MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 16, 2021
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 16, 2021, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Board were:

Lisa Cupid, Chairwoman
Commissioner Monique Sheffield, Vice Chair
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson

CALL TO ORDER – CHAIRWOMAN CUPID

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

Due to the COVID-19 pandemic, changes were previously adopted to the Zoning Hearing Procedures to allow for virtual participation. Mr. John Pederson, Zoning Division Manager, explained the virtual participation format, reviewed the standard hearing procedures, and announced the following cases which were *held* or *continued.*

HELD AND CONTINUED CASES

Z-52'20 **CARL EDWARD DILLS** (Aubrey James McMillan, Jr., owner) requesting rezoning from **R-20** to **LI** for a sign shop in land lots 504 and 505 of the 18th district. Property is located on the south side of Six Flags Parkway, west of Queensferry Drive (436 Six Flags Parkway). ***(Previously continued by the Planning Commission (PC) from the September 1, 2020, PC hearing until the October 6, 2020, PC hearing; continued by Staff from the October 6, 2020, and November 3, 2020, PC hearings until the December 1, 2020, PC hearing; held by the PC from the December 1, 2020, PC hearing until the February 2, 2021, PC hearing; continued by Staff from the February 2, 2021, and March 2, 2021, PC hearing until the April 6, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-61'20 **GREEN LINE PARTNERS, LLC** (David Stone and Shekinah Stone, Wilma G. Lynam, owners) requesting rezoning from **R-20** to **RM-8** for townhomes (attached), single-family residential (detached) in land lots 182, 183, and 277 of the 18th district. Property is located on the northwest side of Queen Mill Road, on the eastern end of Mountain Court, south of Mountain Trail, on the north side of Ivey Road (6436 Ivey Road; 6350, 6370 Queen Mill Road). ***(Previously continued by Staff from the October 6, 2020, through the March 2, 2021, Planning Commission (PC) hearings until the April 6, 2021, PC hearing; therefore, was not considered at this hearing).***

HELD AND CONTINUED CASES (CONT.)

Z-72'20 **NORTH POINT MINISTRIES, INC.** (The 'True Vine' Experience Foundation, Inc.; Sara M. Sweeney; Hanna Land Company, Inc., owners) requesting rezoning from **LRO, NRC, and R-20** to **O&I, NRC, and RM-8** for church, retail/restaurant, and townhomes in land lots 466, 467, 470, and 471 of the 16th district. Property is located on the south side of Shallowford Road, the west side of Johnson Ferry Road, the north and south sides of Waterfront Drive, and the east side of Waterfront Circle (multiple addresses). ***(Previously continued by Staff from the December 1, 2020, through the March 2, 2021, Planning Commission (PC) hearings until the April 6, 2021, PC hearing; therefore, was not considered at this hearing).***

ROD-1'20 **ATLANTIC REALTY ACQUISITIONS LLC** (Sprayberry Crossing Partnership, a Georgia General Partnership; Sandy Brownstone, LLC; Sandy Ten, LLC; Hong Tran and Hanh H. Tran, owners) requesting approval of the Redevelopment Overlay District for a mixed-use development in land lots 557, 596, and 629 of the 16th district. Property is located on the southeasterly side of Sandy Plains Road, and on the northerly side of East Piedmont Road (2692 Sandy Plains Road). ***(Previously continued by Staff from the September 1, 2020, through the March 2, 2021, Planning Commission (PC) hearings until the April 6, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-1 **KERLEY FAMILY HOMES, LLC** (Westlake/Atlanta Joint Venture, owner) requesting rezoning from **GC** to **FST** for townhomes in land lot 516 of the 18th district. Property is located on the southeast side of Blair Bridge Road, northeast side of Riverside Parkway, east of the intersection of Blair Bridge Road and Riverside Parkway (no address). ***(Held by the Planning Commission (PC) from the February 2, 2021, PC hearing until the March 2, 2021, PC hearing; continued by Staff from the March 2, 2021 PC hearing until the April 6, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-6 **LOYD DEVELOPMENT SERVICES** (Southern Development Ventures, LLC, owner) requesting rezoning from **NRC, LRO, and RA-5** to **RM-8** for townhomes in land lots 297 and 388 of the 18th district. Property is located on the east side of South Gordon Road, the southwest side of Mableton Parkway, south of the intersection of South Gordon Road and Mableton Parkway, west of Dodgen Road (6590 Mableton Parkway). ***(Continued by Staff until the March 2, 2021, Planning Commission (PC) hearing; held by the PC from the March 2, 2021, PC hearing until the April 6, 2021, PC hearing; therefore, was not considered at this hearing).***

HELD AND CONTINUED CASES (CONT.)

Z-8 **BEAZER HOMES, LLC** (Residuary Trust Under The 2010 Everett Family Trust; Lisa Kay Spillane; Patricia P. Giannoni and Kenneth Q. Giannoni, owners) requesting rezoning from **R-30, NRC, PSC, and GC** to **R-15 OSC** for a single-family residential subdivision in land lots 66, 83, and 84 of the 19th district. Property is located on the south side of Dallas Highway, on the east side of McConnell Road, and on the west side of Lost Mountain Road (750 Lost Mountain Road, 691 McConnell Road). ***(Continued by Staff until the March 2, 2021, Planning Commission (PC) hearing; held by the PC from the March 2, 2021, PC hearing until the April 6, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-11 **VENTURE COMMUNITIES, LLC** (SHH Partners, L.P., owner) requesting rezoning from **GC** to **RM-12** for condominiums in land lot 854 of the 17th district. Property is located on the east side of I-75, at the terminus of Leland Drive (no address). ***(Held by the Planning Commission (PC) until the April 6, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-12 **TRATON, LLC** (Lillie J. Johnson, R.A. Johnson, Mary Ellen Johnson Sanford, Sandra Rachel Johnson Perkins and Terry Paul Johnson, owners) requesting rezoning from **NRC** to **RM-8** for a townhome community in land lots 627 and 628 of the 19th district. Property is located on the west side of Austell Road, south of Waymar Drive (2818 Austell Road). ***(Continued by the Planning Commission (PC) until the April 6, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-13 **KERLEY FAMILY HOMES, LLC** (Lillian Marie Latham, owner) requesting rezoning from **LRO** and **RSL** to **RSL** for residential senior living, non-supportive residential units in land lot 122 of the 20th district. Property is located south of McClure Road, southwest of the intersection of McClure Road and Acworth Due West Road (4321 McClure Road). ***(Continued by Staff until the April 6, 2021, Planning Commission hearing; therefore, was not considered at this hearing).***

O.B. 8 To consider a site plan approval for private streets and private road frontage in an R-20 zoned subdivision for David Pearson Communities, Inc. for property located in land lots 162 and 163 of the 16th district. Property is located on the west side of Keheley Drive at Keheley Road (Keheley Drive). ***(Previously continued by the Board of Commissioners (BOC) from the February 16, 2021, BOC Zoning hearing until the March 16, 2021, BOC Zoning hearing)***

HELD AND CONTINUED CASES (CONT.)

O.B. 8 **(CONT.)**

The Applicant's representative, Kevin Moore, presented a request for O.B. 8 to be continued to the next month; thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **continue** O.B. 8 until the April 20, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

Mr. Pederson made the following announcements:

CAMPAIGN DISCLOSURE

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

INFORMATION REGARDING ZONING CASES

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

CONSENT AGENDA

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

Z-39'20 **KO MANAGEMENT, INC.** (Iglesia Torre Fuerte C.A.P.P., Inc., owner) requesting rezoning from **CF** and **GC** to **RA-5** for a subdivision in land lot 37 of the 17th district. Property is located on the south side of Puckett Drive, east of Mableton Parkway, and on the north side of Ridge Ave and Old Gordon Road (637 and 667 Puckett Drive). ***(Previously continued by Staff from the July 7, 2020, through the November 3, 2020, Planning Commission (PC) hearings until the December 1, 2020, PC hearing; continued by the PC from the December 1, 2020, until the February 2, 2021, PC hearings; held by the PC from the February 2, 2021 PC hearing until the March 2, 2021, PC hearing).***

CONSENT AGENDA (CONT.)

Z-39'20 **KO MANAGEMENT, INC. (CONT.)**

To **approve** Z-39'20 to the **RA-5** zoning district, subject to:

1. **Letter of agreeable conditions from Parks Huff dated February 26, 2021, which includes the site plan (attached and made a part of these minutes)**
2. **Staff comments and recommendations, *not otherwise in conflict*, with the letter dated February 26, 2021**

Z-59'20 **TAHMINA A. PATWARY** (Tahmina A. Patwary, owner) requesting rezoning from **R-20** to **O&I** for a professional office in land lot 745 of the 17th district. Property is located on the west side of Atlanta Road, north of Lee Road (3932 Atlanta Road). ***(Previously continued by Staff from the October 6, 2020, through the February 2, 2021, Planning Commission (PC) hearings until the March 2, 2021, PC hearing).***

To **delete** Z-59'20 to the **R-15** zoning district, subject to:

1. **Letter of agreeable conditions from Adam Rozen dated February 24, 2021 (attached and made a part of these minutes)**
2. **Asphalt parking lot in front of the house to be removed per stipulation #4 in the letter from Adam Rozen dated February 24, 2021, or within one year of the Board of Commissioners hearing this case (Z-24), whichever occurs first; Site Plan to be approved by the Zoning Division Manager**
3. **Rear setback to be 20-feet**
4. **Staff comments and recommendations, *not otherwise in conflict,* with the application being deleted to R-15**

Z-3 **DARREN MARTIN** (Darren E. Martin, owner) requesting rezoning from **PSC** to **R-12** for a single-family residence in land lot 699 of the 17th district. Property is located on the southeast side of Carson Lane, southwest of the intersection of Carson Lane and Atlanta Road (3587 Carson Lane). ***(Continued by Staff until the March 2, 2021, Planning Commission hearing).***

To **approve** Z-3 to the **R-12** zoning district, subject to:

1. **Site Plan *last revised* January 6, 2021, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Department of Transportation comments and recommendations**

CONSENT AGENDA (CONT.)

Z-9 **RUTVIK EMIL DMELLO** (Tony Safarpour, owner) requesting rezoning from **CF** and **GC** to **NRC** for a convenience store with retail sales in land lots 556 and 557 of the 19th district. Property is located on the southeast side of Austell Road, east of the intersection of Austell Road and East Callaway Road (2695 Austell Road).

To **approve** Z-9 to the **NRC** zoning district, subject to:

1. **Professional Office, Eating and Drinking Establishments, and Neighborhood Retail uses *only***
2. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated February 19, 2021, with deletion of the building elevations (attached and made a part of these minutes), with the following changes:**
   - **A. Strike Item No. 4**
   - **B. Item No. 11 – add to the list of prohibited uses:**
     - **i. Fuel Sales**
     - **ii. Bail Bond Establishments**
     - **iii. Check Cashing Establishments**
     - **iv. Car Washes**
     - **v. Emission and Inspection Stations**
     - **vi. Nursery Schools and Child Daycare**
     - **vii. Dollar Stores and/or Discounted Merchandise Stores**
   - **C. Item No. 13 – add to the following prohibited minor modifications:**
     - **i. increase the overall building square footage**
     - **ii. change that is in conflict with an expressed stipulation or condition of zoning**
     - **iii. requires a variance or violates Cobb County Ordinance**
3. **No loitering allowed; property owner and businesses to take necessary actions to prevent loitering**
4. **Adherence to Austell Road Design Guidelines, with the District Commissioners approving the final building elevations**
5. **At no time should the dumpsters be located outside of the enclosure**
6. **Fire Department comments and recommendations**
7. **Site Plan Review comments and recommendations**
8. **Stormwater Management Division comments and recommendations**
9. **Water and Sewer Division comments and recommendations**
10. **Department of Transportation comments and recommendations**

CONSENT AGENDA (CONT.)

LUP-9 **JOHN R. SMITH** (Sara Deal Smith, owner) requesting a **Temporary Land Use Permit** to allow occupancy of an accessory structure in land lot 79 of the 18th district. Property is located on the north side of Old Alabama Road, west of the intersection of Old Alabama Road and Pisgah Road (860 Old Alabama Road).

To **approve** LUP-9 for **6 months,** subject to:

1. **Applicant to obtain from the Health Department documentation (Septic Permit) showing that the septic system meets their standard for the primary dwelling and the accessory structure; Septic Permit to be provided to the Zoning Division Manager**
2. **Applicant to have Building Inspections to inspect the accessory structure, and if any deficiencies are found, building permits are to be obtained to bring the accessory structure up to code within six months**
3. **Occupancy is only for as long as the mother resides in the primary dwelling on the property; at such time when the mother no longer resides in the primary dwelling, the accessory structure will be converted back to a garage or storage building or typical accessory structure that is allowed**
4. **In six months, when it's time to re-evaluate the Land Use Permit (LUP), the application fee shall be waived**

SLUP-1 **COLONIAL PIPELINE COMPANY** (Colonial Pipeline Company, owner) requesting a **Special Land Use Permit** for a fuel truck loading terminal in land lots 862 and 915 of the 19th district. Property is located at the terminus of Tramore Pointe Parkway, south of the intersection of Tramore Pointe Parkway and East West Connector (no address).

