



Petition No. RZ12-05 and CV12-02

HEARING & MEETING DATES			
Design Review Board Meeting	Neighborhood Meeting	Planning Commission Hearing	Mayor and City Council Hearing
N/A	5/17/12	7/17/12	8/13/12
APPLICANT/PETITIONER INFORMATION			
Property Owners	Petitioner	Representative	
William Corley Cook	EAH Investments	Douglas Dillard	
PROPERTY INFORMATION			
Address, Land Lot, and District	12160 Etris Road, Land Lot 1236, Second District, Second Section		
Frontage and Area	834.53 eastern side of Etris, 1063.28 western side of Etris; and 16.159 total acres		
Existing Zoning and Use	FC-A (Fulton County-Annexed); underlying AG-1		
Overlay District	Not applicable		
2030 Comprehensive Plan; Future Development Map	Suburban Residential		
Proposed Zoning	R-3A (Multi-Family Residential)		
INTENT			

The applicant is requesting to develop a single family subdivision containing 38 homes. The applicant is also requesting several variances with the rezoning application.

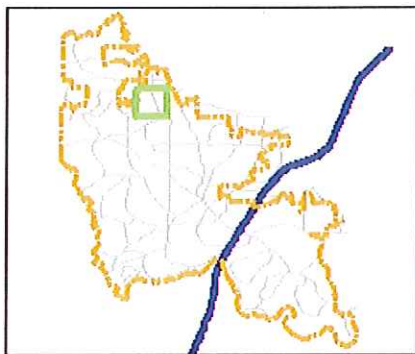
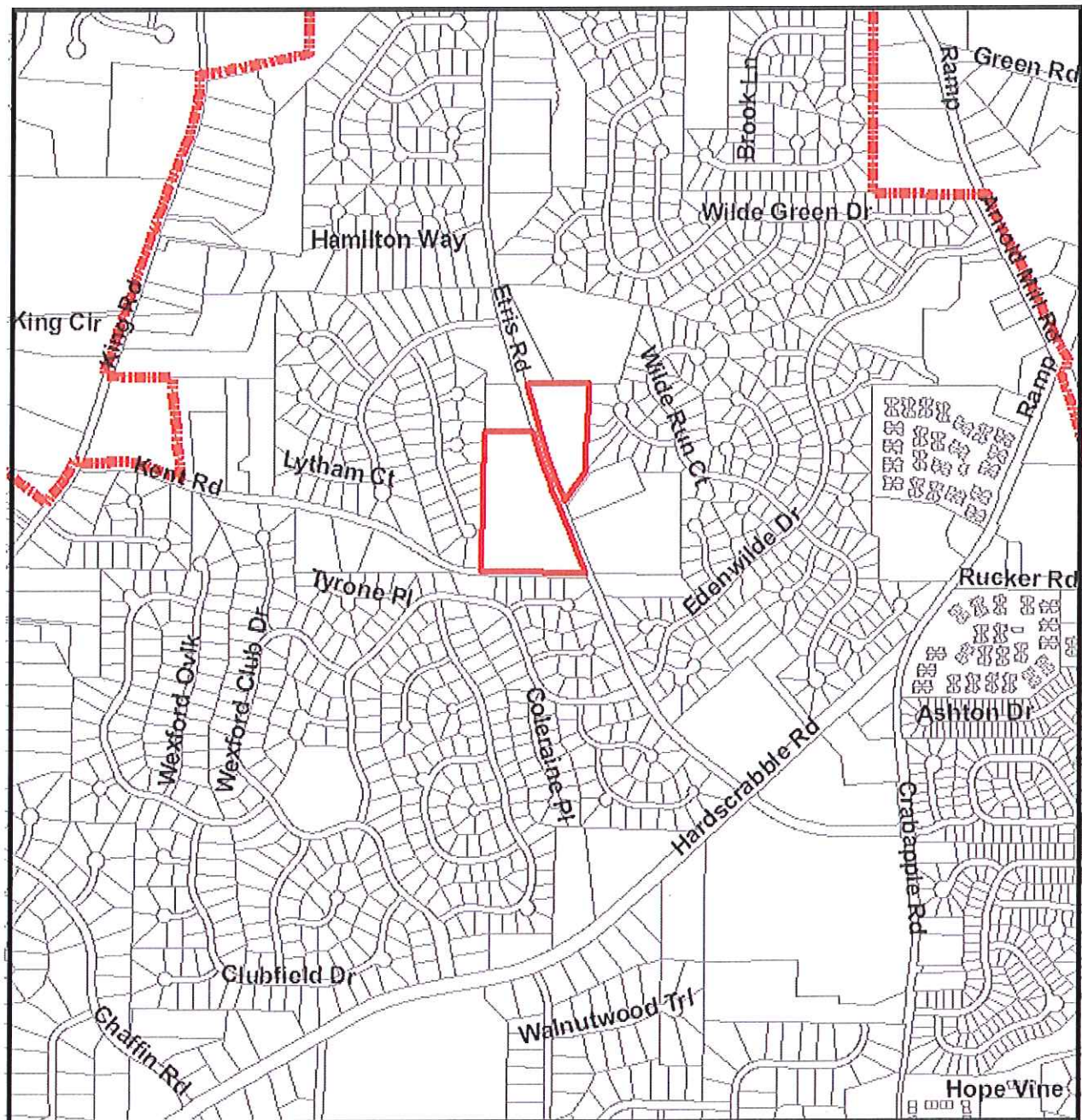
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

