

**SEPTEMBER 18, 2018 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 3**

---

**ITEM OB-044**

**PURPOSE**

To consider a stipulation amendment for Radical Property Group regarding rezoning application Z-173 of 1999 for property located on the south side of Piedmont Road, west of New South Drive in Land Lots 517 and 564 of the 16<sup>th</sup> District (1000 Piedmont Road).

**BACKGROUND**

The subject property was rezoned to Low Rise Office (LRO) in 1999 as an office building. One of the stipulations limited the use of the property to a heating and air conditioning business only. The applicant would like to be able to use the property for other LRO uses, such as banks and financial institutions, group homes, nursery schools, day cares and professional offices. No changes are proposed for the exterior of the building. If approved, all previous stipulations not in conflict with this amendment would remain in effect.

**STAFF COMMENTS**

No comments.

**RECOMMENDATION**

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

**ATTACHMENT**

Other Business application.

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: ZONING DIVISION 18

RECEIVED  
AUG 10 2018  
OB-44-2018

Applicant: Radial Property Group Phone #: 770-364-1888  
(applicant's name printed)

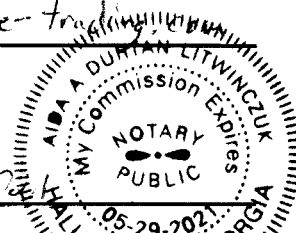
Address: 5704 Wayne Crest Dr., Flowery Branch, GA 30542 E-Mail: alex@wayne-trading.com

Alex Wayne Address: 5704 Wayne Crest Dr., Flowery Branch, GA 30542  
(representative's name, printed)

[Signature] Phone #: 770 364 1888 E-Mail: alex@wayne-trading.com  
(representative's signature)

Signed, sealed and delivered in presence of:

Aida A. Durian-Litwinczuk My commission expires: 05/29/2021  
Notary Public



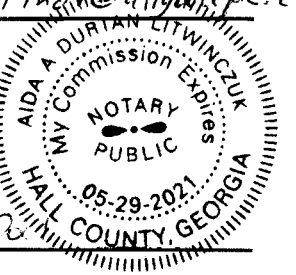
Titleholder(s): Tindels + Allgood, LLC Phone #: 678-614-3004  
(property owner's name printed)

Address: 2540 Lawrenceville Hwy, Lawrenceville, GA E-Mail: perry.tindels@tindelsallgoodpc.com

[Signature]  
(Property owner's signature)

Signed, sealed and delivered in presence of:

Aida A. Durian-Litwinczuk My commission expires: 05/29/2021  
Notary Public



Commission District: 3 Zoning Case: Z-173 of 1999

Size of property in acres: .669 Original Date of Hearing: 12/21/99

Location: 1000 Piedmont Road, Marietta, GA  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 517 and 564 District(s): 16

State specifically the need or reason(s) for Other Business: Amend stipulation #2 to include Banks and financial institutions, Group homes, Nursery schools and child day care centers and Professional offices.

(List or attach additional information if needed)

