



City Council Meeting - Final

June 17, 2024

7:00 PM

-
- A. **Z24-008** Public Hearing - Zoning Request - Z24-008 - Allow rezoning of an existing building from OD to GC - Land Lot 379 - 0.64 acres - 2968 Ask Kay Drive - Robin Rosenberg



City of Smyrna

Issue Sheet

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

File Number: Z24-009

Agenda Date: 6/17/2024

In Control: City Council

File Type: Zoning Item

Agenda Section:

Community Development

Agenda Number: A.

Department: Community Development

Agenda Title:

Public Hearing - Zoning Request - Z24-008 - Allow rezoning of an existing building from OD to GC - Land Lot 379 - 0.64 acres - 2968 Ask Kay Drive - Robin Rosenberg

Ward 5 Councilmember - Susan Wilkinson

ISSUE AND BACKGROUND:

Robin Rosenberg is requesting a rezoning from OD (Office-Distribution) to GC (General Commercial) to allow additional tenants to operate in the existing building. Rezoning to GC will also allow the property to be within a consistent zoning district of the other properties on Ask Kay Drive.

RECOMMENDATION / REQUESTED ACTION:

Community Development recommends approval of the rezoning from OD to GC at 2968 Ask Kay Drive.

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: May 8, 2024

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: **REZONING CASE Z24-008 – 2968 Ask Kay Drive**

Applicant: Robin Rosenberg

Existing Zoning: OD

Titleholder: 1906 South Cobb LLC

Proposed Zoning: GC

Size of Tract: 0.64 acres

Location: 2968 Ask Kay Drive

Contiguous Zoning:

Land Lot: 379

North OD

South GC

Ward: 5

East GC

West GC

Access: Ask Kay Drive

Hearing Dates:

Existing Improvements: One Story Structure

P&Z May 13, 2024

Mayor and Council June 17, 2024

Proposed Use:

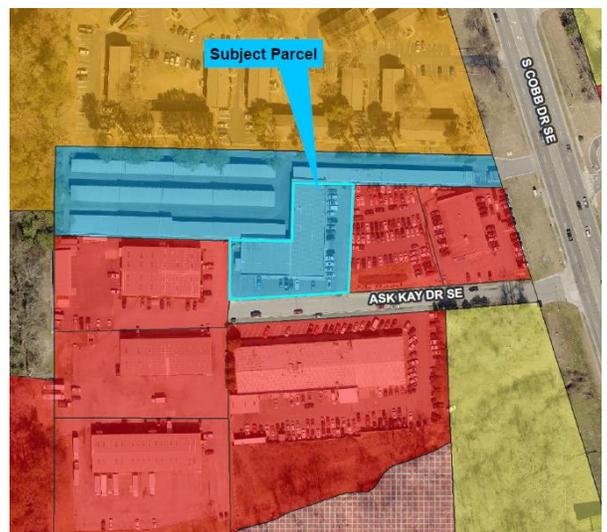
The applicant is requesting a rezoning from OD to GC. The future land use will remain as CAC – Community Activity Center.

Staff Recommendation:

Approval of the rezoning from **OD** (Office-Distribution) to **GC** (General Commercial).

Planning & Zoning Board Recommendation:

Approve by a vote of 6-0 at the May 13, 2024, meeting.



PROJECT DESCRIPTION

Robin Rosenberg is requesting a rezoning from OD (Office-Distribution) to GC (General Commercial) to allow additional tenants to operate in the existing building. Rezoning to GC will also allow the property to be within a consistent zoning district of the other properties on Ask Kay Drive.

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:

"All properties on Ask Kay Drive are currently GC. The adjacent property to the north abuts three other parcels on Ask Kay and is a low rise self storage building."

