MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 16, 2021
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, November 16, 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
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson

CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:04 a.m.

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the virtual participation format, reviewed the hearing procedures, and announced the following cases which were *withdrawn, held, or continued.*

WITHDRAWN, HELD, AND CONTINUED CASES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-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, west of Florence Road (5500 Moon Road). ***(Previously continued by the Planning Commission from the September 7, 2021, Planning Commission (PC) hearing until the October 5, 2021, PC hearing; continued by Staff from the October 5, 2021, PC hearing until the November 2, 2021, PC hearing).*** **WITHDRAWN WITHOUT PREJUDICE**

O.B. 69 To consider a stipulation amendment for CS Realty Group, LLC regarding rezoning application Z-70 of 2020 in land lot 507 of the 19th district. Property is located on the north side of Gaydon Road, west of Old Lost Mountain Road (4760 Gaydon Road).

Mr. Pederson presented the Applicant's request to withdraw O.B. 69 without prejudice. Thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Richardson, to **allow** O.B. 69 to be *withdrawn without prejudice.*

VOTE: **ADOPTED** 5-0

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

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, 1830 Austell Road). ***(Previously continued by the Planning Commission (PC) until the August 3, 2021, PC hearing; held by the PC from the August 3, 2021, through the November 2, 2021, PC hearings until the December 7, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-61 **BLUETIGER PROPERTIES, LLC** (Wellstar Health System, Inc., owner) requesting rezoning from **O&I** to **O&I** for a climate controlled self-storage facility in land lot 224 of the 20th district. Property is located on the north side of Stilesboro Road, and on the east side of Dennis Kemp Lane (Stilesboro Road). ***(Previously held by the Planning Commission (PC) from the September 7, 2021, and October 5, 2021, PC hearings until the November 2, 2021, PC hearing; continued by Staff until the December 7, 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). ***(Previously continued by Staff from the October 5, 2021, and November 2, 2021, Planning Commission (PC) hearings until the February 1, 2022, PC 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). ***(Previously continued by Staff from the October 5, 2021, and November 2, 2021, Planning Commission (PC) hearings until the December 7, 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). ***(Previously held by the Planning Commission (PC) from the October 5, 2021, and November 2, 2021, PC hearings until the December 7, 2021, PC hearing; therefore, was not considered at this hearing).***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-78 **ST. BENEDICT'S EPISCOPAL SCHOOL** (Cooper Lake-Daniel, LLC, owner) requesting rezoning from **O&I** and **R-20** to **O&I** for a school in land lot 695 of the 17th district. Property is located on the east and north side of Daniel Street, on the west side of Cooper Lake Road (2001 Daniel Street, 2235 Cooper Lake Road). ***(Continued by the Planning Commission (PC) until the December 7, 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 the Planning Commission (PC) until the August 3, 2021, PC hearing; held by the PC from the August 3, 2021, through the November 2, 2021, PC hearings until the December 7, 2021, PC hearing; therefore, was not considered at this hearing).***

SLUP-7 **BLUETIGER PROPERTIES, LLC** (Wellstar Health System, Inc., owner) requesting a **Special Land Use Permit** for a climate controlled self-storage facility in land lot 224 of the 20th district. Property is located on the north side of Stilesboro Road, and on the east side of Dennis Kemp Lane (Stilesboro Road). ***(Previously held by the Planning Commission (PC) from the September 7, 2021, and October 5, 2021, PC hearings until the November 2, 2021, PC hearing; continued by Staff until the December 7, 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). ***(Previously held by the Planning Commission (PC) from the October 5, 2021, and November 2, 2021, PC hearings until the December 7, 2021, PC hearing; therefore, was not considered at this hearing).***

SLUP-11 **ST. BENEDICT'S EPISCOPAL SCHOOL** (Cooper Lake-Daniel, LLC, owner) requesting a **Special Land Use Permit** for a school in land lot 695 of the 17th district. Property is located on the east and north side of Daniel Street, on the west side of Cooper Lake Road (2001 Daniel Street, 2235 Cooper Lake Road). ***(Continued by the Planning Commission (PC) until the December 7, 2021, PC hearing; therefore, was not considered at this hearing).***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

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). ***(Previously continued by Staff until the October 19, 2021, Board of Commissioners' (BOC) Zoning hearing; continued by the BOC until the November 16, 2021, BOC hearing; continued by Staff until the December 21, 2021, BOC Zoning hearing; therefore, was not considered at this hearing).***

O.B. 66 To consider a reduction of minimum public road frontage from required 50-feet to 7-feet for building 100 (western building), and setback variances as shown on the site plan for DGH 1125, LLC for property located on the south side of Ernest Barrett Parkway, and on the east side of Greers Chapel Road, in land lots 208 and 209 of the 20th district (1125 Ernest Barrett Parkway). ***(Previously continued by Staff from the November 16, 2021, Board of Commissioners' (BOC) Zoning hearing until the December 21, 2021, BOC Zoning hearing; therefore, was not considered at this hearing***).

Z-73 **INVGRP 3 LLC** (Laurel Properties LLC, owner) requesting rezoning from **R-20** to **RA-4** for a single-family subdivision in land lots 626 and 627 of the 16th district. Property is located on the east side of Marneil Drive, south of Post Oak Tritt Road (2454 Marneil Drive).

Mr. Pederson presented the Applicant's request for a continuance of Z-73; thereafter, following motion was made:

MOTION: Motion by Birrell, second by Richardson, to **continue** Z-73 until the December 21, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

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).***

The Applicant's representative, Garvis L. Sams, Jr. requested a continuance of Z-38; thereafter, following motion was made:

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-38 **WINDSONG PROPERTIES (CONT.)**

MOTION: Motion by Gambrill, second by Birrell, to **continue** Z-38 until the December 21, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

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

CAMPAIGN DISCLOSURE

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

INFORMATION REGARDING ZONING CASES

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

CONSENT AGENDA

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

Z-74 **GLENNIS F. WILLIS** (Mrs. Glennis Fricks Willis, owner) requesting rezoning from **R-30** to **R-20** for single-family homes in land lots 184 and 185 of the 16th district. Property is located on the west side of Wesley Chapel Road, south of Chapel Grove Drive (Wesley Chapel Road).

To **approve** Z-74 to the **R-20** zoning district, subject to:

1. **Site Plan received by the Zoning Division on September 2, 2021, with District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated October 25, 2021 (attached and made a part of these minutes)**
3. **Final Site Plan and elevations to be approved by the District Commissioner**
4. **Fire Department comments and recommendations**

CONSENT AGENDA (CONT.)

Z-74 **GLENNIS F. WILLIS (CONT.)**

5. **Water and Sewer Division comments and recommendations**
6. **Stormwater Management Division comments and recommendations**
7. **Department of Transportation comments and recommendations**

Z-75 **7435 FACTORY SHOALS ROAD, LLC** (David Wine, 7435 Factory Shoals Road, LLC, owner) requesting rezoning from **LI** to **LI** for truck staging and parking in land lots 610 and 683 of the 18th district. Property is located on the south side of Factory Shoals Road, west of Hartman Road (7485 Factory Shoals Road).

To **approve** Z-75 to the **LI** zoning district, subject to:

1. **Site Plan received by the Zoning Division on September 2, 2021, with District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated October 26, 2021 (attached and made a part of these minutes)**
3. **Fire Department comments and recommendations**
4. **Water and Sewer Division comments and recommendations**
5. **Stormwater Management Division comments and recommendations**
6. **Department of Transportation comments and recommendations**

Z-76 **LOT ONE HOMES, INC.** (Hammett-Lassiter Investors, LLC, owner) requesting rezoning from **LRO** to **RA-5** for single-family homes in land lot 538 of the 16th district. Property is located on the north side of Lassiter Road, west of Johnson Ferry Road (2860 Lassiter Road).

To **approve** Z-76 to the **RA-5** zoning district, subject to:

1. **Site Plan received by the Zoning Division on September 3, 2021 (attached and made a part of these minutes)**
2. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated ~~October 20~~ November 8, 2021, ~~with the following change:~~ (attached and made a part of these minutes)**
   A. **~~Item No. 4 – change the end of the sentence to read, "… *to be reviewed by the Cobb County Arborist with final approval by the District Commissioner.*"~~**
3. **Applicant to extend the fencing north to the Garden Gate Community entrance in a style and manner consistent with that of the existing exterior fencing along Garden Gate and a minimum distance of 10 feet**
4. **Homes shall be sodded on all four sides**

CONSENT AGENDA (CONT.)

Z-76 LOT ONE HOMES, INC. (CONT.)

5. **Two homes shall have a minimum of 15 feet between both homes**
6. **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; such restrictions shall be recorded on the deeds**
7. **The driveway pads in front the houses shall be of sufficient space to hold two full-size automobiles**
8. **Requirement to repair and/or replace any damages to the Garden Gate Community entrance that may occur during construction, including plantings, curbing, asphalt, and seal coating**
9. **The construction site will be considered a "clean" work area with loose debris disposed of each evening**
10. **Prohibition of construction trucks and worker vehicles being parked on the site; construction trucks and/or worker vehicles shall not disturb or block the use of the roads of the existing neighborhoods**
11. **Prohibition of stacking of vehicles along Lassiter Road or blocking the entrance to the Garden Gate Community**
12. **Provision of a tire washing station at the exit from the property during the development and construction of the project**
13. **Provision of a 24-hour contact number to surrounding neighborhoods and posted on-site during the construction period**
14. **Development and construction hour limitations for the project of 7:00 a.m. to 8:00 p.m. Monday through Friday; 9:00 a.m. to 6:00 p.m. Saturday; and no work on Sunday unless approved by the District Commissioner**
15. **Fire Department comments and recommendations**
16. **Water and Sewer Division comments and recommendations**
17. **Stormwater Management Division comments and recommendations**
18. **Department of Transportation comments and recommendations**
19. **All Staff comments and recommendations*, not otherwise in conflict***

Clerk's Note: *After reading in the stipulations, Mr. Pederson announced that a revised letter dated November 8, 2021, from Garvis L. Sams, Jr. had been submitted.*

Z-77 **BLUE RIVER DEVELOPMENT LLC** (Linda D. Mayes (Whatley), owner) requesting rezoning from **RSL** to **RA-6** for a townhome community in land lot 208 of the 17th district. Property is located on the south side of Saine Drive, on the west side of Sandtown Road, and on the northwest side of Austell Road (65 Saine Drive, 1564 Sandtown Road, 1582, 1586 Austell Road).

CONSENT AGENDA (CONT.)

Z-77 **BLUE RIVER DEVELOPMENT LLC (CONT.)**

To **delete** Z-77 to the **RA-5** zoning district, subject to:

1. **Letter of agreeable conditions from Kevin Moore dated October 27, 2021 (attached and made a part of these minutes), with the following change:**
   A. **Add a stipulation to include that not more than 10% of the units be rentals and that the units be deed restricted or otherwise restricted by covenants**
2. **Regarding noise reduction, construction materials to be EarthCraft; EarthCraft and LEED standards be met for acoustical rated construction and addition that more specific noise attenuation be conducted and noise reduction be conducted by use of "green glue" and/or other similar products so as to attempt to best block low frequency sounds that may be emitted by certain aircraft**
3. **Comply with the Austell Road Guidelines**
4. **Applicant agrees to coordinate with the owner of 1508 Sandtown Road regarding stormwater management to include providing plans during the Plan Review process**
5. **All Staff comments and recommendations**

Z-79 **FOUNDRY INVESTMENT GROUP, LLC** (WG-75 Partnership, owner) requesting rezoning from **GC** to **GC** for a climate-controlled self-service storage facility in land lot 55 of the 20th district. Property is located on the south side of Hickory Grove Road, west of Wade Green Road (Hickory Grove Road).

To **approve** Z-79 to the **GC** zoning district, subject to:

1. **Final Site Plan to be approved by the District Commissioner**
2. **Property to be used for a climate-controlled self-storage facility *only***
3. **Fire Department comments and recommendations**
4. **Stormwater Management Division comments and recommendations**
5. **Water and Sewer Division comments and recommendations**
6. **Department of Transportation comments and recommendations**

SLUP-10 **FOUNDRY INVESTMENT GROUP, LLC** (WG-75 Partnership, owner) requesting a **Special Land Use Permit** for a climate-controlled self-service storage facility in land lot 55 of the 20th district. Property is located on the south side of Hickory Grove Road, west of Wade Green Road (Hickory Grove Road).

CONSENT AGENDA (CONT.)

SLUP-10 FOUNDRY INVESTMENT GROUP, LLC (CONT.)

To **approve** SLUP-10, subject to:

1. **Final Site Plan and building architecture to be approved by the District Commissioner**
2. **Fire Department comments and recommendations**
3. **Stormwater Management Division comments and recommendations**
4. **Water and Sewer Division comments and recommendations**
5. **Department of Transportation comments and recommendations**

OTHER BUSINESS

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 the Board of Commissioners (BOC) from the September 21, 2021, and October 19, 2021, BOC hearings until the November 16, 2021, BOC hearing***).

To **approve** O.B. 48, subject to:

1. **Exhibit "A" contained in the Other Business packet (attached and made a part of these minutes)**
2. **Site Plan contained in the Other Business packet, with District Commissioner approving minor modifications (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)**
4. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
6. **All previous stipulations, *not otherwise in conflict with this amendment,* to remain in effect**

O.B. 59 To consider a stipulation amendment for Brian Mock regarding rezoning application Z-91 of 1994 in land lot 26 of the 20th district. Property is located on the northwesterly side of Baker Road, north of Hickory Grove Road (2595 Baker Road).

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 59 **(CONT.)**

To **approve** O.B. 59, subject to:

1. **Contractor is also a permitted use**
2. **No outdoor storage or outdoor display of merchandise**
3. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **All previous stipulations, *not otherwise in conflict with this amendment*, to remain in effect**

O.B. 60 To consider a reduction of minimum lot size from the required 5 acres to 4.53 acres for Bishop Joe L. Spann, Jr. for property located on the south side of Clay Road, west of Wesley Drive, in land lot 1090 of the 19th district (3301 Clay Road).

To **approve** O.B. 60, subject to:

1. **Site Plan contained in the Other Business packet, with District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Lot size for the church is reduced to 4.5 acres**
3. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

O.B. 61 To consider a site plan and stipulation amendment for Cumberland Mall, LLC regarding rezoning application Z-42 of 2020 in land lots 912, 913, 948, and 949 of the 17th district. The property is located on the south side of Cobb Parkway, the north side of Cumberland Boulevard, and the west side of Akers Mill Road (2860 Cumberland Mall SE, 2940 Cobb Parkway).

To **approve** O.B. 61, subject to:

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

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 61 **(CONT.)**

2. **Site Plan contained in the Other Business packet, with District Commissioner approving minor modifications (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)**
4. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **All previous stipulations, *not otherwise in conflict with this amendment*, to remain in effect**

O.B. 63 To consider a site plan amendment for Poag Shopping Centers, LLC regarding rezoning application Z-139 of 1999 in land lot 333 of the 20th district. Property is located on the south side of Dallas Highway, east of Casteel Road (3625 Dallas Highway).

To **approve** O.B. 63, subject to:

1. **Site Plan contained in the Other Business packet, with District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Letter of agreeable conditions dated January 16, 2002 (attached and made a part of these minutes), with the following change:**
   A. **Item No. 28 – add subset (f): *"Final approval by the District Commissioner"***
3. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **All previous stipulations, *not otherwise in conflict with this amendment*, to remain in effect**

O.B. 64 To consider a site plan amendment for Circle 75 Apartments, LLC regarding rezoning application Z-69 of 2020 in land lots 914, 915, 945, and 946 of the 17th district. Property is located on the southwest side of I-75, northeast of Cobb Parkway, and on the northwest side of I-285 (1000 Circle 75 Parkway).

To **approve** O.B. 64, subject to:

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

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 64 **(CONT.)**

4. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Water and Sewer Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
6. **All previous stipulations, *not otherwise in conflict with this amendment*, to remain in effect**

O.B. 67 To consider a site plan amendment for Noel Dmello regarding rezoning application Z-10 of 2021 in land lot 15 of the 17th district. Property is located on the northwest side of Austell Road, south of Millwood Drive (2520 Austell Road).

To **approve** O.B. 67, subject to:

1. **Site Plan contained in the Other Business packet, with District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
3. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **All previous stipulations, *not otherwise in conflict with this amendment,* to remain in effect**

O.B. 68 To consider a site plan and stipulation amendment for Retail Planning Corporation regarding rezoning application Z-108 of 2000 in land lots 73 and 81 of the 1st district. Property is located on the west side of Johnson Ferry Road, north of Paper Mill Road (35 Johnson Ferry Road).

To **approve** O.B. 68, subject to:

1. **Exhibit "B" contained in the Other Business packet (attached and made a part of these minutes)**
2. **Site Plan contained in the Other Business packet, with District Commissioner approving minor modifications (attached and made a part of these minutes)**
3. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **All previous stipulations, *not otherwise in conflict with this amendment*, to remain in effect**

CONSENT VOTE: **ADOPTED** 5-0

REGULAR AGENDA

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).***

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

MOTION: Motion by Birrell, second by Richardson, to **approve** Z-25 to the **NRC** zoning district, subject to:

1. **Letter of agreeable conditions from Adam Rozen dated November 16, 2021, including Site Plan (attached and made a part of these minutes)**
2. **Planning Commission comments and recommendations (attached and made a part of these minutes),** ***not otherwise in conflict***
3. **All Staff comments and recommendations,** ***not otherwise in conflict***

VOTE: **ADOPTED** 5-0

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).***

The public hearing was opened; Garvis L. Sams, Jr., Joanne Trivett, and Travis McComb (virtual speaker) addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Gambrill, to **delete** Z-53 to the **RM-12** zoning district, subject to:

1. **Letter of agreeable conditions from Garvis L. Sams, Jr dated November 9, 2021 (attached and made a part of these minutes)**

REGULAR AGENDA (CONT.)

Z-53 **QUINTUS DEVELOPMENT L.P. (CONT.)**

2. **Maximum number of units to be 200**
3. **Maximum impervious surface to be 45%**
4. **This will not be developed until the Department of Transportation (DOT) project is completed; if construction vehicles damage the project that DOT installs, the Applicant shall repair any damage to those intersection improvements**
5. **The STC (Sound Transmission Class) 34 sound mitigation to be determined in Plan Review**
6. **The Landscape Plan with buffers to be approved by the County Arborist, reviewed by the Bells Ferry Civic Association, and final approval by the District Commissioner**
7. **Planning Commission comments and recommendations (attached and made a part of these minutes),** ***not otherwise in conflict***
8. **All Staff comments and recommendations,** ***not otherwise in conflict***

VOTE: **ADOPTED** 5-0

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).***

Prior to opening the public hearing, Chairwoman Cupid called for a brief recess. Following the recess, Commissioner Sheffield made the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** Z-56 until the December 21, 2021, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED** 5-0

By general consensus, companion cases Z-57 (Stacey Bagwell) and O.B. 58 (Noel Dmello) were heard concurrently but voted on separately.

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).***

REGULAR AGENDA (CONT.)

Z-57 **STACEY BAGWELL (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).***

The public hearing was opened, and Garvis L. Sams, Jr. addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Richardson, to **delete** Z-57 to the **UVC** zoning district, subject to:

1. ***Revised*** **letter of agreeable conditions from Garvis L. Sams, Jr. dated November 10, 2021 (attached and made a part of these minutes), with the following change:**
   A. Removal of the stipulation regarding the *master water meter*
2. **District Commissioner to have final approval on the elevations**
3. **Prohibited uses to include the following:**
   A. Liquor store
   B. Dollar or discounted merchandise or closeout stores
4. **Email correspondence from Garvis L. Sams, Jr. dated November 15, 2021, at 3:42 p.m., that reflects residential and commercial condo association funding obligations (attached and made a part of these minutes)**
5. **Staff comments and recommendations, *not otherwise in conflict***

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

Following the vote for Z-57, the following motion was made for O.B. 58:

MOTION: Motion by Sheffield, second by Richardson, to **approve** O.B. 58, subject to:

1. ***Revised*** **letter of agreeable conditions from Garvis L. Sams, Jr. dated November 10, 2021 (attached and made a part of these minutes)**
2. **Staff comments and recommendations, *not otherwise in conflict***

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

REGULAR AGENDA (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).***

The public hearing was opened; Kevin Moore and Joanne Trivett addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Richardson, to **approve** Z-70 to the **RRC** zoning district, subject to:

1. **Maximum number of units to be 350**
2. **Maximum impervious surface not to exceed 60%**
3. **Sound mitigation/insulation to be installed and to be determined in Plan Review to meet the STC (Sound Transmission Class) 34**
4. **Applicant to submit a Landscape Plan with trees along the interstate for sound mitigation on Applicant's property to be approved by the County Arborist, reviewed by the Bells Ferry Civic Association, and final approval by the District Commissioner**
5. **Final Site Plan and Landscape Plan with setbacks to be reviewed by the Bells Ferry Civic Association, and approved by the District Commissioner**
6. **Staff to approve in Plan Review the number of parking spaces prior to issuance of an LDP (Land Disturbance Permit)**
7. **Planning Commission comments and recommendations (attached and made a part of these minutes), *not otherwise in conflict***
8. **All Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 5-0

Chairwoman Cupid called for a brief recess from 11:22 a.m. until 11:31 a.m.

LUP-21 **EVANGELOS M. AND JOYCE B. DEMESTIHAS** (Evangelos M. Demestihas and Joyce B. Demestihas, owners) requesting a **Temporary Land Use Permit** for a special events facility in land lot 379 of the 16th district. Property is located on the east side of Knight Road, north of the termination of Knight Lane (3550 Knight Road).

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

REGULAR AGENDA (CONT.)

LUP-21 EVANGELOS M. AND JOYCE B. DEMESTIHAS (CONT.)

MOTION: Motion by Birrell, second by Cupid, to **approve** LUP-21 for **12 months**, subject to:

1. **Letter of agreeable conditions from Kevin Moore dated October 27, 2021 (attached and made a part of these minutes), with the following change:**
   A. **Item No. ~~5~~ 6 – revised to read: *"One week prior to a scheduled event, Applicants shall notify adjacent neighbors in writing and/or electronically (email/text) and via placement of signage on the Property."***
2. **Property owner, when posting a sign, a minimum of seven days prior to any event that is rented out, take a picture with a time stamp of the signage and send it to the District Commissioner and the Cobb County Zoning Division Manager**
3. **Email correspondence from Cathey Pickett (Code Enforcement) dated October 18, 2021 (attached and made a part of these minutes)**
4. **Letter of support dated October 30, 2021 (attached and made a part of these minutes)**
5. **Letter of opposition dated ~~October~~ November 15, 2021 (attached and made a part of these minutes)**
6. **All other previous stipulations and conditions to remain in effect**

VOTE: **ADOPTED** 5-0

Clerk's Note: *In stipulation #1A. above, it is Item No. 6 that is to be modified rather than Item No. 5, as stipulated. In stipulation #5 above, the date on the letter of opposition is November 15, 2021, rather than October 15, 2021, as stipulated.*

OTHER BUSINESS

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).***

OTHER BUSINESS (CONT.)

O.B. 38 **(CONT.)**

The public hearing was opened; Garvis L. Sams, Jr., Jerry Gunter, Clay Fearnow, Paulina O'Dowd, and Peter Bright addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Birrell, to deny O.B. 38.

Prior to the vote, further discussion ensued, and then Commissioner Gambrill, with consensus from the Board, made the following revised motion:

MOTION: Motion by Gambrill, second by Birrell, to **allow** O.B. 38 to be *withdrawn without prejudice.*

VOTE: **ADOPTED** 5-0

O.B. 62 To consider a stipulation amendment for Dog School 101, Inc. regarding rezoning application Z-43 of 2014 in land lot 660 of the 16th district. Property is located on the east side of Canton Road, south of Liberty Hill Road (2288 Canton Road).

The public hearing was opened; Parks Huff and Carol Brown addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to **approve** O.B. 62, subject to:

1. **Letter of agreeable conditions from Parks Huff dated November 10, 2021 (attached and made a part of these minutes)**
2. **Letter from Carol Brown dated November 9 ~~19~~, 2021 (attached and made a part of these minutes)**
3. **Specific to this use *only;* any other use to come back to the Board of Commissioners as Other Business**
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)**
7. **All previous stipulations, *not otherwise in conflict,* to remain in effect**
8. **All Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 5-0

Clerk's Note: *With confirmation from Carol Brown, the letter she submitted should have been dated November 9 rather than November 19 as indicated on the letter.*

OTHER BUSINESS (CONT.)

O.B. 65 To consider a stipulation amendment for Mable Oak Development, LLC regarding rezoning application Z-34 of 2017 in land lots 1226 and 1291 of the 19th district. Property is located at the northern terminus of Burrus Lane, at the northwestern terminus of Milton Place, the northern terminus of Lakeview Drive, the eastern end of Mark Lee Drive, and northeast of Veterans Memorial Highway.

The public hearing was opened; Garvis L. Sams, Jr., Robin Meyer (virtual speaker), and Larry Thompson addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Richardson, to **approve** O.B. 65, subject to:

1. **Entire payment for road improvements be submitted no later than December 9, 2021**
2. **No additional permits will be issued if funds are not received by December 9, 2021**
3. **Clubhouse, including the amenities and the pocket park, as reflected in the stipulation letter dated November 2017 (attached and made a part of these minutes), as well as the sidewalks on the right side of the street (same side as the kiosk), are to the completed no later than April 29, 2022**
4. **No additional permits or certificates of occupancy will be issued if the clubhouse, pocket park, or sidewalks are not installed by April 29, 2022**
5. **A painted crosswalk and stop bar will be included at the entrance of the private driveway to the clubhouse, along with a stop sign, location to be later determined by Cobb Department of Transportation (DOT)**
6. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
7. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
8. **Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 5-0

AMEND SOMETHING PREVIOUSLY ADOPTED

Item No. 1 (Z-60-2021) Section 25 of the Board of Commissioners' Zoning and Land Use Hearing Procedures adopted January 11, 1994 and last revised October 19, 2004 allows any commissioner to amend an action taken at a previous hearing. A second shall be required and full discussion shall be allowed. A majority vote shall be required for adoption of the amendment and if passed a second motion will be needed to revise the stipulations. This item would be to amend the motion by the Board of Commissioners for Z-60 of 2021 as listed in the official minutes of the October 19, 2021 hearing. Three stipulations need to be amended in the motion to perfect the record. The following is how the motion should read:

1. ***Revised* Site Plan dated September ~~28~~ 21, 2021 (attached and made a part of these minutes)**
2. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated ~~September 13~~ August 24, 2021 (attached and made a part of these minutes), with the following change:**
   A. Item No. 10, under the ~~Non-Residential~~ Mixed-Use Components, - add to the end: "Lighting to be approved by the District Commissioner."
3. **Outdoor amenity space to include additional greenspace**
4. **Community amenities to include, but not limited to, gathering spaces, benches, and a gazebo**
5. **Applicant to submit a Lighting and Safety Plan to the District Commissioner during Site Plan Review for approval**
6. **Applicant to revise Stormwater Management comments to reflect the appropriate impervious surface to be 70%**
7. **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**
8. **Final Site Plan to be approved by the District Commissioner**
9. **All Staff comments and recommendations, *not otherwise in conflict***

MOTION: Motion by Sheffield, second by Birrell, to **allow** amending a previously adopted approval of Z-60 (2021) from the October 19, 2021, BOC Zoning hearing minutes.

VOTE: **ADOPTED** 5-0

The following motion was made to amend the previously adopted motion to correct the stipulations as previously read in by Mr. Pederson:

MOTION: Motion by Sheffield, second by Birrell, to **amend** the previously adopted motion to include the corrected zoning stipulations to Z-60 (2021) from the October 19, 2021, BOC Zoning hearing minutes.

VOTE: **ADOPTED** 5-0

AMEND SOMETHING PREVIOUSLY ADOPTED (CONT.)

Item No. 2
(Z-71-2021)

Section 25 of the Board of Commissioners' Zoning and Land Use Hearing Procedures adopted January 11, 1994 and last revised October 19, 2004 allows any commissioner to amend an action taken at a previous hearing. A second shall be required and full discussion shall be allowed. A majority vote shall be required for adoption of the amendment and if passed a second motion will be needed to revise the stipulations. This item would be to amend the motion by the Board of Commissioners for Z-71 of 2021 as listed in the official minutes of the October 19, 2021 hearing. Stipulation #4 (Applicant's stipulation letter) needs to be added in the motion to perfect the record. The following is how the motion should read:

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***
4. **Letter from Kevin Moore dated October 13, 2021 (attached and made a part of these minutes)**

MOTION: Motion by Richardson, second by Birrell, to **allow** amending a previously adopted approval of Z-71 (2021) from the October 19, 2021, BOC Zoning hearing minutes.

VOTE: **ADOPTED** 5-0

The following motion was made to amend the previously adopted motion to include an additional stipulation as previously read in by Mr. Pederson:

MOTION: Motion by Richardson, second by Birrell, to **amend** the previously adopted motion to include an additional zoning stipulation to Z-71 (2021) from the October 19, 2021, BOC Zoning hearing minutes.

VOTE: **ADOPTED** 5-0

ADJOURNMENT

The hearing adjourned at 2:27 p.m.

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

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Min. Bk. 94 Petition No. Z-25
Doc. Type letter
Meeting Date 11-16-2021

ROZEN & ROZEN, LLP
A Limited Liability Partnership
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ROGER J. ROZEN
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November 16, 2021

SECOND REVISED STIPULATION LETTER

VIA EMAIL AND
CLERK DELIVERY

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

Re: Application of The Furniture and Mattress Warehouse, LP to Rezone a 5.386 Acre Tract from nonconforming GC to NRC - Land Lot 642, 16th District, Cobb County, Georgia; Z-25 (2021)

Dear John:

This firm represents the Applicant in the rezoning application known as Z-25 (the "Application"). The Application was heard and unanimously recommended for approval by the Cobb County Planning Commission on November 2, 2021 and, is now, scheduled to be heard for final action by the Cobb County Board of Commissioners ("BOC") on November 16, 2021.

At the Planning Commission hearing, the Applicant, BFCA and representative for adjoining residential communities presented the November 2, 2021 Revised Stipulation Letter which provided for consent of all terms except for two items related to buffering and restaurant uses in one area of the development. The Planning Commission directed the parties to address this issue before and at the BOC hearing.

With respect to the foregoing and after continued dialogue and agreement among the BFCA and adjoining residential neighbors, this letter will constitute the Applicant's agreement with the following stipulations which shall become conditions and a part of the grant of the requested

Petition No. Z-25
Meeting Date 11-16-2021
Continued

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Mr. John Pederson, AICP Zoning Division Manager
Cobb County Zoning Division
Community Development Agency

rezoning, and binding upon the subject property thereafter. The referenced stipulations are as follows:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place with respect to the Subject Property and shall be binding upon the Applicant herein, the 5.386-acre Subject Property, its owners, tenants and occupants, their heirs, successors and assigns. All references herein to Applicant, Owner, or both shall include all such owners, tenants or occupants.

2. The rezoning of the Subject Property from the existing nonconforming GC classification to the NRC classification shall be in substantial conformity with that certain "Revised Site Plan", dated October 26, 2021, which is attached hereto as Exhibit "A" and incorporated herein with final approval of the District Commissioner.

3. The total site area consists of approximately 5.386 acres and is proposed to be utilized for a variety of uses including Neighborhood Retail, Automotive, Restaurant and Professional Offices.

    a. The Applicant proposes the construction of three (3) buildings on the Subject Property for restaurant, retail and office uses with an additional "outparcel" along Bells Ferry Road for restaurant use.

4. A portion of the Subject Property is proposed to consist of a Retail and Light Automotive building identified as Building A on the Revised Site Plan, which is proposed to be utilized for automotive retail and light automotive repair.

5. The Applicant proposes construction of additional buildings identified on the Revised Site Plan as Buildings B and C which buildings and uses shall be neighborhood retail, office, restaurant or other purposes permitted under the NRC category but shall not be permitted as additional space for automotive repair.

Petition No. Z-25
Meeting Date 11-16-2021
Continued

a. Any restaurant uses proposed in the portion of Building B directly adjacent to the eastern boundary of the Subject Property (closest to Delacoure) shall be limited to those restaurant establishments which do not require an external exhaust fan. Any such restaurant use shall further be precluded from outdoor cooking or grilling in any parking or access areas adjacent to Buildings A or B.

6. The remaining area of the Subject Property is proposed for restaurant use in the outparcel area of the Subject Property identified as Building D on the Revised Site Plan. The restaurant outparcel shall be designed and designated for restaurant use for eating and drinking purposes or other purposes permitted under the NRC category.

   a. The outparcel of the Subject Property may be utilized for seated dining establishments and those that include a drive through.

   b. In the event that a drive through establishment is proposed, a traffic circulation plan shall be submitted during the plan review process to be reviewed by DOT and subject to approval of the Zoning Division Manager.

   c. Any drive through establishment shall install, configure and maintain its speaker system so as not to disturb the peace and enjoyment of residential neighbors.

7. In compliance with and as mandated by Cobb County Code 134-213(2)(e), in order to reduce potential sound generated from the light automotive uses, all installation, testing and demonstration of automotive sound products will only be conducted inside the enclosed service bays. No installation, testing or demonstration of such products will be conducted outside the building or without closed doors/bays.

   a. To further reduce potential sound generated inside the light automotive repair bays, any area of Building A designated for light automotive repair shall be insulated to minimize sound outside the bays. The insulation shall, at a minimum, be installed along the walls facing the adjoining residential properties.

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b. The building insulation will be consistent with an open cell spray foam product such as AccuFoam Thermal Insulation and Air Barrier ESR-699 as identified in the attached Exhibit "B" (the "Insulation").

c. The Applicant shall be required to provide proof of the Insulation type and location during the Building Permit Process and subject to approval by the Zoning Division Manager.

d. Silent compressors shall be used for all automotive related work or services.

e. SMD meters, digital oscilloscopes and the like shall be used in all audio sound testing.

f. Any acts or omissions on any portion of the Subject Property which violate the Cobb County Noise Ordinance Cobb County Code § 50-256, et seq, as presently written or as hereafter amended, shall likewise constitute a violation of the conditions of zoning applicable to the Subject Property, and may be enjoined as such.

8. There shall be no additional light automotive repair uses on the Subject Property other than contained within Building A regardless of future lot split or reconfiguration of the existing property lines.

9. Car shows and other outdoor gatherings of more than twenty-five (25) persons at any time shall be permitted but shall be limited to one (1) per year unless otherwise agreed to in a prior writing by a representative of Delacoure and Kendrick Farm subdivisions. In any event, seven (7) days' advance notice of any car shows shall be provided to Delacoure and Kendrick Farm subdivisions and the BFCA.

10. All vehicles dropped off at the Subject Property after the hour of 9 p.m. shall be parked in a designated area in front of Building A and shall not be allowed to remain parked for storage purposes and in any event no longer than forty-eight (48) hours.

Petition No. Z-25
Meeting Date 11-16-2021
Continued

VIA EMAIL AND
CLERK DELIVERY

Mr. John Pederson, AICP Zoning Division Manager
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11. The Applicant agrees that the following uses shall not be permitted uses on the Subject Property:

    a. liquor stores,
    b. bars,
    c. recycling collection locations,
    d. group homes,
    e. boarding kennels with outside runs,
    f. funeral homes,
    g. fuel sales and convenience stores,
    h. vape stores or hookah lounges,
    i. pawn shops,
    j. car wash,
    k. communication tower,
    l. free standing emissions stations,
    m. pool halls, and
    n. self-service laundry facilities.

12. The regular hours of operation for all light automotive repair use will be Monday through Saturday 9:00am to 6:00pm, and Sundays 12:00pm to 5:00pm.

13. The regular hours of operation for the remaining retail and office uses will be Monday through Saturday 9:00am to 6:00pm, and Sundays 12:00pm to 5:00pm.

14. The regular hours of operation for any restaurant uses shall be limited to Monday through Sunday from 6:00 am to 10:00 pm.

15. The style and architecture of the proposed buildings shall be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center and designed to fit in with the residential setting of the nearby properties and shall substantially conform to the architectural renderings separated under separate cover. The Applicant and all successor parties shall be bound by the approved Architecture.

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Community Development Agency

a. The Architecture shall be subject to final approval of the District Commissioner.

16. No building shall exceed the maximum building height of thirty-five feet (35').

17. All lighting for the development shall be environmentally sensitive, and themed to the architecture and style of the buildings, as allowed by the power provider and Cobb County Ordinance.

    a. Any security lighting along the rear of the proposed buildings shall be downcast "shoe box" style lighting which shall ensure that spread of light towards residential zoned properties is minimized or eliminated.

18. Prior to issuance of a certificate of occupancy for any use on the Subject Property, security cameras shall be installed covering the building and all parking areas, and shall be permanently maintained and monitored.

19. Prior to the issuance of a certificate of occupancy for any use on the Subject Property, signs prohibiting overnight parking and towing enforcement signs shall be installed covering all parking areas and shall be permanently maintained.

20. Entrances (together with all islands and planted areas, and streetscape areas along Bells Ferry Road and Piedmont Road), as well as areas interior to the Property will be professionally designed, landscaped, and maintained per Cobb County Ordinances.

21. Setbacks shall conform to the provisions of the NRC classification.

22. The landscape buffers shall remain consistent with those adopted by the Board of Commissioners in (Z-152, 1999) and (OB-1, 2001); specifically, forty feet (40') from the property line on the eastern side of the property and twenty-five feet (25') along the southern property line (the "Buffers"). The Buffers shall be undisturbed but allowed to be penetrated for the purpose of satisfying the requirements of the Landscape Plan and planting in compliance with the Landscape Plan and may be penetrated for the

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purpose of removing any dead, dying and irrevocably diseased trees and those which appear to jeopardize the property of the adjoining residential neighbors as well as for utility and stormwater management purposes other than stormwater retention or detention. ("Buffer Area").

a. To the extent that portions of the Buffer Area require grading and clearing to comply with engineering requirements, said areas shall be replanted per Cobb County landscaping ordinances and with approval from the County Arborist and shall be permanently maintained by the owner.

b. To the extent that portions of the Buffer Area do not require grading and clearing to comply with engineering requirements, the mature existing landscaping shall remain with additional plantings to enhance screening as recommended by the County Arborist.

c. The Buffer Area shall include privacy and sound screening consisting of permanent measures such as an earth berm, fencing or wall with evergreen tree plantings, all as recommended and approved by the County Arborist.

d. The final design of the Buffer Area shall be submitted and subject to review and recommendation by the County Arborist and subject to final approval of the District Commissioner.

e. The Buffer Area and review of the same shall be in conjunction with the review and approval of the Landscape Plan.

23. A Landscape Plan shall be submitted to Cobb County during the Plan Review Process which shall be subject to review and approval by the District Commissioner.

a. Further, the Applicant shall be responsible for setting up a permanent Landscape Oversight Committee ("LOC") comprised of the Applicant, a representative of Delacoure, Kendrick Farm, the BFCA and a designee from the Community Development Agency. This Committee shall review, and its

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purview shall be applicable to, any landscaping and/or fence, berm or wall plans.

24. The Subject Property is permitted to be developed and built-out in phases, but in the event development is phased, grading for the site and the interior sidewalk along the private road will be completed during the construction of the first phase of the development. All required buffers and berms, walls or fences shall be created and maintained prior to the issuance of a certificate of occupancy. The Applicant and all successor developer or builder, if any, shall landscape all areas that remain undeveloped or without buildings during buildout in accord with specifications approval by the LOC with final approval by the District Commissioner.

25. The rear of the proposed buildings shall only provide for employee access and all other necessary utility or other construction related improvements. All windows, customer entrances, or automotive bay doors shall be located at the front of the buildings and facing Piedmont and Bells Ferry Roads.

26. There shall be no outside storage of business materials or supplies or other Outside Storage as defined by the Cobb County Ordinance.

27. There shall be no outdoor speakers or PA systems utilized within the development.

28. External signage shall be designed per and consistent with the approved Architecture and Cobb County ordinances and subject to approval of the District Commissioner.

29. The Applicant and all successor owners shall be responsible for the upkeep and maintenance of the entrance area(s), signage, all common areas, open space, general landscaped areas, private streets, and the like.

30. The owner shall be responsible for securing trash services and providing designated areas for trash receptacles, and shall provide for the scheduled collection of trash by a private service during the hours of 7 a.m. and 5 p.m. Such collection areas shall be visually screened from adjoining residential uses and the public right of way,

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shall be maintained in a safe, clean, neat, and sanitary fashion, and shall not be located within the setbacks. All trash receptacles shall be regularly cleaned, inspected and monitored by a pest control service.

31. Applicant shall comply with the Cobb County Department of Transportation Comments and recommendations, except for the donation of right-of-way on Bells Ferry Road.

32. Applicant shall comply with all other Staff Comments and Recommendations not otherwise in conflict with these conditions.

33. Minor modifications to the within stipulations, 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. Reduce the size of an approved buffer
    b. Relocate a structure closer to the property line of an adjacent residential property;
    c. Change an access location to a different roadway;
    d. Would be in direct contradiction or conflict with the Cobb County Code of Ordinances; or
    e. Would be in direct contradiction or conflict with any Staff Recommendations that were adopted as part of the final zoning decision.

Based on the foregoing, the Applicant proposes a means to finally bring development to the Subject Property in a manner which is supportive of the local neighborhood while also eliminating any adverse effects to surrounding properties. The Applicant looks forward to being a partner with the surrounding neighborhoods, businesses and schools.

Petition No. Z-25
Meeting Date 11-16-2021
Continued

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Mr. John Pederson, AICP Zoning Division Manager
Cobb County Zoning Division
Community Development Agency

November 16, 2021
Page 10

Please do not hesitate to contact me should you or Staff require any further information or documentation prior to the hearing before the Board of Commissioners.

Sincerely,

ROZEN & ROZEN, LLP

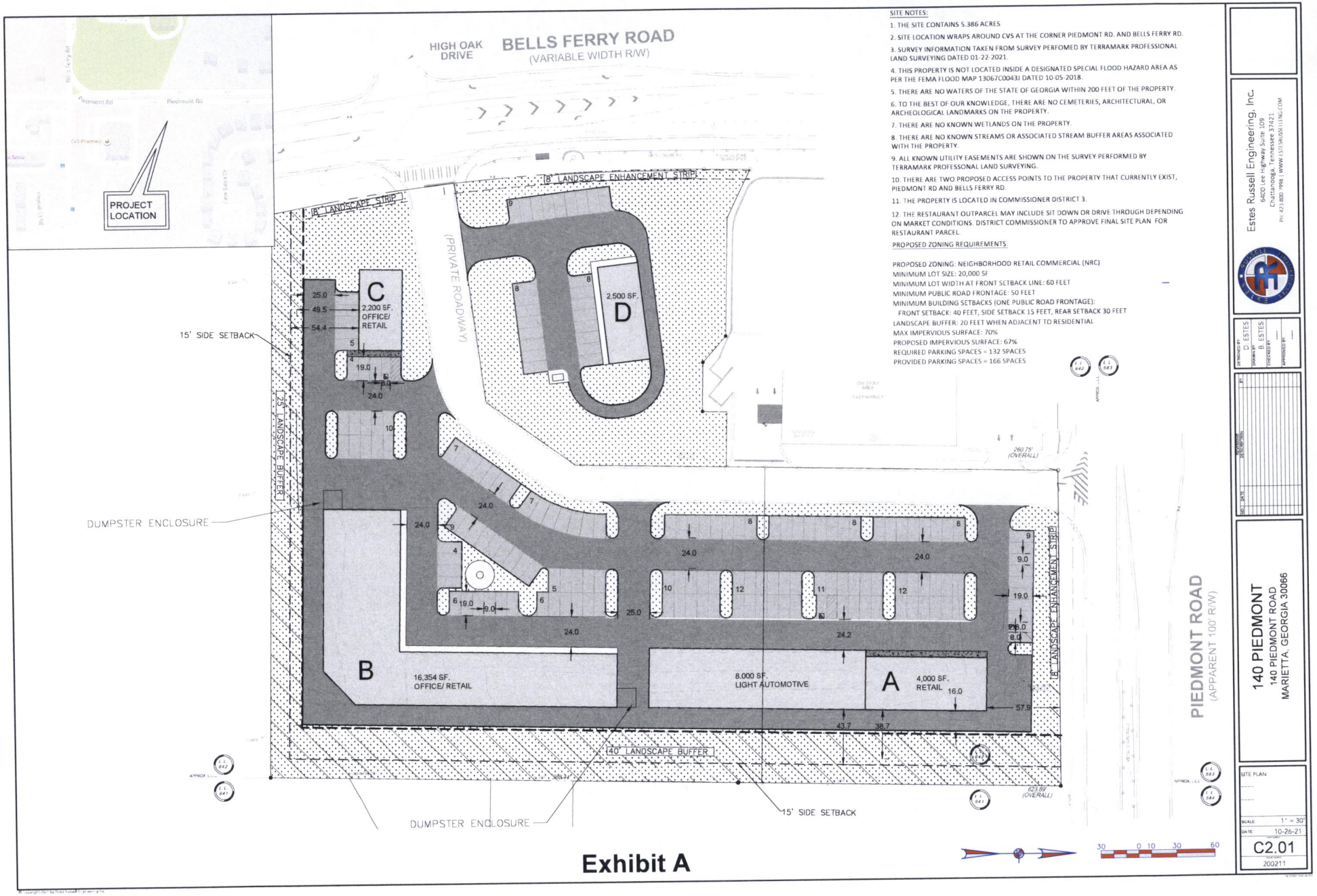
Adam J. Rozen
arozen@rhb-law.com

AJR/srb
Enclosure/Attachment
cc: Members, Cobb County Board of Commissioners
BOC Commission Assistants
Ms. Jeannie Peyton, Senior Planner
Ms. Pam Mabry, County Clerk
Ms. Robin Stone, Deputy County Clerk
Ms. Tullan Avard, Bells Ferry Civic Association
Mr. Richard W. Calhoun, Esq.
Mr. David E. Estes, PE, PLS, Estes Russell Engineering, Inc.
Mr. Brad Russell, Estes Russell Engineering, Inc.
Mr. Mark Greer, The Landmark Group

Petition No. Z-25
Meeting Date 11-16-2021
Continued

EXHIBIT "A"

Petition No. Z-25
Meeting Date 11-16-2021
Continued



SITE NOTES:

1. THE SITE CONTAINS 5.386 ACRES
2. SITE LOCATION WRAPS AROUND CVS AT THE CORNER PIEDMONT RD. AND BELLS FERRY RD.
3. SURVEY INFORMATION TAKEN FROM SURVEY PERFOMED BY TERRAMARK PROFESSIONAL LAND SURVEYING DATED 01-22-2021.
4. THIS PROPERTY IS NOT LOCATED INSIDE A DESIGNATED SPECIAL FLOOD HAZARD AREA AS PER THE FEMA FLOOD MAP 13067C0043J DATED 10-05-2018.
5. THERE ARE NO WATERS OF THE STATE OF GEORGIA WITHIN 200 FEET OF THE PROPERTY.
6. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CEMETERIES, ARCHITECTURAL, OR ARCHEOLOGICAL LANDMARKS ON THE PROPERTY.
7. THERE ARE NO KNOWN WETLANDS ON THE PROPERTY.
8. THERE ARE NO KNOWN STREAMS OR ASSOCIATED STREAM BUFFER AREAS ASSOCIATED WITH THE PROPERTY.
9. ALL KNOWN UTILITY EASEMENTS ARE SHOWN ON THE SURVEY PERFORMED BY TERRAMARK PROFESSONAL LAND SURVEYING.
10. THERE ARE TWO PROPOSED ACCESS POINTS TO THE PROPERTY THAT CURRENTLY EXIST, PIEDMONT RD AND BELLS FERRY RD.
11. THE PROPERTY IS LOCATED IN COMMISSIONER DISTRICT 3.
12. THE RESTAURANT OUTPARCEL MAY INCLUDE SIT DOWN OR DRIVE THROUGH DEPENDING ON MARKET CONDITIONS. DISTRICT COMMISSIONER TO APPROVE FINAL SITE PLAN FOR RESTAURANT PARCEL.

PROPOSED ZONING REQUIREMENTS:

PROPOSED ZONING: NEIGHBORHOOD RETAIL COMMERCIAL (NRC)
MINIMUM LOT SIZE: 20,000 SF
MINIMUM LOT WIDTH AT FRONT SETBACK LINE: 60 FEET
MINIMUM PUBLIC ROAD FRONTAGE: 50 FEET
MINIMUM BUILDING SETBACKS (ONE PUBLIC ROAD FRONTAGE):
FRONT SETBACK: 40 FEET, SIDE SETBACK 15 FEET, REAR SETBACK 30 FEET
LANDSCAPE BUFFER: 20 FEET WHEN ADJACENT TO RESIDENTIAL
MAX IMPERVIOUS SURFACE: 70%
PROPOSED IMPERVIOUS SURFACE: 67%
REQUIRED PARKING SPACES = 132 SPACES
PROVIDED PARKING SPACES = 166 SPACES

Estes Russell Engineering, Inc.
6400 Lee Highway Suite 109
Chattanooga, Tennessee 37421
PH: 423.800.7998 | WWW.ESTESRUSSELLENG.COM

DESIGNED BY: D. ESTES
DRAWN BY: B. ESTES
CHECKED BY: ----
APPROVED BY: ----

NO. DATE DESCRIPTION

140 PIEDMONT
140 PIEDMONT ROAD
MARIETTA, GEORGIA 30066

SITE PLAN

SCALE: 1" = 30'
DATE: 10-26-21
C2.01
200211

30 0 10 30 60

Exhibit A

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Petition No. Z-25
Meeting Date 11-16-2021
Continued

EXHIBIT "B"

ACCUFOAM CC

Accufoam CC High Yield Foam
TECHNICAL DATA SHEET

Petition No. Z-25
Meeting Date 11-16-2021
Continued

THERMAL INSULATION AND AIR BARRIER
ESR-699 | CSI Section: 07 21 00

PRODUCT DESCRIPTION

Accufoam CC is a two-component, one-by-one-by-volume spray-applied polyurethane foam. Accufoam CC is a high-yield, medium-density, spray-applied insulation foam, and is designed to provide good thermal performance and a significant control of air infiltration of an air-barrier assembly.

PRODUCT DATA

PROPERTY	TEST METHOD	VALUE
R-VALUE @ 1"	ASTM C 518	6.52
CORE DENSITY	ASTM D 1622	1.8-2.0 pcf
OPEN-CELL CONTENT	ASTM D 6226	<5%
DIMENSIONAL STABILITY	ASTM D 2126	<8.6%
TENSILE STRENGTH	ASTM D 1623	53.5 psi
COMPRESSIVE STRENGTH	ASTM D 1621	31.75 pcf
AIR PERMEANCE	ASTM E 2178	<0.02
SURFACE BURNING CHARACTERISITCS	ASTM E 84	Class-1
CRITICAL RADIANT HEAT FLUX	ASTM E 970	Pass
FLAME SPEED		<25
SMOKE DEVELOPMENT		<450
RE-ENTRY PERIOD		4-Hour
RE-OCCUPANCY PERIOD		24-Hours
VISCOSITY-ISO AT 77F (CPS)		200
VISCOSITY-RESIN AT 77F		720

BURN CHARACTERISTICS

PROPERTY	TEST METHOD	VALUE
FLAME SPREAD INDEX	ASTM E 84	< 25
SMOKE DEVELOPMENT	ASTM E 84	< 450

IGNITION BARRIER AC377X

TYPE	WFT	WALL	CIELING	APPLICATION RATE
DC315	4 MIL MIN	5.5 INCH MAX	7.5 INCH MAX	.25 GAL/100 SQ FT
FS-IB	4 MIL MIN	5.5 INCH MAX	7.5 INCH MAX	.38 GAL/100 SQ FT

THERMAL BARRIER NFPA286

TYPE	WFT	WALL	CIELING	APPLICATION RATE
DC315	19 MIL MIN	5.5 INCH MAX	9.5 INCH MAX	.25 GAL/100 SQ FT

ACCUFOAM CC

Accufoam CC High Yield Foam
TECHNICAL DATA SHEET

Petition No. Z-25
Meeting Date 11-16-2021
Continued

TEMPERATURE GRADES

REACTIVITES AVAILABLE	AMBIENT TEMPERATURE RANGE
CC 120	110°F – 130°F
CC 100	90°F – 110°F
CC 80	70°F – 90°F
CC 60	50°F – 70°F
CC 40	30°F – 50°F

APPLICATION PARAMETERS

STORAGE TEMPERATURE	60° – 90°
AMBIENT TEMPERATURE	40° – 120°
SUBSTRATE TEMPERATURE	40° – 120°
MOISTURE CONTENT OF SUBSTRATE	Less than 19%
MAXIMUM LIFT PER PASS	Not to exceed 3"

EQUIPMENT SETTINGS

PRE-HEATER: (A) COMPONENT – ISO	110° – 130°
PRE-HEATER: (B) COMPONENT – RESIN	110° – 130°
HOSE HEAT	110° – 130°
FLUID PRESSURE – DYNAMIC	1100 – 1400 psi
MIXING RATIO	1:1 by Volume
RECOMMENDED MIX CHAMBER SIZE	10-15 lbs./minute (i.e. 01-Graco AR4242)
STORAGE STABILITY	6 Months

**The values represented in the Equipment Settings chart provides initial optimum settings. Actual operating ranges will vary as ambient air; humidity, moisture, and substrate temperatures vary. Extreme conditions will affect the yield, adhesion and cured physical properties of the foam. Applicator must make adjustments as conditions vary.*

Disclaimer: The data herein is to assist customers who desire to use our products to determine if the products are safe and suitable for their applications. The data presented herein is not intended for use by non-professional applicators, or those persons who do not purchase or utilize this product in the normal course of their business. Customers further assume full responsibility for quality control, testing and determining whether the products are suitable for each individual application. To the best of Creative Polymers knowledge, all technical data contained herein is true and accurate as of the date of issuance and subject to change without prior notice. NO WARRANTIES OF ANY KIND, EITHER EXPRESSED OR IMPLIED, INCLUDING WARRANTIES OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, ARE MADE REGARDING PRODUCTS DESCRIBED OR DESIGNS, DATA OR INFORMATION SET FORTH, OR THAT THE PRODUCTS, DESIGNS, DATA OR INFORMATION MAY BE SUED WITHOUT INFRINGING THE INTELLECTUAL PROPERTY RIGHTS OF OTHERS. IN NO CASE SHALL THE DESCRIPTIONS, INFORMATION, DATA OR DESIGNS PROVIDED BE CONSIDERED A PART OF CREATIVE POLYMER'S TERMS AND CONDITIONS OF SALE.

