

REZONING APPLICATION AND FILING PROCEDURES

**City of Smyrna
Community Development Office
3180 Atlanta Road
Smyrna, GA 30080
(770) 319-5387**

SUBMITTAL AND PUBLIC HEARING INFORMATION

Rezoning applications are due Friday by 4:00 pm, 30 days prior to the Planning and Zoning Board meeting. A copy of the rezoning package can be downloaded from the Community Development Section of the City of Smyrna Website (www.smyrnacity.com). Appointments are **required** to submit an application to the Community Development Office located at 3180 Atlanta Road. Please call Rusty Martin at (678) 631-5354 to schedule an appointment.

The City of Smyrna Planning and Zoning Board meets the second Monday of each month beginning at 6:00 pm. The Mayor and Council meet on the third Monday of each month beginning at 7:30 pm. Both groups meet in the Council Chambers in City Hall at 2800 King Street. Please call (678) 631-5354 to confirm dates. The following are currently scheduled dates and deadlines.

Deadline	Planning & Zoning Board	Mayor and Council
Dec. 15, 2017	Jan. 8, 2018	Feb. 19, 2018
Jan. 12, 2018	Feb. 12, 2018	Mar. 19, 2018
Feb. 9, 2018	Mar. 12, 2018	Apr. 16, 2018
Mar. 9, 2018	Apr. 9, 2018	May 21, 2018
Apr. 13, 2018	May 14, 2018	June 18, 2018
May 11, 2018	June 11, 2018	July 16, 2018
June 8, 2018	July 9, 2018	Aug. 20, 2018
July 13, 2018	Aug. 13, 2018	Sept. 17, 2018
Aug. 10, 2018	Sept. 10, 2018	Oct. 15, 2018
Sept. 14, 2018	Oct. 8, 2018	Nov. 19, 2018
Oct. 12, 2018	Nov. 12, 2018	Dec. 17, 2018
Nov. 9, 2018	Dec. 10, 2018	Jan. 21, 2019

*** Dates are subject to change due to holidays.

Visual Presentations

Equipment is available for Power Point presentations.

Handouts are not permitted during the meeting or large renderings and plats that require use of an easel.

Any questions regarding presentations can contact: Terri Graham, City Clerk at 770-319-5303

INSTRUCTIONS AND REQUIRED DOCUMENTS

INSTRUCTIONS

1. The Community Development office will accept no application unless completely filled out and submitted with all required documents.
2. Please call (678)631-5355 for current Zoning and Land Use information before completing the application.
3. Appointments are **required** to submit an application to the Community Development Office. Please call Rusty Martin at (678)631-5354 regarding application questions and to schedule an appointment for submittal.
4. Revisions to the application must be received no later than seven (7) calendar days prior to the Planning Zoning Board hearing or the Mayor and Council hearing.
5. The City will provide and post signs on or near the right-of-way of the nearest public street, seven (7) days before the Planning and Zoning Board meeting. **It is the responsibility of the applicant for the signs to remain posted throughout the advertising period.**
6. Applicant or agent for applicant must attend the Planning and Zoning Board meeting and the Mayor and Council hearing, or the case will not be heard. If the applicant wishes to table or withdraw a rezoning request, notification must be presented in writing to the Community Development Office **and** the City Clerk's Office no later than five (5) business days prior to the Planning and Zoning Board meeting or the Mayor and Council meeting.
7. The Mayor and City Council will table rezoning proposals that undergo a major plan change after leaving the Planning and Zoning Board. The rezoning will be sent back to the Planning and Zoning Board to start the rezoning process over again with another \$500.00 re-filing fee assessed.

APPLICATION FEES:

Rezoning Fees:			
Property Size	Single-Family (≤4.5 units/acre)	Medium/High Density Residential (>4.5 units/acre)	Commercial
0 - 5 Acres	\$500.00	\$700.00	\$900.00
5 - 10 Acres	\$700.00	\$1,200.00	\$1,500.00
10 - 20 Acres	\$1,000.00	\$1,500.00	\$1,800.00
20 - 100 Acres	\$1,500.00	\$2,000.00	\$2,000.00
Tree Protection Plan Review Fee:		\$500.00	
Land Use Change Fee:		\$500.00	

REQUIRED DOCUMENTS

1. One (1) completed original application with **all** required supplemental documentation (items #5 - #15 below). The signatures of all **titleholders and applicant** are required on original rezoning application.
2. **Five (5) copies of the original application and all supplemental documentation.**
3. Submit one (1) disc containing copies of all documents in either PDF or Word format (as appropriate). **The legal description must be submitted in Word Format.**
4. Completed rezoning application with the signatures of all titleholders and applicants.
5. A copy of the deed that reflects the current owner(s) of the property. If the application consists of several tracts, a deed of each tract is required.
6. A current legal description of the subject property. **If the application consists of several tracts, a legal description of each tract is required along with an overall description of the combined tracts.** No legal description should include more property than what is being requested for rezoning.
7. A copy of the paid tax receipts (**City and County**) for the subject property or a statement signed by an official in the Tax Commissioner's Office. If the application consists of several tracts, a copy of the paid tax receipts of each tract is required.
8. Provide a letter from Smyrna's Public Works verifying water and sewer availability and capacity. Contact Scott Stokes, Public Works Director, at 678-631-5430.
9. If the property is or will be on a septic tank, contact the Cobb County Health Department. Approval must be obtained prior to the filing of the application for rezoning.
10. Provide a set of elevations and floor plans, along with a description of exterior wall coverings and finishes to be used. These shall be either 8 ½" x 11" or 11" x 17".
11. Provide a full-size scaled plat **and** a 11" x 17" copy of plat by a registered engineer, architect, land planner, or land surveyor currently registered in accordance with applicable state laws. **Plans must be stamped and folded (full sized scaled plans shall be engineer folded).**

