

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, May 18, 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 Gambrell  
Commissioner Jerica Richardson

**CALL TO ORDER – CHAIRWOMAN CUPID**

Chairwoman Cupid called the hearing to order at 9:03 a.m.

Due to the COVID-19 pandemic, the Board previously adopted changes to the Zoning Hearing Procedures that allowed for virtual participation for this hearing. Mr. Bill Rowling, County Attorney, explained that during the last Legislative Session House Bill 98 (HB98) addressed allowing the continuation of teleconferencing as long as there is a State of Emergency in place as it currently is and recommended that the Board of Commissioners (BOC) extend the availability for citizens to be able to participate virtually for the June BOC Zoning Hearing.

MOTION: Motion by Cupid, second by Birrell, to allow citizens virtual participation at the June BOC Zoning Hearing as recommended by the County Attorney.

VOTE: **ADOPTED 5-0**

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virtual participation format, reviewed the standard hearing procedures, and announced the following cases which were *withdrawn, held, or continued*.

**WITHDRAWN, HELD, AND CONTINUED CASES**

**Z-16**      **CENTURY COMMUNITIES INC.** (Bernard E. Inhulsen, Karen Savage Landers, owners) requesting rezoning from **R-80** to **R-20/OSC** for single-family residential subdivision in land lots 386 and 429 of the 19<sup>th</sup> district. Property is located on the north side of Old Mountain Road, on the north side of the intersection of Old Mountain Road and Thayer Drive, east of Macland Woods Drive (1949 Lost Mountain Road). *(Continued by Staff until the May 4, 2021, Planning Commission hearing).* **WITHDRAWN WITHOUT PREJUDICE**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
PAGE 2**

**WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)**

- Z-24**            **WUKUAN JIA** (Ze Jia, owner) requesting rezoning from **R-20** to **R-15** for a single-family subdivision in land lots 47 and 102 of the 19<sup>th</sup> district. Property is located at the terminus of Winding Creek Lane and the terminus of Arbor Forest Drive, west of John Ward Road (1830 Winding Creek Lane).  
**WITHDRAWN WITHOUT PREJUDICE**
- O.B. 24**            To consider a stipulation amendment for Rosalio Rangel regarding rezoning application Z-1 of 2010, for property located on the northwestern side of Austell Road, north of Kurt Drive in land lots 60 and 85 of the 17<sup>th</sup> district (2158 Austell Road). **WITHDRAWN WITHOUT PREJUDICE**
- Z-61'<sup>20</sup>**            **GREEN LINE PARTNERS, LLC** (David Stone and Shekinah Stone, Wilma G. Lynam, owners) requesting rezoning from **R-20** to **RA-5** and **R-20** for a single-family residential (detached) in land lots 182, 183, and 277 of the 18<sup>th</sup> 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; held by the PC until the May 4, 2021, PC hearing; continued by Staff until the June 15, 2021, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*
- Z-72'<sup>20</sup>**            **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 16<sup>th</sup> 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, until the April 6, 2021, Planning Commission (PC) hearing; held by the PC until the May 4, 2021, PC hearing; held by the PC until the June 1, 2021, PC hearing; therefore, was not considered at this hearing).*
- ROD-1'<sup>20</sup>**            **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 16<sup>th</sup> 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; held by the PC from the April 6, 2021, and May 4, 2021, PC hearings until the June 1, 2021 PC hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
PAGE 3**

**WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)**

- 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 20<sup>th</sup> district. Property is located south of McClure Road, southwest of the intersection of McClure Road and Acworth Due West Road (4321 McClure Road). *(Previously continued by Staff until the June 1, 2021, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-22**            **ORPHEE NWAL** (Orphee M Nwal, owner) requesting rezoning from **GC** to **NRC** for light automotive repair in land lots 631 and 702 of the 19<sup>th</sup> district. Property is located on the east side of Austell Road, south of Milford Church Road (3011 Austell Road). *(Continued by Staff until June 1, 2021, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-23**            **FIFTY-NINE TWELVE MABLETON PARKWAY, LLC** (Fifty-Nine Twelve Mableton Parkway, LLC and Igbo Union Atlanta USA, Inc., owner) requesting rezoning from **NS** and **CRC** to **CRC** for commercial retail in land lot 78 of the 18<sup>th</sup> district. Property is located on the west side of Mableton Parkway, the north side of Old Powder Springs Road, and south of Old Alabama Road (5912 Mableton Parkway, 648 Old Powder Springs Road, unaddressed parcel). *(Continued by the Planning Commission (PC) until the June 1, 2021, PC hearing; therefore, was not considered at this hearing).*
- Z-25**            **THE FURNITURE AND MATTRESS WAREHOUSE LP** (The Furniture and Mattress Warehouse LP, owner) requesting rezoning from **GC** to **NRC** for retail/office in land lot 642 of the 16<sup>th</sup> district. Property is located on the south side of Piedmont Road, on the east side of Bells Ferry Road (Piedmont Road). *(Held by the Planning Commission (PC) until the June 1, 2021, PC hearing; therefore, was not considered at this hearing).*
- Z-26**            **ORCHARDS DEVELOPMENT, LLC** (Young Men's Christian Association of Metropolitan Atlanta, Inc., owner) requesting rezoning from **R-20** to **RSL** for residential senior living, non-supportive residential units in land lots 914, 915, 958, and 959 of the 16<sup>th</sup> district. Property is located on the southeast side of Sewell Mill Road, the southwest side of East Piedmont Road (2394/2424 Sewell Mill Road, unaddressed parcel). *(Continued by Staff until the June 15, 2021, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
PAGE 4**

**WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)**

**Z-27**            **KCG DEVELOPMENT, LLC** (Lester C. Wiley, owner) requesting rezoning from **R-20** to **RM-12** for residential multifamily in land lot 54 of the 17<sup>th</sup> district. Property is located on the south side of Smyrna Powder Springs Road, west of Harris Road (675 Smyrna Powder Springs Road). *(Continued by Staff until the June 1, 2021, Planning Commission hearing; therefore, was not considered at this hearing).*

**SLUP-2**        **DIAMOND TOWERS** (Thankful Baptist-Kennesaw, Inc., owner) requesting a **Special Land Use Permit** for a cellular tower in land lot 256 of the 20<sup>th</sup> district. Property is located on the southeast side of Kennesaw Due West Road, south of Frank Kirk Road (928 Kennesaw Due West Road). *(Continued by Staff until the May 4, 2021, Planning Commission hearing (PC); held by the PC until the June 1, 2021, PC hearing; therefore, was not considered at this hearing).*

**O.B. 21**        To consider a stipulation amendment for OHC Wigley, LLC regarding rezoning application Z-56 of 2017, for property located at the northern terminus of Wigley Road, north of Summitop Road in land lots 26, 27, 46 and 47 of the 16<sup>th</sup> district (Wigley Road). *(Continued by Staff from the April 20, 2021, and May 18, 2021, Board of Commissioners' (BOC) Zoning hearings until the June 15, 2021, BOC Zoning hearing; therefore, was not considered at this hearing).*

**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 19<sup>th</sup> 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). *(Previously continued by Staff from the February 2, 2021, Planning Commission (PC) hearing until the March 2, 2021, PC hearing; held by the PC from the March 2, 2021, and April 6, 2021, PC hearings until the May 4, 2021, PC hearing).*

Mr. Pederson presented the Staff's request for a continuance of Z-8; thereafter, the following motion was made:

MOTION: Motion by Gambrell, second by Cupid, to **continue** Z-8 until the June 15, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0**



**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
PAGE 5**

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

**CAMPAIGN DISCLOSURE**

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

**INFORMATION REGARDING ZONING CASES**

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

**CONSENT AGENDA**

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

**Z-52'<sup>20</sup>** **CARL EDWARD DILLS** (Aubrey James McMillan, Jr., Carl Edward Dills, owners) requesting rezoning from **R-20** and **LI** to **LI** for a sign shop in land lots 504 and 505 of the 18<sup>th</sup> district. Property is located on the south side of Six Flags Parkway, west of Queensferry Drive (436, 440 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; continued by the PC until the May 4, 2021, PC hearing).*

To **approve** Z-52'<sup>20</sup> to the **LI** zoning district, subject to:

1. Site Plan received by the Zoning Division on April 26, 2021 (attached and made a part of these minutes), with the following change:
  - A. The dumpster location shown on the Site Plan is not approved; the dumpster is to be relocated to the side of the new loading dock as far back as reasonably possible
2. Uses to be restricted to a maximum of 3300 sq. feet for specialized contractor; maximum of 3360 sq. feet for office space and the balance to be warehouse
3. Connection to sewer; no septic system use allowed

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
PAGE 6**

**CONSENT AGENDA (CONT.)**

**Z-52'<sup>20</sup>**

**CARL EDWARD DILLS (CONT.)**

4. The entry gate to be moved at least 50 feet from the right-of-way
5. Landscape Review Committee to be established, consisting of the Applicant, Mableton Improvement Coalition, and Community Development; the purpose of the committee will be to review proposed landscaping and fencing plans for the property, including:
  - A. Two staggered rows of evergreens around the detention pond
  - B. Review fencing to be used
  - C. Landscaping around the parking lot and building
  - D. Landscape buffers
6. No razor or barbed wire fencing to be visible from the right-of-way or residentially zoned property
7. Any dead or damaged landscaping to be replaced within 90 days
8. All parking spaces and parking aprons to have hard curbs to prevent vehicles from driving on non-hardened surfaces
9. No outdoor storage of any materials, products, or debris
10. All signage must meet current Cobb County Ordinance; no signs are to be grandfathered
11. Building architecture, style, color, and roofing to be as shown in the rendering shown at the May 4, 2021, Planning Commission Hearing (attached and made a part of these minutes), unless modifications are approved by the District Commissioner
12. No gravel areas; all vehicles must be parked on hardened surfaces
13. All dumpsters to be in masonry enclosures with steel gates
14. The District Commissioner may approve minor modifications, *except for those that:*
  - A. increase the density of a residential project or the overall square footage of a building for a non-residential project
  - B. cause a reduction in the size of an approved buffer
  - C. cause the relocation of a structure closer to the property line of an adjacent property that is zoned the same or is more restrictive in its designated zoning
  - D. increase the height of a building that is adjacent to a property that is zoned the same or is more restrictive in its designated zoning
  - E. change an access location to a different roadway
  - F. change that is in conflict with an expressed stipulation or condition of zoning
  - G. requires a variance or violates Cobb County Ordinance
15. Staff comments and recommendations, *not otherwise in conflict*

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
PAGE 7**

**CONSENT AGENDA (CONT.)**

**Z-18**            **TWIGS FARMERS MARKET LLC** (Boldrick A. Wisdom and Loraine L. Wisdom, owners) requesting rezoning from **R-20** to **NRC** for a grocery store in land lot 869 of the 19<sup>th</sup> district. Property is located at the northeast corner of the intersection of Hopkins Road and Powder Springs Road, on the east side of Hopkins Road and on the north side of Powder Springs Road (3815 Hopkins Road). *(Held by the Planning Commission (PC) until the May 4, 2021, PC hearing).*

To **approve** Z-18 to the **NRC** zoning district, subject to:

- 1. Letter of agreeable conditions from Michele Battle dated May 4, 2021 (attached and made a part of these minutes)**
- 2. Staff comments and recommendations, *not otherwise in conflict***

**Z-20**            **COBB COUNTY BOARD OF COMMISSIONERS** (Cobb County (Cobb County Board of Commissioners/ Lisa N. Cupid, Chairwoman), owner) requesting rezoning from **R-30** to **LRC** for retail and/or office in land lot 225 of the 20<sup>th</sup> district. Property is located on the east side of Mars Hill Road, south of Stilesboro Road (1660 Mars Hill Road). *(Held by the Planning Commission (PC) until the May 4, 2021, PC hearing).*

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

- 1. Final site plan to be approved by the Board of Commissioners**
- 2. Fire Department comments and recommendations**
- 3. Stormwater Management Division comments and recommendations**
- 4. Water and Sewer Division comments and recommendations**
- 5. Department of Transportation comments and recommendations**

**LUP-11**        **GREGORY D. BOWEN** (Gregory Dwight Bowen and Robin Elaine Bowen, owners) requesting a **Temporary Land Use Permit** for renewal to allow temporary occupancy of an RV in land lot 146 of the 20<sup>th</sup> district. Property is located on the east side of Mars Hill Church Road, south of Whitt Station Run (2950 Mars Hill Church Road). *(Continued by the Planning Commission (PC) until the May 4, 2021, PC hearing).*

To **approve** LUP-11 for **9 months**.

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
PAGE 8**

**CONSENT AGENDA (CONT.)**

**LUP-14**      **SHILOH HILLS CHRISTIAN SCHOOL** (Shiloh Hills Baptist Church of Cobb County, Inc., owner) requesting a **Temporary Land Use Permit** for educational programs for three and four-year olds in land lots 210 and 211 of the 16<sup>th</sup> district. Property is located on the south side of Hawkins Store Road, on the north side of I-575, east of Bells Ferry Road (260 Hawkins Store Road).

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

- 1. Site plan submitted on March 3, 2021 (attached and made a part of these minutes)**
- 2. Department of Transportation comments and recommendations**

**OTHER BUSINESS**

**O.B. 14**      To consider a site plan amendment for Security Vault Works, Inc. regarding rezoning application #167 of 1987 (The Oxford Group, Inc.), for property located on the north side of the East-West Connector and on the west side of Brookwood Drive in land lot 921 of the 19<sup>th</sup> district (1380 East-West Connector). *(Continued by the Board of Commissioners (BOC) until the May 18, 2021, BOC Zoning hearing).*

To **approve** O.B. 14, subject to:

- 1. Proposed Site Plans and elevations contained in the Other Business packet, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- 2. Cobb DOT comments and recommendations contained in the other Business packet (attached and made a part of these minutes)**
- 3. District Commissioner to approve the final landscaping plan prior to permitting**
- 4. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

**O.B. 23**      To consider a site plan and stipulation amendment for Mountainprize, Inc. regarding rezoning application Z-89 of 2006, for property located at the southeast corner of Cobb Parkway (US Highway 41) and Dallas Acworth Highway (Highway 92) in land lots 40 and 41 of the 20<sup>th</sup> district (Cobb Parkway).

To **approve** O.B. 23, subject to:

- 1. Site Plan and elevations contained in the Other Business packet, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
PAGE 9**

**CONSENT AGENDA (CONT.)**

**OTHER BUSINESS (CONT.)**

**O.B. 23 (CONT.)**

- 2. Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 3. Developer not to disturb the adjacent property that is currently in for rezoning until the rezoning is finalized by the Board of Commissioners**
- 4. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

*Commissioner Richardson requested that O.B. 22 (J. Grant Wilmer, Jr.), O.B. 25 (North Church Lane Properties 1, LLC), and O.B. 26 (Branch Acquisition Company, LLC) be added to the Consent Agenda. The Applicant for each Other Business case was present, and there was no opposition present. Mr. Pederson read each Other Business case into the record along with the Staff's proposed amendments for each case, and then the motion was made to add the Other Business cases to the Consent Agenda (see page 10 of these minutes for the motion).*

**O.B. 22** To consider a stipulation amendment for J. Grant Wilmer, Jr. regarding rezoning application 335 of 1983, for property located on the south side of Cobb Parkway, east of Akers Mill Road in land lots 979 and 948 of the 17<sup>th</sup> district (2980 Cobb Parkway).

To **approve** O.B. 22, subject to:

- 1. Restaurants are a *permitted use* on this property**
- 2. Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 3. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 4. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

**O.B. 25** To consider a stipulation amendment for North Church Lane Properties 1, LLC regarding rezoning application Z-23 of 2019, for property located on the northeasterly side of Olympic Industrial Drive, the southerly side of South Atlanta Road, and the southwesterly side of Olympic Industrial Drive in land lots 899 and 900 of the 17<sup>th</sup> district (2960 Olympic Industrial Drive).

