

# APPLICATION FOR REZONING TO THE CITY OF SMYRNA

*Type or Print Clearly*

(To be completed by City)

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

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

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

**\*APPLICANT:** JAC Endeavor LLC

**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@mijs.com

MOORE INGRAM JOHNSON & STEELE, LLP

Signature of Representative BY: 

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

## **TITLEHOLDER**

Name: Paul Iribe and Michael Hannan  
(Titleholder's name, printed)

Address: 3350 Fieldwood Drive, S.E., Smyrna, GA 30080  
39 Rutland Street, Boston, MA 02118

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

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

Signature of Titleholder: See Attached Exhibit "B" for Titleholders' Signatures  
(Attach additional signatures, if needed)

(To be completed by City)

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

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

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

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

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

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

**\*See Attached Exhibit "A" for Applicant Information**

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING**

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

**Hearing Dates:**

**October 11, 2021**

**November 15, 2021**

**Applicant:**

**JAC Endeavor LLC**

**Titleholders:**

**Paul Iribe and Michael Hannan**

**Tax Parcel Identification No.:**

**17070000600**

JAC ENDEAVOR LLC

BY: \_\_\_\_\_

Jeff Carter  
Owner

Date Executed:

September <sup>9<sup>th</sup></sup> \_\_\_\_\_, 2021

Address:

Post Office Box 1191  
Smyrna, Georgia 30081

Telephone:

(704) 280-0770

E-mail:

[jwcarte22@yahoo.com](mailto:jwcarte22@yahoo.com)

Signed, sealed, and delivered in the presence of:

Notary Public

Commission Expires: 3/30/2025

[Notary Seal]



**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR REZONING**

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

**Hearing Dates:**

October 11, 2021

November 15, 2021

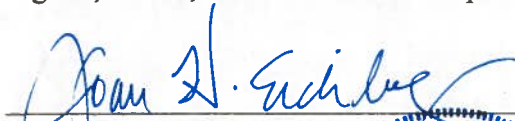
**Applicant:**  
**Titleholders:**

**JAC Endeavor LLC**  
**Paul Iribe and Michael Hannan**

**Tax Parcel Identification No.:**

**17070000600**

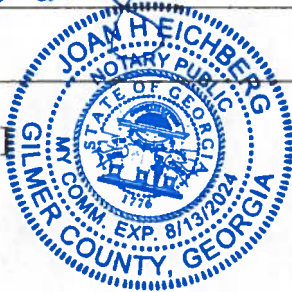
Signed, sealed, and delivered in the presence of:

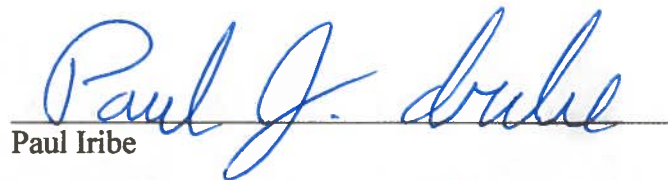


Notary Public

Commission Expires: \_\_\_\_\_

[Notary Seal]



  
Paul Iribe

Date Executed: August 12, 2021

Address:

39 Rutland St  
Boston MA 02118

Telephone:

202 744 2547

E-mail:

paul.j.iriibe@gmail.com

  
Michael Hannan

Date Executed: August 12, 2021

Address:

3350 Piedmont Dr SE  
Atlanta GA 30080

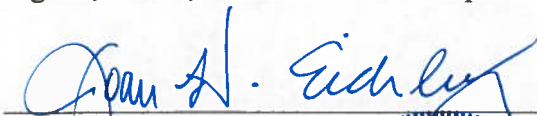
Telephone:

404 436 9242

E-mail:

mhannan7@gmail.com

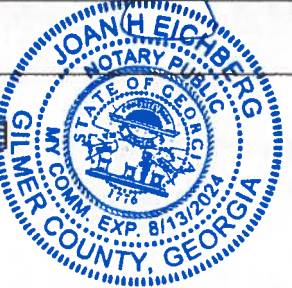
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Notary Public

Commission Expires: \_\_\_\_\_

[Notary Seal]



**ATTACHMENT TO APPLICATION FOR REZONING**

**Application No.:**

**Hearing Dates:**

**October 11, 2021**

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**Applicant:**

**JAC Endeavor LLC**

**Titleholders:**

**Paul Iribe and Michael Hannan**

**Tax Parcel Identification No.:**

**17070000600**

**Applicant:**

JAC Endeavor LLC

Attention: Jeff Carter, Owner

Post Office Box 1191

Smyrna, Georgia 30081

(704) 280-0770

E-mail: [jwcarte22@yahoo.com](mailto:jwcarte22@yahoo.com)

**Titleholders:**

Paul J. Iribe

39 Rutland Street

Boston, MA 02118

(202) 744-2547

E-mail: [paul.j.iriibe@gmail.com](mailto:paul.j.iriibe@gmail.com)

