

**APPLICATION FOR REZONING
TO THE CITY OF SMYRNA**

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

*** APPLICANT:** Morgan Capital and Development, LLC
Representative

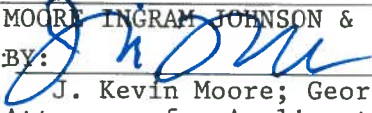
Name: Moore Ingram Johnson & Steele, LLP - J. Kevin Moore
(Representative's name, printed)

Representative

Address: Emerson Overlook, Suite 100; 326 Roswell Street; Marietta, GA 30060

Business Phone: (770) 429-1499 Cell Phone: (678) 516-1609 Fax Number: (770) 429-8631

E-Mail Address: jkm@mijs.com

Signature of Representative BY: 
MOORE INGRAM JOHNSON & STEELE, LLP
J. Kevin Moore; Georgia Bar No. 519728
Attorneys for Applicant and Titleholder


TITLEHOLDER

Name: Jane Adams MacKenna, as Trustee of the Trust Created Under
Item Seven of the Last Will and Testament of William Jay MacKenna
(Titleholder's name, printed)

Address: 334 Campbell Road, Smyrna, GA 30080

Business Phone: _____ Cell Phone: _____ Home Phone: (770) 434-8984

E-mail Address: _____

Signature of Titleholder: BY: 
(Attach additional signatures, if needed)
Jane Adams MacKenna, Trustee

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

***See Attached Exhibit "A" for Applicant Information**

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Hearing Dates: April 12, 2021
May 17, 2021

Applicant: Morgan Capital and Development, LLC
Titleholder: Jane Adams MacKenna, as Trustee of the Trust
Created Under Item Seven of the Last Will and
Testament of William Jay MacKenna

MORGAN CAPITAL AND DEVELOPMENT, LLC

BY: 
George S. Morgan, Sr., Member

Date Executed: March 11th, 2021

Morgan Capital and Development, LLC
2802 Paces Ferry Road
Suite 100
Atlanta, Georgia 30339
(404) 237-8828 (Office)
(404) 786-0469 (Cell)
E-mail: gmorgan@morgancos.com

ATTACHMENT TO APPLICATION FOR REZONING

Application No.:

Hearing Dates:

April 12, 2021

May 17, 2021

Applicant:

Titleholder:

**Morgan Capital and Development, LLC
Jane Adams MacKenna, as Trustee of the Trust
Created Under Item Seven of the Last Will and
Testament of William Jay MacKenna**

Applicant:

Morgan Capital and Development, LLC
Attention: George S. Morgan, Sr., Member
2802 Paces Ferry Road, Suite 100
Atlanta, Georgia 30339
(404) 237-8828 (Office)
(404) 786-0469 (Cell)
E-mail: gmorgan@morgancos.com

Applicant's Representative:

J. Kevin Moore, Esq.
Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook
326 Roswell Street
Marietta, Georgia 30060
(770) 429-1499 (Office)
(770) 429-8631 (Telefax)
E-mail: jkm@mijs.com

ZONING REQUEST

From NS to RM-12
Present Zoning Proposed Zoning

LAND USE

From NAC to MHDR
Present Land Use Proposed Land Use

For the Purpose of Townhome Community

Size of Tract 2.034± acres

Location Intersection of the southeast side of Campbell Road and the northeast side of Atlanta Road

(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 700 District 17th

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no ~~XXXXXX~~ such assets. If any, they are as follows: to the best of our knowledge, information, and belief.

Not Applicable.

(To be completed by City)

Recommendation of Planning Commission:

Council's Decision:

INFRASTRUCTURE

WATER AND SEWER

A letter from Frank Martin, Director of Public Works Department is required stating that water is available and the supply is adequate for this project.

A letter from Frank Martin, Director of Public Works Department is required stating that sewer is available and the capacity is adequate for this project.

- If it is Cobb County Water, Cobb County must then furnish these letters.

Comments:

Water and sewer are available to serve the proposed project.

TRANSPORTATION

Access to Property? Campbell Road

Improvements proposed by developer? _____

Comments:

ZONING DISCLOSURE REPORT
(Applicant)

Has the applicant* made, within two years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council or Planning and Zoning Board who will consider this application?

No.

