

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 21, 2022
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, June 21, 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 JoAnn Birrell
Commissioner Keli Gambrell
Commissioner Jerica Richardson
Commissioner Monique Sheffield

CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:02 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 Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn, held, or continued*.

WITHDRAWN, HELD, AND CONTINUED CASES

- Z-28** **PARAN HOMES C/O WHIT PORTER** (multiple titleholders, owners) requesting rezoning from **R-80** to **R-20/OSC** for a single-family residential subdivision in land lots 427 and 462 of the 19th district. Property is located on the north side of Macland Road, on the east side of Villa Rica Road, and on the west side of Wilkins Circle (3731 Macland Road, 1975 Villa Rica Road). ***WITHDRAWN WITHOUT PREJUDICE***
- Z-31** **LOT ONE HOMES** (Barbara B. Prewett and Gerald D. Prewett, owners) requesting rezoning from **R-20** to **RA-4** for a single-family subdivision in land lot 455 of the 16th district. Property is located on the east side of Trickum Road, north of Sandy Plains Road (3170 Trickum Road). ***WITHDRAWN WITHOUT PREJUDICE***
- Z-33** **PULTE HOME COMPANY** (RB Properties, LLC, owner) requesting rezoning from **O&I** to **RM-12** for a townhome community in land lots 883 and 884 of the 17th district. Property is located on the west side of Cumberland Club Drive, north of Mount Wilkinson Parkway (3290 Cumberland Club Drive). ***WITHDRAWN WITHOUT PREJUDICE***
- Z-37** **SYNERGY INVESTING, LLC** (Synergy Investing, LLC, owner) requesting rezoning from **R-20** to **LRO** for an office in land lots 660 and 661 of the 16th district. Property is located on the north side of Liberty Hill Road, east of Canton Road, east of Jewell Drive, and at the terminus of Hiawassee Drive (905 Liberty Hill Road). ***WITHDRAWN WITHOUT PREJUDICE***

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 31 To consider a stipulation and site plan amendment for First Center, Inc. regarding rezoning application Z-90 of 2015 for property located on the northwesterly side of Sandy Plains Road, north of Ross Road, in land lot 776 of the 16th district (Sandy Plains Road). ***WITHDRAWN WITHOUT PREJUDICE***

O.B. 15 To consider a site plan and stipulation amendment for Mountainprize, Inc. regarding rezoning application Z-43 of 2021, for property located on the east side of Dallas Acworth Highway, south of Cobb Parkway (US Highway 41) in land lots 40, 41, and 75 of the 20th district (4204 Dallas Acworth Highway). ***(Previously continued by the Board of Commissioners (BOC) until the May 17, 2022, BOC Zoning hearing; continued by Staff until the June 21, 2022, BOC Zoning hearing).***

Mr. Pederson presented the Applicant's request to withdraw without prejudice O.B. 15; thereafter, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to **allow** O.B. 15 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0**

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; held by the PC from the April 5, 2022, PC hearing until the May, 3, 2022, PC hearing; continued by Staff from the May 3, 2022, and June 7, 2022, PC hearings until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).***

Z-21 **FRANCISCO PADILLA** (Francisco Joel Padilla Perez, owner) requesting rezoning from **CF** to **NRC** for an office in land lot 1214 of the 19th district. Property is located on the west side of Austell Road, on the south side of Doby Lane (5120 Austell Road). ***(Previously continued by Staff from the April 5, 2022, and May 3, 2022, Planning Commission (PC) hearings until the June 7, 2022, PC hearing; continued by the PC until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).***

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-24** **DAVEST ENTERPRISES, LLC** (Davest Enterprises, LLC, owner) requesting rezoning from **LRO** and **NRC** to **NRC** for a personal care home in land lot 37 of the 20th district. Property is located on the southwest side of Cobb Parkway, north of Cedarcrest Road (4707 Cobb Parkway NW). *(Previously continued by Staff from the May 3, 2022, Planning Commission (PC) hearing until June 7, 2022, PC hearing; held by the PC until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-26** **DUKE REALTY LIMITED PARTNERSHIP** (Charles M. Bettis, owner) requesting rezoning from **GC** and **LI** to **LI** for a warehouse, distribution facility in land lots 499, 502, and 503 of the 18th district. Property is located on the southeast side of Discovery Boulevard and on the northeast side of Mableton Parkway (Discovery Boulevard). *(Previously held by the Planning Commission from the May 3, 2022, Planning Commission (PC) hearing until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-29** **MARIA DEL CARMEN RODRIGUEZ** (Miguel Pineda and Maria Del Carmen Rodriguez Jaime, owners) requesting rezoning from **CF** and **R-20** to **R-20** for a single-family residence in land lots 278 and 279 of the 17th district. Property is located on the north side of Waldrep Circle, west of South Cobb Drive (1802 Waldrep Circle). *(Continued by Staff from the June 7, 2022, Planning Commission (PC) hearing until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-34** **RISE PROPERTIES, LLC** (Techsoft Consulting, LLC, owner) requesting rezoning from **PVC** to **RSL** for residential senior living, non-supportive; multi-family and duplex in land lot 17 of the 25th and 26th districts. Property is located on the south side of East-West Connector, east of Hicks Road, and west of Barnes Meadows Road (4061, 4085 Hicks Road). *(Continued by Staff from the June 7, 2022, Planning Commission (PC) hearing until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-35** **MORRISON BUILDING & INVESTMENT, LLC** (Morrison Building & Investment, LLC, owners) requesting rezoning from **R-20** to **NRC** for commercial use in land lot 42 of the 18th district. Property is located on the south side of Veterans Memorial Highway, north of Lee Road (259 Veterans Memorial Highway). *(Held by the Planning Commission (PC) until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-36** **DAVID GERNATT** (David Gernatt, Trustee of the Shelia Anne Gernatt Irrevocable Trust dated June 19, 2015, owners) requesting rezoning from **R-30** to **R-20** for a single-family subdivision in land lot 335 of the 20th district. Property is located on the west side of County Road, at the terminus of Crestworth Lane (286 County Road). *(Held by the Planning Commission (PC) until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-38** **DAVID PEARSON COMMUNITIES, INC.** (Barnes Farms, LLC, owner) requesting rezoning from **R-30** to **R-15/OSC** for a single family subdivision in land lots 8 and 9 of the 18th district; 1251, 1266, 1267, 1268, 1269, 1322, 1323, 1324, and 1325 of the 19th district. Property is located on the east and west side of Brown Road, north of Stout Parkway (5690, unaddressed parcel Brown Road). *(Continued by Staff from the June 7, 2022, Planning Commission (PC) hearing until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- LUP-8** **DONNA JORDAN** (Mildred Sharlene Mahaffey, Willie Gene Abernathy and Donna Marie Jordan, owners) requesting a **Temporary Land Use Permit** to allow two houses on one lot in land lot 42 of the 18th district. Property is located on the north side of Lee Road, west of Veterans Memorial Highway (264 Lee Road). *(Previously held by the Planning Commission (PC) from the May 3, 2022, PC hearing until the June 7, 2022, PC hearing; continued by Staff until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*
- LUP-10** **JOSE A ORELLANA** (Jose Adelson Orellana, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 16 of the 17th district. Property is located on the south side of Birchwood Road and the east side of Walnut Circle (803 Birchwood Road). *(Continued by Staff until the July 5, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- SLUP-5** **PARALLEL TOWERS III, LLC aka PARALLEL INFRASTRUCTURE LLC** (FDP Properties, LLC, owner) requesting a **Special Land Use Permit** for a cellular tower in land lots 131 and 132 of the 16th district. Property is located on the east side of Canton Road, across from the terminus of Shallowford Road (4648 Canton Rd). *(Previously continued by Staff until the May 3, 2022, Planning Commission (PC) hearing; held by the PC until the June 7, 2022, PC hearing; continued by Staff until the July 5, 2022, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- OSC-1** **GREEN COMMUNITY DEVELOPMENT, LLC** (Charles I Claussen and Alla V Claussen, owners) requesting rezoning from **R-20** to **R-20/OSC** for a single-family subdivision in land lot 740 of the 16th district. Property is located on the east side of Kinridge Court, north of Kinridge Road (2077, 2079 Kinridge Court). *(Continued by Staff until the July 5, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- O.B. 24** To consider a reduction of lot size from the required 20,000 square-feet to 13,112 square-feet for Hal Simpson for property located on the south side of Kenmare Circle, in land lot 260 of the 17th district (170 Kenmare Circle). *(Continued by Staff until the July 19, 2022, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*
- O.B. 26** To consider a site plan amendment for Reich Properties, LLC regarding rezoning application Z-203 of 2005 for property located on the west side of Oakdale Road, and on the east side of South Cobb Drive in land lots 690 and 751 of the 17th district (4849 South Cobb Drive). *(Continued by Staff from the June 21, 2022, Board of Commissioners' (BOC) Zoning hearing until the July 19, 2022, BOC Zoning hearing; therefore, was not considered at this hearing).*

Mr. Pederson made the following announcements and then read in the cases for the Consent Agenda.

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*:

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CONSENT AGENDA (CONT.)

Z-20 **FRANCISCO PADILLA** (Francisco Padilla, owner) requesting rezoning from **R-20** to **NRC** for retail and office in land lots 488, 489, and 549 of the 19th district. Property is located on the northwest side of Powder Springs Road, north of Mellor Lane (1888 Powder Springs Road). *(Previously continued by Staff from the April 5, 2022, and May 3, 2022, Planning Commission hearing until the June 7, 2022, PC hearing).*

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

1. Site Plan received by the Zoning Division on February 3, 2022, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
2. Letters of agreeable conditions from Garvis L. Sams, Jr. dated May 31, 2022 and June 20, 2022 (attached and made a part of these minutes)
3. Fire Department comments and recommendations
4. Water and Sewer Division comments and recommendations
5. Stormwater Management Division comments and recommendations
6. Department of Transportation comments and recommendations
7. Variances identified in the Zoning Division comments

Z-30 **JOSEPH FIAMINGO** (Joseph Michael Fiamingo, owner) requesting rezoning from **R-20** to **LRO** for contractor office in land lot 421 of the 16th district. Property is located on the north side of Blackwell Road, across from Fowler Drive (875 Blackwell Road).

To delete Z-30 to the **Limited Professional Services Permit (LPSP)**, subject to:

1. Pursuant and specific to this particular owner
2. All other Staff comments and recommendations

SLUP-8 **AUTONATION, INC.** (Cobb Barrett Lakes, LLC, owner) requesting a **Special Land Use Permit** for an automobile and truck sales facility (used or pre-owned) in land lot 172 of the 20th district. Property is located on the west side of Barrett Lakes Boulevard, south of Cobb Place Boulevard (2275 Barrett Lakes Boulevard).

To approve SLUP-8, subject to:

1. All cars to be parked in marked parking spaces
2. Fire Department comments and recommendations
3. Water and Sewer Division comments and recommendations
4. Stormwater Management Division comments and recommendations
5. Department of Transportation comments and recommendations

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CONSENT AGENDA (CONT.)

OTHER BUSINESS

O.B. 27 To consider a stipulation amendment for Elvia Benitez regarding rezoning application Z-19 of 2017 for property located on the east side of Mableton Parkway, north of Community Drive in land lots 189 and 190 of the 18th district (6175 Mableton Parkway).

To **approve** O.B. 27, subject to:

- 1. Installation of a 20-foot landscape buffer adjacent to the eastern property line and installation of heavy landscaping for the beautification of the screening in the grassy area to the northwest of the building (size is approximately 300 square feet) to be installed no later than October 21, 2022; landscape and buffer plan to be approved by the County Arborist and the District Commissioner; all landscaping to be maintained with any dead or damaged landscaping to be replaced within 60 days**
- 2. Hours of operation to be seven days a week from 9:00 a.m. until 8:30 p.m.**
- 3. The *use* shall be limited to a clothing retail store which includes new clothing apparel, footwear, and apparel accessories; any other *use* shall require the approval of the Board of Commissioners**
- 4. No expansion of the current building footprint without approval by the Board of Commissioners through a rezoning application or Other Business agenda item**
- 5. Any dumpsters on the property shall be placed in a dumpster enclosure behind the building; the dumpster enclosure must have doors and shall remain closed when not in use; the enclosures must meet County standards**
- 6. Sidewalk sales are prohibited**
- 7. No outside storage of merchandise or other items**
- 8. Cobb DOT comments contained in the Other Business Packet (attached and made a part of these minutes)**
- 9. Fire Department comments contained in the Other Business Packet (attached and made a part of these minutes)**
- 10. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

At the call for O.B. 28 (East Cobb Senior Living, LLC), the Applicant was present and there was no opposition present. Commissioner Richardson had questions regarding stormwater management. In order to address a DOT issue, O.B. 28 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 14 of these minutes).

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CONSENT AGENDA (CONT.)

OTHER BUSINESS

O.B. 29 To consider a site plan amendment for North American Properties regarding rezoning application Z-118 of 1997 for property located on the north side of Roswell Road and on the north and east sides of Marwell Drive in land lot 16 of the 1st district (4475 Roswell Road).

To **approve** O.B. 29, subject to:

1. Site Plan received by the Zoning Division on May 25, 2022, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
2. Upon District Commissioner approval, there is coordination with DOT for a queuing plan in order to address the multimodal uses
3. Email from Ric Grome dated May 28, 2022, which includes the attachments (attached and made a part of these minutes)
4. Email from East Cobb Civic Association dated June 15, 2022, which includes the attachments (attached and made a part of these minutes)
5. Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
6. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
7. All previous stipulations and conditions to remain in effect

O.B. 30 To consider a stipulation and site plan amendment for Traton, LLC regarding rezoning application Z-18 of 2006 for property located on the northeasterly side of Floyd Road and on the westerly side of Hicks Road, south of Concord Road in land lots 29 and 30 of the 17th district, and land lots 1000 and 1073 of the 19th district (Floyd Road).

To **approve** O.B. 30, subject to:

1. Site Plan received by the Zoning Division on May 17, 2022, with the District Commissioner approving the final site plan (attached and made a part of these minutes)
2. Letter of agreeable conditions from Kevin Moore dated June 16, 2022 (attached and made a part of these minutes)
3. Cobb DOT 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. All previous stipulations and conditions to remain in effect

CONSENT VOTE: **ADOPTED 5-0**

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REGULAR AGENDA

By general consensus, companion cases, Z-78'²¹ and SLUP-11'²¹ (St. Benedict's Episcopal School), were heard concurrently but voted on separately.

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) 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, and March 15, 2022, BOC Zoning hearings until the April 19, 2022, BOC Zoning hearing; held by the BOC from the April 19, 2022, BOC Zoning hearing until the June 21, 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) 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, and March 15, 2022, BOC Zoning hearings until the April 19, 2022, BOC Zoning hearing; held by the BOC from the April 19, 2022, BOC Zoning hearing until the June 21, 2022, BOC Zoning hearing).*

The public hearing was opened; Kevin Moore, Mary Rose Barnes, Christina Critzer, and Hal Colbert addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Richardson, second by Gambrill, to **hold** Z-78'²¹ until the August 16, 2022, Board of Commissioners' Zoning Hearing, subject to:

- 1. Completed traffic study analysis with DOT recommendations**
- 2. There shall be at least one community meeting with correspondence as there are updates, and that meeting shall occur at least two weeks prior to the August 16, 2022, Board of Commissioners' Zoning**

VOTE: **ADOPTED 5-0**

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REGULAR AGENDA (CONT.)

