



Leg: 14-0083

RZ #: 201400345 CV #: 201400475 CU #: \_\_\_\_\_

## ZONING APPLICATION

### TYPE OF REQUEST:

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

Present Zoning AG-1  
 Requested Zoning R-PUD (UDC-PRP)  
 Proposed Use RESIDENTIAL MIXED-USE  
 Total Acreage 34.19 AC

### PROJECT

Name of Project HOLCOMB BRIDGE RD ROSWELL GA  
 Property Address/Location 677 1ST 2ND 12 2060 0677-019  
 Land Lot \_\_\_\_\_ District \_\_\_\_\_ Section \_\_\_\_\_ Property ID \_\_\_\_\_

### APPLICANT/OWNER

Applicant GARY W. SHIRLEY #101959  
 Company SHIRLEY INVESTMENTS, LP  
 Mailing Address PO Box 550345 ATLANTA, GA 30355  
 Phone 404-308-5359 Suite/Apt. # \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 E-mail gwshirley@comcast.net

### REPRESENTATIVE

Representative FRED Streck #101960  
 Contact Name and Company (Owner's Agent or Attorney) 290 PARC VLEW LAKE  
 Contact Mailing Address 813-810-6131 Suite/Apt. # \_\_\_\_\_ City Woodstock State GA Zip Code 30188  
 Phone \_\_\_\_\_ Cell Phone \_\_\_\_\_ Fax Phone \_\_\_\_\_ E-mail FREDERESTRECK@yahoo.com

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

Applicant Signature: [Signature] Property Owner or Owner's Representative

Date: 2/4/14

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



## City of Roswell

### Analysis Requirements

1. Whether the proposal will permit a use that is suitable in view of the use or and development of adjacent and nearby property.
  - **The proposed development is in an area that is mostly either developing or have recently received approval for development. There are adjacent properties yet undeveloped, however the property to the south of this proposed development has been residentially developed for numerous years. Multiple multi-family and mixed use proposals have been approved across from the site.**
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.
  - **The proposed uses for this property are similar to the surrounding uses.**
3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.
  - **The current zoning for the property is AG-1, which is not a viable use in the current area within the City of Roswell. The proposed zoning is in line with the surrounding uses and will provide a reasonable economic use for the area.**
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.
  - **Proposed use is located on a major thoroughfare within the city. Due to the size of the development and interparcel connectivity, there will be little impact on the existing transportation facilities or utilities. There are schools in near proximity to the property to house additional students this project may produce.**
5. Whether the proposal is in conformity with the policy intent of the Comprehensive Plan including land use element.
  - **The proposed project follows the recommendation of the Comprehensive Plan for a mix of residential uses along the Holcomb Bridge Road/SR 140 Corridor. This project proposes single-family detached and townhome sites as specified in the 2030 Comprehensive Plan.**
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 proposed uses align with the surrounding developments.**

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."*



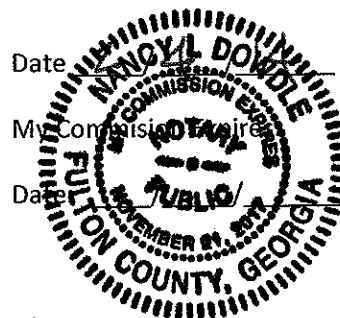
Owner of Property (Signature)

Date: 2/4/14

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



Notary Public (Signature)



