

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

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: OneStreet Development, LLC - Brendan Barr, Managing Partner
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@mjs.com; brendan@onestreetres.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: TPB RE Holdings II LLC
(Titleholder's name, printed)

Address: Suite 405, 1720 Peachtree Street, N.W., Atlanta, GA 30309

Business Phone: (404) 260-0702 Cell Phone: _____ Home Phone: 470-823-4265

E-mail Address: alivingston@satillacapital.com
TPB RE HOLDINGS II LLC

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

TITLE: Authorized Signor

(To be completed by City) Printed Name: Alex Livingston

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____

Hearing Dates: **April 8, 2019**

May 20, 2019

Applicant: **OneStreet Development, LLC**
Titleholder: **TPB RE Holdings II LLC**

Applicant: OneStreet Development, LLC
Brendan Barr, Managing Partner
Suite 450
2000 RiverEdge Parkway, N.W.
Atlanta, Georgia 30328
(404) 475-1984
E-mail: brendan@onestreetres.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)
E-mail: jkm@mijs.com

ZONING REQUEST

From GC to PUD-RHR
Present Zoning Proposed Zoning

LAND USE

From Medium Density Residential to High Density Residential
Present Land Use Proposed Land Use

For the Purpose of Age-Restricted Senior Living Community

Size of Tract 3.11± acres

Location Northwesterly side of East-West Connector; southerly side of Silver Comet Trail; westerly of Camp Highland Road
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 606 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: PUD (City of Smyrna)
RM-8 (Cobb County)

East: RAD

South: RAD, RTD

West: RTD

CONTIGUOUS LAND USE

North: Medium Density Residential (City of Smyrna)
Medium Density Residential (Cobb County)

East: Medium-High Density Residential (City of Smyrna)
Park/Recreation/Conservation (Cobb County)

South: Medium Density Residential; Moderate Density Residential

West: Medium Density 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? East-West Connector

Improvements proposed by developer? As per Site Plan.

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 March, 2019.

ONESTREET DEVELOPMENT, LLC.

BY: 

(Applicant's Signature)

Brendan Barr, Managing Partner

(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.

Applicant's and Titleholder's Representative

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MOORE INGRAM JOHNSON & STEELE, LLP

BY:



~~(Applicant's Signature)~~

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

(Attorney's Signature, if applicable)

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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 proposed age-restricted community is suitable in the context of
development along the East-West Connector. Townhome communities,
retail, and office dominate the immediate area. An age-restricted
community is compatible to residential uses, while lessening traffic
impact.

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 surrounding properties. An
age-restricted residential community is consistent with, and compliments,
adjacent townhome communities and provides additional support for
surrounding businesses.

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

The property as currently zoned does not have a reasonable economic use.
The existing GC zoning allows intense commercial use incompatible with the
topography, size, and shape of the property.

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 age-restricted community has no impact on schools.

Further, due to the age restriction, traffic impact is minimal as compared to other uses.

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

An age-restricted community is consistent with the spirit of the land use plan which calls for more dense residential uses for the property.

The location, shape, and topography, however, justify development at higher residential densities, if age restricted.

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.

Overall development and uses of property in the immediate area justify approval of the proposal.

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 proposal will enhance the aesthetics of the area, especially when
compared to the possible uses of the property under its current
GC classification.

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 use for an age-restricted community will not create a
nuisance and is wholly compatible with 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 proposed community is appropriately scaled in height and intensity
and will positively affect the area.
