

APPLICATION FOR ZONING AMENDMENT  
TO THE CITY OF SMYRNA

Please Type or Print Clearly

(To be completed by City)

Ward: 3

Application No: 215-015

Hearing Date: 8/17/15

**APPLICANT:** CHRISTOPHER & YVONNE OGBUEFI

Name: \_\_\_\_\_  
(Representative's name, printed)

Address: 1680 ROSWELL STREET SMYRNA GA. 30080

Business Phone: 770 432 6967 Cell Phone: 678 640 4956 Fax Number: 770 437 9866

E-Mail Address: yogbuefi@aol.com

Signature of Representative: \_\_\_\_\_

**TITLEHOLDER:**

Name: CHRISTOPHER & YVONNE OGBUEFI  
(Titleholder's name, printed)

Address: 1680 ROSWELL STREET SMYRNA GA. 30080

Business Phone: 770 432 6967 Cell Phone: 678 640 4956 Home Phone: 678 945 5249

E-mail Address: yogbuefi@aol.com

Signature of Titleholder: \_\_\_\_\_  
(Attach additional signatures, if needed)

(To be completed by City)

Received: 6/12/15

Heard by P&Z Board: 7/13/15

P&Z Recommendation: \_\_\_\_\_

Advertised: ~~6/12/15~~

Posted: 6/26/15

Approved/Denied: \_\_\_\_\_

Yvonne Ogbuefi cpo

**ZONING:**

RETAIL SHOPPING CENTER

Present Zoning

**LAND USE:**

RETAIL GROCERY

Present Land Use

For the Purpose of INCREASE SQUARE FOOTAGE RETAIL AND FOOD STORAGE

Size of Tract 1.621 ACRES

Location 1680 ROSWELL STREET SMYRNA GA. 30080

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

Land Lot (s) #34

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:

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**DESCRIPTION OF PROPOSED ZONING AMENDMENT:**

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**CONTIGUOUS ZONING**

**North:** \_\_\_\_\_

**East:** \_\_\_\_\_

**South:** \_\_\_\_\_

**West:** \_\_\_\_\_

**CONTIGUOUS LAND USE**

**North:** \_\_\_\_\_

**East:** \_\_\_\_\_

**South:** \_\_\_\_\_

**West:** \_\_\_\_\_

## 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:

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### **TRANSPORTATION**

Access to Property? ROSWELL STREET (60ft R/W)  
HAWTHORNE STREET (40ft R/W)

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Improvements proposed by developer? \_\_\_\_\_

DONE ALREADY ON PHASE I PROJECT

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Comments:

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## ZONING DISCLOSURE REPORT

Has the applicant\* made, within two years immediately preceding the filing of this application for zoning amendment, 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 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 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 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 during the two years immediately preceding the filing of this application:

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

\_\_\_\_\_

\_\_\_\_\_

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 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 29 day of MAY, 2015.

  
(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 zoning 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 AMENDMENT ANALYSIS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Mayor and Council when considering a zoning amendment 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 zoning amendment 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.

Adjacent property is mixed use (commercial and Residential). This proposal will improve the quality of the development in the neighborhood. The proposed improvement will compliment the future plans for rebuilding this area

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

The variance request will not affect the existing use or usability of adjacent property. Proper values will be enhanced.

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

Property values will increase

## ZONING AMENDMENT 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.

Existing Streets accomodate existing retail usage. Existing utilities are adequately designed to accomodate the variance proposed. No school on Roswell Street.

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

The proposed usage conforms with the policy and intent of 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.

The development of the mixed use city center and the growth of new residential units in the area are changing conditions which support the approval of this zoning proposal. This variance approved and built will increase business and provide jobs for local citizens of Smyrna.



## ZONING AMENDMENT 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.

One of the planned uses of the area is to compliment the mixed usage development such as the City hall complex. This increase in retail space will compliment the new residential units to create a mixed use zone that enhances the 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.

