



CITY OF SMYRNA

3180 Atlanta Road, Smyrna, Georgia 30080

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City of Smyrna Department of Community Development

Certification of Zoning

This letter is to certify the following described property located in Land Lot 381 of the 17th District, 2nd Section of Cobb County is in the LI – Light Industrial zoning classification. The zoning of this property is recorded in the official records of the City of Smyrna Department of Community Development.

The property is more particularly described as follows:

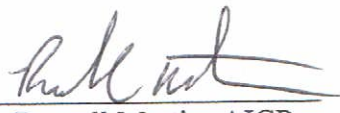
See Exhibit “A”; Property Identification Number - 17038100850

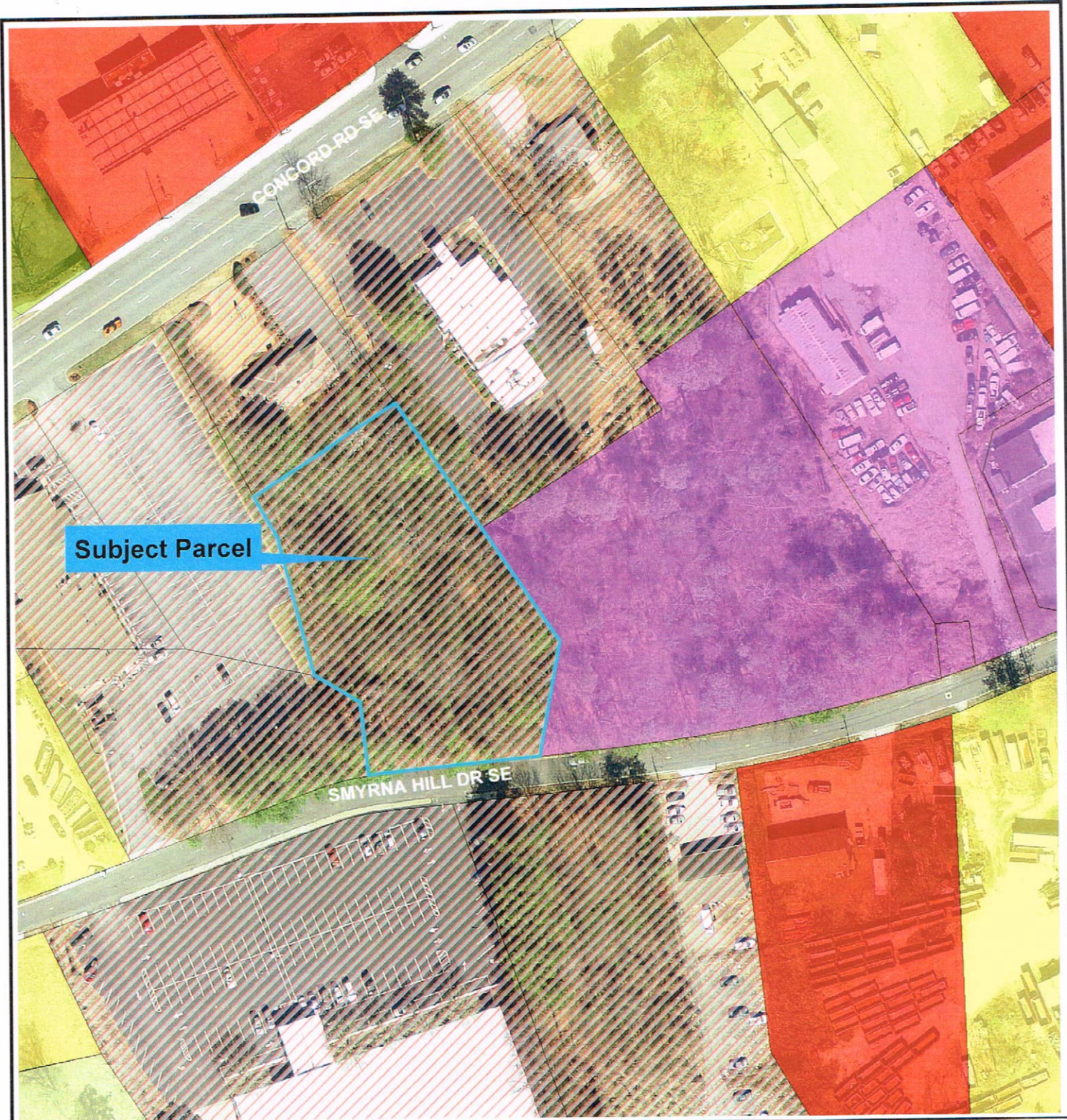
Additional Information:

Community Development has been notified by the property owner of a possible error on the City’s Official zoning map with regards to the subject property. This notification has led Community Development to research the property to with regards to all zoning actions. The City’s current zoning map shows the subject property as being zoned NS (Neighborhood Shopping); however, based upon the research completed by Community Development, the zoning district reflected on the zoning map is incorrect. The correct zoning of the property is LI (Light Industrial). Also, Attached to this letter is a zoning vicinity map of the subject property, the zoning minutes from the rezoning of the property and the site plan from the rezoning of the subject property. Community Development will make the necessary map change at the next scheduled zoning map update in early 2013. If you have any questions regarding this issue please feel free to contact Community Development at 678-631-5357.

THIS CERTIFICATION IS NOT FOR OBTAINING A BUILDING PERMIT

Date: September 12, 2012


Russell Martin, AICP
City of Smyrna, Planner- II



Zoning Vicinity Map

Exhibit "A"
The Subject Parcel is Located on
Smyrna Hill Drive

From:

NS

To:

LI

R-30	RM-16	LC	Cobb
R-20	PUD	GC	
R-15	RD	TS	
R-12	RD-4	CBD	
RAD	RTD	OI	
RMC-8	RHR	OD	
RM-10	FC	LI	
RM-12	NS	HI	



0 20 40 80 120 160 Feet

Case Number:
N/A

Ward:
3

Tax Parcel #:
17038100850

Planning Commission
Meeting Date: N/A

City Council
Meeting Date: N/A

and will have the City Engineer out there to look at the sign situation. Mr. Gallagher stated that would resolve the problem even in the future with that being the only entrance into that subdivision and should be designated as a fire lane to allow the fire engines to get in and out of the subdivision. Mayor Bacon thanked Mr. Gallagher.

Joshua Smith stated he and his wife lives in Smyrna at 570 Plaza Drive and that he has recently opened up his own law practice in the Village Pavilion. Mr. Smith stated he wanted to let everyone know in the City that he is open for business. Mayor Bacon thanked Mr. Smith for letting everyone know about his new business across from City Hall.

Councilman Wood asked Mayor Bacon before Council got away from the situation at King Valley at Vinings, so that Council could go ahead and act, Councilman Wood asked Council to suspend the rules and authorize the Public Works Department or the appropriate department to install temporary signs or fire lane signs or whatever is necessary to deal with the problem at King Valley at Vinings. Councilman Wood made a motion to suspend the rules. Councilman Cramer seconded the motion. Motion was approved 6-0.

Councilman Wood made a motion to instruct the City Engineer or Public Works Director to go to King Valley subdivision and erect appropriate signs inside the entry way off of King Valley Drive to King Valley at Vinings subdivision to control the illegal parking. Councilman Wood stated the intent is that they may want to put something in addition to "No Parking" signs but whatever is appropriate signage as determined by the City Engineer. Councilman Cramer seconded the motion. Motion was approved 6-0.

PUBLIC HEARINGS:

- (A) Rezoning Request – 1.53 acres – Bates Road and Argo Drive – From R-15 to R-12 Conditional.

Mr. Corey stated that Cobb Habitat is proposing to rezone a 1.53 acre tract of land in Land Lot 664 from R-15 to R-12 Conditional. The development proposal provides for the construction of six single-family residences. The proposed rezoning will also require a land use change from Low Density Residential to Medium Density Residential. The parcel is located on the southeast side of Bates Road near the intersection of Bates Road and Argo Drive. Mayor Bacon stated that this is a public hearing and asked for public comment. There was none.

Councilman Scoggins acknowledged the applicant, Mr. Dean Byers, and stated that looking at the plan the houses were to be from 1200 to 1400 square feet. Mr. Byers stated that is correct. Councilman Scoggins asked if there is supposed to be six homes? Mr. Byers stated yes. Councilman Scoggins asked for Council's knowledge, at this point about how many of those homes have you built over there? Mr. Byers stated 18 homes have been built on this street. Councilman Scoggins stated that this would bring the total to 24. Mr. Byers stated that is correct. Councilman Scoggins stated that it was his understanding there were going to be more homes built. Mr. Byers stated yes. Councilman Scoggins congratulated Mr. Byers and stated that those homes look good.

Councilman Scoggins made a motion to approve the rezoning request from R-15 to R-12 Conditional and Councilman Lnenicka seconded the motion. Motion was approved 6-0.