Staff Analysis:

The zoning proposal consists of one tract of land totaling 0.64 acres and is zoned OD (Office-Distribution). Approval of the zoning proposal will bring the proposed uses in compliance with the allowable uses in the GC (General Commercial) zoning district. The adjacent properties to the south, east, and west are zoned GC and are occupied with commercial uses. The adjacent property to the north is zoned OD and is occupied by a self-storage facility. The proposed rezoning to GC 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:

"The project is expected to improve the value of the adjacent or nearby properties."

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 uses.

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

Applicant Response:

"It could be used as is, however the current zoning of OD is restrictive for the many businesses who are looking for very scarce space to operate in Smyrna."

Staff Analysis:

The subject parcel has reasonable economic use as currently zoned.

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:

"It would not increase the burden as there is no additional building or parking requirement."

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:

"It conforms to all existing property on the street, so would not affect changes more than any other existing property."

Staff Analysis:

The subject property has a future land use designation of CAC (Community Activity Center) on the city's 2040 Future Land Use Plan. The proposed rezoning to GCI is in conformity with the city's 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.

Applicant Response:

"Small warehouse space is increasing hard to find in Smyrna. Widening the use gives opportunity for more new and small businesses to operate in the area. We actually need more properties of this type and due to land scarcity and increased building costs, they are unlikely to become available in the future. The rezoning is actually an economic benefit to the community."

Staff Analysis:

The property is currently in a commercial zoning district zoned OD. The rezoning to GC would allow the operation of a general contractor office as well as the existing tenants. The GC zoning district will be consistent with surrounding 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:

"There are no proposed changes to the building, which is same construction as all other buildings on the street."

Staff Analysis:

The applicant is not proposing any changes to the building at this time. The building has architecture consistent with other buildings in the area.

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:

"Rezoning would not create a nuisance or incompatibility."

Staff Analysis:

The proposed use of the property with commercial uses will not create a nuisance for existing uses in the area. The proposed commercial 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:

"The building would be unchanged with no impact from a broader change of use."

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.

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.

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 CAC (Community Activity Center) Future Land Use Designation.

Community Development has reviewed the proposed rezoning against the requirements of the Zoning Ordinance and believes the GC zoning district is an appropriate zoning category consistent with adjacent properties. Community Development Staff is supportive of the change in zoning from the non-conforming zoning of OD to GC.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from OD to GC at 2968 Ask Kay Drive.

