MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 20, 2023
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, June 20, 2023, 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 JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson – arrived at 9:11 a.m.
Commissioner Monique Sheffield

CALL TO ORDER – CHAIRWOMAN CUPID

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

The following statement that Commissioner Gambrill read in at the February 21, 2023, BOC Zoning Hearing was attached to each vote taken at today's hearing (attached and made a part of these minutes):

When the Board first entered Executive Session in March 2022 to discuss the "Home Rule" challenge, I challenged the County Attorney's Office on the premise and requested outside counsel to be sought.

While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Boards Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.

As stated and recorded in previous minutes, the Georgia Supreme Court has ruled that the GA Constitution limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Federal Court in Georgia have ruled that the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties.

The county has received letters from the Georgia State Attorney General, Chris Carr, stated that the Cobb County Commissions move to amend its electoral redistricting map is "inappropriate and not legally binding."

C. Ryan Germany, General Counsel for the Office of the Secretary of State, "You should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to be a comment on whether the Amendment is allowable under state law or a proper exercise of authority by the Cobb County Commission, nor should you rely on it to attempt to establish the validity of the Amendment." "In fact," he continues "it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply with Georgia Law or the state Constitution.

Commissioner Gambrill's statement (cont.)

Deputy Legislative Counsel D. Stuart Morelli, "It is practically indisputable that a county home rule resolution or ordinance changing the boundaries of the districts from which county commissioners are elected would be an action affecting the procedure for the election of the county's governing authority. O.C.G.A. 36-35-4.1, no such statutory authority exists for Georgia counties.

On January 10, 2023, I was unjustifiably removed from this dais and prevented from representing my constituents and carrying out the duties I was elected to perform, based on an opinion that is not supported by law or policies of this Board.

While I am here representing my constituents and fulfilling my duties as an elected official, I hereby request the clerk to attach this statement to each vote that is recorded herein.

The following statement that Commissioner Birrell read in at the February 21, 2023, BOC Zoning Hearing was attached to each vote taken at today's hearing (attached and made a part of these minutes):

I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map 3 times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022, under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022 and signed into law by Governor Kemp on March 2, 2022 and certified by the Cobb Board of Elections on November 15, 2022. Thank you.

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

WITHDRAWN, HELD, AND CONTINUED CASES

Z-55'22 **KENNETH B. CLARY** (Kenneth B. Clary, owner) requesting rezoning from **R-30** to **R-15** for a single-family subdivision in land lots 25, 54, and 55 of the 1st district. Property is located on the north side of Post Oak Tritt Road, west of McPherson Road (4701 Post Oak Tritt Road). ***(Previously continued by Staff from the September 6, 2022, through the March 7, 2023, Planning Commission (PC) hearings until the April 4, 2023, PC hearing; held by the PC from the April 4, 2023, and May 2, 2023, PC hearing until the June 6, 2023, PC hearing). WITHDRAWN WITHOUT PREJUDICE***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-14 **BRAND PROPERTIES, LLC** (Helen Hair Stamps, as Trustee under the Helen Hair Stamps Revocable Trust, owner) requesting rezoning from **HI** and **R-20** to **RRC** for mixed use; retail and multifamily development in land lots 175, 176, 283, and 284 of the 18th district. Property is located on the east and west sides of River View Road, northeast of Veterans Memorial Highway (6324 and 6330 River View Road). ***(Previously continued by Staff from the May 2, 2023, Planning Commission (PC) hearing until the June 6, 2023, PC hearing). WITHDRAWN WITHOUT PREJUDICE***

LUP-12 **CARLA A. GARCIA** (Carla Ann Garcia and Mario Onil Garcia Lopez, owners) requesting a **Temporary Land Use Permit** to allow more adults than the code allows in land lot 700 of the 19th district. Property is located on the north side of Pair Road, west of Cockspur Trail (1436 Pair Road). ***WITHDRAWN WITHOUT PREJUDICE***

Z-60'22 **BRANCH ACQUISITION COMPANY, LLC** (Branch Atlanta Road Associates II, L.P.; SJ Georgia Investor, LLC; Michael Howarth and Christine Howarth, owners) requesting rezoning from **HI** to **RRC** for a mixed-use development in land lots 894 and 900 of the 17th district. Property is located on the south side of Atlanta Road, north of Plant Atkinson Road (4874 and 4888 Atlanta Road, 2840 Plant Atkinson Road). ***(Previously continued by Staff from the September 6, 2022, through the June 6, 2023, Planning Commission (PC) hearings until the July 5, 2023, PC hearing; therefore, was not considered at this hearing).***

Z-67'22 **S&B INVESTMENTS, INC.** (S&B Investments, Inc., owner) requesting rezoning from **CF** and **R-80** to **NRC** for a retail coffee shop in land lots 73 and 81 of the 1st district. Property is located on the west side of Johnson Ferry Road, and on the north side of Paper Mill Road (31 Johnson Ferry Road). ***(Previously continued by Staff from the October 4, 2022, through the June 6, 2023, Planning Commission (PC) hearings until the July 5, 2023, PC hearing; therefore, was not considered at this hearing).***

Z-9 **AGUAS VIVAS CENTRO FAMILIAR DE ADORACION INC.** (Can Van Nguyen, owner) requesting rezoning from **R-20** to **R-20** for a church in land lots 386 and 412 of the 18th district. Property is located on the north side of South Gordon Road, east of Starling Drive (540 South Gordon Road). ***(Previously held by the Planning Commission (PC) from the April 4, 2023, through the June 6, 2023, PC hearings until the July 5, 2023, PC hearing; therefore, was not considered at this hearing).***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-12 **FERNANDO CHAVARRIA** (Fernando Chavarria, owner) requesting rezoning from **R-20** to **RM-8** for a townhome subdivision in land lots 388 and 389 of the 18th district. Property is located on the south side of Mableton Parkway, southeast of South Gordon Road (Mableton Parkway). ***(Previously continued by Staff from the May 2, 2023, and June 6, 2023, Planning Commission (PC) hearings until the July 5, 2023, PC hearing; therefore, was not considered at this hearing).***

Z-13 **MATTHEW C. FLOURNOY** (Robert E, Fournoy, III, Matthew C. Flournoy, Gwynn Flournoy Ross and Natalie Flournoy Boss, owners) requesting rezoning from **R-30** to **R-20** for a single-family subdivision in land lot 341 of the 20th district. Property is located on the east side of Antioch Road, at the terminus of Armor Drive (Antioch Road). ***(Previously continued by the Planning Commission (PC) from the May 2, 2023, and June 6, 2023, PC hearings until the July 5, 2023, PC hearing; therefore, was not considered at this hearing).***

Z-15 **SDP ACQUISITIONS, LLC** (McCamy Investments, L.P.; McCamy Properties, LLC; BK Properties, L.P.; VKEP-B, LLC owners) requesting rezoning from **R-20, RA-4, GC, O&I, NS,** and **OS** to **PVC** and **OS** for mixed use; townhomes, multifamily, office, retail, and warehouse in land lots 364, 365, 428, and 429 of the 16th district. Property is located on the south side of Chastain Road, on the west side of Chastain Meadows Parkway (Chastain Road, Chastain Meadows Parkway). ***(Previously continued by Staff from the May 2, 2023, and June 6, 2023, Planning Commission (PC) hearings until the July 5, 2023, PC hearing; therefore, was not considered at this hearing).***

Z-18 **ICON RENOVATIONS, LLC** (ICON Renovations, LLC, owner) requesting rezoning from **R-20** to **RA-6** for a townhome subdivision in land lots 770 and 769 of the 19th district. Property is located on the east side of Shadyside Road, on the north side of Hurt Road (2040 Hurt Road). ***(Continued by Staff from the June 6, 2023, Planning Commission (PC) hearing until the July 5, 2023, PC hearing; therefore, was not considered at this hearing).***

LUP-11 **RICK KUHLMAN** (Rick Kuhlman and Amanda Kuhlman, owners) requesting a **Temporary Land Use Permit (Renewal)** to allow firewood storage in land lot 874 of the 17th district. Property is located on the east side of Leland Drive, north of Windy Hill Road (1885 Leland Drive). ***(Held by the Planning Commission (PC) from the June 6, 2023, PC hearing until the July 5, 2023, PC hearing; therefore, was not considered at this hearing).***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

SLUP-6 **CLARKDALE VENTURES LLC** (Clarkdale Ventures LLC, owner) requesting a **Special Land Use Permit** for used auto sales in land lot 1055 of the 19th district. Property is located on the south side of Austell Powder Springs Road, at the terminus of Eugenia Place (4622 Austell Powder Springs Road). ***(Continued by Staff from the June 6, 2023, Planning Commission (PC) hearing until the July 5, 2023, PC hearing; therefore, was not considered at this hearing).***

Mr. Pederson made the following announcements:

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.

Z-8 **TOMMY'S EXPRESS BY NORTHGATE** (The Medford Family Limited Partnership, owners) requesting rezoning from **PSC** to **NRC** for a car wash in land lot 583 of the 17th district. Property is located on the northwest corner of the intersection of Bells Ferry Road and Ernest Barrett Parkway (2595 Bells Ferry Road). ***(Previously continued by Staff from the April 4, 2023, and May 2, 2023, Planning Commission (PC) hearings until the June 6, 2023, PC hearing).***

Parks Huff, the Applicant's representative, presented the request to withdraw Z-8 without prejudice; thereafter, the following motion was made:

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

VOTE: **ADOPTED** 4-0, Richardson not present *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

Prior to reading in the cases for the Consent Agenda, Mr. Pederson announced that due to opposition being present for O.B. 25 (CMC Custom Homes, LLC), O.B. 25 would be pulled off the Consent Agenda to be heard later in the hearing in its numerical order (see page 13 of these minutes).

CONSENT AGENDA

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

Z-16 **TOYS & GIFT DELIVERY, INC.** (Toys & Gift Delivery Inc., owner) requesting rezoning from **O&I** to **NRC** for a bakery in land lot 595 of the 16th district. Property is located on the west side of Sandy Plains Road, north of Piedmont Road (2601 Sandy Plains Road).

To **approve** Z-16 to the **NRC** zoning district, subject to:

1. **Site Plan received by the Zoning Division on March 31, 2023 (attached and made a part of these minutes), with the District Commissioner approving minor modifications**
2. **Variances as stated in the Zoning Division comments and recommendations**
3. **For this use *only;* any other use to be approved by the District Commissioner**
4. **Fire Department comments and recommendations**
5. **County Arborist comments and recommendations**
6. **Water and Sewer Division comments and recommendations**
7. **Stormwater Management Division comments and recommendations**
8. **Department of Transportation comments and recommendations**

LUP-9 **PATRICIA DEVERGER** (Patricia A. Hines, owner) requesting a **Temporary Land Use Permit (Renewal)** to allow a childcare learning center in land lot 631 of the 19th district. Property is located on the west side of Crest Ridge Circle, south of Crest Ridge Drive (3022 Crest Ridge Circle).

To **approve** LUP-9 for **24 months**, subject to:

1. **Maximum of 10 children**
2. **Two employees**
3. **Outdoor toys are to be placed in the storage bins outside the hours of operation**
4. **Department of Transportation comments and recommendations**
5. **All Staff comments and recommendations, *not otherwise in conflict***

LUP-10 **YOUNG S. UTASH** (Michael J. Utash and Young S. Utash, owners) requesting a **Temporary Land Use Permit (Renewal)** to allow clothing alterations and bridal gown sales in land lot 126 of the 20th district. Property is located on the east side of Kimberly Road, north of Old 41 Highway (3230 Kimberly Road).

CONSENT AGENDA (CONT.)

LUP-10 **YOUNG S. UTASH (CONT.)**

To **approve** LUP-10 for **24 months**, subject to:

1. **Maximum number of truck deliveries to be two per day**
2. **Maximum number of customers to be no more than three per day and by appointment *only***

Prior to approving the Consent Agenda, the request was made to have O.B. 27 (DR Horton, Inc.), and Z-17 and its companion case SLUP-5 (Caliber Capital Kennesaw LLC) added to the Consent Agenda. The Applicant for both cases was present, and there was no opposition present. Mr. Pederson read in each case, the associated stipulations for each case were read into the record, and motions were made to add the cases to the Consent Agenda.

O.B. 27 To consider a site plan and stipulation amendment for DR Horton, Inc. regarding rezoning application Z-9 of 2019 in land lots 413 and 476 of the 19th district. The property is located on the southeasterly side of Powder Springs Road and on the northeasterly side of Brandon Lee Drive (1767 Powder Springs Road).

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

1. ***Revised* Site Plan contained in the Other Business packet (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 and conditions, *not otherwise in conflict,* to remain in effect**

MOTION: Motion by Sheffield, second by Birrell, to **add** O.B. 27 to the Consent Agenda as read in by Mr. Pederson.

