

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

Type or Print Clearly

(To be completed by City)

Ward: 5

Application No: 218-017

Hearing Date: _____

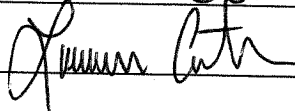
APPLICANT: _____

Name: Melba T. Bush / Lawrence Carter
(Representative's name, printed)

Address: 315 SAVANNAH PL. Loganville, GA. 30052

Business Phone: 4)398-1553 Cell Phone: 7)352-4013 Fax Number: _____

E-Mail Address: TheCarterTeamSells@gmail.com

Signature of Representative: 

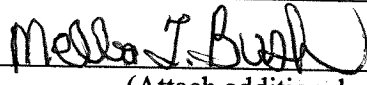
TITLEHOLDER

Name: Melba T. Bush
(Titleholder's name, printed)

Address: 1477 Dallas Cir SW Marietta, GA. 30064

Business Phone: _____ Cell Phone: 4)354-2381 Home Phone: _____

E-mail Address: _____

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

(To be completed by City)

Received: 11/9/18

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: 11/21/18

Approved/Denied: _____

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.

ZONING REQUEST

From R-15 to LC
Present Zoning Proposed Zoning

LAND USE

From _____ to _____
Present Land Use Proposed Land Use

For the Purpose of to remain the use of Light Commercial. (Former Dentist Office)

Size of Tract 1.88

Location 894 Pat Mell Rd
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 420 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: _____

East: _____

South: _____

West: _____

CONTIGUOUS LAND USE

North: _____

East: _____

South: _____

West: _____

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? 2 existing Curb Cuts on Pat Mell Rd.

Improvements proposed by developer? None

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?

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:

No

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:

No

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

If so, describe the nature 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:

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:

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 9th day of November, 2018.

Melba J. Buel

(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.

Yes, the property has been a dentist office while the surrounding was built after the dentist office was operating.

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

No, the property has been a dentist for years.

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

No, it is currently zoned R-15 but has been a dentist office for many years. As such has no components of a home (kitchen, full functioning bathroom, etc) but is built out to be an office with waiting room and paved parking already in place.

It is not economically feasible to be converted back to a home, which would lower the tax (property tax is currently "commercial").

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.

No, the proposed is same as it has been used for over the years, so no more burden would be put on the existing streets • transportation facilities, utilities or schools

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

No, but when the plan was drawn up the property was being used as the requested zoning.

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.

We just want the highest and best use for the property, city and community. Allowing the property to be used as ~~lot~~ Limited Commercial, as it has been for years, is the least impact on its surrounding community while the owners and city ~~can~~ maximize the value of the property. The tax value of surrounding homes is aprox half of the tax value currently (which is commercial) being assessed on subject property.

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.

There would be NO change to the area, due to already being
Limited Commercial Use.

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

No, we want to continue to be a good and courteous neighbor.

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.

No change is expected

Deed Book 15557 Ps 4284
Filed and Recorded Jul-25-2018 11:35am
2018-0095741
Real Estate Transfer Tax \$0.00
0332018018493

Rebecca Keaton
Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

Record and Return to:

Weissman, P C
One Alliance Center, 3500 Lenox Road, 4th Floor
Atlanta, GA 30326
File No. WC115-18-0699
NO TITLE EXAMINATION

W Weissman
Ske 100
5909 Peachtree
Atlanta, GA 30328

LIMITED WARRANTY DEED

**STATE OF GEORGIA
COUNTY OF COBB**

THIS INDENTURE, made this 11 day of July 2018 by and between **J.E Bush** of the County of Cobb, and the State of Georgia as party or parties of the first part, hereinafter called Grantor, and **Melba Bush**, 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 DOLLARS AND NO/100 (\$10 00) AND OTHER 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, the following described property, *to-wit*

All that tract or parcel of land lying and being in Land Lot 420 of the 17th District, 2nd Section, Cobb County, Georgia and being more particularly described on the Exhibit "A" attached hereto and incorporated herein by reference