This area already has convenience stores and retail businesses. The variance requested will be compatible with existing uses in the area. The proposed variance will help eliminate some of the existing nuisance problems 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 size of the proposed variance (additional 3,500 sq. ft. to already 15,900 sq. ft. approved) will blend with the existing uses in a positive manner. A single level grocery retail store with food storage.



# CITY OF SMYRNA

2800 King Street / P.O. Box 1226, Smyrna, Georgia 30081  
(770) 434-6600 / www.smyrnacity.com

## City of Smyrna

### Water and Sewer Availability

The City of Smyrna has determined that water is available to the proposed development. It is located on both Hawthorne Avenue and Roswell Road.

Sewer is not readily available to this development, however this proposed development is a phase 2 of the original development and sanitary connection from phase 2 to phase 1 may be possible and would be the developers responsibility. This information is based upon a site plan titled Roswell Street Plaza-Phase 2 by Pyramid EDC Consultants, Inc. dated March 30, 2015.

Sincerely,

  
Scott Stokes

Director Public Works

MAYOR  
A. MAX BACON

CITY COUNCIL

WARD 1  
MELLENY PRITCHETT

WARD 2  
ANDREA BLUSTEIN

WARD 3  
TERI ANULEWICZ

WARD 4  
CHARLES A. WEICH  
CITY ATTORNEY  
SCOTT A. COCHRAN

WARD 5  
SUSAN WILKINSON

WARD 6  
WADE LLENICKA

WARD 7  
RON FENNEL

CITY ADMINISTRATOR  
ERIC TAYLOR

CITY CLERK  
TERRI GRAHAM

MUNICIPAL COURT JUDGE  
F. ALTON CURTIS JR.

*J.C. Stephenson*

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

**RETURN DOCUMENT TO:**

THE LAW OFFICES OF SAM MAGUIRE, JR., P.C.  
4840 ROSWELL ROAD, BLDG E, STE 400  
ATLANTA, GA 30342

FILE #C041492

**WARRANTY DEED**

STATE OF GEORGIA  
COUNTY OF FULTON

This Indenture made this 22nd day of October, in the year TWO THOUSAND-FOUR, between THE PREMIER MOBRI GROUP, LLC, of the County of COBB, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and CHRISTOPHER C. OGBUEFI AND YVONNE C. OGBUEFI, 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 consideration 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,

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

This Deed is given subject to all 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**.

Agent File No. 37344

**EXHIBIT "A"**

All that tract or parcel of land lying and being in Land Lot 634 of the 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a rebar found at the intersection of the northerly Right-of-Way of Hawthorne Street (40 foot Right-of-Way) and the Southeasterly Right-of-Way of Smyrna-Roswell Road (60 foot Right-of-Way); thence running North 59 degrees 28 minutes 50 seconds East along the Southeasterly Right-of-Way of Smyrna-Roswell Road, a distance of 338.65 feet to a point; thence running North 60 degrees 07 minutes 51 seconds East along the Southeasterly Right-of-Way of Smyrna-Roswell Road, a distance of 131.97 feet to a point; thence running North 58 degrees 31 minutes 39 seconds East along the Southeasterly Right-of-Way of Smyrna-Roswell Road, a distance of 61.75 feet to a point; thence running North 54 degrees 24 minutes 55 seconds East along the Southeasterly Right-of-Way of Smyrna-Roswell Road, a distance of 29.70 feet to a point; thence leaving the Right-of-Way of Smyrna-Roswell Road and running South 04 degrees 28 minutes 00 seconds East, a distance of 281.17 feet to a point located on the Northerly Right-of-Way of Hawthorne Street; thence running South 88 degrees 41 minutes 00 seconds West along the Northerly Right-of-Way of Hawthorne Street, a distance of 209.10 feet to a point; thence running South 89 degrees 41 minutes 00 seconds West along the Northerly Right-of-Way of Hawthorne Street, a distance of 295.02 feet to a rebar found, also being the POINT OF BEGINNING.