VOTE: **ADOPTED** 5-0 *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

Z-17 **CALIBER CAPITAL KENNESAW, LLC** (Caliber Capital Kennesaw, LLC, owner) requesting rezoning from **GC** to **OMR** for a hotel in land lot 651 of the 16th district. Property is located on the west side of Roberts Court, on the east side of I-75 exit ramp, south of Ernest Barrett Parkway (500 and 510 Roberts Court).

CONSENT AGENDA (CONT.)

SLUP-5 **CALIBER CAPITAL KENNESAW, LLC** (Caliber Capital Kennesaw, LLC, owner) requesting a **Special Land Use Permit** for a hotel on land lot 651 of the 16th district. Property is located on the west side of Roberts Court, on the east side of I-75 exit ramp, south of Ernest Barrett Parkway (500, 510 Roberts Court).

To **approve** Z-17 and SLUP-5, subject to:

1. **Maximum of 85% impervious**
2. **Statement of Intent letters from Parks Huff contained in the Zoning Analysis packet (attached and made a part of these minutes)**
3. **Planning Commission comments and recommendations, *not otherwise in conflict***
4. **All Staff comments and recommendations, *not otherwise in conflict***

MOTION: Motion by Birrell, second by Richardson, to **add** Z-17 and SLUP-5 to the Consent Agenda as previously read in.

VOTE: **ADOPTED** 5-0 *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

CONSENT VOTE: **ADOPTED** 5-0 *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

REGULAR AGENDA

Z-65'22 **DRAPAC INVESTMENTS, LLC** (DRAPAC Group 3, LLC, owner) requesting rezoning from **RA-5** to **RA-5** for a single-family attached and detached subdivision in land lots 87 and 88 of the 18th district. Property is located on the west side of Michael Road, south of Vanesa Circle, at the terminus of Linda Drive, and at the terminus of Oak Hill Drive (Maxham Road). ***(Previously continued by the Planning Commission (PC) from the October 4, 2022, PC hearing until the November 1, 2022, PC hearing; held by the PC from the November 1, 2022, and December 6, 2022, PC hearings until the February 7, 2023, PC hearing; continued by Staff from the February 7, 2023, through the May 2, 2023, PC hearings until the June 6, 2023, PC hearing).***

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

REGULAR AGENDA (CONT.)

Z-65'22 **DRAPAC INVESTMENTS, LLC (CONT.)**

MOTION: Motion by Sheffield, second by Birrell, to **approve** Z-65'22 to the **RA-5** zoning district, subject to:

1. **Letter of agreeable conditions from Parks Huff dated May 18, 2023 (attached and made a part of these minutes), with the following changes:**
   A. **Item No. 4 – revise to read: *"The architectural style and composition of the homes are to be a minimum of 50% brick and/or stacked stone, with a five-foot water table on the sides of the buildings; final elevations are to be approved by the District Commissioner***
   B. **Item No. 11 – add to the end: *"The Landscape Plan also includes landscaping for the detention pond."***
2. **Detention Pond is to have a six-foot vinyl-clad black fence around its perimeter with landscaping around the perimeter of the detention pond to provide a visual buffer**
3. **Construction traffic access roads are limited to Pine Crest Road, Brenda Drive, Linda Drive, and Michael Road**
4. **Developer shall repair any roads that are damaged by construction; DOT shall take photos before and after construction to determine which roads and to what degree repairs are to be made; the repairs are to be made 60 days from approval of the final plat**
5. **Construction days shall be Monday through Friday, 7:00 a.m. until 7:00 p.m. and Saturday, 8:00 a.m. until 7:00 p.m., no construction on Sunday**
6. **All Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 5-0 *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

Z-11 **JOSE LUIS CARDENAS** (Christian Bakery 2. Inc., owner) requesting rezoning from **GC** to **NRC** for a bakery in land lot 34 of the 18th district. Property is located on the southwest corner of the intersection of Veterans Memorial Highway and Powell Drive (1411 Veterans Memorial Highway). ***(Previously continued by Staff from the May 2, 2023, Planning Commission (PC) hearing until the June 6, 2023, PC hearing).***

REGULAR AGENDA (CONT.)

Z-11 JOSE LUIS CARDENAS (CONT.)

The public hearing was opened; Gessuri Lopez and Steve Jungk addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **approve** Z-11 to the **NRC** zoning district, subject to:

1. **Parking lot is repaired, resealed, and restriped no later than October 31, 2023**
2. **Improve the look of the front and side windows of the building with interior and/or exterior shutters, interior blinds, or the exterior decals shown at the June 6, 2023, Planning Commission Zoning Hearing (attached and made a part of these minutes); if decals are used, they will be required to be replaced once faded or worn, and they are to be replaced with new decals or with exterior shutters or interior blinds**
3. **Any addition to the building is to be painted the same color as the existing building within 30 days of the addition to the building**
4. **If the addition is already in place, the addition is to be painted no later than July 20, 2023**
5. **No outside storage including around the dumpster or the exterior of the enclosure**
6. **The dumpster is to remain in the enclosure when not being emptied, and the enclosure doors are to remain closed when not in use**
7. **Remove the prior pole sign no later than October 31, 2023**
8. **Parking is for employees, customers, and delivery vehicles *only***
9. **No other business shall be conducted on the property**
10. **Include the following prohibited uses as noted: adult entertainment, establishments that sell sexually explicit or drug-related items and merchandise, liquor stores, smoke and vape shops, pawn and title pawn shops, gold or precious metal dealers, video arcades as a primary use, check cashing businesses, discount sales, new auto sales/auto parts/auto service/used tire sales, taxi dispatching services, wholesale only establishments, gun/knife/weapon sales or shooting ranges, thrift stores/secondhand stores or flea markets**
11. **All other Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 5-0 *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

REGULAR AGENDA (CONT.)

SLUP-4 **RAY MURPHY** (Ray Murphy, owner) requesting a **Special Land Use Permit (Renewal)** for an automobile storage yard and wrecker services for damaged or confiscated vehicles in land lots 154 and 155 of the 17th district. Property is located on the northwest side of Austell Road, at the terminus of Austell Circle (1818 and 1830 Austell Road). ***(Held by the Planning Commission (PC) from the May 2, 2023, PC hearing until the June 6, 2023, PC hearing).***

The public hearing was opened, and Vicki Murphy Norris addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to **deny** SLUP-4, subject to:

1. **All vehicles to be removed from the property by September 19, 2023**

VOTE: **ADOPTED** 5-0 *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

Chairwoman Cupid called for a brief recess from 10:23 a.m. until 10:32 a.m.

OTHER BUSINESS

O.B. 13 To consider a reduction of public road frontage from 50-feet to 20-feet, and a rear setback variance from 35-feet to 24-feet for Edward M. Glancy, Jr. The property is located on the east end of Lakeside Court, east of Lake Drive in land lot 35 of the 20th district (5447 Lakeside Court). ***(Previously held by the Board of Commissioners (BOC) from the April 18, 2023, BOC Zoning hearing until the May 16, 2023, BOC Zoning hearing; continued by the BOC from the May 16, 2023, BOC Zoning hearing until the June 20, 2023, BOC Zoning hearing).***

The public hearing was opened, and Edward M. Glancy addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to **deny** the rear setback variance from 35-feet to 24-feet, and to **approve** the reduction of public road frontage from the required 50-feet to 20-feet, subject to:

1. **Prior to the issuance of the Certificate of Occupancy, a subdivision plat revision must be recorded showing all improvements on the lot along with the setbacks and reference OB-13 (2023) stipulations as recorded by the Clerk. The surveyor must submit the revised plat to the Community Development Agency for review and approval by the District Commissioner prior to filing in Superior Court.**

OTHER BUSINESS (CONT.)

O.B. 13 **(CONT.)**

2. **Fire Department comments and recommendations (attached and made a part of these minutes)**
3. **Stormwater Management Division comments and recommendations (attached and made a part of these minutes), *in addition,* Applicant shall not exceed the 35% impervious surface as required by Code**
4. **DOT and Water and Sewer comments and recommendations, as may be revised during Site Plan Review**
5. **Any and all changes must come before the Board of Commissioners for approval**

VOTE: **ADOPTED** 4-1, Cupid opposed *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

O.B. 23 To consider amending the site plan and stipulations for Iglesia Misionera Roca de Salvacion regarding rezoning application Z-13 of 2020, for property located at the southwest intersection of Mableton Parkway and Boggs Road in land lot 190 of the 18th district (6170 and 6190 Mableton Parkway, and 529 Boggs Road) ***(Previously continued by the Board of Commissioners (BOC) from the May 16, 2023, BOC Zoning hearing until the June 20, 2023, BOC Zoning Hearing).***

The public hearing was opened; Christian Martinez, George Rendon, and Robin Meyer addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **approve** O.B. 23, subject to:

1. **Site Plan dated May 23, 2023 (attached and made a part of these minutes)**
2. **Project to meet the Mableton Design Guidelines prior to issuance of the Land Disturbance Permit**
3. **Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Site Plan Review comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Cobb DOT 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 and conditions, *not otherwise in conflict***

OTHER BUSINESS (CONT.)

O.B. 23 **(CONT.)**

8. **Landscape Review Committee to be established composed of the Applicant, the Mableton Improvement Coalition, and the County Arborist to review the final Landscape Plan during the Plan Review process**
9. **Architectural Review Committee to be established composed of the Mableton Improvement Coalition to confirm that the elevations are consistent with the Mableton Design Guidelines**
10. **Provision of a color palette agreeable to the Applicant and the Mableton Improvement Coalition**
11. **Final Site Plan, Landscape Plan, building elevations, and color palette to be approved by the District Commissioner**

VOTE: **ADOPTED** 5-0 *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

O.B. 25 To consider amending the site plan and stipulations for CMC Custom Homes, LLC regarding rezoning application Z-37 of 2007, for property located on the west side of Acworth Due West Road, south of McClure Road in land lot 122 of the 20th district (3141 Acworth Due West Road) ***(Previously continued by the Board of Commissioners (BOC) from the May 16, 2023, BOC Zoning hearing until the June 20, 2023, BOC Zoning Hearing).***

The public hearing was opened; Parks Huff, Jimi Richards, Pam Sanders, and Mary Beth Jones addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to **approve** O.B. 25, subject to:

1. **Letter of agreeable conditions from Parks Huff dated June 15, 2023 (attached and made a part of these minutes)**
2. **Site Plan received by the Zoning Division on June 15, 2023 (attached and made a part of these minutes), with the District Commissioner approving minor modifications**
3. **Water and Sewer Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

OTHER BUSINESS (CONT.)

O.B. 25 **(CONT.)**

6. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
7. **From the June 6, 2023, Site Plan, Parcel A is going to be restricted to RSL (Senior Living, age 55+), while all units are for sale, there is a 10% rental restriction to be rented to those 55 and older; Parcel B is for sale *only*, but not age restricted**

VOTE: **ADOPTED** 5-0 *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

O.B. 28 To consider amending the stipulations for Matthew Bowman, Jr. regarding rezoning application Z-37 of 2003, for property located on the north side of Veterans Memorial Highway, southeasterly of Buckner Road in land lots 165 and 166 of the 18th district (1025 Veterans Memorial Highway, Suite 310).

The public hearing was opened; Matthew Bowman, Robin Meyer, Marisa Elliott, and Brenda Nash addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **approve** O.B. 28, subject to:

1. **The previous stipulation that prohibits liquor stores (stipulation 1t from the April 16, 2003 letter – attached and made a part of these minutes) be removed for this Applicant and this Applicant *only***
2. **Future tenants at the Plaza must come before the Board of Commissioners with an Other Business Item to have the *liquor store prohibited* use considered for removal**
3. **There are to be no window decals at the location**
4. **Allowance of one liquor store *only* on the entire property**
5. **All previous stipulations and conditions, *not otherwise in conflict,* to remain in effect**
6. **All other Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 5-0 *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

O.B. 29 To consider a reduction of required minimum lot size from 20,000 square-feet to 15,974 square-feet, and a rear setback variance from 35-feet to 20-feet for Turren Construction, LLC. The property is located at the northeast intersection of Atlanta Road and Peach Lane in land lot 748 of the 17th district (2133 Peach Lane).

OTHER BUSINESS (CONT.)

O.B. 29 (CONT.)

Since there was no opposition present for O.B. 29, and the Applicant was agreeable to the stipulation to be added by Commissioner Richardson, the Board decided that there would be no public hearing. Thereafter, the following motion was made:

MOTION: Motion by Richardson, second by Gambrill, to **approve** O.B. 29, subject to:

1. **Lot size to be 15,974 square feet, with a commiserate reduction of lot size consistent with any property required by Cobb DOT**
2. **Rear setback variance to be 20-feet**
3. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Site Plan Review comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
6. **District Commissioner to approve the final Site Plan**

VOTE: **ADOPTED** 5-0 *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

ADJOURNMENT

The hearing adjourned at 12:05 p.m.

