



Conditional Use Petition No. CU10-04 and CV10-02

HEARING & MEETING DATES			
Design Review Board Meeting 9/7/10	Neighborhood Meeting 9/16/10	Planning Commission Hearing 11/16/10	Mayor and City Council Hearing 12/13/10
APPLICANT/PETITIONER INFORMATION			
Property Owner Joseph Mattone	Petitioner AIKG, LLC/Warren Fondou	Representative Brad Riffel	
PROPERTY INFORMATION			
Address, Land Lot, and District	11000 Alpharetta Highway Land Lot 483, 1 st District, 2 nd Section		
Frontage and Area	638 feet along Alpharetta Highway and 552 feet along Houze Way; 9.36 acres		
Existing Zoning and Use	C-3 (Highway Commercial), Indoor Karting and Games		
Overlay District	Citywide Design Guidelines		
2025 Comprehensive Future Land Use Map Designation	General Commercial		
Proposed Zoning	C-3 (Highway Commercial District)		
INTENT			

The applicant is requesting a conditional use to allow for outdoor go-karting tracks on the property. Commercial recreation; outdoor, is considered a conditional use in the C-3 zoning district.

The applicant is requesting a variance for a reduction in the landscaping requirement. The required amount of landscaping on a property in the C-3 zoning district is twenty (20) percent. The existing property contains seventeen (17) percent. The applicant is requesting a variance for the three (3) percent reduction.

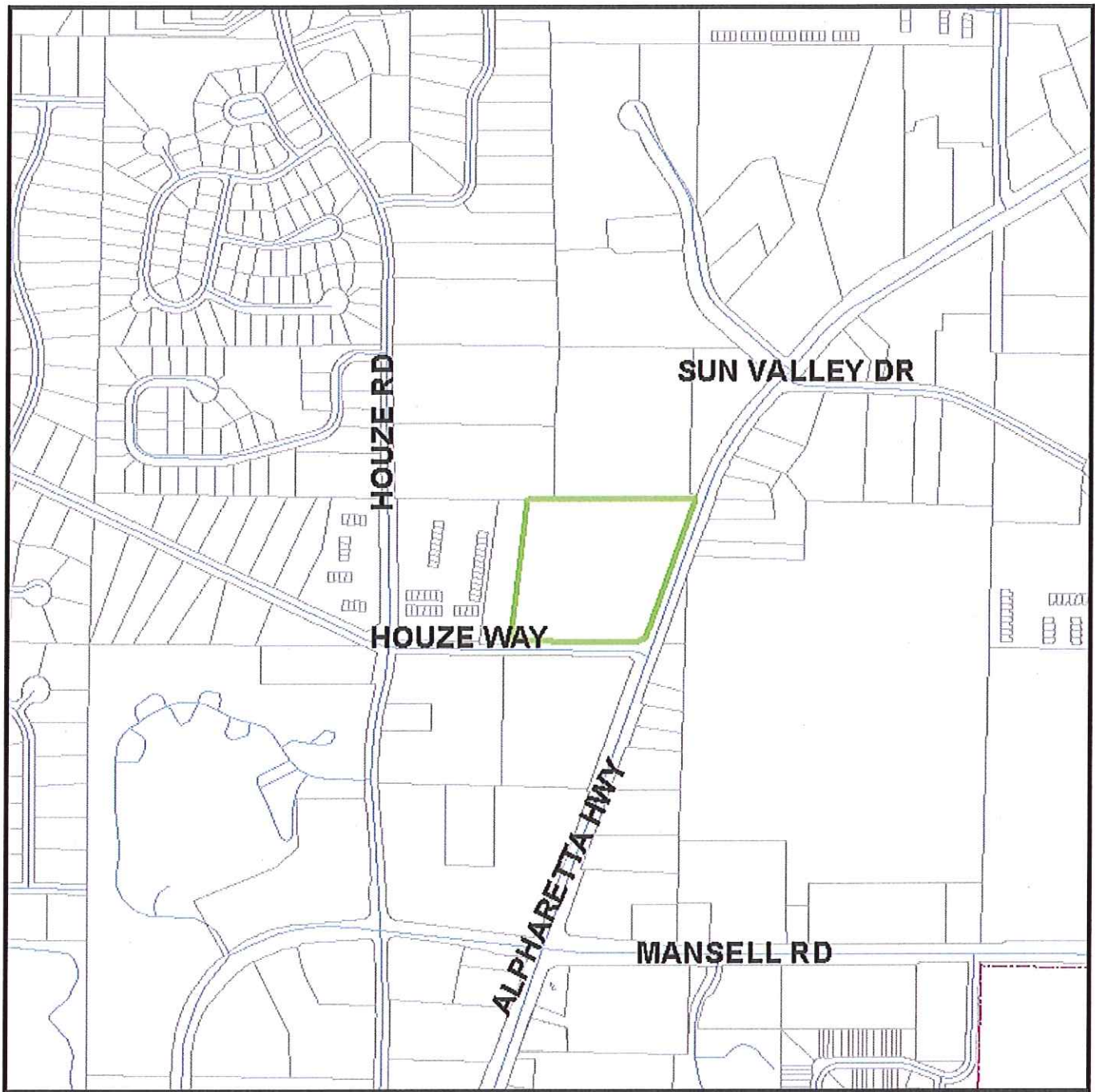
DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