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A DIVISION OF CREATIVE POLYMER SOLUTIONS

Min. Bk. 94 Petition No. Z-25
Doc. Type Planning Commission minutes for Z-25 from 11-2-2021
Meeting Date 11-16-2021

MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
NOVEMBER 2, 2021
9:00 A.M.

The Planning Commission Zoning Hearing was held on Tuesday, November 2, 2021, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Commission were:

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

CALL TO ORDER – CHAIRMAN BELOIN

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

REGULAR AGENDA

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).***

The public hearing was opened; Adam Rozen and Richard Calhoun addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Dance, second by Anderson, to recommend **approval** of Z-25 to the **NRC** zoning district, subject to:

1. **Letter of agreeable conditions from Adam Rozen dated November 2, 2021 (on file in the Zoning Division)**
2. **All Staff comments and recommendations**

VOTE: **ADOPTED** 5-0

Min. Bk. 94 Petition No. Z-53
Doc. Type Letter
Meeting Date 11-16-2021

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

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

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

November 9, 2021

(REVISED STIPULATION LETTER & REVISED SITE PLAN)

VIA EMAIL AND HAND DELIVERY:

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

Re: Application of Quintus Development, L.P. to Rezone a 19.878-Acre Tract from GC to RM-12 (Application No. Z-53)

Dear John:

You will recall that this firm represents Quintus Development, L.P. ("Quintus") regarding the above-captioned Application for Rezoning. The Application has been recommended for approval by the County's Professional Staff and the Planning Commission and is now scheduled to be heard and considered for final action by the Board of Commissioners next week on November 16, 2021.

Quintus was unable to satisfy the "dual access" requirement now mandated by the Cobb County Fire Marshal and the International Fire Code ("IFC") – Appendix "D. Therefore, this letter along with the revised site plan delete the request from RRC to RM-12 with a dramatic drop in density from 240 units to 200 units, thus obviating the dual access requirement for this particular development. Also, the reduction in density and deletion from RRC to RM-12 comports with direction from the District Commissioner.

The property at issue ("Subject Property") consists of an approximate 19.878 acre tract of land which is located west of Home Depot at the present terminus of Roberts Court and at the confluence of Interstate Highway 575 ("I-575") and Interstate Highway 75 ("I-75"). The property is located within the confines of a Regional Activity Center ("RAC") and is suitable for the uses and purposes sought by Quintus which consists of highly-amenitized, Class-A multi-family apartments.

Petition No. Z-53
Meeting Date 11-16-2021
Continued

VIA EMAIL AND HAND DELIVERY:

Plans, engineering and acquisition issues have all been advanced in order to ensure that the Subject Property is also served by a "fly-over bridge" which will constitute vehicular connectivity from the south side of I-75 to the Subject Property wherein it terminates into a proposed round-about. That transaction and its closing have been completed and the planning for the Subject Property has entailed the many specifics and finer points of the right-of-way acquisition, construction and operational improvements.

The Subject Property is currently zoned GC and there are full entitlements to utilize the property as zoned; however, Quintus has found that the marketability of the Subject Property, even in the presence of the fly-over and round-about, does not lend itself as well to retail as it does for residential purposes. In that regard and based upon Quintus' position as a preferred, high-end residential and commercial developer, we have been authorized to submit the following stipulations which shall become conditions as a part of the requested Rezoning which shall be binding upon the Subject Property thereafter. The referenced revised stipulations/conditions are as follows, to wit:

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

2. The Subject Property, consisting of an approximate 19.878 acre tract which, absent required right-of-way for the round-about (1.89 acres) will ultimately contain a final site area of 18.689 acres.

3. The Subject Property shall be developed in substantial conformity with that certain revised zoning site plan prepared by Planners and Engineers Collaborative which is being submitted concurrently herewith.

4. The Subject Property shall be developed as a Class-A, highly-amenitized residential community consisting of a maximum number of 200 luxury apartments at a density of 11.2 units per acre.

5. The buildings shall be consistent with the renderings/elevations depicting the architectural style and composition of the residential community which were submitted concurrently with the Application for Rezoning on June 3, 2021, with the July 21, 2021 stipulation letter and which are being resubmitted concurrently herewith.

6. The site plan and its related renderings/elevations depict parking at 1.87 parking spaces per dwelling unit (347 spaces) which is far above the Ordinance's required parking ratio of 1.75 parking spaces per unit.

7. With Quintus' anticipated mix of unit floor plans, including studios, and one and two bedroom units, it is clear from current market indicators and trends that the direction within which multi-family development is progressing, usually reflects less as opposed to more parking spaces. However, the Subject Property has some distinct developmental obstacles which would have made adding buildings/units extremely problematic and expensive.

8. Quintus' proposed multi-family residential development shall contain state-of-the-art amenities, appointment and recreational facilities for the use and enjoyment of its residents, as follows:

   a. A swimming pool area which will include a Clubhouse and Lounge.

   b. A fully equipped Fitness Center.

   c. Gates and controlled access for the entrance to the community and amenity areas.

   d. Interior floor plans and finishes shall consist of the following:

      i. A minimum of nine foot (9') ceiling heights from floor to finished ceilings and a minimum of ten feet (10') between floors.

      ii. Wood framed cabinetry and/or its equivalent, including wood or Thermofoil cabinet veneers for durable finishes.

      iii. Enhanced granite/Corian®, marble/quartz and/or other solid surface countertops.

      iv. Stainless steel appliances with luxury finishes.

      v. Stainless steel kitchen sinks.

      vi. Ceramic tile, wood plank or wood-like vinyl plank and/or high-end carpeting.

      vii. Spacious, open floor plans.

viii. High speed Internet wiring in all units.

ix. Upgraded wood trim packages throughout each unit, including one inch (1") x four inch (4") square edge base and door trim.

x. Brushed nickel, chrome or oil-rubbed bronze bathroom and kitchen fixtures.

xi. Ceramic tile tub and shower surrounds.

xii. Uniform window treatments to present an aesthetically pleasing and consistent appearance.

xiii. High-end landscaping and hardscaping throughout the proposed Community.

xiv. Double-paned, insulated windows.

9. Compliance with the following recommendations from the Cobb County Department of Transportations ("DOT"):

   a. Ensuring interior maneuverability and accessibility to accommodate Fire and Public Safety vehicles and apparatus.

   b. Compliance with recommendations from DOT regarding the preparation and submission of a Federal Aviation Administration ("FAA") Study if required by DOT/Cobb International Airport Manager as a result of the Subject Property's indirect adjacency to McCollum Field at Cobb International Airport.

   c. A full Traffic Impact Study ("TIS") has been submitted by A&R Engineering ("A&R") under separate cover but prior to the submission of this revised stipulation letter/revised site plan.

10. Compliance with recommendations from the Cobb County Fire Marshal's Office, including adherence to International Fire Code No. 510; providing sufficient fire hydrants to service the Subject Property; and, ensuring interior accessibility and maneuverability to accommodate fire and life safety apparatus in order to the address the relative height of the buildings/stories which will alternate depending upon topography and contours.

11. Compliance with recommendations from the Cobb County Stormwater Management ("CCSWM") Division which noted that the Subject Property is prominently located on a hill consisting of a preponderance of rock thus necessitating an abundance of detention ponds. In that regard, Quintus will agree to follow CCSWM's recommendations regarding the location, positioning and configuration of on-site detention and water quality.

12. Compliance with the recommendations from the Cobb County Water System, as follows:

    a. The preparation of a Fire Flow Test.

    b. Securing a water and sewer capacity letter which will be submitted in Plan Review under separate cover.

    c. Water is available at the site and located at or near the proposed round-about and sewer is located within Roberts Court so that the development will be able to "gravity-flow".[1]

13. Exterior facades directly facing either Interstate Highway will be designed with the goal to achieve a Sound Transmission Class ("STC") rating of 34. Exterior walls will be constructed with: James Hardi (or similar) Cementous siding; masonry water table; Huber Engineered Woods with zip systems or similar exterior sheathing; 2"x6" lumber studs; R-20 batt insulation; and, 5/8" type "X" gypsum board.

    At locations where a higher percentage or degree of decibels is indicated, double pane windows will be installed which incorporate sound-absorbing spacers; dissimilar glass thickness; and, optimal air space.

14. Signage for the Subject Property shall consist of ground-based, monument style signage and building signage consistent with the Cobb County Zoning Ordinance. Additionally, and within the interior of the site, there shall be appropriately positioned, grade-based directional signage in order to ensure ease of maneuverability and accessibility.

15. The overall lighting plan within the proposed development shall be environmentally sensitive, decorated and themed to the architectural style and composition of the buildings. Lighting utilized for the development shall be installed in order to prevent illumination being extended beyond the Subject Property's boundaries.

[1] The Water System has indicated that, with one and two bedroom multi-family apartments, there is ample Plant Capacity and that line capacity is most likely plentiful as well.

16. The submission of a landscape plan during the Plan Review Process which shall include, but not necessarily be limited to, the following:

    a. To the extent that any portion of any of the detention facilities located on the Subject Property are not located underground, said areas shall be landscaped and screened.

    b. The Subject Property shall be landscaped in conformity to or exceeding the level of landscaping within the TCCID with respect to existing and planned multi-family developments.

    c. The inclusion of meaningfully-positioned pedestrian connectivity for all walkable areas.

    d. During the Plan Review Process, the Landscape Plan shall be subject to final review and approval by the County's Arborist and then by the District Commissioner.

    e. Leaving as much of the existing perimeter tree-line as possible.

17. 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.

    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.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-53
Meeting Date 11-16-2021
Continued

VIA EMAIL AND HAND DELIVERY:

With the Subject Property being located at the confluence of I-75 and I-575; within a Regional Activity Center; and, within the TCCID, Quintus' proposal is entirely appropriate from a land use planning perspective, consistent with the policy and intent of the Comprehensive Land Use Plan and furthers the policy considerations made by the Board of Commissioners in tandem with right-of-way improvements which include the fly-over bridge and the round-about on the Subject Property. Moreover, the Application (even prior to the revisions to the site plan and the reduction in density) had already been recommended for approval by both the County's Professional Staff and the Cobb County Planning Commission.

Please do not hesitate to contact me should you or your Staff require any further information or documentation prior to this Application being heard and considered by the Board of Commissioners next week.

With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

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

GLS, Jr./dls
Attachments

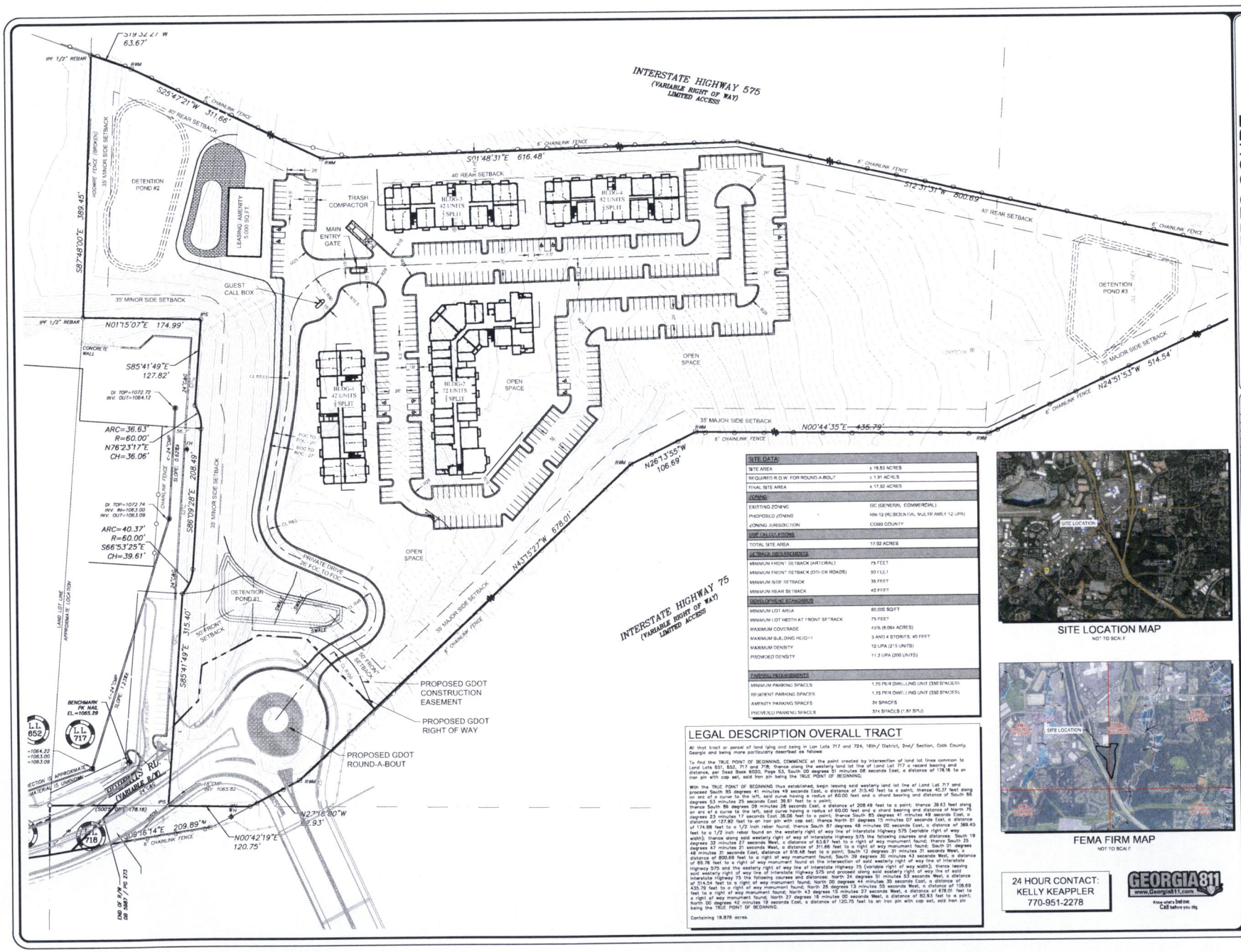
cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director, Community Development (via email w/attachments)
Mr. Jason Gaines, AICP, Manager (via email w/attachments)
Mr. Phil Westbrook, Planner III (via email w/attachments)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
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)

Petition No. Z-53
Meeting Date 11-16-2021
Continued

VIA EMAIL AND HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 9, 2021
Page 8

Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Capt. Josh Davis, Fire Marshal's Office (via email/with attachments)
Mr. David Breaden, P.E., Stormwater Management Division (via email w/attachments)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachments)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)
Ms. Abby Rettig, Cobb DOT (via email w/attachments)
Mr. Tim Davidson, Water System (via email w/attachments)
Ms. Tracy Rathbone Styf, Executive Director, TCCID (via email w/attachments)
Mr. Kelly Keappler, Managing Partner, Quintus Development L.P.
(via email w/attachments)
Mr. Kenneth Wood, P.E., Planners & Engineers Collaborative (via email w/attachments)
Mr. Abdul Amer, P.E., A&R Engineering (via email w/attachments)



SITE DATA:	
SITE AREA	± 19.83 ACRES
REQUIRED R.O.W. FOR ROUND-A-BOUT	± 1.91 ACRES
FINAL SITE AREA	± 17.92 ACRES
ZONING:	
EXISTING ZONING	GC (GENERAL COMMERCIAL)
PROPOSED ZONING	RM-12 (RESIDENTIAL, MULTIFAMILY 12 UPA)
ZONING JURISDICTION	COBB COUNTY
USE CALCULATIONS:	
TOTAL SITE AREA	17.92 ACRES
SETBACK REQUIREMENTS:	
MINIMUM FRONT SETBACK (ARTERIAL)	75 FEET
MINIMUM FRONT SETBACK (OTHER ROADS)	50 FEET
MINIMUM SIDE SETBACK	35 FEET
MINIMUM REAR SETBACK	40 FEET
DEVELOPMENT STANDARDS:	
MINIMUM LOT AREA	80,000 SQ.FT.
MINIMUM LOT WIDTH AT FRONT SETBACK	75 FEET
MAXIMUM COVERAGE	45% (8.064 ACRES)
MAXIMUM BUILDING HEIGHT	3 AND 4 STORIES, 45 FEET
MAXIMUM DENSITY	12 UPA (215 UNITS)
PROPOSED DENSITY	11.2 UPA (200 UNITS)
PARKING REQUIREMENTS:	
MINIMUM PARKING SPACES	1.75 PER DWELLING UNIT (350 SPACES)
RESIDENT PARKING SPACES	1.75 PER DWELLING UNIT (350 SPACES)
AMENITY PARKING SPACES	24 SPACES
PROVIDED PARKING SPACES	374 SPACES (1.87 S/DU)

LEGAL DESCRIPTION OVERALL TRACT

All that tract or parcel of land lying and being in Lan Lots 717 and 724, 16th/ District, 2nd/ Section, Cobb County, Georgia and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, COMMENCE at the point created by intersection of land lot lines common to Land Lots 851, 852, 717 and 718; thence along the westerly land lot line of Land Lot 717 a record bearing and distance, per Deed Book 6020, Page 53, South 00 degrees 51 minutes 08 seconds East, a distance of 178.16 to an iron pin with cap set, said iron pin being the TRUE POINT OF BEGINNING;

With the TRUE POINT OF BEGINNING thus established, begin leaving said westerly land lot line of Land Lot 717 and proceed South 85 degrees 41 minutes 49 seconds East, a distance of 315.40 feet to a point; thence 40.37 feet along an arc of a curve to the left, said curve having a radius of 60.00 feet and a chord bearing and distance of South 66 degrees 53 minutes 25 seconds East 39.61 feet to a point; thence South 86 degrees 09 minutes 28 seconds East, a distance of 208.49 feet to a point; thence 36.63 feet along an arc of a curve to the left, said curve having a radius of 60.00 feet and a chord bearing and distance of North 76 degrees 23 minutes 17 seconds East 36.06 feet to a point; thence South 85 degrees 41 minutes 49 seconds East, a distance of 127.82 feet to an iron pin with cap set; thence North 01 degrees 15 minutes 07 seconds East, a distance of 389.45 of 174.98 feet to a 1/2 inch rebar found; thence South 87 degrees 48 minutes 00 seconds East, a distance of 389.45 feet to a 1/2 inch rebar found on the westerly right of way line of Interstate Highway 575 (variable right of way width); thence along said westerly right of way of Interstate Highway 575 the following courses and distances: South 19 degrees 32 minutes 27 seconds West, a distance of 63.67 feet to a right of way monument found; thence South 25 degrees 47 minutes 21 seconds West, a distance of 311.66 feet to a right of way monument found; South 01 degrees 48 minutes 31 seconds East, distance of 616.48 feet to a point; South 12 degrees 31 minutes 31 seconds West, a distance of 800.69 feet to a right of way monument found; South 39 degrees 30 minutes 43 seconds West, a distance of 66.76 feet to a right of way monument found at the intersection of said westerly right of way line of Interstate Highway 575 and the easterly right of way line of Interstate Highway 75 (variable right of way width); thence leaving said westerly right of way line of Interstate Highway 575 and proceed along said easterly right of way line of said Interstate Highway 75 the following courses and distances: North 24 degrees 51 minutes 53 seconds West, a distance of 514.54 feet to a right of way monument found; North 00 degrees 44 minutes 35 seconds East, a distance of 435.79 feet to a right of way monument found; North 26 degrees 13 minutes 55 seconds West, a distance of 106.69 feet to a right of way monument found; North 43 degrees 15 minutes 27 seconds West, a distance of 678.01 feet to a right of way monument found; North 27 degrees 16 minutes 00 seconds West, a distance of 82.93 feet to a point; North 00 degrees 42 minutes 19 seconds East, a distance of 120.75 feet to an iron pin with cap set, said iron pin being the TRUE POINT OF BEGINNING.

Containing 19.878 acres.

SITE LOCATION MAP
NOT TO SCALE

FEMA FIRM MAP
NOT TO SCALE

24 HOUR CONTACT:
KELLY KEAPPLER
770-951-2278

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ROBERTS COURT

A MASTER PLANNED RESIDENTIAL DEVELOPMENT
FOR
QUINTUS DEVELOPMENT LP
1827 POWER FERRY RD SE
SUITE 2-200
ATLANTA, GA 30339
PHONE: 770-951-2278

LAND LOT 717
6 DISTRICT

COBB COUNTY
GEORGIA

PLANNERS AND ENGINEERS COLLABORATIVE
SITE PLANNING ▪ LANDSCAPE ARCHITECTURE ▪ CIVIL ENGINEERING ▪ LAND SURVEYING
"WE PROVIDE SOLUTIONS"
▪ 350 RESEARCH COURT ▪ PEACHTREE CORNERS, GEORGIA 30092 ▪ (770) 451-2741 ▪ FAX (770) 451-5915 ▪

REVISIONS:

NO.	DATE	BY	DESCRIPTION

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ZONING SITE PLAN

0 30 60 120 180

SCALE: 1" = 60'
DATE: NOVEMBER 05, 2021
PROJECT: 01013.00B

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

PRELIMINARY
NOT TO BE RELEASED FOR CONSTRUCTION

Z7
SHEET

Petition No. Z-53
Meeting Date 11-16-2021
Continued

Petition No. Z-53
Meeting Date 11-16-2021
Continued

AVONLEA HEIGHTS

FRONT ELEVATION VIEW

COBB COUNTY, GEORGIA

PHILLIPS

Petition No. Z-53
Meeting Date 11-16-2021
Continued

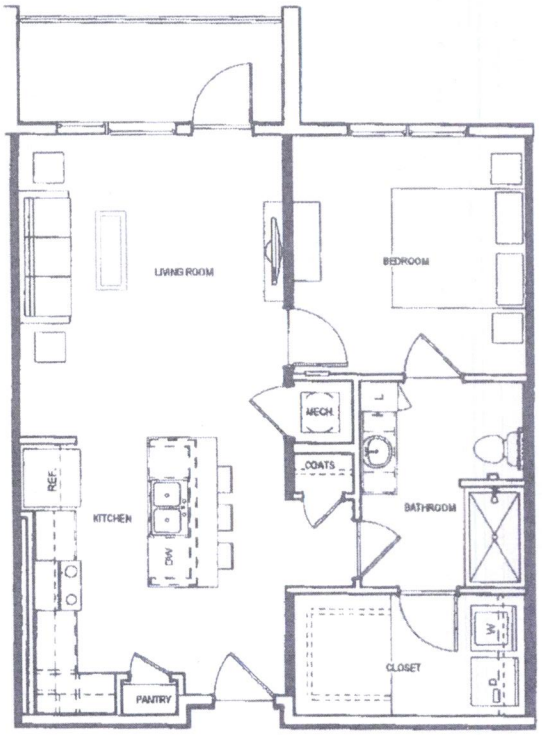
AVONLEA HEIGHTS

FRONT ELEVATION VIEW

COBB COUNTY, GEORGIA

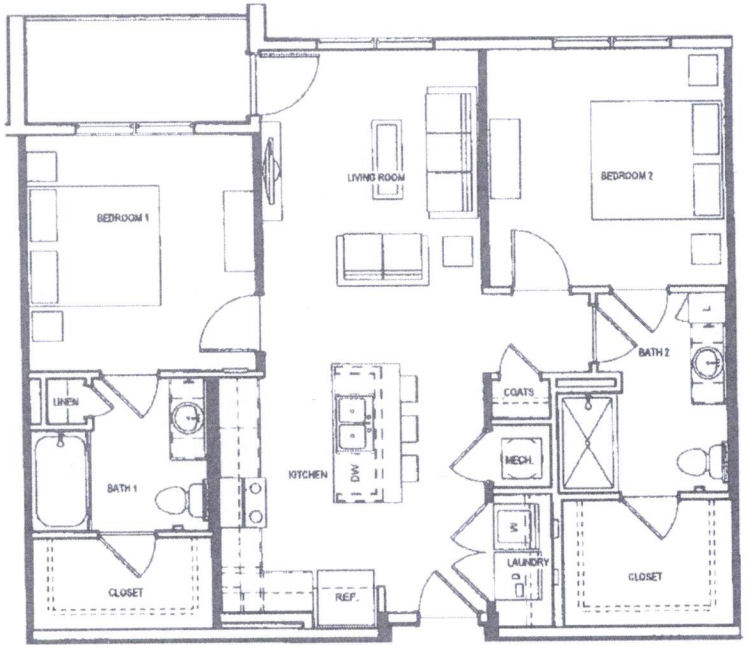
PHILLIPS

Petition No. Z-53
Meeting Date 11-16-2021
Continued



UNIT A2

UNIT TYPE:	A2
# BEDROOMS:	1
NET RENTABLE SQ FT:	761
BALCONY SQ FT:	67
# OF UNITS:	



UNIT B1

UNIT TYPE:	B1
# BEDROOMS:	2
NET RENTABLE SQ FT:	1035
BALCONY SQ FT:	68
# OF UNITS:	

UNIT PLANS

PHILLIPS

Min. Bk. 94 Petition No. Z-53
Doc. Type 9-7-2021 Planning Commission minutes for Z-53
Meeting Date 11-16-2021

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

The Planning Commission Zoning Hearing was held on Tuesday, September 7, 2021, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Commission were:

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

CALL TO ORDER – CHAIRMAN BELOIN

REGULAR AGENDA

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). ***(Held by the Planning Commission (PC) until the September 7, 2021, PC hearing).***

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

MOTION: Motion by Dance, second by Hughes, to recommend **approval** of Z-53 to the **RRC** zoning district, subject to:

1. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated July 21, 2021 (on file in the Zoning Division)**
2. **Determination of the feasibility of projects to address the dual access requirement; to be ascertained prior to the September 17, 2021 Board of Commissioners' Zoning Hearing**
3. **Specified sound attenuation requirements; including how many trees might be saved with respect to this project**
4. **Inclusive of this discussion about an FAA Airspace Study**
5. **All Staff comments and recommendations**

VOTE: **ADOPTED** 5-0

Min. Bk. 94 Petition No. Z-57 &
Doc. Type letter OB58

Meeting Date 11-16-2021

S L H

SAMS, LARKIN & HUFF

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

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

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

November 10, 2021

(REVISED SITE PLAN & REVISED STIPULATION LETTER)

VIA EMAIL & HAND DELIVERY:

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

Re: Application of Stacey Bagwell to Rezone a 2.9 Acre Tract from R-20 to UVC (No. Z-57 [2021]); and, OB-58-2021 (No. Z-9 [2021])

Dear John:

You will recall that this firm represents the Applicant and Property Owner concerning the above-captioned Applications. The Application regarding the Rezoning was heard, considered and recommended for approval under the PVC District by the Cobb County Planning Commission on October 5, 2021, with there being no opposition present at that hearing.

However, since that recommendation for approval and after additional discussions with the District Commissioner, enclosed please find the requisite number of copies of a revised site plan deleting my clients' requests to Urban Village Commercial ("UVC"). The Zoning Application (and the Other Business Application which is reserved for the sole consideration of the BOC) are now scheduled to be heard and considered for final action by the Board of Commissioners on November 16, 2021.

Under the "Purpose and Intent" section of the UVC District within the Zoning Ordinance, it provides, as follows:

> "The UVC District is established to provide locations for Planned Mixed-Use Development of Low-Intensity, Low-Scale Commercial, Office and Residential Uses, not subdivided into customary streets and lots, and which will not be subdivided. This is intended to encourage compatible Mixed-Uses within the boundaries of properties delineated within or on the edge of a Regional, Community and Neighborhood Activity Center or High-Density Residential as defined and shown on the Cobb County Comprehensive Plan."

Petition No. Z-57 & O.B.58
Meeting Date 11-16-2021
Continued

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A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 10, 2021
Page 2

The property at issue ("Subject Property") is located just south of the intersection of Austell Road and East Callaway Road and on the eastern side of East Callaway Road. The northern portion of the Subject Property was the subject matter of a previously rezoning to NRC (No. Z-9 [2021]). Presently, the southern-most portion of the property is zoned in the R-20 District but is in an area under the Future Land Use Map which is denominated as Medium Density Residential ("MDR") with direct contiguity to the northernmost NRC tract within a Neighborhood Activity Center ("NAC").

The revised site plan regarding both the Application for Rezoning and the OB Application provides inter-parcel vehicle and pedestrian access between the two (2) tracts; acknowledges the homeownership status of the Residential component; and locates the Residential component to the southernmost portion of the overall tract, while positioning all of the Retail components to the northern tract, the entirety of which is located within the NAC.

This newly revised site plan and this revised stipulation letter include much better land use planning principles by providing a more appropriate transition/stepdown from the pin corner property and its frontage on Austell Road to the Residential area of the Subject Property in keeping with the UVC tenets as articulated above.

My clients have provided me with the authority to submit the following stipulations which shall become conditions and a part of the grant of the requested Rezoning and which shall be binding upon the Subject Property thereafter. The referenced Revised stipulations/conditions are as follows, to wit:

1. The Revised stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning and Other Business Application.

2. The Subject Property, consisting of a 4.447 acre tract of land, presently split-zoned between NRC and R-20, shall be developed in substantial conformity to that certain Revised Zoning Site Plan prepared by Landworks Associates, Inc., which is being submitted herewith.

3. The southernmost portion of the Subject Property has been reconfigured and relocated further away from East Callaway Road; planted with additional trees for screening purposes between East Callaway Road and the Residential building; and, otherwise appropriately relocated the primary point of ingress/egress on East Callaway Road.

VIA EMAIL & HAND DELIVERY:

The Residential component shall consist of Owner-occupied Residential Condominiums. Depending upon prevailing market trends and sales, the Residential Condominiums shall range in size from 850 sq. ft. to 1,200 sq. ft. and above with price points higher than per square foot prices within this market.[1]

4. This UVC Mixed-Use proposal provides a Live/Work/Retail concept and will constitute a significant enhancement within District 4 and provide a market driven housing resource which is currently not available within this area of the County.

5. The condominiums will have State-of-the-Art amenities, appointments and recreational facilities for the use and enjoyment of its residents, as follows:

   Interior floor plans and finishes shall consist of the following:

   a. A minimum of nine foot (9') ceiling heights from floor to finished ceilings and a minimum of ten feet (10') between floors.

   b. Wood framed cabinetry and/or its equivalent, including wood or Thermofoil cabinet veneers for durable finishes.

   c. Enhanced granite/Corian®, marble/quartz and/or other solid surface countertops.

   d. Stainless steel appliances with luxury finishes.

   e. Stainless steel kitchen sinks.

   f. Ceramic tile, wood plank or wood-like vinyl plank and/or high-end carpeting.

   g. Spacious, open floor plans.

   h. High speed Internet wiring in all units.

   i. Upgraded wood trim packages throughout each unit, including one inch (1") x four inch (4") square edge base and door trim.

[1] During the pendency of these Applications, my clients have utilized several different "Gap Analyses" in which to determine the uses which are most in demand for this subarea of the Austell Road Corridor in order to make proper determinations regarding the Restaurants/Retail and the Residential Condominiums

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VIA EMAIL & HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 10, 2021
Page 4

j. Brushed nickel, chrome or oil-rubbed bronze bathroom and kitchen fixtures.

k. Ceramic tile tub and shower surrounds.

l. Uniform window treatments to present an aesthetically pleasing and consistent appearance.

m. High-end landscaping and hardscaping throughout the proposed Community.

n. Double-paned, insulated windows.

o. Valet parking.

In a first of its kind in this sub-area of Cobb County, these condominium homes will have "Smart-Locks" so that the home can be opened remotely for help or grocery delivery service or for guests or other visitors. Everything will be able to be operated from anywhere in the world. The smart home components will also include the following:

a. A doorbell with an integrated video camera.

b. Thermostats which save on energy and lower temperature remotely to make the condominium more comfortable as you are on your way home.

c. Televisions will be pre-installed with "smart TVs" and have the technologies to start the TV remotely and change channels and controls remotely. There will be built-in speaker systems for each TV to experience the "surround sound". Additionally, there will be two in-ceiling speakers in each room including one in each bathroom.

d. All lights and lighting systems shall be on the smart system as well so that they can be pre-programmed according to one's schedule in addition to being controlled with a personal smart phone. Most lights will be equipped with Rheostat dimmers to allow for the residents to set appropriate lighting moods.

e. Security features shall include built-in window and door sensors, motion sensors and other devices which will notify residents when there is a problematic aspect with the condominium's infrastructure such as water leaks and other instances which, if a resident is not home, could save the resident from incurring costly repairs.

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VIA EMAIL & HAND DELIVERY:

f. All windows will have neutral shades to allow the control of privacy and to block out and/or enjoy the outside elements in their own home.

g. All these features will built-in so that the walls look neat and clean with no wires hanging down and the residents shall be provided with the sketch of the pre-wired aspects of the condominium and a pre-sheetrock video to know where all utilities are run inside each condominium unit.

h. The features above shall save the residents an enormous amount on utility bills and also lower the insurance premiums in addition to providing a better quality of life.

6. The northernmost portion of this mixed-use development shall include a two-story retail building which will be approximately 17,950 square feet in size. This retail component will rely heavily upon "sit down" dining areas and will include a roof-top bar and dining area on the front portion of the building.

7. The following uses will be excluded:

a. Billiards and pool halls;

b. Pawn or title pawn establishments;

c. Auto or truck sales, service or storage;

d. Light automotive repair establishments;

e. Tire and rim sales or installation;

f. Gold or other precious metal buying or selling;

g. Tattoo parlors;

h. Adult novelty or bookstores;

i. Thrift stores, second-hand stores or flea markets;

j. Gun, knife or weapons sales; and,

k. Self-service laundry facilities.

Petition No. Z-57 & O.B.58
Meeting Date 11-16-2021
Continued

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VIA EMAIL & HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 10, 2021
Page 6

8. The architectural style and composition of both the residential and retail components of the mixed-use development shall be constructed in substantial conformity to the architectural renderings regarding all components of the Mixed-Use Development. However, in the final Analysis, the District Commissioner shall have full and final authority to review and approve architecture as a part of these Rezoning and OB Applications, respectively.

9. Parking area lighting shall be maximally illuminated on the commercial component to the extent allowed under the Cobb County Zoning Ordinance. Security lighting on the retail building shall be maximally illuminated as well; however, no lighting shall be allowed to penetrate outside the boundaries of the retail component of the Subject Property. Additionally, in addition to the lighting described above, the retail component shall also be secured by strategically positioned 24-hour, monitored video surveillance.

10. Compliance with following recommendations from the Cobb County Department of Transportation ("DOT"), as follows, to wit:

    a. Ensuring maneuverability and accessibility to accommodate Fire and Public Safety vehicles and apparatus.

    b. Compliance with gated requirements for condominiums.

    c. The voluntary conveyance and donation of right-of-way thirty feet (30') from the centerline of East Callaway Road.

    d. The installation of sidewalk, curb and gutter on East Callaway Road a minimum of five feet (5') in width.

11. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Fire Prevention and Life Safety issues.

12. Compliance with recommendations from the Cobb County Water System, as follows, to wit:

    a. The installation of a master meter for the totality of the project; however, subject to the Water System's review and approval because of the mix of both retail commercial and residential components.

b. The preparation of fire flow tests which shall be submitted under separate cover during the Plan Review process.

c. Providing the Water System with a Water and Sewer Capacity Letter to be submitted under separate cover or during the Plan Review process.

13. Signage for the proposed mixed use development shall consist of ground-based, monument style signage and building signage consistent with the Cobb County Sign Ordinance. Additionally, within the interior of the site, there shall be appropriately positioned, grade-based directional signage in order to ensure ease of maneuverability and accessibility.

14. Compliance with the recommendations from the Stormwater Management Division with respect to the location, configuration, and calculations concerning all onsite detention and water quality areas.[2]

    The Subject Property drains toward the East Callaway Road infrastructure which may not meet current standards or be adequate to support the volume which will be generated. In that regard, the Applicant, should the circumstances require same, secure/acquire offsite easements for concentrated stormwater flows and/or sewer easement to service the property. Typically, those easements can be combined within one easement of 30 feet in width; whereas, usually, as "stand-alones", they would both require 20 feet in width.

    There is either a stream or drainage swale which traverses a portion of the Subject Property but does not show up as a "blue line" stream. However, the Applicant's civil engineers will interface with the County's Erosion and Sediment Control Division Manager.[3]

15. The submission of a landscape plan during the Plan Review process which shall include, but not necessarily be limited to the following:

[2] As a result of new regulations which went into effect on January 1, 2021, rezonings and entitlements now mandate an actual reduction in the amount of stormwater which departs from the Subject Property.

[3] The UVC District within the contents of an FLUM designation of NAC, allows a maximum of 70% impervious coverage; whereas the Subject Property under this present proposal has sixty percent (60%) impervious coverage.

Petition No. Z-57 & O.B.58
Meeting Date 11-16-2021
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 10, 2021
Page 8

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a. To the extent that any portion of a detention facility or a water quality component is located on the Subject Property and is not located underground, said areas shall be landscaped and screened from view.

b. The Subject Property shall be landscaped in conformity to or exceeding the level of landscaping within this section of the Austell Road Corridor, particularly taking into consideration the most recent rezonings thereon.

16. The District Commissioner shall have the authority to approve certain minor modifications to the site plan, the architecture and these stipulations/conditions as the development proposal proceeds through the Plan Review Process and thereafter, except for those that:

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

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

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

d. Change access location to different roadways.

e. Seeking additional Variances to provisions of the Cobb County Zoning Ordinance.

This Revised proposal exceeds new, unique and State-of-the Art housing amenities within this area to serve as "rooftops" to ensure the success and sustainability of adjacent retail and service-related uses; and, which add a high-quality residential community while increasing the County's tax base with both the residential and retail components.

Please do not hesitate to contact me should you or your Staff require any further information or documentation prior to this Application being heard and considered by the Board of Commissioners next week on Tuesday, November 16, 2021.

Petition No. Z-57 & O.B.58
Meeting Date 11-16-2021
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 10, 2021
Page 9

With kind regards, I am

Very truly yours,

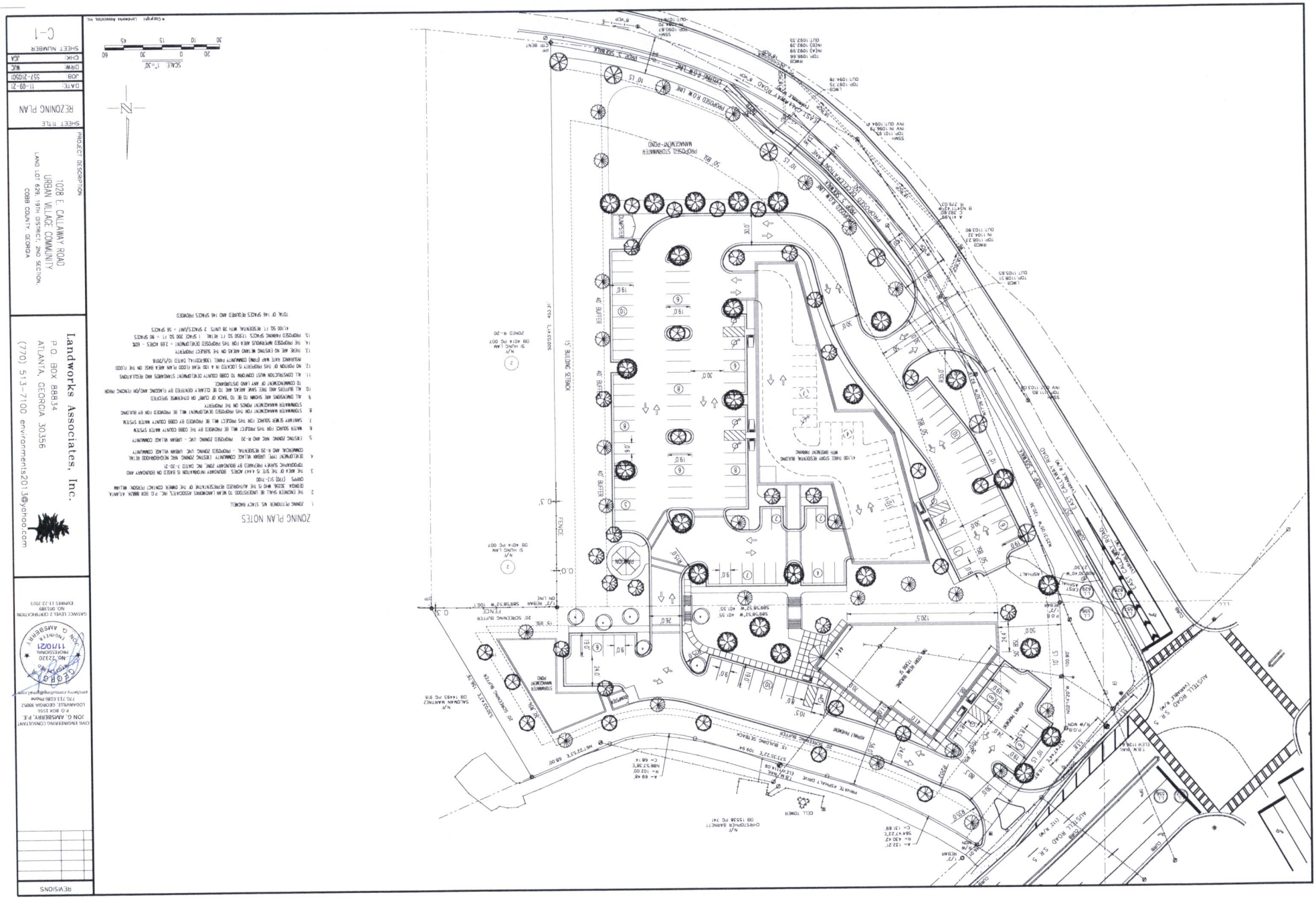
SAMS, LARKIN & HUFF, LLP

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

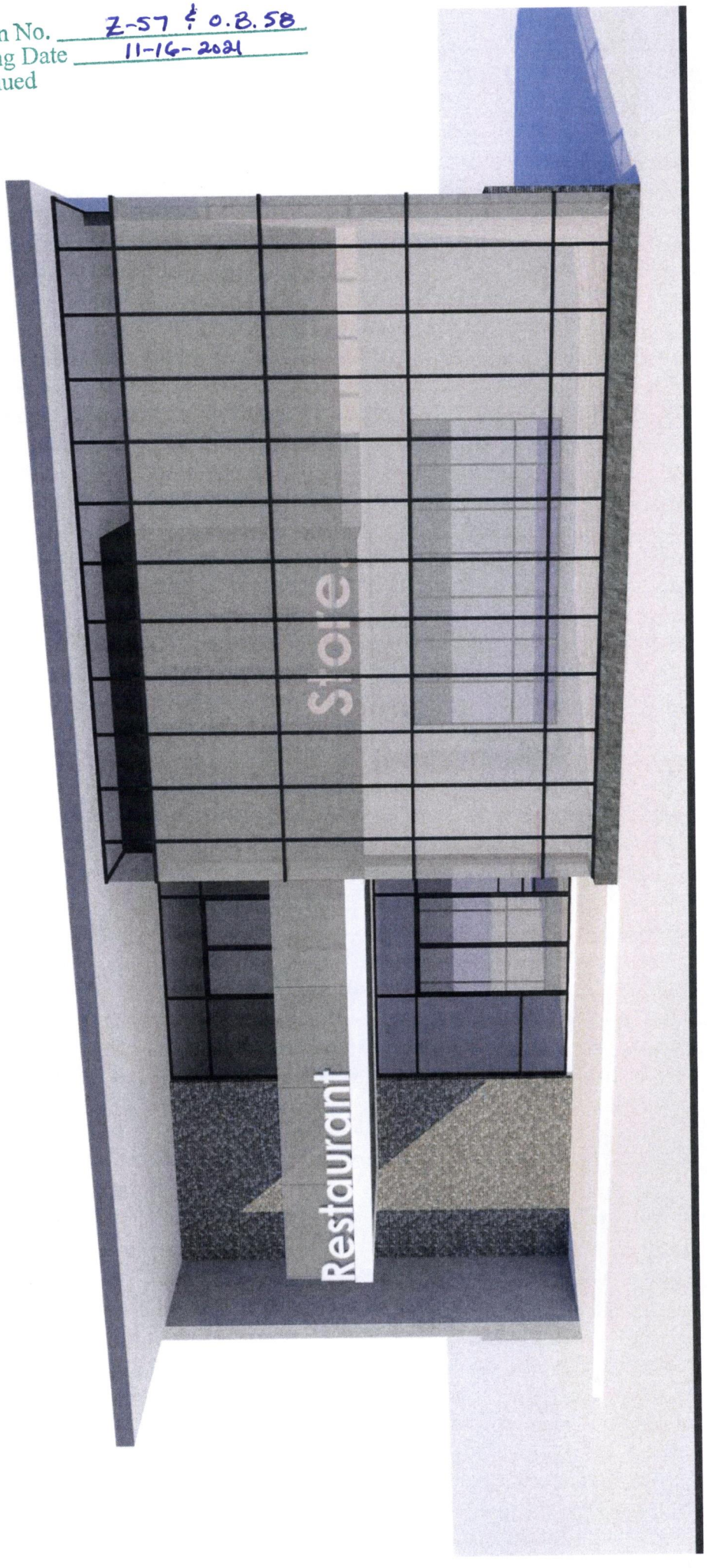
GLS, Jr./dls
Attachments/Enclosures

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
Board of Commissioners Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director Cobb County Community Development Agency (via email w/attachments)
Mr. Jason S. Gaines, AICP, Planning Manager (via email w/attachments)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
Mr. Terry Martin, Planner III (via email w/attachments)
Mr. Donald Wells, Planner I (via email w/attachments)
Ms. Margie Vazquez, Planner I (via email w/attachments)
Mr. Ledarius Scott, Planner I (via email w/attachments)
Ms. Pamela Mabry, County Clerk (via email w/attachments)
Ms. Robin Stone, Deputy County Clerk (via email w/attachments)
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Capt. Josh Davis, Cobb County Fire Marshal's Office (via email w/attachments)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)
Ms. Abby Rettig, Cobb DOT (via email w/attachments)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachment)
Mr. Tim Davidson, Cobb Water System (via email w/attachments)
Mr. William Cripps, P.E., Landworks Associates (via email w/attachments)
Mr. Stacey Bagwell (via email w/attachments)
Dr. Kavita Purohit (via email w/attachments)

Petition No. Z-57 & O.B.58
Meeting Date 11-16-2021
Continued



Petition No. Z-57 & O.B.58
Meeting Date 11-16-2021
Continued



Petition No. Z-57 & O.B.58
Meeting Date 11-16-2021
Continued

Petition No. Z-57 & O.B.58
Meeting Date 11-16-2021
Continued

Petition No. Z-57 & O.B.58
Meeting Date 11-16-2021
Continued

Petition No. Z-57 & O.B.58
Meeting Date 11-16-2021
Continued

Min. Bk. 94 Petition No. Z-57
Doc. Type Email correspondence from Garvis L. Sams, Jr.
Meeting Date 11-16-2021

Garvis Sams

From: Garvis Sams
Sent: Monday, November 15, 2021 3:42 PM
To: Sheffield Monique
Cc: Purohit Kavita Ph. D.
Subject: Z-57 & OB#58

Monique... Thank you for taking the time to speak with me earlier this afternoon. I hope you have a safe trip home.

What I have drafted pretty much puts you in the "driver seat" in terms of the percentage of allocation in order to ensure sustainability of participation going forward and the levels of participation by the owners of both the retail commercial and the condominium components, respectively.

With respect to the above applications which have been combined into one proposed UVC development, the following is the language I propose with respect to the overall owners association:

" The total site area of the subject property shall be developed under the UVC classification as a mixed use development including both Owner occupied residential in the form of luxury condominiums and retail/commercial/ restaurants.

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 which shall run with the subject property and which shall be recorded on the deed records of Cobb County, Georgia for the maximum timeframes allowed by law.

Concurrently therewith, the CCR's will include all components of the proposed development and set forth responsibilities and obligations regarding the oversight, financial responsibility, upkeep and maintenance of entrance areas, common areas, parking, gates, signage, fencing, community structures, open space areas and analogous features contained within the overall mixed use development community.

Both the condominium component and the retail/commercial component shall be responsible for funding the above obligations and responsibilities in amounts to be determined during the plan review process and in amounts subject to review and approval by the district commissioner. Any such charges and financial responsibilities of the retail commercial component shall be separate, apart and in addition to common area maintenance charges ("CAM") specific to the retail commercial component.

Also as a part of these provisions, the establishment of pedestrian and vehicular reciprocal easement agreements ("REA's") which will be between the retail commercial and the condominium components, respectively."

Monique... Wow there's always some pride in authorship, please feel free to suggest either minor or major changes, additions or deletions. Kind regards...Garvis

Sent from my iPhone
Garvis L. Sams, Jr.
Partner
Sams, Larkin & Huff, LLP
gsams@samslarkinhuff.com
404.975.7772-cell
770.422.7016-office

Min. Bk. 94 Petition No. Z-70
Doc. Type Planning Commission minutes for Z-70 from 11-2-2021
Meeting Date 11-16-2021

MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
NOVEMBER 2, 2021
9:00 A.M.

The Planning Commission Zoning Hearing was held on Tuesday, November 2, 2021, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Commission were:

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

CALL TO ORDER – CHAIRMAN BELOIN

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

REGULAR AGENDA (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).

The public hearing was opened; Kevin Moore and Karen Huck addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

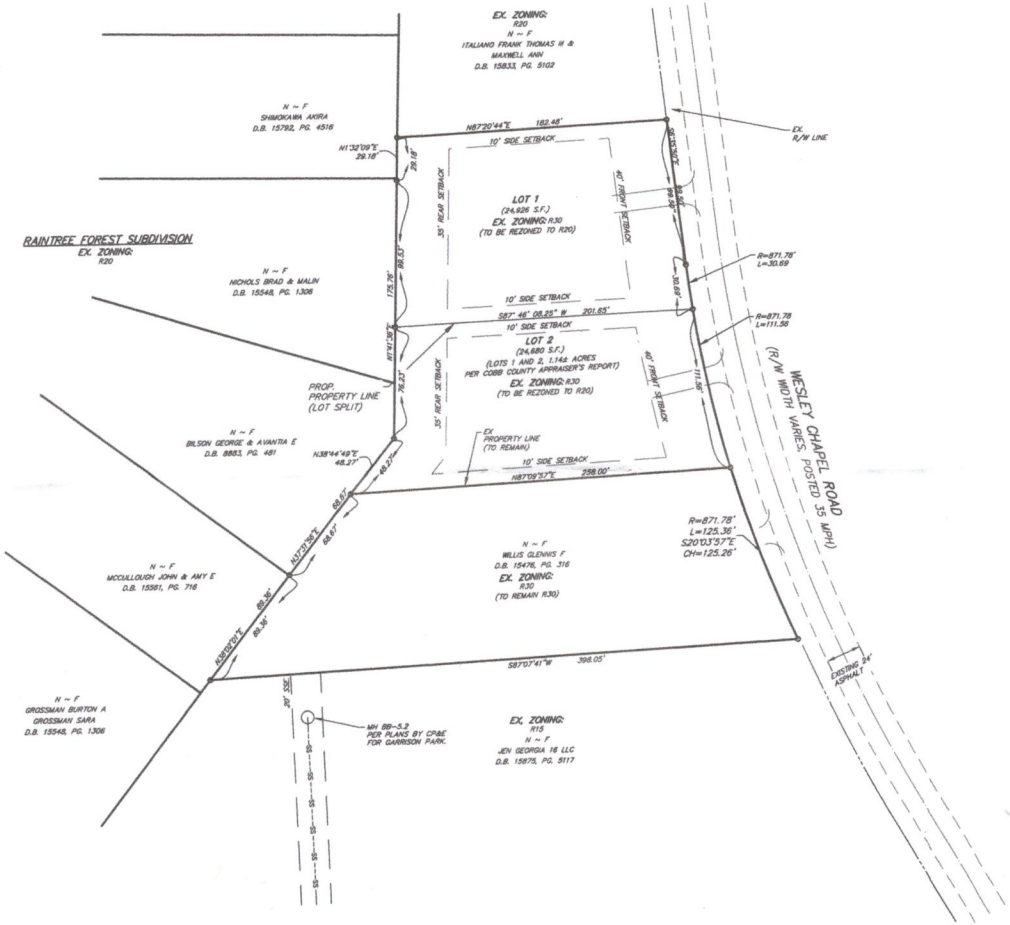
MOTION: Motion by Dance, second by Hughes, to recommend **approval** of Z-70 to the **RRC** zoning district, subject to:

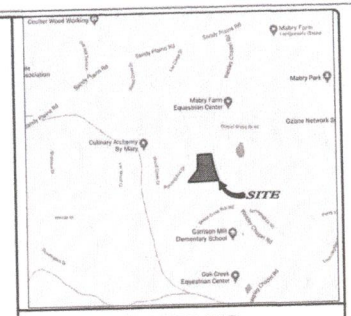
1. **Letter of agreeable conditions from Kevin Moore dated October 27, 2021 (on file in the Zoning Division)**
2. **All Staff comments and recommendations**

Clerk's Note: *Chairman Beloin requested before going to the Board of Commissioners, the Applicant confirm that they can maintain the trees on their side of the tree line abutting the highway for sound mitigation purposes.*

VOTE: **ADOPTED** 5-0

Min. Bk. 94 Petition No. Z-74
Doc. Type Site Plan
Meeting Date 11-16-2021





LOCATION MAP

GENERAL SITE NOTES:

1. TOTAL SITE AREA = 1.14 ACRES
2. TOTAL NUMBER OF PROPOSED LOTS = 2 LOTS
3. CURRENT ZONING = R30
   PROPOSED ZONING = R20
4. BUILDING SETBACKS:
   FRONT = 35' OR 40'
   REAR = 35'
   MINOR SIDE = 10'
   MAJOR SIDE = 25'
5. DENSITY = 1.2 UNIT PER ACRE (MAX. DENSITY = 1.75 UPA)
6. NO FLOODPLAIN AREA EXISTS ON THE SUBJECT SITE.
7. NO WETLAND AREAS EXIST ON THE SUBJECT SITE.
8. NO CEMETERIES EXIST ON THE SUBJECT SITE.
9. NO STREAM BUFFERS EXIST ON THIS SITE.
10. NO DETENTION/RETENTION EXIST ON THIS SITE.
11. NO LAKES OR STREAMS EXIST ON THIS SITE.
12. NO BUFFERS EXIST ON THIS SITE.
13. PROPOSED MINIMUM LOT SIZE = 20,000 S.F.
14. MAXIMUM BUILDING HEIGHT IS 35'

ZONING NOTES:

1. LOTS 1 AND 2 ARE CURRENTLY ZONED R30. TO BE REZONED TO R20.
   MINIMUM WIDTH AT FRONT SETBACK LINE = 75'
   MAXIMUM COVERAGE 35%
2. LOT 3 IS CURRENTLY ZONED R30 AND TO REMAIN ZONED R30

Z-74 2021
RECEIVED
SEP - 2 2021
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Gaskins
LAND PLANNING • SURVEYING • ENGINEERING • CONSTRUCTION MGMT
107 Kendall College Place, Suite 3
Canton, GA 30114
Phone: 770.479.1166
559 Old Trimble Rd., Suite 204
Lawrenceville, GA 30046
Phone: 770.962.1166
www.gaskinsco.com

© 2021, GASKINS SURVEYING COMPANY, INC. This drawing may be used for the express purpose of constructing the work shown for the site and owner specified for the site. Any other use of this drawing, including any reproduction or alteration of this drawing without the prior written approval of Gaskins Surveying Company, Inc. is prohibited.

