

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

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 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 Gambrill
Commissioner Jerica Richardson

CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:04 a.m.

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 Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn, held, or continued*.

WITHDRAWN, HELD, AND CONTINUED CASES

- O.B. 8** To consider a stipulation amendment for Paul Amina regarding rezoning application Z-40 of 2004 in land lot 525 of the 16th district. Property is located on the north side of Sandy Plains Road, north of Ebenezer Road (2981 Sandy Plains Road). **WITHDRAWN WITHOUT PREJUDICE**
- 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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)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 automobile storage yards and wrecker services 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). *(Previously continued by Staff from the February 1, 2022, Planning Commission (PC) hearing until the March 1, 2022, PC hearing; continued by the PC until the April 5, 2022, PC 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). *(Previously held by the Planning Commission (PC) from the February 1, 2022, PC hearing until the March 1, 2022, PC hearing; continued by the PC until the April 5, 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). *(Previously continued by Staff from the February 1, 2022, and the March 1, 2022, Planning Commission (PC) hearings until the April 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-13** **DUNAMIS DEVELOPMENT, LLC** (Robbin B. Sotir, Trustee, or her successor in Trust, under the Robbin B. Sotir Living Trust, dated May 13, 2005, and any amendments thereto, owners) requesting rezoning from **LRO** to **O&I** for a climate controlled self-storage in land lots 27 and 48 of the 19th district. Property is located on the northwest side of Ernest Barrett Parkway, across from Goose Ridge (3602 Ernest Barrett Parkway). *(Continued by Staff until the April 5, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

SLUP-3 **DUNAMIS DEVELOPMENT, LLC** (Robbin B. Sotir, Trustee, or her successor in Trust, under the Robbin B. Sotir Living Trust, dated May 13, 2005, and any amendments thereto, owners) requesting a **Special Land Use Permit** for a climate controlled self-storage in land lots 27 and 48 of the 19th district. Property is located on the northwest side of Ernest Barrett Parkway, across from Goose Ridge (3602 Ernest Barrett Parkway). *(Continued by Staff until the April 5, 2022, Planning Commission 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). *(Previously 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; continued by the BOC until the March 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). *(Previously 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; continued by the BOC until the March 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 Sheffield, to **continue** Z-78'²¹ and SLUP-11'²¹ until the April 19, 2022, Board of Commissioners Zoning Hearing.

VOTE: ADOPTED 5-0

Mr. Pederson presented the Applicant's request for a continuation of OB-3 (Lonnie Shor). However, due to the lateness of the request, and the number of people in attendance in opposition of OB-3, Commissioner Birrell requested this case be heard; therefore, OB-3 was heard in its regular order later in the hearing.

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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.

CONSENT AGENDA

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

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 Mac 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 October 5, 2021, PC hearings until the November 2, 2021, PC hearing; continued by the Board of Commissioners (BOC) from the November 16, 2021, BOC Zoning hearing until the December 21, 2021, BOC Zoning hearing; held by the BOC from the December 21, 2021, BOC Zoning hearing until the February 15, 2022, BOC Zoning hearing; continued by the BOC from the February 15, 2022, BOC Zoning hearing until the March 15, 2022, BOC Zoning hearing).*

To **delete** Z-38'²¹ to the **R-20/OSC** zoning district, subject to:

1. Letters of agreeable conditions from Garvis L. Sams, Jr. dated February 17, 2022 and March 8, 2022 (attached and made a part of these minutes)
2. District Commissioner to approve the final site plan, clearing plan and grading plan
3. 20-foot perimeter buffer to remain undisturbed *except for* perpendicular utility crossings *only*

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CONSENT AGENDA (CONT.)

Z-38'²¹ WINDSONG PROPERTIES (CONT.)

4. Add sentence to the end of stipulation 9a that reads, "*Screening shall be 100% visual screening for the adjoining neighbors in perpetuity.*"
5. Water and Sewer Division comments and recommendations
6. Stormwater Management Division comments and recommendations
7. Fire Department comments and recommendations
8. Department of Transportation comments and recommendations

Z-14 **CM HOLDING COMPANY, LLC** (Johnny L. Roper, owner) requesting rezoning from **GC** to **O&I** for a climate controlled self-storage facility in land lots 28, 29, and 329 of the 19th and 20th districts. Property is located on the north side of Dallas Highway, east of Ernest Barrett Parkway (2250 Dallas Highway).

To **approve** Z-14 to the **O&I** zoning district, subject to:

1. Letter of agreeable conditions from Clarke Coole dated February 21, 2022 (attached and made a part of these minutes), *with the exception of*, anything contained in that letter that contradicts any Staff comments shall be removed from the letter; *also to be removed from this letter*, shall be anything that is inconsistent with the additional stipulations read in (Stipulations 2 – 9 listed below)
- ~~2. The 80-foot undisturbed buffer shall include an easement in favor of the five adjoining homeowners in Martin Ridge; the easement shall be for a landscape buffer to remain, and that area shall not be disturbed (See item no. 4 from the March 9, 2022 letter)~~
3. The impervious surface shall be reduced from 70% to the extent that it is clear that the stream buffers here plus the 80-foot undisturbed buffer result in an acreage use which is of a lower percentage of impervious surface
4. Dallas Highway Design Guidelines shall apply
5. Brick shall be on all sides of the building visible from Dallas Highway
6. Lighting shall be environmentally friendly and of a low-intensity variety
7. Hours for construction shall be from 7:00 a.m. until 7:00 p.m. Monday through Saturday; no work on Sunday
8. Prohibition during operating hours such that no 53-foot trucks shall be allowed to utilize the premises for loading and unloading during the business day
9. Staff comments and recommendations
10. Letters of agreeable conditions from Clarke Coole dated March 9, 2022 and March 11, 2022 (attached and made a part of these minutes)

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CONSENT AGENDA (CONT.)

SLUP-4 **CM HOLDING COMPANY, LLC** (Johnny L. Roper, owner) requesting a **Special Land Use Permit** for a climate controlled self-storage facility in land lots 28, 29, and 329 of the 19th and 20th districts. Property is located on the north side of Dallas Highway, east of Ernest Barrett Parkway (2250 Dallas Highway).

To **approve** SLUP-4, subject to:

1. **Same stipulations as those stated in companion case Z-14**

OTHER BUSINESS

O.B. 5 To consider a reduction of public road frontage from the required 75-feet to zero feet for Jeffrey Mack for property located on the south side of Gus Robinson Road, in land lot 423 of the 19th district (Gus Robinson Road).

To **approve** O.B. 5, subject to:

1. **Public road frontage waived to zero feet**
2. **Water and Sewer Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
3. **Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **COBB DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

O.B. 6 To consider a stipulation amendment for Linda Powell regarding rezoning application Z-58 of 2021 in land lot 277 of the 16th district. Property is located on the southeast side of Canton Road at Hawkins Store Road (4016 Canton Road).

To **approve** O.B. 6, subject to:

1. **Outdoor display of merchandise *only* permitted for the display of playground equipment, with the District Commissioner to approve the final display plan**
2. **All previous stipulations and conditions, *not in conflict with this amendment*, to remain in effect**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 7 To consider a stipulation and site plan amendment for Toll Southeast LP Company, Inc. regarding rezoning application Z-40 of 2008 in land lot 885 of the 17th district. Property is located on the north side of Paces Ferry Road, west of Overlook Parkway and on the south side of Bert Adams Road (Paces Ferry Road).

To **approve** O.B. 7, subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated March 9, 2022, which includes the site plan, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- 2. Exhibit “B” received by the Zoning Division on February 8, 2022 (attached and made a part of these minutes)**
- 3. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 3. All previous stipulations and conditions, *not in conflict with this amendment*, to remain in effect**

Prior to the Consent Vote, two more cases were added to the Consent Agenda, OB-1 (Andrew Hamilton) and OB-75²¹ (Mt. Bethel Christian Academy, Inc.). The Applicant for both cases was present, and there was no opposition present.

O.B. 1 To consider a stipulation 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). *(Previously continued by Staff until the March 15, 2022, Board of Commissioners’ Zoning hearing).*

To **approve** O.B. 1, subject to:

- 1. The 30-foot undisturbed buffer shall be reduced to a 10-foot landscape buffer with a fence**

MOTION: Motion by Gambrill, second by Richardson, to **add** O.B. 1 with stipulations to the Consent Agenda as read in by Mr. Pederson.

VOTE: **ADOPTED 5-0**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

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. 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). *(Previously 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).*

To **approve** O.B. 75'²¹, subject to:

1. Letter of agreeable conditions from Kevin Moore dated March 14, 2022, with site plan dated March 15, 2022 as Exhibit A, and including Exhibits B and C (attached and made a part of these minutes)
2. Email correspondence with attached letter containing recommendations from East Cobb Civic Association (ECCA) dated March 14, 2022 (attached and made a part of these minutes)
3. All Staff comments and recommendations, *not otherwise in conflict*
4. Further review from Stormwater Management with Carl Carver to work with the Applicant
5. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

MOTION: Motion by Birrell, second by Richardson, to **add** O.B. 75'²¹ with stipulations to the Consent Agenda as previously read in.

VOTE: **ADOPTED 5-0**

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

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). *(Previously continued by the Board of Commissioners (BOC) from the February 15, 2022, BOC Zoning hearing until the March 15, 2022, BOC Zoning hearing).*

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REGULAR AGENDA (CONT.)

Z-9 WINDSONG PROPERTIES (CONT.)

Prior to opening the public hearing for Z-9, Chairwoman Cupid called for a brief recess from 9:35 a.m. until 9:44 a.m.

The public hearing was opened; Garvis L. Sams, Jr. and Sandra Dupree addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Cupid, to **delete** Z-9 to the **R-20/OSC** zoning district, subject to:

1. **Site Plan Letter of agreeable conditions from Garvis L. Sams, Jr. dated March 8, 2022, which includes the site plan, with the District Commission approving minor modifications (attached and made a part of these minutes)**
2. **Developer acknowledges that there is substantial variation in the grade along the eastern boundary of the property such that Developer will likely be grading within portions of the 35-foot landscape buffer as shown on the Site Plan in order to balance the site. Developer agrees that the grading plan for said landscape buffer area will result in downward slopes from the adjacent property of not more than two to one. Moreover, Developer shall submit a landscape plan during the plan review process for planting any portion of the 35-foot landscape buffer that is disturbed during the site development process. Due to the steepness of the proposed slope, a tiered terrace may be required to ensure a minimum 20-foot landscaped buffer area can be constructed that will allow for a combination of trees and evergreens to be planted to create a visual screen. The remainder of the slope will be stabilized by planting shrubs, flowers, geotextiles or erosion control blankets to meet the minimum 35-foot landscape buffer requirements but could be greater as it is unknown the extent of the slope required. The final slope shall remain undisturbed in perpetuity once constructed.**
3. **Limit grading to roads, utilities, and building pads**
4. **Applicant has agreed that 1 to 1½ story homes shall be built on lots 10, 11, 12, 13 and 14**
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, *not otherwise in conflict***

Clerk's Note: In stipulation #1, it is the "letter" from Garvis L. Sams, Jr. that is dated March 8, 2022, rather than the "site plan", as stipulated.