To **approve** O.B. 25, subject to:

- 1. Allowance of retail space in the building**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
PAGE 10**

**CONSENT AGENDA (CONT.)**

**OTHER BUSINESS (CONT.)**

**O.B. 25 (CONT.)**

- 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**

**O.B. 26** To consider a stipulation amendment for Branch Acquisition Company, LLC regarding rezoning application Z-64 of 2017, in land lots 692, 693, 748, and 749 of the 17<sup>th</sup> district. Property is located on the east side of Oakdale Road, the north side of West Village Crossing, on the west side of Pine Street, on the southwesterly side of Atlanta Road and on the north and south sides of West Village Way.

To **approve** O.B. 26, subject to:

- 1. Exhibit “B” contained in the Other Business packet (attached and made a part of these minutes)**
- 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**

MOTION: Motion by Richardson, second by Sheffield, to **add** O.B. 22, O.B. 25, and O.B. 26 to the Consent Agenda as previously read into the record.

VOTE: **ADOPTED 5-0**

CONSENT VOTE: **ADOPTED 5-0**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
PAGE 11**

**REGULAR AGENDA**

**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 17<sup>th</sup> 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) from the March 2, 2021, PC hearing until the April 6, 2021, PC hearing; continued by the Board of Commissioners (BOC) from the April 20, 2021, BOC Zoning hearing until the May 18, 2021, BOC Zoning hearing).*

The public hearing was opened; Parks Huff, Mitchell Cooke, and Jay Thomas addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Richardson, second by Sheffield, to delete Z-11 to the RM-8 zoning district, subject to:

1. Letter of agreeable conditions from Parks Huff dated February 23, 2021 (attached and made a part of these minutes)
2. Include the following aviation limitations, as suggested:
  - A. Permissibility to make low and frequent flights over the area
  - B. Regulate or prohibit the release into the air of any substance that would impair visibility or otherwise interfere with the operations of aircraft, that includes, but not limited to, dust, steam, or smoke
  - C. Regulate or prohibit light emissions, either direct or indirect (reflective), that might interfere with pilot vision
  - D. Prohibit electrical emissions that would interfere with aircraft and Air Force communication systems
  - E. Regulate or prohibit land uses which would attract birds or waterfowl, including but not limited to, operation of sanitary landfills, maintenance of feeding stations, or the growing of certain vegetation
  - F. Top and/or cut to ground level and remove trees, remove buildings or other structures and clear the area of obstructions (outside the Site Plan)
  - G. Post signs on the land indicating the nature and extent of the Dobbins Air Force Base
3. Discuss a continuing contribution towards a “sidewalk” fund that would help facilitate the reduction of crime and improve the overall nature of that area
4. Staff comments and recommendations, *not otherwise in conflict with this motion*

VOTE: **ADOPTED** 3-2, Birrell and Gambrill opposed

*Clerk's Note: During the hearing the Applicant agreed to RM-8 zoning.*

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
PAGE 12**

**REGULAR AGENDA (CONT.)**

**Z-19**      **TRATON, LLC** (Werbell Enterprises LLLP, owner) requesting rezoning from **R-20** to **R-15/OSC** for a single-family residential subdivision in land lots 458, 459, and 504 of the 19<sup>th</sup> district. Property is located on the south side of Macland Road and on the north side of Gaydon Road, west of the intersection of Macland Road and New Macland Road (4321 Macland Road). *(Continued by Staff until the May 4, 2021, Planning Commission hearing).*

The public hearing was opened; Kevin Moore, Julia Dulgar, and Pamela Roach (virtual speaker) addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **approve** Z-19 to the **R-15/OSC** zoning district, subject to:

1. **Letter of agreeable conditions from Kevin Moore dated May 14, 2021, (attached and made a part of these minutes), *not otherwise in conflict***
2. **Exterior elevation to include a minimum of 50% brick or stacked stone**
3. **The detention pond shall have a minimum of six-foot black vinyl clad fencing**
4. **Applicant will submit a copy of the Environmental Study to Community Development and the District Commissioner; any remediation that's required be done prior to the first building permit**
5. **If the County decides to move forward after its research with the park, it will come back to the Board of Commissioners for approval**
6. **There will be a minimum lot size of 13,000 square feet between lots 66 through 74 that border the R-20 lots to the south of it; final Site Plan to be approved by the District Commissioner**
7. **Staff comments and recommendations, *not otherwise in conflict***

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

**Z-21**      **SWAMINE LLC** (Swamine, LLC, owner) requesting rezoning from **GC** to **NRC** for a package store in land lot 866 of the 19<sup>th</sup> district. Property is located on the south side of Powder Springs Road, on the east side of Sanders Road (2991 Powder Springs Road).

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

MOTION: Motion by Sheffield, second by Birrell, to **hold** Z-21 until the June 15, 2021, Board of Commissioners' Zoning Hearing.

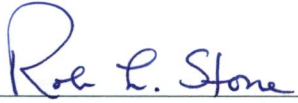
VOTE: **ADOPTED** 5-0



**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 18, 2021  
PAGE 13**

**ADJOURNMENT**

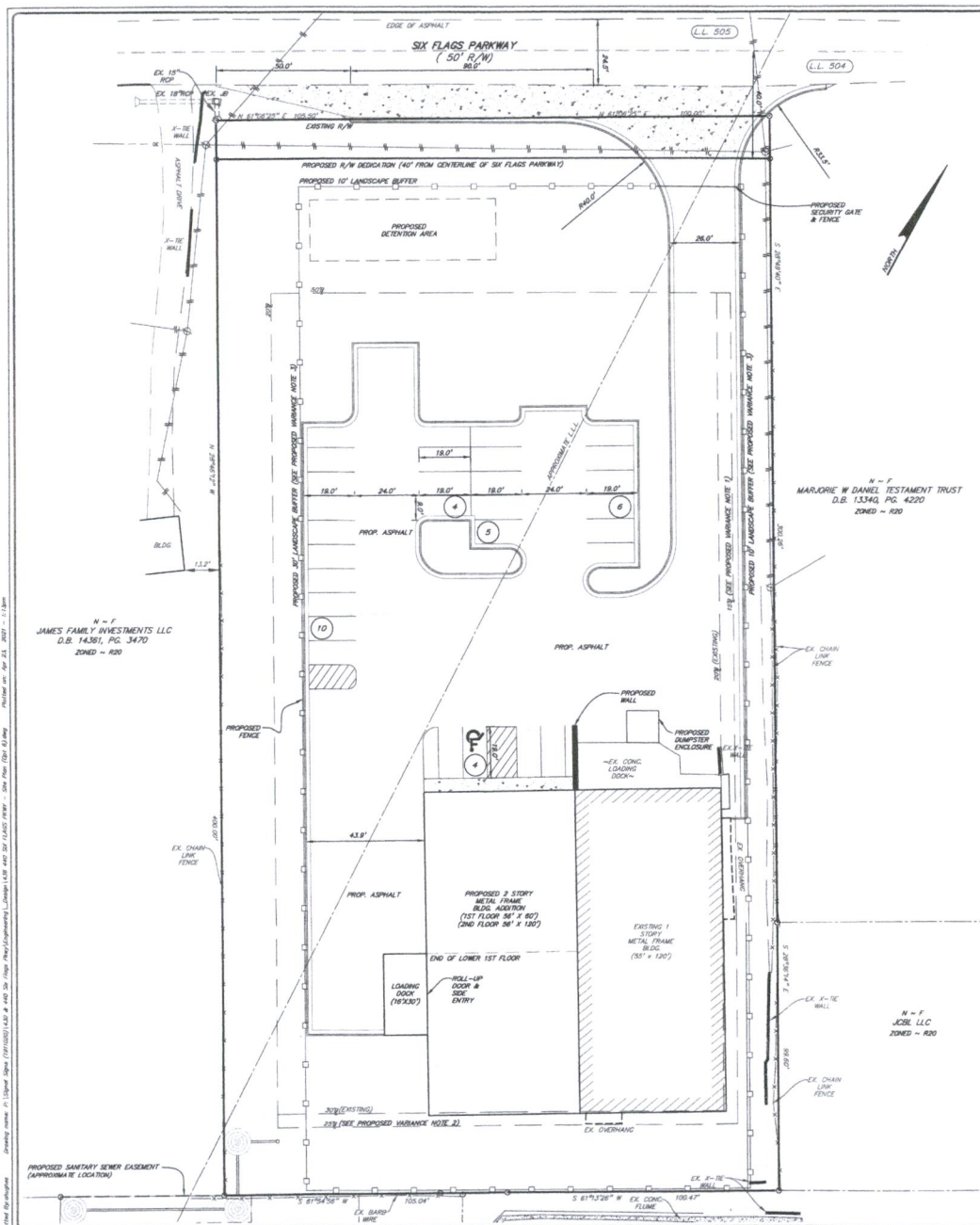
The hearing adjourned at 10:55 a.m.



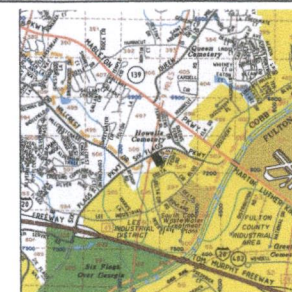
---

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

*THIS*  
*PAGE*  
*INTENTIONALLY*  
*LEFT*  
*BLANK*

Meeting Date 5-18-21

COMBINED TOTAL AREA = 1.89 ACRES  
PROPOSED ZONING = LI (CURRENT ZONING: R-20)  
MIN. FRONT SETBACK = 50'  
MIN. SIDE SETBACK = 20'  
MIN. REAR = 30'  
MAX. IMPERVIOUS = 70%  
PROP. ROW DEDICATION = 40' FROM ROAD CENTERLINE  
PROP. LANDSCAPE BUFFER = SEE NOTES  
MAX. BLDG HEIGHT = 4 STORIES OR 70'



LOCATION MAP 1" = 2000

### LEGEND

|          |                                   |
|----------|-----------------------------------|
| [P]      | P.P. — POWER POLE                 |
| [L]      | L.P. — LIGHT POLE                 |
| [H]      | H.P. — FIRE HYDRANT               |
| [M]      | M.I. — SANITARY SEWER MANHOLE     |
| [W]      | W.M. — WATER METER                |
| [G]      | G.M. — GAS METER                  |
|          |                                   |
| [RBS]    | RBS — REINFORCING BAR SET         |
| [RFB]    | RFB — REINFORCING BAR FOUND       |
| [TIP]    | TIP — CRIMP TOP PIPE FOUND        |
| [OTF]    | OTF — OPEN TOP PIPE FOUND         |
| [R/M]    | R/M — RIGHT-OF-WAY MONUMENT       |
|          |                                   |
| [C/F]    | C/F — CHAINING FENCE              |
|          |                                   |
| [P]      | P — TYPE OF FENCE                 |
|          |                                   |
| [C/B]    | C/B — CATCH BASIN                 |
|          |                                   |
| [R.C.P.] | R.C.P. — REINFORCED CONCRETE PIPE |
| [C.M.P.] | C.M.P. — CORRUGATED METAL PIPE    |
|          |                                   |
| [F.F.E.] | F.F.E. — FINISHED FLOOR ELEVATION |
|          |                                   |
| [V]      | V — FLOOR VALVE                   |
|          |                                   |
| [L]      | L — OVERHEAD POWER LINES          |
|          |                                   |
| [H]      | H — HEADWALL                      |
|          |                                   |
| [P/W]    | P/W — POWERPOLE                   |

LOT COVERAGE CALCULATIONS:

LOT AREA: 79,080 S.F. (1.8 AC.)  
(LOT AREA AFTER RIGHT OF WAY DEDICATION)

#### IMPERVIOUS SURFACE CALCULATIONS

TOTAL IMPERVIOUS ON LOT: 44,685 S.F.  
PERCENT IMPERVIOUS: 56.5%

### PARKING CALCULATIONS

PARKING REQUIRED:

- CONTRACTOR (SPECIAL): 1 SPACE PER 205 S.F. FLOOR AREA + 1 SPACE PER VEHICLE PARKED ON SITE
- WAREHOUSE AND STORAGE FACILITY: 1 SPACE PER 2,000 S.F. FLOOR AREA (MIN. 5 SPACES)
- OFFICE SPACE: 1 SPACE PER 205 S.F. FLOOR AREA

EXISTING BUILDING AREA = 6,600 S.F.

PROPOSED BUILDING AREA = 10,080 S.F.

- CONTRACTOR (SPECIAL):  $3,300/205 = 12$  SPACES
- WAREHOUSE AND STORAGE FACILITY:  $10,080/2,000 = 5$  SPACES
- OFFICE SPACE:  $3,360/205 = 12$  SPACES

**TOTAL PARKING = 29 SPACES**

PARKING PROVIDED:

28 PROP. REGULAR SPACES  
1 PROP. ADA ACCESSIBLE SPACE  
TOTAL PROVIDED = 29 SPACES

## GOBB COUNTY NOTES:

- CROSS-CHARTER NOTES:**
- \* NO ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS ARE EVIDENT ON THIS SITE
  - \* NO WETLANDS ARE EVIDENT ON THIS SITE
  - \* NO LAKES OR STREAMS ON THIS SITE
  - \* NO UTILITY EASEMENTS ON THIS SITE
  - \* NO PUBLIC EASEMENT IS EVIDENT ON THIS SITE
  - \* NO FLOOD PLAIN ON THIS SITE
  - \* NO CEMETERIES ON THIS SITE
  - \* NO BUFFER AREAS ON THIS SITE

### PROPOSED VARIANCES

1. A VARIANCE IS REQUESTED TO REDUCE THE EAST BUILDING SETBACK FROM 20 FT TO 15 FT TO BRING EXISTING BUILDING
2. A VARIANCE IS REQUESTED TO REDUCE THE SOUTH BUILDING SETBACK FROM 30 FT TO 25 FT TO BRING THE EXISTING BUILDING (AND PROPOSED EXPANSION) INTO THE SETBACK LIMIT.
3. A VARIANCE IS REQUESTED TO REDUCE THE REQUIRED LANDSCAPE BUFFER FROM 50 FT TO 30 FT ON THE WEST PROPERTY LINE AND FROM 50 FT. TO 10 FT ON THE EAST PROPERTY LINE.

# Gaskins

© 2020, GASKINS SURVEYING COMPANY,  
This drawing may be used for the express  
purpose of constructing the work shown  
for the site and owner specified for the  
site. Any other use of this drawing  
including any reproduction or alteration of  
this drawing without the prior written  
approval of Gaskins Surveying Company,  
inc. is prohibited.

