

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 15, 2022
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, February 15, 2022, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Board were:

Lisa Cupid, Chairwoman
Commissioner Monique Sheffield
Commissioner JoAnn Birrell
Commissioner Keli Gambrell
Commissioner Jerica Richardson

CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:02 a.m.

Ms. Debbie Blair, Deputy County Attorney, read the following into the record regarding allowing virtual participation at today's Board of Commissioners' Zoning Meeting:

Georgia's Open Meeting law allows virtual meetings when a local government is under a declaration of local emergency, as Cobb is currently. Community Development, Communications Department, and Cobb's Information Services (IS) can offer virtual participation for components of the Board of Commissioners' (BOC) Zoning Meeting by a motion of the Board.

While the BOC Zoning meeting will be live today at 100 Cherokee Street, and it will have zoning participants and public in attendance, some of the county staff and public may view and participate virtually to assist with social distancing.

To that end, as a suggestion, by way of a motion by the Board, that because of the unprecedented circumstances of the COVID Pandemic, and while under a Declaration of Emergency, which is set to expire at 11:59 p.m. on February 19, 2022, that the BOC Zoning Meeting Rules be temporarily revised for this February meeting as follows:

- 1. Staff and citizens be allowed to virtually participate in the meeting;*
- 2. BOC members can vote by voice or by hand-signal;*
- 3. Persons wishing to be counted as either in favor or in opposition to an application will be recognized, and the number of persons provided to the Board; and*
- 4. Persons who wish to speak virtually in favor or in opposition to an application will identify themselves accordingly to IS technical staff for participation during the presentation of the application*

Otherwise, the BOC Zoning Meeting Rules will apply during the normal course of the meeting pursuant to the Rules.

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MOTION: Motion by Cupid, second by Birrell, to **adopt** the revisions to the BOC Zoning Meeting Rules as read into the record by Ms. Blair.

VOTE: **ADOPTED 5-0**

Mr. Pederson, Zoning Division Manager reviewed the hearing procedures and announced the following cases which were *withdrawn, held, or continued*.

WITHDRAWN, HELD, AND CONTINUED CASES

Z-61^{'21} **BLUETIGER PROPERTIES, LLC** (WellStar Health System, Inc., owner) requesting rezoning from **O&I** to **O&I** for a climate controlled self-storage facility in land lot 224 of the 20th district. Property is located on the north side of Stilesboro Road, and on the east side of Dennis Kemp Lane (Stilesboro Road). *(Previously held by the Planning Commission (PC) from the September 7, 2021, and October 5, 2021, PC hearings until the November 2, 2021, PC hearing; continued by Staff from the November 2, 2021, and December 7, 2021, PC hearings until the February 1, 2021, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

Z-68^{'21} **TIFFANY GRAY** (TAMG Realty, Inc., owner) requesting rezoning from **R-20** to **FST** for a townhome community in land lot 1145 of the 19th district. Property is located on the east side of Brookwood Drive, north and south of the intersection of Virgil Lane, at the terminus of Bellemeade Circle, and the west side of Glore Road (Brookwood Drive). *(Previously continued by Staff from the October 5, 2021, and November 2, 2021, Planning Commission (PC) hearings until the December 7, 2021, PC hearing; continued by Staff until the February 1, 2022, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

Z-88^{'21} **TAYLOR MORRISON OF GEORGIA, LLC** (Indus Group, LLC, owner) requesting rezoning from **R-20** and **O&I** to **RM-8** for a townhome community in land lot 109 of the 17th district. Property is located on the north side of Veterans Memorial Highway, on the east side of Glore Drive, at the terminus of Camilla Circle (440 Veterans Memorial Highway). *(Continued by the Planning Commission (PC) until the February 1, 2022, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

