



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2012-01

LEGISTAR #: 20120097

LANDOWNERS: 1744 Roswell Road, LLC
Attn: Paige Slyman
1744 Roswell Road
Suite 100
Marietta, GA 30062

APPLICANT: Same as above

PROPERTY ADDRESS: 1744 Roswell Road

PARCEL DESCRIPTION: Land Lot 11700, District 16, Parcel 0910

AREA: 0.78 acres **COUNCIL WARD:** 7

EXISTING ZONING: OI (Office Institutional)

REQUEST: CRC (Community Retail Commercial)

FUTURE LAND USE MAP

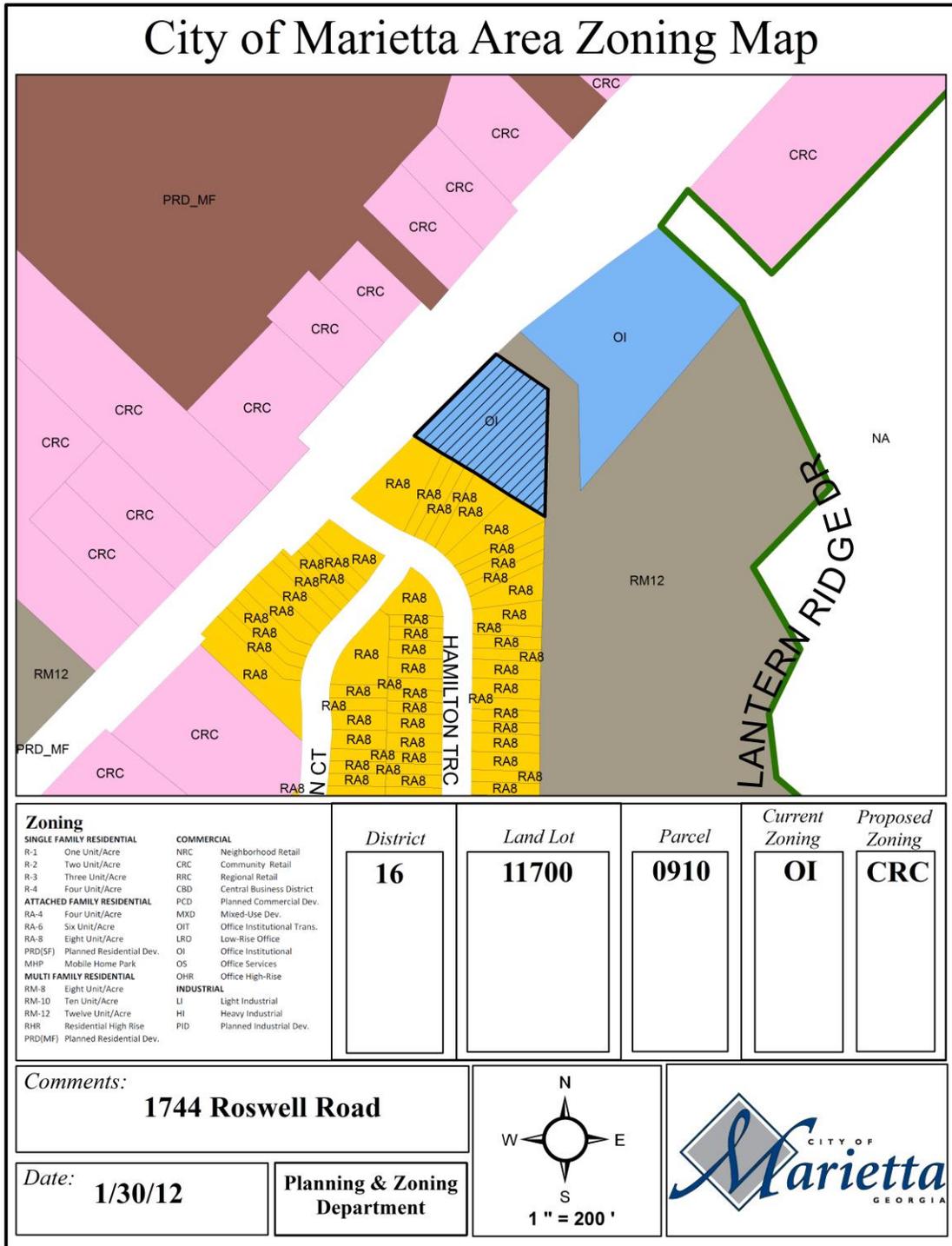
RECOMMENDATION: CAC (Community Activity Center)

REASON FOR REQUEST: The applicant is requesting this rezoning in order to allow a wider range of business activity on the property.