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

Due to the Applicant for Z-15 (Kashif Rana) not being present, O.B. 3 (Lonnie Shore) was moved up on the Regular Agenda and heard next.

OTHER BUSINESS

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). *(Previously continued by Staff until the March 15, 2022, Board of Commissioners' Zoning hearing).*

The public hearing was opened; John McCormack and Carol Brown addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to **deny** O.B. 3.

VOTE: **ADOPTED** 5-0

REGULAR AGENDA (CONT.)

Z-15 **KASHIF RANA** (Aarish Group of Investment, LLC, owner) requesting rezoning from **NS** to **NRC** for a convenience store with fuel sales in land lot 296 of the 20th district. Property is located on the northeast side of Due West Road, northwest of Burnt Hickory Road, and at the terminus of Burnt Hickory Way (3800 Due West Road).

The Applicant was not present, but there was opposition present. The public hearing was opened, and Peggy Ashley and Jim Brown addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to **delete** Z-15 to the **LRC** zoning district, subject to:

- 1. Prohibited uses include the following: radio, television, and other towers; designated recycling; and no parking for vehicles**
- 2. Final site plan and building architecture to be approved by the District Commissioner**
- 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, *not otherwise in conflict***

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REGULAR AGENDA (CONT.)

Z-15 KASHIF RANA (CONT.)

7. Applicant/developer to install a 35-foot landscape buffer along the Morgan property and along the Burnt Hickory Way property; no dumpster enclosures or parking areas are to be placed within the 35-foot buffer area
8. No access to Burnt Hickory Way
9. Prohibition against any auto parts stores being placed here

VOTE: ADOPTED 5-0

OTHER BUSINESS (CONT.)

O.B. 4 To consider a stipulation amendment for Meridian Restoration, Inc. regarding rezoning application Z-42 of 2014 in land lot 660 of the 16th district. Property is located on the north side of Liberty Hill Road and on the south side of Hiawassee Drive (837 Liberty Hill Road).

The public hearing was opened; Matthew Geitgey and AnneMarie Thomas addressed the Board. Following the presentation and discussion, the following motion was made:

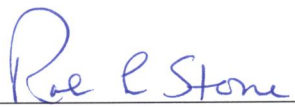
MOTION: Motion by Birrell, second by Richardson, to **approve** O.B. 4, subject to:

1. Letter of agreeable conditions from Meridian dated March 3, 2022
2. Operational hours to be restricted to 9:00 a.m. to 5:00 p.m., Monday through Friday
3. Continue with the plywood under the roll-off dumpster
4. Remove previous stipulation #2: *"No construction roll-off on-site"*
5. Remove previous stipulation #3: *"No construction debris brought back on-site"*
6. Remove previous stipulation #4: *"No dumpster larger than six cubic yards allowed on-site"*
7. All other Staff comments, recommendations, and stipulations, *not otherwise in conflict*, to remain in effect

VOTE: FAILED 0-5

ADJOURNMENT

The hearing adjourned at 11:33 a.m.



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

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MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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EMERSON OVERLOOK
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MARIETTA, GEORGIA 30080
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TELEPHONE (717) 790-2854

March 14, 2022

Via E-mail Only

Min. Bk. 95 Petition No. OB-75 '21
Doc. Type letter
Meeting Date 3-15-2022

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 "Other Business" - OB-75 (2021)
Applicant/Property Owner: Mt. Bethel Christian Academy, Inc.
Property: 33.4 acres, more or less, located on the northerly side of Post Oak Tritt Road, westerly of Holly Springs Road, being more particularly known as 2509 Post Oak Tritt Road, Land Lots 599, 600, 625, 626, 16th District, 2nd Section, Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owner, Mt. Bethel Christian Academy, Inc. (hereinafter collectively "Applicant"), please accept the following as additional agreeable stipulations and conditions, which, if the referenced Application for "Other Business" Item is approved, as submitted, shall become a part of the grant of the requested approval and shall be binding upon the Property. **This letter shall supersede the letters of proposed stipulations dated December 15, 2021; March 9, 2022; and March 11, 2022, with all revisions in bold.** The proposed, revised stipulations are as follows:

- (1) Applicant requests approval of the revised Site Plan dated and last revised March 15, 2022, which is submitted contemporaneously with this revised letter of agreeable stipulations and conditions. A reduced copy of the revised Site Plan is attached to this stipulation letter as Exhibit "A" and incorporated herein by reference. This Site Plan supersedes all previous approved site plans. **In addition,**

MOORE INGRAM JOHNSON & STEELE

Petition No. 0.B. 15 '21
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Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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sight-line cross-sections are attached as Exhibit "B" for purposes of reference illustrating approximate sight lines from adjoining properties.

In addition to approval of the revised Site Plan, Applicant proposes the following Site Plan revisions from previously approved Site Plans; as well as, additional stipulations:

- (1) Relocation of the parking area, as shown and reflected on the referenced, revised Site Plan.
- (2) Relocation of a field house, as shown on the referenced, revised Site Plan.
- (3) Removal of the athletic track from the previously approved Site Plans.
- (4) Location and placement of a scoreboard as shown on the referenced, revised Site Plan.
- (5) The exterior elevation of the field house shall be subject to District Commissioner final approval. The maximum height of the field house shall be no more than two stories. Any exterior lighting on the field house shall be directed downward with restrictive shades, or focused only to illuminate the concrete area immediately adjacent to, and within thirty (30) feet of the field house.
- (6) Any scoreboard to be installed shall have a maximum height of twenty (20) feet above proposed field grade and a maximum width of twenty-six (26) feet.
- (7) The field shall be fenced with black, vinyl-coated chain link fence, a minimum of four (4) feet in height, with a maximum of six (6) feet in height.
- (8) Any rear retaining wall for the field and facing the Holly Springs Subdivision shall have an exterior aesthetic consistent with the photograph attached as **Exhibit "C,"** and shall utilize a rough-hewn, multicolored face.
- (9) Applicant agrees to repair the existing fence along the common boundary with Holly Springs Subdivision.
- (10) Applicant agrees to remove any dead fall or dead wood within the eighty-five (85) foot undisturbed buffer area.

MOORE INGRAM JOHNSON & STEELE

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Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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March 14, 2022

- (11) The final landscape plan shall be subject to District Commissioner approval with review provided to the East Cobb Civic Association ("ECCA"), and interested neighbors through the ECCA. Plantings shall include plantings to enhance the "under canopy" contained within the eighty-five (85) foot buffer and adjacent to the field.
- (12) Any use of a public announcing, loudspeaker, or amplified sound system associated with the field shall be limited in use to the hours of 9:00 a.m. to **10:00 p.m.** In addition, any such system shall be projected away from the adjacent Holly Springs Subdivision.
- (13) Public announcing, loudspeaker, or amplified sound system associated with the field shall be limited to no more than **a sustained sixty-five (65)** decibels as measured from adjacent properties in the Holly Springs Subdivision.
- (14) Applicant agrees to the planting, at a minimum, of a row of evergreen trees, a minimum of six (6) feet in height at planting, outside of the eighty-five (85) foot undisturbed buffer located along the northerly boundary of the Subject Property. Said planting shall be located between any proposed retaining wall and the eighty-five foot undisturbed buffer located along the northerly boundary of the Subject Property.
- (15) **Applicant agrees that detention ponds shall be screened from view of adjacent properties through planting of Green Giant Arborvitae trees, or similar evergreen trees, a minimum of six (6) feet in height at planting. Applicant shall be responsible for maintenance of such plantings, including replacement if necessary.**
- (16) The balance and remainder of the stipulations and conditions previously approved relating to the Subject Property and the approved use, which are not otherwise in direct conflict with the additional stipulations set forth herein; as well as the submitted, revised Site Plan, shall remain unaltered and in effect for the Subject Property.

The requested approval of the revised Site Plan, together with the additional revised stipulations set forth herein, will enhance the Subject Property and provide facilities for the Applicant's students. We very much appreciate your consideration; as well as that of the Cobb County Board of Commissioners, in this request.

MOORE INGRAM JOHNSON & STEELE

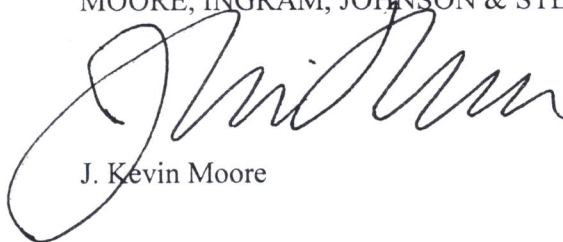
Petition No. 0.B.75 '21
Meeting Date 3-15-2022
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 4
March 14, 2022

