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DEC - 4 2012
City of Roswell
Community
Development
Dept.

RZ Case #: RZ12-09 CV Case #: CV12-04 CU Case #: LS# 12-0546
P# 12120048 P# 12120049

ZONING APPLICATION

TYPE
PROJECT
APPLICANT
REPRESENTATIVE

TYPE OF REQUEST :

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

Present Zoning R-2
Requested Zoning R-THA
Proposed Use Townhomes
Total Acreage 3.38 Acres

PROJECT

Name of Project Pine Street @ Chattahoochee Street
Property Address/Location 382 1st Suite/Apt. # 2nd City 12192203821(37) State (40) Zip Code (40)
Land Lot 382 District 1st Section 2nd Property ID 1219220382027

APPLICANT/OWNER

Applicant Marty D. Orr
Company Prime Interest, Inc.
Mailing Address 4235 South Lee St. Suite/Apt. # Burford Ga. 30518
Phone 770-945-3241 Cell Phone 770-596-3251 Fax Phone 770-945-0473 E-mail marty.orr@bellsouth.net

REPRESENTATIVE

Contact Name and Company (Owner's Agent or Attorney) Kenneth Wood - Planners & Engineers Collaborative, Inc.
Contact Mailing Address 350 Research Court City Norcross State GA Zip Code 30092
Phone 770-380-5969 Cell Phone 770-380-5969 Fax Phone 770-604-6240 E-mail kwood@pecatl.com

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

Marty D. Orr
Applicant Signature: Property Owner or Owner's Representative

Date: 11/29/12

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.

see attached

2. Whether the proposal will 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.
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.



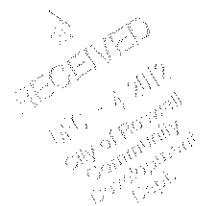
PINE STREET AT CHATTAHOOCHEE
R-THA ATTACHED RESIDENTIAL ZONING
CITY OF ROSWELL
GEORGIA

REZONING ANALYSIS

Applicant: PRIME INTEREST

1. **Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
 - a. The proposed use is compatible with the surrounding zonings, its similar in type of product with the townhomes and single family detached in the area. It is a good transition from commercial development on the north and east to the residential development to the west and south.
2. **Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**
 - a. The proposal does not affect the existing use, the site had existing older homes on the property that have been demolished and cleared. The proposed zoning fits much better with the surrounding area by providing the same type of uses that surround the property and the area. The proposal will enhance the area and bring up home values.
3. **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.**
 - a. The property does not have a reasonable use as currently zoned. The homes have been removed from the site and there is currently no development on the site. The proposal will provide a real economic 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.**
 - a. The use will not cause an excessive use, the comprehensive land use map calls for the density that is being proposed. This fits well with what is in the area and provides housing that will not have an excessive impact on the road network. The zoning utilized in the area is sufficient to support the density proposed. The proposal will enhance the surrounding area by providing nice upscale housing.
5. **Whether the proposal is in conformity with the policy intent of the Comprehensive Plan including land use element.**
 - a. Yes, the site is fully in compliance with the land use plan. The land use plan calls for residential zoning for the site to be up to 5 units / acre. The proposal is to construct and zone residential housing below 5 units / acres, which complies not only with the area surrounding the site, but also the land use plan by City of Roswell.
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.**
 - a. The surrounding area has been developed with new single family housing and commercial development. The site as exists is not the highest and best use as shown in the land use plan. The support should be provided for the zoning based on the land use plan and the surrounding area.

ZONING FORM CONTINUED:



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

- a. The property is currently zoned R-2, the surrounding zonings range from R-2 to commercial C-2 zonings surrounding the site. The site had older single family homes located on it, but are now demolished and a portion of the site is cleared and a portion is wooded. The property is surrounded on east and north by commercial neighborhood development, and R-2 and other residential zonings like R-3C to the west and south. The property proposing to change the zoning to TH-A is a reasonable transition between commercial C-2 property to R-2 and R-3C properties.

8. An explanation of existing uses and zoning of nearby properties.

- a. The property is surrounded on the south by Pine Street, across Pine Street is R-2 zoned property for single family. On the west side the property is both R-2 and R-3A zoned property. The property to the north and the east is all commercially zoned property. This property sits in the middle between the commercial and residential zonings, making the townhomes a reasonable transition.

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

- a. The site does not have a good value as zoned or as it exists, the site is cleared, there is no homes located on the site. The shape of the property does not allow for many units to be constructed at the R-2 zoning, and with the location of all the commercial properties adjacent to the site it provides a justification for going to a new construction attached, high end product.

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

- a. The existing zoning and use does not allow for the property to be developed for its highest and best use. The shape of the property does not allow the large lots to be constructed.

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

- a. The property is a small infill location next to the commercial district, the large lots of the R-2 zoning would not allow for the construction of several lots on the site that can maximize the community and provide a good development that can have street appeal and walkability to the commercial section.

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

- a. The proposed zoning district would allow the value of the property for the owner to be a best value and fair for the property. The property would be more suitable next to the commercial district and the value of the properties surrounding it and adjacent would see values increased as well.