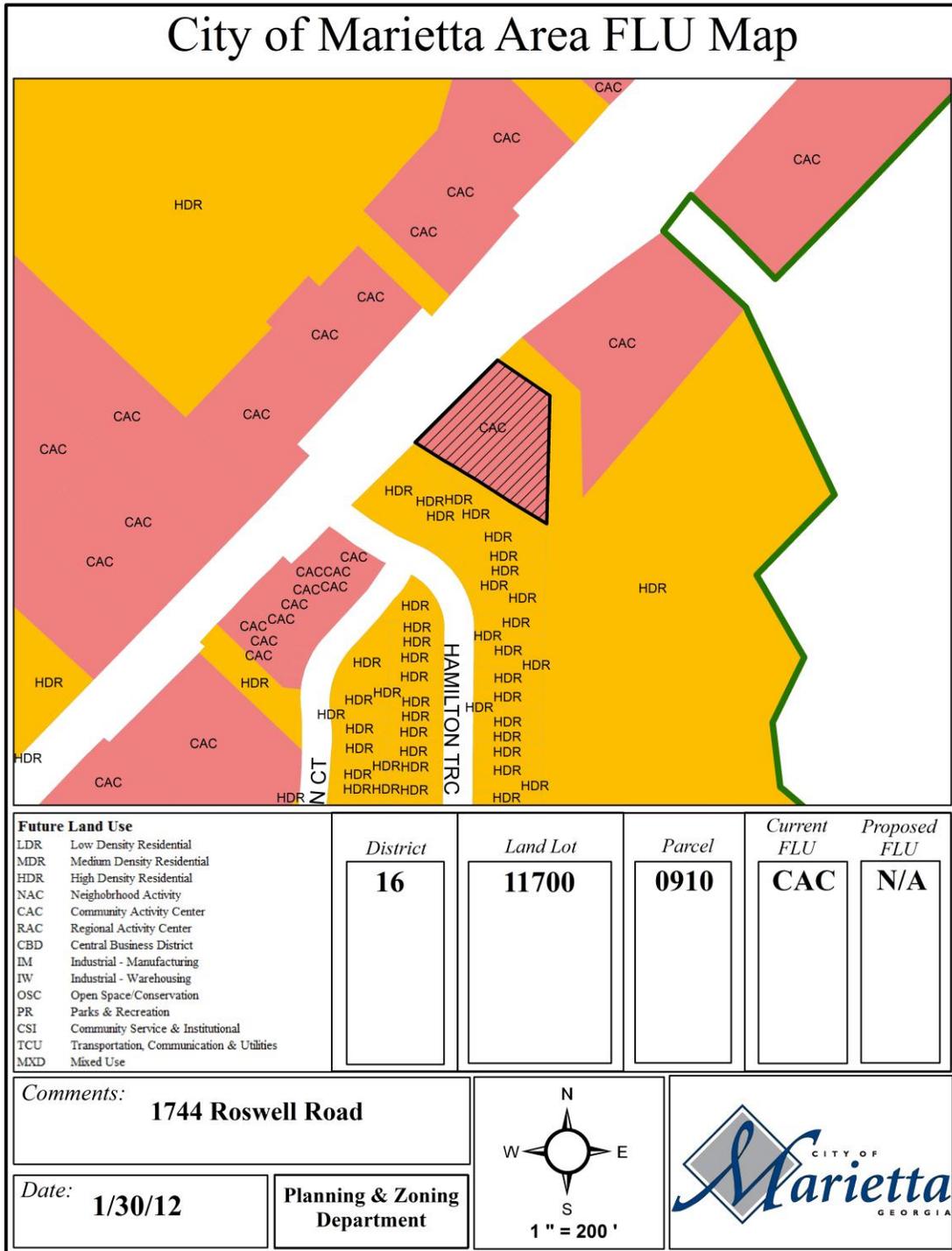
PLANNING COMMISSION HEARING: Tuesday, March 6, 2012 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, March 14, 2012 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



