



Planning and Zoning Commission Meeting - Final

December 11, 2023

6:00 PM

-
- A. **Z23-010** Public Hearing - Zoning Case - Z23-010 - Allow rezoning from LC to R-10 for an existing single-family home - Land Lot 485 - 0.25 acres - 1120 Concord Road - Jeremy Robinson



City of Smyrna

Issue Sheet

A Max Bacon
City Hall
2800 King Street
Smyrna, GA 30080

File Number: Z23-010

Agenda Date: 12/11/2023	
--------------------------------	--

In Control: .

File Type: Zoning Item

Agenda Section:

Agenda Number: **A.**

Community Development Item

Department: Community Development

Agenda Title:

Public Hearing - Zoning Case - Z23-010 - Allow rezoning from LC to R-10 for an existing single-family home - Land Lot 485 - 0.25 acres - 1120 Concord Road - Jeremy Robinson

Ward 3 Councilmember - Travis Lindley

ISSUE AND BACKGROUND:

The subject property was rezoned from FC (Future Commercial) to LC (Limited Commercial) in 2021 (Z21-004) to convert the single-family structure for use as a professional office. The applicant was unable to satisfy the zoning conditions that required improvements to the property for parking and access necessary for a commercial use. The applicant is requesting to revert the zoning from LC (Limited Commercial) to R-10 (Residential) for use as a single-family home.

RECOMMENDATION / REQUESTED ACTION:

Community Development recommends approval of Zoning Case - Z23-010 to allow rezoning from LC to R-10 for an existing single-family home on Land Lot 485 (0.25 acres) located at 1120 Concord Road by the applicant Jeremy Robinson.

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

From: Russel Martin, AICP, Community Development Director
Joey Staubes, AICP, Planner II

Date: November 29, 2023

CC: Chief Joe Bennett, City Administrator
Planning and Zoning Board

RE: **REZONING CASE Z23-010– 1120 Concord Rd**

Applicant: Jeremy Robinson

Existing Zoning: LC

Titleholder: Jeremy Robinson

Proposed Zoning: R-10

Size of Tract: 0.25 acres

Location: 1120 Concord Road

Contiguous Zoning:

Land Lot: 485

North LC

South FC

Ward: 3

East LC

West FC

Access: Concord Rd & Concord Circle

Hearing Dates:

Existing Improvements: Single Story Structure

P&Z December 11, 2023

Mayor and Council January 16, 2024

Proposed Use:

The applicant is requesting a rezoning from LC to R-10 for use as a single-family home. The future land use will remain as NAC – Neighborhood Activity Center.

Staff Recommendation:

Approval of the rezoning from **LC** (Limited Commercial) to **R-10** (Single-family Residential).

Planning & Zoning Board Recommendation:

Approve by a vote of 7-0 at the December 11, 2023 meeting.



PROJECT DESCRIPTION

The subject property was rezoned from FC (Future Commercial) to LC (Limited Commercial) in 2021 (Z21-004) to convert the single-family structure for use as a professional office. The applicant was unable to satisfy the zoning conditions that required improvements to the property for parking and access necessary for a commercial use. The applicant is requesting to revert the zoning from LC (Limited Commercial) to R-10 (Residential) for use as a single-family home.

STAFF COMMENTS

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. The following provides the nine factors followed by an analysis of each factor in italics. Both the Applicant's response as well as Staff's analysis to each factor are listed. It is hoped that providing both responses results in a better understanding of what is actually being proposed.

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Applicant Response:

"Previously a residential building and nothing has changed."

Staff Analysis:

The zoning proposal consists of one tract of land totaling 0.25 acres and is zoned LC. Approval of the zoning proposal would not result in any additional development to the subject property. The adjacent property to the north across Concord Road is zoned LC (Limited Commercial). The adjacent property to the south is zoned FC (Future Commercial). The adjacent property to the west is zoned FC. The adjacent property to the east is zoned LC. The proposed zoning would continue to be consistent with the use and development of adjacent and nearby properties.

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

Applicant Response:

"No changes and will not impact anything as building next door is residential as well."

Staff Analysis:

The zoning proposal should not have an adverse affect upon the existing use or usability of nearby properties. The proposed use is consistent with the adjoining commercial and residential uses. The proposed development will be accessed directly from Concord Circle and not impact any additional local streets.