CU10-04 - Approval and CV10-02 - Approval

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of this conditional use and variance request during their November 16, 2010 hearing with the following conditions.

1. No hours of operation after 11:00 p.m. outside.
2. If the administrative appeal is overruled, then the site plan is no longer valid.
3. That additional screening be considered by the Mayor and City Council so that the screening is visually appealing to the eye and safe.



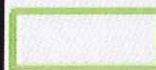
LOCATION MAP



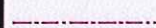
Roswell, Georgia

1 inch = 600 feet

Legend



CU10-04



City Limits

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STAFF RECOMMENDED CONDITIONS

It is recommended that this application for conditional use CU10-04 and concurrent variance CV10-02 be approved.

Conditions:

1. The proposed tracks shall be built in accordance with the site plan entitled "Andretti Karting and Games" drawn by AEC, stamped "Received September 29, 2010 City of Roswell Community Development Department."
2. The lighting for the outdoor tracks shall match the existing lights within the parking lot area.

BACKGROUND

The property was annexed into the City of Roswell on April 2, 1984 and was zoned R-1 (Single Family Residential) at the time of annexation. The property was rezoned from R-1 (Single Family Residential) to C-3 (Highway Commercial) by the Mayor and City Council during their September 4, 1984 with the following conditions.

1. Dedication of right-of-way along State Route 9 as required by the City Engineer and the Department of Transportation.
2. Any further site plan which would include the widening of Houze Way 26' from the centerline would be subject to the approval by the Mayor and City Council.

The property was approved in 1988 by the Design Review Board for a Pace Warehouse. In 1991, the warehouse went through the Design Review Board for a parking lot expansion. In 2000, Andretti's went through the Design Review Board process for an indoor karting and games entertainment center. The application was approved by the Design Review Board at their July 6, 2000 meeting.

EXISTING LAND USE AND ZONING OF ABUTTING PROPERTY

SUBJECT PETITION CU10-04	Requested Zoning	Proposed Use	Land Area (Acres)	Number of Units	Density (Square Footage per Acre)
	C-3	C-3	9.36 acres	NA	10,363 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	Shopping Center	18.12 acres	144,033 SF	7,949 SF per acre
South	C-3	Jackson Acura car dealership	6.5 acres	52,362 SF	8,056 SF per acre
East	R-1 and C-3	Greenlawn cemetery; Frasier Dante cars and Beverage Warehouse	47.19 acres; .775 acres; 1.67 acres	NA; 10,000 SF and 24,000 SF	NA; 12,903 SF per acre; and 14,371 SF per acre
West	I-1	Bike Shop and auto repair	1.9 acres	26,000 SF	13,684 SF per acre
West	R-1	Business offices	4.87 acres	36 units	7.4 units per acre



