



Council Ward: Ward 6

Evaluation Prepared by: Patti Hart

Applicant: RES-GA TSL, LLC
750 Hammond Dr
Bldg 6, Ste 300
Atlanta, GA 30328

Owner: RES-GA TSL, LLC

Parcel #: 15N05 203, 205A, 206A, 212B

Location: Putnam Ford, South of Eagle Drive

Area: +/- 15.56 ac.

Request: Rezone from R-4 Townhome to R-3C SFD at 3UPA
Variances; 1) Combined 25 foot setback and buffer along Putnam Ford
2) A 15 and a 30 foot rear setback along the South and West property line.

Proposed Use SFD (Single Family Detached) Residential at 3 UPA

Current Zoning: R-4 (Townhome by Condition of Z#044-09)

Current Land Use: Land cleared but undeveloped.

Future Land Use: T-4 Neighborhood Living

Surrounding Properties:

Current Zoning		Current Land Use
North	GC	LA Fitness and commercial outparcels
East	GC	2 story Office Building
South	County R-40	Residential (SFD) Undeveloped
West	County R-150	Residential (SFD) Spicers Grove Subdivision

Input Meeting: July 25, 2013
DPC Meeting: August 7, 2013
PC Meeting: September 5, 2013
Council Meeting: September 23, 2013

Executive Summary:

The 15.56 acre property was annexed in 2006, with the 9 adjacent GC acres, and zoned for 9 Townhome units per acre with conditions, as attached to A#031-06. The property was cleared, there is a sidewalk and curb cut on Putnam Ford Road, but the property was never further developed.

In 2009 a request to rezone from R-4 (Townhome) to R-4 (Multifamily) was denied by Council.

The applicant is requesting a change in zoning from R-4 (Townhome) to R-3C (SFD). Since R-3C allows both detached and attached product types, but the development guidelines only speak to minimum development size of 5 acres with perimeter setbacks, lot dimensions must be determined and executed as conditions.

The applicant has also requested that the buffers as shown on the approved preliminary plat are permitted within the perimeter setbacks.

	Ordinance Requirement	Proposed	Compliance
Max Density	7 UPA	3 UPA	YES
Min Heated Area	1,000	Not provided	TBD
Min Lot Size	5 acres *	Total area 15 acres	YES
Individual Lot Size	TBD in Conditions	50 X 100	TBD
Perimeter Setbacks F/S/R	25*/25*/25*	25 Putnam Ford 15 east 25	NO
Individual Lot Setbacks	TBD in Conditions	25' Putnam Rd Frontage 10' Other ROW Frontage 10' Side separation 25 Rear 30' West perimeter 15' South Perimeter	N/A
Buffers	Western Boundary: 0' Southern Boundary: 0' Eastern Boundary: 0' Northern Boundary: 0"	Western Boundary: 0' Southern Boundary: 0' Eastern Boundary: 20' Landscape Strip w/in the buffer	NO

*Min Lot size and setbacks for R-3B and R-3C and R-4 are based on total development area not individual house lots. These will be established in Conditions of Zoning.

Zoning History:

A#031-06 Annexation of 26 acres from R-40 to 9 acres GC and 17 acres R-4 (Townhome) approved 4.11.06
Z#041-08 request for Apartments on 17 acres Zoned R-4 (Townhome) denied on 5.20.08

Criteria for Consideration of a Rezoning Request:

Woodstock LDO Section 11.205- Zoning Standards, provides the following criteria which must be considered in reviewing Rezoning requests:

(a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Adjacent residential to the South is R-40 (County) at 1 UPA, and to the West is R-10 (County) at 4 UPA. The proposed designation of R-3C at 3 UPA is an appropriate transition to adjacent Commercial to the north and east. The property immediately to the south is zoned R-40 (County), but is currently undeveloped.

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

The proposed single family use is compatible with surrounding residential properties and meets the mixed use intent of the Neighborhood Living Character area in its internal connection to the neighboring commercial property. No adverse impact on existing uses or the usability of adjacent or nearby property is anticipated. In fact, the density is more consistent with the existing residential uses in the area than the townhome use that was previously approved.

