**MINUTES OF ZONING HEARING**
**COBB COUNTY BOARD OF COMMISSIONERS**
**FEBRUARY 20, 2024**
**9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, February 20, 2024, 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
Commissioner Monique Sheffield

## CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:01 a.m.

Commissioner Birrell presented the following *revised* statement dated 1/22/24 to the Clerk which 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 three 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.*

*In addition, I do support the Order on Cross Motions for Summary Judgment (Civil Action File No. 23-1-02428-56) from Judge Ann B. Harris in the Superior Court of Cobb County dated January 8, 2024 which finds the County's Amendment to Act 562 (the "Amendment or Amended Act") is an act excluded from the County's Home Rule authority granted in the Georgia Constitution, and therefore is void.*

Commissioner Gambrill asked that the following statement be 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 Board's Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.*

Commissioner Gambrill's statement (cont.)

*In addition, 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. Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General assembly by general law has preempted, like the redistricting map here in Cobb Co. Commissioners of Wayne Co. v. Smith 240 Ga. 540 (1978); Brophy v. McCranie 264 Ga. 187 (1994).*

*In fact, even in Federal Court in Georgia, the court has ruled the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties; therefore, where the General Assembly failed to enact reapportionment legislation for a certain county, although it was entitled to consideration as an expression of county policy, a reapportionment plan proposed by a county was not a legislatively enacted plan requiring deferential treatment and the district court was required to fashion a reapportionment plan. Bodker v. Taylor, 2002 U.S. Dist. LEXIS 27447 (N.D. Ga. June 5, 2002). In January, Georgia State Attorney General, Chris Carr stated that the Cobb County Commission's move to amend its electoral redistricting map is "inappropriate and not legally binding."*

*Per the letter dated December 22, 2022, from 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 the comment on whether the Amendment is allowable under state law or a proper exercise of the authority by the Cobb County Commission, nor should you rely on this 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 to Georgia Law or the State Constitution.*

*With the majority of this Board actions on October 25, 2022 and the resulting filing and recording with the Office of the Secretary of State on October 26, 2022, the boundaries of the districts from which county commissioners were elected in Districts 1 and 3 were changed (14) days prior to the General Election, and eight (8) days after early voting had begun using district boundaries for Districts 1 and 3 as approved by the Governor.*

*Furthermore, the Board of Elections certified the election of Commissioners in District 1 and 3 using the map as approved by the Governor on March 2, 2022 on November 15, 2022 and not the maps that the Board of Commissioners made effective on October 26, 2022.*

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

**WITHDRAWN AND CONTINUED CASES**

**Z-30'23** **QUIKTRIP CORPORATION** (BK Canton, LLC, owner) requesting rezoning from **GC** to **NRC** for a convenience store with fuel sales in land lot 60 of the 16th district. Property is located on the south side of Jamerson Road, and the west side of Canton Road (4815 Canton Road). ***(Previously held by the Planning Commission (PC) from the September 5, 2023, through November 7, 2023, PC hearings until the December 5, 2023, PC hearing; held by the Board of Commissioners (BOC) from the December 19, 2023, BOC Zoning hearing until the February 20, 2024, BOC Zoning hearing). WITHDRAWN WITHOUT PREJUDICE***

**LUP-30'23** **DONALD PERRY** (Sandra Galloway and Donald Perry, Sr., owners) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 559 of the 19th district. Property is located on the southeast side of Farmington Drive at the terminus of Angus Trail (2639 Farmington Drive). ***(Previously held by the Planning Commission (PC) from the December 5, 2023, PC hearing until the February 6, 2024, PC hearing). WITHDRAWN WITHOUT PREJUDICE***

**Z-15'23** **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 a mixed-use development consisting of townhomes, multifamily, office, retail, and wholesale distribution 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, through the September 5, 2023, Planning Commission (PC) hearings until the October 3, 2023, PC hearing; held by the PC from the October 3, 2023, and November 7, 2023, PC hearings until the December 5, 2023, PC hearing; held by the Board of Commissioners (BOC) from the December 19, 2023, hearing until the February 20, 2024; continued by Staff from the February 20, 2024, hearing until the March 19, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).***

**Z-36'23** **MICHESTER INC.** (Michester, Inc., owner) requesting rezoning from **R-20** to **LRO** for an office in land lot 15 of the 17th district. Property is located on the east side of Austell Road, north of Hicks Road (2513 Austell Road). ***(Previously held by the Board of Commissioners (BOC) from the October 17, 2023, BOC Zoning hearing until the November 21, 2023, BOC Zoning hearing; continued by Staff from the November 21, 2023, and December 19, 2023, BOC Zoning hearings until the March 19, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).***

**WITHDRAWN AND CONTINUED CASES (CONT.)**

**Z-40'23** **ATLANTA REMEDIATION GROUP, LLC** (Vanessa Pichardo, owner) requesting rezoning from **R-20** to **LI** for specialty contractor, parking of RVs & boats in land lot 204 of the 16th district. Property is located on the south side of Shallowford Road, east of Canton Road (1018 Shallowford Road). ***(Previously continued by Staff from the October 3, 2023, through the February 6, 2024, Planning Commission (PC) hearings until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).***

**Z-52'23** **1054 INVESTMENT GROUP, LLC** (1054 Investment Group, LLC; James Vincent Manley, owners) requesting rezoning from **R-20** to **LI** for contractor offices and parking of vehicles in land lot 204 of the 16th district. Property is located on the south side of Shallowford Road, east of Old Shallowford Road (1022, 1028, and 1054 Shallowford Road). ***(Previously held by the Planning Commission (PC) from the November 7, 2023, PC hearing until the December 5, 2023, PC hearing; continued by Staff from the February 6, 2024, PC hearing until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).***

**Z-59'23** **SS DEVELOPERS, LLC** (Samir K. Barman and Sujata Barman, owners) requesting rezoning from **R-20** to **RA-5** and **LRO** for a single-family subdivision and professional office in land lots 124, 125, 142, and 143 of the 20th district. Property is located on the west side of Jim Owens Road at the terminus of New Rutledge Road (3049 Jim Owens Road). ***(Previously continued by Staff from the December 5, 2023, and February 6, 2024, Planning Commission (PC) hearings until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).***

**Z-60'23** **MRE-CANTON, LLC** (MRE-Canton, LLC, owner) requesting rezoning from **GC** to **NRC** for a convenience store with fuel sales in land lot 60 of the 16th district. Property is located on the east side of Canton Road and the north side of Jamerson Road (4852 Canton Road). ***(Previously held by the Planning Commission (PC) from the December 5, 2023, PC hearing until the February 6, 2024, PC hearing; continued by Staff from the February 6, 2024, PC hearing until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).***

**Z-61'23** **DAVID PEARSON COMMUNITIES, INC.** (Land Acquisition Investments, LLC; Parklane Capital II. LLC, owners) requesting rezoning from **RM-12, R-20, CRC,** and **NS** to **RM-12** for a townhome community in land lots 421, 422, 443, and 444 of the 17th district. Property is located on the west side of Atlanta Road, north of Daniell Drive (1972 Atlanta Road). ***(Previously continued by Staff from the December 5, 2023, and February 6, 2024, Planning Commission (PC) hearings until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).***

**WITHDRAWN AND CONTINUED CASES (CONT.)**

**Z-64'23** **CEDAR REAL ESTATE GROUP IV, LLC** (Randall R. Osborne, owner) requesting rezoning from **R-20** to **LI** for a freight terminal in land lots 497, 504, and 505 of the 18th district. Property is located on the north side of Six Flags Parkway, west of Queensferry Drive (439 Six Flags Parkway). ***(Previously continued by Staff from the December 5, 2023, and February 6, 2024, Planning Commission (PC) hearings until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).***

***Clerk's Note:*** *Mr. Pederson announced that since Z-64'23 is a pending PC case, it will be shown as "Withdrawn" on the March PC Zoning Agenda.*

**Z-2** **FLOURNOY DEVELOPMENT GROUP, LLC** (Cobb County, owner) requesting rezoning from **GC** to **RRC** for a multifamily residential building in land lots 763 and 764 of the 17th district. Property is located on the west side of Atlanta Road and on the east side of I-285, south of the intersection of I-285 and Atlanta Road (4600 Atlanta Road). ***(Continued by Staff from the February 6, 2024, Planning Commission (PC) hearing until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).***

**Z-3** **ASHWANI KUMAR KAURA** (Ashwani Kaura, owner) requesting rezoning from **R-20** to **FST** for a townhome community in land lots 35 and 38 of the 16th district. Property is located on the east side of Alabama Road and on the north and south sides of Lindsey Way (Alabama Road, 4721 Lindsey Way). ***(Continued by Staff from the February 6, 2024, Planning Commission (PC) hearing until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).***

**Z-4** **BIG GYM THERAPY, LLC** (Cynthia B. Bickman, owner) requesting rezoning from **NS** to **NRC** for a gym and fitness facility and administrative offices in land lot 278 of the 16th district. Property is located on the west side of Canton Road, north of Kensington Drive (4005 Canton Road). ***(Continued by Staff from the February 6, 2024, Planning Commission (PC) hearing until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).***

**Z-6** **INLINE COMMUNITIES, LLC** (Grace A. Bennett, Trustee U/I Grace A. Bennett dated August 30, 1995; James H. Bennett and Joy Ann Bennett Declaration of Trust dated January 28, 1992, and restated on August 3, 2011, owners) requesting rezoning from **R-20** and **R-30** to **R-20** for a single-family home subdivision in land lots 1248, 1249, 1250, 1268, 1269, and 1322 of the 19th district. Property is located on the east side of Brown Road, north of Stout Parkway (5270 Brown Road, 5613 Holloman Road). ***(Continued by Staff from the February 6, 2024, Planning Commission (PC) hearing until the March 5, 2024, PC hearing; therefore, was not considered at this hearing).***

**WITHDRAWN AND CONTINUED CASES (CONT.)**

**O.B. 40'23** To consider amending the site plan for Kerley Family Homes, LLC regarding rezoning application Z-43 of 2019, for property located on the southeast side of Cooper Lake Road, south of Vinings Lake Drive in land lot 181 of the 17th district (Cooper Lake Road). ***(Previously continued by the Board of Commissioners (BOC) from the September 19, 2023, BOC Zoning hearing until the October 17, 2023, BOC Zoning hearing; continued by Staff from the October 17, 2023, through the February 20, 2024, BOC Zoning hearings until the March 19, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).***

**O.B. 66'23** To consider amending the stipulations for Chick-fil-A Inc. regarding rezoning application Z-8 of 2022, for property located on the southeast intersection side of Veterans Memorial Highway and Hickory Trail in land lot 165 of the 18th district (Veterans Memorial Highway). ***(Previously continued by the Board of Commissioners (BOC) from the December 19, 2023, BOC Zoning hearing until the February 20, 2024, BOC Zoning hearing; continued by Staff from the February 20, 2024, BOC Zoning hearing until the March 19, 2024, BOC Zoning hearing; therefore, was not considered at this haring).***

**O.B. 68'23** To consider a Settlement of Litigation for Noble Storage, LLC, Estate of Doty, and Donald K. Nix regarding case Z-4 of 2023. The property is located on the south side of Freeman Road, east of Johnson Ferry Road in land lot 539 of the 16th district (4290 Freeman Road). ***(Previously continued by Staff from the December 19, 2023, and February 20, 2024, Board of Commissioners' (BOC) Zoning hearings until the March 19, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).***

**O.B. 2** To consider a reduction of public road frontage from 75-feet to 64-feet and a lot size reduction from 20,000 square-feet to 12,876 square-feet for 360 Property Solutions LLC. The property is located on the north side of Nottingham Drive, west of Buckingham Drive in land lot 280 of the 16th district (375 Nottingham Drive).

Mr. Pederson presented the Applicant's request to continue O.B. 2; thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **continue** O.B. 2 until the March 19, 2024, Board of Commissioners' Zoning Hearing.

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

Mr. Pederson made the following announcement and read in the cases for the Consent Agenda:

## 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.*

*Prior to reading in the Consent Agenda, Mr. Pederson announced that Commissioner Gambrill asked that LUP-32'23 (Julia Welton) be pulled from the Consent Agenda and heard on the Regular Agenda in its numeric order (see page 12 of these minutes).*

## CONSENT AGENDA

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

**Z-66'23** **41 PARK A TOY & SELF STORAGE, INC.** (41 Park A Toy & Self Storage, Inc., owners) requesting rezoning from **GC** and **R-20** to **LI** for a climate-controlled self-storage facility in land lots 2 and 37 of the 20th district. Property is located on the east side of Cobb Parkway, south of Third Army Road (4820 Cobb Parkway). ***(Previously held by the Planning Commission (PC) from the December 5, 2023, PC hearing until the February 6, 2024, PC hearing).***

To **delete** Z-66'23 to the **NRC** zoning district, subject to:

1. **Letter of agreeable conditions from Parks Huff dated January 31, 2024 (attached and made a part of these minutes), which includes the *revised* Site Plan**
2. **Fire Department comments and recommendations**
3. **Water and Sewer Department comments and recommendations**
4. **Stormwater Management Division comments and recommendations**
5. **Cobb DOT comments and recommendations**
6. **Any and all changes to go back to the Board of Commissioners for approval**
7. **No on-site servicing or repairs of boats, RVs, four-wheelers, or other "Toys", as they are called, and parked there; and specifically, no oil changes**
8. **All other stipulations, *not otherwise in conflict,* including those stated in the September 11, 2003, stipulation letter from Garvis Sams, Jr. (attached and made a part of these minutes), will apply**

**CONSENT AGENDA (CONT.)**

**SLUP-8'23** **41 PARK A TOY & SELF STORAGE, INC.** (41 Park A Toy & Self Storage, Inc., owner) requesting a **Special Land Use Permit** for a climate-controlled self-storage facility in land lots 2 and 37 of the 20th district. Property is located on the east side of Cobb Parkway, south of Third Army Road (4820 Cobb Parkway). ***(Previously held by the Planning Commission (PC) from the December 5, 2023, PC hearing until the February 6, 2024, PC hearing).***

To **approve** SLUP-8'23, subject to:

1. **Letter of agreeable conditions from Parks Huff dated January 31, 2024 (attached and made a part of these minutes), which includes the *revised* Site Plan**
2. **Fire Department comments and recommendations**
3. **Water and Sewer Department comments and recommendations**
4. **Stormwater Management Division comments and recommendations**
5. **Cobb DOT comments and recommendations**
6. **Any and all changes to go back to the Board of Commissioners for approval**
7. **No on-site servicing or repairs of boats, RVs, four-wheelers, or other "Toys", as they are called, and parked there; and specifically, no oil changes**
8. **All other stipulations, *not otherwise in conflict,* including those stated in the September 11, 2003, stipulation letter from Garvis Sams, Jr. (attached and made a part of these minutes), will apply**

**Z-5** **MARIANNA KOVITCH** (Mt. Bethel Church, Inc., owner) requesting rezoning from **RA-4** to **LRO** for a medical office in land lots 9 and 10 of the 1st district. Property is located on the south side of Lower Roswell Road, west of Woodlawn Drive (4608 Lower Roswell Road).

To **delete** Z-5 to **LPSP (Limited Professional Services Permit),** subject to:

1. **Site Plan dated January 2, 2024, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Health practitioner or professional office use *only,* with specific users subject to the District Commissioner approval**
3. **Landscape Plan, which includes a 10-foot buffer adjacent to the existing residential properties, to be approved by the District Commissioner**
4. **Department of Transportation comments and recommendations**
5. **Fire Department comments and recommendations**
6. **Stormwater Management Division comments and recommendations**

**CONSENT AGENDA (CONT.)**

**Z-5 MARIANNA KOVITCH (CONT.)**

7. **Water and Sewer Division comments and recommendations**
8. **Letter of agreeable conditions from Kevin Moore dated January 29, 2024 (attached and made a part of these minutes)**

*At the call for LUP-1 (Christel Y. Herrera, Jr.), the Applicant was not present, and there was no opposition present. Commissioner Gambrill requested that Staff attempt to reach the Applicant, and the case was put on hold while the Applicant was being contacted. See page 12 of these minutes for the outcome of the case.*

**LUP-4** **CONGREGATION ETZ CHAIM** (Congregation Etz Chaim, Inc., owner) requesting a **Temporary Land Use Permit (Renewal)** for a daycare in land lot 969 of the 16th district. Property is located on the south side of Roswell Road and on the north side of Fairfield Drive, east of Indian Hills Parkway (1190 Indian Hills Parkway).

To **approve** LUP-4 for **24 months**, subject to:

1. **Site Plan received by the Zoning Division on November 15, 2023 (attached and made a part of these minutes)**
2. **Fire Department comments and recommendations**
3. **Department of Transportation comments and recommendations**
4. **All previous stipulations from LUP-10 of 2010 and LUP-12 of 2012, including letter of agreeable conditions from Park Huff dated March 15, 2010 (attached and made a part of these minutes)**

**LUP-5** **YOLANDA CASTILLO** (Yolanda Castillo, owner) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 64 of the 17th district. Property is located on the south side of Lowell Drive, east of Cunningham Road (689 Lowell Drive).

