

**APPLICATION FOR ZONING AMENDMENT  
TO THE CITY OF SMYRNA**

*Please Type or Print Clearly*

(To be completed by City)

**Ward:** \_\_\_\_\_

**Application No:** \_\_\_\_\_

**Hearing Date:** \_\_\_\_\_

**APPLICANT:** Traton Homes LLC

Name: Brandon Wilt

(Representative's name, printed)

Address: 720 Kennesaw Avenue, Marietta, GA 30060

Business Phone: 770-427-9064 Cell Phone: 770-823-9425 Fax Number: \_\_\_\_\_

E-Mail Address: BWilt@tratonhomes.com

Signature of Representative: 

**TITLEHOLDER:**

Name: (Multiple titleholders. See Attachment.)

(Titleholder's name, printed)

Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Signature of Titleholder: \_\_\_\_\_

(Attach additional signatures, if needed)

(To be completed by City)

Received: \_\_\_\_\_

Heard by P&Z Board: \_\_\_\_\_

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

Advertised: \_\_\_\_\_

Posted: \_\_\_\_\_

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

**TITLEHOLDER:** (1337 and 1339 Hawthorne Avenue)

Name: TI Hawthorne Gate LLC

Address: 7 South Main Street, Alpharetta, Georgia 30009

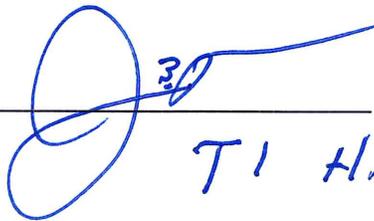
Business Phone: 770-390-2555

Cell Phone: 404-520-6780

Home Phone: \_\_\_\_\_

E-mail Address: JeffB.Freeman@yahoo.com

Signature of Titleholder: \_\_\_\_\_

*manager*  TI Hawthorne Gate LLC

**TITLEHOLDER:** (1345, 1347, 1349, 1351, 1353, 1355, 1357, 1361, 1373, and 1379 Hawthorne Avenue and 2540 Saint Charles Drive)

Name: WB Hawthorne Gate LLC

Address: 7 South Main Street, Alpharetta, Georgia 30009

Business Phone: 770-390-2555

Cell Phone: 404-520-6780

Home Phone: \_\_\_\_\_

E-mail Address: JeffB.Freeman@yahoo.com

Signature of Titleholder: \_\_\_\_\_

*manager*  WB Hawthorne Gate LLC

**ZONING:**

**RAD**

Present Zoning

**LAND USE:**

**Vacant residential land**

Present Land Use

For the Purpose of for-sale residential townhouses.

Size of Tract 3.13 acres

Location 1337, 1339, 1345, 1347, 1349, 1351, 1353, 1355, 1357, 1361, 1373, and 1379 Hawthorne Avenue and 2540 Saint Charles Drive

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

Land Lot (s) 519 and 562

District 17

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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DESCRIPTION OF PROPOSED ZONING AMENDMENT:**

- 1) Modify the existing approved site plan to allow for a total of 32 townhouses at a density of 10.22 units per acre.
- 2) Modify the existing approved building elevations and floor plans to include the enclosed elevations and floor plans and to allow applicant to make future modifications to the approved building elevations and floor plans at the discretion of the Community Development Director.
- 3) Revise Condition # 19 to require the Major Side setback on the west side of Davis Drive to be 10' from existing right-of-way (ROW).  
(5' of additional ROW has already been dedicated on the west side of Davis Drive, so the Major Side setback will be physically unchanged.)
- 4) Revise Condition # 15 to require a dedication of 5' of ROW on the east side of Davis Drive and 5' of ROW on the west side of St. Charles Drive to account for 5' of ROW already dedicated on the W side of Davis Dr. and to bring clarity to the ROW dedication requirements on the W side of St Charles Dr.
- 5) Revise Condition # 20 to require three-sided architecture (front and both sides) and allow fibercement siding as the finish material on up to 100% of the rear.

CONTIGUOUS ZONING

North: R-20 (Cobb County)  
East: RAD  
South: R-15 and LC  
West: RAD

CONTIGUOUS LAND USE

North: Residential  
East: Residential  
South: Residential  
West: 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:

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**TRANSPORTATION**

Access to Property? Access is provided via Hawthorne Avenue and Davis Drive.

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Improvements proposed by developer? No new improvements are planned.

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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.

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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:

N/A

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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:

N/A

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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:

N/A

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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?

N/A

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

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**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.

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

N/A

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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?

N/A

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

N/A

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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 9<sup>th</sup> day of May, 2014.



\_\_\_\_\_  
(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.

There is no proposed change to the use of the property. It will remain RAD and will be developed as for-sale residential townhomes. The majority of the adjacent properties also have a residential use.

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

There is no proposed change to the use of the property. It will remain RAD and will be developed as for-sale residential townhomes. The majority of the adjacent properties also have a residential use.

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

The property has a reasonable economic use with its current RAD zoning but the currently approved site plan is not economically reasonable. It requires the construction of a larger townhouse that was not accepted by the market. This is the reason that the property has sat idle and incomplete for many years.

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**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.

The zoning proposal will increase the number of units by 4 townhouses. This small increase should not have an excessive or burdensome use on the existing streets, transportation facilities, utilities, or schools. The existing street grid provides multiple access points to the property which should help with any additional traffic. Our previous experience with our similar Village Walk project also tells us that the majority of the homebuyers for these townhouses will have no school-aged children.

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

The proposed use and density complies with the policy and intent of the Urban Residential classification of the property on the Future 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 property was previously conditioned to a land plan that required the construction of 25' wide townhouse units with an extremely ornate architectural style. Due to the recession that reset property values throughout the City and the County, it is no longer economically feasible to build and sell the currently approved townhouses as prospective homebuyers can currently purchase new detached homes throughout the City for less than the currently approved townhouse product would need to sell for if built new today. Our proposed 20' townhouse product would be very similar to what we constructed in 2013 at Village Walk which was very well-received by the market.

**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.

The development of the property under our zoning proposal would enhance the architectural standards and aesthetics of the general neighborhood as it would bring about the construction of new, upscale townhomes at the location of a long-idled and unkempt development site. There would be no change in the current open space provided in the development.

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 is the same of the currently approved for-sale residential townhouse use, so it will be compatible with the existing for-sale residential uses 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 proposed use should have a positive affect on the adjoining property and the general neighborhood as it will bring about the addition of new, upscale townhouses to the city center. This will increase the number of owner-occupied housing units in the city center, a key component of a thriving and successful city center.