

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, June 15, 2021, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:03 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. John Pederson, Zoning Division Manager, announced that today's hearing would be the last Board of Commissioners' Zoning hearing where virtual participation would be allowed. Mr. Pederson explained the virtual participation format, reviewed the hearing procedures, and announced the following cases which were *withdrawn, held or continued*.

WITHDRAWN, HELD, AND CONTINUED CASES

- Z-13** **KERLEY FAMILY HOMES, LLC** (Lillian Marie Latham, owner) requesting rezoning from **LRO** and **RSL** to **RSL** for residential senior living, non-supportive residential units in land lot 122 of the 20th district. Property is located south of McClure Road, southwest of the intersection of McClure Road and Acworth Due West Road (4321 McClure Road). (*Previously continued by Staff until the June 1, 2021, Planning Commission hearing*). **WITHDRAWN WITHOUT PREJUDICE**
- SLUP-4** **NORTH GEORGIA TIMBER, LLC** (NGT Investments LLC, owner) requesting a **Special Land Use Permit** for storage and transportation of landscape material in land lot 1137 of the 16th district. Property is located on the east side of Fairview Street, north of the intersection of Fairview Street and Gresham Road (111 Fairview Street). **WITHDRAWN WITHOUT PREJUDICE**
- 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 16th district (Wigley Road). (*Previously 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*).

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 2**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 21 (CONT.)

Mr. Parks Huff, the Applicant's representative for O.B. 21, presented the request to withdraw O.B. 21 without prejudice. Thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to **allow** O.B. 21 to be *withdrawn without prejudice*.

VOTE: **ADOPTED 5-0**

Z-72'²⁰

NORTH POINT MINISTRIES, INC. (The 'True Vine' Experience Foundation, Inc.; Sara M. Sweeney; Hanna Land Company, Inc., owners) requesting rezoning from **LRO, NRC, and R-20** to **LRO, NRC, and FST** for church, retail/restaurant, townhomes, and single-family residential in land lots 466, 467, 470, and 471 of the 16th district. Property is located on the south side of Shallowford Road, the west side of Johnson Ferry Road, the north and south sides of Waterfront Drive, and the east side of Waterfront Circle (multiple addresses). *(Previously continued by Staff from the December 1, 2020, until the April 6, 2021, Planning Commission (PC) hearing; held by the PC from the April 6, 2021, and May 4, 2021, PC hearings until the June 1, 2021, PC hearing; continued by Staff until the July 6, 2021, PC 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 19th district. Property is located on the east side of Austell Road, south of Milford Church Road (3011 Austell Road). *(Continued by Staff from the May 4, 2021, and June 1, 2021, Planning Commission (PC) hearings until the July 6, 2021 PC 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 18th 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; continued by Staff until the July 6, 2021, PC hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 3**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- 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 16th 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) from the May 4, 2021, and June 1, 2021, PC hearings until the July 6, 2021, PC hearings; therefore, was not considered at this hearing).*
- 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 17th district. Property is located on the south side of Smyrna Powder Springs Road, west of Harris Road (675 Smyrna Powder Springs Road). *(Previously continued by Staff until the June 1, 2021, Planning Commission (PC) hearing; held by the PC until the July 6, 2021, PC hearing; therefore, was not considered at this hearing).*
- Z-28** **PRESTWICK DEVELOPMENT COMPANY, LLC** (Bobby Coleman and Paul Coleman, as Joint Tenants with Rights of Survivorship; CP 4900 Floyd, LLC, owners) requesting rezoning from **R-20** and **NRC** to **RM-12** for multi-family residential and retail in land lots 31 and 32 of the 17th district. Property is located on the south side of White Boulevard, on the west side of Floyd Road, at the terminus of Nickajack Road, and at the terminus of Green Valley Road (4900 Floyd Road, 4915 White Boulevard). *(Continued by Staff until the July 6, 2021, Planning Commission hearing; therefore, was not considered at this hearing.)*
- Z-30** **BONAVENTURE INVESTMENTS, LLC/DAVID F. COOPER** (Vision Landworks, LLC; Esther L. King; Arch Properties, Inc.; Teresa Lee-Kay; Teresa Kay Lee, owners) requesting rezoning from **R-20**, **TS**, **NS**, and **LI** to **RM-12** for multi-family residential in land lots 593, 594, 603, 604, and 605 of the 18th district. Property is located on the south side of Cityview Drive, on the north side of I-20, northeast of Riverside Parkway (Cityview Drive). *(Held by the Planning Commission (PC) until the July 6, 2021, PC hearing; therefore, was not considered at this hearing.)*
- Z-31** **PULTE HOME COMPANY** (Thomas M. Phillips and Betty A. Phillips, owners) requesting rezoning from **R-20** to **R-15/OSC** and **RA-5** for a single-family residential subdivision in land lots 303, 304, 345, 346, and 347 of the 16th district. Property is located on the west side of Ebenezer Road, north of the intersection of Ebenezer Road and Blackwell Road (3801 Ebenezer Road). *(Continued by Staff until the July 6, 2021, Planning Commission hearing; therefore, was not considered at this hearing.)*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 4**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-32** **TAYLOR MORRISON OF GEORGIA, LLC** (East - West Worship and Conference Center Inc. aka Gospel Harvester Church, Inc., owner) requesting rezoning from **R-20** to **RM-8** for townhome community in land lot 847 of the 19th district. Property is located on the south side of Hurt Road, north of the terminus of Story Drive (Hurt Road). *(Continued by Staff until the July 6, 2021, Planning Commission hearing; therefore, was not considered at this hearing.)*
- Z-33** **MPINGO PROPERTIES, LLC** (Raymond Lee Jordan, Jr.; Sarah C. Smith, owners) requesting rezoning from **RA-5** to **RM-8** for a townhome community in land lots 269 and 299 of the 19th district. Property is located on the southeast side of Factory Shoals Road, southeast of the terminus of Factory Shoals Drive (6475, 6443 Factory Shoals Road). *(Continued by Staff until the July 6, 2021, Planning Commission hearing; therefore, was not considered at this hearing.)*
- Z-36** **TBR COBB PARKWAY, LLC** (JES Cobb Parkway, LLC, owner) requesting rezoning from **GC** and **NS** to **CRC** for retail and restaurants in land lots 948 and 949 of the 17th district. Property is located on the south side of Cobb Parkway, on the east side of Akers Mill Road, at the southeast intersection of Cobb Parkway and Akers Mill Road (2952 Cobb Parkway). *(Held by the Planning Commission (PC) until the July 6, 2021, PC hearing; therefore, was not considered at this hearing.)*
- Z-37** **NORTH GEORGIA TIMBER, LLC** (NGT Investments LLC, owner) requesting rezoning from **O&I** to **HI** for farm and garden supply in land lot 1137 of the 16th district. Property is located on the east side of Fairview Street, north of the intersection of Fairview Street and Gresham Road (111 Fairview Street). *(Held by the Planning Commission (PC) until the July 6, 2021, PC hearing; therefore, was not considered at this hearing.)*
- Z-38** **WINDSONG PROPERTIES** (Ronald H. Mulkey and Lisa L. Mulkey, owners) requesting rezoning from **R-30** to **RSL** for residential senior living, non-supportive residential in land lots 179 and 180 of the 20th district. Property is located on the south side of Ellis Road, on the east side of Mack Dobbs Road, southeast of the intersection of Ellis Road and Mack Dobbs Road (3180 Ellis Road). *(Continued by Staff until the July 6, 2021, Planning Commission hearing; therefore, was not considered at this hearing.)*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 5**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-39** **CHUCK OWUZO** (Chukwuma Chuck Owuzo, owner) requesting rezoning from **R-30** to **R-15** for a single-family residential subdivision in land lots 276 and 277 of the 19th district. Property is located on the west side of Friendship Church Road, on the south side of Friendship Church Lane (Friendship Church Road). *(Continued by Staff until the July 6, 2021, Planning Commission hearing; therefore, was not considered at this hearing.)*
- Z-40** **BRAZOS-HICKS, LLC** (The Totherow Family Trust, James Cecil Pickens & Merlene Pickens, Randall P. Shulin, owners) requesting rezoning from **R-20** to **RA-5** for a single-family subdivision in land lots 27 and 28 of the 17th district. Property is located on the north side of Concord Road, on the east and west side of Bezos Drive, on the east side of Hicks Road (4380, 4421, 4470 Brazos Drive; 4365 Hicks Road; 780, 820 Concord Road). *(Continued by Staff until the July 6, 2021, Planning Commission hearing; therefore, was not considered at this hearing.)*
- SLUP-3** **RAY MURPHY** (Ray Murphy, owner) requesting a **Special Land Use Permit** for commercial automotive in land lots 154 and 155 of the 17th district. Property is located on the northwest side of Austell Road, at the terminus of Austell Circle (1818, 1830 Austell Road). *(Continued by Staff until the July 6, 2021, Planning Commission hearing; therefore, was not considered at this hearing.)*
- SLUP-5** **STEIN INVESTMENT GROUP** (Georgia Theatre Company II, owner) requesting a **Special Land Use Permit** for a climate-controlled self-service storage facility in land lot 335 and 386 of the 16th district. Property is located on the west side of Gordy Parkway, on the north side of Shallowford Road (2925 Gordy Parkway, Shallowford Road). *(Continued by Staff until the July 6, 2021, Planning Commission hearing; therefore, was not considered at this hearing.)*
- O.B. 28** To consider amending the site plan for Stein Investment Group regarding rezoning application Z-223 (Evelyn J. Gordy-Rankin) of 1988 and rezoning application Z-95 (Evelyn J. Gordy-Rankin) of 1990, for property located at the northwest intersection of Shallowford Road and Gordy Parkway in land lots 335 and 386 of the 16th district (2925 Gordy Parkway). *(Continued by Staff until the July 20, 2021, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing.)*
- O.B. 29** To consider a stipulation amendment for 3D Construction and Renovation, Inc regarding rezoning application Z-74 of 2001, for property located on the east side of Canton Road, and on the north side of Centerview Drive in land lot 299 of the 16th district (3778 Canton Road). *(Continued by Staff until the July 20, 2021, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing.)*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 6**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 30 To consider a stipulation amendment for The Church of the Pentecost USA, Inc. regarding rezoning application Z-80 of 2015, for property located on the southwest side of Mableton Parkway, south of Veterans Memorial Highway, and on the north side of Glore Circle in land lots 36 and 37 of the 17th district (5606 Mableton Parkway; 728, 736, and 742 Glore Circle; and 827 Wood Valley Road). *(Continued by Staff until the July 20, 2021, Board of Commissioners' Zoning 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 16th 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). *(Previously continued by Staff until the June 15, 2021, Board of Commissioners' Zoning hearing).*

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

MOTION: Motion by Richardson, second by Gambrill, to continue Z-26 until the July 20, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0**

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.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 7**

CONSENT AGENDA

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

Z-8 **BEAZER HOMES, LLC** (Residuary Trust Under The 2010 Everett Family Trust; Lisa Kay Spillane; Patricia P. Giannoni and Kenneth Q. Giannoni, owners) requesting rezoning from **R-30, NRC, PSC, and GC** to **R-15/OSC** for a single-family residential subdivision in land lots 66, 83, and 84 of the 19th district. Property is located on the south side of Dallas Highway, on the east side of McConnell Road, and on the west side of Lost Mountain Road (750 Lost Mountain Road, 691 McConnell Road). *(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; continued by the Board of Commissioners (BOC) until the June 15, 2021, BOC Zoning hearing).*

To **delete** Z-8 to the **R-20/OSC** zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated June 9, 2021, with attached Site Plan dated May 7, 2021 (attached and made a part of these minutes)
2. Existing home shall be demolished within 90 days of the Board of Commissioners' approval
3. District Commissioner to approve final grading and clearing plan
4. District Commissioner to approve final elevations
5. Fire Department comments and recommendations
6. Site Plan Review comments and recommendations
7. Stormwater Management Division comments and recommendations
8. Water and Sewer Division comments and recommendations
9. Department of Transportation comments and recommendations

Clerk's Note: The title block in the Site Plan reflects "R-15 OSC" when it should reflect "R-20 OSC".

Z-29 **LASHUNDRA HENRY** (Swinc LLC, owner) requesting rezoning from **R-20** to **LRC** for a tutorial center in land lot 205 of the 17th district. Property is located on the west side of Olive Springs Road, north of Pat Mell Road (2048 Olive Springs Road).

To **delete** Z-29 to **LPSP (Limited Professional Services Permit)**, subject to:

1. Variance is provided since this center is not located on an arterial road

Correction to Z-8
of these minutes
– approved in the
7-20-21 BOC
Zoning Minutes



**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 8**

CONSENT AGENDA (CONT.)

Z-29 LASHUNDRA HENRY (CONT.)

- 2. High school tutoring and/or high school student use *only* from 12:00 p.m. until 6:00 p.m. with two adults serving as administrators; the administrators cannot be high school students**
- 3. The number of students in the room is limited to 40 or a number lower than 40 if determined by the Fire Marshall**
- 4. Adult tutoring will be allowed from 6:00 p.m. to 8:00 p.m.**
- 5. For this Applicant *only* and for her use *only***

Z-34 MY PROPERTY GROUP LLC (Lewis Farrell White, owner) requesting rezoning from GC to LI for a contracting office, parking, and storage in land lots 867 and 910 of the 19th district. Property is located on the north side of Flint Hill Road, on the south side of Powder Springs Road, east of the intersection of Flint Hill Road and Powder Springs Road (3949 Flint Hill Road).

To **delete** Z-34 to the NRC zoning district, subject to:

- 1. Special exception use for the Applicant**
- 2. Pavement to be added up to the existing building from Flint Hill Road**
- 3. The undisturbed buffer north of the power line easement as it abuts to Powder Springs Road remains in place**
- 4. The area that is going to be the designated parking area for vehicles and/or equipment is to have a fence or screen that will create a visual barrier**
- 5. Staff comments and recommendations**

Z-35 BARTLETT HEATING & COOLING, INC. (Keith H. Bynum, Sr., owner) requesting rezoning from GC to LI for HVAC contractor and office in land lot 285 of the 17th district. Property is located on the southeast side of South Cobb Drive, southwest of the intersection of South Cobb Drive and Pearl Street (825 South Cobb Drive).

