



Index #: CU10-04
CV10-02

Genero #: 10080043-CC
10080044-CV

Legistar #: _____

ZONING APPLICATION

TYPE OF REQUEST :

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

Present Zoning C-3

Requested Zoning N/A

Proposed Use Out Door Go Kart Track

Total Acreage 9.3630

PROJECT

Andretti Outdoor Track
Name of Project

11000 Alpharetta Hwy
Property Address/Location

483 and 507
Land Lot

1st
District

2nd
Section

Suite/Apt. #

Roswell
City

GA
State

30076
Zip Code

12-2070-0483-139-8
Property ID

APPLICANT/OWNER

Andretti Indoor Karting and Games
Applicant

AIKG, LLC.
Company

11000 Alpharetta Highway
Mailing Address

(678) 352-7676
Phone

(718) 440-7017
Cell Phone

(770) 992-6066
Fax Phone

Suite/Apt. #

Roswell
City

GA
State

30076
Zip Code

Warren@andrettikarting.com
E-mail

REPRESENTATIVE

BRAD RIFFEL - AEC, INC.
Contact Name and Company (Owner's Agent or Attorney)

50 WARM SPRINGS CIRCLE
Contact Mailing Address

(7) 641-1942
Phone

(7) 778-1903
Cell Phone

(7) 998-6124
Fax Phone

Suite/Apt. #

Roswell
City

GA
State

30075
Zip Code

bdr@aecatli.com
E-mail

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

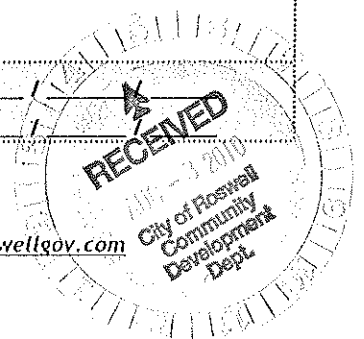
Brad Riffel
Applicant Signature Property Owner or Owner's Representative

Date: 8/2/10

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

☐ Approved ☐ Denied By: _____

Date: _____
Date: _____





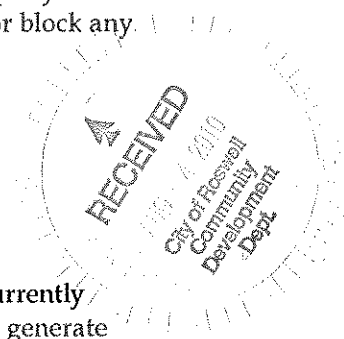
Analysis Requirements

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. Adjacent and nearby properties are zoned light industrial, commercial which are consistent with the applicant's current and proposed use. There is a small section of abutting property that is zoned office professional. Our proposed use will have no impact on this area as it is the furthest point away from the property area in question and is blocked by our building.
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property. The proposal will have no affect on the existing use of adjacent or nearby property in that the use in question is wholly contained on our property. Further, the use will not cross or block any ingress, egress or fire lanes.
3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned. The economic use as currently zoned will be enhanced by this proposal as it will generate revenue in a space that is currently sitting idle.
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 have no impact on the use of existing streets, transportation facilities or schools. The use will draw from the existing





traffic pattern and thus will not cause an excessive or burdensome use of existing streets. Also all required utilities are currently located on property with no additional power required.

5. Whether the proposal is in conformity with the policy intent of the Comprehensive Plan including land use element. The proposal describes a use that is consistent with the current use of the property and therefore is in conformity with the 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 existing conditions of the property provide a hardship for us to obtain approval for this conditional use on its face. Specifically in the area of minimum landscape open space percentage requirement. As such, we will request a maximum impervious surface variance.

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. Property is zoned as Commercial (C-3) and being used as a Family Entertainment Center and Event/Meeting facility.





8. An explanation of the existing uses and zoning of nearby property. Neighboring property is zoned as commercial (auto dealership and strip centers), light industrial (auto repair shops, bicycle repair shop, storage units), residential (cemetery) and office professional (dominion court professional offices).

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

As per Fulton County Tax digest, current market value of the property is \$10,656,100.