OB-44-2018 Existing site plan

1/1

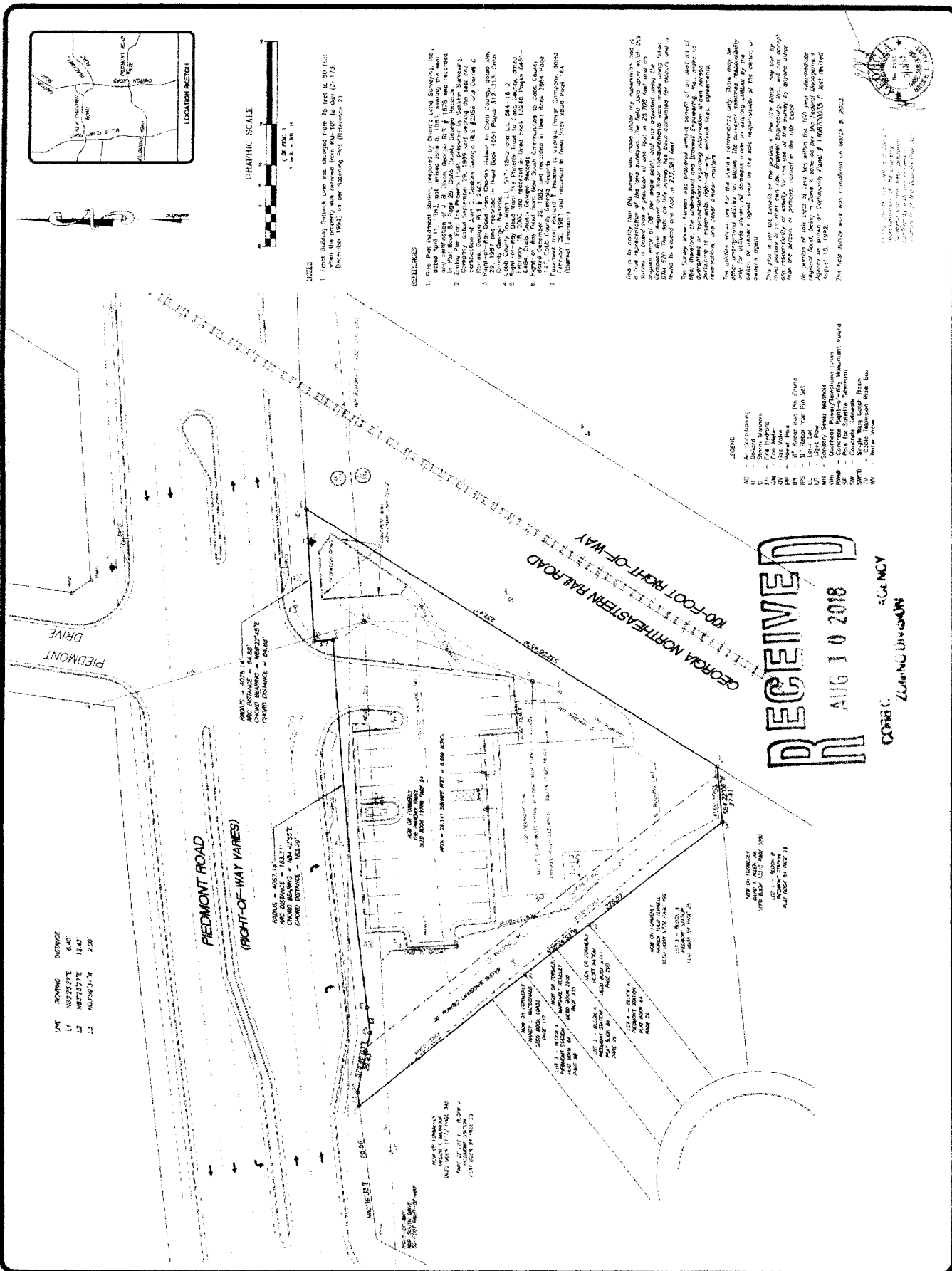
DATE	BY

Boundary Survey For:  
Tindor's and Algood, LLC



Land Lots 57 and 56A  
16th District - 2nd Section  
Cobb County, Georgia

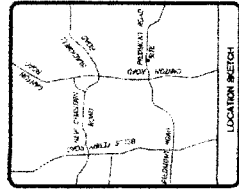
REVISIONS	DATE	BY



LINE	BEARING	DISTANCE
L1	N87°55'27\"	6.46'
L2	N87°55'27\"	12.42'
L3	N87°59'37\"	5.00'

PEDMONT ROAD  
(RIGHT-OF-WAY VARIES)

GEORGIA NORTHEASTERN PARKWAY  
100-FOOT RIGHT-OF-WAY



NOTES:  
1. From Public Survey, per the record map, it is noted that the property was surveyed and recorded on December 1999, in an existing Plat (Reference 21-21-21-21-21).

