

APPLICATION FOR REZONING
TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: 5

Application No: 216-017

Hearing Date: 10/17/16

APPLICANT: YORKSHIRE REAL ESTATE CORP.

Name: HOWARD ANDERSON
(Representative's name, printed)

Address: 621 YORKSHIRE DR., MARIETTA, GA 30068

Business Phone: (770) 823-6877 Cell Phone: (770) 823-6877 Fax Number: _____

E-Mail Address: GK64SCTDC@OUTLOOK.COM OR HACNTHUYDANG@YAHOO.COM

Signature of Representative: Howard Anderson

TITLEHOLDER

Name: ANTHONY NGUYEN, DIANE H. NGUYEN
(Titleholder's name, printed)

Address: 969 WINDY HILL RD., SUITE G, SMYRNA, GA 30080

Business Phone: (770) 438-6993 Cell Phone: (770) 823-6386 Home Phone: _____

E-mail Address: ANTHONYDDS@GMAIL.COM OR AN969WH@OUTLOOK.COM

Signature of Titleholder: Anthony Nguyen, Diane H. Nguyen
(Attach additional signatures, if needed)

(To be completed by City)

Received: 8/12/16

Heard by P&Z Board: 9/12/16

P&Z Recommendation: _____

Advertised: _____

Posted: 8/19/16

Approved/Denied: _____

ZONING REQUEST

From NEIGHBORHOOD SHOPPING (NP) to GENERAL COMMERCIAL (GC)
Present Zoning Proposed Zoning

LAND USE

From LOW RISE OFFICE to LOW RISE OFFICE
Present Land Use Proposed Land Use

For the Purpose of REZONING OPEN LAND FROM NP TO GC

Size of Tract 0.40 ACRE (FOUR TENTHS OF AN ACRE)

Location ON BELMONT CIRCLE, NEAR CORNER OF BELMONT CIRCLE AND WINDY HILL RD.
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 446 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: NEIGHBORHOOD SHOPPING (NS)

East: NEIGHBORHOOD SHOPPING (NS)

South: RESIDENTIAL R-1

West: NEIGHBORHOOD SHOPPING (NS)

CONTIGUOUS LAND USE

North: PRINTING COMPANY

East: PROFESSIONAL AND GENERAL SERVICE OFFICES

South: SINGLE RESIDENTIAL FAMILY

West: DENTAL OFFICE

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? CAR , WALK

Improvements proposed by developer? BUILDING OF 2 - STORY OFFICE

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:

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:

NO

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 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 25th day of JULY, 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.

THE ZONING PROPOSAL WILL PERMIT A USE OF A PHARMACY STORE,
A MEDICAL OFFICE, DENTAL OFFICES. THESE USES ARE SIMILAR
TO EXISTING BUSINESSES OF 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.

ABSOLUTELY NO SINCE PROPOSED USES WOULD BRING IN
MORE PREFERABLE TRAFFIC TO ADJACENT PROPERTIES

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

YES THE PROPOSED ZONING WOULD ALLOW BUILDING OF A PROFESSIONAL
FACILITY WHICH IN TURN BRINGS IN EXTRA INCOME FOR THE CITY,
GOOD ENVIRONMENTAL APPEARANCE AND CONVENIENCE TO LOCAL
RESIDENCES.

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 SINCE PROPOSED REZONING WOULD HAVE A RENTABLE SPACE OF APPROXIMATELY 5000 SQUARE FEET

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

YES

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.

YES THIS PROPOSAL HAPPENS DUE TO THE TAKING OF 969 WINDY HILL RD PROPERTY BY THE CITY OF SMYRNA .

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.

YES

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

NO SINCE USAGES OF THE PROPOSED ZONING WOULD HAVE SIMILAR BUSINESSES TO EXISTING ONES

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 HAVE POSITIVE EFFECTS TO THE ADJOINING PROPERTIES BECAUSE IT IS NEW, LOW RISING (2-STORY) AND HAS PROFESSIONAL TENANTS

J.C. Stephenson

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

Miller & Associates, P.C.
1 South Main Street
Jasper, GA 30143
678-454-5000

STATE OF GEORGIA
COUNTY OF PICKENS

WARRANTY DEED

THIS INDENTURE, made and entered into this 18th day of July, 2003, between **Bennie J. Norton, Jr., D.D.S.** (herein referred to as "Grantor"), and **Yorkshire Real Estate Corporation** (herein collectively referred to as "Grantee").

