

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 20, 2022
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, September 20, 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 Jerica Richardson
Commissioner Monique Sheffield

Commissioner Keli Gambrill – not present

CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:05 a.m.

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn, held, or continued*.

WITHDRAWN, HELD, AND CONTINUED CASES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-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). *(Previously held by the Planning Commission (PC) from the June 7, 2022, through the August 2, 2022, PC hearings until the September 6, 2022, PC hearing).*

Mr. Pederson presented the Applicant's request to withdraw without prejudice Z-35; thereafter the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **allow** Z-35 to be *withdrawn without prejudice*, subject to:

- 1. Zoning application fee shall be waived within the next 12 months upon filing a new zoning application**

VOTE: **ADOPTED** 4-0, Gambrill not present

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- 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 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; held by the PC until the August 2, 2022, PC hearing; continued by Staff until the September 6, 2022, PC hearing; held by the PC until the October 4, 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). *(Previously continued by Staff from the June 7, 2022, Planning Commission (PC) hearing until the July 5, 2022, PC hearing; held by the PC until the August 2, 2022, PC hearing; continued by the Board of Commissioners (BOC) from the August 16, 2022, BOC Zoning hearing to the September 20, 2022, BOC Zoning hearing; continued by Staff until the October 18, 2022, BOC Zoning hearing; therefore, was not considered at this hearing).*
- Z-46** **WATMOR, LLC** (John D. Ford, as Trustee of the Survivor's Trust, owners) requesting rezoning from **R-20** to **NRC** for a carwash in land lot 311 of the 16th district. Property is located on the north side of Shallowford Road, east of Trickum Road (Shallowford Road). *(Continued by Staff until the September 6, 2022, Planning Commission (PC) hearing; continued by the PC until the October 4, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-47** **ANGEL EYES STUDIOS 5, INC.** (Watts Associates, Ltd., owner) requesting rezoning from **GC** and **R-15** to **PVC** for production stages, retail, restaurants, and multi-family residential in land lots 268, 269, 299, and 300 of the 18th district. Property is located on the northwest side of Factory Shoals Road, on the southwest side of Factory Shoals Drive (6410 Factory Shoals Road). *(Continued by Staff until the October 4, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-49** **JOHNNIE HASTINGS, INTEGRITY DEVELOPMENT GROUP** (Floy A. Clonts, owner) requesting rezoning from **R-20** to **RA-5** for a townhome community in land lots 690 and 691 of the 19th district. Property is located on the west side of Ernest Barrett Parkway, at the terminus of Old Horseshoe Bend Road, north of Macedonia Road (6152 Ernest Barrett Parkway, unaddressed parcel Old Horseshoe Bend Road). *(Continued by Staff until the September 6, 2022, Planning Commission (PC) hearing; held by the PC until the October 4, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-55** **KENNETH B. CLARY** (Kenneth B. Clary, owner) requesting rezoning from **R-30** to **R-15** for a single-family subdivision in land lots 25, 54, and 55 of the 1st district. Property is located on the north side of Post Oak Tritt Road, west of McPherson Road (4701 Post Oak Tritt Road). *(Previously continued by Staff from the September 6, 2022, Planning Commission (PC) hearing until the October 4, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-56** **ISSAN CHETTY** (Issan Chetty, owner) requesting rezoning from **R-30** to **R-20** for single-family residences in land lot 321 of the 19th district. Property is located on the west side of W. Sandtown Road, north of Friendship Church Road (1534 W. Sandtown Road). *(Continued by Staff until the October 4, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-57** **AFSHEEN FOODMART, INC.** (Afsheen Foodmart, Inc., owner) requesting rezoning from **GC** to **NRC** for a convenience store with fuel sales in land lot 20 of the 17th district. Property is located on the east side of Hicks Road, on the south side Grindstone Drive (3191 Hicks Road). *(Previously continued by the Planning Commission (PC) until the October 4, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-58** **PULTE HOME COMPANY** (Marie F. Johnson, owner) requesting rezoning from **R-30** to **R-20/OSC** for a single-family subdivision in land lots 62 and 87 of the 19th district. Property is located on the west side of Midway Road, south of Dallas Highway (636 Midway Road). *(Previously held by the Planning Commission (PC) until the October 4, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-59** **GLENSIDE MABLETON, LLC** (Glenside Mableton, LLC, owner) requesting rezoning from **GC** to **O&I** for a climate-controlled self-storage facility in land lot 297 of the 18th district. Property is located on the southwest side of Mableton Parkway, north of South Gordon Road (Mableton Parkway). *(Continued by Staff until the October 18, 2022, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-60** **BRANCH ACQUISITION COMPANY, LLC** (Branch Atlanta Road Associates II, L.P.; SJ Georgia Investor, LLC; Michael Howarth and Christine Howarth, owners) requesting rezoning from **HI** to **RRC** for a mixed-use development in land lots 894 and 900 of the 17th district. Property is located on the south side of Atlanta Road, north of Plant Atkinson Road (4874 and 4888 Atlanta Road, 2840 Plant Atkinson Road). *(Previously continued by Staff from the September 6, 2022, Planning Commission (PC) hearing until the October 4, 2022, PC 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; continued by the PC from the July 5, 2022, and August 2, 2022, PC hearings until the September 6, 2022, PC hearing; continued by Staff until the October 4, 2022, PC hearing; therefore, was not considered at this hearing).*
- SLUP-11** **GLENSIDE MABLETON, LLC** (Glenside Mableton, LLC, owner) requesting a **Special Land Use Permit** for a climate-controlled self-storage facility in land lot 297 of the 18th district. Property is located on the southwest side of Mableton Parkway, north of South Gordon Road (Mableton Parkway). *(Continued by Staff until the October 18, 2022, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*
- 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). *(Continued by Staff from the May 17, 2022, Board of Commissioners' (BOC) Zoning hearing; continued by the BOC from the June 21, 2022, BOC Zoning hearing; continued by Staff until the July 19, 2022, BOC Zoning hearing; held by the BOC from the July 19, 2022, and August 16, 2022, BOC Zoning hearings until the October 18, 2022, BOC Zoning hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 41 To consider a stipulation and site plan amendment for Terwilliger Pappas Multi-Family Partners, LLC regarding rezoning application Z-26 of 2007 for property located at the southeast corner of Big Shanty Road and Hidden Forest Court, in land lots 501 and 502 of the 16th district (3064 Hidden Forest Court). *(Previously continued by the Board of Commissioners (BOC) from the August 16, 2022, BOC Zoning hearing until the October 18, 2022, BOC Zoning hearing; therefore, was not considered at this hearing).*

O.B. 47 To consider a Hardship Sign Variance for Riverside EpiCenter, LLC for property located in land lots 604 and 689 of the 18th district. Property is located at the southeasterly intersection of South Service Road and Riverside Parkway (135 Riverside Parkway). *(Continued by Staff until the October 18, 2022, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*

Z-52 **NEWPORT 360 CAPITAL, LLC** (Municipal Gas Authority of Georgia, owner) requesting rezoning from **GC** to **RRC** for multifamily residential in land lot 363 of the 16th district. Property is located on the east side of Townpark Drive, north of Townpark Lane (108 Townpark Drive). *(Previously held by the Planning Commission (PC) from the August 2, 2022, PC hearing until the September 6, 2022, PC hearing.)*

Mr. Pederson presented the Applicant's request for a continuance of Z-52; thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to **continue** Z-52 until the October 18, 2022, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 4-0, Gambrill not present

O.B. 44 To consider a stipulation and site plan amendment for Brent Stepp regarding application OSC 05-17 of 2005 for property located at the southwest corner of Old Alabama Road and Cardell Road, in land lots 201 and 258 of the 18th district (Old Alabama Road).

Mr. Pederson presented the Applicant's request for a continuance of O.B. 44; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** O.B. 44 until the October 18, 2022, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 4-0, Gambrill not present

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 48 To consider a reduction of public road frontage for lots 1 and 2 from 75-feet to 47-feet each for Alva Glass. The property is located on the south side of Bullard Road, south of Devonhurst Way in land lot 434 of the 19th district (2011 Bullard Road).

Mr. Pederson presented the Staff's request for a continuance of O.B. 48; thereafter, the following motion was made:

MOTION: Motion by Cupid, second by Birrell, to **continue** O.B. 48 until the October 18, 2022, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 4-0, Gambrill not present

Mr. Pederson made the following announcements:

CAMPAIGN DISCLOSURE

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

INFORMATION REGARDING ZONING CASES

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

RESCIND AND RECONSIDER CASE

Z-43 Per the Planning Commission (PC) and Board of Commissioners (BOC) Zoning Hearing Procedures, the July approval action by the PC and the BOC for rezoning case Z-43 was announced to be rescinded at the August 2, 2022 PC Hearing and the August 16, 2022 BOC Hearing, and the case will be reheard to allow for proper notification mailings and proper sign posting. This case was reheard by the PC on September 6, 2022 and will be reheard by the BOC on September 20, 2022. The hearing will be held at 9:00 am in the second-floor meeting room located at 100 Cherokee Street, Marietta GA.

MOTION: Motion by Richardson, second by Sheffield, to **rescind** the vote for Z-43.

VOTE: **ADOPTED** 4-0, Gambrill not present

Clerk's Note: Z-43 was rescinded and added back to this agenda (see Consent Agenda).

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Mr. Pederson read in the cases for the Consent Agenda.

CONSENT AGENDA

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

Z-43 **JVH PROPERTIES, LLC** (JVH Properties, LLC, owner) requesting rezoning from **GC** to **NRC** for an office in land lot 621 of the 17th district. Property is located on the south side of South Cobb Drive, northwest of Ivy Glen Drive (4450 South Cobb Drive).