436 & 440 SIX FLAGS PARKWAY

AND LOTS 504 & 505, 18TH DISTRICT, 2ND SECTION,  
COBB COUNTY, GEORGIA

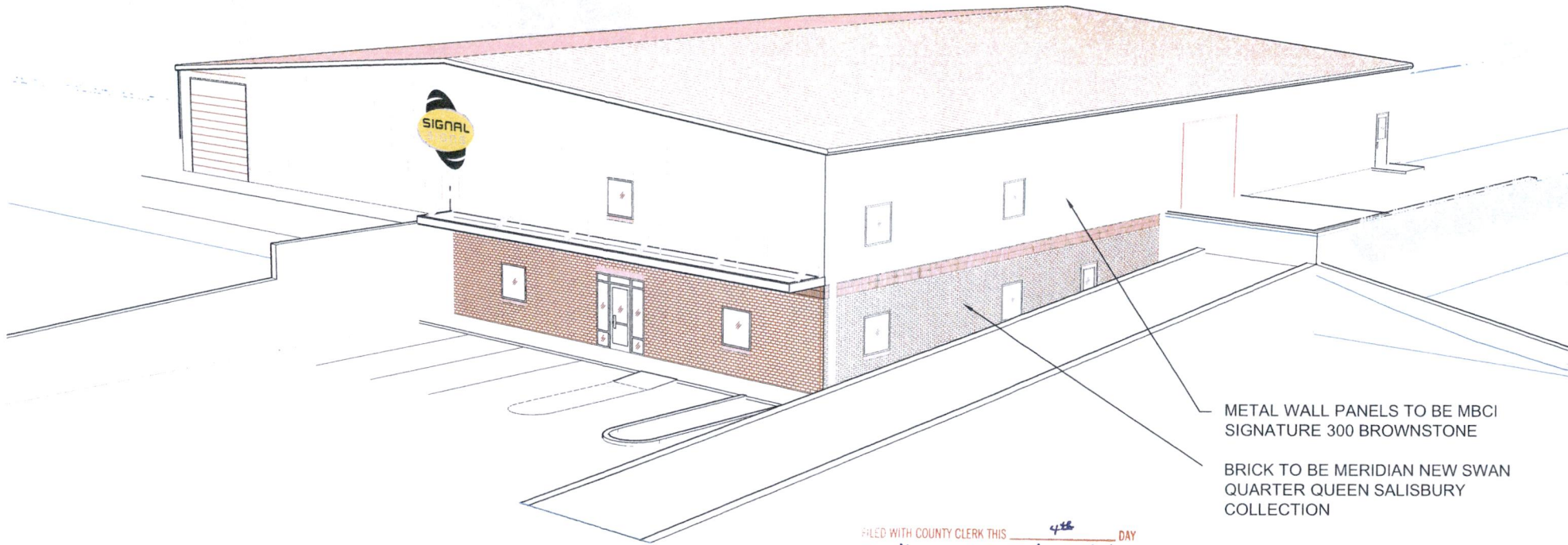
[illegible]

SHEET TITLE  
ZONING SITE PLAN

SEAL

|                         |                        |
|-------------------------|------------------------|
| PROJECT I.D.<br>1911020 | FIELD BOOK             |
| DRAWN BY<br>RKH         | CHECKED BY<br>ASH      |
| SCALE<br>1" = 20'       | ISSUE DATE<br>04/22/21 |
| SHEET NUMBER            |                        |

Min. Bk. 92 Petition No. Z-52(2020)  
Doc. Type Building architecture  
(rendering)  
Meeting Date 5-18-21



METAL WALL PANELS TO BE MBCI  
SIGNATURE 300 BROWNSTONE

BRICK TO BE MERIDIAN NEW SWAN  
QUARTER QUEEN SALISBURY  
COLLECTION

FILED WITH COUNTY CLERK THIS 4th DAY  
OF May 20 21 BY Angela Hughes  
RE Z-52(2020) - rendering  
Roe E. Stone  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

SIGNAL SIGNS





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

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

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

February 23, 2021

**VIA EMAIL & HAND-DELIVERY**

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

RE: Application of Venture Communities, LLC for Rezoning from GC to RM-12 for a 4.04+/- acre tract of land located on the west side of Leland Drive in Land Lot 854 of the 17th District, Cobb County, Georgia (Z-11 of 2021).

Dear Jeanie:

Venture Communities, LLC, the Applicant (hereinafter "Applicant") in the Application for Rezoning with regard to approximately 4.04 acres, more or less, located on the west side of Leland Drive (as proposed to be extended north of existing pavement and right-of-way); Land Lot 854, 17th District, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property") is pleased to present the following information for your consideration. After the Planning Commission hearing on October 6, 2020, meeting with Cobb County Representatives, reviewing the preliminary Staff Comments and Recommendations, and reviewing the uses of surrounding properties, we are submitting this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property.

The proposed stipulations are as follows:

1. Applicant seeks rezoning of the Subject Property from the existing zoning category of GC, General Commercial to the proposed zoning category of RM-12 for the construction of fee simple condominiums, specific to the revised site plan prepared by Daryl Cook of Watts and Browning Engineering, dated November 13, 2020. A reduced copy of the site plan is attached hereto as Exhibit "A" and incorporated herein by reference.



**VIA EMAIL & HAND-DELIVERY**

February 23, 2021  
Page 2

---

2. The Subject Property shall be developed for a residential community consisting of a maximum of thirty-eight (38) condominiums.
3. Applicant agrees that the minimum house size for the homes in the proposed development shall be 1,250 square feet of heated and cooled living space. It is anticipated that the typical product constructed will range from 1,300 to 2,100+ square feet of heated and cooled living space.
4. Homes within the proposed community shall be substantially similar in style and architecture to the color renderings, both front and rear elevations, attached hereto as Exhibit "B". The actual photos of similar units constructed here in the Atlanta market are merely shown as a reference. All homes will have similar front and rear elevations as the color renderings and shall, as a general rule, use a combination of masonry (i.e. brick, stone or stacked stone or any combination thereof) and stucco, cement fiber board & batten, cement lap siding, cement shake or cedar shake shingles or combination thereof. Side and rear elevations may also utilize masonry (i.e. brick, stone, stacked stone or any combination thereof) as well as stucco, cement fiber board & batten, cement lap siding, cement shake or cedar shake shingles or combination thereof.
5. The proposed community shall have private streets to be maintained by the homeowners' association ("HOA") and the Applicant shall have the option, but not the obligation, of installing vehicular gates at the entrance if so desired by Applicant in accordance with all County ordinances and regulations. All driveways shall be constructed in such a manner as to minimize parking in rear of homes and homeowners will be instructed to use designated off-street parking when driveways are full of vehicles. Adequate off-street parking shall be provided in accordance with Cobb County standards. All streets and off-street parking shall be constructed and maintained to Cobb County Department of Transportation ("Cobb DOT") standards.
6. Applicant agrees to the creation of a mandatory HOA. The HOA shall be solely responsible for the upkeep and maintenance of all front, rear and side yards of all homes, common areas, amenities, and amenity areas; including the entrance areas, open space, mail kiosk, boundary buffers, fencing, the private streets, if any, off-street parking and other items so constructed by the Applicant.





**VIA EMAIL & HAND-DELIVERY**

February 23, 2021

Page 3

---

7. Additionally, and in conjunction with the creation of the mandatory HOA, the Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed community.
8. All homes shall have a minimum of a one car garage with a one car driveway apron. Garages shall be primarily used for the parking of vehicles and shall not be converted to other uses. The Applicant shall include this restriction in the covenants to be enforced by the HOA. In addition, the HOA shall be empowered by the covenants to discourage any parking in front of homes (except in designated off-street parking areas) and to encourage, whenever possible, that homeowners park cars in the garage and the one car driveway apron. The HOA shall have authority to issue monetary fines to homeowners for violations of these covenants. It is further understood; the Applicant shall be permitted to utilize the garage of the model home as the sales office for the community. Prior to the issuance of a permanent Certificate of Occupancy for the model home, the sales office will be converted to garage space.
9. The entrance signage for the proposed community shall be ground-based monument-style signage and shall consist of brick, stone, stacked stone, or a combination thereof, with accents architecturally consistent with the proposed homes.
10. Landscaping of the entrance areas as well as the frontage of the proposed community along all public streets, shall be professionally designed and implemented, which shall include the installation of an irrigation system, where appropriate. Maintenance of the entrance area and public street frontage at the entrance shall be by the mandatory HOA as set forth in the declaration of covenants, easements, and restrictions. All detention ponds shall be professionally landscaped in accordance with any applicable Cobb County standards.
11. Any streetlights installed within the proposed community shall have down lighting and shall be environmentally sensitive.
12. All utilities servicing the residences within the proposed community shall be underground.



**VIA EMAIL & HAND-DELIVERY**

February 23, 2021

Page 4

13. Applicant agrees that the stormwater management facilities and system shall be constructed and installed consistent with all requirements of Cobb County Stormwater Division ("Stormwater"). Current discussions with Stormwater involve eliminating the traditional detention pond in favor of water quality device(s) and channel protection for Rottenwood Creek.
14. The District Commissioner shall have the authority to approve minor modifications to these stipulations and conditions and the zoning plan as the development proposal proceeds through the Plan Review process and thereafter. For purposes of this paragraph, any modifications that increase density or reduce the size or composition of an approved buffer area or landscape strip to adjacent property will come back through the public hearing process as an "Other Business" Application agenda.
15. All landscaping referenced herein to be installed by the Applicant shall be approved by the Cobb County Arborist as part of the Plan Review process and incorporated into the overall landscape plan for the proposed community; and shall be irrigated, as necessary.
16. Applicant agrees to the protection of all required stream buffers affecting the Subject Property and shall utilize such areas as a passive amenity for the proposed community; including, but not limited to, such amenities as may be deemed appropriate by the Applicant.
17. Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
18. All setbacks shall be as shown on the referenced Site Plan.
19. Applicant agrees to the installation of interior sidewalks along all interior streets and the fronts of buildings as per the attached Site Plan.
20. All construction vehicles will be parked on-site on the property at all times. No construction vehicles shall be parked on Leland Drive or other surrounding streets to the proposed development.





**VIA EMAIL & HAND-DELIVERY**

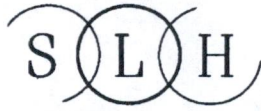
February 23, 2021

Page 5

Petition No. 2-11  
Meeting Date 5-18-21  
Continued

21. Applicant will address the following items raised previously by the Planning Commission as follows:

- a. Applicant will install a minimum ten (10') foot landscape buffer along the entire south property line to screen the commercial neighbor to the south. This landscape buffer shall comply with all the landscaping guidelines as specified in Item No. 15 above.
- b. The future Leland Drive 50' right-of-way (approximately .66 +/- acres), as previously conveyed to Cobb County by the property owner will be reacquired by the Applicant to be used in the proposed development. Based on Applicant's conversation with Cobb DOT, the Applicant and Cobb County concur that given the severe grade, topography and expense of a bridge, it is doubtful Leland Drive will ever be extended to or cross Rottenwood Creek. If Applicant is unable to reacquire the future Leland Drive right-of-way from Cobb County DOT, the site plan shall be redrawn in such a manner as to provide at least two (2) off-street parking spaces for each unit, even if this results in a decrease in the total number of units.
- c. Garbage cans and recycling cans located between the driveway aprons on the back side of the buildings shall have attractive screening utilizing the same exterior materials and designs as the buildings themselves. See new color renderings for screening concepts between the driveway aprons.
- d. There was a concern expressed that the Detention Pond may be in the "wrong location". Please see revised comments in Item No. 13 above to address the Detention Pond issue.
- e. Driveway aprons as measured from the garage doors to either the back sidewalk or the back of curb (if there is no sidewalk in that area) shall be no less than twenty-two (22') feet. Thus, each unit shall have at least two (2) dedicated and usable parking spaces off-street at any time, i.e. one space in the garage and one space in the garage apron for a total of seventy-six (76) spaces.



**VIA EMAIL & HAND-DELIVERY**

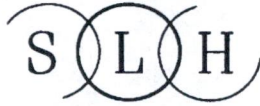
February 23, 2021  
Page 6

---

Petition No. Z-11  
Meeting Date 5-18-21  
Continued

- f. Our understanding is that the current Cobb County guidelines from the Fire Marshall for off-street parking is two (2) parking spaces for each unit. The Site Plan has 76 off-street parking spaces in addition to the 76 spaces dedicated to the owners themselves for a total of total of 152 parking spaces. Specifically, our community has the following features:
  - i. Every unit will be sprinklered. A central sprinkler control room will be on one side of each building in the storage closet under the stairs and landing for the corner units.
  - ii. We will paint the curb in front of each building as designated “No Parking” zones. In conversations with the Fire Department, the off-street parking requirements are the result of desiring easy and unencumbered access to a building for fire and emergency access. The first responders do not want to have to “weave around” parked cars on the street in front of buildings.
  - iii. Each building will have a bicycle parking and repair area in the storage closet on the opposite side of the sprinkler control room. This community will emphasize alternative transportation modes other than automobiles – very pedestrian and bicycle friendly.
  - iv. In addition to a sprinkler system, each home will feature one-hour fire rated drywall separating each unit from its neighbor.
  - v. Special alarm systems in each unit will alert homeowners in case of fire anywhere in the entire building so that families will get ample time to respond in an emergency.
- g. Our engineer, Daryl Cook is working with Dave Breaden, Stormwater Management and Frank Gipson, Erosion & Sediment Control Division on modifying the current 100’ stream buffer requirement along Rottenwood Creek. We believe a “buffer averaging” approach as approved by the County will work for this site. Again, Applicant will comply with all Cobb County requirements. Please see revised Site Plan drawing.





**VIA EMAIL & HAND-DELIVERY**

February 23, 2021  
Page 7

---

Petition No. 2-11  
Meeting Date 5-18-21  
Continued

- h. New architectural features have been added to the elevations as depicted in the color renderings attached such as:
  - i. Additional stone and/or brick added to the front and rear elevations.
  - ii. Additional “banding” between the floors on the front, sides and rear elevations.
  - iii. New color and exterior materials schemes for a more “upscale” look.
  - iv. Decorative corbels in the gables on the front and rear elevations.
  - v. Screening for trash and recycling receptacles between the driveway aprons.
- i. The revised site plan features a 14’ wide x 16’ deep pavilion with an adjacent fire pit near the mail kiosk. See attached photos for pavilions as constructed by the Applicant at other Cobb County developments. Per the revised site plan, there is also a flat “lawn area” with greenspace near the pavilion. In addition, we have planned a pervious walking trail looping around the northern property adjacent to Rottenwood Creek.
- j. Per the current building design, approximately 50% of the unites will be 2-bedroom & 2.5 bath homes with the other 50% being 3-bedroom & 3.5 bath homes. We do believe the demographics of this potential buyer will be skewed much younger than average and many homeowners may convert bedroom #3 to a home office in response to the Coronavirus Pandemic.
- k. Applicant will include in the HOA covenants a restriction to limit the number of units which can be leased at any one time to be no more than ten (10%) percent of the total approved units in the proposed development.



**VIA EMAIL & HAND-DELIVERY**

February 23, 2021  
Page 8

---

We believe the requested zoning, together with the site plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed residential community shall be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. The staff report concurs with their recommendation for approval. Thank you in advance for your consideration of this project.