WITNESSETH THAT, the said Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, and other good and valuable consideration, in hand paid at or before the delivery of this deed, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey to the said Grantee, and its heirs, successors and assigns, the following described property, to-wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 446 of the 17th District and 2nd Section of Cobb County, Georgia, being Lot 11 and the south 30 feet, more or less, of Lot 12, J. G. Morris, Jr. Estate Subdivision, according to that certain plat of survey prepared by John L. Failla, Georgia Registered Land Surveyor Number 2720, dated June 21, 2003, and last revised July 16, 2003, a true and correct copy of which is attached hereto as Exhibit "A".

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, privileges, easements, members, appurtenances belonging or thereunto appertaining, to the only proper use and benefit of the Grantee and its heirs, successors and assigns forever in **FEE SIMPLE**.

AND THE SAID GRANTOR for Grantor and its heirs, successors and assigns does hereby warrant that Grantor has good and marketable fee simple title to said property free of encumbrances and restrictions except as herein stated, and Grantor does and will warrant and defend the title to said premises against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has duly signed, sealed and delivered this deed on the date above written.

Signed, sealed and delivered
this 18th day of July, 2003,
in the presence of:

Mark Miller

Witness

Bennie J. Norton, Jr.

Bennie J. Norton, Jr., D.D.S.

Notary Public





County Tax
2015
(land)

COBB COUNTY PROPERTY TAX BILL 2015

Pay online at www.cobbtax.org or 1-866-729-2622
See the back of this bill for more payment information

ERLA JACKSON, Tax Commissioner
SHELLEY McDUFFIE, Chief Deputy
Phone: 770-528-8600
Fax: 770-528-8679

paid 9/30/15
1,591.49
(check #1258)

YORKSHIRE REAL ESTATE CORP
BELMONT CIR

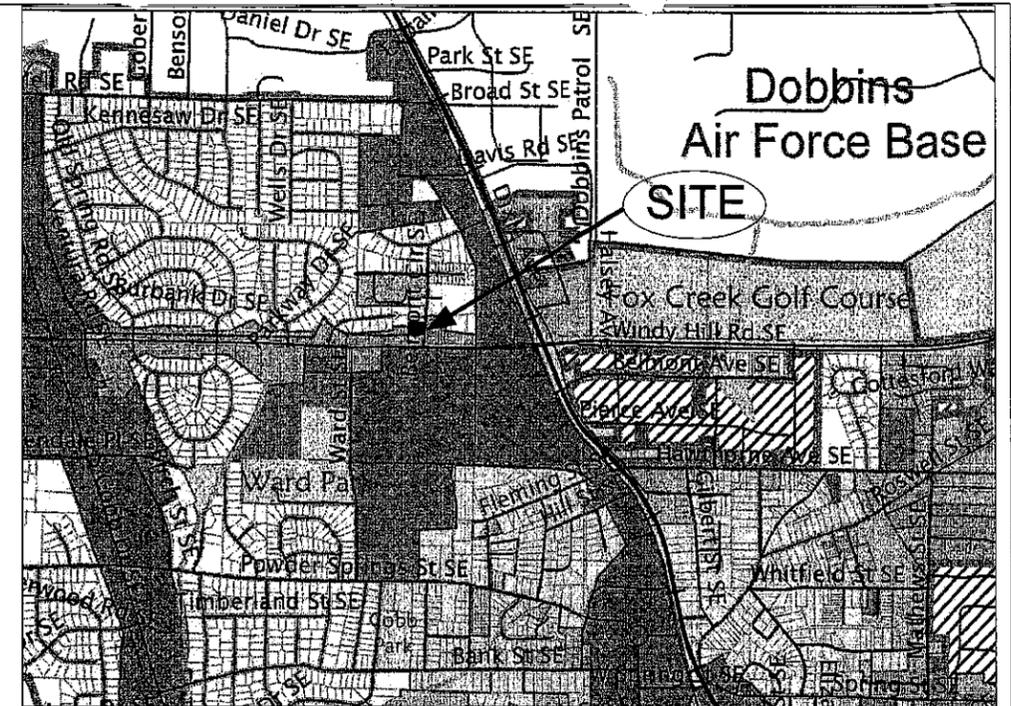
YOUR PAYMENT IS DUE OCTOBER 15, 2015

Late Fees apply October 16, 2015

Parcel ID	Fair Market Value	Assessed Value	Acreage	Tax District	Homestead Exemption
17044600820	150,710	60,284	0.42	City of Smyrna	None