To **approve** Z-35 to the LI zoning district, subject to:

- 1. Site Plan received by the Zoning Division on April 1, 2021, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- 2. Letter of agreeable conditions from Kevin Moore dated May 26, 2021 (attached and made a part of these minutes)**
- 3. Install a 25' landscape buffer along the eastern property line along the residential line to the east**
- 4. Stormwater Management Division comments and recommendations**
- 5. Department of Transportation comments and recommendations**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 9**

CONSENT AGENDA (CONT.)

LUP-15 **MARILYN BRAGG** (Marilyn E. Bragg, owner) requesting a **Temporary Land Use Permit** for a personal care home in land lots 688, 689, and 719 of the 19th district. Property is located on the west side of Avondale Parkway, on the north side of Macedonia Road (3144 Macedonia Road).

To **approve** LUP-15 for **24 months**, subject to:

1. **Maximum of 12 residents**

LUP-16 **WEST COBB OFFICE INVESTORS LLC** (West Cobb Office Investors, LLC, owner) requesting a **Temporary Land Use Permit** for a dance studio in land lot 241 of the 20th district. Property is located on the west side of Kennesaw Due West Road, south of the convergence of Kennesaw Due West Road and Stilesboro Road (1483 Kennesaw Due West Road).

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

1. **If the dance studio use is discontinued, then the Land Use Permit (LUP) ceases**
2. **Fire Department comments and recommendations**
3. **Site Plan Review comments and recommendations**
4. **Department of Transportation comments and recommendations**

LUP-17 **SANDY CLOUGH** (Sandra L. Clough and Richard C. Clough, owners) requesting a **Temporary Land Use Permit** for an artist's studio and storage of art prints in land lot 336 of the 20th district. Property is located on the west side of Trail Road, north of the intersection of Trail Road and Midway Road (25 Trail Road).

To **approve** LUP-17 for **24 months**, subject to:

1. **No signs**
2. **No on-street parking**
3. **No outdoor storage**
4. **Two seasonal employees *only***

OTHER BUSINESS

O.B. 27 To consider a site plan and stipulation amendment for Siraj Lalani regarding rezoning application Z-57 of 2014, for property located on the southwest corner of South Cobb Drive and Cranfill Road, and on the east side of Oak Street in land lot 279 of the 17th district (1750 South Cobb Drive and 222 Cranfill Road).

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 10**

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

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

1. District Commissioner to approve final site plan, including building size, material construction, location, buffering, and lighting
2. Stormwater Management Division 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. Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
5. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect

O.B. 31

To consider a site plan and stipulation amendment for Walton Communities, LLC regarding rezoning application Z-27 of 2018, for property located easterly of Interstate 575, westerly of Chastain Meadows Parkway and northerly of Roberts Trail in land lot 581 of the 16th district (Roberts Trail).

To **approve** O.B. 31, subject to:

1. Exhibit "B" contained in the Other Business packet (attached and made a part of these minutes)
2. Stormwater Management Division comments 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

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

Z-61^{'20}

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 18th district. Property is located on the northwest side of Queen Mill Road, on the eastern end of Mountain Court, south of Mountain Trail, on the north side of Ivey Road (6436 Ivey Road; 6350, 6370 Queen Mill Road). *(Previously continued by Staff from the October 6, 2020, through the March 2, 2021, Planning Commission (PC) hearings until the April 6, 2021, PC hearing; held by the PC until the May 4, 2021, PC hearing; continued by Staff until the June 15, 2021, Board of Commissioners' Zoning hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 11**

REGULAR AGENDA (CONT.)

Z-61'²⁰ GREEN LINE PARTNERS, LLC (CONT.)

The public hearing was opened; James Balli, Robin Meyer, Brenda Nash, Faye Williams, and Yashica Marshall addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **deny** Z-61'²⁰.

VOTE: **ADOPTED 5-0**

ROD-1'²⁰ ATLANTIC REALTY ACQUISITIONS LLC (Sprayberry Crossing Partnership, a Georgia General Partnership; Sandy Brownstone, LLC; Sandy Ten, LLC; Hong Tran and Hanh H. Tran, owners) requesting approval of the Redevelopment Overlay District for a mixed-use development in land lots 557, 596, and 629 of the 16th district. Property is located on the southeasterly side of Sandy Plains Road, and on the northerly side of East Piedmont Road (2692 Sandy Plains Road). *(Previously continued by Staff from the September 1, 2020, through the March 2, 2021, Planning Commission (PC) hearings until the April 6, 2021, PC hearing; held by the PC from the April 6, 2021, and May 4, 2021, PC hearings until the June 1, 2021 PC hearing).*

The public hearing was opened; Kevin Moore, Tony Raffa, Maureen Rittner, Tim Carini, and Shaun Adams addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to **approve** ROD-1'²⁰, subject to:

1. ***Revised Site Plan submitted June 11, 2021 (attached and made a part of these minutes)***
2. ***Letter of agreeable conditions from Kevin Moore dated May 26, 2021 (attached and made a part of these minutes)***
3. ***Final Site Plan to be approved by the District Commissioner***
4. ***Elevation of townhomes to be reviewed by Design Review Committee prior to District Commissioner approval***
5. ***Maximum of 70% impervious surface***
6. ***Staff comments and recommendations, not otherwise in conflict***

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

Chairwoman Cupid called for a brief recess from 11:26 a.m. until 11:38 a.m.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 12**

REGULAR AGENDA (CONT.)

Z-21 **SWAMINE LLC** (Swamine, LLC, owner) requesting rezoning from **GC** to **NRC** for a package store in land lot 866 of the 19th district. Property is located on the south side of Powder Springs Road, on the east side of Sanders Road (2991 Powder Springs Road). *(Continued by the Board of Commissioners (BOC) until the June 15, 2021, BOC Zoning hearing.)*

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

MOTION: Motion by Sheffield, second by Birrell, to **approve** Z-21 to the **NRC** zoning districts, subject to:

1. **Modify the following stipulations (see the Clerk's Note below):**
 - A. **Item No. 1, subset B - add to the end: "Dumpster enclosures to include doors; at no time should the dumpster be located outside of the enclosure"**
 - B. **Item No. 11 – add to the end: "nor chain-link fencing and to be approved by the District Commissioner"**
2. **Prohibited uses include the following: automotive paint and/or body repair shop; automotive repair shop; tire shop; sale of adult theme books, magazines, or materials; Dollar stores and/or discounted merchandise stores; package store**

Correction to
Z-21 of these
minutes –
approved in
the 8-17-21
BOC Zoning
minutes



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

Clerk's Note: Commissioner Sheffield's modifications to the stipulations listed in No. 1 above are from the Planning Commission comments and recommendations from May 4, 2021 (attached and made a part of these minutes).

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 20th 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).*

The public hearing was opened; Bebb Francis, Tom Waniewski, Cole Edmonson, Bo Simpson, Ricky Stephens, and Billy Brawner addressed the Board. Following the presentation and discussion, the following motion was made:

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 13**

REGULAR AGENDA (CONT.)

SLUP-2 DIAMOND TOWERS (CONT.)

MOTION: Motion by Gambrill, second by Birrell, to **approve** SLUP-2, subject to:

1. **Approved tower height, to top of steel, to be 150 feet with a 5-foot lightning rod, as per overall site plan, dated May 17, 2021, to include the landscaping plan and all other attachments (attached and made a part of these minutes)**
2. **The Applicant may make one modification to 160 feet, to the top of steel, with a 9-foot lightning rod which shall be the one allowable modification under 6409; Note: Part 6409 of the Spectrum Act is included in the Middle Class Tax Relief and Job Creation Act of 2012 and deals with the modification of existing wireless towers and base stations**
3. **The tower foundation base structure to be over engineered to support a 160-foot, top of steel, tower and a 9-foot lighting rod with a breakpoint at 80.0-feet to allow a one-time modification, if and when, a future provider requests collocation; such modification will be subject to all applicable Cobb County regulations**
4. **Applicant to provide a final site plan for review**
5. **Applicant to obtain National Environmental Policy Act (NEPA) and State Historic Preservation Officer (SHPO) approvals for the new structure**
6. **Applicant to provide a statement that the monopine shall be modified or refreshed as needed to accommodate for aging, fading, and loss of limbs**
7. **All staff comments not in conflict with the above**

VOTE: **ADOPTED 5-0**

OTHER BUSINESS

- O.B. 32** To consider amending the stipulations for Walmart regarding rezoning application Z-169 of 2003, for property located on the west side of Chastain Meadows Parkway, north of Ernest Barrett Parkway in land lots 571, 572, and 582 of the 16th district (2795 Chastain Meadows Parkway).

At the call for O.B. 32, the Applicant was not present, and there was no opposition present. The Board decided to continue O.B. 32 until July; thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Gambrill, to **continue** O.B. 32 until the July 20, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 15, 2021
PAGE 14**

OTHER BUSINESS (CONT.)

O.B. 33 To consider a Settlement of Litigation for Parklane Capital II, LLC regarding case Z-23 of 2020. The property is located on the northwest corner of Atlanta Road and Daniel Drive, in land lots 421 and 444 of the 17th district (1972 Atlanta Road).

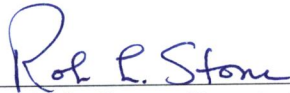
The public hearing was opened; Garvis L. Sams, Jr., Elizabeth Hardy, Rochelle Tyus, Bethany Davis, and Ken Daniell addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Gambrill, to **hold** O.B. 33 until the July 20, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

ADJOURNMENT

The hearing adjourned at 1:18 p.m.



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

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
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BRENTWOOD, TENNESSEE
5300 MARYLAND WAY
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771 CORPORATE DRIVE
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ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
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ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

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

June 9, 2021

Via E-mail Only

Min. Bk. 92 Petition No. Z-8
Doc. Type letter
Meeting Date 6-15-2021

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-8 (2021)
Applicant: Beazer Homes, LLC
Property Owners: Residuary Trust Under The 2010 Everett Family Trust; Lisa Kay Spillane; Kenneth Q. Giannoni, and Patricia P. Giannoni, n/k/a/ Patricia P. Bennett
Property: 33.76 acres, more or less, located on the southerly side of Dallas Highway (State Route 120), the easterly side of McConnell Road, and the westerly side of Lost Mountain Road, Land Lots 66, 83, and 84, 20th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Beazer Homes, LLC, the Applicant (hereinafter referred to as "Applicant"); as well as, the Residuary Trust Under The 2010 Everett Family Trust; Lisa Kay Spillane; Kenneth Q. Giannoni, and Patricia P. Giannoni, n/k/a/ Patricia P. Bennett, the Property Owners (hereinafter collectively referred to as "Property Owners"), in their Application for Rezoning with regard to 33.76 acres, more or less, located on the southerly side of Dallas Highway, the easterly side of McConnell Road, and the westerly side of Lost Mountain Road, Land Lots 66, 83, and 84, 20th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meeting with Planning and Zoning Staff and various Cobb County Departmental representatives, ongoing discussions and meetings with area civic and homeowner representatives and adjacent residents, reviewing the Departmental Comments and Staff Recommendations and the uses of surrounding properties, and following the

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 6
June 9, 2021

Petition No. 2-8
Meeting Date 6-15-2021
Continued

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 to an Open Space Community is approved, as submitted, shall become a part of the 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, including the letters dated and submitted on February 22, 2021, March 30, 2021, and April 28, 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 categories of R-30, Neighborhood Retail Commercial ("NRC"), Planned Shopping Center ("PSC"), and General Commercial ("GC") to the proposed zoning category of R-20/Open Space Community ("R-20/OSC"), site plan specific to the revised Site Plan prepared for Applicant by BGE, Inc., dated and last revised May 7, 2021, and submitted to the Cobb Zoning Division as part of this revised stipulation letter. A reduced copy of the revised Site Plan is attached as Exhibit "A" and incorporated herein by reference.
- (3) With the submission of the revised Site Plan, as referenced in paragraph (2), Applicant further amends its Application for Rezoning to delete the category sought to the R-20/Open Space Community ("R-20/OSC"), as shown and reflected on the revised Site Plan.
- (4) The Subject Property contains approximately 33.76 acres of total site area and shall be developed for a residential community comprised of a maximum of fifty-six (56) single-family, detached residences. The proposed development contains approximately 11.84 acres (35 percent) for dedicated open space.
- (5) The residences within the proposed community shall have a minimum of 2,400 square feet, and greater.
- (6) The proposed residences shall be Traditional in style and architecture and will have a minimum two-car garage. Exterior facades for the proposed residences shall be comprised of brick, stone, stacked stone, cedar shake, board and batten,

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 6
June 9, 2021

Petition No. 2-8
Meeting Date 6-15-2021
Continued

and hardi-plank, with complementary accents, or combinations thereof. No vinyl siding materials shall be used on the exterior of the proposed residences.

- (7) The setbacks for the proposed residential community shall be as shown and reflected on the revised Site Plan.
- (8) 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 area; amenity area; mail kiosk; and the like contained within the proposed residential community.
- (9) 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.
- (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 amenity areas for the community shall include, but not limited to, walking trails and open space park and community gathering areas within common, open space areas. Trees shall not be cleared for installation of walking trails.
- (12) 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.
- (13) The detention facility will be fenced, 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.
- (14) There shall be no access from the proposed community to McConnell Road.

