

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

Type or Print Clearly

(To be completed by City)

Ward: 3

Application No: 217-015

Hearing Date: 9/18/17

APPLICANT: PWH ENGINEERING INC.

Name: PRESTON W. HOBBY P.E.

(Representative's name, printed)

Address: 3583 SOUTH COBB DRIVE SMYRNA, GA 30080

Business Phone: 770-433-8190 Cell Phone: 770-433-8190 Fax Number: _____

E-Mail Address: pwhengineering@bellsouth.net

Signature of Representative: _____


TITLEHOLDER

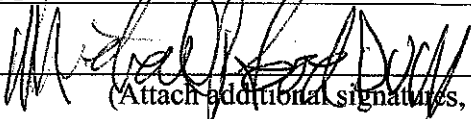
Name: MICHAEL P. GOOD

(Titleholder's name, printed)

Address: 1343 GRESHAM ROAD MARIETTA GA. 30062

Business Phone: 770-971-1556 Cell Phone: _____ Home Phone: _____

E-mail Address: bktcvc@gmail.com

Signature of Titleholder: _____

(Attach additional signatures, if needed)

(To be completed by City)

Received: 7/14/17

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: 7/25/17

Approved/Denied: _____

ZONING REQUEST

From **R-20** to **GC WITH VARIANCE(S)**
Present Zoning Proposed Zoning

LAND USE

From **RESIDENTIAL** to **COMMERCIAL**
Present Land Use Proposed Land Use

For the Purpose of **VET CLINIC, GROOMING AND BOARDING**

Size of Tract **0.27 ACRES**

Location **2808 MADISON STREET SMYRNA GA 30080**
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) **631, 632** 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: R-20

East: GC, R-20

South: GC

West: GC, R-20

CONTIGUOUS LAND USE

North: RESIDENTIAL

East: RESIDENTIAL, COMMERCIAL

South: COMMERCIAL

West: RESIDENTIAL, COMMERCIAL

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? _____

Improvements proposed by developer? _____

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:

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:

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:

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?

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:

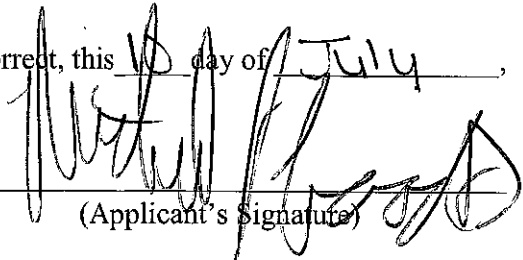
Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

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 10 day of July, 2017.



(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 GC ZONING WILL BE COMPATIBLE WITH EXISTING GC ZONED PROPERTIES ADJACENT TO AND NEAR THE SUBJECT 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 GC ZONING WILL IMPROVE TRAFFIC FLOW ON THE SITE AND PROVIDE LANDSCAPING TO ENHANCE THE SUBJECT PROPERTY.

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

THE SUBJECT PROPERTY CANNOT BE REASONABLY USED ECONOMICALLY AS RESIDENTIAL. THE BEST USE IS FOR THE SUBJECT PROPERTY TO BE INCORPORATED INTO THE EXISTING COMMERCIAL USE(S) AS SHOWN ON THE ZONING PLAN.

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 ZONING WILL NOT ADVERSELY AFFECT EXISTING STREETS.

THE PROPOSED DRIVE AND PARKING WILL IMPROVE TRAFFIC FLOW ONSITE.

UTILITIES WILL BE VERIFIED AND APPROVED THROUGH THE SITE

DEVELOPMENT PERMITTING PROCESS.

THERE ARE NO SCHOOLS WITHIN ONE-HALF MILE OF THE SUBJECT

PROPERTY.

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

THE SMYRNA FUTURE LAND USE MAP FOR THIS AREA INCLUDES

SUBURBAN RESIDENTIAL (3/AC.), URBAN RESIDENTIAL (6/AC.), NEIGHBORHOOD

AND COMMUNITY ACTIVITY CENTERS. BUFFERS WILL BE PROVIDED FOR ALL

RESIDENTIAL AREAS, AND SMALL COMMERCIAL IS RECOMMENDED FOR THE

NEIGHBORHOOD AND COMMUNITY ACTIVITY CENTER(S) AREA(S).