To **approve** SLUP-1, subject to:

1. **Letter of agreeable conditions from Kevin Moore dated February 24, 2021 (attached and made a part of these minutes), *not otherwise in conflict***
2. **Applicant agrees to provide regular and routine maintenance of the road frontage along the subject property, Tramore Pointe Parkway**
3. **Applicant agrees to provide a 24-hour, 7-day a week contact person of applicant to Puckett EMS to ensure open and transparent communications and opportunities for communications at any time**

CONSENT AGENDA (CONT.)

SLUP-1 COLONIAL PIPELINE COMPANY (CONT.)

4. **No more than two tanker trucks will exit the property at the same time, with no less than five minute intervals between any set of two tanker trucks; NOTE: The intent of this additional stipulation is to prevent three tanker trucks from being stopped at the same time at the traffic light at Tramore Pointe Parkway and the East West Connector; this is to prevent blocking where ambulances may not be able to get out at appropriate times**
5. **Trucks using the fueling center to access and exit via Tramore Pointe Parkway *only;* access to Anderson Farm Road *is prohibited***
6. **Staff comments and recommendations, *not otherwise in conflict***

OTHER BUSINESS

At the call for O.B. 6 (D. Gernatt Homes, LLC), opposition was present; therefore, O.B. 6 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 11 of these minutes for the final motion).

O.B 9 To consider a site plan and stipulation amendment for Barrett Farm Developers, LLC regarding rezoning application Z-26 of 2017. The property is located at the southwest corner of Ernest Barrett Parkway and Villa Rica Road in land lot 173 of the 19th district (985 Villa Rica Road).

To **approve** O.B. 9, subject to:

1. **Requested stipulation amendments are approved as stated in the background section of the Other Business packet (attached and made a part of these minutes)**
2. **Cobb DOT comments contained in the Other Business packet (attached and made a part of these minutes)**
3. **District Commissioner to approve the final landscape and fencing plan**
4. **All previous stipulations and conditions, *not otherwise in conflict with this amendment,* to remain in effect**

CONSENT VOTE: **ADOPTED** 5-0

REGULAR AGENDA

Z-54'20 **GALAXY CHILDERS LAND LLC** (Galaxy Childers Land LLC, owner) requesting rezoning from **R-30** to **R-15** for a single-family residential subdivision in land lots 28 and 51 of the 1st district. Property is located on the east side of Childers Road, directly across from the terminus of Monet Drive (3442 Childers Road). ***(Previously continued by the Planning Commission (PC) until the November 3, 2020, PC hearing; continued by Staff until the December 1, 2020, PC hearing; held by the Board of Commissioners (BOC) from their December 15, 2020, BOC Zoning hearing until the February 16, 2021, BOC Zoning hearing).***

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

MOTION: Motion by Richardson, second by Birrell, to **approve** Z-54'20 to the **R-15** zoning district, subject to:

1. **Site Plan, pending any major changes, to be approved by the District Commissioner**
2. **Dead, diseased, hazardous, dying trees be replaced on schedule as required by the County Arborist**
3. **Final elevations shall be approved by the District Commissioner**
4. **Developer shall maintain Liability Insurance until the Home Owners Association (HOA) is formed and secures Replacement Insurance**
5. **Final landscaping shall be approved by the neighbors, developers, and the District Commissioner**
6. **Required max 12-foot floor depth on decks**
7. **All accessory structures shall be 15-feet from the rear property line**
8. **Final approval of the Stormwater Plan by the District Commissioner and the County**
9. **HOA will maintain and repair the private road and the Stormwater Management System**
10. **All Staff comments and recommendations in the Zoning Analysis**

VOTE: **ADOPTED** 5-0

REGULAR AGENDA (CONT.)

Z-10 **STACEY BAGWELL** (Jose R. Medina and Eleuteria Diaz, as joint tenants with rights of survivorship, owners) requesting rezoning from **NS** to **NRC** for a convenience store with fuel and retail sales in land lot 15 of the 17th district. Property is located on the northwest side of Austell Road, south of Millwood Drive (2520 Austell Road).

The public hearing was opened, and Garvis L. Sams, Jr. addressed the Board. No opposition was present, and Mr. Sams, Jr. announced that issues raised from the opposition who attended the Planning Commission hearing had been resolved. Since the case was originally on the Consent Agenda for the Planning Commission, Mr. Sams, Jr. requested Z-10 be added to the Consent Agenda. The Board was agreeable to his request, and the case was not heard. Thereafter, the following motion was made to add Z-10 to the Consent Agenda:

MOTION: Motion by Sheffield, second by Birrell, to **add** Z-10 to the Consent Agenda, with the following *revised* stipulations:

1. **Add to the list of prohibited uses:**
   A. Dollar Stores and/or Discounted Merchandise Stores
2. **At no time should the dumpsters be located outside of the enclosure**
3. **District Commissioner to approval all building, fuel canopy, and sign architecture**
4. **Six-foot black metal fence instead of a six-foot black vinyl coated chain link fence**

VOTE: **ADOPTED** 5-0

Following the vote, Mr. Bill Rowling, the County Attorney, announced that while the previous motion was to add Z-10 to the Consent Agenda, the application itself needed to be voted on. Therefore, Commissioner Sheffield made the following motion for Z-10.

Correction to Z-10 of these minutes – approved in the 4-20-21 BOC Zoning minutes

⟹ MOTION: Motion by Sheffield, second by Birrell, to **approve** Z-10 to the **NRC** zoning district.

VOTE: **ADOPTED** 5-0

OTHER BUSINESS

O.B. 6 To consider a reduction of lot size for D. Gernatt Homes, LLC for property located at the northwestern intersection of Floyd Road and Anderson Mill Road, in land lot 998 of the 19th district (4268 Floyd Road). ***(Previously continued by Staff from the February 16, 2021, Board of Commissioners' (BOC) Zoning hearing until the March 16, 2021, BOC Zoning hearing).***

The public hearing was opened; David Gernatt and Vijay Patel addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **approve** O.B. 6, subject to:

1. **Lot size reduced to 16,534 square feet**
2. **Lot size may be reduced in the future equal to the amount of right-of-way acquired by Cobb DOT**
3. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

VOTE: **ADOPTED** 5-0

O.B. 10 To consider a site plan amendment for Crim Development, Inc. regarding rezoning application Z-104 of 2007. The property is located on the east side of Powers Ferry Road, north of Terrell Mill Road in land lot 924 of the 17th district (1305 Powers Ferry Road).

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

MOTION: Motion by Richardson, second by Sheffield, to **approve** O.B. 10, subject to:

1. **Site Plan contained in the Other Business packet (attached and made a part of these minutes)**
2. **District Commissioner to approve the final building architecture**
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 related to the property, *not otherwise in conflict with this amendment,* to remain in effect**

VOTE: **ADOPTED** 5-0

OTHER BUSINESS (CONT.)

O.B. 11 To consider a stipulation amendment for The Margaret A. Keheley Living Trust regarding rezoning application Z-63 of 2018. The property is located on the east side of Holly Springs Road, and on the south side of Davis Road in land lots 458, 479, and 480 of the 16th district (2876 Davis Road and 3102 Holly Springs Road).

The public hearing was opened; Garvis L. Sams, Jr. and Arthur Robinson (virtual speaker) addressed the Board. In order to clear up technical difficulties in hearing Arthur Robinson, Chairwoman Cupid called for a brief recess from 10:07 a.m. until 10:11 a.m. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Richardson, to **approve** O.B. 11, subject to:

1. **Extend the reversion clause until March 16, 2022**
2. **Construction hours to be 7:00 a.m. until 6:00 p.m. Monday through Friday; 9:00 a.m. until 5:00 p.m. on Saturdays; no work on Sunday or 3-day weekends for designated legal holidays**
3. **All previous stipulations and conditions, *not otherwise in conflict with this amendment,* to remain in effect**

VOTE: **ADOPTED** 5-0

ADJOURNMENT

The hearing adjourned at 10:21 a.m.

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

Min. Bk. 92 Petition No. Z-39 '20
Doc. Type letter
Meeting Date 3-16-21

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

SAMS, LARKIN & HUFF
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February 26, 2021

VIA EMAIL

Ms. Jeannie Peyton, Senior Planner
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Re: Application of KO Management, Inc. to Rezone a ±5.41 Acre Tract from CF and GC to RA-5; Land Lot 37; 17th District, 2nd Section, Cobb County, Georgia (Z-39 of 2020).

Dear Ms. Peyton:

This firm represents KO Management, Inc. regarding the above-captioned Application for Rezoning. The application has been continued by the Planning Commission for several months to give the applicant time to revise the site plan and proposed product. During the delay, KO Management has revised the site plan and produced a new product for the project.

The Subject Property is a 5.41-acre tract of land which is situated along Mableton Parkway and Puckett Drive. The property is currently zoned General Commercial (GC) and Future Commercial (CF). The property is a transition from the commercial development on Veterans Memorial Highway such as the QuikTrip and the lower density residential property south of Ridge Avenue. The Future Land Use Map designates the property as Medium Density Residential (MDR) which suggests densities up to five (5) units per acre. Because of the properties' position and land use plan designation, the Zoning Division recommends approval of the application.

While this application has been pending, we have established an extensive dialogue with the County's professional staff, the District's Planning Commissioner and the community. The original site plan was a mixture of detached and attached product. The combination created a challenge leading to the revised site plan and product which is 13 paired or duplexes equating to 26 homes. The attached product is a product that is not in the area and will give buyers another housing choice.

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VIA EMAIL

With respect to the foregoing and based upon those discussions and the direction from the District Commissioner and the Board of Commissioners, KO Management agrees to the following revised stipulations, which, upon the Rezoning being approved, shall become conditions and a part of the grant of the requested Rezoning and binding upon the Subject Property thereafter. The referenced stipulations/conditions are as follows, to wit:

1. The zoning will be from GC and CF to RA-5 specific to the site plan attached as Exhibit "A" and dated February 14, 2021 with all the setbacks and lots sizes as depicted on the site plan.

2. There shall be no more than 26 residential units on the subject property equating to a density of approximately 4.8 units per acre.

3. There will be a twenty (20) foot-wide landscaped buffer along Mableton Parkway and a ten (10) foot-wide landscaped buffer along all exterior boundaries. All buffers will be outside of lots and maintained by the homeowners' association ("HOA"). With regard to the buffer on Puckett Drive, the first twenty (20) feet on either side of the entrance to the subdivision shall be a landscape enhanced strip rather than a true buffer. Landscaping in this area shall be designed not to interfere with site distance for the intersection.

4. Creation of a Landscape Review Committee, composed of the Applicant, Mableton Improvement Coalition and a representative of the Community Development Department, to approve landscaping on the exterior of the development and around the detention pond. Special attention is to be given to creating a sound and visual barrier along Mableton Parkway, and an attractive entrance and visual screening along Puckett Drive.

5. Each home shall have a minimum of a two (2) car garage. The garages shall be available for the parking of vehicles with only incidental storage that does not interfere with the parking of vehicles. This restriction shall be included in the covenants.

6. The homes to be constructed shall be a minimum of 1,800 square feet and shall be made of materials such as wood, brick, stone and cementitious board siding. The architectural style shall be consistent with the attached elevations shown as Exhibit "B" and representative interior pictures are shown as Exhibit "C". However, the garage doors shall be opaque.

VIA EMAIL

7. Compliance with recommendations from the Stormwater Management Division with respect to detention, water quality, hydrology and down-stream considerations including the configuration and positioning of on-site detention areas.

8. KO Management agrees to the creation of a mandatory HOA consistent with custom-built communities. The mandatory HOA shall be responsible for the upkeep and maintenance of the home exteriors and all common areas, open space areas, landscaped buffers adjacent to Mableton Parkway and Puckett Drive, entrance area, mail kiosks, subdivision entrance signage and the like contained within the proposed residential community.

9. Additionally, and in conjunction with the creation of the mandatory HOA, the applicant agrees to the recordation and enforcement of Declaration of Covenants, Conditions and Restrictions ("CCRs") applicable to the proposed community. This community will have its own HOA and specifically the HOA will not be combined with another communities HOA.

10. The zoning shall incorporate the variances, setbacks and lot dimensions that are noted on the attached site plan.

11. Compliance with recommendations from the Cobb County Department of Transportation ("DOT").

12. All setbacks landscaped, and buffer areas may be penetrated for the purposes of access, utilities, stormwater management, drainage facilities and any and all slopes or other required engineering features including Fire Marshall directives or regulations.

