



LS# 13-0124

RZ Case #: _____

CV Case #: 201300577

CU Case #: 201300576

ZONING APPLICATION

TYPE OF REQUEST:

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

Present Zoning _____ O/P
Requested Zoning _____ O/P
Proposed Use _____
Total Acreage _____

PROJECT

ILM ACADEMY

Name of Project _____
1200 Grimes Bridge Rd Roswell GA 30075
Property Address/Location _____
487 1st Suite/Apt. # _____ City State Zip Code
12-2090-0487-052
Land Lot _____ District _____ Section _____ Property ID _____

APPLICANT/OWNER

Hammad Sophie

Applicant ILM ACADEMY

Company 11660 Alpharetta Hwy. 155 Roswell GA 30076
Mailing Address _____ Suite/Apt. # _____ City State Zip Code
678.624.1157 720.226.1385 678.951.0675 hammad.sophie@ilm-academy.com
Phone _____ Cell Phone _____ Fax Phone _____ E-mail _____

REPRESENTATIVE

Abdelkadar M. Elassar, Registered Architect

Contact Name and Company (Owner's Agent or Attorney) _____
11080 Old Roswell Rd. 103-A Alpharetta GA 30009
Contact Mailing Address _____ Suite/Apt. # _____ City State Zip Code
609.665.2374 609.665.2374 770.410.9178 elassar1971@yahoo.com
Phone _____ Cell Phone _____ Fax Phone _____ E-mail _____

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

Applicant Signature: Property Owner or Owner's Representative

Date: 3 / 4 / 2013

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.

Properties on all four sides of the proposal are already developed.

The section of the property under proposal is bordered in the following way:

East: The remainder of our property, zoned C-3.

West: Office Park zoned O-P.

North: C-3 : Colonial Park Drive.

South: Residential home in a R-2 zoning. (The subdivision is along Maxwell Rd).

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

A. No.

The proposal will actually improve the neighborhood by converting an old abandoned parking lot to a very beautiful green open space/park like recreation area for our students.

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

A. No, not for current owner.

As currently zoned, the O-P portion of our property can only be used as is - i.e. as a parking lot, since any development for school use on this piece of property will require a conditional use permit (or rezoning).

Given a variety of factors such as: the abundance of parking elsewhere on the property, potential student drop-off and pick-up traffic flows future building expansion options, it is actually economically detrimental for the school to leave the O-P space as a parking lot.

While the school could have considered using this space for additional school buildings (after approval of conditional use), we believe a green park like space would be a better option for both the school and our neighborhood.

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. No such burdensome or excessive use is expected by converting a parking lot to a green space.

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

A. The proposal is very well aligned with Roswell's 2030 Comprehensive Plan with a direct connection to Roswell's city-wide mission statement of "We are a family-oriented, safe and attractive community that respects the natural environment..." (pg 5)



The proposal also aligns with some of the characteristic goals for 2030 such as providing high performing schools, parks, trails and other other natural beauty and sustainable practices. (pg 5)

Furthermore, the property is within the Commercial Corridor Zone and just outside the 400-Holcomb Bridge Zone and aligns with the vision to redevelop aged and under-performing properties. [pp 15-18]

Being within Roswell's Opportunity Zone not only provides tax incentives for investment but also land use incentives (pp 71-72) such as "Review and revise regulations which allow for vacant properties to be used creatively such as for community gardens, event spaces and various other types of civic outdoor uses." (pg 72)

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 property under proposal has been lying vacant for the last 13 or so years in a state of disrepair until it was bought by current owner in Dec 2012.

The current owner is a small, non-profit PreK-8th private school that intends to renovate the current old, vacant, dreary, ill-maintained building into a vibrant, attractive, natural light filled school with an accompanying green space / park / recreational area. The area under proposal is the most reasonable place for a park/recreational area on this site. Not being able to convert this area from parking to park would seriously inhibit the school's business, growth and prospects for long term ownership of the property.

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."

Date: ____ / ____ / ____

Owner of Property (Signature)

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.

Date: ____ / ____ / ____

Notary Public (Signature)

My Commission Expires:

Date: ____ / ____ / ____

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

A. Existing use of the property is parking lot. Existing zoning is O-P.

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

A. The properties on all four sides of the proposal are already developed.

The section of the property under proposal is bordered in the following way:

East: The remainder of our property, zoned C-3.