**REFERENCES:**

1. Final Plat Document Station, prepared by David E. Algood, Surveyor, Inc., and recorded in Cobb County Plat Book 46, Page 123, showing the subdivision of the property into Lots 57, 56A, 56B, 56C, and 56D.
2. Final Plat Document Station, prepared by David E. Algood, Surveyor, Inc., and recorded in Cobb County Plat Book 46, Page 123, showing the subdivision of the property into Lots 57, 56A, 56B, 56C, and 56D.
3. Final Plat Document Station, prepared by David E. Algood, Surveyor, Inc., and recorded in Cobb County Plat Book 46, Page 123, showing the subdivision of the property into Lots 57, 56A, 56B, 56C, and 56D.
4. Final Plat Document Station, prepared by David E. Algood, Surveyor, Inc., and recorded in Cobb County Plat Book 46, Page 123, showing the subdivision of the property into Lots 57, 56A, 56B, 56C, and 56D.
5. Final Plat Document Station, prepared by David E. Algood, Surveyor, Inc., and recorded in Cobb County Plat Book 46, Page 123, showing the subdivision of the property into Lots 57, 56A, 56B, 56C, and 56D.
6. Final Plat Document Station, prepared by David E. Algood, Surveyor, Inc., and recorded in Cobb County Plat Book 46, Page 123, showing the subdivision of the property into Lots 57, 56A, 56B, 56C, and 56D.
7. Final Plat Document Station, prepared by David E. Algood, Surveyor, Inc., and recorded in Cobb County Plat Book 46, Page 123, showing the subdivision of the property into Lots 57, 56A, 56B, 56C, and 56D.

It is to be noted that this survey was made under the supervision and direction of the Surveyor, and that the Surveyor is not responsible for the accuracy of the survey. The Surveyor is not responsible for the accuracy of the survey, and the Surveyor is not responsible for the accuracy of the survey. The Surveyor is not responsible for the accuracy of the survey, and the Surveyor is not responsible for the accuracy of the survey.

- LEGEND:**
- AC - All Surveys
  - B - Boundaries
  - CR - Curved
  - DR - Drive
  - EP - Easement
  - IR - Iron Pipe
  - MS - Masonry
  - PL - Plat
  - PS - Power Pole
  - RS - Right of Way
  - SL - Survey Line
  - UL - Utility
  - WM - Water Main

**RECEIVED**  
AUG 10 2018  
Cobb County Agency  
Zoning Division



# Application for Rezoning Cobb County

COBBLAND DIVISION  
ZONING AGENCY

RECEIVED  
AUG 10 2018

Application No. 2-173  
PC Hearing: 12-7-99  
BOC Hearing: 12-21-99

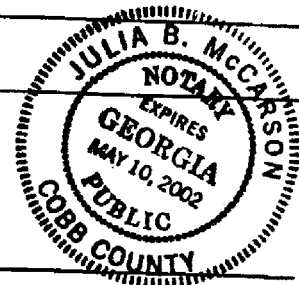
Applicant The Phoenix Trust Business Phone 770/422-7016 Home Phone \_\_\_\_\_  
SAMS & LARKIN, LLP  
Garvis L. Sams, Jr. Address 376 Powder Springs Street, Suite 100  
Marietta, Georgia 30064  
(representative's name, printed)

[Signature] Business Phone 770/422-7016  
(representative's signature)

Signed, sealed and delivered in presence of:

Julia B. McCarson  
Notary Public

My commission expires: \_\_\_\_\_



Titleholder The Phoenix Trust Business Phone 770/422-7016 Home Phone \_\_\_\_\_

Signature By: [Signature] Address c/o Sams & Larkin, LLP  
(attach additional signatures, if needed) 376 Powder Springs Street, Suite 100  
Monty G. White, Jr. Marietta, Georgia 30064

Signed, sealed and delivered in presence of:

Julia B. McCarson  
Notary Public

My commission expires: 5/10/2002

Zoning Request From RM10-T (present zoning) to Office & Institutional (O&I) (proposed zoning)

For the Purpose of Office building Size of Tract 0.71 Acre(s)  
(subdivision, restaurant, warehouse, apt., etc.)