DEED PREPARATION ONLY. NO TITLE SEARCH WAS PERFORMED. THIS INSTRUMENT WAS PREPARED PURSUANT TO THE INSTRUCTIONS OF THE PARTIES HEREIN AND TITLE MATTERS WERE NOT TAKEN INTO CONSIDERATION

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property

TO HAVE AND TO HOLD the said tract or parcel of land, 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 claiming by, through, or under Grantor herein

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the date and year above written

Signed, sealed and delivered
in the presence of

J.E. Bush

J.E. Bush

Unofficial Witness
[Signature]

Notary Public
My commission expires. 4-11-2021
(Notary Seal)



Deed (Limited Warranty)

Deed Book 15557 Pg 4285
Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 420 of the 17th District, 2nd Section of Cobb County and being more particularly described as follows:

BEGINNING at a point on the south side of Pat Mell Road where the south side of said Pat Mell Road is intersected by the east land lot line of said Land Lot 420; thence west along the south side of said Pat Mell Road a distance of 115 feet to a point; thence southerly a distance of 185 feet to the northeast corner of Lot 70 as shown by the plat thereof by J P. Phillips surveyor, dated October 29, 1952 and recorded in Plat Book 10, Page 114, in the office of the Clerk of the Superior Court of Cobb County, Georgia; thence south along the east side of said Lot 70 a distance of 140 feet to the north side of said Wells Circle; thence easterly following the northerly side of said Wells Circle and the curvature thereof as the same is shown on said plat a distance of 124 feet more or less to the point where the northeasterly curb of Wells Circle touches the east land lot line of said Land Lot 420 as shown on said plat thence north along the east land lot line of said Land Lot 420 a distance of 325 feet to the south side of Pat Mell Road at the point of BEGINNING.

Russell G. Martin

From: Russell G. Martin
Sent: Wednesday, November 21, 2018 2:15 PM
To: 'TheCarter TeamSells'
Subject: Notification of Meeting Dates for Rezoning - 894 Pat Mell Road

Dear Mr. Carter:

This email is to certify that an application for a rezoning request was received on November 9, 2018. The application is currently being processed and your rezoning case will be scheduled and heard on the following dates:

Planning and Zoning Board Meeting: Monday, December 10, 2018, at 6:00 p.m. at City Hall

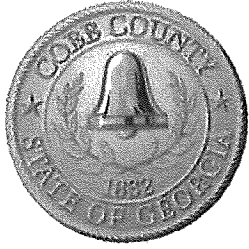
Mayor and Council Meeting: Tuesday, January 22, 2018, at 7:00 p.m. at City Hall

If you have any questions regarding the rezoning process, meeting times, or meeting places please contact Rusty Martin at (678) 631-5354.

Thank you,

Rusty Martin, AICP
Senior Planner
Community Development Department
3180 Atlanta Road
Smyrna, GA 30080
Phone: 678-631-5354
Fax: 770-431-2808
Email: rgmartin@smyrnaga.gov





COBB COUNTY WATER SYSTEM

Customer Services Facility
660 South Cobb Drive
Marietta, Georgia 30060-3105
770-419-6200
www.cobbwater.org

Stephen D. McCullers, P.E.
Director

Divisions
Business Services
Customer Services
Engineering & Records
Stormwater Management
System Maintenance
Water Protection

November 8, 2018

Lance Carter - Realtor

Re: Existing dentist office, rezone for light commercial/office use
864 Pat Mell Road, +/- 0.88 acre
Land Lot 420, 17th District,
Nickajack Creek Basin, South Cobb WRF

To Whom It May Concern:

Current Cobb County policy is to provide wastewater treatment capacity for approved zonings. Therefore, we will be able to provide capacity for your approved zoning classification with the following stipulations as set forth by the Cobb County Board of Commissioners:

- The developer has 150 days from this date to present plans for review and approval. Water and sewer fees must be paid and construction started within 90 days after plan approval.
- Should you fail to meet this stipulation, this letter of allocation is invalid and you must reapply to this department for capacity. No preference will be given and your request will be placed at the bottom of the request list.
- This letter is only valid for the project referenced. It is non-renewable, non-transferable, non-extendible and does not guarantee that sewer lines are at the site. Upgrades to existing water distribution and wastewater collection facilities may be required of the Developer if the demands of this proposal exceed the capacity limits of our existing or proposed facilities.