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 6
June 9, 2021

Petition No. 2-8
Meeting Date 6-15-2021
Continued

- (15) Applicant agrees to the following with respect to all homes/lots along the southern property line, adjacent to the McConnell Green Subdivision:
 - (a) Homes shall be placed as near as practical to the front setback line of such lots;
 - (b) The rear setback for such lots shall be increased to fifty (50) feet;
 - (c) There shall be a minimum ten (10) foot buffer to be maintained by the mandatory homeowners association which shall not be included in the lot area. Such buffer may be undisturbed and/or planted to provide visual screening and approved by the Cobb County Arborist and District Commissioner; and
 - (d) During development and construction, the rear forty (40) feet of such lots shall remain undisturbed, except for installation of additional plantings, as may be required.
- (16) 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.
- (17) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (18) 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.
- (19) Applicant agrees to the Comments and Recommendations by the Cobb County Department of Transportation.
- (20) Boundaries between designated open space and lot lines shall be clearly delineated for protection of the Open Space and such provisions shall be included in the Declaration of Covenants, Easements, and Restrictions.
- (21) The Subject Property's frontage along Lost Mountain Road shall be professionally designed and landscaped to provide visual screening. Such streetscape shall be included as part of the final landscape plan and shall be

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 5 of 6
June 9, 2021

Petition No. Z-8
Meeting Date 6-15-2021
Continued

subject to District Commissioner approval during the Plan Review Process to ensure adequate visual screening.

- (22) Per the revised Site Plan, lots numbered 1 to 11, and 43-56, shall have the ten (10) foot buffer area restricted by the final plat and Covenants. This ten (10) foot buffer area will remain undisturbed during development and construction; however, supplemental plantings as needed will be installed to further enhance this ten (10) foot buffer (reference stipulation 15(c)).
- (23) Applicant agrees clearing and grading shall be limited to areas needed for roads, building pads, and utilities, including stormwater management.
- (24) The area of the Subject Property along McConnell Road designated as Open Space shall remain undisturbed for at least a depth of fifty (50) feet. However, Applicant agrees to install supplemental planting of evergreen trees for a distance of approximately five hundred (500) lineal feet as measured from the southwestern corner of the Subject Property, along McConnell Road, to a point approximately one hundred (100) feet north of the Oglethorpe Power easement. (NOTE: Supplemental plants are not permitted within the actual easement area.) Any supplemental plantings are to be approved by the District Commissioner and Cobb County Arborist.
- (25) Applicant agrees the Declaration of Covenants, Easements, and Restrictions shall include a restriction that no more than ten (10) percent of the homes may be leased at any one time.

We believe the approval of the requested rezoning and Open Space Community, together with the revised Site 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, 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 5 left intentionally blank]

[Signature contained on page 6]

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
June 9, 2021

Petition No. Z-8
Meeting Date 6-15-2021
Continued

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachment

c: Cobb County Board of Commissioners:

Lisa N. Cupid, Chairwoman

JoAnn Birrell

Keli A. Gambrill

Jerica Richardson

Monique Sheffield

(With Copy of Attachment)

Jeannie Peyton

Senior Planner

Zoning Division

Cobb County Community Development Agency

(With Copy of Attachment)

McConnell Green Homeowners Association Board

(With Copy of Attachment)

Beazer Homes, LLC

(With Copy of Attachment)



EXHIBIT "A"



PROJECT OWNER AND CONSULTANT INFORMATION

DEVELOPER:
 811 KNOW WHAT'S BELOW
 1111 TRINITY DRIVE
 SUITE 100
 DALLAS, TEXAS 75201
 (214) 311-0000

ENGINEER:
 811 KNOW WHAT'S BELOW
 1111 TRINITY DRIVE
 SUITE 100
 DALLAS, TEXAS 75201
 (214) 311-0000

FILED COPY/REVISION
 1. 11/15/2017
 2. 11/15/2017
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 19. 11/15/2017

MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
MAY 4, 2021
PAGE 12

Min. Bk. 92 Petition No. Z-21
Doc. Type Planning Commission (5-4-21)
Comments & recommendations for Z-21
Meeting Date 6-15-2021

REGULAR AGENDA (CONT.)

Z-21

SWAMINE LLC (Swamine, LLC, owner) requesting rezoning from **GC** to **NRC** for a package store in land lot 866 of the 19th 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 and the following virtual speakers: Shannon Joy and Carolyn Cooper addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Porter, second by Dance, to recommend **approval** of Z-21 to the **NRC** zoning district, subject to:

1. **Site Plan received by the Zoning Division on April 22, 2021 (on file in the Zoning Division), with the following changes:**
 - A. **The area on the front between the proposed building and the existing building may be enclosed (not required)**
 - B. **Dumpster enclosures be added behind the building and have sufficient paving added to provide turn around capabilities for the garbage trucks**
 - C. **Addition of stormwater management, *if required***
2. **The front and eastern side of both the existing and new building are to be brick or stacked stone; work to be done so as to make the buildings appear consistent from the street**
3. **District Commissioner to approve elevations**
4. **The free-standing metal decoration in front of the existing building to be removed**
5. **The gas pump canopy to be renovated**
6. **An 8-foot wide landscaping enhancement strip to be placed along the Powder Springs Road and Sanders Road right-of-ways**
7. **Landscaping to be placed in front of the retaining wall to the west of the building**
8. **County Arborist to approve landscaping plan**
9. **All signs to meet current Cobb County Ordinance; existing pylon sign to be removed but can be replaced with a ground-based monument sign that meets County Ordinance**
10. **No more than 25% of the window area to have signs**
11. **All fencing to be non-wooden**
12. **The District Commissioner may approve minor modifications, *except those that:***
 - A. **increase overall building square footage**
 - B. **change that is in conflict with an expressed stipulation or condition of zoning**
 - C. **requires a variance or violates Cobb County Ordinance**

MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
MAY 4, 2021
PAGE 13

REGULAR AGENDA (CONT.)

Z-21 SWAMINE LLC (CONT.)

13. Staff comments and recommendations, *not otherwise in conflict*

VOTE: **ADOPTED** 4-0, Vault abstained

Chairman Porter called for a brief recess from 5:48 p.m. until 5:57 p.m.

After the recess, Mr. Vault asked to revisit his prior vote on Z-21 (Swamine LLC). Guidance was given by Brian Johnson from the County Attorney's office regarding the motion. Thereafter, Chairman Porter made the following motion to reconsider the vote for Z-21:

MOTION: Motion by Porter, second by Waybright, to **reconsider** the prior vote of Z-21 (see prior vote for Z-21 above).

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

5D GEOMATICS
1400 WINDMOOR COURT
KENNESAW, GEORGIA 30144
PHONE: (770) 653-4558

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

The undersigned and this firm represent Bartlett Heating & Cooling, Inc., as Applicant (hereinafter referred to as “Applicant”), and the Property Owner, Keith H. Bynum, Sr. (hereinafter referred to as “Owner” or “Property Owner”), in the above-referenced Application for Rezoning with regard to a total tract of 1.566 acres, more or less, located on the southeasterly side of South Cobb Drive, southwesterly side of Pearl Street, being known as 825 South Cobb Drive, Land Lot 285, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the “Property” or the “Subject Property”). After meetings with Planning and Zoning Staff, conferences with area residents, and reviewing the Departmental Comments and Staff Recommendations, we have been authorized by the Applicant to submit this 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 rezoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 3
May 26, 2021

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of General Commercial ("GC") to the proposed zoning category of Light Industrial ("LI"), with reference to the As-Built Survey prepared by 5D Geomatics dated March 30, 2021, and filed with the Application for Rezoning. A reduced copy of the As-Built Survey is attached to this letter of agreeable stipulations and conditions as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of approximately 1.566 acres, and Applicant will renovate and refurbish the existing structures for the operation of its heating and air conditioning business, including offices.
- (4) Applicant will repair or replace any damaged gates and fencing, including chain link fencing, located on the Property.
- (5) Access to the proposed business will be limited to South Cobb Drive only, as shown and reflected on the referenced As-Built Survey.
- (6) Applicant shall comply with the fifty (50) foot and twenty-five (25) foot stream bank buffers, as shown on the referenced As-Built Survey, and no construction, grading, or disturbance shall occur within the set buffer areas.

We believe approval of the requested rezoning, pursuant to the stipulations set forth herein, is an appropriate use of the Subject Property. We appreciate very much your consideration; as well as, that of the Cobb County Planning Commission and Cobb County Board of Commissioners, in this request.

[Balance of page 2 left intentionally blank]

[Signature contained on page 3]

MOORE INGRAM JOHNSON & STEELE

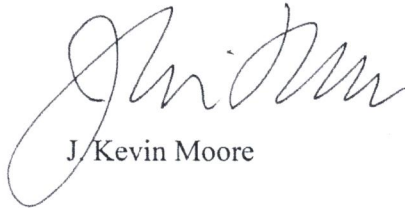
Petition No. Z-35
Meeting Date 6-15-2021
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 3
May 26, 2021

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachment

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

Cobb County Planning Commission
Fred Beloin
Deborah Dance
Stephen Vault
Anthony Waybright
(With Copy of Attachment)

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

Bartlett Heating & Cooling, Inc.
(With Copy of Attachment)

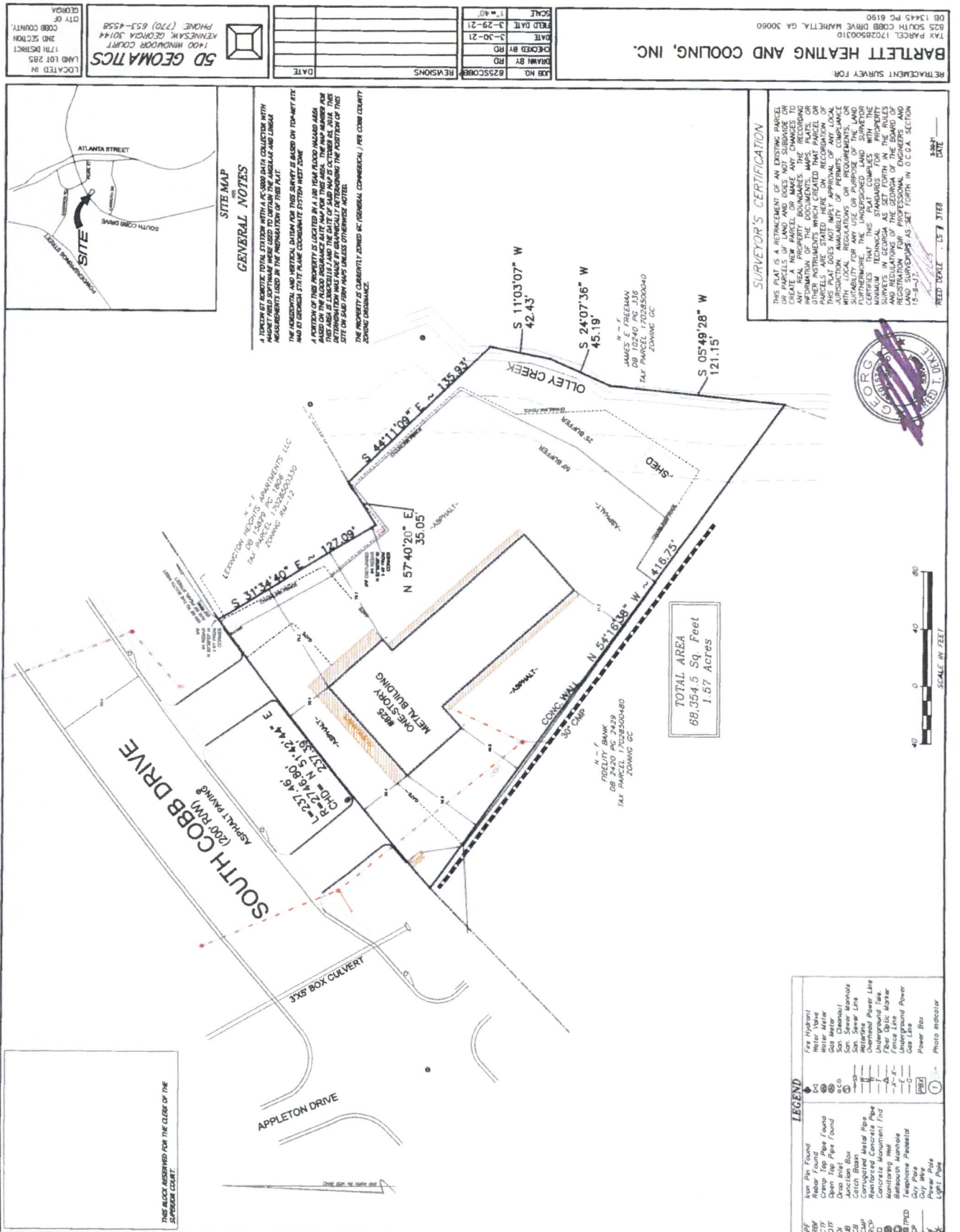


EXHIBIT "A"

Min. Bk. 92 Petition No. ROD-1 (2020)
 Doc. Type Revised Site Plan

Meeting Date 6-15-2021



SPRAYBERRY CROSSING

SCALE: 1" = 60'

ATLANTA, GA

SITE DATA

EXISTING ZONING NS
 PROPOSED OVERLAY ROD
 TOTAL ACREAGE 17.67 AC

PARKING DATA

TOTAL ACTIVE ADULT 132 UNITS
 55+ LIVING UNITS
 RATE: 1 PER 200 SQ. FT.
 RETAIL 34,000 SQ. FT.
 RATE: 1 PER 200 SQ. FT.
 TOWNHOMES 102 UNITS
 RATE: 2 PER UNIT
 PRIVATE CEMETERY 23,802 SQ. FT.
 RATE: 5 TOTAL SPACES PER CHURCH
 RESERVATION COMMISSION
 PARKING REQUIRED 231+170+204+5= 610 SPACES
 PROVIDED PARKING 590 SPACES
 PARKING REQUIRED 488 SPACES
 W/ 20% SHARED REDUCTION

GRAPHIC SCALE

1 inch = 60 feet

6-11-21 *jeanmar*

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
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10201 CENTURION PARKWAY N.
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JACKSONVILLE, FLORIDA 32256
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BRENTWOOD, TENNESSEE
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BRENTWOOD, TENNESSEE 37027
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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 26, 2021

Via E-mail Only

Min. Bk. 92 Petition No. ROD-1 (2020)
Doc. Type Letter

Meeting Date 6-15-2021

Mr. Jason Gaines, AICP
Planning Division Manager
Planning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

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 Redevelopment Overlay District

Application No.: ROD-1 (2020)

Applicant: Atlantic Realty Acquisitions LLC

Property Owners: Sprayberry Crossing Partnership; Sandy Brownstone, LLC; Sandy Ten, LLC; Hong Tran; and Hanh H. Tran

Property: 17.67 acres, more or less, located on the southeasterly side of Sandy Plains Road and the northerly side of East Piedmont Road, Land Lots 557, 596, and 629, 16th District, 2nd Section, Cobb County, Georgia

Dear Jason and John:

The undersigned and this firm represent Atlantic Realty Acquisitions LLC, as the Applicant (hereinafter referred to as "Applicant"), and Sprayberry Crossing Partnership; Sandy Brownstone, LLC; Hong Tran; and Hanh H. Tran, the Property Owners (hereinafter collectively referred to as

“Owners” or “Property Owners”), in this Application for Redevelopment Overlay District with regard to a total tract of 17.67 acres, more or less, located on the southeasterly side of Sandy Plains Road and the northerly side of East Piedmont Road, being more particularly known as Sprayberry Crossing Shopping Center, Land Lots 557, 596, and 629, 16th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the “Property” or the “Subject Property”). After ongoing meetings with Planning and Zoning and other Cobb County Staff, meetings and discussions with area residents and homeowner representatives, reviewing the Departmental Comments and Staff Recommendations, reviewing 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 Redevelopment Overlay District is approved, as submitted, shall become a part of the grant of the requested redevelopment and shall be binding upon the Subject Property. This letter shall supersede and replace in full all letters of agreeable stipulations and conditions previously submitted for this Application. 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 Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Redevelopment of the Subject Property shall utilize the existing Neighborhood Shopping (“NS”) zoning category with the Redevelopment Overlay District (“ROD”), site plan specific to the revised Site Plan, dated and last revised May 26, 2021, submitted with this revised letter of agreeable stipulations and conditions. A reduced copy of the revised Site Plan is attached as Exhibit “A” and incorporated herein by reference.
- (3) The Subject Property consists of approximately 17.67 acres of total site area and shall be redeveloped for a mixed-use development consisting of retail and residential.

I. STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) There shall be formed a master property owners association for the overall development. Possibly sub-associations will be formed to include component parts of the overall development. The master association (or applicable sub-associations) shall be perpetually responsible for the oversight, upkeep, and maintenance of the exterior of all residential components, entrance areas, common areas, open space areas, amenity areas, all planted landscape areas, general landscaped areas, mail kiosks, private streets, fencing, and the like, contained within the overall community.

- (2) The master association, and any sub-associations, to be formed shall have architectural design regulations which shall control such items as signage for the overall and individual components, private streets, entrance areas, access drives, landscaped areas, buffer areas, community green space areas, and the like; as well as, such other usual and necessary covenants and restrictions to protect the quality and integrity of the overall development. The master protective covenants, and any covenants applicable to components of the overall development, shall be recorded in the Deed Records of Cobb County, Georgia, and shall contain covenants, rules, and regulations applicable to the overall community and the separate components. The master property owners association shall be responsible for the enforcement of the covenants.
- (3) The Declaration of Covenants, Easements, and Restrictions shall contain the following minimum provisions:
 - (a) Governance of the association by the Georgia Property Owner's Association Act (O.C.G.A. § 44-3-220, *et seq.*) or a successor to that Act that grants lien rights to the Association for maintenance expenses and tax obligations;
 - (b) Responsibility for maintenance of common areas, buffers, and recreation areas;
 - (c) Responsibility for insurance and taxes;
 - (d) Automatic compulsory membership of all property owner and subsequent lot purchasers and their successors; and compulsory assessments;
 - (e) Conditions and timing of transferring control of the Association from the developer to the property owners;
 - (f) Guarantee that the Association will not be dissolved without advance approval of the Board of Commissioners; and
 - (g) Restriction of time of commercial deliveries and dumpster pick-up.
- (4) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the overall development.
- (5) All streets within the proposed development will be private with the construction complying in all respects as to materials and base to Cobb County Code.

- (6) Applicant agrees to the installation of internal sidewalks to ensure connectivity throughout the overall development to the various components; as well as, connectivity to external sidewalks and roadways.
- (7) Applicant agrees to preserve and set apart the private cemetery and the area surrounding the cemetery as more particularly shown and reflected on the referenced, revised Site Plan. Applicant shall monitor and maintain the cemetery, and perpetual maintenance of the cemetery shall continue through the master property owners association, or as otherwise dictated by Applicant. Decorative fencing and landscaping to be planted as a visual buffer to the grocery store shall be substantially similar to the images attached collectively as Exhibit "B" and incorporated herein by reference.
- (8) Applicant further agrees to the following relative to the private cemetery:
 - (a) Thirty-five (35) foot buffers on the north, west, and east sides of the cemetery walls, excepting only where access drives or roads will be located;
 - (b) Fifty (50) foot buffer on the south side of the cemetery and no disturbance to the tree-drip line on the south side of the cemetery;
 - (c) The cemetery will have a new stone retaining wall, similar in design to the other walls in the cemetery; and
 - (d) A six (6) foot high fence, similar in design and consistent with the fencing referenced herein, will replace the existing fence
- (9) The following uses shall be prohibited from the proposed overall development:
 - (a) Video arcades as a primary use;
 - (b) Adult-themed bookstores as a primary use;
 - (c) Automotive sales, leasing, repair, and/or service facilities;
 - (d) Truck and trailer leasing facilities;
 - (e) Automotive paint and body repair shops;
 - (f) Automotive upholstery shops;
 - (g) Billiards and pool halls which are the sole or predominant use;

- (h) Bus stations (not to exclude bus stops);
 - (i) Fraternity and sorority house;
 - (j) Light automotive repair;
 - (k) Rooming houses and boarding houses; and
 - (l) Any form of adult entertainment business.
- (10) As to the overall development, there shall be “zero lot lines” among the various components within the development so as to allow for the free flow of access, parking, and the like.
- (11) Setbacks for the components of the overall proposed development shall be as more particularly shown and reflected on the referenced, revised Site Plan.
- (12) The overall development may be subdivided into individual parcels. As such, there shall be no requirement for setbacks, as between individual parcels. Further, parking for the entire development shall be as shown on the revised Site Plan with no parking requirement as to any individual parcel. Likewise, access shall be afforded throughout the overall development, as shown, with no access required for any individual parcel. The overall development shall be subject to a Declaration of Covenants, Easements, and Restrictions which will provide for cross-parking and access between and among any individual parcel.
- (13) Minor modifications to the within stipulations, the revised Site Plan, lighting, signage, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
- (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (e) Change an access location to a different roadway;

- (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
 - (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
 - (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.
- (14) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, surface parking, and any and all slopes or other required engineering features of the foregoing.
- (15) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property; except as may be modified or waived by the Director of Cobb County Stormwater Management Division.
- (16) All utilities for the proposed overall development shall be located underground.
- (17) All landscaping for the overall development shall be approved by the Cobb County Arborist as part of the Plan Review Process and incorporated into the overall landscape plan for the development. The minimum size of trees to be planted in accordance with the landscape plan shall be 2.5 – 3 caliper. The final landscape plan shall be subject to District Commissioner approval.
- (18) Applicant requests the following contemporaneous variance:
- (a) Waiver of the requirement that a minimum of ten percent (10%) of the proposed residential homes be designated for “workforce” housing, as such term is defined in The Redevelopment Overlay District Ordinance.
- (19) Applicant shall not be required to fully construct, install, or fund any road improvements or modifications to the existing access on Post Oak Tritt Road to adjoining, off-site property; however, Applicant does agree that it shall enter into a Memorandum of Agreement with Cobb County Department of Transportation, subject to mutually acceptable terms, with respect to any such potential improvements or modifications at the Post Oak Tritt Road access.
- (20) Access to the proposed development shall be as shown on the revised Site Plan in conformity with Cobb County Department of Transportation recommendations. However, final access and design shall be subject to District Commissioner approval.

**II. STIPULATIONS APPLICABLE TO SPECIFIC
RESIDENTIAL COMPONENTS**

- (1) The residential community shall be comprised of the following:
 - (a) A maximum of one hundred thirty-two (132) non-supportive, age-restricted leased residential units in a building no more than three (3) stories in height; and
 - (b) A maximum of one hundred two (102) fee simple townhomes.
- (2) The architectural style, theme, and perspectives for the age-restricted residential component shall be substantially similar to the perspective and elevation attached as Exhibit "C" and incorporated herein by reference. The District Commissioner shall approve the final elevations if different from that attached as Exhibit "C."
- (3) Residents within the age-restricted residential community shall be restricted to those persons age fifty-five (55) and older, pursuant to and in accordance with the Fair Housing Act. Applicant further agrees that no less than eighty percent (80%) of the residents must be fifty-five (55) years of age and older at any one time.
- (4) Amenities for the age-restricted component shall include age appropriate amenities and services designed specifically for the age-restricted lifestyle.
- (5) All units of the age-restricted and for-lease buildings shall consist of one and two bedrooms.
- (6) The proposed townhomes shall have a minimum of 2,000 square feet of heated and cooled space.
- (7) The exterior façade of the proposed townhomes shall be comprised of brick, stone, stacked stone, stucco-type material, masonry siding and/or shake, cedar shake shingles, hardi-plank, and board, or combinations thereof, with complementary accents, and shall be substantially similar to the elevation attached as Exhibit "D" and incorporated herein by reference. The District Commissioner shall approve the final elevations if materially different from those attached as Exhibit "D."
- (8) The proposed townhome community shall have both front and rear-load residences.
- (9) The proposed townhome community shall feature enhanced landscaping and park area for the use and enjoyment of the residents, and which will include hardscape community gathering features.

- (10) The Declaration of Covenants and Restrictions applicable to the townhome community shall include a limitation that no more than ten percent (10%) of the townhomes can be leased or rented at one time.

III. COMMERCIAL COMPONENT

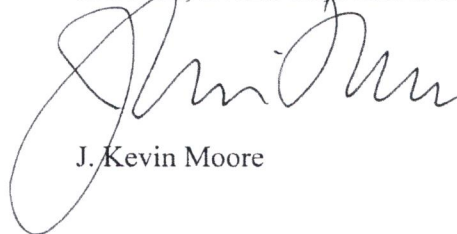
- (1) There shall be a maximum of 34,000 square feet of commercial space/building.
- (2) The separate commercial building shall have architecture, materials, and design elements, similar and compatible to that of the proposed age-restricted building.
- (3) A portion of the ground floor area of the proposed age-restricted building may be used for non-residential uses, including retail, restaurant, office, building amenity, or any combination.

We believe the redevelopment of the Subject Property, pursuant to the revised Site Plan and the revised stipulations set forth herein, is an appropriate use, and allows for redevelopment of the Property. The proposed redevelopment is an exciting project which fits together various types of product into one, integrated community. All components of the redevelopment shall be of the highest quality, and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachments

c: Cobb County Board of Commissioners:

Lisa N. Cupid, Chairwoman

JoAnn Birrell

Keli A. Gambrill

Jerica Richardson

Monique Sheffield

(With Copies of Attachments)

Cobb County Planning Commission

Fred Beloin

Deborah Dance

Stephen Vault

Anthony Waybright

(With Copies of Attachments)

Jessica Guinn, Director

Cobb County Community Development Agency

(With Copies of Attachments)

Jeannie Peyton

Senior Planner

Zoning Division

Cobb County Community Development Agency

(With Copies of Attachments)

Atlantic Realty Acquisitions LLC

(With Copies of Attachments)



SITE DATA	
EXISTING ZONING	NS
PROPOSED OVERLAY	ROD
TOTAL AC REAGE	17.67 AC
PARKING DATA	
TOTAL ACTIVE ADULT (JULIENSON, AL)	132 UNITS
55+ LIVING UNITS	118 X 19 = 21 SPACES
RETAIL (JULIENSON, AL)	RATE - 1 PER 300 SQ. FT.
TOWNHOMES	RATE - 1 PER UNIT
PRIVATE CEMETERY	RATE - 1 TOTAL SPACES PER CEMETERY
PARKING REQUIRED	231 + 10 = 241 - 5 = 226 SPACES
PROVIDED PARKING	226 SPACES
PARKING REQUIRED	226 SPACES
W/ 50% SHARED REDUCTION	113 SPACES



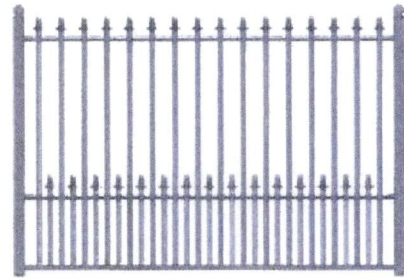
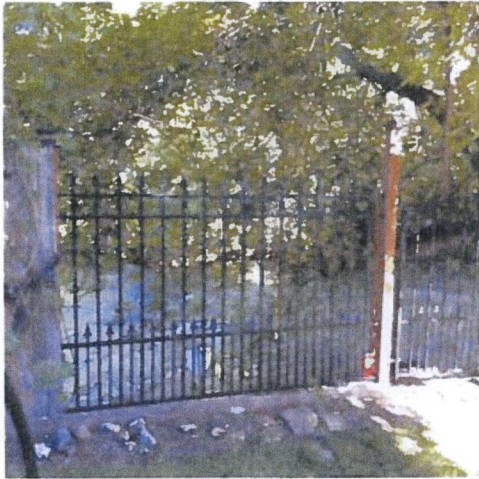
5.26.21

SPRAYBERRY CROSSING
 SCALE 1" = 60'
 ATLANTA, GA

EXHIBIT "A"

3.18.21 Sprayberry Crossing – Potential Materials

Potential fencing around cemetery



Option A



Option B



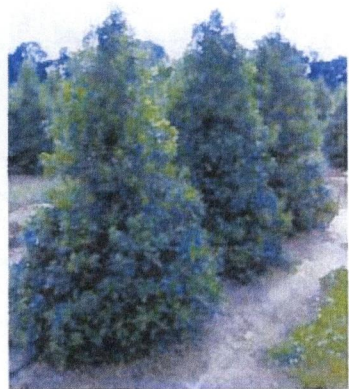
Option C



Option D



Potential Landscape screening for rear of Lidl



Nellie R. Stevens installed 8' ht.