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

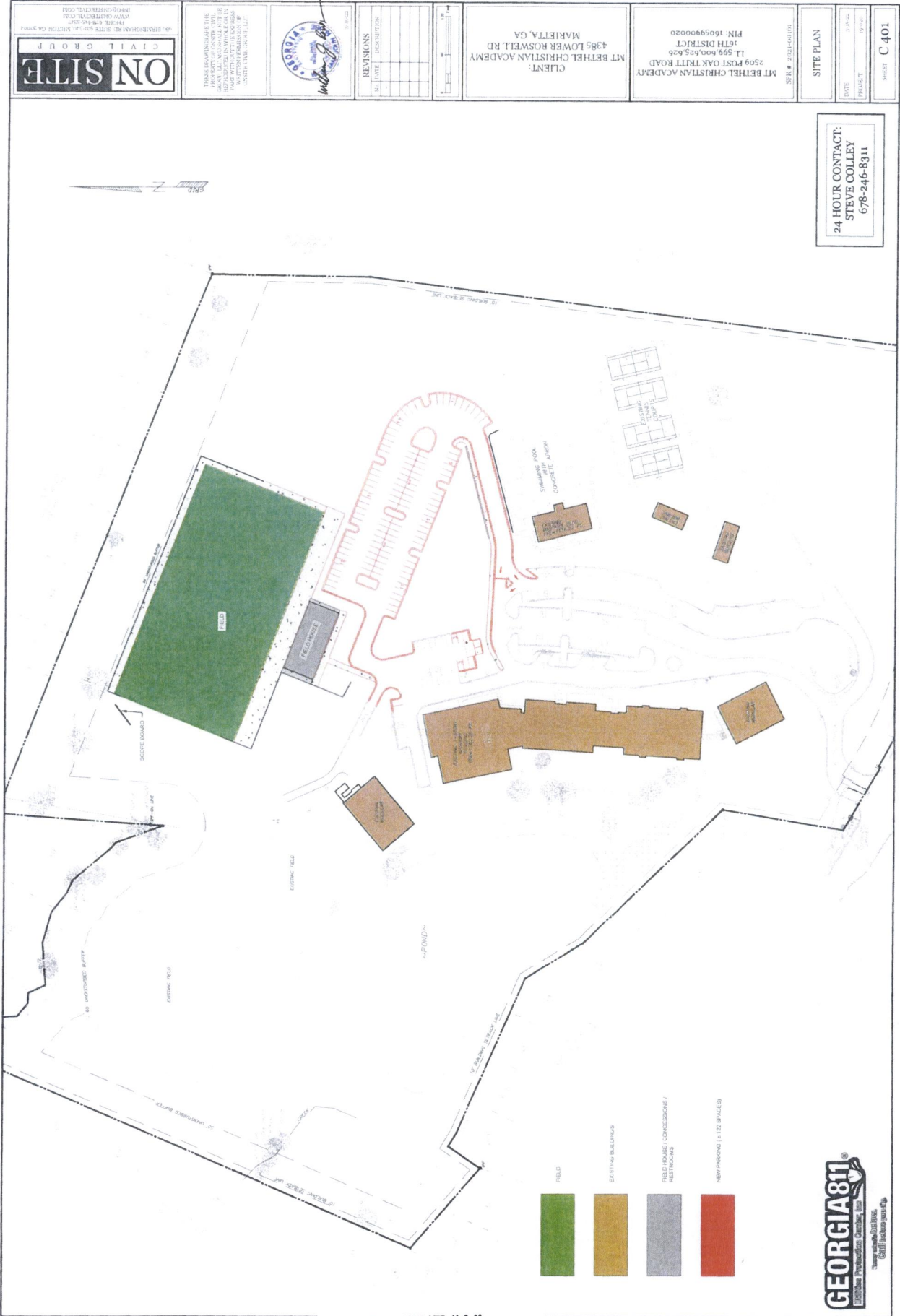
c: Cobb County Board of Commissioners:
Lisa N. Cupid, Chairwoman
JoAnn Birrell
Keli A. Gambrill
Jerica Richardson
Monique Sheffield
(With Copies of Attachments)

Jeannie Peyton
Senior Planner
Zoning Division
Cobb County Community Development Agency
(With Copies of Attachments)

Jill Flamm
Rick Grome
East Cobb Civic Association, Inc.
(With Copies of Attachments)

Mt. Bethel Christian Academy, Inc.
(With Copies of Attachments)

Petition No. 0.B.75 '21
 Meeting Date 3-15-2022
 Continued



Cross Section Exhibit

MBCA North Campus

Cobb County, Georgia

property owner:
Mount Bethel
Christian Academy
March 4, 2022

DGM

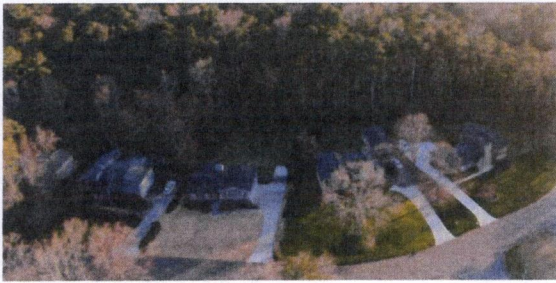
LAND PLANNING
CONSULTANTS, INC.



1635 Old Hwy 41
SUITE 112-314
Kennesaw, GA 30142
770-514-9006
DGM.LPC.COM



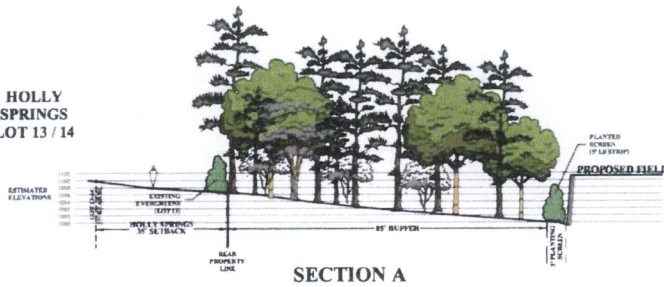
VIEW FROM ALBERTA DR.



0 20 40 80
Scale: 1" = 40'

CROSS SECTIONS A-C

HOLLY SPRINGS
LOT 13 / 14



SECTION A

HOLLY SPRINGS
LOT 11 / 12



SECTION B

HOLLY SPRINGS
LOT 9 / 10



SECTION C

PLANTING SCREEN MATERIAL EXAMPLES

Material will be planted with height and should match height of examples shown below within 2 growing seasons.

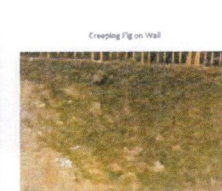
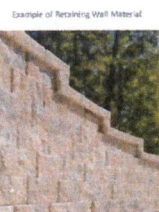


EXHIBIT "B"

Petition No. 0.B.75 '21
Meeting Date 3-15-2022
Continued

Example of Retaining Wall Material



Stone, Robin

From: Vice President ECCA <vicepresidentecca@gmail.com>
Sent: Monday, March 14, 2022 3:27 PM
To: Washington, Leila; Stone, Robin; Richardson, Jerica; Birrell, JoAnn; Pederson, John; Gambrill, Keli; Cupid, Lisa; Sheffield, Monique
Cc: Chris Ensley; Chris Lindstrom; Helga Hong; Jill Flamm; Kelly Ryan; Kris Killough; Linda Carver; Marvin Shams; Ric Grome; Roger Phelps
Subject: ECCA Recommendation for OB-75
Attachments: 2022.03.14_OB-75 (2021) Recommendation Letter to BOC (1).pdf

Attached is the ECCA recommendation for OB-75. ECCA's recommendation is late due to the applicant's numerous changes which had to be analyzed, discussed and negotiated in a very short amount of time. We reached a conclusion today, March 14, 2022.

Chris Lindstrom
ECCA Vice President, Zoning, Variances and OBIs

CAUTION: This email originated outside Cobb County Government. Please exercise caution when opening links/attachments in this email .

**COMMISSION DISTRICT 3
EAST COBB CIVIC ASSOCIATION, INC.**

PETITION OB-75 (2021): Mt. Bethel Christian Academy (MBCA), represented by J. Kevin Moore, (770) 429-1499, requests approval of:

- 1) additional parking, and
- 2) move the location of the fieldhouse to the east end of the field.

At the December 22, 2021 BOC meeting, the Applicant finally supplied a site plan with all existing buildings shown on the property and ultimately requested:

- 1) Relocation of approved eighty-two (82) parking spaces and the addition of thirty-nine (39) added parking spaces from south of the tennis courts to north of the tennis courts, and east of the athletic field.
- 2) The location of the future, one story field house to the east side of the athletic field.
- 3) An additional building for concession stand/restrooms.
- 4) The relocation of the athletic field, larger than that previously approved by the BOC. The athletic field was to be raised with retention walls, a concrete apron, and two (2) substantial concrete pads; one (1) pad on the north side of the field, and one (1) pad on the south side of the field.
- 5) The removal of the previously approved athletic track.
- 6) A newly requested scoreboard.

The NEW substantially different Site Plan dated 3-15-22 now requests:

- 1) A different location for the parking which is still north of the tennis courts but primarily south of the athletic field.
- 2) A different location for a two story field house on the south side of the athletic field.
- 3) The removal of the previously requested concession stand/restrooms building.
- 4) The athletic field has again changed in size and again been moved, shifted substantially to the east and further north to within five (5) feet of the eighty-five (85) foot undisturbed buffer zone.
- 5) The athletic field is still to be raised, with retention walls, a concrete apron, and now only one (1) substantial concrete pad on the south side of the field.
- 6) The removal of the previously approved athletic track.
- 7) Relocation of the newly requested scoreboard.

The property is located at 2509 Post Oak Tritt Road (nearest intersection is Post Oak Tritt Rd. and Holly Springs Rd.) The entire facility sits on approximately 33.4 acres and functions as a high school.

Case Manager: Richard S. Grome

Discussion:

- This petition was first heard on December 22, 2021, and was continued by the BOC until February 15, 2022. The applicant was told to develop a complete Site Plan, meet with the neighbors and East Cobb Civic Association, Inc. (ECCA) concerning the new Site Plan and Stipulation Letter, show viewsheds from the neighboring properties and submit these documents to the BOC in a timely fashion for the February 15th meeting. On February 8, 2022, the Applicant requested a continuance to March 15, 2022.

ECCA and the neighbors waited for ten (10) weeks from the December BOC meeting for additional information. Finally on:

- **February 28, 2022**, Kevin Moore informed ECCA that the Applicant had a new Site Plan and requested ECCA coordinate a meeting with the neighbors. ECCA contacted the neighbors.
- **March 2nd**, ECCA received the new Site Plan with less information than originally supplied in December, 2021.
- **March 7th**, Kevin Moore, attorney MBCA; Jim Cianca, Head of School MBCA; Richard Grome, President, ECCA; and two (2) of the neighbors met at Mr. Moore's offices to discuss changes to site plan and discuss stipulations. We were also finally shown some site-line viewsheds from three (3) different adjacent neighbor locations.
- **March 8th**, a draft Stipulation letter was sent to ECCA for our review. ECCA distributed this stipulation letter to the participating neighbors.
- **March 9th**, the above Stipulation Letter dated March 9, 2021 with Site Plan as Exhibit A and Exhibit B (a rough-hewn, multicolored face retaining wall) was filed by the Applicant.
- **March 11th**, the same people who met March 7th, met again to discuss the potential noise level of the amplified sound system and other changes to the March 9, 2021 stipulation letter. Kevin Moore filed a revised Stipulation Letter dated March 11 with Site Plan as Exhibit A and Exhibit B (a rough-hewn, multicolored face retaining wall). The Stipulation Letter dated March 11, 2021, was not as agreed to at the meeting and therefore unacceptable to ECCA and the neighbors. In addition, the Site-Lines were not attached as an exhibit. Kevin said he would correct and re-file.
- **March 14th**, Kevin Moore filed another revised Stipulation Letter dated March 14, 2022, which includes the current Site Plan attached as Exhibit A (dated

3-15-22), attached Exhibit B (site lines, sections A, B and C from the adjacent properties) and the attached Exhibit C (a rough-hewn, multicolored face retaining wall).

The correspondence and meetings have clarified and resolved the concerns arising from this petition.

RECOMMENDATION:

ECCA recommends **approval** of this petition subject to the Stipulation Letter dated March 14, 2022, Site Plan Exhibit A dated 3-15-22, with Exhibits B and C, all Staff comments. Due to the shift in the Athletic Field, parking lot locations and the removal of underground detention from the plan, ECCA recommends further review by stormwater management.