SLUP-7^{'21} **BLUETIGER PROPERTIES, LLC** (WellStar Health System, Inc., owner) requesting a **Special Land Use Permit** for a climate controlled self-storage facility in land lot 224 of the 20th district. Property is located on the north side of Stilesboro Road, and on the east side of Dennis Kemp Lane (Stilesboro Road). *(Previously held by the Planning Commission (PC) from the September 7, 2021, and October 5, 2021, PC hearings until the November 2, 2021, PC hearing; continued by Staff from the November 2, 2021, and December 7, 2021, PC hearings until the February 1, 2022, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-10** **TRATON, LLC** (Home Star Storage Mableton GA, LLC, owner) requesting rezoning from **CRC** to **FST** for a townhome community in land lot 41 of the 18th district. Property is located on the east side of Glore Drive, on the north side of Lee Road, on the west side of Garner Road (6610 Mableton Parkway, 381 Veterans Memorial Highway). **WITHDRAWN WITHOUT PREJUDICE**
- SLUP-2** **CAMPUS REALTY ADVISORS, LLC** (TV Holdings LLC, owner) requesting a **Special Land Use Permit** for student housing in land lots 501 and 502 of the 16th district. Property is located on the south side of Big Shanty, on the east side of Hidden Forest Court (3064 Hidden Forest Court). **WITHDRAWN WITHOUT PREJUDICE**
- Z-38'²¹** **WINDSONG PROPERTIES** (Ronald H. Mulkey and Lisa L. Mulkey, owners) requesting rezoning from **R-30** to **RSL** for residential senior living, non-supportive residential in land lots 179 and 180 of the 20th district. Property is located on the south side of Ellis Road, on the east side of Mack Dobbs Road, southeast of the intersection of Ellis Road and Mack Dobbs Road (3180 Ellis Road). *(Previously continued by Staff from the June 1, 2021, Planning Commission (PC) hearing until the July 6, 2021, PC hearing; held by the PC from the July 6, 2021, through the October 5, 2021, PC hearings until the November 2, 2021, PC hearing; continued by the Board of Commissioners (BOC) until the December 21, 2021, BOC Zoning hearing; held by the BOC until the February 15, 2022, BOC Zoning hearing; continued by Staff until the March 15, 2022, BOC Zoning hearing; therefore, was not considered at this hearing).*
- Z-48'²¹** **RAY MURPHY** (Ray Murphy, owner) requesting rezoning from **GC** to **LI** for a towing and automotive wrecker service in land lots 154 and 155 of the 17th district. Property is located on the northwest side of Austell Road, at the terminus of Austell Circle (1818, 1830 Austell Road). *(Previously continued by the Planning Commission (PC) from the July 6, 2021, PC hearing until the August 3, 2021, PC hearing; held by the PC from the August 3, 2021, PC hearing until the November 2, 2021, PC hearing; held by the PC from the November 2, 2021, PC hearing until the December 7, 2021, PC hearing; continued by Staff until the February 1, 2022, PC hearing; held by the PC until the May 3, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-83'²¹** **ST. BOURKE** (M.J. Westmoreland, Westmoreland, Inc., owner) requesting rezoning from **OS** to **RM-8** for a townhome community in land lots 390 and 391 of the 18th district. Property is located on the north side of Mableton Parkway, northwest of Hunnicut Road (6721 Mableton Parkway). *(Held by the Planning Commission (PC) until the February 1, 2022, PC hearing; held by the PC until the April 5, 2022, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- SLUP-3'**²¹ **RAY MURPHY** (Ray Murphy, owner) requesting a **Special Land Use Permit** for a towing and automotive wrecker service in land lots 154 and 155 of the 17th district. Property is located on the northwest side of Austell Road, at the terminus of Austell Circle (1818, 1830 Austell Road). *(Previously continued by the Planning Commission (PC) from the July 6, 2021, PC hearing until the August 3, 2021, PC hearing; held by the PC from the August 3, 2021, PC hearing until the November 2, 2021, PC hearing; held by the PC from the November 2, 2021, PC hearing until the December 7, 2021, PC hearing; continued by Staff until the February 1, 2022, PC hearing; held by the PC until the May 3, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-1** **PULTE HOME COMPANY** (Marie F. Johnson, owner) requesting rezoning from **R-30** to **R-15/OSC** for a single-family subdivision in land lots 62 and 87 of the 19th district. Property is located on the west side of Midway Road, south of Dallas Highway (636 Midway Road). *(Continued by Staff until the March 1, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-5** **HUI PING SCHNEIDER/AMERICA 101, LLC** (America 101, LLC, owner) requesting rezoning from **R-20** to **RD** for a duplex in land lot 85 of the 16th district. Property is located on the north side of Old Noonday School House Road, west of Canton Road (913 Old Noonday School House Road). *(Held by the Planning Commission (PC) until the March 1, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-7** **KM HOMES** (Luther John Deavers, Luther Guy Deavers Jr., owners) requesting rezoning from **R-20** to **FST** for a townhome community in land lot 22 of the 20th district. Property is located on the southeast side of Wade Green Road, north of Wooten Lake Road (4556, 4570, 4600 Wade Green Road). *(Continued by Staff until the March 1, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- O.B. 75'**²¹ To consider a stipulation and site plan amendment for Mt. Bethel Christian Academy, Inc. regarding case SLUP-11 (Mt. Bethel United Methodist Church, Inc.) of 2013. The property is located on the north side of Post Oak Tritt Road, west of Holly Springs Road, in land lots 599, 600, 625 and 626 of the 16th district (2509 Post Oak Tritt Road). *(Held by the Board of Commissioners (BOC) from the December 21, 2021, BOC Zoning hearing until the February 15, 2022, BOC Zoning hearing; continued by Staff until the March 15, 2022, BOC Zoning hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 1 To consider a stipulation amendment and site plan amendment for Andrew Hamilton regarding rezoning application Z-44 of 2002 (Yancey Development Company), for property located on the west side of Lochstone Drive, north of Islington Drive in land lot 302 of the 19th district (1371 Lochstone Drive). *(Continued by Staff until the March 15, 2022, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*

O.B. 3 To consider a stipulation and site plan amendment for Lonnie Shore regarding rezoning application Z-42 of 2007 in land lot 660 of the 16th district. Property is located at the southeast intersection of Canton Road and Liberty Hill Road (2320 Canton Road). *(Continued by Staff until the March 15, 2022, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*

Z-78'²¹ **ST. BENEDICT'S EPISCOPAL SCHOOL** (Cooper Lake-Daniel, LLC, owner) requesting rezoning from **O&I** and **R-20** to **O&I** for a school in land lot 695 of the 17th district. Property is located on the east and north side of Daniel Street, on the west side of Cooper Lake Road (2001 Daniel Street, 2235 Cooper Lake Road). *(Continued by the Planning Commission (PC) from the November 2, 2021, PC hearing until the December 7, 2021, PC hearing; held by the Board of Commissioners (BOC) until the February 15, 2022, BOC Zoning hearing).*

SLUP-11'²¹ **ST. BENEDICT'S EPISCOPAL SCHOOL** (Cooper Lake-Daniel, LLC, owner) requesting a **Special Land Use Permit** for a school in land lot 695 of the 17th district. Property is located on the east and north side of Daniel Street, on the west side of Cooper Lake Road (2001 Daniel Street, 2235 Cooper Lake Road). *(Continued by the Planning Commission (PC) from the November 2, 2021, PC hearing until the December 7, 2021, PC hearing; held by the Board of Commissioners (BOC) until the February 15, 2022, BOC Zoning hearing).*

Mr. Pederson presented the Applicant's request for a continuance of Z-78'²¹ and SLUP-11'²¹; thereafter, the following motion was made:

MOTION: Motion by Richardson, second by Cupid, to continue Z-78'²¹ and SLUP-11'²¹ until the March 15, 2022, Board of Commissioners Zoning Hearing.