To **approve** Z-43 to the **NRC** zoning district, subject to:

1. **Site Plan received by the Zoning Division on May 6, 2022, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Maintain the existing 35-foot undisturbed buffer adjacent to residential zoning along the southwest property line**
3. **Include an eight-foot landscape enhancement strip along Ivy Glen Drive and South Cobb Drive**
4. **Fire Department comments and recommendations**
5. **Water and Sewer Division comments and recommendations**
6. **Stormwater Management Division comments and recommendations**
7. **Department of Transportation comments and recommendations**

Z-54 **JOSHUA DOVER** (Joshua Dover, owner) requesting rezoning from **R-20/OSC** to **R-20** for a single-family residence in land lots 710, 731, and 732 of the 16th district. Property is located on the south side of Kurtz Road, and on the west side of Sterling Road (756 Kurtz Road).

To **approve** Z-54 to the **R-20** zoning district, subject to:

1. **Fire Department comments and recommendations**
2. **Water and Sewer Division comments and recommendations**
3. **Stormwater Management Division comments and recommendations**
4. **Department of Transportation comments and recommendations**

LUP-14 **ARCHBISHOP GREGORY J. HARTMAYER, OFM CONV., ARCHBISHOP OF THE ARCHDIOCESE OF ATLANTA, AS TRUSTEE OF AOA PARISH REAL ESTATE TRUST** (Most Reverend John F. Donoghue, D.D., as Archbishop of the Roman Catholic Archdiocese of Atlanta and/or His Successors in Office, owners) requesting a **Temporary Land Use Permit (Renewal)** for a catholic campus ministry in land lot 97 of the 20th district. Property is located on the west side of Campus Loop Road, across from Paulding Avenue (3487 Campus Loop Road).

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CONSENT AGENDA (CONT.)

LUP-14 **ARCHBISHOP GREGORY J. HARTMAYER, OFM CONV.,
ARCHBISHOP OF THE ARCHDIOCESE OF ATLANTA, AS
TRUSTEE OF AOA PARISH REAL ESTATE TRUST (CONT.)**

To **approve** LUP-14 for **24 months**, subject to:

1. **All parking to be within the driveway or at the Kennesaw State University parking lot**

LUP-15 **RACHEL JUREWICZ** (Christopher J. Jurewicz and Lori M. Jurewicz, owners) requesting a **Temporary Land Use Permit** to allow temporary occupancy of an RV in land lot 8 of the 17th district. Property is located on the east side of Cunningham Road, south of Shannon Way (1495 Cunningham Road).

To **approve** LUP-15 for **12 months**, subject to:

1. **Non-renewal basis**

***Clerk's Note:** In speaking with the County Attorney, Chairwoman Cupid stated that the Applicant is not the property owner; therefore, the property owner can come back to request a LUP for someone to stay on the property, and the property owner would not be barred.*

LUP-16 **DORCAS LABOY** (History Makers Church, Inc., owner) requesting a **Temporary Land Use Permit** for a daycare in land lot 87 of the 17th district. Property is located on the south side of Windy Hill Road, and the west side of Favor Road (76 Windy Hill Road).

To **approve** LUP-16 for **24 months**, subject to:

1. **Site Plan received by the Zoning Division on July 8, 2022, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Hours of operation to be Monday through Friday, 6:30 a.m. until 6:00 p.m.**
3. **Austell Road Design Guidelines must be met for any future site improvements**
4. **Fire Department comments and recommendations**
5. **Stormwater Management Division comments and recommendations**
6. **Water and Sewer Division comments and recommendations**

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CONSENT AGENDA (CONT.)

LUP-16 DORCAS LABOY (CONT.)

- 7. Department of Transportation comments and recommendations, including the submittal of an internal traffic circulation/queuing plan for drop-off/pick-up periods**
- 8. All Staff comments and recommendations, *not otherwise in conflict***

SLUP-12 EAST PIEDMONT STORAGE, LLC (CP Piedmont Village, LLC, owner) requesting a **Special Land Use Permit for a climate-controlled self-storage facility in land lot 565 of the 16th district. Property is located on the south side of Piedmont Road, east of Canton Road (Piedmont Road).**

To **approve** SLUP-12, subject to:

- 1. All Staff comments and recommendations**

OTHER BUSINESS

O.B. 43 To consider a stipulation and site plan amendment for Dominion Christian School regarding application SLUP-10 of 2000 for property located on the south side of Burnt Hickory Road and on the east side of Old Mountain Road, in land lots 272 and 273 of the 20th district (4607 Burnt Hickory Road).

To **approve** O.B. 43, subject to:

- 1. *Proposed Site Plan* contained in the Other Business packet, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- 2. Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 3. Site Plan Review 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, *not otherwise in conflict with this amendment*, to remain in effect**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 46 To consider a stipulation amendment for Summerlyn Homes, LLC regarding rezoning application Z-5 of 2019 for property located in land lots 1247 and 1248 of the 19th district. Property is located on the west side of Holloman Road, south of Hiram Lithia Springs Road (5350 Holloman Road).

To **approve** O.B. 46, subject to:

- 1. Reversion clause extended to March 20, 2023**
- 2. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 3. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

At the call for O.B. 49 (Arylessence, Inc.), opposition was present; therefore, O.B. 49 was pulled from the Consent Agenda and was to be heard on the Regular Agenda in its numerical order. However, it was determined that the person was not in opposition to O.B. 49; therefore, O.B. 49 was added back to the Consent Agenda (see page 11 for the motion).

Chairwoman Cupid called for a brief recess from 9:29 a.m. until 9:33 a.m.

Following the recess, Commissioner Sheffield requested that O.B. 42 (Latisha Corley and Angela Grant) be added to the Consent Agenda. The Applicant was present, and there was no opposition present. Mr. Pederson read O.B. 42 into the record and the motion was made with stipulations added by Commissioner Sheffield.

O.B. 42 To consider a stipulation amendment for Latisha Corley and Angela Grant regarding rezoning application Z-43 of 2015 for property located on the westerly side of Austell Road, south of Clay Road, in land lot 1155 of the 19th district (5064 Austell Road).

To **approve** O.B. 42, subject to:

- 1. The permitted uses of the property shall include a daycare**
- 2. The hours of operation shall be Monday through Friday, 6:30 am. until 6:30 p.m.**
- 3. Landscape Plan incorporating a 20-foot screening buffer as well as a privacy fence along the rear property line shall be submitted to the County Arborist for review no later than October 20, 2022, with final approval by the District Commissioner; the 20-foot screening buffer and privacy fence shall be installed no later than March 20, 2023**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 42 (CONT.)

- 4. District Commissioner to approve signage for the business**
- 5. All Staff comments and recommendations, *not otherwise in conflict***

MOTION: Motion by Sheffield, second by Cupid, to **add** O.B. 42 to the Consent Agenda as previously read into the record.

VOTE: **ADOPTED** 4-0, Gambrill not present

O.B. 49 To consider a stipulation amendment for Arylessence, Inc. regarding rezoning application Z-155 of 2004, for property located on the north and west sides of Lake Drive, south of Jamerson in land lot 86 of the 16th district (1091 Lake Dive).

To **approve** O.B. 49, subject to:

- 1. Exhibit “A” submitted by the Applicant (attached and made a part of these minutes)**
- 2. All previous stipulations and conditions, *not otherwise in conflict with this amendment, to remain in effect***

MOTION: Motion by Birrell, second by Cupid, to **add** O.B. 49 back to the Consent Agenda as previously read into the record.

VOTE: **ADOPTED** 4-0, Gambrill not present

CONSENT VOTE: **ADOPTED** 4-0, Gambrill not present

REGULAR AGENDA

Z-41 **SOUTHERN GAS PARTNERS, LLC** (Southern Gas Partners, LLC, owner) requesting rezoning from **NS** and **GC** to **NRC** for a convenience store with fuel sales and carwash in land lot 339 of the 16th district. Property is located on the southwest corner of the intersection of Shallowford Road and Trickum Road (Shallowford Road, 3705 Trickum Road). *(Previously held by the Board of Commissioners (BOC) until the August 16, 2022, BOC Zoning hearing; continued by Staff until the September 20, 2022, BOC Zoning hearing).*

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REGULAR AGENDA (CONT.)

Z-41 SOUTHERN GAS PARTNERS, LLC (CONT.)

The public hearing was opened; Jim Courson, Bo Patel, and Mel Skelton address the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to **hold** Z-41 until the October 18, 2022, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 4-0, Gambrell not present

Z-48 OM ENTERPRISES 9, LLC (Joan Leigh Zimmerman Sheppard, as Trustee of the Raymond Haskell Zimmerman Trust, owner) requesting rezoning from **LI** to **NRC** for a convenience store with fuel sales in land lot 302 of the 17th district. Property is located on the west side of Benson Poole Road, on the north side of Benson Poole Circle, south of South Cobb Drive (2338 Benson Poole Road).

The public hearing was opened; Garvis L. Sams, Jr. and Terry Boomer address the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Cupid, to **approve** Z-48 to the **NRC** zoning district, subject to:

1. Permitted uses for the 3,200 square foot retail space shall include neighborhood retail uses as identified in the county code; any other uses to be approved by the District Commissioner
2. Department of Transportation (DOT) recommendation #1 dated September 16, 2022, (attached and made a part of these minutes) is not intended to automatically grant the left-turn lane variance; instead, DOT retains the right to prohibit left-in movements if a needed left turn lane cannot be installed
3. Canopy lighting shall be mounted on or recessed into the lower surface of the canopy; lighting shall be designed and installed to minimize or eliminate stray lighting onto roadways and adjacent residential properties
4. The dumpster shall include doors and the doors shall remain closed when not in use
5. Letters of agreeable conditions from Garvis L. Sams, Jr. dated July 6, 2022, containing the *revised* Site Plan, Landscape Plan, architectural renderings/elevations, and Safety Plan; and the letter dated September 2, 2022 (attached and made a part of these minutes)

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REGULAR AGENDA (CONT.)

Z-48 OM ENTERPRISES 9, LLC (CONT.)