**MARCH 15, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1**

Min. Bk. 95 Petition No. O.B.5
Doc. Type Water & Sewer, Stormwater Management,
Fire Dept, and Cobb DOT comments and recommendations
Meeting Date 3-15-2022

ITEM OB-5-2021

PURPOSE

To consider a reduction of public road frontage from required 75' to 0' for Jeffrey Mack for property located on the south side of Gus Robinson Road, in Land Lot 423 of the 19th District (Gus Robinson Road).

BACKGROUND

The Board of Commissioners considers all reductions to minimum public road frontage pursuant to a code amendment to Sec. 134-271(7)(a) adopted on February 27, 2018. The applicant owns this lot, but it accesses off a private road. The public road frontage requirement would need to be reduced to zero feet, since there is no way the applicant can gain public road frontage. There is a private easement that has been recorded since the 1970's that this lot accesses.

STAFF COMMENTS

Water and Sewer: Water meter must be set along public right-of-way. Sewer not available.

Stormwater management: No objection to the current request. However residential infill lots with 5,000 square feet or greater of new impervious surface area are required to provide stormwater mitigation. If this Other Business is approved a new site plan with stormwater mitigation may be required to be reviewed and approved by the Cobb County Stormwater Management Division.

Fire Department: See attached.

Cobb DOT: No comments.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction of minimum lot size.

ATTACHMENT

Other Business application.

FIRE COMMENTS:Petition No. OB-5
Meeting Date 3-15-2022
Continued

The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County

ACCESS:

Driveway must have a minimum 12 foot driving surface width (CCDS 402.07.01) with a minimum 25 foot inside turning radius.

Fully developed landscaping shall be at least 7 feet 0 inches from center of drive (14 foot clear width) and 13 foot 6 inches vertical clearance.

Maximum grade shall not exceed 18%, angle of departure shall not exceed 8.5%.

Driveway must extend within 150 feet of the most remote portion of the structure.

Driveway is limited to 1000 feet maximum from roadway unless an approved turn-around is provided:

- a) Residential cul-de-sac without an island shall have a 38 foot outside radius. A cul-de-sac with an island reverts to the commercial standards, refer to www.cobbfire.org for dimensions.
- b) Hammerhead turn-around: total of 102 feet needed (45 feet + 12 foot drive + 45 feet) with the turn-around leg to be a minimum of 20 feet wide.

Driveway must support 25 Tons (50,000 lbs.).

Provide emergency access through all gates securing Fire Department access with a minimum 12 foot 0 inch clear width and approved means of operation
www.knoxbox.com.

FIRE HYDRANTS:

Hydrant location within 500 feet of the most remote portion of the structure.* (Additional hydrant may need to be installed.)

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.*
(Required Flow: 1,000 gpm @ 20 psi)

* An alternative equivalency for the above requirements, subject to the approval by the Cobb County Fire Marshal's Office is one of the following:

- 1.) NFPA 13D sprinkler system.
- 2.) Complete structure (framing and decking materials) treated with a Class A-Fire Retardant spray with a flame spread rating of 25 or less and smoke development of 450 or less.
- 3.) Non-Combustible construction.
(Indicate on the site plan which option will be utilized.)

Josh Davis

(770) 528-8161

josh.davis@cobbcounty.org

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) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

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) 309-0026

ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
SUITE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 387-8233

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

March 9, 2022

Via E-mail Only

Min. Bk. 95 Petition No. O.B.7
Doc. Type Letter
Meeting Date 3-15-2022

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 "Other Business" - OB-7 (2022)
Applicant: Toll Southeast LP Company, Inc.
Property Owners: D & A Investment Group, LLC and
Pereira Management, LLC
Property: 3.13 acres, more or less, located northerly of
Paces Ferry Road, southerly of Bert Adams
Road, easterly of Cumberland Parkway, and
westerly of Overlook Parkway, Land
Lot 885, 17th District, 2nd Section,
Cobb County, Georgia

Dear John:

On behalf of the Applicant, Toll Southeast LP Company, Inc. (hereinafter "Applicant"); as well as, the Property Owners, please accept the following as additional agreeable stipulations and conditions, which, if the referenced Application for "Other Business" is approved, as submitted, shall become a part of the grant of the requested approval and shall be binding upon the Property. The proposed approval and additional stipulations are as follows:

- (1) Applicant requests approval of the Lot Fit Analysis Plan ("Site Plan") prepared by Travis Pruitt & Associates, Inc., dated November 15, 2021, last revised January 17, 2022, filed with the Application for "Other Business" on February 8, 2022. A reduced copy of the revised Site Plan is attached to this stipulation letter as Exhibit "A" and incorporated herein by reference.

MOORE INGRAM JOHNSON & STEELE

Petition No. 0.B.7
Meeting Date 3-15-2022
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 3
March 9, 2022

- (2) Driveway widths shall be a minimum of eighteen (18) feet to accommodate the previously approved rear-loaded townhomes.
- (3) Applicant agrees the proposed townhomes shall have minimum ceiling heights for each respective floor of 9'/10'/9'/8'.
- (4) Applicant will seek approval of "Highlands at Vinings" as the name of the proposed townhome community, subject to Cobb County approval, if applicable. However, and regardless, in the event Cobb County denies the proposed name, Applicant will not use the name "Vinings Ridge." In the event "Highlands at Vinings" is not approved by Cobb County, the Vinings Homeowners Association will be given the opportunity to review the final, proposed name of the townhome community prior to submission for approval by Cobb County.
- (5) The balance and remainder of the stipulations and conditions previously approved relating to the Subject Property and the approved townhome community, which are not otherwise in direct conflict with the additional stipulations set forth herein; as well as the submitted, revised Site Plan, shall remain unaltered and in effect for the Subject Property.

The requested approval of the revised Site Plan, together with the additional stipulations set forth herein, will enhance the Subject Property and provide for a quality townhome community. We very much appreciate your consideration; as well as that of the 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. 0.B.7
Meeting Date 3-15-2022
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 3
March 9, 2022

c: Cobb County Board of Commissioners:

Lisa N. Cupid, Chairwoman
JoAnn Birrell
Keli A. Gambrill
Jerica Richardson
Monique Sheffield
(With Copy of Attachment)

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

Ron Sifen
Vinings Homeowners Association
(With Copy of Attachment)

Toll Southeast LP Company, Inc.
(With Copy of Attachment)

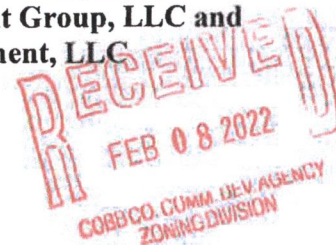


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Approval)

OB Application No.: OB-_____ (2022)
Zoning Application No.: Z-40 (2008)
Original Hearing Date: August 19, 2008
Date of Zoning Decision: October 21, 2008
Date of OB Decisions: December 15, 2015
November 21, 2017
Current OB Hearing Date: March 15, 2022

Applicant: Toll Southeast LP Company, Inc.
Titleholders: D & A Investment Group, LLC and
Pereira Management, LLC

Tax Parcel Identification No.: 17088500540



BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

The property which is the subject of this Application for "Other Business" is approximately a 3.13 acre parcel located northerly of Paces Ferry Road, southerly of Bert Adams Road, westerly of Overlook Parkway, and easterly of Cumberland Parkway, Land Lot 885, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). The Subject Property was part of a 10.425 acre tract which was rezoned by the Cobb County Board of Commissioners to the RRC zoning classification on October 21, 2008. Subsequently, on December 15, 2015, and November 21, 2017, the Board of Commissioners approved "Other Business" Applications which sought approvals of revised Site Plans and amendments to certain stipulations for development of the overall mixed-use project, which included the Subject Property.

The Applicant in this Application for "Other Business," Toll Southeast LP Company, Inc. (hereinafter "Applicant"), is now pursuing construction of the townhomes on the Subject Property. Applicant seeks approval of a revised Site Plan and revised stipulations through this Application for "Other Business," which, if approved, as submitted, shall supersede and replace in full the previously approved Site Plan and those stipulations enumerated herein which are in conflict with previously approved stipulations by the Board of Commissioners on December 15, 2015, and November 21, 2017, and shall be binding upon the Subject Property. The amendments proposed by Applicant are as follows:

- (1) Development of the Subject Property shall be to the Regional Retail Commercial ("RRC") zoning category, as previously approved by the Cobb County Board of Commissioners, and shall be site plan specific to the Lot Fit Analysis prepared for Applicant by Travis Pruitt & Associates, Inc., dated November 15, 2021, last revised January 17, 2022, and filed contemporaneously herewith. A reduced copy of the proposed Lot Fit Analysis is attached as Exhibit "1" and incorporated herein by reference.

(2) Applicant requests the following stipulation amendments:

A. Applicant requests the amendment of subparagraph (9)(b) under "III. Townhome Community," as set forth in the December 14, 2015, supplemental stipulation letter, which reads as follows:

(b) Minimum ceiling heights shall be ten (10) feet from floor to finished ceiling and greater;

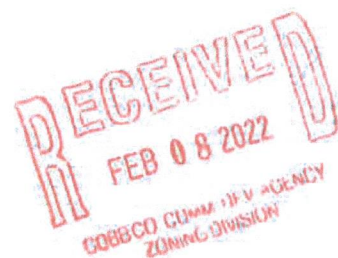
Applicant requests amendment of the stipulation as follows:

(b) Minimum ceiling heights shall be eight (8) feet from floor to finished ceiling;

B. Applicant requests approval of driveway widths of eighteen (18) feet in order to accommodate the approved rear-loaded townhomes.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearings held on December 15, 2015, and November 21, 2017, as to the "Other Business" approvals for development of the Subject Property; as well as any amendments by Board of Commission approval or District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Approval.

The amendments proposed and presented herein in no way adversely impact or affect the quality or integrity of the overall development initially approved by the Cobb County Board of Commissioners. If the requested approval of the Site Plan and amendments to the stipulations are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.



MARCH 15, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

ITEM OB-7-2022

PURPOSE

To consider a stipulation and site plan amendment for Toll Southeast LP Company, Inc. regarding rezoning application Z-40 of 2008 in Land Lot 885 of the 17th District. The property is located on the north side of Paces Ferry Road, west of Overlook Parkway and on the south side of Bert Adams Road (Paces Ferry Road)

BACKGROUND

The subject property was rezoned to Regional Retail Commercial (RRC) in 2008 for a proposed mixed-use development consisting of over one-million square feet of mid and high rise office, high rise residential and retail. In 2008, the proposal included 78,000 square feet of retail, 600,000 square feet of office and 450 residential units. In 2015, the Board of Commissioners approved an Other Business item that substantially reduced the 2008 plan's intensity and density. The 2015 plan has 366 residential units with 35,000 square feet of retail. In 2018 an Other Business item was approved to further reduce the amount of commercial space to 30,000 square feet with no anticipated increase in the number of residential units. The current stipulation and site plan amendment seeks to amend the height of the ceilings inside the townhouses from 10-feet to 8-feet, and to approve the driveway widths to 18-feet to accommodate the rear-loaded townhouses. If approved, all previous stipulations not in conflict with this amendment would remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Fire Department: See attached

RECOMMENDATION

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

ATTACHMENTS

Other Business application and letter.