- (B) Land Use Change Request – 1.53 acres – Bates Road and Argo Drive – From Low Density Residential to Medium Density Residential.

Mayor Bacon stated that this is a public hearing and asked for public comment. There was none.

Councilman Scoggins made a motion to approve the land use change request from Low Density Residential to Medium Density Residential and Councilman Wood seconded the motion. Motion was approved 6-0.

- (C) Rezoning Request – 2.65 acres – Smyrna Hill Drive – From Neighborhood Shopping to Light Industrial.

Mr. Corey stated William L. Wills is proposing to rezone a 2.65-acre tract of land in Land Lot 381 from Neighborhood Shopping to Light Industrial. The parcel is located on the North side of Smyrna Hill Drive between Sherwood Drive and Radcliff Road. The proposed rezoning will also require a land use change from Community Activity Center to Industrial Compatible. Mayor Bacon stated that this is a public hearing and asked for public comment. There was none.

Councilman Hawkins asked Mr. Garvis Sams to give the Council an overview of what his client plans for this property. Mr. Sams stated he represents Mr. Larry Wills and this is an application that appeared before the City's planning commission last month and was unanimously recommended for approval both with respect to the rezoning and the land use change. Mr. Sams stated the property at issue is a 2.65-acre tract located on the North side of Smyrna Hill Drive just east of Howard's Restaurant parking lot. Mr. Sams stated it is within the CAC and the applicant is seeking industrial compatible. Mr. Sams stated this area is a mixed bag of zonings that are from Heavy Commercial to Industrial to Recycling Plant. Mr. Sams stated the applicant proposes a rezoning of the property from Neighborhood Shopping to Light Industrial for purposes of an office warehouse about 22,000 square feet of buildings, including the applicant's residential construction company, which is Circle W Construction. Mr. Sams stated a good dialogue has been established with city staff and the planning commission. Mr. Sams stated there are a number of stipulations and conditions that are embodied in a letter that he sent to Mr. Miller dated March 14, 2001. Mr. Sams stated the applicant is asking that the property be rezoned subject to those stipulations and conditions. Councilman Hawkins asked if Mr. Sams was referring to the eleven stipulations the Zoning Board added. Mr. Sams stated they have been refined in the letter dated March 14, 2001 and that each council member was sent a copy. Councilman Hawkins asked Mr. Sams to read those stipulations into the record. Mr. Sams stated that the Light Industrial classification is an extremely broad classification in the ordinance so the applicant wanted to make certain that council and staff was comfortable with the Light Industrial. Mr. Sams stated that what was agreed to is a rezoning of this from Neighborhood Shopping to Light Industrial for office warehouse utilization only and are deleting any use that is injurious, noxious, or hazardous and specifically deleting automobile and truck sales and leasing establishments, automobile service stations, dry cleaning plants, mobile home and travel trailer sales, tire retreading and recapping plants, truck terminals, and archery and gun ranges. Mr. Sams stated the architectural style would be consistent with those architectural photographs that were shown to the Planning Commission. Mr. Sams stated the Planning Commission had stipulated or suggested in their motion that the architectural style be split-face block on four sides, the applicants is asking for split fact block on 3 sides with conventional block to the rear where the warehouse and storage area would be. Mr. Sams stated he erroneously, as his clients informed him afterward, had talked in his presentation about pitched style architectural roofs but actually the roofs will not be of pitched residential style. Mr. Sams stated the rest of the stipulations conform to what the city staff suggested but the Planning Commission wanted to make sure outside storage was located to the rear so there is a special stipulation that the outside storage shall be limited to those buildings located toward the rear property line and any outside storage shall be totally screened from view either by retaining walls and/or a combination of fencing/landscaping. Mr. Sams stated this would include not only the screening in respect to those properties contiguous, but also that it be screened from view totally from any right-of-way and street areas that is adjacent to the property. Mr. Sams stated these are the stipulations and only three differ from the planning commission motion. Councilman Hawkins stated that stipulation 11 that the Zoning Board added states that City staff will review any potential outside storage uses during the review of the business license for each tenant. Is that still a stipulation? Mr. Sams stated that it was fine with the applicant and believed the reason the Board put that in was before it had been restricted to a one use only under Light Industrial and then specifically omitting those otherwise permitted uses. Councilman Hawkins asked if stipulation 10 would be complied with the tree preservation requirements and tree ordinances although the applicant has to whether or not it is a stipulation. Mr. Sams stated yes and one of the stipulations that was submitted not only complies with that but also to maintain stream buffers. Councilman Hawkins asked if there were still plans to screen trash and refuse areas? Mr. Sams stated yes. Councilman Hawkins stated there is a changed in stipulation 4 and asked if the building will have a residential roof pitch or what? Mr. Sams stated this shouldn't have been part of his presentation to the Planning Commission but meant for the architectural style to be consistent with the photos showing an office warehouse park on White Circle in Marietta. Mr. Sams handed Councilman Hawkins the photos. Mr. Sams stated this would be what the roof will look like and what the architectural composition will be as far as the split face block. Councilman Hawkins stated it was his understanding there will be four buildings consisting of 22,000 square feet. Mr. Sams stated yes and the exact square footage is 22,200. Councilman Hawkins stated the biggest discussion at the Planning and Zoning Board that night was the outside storage. Councilman Hawkins read, from the Planning and Zoning Board Minutes, stipulation

