



12090043

RZ Case #:

00203

CV Case #:

CU Case #:

CU12-03

LS#12-0374

ZONING APPLICATION

TYPE OF REQUEST:

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

Present Zoning

I-1 Light Industrial

Requested Zoning

Same

Proposed Use

Dance Studio

Total Acreage

4.806 Acres

PROJECT

Northfield Business Center

Name of Project

1050 Northfield Court, Suite 400, Roswell, GA 30076

Property Address/Location

558 & 592

1st

Suite/Apt. #

2nd

City

State

Zip Code

12-2370-0592-035-3

Land Lot

District

Section

Property ID

APPLICANT/OWNER

Malon D. Mimms

Applicant

Malon D. Mimms Company, LLC

Company

85-A Mill Street, Suite 100, Roswell, GA 30075

Mailing Address

770-518-1100

404-456-5080

Suite/Apt. #

770-552-1100

City

State

Zip Code

malonmimms@mimms.org

Phone

Cell Phone

Fax Phone

E-mail

REPRESENTATIVE

Rebecca Odom

Contact Name and Company (Owner's Agent or Attorney)

85-A Mill Street, Suite 100, Roswell, GA 30075

Contact Mailing Address

770-518-1100

404-456-5080

Suite/Apt. #

770-552-1100

City

State

Zip Code

rdodom@mimms.org

Phone

Cell Phone

Fax Phone

E-mail

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

Malon Mimms

Applicant Signature: Property Owner or Owner's Representative

Date: 9 / 4 / 2012

OFFICE USE

Fee: \$

☐ Cash

☐ Check #

☐ CC

- Visa/

MC

Date:

/

/

/

☐ Approved

☐ Denied

By:

Date:

/

/

/

RECEIVED
SEP - 5 2012
City of Roswell
Community
Development
Dept.



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.

Yes, the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

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

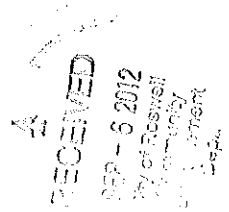
The proposal will not adversely affect the existing use or usability of adjacent or nearby property.

3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.

The property to be affected by the proposal does have a reasonable economic use as currently zoned (with requested conditional use).

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 will not result in a use which would or could cause an 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.

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

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.

Requested conditional use is consistent with current use of subject and adjacent properties.

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 is zoned I-1 (Light Industrial); however, existing use is office. There is no manufacturing in any of the office buildings in the area.

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

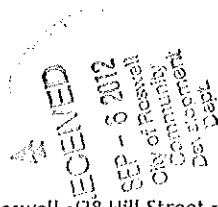
Existing use of majority of nearby property is office.





9. An explanation of the existing value of the property under the existing zoning and/or overlay district classification.
10. Whether the property can be 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.
12. The value of the property under the proposed zoning district and/or overlay district classification.
13. The suitability of the subject property under the existing zoning district and/or district classification for the proposed use.

The subject property is very suitable for the proposed use; proposed use is consistent with current office use of subject and adjacent properties.
14. The suitability of the subject property under the proposed zoning district and/or overlay district classification.





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

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.

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

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

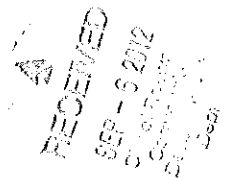
The proposed use will have no adverse effect on the character of a zoning district.

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.

The proposed use will not be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.

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 use will have no effect on the environment.





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.

The proposed use is consistent with the purpose of the overall zoning scheme.

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. Subject property does not adjoin an established residential neighborhood.

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.

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: I-1 To Use District: I-1

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.

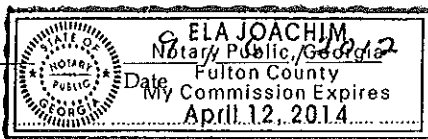
Malon D. Mimms
Owner of Property (Signature)
85-A Mill Street, Suite 100, Roswell, GA 30075
Street Address, City, State, Zip

9 / 4 / 2012
Date
770-518-1100
Phone

NOTARY

Personally appeared before me the above Owner named Malon D. Mimms 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.

ELA JOACHIM
Notary Public (Signature)



4 / 12 / 2014
Date Commission Expires

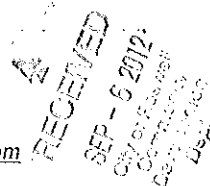
ATTORNEY / AGENT (IF APPLICABLE)

Attorney / Agent (Signature)

Date

Street Address, City, State, Zip

Phone





Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions

*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 - 2000 State of Georgia.