To **approve** LUP-5 for **24 months**, subject to:

1. **No parking of vehicles on the right-of-way on an overnight basis**
2. **All vehicles owned by the permanent residents be parked in the driveway**

**LUP-6** **EARLY EDUCATION, LLC** (Early Education, LLC, owner) requesting a **Temporary Land Use Permit (Renewal)** for a daycare in land lots 50, 51, 94, and 95 of the 17th district. Property is located on the west side of Hurt Road, north of Plantation Road (488 Hurt Road).

To **approve** LUP-6 for **24 months**, subject to:

1. **The maximum number of students permitted by state and fire codes**

**CONSENT AGENDA (CONT.)**

**OTHER BUSINESS**

**O.B. 1** To consider a reduction of public road frontage from 75-feet to zero feet and a setback variance for an existing accessory structure for Scott and Judie Ebert. The property is located on the north end of Trail Road, south of Due West Road in land lot 298 of the 20th district (4541 Due West Road).

To **approve** O.B. 1, subject to:

1. **Road frontage to be at zero feet and the accessory structure variance to be approved**
2. **Stormwater Management Division 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)**

**O.B. 3** To consider a reduction of public road frontage from 75-feet to zero feet for Janet and Dennis Wells, and to allow setback and location variances for accessory structures for Glen and Kathleen Barnett. The property is located at the end of Paris Lane in land lot 871 of the 16th district (41 and 42 Paris Lane).

To **approve** O.B. 3, subject to:

1. **41 Paris Lane to be approved for zero feet of public road frontage**
2. **42 Paris Lane to be approved for the accessory structures as shown on the Site Plan received by the Zoning Division on January 17, 2024 (attached and made a part of these minutes)**

*At the call for O.B. 4 (Luke Wemette), the Applicant was present and there was opposition present; therefore, O.B. 4 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 14 of these minutes).*

**O.B. 5** To consider amending the site plan and stipulations for Fifth Third Bank regarding rezoning application Z-223 of 1988 and Z-95 of 1990, for property located on the west side of Gordy Parkway, and on the north side of Shallowford Road in land lots 335 and 386 of the 16th district (Gordy Parkway).

To **approve** O.B. 5, subject to:

1. **Site Plan received by the Zoning Division on January 16, 2024 (attached and made a part of these minutes)**

**CONSENT AGENDA (CONT.)**

**OTHER BUSINESS (CONT.)**

**O.B. 5 (CONT.)**

2. **District Commissioner to approve the final building elevations, signage, tree save plan, and landscaping plans after Architecture Control Committee review**
3. **Approvals (14 pages) from the Architecture Control Committee (attached and made a part of these minutes)**
4. **Applicant agreed to five additional stipulations (attached and made a part of these minutes)**
5. **Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
6. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
7. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
8. **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

*Prior to approving the Consent Agenda, Commissioner Sheffield requested that Z-57'23 (Gordon Todd Spencer) be added to the Consent Agenda. The Applicant was present and there was no opposition present. Mr. Pederson read in the case, the motion was made to add the case to the Consent Agenda, and then the Commissioner read in her stipulations.*

MOTION: Motion by Sheffield, second by Birrell, to **add** Z-57'23 to the Consent Agenda.

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

**Z-57'23** **GORDON TODD SPENCER** (Atlanta Secure Care Services, Inc., owner) requesting rezoning from **GC** and **CF** to **NRC** for a laundromat (self- and full-service) in land lot 775 of the 19th district. Property is located on the east side of Austell Road, north of Amy Lane (3377 Austell Road). ***(Previously held by the Planning Commission (PC) from the December 5, 2023, PC hearing until the February 6, 2024, PC hearing).***

To **approve** Z-57'23 to the **NRC** zoning district, subject to:

1. **The enclosure to consist of the same material as the primary structure and to be approved by the District Commissioner**
2. **Construction hours shall be Monday through Saturday from 7:00 a.m. until 7:00 p.m.; construction is prohibited on Sunday**

**CONSENT AGENDA (CONT.)**

**Z-57'23** **GORDON TODD SPENCER (CONT.)**

3. **Business hours shall be limited to Sunday through Thursday from 6:00 a.m. until 9:00 p.m.; and Friday and Saturday from 6:00 a.m. until 10:00 p.m.**
4. **Approval is for *this use only***
5. **Liquor stores are prohibited at this location**
6. **Any other *use* must come back before the Board of Commissioners as an Other Business application**
7. **Planning Commission comments and recommendations (attached and made a part of these minutes), with the following exception:**
   A. **Stipulation No. 1 - In the stipulation letter from Todd Spencer dated January 19, 2024 (attached and made a part of these minutes), strike paragraph 6(b)(v) that references "*Change Machine*"**
8. **Final Lighting Plan to be approved by the District Commissioner**

**LUP-1** **CHRISTEL Y. HERRERA, JR.** (Christel Y. Herrera, Jr., owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 216 of the 20th district. Property is located on the south side of Hood Circle and on the east side of Kennesaw Due West Road (2562 Hood Circle).

Mr. Pederson announced that Staff had not heard back from the Applicant for LUP-1; therefore, Commissioner Gambrill made the following motion to continue the case:

MOTION: Motion by Gambrill, second by Richardson, to **continue** LUP-1 until the March 19, 2024, Board of Commissioners' Zoning Hearing.

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

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

**REGULAR AGENDA**

**LUP-32'23** **JULIA WELTON** (Julia D. Welton, LLC, owner) requesting a **Temporary Land Use Permit** to allow dog boarding and daycare in land lot 148 of the 20th district. Property is located on the northeast side of Hill Road and on the northwest side of Mars Hill Road (4990 Hill Road). ***(Previously held by the Planning Commission (PC) from the December 5, 2023, PC hearing until the February 6, 2024, PC hearing).***

**REGULAR AGENDA (CONT.)**

**LUP-32'23 JULIA WELTON (CONT.)**

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

MOTION: Motion by Gambrill, second by Richardson, to **deny** LUP-32'23.

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

**Z-1** **MIRNA ARACELY TORRES CASTRO** (Luis G. Escobar Torres and Mirna A. Torres Castro, owner) requesting rezoning from **RA-5** and **PSC** to **LRC** for an office in land lot 189 of the 18th district. Property is located on the east side of Mableton Parkway and on the north side of Community Road (6265 Mableton Parkway).

The public hearing was opened; Darrell Johnson, Inell McCrary and Ronald McCrary addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **approve** Z-1 to the **LRC** zoning district, subject to:

1. **Construction hours shall be Monday through Saturday from 7:00 a.m. until 7:00 p.m.**
2. **Sidewalks shall be installed on Community Road pursuant to the Development Code and not *fee in lieu of sidewalks,* but actual sidewalks to be installed**
3. **Planning Commission comments and recommendations dated February 6, 2024 (attached and made a part of these minutes)**
4. **All construction vehicles shall be restricted to the subject property**
5. **Construction equipment shall not use any adjacent parcels for any reason**
6. **Staff comments and recommendations, *not otherwise in conflict***

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

*Chairwoman Cupid called for a brief recess from 10:10 a.m. until 10:15 a.m.*

**REGULAR AGENDA (CONT.)**

**LUP-2** **RONALD MCDOWELL** (Ronald Bernard McDowell, Sr and Kim Denise McDowell, owners) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 365 of the 16th district. Property is located on the north side of Lakeside Drive, northwest of Chastain Lakes Drive (158 Lakeside Drive).

The public hearing was opened; Ronald McDowell and Michele Sutcliffe addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Gambrill, to deny LUP-2, subject to:

1. Applicant to come into compliance within 60 days and direct Staff to address any violations

*Prior to the vote, Commissioner Birrell withdrew her prior motion to deny the case and made the following motion:*

MOTION: Motion by Birrell, second by Richardson, to **hold** LUP-2 until the March 19, 2024, Board of Commissioners' Zoning Hearing.

***Clerk's Note:*** *Commissioner Birrell directed the Applicant to work with Staff and his HOA (homeowners association).*

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

*At the call for LUP-3 (Fasilat Adesina), the Applicant was not present, and there was no opposition present. The case was put on hold to see if the Applicant could be contacted (see page 15 of these minutes for the outcome of this case). Other Business case, O.B. 4 (Luke Wemette), was moved up on the agenda and heard next.*

**OTHER BUSINESS**

**O.B. 4** To consider amending the site plan and stipulations for Luke Wemette regarding applications Z-83 and SLUP-14 of 2016, for property located on the south side of Powder Springs Road, east of Sanders Road in land lots 838 and 865 of the 19th district (2951 Powder Springs Road).

The public hearing was opened; Luke Wemette, Pastor Frederick Anderson, and Matt Hunter addressed the Board. Following the presentation and discussion, the following motion was made:

**OTHER BUSINESS (CONT.)**

**O.B. 4** **(CONT.)**

MOTION: Motion by Sheffield, second by Birrell, to **approve** O.B. 4, subject to:

1. **Hours of construction shall be Monday through Saturday 7:00 a.m. until 7:00 p.m.**
2. **Staff comments and recommendations, *not otherwise in conflict***
3. **Site Plan received by the Zoning Division on January ~~17~~ 16, 2024 (attached and made a part of these minutes), with the District Commissioner approving minor modifications**
4. **Stormwater Management Division 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. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
7. **Building elevation contained in the Other Business packet (attached and made a part of these minutes), with the final elevation to be approved by the District Commissioner**
8. **All previous stipulations and conditions, *not otherwise in conflict,* to remain in effect**

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

***Clerk's Note:*** *The date on the Site Plan is January 16, 2024, rather than January 17, 2024, as previously read into the record.*

**REGULAR AGENDA (CONT.)**

**LUP-3** **FASILAT ADESINA** (Fasilat Adesina, owner) requesting a **Temporary Land Use Permit** to allow more adults than the code allows in land lot 645 of the 19th district. Property is located on the west side of Ridgecrest Circle, north of Ridgecrest Drive (2871 Ridgecrest Circle).

Mr. Pederson announced that Staff did contact the Applicant for LUP-3 and that she was not going to be able to attend the hearing today; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** LUP-3 until the March 19, 2024, Board of Commissioners' Zoning Hearing.

**REGULAR AGENDA (CONT.)**

**LUP-3 FASILAT ADESINA (CONT.)**

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

**ADJOURNMENT**

The hearing adjourned at 11:26 a.m.

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

Min. Bk. 99 Petition No. ALL
Doc. Type Commissioner Birrell's Statement added to each vote
Meeting Date 2-20-2024

**Commissioner Birrell's Statement - Revised 1/22/24**

**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 three 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.**

**In addition, I do support the Order on Cross Motions for Summary Judgement (Civil Action File No. 23-1-02428-56) from Judge Ann B. Harris in the Superior Court of Cobb County dated January 8, 2024 which finds the County's Amendment to Act 562 (the "Amendment or Amended Act") is an act excluded from the County's Home Rule authority granted in the Georgia Constitution, and therefore is void.**

Jo Ann K. Birrell

**Jo Ann K. Birrell**
**District 3 Commissioner**

Min. Bk. 99 Petition No. ALL
Doc. Type Commissioner Gambrill's statement added to each vote
Meeting Date 2-20-2024

Commissioner Gambrill's statement:

*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 Board's Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.*
*In addition, 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. Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General assembly by general law has preempted, like the redistricting map here in Cobb Co. Commissioners of Wayne Co. v. Smith 240 Ga. 540 (1978); Brophy v. McCranie 264 Ga. 187 (1994).*

*In fact, even in Federal Court in Georgia, the court has ruled the General Assembly is the only legislative body with the power to enact redistricting legislation for the counties; therefore, where the General Assembly failed to enact reapportionment legislation for a certain county, although it was entitled to consideration as an expression of county policy, a reapportionment plan proposed by a county was not a legislatively enacted plan requiring deferential treatment and the district court was required to fashion a reapportionment plan. Bodker v. Taylor, 2002 U.S. Dist. LEXIS 27447 (N.D. Ga. June 5, 2002).*
*In January, Georgia State Attorney General, Chris Carr stated that the Cobb County Commission's move to amend its electoral redistricting map is "inappropriate and not legally binding."*

*Per the letter dated December 22, 2022, from 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 the comment on whether the Amendment is allowable under state law or a proper exercise of the authority by the Cobb County Commission, nor should you rely on this 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 to Georgia Law or the State Constitution.*

*With the majority of this Board actions on October 25, 2022 and the resulting filing and recording with the Office of the Secretary of State on October 26, 2022, the boundaries of the districts from which county commissioners were elected in Districts 1 and 3 were changed (14) days prior to the General Election, and eight (8) days after early voting had begun using district boundaries for Districts 1 and 3 as approved by the Governor.*

*Furthermore, the Board of Elections certified the election of Commissioners in District 1 and 3 using the map as approved by the Governor on March 2, 2022 on November 15, 2022 and not the maps that the Board of Commissioners made effective on October 26, 2022.*

Min. Bk. 99 Petition No. Z-57 '23
Doc. Type Planning Commission
Comments & recommendations for Z-57 '23
Meeting Date 2-20-2024



**CONSENT AGENDA (CONT.)**

**Z-5** **MARIANNA KOVITCH** (Mt. Bethel Church, Inc., owner) requesting rezoning from **RA-4** to **LRO** for a medical office in land lots 9 and 10 of the 1st district. Property is located on the south side of Lower Roswell Road, west of Woodlawn Drive (4608 Lower Roswell Road).

To recommend **deletion** of Z-5 to **LPSP (Limited Professional Services Permit),** subject to:

1. **Site Plan dated January 2, 2024, with District Commissioner approving minor modifications (on file in the Zoning Division)**
2. **Health practitioner or professional office use *only,* with specific users subject to District Commissioner approval**
3. **Landscape Plan, which includes a 10-foot buffer adjacent to existing residential properties, to be approved by the District Commissioner**
4. **Department of Transportation comments and recommendations**
5. **Fire Department comments and recommendations**
6. **Stormwater Management Division comments and recommendations**
7. **Water and Sewer Division comments and recommendations**
8. **Letter of agreeable conditions from Kevin Moore dated January 29, 2024 (on file in the Zoning Division)**
9. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 20, 2024**

MOTION: Motion by Beloin, second by Anderson, to **amend** the Consent Agenda to include Z-5, as previously read in.

VOTE: **ADOPTED** 3-0, Dance and Vault not present

CONSENT VOTE: **ADOPTED** 3-0, Dance and Vault not present

**REGULAR AGENDA**

**Z-57'23** **GORDON TODD SPENCER** (Atlanta Secure Care Services, Inc., owner) requesting rezoning from **GC** and **CF** to **NRC** for a laundromat (self- and full-service) in land lot 775 of the 19th district. Property is located on the east side of Austell Road, north of Amy Lane (3377 Austell Road).

The public hearing was opened, and Todd Spencer addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to recommend **approval** of Z-57'23 to the **NRC** zoning district, subject to:

1. **Stipulation letter from Todd Spencer dated January 19, 2024 (on file in the Zoning Division)**

Petition No. Z-57 '23
Meeting Date 2-20-2024
Continued



**REGULAR AGENDA (CONT.)**

**Z-57'23** **GORDON TODD SPENCER (CONT.)**

2. ***Revised* Site Plan dated January 19, 2024 (on file in the Zoning Division)**
3. **Variances as stated in the Zoning comments**
4. **Fire Department comments and recommendations**
5. **Site Plan Review comments and recommendations**
6. **Planning Division comments and recommendations**
7. **Stormwater Management Division comments and recommendations**
8. **Water and Sewer Division comments and recommendations**
9. **Department of Transportation comments and recommendations**
10. **The non-brick parts of building to be painted an earth-tone color approved by the District Commissioner**
11. **No outdoor storage or outdoor display of merchandise**
12. **Hours of operation are limited to 6:00 a.m. to 10:00 p.m. *only***
13. **Applicant/owner/developer to install a six-foot solid wooden privacy fence along north property line from Austell Road to the dumpster location**
14. **Final architectural elevations to be approved by the District Commissioner**
15. **The final Security Plan and Landscape Plan be reviewed and approved by the District Commissioner based on the January 19, 2024, *Preliminary Plans* submitted by the Applicant**
16. **This is a cashless operation and staff will be on-site during operating hours**

VOTE: **ADOPTED** 3-0, Dance and Vault not present

**LUP-30'23** **DONALD PERRY** (Sandra Galloway and Donald Perry, Sr., owners) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 559 of the 19th district. Property is located on the southeast side of Farmington Drive at the terminus of Angus Trail (2639 Farmington Drive).