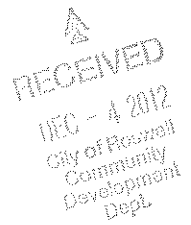
13. The suitability of the subject property under the existing zoning district and/or district classification for the proposed use.

- a. The property for its location is not suitable for large lot R-2 zoning. The R-2 does not provide the density or character that a project adjacent to a main corridor and the commercial uses should have.

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

- a. The property is very suitable for the proposed use. Its adjacent to the commercial uses and the attached product but still having a single family detached look is the perfect complement to the commercial, the shape of the property, and the surrounding uses. The proximity to downtown Roswell and walkability on Atlanta Road to the downtown areas is also appealing for the project.

15. **The length of time the property has been vacant or unused as currently zoned.**
a. Not known by applicant
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.**
a. Not known by applicant
17. **The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.**
a. It would not create a isolated zoning, the surrounding properties are zoned anywhere from 2 to 8 units per acre and its adjacent to commercial uses which has a great tie in with the attached product type.
18. **Possible effects of a change in zoning or overlay district map, or change in use, on the character of a zoning district.**
a. The effects of the change would be positive, it would provide new upscale product in this area to provide walkability to downtown, the local commercial areas, would provide a visually pleasing development with upscale housing.
19. **Whether a proposed zoning map amendment of conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations.**
a. No, the value of adjacent properties would be affected positively from this change, the product type that is being proposed would bring a high price point and bring values in the area up and it would be more embraced by commercial uses which are immediately adjacent to the site.
20. **The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.**
a. The proposal is to work with the land, the topography on the site is not severe, but mild, stormwater facility is proposed to be done in two locations with sustainable methods of bio-retention and filter strips.
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.**
a. The change will further embrace the map, the property is a infill property next to commercial and higher density, therefore the use makes sense in its location, its within walking distance of the Mill where the trails are and the Chattahoochee River.
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.**
a. This is why this property make sense as a great transition to the older larger lot neighborhoods, this infill piece is adjacent to commercial property and has higher density residential near it. It serves as a new upscale home buffer from the large lot homes and the commercial.
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.**
a. This location is not a undeveloped site, most tracts in this area are developed, the piece is a redevelopment of a infill tract of land near the commercial sector.



CONCURRENT VARIANCE JUSTIFICATION

Applicant: PRIME INTEREST

1. **There are extraordinary and exceptional conditions or practical difficulties pertaining to he 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.**
 - a. The shape of the property since this is a infill piece of land as assemblage. The shape creates small tract of land in center that can be developed within the setbacks. To create the connection roadway and have a visually good looking connection through the site, the variances are needed.
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.**
 - a. The variances requested are to create a more visually pleasing development by providing the units closer and engaging the roadway. In the internal area where the side setback and buffer is located will still have trees to remain and be replanted to buffer standards.
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.**
 - a. The property is a infill location and a assemblage and because of this infill assemblage the shape of the property is not normal, so creating a visually pleasing streetscape in and out of the development is crucial with the variances.
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.**
 - a. The variances will keep the harmony of the neighborhood and give the visual appeal needed from the street to enhance the neighborhood.
5. **Any information that special circumstances are not the result of the actions or the applicant.**
 - a. They are not the result of the actions of this application, but due to the type of land, location, and assemblage as infill location.
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.**
 - a. The variances are shown on the detailed plan so they can be seen as why they are requested and how they work with the plan.
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.**
 - a. The variance will help construct the development shown on the zoning site plan.



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

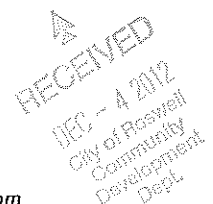
CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

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

Mary D. Oy
Applicant/Owner of Property (Signature)

Date

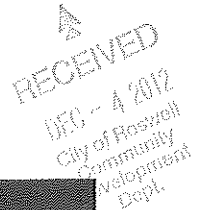
11/29/12

4235 South Lee St., Buford, Ga. 30518
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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Development
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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.

APPLICANT SIGNATURE (REQUIRED FOR ALL APPLICATIONS)

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

WES Drading Inc. By Keith Young
Owner of Property (Signature)
184 Couch Rd Dawsonville Ga 30034
Street Address, City, State, Zip

11/30/12
Date
770-349-9946
Phone

NOTARY

Personally appeared before me the above Owner named *Keith Young* 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.

Lela Jean Abbott
Notary Public (Signature)

11/30/12
Date

Notary Public, Dawson County, Georgia
My Commission Expires September 30, 2016
Date Commission Expires

ATTORNEY / AGENT (IF APPLICABLE)

Jewell Dore
Attorney / Agent (Signature)
350 Research Ct Norcross GA 30092
Street Address, City, State, Zip

12/3/12
Date
770-380-5969
Phone



Planning & Zoning Director Acceptance Stamp

- ☒ Rezoning
☒ Concurrent Variance
☐ Conditional Use

RECEIVED BY THE CITY OF ROSWELL

ZONING OFFICE Dec. 4, 2012
Date

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

Bradford D. Downes
Zoning Director

TIME: 2:54 DATE: 12-12-12

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

R212-09, CV12-04

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Community
Development
Dept.