Sincerely,

SAMS, LARKIN & HUFF, LLP

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

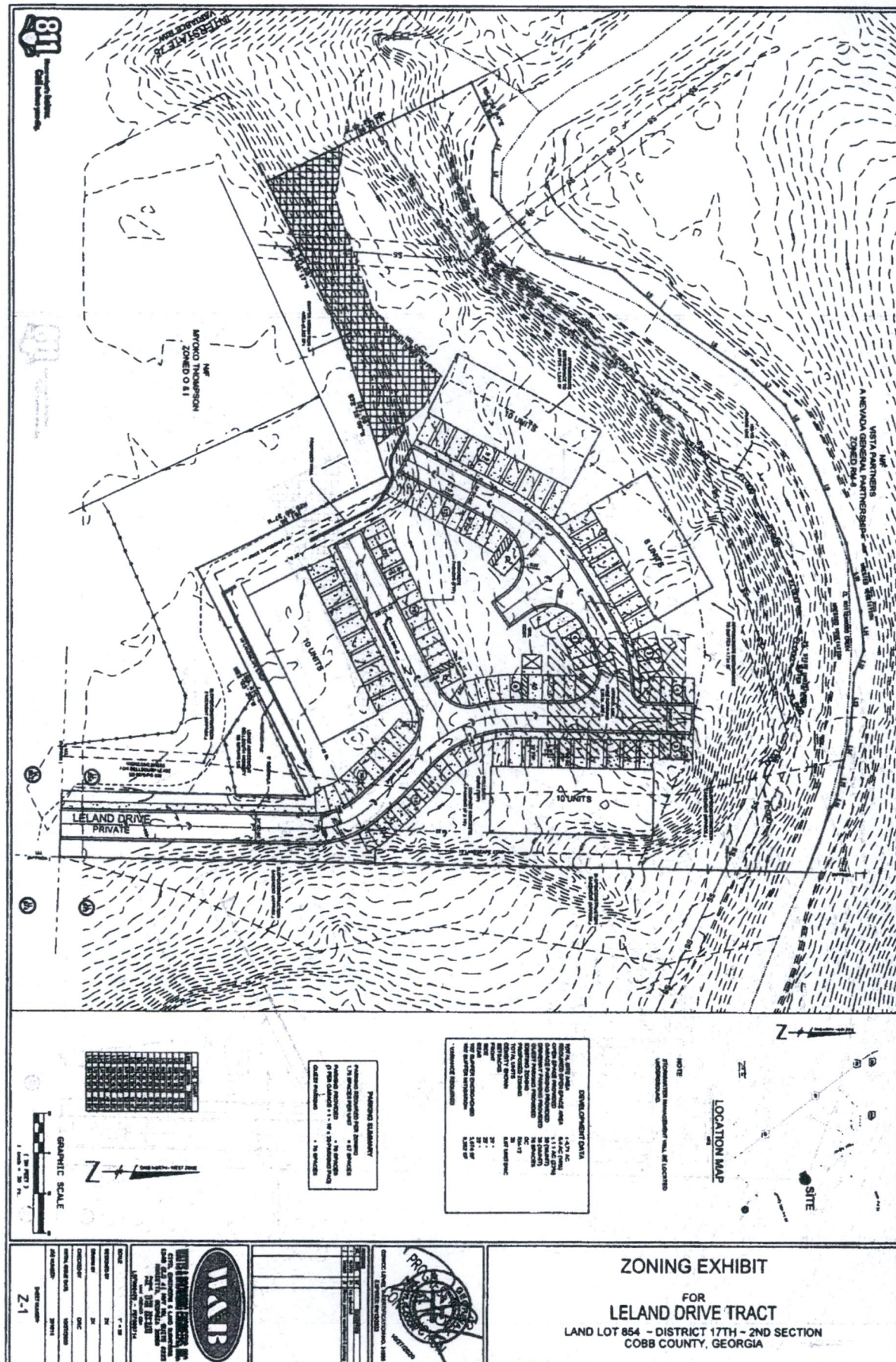
Parks F. Huff  
[phuff@samslarkinhuff.com](mailto:phuff@samslarkinhuff.com)

PFH/lkj

Enclosures

cc: Members, Cobb County Board of Commissioners (via email w/attachments)  
Members, Cobb County Planning Commission (via email w/attachments)  
Mr. John Pederson, Zoning Division Manager (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 Vazques, Planner (via email w/ attachments)  
Ms. Pamela Mabry, County Clerk (via email w/attachments)  
Ms. Robin Stone, Deputy County Clerk (via email w/attachments)  
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)







**Exhibit "B" Product**

**New Color Renderings Proposed Product for Leland Drive (Front Elevations):**





**New Color Renderings Proposed Product for Leland Drive (Rear Elevations):**





**Front Elevation of Similar Product Adjacent to I-85 in Chamblee (Inside I-285):**





**Every Unit has Outdoor Living Space:**



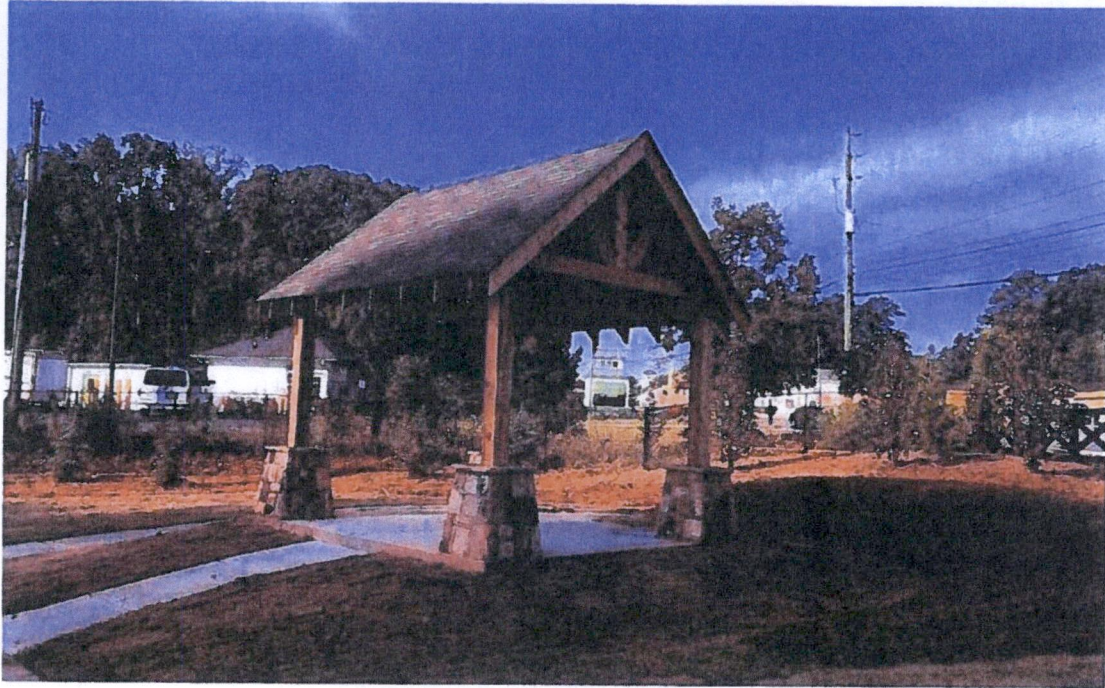


**Sides and Rear have Distinct Features:**





**Pavilions as Constructed by Applicant in Other Cobb County Projects:**





VIA EMAIL

May 4, 2021

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

Re: Z-18, TWIGS FARMERS MARKET LLC, 3815 Hopkins Road (the "Subject Property")  
ACCEPTABLE STIPULATIONS

Dear John:

In connection with the above referenced Rezoning Applications for the Subject Property, I would like to submit the Acceptable Stipulations below, which if the Application is approved as submitted, shall become binding conditions on the Subject Property. It is the Applicant's intent that this Letter of Acceptable Stipulations be taken into consideration by both the Planning Commission and the Board of Commissioner at the public hearings for the Rezoning Application to be held on May 4, 2021 and May 18, 2021. Please feel free to contact me should you have any questions.

#### LIST OF ACCEPTABLE STIPULATIONS

1. The Subject Property shall be developed in substantial conformity with the Site Plan prepared by Bilson & Associates dated March 9, 2021, last revised April 2, 2021 and attached hereto as Exhibit "A", a subject to any modifications required by Cobb County Staff in connection with the issuance of permits for the Subject Property, and subject to the City of Powder Springs approval of the final location of the entrance on Powder Springs Road.
2. The dumpster and compactor pick-up hours shall be limited to the hours of 9am - 5pm on collection days.
3. The detention pond for stormwater collection and discharge shall be underground.
4. A decorative opaque fence shall be installed along the interior landscape buffer adjacent to the eastern boundary line of the property. The use of a wooden fence shall be strictly prohibited.
5. The building façade shall be four sides brick.





6. Additional hedge screens shall be installed along the Powder Springs Road frontage and Hopkins Road frontage with 10 shrubs for every 40 linear feet in addition.
7. A raised concrete median shall be installed to facilitate a right in-right out only on Powder Springs Road.
8. Hopkins Road has been deemed by Cobb County Transportation Department to be a Major Collector Street with a right-of-way dedication of 40ft from centerline, which classification has been adopted by the City of Powder Springs. Prior to the approval of any land development permits for the Subject Property, the Applicant shall seek to obtain a variance from the City of Powder Springs to reduce the required right-of-way dedication to a maximum of 35ft from centerline. If the variance request is denied, the Applicant shall be required to submit a Modification Application to amend the site plan to incorporate the 40ft right of way dedication.
9. The Applicant shall apply for the variance indicated in the Planning Division comments and recommendations, including seeking a variance to reduce the northern landscape buffer from 20 ft to 0 ft subject to the Applicant entering into an Easement Agreement with the adjacent property owner at 3815 Hopkins Road to provide for a planted 10ft buffer.
10. The second floor/mezzanine area shall only be used for internal store use and shall not be open to the public or rented to another tenant.
11. The Applicant shall enter into an Easement Agreement in form, scope and substance substantially similar to the Easement Agreement attached hereto as Exhibit "B" with the adjacent property owner and Cobb County to provide for a 10ft landscape buffer between the properties. The Easement Agreement must be recorded prior to the issuance of any land disturbance permit for the proposed project.
12. Fire Department comments and recommendations
13. Stormwater Management Division comments and recommendations
14. Department of Transportation comments and recommendations.
15. The District Commissioner shall have the authority to approve certain minor modifications except for those that:



May 4, 2021  
Page 3



Petition No. Z-18  
Meeting Date 5-18-21  
Continued

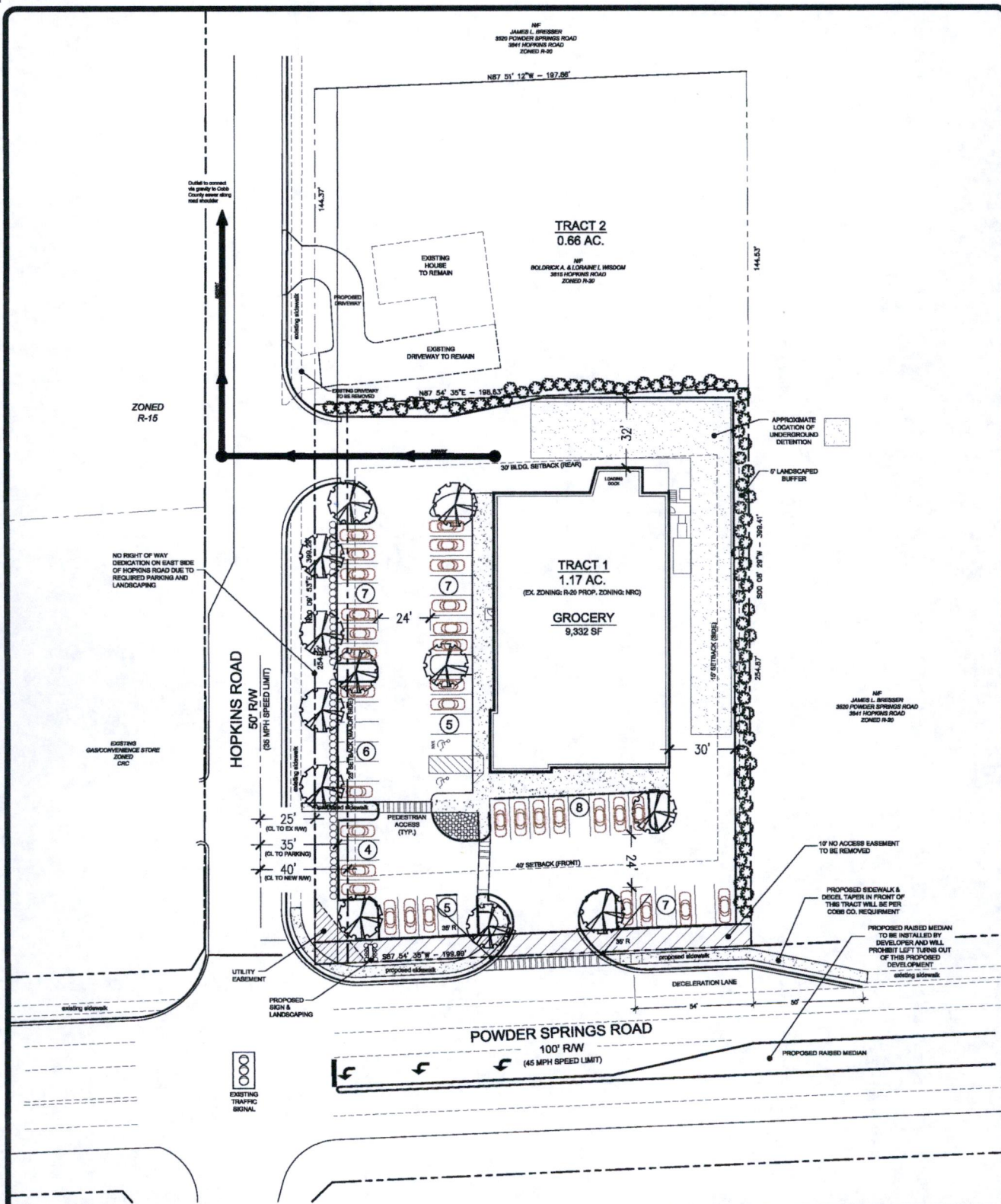
- a. Reduce the size of an approve buffer adjacent to property which is zoned the same or in a more restrictive zoning district;
- b. Relocate a structure closer to the property line of an adjacent property which is zoned the same or in a more restrictive district;
- c. Increase the height of a building adjacent to property which is zoned in the same or more restrictive zoning district;
- d. Change access locations to different roadways; or
- e. Violate the Cobb County Zoning Ordinance or require the granting of a Variance waiving Zoning Ordinance requirements.

A copy of the site plan and elevations referenced above are enclosed. Please feel free to contact me should you have any questions or comments regarding these Acceptable Stipulations.

Sincerely,

A handwritten signature in blue ink, appearing to be 'M. B. A.', written over a black rectangular background.

cc: Jeannie Peyton, Cobb County Planner  
Tina Garver, City of Powder Springs Zoning Administrator



#### APPLICANT/OWNER

**TWIGS FARMERS MARKET, LLC**  
 (THE WISDOM INTERNATIONAL GROCERY STORE)  
 3840 CHASEMONT DRIVE  
 POWDER SPRINGS, GA 30127

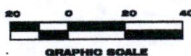
BOUNDARY INFORMATION TAKEN FROM A SURVEY PREPARED BY JACKSON LAND SURVEYING, LLC DATED 8-12-20.

FLOOD CERTIFICATION STATEMENT FROM SURVEYOR:  
 ACCORDING TO THE F.E.M.A. F.I.R.M. FLOOD INSURANCE RATE MAP  
 COMMUNITY PANEL NO. 1380708181H DATED 3-4-15, THE SUBJECT PROPERTY IS  
 LOCATED IN ZONE "X" - AREA OF MINIMUM FLOOD HAZARD.

THERE ARE NO KNOWN CEMETERIES, WETLANDS OR STREAM BUFFERS  
 LOCATED ON THIS PROPERTY.

#### REZONING PLAN

SCALE: 1" = 30'



#### ZONING INFO

**TRACT 1**  
 3816 HOPKINS ROAD, SW  
 POWDER SPRINGS, GA  
 PIN: 1506650020  
 EXISTING ZONING: R-20  
 PROPOSED ZONING: NRC  
 SETBACKS: FRONT - 40'  
 SIDE - 15'  
 MAJOR SIDE: 25'  
 REAR - 30'

#### SITE SUMMARY

**TOTAL SITE AREA: 1.17 ACRES**  
**BUILDING AREA SUMMARY**  
**1ST FLOOR: 10,371 SF (GROCERY STORE)**  
 RETAIL AREA: 7,892 SF  
 BREAK ROOM: 300 SF+  
 RESTROOMS: 200 SF+  
 LOADING DOCK: 1,200 SF+  
 COOLER/FREEZERS: 714 SF+  
**2nd FLOOR: 1,938 SF (MEZZANINE)**  
 OFFICE AREA: 1,485 SF+  
 RESTROOMS: 80 SF+  
 STORAGE AREA: 300 SF+  
**TOTAL BUILDING AREA: 12,307 SF**  
**NET BUILDING AREA: 9,332 SF**  
 (NET BLDG AREA DOES NOT INCLUDE BREAK ROOM, LOADING DOCK, COOLERS, FREEZERS, STORAGE AND RESTROOMS)  
**TOTAL PARKING: 49 SPACES**  
 = 6.25 SPACES / 1,000 SF (NET BLDG AREA)

| DATE       | BY | REVISION |
|------------|----|----------|
| 03-03-2021 | CS | 1        |
| 03-03-2021 | CS | 2        |
| 03-03-2021 | CS | 3        |
| 03-03-2021 | CS | 4        |
| 03-03-2021 | CS | 5        |
| 03-03-2021 | CS | 6        |
| 03-03-2021 | CS | 7        |
| 03-03-2021 | CS | 8        |
| 03-03-2021 | CS | 9        |
| 03-03-2021 | CS | 10       |

#### REZONING PLAN HOPKINS ROAD TRACT

L.L. 888, 19TH DISTRICT, 2ND SECTION, COSS COUNTY, GEORGIA

PREPARED FOR  
**TWIGS FARMERS MARKET, LLC**



| DATE       | BY | REVISION |
|------------|----|----------|
| 03-03-2021 | CS | 1        |
| 03-03-2021 | CS | 2        |
| 03-03-2021 | CS | 3        |
| 03-03-2021 | CS | 4        |
| 03-03-2021 | CS | 5        |
| 03-03-2021 | CS | 6        |
| 03-03-2021 | CS | 7        |
| 03-03-2021 | CS | 8        |
| 03-03-2021 | CS | 9        |
| 03-03-2021 | CS | 10       |



# EXHIBIT "B"

Petition No. Z-18  
Meeting Date 5-18-21  
Continued

After Recording, Return One Original to:

Michele Battle, Esq.  
Battle Law, P.C.  
One West Court Square, Suite 750  
Decatur, GA 30030

TAX PARCEL I.D. Nos.: 19086900030 – 3815 Hopkins Rd SQ  
19086900020 – 3815 Hopkins Rd

## EASEMENT AGREEMENT

THIS INDENTURE entered into this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between BOLDRICK A. WISDOM, a resident of the State of Georgia and LORAIN L. WISDOM, a resident of the State of Georgia (collectively, the “Grantor”), TWIGS FARMERS MARKET LLC, a Georgia limited liability company (“Grantee”) and COBB COUNTY, GEORGIA, a political subdivision and body politic of the State of Georgia (the “County”).