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 SUBJECT PROPERTY IS ADJACENT TO COMMERCIAL PROPERTIES, AND

THE PROPOSED SITE LAYOUT WILL ENHANCE TRAFFIC SAFETY AND FLOW.

LANDSCAPING AND BUFFERS WILL BE PROVIDED FOR ALL RESIDENTIAL

AREAS PER THE CITY DEVELOPMENT REGULATIONS. THE PROPOSED SITE

IMPROVE THE ENTIRE PROPERTY AESTHETICALLY AND CREATE A

COMPATIBLE TRANSITION FOR THE COMMUNITY.

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 DEVELOPMENT WILL IMPROVE EXISTING OPEN AREAS,
PROVIDE PROFESSIONAL LANDSCAPING, AND ENHANCE THE VISUAL APPEAL
OF THE SUBJECT PROPERTY.

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 DEVELOPMENT WILL REDUCE TRAFFIC CONGESTION AND
IMPROVE THE ENTIRE SITE. SMALL COMMERCIAL PROPERTIES ARE
WITH THE EXISTING USES IN THIS AREA, INCLUDING COMMERCIAL, MEDIUM
AND HIGH DENSITY RESIDENTIAL, AND THE FUTURE ACTIVITY CENTERS.

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.

ALL EXISTING BUILDINGS WILL REMAIN AT THE SAME HEIGHT.
THE PROPOSED DEVELOPMENT WILL IMPROVE TRAFFIC FLOW AND SAFETY
AND ENHANCE THE PROPERTY AESTHETICALLY. THE PROPOSED
DEVELOPMENT WOULD HAVE A POSITIVE EFFECT ON THE NEIGHBORHOOD.

Jay C. Stephenson

Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

1763 Spring St.

AFTER RECORDING RETURN TO:
SMITH, EUBANKS, SMITH & TUMLIN, P.C.
P. O. Box 1186
Marietta, Georgia 30061

1200

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF COBB

This Indenture made this 15th day of October, in the year Two Thousand Two, between

CHASTAIN ENTERPRISES, INC.

of the County of _____, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

MICHAEL P. GOOD and BARBARA BEATTY

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 00/100'S (\$10.00) Dollars** 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,

All that tract or parcel of land lying and being in Land Lot 632 of the 17th District, 2nd Section, Cobb County, Georgia, being Lot 37, Woodland, as per plat of survey recorded in Plat Book 12, Page 57, Cobb County, Georgia Records, which plat is incorporated herein and made a part hereof by reference.

Subject to easements and restrictions of record, if any.

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 warranty and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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:

Michael Polyzos
Witness

Ana Maria Cooper
Notary Public

CHASTAIN ENTERPRISES, INC.

By Randall K. Chastain (Seal)
RANDALL K. CHASTAIN, President

_____ (Seal)

 Ana Maria Cooper
My Commission DD100920
Expires June 27 2006



J.C. Stephenson

Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

17063200690
parcel I.D.#

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 11th day of September, 2003.

by first party, BARBARA BEATTY, whose post office address is: 1343 Gresham Road, Marietta, GA 30062

to second party, MICHAEL P. GOOD, whose post office address is: 1343 Gresham Road, Marietta, GA 30062

WITNESSETH, the said first party, for good consideration and for the sum of Ten Dollars (\$10.00) paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Cobb, State of Georgia, to-wit:

All that tract or parcel of land lying and being in Land Lot 632 of the 17th District, 2nd Section, Cobb County, Georgia, being Lot 37, Woodland, as per plat of survey recorded in Plat Book 12, Page 57, Cobb County, Georgia Records, which plat is incorporated herein and made a part hereof by reference.

Subject to easements and restrictions of record, if any.

IN WITNESS WHEREOF, said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Judith A. Mann
Witness
Barbara A. Haunty
Witness

Barbara Beatty
BARBARA BEATTY, First Party

State of Georgia)
County of Cobb)

On September 11, 2003 before me, a Notary Public, appeared BARBARA BEATTY, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that her signature on the instrument the person, or the entity upon behalf of which the person who acted, executed the instrument.

WITNESS, my hand and official seal.