Fire Department:

The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County.

FIRE HYDRANTS:

Hydrant location within 500 feet of the most remote portion of the structure.*
(Additional hydrant may need to be installed)

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.* (Required Flow: 1,500 gpm @ 20 psi).

FIRE ENGINE ACCESS: The fire department must be able to access the long side of the building.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2012 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

Gates

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. The gates shall not reduce the operating width of the roadway. Double lane gates shall be a minimum of 20 feet in clear width. Gates shall be of the swinging or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office.

Guest Parking

Occupant parking shall be installed as required by zoning and additional guest parking shall be required as follows:

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
 - Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
 - Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
 - Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
 - Guest parking spaces must be evenly distributed throughout the project.
- Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

International Fire Code (IFC) Appendix D

(Adopted by the State of Georgia at the beginning of 2020. Partially noted below.)

SECTION D103

MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant.

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

SECTION D106

MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units.

Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2

D106.2 Projects having more than 200 dwelling units.



GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

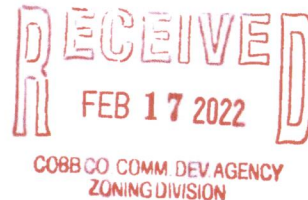
770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

February 17, 2022

(REVISED STIPULATION LETTER & REVISED SITE PLAN)

VIA EMAIL & HAND DELIVERY

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



Re: Application of Windsong Properties to Rezone an approximate 37.3 Acre Tract
from R-30 to R-20/OSC - No. Z-38 [2021]

Dear John:

You will recall that this firm represents Windsong Properties ("Windsong") concerning the above-captioned Application for Rezoning. Presently, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners ("BOC") on March 15, 2022.

The property at issue ("Subject Property") consists of a 37.3-acre tract of land which is located on the south side of Ellis Road, east of Mack Dobbs Road. Windsong's proposal, following direction from the District Commissioner, is to rezone the Subject Property from R-30 to R-20/OSC for the purposes of the construction and development of a Single-Family, Detached, Open Space, Residential Community consisting of a maximum number of 58 homes at an overall maximum density of 1.76 units per acre.¹

During the period of time in which the Application has been pending, Windsong has followed direction from the Planning Commission in terms of addressing certain developmental constraints and addressed and acknowledged comments from the County's Professional Staff which has recommended approval. In that regard, enclosed please find the requisite number of copies of a Revised Site Plan.

¹ Windsong's proposal is consistent with the Cobb County Zoning Ordinance which allows R-20 OSC within areas designated for Low-Density Residential ("LDR"), under the County's Future Land Use Map ("FLUM").

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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During the timeframe during which the Application has been continued, in addition to interfacing with the County's Professional Staff, we have also continued our dialogue with a number of area residents initially as a result of the zoning notification letters which were sent to 342 homeowners. Additionally, we have continued to speak with area representatives regarding the issues of the proposal as it has evolved.

This letter will serve as Windsong's expression of agreement with the following revised stipulations which shall become conditions and a part of the grant of the requested rezoning and which shall be binding upon the Subject Property thereafter. The referenced revised stipulations are as follows, to wit:

1. The revised stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The Subject Property shall be developed in substantial conformity to that certain Revised Site Plan which is being submitted concurrently herewith. However, Windsong and/or its successors and assigns shall be allowed to lessen the density; reposition homes within the proposed residential community; and, make additional interior modifications to the site plan so long as the total number of homes is not increased and no additional Variances are created or required.
3. The construction of a maximum number of fifty-eight (58) single-family residential detached homes at an overall maximum density of 1.76 units per acre.
4. Windsong and/or its successors or assigns shall, under no circumstances, exceed for the entirety of the community 35% impervious surface which is a percentage equivalent to the maximum allowable impervious surface under the R-20 OSC zoning classification. In support of this fact, out of the 37.3-acre tract, there is a total open space area of 14.3 acres of which 1.2 acres will be set aside for stormwater management leaving 13.1 acres.
5. The lot sizes within this proposed Single-family, Open Space, residential community will be a minimum of 13,000 square feet.

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6. The architectural styles and compositions of the homes shall be traditional, Craftsman-style and consistent with the architectural renderings/elevations being submitted concurrently herewith. The proposed houses will range from a minimum of 2,000 square feet and range up to 2,800 square feet. Each of the homes shall have, at a minimum, an attached two-car garage and driveways, the length and width of which will permit the parking of at least two (2) additional vehicles.²
7. The creation of a mandatory Homeowners' Association ("HOA") and the submission of Declaration of Covenants, Conditions and Restrictions ("CCRs"), which shall include, among other components, strict architectural controls. The mandatory HOA shall be responsible for the maintenance and upkeep of fencing, landscaping, open space areas, sidewalks, community areas, stormwater detention and/or water quality ponds, the entrance to the community and the amenities as shown on the Revised Site Plan.
8. Windsong and/or its successors or assigns agree that, at any time in the future, there shall be no more than 10% of the homes which may be rented/leased and further agree that said stipulation/condition shall be contained within the CCRs and enforced by the Board of Directors of the mandatory HOA.
9. The submission of a landscape plan during the Plan Review Process which shall be subject to review and approval by the District Commissioner. Additionally, the landscape plan shall include, but not necessarily be limited to, the following:
 - a. Landscaping and screening around the proposed detention and water quality area located on the southeastern portion of the Subject Property with Cryptomeria, Arborvitae and/or other evergreen vegetation recommended by the County's Arborist.
 - b. The lake located on the Subject Property also shall be used for stormwater management; however, it will also be incorporated into the recreational aesthetic package for the community, so that no landscaping or screening around the lake will be required. Windsong plans to include a walking trail around the lake,

² Additionally, guest parking shall be included in accordance Cobb County Fire Marshall and Cobb DOT recommendations, thus providing an abundance of strategically positioned guest parking spaces.

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- outside of the twenty-five (25') State Mandated Streambank Buffer, which will meander around the perimeter of the lake.
- c. Doubling the landscape buffer around the perimeter of the Subject Property from ten feet (10') to twenty feet (20') within the existing twenty-foot (20') setback.
 - d. The formation of a Landscape Oversight Committee ("LOC") consisting of Ms. Sharon Cobb or her designee, Henry Massie of Windsong or his designee and a representation of the Community Development Agency. Of course, any landscaping agreed upon shall be reviewed and approved by the County's Arborist with ultimate review and approval being subject to decisions made by the District Commissioner.
10. The subdivision entrance signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage, which will be located on Mack Dobbs Road (and may be included on Ellis Road) shall be in keeping with the architectural style and composition described above and shall be incorporated into the landscape plan for the residential community. Said entrance signage shall be fully landscaped, lighted and irrigated.
11. Compliance with recommendations from the Cobb County Water System with respect to the accessibility and availability of water and sewer for the site, including the following:
- a. Sewer is located in the drainage basin and is also located on the Subject Property conveniently positioned for the proposed development.
 - b. Similarly, water is available and located in the form of a six-inch (6") water main in Ellis Road and a six-inch (6") water main in Mack Dobbs Road.
 - c. A fire-flow test will be required and the current development standards, according to the Cobb County Water System, will require a dual-water feed to service the site.
12. Subject to recommendations from the Cobb County Stormwater Management Division with respect to detention, hydrology and downstream considerations including the ultimate location and configuration of on-site detention, stormwater management and

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water quality components. Additionally, Windsong and/or its successor or assigns shall adhere to these additional recommendations:

- a. Verification of the percentage of impervious surface which shall not exceed 35% of the total site area.
- b. Detention and water quality shall be formulated and calculated in order to appropriately handle all peak period storms.
- c. Because of the potential of downstream drainage issues, Windsong shall formulate both a pre-development and post-development stormwater assessment.
- d. Any spring activity discovered on the site shall be addressed by a qualified, registered geotechnical engineer. Also, any structural fill shall be placed under the direction of a geotechnical engineer.
- e. Water quality/quantity contributions of the existing lake/pond on the Subject Property shall be continued as baseline conditions into the proposed residential community.
- f. In accordance with GIS inventory protocols, the downstream drainage culvert under Ellis Road is eighty-four inches by ninety-four inches (84" x 94"). In that regard, a pre & post culvert analysis shall be required, including headwater elevations.
- g. The existing lake, dam and spillway shall be evaluated and updated to current standards and regulations.

13. Subject to recommendations from the Cobb County Department of Transportation ("DOT") including the following:

- a. Sight distance requirements and other considerations can be met and/or exceeded on both Mack Dobbs Road and Ellis Road, respectively. Windsong shall construct a deceleration lane with a taper, the dimensions of which shall be determined during the Plan Review process at the Subject Property's entrance and primary point of ingress/egress on Mack Dobbs Road. Additionally, the County

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DOT-added right-in/right-out only point of ingress/egress on Ellis Road shall similarly have a deceleration lane and a taper per DOT specifications during the Plan Review process.

- b. The installation of sidewalks five feet (5') in width on both Mack Dobbs Road and Ellis Road, and on at least one side of the interior streets.³
 - c. The voluntary donation and conveyance of right-of-way on Ellis Road and Mack Dobbs Road so that the County can achieve 40' feet from the centerline of said rights-of-way.
 - d. The Mack Dobbs Road access, to the extent that sufficient right-of-way is available to accomplish same, may include a left turn lane, with the location and the design of which to be determined during the Plan Review process and, of course, subject to direction from DOT regarding the necessity and/or viability of said left-turn lane and whether it dictates a relocation, off-setting or realignment with any access points on Mack Dobbs Road.
 - e. A ten-foot (10') no access easement for individual lots along Mack Dobbs Road and Ellis Road frontages.
 - f. All signage and landscaping shall be installed off of County right-of-way and where it will not impede the line of sight for the driveways or roadways.
 - g. Removal and closing any driveway aprons along the Ellis Road frontage that are superfluous and/or unnecessary to the development.
14. Unless agreements to the contrary are reached with adjacent property owners, all construction worker vehicles shall be parked on the Subject Property during the construction and build-out of the residential community. Under any set of circumstances there shall be no such parking on any public rights-of-way.
15. As shown on the Revised Site Plan filed concurrently herewith, the homes to be

³ Originally, Windsong was agreeable to the alternative of contributing a fee in lieu of the installation of sidewalk, curb and gutters (except for interior streets on one site); however, County Staff has expressed an interest in the actual installation of the sidewalk, curb and gutter as opposed to the payment of a fee in lieu thereof.

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constructed within the proposed residential community will have a 20' front building setback; 7.5' side setback; and, a rear setback of 20'.

