

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

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376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

770•422•7016

TELEPHONE

770•426•6583

FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

December 15, 2017

VIA HAND DELIVERY

Mr. Ken Suddreth, Director
Community Development Department
City of Smyrna
3180 Atlanta Road
Smyrna, GA 30080

Re: Application of William R. and Kathryn B. Rhodes to Rezone a 0.2588 Acre Tract of Land on Concord Road from R-15 to LC; Land Lot 340 & 381, 17th District, 2nd Section, City of Smyrna, Cobb County, Georgia.

Dear Ken:

This firm has been engaged by and represents William R. and Kathryn B. Rhodes concerning the above-captioned Rezoning Application.

By meeting today's deadline, it is my understanding that the Application will be heard by the Planning & Zoning Board on January 8, 2018 and by the Mayor and City Council on February 19, 2018. With respect to the foregoing, enclosed please find the original and five (5) copies of the Application and supplemental documentation as follows:

1. Titleholder's signature and paid tax receipts indicating that taxes are paid on the subject property with respect to both the City of Smyrna and Cobb County and the Deed reflecting the current Titleholder.
2. A legal description of the subject property, printed and provided in Word format.
3. A full-sized copy, an 11" x 17" sized copy and an 8½" x 11" copy of the Site Plan, and a color depiction of the lot layout plan.
4. A full-sized copy, an 11" x 17" sized copy and an 8½" x 11" copy of the Tree Protection/Replacement Plan, and the accompanying Arborist Report.
5. A water availability letter from Mr. Scott Stokes is attached. The existing structure is serviced by a Septic System. Attached is documentation confirming the viability of the Septic System for the use sought.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

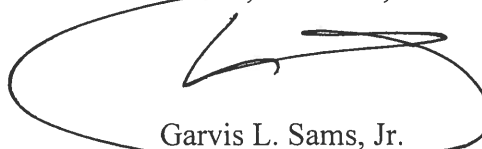
Mr. Kenneth Suddreth, Director
Community Development Department
December 15, 2017
Page 2

6. Copies of elevations/renderings of proposed renovations are provided herein.
7. A Constitutional Challenge.
8. A check made payable to the City of Smyrna in the sum of \$1,000.00 representing the Application fee and Tree Preservation and Protection Plan Review Fee.
9. A flash-drive containing a pdf copy of this submittal and the legal description in Word format.

I will be contacting you and your staff to discuss potential stipulations/conditions of the Rezoning Request and to address any concerns which you or the staff may have regarding the Application. In the interim, should you have any questions or need any additional documentation or information, please do not hesitate to contact me. With kind regards, I am

Very truly yours,

~~SAMS, LARKIN, HUFF & BALLI, LLP~~



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./klk
Enclosures

cc: Mr. Russell Martin, AICP, Senior Planner (via email w/attachments)
Ms. Tammi Saddler Jones, City Administrator (via email w/attachments)
Scott A. Cochran, Esq. (via email w/attachments)
Mr. Eric Randall, P.E., City Engineer (via email w/attachments)
Mr. Scott Stokes, Public Works Director (via email w/attachments)
Ms. Terri Graham, City Clerk (via email w/attachments)
Mr. & Mrs. William R. Rhodes (via email w/attachments)

**APPLICATION FOR REZONING
TO THE CITY OF SMYRNA**

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: William R. Rhodes & Kathryn B. Rhodes

Name: Garvis L. Sams, Jr. (SAMS, LARKIN, HUFF & BALLI, LLP)
(Representative's name, printed)

Address: 376 Powder Springs Street, Suite 100, Marietta, GA 30064

Business Phone: 770-422-7016 Cell Phone: 404-975-7772 Fax Number: 770-426-6583

E-Mail Address: gsams@slhb-law.com

Signature of Representative:  _____

TITLEHOLDER

Name: See Attached
(Titleholder's name, printed)

Address: _____

Business Phone: _____ Cell Phone: _____ Home Phone: _____

E-mail Address: _____

Signature of Titleholder: _____
(Attach additional signatures, if needed)

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

**APPLICATION FOR REZONING
TO THE CITY OF SMYRNA**

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: _____

Name: Kathryn B. Rhodes & William R. Rhodes
(Representative's name, printed)

Address: 2461 Elmwood Circle SE., Atlanta, GA 30339

Business Phone: 770.435.5287 Cell Phone: 404.925.2179 Fax Number: 770.433.2907

E-Mail Address: Kathy@theassociationgroup.com

Signature of Representative: Kathryn B Rhodes W R Rhodes

TITLEHOLDER

Name: Giles W. Shepherd,
(Titleholder's name, printed)

Address: 596 Concord Rd

Business Phone: _____ Cell Phone: 770826-7032 Home Phone: _____

E-mail Address: Bespeak2u@aol.com

Signature of Titleholder: B. S. Peek for the estate of Giles W. Shepherd, Sr.
(Attach additional signatures, if needed)

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

IN THE PROBATE COURT
COUNTY OF COBB
STATE OF GEORGIA

FILED IN OFFICE
2015 JUN -4 AM 3:48
PROBATE COURT OF
COBB COUNTY, GA

IN RE: ESTATE OF)
)
PEGGY ELAINE SHEPHERD) ESTATE NO. 15-0737
DECEASED)

ORDER APPOINTING PERSONAL REPRESENTATIVE

A petition having been filed for Letters of Administration on the above styled estate; service and/or publication having been perfected according to law; venue having been shown to lie in this court; the decedent having died intestate; **BEVERLY S. PEEK** having been shown to be lawfully qualified to be appointed as administrator; and no objection having been offered;

IT IS ORDERED AND ADJUDGED that the person named above to be qualified for such office be, and is/are hereby, appointed Administrator of the estate of said decedent, and that appropriate Letters be issued upon said Administrator taking the oath as provided by law. The Administrator shall not make any distribution to a person for the benefit of a minor unless that person is qualified to receive such funds according to law.

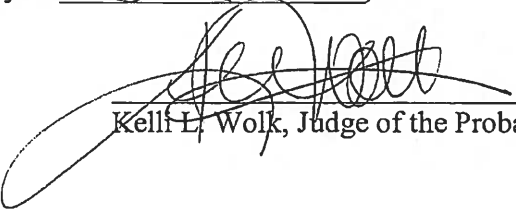
IT IS FURTHER ORDERED that upon unanimous consent and publication of notice as necessary, the Court hereby: (Initial if applicable.)