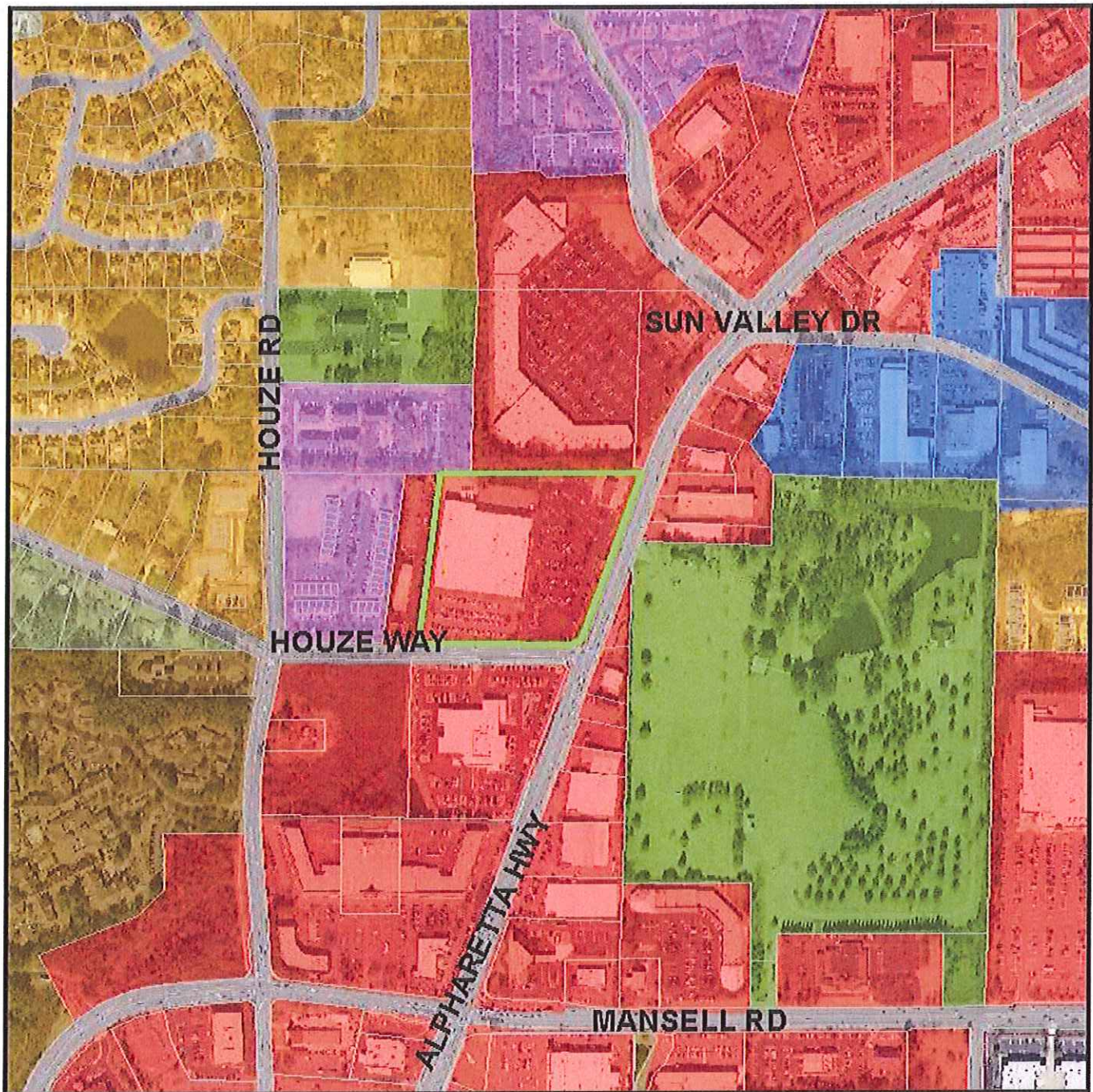
Roswell, Georgia
1 inch = 600 feet

Aerial Map

Legend

- CU10-04
- City Limits

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FUTURE LAND USE MAP



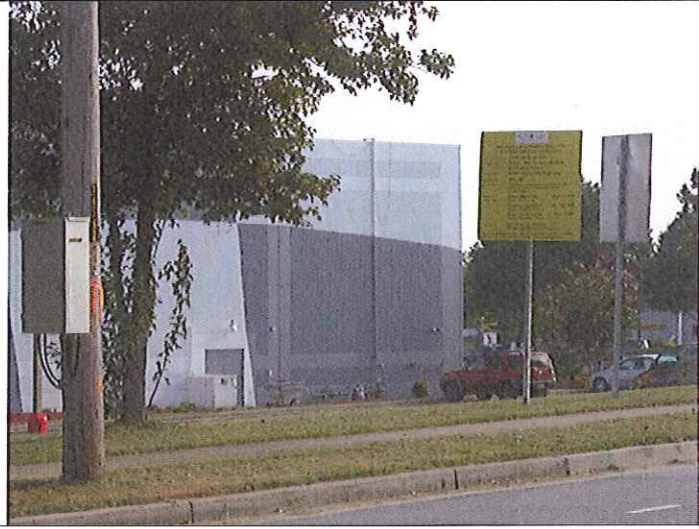
Roswell, Georgia

1 Inch = 500 feet

Legend

City Limits	Neighborhood Commercial
CUDA	Office Campus
Future Land Use	Office Professional
Single Residential (5 Units Per Acre)	Partial Residential/Open Space
General Commercial	Public Institutional
High Density Residential (5-8 Units Per Acre)	Roads
Light Industrial/Showroom/Warehouse	Suburban Residential
Low Density Residential (1-4 Units Per Acre)	Unimproved Communication Utility
Medium Density Residential (3-5 Units Per Acre)	Village