All as shown on Plat of Survey prepared for The Premier Mobri Group, LLC, by McClung Surveying, Inc., dated April 2, 2002, Michael R. Noles, Georgia RLS No. 2646.



Online Banking

**Business Fundamentals Chk - 0541: Account Activity Transaction Details****Check number:** 00000000995**Post date:** 11/20/2014**Amount:** -3,578.54**Type:** Check**Description:** Check

CAYCE Properties LLC 1680 Roswell ST SMYRNA, GA 30080		17-0634-0-0480 13601175	0995 04-6510 04 041
DATE 11/14/14			
PAY TO THE ORDER OF	City of Smyrna	\$ 3578.54	
Three thousand five hundred seventy eight & 54/100		DOLLARS	
Bank of America			
FOR			
⑆000995⑆ ⑆061000052⑆ 334042480541⑆			

City of Smyrna  
2014



Online Banking

## Business Fundamentals Chk - 0541: Account Activity Transaction Details

Check number: 00000000992

Post date: 10/16/2014

Amount: -696.68

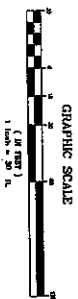
Type: Check

Description: Check

CAUCE Properties LLC 1680 Roswell St. Smyrna, GA 30080		P 13001175	0992
DATE 10/13/14			
PAY TO THE ORDER OF	Cobb County Tax Commission	\$ 696.68	
Six hundred ninety six and 68/100		DOLLARS	
Bank of America			
FOR			
⑈000992⑈ ⑈061000052⑈ 334042480541⑈			

Cobb CTY  
Personal  
1680 Roswell St

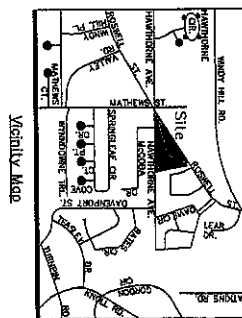
Total Lot Area:	1.61 AC.
Disturbed Area:	0.274 AC.
Zoning:	NS (Neighborhood Shopping)
Setback	Distance
Front	10'
Side	30'
Rear	0'
Buffer	10' (Along East Property Line)
Parking Required:	75 spaces
Shown:	59 Spaces (incl. 3 Loading Areas)

[illegible]

## Site Plan

1. PROPERTY ADDRESS: 1885 N. LINDEN  
STATION, CA 95660
2. OWNER/DEVELOPER: CANY FOODS INC.  
10000 N. 10TH AVE.  
SUNDALE, CA 95060  
CROSSCOUNTRY CORP. (720) 435-0858
3. OWNER/LE: PEARSON EIC CONSULTING, INC.  
450 KODAK RD.  
BELLFLOWER, CA 91706  
FARMERS PRIMUM DEVELOPMENT & DEVELOPMENT CO., LLC  
Project: (650) 207-0700
4. THE PROPERTY IS LOCATED WITHIN LAND USE ZONING OF THE 17TH DISTRICT, CITY OF SAN JOSE, SANTA CLARA COUNTY, CA.

1. ANY REQUIRED SIGNATURES ARE TO BE PRINTED THROUGH THE SIGNATURE SECTION AND IN CAPITAL LETTERS.
2. SIGNATURES OF THE PERSONS ARE TO BE PRINTED THROUGH THE SIGNATURE SECTION AND IN CAPITAL LETTERS.
3. ASSIGNED OFFICERS OF COMPLIANCE WITH AIRBORN WITH DISABILITIES ACT SHALL ACT AS THE RESPONSIBILITY FOR RESPONSIBILITY FOR SIGN ACT EXCEPT FOR NONCOMPLIANCE OF THE REQUIREMENT.
4. ASSIGNED OFFICERS, BROTHERS, AND C.O. OR PAUL, PAUL SIGNATURES OF THE PERSONS ARE TO BE PRINTED THROUGH THE SIGNATURE SECTION AND IN CAPITAL LETTERS.
5. SIGNATURES OF THE PERSONS ARE TO BE PRINTED THROUGH THE SIGNATURE SECTION AND IN CAPITAL LETTERS.