KLW KN (a) **REPORTS WAIVED:** Grants to the Administrator the power to serve without making and filing inventory, and without filing any annual or other returns or reports to any court; but the fiduciary(ies) shall furnish to the heirs, at least annually, a statement of receipts and disbursements.

KLW KN (b) **BOND WAIVED:** Waives the requirement to post bond.

KLW KN (c) **POWERS GRANTED:** Grants to the Administrator the powers contained in O.C.G.A. §53-12-261 not included in a above.

SO ORDERED this 4th day of June, 2015.


Kelli L. Wolk, Judge of the Probate Court

J.C. Stephenson

Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

After recording return to:
SunTrust Bank
P.O. Box 3425
MC-0083
Atlanta, GA 30302

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF WALKER

THIS INDENTURE, Made the 19 day of Oct, in the year Two Thousand 2001, between Peggy B. Shepherd, of the County of Cobb, and the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Giles W. Shepherd, of the County of Cobb, and the State of Georgia, as party or parties of the second part, hereinafter call 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 one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee.

All that certain parcel of land lying and being situated in the County of Richmond, State of GA, to-wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT ³⁴⁹ AND 381 OF THE 17TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA, BEING LOT 6 DUNTON HEIGHTS SUBDIVISION OF J. D. TWILLEY PROPERTY, ACCORDING TO PLAT RECORDED IN PLAT BOOK 13, PAGE 85, COBB COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY SIDE OF CONCORD ROAD SEVENTY-FIVE (75) FEET SOUTHWESTERLY FROM THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHEASTERLY SIDE OF CONCORD ROAD AND THE SOUTHWESTERLY SIDE OF DUNTON DRIVE, RUNNING THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY SIDE OF CONCORD ROAD SEVENTY-FIVE (75) FEET; THENCE SOUTHEASTERLY ONE HUNDRED SIXTY (160) FEET; THENCE NORTHEASTERLY SEVENTY-FIVE (75) FEET; THENCE NORTHWESTERLY ONE HUNDRED SIXTY (160) FEET TO THE SOUTHEASTERLY SIDE OF CONCORD ROAD AND THE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

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

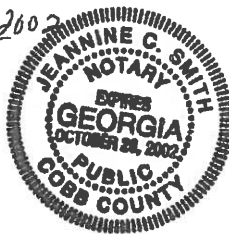
Signed, sealed and delivered in the presence of:

Janet Marie
(Unofficial witness)

Peggy B. Shepherd
PEGGY B. SHEPHERD (Seal)

[Signature]
(Notary Public)

My commission expires: October 28, 2002



1006998



Printed: 12/12/2017

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

Payer:
 Kathryn Rhodes

SHEPHERD GILES W

Payment Date: 12/4/2017

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2017	17038100140	10/15/2017	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$6.62	\$28.00	\$0.00	\$0.00	\$594.67	\$0.00	



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

12/04/2017 13:10
mhickenbottom

City of Smyrna
Real Estate Paid Tax Statement

P 1
txtaxstm

PARCEL: 17-0381-0-0140

LOCATION: 596 CONCORD RD

CURRENT OWNER:
SHEPHERD GILES W
596 CONCORD RD
SMYRNA GA 30080

CURRENT STATUS:
SQ FT: 0
LAND VALUATION: 37,490
BUILDING VALUATION: 16,800
EXEMPTIONS: 0
TAXABLE VALUATION : 54,290

DEED DATE:		BOOK/PAGE:					
YEAR	TYPE	DUE DATE	PRIN DUE	INT/PEN	DATE	TYPE	AMOUNT
2017	RE-R 1	11/15/2017	195.23	1.05	12/04/2017	PD	196.28
	BILL #	14812	195.23	1.05			196.28
2016	RE-R 1	11/15/2016	218.61	12.19	12/04/2017	PD	230.80
	BILL #	14472	218.61	12.19			230.80
2015	RE-R 1	11/16/2015	210.20	36.67	12/04/2017	PD	246.87
	BILL #	14365	210.20	36.67			246.87
2014	RE-R 1	11/17/2014	326.27	103.86	12/04/2017	PD	430.13
	BILL #	14311	326.27	103.86			430.13
GRAND TOTALS			950.31	153.77			1,104.08

CITY OF SMYRNA
PROPERTY TAX OFFICE
P. O. BOX 1226
SMYRNA GA 30081

2013
pd online



[Back to Smyrna, City of](#) [Make A Payment](#) [Payment Verification](#) [Help](#) [En Español](#)

Make An Electronic Check Payment



Smyrna, City of, GA

Real Estate Tax

Your payment information has been submitted successfully to Official Payments.

Confirmation Number: 126874436
Payment Date: Monday, December 4, 2017
Payment Time: 12:40PM ET



Print Confirmation

- Please print or write down your payment confirmation number for your records.
- Successful completion of the payment transaction is conditioned upon accurate and complete information being entered by you and is subject to financial institution and biller acceptance, approval and authorization of the payment.
- Electronic check payments may take up to seven business days to be returned by your Financial Institution if incorrect information is entered when a payment is submitted.
- Do not use your browser's "Back" button. Instead, navigate using the buttons below.

Payer Information

Name: Kathryn B Rhodes
 Street Address: 2461 Elmwood Circle SE
 Atlanta, GA 30339
 United States
 Daytime Phone Number: (404) 925 - 2179
 E-mail Address: pqal@comcast.net
 Bill Number: 14115
 Bill Year: 2013
 Account Number: 17038100140
 Customer ID: 1004304
 Session ID: 654710962~2

Check Information

Account Type: Personal Checking Account
 Routing Number: ****00104
 Account Number: *****07565

Payment Information

Payment Type: Real Estate Tax
 Payment Amount: \$463.81
 Transaction Fee: \$2.50
 Total Payment: \$466.31



Before you continue, be sure to tell your friends how easy it is make payments with Official Payments!
 (Clicking an icon will open a new window for you to tell your friends.)

Dear Kathryn Rhodes,

This message confirms your online payment of \$463.81 applied to the tender provided online.

The confirmation number for this payment is 654710962.