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

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Min. Bk. 97 Petition No. ALL
Doc. Type Commissioner Gambrill's statement added to each vote
Meeting Date 6-20-2023

From: Commissioner Keli Gambrill
To: Cobb County Clerk
Statement February 21, 2023 to be attached to all agenda items considered.

When the Board first entered Executive Session in March 2022 to discuss the "Home Rule" challenge, I challenged the County Attorney's Office on the premise and requested outside counsel to be sought.

While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Boards Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.

As stated and recorded in previous minutes, the Georgia Supreme Court has ruled that the GA Constitution limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Federal Court in Georgia have ruled that the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties.

The county has received letters from the Georgia State Attorney General, Chris Carr stated that the Cobb County Commissions move to amend its electoral redistricting map is "inappropriate and not legally binding."

C. Ryan Germany, General Counsel for the Office of the Secretary of State, "You should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to be a comment on whether the Amendment is allowable under state law or a proper exercise of authority by the Cobb County Commission, nor should you rely on it to attempt to establish the validity of the Amendment." "In fact," he continues "it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply with Georgia Law or the state Constitution.

Deputy Legislative Counsel D. Stuart Morelli, "It is practically indisputable that a county home rule resolution or ordinance changing the boundaries of the districts from which county commissioners are elected would be an action affecting the procedure for the election of the county's governing authority. O.C.G.A. 36-35-4.1, no such statutory authority exists for Georgia counties.

On January 10, 2023, I was unjustifiably removed from this dais and prevented from representing my constituents and carrying out the duties I was elected to perform, based on an opinion that is not supported by law or policies of this Board.

While I am here representing my constituents and fulfilling my duties as an elected official, I hereby request the clerk to attach this statement to each vote that is recorded herein.

Min. Bk. 97 Petition No. ALL
Doc. Type Commissioner Birrell's statement added to each vote
Meeting Date 6-20-2023

For the record, please add to each vote taken:

I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map 3 times in 2022 (1/25/22, 10/11/22 and 10/25/22).

I have a duty to represent my constituents and will not have my vote suppressed as I was duly elected on November 8, 2022 under the state map (HB 1154) voted on by the Georgia General Assembly in February 2022 and signed into law by Governor Kemp on March 2, 2022 and certified by the Cobb Board of Elections on November 15, 2022.

JoAnn K. Birrell

JoAnn K. Birrell

District 3 Commissioner

Min. Bk. 97 Petition No. Z-65 '22
Doc. Type Letter

Meeting Date 6-20-2023

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

May 18, 2023

(STIPULATION LETTER, REVISED SITE PLAN AND IMAGERY)

VIA EMAIL AND HAND DELIVERY

RECEIVED
MAY 18 2023
COBB COUNTY ZONING

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

Re: Rezoning Application of Drapac Investments, LLC to rezone a 19.45-acre tract from RA-5 Conditional to RA-5 Conditional (No. Z-65 [2022])

Dear John:

This firm represents Drapac Investments, LLC ("Drapac") concerning the above Application for Rezoning. The Application is scheduled to be heard and considered by the Planning Commission on Tuesday, June 6, 2023, and thereafter by the Board of Commissioners on Tuesday, June 20, 2023. My client has continued to work on revisions to the site plan and adjustments to the Traffic Analysis based on topics discussed in meetings with area residents and conversations with Staff.

The property at issue ("Subject Property") consists of a 19.45-acre tract of land which is located on the west side of Michael Road, north side of Oak Hill Drive and east of Maxham Road. Drapac' s request is for a rezoning from Conditional RA-5 to Conditional RA-5 for the construction and development of a single-family, detached community as shown on the Revised Site Plan which is being submitted concurrently herewith. Drapac's Application for Rezoning was originally submitted on August 4, 2022 for this undeveloped tract of land.

Drapac is now requesting a rezoning to the RA-5 zoning classification in order to develop a community of 59 detached, single-family homes at a net density of 3.24 units per acre. The Applicant originally submitted a site plan for a mixture of single-family townhomes on the

Petition No. Z-65 '22
Meeting Date 6-20-2023
Continued

VIA EMAIL AND HAND DELIVERY

northern portion of the Subject Property with single-family detached homes on the southern portion. The Applicant has now revised the entire plan to reflect the development of 59 single-family detached homes on the entirety of the Subject Property.

During the pendency of this Application, we have established a dialogue with the County's Professional Staff and have also spoken with certain area residents regarding the Application. In that regard, I am authorized to submit this letter of agreeable stipulations/ conditions to which Hamilton is amenable to becoming conditions and a part of the grant of the requested rezoning and binding upon the Subject Property thereafter. The referenced stipulations/conditions, 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 shall be developed in substantial conformity to that certain revised site plan prepared by Ridge Planning and Engineers (dated April 14, 2023) which is being submitted concurrently herewith.

3. The Subject Property shall be developed for the purposes accommodating 59 detached, single-family homes as shown in the revised site plan at a proposed maximum density of 3.24 units per acre.

4. The architectural style and composition of the homes shall be in substantial compliance with the architectural images which are being submitted concurrently herewith.

5. Home sizes shall range from a minimum of 1,800 square feet to 2,400 square feet which dictates expected price points consistent with such products within this sub-area of Cobb County.

6. Compliance with recommendations from the Cobb County Department of Transportation ("DOT") which include:

a. Streets, lighting and utilities shall be constructed to the Cobb County Standard Specifications for public streets.

b. All guest on-street parking shall be parallel and a minimum of 50 feet straight-line distance from any adjacent intersection or driveway curb return.

7. Compliance with recommendations from the Cobb County Fire Marshal's Office regarding life safety and fire prevention.

8. Compliance with the recommendations from the Cobb County Water System with respect to the availability of water and sewer for the Subject Property.

9. Compliance with recommendations from Stormwater Management Division, including:

   a. At Plan Review, the developer shall provide a comprehensive Hydrology Study and Design for the Stormwater Management Design.

   b. At Plan Review the Engineer is to calculate and provide the percentage of impervious coverage for the project site.

   c. Developer and Engineer shall schedule a pre-design concept meeting with the Cobb County Stormwater Management Division, at which time a proposed concept stormwater management plan shall be presented.

   d. If required, Owner/Developer will be responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineers. Copies of the Corps of Engineers' approvals/permits are to be furnished at the time of the Land Disturbance Permit and scanned onto the plan sheets of the project drawings.

10. The Developer shall set up a mandatory Homeowners Association ("HOA") with strict architectural controls and will submit Covenants, Conditions and Restrictions ("CCRs") which will govern and regulate community infrastructure and assume responsibility for the upkeep and maintenance of all common areas, fencing,

vegetation and analogous features. However, the HOA will have no responsibility for the internal road network, all of which will meet Cobb County standards for public streets.

11. The submission of a Landscape Plan during the Plan Review Process which will be subject to review by the County Arborist and subject to final review and approval by the District Commissioner.

12. The proposed site plan includes setbacks and lot sizes approved as part of the previous zoning stipulations and an initial site plan approval which includes: front setbacks of 20 feet; side setbacks of 5 feet; rear setbacks of 25 feet; 15 feet between structures; and, a minimum lot width of 50 feet at the front building line. In addition, the Applicant has indicated a minimum lot size of 5,750 (larger than the minimum previously approved). The previous approval indicated 63 lots and the proposed site plan indicates 59 lots.

13. The District Commissioner shall have the authority to approve certain minor modifications to the site plan, the architecture and the 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 of 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 locations to different roadways.

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

Petition No. Z-65 '22
Meeting Date 6-20-2023
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
May 18, 2023
Page 5

Please do not hesitate to contact me should you or your Staff have any questions concerning the stipulations and conditions mentioned above prior to the formulation of the final Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Parks F. Huff
phuff@samslarkinhuff.com

PFH/jac
Attachments/Enclosures

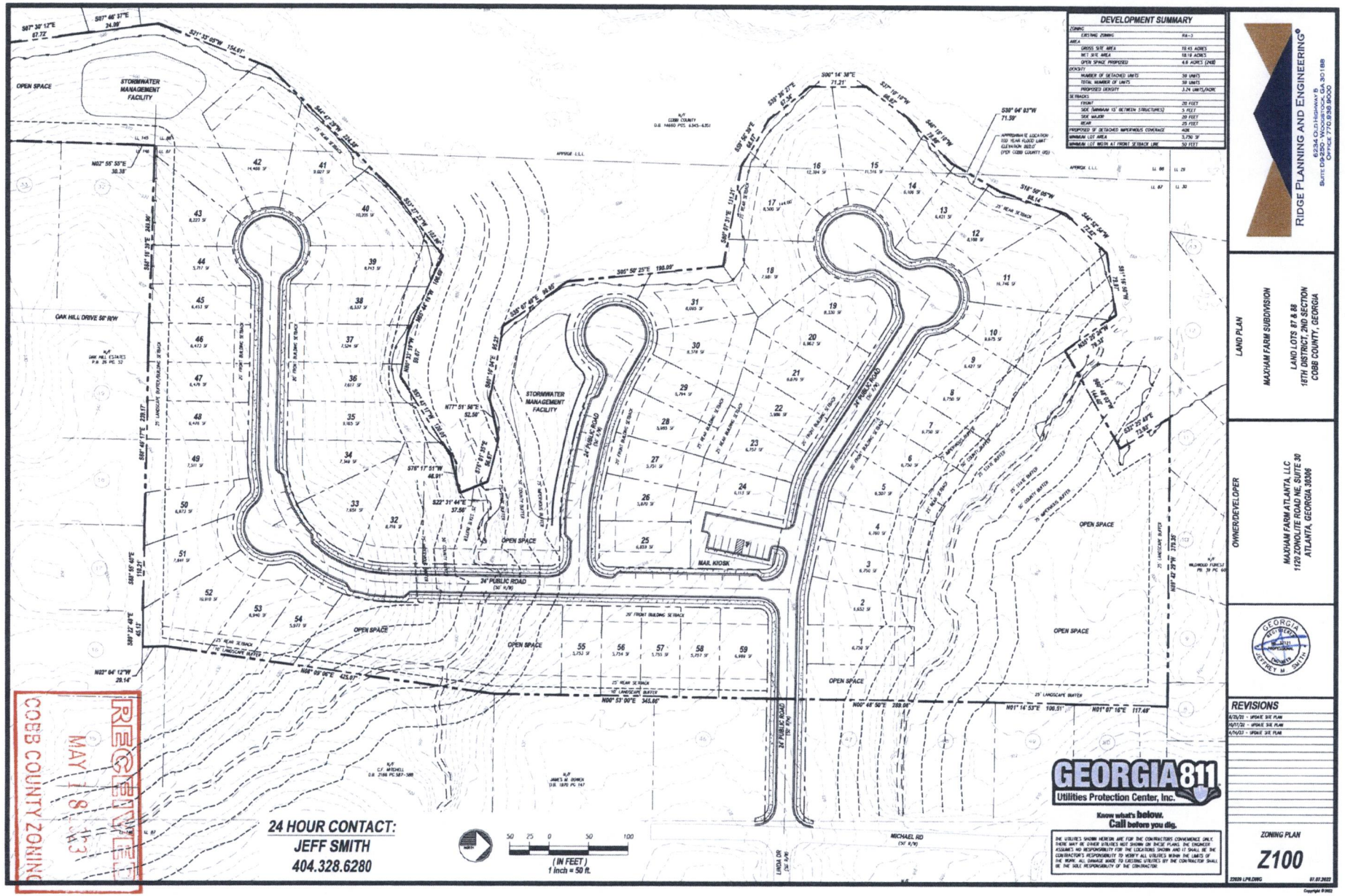
cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Dr. Jackie McMorris, County Manager (via email)
Board of Commissioners Assistants (via email)
Ms. Jessica Guinn, AICP, Director (via email)
Ms. Jeannie Peyton, Senior Planner (via email)
Mr. Terry Martin, AICP, CNU-A, Planner III (via email)
Ms. Margie Vazquez, Planner II (via email)
Mr. LeDarius Scott, *AICP Candidate,* Planner II (via email)
Mr. Cameron Jones, Planner II (via email)
Ms. Pam Mabry, County Clerk (via email)
Ms. Robin Stone, Deputy County Clerk (via email)
Ms. Leila Washington, Deputy County Clerk (via email)
Mr. Jeff Byrd, Fire Marshal's Office (via email)
Ms. Amy Diaz, P.E., Cobb DOT (via email)
Ms. Ligia Florim, Cobb DOT (via email)
Mr. Carl Carver, P.E., Stormwater Management Division (via email)
Mr. Tim Davidson, P.E., Development Review Engineer, Water System (via email)
Mr. Sebastian Drapac (via email)

Petition No. Z-65 '22
Meeting Date 6-20-2023
Continued

VIA EMAIL AND HAND DELIVERY

Mr. Adam Mitchell, Drapac (via email)
Ms. Amanda Avery, Esq. (via email)
Mr. Jeff Smith, P.E., Ridge Planning (via email)
Mr. Jim Sibley, Portfolio Manager (via email)

Petition No. Z-65 '22
Meeting Date 6-20-2023
Continued



Petition No. Z-65 '22
Meeting Date 6-20-2023
Continued

PD [KDP #DUP V#

ST. BOURKE

from the ground up

ARCHITECTURAL LANGUAGE

1. Modern Farmhouse

Clean lines, simple design, gable features, coverered porches, board & batten siding.