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

We are requesting a concurrent variance for an increase in maximum impervious surface requirement based on a hardship created by existing conditions.

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

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

N/A





13. The suitability of the subject property under the existing zoning district and/or district classification for the proposed use. The subject property is ideally suited for the proposed use as it does not share a boundary with a non compatible zoning district.

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

N/A

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

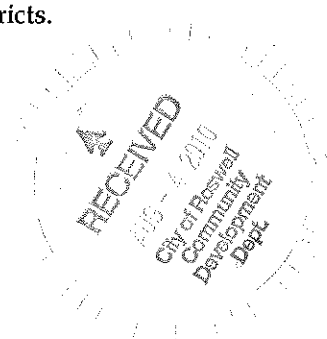
N/A

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.

We are currently operating under the existing zoning district and/or overlay district.

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

N/A





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

None.

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. A conditional use approval in this case 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.

No impact on the environment as the proposed use will operate on existing blacktop surfaces currently used for similar equipment and materials in the form of gas powered automobiles

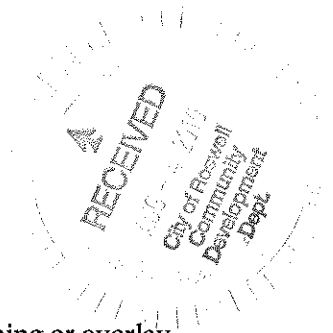
21. The relation that the proposed map amendment or conditional use bears to the purpose of the overall zoning scheme, with due consideration given as to whether or not the proposed change will help to carry out the purposes of these zoning regulations.

The conditional use is directly in line with 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.

The subject property does not directly adjoin an established residential neighborhood and therefore is consistent with the preservation of the integrity of the residential neighborhoods.





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.

N/A

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.

After doing the impervious calculations for the site it seems as if we are over the 80% allowed under C-3 zoning. In order for us to be in compliance with the zoning ordinance pertaining to impervious area, a 3% reduction in the minimum landscape open space percentage, from 20% to 17%, is required. This request for variance stems from a hardship created by existing conditions.

This variance request is the minimum that will make possible the proposed use of the land in the use district proposed by allowing us to come into compliance with ordinances that have evolved since the original development of this property.

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 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

Joseph M. Mattone
Owner of Property (Signature)
134-01 20th Ave, College Point, NY 11056
Street Address, City, State, Zip

Date: 8 / 3 / 10
718-353-5500
Phone

NOTARY

Personally appeared before me the above Owner named JOSEPH M. MATTONE 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.

Christopher Todd
Notary Public (Signature)
CHRISTOPHER TODD
Notary Public, State of New York
01TO4797758
Qualified in Nassau County
Commission Expires Jan: 31, 2014

Date: 8 / 3 / 10

Date: ____ / ____ / ____
Commission Expires

ATTORNEY / AGENT (IF APPLICABLE)

Attorney/Agent (Signature)

Street Address, City, State, Zip

Date: ____ / ____ / ____

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:



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

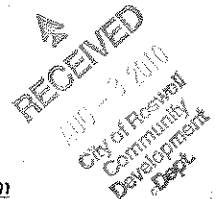
CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

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

Date: 8 / 2 / 10

Applicant/Owner of Property (Signature)

11500 Alpharetta Hwy Roswell, GA 30076
Street Address, City, State, Zip

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

Date	Government Official	Official Position	Description	Amount
/	N/A	/	/	/





Planning & Zoning Director Acceptance Stamp

- ☐ Rezoning
- ☒ Concurrent Variance
- ☒ Conditional Use

RECEIVED BY THE CITY OF ROSWELL
ZONING OFFICE 8-3-2010

Date

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

Bradford D. Brown
Zoning Director

TIME: 12:55 DATE: 8-5-2010

THIS APPLICATION SHALL BE CONSIDERED TO
AN APPLICATION BE REFERRED TO AS RESOLVING
PERIOD NUMBER _____

CU10-04, CU10-02

RECEIVED
AUG - 3 2010
City of Roswell
Community
Development
Dept.