Payment details:

1. 2013 REAL ESTATE bill number 14115, payment amount: \$463.81

This email sent from Munis environment: City of Smyrna, database name: munprod

✔ Your Payment Was Submitted



Transaction ID: fp7E1C4F46B7E37C9D915
 Transaction Time: 12/04/2017 12:22 PM
 Total Paid: \$1,141.47

We will receive notification of your online payment at the time that it is made and we will credit your payment as of that day. However, you will not see the payment on your account for approximately 5 days due to the time that it takes to get those funds into our bank account.

Item	Amount
Website Payment	\$546.80
Item Number: BC088C	
Jurisdiction: 000	
TaxYear: 2016	
RollType: RE	
ParcelID: 17038100140	
RecordType: ORG	
Website Payment	\$594.67
Item Number: C7EB5C	
Jurisdiction: 000	
TaxYear: 2017	
RollType: RE	
ParcelID: 17038100140	
RecordType: ORG	
Transaction Fee	\$0.00
Total	\$1,141.47

☰ ✉ 8 Hi, CATHRYN
Sign Out

Email Mail ▾

Email Voice Address Book Calendar Text Messaging Preferences

- Mailboxes**
- Inbox (625)**
 - Sent
 - Drafts
 - Spam (34)
 - Trash

Close

PAYMENT SUBMITTED!

Transaction ID fp7E1C4F46B7E37C9D915
Total Paid \$1,141.47

Item	Amount
Item Number: BC088C	\$546.80
Jurisdiction: 000	
TaxYear: 2016	
RollType: RE	
ParcelID: 17038100140	
RecordType: ORG	
Item Number: C7EB5C	\$594.67
Jurisdiction: 000	
TaxYear: 2017	
RollType: RE	
ParcelID: 17038100140	
RecordType: ORG	
Transaction Fee	\$0.00
Total	\$1,141.47

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PROMOTIONS

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ZONING REQUEST

From R-15 to LC
Present Zoning Present Zoning Proposed Zoning

LAND USE

From NAC to NAC
Present Land Use Present Land Use Proposed Land Use

For the Purpose of Office Use

Size of Tract 0.2588

Location On the southeasterly side of Concord Road, south of Dunton Circle (596 Concord Road)
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 340 & 381 District 17th

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

(To be completed by City)

Recommendation of Planning Commission:

Council's Decision:

CONTIGUOUS ZONING

North: LC (City) _____

East: R-15 (City) _____

South: GC (City) _____

West: R-20 & R-15 (Cobb County) _____

CONTIGUOUS LAND USE

North: NAC _____

East: NAC _____

South: NAC _____

West: NAC (Cobb County) _____

INFRASTRUCTURE

WATER AND SEWER

A letter from Scott Stokes, Director of Public Works Department is required stating that water is available and the supply is adequate for this project.

A letter from Scott Stokes, Director of Public Works Department is required stating that sewer is available and the capacity is adequate for this project.

- If it is Cobb County Water, Cobb County must then furnish these letters.

Comments:

Please see attached letter from Mr. Stokes reporting that water service is available to this property, but sanitary sewer is not available. In that regard, a Department of Public Health Environmental Division "Existing On-site Sewage Management System Performance Evaluation Report" is provided.

TRANSPORTATION

Access to Property? Concord Road

Improvements proposed by developer? Please refer to the proposed improvements to existing structure prepared by the Applicant's Architect.

Comments:

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:

N/A

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:

N/A

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:

N/A

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 nature and extent of such interest: N/A

(

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:

N/A

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 11 day of December, 2017.

Wm Rizhu Kathryn B. Rhodie
(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.

CAMPAIGN DISCLOSURE REPORT¹
BY ATTORNEY FOR APPLICANT²

Has the Applicant made, within two (2) years immediately preceding the filing of this Application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Smyrna City Council or Planning Commission who will consider the Application?

Yes _____

If so, the Applicant and the attorney representing the Application must file a disclosure report with the Smyrna City Council within ten (10) days after this Application is first filed.

Please supply the following information which will be considered as the required disclosure:

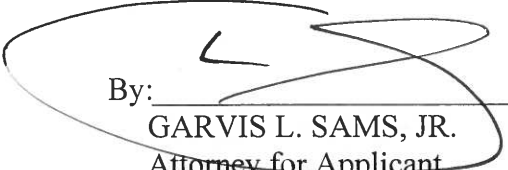
The name of the member(s) of the Smyrna City Council or Planning Commission to whom the campaign contribution or gift was made: Derek A. Norton

The dollar amount of each campaign contribution made by the Applicant to the member(s) of the Smyrna City Council or Planning Commission during the two (2) years immediately preceding the filing of this Application and the date of each such contribution: Derek Norton (Mayoral Candidate) – \$2,000.00 on 6/15/17.

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the Applicant to the member(s) of the Smyrna City Council or Planning Commission during the two (2) years immediately preceding the filing of this Application: N/A

I certify that the foregoing information is true and correct, this the 14 day of Dec, 2017.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 
GARVIS L. SAMS, JR.
Attorney for Applicant

¹If the answer to any of the above is "Yes", then the member of the Smyrna City Council or Planning Commission must immediately disclose the nature and extent of such interest, in writing to the Smyrna City Council. A copy should be filed with this Application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action.

DISCLOSURE

IF THE ANSWER TO ANY OF THE FOLLOWING QUESTIONS IS "YES", YOU MAY BE REQUIRED UNDER O.C.G.A. §36-67A-3 TO PROVIDE FURTHER INFORMATION:


- A) ARE YOU, OR ANYONE ELSE WITH A PROPERTY INTEREST IN THE SUBJECT PROPERTY, A MEMBER OF THE CITY OF SMYRNA PLANNING COMMISSION OR CITY OF SMYRNA MAYOR AND COUNCIL? **NO**

- B) DOES AN OFFICIAL OF SUCH PUBLIC BODIES HAVE ANY FINANCIAL INTEREST IN ANY BUSINESS ENTITY WHICH HAS A PROPERTY INTEREST IN THE SUBJECT PROPERTY? **NO**

- C) DOES A MEMBER OF THE FAMILY OF SUCH OFFICIALS HAVE AN INTEREST IN THE SUBJECT PROPERTY AS DESCRIBED IN (A) AND (B)? **NO**

- D) WITHIN TWO (2) YEARS IMMEDIATELY PRECEDING THIS APPLICATION, HAVE YOU MADE CAMPAIGN CONTRIBUTION(S) OR GIVEN GIFTS TO SUCH PUBLIC OFFICIALS AGGREGATING \$250.00 OR MORE? **YES**

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

Garvis L. Sams, Jr.
Attorney for Applicant

12-14-17
DATE

REZONING ANALYSIS

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. Please provide responses to the following using additional pages as necessary. **This section must be filled out by the applicant prior to submittal of the rezoning request.**

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

The rezoning proposal will permit a use which is suitable in view of the use and development of adjacent and nearby properties all of which are zoned and/or used for non-residential purposes and all of which are situated within the confines of a Neighborhood Activity Center ("NAC") either in the City of Smyrna or in Unincorporated Cobb County.