REZONING PLAN
PROPOSED ZONING: R20
LAND LOT 184, DISTRICT 16
COBB COUNTY, GA

REVISIONS

REV.	DATE	REVISION REFERENCE

SHEET TITLE
R20 REZONING PLAN

SEAL
GEORGIA PROFESSIONAL 19136 ENGINEER DAVID L. STUART
08/30/21

PROJECT I.D.	FIELD BOOK
2103034	N/A
DRAWN BY	CHECKED BY
JCS	DLS
SCALE	ISSUE DATE
1"=40'	7/28/21

SHEET NUMBER
1

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

Plotted By: mjones Drawing name: P:\Active Residential Land Planning\Zoning\Mabry Chapel Zoning Plan R20.dwg Plotted on: Aug 30, 2021 - 7:48am

Min. Bk. 94 Petition No. Z-74
Doc. Type letter
Meeting Date 11-16-2021

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

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

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

October 25, 2021

(LETTER OF AGREEABLE STIPULATIONS/CONDITIONS)

VIA EMAIL

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

Re: Application of Glennis F. Willis to Rezone a 1.14 Acre Tract from R-30 to R-20 (No. Z-74 [2021])

Dear John:

As you know, this firm represents the Applicant and the Property Owner, Glennis F. Willis, concerning the above-captioned Application for Rezoning. The Application is presently scheduled to be heard and considered by the Cobb County Planning Commission on November 2, 2021. Thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on November 16, 2021.

The property at issue ("Subject Property") is located on the westerly side of Wesley Chapel Road, north of Sweat Creek Run and is contiguous to and west of an R-20 subdivision and borders R-20 zoned property to the north. The Subject Property is separated on the south by one lot (also owned by the Applicant) and recently rezoned properties under the R-15 classification. The R-15 to the south and the property across Wesley Chapel Road to the east of the Subject Property were both rezoned R-15 as part of No. Z-40 (2020). The Applicant's proposal of R-20 will divide the property into two 24,000+ square-foot lots, larger than the required 20,000 square feet under the R-20 district and larger than the 15,000 square-foot minimum lot size requirement of the numerous R-15 properties in this area along Wesley Chapel Road.

The current proposal is to Rezone the Subject Property from R-30 to R-20 for the purpose of the construction and development of a maximum of two (2) homes, both accessing Wesley Chapel Road. The Future Land Use Map ("FLUM") designation is Low Density Residential ("LDR"), which contemplates a density range of 1-2.5 units per acre. The Applicant's proposed

Petition No. Z-74
Meeting Date 11-16-2021
Continued

VIA EMAIL

density is 1.75 units per acre, which is within the current range of densities in this sub-area of 1.15 units per acre to 2.01 units per acre, and will not negatively impact but be complementary to the residents who live within this area of northeast Cobb County. Moreover, 1.75 units per acre is also at the Low to medium range of densities under the FLUM.

For illustrative purposes, attached are copies of the following regarding the Subject Property: an aerial photo; the site plan; an excerpt from the County's Zoning Map; and, an excerpt from the County's FLUM.

During the pendency of this application, we have established a dialogue with the County's professional staff and have spoken with area residents who have contacted our office regarding the Applicant's proposal. This letter will serve as the Applicant's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and which shall be binding upon the Subject Property thereafter. The referenced stipulations are as follows, to wit:

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 property which constitutes the subject matter of the above-captioned Application for Rezoning.

2. The Subject Property is presently zoned R-30 and shall be developed in substantial conformity to that certain Zoning Site Plan prepared by Gaskins Engineering which reflects two (2) single family residences and which was submitted concurrently with the Application for Rezoning on September 2, 2021 and which is attached hereto as well.

3. The Subject Property shall be developed with two (2) single-family detached homes. The architectural style and composition of the homes shall consist of a combination of brick/cedar shake/board and batten on all four (4) sides in substantial conformity to renderings/elevations which will be submitted under separate cover and before the deadline of October 27, 2021.

   The homes shall range in size from a minimum of 2,000 square feet up to 4,000 square feet and possible larger.

4. Compliance with following recommendations from the Cobb County Department of Transportation ("DOT"):

   a. The voluntary donation and conveyance of right-of-way thirty feet (30') from the centerline of Wesley Chapel Road.

   b. The installation of sidewalk, curb and gutter along the Subject Property's frontage on Wesley Chapel Road.

   c. Ensuring sight distance of a minimum of 390 feet as Wesley Chapel Road is designated as a Collector right-of-way or, in the alternative, the utilization of remedial measures in which to mitigate same.

5. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Fire Prevention and Life Safety issues, as follows:

   a. CCFMO is acceptable to the proposed zoning case as presented. A full review will be conducted when a full set of plans are submitted

   b. Approval based on Professional Engineer-stamped plans that signify overall plan conformance to all Georgia State and Cobb County Codes. Design Professional and Developer maintain the sole responsibility for the design and for correcting all errors, omissions, problems, and code violations (if any) exposed during construction AFTER authorization by Cobb County.

   c. Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2018 Edition and Cobb County Development Standards 402.11).

   d. All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches. (Cobb County Development Standards 402.11)

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

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

6. Compliance with recommendations from the Cobb County Water System pertaining to water and sewer availability and locations, including securing any off-site easements with respect to sewer or concentrated stormwater flows or water access to be provided to Staff in recordable form prior to the issuance of any developmental permits for the site.

7. Compliance with the recommendations from the Stormwater Management Division which indicate, rather than traditional detention/water quality, the Stormwater Management Division will approve on-site "rain gardens", while being mindful of new State statutes which require an actual decrease in water released from the site to the equivalent of one-inch (1") above existing impervious surfaces.

8. The District Commissioner shall have the authority to approve certain minor modifications to the site plan, the architecture and these stipulations/conditions as the development proposal proceeds through the Plan Review Process and thereafter, except for those that:

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

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

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

   d. Change access location to different roadways.

Petition No. Z-74
Meeting Date 11-16-2021
Continued

VIA EMAIL

e. Seeks additional Variances to provisions of the Cobb County Zoning Ordinance.

Please do not hesitate to contact me should you or your Staff require any further information or documentation prior to the formulation of the final Zoning Analysis and Staff Recommendations and/or prior to this Application being heard and considered by the Planning Commission and Board of Commissioners next month. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

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

GLS, Jr./jac
Attachments

cc: SEE NEXT PAGE

Petition No. Z-74
Meeting Date 11-16-2021
Continued

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 25, 2021
Page 6

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
Board of Commissioners Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director Cobb County Community Development Agency (via email w/attachments)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
Mr. Terry Martin, Planner III (via email w/attachments)
Mr. Donald Wells, Planner II (via email w/attachments)
Ms. Margie Vazquez, Planner II (via email w/attachments)
Mr. LeDarius Scott, Planner I (via email w/attachments)
Ms. Pamela Mabry, County Clerk (via email w/attachments)
Ms. Robin Stone, Deputy County Clerk (via email w/attachments)
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Capt. Josh Davis, Cobb County Fire Marshal's Office (via email w/attachments)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)
Ms. Abby Rettig, Cobb DOT (via email w/attachments)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachment)
Mr. Tim Davidson, Cobb Water System (via email w/attachments)
Mr. Thornton Mallard, Avalon Real Estate Partners (via email w/attachments)
Mr. Alex Holt, Avalon Real Estate Partners (via email w/attachments)
Ms. Glennis Willis (via email w/attachments)
Ms. Pamela Dancsecs (via email w/attachments)

Petition No. Z-74
Meeting Date 11-16-2021
Continued

Aerial

400.0 0 200.00 400.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

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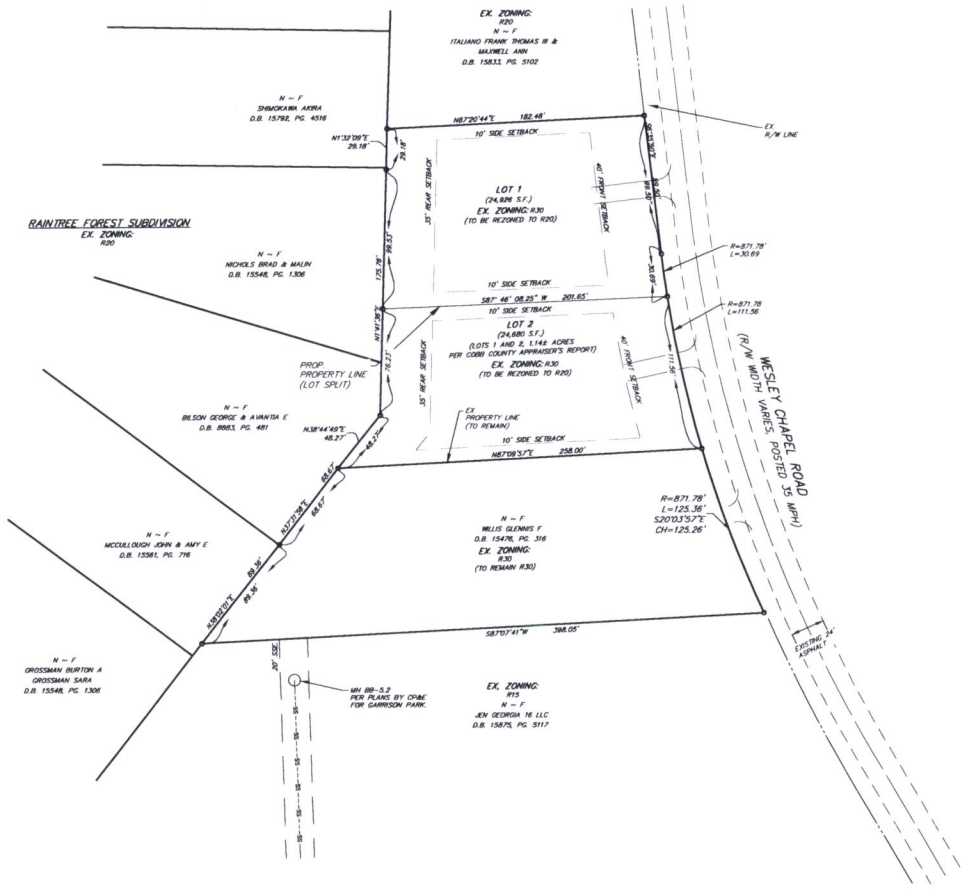
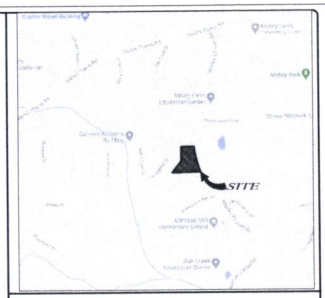
1:2,400

Map Notes:

Petition No. Z-74
Meeting Date 11-16-2021
Continued





LOCATION MAP

GENERAL SITE NOTES:

1. TOTAL SITE AREA = 1.14 ACRES
2. TOTAL NUMBER OF PROPOSED LOTS = 2 LOTS
3. CURRENT ZONING = R30
   PROPOSED ZONING = R20
4. BUILDING SETBACKS:
   FRONT = 35' OR 40'
   REAR = 35'
   MINOR SIDE = 10'
   MAJOR SIDE = 25'
5. DENSITY = 1.2 UNIT PER ACRE (MAX. DENSITY = 1.75 UPA)
6. NO FLOODPLAIN AREA EXISTS ON THE SUBJECT SITE.
7. NO WETLAND AREAS EXIST ON THE SUBJECT SITE.
8. NO CEMETERIES EXIST ON THE SUBJECT SITE.
9. NO STREAM BUFFERS EXIST ON THIS SITE.
10. NO DETENTION/RETENTION EXIST ON THIS SITE.
11. NO LAKES OR STREAMS EXIST ON THIS SITE.
12. NO BUFFERS EXIST ON THIS SITE.
13. PROPOSED MINIMUM LOT SIZE = 20,000 S.F.
14. MAXIMUM BUILDING HEIGHT IS 35'

ZONING NOTES:

1. LOTS 1 AND 2 ARE CURRENTLY ZONED R30. TO BE REZONED TO R20.
   MINIMUM WIDTH AT FRONT SETBACK LINE = 75'
   MAXIMUM COVERAGE 35%
2. LOT 3 IS CURRENTLY ZONED R30 AND TO REMAIN ZONED R30

Gaskins

© 2021, L. GASKINS SURVEYING COMPANY, INC. This drawing may be used for the express purpose of constructing the work shown for the site and owner specified for the site. Any other use of this drawing, including any reproduction or alteration of this drawing without the prior written approval of Gaskins Surveying Company, Inc. is prohibited.

REZONING PLAN
PROPSED ZONING: R20
LAND LOT 184, DISTRICT 16
COBB COUNTY, GA

REVISIONS

REV	DATE	REVISION REFERENCE

SHEET TITLE
R20 REZONING PLAN

SEAL
GEORGIA PROFESSIONAL ENGINEER 19136 DAVID L. STUART
08/30/21

PROJECT I.D.	FIELD BOOK
2103034	N/A
DRAWN BY	CHECKED BY
JCS	DLS
SCALE	ISSUE DATE
1"=40	7/28/21

SHEET NUMBER
1

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

Plotted By: jcarlisle Drawing name: P:\Active Projects\Land Planning\Zoning Maps\Zoning Plan R20.dwg Plotted on: Aug 30, 2021 - 7:48am

Petition No. Z-74
Meeting Date 11-16-2021
Continued

Zoning

Legend
- Cobb Parcels
- County Boundary
- Cities
  - Acworth
  - Austell
  - Kennesaw
  - Marietta
  - Powder Springs
  - Smyrna
- Administrative Facilities
- Libraries
- Police Stations
- Fire Stations
- County Parks
- Federal Parks
- Zoning Districts
  - <all other values>
  - CF
  - NRC
  - UVC
  - PVC
  - CRC
  - UC
  - NS
  - PSC
  - GC
  - RRC
  - HI
  - IF
  - LI
  - LOR
  - OI
  - OMR
  - OHR
  - OS
  - R-80
  - R-80/OSC
  - RR
  - R-40/OSC
  - R-40
  - R-30/OSC
  - R-30
  - R-20/OSC
  - R-20
  - R-15/OSC
  - R-15
  - R-12
  - RD
  - RA-4
  - RA-5
  - SC
  - RA-6
  - RM-8
  - FST
  - FST-6
  - FST-8
  - RM-12
  - RM-16
  - MHP/S
  - RDR
  - MHP
  - RSL
  - RMR

Map Notes:

200.0 0 100.00 200.0 Feet

1: 1,200

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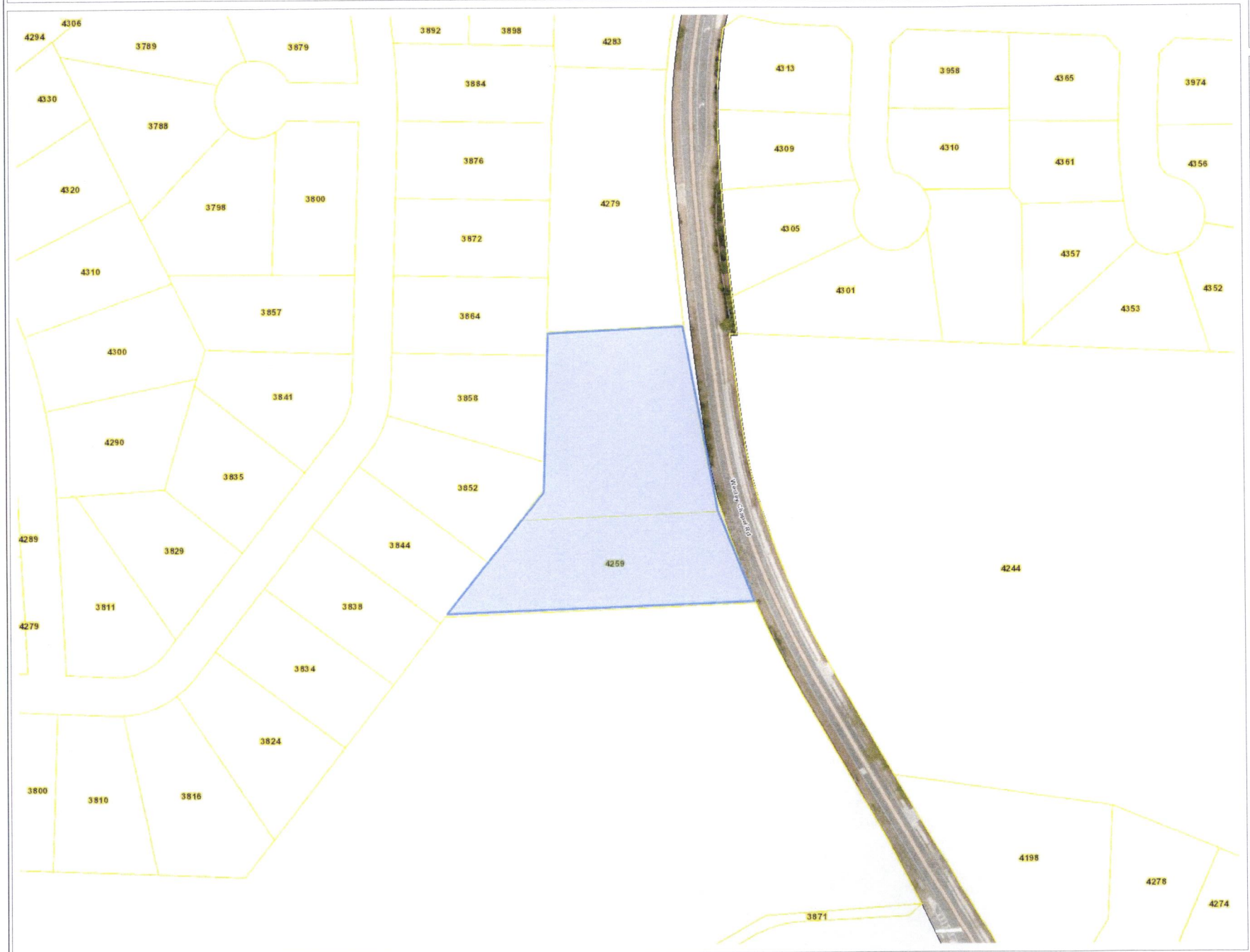
Petition No. Z-74
Meeting Date 11-16-2021
Continued

FLUM



Legend

- Cobb Parcels
- MTC Sub-Categories
  - Low Density Residential
  - Medium Density Residential
  - Public Institutional
  - Transportation/Communication/Uti
  - community activity center
  - neighborhood activity center
  - park/recreation/conservation
- County Boundary
- Cities
  - Acworth
  - Austell
  - Kennesaw
  - Marietta
  - Powder Springs
  - Smyrna
- Administrative Facilities
- Libraries
- Police Stations
- Fire Stations
- County Parks
- Federal Parks
- Future Land Use
  - <all other values>
  - Rural Residential
  - Very Low Density Residential
  - Low Density Residential
  - Medium Density Residential
  - High Density Residential
  - Neighborhood Activity Center
  - Community Activity Center
  - Regional Activity Center
  - Industrial Compatible
  - Industrial
  - Priority Industrial Area
  - Trans/Communication/Utilities
  - Public Institutional
  - Park/Recreation/Conservation
  - Mableton Town Center
- Cobb Roads
  - Interstates
  - Arterials
  - Major Collectors
  - Minor Collectors
  - Local
  - Local-Private
  - Ramps
- Railroads
- Ortho
  - Red Band_1
  - Green Band_2
  - Blue Band_3

Map Notes:

200.0 0 100.00 200.0 Feet

1: 1,200

WGS_1984_Web_Mercator_Auxiliary_Sphere

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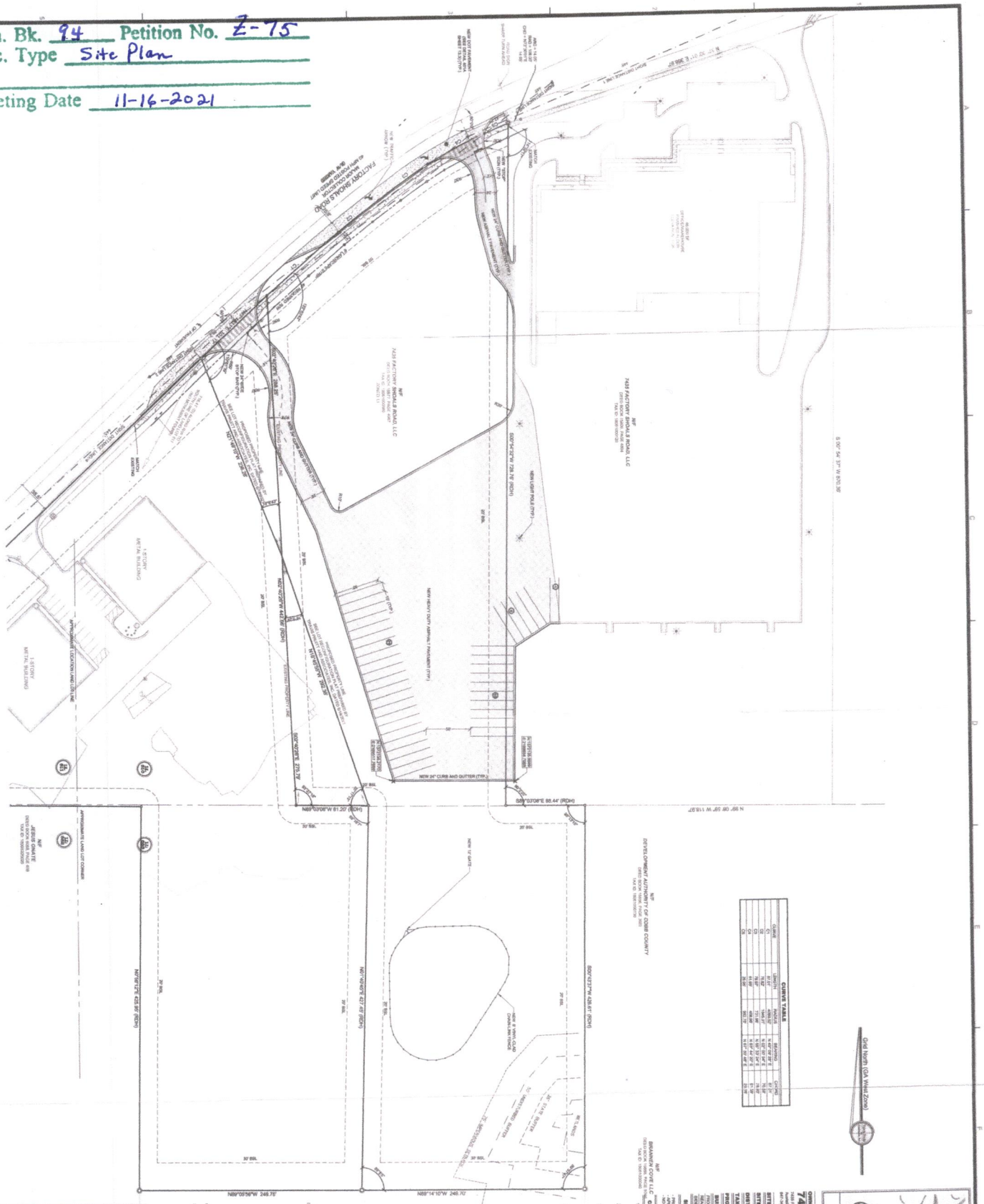
Min. Bk. 94 Petition No. Z-75
Doc. Type Site Plan

Meeting Date 11-16-2021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7439 FACTORY SHOALS ROAD, LLC
DEED BOOK 18261, PAGE 5994
TAX ID 19051000120
7439 FACTORY SHOALS ROAD, LLC
DEED BOOK 18261, PAGE 5994
TAX ID 19051000120
EXISTING METAL BUILDING
EXISTING METAL BUILDING
APPROXIMATE LAND LOT CORNER
APPROXIMATE LAND LOT CORNER
JESUS OYATE
DEED BOOK 21222, PAGE 4748
TAX ID 19050700020
DEVELOPMENT AUTHORITY OF COBB COUNTY
DEED BOOK 15261, PAGE 3080
TAX ID 19051700130
BRANNEN COVE LLC
DEED BOOK 15261, PAGE 3080
TAX ID 19050900050
BRANNEN COVE LLC
DEED BOOK 15261, PAGE 3080
TAX ID 19050900050
S89°03'08"E 88.44' (RDH)
N89°03'08"W 81.20' (RDH)
S89°54'37"W 436.81' (RDH)
N89°05'58"W 246.76'
N89°14'10"W 246.70'
N01°45'02"E 427.49' (RDH)
N01°45'02"E 428.89' (RDH)
S89°54'37"W 28.76' (RDH)
S89°54'37"W 28.78' (RDH)
N02°42'29"W 443.86' (RDH)
S02°42'29"E 443.78' (RDH)
N 89° 08' 58" W 118.87'
S 89° 54' 37" W 870.36'
NEW 24' CURB AND GUTTER (TYP.)
NEW HEAVY DUTY ASPHALT PAVEMENT (TYP.)
NEW LIGHT DUTY ASPHALT PAVEMENT (TYP.)
NEW 12' GATE
NEW 6' WROUGHT IRON FENCE
NEW 6' CHAIN LINK FENCE
NEW 20' CURB CUT
NEW 30' CURB CUT
NEW 24' CURB CUT
NEW 35' CURB CUT
NEW 40' CURB CUT
NEW 45' CURB CUT
NEW 50' CURB CUT
NEW 55' CURB CUT
NEW 60' CURB CUT
NEW 65' CURB CUT
NEW 70' CURB CUT
NEW 75' CURB CUT
NEW 80' CURB CUT
NEW

Min. Bk. 94 Petition No. Z-75
Doc. Type letter
Meeting Date 11-16-2021

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

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

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

October 26, 2021

(LETTER OF AGREEABLE STIPULATIONS/CONDITIONS)

VIA EMAIL

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

Re: Application of 7435 Factory Shoals Road, LLC to Rezone a 6.4 Acre Tract from Conditional LI to LI (No. Z-75 [2021]

Dear John:

You will recall that this firm has been retained and engaged by 7435 Factory Shoals Road, LLC ("Applicant") concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered next month by the Planning Commission on November 2, 2021. Thereafter, the application will be heard and considered for final action by the Cobb County Board of Commissioners ("BOC") on November 16, 2021.

The property at issue ("Subject Property") consists of an approximate 6.4 acre tract of land which is located on the southeasterly side of Factory Shoals Road, east of White Road. The Subject Property has direct contiguity to the Applicant's existing business. The purpose of the Rezoning is to obviate a previously approved use-specific LI zoning for a landscaping company in order to allow the Subject Property to utilized as a truck parking/staging lot which will allow for the storage and transportation of tractor trailer trucks. There are no buildings proposed or contemplated in the future with respect to the Subject Property.

The Subject Property is located in a Priority Industrial Area ("PIA") on the County's Future Land Use Map. As you know, the LI district was established to provide locations for Light Industrial uses which contemplate business distribution centers; warehousing and storage; and, transportation terminals which are on properties delineated as being within or on the perimeter of Industrial Compatible or Industrial categories as shown on the County's Future Land Use Map and as described in the County's Comprehensive Land Use Plan.

Petition No. Z-75
Meeting Date 11-16-2021
Continued

VIA EMAIL

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

During the pendency of this application, we have established a dialogue with the County's professional staff and have spoken with others in response to notification letters which were sent out to every property owner within 1,000 feet of the Subject Property. To date, there has been no opposition expressed to this firm or to our client. In that regard, staff has recommended that the application be approved subject to these self-imposed stipulations/conditions and those included in the final Zoning Analysis and Staff Recommendations for approval.

The Applicant is amenable to the following stipulations becoming conditions and a part of the grant of the requested Rezoning and binding upon the Subject Property thereafter. The referenced stipulations are as follows, to wit:

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 property which constitutes the subject matter of the above-captioned Application for Rezoning.

2. The Rezoning of the Subject Property shall be in substantial conformity with the site plan, prepared by Travis Pruitt & Associates, which was filed concurrently with the Application for Rezoning. Also, the ultimate development of the Subject Property will take into consideration comments and direction generated by the County's professional staff as part of the current Plan Review Process (No. SPR-2021-00283).

3. This letter does not address architectural style and composition issues in view of the fact that the Applicant is not proposing nor contemplating the construction of a building(s) in the future on the Subject Property.

4. Compliance with following recommendations from the Cobb County Department ("DOT"):

    a. The voluntary donation and conveyance of right-of-way on the south side of Factory Shoals Road so that the County can achieve a minimum of 40' from the roadway centerline.

    b. The installation of curb, gutter and sidewalk along the Factory Shoals Road frontage.

    c. Ensuring minimum sight distance (445') along Factory Shoals Road's access points or the implementation of remedial measures in which to mitigate same.

d. The eastern access point on Factory Shoals Road shall include a deceleration lane, as shown on the site plan submitted concurrently with the Application for Rezoning on September 2, 2021 subject to DOT's final review and approval of the location and design.

e. If determined in Plan Review that such is necessitated, the western access point on Factory Shoals Road shall include a taper and/or an improved curve radius; however, the final location and design of said components shall be determined during the Plan Review Process subject to DOT review and approval.

f. A reconfiguration of the internal intersection connecting the Subject Property with the Applicant's existing business in order to remove the "skewed angle" of the eastern access road connecting with the parking area for the eastern parcel. Final design shall, as mentioned above, be subject to DOT review and approval.

5. Compliance with recommendations from the Cobb County Fire Marshal with respect to Fire Prevention and Life Safety issues.

6. Compliance with recommendations from the Stormwater Management Division with respect to stormwater management, detention, water quality and downstream considerations, including the ultimate configuration and positioning of detention/water quality on the site.

   Additionally, the following comments and recommendations from the Stormwater Management Division shall also be adhered to by the Applicant, as follows:

   a. Streambank buffers will be confirmed with the Community Development Erosion Control Division.

   b. Stormwater discharges shall be controlled so as not to exceed the existing capacity of the downstream storm drainage system including drainage swales and roadside ditches.

   c. Mitigation of concentrated stormwater discharges onto adjacent properties by use of level spreaders as needed to disburse the stormwater discharge.

d. Any spring activity discovered during the development shall be addressed by a qualified Registered Geotechnical Professional Engineer (PE) at the expense of the owner/developer.

e. Structural fill will be placed under the direction of a qualified Registered Geotechnical Engineer (PE) at the expense of the owner/developer.

f. The existing proposed onsite storm drain system and stormwater management facility is private. Therefore, all annual inspections, maintenance and repairs are the responsibility of the property owner. A Stormwater Facility Maintenance and Access Agreement will be provided at the time of the Land Disturbance Permit.

g. Meeting stormwater runoff reduction requirements per the Georgia Stormwater Management Manual (GSMM); unless it is determined to be infeasible during Plan Review Process. If it is determined to be infeasible, then additional water quality designs may be added in accordance with the GSMM.

7. Compliance with the recommendations from the Cobb County Water System with respect to the availability of water and sewer to the site.[1]

   The Subject Property is situated within a Special Assessment District with respect to water and sewer issues and the payment towards that special assessment fund will be required prior to the issuance of Land Disturbance Permit needed for the development of the Subject Property.

8. Compliance with the recommendations from Cobb County Sign Ordinance with respect to any signage on the Subject Property which, if same is erected, shall consist of ground-based monument style signage, the final review and approval of which shall be subject to review and approval by the District Commissioner.

[1] The South Cobb WRF will be the applicable Treatment Plant and current studies reflect that plant capacity is available and projected plant availability is available as well. The Applicant will be responsible for securing any off-site easements which may be required with respect to both water and sewer connectivity.

9. The submission of a Landscape Plan during the Plan Review Process subject to review and approval by the County's Arborist with final review and approval being subject to input and approval by the District Commissioner.

10. The District Commissioner shall have the authority to approve certain minor modifications to the site plan, the architecture and these stipulations/conditions as the development proposal proceeds through the Plan Review Process and thereafter, except for those that:

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

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

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

    d. Change access location to different rights-of-way.

    e. Seeks additional Variances to provisions of the Cobb County Zoning Ordinance.

11. For demonstrative/illustrative purposes, attached are copies of the following:

    - An excerpt from the Staff Analysis (Zoning Map),
    - An excerpt from the FLUM, and
    - A copy of the Site Plan submitted with the Rezoning Application.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-75
Meeting Date 11-16-2021
Continued

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 26, 2021
Page 6

Please do not hesitate to contact me should you or Staff, which has recommended approval of this application, need any further information or documentation prior to this application being heard and considered by the Planning Commission and BOC next month. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

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

GLS, Jr./klk
Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
Board of Commissioners Assistants (via email w/attachments)
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Ms. Abby Rettig, Cobb DOT (via email w/attachments)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachments)
Mr. Tim Davidson, Cobb Water System (via email w/attachments)
Mr. Tomas Gintila, 7435 Factory Shoals Road LLC (via email w/attachments)
Mr. Albert Ukrainskiy, E.I.T., Project Engineer, Travis Pruitt & Associates (via email w/attachments)

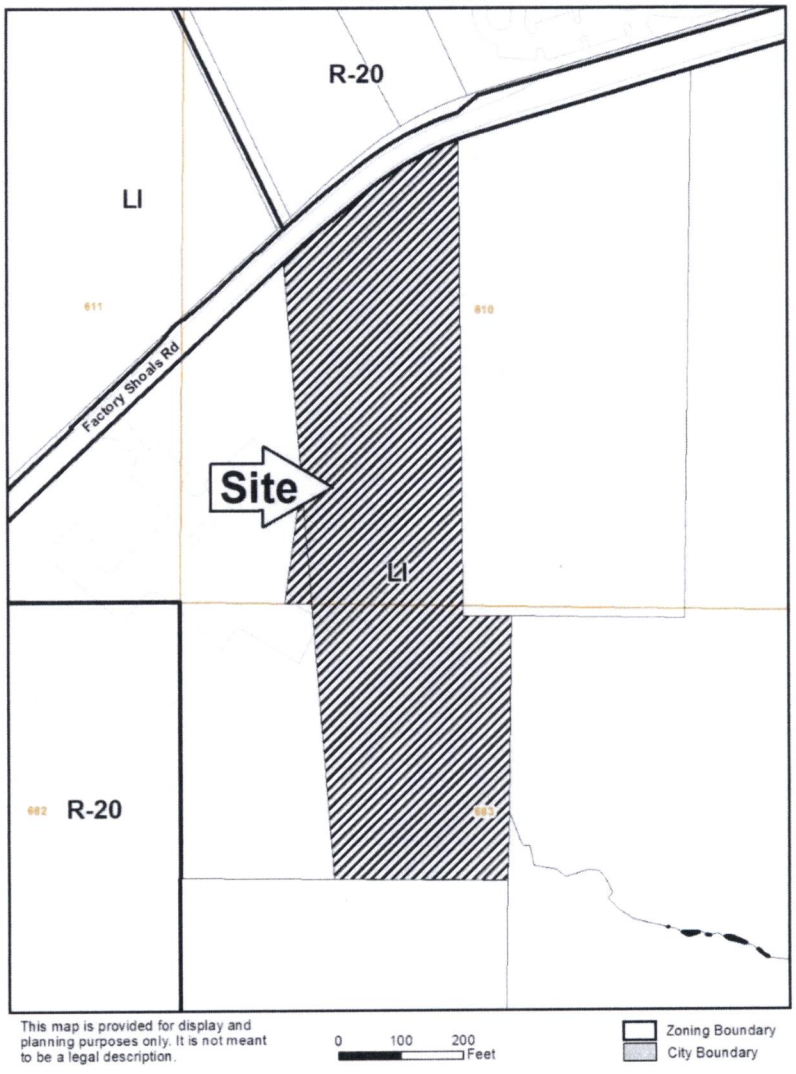
Petition No. Z-75
Meeting Date 11-16-2021
Continued

Z-75-2021 **DEPARTMENT COMMENTS – Zoning Division**

North

Zoning: LI, R-20 / Single-family Residential
Future Land Use: PIA

Z-75 2021-GIS



WEST

Zoning: LI /Truck/Tractor trailer parking

Future Land Use: PIA

EAST

Zoning: LI/Truck Parking

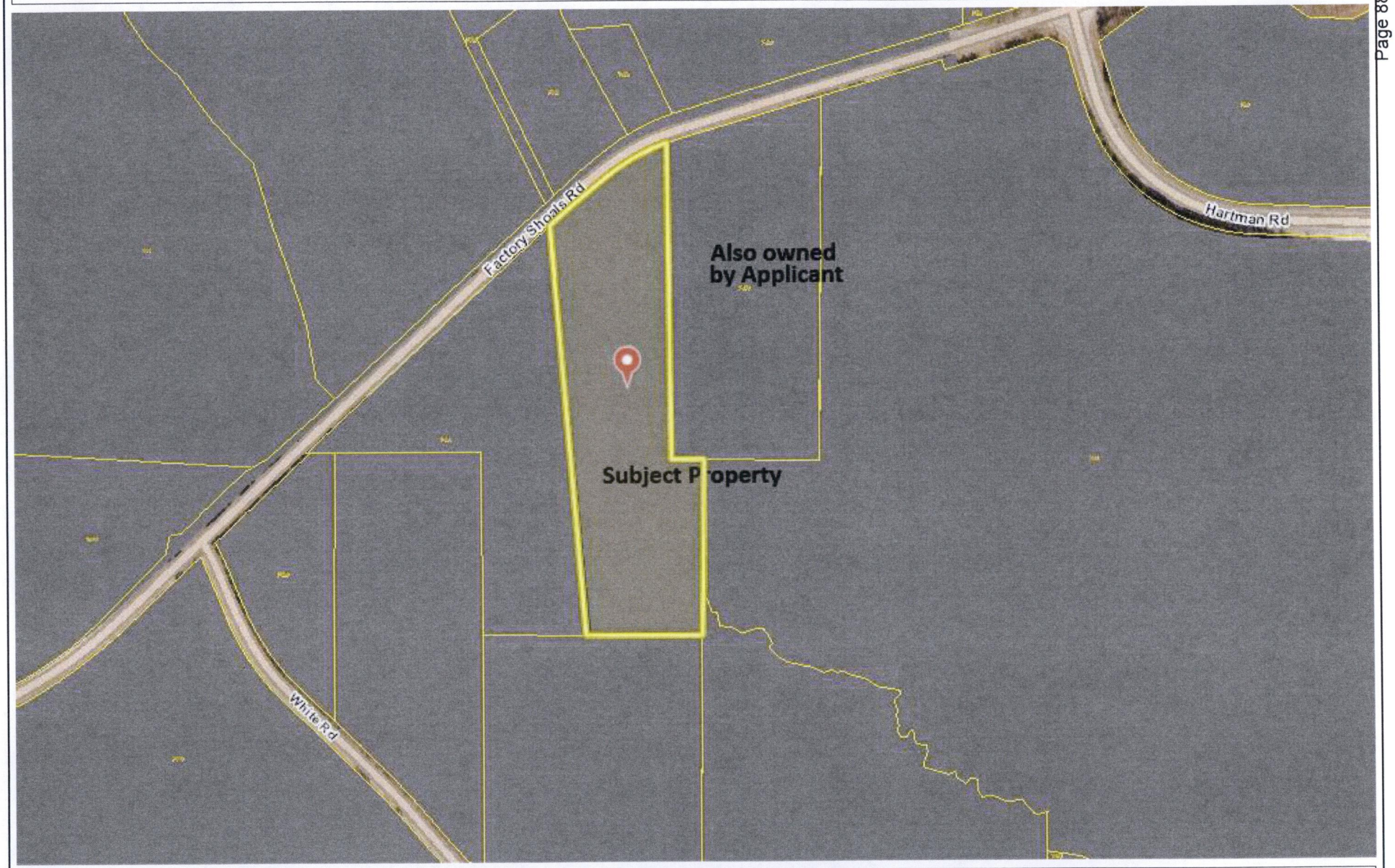
Future Land Use: PIA

SOUTH

Zoning: LI/Undeveloped
Future Land Use: PIA

Petition No. Z-75
Meeting Date 11-16-2021
Continued

7435 Factory Shoals - FLUM



752.3 0 376.17 752.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Cobb County Georgia

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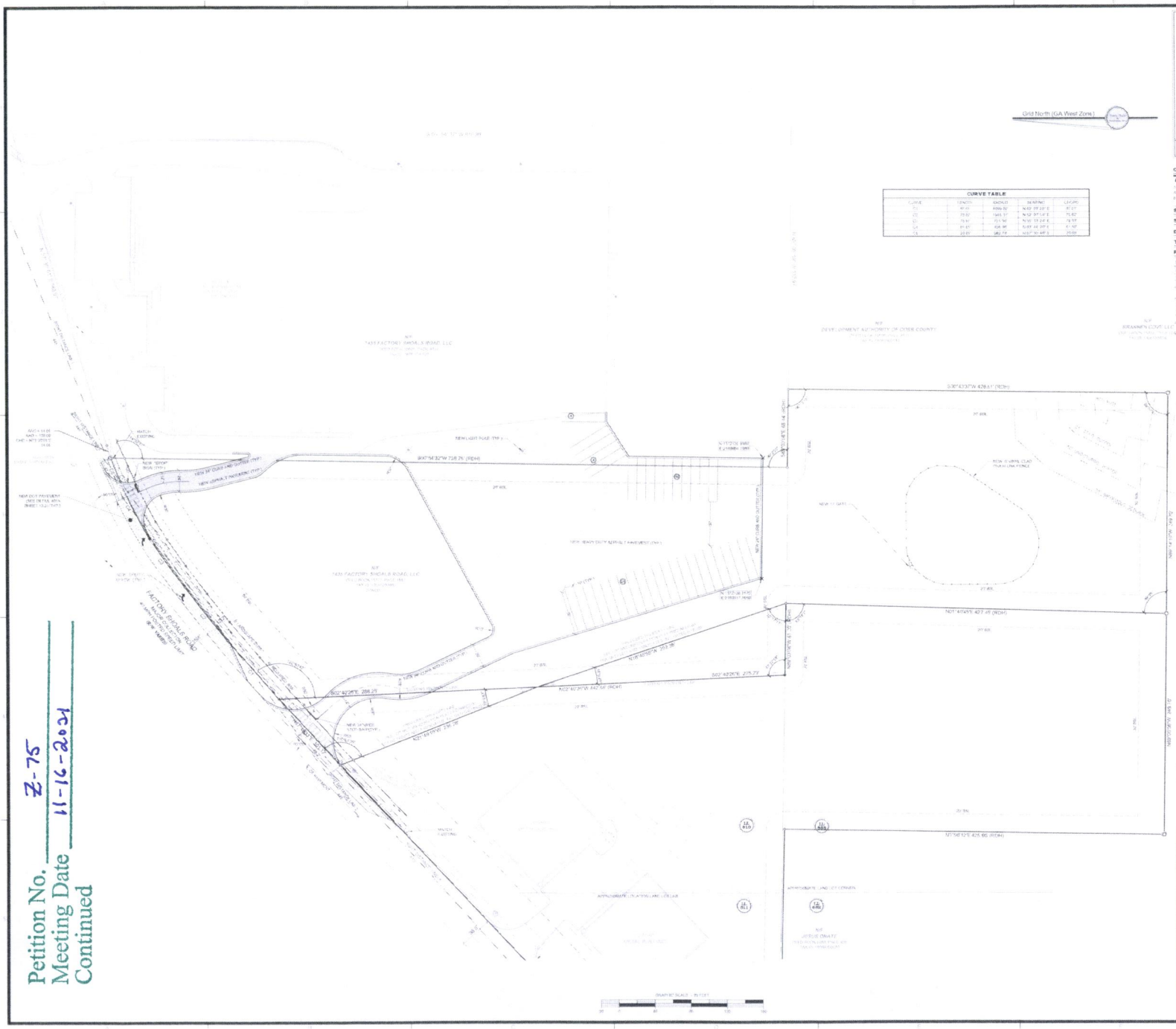
THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 4,514

Map Notes:

Petition No. Z-75
Meeting Date 11-16-2021
Continued


SITE
LOCATION MAP
NOT TO SCALE
Grid North (GA West Zone)
CURVE TABLE
FACTORY SHOALS ROAD
NEW 6' VINYL CLAD CHAIN LINK FENCE
NEW 30' GATE
NEW HEAVY DUTY ASPHALT PAVEMENT (TYP.)
NEW LIGHT POLE (TYP.)
NEW 10' CURB AND GUTTER (TYP.)
NEW 24' DRIVE
NEW SHARED CROSS-ACCESS
NEW SHARED CROSS-ACCESS AND UTILITY EASEMENT
NEW 20' ACCESS AND UTILITY EASEMENT
NEW 20' ACCESS EASEMENT
NEW 20' UTILITY EASEMENT
NEW 20' SANITARY SEWER EASEMENT
NEW 20' STORM DRAINAGE EASEMENT
NEW 20' WATER EASEMENT
NEW 20' GAS EASEMENT
NEW 20' TELEPHONE EASEMENT
NEW 20' CABLE EASEMENT
NEW 20' ELECTRIC EASEMENT
NEW 20' LANDSCAPE EASEMENT
NEW 20' BUFFER EASEMENT
NEW 20' SIGHT DISTANCE EASEMENT
NEW 20' TURN LANE EASEMENT
NEW 20' DETENTION POND EASEMENT
NEW 20' DRAINAGE EASEMENT
NEW 20' SLOPE EASEMENT
NEW 20' RETAINING WALL EASEMENT
NEW 20' SIDEWALK EASEMENT
NEW 20' TRAIL EASEMENT
NEW 20' PARKING EASEMENT
NEW 20' LOADING EASEMENT
NEW 20' TURN AROUND EASEMENT
NEW 20' TURN AROUND AND UTILITY EASEMENT
NEW 20' TURN AROUND AND ACCESS EASEMENT
NEW 20' TURN AROUND AND ACCESS AND UTILITY EASEMENT
NEW 20' TURN AROUND AND ACCESS AND UTILITY AND DRAINAGE EASEMENT
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NEW 20' TURN AROUND AND ACCESS AND UTILITY AND DRAINAGE AND SLOPE AND RETAINING WALL AND SIDEWALK AND TRAIL AND PARKING AND LOADING AND

Rezoning Plat

2860 Lassiter Road

Cobb County, Georgia
Land Lot 538, 16th District, 2nd Section

prepared for:
Hammett Lassiter Investors, LLC

DGM
LAND PLANNING CONSULTANTS
1635 OLD HWY 41
SUITE 112-314
KENNESAW
GA 30152
770 514-9006
FAX 514-9491

0 10 20 40 80
Scale: 1" = 20'

September 3, 2021

REVISED

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

2-76-2021

Min. Bk. 94 Petition No. Z-76
Doc. Type Site Plan
Meeting Date 11-16-2021

Site Data

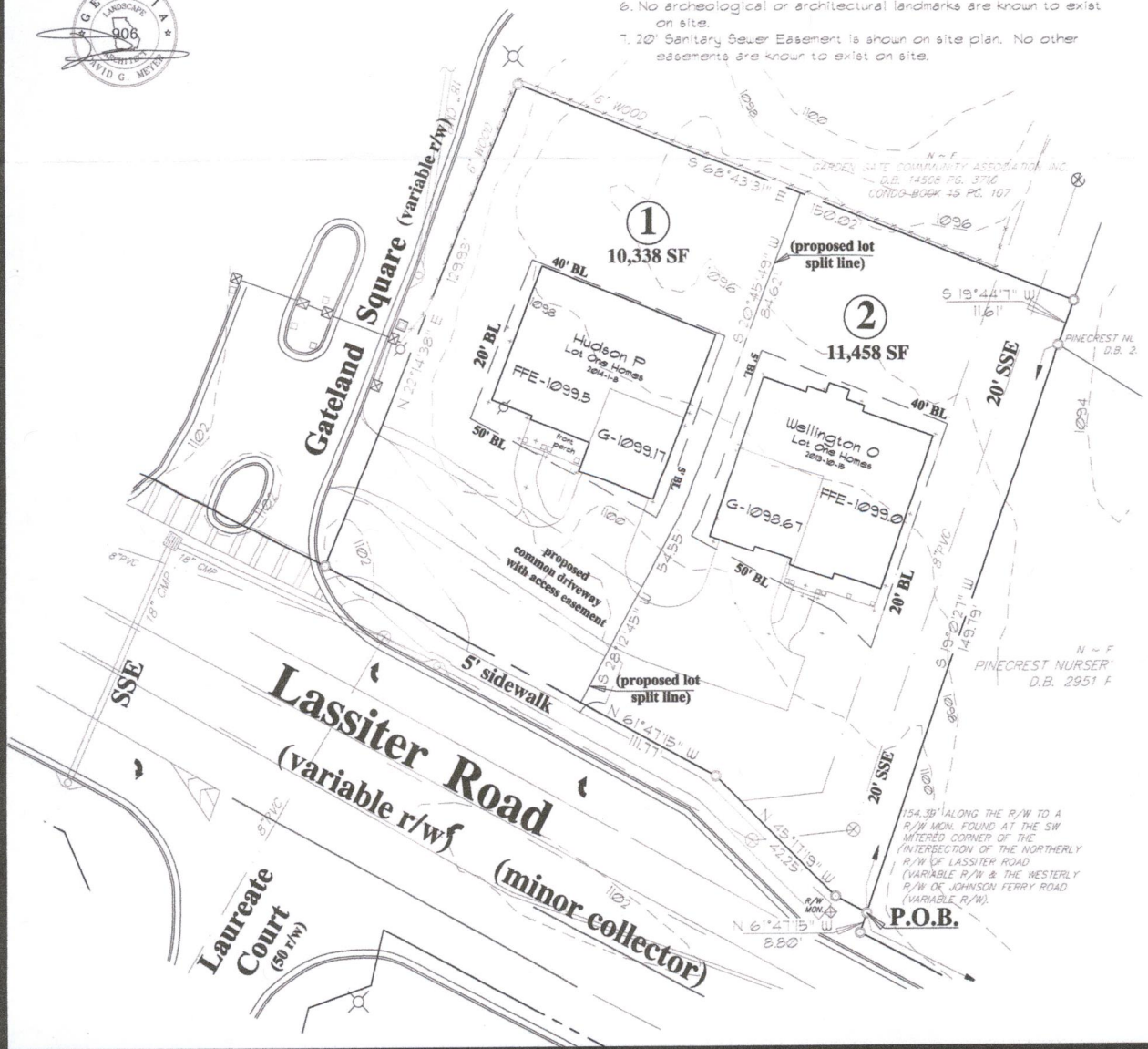
Total Site Area: 21,796 SF (.5 AC)
Existing Zoning: LRO
Proposed Zoning: RA-5
RA-5 Building Setbacks:
*front: 50' (Lassiter Road is a minor collector as per Cobb D.O.T.)
side: 5' (20' if exterior)
rear: 30' (40' if exterior)

Total impervious area shown: 6,759 SF (31% of total site area)

Notes:
1. Boundary information source: Gaskins Engineering and Surveying: Survey for Gary Joachim, dated 2021-2-21.
2. Topographic information from Cobb County GIS.
3. According to Flood Insurance Rate Map (FIRM) #13067C0068H dated March 4, 2013, no portion of this site contains floodplain.
4. No cemeteries are known to exist on site.
5. No streams or wetlands are known to exist on site.
6. No archeological or architectural landmarks are known to exist on site.
7. 20' Sanitary Sewer Easement is shown on site plan. No other easements are known to exist on site.

GEORGIA LANDSCAPE 906 REGISTERED DAVID G. MEYER

north



Min. Bk. 94 Petition No. Z-76
Doc. Type 11-8-2021 letter

Meeting Date 11-16-2021

S L H

SAMS, LARKIN & HUFF

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

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

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

November 8, 2021

(REVISED STIPULATION LETTER)

VIA EMAIL:

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

Re: Application of Lot One Homes, Inc. to Rezone a 0.492 Acre Tract from LRO to RA-5 (No. Z-76 [2021])

Dear John:

You will recall that this firm represents the Applicant, Lot One Homes, Inc. ("Lot One") regarding the above-captioned Application for Rezoning. The Application was unanimously recommended for approval by the Cobb County Planning Commission last week and placed on the BOC Consent Agenda which is scheduled to be heard and considered for final action by the BOC on November 16, 2021.

While this Application has been pending, we have had conversations and established dialogues with the County's Professional Staff; Garden Gate HOA; the East Cobb Civic Association ("ECCA"); Lassiter Walk representatives; and, representatives of the JOSH Area Community Group ("JOSH") from whom I heard most recently. The purpose of this letter is to reiterate the conditions to which Lot One has agreed and made a matter of public record at the Planning Commission Zoning Hearing and other conditions/stipulations which have surfaced since that time.

The property at issue ("Subject Property") is located at the northeast intersection of Gateland Square and Lassiter Road, west of Johnson Ferry Road, and is contiguous to Garden Gate, a Suburban Condominium ("SC") Subdivision located to the north and west, and borders GC and NRC zoned properties to the east. Since 2005 the Subject Property has been zoned LRO and this request to rezone to the RA-5 (detached) zoning district constitutes a downzoning of the property. Both Garden Gate and the Subject Property were concurrently rezoned on February 15, 2005 (Nos. Z-18 & Z-19).

Petition No. Z-76
Meeting Date 11-16-2021
Continued

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 8, 2021
Page 2

Lot One's proposal is to rezone the Subject Property from LRO to RA-5 (detached) for the purpose of construction and development of a maximum of two (2) homes, both accessing onto Gateland Square via a common driveway with an access easement (outside of the existing gated subdivision). The Future Land Use Map ("FLUM") designation, as it was in 2005, is Neighborhood Activity Center ("NAC"). However, having a 5,700 square foot, two-story office building accessing onto a residential street is prohibitive to the development of the Subject Property and could negatively impact the residents who live in Garden Gate Subdivision on several levels.

For demonstrative purposes, attached are copies of the following regarding the Subject Property: an aerial photo; the revised site plan; an excerpt from the County's Zoning Map; and, an excerpt from the County's FLUM.

This letter will serve as Lot One's revised expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and which shall be binding upon the Subject Property thereafter. The referenced revised stipulations are as follows, to wit:

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

2. The Subject Property is presently zoned LRO and shall be developed in substantial conformity to that certain Zoning Site Plan prepared by DGM Land Planning Consultants which reflects two (2) single family residences and which was submitted on September 3, 2021.