[illegible][illegible]

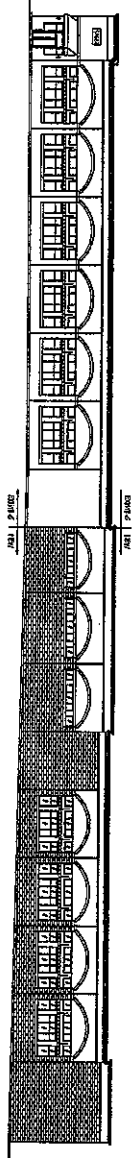
4151 Memorial Drive  
Building A, Suite 210A  
Decatur, Ga. 30032

Ph. 404.297.0750  
mbell@pyramidedc.com

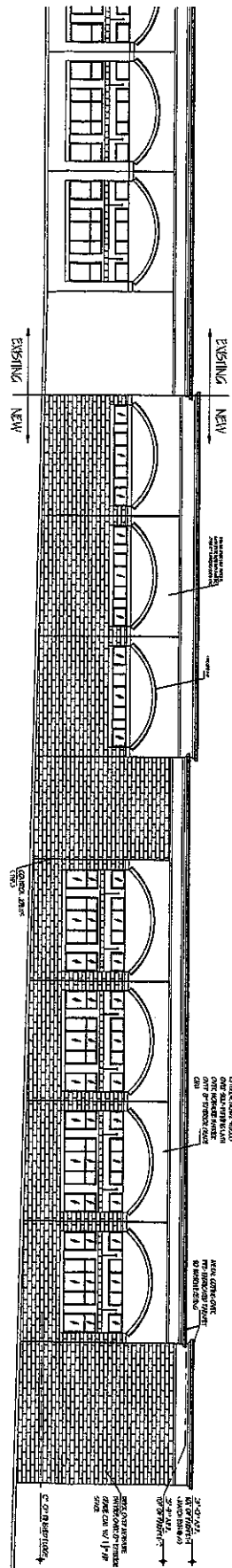
Land Lot 634 - 17th District  
City of Smyrna, Cobb County, Georgia

19

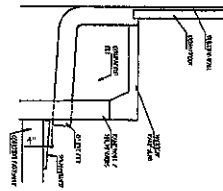




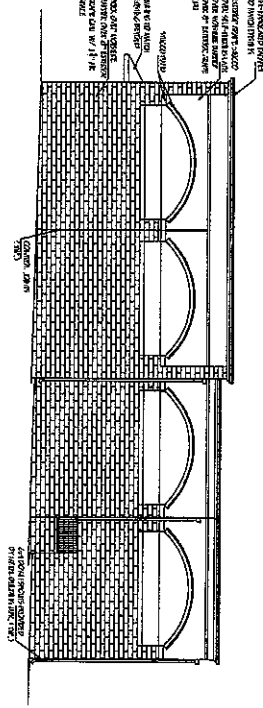
MAIN ELEVATION  
SCALE: 1/4"=1'-0"



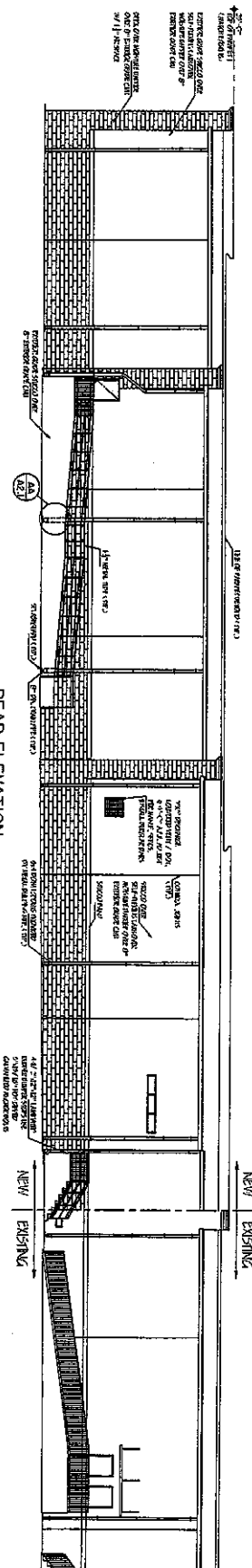
PARTIAL MAIN ELEVATION  
SCALE: 1/4"=1'-0"



