



201300068

201300701

LS#13-0083

RZ Case #:

GV Case #:

GU Case #:

ZONING APPLICATION

TYPE OF REQUEST:

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

Present Zoning

R-4/HR

Requested Zoning

Proposed Use

Multifamily

Total Acreage

10.68 Acres

PROJECT

Canton City Walk

Name of Project

188 Norcross Street

Roswell, Georgia 30075

Property Address/Location

Suite/Apt. #

City

State

Zip Code

Land Lot 426

District 1st

Section 2nd

Property ID 12-200404260185,

12-200404260359 and

12-200404260391

APPLICANT/~~XXXXX~~

LENNAR MULTIFAMILY INVESTORS, LLC

Applicant

SAME

Company

6285 Barfield Road

Suite 300

Atlanta, Georgia 30328

Mailing Address

(678) 298-4072

(404) 867-2540

(678) 298-4076

chris.cassidy@lennar.com

Phone

Cell Phone

Fax Phone

E-mail

REPRESENTATIVE

Nathan V. Hendricks III

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

6085 Lake Forrest Drive

Suite 200

Atlanta, Georgia 30328

Contact Mailing Address

(404) 255-5161

(404) 431-3918

(404) 255-3899

nvh@cobbbandhyre.com

Phone

Cell Phone

Fax Phone

E-mail

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

LENNAR MULTIFAMILY INVESTORS, LLC

By:

Applicant Signature: Property Owner or Owner's Representative
Chris Cassidy-Division President

Date:

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OFFICE USE

Fee: \$

☐ Cash☐ Check #☐ CC - Visa/ MC

Date:

☐ 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. Yes. The adjacent and nearby properties represent a mix of zoning and uses with residential being at the north, northeast, east, southeast and south with C-1 and O-P zonings being at the northwest and southwest corners of the Property and with C-1 zoning being directly to the west across Frazier Street. This request for a Conditional Use represents the redevelopment of an aesthetically problematic site and fits within the Overall Character Area and Goals of the City's Comprehensive Plan.
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. No. The proposal will enhance the existing use and usability of adjacent and nearby property through the redevelopment plan presented and 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 has a reasonable economic use as currently zoned but not as currently developed. The state of the improvements on the Property are precisely in the condition recognized by the city's Comprehensive Plan to be promoted for redevelopment as the Property is clearly an aesthetically problematic site.
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. No. The existing development on the Property consists of 152 large two bedroom units. The Applicant intends to develop a Community of approximately 195 one bedroom units and approximately 125 two bedroom units. This proposed mix of units will result in a less excessive or burdensome use of existing streets, transportation facilities utilities and most particularly schools than what is existing.

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5. Whether the proposal is in conformity with the policy intent of the Comprehensive Plan including land use element. Yes. The Groveway Community Hybrid Form-Based Code adopted by the Mayor and City Council on April 9, 2012 designates this Property within the Neighborhood Mixed Use District with multifamily being a Permitted Use requiring a Conditional Use Permit. The City's Comprehensive Plan as has been noted promotes redevelopment of aesthetically problematic sites of which the Property is an example. Further, the Applicant's proposed design for the buildings complies with the design guidelines that emerged from the Groveway Charrette.
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. Yes. The redevelopment of properties within the Groveway Community as desired and promoted by the City precisely in the condition of the subject Property give supporting grounds for the approval of this proposal.

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 subject Property is zoned to the R-4/HR Classification. It is presently being used and operated as a 152 units multifamily complex with each of the units being two bedrooms. All units are rental units.
8. An explanation of the existing uses and zoning of nearby property. At the northeast corner of the Property is C-1/HR being used for small offices. Further along the north and east Property lines is R-3/HR which is the Liberty Lofts residential development containing detached and multifamily residential uses and further south along the east Property line is R-3/HR being the Roswell Landing development being a residential multifamily use. To the south and on the south side of Norcross Street is O-P being small office use. At the southeast corner of the Property is O-P/HR being a building used by a hair dresser. To the west on the east side of Frazier Street across from the southeast corner of the City of Roswell • 38 Hill Street • Suite G-30 • Roswell, Georgia 30075 • 770-641-3780 • www.roswellga.gov
- Planning & Zoning Division Application • Rev. 1/12
- Property is C-1/HR being small office use and to the north of that along the east side of Frazier Street is O-P/HR being a shopping center as retail use.

