

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 21, 2021
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, September 21, 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 Pederson, Zoning Division Manager explained the hearing procedures and announced the following cases which were *withdrawn, held, or continued*.

WITHDRAWN, HELD, AND CONTINUED CASES

Z-63 WOODFIELD ACQUISITIONS, LLC (RB Properties, LLC, owner) requesting rezoning from **O&I** to **RRC** for a multifamily residential community in land lots 883 and 884 of the 17th district. Property is located on the northwest side of Cumberland Club Drive, and north of Mount Wilkinson Parkway (3290 Cumberland Club Drive). *(Previously continued by Staff from the September 7, 2021, Planning Commission (PC) hearing until the October 5, 2021, PC hearing)*. **WITHDRAWN WITHOUT PREJUDICE**

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 from the July 6, 2021, and August 3, 2021 PC hearings until the September 7, 2021, PC hearing; continued by Staff until the October 5, 2021, PC hearing; therefore, was not considered at this hearing)*.

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- 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 from the July 6, 2021, through the September 7, 2021, PC hearings until the October 5, 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). *(Previously continued by Staff from the July 6, 2021, through the September 7, 2021, Planning Commission (PC) hearings until the October 5, 2021, PC hearing; therefore, was not considered at this hearing).*
- Z-48** **RAY MURPHY** (Ray Murphy, owner) requesting rezoning from **GC** to **LI** for a towing and automotive wrecker service 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 and 1830 Austell Road). *(Previously continued by Planning Commission (PC) from the July 6, 2021, PC hearing until the August 3, 2021, PC hearing; held by the PC until the November 2, 2021, PC hearing; therefore, was not considered at this hearing).*
- Z-53** **QUINTUS DEVELOPMENT L.P.** (The George A. Montgomery Grantor Trust, owner) requesting rezoning from **GC** to **RRC** for a multifamily residential community in land lots 717 and 724 of the 16th district. Property is located at the terminus of Roberts Court, west of I-575, east of I-75 (unaddressed parcels). *(Previously held by the Planning Commission (PC) until the September 7, 2021, PC hearing; continued by Staff until the October 19, 2021, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*
- Z-54** **CHUCK OWUZO** (Chukwuma Chuck Owuzo, owner) requesting rezoning from **PSC** to **RM-8** and **NRC** for a townhome community and retail in land lots 621, 638, and 639 of the 19th district. Property is located on the east side of Powder Springs Road, on the northeast side of Pair Road (Powder Springs Road). *(Previously held by the Planning Commission (PC) from the August 3, 2021 and September 7, 2021, PC hearings until the October 5, 2021, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-56** **TRATON, LLC** (Calvert Investments, LLLP, owner) requesting rezoning from **LI** to **FST** for a townhome community in land lot 1216 of the 19th district. Property is located at the southern terminus of South Cobb School Road, the southern terminus of Linda Vista Drive, and the eastern terminus of Leila Street (South Cobb School Road). *(Previously continued by the Planning Commission (PC) from the August 3, 2021, PC hearing until the September 7, 2021, PC hearing; continued by the PC until the October 5, 2021, PC hearing; therefore, was not considered at this hearing).*
- Z-57** **STACEY BAGWELL** (Leonard M. Spencer, Jr., owner) requesting rezoning from **R-20** to **PVC** for a mixed-use development in land lot 629 of the 19th district. Property is located on the northeast side of East Callaway Road, south of Austell Road (1028 East Callaway Road). *(Previously continued by the Planning Commission (PC) from the August 3, 2021, PC hearing until the September 7, 2021, PC hearing; continued by Staff until the October 5, 2021, PC hearing; therefore, was not considered at this hearing).*
- Z-60** **TLM REALTY** (Austell, GA Center LLC, owner) requesting rezoning from **PSC** and **PVC** to **PVC** for a mixed-use development in land lot 855 of the 19th district. Property is located on the southwest side of Hurt Road, the southeast side of Austell Road, on the east side of Brookwood Drive, and on the west side of Floyd Road (Brookwood Drive, 3753 Austell Road). *(Held by the Planning Commission (PC) until the October 5, 2021, PC hearing; therefore, was not considered at this hearing).*
- Z-61** **BLUETIGER PROPERTIES, LLC** (Wellstar Health System, Inc., owner) requesting rezoning from **O&I** to **O&I** for a climate controlled self-storage facility in land lot 224 of the 20th district. Property is located on the north side of Stilesboro Road, and on the east side of Dennis Kemp Lane (Stilesboro Road). *(Held by the Planning Commission (PC) until the October 5, 2021, PC hearing; therefore, was not considered at this hearing).*
- Z-62** **PERIMETER CONSTRUCTION GROUP, LLC** (Mrs. Burma B. Brumbelow, owner) requesting rezoning from **R-30** to **R-20** for a single-family residential subdivision in land lot 586 of the 19th district. Property is located on the north side of Moon Road, and west of Florence Road (5500 Moon Road). *(Held by the Planning Commission (PC) until the October 5, 2021, PC hearing; therefore, was not considered at this hearing).*
- LUP-19** **LINDA KENNEDY** (Linda Kennedy, owner) requesting a **Temporary Land Use Permit** for a grooming, boarding, daycare, and bakery in land lot 40 of the 20th district. Property is located on the southeast side of Cedarcrest Road, and northeast of Governors Towne Drive (6179 Cedarcrest Road). *(Held by the Planning Commission (PC) until the October 5, 2021, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- SLUP-3** **RAY MURPHY** (Ray Murphy, owner) requesting a **Special Land Use Permit** for a towing and automotive wrecker service 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 and 1830 Austell Road). *(Previously continued by the Planning Commission (PC) from the July 6, 2021, Planning Commission hearing until the August 3, 2021, PC hearing; held by the PC from the August 3, 2021, PC hearing until the November 2, 2021, PC hearing; therefore, was not considered at this hearing).*
- SLUP-7** **BLUETIGER PROPERTIES, LLC** (Wellstar Health System, Inc., owner) requesting a **Special Land Use Permit** for a climate controlled self-storage facility in land lot 224 of the 20th district. Property is located on the north side of Stilesboro Road, and on the east side of Dennis Kemp Lane (Stilesboro Road). *(Held by the Planning Commission (PC) until the October 5, 2021, PC 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). *(Previously continued by Staff until the August 17, 2021, Board of Commissioners' (BOC) Zoning hearing; held by the BOC until the October 19, 2021, BOC Zoning hearing; therefore, was not considered at this hearing).*
- O.B. 50** To consider a site plan and stipulation amendment for Brannen Cove, LLC regarding rezoning application Z-41 of 2020 in land lot 683 of the 18th district. Property is located on the northerly side of White Road (A/K/A Bob White Road), southeasterly of Factory Shoals Road (White Road). *(Continued by Staff until the October 19, 2021, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*

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.

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CONSENT AGENDA

MOTION: Motion by Cupid, second by Richardson, to **approve** the following cases on the Consent Agenda, *as revised*, except for O.B. 46, which was pulled to be added to the Regular Agenda:

LUP-20 **THIAGO SANTOS** (Thiago Santos and Kellyta Santos, owner) requesting a **Temporary Land Use Permit** for outdoor photography in land lots 103 and 126 of the 20th district. Property is located on the north side of Old 41 Highway, west of Kimberly Road (3178 Old 41 Highway).

To **approve** LUP-20 for **24 months**, subject to:

1. **Final Site Plan submitted on June 29, 2021 (attached and made a part of these minutes)**
2. **Maximum of two employees**
3. **One sign up to six square feet**
4. **Clients by appointment *only*, with the maximum of three clients per day**
5. **Fire Department comments and recommendations**
6. **Department of Transportation comments and recommendations**

LPSP-2 **MARGARITA ZAZUETA** (Mark Vizcarra and Margarita Zazueta, owner) requesting a **Limited Professional Services Permit** for a beauty salon in land lot 231 of the 17th district. Property is located on the south side of Windy Hill Road and on the west side of Charles Rogers Road (332 Windy Hill Road).

To **approve** the LPSP-2, subject to:

1. **Site Plan received by the Zoning Division on June 9, 2021 (attached and made a part of these minutes)**
2. **Approval is for this *use (beauty salon)*, and this Applicant *only***
3. **Hours of operation from 8 a.m. to 8 p.m.**
4. **Maximum of two employees**
5. **Business *only* to be conducted in the house facing Windy Hill Road**
6. **One sign up to 20 square feet along Windy Hill Road frontage**
7. **Applicant to reside in home facing Charles Rogers Road**
8. **All Staff comments and recommendations, *not otherwise in conflict***

OTHER BUSINESS

O.B. 44 To consider a reduction of public road frontage on lot 1 from 75' to 15', and from 75' to 0' for lots 2-4, access on a gravel driveway, and other setback variances for existing structures shown on the site plan for Irene Clackum for property located at the northern terminus of Trail Road, north of Midway Road, in land lot 311 of the 20th district (226 Trail Road).

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 44 (CONT.)

To **approve** O.B. 44, subject to:

1. ***Proposed* Site Plan contained in the Other Business packet with variances shown for gravel driveways and existing accessory structures, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **No further subdivision of this property**
3. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Stormwater Management comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
6. **Water and Sewer comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

At the call for O.B. 46 (Ashley Newman), opposition was present; therefore, O.B. 46 was pulled from the Consent Agenda to be heard on the Regular Agenda (see page 10 of these minutes for the final motion).

O.B. 47 To consider a stipulation amendment for PGA Tramore, LLC regarding rezoning applications Z-21 and Z-22 of 2013 in land lot 861 of the 19th district. Property is located on the east side of Tramore Pointe Parkway, southwest of the East-West Connector (3771 and 3781 Tramore Pointe Parkway).

To **approve** O.B. 47, subject to:

1. **Uses contained in Exhibit “A”, except #16 - Distribution Facility is deleted (attached and made a part of these minutes)**
2. **All activity to take place inside the buildings**
3. **No outdoor storage or outdoor displays of merchandise**
4. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
6. **All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 49 To consider a stipulation amendment for David Pearson Communities, Inc. regarding rezoning application Z-71 of 2020 in land lots 736 and 777 of the 16th district. Property is located at the north end of Ross Road, northwest of Sandy Plains Road (Ross Road).

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

- 1. Decel lane at the intersection of Ross Road and Sandy Plains Road to be deleted**
- 2. Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 3. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
- 4. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

Prior to the CONSENT VOTE, Commissioner Sheffield requested that Z-23 (Fifty-Nine Twelve Mableton Parkway, LLC) be added to the Consent Agenda. The Applicant was present, and there was no opposition present. The motion was made to add Z-23 to the Consent Agenda; Mr. Pederson read Z-23 into the record, and then Commissioner Sheffield made the motion to add her stipulations.

MOTION: Motion by Sheffield, second by Birrell, to **add** Z-23 to the Consent Agenda.

VOTE: **ADOPTED 5-0**

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 a commercial retail establishment 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; held by the PC from the August 3, 2021, PC hearing until the September 7, 2021, PC hearing).*

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CONSENT AGENDA (CONT.)

Z-23 FIFTY-NINE TWELVE MABLETON PARKWAY, LLC (CONT.)

MOTION: Motion by Sheffield, second by Birrell, to **approve** Z-23, subject to:

- 1. Deletion to NRC subject to Planning Commission's recommendation from September 7, 2021 (attached and made a part of these minutes)**
- 2. Any dead or damaged landscaping to be replaced within 90 days**
- 3. The dumpster enclosure to be built within 120 days of the BOC Zoning decision, or before issuance of any business license or certificate of occupancy, whichever comes first**
- 4. The sign stand and enclosures be removed no later than October 21, 2021**
- 5. The end user to be approved by the District Commissioner**
- 6. All Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED 5-0**

CONSENT VOTE: **ADOPTED 5-0**

The County Attorney, Mr. Bill Rowling, addressed the Board concerning virtual participation. Since the County is under a State of Emergency regarding COVID restrictions, part of that authorizes the Board, in certain circumstances, particularly zoning hearings, to allow for virtual participation by the citizens at those hearings. The Board has to approve of this before the virtual participation is allowed. The approval was not given prior to this hearing because this Emergency Order was not in place at the time. Mr. Rowling asked if the Board would entertain a motion to allow for virtual participation by Staff and citizens at the October 19, 2021, Board of Commissioners' (BOC) Zoning Hearing? Thereafter, Chairwoman Cupid made a motion, and Mr. Rowling provided the recommended changes to the BOC Zoning Hearing Procedures.

Mr. Rowling indicated the October 19, 2021, BOC Zoning Hearing will be live at 100 Cherokee Street with Applicants and the public in attendance. The current State of Emergency expires on October 17, 2021. In the event that the State of Emergency is extended another 30 days, Mr. Rowling recommended the Board allow the following changes to the Zoning Hearing Procedures for the October 19, 2021, BOC Zoning Hearing:

1. Staff and citizens be allowed to participate in the meeting virtually;
2. BOC members can vote by voice or by hand-signal;
3. Persons wishing to be counted as either in favor or in opposition to an application will be recognized; the number of persons will be provided to the Board
4. Persons who wish to speak virtually in favor or in opposition to an application will identify themselves accordingly to Information Services (IS) technical staff for participation during the presentation of the application; and

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5. Persons who speak virtually will acknowledge and affirm that his or her testimony before the BOC is under oath or affirmed to be truthful.

Otherwise, all other BOC Zoning Hearing Procedures will apply.

MOTION: Motion by Cupid, second by Richardson, to **adopt** the changes to the BOC Zoning Hearing Procedures as read into the record by the County Attorney; if the State of Emergency is not extended, then virtual participation will not be allowed.

VOTE: **ADOPTED 5-0**

PENDING CASE

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 multifamily 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 from the July 6, 2021, PC hearing until the August 3, 2021, PC hearing; pending by the Board of Commissioners (BOC) from the August 17, 2021, BOC Zoning hearing until the September 21, 2021, BOC Zoning hearing).*

Mr. Pederson read Z-28 into the record and explained that this case was pending due to a tie vote (2-2, Chairwoman Cupid absent) at the August 17, 2021, BOC Zoning hearing. The motion that was voted on in the August hearing is shown below, thus allowing Chairwoman Cupid to vote.