The public hearing was opened; Donald Perry and Sandra Galloway addressed the Planning Commission. Following discussion, the Applicant requested to *withdraw without prejudice*. Thereafter, following motion was made:

MOTION: Motion by Hughes, second by Anderson, to **allow** LUP-30'23 to be *withdrawn without prejudice*.

VOTE: **ADOPTED** 3-0, Dance and Vault not present

Min. Bk. 99 Petition No. Z-57 '23
Doc. Type letter
Meeting Date 2-20-2024

**GTS Consulting LLC**
G. Todd Spencer, AIA – Registered Architect – GA #RA009618
300 Lucinda Ct NW, Marietta, GA 30064
Phone: 404-277-5206 – E-mail: todd@gtscons.com

# Stipulation Letter – Zoning Case Z-57-2023

| | |
|---|---|
| Date: | January 19, 2024 |
| Project Name: | Evergreen Oasis Laundry – Zoning Case Z-57-2023 |
| Project Address: | 3377 Austell Road<br>Marietta, GA 30064 |
| Client / Titleholder: | Atanta Secure Care Services INC<br>Alfie Igbadume<br>Cell: (678) 622-8099<br>E-mail: atlantacares@aol.com |
| Architect: | G. Todd Spencer – GA License #RA009618 |

STATE OF GEORGIA
G. TODD SPENCER
CERTIFICATE NO. 009618
REGISTERED ARCHITECT

Cobb County Planning Commission and Board of Commissioners:

The purpose of this letter is to outline exactly how we plan to address the concerns related to this proposed project as presented by the Planning Commission and the property owners who spoke in opposition to the project at the Planning Commission meeting on 12/5/23.

We have reached out to Jill Gordon-Evans and Nikki Teague who are opposed to the project to discuss their concerns and how we might address those.

1. Hours of Operation: The proposed plan is for the facility to be open 24 hours a day, 7 days a week. Opposition to these hours was mentioned by all three people who spoke at the meeting in opposition to the project. **The Owner has decided to change the hours of operation to 6:00 am to 10:00 pm, Monday through Sunday.** The facility will be closed from 10:00 pm to 6:00 am, Monday through Sunday.

2. At the request of the Planning Commission Staff, **a six-foot solid wooden privacy fence will be installed along the north property line from Austell Road to the dumpster location.**

3. At the request of the Planning Commission Staff, **the non-brick parts of the building to be painted an Earth-tone color that must be approved by the District Commissioner.**

4. At the request of the Planning Commission Staff, **no outdoor storage or outdoor display of merchandise will be present on the property.**

5. We pledge to review and address all comments and recommendations of the Fire Department, Site Plan Review, Planning Division, Stormwater Management Division, Water and Sewer Division and the Department of Transportation.

6. **CRIME:** One of the concerns mentioned by the neighboring property owners was crime, especially in the parking lot. According to the U.S. Department of Justice, around 4-6% of all crimes occur in parking lots, making them a common target for potential crime. They are the third most common place where crimes occur. There are two main ways we plan to address this concern.

    a. **LIGHTING**. Having a well-lit parking lot can act as a deterrent to theft and vandalism. By providing better visibility, people are better aware of their surroundings, and the lighting creates a more inviting and welcoming atmosphere. Research from the U.S. Department of Justice indicates that well-lit parking lots experience an average of 27% lower incidence of car break-ins and a 38% reduction in theft and other crime. Additionally, well-lit parking lots can also help prevent accidents, especially when it comes to pedestrians. Drivers are better able to see pedestrians and other obstacles in well-lit areas, which can reduce the likelihood of accidents occurring. **We will design the parking lot lighting to provide adequate lighting at night with enough pole lights in the right areas. We will utilize LED (Light Emitting Diodes) rather than HID lighting.** LED lighting is directional, unlike HID lighting, which only focuses on one spot, with limited visibility and uneven lighting. They can be aimed at directing a higher concentration of light to targeted areas. They are also "dark sky" friendly, meaning that the lighting is designed to have minimal impact on the night sky. This includes reducing glare and light pollution and protecting our night sky and the life that depends on it.

    b. **SECURITY CAMERAS**. A commercial laundromat must be concerned with the safety of its customers. Many laundromats are particularly susceptible to vandalism and theft during their early or late opening hours. The best way to keep an eye on the safety of the customers and the neighbors is to install security cameras. **There are 5 key places in which security cameras will be installed.**

        i. **Parking Lot –** The parking lot is probably the most important location to have surveillance footage from a security camera when it comes to providing a safer laundromat for the customers and neighbors. When customers must do their laundry later at night or early in the morning, they want to know that they are safe while walking to and from their cars.

        ii. **Entrance –** The security camera at the entrance will get a clear facial image. If something should happen inside your business, law enforcement will be able to identify the perpetrators. The camera will be positioned in such a way that backlighting doesn't prevent getting a clear image of a customer's face and that no light is coming through the windows that would cause interference.

        iii. **Office –** To deter employee theft, a security camera will be installed in the office. This will help ensure that employees are more trustworthy and provide a safer laundromat experience.

        iv. **Focused on the Equipment –** There will be at least one security camera focused on the equipment. This will drastically reduce opportunities for

vandalism, theft and fraudulent loss claims once customers and staff realize they are being watched. Wide-angle security cameras will also eliminate blind spots within the facility. These cameras can also be used as "evidence" should a customer report stolen items OR should anyone have a slip/fall while doing business at your facility.

v. **Change Machine** – A security camera will be installed by the change machine. This laundromat will offer a variety of payment options; however, if we choose to offer coin laundry machines, many customers will still rely on the change machine. These machines are common ground for theft and are seen as easy targets. We will install a small camera above each machine and angle it in such a way that it will effectively identify the person tampering with the machine. The camera will be positioned so that it provides high-quality images that can be handed over to the authorities.

7. **LANDSCAPING:** One of the issues raised by a neighboring property owner is the need for attractive landscaping, trees and a landscape buffer between this property and adjacent properties. We are going to focus on designing an attractive landscape especially around the parking area. Parking lots are one of the first things people see when they arrive at a building and, as a result, parking lots have a big impact on people's perception of the building and the business conducted there. Here are some design elements and concepts we are going to incorporate into our landscape design.

   a. **GREEN SPACES**. The parking lot will not be entirely covered with asphalt. We will incorporate some types of green spaces. **These may include grass patches, trees, commercial parking lot planters and other items.** Having some small dedicated green areas will make our parking lot feel more organic and welcoming and set the tone for staff and visitors.

   b. **LOW MAINTENANCE PLANTS**. We know that the parking lot landscaping won't be the easiest area to maintain due to challenges such as watering plants and cleaning up fallen debris. **We will be installing low-maintenance plants that don't require a ton of water, are able to handle direct sunlight, and don't give off a ton of debris to clean up.** We will be considering plants native to this region that have the best chance of thriving in this parking lot, even if the conditions are challenging.

   c. **BUILD PATHWAYS AND HARDSCAPES**. We are putting ourselves in the shoes of the people visiting our property. One way or another, they need to get from their vehicle to the front doors of the building. Would they rather do so by walking across asphalt? Or would your experience be enhanced by walking on a more attractive pathway? **We will be installing some type of pavers, stones or stamped / colored concrete pathway leading from the parking lot to the building entrance.** We are also considering adding some type of greenery along this path.

   d. **WIDE RANGE OF FLOWERS AND PLANTS**. **We will be installing a wide range of colors, sizes and types of plants and flowers to elevate our space and make it stand out.**

e. **SHRUBS**. The Planning Commission is requiring a six-foot wooden privacy fence between this property and the adjacent mobile home park to the north. We don't want to simply build this fence and leave it as it is. **We will elevate the visual appeal of this fence by incorporating small trees, shrubs, and vines.**

f. **TREES**. We know that the addition of some small, hardwood trees to the property will be beneficial. **We will install a few new trees around the property in strategic locations.**

8. **CIVIL ENGINEER:** Since this project will require an LDP (Land Disturbance Permit), a qualified, registered Civil Engineer (PE) will be retained for this project to produce civil engineering drawings for the parking lot and landscaping around this building. This is being required by Cobb County since this redevelopment project creates, adds or replaces 5,000 square feet or greater of new impervious surface area. **It will be the task of the Civil Engineer to address all comments and recommendations provided by Cobb County Stormwater Management Department.**

9. **AUSTELL ROAD LCI STUDY:** It has been noted in the Planning Division comments that this property is included in the Austell Road LCI Study area and that the proposal does NOT comply with the design guidelines for this area. **Further study of this Austell Road LCI Study and its accompanying design guidelines will need to be made to determine how this property can be made to comply with these design requirements.**

10. **WATER AND SEWER DEPARTMENT:** The Cobb County Water and Sewer Department is requiring that a fire flow test be conducted. **We will conduct this fire flow test as required.**

11. **CCDOT (COBB COUNTY DEPARTMENT OF TRANSPORTATION): It will be the task of the Civil Engineer to address all comments and recommendations provided by CCDOT.** These include but are not limited to the following comments:

    a. Recommend Austell Road driveway be upgraded to commercial standards. This recommendation is pursuant to Cobb County Development Standard 402.8, Non-Residential Driveways and Cobb County Development Standard Detail 116, Commercial Driveway Requirements.

    b. Recommend extending Austell Road driveway uninterrupted access (distance to the first internal parking space or drive aisle) to a minimum of 50 feet from the edge of right-of-way line or 100 feet from the edge of travelled way, whichever is further. This recommendation is to allow for vehicle stacking and is pursuant to Cobb County standards (Development Standard 402.8, Non-Residential Driveways and Cobb County Development Standard Detail 116) and GDOT requirements, respectively.

This concludes this stipulation letter. If there are any questions or concerns regarding this letter, please contact Todd Spencer via email at todd@gtscons.com or via mobile at 404-277-5206.

Min. Bk. 99 Petition No. Z-66 '23 and SLUP-8 '23
Doc. Type Letter from Park Huff
Meeting Date 2-20-2024

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

January 31, 2024

**VIA EMAIL**

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

Re: Application of 41 Park A Toy & Self Storage, Inc. to Rezone a 4.96-Acre Tract from GC & R-20 to LI; Land Lots 2 and 37 of the 20th District; located on the east side of Cobb Parkway, north of Awtrey Church Road (4820 Cobb Parkway, NW) Z-66 & SLUP-8 of 2023

Dear John:

This firm has been engaged by and represents 41 Park A Toy & Self Storage, Inc. ("Applicant") concerning the above-captioned Application for Rezoning and the accompanying Special Land Use Permit ("SLUP") Application being filed under separate cover. Park A Toy is an existing self-storage facility on Cobb Parkway that has a combination of outdoor storage and traditional single-story storage buildings. Because of the proximity to Lake Allatoona, there is a huge need for the outdoor storage of boats and RV's. To meet this demand, the applicant proposes to expand the existing facility onto land already owned by the applicant that sits behind the existing facility. Expanding the existing facility has a lot of advantages by creating additional storage for residents without adding additional curb cuts.

The staff has reviewed the application and recommends approval of the request. The applicant has met with the staff and concerned neighbors and has revised the site plan to address some of the concerns expressed by the neighbors. Additionally, below are some proposed zoning conditions to be included in the approval of the rezoning request.

1. The property will be rezoned to NRC with a Special Land Use Permit for a combination of outdoor boat and recreational vehicle storage on a gravel lot and single-story storage building as reflected on the attached site plan dated January 30, 2023, that we filed today.

Petition No. Z-66 '23 & SLUP-8 '23
Meeting Date 2-20-2024
Continued

**VIA EMAIL**



2. The proposed expansion will be operated as part of the existing storage facility so it will not require any additional bathrooms or a septic system to manage waste water because the office and restrooms will remain in the current location.

3. The applicant will comply with all stormwater requirements for the proposed expansion to limit any negative impact on Lake Allatoona. The Stormwater Division's comments reflect sensitivity because of the proximity to the lake and during plan review these comments will be addressed.

4. There shall be a 20-foot undisturbed buffer on the north property line adjacent to property zoned R-20. There shall be a 10-foot undisturbed buffer on the eastern and southern property line as depicted on revised site plan.

5. The property will be developed in phases with the first phase being the outdoor storage and the second phase including the potential storage building.

6. The use shall be limited to outdoor storage of recreational vehicles on paved or gravel surfaces and single-story storage building(s). Additional uses must be approved by the district commissioner.

7. Access to the property shall be through the existing facility.

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

   a. Increase the size of the building.

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

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

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

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-66 '23 & SLUP-8 '23
Meeting Date 2-20-2024
Continued

**VIA EMAIL**

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
January 31, 2024
Page 3

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e. Which seek additional waivers from the Cobb County Zoning Ordinance other than those referenced herein and/or depicted upon the current site plan.

Park a Toy looks forward to the approval of the expansion of the business that serves the surrounding community with quality indoor storage and the storage of recreational vehicles. Please let me know if you need any additional information or have any questions regarding the proposed conditions. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Parks F. Huff
phuff@samslarkinhuff.com

PFH/jac
Enclosure/Attachment

cc: ON FOLLOWING PAGE

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-66 '23 & SLUP-8 '23
Meeting Date 2-20-2024
Continued

**VIA EMAIL**

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
January 31, 2024
Page 4

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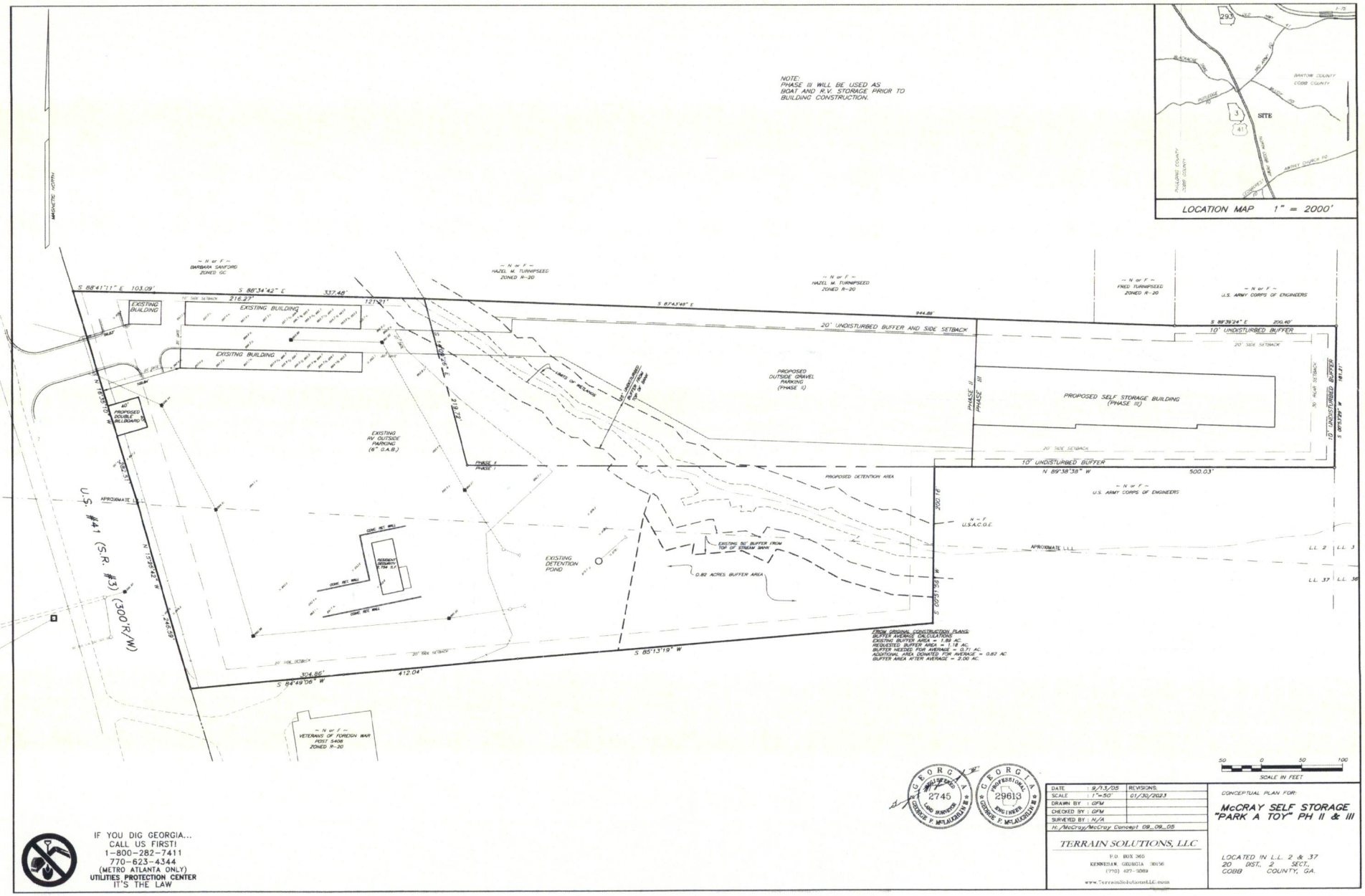
cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Dr. Jackie McMorris, County Manager (via email)
Board of Commissioners Assistants (via email)
Ms. Jessica Guinn, AICP, Director (via email)
Ms. Jeannie Peyton, AICP, Senior Planner (via email)
Mr. Terry Martin, AICP, CNU-A, Planner III (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. Ligia Florim, Cobb DOT (via email)
Mr. Andrew Heath, P.E., Stormwater Management Division (via email)
Mr. Tim Davidson, P.E., Development Review Engineer, Water System (via email)
Mr. Leman B. (Moose) McCray (via email)

Petition No. Z-66 '23 & SLUP-8 '23
Meeting Date 2-20-2024
Continued



Min. Bk. 99 Petition No. Z-66 '23 & SLUP-8 '23
Doc. Type letter from Garvis Sams, Jr.
dated 9-11-2003
Meeting Date 2-20-2024

Min. Bk. 25 Petition No. Z-141
Doc. Type Letter of agreeable stipulations
Meeting Date 10/21/03

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
RICHARD A. HARRAH
MICHAEL P. PRYOR

OF COUNSEL
DAVID P. HARTIN

770.422.7016
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SAMSLARKIN@AOL.COM
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September 11, 2003

**VIA HAND DELIVERY**

RECEIVED
SEP 11 2003
12 3:32 PM
COBB CO. COMM. DEV. DEPT
ZONING DIVISION

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
191 Lawrence Street
Suite 300
Marietta, GA 30060-1661

Re: Application of McCray Properties, Inc. to Rezone a 7.62 Acre Tract from LI, GC & R-20 to LI (No. Z-141)

Dear John:

As you know, I have been engaged by and represent the applicant which is also the property owner concerning the above-captioned application for rezoning. In that regard, the application is scheduled to be heard and considered by the Cobb County Planning Commission on October 7, 2003 and, thereafter, scheduled for final action by the Cobb County Board of Commissioners on October 21, 2003.