SLUP-11'²¹ ST. BENEDICT'S EPISCOPAL SCHOOL (CONT.)

After the vote for Z-78'²¹, the following motion was made for companion case, SLUP-11'²¹:

MOTION: Motion by Richardson, second by Gambrill, to **hold** SLUP-11'²¹ until the August 16, 2022, Board of Commissioners' Zoning Hearing, subject to:

- 1. Completed traffic study analysis with DOT recommendations**
- 2. There shall be at least one community meeting with correspondence as there are updates, and that meeting shall occur at least two weeks prior to the August 16, 2022, Board of Commissioners' Zoning**

VOTE: **ADOPTED 5-0**

Chairwoman Cupid called for a brief recess from 10:12 a.m. until 10:20 a.m.

Z-83'²¹ ST. BOURKE (M.J. Westmoreland, Westmoreland, Inc., owner) requesting rezoning from **OS** and **RM-12** 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, and on the west side of Rioca Circle (6721 Mableton Parkway). *(Previously held by the Planning Commission (PC) from the December 7, 2021, and February 1, 2022, PC hearings until the April 5, 2022, PC hearing; continued by Staff from the April 5, 2022, PC hearing until the May 3, 2022, PC hearing; held by the PC until the June 7, 2022, PC hearing).*

The public hearing was opened; Dan Mason, Mary Rose Barnes, and Robin Meyer addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to approve Z-83'²¹ to the RM-8 zoning district, subject to:

- 1. Letter of agreeable conditions from Dan Mason (St. Bourke) dated June 15, 2022 (attached and made a part of these minutes), with the following changes:**
 - A. Item No. 2: revise to read: "The property shall be rezoned from OS and RM-12 to the proposed zoning classification of RM-8. The zoning shall be site plan specific to the zoning plan by St. Bourke dated May 27, 2022, and revised June 20, 2022. A copy of the site plan is attached with this revised stipulation letter as Exhibit 'A'. The final site plan is to be approved by the District Commissioner."**

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REGULAR AGENDA (CONT.)

Z-83'²¹

ST. BOURKE (CONT.)

- B. Item No. 5 – add to the end: *“All end units that face the street or open areas shall have side elevations as reflected in the rendering marked ‘End Unit at the left end unit fronting Mableton Parkway’ that was submitted on or about March 14, 2022. The final elevations are to be approved by the District Commissioner.” (attached and made a part of these minutes)*
- C. Item No. 12 – add to the end: *“Any dead or damaged plant materials will be replaced within 90 days of planting. These trees shall be planted outside of any utility easements. The final landscape plan is to be approved by the District Commissioner.”*
- D. Item No. 14 – add to the end: *“Escrow agreement to be coordinated with the Applicant, blasting contractor, and the County Attorney’s Office, with the final approval of the agreement made by the District Commissioner. Additionally, an escrow amount in cash shall be submitted to the County in the amount of \$100,000 prior to the issuance of the blasting permit. The sole purpose of this escrow agreement is to compensate property owners for damages (cosmetic and structural) to their property resulting from the blasting activity. The Applicant is required to submit a pre and post blasting report and analysis. Further, the Applicant is required to mail letters of any anticipated blasting to the neighboring homeowners.”*
- E. Item No. 17 – strike the word, *“requirements”* and replace with: *“restrictions”*
- F. Item No. 18 – revise to read: *“Landscaping, stormwater facilities, community entrance monument, dog park, community park, pavilion, parking lot, detention ponds, and all other common areas will be maintained by the HOA.”*
- G. Item No. 19 – add to the end: *“There shall be a 6’ black vinyl-clad fence and 6’ landscape visual buffer of evergreens around the perimeter of the detention ponds.”*
- H. Item No. 21 – add to the end: *“The entry monument to have wired uplights and landscaping that will be maintained by the HOA.”*
- I. Item No. 23 – add to the end: *“...provided and maintained by the HOA.”*
- 2. No construction access from Rioca Circle, except for building the detention pond or for stormwater infrastructure access
- 3. The Rioca Circle detention pond access is allowed for maintenance only
- 4. No construction parking on Rioca Circle or Hunnicut Road

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REGULAR AGENDA (CONT.)

Z-83'²¹ ST. BOURKE (CONT.)

5. Regarding the detention pond on Rioca Circle, the detention pond gate is to be located on the northwest corner of the detention pond
6. Any other variances are to come before the Board of Commissioners as an Other Business item
7. Shift the parking spaces from the Rioca Circle cul-de-sac to the location adjacent to the pavilion
8. All other Staff comments and recommendations, *not otherwise in conflict*

Prior to the vote, discussion ensued, and with consensus by the Board, Commissioner Sheffield amended her motion as follows:

MOTION: Motion by Sheffield, second by Birrell, to **delete** Z-83'²¹ to the RA-5 zoning district, subject to:

1. Maximum of five units per acre
2. All stipulations as previously read into the record

VOTE: **ADOPTED** 5-0

OTHER BUSINESS

- O. B. 22** To consider a site plan and stipulation amendment for Robert A. Kerr and Rachelle Kerr regarding rezoning application Z-51 of 2013, for property located on the north side of Roswell Road, west of Robert Lane in land lots 961, 984, and 985 of the 16th district (925 Sunny Meadows Lane). (*Previously continued by Staff from the May 17, 2022, Board of Commissioners' (BOC) Zoning hearing until the June 21, 2022, BOC Zoning hearing*).

Mr. Pederson presented the Applicant's request for the continuation of O.B. 22; thereafter, the following motion was made:

MOTION: Motion by Richardson, second by Gambrill, to **continue** O.B. 22 until the July 19, 2022, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

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REGULAR AGENDA (CONT.)

Z-32 **AMADEUS, LLC** (Amadeus, LLC, owner) requesting rezoning from **GC** to **NRC** for a commercial kitchen, offices, warehouse, and event space in land lot 637 of the 16th district. Property is located on the west side of Canton Road, north of Westerly Way (2469 Canton Road).

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

MOTION: Motion by Birrell, second by Gambrill, to **approve** Z-32 to the **NRC** zoning district, subject to:

- 1. Letter from Carol Brown dated June 1, 2022 (attached and made a part of these minutes), with the *revised* hours of operation for the public to be Monday through Saturday, 7:00 a.m. until 11:00 p.m. and Sunday, 11:00 a.m. until 6:00 p.m.**
- 2. Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED 5-0**

OTHER BUSINESS

O.B. 25 To consider a stipulation amendment for B & J Appliance Repair, LLC regarding rezoning application Z-32 of 2011 for property located on the west side of Austell Road, south of Pat Mell Road in land lot 85 of the 17th district (2108 Austell Road).

The public hearing was opened, and Sam Baskin, Jr. addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **approve** O.B. 25, subject to:

- 1. There is to be no appliances delivered to this location**
- 2. This location is for an office space**
- 3. Delivery is restricted to parts for the appliances**
- 4. The business hours are Monday through Saturday from 8:00 a.m. until 5:00 p.m.**
- 5. For this use *only*; any change is to come back to the Board of Commissioners as an Other Business item**
- 6. All other stipulations, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED 5-0**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 21, 2022
PAGE 14**

OTHER BUSINESS (CONT.)

O.B. 28 To consider a stipulation and site plan amendment for East Cobb Senior Living, LLC regarding rezoning application Z-41 of 2010 for property located on the south side of Lower Roswell Road, east of Cove Drive in land lots 1114 and 1115 of the 16th district (4220 Lower Roswell Road).

The public hearing was opened; Parks Huff and Chris Lindstrom addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Richardson, second by Gambrill, to **approve** O.B. 28, subject to:

1. Letters of agreeable conditions from Parks Huff dated June 15, 2022 and June 16, 2022 (attached and made a part of these minutes), with the following change to June 15, 2022 letter:
 - A. Item No. 4 – replace last sentence to read: *“Sterling will ensure that there is no parking on adjacent public roadways, including adjacent neighborhood roads.”*
2. Letter from East Cobb Civic Association (ECCA) dated June ~~15~~ 17, 2022 (attached and made a part of these minutes)
3. Applicant agrees to review previous stormwater issues and compounded impact as a result of the additional units in coordination with Stormwater Management and to provide a plan to address such issues
4. Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes), *with the exception* that the comment about the right-of-way donation be removed
5. Water and Sewer Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
6. Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
7. Fire Department comments and recommendations (attached and made a part of these minutes)
8. All other Staff comments and recommendations, *not otherwise in conflict*

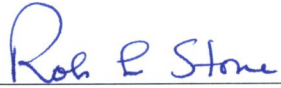
Clerk’s Note: In stipulation #2, the ECCA letter is dated June 17, 2022, rather than June 15, 2022, as stipulated.

VOTE: **ADOPTED 5-0**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 21, 2022
PAGE 15**

ADJOURNMENT

The hearing adjourned at 11:52 a.m.



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

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



from
the
ground
up

Min. Bk. 95 Petition No. Z-83 '21
Doc. Type letter
Meeting Date 6-21-2022

6/15/2022

Application: Z-83-2021

Dear Mr. Pederson,

On behalf of my client, Kerley Family Homes, and the titleholder M.J. Westmoreland & Westmoreland, Inc., this letter shall serve as a stipulation letter reflecting Kerley Family Homes and St. Bourke (the applicant) agreeing to the following stipulations becoming conditions and binding to the subject property located at 6721 Mableton Parkway, 6709 Rioca Circle, and a portion of 6773 Rioca Circle in Land Lots 390 & 391, 18th District, 2nd section of Cobb County, Georgia.

1. The stipulations and conditions set forth below shall replace and supersede all prior stipulations and conditions regarding application Z-83-2021.
2. The property shall be rezoned from OS and RM-12 to the proposed zoning classification of RM-8. The zoning shall be site plan specific to the zoning plan by St. Bourke dated May 27, 2022 and revised June 10, 2022. A copy of the site plan is attached with this revised stipulation letter as Exhibit "A".
3. The property consists of 8.0 acres, more or less, and shall be developed with a maximum of 38 townhomes.
4. Finished floor homes sizes shall be over 1,950 square feet which includes a finished basement level.
5. The proposed townhomes elevations are attached to this stipulation letter as Exhibit "B". There shall be front and rear entry townhomes. Front porch stoops shall be brick. The exterior color scheme for the townhomes will be similar to the attached color renderings of the units facing Mableton Parkway.
6. The development of the community shall comply with all Cobb County Development Standards.
7. There shall be a Homeowners Association with a governing Declaration of Covenants, Easements, and Restrictions for the community.



8. All roads ending in cul-de-sacs shall be public.
9. The portion of the property which borders Rioca Circle (Parcel 18039100160) shall only be used as open space or detention if required.
10. There shall be a 25' natural landscape buffer between the existing single-family homes along Rioca Circle and the Georgia Power property to the west.
11. All invasive vines within the proposed 25' landscape buffer shall be removed.
12. To provide additional screening along the eastern side of the property, the applicant agrees to plant an enhanced buffer with a minimum of twenty-five (25) additional trees outside of the 25' landscape buffer bordering the homes along Rioca Circle. The trees shall be a mixture of overstory, understory and evergreen. Trees shall be planted behind and on the sides of proposed units. At time of planting overstory trees shall be a minimum of 2" caliper, understory trees shall be 8-10 feet in height, and evergreen trees shall be a minimum of 6 feet in height. These trees shall be planted outside of any utility easements.
13. All setbacks and landscape buffers may be encroached upon for purposes of access, utilities, and stormwater management. Should trees be required to be removed from the 25' natural landscape buffer, the applicant shall plant back plant materials with accordance with Cobb County Codes, Ordinances, and Development Standards.
14. Should blasting be required due to rock, the developer shall follow all county and state laws and regulations.
15. All townhome exteriors and roofs to be maintained by the HOA.
16. All units to have two-car garages. No garage areas within the community shall be converted into heated living space. Garages shall remain available for parking of vehicles and not used as storage.
17. All units shall be "for sale" units. There shall be no more than four (4) units being leased at a time. The community HOA shall be responsible for enforcing rental requirements.
18. Landscaping, stormwater facilities, community entrance monument, dog park, community park, and pavilion will be maintained by the HOA.
19. Stormwater detention areas shall be landscaped and maintained to county standards.
20. The community will have an enhanced park with pavilion and a separate dog park area.
21. There shall be a community entry monument along Mableton Parkway consistent with the style of community architecture.
22. There shall not be commercial dumpsters located within the community.



23. A school bus waiting area for children of residents shall be provided.
24. Mableton Parkway Design Guidelines shall apply to community frontage along Mableton Parkway.
25. Applicant agrees to the creation and establishment of a Landscape Review Committee consisting of a representative of Applicant and/or Developer and/or Owner, a representative of the Mableton Improvement Coalition, and a representative of the Cobb County Community Development Agency. The Landscape Review Committee shall be responsible for the review and approval of the landscape, fencing plans, and buffering: as well as the frontage landscaping.
26. All utilities will be underground and street lighting will be environmentally sensitive.
27. Minor modifications to the stipulations to the site plan, regarding lighting, landscaping, site features/park areas, architecture, signage, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
- a) Increase the project density
 - b) Reduce the size of exterior setbacks or landscape buffers bordering the homes fronting Rioca Circle
 - c) Change the community access from Mableton Parkway
 - d) Would be in direct contradiction or conflict with the stipulation of this rezoning, Cobb County Code, or in conflict with Staff Recommendations adopted with the final zoning decision.