VOTE: **ADOPTED 5-0**

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Mr. Pederson made the following announcements:

CAMPAIGN DISCLOSURE

All speakers who have made a campaign contribution totaling \$250.00 or more, within the last two years, to a local government official considering a zoning case are required to complete the "Campaign Disclosure Form" prior to speaking.

INFORMATION REGARDING ZONING CASES

All information regarding zoning cases must be turned in to the Zoning Office on the Wednesday prior to the zoning hearing for consideration. If said information is turned in past the deadline, then it is at the Board's discretion as to whether the information will be considered.

Prior to reading in the Consent Agenda, Mr. Pederson announced that Z-2 and SLUP-1 (Pat Spencer/U-Haul Company of Atlanta West) would be pulled from the Consent Agenda and heard on the Regular Agenda in their numerical order (see page 12 for these cases).

CONSENT AGENDA

MOTION: Motion by Cupid, second by Birrell, to **approve** the following cases on the Consent Agenda, *as revised*:

Z-80²¹ **TIMOTHY G. JENKINS** (Timothy Jenkins, owner) requesting rezoning from **GC** to **R-20** for a single-family residence in land lot 142 of the 20th district. Property is located on the north side of New Rutledge Road, west of Meadowlark Lane (3218 New Rutledge Road). *(Previously continued by Staff from the December 7, 2021, Planning Commission (PC) hearing until the February 1, 2022, PC hearing).*

To **approve** Z-80²¹ to the **R-20** zoning district, subject to:

1. Staff comments and recommendations

Z-3 **EDELMIRA ALAS** (Edelmira Alas, Karina Alas, Oscar Alvarado, owners) requesting rezoning from **LI** to **R-20** for a single-family residence in land lots 868 and 909 of the 19th district. Property is located on the south side of Powder Springs Road, west of Flint Hill Road/Pine Grove Drive (3363 Powder Springs Road).

To **approve** Z-3 to the **R-20** zoning district, subject to:

1. District Commissioner to approve final building architecture

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CONSENT AGENDA (CONT.)

Z-3 EDELMIRA ALAS (CONT.)

2. Development and construction hours are limited to 7:00 a.m. until 8:00 p.m. Monday through Friday; 9:00 a.m. until 6:00 p.m. on Saturday; and no work on Sunday unless approved by the District Commissioner
3. Stormwater Management Division comments and recommendations
4. Water and Sewer Division comments and recommendations
5. Department of Transportation comments and recommendations
6. Staff comments and recommendations, *not otherwise in conflict*

Z-4 QUINTON WIGGLES (Quinton Wiggles, owner) requesting rezoning from GC to R-20 for a single-family residence in land lot 108 of the 17th district. Property is located on the north side of Ridge Avenue, east of Old Gordon Road (568 Ridge Avenue).

To approve Z-4 to the R-20 zoning district, subject to:

1. Letter from the Mableton Improvement Coalition dated January 26, 2022 (attached and made a part of these minutes)
2. District Commissioner to approve final building architecture
3. Development and construction hours are limited to 7:00 a.m. until 8:00 p.m. Monday through Friday; 9:00 a.m. until 6:00 p.m. on Saturday; and no work on Sunday unless approved by the District Commissioner
4. Staff comments and recommendations

Z-6 VG DEVELOPERS (V&G Developers, LLC, owner) requesting rezoning from GC to OS for an office and warehouse in land lot 84 of the 16th district. Property is located on the northeast side of Shallowford Road, south of Jamerson Road (Shallowford Road).

To delete Z-6 to the NRC zoning district, subject to:

1. *Revised* site plan received by the Zoning Division on January 7, 2022, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
2. District Commissioner to approve final building architecture and landscape plan
3. Special exception allowed for a contractor's office (builder) for this Applicant and use *only*
4. Applicant to ensure the proposed plan does not exceed 70% impervious coverage

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CONSENT AGENDA (CONT.)

Z-6 VG DEVELOPERS (CONT.)

- 5. Fire Department comments and recommendations**
- 6. Stormwater Management Division comments and recommendations**
- 7. Water and Sewer Division comments and recommendations**
- 8. Department of Transportation comments and recommendations**

Z-11 PIRKLE BUILT, LLC (Paul Thomas White, owner) requesting rezoning from **R-30** to **R-12** for single-family residences in land lot 771 of the 17th district. Property is located on the northwest side of Spring Hill Road, on the northeast side of Honeysuckle Lane (3522 Spring Hill Road).