RZ12-05 and CV12-02 - Approval of the rezoning and variances with conditions

PLANNING COMMISSION RECOMMENDATION

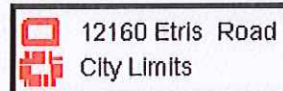
The Planning Commission recommended denial of the rezoning and concurrent variances during their July 17, 2012 hearing. The following reasons were given for denial.

1. The R-3A zoning and lot sizes are not a proper fit with the intent of the 2030 Comprehensive Plan.
2. Some of the variances requested are needed in order to do the project but not all of the variances are supported by the Planning Commission.
3. 2030 Comprehensive Plan - Suburban Residential 1.2.2 Design -
 - "New development will be compatible with adjacent existing character with similar densities and lot sizes."
 - "Traditional single-family homes with quality building materials and high quality design."
 - "New development will incorporate open space and preserve existing trees."



1 in = 1,000 ft

Location



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STAFF RECOMMENDED CONDITIONS

It is recommended that this application for rezoning to R-3A (Multi-Family Residential) be approved. The staff also recommends approval of all of the variance requests with the rezoning application. The staff recommends approval with the following conditions.

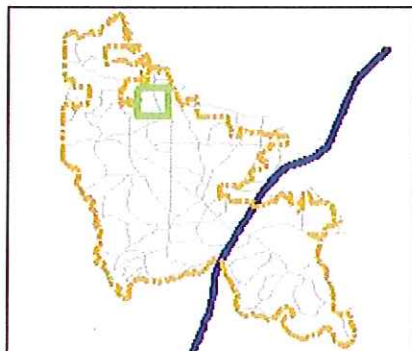
1. The owner/developer shall develop the property in accordance with a revised site plan in compliance with the approved conditions.
2. The owner/developer shall remove the cul-de-sac at the end of Public Street A in order to have access from Kent Road as required by the Roswell Transportation Department.
3. The owner/developer shall dedicate sufficient right-of-way and construct Kent Road so that it is paved at a minimum of 22 feet wide along the complete site frontage as required by the Roswell Transportation Department. This construction shall be completed prior to the approval of the final plat.
4. The owner/developer shall install a five (5) foot sidewalk along the entire Kent Road frontage as required by the City of Roswell Transportation Department. The owner/developer shall dedicate right-of-way to the City of Roswell to encompass the sidewalk.
5. The owner/developer shall dedicate sufficient right-of-way at the time of the final plat at the corner of Kent Road and Etris Road as required by the Roswell Transportation Department.
6. The shared drive for the four lots shall be a one way drive and connect to Etris Road as required by the Roswell Transportation Department.
7. The owner/developer shall have connectivity to the parcel located to the north on the tract one side of the property for future development. The developer shall completely build the stub-out street to the property line to be finished prior to the final plat. The stub-out street shall be shown on the preliminary and final plats. The owner/developer shall place a 4' x 4' sign identifying the end of the street as future connectivity.
8. A preliminary plat shall be completed and approved before submittal for the Land Development Permit.
9. The preliminary and final plat shall indicate a no access easement for all lots along both sides of Etris Road and for the lots along Kent Road.
10. The open space within the subdivision shall be listed in the Home Owner's Association covenants related to the maintenance of the area.
11. The Home Owner's Association documents must be recorded in conjunction with the final plat and prior to the issuance of the first single family home building permit.
12. A steep slope analysis shall be submitted and approved by the City Engineer prior to the submittal for the preliminary plat.
13. The owner/developer shall make appropriate lot adjustments to sufficiently comply with stormwater management requirements best management practices in a manner approved by the Public Works/Environmental Department prior to the submittal of the preliminary plat.
14. The owner/developer shall provide a landscaping and fencing plan along the western side of Etris Road behind lots 1-9, 31-34 and pond #2. The landscaping and fencing plan shall be approved by the Roswell Design Review Board.
15. There shall be a 20' landscape easement along the western side of Etris Road to be controlled by the Home Owner's Association.

BACKGROUND

The property is currently zoned FC-A (Fulton County-Annexed). It has an underlying zoning of AG-1 (Agricultural) from Fulton County. The property was annexed into the City of Roswell in 2000.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION RZ12-05	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	R-3A	Single family homes	16.69 (total) acres	38	2.4 units per acre (total site) 3.0 upa on tract one west of Etris Rd; 0.83 upa on tract two east of Etris Rd
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	Single family homes	14.1 acres	3	.21 units per acre
South	FC-A	Single family homes and Single family subdivision (Wexford)	11.6 acres and Total – 244.86 acres	2 homes and 448 total lots	.17 units per acre and 1.8 units per acre
East	FC-A	Single family subdivision (Edenwilde)	Total - 186.494 acres	392 total lots	2.1 units per acre
West	FC-A	Single family subdivision (Hamilton Commons)	Total – 58.179 acres	118 total lots	2.0 units per acre