****The plot plans must show dimensions, adjoining streets with right-of-way (present and proposed), paving widths, the exact size and location of all buildings along with the intended use, buffer areas, parking spaces, stormwater management facilities, lakes, streams, utility easements, limits of 100-year flood plain, adjoining property owners, zoning of adjoining property, street address,

location of all curb cuts inside & outside the development (including curb cuts on all adjacent and adjoining properties) and distance to the nearest street intersection. **Plans which are rolled (instead of individually folded) will not be accepted.**

12. Sub-division plats must have a legend showing lot density for the total acreage, minimum lot size, average lot size and maximum lot size. In addition, provide a table listing the square footage of each proposed lot.
13. Submit a full-size scaled Tree Protection Plan and a 11" x 17" copy of the Tree Protection Plan. **A registered landscape architect must prepare the Tree Protection Plan.** The Tree Protection Plan shall meet the City's requirements under Section 106-36 of City Ordinance 2003-8. **Plans must be stamped and folded (full sized scaled plans shall be engineer folded). Plans which are rolled (instead of individually folded) will not be accepted.**
14. A development that exceeds 100,000 net square feet or 75 dwelling units will be required to submit a traffic, water, sewer, and school impact statement with the rezoning application. A development that is less than 100,000 net square feet or 75 dwelling units may be required to submit one or all of the above statements upon request. A final decision, by the Mayor and City Council, may not be made until these statements are received with the rezoning application. For impact information about traffic, contact Eric Randall, City Engineer at 678-631-5381. For School System information, contact the Cobb County Board of Education.
15. Any office development which exceeds 400,000 gross square feet, commercial development in excess of 300,000 gross square feet, mixed use covering more than 120 acres or exceeding 400,000 gross square feet, industrial proposal in excess of 400 acres, employing 1,600 persons or exceeding 500,000 gross square feet, housing proposal in excess of 400 units, hotel proposal in excess of 400 rooms, or hospital proposals in excess of 300 beds or generating more than 375 peak hour vehicle trips per day, must undergo a Development of Regional Impact (DRI) review.

Once a completed rezoning package is received by Smyrna's Community Development Office, an Initial DRI Information form will be prepared by the office and submitted to the Atlanta Regional Commission, Georgia Regional Transportation Authority, and Georgia Department of Community Affairs to determine whether or not the proposed development should be processed as a DRI. If the proposed development is determined to be a DRI, then a DRI Review Initiation Request form shall be prepared by Smyrna's Community Development Office and submitted along with any requested information. No rezoning action can be taken by the City until all state agencies have completed their review and comments.

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

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: Kalpesh Patel

Name: Kalpesh Patel
(Representative's name, printed)

Address: 1102 Queensgate Drive

Business Phone: _____ Cell Phone: 404-574-9730 Fax Number: _____

E-Mail Address: patelkal2003@yahoo.com

Signature of Representative: Kalpesh Patel

TITLEHOLDER

Name: Kalpesh Patel
(Titleholder's name, printed)

Address: 1102 Queensgate Drive

Business Phone: _____ Cell Phone: 404-574-9730 Home Phone: _____

E-mail Address: patelkal2003@yahoo.com

Signature of Titleholder: Kalpesh Patel
(Attach additional signatures, if needed)

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

ZONING REQUEST

From R-15 Present Zoning to R-15 Conditional Proposed Zoning

LAND USE

From Residential Present Land Use to Residential Proposed Land Use

For the Purpose of single family home development

Size of Tract 1.136 acres

Location 572 Thomas Lane, Smyrna, Ga 30082
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 335 District 17th

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no there are ___ such assets. If any, they are as follows:

(To be completed by City)

Recommendation of Planning Commission:

Council's Decision:

CONTIGUOUS ZONING

North: Yes

East: Yes

South: Yes

West: Yes

CONTIGUOUS LAND USE

North: Yes

East: Yes

South: Yes

West: Yes

INFRASTRUCTURE

WATER AND SEWER

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

A letter from Scott Stokes, 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:

TRANSPORTATION

Access to Property? Existing public roads: North Cooper Lake Rd and Thomas Lane.

Improvements proposed by developer? None proposed.

Comments:

ZONING DISCLOSURE REPORT

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:

N/A

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:

N/A

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:

N/A

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?

N/A

If so, describe the natural and extent of such interest: _____

ZONING DISCLOSURE REPORT (CONTINUED)

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.

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

N/A

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?

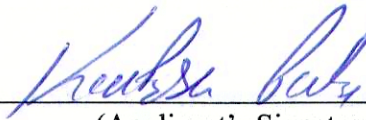
No.

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

N/A

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 5 day of Nov, 2018.



(Applicant's Signature)

(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.

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 zoning will maintain the same use & development of adjacent & nearby property.

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

The proposed zoning will have no adverse affect on adjacent or nearby property.

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

Yes the current property has a reasonable economic use as currently zoned. However, the lot configuration can be improved & enhanced with the change from R-15 to R-15 Conditional.

REZONING ANALYSIS (CONTINUED)

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 cause any burden to the local infrastructure.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

Yes, the proposed zoning is in conformance with present land use plan.

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 existing house is to remain & will require a front setback change (to 28') to comply with the proposed zoning. Also, due to existing large trees close to the existing R/W of Thomas lane, waiving the required sidewalk along Thomas lane is required to save the trees.

REZONING ANALYSIS (CONTINUED)

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.

The proposed zoning will allow development that conforms to all issues above.

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

Proposed zoning is compatible with all zonings in the area.

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 proposed zoning will have no effect. All standards of building height and land area will remain the same.