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

Applicant Response:

"Cost is too high to change to LC, so better suited for residential."

Staff Analysis:

The subject parcel has reasonable economic use as currently zoned. The property was originally zoned Future Commercial (FC) which identifies properties that are suitable for commercial development but are limited to a residential use until rezoned commercially. The applicant would like to revert back to a residential zoning district due to the infeasibility of a conversion to commercial occupancy.

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.

Applicant Response:

"Not Applicable."

Staff Analysis:

Based upon information from the City Engineer, the proposed use will not cause an excessive or burdensome use of the existing streets or transportation facilities.

The building is currently serviced with water and sewer from the city.

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

Applicant Response:

"Yes it is."

Staff Analysis:

The subject property has a future land use designation of NAC (Neighborhood Activity Center) on the city's 2040 Future Land Use Plan. No Land Use change is proposed.

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.

Applicant Response:

"Prior zoning proposal called for parking lot in front of building that would obstruct flow of traffic and would be expensive for a small business owner. Current residential use is more economical."

Staff Analysis:

The property was rezoned to LC in 2021 (Z21-004) for use as a professional office. The applicant was unsuccessful in making the required improvements necessary for a commercial occupancy. Community Development believes reverting back to a residential zoning district is appropriate until such time that a property assemblage is possible to realize a feasible commercial development. The subject property fronts on Concord Road, which is an arterial road with residential and commercial uses.

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.

Applicant Response:

"It will conform to prior use as residential."

Staff Analysis:

The general area is comprised of residential properties that have transitioned to commercial as well as new commercial development. The property will conform with the aesthetics of the general neighborhood.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

Applicant Response:

"Not applicable."

Staff Analysis:

The proposed use of the property with a residential zoning will not create a nuisance for existing uses in the area. The proposed use is consistent with other 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.

Applicant Response:

"Would conform to current neighbor building that is residential."

Staff Analysis:

Factors associated with the size of the proposed use, in either land area or building height will be unchanged and have no negative effect upon all adjacent and nearby properties. There are no changes or additions proposed for the subject property.

Project Analysis

Engineering Review

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management and stream buffer issues. No additional transportation or stormwater management improvements are required for the site except for improvements to the access drives. There are no stream buffers affecting the property.

Fire Marshal Review

The Fire Marshal's office has reviewed the current proposal and in general believes that it meets the Fire Code requirements for fire truck access for a residential use.

Planning Review

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal is consistent with the NAC (Neighborhood Activity Center) Future Land Use Designation.