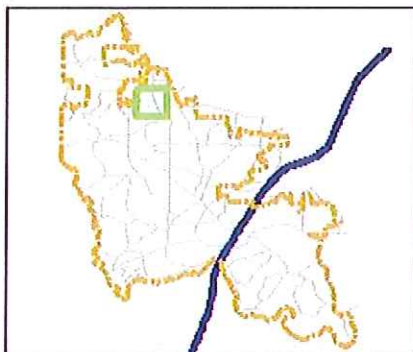
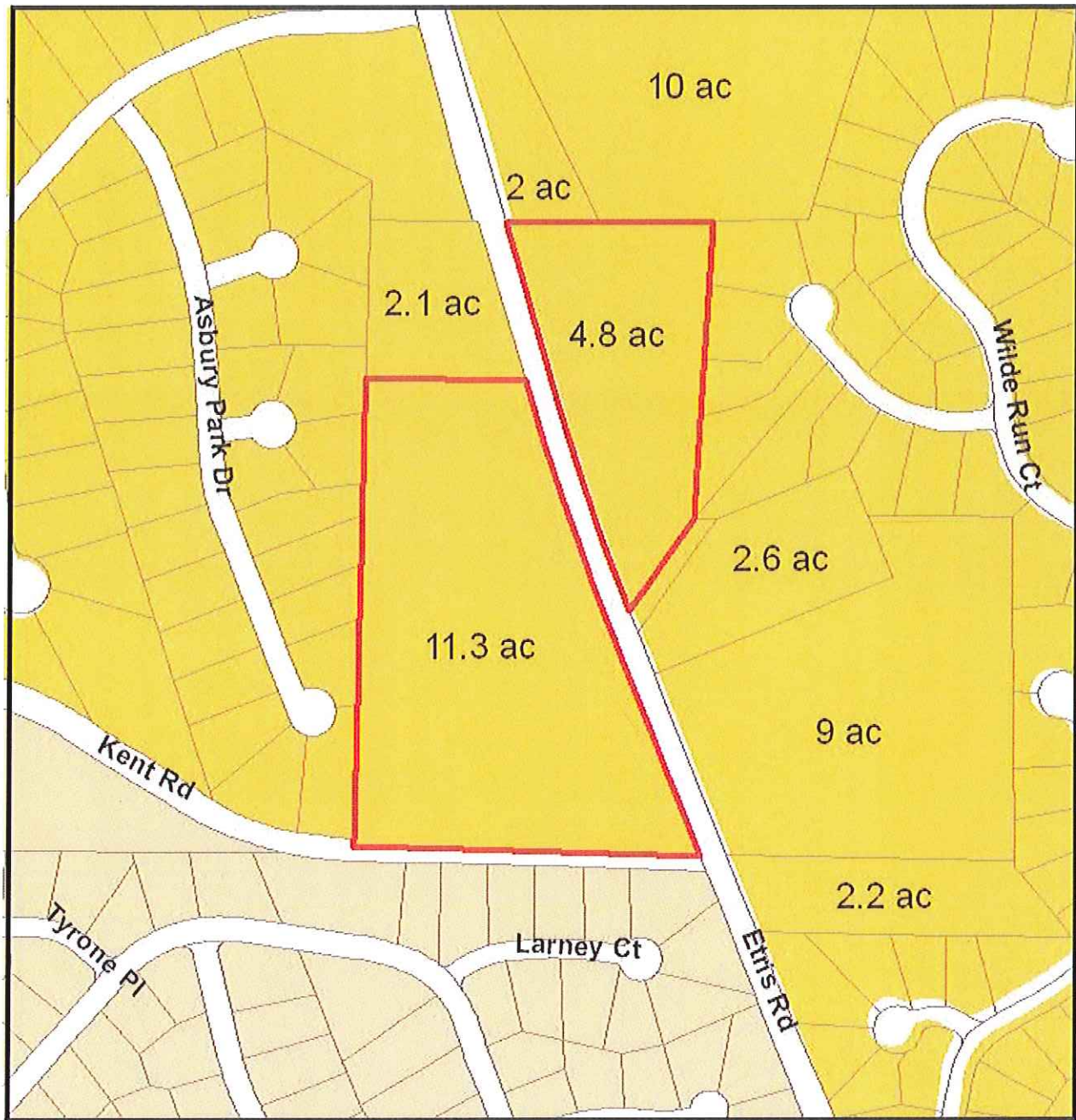
1 in = 200 ft