3. The Subject Property shall be developed as two (2) single-family detached homes. The architectural style and composition of the homes shall consist of a combination of brick/cedar shake/board and batten on all four (4) sides in substantial conformity to renderings/elevations submitted with the Rezoning Application which are being re-submitted herewith.

4. The installation of a fifteen foot (15') landscape screening buffer along the northern property line, with type, species, etc. of plantings to be approved by the County Arborist, with final review and approval by the District Commissioner. Landscaping shall be installed along both sides of the fence, also in order to replicate the same fence optics of Garden Gate and to provide an enhanced aesthetic visual screen from rights of way to the two (2) homes proposed for the Subject Property.

5. Fencing shall be installed along Lassiter Road and shall be consistent with the style and design of the Garden Gate Subdivision fencing. Said fencing will curve around the eastern side of the entrance to Garden Gate as has been requested by Garden Gate HOA and as long as it meets the architectural and visual style of the existing Garden Gate fencing along Lassiter Road and the western side of the entrance to Garden Gate.[1]

6. JOSH representatives have requested the installation of a wooden fence along both the northern and eastern property lines to which Lot One is amenable; however, expressly subject to the concurrence of Garden Gate HOA and the District Commissioner.[2]

7. Compliance with recommendations from the ECCA, a copy of which is attached hereto and made a part hereof by reference.

8. Compliance with following recommendations from the Cobb County Department of Transportation ("DOT"), as follows, to wit:

   a. The voluntary donation and conveyance of right-of-way thirty feet (30') from the centerline of the north side of Lassiter Road.

   b. As needed, the replacement of curb, gutter and/or sidewalk along Lassiter Road frontage, if such is disturbed during construction and development.

9. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Fire Prevention and Life Safety issues.

10. Compliance with recommendations from the Cobb County Water System pertaining to water and sewer availability.

[1] Lot One will include a recital on any contracts for sale or deeds of conveyance which includes a provision regarding the homeowners' continued responsibility for the upkeep and maintenance of the fencing mentioned above and its attendant landscaping.

[2] There is a good stand of trees between the commercial property on the pin corner of Lassiter and Johnson Ferry Road on the eastern side of the Subject Property and there is also a twenty foot (20') sanitary sewer easement on the eastern property line. Therefore, the fence, as requested by JOSH representatives, shall also be subject to review and approval by the Cobb County Water System assuming express acquiescence from Garden Gate HOA and the District Commissioner.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-76
Meeting Date 11-16-2021
Continued

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 8, 2021
Page 4

11. Compliance with the written recommendations from the Stormwater Management Division with respect to private onsite detention for each lot. The development will incorporate rain gardens, infiltration trenches, etc. to control surface stormwater runoff.

12. The District Commissioner shall have the authority to approve certain minor modifications to the site plan, the architecture and these stipulations/conditions as the development proposal proceeds through the Plan Review Process and thereafter, except for those that:

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

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

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

    d. Change access location to different roadways.

    e. Seeks additional Variances to provisions of the Cobb County Zoning Ordinance.

Please let me know if you your Staff, BOC Members or any others require further information or documentation prior to this Application being heard and considered for final action by the BOC on November 16th. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

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

GLS, Jr./dls
Attachments

Petition No. Z-76
Meeting Date 11-16-2021
Continued

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 8, 2021
Page 5

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Mr. Tim Davidson, Cobb Water System (via email w/attachments)
Ms. Chris Lindstrom, ECCA (via email w/attachments)
Mr. Dennis O'Riley, Garden Gate HOA (via email w/attachments)
Mr. David Rumrill, JOSH Area Community Group Representative (via email w/attachments)
Mr. Brian Dennis (via email w/attachments)
Mr. David Meyer, RLA (via email w/attachments)

Petition No. Z-76
Meeting Date 11-16-2021
Continued

East Cobb Civic Association, Inc.

Commission District 2

Petition Z-76 (November)

Applicant, Lot One Homes, Inc., 404-250-6502, represented by Garvis L. Sams, Jr., 770-422-7016, requests the rezoning of property from LRO to RA-5.

Additional Information:

Property is located at 2860 Lassiter Road. This is located on the North side of Lassiter Road, west of Johnson Ferry Road. Current title holder is Hammett-Lassiter Investors, LLC. Contiguous Zonings: SC (West/North); GC (East) NRC (North/East); LRO (South); RA-5 (South); Present Zoning: LRO; Proposed Zoning: RA-5; Future Land Use: NAC

ECCA Case Manager: Chris Lindstrom

Reason: Applicant would like to build 2 single-family homes with a shared driveway from the entrance of the Garden Gate community.

Discussion:

- Spoke with applicant's representative.
- Spoke with HOA representative of the Garden Gate Community Association (Garden Gate).

ECCA has looked at the zonings surrounding the property. An RA-5 (South) is across street and the SC (North and West) are both compatible with this request.

ECCA understands that one or more homeowners of Garden Gate Community may present at the Planning Commission meeting. We support any additional stipulations they may have.

ECCA recommends some changes and additions, listed below, to the stipulation letter dated October 20, 2021:

- Stipulation 4: Please change the end of the sentence to read, "... to be reviewed by Cobb County Arborist with final approval by the District Commissioner."

Petition No. Z-76
Meeting Date 11-16-2021
Continued

- **Additions:**
  - Homes will be sodded on all four sides.
  - The two homes shall have a minimum of 15 feet between both homes.
  - Construction:
    - Should the Gateland Square entranceway be damaged in any way during the construction process, it will be repaired and/or replaced including plantings, curbing, asphalt, and seal coating.
    - The construction site will be considered a "clean" work area with loose debris disposed of each evening.
    - Construction trucks and worker vehicles shall be parked on the site. No stacking of vehicles along Lassiter Road nor blocking the entrance/exit to Gateland Square.
    - A tire washing station shall be provided at the exit from the property during the development and construction of the project.
    - A 24-hour contact number shall be provided to surrounding neighborhoods and posted on-site during the construction period.
    - Development and constructions hours for the project shall be limited to the following:
      - 7:00 am to 8:00 pm Monday – Friday
      - 9:00 am to 6:00 pm Saturday
      - No work shall be permitted on Sunday unless approved by the District Commissioner

- 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. Such restrictions shall be recorded on the deeds.

- The driveway pads in front the houses shall be of sufficient space to hold two full-size automobiles.

Recommendation:

ECCA recommends approval subject to the stipulation letter dated October 20, 2021 with the above recommended changes and additions, any additional changes recommended by Garden Gate Community Association (Garden Gate), and all staff comments where not in conflict.

Rezoning Plat

2860 Lassiter Road

Cobb County, Georgia

Land Lot 538, 16th District, 2nd Section

Petition No. Z-76
Meeting Date 11-16-2021
Continued

prepared for:

Hammett Lassiter Investors, LLC

DGM
LAND PLANNING CONSULTANTS

1635 OLD HWY 41
SUITE 112-314
KENNESAW
GA 30152
770 514-9006
FAX 514-9491

0 10 20 40 80

Scale: 1" = 20'

September 3, 2021

north

Site Data

Total Site Area: 21,796 SF (.5 AC)
Existing Zoning: LRO
Proposed Zoning: RA-5
RA-5 Building Setbacks:

*front: 50' (Lassiter Road is a minor collector as per Cobb D.O.T.)
side: 5' (20' if exterior)
rear: 30' (40' if exterior)

Total impervious area shown: 6,759 SF (31% of total site area)

Notes:
1. Boundary information source: Gaskins Engineering and Surveying: Survey for Gary Joachim, dated 2021-2-21.
2. Topographic information from Cobb County GIS.
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6. No archeological or architectural landmarks are known to exist on site.
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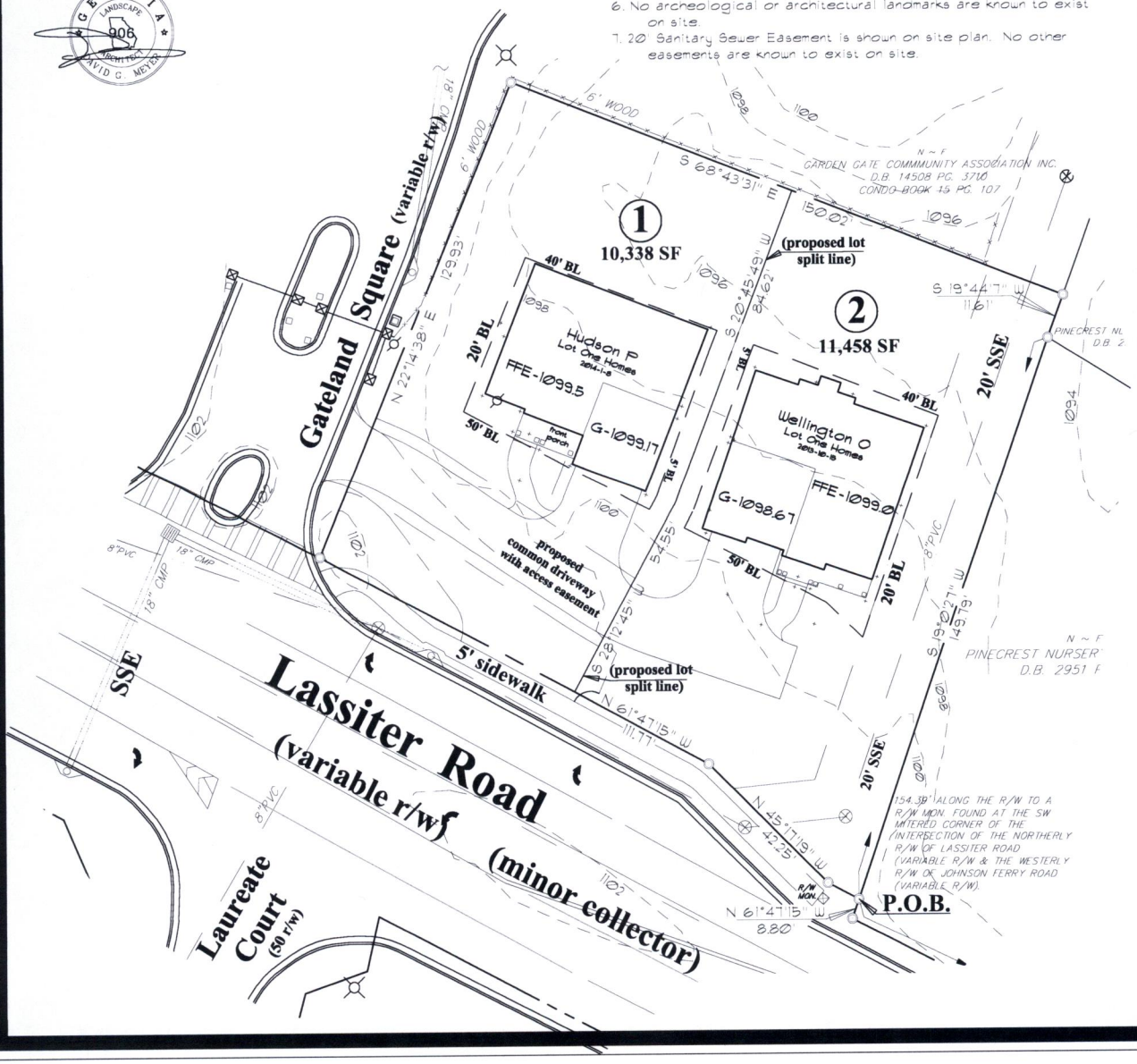
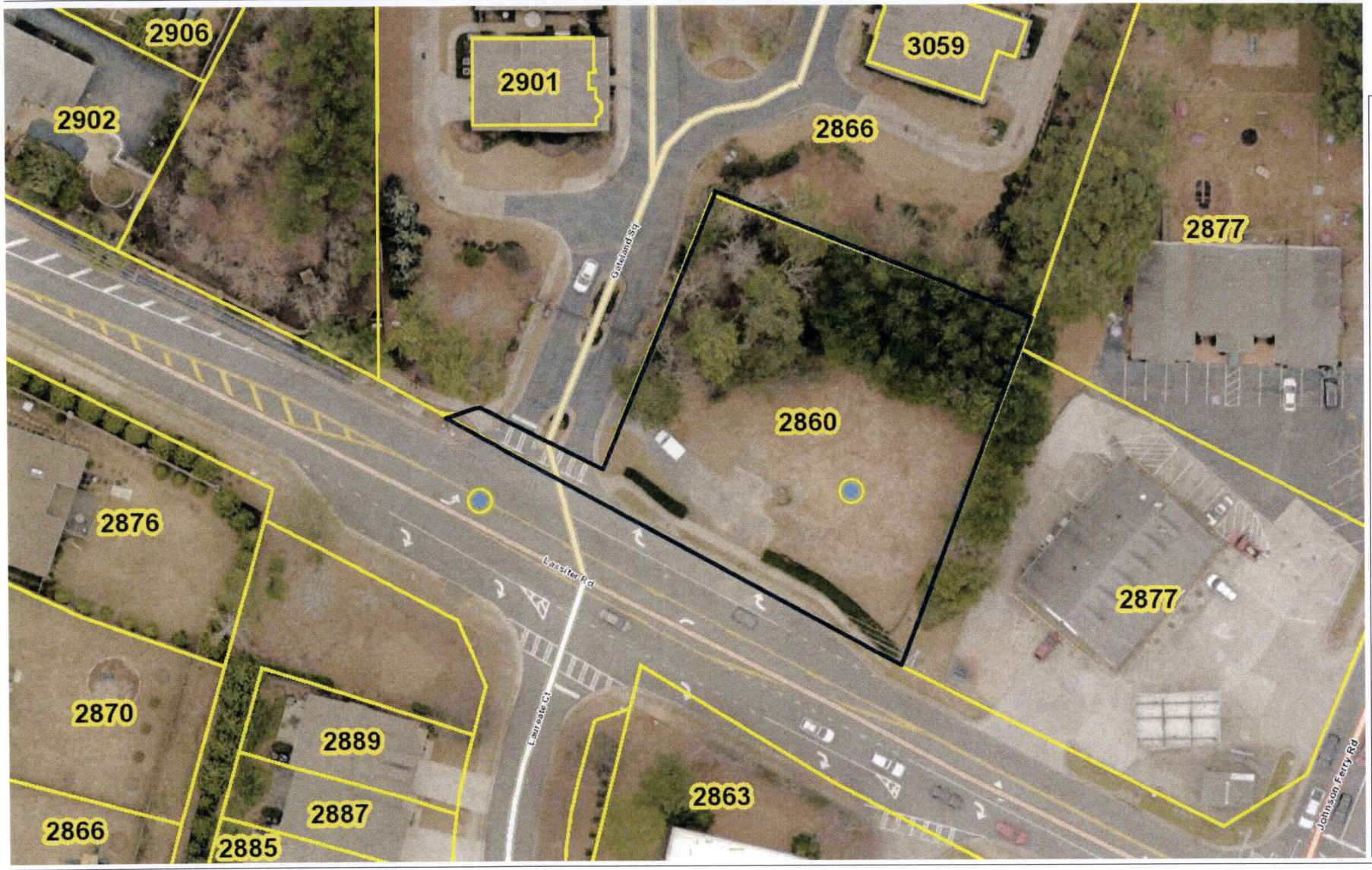
GEORGIA LANDSCAPE ARCHITECT 906 DAVID G. MEYER



2860 Lassiter Road



Legend

- Cobb Parcels
- County Boundary
- Cities
  - Acworth
  - Austell
  - Kennesaw
  - Marietta
  - Powder Springs
  - Smyrna
- Administrative Facilities
- Libraries
- Police Stations
- Fire Stations
- County Parks
- Federal Parks
- Cobb Roads
  - Interstates
  - Arterials
  - Major Collectors
  - Minor Collectors
  - Local
  - Local-Private
  - Ramps
- Railroads
- Ortho
  - Red: Band_1
  - Green: Band_2
  - Blue: Band_3

Map Notes:

100.0 0 50.00 100.0 Feet

1: 600

WGS_1984_Web_Mercator_Auxiliary_Sphere

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Petition No. Z-76
Meeting Date 11-16-2021
Continued

2860 Lassiter Road - Zoning

Legend
- Cobb Parcels
- County Boundary
- Cities
  - Acworth
  - Austell
  - Kennesaw
  - Marietta
  - Powder Springs
  - Smyrna
- Administrative Facilities
- Libraries
- Police Stations
- Fire Stations
- County Parks
- Federal Parks
- Zoning Districts
  - <all other values>
  - CF
  - NRC
  - UVC
  - PVC
  - CRC
  - UC
  - NS
  - PSC
  - GC
  - RRC
  - HI
  - IF
  - LI
  - LOR
  - OI

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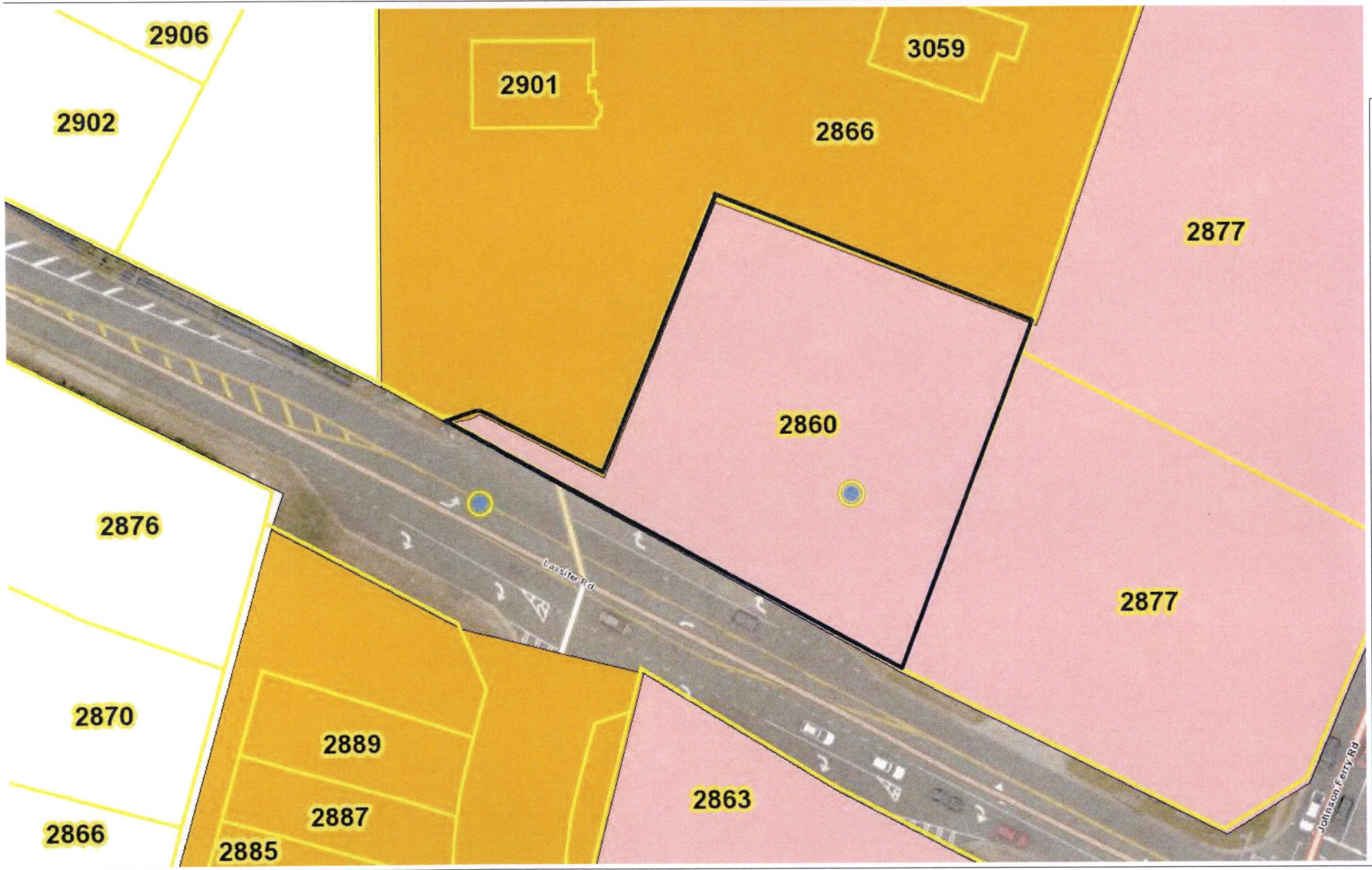
Petition No. Z-76
Meeting Date 11-16-2021
Continued

2860 Lassiter Road - FLUM



Legend
- Cobb Parcels
- MTC Sub-Categories
  - Low Density Residential
  - Medium Density Residential
  - Public Institutional
  - Transportation/Communication/Util
  - community activity center
  - neighborhood activity center
  - park/recreation/conservation
- County Boundary
- Cities
  - Acworth
  - Austell
  - Kennesaw
  - Marietta
  - Powder Springs
  - Smyrna
- Administrative Facilities
- Libraries
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- Fire Stations
- County Parks
- Federal Parks
- Future Land Use
  - <all other values>
  - Rural Residential
  - Very Low Density Residential
  - Low Density Residential
  - Medium Density Residential
  - High Density Residential
  - Neighborhood Acitivity Center
  - Community Activity Center

Map Notes:

100.0 0 50.00 100.0 Feet

1: 600

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Cobb County Georgia

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Petition No. Z-76
Meeting Date 11-16-2021
Continued

Petition No. Z-76
Meeting Date 11-16-2021
Continued

Petition No. Z-76
Meeting Date 11-16-2021
Continued

Petition No. Z-76
Meeting Date 11-16-2021
Continued
2265

Petition No. Z-76
Meeting Date 11-16-2021
Continued

Petition No. Z-76
Meeting Date 11-16-2021
Continued

Petition No. Z-76
Meeting Date 11-16-2021
Continued

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

BRENTWOOD, TENNESSEE
5300 MARYLAND WAY
SUITE 200
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
771 CORPORATE DRIVE
SUITE 430
LEXINGTON, KENTUCKY 40503
TELEPHONE (859) 309-0026

ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
SUITE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

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

October 27, 2021

Min. Bk. 94 Petition No. Z-77
Doc. Type letter
Meeting Date 11-16-2021

Via E-mail Only

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-77 (2021)
Applicant: Blue River Development LLC
Property Owner: Linda D. Mayes Whatley
Property: 5.01 acres, more or less, located on the southerly side of Saine Drive, the westerly side of Sandtown Road, and the northwesterly side of Austell Road, being more particularly known as 65 Saine Drive, S.W.; 1582 and 1586 Austell Road, S.E.; 1564 Sandtown Road, S.W.; and Saine Drive (unnumbered), Land Lot 208, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Blue River Development LLC, the Applicant (hereinafter referred to as "Applicant"), and Linda D. Mayes Whatley, the Property Owner (hereinafter "Owner" or "Property Owner"), in their request for rezoning of approximately 5.01 acres of property located on the southerly side of Saine Drive, the westerly side of Sandtown Road, and the northwesterly side of Austell Road, Land Lot 208, 17th District, 2nd Section, Cobb County, Georgia, (hereinafter the "Property" or "Subject Property"). After conferences and communications with Planning and Zoning Staff and other County Staff; reviewing the Departmental Comments; and reviewing the use of surrounding properties; we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part

of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed 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) Applicant seeks rezoning of the Subject Property from the existing zoning category of Residential Senior Living ("RSL") to the proposed zoning category of Fee Simple Townhome ("FST"), with reference to the revised Site Plan prepared for Applicant by Gaskins Surveying Company, Inc., dated and last revised September 1, 2021, and submitted with the Application for Rezoning. A reduced copy of the Site Plan is attached as Exhibit "A" and incorporated by reference.

(3) The Subject Property consists of 5.01 acres, more or less, of total site area and shall be developed for a residential community, consisting of townhomes, containing a maximum of twenty-seven (27) residences, as shown on the referenced Site Plan.

(4) The proposed homes shall be Traditional in style and architecture and shall have exterior facades consisting of brick, stone, stacked stone, cedar shake shingles, board and batten, cementitious siding, and combinations thereof, with complementary accents, and shall be substantially similar to the rendering attached as Exhibit "B."

(5) The proposed homes shall have a minimum of 1,600 square feet of heated and cooled area.

(6) 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.

(7) 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, open space areas, landscaped areas,

general landscaped areas, mail kiosk, fencing, open space, amenities, and the like contained within the community.

(8) The proposed community shall have a community gathering area, such as a landscaped park or fire pit, for the use and enjoyment of all community residents and guests.

(9) 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.

(10) Setbacks for the proposed development shall be as shown and reflected on the referenced Site Plan.

(11) The detention area shall be fenced with a decorative or privacy fence, a minimum of six (6) feet in height, with landscaping to the exterior for purposes of visual screening. The landscaping shall be approved by the County Arborist during the Plan Review and Permitting Process. All vegetation and landscaping surrounding the detention area shall be maintained by the mandatory homeowners association.

(12) All setbacks, landscape, and buffer areas may be penetrated for purposes of fencing, 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.

(13) Applicant agrees to comply with the recommendation set forth in correspondence dated October 12, 2021, from Jay Thomas, Mission Assurance Officer, Dobbins Air Reserve Base to your office, a copy of which is attached as Exhibit "C" and incorporated herein by reference.

(14) Applicant agrees to comply with all Cobb County Stormwater Management and Cobb County Department of Transportation Comments and Recommendations applicable to the Subject Property.

Petition No. Z-77
Meeting Date 11-16-2021
Continued

We believe the requested zoning, together with the Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration uses of properties in the surrounding area. The proposed residential community shall be a quality development and shall be an enhancement to the Subject Property and the 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

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

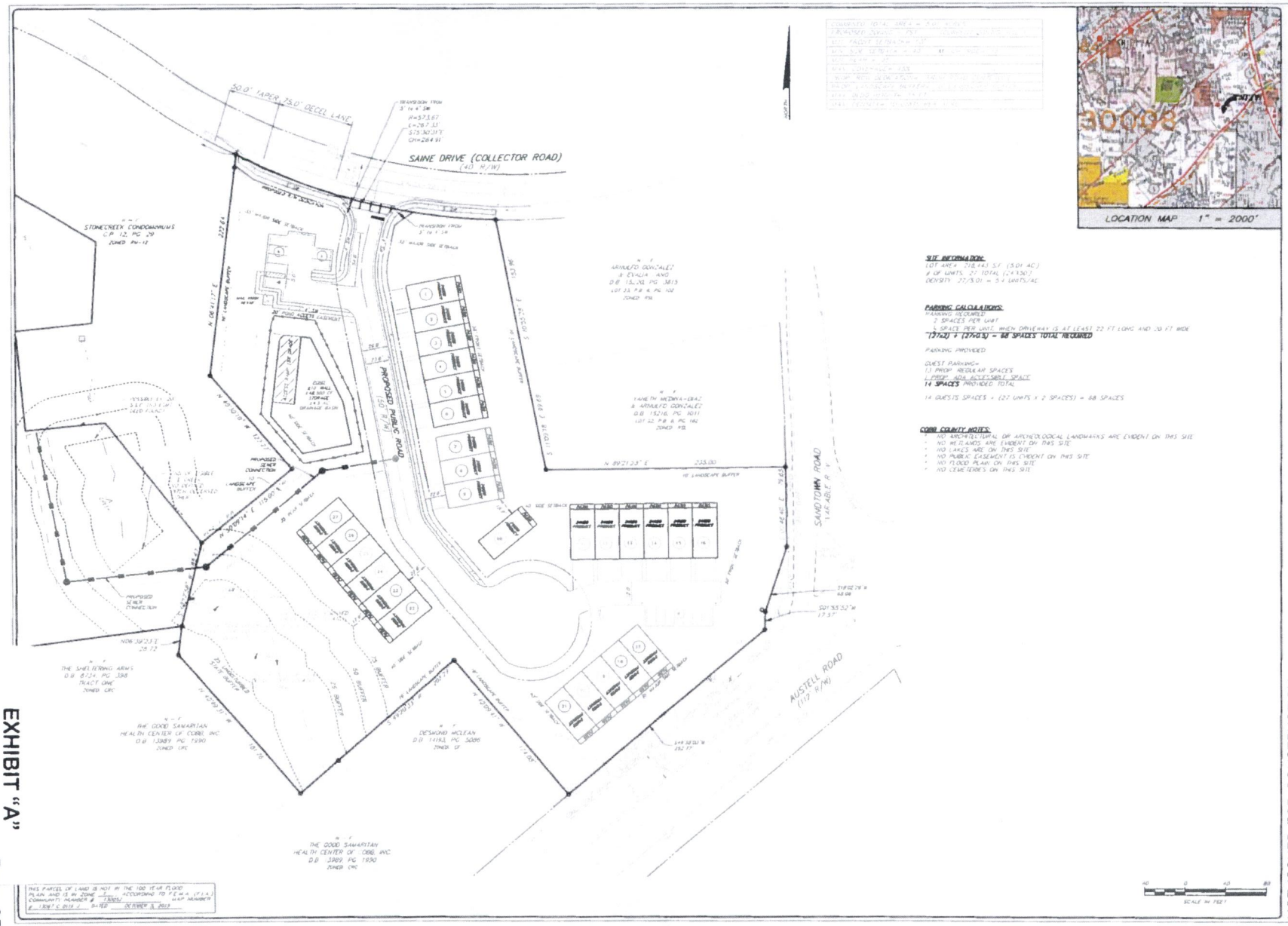
Cobb County Planning Commission
Fred Beloin, Chairman
David Anderson
Deborah Dance
Michael Hughes
Stephen Vault
(With Copies of Attachments)

Petition No. Z-77
Meeting Date 11-16-2021
Continued

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

Blue River Development LLC
(With Copies of Attachments)

Petition No. Z-77
Meeting Date 11-16-2021
Continued


30008
LOCATION MAP 1" = 2000'
SAINE DRIVE (COLLECTOR ROAD)
(40' R/W)
30.0' TAPER 35.0' DECEL LANE
PROPOSED PUBLIC ROAD (50' R/W)
SANDTOWN ROAD
(14' ABLE R/W)
AUSTELL ROAD
(112' R/W)
STONECREEK CONDOMINIUMS
C.P. 12, PG. 29
ZONED RM-12
ARNULFO GONZALEZ
& EVALIA AND
D.B. 15,301, PG. 3813
LOT 33, P.B. 8, PG. 102
ZONED RSL
KENNETH MEDINA-CRUZ
& ARNULFO GONZALEZ
D.B. 15216, PG. 1011
LOT 22, P.B. 8, PG. 162
ZONED RSL
THE SHELTERING ARMS
D.B. 8734, PG. 398
TRACT ONE
ZONED OPC
THE GOOD SAMARITAN
HEALTH CENTER OF COBB, INC
D.B. 13989, PG. 1990
ZONED OPC
DESMOND MCLEAN
D.B. 14193, PG. 3695
ZONED SF
THE GOOD SAMARITAN
HEALTH CENTER OF COBB, INC
D.B. 3269, PG. 1990
ZONED OPC
STORMWATER MANAGEMENT
DETENTION POND
PROPOSED SEWER CONNECTION
EXISTING SEWER MANHOLE
EXISTING FIRE HYDRANT
EXISTING WATER METER
EXISTING POWER POLE
EXISTING LIGHT POLE
EXISTING GUY WIRE
EXISTING TREE LINE
EXISTING CONTOURS
PROPOSED CONTOURS
PROPOSED STORM DRAIN
PROPOSED SANITARY SEWER
PROPOSED WATER LINE
PROPOSED FIRE HYDRANT
PROPOSED WATER METER
PROPOSED GAS LINE
PROPOSED UNDERGROUND ELECTRIC
PROPOSED UNDERGROUND TELEPHONE
PROPOSED UNDERGROUND CABLE TV
PROPOSED STREET LIGHT
PROPOSED TREE LINE
PROPOSED SIGN
PROPOSED MAILBOX
PROPOSED RETAINING WALL
PROPOSED CONCRETE
PROPOSED ASPHALT
PROPOSED CURB & GUTTER
PROPOSED SIDEWALK
PROPOSED HANDICAP RAMP
PROPOSED CROSSWALK
PROPOSED STOP BAR
PROPOSED STOP SIGN
PROPOSED DRIVE
PROPOSED PARKING
PROPOSED BUILDING
PROPOSED ACCESSIBLE PARKING
PROPOSED ACCESSIBLE RAMP
PROPOSED ACCESSIBLE ROUTE
PROPOSED ACCESSIBLE SIGN
PROPOSED ACCESSIBLE CURB
PROPOSED ACCESSIBLE CROSSWALK
PROPOSED ACCESSIBLE STOP BAR
PROPOSED ACCESSIBLE STOP SIGN
PROPOSED ACCESSIBLE DRIVE
PROPOSED ACCESSIBLE PARKING
PROPOSED ACCESSIBLE BUILD

Petition No. Z-77
Meeting Date 11-16-2021
Continued

LAURA'S WALK

A Blue River Development Community

Example Townhome Elevation

BLUE RIVER DEVELOPMENT, LLC
BROKERAGE | DEVELOPMENT | CONSULTING

EXHIBIT "B"

3810 Windermere Parkway | Suite 504 | Cumming, GA 30041 | blueriverdevelopment.com

Petition No. Z-77
Meeting Date 11-16-2021
Continued

DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND

October 12, 2021

Jay Thomas
Mission Assurance Officer
94th Airlift Wing
1430 First Street
Dobbins ARB GA 30069

John Pederson
Zoning Division Manager
Cobb County Community Development Agency
P.O. Box 649
Marietta GA 30061

Dear Mr Pederson

This letter is in reference to Cobb County zoning case Z-77-2021. Thank you for the information and request for comment on this project.

Installation planning and mission sustainment staff have reviewed the zoning proposal for consistency with the 2011 Air Installation Compatability Use Zone (AICUZ) Study. The Dobbins AICUZ provides a set of guidelines for land use and development intensity near military air installations. This study has been incorporated into the Cobb County military airport hazard district which has similar purpose. A portion of the Z-77-2021 property is within the 65 DNL noise contour established by this study due to noise generated by aircraft overflight. This noise contour means the proposed townhomes will be subjected to noise in the 65-69 dB range on a recurring basis. This is considered a level that affects quality of life for residents.

Department of Defense (DoD) land use guidelines will typically discourage residential development within the 65 DNL contour, however it is understood some municipalities may be limited in development opportunities. If it is deemed necessary to use this land for residential use, the DoD will consider the use to be compatible; but that compatibility is contingent upon construction methods. It is recommended that measures to reduce indoor noise levels should be incorporated into building codes for projects such as the one proposed.

While acoustic-rated construction will increase construction costs, insulation provides long-term energy savings for residents through reduced heating and cooling costs. Likewise, developers may be able to market properties with added insulation as high-efficiency, if they meet certain industry standards for "Earthcraft" or "LEED" construction. Regardless of interior sound-proofing, noise from aircraft operations will impact outdoor spaces.

EXHIBIT "C"

Petition No. Z-77
Meeting Date 11-16-2021
Continued

DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND

Dobbins ARB requests that if the Board of Commissioners approves this project, a stipulation is added to require the use of noise reducing construction materials and methods. If this is not a requirement of the project, we would expect 22% of the residents would be highly annoyed with the aircraft noise leading to increased noise complaints. Noise complaints can go all the way to US Congressional Representatives and degrade the relationship with local communitites.

Sincerely,

Jay Thomas

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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

KNOXVILLE, TENNESSEE
406 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1485

BRENTWOOD, TENNESSEE
5300 MARYLAND WAY
SUITE 200
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
771 CORPORATE DRIVE
SUITE 430
LEXINGTON, KENTUCKY 40503
TELEPHONE (859) 309-0026

ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
SUITE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

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

October 27, 2021

Via E-mail Only

Min. Bk. 94 Petition No. LUP-21
Doc. Type Letter from Kevin Moore
Meeting Date 11-16-2021

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

RE: Application for Renewal of Temporary Land Use Permit
Application No.: LUP-21 (2021)
Applicants/Property Owners: Evangelos M. Demestihas and Joyce B. Demestihas
Property: 8.54 acres, more or less located on the east side of Knight Road, being 3550 Knight Road, Land Lot 379, 16th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent the Applicants and Property Owners, Evangelos M. and Joyce B. Demestihas (hereinafter collectively referred to as "Applicants"), with respect to the above-referenced Application for Renewal of the Temporary Land Use Permit and the property located at 3550 Knight Road, Land Lot 379, 16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After communications with Planning and Zoning Staff and various Departmental representatives, continued communications with adjacent and area residents and homeowner representatives, and reviewing the Departmental Comments and Staff Recommendations and the uses of surrounding properties, we have been authorized by the Applicants to submit this letter of agreeable stipulations and conditions which, if the Application for Renewal of the Temporary Land Use Permit is approved, as submitted, shall become a part of the grant of the requested Land Use Permit and shall be binding upon the Subject Property. The proposed stipulations are as follows:

(1) Applicants agree that special events shall be limited to no more than ten (10) events per year; and further, no event shall have more than thirty-five (35) attendees.

(2) Applicants agree that live music shall be prohibited for any event, except for acoustic, which may be performed live.

(3) Any amplified sound utilized at an event must be directed internal to the Subject Property and away from adjacent and surrounding properties.

(4) Applicants agree to the following limitations and restrictions regarding days and times for any event:

i) Any nighttime events will be limited to Friday, Saturday, and Sunday only. All nighttime events must conclude by 10:00 p.m. (NOTE: Cobb County Ordinance permits events until 11:00 p.m.). However, any nighttime event on a Sunday must conclude by 9:00 p.m.

ii) Daytime events which occur on Monday through Thursday must conclude by 6:00 p.m.

(5) Applicants agree that either of them, or a representative of their family, will be on-site at each event.

(6) One week prior to a scheduled event, Applicants shall notify adjacent neighbors via placement of signage on the Property.

(7) Parking for all attendees and guests for any event shall be entirely accommodated on the Subject Property. There shall be no parking on or along Knight Road; and off-site parking for events shall be prohibited.

(8) Any personal, unpaid events in which Applicants have direct involvement (i.e., charitable fundraisers or other fundraising type events) shall be exempt from the stipulations set forth above.

(9) Applicants agree to be Fire Code compliant, as determined during the Plan Review Process.

(10) The granting of the requested Renewal of the Land Use Permit shall be specific to: (i) Applicants; (ii) a member of Applicants' family; or (iii) an entity whose ownership is held by Applicants or Applicants' family.

(11) Applicants agree the approval of the requested Renewal of the Land Use Permit shall be for a period of one (1) year. Should Applicants wish to renew the Land Use Permit, an Application for renewal must be submitted, advertised, and considered by the Board of Commissioners after public hearing.

We believe the requested Renewal of the Temporary Land Use Permit, pursuant to the stipulations set forth herein, is an appropriate use of the Subject Property. The use sought by the Applicants is beneficial to the community and will allow for continued utilization of the existing facilities. As always, we greatly appreciate your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

J. Kevin Moore

JKM:cc
c: Cobb County Board of Commissioners:
Lisa N. Cupid, Chairwoman
JoAnn Birrell
Keli A. Gambrill
Jerica Richardson
Monique Sheffield

Cobb County Planning Commission:
Fred Beloin, Chairman
David Anderson
Deborah Dance
Michael Hughes
Stephen Vault

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

c: Jeannie Peyton
Senior Planner
Zoning Division
Cobb County Community Development Agency

Evangelos M. Demestihas
Joyce B. Demestihas

Jorgensen, Kimberly

From: Birrell, JoAnn
Sent: Thursday, November 11, 2021 3:44 PM
To: Jorgensen, Kimberly
Subject: FW: Application No. LUP-21 (2021) 3550 Knight Rd

Min. Bk. 94 Petition No. LUP-21
Doc. Type Email correspondence from Cathey Pickett
Meeting Date 11-16-2021

Please print for file

JoAnn K. Birrell
District 3 Commissioner
770-528-3318
joann.birrell@cobbcounty.org
Please sign up for my weekly newsletter at www.cobbcounty.org/birrell

From: Pickett, Cathey
Sent: Monday, October 18, 2021 8:00 AM
To: Birrell, JoAnn <JoAnn.Birrell@cobbcounty.org>
Subject: RE: Application No. LUP-21 (2021) 3550 Knight Rd

Good morning Commissioner,

Code Enforcement has had no recorded code violations. The only complaint that has been received in our office was related to the Cobb Master Gardners garden tour in May 2021 and there was no violation.

Best regards,

Cathey Pickett
Code Enforcement Manager
Cobb County
(770) 528-2184
https://www.cobbcounty.org/community-development/enforcement

From: Birrell, JoAnn
Sent: Friday, October 15, 2021 9:00 PM
To: Pickett, Cathey
Subject: Fwd: Application No. LUP-21 (2021)

Cathy has LUP 21 had any code violations. I haven't heard anything except the traffic problem when it was on master Gardner tour and that was not a rented out event

JoAnn K Birrell
District 3 Commissioner
770-528-3318
joann.birrell@cobbcounty.org

Begin forwarded message:

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

From: gianna tosini <gianna61@yahoo.com>
Date: October 15, 2021 at 7:27:11 PM EDT
To: "Williams, Judy" <Judy.Williams@cobbcounty.org>, "Birrell, JoAnn" <JoAnn.Birrell@cobbcounty.org>, John.Pederson@cobbcouty.org
Cc: Gianluca Tosini <gtosini@msm.edu>, gianna61@yahoo.com
Subject: Fwd: Application No. LUP-21 (2021)

Dear Cobb County Officials,

I am writing you to express my opposition to the above mentioned application. The project proposed will greatly affect the life of the neighboring homes by significantly increasing the noise levels, the traffic and congestion of the streets and the normal life of a subdivision. The number of people for this request is not compatibile with the area is more appropriate for a commercial area. In addition, the number of parking space (35) that they have is not in line with the projected number of attendees since they are planning to have events for 100 people. This will be a huge problem since the road is only a small road single lane. And the subdivision road is the closest , so will create a major caos with stranger people entering where are children playing .

Please consider to oppose this proposal.

Sincerely,

Gianna Giusti

CAUTION: This email originated outside Cobb County Government. Please exercise caution when opening links/attachments in this email .

Min. Bk. 94 Petition No. LUP-21
Doc. Type Letter of support

Meeting Date 11-16-2021

October 30, 2021

Dear Cobb County Planning and Zoning Department,

We are writing to the Cobb County Zoning Department because we the undersigned wanted to voice our support for the approval of Application No. LUP-21 (2021). All families below live in close proximity to the Demestihas property. The Demestihases take meticulous care of their property and consistently make improvements to their land. In addition, we and many others of the community have benefitted from the charitable nature of Evan and Joyce Demestihas, including holiday themed walk-through events in support of Make-a-Wish Foundation.
They are respectful and considerate neighbors and we have no concerns about the types of events that they will continue to host.

Each family listed below strongly endorses the approval of Application No. LUP-21 (2021).

Please feel free to contact any of us with any questions or concerns.

Sincerely,

Juliana & Andy Rumbaugh
1853 Lake Ebenezer Trail (property adjacent to Demestihas property)
Marietta, GA 30066
973-985-4221

Katie Bevege
3411 Ebenezer Farm Road (property adjacent to Demestihas property)
Marietta, GA 30066
415-637-6223

Nadine & Derek Zoladz
3370 Ebenezer Farm Road (property adjacent to Demestihas property)
Marietta, GA 30066
404-432-3471

Christine & David Jennings
3374 Ebenezer Farm Road
Marietta, GA 30066
404-317-8464

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Sharon & Alan Robinson
1845 Lake Ebenezer Trail (property adjacent to Demestihas property)
Marietta, GA 30066
989-859-2260

Kim & Craig Puerta
3358 Ebenezer Farm Road
Marietta, GA 30066
917-575-9611

Nanci & Brian Smith
1744 Hickory Woods Pass
Marietta, GA 30066
860-227-6917

Weyni & Mussie Asmerom
1861 Lake Ebenezer Trail (property adjacent to Demestihas property)
Marietta, GA 30066
407-234-8427

Katrina & Chris Sarvis
3471 Addilyn Ct. NE
Marietta, GA 30066
954-258-4536

Kath & Bryant Fields
2477 Sandstone Place
Marietta, GA 30062
404-520-7896

Liz & Andy Colombo
1658 Hampton Oaks Bend
Marietta, GA 30066
770-828-5403

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Laura Marcelle
3322 Ebenezer Farm Road
Marietta, GA 30066
214-636-6564

Cathy & John Coughlin
1820 Lake Ebenezer Trail
Marietta, GA 30066
631-896-2696

Trish & Rich Beeman
3318 Ebenezer Farm Road
Marietta, GA 30066
404-775-3995

Natave Spain
3319 Ebenezer Farm Rd
Marietta, GA 30066
404-971-7345

Brian + Nanci Smith
1744 Hickory Woods Pass
Marietta, GA 30066

Min. Bk. 94 Petition No. LUP-21
Doc. Type letter of opposition
Meeting Date 11-16-2021

Scott Grant and Cheralynn Gregoire
1812 Lake Ebenezer Trail
Marietta, Georgia 30066
Phone: 404-626-6497
Email: cgregoire24@gmail.com

November 15, 2021

Mr. John P. Penderson, AICP (VIA EMAIL)
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

Re: **Objection to Application for Renewal of Temporary Land Use Permit**
Application No.: LUP-21-2021
Applicant: Evangelos M. and Joyce B. Demestihas
Property: 8.54 acres, more or less located on the east side of Knight Road, being 3550 Knight Road, Land Lot 379, 16th District, 2d Section, Cobb County, Georgia

Mr. Penderson:

We are writing to express our objection to the renewal of the temporary land use permit for a special events facility at 3550 Knight Road, Marietta, Georgia, 30066 ("3350 Knight Road") that is the subject of the above-referenced Zoning Application.

We live in the Ebenezer Farm subdivision that is adjacent to 3550 Knight Road, and our property, 1812 Lake Ebenezer Road, is located in close proximity to 3550 Knight Road. Ebenezer Farm is a quiet Marietta neighborhood located off of Ebenezer Road, and we moved here from the City of Atlanta in April 2020 for just that reason –the ability to raise our family in a quiet and safe neighborhood. As such, we are very much opposed to the renewal of the temporary land use permit for a special events facility at 3550 Knight Road due to its detrimental impact on the safe, quiet and peaceful character of our neighborhood and property values in our neighborhood and the surrounding area.

Since we moved to Ebenezer Farm, we have heard significant noise from events being held at 3550 Knight Road on a number of occasions, including most recently on November 4, 2021. While we understand that the event held on November 4, 2021, was a private fundraising event of the homeowner that is exempt from the stipulations set forth in the letters submitted with the application, the event nonetheless demonstrates why the application in general should not be granted. Live music was performed that evening from inside a tent and the music was so loud that you could hear it through closed windows and the walls of our house. On other occasions, other amplified music (as opposed to live music) emanating from 3550 Knight Road has been quite loud as well. The truth is, because 3550 Knight Road is located directly next to Ebenezer Farm, any

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

level of amplified music from 3550 Knight Road is unacceptable because it can be clearly heard by the surrounding homeowners on Ebenezer Lake Trail and elsewhere. We did not purchase our homes in this quiet neighborhood to routinely hear loud music and noise from events right next door.

We also firmly believe that the stipulation that "[a]ny amplified sound utilized at an event must be directed internal to the Subject Property and away from adjacent surrounding properties" does not provide adequate protection to the surrounding homeowners. Whether or not amplified sound is directed internally to the Subject Property or not, any homeowner living on Lake Ebenezer Trail and near 3550 Knight Road will certainly be able to hear any "amplified sound" at 3550 Knight Road as there is nothing (for example, no significant distance, woods or trees) to dampen or lessen the sound, which travels directly across the lake in our neighborhood into the backyards and homes of any house on or near the lake. Homeowners who purchased their homes directly on or across from the lake in our neighborhood will always be detrimentally impacted from event facility noise at 3550 Knight Road, and so will their property values.

Ebenezer Farm homeowners are also very concerned with the increase in traffic in the immediate vicinity that would be generated from special events held at 3550 Knight Road. Moreover, the fact that alcohol will likely be served at special events hosted at 3550 Knight Road also means an increase in the potential of drunk and unsafe drivers on Knight Road (which is already a dangerous road with no shoulder and many hidden drives), Ebenezer Road, and the surrounding residential roads. We moved away from the City of Atlanta to avoid issues like this – only to find ourselves now having to oppose this application, unfortunately.

Accordingly, we request that you not renew the temporary land use permit for 3550 Knight Road. Please help maintain the safe, quiet and non-commercial nature of our neighborhood and the surrounding neighborhoods, and do your part to protect the property values of the homeowners that chose to make this area our home.

Below are signatures of other Ebenezer Farm homeowners that oppose the renewal of LUP-21-2021 for all of the foregoing reasons.

Sincerely,

Scott Grant & Cheralynn Gregoire

Scott Grant and Cheralynn Gregoire
1812 Lake Ebenezer Trial
Marietta, Georgia 30066

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

cc: Cobb County Board of Commissioners (VIA EMAIL TO ALL BELOW):
Lisa N. Cupid, Chairwoman
JoAnn Birrell
Keli A. Gambrill
Jerica Richardson
Monique Sheffield

Cobb County Planning Commission (VIA EMAIL TO ALL BELOW):
Fred Beloin, Chairman
David Anderson
Deborah Dance
Michael Hughes
Stephen Vault

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Other Ebenezer Farm Homeowners Opposed to LUP-21 (2021)

Andrew and Nidhi Ward
1816 Lake Ebenezer Trial
Marietta, Georgia 30066

Holly and Derek Maddox
3307 Ebenezer Farm Road
Marietta, Georgia 30066

Chris and Meredith Remias
1829 Lake Ebenezer Trail
Marietta, Georgia 30066

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Michael and Gwendolyn Garner
1819 Lake Ebenezer Trail
Marietta GA 30066

Ben and Kristen Small
3425 Ebenezer Farm Rd
Marietta, GA 30066

(1)

Eric & Karla Jakstadt
3401 Ebenezer Farm Rd
Marietta, GA 30066

Joanna Singleton and Jeff Singleton
1832 Lake Ebenezer Trail
Marietta GA 30066

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

James LeBlanc
Elisa LeBlanc

1811 Lake Ebenezer Trail

Les Felder
Marti Felder

1849 Lake Ebenezer Trail

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Petition to Oppose LUP-17 (2020) at 3550 Knight Rd

Petition summary and background	Temporary Land Use Permit for a Special Events Facility in land lot 379 of the 16th district. Located on the east side of Knight Road, north of the termination of Knight Lane (3550 Knight Road).
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to deny approval of LUP-17 at 3550 Knight Rd. to preserve property values, ensure our safety, and the quiet enjoyment of our surrounding residential neighborhoods.

Printed Name	Signature	Address	Comment	Date
Gina N Howard	Gina N Howard	3480 Knight Rd	against	11/6/2020
Mike Patellis		3431 Knight Rd	against	11/6/2020
Donna Patellis		3431 Knight Rd	against	11/6/2020
Judy Sarden		3338 KNIGHT RD	AGAINST	11/14/2020
Avery Sarden		3338 Knight Rd.	Against	11/14/2020
Erin Clay		3328 Knight Rd	Against	11/14/2020
Donna Mason		3328 Knight Rd	Against	11/14/2020
Anup Patel		3318 Knight Rd	Against	11/14/2020
Khushbu Patel		3318 Knight Rd	Against	11/14/2020
Marsha Stemme		3361 Knight Rd	Against	11/14/2020
Howard Stemme		3361 Knight Rd	Against	11/14/2020
Daniel Horn		3362 Knight Rd	Against	11/14/20

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Printed Name	Signature	Address	Comment	Date
June Hayes	June Hayes	3362 Knight Rd.	Against	11/14/2020
Kathy Dreger	Kathy Dreger	3401 Knight Rd.	Against	11-15-2020
Terry Dreger	Terry Dreger	3401 Knight rd	Against	11-15-2020
Jenn Broel	Jenn Broel	3394 Knight Rd	Against	11-15-2020
ERIK BROEL		3394 KNIGHT RD	AGAINST, NOISE & TRAFFIC	11/15/2020

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Petition to Oppose LUP-17 (2020) at 3550 Knight Rd

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Printed Name	Signature	Address	Comment	Date
MARTHA FELDER		1849 Lake Ebenezer Trail	Noise, property Value, Traffic	10-8-20
Leslie Felder		1849 Lake Ebenezer Trl	Disruption to neighborhood	11-7-20
JOHN BRADY		1841 LAKE EBENEZER TRAIL	NOISE	11/7/20
ERIC GALINIER		1837 LAKE EBENEZER TRL	DISRUPTION	11/7/20
PASCALE GALINIER		1837 LAKE EBENEZER TRL	DISRUPTION	11/7/20
TUAN NGUYEN		1838 LAKE EBENEZER	DISRUPTION	11/7/20
ROGER HALEY		3338 Ebenezer Farm Rd	Noise/Disruption/	11.7.20
SONJI HALEY		3338 EBENEZER FARM RD	NOISE	11-7-20
Eddie Bradley		1833 Lake Ebenezer Trail	Noise/Disruption	11/7/20
John DeLong		1815 Lake Ebenezer Trail	Noise/Disruption	11/7/20
Shilpa Raj		1808 Lake Ebenezer Trail	Security/privacy/Noise	11/7/20
Raj		1808 Lake Ebenezer Trl	Security/privacy/Noise	11/7/20

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Printed Name	Signature	Address	Comment	Date
Sarah Nguyen	Sarah Nguyen	1838 Lake Ebenezer Trl	Noise, safety, property values NO	11/7/2020
James LeBlanc	James LeBlanc	1811 Lake Ebenezer trl.	Noise	11/7/20
Cheryl DeLong	Cheryl DeLong	1815 Lake Ebenezer Tr	Noise, property values	11/7/20
Ronald Brown	Ronald Brown	3421 KNIGHT RD	TRAFFIC, NOISE,	11/7/20
Rebecca Brown	Rebecca Brown	3421 Knight Rd.	noise, traffic	11/7/20
~~Mr~~ Meredith Remias	Meredith Remias	1829 Lake Ebenezer Trail	noise, propety value	11/10/2020
Chris Remias	Chris Remias	1829 Lake Ebenezer Trail	Noise, property Value	11/10/2020
Christie Marshman/Owen	Christie Marshman	1819 Lake Ebenezer Trail	Noise	11/10/2020
Wayne Stolz	Wayne Stolz	1824 Lake Ebenezer Tr.	Property Value	11/10/20
Eric Stolz	Eric Stolz	1824 Lake Ebenezer Trail	Property Value	11/10/20
Elisa LeBlanc	Elisa LeBlanc	1811 Lake Ebenezer Trl	Noise & property Value	11/10/2020
Chad McDonald	Chad McDonald	1850 Lake Ebenezer Trl	Property value and noise	11/13/20
Melody McDonald	Melody McDonald	1850 Lake Ebenezer Trl	Property value & noise	11/13/20

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Petition to Oppose LUP-17 (2020) at 3550 Knight Rd

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Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to deny approval of LUP-17 at 3550 Knight Rd. to preserve property values, ensure our safety, and the quiet enjoyment of our surrounding residential neighborhoods.

Printed Name	Signature	Address	Comment	Date
DONALD KARLIN		1726 HICKORY WOODS PASS	TOO MUCH TRAFFIC & BUSINESS IN RESIDENTIAL	11/10/20
TODD ANDERSON		1731 Hickory Woods Pass	Commercial in a residential Neighborhood	11/10/20
KELLY ANDERSON		1730 HICKORY WOODS PASS	COMMERCIAL IN A RESIDENTIAL NEIGHBORHOOD	11/10/20
Don Hamilton		1718 Hickory Woods Pass	No Commercial in residential neighborhood	11/10/20
Rita Hamilton		1718 Hickory Woods Pass	dislike commercial in residential neighborhood	11/10/20
LARRY NIFFIN		1703 HICKORY WOODS PASS	Should NOT be IN RESIDENTIAL AREA	11/10/20
Debbie Niffin		"	"	11/10/20
VALERIE MANN		3417 HICKORY " TR	"	11-10-2020
Catherine Allen Dogan		1702 Hickory Woods Pass	Should not be in residential area	11-10-2020
David Dogan		1702 Hickory Woods Pass	Not in residential area	11/10/20
ADRIAN RAYBOULD		1742 Hickory Woods Pass	Not in residential	11/10/20
SUSAN PEARLMAN		1629 HICKORY WOODS WAY	"	11/10/20

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Printed Name	Signature	Address	Comment	Date
Randy Perkinson		1629 Hickory Woods Way	Not Residential Area	11/10/20
Phil Hunnicutt		1734 Hickory Woods Pass	No Re zone	11/10/20
Brian Craig		3504 Hickory Woods Ct	NO - Rezone!	11/10/20
Karen Craig		3504 Hickory Woods Ct.	No rezone	11/10/2020
Susan Elliott		3442 Hickory Woods Trl	NO Rezone	11/10/2020
Linda Dotson	Linda Dotson	3442 Hickory Woods Trail	NO REZONE	11/10/2020
Kathy Weeks	Kathy Weeks	1726 Hickory Woods Pass	No Rezone	11/10/20

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Petition to Oppose LUP-17 (2020) at 3550 Knight Rd

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Printed Name	Signature	Address	Comment	Date
Vasant Thakkar	VKThakkar	1858 Goodhearth Dr	do not want noise	10/31/20
Gita Thakkar		"	"	"
Sharmila Modi		1862 Goodheart Dr	"	
Tiffany Morris	T. Morris	1843 "	"	"
Kevin Morris	K Morris	1843 "	"	"
Sandra Quiles	S Quiles	1843 "	"	"
Anne Turbeville	A. Turbeville	1935 "	"	"
Stacy Summers	Stacy Summers	1831 "	"	"
Sherrod Conyers	Sherrod Conyers	1631 "	"	"
Peggy Madill	Peggy Madill	1811 " "	"	10/31/20
Shyam Maheswari	Shyam Maheswari	1810 " "	"	10/31/20
Mina Maheswari		" " "	"	10/31/20

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Printed Name	Signature	Address	Comment	Date
Carlos Lopez		1822 GOODHEARTH DR	"	4/31/20
Phillip Dawson		1826 Goodhearth Dr	Already Noisy	10/31/20
Katherine Dawson		1826 Goodhearth Dr	"	10/31/20
Octavais Walton		1834 Goodhearth Dr.	Already Noisy	10/31/20
Emma Ponder		3988 knight Rd.	traffic, noise, parking	10/31/20
Luci Ponder		" "	" "	10/31/20
PHILIP MCCUTCHEN		191 BELLEHAVEN DR	" "	11/06/2020
Vonda Klein		191 Bellehaven Dr	too much noise	11/6/20

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

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Printed Name	Signature	Address	Comment	Date
Kent Warburton		1822 EFC		11.14.20
Marian Fraley		1827 EFC		11-14-2020
Scott Gee		1839 EFC		11/14/20
Glenn Hendrickson		1843 EFC		11/14/20
Hasan Zulfiqar		1847 Ebenezer		11/14/20
Carolyn Bradfield		3334 Ebenezer		11/14/20
Indu Rana		3323 Eb. F		
Jason Marcelle		3322 Ebenezer		11/14/20
Richard Beem		3318 Ebenezer Farm		11/14/20
Andrea Stook		1831 Ebenezer Farm Cir		11.14.20
Mindy Kim		1811 Ebenezer Farm Cir		11.15.20
Holly Maddox		3507 Ebenezer Farm		

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Printed Name	Signature	Address	Comment	Date
Holly Gu		3314 TFR		11/15
Binda B	Buehlig S	3326 EFR		
NOREN PATEL	NaPatel	3331 EFR		11/15/2020
Martin Buehring	Martin Buehring	1883 EFC		

Petition No. LUP-21
Meeting Date 11-16-2021
Continued

Petition to Oppose LUP-17 (2020) at 3550 Knight Rd

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Printed Name	Signature	Address	Comment	Date
Ben Small		3425 Ebenezer Farm Rd	No thanks!	11/10/20
Kristen Small		3425 Ebenezer Farm Rd	concerned about drivers in the area dinning under influence in the area, noise at night, property value, increased traffic	11/10/20
Eric Jakstadt		3401 Ebenezer Farm Rd.		11/10/20
Karla Jakstadt		3401 Ebenezer Farm Rd		11/10/20
Stormy Jakstadt		3401 Ebenezer Farm Rd.	Idont want loud noise late at night	11/10/20
Jenna Carpenter		3391 Ebenezer Farm Rd	Concerned with noise and light (we are directly behind the property) + increased traffic	11/11/20
Shane Carpenter		3391 Ebenezer Farm Rd	Increased noise, traffic & property value	11-11-20
Jeff Singleton		1832 Lake Ebenezer Trl		11/11/20
Joanna singleton		1832 lake Ebenezer trail	decrease property value	11/11/20
Scott Grant		1812 Lake Ebenezer Trail	Do not want rezoned in neighborhood.	11/11/20
Cher Gregory		1812 Lake Ebenezer Trl	" "	11/11/20
Albert Jakstadt		3401 Ebenezer Farm Rd.		11/15/20

Min. Bk. 94 Petition No. O.B. 48
Doc. Type Exhibit "A"

Meeting Date 11-16-2021

Exhibit "A"

RECEIVED
AUG 16 2021
COBBCO.COM
ZONING

OB-48-21

3140 Lower Roswell Road Proposed Zoning Revisions

Per conversation with Ms. Peyton, Cobb Co. Zoning Div., AP Homes builder and realtor Marilyn Weitzel met with Commissioner Richardson on July 2 to discuss reverting to just one home to be constructed on 3140 Lower Roswell rather than two homes approved per minutes of Zoning Hearing Z-10, attached, together with item-by-item summary below. Builder's representative was subsequently advised of obligation to submit "Other Business" application.

Para 1 – "Final site plan to be approved by the District Commissioner". Revised site plan will be presented to Dist 2 Commissioner during meeting on August 2.

Para 2 – "Final landscape plan to be approved....." Will be presented during same meeting.

Para 3 – "Letter of agreeable conditions.....with following changes" – (attached) with modifications and or non-applicable items listed below:

A -- "Plans to build max of 2 homes..." not relevant as only building one home.
B – "....homes approx. 4800 sf of conditioned space" – will comply.
C – "..build curb-like shape to channel run-off from Collinwood SD" -will comply.
D – "Dist Commissioner can approve minor modifications except for following:"
(1) – Those that increase density of project. N/A
(2) – Those that reduce size of agreed buffers on site plan. N/A
(3) – Those that relocate structure closer to adjacent property as shown on final site plan. N/A
(4) – Those that increase approved height of building. N/A
(5) – Those that change access point to different roadway other than approved. N/A
(6) – Those in direct conflict to Cobb Co Codes & Zoning Ordinances. N/A

E – No perimeter landscaping until final plan approved by Dist Commissioner. Will comply.
F – Fencing extension & design – N/A due to centering of just one home on lot.

G – Construction restricted hours do not apply as Mr.Pierce's daughter no longer resides at home. Builder will comply with Cobb County designated hours.

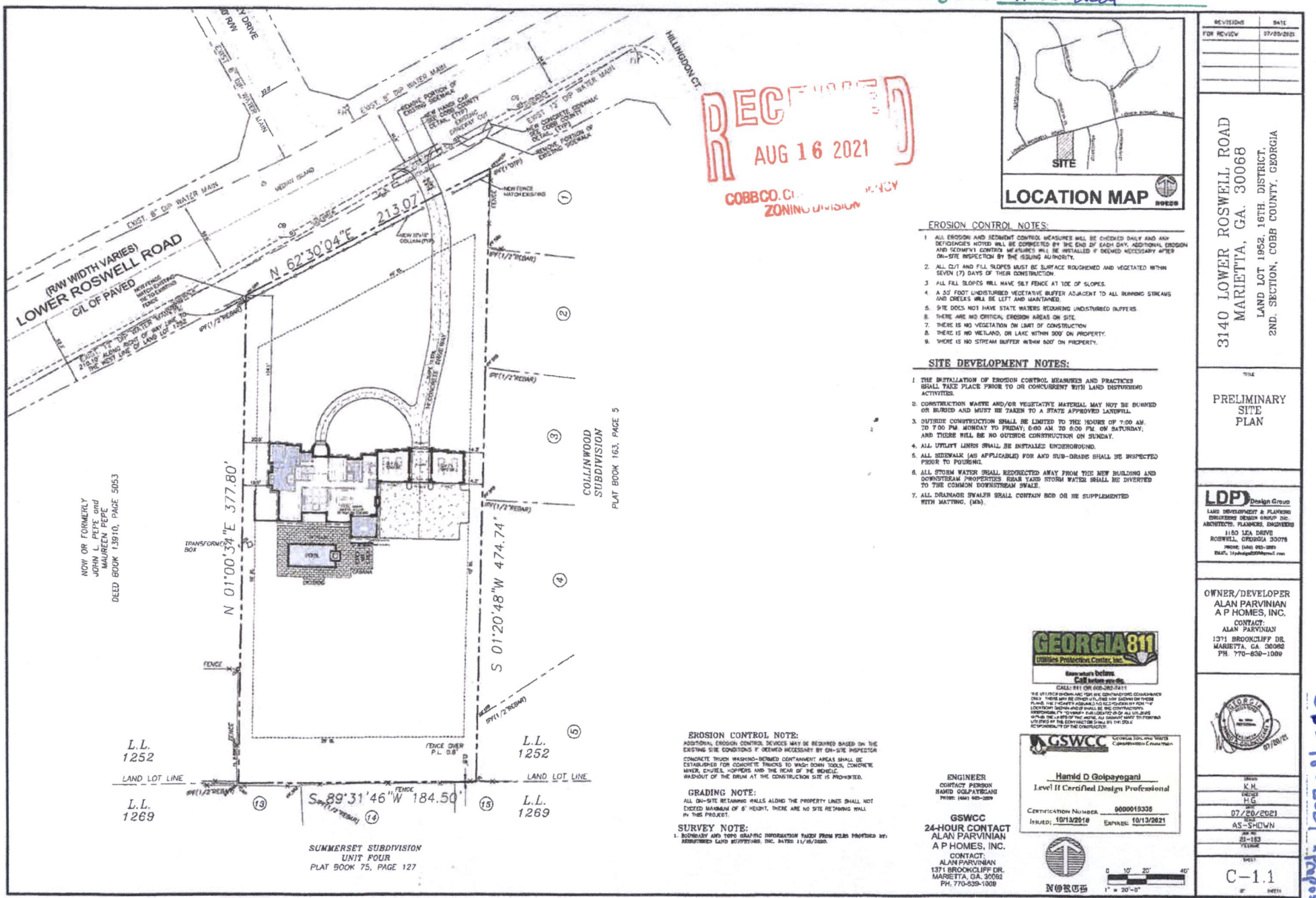
Para 4 -- No longer applicable as original second structure would have dictated tree save area while one-structure configuration does not apply since no view would be obstructed.

Para 5, 6, 7, 8, 9. In compliance with all departments.

Para 10 – Developer will comply with system improvements to mitigate traffic concerns.

Min. Bk. 94 Petition No. O.B.48
Doc. Type Site Plan

Meeting Date 11-16-2021



RECEIVED
AUG 16 2021
COBB CO. C... REVIEW
ZONING DIVISION

LOCATION MAP

EROSION CONTROL NOTES:

1. ALL EROSION AND SEDIMENT CONTROL MEASURES WILL BE CHECKED DAILY AND ANY DEFICIENCIES NOTED WILL BE CORRECTED BY THE END OF EACH DAY. ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES WILL BE INSTALLED IF DEEMED NECESSARY AFTER ON-SITE INSPECTION BY THE ISSUING AUTHORITY.
2. ALL CUT AND FILL SLOPES MUST BE SURFACE ROUGHENED AND VEGETATED WITHIN SEVEN (7) DAYS OF THEIR CONSTRUCTION.
3. ALL FILL SLOPES WILL HAVE SILT FENCE AT TOE OF SLOPES.
4. A 50' FOOT UNDISTURBED VEGETATIVE BUFFER ADJACENT TO ALL RUNNING STREAMS AND CREEKS WILL BE LEFT AND MAINTAINED.
5. SITE DOES NOT HAVE STATE WATERS REQUIRING UNDISTURBED BUFFERS.
6. THERE ARE NO CRITICAL EROSION AREAS ON SITE.
7. THERE IS NO VEGETATION ON LIEU OF CONSTRUCTION.
8. THERE IS NO WETLAND, OR LAKE WITHIN 500' ON PROPERTY.
9. THERE IS NO STREAM BUFFER WITHIN 500' ON PROPERTY.

SITE DEVELOPMENT NOTES:

1. THE INSTALLATION OF EROSION CONTROL MEASURES AND PRACTICES SHALL TAKE PLACE PRIOR TO OR CONCURRENT WITH LAND DISTURBING ACTIVITIES.
2. CONSTRUCTION WASTE AND/OR VEGETATIVE MATERIAL MAY NOT BE BURNED OR BURIED AND MUST BE TAKEN TO A STATE APPROVED LANDFILL.
3. OUTSIDE CONSTRUCTION SHALL BE LIMITED TO THE HOURS OF 7:00 AM. TO 7:00 PM. MONDAY TO FRIDAY; 8:00 AM. TO 6:00 PM. ON SATURDAY, AND THERE WILL BE NO OUTSIDE CONSTRUCTION ON SUNDAY.
4. ALL UTILITY LINES SHALL BE INSTALLED UNDERGROUND.
5. ALL SIDEWALK (AS APPLICABLE) FOR AND SUB-GRADE SHALL BE INSPECTED PRIOR TO POURING.
6. ALL STORM WATER SHALL REDIRECTED AWAY FROM THE NEW BUILDING AND DOWNSTREAM PROPERTIES REAR YARD STORM WATER SHALL BE DIVERTED TO THE COMMON DOWNSTREAM SWALE.
7. ALL DRAINAGE SWALES SHALL CONTAIN SOD OR BE SUPPLEMENTED WITH MATTING, (MD).

EROSION CONTROL NOTE:
ADDITIONAL EROSION CONTROL DEVICES MAY BE REQUIRED BASED ON THE EXISTING SITE CONDITIONS IF DEEMED NECESSARY BY ON-SITE INSPECTOR

CONCRETE TRUCH WASHING-BERMED CONTAINMENT AREAS SHALL BE ESTABLISHED FOR CONCRETE TRUCKS TO WASH DOWN TOOLS, CONCRETE MIXER, CHUTES, HOPPERS AND THE REAR OF THE VEHICLE. WASHOUT OF THE DRUM AT THE CONSTRUCTION SITE IS PROHIBITED.

GRADING NOTE:
ALL ON-SITE RETAINING WALLS ALONG THE PROPERTY LINES SHALL NOT EXCEED MAXIMUM OF 6' HEIGHT, THERE ARE NO SITE RETAINING WALL IN THIS PROJECT.

SURVEY NOTE:
1. BOUNDARY AND TOPO GRAPHIC INFORMATION TAKEN FROM FILES PROVIDED BY: REGISTERED LAND SURVEYORS, INC. DATED 11/05/2020.

GEORGIA 811 Utilities Protection Center, Inc.
Know what's below. Call before you dig.
CALL: 811 OR 800-282-7411
THE UTILITIES SHOWN ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

GSWCC Georgia Soil and Water Conservation Commission
Hamid D Golpayegani
Level II Certified Design Professional
CERTIFICATION NUMBER 0000019338
ISSUED: 10/13/2016 EXPIRES: 10/13/2021

ENGINEER
CONTACT PERSON
HAMID GOLPAYEGANI
PHONE: (404) 963-2859

GSWCC
24-HOUR CONTACT
ALAN PARVINIAN
A P HOMES, INC.
CONTACT:
ALAN PARVINIAN
1371 BROOKCLIFF DR.
MARIETTA, GA. 30062
PH. 770-839-1009

NORTH
0 10' 20' 40'
1" = 20'-0"

REVISIONS	DATE
FOR REVIEW	07/20/2021

3140 LOWER ROSWELL ROAD
MARIETTA, GA. 30068
LAND LOT 1952, 16TH DISTRICT,
2ND. SECTION, COBB COUNTY, GEORGIA

TITLE
PRELIMINARY
SITE
PLAN

LDP Design Group
LAND DEVELOPMENT & PLANNING ENGINEERS DESIGN GROUP INC.
ARCHITECTS, PLANNERS, ENGINEERS
1150 LEA DRIVE
ROSWELL, GEORGIA 30076
PHONE: (404) 992-2859
EMAIL: hdpdesign2000@gmail.com

OWNER/DEVELOPER
ALAN PARVINIAN
A P HOMES, INC.
CONTACT:
ALAN PARVINIAN
1371 BROOKCLIFF DR.
MARIETTA, GA. 30062
PH. 770-839-1009

07/20/21

DRAWN	K.H.
CHECKED	H.G.
DATE	07/20/2021
SCALE	AS-SHOWN
JOB NO.	20-183
FILENAME	
SHEET	C-1.1

OB-48-2021-Proposed.

NOVEMBER 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

Min. Bk. 94 Petition No. O.B-48
Doc. Type Cobb DOT, Stormwater Manage. & Fire Dept. comments & recommendations
Meeting Date 11-16-2021

ITEM OB-48-2020

PURPOSE

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. Located on the south side of Lower Roswell Road, east of Old Canton Road (3140 Lower Roswell Road). ***(Previously continued by the Board of Commissioners from the September 21, 2021 Board of Commissioners hearing until the October 19, 2021 Board of Commissioners hearing; Continued by the Board of Commissioners until the November 16, 2021 hearing***).

BACKGROUND

The subject property was zoned R-20 in 2016 to build two single-family houses subject to many stipulations. The applicant has decided to build only one single family house on the entire 1.8 acres which necessitates a site plan revision. The applicant would also like to revise some of the stipulations since the plan is now to build only one house; the applicant would like to delete stipulations 3F (fencing), 3G (construction hours), and 4 (tree save agreement with Mr. Pepe). All these items are listed in Exhibit "A" in the Other Business packet. If approved, all previous stipulations not in conflict with this revision should remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend retaining the following DOT recommendations from Z-10-2016: a) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements; b) 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 Lower Roswell Road, a minimum of 50' from the roadway centerline; and, c) Recommend replacing disturbed curb, gutter, and sidewalk along the Lower Roswell Road frontage.

Stormwater Management: Individual lot stormwater management will be required if the new impervious areas exceed 5,000 square feet.

Fire Department: See attached comments.

(Continued on the next page)

APPLICANT: Alan Parvinian **PETITION NO.:** OB-48

PRESENT ZONING: **PETITION FOR:**

* * * *

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

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

Petition No. Q.B.48
Meeting Date 11-16-2021
Continued

NOVEMBER 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1

Min. Bk. 94 Petition No. O.B. 59
Doc. Type Cobb DOT & Fire Dept. comments and recommendations
Meeting Date 11-16-2021

ITEM OB-59-2021

PURPOSE

To consider a stipulation amendment for Brian Mock regarding rezoning application Z-91 of 1994 in Land Lot 26 of the 20th District. Located on the northwesterly side of Baker Road, north of Hickory Grove Road (2595 Baker Road).

BACKGROUND

The subject property was zoned Light Industrial (LI) in 1994 for an office warehouse. The applicant would like to amend the stipulations to allow their cabinet manufacturing business to go on the property. No improvements are planned for the property. If approved, all previous stipulations not in conflict with this revision should remain in effect.

STAFF COMMENTS

Cobb DOT: 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 south side of Baker Road, a minimum of 50' from the roadway centerline. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Fire Department: See attached.

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.

APPLICANT: Brian Mock **PETITION NO.:** OB-59

PRESENT ZONING: **PETITION FOR:**

* * * *

feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1

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

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

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

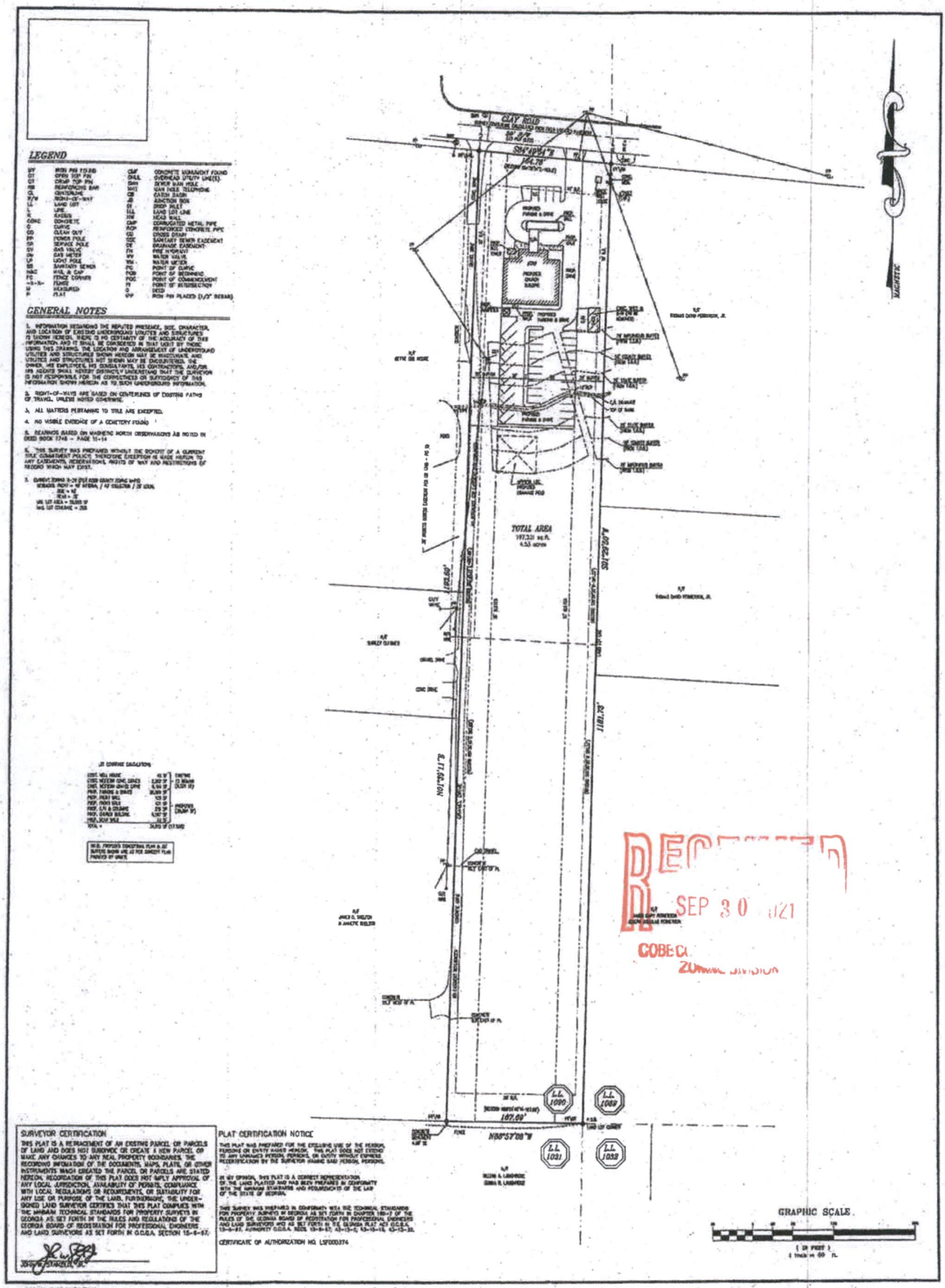
Auto parts buildings may be required to be protected with a fire sprinkler system. Final determination to be made at building plan review. Be prepared to provide water supply.

International Fire Code (IFC) Appendix D
(Adopted by the State of Georgia at the beginning of 2020. Partially noted below.)
SECTION D103
MINIMUM SPECIFICATIONS
D103.1 Access road width with a hydrant.
Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

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

Petition No. O.B. 59
Meeting Date 11-16-2021
Continued

Min. Bk. 94 Petition No. 0.B.60
Doc. Type Site Plan
Meeting Date 11-16-2021



LEGEND

MF	IRON PIN FOUND	CMF	CONCRETE MONUMENT FOUND
OT	OPEN TOP PIN	OHL	OVERHEAD UTILITY LINE(S)
CT	CRIMP TOP PIN	SMH	SEWER MAN HOLE
RB	REINFORCING BAR	WMH	WATER MAN HOLE TELEPHONE
CL	CENTERLINE	CB	CATCH BASIN
P/M	POINT-OF-BEGINNING	JB	JUNCTION BOX
LL	LAND LOT	PP	UTILITY POLE
L	LINE	LLL	LAND LOT LINE
R	RADIUS	RW	HEAD WALL
CONC	CONCRETE	CMP	CORRUGATED METAL PIPE
A	ARC	RCP	REINFORCED CONCRETE PIPE
DD	CLEAN OUT	CD	CROSS DRAIN
PP	POWER POLE	SSE	SANITARY SEWER EASEMENT
GP	GUY WIRE POLE	DE	DRAINAGE EASEMENT
GV	GAS VALVE	FH	FIRE HYDRANT
GM	GAS METER	WV	WATER VALVE
LP	LIGHT POLE	WM	WATER METER
SS	SANITARY SEWER	PC	POINT OF CURVE
MON	NAIL & CAP	POB	POINT OF BEGINNING
FC	FENCE CORNER	POC	POINT OF COMMENCEMENT
-x-x-	FENCE	PI	POINT OF INTERSECTION
M	MEASURED	D	DECK
F	FLAT	OP	IRON PIN PLACED (1/2" REBAR)

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. NO VISIBLE EVIDENCE OF A CEMETERY FOUND.
5. BEARINGS BASED ON MAGNETIC NORTH OBSERVATIONS AS NOTED IN DEED BOOK 1748 - PAGE 11-14
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT POLICY, THEREFORE EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD WHICH MAY EXIST.
7. CURRENT ZONING R-20 (PER COBB COUNTY GIS WEBSITE) MINIMUM FRONT = 40' MINIMUM / 40' COMBINED / 35' REAR SIDE = 10' REAR = 35' MIN. LOT AREA = 20,000 SF MIN. LOT FRONTAGE = 100'

JR ENGINEERING CALCULATIONS		
EXIST. WELL HOUSE	42 SF	EXISTING
EXIST. WESTERN GMC SHED	1,260 SF	TO REMAIN
EXIST. WESTERN GRAVEL SHED	1,164 SF	(15,529 SF)
PROP. PAVERS & SHED	13,369 SF	
PROP. FRONT WELL	12 SF	
PROP. PAVER WELL	12 SF	
PROP. CAN & DRAINS	72 SF	PROPOSED
PROP. GRAVEL BUILDING	1,167 SF	(14,581 SF)
PROP. NEW SHED	12 SF	
TOTAL =	16,810 SF (17.16%)	

NOTE: PROPOSED CONCRETE PLAN & 20' SUPPLY SHOWN ARE AS PER CONCEPT PLAN PROVIDED BY OWNER

SURVEYOR CERTIFICATION

THIS PLAT IS A RECHARTMENT 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 AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

JOHN R. STANDRIDGE JR.

PLAT CERTIFICATION NOTICE

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE 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.

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

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT (O.C.G.A. 15-6-67). AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-2, 43-15-19, 43-15-22.

CERTIFICATE OF AUTHORIZATION NO. LSF000374

RECEIVED
SEP 30 2021
COBB CO. ZONING DIVISION

REF. 00-7476 08/12/2000

JOB	ABOVE GROUND AS-BUILT SURVEY & SITE PLAN FOR VARIANCE PREPARED FOR:	FIELD DATE 09/01/20	MAP DATE 09/28/20	SOLAR LAND SURVEYING COMPANY
20-3197	FULLY RELY ON GOD CHRISTIAN MINISTRY, INC.	SCALE 1" = 50'		P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993
	LAND LOT 1090 19th DISTRICT 2nd SECTION	COBB COUNTY, GEORGIA		TELEPHONE (770) 794-9055 FAX (770) 794-9052
	LOT BLOCK UNIT	REVISION	BY	DATE
	SUBDIVISION			
	SURVEYED DRAFTED			
	PLOTTED GSD p			
PLAT BOOK ____ PAGE ____	APPROVED			
DEED BOOK 17265 PAGE 11-14				

This field data upon which this plat is based has a closure of 1 foot in 10,000+ feet, an angular error of 02 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 was used to obtain the information used in the preparation of this plat. No State Plane Coordinate Monument found within 500' of this property.

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

Min. Bk. 94 Petition No. O.B.60
Doc. Type Cobb DOT, Fire Dept, and Stormwater Manage. comments and recommendations
Meeting Date 11-16-2021

NOVEMBER 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

ITEM OB-60-2021

PURPOSE

To consider a reduction of minimum lot size from required 5 acres to 4.53 acres for Bishop Joe L. Spann, Jr. for property located on the south side of Clay Road, west of Wesley Drive, in Land Lot 1090 of the 19th District (3301 Clay Road).

BACKGROUND

The Board of Commissioners considers all reductions to minimum lot size pursuant to a code amendment to Sec. 134-271(7)(a) adopted on February 27, 2018. The subject property is required to have 5 usable acres. The applicant would like to reduce the required lot size to 4.53 acres in order to develop a church on the property. The building would be one-story in height with 36 parking spaces.

STAFF COMMENTS

Stormwater Management: The rear parking lot is encroaching on State and County Stream Buffers and appears to be filling in a drainage swale. All stream buffers shall be confirmed by Frank Gipson of the Cobb County Community Development Erosion Control Division. Filling and paving within the stream buffers are not allowed without proper permitting. A possible CORPS of Engineers permit may be required to pipe the stream. State and County Stream Buffers Variances may be required based on a final determination.

Fire Department: See attached.

Cobb DOT: See attached.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction of minimum lot size.

ATTACHMENT

Other Business application.

APPLICANT: Joel Spann **PETITION NO.:** OB-60

PRESENT ZONING: **PETITION FOR:**

* * * *

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

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

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

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

International Fire Code (IFC) Appendix D
(Adopted by the State of Georgia at the beginning of 2020. Partially noted below.)
SECTION D103
MINIMUM SPECIFICATIONS
D103.1 Access road width with a hydrant.
Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

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

Petition No. 0.8.60
Meeting Date 11-16-2021
Continued

Petition No. O.B. 60
Meeting Date 11-16-2021
Continued

OB-60-2021

Cobb DOT Recommendations:

1. 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 south side of Clay Road, a minimum of 50' from the roadway centerline.
2. Recommend driveway uninterrupted access maintain a minimum of 50' from the edge of right-of-way per Development Standard 402.08.
3. Recommend the access point on Clay Road be located a minimum of 100' straight-line distance as measured from the adjacent driveway curb return to the proposed driveway curb return or restricted to right-in/right-out access.
4. Recommend curb, gutter, and sidewalk along the Clay Road frontage or fee in lieu of curb, gutter, and sidewalk if constraints exist.
5. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Min. Bk. 94 Petition No. O.B.61
Doc. Type Exhibit "B"
Meeting Date 11-16-2021

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

OB Application No.:	**OB-61 (2021)**
Zoning Application No.:	**Z-42 (2020)**
Original Hearing Date:	**August 18, 2020**
Date of Zoning Decision:	**September 15, 2020**
Current OB Hearing Date:	**November 16, 2021**

Applicant:	**Cumberland Mall, LLC,** **a Delaware limited liability company**
Titleholders:	**Cumberland Mall, LLC,** **a Delaware limited liability company, and** **Cumberland FS Anchor Parcel LLC** **a Delaware limited liability company**

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

The property which is the subject of this Application for "Other Business" is comprised of two tracts, totaling 17.29 acres, more or less, located on the southerly side of Cobb Parkway, at its intersection with Akers Mill Road, the westerly side of Akers Mill Road, and the northerly side of Cumberland Boulevard, at its intersection with Akers Mill Road, being more particularly a portion of 2940 Cobb Parkway, S.E., and a portion of 2860 Cumberland Mall, S.E., Land Lots 912, 913, 948, and 949, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"), and is more commonly known as Cumberland Mall. On September 15, 2020, the Cobb County Board of Commissioners approved the rezoning of the Property to the Retail Regional Commercial ("RRC") for redevelopment of a portion of Cumberland Mall to allow for a mixed-use development consisting of retail, office, and multi-family residential.

Through engineering and on-going site development work, Cumberland Mall, LLC, as Applicant and one of the Property Owners (collectively "Applicant"), has determined certain minor revisions to the previously approved Site Plan allows for better utilization of the Property; as well as, increases connectivity within the various components of the proposed development and the surrounding development. Applicant brings this "Other Business" Application to amend the previously approved Site Plan, and related stipulations, as follows:

(1) Increase the square footage of the office component from the previously approved 445,000 square feet to the proposed 500,000 square feet to accommodate improved tenant listings and meet market demand;

(2) Minimally increase the number of multi-family units from the previously approved three hundred twelve (312) units to three hundred twenty-seven (327) units to accommodate design and market demands; and

(3) Applicant submits the revised Rezoning Site Plan prepared by Kimley-Horn and Associates, Inc., dated and last revised August 4, 2021, which reflects the proposed stipulation amendments

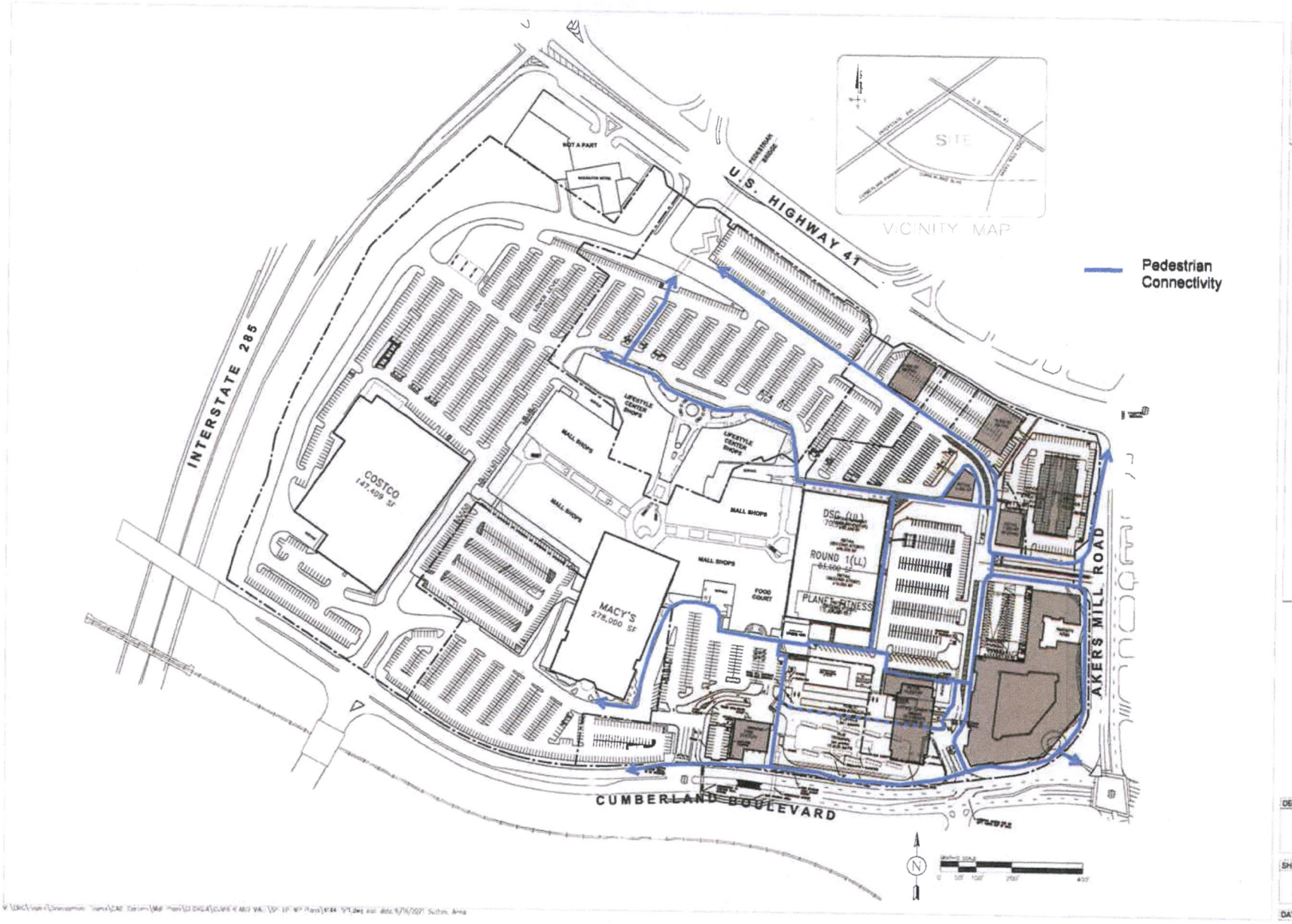
referenced above; as well as, submits the Pedestrian Connectivity Site Plan illustrating the connectivity between the proposed development with other components of Cumberland Mall. Copies of the proposed, revised Site Plan and the Pedestrian Connectivity Site Plan are attached as Exhibits "1" and "2," respectively.

The amendments and approvals sought for the revised stipulations and revised Site Plans presented in this Application in no way adversely impact or affect the integrity of the approved overall development. If the amended Site Plans and stipulations are approved, as submitted in this Application, the amendments shall become an additional part of the final rezoning and shall be binding upon the Subject Property and the redevelopment going forward.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the final, official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing regarding Z-42 (2020) held on September 15, 2020; as well as, any subsequent amendments by "Other Business" Board of Commission approval or District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

Min. Bk. 94 Petition No. O.B.61
Doc. Type Site Plan

Meeting Date 11-16-2021



Brookfield Properties

CUMBERLAND MALL

2860 CUMBERAND MALL
ATLANTA, GEORGIA 30339

DESCRIPTION
SITE PLAN

SHEET NO.
SP1

DATE: September 2021

O-B-11-2021

Proposed

Min. Bk. 94 Petition No. O.B. 61
Doc. Type Cobb DOT & Fire Dept. comments and recommendations
Meeting Date 11-16-2021

NOVEMBER 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

ITEM OB-61-2021

PURPOSE

To consider a site plan and stipulation amendment for Cumberland Mall, LLC regarding rezoning application Z-42 of 2020 in Land Lots 912, 913, 948 and 949 of the 17th District. The property is located on the south side Cobb Parkway, the north side of Cumberland Boulevard, and the west side of Akers Mill Road (2860 Cumberland Mall SE, 2940 Cobb Parkway).

BACKGROUND

The subject property was zoned Regional Retail Commercial (RRC) in 2020 for a mixed used development consisting of office, retail, and residential. The applicant would like a amend the site plan and the stipulations to allow minor revisions within the development. The office component is increasing from 445,000 square-feet to 500,000 square-feet, and the residential multifamily portion is increasing from 312 units to 327 units. If approved, all previous stipulations not in conflict with this revision should remain in effect.

STAFF COMMENTS

Cobb DOT: See attached.

Fire Department: See attached.

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.

APPLICANT: Cumberland Mall **PETITION NO.:** OB-61

PRESENT ZONING: **PETITION FOR:**

* * * *

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

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

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

International Fire Code (IFC) Appendix D
(Adopted by the State of Georgia at the beginning of 2020. Partially noted below.)
SECTION D103
MINIMUM SPECIFICATIONS
D103.1 Access road width with a hydrant.
Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

COMMERCIAL AND INDUSTRIAL DEVELOPMENTS
D104.1 Buildings exceeding three stories or 30 ft in height. A minimum of two remote means of fire department access roads must be provided

D104.2 Buildings exceeding 62,000 square feet in area. A minimum of two remote means of fire department access roads must be provided

> **Exception:** Buildings not exceeding 124,000 sq ft and protected with an approved automatic sprinkler system a single fire department access road is permitted

D104.3 Remoteness. Where two fire department access road are required, they must be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the lot or area to be served

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

Cobb DOT Recommendations:

1. Recommend retaining the following DOT recommendations from Z-42-2020, which include the following:
    a. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
    b. 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 north side of Cumberland Boulevard, a minimum of 50' from the roadway centerline.
    c. Recommend developer contribute 100% of the cost for any traffic signal modifications for the eastern signalized mall driveway on Cumberland Boulevard (referred to as Access A), if and when installation approved by Cobb County DOT. The associated intersection modifications will include pedestrian facilities on all approaches. This improvement is also included in the 7/20/20 draft NOD from GRTA.
    d. Modify the eastern signalized intersection (Access A) to include three exiting southbound lanes for the mall access driveway. This improvement is also included in the 7/20/20 draft NOD from GRTA.
    e. Modify the eastern signalized intersection (Access A) to include a westbound left-turn lane to accommodate U-turning traffic. This improvement is also included in the 7/20/20 draft NOD from GRTA and should be completed by the full build-out of the DRI, as coordinated with Cobb County DOT.
    f. As necessitated by this development, recommend unsignalized full-movement Cumberland Boulevard (referred to as Access B) access be converted to a Reduced Conflict U-Turn (RCUT) intersection. Recommend final design be determined during plan review, subject to Cobb County DOT approval. Among other considerations, sight distance should be confirmed so that vehicles in neither left turn impacts the sight distance of the opposite left turn movement. This improvement is also included in the 7/20/20 draft NOD from GRTA.
    g. Recommend replacing disturbed curb, gutter, and sidewalk along the Cumberland Boulevard, Akers Mill Road and Cobb Parkway frontages.
    h. Recommend GDOT permits for all work that encroaches upon State right-of-way.

Min. Bk. 94 Petition No. O.B.62
Doc. Type letter from Park Huff
Meeting Date 11-16-2021

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

November 10, 2021

VIA EMAIL & HAND-DELIVERY

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

Re: Application of Other Business for Dog School 101, Inc. regarding Z-43 of 2014 for a zoning stipulation amendment, Cobb County, Georgia. (OB-62)

Dear John:

Dog School 101 has been providing dog training and boarding services in Cobb County since 2002. Sandy Watson, the owner of Dog School 101, is passionate about training dogs and people for responsible pet ownership. After leasing for many years, Sandy was finally able to purchase property for her business. She acquired 2288 Canton Road which is a closed day care business. The property works great for her business with plenty of indoor space for training and fenced back yard that backs up to a railroad track. Unfortunately, the property's NRC zoning was limited to the previous day care use. The above-described Other Business request is to add dog training and dog boarding as a special exception approved use. After discussing concerns from the community, below are a list of conditions my client will agree to become a condition on the grant of this request:

1) The Dog School 101, Inc use as a full-service dog training and dog boarding use will be added as an additional approved use.
2) The dog kennel business will obtain all the required permits from the Georgia Department of Agriculture and the business will operate in compliance with all state and local dog business licensing requirements.
3) Overnight boarding shall occur totally indoors with the dogs not being allowed outside at night.
4) There will not be any outdoor runs for kenneling of the dogs. When the dogs are in the outdoor yard, they shall always be supervised and shall not be left outside overnight or without supervision.
5) The dogs shall not cause a nuisance as defined in Cobb County Code Section 10.1.
6) Any additional use shall be approved by the District Commissioner.

Please do not hesitate to contact me should you or your staff require any additional information or documentation Please let me know if you have any other questions or concerns related to this case.

Sincerely,

SAMS, LARKIN & HUFF, LLP

Parks F. Huff
phuff@samslarkinhuff.com

PFH/lkj

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Dr. Jackie McMorris, County Manager (via email)
BOC Commission Assistants (via email)
Ms. Jessica Guinn, AICP, Director, Community Development (via email)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
Mr. Phil Westbrook, Planner III (via email)
Mr. Terry Martin, Planner III (via email)
Mr. Donald Wells, Planner II (via email)
Ms. Margie Vazquez, Planner II (via email)
Mr. LeDarius Scott, Planner (via email)
Ms. Pamela Mabry, County Clerk (via email)
Ms. Robin Stone, Deputy County Clerk (via email)
Ms. Leila Washington, Deputy County Clerk (via email)

Min. Bk. 94 Petition No. O.B.62
Doc. Type letter from Carol Brown

Meeting Date 11-16-2021

Canton Road Neighbors, Inc.

Commissioner JoAnn Birrell
Honorable Members Cobb County BoC
100 Cherokee St.
Marietta, GA 30090

November 19, 2021

Re: Other Business 062 Application by Dog School 101 for Boarding Kennel 2288 Canton Rd

Honorable Commissioners,

Several members of Canton Road Neighbors had questions about this application and its impact. After due diligence and discussion with Attorney Parks Huff the major concerns were addressed. Those were related to the needed certifications from the State of GA Agriculture Department and Dept. of Health as well as meeting the requirements for a CO from Cobb County. Concerns were also that the NRC Special Exception Use regarding Boarding Kennels would not be followed regarding outdoor runs. I am in receipt of the letter from Attorney Parks Huff as of this morning.

We would ask for the following:

1. Ingress and Egress be limited to right in and right out northbound; left in southbound and no southbound/left turns exit permitted onto Canton Hwy
2. The relevant sections of Sec. 134-213. NRC neighborhood retail commercial district, shall be enforced:

(11) *Special exception uses for neighborhood activity center only.*
All special exception uses within the NRC district are subject to the following criteria:

- All special exception uses allowed within the NRC district must be contained completely within an enclosed building. No uses are to be conducted outside, except for those allowing outdoor display of merchandise.

- Boarding kennels (indoor), provided that no outside runs allowed, approval of county health department required, must not create a nuisance as defined by state law, building to be soundproofed, internal air exchange system required (excluding air conditioning system) and (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

3. Any outdoor training or exercise of dogs shall be supervised

4. All prior stipulations of Z-43 2014 to remain in place
5. Staff Comments not otherwise in conflict
6. Any future use of subject property to come back to the Board of Commissioners for approval in Other Business, or to rezone if applicable.

Respectfully submitted,

Carol Brown, M.R.P., Canton Road Neighbors, Inc.

Petition No. O.B.62
Meeting Date 11-16-2021
Continued

cc: Chairwoman Lisa Cupid, Esq.
Commissioner Jerica Richardson
Commissioner Monique Sheffield
Commissioner Keli Gambrell
Ms. Amy Diaz, PE
Mr. John Pederson, Manager
Mr. Parks Huff, Esq.
Canton Road Neighbors Advisory Members

Min. Bk. 94 Petition No. O.B.62
Doc. Type Cobb DOT, Site Plan Review, and Fire Dept. comments and recommendations
Meeting Date 11-16-2021

NOVEMBER 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

ITEM OB-62-2021

PURPOSE

To consider a stipulation amendment for Dog School 101, Inc. regarding rezoning application Z-43 of 2014 in Land Lot 660 of the 16th District. Located on the east side of Canton Road, south of Liberty Hill Road (2288 Canton Road).

BACKGROUND

The subject property was zoned Neighborhood Retail Commercial (NRC) in 2014 for a day care and child development center, which is closed now. The applicant would like a amend the stipulations to allow their dog training and boarding kennel to operate from the property. The applicant has been running her business for approximately 22 years from another location. The applicant anticipates up to 40-42 dogs may be at the property when fully booked with a combination of kenneled dogs (overnight) and day-use dog daycare clients. The applicant will use the property in its current configuration with no planned additions. The applicant states that she will leave the 180' of woods behind the building in it fully vegetated state. No other changes are proposed. If approved, all previous stipulations not in conflict with this revision should remain in effect.

STAFF COMMENTS

Cobb DOT: See attached.

Site Plan Review: As determined by the Site Plan Review Section, the property owner may be required to obtain a Land Disturbance Permit to perform any site modifications as required per stipulation approval (fencing, landscaping, curb/gutter & sidewalk installation, etc.) or otherwise. Contact Site Plan Review, 770-528-2147.

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. 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

Petition No. O.B. 62
Meeting Date 11-16-2021
Continued

OB-62-2021 Cobb DOT Recommendations

1. 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 Canton Road, a minimum of 50' from the roadway centerline.
2. Recommend signs be installed to correctly identify the ingress-only driveway and egress-only driveway. Recommend final location and design be determined during plan review, subject to Cobb County DOT approval.
3. Recommend all signs be installed off County right-of-way and where it will not impede the line of sight for the driveways or roadway.
4. Recommend removal of all parking spaces in line with driveway access in order to increase uninterrupted access and reduce conflict points.
5. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Min. Bk. 94 Petition No. O.B.63
Doc. Type Site Plan

Meeting Date 11-16-2021

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION
OCT 19 2021
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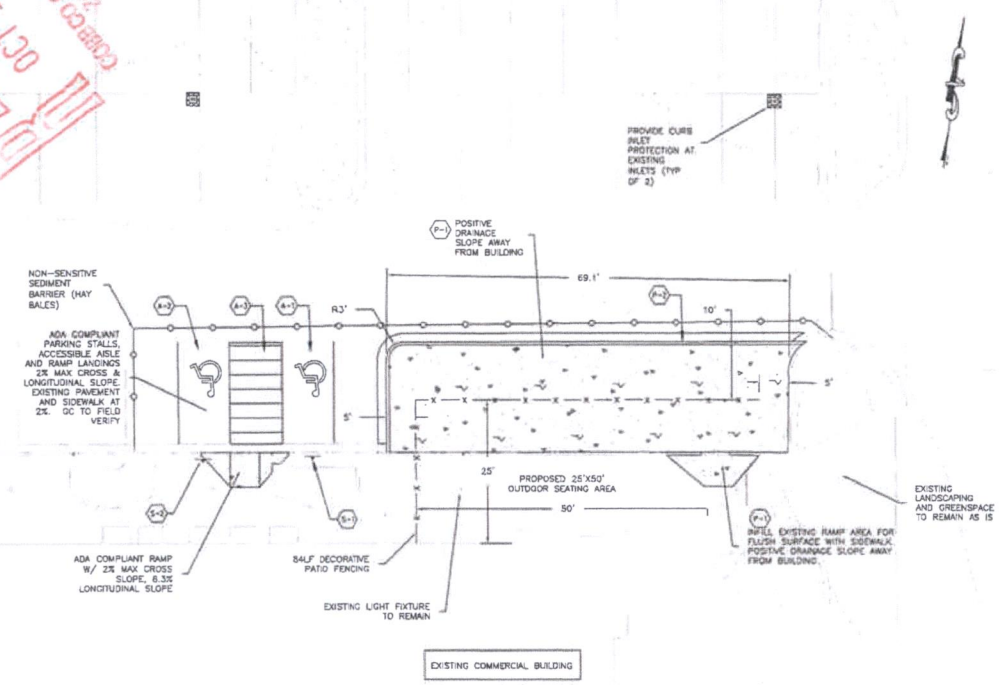

PROPOSED CONCRETE CURBS\GUTTERS, AND CONCRETE WORK		
KEY	DESCRIPTION	SPECIFICATION
P-1	4" CONCRETE SIDEWALK	4,000 PSI CONCRETE WITH FIBERMESH
P-2	6" CURB & GUTTER (18" PAN)	4000 PSI CONCRETE WITH FIBERMESH
ADA/STRIPING LEGEND		
A-1	9' WIDE VAN ACCESSIBLE STALL WITH SIGN AND SYMBOL PER ADA REQUIREMENTS	
A-2	9 WIDE HANDICAP ACCESSIBLE AISLE-4" BLUE STRIPES @ 45', 2' O.C.	
A-3	5' WIDE PEDESTRIAN ACCESS AISLE WITH PAINTED 4" BLUE STRIPES @ 45', 2' O.C.	
PROPOSED SIGNS		
S-1	MUTCD SIGN R7-8 & R7-8a - ADA VAN ACCESSIBLE HANDICAP PARKING. SEE SD-1.1 FOR DETAIL. SIGN MAY BE MOUNTED ON BOLLARD	
S-2	MUTCD SIGN R7-8 HANDICAP PARKING. SEE SD-1.1 FOR DETAIL.	

CONCRETE PAVING SPECS.

4000 P.S.I. WITH FIBER MESH:
- USE MIN. 517 LBS. OF CEMENT
- ADD TIBERMESH REINFORCEMENT TO CEMENT OR OWNER APPROVED EQUIVALENT. DOSAGE RATE SHALL BE AT MANUFACTURERS FULL RECOMMENDED DOSAGE.
- ACCEPTABLE AIR CONTENT 3%-6%
- MAX AGGREGATE SIZE OF 1 1/2"
- MAX SLUMP OF 3"-4"

GENERAL NOTES

1. OWNER PROPOSES TO EXPAND OUTDOOR SEATING AREA OF RENOVATED DINING ESTABLISHMENT. AS A RESULT OF THE EXTERIOR RENOVATIONS, THE EXISTING HANDICAPPED STALLS & RAMP WILL BE RELOCATED TO THE WEST AT THE END OF THE NEW SEATING AREA. 8 TOTAL PARKING STALLS WILL BE INFILLED FOR NEW OUTDOOR SEATING AREA. EXISTING ADA RAMP WILL BE INFILLED. EXISTING PARKING STALL PAVEMENT AREA WILL BE DEMOLISHED FOR A TOTAL SITE DISTURBANCE OF 1540 SF (0.04) ACRES.
2. REFER TO AVENUES AT WEST COBB FINAL PLAT FOR LAND LOT LINES, DISTRICT, BEARINGS & DISTANCES, STREET RIGHT OF WAY, EASEMENTS, STREAMS AND ASSOCIATED BUFFERS, AND ACCESS POINTS.
3. ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR AT GROUNDBREAK.
4. FINISH WALK AND CURB ELEVATIONS SHALL BE 6" ABOVE FINISH PAVEMENT.
5. ALL CONCRETE WALKS TO BE 4" THICK AND BROOM FINISHED.
6. ALL EXPOSED CONCRETE CORNERS TO BE CHAMFERED AND\OR TO HAVE RAUB.
7. ALL EXPOSED CONCRETE CURBS, SIDEWALK, SLABS, PAVEMENT AND FOUNDATIONS SHALL BE TREATED WITH AN AQURON CONCRETE TREATMENT AS MANUFACTURED BY AMERICAN MASONRY PROTECTION INC. OR APPROVED EQUIVALENT.
8. THE COMPACTION REQUIREMENTS FOR ALL FILL MATERIAL(S) PLACED ANYWHERE ON PROPERTY SHALL BE 100% OF THE STANDARD PROCTOR (ASTM D-69).
9. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR DEMOLITION OF ANY REMAINING SITE IMPROVEMENTS PRIOR TO CONSTRUCTION.
10. ALL JOINTS WHERE NEW PAVEMENTS ADJOIN EXISTING PAVEMENT SHALL BE SAW CUT, TO INSURE A STRAIGHT CLEAN LINE, OR WILL BE CARRIED TO THE NEXT EXPANSION JOINT WHERE FEASIBLE.
11. ALL CURB FACES AND PAVEMENT ELEVATIONS SHALL MATCH ADJOINING CURBING AND PAVEMENT EXACTLY.
12. GENERAL CONTRACTOR TO PROVIDE 2"ø WEEP HOLES THRU CURB @ 48" O/C ON SITE AT ALL LANDSCAPE ISLES AND AREAS ADJACENT TO THE BUILDING
13. ALL DIMENSIONS ARE GIVEN TO THE FACE OF CURB.
14. CONTRACTOR TO USE TOPOGRAPHIC SURVEY IN CONJUNCTION WITH THIS SITE PLAN FOR LOCATION AND SIZES OF EXISTING FEATURES.
15. MAINTENANCE OF ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES AND PRACTICES, WHETHER TEMPORARY OR PERMANENT, SHALL BE AT ALL TIMES THE RESPONSIBILITY OF THE PROPERTY OWNER.
16. THE INSTALLATION OF EROSION AND SEDIMENTATION CONTROL MEASURES AND PRACTICES SHALL OCCUR PRIOR TO OR CONCURRENT WITH LAND DISTURBING ACTIVITIES.
17. ANY DISTURBED AREA LEFT EXPOSED FOR A PERIOD GREATER THAN 14 DAYS SHALL BE STABILIZED WITH TEMPORARY SEEDING AND IF LEFT EXPOSED FOR A PERIOD GREATER THAN 30 DAYS SHALL BE STABILIZED WITH PERMANENT SEEDING.
18. ANY ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES AND PRACTICES WILL BE INSTALLED IF DEEMED NECESSARY BY THE ON-SITE INSPECTOR.
19. GRADING SHALL BE KEPT WITHIN THE LIMITS SHOWN ON THE GRADING PLAN. CONTRACTOR SHALL PROTECT EXISTING TREES AND VEGETATION OUTSIDE THE LIMITS OF GRADING.
20. CONTRACTOR SHALL PROVIDE ROUNDING AT TOP OF CUTS AND TOE OF FILLS WHEREVER POSSIBLE TO BLEND NEW CONTOURS TO EXISTING.
21. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPED PAVING, EXIT PORCHES, RAMPS, TRUCK DOCKS, BUILDING DIMENSIONS, AND BUILDING UTILITY ENTRANCE LOCATIONS.
22. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATIONS OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE.
23. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
24. ALL SPOT ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK. CONTRACTOR TO VERIFY PROPOSED GRADES PRIOR TO POURING CONCRETE.
25. ALL NEW CURB FACES AND PAVEMENT SHALL MATCH EXISTING ADJOINING CURBING AND PAVEMENT EXACTLY.
26. PRIOR TO GRADING, CONTRACTOR TO ENSURE ALL EROSION AND SEDIMENT CONTROL MEASURES ARE IN PLACE. CONTRACTOR RESPONSIBLE FOR MAINTAINING ALL EROSION CONTROL MEASURES DURING CONSTRUCTION.

10 5 0 10 20 30
SCALE IN FEET

GEORGIA REGISTERED ERIC V. BLAKELY 10-11-21 DATE

811 GEORGIA UTILITY LOCATION

NO.	DATE	DESCRIPTION
4		
3		
2		
1		

REVISIONS

DCG

SITE PLAN
PROJECT NAME: GIBNEY'S TAVERN
3835 DALLAS HIGHWAY, SUITE 845, MARIETTA, GA 30064
OWNER: POAG SHOPPING CENTERS
1720 KINGS HIGHWAY, SUITE 310, MEMPHIS, TN 38138

PROJECT NO:	21-13
PROJ. MGR.:	SB
DATE:	10/11/21
DRWN. BY:	SVB
SCALE:	AS NOTED
CHKD. BY:	SB
DRAWING SURVEY:	SITE
SHEET NO.	

OB-63-2021
Approved

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

WWW.MIJS.COM

TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK
SUITE 463
408 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

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J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK[*]
ALEXANDER T. GALLOWAY III
J. KEVIN MOORE
SUSAN S. STUART
ROONEY R. McCULLOCH
DANIEL A. LANCIS[**]
BRIAN D. SMITH[**]
HARRY R. TEAR III
W. TROY HARP
JEFFREY A. DAKE
MELISSA W. GILBERT
TIMOTHY W. BAILEY

JOYCE W. HARPER
THOMAS L. SCHAEFER[***]
TRACY D. TEMPLETON
PATRICK D. OCOSON[***]
JONATHAN H. PETCU
AMY K. WOO
BRYAN C. MAHAFFEY
COURTNEY H. MOORE
JIMMY D. HOLBROOK, JR.[***]
KIM A. BRANGHAM
BART W. REED
TARA C. RIDDLE
JOSHUA M. BOOTH[***]
JEREMY A. DANTIN
JANIS H. LABORDE
KELLI L. CROSS
C. LEE DAVIS
TANYA L. CROSSE[***]

[*] ALSO ADMITTED IN TN
[**] ALSO ADMITTED IN NC
[***] ALSO ADMITTED IN CA
[****] ADMITTED ONLY IN TN

January 16, 2002

WRITER'S DIRECT DIAL NUMBER

RECEIVED
JAN 16 2002
COBB CO. COMM. DEV. DEPT.
ZONING DIVISION

Hand Delivered

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

O.B #5
Min. Bk. 20 Petition No. (Z-139 of '99)
Doc. Type Letter of Agreeable Stipulations
Meeting Date July 16, 2002

RE: Application for Rezoning
Application No.: Z-139 (1999)
Owners: Paul F. Wagner; E. P. Daniell; Phillip Goldstein; Susan Goldstein; et al.
Property: 34.08 acres located at the south side of Dallas Highway, west of Westhaven Drive, Land Lot 333, 20th District, 2nd Section, Cobb County, Georgia

Paul F. Wagner; et al., v. Cobb County, Georgia; et al.
Civil Action, File Number: 00-1-02113-22
Superior Court of Cobb County

Dear Mark:

As you know, the undersigned and this firm represent Paul F. Wagner; the Estate of L. F. Daniell; E. P. Daniell; K. F. Daniell; Paula Goldstein Shea; Jacob J. Goldstein; Susan Goldstein; and Philip M. Goldstein, the Property Owners (hereinafter collectively referred to as "Owners"), in Application for Rezoning No. Z-139

Min. Bk. 94 Petition No. O.B.63
Doc. Type January 16, 2002 letter
Meeting Date 11-16-2021

(1999) and in the subsequent zoning appeal with regard to a total tract of 34.2 acres located on the southerly side of Dallas Highway (State Route 120), west of West Haven Drive, Land Lot 333, 20th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). Further, we also represent Cousins Properties, Incorporated, who is currently the developer for the project proposed for the Subject Property as set forth herein (hereinafter referred to as "Developer"). The appeal of the Application for Rezoning arose as a result of the decision by the Board of Commissioners on February 17, 2000, to deny the requested rezoning to the Community Retail Commercial ("CRC") zoning category.

The settlement, as proposed in this letter, the stipulations contained herein, and the accompanying plans and study, result from efforts by all parties to resolve the issues presented without the necessity of further litigation.

The Developer agrees to the following stipulations and conditions, subject to approval of the Site Plan, Landscape Plan, and Site Lighting Plan submitted herewith, which, if approved, as submitted, shall be in complete settlement of the pending zoning appeal and shall be binding upon the Subject Property. The referenced stipulations are as follows:

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

(2) Rezoning of the Subject Property shall be from the R-30 zoning category to the Neighborhood Retail Commercial ("NRC"), site plan specific to that certain Site Plan, designated as "C-1," prepared by Southern Civil Engineers, Inc. dated January 7, 2002, with regard to the total acreage of 34.08 acres.

MOORE INGRAM JOHNSON & STEELE

OB#5
Petition No. (2-139 of '99)
Meeting Date July 16, 2002
Continued

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Three
January 16, 2002

(3) Developer proposes a retail center utilizing the village concept with varying storefronts, roof elevations, and features. The front building facades will be a mixture of brick, stone, and stucco. Developer agrees to use those certain building materials on specific buildings as more fully shown and delineated on that certain Building Elevation Plan "A-2," prepared by Crawford McWilliams Hatcher Architects dated January 7, 2002, a reduced copy being submitted herewith, and a full-size rendering to be presented to the Board of Commissioners at its scheduled hearing concerning this proposal.

(4) Developer shall provide parking for the proposed center at the ratio of no less than 4.5 spaces per 1,000 square feet of building area as such area is determined under and pursuant to the Cobb County Zoning Ordinance.

(5) Landscaping for the proposed center shall be pursuant to that certain Landscape Plan, being designated as "L-1," prepared by Site Solutions dated January 7, 2002, submitted contemporaneously herewith, reference being made to said plan for a more particular delineation and location of plantings and species to be planted.

(6) Developer agrees there shall be a total of approximately 14.80 acres of the Subject Property designated as "Proposed Green Space" as more fully shown and reflected on the referenced Site Plan. This Green Space shall comprise approximately 43 percent of the total land area for the proposed project.

(7) While not a condition to the grant of the within rezoning request, Owners and/or Developer agree, prior to obtaining a building permit hereunder, to convey to Cobb County by Deed of Gift that certain portion of the Subject Property designated as "Proposed Green Space," totaling approximately 14.80 acres, as more particularly shown and reflected on the referenced Site Plan.

(8) Developer agrees to the following system improvements, subject to approval by the Cobb County Department of Transportation and the Georgia Department of Transportation, to mitigate traffic concerns with regard to the proposed development pursuant to the Traffic Study and Analysis prepared by Street Smarts Incorporated dated January 7, 2002, submitted herein, as follows:

(a) Developer shall be responsible for and pay 100 percent of the costs associated with the design and installation of a traffic signal on Dallas Highway (State Route 120);

(b) Installation of sidewalk, curb, and gutter along the entire property frontage on Dallas Highway (State Route 120) as more particularly shown and reflected on the referenced Site Plan submitted contemporaneously herewith;

(c) Construction of turn lanes and deceleration lanes as required by the Cobb County Department of Transportation and the Georgia Department of Transportation; and

(d) All work encroaching upon state right-of-way shall receive prior approval from the Georgia Department of Transportation.

(7) Parking area lighting shall be at a maximum height of thirty (30) feet, shall be environmentally sensitive, low-level, shoe-box luminaries so as to prevent light from penetrating outside the Subject Property.

(8) Hooded security lighting shall be utilized on the buildings within the proposed center as required by Cobb County codes or ordinances only.

MOORE INGRAM JOHNSON & STEELE

(9) Developer agrees to comply, install, and construct site lighting pursuant to a Site Lighting Plan designated as Sheet "A-1" prepared by Crawford McWilliams Hatcher Architects dated January 7, 2002, and submitted contemporaneously herewith.

(10) Developer agrees to comply with all Cobb County Zoning Code requirements as to height limitations for the proposed development.

(11) Developer agrees that if it has not commenced development of the proposed center within eighteen (18) months from the date of final zoning approval by the Cobb County Board of Commissioners of this project (being defined as thirty (30) days following approval by the Board of Commissioners), then, and in such event, the Board's decision shall be automatically rescinded and of no force and effect and the currently pending zoning appeal in the Superior Court of Cobb County shall be reinstated in the same status as existed at the time of approval of the project by the Board of Commissioners.

(12) Entrance signage for the proposed development shall be ground-based, monument style signage as shown and delineated in the Monument Sign Elevation section of the Site Lighting Plan designated as Sheet "A-1," prepared by Crawford McWilliams Hatcher Architects dated January 7, 2002, and submitted contemporaneously herewith. Such signage shall be internally illuminated or "up lit" and shall contain no flashing sign components.

(13) Dumpsters shall be placed in locations with screening by berms, landscaping, or walls. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying. Dumpsters shall be emptied Monday through Saturday from 8:00 a.m. to 9:00 p.m. and Sunday from 11:00 a.m. to 9:00 p.m.

(14) Deliveries to the center shall take place Monday through Saturday from 7:00 a.m. to 10:00 p.m. and Sunday from 11:00 a.m. to 9:00 p.m.

(15) Parking lot cleaning mechanical equipment shall be restricted to hours Monday through Saturday from 6:00 a.m. to 10:00 p.m. and Sunday from 11:00 a.m. to 9:00 p.m.

(16) The following uses shall be prohibited from the proposed center:

(a) Video arcades as a primary use;

(b) Adult-themed bookstores as a primary use;

(c) Automotive sales, repair, and/or service facilities;

(d) Movie theaters;

(e) Cellular or communication towers, monopoles, or antennas of any type, except for use of tenants, with a maximum height of six (6) feet and screened to the fullest extent possible while at the same time permitting the intended function;

(f) Amplified live outdoor entertainment;

(g) Packaged sale of alcoholic beverages as a primary use; excepting a specialty store specializing in the sale of wine; and

(h) Gas station.

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Seven
January 16, 2002

(17) All exhausts from restaurant facilities shall be filtered to minimize grease and odors.

(18) There shall be no outside paging systems, phone bells, or loudspeakers; excepting only low decibel outdoor music systems.

(19) Developer shall construct stormwater management facilities to control silt and water flow to surrounding communities pursuant to the recommendations of that certain hydrology study prepared by Southern Civil Engineers, Inc. and pursuant to that certain Site Plan hereinabove referenced and submitted contemporaneously herewith, subject to approval by the Cobb County Stormwater Control Division and local, state, and federal regulations dealing therewith.

(20) All detention areas shall be fenced and landscaped.

(21) Developer agrees to design and adhere to best management practices in the construction of its detention areas with such design and installation based upon a 100 year stormwater management design.

(22) Tenant spaces within the proposed center may vary in size from 800 square feet to 45,000 square feet; however, no individual tenant space shall exceed a maximum of 45,000 square feet in size.

(23) Developer agrees to maintain a daily security presence for the proposed center.

(24) Developer agrees that the proposed center may only be open for business to the public during the following hours:

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Eight
January 16, 2002

Retail:

70 percent of the retail square footage shall be allowed to operate between the hours of 7:00 a.m. to 11:00 p.m.;

30 percent of the retail square footage shall be allowed to operate between the hours of 7:00 a.m. to 12:00 a.m.

Restaurants:

Any restaurant shall be allowed to operate between the hours of 6:00 a.m. to 11:30 p.m. Sunday through Thursday;

Any restaurant shall be allowed to operate between the hours of 6:00 a.m. and 12:00 a.m. Friday and Saturday.

(25) Developer agrees that there shall be no outside storage facilities as such term is used and defined in the Cobb County Zoning Ordinance.

(26) The proposed center is pedestrian friendly in that it proposes and will include pedestrian walkways between the proposed center buildings and the buildings around it through the proposed parking areas. These pedestrian ways shall be raised and consist of brick pavers and landscaping.

(27) There shall be a maximum density of 255,000 square feet.

(28) Should Developer desire to make any material change or alteration to the exteriors of the proposed buildings from that hereinabove stipulated, or to the landscaping for the proposed center as set forth herein and designated on the Landscape Plan submitted herewith, such material change or alteration shall be approved by an Architectural Control Committee ("ACC") by simple

majority vote of said Committee. The ACC shall have jurisdiction and authority only with regard to the provisions of this paragraph. Said Committee shall be comprised of the following individuals:

(a) One representative of the Developer;

(b) One representative from the Developer's architectural firm or landscape firm;

(c) One representative of the Zoning Division of the Cobb County Community Development Agency;

(d) One representative from People Looking After Neighborhoods, Inc. ("PLAN"); and

(e) One representative to be selected by the adjacent residents located southerly of the Subject Property.

(29) Developer agrees, prior to obtaining a building permit, to escrow sums necessary, to be paid out jointly to the contractor and owners of the dam of the lake abutting the Subject Property, for the following scope of work:

(a) Improvements to the outlet structure;

(b) Desilting of the northwest corner of the lake;

(c) Rework spillway;

(d) Replace and augment, as required, the driveway culvert serving the Riske residence; and

(e) Install siltation curtains at the northwest and northeast corners of the lake abutting the Subject Property as an additional protection from siltation during construction.

(30) There shall be a fifty (50) foot landscape buffer along the frontage of the Subject Property on Dallas Highway (State Route 120). Additionally, there shall be a fifty (50) foot undisturbed buffer along the westerly boundary of the Subject Property. Also, there shall be a one hundred fifty (150) foot undisturbed buffer along the southerly/rear portion of the Subject Property. All buffers are more particularly shown and reflected on the referenced Site Plan submitted simultaneously herewith.

(31) All open space, green space, 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.

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

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

(34) Developer shall comply with the Cobb County Tree Ordinance; and in that regard, Developer shall use reasonable best efforts to minimize grading so as to avoid mass grading of the Subject Property.

Petition No. O.B.63
Meeting Date 11-16-2021
Continued

MOORE INGRAM JOHNSON & STEELE

O.B.#5 PAGE 18 OF
Petition No. (Z-139 of '99)
Meeting Date July 16, 2002
Continued

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Eleven
January 16, 2002

The proposal contained herein is submitted in settlement and compromise of the pending zoning appeal and shall not otherwise be used in any hearing, trial, arbitration, or mediation of said appeal. If the settlement, as proposed, is approved by the Board of Commissioners, Plaintiffs agree to conditionally dismiss, with prejudice, the pending litigation case and to pay their own legal expenses and litigation costs.

We believe that the requested zoning, pursuant to the referenced Site Plan, Landscape Plan, Site Lighting Plan, and the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the significant and on-going changes within the area, the impact of those changes upon existing developments and area properties and owners thereof surrounding the proposed development. The proposed center shall be of the highest caliber, as demonstrated by its predecessor, the Avenues at East Cobb, shall provide valuable retail services to the residents of West Cobb County and westerly and northerly counties, and shall be an overall enhancement to the West Cobb community. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

John H. Moore

JHM:cc
Enclosures

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Twelve
January 16, 2002

c: Cobb County Board of Commissioners:
William J. Byrne, Chairman
George Woody Thompson, Jr.
William L. Askea
Joe L. Thompson
Samuel S. Olens
(With Copies of Enclosures)

Fred D. Bentley, Jr., Esq.
Bentley, Bentley & Bentley
(With Copies of Enclosures)

Mr. and Mrs. Dan Norris
(With Copies of Enclosures)

Helen C. Goreham
People Looking After Neighborhoods, Inc.
(With Copies of Enclosures)

Mrs. Denise Rose
People Looking After Neighborhoods, Inc.
(With Copies of Enclosures)

Mrs. Luanne Porper
People Looking After Neighborhoods, Inc.
(With Copies of Enclosures)

Gary Wolovick, Esq.
People Looking After Neighborhoods, Inc.
(With Copies of Enclosures)

Petition No. O.B.63
Meeting Date 11-16-2021
Continued

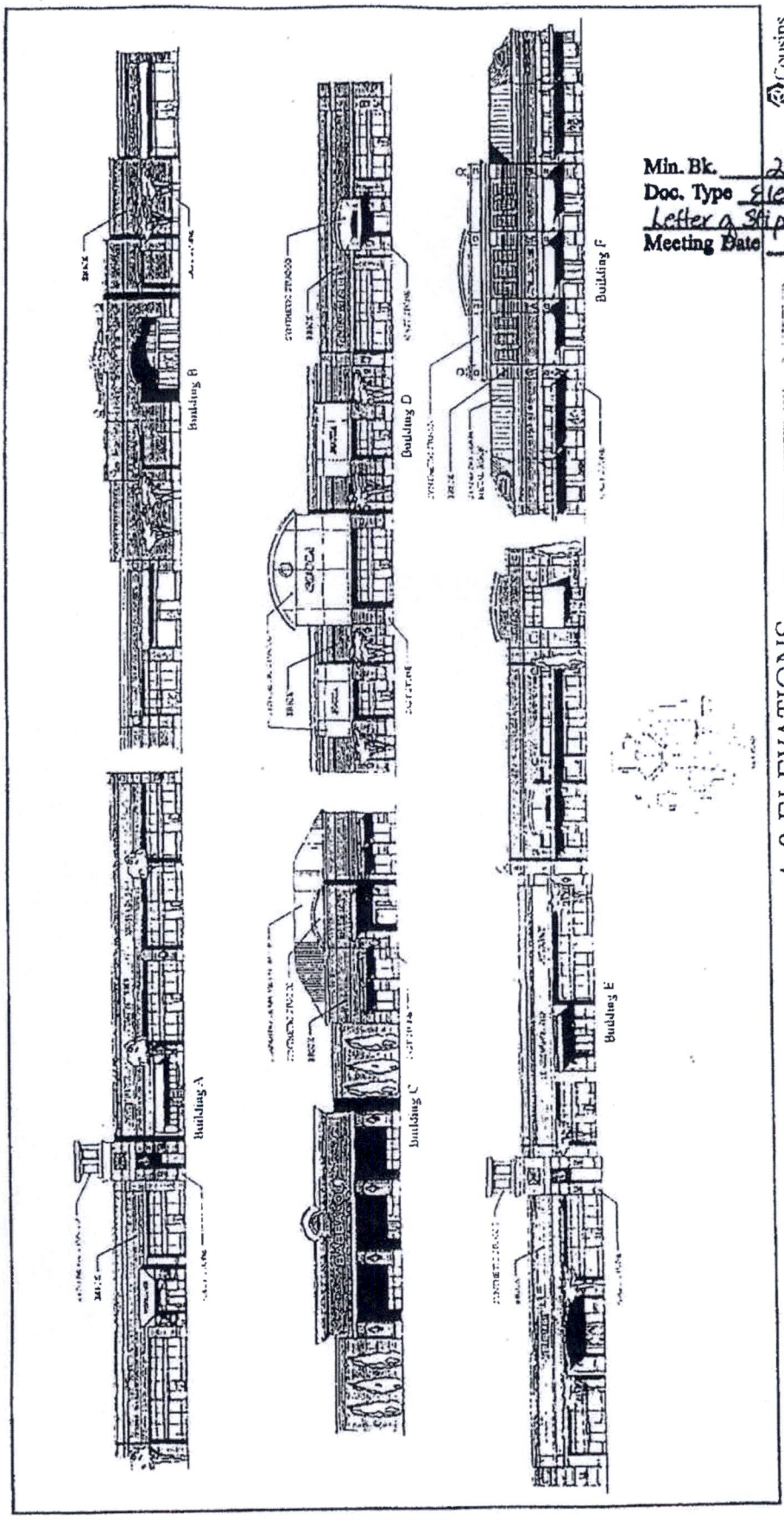
PAGE 2 OF

O.B.#5

Min. Bk. 20 Petition No. Z-135 of 199.
Doc. Type Site plan referenced in Letter of Stipulations dated 1/16/02
Meeting Date July 16, 2002

Petition No. O.B.63
Meeting Date 11-16-2021
Continued

PAGE 2 OF



Cousins

O.B. #5

Min. Bk. 20 Petition No. (Z-139 of '99)
Doc. Type Elevation Plan referenced in Letter of Stipulations of 1/16/02
Meeting Date July 15/2002

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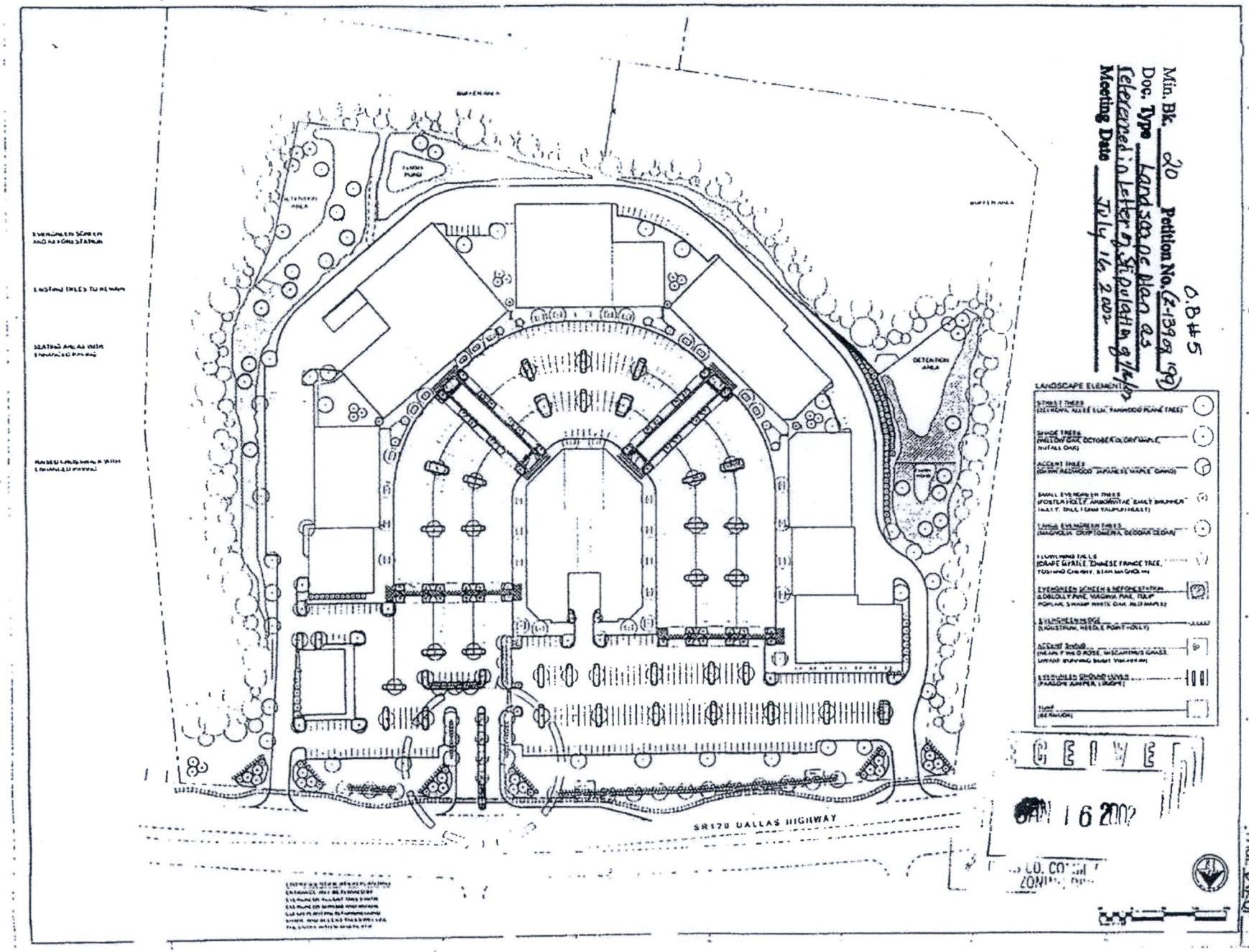
JAN 16 2002

A-2 ELEVATIONS

THE AVENUE

Petition No. O.B. 63
Meeting Date 11-16-2021
Continued



Petition No. 0.B.63
Meeting Date 11-16-2021
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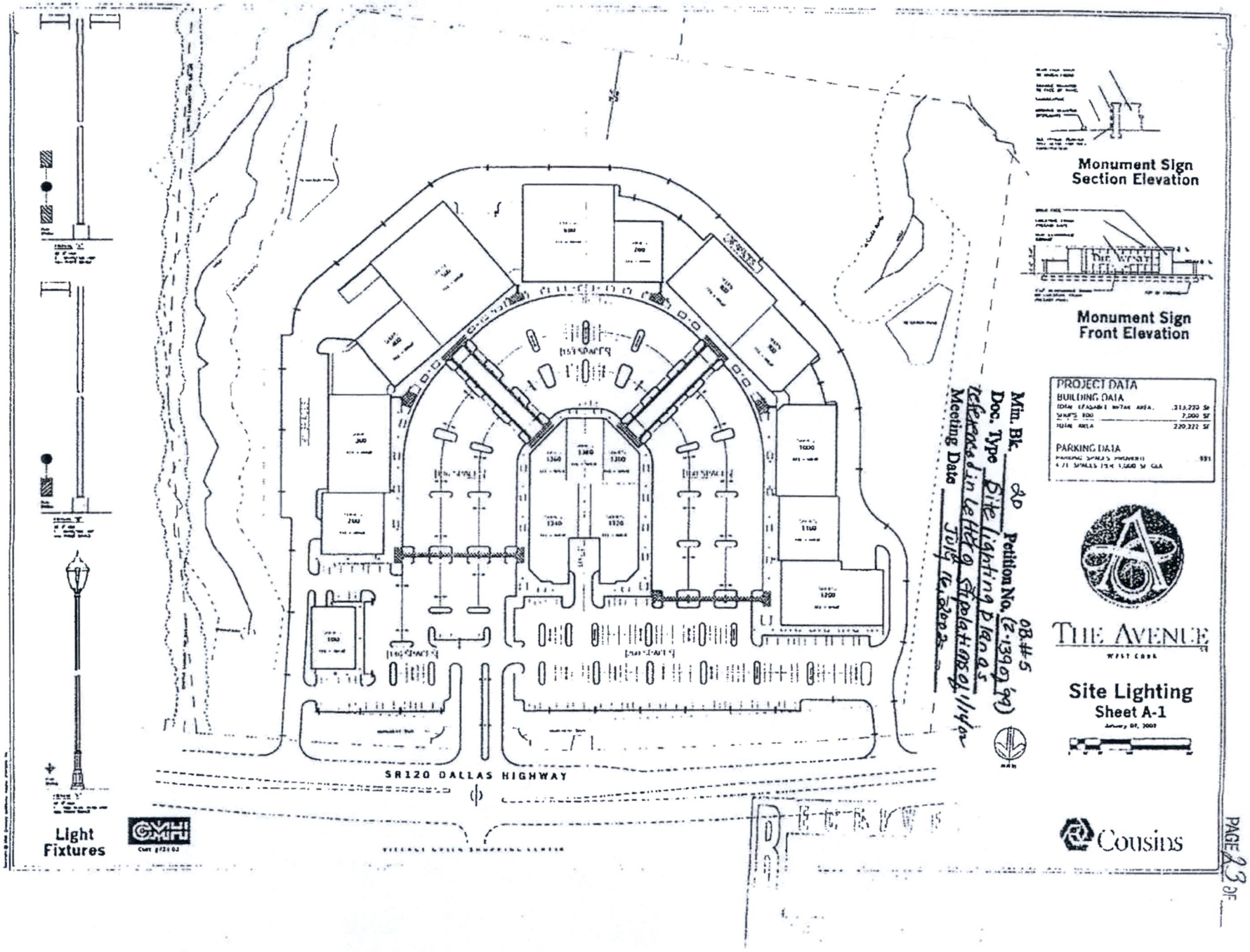

PAGE 23 OF

Min. Bk. 94 Petition No. O.B. 63
Doc. Type Fire Dept comments & recommendations
Meeting Date 11-16-2021

NOVEMBER 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1

ITEM OB-63-2021

PURPOSE

To consider a site plan amendment for Poag Shopping Centers, LLC regarding rezoning application Z-139 of 1999 in Land Lot 333 of the 20th District. Located on the south side of Dallas Highway, east of Casteel Road (3625 Dallas Highway).

BACKGROUND

The subject property was zoned Neighborhood Retail Commercial (NRC) in 2002 as a settlement of litigation for a retail center. The property was rezoned site plan specific. The applicant would like to revise the site plan to add an outdoor seating area that would be 25' by 50' in front of a proposed restaurant. The proposed site plan is attached for your review. If approved, all previous stipulations not in conflict with this revision should remain in effect.

STAFF COMMENTS

Cobb DOT: No comments.

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. **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.

Min. Bk. 94 Petition No. 0.3.64
Doc. Type Site Plan
Meeting Date 11-16-2021

CIRCLE 75 PARKW
(VARIABLE WIDTH R/W)

RECEIVED
OCT 19 2021
COBB CO COMM DEV AGENCY
ZONING DIVISION

OTHER BUSINESS NOTES:

PROJECT NOTES:

PREVIOUSLY APPROVED DESIGN VARIANCES:

THE HENRY
500 AND 1500 CIRCLE 75 PARKWAY, COBB COUNTY, GA, 30339
LAND LOT 918, 945 & 946, 17TH DISTRICT

GOLDENROD COMPANIES
10349 N 44TH STREET
OMAHA, NE 68122
PHONE: (402) 963-0678

Kimley»Horn
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817 W. PEACHTREE STREET, NW
TYE BUILDING, SUITE 501
ATLANTA, GEORGIA 30308
PHONE (404) 419-8700
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GEORGIA811

C0-10

OTHER BUSINESS PLAN

08-24-2021 Proposed

Min. Bk. 94 Petition No. O.B.64
Doc. Type Shared Parking Analysis
Meeting Date 11-16-2021

OB-64-2021
Shared Parking Study

WALKER CONSULTANTS
1660 South Highway 100, Suite 545
Minneapolis, MN 55416
952.595.9116
www.walkerconsultants.com

September 29, 2021

Ms. Megan Jarosz, AIA Title
Holland Basham Architects
119 South 49th Avenue
Omaha, NE 68132

RECEIVED
OCT 12 2021
COBB CO COMM DEV AGENCY
ZONING DIVISION

Re: Circle 75 Apartments
Shared Parking Analysis
21-004892.00

Dear Megan:

Holland Basham Architects has hired Walker Consultants to prepare the following shared parking analysis for the Circle 75 Apartments in Cobb County Georgia.

We appreciate the opportunity to be of service to you on this project. If you have any questions or comments, please do not hesitate to call.

Sincerely,

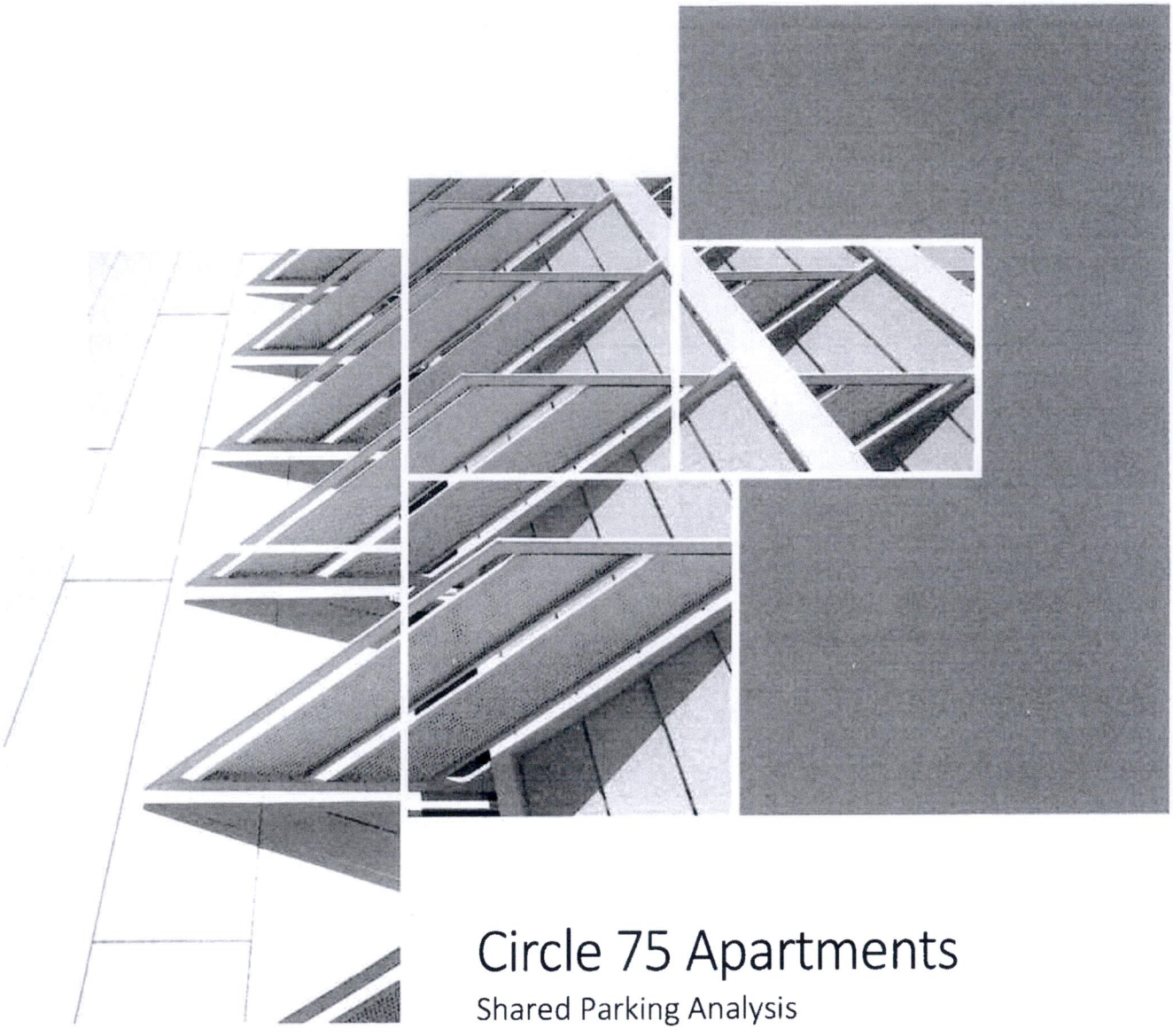
WALKER CONSULTANTS

Mary S. Smith

Mary Smith
Senior Vice President

Jeff Weckstein
Parking Consultant

Petition No. 0.864
Meeting Date 11-16-2021
Continued



Circle 75 Apartments

Shared Parking Analysis

DRAFT: September 28, 2021

Prepared for: Holland Basham Architects

WALKER CONSULTANTS

Petition No. O.B.64
Meeting Date 11-16-2021
Continued

Contents

Executive Summary 1

Introduction 3
- **About Walker Consultants** 3
- **The Benefits of Shared Parking** 3
  - Shared Parking Methodology 5

Parking Needs Analysis 7
- **Step 1: Building Program** 7
- **Step 2: Base Parking Ratios** 7
- **Step 3: Presence Factors** 9
- **Step 4: Driving Ratio** 9
- **Step 5: Non-Captive Ratio** 11
- **Step 6: Results** 12
  - Planned Supply 14
  - Parking Requirements with Braves 15

Appendix A: Future Parking Demand Changes 19
- **Near-Term: Telecommuting** 19
- **Long-Term: Shared Autonomous Vehicles** 20

Figures and Tables

Figure 1: Steps of Shared Parking Analysis 5
Figure 2: Weekday Parking Demand by Hour with Braves Obligation 16
Figure 3: Weekend Demand by Hour with Braves Obligation 17
Figure 4: Impacts on Office Parking Demand 20
Figure 5: Walker's Projection of Future Parking Demand in US 22

Table 1: Building Program 7
Table 2: Base Ratios 8
Table 3: Census Journey to Work Data 10
Table 4: Drive Ratios 11
Table 5: Weekday Parking Demand 13
Table 6: Weekend Parking Demand 14
Table 7: Weekday Morning (10 AM) Parking Demand and Planned Supply by "Zone" 15
Table 8: Weekend Evening (9 PM) Parking Demand and Planned Supply by Zone 15
Table 9: Office Weekday Daytime Supply Available with The Circle 75 Apartments 17

Executive Summary

Walker Consultants ("Walker") performed a shared parking analysis for The Circle 75 Apartments, a proposed residential project ("Project") to be built on a vacant lot in Cobb County, adjacent to Atlanta, Georgia. The project is located next to, and is expected to share parking with, the 900 Circle 75 Parkway office development. Germane to the analysis, Cobb County allows for the use of shared parking methodologies per local ordinance.[1] While the Cobb County code references the use of shared parking for non-residential developments, the results of this analysis support the use, and efficiency, of shared parking between residential and non-residential uses. Based upon Walker's shared parking analysis, the following conclusions and key findings can be derived:

- Walker recommends a minimum of 750 parking spaces are required for the proposed project. The recommended parking capacity assumes that one (1) reserved space per residential unit (500 reserved spaces for the Project) will be built within The Circle 75 site, with the remaining 250 parking spaces shared with the adjacent 900 Circle 75 office parking.
- The shared parking model recommends that 1,574± parking spaces are required for the weekday daytime (office hours) combination of the two properties, excluding obligations to provide parking for the Atlanta Braves. The current plans, with 500 spaces at The Circle 75 parcel, and 1,290 at Building 900, would provide 1,790 parking spaces. Therefore, there will be a surplus of over 200 parking spaces during office hours. On weekend evenings, when there is very little office parking demand, the projected demand is 775 spaces, yielding a surplus of over 1,000 parking spaces.
- The parking ratio for the residences recommended by Walker is 1.25 spaces per unit in the overnight hours, slightly below the ratio of 1.3 requested by the developer. Our ratio reflects the predominance of 1-bedroom units in the program. At the peak hour for shared parking of 9 PM on a weekend evening, 89% is provided on site and only 11% is required to be shared at the 900 Building. Overnight, about 25% of the residential demand is shared. The restaurant and retail demand is then added. With that demand, 276 spaces are required at the 900 Building for the Project on a weekend evening.
- If the current Atlanta Braves parking obligations are continued in their current form, there are issues with both weekend and weekdays.
    - On weekdays If one interpolates the demand at 5:30 pm, it is 1043 spaces. This would leave 747 spaces available for the Braves at 5:30 pm, as compared to the agreement for 773 spaces. It is further noted that in the 2021 regular season, the Braves had about 48 weekday evening games that start at 7:10 pm or later and only 1 game that started at 5:10 pm on a weekday. We believe it is highly unlikely that all 773 spaces are actually required at 5:30 pm, for a 7:10 pm or later game, and that there is more than adequate parking for the Braves' commitment by 6 PM.
    - On weekends, the total parking demand at 9:00 is 1,887 spaces. Compared to the currently planned supply of 1,790 spaces, there will be a shortfall of about 97 spaces with the peak period occurring at 9:00 PM. The shortfall for afternoon games would be slightly less. There are about 26 total weekend games per regular season, as compared to 52 weekend days in the year. This shortfall likely needs to be addressed with the Braves at the appropriate time.

[1] Cobb County Georgia - Code of Ordinances Section 134-272(5)-d

Petition No. O.B.64
Meeting Date 11-16-2021
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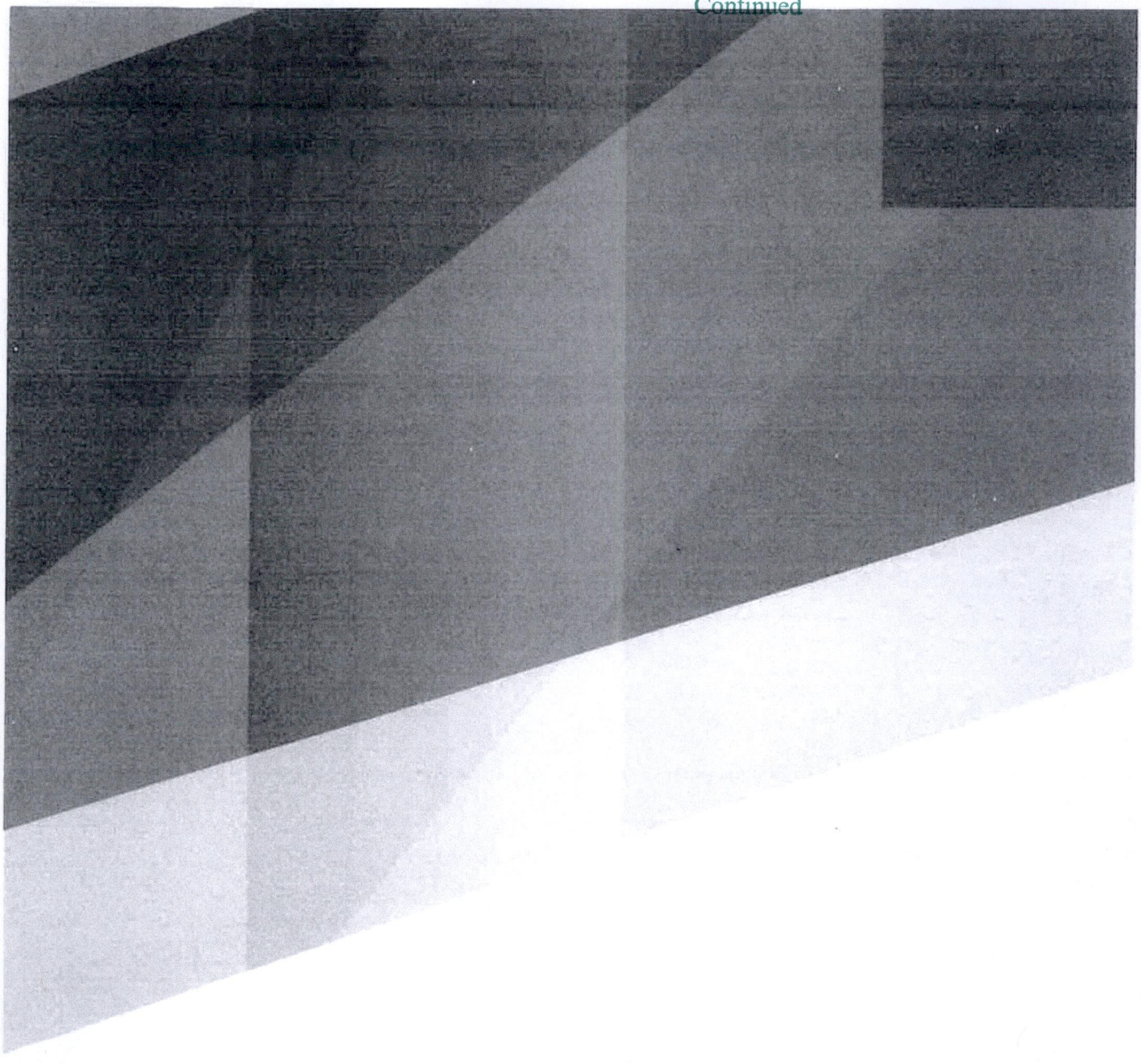

01 Introduction to Shared Parking

Petition No. O.B.64
Meeting Date 11-16-2021
Continued

Introduction

About Walker Consultants

Walker Consultants is the leading and largest professional services firm that specializes in providing parking consulting services. Founded in 1965, our firm employs nearly 300 professionals located in 25 U.S. offices.

Through the history of our firm, we have been an industry leader, serving on various boards and committees that develop and provide guidance to our clients in the aviation, entertainment, healthcare, higher education, government, and real estate development and management sectors. As an example, we were the lead author of the second and third editions of *Shared Parking*, first in 2005 and then again in 2020 and published by the Urban Land Institute, International Council of Shopping Centers, and National Parking Association. We have successfully completed more than 500 shared parking studies over the past 30 years, helping communities and developers right-size parking and mitigate the negative consequences associated with overbuilding parking.

It is noted that Mary Smith, one of the authors of this report, is a 45-year Walker veteran, and primary author of both the 2nd and 3rd editions of the *Shared Parking* publication. Mary has personal hands-on experience in delivering more than one hundred shared parking studies. Jeff Weckstein, who collaborated with Mary on the report, is a Transportation Planner with 16 years of experience, including 8 with Walker.

The Benefits of Shared Parking

Shared Parking is fundamentally defined as the ability to use the same parking resource by multiple nearby or adjacent land uses without conflicts and encroachment, including spill over onto adjacent properties and streets. For the analysis herein, Walker employed the use of a shared parking model to project "parking demand" for the Project. In accordance with economic theory, "demand" is defined as the quantity of goods or services needed under a specific set of circumstances. Like all zoning requirements for parking, it is the **recommended** supply based on industry standards and not necessarily a projected maximum accumulation of vehicles, and particularly not over the life of a project. All land use developments experience variations in parking demand as tenants and parking characteristics change.

Shared parking methodology was developed in the 1980s and has been a widely accepted industry standard for rightsizing parking facilities over the past 30+ years. Accepted by cities throughout the U.S. and codified in some zoning ordinances as THE acceptable practice, the 3rd Edition of *Shared Parking* (SP3) was published by the Urban Land Institute (ULI), ICSC (formerly known as the International Council of Shopping Centers) and the National Parking Association (NPA) in 2020. The Institute of Transportation Engineers (ITE) has also endorsed it as an acceptable method of parking planning and management; it recognized the 2nd edition as the outstanding parking innovation in 2005 and collaborated with the development of SP3.

Shared parking allows for the sharing of parking spaces among uses in a mixed-use environment — in lieu of providing a minimum number of parking spaces for each individual use. Shared parking commonly results in a reduction of required parking spaces. This reduction, which is sometimes significant, depends on the quantities and mix of uses.

The key goal of a shared parking analysis is to find the balance between providing adequate parking to support a development from a commercial and operational standpoint, while minimizing the negative aspects of excessive land area or resources devoted to parking. We like to describe this as **just enough parking for commerce to thrive.** It allows tighter, denser connections between land uses, improving walkability and reducing vehicle trips between land uses. It also avoids burdening a development with excessive paved areas and parking spaces.

Allowing multiple land uses and entities to share parking spaces has to the creation of many popular real estate developments and districts, resulting in the combination of office, residential, retail, hotel, and entertainment districts that rely heavily on shared parking for economic viability. Traditional downtowns in large and small cities have depended on shared parking since the time of the horse and buggy, in order to be compact, walkable, and economically viable. In the same way, mixed-use projects have also benefited from the shared-parking principle, which offers multiple benefits to a community, not the least of which is lesser environmental impact due to the reduction in required parking needed, as well as the ability to create a more desirable mix of uses at one location.

Shared parking is thus a key to smarter growth, reducing the environmental and social impacts of underutilized parking.

The Cobb County Code of Ordinances recognizes shared parking as an acceptable method to reduce parking spaces provided and includes a provision for approving proposed real estate development projects. Section 134-272(5)-d of the Cobb County Code of Ordinances states the following:

> *"The required number of parking spaces for non-residential uses may be reduced if a property owner or developer provides a shared parking study that is prepared by a professional engineer to industry standards that demonstrates the proposed shared parking facility will not cause a burden, nuisance or safety concern to the subject property, adjacent properties or the right-of-way. The shared parking study must be approved by the Cobb County Department of Transportation, the Cobb County Stormwater Management Division, and the Cobb County Zoning Division to be implemented or constructed. Cobb County reserves the right, at any time, to require additional parking spaces if the shared parking study turns out to be erroneous, or if uses change that revise the merits of the shared parking study or if problems arise relating to the reduced number of parking spaces that are causing harm to the subject property, adjacent property or the right-of-way."* [2]

While the Cobb County code references the use of shared parking for non-residential developments, the results of this analysis support the use, and efficiency, of shared parking between residential and office, in particular. It is believed that Cobb County will accept a shared parking analysis in accordance with generally accepted industry standards.

[2] Cobb County Georgia - Code of Ordinances Section 134-272(5)-b

Shared Parking Methodology

SP3 considers the parking demand for more than 55 different land uses including base parking ratios and default values for daily, hourly, and seasonal variations. The methodology further requires consideration of the availability and use of alternative modes of transportation and captive market effects. In the case of the Project, a shared parking analysis recognizes the interrelationship of parking among residents, and on-site, accessory uses such as proposed retail and food and beverage space as well as the adjacent office uses. The SP3 model generates 494 parking demand computations as follows:

- 19 hours during a day, beginning at 6 a.m. and concluding at midnight
- 2 days per week, a weekday, and a weekend day
- 13 months of the year (including late December as a separate retail month)
- 19 x 2 x 13 = 494 different calculations

The recommended parking demand is derived based on the highest figure generated from these 494 computations. The model projects the demand on a "design" day, which is typically an activity level based on the parking demand at the 85th percentile level relative to similar properties, including office and residential. However, for a retail shopping center, for example, the industry standard employed in SP3 is the 20th highest hour in the year which occurs on a Saturday in December. It is deemed to be an appropriate level of activity for the purposes of determining the recommended number of spaces for a new project. It is neither the maximum spaces that might be needed by an unusually successful development (ALL tenants at 100th percentile) nor those used by an average project.

A shared parking analysis begins first by taking the land use quantities of the Project, e.g., number of residential units, and multiplying by a base parking demand ratio and monthly and hourly adjustment factors. All base ratios and hourly and monthly adjustments in SP3 are on industry standards that have been vetted by leading parking consultants and real estate professionals.

Two additional adjustments are also applied to the base parking demand ratios, one to reflect an estimate of the local transportation modal split through the application of drive ratios and another to account for the best estimate of captive market effects, as discussed later in this report.

The following graphic provides an illustrative view of the steps involved in the shared parking analysis. This graphic is used within this document to help the reader follow the shared parking analysis process. The Shared Parking Analysis section of this report follows this graphic in consecutive order, the gray highlighted section of the graphic, moving from left to right, and in subsequent report sections.

Figure 1: Steps of Shared Parking Analysis

Land Use Units (Number of rooms, square footage, etc.)	X	Standard or Base Parking Generation Ratio	X	Monthly Factor	X	Hourly Factor	X	Driving Ratio	X	Non-Captive Ratio	=	TOTAL

Source: *Walker Consultants*, 2021

Petition No. O.B.64
Meeting Date 11-16-2021
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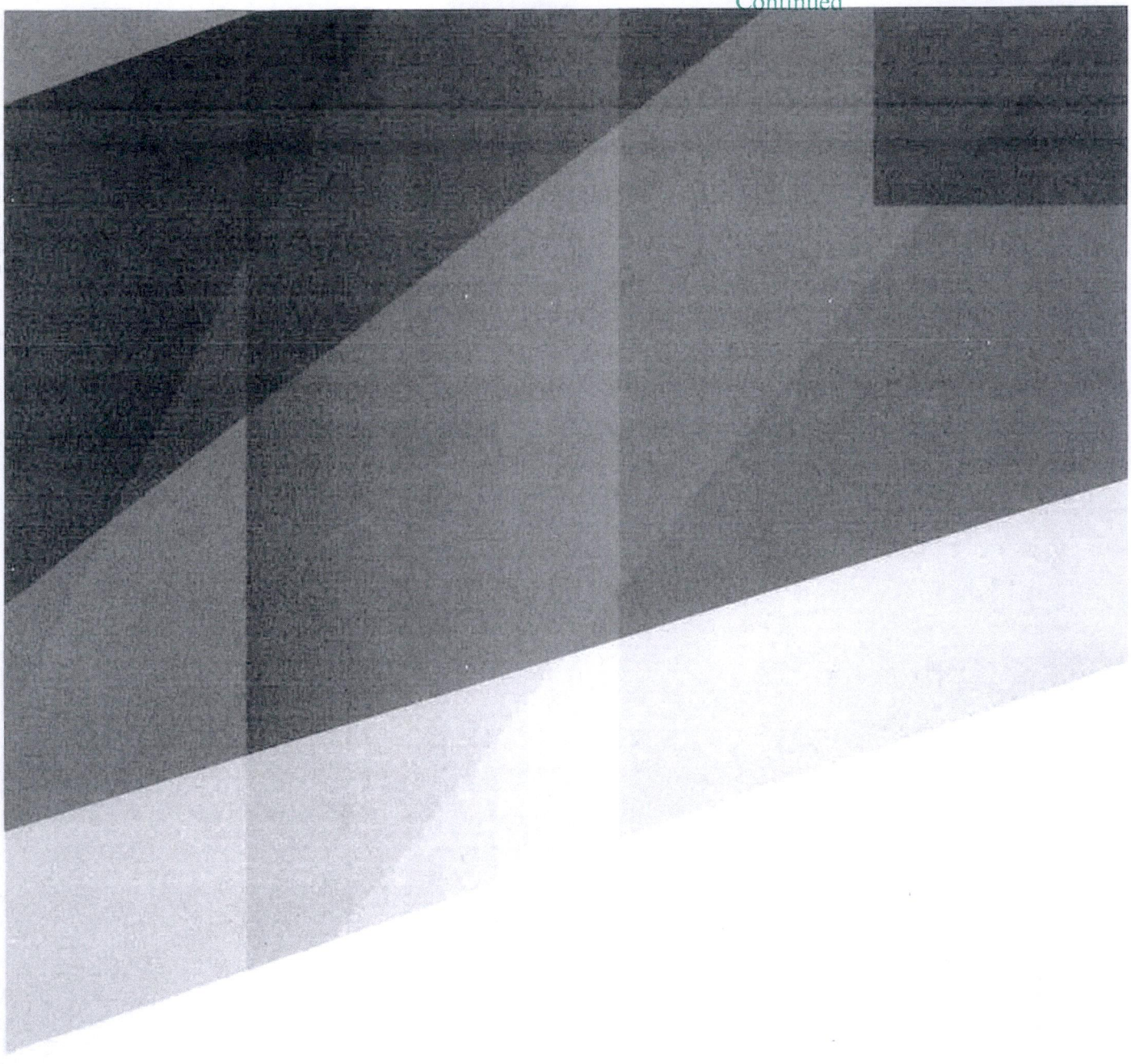


02 Parking Needs Analysis

WALKER CONSULTANTS

Parking Needs Analysis

Step 1: Building Program

To begin a shared parking analysis, we first start with the types and quantities of land uses to be analyzed. Each land use has a "base parking ratio" based on a unit of land use. For retail, that metric is square footage (gross leasable area or GLA); for office, that metric is the gross floor area (GFA), etc.

Step 1: Identification and Quantification of Project Land Use Components

Land Use Units (Number of rooms, square footage, etc.)	X	Standard or Base Parking Generation Ratio	X	Monthly Factor	X	Hourly Factor	X	Driving Ratio	X	Non-Captive Ratio	=	TOTAL

Table 1 details the proposed land uses associated with the Project and used in the analysis of parking needs.

Table 1: Building Program

Land Use		Quantity	Unit
Office (900 Bldg.)	Existing to Remain	350,458	Square Feet GFA
Residential - Studio - 1 Bedroom - 2 Bedroom - Penthouse	Proposed	 125 250 100 25	 Dwelling Units Dwelling Units Dwelling Units Dwelling Units
Plaza Retail	Proposed	8,250	Square Feet GLA
Plaza Restaurant – Fast/Casual	Proposed	4,125	Square Feet GLA
Plaza Restaurant – Fine	Proposed	4,125	Square Feet GLA
Amenity Space*	Proposed	12,000	Square Feet GLA
Grand Slam Lounge	Proposed	4,000	Square Feet GLA

Source: *Holland Basham Architects, Walker Consultants, 2021*
*Note: * denotes land use that is ancillary to a primary use that does not generate parking demand*

Deviations from these land use assumptions will create variations in the parking calculations.

Step 2: Base Parking Ratios

Simply put, the base parking demand ratios represent how many spaces should be supplied to each use if the spaces are unshared, and the project is in a suburban context where the driving ratio is at or near 100 percent.

Step 2: Application of Standard or Base Parking Generation Ratios

Land Use Units (Number of rooms, square footage, etc.)	X	Standard or Base Parking Generation Ratio	X	Monthly Factor	X	Hourly Factor	X	Driving Ratio	X	Non-Captive Ratio	=	TOTAL

Table 2 documents the base parking generation rates employed which are consistent with SP3. In SP3, the ratios are further refined into weekday and weekend ratios and broken into employee and visitor components which helps for parking management, aka who parks where.

Table 2: Base Ratios

Land Use	Base Ratio	Metric
Studio	0.85	spaces/Dwelling Unit
1 Bedroom	0.90	
2 Bedroom	1.65	
Penthouse (2 Bedroom with Den)	2.50	
Residential guests (all unit types)	0.10 wkdy, 0.15 wknd	
Retail	2.90 wkdy, 3.20 wknd	spaces./ksf GLA
Retail Employee	0.70 wkdy, 0.80 wknd	spaces./ksf GLA
Fine/Casual Restaurant	13.25 wkdy, 15.50 wknd	spaces./ksf GLA
Fine/Casual Restaurant Employee	2.25 wkdy, 2.50 wknd	spaces./ksf GLA
Fast/Casual Restaurant	12.40 wkdy, 12.70 wknd	spaces./ksf GLA
Fast/Casual Restaurant Employee	2.00	spaces./ksf GLA
Bar/Lounge	15.25 wkdy, 17.50 wknd	spaces./ksf GLA
Bar/Lounge Employee	1.25 wkdy, 1.50 wknd	spaces./ksf GLA
Office – Visitor	0.20 wkdy, 0.02 wknd	spaces./ksf GFA
Office – Employee	2.60 wkdy, 0.26 wknd	spaces./ksf GFA

Note: GLA = GROSS LEASABLE AREA, GFA = GROSS FLOOR AREA

Source: Urban Land Institute *Shared Parking 3rd Edition, 2020*

It is noted that Cobb County requires 1.75 spaces per residential unit regardless of the number of bedrooms and about 3.5 spaces per 1000 sq ft of office, although that ratio is applied to net floor area.

Detailed analysis of *ITE Parking Generation Manual* 5th edition data for residential as presented in SP3 found that it is more accurate to project based on bedrooms then per unit, which most in the industry agree is logical and rational. It is noted that the overall 85th percentile in Parking Generation is 1.58 spaces per unit. However, because of the preponderance of 1-bedroom units, a ratio of 1.25 spaces/unit is more appropriate for this project.

Similarly, the *Parking Generation Manual* clearly shows that the parking ratio declines as the quantity of office increases. SP3 recommends a ratio of 3.8 spaces/1000 for less than 25,000 sq ft GFA, but it declines to 3.03/1000 for 350,000 sq ft. of office. Those ratios would be even higher if calculated on the Cobb County definition of net floor area. The developer has indicated the existing offices have a factor of about 83% net to gross floor area. Therefore, the "base" ratio for the offices assumed herein is 3.65 spaces/sq ft net floor area.

This analysis has assumed that one (1) space per residential unit will be reserved in a pool of resident parking gated/separated from general parking areas; the remainder of resident parking needs can be satisfied in shared parking facilities, i.e., the parking at 900 Circle Parkway. The model then assumes that the reserved parking has

presence factors of 100% through the day and week. A space that is reserved 24/7 is "demand" whether it is occupied or not.

Step 3: Presence Factors

Presence factors are expressed as monthly and hourly adjustments applied within the shared parking model.

Step 3: Application of Presence Factors

Land Use Units (Number of rooms, square footage, etc.)	X	Standard or Base Parking Generation Ratio	X	Monthly Factor	X	Hourly Factor	X	Driving Ratio	X	Non-Captive Ratio	=	TOTAL

Presence is expressed as a percentage of potential demand modified for time of day and time of year. Considering that parking demand for each land use peaks at different times of the day as well as seasonally, shared parking results in fewer parking spaces being recommended than would be the case were the land uses considered separately.

Seasonality usually has varied effects on the parking generation at mixed-use sites. Retail parking demand has a strong seasonal peak, while restaurants, office, and residential uses exhibit much less variation. Office demand is fairly constant except for summer vacation periods and particularly in what SP3 calls the "thirteenth month," which is the week between Christmas and New Year's Day, when many office workers take vacation.

The parking demand for any given land use varies throughout the day. Restaurants, for example, typically show a secondary peak around the lunch hour and a larger peak during the evening.

The model evaluates parking demand for each land use from 6 a.m. to 12 midnight on weekdays and weekends for every month of the year. An additional analysis of the last week of December is included in SP3 but is not critical to this project as it has minimal retail and no cinema, which peaks in Late December.

It is noted that we have not modified the parking ratios for office, which are based on pre-Covid conditions documented in the 5th edition of ITE's Parking Generation (2019.) There is also the potential for reduced parking demand in the future due to autonomous vehicles and shared rides. These issues are discussed in the Appendix to this report.

Step 4: Driving Ratio

The next step of our shared parking analysis is the application of a driving ratio. The drive ratio is different than the modal split commonly reported in transportation data. Modal split is stated in persons, whereas the drive ratio is essentially modal split converted to cars, by considering the number of persons per car. Parking demand ratios are stated in cars, and base ratios already reflect typical persons per car for each land use.

The drive ratio represents a reduction in anticipated spaces needed to account for employees, guests, and visitors arriving to the site by means other than a personal vehicle, including mass transit, taxi, ride hailing services e.g., Uber/Lyft, drop offs, bicycling, or walking from locations outside of the development site, etc. Site-specific analysis is also needed to confirm that transit is available (or not), and that other means (bicycle and walking) are also feasible.

Step 4: Application of Driving Ratio

Land Use Units (Number of rooms, square footage, etc.)	X	Standard or Base Parking Generation Ratio	X	Monthly Factor	X	Hourly Factor	X	Driving Ratio	X	Non-Captive Ratio	=	TOTAL

Employee driving adjustments were made based on commute to work data from the American Community Survey (ACS) 5-year estimates from 2015 to 2019. Per the ACS data, the modal split to passenger cars is 94% in Census Tract 303.45. Telecommuting also is reported in modal split data. However, because work location is the home, which is in the zone for the data, not a commuting workplace, it can distort the driving ratio to a worksite. Carpooling is accounted for by calculating the cars generated by the SOV commuters and carpools, and dividing total cars by total commuters, less the telecommuters.

Table 3 shows the data obtained from the US Census.

Table 3: Census Journey to Work Data

Cobb County 303.45 Actual Tract - by Workplace Geo		
Estimate	#	%
Total:	10,435	100%
Car, truck, or van:		
Drove alone	8,790	84.2%
Carpooled:		
In 2-person carpool	670	6.4%
In 3-person carpool	95	0.9%
In 4-person carpool	85	0.8%
In 5- or 6-person carpool	25	0.2%
In 7-or-more-person carpool	215	2.1%
Public transportation (excluding taxicab):		
Bus or trolley bus	105	1.0%
Streetcar or trolley car (carro publico in Puerto Rico)	0	0.0%
Subway or elevated	0	0.0%
Railroad	0	0.0%
Ferryboat	0	0.0%
Taxicab	35	0.3%
Motorcycle	0	0.0%
Bicycle	35	0.3%
Walked	175	1.7%
Other means	70	0.7%
Worked at home	50	0.5%

Source: U.S. Census Bureau, 2021

After adjustment for carpooling and people who telecommute at home in that tract, the driving ratio is 88.7%. Since service-related employees typically drive along to work at a lower ratio than office employees, this analysis has adjusted the service employee driving ratio in the shared parking model to 84%, and the driving ratio for

office employees to 94%. When applied to the office, the parking ratio adjusted for driving is 3.03 spaces/1000 sq ft GFA x 0.94 = 2.85 spaces/1000; in net floor area it is about 3.43 spaces/1000 sq ft net floor area.

To supplement the ACS Means of Transportation data, Walker researched the Walk Score at the project site. The site has a walk score of 44/100, and is classified as "car dependent," a transit score of 38/100 (classified as "some transit"), and a bike score of 17 (classified as "somewhat bikeable").

The site is directly served by Cobb County's CobbLinc transit service Route 15. Route 15 provides service between the Marietta Transfer Center and Cumberland Transfer Center, with service between 6:00 AM and 10:00 PM with 30-minute headways on weekdays, and service between 7:00 AM and 6:00 PM with 60-minute headways on weekends.

The site is also directly served by CobbLinc's BLUE Cumberland circulator which provides access to the Cumberland Transfer Center, with service between 12:00 PM and 2:00 AM with 30-miunte headways on weekdays, service between 12:00 PM and 2:00 AM with 60-minute headways on Saturdays, and service between 11:30 AM and 6:30 PM with 60-minute headways on Sundays. The site is not directly connected to MARTA or other Atlanta-wide transit services.

No adjustments to customer drive ratios was assumed in the analysis due to the relative lack of transit and non-motorized options in the vicinity of the project site.

Walker also reviewed car ownership data for Census Tract 303.45 available on the US Census website. While the Census data reports that approximately seven percent of households in the tract do not have access to a vehicle, this analysis assumes a 100 percent car ownership rate (100 percent residential drive ratio).

Table 4: Drive Ratios

Land Use	Drive Ratio
Studio	100%
1 Bedroom	100%
2 Bedroom	100%
Penthouse	100%
Residential guests (all unit types)	100%
Retail/Dining/Lounge	100%
Retail/Dining/Lounge Employee	84%
Office – Visitor	100%
Office – Employee	94%

Source: Walker Consultants, 2021, *Shared Parking 3rd Edition, 2020*

Step 5: Non-Captive Ratio

The final step of our shared parking analysis before the output is the application of a non-captive ratio.

WALKER CONSULTANTS

Step 5: Application of Non-Captive Ratio

Land Use Units (Number of rooms, square footage, etc.)	X	Standard or Base Parking Generation Ratio	X	Monthly Factor	X	Hourly Factor	X	Driving Ratio	X	Non-Captive Ratio	=	TOTAL

A shared parking analysis recognizes that people often visit two or more establishments within the same development site, without increasing the on-site parking demand. The Noncaptive ratio is an estimate of the percentage of parkers at a land use who are **not** already counted as being parked at another of the land uses. The term "captive" has been borrowed from market researchers to describe people who are already present in the immediate vicinity and are likely patrons of a second use. Traffic engineers also make captive adjustments to account for people visiting multiple venues on one trip. However, the parking adjustment will not be precisely the same as the captive adjustments for either market researchers or traffic engineers.

The key to parking non-captive adjustments is thinking through whether a car would already be counted as parked at another land use at the specific time a person patronizes the use. For example, employees who are counted as parked at another land use will not generate any parking demand when they patronize a coffee store, deli, or shop for a few minutes while on a break. The car of a resident of the Circle 75 Apartments would be counted as being parked at the residence, particularly when resident parking is 100% reserved, even when the resident is going to have dinner at a restaurant in the project. A few residents may even work in the office buildings or retail/dining venues in the complex and be captive employees.

There are two critical things to consider when making non-captive adjustments. The first is distinguishing between simultaneous and sequential visits. Again, the office employee who goes to the coffee shop during working hours would be counted as parked at the office building. However, when that employee goes to one of the restaurants for happy hour after work, the car should be counted as being parked for the restaurant not the office, even if it has not moved.

Captive market adjustments have been taken in accordance with our understanding of the proposed development program, as well as Walker's professional judgment and experience. Note that when applied to parking demand, we use the percent of customers who are "non-captive." Thus if 10% of a restaurant's patronage at noon on a weekday is captive, the adjustment to parking is 90%.

The SP3 model has a subroutine that calculates the potential patronage of various destinations based on the populations of employees and residents present in the development. We have used the default values verbatim.

Step 6: Results

After all shared parking adjustments are applied, a calculation is made to determine the parking demand. Step 6 depicts the end result of the shared parking process.

WALKER CONSULTANTS

Step 6: Shared Parking Recommend Supply

Land Use Units (Number of rooms, square footage, etc.)	X	Standard or Base Parking Generation Ratio	X	Monthly Factor	X	Hourly Factor	X	Driving Ratio	X	Non-Captive Ratio	=	TOTAL

The following tables depicts shared parking calculations determined for the weekday and weekend peak hours before accounting for existing lease obligations for Braves parking on weekdays after 5:30 PM and on weekend/holidays throughout the day.

Table 5: Weekday Parking Demand

Land Use	Project Data		Weekday					Weekday		
	Quantity	Unit	Base Ratio	Driving Adj	Non-Captive Ratio	Project Ratio	Unit For Ratio	Peak Hr Adj 10 AM	Peak Mo Adj December	Estimated Parking Demand
Retail	8,250	sf GLA	2.90	100%	73%	2.10	ksf GLA	55%	100%	10
Employee			0.70	84%	95%	0.56		75%	100%	4
Fine/Casual Dining	4,125	sf GLA	13.25	100%	35%	4.58	ksf GLA	15%	100%	3
Employee			2.25	84%	95%	1.80		90%	100%	7
Fast Casual/Fast Food	4,125	sf GLA	12.40	100%	10%	1.24	ksf GLA	55%	96%	3
Employee			2.00	84%	95%	1.60		75%	100%	5
Bar/Lounge/Night Club	4,000	sf GLA	15.25	100%	35%	5.27	ksf GLA	0%	96%	-
Employee			1.25	84%	95%	1.00		5%	100%	-
Residential										
Studio Efficiency	125	units	0.09	100%	100%	0.09	unit	50%	100%	6
1 Bedroom	250	units	0.10	100%	100%	0.10	unit	50%	100%	12
2 Bedrooms	100	units	0.17	100%	100%	0.17	unit	50%	100%	9
3+ Bedrooms	25	units	0.27	100%	100%	0.27	unit	50%	100%	4
Reserved	89%	res spaces	1.00	100%	100%	1.00	unit	100%	100%	500
Visitor	500	units	0.10	100%	100%	0.10	unit	20%	100%	10
Office 100 to 500 ksf	350,458	sf GFA	0.22	100%	100%	0.22	ksf GFA	100%	100%	77
Reserved		emp	0.00	94%	100%	0.00		100%	100%	-
Employee			2.81	94%	100%	2.64		100%	100%	925
								Customer/Visitor		102
								Employee/Resident		972
								Reserved		500
								Total		1,574

Source: *Walker Consultants*, 2021

The projected parking demand, which is the recommended number of spaces that should be provided for the uses at the development overall, but before accounting for lease commitments for Truist Field parking is 1,574 spaces occurring at 10:00 AM on a weekday for the scenario modeled above.

The projected weekday peak is driven by the peak period for office employee parking demand, which occurs at 10:00 AM. In the next section of the parking needs analysis parking demand by zone (900 Building and the

proposed project) will be discussed in greater detail along with the effects of the Truist Park parking obligations on the recommended supply.

Table 6: Weekend Parking Demand

Land Use	Project Data		Weekend					Weekend		
	Quantity	Unit	Base Ratio	Driving Adj	Non-Captive Ratio	Project Ratio	Unit For Ratio	Peak Hr Adj 9 PM	Peak Mo Adj December	Estimated Parking Demand
Retail	8,250	sf GLA	3.20	100%	82%	2.64	ksf GLA	50%	100%	11
Employee			0.80	84%	93%	0.62		65%	100%	4
Fine/Casual Dining	4,125	sf GLA	15.25	100%	90%	13.76	ksf GLA	90%	100%	51
Employee			2.50	84%	93%	1.95		100%	100%	9
Fast Casual/Fast Food	4,125	sf GLA	12.70	100%	34%	4.34	ksf GLA	30%	96%	5
Employee			2.00	84%	93%	1.56		40%	100%	3
Bar/Lounge/Night Club	4,000	sf GLA	17.50	100%	90%	15.79	ksf GLA	100%	96%	61
Employee			1.50	84%	93%	1.17		100%	100%	5
Residential								0%		
Studio Efficiency	125	units	0.09	100%	100%	0.09	unit	86%	100%	10
1 Bedroom	250	units	0.10	100%	100%	0.10	unit	86%	100%	21
2 Bedrooms	100	units	0.17	100%	100%	0.17	unit	86%	100%	15
3+ Bedrooms	25	units	0.27	100%	100%	0.27	unit	86%	100%	6
Reserved	89%	res spaces	1.00	100%	100%	1.00	unit	100%	100%	500
Visitor	500	units	0.15	100%	100%	0.15	unit	100%	100%	75
Office 100 to 500 ksf	350,458	sf GFA	0.02	100%	100%	0.02	ksf GFA	0%	100%	-
Reserved		emp	0.00	94%	100%	0.00		100%	100%	-
Employee			0.28	94%	100%	0.26		0%	100%	-
								Customer		203
								Employee/Resident		72
								Reserved		500
								Total		775

Source: *Walker Consultants*, 2021

The weekend demand for the uses at the development, is 775 spaces occurring at 9:00 PM on a weekend.

Ebbs and flows in parking generation are anticipated across weekday and weekend hours with graphs provided in a later section showing fluctuation by hourly presence factors.

Planned Supply

As previously noted, the current plan is to provide 1 reserved space/ unit on site for the residences of Circle 75 Apartments; this would be 500 spaces. The remaining demand from the Project will use the 900 Building parking. Currently, the 900 building's parking deck has 1,290 parking spaces for a total parking supply of 1,790 spaces.

On a weekday morning, the parking supply, demand, and adequacy by "zone" is presented below.

Table 7: Weekday Morning (10 AM) Parking Demand and Planned Supply by "Zone"

		900 Bldg	Circle 75 Apts	Total
Parking Demand	Customer/Visitor	77	26	103
	Employee/Resident	925	47	972
	Reserved	0	500	500
	Total	1002	573	1575
Parking Supply	Customer/Visitor	90	0	90
	Employee/Resident	1,200	0	1200
	Reserved	0	500	500
	Total	1290	500	1790
Surplus (+)/Deficit (-)	Customer/Visitor	13	-26	-13
	Employee/Resident	275	-47	228
	Reserved	0	0	0
	Total	288	-73	215

There is more than adequate parking available in the 900 building for the Circle 75 Apartments deficit of 73 spaces.

On a weekend evening at 9 PM, the parking supply, demand and adequacy by "zone" is presented below. Again there is more than adequate parking available on weekends.

Table 8: Weekend Evening (9 PM) Parking Demand and Planned Supply by Zone

		900 Bldg	Circle 75 Apts	Total
Parking Demand	Customer/Visitor	0	203	203
	Employee/Resident	0	73	73
	Reserved	0	500	500
	Total	0	776	776
Parking Supply	Customer/Visitor	90	0	90
	Employee/Resident	1,200	0	1200
	Reserved	0	500	500
	Total	1290	500	1790
Surplus (+)/Deficit (-)	Customer/Visitor	90	-203	-113
	Employee/Resident	1200	-73	1127
	Reserved	0	0	0
	Total	1290	-276	1014

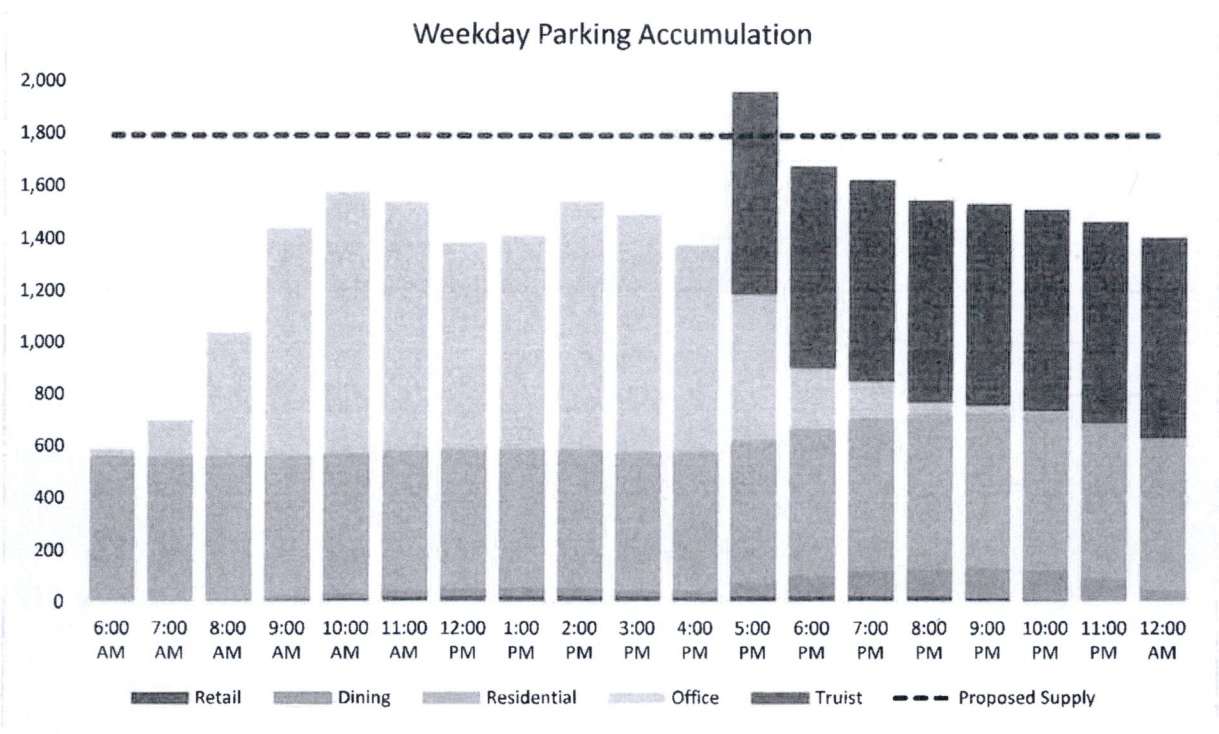
Parking Requirements with Braves

The 900 Circle 75 Parkway building has an existing leases agreement with the Atlanta Braves to act as off-site parking facilities for Braves games. The current agreement includes the following for the 900 Circle 75 Parkway Parking Deck:

- The Braves can utilize up to 773 parking spaces in the parking deck starting at 5:30 PM on weekday day games.
- The Braves can utilize up to 1,112 spaces in the parking deck on weekends and holidays.

Figure 2 shows projected weekday parking accumulation by hour, including the Braves parking obligation as a fixed/reserved allocation after 5:00 PM. Note that we have shown the Braves requirement starting at 5:00 pm, rather than the agreement of 5:00 because the model does not calculate demand on the half hours. If one interpolates the demand at 5:30 pm it is 1043 spaces. This would leave 747 spaces available for the Braves at 5:30 pm, as compared to the agreement for 773 spaces. It is further noted that in the 2021 season, the Braves had about 48 weekday evening games that start at 7:10 pm or later and only 1 game that started at 5:10 pm on a weekday. There were also five weekday games that started at 12:20 pm and would not have used 900 Building parking. There could be a few additional games of each when the Braves advance far into the playoffs.

Figure 2: Weekday Parking Demand by Hour with Braves Obligation

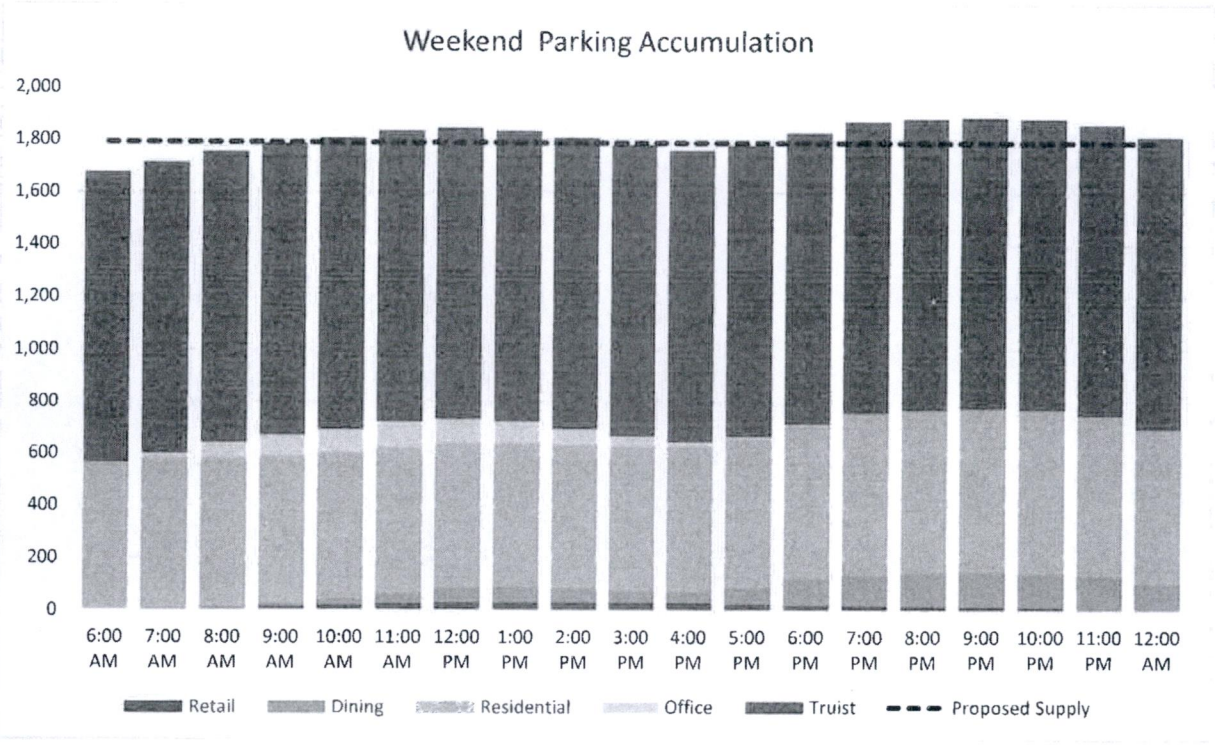


One way we would normally address this issue is to document the accumulation of office parking on non-Braves day as well as the accumulation of Braves parking on weekday evenings to fine tune the accumulation of vehicles. It is entirely possible that office workers take off early to avoid congestion during Braves arrivals. Unfortunately, the current conditions probably reflect COVID impacts which have substantially increased telecommuting and reduced parking demand temporarily. Conversely, we have not assumed any permanent reduction in office parking demand from telecommuting that is generally considered likely to occur. As discussed in the Appendix, we believe that on average, a permanent reduction of office parking demand of 10 to 15% from the pre-Covid

parking ratios assumed herein may occur. In sum, we believe it is highly unlikely that all 773 spaces are actually required at 5:30 pm, for a 7:10 pm or later game, and that there is more than adequate parking for the Braves' commitment by 6 PM. The only remaining issue is the one twilight game this year that starts at 5:10; the commitment would allow parking at the 900 building for late arriving fans, which is not unusual for twilight games.

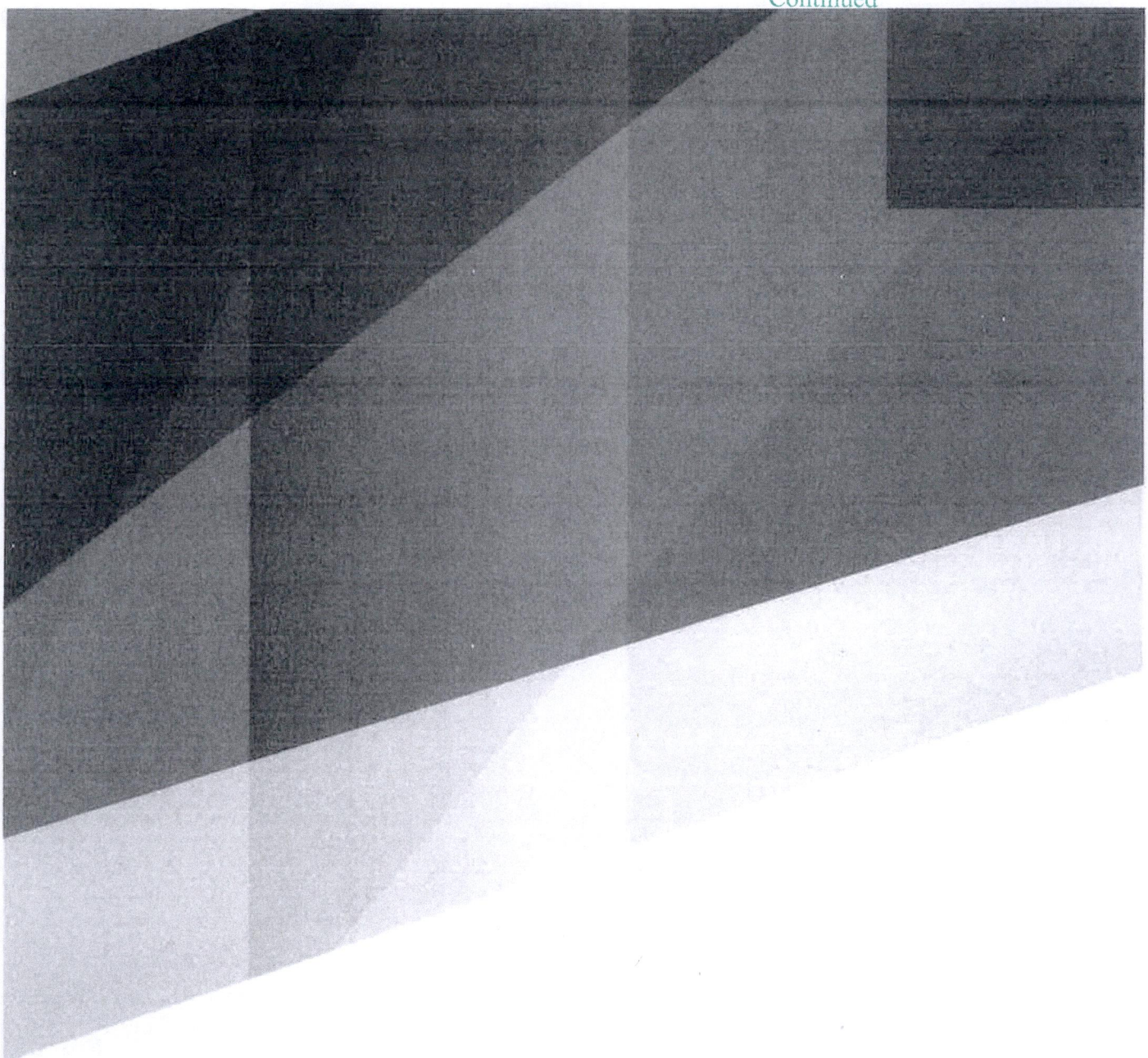
Figure 3 shows projected weekend parking accumulation by hour, including the 1,112 spaces Braves obligation as a fixed/reserved allocation at any time during the day.

Figure 3: Weekend Demand by Hour with Braves Obligation



With the inclusion of the Braves parking obligation, the total weekend demand at 9:00 is 1,887 spaces. Compared to the currently planned supply of 1,790 spaces, there will be a shortfall of about 97 spaces with the peak period occurring at 9:00 PM. The shortfall for afternoon games would be slightly less. There are about 26 total weekend games per regular season, as compared to 52 weekend days in the year.

Petition No. O.B.64
Meeting Date 11-16-2021
Continued



A Appendix

Future Parking Demand Changes

Appendix A: Future Parking Demand Changes

We raise the issue of the future of parking demand because it is a major part of the planning community discussion of how many parking spaces to provide today.

Near-Term: Telecommuting

One of the biggest permanent impacts of Covid is expected to result in increased telecommuting. An April 2021 study predicts that permanent telecommuting will increase by a factor of 4 compared to pre-Covid. The study concluded that 20% of full workdays will be telecommuting from home, compared to 5% pre-Covid. This includes employers that can't (restaurants for example) or won't permit telecommuting. The "typical" plan for those that will be permitting telecommuting post-Covid is to allow 2 workdays per week at home which is 40% of workdays. If this is random across the week, this could reduce office parking demand by 40%. However, if it is mostly Monday and Friday, and all employees are present Tuesday-Thursday, there is no reduction in the number of spaces needed. At the same time, increased telecommuting will likely increase the presence of resident cars in the shared spaces at the 900 Building.

Some employers will permit full telecommuting, which is considered more likely for at least two types of workers:

- Back of House operations, such as data entry, data processing, call centers, etc. Numerous studies have found that productivity of these workers is higher from home, and anecdotal information from office asset managers indicates that tenants with these types of operations are (or will be) substantially cutting back on leased space at next lease renewal.
- Relatively highly paid workers, particularly in dense urban areas, AND who largely work independently anyway, such as IT functions, consulting, etc. It is noted that these workers in dense urban areas may have long commutes, often by transit or with expensive parking, and there is sympathy by employers to allow more telecommuting under these circumstances.

In both of the above cases, we expect tenants to provide mostly "collaborative space" for training, mentoring, teaming, and socialization, with far fewer workstations. Walker has several projects with large corporations with multiple buildings across a major metropolitan area who are converting much of the space in each location to "hoteling" workstations, which means that the employee reserves a desk at a building when they need to be in that office. The corporation will then consolidate to fewer buildings/locations.

We also have some reports of tenants spreading out workstations, reversing the trend of the last two decades to increase density of employee workstations. Ted Moulis Associates[3] reported that the average sq ft per employee in their open plan designs was about 143 in 2016 but rose to 165 in 2017 due to providing more collaborative space. We believe that the trend to increased density had already peaked pre-Covid, as those who were designing with "bench" workstations or smaller cubicles were being advised to provide significantly more collaborative space, with almost one (1) additional collaborative seat for each bench workstation.

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[3] Jose Maria Barrero, Nicholas Bloom and Steven J. Davis, "Why Working From Home Will Stick", Working Paper 2020-174. Becker Friedman Institute, University of Chicago, April 2021

Figure 4: Impacts on Office Parking Demand

Impact on parking demand	Parking ratio/ emp	Parking ratio/ sq ft GFA
Random days telecommuting, with same number/size cubicles	↓	↓
Full-time telecommuting, reduced # cubicles	↓↓	**0***
Hoteling	**0****	↑
Reduced density of cubicles	**0**	↓
Add collaborative space to compensate for telecommuting	↑	↓

***But will reduce total space leased/required.**
**** Presuming impact is already counted under telecommuting.**

Overall, we expect a reduction of 10-15% of office parking demand for the typical suburban building, due to telecommuting, although it will be much higher if there is significant back of house tenancy, or the building is in a dense urban area. With the currently projected demand of 1500 office employee spaces, permanent telecommuting could reduce the office parking demand by 150 to 225 parking spaces.

Long-Term: Shared Autonomous Vehicles

Many planners and consultants expect that using driverless ride-hailing (with or without transit for some trips) will cost significantly less than owning a personal vehicle in the future. Some project up to a 90% reduction in parking required, with some expecting the shift to occur by 2030. A study specific to Atlanta by Georgia Tech found that Shared AVs could reduce parking demand 90%[4] but only for those that use Shared Autonomous Vehicles (SAV) all the time. A follow-up study for Atlanta[5] data found 5% SAV trips reduces parking demand 4.5%. One SAV in circulation can eliminate 20 parking spaces.

Given this aggressive scenario for future parking demand, there are those that, for example recommend providing parking only for the average day and using Transportation Demand Management (TDM) and parking strategies to

[4] Gubataktura, Fang & Zhang (2015) Exploring the impact of shared autonomous vehicles on urban parking demand. Sustainable Cities and Societies, 19.
[5] Zhang, Gubataktura (2016) Parking spaces in the age of autonomous vehicles: How much parking will we need and where?

accommodate days above average. Others recommend providing even less parking and forcing people into transit, biking etc. Those same folks are strongly recommending that most if not all parking structures built today should be designed for future adaptive reuse, by which they mean easy conversion to other uses. This would be very problematic for the current design of The Circle 75 Apartments, because all of the parking is under the building and there are very few land uses that might want to use that "basement" floor area. A more moderate and flexible approach might be to provide large parking lots on as-yet undeveloped parcels, perhaps with autonomous shuttles for convenience since the site is large, and then provide less parking in the future as parking demand changes. But again, this is not likely feasible for this particular project.

Thus, future parking demand is a consideration both in the assumptions and acceptance of parking analysis and the design of parking today.

We employ the generic term Transportation Network Companies (TNC) for ride-hailing services like Uber and Lyft. Many other players including Waymo, Ford and General Motors are poised to enter the TNC market.

The scenario of 90% or more reduction in parking would take a significant change in auto ownership, with most residents of an area giving up cars and using ride-hailing and/or transit for all trips. Some cite, among other trends, that Lyft estimated that approximately 250,000 of their users gave up their cars in 2017 alone, which seems significant until you realize it is a little more than 1% of its 23 million users, and only 1/10 of 1% of the cars on the road in the US[6]. Others cite "urbanization", in which increased density will make car free living feasible. We believe this project is a perfect example of where highly desirable and sustainable, walkable, "live work play" developments with increased density are still not likely to result in significantly reduced car ownership. Moreover, population data has proven that while certain demographics may have chosen denser urban living, the only year in the last 20 where center city population grew faster than suburban population was 2011[7].

More recently, a number of management consultants, auto experts and other academics have projected that the impact on vehicle ownership will be significantly less than a 90% reduction and that it would occur on a much longer time frame than 2030, with more and more skeptics expecting that fully autonomous vehicles won't be available for "decades." Level 4[8] autonomy is now available from a few vendors, which means that a vehicle is able to operate driverless, but only in a very limited area that has been thoroughly mapped in its programming (i.e., it knows exactly where a traffic signal head is to be able to read it) and also only in good weather conditions. There are Level 4 shuttles operating on some college campuses, and Waymo is operating a driverless TNC in some limited areas of Phoenix. The full impact of driverless TNCs will not be achieved until Level 5 is reached, which means the vehicle can go anywhere in any weather. Right now, there is no manufacturer that is even close to Level 5, largely because the programming cannot yet deal well with rain, snow, and certain other conditions.

Further, the potential for major changes to parking demand relies on people choosing to use TNCs rather than personal vehicles. A study released by the California Department of Transportation[9] posits that there will be

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[6] https://techcrunch.com/2018/01/16/lyft-says-nearly-250k-of-its-passengers-ditched-a-personal-car-in-2017/

[7] Kelko, Jed 2016. "Urban Revival? Not For Most Americans" https://ternercenter.berkeley.edu/blog/urban-revival-not-for-most-americans Retrieved August 2018.

[8] The Society of Automotive Engineers and National Highway Transportation Safety Administration have adopted levels of autonomy from 0 (no autonomy) to 5 (full autonomous and can drive anywhere in US in any weather.) For further information see https://www.nhtsa.gov/technology-innovation/automated-vehicles-safety

[9] Gordon et al, 2018. The Future of Autonomous Vehicles: Lessons from the Literature on Technology Adoption. Cal DOT: CA 17-2796-3.

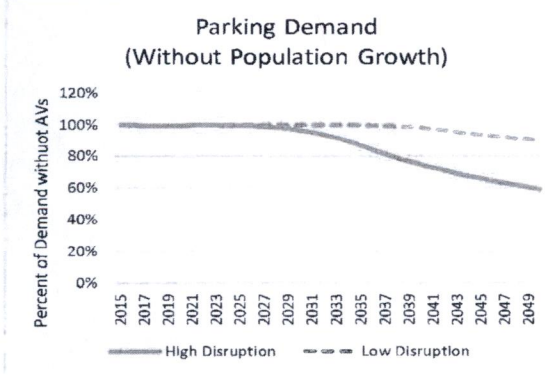
impact of autonomous TNCs in the next decade, but once fully autonomous vehicles are available for purchase by the public, the majority of vehicles will still be privately owned. Because TNC trips actually increase Vehicle Miles Traveled (VMT) and congestion, the proponents of a ride-hailing future say that it is only feasible if rides are shared (e.g., Uber Pool not UberX.) The consulting firm Deloitte[10] recently made the statement regarding future acceptance of shared TNC rides that "There are a few immutable truths about consumer behavior:

(1) Consumers are unwilling to compromise,
(2) their usage patterns are difficult to change, and
(3) they don't like sharing."

We have evaluated the impact on parking demand based on sales and other projections by international business and auto consultancies. We rely primarily on a McKinsey study[11], which projects that 10% of all passenger vehicles sold in 2030 will be to ride-hailing services in a "high disruption" scenario, resulting in a potential reduction in private vehicle auto sales by 2.3 private vehicles sold per TNC vehicle sold. This would reduce overall vehicle sales by about 5 million vehicles, or about 25% of sales in 2030. However, there are 260 million cars on the road today, and millions more sold between now and 2030 that will be on the road for 10 to 20 years after that. We don't expect maximum impact on parking until 2050 and even then, for it to fall in the range of 10 to 40% reduction nationally. Our model results in about 1/3 of vehicles owned by TNCs and 2/3 owned by private individuals by 2050. The TNC vehicles would comprise 72% of VMT, and private vehicles 28%. Therefore, we believe our high scenario is truly a maximum impact scenario.

The graph below is for the **average** reduction in parking--again we stress--nationally. In other words, the reduction for the average office building across the US is 40% at the high scenario. There will be more impact in downtowns and where residential density is high, and less in rural areas. The impact will also vary by land use. Further once autonomous vehicles are available to private individuals, they will be able to drop the passengers and park farther away, particularly if parking is paid, or even go back home.

Figure 5: Walker's Projection of Future Parking Demand in US



Source: Walker Consultants, 2018.

[10] https://www2.deloitte.com/us/en/insights/industry/automotive/advanced-vehicle-technologies-mobility-revolution.html
[11] http://www.mckinsey.com/industries/high-tech/our-insights/disruptive-trends-that-will-transform-the-auto-industry

Because The Circle 75 Apartments and the adjacent office properties will have a fixed quantity of land uses that will not grow in capacity over time with population growth, we do not include population growth in this graph. Due to the size, location, and density of Cobb County and in particular the project site, we would expect this project to more likely follow our low disruption scenario, with little impact expected by 2030, and perhaps only a 10% reduction in parking demand by 2050. For further discussion we can provide white papers documenting the development of our opinions.

Another factor is that Level 2 or 3 autonomy will be available long before Level 5 cars are driving around public streets without drivers. Level 2 autonomy is having two or more individual functions such as adaptive cruise control, braking or lane keeping. Level 3 has a full set of controls that can operate the vehicle, although the driver is required to keep hands on the steering wheel and take over at any time. Teslas today are generally considered to still be Level 3 despite Mr. Musk's statements that the cars now are "self-driving." At any rate, one of the functions now available on some Level 3 vehicles is autonomous parking, which means that the driver and passenger can get out of the vehicle and send the car off to park itself in the lot or structure. Because the car doors do not have to open at the parking stall, we expect to be able to park roughly 4 cars in 3 stalls if/when autonomous parking is ubiquitous.

This means that even without extensive driverless ride-hailing, the parking capacity will go up as the parking demand may be going down! Further the provision of "pickup and dropoff" zones will be more important, due to both ride-hailing and personally owned AVs.

Again, the main reason that we raise this issue at this time is that due to the potential for increased telecommuting in the near term AND the reduction of parking demand of 10% by 2050, as well as autonomous parking growing in the next decade, we strongly recommend providing the minimum acceptable number of spaces at opening day.

Min. Bk. 94 Petition No. O.B.64
Doc. Type Cobb DOT & Fire Dept, Water & Sewer comments and recommendations
Meeting Date 11-16-2021

NOVEMBER 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

ITEM OB-64-2021

PURPOSE

To consider a site plan amendment and approval for Circle 75 Apartments, LLC regarding rezoning application Z-69 of 2020 in Land Lots 914, 915, 945 and 946 of the 17th District. Located on the southwest side of I-75, northeast of Cobb Parkway, and on the northwest side of I-285 (1000 Circle 75 Parkway).

BACKGROUND

The subject property was zoned Regional Retail Commercial (RRC) in 2020 as part of a mixed used development. One of the stipulations called for the Board of Commissioners to approve the final location of the buildings and final site plan. This request is for the residential multifamily portion of the project. 700 units were initially proposed in 2020, and the applicant is showing 500 units on the proposed site plan. Also, with the site plan approval, the applicant has submitted the shared parking study regarding the project that demonstrates the shared parking with the adjoining properties will be enough for this project. The proposed site plan and parking study are attached for review. If approved, all previous stipulations not in conflict with this revision should remain in effect.

STAFF COMMENTS

Cobb DOT: See attached.

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.

Water & Sewer Comments: Resolution required for proposed structure being located over existing active sanitary sewer line.

RECOMMENDATION

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

ATTACHMENTS

Other Business application, proposed site plan, parking study and zoning hearing minutes.

Petition No. O.B. 64
Meeting Date 11-16-2021
Continued

OB-64-2021 Cobb DOT Recommendations:

1. Recommend retaining the following DOT recommendations from Z-69-2020:
    a. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to any project improvements.
    b. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Circle 75 Parkway, a minimum of 50' from the roadway centerline.
    c. Recommend applicant verify that minimum intersection sight distance is available for all proposed access points on Circle 75 Parkway and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement for the roadway.
    d. Recommend replacing disturbed curb, gutter, and sidewalk along the Circle 75 Parkway frontage. Replacement sidewalk should be a minimum width required per ADA standards.
    e. Cobb County DOT Airport Manager will require additional information from the developer. This requirement is triggered by for having a building 40' or taller or is located within 4,000' of a runway for the Dobbin ARB.
    f. Recommend all Cobb DOT comments and recommendations be applied during final site plan review for the development.
2. As necessitated by this development, recommend Circle 75 Parkway access include deceleration lane and left turn lane. Recommend final location and design be determined during plan review, subject to Cobb County DOT approval. This improvement is also included in the 12/5/2020 Notice of Decision (NOD) from GRTA.
3. Coordinate with Cobb County Department of Transportation on the widening of Circle 75 Parkway. Recommend final location and design be determined during plan review, subject to Cobb County DOT approval. This improvement is also included in the 12/5/2020 NOD from GRTA.

Min. Bk. 94 Petition No. O.B. 65
Doc. Type November, 2017 letter

Meeting Date 11-16-2021

Min. Bk. 83 Petition No. Z-34
Doc. Type 11-15-17 letter

Meeting Date 11-21-17

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

November 15, 2017

(SUPPLEMENT TO REVISED STIPULATION LETTER & REVISED SITE PLAN)

VIA HAND DELIVERY AND VIA EMAIL:

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

Re: Application of Josh Thompson to Rezone a 46.43 Acre Tract from R-15 & R-20 to RA-5 (Detached) – No. Z-34

Dear John:

You will recall that this firm represents the Applicant, Josh Thompson ("Developer") and the Property Owner, Barnes Land and Development, LLC ("Barnes"), concerning the above-captioned Application for Rezoning. The Planning Commission recommended approval of the Application on October 3, 2017. The Application is now scheduled to be heard and considered for final action next week by the Board of Commissioners on November 21, 2017.

Since this Application has been pending, we initially focused our discussions by establishing a dialogue with the County's Professional Staff. Before the Planning Commission meeting wherein the Application was recommended for approval, we focused upon discussions with contiguous and adjacent residents. Since the Planning Commission's recommendation for approval, we have focused our discussions upon addressing and resolving the remaining concerns and/or issues articulated by representatives of the Mableton Improvement Coalition ("MIC"). In that regard, this letter will supplement and/or modify the revised stipulation letter which was submitted on September 25, 2017. The previously filed letter, dated September 29, 2017, specifically dealing with agreements reached with contiguous and adjacent owners, shall not change and shall remain in full force and effect in all respects.

Petition No. 0.B.65
Meeting Date 11-16-2021
Continued

Petition No 2-34
Meeting Date 11-21-17
Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY AND VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 15, 2017
Page 2

With respect to the foregoing, enclosed please find an additionally Revised Site Plan prepared by Watts & Browning Engineers, Inc. which is attached as Exhibit "A" which is being formally submitted concurrently herewith. There are a number of revisions on the site plan; however, of major note is the elimination of the Developer's request for a waiver of Ordinance provisions regarding the separation between homes. Now, the revised proposal reflects that all of the homes will be at least twenty feet (20') apart thus obviating the necessity for the Variance regarding the required separation between single-family, detached homes.

Following the order of the stipulations/conditions contained within the September 25th letter attached hereto as Exhibit "E" (without attachments), the supplemental and/or revised stipulations are as follows:

1. Footnote No. 3 regarding Paragraph 5 shall be deleted in its entirety in view of the fact that, with all homes being positioned at least twenty feet (20') apart, guest parking is not required by either the Fire Department, DOT or by other County Ordinances or Regulations.

2. Paragraph 6(b) shall be revised as follows:

   6(b). A two-story pool house/clubhouse with a wraparound porch, including a meeting room, restrooms and a kitchenette shall be constructed within the amenity area. The architectural style and composition of this component shall be in substantial conformity to the photograph attached as Exhibit "B" which is being submitted concurrently herewith which reflects the pool house/clubhouse which the Developer constructed in Covington Ridge Subdivision off of Lassiter Road in Unincorporated Cobb County.

   In addition to the foregoing, the pool house/clubhouse shall also include a workout room with gym equipment and the maintenance and operational facilities regarding the Junior Olympic swimming pool. Said building shall be a minimum of 1,600 sq. ft. in size."

Petition No. 0.B.65
Meeting Date 11-16-2021
Continued

Petition No. Z-34
Meeting Date 11-21-17
Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY AND VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 15, 2017
Page 3

3. Paragraph 6 shall also be revised by adding subparagraph (g) which shall read as follows:

   "6(g) The "pocket parks" shown on the additionally revised site plan shall contain a combination and/or mixture of small playground equipment, benches, picnic tables, communal fire pits; and, cooking grills."

4. Paragraph 7 shall be revised as follows:

   "7. The architectural style and composition of the homes shall consist of a mixture of brick, stacked stone, cedar or cedar shake, HardiPlank® Shake and/or cementious siding or a combination thereof as depicted on the revised architecture represented by the photographs of Meritage Homes' product being formally submitted and attached collectively as Exhibit "C".

   The fronts of said homes shall consist of a minimum of a fifty percent (50%) combination of brick and/or stacked stone. The overall final architectural style and composition shall be in substantial compliance with the foregoing and subject to review by and approval from the District Commissioner. To the extent that the attached architectural renderings/ elevations may not totally comport with this fifty percent (50%) combination of brick and/or stacked stone, the written words herein shall control in all respects." [1]

5. The last sentence of the "first" Paragraph in 13(e) shall be revised as follows:

   "13(e) Said markers shall be perpetually maintained by the HOA and shall be in substantial conformity to the exhibit of said markers which is attached as Exhibit "D" (with the final text of said markers being subject to review and approval by the LOC)."

6. Paragraph 18 shall be revised by eliminating the Developer's request for a waiver and concurrent Variance with respect to the spacing between homes, with all homes being positioned at least twenty feet (20') apart.

[1] The architectural photographs attached hereto have been provided by Meritage Homes which will be the builder regarding the totality of homes within the proposed residential community.

Petition No. O.B.65
Meeting Date 11-16-2021
Continued

Petition No Z-34
Meeting Date 11-21-17
Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY AND VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 15, 2017
Page 4

Please do not hesitate to contact me should you have any questions whatsoever regarding these matters. With kind regards, I am

Very truly yours,

SAMS, ~~LARKIN, HUFF~~ & BALLI, LLP

Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./dls
Enclosures/Attachments
cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP, County Manager (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Mr. Dana Johnson, AICP Director (via email w/attachments)
Mr. Lee McClead, Deputy Director (via email w/attachments)
Mr. Jason S. Gaines, AICP Planning Manager (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, Planner II (via email w/attachments)
Mr. Phillip Westbrook, Planner III (via email w/attachments)
Mr. Donald Wells, Zoning Analyst (via email w/attachments)
Ms. Tannesha Bates, Zoning Analyst (via email w/attachments)
Ms. Pam Mabry, County Clerk (via email w/attachments)
Ms. Lori Jordan, Deputy County Clerk (via email w/attachments)
Ms. Robin Pressley, Deputy County Clerk (via email w/attachments)
Captain Robert "Rock" Toler, Fire Department (via email w/attachments)
Mr. David Breaden, P.E. (via email w/attachments)
Ms. Amy Diaz, P.E. (via email w/attachments)
Ms. Ashley White, P.E. (via email w/attachments)
Mr. Tim Davidson (via email w/attachments)
Ms. Robin Meyer, MIC (via email w/attachments)
Ms. Sheri George, GNP (via email w/attachments)
Mr. Ray Thomas, MIC (via email w/attachments)

Petition No. O.B.65
Meeting Date 11-16-2021
Continued

Petition No Z-34
Meeting Date 11-21-17
Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY AND VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 15, 2017
Page 5

Ms. Sonya Wheatley, MIC (via email w/attachments)
Mr. & Mrs. Michael A. Dixon, Burrus Lane (via email w/attachments)
Mr. & Mrs. Steve Martindale, Burrus Lane (via email w/attachments)
Honorable Roy E. Barnes, Esq. (via email w/attachments)
Mr. Larry Thompson (via email w/attachments)
Mr. Josh Thompson (via email w/attachments)
Mr. Daniel B. Dobry, Jr., P.E., PTOE, AICP (via email w/attachments)
Mr. Daryl R. Cook, P.E. (via email w/attachments)

Petition No. 0.B.65
Meeting Date 11-16-2021
Continued

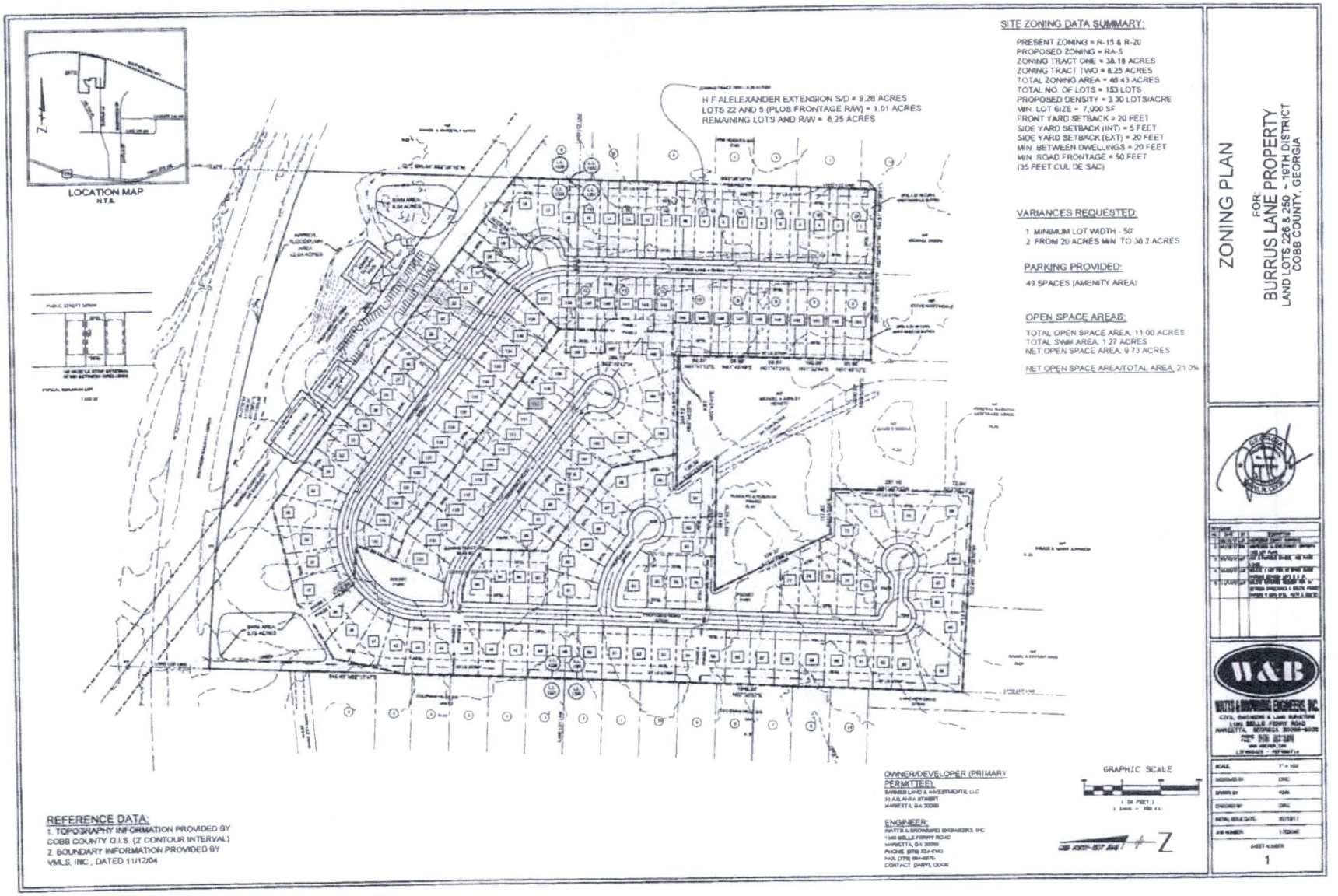


EXHIBIT "A"

Petition No. Z-34
Meeting Date 11-21-17
Continued

Petition No. O.B.65
Meeting Date 11-16-2021
Continued

EXHIBIT "B"

Petition No. Z-34
Meeting Date 11-21-17
Continued

Petition No. O.B.65
Meeting Date 11-16-2021
Continued

EXHIBIT "C"

Petition No. Z-34
Meeting Date 11-21-17
Continued

Petition No. O.B. 65
Meeting Date 11-16-2021
Continued

Petition No. Z-34
Meeting Date 11-21-17
Continued

Petition No. O.B. 65
Meeting Date 11-16-2021
Continued

Petition No Z-34
Meeting Date 11-21-17
Continued

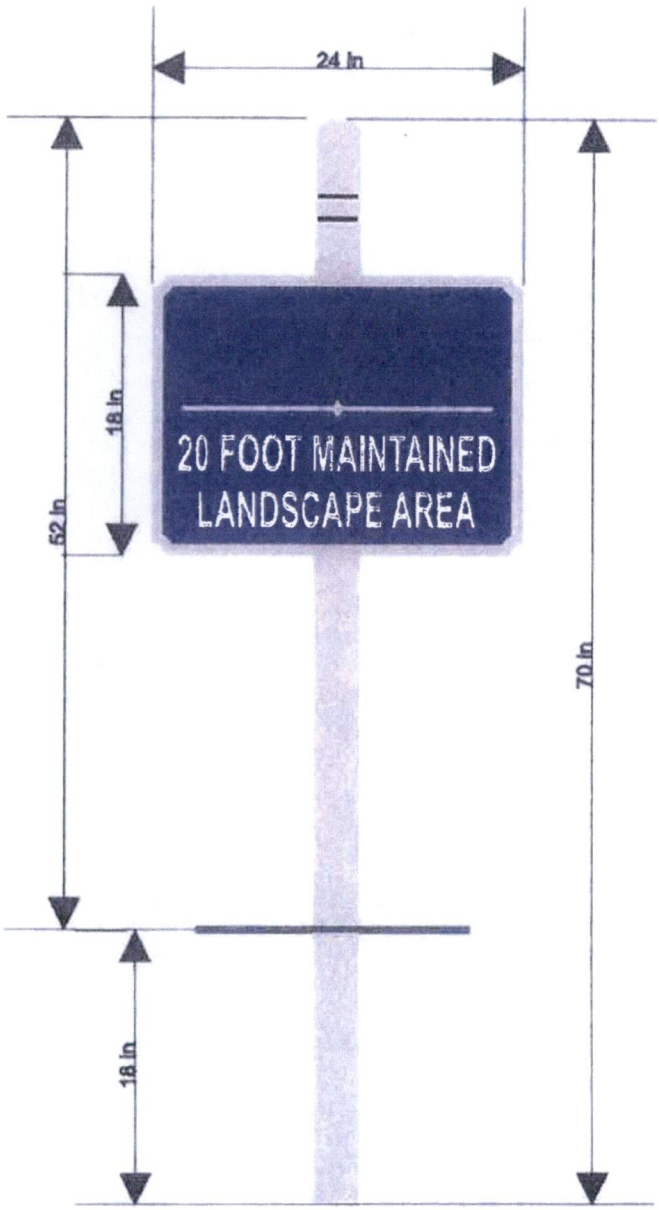


EXHIBIT "D"

Min. Bk. 94 Petition No. O.B.65
Doc. Type Cobb DOT and Fire Dept. comments and recommendations
Meeting Date 11-16-2021

NOVEMBER 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

ITEM OB-65-2021

PURPOSE

To consider a stipulation amendment for Mable Oak Development, LLC regarding rezoning application Z-34 of 2017 in Land Lots 1226 and 1291 of the 19th District. Located at the northern terminus of Burrus Lane, at the northwestern terminus of Milton Place, the northern terminus of Lakeview Drive, the eastern end of Mark Lee Drive, and northeast of Veterans Memorial Highway.

BACKGROUND

The subject property was zoned RA-5 in 2017 for a single-family residential subdivision. The applicant would like to amend two stipulations. First, the applicant would like to revise the stipulation concerning sidewalks on both sides of the street to allow sidewalks on one side of the street in the amenity area (stipulation 4h). The applicant needs to amend this condition due to topography concerns. Second, the applicant would like to extend the time to May 31, 2022 for the completion of the amenity area (stipulation 6f). This extension is needed due to unavailability of building materials needed to complete the pool and clubhouse. If approved, all previous stipulations not in conflict with this revision should remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend retaining the following DOT recommendations from Z-34-2017:
a. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements;
b. Recommend guest parking be located outside of the County right-of-way; and,
c. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway(s).

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.

Min. Bk. 94 Petition No. O.B.67
Doc. Type Site Plan

Meeting Date 11-16-2021

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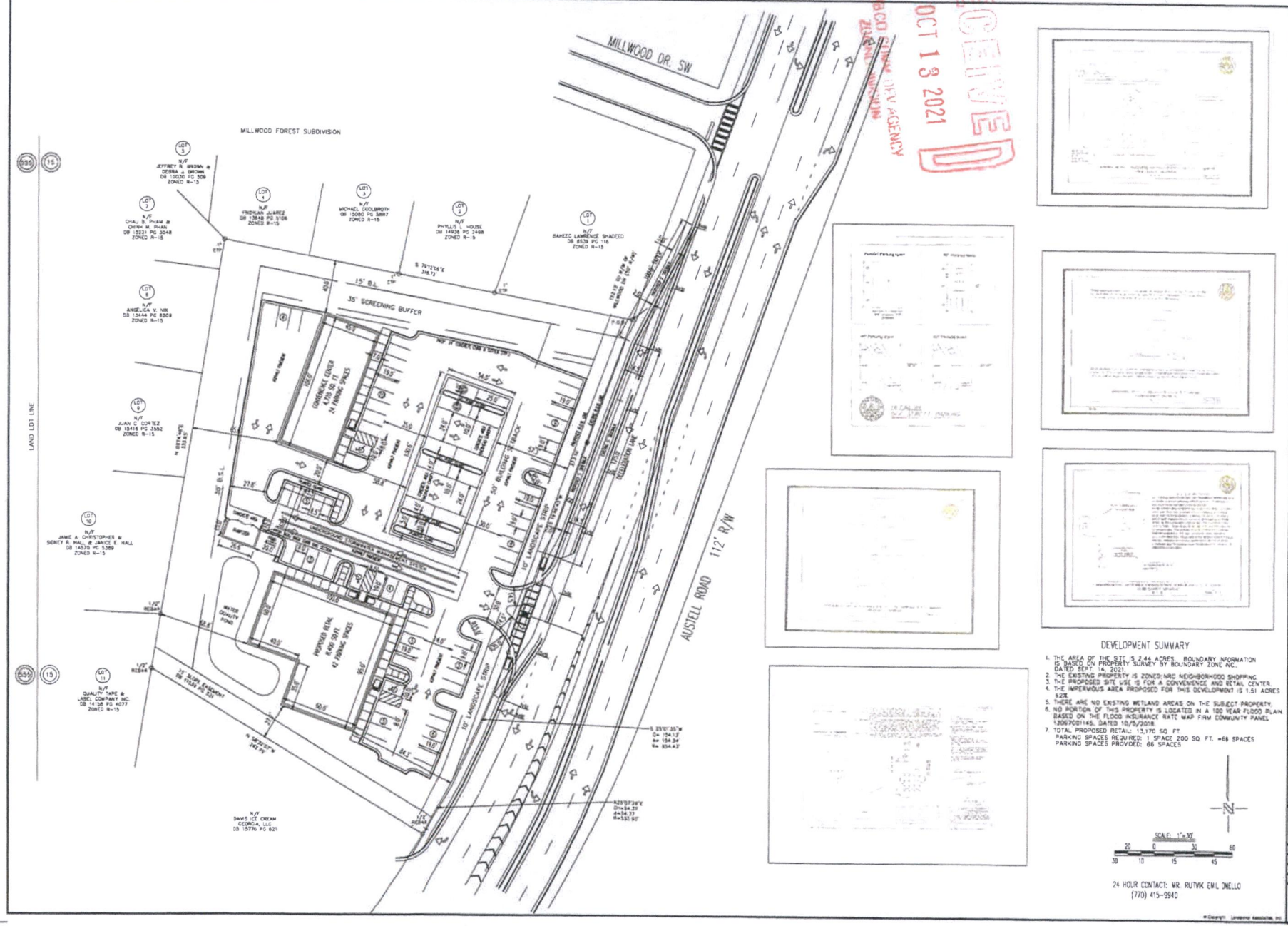
OCT 13 2021
COBB CO. CITY DEV. AGENCY
ZONING DIVISION



DEVELOPMENT SUMMARY

1. THE AREA OF THE SITE IS 2.44 ACRES. BOUNDARY INFORMATION IS BASED ON PROPERTY SURVEY BY BOUNDARY ZONE INC., DATED SEPT. 14, 2021.
2. THE EXISTING PROPERTY IS ZONED NRC NEIGHBORHOOD SHOPPING.
3. THE PROPOSED SITE USE IS FOR A CONVENIENCE AND RETAIL CENTER.
4. THE IMPERVIOUS AREA PROPOSED FOR THIS DEVELOPMENT IS 1.51 ACRES 62%.
5. THERE ARE NO EXISTING WETLAND AREAS ON THE SUBJECT PROPERTY.
6. NO PORTION OF THIS PROPERTY IS LOCATED IN A 100 YEAR FLOOD PLAIN BASED ON THE FLOOD INSURANCE RATE MAP FIRM COMMUNITY PANEL 13067C0114G, DATED 10/5/2018.
7. TOTAL PROPOSED RETAIL: 13,170 SQ. FT.
   PARKING SPACES REQUIRED: 1 SPACE 200 SQ. FT. =66 SPACES
   PARKING SPACES PROVIDED: 68 SPACES

SCALE: 1"=30'
20 0 30 60
30 10 15 45

24 HOUR CONTACT: MR. RUTVIK EMIL DNELLO
(770) 415-9940

© Copyright Landworks Associates, Inc.

REVISIONS

CIVIL ENGINEERING CONSULTANT
JON S. AMSBERRY, P.E.
P.O. BOX 1206
LOGANVILLE, GEORGIA 30052
770.713.6128 Phone
amsberry.jon.s@gmail.com

GEORGIA REGISTERED PROFESSIONAL ENGINEER JON S. AMSBERRY 27120 10/01/2021

GASWORKS LEVEL 2 CERTIFICATION NO. 0001691 EXPIRES 11-22-2021

Landworks Associates, Inc.
P.O. BOX 888354
ATLANTA, GEORGIA 30356
(770) 513-7100 environmentls2013@yahoo.com

PROJECT DESCRIPTION
WINDSOR SQUARE CONVENIENCE CENTER
LAND LOT 15, 17TH LAND DISTRICT,
COBB COUNTY, GEORGIA

SHEET TITLE
SITE PLAN

DATE: 10-11-21
JOB: 587-20104
DRW: MJC
CHK: JSA

SHEET NUMBER
C-1

OB-67-2021
Proposed

Min. Bk. 94 Petition No. O.B.67
Doc. Type Cobb DOT and Fire Dept Comments and recommendations
Meeting Date 11-16-2021

NOVEMBER 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

ITEM OB-67-2021

PURPOSE

To consider a site plan amendment for Noel Dmello regarding rezoning application Z-10 of 2021 in Land Lot 15 of the 17th District. Located on the northwest side of Austell Road, south of Millwood Drive (2520 Austell Road).

BACKGROUND

The subject property was rezoned NRC earlier this year for a convenience store with fuel sales, neighborhood retail uses, and restaurants. The property was approved site plan specific. The applicant would like to revise the site plan mainly for the buildings previously approved on the property. The buildings are proposed to be approximately 1,200 square feet larger and a water quality pond has been added to the rear or the southern building to meet stormwater requirements. The permitted and excluded uses remain the same. If approved, all previous stipulations not in conflict with this revision should remain in effect.

STAFF COMMENTS

Cobb DOT: See attached.

Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning hearing minutes.

Petition No. O.B.67
Meeting Date 11-16-2021
Continued

NOVEMBER 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

OB-67-2021 Cobb DOT Recommendations
Recommendations

1. Recommend retaining the following DOT recommendations from Z-10-2021:

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

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

c. Recommend removing and closing driveway apron along the Austell Road frontage that the development renders unnecessary;

d. Recommend replacing disturbed curb, gutter, and sidewalk along the Austell Road frontage;

e. As necessitated by this development, recommend Austell Road access include deceleration lane. This deceleration lane is shown on the site plan received January 7, 2021. Recommend location and design be determined during plan review, subject to Cobb County DOT and GDOT approval; and,

f. Recommend proposed development deceleration lane connect to existing deceleration lane to the adjacent development with installation of a striped bulb-out island to separate proposed development drive with existing deceleration lane to the south. Recommend location and design be determined during plan review, subject to Cobb County DOT and GDOT approval.

Petition No. O.B.67
Meeting Date 11-16-2021
Continued

APPLICANT: Noel Dmello **PETITION** _____

NO.: OB-67

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

********** ********** **FIRE COMMENTS:**

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

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

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

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

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

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

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

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 &

402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

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

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.
Auto parts buildings may be required to be protected with a fire sprinkler system. Final determination to be made at building plan review. Be prepared to provide water supply.

International Fire Code (IFC) Appendix D
(Adopted by the State of Georgia at the beginning of 2020. Partially noted below.)
SECTION D103
MINIMUM SPECIFICATIONS
D103.1 Access road width with a hydrant.
Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

COMMERCIAL AND INDUSTRIAL DEVELOPMENTS
D104.1 Buildings exceeding three stories or 30 ft in height. A minimum of two remote means of fire department access roads must be provided

D104.2 Buildings exceeding 62,000 square feet in area. A minimum of two remote means of fire department access roads must be provided

> **Exception:** Buildings not exceeding 124,000 sq ft and protected with an approved automatic sprinkler system a single fire department access road is permitted

D104.3 Remoteness. Where two fire department access road are required, they must be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the lot or area to be served

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

Petition No. O.B. 67
Meeting Date 11-16-2021
Continued

Min. Bk. 94 Petition No. O.B.68
Doc. Type Exhibit "B"

Meeting Date 11-16-2021

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

OB Application No.:	**OB- 68 (2021)**
Zoning Application No.:	**Z-108 (2000)**
Original Hearing Date:	**September 19, 2000**
Date of Zoning Decision:	**September 19, 2000**
Current OB Hearing Date:	**November 16, 2021**

RECEIVED
OCT 13 2021
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Applicant:	**Retail Planning Corporation**
Titleholder:	**RPC Papermill Village, LLLP** **a Georgia limited liability limited partnership**

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

The property which is the subject of this Application for "Other Business" is 0.8562 acres, more or less, and is located on the westerly side of Johnson Ferry Road, northerly of the intersection of Johnson Ferry Road and Paper Mill Road, Land Lots 73 and 81, 1st District, 2nd Section, Cobb County, Georgia, and is more particularly known as 35 Johnson Ferry Road (hereinafter "Property" or "Subject Property). The Property was rezoned

Retail Planning Corporation, as Applicant and the Sole General Partner of the Property Owner (collectively "Applicant"), sought rezoning of the Property to the Neighborhood Retail Commercial ("NRC"), which was approved by the Cobb County Board of Commissioners on September 19, 2000. The building on the Property was renovated and has been utilized by Applicant as its corporate offices since the approval of the rezoning.

Applicant brings this "Other Business" Application to amend the previously approved Site Plan, and related stipulation, as follows:

(1) Applicant seeks amendment to close interparcel access from the parcel on the northerly side of the Property, which will also include the addition of curb and gutter, six (6) feet in width; as well as landscaping and a four (4) foot high white decorative fencing to match existing fencing. Applicant presents for consideration and approval the Preliminary Site Plan prepared by Hill Foley Rossi & Associates, LLC, dated August 20, 2021, which more particularly delineates the proposed closure of the interparcel access, a reduced copy of which is attached as Exhibit "1."

Applicant seeks the closure of the interparcel access for safety concerns as the Property is being used for a "cut-thru" area. The Property currently has a total of three access points. With the proposed closure of the interparcel access, the Property would have two remaining access points, one located on a private drive and one located on an easement drive.

The amendment of the stipulation and approval of the revised Site Plan presented in this Application in no way adversely impact or affect the integrity of the development. If the revised Site Plan and stipulation are

approved, as submitted in this Application, the amendments shall become an additional part of the final rezoning and shall be binding upon the Subject Property going forward.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the final, official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing regarding Z-108 (2000) held on September 19, 2000; as well as, any subsequent amendments by "Other Business" Board of Commission approval or District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

Min. Bk. 94 Petition No. O.B.68
Doc. Type Site Plan

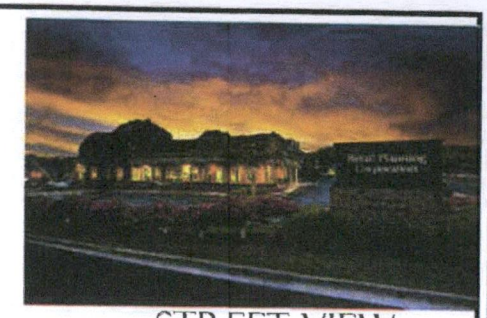
Meeting Date 11-16-2021

SCOPE OF WORK: REMOVE INTERPARCEL ACCESS FROM THE PARCEL TO THE NORTH.

N/F
REALMARK I, LTD.

REMOVE EXISTING ACCESS POINT, ADD CURB AND GUTTER 6 ft. WIDE, ADD LANDSCAPE AND 4' HIGH WHITE DECORATIVE FENCE TO MATCH EXISTING.

2 FT. CONCRETE DRAINAGE FLUME



STREET VIEW

JOHNSON FERRY ROAD
R/W VARIES

N/F
PWHII, L.P.

PRIVATE DRIVE

PWHII, L.P.

STARBUCK'S
COFFEE SHOP

N/F
S & B INVESTMENTS, INC.

PAPER MILL ROAD
R/W VARIES

SURVEY NOTES:

DATE OF FIELD WORK: JUNE 15TH, 2020

THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS PER F.I.R.M. FLOOD INSURANCE RATE MAP FOR THE CITY OF ATLANTA, GEORGIA, COBB COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NO. 13067C0066J, EFFECTIVE DATE: AUGUST 15, 2019.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN [illegible] FEET AND AN ANGLE OF ERROR OF [illegible] SECONDS PER ANGLE AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN PREPARED FOR CERTAIN PARTIES AND IS NOT TO BE USED FOR ANY OTHER PURPOSE OR BY ANY OTHER PARTIES WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SURVEYOR.

THE FIELD WORK WAS COMPLETED ON [illegible] AND THE DATE OF THIS SURVEY IS [illegible].

UTILITY NOTES:

1. EXISTING UTILITIES SHOWN HEREON ARE BASED ON A COMBINATION OF FIELD MEASUREMENTS AND/OR PAINT MARKINGS BY UTILITY COMPANIES AND/OR THEIR CONTRACTORS AS REQUESTED BY [illegible] & ASSOCIATES, INC. DATED 6-15-20.

2. THE LOCATIONS AND DESCRIPTIONS OF EXISTING UTILITIES SHOWN HEREON ARE NOT GUARANTEED TO BE EXACT OR COMPLETE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT OCCUR AS A RESULT OF CONSTRUCTION OPERATIONS.

PRELIMINARY SITE PLAN

GRAPHIC SCALE

N
W E
S

RECEIVED
OCT 13 2021
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

HILL FOLEY ROSSI & ASSOCIATES, LLC.
ARCHITECTURE
ENGINEERING
SPACE PLANNING
3325 Mall Boulevard, Suite 6A
Duluth, Georgia 30096
Phone 770.622.9656
Fax 770.622.9535

REVISIONS

OFFICE BUILDING
FOR
RETAIL PLANNING CORPORATION
MARIETTA, GEORGIA 30067

SITE PLAN

JOB NUMBER: 19-034
DATE: 8.20.2021

C1.0
OF

EXHIBIT "1"

OB-68-21 Proposed

Min. Bk. 94 Petition No. O.B.68
Doc. Type Fire Dept comments and recommendations
Meeting Date 11-16-2021

NOVEMBER 16, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

ITEM OB-68-2021

PURPOSE

To consider a site plan and stipulation amendment for Retail Planning Corporation regarding rezoning application Z-108 of 2000 in Land Lots 73 and 81 of the 1st District. Located on the west side of Johnson Ferry Road, north of Paper Mill Road (35 Johnson Ferry Road).

BACKGROUND

The subject property was rezoned NRC in 2000 for a professional office. The property was approved site plan specific. The applicant would like to revise the site plan to remove an interparcel access driveway on the northeast side of the property. The applicant would like to do this to prevent cut-thru traffic, which is causing a safety concern. If removed, there will still be two other interparcel access locations on the property. If approved, all previous stipulations not in conflict with this revision should remain in effect.

STAFF COMMENTS

Cobb DOT: No comments.

Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning hearing minutes.

APPLICANT: Retail Planning Corporation **PETITION NO.:** OB-68

PRESENT ZONING: **PETITION FOR:**

* *

FIRE COMMENTS:

Petition No. O.B.68
Meeting Date 11-16-2021
Continued

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

FIRE HYDRANTS:

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

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

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

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

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

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

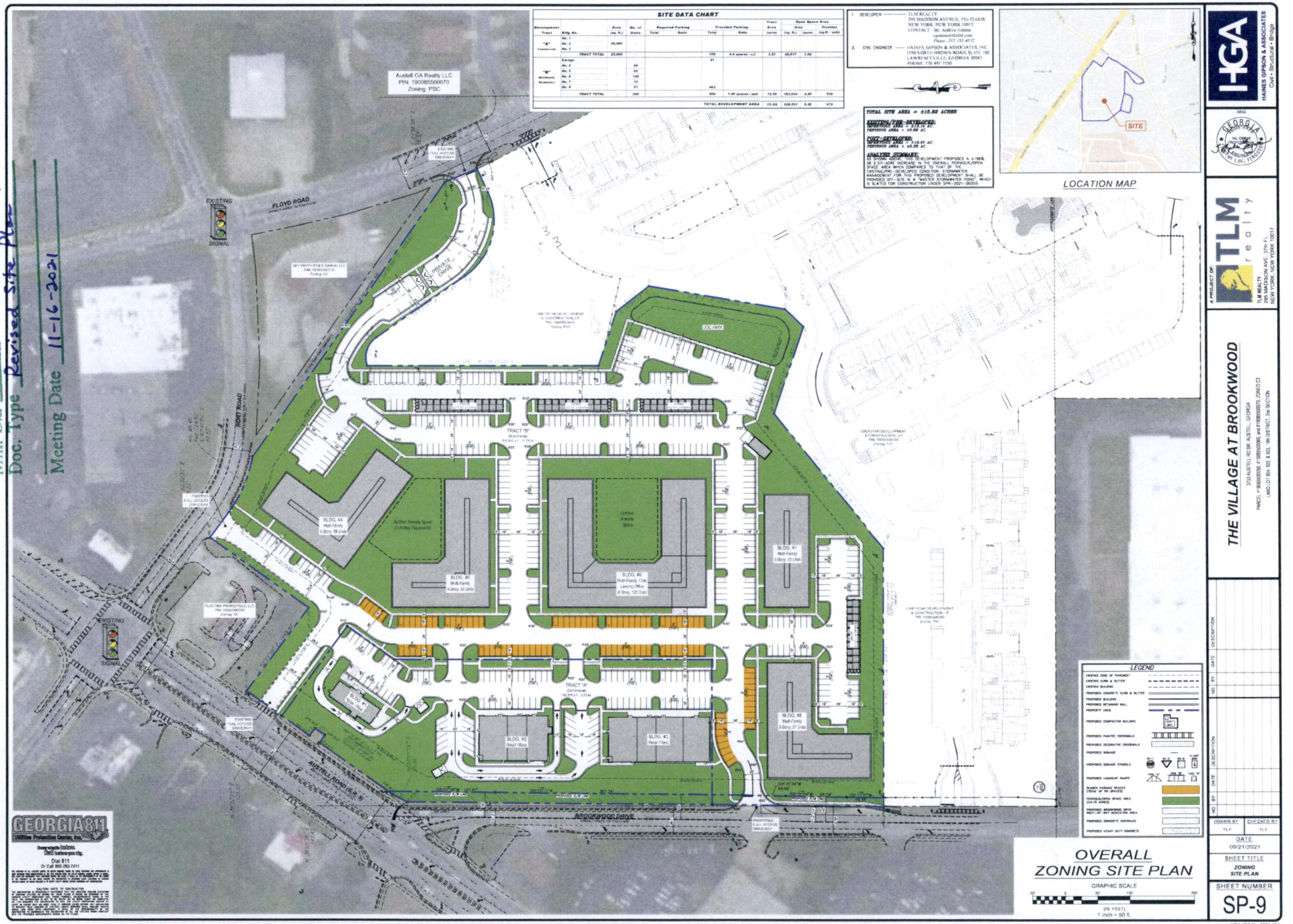
Josh Davis
(770) 528-8161
josh.davis@cobbcounty.org

Amend Something Previously Adopted for Z-60

Min. Bk. 94 Petition No. Revised Site Plan

Doc. Type

Meeting Date 11-16-2021



1. DEVELOPER — TLM REALTY
295 MADISON AVENUE, 17th FLOOR
NEW YORK, NEW YORK 10017
CONTACT: Mr. Andrew Greene
agreene@tlmltd.com
Phone: 212 293 4572

2. CIVIL ENGINEER — HAINES, GIPSON & ASSOCIATES, INC.
1550 NORTH BROWN ROAD, SUITE 100
LAWRENCEVILLE, GEORGIA 30043
PHONE: 770 491 7550

TOTAL SITE AREA = ±18.62 ACRES

EXISTING/PRE-DEVELOPED:
IMPERVIOUS AREA = ±5.15 AC.
PERVIOUS AREA = ±13.46 AC.

POST-DEVELOPED:
IMPERVIOUS AREA = ±10.97 AC.
PERVIOUS AREA = ±7.65 AC.

ANALYSIS SUMMARY:
AS SHOWN ABOVE, THIS DEVELOPMENT PROPOSES A ±166% OR 2.52-ACRE INCREASE IN THE OVERALL IMPERVIOUS/OPEN SPACE AREA WHEN COMPARED TO THAT OF THE EXISTING/PRE-DEVELOPED CONDITION. STORMWATER MANAGEMENT FOR THIS PROPOSED DEVELOPMENT SHALL BE PROVIDED OFF-SITE IN A "MASTER STORMWATER POND", WHICH IS SLATED FOR CONSTRUCTION UNDER SPR-2021-00055.

HGA
HAINES GIPSON & ASSOCIATES
Civil • Structural • Bridge

GEORGIA REGISTERED PROFESSIONAL ENGINEER

TLM realty

PROJECT
THE VILLAGE AT BROOKWOOD
3733 AUSTELL RD SW, AUSTELL, GEORGIA
PARCEL #'S 19008500050, and #19008500070, LD#3 C3
LAND LOT 854, 922, & 923, 19th DISTRICT, 2nd SECTION

TLM REALTY
295 MADISON AVE. 17th FL.
NEW YORK, NEW YORK 10017

NO.	BY	DATE	DESCRIPTION
NO.	BY	DATE	DESCRIPTION

DRAWN BY: TLF
CHECKED BY: TLF
DATE: 09/21/2021
SHEET TITLE: ZONING SITE PLAN
SHEET NUMBER: SP-9

HGA JOB No. 3021-191

Amend Some. Previously
Min. Bk. 94 Petition No. Adopted for Z-60
Doc. Type letter
Meeting Date 11-16-2021

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

August 24, 2021

(STIPULATION LETTER, ARCHITECTURAL IMAGERY & REVISED SITE PLAN)

VIA HAND DELIVERY & EMAIL

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

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.

Amend Something Previously
Petition No. Adopted for Z-60
Meeting Date 11-16-2021
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.

Amend Something Previously
Petition No. Adopted for Z-60
Meeting Date 11-16-2021
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

Amend Something Previously
Petition No. Adopted for Z-60
Meeting Date 11-16-2021
Continued

VIA HAND DELIVERY & EMAIL

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.

Amend Something Previously
Petition No. Adopted for Z-60
Meeting Date 11-16-2021
Continued

VIA HAND DELIVERY & EMAIL

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.

Amend Something Previously Adopted for Z-60
Petition No. 11-16-2021
Meeting Date
Continued

VIA HAND DELIVERY & EMAIL

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

Amend Something Previously Adopted for Z-60

Petition No.
Hearing Date 11-16-2021
Continued

VIA HAND DELIVERY & EMAIL

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.

Amend Something Previously

VIA HAND DELIVERY & EMAIL

Petition No. Adopted for Z-60
Meeting Date 11-16-2021
Continued

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

Amend Something Previously Adopted for Z-60
Petition No. 11-16-2021
Meeting Date
Continued

VIA HAND DELIVERY & EMAIL

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.

Amend Something Previously Adopted for Z-60
Petition No. 11-16-2021
Meeting Date
Continued

VIA HAND DELIVERY & EMAIL

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

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

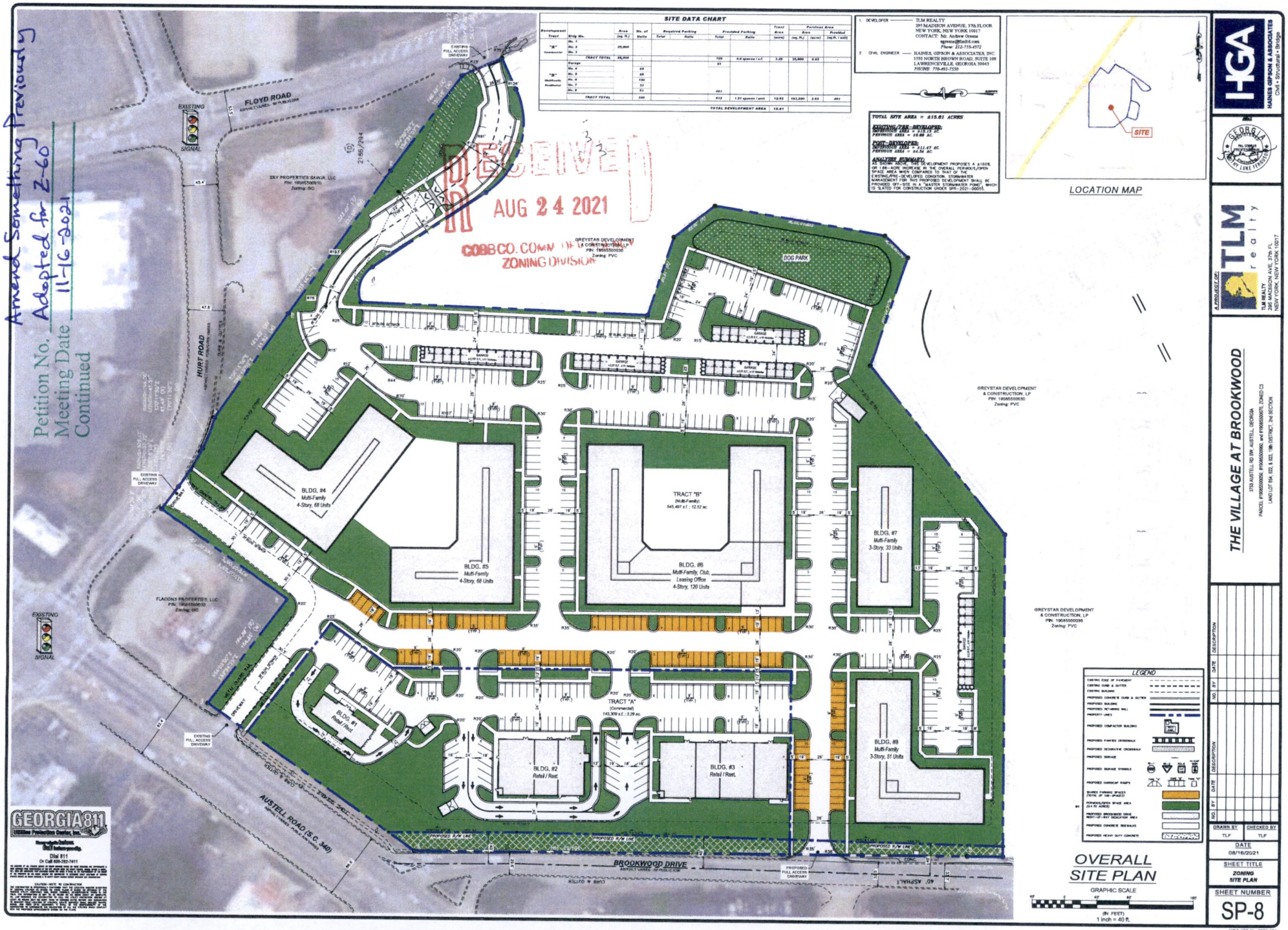
cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Board of Commission Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director (via email w/attachments)
Mr. Jason S. Gaines, AICP, Planning Manager (via email w/attachments)
Ms. Jeannie Peyton, Sr. Planner (via email w/attachments)

Amend Something Previously Adopted for Z-60
Petition No.
Meeting Date 11-16-2021
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)

Amend Something Previously
Petition No. Adopted for Z-60
Meeting Date 11-16-2021
Continued



HGA — HAINES GIBSON & ASSOCIATES, Civil • Structural • Bridge

GEORGIA REGISTERED PROFESSIONAL ENGINEER, TIMOTHY LUKE FERGUSON

A PROJECT OF: TLM realty — TLM REALTY, 295 MADISON AVE, 37th FL, NEW YORK, NEW YORK 10017

THE VILLAGE AT BROOKWOOD
3783 AUSTELL RD SW, AUSTELL, GEORGIA
PARCEL #19065500092, #19065500090, and #19065500070, ZONED CS
LAND LOT 554, 972, & 973, 19th DISTRICT, 2nd SECTION

NO.	BY	DATE	DESCRIPTION

NO.	BY	DATE	DESCRIPTION

DRAWN BY: TLF | CHECKED BY: TLF
DATE: 08/16/2021
SHEET TITLE: ZONING SITE PLAN
SHEET NUMBER: SP-8
HGA JOB No. 2021-191

Amend Something Previously Adopted for Z-60
Petition No.
Meeting Date 11-16-2021
Continued

RECEIVED
AUG 24 2021

TLM realty GREYSTAR

THE VILLAGE AT BROOKWOOD

COBB COUNTY, GA

GRY2021-01

DYNAMIK DESIGN

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Amend Something Previously
Petition No. Adopted for Z-60
Meeting Date 11-16-2021
Continued

RECEIVED
AUG 24 2021
COBB COUNTY
ZONING DIVISION

TLM realty GREYSTAR

THE VILLAGE AT BROOKWOOD

COBB COUNTY, GA

GRY2021-01

DYNAMIK DESIGN

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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

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

BRENTWOOD, TENNESSEE
5300 MARYLAND WAY
SUITE 200
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
771 CORPORATE DRIVE
SUITE 430
LEXINGTON, KENTUCKY 40503
TELEPHONE (859) 309-0026

ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
SUITE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

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

Amend Some. Previously

Min. Bk. 94 Petition No. Adopted for Z-71
Doc. Type letter

Meeting Date 11-16-2021

October 13, 2021

Via E-mail Only

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

RE: Application for Rezoning - Application No.: Z-71 (2021)
Applicant: Randall Brothers, LLC
Property Owner: DeFoor Hills, LLC
Property: 7.05 acres, more or less, located on the northeasterly side of Elizabeth Lane, easterly of South Atlanta Road, Land Lots 961, 965, and 966, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Randall Brothers, LLC, as Applicant (hereinafter referred to as "Applicant"), and the Property Owner, DeFoor Hills, LLC (hereinafter referred to as "Owner" or "Property Owner"), in the above-referenced Application for Rezoning with regard to a total tract of 7.05 acres, more or less, located on the northeasterly side of Elizabeth Lane, easterly of South Atlanta Road, Land Lots 961, 965, and 966, 17th District, 2ndSection, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meetings with Planning and Zoning Staff, conferences with County representatives, reviewing the Departmental Comments and Staff Recommendations, and following the presentation to and hearing before the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested rezoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the previous letter of agreeable stipulations and conditions dated and filed September 29, 2021. The proposed, revised stipulations are as follows:

(1) Applicant seeks rezoning of the Subject Property from the existing zoning categories of Light Industrial ("LI") and Future Industrial ("IF") to the proposed zoning category of Light Industrial ("LI"), with reference to the Zoning Site Exhibit ("Site Plan") prepared for Applicant by Contineo Group dated August 2, 2021, and filed with the Application for Rezoning. A reduced copy of the Site Plan is attached to this revised letter of agreeable stipulations and conditions as Exhibit "A" and incorporated herein by reference.

(2) The Subject Property consists of approximately 7.05 acres, and Applicant proposes to use the Property for the sale of building materials, including office and warehouse and related uses.

(3) Applicant will renovate and refurbish the existing structure for its office and showroom; as well as building material storage space and buildings.

(4) Minor modifications to the within stipulations, the referenced 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 Recommendations that were adopted into the final zoning decision.

(5) The Collins-Lloyd Cemetery is located on a portion of the Subject Property, as delineated on the revised Cemetery Exhibit Plan attached as Exhibit "B." Applicant agrees to the following in relation to the Cemetery:

(a) Applicant agrees to maintain and preserve the Cemetery Parking Area;

(b) Applicant agrees to install six (6) foot black, vinyl-coated chain link fencing around the Cemetery in the location shown; including a replacement of the existing ten (10) foot chain link fencing along the front. Such fencing shall tie into the existing fence located along the eastern boundary. The exact location of the fencing shall be determined with participation and coordination with the Cobb County Cemetery Preservation Commission;

(c) Applicant agrees to install a gate for access from the Cemetery Parking Area in a location determined by the Cobb County Cemetery Preservation Commission;

(d) Applicant shall plant and install evergreen trees, a minimum of six (6) feet in height at planting, in a location along the new fencing as shown;

(e) Applicant agrees to provide routine and regular maintenance of the grounds and landscaping of the Cemetery in coordination with the Cobb County Cemetery Preservation Commission; as well as, provide volunteers to assist in Cobb County Cemetery Preservation Commission efforts related to preservation of the Cemetery; and

(f) Landscaping between the Cemetery Parking Area and the Cemetery fence shall remain as a landscaped and maintained area.

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

(7) Applicant agrees to comply with all Cobb County Department of Transportation Comments and Recommendations applicable to the Subject Property.

Amend Something Previously
Petition No. Adopted for Z-71
Meeting Date 11-16-2021
Continued

(8) Applicant agrees to perform an archeological study/survey of the Property to document any historically significant prior structures or building remains, which report shall be submitted to the Cobb County Historic Preservation Division.

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

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

J. Kevin Moore

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

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

Jimi Richards, Member
Cobb County Cemetery Preservation Commission
(With Copies of Attachments)

Amend Something Previously
Petition No. Adopted for Z-71
Meeting Date 11-16-2021
Continued

c: Ron Sifen
Vinings Homeowners Association
(With Copies of Attachments)

Randall Brothers, LLC
(With Copies of Attachments)

Amend Something Previously
Petition No. Adopted for Z-71
Meeting Date 11-16-2021
Continued

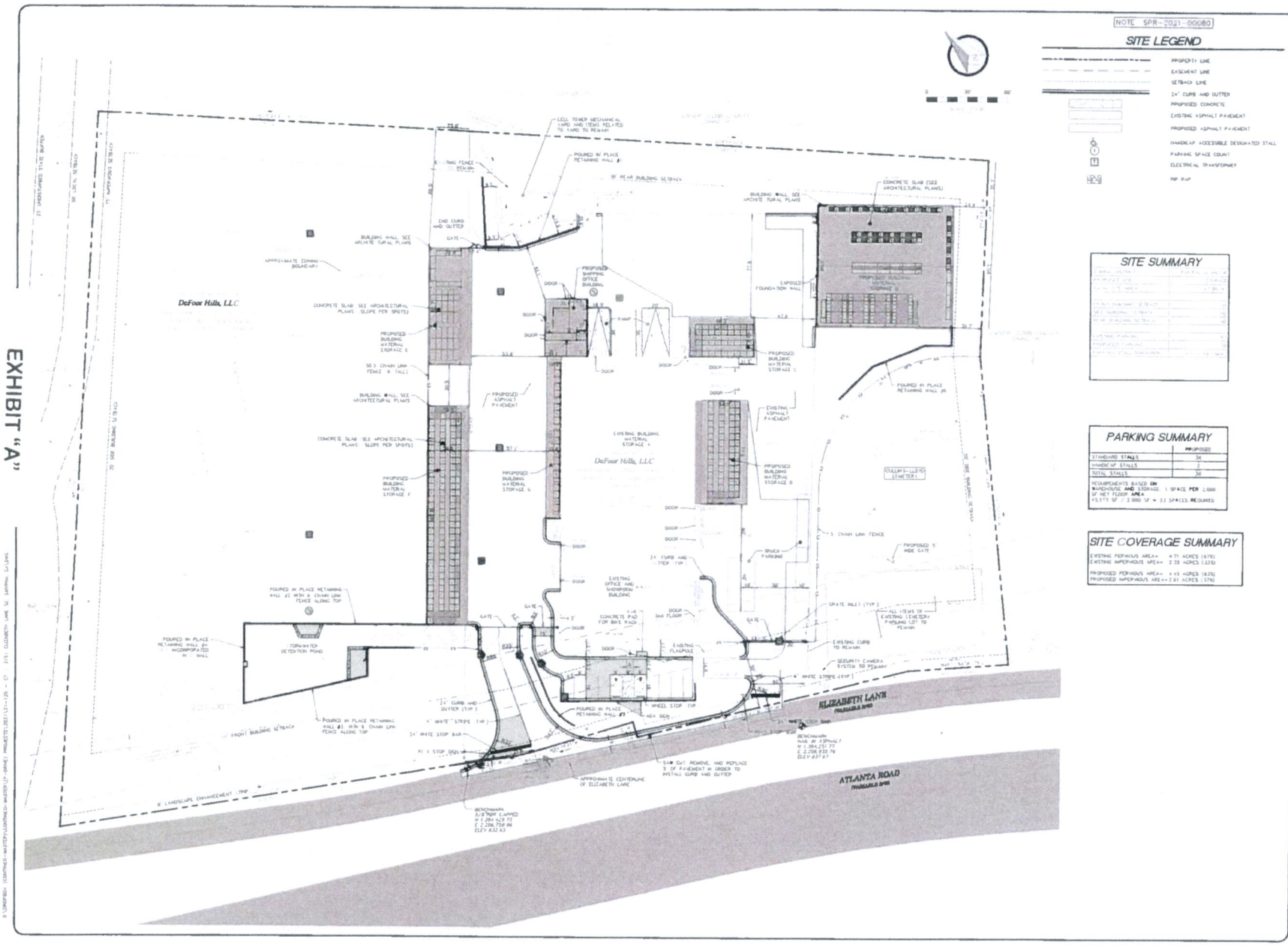


EXHIBIT "A"

CONTINED GROUP
755 COMMERCE DRIVE
SUITE 800
DECATUR, GA 30030
770.335.9403
www.tcg.engineer

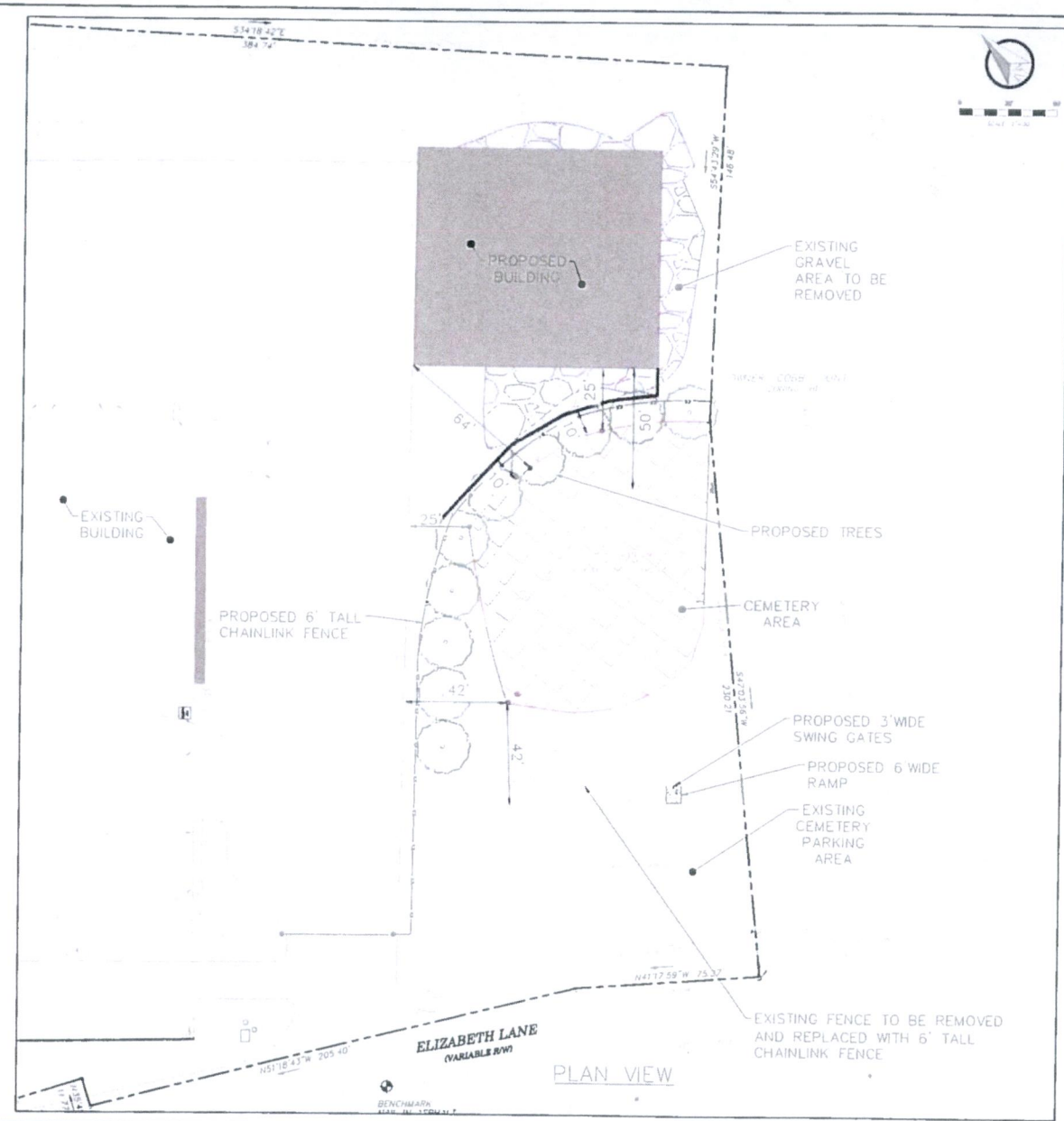
CT-DARNELL CONSTRUCTION
2255 AUSTIN TRAIL
ALPHARETTA, GA 30004
CONTACT: CURT DARNELL
770.458.1271

RANDALL BROTHERS
3151 ELIZABETH LANE SE
SMYRNA, GA 30080
COBB COUNTY
PERMIT

ZONING SITE EXHIBIT

Amend Something Previously
Petition No. Adopted for Z-71
Meeting Date 11-16-2021
Continued

EXHIBIT "B"



CONTINENTAL GROUP
755 COMMERCE DRIVE
SUITE 800
DECATUR, GA 30030
770.338.9463
www.tcg-engineer

RANDALL BROTHERS
3151 ELIZABETH LANE SE
SMYRNA, GA 30080
CONTACT: GERO MAZERAN
770-767-3206

RANDALL BROTHERS
COBB COUNTY
PERMIT

JOB NO. 21-125
DATE 10/13/21

CEMETERY WALL EXHIBIT
SHEET EXHIBIT-A1