

CITY *of* WOODSTOCK

Application for Public Hearing

Important Notes:

1. Please check all information supplied on the following pages to ensure that all spaces are filled out accurately before signing this form. This page should be the first page of your completed application package.
2. All documents required as part of the application package shall be submitted at the same time as the application. Incomplete application packages WILL NOT BE ACCEPTED.
3. Please contact the Zoning Administrator in the Community Development Department at 770.592.6039 if you have any questions regarding the application package, this application or the public hearing process.

Contact Person: Parks F. Huff, Esq. Phone: (770) 422-7016

Applicant's Information:

Name: Lennar Georgia, Inc.

Address: 1000 Holcomb Woods Pkwy, Bldg. 200, Ste. 200 Phone: (770) 670-2740

City, State, Zip: Roswell, GA 30076 Fax: (770) 670-2741

Property Owner's Information:

same as above

Name: Land Investment Partners, L.L.C., 17

Address: 2303 Cumberland Pkwy. Phone: (770) 436-3602

City, State, Zip: Atlanta, GA 30339 Fax: (770) 436-3484

Requested Public Hearing (check all that apply):

Annexation

Rezoning

Variance

Comprehensive Plan Amendment

Other: _____

STAFF USE ONLY:

Case: _____ # _____ - _____

Received by: _____

Fee Paid: \$ _____

Date: _____

PUBLIC HEARING SCHEDULE:

Public Input Meeting: _____

Planning Commission: _____

Board of Appeals: _____

City Council: _____

Other: _____

Property Information:

Location: South side of Haney Road

Parcel Identification Number(s) (PIN): 15N17-011 / 15-0993-0003 Total Acreage: 49.26

Existing Zoning of Property: DT-VLR Future Development Map Designation: Neighborhood Living

Adjacent Zonings: North R-2 South DT-VLR East NA West DT-VLR

Applicant's Request (Itemize the Proposal):

Applicant requests a rezoning for DT-VLR to R-2 for a traditional single family subdivision built at a density of 2.00 units per acre.

Proposed Use(s) of Property:

Traditional single family neighborhood at a density of 2.00 units per acre.

Infrastructure Information:

Is water available to this site? Yes No Jurisdiction: City of Woodstock

How is sewage from this site to be managed?

The development will connect to the Woodstock sewer line.

Will this proposal result in an increase in school enrollment? Yes No

If yes, what is the projected increase? 72.5 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	97	0.725	70
Multi Family (Attached) Home		0.287	

Traffic Generation:

If a traffic study is not required as part of this application, complete the following charts to estimate traffic generated by the proposal. Information for additional residential and all commercial/industrial development shall follow the summary of ITE Trip Generation Rates published in the Transportation Planning Handbook by the Institute of Transportation Engineers.

What is the estimated number of trips generated? 928 trips

Code	Land Use(s)	# of units*	Daily Trip Ends	Number of Trips
210	Single Family Home/Townhome	97	9.57	928.29
220	Apartment		6.63	

* A unit for residential purposes is equal to one residential unit. For commercial/industrial uses it is defined in the ITE table, but most often is equal to 1,000 square feet of floor area for the use specified.

Authorization:

Upon receipt of the completed application package, the Community Development Department shall notify the applicant of scheduled dates, times, and locations of the public meetings/hearings. The applicant or a representative must be present to answer any questions that may be asked. In the event that an application is not complete, the case may be delayed or postponed at the discretion of the department.

This form is to be executed under oath. I, Parks F. Huff, Attorney for Applicant, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Public Hearing is true and correct and contains no misleading information.

This 12th day of November, 2012.

Print Name Parks F. Huff, Esq.
 Attorney for Applicant

APPLICANT RESPONSE STATEMENT ANNEXATIONS AND REZONINGS

As directed by the City of Woodstock, the Applicant responds to the following queries that the City of Woodstock has determined are relevant in balancing the interests in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

1) Explain the intent of the requested zoning.

Lennar proposes to rezone the property from the current category of DT-VLR to R-2 for traditional single family subdivision with a density of 2.00 units per acre. The proposed development will allow for a traditional single family home close to the down town area while at the same time preserving significant green space within the development.

2) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The property to the North is zoned R-1 and the developed as a traditional single-family subdivision at a density consistent with the proposed development. The property to the South of the subject property is developed and built out as a traditional single-family development. Therefore the proposed rezoning is consistent with and compatible with the use and development of adjacent and nearby property.

3) How the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.

The proposed single-family subdivision will not have any adverse affect whatsoever on the use or usability of adjacent or nearby property.

4) Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.

The subject property does not have a reasonable economic use as currently zoned. Over the last ten years, several home builders and developers have tried to utilize the properties DT zoning category and no one has been able to make a development work with these restrictions given the properties topographical restraints. Any residential development of the property would have to compete in the market with the traditional single family homes located directly to the North being built by Ashen Woods Homes. Therefore, the property as zoned does not have a reasonable economic use.