### WITNESSETH:

That for and in consideration of TEN AND NO/100ths DOLLARS (\$10.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor, said Grantor has granted and hereby grants to Grantee, its successors and assigns, a ten (10) ft. wide easement and right-of-way for and the right to plant, maintain, replace, or remove landscaping (collectively called the “Easement”) in, upon, over and across that portion of the property of Grantor located in Land Lot(s) 869 of the 19<sup>th</sup> District of Cobb County, Georgia (the “Easement Area”) as more particularly described in Exhibit “A” – Legal Description attached hereto and as depicted on the “Easement Plat” attached hereto as Exhibit “B”.

Grantee is hereby entitled to the use of the Easement Area for the uses specifically permitted herein, and any use or activity by any other party that is inconsistent with the permitted uses of Grantee is strictly prohibited. Construction of any buildings or other structures on, or any grading, digging, or filling of the Easement Area shall not be permitted without the express written consent of Grantee. In the event Grantee discovers any use of the Easement Area by any party other than Grantee that interferes with or is inconsistent with Grantee’s permitted uses hereunder (the “Inconsistent Use”), Grantee shall notify Grantor in writing. Upon receipt of such written notice, Grantor may, but shall not be required to: (i) cause the Inconsistent Use to be immediately discontinued, and (ii) remove all obstructions from the Easement Area, including, without limitation, all facilities, buildings, and other structures, associated with the Inconsistent Use, to the extent necessary to avoid interference with



Grantee's permitted use of the Easement Area. In the event Grantor does not cause removal of the Inconsistent Use within thirty (30) days after receipt of written notice from Grantee, Grantee shall have the right to remove such Inconsistent Use and all costs and expenses associated with discontinuing such Inconsistent Use and removing any obstructions shall be borne by Grantor and/or the party engaged in such Inconsistent Use. Notwithstanding the foregoing, in the case of an emergency, Grantee shall have the right to immediately remove the Inconsistent Use without prior notice to Grantor, such removal being at Grantor's and/or the party engaged in such Inconsistent Use cost and expense.

Grantor does hereby agree to release, hold harmless and indemnify Grantee from any and all claims and causes of action of any nature by the holders of any mortgage or lien on the Easement Area. Grantor hereby accepts as full and final compensation the sum paid to Grantor as consideration for the property interests acquired by Grantee herein and accepts said sum as the owner of the Easement Area and on behalf of any and all mortgage or lien holders. Grantor hereby warrants that Grantor has the right to sell and convey said easement and binds themselves, and their heirs, successors and/or assigns forever to defend by virtue of these presents.

The provisions of this instrument shall run with and bind the Easement Area and shall be binding upon and inure to the benefit of Grantor and Grantee and their respective heirs, successors, and/or assigns and shall be and remain in effect as long as the Grantor's property is zoned for residential usage. In the event the Grantor's property is rezoned to a non-residential use, the Easement granted herein shall automatically terminate and the Easement Area shall be extinguished.

This instrument supersedes all prior discussions and agreements between Grantor and Grantee and contains the entire agreement between the parties with respect to the Easement and other matters described herein. In the event Grantee currently has any other easement or easements pertaining in whole or part to the Easement Area, then the provisions of such other easements and this instrument shall be cumulative; provided however, in the event of any conflict between the terms of this instrument and the terms of any other easements, the terms of this instrument shall apply.

This Agreement shall not be amended or modified without the written consent of the County.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

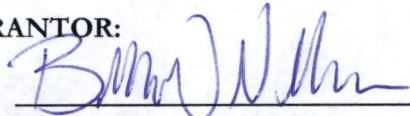
IN WITNESS WHEREOF, said Grantor has hereunto set his hand and affixed seal, the day and year first above written.

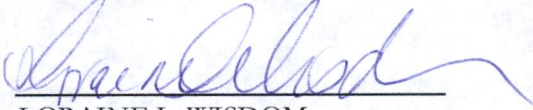
Signed, sealed and delivered  
in the presence of:

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

**GRANTOR:**

By:   
BOLDRICK A. WISDOM

By:   
LORAIN L. WISDOM

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

[SIGNATURES CONTINUED FROM IMMEDIATELY PRECEDING PAGE]

**GRANTEE:**

Signed, sealed and delivered  
in the presence of:

TWIGS FARMERS MARKET LLC, a Georgia  
limited liability company

\_\_\_\_\_  
Unofficial Witness

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

[COMPANY SEAL]



**EXHIBIT "A"**

Legal Description

[TO BE INSERTED]

Petition No. 2-18  
Meeting Date 5-18-21  
Continued

EXHIBIT "B"

Easement Plat

[TO BE INSERTED]

# 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

May 14, 2021

Via E-mail Only

Min. Bk. 92 Petition No. Z-19  
Doc. Type letter

Meeting Date 5-18-21

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

RE:                      Application for Rezoning - Application No. Z-19 (2021)  
                                 Applicant:      Traton, LLC  
                                 Property Owner:      Werbell Enterprises LLLP  
                                 Property:      58.95 acres, more or less, located on the  
                                 southerly side of Macland Road and the  
                                 northerly side of Gaydon Road, westerly of  
                                 New Macland Road, being more particularly  
                                 known as 4321 Macland Road, Land  
                                 Lots 458, 459, and 504, 19<sup>th</sup> District,  
                                 2<sup>nd</sup> Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Traton, LLC, the Applicant (hereinafter referred to as "Applicant"); as well as, Werbell Enterprises LLLP, the Property Owner (hereinafter referred to as "Owner" or "Property Owner"), in their Application for Rezoning with regard to 58.95 acres, more or less, located on the southerly side of Macland Road and the northerly side of Gaydon Road, westerly of New Macland Road, being more particularly known as 4321 Macland Road, Land Lots 458, 459, and 504, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meetings and communications with Planning and Zoning Staff and various Cobb County Departmental Representatives, ongoing meetings and discussions with area residents and homeowner representatives, reviewing the Departmental Comments and Staff Recommendations and the uses of surrounding properties, and following the presentation to and hearing before the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the



Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 7  
May 14, 2021

grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full all prior letters of agreeable stipulations and conditions dated and submitted on April 28, 2021, May 12, 2021, and May 13, 2021. The proposed, revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-20 to the proposed zoning category of R-15/Open Space Community ("R-15/OSC"), site plan specific to the revised Zoning Plan prepared for Applicant by Ridge Planning and Engineering, dated January 26, 2021, last revised May 12, 2021, and previously submitted to the Cobb Zoning Division. A reduced copy of the revised Zoning Plan is attached as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property contains approximately 58.95 acres of total site area and shall be developed for a residential community comprised of a maximum of one hundred ten (110) single-family, detached residences. The proposed development shall contain approximately 20.6 acres (35 percent) for dedicated open space.
- (4) The residences within the proposed community shall have a minimum of 2,200 square feet, and greater.
- (5) The proposed residences shall be Traditional and Craftsman in style and architecture and will have a minimum two-car garage. Exteriors of the proposed residences shall be comprised of brick, stone, stacked stone, cedar shake, board and batten, and hardi-plank, with complementary accents, or combinations thereof. Applicant agrees homes in the proposed community shall be substantially similar to the home elevations attached collectively as Exhibit "B." The District Commissioner shall have final approval of home elevations which are materially different than the elevations attached collectively as Exhibit "B."
- (6) The setbacks for the proposed residential community shall be as shown on the referenced Zoning Plan.

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 3 of 7  
May 14, 2021

Petition No. 2-19  
Meeting Date 5-18-21  
Continued

- (7) Applicant agrees to the creation of a mandatory homeowners association consistent with upscale communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, open space areas, entrance areas, amenity area, mail kiosk, detention area, landscape buffer area, and the like, contained within the proposed residential community.
- (8) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which will contain covenants, rules, and regulations applicable to the proposed development.
- (9) As a part of the Declaration of Covenants, Easements, and Restrictions, Applicant shall preserve the areas of dedicated open space, as shown and reflected on the final subdivision plat, in perpetuity, for protection from future development and ownership by the mandatory homeowners association.
- (10) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, stucco, or combinations thereof, with accents, complementary to materials used in the construction of the homes within the community. The entrance landscaping shall be professionally designed and implemented, with final approval being made by the Cobb County Arborist. Maintenance of the entrance area shall be by the mandatory homeowners association as set forth in the Declaration of Covenants, Easements, and Restrictions.
- (11) The community shall have passive and active amenity areas. Passive amenity areas shall include, but not be limited to, walking trails and open space park areas within common, open space areas, and throughout the dedicated open space areas. Active amenity areas shall include, but not be limited to a recreation area with clubhouse/cabana, pool, and similar community gathering spaces.
- (12) Applicant agrees to the establishment of a fifteen (15) foot landscape buffer adjacent to The Registry at Old Lost Mountain subdivision along the western boundary of the Subject Property; as well as, along a portion of the southern boundary, as shown on the revised Zoning Plan. Such landscape buffer shall be planted with a double row of staggered evergreen trees (such as giant green arborvitae), planted on ten (10) foot centers. Areas within this buffer which are



Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 4 of 7  
May 14, 2021

left undisturbed may remain undisturbed, as opposed to, planted where, in the determination of the Cobb County Arborist, such would equally achieve the intended screening.

- (13) Due to the presence of an existing Cobb County-Marietta Water Authority easement along Macland Road, Applicant agrees to establish a minimum fifteen (15) foot buffer for the Property's frontage on Macland Road from the entrance open space to the western boundary of the Property. This buffer may be either undisturbed and maintained; or, if disturbed, landscaped with evergreen trees and plant material. Applicant also agrees to install wooden privacy fencing, a minimum of six (6) feet in height, as part of Applicant's entrance monument and features to provide additional screening in this area.
- (14) Applicant agrees to facilitate a Georgia Native Plant Society "Plant Rescue" to be accomplished on those portions of the Subject Property which will be disturbed.
- (15) Detention areas shall be fenced with fencing a minimum of six (6) feet in height, with landscaping to the exterior for purposes of visual screening. The landscaping shall be approved by the Cobb County Arborist during the Plan Review Process. All vegetation and landscaping surrounding the detention areas shall be maintained by the mandatory homeowners association.
- (16) Minor modifications to the within stipulations, the referenced Zoning 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;



Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 5 of 7  
May 14, 2021

Petition No. 2-19  
Meeting Date 5-18-21  
Continued

- (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.
- (17) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the Plan Review Process and incorporated into the overall landscape plan for the proposed community.
- (18) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property; except as may be waived or modified by the Cobb County Stormwater Management Division Director.
- (19) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed areas must be replanted with like vegetation.
- (20) Applicant agrees to comply with all Cobb County Department of Transportation Comments and Recommendations applicable to the Subject Property; except as may be waived or modified by the Director of the Cobb County Department of Transportation during the Plan Review Process.

**SPECIAL STIPULATIONS FOR PROPOSED COUNTY PARK**

- (1) Applicant proposes the dedication of approximately 14.5 acres of the designated Open Space to Cobb County for purposes of a public park ("Park Area"). The location of this Park Area is generally the Open Space identified in the northeast and eastern portions of the Subject Property.

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 6 of 7  
May 14, 2021

Petition No. 7-19  
Meeting Date 5-18-21  
Continued

- (2) As any dedication for Cobb County park purposes must be received, considered, and approved by the Cobb County Board of Commissioners and the Cobb County Parks and Recreation Division, Applicant proposes this dedication as an alternative to such identified Open Space area being retained by the future homeowners association for private use; however, in the event such dedication is approved, the Park Area shall be included to satisfy open space requirements under the OSC Ordinance. In the event Cobb County determines not to accept such dedication, the Park Area shall be part of the overall open space for the proposed community. Acceptance of the Park Area by Cobb County must occur prior to the issuance of a land disturbance permit, unless extended by mutual agreement between Cobb County and the Applicant.
- (3) Should Cobb County approve and accept the dedication, Applicant shall also provide an in-kind donation of \$100,000 of work necessary to prepare the property for use as a public park, to include the following:
  - (a) Demolition of "boat" house, barbwire fencing, and chain link fencing;
  - (b) Beaver dam removal;
  - (c) Tree removal and stump grinding from existing dams;
  - (d) Removal of dead wood, trees, and tree fall within pond areas;
  - (e) Mulch dam areas; and
  - (f) Re-dress and matting of dam areas.

We believe the approval of the requested Open Space Community, together with the revised Zoning Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed residential community shall be a quality development, as established by Applicant in previous developments in Cobb County and the Atlanta area, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

**[Balance of page 6 left intentionally blank]**

**[Signature contained on page 7]**

**MOORE INGRAM JOHNSON & STEELE**

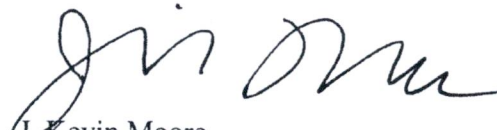
Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 7 of 7  
May 14, 2021

Petition No. 2-19  
Meeting Date 5-18-21  
Continued

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



L. Kevin Moore

JKM:cc

Attachments

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

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

Traton, LLC  
(With Copies of Attachments)







EXHIBIT "B"



The information contained in this document is the exclusive property of Caldwell Cline Architects and Designers and cannot be used or reproduced in any manner without the expressed consent of the owner.



TRATON HOMES

JEWEL BOX COLLECTION

CALDWELL • CLINE  
ARCHITECTS • DESIGNERS

212 CRESCENT DRIVE, MARISTON, GA 30066  
Phone 770-424-5682 678-981-6303



The information contained in this document is the exclusive property of Caldwell, Cline, Architects and Designers and cannot be used, copied, stored, or any manner, without the express consent of the owner.

TRATON HOMES

JEWEL BOX COLLECTION

**CALDWELL • CLINE**  
ARCHITECTS • DESIGNERS

425 CRYSTAL CHASE DR. SUITE 100  
PHOENIX, AZ 85024  
PHONE 602-471-3862 FAX 602-693-0144

Petition No. **2-19**  
Meeting Date **5-18-21**  
Continued





The information contained in this document is the exclusive property of Caldwell Cline Architects and Designers and cannot be used or reproduced in any manner without the express consent of the owner.