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

The proposed rezoning and the use proposed by the Applicants will not adversely affect the existing use or usability of adjacent or nearby properties. In fact, the retrofitting and rehabbing of the structure on the property, as evidenced by the architectural plans submitted concurrently herewith reflect that the existing use and/or usability of adjacent or nearby properties will be enhanced and their respective fair market values most likely increased.

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

As currently constructed, the subject property probably has a fairly reasonable economic use as currently zoned if it were not surrounded by commercially oriented properties and if the building on the subject property was properly retrofitted and rehabbed consistent with the architectural rendering/elevations submitted concurrently herewith.

REZONING ANALYSIS (CONTINUED)

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.

The rezoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The Applicants intend to conduct their Association Management business (The Association Group, which manages primarily non-profit associations) on the subject property which is consistent with the existing small-scale businesses nearby. The office will be staffed with three (3) people, not exceeding a 40 hour work week.

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

The rezoning proposal is in conformity with the policy and intent of the Land Use Plan and the Future Land Use Map which reflects that the subject property is situated within the confines of the NAC.

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.

The rezoning proposal is consistent with the trends of development along the Concord Road Corridor which gives supporting grounds for approval of the rezoning proposal.

REZONING ANALYSIS (CONTINUED)

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.

The architectural modifications and revisions which will be made to the building will enhance architectural standards along this section of the Concord Road Corridor and be aesthetically and architecturally and pleasing.

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

If approved to the LC zoning classification, the subject property will be retrofitted and utilized in order to ensure that the subject property is not in a position to create a nuisance nor will be incompatible with existing 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.

The development of the subject property and the approval of the rezoning will positively affect adjoining properties and the general neighborhood in which the subject property is situated.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL of land lying and being in Land Lots 340 & 381 of the 17th District, 2nd Section of Cobb County, Georgia, being Lot 6 Dunton Heights Subdivision of J. D. Twilley Property, according to Plat Recorded in Plat Book, 13, Page 85, Cobb County Records, more particularly described as follows:

Beginning at a point on the southeasterly side of Concord Road seventy-five (75) feet southwesterly from the corner formed by the intersection of the southeasterly side of Concord Road and the southwesterly side of Dunton Drive, running thence southwesterly along the southeasterly side of Concord Road seventy-five (75) feet; thence southeasterly one hundred sixty (160) feet; thence northeasterly seventy-five (75) feet; thence northwesterly one hundred sixty (160) feet to the southeasterly side of Concord Road and the point of beginning.

EXISTING CONDITIONS AND REPLANTING PLAN



ALL TREES MUST BE PLANTED AT LEAST 10 FEET FROM ANY UTILITY LINE.

PLANT LIST	BOTANICAL NAME	MILL. SIZE	MILL. SPACE	RECOMP. %	COMMENTS
1	Trinidad American Elm	3.0	30	33	Healthy, Single Straight Leader, Good Form
2	Trinidad American Elm	3.0	30	33	Healthy, Single Straight Leader, Good Form
2	Trinidad American Elm	3.0	30	33	Healthy, Single Straight Leader, Good Form
2	Trinidad American Elm	3.0	30	33	Healthy, Single Straight Leader, Good Form
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PLANT LIST	BOTANICAL NAME	MILL. SIZE	MILL. SPACE	RECOMP. %	COMMENTS
6	Trinidad American Elm	3.0	30	33	Healthy, Single Straight Leader, Good Form
6	Trinidad American Elm	3.0	30	33	Healthy, Single Straight Leader, Good Form
6	Trinidad American Elm	3.0	30	33	Healthy, Single Straight Leader, Good Form
6	Trinidad American Elm	3.0	30	33	Healthy, Single Straight Leader, Good Form
6	Trinidad American Elm	3.0	30	33	Healthy, Single Straight Leader, Good Form
6	Trinidad American Elm	3.0	30	33	Healthy, Single Straight Leader, Good Form

811
 Reveal
 Call before you dig
 811-2-OPEN

CONCORD ROAD
 DUNTON HEIGHTS

CONTRACT THE COMMUNITY DEVELOPMENT DEPARTMENT (77) 3. THE SITE IS TO BE PREPARED FOR THE INSTALLATION OF THE TREE SPECIES AND THE TREE SPECIES TO BE PLANTED SHALL BE ISSUED LATE PLANTS AND APPROVED AND ANY ON-SITE INSPECTION WITH CITY REPRESENTATIVE CONCERNED MUST BE TO DETERMINE THE NECESSITY OF NECESSARY SERVICES TO BE PROVIDED.

REPLACEMENT TREES SHALL BE PLANTED TO COMPENSATE FOR THE REMOVAL OF TREES. THE REPLACEMENT TREES SHALL BE PLANTED AT THE SAME LOCATION AS THE TREE BEING REMOVED.

REPLACEMENT TREES SHALL BE PLANTED AT THE SAME LOCATION AS THE TREE BEING REMOVED.

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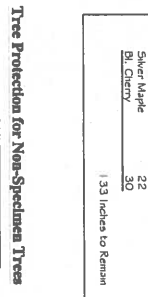
REPLACEMENT TREES CALCULATIONS

Total acreage = 26 Ac.
 50% - ED + RDI
 = 26 x 100' per Acre
 = 26 Required for site
 Total inches to be preserved = 133'
 133 x 1.4 Planted 26 Required = 121
 inches per acre exceeded
 One Specimen Tree on site (Tree to remain)
 No Recompense required

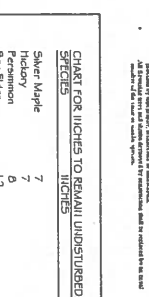
CHART FOR INCHES TO BE PLANTED UNDISTURBED.