With respect to the foregoing and in keeping with our ongoing discussions with staff and area residents, please allow this letter to serve as the applicant's expression of agreement with the following stipulations which, upon approval of the rezoning, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

1. A rezoning of the subject property to the Light Industrial (LI) classification specifically for purposes of a self service storage facility and permitted uses related to the moving and storage industry.

2. The submission of a landscape plan during the Plan Review process, subject to the staff's review and approval, including the following:

   a. Meeting or exceeding vegetative requirements, perimeter landscape strips and setbacks provided in the SSSF Ordinance.

Petition No. Z-66 '23 and SLUP-8 '23
Meeting Date 2-20-2024
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-141
Meeting Date 10/21/03
Continued

**VIA HAND DELIVERY**



b. All vegetation requirements under and pursuant to the LI classification and the SSSF Ordinance and agreed to by the applicant shall be maintained by the applicant or his successors in title at all times.

c. Dumpsters and trash receptacles shall be incorporated into the landscape plan, situated within the interior of the subject property and adequately screened from view from public rights-of-way and adjacent properties.

3. Uniform architectural treatment and architectural theme which shall include the following:

a. The color scheme shall be limited to earth tone colors.

b. All buildings shall be a maximum of two-stories in height with brick and/or masonry facade accents. The climate controlled storage building shall be brick and/or masonry on at least three (3) sides.

c. The subject property shall be gated and secure and shall include the erection of a fence along the subject property's frontage. Additionally, the perimeter of the subject property shall be fenced in accordance with SSSF Ordinance requirements.

d. Storage bay access doors and accents shall be painted the same type earth tone colors as the storage bays.

e. There shall be no roof mounted air conditioning units or other mechanical equipment on the roofs of the buildings.

f. Mechanical equipment for the climate controlled storage unit(s) shall be located within the interior of the proposed development.

Petition No. Z-66 '23 and SLUP-8 '23
Meeting Date 2-20-2024
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-141
Meeting Date 10/21/03
Continued

**VIA HAND DELIVERY**



4. Subject to recommendations from the Cobb County Department of Transportation with respect to traffic/transportational issues, as follows:

   a. Construction of a 150' deceleration lane and appropriate taper along the subject property's frontage on North Cobb Parkway (U. S. 41/S. R. 3).

   b. The installation of curb and gutter along the subject property's frontage.

   c. Turning movements with respect to ingress/egress shall be "right-in/right-out" only.

   d. Any encroachments onto North Cobb Parkway (U. S. 41/S. R. 3) shall require GDOT approval.

   e. The proposed access to the site shall be coordinated with GDOT and Cobb County DOT to insure adequate sight distance.

5. Utilization of low intensity, environmental type shoebox lighting which shall not exceed a maximum height of 20', subject to review and approval by staff.

6. All exterior lighting shall be shielded and direct illumination shall be confined within the perimeter of the subject property.

7. Subject to recommendations from the Stormwater Management Division with respect to detention, hydrology and down stream considerations, including recognition of 50' stream bank buffers.

8. Compliance with the Cobb County Sign Ordinance with the construction of ground-based, monument style signage with a brick or masonry base, consistent with the architectural style and theme as aforementioned.

9. An agreement that there shall be no outside speakers except as may be required by law in connection with the security/alarm system.

Petition No. Z-66 '23 and SLUP-8 '23
Meeting Date 2-20-2024
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-141
Meeting Date 10/21/03
Continued

**VIA HAND DELIVERY**

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
September 11, 2003
Page 4

10. An agreement that there will be 24-hour security which will include constant video monitoring/surveillance.

11. Business hours of operation shall be from 7:00 a.m. until 9:00 p.m., Monday through Saturday, and 9:00 a.m. until 6:00 p.m on Sundays.

12. The granting of a contemporaneous variance allowing the applicant to exceed 25% of the total buildable area for outside storage of automobiles, boats and recreational vehicles.

Reference to the Future Land Use Map shows that a preponderance of the subject property is presently positioned within an area denominated for Industrial Compatible (IC) uses. Moreover, most of the property is already zoned in the Light Industrial (LI) and General Commercial (GC) classifications, respectively. Please do not hesitate to call should you or the staff need any additional documentation or information prior to the formulation of your recommendation to the Cobb County Planning Commission and the Cobb County Board of Commissioners.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.

GLSjr/jbmc
cc: Members, Cobb County Board of Commissioners
Members, Cobb County Planning Commission
Ms. Sandra Richardson, Deputy County Clerk
Mr. Leman B. McCray

Min. Bk. 99 Petition No. Z-1
Doc. Type Planning Commission comments & recommendations for Z-1
Meeting Date 2-20-2024



**REGULAR AGENDA (CONT.)**

**LUP-32'23** **JULIA WELTON** (Julia D. Welton, LLC, owner) requesting a **Temporary Land Use Permit** to allow dog boarding and daycare in land lot 148 of the 20th district. Property is located on the northeast side of Hill Road and on the northwest side of Mars Hill Road (4990 Hill Road).

The public hearing was opened; Julia Welton and Mallory Welton addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Hughes, to recommend **approval** of LUP-32'23 for **12 months**, subject to:

1. **Maximum number of dogs to be boarded is 10**
2. **Hours of operation for doggy daycare (for non-boarding activities) to be Monday through Friday from 8:00 a.m. until 6:00 p.m.**
3. **There shall be no unattended dogs on the site**
4. **Fire Department comments and recommendations**
5. **Stormwater Management Division comments and recommendations**
6. **Department of Transportation comments and recommendations**
7. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 20, 2024**

VOTE: **ADOPTED** 3-0, Dance and Vault not present

**Z-1** **MIRNA ARACELY TORRES CASTRO** (Luis G. Escobar Torres and Mirna A. Torres Castro, owner) requesting rezoning from **RA-5** and **PSC** to **LRC** for an office in land lot 189 of the 18th district. Property is located on the east side of Mableton Parkway and on the north side of Community Road (6265 Mableton Parkway).

The public hearing was opened; Darrell Johnson and Robin Meyer addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Hughes, second by Beloin, to recommend **approval** of Z-1 to the **LRC** zoning district, subject to:

1. ***Revised* Site Plan dated January 25, 2024, with minor modifications to be approved by the District Commissioner**
2. **Variances as stated in the Zoning comments**
3. **Fire Department comments and recommendations**
4. **Water and Sewer Division comments and recommendations**
5. **Stormwater Management Division comments and recommendations**
6. **Department of Transportation comments and recommendations**

Petition No. Z-1
Meeting Date 2-20-2024
Continued



**REGULAR AGENDA (CONT.)**

**Z-1** **MIRNA ARACELY TORRES CASTRO (CONT.)**

7. **Professional office use *only***
8. **District Commissioner to approve the final landscape plan, architectural plan, and signage plan**
9. **The structure will comply with the Mableton Parkway Design Guidelines**

VOTE: **ADOPTED** 3-0, Dance and Vault not present

*Vice Chairman Hughes called for a brief recess from 10:15 a.m. until 10:20 a.m.*

**LUP-1** **CHRISTEL Y. HERRERA, JR.** (Christel Y. Herrera, Jr., owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 216 of the 20th district. Property is located on the south side of Hood Circle and on the east side of Kennesaw Due West Road (2562 Hood Circle).

The public hearing was opened, and Christel Herrera addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Beloin, second by Anderson, to recommend **approval** of LUP-1 for **24 months**, subject to:

1. **The car that has its wheels removed is to be moved into the garage within 30 days from the approval date by the Board of Commissioners**
2. **There is to be a maximum of four vehicles parked in the driveway on a regular basis**
3. **Inclusion on the Consent Agenda for the Board of Commissioners' Zoning Hearing on February 20, 2024**

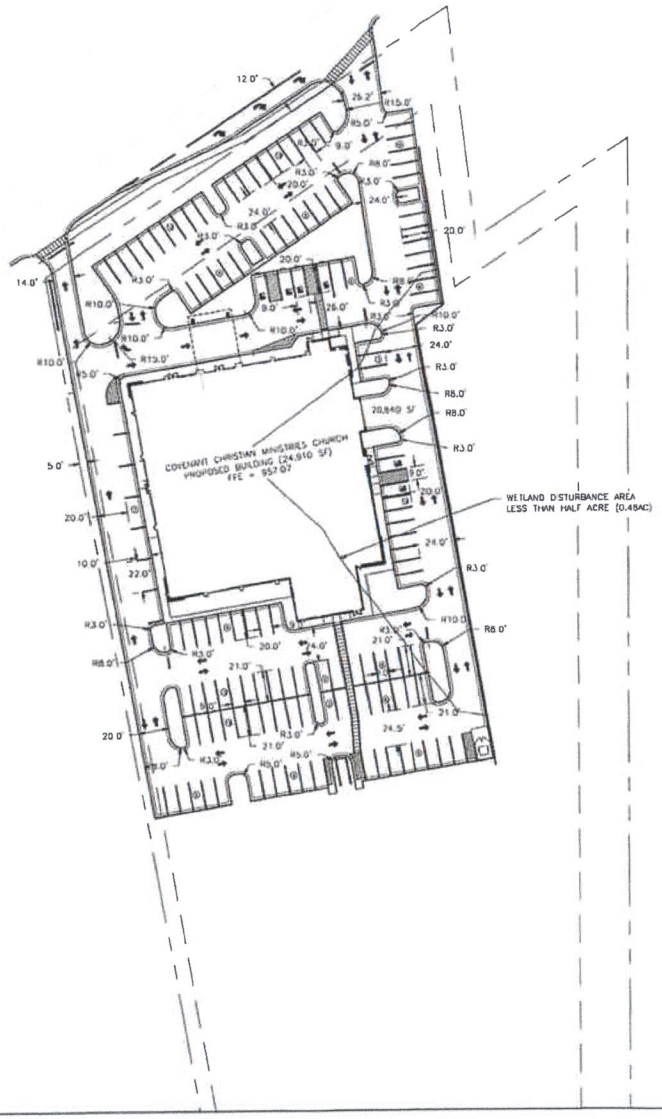
VOTE: **ADOPTED** 3-0, Dance and Vault not present

**LUP-2** **RONALD MCDOWELL** (Ronald Bernard McDowell, Sr and Kim Denise McDowell, owners) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 365 of the 16th district. Property is located on the north side of Lakeside Drive, northwest of Chastain Lakes Drive (158 Lakeside Drive).

The public hearing was opened, and Ronald McDowell addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

Min. Bk. 99 Petition No. O.B.4
Doc. Type Site Plan

Meeting Date 2-20-2024




| SITE DATA | | |
|---|---|---|
| STREET LOCATION: 2951 POWDER SPRINGS ROAD MARIETTA, GA | | |
| CURRENT SITE AREA: ±6.10 AC | | |
| CURRENT ZONING: CHC | | |
| BUILDING TYPE: CHURCH & PRIVATE SCHOOL | | |
| ZONING REQUIREMENTS | REQUIRED | PROPOSED |
| BUILDING SETBACKS | | |
| FRONT | 50' | >50 |
| LEFT SIDE | 10' | >10 |
| RIGHT SIDE | 10' | >10 |
| REAR | 30' | >30 |
| PARKING REQUIREMENT | | |
| 1 SPACE PER 4 SEATS | 313/4 = 79 | 141 (6 ADA STALLS) (2 GARAGE STALLS) |

NATIONWIDE WETLAND PERMIT FOR WETLAND MITIGATION WILL BE APPLIED FOR AS A PORTION OF THIS PROJECT.

RECEIVED
JAN 16 2024
COBB COUNTY ZONING

40 20 0 40 80 120
SCALE IN FEET

NOT FOR CONSTRUCTION

GEORGIA REGISTERED PROFESSIONAL ENGINEER LUKE WEMETTE
01 10 24
DATE

| DESCRIPTION | DATE |
|---|---|
| REVISIONS | |

AXIS INFRASTRUCTURE
70 MANSELL CT., STE. 200
ROSWELL, GEORGIA 30076
PHONE: 678.393.4929

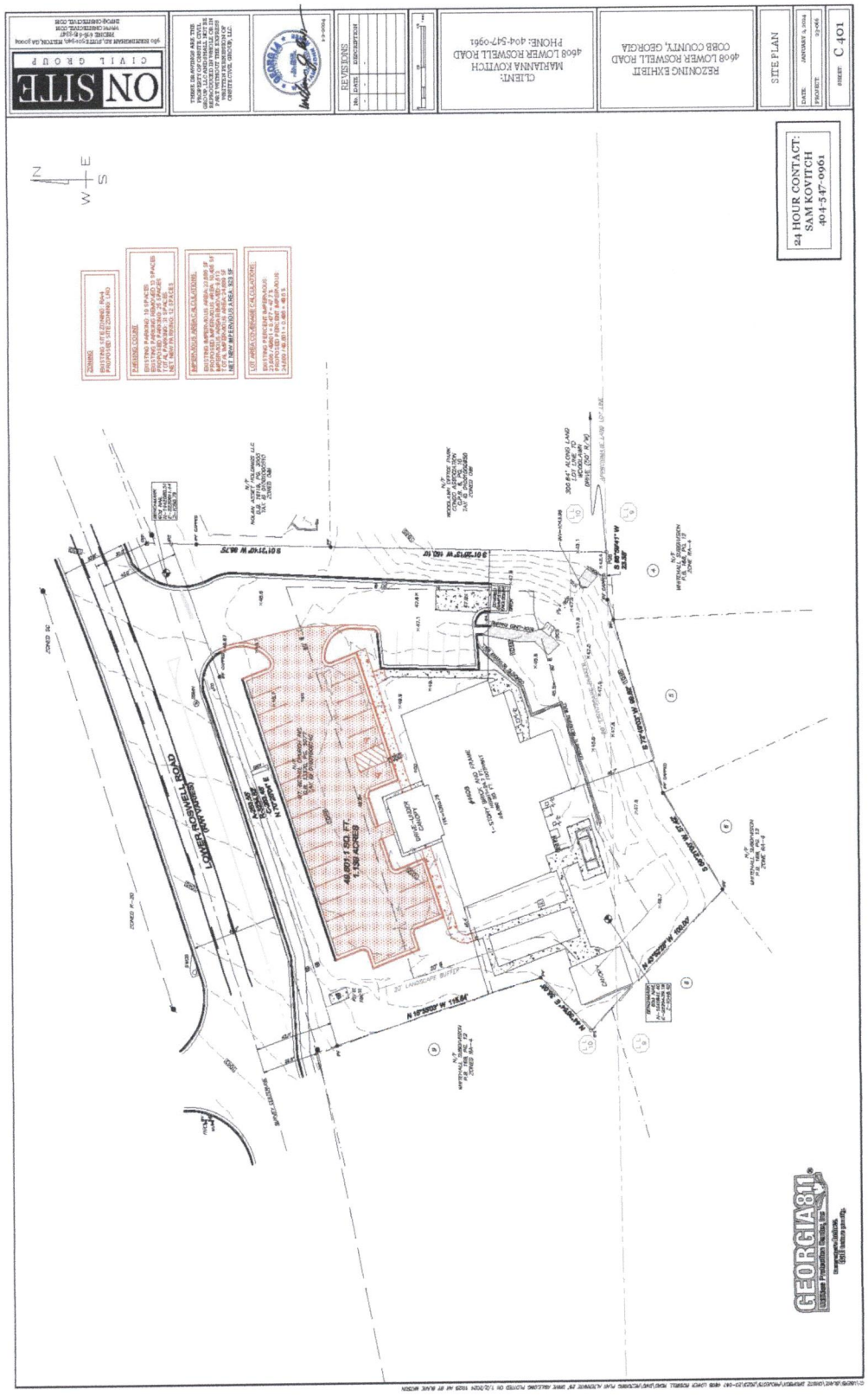
SITE PLAN

PROJECT NAME: COVENANT CHRISTIAN MINISTRIES
2951 POWDER SPRINGS ROAD MARIETTA, GA

OWNER: COVENANT CHRISTIAN MINISTRIES
2951 POWDER SPRINGS ROAD MARIETTA, GA

| | |
|---|---|
| PROJECT NO | PROJ. MGR LW |
| DATE 01 10 24 | DRWN. BY RC |
| SCALE AS NOTED | CHKD. BY TC |
| DRAWING SERIES SITE | |
| SHEET NO C-2.0 | |