Location Southerly side of Piedmont Road, west of the L&N Railroad  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 517 & 564 District 16th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there ~~are~~ are no such assets. If any, they are as follows:

THE PHOENIX TRUST  
By: [Signature]  
Monty G. White, Jr. (applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there ~~is~~ is not such a cemetery. If any, they are as follows:

THE PHOENIX TRUST  
By: [Signature]  
Monty G. White, Jr. (applicant's signature)

ORIGINAL DATE OF APPLICATION: 12-21-99APPLICANTS NAME: THE PHOENIX TRUST

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 12-21-99 ZONING HEARING:**

**THE PHOENIX TRUST** for Rezoning from **RM-10T** to **OI** for the purpose of an Office Building in Land Lots 517 and 564 of the 16<sup>th</sup> District. Located on the south side of Piedmont Road, west of L & N Railroad. Mr. Garvis Sams, representative for The Phoenix Trust, provided information regarding rezoning request. The applicant agreed to delete request to the LRO zoning district. Following presentation and discussion, the Board of Commissioners **deleted** rezoning to the LRO zoning district **subject to: 1) letter of agreeable stipulations/conditions from Mr. Sams dated November 8, 1999 (copy of letter attached and made a part of these minutes); 2) six foot wooden opaque privacy fence to be approved by Plan Review staff.** Motion by Olens, carried 5-0.

SAMS & LARKIN  
A LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064

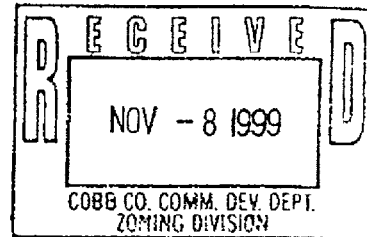
GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
M. KYLE GREENE  
DAVID Y. KWON  
OF COUNSEL  
DAVID P. HARTIN

November 8, 1999

(770) 422-7016  
TELEPHONE  
(770) 426-6583  
FACSIMILE  
SAMSLARKIN@AOL.COM  
E-MAIL

**VIA HAND DELIVERY**

Mr. Edwin L. Thomas, Jr., Principal Planner  
Cobb County Zoning Department  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060-1661



Re: Application of The Phoenix Trust to Rezone a 0.71 Acre Tract from  
RM-10T to O&I (No. Z-173)

Dear Ed:

This firm has been engaged by and represents The Phoenix Trust which is the applicant and property owner concerning the above-captioned application for rezoning. The application is scheduled to be heard by the Cobb County Planning Commission on December 7, 1999 and, thereafter, by the Cobb County Board of Commissioners on December 21, 1999.

Consistent with the dialogue established with staff during the pendency of the application, my client has authorized me to submit this letter of agreeable stipulations. Upon the zoning application being approved, as submitted or revised, the following stipulations shall become conditions and a part of the requested rezoning and shall be binding upon the subject property thereafter:

1. Deletion to the Low Rise Office (LRO) classification.
2. Utilization of the subject property only for the following use under the LRO classification:  
Offices for heating and air conditioning business.
3. Architectural style of the office shall be residential in appearance and style with pitched roof.

Petition No. Z-173 of 1999  
Meeting Date Dec. 21, 1999  
Continued

VIA HAND DELIVERY

Mr. Edwin L. Thomas, Jr., Principal Planner  
Cobb County Zoning Department  
Page 2  
November 8, 1999