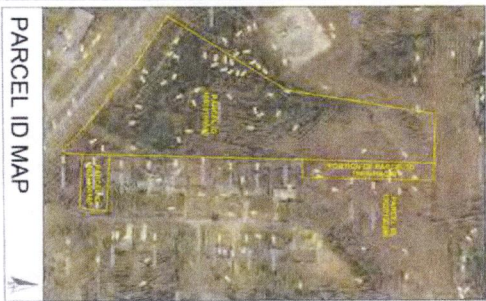
Regards,

Dan Mason

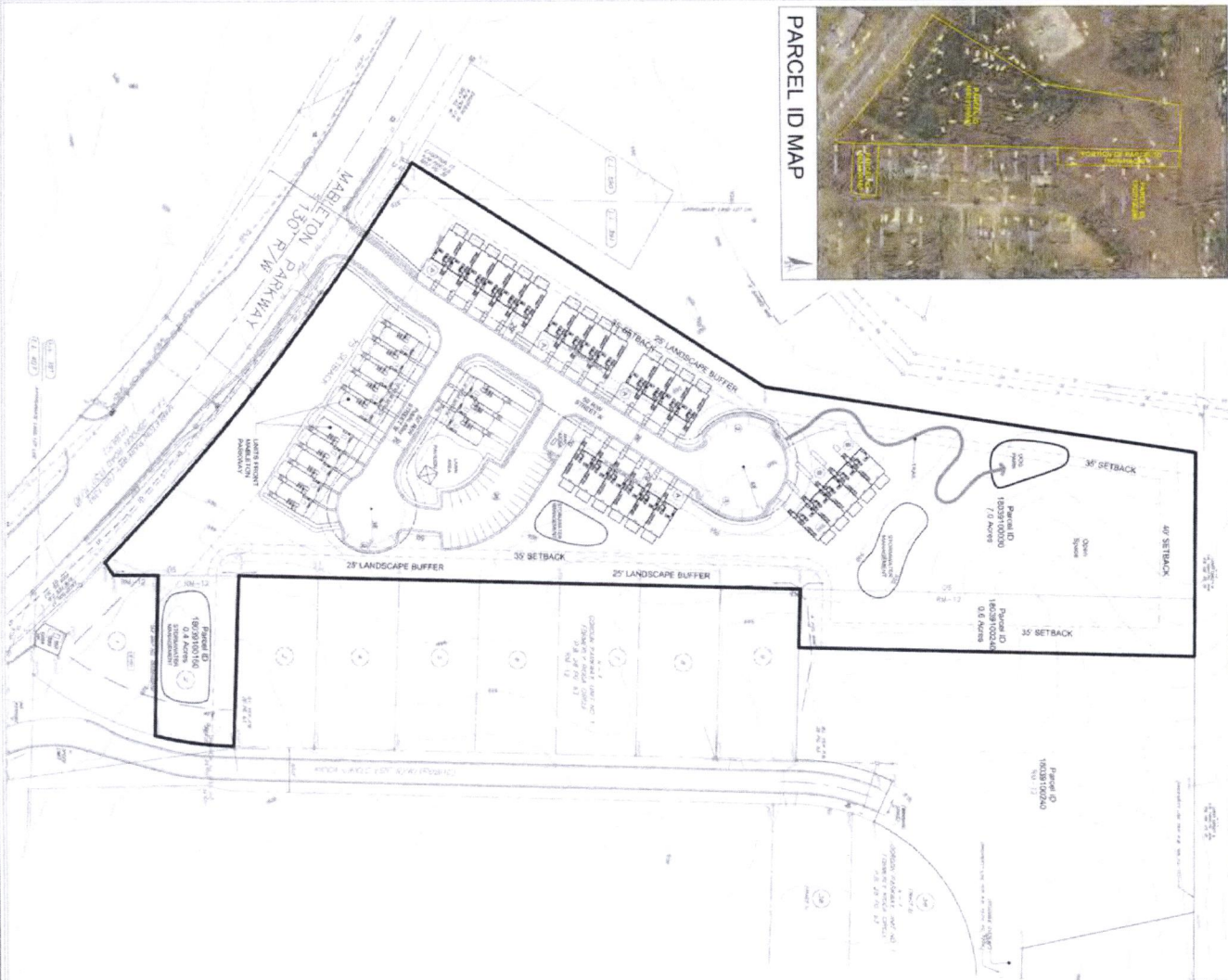
Dan Mason
VP- Planning and Design
St. Bourke



EXHIBIT "A"



PARCEL ID MAP



TYPICAL FRONT ENTRY UNIT
 NOT TO SCALE



TYPICAL REAR ENTRY UNIT
 NOT TO SCALE

DEVELOPMENT SUMMARY

Total Area Area:	8.0 Acres
Parcel ID 18039100030 (OS)	7.0 Acres
Parcel ID 18039100160 (RM-12)	0.4 Acres
Parcel ID 18039100240 (RM-12)	0.6 Acres
Current Zoning:	OS & RM-12
Proposed Zoning:	RM-8
Proposed Townhomes:	38
Proposed Density:	4.75 Units Per Acre
Exterior Property Setbacks:	
Front:	75'
Side:	35'
Rear:	40'
Interior Setbacks From R/W:	
Front:	15'
Side Between Buildings:	10'
Side Corner:	15'
Rear:	10'

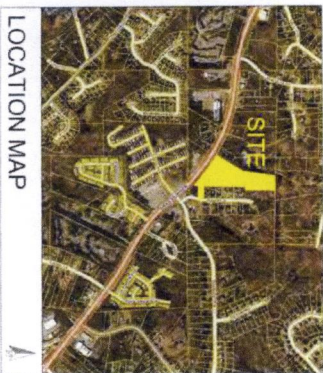
All townhomes to have sprinkler systems.

Parking Requirements
 Resident Parking Required: 76 (2 per unit)
 Guest Parking Required: 32 @ (1 per unit)
 4 @ (0.5 per unit)

Resident Parking Provided: 152 (2 Garage + 2 Drive)
 Guest Parking Provided: 34 Spaces
 Total Parking Provided: 186 Parking Spaces
 A = Denotes 20' wide x 22' long driveway
 B = Denotes driveway longer than 50', no spaces required.

Parcel ID 18039100160 to be detention area
ADDITIONAL NOTES:
 THERE IS NO 100-YEAR FLOOD ON THE PROPERTY.
 THERE ARE NO WETLANDS ON THE PROPERTY.
 THERE ARE NO CEMETERIES ON THE PROPERTY.
 THERE ARE NO STRAINS ON THE PROPERTY.
 THERE ARE NO ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS ON THE PROPERTY.
 THE PROPERTIES ARE OWNED BY:
 WESTMORELAND INC.

PROPERTIES ARE LOCATED IN LAND DISTRICT 18 (LAND LOT 391).
 PROPERTY ADDRESSES:
 6721 Mableton Parkway (Parcel ID 18039100030)
 6709 Rioca Circle (Parcel ID 18039100160)
 6773 Rioca Circle (Parcel ID 18039100240)
 SURVEY BY GASKINS ENGINEERING AND SURVEY, DISCLAIMER: THIS CONCEPT PLAN IS SUBJECT TO CHANGE BASED UPON FINAL ENGINEERING.



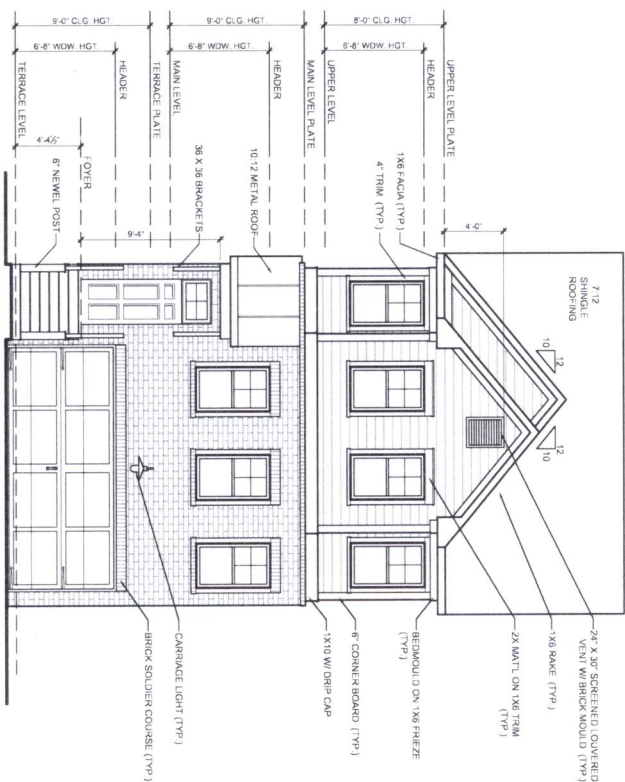
LOCATION MAP



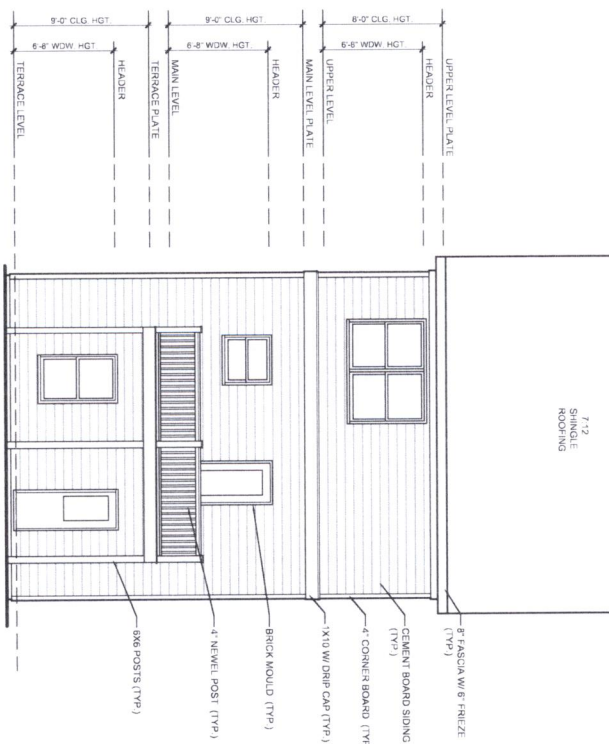
ST. LOURDE
 Land Planning & Development
 11222 Alameda Road, Suite 300
 Atlanta, GA 30328
 404.525.2750 • 404.525.2750

ZONING PLAN
MABLETON PARKWAY TRACT
 KERLEY FAMILY HOMES COBB COUNTY, GA

EXHIBIT "B"



THE PINE - FRONT ELEVATION "AA-1"
 SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
 SCALE: 1/4" = 1'-0" (24 X 36 SHEET)



THE PINE - REAR ELEVATION
 SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
 SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

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Birch - Pine - Redwood

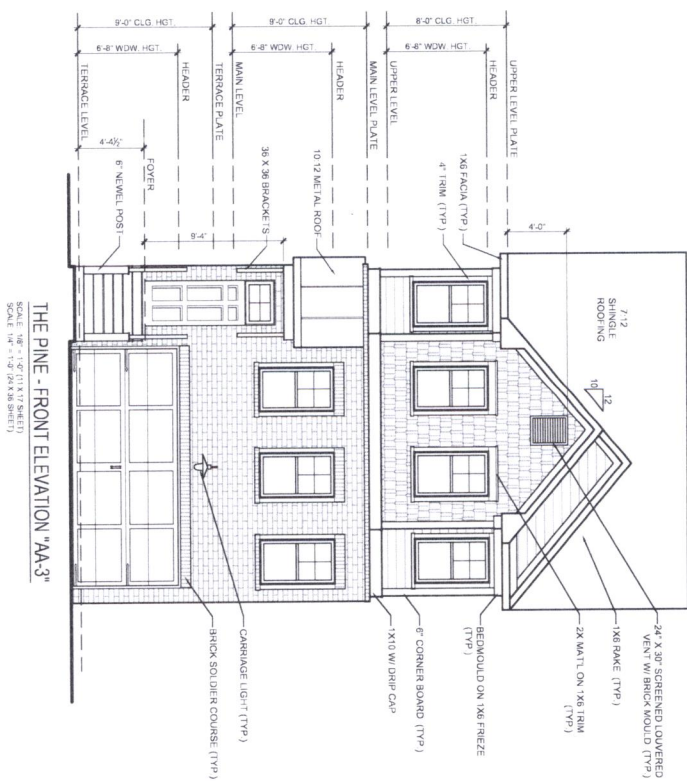
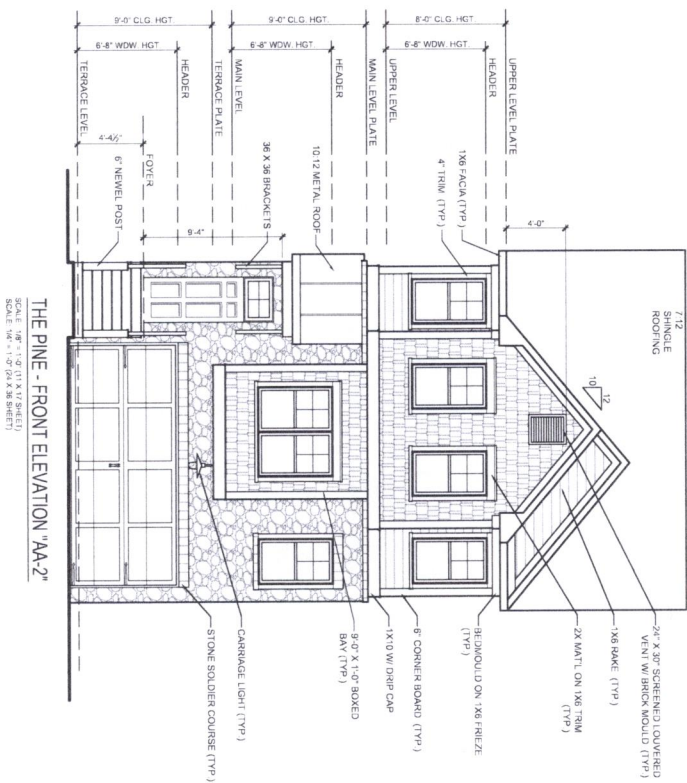
PLAN REVISIONS

DATE	DESCRIPTION
07/02/2018	Revisions
07/02/2018	Revisions
07/02/2018	Revisions
07/02/2018	Revisions
07/02/2018	Revisions

Sheet#

A-1

Petition No. 7-83^{'21}
Meeting Date 6-21-22
Continued _____



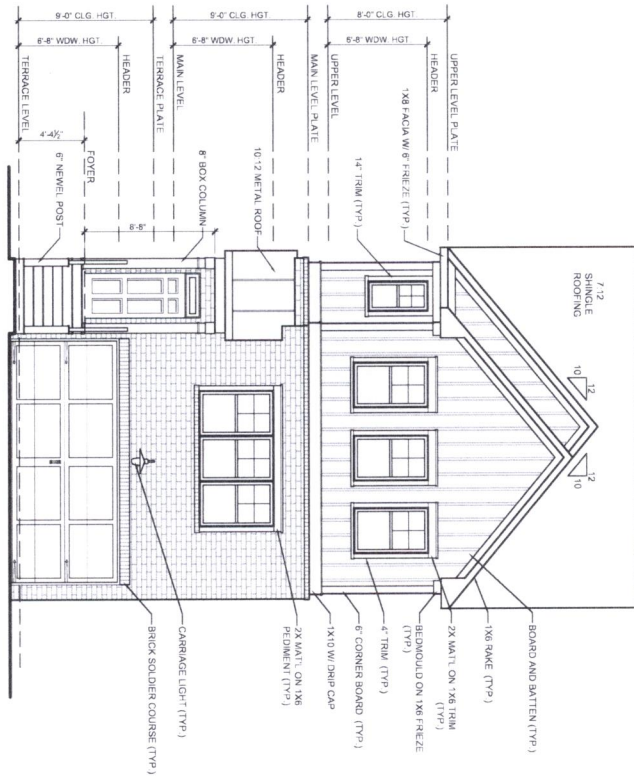
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Birch - Pine - Redwood

sheet#

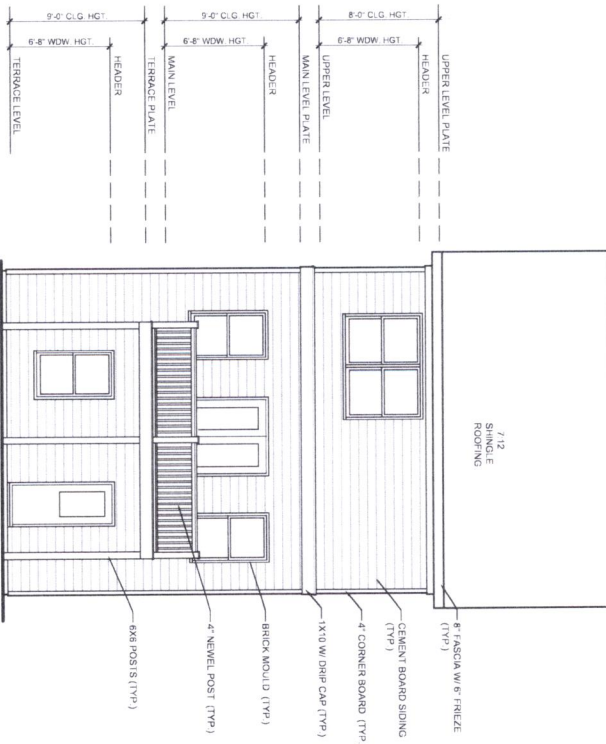
A-1

PLAN REVISIONS	
DATE	DESCRIPTION
01/11/2018	Redraw - new application
01/24/2018	Revisions
02/12/2018	New elev. EE
03/28/2018	Detailed pgs. added