<div> <div>CHECKLIST</div> <div> REZONING CONCURRENT VARIANCE CONDITIONAL USE </div> </div>	
Zoning: Existing _____ Requested _____ Location: _____ LL: <u>558</u> & Acres <u>4.806</u> District <u>1st</u> <u>592</u> Completed application form: _____ Rezoning _____ Concurrent Variance <u>X</u> Conditional Use One (1) original application including signed and notarized signature of property owner, plus copies of all materials and information as specified in this checklist is required. Zoning application requirements are covered in 31.1 of the <i>Roswell Zoning Ordinance</i> . Surveys/Plans: Ten (10) large sets, sheet size not to exceed 36 x 42 inches; plus fifteen (15) 11 x 17 sets. Plans should be folded, not rolled.	<div>●</div> <div>●</div>
<u>X</u> Application fee(s) payable to the City of Roswell; see Fee Schedule.	\$ <u>500</u> .00
<u>X</u> Written analysis of how the proposed action compares to the decision criteria specified for deciding on the subject type of application. See Analysis Requirements questions 1 - 23 in the Zoning application. Complete 1 - 7 Concurrent Variance Justification, if required, for Concurrent Variance.	●
<u>X</u> Signed Applicant Campaign Disclosure Statement;	●
<u>X</u> Legal description of subject property;	●
<u>X</u> Letter of intent describing the proposed use of the property or other action requested;	●
_____ A Traffic Impact Study may be required, by the Planning & Zoning Director;	●
_____ Steep Slopes Analysis, if required; N/A	●
_____ Site analysis and topographical map at an appropriate engineer scale including information on significant man-made features; natural features and streams; historic and archaeological sites; features to be retained, moved or altered; N/A	● 10 large sets plus 15 11x17 sets
X Survey plat of property sealed by the surveyor showing ALL of the following: _____ Property bearings and distances; _____ Abutting property owners including across streets; _____ The zoning of abutting property; _____ The current zoning of subject property; _____ The change in zoning requested; _____ The proposed use of property; _____ Special conditions made part of the request; _____ Other information as required by the Planning & Zoning Director	● 10 large sets plus 15 11x17 sets



<div style="display: flex; justify-content: space-between;"> <div>CHECKLIST</div> <div> REZONING CONCURRENT VARIANCE CONDITIONAL USE </div> </div>	
<p>Site Plan of the property drawn at an appropriate engineering scale (see Table 31.1.2 of the <i>Roswell Zoning Ordinance</i>) including at a minimum, information on the proposed use and improvements including ALL of the following:</p> <p><input checked="" type="checkbox"/> Property lines;</p> <p><input checked="" type="checkbox"/> Existing and proposed buildings and structures;</p> <p><input checked="" type="checkbox"/> Parking and internal circulation;</p> <p><input checked="" type="checkbox"/> Walls, fences and easements;</p> <p><input checked="" type="checkbox"/> Landscaping and buffers, including tree survey and tree protection;</p> <p><input checked="" type="checkbox"/> Preliminary grading and drainage (conceptual);</p> <p><input checked="" type="checkbox"/> Provisions for outdoor lighting (See Article 18);</p> <p><input checked="" type="checkbox"/> Other information as required by the Zoning Director</p>	<p>●</p> <p>10 large sets plus 15 11x17 sets</p>
<p>A Development Statistics Summary Chart with percent (%) coverage (see table 31.1.3;) including:</p> <p>____ Maximum and proposed height of any structure;</p> <p>____ Maximum and proposed gross sq. footage of the building area (non-residential only);</p> <p>____ Maximum and proposed number of dwelling units, and minimum; and proposed square footage of heated floor area for any dwelling unit (residential only);</p> <p>____ Area of site (total acres or sq. feet = 100%);</p> <p>____ Maximum and proposed lot coverage of building area (square feet and %);</p> <p>____ Minimum and proposed square footage of landscaped area (square feet and %);</p> <p>____ Maximum and proposed impervious surface (square feet and %);</p> <p>____ Existing and proposed parking spaces (number and %);</p> <p>____ Flood plain (sq. feet and %);</p> <p>____ Undeveloped and/or open space (sq. feet and %);</p> <p>____ Provision of the Zoning Ordinance requested to be varied and amount of variances requested.</p>	<p>●</p> <p>On Site Plan</p>
<p>____ Archaeological Report/Study, if required</p>	<p>●</p>
<p>Tree protection measures (see Chapter 15 of the <i>Roswell Zoning Ordinance</i> and the Tree Protection Checklist provided with this application). Required elements:</p> <p>____ Tree Protection Plan;</p> <p>____ Tree Survey;</p> <p>____ Tree Replacement Plan;</p>	<p>●</p> <p>10 large sets plus 15 11x17 sets</p>
<p>The below signature acknowledges that the <i>Roswell Zoning Ordinance</i> has been made available for review and purchase; and copies of the design guidelines have been provided.</p> <p><u><i>Malcolm</i></u> 9 / 4 / 2012</p> <p>Signature of Applicant Date</p> <p>____ / ____ / ____</p> <p>Signature of Staff Date</p>	<p>●</p>



Planning & Zoning Director Acceptance Stamp

- ☐ Rezoning
- ☐ Concurrent Variance
- ☒ Conditional Use

RECEIVED BY THE CITY OF ROSWELL
ZONING OFFICE Sept. 6, 2012 Date
APPROVED FOR INITIATION OF A ZONING
AMENDMENT TO THE ROSWELL ZONING
ORDINANCE AND ZONING MAP BY THE
ZONING DIRECTOR,
David P. Jaramel
Zoning Director
TIME: 3:31 DATE: 8-6-12
THIS APPLICATION SHALL BE CONSIDERED
AND MAY BE REFERRED TO AS REZONING
PETITION NUMBER C012-03