6 that stated outside storage is permitted only if incidental to primary use, stipulation 7 stated that outside storage areas are to be located adjacent to rear property line setback 10 feet from the rear property line and 30 feet from the rear of the buildings, stipulation 8 stated outside storage areas are to be screened from view with a masonry wall and vegetation. No storage is permitted to be visible from adjacent properties. Mr. Sams stated these stipulations have also been agreed upon. Councilman Lnenicka asked Mr. Sams regarding the proposed change in stipulation 2 to have split face block only on three sides and at looking at the drawing for each of these buildings all the sides will be visible within the project, so which side would not be in the split face block but in the conventional block, and why wouldn't that be unattractive, and why wouldn't the council go with the four sides as approved by the Planning and Zoning Board? Mr. Sams stated that what his client intended was for the architectural style to be analogous if not identical to what was shown to the Board at the White Circle buildings, which shows the service areas that use the warehouse component to the rear just seemed appropriate from the perspective of the client both architecturally and aesthetically to have conventional block on that side. Councilman Hawkins asked if the conventional block would be visible from Concord Road? Mr. Sams stated that there are two separate properties that front Concord Road that are separate from this project, so you won't be able to see it at all. Councilman Hawkins stated this is not uncommon in warehouses since the back is considered the service entrance where the trucks and loading docks are.

Councilman Hawkins motioned the rezoning request for the 2.65 acres on Smyrna Hill Drive be changed from Neighborhood Shopping to Light Industrial but to include the stipulations that were listed by the Planning and Zoning Board accept the changes to stipulation 2, the deletion of stipulation 4, and the inclusion of the additional stipulations Mr. Sams read into the record. Councilman Cramer seconded the motion. Motion was approved 6-0.

- (D) Land Use Change Request – 2.65 acres – Smyrna Hill Drive – From Community Activity Center to Industrial Compatible.

Mayor Bacon stated that this is a public hearing and asked for public comment. There was none.

Councilman Hawkins made a motion to change the land use request for the 2.65 acres on Smyrna Hill Drive to be changed from Community Activity Center to Industrial Compatible. Councilman Wood asked if that includes what Mr. Sams stated about the limitations. Councilman Hawkins stated for this particular rezoning the applicant put some restrictions on that would only apply to that zoning so if it changed ownership the zoning would still be in place, but this motion is only to change the land use. Councilman Scoggins seconded the motion. Motion approved 6-0.

- (E) Variance Request – Cumberland Community Church – Reduce required buffer from 50' to 25'

Mr. Corey stated the Cumberland Community Church located at 3110 Sports Avenue has requested a variance to reduce the required buffer along the eastern property boundary and that this buffer is required because the adjacent property is zoned R-15. Mayor Bacon stated that this is a public hearing and asked for public comment. There was no opposition.

Mr. Andrew Halloran stated he was with CDH Partners, an architect and engineer company for Cumberland Community Church.

Mayor Bacon asked Councilman Newcomb to handle this issue since there is no councilperson for that district since Ms. Capilouto resigned effective March 31, 2001.

Councilman Newcomb asked Mr. Halloran to describe to Council the variance the applicant is requesting along the eastern line and the reason for it. Mr. Halloran stated the church is zoned General Commercial along with the other parcels along Sports Avenue. He stated on the eastern property line is the Colonial Pipeline but it is zoned residential so the property per city ordinance requires a 50-foot buffer along any residential property. Mr. Halloran stated that on previous engineering plans, no one looked at this in depth and just assumed since it is a Pipeline it was not zoned residential, in doing research for a new parking lot it was discovered. Mr. Halloran stated the church is asking for a variance to reduce it 50% from what it is originally called for in the Code but still provide some buffering along the Colonial Pipeline