1744 Roswell Road – front



1744 Roswell Road - front



Side/Rear of subject property



Subject property – bird's eye view looking north

STAFF ANALYSIS

Location Compatibility

The applicant, Paige Slyman, is requesting the rezoning of this 0.78 acre parcel from Office Institutional (OI) to Community Retail Commercial (CRC). The subject property is located at 1744 Roswell Road. Silver Creek Apartments, located to the east and south, is zoned RM-12 (Multi Family Residential – 12 units/acre). The Hamilton Trace townhome community is located to the southwest of the subject property and is zoned RA-8 (Single Family Residential – Attached). The applicant is requesting the rezoning from OI to CRC to allow a wider range of uses on the subject property.

Use Potential and Impacts

The subject property contains a 10,500 s.f., three-storied office building built in the mid-1980s. The building is currently being used for various professional offices, such as dental, accounting, and general consulting offices. However, the applicant would like to rezone the property to CRC to allow a broader range of uses, specifically a hair salon. While the purpose of the OI zoning district is to “*provide suitable areas for nonretail commercial uses such as offices and financial institutions,*” the purpose of the CRC zoning district is the provision of “*retail and personal services oriented towards those neighborhoods making up the adjacent community.*”

The applicant is not proposing any changes to the site as part of the rezoning request. CRC requires a 40’ buffer along any property line shared with residential; this property only contains a ~25’ buffer against Hamilton Trace (RA-8), the neighborhood to the west. Although there is a thick line of trees between the subject property and Silver Creek Apartments (RM-12), the vegetation appears to be completely on the Silver Creek parcel. In addition, the portion of the Silver Creek parcel that is adjacent to the subject property does not contain any residential units but rather the driveway leading into the development. As a result, impacts to the adjacent residential areas should be minimal, despite the increase in intensity. However, the following variances would be necessary if the property were rezoned to CRC:

- Variance to reduce the buffer along the western property line from 40 feet to 25 feet. [Section 708.16 (I)]
- Variance to reduce the buffer along the eastern and southern property line from 40 feet to 0 feet. [Section 708.16 (I)]

The subject property contains approximately 35 parking spaces for the 10,500 s.f. building, or one parking space for every 300 s.f. Section 716.07 specifies parking requirements based on use - professional and general offices require one space for every 350 s.f. while medical offices require one space for every 300 s.f. As a result, the property contains adequate parking for the various office types.

However, rezoning to CRC would allow a wider range of activity on the property, and many of these uses are more intense and require more parking under the Zoning Ordinance. For example, personal service establishments (hair salons, dry cleaners) and retail stores require one space for every 250 s.f. while restaurants, bars and taverns require one space for every 175 s.f. While rezoning this property to CRC would allow additional uses, it would also create a situation where the site may not accommodate the parking, as identified in Sect.716.07 Parking Standards. As such, variances may be necessary.

The Future Land Use (FLU) designation for this property is Community Activity Center (CAC), which is described by the Comprehensive Plan as “*areas that can meet the retail and service needs of several neighborhoods and communities. These are areas that provide a wide range of goods and services, including businesses and professional offices, which are appropriately located throughout the city.*” Both CRC and OI are listed as compatible zoning classifications for CAC in the Comprehensive Plan. As a result, both the existing and the proposing zoning supports the designated future land use specified in the City’s Comprehensive Plan.

Environmental Impacts

Because the applicant is not proposing any site modifications, there should be no negative environmental impacts resulting from this rezoning. No flood plains, wetlands, topographical concerns, streams, or endangered species are present on the site.

Considering the site was developed in the mid-1980s, it is unlikely that the entire site complies with the current Tree Protection and Landscaping Ordinance. The landscaping that is present is very lush and mature and appears to meet the intent of the ordinance, if not the individual criteria. As a result, a variance would be required to allow the trees currently on the site to satisfy the requirements of the tree ordinance until the site is redeveloped:

- Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped.

