MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 20, 2021
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, July 20, 2021, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

CALL TO ORDER – CHAIRWOMAN CUPID

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

Mr. Pederson explained the hearing procedures and announced the following cases which were *withdrawn, held, or continued.*

WITHDRAWN, HELD, AND CONTINUED CASES

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). ***(Previously held by the Planning Commission (PC) from the June 1, 2021, PC hearing until the July 6, 2021, PC hearing).*** **WITHDRAWN WITHOUT PREJUDICE**

Z-47 **STREAMLINE DEVELOPMENT PARTNERS** (Galaxy Properties & Investment, Inc., owner) requesting rezoning from **NRC** to **NRC** for retail auto parts and supply in land lot 165 of the 18th district. Property is located on the southwest side of Veterans Memorial Highway, southeast of Hickory Trail (800 Veterans Memorial Highway).

Mr. Pederson presented the Applicant's request to withdraw Z-47 *without prejudice;* thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **allow** Z-47 to be *withdrawn without prejudice.*

VOTE: **ADOTPED** 5-0

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-72'20 **NORTH POINT MINISTRIES, INC.** (The 'True Vine' Experience Foundation, Inc.; Sara M. Sweeney; Hanna Land Company, Inc., owners) requesting rezoning from **LRO, NRC,** and **R-20** to **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, Planning Commission (PC) hearing 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; continued by Staff until the July 6, 2021, PC hearing; held by the PC until the August 3, 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). ***(Previously continued by the Planning Commission (PC) from the May 4, 2021, PC hearing until the June 1, 2021, PC hearing; continued by Staff from the June 1, 2021, and July 6, 2021 PC hearings until the August 3, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-25 **THE FURNITURE AND MATTRESS WAREHOUSE LP** (The Furniture and Mattress Warehouse LP, owner) requesting rezoning from **GC** to **NRC** for retail/office in land lot 642 of the 16th district. Property is located on the south side of Piedmont Road, on the east side of Bells Ferry Road (Piedmont Road). ***(Previously held by the Planning Commission (PC) from the May 4, 2021, and June 1, 2021, PC hearings until the July 6, 2021, PC hearings; continued by the PC until the August 3, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-26 **ORCHARDS DEVELOPMENT, LLC** (Young Men's Christian Association of Metropolitan Atlanta, Inc., owner) requesting rezoning from **R-20** to **RSL** for residential senior living, non-supportive residential units in land lots 914, 915, 958, and 959 of the 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 from the May 18, 2021, Board of Commissioners' (BOC) Zoning hearing until the June 15, 2021, BOC Zoning hearing; continued by the BOC until the July 20, 2021, BOC Zoning hearing; continued by Staff until the August 17, 2021, BOC Zoning hearing; therefore, was not considered at this hearing).***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-27 **KCG DEVELOPMENT, LLC** (Lester C. Wiley, owner) requesting rezoning from **R-20** to **RM-12** for residential multifamily in land lot 54 of the 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 from the May 4, 2021, Planning Commission (PC) hearing until the June 1, 2021, PC hearing; held by the PC from the June 1, 2021 PC hearing until the July 6, 2021, PC hearing; continued by the PC until the August 3, 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). ***(Previously continued by Staff from the June 1, 2021 Planning Commission (PC) hearing until the July 6, 2021, PC hearing; held by the PC until the August 3, 2021, PC 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). ***(Previously held by the Planning Commission (PC) from the June 1, 2021, PC hearing until the July 6, 2021, PC hearing; continued by Staff until the August 17, 2021, Board of Commissioners' Zoning 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). ***(Previously continued by Staff from the June 1, 2021, Planning Commission (PC) hearing until the July 6, 2021, PC hearing; held by the PC until the August 3, 2021 PC hearing; therefore, was not considered at this hearing.)***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

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). ***(Previously continued by Staff from the June 1, 2021, and July 6, 2021, Planning Commission (PC) hearings until the August 3, 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). ***(Previously held by the Planning Commission (PC) from the June 1, 2021 PC hearing until the July 6, 2021, PC hearing; continued by Staff until the August 17, 2021, Board of Commissioners' Zoning 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). ***(Previously continued by Staff from the June 1, 2021, Planning Commission (PC) hearing until the July 6, 2021, PC hearing; held by the PC until the August 3, 2021, PC hearing; therefore, was not considered at this hearing.)***

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). ***(Previously continued by Staff from the June 1, 2021, Planning Commission (PC) hearing until the July 6, 2021, PC hearing; held by the PC until the August 3, 2021, PC hearing; therefore, was not considered at this hearing.)***

Z-42 **SCANNELL PROPERTIES #475, LLC** (VKEP-T, LLC, owner) requesting rezoning from **O&I** to **OS** for a parking lot for a distribution facility in land lots 428 and 437 of the 16th district. Property is located on the west side of Chastain Meadows Parkway, south of Chastain Road (Chastain Meadows Parkway). ***(Continued by Staff until the August 17, 2021, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing.)***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-43 **DEL LAGO VENTURES, INC** (4204, LLC, owner) requesting rezoning from **NS** and **R-30** to **NRC** for commercial, inter-parcel access in land lots 40, 41, and 75 of the 20th district. Property is located on the east side of Dallas Acworth Highway, south of Cobb Parkway (4204 Dallas Acworth Highway). ***(Held by the Planning Commission (PC) until the August 3, 2021, PC hearing; therefore, was not considered at this hearing.)***

Z-44 **WINDSONG PROPERTIES** (Fortified Hills Baptist Church, Inc., owner) requesting rezoning from **R-30** to **RSL** for residential senior living, non-supportive residential in land lots 79 and 144 of the 19th district. Property is located on the north side of Dallas Highway, on the south side of Old Dallas Road, and west of Holland Road (Dallas Highway). ***(Continued by Staff until the August 3, 2021, Planning Commission hearing; therefore, was not considered at this hearing).***

Z-45 **B&R INVESTMENTS AND CONSTRUCTION, LLC** (Sherri Wilson Johnson, Lynn Wilson Annandale, Jeff Kwan and Christy Kwan, owners) requesting rezoning from **R-80** to **RSL** for residential senior living, supportive residential in land lot 463 of the 19th district. Property is located on the north side of Macland Road, and on the west side of Gus Robinson Road (2180 Gus Robinson Road, Macland Road). ***(Continued by Staff until the August 3, 2021, Planning Commission hearing; therefore, was not considered at this hearing).***

Z-48 **RAY MURPHY** (Ray Murphy, owner) requesting rezoning from **GC** to **LI** 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 Planning Commission (PC) until the August 3, 2021, PC 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 from the June 1, 2021, Planning Commission (PC) hearing until the July 6, 2021, Planning Commission hearing; continued by the PC until the August 3, 2021, PC hearing; therefore, was not considered at this hearing).***

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). ***(Previously continued by the Board of Commissioners (BOC) from the June 15, 2021, and July 20, 2021 BOC Zoning hearings until the August 17, 2021, BOC Zoning hearing; therefore, was not considered at this hearing).***

O.B. 38 To consider a reduction of lot size, public road frontage and other variances (see file) for 6M Properties, LLC for property located on the north side of Lakeside Court, east of Lake Drive, in land lot 35 of the 20th district (5427 Lakeside Court). ***(Continued by Staff until the August 17, 2021, Board of Commissioners' Zoning 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).***

Mr. Pederson presented the Staff's request for a continuance of Z-22; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** Z-22 until the August 17, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

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.)***

Mr. Pederson presented the Applicant's request for a continuance of Z-32; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** Z-32 until the August 17, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

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).

Due to problems with posting of the signs, Mr. Pederson presented the Staff's request for a continuance of O.B. 32; thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Richardson, to **continue** O.B. 32 until the August 17, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

O.B. 35 To consider a stipulation and site plan amendment for Strategic Development Partners, LLC regarding rezoning application Z-22 of 2008 and Z-99 of 2007 for property located on the east side of White Road, north of Riverside Parkway, in land lots 777, 778, 789, and 790 of the 18th district (White Road).

Mr. Pederson presented the Staff's request for a continuance of O.B. 35; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** O.B. 35 until the August 17, 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.

CONSENT AGENDA

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

Z-46 **SOUTHEASTERN NATURAL GAS SERVICES OF ROME, INC.** (Allen Kean, owner) requesting rezoning from **R-20** to **LI** for special contractor in land lot 22 of the 18th district. Property is located on the west side of Joe Jerkins Boulevard, north of Humphries Hill Road (Joe Jerkins Boulevard).

To **approve** Z-46 to the **LI** zoning district, subject to:

Correction to Z-46 of these minutes – approved in the 8-17-21 BOC Zoning minutes ⇨

1. **Letter of agreeable conditions from Adam Rozen dated June 30, 2021 (attached and made a part of these minutes)**
2. **There shall be no storage of natural gas on the property**
3. **The access driveway to be a fully hardened surface from Joe Jerkins Boulevard to the building**
4. **Staff comments and recommendations**

Z-49 **ROSALIO RANGEL** (Rosalio Rangel, owner) requesting rezoning from **O&I** to **NRC** for a fence company in land lots 60 and 85 of the 17th district. Property is located on the northwest side of Austell Road, southwest of Chamberlin Circle (2158 Austell Road).

To **approve** Z-49 to the **NRC** zoning district, subject to:

1. **Site Plan dated April 8, 2021 (attached and made a part of these minutes) with District Commissioner approving minor modifications**
2. **Applicant may have up to two contractor's vehicles parked in the rear of the property**
3. **No outdoor display of merchandise**
4. **No outdoor storage on the front or sides of the building**
5. **Any outdoor storage to be in the rear and taking up not more than 400 square feet and to be screened from view**
6. **All department comments, *not otherwise in conflict*, with this recommendation**

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 from the June 1, 2021, Planning Commission (PC) hearing until the July 6, 2021, PC hearing).***

CONSENT AGENDA (CONT.)

SLUP-5 STEIN INVESTMENT GROUP (CONT.)

To **approve** SLUP-5, subject to:

1. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated June 22, 2021 (attached and made a part of these minutes), with the following changes:**
   A. **Item No. 4 – modify to reflect the following: *"The hours of operation shall be from 9:00 a.m. until 6:00 p.m. Monday through Saturday and from 1:00 p.m. until 6:00 p.m. on Sundays. Entry to the building shall be via keycard and punch code pad. All activity within strategic locations throughout the facility shall be monitored by strategically positioned video security cameras."***
   B. **Item No. 6 – modify to reflect the following: *"The District Commissioner shall be the final arbiter and have final approval of the landscape plan."***
   C. **Item No. 11, subset a – revise to read: *"Applicant will enter into a development agreement…"***
2. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated July 14, 2021 (attached and made a part of these minutes), with the following changes:**
   A. **Item No. 6 (page 3) – revise to read: *"All construction vehicles and trucks shall exit the property from Gordy Parkway via right-turn only at the entrance closest to Shallowford Road and in accordance with the directives from Cobb DOT. All construction vehicles and trucks to enter the property from the existing Shallowford Road entrance only."***
   B. **Item No. 6, subset a (page 5) – add to the end: *"Final approval of landscape to be approved by the County Arborist and District Commissioner with review from the Landscape Committee."***
   C. **Add Item No. 17 – to read: *"Outparcel to come back to the Board of Commissioners (BOC) as an Other Business item for approval of use and site plan with no storage of vehicles, trailers, RV's, cars, jet skis, or boats on existing outparcel."***
3. **Incorporate East Cobb Civic Association (ECCA) final recommendations into the Applicant's stipulation letter and to review those stipulations with the District Commissioner prior to the July 20, 2021, Board of Commissioners' Zoning Hearing**

CONSENT AGENDA (CONT.)

OTHER BUSINESS

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).***

To **approve** O.B. 28, subject to:

1. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated June 22, 2021 (attached and made a part of these minutes), with the following changes:**
   A. **Item No. 4 – modify to reflect the following: *"The hours of operation shall be from 9:00 a.m. until 6:00 p.m. Monday through Saturday and from 1:00 p.m. until 6:00 p.m. on Sundays. Entry to the building shall be via keycard and punch code pad. All activity within strategic locations throughout the facility shall be monitored by strategically positioned video security cameras."***
2. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated July 14, 2021 (attached and made a part of these minutes), with the following changes:**
   A. **Item No. 6 (page 3) – revise to read: *"All construction vehicles and trucks shall exit the property from Gordy Parkway via right-turn only at the entrance closest to Shallowford Road and in accordance with the directives from Cobb DOT. All construction vehicles and trucks to enter the property from the existing Shallowford Road entrance only."***
   B. **Item No. 6, subset a (page 5) – add to the end: *"Final approval of landscape to be approved by the County Arborist and District Commissioner with review from the Landscape Committee."***
   C. **Add Item No. 17 – to read: *"Outparcel to come back to the Board of Commissioners (BOC) as an Other Business item for approval of use and site plan with no storage of vehicles, trailers, RV's, cars, jet skis, or boats on existing outparcel."***
3. **Site plan and elevations contained in the Other Business packet (attached and made a part of these minutes), with the District Commissioner approving the final plans**
4. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
6. **All other stipulations and conditions to remain in effect**

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

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).***

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

1. **Other contracting businesses permitted**
2. **No outdoor storage**
3. **All previous stipulations and conditions to remain in effect**

O.B. 34 To consider a site plan and stipulation amendment for Boxwood at Vinings Homeowners Association regarding rezoning application Z-22 of 2016, for property located on the north side of Cooper Lake Drive, west of Atlanta Road in land lot 696 of the 17th district (Cooper Lake Drive).

To **approve** O.B. 34, subject to:

1. **Final location of the gate subject to District Commissioner approval**
2. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
3. **Water and Sewer comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

At the call for O.B. 36 (April Ingraham), opposition was present; therefore, O.B. 36 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 13 of these minutes for the motion).

CONSENT VOTE: **ADOPTED** 5-0

REGULAR AGENDA

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 Brazos 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.)***

REGULAR AGENDA (CONT.)

Z-40 **BRAZOS-HICKS, LLC (CONT.)**

The public hearing was opened; David Meyer and Heidi Hunt addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **hold** Z-40 until the August 17, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

Clerk's Note: *Commissioner Sheffield directed the Applicant to submit a revised site plan with an R-15 zoning designation.*

Z-41 **CENTURY CONSTRUCTION AND TECHNOLOGIES INC.** (Century Construction & Technologies, Inc., owner) requesting rezoning from **GC** to **CRC** for light automotive repair and online furniture sales in land lot 1301 of the 19th district. Property is located on the south side of Veterans Memorial Highway, east of Pinecrest Road (1759 Veterans Memorial Highway).

The public hearing was opened; Thomas Orok and Robin Meyer addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Richardson, to deny Z-41.

Prior to the vote, further discussion ensued, and Commissioner Sheffield made the following motion to withdraw her original motion:

MOTION: Motion by Sheffield, second by Cupid, to **withdraw** her original motion for Z-41.

VOTE: **ADOPTED** 5-0

After further discussion, the Applicant made the request to withdraw Z-41 without prejudice; thereafter, Commissioner Sheffield made the following motion:

MOTION: Motion by Sheffield, second by Birrell, to **allow** Z-41 to be *withdrawn without prejudice,* subject to:

1. Rezoning fees to be waived upon filing of a new application

VOTE: **ADOPTED** 5-0

OTHER BUSINESS

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 Daniell 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, Bethany Travis, Bernadette Vlachos, and Ken Daniell addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Richardson, to **approve** O.B. 33, subject to:

1. ***Revised* Site Plan dated July 13, 2021 (attached and made a part of these minutes), with the following change:**
   A. No access on Daniell Drive
2. **Stormwater Management Division comments and recommendations from the original zoning, Z-23 of 2020 (attached and made a part of these minutes)**
3. **Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 5-0

O.B. 36 To consider a reduction of minimum public road frontage for April Ingraham from 75-feet to 0-feet for lots 1 and 2. The property is located off a private easement on the south side of Pebblebrook Road, in land lot 466 of the 17th district (980 Pebblebrook Road).

The public hearing was opened; April Ingraham and Shawn Coste Roman addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Cupid, to **hold** O.B. 36 until the August 17, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

O.B. 37 To consider a stipulation and site plan amendment for JEN Georgia 16, LLC regarding rezoning application Z-40 of 2020 for property located on the west side of Wesley Chapel Road, and at the southern terminus of Sweat Creek Run, in land lots 184, 185, 248, and 249 of the 16th district (Wesley Chapel Road).

OTHER BUSINESS (CONT.)

O.B. 37 (CONT.)

The public hearing was opened; Kevin Moore, Jill Flamm, Catherine Kommer, Kerry Flading, Suzie Connell, and Mike McCoy addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid to **hold** O.B. 37 until the August 17, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

AMEND SOMETHING PREVIOUSLY ADOPTED

Item No. 1 (Z-8-2021) Section 25 of the Board of Commissioners' Zoning and Land Use Hearing Procedures adopted January 11, 1994 and last revised October 19, 2004 allows any commissioner to amend an action taken at a previous hearing. A second shall be required and full discussion shall be allowed. A majority vote shall be required for adoption of the amendment and if passed a second motion will be needed to revise the stipulations. This item would be to the amend motion by the Board of Commissioners (BOC) for rezoning case Z-8 of 2021 as listed in the official minutes of the June 15, 2021 meeting. The stipulation that needs to be amended in the motion to perfect the record is stipulation #4, which should have read as follows:

4. "District Commissioner to approve final elevations, which shall have at least 3 sides of architectural features as specified."

MOTION: Motion by Gambrill, second by Richardson, to **allow** amending a previously adopted approval of Z-8 (2021) from the June 15, 2021, BOC Zoning hearing minutes (attached and made a part of these minutes).

VOTE: **ADOPTED** 5-0

Commissioner Gambrill made the following motion to amend the stipulation:

Motion: Motion by Gambrill, second by Birrell, to **amend** the following zoning stipulation for Z-8 (2021) from the June 15, 2021, BOC Zoning hearing minutes to read as follows:

4. District Commissioner to approve final elevations, which shall have at least 3 sides of architectural features as specified

VOTE: **ADOPTED** 5-0

ADJOURNMENT

The hearing adjourned at 12:07 p.m.

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

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Min. Bk. 92 Petition No. Z-46
Doc. Type letter
Meeting Date 7-20-21

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

ROGER J. ROZEN
rjrozen@rozenandrozen.com

ADAM J. ROZEN
ajrozen@rozenandrozen.com

June 30, 2021

VIA EMAIL AND
HAND DELIVERY

Mr. Donald Wells Planner II
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Re: Application of Southeastern Natural Gas Services of Rome, Inc. to Rezone a 3.6 Acre Tract from R20 to LI - Land Lot 939, 16th District, 2nd Section, Cobb County, Georgia; Z-46 (2021)

Dear Donald:

This firm has been engaged by and represents Southeastern Natural Gas Services of Rome, Inc. concerning the above-captioned Application for Rezoning. The Application will be heard by the Cobb County Planning Commission on July 6, 2021 and, thereafter, by the Cobb County Board of Commissioners on July 20, 2021.

Southeastern Natural Gas Services of Rome, Inc. ("Southeastern" or "Applicant") seeks to rezone property located on the east side of Joe Jerkins Boulevard, north of its intersection with Humphries Hill Road. Southeastern seeks to rezone the subject property from R-20 to Light Industrial ("LI") for the purpose of a specialized contractor.

The subject property consists of approximately 3.65 acres and is located in an area denominated as Industrial Compatible ("IC") on the Cobb County Future Land Use Map, while it and surrounding properties have historically been utilized in a broad range of light industrial, heavy industrial, manufacturing and nearby residential uses. IC contemplates the proposed use as "The purpose of the Industrial Compatible category is to provide for areas that can support light industrial, office/warehouse and distribution uses…allowable uses LI."

Petition No. Z-46
Meeting Date 7-20-21
Continued

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Mr. Donald Wells, Planner II
Cobb County Zoning Division

June 30, 2021
Page 2

Southeastern contracts with Austell Gas for its installation of new pipe for expanding natural gas services in Austell and Cobb County. Southeastern maintains an office in Bartow County and will utilize the subject property for storage of company related vehicles, supplies and equipment during the workday while all contractor work will take place off-site at the pipe installation location(s). Southeastern will store a minimal amount of pipe supplies and its equipment at the subject property while most will remain offsite at the pipe installation location(s). Southeastern does not store or maintain any inventory of natural gas. Southeastern has held a long-term positive relationship with Austell Gas and looks forward to servicing its continued relationship from the subject property.

With respect to the foregoing and in keeping with the dialogue established with the County's Professional Staff, this letter will constitute the Applicant's agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning, and binding upon the subject property thereafter. The referenced stipulations are as follows:

1. The 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 with respect to the subject property.

2. The rezoning of the subject property to the LI classification for this Applicant only (or its related assignees, transferees, or successors) in substantial conformity to that certain "Site Plan", dated May 6, 2021 which is enclosed herewith and incorporated herein (hereinafter "Site Plan") with the District Commissioner approving minor modifications.

3. The total site area consists of approximately 3.65 acres and is proposed to be utilized for a specialized contractor and its related storage uses incidental to its natural gas pipe installation services.

4. Tree removal and grading of the subject property to be limited to those areas necessary to develop the gravel parking and storage area, the required detention as determined by the Stormwater Management Division and the access driveway.

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A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL AND HAND DELIVERY

Mr. Donald Wells, Planner II
Cobb County Zoning Division

5. The granting of a contemporaneous variance to allow parking and storage on a gravel surface except that area required to be a hardened surface for purposes of an entrance driveway.

6. Storage shall be permitted in temporary storage structures/containers similar to those depicted on the Site Plan.

7. There shall be a fifty foot (50') natural buffer as depicted on the Site Plan including the frontage along Joe Jerkins Blvd.

    a. The buffer shall consist of the existing mature trees and other foliage and is to be undisturbed except for the purpose of removing any dead, dying and irrevocably diseased trees and those which appear to jeopardize the property of the adjoining residential neighbor as well as for utility and stormwater management purposes.

    b. Any request to reduce the buffer area shall be required to go through the full rezoning process.

8. The only heavy equipment stored on site, even if said equipment exceeds 12,500 lbs., shall be equipment typically associated with Southeastern's special contractor uses, particularly those for in ground pipe installation, construction and truck transportation of said equipment, such as directional drills, skid steers/bobcats, mini or compact excavator/diggers and the like.

9. Equipment and materials may be stored outdoors but shall be screened so as not to be visible and boundary landscaping shall be installed if necessary to provide adequate screening all as approved by the Zoning Division Manager.

10. Regular hours of operation are proposed to be from 7:00 A.M. to 6:00 P.M.

11. There shall be no junk or inoperable vehicles kept on site.

12. Compliance with recommendations from the Stormwater Management Division with respect to stormwater management, detention, hydrology and downstream

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VIA EMAIL AND HAND DELIVERY

Mr. Donald Wells, Planner II
Cobb County Zoning Division

considerations. The detention area is not identified on the Site Plan and will be determined during the Plan Review Process. The necessary stormwater management facilities shall be permitted to exist and/or be constructed outside of the identified 100 X 100 gravel storage area and consistent with the recommendations of the Stormwater Management Division.

13. Compliance with the recommendations from Cobb County DOT as it relates to traffic and transportation considerations.

14. Compliance with Cobb County Fire Department as it relates to storage of materials or equipment and the storage structures on site.

15. Compliance with the Cobb County Water System with respect to the availability of water and sewer to the site.

16. The District Commissioner shall have the authority to make minor modifications to the Site Plan and these stipulations/conditions during the Plan Review process except for those that:

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

    b. Increase the height of a building that is adjacent to property that is zoned the same or in a more restrictive zoning district.

    c. Change access location to a different roadway.

Southeastern's proposal is consistent with the Industrial Compatible guidelines as Southeastern proposes significant buffering and landscaping and its activity of parking and limited storage will not produce substantial noise, vibration or noxious byproducts. In fact, Southeastern's use will be entirely screened with significant mature hardwood and evergreen and low-lying vegetation which has grown and existed for the subject property's undeveloped history and will produce very little noise at any time during the workday with limited regular hours consistent with normal business operations. With that, Southeastern's proposal is consistent with

Petition No. Z-46
Meeting Date 7-20-21
Continued

ROZEN & ROZEN, LLP

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VIA EMAIL AND
HAND DELIVERY

Mr. Donald Wells, Planner II
Cobb County Zoning Division

June 30, 2021
Page 5

Staff's Recommendation of Approval and suggested conditions, the industrial expectation of this area while also providing significant protection to any residential properties nearby.

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

Sincerely,

ROZEN & ROZEN, LLP

Adam J. Rozen
arozen@slhb-law.com

AJR/srb
Enclosure/Attachment
cc: Members, Cobb County Board of Commissioners
Members, Cobb County Planning Commission
Dr. Jackie McMorris, County Manager
BOC Commission Assistants
Ms. Jessica Guinn, AICP, Agency Director
Mr. John Pederson, AICP Zoning Division Manager
Mr. Jason S. Gaines, AICP, Planning Division Manager
Ms. Jeannie Peyton, Senior Planner
Mr. Terry Martin, Planner III
Ms. Pam Mabry, County Clerk
Ms. Robin Stone, Deputy County Clerk
Ms. Leila Washington, Deputy County Clerk
Capt. Josh Davis, Cobb County Fire Marshal's Office
Mr. Tim Davidson, Plan Review Engineer, Water and Sewer
Mr. Carl Carver, P.E., Stormwater Management Division
Ms. Amy Diaz, P.E., Cobb DOT
Ms. Abby Rettig, P.E., Cobb DOT
Mr. David Meyer, RLA, DGM Land Planning Consultants
Mr. Allen Kean, Southeastern Natural Gas Services of Rome, Inc.

Petition No. Z-46
Meeting Date 7-20-21
Continued

Rezoning Plat for

Joe Jerkins Boulevard Tract

Cobb County, Georgia Land Lot 22, 18th District, 2nd Section

prepared for:

Allen Keane
Southeastern Natural Gas Services
1845 Old Cedartown Hwy., S.E.,
Lindale, Georgia, 30147

DGM
LAND PLANNING CONSULTANTS

975 COBB PLACE BLVD, SUITE 212
KENNESAW GA 30144
770 514-9006
FAX 514-9491

GEORGIA LANDSCAPE ARCHITECT 906 DAVID G. MEYER

north

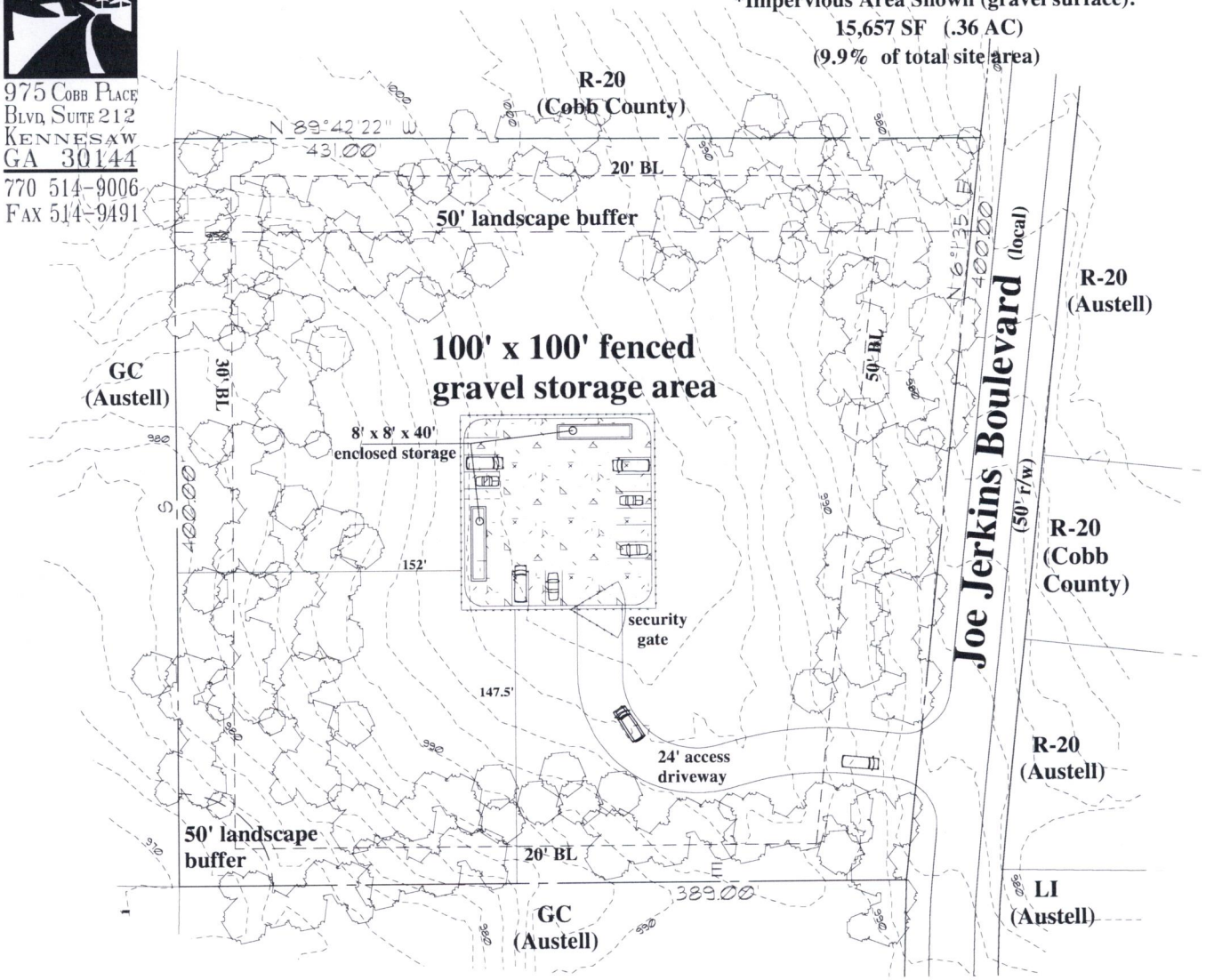
0 20 40 80 160

Scale: 1" = 40'
May 6, 2021

Site Data

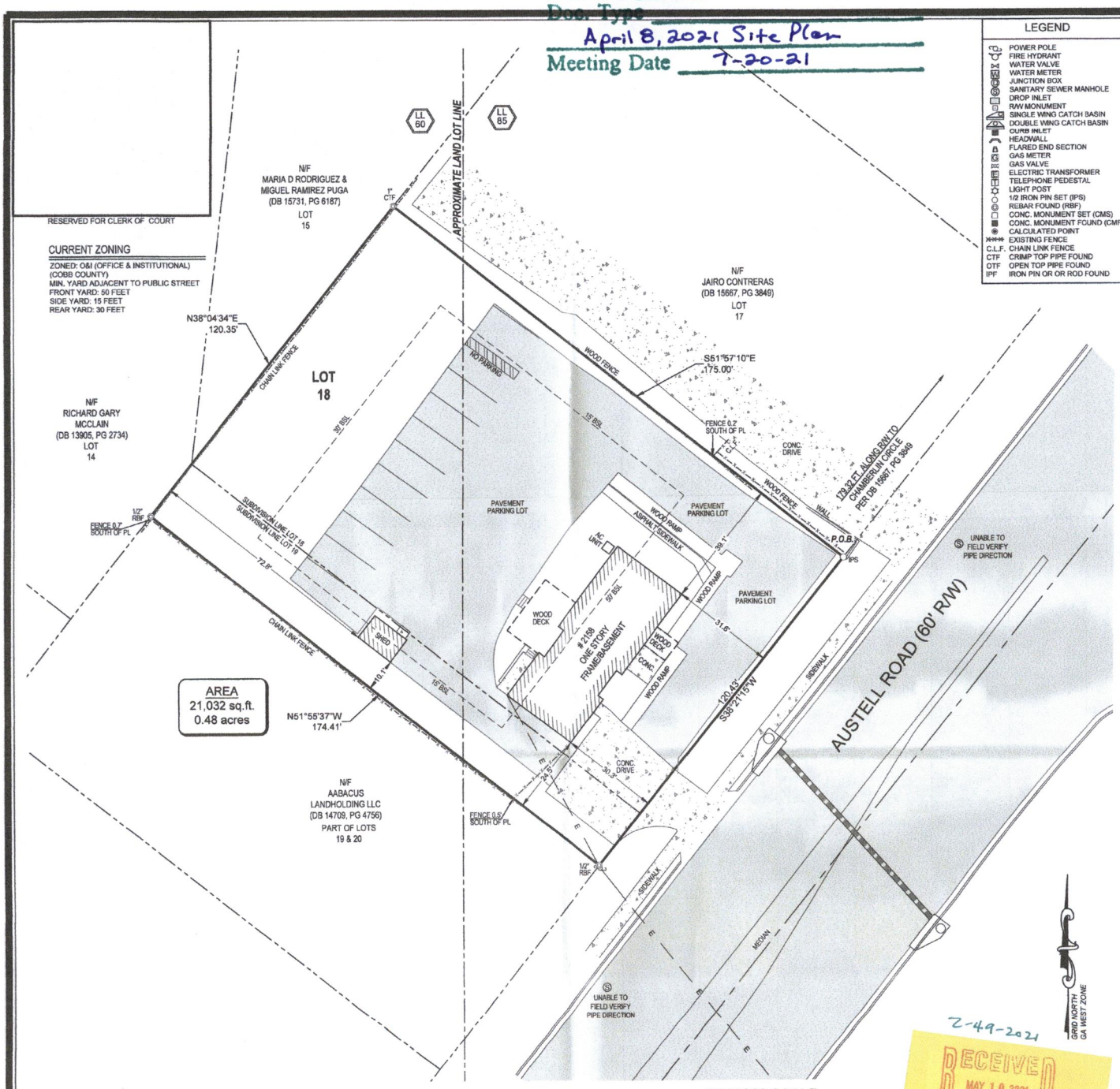
Total Site Area: 3.65 AC
Existing Zoning: R-20
Proposed Zoning: LI
Total Storage Area Shown: 10,000 SF
LI Building Setbacks:
front: 50'
side: 20'
rear: 30'

***Impervious Area Shown (gravel surface):**
15,657 SF (.36 AC)
(9.9% of total site area)



Notes:
1. Boundary taken from Warranty Deeds and GIS tax plats.
2. Topographic information taken from Cobb County GIS.
3. According to Flood Insurance Rate Map (FIRM) #13067C0184 H, March 4, 2013, no portion of this site contains floodplain.
4. No cemeteries are known to exist on site.
5. No streams and/or wetlands are known to exist on site.
6. No archeological or architectural landmarks are known to exist on site.
7. No utility easements are known to exist on site.
8. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.

Min. Bk. 92 Petition No. Z-49
Doc. Type April 8, 2021 Site Plan
Meeting Date 7-20-21



Z-49-2021
RECEIVED
MAY 10 2021
COBB COUNTY
ZONING DIVISION

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

4/8/2021
CULLEN PRESTON HARDEE — DATE
REGISTERED LAND SURVEYOR #3144, LSF 001321

PLAT CERTIFICATION NOTICE

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS,

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW OF THE STATE OF GEORGIA.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67. AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-6, 43-15-19, 43-15-22.

CERTIFICATE OF AUTHORIZATION
NO. LSF001321

SURVEY NOTES

1. EQUIPMENT USED : TOPCON ROBOTIC D2 TOTAL STATION - TOPCON RTK GPS ROVER.
2. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.
3. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 106,406 FEET.
4. THIS PROPERTY IS SUBJECT TO ALL ZONING ORDINANCES, SETBACK LINES AND EASEMENTS OF RECORD LYING WITHIN.
5. AS SHOWN ON FLOOD INSURANCE RATE MAPS OF COBB, COUNTY , GEORGIA COMMUNITY PANEL NUMBER 13067C0114J THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD ZONE.

GEORGIA REGISTERED NO. 3144 CULLEN PRESTON HARDEE LAND SURVEYOR

ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR :
ROSALIO RANGEL

SCALE: 1" = 20'	LAND LOT: 60 & 85	DISTRICT: 17TH	BLOCK: B	UNIT: N/A
DATE: 4/8/2021	SUBDIVISION: W.L. COLE			LOT: 18
FIELD DATE: 4/5/2021	COUNTY: COBB			GEORGIA

LEGAL REFERENCES: DEEDS: DB 15586 PG 5975 PLATS: PB 12 PG 73
JOB REF: #21-259
Know what's below. Call before you dig. UTILITIES PROTECTION CENTER 1-800-282-7411 THROUGHOUT GEORGIA OR DIAL 811

UNITED LAND SURVEYING
PHONE: 678-293-5232
1258 CONCORD ROAD SUITE #103
SMYRNA, GEORGIA 30080
RESIDENTIAL & COMMERCIAL
CERTIFICATE OF AUTHORIZATION
NO. LSF001321

REVISIONS
1.
2.
3.
4.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATE HEREON. SAID CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PERSON WITHOUT AN EXPRESS RECERTIFICATION BY THE SURVYOR NAMING SAID PERSON.

SHEET NUMBER:
1 OF 1

Min. Bk. 92 Petition No. SLUP-5 & O.B.28
Doc. Type letter
Meeting Date 7-20-21

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

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

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

June 22, 2021

(REVISED LETTER OF AGREEABLE STIPULATIONS/CONDITIONS)

VIA EMAIL:

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

Re: Application of Stein Investment Group for the purposes of a Special Land Use Permit ("SLUP") for a Freestanding Climate-Controlled Self-Service Storage Facility ("CCSSSF") – No. SLUP-5 (2021)

Other Business Application (No. OB-28 [2021])

Dear John:

You will recall that this firm has been engaged by and represents Stein Investment Group ("Stein") regarding the above-captioned Applications. In that regard, the SLUP Application will be heard and considered by the Cobb County Planning Commission on July 6, 2021. Both the SLUP and the OB Applications will be heard and considered together for final action by the Cobb County Board of Commissioners ("BOC") on July 20, 2021.

Stein's SLUP Application was filed on April 1, 2021. The Application concerns an approximate 5.81 acre tract of land which is located on the west side of Gordy Parkway, north of Shallowford Road. The property at issue ("Subject Property") is presently zoned in the General Commercial ("GC") zoning classification and is situated within the confines of a Community Activity Center ("CAC") on Cobb County's Future Land Use Map ("FLUM").

The Subject Property is part of a commercially zoned tract which is adjacent to Harrison Park to the west; residentially zoned property to the north (Planned Development ["PD"]); and, is situated across Gordy Parkway from Highlands Plaza. Both the Subject Property's position within the CAC and the current GC zoning are compatible for the Zoning and Future Land Use designations and the proposed free-standing Climate Controlled Self Storage Facility ("CCSSSF") permitted use with the Special Land Use Permit (Cobb County Zoning Ordinance § 134-227[3]).

Petition No. SLUP-5 & O.B.28
Meeting Date 7-20-21
Continued

VIA EMAIL:

Stein's plan for this proposal is to convert the former movie theater to a CCSSSF and also construct an additional new stand-alone CCSSSF building. The proposal will provide storage needs to residential and commercial properties within the area and the benefits associated with the conversion of the property to the proposed use constitutes a rejuvenation of the property by utilizing the existing vacant building and by constructing a new building on the vacant portion of the Subject Property. Clearly, the proposed CCSSSF is a less intense non-residential use which, when compared to other uses which could be allowed on the property under the GC district, is the third least restrictive zoning classification within the Cobb County Zoning Ordinance.

During the pendency of this Application we have continued to interface with the County's professional staff. Additionally, we have established a meaningful and ongoing dialogue with representatives of the East Cobb Civic Association ("ECCA") and have been in contact with HOA leadership within both Highland Park/Highlands Terrace and North Hampton Subdivisions, respectively. Additionally, this proposal has been fully reviewed, vetted and is anticipated that it will be recommended for approval by the Architectural Control Committee ("ACC") which was set up and formulated as a part of the original Rezoning of the Subject Property.

In that regard, Stein has provided this firm with the authority to submit this revised stipulation letter which embodies Stein's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested SLUP and the OB Application and be binding upon the Subject Property thereafter:

1. The revised stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-mentioned Applications.

2. The architectural style, composition and design of the buildings shall be consistent with the renderings/elevations which were submitted concurrently with the SLUP Application on April 1, 2021 which depict exterior materials of all four sides consisting of brick, EIFS and other cementitious/masonry components. The architectural style of the buildings shall also be in substantial conformity to the additional architectural renderings which were previously submitted and which are being re-submitted with this letter.

The architectural style, composition and design of the buildings as well as photometrics, signage, landscaping, colors and other issues have been presented to and reviewed by the ACC with representations from our ACC contact that the totality of their review will be completed prior to the Application being heard and considered by the Planning Commission on July 6, 2021.

3. The granting of the SLUP for the Subject Property as well an approval of the OB Application shall be use specific for CCSSSF buildings on that portion of the Subject Property. Additionally, Stein will agree to exclude all other uses permitted under the GC district except for those permitted uses related to the moving and storage business for the CCSSSF portion of the property.

   The rental of vehicles, trucks, trailers or equipment, gas stations and other such uses not expressly provided for hereinafter shall be prohibited with respect to the CCSSSF component of the Subject Property.

4. The hours of operation shall be from 9:00 a.m. until 6:00 p.m. Monday through Saturday and from 1:00 p.m. until 6:00 p.m. on Sundays. Entry to the building shall be via keycard and punch code pad. All activity within strategic locations throughout the facility shall be monitored by strategically positioned video security cameras.

5. The utilization of low-intensity, environmental type, down-lighting which shall be subject to review and approval by staff. All exterior lighting shall be shielded and direct illumination shall be confined within the perimeter of the subject property. The lighting and photometric aspects of the subject property shall be in substantial conformity to the illumination components utilized by Stein at the 40+ CCSSSF facilities which Stein has constructed within the Metropolitan Atlanta.

6. The submission of a landscape plan during the Plan Review process subject to final review and approval by the Community Development Agency and the ACC, including the following:

   a. The formation of a Landscape Oversight Committee consisting of a representative from Highland Park/Highland Terrace and North Hampton, a representative from Stein and a representative from the Community Development Agency. The District Commissioner shall be the final arbiter with respect to the resolution of any landscaping issues which cannot otherwise be resolved.

b. Species of vegetation which will be utilized shall be ecologically compatible with the site and appropriate for the design circumstances, subject to the County Arborist's review and approval. A screening buffer of evergreens shall be maintained (as planted) between the detention pond and the existing curb.

c. Subject to water restrictions which may be imposed by the state and/or County, all landscaping for the proposed climate-controlled self-service storage facility shall be professionally designed, perpetually maintained and irrigated. Any dead or irrevocably diseased vegetation shall be replaced as necessary.

d. HVAC and all mechanical equipment shall be screened from view of the adjoining properties and public rights-of-way in accordance with the architectural style and composition as aforementioned.

e. There shall be no dumpsters located outside of the climate-controlled self-service storage facility buildings.

7. Signage, excepting permitted signage affixed to the building, shall be ground-based, monument style, with finished materials and colors which shall conform to the architectural style and composition as aforementioned. Signage shall comply with the Cobb County Sign Ordinance and Stein agrees that there shall be no electronic or LED signage.[1]

8. Security fencing, in the form of faux wrought iron, and gates for the site shall be in substantial conformity to the security fencing and gates within similarly situated and recently constructed CCSSSFs which have been entitled within Cobb County.

9. There shall be no outside storage, overnight vehicle parking or trailer or boat parking or the positioning of trucks, trailers, recreational vehicles and related or ancillary equipment. Additionally, and as mentioned above, there shall be no gas stations constructed on the CCSSSF property and there shall be no vehicles parked upon the Subject Property for the purposes of advertising

[1] Signage shall comply with the Cobb County Sign Ordinance and has been reviewed by the ACC.

There shall be no stacking or queuing of construction vehicles, trucks or any mode of transportation parked on Gordy Parkway, Shallowford Road or any adjacent neighborhood streets. All construction worker vehicles and construction trucks shall be parked on the site.

10. Compliance with the following recommendations from the Stormwater Management Division with respect to detention, hydrology and downstream considerations, including the ultimate location and configuration of on-site detention and/or water quality ponds. Additionally, compliance with the following:

    a. In view of the fact that the project will be considered as a redevelopment which creates, adds or replaces 5,000 sq. ft. of new impervious surface area and/or that involves other land disturbing activity of one acre or more, an updated stormwater management facility may be required to address run-off reduction, water quality and detention.

    b. Entering into a Stormwater Facility Maintenance and Access Agreement which shall be required during the Plan Review process.

    c. Since the original detention pond appears to be owned by a different entity and was originally constructed in the 1990s, due to the age of the detention facility, run-off reduction and water quality may not have been included in the original design. In that regard, those components shall be included in the redevelopment of the site unless it ultimately appears that the Master Detention Facility for the entirety of the Mixed-Use Development can accommodate the proposed impervious surface.

11. Compliance with recommendations from the Cobb County Department of Transportation with respect to traffic, transportation and other related infrastructure issues, not necessarily limited to the following, to wit:

    a. 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: donation of right-of-way on the west side of Gordy Parkway, a minimum of 40 feet from the roadway centerline.

    b. The northernmost driveway on Gordy Parkway be restricted to right-in/right-out/left-in with a raised median (R-cut design) or be restricted to right-out/left-in movements. Design to be determined during Plan Review, subject to Cobb County DOT approval.

c. Realigning the driveway on Shallowford Road to improve existing curvature. Design to be determined during Plan Review, subject to Cobb County DOT approval.

d. Less and except the positioning of the out parcel's respective points of ingress and egress which will be determined at a later date upon that property coming back to the board of commissioners for review and consideration as provided herein.

12. Compliance with recommendations from the Cobb County Water System with respect to the accessibility and availability of sewer and water and issues attendant thereto. The Subject Property is already a "customer" of the Cobb County Water System; therefore, no further comments have been issued by the Water System with respect to this proposal.

13. Subject to recommendations from the Cobb County Fire Marshal's Office with respect to Fire Prevention and Life Safety including, not necessarily limited to the following, to wit:

    a. Compliance with IFC 510-Emergency Responder Radio Coverage.

    b. Providing Fire Engine Access along the long side of the building.

    c. 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.

    d. 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.

    e. The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road.

14. If the subject property is determined to be undevelopable for the purposes sought by Stein or, if for any reason, the closing on the subject property does not take place within one (1) year from the date of a successful approval of the SLUP and OB Applications, then, and in such an event(s), the zoning classification of the subject property shall revert to its original classification of conditional GC (absent SLUP and OB approvals) without further action being necessary on the part of Cobb County or the owner of the subject property.

15. The totality of the proposed development shall require no variances from provisions of the Cobb County Zoning Ordinance.

16. The District Commissioner, after consultation the ACC, shall have the authority to approve minor modifications to these stipulations, the site plan, architectural renderings/elevations and all other components of this development as it proceeds through the Plan Review Process and thereafter. However, the District Commissioner shall not have the authority to approve modifications or revisions which:

    a. Increase the density.

    b. Reduce the size or composition of an approved buffer or landscape strip adjacent to contiguous properties.

    c. Relocate a structure closer to a perimeter property line.

    d. Increase the height of a building so that it exceeds the at-grade level of buildings located on contiguous and/or adjacent properties.

    e. Which seek additional waivers from the Cobb County Zoning Ordinance other than those depicted on the current site plan.

As mentioned above, the Subject Property is located within a CAC on the FLUM and is positioned within an area along the Gordy Parkway and Shallowford Road Corridors which is appropriate for the utilization as proposed.

Petition No. SLUP-5 & O.B.28
Meeting Date 7-20-21
Continued

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
June 22, 2021
Page 8

For those reasons and the other matters mentioned herein, Staff has recommended approval of the Application and related OB Application. Nevertheless, please do not hesitate to contact me should you or your Staff require any further information or documentation prior to these Applications being heard and considered by the Planning Commission and Board of Commissioners next month. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

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

GLS, Jr./jac
Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director, Community Development (via email w/attachments)
Mr. Jason Gaines, AICP, Manager (via email w/attachments)
Mr. Phil Westbrook, Planner III (via email w/attachments)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
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Ms. Margie Vazquez, Planner II (via email w/attachments)
Ms. Pamela Mabry, County Clerk (via email w/attachments)
Ms. Robin Stone, Deputy County Clerk (via email w/attachments)
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Capt. Josh Davis, Fire Marshal's Office (via email/with attachment)
Mr. David Breaden, P.E., Stormwater Management Division (via email w/attachments)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachments)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)

Petition No. SLUP-5 & O.B.28
Meeting Date 7-20-21
Continued

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
June 22, 2021
Page 9

Ms. Abby Rettig, P.E., Cobb DOT (via email w/attachments)
Mr. Tim Davidson, Water System (via email w/attachments)
Mr. Henry Hays, Gordy Parkway ACC (via email w/attachments)
Ms. Chris Lindstrom, Vice President ECCA (via email w/attachments)
Ms. Laura Hickman, Highland Park/Highland Terrace HOA (via email w/attachments)
Mr. Chris Rink, North Hampton HOA (via email w/attachments)
Mr. Daniel Ginburg, Stein Investment Group (via email w/attachments)
Mr. Jason Linscott, Stein Investment Group (via email w/attachments)

Petition No. SLUP-5 & O.B.28
Meeting Date 7-20-21
Continued

#21015
03/30/21

PLACE MAKER DESIGN
1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

TSS Gordy Parkway
Marietta, GA

Petition No. SLUP-5 & O.B.28
Meeting Date 7-20-21
Continued

#21015
03/30/21

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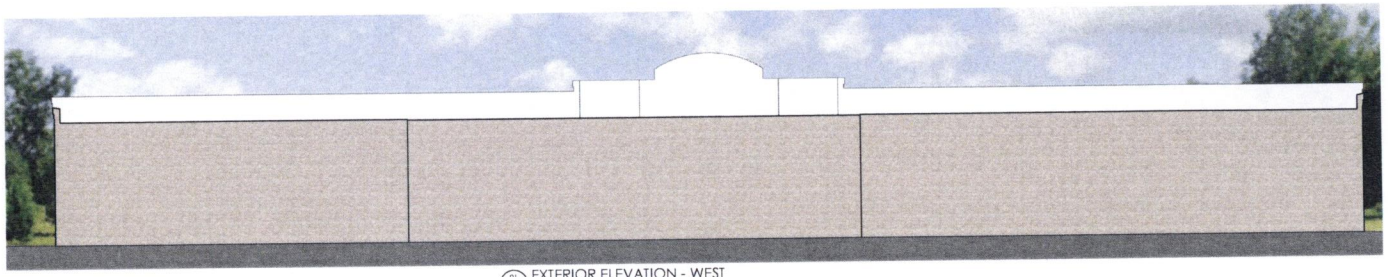
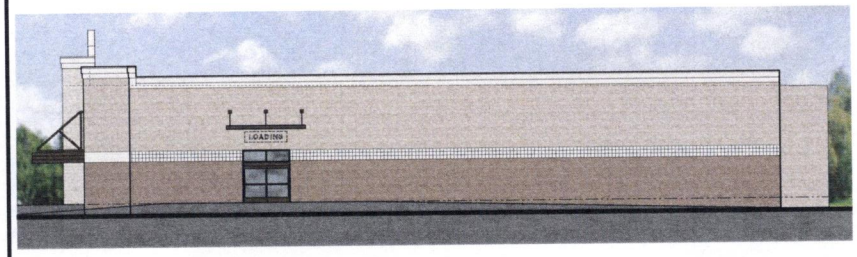
TSS Gordy Parkway
Marietta, GA

Petition No. SLUP-5 & O.B.28
Meeting Date 7-20-21
Continued



01 A2.0 EXTERIOR ELEVATION - WEST
SCALE: 3/32" = 1'-0"



03 A2.0 EXTERIOR ELEVATION - NORTH
SCALE: 3/32" = 1'-0"

03 A2.0 EXTERIOR ELEVATION - SOUTH
SCALE: 3/32" = 1'-0"

01 A2.0 EXTERIOR ELEVATION - EAST (GORDY PKWY)
SCALE: 3/32" = 1'-0"

PLACE MAKER DESIGN

SPACE SHOP
SELF STORAGE
GORDY PKWY STORAGE
7955 N. HWY 41 GORDY PARKWAY - MARIETTA, GEORGIA 30064

PLACE MAKER DESIGN
1000 CIRCLE 75 PARKWAY
SUITE 400
ATLANTA, GEORGIA 30339
404.549.4499 (p)

EXTERIOR ELEVATIONS - EXIST BLDG

A2.0

Petition No. SLUP-5 & O.B.28
Meeting Date 7-20-21
Continued

(3A) EXTERIOR ELEVATION - WEST
A3.1 SCALE: 3/32" = 1'-0"

(3) EXTERIOR ELEVATION - SOUTH
A3.1 SCALE: 3/32" = 1'-0"

(3B) EXTERIOR ELEVATION - EAST (GORDY PKWY)
A3.1 SCALE: 3/32" = 1'-0"

(3B) EXTERIOR ELEVATION - NORTH
A3.1 SCALE: 3/32" = 1'-0"

PLACE MAKER DESIGN

SPACE SHOP
SELF STORAGE
GORDY PKWY STORAGE
7925 W FRANK GORDY PARKWAY - MARIETTA, GEORGIA 30066

PLACE MAKER DESIGN
1880 CENTURY PARKWAY
ATLANTA, GEORGIA 30329
404.549.4999 tel

EXTERIOR ELEVATIONS - NEW BLDG

A2.1

Min. Bk. 92 Petition No. SLUP-5 & O.B.28
Doc. Type letter
Meeting Date 7-20-21

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

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

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

July 14, 2021

(REVISED STIPULATIONS LETTER
PURSUANT TO AND IN ACCORDANCE WITH
PLANNING COMMISSION RECOMMENDATION FOR APPROVAL)

VIA EMAIL:

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

Re: Application of Stein Investment Group for the purposes of a Special Land Use Permit ("SLUP") for a Freestanding Climate-Controlled Self-Service Storage Facility ("CCSSSF") – No. SLUP-5 (2021)

Other Business Application (No. OB-28 [2021])

Dear John:

As you know, I represent Stein Investment Group ("Stein") regarding the above-captioned Applications. In that regard, the SLUP Application was heard, considered and recommended for approval by the Cobb County Planning Commission on July 6, 2021. The motion to recommend approval contained language placing the Application on the Board of Commissioners' Consent Agenda wherein both the SLUP and OB Applications would be heard and considered together for final action by the Board on July 20, 2021.

Stein's SLUP Application was filed on April 1, 2021. The Application concerns an approximate 5.81 acre tract of land which is located on the west side of Gordy Parkway, north of Shallowford Road. The property at issue ("Subject Property") is presently zoned in the General Commercial ("GC") zoning classification and is situated within the confines of a Community Activity Center ("CAC") on Cobb County's Future Land Use Map ("FLUM").

The Subject Property is part of a commercially zoned tract which is adjacent to Harrison Park to the west; residentially zoned property to the north (Planned Development ["PD"]); and, is situated across Gordy Parkway from Highlands Plaza. Both the Subject Property's position within the CAC and the current GC zoning are compatible for the Zoning and Future Land Use

designations and the proposed free-standing Climate Controlled Self Storage Facility ("CCSSSF") permitted use with the Special Land Use Permit (Cobb County Zoning Ordinance § 134-227[3]).

Stein's plan for this proposal is to convert the former movie theater to a CCSSSF and also to construct an additional new stand-alone CCSSSF building. The proposal will provide storage needs to residential and commercial properties within the area and the benefits associated with the conversion of the property to the proposed use constitutes a rejuvenation of the property by utilizing the existing vacant building and by constructing a new building on the vacant portion of the Subject Property. Clearly, the proposed CCSSSF is a less intense non-residential use which, when compared to other uses which could otherwise be allowed on the property under the GC district, which is the third least restrictive zoning classification within the Cobb County Zoning Ordinance.

Although there is an outparcel shown on the site plan filed with the SLUP and OB Applications, it is not a part of either Application and will be required to come back to the Board of Commissioners with respect to any proposal, use or any type of entitlement. That seemed to have been the source of some confusion during the pendency of these Applications; however, the Zoning Division Manager made it clear during the public hearing before the Planning Commission that the outparcel was to be entitled at a later date, and was not part of either of these pending Applications.

There was one individual who appeared at the Planning Commission Zoning Hearing as a representative from the East Cobb Civic Association ("ECCA"). Previously, ECCA comments were incorporated into the June 22, 2021 letter; however, the Planning Commission motion was based upon inclusion of ECCA's applicable comments into a revised letter and as follows:

ECCA SUGGESTED STIPULATIONS:

1. There shall be no dumping of any construction, chemical, paint material or other trash into the stormwater detention area.

2. Existing sidewalks shall be maintained and open during the construction process along both Gordy Parkway and Shallowford Road.

3. An emergency number shall be provided and be available to surrounding neighbors and posted during the construction phase.

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VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
July 14, 2021

4. Trees along Gordy Parkway and Shallowford Road shall remain.

5. The installation of a tire-washing station on the Subject Property for construction vehicles.

6. All construction vehicles and trucks shall exit the property from Gordy Parkway via right-turn only in accordance with directives from Cobb DOT.

7. The words "where not in conflict" will be added to Stipulation No. 1 below.

8. The word "consistent" will replace the words "in compliance" in sentence one of Stipulation No. 2 below.

9. The word "substantial" in Stipulation No. 2, sentence two shall be replaced by the words "shall also be in conformity . . . ".

10. Stipulation No. 3, Paragraph 2 shall be revised to add the following sentence: "The rental of vehicles, trucks, RVs, trailers or equipment, gas stations and other such uses not expressly provided for hereinafter shall be prohibited".

11. Stipulation No. 5, Sentence 3 will add the words that "the lighting and photometric aspects will be supplied at site plan review".

12. ECCA has also requested that Stipulation No. 9, Paragraph 1, Sentence 2 be revised to be applicable to the outparcel, however, that tract is not a part of either the SLUP or OB Applications.

With the understanding that there may be redundancy, Stein reiterates and has incorporated ECCA's suggested stipulations which shall become conditions and a part of the requested SLUP and OB Applications binding upon the Subject Property thereafter:

1. The revised stipulations and conditions set forth herein, where not in conflict, shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-mentioned Applications.

2. The architectural style, composition and design of the buildings shall be in compliance with the renderings/elevations which were submitted concurrently with the SLUP

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A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Application on April 1, 2021 which depict exterior materials of all four sides consisting of brick, EIFS and other cementitious/masonry components. The architectural style of the buildings shall also be in conformity to the additional architectural renderings which were previously submitted and which are being re-submitted with this letter.

The architectural style, composition and design of the buildings as well as photometrics, signage, landscaping, colors and other issues have been presented to and reviewed by the ACC with representations from our ACC contact that the totality of their review will be completed prior to the Application being heard and considered by the Planning Commission on July 6, 2021.

3. The granting of the SLUP for the Subject Property as well an approval of the OB Application shall be use specific for CCSSSF buildings on that portion of the Subject Property. Additionally, Stein will agree to exclude all other uses permitted under the GC district except for those permitted uses related to the moving and storage business for the CCSSSF portion of the property.

   The rental of vehicles, trucks, RVs, trailers or equipment, gas stations and other such uses not expressly provided for hereinafter shall be prohibited.

4. Entry to the building shall be via keycard and punch code pad. All activity within strategic locations throughout the facility shall be monitored by strategically positioned video security cameras.

5. The utilization of low-intensity, environmental type, down-lighting which shall be subject to review and approval by staff. All exterior lighting shall be shielded and direct illumination shall be confined within the perimeter of the subject property. The lighting and photometric aspects of the subject property shall be in substantial conformity to the illumination components utilized by Stein at the 40+ CCSSSF facilities which Stein has constructed within the Metropolitan Atlanta and will be supplied during the site plan review process.

6. The submission of a landscape plan during the Plan Review process subject to final review and approval by the Community Development Agency and the ACC, including the following:

a. The formation of a Landscape Oversight Committee consisting of a representative from Highland Park/Highland Terrace and North Hampton, a representative from Stein and a representative from the Community Development Agency. The District Commissioner shall be the final arbiter with respect to the resolution of any predevelopment landscaping issues which cannot otherwise be resolved.

b. Species of vegetation which will be utilized shall be ecologically compatible with the site and appropriate for the design circumstances, subject to the County Arborist's review and approval. A screening buffer of evergreens shall be maintained (as planted) between the detention pond and the existing curb.

c. Subject to water restrictions which may be imposed by the state and/or County, all landscaping for the proposed climate-controlled self-service storage facility shall be professionally designed, perpetually maintained and irrigated. Any dead or irrevocably diseased vegetation shall be replaced as necessary.

d. HVAC and all mechanical equipment shall be screened from view of the adjoining properties and public rights-of-way in accordance with the architectural style and composition as aforementioned.

e. There shall be no dumpsters located outside of the climate-controlled self-service storage facility buildings.

7. Signage, excepting permitted signage affixed to the building, shall be ground-based, monument style, with finished materials and colors which shall conform to the architectural style and composition as aforementioned. Signage shall comply with the Cobb County Sign Ordinance and Stein agrees that there shall be no electronic or LED signage.[1]

8. Any security fencing, in the form of faux wrought iron, and gates for the site shall be in substantial conformity to the security fencing and gates within similarly situated and recently constructed CCSSSFs which have been entitled within Cobb County.

9. There shall be no outside storage, overnight vehicle parking or trailer or boat parking or the positioning of trucks, trailers, recreational vehicles and related or ancillary equipment. Additionally, and as mentioned above, there shall be no gas stations constructed on the

[1] Signage shall comply with the Cobb County Sign Ordinance and has been reviewed by the ACC.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

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

CCSSSF property and there shall be no vehicles parked upon the Subject Property for the purposes of advertising.

There shall be no stacking or queuing of construction vehicles, trucks or any mode of transportation parked on Gordy Parkway, Shallowford Road or any adjacent neighborhood streets. All construction worker vehicles and construction trucks shall be parked on the site.

10. Compliance with the following recommendations from the Stormwater Management Division with respect to detention, hydrology and downstream considerations, including the ultimate location and configuration of on-site detention and/or water quality ponds. Additionally, compliance with the following:

    a. In view of the fact that the project will be considered as a redevelopment which creates, adds or replaces 5,000 sq. ft. of new impervious surface area and/or that involves other land disturbing activity of one acre or more, an updated stormwater management facility may be required to address run-off reduction, water quality and detention.

    b. Entering into a Stormwater Facility Maintenance and Access Agreement which shall be required during the Plan Review process.

    c. Since the original detention pond appears to be owned by a different entity and was originally constructed in the 1990s, due to the age of the detention facility, run-off reduction and water quality may not have been included in the original design. In that regard, those components shall be included in the redevelopment of the site unless it ultimately appears that the Master Detention Facility for the entirety of the Mixed-Use Development can accommodate all impervious surfaces

11. Compliance with recommendations from the Cobb County Department of Transportation with respect to traffic, transportation and other related infrastructure issues, not necessarily limited to the following, to wit:

    a. 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: donation of right-of-way on the west side of Gordy Parkway, a minimum of 40 feet from the roadway centerline.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

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Cobb County Zoning Division
Community Development Agency
July 14, 2021

b. The northernmost driveway on Gordy Parkway may be restricted to right-in/right-out/left-in with a raised median (R-cut design) or be restricted to right-out/left-in movements. Design to be determined during Plan Review, subject to Cobb County DOT approval.

c. Realigning the driveway on Shallowford Road to improve existing curvature. Design to be determined during Plan Review, subject to Cobb County DOT approval.

d. Less and except the positioning of the out parcel's respective points of ingress and egress which will be determined at a later date upon that property coming back to the board of commissioners for review and consideration as provided herein.

12. Compliance with recommendations from the Cobb County Water System with respect to the accessibility and availability of sewer and water and issues attendant thereto. The Subject Property is already a "customer" of the Cobb County Water System; therefore, no further comments have been issued by the Water System with respect to this proposal.

13. Subject to recommendations from the Cobb County Fire Marshal's Office with respect to Fire Prevention and Life Safety including, not necessarily limited to the following, to wit:

a. Compliance with IFC 510-Emergency Responder Radio Coverage.

b. Providing Fire Engine Access along the long side of the building.

c. 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.

d. 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.

e. The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road.

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
July 14, 2021
Page 8

14. If the subject property is determined to be undevelopable for the purposes sought by Stein or, if for any reason, the closing on the subject property does not take place within one (1) year from the date of a successful approval of the SLUP and OB Applications, then, and in such an event(s), the zoning classification of the subject property shall revert to its original classification of conditional GC (absent SLUP and OB approvals) without further action being necessary on the part of Cobb County or the owner of the subject property.

15. The totality of the CCSSSF project shall require no variances from provisions of the Cobb County Zoning Ordinance.

16. The District Commissioner, after consultation the ACC, shall have the authority to approve minor modifications to these stipulations, the site plan, architectural renderings/elevations and all other components of this development as it proceeds through the Plan Review Process and thereafter. However, the District Commissioner shall not have the authority to approve modifications or revisions which:

    a. Increase the density.

    b. Reduce the size or composition of an approved buffer or landscape strip adjacent to contiguous properties.

    c. Relocate a structure closer to a perimeter property line.

    d. Increase the height of a building so that it exceeds the at-grade level of buildings located on contiguous and/or adjacent properties.

    e. Which seek additional waivers from the Cobb County Zoning Ordinance other than those depicted on the current site plan.

As mentioned above, the Subject Property is located within a CAC on the FLUM and is positioned within an area along Gordy Parkway and Shallowford Road which is appropriate for the utilization as proposed. For those reasons and the others mentioned herein, Staff has recommended approval of the Application and the related OB Application.

Nevertheless, please do not hesitate to contact me should you or your Staff require any further information or documentation prior to these Applications being heard and considered by the Planning Commission and Board of Commissioners next month.

Petition No. SLUP-5 & O.B.28
Meeting Date 7-20-21
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
July 14, 2021
Page 9

With kind regards, I am

Very truly yours,

SAMS, ~~LARKIN & HUFF~~, LLP

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

GLS, Jr./dls
Attachments
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Meeting Date 7-20-21
Continued

#21015
03/30/21

PLACE MAKER DESIGN
1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

TSS Gordy Parkway
Marietta, GA

Petition No. SUP-5 & O.B.28
Meeting Date 7-20-21
Continued

#21015
03/30/21

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1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

TSS Gordy Parkway
Marietta, GA

Petition No. SLUP-5 & O.B. 28
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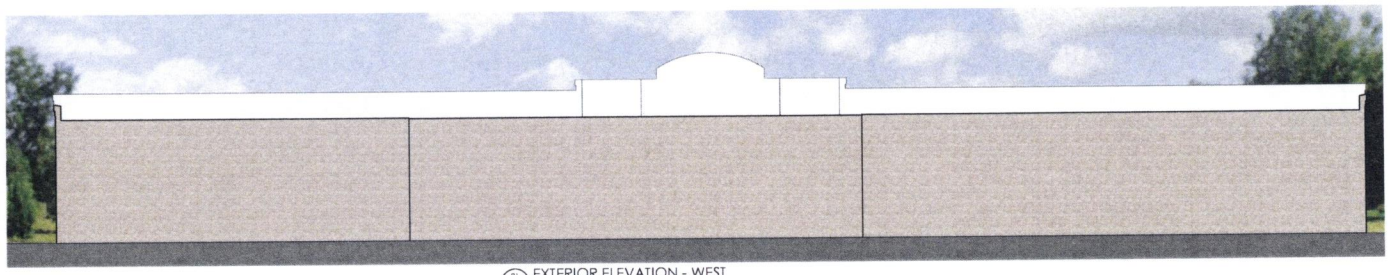
Continued



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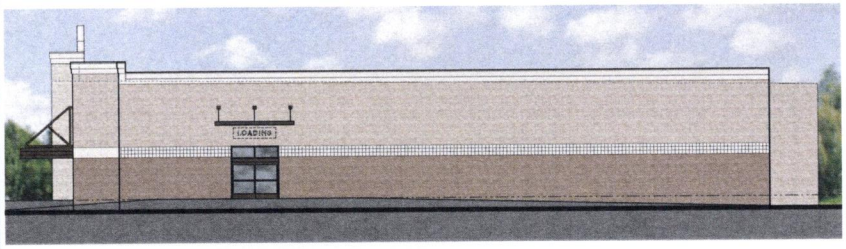

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PLACE MAKER DESIGN

SPACE SHOP SELF STORAGE
GORDY PKWY STORAGE
7925 W FRANK GORDY PARKWAY - MARIETTA, GEORGIA 30066

PLACE MAKER DESIGN
1000 CIRCLE 75 PARKWAY
SUITE 400
ATLANTA, GEORGIA 30339
404.549.4499 (m)

EXTERIOR ELEVATIONS - EXIST BLDG

A2.0

Petition No. SLUP-5 & O.B.28
Meeting Date 7-20-21
Continued

(3) EXTERIOR ELEVATION - NORTH
A2.1 SCALE: 3/32" = 1'-0"

(2) EXTERIOR ELEVATION - EAST (GORDY PKWY)
A2.1 SCALE: 3/32" = 1'-0"

(1) EXTERIOR ELEVATION - SOUTH
A2.1 SCALE: 3/32" = 1'-0"

(4) EXTERIOR ELEVATION -WEST
A2.1 SCALE: 3/32" = 1'-0"

PLACE MAKER DESIGN

SPACE SHOP
SELF STORAGE
GORDY PKWY STORAGE
7925 W FRANK GORDY PARKWAY - MARIETTA, GEORGIA 30066

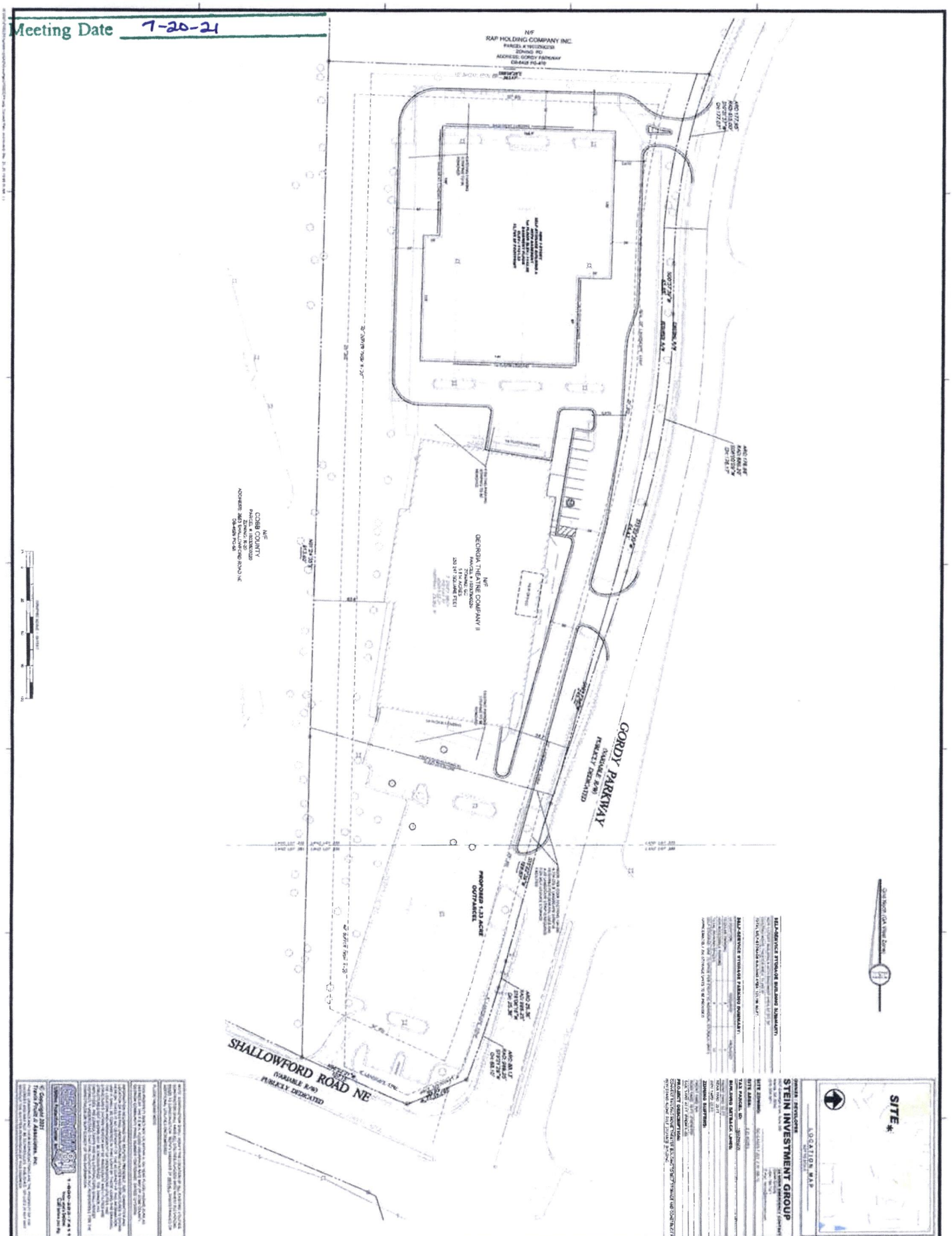
PLACE MAKER DESIGN
(100 CIRCLE) PARKWAY
SUITE 400
ATLANTA, GEORGIA 30327
404.347.4999 (p)

EXTERIOR ELEVATIONS - NEW BLDG

A2.1

Min. Bk. 92 Petition No. O.B.28
Doc. Type Site Plan and Elevations

Meeting Date 7-20-21



Petition No. O.B.28
Meeting Date 7-20-21
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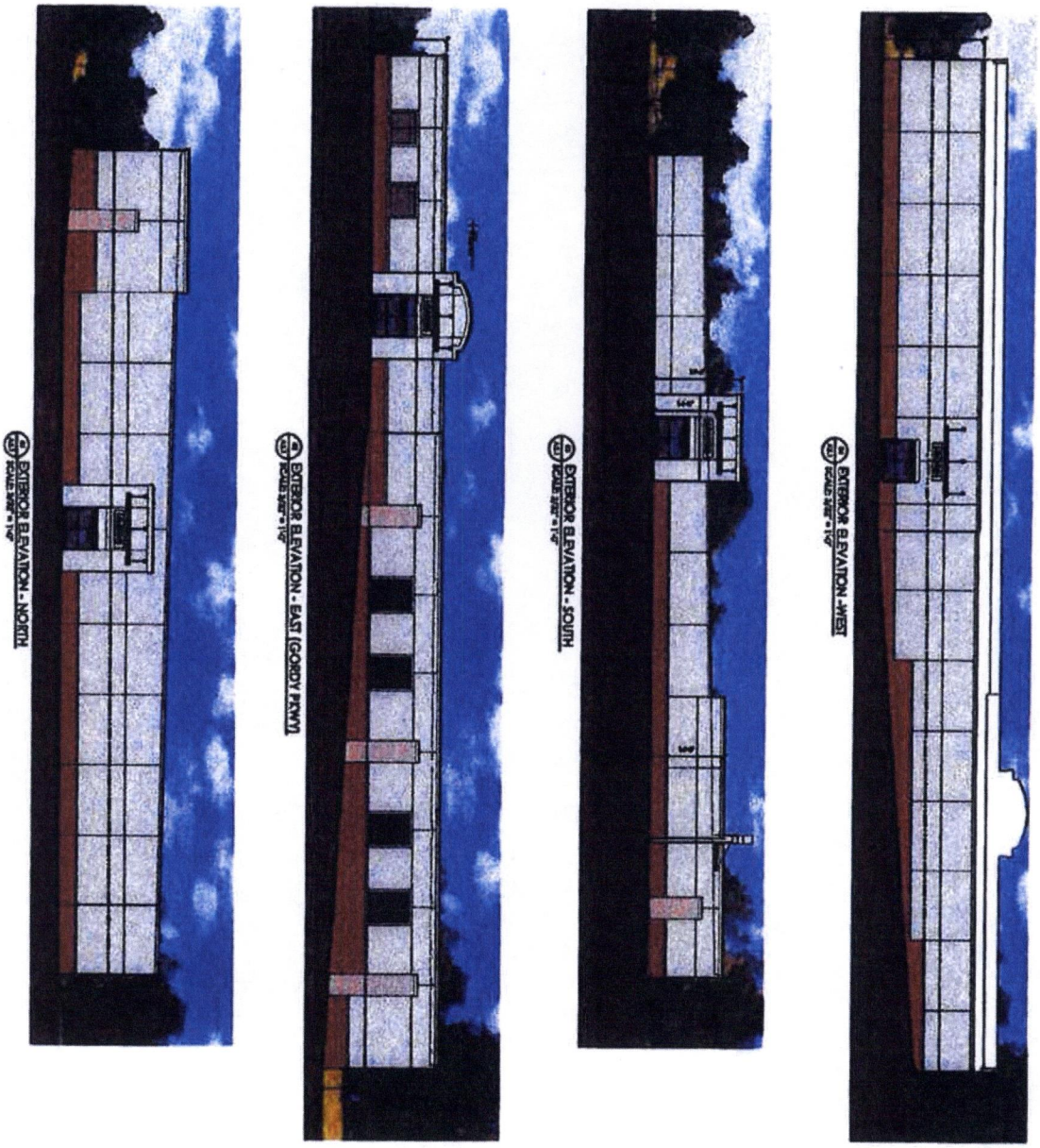

PLACE MAKER DESIGN

SPACE SHOP
SELF STORAGE
GORDY PKWY STORAGE

EXTERIOR ELEVATIONS - NEW BLDG

A2.1

Petition No. 0.B.28
Meeting Date 7-20-21
Continued

#21015
03/30/21

PLACE MAKER DESIGN
1000 Circle 75 Parkway - Suite 400 - Atlanta, Georgia 30339

TSS Gordy Parkway
Marietta, GA

Petition No. 0.B.28
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TSS Gordy Parkway
Marietta, GA

Petition No. O.B.28
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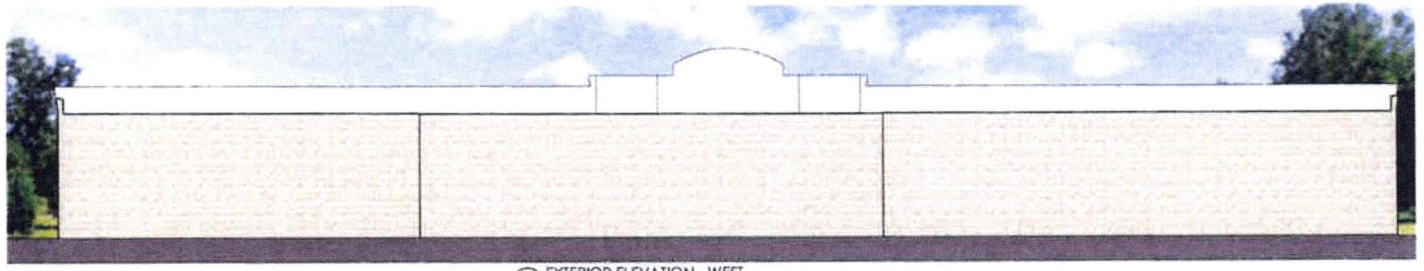
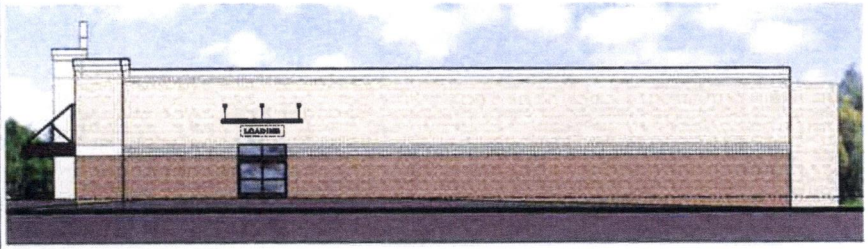
Continued



01 A2.0 EXTERIOR ELEVATION - WEST
SCALE: 3/32" = 1'-0"



02 A2.0 EXTERIOR ELEVATION - NORTH
SCALE: 3/32" = 1'-0"

03 A2.0 EXTERIOR ELEVATION - SOUTH
SCALE: 3/32" = 1'-0"

01 A2.0 EXTERIOR ELEVATION - EAST (GORDY PKWY)
SCALE: 3/32" = 1'-0"

PLACE MAKER DESIGN

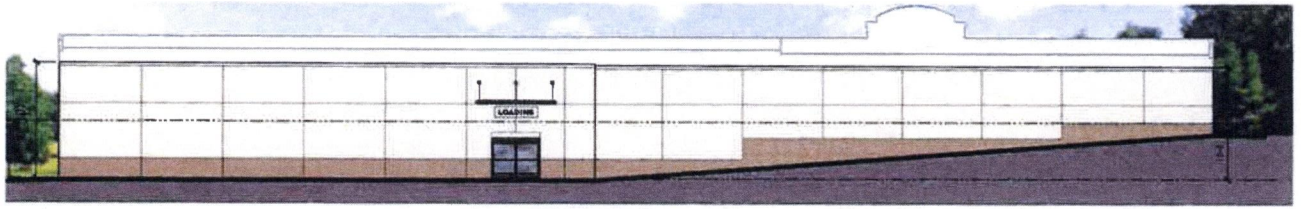
SPACE SHOP
SELF STORAGE
GORDY PKWY STORAGE
2925 W FRANK GORDY PARKWAY - MARIETTA, GEORGIA 30064

PLACE MAKER DESIGN
1600 CIRCLE 75 PARKWAY
SUITE 400
ATLANTA, GEORGIA 30339
404.249.4499 tel

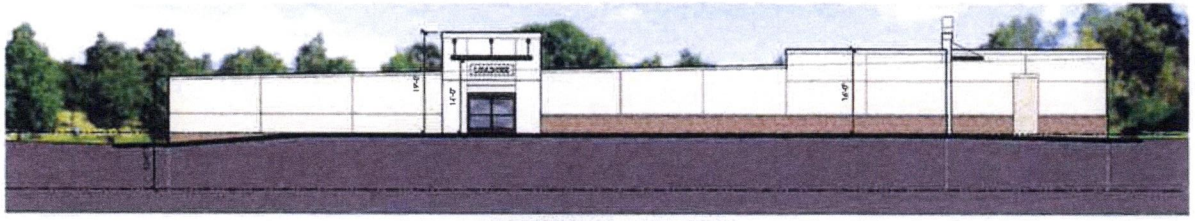
EXTERIOR ELEVATIONS - EXIST BLDG

A2.0

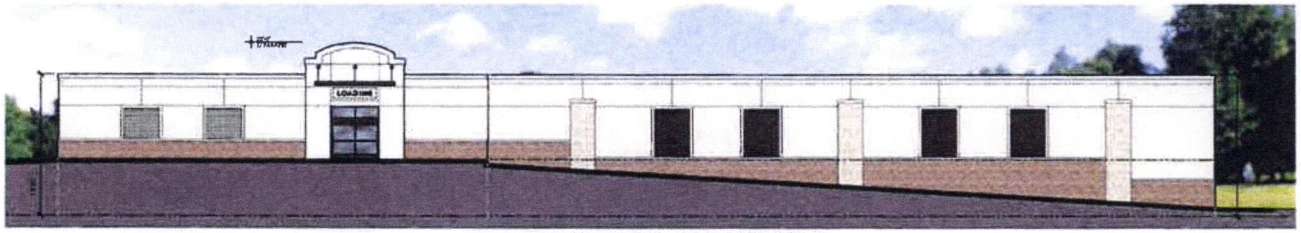
Petition No. 0.B.28
Meeting Date 7-20-21
Continued



04 A2.1 EXTERIOR ELEVATION -WEST
SCALE: 3/32" = 1'-0"



03 A2.1 EXTERIOR ELEVATION - SOUTH
SCALE: 3/32" = 1'-0"



02 A2.1 EXTERIOR ELEVATION - EAST (GORDY PKWY)
SCALE: 3/32" = 1'-0"

01 A2.1 EXTERIOR ELEVATION - NORTH
SCALE: 3/32" = 1'-0"

PLACE MAKER DESIGN

4 SPACE SHOP SELF STORAGE
GORDY PKWY STORAGE
2925 W IRANE GORDY PARKWAY - MARIETTA, GEORGIA 30064

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PLACE MAKER DESIGN
1600 CIRCLE 75 PARKWAY
SUITE 400
ATLANTA, GEORGIA 30339
404.549.4699 (p)

EXTERIOR ELEVATIONS - NEW BLDG

A2.1

JULY 20, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

Min. Bk. 92 Petition No. O.B.28
Doc. Type Cobb DOT comments and recommendations
Meeting Date 7-20-21

ITEM OB-28-2021

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 from the June 15, 2021 hearing)***

BACKGROUND

The subject property was rezoned in 1988 to General Commercial as part of a larger mixed-use rezoning case. It was developed as a movie theater and has been used as such for the past 30 years. The applicant would like to remodel the movie theater as a climate-controlled self-service storage facility. The applicant would also build a new two-story storage building next the existing building. The proposed building would be approximately 67,000 square feet and would match the exterior architecture of the former movie theater. The applicant is showing a 1.33 acre out parcel at the corner, and the site plan submitted meets all zoning criteria for the GC zoning district. The applicant has been working with the Architectural Control Committee that has overseen this area of the county since the 1988 rezoning action. If the site plan amendment is approved, all previous stipulations would remain in effect.

STAFF COMMENTS AND RECOMENDATIONS

Cobb DOT: 1) Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Gordy Parkway, a minimum of 40' from the roadway centerline. 2) Recommend the northernmost driveway on Gordy Parkway be restricted to right-in/right-out/left-in with a raised median (R-cut design) or be restricted to right-out/left-in movements. Recommend design be determined during plan review, subject to Cobb County DOT approval. 3) Recommend realigning driveway on Shallowford Road to improve existing curvature. Recommend design be determined during plan review, subject to Cobb County DOT approval. 4) Recommend the southernmost driveway on Gordy Parkway be restricted to right-in/right-out access. Recommend design be determined during plan review, subject to Cobb County DOT approval. 5). Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

(Continued on the next page)

Min. Bk. 92 Petition No. O.B.28
Doc. Type Fire Department comments and recommendations
Meeting Date 7-20-21

ITEM OB-28-2021 (Continued)

Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

APPLICANT: Stein Investment Group **PETITION NO.:** OB-28

* *

FIRE COMMENTS:

Petition No. O.B.28
Meeting Date 7-20-21
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

Provide emergency access through all gates securing Fire Department access with a minimum 12 foot 0 inch clear width and approved means of operation www.knoxbox.com.

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)

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

1.) NFPA 13D sprinkler system.

2.) Complete structure (framing and decking materials) treated with a Class A-Fire Retardant spray with a flame spread rating of 25 or less and smoke development of 450 or less.

3.) Non-Combustible construction.

(Indicate on the site plan which option will be utilized.)

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).

(Continued on the next page)

APPLICANT: Stein Investment Group **PETITION NO.: OB-28**

* *

FIRE COMMENTS:

Petition No. O.B.28
Meeting Date 7-20-21
Continued

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.

Gates

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

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

Min. Bk. 92 Petition No. O.B.33
Doc. Type Revised Site Plan
dated 7-13-2021
Meeting Date 7-20-21

Rezoning Plat

1972 Atlanta Road

Cobb County, Georgia

Land Lots 421 and 444, 17th District, 2nd Section

prepared for:

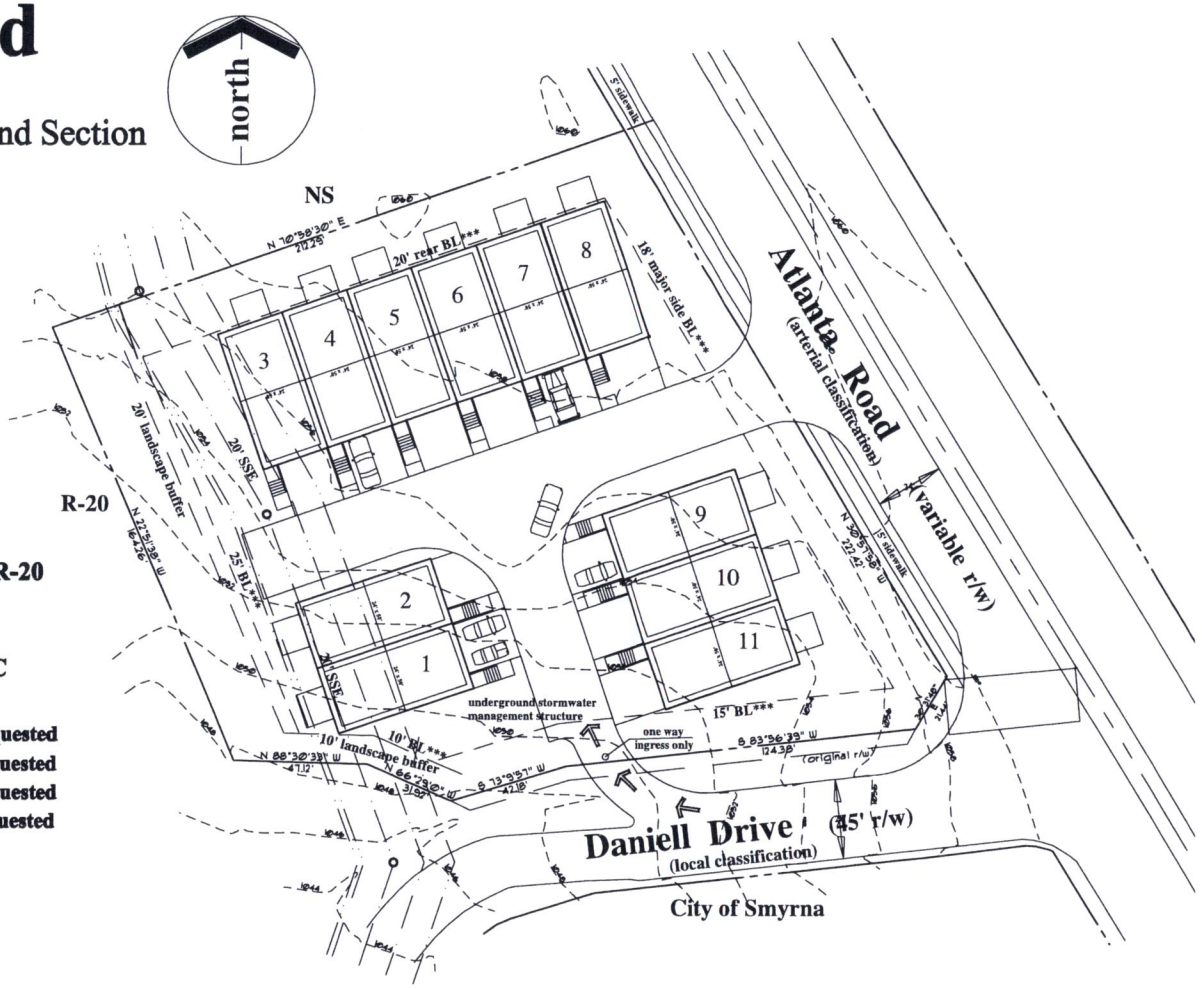
Parklane Capital II, LLC

DGM
LAND PLANNING
CONSULTANTS

1635 Old Hwy 41
Suite 112-314
Kennesaw
GA 30152
770 514-9006
Fax 514-9491

0 15 30 60 120
Scale: 1" = 30'

July 13, 2021



Site Data

Total Site Area:	**1.088**
Existing Zoning:	**RM-12 and R-20**
Proposed Zoning:	**RM-12**
Total Units Shown:	**11**
Proposed Density:	**10.11 UN/AC**
RM-12 Setbacks:	
front: 50' (local)	***15' requested**
side: 35'	***10' requested**
(major side = 35')	***18' requested**
rear: 40'	***20' requested**

Notes:

1. Boundary and topograpic information taken from Zoning Approval Plat by Contineo Group, plan dated 2020-6-10.
2. According to current Flood Insurance Rate Map no portion of this site contains floodplain or state waters.
3. No cemeteries are known to exist on site.
4. No streams or wetlands are known to exist on site.
5. No archeological or architectural landmarks are known to exist on site.
6. Existing utility easement is shown on site plan.

Min. Bk. 92 Petition No. O.B.33
Doc. Type Stormwater Management
Comments from Z-23 of 2020
Meeting Date 7-20-21

Case # Z-23

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard zone: No
2. Drainage Basin: Theater Branch
3. Wetlands: No
4. Streambank buffer zone: No
5. Potential or known drainage problems exist for developments downstream from this site. There is limited existing stormwater infrastructure downstream of this site.
6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
7. Substantially mitigate any effects of concentrated stormwater discharges onto adjacent properties.
8. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
9. Stormwater discharges through an established residential neighborhood downstream.
10. The proposed impervious coverage for this project is significantly greater than what the current zoning category would allow. To mitigate the increase in runoff volume, the First Flush Water Quality Best Management Practice Requirements should be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).

JULY 20, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

Min. Bk. 92 Petition No. O.B.34
Doc. Type Cobb DOT, Water & Sewer, and Fire Dept. comments & recommendations
Meeting Date 7-20-21

ITEM OB-34-2021

PURPOSE

To consider a site plan and stipulation amendment for Boxwood at Vinings Homeowners Association regarding rezoning application Z-22 of 2016, for property located on the north side of Cooper Lake Drive, west of Atlanta Road in Land Lot 696 of the 17th District (Cooper Lake Drive).

BACKGROUND

The subject property was rezoned to RA-5 for a subdivision in 2016. The applicant would like to revise the site plan add a gate to the subdivision to control access to the private streets, and to provide security. The plans for the proposed gate are attached for review. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend gate and all parts of be set back a minimum of 50' from the edge of travel lane on Cooper Lake Road and meet Cobb County Development Standards.

Water & Sewer Comments: Plans must be reviewed to ensure that gate supports are located adequate distance from public water main.

Fire Department: Access to gates and through gates shall be in a direct straight path without curvature for at least 45 feet on either side. Gates securing fire apparatus access shall provide at least 14 feet in clear width for a single lane and 20 feet for a double lane. Gates shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access (Knox Switch from www.knoxbox.com) and operations upon power failure. Multiple gates on site may require interconnection and simultaneous operation. Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office. (Cobb County Development Standards 401.08.02). Gate plans must be submitted to the FMO for review. 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. (**Josh Davis** (770) 528-8161 josh.davis@cobbcounty.org)

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning minutes.

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

Amend Something Previously Adopted (Z-8-2021)
Min. Bk. 92 Petition No.
Doc. Type Z-8 stipulations from the 6-15-2021 BOC Zoning Minutes
Meeting Date 7-20-21

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.

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".*

CONSENT VOTE: **ADOPTED** 5-0