

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

*Type or Print Clearly*

(To be completed by City)

Ward: 3

Application No: 216-007

Hearing Date: 7/18/16

**APPLICANT:** Smyrna Restaurant Concepts, LLC

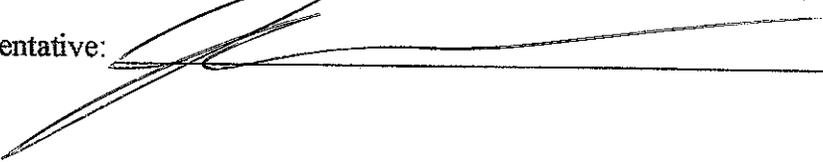
Name: Jason Wade McClure

(Representative's name, printed)

Address: 1891 Cedar Cliff Dr. SE Smyrna, GA 30080

Business Phone: 770-378-5040 Cell Phone: 770-378-5040 Fax Number: \_\_\_\_\_

E-Mail Address: jwmcclure@gmail.com

Signature of Representative: 

**TITLEHOLDER**

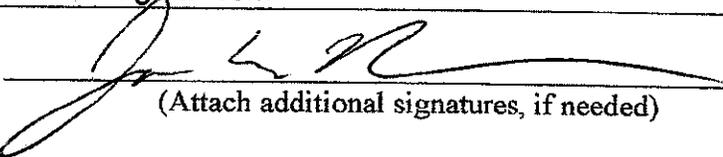
Name: Smyrna Restaurant Concepts, LLC

(Titleholder's name, printed)

Address: 1891 Cedar Cliff Drive SE Smyrna, GA 30080

Business Phone: 770-378-5040 Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

E-mail Address: jwmcclure@gmail.com

Signature of Titleholder: 

(Attach additional signatures, if needed)

(To be completed by City)

Received: 5/13/16

Heard by P&Z Board: 6/13/16

P&Z Recommendation: \_\_\_\_\_

Advertised: \_\_\_\_\_

Posted: 5/20/16

Approved/Denied: \_\_\_\_\_

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

Type or Print Clearly

(To be completed by City)

Ward: \_\_\_\_\_

Application No: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

**APPLICANT:** Smyrna Restaurant Concepts, LLC

Name: Jack Donald Childress

(Representative's name, printed)

Address: 3666 Cochise Trail Atlanta, GA 30339

Business Phone: 404-860-3295 Cell Phone: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-Mail Address: jdchildress2005@yahoo.com

Signature of Representative: \_\_\_\_\_

**TITLEHOLDER**

Name: Smyrna Restaurant Concepts, LLC

(Titleholder's name, printed)

Address: 1891 Cedar Cliff Drive SE Smyrna, GA 30080

Business Phone: 770-378-5040 Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

E-mail Address: jwmcclore@gmail.com

Signature of Titleholder: \_\_\_\_\_

(Attach additional signatures, if needed)

(To be completed by City)

Received: \_\_\_\_\_

Heard by P&Z Board: \_\_\_\_\_

P&Z Recommendation: \_\_\_\_\_

Advertised: \_\_\_\_\_

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Approved/Denied: \_\_\_\_\_

**ZONING REQUEST**

From \_\_\_\_\_ to \_\_\_\_\_  
Present Zoning Proposed Zoning

**LAND USE**

From \_\_\_\_\_ to \_\_\_\_\_  
Present Land Use Proposed Land Use

For the Purpose of The development and construction of a restaurant

Size of Tract 6170 sq ft.

Location The intersection of Concorde Rd. and Hollis St.  
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 452 District 17

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no x 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:** Residential \_\_\_\_\_

**East:** \_\_\_\_\_

**South:** Commerical \_\_\_\_\_

**West:** \_\_\_\_\_

**CONTIGUOUS LAND USE**

**North:** Residential \_\_\_\_\_

**East:** Park and recreation \_\_\_\_\_

**South:** Concorde Rd. \_\_\_\_\_

**West:** Park and recreation \_\_\_\_\_

**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:

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**TRANSPORTATION**

Access to Property? Access to property can be gained via Hollis St.

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Improvements proposed by developer? Developer plans to construct a restaurant on pad and utilize improvements to park by City of Smyrna for access and parking.

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Comments:

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**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

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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:

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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:

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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:

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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?

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

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**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

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

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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?

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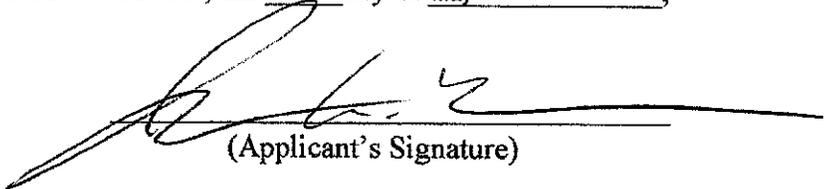
If so, describe the relationship and the nature and extent of such interest:

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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 13 day of May, 2016.

  
(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.

Zoning is in line with current uses on Concorde Rd. including several restaurants and retail venues. Currently, two viable full service restaurants exist on Concorde Rd. Varner's and The Crafty Hog. Other successful restaurants Zucca, Atkins Park, Vintage Tavern et. al. have served the Smyrna Market for over a decade at Smyrna Market Village.

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

The restaurant should be a boon for both Smyrna and the immediate neighborhoods bringing an environment residents can use socially and for day time business. It should also act as an amenity for the proposed park on Concorde Rd. Noise and use will be restricted to City of Smyrna regulations and guidelines.