Nellie R. Stevens after 5 years+/-



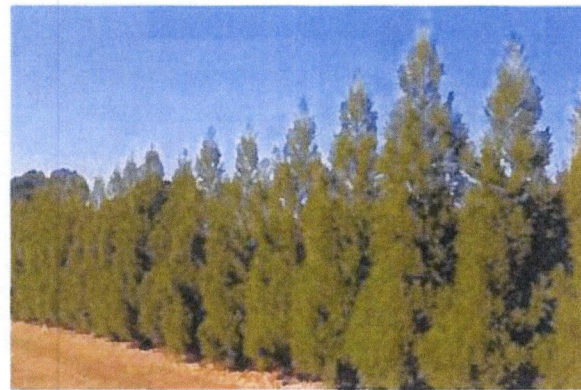
Little Gem Magnolia installed 8' ht.



Little Gem Magnolia after 5 years+/-



Cryptomeria installed 8' ht.



Cryptomeria after 5 years+/-

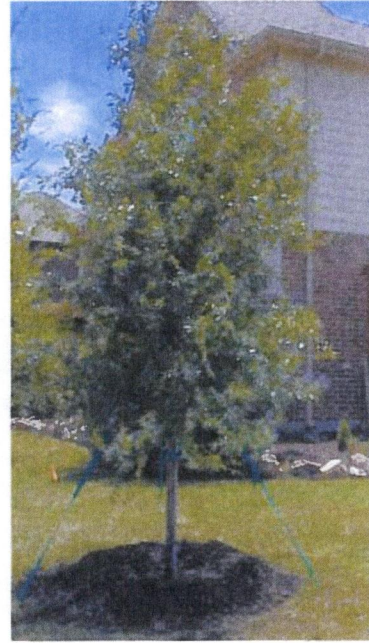


Foster Holly installed 8' ht.

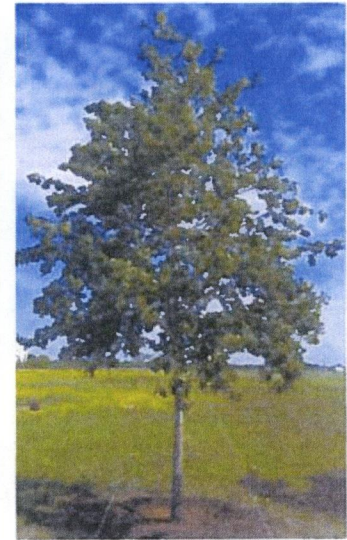
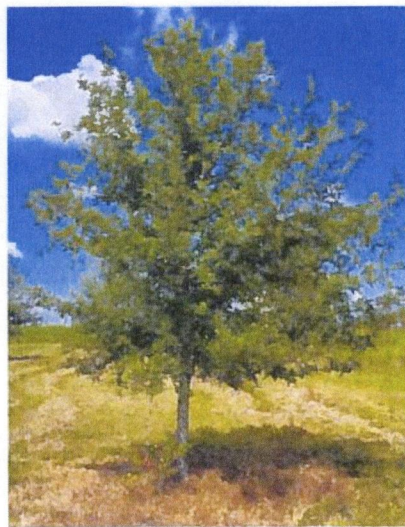
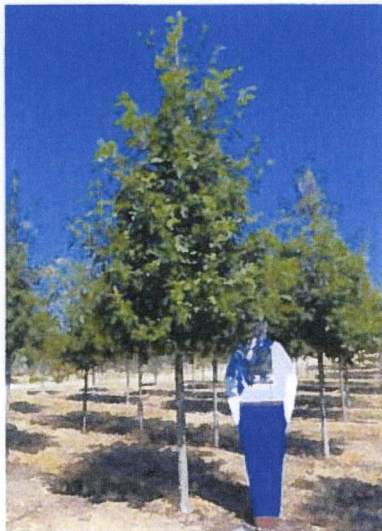


Foster Holly after 5' years+/-

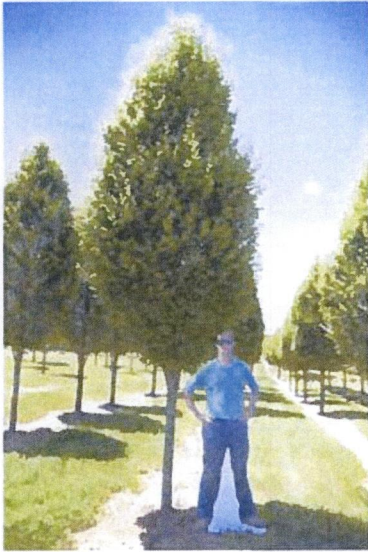
Potential Street Trees (all trees to be 2.5" – 3" cal)



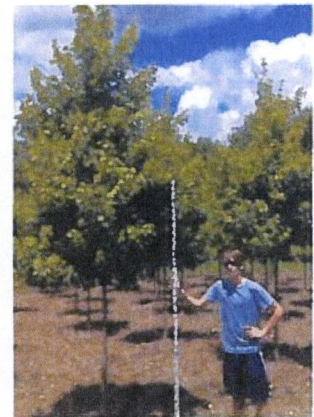
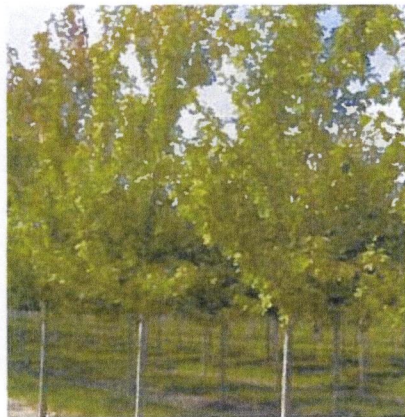
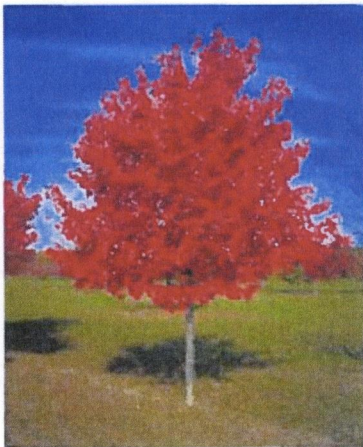
Elm Trees (various varieties)



Oak Trees (various varieties)

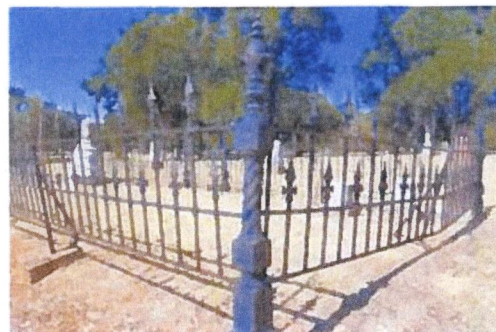


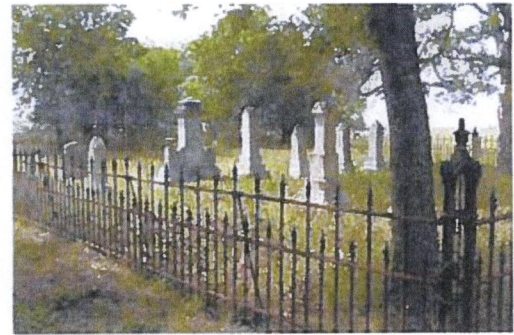
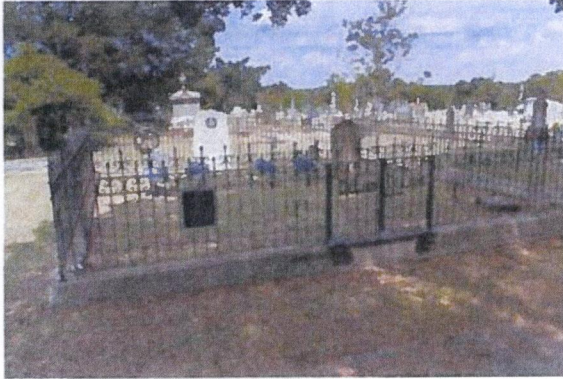
European Hornbeam



Maple (various varieties)

Cemetery Photos







SPRAYBERRY MIXED USE
MARIETTA, GA
CONCEPTUAL RENDERING • 02-26-2021
ARP2019-01



EXHIBIT "C"



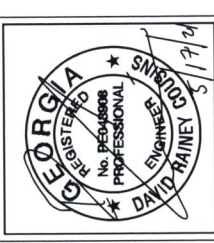
EXHIBIT "D"

This document, together with the concepts and design presented herein, is intended only for the specific purpose and shall be without liability to Kimley-Horn and Associates, Inc. Should it be required for any other purpose, it shall be without liability to Kimley-Horn and Associates, Inc. 2018 Copyright Kimley-Horn and Associates, Inc.

SHEET NUMBER: N1

GENERAL NOTES

SHEET TITLE: _____
XOD _____ DNF _____
DRAWN BY: _____ CHECKED BY: _____



RHA PROJECT NUMBER: _____
013541011

1	05/17/21	CONSTRUCTION	DNF
0	03/31/21	CONSTRUCTION	DNF
A	03/31/21	PRELIMINARY	DNF

LICENSER: _____

REV: _____ DATE: _____ ISSUED FOR: _____

PLANS PREPARED BY: **Kimley»Horn**
11720 AMES RD, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-962-1100
WWW.KH-USA.COM

PROJECT INFORMATION:
SITE NAME: **GLENHAVEN**
SITE # **GA139**
928 KENNESAW AVE WEST RD
KENNESAW, GA 30152
COBB COUNTY



1.00 GENERAL NOTES

- 1.01 ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE DRAWINGS AND SPECIFICATIONS. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE STATE, LOCAL AND NATIONAL CODES, ORDINANCES AND OR REGULATIONS APPLICABLE TO THIS PROJECT.
- 1.02 THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE WORK WITH ALL OTHERS. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE STATE, LOCAL AND NATIONAL CODES, ORDINANCES AND OR REGULATIONS APPLICABLE TO THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING THE WORK WITH ALL OTHERS. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE STATE, LOCAL AND NATIONAL CODES, ORDINANCES AND OR REGULATIONS APPLICABLE TO THIS PROJECT.
- 1.03 ALL INFORMATION SHOWN ON THE DRAWINGS RELATIVE TO EXISTING CONDITIONS SHALL BE THE BEST AVAILABLE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION SHOWN ON THE DRAWINGS.
- 1.04 CONTRACTOR SHALL REVIEW AND BE FAMILIAR WITH SITE CONDITIONS AS SHOWN ON THE ATTACHED SITE PLAN AND/OR SURVEY DRAWINGS.
- 1.05 WAVEGUIDE BRIDGE AND EQUIPMENT CABINETS ARE SHOWN FOR REFERENCE ONLY. REFER TO SEPARATE DRAWINGS FOR SPECIFIC INFORMATION.
- 1.06 ALL FINISHED GRADES SHALL SLOPE MINIMUM 1/4 IN./FT. AWAY FROM EQUIPMENT IN ALL DIRECTIONS. CONTRACTOR SHALL SLOPE SWALES AS REQUIRED ALONG EXISTING TERRAIN TO DRAIN AWAY FROM COMPOUND AND ACCESS DRIVE.
- 1.07 THE PROPOSED TOWER AND TOWER FOUNDATIONS WERE DESIGNED BY OTHERS. TOWER INFORMATION PROVIDED ON THESE PLANS ARE PROVIDED FOR REFERENCE PURPOSES ONLY. NOTIFY ENGINEER OR PROJECT MANAGER OF ANY CONFLICTS OR DISCREPANCIES. IF CONTRACTOR TO OBTAIN COPY OF TOWER DESIGN DRAWINGS, IF AVAILABLE, FROM DIAMOND COMMUNICATIONS PROJECT MANAGER TO CONFIRM COAX ROUTING AND ANTENNA MOUNT INFORMATION.
- 1.08 THE CONTRACTOR SHALL PROVIDE ADEQUATE EXCAVATION SLOPING, SHORING, BRACING, AND GUYS IN ACCORDANCE WITH ALL NATIONAL, STATE, AND LOCAL SAFETY ORDINANCES.
- 1.09 UPON COMPLETION OF CONSTRUCTION, CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY DAMAGE TO EXISTING ACCESS ROAD AND COMPOUND GRAVEL AREAS. ANY NEW FILL MATERIALS SHALL BE COMPACTED.
- 1.10 THE CONTRACTOR IS HEREBY NOTIFIED THAT PRIOR TO COMMENCING CONSTRUCTION, HE IS RESPONSIBLE FOR CONTACTING THE UTILITY COMPANIES INVOLVED AND SHALL REQUEST A "TIE-OUT" OF THEIR UNDERGROUND UTILITIES AND WHERE THEY MAY POSSIBLY CONFLICT WITH THE PLACEMENT OF IMPROVEMENTS AS SHOWN ON THESE PLANS. THE CONTRACTOR OR ANY SUBCONTRACTOR FOR THIS CONTRACT WILL BE REQUIRED TO NOTIFY "GEORGIA 811" 48 HOURS IN ADVANCE OF PERFORMING ANY WORK BY CALLING THE TOLL FREE NUMBER (800) 282-7411 (OR 811). ANY UTILITIES DAMAGED BY CONSTRUCTION ACTIVITIES SHALL BE REPAIRED BY THE CONTRACTOR, AT NO EXPENSE TO THE OWNER.
- 1.11 CONTRACTOR TO PROVIDE DUMPSTER AND PORTABLE TOILET FACILITY DURING CONSTRUCTION.
- 1.12 CONTRACTOR TO PROVIDE STYME LOCK OR EQUIVALENT AS APPROVED BY DIAMOND COMMUNICATIONS PROJECT MANAGER.
- 1.13 CONTRACTOR TO PROVIDE ANY NECESSARY SIGNAGE PER DIAMOND COMMUNICATIONS PROJECT MANAGER'S INSTRUCTIONS. SEE DETAIL ON SHEET C7.