TRATON HOMES

JEWEL BOX COLLECTION

**CALDWELL • CLINE**  
ARCHITECTS • DESIGNERS

377 CALDWELL AVE. SUITE 100 • WILSON, NC 27604  
PHONE 719-464-1557 FAX 719-464-1557



This drawing contains information that is the property of Caldwell-Cline Architects+Designers and cannot be reproduced or distributed without the consent of the owner.

TRATON HOMES

JEWEL BOX COLLECTION

**CALDWELL • CLINE**  
 ARCHITECTS • DESIGNERS  
 722 CHERRY DRIVE, SUITE 100, DALLAS, TX 75206  
 TEL: 214-474-3652 FAX: 214-474-3653





The information contained in this document is the exclusive property of Caldwell-Cline Architects and Designers and cannot be used, retransmitted in any manner or form or the expressed content of the owner.



TRATON HOMES

JEWEL BOX COLLECTION

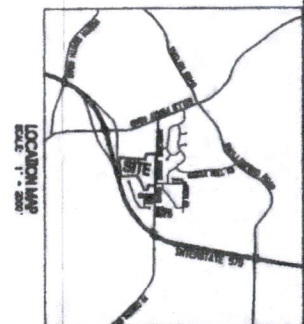
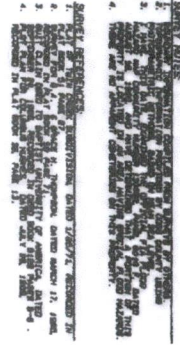
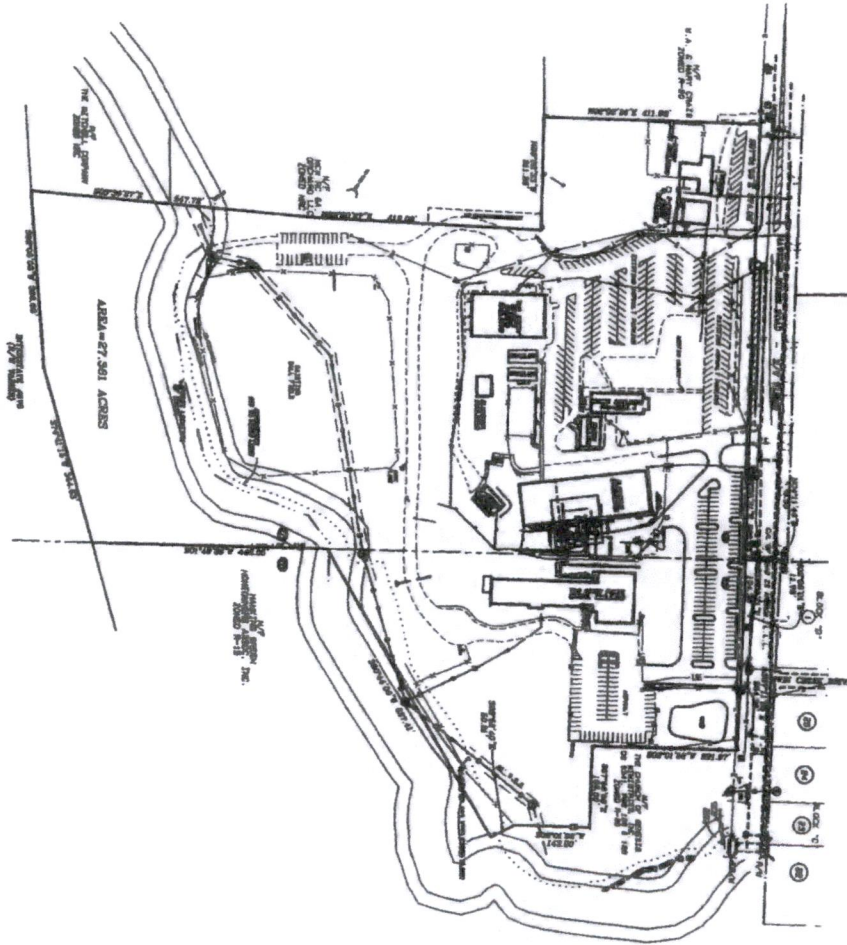
**CALDWELL • CLINE**  
ARCHITECTS • DESIGNERS

522 CRESCENT CIRCLE, SUITE 100, GAITHERSBURG, MD 20878  
PHONE: 703-24-2882 FAX: 703-24-2883

Petition No. E-17  
Meeting Date 5-18-21  
Continued

RECEIVED  
MAR 3 - 2021

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



10F1

**SURVEY FOR:**  
**SHILOH HILLS BAPTIST CHURCH**

LOCATED IN:  
LAND LOTS 210 & 211  
15TH DISTRICT, 2ND SECTION  
COBB COUNTY, GEORGIA  
PREPARED FOR:

SHILOH HILLS BAPTIST CHURCH



**BETTERTON**  
**SURVEYING & DESIGN, INC.**

**LAND REVENUE PLANNING  
SUSANSON & COMPANY, INC. DESIGN**  
1111 SOUTH HARIETTA PARKWAY, SUITE A  
HARIETTA, GEORGIA 30080  
(478) 483-0242



**LaGrange College**  
**LaGrange, Georgia**  
**AS-BUILT**  
**Survey**

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITY NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

PERSONS LISTED ON THIS SURVEY APPLY ONLY TO THE SPECIFIC CHARGES REFERENCED AND DO NOT CONSTITUTE AN UPDATE OF OTHER DATA ON THIS SURVEY. THE "SURVEY DATE" SHOWN HEREON IS THE APPLICABLE DATE AT RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT FIRM INSPECTION REPORT. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 1306P0002G, AND THE DATE OF SAID MAP IS SEPTEMBER 1981. 2004. THE DETERMINATION WAS MADE BY OBTAINING ALL OF THE DETERMINATIONS THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

PLEASE NOTE ABOVE GROUND UTILITIES ARE SHOWN HEREON  
NO UNDERGROUND UTILITIES WERE MARKED OR LOCATED

THE DATA FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING  
SYSTEM, AND BASED ON INDIVIDUAL VALUES FOR THE VERTICAL REFERENCE  
STATION NETWORK DEVELOPED BY ACPS SOLUTIONS OF THE HORIZONTAL  
REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983/2011-STATE PLANE  
COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE  
POINT IS MEAN SEA LEVEL. THE HORIZONTAL DATUM OF 1983 AND DATUM OF  
CHANGING IS SHOWN AS A RECTANGULAR. GROUND LEVEL PROJECTION OF THE  
STATE PLANE COORDINATE SYSTEM.

NOT DRAWING DEPENDENT FOR ZONING LETTER HAS BEEN USED TO THE SUBDIVISION

THE SIDE SETBACKS ARE: (GENERAL COMMERCIAL DISTRICT) AS SHOWN ON THE ZONING MAP OF 2000 COUNTY.  
THE MINIMUM YARD SETBACKS ARE: FRONT - 45 FEET OR 50 FEET,  
SIDE - 10 FEET OR 15 FEET; AND REAR - 30 FEET.

ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING  
AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES

[illegible]

N/T PROPERTY OF  
Charter Oak 3999 Austell Road, GA LLC  
DEED BOOK 15625 / PAGE 381

PARKING SUMMARY  
124 REGULAR  
4 HANDICAP  
128 TOTAL

TOTAL SITE AREA  
2.118 Acres  
92,178 sq  
FOOTED GC

3999 Austell Road  
fisc  
**Charter Oak 3999 Austell Road, GA LLC**

|                          |  |                             |             |
|--------------------------|--|-----------------------------|-------------|
| DRAWING SCALE: 1"= 30'   |  | SURVEY DATE: 08-15-2003     |             |
| CITY: ALBANY STATE: GA   |  | REVISION (SEE DRAWING NOTE) |             |
| COUNTY: COLUMBIA         |  | NO.                         | DESCRIPTION |
| LAND LOTS: 1874          |  |                             |             |
| DISTRICT: 871 SECTION: 2 |  |                             |             |

| STANDARD SYMBOLS |                          |
|------------------|--------------------------|
| AC               | ALTERNATING CURRENT      |
| AD               | ADDITION                 |
| BDL              | BUILDING DETRACK LINE    |
| CD               | CORNER DETRACK LINE      |
| ED               | EDGE DETRACK LINE        |
| FD               | FLOOR DETRACK LINE       |
| GD               | GROUND DETRACK LINE      |
| HD               | HOLE DETRACK LINE        |
| LD               | LIGHT DETRACK LINE       |
| PD               | PIPE DETRACK LINE        |
| RD               | ROOF DETRACK LINE        |
| SD               | SKY DETRACK LINE         |
| TD               | TRAIL DETRACK LINE       |
| UD               | UNDERGROUND DETRACK LINE |
| VD               | VISIBILITY DETRACK LINE  |
| WD               | WATER DETRACK LINE       |
| XD               | WOOD DETRACK LINE        |
| YD               | YARD DETRACK LINE        |
| ZD               | ZONE DETRACK LINE        |
| AD               | ADDITION                 |
| BDL              | BUILDING DETRACK LINE    |
| CD               | CORNER DETRACK LINE      |
| ED               | EDGE DETRACK LINE        |
| FD               | FLOOR DETRACK LINE       |
| GD               | GROUND DETRACK LINE      |
| HD               | HOLE DETRACK LINE        |
| LD               | LIGHT DETRACK LINE       |
| PD               | PIPE DETRACK LINE        |
| RD               | ROOF DETRACK LINE        |
| SD               | SKY DETRACK LINE         |
| TD               | TRAIL DETRACK LINE       |
| UD               | UNDERGROUND DETRACK LINE |
| VD               | VISIBILITY DETRACK LINE  |
| WD               | WATER DETRACK LINE       |
| XD               | WOOD DETRACK LINE        |
| YD               | YARD DETRACK LINE        |
| ZD               | ZONE DETRACK LINE        |



Know what's **below**.  
**Call** before you dig.  
 Dial 811  
 Or Call 800-282-7411

0 14 30 75 110

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 400,000, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMMED 75 PERCENT SINGLE AND DOUBLE 100-3 DATA COLLECTION WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT WAS RECHECKED AFTER ONE DECADE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000. 1977. 1987.

**Land Surveying • 3D Laser Scanning**

---

1650 Barres Mill Road  
Marietta, Georgia 30062

---

Phone: (770) 795-8900  
Fax: (770) 795-8880

---

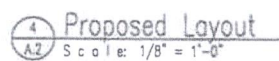
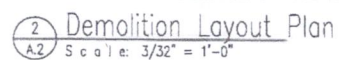
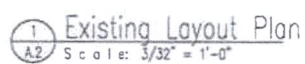
www.geosurvey.com  
EMAIL: info@geosurvey.com  
Certificate of Authorization #LSF-000621

Min. Bk. 92 Petition No. 0.8.14  
Doc. Type Proposed Site Plans  
Meeting Date 5-18-21

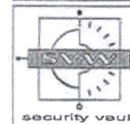
Meeting Date 5-18-21

Proposed  
Location  
for  
ATM

1707.41 90



Chase Bank - Brookwood Square  
3999 Austell Road  
Austell GA, 30106



**James M. Hamill**  
AP047667  
585 Glenview Drive  
Suite 100  
Irving, Texas 75039  
Phone: 409/414,5422  
Fax: 409/414,5121

2007 Gateway Blvd  
Charlotte, NC 28208  
Phone 704/399.4165  
Fax 704/399.4255

Call page 22  
**Security Vault Works** incorporates  
all rights reserved. Ganges drawings and  
constructions are institutions of culture and  
are shall inherit the property of Ganges  
Vault Works. Incorporated whether the  
project for which they are created, are owned  
of it. They are not to be used by the author  
or other authors or institutions to the, period  
or used by appropriate persons and such  
institutions (corporations) to Security Vault  
Works. Institutions.

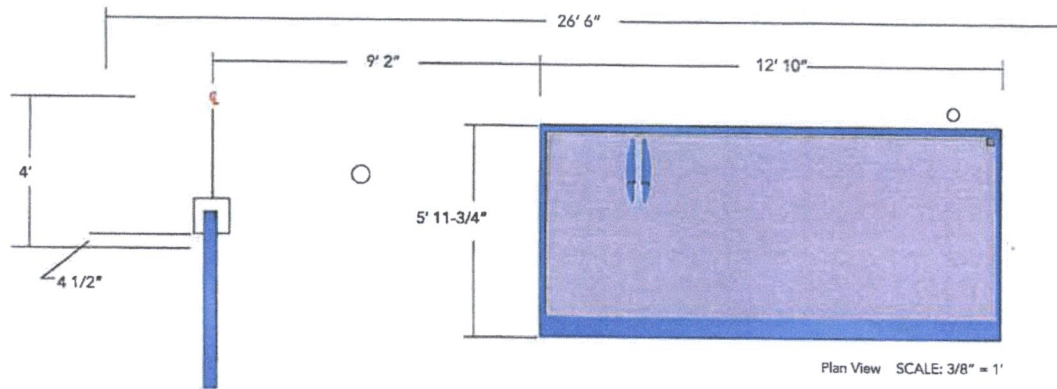
Date: 12/7/16 Drawn By: APV

Drawing Number:  
**A.2**  
 DWG Project Number: 13-25-0000  
 Cof File Name: Screenshot 2013-05-01

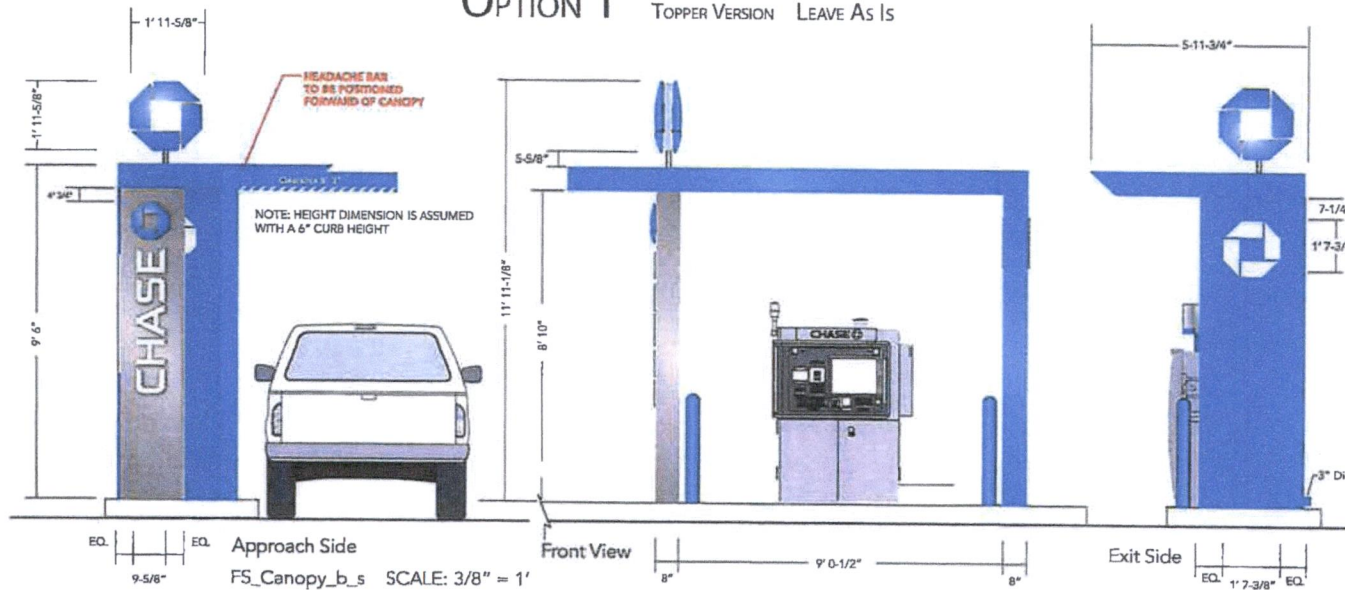
Petition No. 0.3.14  
Meeting Date 5-18-21  
Continued

OB-14-21  
Proposed





# OPTION 1 TOPPER VERSION LEAVE AS IS

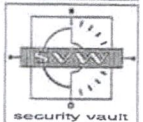


1 SIGNAGE DETAILS  
A.5 Scale: Not To Scale

Note:  
See Manufacturers Cut  
Sheets for Exact Details.