13. The community will be limited to no more than three (3) of the homes to be rentals at one time and the limitation shall be contained within the CCR's.

14. There will be amenities on the parcel containing the guest parking which shall include a gazebo with benches and/or pavilion, fire pit or similar amenities for community gatherings and activities. These amenities will be maintained by the HOA.

15. The District Commissioner shall have the authority to approve minor modifications to these stipulations/conditions, the referenced site plan, lighting, landscaping, architecture, site features, signage and the like as needed or necessary, except for those that:

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Continued

VIA EMAIL

a. Increase the number of lots or the density of the residential community.

b. Reduce the size of an approved buffer.

c. Relocate a structure closer to the property line of an adjacent property which is zoned the same or in a more restrictive zoning.

d. Increase the height of a building which is adjacent to a property which is zoned the same or a more restrictive zoning district.

e. Change an access location to a different roadway.

f. Are in direct contradiction to or conflict with the Cobb County Code of Ordinances and the Zoning Ordinance.

g. Require a Variance(s) waiving applicable regulations of the Cobb County Zoning Ordinance.

Please do not hesitate to contact me should you, the Staff or the Board Members require any further information or documentation prior to the hearing before the Planning Commission hearing.

Sincerely,

SAMS, LARKIN & HUFF, LLP

Parks F. Huff
phuff@samslarkinhuff.com

PFH/lkj
Enclosures/Attachments

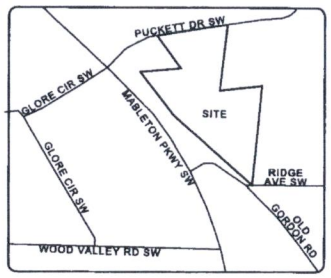
Petition No. Z-39 '20
Meeting Date 3-16-21
Continued

VIA EMAIL

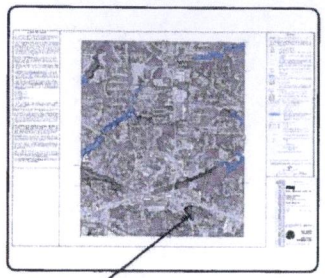
cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. John Pederson, Zoning Division Manager (via email)
Ms. Pamela Mabry, County Clerk (via email)
Ms. Robin Stone, Deputy County Clerk (via email)
Ms. Leila Washington, Deputy County Clerk (via email)
Ms. Robin Meyer, Mableton Improvement Coalition (via email)

Petition No. Z-39 '20
Meeting Date 3-16-21
Continued

Exhibit "A" Site Plan



Location Map
N.T.S.



FEMA Map
N.T.S.

Variances Requested:

LOT 3 – REAR YARD REDUCTION FROM 30 FEET TO 23.6 FEET (INDEPENDENT OF 10 FT LANDSCAPE BUFFER)
LOT 4 – REAR YARD REDUCTION FROM 30 FEET TO 14.2 FEET (INDEPENDENT OF 10 FT LANDSCAPE BUFFER)
LOT 18 – REAR YARD REDUCTION FROM 30 FEET TO 20.6 FEET (INDEPENDENT OF 10 FT LANDSCAPE BUFFER)
LOT 19 – REAR YARD REDUCTION FROM 30 FEET TO 24.0 FEET (INDEPENDENT OF 10 FT LANDSCAPE BUFFER)
LOT 21 – REAR YARD REDUCTION FROM 30 FEET TO 20.1 FEET (INDEPENDENT OF 10 FT LANDSCAPE BUFFER)
LOT 22 – REAR YARD REDUCTION FROM 30 FEET TO 28.4 FEET (INDEPENDENT OF 10 FT LANDSCAPE BUFFER)

PROJECT CONTACT: KAREEM OKEREKE (404) 643-2637

Lot Areas:

AREA OF LOT#1 : 10,858 SF	AREA OF LOT#14 : 6,894 SF
AREA OF LOT#2 : 3,801 SF	AREA OF LOT#15 : 4,607 SF
AREA OF LOT#3 : 3,338 SF	AREA OF LOT#16 : 8,424 SF
AREA OF LOT#4 : 4,124 SF	AREA OF LOT#17 : 11,320 SF
AREA OF LOT#5 : 3,420 SF	AREA OF LOT#18 : 6,675 SF
AREA OF LOT#6 : 4,033 SF	AREA OF LOT#19 : 8,794 SF
AREA OF LOT#7 : 4,888 SF	AREA OF LOT#20 : 7,276 SF
AREA OF LOT#8 : 5,283 SF	AREA OF LOT#21 : 8,169 SF
AREA OF LOT#9 : 5,478 SF	AREA OF LOT#22 : 3,309 SF
AREA OF LOT#10 : 4,863 SF	AREA OF LOT#23 : 4,712 SF
AREA OF LOT#11 : 3,266 SF	AREA OF LOT#24 : 5,200 SF
AREA OF LOT#12 : 3,853 SF	AREA OF LOT#25 : 4,321 SF
AREA OF LOT#13 : 3,268 SF	AREA OF LOT#26 : 11,331 SF

Site Notes:

1. THE SITE CONTAINS: 5.41 ACRES
2. SITE LOCATION: 637 & 667 PUCKETT DRIVE, MABLETON, GA 30126.
3. THE NORTH ARROW AND SCALE ARE SHOWN ON THIS PLAN
4. SURVEY INFORMATION TAKEN FROM SURVEYS PERFORMED BY H.B&P SURVEYING, INC, DATED SEPTEMBER 10, 2015.
5. THIS PROPERTY IS NOT LOCATED INSIDE DESIGNATED F.I.A SPECIAL FLOOD HAZARD AREA AS PER THE FLOOD INSURANCE RATE MAP #13067C0204 G, DATED DECEMBER 16, 2008.
6. THERE ARE NO WATERS OF THE STATE OF GEORGIA (LAKES OR STREAMS) WITHIN 200 FEET OF THE SITE.
7. TO THE BEST OF OUR KNOWLEDGE, THERE NO CEMETERIES, ARCHITECTURAL, OR ARCHEOLOGICAL LANDMARKS EXIST ON SITE. IN THE EVENT THAT THESE LANDMARKS ARE DISCOVERED DURING CONSTRUCTION, THE ENGINEER MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND AMENDING THE CONSTRUCTION PLANS.
8. THERE ARE NO KNOWN WETLANDS ON THE PROJECT SITE.
9. THERE ARE NO STREAMS OR ASSOCIATED STREAM BUFFERS AREAS ASSOCIATED WITH THE PROPERTY.
10. ALL KNOWN UTILITY EASEMENTS PER THE SURVEY ARE SHOWN ON THIS PLAN
11. THERE IS ONE PROPOSED ACCESS POINT TO THE SUBDIVISION
12. SANITARY SEWER WILL BE PROVIDED TO THE NEW DEVELOPMENT THROUGH AN EXISTING CONNECTION TO COBB COUNTY SEWER SYSTEM. NO ONSITE SEPTIC SYSTEM IS PROPOSED.

Shared Guest Parking:

THERE ARE 16 SPACES OF GUEST PARKING SHOWN IN THE GUEST PARKING/AMENITY AREA.

Proposed Zoning Requirements:

PROPOSED ZONING: RA-5 SINGLE FAMILY ATTACHED RESIDENTIAL

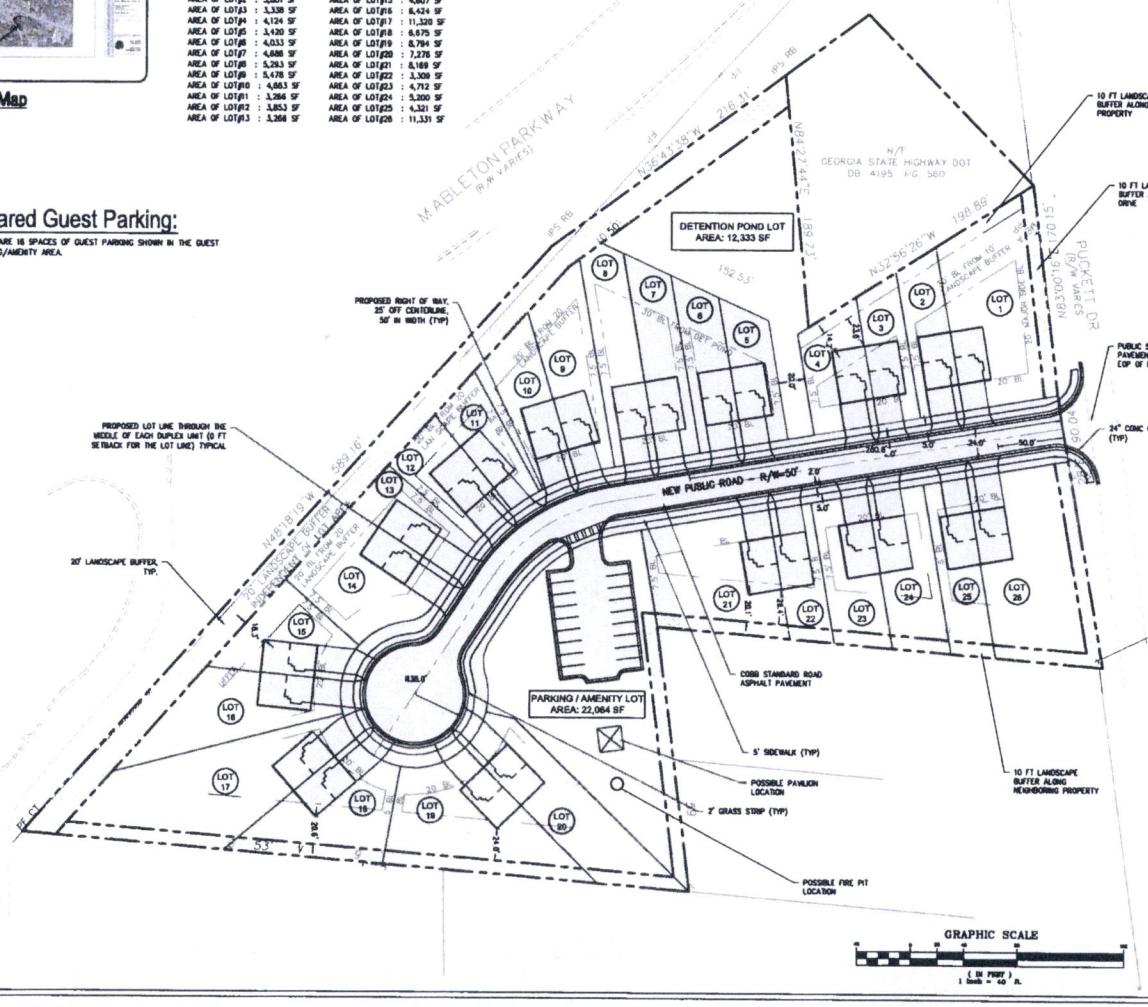
SITE DENSITY – 5 UNITS PER ACRE MAXIMUM ALLOWED
– PROPOSED SITE DENSITY = (26 SFH) / 5.41 ACRES = 4.80 UNITS PER ACRE < ALLOWABLE 5 UNITS PER ACRE.

MINIMUM WIDTH BETWEEN DWELLINGS: 15 FEET

Building Setbacks For This Project:

FOR LOTS:
–FRONT: 20 FT
–INTERIOR SIDE: 7.5 FEET FOR LOTS 2 TO 25
–MAJOR SIDE: 20 FEET FOR LOT 1 & 26
–REAR: 30 FEET FROM INDEPENDENT 10' LANDSCAPE BUFFER FOR LOTS FROM 1 TO 4
30 FEET FROM DETENTION POND LOT FOR LOTS FROM 5 TO 8
20 FEET FROM MABLETON PARKWAY 20' LANDSCAPE BUFFER FOR LOTS FROM 9 TO 16
30 FEET FROM INDEPENDENT 10' LANDSCAPE BUFFER FOR LOTS FROM 17 TO 26
–DUPLEX: 0 FEET FOR INTERIOR LOT LINE FOR EACH DUPLEX UNIT

LANDSCAPE BUFFER AND SCREENING REQUIREMENTS:
UNLESS OTHERWISE NOTED WITHIN THIS DISTRICT'S REQUIREMENTS, ANY PROPERTY WITHIN AN RA-5 DISTRICT WHICH ABUTS A MORE RESTRICTIVE, RESIDENTIALLY ZONED PROPERTY SHALL HAVE A MINIMUM TEN-FOOT LANDSCAPED SCREENING BUFFER ADJACENT TO ALL RESIDENTIAL PROPERTY SUCH BUFFER SUBJECT TO APPROVAL BY COUNTY STAFF. REQUIRED BUFFERS MAY BE INCLUDED WITHIN REQUIRED SETBACKS; HOWEVER, IN SUCH CASE THAT THE REQUIRED BUFFER IS GREATER THAN THE REQUIRED SETBACK, THE REQUIRED BUFFER SHALL BE ADHERED TO.