To **delete** Z-11 to the **R-20** zoning district, subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated January 26, 2022 (attached and made a part of these minutes)**
- 2. Establishment of a 10-foot landscape buffer along the eastern portion of lot 1 facing Spring Hill Road and along the rear lot line of lots 1 and 2, with year-round evergreen visual screening**
- 3. Minimum requirement of 20-feet between homes**
- 4. All homes shall have a minimum of two-car garages; garages are not to be converted to living space or used solely for storage**
- 5. Each home shall have a separate driveway; no shared parkway**
- 6. The driveway pads in front of the houses shall be sufficient to hold two full-size automobiles**
- 7. The construction site shall be considered a clean work area with loose debris disposed of each evening**
- 8. Prohibition on stacking of vehicles along Honeysuckle Lane and Spring Hill Road**
- 9. Provision of a 24-hour contact number in surrounding neighborhoods and posted on-site during the construction period**
- 10. Development and construction hour limitations for the project of 7:00 a.m. until 8:00 p.m. Monday through Friday; 9:00 a.m. until 6:00 p.m. Saturday; no work on Sunday unless approved by the District Commissioner**
- 11. Prohibition on construction trucks and worker vehicles being parked on-site overnight**
- 12. Fire Department comments and recommendations**
- 13. Water and Sewer Division comments and recommendations**
- 14. Stormwater Management Division comments and recommendations**
- 15. Department of Transportation comments and recommendations**
- 16. Planning Division comments and recommendations**
- 17. All other Staff comments and recommendations, *not otherwise in conflict***

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CONSENT AGENDA (CONT.)

Z-12 **CAMEO CAPITAL, LLC** (Ackerman East West, LLC, owner) requesting rezoning from **CRC** to **LI** for office, warehouse, showroom, light industrial in land lot 861 of the 19th district. Property is located on the east side of Tramore Pointe Parkway, south of East West Connector (Tramore Pointe Parkway).

To **approve** Z-12 to the **LI** zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated January 26, 2022 (attached and made a part of these minutes)
2. Site plan *last revised* December 15, 2021, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
3. Fire Department comments and recommendations
4. Stormwater Management Division comments and recommendations
5. Water and Sewer Division comments and recommendations
6. Department of Transportation comments and recommendations

LUP-1 **KAREN GOODEN** (Edward J. Gooden and Karen L. Gooden, owners) requesting a **Temporary Land Use Permit** for a hair salon in land lots 622 and 637 of the 19th district. Property is located at the terminus of Foxcroft Court, east of Valley Brook Drive (1910 Foxcroft Court).

To **approve** LUP-1 for **24 months**, subject to:

1. Hours of operation to be from 10:00 a.m. until 7:00 p.m. on Monday, Thursday, and Friday *only*
2. All parking to be on a hardened surface and not in the right-of-way
3. Applicant to be the only employee; no independent contractors
4. Staff comments and recommendations, *not otherwise in conflict*

LUP-2 **STEPHANIE SALYERS** (Dexter Gatehouse, owner) requesting a **Temporary Land Use Permit** for on-line soap sales in land lot 208 of the 16th district. Property is located on the east side of Farmbrook Lane, north of Farmbrook Trail (4296 Farmbrook Lane).

To **approve** LUP-2 for **24 months**, subject to:

1. No signs
2. No on-street parking
3. No outdoor storage

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CONSENT AGENDA (CONT.)

LUP-3 **EARLY EDUCATION, LLC** (Early Education, LLC, owner) requesting a **Temporary Land Use Permit** for a daycare in land lots 50, 51, 94, and 95 of the 17th district. Property is located on the west side of Hurt Road, north of Plantation Road (488 Hurt Road).

To **approve** LUP-3 for **24 months**, subject to:

- 1. The maximum number of students permitted by state and fire codes**

LUP-4 **JOYFUL LIVING PCH** (Ejama Enterprises, LLC, owner) requesting a **Temporary Land Use Permit** for a personal care home in land lot 50 of the 17th district. Property is located on the north side of Hurt Road, east of Fred Walker Drive (688 Hurt Road).

To **approve** LUP-4 for **24 months**, subject to:

- 1. Maximum of six residents**
- 2. No parking on the right-of-way**
- 3. All stipulations from previous Land Use Permits (LUPs) also apply**

LUP-6 **DATHAN J. JOHNSON** (Dathan J. Johnson and Marie L. Johnson, owners) requesting a **Temporary Land Use Permit** for a pet dealer in land lots 769 and 770 of the 19th district. Property is located on the east side of Shadyside Road, north of Hurt Road (3319 Shadyside Road).

To **approve** LUP-6 for **24 months**, subject to:

- 1. Maximum of one customer per week on-site**
- 2. Maximum of 15 dogs on the property**
- 3. Maximum of three litters per year**
- 4. Stormwater Management Division comments and recommendations**
- 5. Department of Transportation comments and recommendations**

OTHER BUSINESS

O.B. 2 To consider a stipulation amendment for Braves Development Company, LLC regarding rezoning application Z-69 of 2020 in land lots 914, 915, 945, and 946 of the 17th district. Property is located on the southwest side of I-75, northeast of Cobb Parkway, and on the northwest side of I-285 (1100 Circle 75 Parkway).

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 2 (CONT.)

To **approve** O.B. 2, subject to:

- 1. Letter of agreeable conditions from James Balli dated January 4, 2022 (attached and made a part of these minutes)**
- 2. All previous stipulations, *not otherwise in conflict*, to remain in effect**

CONSENT VOTE: **ADOPTED 5-0**

Prior to hearing the cases on the Regular Agenda, Commissioner Gambrill requested that for Z-9 (Windsong Properties), the Applicant's representative, Garvis L. Sams, Jr. meet with the homeowners in attendance to continue to discuss this case. Later in the hearing, Garvis L. Sams, Jr. and the homeowners came to an agreement (see page 13 of these minutes for the motion).

