



**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 Joey Staubes at (678) 631-5355 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 7:00 pm. Both groups meet in the Council Chambers in City Hall at 2800 King Street. Please call (678) 631-5355 to confirm dates. The following are currently scheduled dates and deadlines.

Deadline	Planning & Zoning Board	Mayor and Council
Dec. 13, 2019	Jan. 13, 2020	Feb. 17, 2020
Jan. 10, 2020	Feb. 10, 2020	Mar. 16, 2020
Feb. 14, 2020	Mar. 9, 2020	Apr. 20, 2020
Mar. 13, 2020	Apr. 13, 2020	May 18, 2020
Apr. 10, 2020	May 11, 2020	June 15, 2020
May 8, 2020	June 8, 2020	July 20, 2020
June 12, 2020	July 13, 2020	Aug. 17, 2020
July 10, 2020	Aug. 10, 2020	Sept. 21, 2020
Aug. 14, 2020	Sept. 14, 2020	Oct. 19, 2020
Sept. 11, 2020	Oct. 12, 2020	Nov. 16, 2020
Oct. 9, 2020	Nov. 9, 2020	Dec. 21, 2020
Nov. 13, 2020	Dec. 14, 2020	Jan. 19, 2021

*** 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 Joey Staubes at (678)631-5355 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) flash drive** containing all documents in either PDF or Word format (as appropriate). **Each digital document shall be provided individually as opposed to summing all documents as one file (i.e. There shall be separate digital files for the zoning application, legal description, warranty deed, etc...).**
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. The property address and tax parcel identification of the subject property. **If the application consists of several tracts, the property address and tax parcel identification of each tract is required.**
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 Frank Martin, Public Works Director, at 678-631-5431.
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 building elevations and floor plans **for each proposed building**, 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 both a full-sized scaled survey of the existing property **and** a 11"x17" copy of the survey 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).**
12. Provide both a full-size scaled conceptual site plan **and** a 11" x 17" copy of that plan 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 conceptual site plans must show property & lot dimensions, adjoining streets with right-of-way (present and proposed), paving widths, curb radii, the exact size and location of all buildings along with the intended use, buffer areas, parking areas and spaces, stormwater management facilities, lakes, streams, utility easements, limits of 100-year flood plain, retaining walls, 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.**

13. Sub-division plats must have a legend showing lot density for the total acreage, minimum building setbacks, minimum lot size, average lot size and maximum lot size. In addition, provide a table listing the square footage of each proposed lot.
14. A preliminary hydrology study for the proposed tract(s).
15. Provide both 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 the City’s Code of Ordinances (Chapter 106 – Tree Conservation Ordinance). **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.**
16. 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 of the City Engineer or the Department of Community Development. 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 City Engineer’s office at 678-631-5381. For School System information, contact the Cobb County Board of Education.
17. Any large development that exceeds the minimum thresholds for a Development of Regional Impact (DRI) review must complete that review prior to moving forward with the zoning request. The minimum development thresholds for DRI review can be found at (<https://atlantaregional.org/community-development/comprehensive-planning/developments-of-regional-impact/>). 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: Shamrock Building Systems, Inc.

Name: Garvis L. Sams, Jr./SAMS, LARKIN & HUFF, LLP
(Representative's name, printed)

Address: Suite 100, 376 Powder Springs Street, Marietta, GA 30064

Business Phone: (770) 422-7016 Cell Phone: (404) 975-7772 Fax Number: (770) 426-6583

E-Mail Address: gsams@samslarkinhuff.com

Signature of Representative: _____

TITLEHOLDER

Name: ADP-Concord Road, LLC
(Titleholder's name, printed)

Address: 5825 Glore Place, Austell, GA 30106

Business Phone: 770-745-4822 Cell Phone: _____ Home Phone: _____

E-mail Address: JBurke@shamrockbuildingsystems.com

Signature of Titleholder: _____ /Representative,
/ADP-Concord Road, LLC
(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 NS to GC
Present Zoning Proposed Zoning

LAND USE

From NAC to NAC
Present Land Use Proposed Land Use

Accommodating the new corporate headquarters for

For the Purpose of Shamrock Building Systems, Inc. ("Shamrock") corporate headquarters

Size of Tract 1.50 ac

Location 1298 Concord Road/South side of Concord Road, west of Dunn Street

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

Land Lot (s) 523 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: LC and R-15

East: LC

South: LC and R-15

West: LC

CONTIGUOUS LAND USE

North: MU

East: LDR (<= 3 du/ac) and NAC

South: NAC and LDR (<=3 du/ac)

West: NAC

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:

See attached letter from Frank Martin, Director of Public Works Department.

TRANSPORTATION

Access to Property? Concord Road

Improvements proposed by developer? The Applicant proposes the utilization of the existing former bank building after it is retrofitted, rehabbed and re-purposed to accommodate the relocation Shamrock's corporate headquarters.

Comments:

The Subject Property is located within a sub-area of the City of Smyrna which is a part of and/or adjacent to office, institutional, retail, commercial and residential uses.

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?

No.

If so, describe the natural and extent of such interest: N/A

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 ____ day of _____, 20__.

(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 proposal will permit a use which is suitable within the context of existing development regarding adjacent and nearby properties.

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

The proposed Rezoning will not adversely impact the existing use or usability of adjacent or nearby properties. The Applicant is proposing to use the existing former bank building on the property. There are no plans to expand the existing footprint of the building; however, the building will be utilized and re-purposed as Shamrock's new corporate headquarters.

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

The proposed rezoning will allow the conversion of the existing bank building to the headquarters for Shamrock. The building will to be utilized for the lies within the confines of an area designated as a Neighborhood Activity Center on the City's Future Land Use Map.

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 result in a use that will have an adverse impact upon the existing City of Smyrna's infrastructure and constitutes a proposed use which comports with the trend of development along this section of Concord Road. Utilization of the former bank building will generate less traffic than the former bank building.

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

The proposal is to utilize the the existing bank building for the purposes of new corporate headquarters for the Shamrock which will permit a use that will be less intense than the former bank use on the site. The Applicant is requesting a Rezoning to the GC Zoning District for this use only which constitutes a use which is allowed within the NAC Future Land Use designation.

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 existing and changing conditions affecting the use and development of the Subject Property. The Subject Property is located in an area primarily consisting of commercial, retail, office and residential uses. The Applicant proposes to locate its corporate headquarters for its business in the existing vacant bank building, with no expansion of the footprint of the building. The proposed use will precipitate less traffic than the previous bank use.

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 use will occupy an existing bank building and will continue to enhance architectural standards and aesthetics in accordance with the as-built photographs depicting the architectural style and composition of the building.

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 Rezoning will not create a nuisance as defined by local and/or state law and is compatible with existing uses 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 use will positively affect this area by utilizing an existing building to accommodate headquarters for the Applicant's business. No new construction/development will be required; however, the building will be retrofitted, rehabbed and re-purposed for a different type of lower intensity use.