TREE SPECIES	INCHES
Silver Maple	7
Hickory	5
Persimmon	4
Bl. Gum	1
Pecan	1
Silver Maple	17
Bl. Cherry	22
Bl. Cherry	30

Tree Protection for Non-Specimen Trees



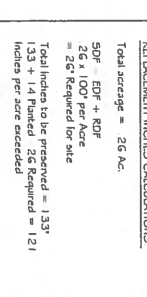
Tree Staking Detail



Species tree protection requires orange polyethylene fabric to be replaced with chain link fence.



Tree Protection Detail



Tree Protection for Non-Specimen Trees



Tree Protection Detail



PLANT LIST	BOTANICAL NAME	MILL. SIZE	MILL. SPACE	RECOMP. %	COMMENTS
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CITY OF SMYRNA

2800 King Street / P.O. Box 1226, Smyrna, Georgia 30081
(770) 434-6600 / www.smyrnacity.com

CITY OF SMYRNA

Water and Sewer Availability

The City of Smyrna has determined that water is available to the proposed development. Water is located on the south side of Concord Road. Sanitary sewer is not available to the proposed development. Septic regulations are handled by the Cobb Douglas Environmental Health Department.

This information is based upon a rezoning plan for William and Kathy Rhodes by Paul Lee Consulting Engineering dated 10/11/17.

Sincerely,

Scott Stokes
Director Public Works

MAYOR
A. MAX BACON

CITY COUNCIL	WARD 1 DEREK NORTON	WARD 2 ANDREA BLUSTEIN	WARD 3 TERI ANULFWICZ	WARD 4 CHARLES A. WELCH	WARD 5 SUSAN WILKINSON	WARD 6 DOUG STONER	WARD 7 RON FENNEL
	CITY ADMINISTRATOR MICHAEL L. JONES, PE.		CITY CLERK TERRI GRAHAM	CITY ATTORNEY SCOTT A. COCHRAN		MUNICIPAL COURT JUDGE E. ALTON CURTIS, JR.	

COPY

Existing On-site Sewage Management System Performance Evaluation Report Form

Applicant: Rick Rhodes		Reason for Existing Sewage System Evaluation: Rezone to commercial
Property/System Address: 596 CONCORD RD SE SMYRNA, GA 30082-2608		
Subdivision Name:	Lot: Block:	
Existing System Information: Water Supply (circle)	Number of Bedrooms/GPD: Garbage Grinder: (circle)	
(1) Public (2) Private Well (3) Community	2/0 (1) Yes (2) No	

*** One of Section A, B, or C should be Completed ***

SECTION A - System on Record

(1) Yes (2) No	Existing On-site Sewage Management System inspection records indicate that all components of the system were properly constructed and installed at the time of the original inspection.	Comments: OKAY FOR OFFICE WITH 3 EMPLOYEES
(1) Yes (2) No	A copy of the original On-site Sewage Management System Inspection Report is attached.	
(1) Yes (2) No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.	
(1) Yes (2) No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system.	
Evaluating Environmentalist	Title: Date:	Verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.
Jennifer Delveau	EH 1 19-Oct-17	

SECTION B - System Not on Record

(1) Yes	No inspection records are on file showing the On-site Sewage Management System was inspected and approved at the time of the installation	Comments:
(1) Yes (2) No	The septic tank was uncovered at the time of the evaluation and it appears to meet the required design, construction and installation criteria.	
(1) Yes (2) No	Documentation from a Georgia Certified Installer has been provided as to the condition of the septic tank and its respective components, certifying its design, construction, and installation criteria. A copy is attached.	
(1) Yes (2) No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.	
(1) Yes (2) No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system; however, appropriateness of the sizing and installation cannot be verified since no initial inspection records exist.	
Evaluating Environmentalist	Title: Date:	Verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

SECTION C - System Not Approved

(1) Yes (2) No	The On-site Sewage Management System was disapproved at the time of the initial and is thus not considered an approved system.	Comments:
(1) Yes (2) No	Evaluation of the system revealed evidence of system failure or malfunction, and will therefore require corrective action in order to obtain approval of the system.	
(1) Yes (2) No	Evaluation of the system revealed conditions which would adversely affect the proper functioning of the system, and will therefore require corrective action in order to obtain approval of the system.	
Evaluating Environmentalist	Title: Date:	Verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

SECTION D - Addition to Property or Relocation of Home (section completed in conjunction with A, B, or C above)

(1) Yes (2) No	An existing On-site Sewage Management System is located on the property listed above and has been evaluated in accordance with Section A or B above.	Comments:

Concord Rd. - Lot 6, Dunton Hts. Subd.,
75x31/2 (K)

Rt. 4, Smyrna

550

184x36

596

Stone

Robinson

Twilley

10/15/55

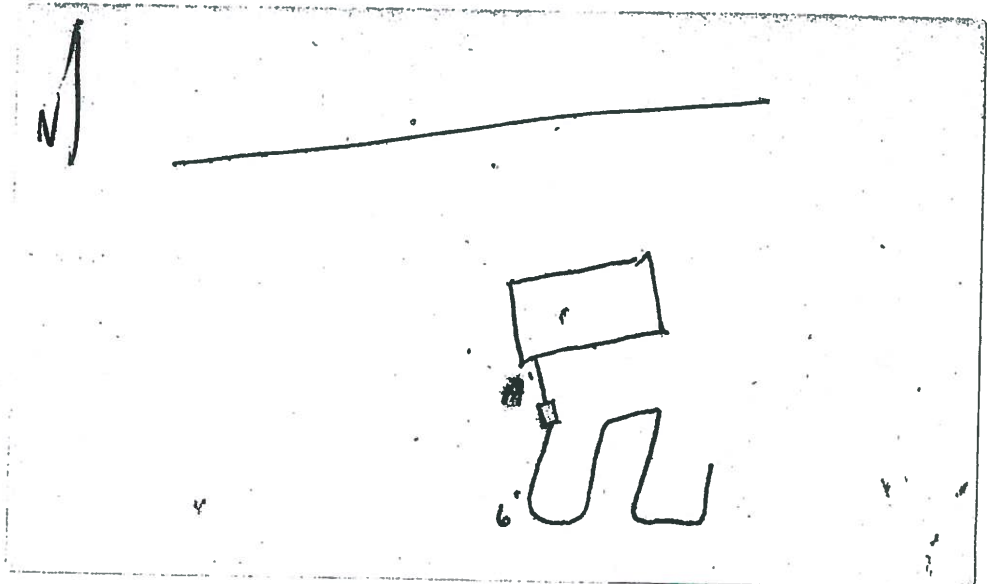
JMS.