Prepared By:
CRESCENT VIEW ENGINEERING, LLC
Tel: (678) 324-4610
www.crescentview.com

Prepared For
Kareem Okereke
4888 Mahwood Drive
Powder Springs, GA 30127

Zoning Site Plan

DATE	3-14-21	REVISIONS
SCALE	AS SHOWN	
DRAWN	PS	
CHECKED	PS	

Zoning Variance Plan For
637 & 667 Puckett Drive
Land Lot 37, 17th District
Cobb County, Georgia

CVE Proj # 20-127

Sheet No.

Petition No. Z-39 JO
Meeting Date 3-16-21
Continued

Petition No. Z-39 '20
Meeting Date 3-16-21
Continued

Exhibit "B" Architecture

Petition No. Z-39 '20
Meeting Date 3-16-21
Continued

Petition No. Z-39 '20
Meeting Date 3-16-21
Continued



Petition No. Z-39 '20
Meeting Date 3-16-21
Continued



Petition No. Z-39 '20
Meeting Date 3-16-21
Continued

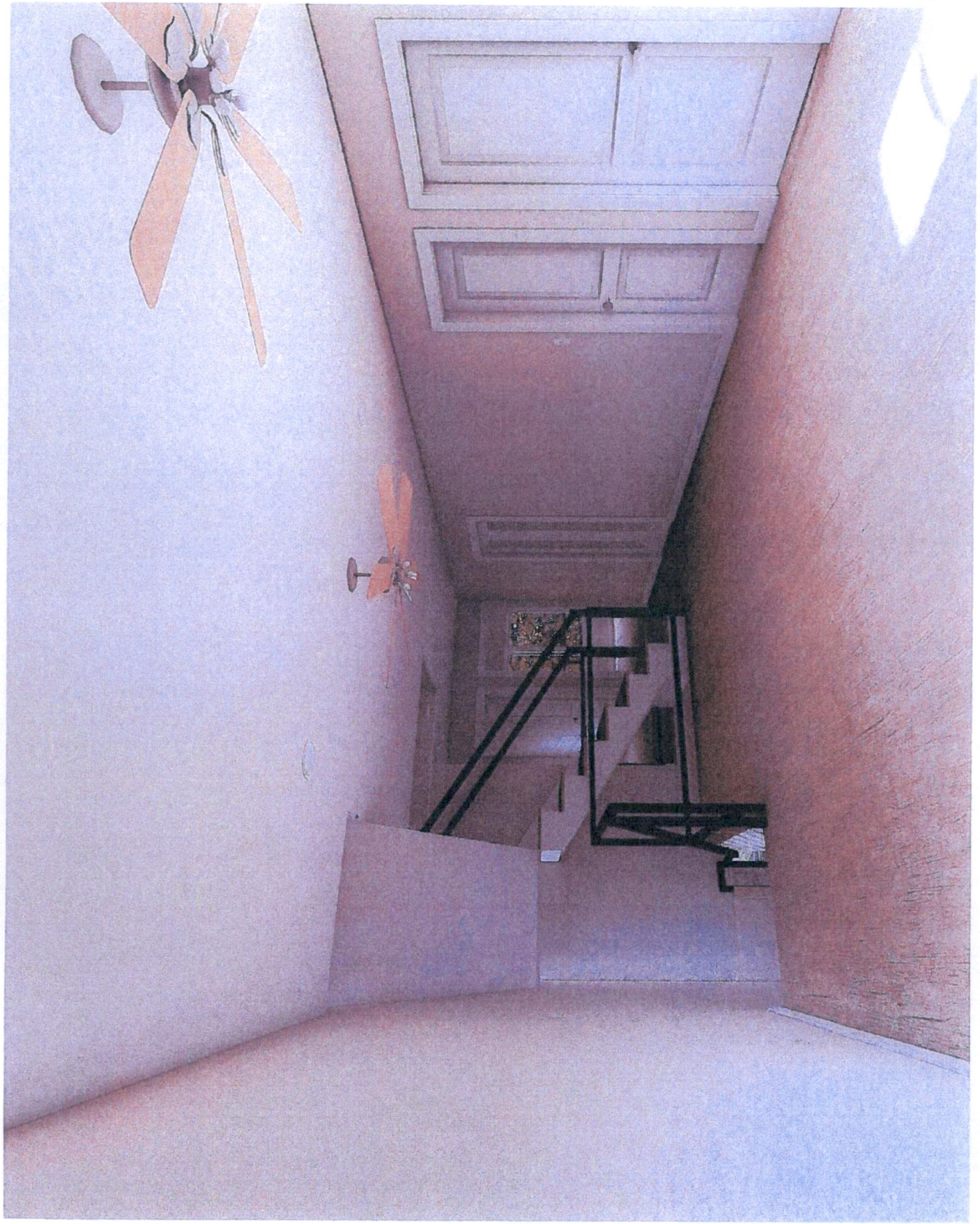


Petition No. Z-39 '20
Meeting Date 3-16-21
Continued

Exhibit "C"
Interior Design











Min. Bk. 92 Petition No. Z-59 '20
Doc. Type letter
Meeting Date 3-16-21

ROZEN & ROZEN, LLP
A Limited Liability Partnership
248 Roswell Street, SE
Marietta, Georgia 30060
(770) 427-7004 (T)
(770) 426-9584 (F)

ROGER J. ROZEN
rjrozen@rozenandrozen.com

ADAM J. ROZEN
ajrozen@rozenandrozen.com

February 24, 2021

VIA EMAIL DELIVERY

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

Re: Application of Tahmina A. Patwary to Rezone a .431 Acre Tract from R20 to O&I - Land Lot 696 and 745, 17th District, 2nd Section, Cobb County, Georgia; **Z-59**

Dear John:

This firm represents the applicant and owner Tahmina A. Patwary concerning the above-captioned Application for Rezoning. At this time, the Application is scheduled to be heard before the Planning Commission on March 2, 2021 and thereafter for final action by the Board of Commissioners on March 16, 2021.

The Applicant originally sought to rezone this property located at 3932 Atlanta Road ("Subject Property") from R-20 to Office & Institutional ("O&I") for the purpose of a professional office. However, based on discussions[1] and revisions to the site plan, the Applicant is agreeable to deleting to the R-15 zoning district to bring the Subject Property into legal conformity and allow for future improvement of a residential structure at this address. Accordingly, the Applicant submits the Revised "Site Plan", dated February 22, 2021 which is enclosed herewith and incorporated herein (hereinafter "Site Plan").

To that end, his letter will constitute the Applicant's agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning, and binding upon the Subject Property thereafter. The referenced stipulations are as follows:

[1] The Applicant has engaged in conversations with nearby property owners and their representatives who have generally expressed their support for a rezoning of the Subject Property to the R-15 District and as outlined herein.

Petition No. Z-59 '20
Meeting Date 3-16-21
Continued

VIA EMAIL DELIVERY

Mr. John P. Pederson, AICP, Manager

February 24, 2021

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the Subject Property which constitutes the subject matter of the above-captioned Application.

2. The deletion of the Subject Property to the R-15 Zoning District.

3. The granting of a contemporaneous variance to reduce the rear yard setback to twenty feet (20').

    a. This setback is consistent with the rear yard of the adjoining property to the rear of the Subject Property and recognizes the shallow shape and size of the Subject Property.

4. Compliance with the following Cobb County Development Standards and recommendations from the Cobb County Department of Transportation ("DOT") to include:

    a. The existing access on Atlanta Road and the area identified on the Site Plan as "Asphalt Parking – No Striping" to be reconstructed to meet the residential characteristics of and per Section 402.7 for Residential Driveways, as a requirement and upon the approval of, the earlier of:

        i. a building permit for the construction of additional residential square footage, or
        ii. the redevelopment of the Subject Property requiring a Land Disturbance Permit;

    b. No parking on the right-of-way;

    c. The existing curb, gutter and sidewalk along the Subject Property frontage shall remain and any disturbed curb, gutter, and sidewalk shall be replaced upon a redevelopment of the Subject Property requiring a Land Disturbance Permit; and

    d. Meet all Cobb County Development Standards and Ordinances where not in conflict with the herein.

Petition No. Z-59 '20
Meeting Date 3-16-21
Continued

ROZEN & ROZEN, LLP
A LIMITED LIABLITY PARTNERSHIP

VIA EMAIL DELIVERY

Mr. John P. Pederson, AICP, Manager

February 24, 2021

The Subject Property is located adjacent to residential properties within a Future Land Use category of Medium Density Residential allowing up to five (5) units per acre and zoned R-20 and RA-5. The rezoning request provides for a use within this zoning range and consistent with the development of neighboring properties while recognizing the unique characteristics of the Subject Property.

Thank you again for your time with this Application and please do not hesitate to call should you or members of the County's Professional Staff require any further information or documentation.

Sincerely,

ROZEN & ROZEN, LLP

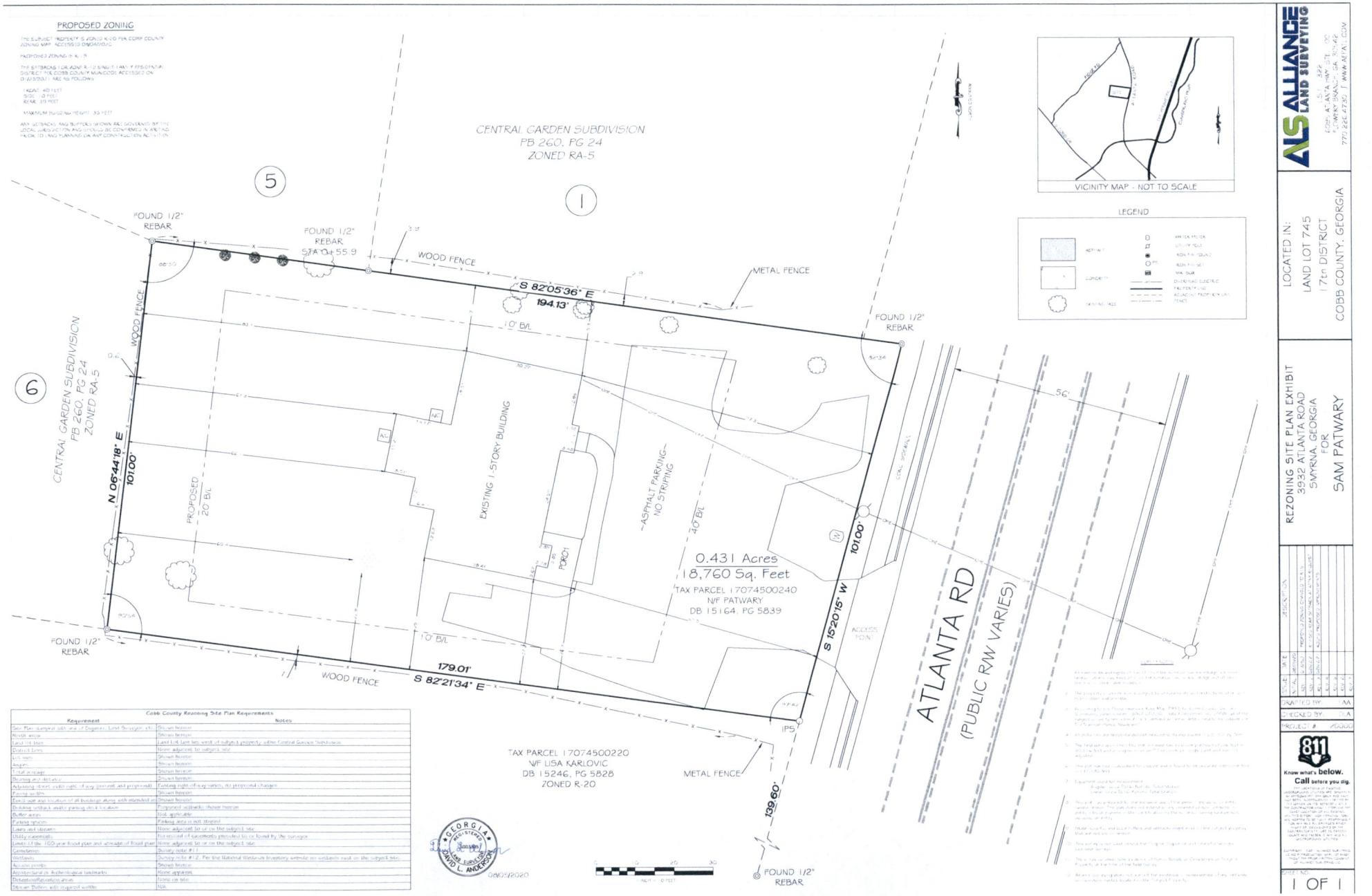
/s/ Adam J. Rozen

Adam J. Rozen
ajrozen@rozenandrozen.com

Enclosure (Site Plan)

cc: Cobb County Board of Commissioners
Mr. Tony Waybright, District Planning Commissioner
Cobb County Planning Commission
Ms. Jeannie Peyton, Senior Planner
Ms. Robin Stone, Deputy County Clerk
Ms. Mary Rose Barnes, Oakdale Community Association
Mr. Scott Hanson, Oakdale Community Association
Ms. Farran Anderson, P.E., Alliance Engineering and Land Surveying
Mr. Phillip Witherington, Licensed Broker, ABR
Mrs. Tahmina A. Patwary