2. Craftsman

Low pitched gable roof and features, overhanging eaves, rafter tail, heavy tapered columns, covered porches, window brackets and awnings.

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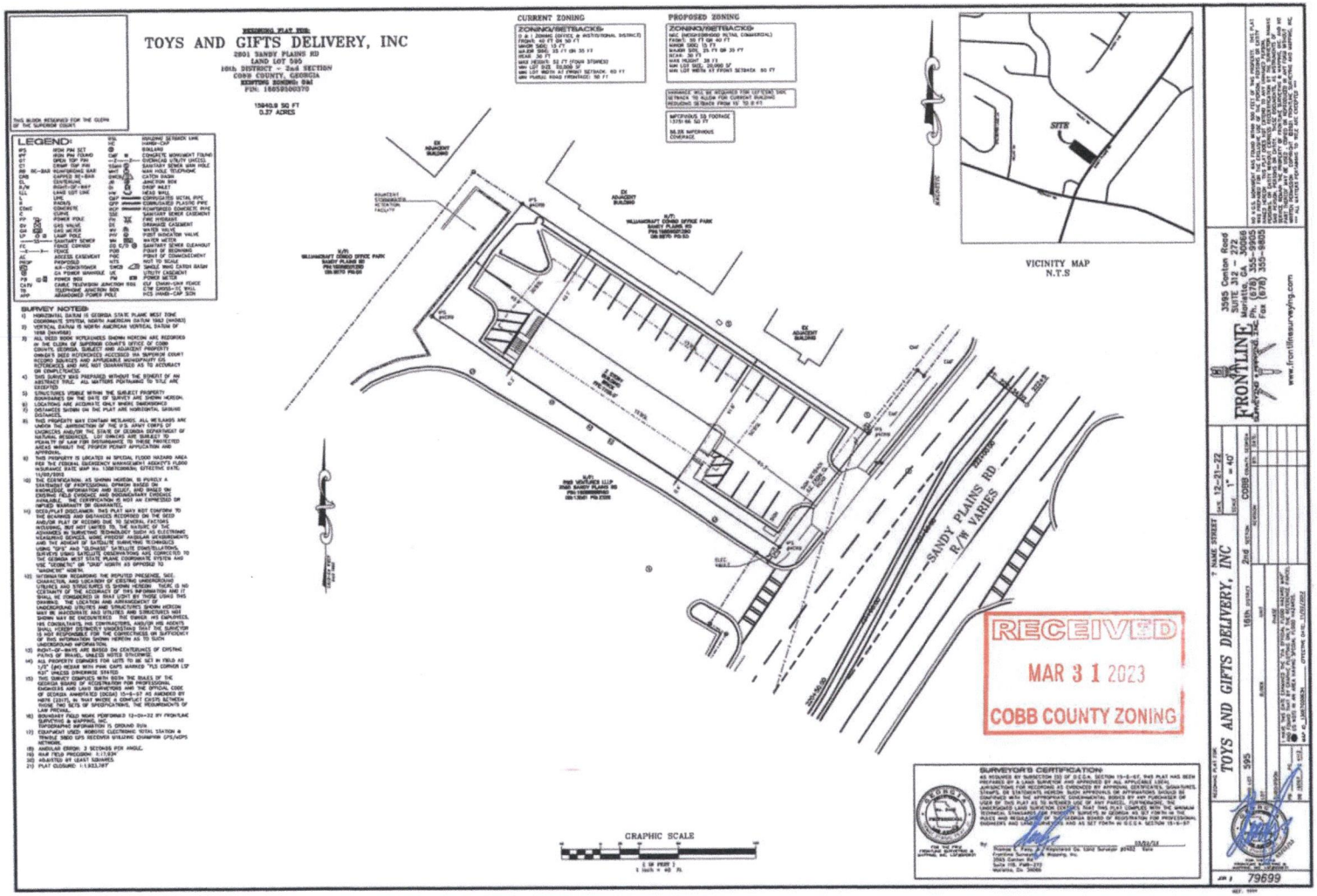
COBB COUNTY ZONING

Min. Bk. 97 Petition No. Z-11
Doc. Type decals for bakery
front & back shown at 6-6-23 PC hearing
Meeting Date 6-20-2023

Petition No. Z-11
Meeting Date 6-20-2023
Continued

Min. Bk. 97 Petition No. Z-16
Doc. Type Site Plan

Meeting Date 6-20-2023



Min. Bk. 97 Petition No. Z-17
Doc. Type Statement of Intent

Meeting Date 6-20-2023

STATEMENT OF INTENT

OF

CALIBER CAPITAL KENNESAW, LLC

Rezoning Application
1.61-Acre Tract of Land located in
Land Lots 651 - 16th District, 2nd Section,
Cobb County, Georgia

Submitted for the Applicant by:

Parks F. Huff
Sams, Larkin, & Huff, LLP
Suite 100
376 Powder Springs Street
Marietta, GA 30064
(770) 422-7016
phuff@samslarkinhuff.com

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MAR 3 1 2023
COBB COUNTY ZONING

This Application for Rezoning seeks certain entitlements in order to allow the construction of a suite hotel. The entirety of the Subject Property consists of 2 parcels totaling 1.61 acres and is contiguous to the Interstate 75 Barrett Parkway north offramp and located at 500 and 510 Roberts Court. The Property is presently zoned General Commercial ("GC").

Cobb County's Future Land Use Map ("FLUM") reflects that the Subject Property is located within the confines of a Regional Activity Center ("RAC") which is appropriate for the requested Office Midrise ("OMR") zoning district, as well as the development for a suite hotel as proposed and as shown on the site plan and other documentation being submitted herewith.

The Subject Property is comprised of two (2) parcels located at 500 and 510 Roberts Court. One of the parcels is the location of an Enterprise Car rental facility (which was formerly a Waffle House restaurant). The other parcel contains a vacant bank building.

The property owner and Applicant, Caliber Capital Kennesaw, LLC are affiliated companies with Five Star Group, a development company with extensive experience with hotel, restaurant and retail development.

Based upon the foregoing reasons, the Applicant respectfully requests that the Application for Rezoning be approved with the Applicant soliciting any comments from staff or other officials of Cobb County so that such recommendations or input may be incorporated as conditions of approval of this Rezoning Application.

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COBB COUNTY ZONING

Petition No. Z-17
Meeting Date 6-20-2023
Continued

Respectfully submitted, this the 31st day of MARCH, 2023.

SAMS, LARKIN & HUFF, LLP

By: _____
PARKS F. HUFF
Attorney for Applicant
Georgia Bar No. 375010

376 Powder Springs Street, Suite 100
Marietta, GA 30064
(770) 422-7016

Min. Bk. 97 Petition No. SLUP-5
Doc. Type Statement of Intent
Meeting Date 6-20-2023

STATEMENT OF INTENT

OF

CALIBER CAPITAL KENNESAW, LLC

Special Land Use Permit Application for a 1.61 Acre Tract of Land located in Land Lot 651, 16th District, 2nd Section, Cobb County, Georgia

Submitted for the Applicant by:

Parks F. Huff
Sams, Larkin & Huff, LLP
Suite 100
376 Powder Springs Street
Marietta, GA 30064
(770) 422-7016
phuff@samslarkinhuff.com

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COBB COUNTY ZONING

I. INTRODUCTION

This Application for a Special Land Use Permit ("SLUP") along with the Application for Rezoning which is being filed concurrently herewith, seeks certain entitlements in order to allow the construction and development of a suite hotel on the property at issue ("Subject Property"). The Subject Property consists of a tract of land comprised of two (2) parcels which is approximately 1.61 acres in size and located at the southwest corner of the intersection of Ernest Barrett Parkway and Roberts Court. The Property is presently zoned General Commercial ("GC") and currently there is a former bank building and former Enterprise Car Rental location, both of which are no longer in business.

Cobb County's Future Land Use Map ("FLUM") reflects that the Subject Property is located within the confines of a Regional Activity Center ("RAC") and within a sub-area designation which is appropriate for the suite hotel as proposed and as shown on the site plans and other documentation being submitted herewith. The Caliber Capital Kennesaw, LLC ("Applicant") proposes to develop the Subject Property for a 128 key suite hotel. In that regard, the Applicant, and its related entity, Five Star Group ("FSG"), take a holistic approach, specializing in the development, management and the investment of high-quality hotel, retail and restaurant properties. FSG has affiliated with internationally known hospitality brands Embassy Suites, Hilton, Marriott, fast casual dining offerings from Darden Restaurants and Brinker International as well as retail locations for Verizon and multi-tenant shopping strips.

The proposed suite hotel which will be branded "Element by Westin", the property will consist of 126 extended stay guest rooms, one-bedroom, studio suites and two (2) studio commons. The Studio Commons concept provides a flexible design which encourages group collaboration in a more private setting. The property will also include a pool and on-site laundry

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MAR 31 2023
COBB COUNTY ZONING

services for guests. Element by Westin follows Marriott's sustainability program, which implements green initiatives such as recycled material in design and construction.

II. CRITERIA TO BE APPLIED TO SPECIAL LAND USE PERMITS

A. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.

The Subject Property is located contiguous or adjacent to properties which are zoned General Commercial (GC) and used for hotels and retail; copious amounts of vacant retail space contained within the Town Center/Barrett Parkway area, retail and commercial properties. The entirety of the western property line of the Subject Property is comprised of the I-75 northbound off-ramp at Barrett Parkway. Geographically, the Subject Property is located in the Phase 3 portion of the South Barrett reliever road realignment project. This transportation project is expected to divert and decrease traffic away from Barrett Parkway by an estimated 22% during peak rush hour and provide an alternative to Barrett Parkway as means of travel to US 41 (Cobb Parkway).

B. Whether or not the use is otherwise compatible with the neighborhood.

The properties around the Subject Property are zoned GC and consist of high-density residential, lodging, commercial and office uses within a Regional Activity Center ("RAC") under the County's Future Land Use Map. Given these facts and the reality that the area already consists of a preponderance of intense developments, which create an extraordinary amount of "mass", the proposed use is compatible with and complementary to nearby neighborhoods and commercial properties. Just as importantly, the Subject Property's immediate proximity to the South Barrett Reliever provides a convenient means of ingress and egress to Barret Parkway, Interstates 75 and 575 and US 41 (Cobb

Parkway). In terms of compatibility with the neighborhood which surrounds the proposed community, the adjacent Red Roof Inn to the south of the subject property is three (3) stories in height and the Holiday Inn Express located across Barrett Parkway is six (6) stories in height; and a proposed multi-family community south of the Subject Property will be 4 stories.

C. Whether or not the use proposed will result in a nuisance as defined under state law.

The proposed use meets all of the Ordinance requirements and will not result in a nuisance, either public or private, as that term is defined under Georgia law. In fact, the proposed construction of the project in this location with direct access to the South Barrett Reliever ("SBR") will eliminate the possibility of potential nuisances occurring. Additionally, the completion of the first two phases of the SBR has reduced traffic congestion and increased safety and lighting for pedestrian and bike traffic. The SBR consists of four lanes of new connecting roadway and eleven-foot (11') sidewalks on both sides of the roadway as well as a four-foot (4') bike lane; and, other area destinations including the Subject Property.

D. Whether or not the quiet enjoyment of surrounding property will be adversely affected.

The surrounding properties consist of high-density residential developments, commercial uses and a hotel. Keys will be issued only to registered guests. Access to the guest rooms and amenities will be restricted to key holders and guests. Security video and surveillance cameras will be installed in strategic positions throughout the property, including the parking lot and amenity areas.

E. Whether or not property values of surrounding property will be adversely affected.

Currently, the two parcels that comprise the subject property have vacant and abandoned buildings and the owner paid approximately $28,000.00 in property taxes for those two parcels. A new suite hotel is expected to substantially increase the value of those combined parcels as well as the value of the currently underused retail properties.

F. Whether or not adequate provisions are made for parking and traffic considerations.

As shown on the rendered and on the dimensioned site plans, on-site parking will be provided by way of a two (2) level structured parking deck; conveniently positioned surface-parked spaces; and, in certain instances, enclosed private garages. The hotel's parking will meet the industry standards and provide adequate parking for guests and visitors. As part of the Applicant's sustainability initiatives, there will be spaces reserved for Electric Vehicle charging.

G. Whether or not the site or intensity of the use is appropriate.

The Subject Property consists of two parcels totaling 1.61-acres and contains a vacant bank and car rental office. The size of the property is more than adequate to accommodate the proposed suite hotel and the use and intensity is entirely appropriate from a land use planning perspective, particularly considering the Subject Property's proximity to major interstate transit corridors and critical arterial rights-of-way including the South Barrett Reliever.