16. Adherence to the following construction hours unless a deviation from said hours is approved by the District Commissioner:
 - a. 7:00 a.m. until 7:00 p.m., Monday through Friday, from October 1st through March 31st.
 - b. 7:00 a.m. until 8:00 p.m., Monday through Friday, from April 1st through September 30th.
 - c. 9:00 a.m. until 6:00 p.m. on Saturdays.
 - d. No outside work on Sundays.
17. Subject to recommendations from the Cobb County Fire Department with respect to Life-Safety and Fire Prevention issues.
18. As long as the process does not interfere with or delay the commencement of the development of the Subject Property, Windsong agrees to allow the Georgia Native Plant Society ("GNPS") to conduct a "plant rescue" at some point within a fifteen (15) day period after notice to Windsong and/or its successors and assigns and prior to the commencement of construction and development on the Subject Property.
19. The District Commissioner shall have the authority to approve minor modifications to this rezoning proposal as the development proceeds through the Plan Review Process and thereafter except for those that:
 - a. Increase the density of the residential community.
 - b. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district.
 - c. Relocate a structure closer to the property line of an adjacent property which is zoned in the same or in a more restrictive zoning district.

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- d. Increase the height of a building which is adjacent to a property that is zoned is the same or a more restrictive zoning district.
- e. Change access to a different right-of-way.
- f. Violate the Cobb County Zoning Ordinance or require a Variance.

Windsong followed the policy-driven directives from the County; been responsive to the area residents and the County's professional staff; and, has continued to craft and redraft its proposal in order to maintain compliance with express County protocols regarding Open Space residential communities.

Please do not hesitate to contact me should you or your staff require any additional information or documentation prior to this Application being heard and considered by the Board of Commissioners on March 15, 2022. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS, Jr./jac
Attachments

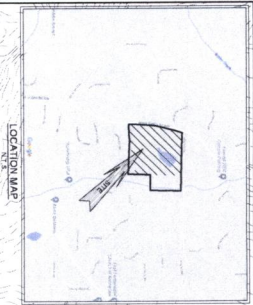
cc: Listed on next page

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
February 17, 2022
Page 9

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
Ms. Jessica Guinn, AICP, Director, Community Development (via email w/attachments)
Mr. Phil Westbrook, Planner III (via email w/attachments)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
Mr. Terry Martin, Planner III (via email w/attachments)
Mr. Donald Wells, Planner II (via email w/attachments)
Ms. Margie Vazquez, Planner II (via email w/attachments)
Mr. LeDarius Scott, Planner I (via email w/attachments)
Ms. Pamela Mabry, County Clerk (via email w/attachments)
Ms. Robin Stone, Deputy County Clerk (via email w/attachments)
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Captain Josh Davis, Fire Marshal's Office (via email w/attachments)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachments)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)
Ms. Abby Rettig, Cobb DOT (via email w/attachments)
Mr. Tim Davidson, Water System (via email w/attachments)
Ms. Sheri George, Georgia Native Plant Society (via email w/attachments)
Mr. Henry Massie, Director of Land Acquisition, Windsong Properties (via email w/attachments)
Mr. Mark Carruth, Chief Executive Officer, Windsong Properties (via email w/attachments)
Mr. Ronald Mulkey (via email w/attachments)
Mr. Daryl Cook, P.E., LEED AP B+C, Watts & Browning engineers, Inc. (via email w/attachments)

Petition No. Z-38 '21
Meeting Date 3-15-2022
Continued



ZONING EXHIBIT

FOR
3180 ELLIS ROAD TRACT
LAND LOT 180 ~ 20TH DISTRICT ~ 2ND SECTION,
COBB COUNTY, GEORGIA



NO	DATE	ST	DESCRIPTION
1	06/04/17	441	010102 1.01 1.43027
2	06/04/17	447	010102 1.01 1.43027
3	01/12/17	447	010102 1.01 1.43027
4	09/16/17	447	010102 1.01 1.43027
5	01/26/17	447	010102 1.01 1.43027
6	01/12/17	447	010102 1.01 1.43027
7	02/04/17	447	010102 1.01 1.43027



WATTS & BROWNING ENGINEERS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1349 OLD 41 HWY NW, SUITE #222
MARLETTA, GEORGIA 30060
PHONE: (770) 834-8888
FAX: (770) 834-8888
WWW.WATTSBROWNING.COM
(800) 600-4249 - (404) 000-7114

DESIGNED BY	DRC
DRAWN BY	JJT
CHECKED BY	DRC
REVIEW ISSUE DATE 03/25/2021	

Self Number
1 OF 1



SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP
SUITE 100

376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

March 8, 2022

(SUPPLEMENTAL REVISED STIPULATIONS)

VIA EMAIL

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

Re: Application of Windsong Properties to Rezone an approximate 37.3 Acre Tract from R-30 to R-20/OSC - No. Z-38 [2021]

Dear John:

As you know, this firm represents Windsong Properties ("Windsong") concerning the above-captioned Application for Rezoning which is scheduled to be and considered for final action by the Cobb County Board of Commissioners ("BOC") on March 15, 2022.

Thank you for taking the time to meet with Messrs. Carruth, Massie and me last week on this and another application which is also within Commissioner Gambrell's District. In that regard, this letter will serve to supplement the Revised Stipulation Letter and Revised Site Plan which we formally submitted on February 17, 2022.

With respect to the foregoing, Paragraph 6 on Page 3 of the February 17, 2022 Revised Letter shall hereby read as follows:

"6. The architectural style and composition of the homes shall be traditional and consistent with the architectural renderings/elevations being submitted concurrently herewith. The proposed homes shall range from a minimum of 2,000 square up to 4,000 square feet and possibly greater. Each of the homes will have, at a minimum, an attached two-car garage and driveways, the length and width of which will permit parking of at least two (2) additional vehicles.¹

¹ Additionally, guest parking shall be included in accordance Cobb County Fire Marshal and Cobb DOT recommendations, thus providing an abundance of strategically positioned guest parking spaces.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-38^{'21}
Meeting Date 3-15-2022
Continued

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 8, 2022
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It is my understanding that the County's professional staff will be formulating a Revised Final Zoning Analysis and Staff Recommendations consistent with direction from you and in accordance with what you were kind enough to share with my clients and me last week.

In all other respects, the remaining stipulations/conditions contained within the February 17, 2022 letter shall remain in full force and effect. Please do not hesitate to contact me should you have any questions whatsoever regarding these matters. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS, Jr./klk
Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
Ms. Jessica Guinn, AICP, Director, Community Development (via email w/attachments)
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Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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Ms. Abby Rettig, Cobb DOT (via email w/attachments)
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Mr. Henry Massie, Director of Land Acquisition, Windsong Properties (via email w/attachments)
Mr. Mark Carruth, Chief Executive Officer, Windsong Properties (via email w/attachments)
Mr. Ronald Mulkey (via email w/attachments)
Mr. Daryl Cook, P.E., LEED AP B+C, Watts & Browning engineers, Inc. (via email w/attachments)



5629 A











5689ATL-A



5630 ATL - B

5631ATL-B





Min. Bk. 95 Petition No. Z-9
Doc. Type Letter
Meeting Date 3-15-2022

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

SAMS, LARKIN & HUFF
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FACSIMILE

March 8, 2022

**(REVISED LETTER OF AGREEABLE STIPULATIONS/CONDITIONS
& REVISED SITE PLAN**

VIA HAND DELIVERY & EMAIL

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

Re: Application of Windsong Properties to Rezone an approximate 20.11 Acre
Tract from R-30 to R-20 (OSC); File No. Z-9 [2022]

Dear John:

You will recall that this firm represents Windsong Properties ("Windsong") concerning the above-captioned Application for Rezoning. The original application for rezoning to the R-20 zoning district was heard, considered and recommended for approval by the Cobb County Planning Commission on February 1, 2022. Afterwards, at the February 15, 2022 hearing, the application was Continued by the Cobb County Board of Commissioners ("BOC") until the March 15, 2022 BOC Zoning Hearing.

Based upon discussions with the District Commissioner and area residents, at this time the Applicant is revising the rezoning request to the R-20 (OSC) zoning classification pursuant to the Revised Site Plan and stipulations/conditions which are being submitted concurrently herewith.

The property at issue ("Subject Property") consists of a 20.11 acre tract of land which is located on the north side of Dallas Highway, on the south side of Old Dallas Road, west of Holland Road which has direct adjacent to the RaceTrac (which is situated in both Cobb and Paulding Counties) and is within a Neighborhood Activity Center ("NAC") under the County's Future Land Use Map ("FLUM").



VIA HAND DELIVERY & MAIL

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Windsong's revised proposal is to rezone the Subject Property from R-30 to R-20 – Open Space Community (OSC) for the purposes of the construction and development of a Detached, Single-Family, Non-age Restricted, Residential Community consisting of a maximum number of 32 (thirty-two) homes at an overall density of 1.59 units per acre. The FLUM designation is Very Low Density Residential ("VLDR"). That designation has a density range of 0-2 units per acre. Windsong's proposal, at a density of 1.59 units per acre is clearly within the VLDR range. Additionally, Windsong's proposal includes Open Space of 7.05 acres or 35.1% of the total site area.

During the pendency of this application, we have established a dialogue with the County's professional staff, area residents and the District Commissioner. After meeting last week with the District Commissioner, the outcome of those discussions is the submittal of this revised proposal to the R-20 (OSC) District which promotes environmentally sensitive and efficient uses of the Subject Property.

Based upon those discussions and to accommodate the OSC revision, this letter will serve as Windsong's expression of agreement with the following Revised stipulations which shall become conditions and a part of the grant of the requested R-20 (OSC) rezoning and which shall be binding upon the Subject Property thereafter. The Revised stipulations are as follows, to wit:

1. The Revised stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the Subject Property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The Subject Property shall be developed in substantial conformity to that certain Zoning Master Plan prepared by Planners & Engineers Collaborative which is being submitted concurrently herewith and which reflects a maximum of thirty-two (32) single-family, detached residences at a maximum density of 1.59 units per acre.
3. The architectural style and composition of the homes shall be in substantial conformity to the photographs which were submitted on February 9, 2022 and which are being resubmitted concurrently herewith.