Michael Hannan

3350 Fieldwood Drive, S.E.

Smyrna, Georgia 30080

(\_\_\_) 15) 436-9242

E-mail: [mhannan7@gmail.com](mailto:mhannan7@gmail.com)

**Applicant's and Owners' Representative:**

J. Kevin Moore, Esq.

Moore Ingram Johnson & Steele, LLP

Attorneys at Law

Emerson Overlook

326 Roswell Street

Marietta, Georgia 30060

(770) 429-1499 (Office)

(770) 429-8631 (Telefax)

E-mail: [jkm@mijs.com](mailto:jkm@mijs.com)

**ZONING REQUEST**

From R-15 to NS, with variance to allow for  
Present Zoning Proposed Zoning drive-thru

**LAND USE**

From Medium Density Residential to Neighborhood Activity Center  
Present Land Use Proposed Land Use

For the Purpose of Coffee Shop, with drive-thru, and Emission Testing Facility

Size of Tract 0.954± acres

Location 3410 Atlanta Road (Tax Parcel No. 17070000600)  
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 700 District 17th

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no ~~xxxxxthere are xxxxx~~ 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:** OI, NS

**East:** R-12

**South:** RAD

**West:** RAD

**CONTIGUOUS LAND USE**

**North:** Neighborhood Activity Center

**East:** High Density Residential

**South:** Medium Density Residential

**West:** Medium-High Density Residential; Medium Density Residential

## **INFRASTRUCTURE**

### **WATER AND SEWER**

A letter from Frank Martin, Director of Public Works Department is required stating that water is available and the supply is adequate for this project.

A letter from Frank Martin, 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:

Water and sewer are available to serve the proposed project.

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### **TRANSPORTATION**

Access to Property? Atlanta Road

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Improvements proposed by developer? Deceleration Lane; Sidewalk

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Comments:

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**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.

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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 or Planning and Zoning Board to whom the campaign contribution or gift was made:

Not Applicable.

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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 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.

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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 or Planning and Zoning Board during the two years immediately preceding the filing of this application:

Not Applicable.

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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.

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

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**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 10th day of September,  
2021.

JAC ENDEAVOR LLC

BY: 

(Applicant's Signature)

Jeff Carter

Owner

~~XXXXXX Attorney's Signature, If Applicable XXXX~~

**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 Titleholders' Representative)**

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?

Yes.

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:

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:

\$1,500 (November 14, 2019)

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 Titleholders' 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.

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 10th day of September, 2021.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

(Attorney's Signature, if applicable)

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

**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 proposed rezoning will permit development of a local coffee shop and emission testing facility. The Property is less than one acre in size, and the low impact of the proposed businesses is a more suitable use for the Property than the density of a residential development. Further, the proposed development for the use sought is compatible with the adjacent and nearby residential 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. The proposed development for low impact businesses, such as the proposed coffee shop and emission testing facility, will not cause disruption to or in any way adversely affect nearby neighborhoods or residences.

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

The current R-15 zoning provides some economic viability; however, the impact to the community is greater in attempting to develop a smaller tract of property to maximize the density to obtain the greatest economic yield for the property. If the property is developed pursuant to the existing R-15 zoning classification, the development could result in a greater impact to surrounding residential communities than the proposed use.

- 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 rezoning will not have an excessive or burdensome impact on existing facilities and infrastructure.

- 5. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan.**

The proposed use is not in conformity with the existing Medium Density Residential Land Use category; however, given the character and conditions of similarly situated properties on Atlanta Road, the proposed use provides a better use for the property, without causing burdening effects on infrastructure such as roads, water, and sewer.

- 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 is less than one acre in size, and development to the current residential zoning classification would greatly impact residences immediately adjacent to the property. The expansion of retail, commercial, office, and institutional uses on smaller parcels along Atlanta Road supports the proposed development, which is less in intensity and impact than development to the maximum density of the R-15 classification.

- 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 upheld, and even enhanced, by the proposed 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 development is neither a nuisance nor incompatible considering the surrounding uses and neighborhoods; and is actually a better transition than the existing zoning category. Additionally, the proposed coffee shop and emission testing facility would provide convenient, needed uses for community residents.

- 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 development would positively affect the area and surrounding properties as it would be less intense than maximizing residential density on a smaller tract. The proposed coffee shop and emission testing facility will be located near Atlanta Road, and under eighteen (18) feet in height, with a minimum of a sixty (60) foot buffer between the structures and the adjacent residential neighborhoods. The natural berm on the property line would remain, and be enhanced with the planting of Magnolia, Cypress, and Arborvitae, or combinations thereof, to achieve a natural and enhanced landscape screening. Grading for the proposed development would be done at the level of Atlanta Road, which would screen the structures from view of the adjacent residences.