REGULAR AGENDA

Z-73'²¹ **INVGRP 3 LLC** (Laurel Properties LLC, owner) requesting rezoning from **R-20 to RA-4 (revised to R-15)** for a single-family subdivision in land lots 626 and 627 of the 16th district. Property is located on the east side of Marneil Drive, south of Post Oak Tritt Road (2454 Marneil Drive). ***(Continued by the Board of Commissioners (BOC) until the December 21, 2021, BOC Zoning hearing; continued by the BOC until the February 15, 2022, BOC Zoning hearing).***

The public hearing was opened, and Terence Lang addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **delete** Z-73'²¹ to the **R-15** zoning district, subject to:

- 1. Site Plan received by the Zoning Division on February 3, 2022 (attached and made a part of these minutes)**
- 2. Maximum of seven lots**
- 3. No variances**
- 4. Sidewalks on the frontage of Marneil Drive**
- 5. Screening around the detention pond**
- 6. District Commissioner to approve final Site Plan, architectural style, and elevations**
- 7. Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

By general consensus, Z-2 and SLUP-2 (Pat Spencer/U-Haul Company of Atlanta West) were heard concurrently but voted on separately.

Z-2 **PAT SPENCER/U-HAUL COMPANY OF ATLANTA WEST** (William D. Brown, owner) requesting rezoning from **CRC** and **R-20** to **CRC** for a self-storage, truck and trailer rental, retail in land lots 789 and 790 of the 19th district. Property is located on the west side of Ernest Barrett Parkway, on the south and east side of Laura Brown Way (6652 Ernest Barrett Parkway).

SLUP-1 **PAT SPENCER/U-HAUL COMPANY OF ATLANTA WEST** (William D. Brown, owner) requesting a **Special Land Use Permit** for a self-storage, truck and trailer rental, retail in land lots 789 and 790 of the 19th district. Property is located on the west side of Ernest Barrett Parkway, on the south and east side of Laura Brown Way (6652 Ernest Barrett Parkway).

The public hearing was opened; Jeff Billya and Pat Spencer addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **deny** Z-2.

VOTE: **ADOPTED** 5-0

Following the vote for Z-2, the following motion was made for the companion case, SLUP-1:

MOTION: Motion by Sheffield, second by Birrell, to **deny** SLUP-1.

VOTE: **ADOPTED** 5-0

Z-8 **STREAMLINE DEVELOPMENT PARTNERS** (Galaxy Properties & Investment, Inc., owner) requesting rezoning from **NRC** to **NRC** for retail commercial, and restaurants in land lots 68 and 165 of the 18th district. Property is located on the east side of Hickory Trail, on the southwest side of Veterans Memorial Highway (Veterans Memorial Highway).

After Mr. Pederson read Z-8 into the record, Chairwoman Cupid called for a brief recess from 9:58 a.m. until 10:10 a.m.

The public hearing was opened; Garvis L. Sams, Jr., Ray Thomas (virtual speaker) and Robin Meyer (virtual speaker) addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **deny** Z-8.

VOTE: **ADOPTED** 5-0

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REGULAR AGENDA (CONT.)

Z-9 WINDSONG PROPERTIES (Fortified Hills Baptist Church, Inc., owner) requesting rezoning from **R-30** to **R-20** for a single-family subdivision in land lots 79 and 144 of the 19th district. Property is located on the north side of Dallas Highway, on the south side of Old Dallas Road, west of Holland Road (Dallas Highway).

Mr. Pederson announced that the Applicant's representative for Z-9, Garvis L. Sams, Jr. and the neighbors came to an agreement to continue Z-9 for one month; thereafter, the following motion was made:

MOTION: Motion by Gambrill, second by Birrell, to **continue** Z-9 until the March 15, 2022, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

Chairwoman Cupid called for a brief recess from 10:47 a.m. until 10:54 a.m.

LUP-5 RICK KUHLMAN (Rick Kuhlman and Amanda Kuhlman, owners) requesting a **Temporary Land Use Permit** for a firewood storage business in land lot 874 of the 17th district. Property is located on the east side of Leland Drive, north of Windy Hill Road (1885 Leland Drive).

The public hearing was opened, and Rick Kuhlman addressed the Board. Following the presentation and discussion, the following motion was made:

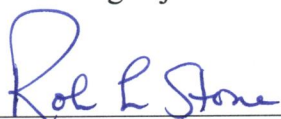
MOTION: Motion by Richardson, second by Sheffield, to **approve** LUP-5 for **12 months**, subject to:

1. **There shall be a six-foot fence around the perimeter to obscure the sight of the firewood; the height of the stored firewood shall not exceed the height of the fence**
2. **No landscaping and no irrigation are required**
3. **No burning of the firewood**
4. **Limit the delivery/chopping of wood to be between the hours of 9:00 a.m. and 8:00 p.m.**