Judith A. Mann
Notary Public
My comm. expires: Jan. 28, 2006
(Notary Seal)

Prepared by: *mail*
Attorney B. Glen Johnson
367 Atlanta Street
Marietta, GA 30060
(770) 421-1297

J.C. Stephenson

Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

Return to:
Lane & Karlo, LLP
1827 Powers Ferry Road
Building 5
Atlanta, GA 30339
File No. LK05062245

WARRANTY DEED

STATE OF GEORGIA COUNTY OF COBB

THIS INDENTURE, Made the 24th day of June, in the year two thousand five, between Lori L. Aylor

of the County of COBB, and State of Georgia, as a party or parties of the first part, hereinafter called Grantor, and

Michael P. Good

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 (\$10.00) DOLLARS 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, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 632, 17th District, 2nd Section, Cobb County, Georgia, being Lot 38, Woodland Subdivision, as shown on plat recorded in Plat Book 12, Page 57, Cobb County records.

This conveyance is made subject to all easements, covenants and restrictions of record.

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.

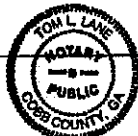
AND THE SAID Grantor will warranty and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered in the presence of

Lori L. Aylor
Lori L. Aylor (Seal)

Muhammad A. Malak
WITNESS
[Signature]
NOTARY PUBLIC



LEGAL DESCRIPTION

2808 MADISON STREET SMYRNA, GA 30080

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 632, 17TH DISTRICT, CITY OF SMYRNA, COBB COUNTY, GEORGIA, AS SHOWN ON A BOUNDARY SURVEY PREPARED FOR SMYRNA PET SPA BY MITCHELL SURVEYING AND CONSULTING, LLC, HAROLD RYAN HONICAN, GEORGIA RLS 3293, DATED 01-26-17, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE INTERSECTION OF THE NORTH SIDE OF SPRING STREET (VARIABLE R/W), AND THE EAST SIDE OF MADISON STREET (50' R/W), GO THENCE NORTH 45 DEGREES 27 MINUTES 11 SECONDS EAST A CHORD DISTANCE OF 42.86 FEET, ARC DISTANCE 47.74 FEET TO A POINT ON THE EAST RIGHT OF WAY OF MADISON STREET, GO THENCE NORTH 06 DEGREES 03 MINUTES 02 SECONDS A CHORD DISTANCE OF 68.75 FEET, ARC LENGTH 68.87 FEET ALONG THE EAST RIGHT OF WAY OF MADISON STREET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING, GO THENCE NORTH 23 DEGREES 03 MINUTES 16 SECONDS WEST A CHORD DISTANCE OF 128.91 FEET, ARC DISTANCE 129.73 FEET ALONG THE EAST RIGHT OF WAY OF MADISON STREET TO A POINT, GO THENCE SOUTH 53 DEGREES 45 MINUTES 38 SECONDS WEST A DISTANCE OF 158.83 FEET TO A POINT, GO THENCE SOUTH 65 DEGREES 06 MINUTES 42 SECONDS EAST A DISTANCE OF 50.00 FEET TO A POINT, GO THENCE SOUTH 88 DEGREES 25 MINUTES 06 SECONDS EAST A DISTANCE OF 133.28 FEET TO A POINT ON THE EAST RIGHT OF WAY OF MADISON STREET, SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINING 0.27 ACRES.

[Log In](#)

Real Estate

[View Bill](#) [View bill image](#)

As of 7/10/2017
Bill Year 2016
Bill 5923
Owner GOOD MICHAEL P
Parcel ID 17063200690

[View payments/adjustments](#)

Instalment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2016	\$538.03	\$538.03	\$0.00	\$0.00	\$0.00
TOTAL		\$538.03	\$538.03	\$0.00	\$0.00	\$0.00

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Printed: 7/10/2017

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
MICHAEL GOOD

GOOD MICHAEL P

Payment Date: 6/12/2017

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2016	17063200700	10/17/2016	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$38.43	\$41.20	\$0.00	\$0.00	\$903.72	\$0.00	



Scan this code with your
 mobile phone to view
 this bill!



Printed: 7/10/2017

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
MICHAEL GOOD

GOOD MICHAEL P

Payment Date: 6/12/2017

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2016	17063200690	10/17/2016	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$71.97	\$77.17	\$0.00	\$0.00	\$1,692.63	\$0.00



Scan this code with your
 mobile phone to view
 this bill!!