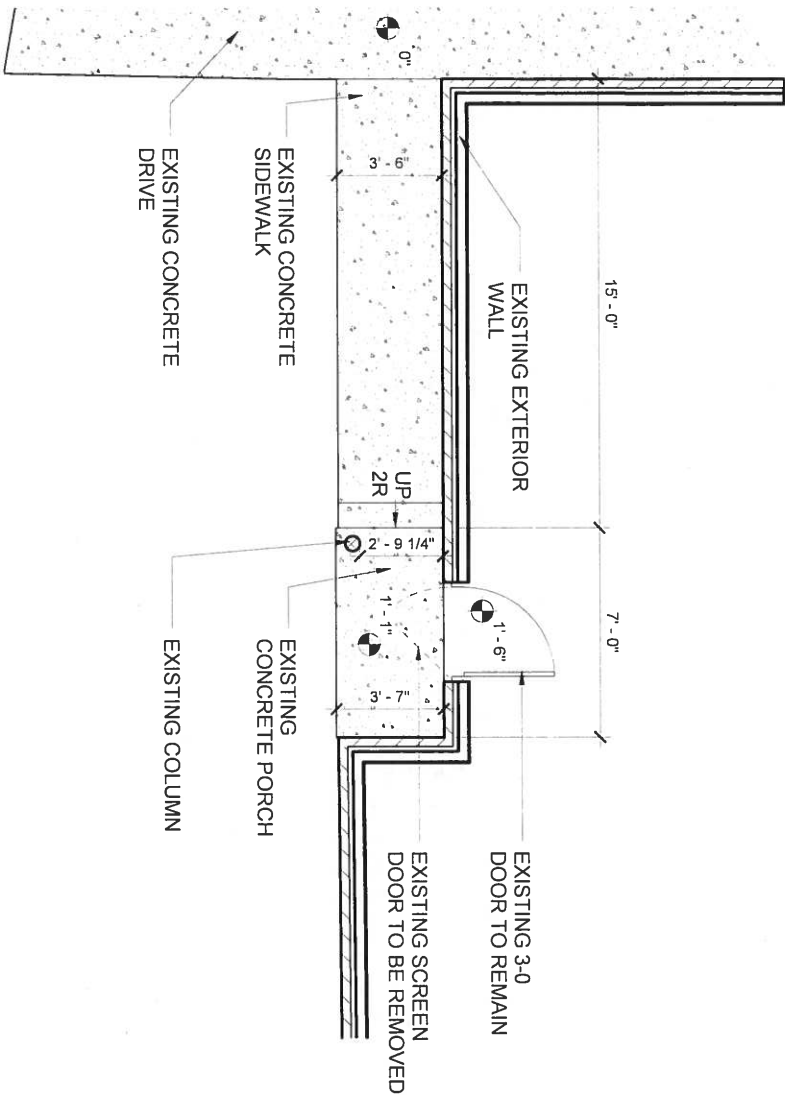
APPROVED

J. DeLeon

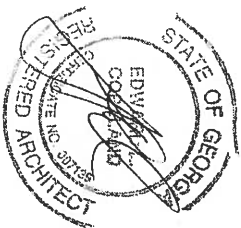
10-24-17

DEON PUBLIC HEALTH
DATE
CENTER FOR ENVIRONMENTAL HEALTH





1 EXISTING PLAN
A-01 1/4" = 1'-0"



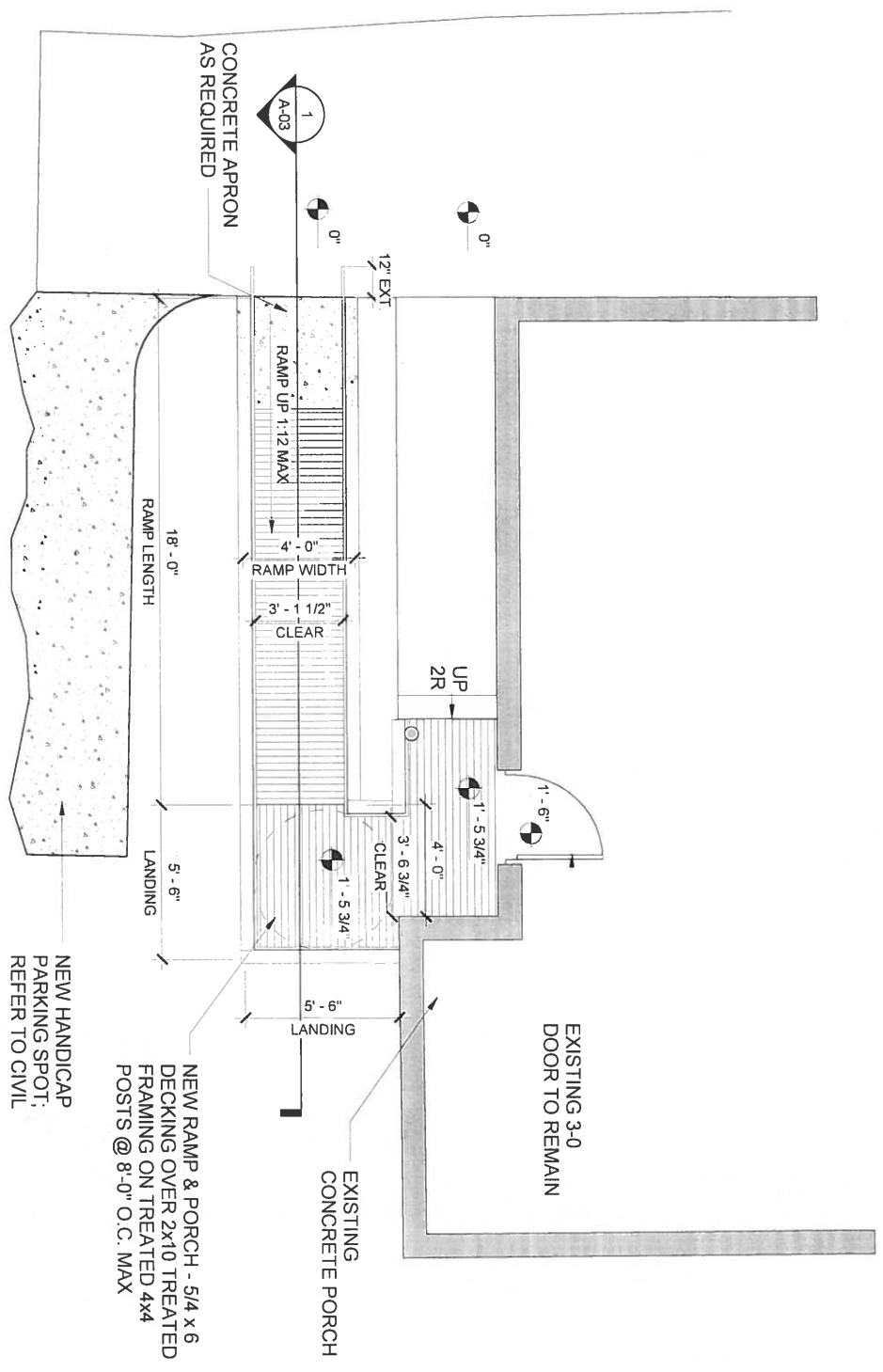
COPELAND ARCHITECTURE
 4511 CHAMBLEE DUNWOODY RD
 SUITE E-1
 ATLANTA, GEORGIA 30338
 P: 770.551.9255 F: 770.551.9254
 www.CopelandArchitecture.com