Economic Functionality

There is a fair amount of business license history on the property, suggesting it is functioning property as currently zoned. Broadening the types of allowed uses may increase the occupancy of the building. However, because the property was built specifically for office use, it does not contain the visibility and options for signage that most retail and personal service businesses need to thrive.

STAFF ANALYSIS CONTINUED

Infrastructure

Because the property is existing and no site modifications are being proposed, rezoning this property to CRC should not have any additional impacts on the transportation, education, water, sewer, electricity, or other public infrastructure in the area.

History of Property

This property was rezoned (Z-8512) from FST-8 to OI on June 12, 1985 with the following conditions:

1. A twenty-five (25) foot wide natural buffer will be maintained between the Office/Institutional development and Hamilton Trace. All existing trees shall remain in this buffer except two (2) pine trees located adjacent to the residence of Mr. & Mrs. John W. Sailors. These two (2) pine trees will be identified by Mr. Sailors and removed by Diversified Developments, Inc.
2. A six (6) foot high, solid wood fence will be built and maintained between Hamilton Trace and the O & I development. This fence shall be located three (3) feet from the common property line and installed prior to any construction or development. Hamilton Trace owners will be permitted to tie on this fence using three (3) foot wide gates.
3. Shrubs will be planted every six (6) feet on the side of the fence adjoining Hamilton Trace.
4. The building design shall be limited to Colonial or Williamsburg type architecture with brick or stucco exterior. The maximum height shall be two (2) story plus full finished basement. Use of wood siding shall be limited to gables and dormers. Future additions or accessory use structures must conform to the same standards.
5. Signage for the building shall be either unlighted or ground lighted.
6. All exterior lighting shall be directed away from Hamilton Trace or shielded such that no direct light shall shine toward Hamilton Trace.
7. There now exists a condition such that water flowing from an 18" pipe off Roswell Road has been diverted from its natural waterway and consequently flows across the rear of adjoining Hamilton Trace Townhomes. Diversified Developments, Inc. will correct this condition at the same time we install the fence of item #2. At no time will water from the 18" pipe cross Hamilton Trace after construction has been completed.
8. No open, unsurfaced earthen dam type ponds will be used as detention devices. No detention devices shall be located in the buffer zone.
9. If the owners of the first two townhomes off Roswell Road consent, Diversified Developments, Inc. will fill and relandscape the swale currently along the common property line. The purpose of this is to provide a uniform slope on which to install the fence mentioned in item #2 above.

10. Diversified Developments, Inc. agrees to make repairs to the landscaping at the entrance to Hamilton Trace Townhomes such that the fences and plans shall be balanced on each side of the road and all dead sod will be replaced with new sod. Further, Diversified Developments, Inc. will escrow three thousand dollars (\$3,000.00) case with an Attorney to be agreed upon later, until such time that, in his sole opinion, the above work has been performed up to reasonable and commonly accepted standards.
11. Diversified Developments, Inc. agrees to accept a variance of the front setback from 75 feet to 60 feet, and a variance of the rear setback from 40 feet to 30 feet in order to locate the parking between the building and Hamilton Trace and in line with the townhomes as set back from Roswell Road.
12. As long as Single Family Residential or Townhouse Residential zoning exists contiguous to the O & I Development, this property will be restricted such that the following uses shall NOT be permitted:

<ul style="list-style-type: none"> Day Care Centers Kindergartens Retail Sales & Service Assembly Halls as defined by City O&I District Automobile Service Stations Commercial Radio, TV & Other Transmission Towers Electric Transformer Stations Emergency Medical Care Facility Gas Regulator Stations Telephone Exchange Fraternity & Sorority Houses and Residence Halls Fuel & Ice Dealers, Manufacturers and Wholesalers Funeral Homes Hospitals & Pharmacies 	<ul style="list-style-type: none"> Miscellaneous Personal Services as Defined by City O&I District Motels Non-commercial Club or Lounge Private Parks Religious Facilities Restaurants, Eating or Drinking Places Schools as defined by City O&I District Stations and Terminals for Bus & Rail Passengers Stores as defined by City O&I District Animal Care Facilities or Kennels Pet Shops & Grooming Facilities Veterinary Clinic or Offices Pubs, Lounges, Taverns, or Night Clubs
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On July 29, 1985, the following variances (V-850658) were granted for the property:

1. Reduction in the front yard setback from 75' requirement to 60' (15' variance) and
2. Reduction in the rear yard setback from 40 ft. requirement to 30' (10' variance).