H. Whether or not special or unique conditions overcome the Board of Commissioners' general presumption that residential neighborhoods not allow non-compatible businesses.

Not applicable

I. Whether or not adequate provisions are made regarding hours of operation.

Like all hotels, this suite hotel will be open for guest check-ins and check-outs 24 hours a day.

J. Whether or not adequate controls and limits are placed on commercial and business deliveries.

Deliveries to the Subject Property will be commensurate in number and type to existing deliveries or visits to hotels within this RAC.

K. Whether or not adequate landscape plans are incorporated to ensure an appropriate transition.

A fully developed landscaped plan will be submitted during the Plan Review process subject to review and approval by Cobb County's Arborist and the County's Community Development Department with final review and approval by the District Commissioner. Prior thereto and in accordance with preliminary discussions with Staff and others, a preliminary conceptual landscape plan will be submitted at the time of submission of a letter of agreeable stipulations/conditions prior to this SLUP Application and Application for Rezoning being heard and considered by the Planning Commission and the Board of Commissioners.

L. Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.

The surrounding "neighborhood" consists of high-density residential uses, intense commercial and retail uses, all of which are compatible to the surrounding neighborhood. Moreover, and perhaps, most importantly, the public health, safety, welfare and moral concerns of the surrounding neighborhood will be fully and completely served upon the construction and build-out of this attractive suite hotel property.

M. Whether the Application complies with applicable specific requirements set forth in this chapter for a Special Land Use Permit for particular types of uses.

Both this SLUP Application and the Application for Rezoning which are being simultaneously submitted meet every single requirement and all of the required information and documentation supplied with respect to both Applications has been supplied and formally submitted.

N. Whether the Applicant has provided sufficient information to allow a full consideration of all relevant factors.

The Applicant has addressed all issues raised by law which are needed in order to address and resolve concerns which have or may be articulated. The Applicant remains available to respond to additional questions or issues raised by the County's professional staff, Members of the Planning Commission and/or Members of the Board of Commissioners and will plan meetings with Civic Activity Advocates; Law Enforcement Officials; and, Representatives of the Town Center CID.

Petition No. SUP-5
Meeting Date 6-20-2023
Continued

RECEIVED
MAR 3 1 2023
ZONING

Petition No. SLUP-5
Meeting Date 6-20-2023
Continued

RECEIVED
MAR 31 2023
COBB COUNTY ZONING

Petition No. SLUP-5
Meeting Date 6-20-2023
Continued

RECEIVED
MAR 31 2023
COBB COUNTY ZONING

JUNE 20, 2023 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1

Min. Bk. 97 Petition No. OB-13
Doc. Type Stormwater Management & Fire Dept. Comments and recommendations
Meeting Date 6-20-2023

ITEM OB-13-2023

To consider a reduction of public road frontage from 50-feet to 20-feet, and a rear setback variance from 35-feet to 24-feet for Edward M. Glancy, Jr. The property located on the east end of Lakeside Court, east of lake Drive in Land Lot 35 of the 20th District (5447 Lakeside Court). ***(Previously held by the Board of Commissioners from the April 18, 2023 Board of Commissioners hearing until the May 16, 2023 Board of Commissioners hearing; Continued by the Board of Commissioners until the June 20, 2023 Hearing).***

BACKGROUND

The Board of Commissioners considers all reductions to minimum public road frontage pursuant to Zoning Code Sec. 134-271(7)(a) adopted on February 27, 2018. This request concerns a lakeside lot that is required to have 50-feet of public road frontage. The lot has 20-feet of public road frontage. Staff went back through the deeds and this condition appears to have been like this for decades. The existing house was built in 1961, and the applicant would like to demolish that house and build a new house on the property. To do so, the applicant would need a small encroachment into the rear setback, from 35-feet to 24-feet since the lot lacks width. This would only be for a small corner of the proposed house (see plan labeled "House View"). If approved all other zoning criteria will be met.

STAFF COMMENTS

Cobb DOT: No comments.
Stormwater Management: Stormwater Management has no objection to this other business item as requested. Any re-development of the property that includes new and/or removed and replaced imperious surface area equal to 5,000 square feet or greater will require stormwater mitigation.
Water & Sewer Comments: No comments.
Site Plan Review: If this variance request is approved, a subdivision plat revision must be recorded prior to the issuance of the certificate of occupancy showing all improvements on the lot along with any approved setback reductions and referencing the variance case in the standard plat revision note. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.
Fire Department: See attached.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction of minimum frontage and rear setback variance.

APPLICANT: Edward M. Glancy Jr. **PETITION NO.:** OB-13

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

* *

FIRE COMMENTS:

Petition No. OB-13
Meeting Date 6-20-2023
Continued

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

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

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

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

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

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

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

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.* (Required Flow: 1,500 gpm @ 20 psi)

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

1.) NFPA 13D sprinkler system.
2.) Complete structure (framing and decking materials) treated with a Class A-Fire Retardant spray with a flame spread rating of 25 or less and smoke development of 450 or less.

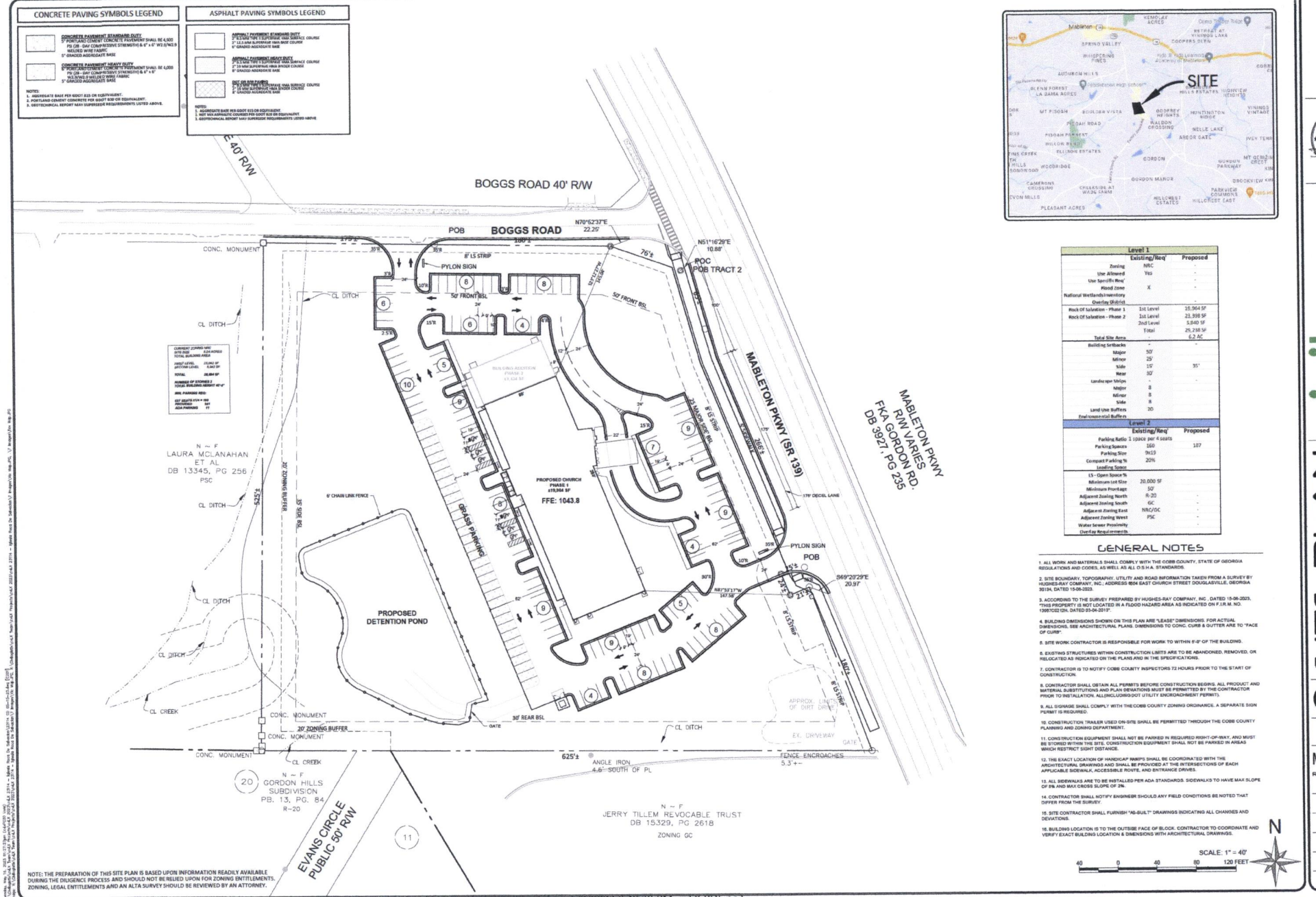
Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

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

Jeff Byrd
(770) 528-8814
jeffrey.byrd@cobbcounty.org

Min. Bk. 97 Petition No. OB-23
Doc. Type Site Plan

Meeting Date 6-20-2023



Level 1		
	Existing/Req'	Proposed
Zoning	NRC	-
Use Allowed	Yes	-
Use Specific Req'		-
Flood Zone	X	-
National Wetlands Inventory		-
Overlay District		-
Rock Of Salvation - Phase 1	1st Level	19,964 SF
Rock Of Salvation - Phase 2	1st Level	23,398 SF
	2nd Level	5,840 SF
	Total	29,238 SF
Total Site Area	-	6.2 AC
Building Setbacks	-	-
Major	50'	-
Minor	25'	-
Side	15'	35'
Rear	30'	-
Landscape Strips	-	-
Major	8	-
Minor	8	-
Side	8	-
Land Use Buffers	20	-
Environmental Buffers		-

Level 2		
	Existing/Req'	Proposed
Parking Ratio	1 space per 4 seats	
Parking Spaces	160	187
Parking Size	9x19	
Compact Parking %	20%	
Loading Space		
LS - Open Space %		
Minimum Lot Size	20,000 SF	
Minimum Frontage	50'	-
Adjacent Zoning North	R-20	-
Adjacent Zoning South	GC	-
Adjacent Zoning East	NRC/GC	-
Adjacent Zoning West	PSC	-
Water Sewer Proximity		-
Overlay Requirements		-

GENERAL NOTES

1. ALL WORK AND MATERIALS SHALL COMPLY WITH THE COBB COUNTY, STATE OF GEORGIA REGULATIONS AND CODES, AS WELL AS ALL O.S.H.A. STANDARDS.

2. SITE BOUNDARY, TOPOGRAPHY, UTILITY AND ROAD INFORMATION TAKEN FROM A SURVEY BY HUGHES-RAY COMPANY, INC., ADDRESS 604 EAST CHURCH STREET DOUGLASVILLE, GEORGIA 30134, DATED 15-08-2023.

3. ACCORDING TO THE SURVEY PREPARED BY HUGHES-RAY COMPANY, INC , DATED 15-08-2023, "THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS INDICATED ON F.I.R.M. NO. 13067C0212H, DATED 03-04-2013".

4. BUILDING DIMENSIONS SHOWN ON THIS PLAN ARE "LEASE" DIMENSIONS. FOR ACTUAL DIMENSIONS, SEE ARCHITECTURAL PLANS. DIMENSIONS TO CONC. CURB & GUTTER ARE TO "FACE OF CURB".

5. SITE WORK CONTRACTOR IS RESPONSIBLE FOR WORK TO WITHIN 5'-0" OF THE BUILDING.

6. EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED, OR RELOCATED AS INDICATED ON THE PLANS AND IN THE SPECIFICATIONS.

7. CONTRACTOR IS TO NOTIFY COBB COUNTY INSPECTORS 72 HOURS PRIOR TO THE START OF CONSTRUCTION.

8. CONTRACTOR SHALL OBTAIN ALL PERMITS BEFORE CONSTRUCTION BEGINS. ALL PRODUCT AND MATERIAL SUBSTITUTIONS AND PLAN DEVIATIONS MUST BE PERMITTED BY THE CONTRACTOR PRIOR TO INSTALLATION. ALL(INCLUDING DOT UTILITY ENCROACHMENT PERMIT).

9. ALL SIGNAGE SHALL COMPLY WITH THE COBB COUNTY ZONING ORDINANCE. A SEPARATE SIGN PERMIT IS REQUIRED.

10. CONSTRUCTION TRAILER USED ON-SITE SHALL BE PERMITTED THROUGH THE COBB COUNTY PLANNING AND ZONING DEPARTMENT.

11. CONSTRUCTION EQUIPMENT SHALL NOT BE PARKED IN REQUIRED RIGHT-OF-WAY, AND MUST BE STORED WITHIN THIS SITE. CONSTRUCTION EQUIPMENT SHALL NOT BE PARKED IN AREAS WHICH RESTRICT SIGHT DISTANCE.