Min. Bk. 99 Petition No. Z-5
Doc. Type Site Plan
Meeting Date 2-20-2024



# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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

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

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

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

**LEXINGTON, KENTUCKY**
2408 SIR BARTON WAY
SUITE 375
LEXINGTON, KY 40509
TELEPHONE (859) 309-0026

**ORLANDO, FLORIDA**
390 N. ORANGE AVENUE
SUITE 625
ORLANDO, FLORIDA 32801
TELEPHONE (407) 367-6233

**HARRISBURG, PENNSYLVANIA**
101 ERFORD ROAD
SUITE 300
CAMP HILL, PA 17011
TELEPHONE (717) 790-2854


January 29, 2024

Min. Bk. 99 Petition No. Z-5
Doc. Type letter
Meeting Date 2-20-2024

***Via E-mail Only***

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

RE: Application for Rezoning - Application No.: Z-5 (2024)
Applicant: Marianna Kovitch
Property Owner: Mt. Bethel Church, Inc.
Property: 1.13 acres, more or less, located on the southerly side of Lower Roswell Road, westerly of Woodlawn Drive, being more particularly known as 4608 Lower Roswell Road, Land Lots 9 and 10, 1st District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Marianna Kovitch, the Applicant (hereinafter referred to as "Applicant"), as well as, the Property Owner, Mt. Bethel Church, Inc. (hereinafter referred to as "Owner" or "Property Owner"), in the above-referenced Application for Rezoning with regard to a developed parcel located at 4608 Lower Roswell Road, being 1.13 acres, more or less, located on the southerly side of Lower Roswell Road, westerly of Woodlawn Drive, Land Lots 9 and 10, 1st District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings and continuing discussions with County Staff; meetings and discussions with area residents and homeowner representatives; reviewing the Departmental Comments and Staff Recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

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

(2) Rezoning of the Subject Property shall be from the existing zoning classification of RA-4 to the proposed, deleted zoning classification of Limited Professional Services Permit ("LPSP"), with reference to the Site Plan prepared for Applicant by OnSite Civil Group, LLC, dated January 2, 2024, and submitted to the Cobb Zoning Division on January 3, 2024. A reduced copy of the Site Plan is attached as Exhibit "A" and incorporated herein by reference.

(3) The Subject Property is comprised of 1.13 acres, more or less, and has an existing building, with parking and landscaping.

(4) Approval of the proposed LPSP shall be use-specific for medical, dental, professional, and administrative offices.

(5) The following uses shall be prohibited:

(a) Contractor's offices where trucks, cars, trailers, and supplies would be stored;

(b) Veterinary offices where animals would require outside runs and/or defecation areas; and

(c) No offices which would (i) have large equipment stored externally on-site; or (ii) have vehicles parked overnight.

(6) Applicant states the hours of operation shall be 7:00 a.m. to 6:00 p.m.

(7) Applicant requests the following waivers from the LPSP requirements:

i) Waiver of the requirement that approval of the LPSP is specific to the owner of the Property only; and

ii) Waiver of the requirement that approval of the LPSP is for an existing single-family, detached dwelling and a residential façade must be used (the Property consists of an existing non-residential, commercial building).

(8) Any material, substantive renovations to the exterior of the building shall be submitted for District Commissioner approval, with a copy sent to the East Cobb Civic Association, Inc. "Material, substantive" changes shall mean changes that alter the architectural design, but shall not include painting or regular maintenance of the exterior.

(9) The existing canopy structure (located to the side of the building), as identified on the Site Plan, may remain. In the event the existing canopy is removed and not replaced, Applicant agrees to install additional landscaping/tree plantings in such area.

(10) All lighting shall be cast downwards with no lighting extending beyond the boundaries of the Property.

(11) Digital signage shall not be permitted.

(12) The entrance area, together with any islands, planted areas, and streetscape area along Lower Roswell Road will be professionally designed, implemented, and maintained.

(13) Any landscape buffer requirements adjacent to residential properties shall be consistent with the existing conditions.

(14) Applicant agrees to install additional landscaping (e.g., tree plantings) in areas along the western boundary line where existing gaps in screening are located.

(15) The doors on the dumpster shall remain closed at all times. No trash or refuse shall be permitted outside the enclosed area.

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

(17) Applicant agrees to comply with all Cobb County Department of Transportation requirements applicable to the Subject Property.

Petition No. Z-5
Meeting Date 2-20-2024
Continued



We believe the proposed office is an appropriate use of the Subject Property. The renovation of the existing building, together with the improvements and upgrades to landscaping and parking, will be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

J. Kevin Moore

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

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

Petition No. Z-5
Meeting Date 2-20-2024
Continued



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

Jacquelyn Bettadapur
East Cobb Civic Association, Inc.
(With Copy of Attachment)

Marianna Kovitch
(With Copy of Attachment)

Petition No. Z-5
Meeting Date 2-20-2024
Continued

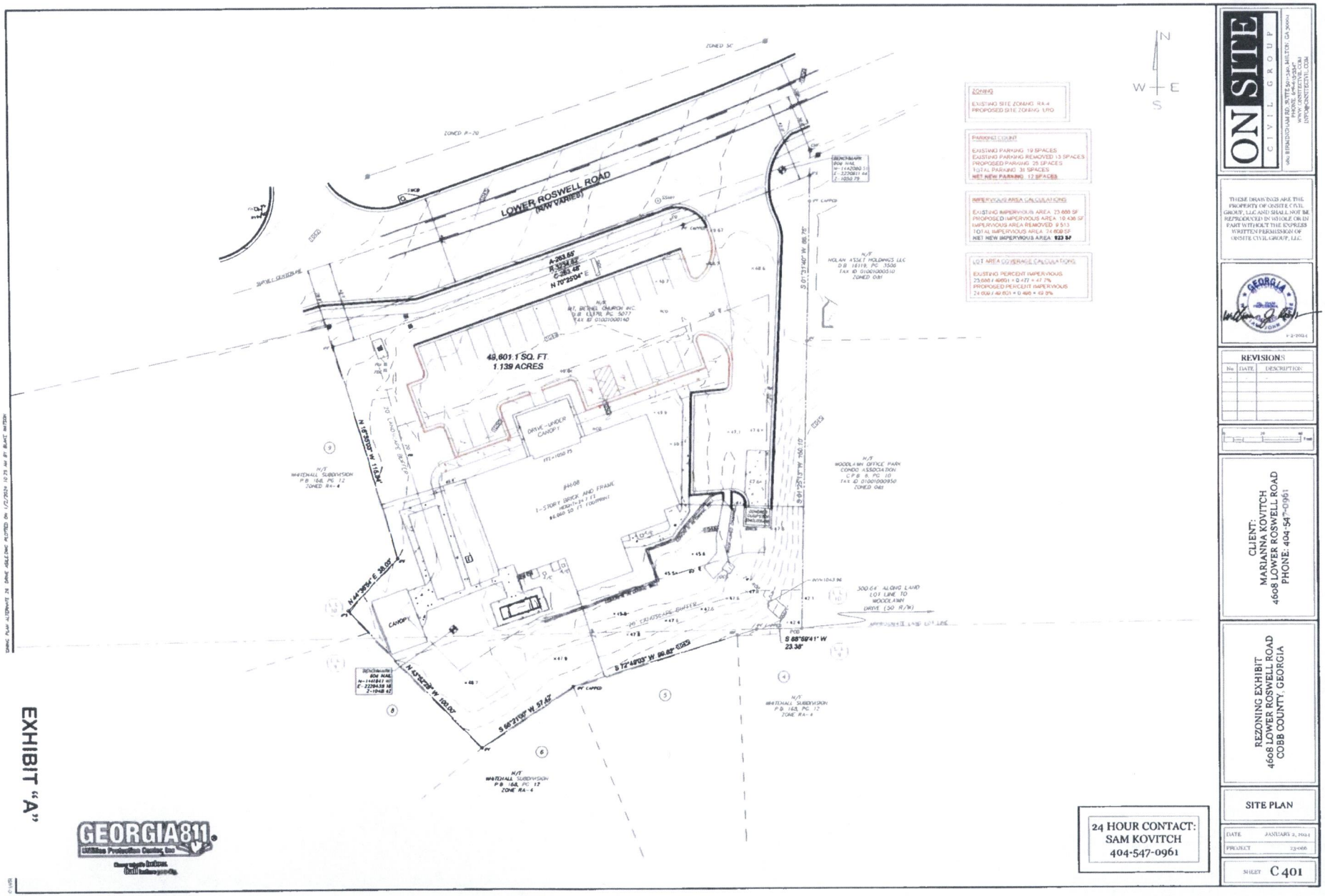



EXHIBIT "A"

GEORGIA 811
Utilities Protection Center, Inc.

24 HOUR CONTACT:
SAM KOVITCH
404-547-0961

ONSITE CIVIL GROUP

THESE DRAWINGS ARE THE PROPERTY OF ONSITE CIVIL GROUP, LLC AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESS WRITTEN PERMISSION OF ONSITE CIVIL GROUP, LLC.

REVISIONS

| No | DATE | DESCRIPTION |
|---|---|---|

CLIENT:
MARIANNA KOVITCH
4608 LOWER ROSWELL ROAD
PHONE: 404-547-0961

REZONING EXHIBIT
4608 LOWER ROSWELL ROAD
COBB COUNTY, GEORGIA

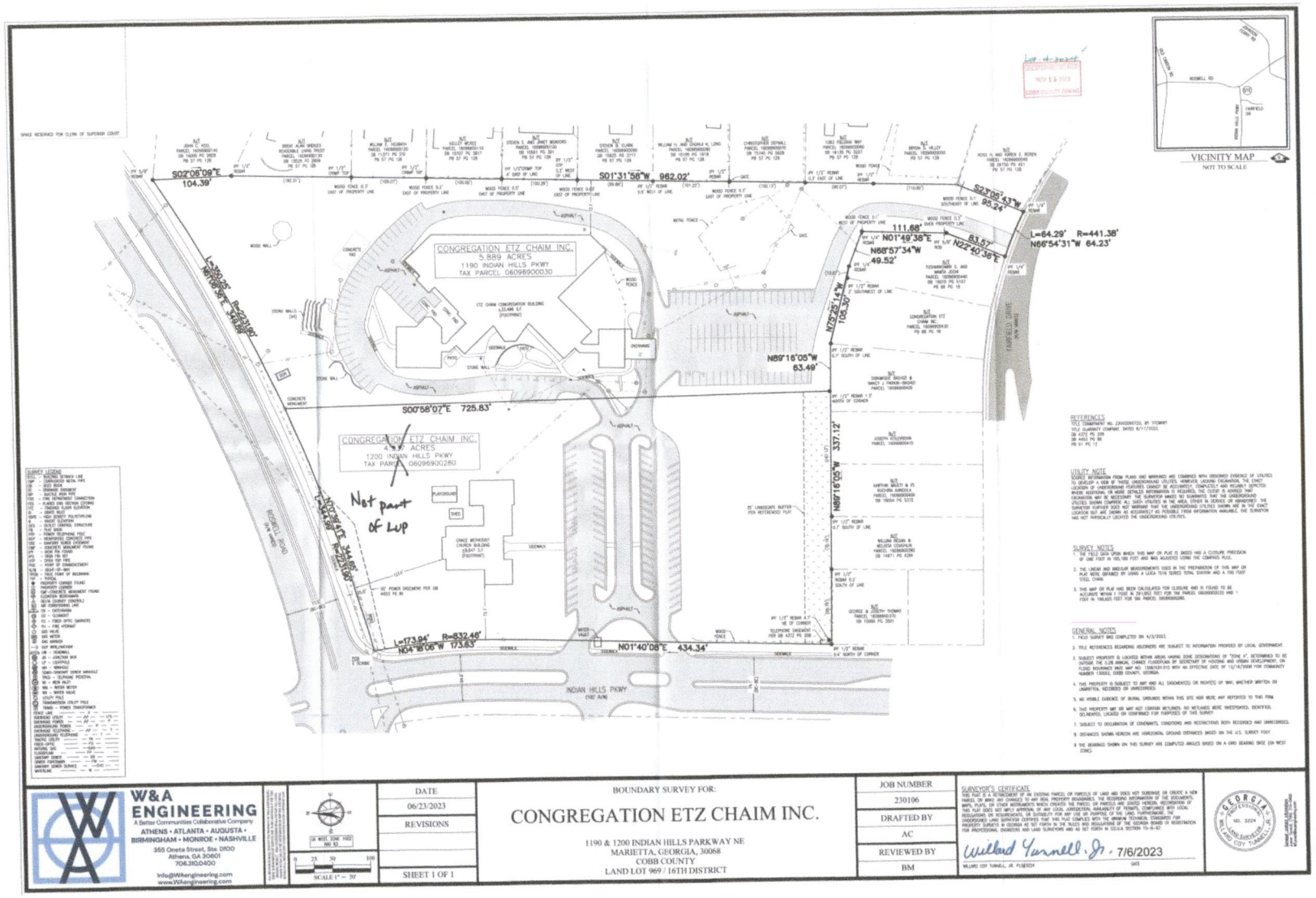
SITE PLAN

DATE JANUARY 2, 2024
PROJECT 23-066
SHEET C 401

Min. Bk. 99 Petition No. LUP-4
Doc. Type Site Plan

Meeting Date 2-20-2024

LUP-4-2024 DEPARTMENT COMMENTS – Zoning Division




W&A ENGINEERING
A Better Communities Collaborative Company
ATHENS • ATLANTA • AUGUSTA • BIRMINGHAM • MONROE • NASHVILLE
355 Oneta Street, Ste. D100
Athens, GA 30601
706.310.0400
Info@WAengineering.com
www.WAengineering.com

SCALE 1" = 50'

| | |
|---|---|
| DATE | 06/23/2023 |
| REVISIONS | |
| SHEET 1 OF 1 | |

BOUNDARY SURVEY FOR:

CONGREGATION ETZ CHAIM INC.

1190 & 1200 INDIAN HILLS PARKWAY NE
MARIETTA, GEORGIA, 30068
COBB COUNTY
LAND LOT 969 / 16TH DISTRICT

| | |
|---|---|
| JOB NUMBER | 230106 |
| DRAFTED BY | AC |
| REVIEWED BY | BM |

SURVEYOR'S CERTIFICATE

Willard Tunnell, Jr. 7/6/2023
WILLARD COY TUNNELL, JR. FLS#3324 DATE

GEORGIA NO. 3324 REGISTERED LAND SURVEYOR WILLARD COY TUNNELL JR.

Min. Bk. 99 Petition No. LUP-4
Doc. Type Previous stipulations from LUP-10 of 2010
Meeting Date 2-20-2024



**CONSENT AGENDA (Continued)**

**LUP-10** **CONGREGATION ETZ CHAIM, INC.** (owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Day Care in Land Lot 969 of the 16th District. Located on the south side of Roswell Road and on the north side of Fairfield Drive, east of Indian Hills Parkway (1190 Indian Hills Parkway).