THE BIRCH - FRONT ELEVATION "AA-1"

SCALE: 1/8" = 1'-0" (SEE SHEET)



THE BIRCH - REAR ELEVATION

SCALE: 1/8" = 1'-0" (SEE SHEET)

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Birch - Pine - Redwood

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DATE	DESCRIPTION
07/11/2021	DESIGN
07/12/2021	REVISION
07/12/2021	NEW REV. 22
07/12/2021	FINAL P&H

sheet#
A-1



sheet#
A-1

PLAN REVISIONS	
DATE	DESCRIPTION
01/15/2018	Revised: new ops
01/24/2018	Revisions
02/12/2018	New spec. EE
03/28/2018	Detailed P&ID added

Birch - Pine - Redwood

Z-83 '21

Meeting Date

6-21-2022

Continued



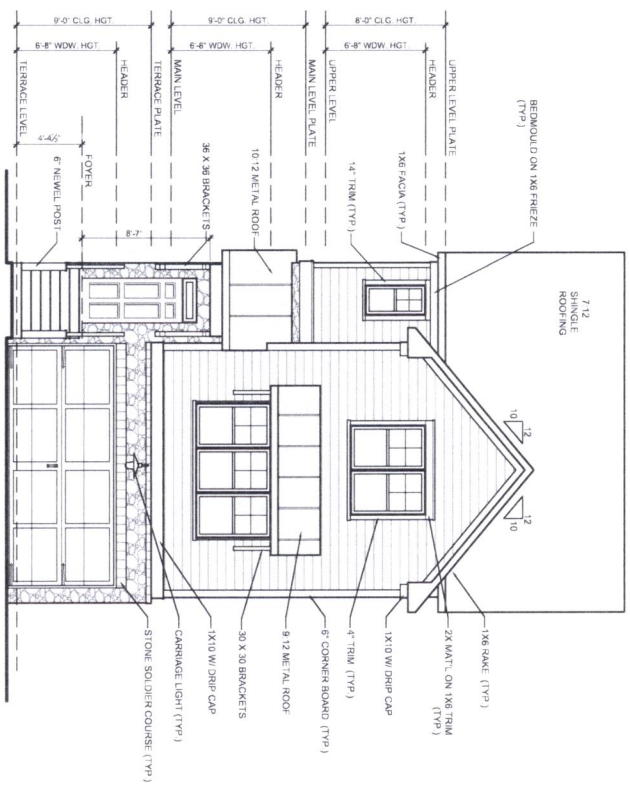
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DATE	DESCRIPTION
01/16/2018	Redraw, new cap
01/24/2018	Revisions

A-1b

Birch - Pine - Redwood

A-1b



THE REDWOOD - FRONT ELEVATION AA-2
 SCALE: 1/8" = 1'-0" (ON A-SHEET)

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Birch - Pine - Redwood



PLAN REVISIONS	
DATE	DESCRIPTION
01/18/2018	Initial set of plans
07/26/2018	Revisions
02/12/2019	New plan set
02/26/2019	Final set of plans

sheet#
A-1b



Five Unit Building
ATTACHED UNITS FRONTING MAPLETON PARKWAY

Min. Bk. 95 Petition No. Z-83 '21
Doc. Type "End Unit" rendering

Meeting Date 6-21-2022



Five Unit Building

ATTACHED UNITS FRONTING MABLETON PARKWAY



Four Unit Building

ATTACHED UNITS FRONTING MABLETON PARKWAY



↑
"Left end unit fronting Mableton Parkway"

FILED WITH COUNTY CLERK THIS 21st DAY
OF June 20 22 BY Commissioner Sheffield
RE Z-83 (2021)
Rae L. Stone
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
CORT COUNTY, GEORGIA

1. SITE PLAN APPROVAL DOES NOT INCLUDE TANKS. TANKS SHALL BE PERMITTED SEPARATELY. AT CEND, CALL 770 426-6310 TO SCHEDULE AN APPOINTMENT FOR PLAN REVIEW.

4. PLEASE CONTACT TERRY MARTIN, PLANNER 2, WITH ANY QUESTIONS AT 770-528-2055 OR TERRY.MARTIN@COBBOCOUNTY.ORG

PROPOSED BUILDING USE:
OFFICE
- 1,289 SF (EXISTING FLOOR AREA)

- TOTAL SQUARE
 FEET REQUIRED = 8 SPACES (1 SPACE PER 288 SQUARE FEET) (NET) OF FLOORSPACE
 TOTAL PARKING PROVIDED = 8 SPACES (INCLUDING 1 HC SPACE)
ZONING REQUIREMENTS
 EXISTING ZONING = R60
 PROPOSED ZONING = INC
 PROPOSED USE: COMMERCIAL
 MAXIMUM LOT AREA: 20,000 SQUARE FEET.

1. ANY DRIVE, ACCESS, SIDEWALK/SHOULDER CROSS SLOPE, IN THE R/W, IS TO MATCH THE STD 1/4" PER LF (2% PER ADA).

1. ALL DUTY-OUTS ARE TO BE REPORTED AND CLEARED, SHOWING TIME IN PLACES AND DUTY-OUTS ARE TO BE SUBMITTED, REVIEWED AND FORWARDED TO DUTY DIVISION UNDER SUPERVISOR'S SIGNATURE.
2. A COMPANY REPRESENTATIVE OF TRANSPORTATION (DOT) PERMIT IS REQUIRED, APPROVAL OF WORK ORDER AND A CHECKLIST TO BE SENT WITHIN 24 HOURS TO EACH CHARTERED TRAVELLING.
3. ALL PERSONNEL/VEHICLE DUTY OUTS ARE TO BE SUBMITTED, REVIEWED AND FORWARDED TO DUTY DIVISION UNDER SUPERVISOR'S SIGNATURE.
4. ALL PERSONNEL/VEHICLE DUTY OUTS ARE TO BE SUBMITTED, REVIEWED AND FORWARDED TO DUTY DIVISION UNDER SUPERVISOR'S SIGNATURE.

THE SITE CONTAINS: 0.615 ACRES

- [illegible]

**NO STREET PARKING HAS BEEN
APPROVED FOR THIS DEVELOPMENT**

THE CONTRACTOR SHALL IMMEDIATELY
HE MAY DISCOVER IN THESE PLANS.

Sheet No. **C-1**

1888 Powder Springs Road SW
Land Lot 459 & 488, 19th District
Cobb County, Georgia



DATE	2-2-22	REVISIONS	
SCALE	AS SHOWN		
DRAWN	AR		
CHECKED	GRB		

Prepared For
Claudia Padilla
5120 Austell Road
Austell, GA 30106
678-879-9333

Prepared By:
**CRESCENT VIEW
ENGINEERING, LLC:**
211 Frasier Street
Marietta, GA 30060
678-324-8410
www.crescentvieweng.com

Min. Bk. 95 Petition No. Z-20
Doc. Type letter (5-31-2022)
Meeting Date 6-21-2022



COPY

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

May 31, 2022

(STIPULATION LETTER, REVISED SITE PLAN AND RENDERINGS/ELEVATIONS)

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 Francisco Padilla to Rezone an approximate 0.615 ± Acre Tract from R-20 to NRC – Located on Powder Springs Road (No. Z-20 [2022])

Dear John:

As you know, I represent Francisco Padilla concerning the above-captioned Application for Rezoning. The Application was previously continued and is now scheduled to be heard by the Planning Commission on June 7th and the Board of Commissioners' on June 21st, respectively.

The Subject Property is situated at the northwest corner of Powder Springs Road and Mellor Lane and is currently zoned R-20 (Single-family Residential). The Applicant is requesting rezoning in order to repurpose and retrofit the existing house on the property for office use.

The County's Professional Staff has recommended deleting the requested Neighborhood Retail Commercial ("NRC") zoning district to the Low Rise Office ("LRO") zoning district to allow the office utilization. In that regard, we have continued our dialogue with your Staff and we are amenable to the deletion to LRO for office use.

With respect to the foregoing, our clients have given us the authority to propose the following stipulations which, if the Application for Rezoning is approved, shall become conditions and a part of the requested rezoning and binding upon the Subject Property thereafter. The referenced stipulations are as follows, to wit:

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
May 31, 2022
Page 2

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 property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The Rezoning of the Subject Property shall be in substantial conformity to that certain Revised Site Plan prepared by Crescent View Engineering, LLC being submitted concurrently herewith.
3. The Subject Property shall be retrofitted and rehabbed for the purposes of the use of the building on the Subject Property for office purposes.
4. The architectural style and composition of the building shall be consistent with the attached renderings/elevations.
5. Parking area lighting shall be maximally illuminated to the extent allowed under the Cobb County Zoning Ordinance. Security lighting on the building shall also be maximally illuminated; however, no lighting shall be allowed to penetrate outside the boundaries of the subject property.

In addition to the lighting as described above, the subject property shall be secured by strategically positioned 24-hour, monitored video surveillance. Any video surveillance tape shall be retained for a period of time for no less than a six-week loop prior to re-recording.

6. The submission of a Landscape Plan during the Plan Review process, subject to review and approval by the County Arborist with final review and approval by the District Commissioner.
7. Dumpsters shall be located consistent with Cobb County Ordinance regulations. Dumpster lids shall contain rubber cushions to reduce noise and the enclosure surrounding shall be designed to be complementary to the building architecture while meeting all Development Standards.
8. Compliance with the following recommendations from the Cobb County Department of Transportation ("DOT"):

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
May 31, 2022
Page 3

- a. Applicant will enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of the following system improvements to mitigate traffic concerns: The donation of right-of-way on the north side of Mellor Lane, a minimum of 25 feet (25') from the roadway centerline.
- b. As necessitated by the development, the Powder Springs Road access is to include taper and/or improved curb radius, the location and design of which will be determined during Plan Review, subject to DOT approval.
- c. The driveway on Powder Springs Road will be restricted to right-in access only due to the proximity of the driveway to the Mellor Lane intersection to the south. This stipulation is made because commercial driveways require 100 feet (100') straight-line distance (from end of intersection curb return to start of driveway curb return) per Development Standard 402.08.
- d. Applicant will verify that minimum intersection sight distance is available for the Powder Springs Road access and if it is not, Applicant will implement remedial measures, subject to DOT's approval, to achieve the minimum requirement of 630 feet (630'). This is only required if entering movements are permitted at the Powder Springs Road driveway.
- e. Applicant shall replace disturbed curb, gutter, and add sidewalk along the Powder Springs Road frontage.
- f. The Powder Springs Road and Mellor Lane access points will include a minimum of 50 feet (50') of uninterrupted ingress/egress from the right-of-way.
- g. Applicant will remove and close driveway aprons along the Powder Springs Road and Mellor Lane frontages that the development renders unnecessary.
- h. As necessitated by this development, Mellor Lane access will include taper and/or improved curb radius, all of which will be determined at Plan Review, subject to DOT approval.
- i. Applicant shall ensure a minimum of 100 feet (100') straight-line distance

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
May 31, 2022
Page 4

(from end of intersection curb return to start of driveway curb return) from Powder Springs Road to the Mellor Lane access per Development Standard 402.08.

- j. Applicant shall verify that minimum intersection sight distance is available for the Mellor Lane access, and if it is not, Applicant shall implement remedial measures, subject to DOT's approval, to achieve the minimum requirement of 280 feet (280').
 - k. Applicant shall install curb, gutter, and sidewalk along the Mellor Lane frontage. Existing rollback curb is to be replaced with standard curbing as per §401.15.1, Curbing, of the Cobb County Development Standards.
 - l. Applicant will meet all Cobb County development Standards and Ordinances related to project improvements.
9. Compliance with recommendations from the Stormwater Management Division with respect to stormwater management, detention, water quality and downstream considerations, including the following:
- a. Applicant shall control stormwater discharges not to exceed the existing capacity of the downstream storm drainage system including drainage swales and roadside ditches.
 - b. Applicant shall substantially mitigate any effects of concentrated stormwater discharges onto adjacent properties and that level spreaders may be required to disburse the stormwater discharge.
 - c. Applicant shall secure drainage easement(s) to receive concentrated discharges where none naturally exist downstream.
 - d. Applicant's engineer shall evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s), including hydrologic routing through the downstream detention pond or lake.
 - e. Applicant will adhere to Stormwater Runoff Reduction required by the Georgia Stormwater Management Manual ("GSMM") as of January 1, 2021;

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
May 31, 2022
Page 5

unless it is determined to be infeasible during Plan Review. If it is determined to be infeasible, additional water quality designs will be required in accordance with the GSMM.

- f. Applicant agrees at the time of Plan Review all Erosion Control Best Management Practices (“BMPs”) shall be designed in accordance with the “Manual for Erosion and Sediment Control in Georgia”.
- 10. Compliance with recommendations from the Cobb County Water System with respect to the availability of water and sewer capacity concerning the subject property.
- 11. The Subject Property will be Rezoned to the LRO Zoning District as recommended by the Zoning Division.
- 12. Compliance with the recommendations from the Cobb County Fire Department with respect to Fire Prevention and Life Safety issues.
- 13. The District Commissioner shall have the authority to approve certain minor modifications to the site plan, architecture and these stipulations 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 the same or in a more restrictive zoning district.
 - b. Relocate a structure closer to the property line to an adjacent property which is zoned the same or in a more restrictive zoning district.
 - c. Increase the height of a building adjacent to property which is zoned in the same or a more restrictive zoning district.
 - d. Change access locations to different roadways.
 - e. Increase the square footage of the proposal.
 - f. Modifications adverse to provisions of the Cobb County Zoning Ordinance or ones which would require the granting of a Variance(s).

VIA HAND DELIVERY & EMAIL

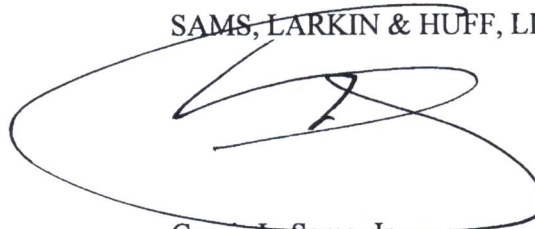
Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
May 31, 2022
Page 6

In all respects, the proposed Rezoning, as modified and revised hereby, is appropriate from a land use planning perspective particularly in view of the upgrades which are needed at this particular intersection and in view of the fact that the Subject Property is located within the confines of a Neighborhood Activity Center ("NAC") under the County's Future Land Use Map.

Please do not hesitate to contact me should you have any questions or need any further documentation regarding these matters prior to the Application being heard and considered by the Planning Commission and the Board of Commissioners. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A large, stylized handwritten signature in black ink, appearing to be 'G. Sams, Jr.', is written over the printed name and email address.