Petition No. 0.8.14  
Meeting Date 5-18-21  
Continued

Chase Bank - Brookwood Square  
3999 Austell Road  
Austell GA, 30106



James M. Hamill  
SECURITY  
6000 Peachtree Drive  
Suite 110  
Farmingdale, NY 11737  
Phone: 516.754.4100  
Fax: 516.754.4100

2007 Gateway Blvd  
Charlotte, NC 28208  
Phone: 704.289.4100  
Fax: 704.289.4325

Document ID:  
Security Vault Varies, Incorporated  
4815 Peachtree Dunwoody Road, Suite 100  
Atlanta, Georgia 30328  
Phone: 770.412.1111  
Fax: 770.412.1112  
www.securityvault.com  
© 2007 Security Vault Varies, Incorporated  
All rights reserved. No part of this document may be reproduced without written permission from Security Vault Varies, Incorporated.

Revised:  
Drawing Number:  
A.5  
Date: 12/1/18 Drawn By: APV/S  
Date: 12/1/18 Drawn By: APV/S

OB-14-21  
Proposed

May 18, 2021 ZONING HEARING  
"OTHER BUSINESS"  
COMMISSION DISTRICT 4

Min. Bk. 92 Petition No. O.B.14  
Doc. Type Cobb DOT comments  
and recommendations  
Meeting Date 5-18-21

ITEM OB-014

**PURPOSE**

To consider a site plan amendment for Security Vault Works, Inc. regarding rezoning application #167 of 1987 (The Oxford Group, Inc.), for property located on the north side of the East West Connector and on the west side of Brookwood Drive in Land Lot 921 of the 19<sup>th</sup> District (1380 East West Connector). *(Continued by the Board of Commissioners from the April 20, 2021 hearing until the May 18, 2021 hearing)*

**BACKGROUND**

The subject property was zoned GC with stipulations for commercial development in 1987. One of the stipulations zoned the property site plan specific. The applicant would like to amend the site plan to install a Chase Bank ATM along the East West Connector side of the property. The proposed site plan is attached for your review. They are removing 14 parking spaces, but they still meet required parking. If approved, all other zoning stipulations would remain in effect.

**STAFF COMMENTS**

**Fire Department:** The CCFMO has no issues with the proposed OB. All applicable fire and life safety provisions must be met.

**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 Brookwood Drive (eastern property frontage), a minimum of 40' from the roadway centerline. This recommendation should be implemented upon the redevelopment of the property, where redevelopment is defined as any action requiring a Land Disturbance Permit.

2) Recommend no parking within the right-of-way. Existing parking spaces that encroach on public right-of-way should be relocated upon redevelopment of the property, where redevelopment is defined as any action requiring a Land Disturbance Permit. 3) Recommend the site plan (received on February 4, 2021) be revised to correctly label the adjacent roadway network. The East-West Connector was incorrectly labeled as Austell Road. 4) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business application and zoning minutes.



## ITEM OB-22

### PURPOSE

To consider a stipulation amendment for J. Grant Wilmer, Jr. regarding rezoning application 335 of 1983, for property located on the south side of Cobb Parkway, east of Akers Mill Road in Land Lots 979 and 948 of the 17<sup>th</sup> District (2980 Cobb Parkway).

### BACKGROUND

The subject property was rezoned to General Commercial in 1983 for a shopping center. The shopping center was built and is still in use today. One of the zoning stipulations prohibited restaurants in this shopping center. The applicant has completed a parking study and finds there are enough parking spaces to support other land uses. The applicant would like to have the opportunity to have restaurants in the center to provide a better mix of tenants. If approved, all previous zoning stipulations would remain in effect.

### STAFF COMMENTS

**Cobb DOT:** 1) Recommend no parking within the right-of-way. Existing parking spaces that encroach on public right-of-way should be relocated upon redevelopment of the property, where redevelopment is defined as any action requiring a Land Disturbance Permit; and 2) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

**Fire Department:** The Fire Marshal's Office does not have an objections to OB-22 as presented. C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process. 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.

### RECOMMENDATION

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

### ATTACHMENTS

Other Business application and zoning minutes.

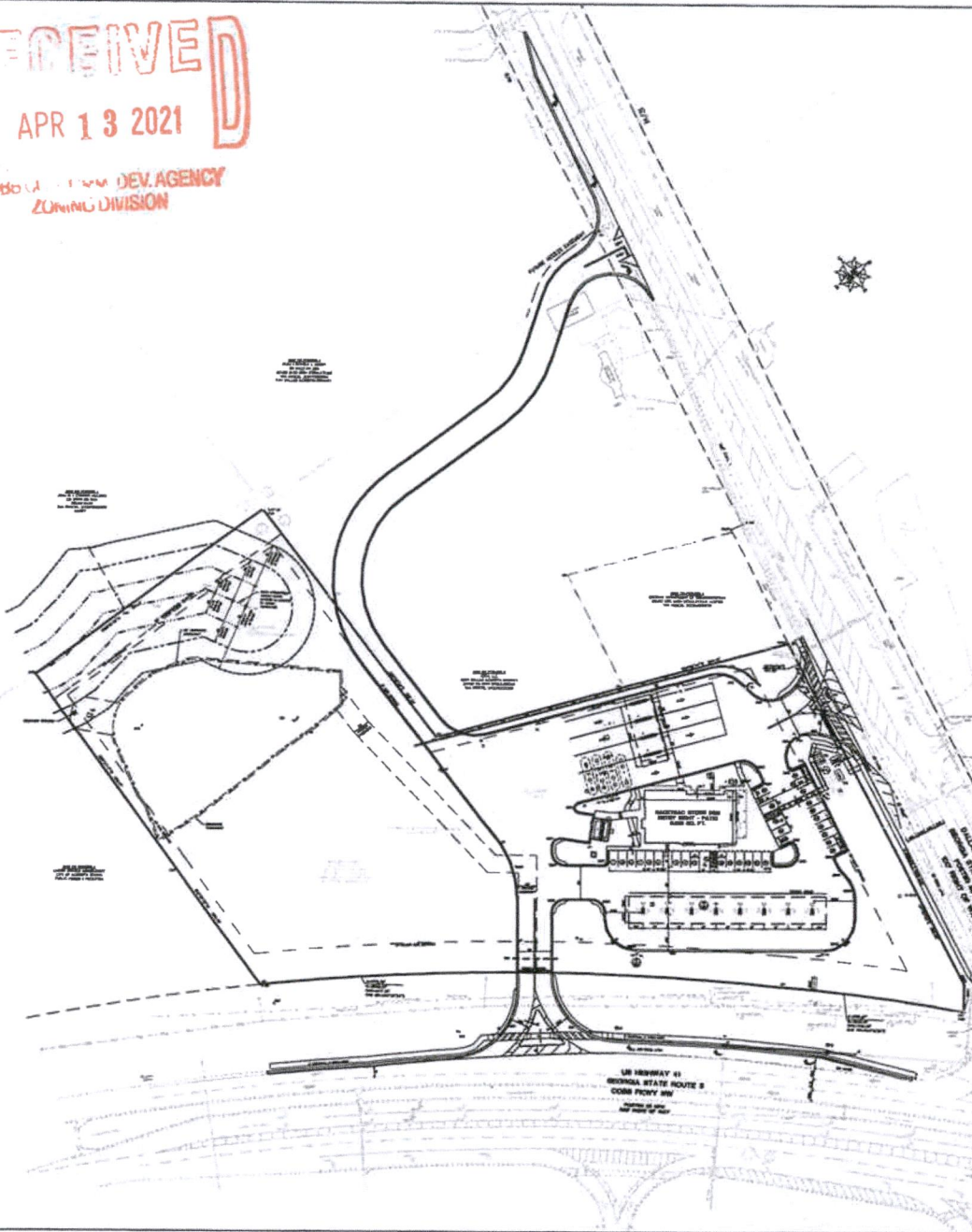
Min. Bk. 92 Petition No. O.B.23

Meeting Date 5-18-21

**GEORGIA811**  
Digging Responsibly. Connect. Save.

RECEIVED  
APR 13 2021

CUBA (FORM DEV.AGENCY)  
ZONING DIVISION



**SITE NOTES:**

1. ALL DIMENSIONS SHOWN ARE MEASURED TO THE FACE OF CURB AND FACE OF BUILDING UNLESS OTHERWISE NOTED. REFER ARCHITECTURAL DRAWINGS FOR BUILDING DIMENSIONS.
2. THE CONTRACTOR IS TO FIELD VERIFY DIMENSIONS FOR ACCURACY PRIOR TO BEGINNING CONSTRUCTION. IF DISCREPANCIES EXIST, CALL ENGINEER IMMEDIATELY.
3. DEVIATIONS FROM THESE PLANS AND SPECIFICATIONS WITHOUT THE PRIOR CONSENT OF THE ENGINEER MAY BE CAUSE FOR THE WORK TO BE UNACCEPTABLE TO THE ENGINEER.
4. REFER TO SHEET C&E FOR PAVING SPECIFICATIONS.

**ADA NOTES:**

1. ACCESSIBLE ROUTES AND ORIGINAL ELEVATIONS SHALL COMPLY WITH THE STANDARDS OUTLINED IN THE D.G.A.'S 2019 ADA STANDARDS FOR ACCESSIBLE DESIGN AND 2015 GEORGIA ACCESSIBILITY CODE.
2. RAMPINGS SURFACES MUST HAVE A MINIMUM SLOPE OF STEEPER THAN 1:3 (33%) AND A CROSS SLOPE OF STEEPER THAN 1:48 (2%).
3. RAMP'S MUST HAVE A MINIMUM SLOPE STEEPER THAN 1:12 (8.33%) AND A CROSS SLOPE OF STEEPER THAN 1:48 (2%).
4. RAMP'S WITH A RISE GREATER THAN 6" (152.4) SHALL HAVE HANDRAILS THAT MEET THE REQUIREMENTS OF THE ADA AND 2015 GEORGIA ACCESSIBILITY CODE.
5. LANDINGS SHALL BE AT LEAST AS WIDE AS THE ASSOCIATED RAMP AND CROSS SLOPE AND HAVE A SLOPE OF STEEPER THAN 1:48 (2%) IN ALL DIRECTIONS. DECEPTRICAL LANGUAGES THAT CHANGE DIRECTION SHALL BE AT LEAST 36" (914) WIDE.

6. A MINIMUM 30" (3') LONG LANDING SHALL BE PROVIDED AT THE END AND BOTTOM OF A SHAFT. (EXCEPTION: A MINIMUM 30" (3') LONG LANDING SHALL BE PROVIDED AT THE TOP OF A CURB RAMP, AND LANDING IS REQUIRED AT THE BOTTOM.)
7. PARKING SPACES AND THE ASSOCIATED ACCESSIBLES SHALL HAVE A SLOPE NO GREATER THAN 1:48 (2.08%) IN ALL DIRECTIONS.
8. GROUNDS SURFACES ARE TO BE STABLE, FIRM, AND SLIP RESISTANT.
9. DETECTABLE WARNING IS REQUIRED TO BE INSTALLED ON OVERLAPPING SURFACES TO WARN OF HAZARDS ON CURBS, RAMP, AND

COBB COUNTY NOTES:

1. COSS COUNTY ACCEPTS NO RESPONSIBILITY FOR THE AMERICANS WITH DISABILITIES ACT (ADA), EXCEPT FOR NOTIFICATION REQUIREMENT. THE OWNER/DEVELOPER IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH SAID ACT.
2. ANY CONSTRUCTION TRAILERS TO BE PERMITTED THROUGH ZONING DIVISION.

3. ANY SIGNS TO BE PERMITTED THROUGH THE CORB COUNTY ZONING DIVISION: I.E., SUBDIVISION ENTRANCE SIGNS, MONUMENTS, AND ALL COMMERCIAL SIGNS, THE LOCATION OF SUBDIVISION SIGNS MUST ALSO BE SHOWN ON THE PLANS.
4. THE PARKING LOT AND PARKING SPACES SHALL CONFORM TO COUNTY DETAIL #14.

8. THE COBB COUNTY ARBORIST OR LANDSCAPE ARCHITECT WILL APPROVE THE SITE LIGHTING PLAN. LIGHT POLES ARE NOT PERMITTED IN PARKING PONDS/LAS, ISLANDS AND MEDIAN WITHOUT THE PRIOR APPROVAL OF THE COUNTY ARBORIST. MINIMUM SPACING IS REQUIRED BETWEEN THE TRUNK OF AN PROPOSED OVER-STORY HARDWOOD TREE (OR EXISTING) LOCATED FOR TREE ORNAMENTAL CREDIT, AND ANY EXISTING PROPOSED LIGHT POLE. IN THE WARDEN PARKER DRIVE CORRIDOR

- PROPOSED LIGHT POLE. IF THE SERVICE PROVIDER SELECTS COMPANY'S PRODUCTS A LIGHTING PLAN, IF WAIVER ADDRESS TO THE LIGHTING PLAN DESIGNER IS THE CIVIL ENGINEERING DRAWING APPROVED BY COUNTY FOR THE LIGHT POLE DETAIL DRAWING PERMIT. IF A LIGHTING PLAN IS NOT PART OF CIVIL DRAWINGS, THE LIGHTING PLAN DESIGNER MUST SUBMIT PLAN TO THE AIRBORNE/LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL. IF SITE LIGHTING IS INSTALLED WITHOUT AN APPROVED PLAN, THE CERTIFICATE OF OCCUPANCY WILL BE WITHHELD UNTIL ALL CONFLICTING POWER POLES ARE MOVED. CALL 770-528-2154.

6. NO PERMANENT SIGN(S) FLAG POLES; PROPOSED FIRE HYDRANTS, POWER TRANSFORMERS, SIGNALS OR ADA RAMP(S) WILL BE PLACED IN CONFLICT WITH AN OBSTACLE CODED OR APPROVED TREE PLANTING LOCATION.
7. SITE PLAN APPROVAL DOES NOT INCLUDE TANKS. TANKS SH- BE PERMITTED SEPARATELY AT CDFM, CALL 770-628-6910

10. IT IS THE UNMANNED DEVELOPER'S RESPONSIBILITY TO INSTALL WASTEWATER GREASE TRAPS.

12. SITE PLAN APPROVAL DOES NOT INCLUDE TAXES. TAXES SHALL BE PERMITTED SEPARATELY AT CDFWO. CALL 779-639-4313 TO SCHEDULE AN APPOINTMENT FOR PLAN REVIEW.

14. NO PERMANENT SIGNS, FLAG POLES, PROPOSED FIRE HYDRANT POWER TRANSFORMERS, CIRCULARS OR ADA RAMP WILL BE PLACED IN CONFLICT WITH AN GROUNDS CODED OR APPROVED TREE PLANTING LOCATION.
15. A GEORGIA DEPARTMENT OF TRANSPORTATION (DOT) PERMIT IS REQUIRED. APPROVAL OF WORK WITHIN OR ADJACENT TO DOT RIGHT-OF-WAY IS OBTAINED TO DOT, 770-218-3880 OR 800, 444-4444. [www.dot.ga.gov](http://www.dot.ga.gov)

16. ALL SIGNAL PLANS MUST BE SUBMITTED TO AND APPROVED THE COOS COUNTY TRAFFIC SIGNAL ENGINEER. ANY TRAFFIC SIGNAL WORK SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT COOS DOT TRAFFIC SIGNAL SPECIFICATIONS BY A APPROVED TRAFFIC SIGNAL CONTRACTOR. ANY TRAFFIC SIGNAL EQUIPMENT DAMAGED AS A RESULT OF THIS PROJECT SHALL BE REPLACED/IMPROVED WITHIN

- CONTRACTOR/DEVELOPER IMMEDIATELY. DAMAGED LOOP SHALL BE REPLACED/REPAIRED WITH VIDEO DETECTION. DEVELOPER/CONTRACTOR IS REQUIRED TO MAINTAIN VIDEO DETECTION WITHOUT INTERRUPTION FOR ALL TRAFFIC LANE PHASES AFFECTED DURING CONSTRUCTION OF THIS PULS APPROVED VIDEO DETECTION SHALL BE USED FOR PULS DETECTION AND APPROVED VIDEO OR MICROANALYSIS DETECT SHALL BE USED FOR PULS DETECTION. ADDITIONAL

- POLESAVEMENT MAY BE REQUIRED TO SUPPORT THESE  
DETECTION DEVICES. CONTACT THE CORP TRAFFIC SIGNAL  
ENGINEER AT (770) 526-0884 FOR ANY TRAFFIC SIGNAL RE-  
LATION. CONTACT THE SIGNAL MAINTENANCE SUPERVISOR  
(770) 526-0884 TO LOCATE ANY SIGNAL EQUIPMENT IF  
PROPOSED DEVELOPMENT IS WITHIN 400 OR 1250 OF  
SIGNALIZED INTERSECTION.