7. An explanation of the existing uses and zoning of subject property.
  - The site is currently undeveloped and the existing zoning is AG-1.
8. An explanation of the existing uses and zoning of nearby property.
  - To the northeast of the site (across Holcomb Bridge Road/ SR 140) there are proposed a mix of uses from single-family housing and multifamily housing (R-3), senior housing (O-P). The properties to the immediate north and east of the site are currently undeveloped. The properties to the south and west are an existing residential community zoned R-5 (PRD) Planned Residential Development and R-1.
9. An explanation of the existing value of the property under the existing zoning and /or overlay district classification.
  - The current zoning of AG-1 offers little development potential for the property and is not an economically viable solution for this area.
10. Whether the property can be used in accordance with existing regulations.
  - The AG-1 zoning classification is a carryover from FC-A which has no viable uses in the current market for this area.
11. The extent to which the property value of the subject property is diminished by the existing zoning district/or overlay district classification.
  - The rezoning of this property will take an otherwise unuseable piece of property under current zoning category to compatible use with the surrounding developments.
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.
  - A housing development is not allowed under current AG-1 zoning.
14. The suitability of the subject property under the proposed zoning district and/or overlay district classification.
  - The proposed zoning classification will support the proposed use of the subject property and is compatible with surrounding existing uses.

15. The length of time the property has been vacant or unused as currently zoned.
  - **The property has never been developed or inhabited.**
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.
  - **The proposed use is similar to and compatible with surrounding developments.**
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 is similar to and compatible with surrounding developments.**
19. Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of adjacent property in accordance with the existing regulations.
  - **The proposed use is similar to and compatible with surrounding developments and will have no negative impact on the economic values of the surrounding properties and will not have a negative impact on the future development of adjacent vacant properties.**
20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
  - **The storm water will be managed onsite and will have no impact on the adjacent properties or negatively affect the water quality in the area. The project will not have a negative impact on the air quality or environment in general.**
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 subject property is proposed to be rezoned from FC-A/AG-1 to R-PUD (UDC – PRD). This request is consistent with the surrounding existing developments in the area, and is consistent with the approved 2030 Comprehensive Plan, and will not negatively impact the potential redevelopment of the adjacent undeveloped properties.**
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 proposed project will have a natural buffer between the development and Holcomb Bridge Road/SR 140 and will be consistent with the existing residential developments surrounding the property to the south and west.**
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.
  - **Both undeveloped properties to the north and east have the same overlay classification as the subject property currently has AG-1.**



### 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: AG-1 To Use District: R-PUD

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.

### PROPERTY OWNER SIGNATURE (REQUIRED FOR ALL APPLICATIONS)

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

[Signature]  
Owner of Property (Signature)

2533 RIVERS RD ATLANTA, GA 30305  
Street Address, City, State, Zip

2 / 4 / 14  
Date

Phone

### NOTARY

Personally appeared before me the above Owner named EARLY W. SHIRLEY 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.

[Signature]  
Notary Public (Signature)

2 / 4 / 14  
Date

Date

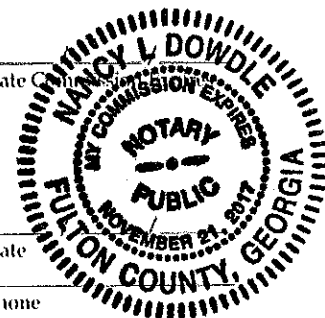
### ATTORNEY / AGENT (IF APPLICABLE)

Attorney / Agent (Signature)

Street Address, City, State, Zip

Date

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

  
Applicant/Owner of Property (Signature)

