



RZ Case #: 201301672 CV Case #: 201301673 CU Case #: 13-0274

ZONING APPLICATION

TYPE OF REQUEST :

- ☐ Rezoning
☐ Concurrent Variance
☐ Conditional Use
☐ Text Amendment
☒ Other (Explain) site plan amendment

Present Zoning MPMUD
Requested Zoning MPMUD
Proposed Use MIXED USE
Total Acreage _____

PROJECT

Holcomb Bridge Road at Scott Road
Name of Project
Holcomb Bridge Road (2000) Roswell GA 30076
Property Address/Location Suite/Apt. # City State Zip Code
Land Lot District Section Property ID
712 and 713 1st 2nd 12 26600712033
12 266007121322 023

APPLICANT/OWNER

Bryan Musolf (84004)
Applicant
JW Homes, LLC
Company
4125 Atlanta Road Smyrna GA 30080
Mailing Address Suite/Apt. # City State Zip Code
404.895.0913 bryan.musolf@JWhomes.com
Phone Cell Phone Fax Phone E-mail
770.703.1654 N/A

REPRESENTATIVE

Donald A. Rolader Rolader & Rolader, P. C. (84005)
Contact Name and Company (Owner's Agent or Attorney)
11660 Alpharetta Highway, Suite 630 Roswell GA 30076
Contact Mailing Address Suite/Apt. # City State Zip Code
770.442.0330 404.771.4429 770.442.0641 don@roladerandrolader.com
Phone Cell Phone Fax Phone E-mail

I hereby certify that all information provided herein is true and correct

Bryan Musolf
Applicant Signature: Property Owner or Owner's Representative
Bryan Musolf

Date: 6 / 4 / 2013

OFFICE USE Fee: \$ _____ ☐ Cash ☐ Check # _____ ☐ CC - Visa/ MC
☐ Approved ☐ Denied By: _____ Date: _____ / _____ / _____





Analysis Requirements

REZONING APPLICATIONS: Please complete the Analysis Requirements questionnaire. Applicants are required to respond to criteria 1 through 6 pursuant to O.C.G.A. 36-67-3. Further, please complete criteria 7 through 23, as noted below.

CONCURRENT VARIANCE APPLICATIONS: Please complete the Analysis Requirements questionnaire. Applicants are required to respond to criteria 1 through 23. Complete also the Concurrent Variance Justification, questions 1 - 7 at the end of this section.

CONDITIONAL USE APPLICATIONS: Please complete the Analysis Requirements questionnaire. Applicants are required to respond to criteria 1 through 8; also 13, and 18 through 22. Criteria 9 through 12, and 14 through 17, and 23 are NOT required to be completed for a Conditional Use Application.

1. Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. This application is only a site plan amendment. The use has been approved under RZ 06-05. The amended site plan has less density and less commercial use than the approved plan.
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. The proposal does not change the permitted uses and will not adversely affect existing uses or usability of nearby property.
3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned. Applicant is not changing the approved MPMUD zoning. Applicant is only amending the site plan.
4. Whether the proposal will result in a use which would or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
The proposal has less density and less retail use than the approved site plan.
It will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.





5. Whether the proposal is in conformity with the policy intent of the Comprehensive Plan including land use element.

It conforms with the policy and intent of the Comprehensive Plan. The use was approved in 2006 under RZ 06-05.

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 proposal.

The surrounding area has developed with multiple uses, including retail, restaurants and high density housing.

An applicant for an amendment to the official zoning map may decline to provide any information related to criteria seven (7) through twenty-three (23) if he or she completes, signs, and notarizes the following statement:

"I do not regard the information required by the City, or any portion thereof as indicated, as necessary or relevant to the City Council in their consideration of my application for rezoning. I stipulate that such information shall not be relevant to the City Council in their deliberations or to any court in its review of the decision on my application for rezoning."

Owner of Property (Signature)

Date: ____ / ____ / ____

The above named individual personally appeared before me, and on oath states that he/she is the _____ for the foregoing, and that all above statements are true to the best of his/her knowledge.

Notary Public (Signature)

Date: ____ / ____ / ____

My Commission Expires:

Date: ____ / ____ / ____

7. An explanation of the existing uses and zoning of subject property.

The property was zoned MPMUD in 2006 to allow mixed use development of the property, including retail, restaurant, day care, attached and detached single family residences. Other than a school related parking lot, the property is vacant.

8. An explanation of the existing uses and zoning of nearby property.

Nearby properties are zoned for schools, townhomes, grocery stores, big box retail, retail parks, apartments and single family residential uses.





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

N/A This is only a site plan amendment. Approved uses are not affected.

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

The property will be developed under the existing MPMUD zoning approved in 2006. This is only a site plan amendment.

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

N/A Site plan amendment only. The new site plan has less retail square footage and fewer residential units.

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

N/A Site plan amendment only.

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

N/A Site plan amendment only.

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

The property was zoned MPMUD in 2006. It is suitable for mixed use development.





15. The length of time the property has been vacant or unused as currently zoned.
since 2006

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.

Property has been continually for sale. Marketability was affected by the recession which began in 2007.

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

N/A Site Plan amendment only.
The property was rezoned MPMUD in 2006.

18. Possible effects of a change in zoning or overlay district map, or change in use, on the character of a zoning district.

N/A Site Plan amended only.

19. Whether a 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.

Approval of the revised site plan will allow the property to develop, which will increase the value of nearby properties.