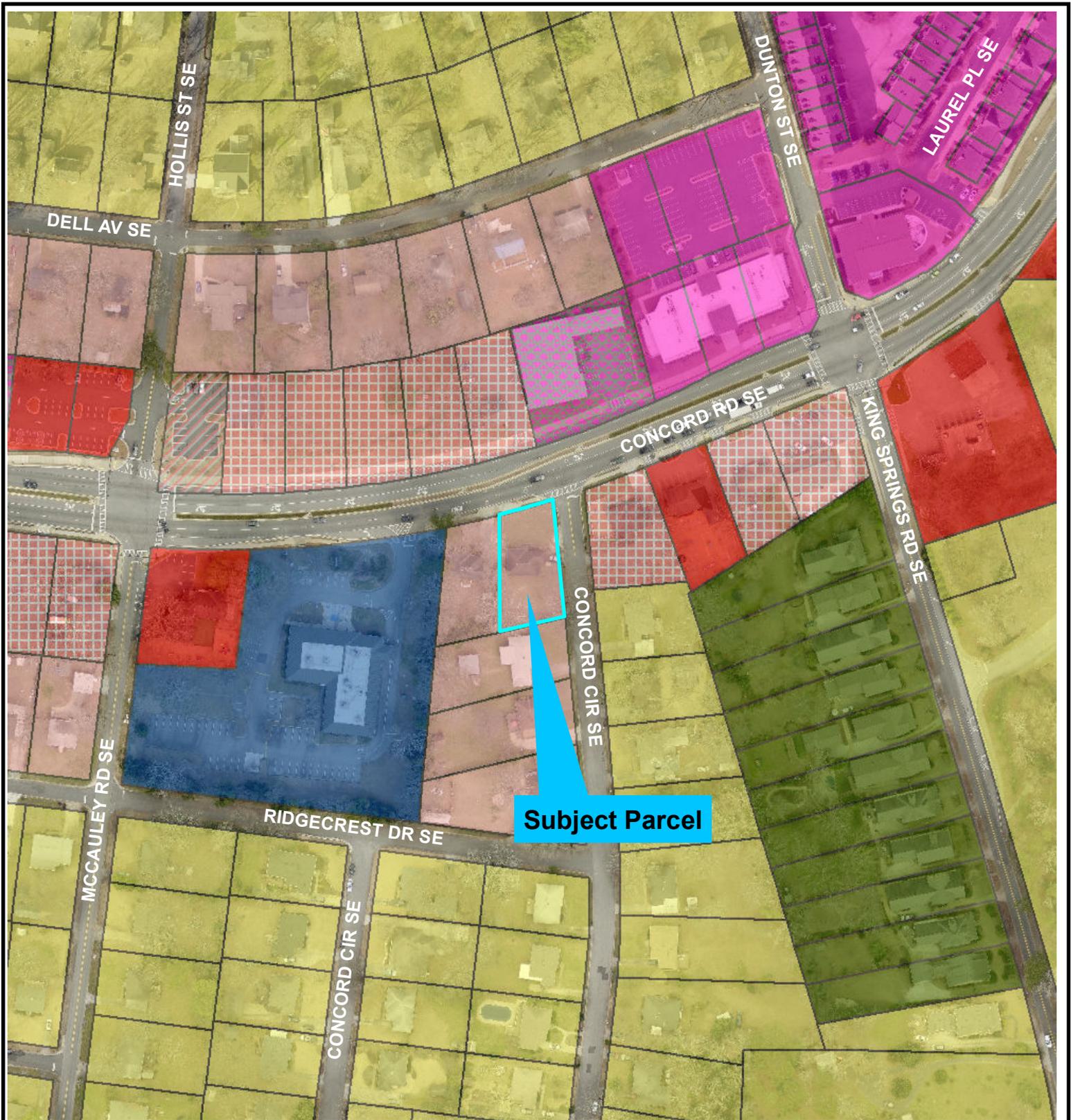
Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to a residential use. The proposed development meets all the zoning requirements for a single-family home in the R-10 Zoning District. Community Development Staff is supportive of the change in zoning from the non-conforming zoning of LC to R-10.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from LC to R-10 at 1120 Concord Road.

Adjacent Properties





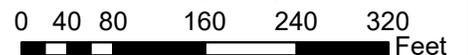
Zoning Vicinity Map

Exhibit "A"

The Subject Parcel is Located
at 1120 Concord Road.