6. Landscape Plan to be submitted to the County Arborist, with final approval by the District Commissioner
7. Amend the *OM Enterprises 9, LLC Safety Plan* (attached and made a part of these minutes) for fencing such that *a six-foot vinyl-clad fence shall be installed around the perimeter of the property*
8. Staff comments and recommendations, *not otherwise in conflict*

VOTE: **ADOPTED** 4-0, Gambrill not present

Z-50 ROMUSA PROPERTIES, LLC (Romusa Properties, LLC, owner) requesting rezoning from **R-20** to **NRC** for a daycare in land lot 494 of the 19th district. Property is located on the south side of Macland Road, on the west side of West Sandtown Road (2260 West Sandtown Road, 2845 Macland Road). *(Held by the Planning Commission (PC) until the September 6, 2022, PC hearing).*

At the call for Z-50 (Romusa Properties, LLC), the Applicant was not present, and there was no opposition present. The case was put on hold to see if the Applicant could be contacted. Later in the hearing, Mr. Pederson announced that after speaking with the Applicant, the Applicant requested to continue the case. Thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** Z-50 until the October 18, 2022, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 4-0, Gambrill not present

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). *(Previously continued by Staff until the July 5, 2022, Planning Commission (PC) hearing; continued by Staff until the August 2, 2022 PC hearing; continued by Staff until the August 16, 2022, Board of Commissioners' (BOC) Zoning hearing; continued by Staff until the September 20, 2022, BOC Zoning hearing).*

The public hearing was opened; Christopher Hunt, Michelle Graves, Jill Flamm, and Gregory Cassel address the Board. Following the presentation and discussion, the following motion was made:

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

VOTE: **ADOPTED** 4-0, Gambrill not present

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Chairwoman Cupid called for a brief recess from 11:21 a.m. until 11:32 a.m.

OTHER BUSINESS

O.B. 39 To consider a stipulation and site plan amendment for E Rock Development, LLC regarding rezoning application Z-35 of 2016 for property located on the northeast side of Hickory Grove Road, west of Hickory Grove Place, in land lots 54 and 55 of the 20th district (1648 Hickory Grove Road).

The public hearing was opened, and Jonathan Edwards address the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Richardson, to **approve** O.B. 39, subject to:

- 1. Applicant to prefund the Homeowners Association (HOA) with \$20,000 for future road maintenance and this is to be done prior to the first building permit to be issued**
- 2. Private roads to be built to county standards in conjunction with DOT**
- 3. Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 4. Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 5. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 6. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** 4-0, Gambrill not present

O.B. 45 To consider a stipulation and site plan amendment for Austell Leased Housing Associates II, LLLP regarding rezoning application Z-120 of 2016 for property in land lots 511, 512, 490, and 590 of the 18th district. Property is located on the east side of Factory Shoals Road, the north side of Riverside Parkway (formerly Six Flags Drive), the southeastern side of Cochran Road, and the south end of Richard Lane (Factory Shoals Road).

The public hearing was opened; Anre Washington, Denny Wilson, Michael Murphy, Leroy Trey Hutchins, and Shaun Reinhardt address the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **deny** O.B. 45.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 20, 2022
PAGE 15**

OTHER BUSINESS (CONT.)

O.B. 45 (CONT.)

Prior to the vote, discussion ensued, and Commissioner Sheffield amended her previous motion as follows:

MOTION: Motion by Sheffield, second by Birrell, to **allow** O.B. 45 to be *withdrawn without prejudice*.

VOTE: **ADOPTED** 4-0, Gambrill not present

ADJOURNMENT

The hearing adjourned at 12:30 p.m.



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

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Z-48-2022

DEPARTMENT COMMENTS – DOT

REVISED 9/16/22

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Benson Poole Road	Minor Collector	35	Cobb County	60'

Roadway	Location	Average daily trips	Level of service
Benson Poole Road	N/A	N/A	N/A

Comments and observations

Benson Poole Road is classified as a minor collector roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Site plan comments and observations

The site plan with the stipulated letter dated September 2, 2022 addresses Cobb DOT Recommendations 3 through 10. Recommendations 1, 2 and 11 will be resolved during the Plan Review process.

Recommendations

1. As necessitated by this development, a left turn lane is recommended at the entrance-only driveway on Benson Poole Road. Due to extenuating circumstances of the site and location, a left turn waiver may be submitted during plan review subject to Cobb DOT approval. The waiver should be submitted in a memorandum and outline the reasons behind the left turn lane variance including but not limited to: the design and construction feasibility, any possible hardships, as well as all constraints of the site and adjacent road network. As part of the waiver review during the Plan Review process Cobb DOT will retain the right to prohibit left-in movements at the development driveway if a needed left turn lane cannot be installed .
2. Recommend applicant verify that minimum intersection sight distance is available for the Benson Poole Road access points, and if it is not, implement remedial measures, subject to Cobb DOT approval, to achieve the minimum requirement of 390'.
3. Recommend extending the uninterrupted access for the northern exit-only driveway on Benson Poole Road to a minimum of 50' from the edge of right-of-way per Development Standard 402.08. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.

Z-48-2022

DEPARTMENT COMMENTS – DOT

REVISED 9/16/22

(continued)

4. Recommend applicant submit an internal traffic circulation plan showing viable travel paths for tractor trailers using standard turning templates. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.
5. 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 west side of Benson Poole Road, a minimum of 30' from the roadway centerline. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.
6. Recommend replacing disturbed sidewalk, as well as adding curb and gutter along the Benson Poole Road frontage. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.
7. Recommend northern driveway on Benson Poole Road be restricted to an exit-only access. This driveway is recommended to be a maximum of 18' in width per section 402.08 of the Cobb County Development Standards and provide as much separation as possible from the adjacent driveway for the Centerview Park apartment development to the north. Recommend final location and design be determined during plan review, subject to Cobb County DOT approval. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.
8. Recommend southern driveway on Benson Poole Road be restricted to an entrance-only access. This driveway is recommended to be a maximum of 18' in width per section 402.08 of the Cobb County Development Standards and provide as much separation as possible from the adjacent driveway for the Benson Manor apartment development to the south. Recommend final location and design be determined during plan review, subject to Cobb County DOT approval. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.

Z-48-2022

DEPARTMENT COMMENTS – DOT

REVISED 9/16/22

(continued)

9. As necessitated by this development, recommend the southern entrance-only access include a deceleration lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.
10. Recommend extending the uninterrupted access for the southern entrance-only driveway on Benson Poole Road to a minimum of 50' from the edge of right-of-way per Development Standard 402.08. This item is addressed in the site plan submitted with the stipulation letter dated September 2, 2022.
11. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Min. Bk. 96 Petition No. Z-48
Doc. Type 7-6-2022 letter
Meeting Date 9-20-2022



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

July 6, 2022

**(STIPULATION LETTER, REVISED SITE PLAN, LANDSCAPE PLAN,
ARCHITECTURAL RENDERINGS/ELEVATIONS AND SAFETY PLAN)**

VIA HAND DELIVERY & EMAIL

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

Re: Application of OM Enterprises 9, LLC to Rezone an approximate 1.131 ± Acre
Tract of Land from LI to NRC (No. Z-48)

Dear John:

This firm represents OM Enterprises 9, LLC ("OM") regarding the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on August 2, 2022 and, thereafter, the Application is scheduled to be heard and considered by the Cobb County Board of Commissioners on August 16, 2022.

The Subject Property consists of an approximate 1.131-acre tract of land which is located on the west side of Benson Poole Road, north of Benson Manor Circle and in an area designated on the Future Land Use Map ("FLUM") as being within the Neighborhood Activity Center ("NAC") land use category. In that regard, OM's proposal is entirely appropriate from a land use planning perspective; and, consistent with the FLUM; and, representative of the policy of the Board as embodied in the County's Comprehensive Land Use Plan.

After meetings with County staff members; ongoing discussions with certain area residents; and, in accordance with the input and direction we have received, this letter will serve as OM's expression of agreement with the following stipulations. These stipulations shall become conditions and a part of the grant of the requested Rezoning and binding upon the subject property thereafter:

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.

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
July 6, 2022
Page 2

2. The subject property shall be developed in substantial conformity to that certain Revised Site Plan prepared by Civil Consulting Engineers, Inc., which is submitted concurrently herewith.
3. The Applicant's proposal consists of one building which will consist of 4,000 square feet for a Grocery/Convenience Store with Fuel Sales and 3,200 square feet of space for retail sales.
4. The architectural style and composition of the building to be constructed on the Subject Property shall be consistent with the architectural renderings/elevations submitted concurrently with the Rezoning Application, and which are also being resubmitted herewith.
5. The parking area lighting will be maximally illuminated for security purposes to the extent allowed under the Cobb County Zoning Ordinance. Security lighting on the building shall also be maximally illuminated as well; 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 also be secured and served by strategically positioned 24-hour, monitored video surveillance, all of which is covered in the Safe Plan which is attached hereto and made a part hereof by reference.

6. In addition to the attached site plan, a Landscape Plan prepared by Frawley Associates, LLC is also attached. The Landscape Plan indicates a 20-foot landscape screening buffer abutting residential properties.

The Subject Property's frontage along Benson Poole Road shall be enhanced with landscaped enhancement strips and buffering as required pursuant to the Zoning Ordinance.

7. Dumpsters shall be positioned consistent with the Cobb County Ordinance regulations with dumpster lids containing rubber cushions to reduce noise and with the enclosure surrounding the dumpster being designed to be complementary to the building's architecture while meeting all Development Standards. The design and position of said enclosure shall be reviewed and approved by the Zoning Division Manager and/or his designee.
8. Compliance with the recommendations from the Cobb County Stormwater Management Division regarding positioning of the underground detention/water quality components, as well as comments during the Plan Review process.