Petition No. Z-59 '20
Meeting Date 3-16-21
Continued



Cobb County Rezoning Site Plan Requirements

Requirement	Notes
Site Plan stamped with seal of Engineer, Land Surveyor, etc.	Shown hereon
North arrow	Shown hereon
Land lot lines	Land Lot line lies west of subject property within Central Garden Subdivision
District lines	None adjacent to subject site
Lot lines	Shown hereon
Angles	Shown hereon
Total acreage	Shown hereon
Bearing and distance	Shown hereon
Adjoining streets (with right-of-way (present and proposed))	Existing right-of-way varies, no proposed changes
Paving widths	Shown hereon
Exact size and location of all buildings along with intended use	Shown hereon
Building setback and/or parking deck location	Proposed setbacks shown hereon
Buffer areas	Not applicable
Parking spaces	Parking area is not striped
Lakes and streams	None adjacent to or on the subject site
Utility easements	No record of easements provided to or found by the surveyor
Limits of the 100-year flood plain and acreage of flood plain	None adjacent to or on the subject site
Cemeteries	Survey note #11
Wetlands	Survey note #12. Per the National Wetlands Inventory website no wetlands exist on the subject site.
Access points	Shown hereon
Architectural or Archeological landmarks	None apparent
Detention/Recreation areas	None on site
Stream Buffers with required widths	N/A

ALLIANCE LAND SURVEYING
ALS
3225 [illegible] DR
ECHO, ATLANTA, GEORGIA 30340
770.220.4730 | WWW.ALPATL.COM

LOCATED IN:
LAND LOT 745
17th DISTRICT
COBB COUNTY, GEORGIA

REZONING SITE PLAN EXHIBIT
3932 ATLANTA ROAD
SMYRNA, GEORGIA
FOR
SAM PATWARY

DATE	DESCRIPTION
N/A	ORIGINAL
5/20	PROPERTY ZONED TO R-15
6/20	ADDED PROPOSED BUILDING
8/20	ADDED PROPOSED SETBACKS
10/20	ADDED PROPOSED BUILDING
12/20	ADDED PROPOSED BUILDING
1/21	ADDED PROPOSED BUILDING
2/21	ADDED PROPOSED BUILDING

DRAFTED BY: AA
CHECKED BY: DLA
PROJECT #: 20244

811 Know what's below. Call before you dig.

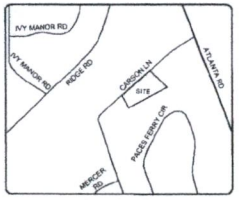
SHEET NO.
1 OF 1

Min. Bk. 92 Petition No. Z-3
Doc. Type Revised Site Plan

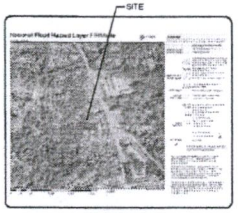
Meeting Date 3-16-21

Site Notes:

1. THE SITE CONTAINS: 0.342 ACRES
   TOTAL DISTURBED ACREAGE = 0.08 ACRES
2. SITE ADDRESS: 3587 CARSON LANE SE, COBB GEORGIA 30080
   PARCEL ID NUMBER: 17069900170
3. THE NORTH ARROW AND SCALE ARE SHOWN ON C-1
4. SURVEY INFORMATION TAKEN FROM SURVEYS PERFORMED BY McCLUNG SURVEYING, INC., DATED 6-04-19. TOPOGRAPHY INFORMATION IS TAKEN FROM COBB COUNTY GIS
5. THIS PROPERTY IS NOT INSIDE DESIGNATED F.I.A SPECIAL FLOOD HAZARD AREA AS PER THE FLOOD INSURANCE RATE MAP #13067C0226 G, DATED DECEMBER 16, 2008.
6. THERE ARE NO WATERS OF THE STATE OF GEORGIA OR WETLANDS WITHIN 200 FEET OF THE SITE. ALL APPROPRIATE STATE WATER BUFFERS ARE SHOWN ON THE SITE PLANS.
7. TO THE BEST OF OUR KNOWLEDGE, THERE NO CEMETERIES, ARCHITECTURAL, OR ARCHEOLOGICAL LANDMARKS EXIST ON SITE. IN THE EVENT THAT THESE LANDMARKS ARE DISCOVERED DURING CONSTRUCTION, THE ENGINEER MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND AMENDING THE CONSTRUCTION PLANS
8. THE INTENDED USE OF THE PROPERTY WILL BE FOR THE CONSTRUCTION OF A GARAGE ADDITION TO AN EXISTING SINGLE FAMILY HOME.



Location Map
N.T.S.



FEMA Map
N.T.S.

Zoning Requirements:

ZONING: RA-6 (SINGLE-FAMILY ATTACHED/DETACHED RESIDENTIAL DISTRICT) PER PETITION #Z021Z-3
MINIMUM LOT AREA: 6,200 SQUARE FEET
MAXIMUM SIX (6) UNITS PER ACRE.
MINIMUM HOUSE SIZE: 950 SQ FT
MINIMUM LOT WIDTH AT FRONT SETBACK LINE: 70 FEET, 50 FEET FOR CUL-DE-SAC OR INTERIOR LOT.
MINIMUM WIDTH BETWEEN DWELLINGS: 15 FEET
MINIMUM PUBLIC ROAD FRONTAGE: 70 FEET, 35 FEET CUL-DE-SAC; MINIMUM PUBLIC ROAD FRONTAGE IF INTERIOR TO DEVELOPMENT 50 FEET.
SIDE SETBACK: 5 OR 20 FEET
REAR SETBACK: 20 OR 40 FEET
FRONT SETBACK: 25 OR 40 FEET
MAXIMUM IMPERVIOUS SURFACE: 45%
HEIGHT: 35 FEET
PARKING: 2 SPACES PER DWELLING UNIT

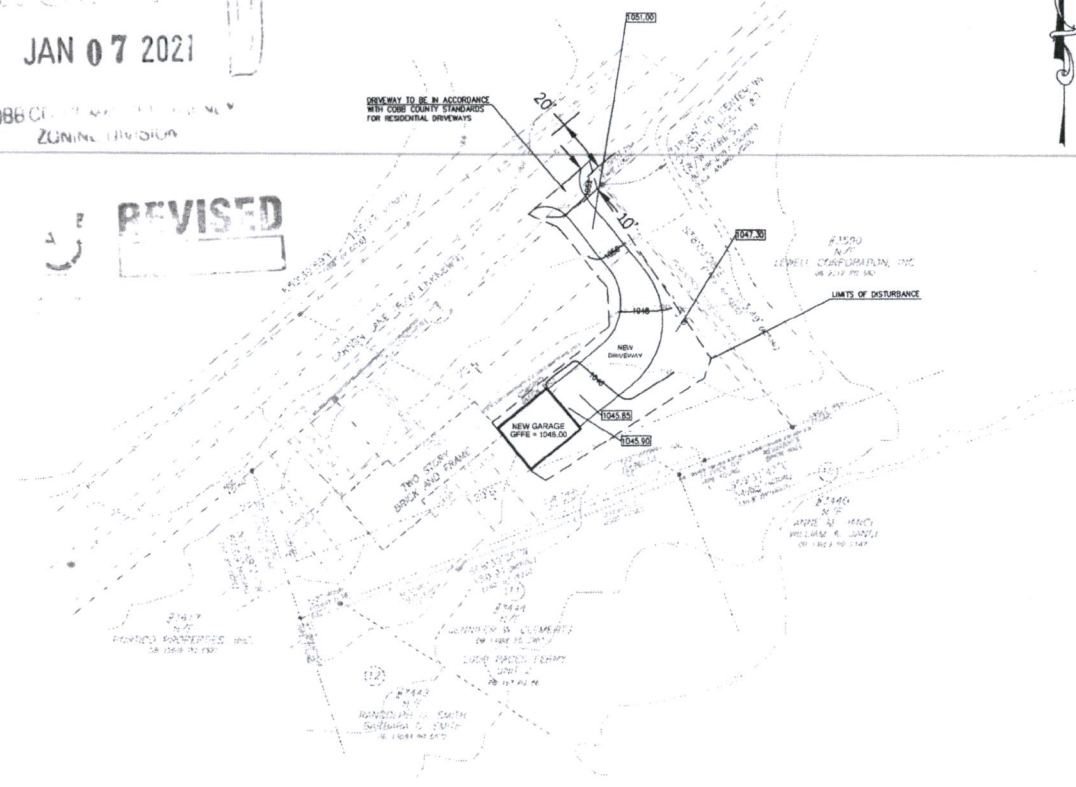
Grading Notes:

1. EROSION CONTROL DEVICES MUST BE INSTALLED PRIOR TO ANY CONSTRUCTION.
2. INITIAL BMP'S MUST BE CONSTRUCTED PRIOR TO ANY OTHER WORK. SEDIMENT BMP'S MUST BE CLEANED OF ALL SILT AND SEDIMENT UPON COMPLETION AND ESTABLISHMENT OF PERMANENT VEGETATION.
3. AFTER SITE CLEARING AND PREPARATION, CONTRACTOR SHALL EVALUATE THE EXPOSED SUBGRADE. THIS EVALUATION SHOULD INCLUDE PROOF ROLLING OF SUBGRADE SOILS TO VERIFY THAT THE SUBGRADE IS OF SUFFICIENT COMPACTION AND MATERIAL FOR PLACEMENT OF FILL TO BEGIN. IF REMEDIAL WORK IS REQUIRED, CONTRACTOR MUST OBTAIN APPROVAL FROM THE OWNER BEFORE PROCEEDING.
4. ALL FILL MUST BE TESTED FOR COMPACTION AND QUALITY DURING THE GRADING OPERATION. PLACE FILL MATERIALS ON CONTINUOUS LAYERS AND COMPACT IN ACCORDANCE WITH ASTM D698. FILL MATERIAL MUST BE CLEAN INORGANIC MATERIAL SOIL.
   COMPACTION REQUIREMENTS USING STD PROCTOR COMPACTION TEST ASTM D698 (%=MAX. DENSITY AT OPTIMUM MOISTURE CONTENT)
   UNPAVED AREAS TOP 8 INCHES OF SUBGRADE AND SUBSEQUENT LIFTS / 90% SPT
   PAVED AREAS
   FILL WALLS
   COMPACTION ZONE FOR THESE AREAS SHALL INCLUDE A BEARING PLANE OF 1:1 FOR FILL AREAS WHICH SHALL EXTEND TO APPROVED SUBGRADE. COMPACTION REQUIREMENTS UNDER CURBING IS CONSIDERED UNDER PAVED AREAS REQUIREMENTS.
5. DISCOVERY OF UNSUITABLE SOILS OR ROCK MUST BE IMMEDIATELY REPORTED TO THE OWNER AND ENGINEER. ALL EARTHWORK MUST NOT PROCEED AT THAT POINT UNTIL OWNER RELEASES THE CONTRACTOR TO PROCEED.
6. MAXIMUM GRADED SLOPES ALLOWED 2H:1V
7. ALL SLOPES AND AREAS TO BE LANDSCAPED OR GRASSED SHALL BE GRADED SMOOTH AND TOPSOIL APPLIED. THE AREA SHALL THEN BE SEEDED, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED. MORE USE OF TOPSOIL DOES NOT CHANGE FINISH GRADE CONTOURS.
8. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION OF UTILITIES AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS ARE BASED ON RECORDS PROVIDED TO THE ENGINEER. INFORMATION SHOWN IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES.
9. CONTRACTOR SHALL FOLLOW ALL APPLICABLE SAFETY AND CONSTRUCTION PROCEDURES, ORDINANCES, CODES, AND STANDARDS.
10. CONTRACTOR SHALL OBSERVE, PROTECT, AND PRESERVE ALL AREAS SHOWN TO BE PROTECTED SUCH AS TREE PROTECTED AREAS, UNDISTURBED BUFFERS, WETLANDS, EMBLEMS, NTS, STREAM BUFFERS, CEMETERIES, STRUCTURES TO REMAIN, ETC. CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRS, DAMAGES, FINES, AND PENALTIES ASSOCIATED WITH FAILING TO PROJECT PROTECTED AREAS.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EARTHWORK AND GRADING OPERATIONS FROM GRADING, SEDIMENTATION, OR DAMAGE DURING CONSTRUCTION. REPAIR OR REPLACEMENT OF EARTHWORK SHALL BE THE CONTRACTOR'S RESPONSIBILITY AT NO ADDITIONAL COST TO THE OWNER. REMOVING AND CLEANING UP SEDIMENT ACCUMULATIONS SHALL BE AT NO ADDITIONAL COST TO THE OWNER.
12. CONTRACTOR SHALL PROVIDE ALL EXCAVATING, FILLING, BACKFILLING, IMPORTING, EXPORTING, AND GRADING REQUIRED TO BRING ENTIRE PROJECT TO THE FINAL GRADES AND ELEVATIONS SHOWN IN THE DESIGN DOCUMENTS.
13. ALL SPOT ELEVATIONS SHOWN ARE FINISHED GRADE.
14. THE SITE CONTRACTOR SHALL COORDINATE SERVICE ROUTING OF ALL GAS, TELEPHONE, AND ELECTRICAL LINES WITH THE APPROPRIATE UTILITY COMPANY. ALL CONSTRUCTION MUST COMPLY WITH EACH UTILITY'S STANDARDS AND SPECIFICATIONS AND NOT INTERFERE WITH TREE PLANTING SITES OR EXISTING TREES SHOWN TO BE PRESERVED (IF REQUIRED).
15. THE APPROXIMATE LOCATION OF KNOWN UNDERGROUND UTILITIES HAVE BEEN SHOWN AS PROVIDED BY THE SURVEY. IT SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY, LOCATE AND PROTECT ALL UTILITIES ON THE SITE. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR COORDINATING DEMOLITION, RELOCATION AND NEW UTILITY SERVICE WITH THE APPROPRIATE UTILITY. CONTRACTOR SHALL HIRE THEIR OWN UTILITY LOCATOR TO IDENTIFY ALL EXISTING UTILITIES WITHIN THE PROPOSED CONSTRUCTION AREA.
16. ALL WORK SHALL COMPLY WITH APPLICABLE FEDERAL, STATE AND LOCAL LAWS, ORDINANCES, STANDARDS OR CODES. ALL NECESSARY LICENSES OR PERMITS SHALL BE OBTAINED BY THE CONTRACTOR AT HIS EXPENSE.
17. ALL CONSTRUCTION MUST CONFORM TO APPROPRIATE UTILITIES AND COUNTY STANDARDS.
18. BEFORE STARTING WORK CONTRACTOR SHALL MAKE SUCH EXPLORATIONS AND PROBES AS NECESSARY TO ASCERTAIN ANY ACTIVE UTILITY LINES AND MAKE SURE THESE UTILITIES CAN BE BROKEN OR CHANGED WITHOUT ANY DANGER OR DISRUPTION TO ANY NECESSARY SERVICE.
19. CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES & ITEMS TO REMAIN.
20. CONTRACTOR SHALL COORDINATE WITH OWNER/OWNER REPRESENTATIVE, ALL PHASES OF CONSTRUCTION AND UTILITY CONSTRUCTION TO MAKE SURE ACCESS, HOURS OF OPERATION, AND UTILITY INTERRUPTION DO NOT INTERFERE WITH OWNER'S NEEDS.
21. CONTRACTOR SHALL BE RESPONSIBLE FOR PROPER DISPOSAL OF ALL ITEMS AND CONSTRUCTION DEBRIS IN ACCORDANCE WITH ALL FEDERAL, STATE AND LOCAL CODES.
22. CONTRACTOR SHALL REPAIR AT HIS/HER EXPENSE, DAMAGE TO ANY NEW OR EXISTING SITE OR NEIGHBOR FEATURES NOT TO BE DEMOLISHED CAUSED BY CONSTRUCTION ACTIVITIES.
23. CONTRACTOR IS RESPONSIBLE FOR REPAIRS OF DAMAGE TO ANY EXISTING UTILITY DURING CONSTRUCTION AT NO COSTS TO THE OWNER.
24. CONTRACTOR SHALL COMPLY TO THE FULLEST EXTENT WITH THE LATEST STANDARDS OF OSHA DIRECTIVES OR ANY OTHER AGENCY HAVING JURISDICTION FOR EXCAVATION AND TRENCHING PROCEDURES. THE CONTRACTOR SHALL SUPPORT SYSTEMS, SLOPING, BENCHING, AND OTHER MEANS OF PROTECTION. THIS TO INCLUDE, BUT IS NOT LIMITED TO ACCESS AND EGRESS FROM ALL EXCAVATION AND TRENCHING. CONTRACTOR IS RESPONSIBLE TO COMPLY WITH PERFORMANCE CRITERIA FOR OSHA.

RECEIVED
JAN 07 2021
COBB COUNTY ... DEVELOPMENT
ZONING DIVISION

REVISED

24 HOUR EMERGENCY CONTACT: DARREN MARTIN 678-576-9344



ALLOWABLE MAXIMUM SITE IMPERVIOUS AREA = 5,953 SF

Proposed Impervious Calculations:

Proposed Impervious Area	SF
Existing 2 Story Brick and Frame Home	1158
Existing Asphalt Driveways	591
Existing Concrete Walk	99
Existing Concrete Porch and Steps	35
Existing Slate Patio and Steps	196
Existing Concrete Block Wall	30
Proposed Garage	480
Proposed Driveway	1363
Total Proposed Impervious Area	3952
Proposed Lot Coverage	26.56%

Stormwater Management Note:

TOTAL PROPOSED NEW/REDEVELOPED IMPERVIOUS AREA = 1,843 SF < 5,000 SF. THEREFORE, STORMWATER MANAGEMENT IS NOT PROPOSED AS A PART OF THIS PLAN.

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

GSWCC GEORGIA SOIL AND WATER CONSERVATION COMMISSION
GEORGE H BALTZ III
CERTIFICATION NUMBER: 0000045830
ISSUED: 08/25/2017 EXPIRES: 11/10/2022
EXPIRATION 11-10-22
0000045830
NUMBER

Prepared By
CRESCENT VIEW ENGINEERING, LLC.
1175 Barclay Circle, Suite 610
Marietta, GA 30060
678.424.8410
www.CrescentViewEng.com

Prepared For
Darren Martin
678.576.9344
181 mallinc@gamail.com

Site Plan

REVISIONS	
DATE	1-8-21
SCALE	AS SHOWN
DRAWN	PZ
CHECKED	GHB

Construction Plans For
3587 Carson Lane SE
Land Lot 699, 17th District
Cobb County, Georgia

CVE Pl # 20-602

Sheet No.
C-1

Min. Bk. 92 Petition No. Z-9
Doc. Type letter
Meeting Date 3-16-21

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

February 19, 2021

(STIPULATION LETTER, REVISED SITE PLAN & ARCHITECTURAL EXHIBITS)

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 Rutvik Emil Dmello to Rezone a 1.434 Acre Tract from CF & GC to NRC (No. Z-9)

Dear John:

As you are aware, this firm represents the Applicant concerning the above-captioned Application for Rezoning which is scheduled to be heard by the Cobb County Planning Commission on March 2, 2021. Thereafter, the application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on March 16, 2021. With respect to the foregoing, a Revised Site Plan is being submitted concurrently herewith.

The Subject Property is situated at the southeast intersection of Austell Road and East Callaway Road. The property is currently zoned Future Commercial ("CF") and General Commercial ("GC"). The CF portion of the subject property was rezoned from R-20 to CF on May 1, 1974 and was designated as a "Map Correction". The GC portion of the subject property was rezoned from R-20 to GC on October 1, 1975 for the purpose of a Garden Shop. Neither tract has ever been developed.

As the Subject Property is situated directly across Austell Road from two (2) existing convenience stores with fuel sales, the Applicant is not proposing fuel sales. However, as Austell Road at this intersection carries approximately 30,000 cars per day, the functional classification of Austell Road is an Urban Arterial Roadway and is primarily a commuter roadway, carrying traffic between Marietta to the north and to the Thornton Road area in Douglas County to the south, thus providing access to Interstate 20.

Petition No. Z-9
Meeting Date 3-16-21
Continued

VIA HAND DELIVERY & EMAIL

We have been in contact with area residents and business owners and, of course, established a meaningful dialogue with the County's professional staff. In that regard, the Applicant has authorized this firm 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:

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 Landworks Associates, Inc., submitted concurrently herewith.

3. The subject property shall be developed for purposes of the construction of a retail store and/or restaurant. The proposed building shall be 2-stories in height and will be approximately 5,120 square feet in size.

4. The architectural style and composition of the foregoing shall be consistent with the preliminary architectural renderings/elevations which are being submitted concurrently herewith.

5. Parking area lighting shall be maximally illuminated to the extent allowed under the Cobb County Zoning Ordinance. Security lighting on the building shall 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 by strategically positioned 24-hour, monitored video surveillance.

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:

    a. The point of ingress/egress on Austell Road shall be right-in/right-out only.

    b. An interior maneuverability plan (included in the revised site plan) is submitted concurrently herewith which addresses stacking, queuing and ability to maneuver throughout the site.

    c. To the extent disturbed during construction or to the extent not presently existing, the installation of sidewalk, curb and gutter along Austell Road.

9. Compliance with recommendations from the Stormwater Management Division with respect to stormwater management, detention, water quality and downstream considerations, including the following:

    a. The installation of a wide-level spreader built in accordance with existing Cobb County Standards.

    b. The location and configuration of on-site detention and water quality components.

    c. All stormwater management and water quality components shall be constructed in a manner which connects them to existing downstream drainage features.

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 property will be zoned NRC with the following uses excluded:

    a. Billiards and pool halls;

    b. Pawn or title pawn establishments;

    c. Auto or truck sales, service or storage;

    d. Light automotive repair establishments;

    e. Tire and rim sales or installation;

    f. Gold or other precious metal buying or selling;

    g. Tattoo parlors;

    h. Adult novelty or bookstores;

    i. Thrift stores, second-hand stores or flea markets;

    j. Gun, knife or weapons sales; and,

    k. Self-service laundry facilities.

12. Compliance with the recommendations from the Cobb County Fire Department with respect to Fire Prevention and Life Safety issues. This shall include:

    a. Compliance with International Fire Code provisions (IFC 510) – Emergency Responder radio coverage.

    b. Providing a 24-hour emergency contact(s) and phone number(s) on the plans which proceed through the Plan Review process.

c. Providing appropriate access to the subject property for Fire Apparatus and Public Safety Vehicles at all times.

d. Ensuring that all access roads have an all-weather driving surface capable of supporting 75,000 pounds per square inch with an unobstructed width of not less than twenty feet (20'), twenty five foot (25') inside turning radius, fifty foot (50') outside turning radius and unobstructed vertical clearance of not less that thirteen feet, six inches (13', 6").

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.

In all respects, this proposed Rezoning is appropriate from a Land Use Planning perspective particularly in view of the upgrades which are needed at this particular intersection and as the subject property is located within the confines of a Neighborhood Activity Center under the County's Future Land Use Map.

