

The conditional use request will not change the zoning of the property. The property was a daycare and a school for many years, a church may 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.

A church use may not be a deterrent to the established uses within Martins Landing. The use of a church may assist in supporting new businesses in the vacant buildings near the 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 property is already developed with two buildings, detention and landscaping. The applicant is requesting the conditional use to allow for the church 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 subject property is a part of the GA 400/Holcomb Bridge Road Node as noted earlier. The conditional use request to use the property as it exists functions with the 2030 Comprehensive Plan to allow for adaptive re-use of the existing property as a solution for redevelopment.

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 buildings are existing; however, churches are required to have a fifty foot setback with a twenty-five foot buffer along the side and rear property lines. The applicant is requesting a variance to this section of the ordinance due to the fact that the buildings already exist.

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.