

APPLICATION FOR REZONING
TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: 4

Application No: 217-008

Hearing Date: 6/19/17

APPLICANT: Craftmark Development, LLC

Name: JEFF SMITH
(Representative's name, printed)

Address: 1290 KENNESTONE CIR, BLD A, STE 200, MARIETTA, GA

Business Phone: 770.938.9000 Cell Phone: 404.328.6280 Fax Number: 30066

E-Mail Address: JEFF@RIDGEPE.COM

Signature of Representative: 

TITLEHOLDER

Name: Debra J. Hudson
(Titleholder's name, printed)

Address: 4149 North Cooper Lake Rd SE

Business Phone: (404) 749-7500 Home Phone: _____

E-mail Address: Charlotte-Bishop2000@yahoo.com

Signature of Titleholder: Debra J. Hudson

(Attach additional signatures, if needed)

(To be completed by City)

Received: 4/7/17

Heard by P&Z Board: 5/8/17

P&Z Recommendation: _____

Advertised: _____

Posted: 4/20/17

Approved/Denied: _____

ZONING REQUEST

From R-15
Present Zoning to RAD Conditional
Proposed Zoning

LAND USE

From Suburban Residential
Present Land Use to Suburban Residential
Proposed Land Use

For the Purpose of Building 3 single family, detached, residential houses

Size of Tract 0.699 acres

Location 4149 North Cooper Lake Rd SE,
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 335 District 17th

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: R-15

East: R-15/RAD Conditional

South: RAD Conditional

West: RAD Conditional

CONTIGUOUS LAND USE

North: Suburban Residential

East: Suburban Residential

South: Suburban Residential

West: Suburban Residential

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? The property is located at the intersection of North Cooper Lake Rd SE and Spyglass Court. The driveways will be off of Spyglass Court as this will be Phase 2 of Park Place Subdivision .

Improvements proposed by developer? The developer will bring water and sewer to the proposed lots and create 3 single family detached lots as part of Park Place Subdivision.

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?

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 7th day of April, 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.

This rezoning proposal conforms with the future land use plan. In addition, this rezoning is phase 2 of an existing residential subdivision that is zoned the same. There is also a subdivision to the east that is zoned RAD conditional.

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

This proposal will have no adverse affect on the existing use or usability of adjacent or nearby properties.

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

This lot is adjacent to and across the street from existing RAD conditional subdivisions. With this rezoning, the lots will front on the entrance road for Park Place Subdivision. The reasonable economic use for this lot is as Phase 2 of the existing Park Place Subdivision.

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.

This proposal will only add 2 additional lots so it will not create an excessive or burdensome use of the facilities/utilities.

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

This rezoning proposal does conform with the land use plan.

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.

Multiple similar rezonings have been approved on adjacent tracts so the surrounding area is changing to this type of proposal, which gives supporting grounds for approving this rezoning application.

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.

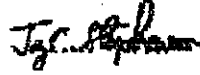
Since approval of this rezoning proposal will result in Phase 2 of Park Place Subdivision, this proposal will continue to enhance the architectural standards, open space requirements and aesthetics of the neighborhood.

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

The approval of this zoning proposal will not create a nuisance. It is compatible with existing uses in the area as there are two adjacent neighborhoods also zoned RAD conditional.

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 lot sizes and building heights proposed are similar to the existing subdivisions also zoned RAD Conditional, including the adjacent Park Place subdivision.



JAY C. STEPHENSON
CLERK OF SUPERIOR COURT Cobb Cty. GA.