VOTE: **ADOPTED** 4-1, Birrell opposed

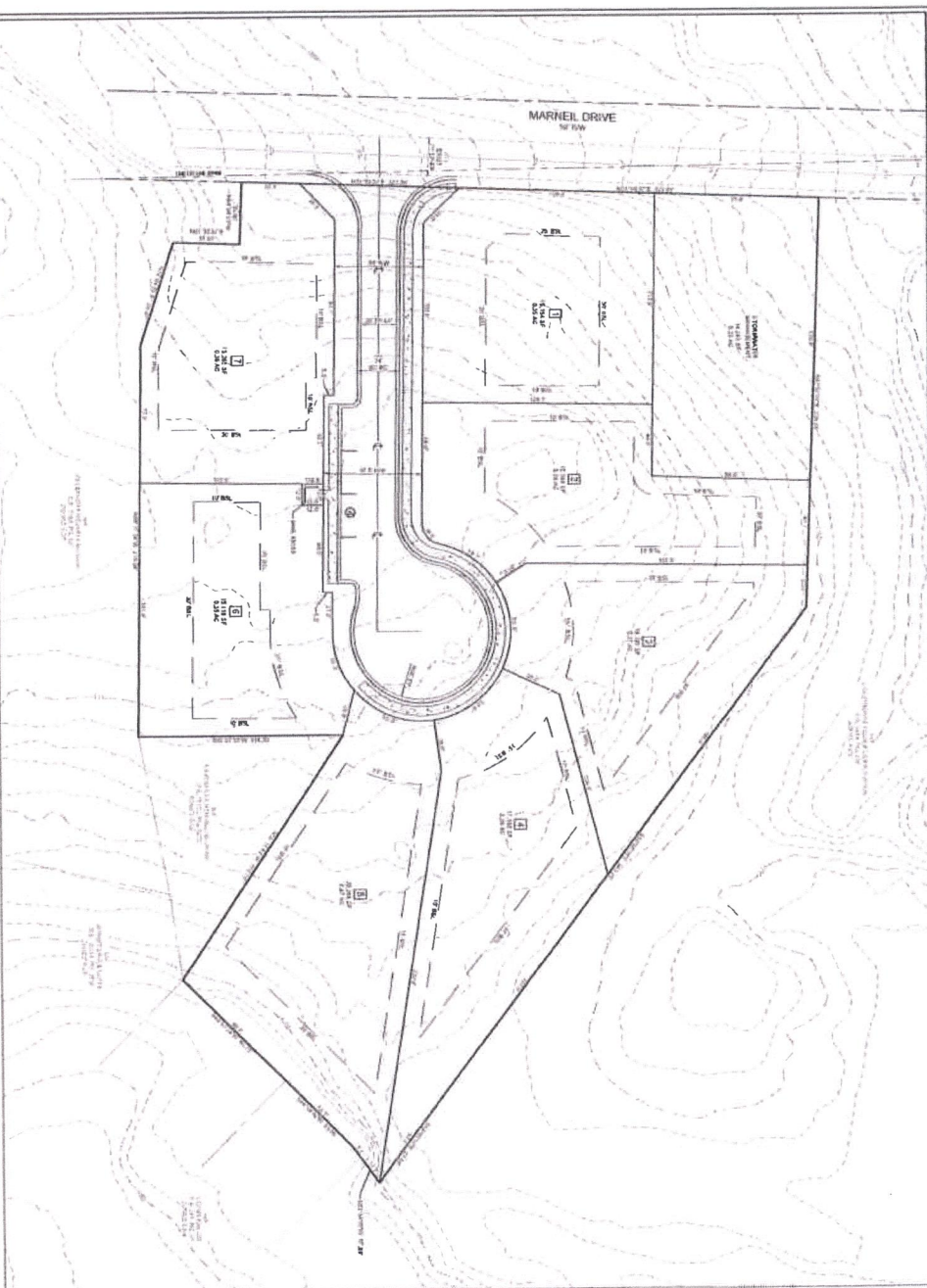
ADJOURNMENT

The hearing adjourned at 11:41 a.m.



Robin L. Stone, Deputy County Clerk
Cobb County Board of Commissioners

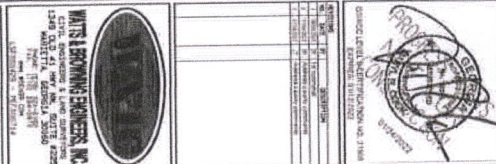
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RECEIVED
FEB 3 2022
COBB COUNTY DEU AGENCY
TRAINING DIVISION

ZONING PLAN

FOR
MARNEIL DRIVE
LAND LOT 626 ~ 16th DISTRICT ~ 2nd SECTION
COBB COUNTY, GEORGIA



OWNER/EA/OPER/PRIMARY PERMITTEE

JAMES B. SCOTT
CHIEF ENGINEER, PLANNING
AND DESIGN
1000 N. 10TH ST., SUITE 300
PHOENIX, AZ 85004
PHONE: 772-483-7852

24 HOUR CONTACT:

TERENCE LAM
PHONE: 772-653-3887

ENGINEER

WATTS & BROWNE ENGINEERS INC.
100 OLD A-1 HWY. BOX 1007
CHAMBERS, FL 32626
PHONE: 904-291-4444
FAX: 904-291-4444
CONTACT: ERIC COON

GRAPHIC SCALE

(24 FEET)

8 FEET - 20 FT.



Remember what's between
Call before you dig



DESIGNED BY	ZK
DRAWN BY	SK
CHECKED BY	DKC
NAT'L ISSUE DATE	06/09/2021
JOB NUMBER	Z 0029
SHEET NUMBER	
Z-1	

Min. Bk. 94 Petition No. Z-4
Doc. Type Mableton Improvement
Coalition letter
Meeting Date 2-15-2022



January 26, 2022

Cobb County Planning Commission
100 Cherokee Street
Marietta, GA 30090

Re: Z-4 Quinton Wiggles

Dear Mr. Chairman and Commissioners:

I am writing on behalf of the Mableton Improvement Coalition to ask that you recommend approval of this application with these conditions:

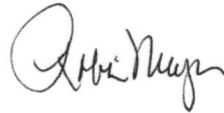
1. Final site plan to be approved by the District Commissioner with input from the Mableton Improvement Coalition.
2. The site plan presented to the District Commissioner will show the location of both houses, driveways for both houses, and any required stormwater facilities.
3. The site plan presented to the District Commissioner will also include a 10 foot x 50 foot evergreen landscape strip on the east and west property lines placed to provide a visual barrier between the applicant's property and the existing homes.
4. Each home will have a separate driveway; no shared driveways.
5. The driveway for the home on the southern portion of the property (adjacent to Ridge Avenue) will run from the street to the house, but not past the side of the house.
6. Both homes will have at least 1800 square feet of heated and cooled living space.
7. Final elevations will be approved by the District Commissioner.