Water service is currently available via the existing 14-inch water main on Pat Mell Road. A passing fire flow test is a requirement of approval of construction plans by this department.

Sincerely,

COBB COUNTY WATER SYSTEM

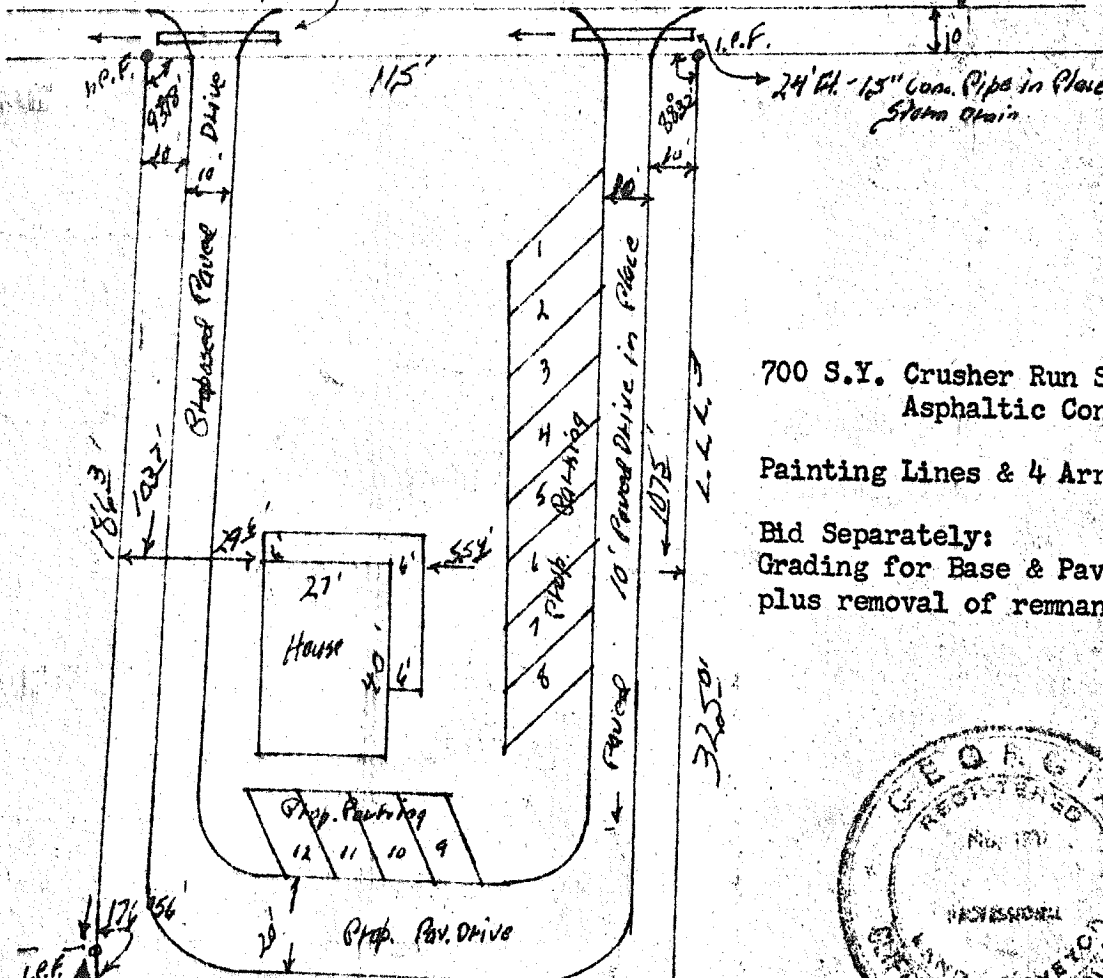
Tim Davidson
Engineering & Records Division