MOTION: Motion by Sheffield, second by Richardson, to **approve** Z-28 to the RM-12 zoning district, subject to:

1. Letter of agreeable conditions from Garvis L. Sams, Jr. dated June 24, 2021 (attached and made a part of these minutes)
2. Final Site Plan to be approved by the District Commissioner
3. Total units not to exceed 188 units
4. Move the existing waterline under the stormwater pond located at the south of the property
5. Construction hours to be in compliance with County Code; no work conducted on Sunday
6. Staff comments and recommendations, *not otherwise in conflict*

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PENDING CASE (CONT.)

Z-28 PRESTWICK DEVELOPMENT COMPANY, LLC (CONT.)

VOTE: TIED 2-2, Birrell and Gambrill opposed and Cupid not present

Chairwoman Cupid voted, "No"; therefore, the motion FAILED as shown below.

VOTE: FAILED 2-3, Birrell, Gambrill, and Cupid opposed

After the vote, discussions ensued, and then Commissioner Sheffield made the following motion:

MOTION: Motion by Sheffield, second by Cupid, to **approve** Z-28 to the RM-12 zoning district, subject to:

- 1. Prestwick Development Company will enter into a Parking Easement Agreement with the Climate Control Self-Service Storage Facility (CCSSSF) and neighboring businesses prior to issuance of any land disturbance permit regarding the subject property**
- 2. Letter of agreeable conditions from Garvis L. Sams, Jr. dated June 24, 2021 (attached and made a part of these minutes)**
- 3. Final Site Plan to be approved by the District Commissioner**
- 4. Total units not to exceed 188 units**
- 5. Move the existing waterline under the stormwater pond located at the south of the property**
- 6. Construction hours to be in compliance with County Code; no work conducted on Sunday**
- 7. Staff comments and recommendations, *not otherwise in conflict***

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

Mr. Pederson announced that the Applicant and the opposition for O.B. 46 (Ashley Newman) had come to an agreement. Therefore, Mr. Pederson read O.B. 46, including some additional stipulations, back into the record, and then the following motion was made to approve the item:

MOTION: Motion by Birrell, second by Richardson, to **approve** O.B. 46, as follows:

O.B. 46 To consider a reduction of public road frontage from the required 75' to 20' for Ashley Newman for property located on the southside of Liberty Hill Road, west of Morgan Road, in land lot 662 of the 16th district (1180 Liberty Hill Road).

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O.B. 46 (CONT.)

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

1. Stormwater Management, Site Plan Review, and Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
2. Site Plan contained in the Other Business packet (attached and made a part of these minutes), with no other houses permitted on this 4.65-acre lot
3. A barn is permitted to be built on this lot, with final site plan to be approved by the District Commissioner

VOTE: **ADOPTED 5-0**

REGULAR AGENDA

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 a 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 from the June, 2021, PC hearing until the July 6, 2021, PC hearing; held by the PC from the July 6, 2021, PC hearing until the August 3, 2021, PC hearing; held by the Board of Commissioners (BOC) from the August 17, 2021, BOC Zoning hearing until the September 21, 2021, BOC Zoning hearing).*

Prior to opening the public hearing, Chairwoman Cupid announced that she was recusing herself from this case due to her affiliation with North Point Ministries.

Commissioner Richardson announced that both the Applicant and the opposition requested an additional five minutes be added to their speaking time; therefore, the following motion was made:

MOTION: Motion by Richardson, second by Sheffield, to **allow** the Applicant and the opposition five more minutes of public speaking time.

VOTE: **ADOPTED 4-0**, Cupid recused

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REGULAR AGENDA (CONT.)

Z-72^{'20} NORTH POINT MINISTRIES, INC. (CONT.)

The public hearing was opened; Kevin Moore, Ruth Michels, Rachel Bruce, Chris Lindstrom, Thea Powell, and David Rumrill addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Richardson, second by Birrell, to **hold** Z-72^{'20} until the October 19, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 4-0, Cupid recused

***Clerk's Note:** Commissioner Richardson directed the Applicant to do the following for the next hearing:*

- 1) Have a plan where Waterfront Drive is connected*
- 2) Provide for some cut-through mitigation strategies after discussions with Department of Transportation (DOT)*
- 3) Incorporate appropriate studies for what the proposed zonings would be*
- 4) Include all the downstream impacts from the Stormwater aspect*

Commissioner Sheffield called for a brief recess from 10:58 a.m. until 11:07 a.m.

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 from the June 15, 2021, BOC Zoning hearing until the July 20, 2021, BOC Zoning hearing; continued by Staff from the July 20, 2021, and August 17, 2021, BOC Zoning hearings until the September 21, 2021, BOC Zoning hearing).*

The public hearing was opened, and speakers were sworn in. The Applicant's representative, Kevin Moore, requested a continuance of Z-26 for one more month. The opposition was in support of the continuance; therefore, the following motion was made:

MOTION: Motion by Richardson, second by Cupid, to **continue** Z-26 until the October 19, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

Chairwoman Cupid called for a lunch recess at 11:15 a.m. The hearing reconvened at 1:00 p.m.

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REGULAR AGENDA (CONT.)

After the recess, Commissioner Birrell announced that the opposition for Z-31 (Pulte Home Company) had requested 12 minutes to present; the Applicant was amenable to this request. Therefore, the following motion was made to add more presentation time to both the Applicant and the opposition:

MOTION: Motion by Birrell, second by Sheffield, to **allow** a total of 12 minutes of presentation time to the Applicant and the opposition for Z-31.

VOTE: **ADOPTED 5-0**

OTHER BUSINESS

Prior to hearing Z-31 (Pulte Home Company), Mr. Pederson announced that Applicant for O.B. 48 (Alan Parvinian) has requested a continuance. Thereafter, the motion was made to continue O.B. 48.

O.B. 48 To consider a site plan and stipulation amendment for Alan Parvinian regarding rezoning application Z-10 of 2016 in land lot 1252 of the 16th district. Property is located on the south side of Lower Roswell Road, east of Old Canton Road (3140 Lower Roswell Road).

MOTION: Motion by Richardson, second by Sheffield, to **continue** O.B. 48 until the October 19, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0**

REGULAR AGENDA (CONT.)

Z-31 **PULTE HOME COMPANY** (Thomas M. Phillips and Betty A. Phillips, owners) requesting rezoning from **R-20** to **R-15/OSC** 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 from the July 6, 2021, PC hearing until the August 3, 2021, PC hearing; continued by Staff from the August 3, 2021, PC hearing until the September 7, 2021, PC hearing).*

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REGULAR AGENDA (CONT.)

Z-31 PULTE HOME COMPANY (CONT.)

The public hearing was opened; Rob Hosack, Chris Lindstrom, John Stuetzer, and Veronica Lilly addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to **hold** Z-31 until the October 19, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0**

Chairwoman Cupid called for a brief recess from 1:54 p.m. until 1:58 p.m.

Z-40 BRAZOS-HICKS, LLC (The Tothorow 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). *(Previously continued by Staff from the June 1, 2021, Planning Commission (PC) hearing until the July 6, 2021, PC hearing; held by the Board of Commissioners (BOC) until the August 17, 2021, BOC Zoning hearing; continued by Staff until the September 21, 2021, BOC Zoning hearing).*

The public hearing was opened; David Meyer, Mark Whitmire, Harvey Hightower, Elaine Redwine, and Heidi Hunt addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **delete** Z-40 to the **R-15/OSC** zoning district, subject to:

1. Letter of agreeable conditions from David G. Meyer dated September 21, 2021 (attached and made a part of these minutes), with the following changes:
 - A. Item No. 15 – add: “Maximum number of rentals shall not exceed 10%.”
 - B. Item No. 16 – add: “The entrance signage shall include wire up-lights.”
 - C. Item No. 21 – strike in its entirety
 - D. Item No. 6 26 – change “north west” to “north east”

MINUTES OF ZONING HEARING
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REGULAR AGENDA (CONT.)

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

E. Item No. 28 – add: *“In the event the HOA determines that it will install a fence from the northeast property line to lot 28, the fence shall be consistent in style and material as the fence along the northern property line. The wooden fence along the eastern property line should be maintained by the HOA and shall be repaired in a reasonable timeframe.”*

F. Item No. 35 – *“District Commissioner to approve the final elevation.”*

2. The fire access shall be on Hicks Road that will also include a gate for fire access *only*
3. A landscape visual buffer to be added along the rear lots of 1, 2, and 3; landscape to be approved by the County Arborist
4. All Staff comments and recommendations, *not otherwise in conflict*

Clerk’s Note: When reading in one of her changes to David G. Meyer’s stipulation letter, Commissioner Sheffield inadvertently said, “Stipulation No. 6”, when she meant to say, “Stipulation No. 26”.

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

OTHER BUSINESS

O.B. 45 To consider a request for a site plan and stipulation amendment for Abbas Heidari regarding Other Business application OB-12 of 2020 for property located on the southeast side of Paper Mill Road, east of Gateside Place in land lots 5, 6, and 74 of the 1st district.

The public hearing was opened; Abbas Heidari and Richard Stewart addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Richardson, second by Birrell, to **approve** O.B. 45, subject to:

1. Letter from ACR Engineering dated August 2, 2021 contained in the Other Business packet (attached and made a part of these minutes), with the following notations:
 - A. Regarding Stipulation #4 – There is to be no averaging of impervious allowed on these lots; each individual lot needs to meet the impervious restrictions that are in the code

**MINUTES OF ZONING HEARING
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OTHER BUSINESS (CONT.)

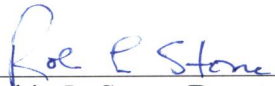
O.B. 45 (CONT.)

- B. Regarding Stipulation #9 – There is a minimum 20-foot setback from the detention pond, then within that at least a 10-foot landscape buffer**
- 2. Reduction of six lots to four lots**
 - 3. Site Plans contained in the Other Business packet (attached and made a part of these minutes), with the District Commissioner approving minor modifications**
 - 4. Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
 - 5. Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
 - 6. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
 - 7. Staff comments and recommendations**
 - 8. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: ADOPTED 5-0

ADJOURNMENT

The hearing adjourned at 2:53 p.m.



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

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
SEPTEMBER 7, 2021
9:00 A.M.**

The Planning Commission Zoning Hearing was held on Tuesday, September 7, 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 Commission were:

Fred Beloin - Chairman
David Anderson
Deborah Dance
Michael Hughes
Stephen Vault

REGULAR AGENDA

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; held by the PC until the September 7, 2021, PC hearing).*

The public hearing was opened; Garvis L. Sams, Jr. and Robin Meyer addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Dance, to recommend **deletion** of Z-23 to the NRC zoning district, subject to:

1. **Final Site Plan, elevations, and selection of paint to be approved by the District Commissioner**
2. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated August 30, 2021 (on file in the Zoning Division), with the following changes:**
 - A. **Item No. 4, subset g – delete second sentence**
 - B. **Item No. 6 – revised to read: “Portions of the Subject Property consist of three (3) tracts with frontage on Old Powder Springs Road which will be subject to the stipulations and conditions contained herein only to the extent that said property will be rezoned to NRC with the requirement that this portion of the property be restricted to church related activities. No new structures or parking facilities can be built without approval by the Board of Commissioners through a rezoning application or Other Business item.”**

- C. Item No. 9, third paragraph – add sentence: *“The revised site plan should reflect a 20-foot buffer along the entire western boundary of the subject area.”*
- D. Item No. 10, first sentence – after the word, “dumpster” add the word, “enclosure”
- 3. Adherence to Mableton Parkway & Veterans Memorial Highway Design Guidelines
- 4. Applicant to meet required parking
- 5. Stormwater Management Division comments and recommendations
- 6. Department of Transportation comments and recommendations

VOTE: ADOPTED 5-0



Petition No. 7-23
Meeting Date 9-21-21
Continued

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

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

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

August 30, 2021

(SECOND REVISED STIPULATION LETTER)

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: Fifty-Nine Twelve Mableton Parkway & Old Powder Springs Road Rezoning
(No. Z-23 [2021])

Dear John:

You will recall that this firm represents the Applicant concerning the above-captioned Application for Rezoning. In that regard, the Application was heard and held by the Planning Commission during the August cycle and is now scheduled to be heard again by the Cobb County Planning Commission on September 7, 2021 and, thereafter, scheduled heard and considered for final action by the Cobb County Board of Commissioners ("BOC") on September 21, 2021.

The property at issue ("Subject Property") consists of an approximate 2.331-acre tract of land which is located on the north side of Old Powder Springs Road and on the west side of Mableton Parkway. The Subject Property was rezoned from O&I and PSC to Community Retail Commercial ("CRC") for the purposes of an Assembly Hall and ancillary uses by the Board of Commissioners on July 16, 2019 (No. Z-82 [2018]). The Rezoning was subject to numerous stipulations/conditions; the Revised site plan for the Assembly Hall use; and, architecture specific to that proposed project. However, as a result of a number of issues, the Assembly Hall proposal never came to fruition leaving the Subject Property with a preponderance of stipulations/conditions which preclude its utilization.

While this Application has been pending, we have established an ongoing and meaningful dialogue with representatives of the Mableton Improvement Coalition ("MIC"), the District Planning Commissioner, the County's professional staff and area residents and business owners. In that regard, the Applicant has provided this firm with the authority to submit this Revised letter of agreeable stipulations/conditions. The Applicant and property owners are



Petition No. Z-23
Meeting Date 7-21-21
Continued

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
August 30, 2021
Page 2

agreeable to the following second revised stipulations becoming conditions and a part of the grant of the requested Rezoning and 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 regarding the Subject Property.
2. Rezoning of the Subject Property shall be from its existing category of Conditional CRC to NRC in substantial conformity to the revised site plan submitted on July 26, 2021 which is being updated further to reflect the change in stipulations and which will be submitted under separate cover.¹
3. In accordance with Staff's recommendation for approval to the Neighborhood Retail Commercial ("NRC") zoning district, the Applicant proposes utilization of the Subject Property for retail commercial purposes and is in discussions with several potential users for uses consistent with permitted uses under the NRC zoning classification, except as hereinafter set out.
4. The Applicant and property owners agree that the following uses shall be expressly disallowed as "conditional prohibited uses", to wit:
 - a. Tattoo parlors and body piercing shops.
 - b. All auto parts stores, auto paint shops, auto repair facilities and all other automotive/vehicular related uses.
 - c. Billiard parlors.
 - d. Pawn shops, check cashing establishments and title pawn businesses.
 - e. Shooting ranges or the sale of guns and knives as a primary business.
 - f. Any business which principally features sexually explicit products or drug related paraphernalia.
 - g. Flea markets, thrift shops, consignment shops and discount "Dollar type" stores. The Applicant reserves the right to utilize a portion or all of the property for the purposes of a "Goodwill-type" of store coupled with appropriate

¹ The Subject Property was originally rezoned to CRC on July 16, 2019 (No. Z-82 [2018]) specific to the use and site plan at that time.



VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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stipulations/conditions regarding additional prohibitions and assurances regarding outside storage of any kind.

- h. Firewood sales.
 - i. Vape and/or smoke shops or hookah-type restaurants.
 - j. Video arcades as a primary business.
 - k. Liquor stores.
 - l. Adult entertainment.
 - m. Night clubs.
 - n. Taxi dispatch facility.
 - o. Truck sales and/or service.
5. There is an approximate 15,000 square-foot, one-story building which is located on the Subject Property oriented to Mableton Parkway. The Applicant's revised plans are to rehab, retrofit and repurpose that building for retail commercial purposes.
- This Rezoning shall comply with all applicable building codes, rules and regulations and shall be consistent with parking ratio requirements by the utilization of existing parking onsite and additional parking by way of the Declaration of Easements and Restrictions, a copy of which is attached hereto and made a part hereof by reference.²
6. Portions of the Subject Property consist of three (3) tracts with frontage on Old Powder Springs Road which will be subject to the stipulations and conditions contained herein only to the extent that said property will be rezoned to NRC with the

² The Cobb County Zoning Ordinance parking ratio requirements reflect that forty (40) parking spaces are required; whereas, this revised proposal reflects forty-eight (48) existing parking spaces plus two (2) handicap parking spaces for a total of fifty (50) parking spaces. The church next door holds its services on Saturday nights so no parking conflicts will present themselves, particularly in view of the fact that the Declaration of Easements and Restrictions provides the Applicant with the unilateral right to utilize parking on the contiguous parcels regardless of the existing user thereof with no level of reciprocity. In other words, the Church or any other record title holder does not have the reciprocal right to use parking spaces on the Subject Property.



VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
August 30, 2021
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requirement that specific development plans concerning same shall be required to proceed through the "Other Business" Application process.³

7. The architectural style and composition of the building on the Subject Property shall remain in its as-built circumstances except for interior and exterior modifications and/or retrofitting. Any new construction shall be subject to and in compliance with the Mableton Parkway & Veterans Memorial Highway Design Guidelines which were adopted on January 23, 2018.⁴
8. The hours of operation for the retail commercial component of the Subject Property shall be from 7:00 a.m. through 9:00 p.m., Monday through Sunday. There shall be no loitering allowed within parking areas or at any time which would precipitate excessive noise or interfere with the peaceful enjoyment of area residents or business owners either during or after business hours.
9. As a carryover from the 2019 Rezoning and in accordance with discussions with MIC, the Applicant shall be responsible for setting up a Landscape Oversight Committee ("LOC") comprised of the Applicant, MIC and a designee from the Community Development Agency. This Committee shall review and its purview shall be applicable to any new landscaping and/or fencing plans. The District Commissioner shall be the final arbiter concerning any issues which cannot otherwise be resolved by the LOC.

Additionally, and to the extent that future buildings are constructed on the Subject Property and/or the site is redeveloped, said construction and architecture shall comply with the design guidelines as mentioned above and which shall also be subject to review and approval by the District Commissioner.

The NRC District requires a twenty-five foot (25') buffer between the Subject Property and adjacent residential property. The revised site plan which will be submitted under separate cover will depict a ten foot (10') maintained landscape buffer with a fence component along the property line which will be constructed, planted and implemented upon a purchase of the Subject Property closing and the resultant issuance of a Certificate of Occupancy.

³ The former record title holder, IGBO Union Atlanta, USA, Inc. ("IGBO") has recently conveyed said property to the Church for future use and/or expansion of the Church's ministries.

⁴ The Applicant recently pressure washed the building on the Subject Property; however, the will Applicant will agree to hold in abeyance any painting, additional pressure washing or anything which may substantively change the appearance of the building prior to securing the entitlements sought.



VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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10. The dumpster utilized by the Facility shall be situated on the interior of the Subject Property in order to shield the dumpster from public vantage points, including streets and sidewalks; and will comply in all respects with Cobb County Regulations regarding dumpsters and/or at-grade trash compaction areas. The enclosed dumpster is not needed until the Applicant secures a tenant; however, the Applicant agrees to the construction and installation of the enclosed dumpster component within one-hundred twenty (120) days of approval of this Rezoning by the BOC.
11. New signage, if any, shall be ground-based monument style signage. The finish, materials and colors for such signage shall be of the same style and composition as the Facility. The signage shall contain no digital or flashing sign components; no roof signs; and, no exterior temporary signage.

In addition to the foregoing, there may be interior directional signage, as needed, regarding interior maneuverability and accessibility and regarding points of ingress to and egress from the Subject Property.

Presently, the Applicant intends on modifying existing signage onsite to retrofit the structure of that signage and in order to bring it into compliance with the Cobb County Sign Ordinance. However, if the metal signage and its support system are not incorporated into a ground-based, monument-style sign within one-hundred twenty (120) days from approval of the Rezoning by the BOC, the existing sign structure shall be removed/demolished.

12. Any additional lighting for the parking areas shall be environmentally sensitive and shall be fitted with non-glare lenses and cut-off shields to prevent illumination from extending beyond the perimeter of the Subject Property. Security lighting shall be wall packs, hooded, environmentally sensitive and also fitted with non-glare lenses and cut-off shields.
13. Compliance with recommendations from the Cobb County Stormwater Management Division with respect to stormwater management, detention, hydrology, water quality and downstream considerations.
14. Compliance with the following recommendations from the Cobb County Department of Transportation ("DOT"), to wit:
 - a. To the extent that it is physically possible to do so (in view of limited road frontage), the installation of a deceleration lane and taper of the Subject Property's point of ingress/egress on Mableton Parkway upon a redevelopment of the Subject Property.



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Meeting Date 9-21-21
Continued

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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- b. The voluntary donation and conveyance of right-of-way of Old Powder Springs Road a minimum of 30 feet from the roadway centerline upon a redevelopment of the Subject Property.
 - c. The installation of sidewalk, curb and gutter along the frontage of Old Powder Springs Road upon the redevelopment of the property.
 - d. Any driveway on Old Powder Springs Road must be a minimum of 50 feet in length for uninterrupted ingress/egress to and from the Subject Property upon a redevelopment.
15. Compliance with the recommendations from the Cobb County Water System with respect to the availability of water and sewer. According to Staff, water is available at the site in the form of a six-inch watermain on Mableton Parkway. The Water System will require a fire flow test.
16. Compliance with the recommendations from the Cobb County Fire Marshal's Office with respect to life safety and fire prevention issues.
17. All setbacks, landscaping and buffer areas may be penetrated for purposes of access, utilities and Stormwater Management including, not limited to, detention or water quality and any all slopes or engineered features. Also, any such encroachments shall be allowed for Fire Marshal Office-driven protocols or mandates.
18. The District Commissioner shall have the authority to approve certain minor modifications as the development proposal proceeds through the Plan Review Process and thereafter, including this Revised stipulation letter, architecture, the Revised Site Plan, and engineering/acoustical components, except for those that:
- a. Reduce the size of an approved buffer adjacent to property which is zoned in a more restrictive zoning district.
 - b. Relocates a structure closer to the property line of an adjacent property which is zoned in a more restrictive zoning district.
 - c. Increase the height of a building which is adjacent to property which is zoned in a more restrictive zoning district.
 - d. Are violative of the Cobb County Zoning Ordinance.
 - e. Change access locations to different roadways.



Petition No. Z-23
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Continued

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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f. Are in direct conflict with or in direct contradiction to Cobb County regulations.

Please do not hesitate to contact me should you or your staff require any additional information or documentation prior to this Application being heard and considered next month. With kind regards I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in dark ink, appearing to be 'G. Sams', enclosed within a large, loopy oval.

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

GLS, Jr./dls

cc: Cobb County Board of Commissioners (via email)
Cobb County Planning Commissioners (via email)
Dr. Jackie McMorris, County Manager (via email)
BOC Commission Assistants (via email)
Ms. Jessica Guinn, AICP, Community Development Agency Director (via email)
Ms. Jeannie Peyton, Senior Planner, Zoning Division (via email)
Mr. Jason S. Gaines, AICP, Planning Manager (via email)
Mr. Phillip Westbrook, Senior Planner, Comprehensive Planning (via email)
Mr. Terry Martin, Planner III, Zoning Division (via email)
Mr. Donald Wells, Planner II, Zoning Division (via email)
Ms. Margie Vazquez, Planner II, Zoning Division (via email)
Ms. Pamela Mabry, County Clerk (via email)
Ms. Robin Stone, Deputy County Clerk (via email)
Ms. Leila Washington, Deputy County Clerk (via email)
Capt. Josh Davis, Fire Marshal's Office (via email)
Mr. L. Carl Carver, P.E., Stormwater Management Division (via email)
Ms. Amy Diaz, P.E., Cobb DOT (via email)
Ms. Abby Rettig, Cobb DOT (via email)
Mr. Tim Davidson, Water System (via email)
Ms. Robin Meyer, MIC (via email)
Mr. Larry Norwood (via email)
Mr. Donald Perryman, RLS (via email)
Mr. Joseph T. Baker, RLS (via email)



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

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FACSIMILE

June 24, 2021

**(REVISED STIPULATION LETTER, REVISED SITE PLAN &
FULL TRAFFIC IMPACT STUDY ("TIS"))**

VIA HAND DELIVERY & EMAIL:

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

Re: Application of Prestwick Development Company, LLC to Rezone an 8.32 Acre
Tract from R-20 & NRC to RM-12 (No. Z-28)

Dear John:

As you know, this firm represents Prestwick Development Company, LLC ("Prestwick") concerning the above-captioned Application for Rezoning. The Application was previously Continued in order to ensure that the site plan depicted and that the stipulations embodied our discussions with area residents, business owners and representatives of the Mableton Improvement Coalition ("MIC"). The application is now scheduled to be heard and considered by the Cobb County Planning Commission on July 6, 2021. Thereafter, the Application will be heard and considered for final action by the Cobb County Board of Commissioners ("BOC") on July 20, 2021.

While this Application has been pending and, in fact, significantly in advance of the filing of the Application, Prestwick has met and established a meaningful dialogue with representatives of the Mableton Improvement Coalition ("MIC"); the District Commissioner; and, representatives and members of Cobb County's Professional Staff. Additionally, we have coordinated with the Developer (Cornerpoint Properties) of the surrounding mixed-use development which includes retail/commercial components and a climate-controlled self-service storage facility ("CCSSSF") and utilized Prestwick's relationships with area business and property owners. All of those discussions have continued throughout this entitlement process.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

Petition No. 7-28
Meeting Date 9-21-21
Continued

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
June 24, 2021
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The property at issue ("Subject Property") consists of an 8.32 acre tract of land which is located on the south side of White Boulevard, west of Floyd Road and east of the terminus of Green Valley Road. The Subject Property is situated within the confines of a Neighborhood Activity Center ("NAC") and a portion within LDR under the County's Future Land Use Map ("FLUM"). Additionally, the Subject Property is situated between commercial to the east and north; single-family residential to the west; and, multi-family residential developments to the south. In fact, the multi-family property which is south of the Subject Property (Twin Bridges Phase II) is also zoned and developed as an RM-12 community. In short, the Subject Property is within a Sub-area, the composition of which, is complementary to the multi-family use and its ancillary uses which are proposed.

The Subject Property is currently zoned in the split districts of NRC & R-20 with Prestwick seeking a Rezoning to the RM-12 classification for the purposes of the construction and development of luxury, highly-amenitized, Class "A" multi-family Flats. Additionally, and as a result of discussions with County and MIC representatives, the residential development will include approximately 1,470 square feet of ground-level ancillary retail.

With respect to the discussions thus far with the individuals and groups mentioned above, Prestwick has authorized this firm to submit the following revised stipulations which shall become conditions and a part of the grant of the requested Rezoning and which shall be binding upon the Subject Property thereafter. The referenced revised stipulations/conditions are as follows, to wit:

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 Subject Property.
2. The Subject Property, consisting of an 8.32 acre tract of land, shall be developed in substantial conformity to that certain Revised Zoning Site Plan prepared by Long Engineering which is being formally submitted concurrently herewith.
3. The Subject Property shall be developed as a Class "A", highly-amenitized Residential Community consisting of a maximum number of 196 multi-family residential Flats as shown on the Revised Site Plan mentioned above.

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
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4. The architectural style and composition of the building shall be consistent with the architectural renderings/elevations prepared by Dwell Design Group which were also filed concurrently with the Application for Rezoning and which are being resubmitted contemporaneously herewith.

The above-mentioned architectural rendering/elevations, in conjunction with the Site Plan, depict parking at a minimum of 1.5 parking spaces per unit for a total of 297 parking spaces. Consistent with information gleaned from the operational aspects of recently constructed and/or entitled multi-family communities, parking ratios from 1.4 parking spaces per unit and a little higher are sufficient for both residents and guests.

With Prestwick's anticipated mix of unit floorplans, including studios, 1, 2 and 3 bedroom units, it is clear from current market indicators and trends that the direction within which multi-family flats are progressing contemplate less parking spaces rather than more parking spaces, particularly in light of ride share services such as Uber, Lyft, potential circulator routes and other transportation options.

5. Prestwick's proposed multi-family flats residential development shall have state-of-the-art amenities, appointments and recreational facilities for the use and enjoyment of its residents, as follows:
 - a. A Swimming Pool area which will include a Clubhouse.
 - b. A fully equipped Fitness Center; dog park/dog washroom; electric vehicle parking spaces; bike racks with bike stations; a Carriage House Garage component with Flats above; and, other features which qualify the residential community as highly-amenitized.
 - c. Controlled access for the buildings.
 - d. Interior floor plans and finishes shall consist of the following:
 - i. A minimum of nine foot (9') ceiling heights from floor to finished ceilings.
 - ii. Wood framed cabinetry and/or its equivalent, including wood or Thermofoil cabinet veneers for durable finishes.

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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- iii. Enhanced granite/Corian®, marble/quartz and/or other solid surface countertops.
 - iv. State of the Art appliances with luxury finishes.
 - v. Stainless steel kitchen sinks.
 - vi. Ceramic tile, wood plank or wood-like vinyl plank and/or high-end carpeting.
 - vii. Spacious, open floor plans.
 - viii. High speed Internet wiring in all units.
 - ix. Uniform window treatments to present an aesthetically pleasing and consistent appearance.
 - x. High-end landscaping and hardscaping throughout the proposed Community.
 - xi. Double-paned, insulated windows.
6. Compliance with the following recommendations from the Cobb County Department of Transportation ("DOT"):
- a. A full Traffic Impact Study, prepared by A&R Engineering, was formally submitted on March 31, 2021.
 - b. Ensuring interior maneuverability and accessibility to accommodate Fire and Public Safety vehicles and apparatus.
 - c. Site access configuration shall include the following:
 - i. Full-access driveway on White Boulevard which will consist of one entering lane and one (shared left/right turn) existing lane.
 - ii. Site access connection to Nickajack Road.
 - iii. Site access connection to Green Valley.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-28
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Continued

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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Page 5

- d. The construction of a tie-in into the existing curbing on Green Valley Road.
 - e. The installation of a curb, gutter and sidewalk along the Subject Property's White Boulevard frontage or, in lieu thereof, commensurate payment for same into the Curb, Gutter and Sidewalk Fund for District 4.
7. Compliance with recommendations from the Cobb County Fire Marshal's Office regarding Life Safety and Fire Prevention, including the following:
- a. All access roads shall meet AASHTO Design Manual Live Road Standards.
 - b. Aerial apparatus access shall be required for all structures over thirty feet (30') in height as measured from the lowest level of the Fire Department's access to the ceiling height of the highest occupied floor level.
 - c. If, in the future, there are any gate security fire apparatus access, they shall be a minimum of fourteen feet (14') in clear width for a single lane and twenty feet (20') for a double lane.
 - d. The maximum distance of a fire hydrant to the most remote portion of a structure shall be five hundred feet (500') as measured around the structure and from the fire apparatus access road.
8. Compliance with recommendations from the Cobb County Water System as follows:
- a. A connection to water lines (eight-inch on site and six-inch in White Boulevard) and conducting a Fire Flow Test during the Plan Review process.
 - b. Adjustments to the proposed Stormwater Management Facility which encroaches over an existing public water line.
 - c. Connecting to sewer which is within the drainage development and which is also at the proposed development site. Presently, there appears to be sufficient capacity by way of the South Cobb WRF.

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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9. Signage for the Subject Property shall consist of ground-based, monument-style signage and building signage consisting of an attached "blade sign". Additionally, within the interior of the site, there shall be appropriately positioned, grade-based directional signage in order to assure ease of maneuverability and accessibility.
10. The overall lighting plan within the proposed development shall be environmentally sensitive, decorative and themed to the architectural style and composition of the buildings. Lighting utilized for the development shall be installed in order to prevent illumination from extending beyond the Subject Property's boundaries. Security lighting, as well as high-resolution video surveillance cameras shall be installed to address potential security issues.
11. Prestwick's engineers and consultants have established a dialogue with the Stormwater Management Division with respect to hydrology, detention, water quality and downstream considerations. In that regard and preliminarily, compliance with the following:
 - a. Prestwick shall be responsible for obtaining any required wetlands permits from the U.S. Army Corps. of Engineers. If required, Prestwick shall obtain a DNR variance in order to encroach within 25-foot streambank buffers.
 - b. Except as mentioned above, all streambank buffers shall remain undisturbed and inviolate in perpetuity and conveyed to Cobb County in the form of a Conservation Easement.
 - c. Prestwick shall be responsible for securing any required drainage easement(s) in order to accommodate concentrated discharges where none naturally and presently exist.
 - d. Prestwick's engineer shall evaluate the impact of increased volume run-off generated by the proposed project on downstream drainage system(s).
 - e. Any spring activity discovered on the Subject-Property shall be addressed by a qualified, registered geotechnical engineer. Additionally, any structural fill shall be placed under the direction of a geotechnical engineer as well.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-28
Meeting Date 9-21-21
Continued

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
June 24, 2021
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-
- f. As of January 1, 2021, stormwater runoff reduction is required per the GSMM.
12. The submission of a landscape plan during the Plan Review Process which shall include, but not necessarily be limited to, the following:
- a. To the extent that any portion of the detention facility located on the Subject Property is not located underground, said areas shall be landscaped and screened from view.
 - b. The Subject Property shall be landscaped in conformity to or exceeding the level of landscaping previously approved with respect to the other components within this existing, developing and planned mixed-use development.
 - c. The inclusion of strategically positioned pedestrian connectivity for all walkable areas.
 - d. During the Plan Review Process, the Landscape Plan shall be subject to final review and approval by the County's Arborist and by the District Commissioner unless she defers to the Arborist's decisions.
13. The granting of the following requests for concurrent Variances as outlined within the Application for Rezoning, as follows:
- a. To waive the required parking ratios from 1.75 spaces per unit to 1.55 spaces per unit in accordance with the rationale concerned in Paragraph Four (4) above.
 - b. To waive the required parking dimensions from 8.5 feet x 19 feet with a 24 foot drive aisle to 8.5 feet x 18 feet with a 22 foot drive aisle.
 - c. Increasing the maximum allowable density from 12 units per acre to 23.55 units per acre.
14. The District Commissioner shall have the authority to approve minor modifications to this rezoning proposal as the development proceeds through the Plan Review Process and thereafter except for those that:
- a. Increase the density of the residential community.

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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- b. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district.
- c. Relocate a structure closer to the property line of an adjacent property which is zoned in the same or in a more restrictive zoning district.
- d. Increase the height of a building which is adjacent to a property that is zoned is the same or a more restrictive zoning district.
- e. Change access to a different right-of-way.
- f. Violate the Cobb County Zoning Ordinance or require a Variance.

Prestwick's proposal meets the critical need for new housing within this sub-area; serves to provide to ensure the success and/or sustainability of adjacent retail and service related uses as well as those previously entitled for this specific mixed-use development; and, which adds a high-quality residential community while increasing the County's tax base.

Please do not hesitate to contact me should you or your Staff require any further information or documentation prior to this Application being heard and considered by both the Planning Commission and the BOC during the July Zoning Cycle. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLS, Jr./jac
Enclosures/Attachments

cc: Listed on next page.

SAMS, LARKIN & HUFF

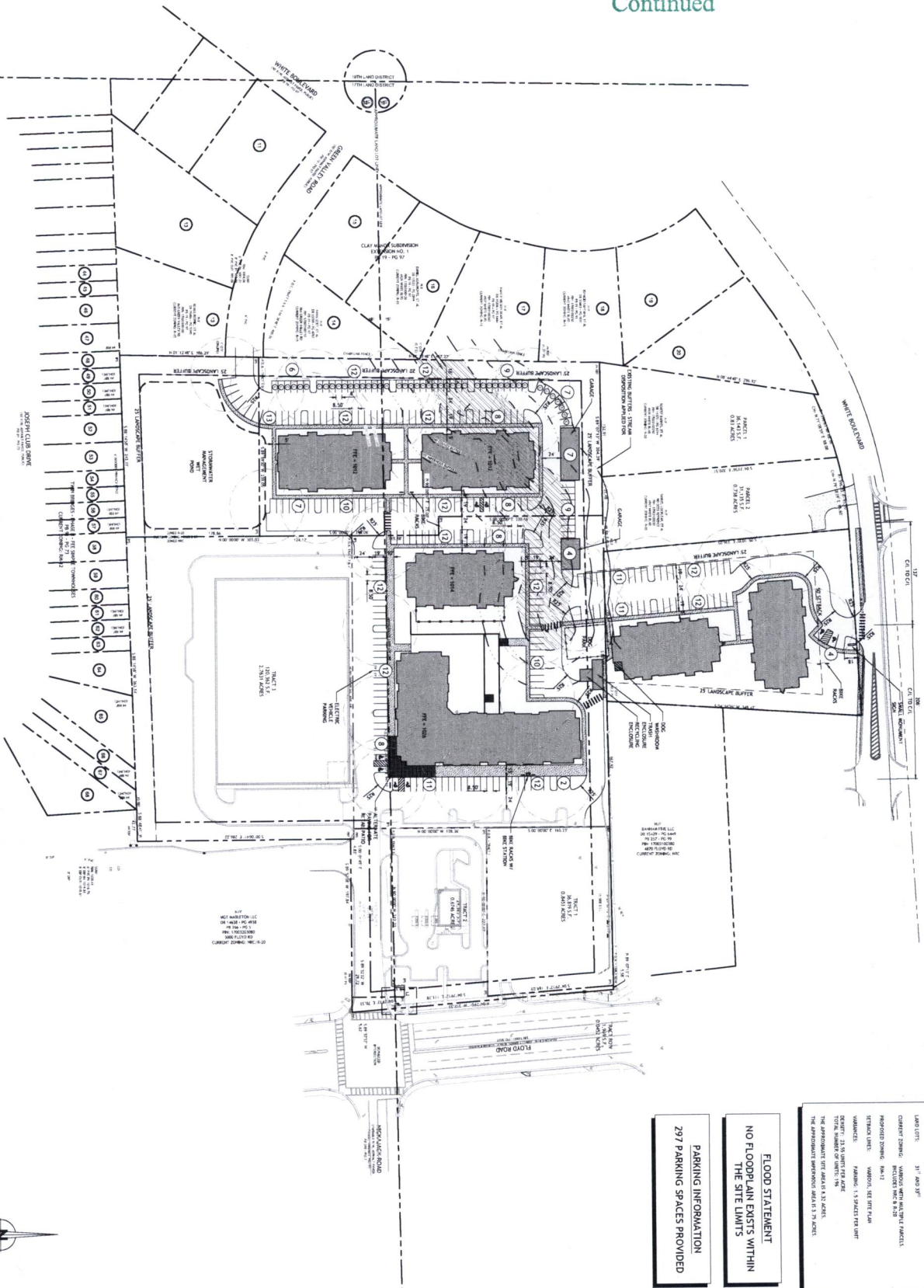
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-28
Meeting Date 9-21-21
Continued

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
June 24, 2021
Page 9

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
Board of Commission Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director (via email w/attachments)
Mr. Jason S. Gaines, AICP, Planning Manager (via email w/attachments)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
Mr. Terry Martin, Planner III (via email w/attachments)
Mr. Donald Wells, Planner II (via email w/attachments)
Ms. Margie Vasquez, 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, Cobb County Fire Marshal's Office (via email w/attachments)
Mr. David Breden, P.E., SWM Division (via email w/attachments)
Mr. L. Carl Carver, P.E., SWM Division (via email w/attachments)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)
Ms. Abby Rettig, P.E., Cobb DOT (via email w/attachments)
Mr. Tim Davidson, Cobb County Water System (via email w/attachments)
Mr. Joe Severin, PE, LEED AP, Long Engineering (via email w/attachments)
Mr. Abdul Amer, P.E., A&R Engineering, Inc. (via email with attachments)
Mr. Jay Silverman, Dwell Design Studio (via email with attachments)
Ms. Robin Meyer, Mableton Improvement Coalition ("MIC") (via email with attachments)
Mr. Chuck Young, Partner, EVP, Prestwick Development Company, LLC (via email w/attachments)
Mr. Mark Hudgins (via email w/attachments)
Mr. Gerard Gunthert, Cornerpoint Partners (via email w/attachments)



SITE DATA NOTES

PROJECT: 1" = 40' AND 30'
 LOTS: 17' AND 30'
 COASTAL ZONING: 17' AND 30'
 VERTICAL LIMITS: 17' AND 30'
 VARIANCES: 17' AND 30'
 TOTAL: 17' AND 30'
 THE APPROXIMATE SITE AREA IS 17 ACRES.
 THE APPROXIMATE IMPROVEMENT AREA IS 17 ACRES.

FLOOD STATEMENT

NO FLOODPLAIN EXISTS WITHIN THE SITE LIMITS

PARKING INFORMATION
 297 PARKING SPACES PROVIDED



C-3.0

FLOYD CROSSING
 MARLETON, COBB COUNTY
 SITE PLAN

LONG
 ENGINEERING
 2550 HERITAGE COURT, STE 250
 ATLANTA, GA 30339
 TEL 770-961-3495, FAX 770-961-3496
 www.longeng.com

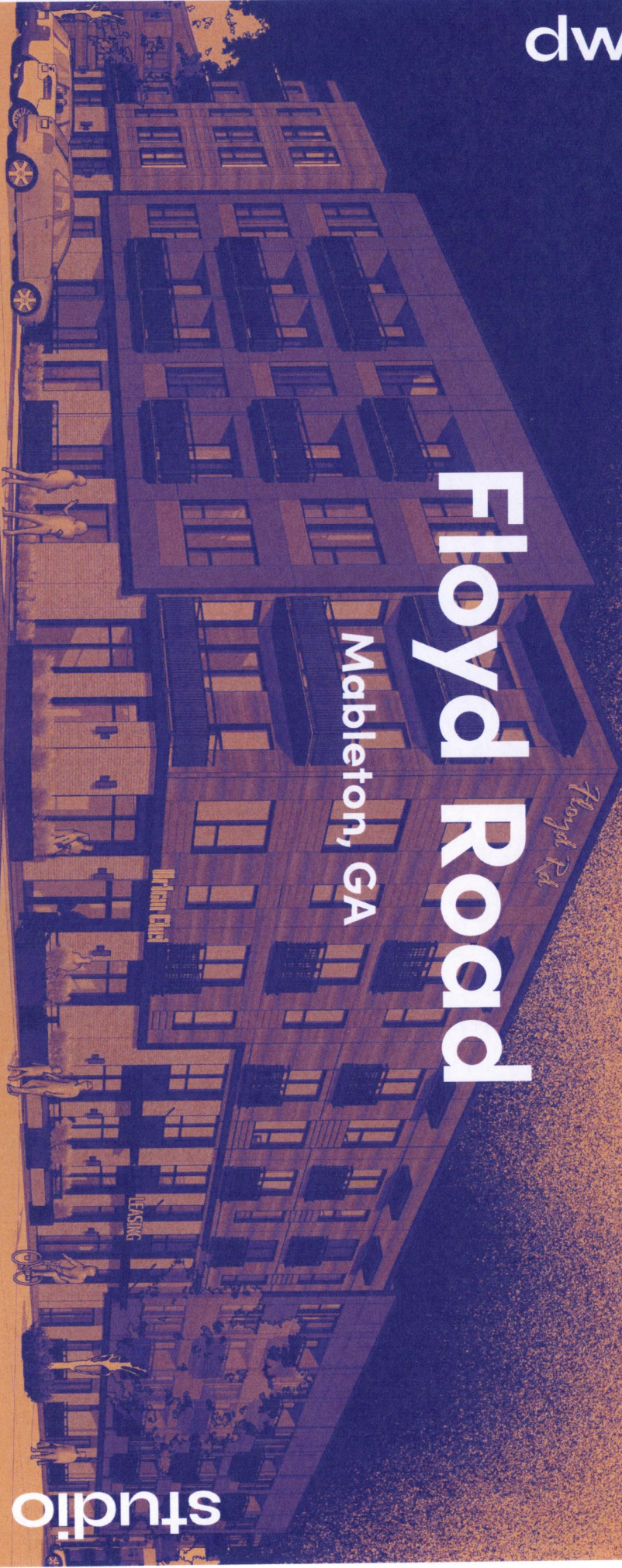
REV #	DATE	DESCRIPTION	REVISIONS

design

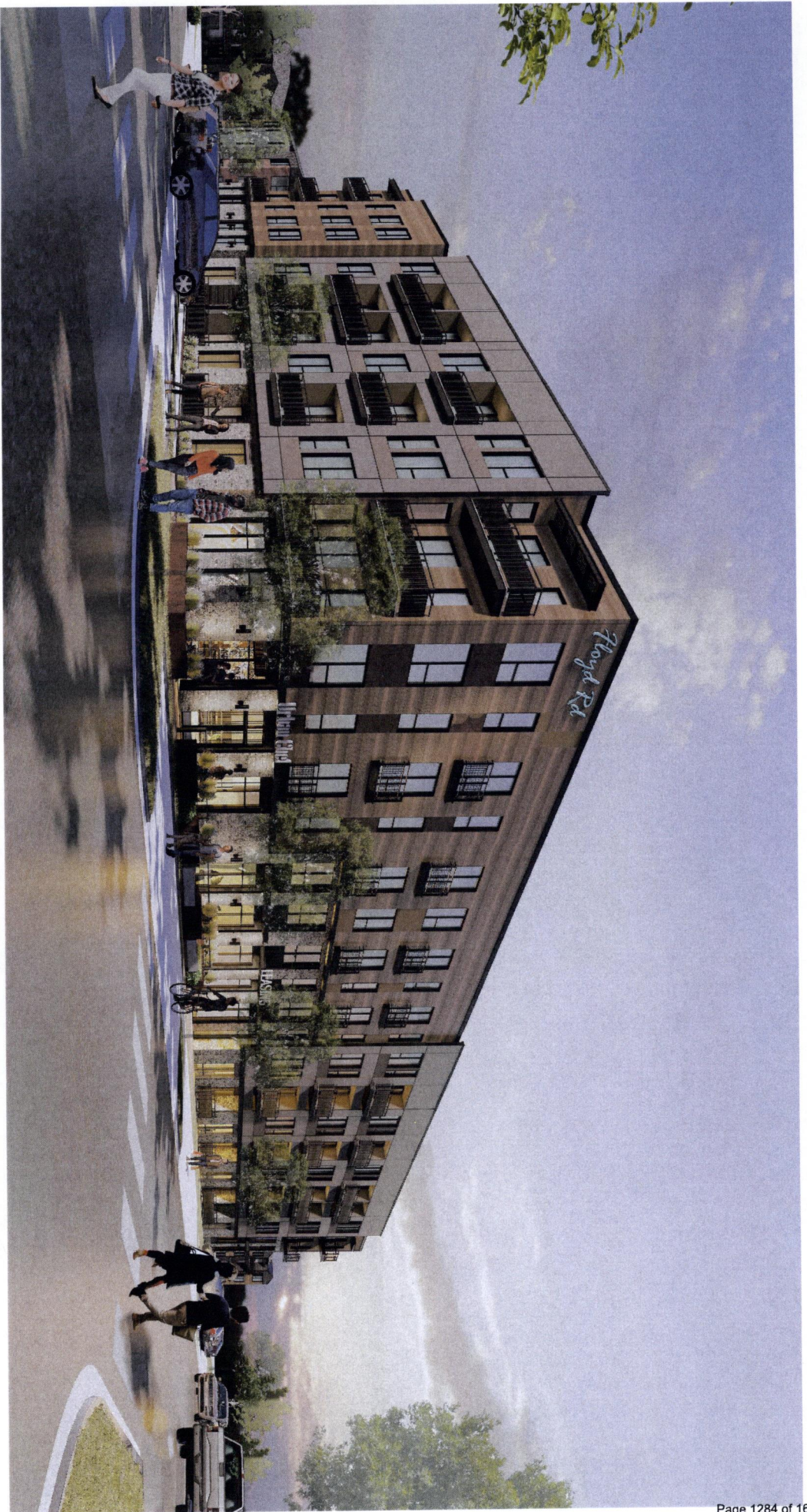
dwell

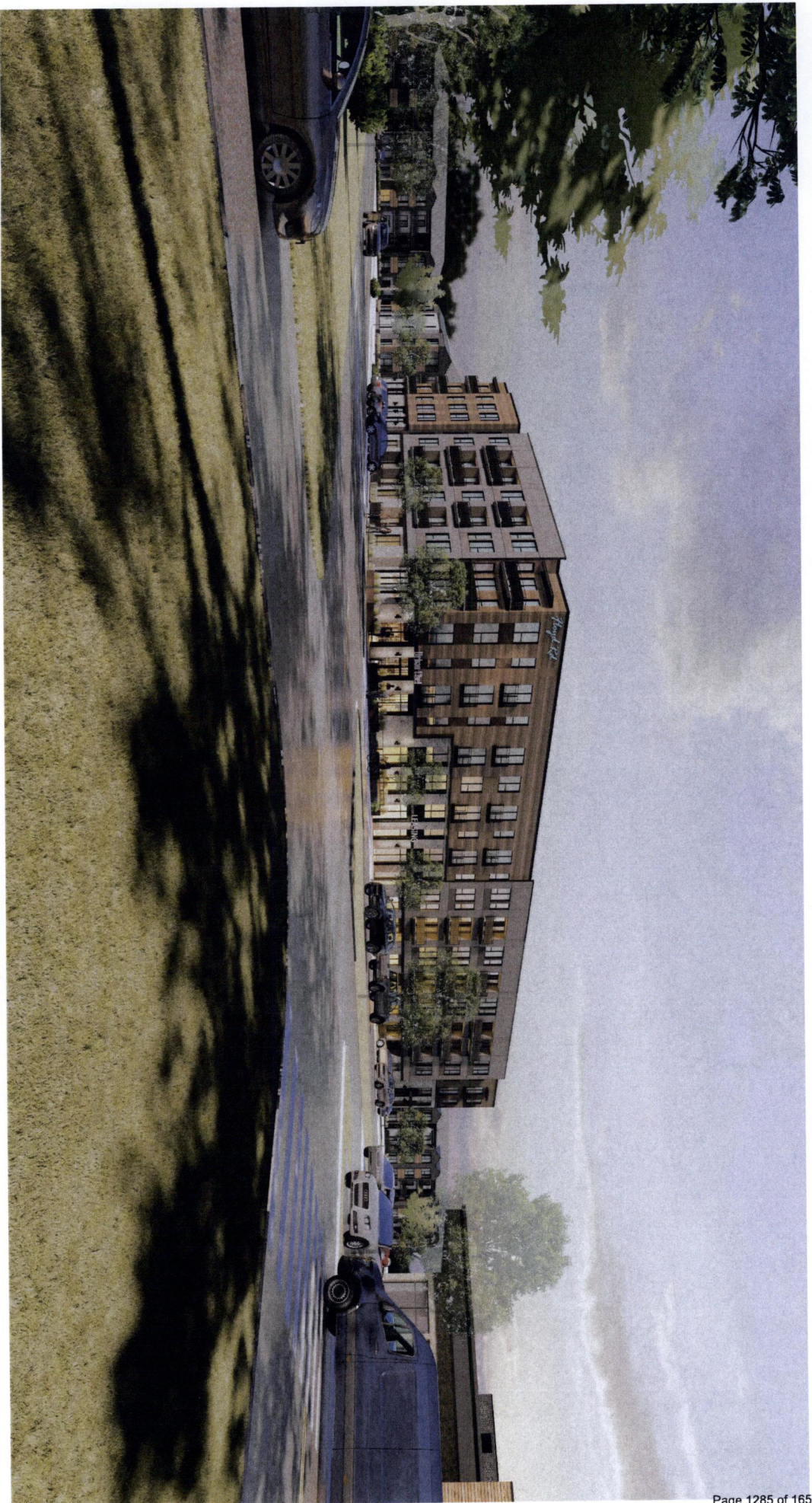
Floyd Road

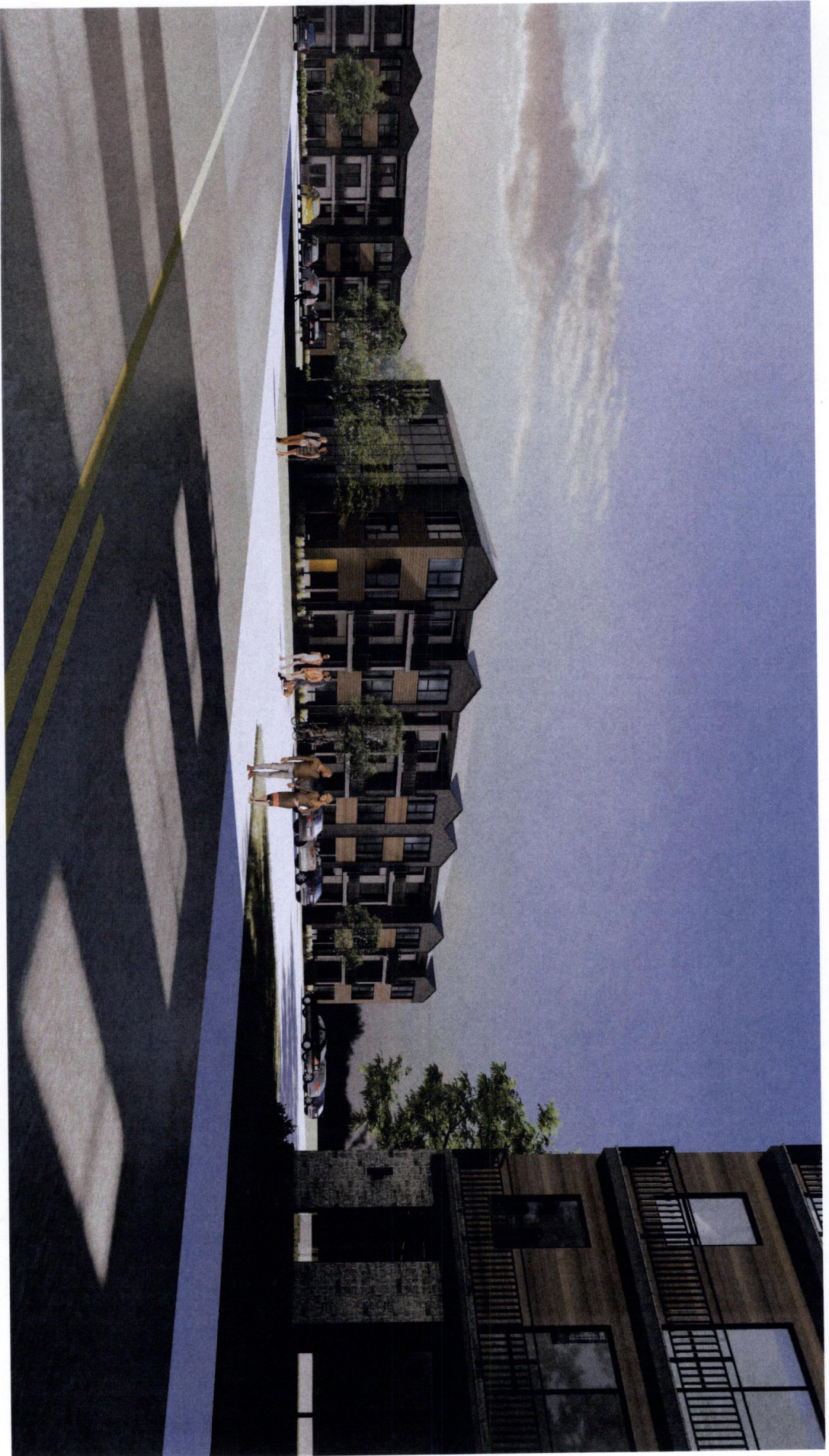
Mableton, GA



studio







September 21, 2021

Min. Bk. 93 Petition No. Z-40
Doc. Type Letter

Meeting Date 9-21-21

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

RE: Stipulation Letter for 23.1 AC Brazos Drive Tract, rezoning petition #Z-40

Dear Mr. Pederson:

On behalf of my client and applicant of Z-40, Brazos – Hicks, LLC., this letter will serve as the stipulation letter that reflects Brazos-Hicks, LLC's agreement to the following stipulations becoming conditions and a part of the grant of the requested rezoning:

1. These stipulations and conditions set forth shall replace and supersede all prior stipulations and conditions previously proposed.
2. The rezoning of this property shall be from R-20 to R 15 OSC based on the site plan prepared by DGM Land Planning Consultants, Inc., dated September 15, 2021
3. The subject property consisting of 23.1 AC shall be developed as a Single Family Detached Residential Community consisting of 44 lots: R-15 OSC each with a minimum lot size of 10,000 SF and a density of 1.90 UN/AC.
4. The residences shall have a minimum of 2,200 SF of heated space. The houses shall consist of predominantly modern farmhouse architecture.
5. All front and side yards of the residences are to be sodded.
6. A 20' landscape buffer shall be respected at the rear of Lots 28 – 44 of the subject property. 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 contiguously adjoining residential neighbors.
7. Any Stormwater Management Area with detention depth in excess of 4' shall be fenced with black vinyl coated chain link fence 6' in height with accompanying landscaping for visual screening.
8. Proposed development will comply with all recommendations from the Stormwater Management Division with respect to stormwater management, detention, hydrology and downstream considerations.
9. All state, county, and local stream buffer ordinances will be adhered to throughout the development and life of the subdivision.

DGM
LAND PLANNING
CONSULTANTS, INC.



SITE PLANNING
LANDSCAPE
ARCHITECTURE

70 514-9006
FAX 514-9491

75 COBB PLACE
BLVD, SUITE 212
KENNESAW
GA 30144
DGM L P C . C O M

10. Upon approval by the Cobb County Board of Commissioners of this request for the subject Brazos-Hicks Z-40 rezoning case being contemplated herein, the abandonment of the existing 50' right of way of Brazos Drive shall be part of said approval for the inclusion of the same into the total acreage of the Brazos-Hicks Z-40 rezoning case. As such, the Board hereby approves that the Cobb County Department of Transportation abandon Brazos Drive to the developer for the redevelopment of this overall property and need not resubmit to the Board for any additional such approval(s).
11. Applicant is agreeable to entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Concord Road, a minimum of 40' from the roadway centerline.
12. Applicant is agreeable to entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Hicks Road, a minimum of 40' from the roadway centerline.
13. Applicant agrees to comply with all recommendations from Cobb County DOT as it relates to traffic and transportation considerations.
14. All homes will have garages for two car vehicular parking purposes.
15. Applicant agrees to a mandatory homeowners' association which shall be responsible for architectural controls of the residences in the proposed community, as well as the upkeep and maintenance of all common areas and amenity areas contained within the residential community.
16. Entrance signage for the proposed community shall be ground based, monument style, and shall consist of brick, stone, stacked stone, stucco, or combinations. Materials used shall be complementary to those used in construction of the homes in the community and shall be in full compliance with the Cobb County Sign Ordinance. Entrance landscaping shall be professionally designed and installed, with final approval given by the Cobb County arborist.
17. In the event that petition Z-40 is successfully rezoned to R-15 OSC applicant agrees to have an archeological field survey performed by a cultural resource professional in order to determine if Civil War features are within the subject area. This survey, if completed, should be submitted to the historic preservation planner. Based on the determination of either the presence or absence of potentially significant features, further recommendations (such as buffers, fencing, interpretive signage, etc.) shall be made by staff.
18. R-15 OSC requires 35% (or 8.085 AC) and applicant is proposing a total open space/common area provided: 8.09 AC.
19. Open space/common area is to remain undisturbed with the exception of providing utilities, creating a mulched 5' wide walking trail and a small pavilion/fire pit as shown on plan.

20. Street lighting shall be environmentally sensitive, decorative and themed, to the architecture and style of the residences.
21. The granting of a contemporaneous variance to allow building setbacks to be as shown on the submitted rezoning plan dated September 15, 2021. (front: 20', side: 7.5', rear: 30', *unless otherwise noted)
22. Applicant agrees to comply with all recommendations from Cobb County water system with respect to availability and capacity of water and sewer.
23. Applicant agrees to comply with all Cobb County Fire Department requests with respect to fire prevention and first responder issues.
24. Adherence to the following construction hours:
7 am to 5 pm Monday to Friday, October 1, 2021 to March 31, 2022
7 am to 7 pm Monday to Friday, April 1, 2022 to September 30, 2022
9 am to 5 pm Saturdays, no work on Sundays
25. The District Commissioner shall have the authority to make minor modifications to the Site Plan and these stipulations/conditions during the Plan Review process.
26. The Rezoning Plat - R-15 OSC for the Subject Z-40 rezoning petition as submitted provides for sewer egress for this development to utilize the Hicks Rd right of way to the west of the parcels included in this rezoning petition and will not require an easement agreement to be negotiated with the property owners at the north ~~west~~ ^{East} corner of this development.
27. Pursuant to Special Stipulations 6 & 15 any removal of the trees planted to create the landscape buffer will require approval from the Architectural Review Board of the HOA unless such tree(s) fall as a result of inclement weather or other natural causes.
28. A 6' wooden fence will be constructed on the eastern border of the development (on Lots 28 through 44 directly adjacent to and one foot inside the rear property line of each noted Lot) between the Brazos Drive Tract and the Concord Springs / Gregory Manor subdivisions. it appears that the mail kiosk has been omitted from the plan.
29. Gazebo shown on site plan shall be 12' in diameter and contain seating within.
30. A total of eight seating benches (with backs) will be placed in the common area. Two will be placed on the northern end of the pond beside the walking trail. Another two will be placed at the southern end of the pond beside the walking trail. Four benches are to be placed at appropriate places along the walking trail.
31. Access to the Silver Comet Trail shall be gated with secured access. A faux wrought iron fence (also known as vinyl clad) will be placed 1' inside the northern property line which is common to the property line of the Silver Comet Trail. The gate must be located on the property and not in the right of way.
Security Gate will be placed as shown on site plan. Gate will have a security card mechanism. Each member of the Home Owner's Association will be given an access card.

32. The driveway on Lot 44 to be located on the far north side of the house.
33. A ten foot 'no access' easement will be placed along the frontage of Concord Road and of Hicks Road. This will prevent direct access to either road without going through the main entrance of the subdivision.
34. District commissioner to approve location of mail kiosk.
35. District commissioner to approve final elevations.

Please give me a call if you have any questions Mr. Pederson. Thank you again for your consideration.

Kind Regards,

David G. Meyer
President

Chetanus Gehl 6-28-21



VICINITY MAP
1" = 2000'

Meeting Date 9-21-2

Min. Bk. 93 Petition No. LUP-20
Doc. Type Site Plan

JOB No. - D 21-0070

Meeting Date 9-21-21

SEPTEMBER 21, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1

Min. Bk. 93 Petition No. OB-44
Doc. Type Fire Dept, Stormwater, Cobb DOT, and
Water & Sewer comments and recommendations
Meeting Date 9-21-21

ITEM OB-44-2021

PURPOSE

To consider a reduction of public road frontage on Lot 1 from 75' to 15', and from 75' to 0' for lots 2-4, access on a gravel driveway, and other setback variances for existing structures shown on the site plan for Irene Clackum for property located at the northern terminus of Trail Road, north of Midway Road, in Land Lot 311 of the 20th District (226 Trail Road).

BACKGROUND

The Board of Commissioners considers all reductions to minimum public road frontage pursuant to a code amendment to Sec. 134-271(7)(a) adopted on February 27, 2018. The subject property is required 75-feet of public road frontage per lot. The applicant would like to subdivide their 8-acre property into 4 lots. Lot 1 would have 15' of public road frontage, and lots 2-4 would have no public road frontage. The property currently has one house on it and the applicant will keep the house on lot 1. The applicant would also need variances for the gravel driveways, and for the existing accessory structures on lot 1, lot 2, and Lot 4.

STAFF COMMENTS

Fire Department: See attached.

Stormwater Management: No comment pertaining to the lot splits. New construction on the individual lots will be required to provide stormwater management for new impervious surfaces exceeding 5,0000 square feet.

Cobb DOT: 1) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements. 2) Recommend driveways on Trail Road be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length.

Water & Sewer Comments: No comments. Applicant should be aware that the property is in the Lost Mountain High Service Area, subject to an additional water fee of \$3,000 per ERU (i.e., per residential lot).

APPLICANT: Irene Clackum

PETITION NO.: OB-44

PRESENT ZONING:

PETITION FOR:

FIRE COMMENTS:

Petition No. OB-44
Meeting Date 9-21-21
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

Sufficient information is not provided to conduct a review of this case

ACCESS:

Driveway must have a minimum 12 foot driving surface width (CCDS 402.07.01) with a minimum 25 foot inside turning radius.

Fully developed landscaping shall be at least 7 feet 0 inches from center of drive (14 foot clear width) and 13 foot 6 inches vertical clearance.

Maximum grade shall not exceed 18%, angle of departure shall not exceed 8.5%.

Driveway must extend within 150 feet of the most remote portion of the structure.

Driveway is limited to 1000 feet maximum from roadway unless an approved turn-around is provided:

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

Driveway must support 25 Tons (50,000 lbs.).

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.)

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

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

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

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

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

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

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

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

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

LODGING: Where 4 or more (>3) unrelated residents share a dwelling a new certificate of occupancy is required to include implementation of both a fire alarm and fire sprinkler system.

Gates

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

Guest Parking

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

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

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

Auto parts buildings may be required to be protected with a fire sprinkler system. Final determination to be made at building plan review. Be prepared to provide water supply.

International Fire Code (IFC) Appendix D

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

SECTION D103

MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant.

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

SECTION D106

MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units.

Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2

D106.2 Projects having more than 200 dwelling units.

Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

SECTION D107

ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

Petition No. OB-44
Meeting Date 9-21-21
Continued

D107.1 One- or two-family dwelling residential developments.

Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

Josh Davis

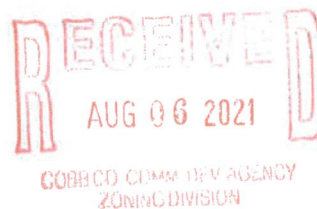
(770) 528-8161

josh.davis@cobbcounty.org

Min. Bk. 93 Petition No. OB-45
Doc. Type Letter
Meeting Date 9-21-21

August 2, 2021

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



Re: Other Business Application of Abbas Heidari
To Request Amendments to Stipulations Agreed to Under OB-12-2020
In Land Lots 5, 6 and 74 of the 1st District, Cobb County, Georgia
At 4650 Paper Mill Road – Paper Mill Reserve

Dear Mr. Pederson:

Paper Mill Reserve is a proposed single family subdivision currently under development in accordance with SPR-2019-00417, on a 3.336 acre tract of land in Cobb County, Georgia. The property is located on the southeast side of Paper Mill Road, east of Gateside Place, in Cobb County, Georgia.

This property was the subject of ITEM OB-12-2020, which considered a request for a gated community. The request was approved by the Cobb County Board of Commissioners at the August 18, 2020 Board of Commissioner's hearing, subject to the agreeable stipulations/conditions in the Consolidated Revised Stipulation Letter dated August 7, 2020 and attached to the approval.

We are requesting amendment in part to stipulations #4 and #9 of the above, as follows:

Stipulation #4, among other conditions, agrees that the Applicant and Property Owner shall develop Paper Mill Reserve with a total number of six (6) homes on lots ranging from 20,121 square feet to 24,533 square feet. We are requesting that this stipulation be amended to state that the Applicant and Property Owner shall develop Paper Mill Reserve with a total number of four (4) homes on lots ranging from 24,304 square feet to 41,942 square feet. All other conditions of stipulation #4 shall remain in effect. The amended stipulation #4 would state:

Petition No. 08-45
Meeting Date 9-21-21
Continued

08-45-2021
ACR
ENGINEERING 2/2

4. The Applicant and Property Owner shall develop Paper Mill Reserve with a total number of four (4) homes on lots ranging from 24,304 square feet to 41,942 square feet. Even though the Gated Communities Ordinance allows the averaging of the impervious surface of each lot, in this particular instance, **ALL** of the lots meet the R-20 requirements with respect to size and allowed percentage of impervious surface which is a maximum of 35%.

Stipulation #9, among other conditions, agrees that the detention facility will have a wall; and specifies various parameters of said wall, including maximum height, maximum exposed height, and construction method. The revised detention facility proposed will not have a wall. Therefore, we request that stipulation #9 be amended to delete all references to a detention facility wall. All other conditions of stipulation #9 shall remain in effect. The amended stipulation #9 would state:

9. The Applicant and Property Owner have complied with recommendations from the Stormwater Management Division with respect to stormwater management, detention, hydrology, water quality and downstream conditions. In that regard, the Applicant and Property Owner have secured the necessary off-site sewer and stormwater easements which are reflected on the site plan and which are recorded in Deed Book 15680, Page 4902, Cobb County, Georgia Records.

The positioning of the detention facility, its configuration and its design shall follow the specific Design and Construction criteria of Cobb County as a part of the Plan Revision Review Process (No. SPR-2019-00417).

The attached drawings depict the reconfiguration of the detention facility; the repositioning of the detention facility and other features relative to detention such as landscaping.

The revised Preliminary Site Plan included with this application reflects the requested amendments to the stipulations.

Please let us know if you have any questions, or if we can provide any additional information in support of this application.

Thank you for your consideration.

Sincerely,

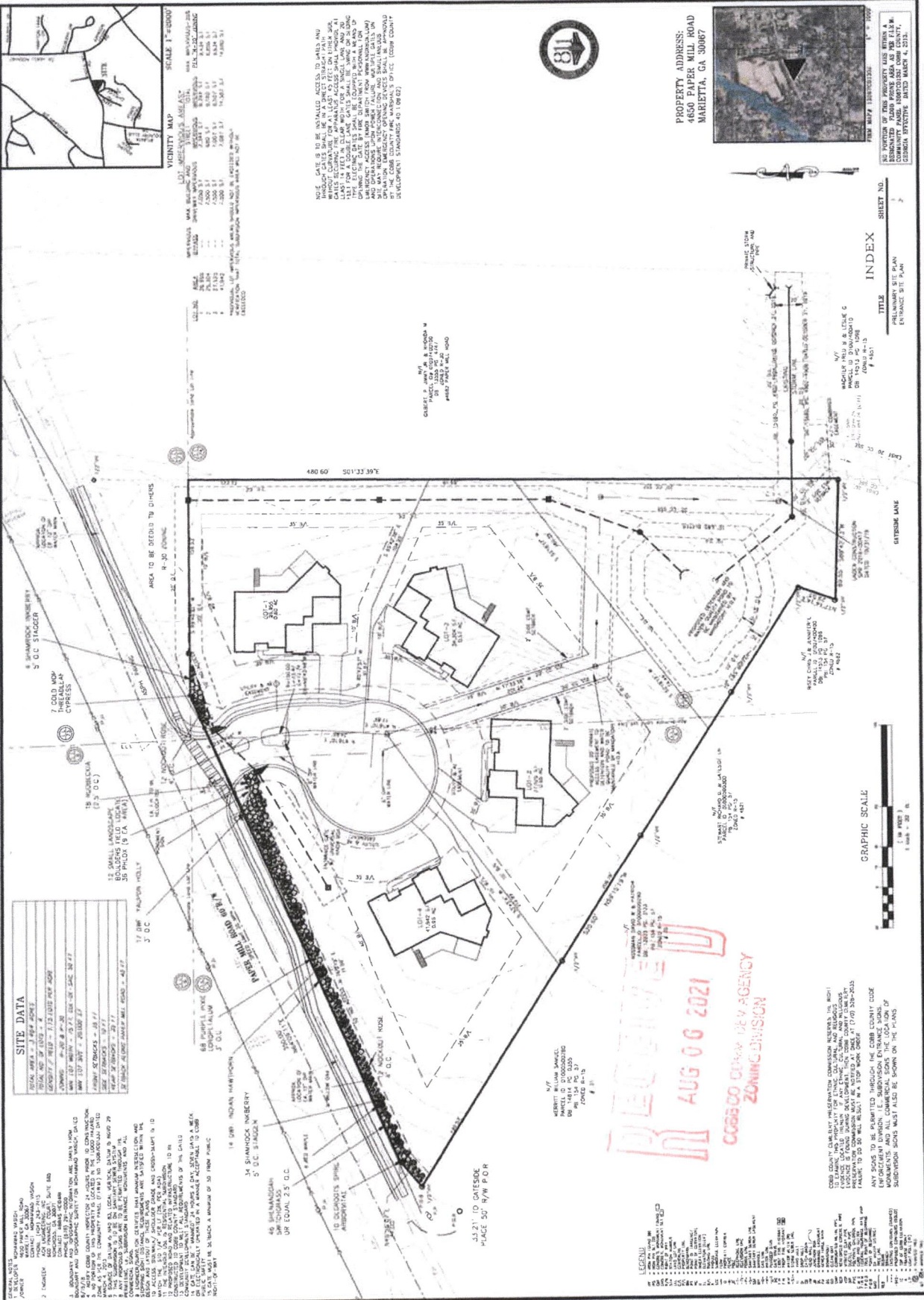


Abbas Heidari
ACR Engineering, Inc.

Attach: Revised Preliminary Site Plan

08-45-2021-54-08

ACR Engineering, Inc. 1000 Peachtree Industrial Blvd., Suite 100 Atlanta, Georgia 30329 (404) 251-1234 FAX (404) 251-1235		PRELIMINARY SITE PLAN FOR PAPER MILL RESERVE L.L. 5, 6 AND 74, 1ST DIST., 2ND SECT. COBB COUNTY, GEORGIA		1. L.L. 5, 6 AND 74, 1ST DIST., 2ND SECT. COBB COUNTY, GEORGIA		2. L.L. 5, 6 AND 74, 1ST DIST., 2ND SECT. COBB COUNTY, GEORGIA	
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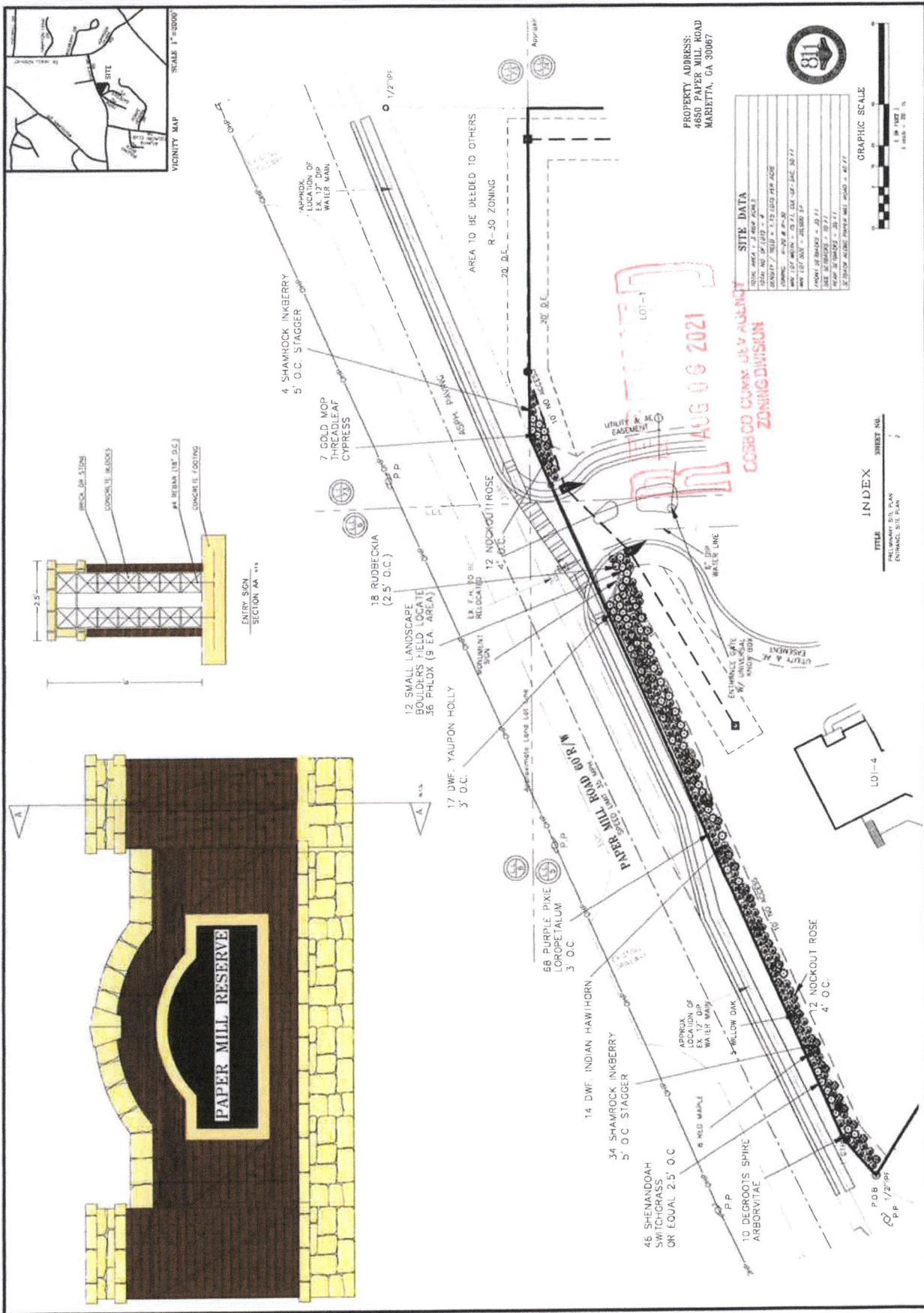
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		DNI	MUSI08
			Y1 CAGB-6
NJ GWS 8 %			(12/01 DWT)
Catch area			DN-38

[illegible]

ENTRANCE SITE PLAN
FOR
PAPER MILL RESERVE
L.L. 5, 6 AND 74, 1ST DIST., 2ND SECT.,
COBB COUNTY, GEORGIA

ACR Engineering, Inc.
A PROFESSIONAL ENGINEERING & ARCHITECTURAL FIRM
5141 E. 68th Street
Denver, CO 80231
TEL: (303) 291-0000
FAX: (303) 291-6887



SEPTEMBER 21, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

ITEM OB-45-2020

PURPOSE

To consider a request for a site plan and stipulation amendment for Abbas Heidari regarding Other Business application OB-12 of 2020 for property located on the southeast side of Paper Mill Road, east of Gateside Place in Land Lots 5, 6 and 74 of the 1st District.

BACKGROUND

The subject property is zoned R-20 and the applicant received approval last year from the Board of Commissioners to develop a six-lot a gated community subject to Cobb County Development Standard #424. The applicant has submitted a revised site plan that now only shows four-lots. The applicant would need to revise the stipulation #4 to allow this change. The applicant would also like to revise stipulations #9 regarding the detention pond. The revision is driven by the fact there are less lots and less impervious surface which requires a smaller detention pond. The private road and detention pond would be owned and maintained by the homeowner's association. If approved, all previous stipulations not in conflict with this revision should remain in effect.

STAFF COMMENTS

Cobb DOT: 1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements. 2. As necessitated by this development, recommend Paper Mill Road access to include a deceleration lane as shown on the site plan received August 6, 2021. Recommend location and design be determined during plan review, subject to Cobb County DOT approval. 3. Recommend gate and all parts of be set back a minimum of 50' from the right-of-way and meet Cobb County Development Standards. 4. Recommend private streets, lighting, and utilities be constructed to the Cobb County Standard Specifications.

Water & Sewer Comments: No comments

SEPTEMBER 21, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT
Page 2

ITEM OB-45-2020

Stormwater Management: A revised stormwater management Hydrology Study is to be submitted to Cobb Stormwater Management for review and approval as a revision to the original Land Disturbance Permit. The stormwater management pond is a private pond to be maintained by a mandatory HOA. The Cobb Stormwater Management Agreement is to be furnished prior to Final Plat approval.

Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application, minutes and proposed site plan.

Petition No. OB-45
Meeting Date 7-21-21
Continued

APPLICANT: Abbas Heidari

PETITION NO.: OB-45

PRESENT ZONING: _____

PETITION FOR: _____

FIRE COMMENTS:

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

Fire Hydrants

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

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

International Fire Code (IFC) Appendix D

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

SECTION D103

MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant.

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

Access

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

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

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

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

Gates

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

Guest Parking

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

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

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

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

Josh Davis

(770) 528-8161

josh.davis@cobbcounty.org

SEPTEMBER 21, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

Min. Bk. 93 Petition No. OB-46
Doc. Type Stormwater Management,
Site Plan Review & Fire Dept comments
Meeting Date 9-21-21

ITEM OB-46-2021

PURPOSE

To consider a reduction of public road frontage from required 75' to 20' for Ashley Newman for property located on the southside of Liberty Hill Road, west of Morgan Road, in Land Lot 662 of the 16th District (1180 Liberty Hill Road).

BACKGROUND

The Board of Commissioners considers all reductions to minimum public road frontage pursuant to a code amendment to Sec. 134-271(7)(a) adopted on February 27, 2018. The subject property is required 75-feet of public road frontage. The applicant would like to reduce the public road frontage to 20'. The property currently has one house on it (c. 1953) and occupants visit the property via an asphalt driveway easement.

STAFF COMMENTS

Stormwater Management: It appears that a large portion of the property has been cleared and some areas graded. Cobb Stormwater Management requires a current topographic survey to be furnished. The property also contains Floodway and Floodplain. No filling is allowed within floodway and floodplain. There also appears to be some type of culvert or bridge placed within the stream/floodway. A determination will need to be made based on the updated topography survey to determine if there has been any fill material place within the floodway/floodplain and if the bridge/culvert structure is causing any adverse effects on adjacent properties. An update "No Rise" flood study may be required. Also undisturbed stream buffers have been disturbed.

Site Plan Review: Aerial imagery indicates that +/- 3 acres of this property was cleared and graded without permit last year. This includes apparent encroachments into county and state stream buffers, and the potential placement of fill material within the FEMA floodway and 100 year floodplain. Accordingly, a field-run topography survey must be performed and submitted to Cobb County Site Plan Review. In addition, the County Arborist shall perform a field inspection to determine the extent of any encroachments into the county and state stream buffers. Appropriate mitigation steps must be reviewed, approved, and performed prior to the issuance of any building permits for this property.

Fire Department: See attached.

APPLICANT: Ashley Newman

PETITION NO.: OB-46

PRESENT ZONING:

PETITION FOR:

FIRE COMMENTS:

Petition No. OB-46
Meeting Date 9-21-21
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

ACCESS:

Driveway must have a minimum 12 foot driving surface width (CCDS 402.07.01) with a minimum 25 foot inside turning radius.

Fully developed landscaping shall be at least 7 feet 0 inches from center of drive (14 foot clear width) and 13 foot 6 inches vertical clearance.

Maximum grade shall not exceed 18%, angle of departure shall not exceed 8.5%.

Driveway must extend within 150 feet of the most remote portion of the structure.

Driveway is limited to 1000 feet maximum from roadway unless an approved turn-around is provided:

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

Driveway must support 25 Tons (50,000 lbs.).

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.)

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

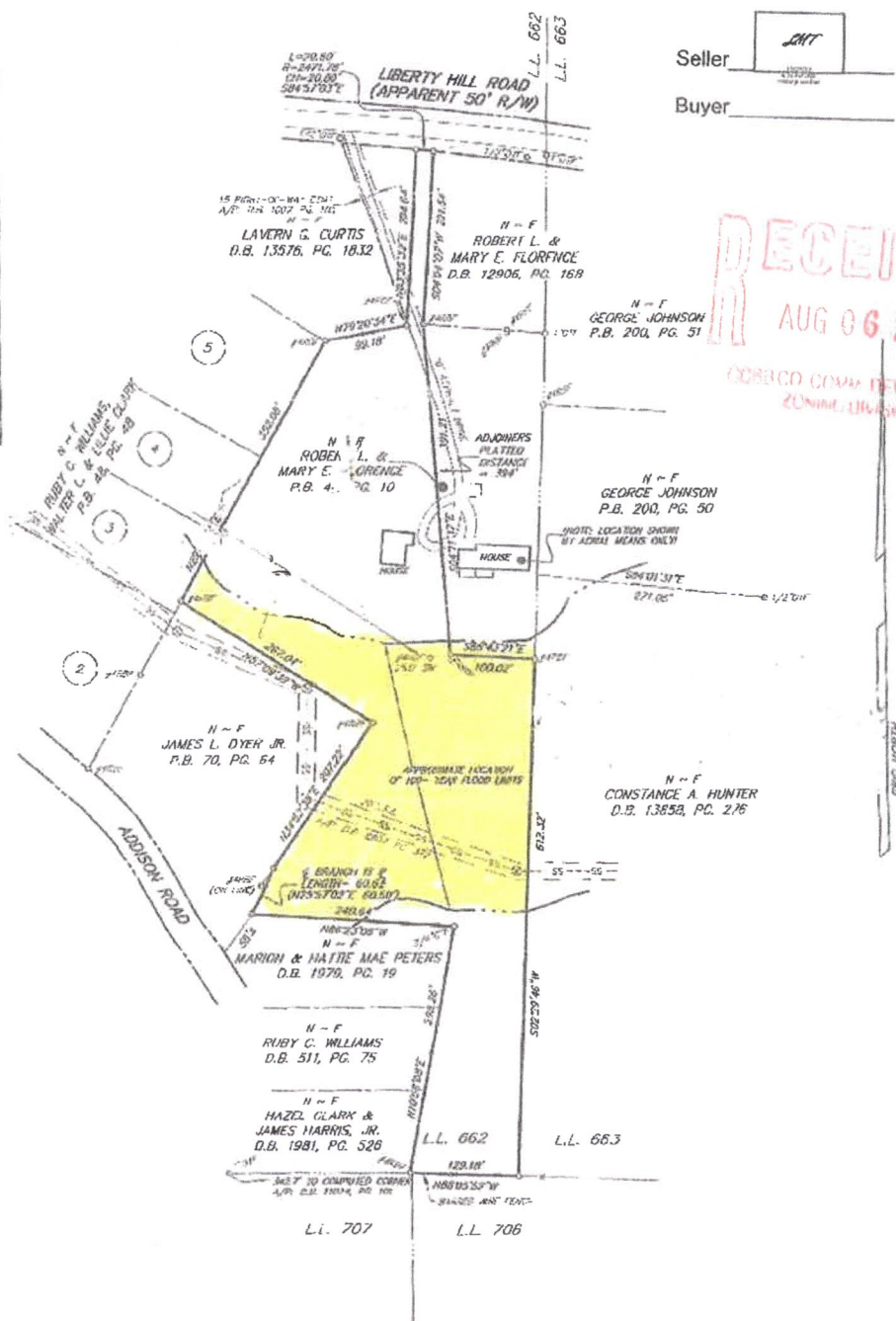
Josh Davis

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

Proposed

Exhibit E

- ① R.R. - POWER AVE
 ② R.R. - NIGHT WILE
 ③ I.R. - FOR MYHANI
 ④ M.L. - SANITARY SEWER MAINLINE
 ⑤ W.M. - WATER METER
 ⑥ G.M. - GAS MAIN
 ⑦ H.R. - REINFORCING BAR TO I
 ⑧ H.R. - REINFORCING BAR FOUND
 ⑨ C.F. - CONCRETE FOR WALL FOUNDING
 ⑩ O.F. - OPEN FOR PIPE LAYING
 ⑪ S.W.M. - RIGID - 24" - 30" - 36" - 42" - 48" - 54" - 60" - 66" - 72" - 78" - 84" - 90" - 96" - 102" - 108" - 114" - 120" - 126" - 132" - 138" - 144" - 150" - 156" - 162" - 168" - 174" - 180" - 186" - 192" - 198" - 204" - 210" - 216" - 222" - 228" - 234" - 240" - 246" - 252" - 258" - 264" - 270" - 276" - 282" - 288" - 294" - 300" - 306" - 312" - 318" - 324" - 330" - 336" - 342" - 348" - 354" - 360" - 366" - 372" - 378" - 384" - 390" - 396" - 402" - 408" - 414" - 420" - 426" - 432" - 438" - 444" - 450" - 456" - 462" - 468" - 474" - 480" - 486" - 492" - 498" - 504" - 510" - 516" - 522" - 528" - 534" - 540" - 546" - 552" - 558" - 564" - 570" - 576" - 582" - 588" - 594" - 600" - 606" - 612" - 618" - 624" - 630" - 636" - 642" - 648" - 654" - 660" - 666" - 672" - 678" - 684" - 690" - 696" - 702" - 708" - 714" - 720" - 726" - 732" - 738" - 744" - 750" - 756" - 762" - 768" - 774" - 780" - 786" - 792" - 798" - 804" - 810" - 816" - 822" - 828" - 834" - 840" - 846" - 852" - 858" - 864" - 870" - 876" - 882" - 888" - 894" - 900" - 906" - 912" - 918" - 924" - 930" - 936" - 942" - 948" - 954" - 960" - 966" - 972" - 978" - 984" - 990" - 996" - 1002" - 1008" - 1014" - 1020" - 1026" - 1032" - 1038" - 1044" - 1050" - 1056" - 1062" - 1068" - 1074" - 1080" - 1086" - 1092" - 1098" - 1104" - 1110" - 1116" - 1122" - 1128" - 1134" - 1140" - 1146" - 1152" - 1158" - 1164" - 1170" - 1176" - 1182" - 1188" - 1194" - 1200" - 1206" - 1212" - 1218" - 1224" - 1230" - 1236" - 1242" - 1248" - 1254" - 1260" - 1266" - 1272" - 1278" - 1284" - 1290" - 1296" - 1302" - 1308" - 1314" - 1320" - 1326" - 1332" - 1338" - 1344" - 1350" - 1356" - 1362" - 1368" - 1374" - 1380" - 1386" - 1392" - 1398" - 1404" - 1410" - 1416" - 1422" - 1428" - 1434" - 1440" - 1446" - 1452" - 1458" - 1464" - 1470" - 1476" - 1482" - 1488" - 1494" - 1500" - 1506" - 1512" - 1518" - 1524" - 1530" - 1536" - 1542" - 1548" - 1554" - 1560" - 1566" - 1572" - 1578" - 1584" - 1590" - 1596" - 1602" - 1608" - 1614" - 1620" - 1626" - 1632" - 1638" - 1644" - 1650" - 1656" - 1662" - 1668" - 1674" - 1680" - 1686" - 1692" - 1698" - 1704" - 1710" - 1716" - 1722" - 1728" - 1734" - 1740" - 1746" - 1752" - 1758" - 1764" - 1770" - 1776" - 1782" - 1788" - 1794" - 1800" - 1806" - 1812" - 1818" - 1824" - 1830" - 1836" - 1842" - 1848" - 1854" - 1860" - 1866" - 1872" - 1878" - 1884" - 1890" - 1896" - 1902" - 1908" - 1914" - 1920" - 1926" - 1932" - 1938" - 1944" - 1950" - 1956" - 1962" - 1968" - 1974" - 1980" - 1986" - 1992" - 1998" - 2004" - 2010" - 2016" - 2022" - 2028" - 2034" - 2040" - 2046" - 2052" - 2058" - 2064" - 2070" - 2076" - 2082" - 2088" - 2094" - 2100" - 2106" - 2112" - 2118" - 2124" - 2130" - 2136" - 2142" - 2148" - 2154" - 2160" - 2166" - 2172" - 2178" - 2184" - 2190" - 2196" - 2202" - 2208" - 2214" - 2220" - 2226" - 2232" - 2238" - 2244" - 2250" - 2256" - 2262" - 2268" - 2274" - 2280" - 2286" - 2292" - 2298" - 2304" - 2310" - 2316" - 2322" - 2328" - 2334" - 2340" - 2346" - 2352" - 2358" - 2364" - 2370" - 2376" - 2382" - 2388" - 2394" - 2400" - 2406" - 2412" - 2418" - 2424" - 2430" - 2436" - 2442" - 2448" - 2454" - 2460" - 2466" - 2472" - 2478" - 2484" - 2490" - 2496" - 2502" - 2508" - 2514" - 2520" - 2526" - 2532" - 2538" - 2544" - 2550" - 2556" - 2562" - 2568" - 2574" - 2580" - 2586" - 2592" - 2598" - 2604" - 2610" - 2616" - 2622" - 2628" - 2634" - 2640" - 2646" - 2652" - 2658" - 2664" - 2670" - 2676" - 2682" - 2688" - 2694" - 2700" - 2706" - 2712" - 2718" - 2724" - 2730" - 2736" - 2742" - 2748" - 2754" - 2760" - 2766" - 2772" - 2778" - 2784" - 2790" - 2796" - 2802" - 2808" - 2814" - 2820" - 2826" - 2832" - 2838" - 2844" - 2850" - 2856" - 2862" - 2868" - 2874" - 2880" - 2886" - 2892" - 2898" - 2904" - 2910" - 2916" - 2922" - 2928" - 2934" - 2940" - 2946" - 2952" - 2958" - 2964" - 2970" - 2976" - 2982" - 2988" - 2994" - 3000" - 3006" - 3012" - 3018" - 3024" - 3030" - 3036" - 3042" - 3048" - 3054" - 3060" - 3066" - 3072" - 3078" - 3084" - 3090" - 3096" - 3102" - 3108" - 3114" - 3120" - 3126" - 3132" - 3138" - 3144" - 3150" - 3156" - 3162" - 3168" - 3174" - 3180" - 3186" - 3192" - 3198" - 3204" - 3210" - 3216" - 3222" - 3228" - 3234" - 3240" - 3246" - 3252" - 3258" - 3264" - 3270" - 3276" - 3282" - 3288" - 3294" - 3300" - 3306" - 3312" - 3318" - 3324" - 3330" - 3336" - 3342" - 3348" - 3354" - 3360" - 3366" - 3372" - 3378" - 3384" - 3390" - 3396" - 3402" - 3408" - 3414" - 3420" - 3426" - 3432" - 3438" - 3444" - 3450" - 3456" - 3462" - 3468" - 3474" - 3480" - 3486" - 3492" - 3498" - 3504" - 3510" - 3516" - 3522" - 3528" -



Buyer

RECEIVED
AUG 06 2021
CORRADO COMM DEV AGENCY
2000 W. 11TH AVE

THIS SURVEY ONLY INCLUDES OBJECTS THAT ARE VISIBLE AND IS NOT RESPONSIBLE FOR UNDERGROUND UTILITIES OR OTHER OBJECTS THAT ARE NOT APPARENT BY VISUAL OBSERVATION. I.E. UNDERGROUND TANKS, GAS LINES, WATER LINES, SEWER LINES ETC.

THIS PARCEL OF LAND IS IN THE 100 YEAR FLOOD
PLAIN AND IS IN ZONE SE; ACCORDING TO F.E.M.A. (F.A.A.)
COMMUNITY NUMBER 130052 MAP NUMBER
13057 G 0035 F DATED AUGUST 16, 1992

THIS MAP IS FOR THE EXCLUSIVE USE OF THE PARTIES STATED
ON THE FACE OF THE SURVEY. ANY USE BY THIRD PARTIES IS
AT THEIR OWN RISK.

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER. LINEAR PRECISION OF TRAVERSE: 1/25,000; ANGULAR ERROR: 1" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPANY'S RULE. LINEAR PRECISION OF THIS PLAT: 1/372,672. METERS OF TITLE ARE EXCEPTED.

THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF TITLE WHICH ARE NOT USUALLY NOT RECORDED, OR NOT DISCLOSED IN THE TITLE COMMITMENT PROVIDED BY THE OWNER, THE PURCHASER, OR ANY AGENTS THEREOF.

DATE	: 6-28-06	REVISIONS
SCALE	: 1"=100'	
DRAWN BY	: MAN	
CHECKED BY	: DH/CAE	
FIELD BOOK	: 388	

Gaskins

A horizontal graphic scale bar with four segments. The first segment is labeled '100', the second '0', the third '100', and the fourth '20'. Below the bar, the text 'SCALE IN FEET' is written.

SURVEY FOR:
WACHOVIA BANK, N.A.

LOCATED IN L.L. 662
16th DISTRICT, 2nd SECTION
COBB COUNTY, GA.



Exhibit "A"

Proposed uses

1. Accessory retail sales and services
2. Ambulance service
3. clinic
4. Contractors
5. Corporate or Administrative offices
6. Light manufacturing establishments
7. Medical and Dental Laboratories
8. Other service establishments
9. Print shop
10. Research and Development facilities.
11. Research testing facilities.
12. Upholstery and furniture repair
13. Sports training facility
14. Vocational schools and tutoring.
15. Wholesale sales office.
16. Distribution facility

Min. Bk. 93 Petition No. OB-47

Doc. Type Exhibit "A"

Meeting Date 9-21-21

SEPTEMBER 21, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

Min. Bk. 93 Petition No. OB-47
Doc. Type Cobb DOT and Fire Dept
comments and recommendations
Meeting Date 9-21-21

ITEM OB-47

PURPOSE

To consider a stipulation amendment for PGA Tramore, LLC regarding rezoning applications Z-21 and Z-22 of 2013 in Land Lot 861 of the 19th District. Located on the east side of Tramore Pointe Parkway, southwest of the East-West Connector (3771 and 3781 Tramore Pointe Parkway).

BACKGROUND

The applicant's property was approved to Light Industrial (LI) by the Board of Commissioners in 2013 for an ambulance service. One of the stipulations restricted the property's use to an ambulance service for the applicant only. The applicant would like to revise the stipulations to allow more than one use on the property, and the applicant has submitted a list of sixteen additional uses, which is attached as Exhibit "A". If approved, all previous zoning stipulations not in conflict with this amendment would remain in effect.

STAFF COMMENTS

Cobb D.O.T.: 1) Recommend extending driveway uninterrupted access to a minimum of 50' from the edge of right-of-way per Development Standard 402.08. 2) Recommend retaining all DOT recommendations for Z-21-2013 and Z-22-2013, which include:

- a. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements; and,
- b. Recommend one access point to Tramore Pointe Parkway.

Fire Department: 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. C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process. Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments. The above is not an all-inclusive list, all applicable fire and life safety provisions must be met. 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.

SEPTEMBER 21, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

Min. Bk. 93 Petition No. OB-49
Doc. Type Cobb DOT and Fire Dept
Comments and recommendations
Meeting Date 9-21-21

ITEM OB-49

PURPOSE

To consider a stipulation amendment for David Pearson Communities, Inc. regarding rezoning application Z-71 of 2020 in Land Lots 736 and 777 of the 16th District. Located at the north end of Ross Road, northwest of Sandy Plains Road (Ross Road).

BACKGROUND

The applicant's property was approved to RA-6 zoning by the Board of Commissioners in 2020 for a single-family detached subdivision. One of the stipulations required the applicant to construct a decel lane on Sandy Plains Road. The applicant is working on their final engineering and finds that they cannot install the decel lane due to limited right of way, and the existence of a very large power transmission pole. The applicant has submitted Exhibit "B" which explains this problem and presents the final site plan for approval. If approved, all previous zoning stipulations not in conflict with this amendment would remain in effect.

STAFF COMMENTS

Cobb D.O.T.: Recommend retaining the following DOT recommendations from Z-71-2020: a) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements; b) Recommend private streets, lighting, and utilities be constructed to the Cobb County Standard Specifications; and c) Recommend improving Ross Road from the proposed development frontage to the City of Marietta boundary line in order to comply with Cobb County standards.

Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning minutes.

APPLICANT: David Pearson Communities

PETITION NO.: OB-49

PRESENT ZONING:

PETITION FOR:

FIRE COMMENTS:

Petition No. OB-49
Meeting Date 9-21-21
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

Fire Engine Access

The fire department must be able to access the long side of the building.

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

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

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

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

Gates

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

Guest Parking

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

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

International Fire Code (IFC) Appendix D

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

SECTION D103

MINIMUM SPECIFICATIONS

Petition No. 08-49

Meeting Date 7-21-21

Continued

D103.1 Access road width with a hydrant.

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

SECTION D107

ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments.

Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

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

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