Aerial

12160 Etris Road




Aerial Date: February 2010

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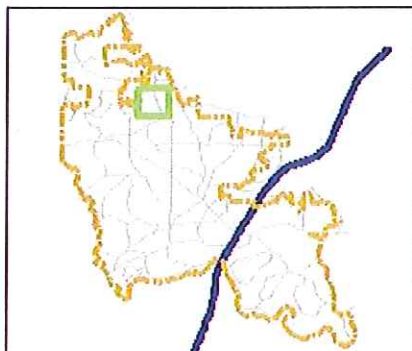
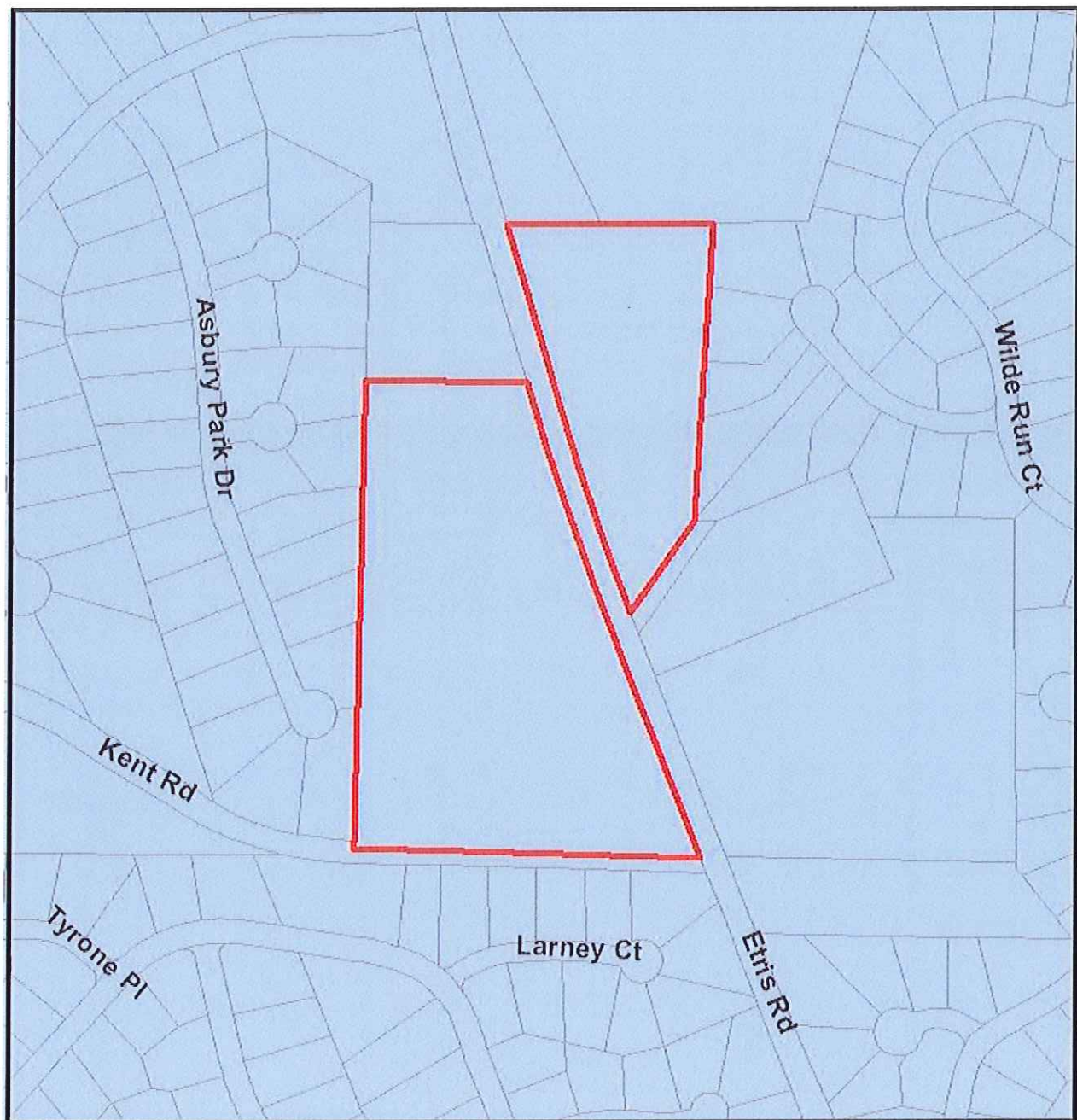


1 in = 300 ft

Zoning

-  12160 Etris Road
-  R-1 - Single-Family Residential District
-  (FC-A) - Fulton County - Annexed