MOTION: Motion by Ott, second by Goreham, as part of the Consent Agenda, to **approve** Land Use Permit for **24 months subject to:**

- **site plan received by the Zoning Division February 3, 2010, with the District Commissioner approving minor changes (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. Parks Huff, dated March 15, 2010 (attached and made a part of these minutes)**
- **Fire Department comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** 3-0

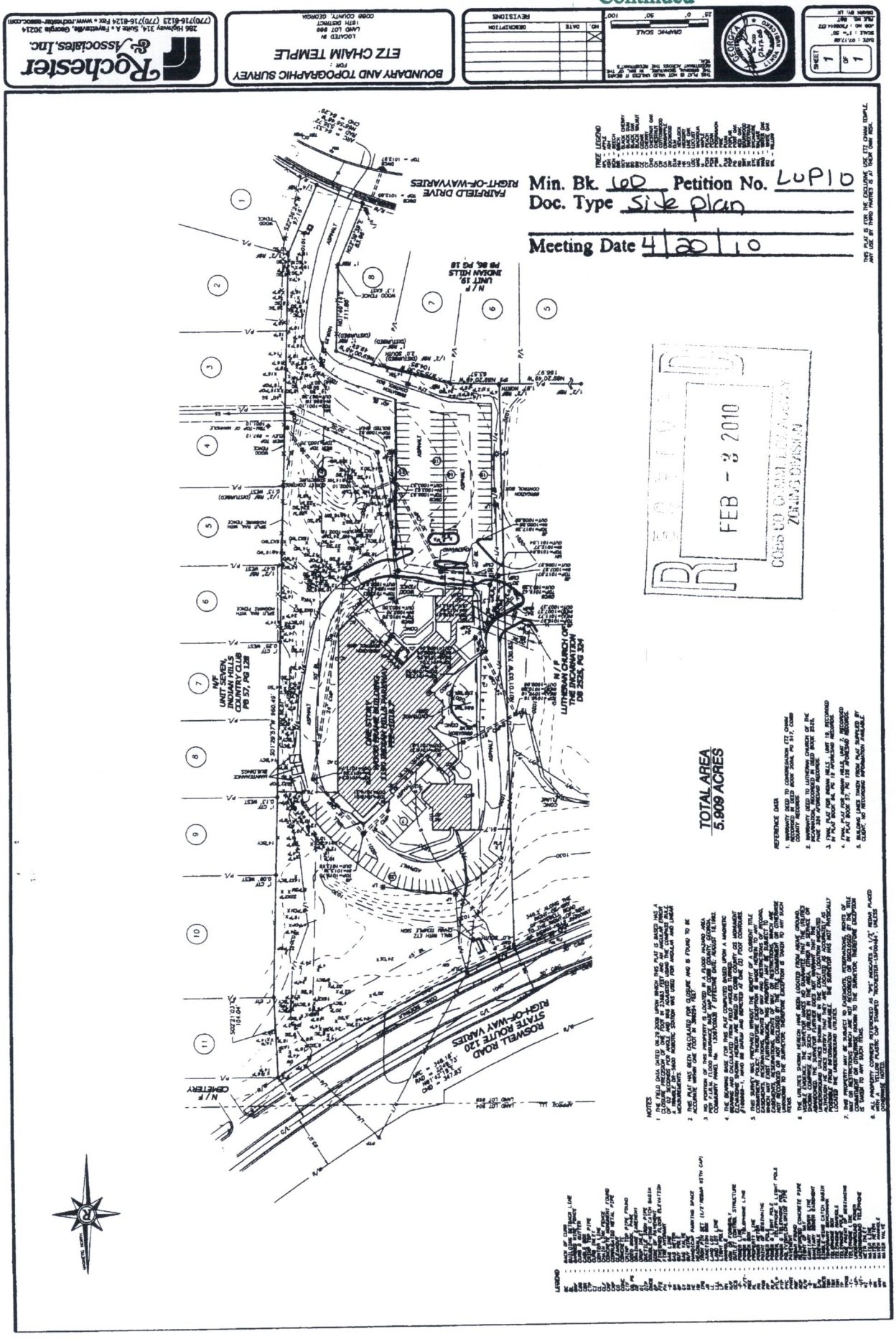
**LUP-12** **MOST REVEREND WILTON D. GREGORY, S.L.D., AS ARCHBISHOP OF THE ROMAN CATHOLIC ARCHDIOCESE OF ATLANTA AND/OR HIS SUCCESSORS IN OFFICE** (owner) requesting a **Land Use Permit (Renewal)** for the purpose of a Catholic Campus Ministry in Land Lot 97 of the 20th District. Located on the west side of Campus Loop Road (formally Frey Lake Road), north of Big Shanty Road (3487 Frey Lake Road).

MOTION: Motion by Ott, second by Goreham, as part of the Consent Agenda, to **approve** Land Use Permit for **24 months subject to:**

- **site plan received by the Zoning Division February 4, 2010 (attached and made a part of these minutes)**
- **all parking be done in the driveway, or at Kennesaw State University**
- **signage to match other house-to-office conversions on this side of Campus Loop Road, if a free standing sign is needed**
- **Fire Department comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** 3-0

Petition No. LUP-4
Meeting Date 2-20-2024
Continued



Petition No. LUP-4
Meeting Date 2-20-2024
Continued

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

SAMSLARKINHUFF.COM

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

MELISSA P. HAISTEN
JUSTIN H. MEEKS

RECEIVED
MAR 15 2010
BOARD OF COMMISSIONERS
ZONING DIVISION

March 15, 2010

Min. Bk. 60 Petition No. LUP-10
Doc. Type letter of agreeable conditions
Meeting Date 4/20/10

**VIA HAND DELIVERY**

Mr. Mark A. Danneman, Manager
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Re: Application of Congregation Etz Chaim for a LUP on a tract of property zoned R-20 and located at 1190 Indian Hills Parkway, Marietta, Cobb County, Georgia for the purposes of preschool program affiliated with the Synagogue. (LUP-10-2010, Renewal of LUP-3-2009).

Dear Mark:

As a service to its congregation and as an outreach program to the community at large, Congregation Etz Chaim operates a preschool program for children from one to five years of age. Although the program mainly serves members of the synagogue, it is open to the general public. To allow this program, the Board of Commissioners approved a twelve-month Temporary Land Use Permit (LUP-3-2009) on March 17, 2009. The approval was subject to:

1) The site plan received by the zoning staff dated December 31, 2008, with the district commissioner approving minor modifications.

2) A letter of agreeable stipulations dated February 24, 2009.

3) Fire Department comments and recommendations.

4) DOT comments and recommendations.

Congregation Etz Chaim wishes to renew LUP-3 –2009 for 24 months subject to the same terms and conditions that were approved previously with the District Commissioner approving minor modifications so it can continue this valuable service to the community.

Following is a recitation of the conditions that were included in the previous letter of agreeable stipulations dated February 24, 2009 with the updated term of twenty-four months:

Petition No. LUP-4
Meeting Date 2-20-2024
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. LUP-10
Meeting Date 4/20/10
Continued

**VIA HAND DELIVERY**

Mr. Mark Danneman, Manager
Cobb County Zoning Department
Page 2
March 15, 2010

1. The preschool program will continue to serve children from the ages of 12 months through 5 years of age.

2. The program will be limited to no more than 100 children.

3. There isn't anticipated to be any additional signage for the daycare program. Any signage for the preschool program will comply with the county sign ordinance.

4. The school will maintain a drop-off and pick-up schedule and plan that ensures that there is free flowing ingress and egress to the synagogue and no traffic backing up onto adjacent roadways. Carpool lines will continue to be lined up around the back of the synagogue, well away from any county streets.

5. The preschool program will continue to be operated solely from the Education Wing of the main building located at 1190 Indian Hills Parkway.

6. The renewal term of the Temporary Land Use Permit will be for 24 months.

7. Minor modifications to the conditions may be approved by the District Commissioner.

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the formulation of your analysis and recommendation to the Board of Commissioners and Planning Commission.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Parks F. Huff
phuff@samslarkinhuff.com

PFH
cc: Shown next page

Petition No. LUP-4
Meeting Date 2-20-2024
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY**

Petition No. LUP-10
Meeting Date 4/20/10
Continued

Mr. Mark Danneman, Manager
Cobb County Zoning Department
Page 3
March 15, 2010

cc: Members, Cobb County Board of Commissioners - VIA Hand Delivery
Members, Cobb County Planning Commissioners – VIA First Class Mail
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery
Ms. Jill Flamm, VP ECCA
Jane Stricklin, DOT –VIA Email
David Breaden, Stormwater Division -VIA Email

Min. Bk. 99 Petition No. LUP-4
Doc. Type Previous stipulations from LUP-12 of 2012
Meeting Date 2-20-2024



**CONSENT AGENDA (Continued)**

**Z-24** **MONICA T. MADDEN** (Joan Pletch Clayton, owner) requesting Rezoning from **LRO** to **NRC** for the purpose of a Hair Salon in Land Lot 149 of the 16th District. Located on the north side of Hawkins Store Road, east of Bells Ferry Road (222 Hawkins Store Road).

MOTION: Motion by Goreham, second by Birrell, as part of the Consent Agenda, to **approve** Rezoning to the **NRC** zoning district **subject to:**

- **site plan received by the Zoning Division on April 4, 2012, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- **for this use *only* and by appointment *only*, with any changes in use to come back for approval by the Board of Commissioners as an Other Business Item**
- **Water and Sewer Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED** unanimously

**LUP-12** **TREVOR L. TUTHEROW** (Trevor L. Tutherow and Jacquelyn C. Tutherow, owners) requesting a **Land Use Permit** for the purpose of a General Contractor's Office in Land Lot 75 of the 20th District. Located on the north side of Silver Lace Lane, northwest of Acworth Dallas Highway (6034 Silver Lace Lane).

MOTION: Motion by Goreham, second by Birrell, as part of the Consent Agenda, to **approve** Land Use Permit for **12 months, subject to:**

- **office use *only* and all business activity must be invisible to neighborhood**
- **bookkeeper to work a maximum of three (3) days a week with four (4) hour shifts**
- **deliveries of paperwork by subcontractors or sales representatives limited to once a day, five (5) days per week**

Petition No. LUP-4
Meeting Date 2-20-2024
Continued



**CONSENT AGENDA (Continued)**

**LUP-12** **TREVOR L. TUTHEROW (Continued)**

- **one work related vehicle (maximum gross weight of 12,500 pounds) allowed as provided in the Cobb County Code**
- **no signs**
- **no business related storage or equipment**
- **no on-street parking of business related vehicles**

VOTE: **ADOPTED** unanimously

**REGULAR AGENDA – NEW BUSINESS**

**Z-20** **ALTERMAN WOODLAWN, LLC** (owner) requesting Rezoning from **NS with Stipulations** to **CRC** for the purpose of Office and Retail in Land Lot 13 of the 1st District. Located at the southeast intersection of Johnson Ferry Road and Woodlawn Parkway (1197 Johnson Ferry Road).

The public hearing was opened and Mr. John Moore, Ms. Trish Steiner, and Ms. Jill Flamm addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Birrell, to **delete** Rezoning to the **NRC** zoning district, **subject to:**

- **specific to site plan received by the Zoning Division on May 30, 2012 (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. John Moore dated May 30, 2012 (attached and made a part of these minutes)** ***with the following changes:***
  - **Item No. 4 – add to end: *", with no more than 8,000 square feet set aside for automotive work."***
  - **Item No. 6 a – revise to read: *"No body work including automotive painting"***
  - **Item No. 6 c – add to end: *"including any work that requires the removal of the engine or transmission from the vehicle"***

Min. Bk. 99 Petition No. O.B.1
Doc. Type Stormwater Mngmt & Fire Dept. Comments and recommendations
Meeting Date 2-20-2024

**FEBRUARY 20, 2024 ZONING HEARING**
**"OTHER BUSINESS"**
**COMMISSION DISTRICT 1**

**ITEM OB-1-2024**

**PURPOSE**

To consider a reduction of public road frontage from 75-feet to zero-feet and a setback variance for an existing accessory structure for Scott and Judie Ebert. The property is located on the north end of Trail Road, south of Due West Road in Land Lot 298 of the 20th District (4541 Due West Road).

**BACKGROUND**

The property is zoned R-30 and is required to have 75-feet of public road frontage. The applicant has 0-feet of public road frontage with a proposed lot size of 2.1 acres. The applicant is going to demolish the existing house that was built in 1942, and they will build new house in its place. Staff researched the property and could not locate a deed that grandfathered the property. The applicant would also need a setback variance for the existing accessory structure, which will remain. If approved, the new lot would meet setbacks, lot size, impervious surface, and other zoning criteria.

**STAFF COMMENTS**

**Stormwater Management:**

1. Stormwater Management has no objection to this other business item as requested.
2. If the Other Business Item is approved, stormwater runoff mitigation is required if the new or redeveloped impervious area exceeds 5000sf or the existing Zoning maximum impervious area allowed is exceeded. A site plan demonstrating how stormwater mitigation will be provided is required.

**Water and Sewer**: No comments.

**Fire Department:** See attached.

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

**Site Plan Review:** No comments.

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business Application.

Petition No. O.B.1
Meeting Date 2-20-2024
Continued

**APPLICANT:** Scott and Judie Ebert **PETITION NO.:** OB-1

**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

**RESIDENTIAL SINGLE-FAMILY ACCESS:**

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

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

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

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

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

a) Residential cul-de-sac without an island shall have a 38 foot outside radius. A cul-de-sac with an island reverts to the commercial standards, refer to www.cobbfire.org for dimensions.

b) Hammerhead turn-around: total of 102 feet needed (45 feet + 12 foot drive + 45 feet) with the turn-around leg to be a minimum of 20 feet wide.

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

**FIRE HYDRANTS:**

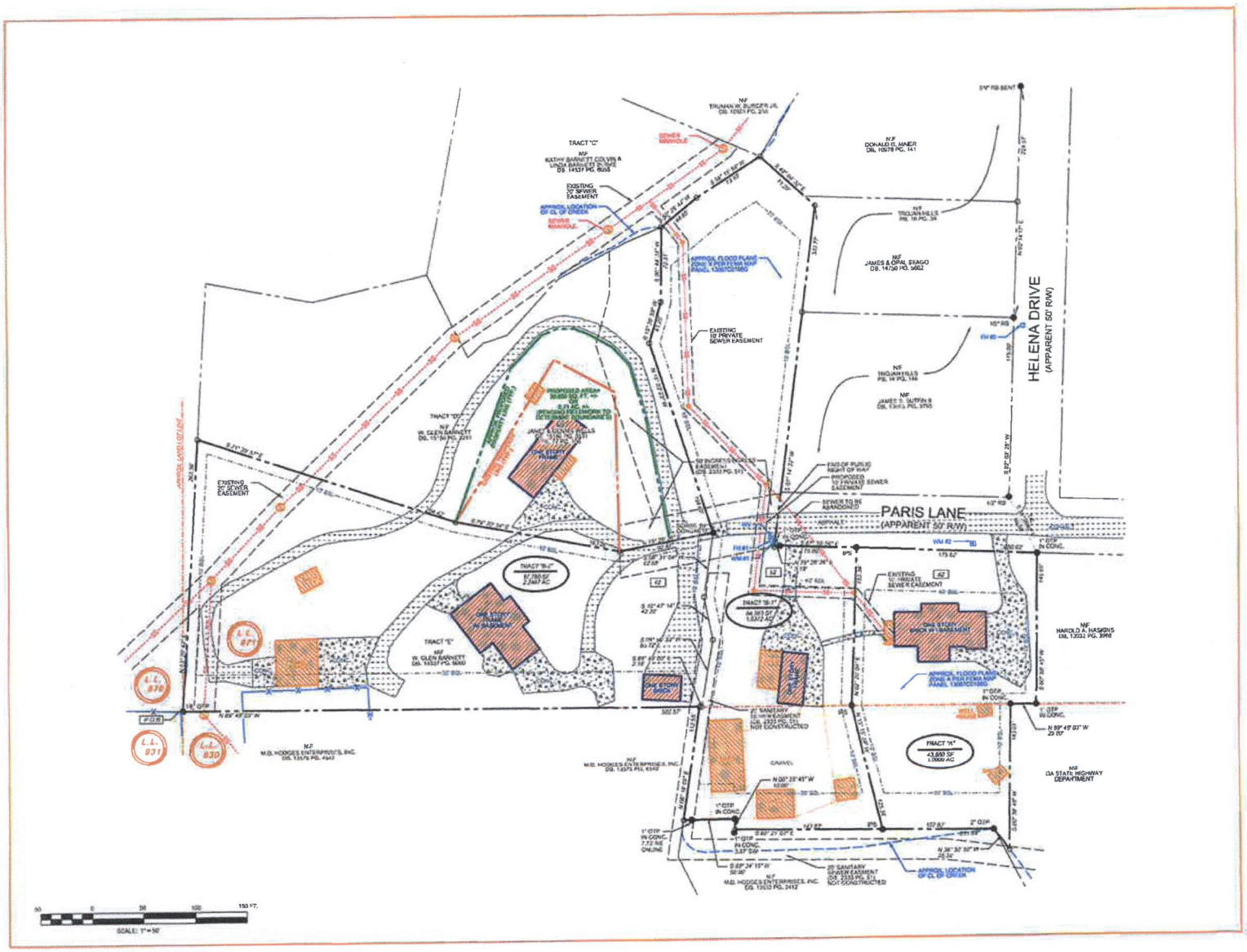
Hydrant location within 500 feet of the structure.* (Additional hydrant may need to be installed.)