12. THE EXACT LOCATION OF HANDICAP RAMPS SHALL BE COORDINATED WITH THE ARCHITECTURAL DRAWINGS AND SHALL BE PROVIDED AT THE INTERSECTIONS OF EACH APPLICABLE SIDEWALK, ACCESSIBLE ROUTE, AND ENTRANCE DRIVES.

13. ALL SIDEWALKS ARE TO BE INSTALLED PER ADA STANDARDS. SIDEWALKS TO HAVE MAX SLOPE OF 5% AND MAX CROSS SLOPE OF 2%.

14. CONTRACTOR SHALL NOTIFY ENGINEER SHOULD ANY FIELD CONDITIONS BE NOTED THAT DIFFER FROM THE SURVEY.

15. SITE CONTRACTOR SHALL FURNISH "AS-BUILT" DRAWINGS INDICATING ALL CHANGES AND DEVIATIONS.

16. BUILDING LOCATION IS TO THE OUTSIDE FACE OF BLOCK. CONTRACTOR TO COORDINATE AND VERIFY EXACT BUILDING LOCATION & DIMENSIONS WITH ARCHITECTURAL DRAWINGS.

SCALE: 1" = 40'
40 0 40 80 120 FEET

N

NOTE: THE PREPARATION OF THIS SITE PLAN IS BASED UPON INFORMATION READILY AVAILABLE DURING THE DILIGENCE PROCESS AND SHOULD NOT BE RELIED UPON FOR ZONING ENTITLEMENTS, ZONING, LEGAL ENTITLEMENTS AND AN ALTA SURVEY SHOULD BE REVIEWED BY AN ATTORNEY.

GEORGIA REGISTERED No. 031310 PROFESSIONAL ENGINEER DAVID P. WHITE
05-23-23

civilogistix
500 SUN VALLEY DRIVE, STE H3, ROSWELL, GA 30076
(404) 594-4403 - civilogistix.com

SITE PLAN
IGLESIA ROCA DE SALVACION
6190 MABLETON PKWY SW
MABLETON, GEORGIA 30126

C201
23114
MAY 23, 2023
REVISIONS

X:\Civilogistix\cvLX Team\cvLX Projects\cvLX 2023\cvLX 23114 - Iglesia Roca De Salvacion\23114 CD 06-02-23.dwg, 6/2/2023 2:49:38 PM, cvLX PDF.pc3

JUNE 20, 2023 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

Min. Bk. 97 Petition No. O.B.23
Doc. Type Storm water Mngmt, Site Plan Review, Cobb DOT and Fire Dept. comments and recommendations
Meeting Date 6-20-2023

ITEM OB-23-2023

To consider amending the site plan and stipulations for Iglesia Misionera Roca de Salvacion regarding rezoning application Z-13 of 2020, for property located at the southwest intersection of Mableton Parkway and Boggs Road in Land Lot 190 of the 18th District (6170 and 6190 Mableton Parkway, and 529 Boggs Road). (***Continued by the Board of Commissioners until the June 20, 2023 Hearing).***

BACKGROUND

The subject property is zoned Neighborhood Retail Commercial (NRC) for a church by way of zoning case Z-13 of 2020. The case was approved subject to the site plan and elevations. The building was approved to be 28,000 square-feet with two stories. The applicant has finished their final plans and finds the building size has increased to 28,884 square feet, which includes the second story. The site plan has been refined slightly with the access points, building location, parking layout, and detention pond all being in the same general areas. The proposed building architecture is attached for review. If the amendments are approved, all previous stipulations would remain in effect.

STAFF COMMENTS AND RECOMENDATIONS

Water and Sewer: No comments.
Stormwater Management: Stormwater Management has no objection to this other business item as requested. Stormwater management will be considered private, and the design will be required to meet the current Cobb County Code and Development Regulations.
Site Plan Review: The submitted site plan does not appear to satisfy the parking lot tree requirements of the Cobb County Tree Ordinance. Additional parking lot peninsulas and islands may be required, as determined by the Cobb County Arborist during site plan review. Call 770-528-2147.
Cobb DOT: See attached.
Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Recommendations

1. Recommend retaining all DOT recommendations from zoning case Z-13-2020, 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 coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed SPLOST match project X2770 – Mableton Parkway Pedestrian Improvements. Recommend applicant upgrade the commercial driveways to meet design standards and dedicate sufficient ROW to construct the section of 10' multi-use trail and 3' grass strip along their frontage. Recommend applicant construct the section of 10' multi-use trail along their frontage. Fee in lieu of the trail section may be requested in coordination with the existing project depending on final construction schedules.

    c. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Mableton Parkway, a minimum of 20' from the back of curb.

    d. 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 Boggs Road, a minimum of 25' from the roadway centerline.

    e. As necessitated by this development, recommend Mableton Parkway access to include deceleration lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval and coordination with GDOT.

    f. Recommend the access on Mableton Parkway be a minimum of 250' tangent distance from Boggs Road or restricted to right-in/right-out access. Recommend driveway on Mableton Parkway be reconstructed per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards. GDOT recommends a min 35ft Radius commercial drive with a min 24ft wide drive.

    g. Recommend the access on Boggs Road be a minimum of 250 feet tangent distance from the intersection at Mableton Parkway or be restricted to right-in/right-out access.

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

Petition No. O.B.23
Meeting Date 6-20-2023
Continued

OB-23-2023 **DEPARTMENT COMMENTS - DOT**

(continued)

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

Petition No. O.B. 23
Meeting Date 6-20-2023
Continued

APPLICANT: Iglesia Misionera Roca de Salvacion **PETITION NO.:** OB-23

PRESENT ZONING: **PETITION FOR:**

* * * *

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.

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

SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS
D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m2) shall be provided with two separate and approved fire apparatus access roads. Exception: Projects having a gross building area of up to 124,000 square feet (11 520 m2) that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diag1onal dimension of the lot or area to be served, measured in a straight line between accesses

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

Jeff Byrd
(770) 528-8814
jeffrey.byrd@cobbcounty.org

S L H

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

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

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

June 15, 2023

VIA EMAIL & HAND DELIVERY

Min. Bk. 97 Petition No. O.B.25
Doc. Type letter with Site Plan
Meeting Date 6-20-2023

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

Re: Other Business Application of CMS Custom Homes, LLC to request Site Plan and Stipulation Amendments regarding No. Z-37 [2007] OB-25-2023

Dear John:

The applicant continued the case from last month to complete studies regarding floodplain, wetlands and dam breach zones. The applicant has had an opportunity to review the site with Frank Gipson, Cobb Erosion Control Division Manager and make significant revisions to the site plan. The original zoning had a density of 4.9 units per acre. The applicant proposed an Other Business (OB) revision to this approval with 29 RSL lots and an additional three estate lots. After revising the plans with the guidance from Mr. Gipson, the plan has reduced the number of RSL units to 26 homes. Below are stipulations to accompany the approval of the OB request.

1) The attached site plan dated June 6, 2023 with the District Commissioner approving minor modifications.

2) The buffer plan included in the site plan is approved. The applicant agrees that if lot 11 cannot be built without intrusion into the state buffer, this lot cannot be built and the total number of RSL units will be reduced by one.

3) The applicant will comply with the staff recommendations contained in the staff comments including the DOT recommendations regarding access onto Acworth Due West Road.

4) The stipulation letter dated April 25, 2007 is no longer applicable and is specifically removed from the original stipulations and superseded by these conditions.

S L H

Petition No. O.B.25
Meeting Date 6-20-2023
Continued

VIA EMAIL & HAND DELIVERY

Thank you in advance for your assistance in this matter. Please feel free to contact me if you have any questions or concerns.

Sincerely,

SAMS, LARKIN & HUFF, LLP

Parks F. Huff
phuff@samslarkinhuff.com

PFH/jac
Attachment

cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Dr. Jackie McMorris, County Manager (via email w/attachment)
Board of Commissioners Assistants (via email w/attachment)
Ms. Jessica Guinn, AICP, Director (via email w/attachment)
Ms. Jeannie Peyton, Senior Planner (via email w/attachment)
Mr. Terry Martin, AICP, CNU-A, Planner III (via email w/attachment)
Ms. Margie Vazquez, Planner II (via email w/attachment)
Mr. LeDarius Scott, *AICP Candidate,* Planner II (via email w/attachment)
Mr. Cameron Jones, Planner II (via email w/attachment)
Ms. Pam Mabry, County Clerk (via email w/attachment)
Ms. Robin Stone, Deputy County Clerk (via email w/attachment)
Ms. Leila Washington, Deputy County Clerk (via email w/attachment)
Mr. Jeff Byrd, Fire Marshal's Office (via email w/attachment)
Ms. Ligia Florim, Cobb DOT (via email w/attachment)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachment)
Mr. Tim Davidson, P.E., Development Review Engineer, Water System (via email w/attachment)
Mr. David G. Meyer, PLA, DGM Land Planning Consultants, Inc. (via email w/attachment)
Mr. Kristian Wiles, PLA, DGM Land Planning Consultants, Inc. (via email w/attachment)
Mr. David Gernatt (via email w/attachment)

Petition No. O.B.25
Meeting Date 6-20-2023
Continued

DGM
LAND PLANNING CONSULTANTS, INC.
1635 OLD HWY 41
SUITE 112-314
KENNESAW, GA 30152
770-514-9006
DGMLPC.COM

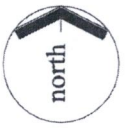
'Other Business' Plat

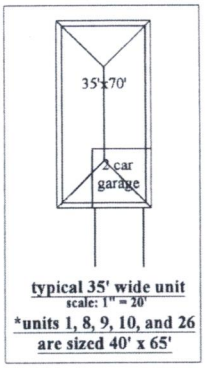
Acworth Due West Tract

Cobb County, Georgia Land Lot 122, 20th District, 2nd Section

prepared for:

CMS Custom Homes, LLC
330 Riverwood Pkwy, Suite 2220,
Atlanta, GA 30339





RECEIVED
JUN 15 2023
COBB COUNTY ZONING

0 30 60 120 240
Scale: 1" = 60'
June 6, 2023

Site Data

Total Site Area: 14.45 AC

Parcel A

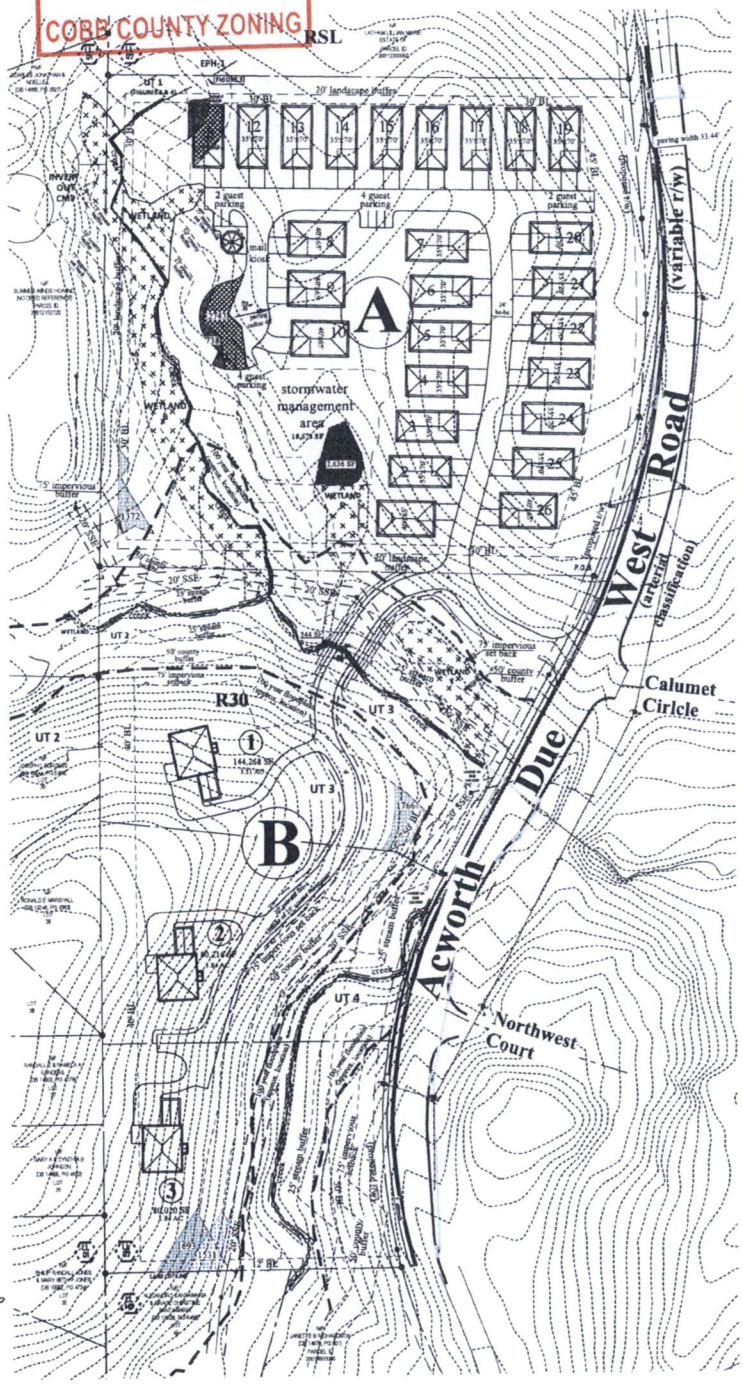
RSL Community

Site Area: 7.46 AC
(0.39 AC in floodplain)
Existing and Proposed Zoning: RSL
Total Units Shown: 26
Net Density: 3.68 UN/AC
RSL Building Setbacks
front: 45' (arterial)
side: 30'
rear: 30'

Parcel B

R-30 Community

Site Area: 6.99 AC
(2.4 AC in floodplain)
Existing and Proposed Zoning: R-30
Total Units Shown: 3
Net Density: 0.65 UN/AC
RSL Building Setbacks
front: 50' (arterial)
side: 12'
rear: 40'



75' BUFFER ENCROACHMENT- 4,094 SF

50' BUFFER ENCROACHMENT- 1,429 SF

WETLAND DISTURBANCE- 2980 SF
(ALLOWABLE MAX= 4,356 SF)

75' BUFFER CONCESSION- 4,831 SF

50' BUFFER CONCESSION- 1,531 SF

Notes:
1. Boundary taken from survey from Unified Land Surveying, dated March 29, 2022.
2. Topographic information from Cobb County GIS.
3. Flood Plain is delineated according to Flood Insurance Rate Map (FIRM) #13067C0016H, effective 10-05-2018.
4. No cemeteries are known to exist on site.
5. Stream and wetland classifications are to be determined.
6. No archeological or architectural landmarks are known to exist on site.
7. No utility easements are known to exist on site.