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
July 6, 2022
Page 3

9. Compliance with Fire Prevention and Life-Safety issues from the Cobb County Fire Marshal's Office, including the following:
 - a. The proposed development will not be subject to International Fire Code Prevention ("IFC 510") – Emergency Responder Radio coverage, because the building does not exceed 12,000 square feet.
 - b. Providing a 24-hour emergency contact(s) and phone number(s) on the plans which will proceed through the Plan Review Process.
 - c. Providing appropriate access to the Subject Property for fire apparatus and public safety vehicles and ensuring that there is sufficient interior maneuverability and accessibility for said public safety and fire apparatus vehicles.
10. Compliance with the comments and recommendations from the Cobb County Department of Transportation ("DOT"), including:
 - a. OM shall provide dedicated turn-lanes with respect to the two entrances, designating the north point of ingress/egress "Exit Only".
 - b. Compliance with DOT's request for the submission of a "Constructability Memo" during the Plan Review process in order to show why a left-turn lane and/or the waiver of same is not at issue.
 - c. Voluntary conveyance of right-of-way as reflected on the site plan.
 - d. OM shall ensure that any revisions to the site plan reflect at least fifty feet (50') of uninterrupted access from points of ingress/egress to areas of the Subject Property to be constructed and used.
11. Compliance with comments and recommendations from the Cobb County Water and Sewer Division, including tying into sewer.
12. The District Commissioner and/or her designee shall have the authority to approve certain minor modifications to the site plan, the architecture and these stipulations/conditions as the development proposal proceeds through the Plan Review Process and thereafter, except for those that:

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-48
Meeting Date 9-20-2022
Continued

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
July 6, 2022
Page 4

- a. Reduce the size of an approved buffer adjacent to property which is zoned in a more strictive zoning district.
- b. Relocate a structure closer to the property line to an adjacent property which is zoned in a more restrictive zoning district.
- c. Increase the height of a building adjacent to property which zoned in a more restrictive zoning district.
- d. Change access locations to different roadways.
- e. Seek any additional Variances to provisions of the Cobb County Zoning Ordinance.

In all respects, this proposed Rezoning Application request represents an appropriate land use particularly in view of the fact that it has been zoned LI and undeveloped in an area along this west side of Benson Poole Road which has adjacent multi-family residential and commercial uses in unincorporated Cobb County and the east side of Benson Poole Road having commercial uses in the City of Smyrna.

Please do not hesitate to contact me should you or your Staff require additional information or documentation prior to the formulation of Staff's final Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLS, Jr./jac
Enclosures/Attachments

cc: ON FOLLOWING PAGE

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-48
Meeting Date 9-20-2022
Continued

VIA HAND DELIVERY & EMAIL

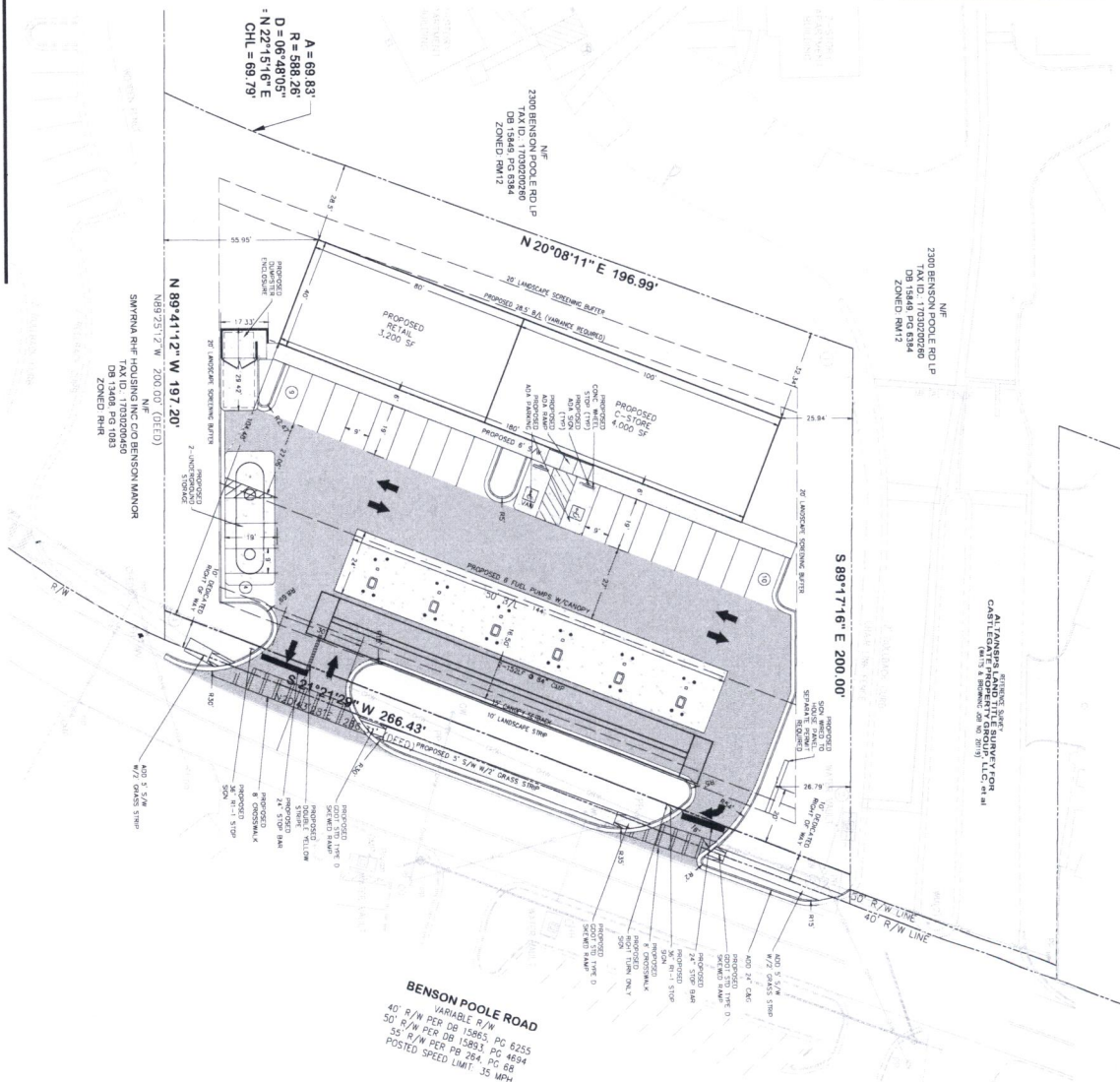
Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
July 6, 2022
Page 5

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
Board of Commissioners Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director (via email w/attachments)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
Mr. Terry Martin, Planner III (via email w/attachments)
Ms. Margie Vazquez, Planner II (via email w/attachments)
Mr. LeDarius Scott, Planner I (via email w/attachments)
Ms. Pam Mabry, County Clerk (via email w/attachments)
Ms. Robin Stone, Deputy County Clerk (via email w/attachments)
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Captain Josh Davis, Fire Marshal's Office (via email w/attachments)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)
Ms. Abby Rettig, Cobb DOT (via email w/attachments)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachments)
Mr. Tim Davidson, Plan Review Engineer, Water System (via email w/attachments)
Mr. Sunny Mehta (via email w/attachments)
Mr. Terry S. Boomer, P.E., Civil Consulting Engineers, Inc. (via email w/attachments)

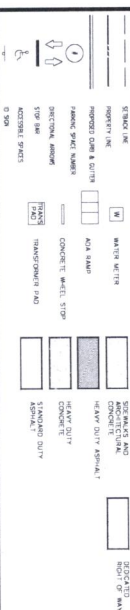
VICINITY MAP

THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS SHOWN ON F.I.R.M. COMMUNITY PANEL NUMBER 13067C011B1, DATED 10/5/2018.

SITE PLAN DEVELOPED FROM A SURVEY PROVIDED BY CLIENT. COE RESERVES THE RIGHT TO REVISE THE SITE PLAN AS ADDITIONAL INFORMATION IS MADE AVAILABLE. SITE PLAN SUBJECT TO CHANGE.



LEGEND - PROPOSED



NOTES

[illegible]

SITE NOTES

21 ALL TRAFFIC STOPPING SHALL BE THERMOPLASTIC

PROPOSED PARKING DATA

[illegible]