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. 99 Petition No. 0B3
Doc. Type Accessory structures as shown on this Site Plan
Meeting Date 2-20-2024

RECEIVED
JAN 17 2024
COBB COUNTY ZONING



Min. Bk. 99 Petition No. O.B.4
Doc. Type Stormwater Mgmt, Fire Dept, and Cobb DOT comments and recommendations
Meeting Date 2-20-2024

**FEBRUARY 20, 2024 ZONING HEARING**
**"OTHER BUSINESS"**
**COMMISSION DISTRICT 4**

**ITEM OB-4-2024**

To consider amending the site plan and stipulations for Luke Wemette regarding applications Z-83 and SLUP-14 of 2016. The property is located on the south side of Powder Springs Road, east of Sanders Road in Land Lots 838 and 865 of the 19th District (2951 Powder Springs Road).

**BACKGROUND**

The subject property was rezoned in 2016 to Community Retail Commercial (CRC) for a church and private school. Phase 1 was going to include three buildings comprising of 12,600 square-feet towards the rear of the property, and this phase was for the church and the school. Phase 2 was going to be three-story 60,000 square-foot main sanctuary building with offices located at the front half of the property. The applicant would like to revise the phasing plan to have one phase for a one-story building with mezzanine that has 31,385 square-foot. The proposed building would have a sanctuary, a gym, offices, and classrooms. The building would have an exterior of light-colored smooth and split face block. The building will have cornices along the roof to help break up the walls, and a color elevation is attached to this report. If the site plan amendment is approved, all previous stipulations would remain in effect.

**STAFF COMMENTS AND RECOMENDATIONS**

**Water and Sewer:** No additional comments.
**Stormwater Management:** Previous guidance with respect to Stormwater Management issues should be followed as stated in Z-83-2016 and SLUP-14 of 2016.
**Site Plan Review**: No comments.
**Fire Department**: See attached.
**Cobb DOT**: 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.

(Continued on the next page)

**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

**COMMERCIAL / INDUSTRIAL 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.

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, 35 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. (IFC D103.2)

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 highest roof surface. (IFC: D105.1)

Aerial fire apparatus access roads shall be a minimum width of 26 feet and between 15' and 30' from the structure and be positioned parallel to one of the entire long sides 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)

**FIRE HYDRANTS:**

Hydrant location within 500 feet of the most remote portion of the structure.

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

(Continued on the next page)

Petition No. O.B.4
Meeting Date 2-20-2024
Continued

**FIRE COMMENTS CONTINUED**

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

**COMMERCIAL AND INDUSTRIAL DEVELOPMENTS:**
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. D104.1

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. D104.2

**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.

**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. D104.3

**FIRE PROTECTION:**
Automatic sprinkler protection must be provided where mandated by the applicable codes.

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

(Continued on the next page)

Petition No. O.B.4
Meeting Date 2-20-2024
Continued

**FIRE COMMENTS CONTINUED**

**ADDRESSING:**
Street numbers shall be installed in accordance with Section 106-2 Cobb County Code. Number shall be on the street side of the building, not less than 6 inches high, numbers shall be reflective on a contrasting background or contrasting numbers on a reflective background. Where monument signs are used address numbers shall be installed on both side of the monument sign. Landscaping materials shall not obstruct the street numbers.

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

(Continued on the next page)

## TRANSPORTATION COMMENTS

| Roadway | Roadway classification | Speed limit (MPH) | Jurisdictional control | Min. R.O.W. requirements |
|---|---|---|---|---|
| Powder Springs Road | Arterial | 45 | Cobb DOT | 100' |

| Roadway | Location | Average daily trips (vpd) | Level of service |
|---|---|---|---|
| Powder Springs Road | West of Hopkins Road | 30,700 | D |

*Based on 2022 AADT counting data taken by GDOT, as published on their website, 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 state highways or local roadways from this data source.*
*LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

| ITE Land Use | Description | Expected Size (KSF) | AM | | | PM | | | Daily (vpd) |
|---|---|---|---|---|---|---|---|---|---|
| | | | In (vph) | Out (vph) | Total (vph) | In (vph) | Out (vph) | Total (vph) | |
| 560 | Church* | 24,910 | NA | NA | NA | 119 | 139 | **258** | 784 |

vph = vehicles per hour, vpd = vehicles per day, KSF = 1,000 square feet, NA = Not Applicable
*Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11th edition.*
** Sunday and Sunday Peak Hr Generator*

### Comments and observations

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

Based on Site Plan dated January 16, 2024, this development requires a traffic study submittal.

**Recommendations:**

1. Recommend a traffic study pursuant to Code Section 134-121(b)(8). Study assumptions (such as study intersections, trip distribution, future analysis years, and annual growth rate) should be submitted in a memorandum (Submittal 1) and agreed to by Cobb DOT before continuing the full traffic study (Submittal 2). Cobb DOT recommendations may be revised after the study's receipt.
2. Recommend replacing any disturbed curb, gutter, and sidewalk along the Powder Springs Road. This recommendation is pursuant to Cobb County Development Standard 401.15, Curbs and Gutters (including subsections), Cobb County Development Standard 404 Sidewalks and Pathways, Cobb County Development Standard 405 Accessibility Requirements, and Cobb County Development Standard Detail 106, Concrete Curbs, Medians. The site Plan dated January 16, 2024, does comply with this recommendation.

(Continued on the next page)

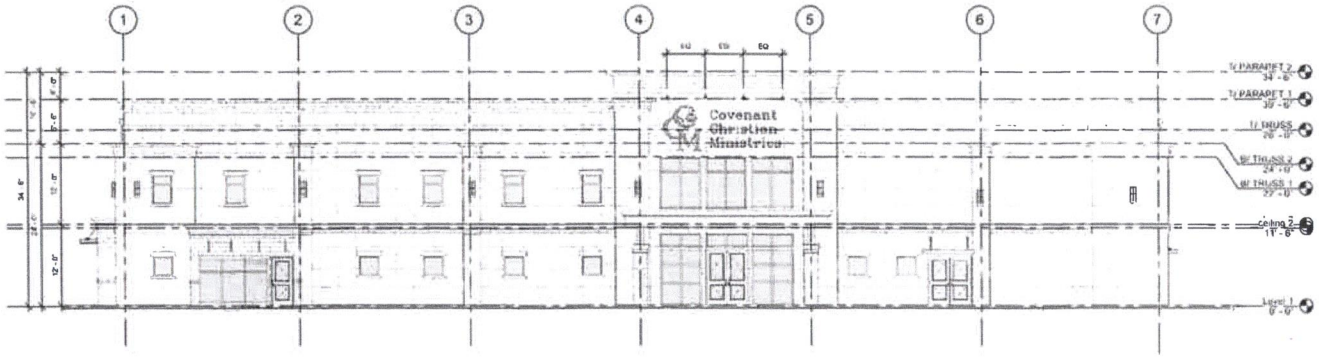
Petition No. O.B.4
Meeting Date 2-20-2024
Continued

**TRANSPORTATION COMMENTS CONTINUED**

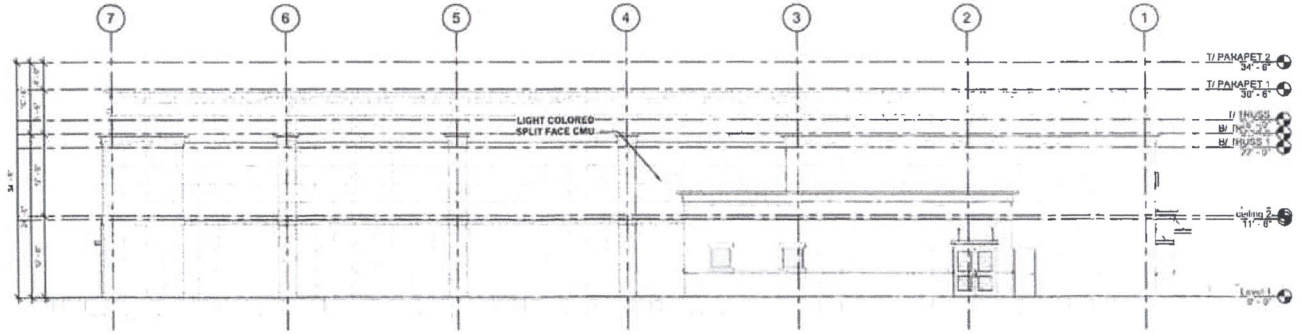
3. Recommend extending Powder Springs Road driveway uninterrupted access (distance to the first internal parking space or drive aisle) to a minimum of 50 feet from the edge of right-of-way line. This recommendation is to allow for vehicle stacking and is pursuant to Cobb County Development Standard 402.8, Non-Residential Driveways.
4. Recommend Powder Springs Road access include deceleration lane, taper and/or improved curve radius to address safety because Powder Springs Road is an arterial roadway. This recommendation is pursuant to Cobb County Development Standard 402.9, Deceleration Lanes/Roadway Improvements Along Existing Streets, and Cobb County Development Standard Detail 401A, Deceleration Lanes as reviewed for potential limited right-of-way availability. This deceleration lane is shown on the revised site plan submitted on January 16, 2024. Recommend location and design be determined during plan review, subject to Cobb DOT approval.
5. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Min. Bk. 99 Petition No. O.B.4
Doc. Type Elevations
Meeting Date 2-20-2024

RECEIVED
JAN 16 2024
COBB COUNTY ZONING




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




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

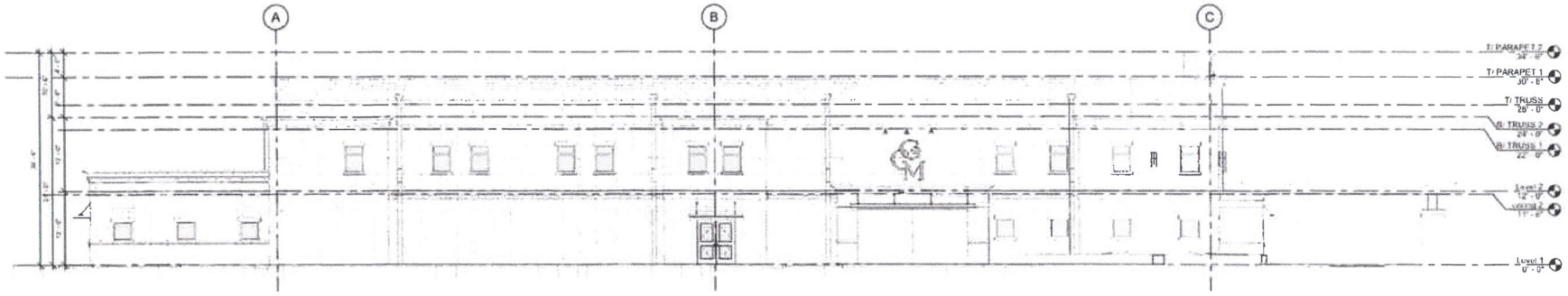
AIS INFRASTRUCTURE

Covenant Christian Ministries
2951 Powder Springs Road, Marietta GA

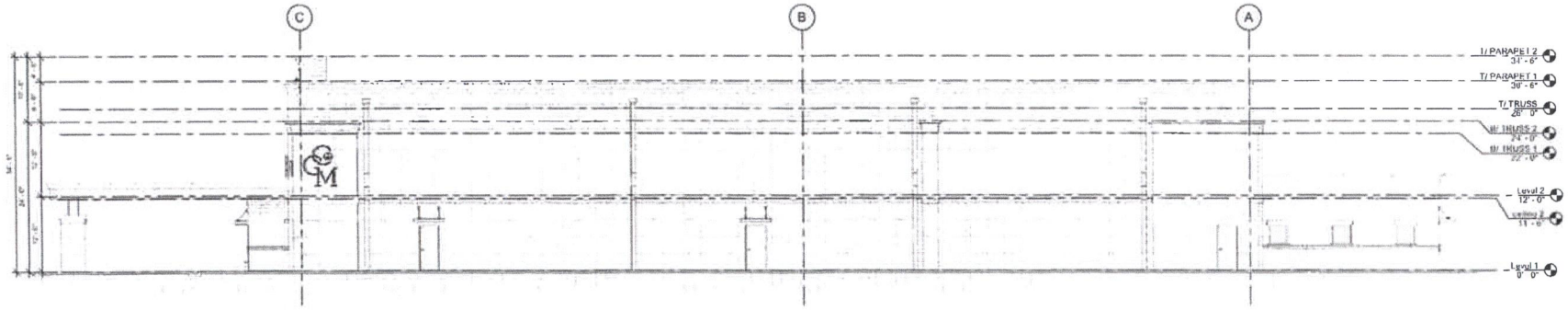
A-200

Petition No. O.B.4
Meeting Date 2-20-2024
Continued

RECEIVED
JAN 16 2024
COBB COUNTY ZONING




2 LEFT ELEVATION
1/8" = 1'-0"




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

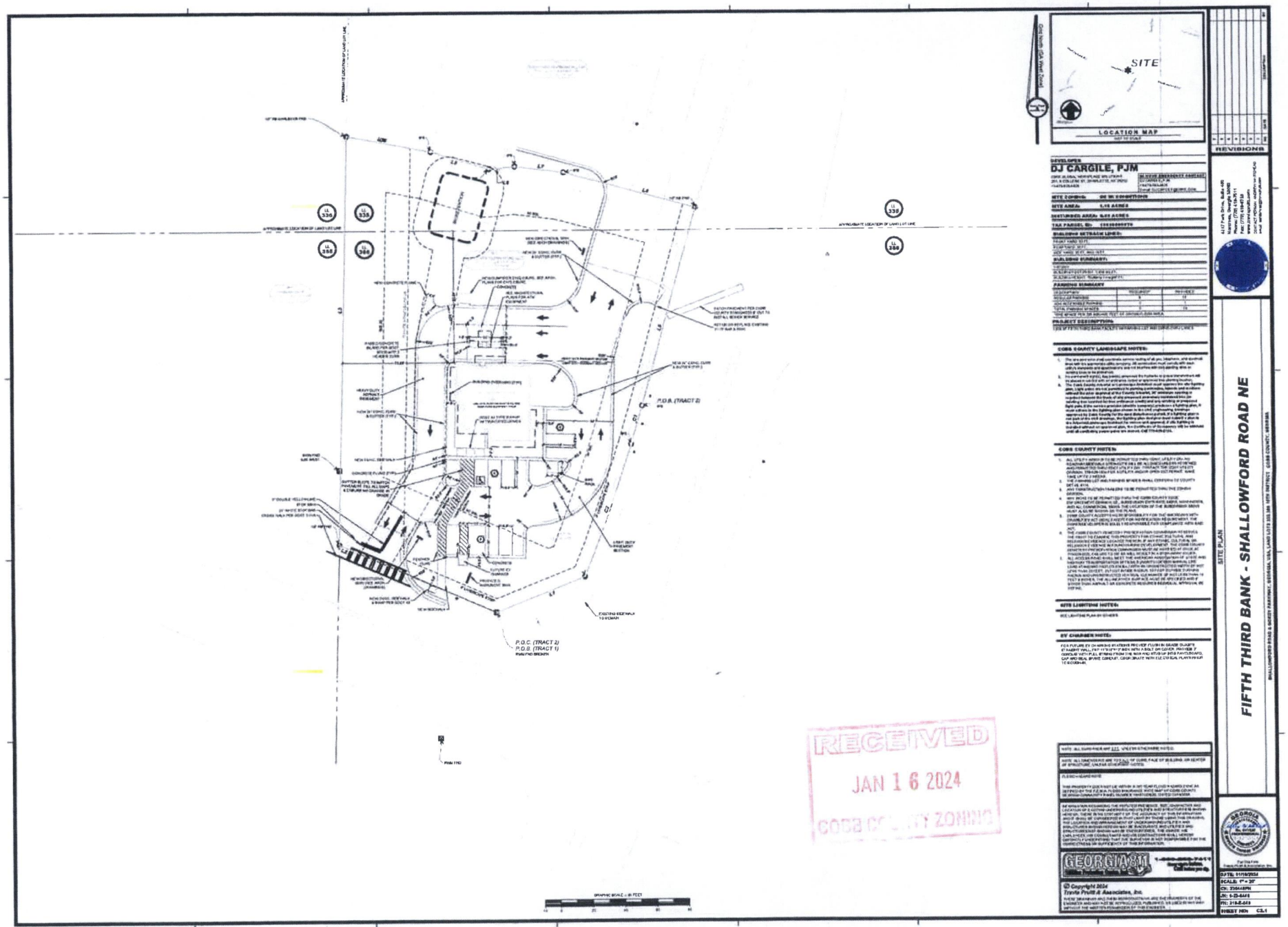
AIS INFRASTRUCTURE

Covenant Christian Ministries
2951 Powder Springs Road, Marietta GA

A-201

Min. Bk. 99 Petition No. O.B.S
Doc. Type Site Plan

Meeting Date 2-20-2024



Min. Bk. 99 Petition No. O.B.5
Doc. Type Approvals from Architecture Control Committee (14 pages)
Meeting Date 2-20-2024