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

A#031-06 stipulates R-4 Townhome. The applicant contends that the property has no economic use as currently zoned due to the collapse of the Townhome market.

(d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

The proposal decreases the number of dwelling units from 118 townhomes, as previously approved, to 46 single-family detached houses, accordingly decreasing the potential demand on streets, utilities or schools.

(e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

A Single Family Detached Subdivision is compliant with T-4 Neighborhood Living, which calls for Mixed Use.

(f) 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.

A preliminary plat was approved based on the setbacks and buffers approved in A#031-06 for the residential tract.

Criteria for Consideration of a Variance Request:

Woodstock LDO Section 10.160- Variances, provides the following criteria which must be considered as the Planning Commission and City Council review variance requests:

(a) There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.

The applicant does not cite exceptional or extraordinary conditions which would justify the request to include the 20 foot landscape strip in the 25 foot Putnam Ford Road setback (per the code setbacks and buffers are cumulative). Also, the applicant requests the 15 foot perimeter setback along the southern property boundary and a 30 foot perimeter setback along the western boundary, as approved in A#031-06.

(b) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

Although the applicant does not state a hardship for the variances requested, the request for 15' eastern and 30' western perimeter setbacks and for the 25' perimeter setback along Putnam Ford Road to include the landscape strip is based on the site conditions on the approved preliminary plat on file with the City.

(c) Such conditions are peculiar to the particular piece of property involved.

The conditions for which variances are requested exist on an approved preliminary plat for a subdivision of 132 townhomes.

(d) A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.

A literal interpretation of this ordinance would not deprive the applicants of any rights that others in the same district are allowed. Properties are eligible for variance based upon criteria unique to the individual site.

(e) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.

The development of detached product with variances requested would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance. The decrease in density from the townhome use that was previously approved will be less impactful to the surrounding area in terms of traffic, school system and city services.

(f) Special circumstances or conditions applying to the building or land or building and land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.

Special circumstances or conditions applying to the land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity. The applicant requests variances which exist on an approved preliminary plat.

(g) Granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.

The decline in demand for Townhome product would justify a rezoning to single family detached product which would be compatible with the surrounding residential use.

(h) The condition from which relief or a variance is sought did not result from willful action by the applicant.

There was no willful action on the part of the applicant in regard to the existing conditions on the property.

(i) Authorizing of the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City.

Variations sought are consistent with conditions existing on the approved preliminary plan for a townhome community, which is more dense and potentially more impactful in terms of the congestion of public streets, increase the danger of fire, imperil the public safety, property values within the surrounding areas and are not anticipated to impair the health, safety, comfort, morals or general welfare of the inhabitants of the City.

Development Process Committee Recommendation:

At the August 7, 2013 meeting the DPC voted to recommend approval of the applicant's request to rezone the property from R-4 Townhomes to R3-C (Residential)

1. R3-C is permitted at 3 Units per acre with a maximum build out of 46 Residential Single Family Detached Units.
2. Setbacks are required as specified on plan submitted with the application dated 6/18/2013, and attached hereto as exhibit "C" and made a part hereof by reference.
3. A combined 25 foot setback and landscape strip is required along Putnam Ford Road as specified on plan submitted with the application dated 6/18/2013 and attached hereto as exhibit "C" and made a part hereof by reference.
4. A combined 30 foot rear setback and buffer is required along the western property line as specified on plan submitted with the application dated 6/18/2013 and attached hereto as exhibit "C" and made a part hereof by reference.
5. Applicant is required to provide Open Space as specified on plan submitted with the application dated 6/18/2013 and attached hereto as exhibit "C" and made a part hereof by reference.
6. Developer will agree to exercise all positive means to encourage and enhance cross connectivity to any future development of parcel 15N05 202 to the south of the project which is the subject of this ordinance.
7. Developer will work with City and County Traffic Engineers to ensure the existing entrance-exit point on Putnam Road allows for Left Turning Traffic North Bound on Putnam. This can also restrict southbound Putnam traffic to Right In Only with No Left Turn on Putnam from the front most entrance on Putnam Drive.

Attachments:

- Zoning Map
- Site Plan
- Site Photos
- BOE Report

