

**APRIL 19, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM OB-019

PURPOSE

To consider a stipulation amendment for Powers Ferry Business Park, LLC regarding rezoning application #279 of 1980 (Robert F. Kern), for property located at the southeast corner of Powers Ferry Road and Shadowood Parkway in Land Lots 1008, 1009, 1032 and 1033 of the 17th District.

BACKGROUND

The subject property was rezoned in 1980 to Light Industrial for a business park. The property was developed in the 1980's with one-story brick buildings with upscale landscaping. It looks like a professional office park from the road. The applicant would like to amend the stipulations to also allow professional offices within the park since there has been interest in the property from these type of users. Staff has visited the business park and does not think this amendment will adversely affect the tenants within the park. If approved, all previous zoning stipulations not in conflict would remain in effect.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the stipulation amendment.

ATTACHMENTS

Other Business application and current zoning stipulations.

(Stipulation Amendment)

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

MAR 15 2016

OB-019-2016

BOC Hearing Date Requested: April 19, 2016

Applicant: Powers Ferry Business Park, LLC **Phone #:** (770) 457-2300
(applicant's name printed)

Address: Suite 200, 415 Plasters Avenue, Atlanta, GA **E-Mail:** tstokes@epicity.com
Moore Ingram Johnson & Steele, LLP 30324-3906

John H. Moore **Address:** Emerson Overlook, Suite 100, 326 Roswell Street
(representative's name, printed) Marietta, GA 30060

BY: [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jmoore@mjs.com
(representative's signature) Georgia Bar No. 519800

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook]
Notary Public

My commission expires: January 10, 2019



Titleholder(s): Powers Ferry Business Park, LLC **Phone #:** (770) 457-2300
(property owner's name printed)

Address: Suite 200, 415 Plasters Avenue, Atlanta, GA **E-Mail:** tstokes@epicity.com
30324-3906

See Attached Exhibit "A"
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public **My commission expires:** _____

Commission District: 2 (Ott) **Zoning Case:** 279 (1980)

Size of property in acres: 26.172± **Original Date of Hearing:** 12/03/1980

Location: Southerly side of Powers Ferry Road and the easterly side of Shadowood Parkway
(street address, if applicable; nearest intersection, etc.) (a/k/a Powers Ferry Business Park)

Land Lot(s): 1008, 1009, 1032, 1033 **District(s):** 17th

State specifically the need or reason(s) for Other Business: _____

See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

OB-019-2016

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

Application No.: 279 (1980)
Original Hearing Date: December 3, 1980
Date of Zoning Decision: December 3, 1980
Current Hearing Date: April 19, 2016

Applicant/Titleholder: Powers Ferry Business Park, LLC

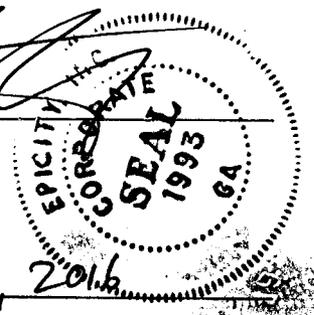
POWERS FERRY BUSINESS PARK, LLC,
a Georgia limited liability company

BY: EpiCity, Inc., a Georgia corporation,
Its Manager

MAR 15 2016

BY: 
Thomas G. Stokes, Jr., President

[Corporate Seal]

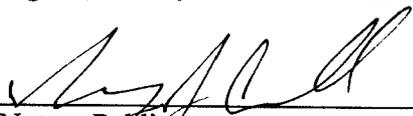


Date Executed: March 14, 2016

Address: Suite 200, 415 Plasters Avenue
Atlanta, Georgia 30324-3906

Telephone No.: (770) 457-2300 and 404-995-9595

Signed, sealed, and delivered in the presence of:



Notary Public
Commission Expires: 11/17/2018



08-019-2016

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

Application No.: 279 (1980)
Original Hearing Date: December 3, 1980
Date of Zoning Decision: December 3, 1980
Current Hearing Date: April 19, 2016

MAR 15 2016

Applicant/Titleholder: Powers Ferry Business Park, LLC

On December 3, 1980, the Cobb County Board of Commissioners granted a request to rezone a 26.5 acre tract located on "Powers Ferry Road and Shadowood Parkway" from Office Institutional ("OI") to Light Industrial ("LI") for the purpose of "planned office/showroom/service business park." The property was developed and is now known as Powers Ferry Business Park (hereinafter "Property" or "Subject Property").

In this Application for "Other Business," Applicant proposes a stipulation amendment to the previously approved rezoning, as follows:

Applicant requests "office use, including, professional offices," be allowed as a permitted use under the existing Light Industrial ("LI") zoning classification.

If the proposed stipulation amendment is approved, as submitted in this Application, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on December 3, 1980, together with any "Other Business" decisions applicable to the Subject Property, are unaltered by this request for Stipulation Amendment and shall remain in full force and effect.

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR REZONING
NO. 279 (1980) – DECEMBER 3, 1980**

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES #279

COBB COUNTY PLANNING COMMISSION

Date of Application October 30 1980 Date of Hearing, Wed. 12-3-80 1:00

Titleholder Bramalea Developments (U.S.) Limited *[Signature]*

Address 1867 Yonge Street, Toronto, Ontario M4S 1Y5 Phone 1-416-487-3881 *[Signature]*

Applicant Robert F. Kern *[Signature]*

Address Suite 150, 120. Interstate North Parkway East, Atl., GA Phone 404-955-8880 *[Signature]*

To Zone From O-I To L-I Land Use Business Park

FOR THE PURPOSE OF A planned office/showroom/service business park

Land Lot (s) 1008, 1009, 1032, 1033, District 17, Sec. - Cobb County, Ga.,

CONTAINING 26.4 acres

LOCATED Powers Ferry Road and Shadowood Parkway

This property being more particularly described as follows:

X See attached copy.