ENGINEER

DEVELOPER

OM ENTERPRISES 9, LLC
1876 INDEPENDENCE SQUARE
SUITE D
DUNWOODY, GA 30338
CONTACT: BRIAN WELFA
PHONE: 678-439-5163

GOV CONSULTING ENGINEERING, INC.
27 EAST 9TH STREET
SAN JOSE, CA 95114
ENGINEER: TERRY BOOMER
PHONE: 678-462-4072

DEVELOPER

ON ENTERPRISES 9, LLC
1876 INDEPENDENCE SQUARE
SUITE D
DUNWOODY, GA 30338
CONTACT: BHARATI MITTA
PHONE: 678-456-5163



DWG PROJ. #	
CLIENT PROJ. #	
ECE PROJ. #	2022-077
ISSUE DATE	5/26/22
SHEET NAME	
REZONING PLAN	
SHEET NO.	RZ1

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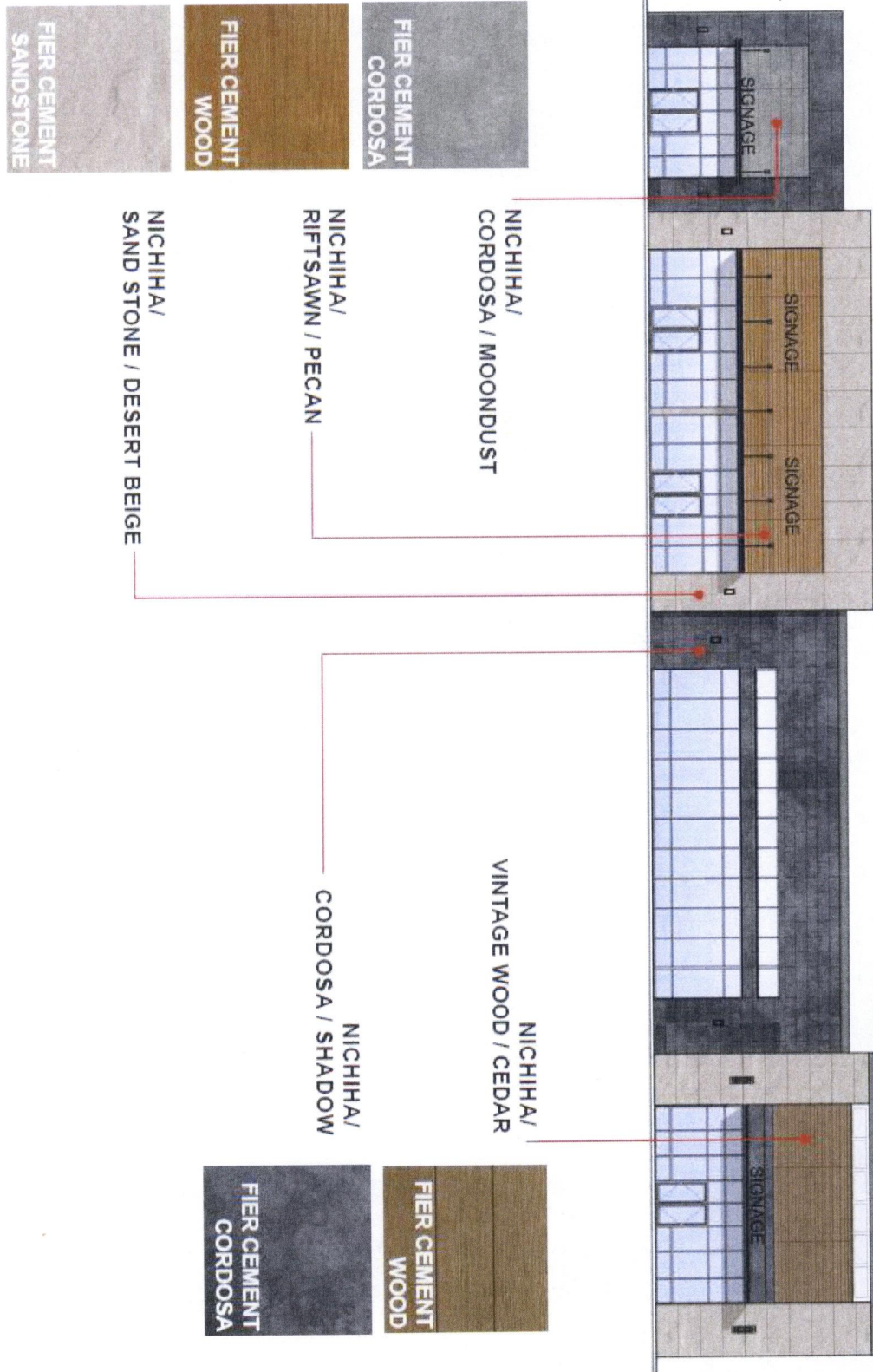
PROJECT NAME	
PROPOSED RETAIL AND CONVENIENCE-TYPE GROCERY STORE WITH FUEL SALES	
PROJECT ADDRESS	
2338 BENSON POOLE RD	SMYRNA, GA 30082
CLIENT NAME	
OM ENTERPRISES 9, LLC	
CLIENT ADDRESS	
1876 INDEPENDENCE SQUARE STE D	DUNWOODY, GA 30338



Civil Consulting Engineers, Inc.

 211 E. MAIN STREET
CANTON, GA 30114
678-462-4072
CCEConsultingEngineers.com

1 SOUTH ELEVATION
 3/64" = 1'-0"



YUNG ARCHITECTURE, LLC

3483 Satellite blvd. Suite 310-S Duluth, GA 30096
 Email: yungarchitecture@gmail.com
 T. 770.497.0404 / 770.497.0096











COBB COUNTY
STATE OF GEORGIA

OM ENTERPRISES 9, LLC
SAFETY PLAN

This Safety Plan is being submitted to the Cobb County Board of Commissioners and to the Cobb County Police Department ("CCPD") pursuant to stipulations/conditions regarding Rezoning Application No. Z-48 to be heard by the Cobb County Board of Commissioners on August 16, 2022. The Safety Plan addresses the security and response-management needs associated with the proposed Grocery/Convenience Store with Fuel Sales and Ancillary Retail Sales ("Store").

I. ON-SITE MANAGEMENT

The day-to-day operations of the Store will be managed by a Property Manager ("Manager") who has specific expertise in security and response-management needs within the Industry. Additionally, the Manager, management and maintenance staff will maintain 24-hour emergency on-call protocols and be available to address security and/or other issues.

1. After-hours contact information, which includes the phone number and other contact information for the Manager will be posted on the Store's website upon completion of the construction and the issuance of the appropriate permits. Additionally, to the extent permitted by the Sign Ordinance, a visible sign will be installed near the entrance of the Store which will include the name of the Manager, contact information and an after-hours telephone contact number for emergencies.
2. The Manager and the on-site management team shall keep a log of comments or complaints received, the date and nature of the comments or complaints and how they were addressed from a security and response-management perspective. The Store's Manager shall make the log available for review by the District Commissioner, Board of Commissioners or the CCPD during normal business hours upon advance request.

As part of their respective employment, each employee will review and sign an acknowledgement of the security rules and regulations which are designed to acquaint employees with the community and the Store and in order to define policies and procedures. The Manager and the property management staff shall be responsible for enforcing rules and regulations and for the physical management of the property, including regular maintenance and emergency repairs and the updating of security components as needed or as necessary.

The Store and its Manager shall provide the staff and employees with appropriate training and consult with the CCPD on available training programs which are offered. An Emergency Preparedness and Disaster Recovery Plan for the Store will be created, and each member of the property management team and/or employees will be trained on how to respond in an emergency, a disaster or during the potential commission of a crime.

II. SECURITY

The Store's management and maintenance staff will maintain 24-hour emergency on-call protocols, with the Manager being available to respond to emergency calls. The Manager and management staff will conduct crime prevention and awareness programs covering security in commercial buildings, common areas and parking lots. If and when crime incidents occur, the Manager, on-site management and maintenance staff and individual employees will be alerted with a formal electronic communication via texts and/or emails from the Manager.

Strategically positioned video surveillance cameras and associated signage will be installed on and within the Store to deter improper activity. Selected entrances and the vehicular points of ingress/egress will have camera surveillance to record when people enter and exit the property/building. There will also be security cameras around and within the Store in places to provide visual surveillance and coverage of parking and canopy/fuel dispensing areas.

The parking lot, fuel dispensers/canopy and landscaped areas will be maximally lighted in accordance with applicable Codes. The Manager and the management staff will regularly inspect the property to ensure that all lights are in working condition.

A fence will be installed around the rear of the property on the common property line between the Store and the abutting apartment communities. Given that the property is located in an area along Benson Poole Road developed with a mix of multi-family uses in the County and commercial uses in the City of Smyrna, vehicular traffic along the frontage of Benson Poole Road will help deter illegal activity through natural surveillance.

III. PARKING

Parking on the property will be permitted by authorized employees and staff and, of course, customers. To the extent permitted by applicable law, parking enforcement and fines will be assessed to violators to cover the cost of enforcing the rules and to prevent the storage and/or abandonment of non-compliant and/or nonoperational vehicles on the property. Customers and employees of the Store shall be required to park their vehicles on the property but not in the adjacent developments, properties or within rights-of-way.

IV. OPERATING PARAMETERS

The Store will institute and enforce operating hours for the Store to ensure a safe and secure environment for all employees and customers. The hours of operation shall be from 7:00 a.m. until Midnight, 7 days per week. Said time frame may be adjusted to address needs which may arise during the operations of the Store.

V. PROPERTY RULES

- The Store on the Subject Property shall be a smoke-free environment.
- Gatherings within the parking areas and/or the fuel dispenser/canopy areas, as well as loitering within and outside of the Store shall be strictly prohibited.
- To the extent not in conflict with State and Local Laws, the improper use of guns or weapons shall be prohibited.
- No posting or hanging of materials on interior/exterior surfaces without approval of the Manager.
- All trash and recyclables are to be disposed of in the proper containers which shall be emptied regularly and completely.
- Windows, doors and entry ways shall not be obstructed.
- Loitering, gambling or other illegal activities are not allowed within or around the Store and the parking areas or fuel dispensing/canopy areas.

VI. PROHIBITED ITEMS

- Firearms will be in compliance with State and Local ordinances and law.
- Drugs and drug paraphernalia.
- Solicitations.
- Hazardous chemicals, fireworks, and illegal substances of any kind.

Respectfully submitted, this the 6th day of July 2022.

SAMS, LARKIN & HUFF, LLP



By: _____

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



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

September 2, 2022

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

Min. Bk. 96 Petition No. Z-48
Doc. Type 9-2-2022 letter
Meeting Date 9-20-2022

RECEIVED
SEP 01 2022

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

RECEIVED
SEP 02 2022

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Re: Application of OM Enterprises 9, LLC to Rezone an approximate 1.131 ± Acre
Tract of Land from LI to NRC (No. Z-48)

Dear John:

You will recall that this firm represents OM Enterprises 9, LLC ("OM") regarding the above-captioned Application for Rezoning. The Application was recommended for approval by the Planning Commission ("PC") with direction that the Applicant and its engineers prepare and submit a revised site plan reflecting the totality of the Department of Transportation's ("DOT's") recommendations. OM's Application has Staff's support as well as the PC's support and there is no opposition from the public.

We have gone through several iterations of the site plan and worked closely with DOT and have been able to reconfigure site interior components to accommodate the last remaining issues from DOT. In that regard, enclosed please find the requisite number of copies of a revised site plan dated August 31, 2022 as directed by the PC and as instructed by the review engineers at DOT.

Of course, we are still amenable to the stipulations/conditions contained within the Stipulation Letter dated July 6, 2022, including the previously submitted landscape plan; architectural renderings/elevations and the Safety Plan except as otherwise may be changed with OM's compliance with DOT requirements and revised comments which include the following:

1. The voluntary donation and dedication of a right-of-way on the west side of Benson Poole Road a minimum of 30 feet from the roadway centerline.