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1 in = 300 ft

Future Development

- 12160 Etris Road
- Suburban Residential

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View of property



View of property



View of the property



View of the property



View across Kent Road



View of Subdivision entrance



View of homes to the rear



View across Etris Road



View of the property



View of the property



View of the property



SITE PLAN ANALYSIS

The proposed site plan indicates a total of 38 single family lots. Thirty-four of the lots are located on the western side of Etris Road with the other four lots located on the eastern side of Etris Road. The proposed lot size is 9,000 square feet. The total square footage is 16.1 acres with 11.3 acres located on the western side of the Etris Road and 4.8 acres on the eastern side of Etris Road. The density of the total site is 2.4 units per acre. The lots on the eastern side of Etris Road range from 20,000 SF to 28,000 SF. The lots on the western side of Etris Road range from 9,000 SF to 13,000 SF.

The Public Works Department has reviewed the revised site plan and stormwater management facilities and has indicated that they will not support the proposed piping of stormwater under Etris Road. The legal division has provided the Public Works Department a concurring legal opinion not allowing the proposed piping under Etris Road. The proposed stormwater facilities two and three both need to be increased in size in order to come into compliance for what is required by the Public Works Department. This most likely will require the loss of several lots.

There is a stream located on the eastern side of Etris Road which requires a 50' buffer and 75' impervious setback as shown on the plan. No structure may encroach into the impervious setback. A steep slope analysis will be required for this area of the site.

DRB/HPC comments and Design Guidelines

Not required

LANDSCAPE PLAN ANALYSIS

The tree protection plan indicates the removal of 13 specimen trees from the site with 3 specimen trees being saved. The tree replacement plan indicates 54 new trees to be planted in the development including October Glory, Nuttall Oak and American Elm.

VARIANCE CONSIDERATIONS

The applicant is requesting the following variances with this rezoning application.

1. A variance to reduce the minimum lot width requirement from 80' to 60'. In the R-3A zoning classification, the lot width requirement is 80'.
2. A variance to the side yard setback from 10' to 7.5'
3. A variance to reduce the minimum landscaped open space requirement from 25% to 15%.
4. A variance to increase the maximum lot coverage from 25% to 30%.
5. A variance to establish a 30' setback/buffer along the southern property line. This is a reduction from the required 50' setback and 40' buffer.

DEPARTMENT COMMENTS

City of Roswell Environmental Department	<p>Consistent with the comments made for the last submittal and the comments made in the meeting with Staff and Developer, see the following comments:</p> <ol style="list-style-type: none">1. It appears that more room will be needed to accommodate water quality and detention for the small drainage basin that drains to the southwest. The developer should plan on losing an additional lot for this basin development.2. After consultation with City of Roswell legal department, the City of Roswell PW/ENV Dept does not support transferring stormwater across the ROW to a detention pond on the other side of Etris Road. <p>The lot layout as currently shown will not accommodate required stormwater protections.</p> <p>Please revise and set up a new concept meeting with Water Resources</p>
City of Roswell Engineering Division	<ol style="list-style-type: none">1. Contact Engineering for field determination of state waters site visit to field locate beginning of state waters for the surveyors to pick up.2. Stream width appears to be wider than shown on the plans submitted. Buffer begins at edge of wrested vegetation. Surveyors shall located the edge of wrested vegetation.3. Dedicate sufficient ROW for site distance at intersection of Kent and Etris and for necessary improvements on all roads. Provide Sight Distance Studies for proposed intersections.4. Provide steep slope analysis. Recommend that this be done as soon as possible to determine if additional buffer is required.5. Will open space be dedicated as natural area conservation easement? Minimum size contiguous area is 10,000 sf.6. Tree save areas are not protected perpetually. Recommend making these areas buffers. Show all specimen trees on plans.
Fiscal Impact	<p>The fiscal impact shows higher net revenues in the first few years when the building permits are being issued.</p>
Archaeological	<p>Not required.</p>