Will

After recording, please return to:
The Chan Law Firm, LLC
240 Cherokee Street
Suite 301
Marietta, GA 30060

Deed preparation only/No title search performed

**STATE OF GEORGIA
COUNTY OF COBB**

DEED OF ASSENT

THIS DEED OF ASSENT, made this 3rd day of October, 2012, by and between

**DEBRA J. HUDSON
As Executor Under Will of
BARBARA A. KINGRY, deceased,**

hereinafter referred to as "Grantor"; and

DEBRA J. HUDSON,

hereinafter referred to as "Grantee";

WITNESSETH THAT WHEREAS, **BARBARA A. KINGRY**, died testate on November 20, 2011, leaving a Last Will and Testament dated November 29, 2007, which has been duly probated in the Probate Court of Cobb County, Georgia, Estate No. 12-0109;

WHEREAS, all debts of the deceased and her estate have been paid in full, and it is therefore in order to assent to the devise pursuant to ITEM III of said Will;

NOW, THEREFORE, in consideration of the premises and for the purpose of assenting to the aforesaid devise, Grantor does hereby transfer and convey to Grantee the following described property:

See Exhibit "A" attached hereto and made a part hereof by reference.

Grantor herein is the duly authorized Executor of the Estate of **BARBARA KINGRY**, pursuant to said Will and pursuant to Letters of Testamentary granted on September 17, 2012 in the Probate Court of Cobb County, Georgia, Estate No. 12-0109, a copy of which is attached hereto as Exhibit "B" and made a part hereof by reference.

TO HAVE AND TO HOLD the said tract or parcel of land, with all singular the rights, members and appurtenances thereof, to the same being, belonging, or in any wise appertaining to the only proper use, benefit and behoof of the Grantee, her successor and assigns, in as full and ample a manner as the same was held by the deceased.

IN WITNESS WHEREOF, the Grantor, acting in her representative capacity as Executor as aforesaid, has hereunto set her hand and seal, all as of the date and year first above written.

Debra J. Hudson

Debra J. Hudson,
As Executor under Will of Barbara A. Kingry,
Deceased

Signed, sealed and delivered
In the presence of:

[Signature]
Witness

[Signature]
Notary Public

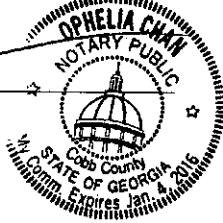


EXHIBIT "A"

All that tract and parcel of land lying and being in Land Lot 335 of the 17th District, 2nd Section, of Cobb County, Georgia, and being more particularly described as follows:

Beginning at an iron pin on the southeasterly side of North Cooper Lake Road 777.0 feet southwesterly as measured along the southeasterly side of North Cooper Lake Road from the intersection formed by the southeasterly side of North Cooper Lake Road and the north land lot line of Land Lot 335; running thence south 80 degrees 20 minutes east 200 feet to an iron pin; running thence south 0 degrees 40 minutes west 130 feet to an iron pin; running thence north 80 degrees 46 minutes west 278.2 feet to an iron pin on the southeasterly side of North Cooper Lake Road; running thence northeasterly along the southeasterly side of North Cooper Lake Road 142.9 feet to an iron pin at the point of beginning; being improved property with a dwelling located thereon.

The conveyance is made subject to that certain easement for ingress and egress over the 10.5 foot asphalt drive along the Northern boundary of the above described property serving the property located on the East side of the above described property. Said easement has been recorded in Deed Book 1026 page 592, Cobb County Records.

This is the same property as that conveyed by Hubert Rudolph Kingry, I to Barbara Anne Kingry in a Quit Claim Deed as recorded in Deed Book 6204, page 0136, filed with the County on July 26, 1991, Cobb County Records.



Probate Court of Cobb County

IN THE PROBATE COURT
COUNTY OF COBB
STATE OF GEORGIA

IN RE: ESTATE OF

BARBARA A. KINGRY
DECEASED

)
)
)
)

ESTATE NO. 12-0109

LETTERS TESTAMENTARY
(Relieved of Filing Returns)

By Kelli L. Wolk, Judge of the Probate Court of the above County.

