

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

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: InLine Communities, LLC - Bryan C. Musolf, Manager

Representative

Name: Moore Ingram Johnson & Steele, LLP - J. Kevin Moore

(Representative's name, printed)

Representative

Address: Emerson Overlook, Suite 100, 326 Roswell Street, Marietta, GA 30060

Business Phone: (770) 429-1499 Cell Phone: (678) 516-1609 Fax Number: (770) 429-8631

E-Mail Address: jkm@mij.com; bryan@inlinecommunities.com

MOORE INGRAM JOHNSON & STEELE, LLP

Signature of Representative: BY: 

J. Kevin Moore; Georgia Bar No. 519728
Attorneys for Applicant and Property Owner

TITLEHOLDER

Name: Argyle Realty Company

(Titleholder's name, printed)

Address: 334 Campbell Road, Smyrna, GA 30080

Business Phone: _____ Cell Phone: _____ Home Phone: (770) 434-8984

E-mail Address: _____

ARGYLE REALTY COMPANY

Signature of Titleholder: BY: 

(Attach additional signatures, if needed)
Jane A. MacKenna, President

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

ATTACHMENT TO APPLICATION FOR REZONING

Application No.:

Hearing Dates:

December 9, 2019

January 21, 2020

Applicant:

InLine Communities, LLC

Titleholder:

Argyle Realty Company

Applicant:

InLine Communities, LLC

Bryan C. Musolf, Manager

48 Atlanta Street

Marietta, Georgia 30060

(404) 895-0913

E-mail: bryan@inlinecommunities.com

Applicant's Representative:

J. Kevin Moore, Esq.

Moore Ingram Johnson & Steele, LLP

Attorneys at Law

Emerson Overlook, Suite 100

326 Roswell Street

Marietta, Georgia 30060

(770) 429-1499 (Office)

(770) 429-8631 (Telefax)

(678) 516-1609 (Mobile)

E-mail: jkm@mijs.com

ZONING REQUEST

From NRC, OI (Cobb County) to MU-C (City of Smyrna)
Present Zoning Proposed Zoning

LAND USE

From CAC (Cobb County) to HDR (City of Smyrna)
Present Land Use Proposed Land Use

For the Purpose of Residential

Size of Tract 23.954± acres

Location Southeasterly of intersection of Spring Road and Campbell Road;
Northerly of CSX Railroad (2320 Campbell Road)
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 775, 810, 811 District 17th

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no ~~XXXXXX~~ such assets. If any, they are as follows: to the best of our knowledge, information, and belief.
Not Applicable.

(To be completed by City)

Recommendation of Planning Commission:

Council's Decision:

CONTIGUOUS ZONING

North: R-15, OI, LC (City of Smyrna)

East: R-15, RTD, RM-12 (City of Smyrna)

South: RM-8 (Cobb County)

West: R-15, GC (City of Smyrna)

CONTIGUOUS LAND USE

North: RAC, NAC, PI (City of Smyrna)

East: RAC, PI (City of Smyrna)

South: HDR (Cobb County)

West: LDR, RAC, NAC (City of Smyrna)

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? Spring Road; Campbell Road

Improvements proposed by developer? New, re-configured intersection on Campbell Road, and dedication and installation of segment for proposed Spring Road Reliever.

Comments:

ZONING DISCLOSURE REPORT

(Applicant)

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:

Not Applicable.

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:

Not Applicable.

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:

Not Applicable.

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, to the best of our knowledge, information, and belief.

If so, describe the natural and extent of such interest: Not Applicable.

ZONING DISCLOSURE REPORT (CONTINUED)
(Applicant)

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, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest:

Not Applicable.

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, to the best of our knowledge, information, and belief.

If so, describe the relationship and the nature and extent of such interest:

Not Applicable.

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 8th day of November, 2019.

INLINE COMMUNITIES, LLC

BY: 

(Applicant's Signature)

Bryan C. Musolf, Manager

~~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.

ZONING DISCLOSURE REPORT

(Applicant's and Titleholder's Representative)

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Yes.

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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:

Derek Norton

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:

\$500.00

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:

Political Contribution

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, to the best of our knowledge, information, and belief.

If so, describe the natural and extent of such interest: Not Applicable.

ZONING DISCLOSURE REPORT (CONTINUED)
(Applicant's and Titleholder's Representative)

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, to the best of our knowledge, information, and belief.

If so, describe the nature and extent of such interest:

Not Applicable.

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, to the best of our knowledge, information, and belief.

If so, describe the relationship and the nature and extent of such interest:

Not Applicable.

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We certify that the foregoing information is true and correct, this 8th day of November, 2019.

MOORE INGRAM JOHNSON & STEELE, LLP

~~(Applicant's Signature)~~

BY:


(Attorney's Signature, if applicable)

J. Kevin Moore; Georgia Bar No. 519728
Attorneys for Applicant and Titleholder

Notes

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** 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 presents needed senior living to an area that is significantly underserved; and townhomes which are consistent with nearby neighborhoods.

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

The proposal will not adversely affect nearby property. Senior living and townhomes are consistent with nearby single-family, condominiums, apartments, and townhomes.

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

The property does not have a reasonable, economic use as zoned.

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 proposal will not have an excessive or burdensome use of existing facilities due to the road improvements proposed by Applicant.

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

The proposal is in conformity with the policy and intent of 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.

Existing and changing conditions support the development due to the planning and land use studies adopted by the City; and, in addition, given the traffic improvements and planned traffic improvements.

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.

Architectural standards in the community will be enhanced by the proposal due to the high quality.

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

The proposal for senior living and townhomes is neither a nuisance nor incompatible considering the nature of surrounding uses.

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 proposal would positively affect the area and surrounding properties due to the high quality being proposed.