In accordance with the 2006 edition of the International Fire Code appendix D section D 107.1: One or two family dwelling residential developments. Developments of one or two family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3

Section D. Remoteness. Where two access roads are required, the accesses shall be placed a distance apart equal to not less than 23 one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

City of Roswell Fire Department

It is our understanding that there are no water lines or fire hydrants on Kent Road. We need to see the layout of the water lines and hydrants. Documentation must be provided that the amount of fire flow is adequate for firefighting and in compliance with the 2006 edition of the IFC and appendix B. This information must be on the LDP plans.

The "Secondary Fire Access" from "Public Street A" to/from Kent Road lacks sufficient details. The secondary fire access is to be a roadway, which is not depicted on the plans. Is it to be gated?

The 45'x20' grass paver fire truck turn around must be able to support fire apparatus weights and also be available. If the driveway is short or there are parked cars in that section, then it's existence is of no use. It needs to always be readily available.

Kent Road Improvements:

- a. Due to the additional access on Etris Road, the Kent Road and Etris Road re-alignment is no longer required. The proposed access on Kent Road shall remain.
- b. Kent Road shall be paved a minimum 22 feet wide along the site frontage.
- c. Provide sidewalk along the entire Kent Road frontage as required per section 2.2.4 of the City of Roswell Standard Construction Specifications and Subdivision Regulations standards. The right-of-way shall encompass the entire sidewalks plus a minimum 1 foot.
- d. Show/label a 10-foot no vehicular access easement line along Kent Road frontages. That is, no lot shall have direct vehicular driveway on Kent Road. The easement shall be measured from the right-of-way line.

City of Roswell Transportation
Department

Etris Road improvements:

- e. Bike lanes shall be provided each side of Etris road, along the site frontage.
- f. Due to accesses provided along both roads, Etris Road and Kent Road, the left turn lane along Etris Road is not required.
- g. Upgrade all substandard cul-de-sacs to a minimum 50 feet pavement radius and 60 feet right-of-way as per table 2.1.Right-of-way and section 2.1.7 of the City of Roswell Standard Construction Specifications and Subdivision Regulations. The grass strip around the cul-de-sacs could be reduced to 4 feet.
- h. Provide adequate turn around at the north end of street A. The entire turn around shall be provided in the public right-of-way. (Cul-de-sac or hammerhead, etc.)
- i. Label the length of the proposed Right-of-way miter at the corner of Etris Rd and Kent Rd. Per City of Roswell code, section 2.1.2.b, the Miter shall not be less than 20 feet.
- j. Label all proposed horizontal centerline radii. Street horizontal

centerline radius shall meet AASHTO 2004 or later standard, as stated in section 2.1.4.D of the City of Roswell standard manual.

k. Sight distance sketches, horizontal and vertical, shall be provided for each proposed driveway along Etris Road and Kent Road.

l. Show/label a 10-foot no vehicular access easement line along each side of Etris Road frontage. That is, no lot shall have direct vehicular driveway on these 2 streets. The easement shall be measured from the right-of-way line.

m. Connect the north end of the 20 feet private shared drive (for the 4 lots) to Etris Road to achieve a loop driveway with one way in (south driveway) and one way out (north driveway).

Fulton County Department of
Water Resources

Fulton County indicates that their information shows the nearest public sanitary sewer and water lines to the intersection of Etris and Kent Roads.

After speaking with Fulton County on July 12, 2012, they indicated there is a sewer moratorium in the Little River Basin.

City of Roswell Arborist &
Landscape Architect

Contingent on final LDP permit review and approval.

CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original plans submitted on April 3, 2012.

Revised plans submitted on July 5, 2012 with the following changes.