KNOW ALL WHOM IT MAY CONCERN:

At a regular term of Probate Court, the Last Will and Testament dated November 29, 2007 of Barbara A. Kingry deceased, at the time of his or her death, a resident of the above County was legally proven in Solemn form and was admitted to record by order, and it was further ordered that Debra J. Hudson named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

NOW, THEREFORE the said Debra J. Hudson having taken the oath of office and complied with all necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all powers of Executor(s) under the Will of said deceased, according to the Will and the law.

Given under my hand and official seal, the 17 day of September, 2012.

Probate Judge

NOTE: The following must be signed if the Judge does not sign the original of this document:

Issued by: Stephanie Kramer

(Seal)

Stephanie Kramer
PROBATE CLERK/DEPUTY CLERK

BK: 14988 PG: 3828
JAY C. STEPHENSON
CLERK OF SUPERIOR COURT Cobb Cty. GA.





Printed: 4/6/2017

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:
DEBBIE J HUDSON

HUDSON DEBRA J

Payment Date: 9/6/2016

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2016	17033500100	10/17/2016	Pay:	N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$181.80	\$0.00



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

Jeff Smith

From: Jeff Smith <jeff@ridgepe.com>
Sent: Friday, April 07, 2017 11:00 AM
To: 'Scott Stokes'
Subject: RE: Water/Sewer Availability
Attachments: Sanitary Sewer Profiles.pdf

Scott,

The Park Place sewer as-builts are attached. It would be more difficult to access sewer here. Can we go across North Cooper Lake instead? Can you send a letter for our submittal if so?

Thanks,

Jeff Smith, P.E.
Ridge Planning and Engineering
1290 Kennestone Circle
Building A, Suite 200
Marietta, Georgia 30066
o: 770.938.9000
c: 404.328.6280

From: Scott Stokes [<mailto:ssstokes@smyrnaga.gov>]
Sent: Thursday, April 06, 2017 1:12 PM
To: Jeff Smith
Subject: RE: Water/Sewer Availability

I tried to find the water and sewer as built for the Park Place subdivision but can't find it. I can't do your letter as I don't know where the utilities are you think you want to connect to. Please contact the Community Development department as to the location of the water sewer as built or the developer of the subdivision. Currently the proposed location of the sewer extension is not acceptable. Rusty in Community Development should know the status of Maple Shade.

From: Jeff Smith [<mailto:jeff@ridgepe.com>]
Sent: Thursday, April 06, 2017 12:46 PM
To: Scott Stokes
Subject: Water/Sewer Availability

Scott,

Can you provide a water/sewer availability letter for the attached proposed rezoning? I plan to submit tomorrow.

Also, have you had a chance to sign the plans for Maple Shade?

Thanks,

Jeff Smith, P.E.
Ridge Planning and Engineering

1290 Kennestone Circle
Building A, Suite 200
Marietta, Georgia 30066
o: 770.938.9000
c: 404.328.6280

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2016.0.8012 / Virus Database: 4769/14252 - Release Date: 04/06/17

DEVELOPMENT SUMMARY

EXTENSIVE ZONING	PL-15
PROPOSED ZONING	PUB CONCEPTUAL
NUMBER OF LOTS	3
TOTAL AREA (ACRES)	6.64 ACRES
SETBACK (MIN./MAX/ST)	15.7' MIN./5.0' MAX/ST
STREET FRONTAGE	2,000 ST
ADJACENT	ST
STREET DEPTH (MIN./MAX/ST)	30' MIN./40' MAX/ST
DEVELOPER	ST
DATE (COMMENCE)	ST
DATE	ST
COMMENTS	ST
PHASE 1 REQUIREMENT	2,000 ST
(1.15 LOT/COV. ST)	
PHASE 2 REQUIREMENT	600 ST
(1.15 LOT/COV. ST)	
TOTAL COMPOUND AREA REQUIRED	3,000 ST
COMPOUND AREA PROVIDED	3,000 ST

COV. RATIO

Lot Area	Area	Ratio
3,000	1,800	0.60
1,500	900	0.60
1,500	900	0.60
TOTAL	3,600	0.60

24 HOUR CONTACT:
JEFF SMITH
770.938.9000

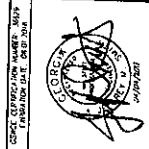


GEORGIA 811
Utilities Protection Center, Inc.
Know where you're digging.
Call before you dig.