Petition No. Z-9
Meeting Date 3-16-21
Continued

VIA HAND DELIVERY & EMAIL

Please do not hesitate to contact me should you have any questions whatsoever regarding these matters. With kind regards, I am

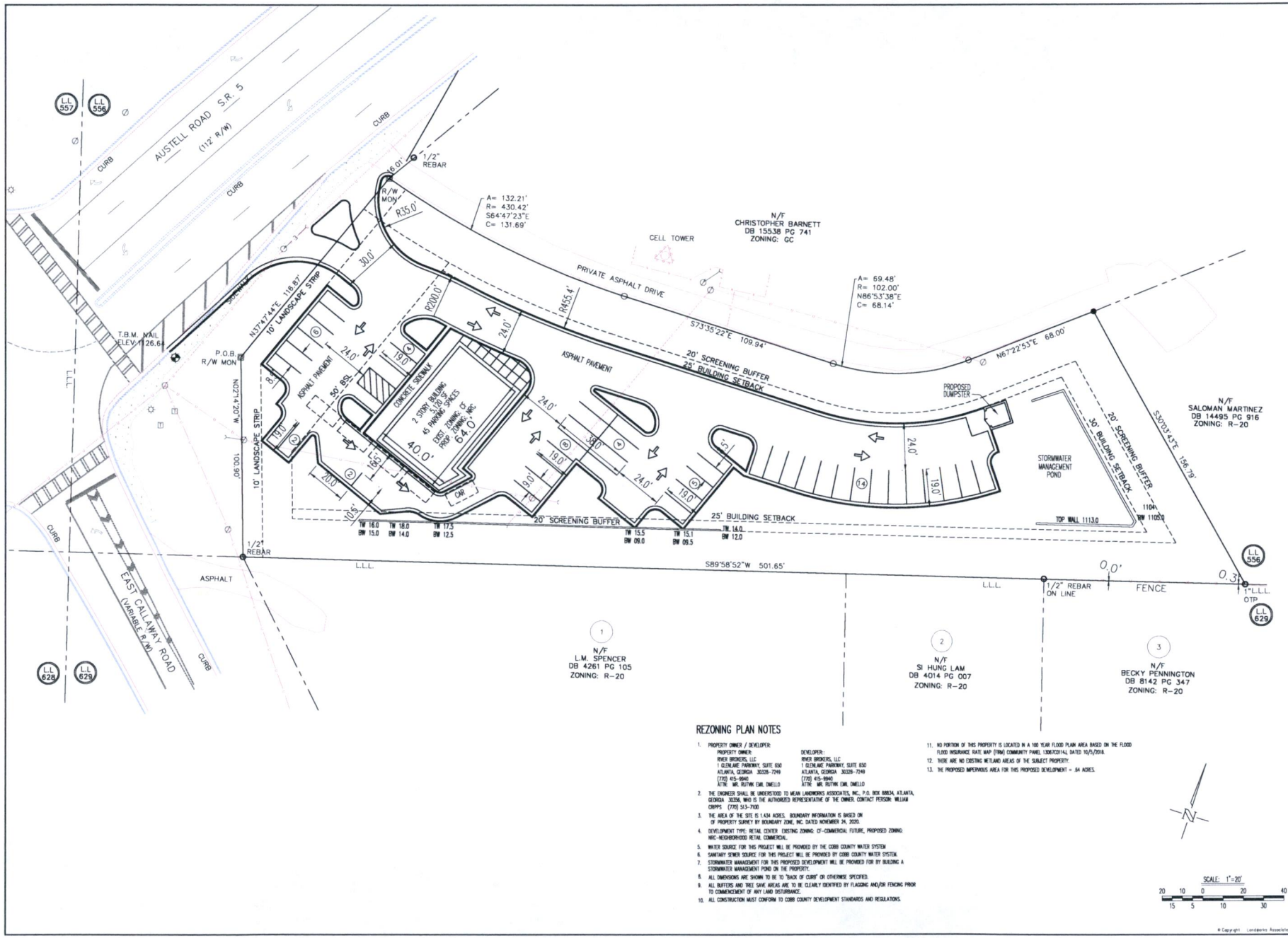
SAMS, LARKIN & HUFF, LLP

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

GLS, Jr./klk
Enclosures/Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director, Community Development (via email w/attachments)
Mr. Jason Gaines, AICP, Planning Division Manager (via email w/attachments)
Mr. Phil Westbrook, Planner III (via email w/attachments)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
Mr. Terry Martin, Planner III (via email w/attachments)
Mr. Donald Wells, Planner I (via email w/attachments)
Ms. Tannesha Bates, Planner I (via email w/attachments)
Ms. Margie Vazquez, 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)
Ms. Mary Lanning, RLA, Fire Marshal's Office (via email w/attachments)
Captain Josh Davis, Fire Marshal's Office (via email w/attachments)
Mr. David Breaden, P.E., Stormwater Management Division (via email w/attachments)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachments)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)
Ms. Abby Rettig, P.E., Cobb DOT (via email w/attachments)
Mr. Tim Davidson, Water System (via email w/attachments)
Dr. Kavita Purohit, Ph.D. (via email w/attachments)
Mr. Rutvik Emil Dmello (via email w/attachments)
Mr. Jon G. Amsberry, P.E. (via email w/attachments)

Petition No. Z-9
Meeting Date 3-16-21
Continued



REZONING PLAN NOTES

1. PROPERTY OWNER / DEVELOPER:
   PROPERTY OWNER: RIVER BROKERS, LLC, 1 GLENLAKE PARKWAY, SUITE 650, ATLANTA, GEORGIA 30328-7749, (770) 415-9940, ATTN: MR. RUTHIK EMI DWELLO
   DEVELOPER: RIVER BROKERS, LLC, 1 GLENLAKE PARKWAY, SUITE 650, ATLANTA, GEORGIA 30328-7749, (770) 415-9940, ATTN: MR. RUTHIK EMI DWELLO
2. THE ENGINEER SHALL BE UNDERSTOOD TO MEAN LANDWORKS ASSOCIATES, INC., P.O. BOX 88834, ATLANTA, GEORGIA 30356, WHO IS THE AUTHORIZED REPRESENTATIVE OF THE OWNER. CONTACT PERSON: WILLIAM CRIPPS (770) 513-7100
3. THE AREA OF THE SITE IS 1.434 ACRES. BOUNDARY INFORMATION IS BASED ON OF PROPERTY SURVEY BY BOUNDARY ZONE, INC. DATED NOVEMBER 24, 2020.
4. DEVELOPMENT TYPE: RETAIL CENTER EXISTING ZONING: CF-COMMERCIAL FUTURE, PROPOSED ZONING: NRC-NEIGHBORHOOD RETAIL COMMERCIAL.
5. WATER SOURCE FOR THIS PROJECT WILL BE PROVIDED BY THE COBB COUNTY WATER SYSTEM
6. SANITARY SEWER SOURCE FOR THIS PROJECT WILL BE PROVIDED BY COBB COUNTY WATER SYSTEM.
7. STORMWATER MANAGEMENT FOR THIS PROPOSED DEVELOPMENT WILL BE PROVIDED FOR BY BUILDING A STORMWATER MANAGEMENT POND ON THE PROPERTY.
8. ALL DIMENSIONS ARE SHOWN TO BE TO "BACK OF CURB" OR OTHERWISE SPECIFIED.
9. ALL BUFFERS AND TREE SAVE AREAS ARE TO BE CLEARLY IDENTIFIED BY FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.
10. ALL CONSTRUCTION MUST CONFORM TO COBB COUNTY DEVELOPMENT STANDARDS AND REGULATIONS.
11. NO PORTION OF THIS PROPERTY IS LOCATED IN A 100 YEAR FLOOD PLAIN AREA BASED ON THE FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL 13067C0114J, DATED 10/5/2018.
12. THERE ARE NO EXISTING WETLAND AREAS OF THE SUBJECT PROPERTY.
13. THE PROPOSED IMPERVIOUS AREA FOR THIS PROPOSED DEVELOPMENT = .64 ACRES.

SCALE: 1"=20'

© Copyright Landworks Associates, Inc.

REVISIONS

CIVIL ENGINEERING CONSULTANT
JON G. AMSBERRY, P.E.
P.O. BOX 2154
LOGANVILLE, GEORGIA 30052
(770) 513-8186 Phone
amsberry-consulting@gmail.com

GEORGIA REGISTERED No. 22329 PROFESSIONAL ENGINEER 7/14/21 JON G. AMSBERRY

GSWCC LEVEL 2 CERTIFICATION NO. 0013189 EXPIRES 11-22-2023

Landworks Associates, Inc.
P.O. BOX 88834
ATLANTA, GEORGIA 30356
(770) 513-7100 environments2013@yahoo.com

PROJECT DESCRIPTION
ALLORA PLAZA
2695 AUSTELL ROAD
LAND LOT 556, 19TH DISTRICT, 2ND SECTION,
COBB COUNTY, GEORGIA

SHEET TITLE
REZONING PLAN

DATE: 01-27-21
JOB: 557-20103
DRW: WJC
CHK: JGA

SHEET NUMBER
C-1

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

Min. Bk. 92 Petition No. SLUP-1
Doc. Type letter
Meeting Date 3-16-21

February 24, 2021

Via E-mail Only

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

RE: Application for Special Land Use Permit
Application No.: SLUP-1 (2021)
Applicant/Property Owners: Colonial Pipeline Company
Property: 9.87 acres, more or less, located at the terminus of Tramore Pointe Parkway, south of the intersection of Tramore Pointe Parkway and the East-West Connector, Land Lots 862 and 915, 19th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Colonial Pipeline Company, the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Special Land Use Permit with regard to a total tract of 9.87 acres, more or less, located at the terminus of Tramore Pointe Parkway, south of the intersection of Tramore Pointe Parkway and the East-West Connector, Land Lots 862 and 915, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meetings with Planning and Zoning Staff, reviewing the Departmental Comments and Staff Recommendations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions, which, if the Application for Special Land Use Permit is approved, as submitted, shall become a part of the grant of the requested Special Land Use Permit and shall be binding upon the Subject Property. The proposed stipulations are as follows:

(1) Applicant seeks approval of a Special Land Use Permit for the construction and operation of a new regional fuel truck loading terminal within its Atlanta Junction facility. The approval shall be with reference to the Site Plan dated August 21, 2020, last revised December 30, 2020, and submitted with the Application for Special Land Use Permit on January 6, 2021. A reduced copy of the Site Plan is attached as Exhibit "A" and incorporated herein by reference.

(2) The Subject Property consists of approximately 9.87 acres of total site area.

(3) The proposed new regional fuel truck loading terminal shall contain a maximum of six (6) truck loading lanes, and shall be operational up to 24 hours per day, seven (7) days per week.

(4) Applicant reserves the ability to make minor modifications to the referenced Site Plan prior to the Plan Review Process, which would allow, among other things, flexibility in building footprint, tank location and sizing, and entrance/exit layout.

(5) Applicant agrees that parking or stacking of vehicles or trucks along Tramore Pointe Parkway shall be prohibited at all times.

(6) Applicant agrees to the installation of appropriate signage prohibiting the parking or stacking of vehicles or trucks on or along Tramore Pointe Parkway, subject to coordination and approval by the Cobb County Department of Transportation.

(7) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, signage, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:

(a) Increase the density of a residential project or the overall square footage of a non-residential project;

(b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;

(c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;

(d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;

(e) Change an access location to a different roadway;

(f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;

(g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or

(h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.

We believe approval of the requested Special Land Use Permit, pursuant to the Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The Property is located within an industrial area of Cobb County and is adjacent to and in close proximity to other facilities of a similar nature, also owned by Applicant. We appreciate very much your consideration; as well as that of the Cobb County Planning Commission and Cobb County Board of Commissioners, in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

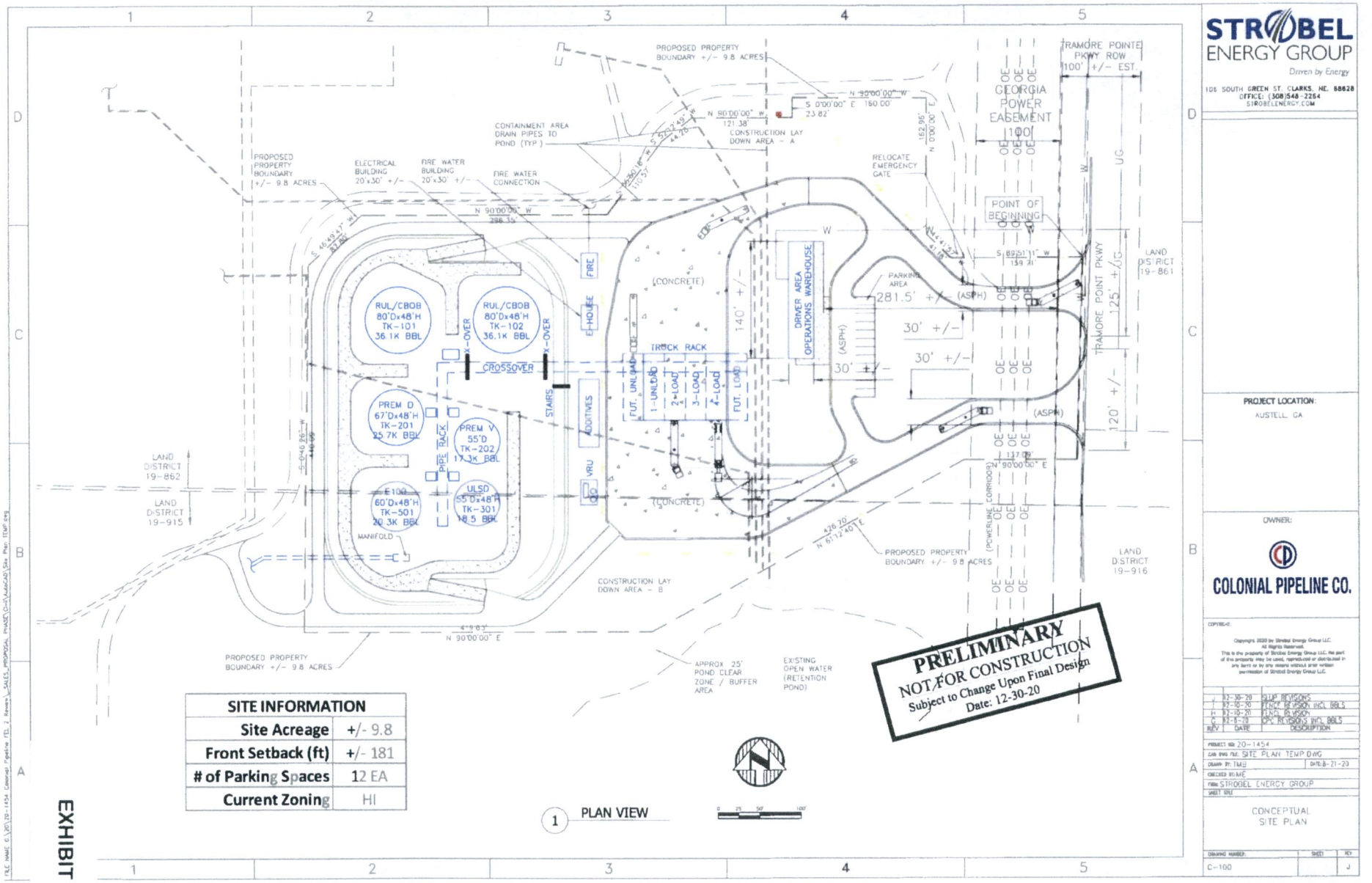
J. Kevin Moore

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

c: Cobb County Planning Commission
Galt Porter, Chairman
Fred Beloin
Deborah Dance
Alice Summerour
Anthony Waybright
(With Copy of Attachment)