Taxing Authority	Assessed Value	Exemption	=	Net Assessment	x	Millage Rate	=	Taxes Due
State	60,284	0	=	60,284	x	0.000050	=	\$3.01
Levied by the State of Georgia representing approximately 0.19% of your taxes due. The Governor and General Assembly passed a tax relief lowering your state property taxes each year until they are eliminated.								
School General	60,284	0	=	60,284	x	0.018900	=	\$1,139.37
Levied by the Cobb County Board of Education representing approximately 71.59% of your taxes due.								
County								
Levied by the Board of Commissioners representing approximately 28.22% of your taxes due.								
County General	60,284	0	=	60,284	x	0.007120	=	\$429.22
County Bond	60,284	0	=	60,284	x	0.000330	=	\$19.89
County Fire	N/A	N/A	=	N/A	x	N/A	=	N/A

Tax Year	Parcel ID	Due Date	Appeal Amount	Total Taxes Due
2015	17044600820	10/15/2015	Pay: N/A or	\$1,591.49



LOCATION MAP
N.T.S.

OWNER: YORKSHIRE REAL ESTATE CORP.
 DEVELOPER: HOWARD ANDERSON
 PHONE: (770) 823-6877
 EMAIL: GK64SCTD@OUTLOOK.COM

LAND LOT 446, 17th DISTRICT, COBB COUNTY.
 ZONED: NS
 FRONT SETBACK: 40' (MINOR THOROUGHFARE)
 REAR SETBACK: 50' (ADJACENT TO RESIDENTIAL)
 SIDES SETBACK: 15'

THE PROJECT IS LOCATED WITHIN THE WINDY HILL ROAD URBAN DESIGN DISTRICT.

FUTURE LAND USE: NEIGHBORHOOD ACTIVITY CENTER.

LOT SIZE: 17,379 SQ. FT. = 0.40 ACRES

IMPERVIOUS AREA: 10,730 SQ. FT.

PARKING LOT AREA: 7,700 SQ. FT.

LANDSCAPING PARKING AREA : 1,000 SQ. FT.

BUILDING SIZE: TWO STORIES
 FOOT PRINT: 2,500 SQ. FT.
 GROSS TOTAL: 5,000 SQ. FT.
 NON-TENANT AREA (STAIRS, ELEVATOR, HALLWAY:) 600 SQ. FT.
 TENANT AREA : 4,400 SQ. FT.

LAND USE: BUSINESS, PROFESSIONAL OFFICES AND CLINICS . ONE
 PARKING SPACE PER 250 SQ. FT.