- TO: ALL CONTRACTORS WORKING ON DOT ROW WITHIN 300 FT OF ANY TRAFFIC SIGNAL. CORE DOT SIGNALS ARE NOT ON T LOCATE PROGRAM, YOU ARE REQUIRED TO CALL US AT LEAST 24HRS IN ADVANCE FOR TRAFFIC SIGNAL WDTU LOCATES AT (770) 328-3886.  
PLEASE PROVIDE THE FOLLOWING INFORMATION WHEN CALLING:  
COMPANY AND CALLER NAME & NUMBER  
CONTACT PERSON NAME & NUMBER AT JOB SITE

- CONTACT PERSON NAME & NUMBER AT JOB SITE  
LOCATION OFF WORK TO BE PERFORMED  
TYPE OF WORK BEING PERFORMED
- IF SIGNAL DAMAGE IS EXPECTED, BEFORE BEGINNING ANY WORK  
YOU ARE REQUESTED TO HAVE CONTACTED AN APPROVED  
SIGNAL SWR TO IMMEDIATELY REPAIR ANY DAMAGE THAT  
MAY OCCUR.
- DO NOT CONTACTS
- 775-626-1000

- 1880 COUNTY SERVICES PARKWAY  
WAXETTA, WA 98088

**Harkleroad and Associates**

THESE NAMES ARE SUBJECT  
TO REVISION, DEPENDENT UPON

RaceTrac

|                     |
|---------------------|
| OVERALL SITE PLAN   |
| RACETRAC STORE 2312 |

DATE  
SCALE  
DRAWN BY  
DRAWING  
TC 5544  
**C3.4**

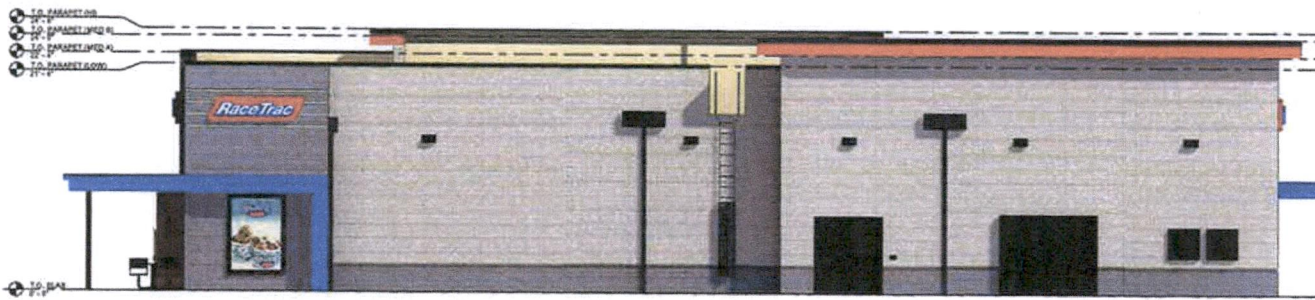




4 RIGHT ELEVATION  
378° = 142°



3 LEFT ELEVATION  
3/16" x 1/4"



2 REAR ELEVATION  
2 1/2" x 1 1/2"



1 FRONT ELEVATION  
3/16" x 1 1/2"

RECEIVED  
APR 13 2021

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

**RaceTrac.**  
COPYRIGHT NOTICE  
THESE PLANS ARE SUBJECT TO FEDERAL  
COPYRIGHT LAW AND ANY USE OF NAME  
WITHOUT THE EXPRESSED WRITTEN  
PERMISSION OF RACETRAC PETROLEUM,  
INC. IS PROHIBITED. ©1998 RACETRAC  
PETROLEUM INC.

---

**DESIGN PROFESSIONALS**



**GPD GROUP**  
Professional Corporation  
530 S. MAIN STREET, SUITE 2001  
ARROW, OH 44301

| ISSUE/REVISION RECORD |             |
|-----------------------|-------------|
| DATE                  | DESCRIPTION |

**RaceTrac.**  
RACETRAC PETROLEUM, INC.  
200 GALLERIA PARKWAY SOUTHEAST  
SUITE 200  
ATLANTA, GEORGIA 30339  
(770) 461-0900

PROJECT NAME  
HWY 41& 92  
EDO

**ACWORTH**  
GA 30101  
SOUTH CORNER OF HWY  
41 & HWY 92

**#1052**

PROTOTYPE SERIES 2021  
2020 RH MO 0210

PLAN MODIFICATION NOTICE  
SPB NO. 0010 DATE 06/01/00

STANDARD PLAN BULLETIN (SPB) SHOWS THE PROTOTYPE DESIGN SET WITH ABOVE. THE UNITS ARE REPRESENTS THE LATEST

PHOTOTYPE WORDS SET AT ORIGINAL RELEASE.  
THE ABOVE SPEAKER RECEIVED CALLING CARD  
LASTS SET APPROXIMATELY 10 PM DISAPPEARED IN  
TOWN SET AFTER THE ORIGINAL RELEASE.  
CONTACT NACHTSAG INVESTIGATION AND  
CONSTRUCTION FOR ANY INFORMATION  
AVAILABLE BUT DISAPPEARED WORDS.

PROFESSIONAL SEAL

| EXTERIOR MATERIAL SCHEDULE |                                               |                                                                                                                                                                          |
|----------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FINISH                     |                                               |                                                                                                                                                                          |
| MS1                        | FIN1                                          | FIN1                                                                                                                                                                     |
| MS2                        | FIN2                                          | FIN2                                                                                                                                                                     |
| COUNTRY BRAND              |                                               |                                                                                                                                                                          |
| MS1                        | JAMES HENRI                                   | ARTISAN 4-DOOR/VEE SERRIS                                                                                                                                                |
|                            |                                               | PAINTED SHERWIN WILLIAMS "TERRACOTTA" WHITE, JUNE FASTER AND STAINLESS PLANK PER MANUFACTURER'S RECOMMENDATION                                                           |
| GLAZING                    |                                               |                                                                                                                                                                          |
| MS1                        | 1" NON-HEATED RATED INSULATED GLAZING         | GLAZING SYSTEM 5' ON 6' EXACT 1" DEFLECTED 0.5% AT JAWT. EDGE: 3/4" x 3/4" x 3/4" x 3/4" SOLARIM (T-6) LAMINATE 4" x 1/4" x 1/4" CLEAR OR APPROVED AS ALTERNATE, SEE ADD |
| METAL                      |                                               |                                                                                                                                                                          |
| MS1                        | PREFINISHED 1/2" SPHERE CORUSPION METAL COVER | METAL TO MATCH ALPOK "ONE COAT" FINISH                                                                                                                                   |
| MS2                        | ALPOK                                         | METAL TO MATCH SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                       |
| MS3                        | ALPOK                                         | PREFINISHED DARK BRONZE T43                                                                                                                                              |
|                            |                                               | WITH TONGUE AND GROOVE                                                                                                                                                   |
| MS1                        | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS2                        | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS3                        | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS4                        | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS5                        | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS6                        | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS7                        | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS8                        | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS9                        | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS10                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS11                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS12                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS13                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS14                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS15                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS16                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS17                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS18                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS19                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS20                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS21                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS22                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS23                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS24                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS25                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS26                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS27                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS28                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS29                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS30                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS31                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS32                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS33                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS34                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS35                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS36                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS37                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS38                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS39                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS40                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS41                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS42                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS43                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS44                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS45                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS46                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS47                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS48                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS49                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS50                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS51                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS52                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS53                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS54                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS55                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS56                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS57                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS58                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS59                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS60                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS61                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS62                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS63                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS64                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS65                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS66                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS67                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS "TERRACOTTA" #7548                                                                                                                              |
| MS68                       | ALPOK                                         | PAINTED SHERWIN WILLIAMS                                                                                                                                                 |

**SHEET TITLE**  
**EXTERIOR  
ELEVATIONS**

**SHEET NUMBER**  
**300X**



ITEM OB-23

**PURPOSE**

To consider a site plan and stipulation amendment for Mountainprize, Inc. regarding rezoning application Z-89 of 2006 for property located at the southeast intersection of US Highway 41 (Cobb Parkway) and State Highway 92 (Dallas Acworth Highway) in Land Lots 40 and 41 of the 20<sup>th</sup> District (Cobb Parkway).

**BACKGROUND**

The subject property was rezoned to NRC for a convenience store with fuel sales in 2006. The applicant would like to amend some of the stipulations and site plan to accommodate their development proposal. The applicant would like to revise their building architecture to reflect the newest Racetrac store design; this is attached for review. The applicant would also need to revise their site plan to mainly account for a State DOT road project on State Highway 92, which moves an access point further down Highway 92. If approved, all previous zoning conditions not in conflict would remain in effect.

**STAFF COMMENTS**

**Fire Department:** The Fire Marshal's Office does not have an objections to OB-23 as presented. 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.

**Water & Sewer Comments:** Specifics of the Other Business request, as well as the submitted revised site plan, are unclear. Water is available to the property. Sewer is not available to the property.

**Stormwater Management:** No comments.

**Cobb DOT:** Recommend southern driveway on SR 92 (Dallas Acworth Highway) be restricted to right-in right-out. Vehicles cannot legally turn across the existing hatched median. Any proposed striping modifications at this driveway intersection must be approved by GDOT prior to Cobb County DOT Plan Review approval; 2. Recommend northern driveway on SR 92 (Dallas Acworth Highway) not be permitted within the existing right turn lane storage. Any proposed modifications to the existing right turn lane storage must be approved by GDOT prior to Cobb County DOT Plan Review approval; 3. Recommend GDOT permits for all work that encroaches upon State right-of-way; 4. Recommend replacing disturbed curb, gutter, and adding sidewalk along the SR 92 frontage; and 5. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.



**MAY 18, 2021 ZONING HEARING  
"OTHER BUSINESS"  
COMMISSION DISTRICT 2**

---

Min. Bk. 92 Petition No. O.B.25  
Doc. Type Fire Dept. comments &  
recommendations  
Meeting Date 5-18-21

**ITEM OB-25**

**PURPOSE**

To consider a stipulation amendment for North Church Lane Properties 1, LLC regarding rezoning application Z-23 of 2019, for property located on the northeasterly side of Olympic Industrial Drive, the southerly side of South Atlanta Road, and the southwesterly side of Olympic Industrial Drive in Land Lots 899 and 900 of the 17<sup>th</sup> District (2960 Olympic Industrial Drive).

**BACKGROUND**

The subject property was rezoned to Heavy Industrial in 2019 to allow a retail use within the building. The tenant that was approved in 2019 has left the building and the applicant would like to place a similar retail business in the tenant space. The proposed tenant sells furniture and home furnishings and needs a large open space like what the applicant has for rent. The applicant has submitted Exhibit "B", which better details the proposal. If approved, all previous zoning stipulations would remain in effect.

**STAFF COMMENTS**

**Fire Department:** The Fire Marshal's Office does not have an objections to OB-25 as presented. C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process. 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.

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business application and zoning minutes.

Meeting Date 5-18-21

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

|                          |                      |
|--------------------------|----------------------|
| OB Application No.:      | OB- <u>26</u> (2021) |
| Application No.:         | Z-64 (2017)          |
| Original Hearing Date:   | October 17, 2017     |
| Date of Zoning Decision: | December 19, 2017    |
| Date of OB Decisions:    | April 16, 2019       |
|                          | December 15, 2020    |
| Current OB Hearing Date: | May 18, 2021         |



|              |                                                                        |
|--------------|------------------------------------------------------------------------|
| Applicant:   | Branch Acquisition Company, LLC                                        |
| Titleholder: | IMP Elevate West Village, LLC.<br>a Delaware limited liability company |

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

On December 19, 2017, the Cobb County Board of Commissioners approved the rezoning of approximately 13.702 acres to the Planned Village Community ("PVC") zoning classification for inclusion as Phase 3 into the existing West Village development. As set forth in paragraph (1) of Applicant's supplemental letter of agreeable stipulations and conditions dated December 18, 2017, which was included and memorialized in the final minutes of the Board of Commissioners Zoning Hearing, Applicant donated approximately 3,000 square feet of retail space on the first floor of the proposed mixed-use building to Cobb County for purposes of a public library. Subsequently, on December 15, 2020, Applicant, through an Application for "Other Business," clarified stipulations related to the proposed donated library space.

During subsequent discussions with Cobb County Library System Staff; as well as, other Cobb County officials, it has been brought to Applicant's attention that Cobb County Library System officials desire to have the existing Lewis A. Ray Library building remain, after the move of the library facilities into its new space in Applicant's mixed-use building. Applicant, by and through this Application for "Other Business," seeks to delete stipulation no. (2), as set forth in the supplemental stipulation letter dated December 18, 2017, which reads as follows:

- (2) Applicant further agrees that it shall be responsible for the demolition of the existing Lewis A. Ray Cobb County Public Library located at 4500 Oakdale Road; and shall further be responsible for converting the property to a public greenspace, subject to and in accordance with Cobb County rules, regulations, and ordinances. All costs and responsibility for the demolition of the existing Lewis A. Ray Cobb County Public Library and the conversion of the existing library property to greenspace shall be that of Applicant. Thereafter, Cobb County shall be responsible for all maintenance and operating costs of the greenspace.



The deletion of the referenced stipulation is brought for approval by the Board of Commissioners, and to further memorialize the agreements between Applicant, Cobb County, and the Cobb County Library System, and in no way adversely impacts or affects the quality or integrity of Phase 3 or the overall West Village development and the uses for which it is planned, as approved by the Cobb County Board of Commissioners. If the deletion of supplemental stipulation (2) is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on December 19, 2017, as to the original rezoning of the Subject Property; as well as, the "Other Business" amendments on April 16, 2019, and December 15, 2020, and any other amendments by Board of Commission approval or District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Stipulation Amendment.

**MAY 18, 2021 ZONING HEARING**  
**"OTHER BUSINESS"**  
**COMMISSION DISTRICT 2**

---

**ITEM OB-26**

**PURPOSE**

To consider a stipulation amendment for Branch Acquisition Company, LLC regarding rezoning application Z-64 of 2017, in Land Lots 692, 693, 748 and 749 of the 17<sup>th</sup> District. Located on the east side of Oakdale Road, the north side of West Village Crossing, on the west side of Pine Street, on the southwesterly side of Atlanta Road and on the north and south sides of West Village Way.

**BACKGROUND**

The subject property was rezoned to Planned Village Commercial in 2017 to allow a mixed-use development. One of the stipulations required the applicant to relocate the Lewis A. Ray Public Library to a tenant space in the new mixed-use development. After the relocation, the old library building would be demolished and turned into a public greenspace. The library systems officials would like to keep the old library building and use it for other functions. This request would be to not demolish the old library building and is described more in depth in the applicant's Exhibit "B" letter. If approved, all previous zoning stipulations would remain in effect.

**STAFF COMMENTS**

**Fire Department:** The Fire Marshal's Office does not have an objections to OB-26 as presented. C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process. 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.

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business application and zoning minutes.