4. Landscaping for the proposed development shall be pursuant to a specific landscape plan which shall be submitted during the Plan Review process and subject to the staff and Arborist's review and approval, including the following:
  - a. Dumpsters shall be incorporated into the landscape plan and shall be screened on at least three (3) sides consistent with the architectural theme and composition as aforementioned. All dumpsters shall have rubber lids and bumpers to minimize noise or, in lieu of dumpsters, the applicant may utilize at grade trash compaction facilities which shall also be screened.
  - b. HVAC and mechanical systems shall be incorporated into the landscape plan and screened from view.
  - c. Subject to staff and the Arborist's recommendations concerning the erection of any fencing (6 foot wooden opaque privacy fence) or landscaping between the subject property and the RM-10T development to the west.
  - d. No outside storage.
5. Subject to recommendations from the Stormwater Management Division with respect to the ultimate location and configuration of detention facilities on the site.
6. Compliance with all Cobb County Development Standards and Ordinances related to project improvements, except as otherwise approved by the Board of Commissioners.
7. Subject to recommendations of the Cobb County Department of Transportation, including the following:
  - a. The construction of a deceleration lane and sidewalk.
  - b. Verification of minimum sight distance of 475 feet or the implementation of remedial measures in order to mitigate same.

SAMS & LARKIN  
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-173 of 1999  
Meeting Date Dec. 21, 1999  
Continued

VIA HAND DELIVERY

Mr. Edwin L. Thomas, Jr., Principal Planner  
Cobb County Zoning Department  
Page 3  
November 8, 1999

- c. Entering into a Development Agreement, pursuant to O.C.G.A. §36-71-13, for the dedication of the foregoing system improvements to mitigate traffic concerns.
  - d. It is the applicant's understanding that DOT does not require additional right-of-way along Piedmont Road.
8. Signage shall be ground based, monument style consistent with the architectural theme. There shall be no flashing sign components and no exterior illumination of the sign by remote floodlighting.
  9. All exterior lighting shall consist of shoe box type, environmentally sensitive lighting with any lighting being shielded to prevent outward illumination.

Please let me know if there are any further stipulations/conditions of zoning which you think would be appropriate from a land use planning perspective or if you and the staff require any additional information or documentation prior to formulating your ultimate recommendation to the Planning Commission and the Board of Commissioners.