- 5) **Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

The proposed development will be built out at a density of 2.00 units per acre which is the density allowed under the current zoning. Therefore, the proposed zoning request will have no increase in traffic over the density allowed in the existing zoning category.

- 6) **Whether the proposed zoning is in conformity with the policy and interest of the land use plan.**

The land use plan categorizes the subject property as neighborhood living. The proposed single-family neighborhood is consistent with this category.

- 7) **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 proposed zoning.**

The development of the subject property to the North as a traditional family subdivision makes the subject property uneconomic unless it is developed in a similar fashion.

This the 12 day of November, 2012.

By: Sams, Larkin & Huff, LLP



PARKS F. HUFF, ESQ.

APPLICANT RESPONSE STATEMENT VARIANCES

As directed by the City of Woodstock, the Applicant responds to the following queries that the City of Woodstock has determined are relevant in balancing the interests in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

1) Explain requested variance.

The Applicant proposes to develop the subject property under the R-2 zoning category at a density of 2.00 units per acre. This density is more consistent with the less intensive classification of R-1. The applicant is seeking the more intensive classification so the lot size can be smaller and the homes clustered so significant greenspace can be protected. The proposed site plan has significant greenspace which will provide privacy and screening inside the development and for existing residences outside of the development. The screening will also provide a significant contiguous habitat and protect the State waters. To achieve this goal, the applicant needs several variances which are a result of the desire to protect greenspace:

- A. Allow for minimum lot size of 8,500 square feet;
- B. Reduce the front setback to twenty feet (20');
- C. Reduce the rear setback to twenty feet (20'); and
- D. Reduce the side setback to five feet (5').

2) How any special conditions and circumstances existing on the property which are peculiar to the land, structure(s) or building(s) involved and which are not applicable to other lands, structure(s) or building(s) in the same district.

The variance requests are not to increase the density of the proposed development, but to allow for the preservation of significant greenspace. The topography of the property and the State water on the property make this type of development beneficial and unique to this property.

3) How the literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of right commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

The proposed variances are similar to the variance granted to the Toll Project located just North of the subject property. The variances achieve a specific goal that is to preserve greenspace without increasing the proposed density.

4) How the special conditions and circumstances do not result from the actions of the applicant.

The applicant is proposing a subdivision layout and lot layout that takes advantage of the natural landscape and the natural topography.

- 5) **How granting of the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance to other lands, structure(s) or building(s) in the same district.**

The applicant is seeking variances to allow it to preserve significant greenspace. Unlike a lot of ordinances, the Woodstock Zoning Ordinance does not have category for open-space subdivisions which allow for the clustering of lots and the preservation of greenspace.

- 6) **How no non-conforming use of neighboring lands, structures, or buildings in the same district and not permitted or non-use of lands, structure(s) or building(s) in other districts shall be considered grounds for issuance of a variance.**

The proposed variances are unique to the subject-property in that it takes advantage of the topography and natural features while allowing for reasonable development of the subject property.

- 7) **Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s).**

The proposed variances will allow the applicant to cluster the homes while preserving greenspace that will provide buffers and wildlife habitat.

- 8) **Explain how, if granted, this requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.**

The proposed variances will be advantageous to surround neighborhoods, surrounding properties and the public welfare in general. The proposed variances allow for the clustering of homes within the development while creating a significant buffer to the existing homeowners that surround the subject property. The public welfare is also benefited because greenspace around tributaries will help keep water clean and contiguous greenspace will protect significant habitat for animals.

This the 12 day of November, 2012.

By: SAMS, LARKIN & HUFF, LLP



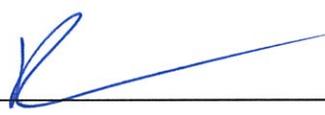
Parks F. Huff, Esq.

CONFLICT OF INTEREST CERTIFICATION

The undersigned below, making application for a zone change has complied with the O.C.G.A. § 36-67A, et. Seq., Conflict of Interest In Zoning Actions, and has submitted or attached the required information on the forms provided. Title 36 relates to disclosure of financial interests, campaign contributions, and penalties for violating O.C.G.A.

Signature of Applicant:  Date: 11/12/12

Print Name: Parks F. Huff, On Behalf of Applicant

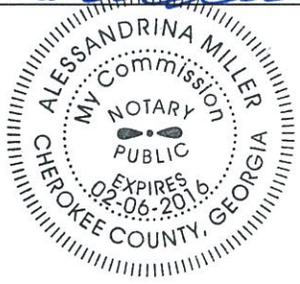
Signature of Applicant's Attorney:  Date: 11/12/12

Print Name: Parks F. Huff Title: Attorney

Sworn to and Subscribed before me this: 12th day of November, 2012.