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

GLS, Jr./jac
Enclosures/Attachments

cc: Members, Cobb County Board of Commissioners (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)
Mr. Terry Martin, Planner III (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)

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-20
Meeting Date 6-21-2022
Continued

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
May 31, 2022
Page 7

cc: Ms. Abby Rettig, Cobb DOT (via email w/attachments)
Mr. Tim Davidson, Water System (via email w/attachments)
Mr. Francisco Joel Padilla Perez (via email w/attachments)
Mr. Trey Baltz, P.E. (via email w/attachments)
Pastor Tommy Young, Bethlehem Baptist Church (via email w/attachments)

1. SITE PLAN APPROVAL: DOCS WILL INCLUDE VIEWS, VIEWS SHALL BE PERMITTED RESPONSIBILITY. AT COST, CALL 770-528-8110 TO SCHEDULE AN APPOINTMENT FOR PLAN REVIEW.

- [illegible]

**NO STREET PARKING HAS BEEN
APPROVED FOR THIS DEVELOPMENT**

RECEIVED
MAY 31 2022
CITY OF CHICAGO
ZONING DIVISION

SITE NOTES

THE SITE CONTAINS 0.815 ACRES

THE NORTH ARROW AND SCALE ARE SHOWN ON THIS PLAN

SURVEY INFORMATION TAKEN FROM SURVEYS PROVIDED BY

NOVEMBER 15, 2021.

NO PORTION OF THIS PROPERTY IS INSIDE OR ADJACENT TO A FLOOD INSURANCE RATE MAP (FIRM) 15-0470-D-0001.

THEY ARE NO MATTER OF THE STATE OF GEORGIA OR THE

APPROXIMATE STATE WATER GASTINGS ARE SHOWN ON THE

IMPACTS TO ANY STATE ORIGIN BODIES.

NO WEIGHS EXIST WITHIN 200 FT OF THE PROJECT SITE.

TO THE BEST OF OUR KNOWLEDGE, THERE NO CONFLICTS OF INTEREST EXIST ON SITE. IN THE EVENT THAT THESE U

CONSTRUCTOR, THE FIRM MUST BE CONTACTED IMMEDIATELY BY THE PROJECT MANAGER.

CONDUCTING RESEARCH

POULSEN / JOHNSON AND LITVINI 3901 IN: COOPERATIVES
AND COLLECTIVISM: CHALLENGES THAT PREOCCUPY OVER THE
WORLDWIDE

ALUMINUM WITH EXISTING STRUCTURES ON SURVEY.

THE EXISTING UTILITIES SHOWN ON THE PLANS ARE SHOWN FOR INFORMATION ONLY. THE USER SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.

UTILITIES SHOWN ON THE UTILITIES WHICH MAY EXIST ON THE PROJECT SHALL HAVE THE RESPONSIBILITY TO VERIFY

COOPERATION. GOOD. HAVE THE NEAR OPPORTUNITY TO HAVE THE PLANS AND REPORT ANY DISCREPANCIES TO THE OWNERS.

ALSO HAVE THE RESPONSIBILITY AND OBLIGATION OF

UNITED STATES, TELEPHONE LINES, OR OTHER UTILITY

UNDERGROUND UTILITIES SERVING OR CROSSING THE PROJECT
PRESENT NO PROBLEMS AS RELATED TO CONSTRUCTION OF THE

UTILITY INFORMATION SYSTEM. ALL UNDERGROUND UTILITY AND CONSTRUCTION ACTIVITY BY THE UTILITY INDUSTRY.

WAY AREA AND BY A PRIVATE UTILITY LOCATION FOR UTIL

CONTRACTOR SHALL CONTACT THE UTILITY LOCATOR AS NEEDED.

UTILITIES WARNED PRIOR TO ANY CONSTRUCTION ACTIVITY, LOCATOR LOCATE ALL UTILITIES WITHIN THE CONSTRUCTION

PROTECTION CONTINUED

THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER MAY OCCUR IN THESE PLANS

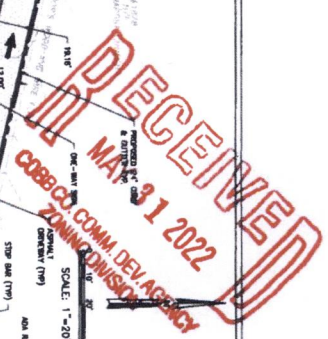
Wiederholte Untersuchungen des Untersuchungsgegenstands

Journal of Management Inquiry, Vol. 19 No. 1, March 2010
DOI: 10.1177/1056492609358000
© The Author(s) 2010

C-1	Sheet No.	Zoning Plans For: 1888 Powder Springs Road SW Land Lot 459 & 488, 19th District Cobb County, Georgia		Site Plan <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">DATE</td> <td style="width: 50%;">REVISIONS</td> </tr> <tr> <td>10-25-21</td> <td></td> </tr> <tr> <td>03-18-2022</td> <td>ZONING COMMENTS</td> </tr> <tr> <td>04-25-2022</td> <td>ZONING COMMENTS</td> </tr> </table>	DATE	REVISIONS	10-25-21		03-18-2022	ZONING COMMENTS	04-25-2022	ZONING COMMENTS	Prepared For: Claudia Padilla 5120 Austell Road Austell, GA 30106 878-879-9333	Prepared By: CRESCENT VIEW ENGINEERING, LLC 211 Fraser Street Marietta, GA 30060 878-324-0610 www.crescentview.com
	DATE	REVISIONS												
	10-25-21													
	03-18-2022	ZONING COMMENTS												
04-25-2022	ZONING COMMENTS													

1. THE SUBJECT WAS OBSERVED BY AN OFFICIAL OF THE FBI DURING HIS VISIT TO THE OFFICE OF THE ATTORNEY GENERAL ON FEBRUARY 1, 1968. THE SUBJECT WAS OBSERVED BY AN OFFICIAL OF THE FBI DURING HIS VISIT TO THE OFFICE OF THE ATTORNEY GENERAL ON FEBRUARY 1, 1968.
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OFFICE - 1,280 SF (EXISTING FLOOR AREA)
OFFICE SPACE - 6 SPACES (1 SPACE PER 200 SQUARE FEET) OF FLOORSPACE
PARKING REQUIRED - 8 SPACES (1 SPACE PER 200 SQUARE FEET) OF FLOORSPACE
TOTAL PARKING PROVIDED - 8 SPACES (INCLUDING 1 INC. SPACES)

- [illegible]

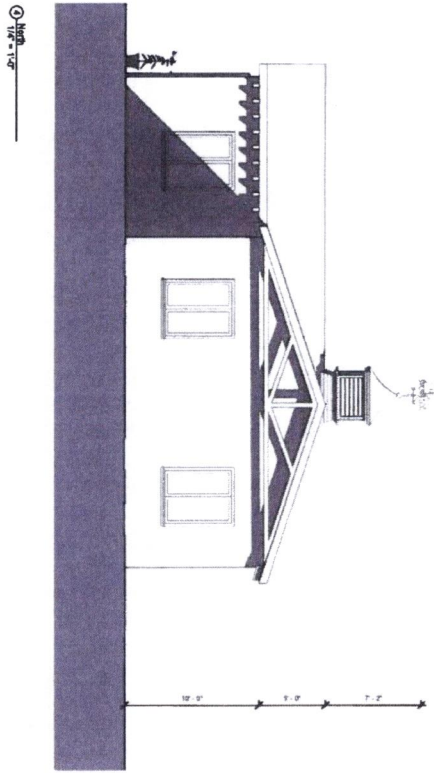
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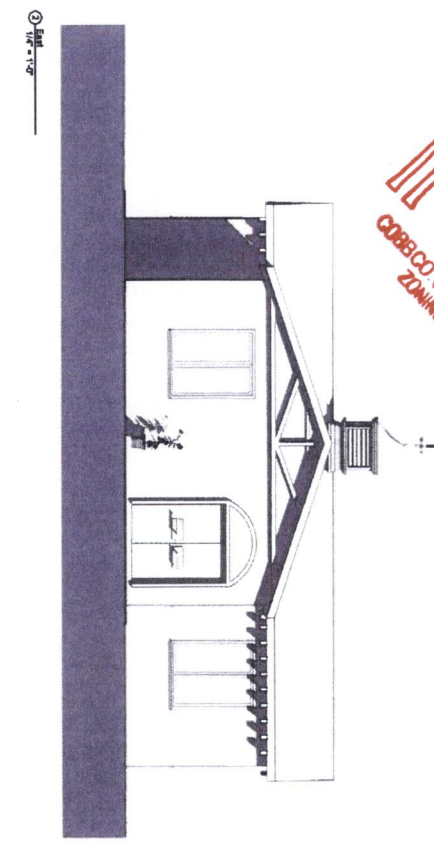
THE SFT COMPLAINS 0.815 MORE:

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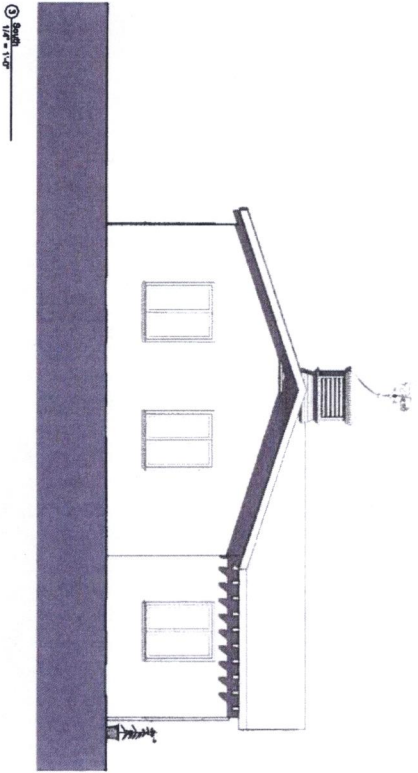
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 ZONING DIVISION



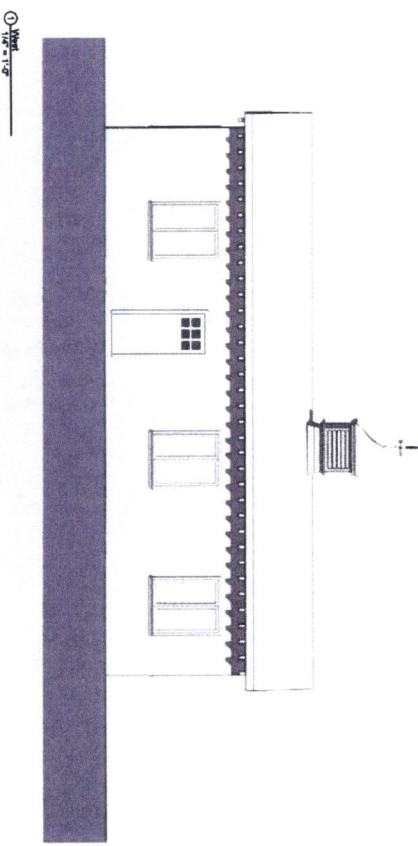
① Front
 1/8" = 1'-0"



② Side
 1/8" = 1'-0"



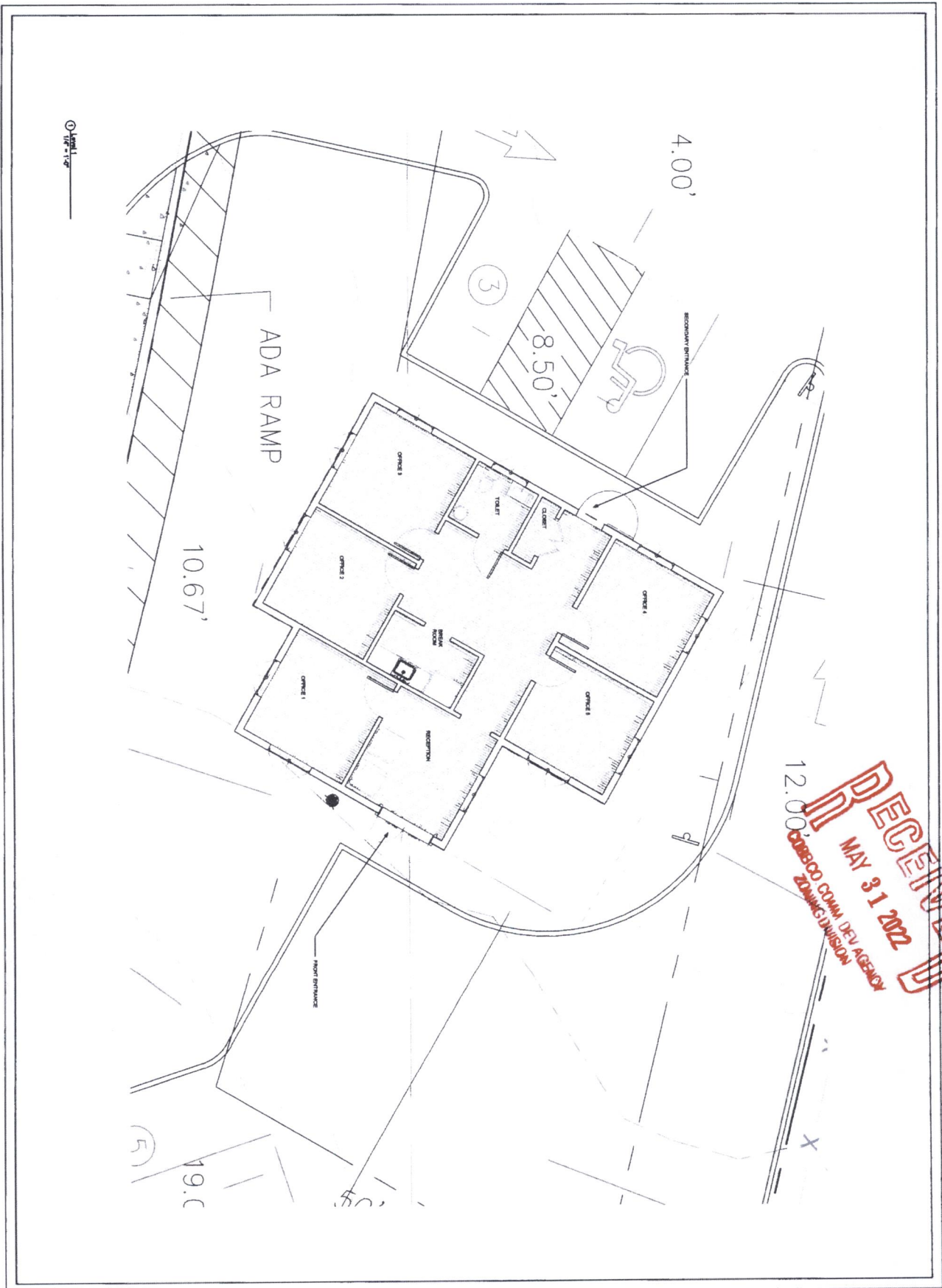
③ Back
 1/8" = 1'-0"



④ Side
 1/8" = 1'-0"