2/4/14  
Date

2533 RIVERS RD ATLANTA, GA 30305  
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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<div> <div>CHECKLIST</div> <div> REZONING  CONCURRENT VARIANCE  CONDITIONAL USE </div> </div>	
Zoning: Existing <u>AG-1</u> Requested <u>R-PUD</u> Location: <u>HOLCOMB BEIODE RD</u> LL: <u>6.77</u> Acres <u>34.19</u> District <u>1ST</u>	
Completed application form:	
<input checked="" type="checkbox"/> Rezoning	•
<input type="checkbox"/> Concurrent Variance	•
<input type="checkbox"/> 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 Roswell Zoning Ordinance.	
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.	
<input checked="" type="checkbox"/> Application fee(s) payable to the City of Roswell; see Fee Schedule.	\$3919
<input checked="" type="checkbox"/> 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	•
<input checked="" type="checkbox"/> Concurrent Variance Justification, if required, for Concurrent Variance.	
<input checked="" type="checkbox"/> Signed Applicant Campaign Disclosure Statement;	•
<input checked="" type="checkbox"/> Legal description of subject property;	•
<input checked="" type="checkbox"/> Letter of intent describing the proposed use of the property or other action requested;	•
<input type="checkbox"/> A Traffic Impact Study may be required, by the Planning & Zoning Director;	•
<input checked="" type="checkbox"/> Steep Slopes Analysis, if required;	•
<input checked="" type="checkbox"/> 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;	•
	10 large sets plus 15 11x17 sets
Survey plat of property sealed by the surveyor showing ALL of the following:	•
<input checked="" type="checkbox"/> Property bearings and distances;	10 large sets plus 15 11x17 sets
<input checked="" type="checkbox"/> Abutting property owners including across streets;	
<input checked="" type="checkbox"/> The zoning of abutting property;	
<input checked="" type="checkbox"/> The current zoning of subject property;	
<input checked="" type="checkbox"/> The change in zoning requested;	
<input checked="" type="checkbox"/> The proposed use of property;	
<input type="checkbox"/> Special conditions made part of the request;	
<input type="checkbox"/> Other information as required by the Planning & Zoning Director	



# CHECKLIST

REZONING  
CONCURRENT VARIANCE  
CONDITIONAL USE

Site Plan of the property drawn at an appropriate engineering scale (see Table 31.1.2 of the *Roswell Zoning Ordinance*) including at a minimum, information on the proposed use and improvements including ALL of the following:

- ☒ Property lines;
- ☒ Existing and proposed buildings and structures;
- ☒ Parking and internal circulation;
- ☒ Walls, fences and easements;
- ☒ Landscaping and buffers, including tree survey and tree protection;
- ☒ Preliminary grading and drainage (conceptual);
- ☐ Provisions for outdoor lighting (See Article 18);
- ☐ Other information as required by the Zoning Director

A Development Statistics Summary Chart with percent (%) coverage (see table 31.1.3;) including:

- ☒ Maximum and proposed height of any structure;
- ☒ Maximum and proposed gross sq. footage of the building area (non-residential only);
- ☒ Maximum and proposed number of dwelling units, and minimum; and proposed square footage of heated floor area for any dwelling unit (residential only);
- ☒ Area of site (total acres or sq. feet = 100%);
- ☒ Maximum and proposed lot coverage of building area (square feet and %);
- ☒ Minimum and proposed square footage of landscaped area (square feet and %);
- ☒ Maximum and proposed impervious surface (square feet and %);
- ☐ Existing and proposed parking spaces (number and %);
- ☒ Flood plain (sq. feet and %);
- ☒ Undeveloped and/or open space (sq. feet and %);
- ☐ Provision of the Zoning Ordinance requested to be varied and amount of variances requested.

☐ Archaeological Report/Study, if required

Tree protection measures (see Chapter 15 of the *Roswell Zoning Ordinance* and the Tree Protection Checklist provided with this application). Required elements:

- ☒ Tree Protection Plan;
- ☒ Tree Survey;
- ☒ Tree Replacement Plan;

The below signature acknowledges that the *Roswell Zoning Ordinance* has been made available for review and purchase; and copies of the design guidelines have been provided.

  
Signature of Applicant

2 / 4 / 14  
Date

\_\_\_\_\_  
Signature of Staff

\_\_\_\_\_  
Date

●  
10 large sets  
plus 15  
11x17 sets

●  
On Site  
Plan

●  
●  
10 large sets  
plus 15  
11x17 sets





**Planning & Zoning Director Acceptance Stamp**

- ☒ Rezoning  
☒ Concurrent Variance  
☐ Conditional Use

RECEIVED BY THE CITY OF ROSWELL

ZONING OFFICE 2-4-2014  
Date

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

Brian P. Brunsen  
Zoning Director

TIME: 9:23 DATE: 2-20-2014

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

R2 2014 00345

CV 2014 00475

RECEIVED  
FEB 24 2014  
City of Roswell  
Community  
Development  
Dept.