Diamond
Communications LLC

PROJECT INFORMATION:

SITE NAME:
GLENHAVEN
SITE #: GA139
928 KENNESAW DUE WEST RD
KENNESAW, GA 30152
COBB COUNTY

PLANS PREPARED BY:

Kimley-Horn

11720 JAMES PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
(770) 442-2200
WWW.KIMLEY-HORN.COM

REV.	DATE	ISSUED FOR	BY
7			
6			
5			
4			
3			
2	05/17/21	CONSTRUCTION DRC	
1	03/31/21	CONSTRUCTION DMF	
0	03/31/21	PRELIMINARY DMF	

LICENSER:

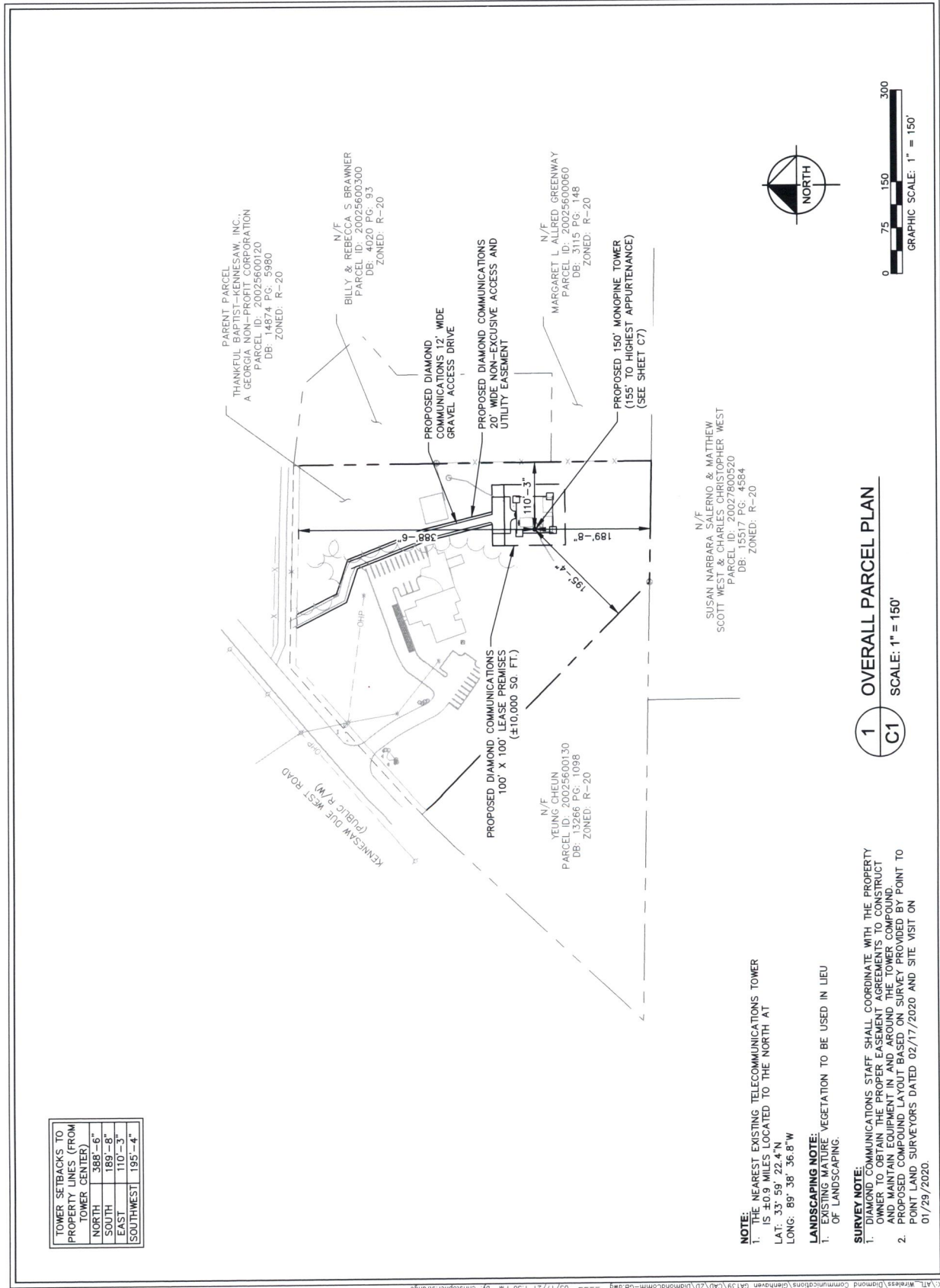
RHA PROJECT NUMBER:
013541011

DRAWN BY: _____ CHECKED BY: _____

XDD _____ DMF _____

SHEET TITLE:
**OVERALL
PARCEL PLAN**

SHEET NUMBER:
C1



Petition No. SLUP-2
Meeting Date 6-15-2021
Continued



PROJECT INFORMATION:

SITE NAME:
 GLENHAVEN
 SITE # GA139
 928 KENNESAW DUE WEST RD
 KENNESAW, GA 30162
 COBB COUNTY

PLANS PREPARED BY:
Kimley»Horn
 11720 AMER EASE DRIVE, SUITE 600
 ALPHARETTA, GA 30009
 (404) 477-0000
 WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

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1	05/17/21	CONSTRUCTION DRC	
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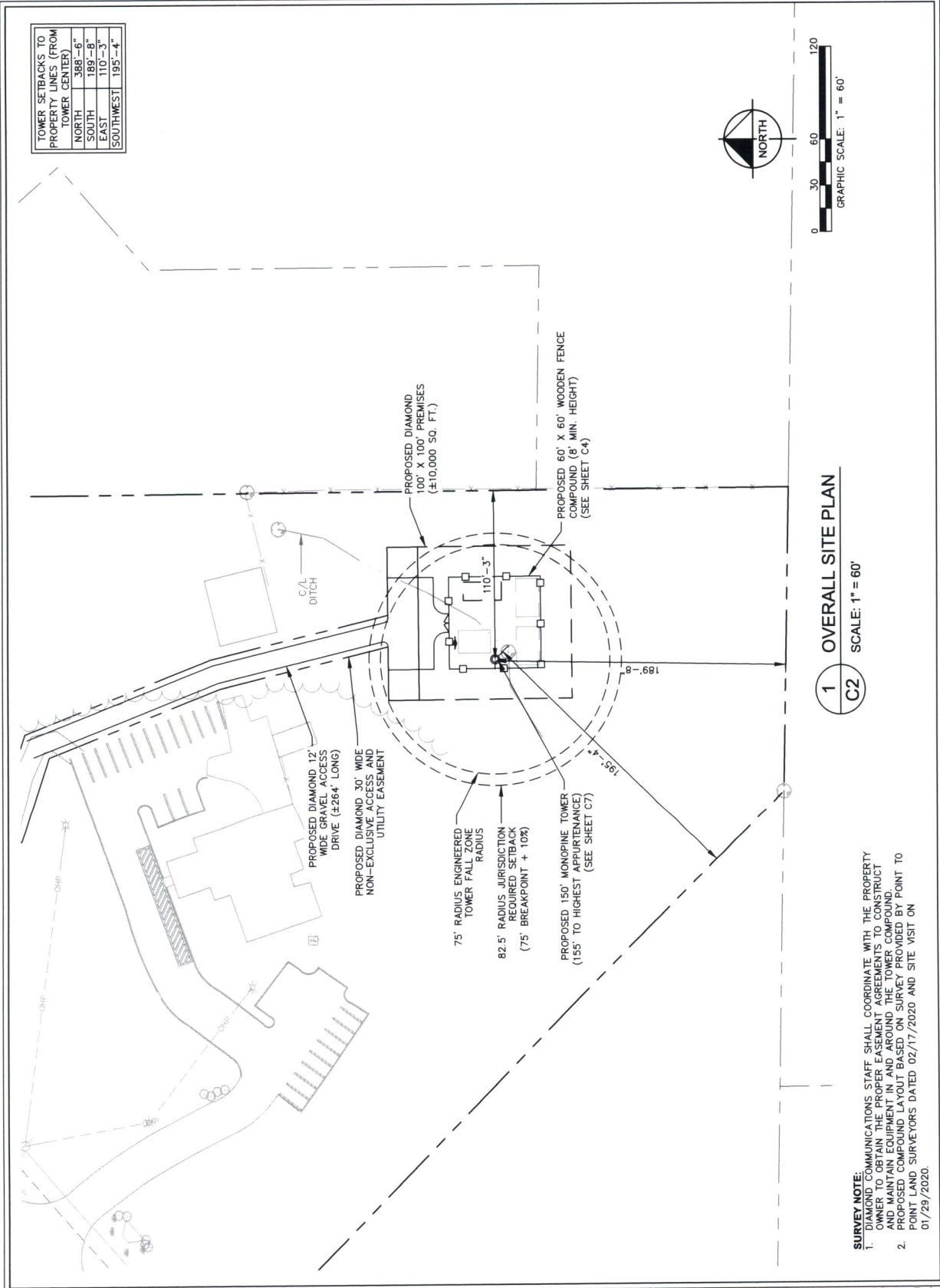


KHA PROJECT NUMBER:
 013541011

DRAWN BY: XDD CHECKED BY: DMF

SHEET TITLE:
OVERALL SITE PLAN

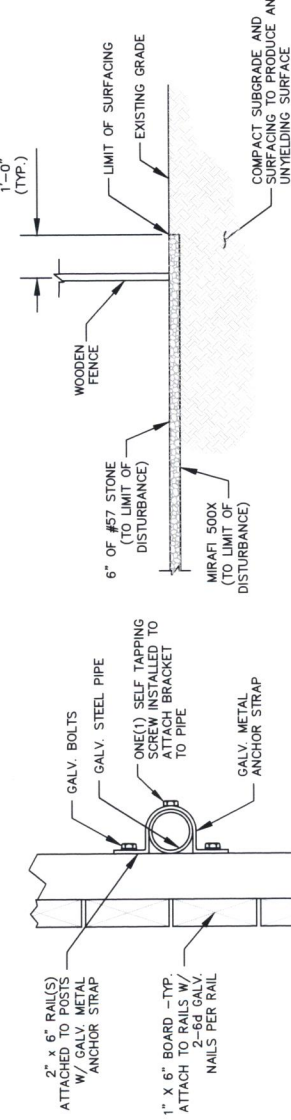
SHEET NUMBER:
C2





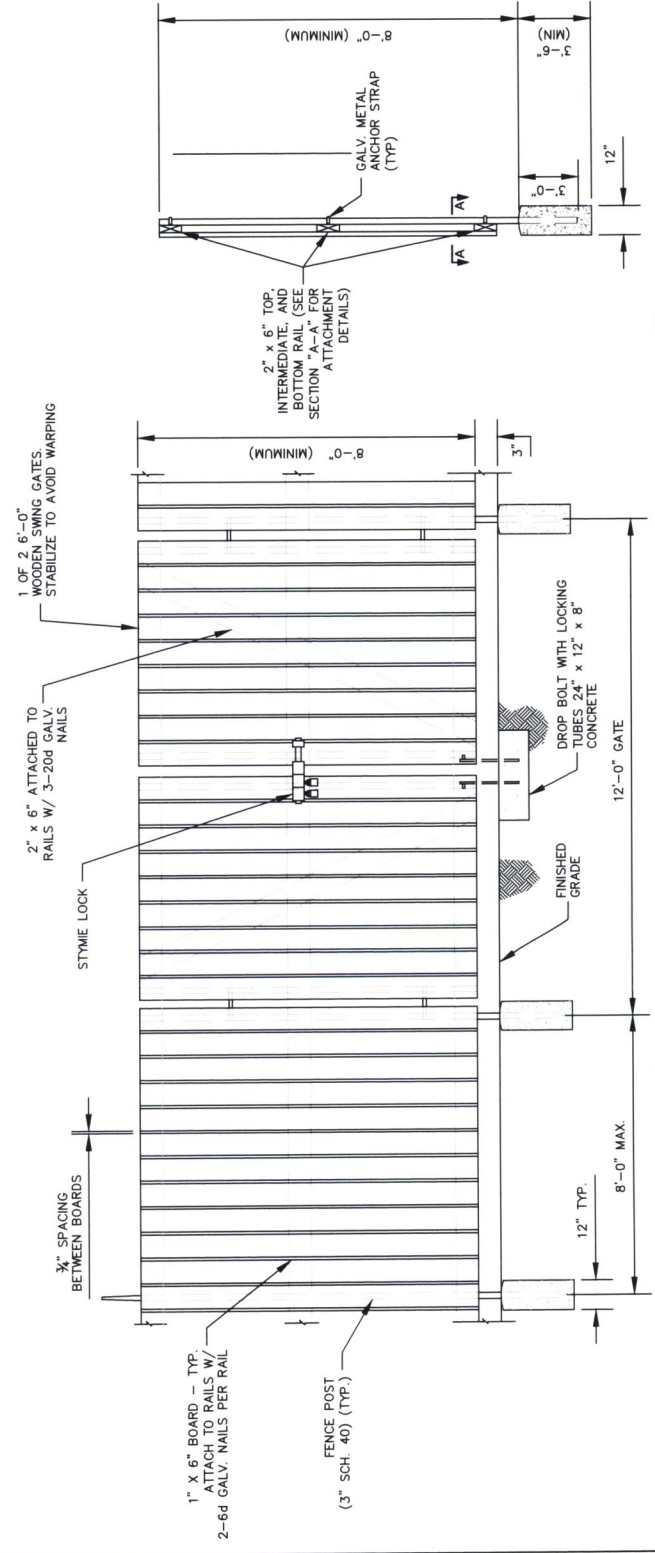
FENCE NOTES:

1. USE 3000-PSI CONCRETE, FULLY CONSOLIDATED AROUND THE POST.
2. WHERE THE POST IS SET IN ROCK OR CONCRETE, CORE A HOLE 12" DEEP AND 1" LARGER IN DIAMETER THAN THE POST. REINFORCE POST AND GROUT IN PLACE USING NON-SHRINK GROUT.
3. ALL POSTS MUST BE PLUMB AND ALIGNED WITH ONE ANOTHER IN BOTH HORIZONTAL AND VERTICAL PLANES.
4. CORNER AND GATEPOSTS FOR CHAIN LINK FENCES SHALL EXTEND ABOVE THE TOP STRAND OF BARBED WIRE TO PROVIDE TENSIONING FOR THE BARBED WIRE.
5. PROVIDE MIDRAILS AND BRACING AT ALL CORNER POSTS WHERE THE FENCE CHANGES DIRECTION BY MORE THAN 30 DEGREES.
6. THE GRADE OF THE SITE AND INSTALLATION OF THE FENCE SHALL PROVIDE FOR NO MORE THAN A 3" GAP BETWEEN THE BOTTOM OF THE FENCE MATERIAL AND FINISH GRADE.
7. CONTRACTOR SHALL PROVIDE HOLD OPEN DEVICES FOR ALL GATES AT THE SPECIFIED OPEN POSITIONS. DRIVEN PIPE TYPE RECEIVERS ARE NOT AUTHORIZED.



SECTION "A-A"
NOT TO SCALE

3 SITE COMPOUND SURFACE DETAIL
NOT TO SCALE



1 WOODEN FENCE AND GATE ELEVATION
NOT TO SCALE

2 SIDE ELEVATION VIEW
NOT TO SCALE

PROJECT INFORMATION:
SITE NAME:
GLENHAVEN
SITE # GA139
928 KENNESAW DUE WEST RD
KENNESAW, GA 30152
COBB COUNTY

PLANS PREPARED BY:
Kimley-Horn
17730 AMER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PHONE: 770-773-1200
WWW.KIMLEY-HORN.COM

REV. DATE ISSUED FOR BY:

7		
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2	05/17/21	CONSTRUCTION DRC
1	03/31/21	CONSTRUCTION DMF
A	03/31/21	PRELIMINARY DMF

LICENSER:

KHA PROJECT NUMBER:
013541011
DRAWN BY: DMF
CHECKED BY: DMF
SHEET TITLE:
FENCE, GATE, AND COMPOUND DETAILS
SHEET NUMBER:
C4

PROJECT INFORMATION:

SITE NAME:
GLENHAVEN
SITE # GA139
928 KENNESAW DUE WEST RD
KENNESAW, GA 30145
COBB COUNTY

PLANS PREPARED BY:
Kimley-Horn
11720 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
PH: 770.241.2000
WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

7					
6					
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1	05/17/21	CONSTRUCTION DRC			
0	03/31/21	CONSTRUCTION DMF			
A	03/31/21	PRELIMINARY DMF			

LICENSER:

SHA PROJECT NUMBER:
013541011

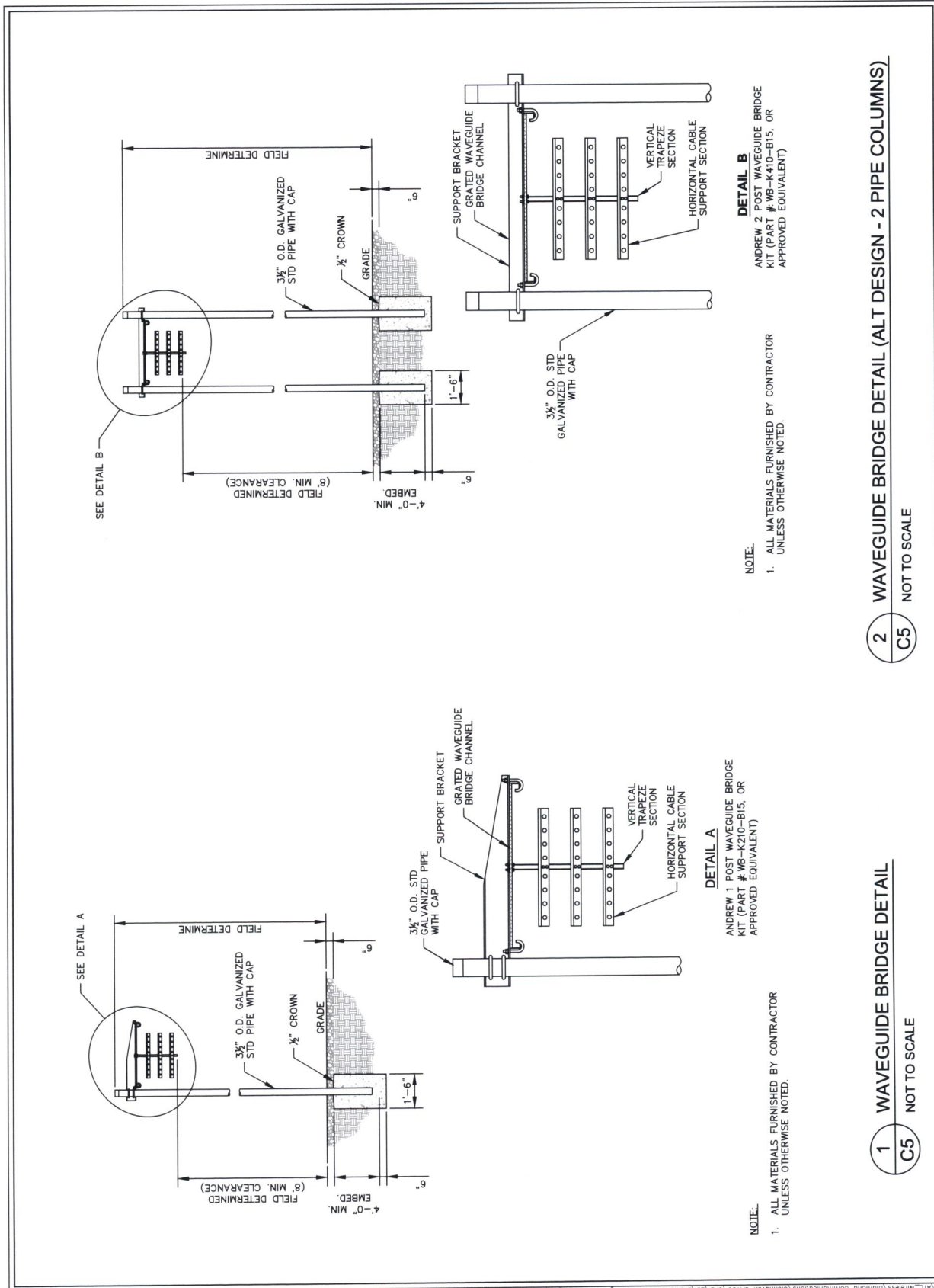
DRAWN BY: CHECKED BY:

XDD DMF

SHEET TITLE:

ICE BRIDGE DETAILS

SHEET NUMBER:
C5



1
C5
WAVEGUIDE BRIDGE DETAIL
NOT TO SCALE

2
C5
WAVEGUIDE BRIDGE DETAIL (ALT DESIGN - 2 PIPE COLUMNS)
NOT TO SCALE

SITE NAME:
GLENHAVEN
SITE #: GA139
928 KENNESAW DUE WEST RD
KENNESAW, GA 30152
COB, GA 30131

PLANS PREPARED BY:
Kimley-Horn
11729 AMBER PARK DRIVE, SUITE 600
ALPHARETTA, GA 30009
(770) 442-1100
WWW.KIMLEY-HORN.COM

REV: DATE: ISSUED FOR: BY:

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1	05/17/21	CONSTRUCTION DRC	
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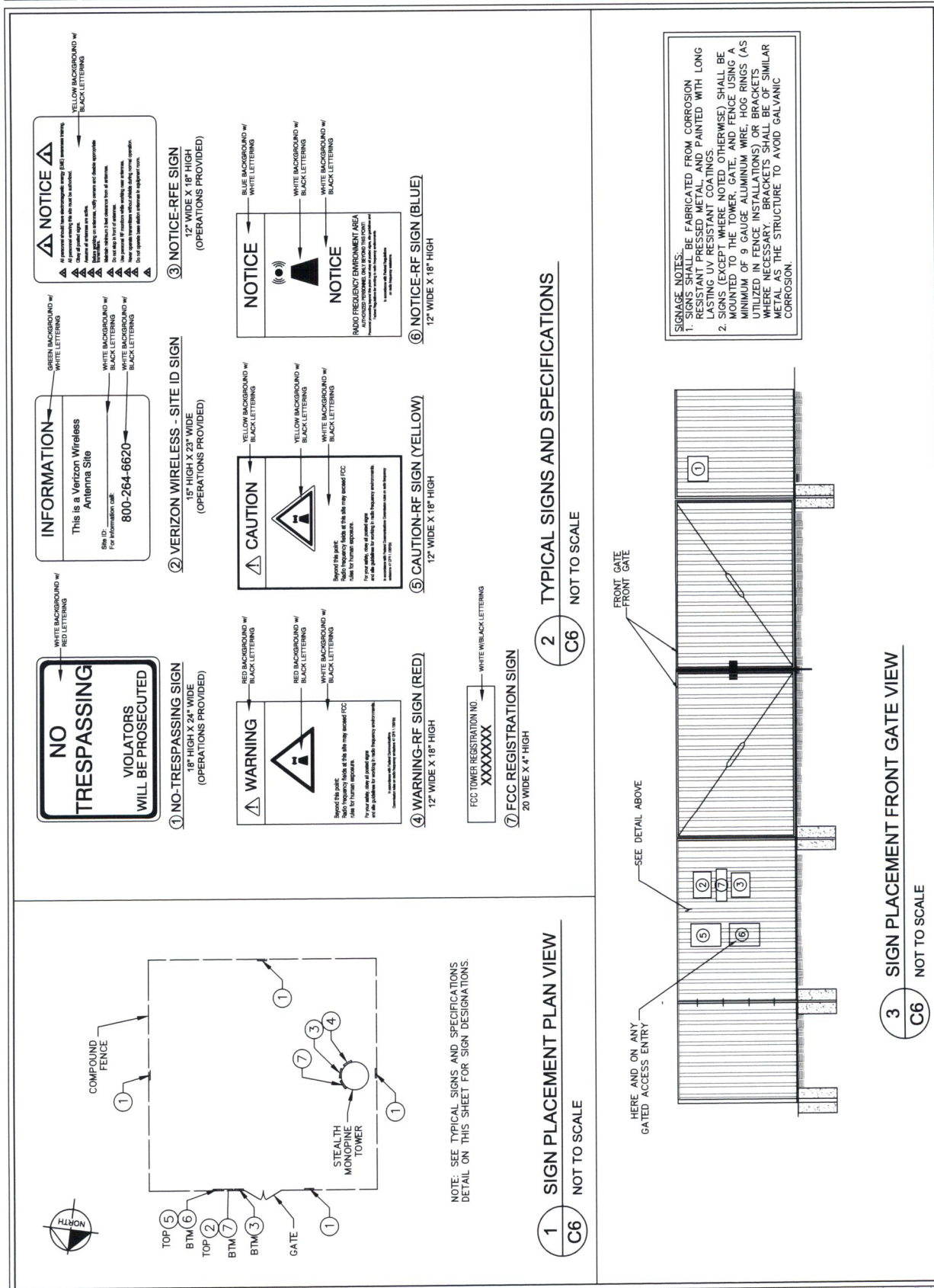
SHA PROJECT NUMBER:
013541011

DRAWN BY: _____ CHECKED BY: _____

XDD _____ DMF _____

SHEET TITLE:
**SITE SIGNAGE
DETAILS**

SHEET NUMBER:
C6



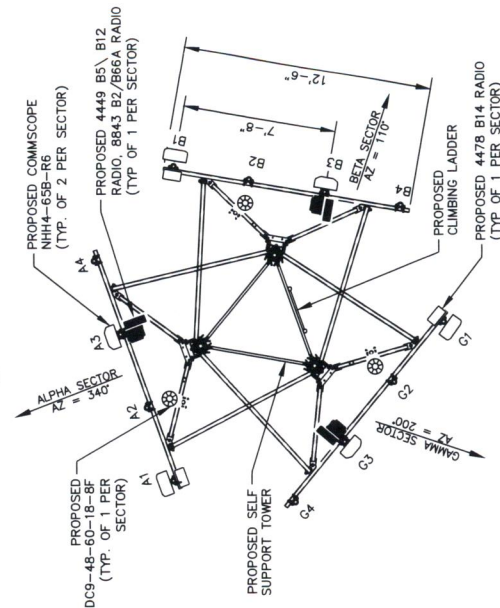
K:\ATL\Wireless\Diamond Communications\Glenhaven GA139\CD\20\DiamondComm-CB.dwg 05/17/21 1:31 PM BY: christopher strange

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Review of and improper reliance on this document without authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc. 2018 Copyright Kimley-Horn and Associates, Inc.