18 PROJECT NO. 1888-1 DATE 06-21-2022 PROJECT NUMBER 1888-1	19 PROJECT NO. 1888-1 DATE 06-21-2022 PROJECT NUMBER 1888-1	20 PROJECT NO. 1888-1 DATE 06-21-2022 PROJECT NUMBER 1888-1	Harris Fritz architects 3850 Dallas Highway Suite 230-142 Marietta, Georgia 30064 678-485-7189	PADILLA RENOVATION 1888 POWDER SPRINGS RD, Marietta Ga, 30064	THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. 2022 © COPYRIGHT HARRIS FRITZ & ASSOCIATES INC. ARCHITECTS	21
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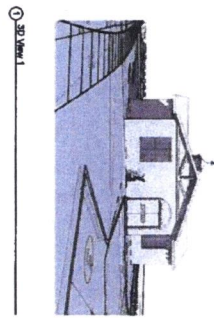
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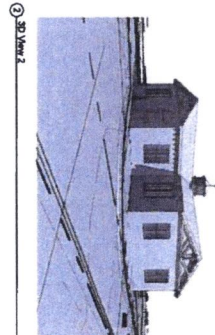
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 MAY 31 2022
 COMBOD COMM. DEV. AGENCY
 ZONING DIVISION

PROJECT NO. A-1811-001-PLAN	PROJECT NUMBER A-1811-001-PLAN	DATE 2022-06-02	Harris Fritz architects 3000 Dulles Highway Suite 230-142 Marietta, Georgia 30064 478-455-7400	PADILLA RENOVATION 1888 POWDER SPRINGS RD, Marietta Ga, 30064	THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. 2022 HARRIS FRITZ & ASSOCIATES INC. ARCHITECTS	
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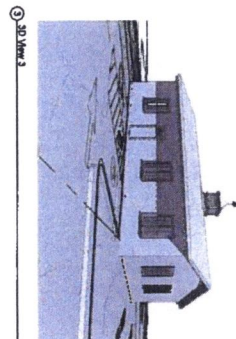
Petition No. Z-26
Meeting Date 6-21-2022
Continued _____



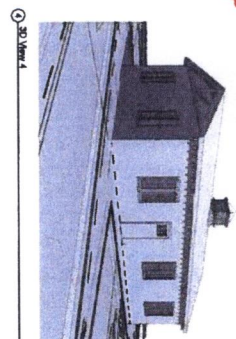
① SP View 1



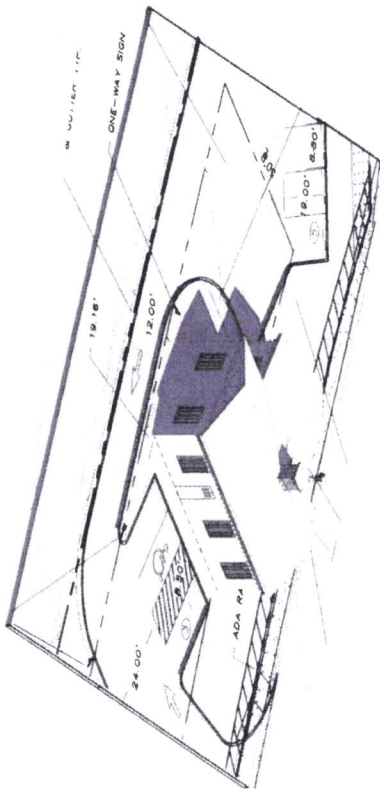
② SP Year 2



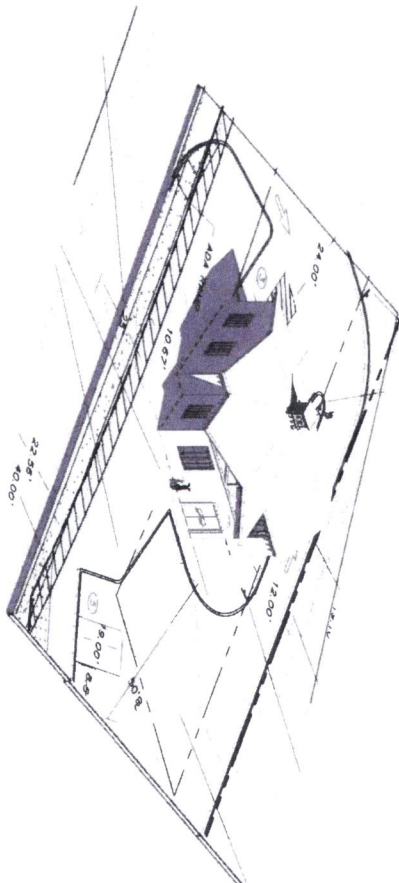
③ SD View 3



④ 3D Memory



5 AXON



AXON 2



Harris Fritz
architects
3600 Dallas Highway
Suite 230-142
Marietta, Georgia 30064
678-485-7568

PADILLA RENOVATION
1888 POWDER SPRINGS RD,
Marietta Ga, 30064

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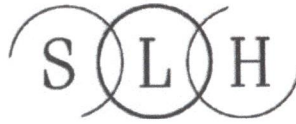
Petition No. Z-20
 Meeting Date 6-21-2022
 Continued



RECEIVED
 MAY 31 2022
 CORRO COMM DEV AGENCY
 ZONING DIVISION

PROJECT NO. AS-24-000-0000	DATE 2022-06-02	PREPARED BY J. HARRIS	REVIEWED BY J. HARRIS	Harris-Fritz architects 3800 Dallas Highway Suite 230-142 Marietta, Georgia 30064 678-465-7887	PADILLA RENOVATION 1888 POWDER SPRINGS RD, Marietta Ga, 30064	THIS DRAWING IS THE PROPERTY OF HARRIS FRITZ & ASSOCIATES INC. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY NOTED HEREON. NO REUSE OR REPRODUCTION IS ALLOWED WITHOUT PERMISSION. 2022 COPYRIGHT HARRIS FRITZ & ASSOCIATES INC. ARCHITECTS	
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NOT ISSUED FOR CONSTRUCTION



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

Min. Bk. 95 Petition No. Z-20
Doc. Type Letter (6-20-2022)

Meeting Date 6-21-2022

June 20, 2022

SUPPLEMENTAL STIPULATIONS/CONDITIONS
PURSUANT TO THE DISTRICT COMMISSIONER'S DIRECTION

VIA EMAIL

Ms. Monique Sheffield, District Commissioner
District 4
Cobb County Board of Commissioners
100 Cherokee Street, Suite 300
Marietta, GA 30090

Re: Application of Francisco Padilla to Rezone an approximate 0.615 ± Acre Tract
from R-20 to LRO – Located on Powder Springs Road (No. Z-20 [2022])

Dear Monique:

As you know, I represent the Applicant and the Property Owner concerning the above-captioned Application for Rezoning. I that regard, the Application is scheduled to be heard and considered on the Consent Agenda by you and the Board of Commissioners tomorrow, June 21, 2022.

I am in receipt your recent emails from this morning and will respond in the order in which the issues therein were presented, as follows:

1. Architectural renderings/elevations were submitted with our stipulation letter on May 31, 2022 but we had continued the Application at one point so the Staff Analysis is based on circumstances prior to our submission of that May 31st letter, a copy of that letter and attachments are being resubmitted herewith. To the extent they may not meet Austell Road Corridor Design Guidelines, we are willing to do so and add that as an additional stipulation/condition of the rezoning.
2. With respect to revising stipulation No. 7 on page 2 of the May 31st stipulation letter, we are willing to include that "... the enclosure shall have doors that are to be kept closed when not in use".

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-20
Meeting Date 6-21-2022
Continued

VIA EMAIL

Ms. Monique Sheffield, District Commissioner
District 4
Cobb County Board of Commissioners
June 20, 2022
Page 2

3. I have been in contact with Bethlehem Baptist Church by establishing an early dialogue with Pastor Tommy Young. The Pastor had some concerns about the property but they devolved upon whether alcohol would be dispensed or sold there or not. And, of course, these are professional offices with no retail component.

Pastor Young did not raise the 8 foot landscape strip waiver on the north side of the property. However, as you can see, interior maneuverability dictates the placement of the driveway and parking serving the professional offices. There is not sufficient spacing on the north side; however, there is an existing fence which is on the Church's property with the driveway being within what would otherwise be a fifteen foot (15') building line (which is allowed).

If, for whatever reason, the Church changes its collective mind and does have issues regarding the eight foot (8') waiver of the landscape strip, my clients are willing to plant that portion of the line on the Church's side of the property line subject to the Arborist's review and approval and of course, your final review and approval.

I trust that this sufficiently responds to your questions but I am available for the rest of the day, evening and tomorrow morning should you have any questions or need any additional information or documentation. With kindest personal regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLS, Jr./klk
Attachment

cc: Mr. John P. Pederson, AICP, Zoning Manager (via email w/attachment)
Ms. Jeannie Peyton, Senior Planner (via email w/attachment)

Canton Road Neighbors, Inc.

Cobb County Planning Commission
Commissioner JoAnn Birrell
100 Cherokee St
Marietta, GA 30090

June 1, 2022

Re: Z-32, Amadeus LLC, 2469 Canton Road, GC to NRC

All,

I discussed this application with Mr. Weiss on the 20th of May and he sent me the letter of notification which was sent to property owners within 1,000 feet. I felt that the proposed uses under the rezoning to NRC were appropriate, with the main concern being the impact that the noise from an event center could have on the residents of Fraser Rd who are contiguous to subject property. A subsequent conversation with Ms. Peyton reminded me that an event center (assembly hall) needs a CRC. This solves the potential problem of noise from the proposed use.

After reviewing Staff Final Analysis I agree with the conclusion that the proposed uses of commercial kitchen (for Talk of the Town Catering), professional offices or neighborhood retail are appropriate.

We would support the rezoning from GC to NRC subject to:

1. Use of property restricted to commercial kitchen, offices, or neighborhood retail uses
2. No automotive sales or repair
3. The following Special Exception uses under NRC shall not be permitted:

Boarding kennels (indoor), provided that no outside runs allowed, approval of county health department required, must not create a nuisance as defined by state law, building to be soundproofed, internal air exchange system required (excluding air conditioning system) and (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Contractor (specialized) without heavy equipment (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

4. Reupholstery and furniture repair establishments (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).
5. Tool rental (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property)
6. No parking for vehicles
7. No Pawn or Title Pawn

8. Hours of operation: Monday – Saturday 7 am - 7 pm, Sunday 12 pm – 5- pm

9. 134-213 (12) Use Limitations shall apply to this zoning

e. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.

f. No overnight parking of commercial vehicles is permitted, except for mini-vans or cars.

g. No outside storage is permitted. Within the NRC district, outside storage shall not include commercial vehicles used for a permitted use. Outside storage shall include any automobiles or vehicles that are being repaired or serviced in conjunction with a permitted use.

k. No uses that emit noxious odors, fumes or sounds are permitted.

l. No adult entertainment uses are permitted.

10. Staff Comments and Recommendations not otherwise in conflict.

Amadeus LLC and Federal Tile have been good commercial neighbors for many years at this location. We ask that you recommend approval of Z-32 GC to NRC.

Respectfully submitted,

Carol Brown MRP
Canton Road Neighbors, Inc.

cc Cobb County Planning Commission
Cobb county Board of Commissioners
Mr. John Pederson, Manager Zoning Division
Ms. Jeannie Peyton, AICP Senior Planner
Mr. Marcus Weiss, Amadeus LLC
Mr. David Poteet
CRN Board and Advisory Committee

**JUNE 21, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4**

Min. Bk. 95 Petition No. OB-20
Doc. Type Cobb DOT and Fire Dept.
Comments and recommendations
Meeting Date 6-21-2022

ITEM OB-30-2022

PURPOSE

To consider a stipulation and site plan amendment for Traton, LLC regarding rezoning application Z-18 of 2006 for property located on the northeasterly side of Floyd Road and on the westerly side of Hicks Road, south of Concord Road in Land Lots 29 and 30 of the 17th District, and Land Lots 1000 and 1073 of the 19th District (Floyd Road).

BACKGROUND

The subject property was zoned RM-8 in 2006 with many stipulations, including being rezoned to the site plan. The original developer is no longer around. The applicant would like to develop the project for 76 townhouse style units and needs to amend the site plan to accommodate their housing product. There is no increase in density and the proposed site plan is very similar to the 2006 site plan. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

STAFF COMMENTS

Cobb DOT: See attached.

Fire: See attached.

Stormwater management: No objection to the current request. During plan review for the Land disturbance permit the proposed development will be subject to the current stormwater management Code and Regulations.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and prior stipulations.

OB-30-2022

DEPARTMENT COMMENTS - DOT

Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Floyd Road, a minimum of 50' from the roadway centerline; and, b) donation of right-of-way on the west side of Hicks Road, a minimum of 40' from the roadway centerline.
3. As necessitated by this development, recommend Floyd Road access include a deceleration lane. A deceleration lane is shown on the site plan received on May 17, 2022. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.
4. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the new traffic signal at the intersection of Floyd Road and Glore Road. Recommend the applicant be responsible for 100% of the cost to design and install the new 4th (westbound) leg of the Floyd Road at Glore Road signal. Recommend signal modification and installation plan details to be determined during plan review, subject to Cobb DOT approval.
5. As necessitated by this development, recommend Floyd Road access include a left turn lane by restriping the existing two-way left-turn lane at the new signalized intersection. Recommend final design be determined during plan review, subject to Cobb County DOT approval.
6. Recommend the driveway on Floyd Road at the signalized intersection be constructed to accommodate one inbound and two outbound lanes.
7. Recommend a traffic study. Study assumptions have been submitted in a memorandum and agreed to by Cobb DOT before completing the full study. Cobb DOT recommendations may be revised after the study's receipt.
8. Recommend removing and closing any driveway aprons along the Floyd Road and Hicks Road frontages that the development renders unnecessary.
9. Recommend replacing disturbed curb, gutter, and sidewalk along the Floyd Road and Hicks Road frontages.
10. Recommend a 10' no access easement along the Hicks Road frontage.

Petition No. OB-30
Meeting Date 6-21-2022
Continued
PETITION NO.: OB-30-2022
PETITION FOR: _____

APPLICANT: Traton
PRESENT ZONING: _____

FIRE COMMENTS:

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.

Josh Davis
(770) 528-8161
josh.davis@cobbcounty.org

JUNE 21, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

Min. Bk. 95 Petition No. OB-27
Doc. Type Cobb DOT and Fire Dept.
Comments and recommendations
Meeting Date 6-21-2022

ITEM OB-27-2022

To consider a stipulation amendment for Elvia Benitez regarding rezoning application Z-19 of 2017 for property located on the east side of Mableton Parkway, north of Community Drive in Land Lots 189 and 190 of the 18th District (6175 Mableton Parkway).

BACKGROUND

The subject property was rezoned to NRC in 2017 for an *Eating and drinking establishment use only*. The applicant has purchased the property would like to amend the stipulation to allow a retail store on the property. No other changes are anticipated. If approved, all other stipulations would remain in effect.

STAFF COMMENTS

Cobb DOT: See attached.

Stormwater Management: No objection to the current request.

Water & Sewer Comments: No additional comments.

Site Plan Review: No comments.

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. CCFMO does not have any objections to OB-27-2022 as presented.

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

RECOMMENDATION

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

ATTACHMENT

Other Business application.

