

# CITY of WOODSTOCK

## Application for Public Hearing

RECEIVED  
1/31/14 MA

# 2796-2014

### 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: Joel L. Larkin

Phone: (770) 422-7016

### Applicant's Information:

Name: Camellia Place, LLC

Address: 376 Powder Springs Street, Suite 100, Phone: (770) 422-7016

City, State, Zip: Marietta, GA 30064 Fax: (770) 426-6583

### Property Owner's Information:

same as above

Name: James M. Queen

Address: 181 County Road 667 Phone: (256) 422-5643

City, State, Zip: Cedar Bluff, AL 35959 Fax: \_\_\_\_\_

### Requested Public Hearing (check all that apply):

Annexation

Comprehensive Plan Amendment

Rezoning

Other: \_\_\_\_\_

Variance

#### STAFF USE ONLY:

Case: A # 065 - 14

Received by: Development Services

Fee Paid: \$ 950.00

Date: 2/4/14

#### PUBLIC HEARING SCHEDULE:

Public Input Meeting: February 25, @ 7PM chambers

Planning Commission: April 10, 2014 @ 7PM chambers

Board of Appeals: N/A

City Council: April 28, 2014 @ 7PM chambers

Other: DPC March 5, 2014 @ 10:AM

**Property Information:**

Location: 294 Rope Mill Road

Parcel Identification Number(s) (PIN): 15N11 056 Total Acreage: approx. 8.13

Existing Zoning of Property: R40 Future Development Map Designation: T4

Adjacent Zonings: North LI South R-40 East IN-VILL West NC

**Applicant's Request (Itemize the Proposal):**

Applicant proposes to annex the property into the City of Woodstock under the SL-C classification,  
with contemporaneous variances as are necessary to permit Applicant to develop a 96 unit, campus-  
style assisted living facility substantially as shown on the site development plan which is being  
submitted with the Applicant's petition for annexation and rezoning.

**Proposed Use(s) of Property:**

96 unit, campus-style, assisted living facility

**Infrastructure Information:**

Is water available to this site?  Yes  No

Jurisdiction: Cherokee County

How is sewage from this site to be managed?

The property has an existing easement to access the public sanitary sewer lines located on an adja  
property.

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

If yes, what is the projected increase? N/A students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home		0.725	
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? 22 trips

Code	Land Use(s)	# of units*	Daily Trip Ends	Number of Trips
210	Single Family Home/Townhome		9.57	
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, Denise Swords, on behalf of the 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 31st day of January, 2014.

Print Name Denise Swords   
 Member and Manager of Camellia Place, LLC

---

## **APPLICANT RESPONSE STATEMENT ANNEXATIONS AND REZONINGS**

The applicant finds that the following standards are relevant in balancing the interest 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.

If this application is in response to an annexation and/or rezoning, please respond to the following standards in the form of a written narrative:

1. Explain the intent of the requested zoning.
2. Whether the zoning proposal will permit a use that is suitable in view of 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.
4. Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.
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.
6. Whether the proposed zoning is in conformity with the policy and interest of the land use plan.
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.

---

**APPLICANT RESPONSE STATEMENT  
ANNEXATIONS AND REZONINGS**

**CAMILLIA PLACE APPLICATION REGARDING  
294 ROPE MILL ROAD**

- 1) **Explain the intent of the requested zoning. The intent of the requested rezoning is to enable the Applicant to develop a campus-style assisted living facility consisting of 96 units located in six (6) one story residential style buildings and a single one story administrative building containing offices, a commercial kitchen and other facilities to serve and enhance the lives of the residents of the project.**
  
- 2) **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. Yes.**
  
- 3) **How the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property. Zoning the property to the classification requested by the applicant and development of the Property in accordance with the site plan that has been submitted with the Petition to Annex and Rezone the Property should have no adverse impact on the use or usability of adjacent or nearby properties.**
  
- 4) **Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned. No. As zoned, development of the Property is limited to single-family lots containing not less than forty thousand square feet. Such use and development of the Property is not reasonable given, among other things, the zoning and use of adjacent and nearby properties.**
  
- 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. No. The proposed zoning and use of the Property will not excessively burden the foregoing. In fact, the impact of the proposed project will be significantly less than if the Property was developed and used in accordance with its current zoning classification.**
  
- 6) **Whether the proposed zoning is in conformity with the policy and interest of the land use plan. Yes.**

- 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. Yes. Recent developments and the trend in an around the immediate area in which the Property is located support the zoning and use requested by the Applicant.**

---

# **APPLICANT RESPONSE STATEMENT VARIANCES**

The applicant finds that the following standards are relevant in balancing the interest 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.

If this application is in response to a variance, please respond to the following standards in the form of a written narrative:

1. Explain requested variance.
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.
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.
4. How the special conditions and circumstances do not result from the actions of the applicant.
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.
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.
7. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, structure(s) or building(s).
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.

---

**APPLICANT RESPONSE STATEMENT  
VARIANCES**

**CAMELLIA PLACE APPLICATION REGARDING  
294 ROPE MILL ROAD**

**1) Explain requested variance.**

- a. Waive the Build to Line Requirement of Minimum 5 foot and Maximum of 10 foot
- b. Waive the restrictions that prohibit parking between the buildings and the main access street and requiring that vehicular access to the buildings shall be provided from the rear, side, underneath or a courtyard.

**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 subject Property is a large tract of land that is deeper than it is wide. This fact makes development of the Property immediately on the frontage difficult. The topography of the Property exacerbates that difficulty. In addition, the frontage of the Property contains large specimen trees that would have to be removed if the buildings were developed on the required Building Line. Finally, the campus style of the project and the effort to create a residential ambience are inconsistent with the subject requirements, and compliance with the applicable development regulations would make it impossible to preserve the green space on the frontage of the Property that is intended to benefit both the Applicant's development and the public at large.

**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 consistent with the mode and manner of other developments that have occurred in the general area and insistence on compliance with the subject criteria would make it impossible for the Applicant to develop its intended project. If the Applicant were to comply with the subject regulations, Applicant would be compelled to develop a less desirable project that would not benefit the City of Woodstock, the public or any public interest.



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

Other than an effort on the part of the Applicant to develop a park-like project in a manner which preserves specimen trees and provides an a visual relief from traditional development, no actions or omissions on the part of the Applicant or the Owner have caused or contributed to the need for the requested variances.

- 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 requested variances relate specifically to the subject property because of its unique size and shape, and the presence of large specimen trees in the area that would otherwise be slated for development. No special benefits would be conferred on the Applicant by granting the requested variances in that they are intended to preserve unique features of the property and the proposed development and are not intended to and do not increase the yield of the development. In fact, the proposed project is significantly less dense than the other assisted living projects that have been zoned, approved and/or developed in the City and the surrounding area.

- 6) **How no non-conforming use of neighboring lands, structure(s) or building(s) 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 variances are primarily requested due to the unique features of the subject Property and are intended to allow for flexibility within this development to be able to build a campus-style project while preserving the unique features of the 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 requested variances are based upon the specific development needs for the Applicants' Property and are not requested for financial reasons. It would be possible to develop a project within the subject guidelines, but it would be a far less desirable project and would likely be developed with greater density.

- 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 zoning and development will be less dense than a typical assisted living project and will provide a park-like setting to the residents of the Project and to the area at large. The proposed project will have less of an impact on the area that would development of single family or other uses under the applicable development and zoning criteria.