RIDGE PLANNING AND ENGINEERING
1425 W. PARKWAY NORTH, SUITE 200 - KENNESAW, GA 30144
PHONE: 770-435-3500

ZONING PLAN
PARK PLACE
PHASE 2
LAND LOT 333
17TH DISTRICT, 2ND SECTION
CITY OF MARIETTA
COBB COUNTY, GEORGIA

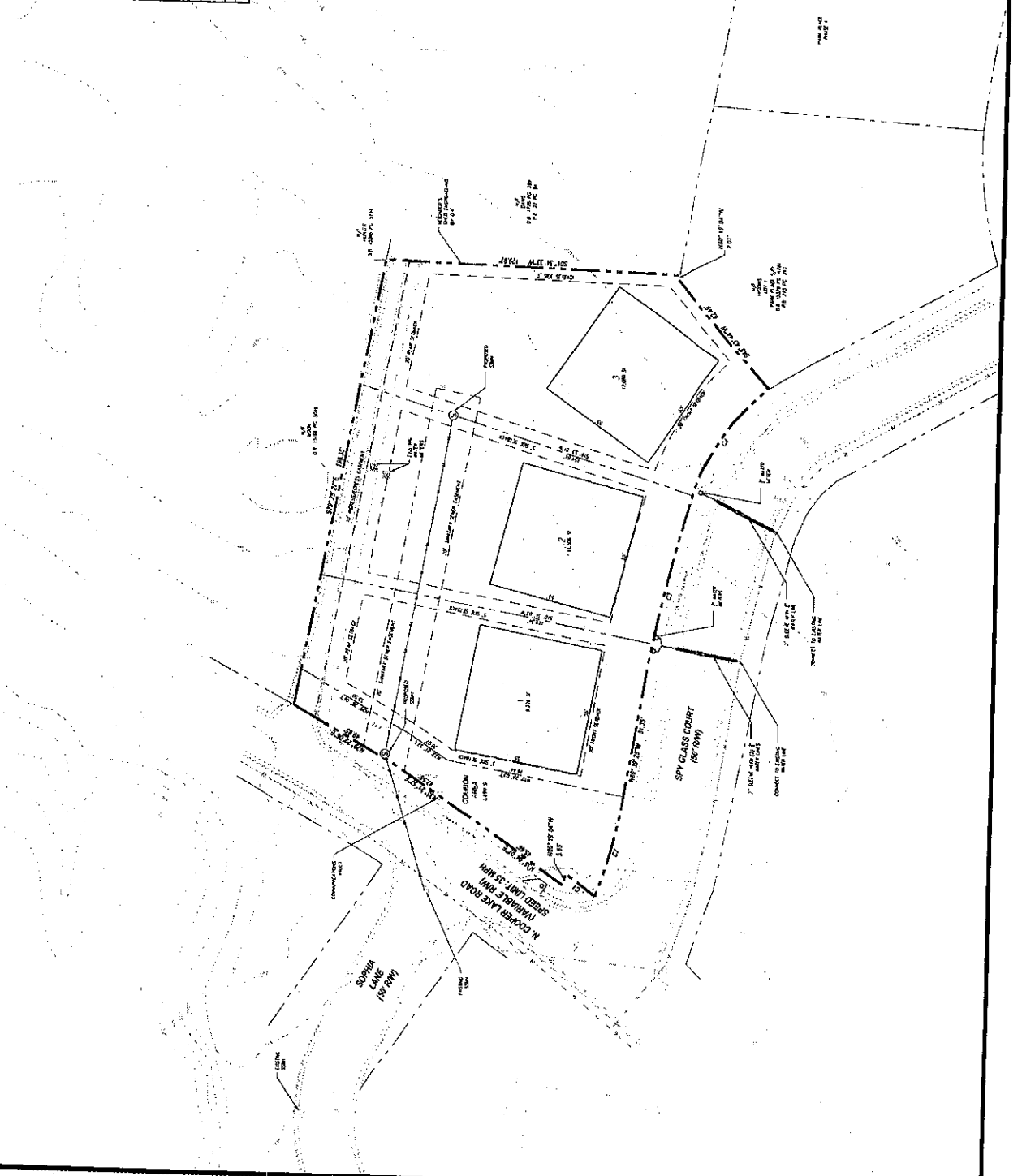
OWNER/DEVELOPER
CRAFTMARK DEVELOPMENT, LLC
P.O. BOX 684913
MARIETTA, GA 30088



REVISIONS

NO.	DATE	DESCRIPTION

ZONING PLAN
Z100
172893 Z100.DWG
2006



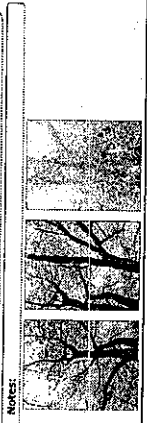


Arborist prepared by:
Bradley M. Thompson
Certificate Number: 50363-0001
Mondo Land Planning & Design, LLC

Arborist prepared by:
Bradley M. Thompson
Certificate Number: 50363-0001
Mondo Land Planning & Design, LLC

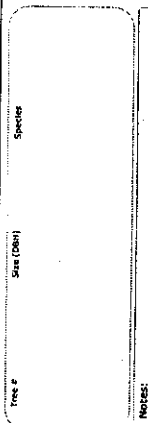
Tree # 73
Site (DBH) 15
Species: **Red Oak**

Species	DBH (in)	Height (ft)	Health	Notes
Red Oak	15	15	Good	



Tree # 74
Site (DBH) 18
Species: **Red Oak**

Species	DBH (in)	Height (ft)	Health	Notes
Red Oak	18	18	Good	