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

The City of Smyrna is currently viewed as being underserved by locally owned and operated restaurants. Our proposal brings a unique and much desired venue to the market and is designed exclusively with the use and well being of Smyrna residents in mind.

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**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.

Concorde Rd. is a heavily trafficked artery. We believe that our proposal will create marginal additional traffic conditions. The property will be served by parking well in excess of zoning requirements.

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

Considering the addition of shopping centers containing restaurant and retail use on both intersections to the East and West of our location, we feel that we are well within the intended land use plan. Additionally, the current Concorde Park proposal includes a restaurant use as approved by City Council.

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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.

There are no changing conditions we are aware of at this time.

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**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.

Proposed building design has already been approved by the City of Smyrna. Construction is aesthetically in line with current Downtown Smyrna design guidelines.

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

Proposed business intends to conform with all City of Smyrna use, noise, and operational regulations.

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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 use does not impact visibility nor land use of any adjacent property.

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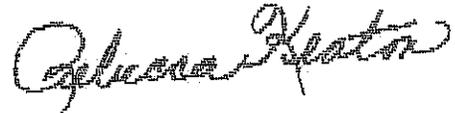
## EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 452 of the 17<sup>th</sup> District, City of Smyrna, Cobb County, Georgia and being more particularly described as follows:

COMMENCING at a Right-of-Way Monument found at the southwesterly-most corner of a mitered right-of-way of the northerly Right-of-Way of Concord Road (Variable Right-of-Way) with the Westerly Right-of-Way of Hollis Road (Variable Right-of-Way); THENCE, along the existing Northerly right-of-way of Concord Road on a bearing of North 83 degrees 15 minutes 37 seconds, West, a distance of 65.13 feet to a Right-of-Way Monument; THENCE, North 89 degrees 39 minutes 02 seconds West, a distance of 71.51 feet to a point; THENCE, leaving the existing Right-of-Way of Concord Road on a bearing of North 06 degrees 43 minutes 15 seconds East, a distance of 8.02 feet to a point; Said point also being the POINT OF BEGINNING.

THENCE, from the POINT OF BEGINNING on a bearing of North 83 degrees 12 minutes 40 seconds West, a distance of 82.63 feet to a point; THENCE, following the common property on a bearing of North 06 degrees 43 minutes 15 seconds East, a distance of 74.78 feet to a point; THENCE, South 83 degrees 02 minutes 19 seconds East, a distance of 82.65 feet to a point; THENCE, South 06 degrees 44 minutes 05 seconds West, a distance of 74.53 feet to the POINT OF BEGINNING.

The herein described tract of land contains 0.142 Acres or 6,170 Square Feet of land, more or less. The above described property is subject to any and all Easements, Encumbrances and or Restrictions of record.



Rebecca Keaton  
Clerk of Superior Court Cobb Cty. Ga.

Return Recorded Document to:  
Cochran & Edwards, LLC  
2950 Atlanta Road  
Smyrna, GA 30080

## LIMITED WARRANTY DEED

STATE OF GEORGIA  
COUNTY OF COBB

**THIS INDENTURE** made this 31st day of March, 2016, between **DOWNTOWN SMYRNA DEVELOPMENT AUTHORITY** of the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **SMYRNA RESTAURANT CONCEPTS, LLC** as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH** that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

**SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.**

This Deed is given subject to all easements and restrictions of record.

**TO HAVE AND TO HOLD** the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in **FEE SIMPLE**.

**AND THE SAID** Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

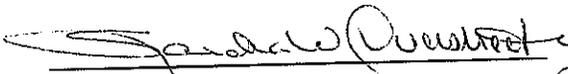
**IN WITNESS WHEREOF**, Grantor has hereunto set grantor's hand and seal this day and year first above written.

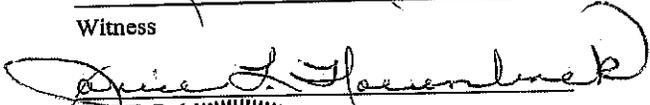
Signed, sealed and delivered in the presence of:

**Downtown Smyrna Development Authority**

BY: 

**A. Max Bacon, Chairman**

  
Witness

  
Notary Public





# CITY OF SMYRNA

2800 King Street / P.O. Box 1226, Smyrna, Georgia 30081  
(770) 434-6600 / www.smyrnacity.com

## City of Smyrna Water and Sanitary Sewer Availability

The City of Smyrna has determined that water and sanitary sewer are available to the proposed development. Sanitary sewer is located on the property. Water is located in the south bound lane of Hollis Street. Elevations are the responsibility of the developer. This information is based upon a boundary survey for the City of Smyrna by Croy Engineering dated 3/25/16.

Scott Stokes

Director Public Works

MAYOR  
A. MAX BACON

CITY COUNCIL

WARD 1  
DEREK NORTON

WARD 2  
ANDREA BLUSTEIN

WARD 3  
TERRI ANULEWICZ

WARD 4  
CHARLES A. WELCH

WARD 5  
SUSAN WILKINSON

WARD 6  
DOUG STONER

WARD 7  
RON FENNEL

CITY ADMINISTRATOR  
MICHAEL L. JONES, P.E.

CITY CLERK  
TERRI GRAHAM

CITY ATTORNEY  
SCOTT A. COCHRAN

MUNICIPAL COURT JUDGE  
E. ALTON CURTIS, JR.