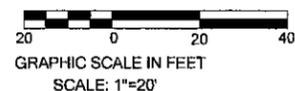
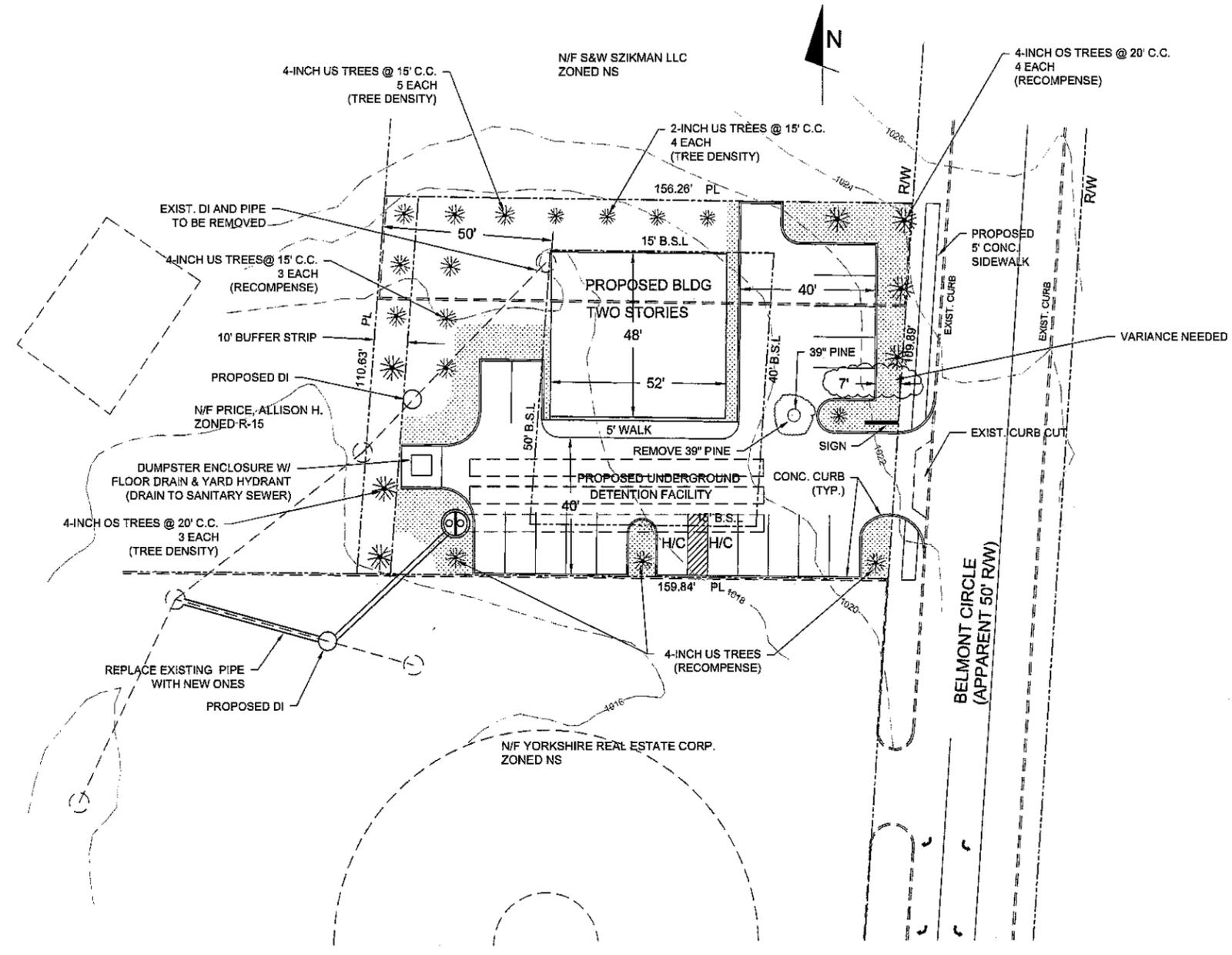
PARKING SPACES REQUIRED: 4,400 SQ.FT. / 250 SQ. FT. = 17.6 SPACES

PARKING PROVIDED: 16 REGULAR SPACES
 2 HANDICAPPED SPACES

TOTAL: 18 SPACES

REVISED 7-4-2016
 06-09-2016

CEC CIVIL ENGINEERING CONSULTANTS, INC. <small>Civil & Environmental Engineering</small> 4984 Lower Roswell Road, Suite 17 Marietta, GA 30068 (770) 977-5742 www.cecinco.com	YORKSHIRE REAL ESTATE CORP.	
	CONCEPTUAL SITE PLAN	
DATE	REVISION	SHEET NO. 1 OF 1



TREE LEGEND

- 4-INCH OVERSTORY (OS) TREE
- 4-INCH UNDERSTORY (US) TREE
- 2-INCH UNDERSTORY (US) TREE
- LANDSCAPING

TREE PLAN

SITE DENSITY FACTOR: 100 INCHES PER ACRE
 REQUIRED TREE DENSITY FOR SITE: 0.4 ACRES x 100 INCHES PER ACRE = 40 INCHES
 PROPOSED: (3) 4-INCH OVERSTORY (OS) TREES @ 20' C.C.
 (5) 4-INCH UNDERSTORY (US) TREES @ 15' C.C.
 (4) 2-INCH UNDERSTORY (US) TREES @ 15' C.C.
 TOTAL PROPOSED TREE DENSITY = 40 INCHES
 REQUIRED RECOMPENSE FOR 39"DBH PINE: 39 INCHES
 PROPOSED: (4) 4-INCH OVERSTORY (OS) TREES @ 20' C.C.
 (6) 4-INCH UNDERSTORY (US) TREES
 TOTAL PROPOSED RECOMPENSE = 40 INCHES