West: Office Park zoned O-P.





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.
 - A. The property lies on the border between a C3 and O-P zoning. The subject area of the property under discussion represents 25% of the total property area. 75% of the total property is already zoned C-3. A suitable zoning for the area under discussion would be C-3, not O-P.

Given the 2030 Comprehensive plan, this property is a strong candidate for rezoning to C-3. Alternatively, the owners would be satisfied with an approval on this conditional use application.
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.
- A. A change in zoning or overlay district map is not relevant since this is a conditional use application. There are no possible effects from a change in use 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.
- A. Converting the parking lot into a park should have a positive impact on values of adjacent properties since creating green space should decrease the impervious area and increase the aesthetic appeal of the neighborhood.
20. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.
- A. Impact to the environment will be positive only since the owner will replace a parking lot with a park, asphalt with soil, grass, plants, trees, play equipment, nature trail, pond, etc.





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 proposed change is very strongly aligned with the 2030 Comprehensive Plan. See answer to criteria #5 above. This portion of the property is on the border of O-P, R-2 and C-3 zones. This property is part of the 'Commercial Corridor' Zone as well as Roswell's "Opportunity Zone".
Local businesses in the neighborhood should see immediate benefit from the opening of a school in this property with an increase in potential customers.
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. There is only one single family home adjacent to this property - on the south side. Our plan of replacing a parking lot with a park will preserve the integrity of our residential neighborhood area.
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: O-P To Use District: O-P

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.

Hammad Sophie
Owner of Property (Signature)
11660 ALPHARETTA HWY #155, ROSWELL, GA 30076
Street Address, City, State, Zip

3 / 5 / 2013
Date
720.226.1385
Phone

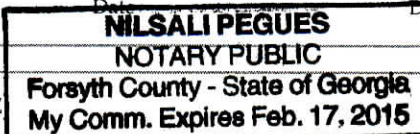
NOTARY

Personally appeared before me the above Owner named Hammad Sophie 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.

Nilsali Pegues
Notary Public (Signature)

3 / 5 / 2013
Date

2 / 17 / 2015
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.





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

H. Smith 3 / 4 / 2013
Applicant/Owner of Property (Signature) Date
11660 ALPHARETTA HWY #155 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		





<div> <div>CHECKLIST</div> <div> REZONING CONCURRENT VARIANCE CONDITIONAL USE </div> </div>	
Zoning: Existing <u>O-P</u> Requested <u>O-P</u> Location: <u>1200 GRIMES BRIDGE RD</u> LL: <u>487</u> Acres <u>2.037</u> District <u>1ST</u>	
Completed application form:	●
<input type="checkbox"/> Rezoning <input checked="" type="checkbox"/> Concurrent Variance <input checked="" 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 <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.	
<input checked="" type="checkbox"/> Application fee(s) payable to the City of Roswell; see Fee Schedule.	\$ <u>850</u>
<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 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 type="checkbox"/> Steep Slopes Analysis, if required;	●
<input 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 type="checkbox"/> Property bearings and distances; <input type="checkbox"/> Abutting property owners including across streets; <input type="checkbox"/> The zoning of abutting property; <input type="checkbox"/> The current zoning of subject property; <input type="checkbox"/> The change in zoning requested; <input 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	● 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>	
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: ____ 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	● 10 large sets plus 15 11x17 sets
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.	● On Site Plan
____ Archaeological Report/Study, if required	●
Tree protection measures (see Chapter 15 of the <i>Roswell Zoning Ordinance</i> and the Tree Protection Checklist provided with this application). Required elements: ____ Tree Protection Plan; ____ Tree Survey; ____ Tree Replacement Plan;	● 10 large sets plus 15 11x17 sets
The below <i>signature</i> 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. <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div> _____ Signature of Applicant </div> <div> <u>3</u> / <u>5</u> / <u>2013</u> _____ Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 10px;"> <div> _____ Signature of Staff </div> <div> ____ / ____ / ____ _____ Date </div> </div>	●



Planning & Zoning Director Acceptance Stamp

- ☐ Rezoning
- ☒ Concurrent Variance
- ☒ Conditional Use

RECEIVED BY THE CITY OF ROSWELL
ZONING OFFICE March 5, 2013
Date

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

Bruce D. Townsend
Zoning Director

TIME: 9:10 DATE: 3-14-2013

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

CU # 201300576

CV # 201300577