VIA HAND DELIVERY & EMAIL

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

2. Replacing disturbed sidewalk, as well as adding curb and gutter along the Benson Poole Road frontage.
3. Verifying the minimum site distance of 390 feet or the implementation of remedial measures in which to mitigate same.
4. The submission of a revised site plan (which is being filed herewith) which reflects viable internal maneuvers and circulation.
5. Restricting the northern driveway on Benson Poole Road to an exit-only access, subject to DOT's request that it be allowed to determine the final location during the Plan Review process.
6. Restricting the southern driveway on Benson Poole Road to an entrance-only access with DOT approving the final location and design during Plan Review.
7. The construction of a deceleration lane at the southern entrance-only access point with DOT determining the location and design during the Plan Review process.
8. The installation of a left-turn lane at the entrance-only driveway on Benson Poole Road, with DOT reviewing the design, construction and feasibility as well as other site constraints during the Plan Review process.
9. Providing uninterrupted access for the southern entrance-only driveway on Benson Poole Road to a minimum of 50 feet from the edge of the right-of-way pursuant to Development Standard 402.08.
10. Meeting all Cobb County Development Standards and Ordinances related to project improvements.
11. Compliance with all of the other stipulations/conditions contained within the previously submitted Stipulation Letter on July 6, 2022, where not in conflict herewith.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-48
Meeting Date 7-20-2022
Continued

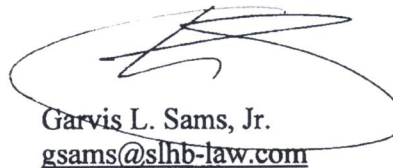
VIA HAND DELIVERY & EMAIL

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

Please do not hesitate to contact me should you, your Staff or others have any questions whatsoever regarding these revisions. With kind regards and best wishes for the Labor Day holiday weekend.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLS, Jr./jac
Enclosure/Attachment

cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Dr. Jackie McMorris, County Manager (via email w/attachment)
Board of Commissioners Assistants (via email w/attachment)
Ms. Jessica Guinn, AICP, Director (via email w/attachment)
Ms. Jeannie Peyton, Senior Planner (via email w/attachment)
Mr. Terry Martin, Planner III (via email w/attachment)
Ms. Margie Vazquez, Planner II (via email w/attachment)
Mr. LeDarius Scott, Planner I (via email w/attachment)
Ms. Pam Mabry, County Clerk (via email w/attachment)
Ms. Robin Stone, Deputy County Clerk (via email w/attachment)
Ms. Leila Washington, Deputy County Clerk (via email w/attachment)
Mr. Jeffrey Byrd, Fire Marshal's Office (via email w/attachment)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachment)
Ms. Abby Rettig, Cobb DOT (via email w/attachment)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachment)
Mr. Tim Davidson, Plan Review-Water System (via email w/attachment)
Mr. Sunny Mehta (via email w/attachment)
Mr. Terry S. Boomer, P.E., Civil Consulting Engineers, Inc. (via email w/attachment)

VICINITY MAP

**SITE PLAN DEVELOPED FROM A SURVEY PERFORMED BY
SIT PLAN CO. RESERVES THE RIGHT TO REVERSE THE
SITE PLAN AS ADDITIONAL INFORMATION IS MADE
AVAILABLE. SITE PLAN SUBJECT TO CHANGE.**

2300 BEASON POOLE RD LP
TAX ID: 170302020260
DB 15649, PG 0064
ZONED: RM12

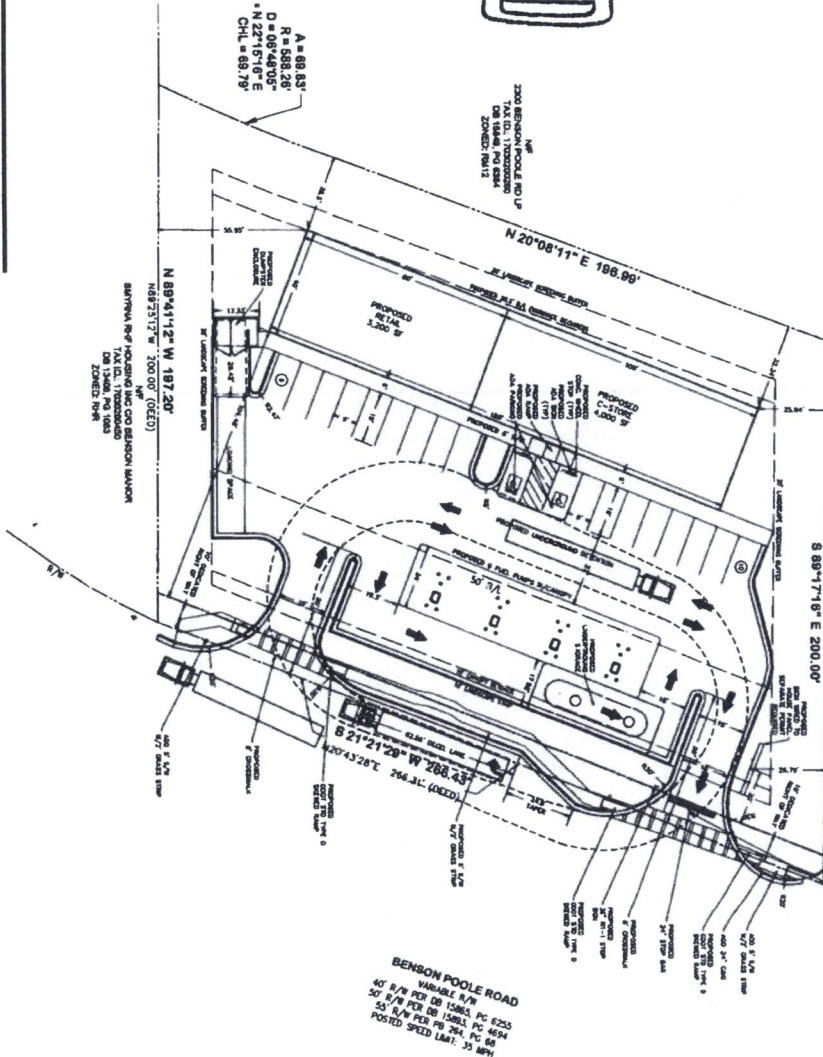
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(PATTY & ASSOCIATES, 2011)

RECEIVED
SEP 02 2022

COBB CO COMM DEV AGENCY
ZONING DIVISION

REVISED

LEGEND - PROPOSED

[illegible]

BENSON POOLE ROAD
VARIABLE R/W
R/W PER DB 15065, PG 6255
R/W PER DB 15093, PG 4694
R/W PER PB 264, PG 88
POSTED SPEED LIMIT: 35 MPH

NOTES

[illegible]

SITE NOTES

[illegible]

PROPOSED PARKING DATA

ENGINEER

DEVELOPER
 C/O, CHRYSLER TRUCK DISTRIBUTION, INC.
 811 EAST MAIN STREET
 CHRYSLER, GA 30114
 DALLAS, TEXAS 75201
 PHONE: 512-443-4073

Civil Consulting Engineers, Inc.



211 E. MAIN STREET
CANTON, GA 30114
678-462-4072
www.cantonchamber.com

010 482 4872
info@northbrook.co.uk

PROPOSED RETAIL AND CONVENIENCE-TYPE GROCERY STORE WITH FUEL SALES

ANNEX:
NINSON POOLE RD SALTINA, GA 30084

OM ENTERPRISES 9, LLC

DEPENDENCE SQUARE BTE D DUNWOODY, GA 30339

271

ONLINE
LAWONLINE
LAW

OM ENTERPRISES 9, LLC
SAFETY PLAN

This Safety Plan is being submitted to the Cobb County Board of Commissioners and to the Cobb County Police Department ("CCPD") pursuant to stipulations/conditions regarding Rezoning Application No. Z-48 to be heard by the Cobb County Board of Commissioners on August 16, 2022. The Safety Plan addresses the security and response-management needs associated with the proposed Grocery/Convenience Store with Fuel Sales and Ancillary Retail Sales ("Store").

I. ON-SITE MANAGEMENT

The day-to-day operations of the Store will be managed by a Property Manager ("Manager") who has specific expertise in security and response-management needs within the Industry. Additionally, the Manager, management and maintenance staff will maintain 24-hour emergency on-call protocols and be available to address security and/or other issues.

1. After-hours contact information, which includes the phone number and other contact information for the Manager will be posted on the Store's website upon completion of the construction and the issuance of the appropriate permits. Additionally, to the extent permitted by the Sign Ordinance, a visible sign will be installed near the entrance of the Store which will include the name of the Manager, contact information and an after-hours telephone contact number for emergencies.
2. The Manager and the on-site management team shall keep a log of comments or complaints received, the date and nature of the comments or complaints and how they were addressed from a security and response-management perspective. The Store's Manager shall make the log available for review by the District Commissioner, Board of Commissioners or the CCPD during normal business hours upon advance request.

As part of their respective employment, each employee will review and sign an acknowledgement of the security rules and regulations which are designed to acquaint employees with the community and the Store and in order to define policies and procedures. The Manager and the property management staff shall be responsible for enforcing rules and regulations and for the physical management of the property, including regular maintenance and emergency repairs and the updating of security components as needed or as necessary.

The Store and its Manager shall provide the staff and employees with appropriate training and consult with the CCPD on available training programs which are offered. An Emergency Preparedness and Disaster Recovery Plan for the Store will be created, and each member of the property management team and/or employees will be trained on how to respond in an emergency, a disaster or during the potential commission of a crime.

II. SECURITY

The Store's management and maintenance staff will maintain 24-hour emergency on-call protocols, with the Manager being available to respond to emergency calls. The Manager and management staff will conduct crime prevention and awareness programs covering security in commercial buildings, common areas and parking lots. If and when crime incidents occur, the Manager, on-site management and maintenance staff and individual employees will be alerted with a formal electronic communication via texts and/or emails from the Manager.

Strategically positioned video surveillance cameras and associated signage will be installed on and within the Store to deter improper activity. Selected entrances and the vehicular points of ingress/egress will have camera surveillance to record when people enter and exit the property/building. There will also be security cameras around and within the Store in places to provide visual surveillance and coverage of parking and canopy/fuel dispensing areas.

The parking lot, fuel dispensers/canopy and landscaped areas will be maximally lighted in accordance with applicable Codes. The Manager and the management staff will regularly inspect the property to ensure that all lights are in working condition.