cc: file

24" Dia. - 15" Pipe Required

Pat Mell Road

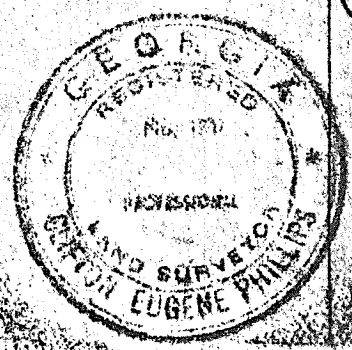
20' R.O.W.
10'



700 S.Y. Crusher Run Stone Coarse-4"
Asphaltic Concrete Surface Coarse

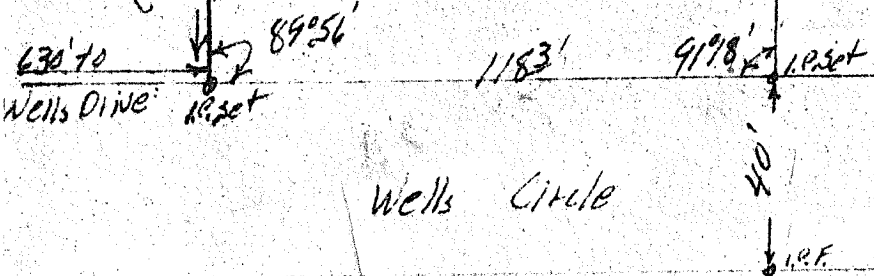
Painting Lines & 4 Arrows

Bid Separately:
Grading for Base & Paving
plus removal of remnants of old house



Property of Luther Edward Wilbanks
 Located in Lot No. 420-17th District
 2nd section Cobb County Georgia
 Clifton E. Phillips Surveyor
 Sept. 4, 1973
 AREA = 38,650.2 square feet or
 0.887 Acres

Plot Book Page 114
 Lot No. 10
 Subdivision of Mrs Elizabeth
 M. Wells Property
 1409



I certify that this plot is correct
 is a true representation of
 Condition: Signed: [Signature]

CARLA JACKSON, Tax Commissioner

HEATHER WALKER, Deputy Tax Commissioner

COBB COUNTY DUPLICATE TAX STATEMENT FOR TAX YEAR 2018

BILL NUMBER

PLEASE WRITE PARCEL NUMBER BELOW ON YOUR CHECK

MAKE CHECK PAYABLE TO: "Cobb County Tax Commissioner" MAIL REMITTANCE TO: P.O. BOX 100127 MARIETTA, GA 30061-7027

Table with columns: PROPERTY DESCRIPTION, Parcel, Lot, BLK, Unit, Acres, Homestead, Dist, Gross Value, Gross Assessment. Row 1: 17-0420-0-001-0, 0.88, 6, 179900, 71960



BUSH MELBA 1477 DALLAS CIR SW MARIETTA GA 30064

TOTAL TAX 1978.17 LESS AMT. PREV. PAID -1978.17

Total Due \$0.00

DETACH AND RETURN WITH CHECK

REMITTANCE COPY

COBB COUNTY DUPLICATE TAX STATEMENT FOR TAX YEAR 2018

TAXPAYER COPY

BILL NUMBER

Table with columns: PROPERTY DESCRIPTION, Parcel, Lot, BLK, Unit, Acres, Homestead, Dist, Gross Value, Gross Assessment. Row 1: 17-0420-0-001-0, 0.88, 6, 179900, 71960

2018 owner was BUSH J E

BUSH MELBA 1477 DALLAS CIR SW MARIETTA GA 30064

Table with columns: STATE, COUNTY GENERAL, COUNTY BOND, SCHOOL GENERAL, SCHOOL BOND. Rows showing GROSS ASSESSMENT, NET ASSESSMENT, X MILLAGE, CALCULATED TAX, and TOTAL TAX. Includes a 10% PENALTY FOR NOT FILING A TAX RETURN and a PAID stamp for 1978.17.