RENOVATIONS TO AN EXISTING BUILDING
 for
RICK RHODES
 596 CONCORD ROAD SE
 SMYRNA, GA 30082

No.	Description	Date

EXISTING PLAN
 Project number 1734
 Date 10 NOV 2017
 Drawn By RS
 Checked by ELC
A-01

1 FIRST FLOOR - NEW WORK
 A-02 1/4" = 1'-0"



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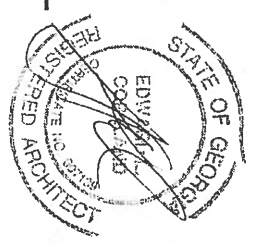
RENOVATIONS TO AN EXISTING BUILDING
 for
RICK RHODES
 596 CONCORD ROAD SE
 SMYRNA, GA 30082


No.	Description	Date

PROPOSED PLAN

Project number	1734
Date	10 NOV 2017
Drawn by	RS
Checked by	ELC

A-02




COPELAND ARCHITECTURE
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 SUITE E-1
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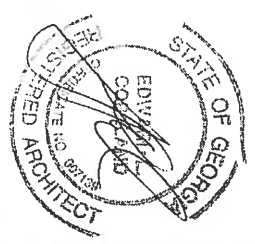
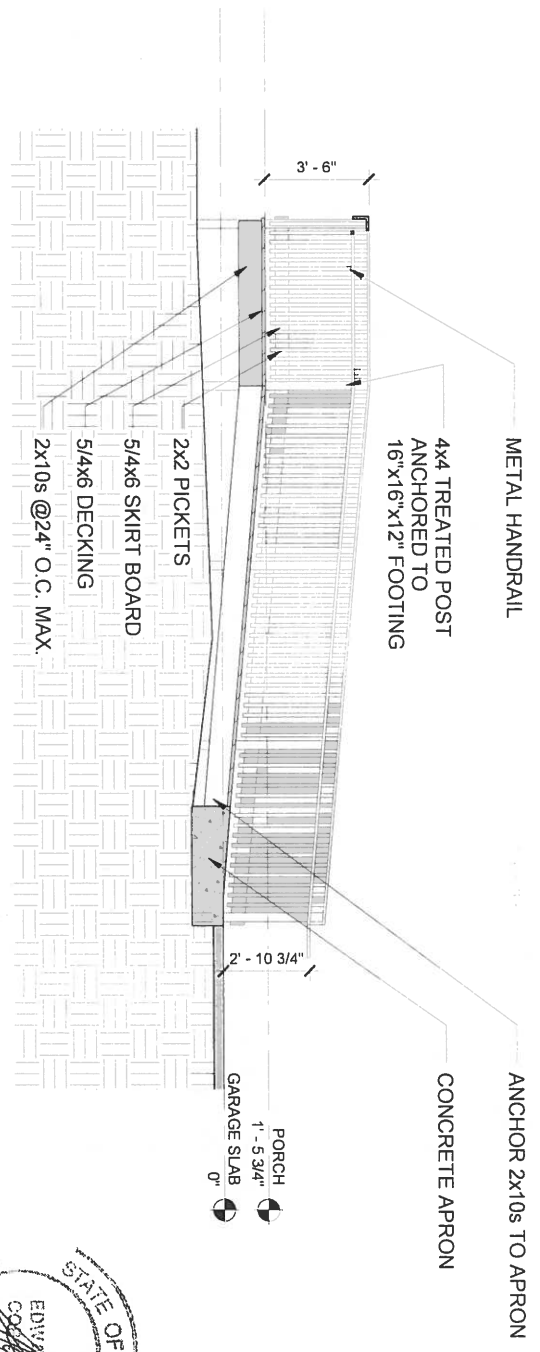
RENOVATIONS TO AN EXISTING BUILDING
 for
RICK RHODES
596 CONCORD ROAD SE
SMYRNA, GA 30082