On October 31, 1994, a variance was approved to erect a sign one foot from the front street property line (V-94030).

Other Issues

The property contains two freestanding signs along the Roswell Street frontage: one nonconforming pylon (unidentified on the survey) and one sparsely-used monument. Section 714.06 (C)(1) states “*in those cases in which there exist more than one detached sign per property frontage, any signs which are non-conforming with respect to the requirements herein shall be removed within one year after the passage of this article, after which time they are declared to be illegal.*” As a result, the pylon sign advertising “Slyman Real Estate” is illegal under the ordinance and would have to be removed unless a variance were granted to allow it to remain.



Further, businesses that dominate CRC are generally highly reliant on visibility and signage. Without an available freestanding sign, tenants may request wall signs that may be difficult to allocate due to the lack of a true “storefront.”

Also, NRC (Neighborhood Retail Commercial) may be an alternative to be considered, if the applicant were amenable, as it would allow for an expansion of uses, but would not include some of the more intensive automobile oriented uses that are included in CRC. If the property were to be rezoned to NRC, a variance may be necessary to allow the maximum building size of a professional office building to exceed 10,000 square feet. However, rezoning to NRC may still create a situation where the site may not accommodate the parking for these retail and service oriented uses.

ANALYSIS & CONCLUSION

Paige Slyman is requesting the rezoning of 1744 Roswell Road from Office Institutional (OI) to Community Retail Commercial (CRC) in order to allow a wider range of uses on the subject property. The Hamilton Trace (RA-8) townhome community and the driveway leading to Silver Creek Apartments (RM-12) surround the subject property. The 10,500 s.f. building is currently being used for various professional offices. However, the applicant would like to rezone the property to CRC to allow a broader range of uses, specifically a hair salon. The applicant is not proposing any changes to the site as part of the rezoning request.

There were multiple conditions adopted in conjunction with the original rezoning in 1985. These conditions, including a list of prohibited uses such as daycare, personal services, and retail store, mainly addressed ways to minimize the impact on the Hamilton Trace community. Many of those uses prohibited under the 1985 rezoning ordinance would become allowable uses should the property be rezoned to CRC and may impact the adjacent residential areas. However, there is a sufficient vegetative screen, although not to the extent required by code, which may offset any negative impacts on the neighboring residences.

Should the property be rezoned as requested, the following variances would be necessary to allow the property to remain 'as-is' under the City's code:

- Variance to reduce the buffer along the western property line from 40 feet to 25 feet until the site is redeveloped. [*Section 708.16 (I)*]
- Variance to reduce the buffer along the eastern and southern property line from 40 feet to 0 feet until the site is redeveloped. [*Section 708.16 (I)*]
- Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped.
- Variance to allow the existing nonconforming pylon along Roswell Street remain until the site is redeveloped. [*Section 714.06 (C)(1)*]

NRC (Neighborhood Retail Commercial) may be an alternative to be considered, if the applicant were amenable, as it would allow for an expansion of uses, but would not include some of the more intensive automobile oriented uses that are included in CRC. If the property were to be rezoned to NRC, a variance may be necessary to allow the maximum building size of a professional office building to exceed 10,000 square feet. However, rezoning to NRC may still create a situation where the site may not accommodate the parking for these retail and service oriented uses. Additional variances may be necessary in order to accommodate more parking-intensive uses, and for building area, if NRC is considered.



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

The future land use (FLU) designation for this property is Community Activity Center (CAC). Both CRC and OI are listed as compatible zoning classifications for CAC. As a result, both the existing and the proposing zoning support the designated future land use of this property.

Prepared by: _____

Approved by: _____



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Station 52
Distance of the nearest station?	2 miles
Most likely station for 1 st response?	City – Station 52
Service burdens at the nearest city fire station (under, at, or above capacity)?	No burdens

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments: