MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 19, 2021
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 19, 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.

At the September Board of Commissioners' (BOC) Zoning hearing, changes were adopted to the Zoning Hearing Procedures that allowed for virtual participation at today's hearing. With a new Declaration of Emergency in place, for virtual participation to be allowed at the November BOC Zoning hearing, Mr. Bill Rowling, County Attorney, recommended that the same format be adopted. Therefore, due to the circumstances of the COVID pandemic and while under the current Declaration of Emergency set to expire at 11:59 p.m. on November 16, 2021, Mr. Rowling read into the record the following revised changes to the Zoning Hearing Procedures for the November 16, 2021, BOC Zoning hearing:

1. Staff and citizens may be allowed to virtually participate in the hearing;
2. BOC members can vote by voice or 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
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, the BOC Zoning Hearing Procedures will apply except as modified during the normal course of the hearing.

MOTION: Motion by Cupid, second by Birrell, to **adopt** the changes to the BOC Zoning Hearing Procedures as read into the record by the County Attorney.

VOTE: **ADOPTED** 5-0

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the virtual participation format, reviewed the hearing procedures, and announced the following cases which were *withdrawn, held, or continued.*

WITHDRAWN, HELD, AND CONTINUED CASES

Z-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, PC hearings until the October 5, 2021, PC hearing).*** **WITHDRAWN WITHOUT PREJUDICE**

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; continued by the BOC until the October 19, 2021, BOC Zoning hearing).***

Mr. Pederson presented the Applicant's request to withdraw Z-26 without prejudice. Thereafter, the following motion was made:

MOTION: Motion by Richardson, second by Birrell, to **allow** Z-26 to be *withdrawn without prejudice.*

VOTE: **ADOPTED** 5-0

Z-64 **BENTLEY COMMERCIAL PROPERTIES LLC** (Bentley Commercial Properties, LLC; William Andrew Carter, JR as Trustee of the Residual Trust of James W. Bentley, JR.; Lynn Bentley Taylor and Justin Ottinger; Summerour Properties LLLP, owners) requesting rezoning from **R-15** and **HI** to **HI** for an auto salvage and storage, used auto parts sales, and used auto sales in land lot 1137 of the 16th district. Property is located on the north side of Gresham Road, east of Fairview Street (1471 Gresham Road).

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-64 **BENTLEY COMMERCIAL PROPERTIES LLC (CONT.)**

Mr. Pederson presented the Applicant's request to withdraw Z-64 without prejudice. Thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **allow** Z-64 to be *withdrawn without prejudice.*

VOTE: **ADOPTED** 5-0

SLUP-8 **BENTLEY COMMERCIAL PROPERTIES LLC** (Bentley Commercial Properties, LLC; Bentley Farm Properties, LLLP; William Andrew Carter, JR as Trustee of the Residual Trust of James W. Bentley, JR.; Lynn Bentley Taylor and Justin Ottinger; Summerour Properties LLLP, owners) requesting a **Special Land Use Permit** for an auto salvaging and wrecking yards, automobile storage yard and wrecker services, and used auto sales in land lot 1137 of the 16th district. Property is located on the north side of Gresham Road, east of Fairview Street (1471 Gresham Road).

Mr. Pederson presented the Applicant's request to withdraw SLUP-8 without prejudice. Thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Richardson, to **allow** SLUP-8 to be *withdrawn without prejudice.*

VOTE: **ADOPTED** 5-0

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 hearing; 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; continued by Staff until the November 2, 2021, PC hearing; therefore, was not considered at this hearing).***

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 October 5, 2021, PC hearings until the November 2, 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 the 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 from the September 21, 2021, and October 19, 2021, Board of Commissioners' (BOC) Zoning hearings until the November 16, 2021, BOC Zoning hearing; therefore, was not considered at this hearing).***

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 Staff until the September 7, 2021, Planning Commission (PC) hearing; continued by the PC until the October 5, 2021, PC hearing; held by the PC until the November 2, 2021, PC hearing; therefore, was not considered at this hearing).***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

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; continued by Staff until the November 16, 2021, Board of Commissioners' Zoning 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) from the September 7, 2021, and October 5, 2021, PC hearings until the November 2, 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). ***(Previously continued by the Planning Commission (PC) until the October 5, 2021, PC hearing; continued by Staff until the November 2, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-68 **TIFFANY GRAY** (TAMG Realty, Inc., owner) requesting rezoning from **R-20** to **FST** for a townhome community in land lot 1145 of the 19th district. Property is located on the east side of Brookwood Drive, north and south of the intersection of Virgil Lane, at the terminus of Bellemeade Circle, and the west side of Glore Road (Brookwood Drive). ***(Continued by Staff until the November 2, 2021, Planning Commission hearing; therefore, was not considered at this hearing).***

Z-69 **CONNELLY LAND GROUP, LLC** (Shares Holding, L.L.C.; SH/Stroud Road, LLC; Bennett Hutchinson, IV, owner) requesting rezoning from **R-15** and **R-20** to **RA-6** for a single-family subdivision in land lots 391 and 392 of the 18th district. Property is located on the north side of Hunnicut Road, on the east side of Rioca Circle, northeast of Mableton Parkway (245, 309, 335 Hunnicut Road). ***(Continued by Staff until the November 2, 2021, Planning Commission hearing; therefore, was not considered at this hearing).***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-70 **PG INVESTCO, LLC** (Regal GA, LLC, owner) requesting rezoning from **GC** to **RRC** for a multifamily residential community in land lots 508, 509, 572, and 573 of the 16th district. Property is located on the north side of Town Center Drive, north of the intersection of Mall 5 Road, on the west side of I-575 (2795 Town Center Drive). ***(Held by the Planning Commission (PC) until the November 2, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-72 **SERIOUS TREE SERVICES LLC C/O WILLIAM MAZARIEGOS** (Serious Tree Services, LLC, owner) requesting rezoning from **GC** and **R-80** to **HI** for tree processing in land lot 911 of the 19th district. Property is located on the north side of Flint Hill Road, and on the west side of Sanders Road (3969, 3989 Flint Hill Road). ***(Held by the Planning Commission (PC) until the November 2, 2021, PC hearing; therefore, was not considered at this hearing).***

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, 1830 Austell Road). ***(Previously continued by Staff from the June 1, 2021, Planning Commission (PC) hearing until the July 6, 2021, PC hearing; continued by the PC from the July 6, 2021, PC 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).***

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; continued by Staff until the November 16, 2021, BOC Zoning hearing; therefore, was not considered at this hearing).***

Later in the hearing, Commissioner Gambrill requested that the following Clerk's Note be added regarding O.B. 38, which gave direction to the Applicant and his representative:

Clerk's Note: *"The request for the additional continuance has been considered and will be accepted to allow O.B. 38 for an additional 30 days to the November 16, 2021 BOC Zoning Hearing. However, this comes with the direction that all the required and necessary documents and issues surrounding this application must be satisfied in a timely manner prior to the November 16, 2021 BOC Zoning Hearing; otherwise, I will request it be withdrawn due to the incomplete application."*

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 58 To consider a site plan and stipulation amendment for Noel Dmello regarding rezoning application Z-9 of 2021 in land lots 556 and 557 of the 19th district. Property is located on the southeast side of Austell Road, east of the intersection of Austell Road and east Callaway Road (2695 Austell Road). ***(Continued by Staff until the November 16, 2021, Board of Commissioners' Zoning 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) from the September 7, 2021, and October 5, 2021, PC hearings until the November 2, 2021, PC hearing; therefore, was not considered at this hearing).***

SLUP-9 **SERIOUS TREE SERVICES LLC C/O WILLIAM MAZARIEGOS** (Serious Tree Services, LLC, owner) requesting a **Special Land Use Permit** for tree processing (chipping, grinding, reduction of material) in land lot 911 of the 19th district. Property is located on the north side of Flint Hill Road, and on the west side of Sanders Road (3969, 3989 Flint Hill Road). ***(Held by the Planning Commission (PC) until the November 2, 2021, PC 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.

CONSENT AGENDA

MOTION: Motion by Cupid, second by Birrell, to **approve** the following cases on the Consent Agenda, *as revised,* except for OB. 53 which was pulled to be added to the Regular Agenda:

Z-66 **PRAISE HARVEST COMMUNITY CHURCH** (James G. Hornsby and Virginia A. Hornsby, owners) requesting rezoning from **NS** to **NRC** for a church in land lot 61 of the 16th district. Property is located on the north side of Jamerson Road, west of Canton Road (881 Jamerson Road).

To **approve** Z-66 to the **NRC** zoning district, subject to:

1. **Site Plan received by Zoning Division on August 3, 2021, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **30-foot undisturbed buffer along northern property line (per 1985 stipulations)**
3. **Applicant to maintain shared parking agreements (attached and made a part of these minutes)**
4. **Stormwater Management Division comments and recommendations**
5. **Department of Transportation comments and recommendations**

Z-67 **SHADCO-USA, LLC** (Shadco-USA, L.L.C., owner) requesting rezoning from **LRO** to **NRC** for a restaurant and office in land lot 776 of the 16th district. Property is located on the east side of Scufflegrit Road, south of Sandy Plains Road (1830 Scufflegrit Road).

To **approve** Z-67 to the **NRC** zoning district, subject to:

1. **Site Plan received by the Zoning Division on August 4, 2021, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Property to be used for Neighborhood Retail Uses**
3. **Building exterior to remain the same with any changes to be approved by the District Commissioner**
4. **Applicant/Owner to maintain the 20-foot buffer area adjacent to all residentially zoned property**
5. **Fire Department comments and recommendations**
6. **Stormwater Management Division comments and recommendations**
7. **Department of Transportation comments and recommendations**

CONSENT AGENDA (CONT.)

OTHER BUSINESS

O.B. 51 To consider a stipulation amendment for Rahim Lalani regarding rezoning application Z-65 of 2004 in land lots 221 and 222 of the 17th district. Property is located on the west side of South Cobb Drive, north of Leader Road (1060 South Cobb Drive).

To **approve** O.B. 51, subject to:

1. **Site Plan contained in the Other Business packet, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Neighborhood grocery store and professional office use *only***
3. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Stormwater Management 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**

O.B. 52 To consider a stipulation amendment for OHC Wigley, LLC regarding rezoning application Z-56 of 2017, for property located at the northern terminus of Wigley Road, north of Summitop Road in land lots 26, 27, 46, and 47 of the 16th district (Wigley Road).

To **approve** O.B. 52, subject to:

1. **Amend stipulation #4 from the letter of stipulations dated August 20, 2018 to delete all the sentences after the second sentence (attached and made a part of these minutes)**
2. **Letter from David and Nicole Evans dated September 30, 2021 (attached and made a part of these minutes)**
3. **Stormwater Management comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

At the call for O.B. 53 (Courtney Jackson), opposition was present; therefore, O.B. 53 was pulled from the Consent Agenda to be heard on the Regular Agenda. Later in the hearing, a resolution between the Applicant and the opposition was met; therefore, O.B. 53 was added back to the Consent Agenda (see page 14 of these minutes for the final motions).

O.B. 54 To consider a reduction of public road frontage from the required 75' to 0' and a reduction of the required lot size from 80,000 square feet to 54,914 square feet for Janice Overbeck and Gunar Overbeck for GO KONTOR, LLC for property located on the southeasterly side of Allgood Road, west of Smithwood Drive, in land lots 883 and 884 of the 16th district (1870 Allgood Road).

To **approve** O.B. 54, subject to:

1. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
2. **Stormwater Management comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
3. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

O.B. 55 To consider a reduction of public road frontage from the required 75' to 0' for Bobby E. Willoughby, Jr. and Elizabeth Kay Swisloski for property located on the south end of Roy Ave, south of Lucky Lane, in land lot 263 of the 18th district (Roy Ave).

To **approve** O.B. 55, subject to:

1. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
2. **Stormwater Management comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
3. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

O.B 56 To consider a site plan and stipulation amendment for West Cobb Senior Living, LLC regarding rezoning application Z-61 of 2017 in land lots 331 and 332 of the 20th district. The property is located on the south side of Dallas Highway, the north side of Kennesaw View Drive, west of Sandtown Road (3165 Dallas Highway).

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B 56 **(CONT.)**

To **approve** O.B. 56, subject to:

1. ***Proposed*** **Site Plan contained in the Other Business packet, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Stormwater Management comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
3. **Water and Sewer comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Site Plan review 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)**

O.B. 57 To consider a site plan and stipulation amendment for Ray Farmer regarding rezoning application Z-71 and Z-148 of 2006 in land lot 694 of the 17th district. The property is located on the east side of Maner Street, north of Cooper Lake Road (4235 Maner Street).

To **approve** O.B. 57, subject to:

1. ***Proposed*** **Site Plan contained in the Other Business packet, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Stormwater Management comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
3. **Water and Sewer comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **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)**

CONSENT VOTE: **ADOPTED** 5-0

REGULAR AGENDA - MORNING CASES

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, and September 21, 2021, BOC Zoning hearings until the October 19, 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.

The public hearing was opened; Kevin Moore, Ruth Michels, Thea Powell, and Chadwick Carroll addressed the Board.

Following the presentation and discussion, but prior to making her motion, Commissioner Richardson announced that she was going to commission a JOSH Area Community Group to consist of the following members: Thea Powell, David Rumrill, and Ruth Michels. The goal of this group is to ensure adequate representation from the JOSH Area and all related subdivisions. The newly named members of the JOSH Area Community Group agreed to serve in this capacity for current and future zoning cases in review and recommendations for the JOSH Area. After comments by Commissioner Richardson, she made the following motion:

MOTION: Motion by Richardson, second by Sheffield, to **approve** the LRO and NRC designated areas of Z-72'20, and to **delete** to the **RA-5** zoning district the residential portion of Z-72'20, subject to:

1. **The residential area being limited to five units per acre**
2. **The final number of units will be approved after the FEMA Flood Plan Study, still capped at the density of less than five**
3. **Letter of agreeable conditions from Kevin Moore dated October ~~14~~ 13, 2021, with Site Plan attached (attached and made a part of these minutes),** ***not otherwise in conflict with this proposal***

REGULAR AGENDA - MORNING CASES (CONT.)

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

4. **A cut-through mitigation strategy is to be developed, which includes the following:**
   - **A. Crosswalks**
   - **B. Four-way stops**
   - **C. Right Turn Only or Emergency Entrance Only**
   - **D. School bus traffic control**
   - **E. "Pork chop" on the right-in/right-out**

   NOTE: This strategy is to be worked through as part of the final Site Plan
5. **For all meetings that include East Cobb Civic Association's (ECCA) recommendations or reviews, that at a minimum, one member from the JOSH Area Community Group is also a part of those same conversations, and that they participate in all review and recommendation activities as well**
6. **Final Site Plan to be approved by the District 2 Commissioner after recommendation from ECCA and the JOSH Area Community Group**
7. **Maximum 40% impervious surface for the RA-5 area**
8. **Staff comments and recommendations, *not otherwise in conflict***

Prior to the vote, discussion ensued, and then Commissioner Richardson amended her motion to include the following two additional stipulations:

9. **Any change of the use of the church on the LRO portion of the property would come back to the Board of Commissioners as Other Business**
10. **All of the restrictions of use placed on the NRC portion of the property would be issued for the newly identified NRC portion of the property, and any changes to those uses would come back to the Board of Commissioners as Other Business**

VOTE: **ADOPTED** 3-1, Gambrill opposed and Cupid recused

Clerk's Note: *When stipulating the letter from Kevin Moore, the letter was actually dated, "10-13" rather than "10-14".*

Vice Chair Sheffield called for a brief recess from 10:45 a.m. until 10:55 a.m.

REGULAR AGENDA - MORNING CASES (CONT.)

Following the recess, Mr. Pederson announced that an agreement had been met between the Applicant and the opposition for O.B. 53 (Courtney Jackson); therefore, a motion was made to add O.B. 53 back to the Consent Agenda. Mr. Pederson read O.B. 53 back into the record along with the stipulations, and Commissioner Sheffield approved O.B. 53 as revised.

MOTION: Motion by Sheffield, second by Birrell, to **add** O.B. 53 back to the Consent Agenda.

VOTE: **ADOPTED** 5-0

O.B. 53 To consider a reduction of public road frontage from the required 75' to 0' for Courtney Jackson for property located on the north side of Goodwood Drive, east of Bankstone Drive, in land lots 547 and 564 of the 19th district (0 and 2352 Goodwood Drive).

To **approve** O.B. 53, subject to:

1. **One house only on the 3.44 acres**
2. **The house to be a minimum of 3,500 sq. feet**
3. **The house to be located behind lot #8 in the southeast portion of the property**
4. **House to be setback 35-feet off the access easement**
5. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
6. **Stormwater Management comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
7. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

MOTION: Motion by Sheffield, second by Richardson, to **approve** O.B. 53, as revised and previously read in by Mr. Pederson.

VOTE: **ADOTPED** 5-0

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).***

REGULAR AGENDA - MORNING CASES (CONT.)

Z-54 **CHUCK OWUZO (CONT.)**

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

MOTION: Motion by Sheffield, second by Birrell, to **approve** the NRC portion as shown on the Site Plan and to **delete** to the **RA-6** zoning district the residential portion as shown on the Site Plan for Z-54, subject to:

1. **The daycare shall be built on one of the 5.01 total acres**
2. **The required 20-foot landscape buffer along the northern property line of the daycare to be installed**
3. **Additional peninsulas to be added to the Site Plan**
4. **For the residential portion, a maximum of 22 units**
5. **The units reflected on the October 13, 2021 Site Plan that are adjacent to the gate are to be removed and replaced with landscaping; the Landscaping Plan to be approved by the District Commissioner**
6. **Five feet of sidewalk is to be installed on both sides of the main road of the development**
7. **The Applicant shall increase the size of the detention pond if it is determined in Plan Review that the stormwater volume will have an adverse impact on the Horseshoe Village HOA detention pond**
8. **Construction hours shall be from 7:00 a.m. until 8:00 p.m. Monday through Friday; 9:00 a.m. until 6:00 p.m. on Saturday; and no work on Sunday**
9. **Final Site Plan to be approved by the District Commissioner**
10. **Maximum impervious surface not to exceed 45% for the RA-6 portion**
11. **Maximum impervious surface not to exceed 70% for the NRC portion**
12. **Planning Commission minutes dated October 5, 2021 (attached and made a part of these minutes)**
13. **Staff comments and recommendations,** ***not otherwise in conflict***

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

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).***

REGULAR AGENDA - MORNING CASES (CONT.)

Z-60 **TLM REALTY (CONT.)**

The public hearing was opened; Garvis L. Sams, Jr., Valerie Goodson, Ricky Dickens, Allen Rodi, Rob Sucher, Blake Bredbenner, and the following virtual speakers: Renee LaClair, Travis McComb, and Kimberlyn Screen addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Richardson, to **approve** Z-60 to the **PVC** zoning district, subject to:

Correction to Z-60 of these minutes approved in the 11-16-21 BOC Zoning Minutes

1. ***Revised* Site Plan dated September 28, 2021**
2. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated September 13, 2021, with the following change:**
   A. **Item No. 10, under the Non-Residential Components, - add to the end: *"Lighting to be approved by the District Commissioner."***
3. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated August 24, 2021 (attached and made a part of these minutes)**
4. **Outdoor amenity space to include additional greenspace**
5. **Community amenities to include, but not limited to, gathering spaces, benches, and a gazebo**
6. **Applicant to submit a Lighting and Safety Plan to the District Commissioner during Site Plan Review for approval**
7. **Revise Stormwater Management comments to reflect the appropriate impervious surface to 70%**
8. **Construction hours to be from 7:00 a.m. until 7:00 p.m. Monday through Friday; 9:00 a.m. until 6:00 p.m. on Saturday; no work on Sunday**
9. **Final Site Plan to be approved by the District Commissioner**
10. **All Staff comments and recommendations, *not otherwise in conflict***

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

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).***

REGULAR AGENDA - MORNING CASES (CONT.)

LUP-19 LINDA KENNEDY (CONT.)

The public hearing was opened; Shani McShay and Linda Kennedy addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Birrell, to **deny** LUP-19.

Prior to the vote, further discussion ensued, and then Commissioner Gambrill amended her motion to include the following stipulation:

1. **Allow the Applicant 90 days to cease operation at this site and find a new location**

VOTE: **ADOPTED** 5-0

Chairwoman Cupid called for a lunch recess at 1:08 p.m. The hearing reconvened at 2:00 p.m.

REGULAR AGENDA - AFTERNOON CASES

Following the lunch recess, Mr. Pederson announced that the Applicants for the following two cases, O.B. 48 (Alan Parvinian) and O.B. 50 (Brannen Cove, LLC), requested a continuance until next month. Thereafter, the following motions were made to continue the cases:

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). ***(Previously continued by Board of Commissioners (BOC) until the October 19, 2021, BOC Zoning hearing).***

MOTION: Motion by Richardson, second by Sheffield, to **continue** O.B. 48 until the November 16, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

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).***

MOTION: Motion by Sheffield, second by Richardson, to **continue** O.B. 50, until the November 16, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

REGULAR AGENDA - AFTERNOON CASES (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; held by the Board of Commissioners (BOC) until the October 19, 2021, BOC Zoning hearing).***

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

MOTION: Motion by Birrell, second by Richardson, to **delete** Z-31 to the **R-15** zoning district, subject to:

1. **Maximum of 92 lots**
2. **No variances**
3. **Maximum 35% impervious surface per lot**
4. **Site Plan dated September 15, 2021 (attached and made a part of these minutes)**
5. **Letter of agreeable conditions from Rob Hosack dated October 13, 2021 (attached and made a part of these minutes), with the following changes:**
   - **A. Item No. 1 – add: *"Elevations shall be three-sided architecture as noted above, and all the lots along the frontage of Ebenezer Road with the rear sides facing the road shall be four-sided architecture. Elevations are to be reviewed by the Neighborhood Committee, with final approval by the District Commissioner."***
   - **B. Item No. 1, seventh line – change from *"that may include"* to *"that shall include"***
   - **C. Item No. 3, last sentence – change from *"ten percent"* to *"five percent"***
   - **D. Strike *footnote 1* (bottom of page 1)**
   - **E. Item No. 7 – add: *"Applicant to comply with the Cobb County Sign Ordinance."***
   - **F. Item No. 7, line 5 – NOTE: Regarding the Landscape Plan including the berm and/or fencing along Ebenezer Road frontage, the County Arborist is to work with the Applicant. The Neighborhood Committee to review the Landscape Plan, with approval by the County Arborist and final approval by the District Commissioner**

REGULAR AGENDA - AFTERNOON CASES (CONT.)

Z-31 PULTE HOME COMPANY (CONT.)

G. **Item No. 7, line 6 – add: "*and chain link*" after "*wood paling*"**
H. **Item No. 11 – add to the end: "*24-hour contact info with name and phone and hours of operation to be posted at both front entrances.*"**
I. **Item No. 12 – add: "*Applicant to work with the County Arborist on the Landscape Plan. Landscape Plan to be reviewed by the Neighborhood Committee, approved by the County Arborist, with final approval by the District Commissioner.*" NOTE: County Arborist will determine the size of the plantings and the description, and the height of the berm on the frontage; berm has to be a minimum of four feet; County Arborist will determine if a fence is needed to provide better viewshed protection**
J. **Item No. 14 – NOTE: The smaller detention pond is to be moved approximately 10-feet back from the roadway, with a landscape strip in the front; the County has to have 20-feet access. The larger Stormwater Management Plan will be determined at Plan Review; the Applicant has agreed to have a minimum 50-foot buffer and where possible a 75-foot buffer once a location is determined**
K. **Modify *footnote 2, line 2* – change to read: "*subject to review by the Neighborhood Committee, approval by the County Arborist, and final approval by the District Commissioner.*"**
L. **Item No. 18 – modify hours of operation to be as follows: "*7:00 a.m. to 6:00 p.m. Monday through Friday; 9:00 a.m. to 5:00 p.m. on Saturday; no work or deliveries on Sunday or County observed holidays unless approved by the District Commissioner with notice to the Neighborhood Committee.*"**

6. **Required donated right-of-way at Maybreeze for potential future roundabout and crosswalks with appropriate signage at Maybreeze intersection**
7. **30-foot construction buffer will remain during construction; once a lot is sold or a Certificate of Occupancy (CO) is issued, then it becomes the Homeowner's property**
8. **Stormwater Management Staff to work with the Applicant on an ownership agreement for the shared lake**
9. **Review of the final Site Plan by the Neighborhood Committee, with final approval by the District Commissioner**
10. **County Arborist to work with the Applicant on the Landscape Plan, with review by the Neighborhood Committee, approval by the County Arborist and final approval by the District Commissioner**
11. **All Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 5-0

REGULAR AGENDA - AFTERNOON CASES (CONT.)

Chairwoman Cupid called for a brief recess from 3:08 p.m. until 3:11 p.m.

Z-65 **HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC** (Cobb County Habitat for Humanity, Inc., owner) requesting rezoning from **R-20** to **R-15** for a single-family subdivision in land lots 494 and 495 of the 18th district. Property is located on the southwest side of Hillcrest Drive, and on the southeast side of Ridgefield Drive (153 Hillcrest Drive, 6951, 7001 Ridgecrest Drive).

The public hearing was opened; Rob Hosack, Denny Wilson, Allen Rodi, and Jessica Gill addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Richardson, to **approve** Z-65 to the **R-15** zoning district, subject to:

1. **Letter of agreeable conditions from Rob Hosack dated October 12, 2021 (attached and made a part of these minutes), with the following changes:**
   A. **Item No. 7 – modify to reflect: *"If the long-term maintenance partnership with local organizations is terminated, that the HOA will assume the role for the maintenance of the community garden and dog park."***
   B. **Item No. 8 – modify to reflect: *"An electrically wired up light at the monument."***
2. **Development will consist of six ranch style homes and six 2-story homes**
3. **The exterior is to consists of brick, stone, and Hardie Plank siding**
4. **Square footage is to be a minimum of 1800 sq. feet**
5. **Impervious surface not to exceed 35% per lot**
6. **The dog park to include a waste station**
7. **The park or community area to include two park benches at the dog park, with a trash receptacle which the HOA will be responsible for ensuring that the receptacles are emptied on a consistent and routine basis**
8. **The stormwater area to be enclosed with a black vinyl clad fence no greater than six feet in height, with landscaping around the perimeter of the area to provide a visual buffer**
9. **No rentals at the development**
10. **In the HOA covenant, reflect that the trash containers are to be removed from the curb within 24 hours of pick up and shall not be stored in front of the house**
11. **The HOA stips to also include vehicles are not to be repaired on the property**

REGULAR AGENDA - AFTERNOON CASES (CONT.)

Z-65 **HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC (CONT.)**

12. **Habitat Homes to purchase homes that are foreclosed on from the original owner, if the foreclosure occurs within the seven-year anniversary of purchasing the home**
13. **District Commissioner to approve final Site Plan, Landscape Plan, and elevations**
14. **All Staff comments and recommendations, *not in conflict***

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

Z-71 **RANDALL BROTHERS, LLC** (DeFoor Hills, LLC, owner) requesting rezoning from **LI** and **IF** to **LI** for the retail sale of building materials in land lots 961, 965, and 966 of the 17th district. Property is located on the northeast side of Elizabeth Lane, north of the intersection of South Atlanta Road and Elizabeth Lane (3151 Elizabeth Lane).

The public hearing was opened; Kevin Moore, Jimi Richards, and Roberta Cook addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Richardson, second by Sheffield, to **approve** Z-71 to the **LI** zoning district, subject to:

Correction to Z-71 of these minutes approved in the 11-16-21 BOC Zoning Minutes

1. **The Archaeological study to be performed is to document, map, photograph, and report findings**
2. **All other stipulations in accordance**
3. **All Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 5-0

ADJOURNMENT

The hearing adjourned at 4:32 p.m.

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

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MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL STREET
SUITE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

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

October 13, 2021

Via E-mail Only

Min. Bk. 93 Petition No. Z-72(2020)
Doc. Type letter
Meeting Date 10-19-21

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

RE: Application for Rezoning - Application No.: Z-72 (2020)
Applicant: North Point Ministries, Inc.
Property Owners: The 'True Vine' Experience Foundation, Inc.; Hanna Land Company, Inc.; and Sara M. Sweeney
Property: 33.13 acres, more or less, located on the southerly side of Shallowford Road, the westerly side of Johnson Ferry Road, the northerly and southerly sides of Waterfront Drive, and the easterly side of Waterfront Circle, Land Lots 466, 467, 470, and 471, 16th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent North Point Ministries, Inc., the Applicant (hereinafter referred to as "Applicant"), and the Property Owners, The 'True Vine' Experience Foundation, Inc.; Hanna Land Company, Inc.; and Sara M. Sweeney (hereinafter collectively referred to as "Owners" or "Property Owners"), in the above-referenced Application for Rezoning with regard to combined tracts totaling 33.13 acres, more or less, located on the southerly side of Shallowford Road, the westerly side of Johnson Ferry Road, the northerly and southerly sides of Waterfront Drive, and the easterly side of Waterfront Circle, Land Lots 466, 467, 470, and 471, 16th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings and continuing discussions with County Staff; ongoing meetings and discussions with area residents and homeowner representatives; reviewing the

Departmental Comments and Staff Recommendations; reviewing the uses of surrounding properties; and following the presentations to and hearings before the Cobb County Planning Commission and the Cobb County Board of Commissioners, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full any and all prior letters of stipulations and conditions submitted for the referenced Application. The proposed, revised stipulations are as follows:

(1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.

(2) Rezoning of the Subject Property shall be from the existing zoning classifications of Neighborhood Retail Commercial ("NRC"), Low Rise Office ("LRO"), and R-20 to the proposed zoning classifications of Low Rise Office ("LRO"), Neighborhood Retail Commercial ("NRC"), and RA-6, site plan specific to the revised Concept Rezoning Plan ("Zoning Plan") prepared for Applicant by AEC, Inc. dated October 1, 2020, last revised October 7, 2021, and submitted as part of this revised letter of stipulations and conditions. A reduced copy of the revised Zoning Plan is attached as Exhibit "A" and incorporated by reference.

(3) The Subject Property is comprised of a total of 33.13 acres, more or less, with the proposed rezoning of the Property as follows:

(a) Approximately 10.22 acres proposed for rezoning to the LRO zoning classification;

(b) Approximately 2.05 acres proposed for rezoning to the NRC zoning classification; and

(c) Approximately 20.86 acres proposed for rezoning to the RA-6 zoning classification for use as residential townhomes and detached single-family homes.

PROPOSED LRO DEVELOPMENT

(1) Approximately 10.22 acres of the Subject Property shall be rezoned from its existing zoning classifications to the proposed Low Rise Office ("LRO") zoning classification.

(2) Applicant proposes construction of a maximum 130,000 square foot Church building, to include a worship center; classrooms and offices related to the Church ministry; multi-purpose rooms for Church activities and functions (site plan proposes 124,983 square feet; but a maximum of 130,000 square feet allows for limited flexibility upon final design and construction).

(3) The maximum building height of the Church building from the Shallowford Road street frontage shall be thirty-five (35) feet.

(4) Lighting for the Church campus shall be environmentally sensitive, decorative, and themed to the architecture and style of the buildings, as allowed by the power provider.

(5) The entrance areas, together with all islands and planted areas, park area, plaza areas, and streetscape areas along Shallowford Road will be professionally designed, landscaped, and maintained, and shall be substantially similar to the perspectives collectively attached as Exhibit "B."

(6) Any pre-school or school operated by the Church, which is open to the public, shall require a special land use permit. (NOTE: The Church will be, and is permitted, to operate a weekday pre-school for employees' children.)

(7) Setbacks for the Church campus shall be as more particularly shown and delineated on the referenced, revised Zoning Plan. A reduction of the front setback on Shallowford Road is proposed from the required fifty (50) feet to forty-five (45) feet for the Church building, and from fifty (50) feet to forty-seven (47) feet for the parking deck. Both reductions shall only be applicable to the specific areas shown and shall not serve to reduce the required setback for the overall front.

(8) As shown on the revised Zoning Plan, there shall be established a Park Area for the enjoyment of guests and the community. The Park Area shall be passive, but

functional, with appropriate landscaping and hardscape features such as benches. The designated Park Area shall be maintained by the Applicant.

(9) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

(10) Applicant proposes the construction of a professional office building, as shown and reflected on the referenced Zoning Plan, at the westernmost end of the LRO portion of the proposed development. Architectural elevations shall be compatible and consistent with the architectural design and theme of the proposed Church building and consistent with the LRO Zoning District, subject to District Commissioner final approval after review by the East Cobb Civic Association.

(11) For Sunday services, the Church shall utilize traffic control for entering and exiting the Church property in coordination with local law enforcement. Additionally, the Church shall post signs prohibiting right turns on the new Waterfront Drive on Sundays, between the hours of 9:00 a.m. and 1:00 p.m.

(12) The Shallowford Road elevation of the Church shall be substantially in conformance with the perspectives attached collectively as Exhibit "B," subject to District Commissioner final approval after review by the East Cobb Civic Association.

(13) Any walls along Shallowford Road shall be faced with brick or other decorative masonry materials, and shall be no higher than four (4) feet, with plant and tree material located in front of the wall. Any wall shall be of the same design and exterior materials as the frontage wall proposed along Johnson Ferry Road to ensure compatibility and consistency.

PROPOSED RA-6 DEVELOPMENT

(1) Approximately 20.86 acres of the Subject Property shall be rezoned from its existing zoning classifications to the proposed zoning classification of RA-6, site plan specific to the revised Zoning Plan previously referenced, and shall be developed for a residential community containing a maximum of one hundred twelve (112) residences, further specified as a maximum of forty-nine (49) single-family, detached homes and a maximum of sixty-three (63) townhomes, having an overall maximum net density of a 5.37 units per acre, as defined by the Cobb County Zoning Ordinance. In the event any 100-year floodplain is determined to be located on the RA-6 portion of the Property, the maximum net density of 5.37 units per acre shall control. In such event, any required reduction in the total number of units to meet the maximum net density of 5.37 units per acre shall ensure that a minimum percentage of detached homes (43 percent) is retained on the revised Site Plan. The final Site Plan shall be provided to the East Cobb Civic Association for an opportunity of review and input only; with final approval by the District Commissioner.

(2) Proposed lots located on Waterfront Circle, as shown and reflected on the referenced Zoning Plan, shall remain as single-family residential lots and development of the proposed lots shall be adjusted as follows:

(a) Reconfiguration of side lot lines for realignment of right-of-way;

(b) Setbacks for the proposed lots to be maintained at current R-20 standards for consistency with existing neighborhood; and

(c) Existing residences, if to remain, are grandfathered for current conditions and setbacks.

(3) All proposed homes shall be Traditional and Craftsman in style and architecture and shall have facades consisting of brick, stone, stacked stone, cedar shake shingles, board and batten, cementitious siding, and combinations thereof, with complementary accents, with a minimum of fifty (50) percent brick or stone on front elevations. The rear of townhomes along Johnson Ferry Road shall be of the same composition of materials as the front elevations. The detached homes shall be substantially similar to the perspective attached as Exhibit "C," and the townhomes shall be substantially similar to the perspective attached as

Exhibit "D." Elevations of townhomes and detached homes are subject to final approval by the District Commissioner, after review by the East Cobb Civic Association.

(4) All homes shall have two-car garages, which shall remain available for parking and incidental storage. Garages cannot be converted into living space or used solely for storage. The driveway pads in front of the garages shall be of sufficient size to park two (2) full-size automobiles. Such restrictions shall also be included within the Declaration of Covenants, Easements, and Restrictions for the proposed community.

(5) Applicant agrees the maximum impervious surface for the overall proposed RA-6 development shall be forty-five (45) percent.

(6) The proposed detached homes shall have a minimum of 2,200 square feet, upwards to 3,500 square feet, and greater. The homes will be a maximum of thirty-five (35) feet in height, per the RA-6 zoning ordinance.

(7) Applicant agrees to have an "elevator option" as an upgrade at the point of sale to the initial homebuyer.

(8) The minimum lot width for detached lots within the proposed RA-6 development shall be forty-five (45) feet, except for detached lots which have greater widths as otherwise specified.

(9) The proposed detached lots shall have a minimum five (5) foot side setbacks, with a minimum of fifteen (15) feet between structures for all lots adjacent to existing residential properties. In addition, for all detached lots adjacent to the "Linear Park," there shall be a minimum of twelve (12) feet between structures.

(10) Detached lots which adjoin residentially zoned property shall be a minimum of 7,000 square feet in size; have a minimum lot width of fifty-six (56) feet, a minimum building separation of fifteen (15) feet, and a minimum rear setback of forty (40) feet.

(11) The proposed townhomes shall have a minimum of 2,000 square feet, upwards to 3,500 square feet, and greater.

(12) All townhomes shall be a maximum of thirty-five (35) feet in height; and further shall be a minimum of twenty-six (26) feet in width.

(13) Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which shall contain covenants, rules, and regulations applicable to the proposed community.

(14) Additionally, and in conjunction with the Declaration of Covenants, Easements, and Restrictions, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, amenity, parks and open space, stormwater management landscape areas, general landscaped areas, mail kiosk, private streets, fencing, and the like contained within the community.

(15) All residences shall be "for sale" residences. There shall be no more than a maximum of ten (10) percent of the residences being leased at any one time; and such restriction shall be included in the Declaration of Covenants, Easements, and Restrictions.

(16) Street lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the proposed homes, as allowed by the power provider.

(17) Setbacks for the proposed community shall be as shown and delineated on the referenced, revised Zoning Plan. Where the Zoning Plan contains setback notations that are greater or more restrictive than identified in the table, the greater, or more restrictive setback shall apply.

(18) Applicant agrees the impervious setback shall be marked and identified on the final, recorded subdivision plat, and such impervious setback shall be identified in the Declarations of Covenants, Easements, and Restrictions; as well as, marketing materials.

(19) Amenities for the proposed community may consist of a pool and cabana. Additionally, there shall be green and pocket park areas; together with linear parks and walking paths, which shall be for passive recreational uses and enjoyment of all residents.

(20) The proposed community shall have private streets and Applicant shall have the option of installing gates at the entrances in accordance with Cobb County Ordinances and Regulations. Construction of the private streets shall comply in all respects as to materials and base with Cobb County Code. The proposed gate at the relocated Waterfront Drive shall be restricted to "exit only" and emergency vehicles.

(21) Applicant agrees to the installation of a sidewalk along one side of the internal residential streets.

(22) There shall be a twenty (20) foot landscape buffer adjoining all residentially zoned properties, as shown and reflected on the referenced, revised Zoning Plan (except for the two (2) "R-20" lots included with this Application). Within this buffer, Applicant shall include a berm for purposes of further visual screening and landscaping.

(23) The streetscape along Johnson Ferry Road for the residential portion shall include decorative fencing or decorative walls (and/or faced with masonry materials); as well as, a minimum four (4) foot landscape buffer with tree plantings for purposes of visual screening. Any such walls shall be substantially consistent with any walls installed along Shallowford Road in terms of design and materials.

(24) Applicant agrees to the installation of fencing along the fifty (50) foot stream bank buffer, with such fencing to be wrought-iron type, decorative style fencing; and, in addition, shall include a minimum of a staggered row of evergreen trees for purposes of visual screening planted on the outside of the fencing.

(25) Applicant agrees that any rear patios will be located outside of the impervious surface setback.

(26) Applicant agrees to the installation of decorative fencing along the side yards of Lots 12 and 13, adjacent to Waterfront Drive; and in addition, the planting of a staggered row of evergreen trees to the outside of the fencing, for purposes of visual screening.

PROPOSED NRC DEVELOPMENT

(1) Approximately 2.05 acres of the Subject Property shall be developed to the NRC zoning category, as shown and reflected on the referenced, revised Zoning Plan.

(2) All dumpsters servicing the proposed NRC parcels shall be enclosed within a minimum six (6) foot high brick faced enclosure on three sides with a metal screen gate or door on the access side. The materials and colors for the enclosure shall match and be complementary to the façade of the retail structures. All dumpsters shall contain rubber lids to minimize noise.

(3) Applicant agrees to the planting of street trees along the NRC frontage along with installation of complementary, decorative fencing to any wall or fencing along the residential portion.

(4) Applicant agrees the NRC portion shall be limited to no more than one (1) drive-thru use.

(5) Permitted uses for the NRC parcel are as follows:

(a) Neighborhood retail uses as defined in the Cobb County Zoning Ordinance;

(b) Restaurant;

(c) Eating and/or drinking establishments, including drive-thrus;

(d) Office (general and professional); and

(e) Parking of vehicles (related to Church activities only).

(6) The Church will maintain the existing NRC parcels and the existing trees until such time as the parcels are developed as part of the overall development; or as part of a specific NRC use, whichever first occurs.

STIPULATIONS FOR OVERALL DEVELOPMENT

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

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

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

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

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

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

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

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

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

(2) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of infrastructure and construction of buildings, and shall not be parked on or along Shallowford Road, Johnson Ferry Road, or any nearby residential streets.

(3) Applicant agrees to the creation and establishment of a Landscape Review Committee consisting of a representative of Applicant and/or Developer and/or Owner, a representative of the East Cobb Civic Association, and a representative

of the Cobb County Community Development Agency. The Landscape Review Committee shall be responsible for the review of the landscape, fencing/wall plans, buffering, the Park Area, and Linear Park, with final approval being made by the District Commissioner.

(4) The existing stormwater management area on the Subject Property, as shown and reflected on the revised Zoning Plan, may be utilized for the proposed overall development. Additionally, a fifty (50) foot Cobb County undisturbed stream bank buffer and a twenty-five (25) foot State of Georgia undisturbed stream buffer; as well as, a seventy-five (75) foot impervious buffer, shall be established, as shown and reflected on the referenced, revised Zoning Plan.

(5) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

(6) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by Cobb County or any utility provider.

(7) Applicant agrees to the Cobb County Department of Transportation Comments and Recommendations.

(8) Applicant agrees its stormwater management plans shall include analysis of two-year, five-year, ten-year, twenty-five-year, fifty-year and one hundred-year (24-hour) storms and ensure that peak discharge from the site during each of these storms will not exceed undeveloped conditions (forest/woods condition) from the site.

(9) During the Plan Review Process, and prior to issuance of the Land Disturbance permit, Applicant shall provide the stormwater management plans to the East Spring Lake Subdivision Homeowners Association, to include calculations and specific assumptions incorporated into the plans, erosion control plans, and the detailed hydrological report. Such plans will be provided for review and an opportunity for input only.

(10) Applicant agrees that it will be responsible for any downstream impacts occurring in the East Spring Lake Subdivision resulting directly from its development activities in accordance with applicable law, statutes, and ordinances.

(11) Subject to Cobb County Department of Transportation approval, there shall be a "three-way stop" on the relocated Waterfront Drive, at the two western-most access points for the LRO tract.

(12) Applicant agrees to conduct a pre-and post-development siltation study of the downstream lake located in the East Spring Lake Subdivision. The results of both studies shall be provided to the East Spring Lake Homeowners Association.

(13) The Church and the mandatory homeowners association for the residential community shall provide and share in the costs for perpetual maintenance of any shared stormwater management area and Linear Park.

(14) The Linear Park and "Park," as shown on the revised Zoning Plan, shall be available for use by the general public, and shall include appropriate hardscape features, including, but not limited to, the following:

(a) A minimum of one pavilion, measuring 14 feet by 20 feet;

(b) A minimum of one gazebo, measuring 20 feet;

(c) Walking trails;

(d) Benches; and

(e) Appropriate lighting contained within the Park, Linear Park, and along the walking trails.

(15) All landscaping shall be appropriately irrigated.

(16) For the relocation of Waterfront Drive, Applicant shall be responsible for the costs of permitting and construction of the relocated road. Applicant and Cobb County shall coordinate permitting for the stream crossing with applicable governing agencies to include, if necessary, the County as permit Applicant.

Upon completion, the relocated road will be dedicated as a public road to Cobb County.

(17) Applicant agrees all street lighting, pedestrian lighting, and the like shall have consistent design features throughout the proposed development.

(18) Applicant agrees to cooperate with the Georgia Native Plant Society ("GNPS") to provide an opportunity for GNPS to perform a "Plant Rescue" on those portions of the Subject Property which will be disturbed.

(19) Applicant agrees exterior lighting within the project shall be determined by the development of a photometric plan coordinated with Cobb County Staff. Applicant shall work with Staff and a representative of the East Cobb Civic Association to develop a lighting plan to minimize the spillage of excess light onto adjacent residential properties. The lighting plan shall include the use of the following devices: Timers on non-essential security lights to turn off at 10:00 p.m. and baffles on security lights. No flood lights shall be installed and all exterior lights shall be on timers. Decorative wash lights that shine on the building façades are not considered flood lights.

(20) Development and construction hours for the project shall be limited to the following:

(a) 7:00 a.m. to 8:00 p.m. - Monday – Friday, April 1st thru September 30th;

(b) 7:00 a.m. to 7:00 p.m. - Monday – Friday, October 1st thru March 31st;

(c) 9:00 a.m. to 6:00 p.m. - Saturday; and

(d) No work shall be permitted on Sunday unless approved by the District Commissioner.

(21) Applicant agrees that a truck/vehicle tire washing station will be provided at all exits from the Property during development and construction of the project.

(22) All existing homes and businesses not currently occupied will be boarded up and secured within sixty (60) days of the sale of the Property, and demolished within one hundred twenty (120) days of the sale of the Property. For existing homes to remain on Waterfront Circle, Applicant must bring maintenance to County Standards and secured within sixty (60) days of the sale of the Property; or, demolish such homes within one hundred twenty (120) days of the sale of the Property.

(23) Applicant agrees to post on-site and to provide a representative of the East Cobb Civic Association, Inc., with a 24-hour contact person for the duration of development and construction of the project.

We believe the development of the components of this project, pursuant to the revised Zoning Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property. Applicant has worked tirelessly with not only County Staff, but also with surrounding neighborhoods and community representatives, to address and mitigate concerns related to the project, which is evident in the revised Zoning Plan and revised stipulations. North Point Church will offer North and East Cobb residents opportunities for worship and learning, both in person and remotely, and will certainly be a "good neighbor" and stellar example of service to the North and East Cobb communities. Additionally, the proposed residential community will allow for redevelopment of aged, rental properties to a quality, attractive residential community. Improvements proposed for infrastructure and the design and connectivity of sidewalks and roadways for the overall development addressed concerns and allow for the components of the project to blend and harmonize with the surrounding commercial and residential neighborhoods. The overall development will certainly be an enhancement to the Subject Property and the East Cobb Community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

J. Kevin Moore

Attachments

Petition No. Z-72 (2020)
Meeting Date 10-19-21
Continued

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

Jessica Guinn, Director
Cobb County Community Development Agency
(With Copies of Attachments)

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

East Cobb Civic Association, Inc.
(With Copies of Attachments)

North Point Ministries, Inc.
(With Copies of Attachments)

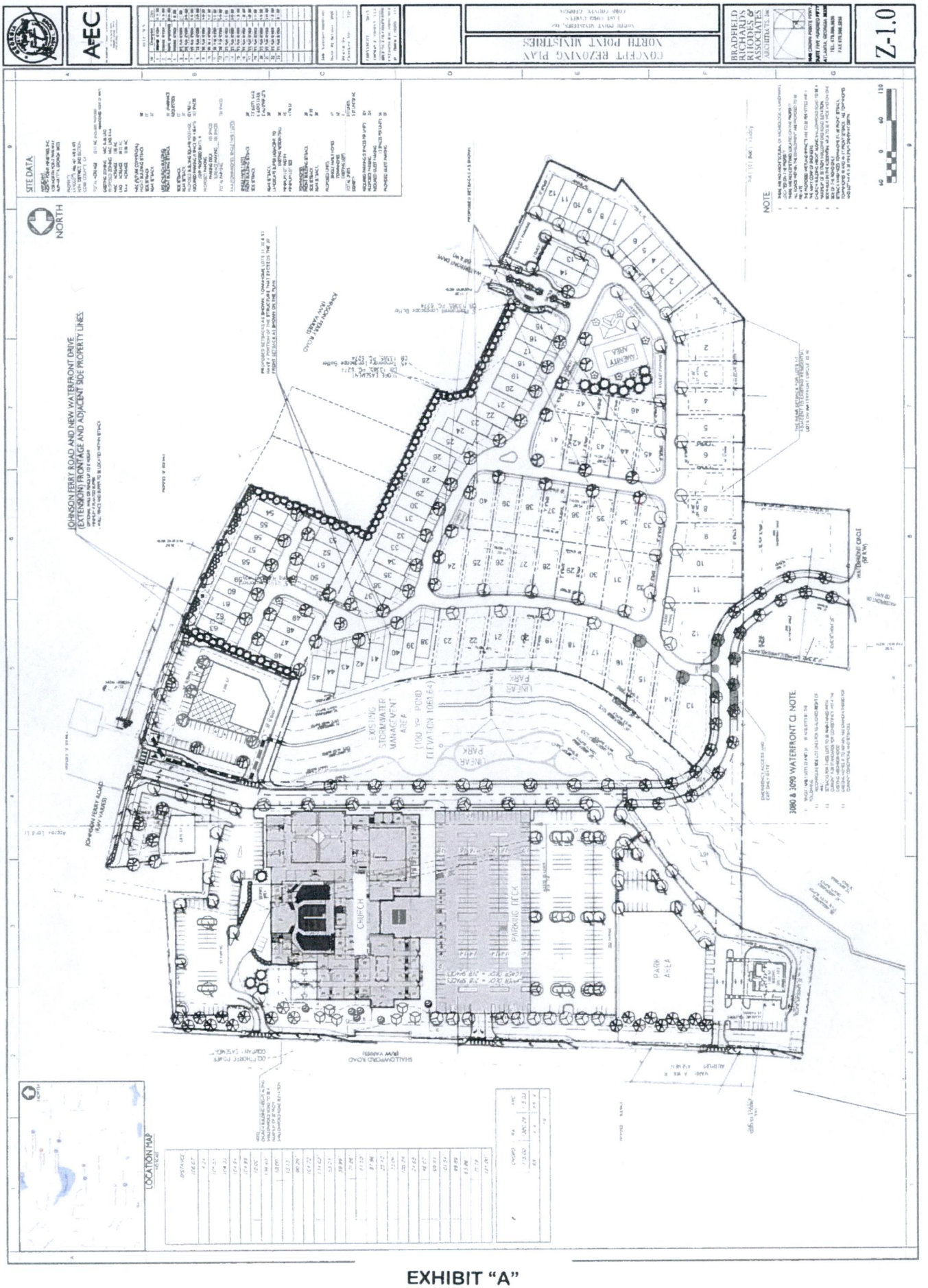


EXHIBIT "A"

Petition No. Z-72 (2020)
Meeting Date 10-19-21
Continued

Petition No. Z-72 (2021)
Meeting Date 10-19-21
Continued

EXHIBIT "B"

Petition No. Z-72(2020)
Meeting Date 10-19-21
Continued

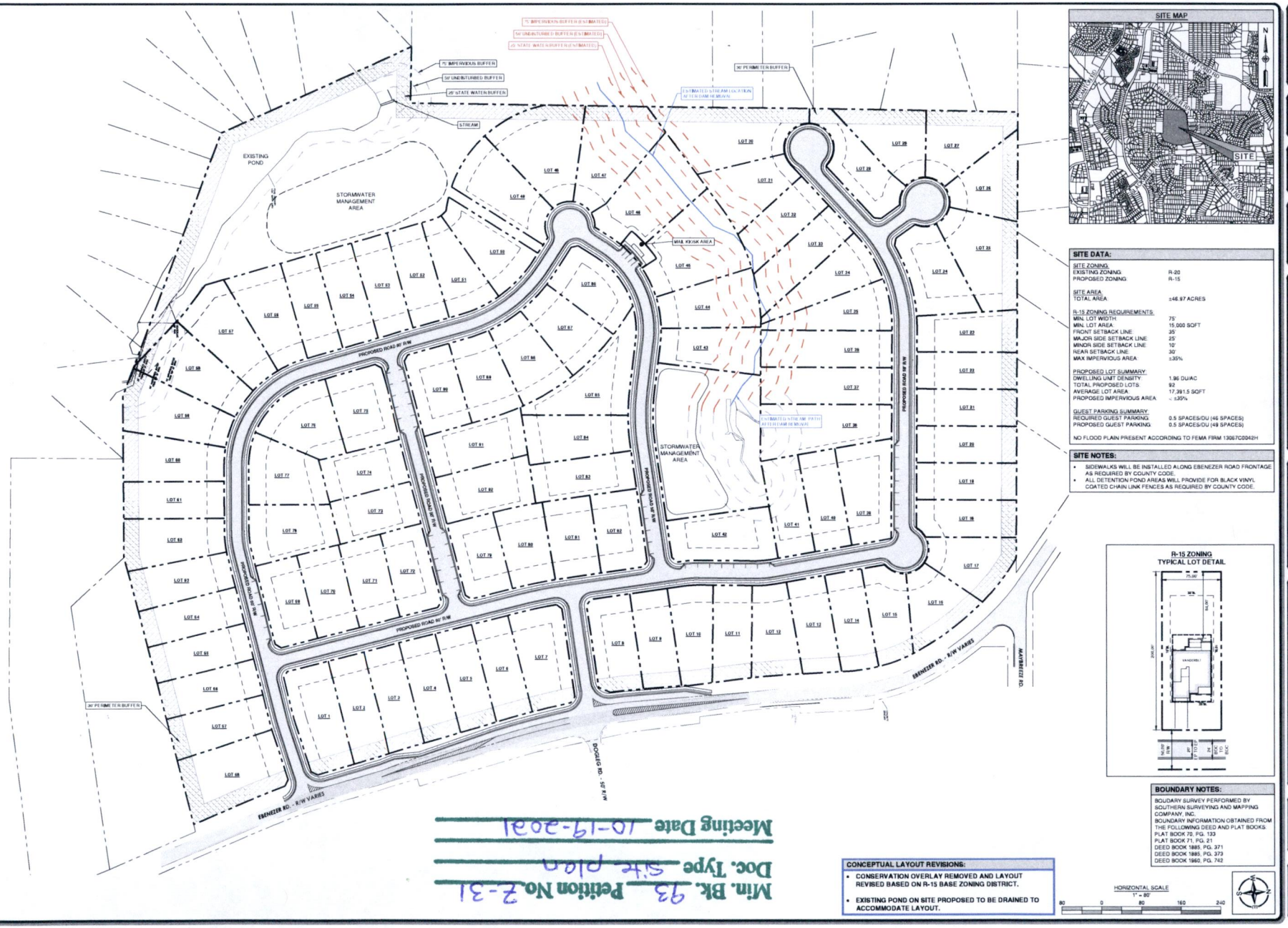
Petition No. Z-72(2020)
Meeting Date 10-19-21
Continued

Petition No. Z-72 (2020)
Meeting Date 10-19-21
Continued

EXHIBIT "C"

Petition No. Z-72(2020)
Meeting Date 10-19-21
Continued

EXHIBIT "D"



SITE MAP

SITE DATA:

SITE ZONING:	
EXISTING ZONING:	R-20
PROPOSED ZONING:	R-15
SITE AREA:	
TOTAL AREA:	±46.97 ACRES
R-15 ZONING REQUIREMENTS:	
MIN. LOT WIDTH:	75'
MIN. LOT AREA:	15,000 SQFT
FRONT SETBACK LINE:	35'
MAJOR SIDE SETBACK LINE:	25'
MINOR SIDE SETBACK LINE:	10'
REAR SETBACK LINE:	30'
MAX IMPERVIOUS AREA:	±35%
PROPOSED LOT SUMMARY:	
DWELLING UNIT DENSITY:	1.96 DU/AC
TOTAL PROPOSED LOTS:	92
AVERAGE LOT AREA:	17,391.5 SQFT
PROPOSED IMPERVIOUS AREA:	< ±35%
GUEST PARKING SUMMARY:	
REQUIRED GUEST PARKING:	0.5 SPACES/DU (46 SPACES)
PROPOSED GUEST PARKING:	0.5 SPACES/DU (49 SPACES)

NO FLOOD PLAIN PRESENT ACCORDING TO FEMA FIRM 13067C0042H

SITE NOTES:

- SIDEWALKS WILL BE INSTALLED ALONG EBENEZER ROAD FRONTAGE AS REQUIRED BY COUNTY CODE.
- ALL DETENTION POND AREAS WILL PROVIDE FOR BLACK VINYL COATED CHAIN LINK FENCES AS REQUIRED BY COUNTY CODE.

R-15 ZONING
TYPICAL LOT DETAIL

BOUNDARY NOTES:

BOUNDARY SURVEY PERFORMED BY SOUTHERN SURVEYING AND MAPPING COMPANY, INC.
BOUNDARY INFORMATION OBTAINED FROM THE FOLLOWING DEED AND PLAT BOOKS.
PLAT BOOK 70, PG. 133
PLAT BOOK 71, PG. 21
DEED BOOK 1985, PG. 371
DEED BOOK 1985, PG. 373
DEED BOOK 1960, PG. 742

CONCEPTUAL LAYOUT REVISIONS:

- CONSERVATION OVERLAY REMOVED AND LAYOUT REVISED BASED ON R-15 BASE ZONING DISTRICT.
- EXISTING POND ON SITE PROPOSED TO BE DRAINED TO ACCOMMODATE LAYOUT.

HORIZONTAL SCALE
1" = 80'
80 0 80 160 240

Min. Bk. 93 Petition No. Z-31
Doc. Type Site Plan
Meeting Date 10-19-2021

PRELIMINARY NOT FOR CONSTRUCTION

811 Georgia Utilities Call before you dig

MAXWELL-REDDICK AND ASSOCIATES
ENGINEERING & LAND SURVEYING
80 JOE KENNEDY BLVD.
STATESBORO, GA 30458
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(912)489-7123 FAX
NORTH WINDS III
7000 NORTH WINDS PKWY.
SUITE 350
ALPHARETTA, GA 30009
(404)992-1918 OFFICE
www.mwrcc.com

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#	REVISIONS
1	

PROPOSED SUBDIVISION
EBENEZER ROAD
COBB COUNTY, GA

R-15 - REZONE PLAN

CREATED:	DRAWN BY: GSU	CHECKED:
DATE: SEP. 15 2021		
JOB NO.: 2021-045		
SCALE: AS SHOWN		

DRAWING NUMBER
C1.0
SHEET NUMBER 1

taylor | english
decisions

Taylor English Decisions LLC 1600 Parkwood Circle, Suite 200, Atlanta, Georgia 30339
Main: 770.434.6868 | Fax: 770.434.7376 | **tedecisions.com**

October 13, 2021

Min. Bk. 93 Petition No. Z-31
Doc. Type Letter
Meeting Date 10-19-2021

VIA EMAIL ONLY

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

Re: Application for Rezoning of Pulte Home Company, ("Applicant"), to rezone a tract of land along Ebenezer Road in Land Lots 303, 304, 345, 346, and 347 of the 16th District, Cobb County, Georgia. Z-31.

Dear John:

After receiving input and feedback from interested neighbors and the Cobb County Planning Commission, we are hereby submitting a revised site plan and this letter of agreeable stipulations/conditions to ensure quality which will become conditions and a part of the grant of the requested rezoning and run with the land. This letter will serve as the initial stipulation letter and, upon grant of the rezoning we agree to the following:

1. Given the sentiment of a number of neighbors regarding minimum lot size, the attached site plan has been revised to demonstrate compliance with "straight" R-15 zoning requirements and a maximum of 92 lots. Said revised plan shall contain a 30-foot viewshed protection/landscape plan along Ebenezer Road (described in greater detail below in item 12.). The architectural style, composition and design of the proposed single-family homes shall be constructed consistent with the provided elevations that include blended building materials that may include the application of stone, brick, hardi-plank, shake and board and batten. No vinyl materials shall be used on the exterior of the proposed homes. Said architectural style shall subject to the District Commissioner approving final elevations. The minimum heated floor area shall range from 2,500 square feet to 3,000 square feet and up.[1]

2. Resident and guest parking provisions shall be provided per applicable section of the Cobb County Zoning Ordinance and recommendations from the Cobb County Fire Marshal's Office. Applicant agrees to locate these spaces near the required mail kiosk area and evenly distributed along internal roadways serving the proposed development.

3. All units within the proposed community shall be "for sale" units. The Declaration of Restrictive Covenants shall restrict the number of units which can be leased at any one time to no more than ten percent.

[1] The price points shall be $500,000 and up.

4. Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which shall contain covenants, rules, and regulations applicable to the proposed residential community, including provisions that establish uniform standards for side and backyard fencing on all lots within the community.

5. Also, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowner's association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, internal open space/recreational area, guest parking provisions and mail kiosk.

6. Lighting within the proposed community shall be environmentally sensitive, "down lit", decorative, and themed to the architecture and style of the proposed residential homes.

7. The entrance signage for the proposed community shall be ground based, monument-style signage, and shall complement the high quality, architectural vision, and style of the proposed homes. The entrance landscaping shall be professionally designed, implemented, and maintained including irrigation system, consistent with the attached landscape rendering/viewshed protection plan for the Ebenezer Road frontage. Any fencing included in an entrance/signage feature shall exclude wood paling materials and incorporate alternative materials to enhance appearance and life expectancy. All signage shall comply with the Cobb County Sign Ordinance.

8. There shall be internal sidewalks within the proposed residential community, as more particularly noted or shown per updated Site Plan. However, sidewalks shall not be required in any areas in which the sidewalk conflicts with any guest parking requirements. Applicant is aware of and agreeable to installing required sidewalks along full frontage of Ebenezer Road as noted or shown per updated Site Plan.

9. The proposed residential community shall contain public streets, twenty-four (24) feet in width, from back-of-curb to back-of-curb, in accordance with Cobb County requirements. Applicant agrees to the removal of driveway aprons existing along Ebenezer Road and the dedication of additional right of way for Ebenezer Road as required by the Cobb County Department of Transportation. Applicant also agrees to establishing a no access easement along Ebenezer Road.

10. All utilities servicing the residences within the proposed community shall be located underground. The front, side and back yards of all residences shall be sodded.

11. All construction and employee vehicles and equipment will be parked, and otherwise located, on the property during development of infrastructure and construction of residences and shall not be parked on or along Ebenezer Road. There will be no

stacking of vehicles along any roadway waiting for entry onto the property. Applicant is agreeable to providing a 24-hour construction contact to surrounding neighborhoods, as well as installing a wheel wash station on site during construction. Applicant is also agreeable to allowing Native Plant Rescue to visit the property prior to land disturbance commencing.

12. All landscaping referenced herein; including, but not limited to, the frontage, entrance area [including entrance signage], island areas, shall be approved by Cobb County as part of the plan review process. With specific reference to the viewshed along Ebenezer Road, applicant will implement landscaping consistent with the attached landscape rendering/viewshed protection plan for the Ebenezer Road frontage. Landscaping materials shall include, but not be limited to, Shumard Red Oak, Cryptomeria, Emily Bruner Holly, Nellie R. Stevens Holly, Bracken's Southern Magnolia, Crape Myrtle (all of which will be a minimum of 6 feet tall at time of planting), Formosa Azalea, Cleyera, Frostproof Gardenia, Limelight Hydrangea, Carissa Holly, Dward Yaupon Holly, Anise 'Semmes', Juniper, Yellow-tip Ligustrum, Loropetalum, Knockout Rose, Annuals and Bermuda Sod. A minimum 4-feet high berm will also be included in the viewshed protection/landscape plan for Ebenezer Road that will include an irrigation system for the referenced materials.[2] Applicant also agreeable to providing landscape easements along lots 1, 17 and 18 to enhance viewshed protections

13. All setbacks, landscape and buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by Cobb County or any utility provider.

14. All stormwater infrastructure located outside of the public right-of-way shall be constructed in accordance with the Water Quality requirements of the CWA-NPDES-NPS Permit and Cobb County Water Quality Ordinance. Applicant is aware that stormwater discharges through residential neighborhoods downstream. Applicant is also agreeable that the runoff discharge from the existing lakes and bypass areas shall be the base line for determining existing stormwater runoff. Applicant's Project Engineer will evaluate the impact of increased volume of runoff generated by proposal on existing downstream drainage system(s) to include infiltration measures and other best practices in an effort to seek a reduction in peak flows. Applicant acknowledges that current detention pond proposed in southwest corner cannot discharge in said pond without approval of all owners.

2 Staff is agreeable to height of berm and landscape plan for viewshed protection area along Ebenezer Road being subject to final approval by Cobb County Arborist and District Commissioner.

Petition No. Z-31
Meeting Date 10-19-2021
Continued

15. Applicant to perform a lake study on the jointly owned pond (southwest property line) to document pre and post development sediment levels. Applicant agrees that any sediment deposited into said jointly owned pond that is the direct result of Applicant's construction activity shall be removed at applicant's expense.

16. Applicant is aware of and agreeable to state and county buffer protections that must be provided to the jointly owned pond (southwest property line) as determined by Cobb County staff. If determined feasible based on pond design submitted by applicant to staff, applicant to provide a non-impervious 75- foot setback around perimeter of jointly owned pond (state and county require 50-foot buffer).

    Applicant has been made aware of discussion related to the possibility of the portion of the pond not owned by Blackwell Chase being donated/transferred by current owner to the Blackwell Chase HOA (or other entity as may be established). The Applicant is not opposed to such an arrangement and is willing to consider revisions to the proposed site plan that will accommodate such.

    In the event that the aforementioned donation/transfer does not occur, and the pond remains jointly owned, Applicant agrees to participate in good faith with the Blackwell Chase Subdivision (and those property owners in the jointly owned pond) to develop a maintenance plan (with necessary operational documents) for the jointly owned pond. To the extent that the jointly owned pond may be used as a recreational feature, applicant agrees to include language within the restrictive covenants that no gas-powered craft shall be permitted on the pond (that could enter/access from applicant's site) and that no docks shall be constructed on the pond (that could enter/access from applicant's site). Applicant will also restrict any swimming within the pond, in an effort to preserve and protect wildlife in and around the jointly owned pond.

17. Applicant is agreeable that any chain link fencing required for installation around the detention facilities shall be covered by black vinyl and double gated as may be required by Cobb County Stormwater Management. Applicant is agreeable to complying with all buffer/screening requirements for stormwater management areas as required by Cobb County Development Standards.

18. Development and construction hours for the proposed project shall be limited to the following (and shall be posted on site to inform construction personnel):

    a. 7:00 a.m. to 7:00 p.m. – Monday – Friday.

    b. 9:00 a.m. to 5:00 p.m. – Saturday; and

Petition No. Z-31
Meeting Date 10-19-2021
Continued

c. No work or deliveries on Sunday or County Holidays unless approved by the District Commissioner.

d. To the extent blasting is required on the Site (none is expected), any blasting will be performed only on Monday-Friday between the hours of 9:00 a.m. and 3:00 p.m. and a 24-hour notice must be given in writing to any occupied residence within 1000 feet of the Site.

19. Applicant to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow, including a singular, horizontally striped crosswalk with appropriate signage per MUTCD standards at the proposed 4-way stop intersection at Maybreeze Road, if warranted by Cobb County DOT.

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

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

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

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

d. Change access location to a different roadway.

e. Increase the density of the Residential Community.

f. Violate the Cobb County Zoning Ordinance applicable to the property.

Petition No. Z-31
Meeting Date 10-19-2021
Continued

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the Applications being heard and considered by the Board of Commissioners.

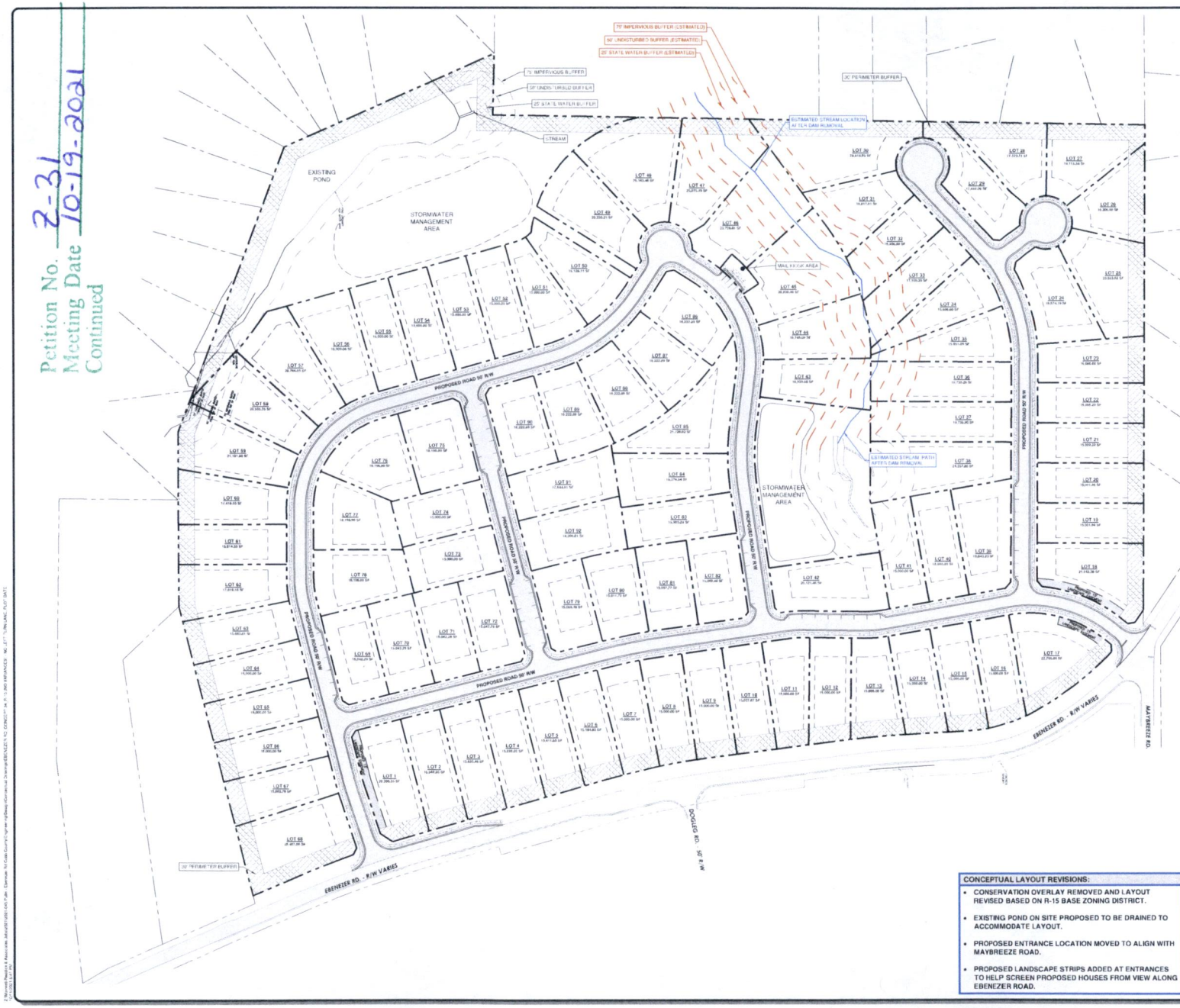
Sincerely,

TAYLOR ENGLISH DECISIONS, LLC

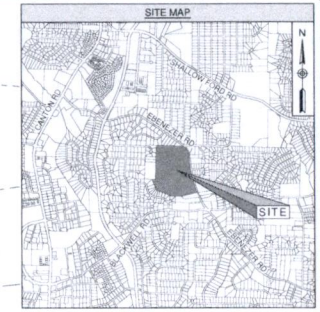
Rob Hosack
rhosack@tedecisions.com

cc: Chad Barrett, Pulte Homes
Dan Buyers, McWhirter Realty
James Balli, TE Decisions

Petition No. Z-31
Meeting Date 10-19-2021
Continued



SITE MAP



SITE DATA:

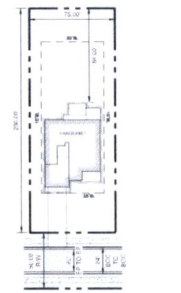
SITE ZONING:	
EXISTING ZONING:	R-20
PROPOSED ZONING:	R-15
SITE AREA:	
TOTAL AREA	±49.0 ACRES
R-15 ZONING REQUIREMENTS:	
MIN. LOT WIDTH:	75'
MIN. LOT AREA:	15,000 SQFT
FRONT SETBACK LINE:	35'
MAJOR SIDE SETBACK LINE:	25'
MINOR SIDE SETBACK LINE	10'
REAR SETBACK LINE	30'
MAX IMPERVIOUS AREA	±35%
PROPOSED LOT SUMMARY:	
DWELLING UNIT DENSITY	1.96 DU/AC
TOTAL PROPOSED LOTS	92
AVERAGE LOT AREA	17,449.1 SQFT
PROPOSED IMPERVIOUS AREA	± ±35%
GUEST PARKING SUMMARY:	
REQUIRED GUEST PARKING:	0.5 SPACES/DU (46 SPACES)
PROPOSED GUEST PARKING	0.5 SPACES/DU (49 SPACES)

NO FLOOD PLAIN PRESENT ACCORDING TO FEMA FIRM 13067C0042H

SITE NOTES:

- SIDEWALKS WILL BE INSTALLED ALONG EBENEZER ROAD FRONTAGE AS REQUIRED BY COUNTY CODE.
- ALL DETENTION POND AREAS WILL PROVIDE FOR BLACK VINYL COATED CHAIN LINK FENCES AS REQUIRED BY COUNTY CODE.
- DETENTION AREAS TO BE BUFFERED AS REQUIRED BY COBB COUNTY DEVELOPMENT STANDARDS.

R-15 ZONING
TYPICAL LOT DETAIL



CONCEPTUAL LAYOUT REVISIONS:

- CONSERVATION OVERLAY REMOVED AND LAYOUT REVISED BASED ON R-15 BASE ZONING DISTRICT.
- EXISTING POND ON SITE PROPOSED TO BE DRAINED TO ACCOMMODATE LAYOUT.
- PROPOSED ENTRANCE LOCATION MOVED TO ALIGN WITH MAYBREEZE ROAD.
- PROPOSED LANDSCAPE STRIPS ADDED AT ENTRANCES TO HELP SCREEN PROPOSED HOUSES FROM VIEW ALONG EBENEZER ROAD.

BOUNDARY NOTES:

BOUDARY SURVEY PERFORMED BY: SOUTHERN SURVEYING AND MAPPING COMPANY, INC.
BOUNDARY INFORMATION OBTAINED FROM THE FOLLOWING DEED AND PLAT BOOKS
PLAT BOOK 70, PG. 133
PLAT BOOK 71, PG. 21
DEED BOOK 1885, PG. 371
DEED BOOK 1885, PG. 373
DEED BOOK 1960, PG. 742

HORIZONTAL SCALE
1" = 80'
80 0 80 160 240

PRELIMINARY NOT FOR CONSTRUCTION

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

MAXWELL-REDDICK AND ASSOCIATES

ENGINEERING & LAND SURVEYING
425 ASE BENNETT PKWY, STE 100
MARIETTA, GEORGIA 30067
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(770) 421-1611 FAX
NORTHWINDS III
3100 NORTHWINDS PKWY, SUITE 400
ALPHARETTA, GA 30009
(404) 537-1616
www.mrasc.com

GEORGIA LAW REQUIRES THAT ANY PERSON PLANNING TO MAKE EXCAVATIONS MUST CONTACT THE UTILITIES PROTECTION CENTER, INC. AT 811 OR 1-800-282-7411 AT LEAST 48 HOURS BUT NOT MORE THAN 10 WORKING DAYS PRIOR TO COMMENCING WORK. PERSONS MAKING EXCAVATIONS SHALL NOTIFY THE UTILITIES PROTECTION CENTER, INC. OF THE EXACT EXTENT OF THE PROPOSED EXCAVATION. THE TERM "EXCAVATION" MEANS ANY ACTIVITY WHICH DISTURBS OR REMOVES EARTH, ROCK OR OTHER SUBSURFACE MATERIAL BY USE OF TOOLS, EQUIPMENT OR EXPLOSIVES, EXCEPT TILLAGE FOR AGRICULTURAL PURPOSES. THE TERM "EXCAVATION" SHALL NOT INCLUDE THE REMOVAL OF SOD, GRASS OR ASPHALT PAVEMENT WHERE THE DEPTH OF DISTURBANCE OF THE SOIL BENEATH SUCH SOD, GRASS OR ASPHALT PAVEMENT DOES NOT EXCEED 12 INCHES. "EXCAVATOR" MEANS ANY PERSON, FIRM, PUBLIC OR PRIVATE CORPORATION OR LOCAL GOVERNMENT AUTHORITY ENGAGED IN EXCAVATION, WHETHER OR NOT THE EXCAVATION WORK IS PERFORMED BY EMPLOYEES OF THE ABOVE-NAMED ENTITIES OR BY INDEPENDENT CONTRACTORS ON BEHALF OF THE ABOVE-NAMED ENTITIES. (O.C.G.A. 25-9-1 ET SEQ.)

REVISIONS	
1	

PROPOSED SUBDIVISION
EBENEZER ROAD
COBB COUNTY, GA

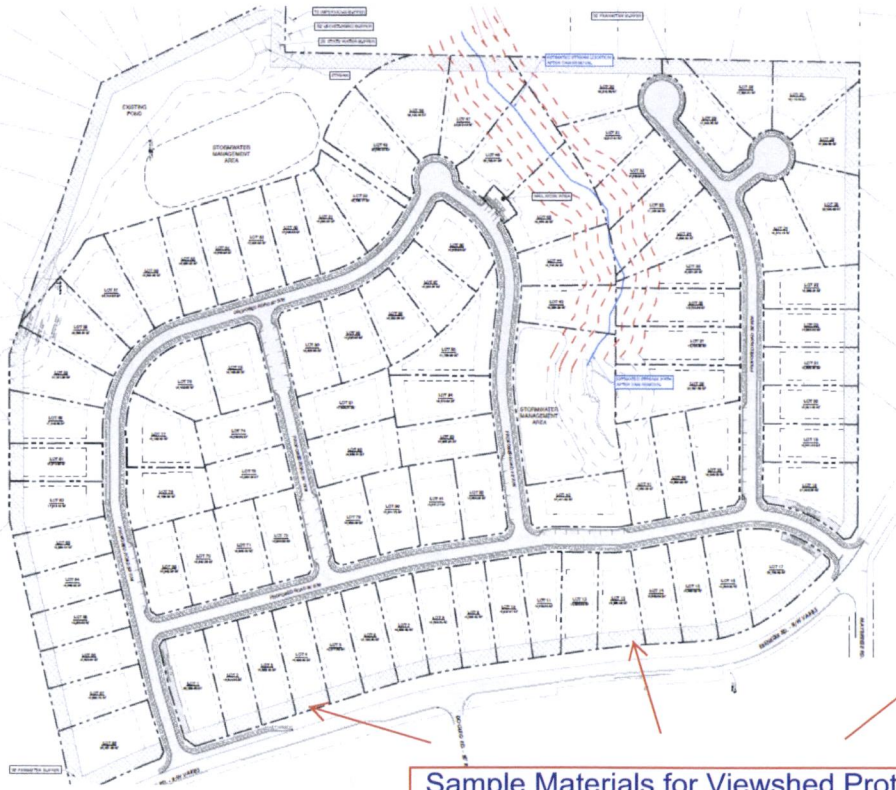
R-15 - REZONE PLAN

DESIGNED BY	CHECKED BY
	GSU
DATE: OCT. 11 , 2021	
JOB NO.: 2021-045	
SCALE: AS SHOWN	

DRAWING NUMBER
C1.0
SHEET NUMBER 1

Viewshed Protection Plan-Z-31

Petition No. Z-31
Meeting Date 10-19-2021
Continued



Sample Materials for Viewshed Protection Buffer

Petition No. Z-31
Meeting Date 10-19-2021
Continued

MOONEY
design studio
Landscape Architecture | Planning

PHILLIPS

CONCEPTUAL FRONTAGE ELEVATION

PulteGroup

Petition No. 2-31
Meeting Date 10-19-2021
Continued

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PERSPECTIVE RENDERING

PulteGroup

Petition No. 2-31
Meeting Date 10-19-2021
Continued

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PERSPECTIVE RENDERING

PulteGroup

Petition No. Z-31
Meeting Date 10-19-2021
Continued

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PERSPECTIVE RENDERING

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Petition No. Z-31
Meeting Date 10-19-2021
Continued

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Petition No. Z-31
Meeting Date 10-19-2021
Continued

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Petition No. Z-31
Meeting Date 10-19-2021
Continued

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Petition No. 2-31
Meeting Date 10-19-2021
Continued

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Petition No. Z-31
Meeting Date 10-19-2021
Continued

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PERSPECTIVE RENDERING

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Petition No. 2-31
Meeting Date 10-19-2021
Continued

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PHILLIPS

PERSPECTIVE RENDERING

PulteGroup

Min. Bk. 93 Petition No. Z-54
Doc. Type Planning Commission minutes for Z-54 dated 10-5-21
Meeting Date 10-19-21

MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
OCTOBER 5, 2021
9:00 A.M.

The Planning Commission Zoning Hearing was held on Tuesday, October 5, 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 – left the hearing at lunch
David Anderson
Deborah Dance
Michael Hughes
Stephen Vault – via WebEx at 9:07 a.m. and left the hearing at 11:00 a.m.

CALL TO ORDER – CHAIRMAN BELOIN

Chairman Beloin called the hearing to order at 9:03 a.m.

REGULAR AGENDA (CONT.)

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).***

The public hearing was opened, and Chuck Owuzo 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-54 to the **RA-5** zoning district, subject to:

1. **Rezoning of the subject property shall be from the existing zoning classification of PSC to the RA-5 zoning classification as recommended by staff**
2. **The subject property consists of 5.1 acres, more or less, and shall be developed for a residential community, in a townhome style, containing a maximum of 25 residences**
3. **The proposed townhomes shall be Traditional in style and architecture and shall have exterior facades consisting of brick, cementitious siding, and combinations thereof, with complementary accents, and shall be substantially similar to the elevation attached as Exhibits "A" & "B" and incorporated herein by reference; the District Commissioner shall approve the final elevations if materially different from those attached as Exhibits "A" & "B" (on file in the Zoning Division)**

MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
OCTOBER 5, 2021
9:00 A.M.

Petition No. Z-54
Meeting Date 10-19-21
Continued

REGULAR AGENDA (CONT.)

Z-54 CHUCK OWUZO (CONT.)

4. The units shall have two-car garages; no garage areas within the proposed townhome community shall be converted into heated living space for the units; all garages shall be used primarily for the parking of vehicles with only incidental storage that does not interfere with parking for vehicles; such restrictions shall be included in the Declaration of Covenants, Easements, and Restrictions
5. The proposed townhomes shall have a minimum of 2,500 square feet of heated and cooled space
6. All units within the proposed townhome community shall be "for sale" units; there shall be no more than a maximum of 10 percent of the units being leased at any one time; and such restriction shall be included in the Declaration of Covenants, Easements, and Restrictions
7. Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which shall contain covenants, rules, and regulations applicable to the proposed townhome community
8. Additionally, and in conjunction with the Declaration of Covenants, Easements, and Restrictions, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, yard areas, all common areas, amenity and open space, stormwater management, general landscaped areas, mail kiosk, fencing, and the like contained within the community
9. The Declaration of Covenants, Easements, and Restrictions shall include a provision prohibiting vehicle repair or maintenance within the community
10. The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents consistent with the architecture and style of the residences; the entrance landscaping shall be professionally designed, implemented, and maintained; the entrance signage and landscaping will be subject to the approval of the District Commissioner
11. The setbacks for the proposed community shall be as shown and reflected on the revised Site Plan
12. The amenity area for the proposed community shall consist of, at a minimum, a cabana, pool, and community gathering area for the residents and their guests
13. All utilities servicing the residences within the proposed community shall be located underground

MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
OCTOBER 5, 2021
9:00 A.M.

Petition No. Z-54
Meeting Date 10-19-21
Continued

REGULAR AGENDA (CONT.)

Z-54 CHUCK OWUZO (CONT.)

14. **The property's frontage along Powder Springs Road shall be landscaped to provide visual screening and shall include evergreen trees, a minimum of six feet in height at planting; the entrance monument signage and landscaping are exempted from this requirement, but shall be sufficiently professionally landscaped consistent with entrance areas of upscale residential communities; the future homeowners association shall maintain all such frontage landscaping including, but not limited to, pick up of trash or debris; all landscaping shall be subject to approval by the District Commissioner**
15. **Minor modifications to the within stipulations, the referenced, revised Site Plan, lighting, landscaping, architecture, site features, signage, and the like, may be approved by the District Commissioner, as needed or necessary, *except* for those that:**
    A. **Increase the density of a residential project or the overall square footage of a non-residential project**
    B. **Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district**
    C. **Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district**
    D. **Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district**
    E. **Change an access location to a different roadway**
    F. **Would be in direct contradiction or conflict with any of the stipulations of this rezoning**
    G. **Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or**
    H. **Would be in direct contradiction or conflict with any staff recommendation that were adopted in this final zoning decision**
16. **All Staff comments and recommendations**

VOTE: **ADOPTED** 4-0, Vault not present

COPY

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

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

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

Min. Bk. 93 Petition No. Z-60
Doc. Type letter
Meeting Date 10-19-21

August 24, 2021

(STIPULATION LETTER, ARCHITECTURAL IMAGERY & REVISED SITE PLAN)

RECEIVED
AUG 24 2021
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

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 30061

Re: Application of TLM Realty to Rezone a 15.81+/- Acre Tract from PSC to PVC - Land Lot 855, 19th District, 2nd Section, Cobb County, Georgia (No. Z-60)

Dear John:

You will recall that this firm represents TLM Realty ("TLM") and Greystar Properties ("Greystar") concerning the above-captioned Application for Rezoning. TLM will be responsible for the development and redevelopment of the commercial components of the overall Mixed-Use Development and Greystar will develop and construct the proposed Multi-family luxury apartments. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on September 7, 2021. Thereafter, the Application will be heard and considered for final action by the Cobb County Board of Commissioners ("BOC") on September 21, 2021.

TLM's Application for Rezoning seeks entitlements to allow for the construction of a Mixed-Use Development which will precipitate the demolition of the all of the buildings and improvements presently located on the Subject Property, including the Burlington Store, for a long overdue redevelopment of the property in keeping with the current market demands with respect to both retail commercial and residential components. The proposed improvements include multiple commercial buildings comprising up to 25,000 square feet and a mixture of three and four (3&4) story buildings containing a maximum number of three-hundred and forty (340) luxury multi-family units.

Petition No. Z-60
Meeting Date 10-19-21
Continued

VIA HAND DELIVERY & EMAIL

The Subject Property is currently zoned in the Planned Shopping Center ("PSC") Zoning classification. Cobb County's Future Land Use Map ("FLUM") reflects that the Subject Property is located within the confines of a Community Activity Center ("CAC") which is appropriate for the proposed Mixed-Use Development as shown on the site plan.

The proposed mixture of new Retail and Restaurant uses with luxury Multi-family homes greatly enhance the trend towards Mixed-use developments. TLM's proposal will provide this area of unincorporated Cobb County within this Austell sub-area with new residents and new shopping and dining opportunities.

Because of the scope of the proposed Mixed-Use Development, I investigated whether the proposed Mixed-Use Development meets or exceeds the thresholds set by the Atlanta Regional Commission ("ARC") representing a Development of Regional Impact ("DRI"). However, ARC has advised that the proposed Development as currently constituted does not meet those thresholds and is thus not a DRI.

We have established dialogue with the County's Professional Staff, area business and property owners, representatives of other interests; and, stakeholders (including WellStar) within this sub-area. In that regard, both TLM and Greystar have authorized the submittal of this letter of agreeable stipulations which, upon the Application for Rezoning being approved, as revised, shall become conditions and a part of the grant of the requested rezoning and binding upon the Subject Property thereafter.

STIPULATIONS APPLICABLE TO THE OVERALL MIXED-USE DEVELOPMENT

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the Subject Property.

2. The Rezoning of the Subject Property shall be to the Planned Village Community ("PVC") zoning district in substantial conformity to that certain Site Plan prepared by Haines Gipson & Associates ("The Village at Brookwood") which is being submitted concurrently herewith.

3. The total site area of the Subject Property (consisting of 15.81 acres) shall be developed as a Mixed-Use project, including multiple commercial buildings and a mixture of three (3) and four (4) story buildings to accommodate the luxury apartment units.

Petition No. Z-60
Meeting Date 10-19-21
Continued

VIA HAND DELIVERY & EMAIL

4. As a part of the future development of the subject property, there shall be Covenants, Conditions and Restrictions ("CCRs") which will include each phase of the proposed community as permitted and platted and which will run with the Subject Property for the maximum time frame allowed by law.

   Concurrently therewith, the CCRs will include all components of the proposed development and set forth responsibilities and obligations regarding the oversight, upkeep and maintenance of the entrance areas, common areas, community buildings and structures, reciprocal/shared parking, open space areas and similar features contained within the overall community.

5. The CCRs shall contain Architectural Design Regulations which shall control such items such as signage and other usual and necessary provisions in order to protect the quality and integrity of the overall development and its architectural style and composition.

6. If final permits regarding the proposed mixed-use development are not secured by TLM and/or if Greystar does not close on the property within a 24-month period from the date of the rezoning approval, then the Subject Property shall revert to its original zoning classification without any further action being necessary on the part of the Applicant, the Owners, Greystar or Cobb County.

7. The proposed Mixed-Use development will require two (2) concurrent Variances:

   a. Waiver of the minimum amount of acreage (25 acres) under the PVC zoning district to the existing acreage (15.81 acres).

   b. Waiver of the Parking Ratio requirements regarding the Multi-Family component from 1.75 parking spaces per residential unit to 1.35 spaces per residential unit.

   c. A waiver of the Parking Ratio requirements regarding the Commercial component which reflects 25,000 square feet within three (3) buildings which will either be Retail/Commercial or Restaurant users.

      Presently, the overall parking count includes a total of 621 parking spaces consisting of 109 parking spaces applicable to the Retail Commercial/Restaurant "pads" and 512 parking spaces on the Residential component with 106 of those parking spaces

proposed being shown as "shared" and with 51 of those 106 parking spaces being contained within garages as shown on the revised site plan.

Dependent upon the mix of uses within the Retail/Commercial and Restaurant components, the project may, in fact, meet commercial parking ratio requirements (including the shared spaces). However, this request for a Concurrent Parking Space Variance is anticipatory and will be either utilized or deleted dependent upon the ultimate tenant mix for the Non-Residential component of the project.

8. New signage shall be ground-based, monument-style signage with finish, materials and color being in substantial conformity to the architectural style embodied in the mixed-use development. However, TLM and Greystar may renovate and utilize any of the existing signs servicing the property, to properly brand and identify the proposed uses and users on the property.

   There shall be no billboard signs, no roof signs unless architecturally integrated into an approved building design and no exterior, temporary signs excepting only grand opening signage and signage indicating the coming development. Free standing signage, including sandwich-style retail boards and other signage shall be permitted in accordance with the terms and provisions of the Cobb County Sign Ordinance

9. At full build-out, there shall be a network of sidewalks and rights-of-way located within the proposed community which shall link the various components of the Mixed-Use development and which will accommodate pedestrian walkability and accessibility.

10. Lighting within the proposed mixed-use community shall be chosen by TLM and Greystar; shall be environmentally sensitive, appropriately spaced for safe lighting purposes (i.e. per a Photometric Plan); and, whenever possible, shall be themed to the architectural style of the buildings and residences to be constructed.

11. In order to facilitate the development during the Plan Review process, the District Commissioner shall have the authority to review and approve both the overall site plan and the commercial and residential architectural style and composition.

12. All setback and buffer areas may be penetrated for the purposes of detention, utilities, stormwater management, Fire Marshal regulations and other County-mandated encroachments, as needful or necessary.

13. Compliance with Cobb County Development Standards and Ordinances related to project improvements except as otherwise approved by the Board of Commissioners, the Cobb County Department of Transportation or the Cobb County Community Development Agency as their respective authority may allow.

14. Compliance with written recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of water quality, detention and downstream considerations, including the following:

    a. Undertaking on-site project improvements in order to address known drainage problems downstream from the Subject Property to the extent that such remedial measures are project related and do not constitute "system improvements".

    b. Stormwater discharges shall be controlled so as not to exceed the capacity of downstream storm drainage systems. Since there is shared detention between the proposed site and the site under development to the east, Cobb County and Greystar will enter into a Maintenance Agreement which is renewable on a yearly basis.

    c. TLM and Greystar shall secure drainage easements, to the extent needful or necessary, in order to address potential concentrated stormwater discharges where none naturally exist. TLM will extend the existing stormwater management easement to Greystar upon the successful Rezoning of the Subject Property.

    d. During the Plan Review Process, a comprehensive Hydrology/Stormwater Control Study shall be submitted which includes the development of the Subject Property and its outparcels.

15. Compliance with the following recommendations from the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the Subject Property and as follows:

    a. Performing a Sewer Flow Study to be submitted during the Plan Review Process.

    b. Both water and sewer are available to the site and the Subject Property is within the South Cobb Treatment Plant area wherein there is availability. Water is available

within Brookwood Drive. Sewer is available in the form of an eight-inch (8") line which traverses the property and will most likely have to be relocated.

c. The submission of a Sewer Capacity Study as long as said study is project-related and not solely system related.

16. A TIS Submittal 1-Technical Memorandum was initially prepared by Lowe Engineering and submitted concurrently with the Application for Rezoning on June 29, 2021. Since that original submission, Lowe Engineering is working on a full Traffic Impact Study ("TIS").

    The further revised TIS will address additional information regarding trip generation; maneuverability; turning movements and/or potential conflicts; Levels of Service ("LOS") at strategically positioned intersections; and, other data required by the Cobb County Department of Transportation ("DOT").

17. Compliance with the following on-site project improvements recommended by Lowe Engineering and Cobb DOT as follows, to wit:

    a. The voluntary donation and conveyance of right-of-way along Austell Road so that the County can achieve fifty feet (50') from the centerline of said right-of-way as measured from the existing property lines prior to said conveyance.

    b. The voluntary donation and conveyance of right-of-way along Hurt Road so that the County can achieve thirty feet (30') from the centerline of said right-of-way, as measured from the existing property lines prior to said conveyance.

    c. The voluntary donation and conveyance of right-of-way along Brookwood Drive so that the County can achieve forty feet (40') from the centerline of said right-of-way, as measured from the existing property lines prior to said conveyance.

    d. The installation of sidewalk on at least one side of the interior streets within the Mixed-Use Development.

    e. All existing and proposed access points shall include a deceleration lane and a taper as applicable.

f. Replacing any curb, gutter and sidewalk which may be disturbed during the construction and build-out of the proposed Mixed-Use Development.

g. Reducing the number of driveways on Brookwood Drive from two (2) existing driveways to one (1) curb cut.

h. Restriping on Austell Road to accommodate a deceleration lane.

18. Compliance with recommendations from the Cobb County Fire Marshal regarding Life-Safety and Fire-Prevention issues, including the following:

a. Compliance with International Fire Code Emergency Responder Radio Coverage (No. IFC-510).

b. Insuring interior maneuverability and accessibility so that Fire Apparatus Access Roads extend to within to one-hundred fifty feet (150') of all portions of buildings to be constructed, including undertaking remedial measures in order to ensure that the Fire Marshal is able to access the "long side of the building".

c. All Fire Apparatus Access Roads shall need AASHTO Design Protocols and Live-Load Protocols a minimum of 75,000 pounds per sq. in. with an unobstructed width of not less than twenty feet (20'); twenty-five foot (25') inside radius; fifty foot (50') outside turning radius; and, unobstructed vertical clearance of not less than thirteen feet, six inches (13' 6").

d. Dead-end access roads more than one-hundred fifty feet (150') in length shall be provided with a turn-around, the dimensional criteria for which are set out in the Development Standards.

e. Aerial apparatus access is required for all structures over thirty feet (30') in height, as measured from the lowest level of Fire Department access to the ceiling height of the highest occupied floor level. In that regard, no overhead utility and/or power line shall be located so as to interfere with fire apparatus access.

f. Gates securing fire apparatus access shall be a minimum of fourteen feet (14') in clear width for a single lane and twenty feet (20') for a double lane. However, in no event shall the gates reduce the operating width of the roadway. Double lane gates shall be

a minimum of twenty feet (20') in clear width, with gates consisting of the swinging or sliding type which can include electric gates equipped with the means of opening and closing said gates by Fire Marshal personnel for emergency access.

g. The maximum distance from a fire hydrant to the most remote portion of a structure shall be five-hundred feet, with distance being measured around the structure and from the Fire Apparatus Access Road.

19. Prior to the issuance of building permits, the District Commissioner shall review and approve all landscaping and architecture not otherwise herein approved and as depicted in all of the renderings/elevations and plans submitted both concurrently with the Application for Rezoning and resubmitted concurrently herewith and those which may be submitted under separate cover.

20. The proposed plans are to include restaurants as a part of the commercial component within the proposed community. Said restaurants may serve alcoholic beverages as a part of their respective food services upon securing the proper permits from Cobb County and State agencies.

STIPULATIONS APPLICABLE TO THE NON-RESIDENTIAL COMPONENTS

1. TLM proposes Retail/Commercial and Restaurants and other Non-Residential Components utilizing a Village concept with varying storefronts, roof elevations and other aesthetically pleasing treatments.

   The building facades which will face streets or important connecting ways to community spaces shall consist of compatible materials, including brick, stone and/or EFIS. The architectural style and composition shall be consistent with the renderings/elevations as mentioned above and as submitted herewith or to be submitted and subject to review and approval by the District Commissioner.

2. The proposed Non-Residential Component shall contain and include a flexible mix of retail/restaurant space.

3. Landscaping for the proposed mixed-use development shall be pursuant to a specific landscape plan which shall be submitted during the Plan Review Process, reference being

made to said plan for more particular delineation and location of existing and proposed future plantings. TLM and Greystar shall utilize the position and extent of existing landscaped features and enhance existing landscape with additional, new plantings.

4. Parking area lighting shall be a maximum of thirty-nine feet (39') in height which is "as-built" and which shall be fitted with environmentally sensitive, energy efficient, luminaries in order to prevent illumination from penetrating outside the boundaries of the subject property.

5. Hooded security lighting shall be utilized on the buildings within the non-residential areas.

6. TLM agrees to install and construct site lighting pursuant to a Site Lighting/Photometric Plan which shall be submitted to staff for review and approval.

7. Dumpsters will be positioned to prevent visual intrusion from major streets, connection points to community spaces and wherever possible from any trail or green space with screening by berms, landscaping, walls and/or vegetation. Dumpsters shall comply in all respects to enacted Development Regulations as to size, shape, architecture and all other components.

8. All exhaust from restaurant facilities shall be filtered and attenuated to minimize grease and odors.

9. There shall be no outside paging systems, phone bells or loudspeakers. However, outdoor music systems shall be allowed.

10. The following uses shall be prohibited:

    a. Automotive sales.

    b. Video arcades as a primary use.

    c. Adult themed bookstores as a primary use.

    d. Pawn shops and check cashing establishments.

e. Skating rinks, except for small, season-appropriate rinks.

f. Tattoo or body piercing parlors and any business which principally features sexually explicit products or drug related paraphernalia.

g. Retail facilities which sell knives as a primary use.

i. Retail facilities which sell or initiate transactions including guns and/or weapons.

STIPULATIONS APPLICABLE TO THE RESIDENTIAL COMPONENT

1. Within Residential areas, there shall be a total maximum number of three-hundred and forty (340) luxury Multi-Family Units.

2. The architectural style and composition of the various Residential component shall be consistent with the renderings/elevations which were submitted with the Application for Rezoning on June 29, 2021 and which are being resubmitted herewith. All architecture shall be subject to review and approval by the District Commissioner.

3. Out of the entirety of the three hundred forty (340) residential units, a total of ten (10) of those units shall be leased to individuals and/or families whose incomes do not exceed 80% of the Area Median Income ("AMI").

   Greystar agrees to follow the rent maximums set (and which are adjusted annually) by Invest Atlanta for the Metropolitan Atlanta Area. This workforce requirement shall stay in effect for certain designated units after the full and final buildout and development of the Residential component or for a duration of ten (10) years, whichever first occurs, at which time said requirement shall terminate.

   The employees of Cobb County, the Cobb County School District ("CCSD") and WellStar Hospital employees will be provided with advance notification of these discounted Residential units and shall have the ability to lease said units prior to same being offered to members of the general public.

4. A third-party management company and/or Greystar shall manage the day-to-day operations of any Owners Association(s), including the responsibility of all commonly

owned properties and all amenities within the proposed community, including responsibility for the management of all association monies as well as ensuring that any association is properly insured.

5. The submission of a landscape plan during the Plan and Review Process which shall be subject to staff review and approval, and which shall include the following:

   a. Sodded or otherwise landscaped front, side and rear yards.

   b. The installation of underground utilities.

   c. Ground-based, monument-style entry signage which shall be landscaped and irrigated.

   d. Landscaping throughout the Mixed-Use Community which shall be irrigated as appropriate.

6. A network of sidewalks throughout the residential community will promote a pedestrian-friendly atmosphere and which shall be designed in order to provide meaningful connectivity to adjacent Retail/Restaurant areas.

MISCELLANEOUS STIPULATIONS/CONDITIONS

1. Trees shall be planted on all streets and shall be a minimum of two and one-half inches (2½") in caliper. Said trees shall have a minimum of twenty-four (24) sq. ft. of planting area and shall be spaced an average of forty-five feet (45') apart and a maximum of fifty-five feet (55'). Smaller, ornamental trees may be spaced an average of twenty-five feet (25') apart. Trees shall be permitted within two feet (2') of the face of curb at the time of planting. A landscape plan shall be subject to the County's Arborist's and the District Commissioner's review and approval.

2. Street lighting will consist of light fixtures which shall be utilized on all roadways within the proposed development. Street lighting will be chosen by TLM & Greystar and shall be located on a landscape plan subject to the County's professional staff's review and approval and ultimate review and approval by the District Commissioner. Lamps shall be either metal halide, high pressure sodium, LED or other approved high-efficiency type

lamps. TLM and Greystar shall determine the type of posts and fixtures subject to be reviewed and approved by the County's professional staff and then by the District Commissioner.

3. All public street widths, including parking lane widths and travel lane widths shall be built according to Cobb County Development Standards, subject to modifications approved by the District Commissioner and/or Cobb County's professional staff.

4. The PVC district requires a minimum of 550 square feet per dwelling unit which is reserved for purposes of open space, parks, or other recreational or public uses for a total of 187,000 square feet based upon the total number of 340 Multi-family units.[1]

   The open space for the Residential component shall, in accordance with PVC requirements, shall be landscaped in accordance with an approved landscape plan as mentioned above and one which will be reviewed and approved by the District Commissioner.

   The Cobb County Zoning Ordinance does not contemplate nor mandate common open space relative to the Retail/Commercial component of the Mixed-use Development.

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

   a. Increase the density.

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

   c. Relocate a structure closer to a perimeter property line in a manner which would exceed the structure's applicable building setback(s).

[1] The Cobb County Zoning Ordinance does not contemplate nor mandate, an open space relative to the Retail Commercial component of the Mixed-use Development.

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

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

TLM and Greystar are fully integrated companies which develop and build high-quality Retail/Commercial and Residential projects across the United States. They are also specifically experienced in the various components of this Mixed-Use Development as represented by the project-specific imagery.

Please do not hesitate to contact me if you need for me to provide you with any additional information or documentation prior to the formulation of your Final Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

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

GLS, Jr./jac
Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
Members, Cobb County Planning Commission (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, Sr. Planner (via email w/attachments)

Petition No. Z-60
Meeting Date 10-19-21
Continued

VIA HAND DELIVERY & EMAIL

cc: Mr. Terry Martin, Planner III (via email w/attachments)
Mr. Donald Wells, Planner II (via email w/attachments)
Ms. Margie Vazquez, Planner II (via email w/attachments)
Ms. Pamela Mabry, County Clerk (via email w/attachments)
Ms. Robin Stone, Deputy County Clerk (via email w/attachments)
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Capt. Josh Davis, Fire Marshal's Department (via email w/attachments)
Mr. Carl Carver, P.E. (via email w/attachments)
Ms. Amy Diaz, P.E. (via email w/attachments)
Ms. Abby Rettig, DOT (via email w/attachments)
Mr. Scott Brooks, Assistant V. P. Real Estate, WellStar (via email w/attachments)
Mr. Tim Davidson, Plan Review Engineer (via email w/attachments)
Mr. Rob Sucher, Director of Development, Greystar (via email w/attachments)
Mr. Craig Gearhart, Senior Development Associate, Greystar (via email w/attachments)
Ms. Isabel Neiva de Figueiredo, Senior Analyst, Development, Greystar (via email w/attachments)
Mr. Ronald J. Oehl, President & CEO, TLM Realty (via email w/attachments)
Mr. Andrew Green, Vice President, TLM Realty (via email w/attachments)

Petition No. Z-60
Meeting Date 10-19-21
Continued

SHEET NUMBER SP-8

SHEET TITLE
ZONING SITE PLAN

DATE 09/16/2021

DRAWN: TLF CHECKED: TLF

NO	BY	DATE	DESCRIPTION

NO	BY	DATE	DESCRIPTION

THE VILLAGE AT BROOKWOOD

3753 AUSTELL RD SW, AUSTELL, GEORGIA

PARCEL #19085500050, #19085500060, and #19085500070, ZONED C3

LAND LOT 894, 922, & 923, 19th DISTRICT, 2nd SECTION

A PROJECT OF:

TLM realty

TLM REALTY
295 MADISON AVE, 37th FL
NEW YORK, NEW YORK 10017

HGA
HAINES GIPSON & ASSOCIATES
Civil • Structural • Bridge

Petition No. Z-60
Meeting Date 10-19-21
Continued

TLM realty GREYSTAR

THE VILLAGE AT BROOKWOOD

COBB COUNTY, GA

DYNAMIK DESIGN

GRY2021-01

© COPYRIGHT 2021 DYNAMIK DESIGN

Petition No. Z-60
Meeting Date 10-19-21
Continued

TLM realty GREYSTAR

THE VILLAGE AT BROOKWOOD

COBB COUNTY, GA

GRY2021-01

DYNAMIK DESIGN

© COPYRIGHT 2021 DYNAMIK DESIGN

taylor | english
decisions

Taylor English Decisions LLC 1600 Parkwood Circle, Suite 200, Atlanta, Georgia 30339
Main: 770.434.6868 | Fax: 770.434.7376 | **tedecisions.com**

October 12, 2021

Min. Bk. 93 Petition No. Z-65
Doc. Type letter
Meeting Date 10-19-2021

VIA EMAIL ONLY

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

Re: Application for Rezoning of Habitat for Humanity of Northwest Metro Atlanta, Inc. ("Applicant"), Hillcrest Drive at Ridgefield Road in Land Lots 494 and 495 of the 18th District, Cobb County, Georgia. (Z-65).

Dear John:

After receiving input and feedback from interested neighbors, the Cobb County Professional Staff and the Cobb County Planning Commission, we are hereby submitting a revised letter of agreeable stipulations/conditions to ensure quality which will become conditions and a part of the grant of the requested rezoning and run with the land. This letter will serve as the initial stipulation letter and, upon grant of the rezoning we agree to the following:

1. The attached site plan as submitted shows 12 for sale, one- and two-story single-family homes. The revisions (from what was originally submitted with the application) are as follows:

- Ridgefield Drive (northern portion) has been relocated to align with Brumley Cove Drive (per recommendation of Cobb DOT).
- Ridgefield Drive (southern portion) is now being proposed by applicant as a cul-de-sac that terminates within the proposed subdivision. The existing right of way (that is currently unimproved and unused) is requested for abandonment in accordance with normal county procedures.

2. The architectural style of the proposed homes shall be substantially similar to the attached elevations and all will include one-car garages, subject to the District Commissioner approving final elevations. The minimum heated floor area shall be 1,444 square feet.

3. In addition to one-car garages, each lot will provide for at least 4 parking spaces per lot to supplement required guest parking provisions, as noted on revised site plan.

4. Applicant to provide 11 stand-alone guest parking spaces, as shown on revised site plan.

5. All units within the proposed community shall be "for sale" units.

Petition No. Z-65
Meeting Date 10-19-2021
Continued

6. Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which shall contain covenants, rules, and regulations applicable to the proposed residential community, to ensure long term maintenance and quality of homes within the community, as well as amenities provided to the residents and community, including the implementation of the "Community Curb Appeal" program administered by Habitat's new Family Services Team. Draft sample, covenant document attached for review. Applicant also agrees to establish assurances that eligible purchasers and occupants remain in homes for at least 7 years with protections for voluntary and involuntary sales, condemnation or other loss of title.

7. Applicant to establish partnerships with local organizations for development of and long-term maintenance of amenities for the community. The amenities planned for this proposed project include a Community Garden and Dog Park.

8. The entrance signage for the proposed community shall be ground based, monument-style signage, in accordance with Cobb County Sign Ordinance provisions.

9. There shall be internal sidewalks within the proposed residential community, as required by Cobb County Sidewalk Ordinance provisions. However, sidewalks shall not be required in any areas in which the sidewalk conflicts with any guest parking requirements.

10. Proposed Ridgefield Drive and cul-de-sac concept to be twenty-four (24) feet in width, from back-of-curb to back-of-curb, in accordance with Cobb County requirements[1].

11. All utilities servicing the residences within the proposed community shall be located underground.

12. All construction and employee vehicles and equipment will be parked, and otherwise located, on the property during development of infrastructure and construction of residences and shall not be parked on or along Hillcrest Road or Ridgefield Drive. There will be no stacking of vehicles along any roadway waiting for entry onto the property.

13. Any landscaping referenced herein such as entrance/signage features, shall be approved by the Cobb County Arborist as part of the plan review process.

14. All setbacks, landscape and buffer areas may be penetrated for purposes of access,

1 In an effort to protect the existing property owners (with mature vegetation providing privacy) whose access is along the western side of Ridgefield Drive; applicant is requesting a waiver of installing curb and gutter on this side of Ridgefield Drive only.

utilities, and stormwater management; including, but not limited to, drainage and detention facilities and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by Cobb County or any utility provider.

15. All stormwater infrastructure located outside of the public right-of-way shall be constructed in accordance with the Water Quality requirements of the CWA-NPDES-NPS Permit and Cobb County Water Quality Ordinance.

16. Development and construction hours for the proposed project shall be limited to the following:

a. 7:00 a.m. to 8:00 p.m. – Monday – Friday, April 1st through September 30th.

b. 7:00 a.m. to 7:00 p.m. – Monday – Friday, October 1st through March 31st.

c. 9:00 a.m. to 6:00 p.m. – Saturday; and

d. No work on Sunday unless approved by the District Commissioner.

e. To the extent blasting is required on the Site (none is expected), any blasting will be performed only on Monday-Friday between the hours of 9:00 a.m. and 3:00 p.m. and a 24-hour notice must be given in writing to any occupied residence within 1000 feet of the Site.

17. Applicant to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

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

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

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

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

Petition No. Z-65
Meeting Date 10-19-2021
Continued

d. Change access location to a different roadway.

e. Increase the density of the Residential Community.

f. Violate the Cobb County Zoning Ordinance applicable to the property.

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the Applications being heard and considered by the Board of Commissioners.

Sincerely,

TAYLOR ENGLISH DECISIONS, LLC

Rob Hosack
rhosack@tedecisions.com

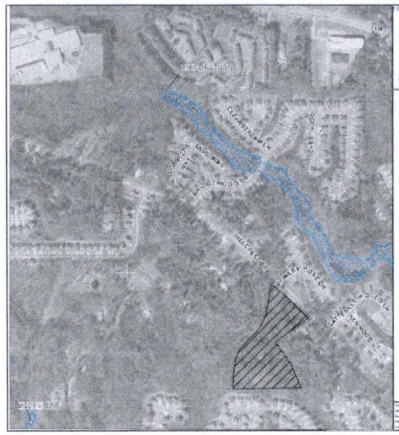
cc: Jessica Gill, CEO- Habitat for Humanity of Northwest Metro Atlanta, Inc.
Daryl Cook, CEO-Watts & Browning Engineers.

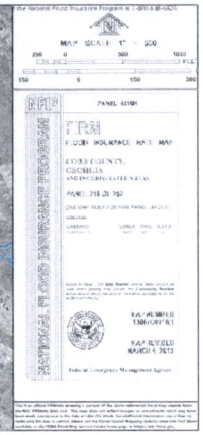
ZONING EXHIBIT

FOR

HILLCREST DRIVE TRACT

LAND LOTS 494 & 495 ~ 18TH DISTRICT ~ 2ND SECTION
COBB COUNTY, GEORGIA

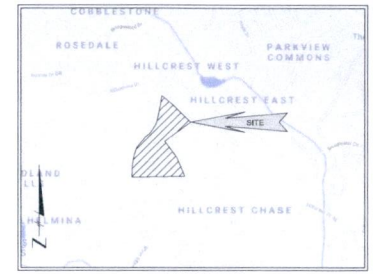




FEMA FLOOD MAP
N.T.S.

WATTS & BROWNING ENGINEERS, INC. HAS EXAMINED THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) FLOOD INSURANCE RATE MAP (FIRM) AND BY GRAPHICALLY PLOTTING THE LOCATION OF THE SUBJECT PROPERTY ONTO MACON-8488 COUNTY FIRM MAP NUMBERS 13021C0233G & 235G DATED JUNE 7, 2017 THE REFERENCED PROPERTY IS LOCATED IN THE ZONES LISTED BELOW:

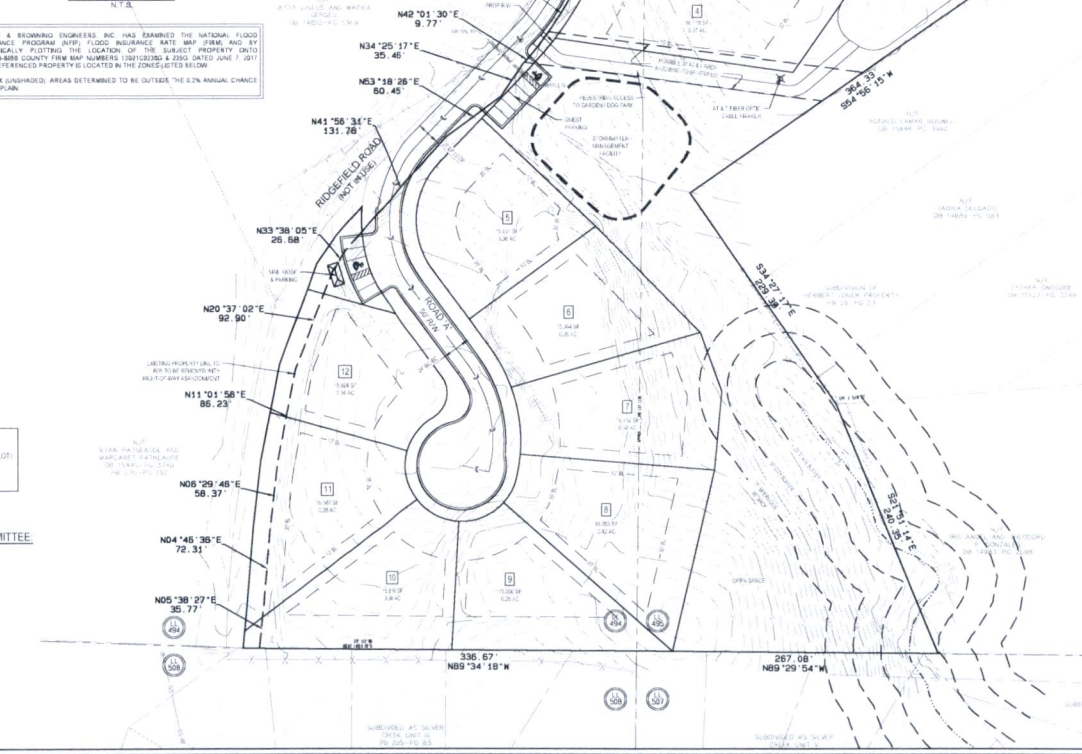
ZONE X (UNSHADED): AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.



LOCATION MAP
N.T.S.

NOTE:
RIDGEFIELD DRIVE TO BE UPGRADED TO 20' WIDE FROM EDGE OF PAVEMENT, RURAL TYPE ROAD. THE EXISTING 30' RIGHT-OF-WAY TO BE EXPANDED VIA ADDITIONAL RIGHT-OF-WAY ALONG EASTERN SIDE OF THE ROAD, 25' FROM CENTERLINE TO PROPOSED DEDICATED RIGHT-OF-WAY. NO CURB & GUTTER TO BE REQUIRED EXCEPT AT INTERSECTION WITH HILLCREST DRIVE. STREET 'A' TO BE CONSTRUCTED AS A TYPICAL STREET, 24' BACK OF CURB TO BACK OF CURB WITH A 50' RIGHT-OF-WAY, AS SHOWN.

Petition No. Z-65
Meeting Date 10-19-2021
Continued



PARKING

PARKING SPACES:	48 (4 SPACES PER LOT)
GUEST PARKING SPACES:	11
TOTAL PARKING SPACES:	59

DEVELOPMENT DATA

TOTAL SITE AREA:	7.5 AC
EXISTING ZONING:	R-20
PROPOSED ZONING:	R-15
MIN. LOT AREA:	15,000 SF
MIN. LOT WIDTH:	75'
	50' AT COS
SETBACKS:	
FRONT:	35'
SIDE:	15'
SIDE (MAJOR):	25'
REAR:	30'
TOTAL LOTS:	12
DENSITY:	1.60 LOTS/ACRE
MAX BUILDING HEIGHT:	35'

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

OWNER/DEVELOPER/PRIMARY PERMITTEE:

HABITAT FOR HUMANITY
1625 SPRING ROAD SE
SMYRNA, GA 30080
PHONE: 770-432-7954

24 HOUR CONTACT:

ROB HOSACK
PHONE: 678-336-7146

ENGINEER:

WATTS & BROWNING ENGINEERS, INC.
1349 OLD 41 HWY NW, SUITE #225
MARIETTA, GA 30060
PHONE: (678) 324-6192
FAX: (770) 694-6870
CONTACT: DARYL COOK

GEORGIA PROFESSIONAL ENGINEER No. 31908 REGISTERED DARYL R. COOK 09/23/2021

GSWCC LEVEL II CERTIFICATION NO. 31908
EXPIRES: 01/22/2022

REVISIONS NO.	DATE	BY	DESCRIPTION
1.	09/30/21	JJT	REVISE RIGHT-OF-WAY
2.	09/29/21	JJT	REVISE RIGHT-OF-WAY & LOTS.

W&B
WATTS & BROWNING ENGINEERS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1349 OLD 41 HWY NW, SUITE #225
MARIETTA, GEORGIA 30060
PHONE (678) 324-6192
FAX (770) 694-6870
www.wbengr.com
LSF000429 - PEF000714

SCALE	1" = 50'
DESIGNED BY	DRC
DRAWN BY	JJT/APB
CHECKED BY	DRC
INITIAL ISSUE DATE	07/01/2021
JOB NUMBER	210216

SHEET NUMBER
1 of 1

Petition No. Z-65
Meeting Date 10-19-2021
Continued

After recording return to:
Danny G. Schulman
Cutler & Schulman, P.C.
1600 South Cobb Drive, Suite 100
Marietta, Ga. 30060
File No.

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

STATE OF GEORGIA
COUNTY OF COBB

THIS DECLARATION of Covenants, Conditions and Restrictions, is made by HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC., a Georgia nonprofit corporation (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner of certain subdivided real property located in Land Lot ??? of the ??? Land District, and Land Lot ????of the ???? Land District, 2nd Section, Cobb County, Georgia, which real property is more particularly described on Exhibit "A" attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, Declarant intends to develop or has developed the Property and desires to protect the integrity and the value of the Property by placing certain restrictive covenants on the Property;

NOW, THEREFORE, Declarant hereby declares that all Property which is described on Exhibit "A" referenced above shall be held, sold and conveyed subject to the following covenants, conditions, easements and restrictions, which are for the purpose of protecting the integrity, desirability and the value of the Property, and which covenants, conditions, easements and restrictions shall run with the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors or assigns, and shall inure to the benefit of each owner thereof.

Petition No. Z-65
Meeting Date 10-19-2021
Continued

1. **DURATION AND AMENDMENT.** The provisions of these covenants shall run with and bind the land, shall be the personal obligation of the homeowner and shall be and remain in full force and effect perpetually to the extent permitted by law. Provided, however, so long as Georgia law limits to twenty (20) years the period during which covenants restricting lands to certain uses may run, any provisions of these Covenants affected thereby shall run with and be binding upon the land for a period of twenty (20) years from the date these Covenants are filed for record in the office of the Clerk, of Superior Court of Cobb County, Georgia, after which time such provisions shall be automatically extended, if permitted by law, for successive periods of ten (10) years thereafter. Every purchaser or grantee of any interest in any portion of the Property, by acceptance of a deed or other conveyance thereof, agrees that the provisions of these Covenants are binding and may be extended and renewed as provided in this section.

If any of the covenants, conditions, easements, restrictions or other provisions of these Covenants shall be unlawful, void or voidable for violation of the Rule Against Perpetuities, then such provisions shall continue only until twenty-one (21) years after the death of the survivor of the now living descendants of Her Majesty Queen Elizabeth II, the Queen of England.

2. **USE OF LAND AND TYPE.** The Property shall be used for single-family residential purposes only and for no other purpose whatsoever. The individual lots which comprise the property shall not be subdivided or rented/leased. The Property may not be used for nor shall any structure be constructed on the Property to be used as a school, church, day care or for any other business purpose.

3. **NUISANCES.** No noxious or offensive activity shall be carried on upon or about the Property, nor shall anything be done which may be or become an annoyance or nuisance in the neighborhood.

4. **TEMPORARY STRUCTURES.** No structure of a temporary character, including, but not limited to, trailer, basement, tent, shack, garage, barn or other out-building shall be used on the Property at any time as a residence or business either temporarily or permanently.

5. **SIGNS.** With the exception of political signs of a temporary nature, or signs advertising the property "FOR SALE", no sign of any kind shall be displayed on the Property without the prior express written consent of Declarant.

6. **DOMESTIC ANIMALS OR PETS.** No animals of any kind whatsoever, excepting a reasonable number of dogs, cats or other household pets, shall be kept on the premises. No other animals including, but not limited to, livestock or poultry of any kind whatsoever may be kept on the premises. No animals of any kind may be kept, bred or maintained on the Property for any commercial purpose.

7. **GARBAGE AND REFUSE DISPOSAL.** Trash, garbage or other waste material shall only be kept on the Property in sanitary containers and shall be disposed of in a property manner on a regular basis. No such materials may be stored on the property for an

unreasonable period of time.

8. **MAINTENANCE**. The Property shall be properly maintained and the exterior of any building thereon in a first-class condition including, but not limited to, regular painting and maintenance of all exterior surfaces and repair of any broken windows. All lawns, trees, shrubs and grounds shall be kept planted, watered, trimmed, cut and mowed regularly so as to be in a neat and pleasant condition at all times.

9. **AUTOMOTIVE VEHICLES**. No automotive vehicle that is inoperative shall remain parked in the street, in the driveway or on the Property for more than seventy-two (72) hours. Any violating vehicle may be removed by Declarant, Declarant's designee, or at Dclarant's successor and/or assigns designee's direction, the cost thereof solely at Owner's expense.

10. **PRIVACY FENCE REQUIREMENTS**. In the event that a privacy fence is erected on the Property, the following standards and specifications shall be required:

[1] Fences shall be of treated wood material, 1 inch x 6 feet, dog eared design.
[2] Fences shall not exceed six (6) feet in height.
[3] Finished side of fences shall be exterior to the Property.
[4] Fences shall remain natural or stained natural, and shall not be painted.
[5] Fences shall not extend beyond nor be closer to the street than the front elevation foundation of the house,
[6] Fences shall remain in good repair at all times.
[7] Fence design and material used for homes that are constructed or rehabilitated in existing neighborhoods shall conform to fence design and materials requirements of such neighborhood.

11. **STORAGE SHED REQUIREMENTS**. In the event that a storage shed of any kind is placed on the Property, the following standards and specifications shall be required:

[1] Storage shed shall not be attached to the house structure.
[2] Sheds may not exceed 10 feet x 10 feet in dimension and shall not exceed 10 feet in height at the highest point of the roof peak. The roof pitch shall match the pitch of the house roof.
[3] Wooden sheds shall be permitted and roofed in the same color scheme as the house.
[4] Pre-painted metal sheds shall be the same color scheme as the house or white.
[5] Sheds shall be kept in good repair at all times and will be held to the same standards of good repair as the house.
[6] Exterior area surrounding the shed shall not become storage areas. Items shall not be stored, stacked, placed nor located for any temporary or permanent period of time exterior of the shed location.
[7] Storage sheds shall conform to local building and zoning permitting rules.

12. **HOMEOWNERS ASSOCIATION.** ??????????? ("HOA") shall be formed as a non-profit organization for the sole purpose of performing certain functions for the common use and general welfare of the homeowners of the new community of the Subdivision Development. Membership in the HOA shall be mandatory. Every homeowner (owner of a lot in the subdivision) shall automatically become a member of the HOA upon acceptance of a conveyance of title to a lot in the subdivision and such membership shall terminate only when one ceases to be a homeowner by conveyance of title to such lot to a new homeowner. Homeowner shall be defined as the record owner, whether one or more persons, having/holding title to any lot and house as recorded in deed records of the office of the Clerk, Superior Court of Cobb County, Georgia. Each lot owner (irrespective of the number of persons who may hold title to the lot) shall entitled to one (1) vote in HOA matters. Member shall be defined as any Member of the HOA.

13. **HOMEOWNERS ASSOCIATION FEES/ASSESSMENTS.** Each homeowner, by acceptance of conveyance of title to a lot/house in the subdivision, acknowledges and agrees to pay to the HOA the annual HOA Fee/Assessment for each lot/house owned by him or her. Any such HOA Fee/Assessment shall be determined solely by the HOA and the payment terms and conditions shall be established and determined at the sole discretion of the HOA. Such HOA Fees/Assessments shall be used exclusively for the purpose of providing for the common good and enjoyment of the homeowners of the ????????Subdivision. From time to time, the HOA may solicit sponsorships or financial contributions from community partners to supplement the maintenance or capital improvements of common property of the subdivision.

14. **COMMON PROPERTY.** Any property that is included in the ??????? Subdivision, as shown on plat of subdivision filed in the office of the Clerk, Superior Court of Cobb County, which is not designated as a numbered lot, shall be deemed to be Common Property of the subdivision. Title to all Common Property of the subdivision shall be held in the name of???????? Association.

15. **EASEMENTS RESERVED.** Easements are reserved to the Declarant, its successors and/or assigns, for installation and maintenance of all utilities, drainage facilities, storm sewers and sanitary sewers as designated herein, or as may be shown on any plat of record of the subdivision property. Upon turnover of the HOA to the homeowners by Declarant herein, these easements shall be deeded to the Common Areas of the HOA.

16. **SUBORDINATION OF ASSESSMENTS AND LIEN FOR ASSESSMENTS TO MORTGAGES.** The lien for HOA dues and assessments provided for herein shall be subordinate to the lien of any first mortgage. The sale or transfer of any lot pursuant to a first mortgage foreclosure shall extinguish the lien, as against the property itself, but not the personal obligation of the defaulting owner, of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such lot from liability for any assessments thereafter becoming due or from the lien thereof.

17. **VIOLATION OF COVENANTS.** In the event of a violation(s) of these Covenants, Declarant, or its successors or assigns in interest, shall be required to give written notice of such violation to the owner of the Property, whereupon such owner shall have two (2)

weeks from the receipt of such notice to cure such violation(s). Violation of these Covenants shall be deemed to be an event of default under any Deed to Secure Debt or Security Deed executed in favor of Declarant, or its successors or assigns, whereupon Declarant, or its successors or assigns may exercise any rights or remedies which may be granted to Declarant, or its successors or assigns, for an event of default under such instrument including acceleration of the indebtedness to maturity.

18. **LIEN RIGHTS/ENFORCEMENT.** Each and every homeowner shall be responsible for paying all dues and assessments as determined by the HOA and any such homeowner failing to pay for such dues and assessments and/or violation of the terms, conditions and restrictions of these covenants, shall be subject to proceedings at law or in equity against any person or persons in violation of these Covenants to restrain such violation(s) and to recover damages and all costs of such proceeding. The HOA shall have the right to file liens against such non-paying homeowners for any and all amounts due to the HOA, which liens shall include interest due at the rate of One percent (1%) per month until paid, together with all costs incurred, including actual attorney's fees in filing, enforcing and collecting such amounts due from non-paying homeowners.

19. **NO WAIVER.** The failure of Declarant, or its successors and/or assigns to insist on strict compliance with any of the terms and conditions of these Covenants and any provisions which are contained herein shall not be construed as a waiver or relinquishment of the rights to enforcement of these Covenants. The acceptance or performance of anything required to be performed with knowledge of the breach of the Covenants, or any condition or provision of the Covenants, shall not be deemed a waiver of such breach, and no waiver by Declarant, or its successors and/or assigns of any term, condition or provision of these Covenants shall be deemed to have been made unless expressed in writing and signed by the Declarant, or its successors and/or assigns.

20. **SEVERABILITY.** Invalidation of any one or more of the provisions of these Covenants by judgment or court order shall not affect any other provisions which are contained herein, which provisions shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has hereunto set its hand and seal this ___ day of (insert month), 2021.

[SEE NEXT PAGE FOR SIGNATURES]

Petition No. Z-65
Meeting Date 10-19-2021
Continued

DECLARANT:
HABITAT FOR HUMANITY OF NORTHWEST METRO ATLANTA, INC.

_____(ls)
By: Jessica Gill
Title: President & CEO

Signed sealed and delivered
in the presence of

[corp. seal]

_____
Witness

_____
Notary Public

My Commission Expires:

NOTARY SEAL

Petition No. Z-65
Meeting Date 10-19-2021
Continued

EXHIBIT "A"

Legal Description

All that tract or parcel of land lying and being in (insert legal description)

Petition No. Z-165
Meeting Date 10-19-2021
Continued

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Habitat for Humanity® NW Metro Atlanta

ELEVATION STUDY

CALDWELL · CLINE
ARCHITECTS · DESIGNERS
222 CRESCENT CIRCLE MARIETTA GA 30064
PHONE 770 424-3882 678-668-8930 FAX

10-11-2021

Petition No. Z-105
Meeting Date 10-19-2021
Continued

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Habitat for Humanity® NW Metro Atlanta

ELEVATION STUDY

CALDWELL · CLINE
ARCHITECTS · DESIGNERS
222 CRESCENT CIRCLE MARIETTA GA 30064
PHONE 770-424-3882 678-668-8930 FAX

10-11-2021

Petition No. Z-65
Meeting Date 10-19-2021
Continued

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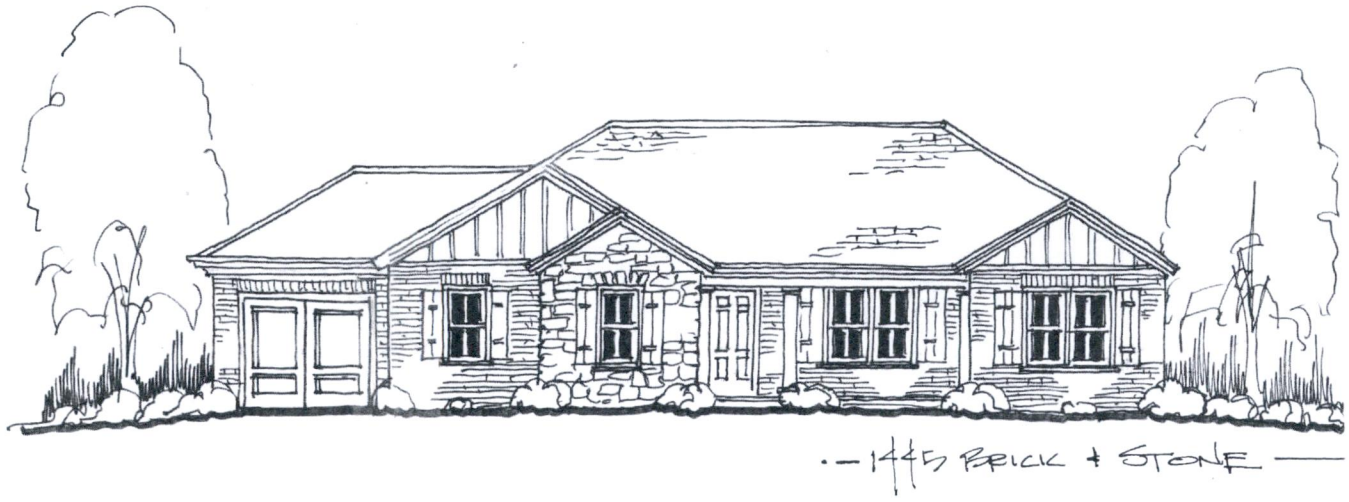
Habitat for Humanity® NW Metro Atlanta

ELEVATION STUDY

CALDWELL · CLINE
ARCHITECTS · DESIGNERS
222 CRESCENT CIRCLE MARIETTA GA 30064
PHONE 770-424-3882 678-668-8930 FAX

10-11-2021



Petition No. Z-65
Meeting Date 10-12-2021
Continued

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10/11/21

8-21-18

1445 BRICK/STONE/SHAKE

Petition No. Z-165
Meeting Date 10-19-2021
Continued

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10/11/21

8-21-18

1457 BRICK & STONE

Petition No. Z-65
Meeting Date 10-19-2021
Continued

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222 CRESCENT CIRCLE MARIETTA GA 30064
PHONE 770-424-3882 678-868-8930 FAX

10/11/21

8-21-18

1459 BRICK & STONE

Petition No. Z-65
Meeting Date 10-19-2021
Continued

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PHONE 770-424-3882 678-668-8930 FAX

10/11/21

8-21-18

Petition No. Z-65
Meeting Date 10-19-2021
Continued

1459 BRICK & STONE

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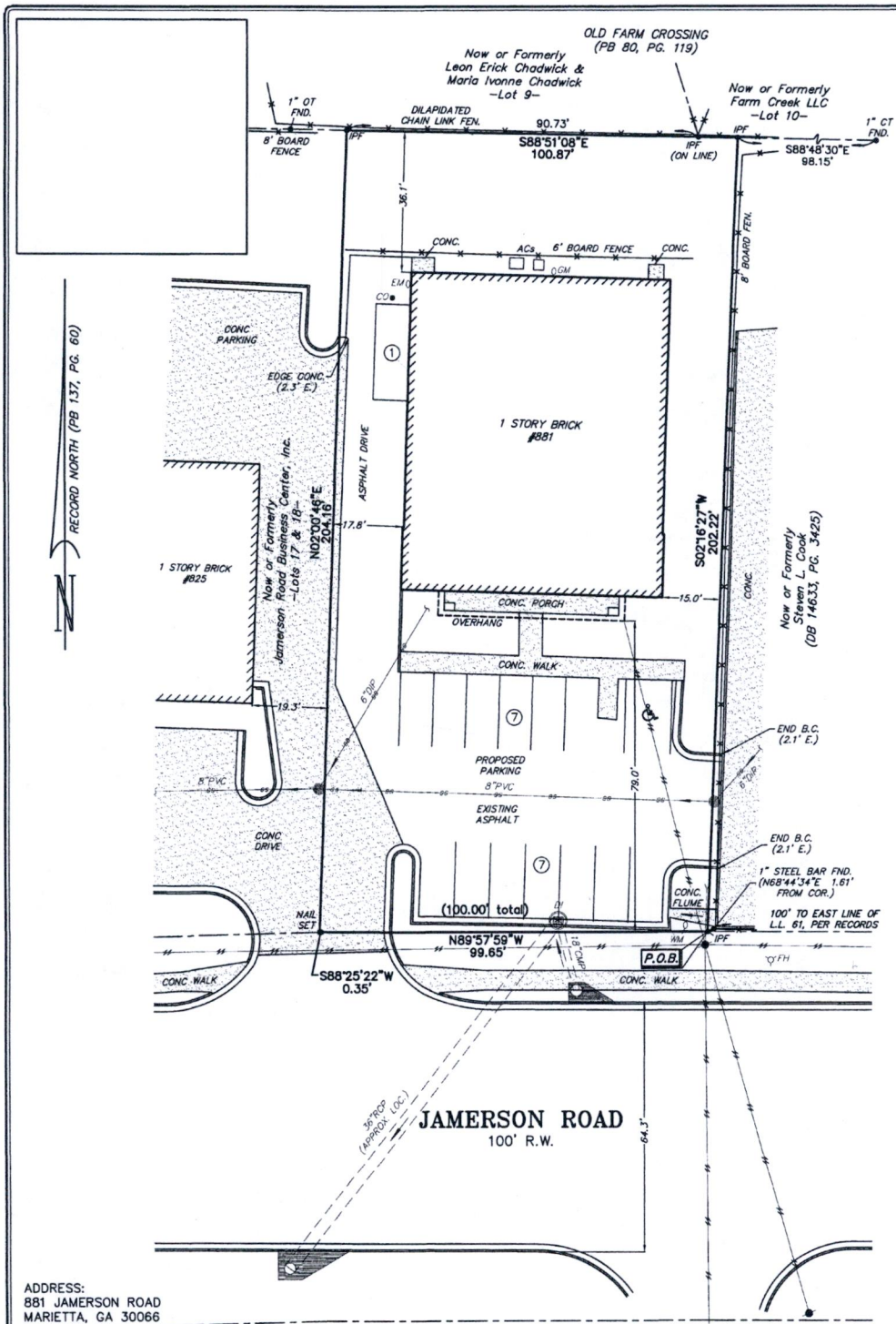
222 CRESCENT CIRCLE MARIETTA GA 30064
PHONE 770-424-3882 678-668-8930 FAX

10/11/21

8-21-18



ADDRESS:
881 JAMERSON ROAD
MARIETTA, GA 30066

GENERAL NOTES~

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 5.8 SECONDS PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 27,355. IT HAS BEEN ADJUSTED USING THE COMPASS RULE.

EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TRIMBLE S5.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 145,624.

ALL I.P.'s ARE ½" REBARS, UNLESS OTHERWISE INDICATED.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE GRID BASELINE.

ACCORDING TO THE CURRENT "F.I.A. OFFICIAL FLOOD HAZARD MAP", COMMUNITY PANEL NO. 13067C 0034 G, DATED DECEMBER 16, 2008, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

ALL MATTERS OF TITLE ARE EXCEPTED.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES NOT SHOWN.

REFERENCES:
1) PB 117, PG. 97
2) PB 137, PG. 60

THE SURVEY AND PLAT SHOWN HEREON IS NOT INTENDED FOR USE OR RELIANCE BY ANY PARTIES OR ENTITIES NOT SPECIFICALLY LISTED IN THE TITLE. UNAUTHORIZED THIRD PARTIES SHALL INDEMNIFY AND HOLD BARTON SURVEYING, INC. HARMLESS AGAINST ANY AND ALL LIABILITY FOR ANY LOSS ARISING OUT OF, OR RELATED TO, RELIANCE BY ANY THIRD PARTY ON ANY WORK PERFORMED THEREUNDER, OR THE CONTENTS OF THE SURVEY.

AREA = 20,398 SQ. FT.
0.468 ACRE

7-30-21: REVISED TO SHOW PROPOSED PARKING

Min. Bk. 93 Petition No. Z-66
Doc. Type Site Plan

Meeting Date 10-19-21

RECEIVED
AUG 3 - 2021
COBB COUNTY COMM. DEV. AGENCY
ZONING DIVISION

GEORGIA REGISTERED No. 3147 LAND SURVEYOR NATHAN H. JOHNSTON

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

7-30-2021
NATHAN H. JOHNSTON, GA. RLS No. 3147

LEGEND

●	IPF	1/2" REBAR FND.
●	IPS	1/2" REBAR SET
	R.W.	RIGHT OF WAY
	SSE	SANITARY SEWER EASEMENT
	DE	DRAINAGE EASEMENT
	L.L.L.	LAND LOT LINE
	C.L.	CENTERLINE
●	CT	CRIMP TOP PIPE
●	OT	OPEN TOP PIPE
	CMP	CORRUGATED METAL PIPE
	RCP	REINFORCED CONCRETE PIPE
▥	DI	DROP INLET
□	JB	JUNCTION BOX
●	MH	MANHOLE
◓	CB	CATCH BASIN
⊕	BM	BENCHMARK
●	PP	POWER POLE
⚲	FH	FIRE HYDRANT
⊠	CMF	CONCRETE MONUMENT FND.
	B.C.	BACK OF CURB
	E.P.	EDGE OF PAVEMENT
-x-x-x-	FEN	FENCE
-//-	O.H.	OVERHEAD ELEC. SERVICE LINE
	B.L.	BUILDING LINE
-P-	U.G.	UNDERGROUND POWER LINE
□	TX	TRANSFORMER

SURVEY FOR

PRAISE HARVEST COMMUNITY CHURCH USA, INC.

(BEING ALL OF LOT 16 AS PER PLAT FOR REECE, REECE & WORTHEY)

LOCATED IN LAND LOT 61
16th DISTRICT, 2nd SECTION
COBB COUNTY, GEORGIA
JULY 19, 2021 1"=20'

20 10 0 20 40 60
SCALE IN FEET

JOB # 21-089	DRAWN BY: NJ
FIELD CREW: CW/PW/JO	
FIELD DATE: 7-19-21	PLAT PREPARED: 7-19-21

BARTON SURVEYING INC.
3005 HOLLY SPRINGS PARKWAY, SUITE 101
CANTON, GEORGIA 30115
(770) 345-2810
(LICENSE No. LSF 000151)

Min. Bk. 93 Petition No. Z-66
Doc. Type Shared parking agreements
Meeting Date 10-19-21

July 30th, 2021

Dear Sir/Madam,

Please see attached parking space agreements from neighbors, granting the use of 14 extra parking lots on Sundays when Praise Harvest Community Church needs extra parking.

Thank you.

Emmanuel Bossman Asnate.

RECEIVED
AUG 3 - 2021
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Petition No. Z-66
Meeting Date 10-19-21
Continued

PRARKING SPACE AGREEMENT

This PRARKING SPACE AGREEMENT is made this 29 day of July 2021 by and Between Praise Harvest Community Church **881 Jamerson Road, Marietta GA. 30066** and Orion Racing _____ **- 825 Jamerson Road, Suite** 523 **, Marietta, GA, 30066**

Explanatory Statement

Praise Harvest Community Church USA INC is granted the use of approximately 4 parking spaces on the premises of Orion Racing parking lot on Sundays.

WITNESS the hands and seals of the parties, the day and year first above written.

RECEIVED
AUG 3 - 2021
COBB CO COMM DEV & ZONING DIVISION

Kirk Allen

By:

By: Rev. E. Bossman Asante

Petition No. Z-66
Meeting Date 10-19-21
Continued

PRARKING SPACE AGREEMENT

This PRARKING SPACE AGREEMENT is made this **29th** day of **July 2021**, by and between **PRAISE HARVEST COMMUNITY CHURCH – 881 Jamerson Road, Marietta GA. 30066** and **A CACAO AFFAIR - 825 Jamerson Road, Suite 527, Marietta, GA, 30066**

Explanatory Statement

Praise Harvest Community Church USA INC is granted the use of approximately 4 parking spaces on the premises of **A CACAO AFFAIR** parking lot on Sundays. UNTIL FURTHER NOTICE. K.J FRA.

WITNESS the hands and seals of the parties, the day and year first above written.

By: Rev. Emmanuel Bossman Asante (Pastor)
Praise Harvest Community Church USA INC

RECEIVED
AUG 3 – 2021
COBB CO. COMM. DEV. AGENCY

By: Karl Vivier (Owner)
A Cacao Affair

Petition No. Z-66
Meeting Date 10-19-21
Continued

PARKING SPACE AGREEMENT

This PARKING SPACE AGREEMENT is made this 2 day of August 2021
Between ("~~Owner~~") Praise Harvest Community Church **881 Jamerson Road, Marietta GA. 30066**
and Daniel Harris ("Neighbor") located **825 Jamerson Road, Marietta, GA, 30066**

Explanatory Statement:
Praise Harvest Community Church USA Inc is granted the use of two parking spaces on the premises of 825 Jamerson Road Marietta, GA 30066 for use on Sundays. This agreement shall be renewable annually and may be terminated at any time with 30 days written notice. In the event of a conflicting usage, the owner/tenant at 825 Jamerson Road Suite 524 shall have precedent.

WITNESS the hands and seals of the parties, the day and year first above written.

RECEIVED
AUG 3 - 2021
COBB CO. COMM. DEV. AGENCY

By: Owner/Tenant at 825 Jamerson Road

By: Owner at 881 Jamerson Road

Petition No. Z-66
Meeting Date 10-19-21
Continued

PRARKING SPACE AGREEMENT

This PRARKING SPACE AGREEMENT is made this **29th** day of **July 2021**, by and between **PRAISE HARVEST COMMUNITY CHURCH – 881 Jamerson Road, Marietta GA. 30066** and **THE SPIRIT OF DESIGN IN HANDMADE ART - 825 Jamerson Road, Marietta, GA, 30066**

Explanatory Statement

Praise Harvest Community Church USA INC is granted the use of approximately 4 parking spaces on the premises of **THE SPIRIT OF DESIGN IN HANDMADE ART** parking lot on Sundays.

WITNESS the hands and seals of the parties, the day and year first above written.

RECEIVED
AUG 3 - 2021
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

By Rev. Emmanuel Bossman Asante(Pastor)
Praise Harvest Community Church USA INC

By: Spirit Lala (Owner)
The Spirit Of Design In Handmade Art

Petition No. Z-66
Meeting Date 10-19-21
Continued

PRARKING SPACE AGREEMENT

This PRARKING SPACE AGREEMENT is made this 19 day of AUGUST 2021 by and Between PRAISE HARVEST COMMUNITY CHURCH. 881 **Jamerson Road, Marietta GA. 30066** and WOODSTOCK NEW AND USED TIRES 935A **Jamerson Road, Marietta, GA, 30066**

Explanatory Statement

Praise Harvest Community Church USA INC is granted the use of approximately 15 parking spaces on the premises of WOODSTOCK NEW AND USED TIRES parking lot on Sundays.

WITNESS the hands and seals of the parties, the day and year first above written.

SERGIO GALVAN

By:

By: REV. EMMANUEL BOSSMAN ASANTE

RECEIVED
SEP 03 2021
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

LEGEND:

IPS	IRON PIN SET	CMF	⊡		CONCRETE MONUMENT FOUND
IPF	IRON PIN FOUND				OVERHEAD UTILITY LINE(S).
OT	OPEN TOP PIN	SMH	Ⓢ		SEWER MAN HOLE
CT	CRIMP TOP PIN	MHT	Ⓣ		MAN HOLE TELEPHONE
RB	REINFORCING BAR	CB			CATCH BASIN
CL	CENTERLINE	JB	Ⓙ		JUNCTION BOX
R/W	RIGHT-OF-WAY	DI			DROP INLET
LL	LAND LOT	LLL			LAND LOT LINE
L	LINE	HW			HEAD WALL
R	RADIUS	CMP			CORRUGATED METAL PIPE
CONC	CONCRETE	RCP			REINFORCED CONCRETE PIPE
C	CURVE	CD			CROSS DRAIN
PP	POWER POLE	SSE			SANITARY SEWER EASEMENT
SP	SERVICE POLE	FH			FIRE HYDRANT
GV	GAS VALVE	DE			DRAINAGE EASEMENT
GM	GAS METER	WV			WATER VALVE
LP	LAMP POLE	WM			WATER METER
SS	SANITARY SEWER	CO			SANITARY SEWER CLEANOUT
N&C	NAIL & CAP	POB			POINT OF BEGINNING
FC	FENCE CORNER	POC			POINT OF COMMENCEMENT
	FENCE	PI			POINT OF INTERSECTION

GENERAL NOTES:

1. INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
2. RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
3. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
4. PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED ON FACTS AND KNOWLEDGE KNOWN TO THE LAND SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
5. DEED/PLAT DISCLAIMER: THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC MEASURING DEVICES, MORE PRECISE ANGULAR MEASUREMENTS AND THE ADVENT OF SATELLITE SURVEYING TECHNIQUES USING "GPS" AND "GLONASS" SATELLITE CONSTELLATIONS. SURVEYS USING SATELLITE OBSERVATIONS ARE CORRECTED TO THE GEORGIA WEST STATE PLANE COORDINATE SYSTEM AND USE "GEODETIC" OR "GRID" NORTH AS OPPOSED TO "MAGNETIC" NORTH.

Min. Bk. 93 Petition No. Z-67
Doc. Type Site Plan
Meeting Date 10-19-21

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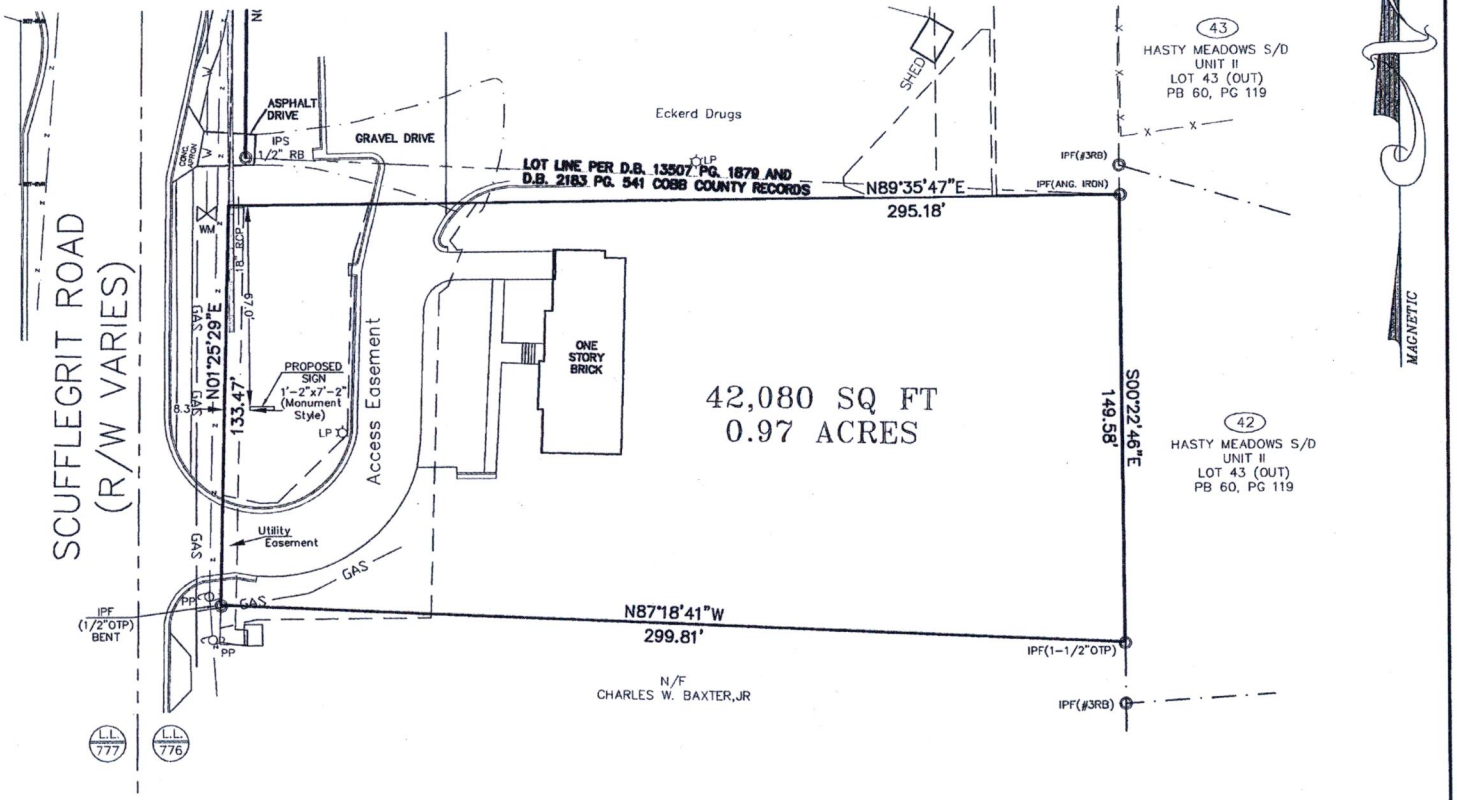
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000+ FEET, AN ANGULAR ERROR OF 03 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.

NO N.G.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY. THESE DOCUMENTS, AS INSTRUMENTS OF SERVICE REMAIN THE PROPERTY OF FRONTLINE SURVEYING & MAPPING, INC. AND NO PART THEREOF MAY BE USED , COPIED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2003 FRONTLINE SURVEYING AND MAPPING, INC.. *** ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED ***

FRONTLINE SURVEYING & MAPPING, INC.
3595 Canton Road
A-9, PMB 272
Marietta, GA 30066
Ph. (678) 355-9905
Fax (678) 355-9805
www.frontlinesurveying.com

SIGN SURVEY FOR
GARY SWANN

DATE 09/24/04
SCALE 1" = 20'

LAND LOT 776 16th DISTRICT 2nd SECTION COBB COUNTY, GEORGIA
LOT 2 & PART OF LOT 3 BLOCK UNIT
SUBDIVISION PHASE
PB ____ PG____
DB 13940 PG 5706

I HAVE THIS DATE EXAMINED THE "FIA OFFICIAL FLOOD HAZARD MAP" AND FOUND THAT BY GRAPHIC PLOTTING ONLY THE REFERENCE PARCEL (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS.
MAP ID 13067C0035 FA EFFECTIVE DATE: 8/18/92

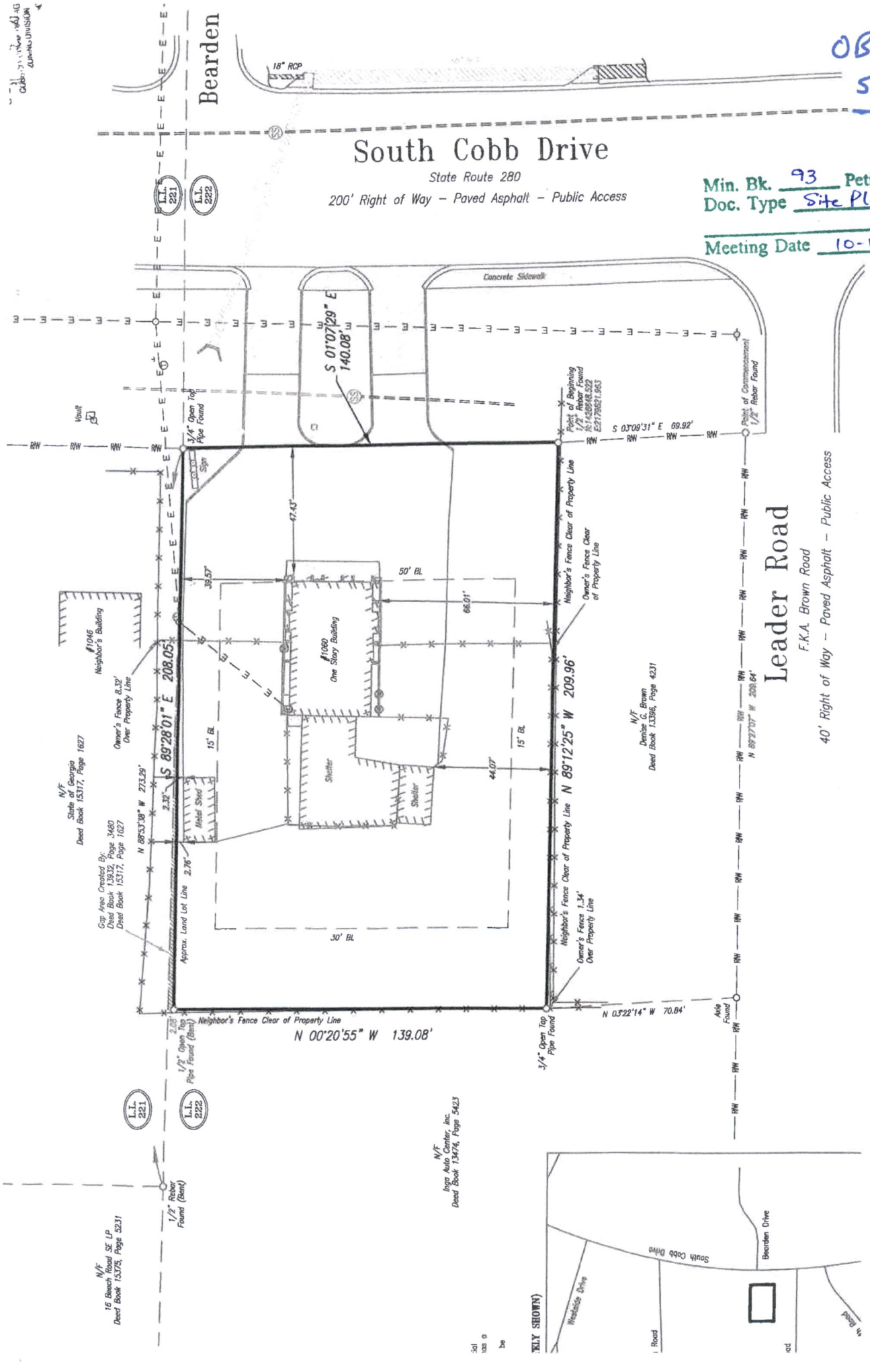
REVISION	BY:	DATE:

GEORGIA REGISTERED No. 2402 PROFESSIONAL LAND SURVEYOR THOMAS EDWARD PEAT, JR.
10/16/04

JOB # 27990

OB-51
Site plan

Min. Bk. 93 Petition No. O.B. 51
Doc. Type Site Plan
Meeting Date 10-19-21



OCTOBER 19, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

Min. Bk. 93 Petition No. OB-51
Doc. Type Cobb DOT, Stormwater Management, and Fire Dept. comments and recommendations
Meeting Date 10-19-21

ITEM OB-51-2021

PURPOSE

To consider a stipulation amendment for Rahim Lalani regarding rezoning application Z-65 of 2004 in Land Lots 221 and 222 of the 17th District. Located on the west side of South Cobb Drive, north of Leader Road (1060 South Cobb Drive).

BACKGROUND

The subject property was zoned Limited Retail Commercial (LRC) in 2004 for a professional office. The applicant would like a amend the stipulations to allow his neighborhood grocery store to operate from the existing building. The existing building was built in 1969 and was used for other commercial uses prior to being rezoned out from grandfathered R-20 zoning for a tax service. If approved, all previous stipulations not in conflict with this revision should remain in effect.

STAFF COMMENTS

Cobb DOT: See attached

Stormwater Management: No site improvements indicated at this time. Any future site improvements may be subject to current stormwater management regulations.

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

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed request for a stipulation amendment.

ATTACHMENTS

Other Business application and zoning hearing minutes.

Petition No. O.B.51
Meeting Date 10-19-21
Continued

Cobb DOT Recommendations for OB-51-2021

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

2. Recommend GDOT permits for all work that encroaches upon State right-of-way.

3. If circulation is not intended to be one-way flow around the building, recommend replacing existing parking spaces with 90-degree parking spaces to promote two-way traffic flow. Recommend final design be determined during plan review, subject to Cobb DOT approval. This recommendation should be implemented upon redevelopment of the property, where redevelopment is defined as any action requiring a Land Disturbance Permit.

4. If circulation is not intended to be one-way flow around the building recommend closing the two existing driveways on South Cobb Drive and constructing one commercial driveway per Section 402.8, Non-Residential Driveways, of the Cobb County Development Standards. Recommend the final location and design be determined during plan review, subject to GDOT and Cobb DOT approvals. This recommendation should be implemented upon redevelopment of the property, where redevelopment is defined as any action requiring a Land Disturbance Permit.

5. If circulation is intended to be one-way flow around the building, recommend reconstructing entrance and exit commercial driveways per Section 402.8, Non-Residential Driveways, of the Cobb County Development Standards. This recommendation includes updated pavement markings and signage to clarify the one-way traffic flow. Recommend the final location and design be determined during plan review, subject to GDOT and Cobb DOT approvals. This recommendation should be implemented upon redevelopment of the property, where redevelopment is defined as any action requiring a Land Disturbance Permit.

6. As necessitated by this development, recommend all driveway entrances on South Cobb Drive to include a deceleration lane. Recommend final location and design be determined during plan review, subject to GDOT and Cobb DOT approvals. This recommendation should be implemented upon redevelopment of the property, where redevelopment is defined as any action requiring a Land Disturbance Permit.

Min. Bk. 93 Petition No. OB-52
Doc. Type August 20, 2018
Meeting Date 10-19-21

Min. Bk. 85 Petition No. Z-56 '17
Doc. Type Letter of Agreeable Conditions
Meeting Date 8-21-2018

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

ADAM J. ROZEN

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

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

WWW.SLHB-LAW.COM

August 20, 2018

VIA HAND DELIVERY & EMAIL

Mr. Jason Campbell, Planner III
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Re: Application of Oak Hall Companies, LLC to Rezone a 96.23 Acre Tract from R-30 to R-30 OSC; Land Lots 26, 27, 46 and 47, 16th District, 2nd Section, Cobb County, Georgia (#Z-56).

Dear Jason:

Oak Hall Companies, LLC (Oak Hall) proposes to rezone the 96.23 acre Wigley estate from R-30 to R-30 as an Open Space Community (OSC) with ninety (91) homes. The Wigley family property has preserved the property for many years and with the death of Audrey Wigley, the property must be sold to settle her estate. The property has challenging topography and Oak Hall has completed significant due diligence to understand the best way to develop the property. By using the OSC ordinance, Oak Hall can keep out of the most significant slopes and preserve almost 50% of the site as open space that will be preserved forever. The overall density of less than 1 unit per acre is consistent with the Cobb County Comprehensive Plan and it is consistent with development in the area. Oak Hall has met with the neighbors in the Summit Top neighborhood and incorporated their comments into the plan which includes enhanced buffers adjacent, reconfiguration of the detention areas and the creation of an attractive entrance plan. Below is a list of stipulations my client will agree to becoming binding on the property as part of the zoning approval.

1. The property will be developed as an OSC development as depicted on the attached site plan dated June 13, 2018 (Exhibit "A") with no more than 91 lots for a density of .94 units per acre. The site plan depicts 95 lots but the Planning Commission recommendation removed lots 1,2,3 and 80. Open space shall be approximately 50% of the site. The development may be developed in two phases as shown on the site plan and the open space requirement shall comply with the open space requirements.

Petition No. 08-52
Meeting Date 10-19-21
Continued

Petition No. Z-56[17]
Meeting Date 8-21-2018
Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. Jason Campbell
Cobb County Zoning Division
Community Development Agency
August 20, 2018
Page 2

However, because the property has significant slopes, some lots will contain slopes greater than 25%.

2. There will be a forty (40) foot undisturbed buffer on southern and western portions of Phase 2 the subject property.

3. On the southern portion of Phase 1, there will be a forty (40) foot buffer as depicted on the site plan.

4. The applicant will comply with the requests from Stormwater Management Division related to stormwater. Any detention ponds walls that are visible from the right of way will be shielded with landscaping or faced with decorative material. Additionally, there is an existing stormwater issue on Property known as 4800 Wigley Road with two water impoundments with undersized water pipes. To address this problem, the developer shall fill the ponds with clean fill and compact to required standards as dictated by a licensed/certified geotechnical engineer and install appropriate sized pipes to handle water flow under the driveway. The developer shall also restore a meandering creek bottom with the creek bottom being lined with river rocks. A water catch basin will be installed to direct water under the dam and off the property. All disturbed area will be finish graded and seeded.

5. During development, construction parking will be limited to the subject property with no parking on the existing Wigley Road. The developer shall install a truck turnaround at the entrance so construction traffic does not back down Wigley Road to turn around.

6. The minimum lot size is 15,000 square feet and there will be a minimum of a forty (40) foot perimeter setback.

7. The homes will have a minimum of a three (3) car side entry garage. To accommodate the side entry garage, there shall be a sliding five (5) foot side setback with a minimum of twenty (20) feet between homes and a (20) foot front setback. Guest parking is not required because of the extended driveway area created by the side entry garages.

Petition No. 08-52
Meeting Date 10-19-21
Continued

Petition No. Z-516
Meeting Date 8-21-2018
Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. Jason Campbell
Cobb County Zoning Division
Community Development Agency
August 20, 2018
Page 3

8. The homes will range in size from 3,000 square feet to above 4,000 square feet and the architecture shall be consistent with the attached architectural renderings attached as Exhibit "B."

9. The creation of a Mandatory Homeowners Association ("HOA") and the submission of Declaration of Covenants, Conditions and Restrictions ("CCRs") which shall include, among other components, strict architectural controls and substantial conformity to the architectural style and composition mentioned above.

10. Subdivision entrance signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage shall be incorporated into the landscape plan for the subdivision and shall be fully landscaped, lighted and irrigated.

11. The applicant will comply with the requests from Stormwater Management Division related to stormwater management, including identifying wetlands and stream buffers and preserving them when required by applicable state and local laws and regulations. Additionally, the stormwater management area on the southern portion of the property will be developed as depicted in the renderings attached as Exhibit "C" with the view from the south being earthen slope with landscaping as depicted in the rendering rather than an exposed concrete wall.

12. The realigned Wigley Road will connect to the Biasetti property as depicted in the site plan. Cobb DOT will review potential improvements to the intersection of Wigley Road and Summitop Road, and or other speed controls for Wigley Road. The developer shall escrow $20,000 for Cobb DOT to use for these potential improvements.

13. If development permits are not obtained for the property within twelve (12) months of the zoning, the property shall revert to R-30.

14. Minor modifications to the within and foregoing stipulations/conditions, the site plan, architecture and other site features and the like may be approved by the District Commissioner as needed or necessary, except for those that:

Petition No. OB-52
Meeting Date 10-19-21
Continued

Petition No. Z-56[17]
Meeting Date 8-21-2018
Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. Jason Campbell
Cobb County Zoning Division
Community Development Agency
August 20, 2018
Page 4

a. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district.

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

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

d. Change access locations to a different right-of-way.

e. Require a Variance or are in contravention to the terms and provisions of the Cobb County Zoning Ordinance.

Oak Hall's development proposal for the property is better than using the existing R-30 zoning and placing roads and homes in areas that require significantly more grading. By giving more flexibility on the lot size, the development can stay out of the steeper slopes and preserve significant property as greenspace in perpetuity. Please let me know if you have any additional questions or concerns regarding the development.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

Parks F. Huff
phuff@slhb-law.com

PFH/sfw
Enclosure/Attachment
cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Commission Assistants, Cobb County BOC (via email w/attachment)
cc's continued on next page

Petition No. OB-52
Meeting Date 10-19-21
Continued

Petition No Z-56[17]
Meeting Date 8-21-2018
Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. Jason Campbell
Cobb County Zoning Division
Community Development Agency
August 20, 2018
Page 5

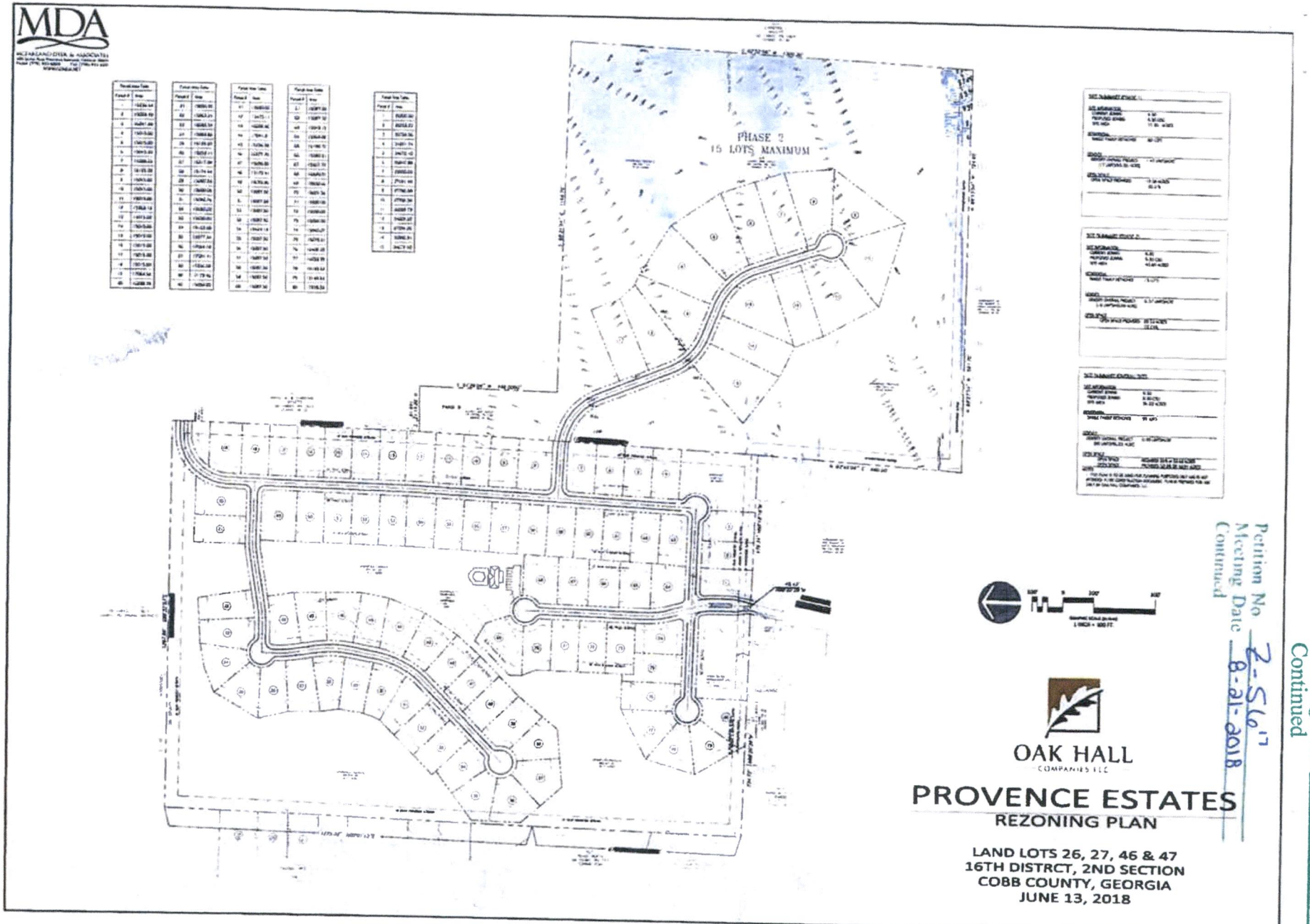
Mr. John Pederson, AICP, Manager (via email w/attachment)
Mr. Dana Johnson, AICP, Director (via email w/attachment)
Mr. Lee McClead, Deputy Director (via email w/attachment)
Mr. Jason S. Gaines, AICP, Planning Manager (via email w/attachment)
Mr. Terry Martin, Planner III (via email w/attachment)
Mr. Donald Wells, Planner I (via email w/attachment)
Ms. Tannesha Bates, Planner I (via email w/attachment)
Ms. Hayley Todd, Planner I (via email w/attachment)
Ms. Pam Mabry, County Clerk (via email w/attachment)
Ms. Robin Presley, Deputy County Clerk (via email w/attachment)
Ms. Leila Washington, Deputy County Clerk (via email w/attachment)
Mr. David Breaden, P.E. (via email w/attachment)
Ms. Ashley White, P.E., Cobb DOT (via email w/attachment)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachment)
Mr. Tim Davidson, Plan Review Engineer (via email w/attachment)
Ms. Debra Blair, Cobb County Attorney's Office (via email w/attachment)
Oak Hall Companies (via email w/attachment)

Petition No. OB-52
Meeting Date 10-19-21
Continued

Petition No Z-5617
Meeting Date 8-21-2018
Continued

Exhibit "A"

MDA



OAK HALL
COMPANIES LLC

PROVENCE ESTATES

REZONING PLAN

LAND LOTS 26, 27, 46 & 47
16TH DISTRCT, 2ND SECTION
COBB COUNTY, GEORGIA
JUNE 13, 2018

Petition No. Z-56 '17
Meeting Date 8-21-2018
Continued

Petition No. 08-52
Meeting Date 10-19-21
Continued

Petition No. 08-52
Meeting Date 10-19-21
Continued

Petition No Z-56[17]
Meeting Date 8-21-2018
Continued

Exhibit "B"

Petition No. 08-52
Meeting Date 10-19-21
Continued

Petition No. Z-56
Meeting Date 8-21-2018
Continued

Petition No. 08-52
Meeting Date 10-19-21
Continued

Petition No. Z-5617
Meeting Date 8-21-2018
Continued

Petition No. 08-52
Meeting Date 10-19-21
Continued

Petition No. Z-56'17
Meeting Date 8-21-2018
Continued

Petition No. 08-52
Meeting Date 10-19-21
Continued

Petition No. Z-5617
Meeting Date 8-21-2018
Continued

Petition No. 08-52
Meeting Date 10-19-21
Continued

Petition No. Z-5107
Meeting Date 8-21-2018
Continued

Petition No. OB-52
Meeting Date 10-19-21
Continued

Petition No. Z-516'17
Meeting Date 8-21-2018
Continued

Petition No. 08-52
Meeting Date 10-19-21
Continued

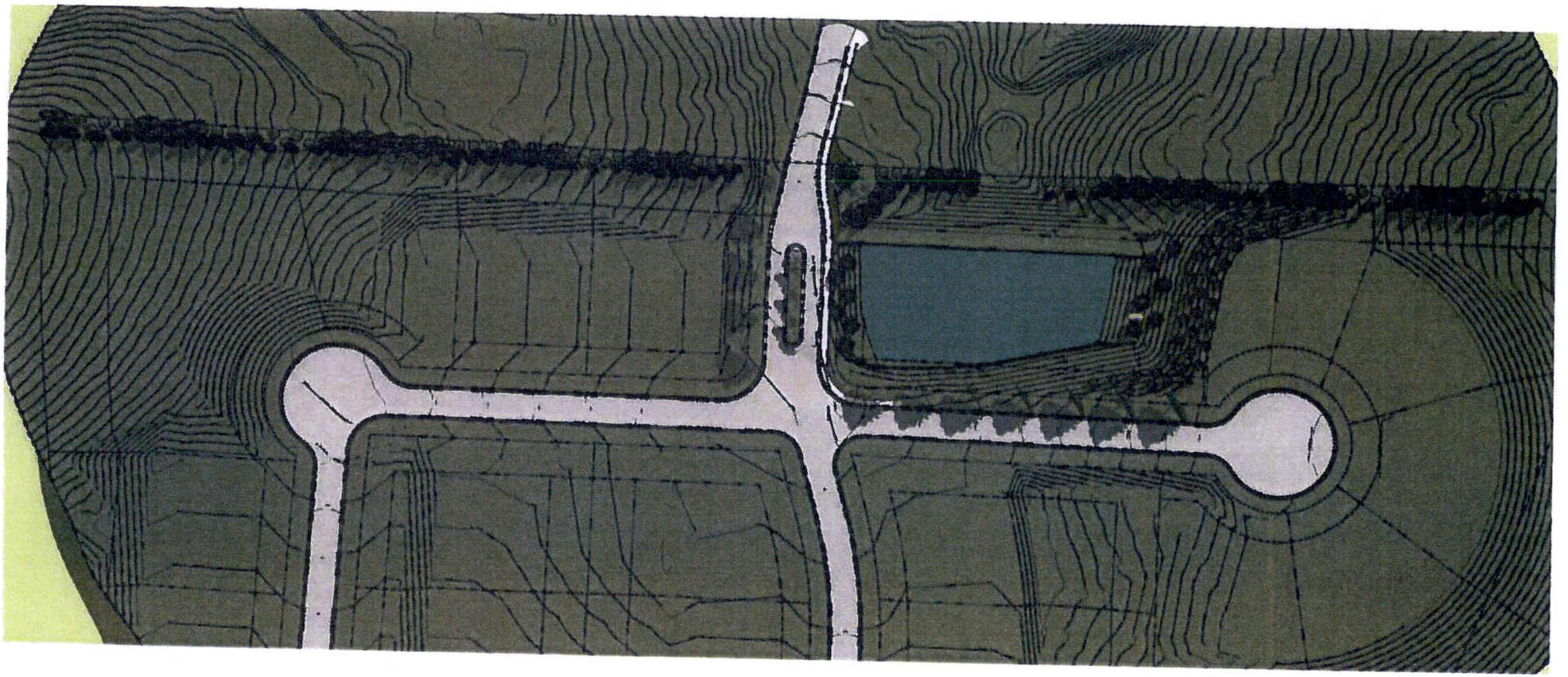
Petition No. Z-516'17
Meeting Date 8-21-2018
Continued

Petition No. OB-52
Meeting Date 10-19-21
Continued
Petition No. Z-56'17
Meeting Date 8-21-2018
Continued

Exhibit "C"

Petition No. OB-52
Meeting Date 10-19-21
Continued

Petition No. Z-56[17]
Meeting Date 8-21-2018
Continued

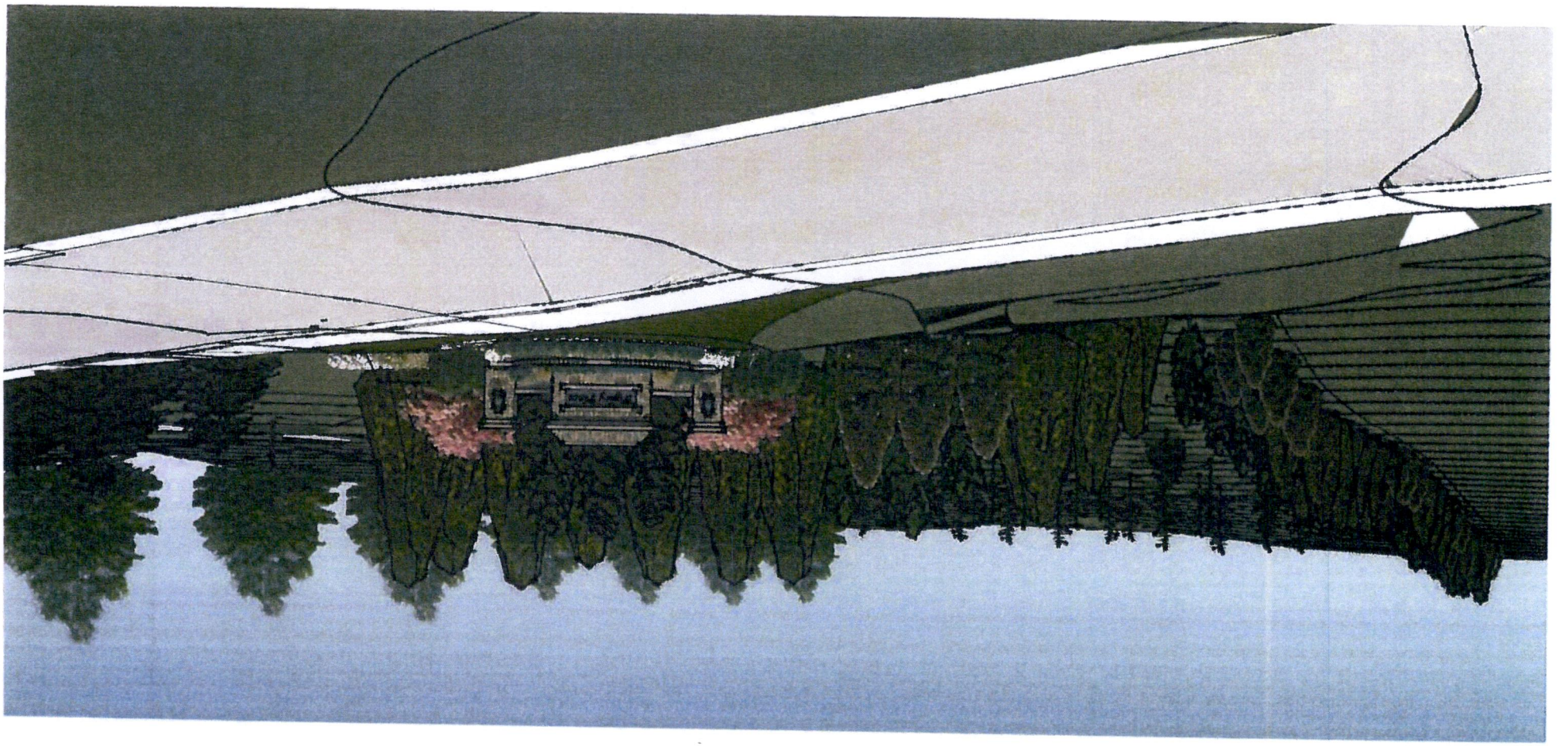


Petition No. OB-52
Meeting Date 10-19-21
Continued

Petition No. Z-56'17
Meeting Date 8-21-2018
Continued

Petition No. Z-56[17]
Meeting Date 8-21-2018
Continued

Petition No. OB-52
Meeting Date 10-19-21
Continued



Petition No. Z-516'17
Meeting Date 8-21-2018
Continued

Petition No. 08-52
Meeting Date 10-19-21
Continued

Petition No. Z-516'17
Meeting Date 8-21-2018
Continued

Petition No. 0B-52
Meeting Date 10-19-21
Continued

Petition No. Z-56[17]
Meeting Date 8-21-2018
Continued

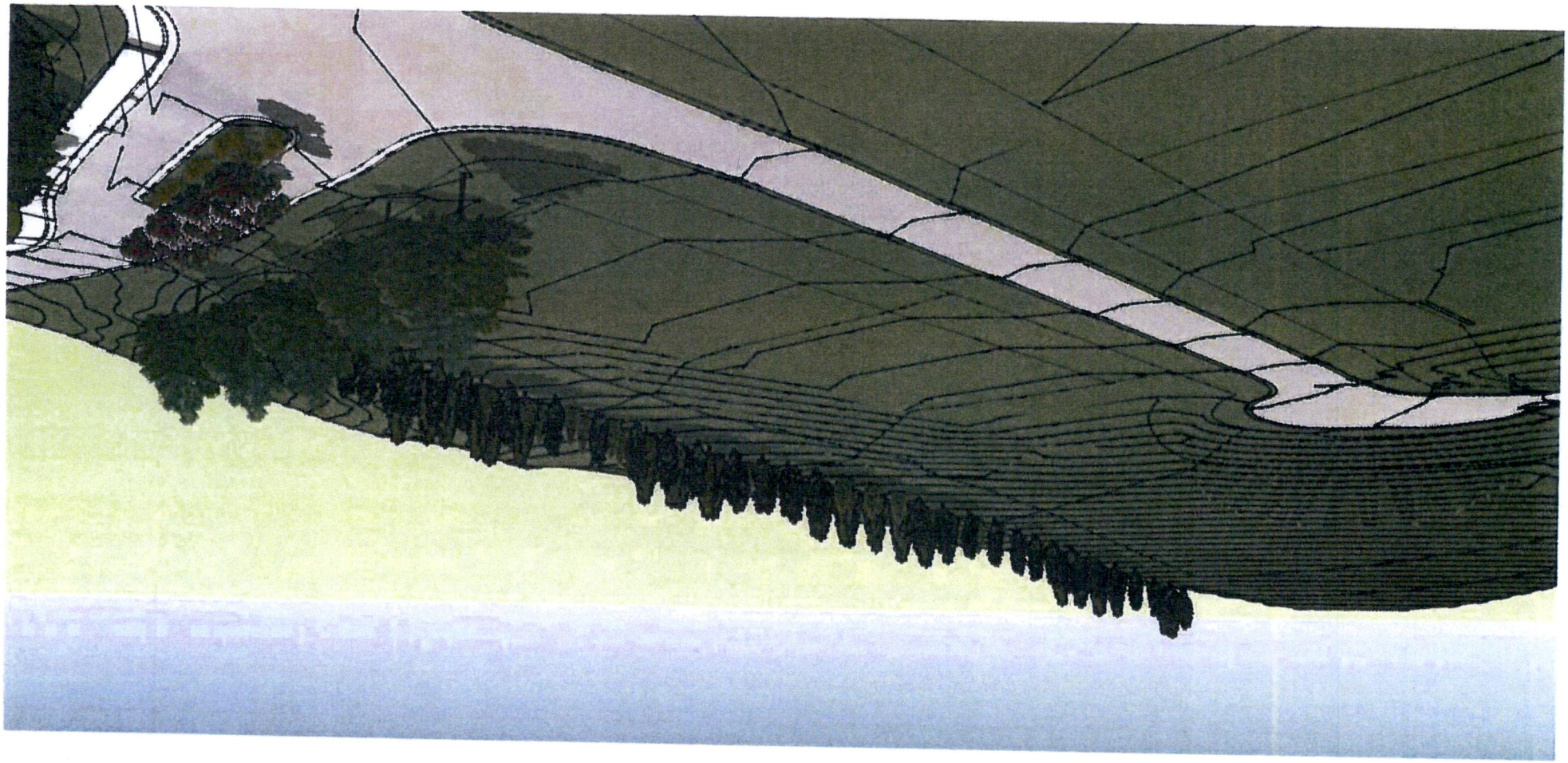
Petition No. OB-52
Meeting Date 10-19-21
Continued

Petition No. Z-516
Meeting Date 8-21-2018
Continued

Petition No. 6B-52
Meeting Date 10-19-21
Continued

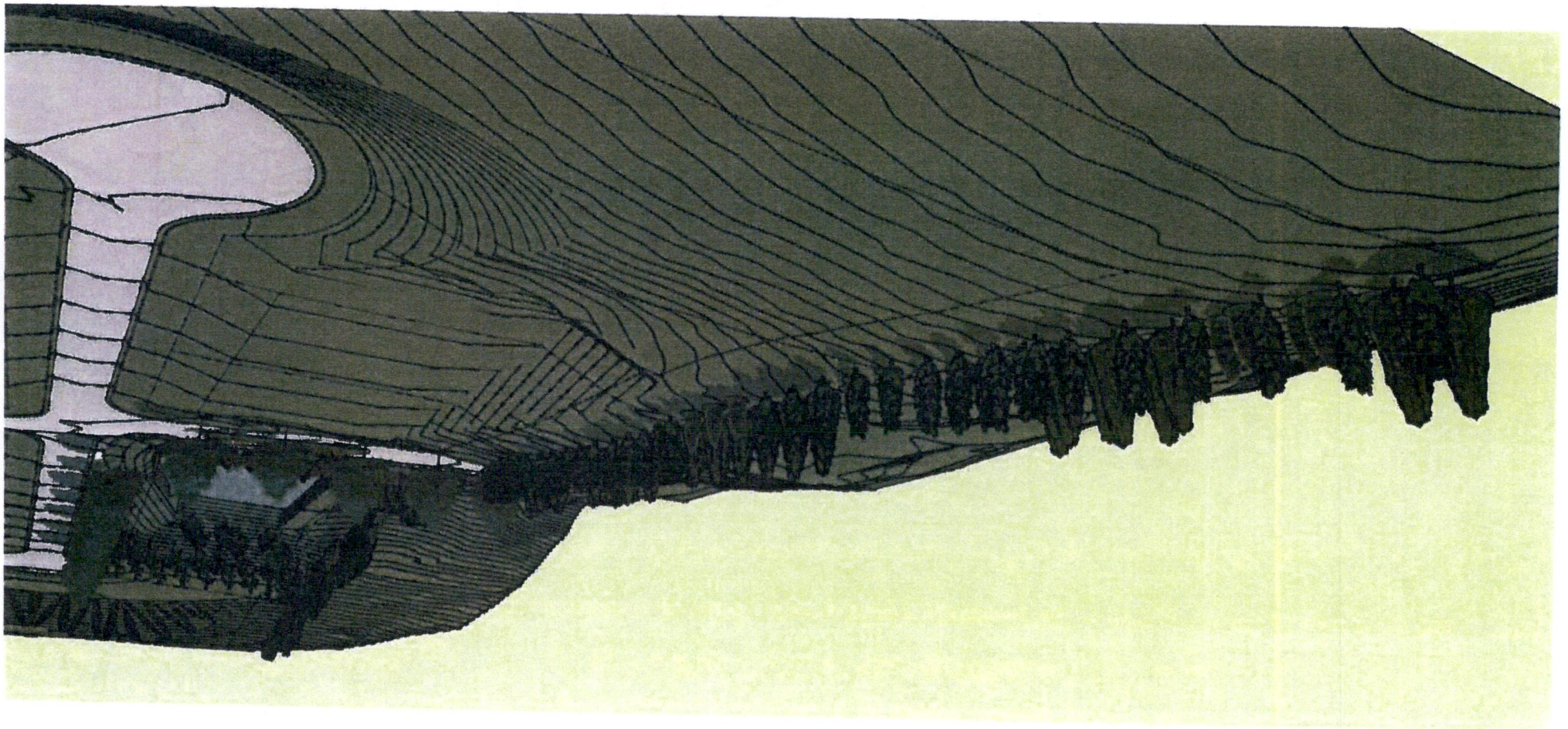
Petition No. Z-5617
Meeting Date 8-21-2018
Continued

Petition No. OB-52
Meeting Date 10-19-21
Continued



Petition No. Z-56[17]
Meeting Date 8-21-2018
Continued

Petition No. OB-52
Meeting Date 10-19-21
Continued



Min. Bk. 93 Petition No. OB-52
Doc. Type Letter from David and Nicole Evans
Meeting Date 10-19-21

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

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

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

October 8, 2021

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30061

Re: OHC Wigley, LLC – Application for Other Business to amend the zoning conditions for Z-56 of 2017, Cobb County, Georgia (OB-52 of 2021).

Dear John:

Attached to this letter is a letter signed by David and Nicole Evans confirming their support for removing the zoning condition that relates to their property. Please let me know if you need any additional information.

Sincerely,

SAMS, LARKIN & HUFF, LLP

Parks F. Huff
Attorney for Applicant
phuff@samslarkinhuff.com

PFH/lkj
Enclosure

Petition No. OB-52
Meeting Date 10-19-21
Continued

David and Nicole Evans
4800 Wigley Road
Marietta, GA 30066

September 30, 2021

Re: Other Business Application 52- 2021 as to Z-56 (2017) decision August 21, 2018

John Pederson
Division Manager
Cobb County Zoning Division
1150 Powder Springs St. Ste 400
Marietta, GA 30064.

Dear Mr. Pederson:

We are the property owners of a 6.41-acre parcel known as 4800 Wigley Road. When the above-described zoning application was approved in August 2018, it included a zoning condition that stated: "Additionally, there is an existing stormwater issue on Property known as 4800 Wigley Road with two water impoundments with undersized water pipes. To address this problem, the developer shall fill the ponds with clean fill and compact to required standards as dictated by a licensed/certified geotechnical engineer and install appropriate sized pipe to handle water flow under the driveway, the developer shall also restore a meandering creek bottom with the creek bottom being lined with river rocks. A water catch basin will be installed to a direct water under the dam and off the property. All disturbed area will be finish graded and seeded." This condition was specifically added at our request.

After the development was started, a dispute arose between us and the developer of the property that was the subject of this rezoning. The dispute has been resolved, with an agreement to remove the above-described zoning condition. We understand that by removing this condition we bear any risks arising from the removal of this zoning condition and the conditions which it was intended to address. Based upon the foregoing we support removal of the previously requested zoning condition in its entirety as per the above-referenced pending Other Business Application which we understand will come on for hearing to the Cobb County Board of Commissioners on October 19, 2021. Please let us know if you have any questions or concerns.

Sincerely,

David and Nicole Evans

cc Donald Stack, Esq.

Parks Huff, Esq.
Tad Braswell

02136321-1

Min. Bk. 93 Petition No. OB-52
Doc. Type Stormwater Management and Cobb DOT comments and recommendations
Meeting Date 10-19-21

OCTOBER 19, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

ITEM OB-52

PURPOSE

To consider a stipulation amendment for OHC Wigley, LLC regarding rezoning application Z-56 of 2017, for property located at the northern terminus of Wigley Road, north of Summitop Road in Land Lots 26, 27, 46 and 47 of the 16th District (Wigley Road).

BACKGROUND

The subject property was rezoned to R-30 OSC in 2018 for a 91-lot subdivision. One of the zoning stipulations required the developer to address an existing stormwater issue on the adjacent property (4800 Wigley Road), as outlined in stipulation #4 from the letter of agreeable stipulations dated August 20, 2018. The stipulation calls for the owner's pond to be removed. The applicant states the property owners of 4800 Wigley Road wants to keep their pond which would require stipulation #4 to amended to delete all the sentences after the second sentence. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Stormwater Management: If the downstream infrastructure improvements are removed and not required as part of the project; then the onsite development stormwater management will need to be revised to address the existing capacity of the downstream system and pond. A pre-development overtopping elevation of the existing downstream pond will need to be determined. The update Hydrology Study will need to provide a routing through the existing downstream pond to address the increase volume to determine the post developed potential overtopping elevation.

Cobb DOT: 1) Recommend no parking in the right-of-way. 2) Recommend retaining all DOT recommendations for Z-56-2017 which include:

a. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
b. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.

(Continued on the next page)

Min. Bk. 93 Petition No. OB-53
Doc. Type Fire Dept, Stormwater Management, and Cobb DOT comments and recommendations
Meeting Date 10-19-21

OCTOBER 19, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

ITEM OB-53-2021

PURPOSE

To consider a reduction of public road frontage from required 75' to 0' for Courtney Jackson for property located on the north side of Goodwood Drive, east of Bankstone Drive, in Land Lots 547 and 564 of the 19th District (0 and 2352 Goodwood Drive).

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 reduce the public road frontage to zero feet for the property. No other variances are anticipated.

STAFF COMMENTS

Fire Department: See attached.

Stormwater Management: No site improvements indicated at this time. Any future site improvements may be subject to current stormwater management regulations.

Cobb DOT: 1) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements. **2)** Recommend any driveways 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.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction of minimum public road frontage.

ATTACHMENT

Other Business application.

Min. Bk. 93 Petition No. OB-54
Doc. Type Fire Dept, Stormwater Management, and Cobb DOT comments and recommendations
Meeting Date 10-19-21

OCTOBER 19, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

ITEM OB-54-2021

PURPOSE

To consider a reduction of public road frontage from required 75' to 0' for Janice Overbeck and Gunar Overbeck for GO KONTOR, LLC for property located on the southeasterly side of Allgood Road, west of Smithwood Drive, in Land Lots 883 and 884 of the 16th District (1870 Allgood 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 (Tract 3) is required 75-feet of public road frontage and this lot has zero feet. The property currently has a house on it built in 1987, and accesses via an access easement.

STAFF COMMENTS

Fire Department: See attached.

Stormwater Management: No site improvements indicated at this time. Any future site improvements may be subject to current stormwater management regulations.

Cobb DOT: Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Water & Sewer Comments: No comments.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction of minimum public road frontage.

ATTACHMENT

Other Business application.

APPLICANT: Go Kontor **PETITION NO.:** OB-54

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

* * * *

APPLICANT: Go Kontor **PETITION NO.:** OB-54

PRESENT ZONING: **PETITION FOR:**

* * * *

Min. Bk. 93 Petition No. OB-55
Doc. Type Fire Dept, Stormwater Management, and Cobb DOT comments and recommendations
Meeting Date 10-19-21

OCTOBER 19, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

ITEM OB-55-2021

PURPOSE

To consider a reduction of public road frontage from required 75' to 0' for Bobby E. Willoughby, Jr. and Elizabeth Kay Swisloski for property located on the south end of Roy Ave, south of Lucky Lane, in Land Lot 263 of the 18th District (Roy Ave).

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 (Parcels 33 and 49) are required 75-feet of public road frontage and these lots have zero feet. The property currently accesses via a 50' access easement at the end of Roy Ave. There are no houses on either lot.

STAFF COMMENTS

Fire Department: See attached.

Stormwater Management: No site improvements indicated at this time. Any future site improvements may be subject to current stormwater management regulations.

Cobb DOT: 1) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements. **2)** Recommend any driveways 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.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction of minimum public road frontage.

ATTACHMENT

Other Business application.

APPLICANT: Elizabeth Swisloski **PETITION NO.:** OB-55

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

* * * *

APPLICANT: Elizabeth Swisloski **PETITION NO.:** OB-55

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

* * * *

SITE DATA:

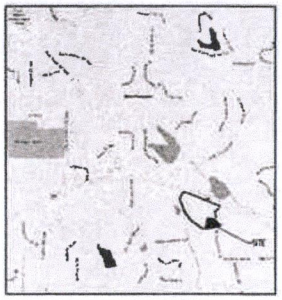
OWNER:
WEST COBB SENIOR LIVING, LLC
2 RAVINIA DRIVE, SUITE 1350
ATLANTA, GA 30346

PROPERTY ADDRESS:
3165 DALLAS HWY
MARIETTA, GA

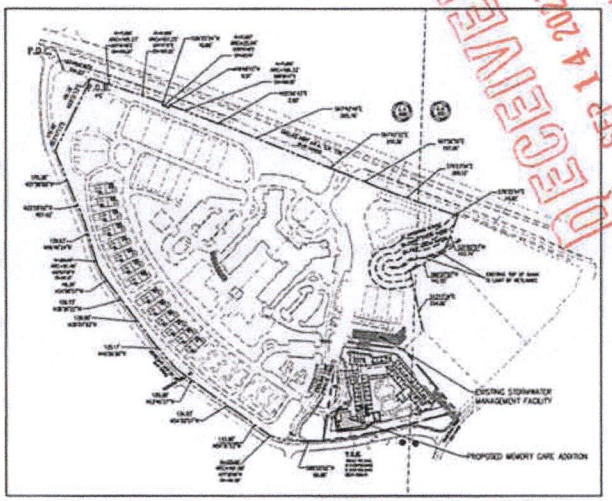
LL 331 & 332, 20th DISTRICT, 2nd SECTION
PIN 20033200480

TOTAL AC: 2.56
ZONING: RSL
SETBACKS: PUBLIC ROADWAY 30'
PERIMETER BUILDING SETBACK: 20'
LANDSCAPE BUFFER: 30'

PROPOSED USE: MEMORY CARE ADDITION
EXISTING SF: 34,500 SF
PROPOSED SF: 40,000 SF
EXISTING ROOMS: 36
PROPOSED ROOMS: 42
EXISTING HEIGHT: 30' (TO PEAK)
ADDITIONAL HEIGHT: 21' (TO PEAK)

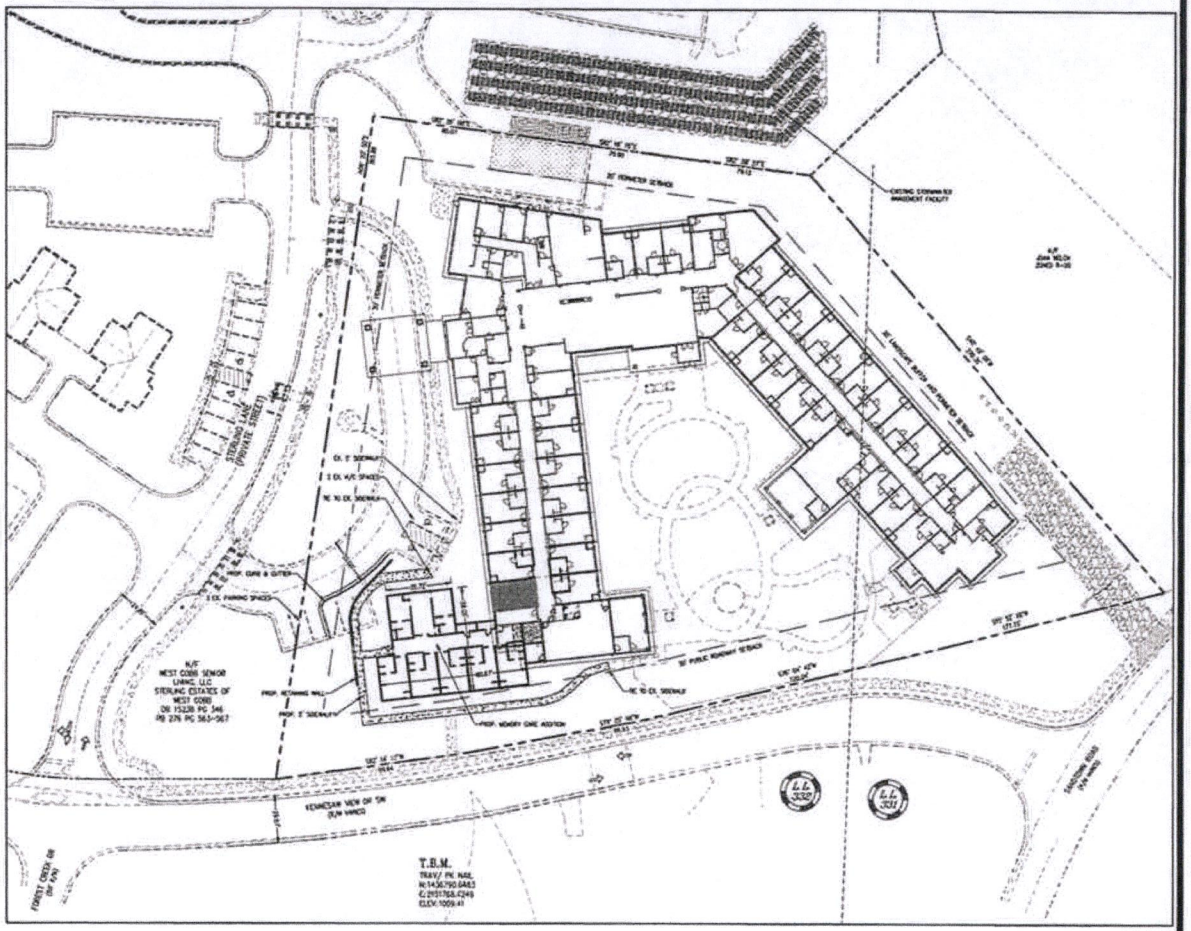


LOCATION MAP
SCALE: 1" = 2000'



OVERALL SITE
SCALE: 1" = 200'

RECEIVED
SEP 14 2021
COBB CO COMM. DEV AGENCY
ZONING DIVISION



NOTES:
1. THERE ARE NO STATE WATERS ON THIS SITE.
2. THERE ARE NO WETLANDS ON THIS SITE.
3. THIS SITE DOES NOT LIE WITHIN A FLOODPLAIN.
4. THERE ARE NO CEMETERIES ON THIS SITE.
5. THERE ARE NO ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS ON THIS SITE.
5. PARKING WILL HANDLED ON THE EXISTING SITE.

AEC
CIVIL ENGINEERING • PLANNING • LANDSCAPE ARCHITECTURE
50 Warm Springs Circle
Roswell • Georgia • 30075
(770) 641-1942 • www.aecatl.com

NORTH
30 0 30 60
Scale 1" = 30'

PRELIMINARY SITE PLAN

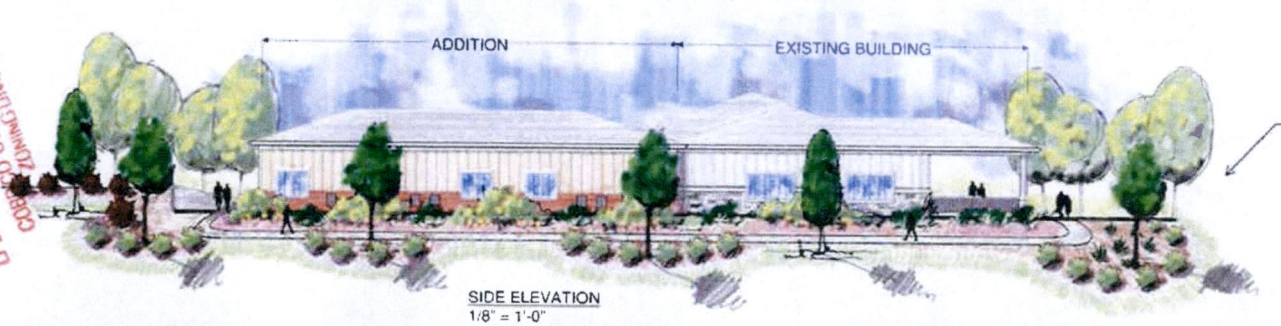
STERLING WEST COBB MEMORY CARE
COBB COUNTY, GEORGIA

PROJECT INFORMATION
PROJECT NO.: 21-4661
DATE: 9-7-21
SCALE 1" = 30'
FILE NAME: 21-4661 P01.dwg
DESIGN/DRAWN: cbr/sch

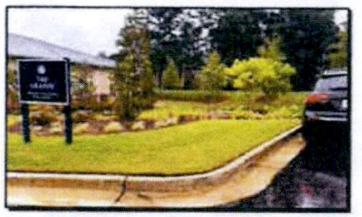
Min. Bk. 93 Petition No. 08-56
Doc. Type Site Plan (Proposed)
Meeting Date 10-19-21

08-56-21

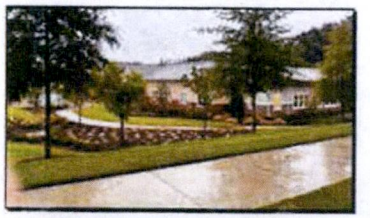
RECEIVED
SEP 14 2021
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



SIDE ELEVATION
1/8" = 1'-0"

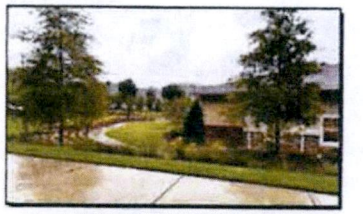


VIEW FROM PARKING TO KENNESAW VIEW DRIVE



VIEW FROM KENNESAW VIEW DRIVE TO ADDITION LOCATION

VIEW FROM KENNESAW VIEW DRIVE TO ADDITION LOCATION



VIEW FROM KENNESAW VIEW DRIVE TO ADDITION LOCATION

FRONT ELEVATION
1/8" = 1'-0"

Petition No. OB-56
Meeting Date 10-19-21
Continued

OB-56-2021 Proposed

9-7-21

FOLEY DESIGN
www.foleydesign.com

ARTISTIC RENDERING FOR ZONING

STERLING ESTATES - FORSYTH

COBB COUNTY, GA

OCTOBER 19, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1

Min. Bk. 93 Petition No. OB-56
Doc. Type Stormwater Management, Water & Sewer, Cobb DOT, Site Plan Review, and Fire Dept. comments & recommendations
Meeting Date 10-19-21

ITEM OB-56

PURPOSE

To consider a site plan and stipulation amendment for West Cobb Senior Living, LLC regarding rezoning application Z-61 of 2017 in Land Lots 331 and 332 of the 20th District. The property is located on the south side of Dallas Highway, the north side of Kennesaw View Drive, west of Sandtown Road (3165 Dallas Highway).

BACKGROUND

The subject property was rezoned to RSL in 2017 for as part of a senior living facility that has independent living, assisted living, and memory care. The memory care portion was approved with 36 units. This request is to add six more units to the building. The proposed addition will match the existing building. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Stormwater Management: Any site improvements proposing 5,000 square feet or more of impervious surface may be required to provide additional stormwater management.

Water and Sewer: Additional sewer fee (SDF) may be assessed during building permit review.

Cobb DOT: Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements. Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of West Sandtown Road, a minimum of 40' from the roadway centerline. Recommend driveway on West Sandtown Road remain gated for emergency access only.

Site Plan Review: If this request is approved, a Land Disturbance Permit must be obtained prior to the issuance of any building permits. The engineer must submit the civil engineering plans for this project to the Site Plan Review Section, Community Development Agency for review and approval. Call 770-528-2147.

(Continued on the next page)

ITEM OB-56 (continued)

Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning minutes.

APPLICANT: West Cobb Senior Living **PETITION NO.:** OB-56

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

* * * *

APPLICANT: West Cobb Senior Living **PETITION NO.:** OB-56

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

* * * *

APPLICANT: West Cobb Senior Living **PETITION NO.:** OB-56

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

* * * *

OWNER'S ACKNOWLEDGEMENT

I HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND SHOWN ON THIS PLAT (OR A DULY AUTHORIZED AGENT THEREOF) WHOSE NAME IS SUBSCRIBED HERETO. I ACKNOWLEDGE THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY. I UNDERSTAND THAT THE APPROVAL OF THIS PLAT BY COBB COUNTY IS ONLY FOR THE SUBDIVISION OR COMBINATION OF THIS PROPERTY, AND IS NOT MEANT TO SERVE AS APPROVAL OF ANY NON-CONFORMING CONDITIONS THAT CURRENTLY EXIST ON THIS PROPERTY OR WILL BE CREATED BY THE SUBDIVISION OR COMBINATION OF THIS PROPERTY.

AND FURTHER, I WARRANT THAT I OWN FEE SIMPLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREE THAT COBB COUNTY SHALL NOT BE LIABLE TO ME, MY HEIRS, SUCCESSORS, OR ASSIGNS FOR ANY CLAIMS OF DAMAGES RESULTING FROM THE RECORDING OF SAID PLAT, AND ANY OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO SELL AND CONVEY LAND ACCORDING TO THIS PLAT AND DO HEREBY BIND OWNERS AND MYSELF SUBSEQUENT IN TITLE TO DEFEND BY VIRTUE OF THESE PRESENTS.

SIGNATURE PRINTED NAME DATE

SIGNATURE PRINTED NAME DATE

SURVEY NOTES:

1.) ALL DISTANCES ON SURVEY ARE HORIZONTAL DISTANCES.

2.) ALL DISTANCES ON SURVEY ARE SHOWN AS "GROUND" DISTANCES.

3.) THE FIELD DATE OF SURVEY IS MAY 10, 2021.

4.) ALL ANGULAR DIRECTIONS ARE EXPRESSED IN DEGREES, MINUTES AND SECONDS.

5.) NO CEMETERIES OBSERVED WHILE SURVEYING PROPERTY.

6.) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN >/= 15,000 FEET AND AN ANGULAR ERROR OF </= 5 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

7.) THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN >/= 100,000 FEET.

8.) NO GEODETIC MONUMENTS FOUND WITHIN 500 FEET OF THIS PROPERTY.

9.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH AND ALL MATTERS PERTAINING TO TITLES ARE EXCEPTED.

10.) EQUIPMENT USED: TOPCON TOTAL STATION

ZONING REQUIREMENTS:

ZONING: RA-5

ZONING CASE NUMBERS
Z-71 (2006)
Z-148 (2006)

BUILDING LINES:
FRONT: 20 FEET FROM BACK OF CURB
SIDE: 5 FEET
REAR: 30 FEET

MAXIMUM BUILDING HEIGHT = 35 FEET

TOTAL AREA = 19,802 SQ. FT. OR 0.4546 ACRES

CURRENT TAX I.D.
LOT 8 = #17068401190
LOT 8A = #17068401380
LOT 8B = #17068401390

REFERENCE: P.B. 276 PG. 497
P.B. 261, PG. 12

FLOOD STATEMENT:
THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA ACCORDING TO F.I.R.M. PANEL #13067C0226 G LAST REVISED DEC. 16, 2008.

THE PURPOSE OF THIS PLAT IS TO COMBINE LOTS 8, 8A AND 8B INTO ONE LOT BEING LOT 8.

SURVEYOR'S CERTIFICATION

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

AS

James A Evans Jr. JAMES A. EVANS, JR. 8/23/2021
SIGNATURE PRINTED NAME DATE
GEORGIA REGISTERED LAND SURVEYOR

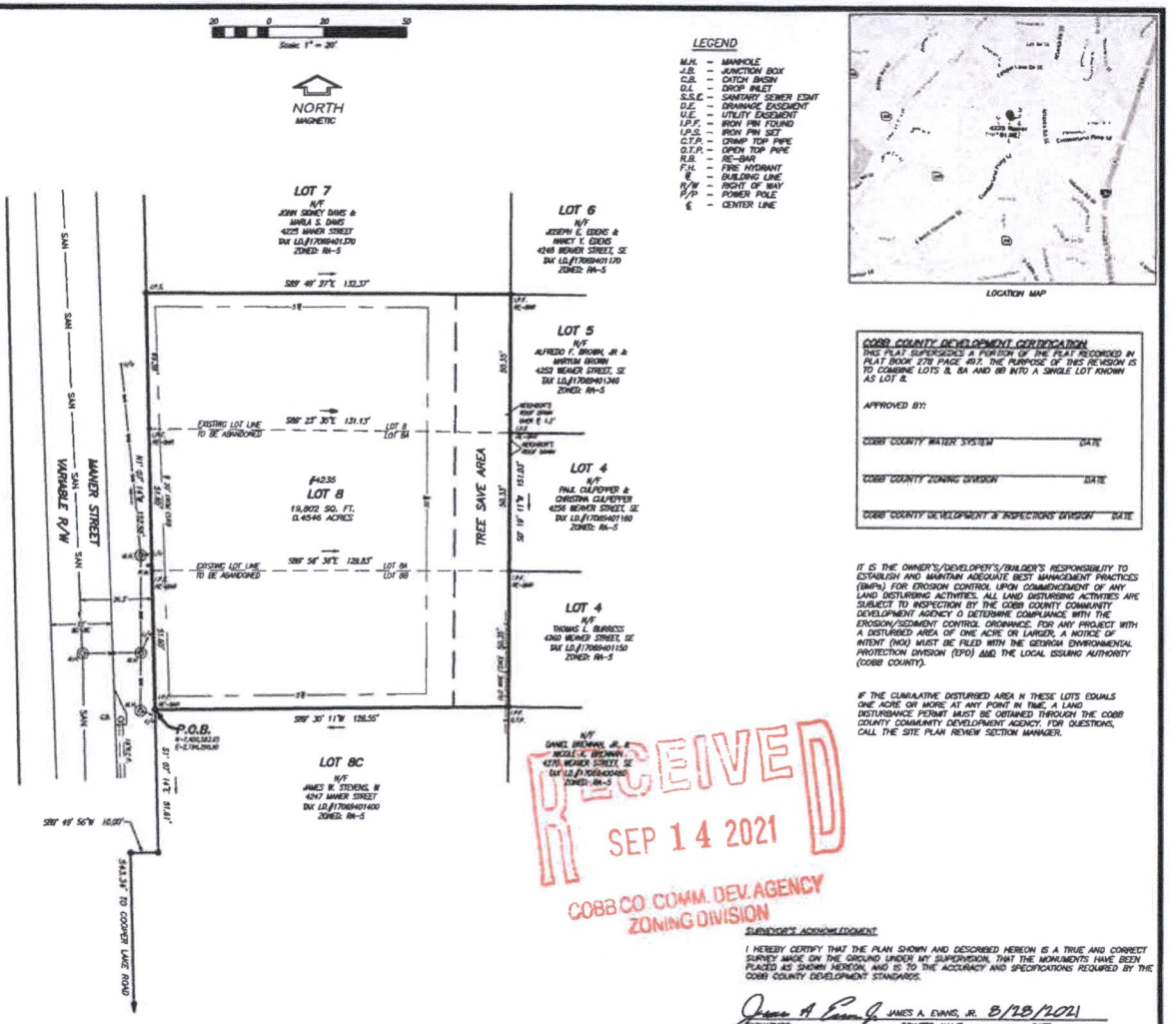
GEORGIA REGISTERED No. 2167 LAND SURVEYOR JAMES A. EVANS JR.

20 0 20 50
Scale: 1" = 20'

NORTH
MAGNETIC

LEGEND

M.H.	-	MANHOLE
J.B.	-	JUNCTION BOX
C.B.	-	CATCH BASIN
D.I.	-	DROP INLET
S.S.E.	-	SANITARY SEWER ESMT
D.E.	-	DRAINAGE EASEMENT
U.E.	-	UTILITY EASEMENT
I.P.F.	-	IRON PIN FOUND
I.P.S.	-	IRON PIN SET
C.T.P.	-	CRIMP TOP PIPE
O.T.P.	-	OPEN TOP PIPE
R.B.	-	RE-BAR
F.H.	-	FIRE HYDRANT
B	-	BUILDING LINE
R/W	-	RIGHT OF WAY
P/P	-	POWER POLE
℄	-	CENTER LINE



LOCATION MAP

COBB COUNTY DEVELOPMENT CERTIFICATION

THIS PLAT SUPERSEDES A PORTION OF THE PLAT RECORDED IN PLAT BOOK 276 PAGE 497. THE PURPOSE OF THIS REVISION IS TO COMBINE LOTS 8, 8A AND 8B INTO A SINGLE LOT KNOWN AS LOT 8.

APPROVED BY:

COBB COUNTY WATER SYSTEM DATE

COBB COUNTY ZONING DIVISION DATE

COBB COUNTY DEVELOPMENT & INSPECTIONS DIVISION DATE

IT IS THE OWNER'S/DEVELOPER'S/BUILDER'S RESPONSIBILITY TO ESTABLISH AND MAINTAIN ADEQUATE BEST MANAGEMENT PRACTICES (BMPs) FOR EROSION CONTROL UPON COMMENCEMENT OF ANY LAND DISTURBING ACTIVITIES. ALL LAND DISTURBING ACTIVITIES ARE SUBJECT TO INSPECTION BY THE COBB COUNTY COMMUNITY DEVELOPMENT AGENCY TO DETERMINE COMPLIANCE WITH THE EROSION/SEDIMENT CONTROL ORDINANCE. FOR ANY PROJECT WITH A DISTURBED AREA OF ONE ACRE OR LARGER, A NOTICE OF INTENT (NOI) MUST BE FILED WITH THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION (EPD) AND THE LOCAL ISSUING AUTHORITY (COBB COUNTY).

IF THE CUMULATIVE DISTURBED AREA IN THESE LOTS EQUALS ONE ACRE OR MORE AT ANY POINT IN TIME, A LAND DISTURBANCE PERMIT MUST BE OBTAINED THROUGH THE COBB COUNTY COMMUNITY DEVELOPMENT AGENCY. FOR QUESTIONS, CALL THE SITE PLAN REVIEW SECTION MANAGER.

RECEIVED
SEP 14 2021
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

SURVEYOR'S ACKNOWLEDGEMENT

I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON, AND IS TO THE ACCURACY AND SPECIFICATIONS REQUIRED BY THE COBB COUNTY DEVELOPMENT STANDARDS.

James A Evans Jr. JAMES A. EVANS, JR. 8/23/2021
SIGNATURE PRINTED NAME DATE
REGISTERED GA. LAND SURVEYOR

SURVEYED	HLP
DRAWN	RNM
DWG. NAME	MANER 4235 PLAT
DATE	AUG. 26, 2021
FILE NO.	21-0119

THIS DRAWING IS THE PROPERTY OF THIS FIRM AND IS NOT TO BE CHANGED OR ALTERED BY OTHERS IN ANY MANNER.

J.A. EVANS & ASSOCIATES
3279 POWDER SPRINGS ROAD
POWDER SPRINGS, GA. 30127
PH. (770)943-0000

COMBINATION PLAT FOR
4235 MANER STREET, SE
SPR-2021-00403
LOT 8
WEAVER STREET AT MANER STREET
L.L. 694, DISTRICT 17, SECTION 2
COBB COUNTY, GEORGIA

OWNER/APPLICANT
RAYMOND A. FARMER &
SARAH V. FARMER
4240 WEAVER STREET, SE
SMYRNA, GA 30080-6422

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

James A Evans Jr.
GEORGIA REGISTERED LAND SURVEYOR

GEORGIA REGISTERED No. 2167 LAND SURVEYOR JAMES A. EVANS JR.

21-0119

Min. Bk. 93 Petition No. 08-57
Doc. Type Proposed Site Plan
Meeting Date 10-19-21

08-57-2021 Proposed

Min. Bk. 93 Petition No. OB-57
Doc. Type Stormwater Management, Water + Sewer, Cobb DOT and Fire Dept. comments and recommendations
Meeting Date 10-19-21

OCTOBER 19, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

ITEM OB-57

PURPOSE

To consider a site plan and stipulation amendment for Ray Farmer regarding rezoning application Z-71 and Z-148 of 2006 in Land Lot 694 of the 17th District. The property is located on the east side of Maner Street, north of Cooper Lake Road (4235 Maner Street).

BACKGROUND

The subject property was rezoned to RA-5 in 2006 for as part of a larger proposed development. The property for this application was originally proposed to be three lots. The owner would like to combine all three lots into one larger lot in order to build one house. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Stormwater Management: This will be considered in-fill development requiring stormwater management for each for each lot. The stormwater management for each lot will be considered private and the responsibility for maintenance and repair will be that of the property owner. Impervious coverage mitigation will be required for each lot which proposes 5,000 square feet or more impervious surfaces. The maximum impervious coverage is 40% for RA-5 zoning.

Water and Sewer: One of the water services and one of the sewer services will have to be abandoned.

Cobb DOT: Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements. Recommend applicant consider entering into a development agreement pursuant of 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 Maner Street, a minimum of 25' from the roadway centerline. Reimburse Cobb DOT $24,000 ($8,000 per original lot) for the proportionate share of road improvements made along Maner Street. This reimbursement should be submitted prior to obtaining building permits, as stipulated in Z-71-2006 zoning.

(Continued on the next page)

Petition No. OB-57
Meeting Date 10-19-21
Continued

ITEM OB-57 (continued)

Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning minutes.

APPLICANT: Ray Farmer **PETITION NO.:** OB-57

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

* * * *

APPLICANT: Ray Farmer **PETITION NO.:** OB-57

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

* * * *