JUNE 20, 2023 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1

Min. Bk. 97 Petition No. O.B.25
Doc. Type Water & Sewer, Stormwater Mngmt, Cobb DOT, and Fire Dept. comments and recommendations
Meeting Date 6-20-2023

ITEM OB-25-2023

To consider amending the site plan and stipulations for CMC Custom Homes, LLC regarding rezoning application Z-37 of 2007. To also consider an encroachment in the 75-foot Impervious Stream buffer, for property located on the west side of Acworth Due West Road, south of McClure Road in Land Lot 122 of the 20th District (3141 Acworth Due West Road). (***Continued by the Board of Commissioners until the June 20, 2023 Hearing).***

BACKGROUND

The subject property is zoned RSL (Residential Senior Living) and R-30 for residential development. The northern portion of the property (Tract A) was zoned in 2007 for RSL senior living, and this was not developed. The southern portion of the property (Tract B) is zoned R-30 for single-family houses. The RSL portion of the property was zoned site plan specific, and the applicant wishes to amend that site plan to allow their development proposal of 29 detached RSL units. The R-30 portion of the property would be developed for three R-30 lots. Additionally, the R-30 portion of the property is requesting a variance to the 75-foot impervious stream buffer to allow placement of the driveway serving lots 2 & 3, and the house on lot 3. If the amendments are approved, all previous stipulations would remain in effect.

STAFF COMMENTS AND RECOMENDATIONS

Water and Sewer: Master water meter no longer required.
Stormwater Management: Stormwater Management has no objection to this other business item as requested. Stormwater Management will be required to current Cobb County Code and Development Regulations. Stream Buffer variances from the State and County may be required for the roadway stream crossing to Tract B.
Site Plan Review: No comments.
Cobb DOT: See attached.
Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Petition No. O.B.25
Meeting Date 6-20-2023
Continued

OB-25-2023 **DEPARTMENT COMMENTS - DOT**

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Acworth Due West Road	Arterial	40	Cobb County	100'
McClure Road	Local	35	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Acworth Due West Road	At McClure Road	12,500	D
McClure Road	N/A	N/A	N/A

Based on 2018 traffic counting data taken by Cobb County DOT for Acworth Due West Road.
Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for arterial roads from this data source.
LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

Comments and observations

Acworth Due West Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

McClure Road is classified as a local roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

There is a future Cobb County roundabout project at the intersection of Acworth Due West Road and McClure Road.

Recommendations

1. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Acworth Due West Road, a minimum of 50' from the roadway centerline.

2. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roundabout project.

3. As necessitated by this development, recommend Acworth Due West Road access include deceleration lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.

4. Recommend applicant verify that minimum intersection sight distance is available for Acworth Due West Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 445'.

OB-25-2023 **DEPARTMENT COMMENTS - DOT**

(continued)

5. Recommend the Acworth Due West Road access include a minimum of 50' of uninterrupted ingress/egress from the right-of-way to the first internal driveway.

6. Recommend replacing disturbed curb, gutter, and sidewalk along the Acworth Due West Road frontage.

7. Recommend a 10' no access easement along the Acworth Due West Road frontage.

8. Recommend private streets, lighting, and utilities be constructed to the Cobb County Standard Specifications. Development streets should be clearly labeled as private on the submitted site plan.

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

Petition No. O.B.25
Meeting Date 6-20-2023
Continued

APPLICANT: CMS Custom Homes, LLC **PETITION NO.:** OB-25

PRESENT ZONING: **PETITION FOR:**

FIRE COMMENTS:

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

FIRE HYDRANTS

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

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.* (Required Flow: 1,500 gpm @ 20 psi)

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 26 feet, maximum of 30 feet from the structure, minimum of 15 feet from the structure, and be positioned parallel to one entire long 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)

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).

Gates

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

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

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

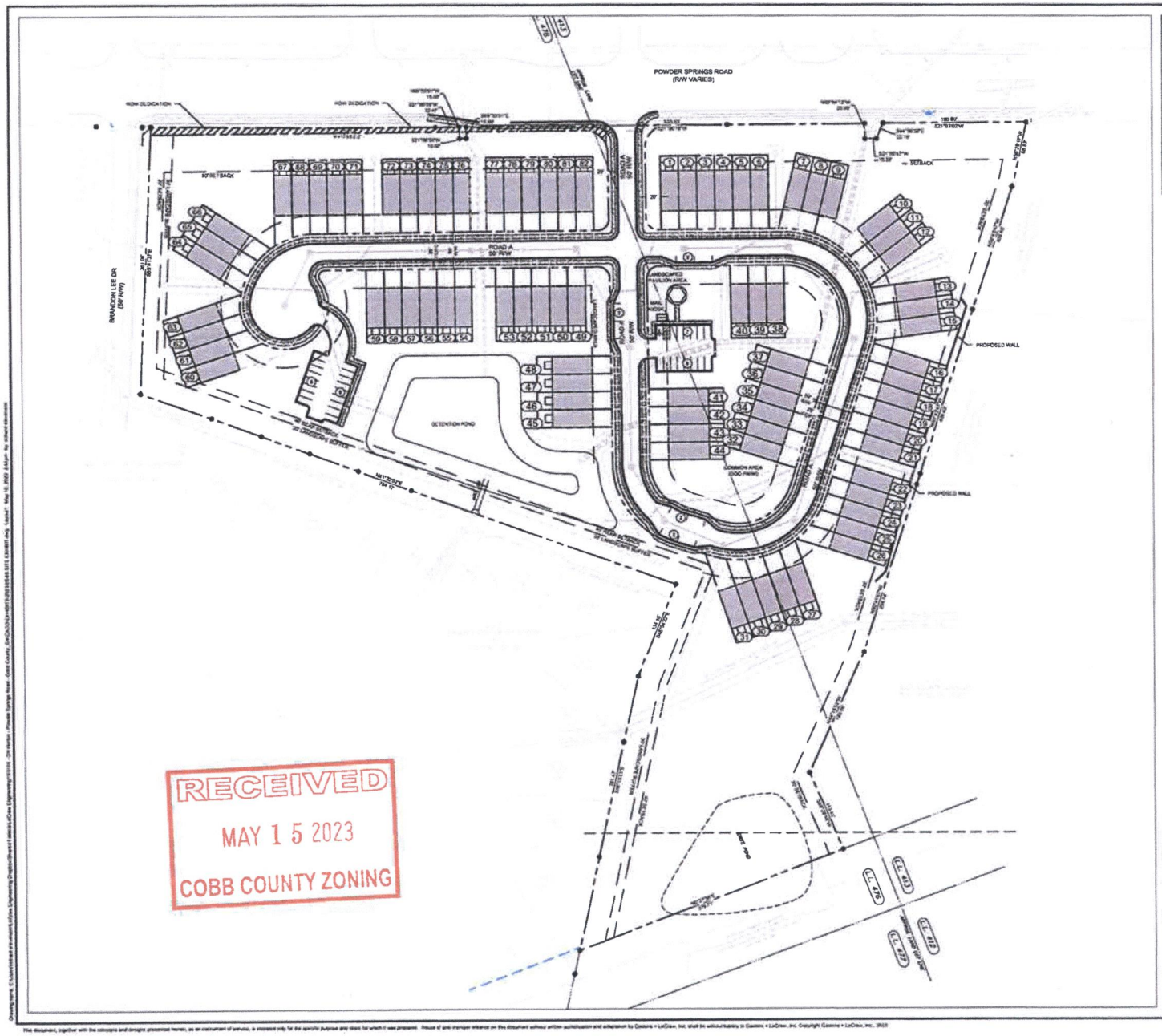
Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

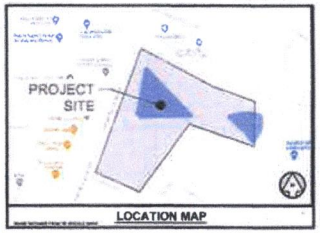
The above is not an all-inclusive list, all applicable fire and life safety provisions must be met.

Jeff Byrd
(770) 528-8814
jeffrey.byrd@cobbcounty.org

Min. Bk. 97 Petition No. O.B. 27
Doc. Type Revised Site Plan

Meeting Date 6-20-2023





LOCATION MAP

SITE SUMMARY	
SITE AREA	
SITE AREA	16.31 ACRES
UNITS	92 TYS
DENSITY	5.62 (UNITS/AC)
PARKING PROVIDED	46 SPACES
ZONING CLASSIFICATION	
JURISDICTION	COBB COUNTY
CURRENT ZONING	GA-S
MAJOR SETBACKS	
FRONT	20'
SIDE	5'
REAR	40' (STRUCTURE)
MINOR SETBACKS	
FRONT	20'
SIDE	5'
REAR	AS LISTED ON PLAN

GENERAL SITE NOTES

1) ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS SPECIFIED OTHERWISE.

2) ALL TREES SHALL HAVE PROPER PROTECTION DURING CONSTRUCTION UNLESS APPROVED PLANS INDICATE OTHERWISE.

3) BOUNDARY & TOPOGRAPHIC SURVEY BY GASKINS ENGINEERING, INC., DATED 12-08-2020. BENCHMARK IS NOTED ON SURVEY.

4) FLOOD PLAIN IS NOT PRESENT ON THIS SITE AS SHOWN ON THE FEMA FIRM MAP NUMBER 13067C0113G, DATED DEC. 16, 2008

5) 1 HANDICAP SPACE IS REQUIRED TO BE VAN ACCESS AISLE WITH A MINIMUM 96" WIDE ACCESS AREA

6) ACCESSIBLE PARKING AREAS, INCLUDING AISLES, SHALL SLOPE NO MORE THAN 2% IN ANY DIRECTION.

7) THE OWNER IS RESPONSIBLE FOR OBTAINING ANY NECESSARY AGREEMENTS FROM ADJACENT PROPERTY OWNERS IN ORDER TO PERFORM THE REQUIRED OF SITE WORK, INCLUDING, STORM DRAINAGE, CURB AND GUTTER AND PAVEMENT TRANS AND GRADING.

8) REFERENCE ARCH PLANS FOR DIRECTIONAL SIGNAGE. SITE SIGNAGE, BUILDING DIMENSIONS, ETC.

9) ALL NEW PAVEMENT SHALL MEET OR EXCEED COBB COUNTY ROADWAY SPECIFICATIONS.

RECEIVED
MAY 15 2023
COBB COUNTY ZONING

PREPARED IN THE OFFICE OF
GASKINS + LECRAW
SUITE A
DULUTH, GA 30097
PHONE: 678.745.4770
FAX: 770.497.9016
www.GaskinsEngineering.com

REVISIONS:

NO.	DESCRIPTION	DATE
1		
2		
3		
4		
5		
6		

CLIENT:
D.R. HORTON, INC.
8800 ROSWELL ROAD, BLDG. B, STE. 100, SANDY SPRINGS, GA 30350

PROJECT:
POWDER SPRINGS ROAD
LAND LOTS 413 & 476
19TH DISTRICT, 2ND SECTION
COBB COUNTY, GA

SEAL:
JEFFREY E. WILKERSON
5/10/2023

CALL BEFORE YOU DIG
811
Know what's Below.
Call before you dig.