Subject Property

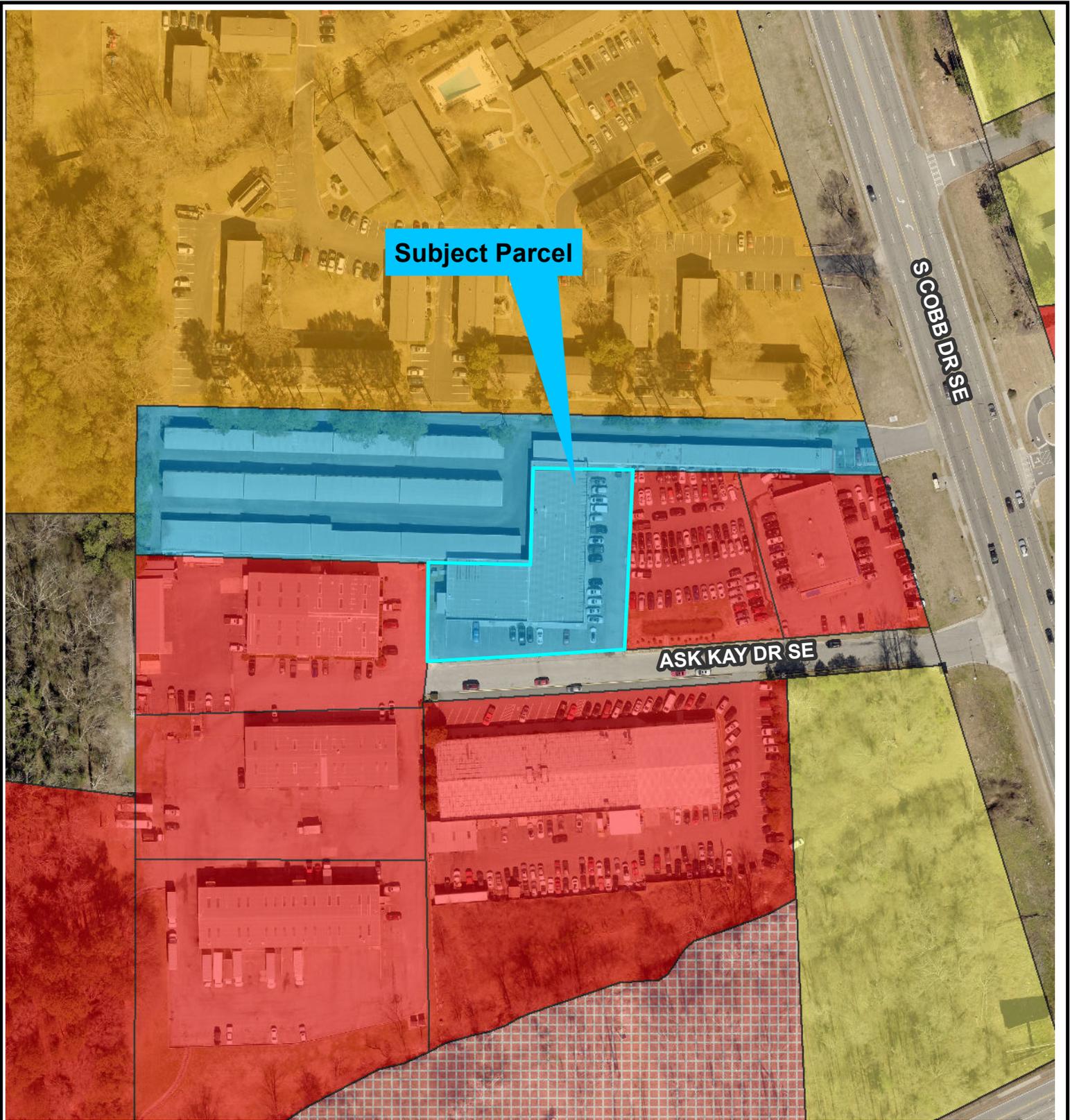




Adjacent Properties





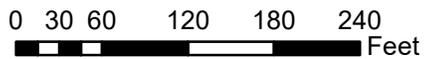


Zoning Vicinity Map

Exhibit "A"

The Subject Parcel is located at
2968 Ask Kay Drive.

	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		



From: **OD** To: **GC**

Case Number:
Z24-008

Ward:
5

Tax Parcel #:
17037900130

Planning Commission
Meeting Date: May 13, 2024

City Council
Meeting Date: June 17, 2024



RZ-24-7

Rezoning Application

Status: Active

Submitted On: 4/12/2024

Primary Location

2968 ASK KAY DR SE
SMYRNA, GA 30082

Owner

1906 SOUTH COBB LLC
3270 COCHISE DR ATLANTA,
GA 30339

Applicant

Robin Rosenberg
 404-932-6421
 ryosenberg@gmail.com
 3270 Cochise Dr SE
ATLANTA, GA 30339-4319

Applicant Information

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

1906 South Cobb LLC c/o Robin Rosenberg

Street Address:*

3270 Cochise S Drive

City:*

Atlanta

State:*

GA

Zip Code:*

30339

Email Address:*

ryosenberg@gmail.com

Phone Number:*

404-932-6421

Are you the titleholder of the subject property?*

Yes

Property Information

Parcel ID:*

17037900130

Property Address:*

2968 Ask Kay Drive

Present Zoning:*

OD

Present Future Land Use:*

CAC - Community Activity Center

Development Information

Proposed Use of Property:*

Commercial

Floor Area in Sq Ft of Building(s):*

13600

Property Acreage:*

0-5 acres

Proposed Zoning:*

GC

Proposed Density:*

Commercial or Mixed Use

Are you seeking a Future Land Use Change?*

No

Is Rezoning a Development of Regional Impact?*

No

Project Description:*

This is the only property on the street that is not zoned GC. Rezoning allows for wider range of use for tenants.