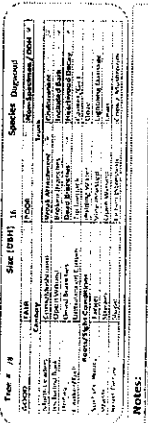
Tree # 77
Site (DBH) 14
Species: **Red Oak**

Species	DBH (in)	Height (ft)	Health	Notes
Red Oak	14	14	Good	



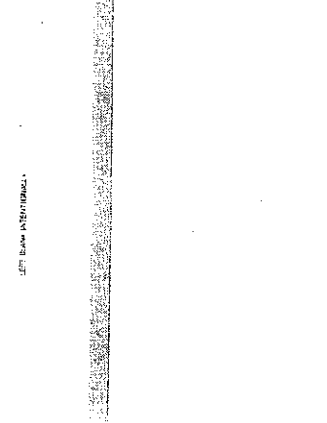
Tree # 78
Site (DBH) 16
Species: **Red Oak**

Species	DBH (in)	Height (ft)	Health	Notes
Red Oak	16	16	Good	



Tree # 79
Site (DBH) 17
Species: **Red Oak**

Species	DBH (in)	Height (ft)	Health	Notes
Red Oak	17	17	Good	



Tree # 80
Site (DBH) 19
Species: **Red Oak**

Species	DBH (in)	Height (ft)	Health	Notes
Red Oak	19	19	Good	



NOTES:
The tree is in good health and shows no signs of stress. The crown is well-developed and dense. The trunk is straight and free of defects. The soil is moist and well-drained. The tree is well-watered and fertilized. The tree is well-maintained and free of pests and diseases. The tree is well-suited to the site conditions and is expected to live for many years.

LEFT: BRAD THOMPSON