Cobb DOT Recommendations

1. Recommend the following DOT recommendations upon redevelopment of the property, where redevelopment is defined as any action requiring a Land Disturbance Permit that also changes the existing business operations of the development in terms of use, intensity and/or anticipated traffic:
 - a. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements;
 - b. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Mableton Parkway, a minimum of 50' from the roadway centerline;
 - c. As necessitated by this development, recommend Mableton Parkway access include right turn taper and/or improved curve radius. Recommend location and design be determined during plan review, subject to Cobb County DOT approval and coordination with GDOT;
 - d. Recommend the access on Mableton Parkway restricted to full-movement-in/right-out access if the intersection of Mableton Parkway and Community Drive is signalized in the future;
 - e. Recommend driveway on Mableton Parkway be reconstructed per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards. GDOT recommends a commercial drive with a minimum 35-foot radius and a minimum of 24-feet in width;
 - f. Recommend GDOT permits for all work that encroaches upon State right-of-way; and,
 - g. Recommend no parking on the right-of-way.



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

June 15, 2022

VIA EMAIL

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

Min. Bk. 95 Petition No. OB-28
Doc. Type Park Huff 6-15-2022
letter
Meeting Date 6-21-2022

Dear John:

I represent East Cobb Senior Living, LLC and their business known as Sterling Estates of East Cobb (Sterling) located on Lower Roswell Road. In 2010, the property was zoned for their retirement community and it was subject to a long list of stipulations in Zoning Case 41 which was decided December 14, 2010. At the time, the mixture of an assisted living building with additional cottages was a novel concept. Sterling is celebrating their 10-year anniversary of serving the senior population in East Cobb. They have been a good neighbor to the Kings Cove neighborhood and have complied with all the buffering and lake protection requirements. Pre-Covid, the facility was regularly used by outside groups for meetings and political forums. Sterling has continuously looked for ways to improve their service to the community. In 2014, four additional cottage units were added, and the facility receives constant upgrades and landscaping improvements. Sterling continues to have a long waiting list for the cottage units. These units are unique in the marketplace and fill a needed gap between fully independent living and assisted living. It is ideal for couples when one has more assistance needs than the spouse.

In order to improve their facility, Sterling proposes adding two cottage homes with three units each on the southern end of the development. The cottages will be similar in size and architecture to the existing cottages. Their location puts them in an area that is separated from the existing homes by a detention pond and a 60-foot Cobb Marietta Water Authority Easement.

Sterling has met with representatives of the East Cobb Civic Association and the Kings Cove Homeowners Association. Both groups were very involved in the original zoning. The issues with the original zoning related to concerns about the traffic impact and the potential impact on the Kings Cove Lake. Sterling is glad to work with the community again to resolve any questions or concerns. Below is a list of conditions to be added to the prior zoning conditions to allow for the construction of two new cottages, each with three units.

- 1) The existing zoning conditions that detail the number of units will increase the number of cottage or independent units by six and the total number of units shall be increased by six units.



June 15, 2022
Page 2

Petition No. OB-28
Meeting Date 6-21-2022
Continued

- 2) The six new units will be in the location as shown on the site plan submitted with the Other Business application.
- 3) The two cottage buildings will be a total of three stories and the architectural style shall be similar to the cottages that are adjacent to Lower Roswell Road. The material and architecture is described in Paragraph 3 of the original stipulation letter dated November 18, 2010.
- 4) During construction, Sterling will have an alternative off-site parking plan to handle parking needs for Sterling employees and contractors. Sterling will ensure that there isn't any parking on adjacent rights of way.
- 5) Sterling will ensure that extra mitigation soil erosion measures are taken to prevent silt from damaging the Kings Cove lake. The extra measures can include additional silt fencing and other measures recommended by the Stormwater Management Division.
- 6) Sterling will conduct a pre and post lake study to quantify silt in the lake contributed by the Sterling project. However, Kings Cove is planning on an upcoming lake dredging which may impact the timing of a pre and post lake study. Kings Cove can agree to waive or modify this condition at their choice to provide the most appropriate data in relation to the potentially upcoming dredging.
- 7) The stormwater management division will review and approve any additional impervious coverage and additional stormwater management requirements will be met if needed. The original site plan had 38% impervious when the zoning category allows up to 70%. Any increase in impervious will be minimal and potentially offset by removing existing impervious.
- 8) Any of the existing conditions that do not conflict with the purpose and intent of adding these two cottages and 6 units will remain in effect.
- 9) 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.



June 15, 2022
Page 3

Petition No. 08-2B
Meeting Date 6-21-2022
Continued

- 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.

Sterling looks forward to adding these units to the already successful project and working with the community so they can serve the needs of the senior population. Please let me know if you have any questions or concerns.

Sincerely,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in dark ink, appearing to read "Parks F. Huff".

Parks F. Huff
phuff@samslarkinhuff.com

PFH/lkj

cc: Members, Cobb County Board of Commissioners
BOC Commission Assistants
Ms. Jeannie Peyton, Senior Planner
Mr. Terry Martin, Planner III
Ms. Margie Vazquez, Planner II
Mr. LeDarius Scott, Planner I
Ms. Pamela Mabry, County Clerk
Ms. Robin Stone, Deputy County Clerk
Ms. Leila Washington, Deputy County Clerk
Ms. Jill Flamm, East Cobb Civic Association, Inc.
Mr. Richard S. Grome, East Cobb Civic Association, Inc.
Mr. Rob Grasso, King's Cove Homeowners Association



Min. Bk. 95 Petition No. 08-28
Doc. Type 6-16-2022 letter
Meeting Date 6-21-2022

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

June 16, 2022

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

Dear John:

Attached is the site plan depicting the entire site. The proposed new cottages will be built in conformance with this site plan. This site plan supplements the stipulation letter dated Jun 15, 2022.

Sterling looks forward to adding these units to the already successful project and working with the community so they can serve the needs of the senior population. Please let me know if you have any questions or concerns.

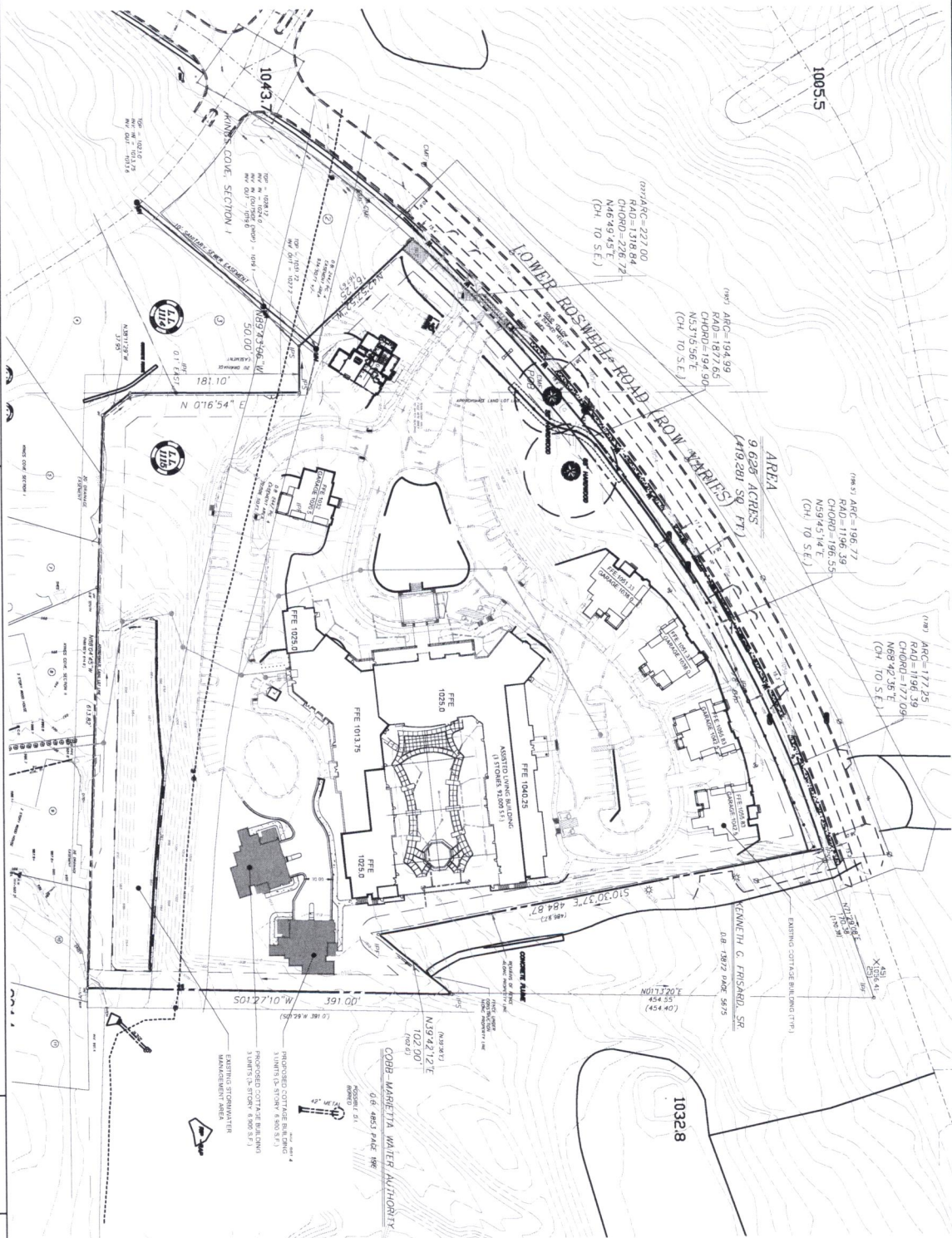
Sincerely,

SAMS, LARKIN & HUFF, LLP

Parks F. Huff
phuff@samslarkinhuff.com

PFH/lkj

cc: Members, Cobb County Board of Commissioners
BOC Commission Assistants
Ms. Jeannie Peyton, Senior Planner
Mr. Terry Martin, Planner III
Ms. Margie Vazquez, Planner II
Mr. LeDarius Scott, Planner I
Ms. Pamela Mabry, County Clerk
Ms. Robin Stone, Deputy County Clerk
Ms. Leila Washington, Deputy County Clerk
Ms. Jill Flamm, East Cobb Civic Association, Inc.
Mr. Richard S. Grome, East Cobb Civic Association, Inc.
Mr. Rob Grasso, King's Cove Homeowners Association

[illegible]

AEC



PRELIMINARY SITE PLAN

STERLING-EAST COBB

COBB COUNTY, GEORGIA



PROJECT INFORMATION

PROJECT NO. 21-4660

DATE: JUNE 9, 2002

SCALE: 1" = 20'

DESIGN/DRAWN: SLR/ SLF

DESIGNING WITH A PURPOSE

**COMMISSION DISTRICT 2
EAST COBB CIVIC ASSOCIATION, INC.**

PETITION OB-28 (June):

Applicant, East Cobb Senior Living, LLC, 404-822-1030, represented by Parks F. Huff of Sams, Larkin & Huff, LLP, 770-422-7016, requests to add an additional six (6) units (or two (2) cottages with three (3) units per cottage). The current title owner is East Cobb Senior Living, LLC.

Additional Information:

Property consists of one senior living facility located at 4220 Lower Roswell Road. The facility is located along the south side of Lower Roswell Road, east of Cove Drive (Kings Cove Subdivision) (R-20), north of Cove Way (Kings Cove Subdivision) (R-20), and west of the Cobb County Water System. Present Zoning: RSL; Future Land Use: LDR; Site Acreage: 9.63 acres

Case Manager: Richard Grome / Jill Flamm

Discussion:

- **Met with applicant and applicant's attorney**
- **Met with representatives of Kings Cove**

Kings Cove and ECCA does not have a problem with the proposed application. We have some recommendations concerning the new stipulation letter dated 6/15/2022. These have been reviewed with the applicant's attorney.

We are still waiting to hear from the Kings Cove representative to see if the wording concerning stormwater and their lake is acceptable.

Stipulation 4 needs to be changed to adjacent subdivision streets.

In addition, we have received the applicant's supplement to their Petition of a new site plan dated 06/09/22 showing the location of all new and existing buildings.

RECOMMENDATION: ECCA recommends approval subject to the new site plan dated 06/09/22, the above modifications to the stipulation letter dated 6/15/22, approval be Kings Cove of the applicant's stormwater proposals concerning their lake, and staff recommendations. All other stipulations where not in conflicting to remain in effect.

**JUNE 21, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2**

Min. Bk. 95 Petition No. OB-28
Doc. Type Cobb DOT and Water & Sewer
Comments and recommendations
Meeting Date 6-21-2022

ITEM OB-28-2022

PURPOSE

To consider a stipulation and site plan amendment for East Cobb Senior Living, LLC regarding rezoning application Z-41 of 2010 for property located on the south side of Lower Roswell Road, east of Cove Drive in Land Lots 1114 and 1115 of the 16th District (4220 Lower Roswell Road).

BACKGROUND

The subject property was zoned RSL in 2010 for a senior living facility comprising of assisted and independent living. The independent living component was located mainly along Lower Roswell Road and is comprised of single-family duplexes. The applicant's facility has a waiting list and the applicant would like to build two more single family cottages in the rear that would each have three units per cottage. This would be in an area adjacent to the detention pond and water line easement area for the adjoining water treatment plant. The proposed buildings would be architecturally consistent with the existing buildings. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend retaining the following DOT recommendations from Z-41-2010:

- a. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements; and,
- b. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Lower Roswell Road, a minimum of 50' from the roadway centerline.

Water and Sewer: Additional sewer fees will be assessed at time of building permit.

(Staff comments continued on the next page)

ITEM OB-28-2020

Stormwater Management: No objection to the current request. Additional stormwater mitigation and/or modification to the existing stormwater management facility will be required during plan review.

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%.

ITEM OB-28-2020

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.

LODGING: Where 4 or more (>3) unrelated residents share a dwelling a new certificate of occupancy is required to include implementation of both a fire alarm and fire sprinkler system.