No.	Description	Date

SECTIONS	
Project number	1734
Date	10 NOV 2017
Drawn by	RS
Checked by	ELC

A-03

1 LONGITUDINAL SECTION @ RAMP
 A-03 1/4" = 1'-0"



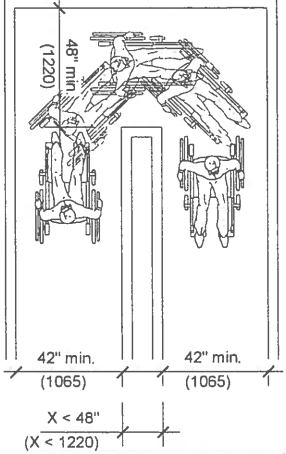
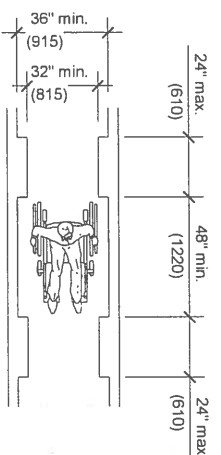
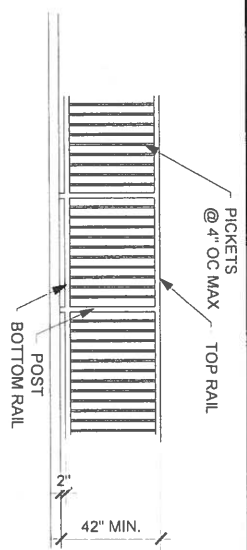
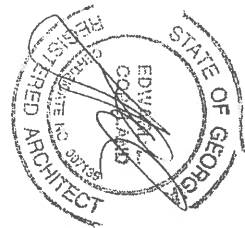


FIG. 403.5 CLEAR WIDTH OF AN ACCESSIBLE ROUTE

FIG. 403.5.1 CLEAR WIDTH AT TURN

FIG. 403.5.2 CLEAR WIDTH AT TURN

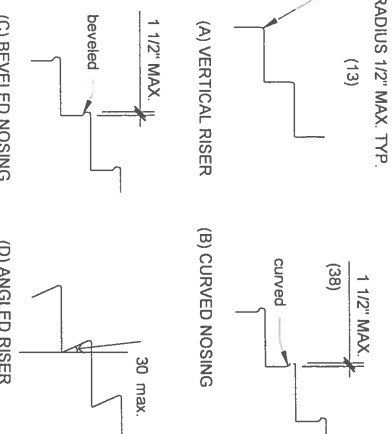
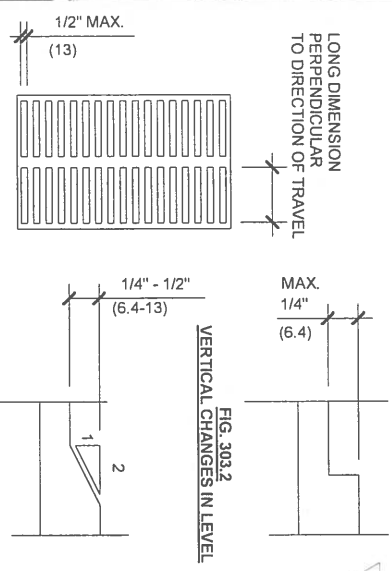


FIG. 303.2 VERTICAL CHANGES IN LEVEL

FIG. 504.5 STAIR NOSINGS

FIG. 505.4 HANDRAIL HEIGHT

FIG. 505.5 HANDRAIL CLEARANCE

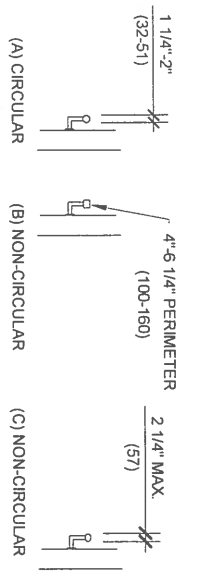


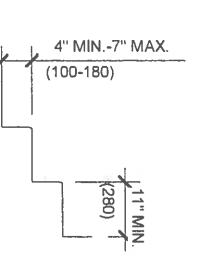
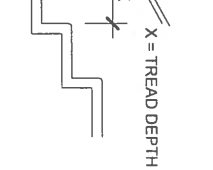
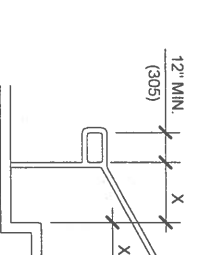
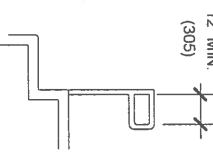
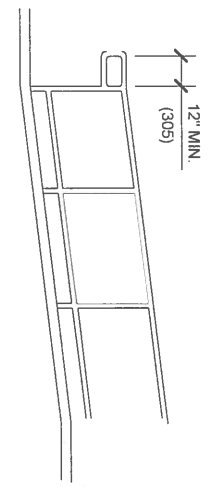
FIG. 302.3 OPENINGS IN FLOOR OR GROUND SURFACES

FIG. 505.10.1 TOP AND BOTTOM HANDRAIL EXTENSIONS AT RAMPS

FIG. 505.10.2 TOP HANDRAIL EXTENSIONS AT STAIRS

FIG. 505.10.3 BOTTOM HANDRAIL EXTENSIONS AT STAIRS

FIG. 504.2 TREADS AND RISERS FOR ACCESSIBLE STAIRWAYS



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RENOVATIONS TO AN EXISTING BUILDING
 for
RICK RHODES
 596 CONCORD ROAD SE
 SMYRNA, GA 30082

No.	Description	Date

Project number	1734
Date	10 NOV 2017
Drawn by	RS
Checked by	ELC

ACCESSIBILITY DETAILS
 A-04

TO THE MAYOR & CITY COUNCIL
SMYRNA, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, William R. Rhodes and Kathryn B. Rhodes, hereinafter referred to as the "Applicants", and asserts the following, to wit:

1.

By application to which this exhibit relates, the Applicants have applied for a rezoning of certain real property lying and being in Smyrna, Georgia, a more particular description and delineation of the subject property, hereinafter referred to as the "Property", being set forth in said Application.

2.

The Application for Zoning of the property seeks a rezoning from the existing category of R-15, as established by the governing authority of Smyrna, Georgia to the zoning category of LC, as proposed.

3.

The current R-15 zoning classification of the property and all intervening classifications between same and LC as proposed are unconstitutional in that they deprive the Applicant under and pursuant to Article 1, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States. This deprivation of property without due process violates constitutional prohibitions against the taking of private property without just compensation.

4.

The zoning classification of R-15 and all intervening classifications between same and LC as proposed as they presently exist violate the Applicant's right to the unfettered use of the property in that the existing zoning classification does not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classifications are unconstitutional in that they are arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

5.

The Smyrna Zoning Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with zoning applications also violates the aforementioned constitutional provisions in that said procedures contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issues at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law.

Respectfully submitted, this the 14 day of Dec., 2017.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950