A fence will be installed around the rear of the property on the common property line between the Store and the abutting apartment communities. Given that the property is located in an area along Benson Poole Road developed with a mix of multi-family uses in the County and commercial uses in the City of Smyrna, vehicular traffic along the frontage of Benson Poole Road will help deter illegal activity through natural surveillance.

III. PARKING

Parking on the property will be permitted by authorized employees and staff and, of course, customers. To the extent permitted by applicable law, parking enforcement and fines will be assessed to violators to cover the cost of enforcing the rules and to prevent the storage and/or abandonment of non-compliant and/or nonoperational vehicles on the property. Customers and employees of the Store shall be required to park their vehicles on the property but not in the adjacent developments, properties or within rights-of-way.

IV. OPERATING PARAMETERS

The Store will institute and enforce operating hours for the Store to ensure a safe and secure environment for all employees and customers. The hours of operation shall be from 7:00 a.m. until Midnight, 7 days per week. Said time frame may be adjusted to address needs which may arise during the operations of the Store.

V. PROPERTY RULES

- The Store on the Subject Property shall be a smoke-free environment.
- Gatherings within the parking areas and/or the fuel dispenser/canopy areas, as well as loitering within and outside of the Store shall be strictly prohibited.
- To the extent not in conflict with State and Local Laws, the improper use of guns or weapons shall be prohibited.
- No posting or hanging of materials on interior/exterior surfaces without approval of the Manager.
- All trash and recyclables are to be disposed of in the proper containers which shall be emptied regularly and completely.
- Windows, doors and entry ways shall not be obstructed.
- Loitering, gambling or other illegal activities are not allowed within or around the Store and the parking areas or fuel dispensing/canopy areas.

VI. PROHIBITED ITEMS

- Firearms will be in compliance with State and Local ordinances and law.
- Drugs and drug paraphernalia.
- Solicitations.
- Hazardous chemicals, fireworks, and illegal substances of any kind.

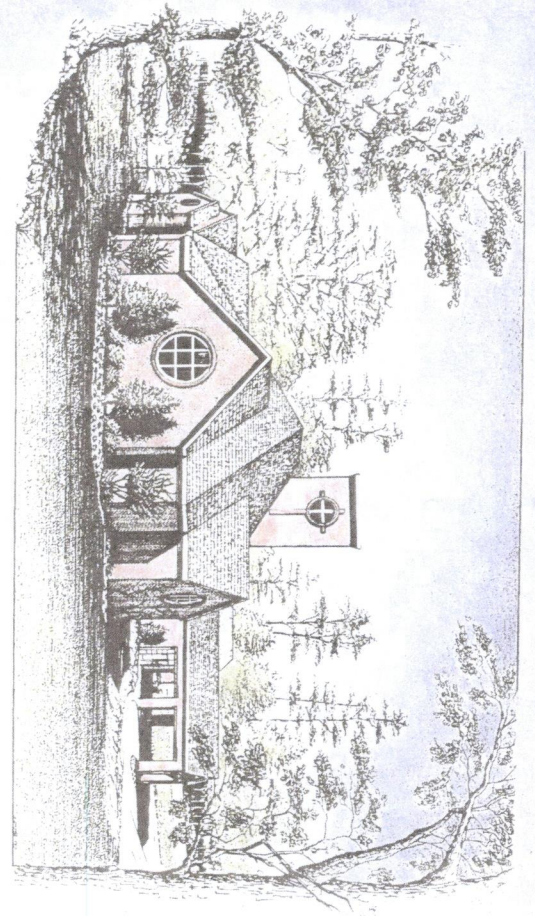
Respectfully submitted, this the 6th day of July 2022.

SAMS, LARKIN & HUFF, LLP



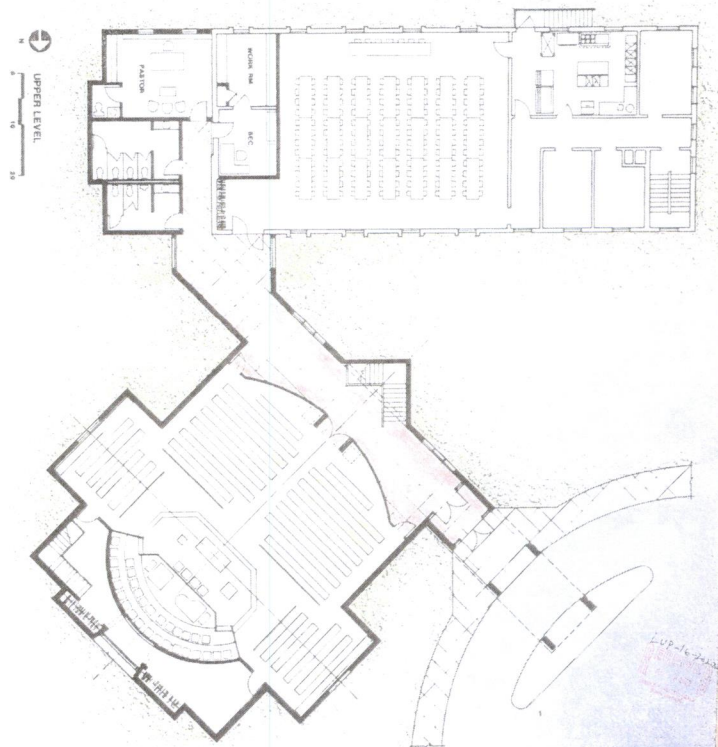
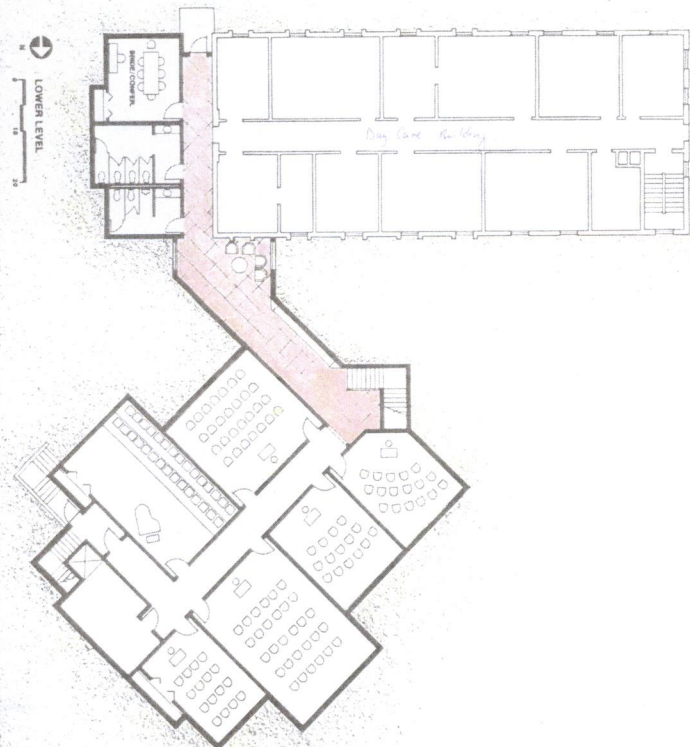
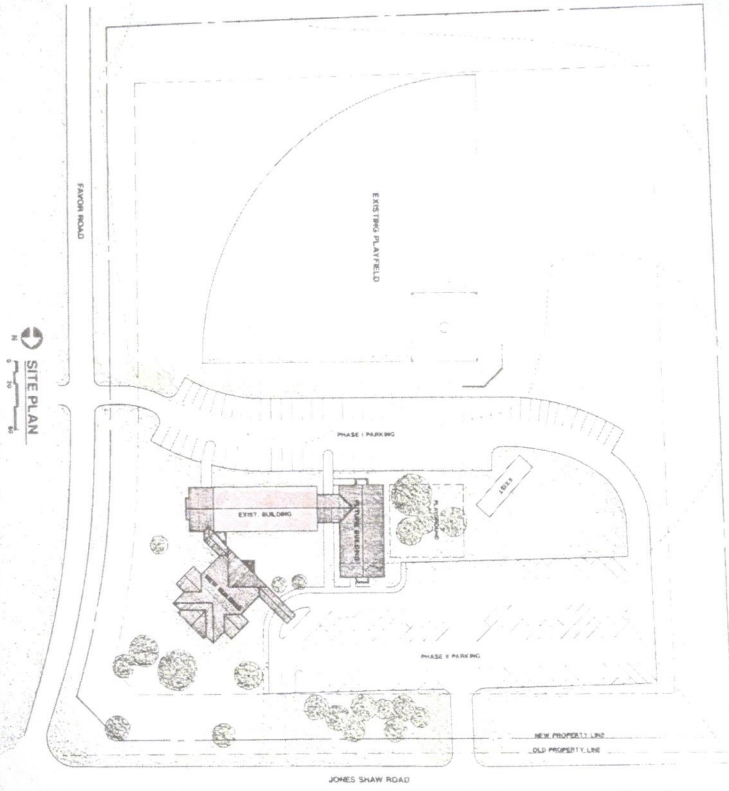
By: _____

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



CALVARY PRESBYTERIAN CHURCH

CHEGWIDDEN • DORSEY • HOLMES • ARCHITECT



SEPTEMBER 20, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

Min. Bk. 96 Petition No. O.B.39
Doc. Type Stormwater Mgmt, Cobb DOT, and Fire Dept.
Comments and recommendations
Meeting Date 9-20-2022

ITEM OB-39-2022

PURPOSE

To consider a stipulation and site plan amendment for E Rock Development, LLC regarding rezoning application Z-35 of 2016 for property located on the northeast side of Hickory Grove Road, west of Hickory Grove Place, in Land Lots 54 and 55 of the 20th District (1648 Hickory Grove Road). *(Previously continued by the Board of Commissioners from the August 16, 2022 Board of Commissioners hearing until the September 20, 2022 Board of Commissioners hearing).*

BACKGROUND

The subject property was rezoned to RA-5 in 2016 for a 23-lot single-family detached subdivision with a public road. The applicant would like to amend the approved site plan and stipulations to allow a private road due to a Cobb DOT stipulation that requires a 50'-foot from centerline of Hickory Grove Road right-of-way donation. The proposed right of way donation as well as revised stormwater management requirements that caused a water quality pond to be installed would cause the applicant to lose two lots. The applicant has agreed to prefund the HOA street maintenance fund with \$20,000.00 and will require money be deposited every year by each property owner to keep this account funded. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Water & Sewer Comments: No additional comments.

