

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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September 4, 2015

**VIA EMAIL AND
REGULAR MAIL**

Ms. Katie Coulborn, Long-Range Planner
City of Woodstock
12453 Hwy 92
Woodstock, GA 30188

Re: Application of Solomon Development Services, LLC to Amend Current Zoning Conditions and Obtain Variances for Property Located in Tax Map 15N24, Parcels 212, 212 C, and 223 B, City of Woodstock, Georgia (Z#081-15).

Dear Katie:

Attached please find the revised pages to the above-described rezoning application. The revisions reflect the correct height of the building and add a variance to allow for a 10% reduction in the parking standards. Please let me know if you have any questions or need any additional information.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



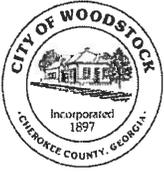
Parks F. Huff

phuff@slhb-law.com

PFH/dvm

Enclosures

cc: Solomon Development Services, LLC



CITY OF WOODSTOCK
Application for Public Hearing
AMENDED

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 Planning and Zoning Division of the Community Development Department at 770-592-6050 if you have any questions regarding the application package, this application or the public hearing process.

Contact Person: Parks F. Huff, Attorney for Applicant Phone: (770) 422-7016

Applicant's Information:

Name: Solomon Development Services, LLC

Address: 2604 Tyne Boulevard Phone: _____

City, State, Zip: Nashville, TN 37215 Fax: _____

Property Owner's Information: _____ same as above

Name: State Route 92 Partners, LLC

Address: 3205 South Cherokee Lane, Suite 120 Phone: _____

City, State, Zip: Woodstock, GA 30188 Fax: _____

Requested Public Hearing (check all that apply):

Annexation

Conditional Use Permit

Rezoning

Comprehensive Plan Amendment

Variance

Other: Amend Previous Zoning Stipulations

STAFF USE ONLY:

Case: _____ # _____ - _____

Received by: _____

Fee Paid: \$ _____

Date: _____

PUBLIC HEARING SCHEDULE:

Public Input Meeting: _____

DPC Meeting Date: _____

Planning Commission: _____

City Council: _____

Other: _____

Property Information:

Location: South side of Highway 92, East of Mountain Brook Parkway

Current Zoning: GC with zoning conditions from Case # A007-02 Total Acreage: 21.59

Tax Map #: 15 N 24 Parcel # : 212, 212 C, & 223 B Future Development Map Designation: T-4

Adjacent Zonings: North GC, R-3 South R-3 East GC, R-3 West R-3

Applicant’s Request (Itemize the Proposal, including code sections for Variance requests):

Variations and amend zoning conditions from Case # A007-02 as follows: 1) Increase the Maximum Building Height to allow for a 77 foot building. Woodstock LDO 7.928; 2) Amend the site plan approved in Case #A007-02 to comply substantially with the attached site plan; 3) Amend the approved residential units in Case # A007-02 to include the proposed 175 Independent Senior Units, 50 Assisted Living or memory car units and 45 independent cottages; and 4) Variance to the Architectural Standards to allow for substantial compliance with the proposed architecture and window design. LDO 7.930; 5) Reduce the minimum required parking spaces by 10%. LDO 7.767.
Proposed Use(s) of Property:

Residential Senior Living Community

Infrastructure Information:

Is water available to this site? Yes No Jurisdiction: Cherokee

How is sewage from this site to be managed?

Cherokee Water & Sewer

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	N/A = Senior Product

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? 1,790 trips

Code	Land Use(s)	# of units*	Daily Trip Ends	Number of Trips
210	Single Family Home/ Townhome		9.57	
220	Apartment	270	6.63	1,790.1
<ul style="list-style-type: none"> 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. 				

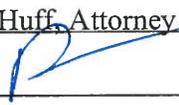
Authorization:

Upon receipt of the completed application package, the Community Development Department shall notify the applicant of scheduled date, 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, 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 4 day of Sept, 20 15.

Print Name Parks F. Huff, Attorney for Applicant.

Applicant Signature 

AMENDED APPLICANT RESPONSE STATEMENT VARIANCES

1) Explain requested variance.

The applicant seeks to increase the height allowed in the Parkway Overlay from forty feet to seventy seven feet for a proposed retirement community. Additionally, the applicant seeks variances from the architectural standards to allow for the proposed architecture substantially similar to the renderings attached to the application. Lastly, the applicant seeks to reduce the required parking ratio by 10% based upon the mixture of products and their experience in the market.

2) There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.

The property is graded flat with steep topography to the south. The height of the building will be in scale with the surrounding properties and is consistent with previous variances granted by the city for other senior projects. The city's parking requirement is based upon an estimate of the parking demands. But, the applicant has experience with their other projects and the project, at most will require a 10% parking reduction. There is no need to overbuild the parking lot that will not be used.

3) The application on these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

The topography and the shape of the property limit the utility of portions of the property and create the hardship associated with the request. If the applicant builds to the parking minimum, the project will be needlessly over-parked.

4) Such conditions are peculiar to the particular piece of property involved.

The subject property is unique in that it is graded relatively flat with a steep grade located to the south making the proposed seventy seven foot high building in scale with the surrounding properties. Likewise, the architecture is consistent with the architecture and scheme of surrounding properties including along the Highway 92 corridor.

5) A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.

The proposed development is consistent with other developments along the Highway 92 corridor and denying this request would be unconstitutional.

- 6) **Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.**

The granting of the variance would not be detrimental to the public good or in any way impair the purpose of the ordinance which is to promote orderly and compatible development.

- 7) **Special circumstances or conditions applying to the building or land or building and land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.**

The subject property and the proposed use for the property is unique to this property and does not apply to other properties in the area.

- 8) **Granting of the application is necessary for the preservation and enjoyment of a property right and not merely as a convenience to the applicant.**

The applicant has the right to the reasonable use of his property and the proposed variances are a property right that does not infringe upon the public's health, safety or welfare.

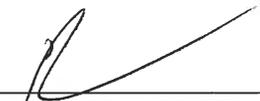
- 9) **The condition from which relief or a variance is sought did not result from willful action by the applicant.**

The applicant did not create the topography of the subject property.

- 10) **Authorizing the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City.**

The proposed use is less intensive than already approved uses for the subject property.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 
PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010