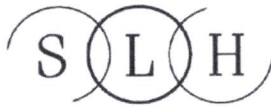


Petition No. 2-9
Meeting Date 3-15-2022
Continued

VIA HAND DELIVERY & MAIL

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4. The submission of a Landscape Plan during the Plan Review Process, subject to the County Arborist's and the District Commissioner's review and approval which shall include, but not necessarily be limited to, the following:
 - a. A thirty-five foot (35') landscape buffer along the eastern property line of the Subject Property, utilizing existing vegetative cover where possible to do so and then enhancing any existing vegetation with additional vegetation in accordance with direction from the Cobb County Arborist.
 - b. A forty-five foot (45') rear setback for lots abutting R-30 zoned properties and along those lots backing up to Old Dallas Road.
 - c. Continuous landscaping shall be planted on a berm a minimum of four feet (4') in height along the Subject Property's frontage on Old Dallas Road.
 - d. The mandatory Homeowner's Association ("HOA") shall be responsible for the upkeep, maintenance and care of the berm and buffer in perpetuity.
 - e. Front, side and rear yards of the homes shall be sodded and irrigated.
 - f. All utilities serving the homes shall be located underground.
 - g. The entrance to the residential community on Dallas Highway (SR 120) shall be professionally designed and landscaped and shall include ground-based, monument-style signage consisting of walls of brick and/or stacked stone together with signature landscaping which shall be irrigated.
 - h. The detention/water quality area shall be landscaped for the purposes of visual screening from properties adjacent to the Subject Property. Said landscaping shall also be reviewed and approved by the County Arborist during the Plan Review Process.



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Cobb County Zoning Division
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5. The homes to be constructed within the proposed residential community shall range from a minimum of 2,400 square feet up to 3,000 square feet, and possibly greater. Thus, price points will be commensurate with current prevailing market rates regarding homes of that size.
6. Subject to the following recommendations from Cobb DOT:
 - a. Securing Georgia Department of Transportation (“GDOT”) permits for all work that encroaches upon State right-of-way.
 - b. A ten-foot (10’) no access easement for individual lots along the Old Dallas Road frontage.
 - c. A minimum setback of 20 feet (20’) from the right-of-way to garages to ensure vehicles are not parked within the right-of-way.
 - d. Curb and gutter along both sides and sidewalk on at least one side of the proposed development’s interior public streets.
 - e. The proposed public streets, lighting, and utilities shall be constructed to the Cobb County Standard Specifications for public streets.
 - f. Right-in/right-out only at the Subject Property’s sole point of ingress/egress (the “Entrance”) on Dallas Highway.
 - g. The installation of a 250 foot deceleration lane (including a 100’ taper) on Dallas Highway).
 - h. The proposal will meet all Cobb County Development Standards and Ordinances related to project improvements.



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Cobb County Zoning Division
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Page 5

7. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Fire Prevention and Life Safety issues.
8. There is a presence of a subterranean rock formations on portions of the Subject Property which may require blasting; however, Windsong will follow the directions of its "Master Blaster" Engineer who will be charged with following all of the obligations of local, state and federal laws regarding any blasting on the site.

Of course, those regulations include at least a one-week notice to area residents within a certain circumferential area as well as other notifications and provisions which Windsong, in concert with the Cobb County Fire Marshal's Office, will follow with specificity.

9. Compliance with recommendations from Cobb County Water System pertaining to water and sewer availability and locations for access.
10. Compliance with the recommendations from the Stormwater Management Division with respect to detention, water quality, stormwater management and downstream considerations, including:
 - a. Windsong shall be responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineers.
 - b. Compliance with Cobb County's Stream Bank Buffer Ordinance providing 50 feet (50') on each side of creek channel, and an additional 25 feet (25') of impervious setback.
 - c. Georgia DNR Variance may be required to disturb within 25-foot streambank buffers.
 - d. Stormwater discharges shall be controlled not to exceed the existing capacity of the downstream storm drainage system.



VIA HAND DELIVERY & MAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 8, 2022
Page 6

- e. Windsong shall mitigate any adverse effects of concentrated stormwater discharges onto adjacent properties.
 - f. Pre and Post Development Lake Studies on Fowler Lake located to the north of the Subject Property and on Shurling Lake which is located to the south of the Subject Property in order to document sedimentation levels during those time frames.
 - g. Windsong's Project Engineer shall evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
 - h. Stormwater Runoff Reduction in compliance with the Georgia Stormwater Management Manual ("GSMM").
 - i. At the time of Plan Review and Permitting, the Project Engineer will provide capacity analysis of the storm drain system under Dallas Highway.
11. The District Commissioner shall have the authority to approve certain minor modifications to the site plan, the architecture and these stipulations/conditions as the development proposal proceeds through the Plan Review Process and thereafter, except for those that:
- a. Reduce the size of an approved buffer adjacent to property which is zoned in a more restrictive zoning district.
 - b. Relocate a structure closer to the property line to an adjacent property which is zoned in a more restrictive zoning district.
 - c. Increase the height of a building adjacent to property which is zoned in a more restrictive zoning district.
 - d. Change access location to different roadways.
 - e. Seek Variances to provisions of the Cobb County Zoning Ordinance.



Petition No. 2-9
Meeting Date 3-15-2022
Continued

VIA HAND DELIVERY & MAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 8, 2022
Page 7

Please do not hesitate to contact me should there be any questions or should you or your staff require any additional information or documentation prior to this Application for Rezoning being heard and considered by the BOC next week. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS, Jr./klk
Enclosures/Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
Brian Johnson, Esq., Senior Associate County Attorney (via email w/attachments)
Board of Commissioners Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director (via email w/attachments)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
Mr. Terry Martin, Planner III (via email w/attachments)
Mr. Donald Wells, Planner II (via email w/attachments)
Ms. Margie Vazquez, Planner II (via email w/attachments)
Mr. LeDarius Scott, Planner I (via email w/attachments)
Ms. Pamela Mabry, County Clerk (via email w/attachments)
Ms. Robin Stone, Deputy County Clerk (via email w/attachments)
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Captain Josh Davis, Fire Marshal's Office (via email w/attachments)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments w/attachments)
Ms. Abby Rettig, Cobb DOT (via email w/attachments)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachments)



Petition No. Z-9
Meeting Date 3-15-2022
Continued

VIA HAND DELIVERY & MAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 8, 2022
Page 8

Mr. Tim Davidson, Water System (via email w/attachments)
Ms. Sandra DuPree (sdupree@sandyspringsga.gov) (via email w/attachments)
Ms. Karen Major (kcdot21@aol.com) (via email w/attachments)
Ms. Carey Roth Bayer (clroth99@gmail.com) (via email w/attachments)
Mr. Jerry C. DuPree (jerrydupree56@yahoo.com) (via email w/attachments)
Mr. John McClean (horseshoehill@gmail.com) (via email w/attachments)
Mr. Mark Carruth, Windsong Properties (via email w/attachments)
Mr. Henry Massie, Windsong Properties (via email w/attachments)
Mr. Kenneth J. Wood, Planners & Engineers Collaborative (via email w/attachments)

WWW.PELPLUS
 P: (770) 451-2741 F: (770) 451-3913



PELPLUS
 Planners & Engineers Collaborative

PROJECT
DALLAS HWY. @
OLD DALLAS RD.
 A MASTER PLANNED RESIDENTIAL DEVELOPMENT

CLIENT
 DALLAS HWY @
 OLD DALLAS RD.
 POWDER SPRINGS, GA 30127
 POWDER SPRINGS / COBB COUNTY

FOR
WINDSONG PROPERTIES

MUNICIPALITY PROJECT #

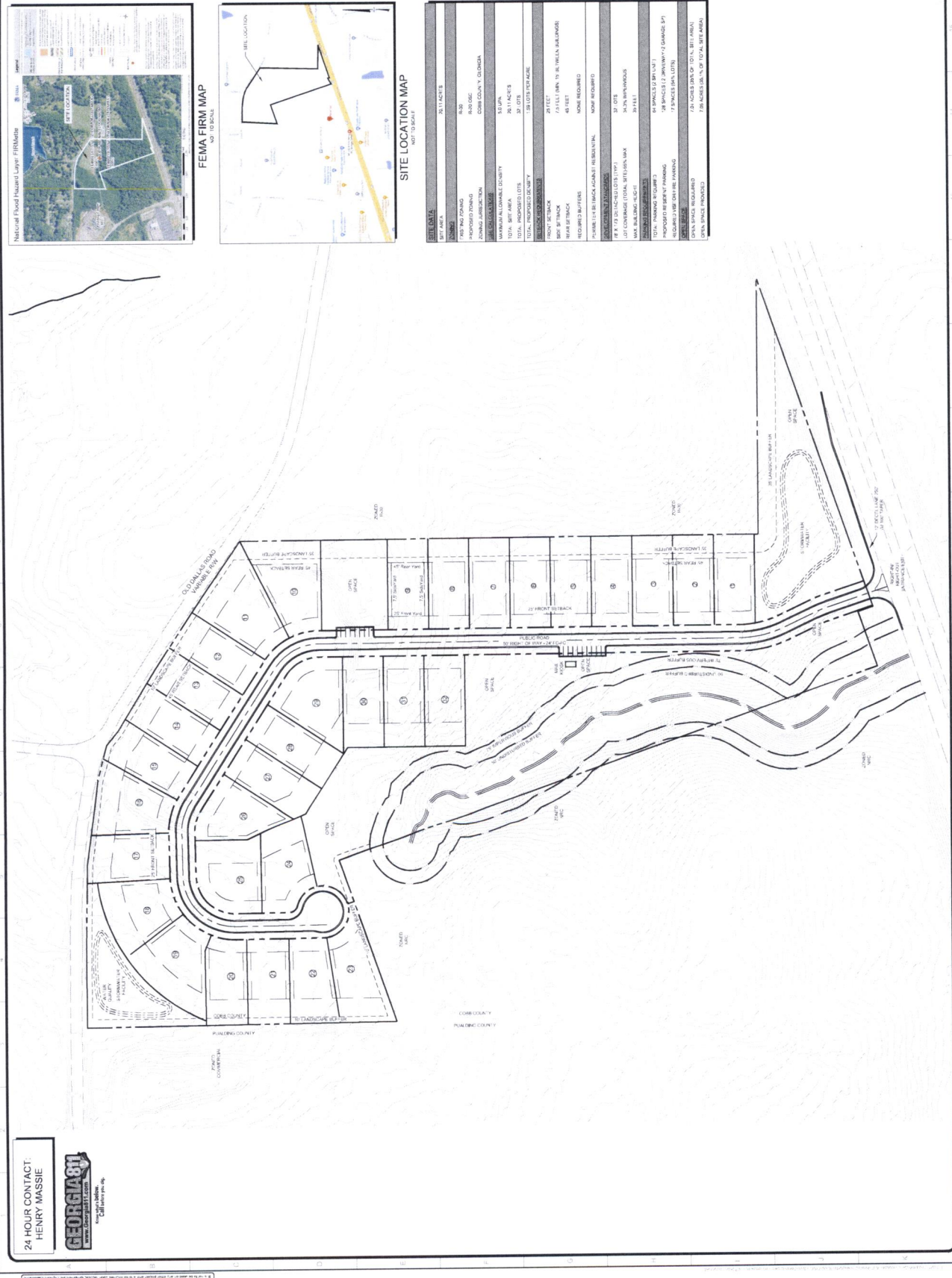
REVISIONS

NO.	DATE	DESCRIPTION
1	08-23-21	REV. SITE PLAN & P&ID
2	08-23-21	REV. SITE PLAN & P&ID
3	08-23-21	REV. SITE PLAN & P&ID
4	08-23-21	REV. SITE PLAN & P&ID