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

There is no special impact to drainage, soil erosion, sedimentation, flooding, air quality and water quality which will result from construction of an approved 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 as to whether or not the proposed change will help to carry out the purposes of these zoning regulations.

This is a site plan amendment only. The MPMUD use was approved in 2006.

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.

N/A Site plan amendment only. The use was approved in 2006.

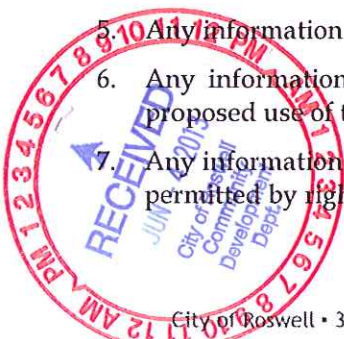
23. The amount of undeveloped land in the general area affected which has the same zoning or overlay district classification as the map change requested.

Applicant is not aware of any vacant land in the general area zoned MPMUD.

Concurrent Variance Justification If Required

An applicant requesting consideration of a Concurrent Variance to any provision of the Zoning Ordinance shall provide written justification that one or more of the following condition(s) exist:

1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape, topography that are not applicable to other lands or structures in the same district.
2. Any information whereby a literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the applicant's property is located.
3. Any information supporting that granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
4. Any information that the requested variance will be in harmony with the purpose of the intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
5. Any information that special circumstances are not the result of the actions of the applicant.
6. Any information that the variance request is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
7. Any information that the variance shall not permit a use of land, buildings, or structures, which is not permitted by right in the zoning district or overlay district involved.





Application Signature Page

Please complete this Applicant Signature Page for ALL applications. READ CAREFULLY BEFORE SIGNING.

- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Roswell Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange sign permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.
- I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My signed Campaign Disclosure Statement is included with this Application (required for rezoning only).
- I understand that due to a sewer allocation system controlled by Fulton County, sewerage capacity may not be available. I agree to arrange sewer service separately from this application. The method of sewage disposal that is planned for this property is: Check one:
☐ Sanitary Sewer
☐ Septic Tank

I respectfully petition that this property be considered as described in this application

From Use District: MPMUD To Use District: MPMUD

SITE PLAN AMENDMENT ONLY

Wherefore, applicant prays that the procedures incident to the presentation of this petition be taken, and the property be considered accordingly. Additionally, applicant further acknowledges and fully understands all above statements made by the City of Roswell.

APPLICANT SIGNATURE (REQUIRED FOR ALL APPLICATIONS)

I hereby certify that all information provided herein is true and correct.

Owner of Property (Signature) [Signature]
2181 Newmarket Pkwy Marietta GA
Street Address, City, State, Zip 30067

06 / 03 / 13
Date
678 303 4100
Phone

NOTARY

Personally appeared before me the above Owner named L. Barry Te who on oath says that he/she is the Applicant for the foregoing, and that all the above statements are true to the best of his/her knowledge.

Hanna Miller
Notary Public (Signature) 06 / 03 / 13
Date

06 / 03 / 13
Date Commission Expires



ATTORNEY/ AGENT (IF APPLICABLE)

[Signature]
Attorney/ Agent (Signature)
11660 Alpharetta Highway, Suite 630, Roswell, GA
Street Address, City, State, Zip 30076

06 / 04 / 2013
Date
770.442.0330
Phone





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MARILEE WEEKS
NOTARY PUBLIC
Cobb County - State of Georgia
My Comm. Expires October 14, 2014

APPLICANT SIGNATURE (REQUIRED FOR ALL APPLICATIONS)

I hereby certify that all information provided herein is true and correct.

DAVID W. NABOR FOR CENTENNIAL HIGH SCHOOL

Owner of Property (Signature)

9310 SCOTT RD ROSWELL GA 30076

Street Address, City, State, Zip

Date

6, 4, 13

Phone

770.329.5570

NOTARY

Personally appeared before me the above Owner named DAVID Wayne Nabor who on oath says that he/she is the Applicant for the foregoing, and that all the above statements are true to the best of his/her knowledge.

Marilee Weeks

Notary Public (Signature)

Date

6, 4, 13

Date Commission Expires

10, 14, 2014

ATTORNEY / AGENT (IF APPLICABLE)

Donald A. Rolander
Attorney/Agent (Signature)
11660 Alpharetta Highway, Suite 630, Roswell, GA

Street Address, City, State, Zip

30076

06 / 04 / 2013

Date

770.442.0330

Phone





APPLICANT CAMPAIGN DISCLOSURE STATEMENT

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Roswell City Council or a member of the City of Roswell Planning Commission?

☐ YES

☒ NO

JW
Applicant/Owner of Property (Signature) JW Homes, LLC
4125 Atlanta Highway, Smyrna, Georgia 30080
Street Address, City, State, Zip

06 / 04 / 2013

Date

If the answer is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount





Planning & Zoning Director Acceptance Stamp

☒ Rezoning *Major Amendment*

☒ Concurrent Variance

☐ Conditional Use

RECEIVED BY THE CITY OF ROSWELL
ZONING OFFICE June 4, 2013
Date

APPROVED FOR INITIATION OF A ZONING
AMENDMENT TO THE ROWELL ZONING
ORDINANCE AND ZONING MAP BY THE
ZONING DIRECTOR

Bradford D. Townsend
Zoning Director

TIME: 8:23 DATE: 6-12-2013

THIS APPLICATION SHALL BE CONSIDERED
AND MAY BE REFERRED TO AS REZONING
PETITION NUMBER _____

R2 201301672 CV 201301673