It is a positive step to see investment in this neighborhood, which was zoned for a speculative commercial project decades ago. We appreciate the appropriate density in this established residential area, and we support the needed variance to the minimum frontage requirement.

Petition No. Z-4
Meeting Date 2-15-2022
Continued

As always, thank you for the opportunity to be a part of the public comment process. If you have any questions, please feel free to contact me at 770 948-5394.

Sincerely,



Robin Meyer
Zoning Committee Chair

Cc: Cobb County Board of Commissioners
John Pederson, Cobb County Zoning Division Manager
Robin Stone, Deputy County Clerk
Quinton Wiggles
MIC Board of Directors and Zoning Committee

Meeting Date 2-15-2022



 SEAL 12/28/2021	I, the undersigned, do hereby certify that the above is the true and correct copy of the original as the same is on file in the office of the Secretary of State, and that the same is a true and correct copy of the original as the same is on file in the office of the Secretary of State, and that the same is a true and correct copy of the original as the same is on file in the office of the Secretary of State. JAMES D. GREENE ARCHITECTS	RECEIVED JAN 4 7 2022 DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS NEW OFFICE & SHOWROOM FOR VAG DEVELOPERS, LLC SHALLOWNOOD ROAD COBB COUNTY, GA DRAWING RECORD SHEET NO. 1 OF 1
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MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
328 ROSWELL STREET
SUITE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 800
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1455

BRENTWOOD, TENNESSEE
5300 MARYLAND WAY
SUITE 200
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
771 CORPORATE DRIVE
SUITE 430
LEXINGTON, KENTUCKY 40503
TELEPHONE (859) 309-0025

ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
SUITE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 387-6233

HARRISBURG, PENNSYLVANIA
3909 HARTZDALE DRIVE
SUITE 901
CAMP HILL, PENNSYLVANIA 17011
TELEPHONE (717) 790-2854

January 26, 2022

Via E-mail Only

Min. Bk. 94 Petition No. Z-11
Doc. Type letter
Meeting Date 2-15-2022

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

RE: Application for Rezoning - Application No.: Z-11 (2022)
 Applicant: Pirkle Built, LLC
 Property Owner: Paul T. White
 Property: 1.020 acres, more or less, located at the
 intersection of the northeasterly side of
 Honeysuckle Lane and the northwesterly
 side of Spring Hill Road, being more
 particularly known as 3522 Spring Hill
 Road, Land Lot 771, 17th District,
 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent the Applicant, Pirkle Built, LLC (hereinafter referred to as "Applicant"), and the Property Owner, Paul T. White (hereinafter referred to as "Owner" or "Property Owner"), in the above-referenced Application for Rezoning with regard to a total tract of 1.020 acres, more or less, located at the intersection of the northeasterly side of Honeysuckle Lane and the northwesterly side of Spring Hill Road, Land Lot 771, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). We have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested rezoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 4
January 26, 2022

currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.

- (2) Applicant seeks rezoning of the Subject Property from the existing zoning classification of R-30 to the proposed, amended zoning classification of R-20, with reference to the revised Rezoning Plat prepared for Applicant by Survey Land Express, Inc. dated November 19, 2021, last revised January 26, 2022 (undated), and submitted to the Cobb Zoning Division as part of this letter of agreeable stipulations and conditions. A reduced copy of the revised Rezoning Plat is attached as Exhibit "A" for reference.
- (3) By submission of this letter of agreeable stipulations and conditions and the referenced, revised Rezoning Plat, Applicant amends its Application to seek rezoning of the Subject Property from the originally proposed R-12 zoning classification to the proposed R-20 zoning classification.
- (4) The Subject Property consists of 1.020 acres, more or less, and will be developed for a maximum of two (2) single-family residences.
- (5) The proposed residences shall have a minimum of 3,000 square feet, and greater.
- (6) The proposed residences shall be Traditional or Craftsman in style and architecture and shall have exterior facades consisting of brick, stone, stacked stone, cementitious siding, cedar shake accents, and combinations thereof, with complementary accents.
- (7) All setback areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing.
- (8) Minor modifications to the within stipulations, the referenced, revised Rezoning Plat, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-11
Meeting Date 2-15-2022
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 4
January 26, 2022

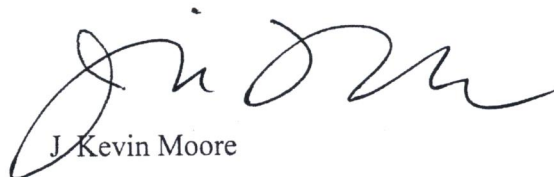
- (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
- (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
- (e) Change an access location to a different roadway;
- (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
- (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
- (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.

We believe the requested zoning, together with the revised Rezoning Plat and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed residences. The proposed residences shall be of the highest quality, shall be compatible with the surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachment

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-11
Meeting Date 2-15-2022
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 4
January 26, 2022

c: Cobb County Board of Commissioners:
Lisa N. Cupid, Chairwoman
JoAnn Birrell
Keli A. Gambrill
Jerica Richardson
Monique Sheffield
(With Copy of Attachment)

Cobb County Planning Commission:
Fred Beloin, Chairman
David Anderson
Deborah Dance
Michael Hughes
Stephen Vault
(With Copy of Attachment)

Jeannie Peyton
Senior Planner
Zoning Division
Cobb County Community Development Agency
(With Copy of Attachment)

Pirkle Built, LLC
(With Copy of Attachment)

Petition No. Z-11
Meeting Date 2-15-2022
Continued

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL STREET
SUITE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 428-1489