SCALE & NORTH ARROW:
NORTH ARROW
SCALE: 1" = 60'

DESIGN INFO:

DRAWN BY:	JW
DESIGNED BY:	MG
REVIEWED BY:	JWW
JOB #:	19371.PM
DATE:	05-15-2023

SITE PLAN EXHIBIT
EXHIBIT-1

OB-27-2023 Proposed Site plan

The document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Gaskins + LeCraw, Inc. shall be without liability to Gaskins + LeCraw, Inc. Copyright Gaskins + LeCraw, Inc., 2023

Min. Bk. 97 Petition No. O.B.27
Doc. Type Cobb DOT and Fire Dept. comments and recommendations
Meeting Date 6-20-2023

JUNE 20, 2023 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

ITEM OB-27-2023

To consider a site plan and stipulation amendment for DR Horton, Inc. regarding rezoning application Z-9 of 2019 in Land Lots 413 and 476 of the 19th District. The property is located on the southeasterly side of Powder Springs Road and on the northeasterly side of Brandon Lee Drive (1767 Powder Springs Road).

BACKGROUND

The subject property is zoned RA-5 for an 82-unit townhouse community. The case was approved subject to the site plan and stipulations as a settlement of litigation on April 19, 2022. The applicant has finished up the preliminary engineering and they find they need to amend a few things about the project. The number of units, access, buffers, parking areas, sidewalk locations, detention pond, and guest parking spaces remain the same. The applicant has revised the following:

1. Individual lot lines added to each lot to better define ownership.
2. The fire access road on southwest side of the project has been deleted since it is no longer required.
3. The driveway lengths have increased from 22-feet to 25-feet.
4. The townhouse buildings have been given more depth.
5. The internal roadways are now called out as Right-of-way, whereas before it was not clearly noted.

If the amendments are approved, all previous stipulations would remain in effect.

STAFF COMMENTS AND RECOMENDATIONS

Water and Sewer: No comments.
Stormwater Management: Stormwater Management has no objection to this other business item as requested.
Site Plan Review: No comments.
Cobb DOT: See attached.
Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

APPLICANT: DR Horton, Inc. **PETITION NO.:** OB-27

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

* *

FIRE COMMENTS:

Petition No. O.B.27
Meeting Date 6-20-2023
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 each structure.* (Additional hydrant may need to be installed.)

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.* (Required Flow: 1,500 gpm @ 20 psi)

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

1.) NFPA 13D sprinkler system.
2.) Complete structure (framing and decking materials) treated with a Class A-Fire Retardant spray with a flame spread rating of 25 or less and smoke development of 450 or less.
3.) Non-Combustible construction.
(Indicate on the site plan which option will be utilized.)

ACCESS:
Fire apparatus access roads shall extend to within 150 feet of all portions of each structure.(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.

The portion of the access road at the fire hydrant must have a minimum width of 26 feet and a minimum length of 40 feet, centered on the hydrant exclusive of shoulders. (see Figure D103.1 in Appendix D).

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side.

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 26 feet, maximum of 30 feet from the structure, minimum of 15 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)

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

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required

- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
- Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
- Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
- Guest parking spaces must be evenly distributed throughout the project.

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

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

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

Jeff Byrd
(770) 528-8814
jeffrey.byrd@cobbcounty.org

Petition No. 0.B.27
Meeting Date 6-20-2023
Continued

OB-27-2023 **DEPARTMENT COMMENTS – CCDOT**

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Powder Springs Road	Arterial	45	Cobb County	100'
Brandon Lee Drive	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Powder Springs Road	West of Callaway Road	32,600	E
Brandon Lee Drive	N/A	N/A	N/A

Based on 2013 traffic counting data taken by Cobb County DOT for Powder Springs Road.
Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.
LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

ITE Land Use	Description	Expected Size (DU)	AM			PM			Daily (vpd)
			In (vph)	Out (vph)	**Total (vph)**	In (vph)	Out (vph)	**Total (vph)**	
220	Multifamily Housing (Low Rise)	82	8	25	**33**	26	15	**42**	**553**

vph = vehicles per hour, vpd = vehicles per day
Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11th edition.

Comments and observations

Powder Springs Road is classified as an arterial roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Brandon Lee Drive is classified as a local roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

In accordance with Cobb County Code 134-121 and based on site plan received May 15, 2023, this development does not require a traffic study submittal.

Recommendations

1. Recommend retaining the following DOT recommendations from Z-9-2019 and OB-10-2022:
    a. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

OB-27-2023 **DEPARTMENT COMMENTS – CCDOT**
(continued)

b. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.

c. Recommend replacing disturbed curb, gutter, and sidewalk along the Powder Springs Road frontage.

d. Recommend a deceleration lane on Powder Springs Road for the entrance.

e. Recommend private streets, lighting, and utilities be constructed to the Cobb County Standard Specifications.

f. Recommend a 10' no access easement along the Powder Springs Road frontage.

Min. Bk. 97 Petition No. O.B.28
Doc. Type 4-16-2003 Stipulation letter
Meeting Date 6-20-2023

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET
MARIETTA, GEORGIA 30060
WWW.MIJS.COM

MAIN OFFICE
POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061
TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK
SUITE 463
408 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

JOHN H. MOORE
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MATTHEW J. HOWARD
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CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
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HARRY R. TEAR III
W. TROY HART
JEFFREY A. DAXE
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TIMOTHY W. BAILEY
JOYCE W. HARPER
THOMAS L. SCHAEFER**
PATRICK D. DODSON***
JONATHAN H. PETCU

AMY K. WEBER
BRYAN C. MAHAFFEY
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ROBERT W. BROWN II
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JASON C. FISHER
NATHANIEL F. HANSFORD
JEFFERY L. DICKERSON
T. SHANE MAYES
DALLAS R. IVEY

OF COUNSEL:
JOHN L. SKELTON, JR.

1 ALSO ADMITTED IN TN
* ALSO ADMITTED IN NC
** ALSO ADMITTED IN CA
*** ADMITTED ONLY IN TN
**** ALSO ADMITTED IN AL

WRITER'S DIRECT DIAL NUMBER

April 16, 2003

Hand Delivered

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Min. Bk. 23 Petition No. Z-37
Doc. Type Stipulation letter
Meeting Date April 17, 2003

RE: Application for Rezoning
Application No.: Z-37 (2003)
Applicant: Columbia Properties Incorporated
Owners: Franklin D. Fowler; Velton V. Fowler; Rachel Woodall; Dabney Partners, LLC; Bennett A. Brown, III; James A. Glass; Elizabeth Carlton; and John Wieland Homes and Neighborhoods, Inc.
Property: 22.04 acres located on the north side of Veterans Memorial Highway and Queens Mill Road Land Lot 166, 18th District, 2nd Section, Cobb County, Georgia

FILED WITH COUNTY CLERK THIS 17th DAY
OF April 2003 BY John Moore
RE Z-37
Sandra S. Richardson
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

Dear John:

On behalf of the Applicant and Property Owners of the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated April 15, 2003, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additional stipulations are as follows:

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-37
Meeting Date ~~April 17, 2003~~
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Two
April 16, 2003

(1) Applicant agrees that the following principal uses, though permitted in a CRC zoning classification, shall be prohibited on the Subject Property:

(a) Arcades;
(b) Billiards and pool halls;
(c) Boarding kennels;
(d) Bus stations;
(e) Clubs or lodges (noncommercial);
(f) Colleges and universities (private), including but not limited to, research and training facilities;
(g) Community fairs;
(h) Executive golf courses;
(i) Fraternity and sorority house and residence halls;
(j) Golf courses, 18-hole regulation, public and private;
(k) Golf courses, par 3;
(l) Group homes;
(m) Motels;
(n) Rest homes, personal care homes, and convalescent homes;
(o) Roominghouses and boardinghouses;
(p) Self-service laundry facilities;
(q) Adult book or entertainment;
(r) Pawn shop;
(s) Tatoo parlor;
(t) Liquor store.

(2) There shall be a landscaped area along the frontages of both Veterans Memorial Highway and Buckner Road. Such landscaping shall be approved by the Cobb County Arborist during the plan review process.

Again, thank you for your consideration in this requested rezoning.

Petition No. O.B.28
Meeting Date 6-20-2023
Continued

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-31
April 17, 2003

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Three
April 16, 2003

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

John H. Moore

JHM:cc
c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
George Woody Thompson, Jr.
Helen C. Goreham
Joe L. Thompson
Tim Lee
Carroll Mullis

Columbia Properties Incorporated

JUNE 20, 2023 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

Min. Bk. 97 Petition No. O.B.29
Doc. Type Cobb DOT, Site Plan Review and Fire Dept. Comments and recommendations
Meeting Date 6-20-2023

ITEM OB-29-2023

To consider a reduction of required minimum lot size from 20,000 square-feet to 15,974 square-feet, and a rear setback variance from 35-feet to 20-feet for Turren Construction, LLC. The property located at the northeast intersection of Atlanta Road and Peach Lane in Land Lot 748 of the 17th District (2133 Peach Lane).

BACKGROUND

The Board of Commissioners considers all reductions to minimum lot size pursuant to Zoning Code Sec. 134-271(7)(a) adopted on February 27, 2018. This request concerns two small lots that are being combined into one lot. Even with the lot combination the minimum lot size of 20,000 square-feet cannot be met; the lot would have 15,974 square-feet. Additionally, the applicant needs a rear setback variance from 35-feet to 10-feet adjacent to the rear (north) property line. If approved all other zoning criteria will be met, such as impervious surface.

STAFF COMMENTS

Cobb DOT: See attached

Stormwater Management: Stormwater Management has no objection to this other business item as requested. The applicant must submit an updated site plan for review and approval with impervious coverage. Stormwater mitigation is required for impervious coverage of 5,000 square feet or more on infill lots.

Water & Sewer Comments: No comments.

Site Plan Review: If this OB application is approved, a lot combination plat must be submitted to Site Plan review for approval prior to the issuance of a building permit. Contact Site Plan Review at 770-528-1074.

Fire Department: See attached.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction of minimum lot size and a rear setback variance.

OB-29-2023 **DEPARTMENT COMMENTS – CCDOT**

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Atlanta Road	Arterial	45	Cobb DOT	100'
Peach Lane	Local	25	Cobb DOT	50'

Roadway	Location	Average daily trips	Level of service
Atlanta Road	NORTH OF DANIEL ST	21,000	N/A
Peach Lane			

Based on 2018 traffic counting data taken by Cobb County DOT for Atlanta Road.
Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for minor collector roads from this data source.
LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

ITE Land Use	Description	Expected Size (acres)	AM			PM			Daily (vpd)
			In (vph)	Out (vph)	**Total (vph)**	In (vph)	Out (vph)	**Total (vph)**	
210	Single Family Homes	0.4	0	1	**1**	1	0	**1**	**10**

vph = vehicles per hour, vpd = vehicles per day
Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11th edition.

Comments and observations

Atlanta Road is classified as an Arterial roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Peach Lane is classified as a Local roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

In accordance with Cobb County Code 134-121 and based on site plan received May 16, 2023, this development does not require a traffic study submittal.

Recommendations

1. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Atlanta Road, a minimum of 50' from the roadway centerline. This recommendation is pursuant to Cobb County Development Standard 401.2, Right-of-Way.

OB-29-2023 **DEPARTMENT COMMENTS – CCDOT**

(continued)

2. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Peach Lane, a minimum of 25' from the roadway centerline. This recommendation is pursuant to Cobb County Development Standard 401.2, Right-of-Way.

3. Recommend a minimum of 50 feet straight-line distance (from end of curb return to start of adjacent curb return) between any residential driveways and adjacent curves, on-street parking or driveways. This recommendation is pursuant to Cobb County Development Standard 402.7.1, Residential Driveways and Cobb County Development Standard Detail 116R, Residential Driveway Standard.

4. Recommend residential driveway on Peach Lane be installed to Cobb County standards. This recommendation is pursuant to Cobb County Development Standard 402.7.1, Residential Driveways and Cobb County Development Standard Detail 116R, Residential Driveway

5. Recommend driveway on Peach Lane be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length. This recommendation is pursuant to Cobb County Development Standard 402.7.1, Residential Driveways and Cobb County Development Standard Detail 116R, Residential Driveway Standard.

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

APPLICANT: Turren Construction LLC **PETITION NO.:** OB-29

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

* *

FIRE COMMENTS:

Petition No. O.B.29
Meeting Date 6-20-2023
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 each structure.* (Additional hydrant may need to be installed.)

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.* (Required Flow: 1,500 gpm @ 20 psi)

ACCESS:
Fire apparatus access roads shall extend to within 150 feet of all portions of each structure.(State Modifications IFC 503.1 2012 Edition).

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

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

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side.

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

(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.

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

Jeff Byrd
(770) 528-8814
jeffrey.byrd@cobbcounty.org