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

Colonial Pipeline Company
(With Copy of Attachment)



SITE INFORMATION	
Site Acreage	+/- 9.8
Front Setback (ft)	+/- 181
# of Parking Spaces	12 EA
Current Zoning	HI

PRELIMINARY
NOT FOR CONSTRUCTION
Subject to Change Upon Final Design
Date: 12-30-20

1 PLAN VIEW

EXHIBIT "A"

STROBEL ENERGY GROUP
Driven by Energy
105 SOUTH GREEN ST. CLARKS, NE. 68628
OFFICE: (308)548-2264
STROBELENERGY.COM

PROJECT LOCATION:
AUSTELL, GA

OWNER:
COLONIAL PIPELINE CO.

Copyright 2020 by Strobel Energy Group LLC.
All Rights Reserved.
This is the property of Strobel Energy Group LLC. No part of this property may be used, reproduced or distributed in any form or by any means without prior written permission of Strobel Energy Group LLC.

REV	DATE	DESCRIPTION
J	12-30-20	SLUP REVISIONS
I	12-10-20	PERMIT REVISION INCL BBLS
H	12-10-20	PLNG REVISION
G	12-8-20	DRC REVISIONS INCL BBLS

PROJECT NO: 20-1454
CAD DWG FILE: SITE PLAN TEMP.DWG
DRAWN BY: TMB DATE: 8-21-20
CHECKED BY: ME
FIRM: STROBEL ENERGY GROUP
SHEET TITLE: CONCEPTUAL SITE PLAN

DRAWING NUMBER: C-100 SHEET: REV: J

Petition No. SLUP-1
Meeting Date 3-16-21
Continued

MARCH 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

Min. Bk. 92 Petition No. O.B.6
Doc. Type Cobb DOT comments + recommendations
Meeting Date 3-16-21

ITEM OB-6-2021

To consider a reduction of lot size for D. ~~Gernatt~~ Gernatt Homes, LLC for property located at the northwestern intersection of Floyd Road and Anderson Mill Road, in Land Lot 998 of the 19th District (4268 Floyd Road). ***(Continued by Staff from the February 16, 2021 hearing until the March 16, 2021 hearing)***

BACKGROUND

The Board of Commissioners considers all reductions to minimum lot size pursuant to a code amendment to Sec. 134-271(7)(a) adopted on February 27, 2018. The subject property is zoned R-20 and is required to have 20,000-square-feet. The applicant's lot is 16,535 square-feet in size and has been this size for over two decades. The applicant would like to construct a three-bedroom, 1950 square-foot house on the lot. All other zoning criteria will be met.

STAFF COMMENTS

Cobb DOT: 1) 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 Floyd Road (east side of property), a minimum of 50' from the roadway centerline; 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 north side of Anderson Mill Road (south side of property), a minimum of 30' from the roadway centerline; 3) Recommend replacing disturbed curb, gutter, and sidewalk along the Floyd Road frontage; 4) Recommend the driveway on Floyd Road be located on north side of property as shown as to get as close as possible to 100 feet tangent distance from the intersection at Anderson Mill Road; 5) Recommend 10' no access easement to Anderson Mill Road; and 6) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
Stormwater Management: Maximum impervious lot coverage will be 35%.

RECOMMENDATION

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

ATTACHMENT

Other Business application.

Min. Bk. 92 Petition No. O.B.9
Doc. Type Stipulation amendments in the Background section & DOT comments
Meeting Date 3-16-21

MARCH 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1

ITEM OB-9-2021

PURPOSE

To consider a site plan and stipulation amendment for Barrett Farm Developers, LLC regarding rezoning application Z-26 of 2017. The property is located at the southwest corner of Ernest Barrett Parkway and Villa Rica Road in Land Lot 173 of the 19th District (985 Villa Rica Road).

BACKGROUND

The subject property was rezoned to RSL in 2017 for a 20-lot senior residential subdivision subject to many stipulations regarding fencing and landscaping. The applicant would like to amend the stipulations to allow a 15' undisturbed buffer along the west property line instead of a 20' landscape buffer. The applicant would also like to move the fence from the property line to the edge of the 15' undisturbed buffer. Lastly, the applicant would like to revise the fencing along Villa Rica Road from a Solid Wood Privacy Fence to a four-rail fence along the road. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Cobb DOT: 1) Recommend retaining all DOT recommendations for Z-26-2017.
2) Recommend a no access easement for the lots that border Villa Rica Road and Barrett Parkway.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning minutes.

OB-10-2021

Proposed Site plan

REVISIONS

SDG ENGINEERING
P.O. BOX 680963
MARIETTA, GEORGIA 30068-0017
678-560-4161

CLIENT NAME
CRIM & ASSOCIATES
210 SANDY SPRINGS PL.
ATLANTA, GA 30328
404-256-2960

PROJECT TITLE
TAKE 5 OIL CHANGE
1305 POWERS FERRY ROAD
LL 924, 17TH DIST. 2ND SECT
COBB COUNTY, GA

DATE	02-03-21
PROJECT NO.	20327
DRAWN BY	MDR
SCALE	1"=20'
DRAWING TITLE	SITE PLAN

Min. Bk. 92 Petition No. O.B.10
Doc. Type Site Plan
Meeting Date 3-16-21

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

SITE SUMMARY:
PROPOSED USE: AUTO SERVICE
TOTAL SITE AREA: 0.778 ACRES
PROPOSED BUILDING: 1,800 SQ. FT. (ONE STORY)
PROPOSED PARKING: 8 SPACES

BUFFER AREAS:
THE SUBJECT PROPERTY DOES NOT CONTAIN ANY ZONING RELATED BUFFER AREAS.

LAKES AND STREAMS:
THE SITE DOES NOT CONTAIN LAKES OR STREAMS.

UTILITY EASEMENTS:
THE SITE DOES NOT CONTAIN ANY PUBLIC UTILITY EASEMENTS.

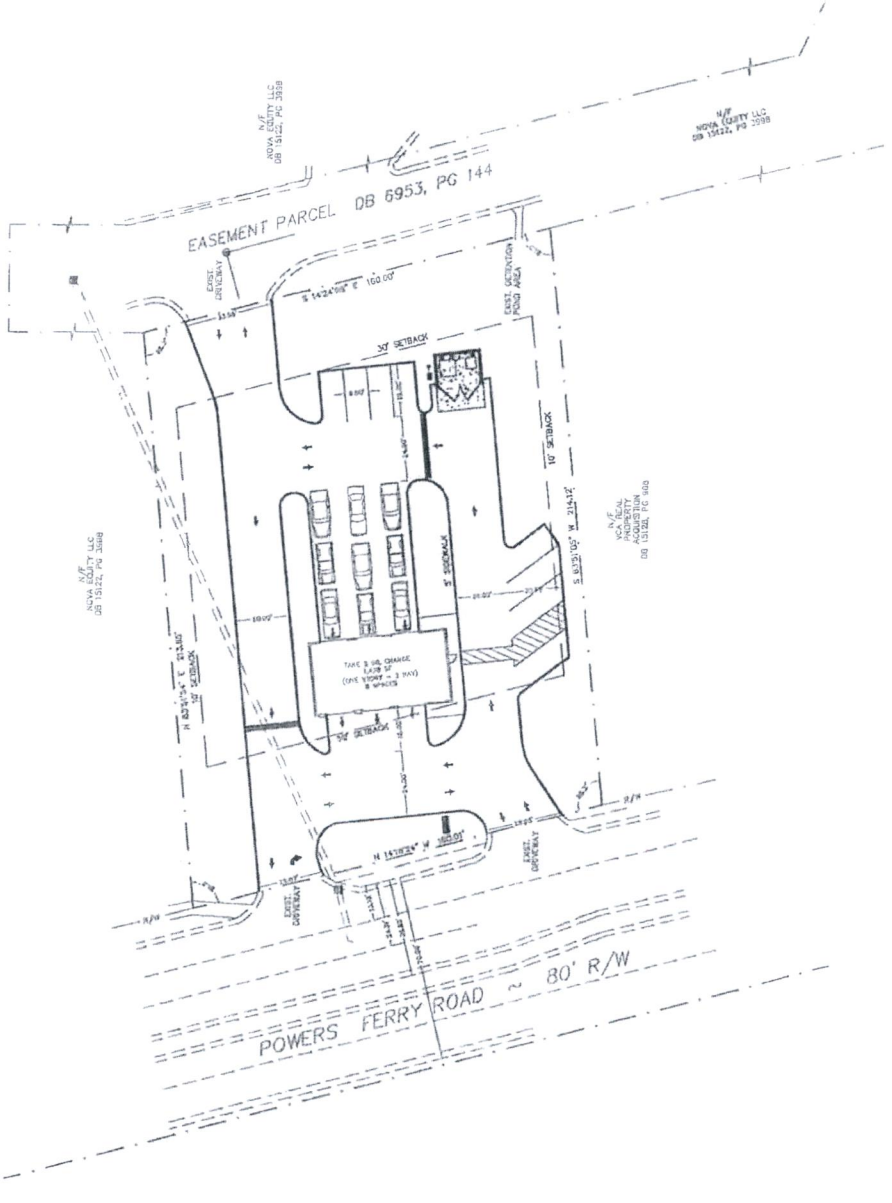
FLOOD PLAIN NOTE:
THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD ZONE PER FEMA MAP NUMBER 13067C0012H, MAP EFFECTIVE 03/04/2013.

WATERS OF THE STATE:
THE SITE DOES NOT CONTAIN WATERS OF THE STATE, NOR IS THE SITE WITHIN 200' OF A STATE WATER FEATURE.

WETLANDS NOTE:
THE SITE DOES NOT CONTAIN WETLANDS, NOR IS THE SITE WITHIN 200' OF A WETLAND.

CEMETERIES NOTE:
THE SITE DOES NOT CONTAIN A CEMETERY.

LAND LOT, DIST. AND SECT. NOTE:
THE SITE LIES WITHIN LL 924, 17TH DIST. 2ND SECT



MARCH 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

Min. Bk. 92 Petition No. O.B.10
Doc. Type Cobb DOT and Fire Dept. Comments & recommendations
Meeting Date 3-16-21

ITEM OB-10-2021

PURPOSE

To consider a site plan amendment for Crim Development, Inc. regarding rezoning application Z-104 of 2007. The property is located on the east side of Powers Ferry Road, north of Terrell Mill Road in Land Lot 924 of the 17th District (1305 Powers Ferry Road).

BACKGROUND

The subject property was rezoned to CRC in 2007 by the Board of Commissioners for commercial uses, subject to the site plan. The applicant would like to amend the site plan to demolish the McDonalds restaurant and replace it with a Take 5 Oil Change business. The building would have three bays with three queuing spaces per bay. The proposed use is permitted by the zoning code and stipulations. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Cobb DOT: 1) Recommend retaining all DOT recommendations for Z-104-2007.
2) Recommend retaining existing one-way entering driveway (southern) and one-way exiting driveway (northern). 3) Recommend retaining a one-way internal circulation pavement section between Powers Ferry Road and the proposed building. It is recommended the internal section be constructed for exiting traffic from the proposed drive-through garage area. Recommend signage and pavement markings to ensure counterclockwise flow around building.

Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning minutes.

APPLICANT: Crim Development **PETITION NO.:** OB-10-2021

PRESENT ZONING: _____ **PETITION FOR:** _____

********** ********** **********

FIRE COMMENTS:

Petition No. O.B.10
Meeting Date 3-16-21
Continued

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

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

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.

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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.

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.

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