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
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10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1485

BRENTWOOD, TENNESSEE
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SUITE 200
BRENTWOOD, TENNESSEE 37027
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771 CORPORATE DRIVE
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7380 WEST SAND LAKE ROAD
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HARRISBURG, PENNSYLVANIA
3909 HARTZDALE DRIVE
SUITE 901
CAMP HILL, PENNSYLVANIA 17011
TELEPHONE (717) 790-2854

January 26, 2022

Via E-mail Only

Min. Bk. 94 Petition No. Z-12
Doc. Type letter
Meeting Date 2-15-2022

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

RE: Application for Rezoning - Application No.: Z-12 (2022)
Applicant: Cameo Capital Properties LLC
Property Owner: Ackerman East West, LLC
Property: 2.72 acres, more or less, located on the
 easterly side of Tramore Pointe Parkway,
 southerly and southwesterly of the East-
 West Connector, Land Lot 861, 19th District,
 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent the Applicant, Cameo Capital Properties LLC (hereinafter referred to as "Applicant"), and the Property Owner, Ackerman East West, LLC (hereinafter referred to as "Owner" or "Property Owner"), in the above-referenced Application for Rezoning with regard to a total tract of 2.72 acres, more or less, located on the easterly side of Tramore Pointe Parkway, southerly and southwesterly of the East-West Connector, Land Lot 861, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meetings with Planning and Zoning Staff and Departmental representatives and reviewing the Department Comments and Staff Recommendations, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested rezoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 4
January 26, 2022

currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.

- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of Community Retail Commercial ("CRC") to the proposed zoning category of Light Industrial ("LI"), with reference to the revised Zoning Plan prepared for Applicant by Gaskins Surveying Company, Inc. dated November 30, 2021, last revised December 15, 2021, and filed electronically with the Cobb Zoning Division on December 28, 2021. A reduced copy of the Zoning Plan is attached as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of approximately 2.72 acres. Applicant proposes the development to allow for production, warehouse, and office facilities; and other uses permitted under the LI Zoning District.
- (4) Applicant agrees to landscape and maintain the frontage of the Subject Property along Tramore Pointe Parkway.
- (5) Setbacks for the proposed development shall be as shown and reflected on the revised Zoning Plan.
- (6) Minor modifications to the within stipulations, the referenced, revised Zoning Plan, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (e) Change an access location to a different roadway;

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-12
Meeting Date 2-15-2022
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 4
January 26, 2022

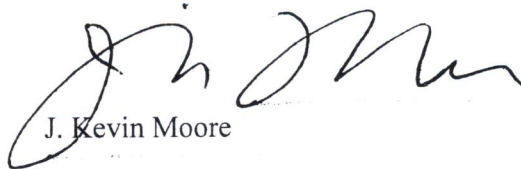
- (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
 - (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
 - (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.
- (7) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (8) Applicant agrees to comply with all Cobb County Department of Transportation Comments and Recommendations applicable to the Subject Property.

The requested rezoning, pursuant to the revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. We appreciate very much your consideration; as well as, that of the Cobb County Planning Commission and Cobb County Board of Commissioners, in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP


J. Kevin Moore

JKM:cc
Attachment

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-12
Meeting Date 2-15-2022
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 4
January 26, 2022

c: Cobb County Board of Commissioners:
Lisa N. Cupid, Chairwoman
JoAnn Birrell
Keli A. Gambrill
Jerica Richardson
Monique Sheffield
(With Copy of Attachment)

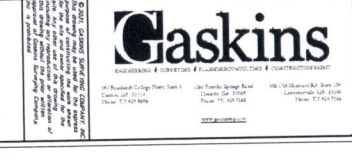
Cobb County Planning Commission:
Fred Beloin, Chairman
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Deborah Dance
Michael Hughes
Stephen Vault
(With Copy of Attachment)

Jeannie Peyton
Senior Planner
Zoning Division
Cobb County Community Development Agency
(With Copy of Attachment)

Cameo Capital Properties LLC
(With Copy of Attachment)

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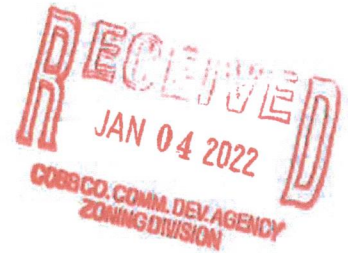
EXHIBIT "A"



January 4, 2022

**VIA EMAIL AND
HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
1150 Powder Springs Road, Suite 400
Marietta, GA 30064



Min. Bk. 94 Petition No. O.B.2
Doc. Type letter
Meeting Date 2-15-2022

Re: Other Business Application of Braves Development Company, LLC.

Dear John:

As you are aware, I represent Braves Development Company, LLC ("BDC") with regarding the submitted Other Business Application ("Application") scheduled to be heard on February 15, 2022.

BDC submits these agreeable stipulations/conditions to become part of the approval of the Application and binding as follows:

1. The requested approval of the signage submitted with the Application shall be limited to partners of BDC and its controlled affiliates and any advertisements or language must be expressly approved in writing by BDC. Any application for a sign permit must be accompanied by the express written approval from BDC or the permit shall be denied.
2. With the exception of the signage approval, no stipulation, condition or other requirement set forth in Z-69 (2020) or OB-64 (2021) shall be changed or altered by this Application.

January 4, 2022
Page 2

Petition No. 0.B.2
Meeting Date 2-15-2022
Continued

Thank you for your time and assistance.

Sincerely,

TAYLOR ENGLISH DUMA, LLC



James A. Balli

jballi@taylorenghish.com

cc: Braves Development Company, LLC