Very truly yours,

SAMS & LARKIN, LLP

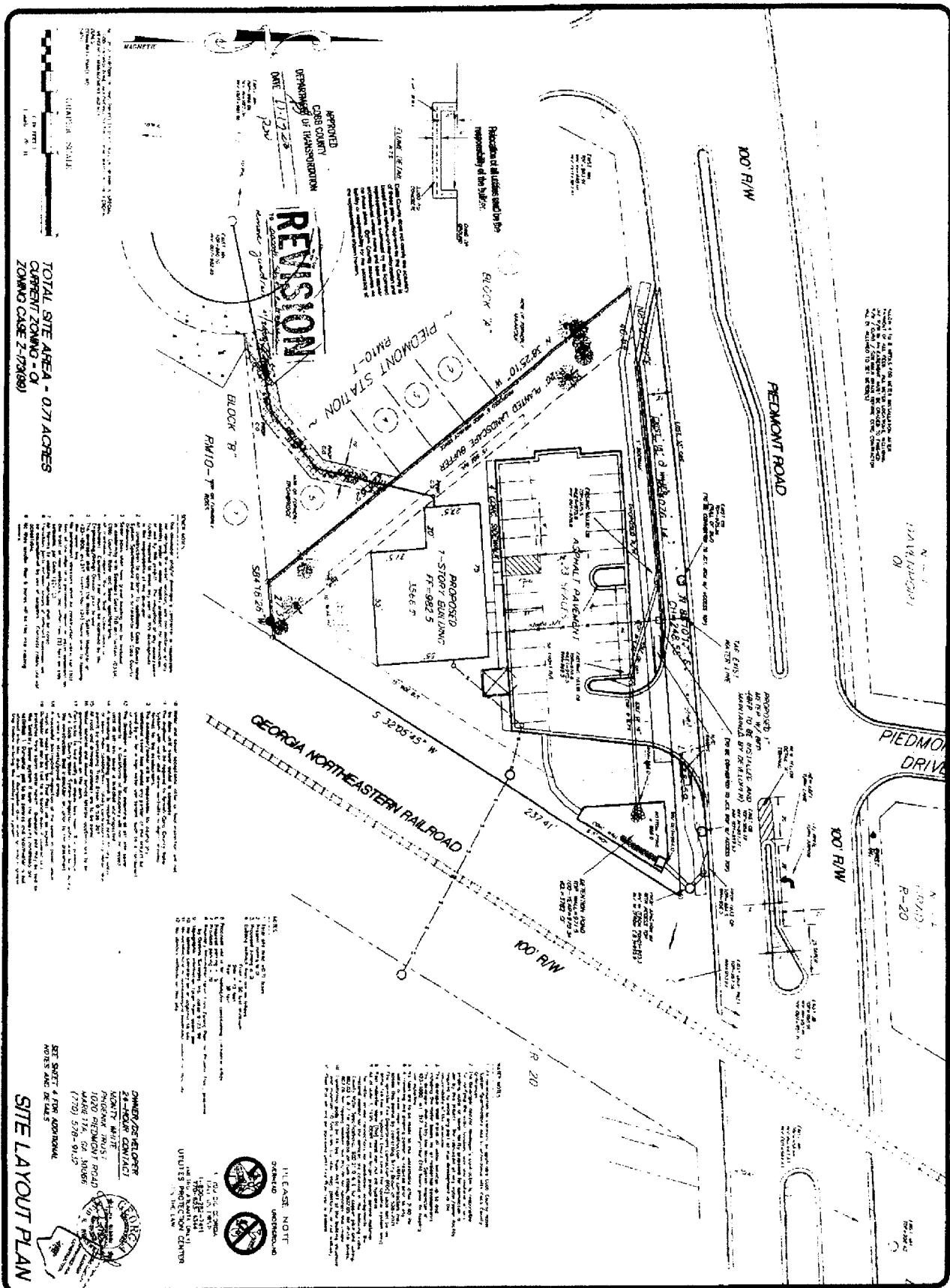


Garvis L. Sams, Jr.

GLSjr/jbmc

- cc: Members, Cobb County Board of Commissioners
- Members, Cobb County Planning Commission
- Ms. Karen King, Deputy Clerk
- Mr. David V. Poteet
- Ms. Vicky Plunkett
- Mr. Monty G. White, Jr.





TOTAL SITE AREA - 0.71 ACRES  
 CURRENT ZONING - O1  
 ZONING CASE Z-793989

**NOTES:**

1. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
2. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
3. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
4. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
5. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
6. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
7. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
8. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
9. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
10. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
11. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
12. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
13. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
14. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
15. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
16. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
17. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
18. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
19. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.
20. THE PROPOSED OFFICE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATLANTA ZONING ORDINANCES AND THE CITY OF ATLANTA SUBDIVISION ORDINANCES.

SEE SHEET 4 FOR APPROVAL  
 NOTES AND DETAILS  
**SITE LAYOUT PLAN**

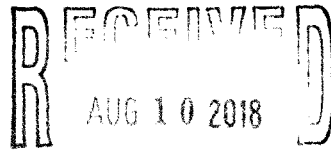
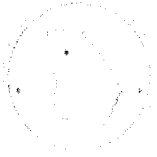
**PHOENIX TRUST**  
 1000 PIEDMONT ROAD  
 4400 17A, CO. 30066  
 (770) 578-9125

**THE PHOENIX TRUST**  
 PROPOSED OFFICE BUILDING

**BAE**  
 ARCHITECTS  
 1000 PIEDMONT ROAD  
 4400 17A, CO. 30066  
 (770) 578-9125

LAND LOTS 517 AND 564  
 16TH DISTRICT  
 2ND SECTION  
 COBB COUNTY, GEORGIA

NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		



Printed: 8/9/2018

### Cobb County Online Tax Receipt

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**CHELLY MCDUFFIE** CHIEF DEPUTY  
 Phone: 770-528-8600  
 Fax: 770-528-8679

**COBB CO. COMM. DEV. AGENCY**  
**ZONING DIVISION**

TINDOLS ALLGOOD LLC

TINDOLS & ALLGOOD LLC

**Payment Date: 9/29/2017**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2017	16056400940	10/15/2017	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$4,915.34	\$0.00



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