DETAIL AA  
SCALE: 1/2"=1'-0"



RIGHT SIDE ELEVATION  
SCALE: 1/4"=1'-0"



REAR ELEVATION  
SCALE: 1/4"=1'-0"

# CAYCE FOODS PHASE 2

1680 ROSWELL STREET  
SMYRNA, GA 30080

ELEVATIONS

JOB #  
110404-2

## A'VANT ARCHITECTURE

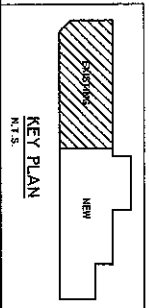
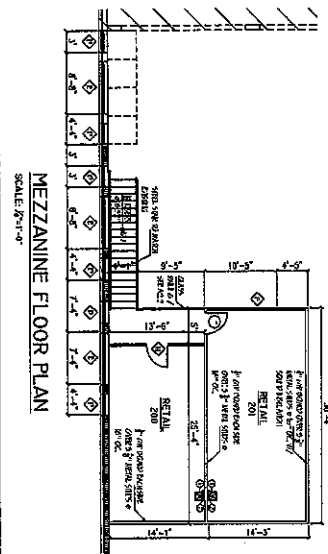
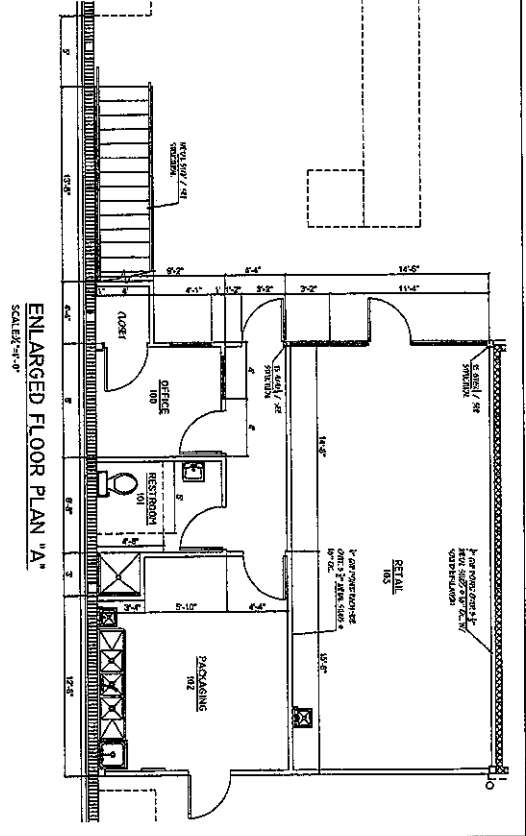
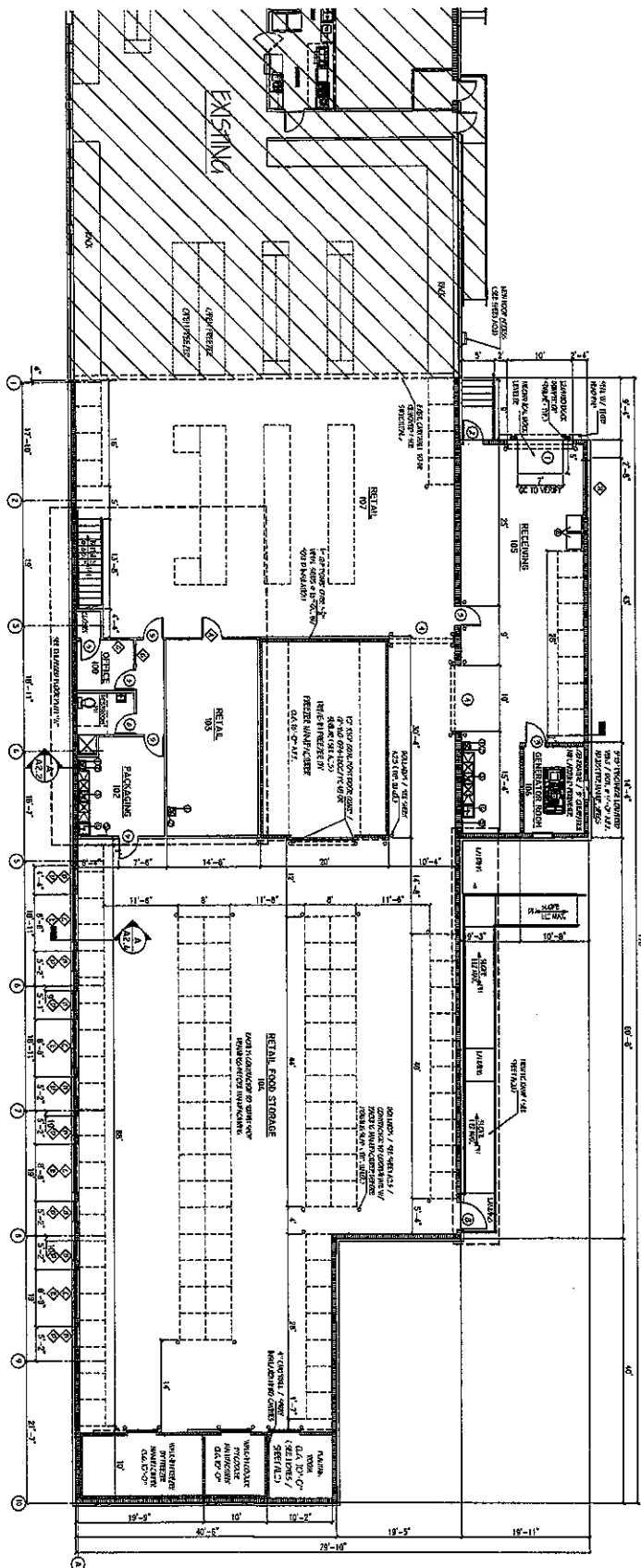
4151 MEMORIAL DRIVE SUITE 210-A  
DECATUR, GA 30032  
404-781-7831





DATE: 02/28/15  
SCALE: AS NOTED  
DESIGNED BY: SPK  
REVISIONS:

A2.1





EQUIPMENT SCHEDULE			
NO.	DESCRIPTION	QTY	REMARKS
1	RECEIVING	1	NEW
2	RECEIVING	1	NEW
3	RECEIVING	1	NEW
4	RECEIVING	1	NEW
5	RECEIVING	1	NEW
6	RECEIVING	1	NEW
7	RECEIVING	1	NEW
8	RECEIVING	1	NEW
9	RECEIVING	1	NEW
10	RECEIVING	1	NEW

 <p><b>A.VANT</b> ARCHITECTURE</p> <p>4151 MEMORIAL DRIVE SUITE 210-A DECATUR, GA 30032 404-781-7831</p>		<p><b>CAYCE FOODS PHASE 2</b></p> <p>1680 ROSWELL STREET SMYRNA, GA 30080</p> <p>FLOOR PLAN</p>		<p>JOB #</p> <p>110404-2</p>
		<p>DATE: 02/28/15</p> <p>SCALE: AS NOTED</p> <p>DESIGN BY: SPH</p>		<p>REVISIONS:</p>
		<p>AI.I</p>		