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.*

All properties on Ask Kay Drive are currently GC. The adjacent property to the north abuts three other parcels on Ask Kay and is a low rise self storage building.

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

Rezoning to GC will bring consistency in zoning to all existing buildings on Ask Kay DR

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

It could be used as is, however the current zoning of OD is restrictive for the many businesses who are looking for very scarce space to operate in Smyrna.

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.*

It would not increase the burden as there is no additional building or parking requirement.

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

It conforms to all existing property on the street, so would not affect changes more than any other existing property.

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.*

Small warehouse space is increasing hard to find in Smyrna. Widening the use gives opportunity for more new and small businesses to operate in the area. We actually need more properties of this type and due to land scarcity and increased building costs, they are unlikely to become available in the future. The rezoning is actually an economic benefit to the community.

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.*

There are no proposed changes to the building, which is same construction as all other buildings on the street.

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

Rezoning would not create a nuisance or incompatibility.

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.*

The building would be unchanged with no impact from a broader change of use.

Acknowledgement

Applicant Signature*

 Robin Rosenberg
Apr 12, 2024

Real Estate (Your House or Land)

[View Bill](#)

[View bill image](#)

As of 4/12/202

Bill Year 2023

Bill 48

Owner 1906 SOUTH COBB LLC

Parcel ID 17037900130

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2023	\$3,140.60	\$3,140.60	\$0.00	\$0.00	\$0.00
TOTAL		\$3,140.60	\$3,140.60	\$0.00	\$0.00	\$0.00



Printed: 4/12/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
1906 SOUTH COBB LLC

1906 SOUTH COBB LLC

Payment Date: 9/6/2023

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2023	17037900130	10/15/2023	Pay:	N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$9,234.40	\$0.00



Scan this code with your mobile phone to view this bill!

Deed Book 15333 Pg 1100
Filed and Recorded May-03-2016 02:39PM
2016-0050178
Real Estate Transfer Tax \$490.00
0332016007985



Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

STATE OF GEORGIA
COUNTY OF FULTON



Prepared by and Return to:
Evans, Scholz, Williams & Warncke, LLC
3490 Piedmont Road, N.E., Suite 1200
Atlanta, Georgia 30305

LIMITED WARRANTY DEED

THIS DEED, made this 13th day of April, 2016 between 1906 SOUTH COBB, LLC, a Georgia limited liability company ("Grantor") and RE & GE PROPERTY MANAGEMENT, LLC, a Georgia limited liability company ("Grantee") (the terms Grantor and Grantee to include their respective heirs, successors and assigns where the context hereof requires or permits).

WITNESSETH THAT: Grantor, for and in consideration of the sum of TEN and 00/100 (\$10.00) DOLLARS, and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt, adequacy and sufficiency of which being hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and convey unto Grantee, the real property more specifically described as follows:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 299, 17TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, AS PER PLAT OF SURVEY DATED December 20, 1964, BY THOMAS E. WILLIAMS (GRLS #875), SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWEST SIDE OF SOUTH COBB DRIVE 224' NORTHWEST OF THE INTERSECTION OF THE SOUTHWEST SIDE OF SOUTH COBB DRIVE WITH THE SOUTH LAND LOT LINE OF LAND LOT 299, AS MEASURED ALONG THE SOUTHWEST SIDE OF SOUTH COBB DRIVE; RUNNING THENCE SOUTH 89 DEGREES 20 MINUTES WEST 240.4' TO A POINT; THENCE NORTH 4 DEGREES 38 MINUTES WEST 186.2' TO A POINT; THENCE NORTH 89 DEGREES 00 MINUTES EAST 200' TO A POINT ON THE SOUTHWEST SIDE OF SOUTH COBB DRIVE; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY SIDE OF SOUTH COBB DRIVE 189' TO THE POINT OF BEGINNING.