From: **LC** To: **R-10**

MU	RM-12	NS	TS
R-30	RM-15	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	



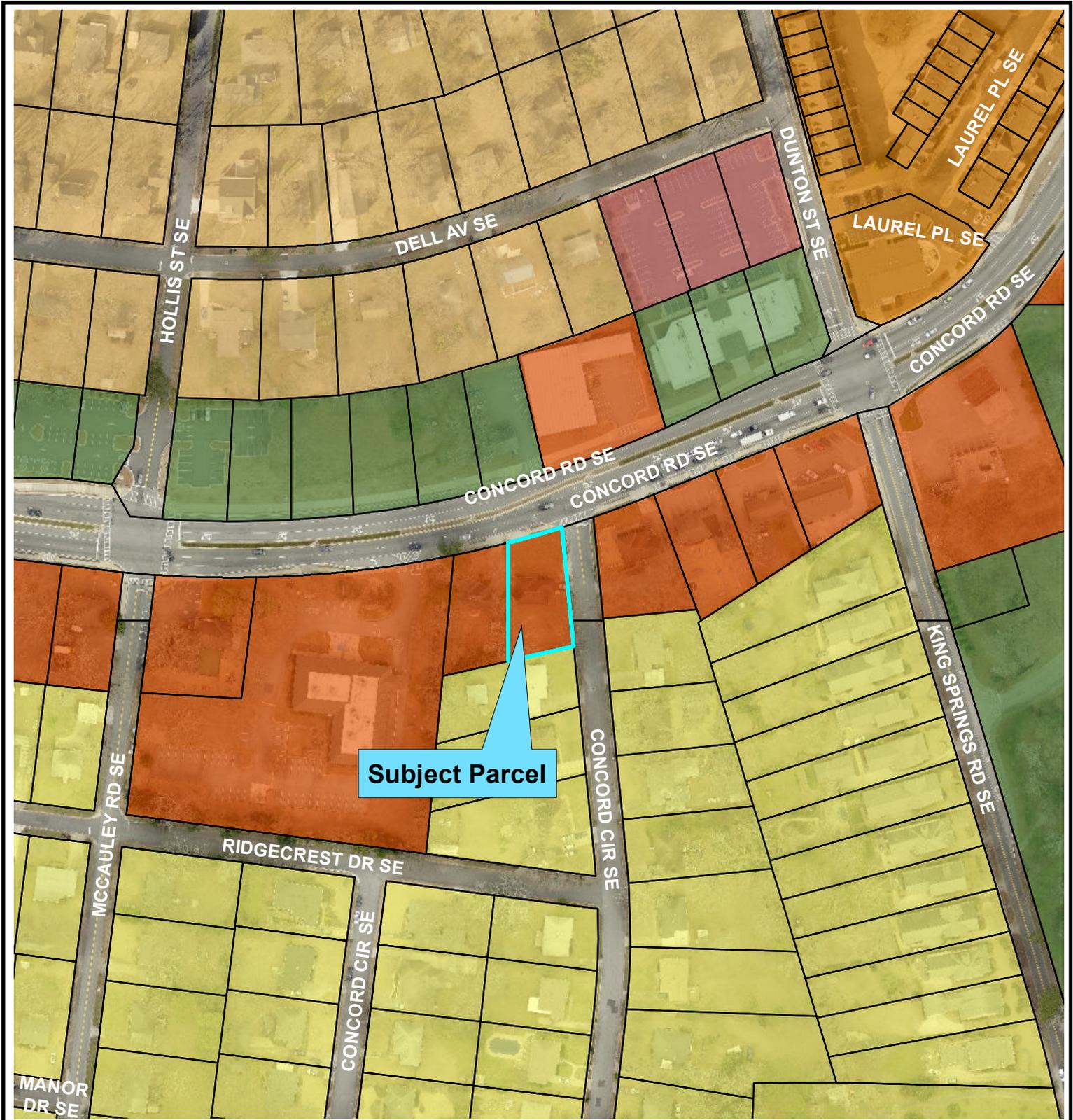
Case Number:
Z23-010

Ward:
3

Tax Parcel #:
17048500770

Planning Commission
Meeting Date: December 11, 2023

City Council
Meeting Date: January 16, 2024



Subject Parcel

Future Land Use Map

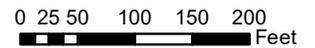
Exhibit "B"

The Subject Parcel is Located
at 1120 Concord Road.

From: NAC **To:** NAC

Future Land Use

- Neighborhood Activity Center (NAC)
- Office/Professional (OP)
- Medium-High Density Residential (<= 10 du/ac) (MHDR)
- Medium Density Residential (<= 6 du/ac) (MEDR)
- Moderate Density Residential (<=4.5 du/ac) (MODR)
- Public Parks (PP)



Case Number:
Z23-010

Ward:
3

Tax Parcel #:
17048500770

Planning Commission
Meeting Date: December 11, 2023

City Council
Meeting Date: January 16, 2024



RZ-23-9

Rezoning Application

Status: Active

Submitted On: 11/6/2023

Primary Location

1120 CONCORD RD SE
SMYRNA, GA 30080

Owner

JR LAW LLC
1120 CONCORD RD SE
SMYRNA, GA 30080

Applicant

Jeremy Robinson
 770-989-1072
 jr@thejrlawgroup.com
 1120 Concord Rd SE
Smyrna, GA 30080

Applicant Information

Full Name (i.e., First and Last Name, or Name of Entity):*

Jeremy Robinson

Street Address:*

1120 Concord Rd SE

City:*

Smyrna

State:*

Georgia

Zip Code:*

30080

Email Address:*

JR@TheJRLawGroup.com

Phone Number:*

7705681002

Are you the titleholder of the subject property?*

Yes

Property Information

Parcel ID:*

17048500770

Property Address:*

1120 Concord Rd SE

Present Zoning:*

LC

Present Future Land Use:*

LDR - Low Density Residential

Development Information

Proposed Use of Property:*

Residential

Property Acreage:*

0-5 acres

Number of Proposed Dwelling Units:*

1

Proposed Zoning:*

R-10

Proposed Density:*

Residential less than 4.5 units/acre

Are you seeking a Future Land Use Change?*

No

Is Rezoning a Development of Regional Impact?*

No

Project Description:*

Initial plans to convert building into office space created too much cost. No changes have been made to current building and requesting to change back to normal residential.