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View of property



View of property



View of property



View of Property



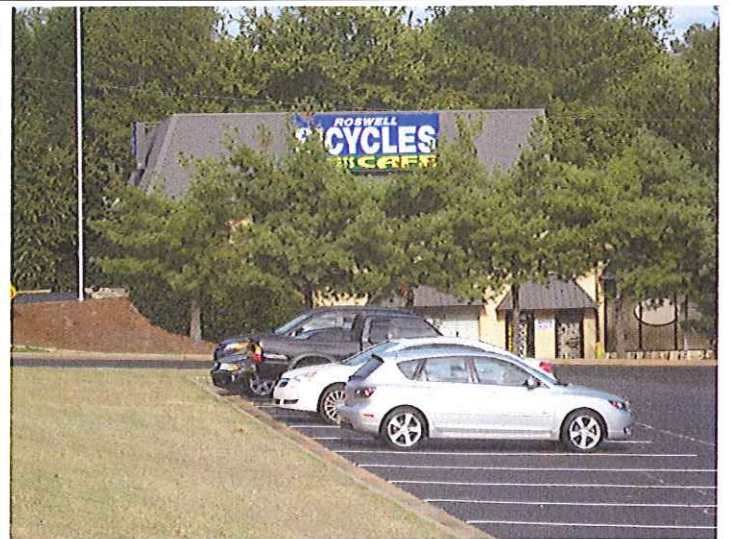
View of the Jackson Acura



View of the Roswell Bicycles



View of Greenlawn Cemetery



View of the Roswell Bicycles from Andretti's



NOTICE OF CONDITIONAL USE & CONCURRENT VARIANCE

Petition No: **CU10-04 & CV10-02**
Petitioner: **AIKG, LLC/Andretti Indoor Karting & Games**
Location: **11000 Alpharetta Highway**
Land Lots: **483, 507**
Request: Conditional Use request for the construction & operation of two out-door go-kart tracks in south parking lot.

Public Hearings: **Neighborhood Mtg. - Sept. 16, 2010**
(Room 220) 7:30 p.m.
Planning Commission - Nov. 16, 2010
(Council Chamber) 7:30 p.m.
Mayor & City Council - Dec. 13, 2010
(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) 644-3774 or www.roswellgov.com.

SITE PLAN ANALYSIS

The site plan indicates the existing building and parking. The request from Andretti's is to allow for outdoor go-karting tracks. The outdoor tracks are proposed on the site plan on the side of the building along Houze Way. The request is for two outdoor go-karting tracks. The exit access point from the outdoor tracks allows customers to exit along the grass to the parking lot area. There are other access points for customers to enter and exit from around the building. The parking required for the site has been addressed on the site plan showing the required breakdown for each use within the facility.

The location of the outdoor tracks on the property is located on the side along Houze Way. The existing parking lot in this area changes in elevation from Houze Way to the existing building and ranges between 8 and 12 feet.

The applicant had a noise study completed due to proposing an outdoor use. The study measured sound levels at four locations. A copy of the noise study is included. The property will be required to follow the existing nuisance regulations of the Roswell City Code, Article 8.8, Section 8.8.3 regarding noise, sound level and hours related to the sound level. A copy of Article 8.8, Section 8.8.3 is included.

A second noise study was done on Thursday, November 4, 2010 in the evening beginning at 9:00 p.m. The study measured sound levels at 13 different locations.

The applicant also held an outdoor demonstration on Saturday, September 25, 2010 with the go-karts.

DRB/HPC comments and Design Guidelines

The applicant went before the Design Review Board on September 7, 2010 and received the following comments.

1. The board was concerned with the noise that would be made by the go-karts.
2. The applicant indicated that a noise study would be completed by a professional prior to the Planning Commission hearing.
3. The board indicated that the possibility of a berm, additional landscaping or a wall may be needed to screen the noise.
4. The board asked the applicant about the lighting for the tracks and the applicant indicated that Georgia Power would be completing their lighting study. The board would like to see the new poles match the existing poles in the parking area.
5. The Design Review Board discussed the colors of the proposed barriers to be used for the tracks.