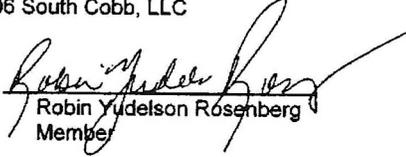
Deed Book **15333** Pg **1101**
Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

TO HAVE AND TO HOLD the above-described 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 Grantee, forever, in FEE SIMPLE.

AND, SUBJECT TO the title matters expressly set forth hereinabove, if any, Grantor will warrant and forever defend the right and title to the above-described tract or parcel of land unto the Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed the day and year first above written.

1906 South Cobb, LLC

By: 
Robin Yudelson Rosenberg
Member

Signed this April 13, 2016
in the presence of:

Unofficial Witness

Notary Public





PROPERTY OWNER AUTHORIZATION
City of Smyrna Community Development Department, 3180 Atlanta Rd, Smyrna, GA 30080
Office Phone 770-319-5387 / Fax 770-431-2808

I, Robin Rosenberg, swear that I am the Property Owner of the property

located at: 2968 Ask Kay Drive, Smyrna, GA

as shown in the records of Cobb County, Georgia, which is the subject matter of the attached application.

I authorize the person named below to act as the applicant in pursuit of this application.

Name of Applicant (print clearly): Robin Rosenberg, Ben Rosenberg

Address: 3270 Cochise Drive, Atlanta, GA 30339

Telephone: 404-932-6421 Email: ryrosenberg@gmail.com

I have read, understood, and answered the aforementioned items to the best of my knowledge. If I am found to have misrepresented myself on this affidavit or the attached application, I am aware I may be in violation of the City Code and run the risk of being issued a citation for violation of the City of Smyrna Code of Ordinances.

(Must be signed by the property owner. If the landowner is a corporation, the form must be signed by an officer of the corporation.)


Signature of Property Owner

3270 Cochise Dr
Address

Robin Rosenberg
Name of Property Owner (print clearly)

Atlanta, GA 30339
City, State, Zip

Partner 1906 South Cobb LLC

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:

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:

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:

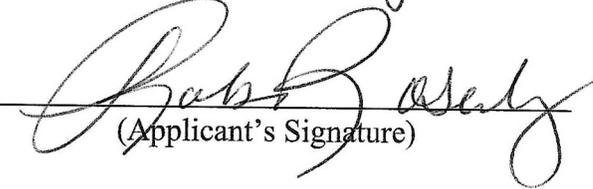
Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

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 12th day of April, 20 .


(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.



Publication Name:

Marietta Daily Journal

Publication URL:

Publication City and State:

Marietta, GA

Publication County:

Cobb

Notice Popular Keyword Category:

Notice Keywords:

smyrna

Notice Authentication Number:

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Notice URL:

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Notice Publish Date:

Friday, May 17, 2024

Notice Content

gpn13 MDJ-4280 MDJ-4280 GPN-13 CITY OF SMYRNA ZONING NOTICE TO THE RESIDENTS AND CITIZENS OF SMYRNA LOCATION: 2968 ASK KAY DRIVE Notice is herewith published in accordance with the Charter of the City of Smyrna that an application has been made by ROBIN ROSENBERG to rezone the property located in Land Lot 379 of the 17th District of the 2nd Section of Cobb County, Georgia from OD to GC. There will be no land use change from CAC (Community Activity Center). A hearing will be held before the Mayor and City Council of Smyrna at a regular meeting on Monday, June 17, 2024, at 7:00 p.m. in the Council Chambers, City Hall, Smyrna, Georgia, 30080. PROPERTY DESCRIPTION: Property Address: 2968 Ask Kay Drive Parcel Identification Number: 17037900130 5:17-2024

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