MAR 15 2016

Recommendation of Planning Commission: (12-3-80) Planning Commission recommended application be approved subject to a letter marked exhibit 'A', applicant is to pay for red light. Motion by Nixon, seconded by Adams; carried 7-0.

Bill Adams, Chairman

Final Decision of Board of Commissioners: (12-3-80) Board of Commissioners approved application as stated above. MOTION by Carson, seconded by Lankford; carried 5-0.

Conrad Carson, Chairman

EXHIBIT "A"
12-3-80
Jdw

November 19, 1980

Mr. Louis J. Smith
Cobb County Planner
Cobb County Department of Planning
Post Office Box 49
Marietta, Georgia 30061

Dear Louis:

At present, I have requested a zoning change in Cobb County on a piece of property on Powers Ferry Road from Office Institutional to Light Industrial. I believe, Louis, you are familiar with our planned development and I hope you look favorably upon it.

As you know, Louis, there is not a proper zoning classification for our business park type of project. We have to request the L.I. zoning because it is the only type of classification that fits our proposed development. Our type of development more closely approximates that type of zoning found under O & I. I spoke with George Lankford recently and he said the county will be looking at having a business park designation. I hope this is forthcoming.

The purpose of this letter is to describe in detail our plans for Powers Ferry Business Park. I have had conversations with our neighbors in the area and I want to assure them and you that we will do everything to make Powers Ferry Business Park a quality, non-abrasive development.

It is our general intent to develop only that property as noted on the plan which we have presented to the county for zoning. We will build the five buildings as shown on our plan. We will not sell off any of the property. The following represents the criteria that we will strictly adhere to in the development of Powers Ferry Business Park.

1. The project will be 270,000 square feet in five buildings to be exclusively used for office/showroom/service type tenants.
2. No buildings will be over 14' in the clear.
3. No buildings will be over 90' in depth.
4. No buildings will be constructed for normal warehouse/distribution type of usage.
5. Parking will be a minimum of three spaces for 1,000 feet of constructed space.

KERN & PADGETT MANAGEMENT COMPANY, INC.
120 INTERSTATE NORTH PARKWAY EAST, SUITE 150, ATLANTA, GEORGIA 30339, TEL. (404) 555-8880

6. Inside construction will be accomplished by using the highest quality materials, and the building itself will be constructed with jumbo brick and concrete block. We will possibly use some specialized exterior trim such as decorative wood, accent granite, stucco or the like.
7. All service courts will be hidden from Powers Ferry Road.
8. An average depth of 30 feet from the curb of Powers Ferry Road will be left totally undisturbed.
9. Signage will be tightly controlled (for both tenant and project) and of the highest quality.
10. All non-paved areas of the project will be landscaped and the total grounds will be sprinklered with an underground water system.
11. I, as developer and owner of the project, will work closely with the county to see that a traffic signal is installed on Powers Ferry at the main entrance to the development. My neighbors and I feel this is important to eliminate the high speed traffic in this accident prone area.
12. The coverage of Powers Ferry Business Park (building to land) will be kept under 25%.
13. The finish floor elevation of the building fronting on Powers Ferry Road, (Building 1) will be at approximately the 966 level. This will put the finished floor at approximately the same grade as Powers Ferry Road at the north point and going not more than six feet to eight feet below Powers Ferry at the lowest point. With the height of our buildings we will have a monument effect and the project will show very well from Powers Ferry Road.

The above parameters can and should be put in as conditional zoning requirements for Powers Ferry Business Park.

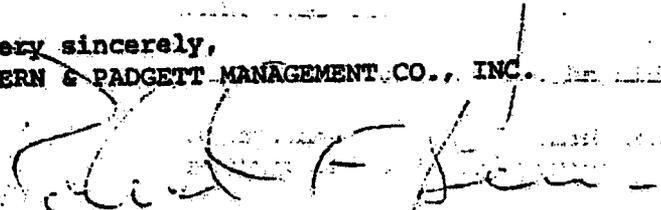
Louis, I hope you and our neighbors in the vicinity of Powers Ferry Business Park understand that we are not buying this property to resell it. We are going to develop the property as shown on our site plan that you have in your possession. Also, it is our dedicated purpose to make Powers Ferry Business Park an even more attractive facility than our Interstate Northwest Business Park at Powers Ferry and Windy Hill. We will have more landscaping, higher designed buildings and better parking at Powers Ferry than we have at Interstate Northwest. We are quality developers and we want to blend our project in with those other high quality projects existing and planned in that area. I have the greatest respect for those developers that will be my neighbors at Powers Ferry and I want to assure them and the county that Powers Ferry Business Park will be a high quality, attractive addition to this exciting area.

Mr. LOUIS J. SMITH

Louis, this is our intent and we will strictly adhere to the above described parameters.

Thank you.

Very sincerely,
KERN & PADGETT MANAGEMENT CO., INC.


Robert F. Kern
President

RFK/mck

cc: Mr. Robert Cousins
Mr. William Nygaard
Mr. John Williams