Rezoning Analysis

Number 1: Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

Previously a residential building and nothing has changed.

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

No changes and will not impact anything as building next door is residential as well.

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

Cost is too high to change to LC, so better suited for residential.

Number 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.*

Not applicable

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

Yes it is.

Number 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.*

Prior zoning proposal called for parking lot in front of building that would obstruct flow of traffic and would be expensive for a small business owner. Current residential use is more economical.

Number 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.*

It will conform to prior use as residential.

Number 8: Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.*

Not applicable

Number 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.*

Would conform to current neighbor building that is residential.

Acknowledgement

Applicant Signature*

 Jeremy Robinson
Aug 4, 2023

ZONING DISCLOSURE REPORT

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:

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: **NONE**

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: **NONE**

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**

If so, describe the natural and extent of such interest: _____

ZONING DISCLOSURE REPORT (CONTINUED)

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

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

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

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 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 NOVEMBER, 2023.



(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 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.

Mae

Return Recorded Document to:
The Hawes Law Firm, LLC
1110 Satellite Blvd
Suite 305

Suwanee, GA 30024

Deed Book 15832 Pg 3130
Filed and Recorded Dec-03-2020 08:53am
2020-01-28-27
Real Estate Transfer Tax \$283.40
0332020029314

Rebecca Keaton

Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

**LIMITED
WARRANTY DEED**

**STATE OF GEORGIA
COUNTY OF Gwinnett**

FILE #: 20-3198

Parcel 17048500770

THIS INDENTURE made this 16th day of November, 2020, between **SBC Partners, LLC** of the County of **Cobb** and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **JR Law, LLC** 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 NO/100 DOLLARS (\$10.00) and other good and valuable considerations 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.

All that tract or parcel of land lying and being in Land Lot 485 of the 17th District, 2nd Section of Cobb County, Georgia, being Lot 2, Block C of Smyrna Heights Extension, according to plat recorded in Plat Book 11, page 2, Cobb County Records, more particularly described as follows: Beginning at the southwest corner of the intersection of Concord Road and Concord Circle and running thence southwesterly along the southeasterly side of Concord Road 70 feet; thence southerly 150 feet; thence northeasterly 84 feet to the westerly side of Concord Circle; thence northerly along the westerly side of Concord Circle 150 feet to the point of beginning. Said property being the same property as shown at Deed Book 14521, page 271, Cobb County, Georgia records and the same property described at Deed Book 946, page 434, Cobb County, Georgia records. Less and Except that property described in a Right of Way deed being recorded at Deed Book 15070, Page 177, aforesaid records.

1120 Concord Road SE, Smyrna, GA 30080

This Deed is given subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, together 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**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

PCJ *R*

Signed, sealed and delivered in presence of:

Witness

Notary Public

Attest Member (SEAL)
SBC Partners, LLC

Francis C. Murphy member
BY: *Francis C. Murphy*
ITS: *Member*

M LEMOINE
Notary Public - State of Georgia
Cobb County
My Commission Expires Apr 8, 2023