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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 suitable for the redevelopment and use proposed under the existing R-4/HR Classification as well as under the guidelines of the Groveway Community Hybrid Form-Based Code.**
14. The suitability of the subject property under the proposed zoning district and/or overlay district classification.

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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. As no change in the zoning or overlay district map or change in use is being requested there will not be any possible effects on the character of the 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 redevelopment of the Property proposed under the Conditional Use Permit requested will have a positive effect on the value or improvement of development of adjacent property in accordance with existing regulations and will not be a deterrent to same.

20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality. The Applicant's Hydrology and Soil Erosion Study and Plan reflects that there will not be any possible negative impact on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality and water quality.





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 requested Conditional Use Permit fits within the zoning scheme of the area and the redevelopment plan proposed will carry out the purposes of the zoning regulations.
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 preservation of the integrity of the residential neighborhoods adjacent and nearby will be not only be preserved but will be enhanced through the redevelopment plan proposed for the Property.
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.

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PLANNING & ZONING DIVISION



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: _____ To Use District: _____

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.

Owner

XXXXXXXXXX SIGNATURE (REQUIRED FOR ALL APPLICATIONS)

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

See Exhibit "A" attached hereto.

Owner of Property (Signature) _____

Date _____ / _____ / _____

Street Address, City, State, Zip _____

Phone _____

NOTARY

Personally appeared before me the above Owner named _____ 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.

Notary Public (Signature) _____

Date _____ / _____ / _____

Date Commission Expires _____ / _____ / _____

ATTORNEY/AGENT (IF APPLICABLE)

Attorney/Agent (Signature) Nathan V. Hendricks III

Date 2/1/13

6085 Lake Forrest Drive, Suite 200, Atlanta,
Street Address, City, State, Zip Georgia 30328

Phone (404) 255-5161

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Exhibit "A"

Owner's Signature (REQUIRED FOR ALL APPLICATIONS)

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

ROSWELL COMMONS GROUP, LP, a Georgia limited partnership

By: Roswell Commons Group, GP, LP

Its: General Partner

By: Roswell Commons, LLC

Its: General Partner

By: Coro Realty Advisors, LLC

Its: Manager

By:

John Lundeen

Its: Managing Member

Date: 1-31-13

Phone: (404) 846-4001

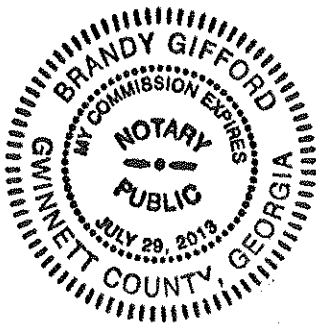
NOTARY

Personally appeared before me the above Owner Representative, John Lundeen, who on oath says that Roswell Commons Group, GP, LP is the Owner of the Property and that all the above statements are true to the best of his knowledge.

[Signature]
Notary Public (Signature)

Date: 1-31-12

July 29, 2013
Date Commission Expires





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

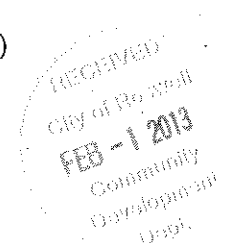
CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

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.





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

LENNAR MULTIFAMILY INVESTORS, LLC

BY: Chris Cassidy

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Applicant/Owner of Property (Signature) Its: Division President

6285 Barfield Road, Suite 300, Atlanta, Georgia 30328

Street Address, City, State, Zip

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

Date	Government Official	Official Position	Description	Amount

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Planning & Zoning Director Acceptance Stamp

- ☐ Rezoning
- ☐ Concurrent Variance
- ☒ Conditional Use

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ZONING OFFICE 2-1-2013

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: 2:14 DATE: 2-8-2013

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

CU#2013 00068