1. Reduced the number of lots to 38.
2. Added additional stormwater facilities.
3. Added a grass paver fire turn-around and a secondary fire access.
4. Added the dedication of 5' of ROW on Kent Road.
5. Showing the roadway for a future connection to the parcel located to the north.

Revised plan submitted on July 6, 2012 showed the correct 7.5 side setback request and added the chart with the lot sizes.

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 zoning for 38 single family homes may be suitable along Etris Road.

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

The zoning proposal for R-3A may adversely affect the existing adjacent properties because the proposed subdivision lots are much smaller than the existing properties. According to the plats for Edenwilde, some of the lots located within the interior of the subdivision were approved for a minimum of 9,000 SF while the other lots were mainly 12,000 SF or 18,000 SF. The plats for Wexford and Hamilton Commons indicate the lot sizes to be a minimum of 18,000 SF.

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

The subject property is currently zoned FC-A (Fulton County-Annexed). The underlying zoning is AG-1 (Agricultural). There are several uses under the AG-1 category which would be permitted by right for this 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 proposed rezoning will result in changes related to the streets, facilities and the utilities; however, with the proposed changes to Etris Road for the transportation facilities and the proposed stormwater facilities, the proposed subdivision may not cause a burdensome use to these facilities as long as the best management practices are complied with by the applicant.

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 Suburban Residential.

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 existing subdivisions and large lots along Etris Road give support that the lot sizes within the R-3A zoning classification do not meet the sizes of the properties in the area. According to the plats for Edenwilde, some of the lots located within the interior of the subdivision were approved for a minimum of 9,000 SF while the other lots were mainly 12,000 SF or 18,000 SF. The plats for Wexford and Hamilton Commons indicate the lot sizes to be a minimum of 18,000 SF.

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

There is a home on the property on the western side of Etris Road and it is zoned FC-A (Fulton County-Annexed) with the underlying zoning of AG-1 (Agricultural). The property on the eastern side of Etris Road 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.

The applicant stated in the application that the current value of the subject property is not reflective of a reasonable economic use of the property.

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

The property can be developed under the existing FC-A regulations. The underlying zoning is AG-1 in Fulton county which converts to the City of Roswell E-2 zoning which a requirement of one acre lot sizes.

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 property value is diminished by the existing FC-A/ AG-1 zoning, an appraisal needs to be completed.

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

An appraisal would need to be completed to determine the value of the property under the proposed R-3A zoning classification.

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

The property if developed under the existing zoning regulations for a single family subdivision would be required to meet the 1 acre minimum lot size.

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

The proposed R-3A zoning may not be suitable due to the minimum lot size of 9,000 square feet when most of the lots adjacent to them and in the vicinity are mainly a minimum of 18,000 square feet or larger.

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

The application does not indicate how long the home on the property has been vacant.

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 application indicates that the property has been marketed under the E-2 zoning classification.

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

The request for R-3A zoning will 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 R-3A zoning classification would allow for smaller lot sizes than what has been established in the area in Wexford, Hamilton Commons, Edenwilde and along Etris Road.

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 R-3A zoning classification allows for smaller lot sizes; whether that would be a deterrent to the value of the existing homes would need to be determined by an appraisal.

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 for a new subdivision will not cause impact to the environment related to the drainage, soil erosion and sedimentation for this project if all best management practices are complied with by the applicant.

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 for this area is single family residential and although the proposed rezoning request is for a single family subdivision, the size of the lots requested does not meet the overall scheme that has been established 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 residential neighborhoods surrounding the subject property mainly contain lots with a minimum lot size of 18,000 square feet. There are some lots in Edenwilde which may be smaller than 18,000 square feet, but most of the lots in the subdivisions and along Etris Road are much larger than the proposed lot size of 9,000 square feet in this rezoning request.

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.

The lots along Etris Road in the area which still contain the underlying AG-1 zoning from Fulton County range in size from 2.1 acres to 10 acres. These properties will at some time in the future be developed and they should be developed similar to the current existing surrounding neighborhoods.