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND SIGNED WITH AN ORIGINAL SIGNATURE

PROFESSIONAL
SEAL
STATE OF GEORGIA
REGISTERED PROFESSIONAL ENGINEER
NO. 12345
NAME: J. D. SMITH

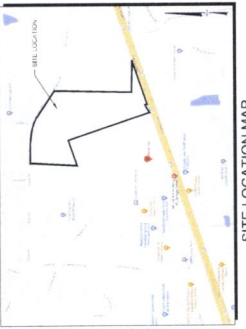
SCALE
 1" = 80'
 DATE: 04/21/2021
 PROJECT: 21038.00



24 HOUR CONTACT:
 HENRY MASSIE

GEORGIA
 REGISTERED PROFESSIONAL ENGINEER
 No. 12345
 Call before you dig

FEMA FIRM MAP
 NOT TO SCALE



SITE LOCATION MAP
 NOT TO SCALE

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
1	Site Plan	1	Sheet	100.00	100.00
2	Site Plan	1	Sheet	100.00	100.00
3	Site Plan	1	Sheet	100.00	100.00
4	Site Plan	1	Sheet	100.00	100.00
5	Site Plan	1	Sheet	100.00	100.00
6	Site Plan	1	Sheet	100.00	100.00
7	Site Plan	1	Sheet	100.00	100.00
8	Site Plan	1	Sheet	100.00	100.00
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13	Site Plan	1	Sheet	100.00	100.00
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99	Site Plan	1	Sheet	100.00	100.00
100	Site Plan	1	Sheet	100.00	100.00

Petition No. 2-9
Meeting Date 3-15-2022
Continued



Petition No.
Meeting Date
Continued

Z-9
3-15-2022



Petition No.
Meeting Date
Continued

Z-9
3-15-2022



Petition No.
Meeting Date
Continued

Z-9
3-15-2022







CHARTER MELLON

SLUP-4 and

Min. Bk. 95 Petition No. Z-14
Doc. Type Feb. 21, 2022 letter

Meeting Date 3-15-2022

February 21, 2022

SPECIAL STIPULATIONS

Re: Application of CM Holding Company, LLC to Rezone an 8.149 ± Acre Tract located at 2250 Dallas Highway, Marietta, GA 30064 from GC to OI; No. Z-14

Special Land Use Permit Application of CM Holding Company, LLC; No. SLUP-4

VIA EMAIL

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

Dear Mr. Pederson:

This letter will serve as CM Holding Company, LLC's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and which shall be binding upon the subject property thereafter. The stipulations are as follows, to wit:

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 currently in place concerning the Subject Property which constitutes the subject matter of the above-captioned Application for Rezoning & SLUP.
2. The granting of the rezoning and SLUP shall be use specific for a CCSSSF. Additionally, all other uses permitted under the O&I district except those permitted uses related to the storage business for the CCSSSF are excluded.
3. There shall be no truck rental on the property.
4. There shall be no outside storage, overnight vehicle parking or trailer or boat parking or the positioning of trucks, trailers, recreational vehicles and related ancillary equipment. Additionally, there shall be no vehicles parked on the property for the purposes of advertising.
5. Low-intensity, environmental type, down-lighting shall be used and shall be subject to review and approval by staff. All exterior lighting shall be shielded, and direct illumination shall be confined within the perimeter of the property.



6. Architectural elements on those portions of the buildings facing Dallas Highway and the neighborhood to the East shall be brick with EFIS/Stucco accents and will be consistent with the submitted elevations.
7. All exterior windows facing Dallas Highway or the residential neighborhood to the East will be opaque
8. Signage along Dallas Highway will be ground-based, monument style, with finished materials and colors which shall conform to the architectural style of the CCSSF buildings. Signage shall comply with the Cobb County Sign Ordinance and applicant agrees that there shall be no electronic or LED signage.
9. All signage on the building exteriors will be backlit and not electronic.
10. There will be an 80-foot undisturbed buffer along the Eastern portion of the property. This buffer will be maintained to include removal of dead or diseased trees as determined by the County Arborist. This buffer will remain in effect in perpetuity.
11. The hours of operation will be as follows:
 - a. Office hours: Monday – Saturday 9:00 AM – 6:00 PM
 - b. Gate access: Monday – Sunday 6:00 AM – 10:00 PM
12. Signage will be installed that directs traffic flow around the buildings to prevent the need for trucks to back up.
13. Applicant agrees to comply with all staff comments and recommendations.
14. The submission of a landscape plan during the Plan Review process, subject to final review and approval by the County Arborist, including the following:
 - a. Species of vegetation which will be utilized shall be ecologically compatible with the site and appropriate for the design circumstances, subject to the County Arborist's review and approval.
 - b. Subject to water restrictions which may be imposed by the State and/or County, all landscaping shall be professionally designed, perpetually maintained and irrigated. Any dead or diseased vegetation shall be replaced as necessary.
 - c. HVAC and all mechanical equipment shall be screened from view from Dallas Highway and the adjoining properties and public right-of-way.
 - d. Any dumpster outside of the buildings will be enclosed and screened on three sides with gates on the front side and the dumpsters will have rubber lids.
15. There shall be no stacking or queuing of construction vehicles, trucks or any mode of transportation parked on Dallas Highway. All construction worker vehicles and construction trucks shall be parked on site.
16. The District Commissioner shall have the authority to approve minor modifications to these stipulations, the site plan, architectural renderings/elevations and all other components of this development as it proceeds through the Plan Review process and thereafter. However, the District Commissioner shall not have the authority to approve modifications or revisions which:
 - a. Increase the density
 - b. Reduce the size or composition of an approved buffer or landscape strip adjacent to contiguous properties.
 - c. Increase the height of a building



CHARTER MELLON

Petition No. Z-14 and SLUP-4
Meeting Date 3-15-2022
Continued

- d. Seek additional waivers or variances from the Cobb County Zoning Ordinance.
 - e. Changes the sole point of ingress/egress unless directed by staff.
17. District Commissioner to approve the final site plan prior to issuance of the Land Disturbance Permit.

I am available to assist or answer any questions. My cell phone is 678-613-2589 and email is clarke@chartermellon.com.

Sincerely,

Clarke C. Coole

Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director, Community Development (via email w/attachments)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
Ms. Pamela Mabry, County Clerk (via email w/attachments)
Ms. Robin Stone, Deputy County Clerk (via email w/attachments)
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Captain Josh Davis, Fire Marshal's Office (via email w/attachments)
Mr. David Breden, P.E. Stormwater Management Division (via email w/attachments)
Mr. Carl Carver, P.E. Stormwater Management Division (via email w/attachments)
Ms. Amy Diaz, P.E. Cobb DOT (via email w/attachments)
Ms. Abby Rettig, Cobb DOT (via email w/attachments)
Mr. Tim Davidson, Water System (via email w/attachments)
Mr. Brent Thomas, P.E. L.S.I., Travis Pruitt & Associates, Inc. (via email w/attachments)
Mr. Travis Pruitt, P.E., Travis Pruitt & Associates, Inc (via email w/attachments)



CHARTER MELLON

SLUP-4 and
Min. Bk. 95 Petition No. Z-14
Doc. Type March 9, 2022 letter

Meeting Date 3-15-2022

March 9, 2022

SPECIAL STIPULATIONS

Re: Application of CM Holding Company, LLC to Rezone an 8.149 ± Acre Tract located at 2250 Dallas Highway, Marietta, GA 30064 from GC to OI; No. Z-14

Special Land Use Permit Application of CM Holding Company, LLC; No. SLUP-4

VIA EMAIL

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

Dear Mr. Pederson:

This letter will serve as CM Holding Company, LLC's additions and changes to the 2/21/22 Special Stipulations Letter. All other items from the 2/21/22 shall remain. The additions and changes are as follows:

1. No more than 50% of the gross acreage shall be impervious.
2. No trucks are allowed that are 53 feet long or greater, except during the construction phase of the project.
3. Item #6 from the 2/21/22 Special Stipulations Letter shall be replaced with the following:
"Architectural elements on those portions of the buildings facing Dallas Highway shall be brick with EFIS/Stucco accents and will be consistent with the submitted elevations."
4. While maintaining the agreed upon 80ft undisturbed natural buffer on the east side of the property, in lieu of an easement requiring frequent penetrations and disturbance to replant, the applicant will plant a 10ft wide landscape strip on the east side of the driveway that is immediately adjacent to the 80' undisturbed buffer. This landscape strip will consist of a screening buffer of evergreen trees and provide the specified owners/successors with an easement for the maintenance and replanting of the screening buffer landscape strip.
5. Travis Pruitt & Associates provided a Trip Generation Memorandum dated 3/8/22 to Cobb County Transportation (Amy Diaz). This was a report requested from staff.
6. A complete set of architectural elevations are attached to this Special Stipulations letter. All portions of the buildings seen from Dallas Highway are reflected with brick exterior. Those sides of building not showing brick are not seen from Dallas Highway. Upon final



CHARTER MELLON

Petition No. Z-14 and SLUP-4
Meeting Date 3-15-2022
Continued

engineering, if any portions of building change and will be seen from Dallas Highway, those portions of building will adjust to comply with item #3 of this letter.

I am available to assist or answer any questions. My cell phone is 678-613-2589 and email is clarke@chartermellon.com.

Sincerely,

Clarke C. Coole

Attachments:

Elevations

Special Stipulation Letter dated 2/21/22

cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Ms. Jeannie Peyton, Senior Planner (via email w/attachment)



CHARTER MELLON

SLUP-4 and
Min. Bk. 95 Petition No. Z-14
Doc. Type March 11, 2022 letter
Meeting Date 3-15-2022

March 11, 2022

SPECIAL STIPULATIONS

Re: Application of CM Holding Company, LLC to Rezone an 8.149 ± Acre Tract located at 2250 Dallas Highway, Marietta, GA 30064 from GC to OI; No. Z-14

Special Land Use Permit Application of CM Holding Company, LLC; No. SLUP-4

VIA EMAIL

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

Dear Mr. Pederson:

This letter will serve as CM Holding Company, LLC's addition to the 3/09/22 Special Stipulations Letter. All other items from the 3/09/22 shall remain. The addition is as follows:

1. Applicant will hire a 3rd party consultant to review and document the preconstruction and the postconstruction conditions of the water basin. These findings will be provided to Cobb County staff.

I am available to assist or answer any questions. My cell phone is 678-613-2589 and email is clarke@chartermellon.com.

Sincerely,

Clarke C. Coole

cc: Members, Cobb County Board of Commissioners (via email)
Ms. Jeannie Peyton, Senior Planner (via email)
Ms. Pam Mabry (via email)