Total Due \$0.00

This is the duplicate tax bill for the above said property, calculated from information supplied by the Cobb County Board of Tax Assessors.

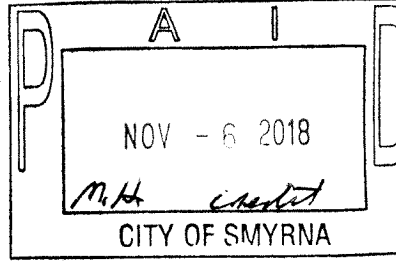
You must send a copy of this bill to your mortgage company if they are responsible for payment.

CARLA JACKSON, Tax Commissioner HEATHER WALKER, Deputy Tax Commissioner

Phone 770-528-8600 E-mail: tax@cobbtax.org tags@cobbtax.org Web: www.cobbtax.org

CITY OF SMYRNA
 Tax Department
 PO Box 1226
 Smyrna, GA 30081-1226
 770-434-6600

2018 Property Tax Notice



Please Make Check or Money Order Payable to:
City of Smyrna Tax Department

HOMESTEAD EXEMPTIONS AVAILABLE:
 1) \$10,000 Age sixty-two (62) or older by January 1.
 2) \$22,000 Disabled with limited income.
 3) As a result of the City of Smyrna Taxpayer Reassessment Relief Act, after proper application has been made, when your homestead property is reassessed your homestead exemption will automatically increase by the same amount.

If you are eligible for one of these exemptions you must apply for the exemption by April 1st in order to receive the exemption in future years.

If you are a new property owner as of January 1, you need to file a change of ownership with the Cobb County Tax Office by April 1st.

BUSH J E
 1477 DALLAS CIR
 MARIETTA, GA 30064-2945

2018 City of Smyrna Property Tax Notice

Bill No.	Property Description	Map Number	Fair Mkt Value	Assessed Value	Exempt Value	Taxable Value	Millage Rate	Tax Amount
2268	<u>894 PAT MELL RD SE</u>	17-0420-0-0010	179,900	71,960		71,960	8.990000	646.92

Pay online at <http://portal.smyrnaga.gov/MSS/citizens/default.aspx>

Important Messages - Please Read

Total of Bills by Tax Type

Taxes not paid by the due date are subject to a 5% penalty after 120 days with an additional 5% assessed after each successive 120 days up to a maximum of 20% of the principal due. In addition, interest will be assessed based on an annual calculation of the Federal Prime Rate plus 3%. This interest rate is charged per month based on the principal due. FIFA charges are a one-time charge of \$25.00

Any questions concerning payment instructions, ownership, or mailing address changes should be directed to The City of Smyrna Tax Department at 770-434-6600

If there is a question concerning the assessment of your property, please contact the Cobb County Tax Assessor's Office at 770-528-3100

Pen	0.00
Int	0.00
Fees	0.00
Adjustments	0.00
Payments	0.00
Back Taxes	0.00
TOTAL DUE	646.92
DATE DUE	11/15/2018

BUSH J E
 1477 DALLAS CIR
 MARIETTA, GA 30064-2945

← If this address is incorrect, please write the correct address on this portion.

PAYMENT INSTRUCTIONS

- Please write the bill number(s) on your check
- For a receipt, please include a stamped, self-addressed envelope.
- We send a bill to both you and your mortgage company. If you have changed your mortgage company, forward a copy of your tax bill to them
- If ownership has changed, please forward to new owner.

Bill No.	Map Number	Tax Amount
2268	17-0420-0-0010	646.92
DATE DUE		TOTAL DUE
11/15/2018		646.92

CITY OF SMYRNA
 Tax Department
 PO Box 1226
 Smyrna, GA 30081-1226