Petition No. SLU0-2
Meeting Date 6-15-2021
Continued

ANTENNA SECTOR	AZIMUTH IN DEGREES	MECHANICAL DOWN TILT	RAD CENTER	LICENSED FREQUENCY	ANTENNA* (QTY) MAKE/MODEL	REMOTE RADIO UNIT	SURGE PROTECTOR	COMPOSITION CABLES	
								QTY	SIZE
A1	340°	0°		LTE 700	(1) COMMScope/NNH4-65C-R6	(1) 4478 B14			
A2	340°	0°		LTE 700			(1) DC9-48-60 -18-BF		
A3	340°	0°	330°-0°	LTE 700 LTE/850 5G/850 LTE/1900 LTE AWS	(1) COMMScope/NNH4-65C-R6	(1) 4449 B5/B12 (1) 8843 B2/B66A			
A4	340°	0°							
B1	110°	0°		LTE 700	(1) COMMScope/NNH4-65C-R6	(1) 4478 B14			
B2	110°	0°					(1) DC9-48-60 -18-BF		
B3	110°	0°	330°-0°	LTE 700 LTE/850 5G/850 LTE/1900 LTE AWS	(1) COMMScope/NNH4-65C-R6	(1) 4449 B5/B12 (1) 8843 B2/B66A			(5) 1K* DC CABLES (2) 24 PAIR FIBER CABLE
B4	110°	0°							
G1	200°	0°		LTE 700	(1) COMMScope/NNH4-65C-R6	(1) 4478 B14			
G2	200°	0°					(1) DC9-48-60 -18-BF		
G3	200°	0°	330°-0°	LTE 700 LTE/850 5G/850 LTE/1900 LTE AWS	(1) COMMScope/NNH4-65C-R6	(1) 4449 B5/B12 (1) 8843 B2/B66A			
G4	200°	0°							

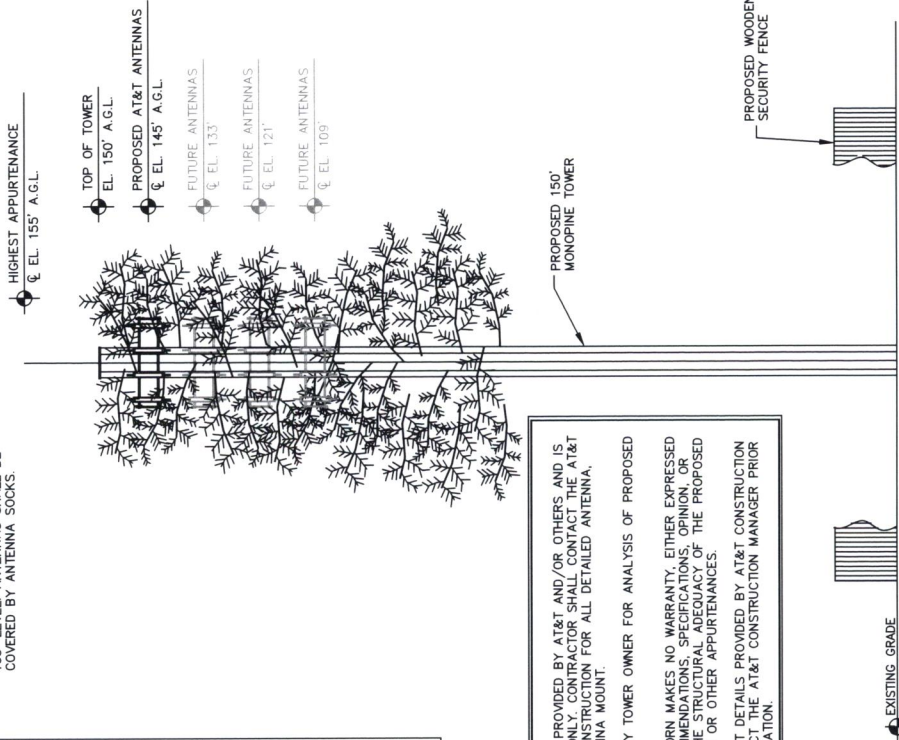
2 ANTENNA AND EQUIPMENT SCHEDULE



3 ANTENNA ORIENTATION PLAN

SCALE: 1" = 6'

CAMOUFLAGING NOTE:
1. THE MONOPINE SHALL HAVE 2.5 BRANCHES/FOOT, STARTING AT 105' LEVEL. ANTENNAS SHALL BE COVERED BY ANTENNA SOCKS.



NOTES:
1. ALL INFORMATION ON THIS PAGE IS PROVIDED BY AT&T AND/OR OTHERS, AND IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY. CONTRACTOR SHALL CONTACT THE AT&T CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION FOR ALL DETAILED ANTENNA, COAX CABLE INFORMATION, AND ANTENNA MOUNT.
2. REFER TO STRUCTURAL ANALYSIS BY TOWER OWNER FOR ANALYSIS OF PROPOSED TOWER.
3. IT IS UNDERSTOOD THAT KIMLEY-HORN MAKES NO WARRANTY, EITHER EXPRESSED OR IMPLIED, FINDINGS, RECOMMENDATIONS, SPECIFICATIONS, OPINION OR DESIGN. CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF THE PROPOSED TOWER OR ATTACHMENT OF ANTENNAS OR OTHER APPURTENANCES.
4. SEE MOUNT APPENDICES FOR MOUNT DETAILS PROVIDED BY AT&T CONSTRUCTION MANAGER. CONTRACTOR SHALL CONTACT THE AT&T CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION FOR MOUNT INFORMATION.

1 MONOPINE TOWER ELEVATION

C7 NOT TO SCALE

- NOTES:
1. ALL PROPOSED ATTACHMENTS TO TOWER BASED ON TOWER DESIGN DRAWINGS BY OTHERS (SEE GENERAL NOTE 1.07, SHEET N1).
 2. THE TOWER ELEVATION SHOWN IS FOR REFERENCE ONLY.
 3. PROPOSED TOWER WILL BE GALVANIZED STEEL-GRAY IN COLOR.

PROJECT INFORMATION: SITE NAME: GLENHAVEN SITE # GA139 928 KENNESAW DUE WEST RD KENNESAW, GA 30152 COBB COUNTY PLANS PREPARED BY:	
Kimley-Horn 11720 AMES RD, SUITE 600 ALPHARETTA, GA 30009 PHONE: 770-419-4280 WWW.KIMLEY-HORN.COM	
REV. DATE: ISSUED FOR: BY:	
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2	06/07/21 CONSTRUCTION DRC
1	05/17/21 CONSTRUCTION DRC
0	03/31/21 CONSTRUCTION DMF
A	03/31/21 PRELIMINARY DMF
LICENSE:	
FOR ILLUSTRATIVE PURPOSES ONLY- NO SIGNATURE REQUIRED	
KHA PROJECT NUMBER: 01354101 DRAWN BY: CHECKED BY: XOD DMF	
SHEET TITLE: ANTENNA AND TOWER ELEVATION DETAILS	
SHEET NUMBER: C7	

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C7.1

SCOPE OF WORK

1 SCOPE OF WORK SUMMARY
C7.1 NOT TO SCALE

DRAWN BY: _____ CHECKED BY: _____
XDD DMF
SHEET TITLE: _____



REVISIONS

REV.	DATE	ISSUED FOR	BY
7			
6			
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1	05/17/21	CONSTRUCTION DRC	
0	03/31/21	CONSTRUCTION DMF	
A	03/31/21	PRELIMINARY DMF	

Kimley-Horn
11720 AMES LANE, SUITE 600
ATLANTA, GA 30328
PHONE: 770-619-4280
WWW.KIMLEY-HORN.COM

PLANS PREPARED BY:
SITE NAME:
GLENHAVEN
SITE #: GA139
928 KENNESAW DUE WEST RD
KENNESAW, GA 30152
COBB COUNTY



EQUIPMENT REPLACEMENT SUMMARY SCHEDULE		
EQUIPMENT	QUANTITY	DESCRIPTION
EXISTING EQUIPMENT		
ANTENNAS		
FEEDLINES		
OTHER EQUIPMENT		
EQUIPMENT TO BE REMOVED		
ANTENNAS		
FEEDLINES		
OTHER EQUIPMENT		
EQUIPMENT TO BE INSTALLED		
ANTENNAS	6	COMMScope / NHH-65C-R6
FEEDLINES	4	1 1/2" DC POWER CABLES
	2	24 PAIR FIBER CABLES
OTHER EQUIPMENT	3	ERICSSON RADIO 4478 B14
	3	ERICSSON RADIO 4449 B5/B12
	3	ERICSSON RADIO 8843 B2/B66A
	1	RAYCAP DC6-48-50-18-8F
FINAL CONFIGURATION		
ANTENNAS	6	COMMScope / NHH-65C-R6
FEEDLINES	4	1 1/2" DC POWER CABLES
	2	24 PAIR FIBER CABLES
OTHER EQUIPMENT	3	ERICSSON RADIO 4478 B14
	3	ERICSSON RADIO 4449 B5/B12
	3	ERICSSON RADIO 8843 B2/B66A
	1	RAYCAP DC6-48-50-18-8F

JUNE 15, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1

ITEM OB-27

Min. Bk. 92 Petition No. O.B.27
Doc. Type Stormwater, Fire and
Cobb DOT comments & recommendations
Meeting Date 6-15-2021

PURPOSE

To consider a site plan and stipulation amendment for Siraj Lalani regarding rezoning application Z-57 of 2014, for property located on the southwest corner of South Cobb Drive and Cranfill Road, and on the east side of Oak Street in Land Lot 279 of the 17th District (1750 South Cobb Drive and 222 Cranfill Road).

BACKGROUND

The subject property was rezoned to Community Retail Commercial (CRC) in 2014 for an auto repair business subject to many stipulations. The auto repair business was never built. The applicant would like to amend the site plan and stipulations to allow him to develop a convenience store with fuel sales on the property. The architecture of the proposed building would change to his proposed building, which is stucco and stone (attached). The proposed variances are only adjacent to commercial property. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Stormwater Management: Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious area is subject to the current Stormwater Management Code and Regulations.

Fire Department: See attached.

Cobb DOT: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning minutes.

APPLICANT: Siraj Lalani

PETITION NO.: OB-27

FIRE COMMENTS:

Petition No. 0.B.27

Meeting Date 6-15-2021

Continued

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

FIRE HYDRANTS:

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

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

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

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

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

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

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

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

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

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

Josh Davis

(770) 528-8161

josh.davis@cobbcounty.org

Cobb DOT recommendations:

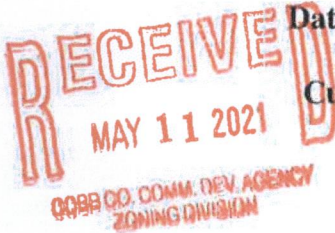
Petition No. 0.B.27
 Meeting Date 6-15-2021
 Continued

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 south side of Cranfill Road, a minimum of 25' from the roadway centerline.
2. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Oak Street, a minimum of 25' from the roadway centerline.
3. The proposed site plan from the previous zoning case (Z-57-2014) shows a single access location on Cranfill Road. Recommend all development driveways be installed per Section 402.8, Non-Residential Driveways, of the Cobb County Development Standards, including being located a minimum of 100' tangent distance from an adjacent driveway or intersection. This measurement should be taken from the end of curb return for both segment ends. Because of the low number of vehicles anticipated at a cell tower, the cell tower driveway may be closer than 100' to the site access, subject to Cobb DOT approval of final driveway placements.
4. Recommend no access to South Cobb Drive.
5. Recommend replacing disturbed curb, gutter, and sidewalk along the South Cobb Drive frontage.
6. Recommend GDOT permits for all work that encroaches upon State right-of-way.
7. Recommend installing curb, gutter, and sidewalk along the Cranfill Road and Oak Street frontages.
8. Oak Street is a substandard street. Recommend improving Oak Street along the property frontage ending at Cranfill Road if access to Oak Street is permitted.
9. Recommend gasoline pump locations be reviewed to facilitate site internal flow. Final placement to be subject to Cobb DOT through the Plan Review process.
10. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Meeting Date 6-15-2021

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(STIPULATION AMENDMENT)

OB Application No.: OB- 31 (2021)
Application Nos.: Z-27 (2018); OB-79 (2019)
Original Hearing Date: May 15, 2018
Date of Zoning Decision: May 15, 2018
Date of OB Decision: December 17, 2019
Current Hearing Date: June 15, 2021



Applicant: Walton Communities, LLC
Titleholder: The Housing Authority of the City of
Marietta, Georgia,
a public body corporate and politic

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Walton Communities, LLC, as Applicant in this Application for "Other Business"; as well as, in the underlying zoning action, sought and obtained rezoning of the approximately 2.0 acre tract of property located in Land Lot 581, 16th District, 2nd Section, Cobb County, Georgia, and being more particularly known as 190 Roberts Trail (hereinafter the "Property" or "Subject Property"). The rezoning to the proposed Residential Senior Living ("RSL") zoning classification was approved by the Board of Commissioners on the "Consent Agenda" on May 15, 2018. Applicant filed an "Other Business" Application for an amendment to the stipulations; specifically, to incorporate the letter of agreeable stipulations and conditions as part of the final approval minutes for the proposed development. The Board of Commissioners granted the "Other Business" request on December 17, 2019.

Applicant brings this Application for "Other Business" to amend two variances which were contemporaneously granted with the original rezoning approval, as set forth in the Zoning Comments attached to the final minutes and approved by the Board of Commissioners on May 15, 2018. The approved variances were as follows:

- (1) Waive the perimeter setback from the required 10 feet to 15 feet; and
- (2) Waive the maximum impervious coverage from 55% to 75.5%.

Through this Application for "Other Business," Applicant seeks the following amendments to the stated variances:

- (1) Reduce the perimeter setback from the required ten (10) feet to five (5) feet; and
- (2) Increase the maximum impervious coverage from 75.5 percent to 80 percent.

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

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearings held on May 15, 2018, and on December 17, 2019, as to the "Other Business" amendment, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Stipulation Amendment.



ITEM OB-31

PURPOSE

To consider a site plan and stipulation amendment for Walton Communities, LLC regarding rezoning application Z-27 of 2018, for property located in Land Lot 581 of the 16th District, easterly of Interstate 575, westerly of Chastain Meadows Parkway and northerly of Roberts Trail in Land Lot 581 of the 16th District (Roberts Trail).

BACKGROUND

The subject property was rezoned to Residential Senior Living (RSL) in 2018 for an expansion of an existing RSL development. At the time of rezoning, variances were granted to the applicant. The applicant has finished their final engineering and finds they need a little bit more variance approval to make the proposal work. First, the applicant was granted a variance to reduce the perimeter setback from 15' to 10'; the applicant finds they need the variance to 5'. Second, the applicant was granted a variance of impervious coverage from 55% to 75.5%; the applicant finds they need a variance to 80%. The proposed variances are only adjacent to commercial property. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Stormwater Management: Due to the requested increase to the impervious area; provide a compliance letter from the engineer of record that the increased impervious area complies with the original Hydrology Study.

Fire Department: The Fire Marshal's Office does not have an objection to OB-31 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.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning minutes.