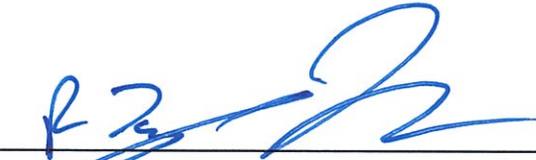
Notary Signature: 

(Notary Seal)



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Signature of Applicant:  Date: 10-30-12

Print Name: R. Tyler Vansant
for Land Investment Partners, LLC 17

Signature of Applicant's Attorney:  Date: 11/12/12

Print Name: Parks F. Huff Title: Attorney

Sworn to and Subscribed before me this: 12th day of November, 2012

Notary Signature: 

(Notary Seal)



DISCLOSURE STATEMENT

Nothing in Chapter 36 of O.C.G.A. shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.

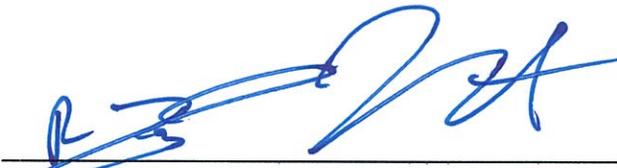
No, I have not made any campaign contributions to City Officials voting on this application exceeding \$250 in the past two years.

Yes, I have made campaign contributions to City Officials voting on this application exceeding \$250 in the past two years.

To Whom: _____

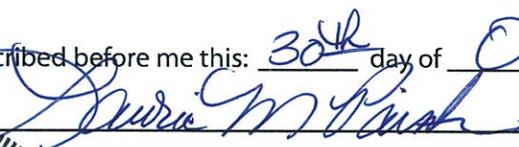
Value of Contribution: _____

Date of Contribution: _____

Signature of Applicant:  Date: 10-30-12

Print Name: R. Tyler Vansant
For Land Investment Partners, LLC 17

Sworn to and Subscribed before me this: 30th day of October, 2012.

Notary Signature: 



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To Whom: _____

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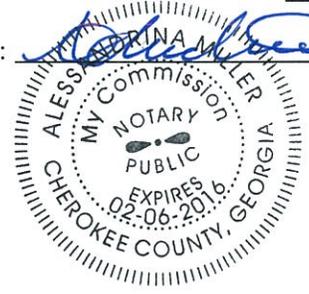
Signature of Applicant:  Date: 11-12-12

Print Name: Parks F. Huff, On Behalf of Applicant

Sworn to and Subscribed before me this: 12th day of November, 2012.

Notary Signature: 

(Notary Seal)



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To Whom: _____

Value of Contribution: _____

Date of Contribution: _____

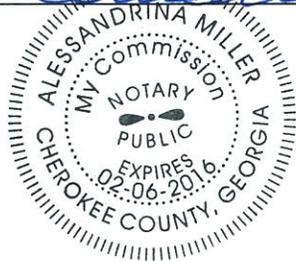
Signature of Applicant:  Date: 11-12-12

Print Name: Parks F. Huff, Attorney for Applicant

Sworn to and Subscribed before me this: 12th day of November, 2012.

Notary Signature: 

(Notary Seal)



AUTHORIZATION OF PROPERTY OWNER

I, R. Tyler Vansant, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/City of Woodstock, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

Annexation

Comprehensive Plan Amendment

Rezoning

Other: _____

Variance

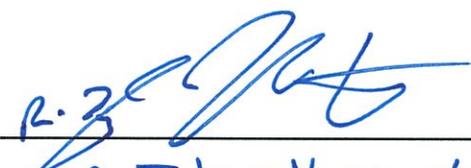
I hereby authorize the staff of the City of Woodstock, Department of Planning and Economic Development to inspect the premises which are subject of this application.

Applicant's Information:

Name: Lennar Georgia, Inc.

Address: 1000 Holcomb Woods Pkwy, Bldg. 200, Ste. 200 Phone: (770) 670-2740

City, State, Zip: Roswell, GA 30076 Fax: (770) 670-2741

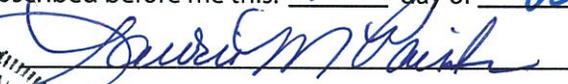
Signature of Owner: 

Date: 10-30-12

Print Name: R. Tyler Vansant

for Land Investment Partners, LLC 17

Sworn to and Subscribed before me this: 30th day of October, 2012.

Notary Signature: 



PROPERTY TAX VERIFICATION

The undersigned below is authorized to make this application. The undersigned certifies that all City Taxes / Cherokee County property taxes, billed to date for the parcel listed below have been paid in full the Tax Official of the City of Woodstock, Georgia. In no case shall an application or reapplication for rezoning be processed without such property verification.

*NOTE: A separate verification form must be completed for each tax parcel included in rezoning request.

Tax Parcel Number: 15N17-011

Signature of Applicant:  Date: 11-12-2012

Print Name: Parks F. Huff, Esq.
On Behalf of Applicant

TAX OFFICIAL USE ONLY:

Payment of all property taxes billed to date for the above referenced parcel have been verified as paid current and confirmed by the signature below.

Signature of Tax Official: _____ Date: _____

Title: _____