Deed Book 15832 Ps 3131
Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

Parcel Find

PARCEL: 17-0485-0-0770
 LOCATION: ** MULTIPLE **
 NAME: ** VARIOUS **
 EFF DATE: 11/08/2023

YEAR	CAT	BILL #	SC	REFERENCE	BILLED/ADJ	UNPAID BAL	DUE NOW
2023	RE-R	9001	N	1120 CONCORD RD	1,229.25	1,229.25	1,229.25
2022	RE-R	8855	N	1120 CONCORD RD	1,157.87	0.00	0.00
2021	RE-R	8692	N	1120 CONCORD RD	1,030.86	0.00	0.00
2020	RE-R	14735	N	1120 CONCORD RD	719.20	0.00	0.00
2019	RE-R	14662	N	1120 CONCORD RD	598.34	0.00	0.00
2018	RE-R	14519	N	1120 CONCORD RD	598.34	0.00	0.00
2017	RE-R	14470	N	1120 CONCORD RD	598.34	0.00	0.00
2016	RE-R	14121	N	1120 CONCORD RD	566.05	0.00	0.00
2015	RE-R	14019	N	1120 CONCORD RD	475.89	0.00	0.00
2014	RE-R	4713	N	1120 CONCORD RD	440.37	0.00	0.00
2013	RE-R	4649	N	1120 CONCORD RD	449.00	0.00	0.00
2012	RE-R	1160588	N	1120 CONCORD RD	449.86	0.00	0.00
2011	RE-R	1142998	N	1120 CONCORD RD	489.45	0.00	0.00
2010	RE-R	1127583	N	1120 CONCORD RD	538.40	0.00	0.00
2009	RE-R	1110016	N	1120 CONCORD RD	623.45	0.00	0.00
2008	RE-R	1092515	N	1120 CONCORD RD SE	640.95	0.00	0.00
2007	RE-R	1072767	N	1120 CONCORD RD SE	182.00	0.00	0.00
2006	RE-R	1057052	N	1120 CONCORD RD SE	168.76	0.00	0.00
2005	RE-R	1040552	N	1120 CONCORD RD SE	176.13	0.00	0.00
2004	RE-R	1024919	N	1120 CONCORD RD SE	177.60	0.00	0.00
2003	RE-R	1009434	N	1120 CONCORD RD SE	178.52	0.00	0.00
						TOTAL DUE NOW	1,229.25
						TOTAL UNPAID	1,229.25

** END OF REPORT - Generated by Mike Hickenbottom **

2023 COBB COUNTY PROPERTY TAX BILL



Pay online at www.cobbtax.org or (866) 729-2622
See the back of this bill for more important information

PO Box 100127 • Marietta, GA 30061-7027
(770) 528-8600 • tax@cobbtax.org



CARLA JACKSON
TAX COMMISSIONER

HEATHER WALKER
CHIEF DEPUTY

A copy of your bill was sent to your mortgage company. See the **back of this bill** for more information about mortgage companies.

PAYMENT DUE: October 15, 2023

Payment must be received or **USPS Postmarked** by the due date. Metered or kiosk postmarks are not proof of timely mailing.

Property Owner(s)	Address	Due Date	Amount
JR LAW LLC	1120 CONCORD RD	10/15/2023	\$3,459.97

Parcel ID	Fair Market Value	Assessed Value	Acreage	Tax District	Homestead Exemption
17048500770	\$318,480	\$127,392	0.26	6 - City of Smyrna	NONE

Taxing Authority	Assessed Value	- Exemption	= Net Assessment	x Millage Rate	= Taxes Due
SCHOOL	\$127,392	\$0	\$127,392	0.0187	\$2,382.23

Levied by the **Cobb County Board of Education** representing approximately **68.85%** of your taxes due.

COUNTY GENERAL	\$127,392	\$0	\$127,392	0.00846	\$1,077.74
COUNTY BOND	\$127,392	\$0	\$127,392	0	\$0.00
COUNTY FIRE	N/A	N/A	N/A	N/A	N/A

Levied by the **Board of Commissioners** representing approximately **31.15%** of your taxes due.

SFSSD	N/A	N/A	N/A	N/A	N/A
-------	-----	-----	-----	-----	-----

Tax Year	Parcel ID	Due Date	Appeal Amount	Total Taxes Due
2023	17048500770	10/15/2023	Pay: N/A	\$3,459.97

Payment must be received or **USPS Postmarked** by the due date. Metered or kiosk postmarks are not accepted as proof of timely mailing.

Tax Year	Parcel ID	Due Date	Appeal Amount	Total Taxes Due	Amount Enclosed
2023	17048500770	10/15/2023	Pay: N/A	\$3,459.97	

Late fees apply after October 16, 2023
(See back)

IS YOUR INFORMATION UP TO DATE?

My mailing address has changed.

I no longer own this property.

Date Moved: _____

New Mailing Address:

Signature : _____

2023 Cobb County Property Tax Bill

Internal Use

JR LAW LLC

or Current Property Owner
1120 CONCORD RD SE



SMYRNA, GA 30080