If so, the applicant* and the attorney representing the applicant* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

Please supply the following information, which will be considered as the required disclosure:

The name of the Mayor or member of the City Council or Planning and Zoning Board to whom the campaign contribution or gift was made:

Not Applicable.

The dollar amount of each campaign contribution made by the applicant* to the Mayor or any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application, and the date of each such contribution:

Not Applicable.

An enumeration and description of each gift having a value of \$250 or more by the applicant* to the Mayor and any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application:

Not Applicable.

Does the Mayor or any member of the City Council or Planning and Zoning Board have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the natural and extent of such interest: Not Applicable.

ZONING DISCLOSURE REPORT (CONTINUED)

(Applicant)

Does the Mayor or any member of the City Council or Planning and Zoning Board have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest:

Not Applicable.

Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

No, to the best of our knowledge, information, and belief.

If so, describe the relationship and the nature and extent of such interest:

Not Applicable.

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council or Planning and Zoning Board must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application**. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this 12th day of March, 2021.

MORGAN CAPITAL AND DEVELOPMENT, LLC

BY: 

(Applicant's Signature)

George S. Morgan, Sr., Member

(Attorney's Signature, if applicable)

Notes

* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for rezoning action.

** Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.

ZONING DISCLOSURE REPORT

(Applicant's and Titleholder's Representative)

Has the applicant* made, within two years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council or Planning and Zoning Board who will consider this application?

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Please supply the following information, which will be considered as the required disclosure:

The name of the Mayor or member of the City Council or Planning and Zoning Board to whom the campaign contribution or gift was made:

Derek Norton

The dollar amount of each campaign contribution made by the applicant* to the Mayor or any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application, and the date of each such contribution:

\$500.00 (June 18, 2019); \$1,500 (November 14, 2019)

An enumeration and description of each gift having a value of \$250 or more by the applicant* to the Mayor and any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application:

Political Contributions

Does the Mayor or any member of the City Council or Planning and Zoning Board have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

No, to the best of our knowledge, information, and belief.

If so, describe the natural and extent of such interest: Not Applicable.

ZONING DISCLOSURE REPORT (CONTINUED)
(Applicant's and Titleholder's Representative)

Does the Mayor or any member of the City Council or Planning and Zoning Board have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?
No, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest:

Not Applicable.

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MOORE INGRAM JOHNSON & STEELE, LLP

~~Applicant's Signature~~

BY:



(Attorney's Signature, if applicable)

J. Kevin Moore; Georgia Bar No. 519728
Attorneys for Applicant and Titleholder

Notes

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REZONING ANALYSIS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. Please provide responses to the following using additional pages as necessary. **This section must be filled out by the applicant prior to submittal of the rezoning request.**

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

The proposed rezoning will permit development of a townhome community, which is a more suitable use of the property than its currently zoned NS zoning category; and further is more compatible with the adjacent and nearby residential neighborhoods.

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

The proposal will not adversely affect nearby property. The proposed townhome community is compatible and consistent with nearby single-family, condominiums, and other townhome communities.

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

The current NS zoning provides some economic viability, but impact to surrounding residential communities to a much larger degree than the proposed use.

- 4. Whether the zoning proposal 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 rezoning will not have an excessive or burdensome impact on existing facilities and infrastructure.

- 5. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan.**

The proposed use is not in conformity with the existing Neighborhood Activity Center Land Use category; however, given the character and conditions of similarly situated properties on Atlanta Road and Campbell Road, the proposed use is justified and actually provides better transition.

- 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 zoning proposal.**

The development of similar residential projects in the immediate and surrounding area; as well as the expansion of commercial, office, and institutional uses along Atlanta Road, supports the proposed townhome community, which is less in intensity and impact than uses afforded under the existing NS zoning category.

- 7. Whether the development of the property under the zoning proposal will conform to, be a detriment to, or enhance the architectural standards, open space requirements, and aesthetics of the general neighborhood, considering the current, historical, and planned uses in the area.**

Architectural standards in the community will be enhanced by the proposed rezoning due to the high quality.

- 8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.**

The proposed townhome community is neither a nuisance nor incompatible considering the surrounding uses and neighborhoods, and, is actually a better transition than the existing zoning category.

- 9. Whether due to the size of the proposed use, in either land area or building height, the proposed use would affect the adjoining property, general neighborhood, and other uses in the area positively or negatively.**

The proposal would positively affect the area and surrounding properties due to the high quality being proposed.