Stormwater Management: No objection to the current request. All stormwater infrastructure and management will be considered privately owned and shall be maintained by an HOA.

Cobb DOT: See attached.

Site Plan Review: No comments.

Fire Department: See attached.

RECOMMENDATION

The Board of Commissioners conduct a public hearing and consider the proposed stipulation and site plan amendment.

ATTACHMENTS

Other Business application and zoning minutes.

Recommendations

1. Recommend retaining the following DOT recommendations from Z-34-2016:
 - a. Recommend applicant consider entering into a development agreement pursuant of 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 north side of Hickory Grove Road, a minimum of 50' from the roadway centerline;
 - b. Recommend curb and gutter along both sides and sidewalk along one side of the proposed development roadway;
 - c. Recommend a deceleration lane on Hickory Grove Road for the entrance; and,
 - d. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend replacing disturbed curb, gutter, and sidewalk along the Hickory Grove Road frontage.
3. Recommend a 10' no access easement for the lots along the Hickory Grove Road frontage.
4. Recommend removing and closing driveway aprons along the Hickory Grove Road frontage that the development renders unnecessary.
5. Recommend applicant verify that minimum intersection sight distance is available for the Hickory Grove Road access and if it is not, implement remedial measures, subject to Cobb DOT's approval, to achieve the minimum requirement of 390'.
6. Recommend streets, lighting, and utilities be constructed to the Cobb County Standard Specifications for public streets, which includes prohibition of perpendicular parking within the right-of-way.

APPLICANT: E-Rock Development

PETITION NO.: OB-39-2022

PRESENT ZONING: _____

PETITION FOR: _____

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)

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.

Guest Parking

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

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
- Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
- Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.

Guest parking spaces must be evenly distributed throughout the project.

Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

International Fire Code (IFC) Appendix D

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

SECTION D103

MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant.

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

The above is not an all-inclusive list, all applicable fire and life safety provisions must be met.

Jeff Byrd

(770) 528-8814

jeffrey.byrd@cobbcounty.org

SEPTEMBER 20, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1

Min. Bk. 96 Petition No. O.B.43
Doc. Type Stormwater Mgmt, Site Plan Review, and
Fire Dept. comments & recommendations
Meeting Date 9-20-2022

ITEM OB-43-2022

PURPOSE

To consider a stipulation and site plan amendment for Dominion Christian School regarding application SLUP-10 of 2000 for property located on the south side of Burnt Hickory Road and on the east side of Old Mountain Road, in Land Lots 272 and 273 of the 20th District (4607 Burnt Hickory Road).

BACKGROUND

The subject property has an approved Special Land Use Permit to operate a private school subject to many conditions. The applicant would like to amend a stipulation that prohibited modular classroom buildings on the property. The applicant would like to place a pod of four modular classroom buildings in the center of the property, which would be obscured from view by a grove of trees. The proposed buildings are approximately 800 square feet each, and each one would be for one classroom. The applicant anticipates needing these permanently. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Water & Sewer Comments: No additional comments.

Stormwater Management: The proposal will need to follow the current Stormwater Management Codes and Regulations.

Cobb DOT: Comments not submitted by the due date.

Site Plan Review: A land disturbance permit is required for the construction of the proposed project, as well as any other proposed and/or required site improvements. Fully designed civil engineering plans must be submitted to the Site Plan Review Section, Community Development Agency.

Fire Department: See attached.

RECOMMENDATION

The Board of Commissioners conduct a public hearing and consider the proposed stipulation amendment.

ATTACHMENTS

Other Business application and zoning minutes.

APPLICANT: Dominion Christian School

PETITION NO.: OB-43-2022

PRESENT ZONING: _____

PETITION FOR: _____

FIRE COMMENTS:

Petition No. 0.B.43
Meeting Date 9-20-2022
Continued

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

MOBILE-PORTABLE/NON-MOBILE CLASSROOMS :

1. Non-Mobile/permanent Classroom requirements (LSC 101 14.3.5.2)
 - a)Classrooms shall be protected throughout by an approved, supervised automatic sprinkler system unless it meets all of the following (LSC 101 14.3.5.2)...
 - I. Not relocatable and not exceeding 1000 sq feet
 - II. Not relocatable and contains a single classroom
2. Mobile/Portable/Relocatable Classroom requirements (LSC 101 14.3.5.2)
 - I. Mobile building does not exceed 1000 sq feet
 - II. Mobile building contains a single classroom
 - III. Mobile building not less than 30' from another building
 - IV. Mobile building shall not be occupied until the Certificate of Occupancy has been issued (120.3.3 rules)

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)

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

- 1.) NFPA 13D sprinkler system.

The above is not an all-inclusive list, all applicable fire and life safety provisions must be met.

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%.

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

International Fire Code (IFC) Appendix D

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

SECTION D103

MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant.

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

Jeff Byrd

(770) 528-8814

jeffrey.byrd@cobbcounty.org

SEPTEMBER 20, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

Min. Bk. 96 Petition No. O.B.46
Doc. Type Fire Dept comments
and recommendations
Meeting Date 9-20-2022

ITEM OB-46-2022

PURPOSE

To consider a stipulation amendment for Summerlyn Homes, LLC regarding rezoning application Z-5 of 2019 for property located in Land Lots 1247 and 1248 of the 19th District. Located on the west side of Holloman Road, south of Hiram Lithia Springs Road (5350 Holloman Road).

BACKGROUND

The subject property was rezoned to R-15 OSC in 2019 for a 56-home subdivision. There is a reversion clause that applies if curb & gutter, sidewalk and building permits were not obtained in a certain time period. The applicant has been working on the project for the last couple of years and the project is under an active development permit. Some curb & gutter has been installed, but the developer has experienced long delays due in part to the large amount of improvements that had to be removed from the former waterpark use. The developer would like the reversion clause to be extended six more months until March 20, 2023. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Water & Sewer Comments: No additional comments.

Stormwater Management: The proposal will need to follow the current Stormwater Management Codes and Regulations.

Cobb DOT: Comments not submitted by the due date.

Site Plan Review: No comments.

Fire Department: See attached comments.

RECOMMENDATION

The Board of Commissioners conduct a public hearing and consider the proposed stipulation amendment.

ATTACHMENTS

Other Business application and zoning minutes.

APPLICANT: Summerlin Homes, LLC

PETITION NO.: OB-46-2022

PRESENT ZONING: _____

PETITION FOR: _____

FIRE COMMENTS:

Petition No. O.B.46
Meeting Date 9-20-2022
Continued

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

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

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)

Public fire hydrants shall not be spaced more than 500 feet. (Cobb County Development Standards 410.5.2)

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.

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

Gates:

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

Guest Parking:

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

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.

- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
 - Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
 - Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
 - Guest parking spaces must be evenly distributed throughout the project.
- Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

International Fire Code (IFC) Appendix D

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

SECTION D103

MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant.

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

Jeff Byrd

(770) 528-8814

jeffrey.byrd@cobbcounty.org

Petition No. O.B. 46
 Meeting Date 9-20-2022
 Continued

Meeting Date 9-20-2022

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

OB Application No.: OB- 49 (2022)
Zoning Application No.: Z-155 (2004)
OB Application Nos.: OB 9 (2012); OB 1 (2013); OB 21 (2022)
Original Hearing Date: September 21, 2004
Date of Zoning Decision: September 21, 2004
Date of OB Decisions: November 20, 2012;
August 20, 2013
May 17, 2022
Current OB Hearing Date: September 20, 2022



Applicant/Titleholder: Arylessence, Inc.

ARYLESSENCE, INC.

BY: Bret Tanner

Bret Tanner
Vice President of Operations

[Corporate Seal]

Date Executed: August 12, 2022

Address: 1091 Lake Drive
Marietta, Georgia 30066

Telephone No.: (770) 924-3775
E-mail: brettanner@arylessence.com

Signed, sealed, and delivered in the presence of:

Elizabeth M. Cameron

Notary Public
Commission Expires: 5/15/2026

[Notary Seal]



EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

OB Application No.: OB- 49 (2022)
Zoning Application No.: Z-155 (2004)
OB Application Nos.: OB 9 (2012); OB 1 (2013); OB 21 (2022)
Original Hearing Date: September 21, 2004
Date of Zoning Decision: September 21, 2004
Date of OB Decisions: November 20, 2012;
August 20, 2013
May 17, 2022
Current OB Hearing Date: September 20, 2022



Applicant/Titleholder: Arylessence, Inc.

Arylessence, Inc. ("Applicant") is the owner of approximately 11.99 acres located on and along the northerly and westerly sides of Lake Drive and the easterly side of Deen Road, southerly of Jamerson Road, Land Lots 85 and 86, 16th District, 2nd Section, Cobb County Georgia, being more particularly known as 1091 Lake Drive (hereinafter "Property" or "Subject Property"). The Property is the site of Applicant's research and manufacturing facility for its perfumes and fragrances.

On May 17, 2022, the Cobb County Board of Commissioners approved a revised Overall Site Plan for building and site improvements on the Subject Property. As part of the approval, a stipulation requiring a traffic study, as recommended by the Cobb County Department of Transportation, be completed. Applicant has since learned that a traffic study was recently performed and the result of the study is a traffic signal at the intersection which was in question. Therefore, the recommendation for a traffic study as part of the conditions for Applicant's expansion is moot and should be removed so as not to be duplicative in time, effort, and expense.

The balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearings and Board of Zoning Appeals Variance Hearing held on September 21, 2004; November 20, 2012; August 20, 2013; October 14, 2020; and May 17, 2022, in Application No. Z-155 (2004), OB 9 (2012), OB 1 (2013), V-148 (2020), and OB 21 (2022), respectively, are unaltered and unchanged by this request for stipulation amendment. If the requested stipulation amendment is approved, as submitted, it shall become an additional part of the final rezoning and shall become binding on the Subject Property.