Josh Davis
(770) 528-8161
josh.davis@cobbcounty.org

RECOMMENDATION

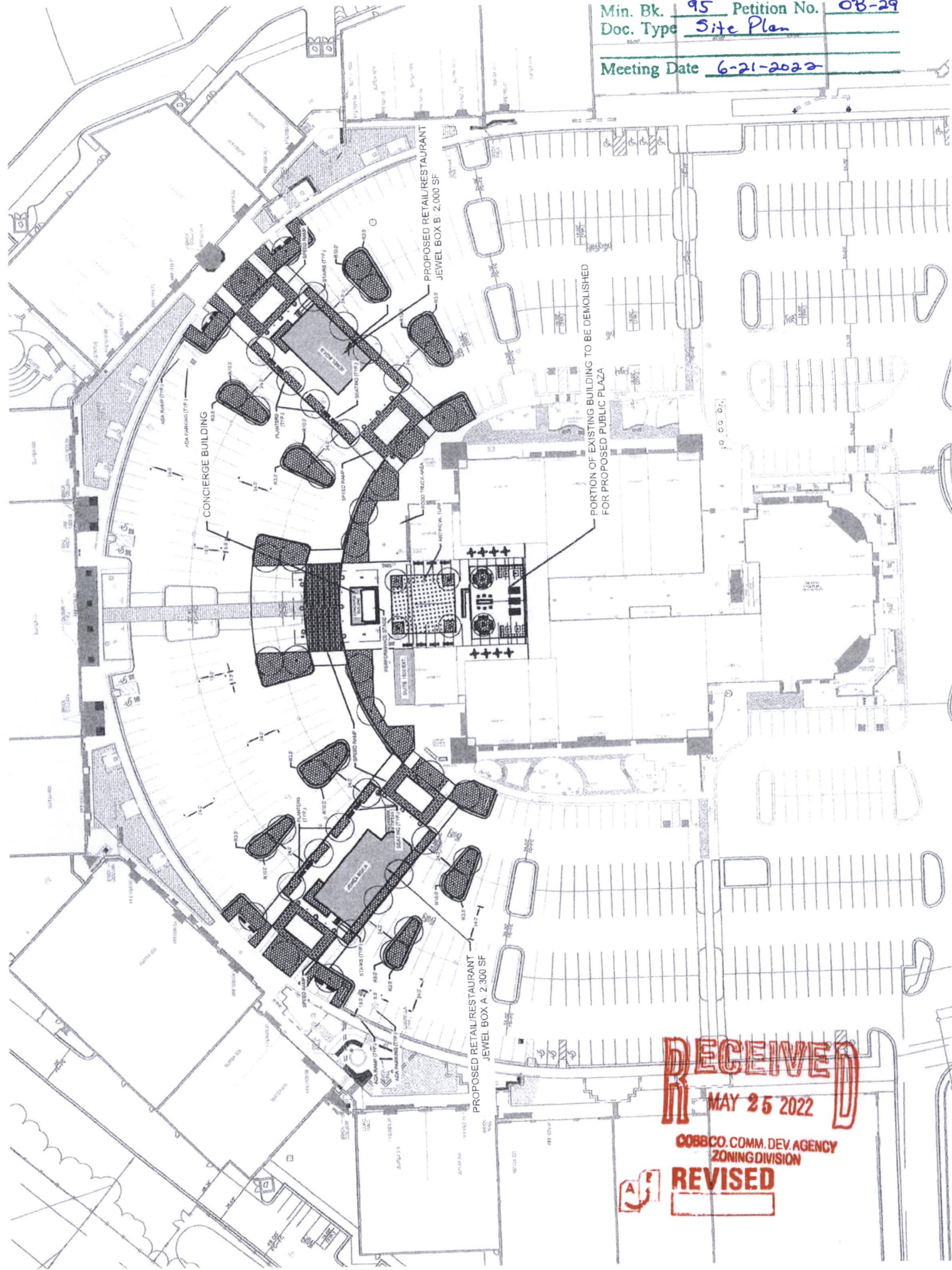
The Board of Commissioners conduct a Public Hearing and consider the proposed request for a stipulation and site plan amendment.

ATTACHMENTS

Other Business application and prior stipulations.

Min. Bk. 95 Petition No. 08-29
Doc. Type Site Plan

Meeting Date 6-21-2022



RECEIVED
MAY 25 2022

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

REVISED

Meeting Date 6-21-2022

Stone, Robin

From: ECCA President <presidentecca@gmail.com>
Sent: Saturday, May 28, 2022 7:52 PM
To: Birrell, JoAnn; Cupid, Lisa; Sheffield, Monique; Gambrill, Keli; Richardson, Jerica; Pederson, John; Stone, Robin; Mike.Lant@naproperties.com
Cc: jill@flammga.us; rsgrome@yahoo.com; klhallacy@gmail.com
Subject: Architectural Review Request for Avenues of East Cobb
Attachments: 05.19.2022_BLDG F_Updated per HOA.pdf; 05.17.2022_AEC- BLDG F VIEWS.pdf

Follow Up Flag: Follow up
Flag Status: Completed

The Architectural Control Committee (East Cobb Civic Association and East Hampton HOA) recommend approval of the attached renderings for the Avenues of East Cobb provided that:

1. The brick in the rendering dated 5.17.2022 is consistent with the brick already used in the Avenues, and
2. The jewel box buildings pictured in the rendering dated 05.17.2022 have a deck with a roof over it, not a second story.

Sincerely,

Ric Grome
ECCA – President

Karen Hallacy
East Hampton HOA

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

1 3D View 1



MATERIAL LEGEND

WD	WOOD
ST-1	NATURAL PINE TAG
MT-1	MASONRY VENEER
PT-2	SMOOTH LIME STONE-CREAM
BR-2	HARDE PLANK / BOARD
MT-1	GREY
PT-2	BRICK VENEER
BR-2	BRICK VENEER
MT-1	EXISTING
PT-2	BLACK ANODIZED ALUMINUM
BR-2	BLACK PAINT
MT-1	SW7068 GRIZZLE GREY
PT-2	SW5693 BLACK OF NIGHT

4 3D View 2



NORTH AMERICAN PROPERTIES
 1175 PEACHTREE ST., SUITE 1650,
 ATLANTA, GA 30361
 404-965-9065

THE AVENUES EAST COBB
 4475 ROSWELL RD
 MARIETTA, GA 30062
 770-971-9945

JOB NUMBER: 2108602 | DATE: 05/19/2022 | BY: DT / GC
 DRAWING: BUILDING - F
 PERSPECTIVES



PHILLIPS
 ARCHITECTURE • CONSULTANTS
 5801 PEACHTREE DUNWOODY RD • SUITE A450 • ATLANTA, GA 30328 • 770.394.1616

SHEET NUMBER
A1.7



 NORTH AMERICAN PROPERTIES 1175 PEACHTREE ST, SUITE 1650, ATLANTA, GA 30361 404-965-9065	THE AVENUES EAST COBB 4475 ROSWELL RD MARIETTA, GA 30062 770-971-9945	JOB NUMBER: 2109602 DATE: 05/17/2022 BY: DT/GC DRAWING: Overall view	 PHILLIPS ARCHITECTURE • CONSULTANTS 5601 PEACHTREE DUNWOODY RD • SUITE 4450 • ATLANTA, GA 30328 • 770.394.1616	SHEET NUMBER A2
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Stone, Robin

From: Vice President ECCA <vicepresidentecca@gmail.com>
Sent: Wednesday, June 15, 2022 8:00 PM
To: Richardson, Jerica; Birrell, JoAnn; Pederson, John; Gambrill, Keli; Cupid, Lisa; Sheffield, Monique; Stone, Robin
Cc: Chris Ensley; Chris Lindstrom; Helga Hong; Jill Flamm; Kelly Ryan; Kris Killough; Linda Carver; Marvin Shams; Ric Grome; Roger Phelps
Subject: OB-29 ECCA Recommendation
Attachments: OB-29 (2022) BOC recommendation from ECCA 2022.06.15.pdf; Open Area Seating (1).pdf; Avenue East Cobb Improvements rendering.pdf

Attached is the ECCA Recommendation for OB-29. Also attached are the Avenue East Cobb Improvements rendering as well as the Open Area Seating Plan. Please let us know if you have any questions.

Chris Lindstrom
ECCA VP, Zonings, Variances, and OBs

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

COMMISSION DISTRICT 2
EAST COBB CIVIC ASSOCIATION, INC.

OB-29 (June)

Applicant, North American Properties, represented by Mike Lant, 404-946-0948, requests to change the original site plan to add jewel box buildings in parking field (retail/restaurant proposed). In addition, they will be removing a building in the center of the project, adding a valet stand with small stage on the back for a performance venue with courtyard. The current title holder is CP Venture 5 – AEC, LLC.

Additional Information:

Property consists of a retail and restaurant center known as “Avenue of East Cobb” and located at 4475 Roswell Road. **Contiguous Zonings:** North: (PRD) – East Hampton Subdivision; Northwest: (R-20) – Ivywood Subdivision; South: (R-15) - Heritage Glen & Villa Chase Subdivision; East: (PRD) – East Hampton Subdivision; and West: (O&I and PSC). **Future Land Use:** CAC **Present zoning:** CRC **Size of Tract:** 29.63 acres

Case Managers: Richard Grome / Jill Flamm

Discussion:

- Met with applicant several times and have had many conversations.
- Met with East Hampton representative
- Talked with representative of Heritage Glen
- Talked with representatives of Villa Chase

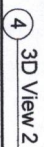
The renderings attached have been approved by the architectural control committee subject to these additional stipulations:

1. The color of and texture of the brick used to construct the proposed new structures is to be similar to the brick of the existing structures.
2. The two (2) “Jewel Box” added structures are to be single story only but may have an open, covered seating area on part of the roof area (as shown in the renderings).

Applicant resent out letters to surrounding neighbors restating all the items they are planning on changing. We have heard that some residents of East Hampton have had questions concerning this OBI. We have been told that these questions have been addressed by the applicant and/or the East Hampton representative.

Recommendation: ECCA recommends approval subject to attached renderings with the additional stipulations, site plan C2-00 dated **05/17/2022** and all staff comments. All other stipulations where not in conflict to remain in effect.

Attachments: Avenue East Cobb Improvements rendering.pdf
Open Area Seating.pdf



							
MD WOOD NATURAL PINE T&G	MD1 BLACK ANODIZED ALUMINUM	BR2 BRICK VENEER EXISTING	BR1 BRICK VENEER EXISTING	HD1 HARDIE PLANK / BOARD GRI	MA3 MASSARY VENEER SMOOTH LINE STONE - CREAM	ST1 STAINLESS STEEL SOLID	ST2 STAINLESS STEEL SOLID



 NORTH AMERICAN PROPERTIES 1175 PEACHTREE ST, SUITE 1650, ATLANTA, GA 30361 404-965-9065	THE AVENUES EAST COBB 4475 ROSWELL RD MARIETTA, GA 30062 770-971-9945	JOB NUMBER: 2108602 DATE: 05/26/2022 BY: DT/ GC DRAWING: BUILDING F - VIEW -1	 PHILLIPS ARCHITECTURE • CONSULTANTS 5901 PEACHTREE DUNWOODY RD • SUITE A450 • ATLANTA, GA 30328 • 770-394 1616	SHEET NUMBER A1
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Petition No. 08-29
Meeting Date 6-21-2022
Continued



NORTH AMERICAN PROPERTIES
1175 PEACHTREE ST. SUITE 1650,
ATLANTA, GA 30361
404-965-9065

THE AVENUES EAST COBB
4475 ROSWELL RD
MARIETTA, GA 30062
770-971-9945

JOB NUMBER: 2108602 | **DATE:** 05/26/2022 | **BY:** DT/ GC
DRAWING: BUILDING F - VIEW -2



PHILLIPS
ARCHITECTURE • CONSULTANTS
5901 PEACHTREE DUNWOODY RD • SUITE A450 • ATLANTA, GA 30328 • 770-384 1616

SHEET NUMBER
A2



 NORTH AMERICAN PROPERTIES 1175 PEACHTREE ST, SUITE 1650, ATLANTA, GA 30361 404-965-9065	THE AVENUES EAST COBB 4475 ROSWELL RD MARIETTA, GA 30062 770-971-9945	JOB NUMBER: 2108602 DATE: 06/26/2022 BY: DT/GC DRAWING: VALET BUILDING	 PHILLIPS ARCHITECTURE • CONSULTANTS 9901 PEACHTREE DUNWOODY RD • SUITE A450 • ATLANTA, GA 30328 • 770 394 1616	SHEET NUMBER A 4
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**JUNE 21, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2**

Min. Bk. 95 Petition No. OB-29
Doc. Type Stormwater Management
Comments and recommendations
Meeting Date 6-21-2022

ITEM OB-29-2022

PURPOSE

To consider a site plan amendment for North American Properties regarding rezoning application Z-118 of 1997 for property located on the north side of Roswell Road and on the north and east sides of Marwell Drive in Land Lot 16 of the 1st District (4475 Roswell Road).

BACKGROUND

The property was rezoned to CRC and LRO site plan specific in 1997 for the purpose of commercial retail development subject to numerous stipulations. The development that occurred on this property became known as The Avenue East Cobb and was constructed around 1999. The applicant would like to amend the approved site in order to renovate the rear of the center. The applicant would like to remove a tenet space in the rear of the center where Bravura is located. That part of the building would be demolished a public plaza with seating area and stage would be installed, along with a valet parking area. The applicant would also amend the site plan to install two small retail and/or restaurant buildings and areas in the parking lot called 'Jewel Boxes'. The applicant believes these amendments will help to keep the Avenues successful for years to come. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

STAFF COMMENTS

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

Stormwater Management: No objection to the current request. This may be considered redevelopment requiring some stormwater mitigation. Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity on one acre or more.

ITEM OB-29-2022 (continued)

FIRE COMMENTS:

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)

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE. New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

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

ITEM OB-29-2022 (continued)

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.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

Josh Davis

(770) 528-8161

josh.davis@cobbcounty.org

RECOMMENDATION

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

ATTACHMENTS

Other Business application and minutes.

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) 367-6233

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

June 16, 2022

Via E-mail Only

Min. Bk. 95 Petition No. OB-30
Doc. Type letter
Meeting Date 6-21-2022

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-30 (2022)

Applicant: Traton, LLC
Property Owner: Wilkins Walk Land, LP
Property: 9.818 acres, more or less, located on the
northeasterly side of Floyd Road, the
westerly side of Hicks Road, southerly of
Concord Road, Land Lots 29 and 30,
17th District, and Land Lots 1000 and 1073,
19th District, 2nd Section, Cobb County,
Georgia

Dear John:

On behalf of the Applicant, Traton, LLC (hereinafter "Applicant"); as well as, the Property Owner, 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 Site Plan prepared by Ridge Planning and Engineering, dated February 10, 2022, filed with the Application for "Other Business" on May 17, 2022. A reduced copy of the revised Site Plan is attached to this stipulation letter as Exhibit "A" and incorporated herein by reference.

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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June 16, 2022

- (2) No garage areas of homes within the proposed community shall be converted into heated living space or permanent storage areas for the homes. All garages shall be used primarily for the parking of vehicles with only incidental storage that does not interfere with parking for vehicles. Such restriction shall be included in the Declaration of Covenants, Easements, and Restrictions.
- (3) Applicant agrees to the designation of a school bus waiting area at the main entrance area for the pick-up and drop-off for children of residents within the proposed community. This area shall be shown on the final Site Plan presented for approval during the Plan Review Process. This area shall be maintained by the mandatory homeowners association.
- (4) Applicant agrees to the creation and establishment of a Landscape Review Committee consisting of a representative of Applicant and/or Developer and/or Owner, a representative of the Mableton Improvement Coalition, and a representative of the Cobb County Community Development Agency. The Landscape Review Committee shall be responsible for the review and approval of landscaping, detention area landscaping, and fencing plans; as well as, the frontage landscaping. Evergreen landscaping will be installed around the entire perimeter of the detention pond. Final approval of all landscaping shall be made by the District Commissioner.
- (5) Maintenance of the exteriors and roofs of the townhomes will be through the mandatory homeowners association, which shall be included in the recorded Declaration of Covenants, Easements, and Restrictions.
- (6) Applicant agrees the District Commissioner shall have final approval of the elevations for the homes within the proposed community.
- (7) 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 Site Plan, shall remain unaltered and in effect for the Subject Property.

MOORE INGRAM JOHNSON & STEELE

Petition No. 08-30
Meeting Date 6-21-2022
Continued

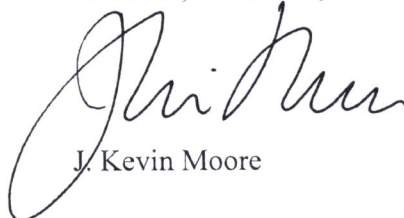
Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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June 16, 2022

The requested approval of the 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

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)

Robin Meyer

Mableton Improvement Coalition

(With Copy of Attachment)

Traton, LLC

(With Copy of Attachment)