LANDSCAPE PLAN ANALYSIS

The landscape plan indicates that the existing density factor is 444.9 units. The required units for the site is 181 units. The site exceeds the amount of tree density units required by 263.9 units. The existing trees on the site are Pin Oak, Willow Oak, Bradford Pear, Red Maple, Water Oak, Sugar Maple, White Pine, Magnolia and Crape Myrtles.

The landscaping on the site does not meet the minimum requirement for the C-3 zoning classification of twenty percent. The site contains seventeen percent landscaping.

VARIANCE CONSIDERATIONS

The applicant is requesting a variance to the landscaping requirements. In the C-3 zoning district, the minimum landscaping requirement is 20%. The existing property contains 17%. The applicant is requesting a variance to allow for a reduction in the landscaping requirement from 20% to 17%.

DEPARTMENT COMMENTS

City of Roswell Environmental
Department

N/A

City of Roswell Engineering
Division

N/A

Fiscal Impact

N/A

Archaeological

N/A

City of Roswell Fire Department

You are providing required exiting out of the building with the exit doors, but they now will exit into a fenced area. Please show how you plan to arrange the exiting out of the building and comply with the 2000 edition of the Life Safety Code.

Please show how you are complying with the LSC for exiting and cuing of people within and out of the fenced area. What type of exit hardware are you intending to use?

Please show locations of FDC and fire hydrants.

City of Roswell Transportation
Department

No comment

City of Roswell Arborist &
Landscape Architect

No Comment

City of Roswell Recreation & Parks
Department

No Comment

CHRONOLOGICAL LISTING OF PLANS SUBMITTED

Original Plans submitted on August 4, 2010.

New plans submitted on September 29, 2010. These plans show several exits out on the side of the building to be used for the outdoor tracks. These exits will help provide access for customers to the parking area.

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 conditional use request for outdoor commercial recreation is a suitable use due to the development of the adjacent existing commercial properties.

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

The request for two outdoor go-kart tracks will not adversely affect the existing use of adjacent properties; however, the noise generated from the outdoor go-karts may cause an adverse affect on adjacent businesses. A sound barrier of some kind would help to alleviate any noise.

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). This is not a rezoning, but a conditional use request.

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 go-kart tracks will not cause a burdensome use of the existing streets, transportation facilities, utilities or schools.

5. Whether the zoning proposal is in conformity with the policies and intent of the land use plan.

The future land use plan indicates general commercial on this property. The existing use of an entertainment center conforms with the intent of the plan. Two new outdoor go-karting tracks used for recreation also meet the intent of the land use 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.

With the removal of the outdoor go-karts from Startime, outdoor go-karting is not located anywhere within the city. This conditional use request is based on the change that this form of outdoor entertainment is no longer offered in the city.

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

The existing use of the property is an entertainment facility with indoor go-karting, arcade games and a restaurant.

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

See chart.

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

The property is zoned C-3 (Highway Commercial). The zoning will not change with this request; therefore, the value will not change based on the zoning classification. The applicant has indicated on the application that the current market value of the property is \$10,656,100.00.

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

The property is zoned C-3 conditional (Highway Commercial) and is being used in accordance with the existing regulations.

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

This is a conditional use request and the zoning will remain C-3 (Highway Commercial).

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

The request is for a conditional use so the zoning will remain C-3 (Highway Commercial).

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

The use for outdoor commercial recreation is not permitted by right in the C-3 zoning district. A conditional use approved by the Mayor and City Council is required.

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

The request is for a conditional use under the current C-3 zoning classification.

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

The property is not vacant. It is being used as an entertainment complex.

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 property is currently used as an entertainment complex.

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

The property is zoned C-3 (Highway Commercial). The zoning of the property will not change.

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 proposed outdoor go-karting tracks will not effect the character of the zoning district. The property will remain zoned C-3c (Highway Commercial).

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.

Undetermined.

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

The proposal for the outdoor tracks will not be creating any land disturbance. The plan is to add 1" top coat of asphalt to the existing parking lot.

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 the area will not change. The request is for a conditional use. The property will remain zoned C-3c (Highway Commercial).

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 is abutted by commercial uses; however, there is a townhome development located at the intersection of Houze Way and Houze Road. Additional screening of some kind would help minimize the noise level.

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 request is for a conditional use. There will be no zoning change to the property.