FILED WITH COUNTY CLERK THIS 20th DAY
OF February 2024 BY Comm. JoAnn Birrell
RE O.B.5 - Approvals from Architecture Control Committee (14 pages)
Rob L Stone
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

EXTERIOR FINISH IMAGES

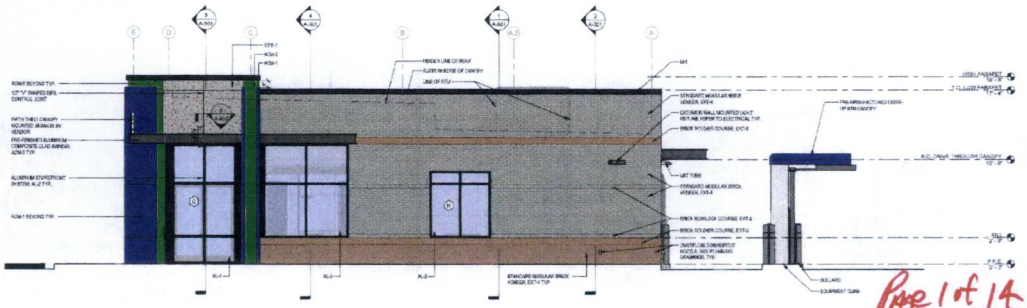
EXTERIOR FINISH SCHEDULE

| ITEM | EXTERIOR FINISH | MANUFACTURER | COLOR | COMMENTS |
|---|---|---|---|---|
| ACM-1 | ALUMINUM COMPOSITE METAL PANEL | ALUCA ARCHITECTURAL RETROFIT 4MM | SATIN MATTE FINISH BLUE | |
| ACM-2 | ALUMINUM COMPOSITE METAL PANEL | ALUCA ARCHITECTURAL RETROFIT 4MM | CUSTOM 3M 1080 G203 | |
| ACM-3 | ALUMINUM COMPOSITE METAL PANEL | ALUCA ARCHITECTURAL RETROFIT 4MM | SATIN BRUSHED | CAMPFIRE |
| ALC | ALUMINUM CAST PANEL - SYSTEM | SAMPLE ONLY | SATIN BRONZE | |
| ALU-3 | ALUMINUM STOREFRONT SYSTEM | KAWNEER | SATIN BRUSHED | |
| EIFS-1 | EIFS SANDED FINISH | DRYVIT | BENJAMIN MOORE | SANDTROWELED FINISH |
| EIFS-2 | EXTERIOR PAINT | BENJAMIN MOORE | SW 6244 NAVTIAL WHITE | RED PAINT SCHEDULE SPEC FOR PAINT TYPE ABC WHEN |
| EIFS-3 | EXTERIOR PAINT | BENJAMIN MOORE | SC-944 FITTY YELLOW | RED PAINT SCHEDULE SPEC FOR PAINT TYPE ABC WHEN |
| EXT-1 | STANDARD MODULAR BRICK VENEER | GLEN-GERY | NORTH MANUFACTURER, ARGOS, MORTAR COLOR: SAND TAN | |
| EXT-2 | BRICK SOLDIER COURSE | GLEN-GERY | NORTH MANUFACTURER, ARGOS, MORTAR COLOR: SAND TAN | |
| EXT-3 | BRICK ROWLOCK COURSE | GLEN-GERY | NORTH MANUFACTURER, ARGOS, MORTAR COLOR: SAND TAN | |
| EXT-4 | STANDARD MODULAR BRICK VENEER | GLEN-GERY | NORTH MANUFACTURER, ARGOS, MORTAR COLOR: SAND TAN | |
| M-1 | PRE-ENGINEERED METAL CANOPY | SAMPLE ONLY | SATIN BRONZE | |

ACM PANEL - GENERAL NOTES

A. ALL ACM PANELS MUST BE ARCHITECTED TO MINIMIZE ALUMINUM METAL STUD FRAMING. REFER TO STRUCTURAL METAL STUD FRAMING NOT BY CONTRACTORS.
B. METAL STUDS MUST ALIGN WITH PANEL JOINTS AS REQUIRED FOR METAL COMPOSITE PANEL ATTACHMENT.
C. FURRING STRIPS MAY BE USED TO SUPPORT METAL COMPOSITE PANELS (NOT SUBSTRATE BOARD).
D. NO DRY SEAL SHEATHING BACKER BOARD MAY SHEATHE WALL. NOT TO SUPPORT METAL COMPOSITE PANEL ATTACHMENT. SHEATHING MUST BE CONTINUOUS.
E. ALL FLAT ROOF PARAPET WALLS REQUIRED TO HAVE METAL COMPOSITE PANEL DETAILS TO BE PROVIDED BY ALUMINUM. COLOR TO MATCH WALL.
F. ALL DIMENSIONS AND QUANTITIES ARE TO BE FIELD VERIFIED PRIOR TO THE FABRICATION (INCLUDING OF ANY METAL COMPOSITE PANEL AND ASSOCIATED FLASHING).
G. ALL REVEAL PANELS, JOINTS TO HAVE BACKER ROD AND CAULK. APPLY DOWN PAST WOOD BLOCKING, TYP.
H. LINE BACKER ROD AND CAULK AT ALL VERTICAL PANEL END LINES CONFORMING AT 2500MM AT MATERIALS (E, STUCCO, WINDOW MULLIONS).
I. ALL REVEAL JOINTS PANEL JOINTS TO HAVE BACKER ROD AND CAULK. APPLY DOWN PAST WOOD BLOCKING, TYP. USE BACKER ROD AND CAULK AT ALL VERTICAL PANEL END LINES AND CONDITIONS AT 2500MM AT MATERIALS (E STUCCO, WINDOW MULLIONS).

SOUTH ELEVATION 1/4" = 1'-0" 2



EAST ELEVATION 1/4" = 1'-0" 1

Dumpster Brick

PRAXIS3
130 Peachtree St NW
Suite 1410
Atlanta, GA 30303
404-870-4040 tel
www.praxis3.com

| Rev | Date | Comments |
|---|---|---|
| | 05/06/2024 | PERMIT SET |

Client:
FIFTH THIRD BANK

KAWUA #: K11139023

Project Number: 23122
Project Name:
FIFTH THIRD BANK
2925 GORDY PKWY
1,900 SF

2925 GORDY PKWY
MARIETTA, GA 30066

Key Plan

EXTERIOR ELEVATIONS

Sheet Number:
A-200

RELEASED FOR CONSTRUCTION (AS NOTED)

Approved As noted
By
by Jason H. Hines
2-14-2024

Page 1 of 14

2/13/2024 4:48:51 PM

Petition No. O.B.5
Meeting Date 2-20-2024
Continued

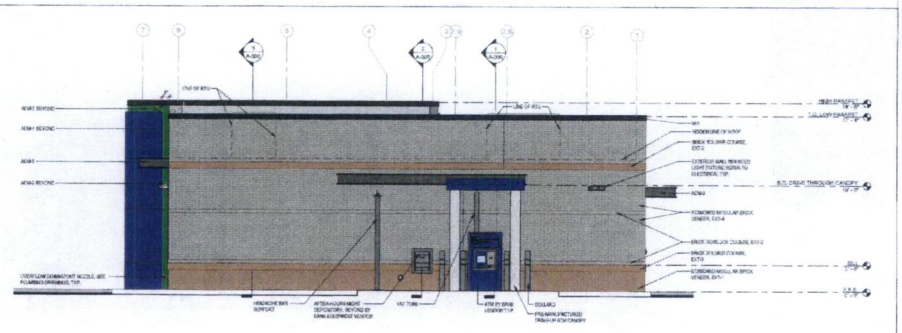
EXTERIOR FINISH IMAGES

EXTERIOR FINISH SCHEDULE

| ITEM | EXTERIOR FINISH | MANUFACTURER | COLOR | COMMENTS |
|---|---|---|---|---|
| ACM-1 | ALUMINUM COMPOSITE METAL PANEL | ALUCOBOND ARCHITECTURAL REFLECTIONS | CUSTOM FIFTH THIRD BLUE | |
| ACM-2 | ALUMINUM COMPOSITE METAL PANEL | ALUCOBOND ARCHITECTURAL REFLECTIONS | CUSTOM FIFTH THIRD GREEN | |
| ACM-3 | ALUMINUM COMPOSITE METAL PANEL | ALUCOBOND ARCHITECTURAL REFLECTIONS | DARK BRONZE | GRADIENT |
| ALF-1 | ALUMINUM DIMENSIONAL SYSTEM | KAWNEER | DARK BRONZE | |
| ALG | ALUMINUM STOREFRONT SYSTEM | KAWNEER | DARK BRONZE | |
| EIFS-1 | EIFS MATRIX SYSTEM | DRYVIT | PIGMATTEL WHITE | SNOWDRIFT FINE FINISH |
| EP-1 | EXTERIOR PAINT | BENJAMIN MOORE | CC-6 WHITE ME. WHITE | FLAT PAINT SC-KOTTLE STEP FOR PAINT TYPE AND FINISH |
| EP-2 | INTERIOR PAINT | BENJAMIN MOORE | 15- SPRUCE YARD LOW | FLAT PAINT SC-KOTTLE STEP FOR PAINT TYPE AND FINISH |
| EXT-1 | PAINTED MODULAR BRICK VENEER | GLEN-GERY | ARGILLITE | MORTAR MANUFACT.: H&G - MIX 13 - MORTAR COLOR: SAN TAN |
| EXT-2 | BRICK SOLDIER COURSE | GLEN-GERY | ARGILLITE | MORTAR MANUFACT.: H&G - MIX 13 - MORTAR COLOR: SAN TAN |
| EXT-3 | BRICK SOLDIER COURSE | TRI-DIM-ASTO | ARGILLITE | MORTAR MANUFACT.: H&G - MIX 13 - MORTAR COLOR: SAN TAN |
| EXT-4 | 3" MODULAR BRICK VENEER | GLEN-GERY | BRISTOL VELOUR | MORTAR MANUFACT.: H&G - MIX 13 - MORTAR COLOR: SAN TAN |
| MA | PREFINISHED METAL COPING | PAC-CLAD | DARK BRONZE | |

ACM PANEL - GENERAL NOTES

A. ALL ACM PANELS MUST BE ATTACHED TO MINIMUM 18 GA METAL STUD FRAMING. REFER TO STRUCTURAL METAL STUD FRAMING NOTE ON CS1 DRAWING.
B. METAL STUDS MUST ALIGN WITH PANEL JOINTS AS REQUIRED FOR METAL COMPOSITE PANEL ATTACHMENT.
C. FURRING STUDS ARE USED TO SUPPORT METAL COMPOSITE PANELS ONLY. TO DOCUMENTS.
D. DO NOT USE SHEATHING ANCHOR CLASS MAT SHEATHING WILL NOT SUPPORT METAL COMPOSITE PANEL ATTACHMENT (SHEATHING NOT BY CLIENT/OTHERS).
E. ALL FURRING FURRING STUDS ARE REQUIRED FOR METAL COMPOSITE PANEL. DETAILS TO BE PROVIDED BY ALUMINUM CLADDING MANUFACTURER.
F. ALL DIMENSIONS AND CONDITIONS ARE TO BE FIELD VERIFIED PRIOR TO THE FABRICATION, DELIVERY OF ANY & ALL METAL COMPOSITE PANEL AND ASSOCIATED FLASHINGS.
G. ALL METAL ACM PANEL JOINTS TO HAVE BACKER ROD AND SEALANT. APPLY DOWN PAST WOOD BLOCKING, TYP.
H. VERIFY ROOF AND DRAIN AT ALL VERTICAL PANEL END LOCATIONS AT DESIGNATED MATERIALS (EL. INTERIOR WINDOW WALLS) AND
I. ALL METAL ACM PANEL JOINTS TO HAVE BACKER ROD AND SEALANT APPLY DOWN PAST WOOD BLOCKING, TYP. USE BACKER ROD AND SEALANT AT ALL VERTICAL PANEL END JOINTS AT DESIGNATED IN ELEVATIONS AS TYPICAL & AS REQUIRED FOR WATERPROOFING.



Dumpster Brick

PRAXIS3
130 Peachtree St NW
Suite 1400
Atlanta, GA 30303
404-873-6300 tel
www.praxis3.com

| Rev | Date | Comments |
|---|---|---|
| | 02/08/2024 | PERMIT SET |

Client:
FIFTH THIRD BANK

AA/HIA #: 6113453
Project Number: 23123
Project Name:
FIFTH THIRD BANK
2925 GORDY PKWY
1,900 SF
2925 GORDY PKWY
MARIETTA, GA 30066

Approved As noted
By: ACL
By: Jason H. Hays
2-14-2024

EXTERIOR ELEVATIONS

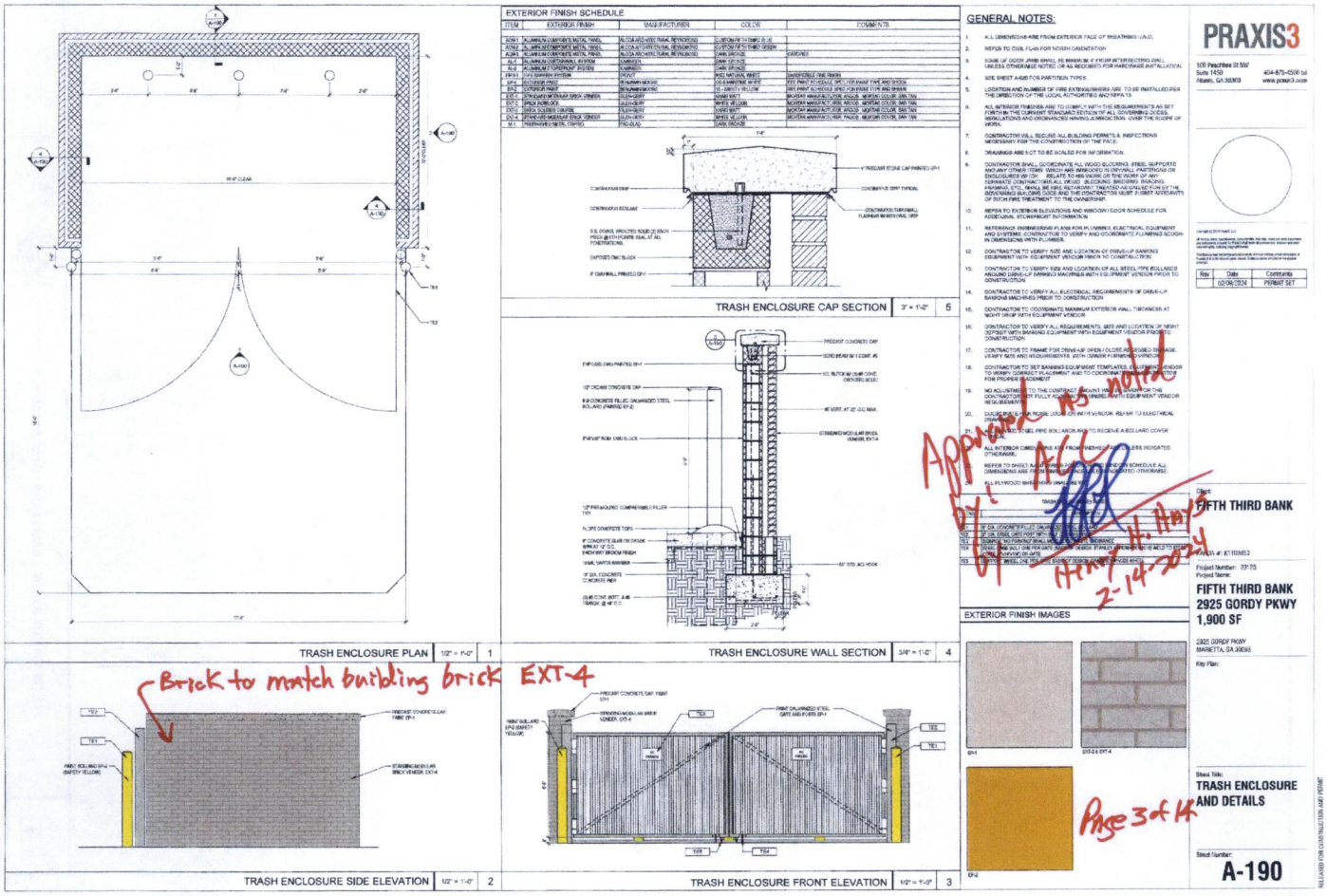
Sheet Number:
A-201

Page 2 of 14

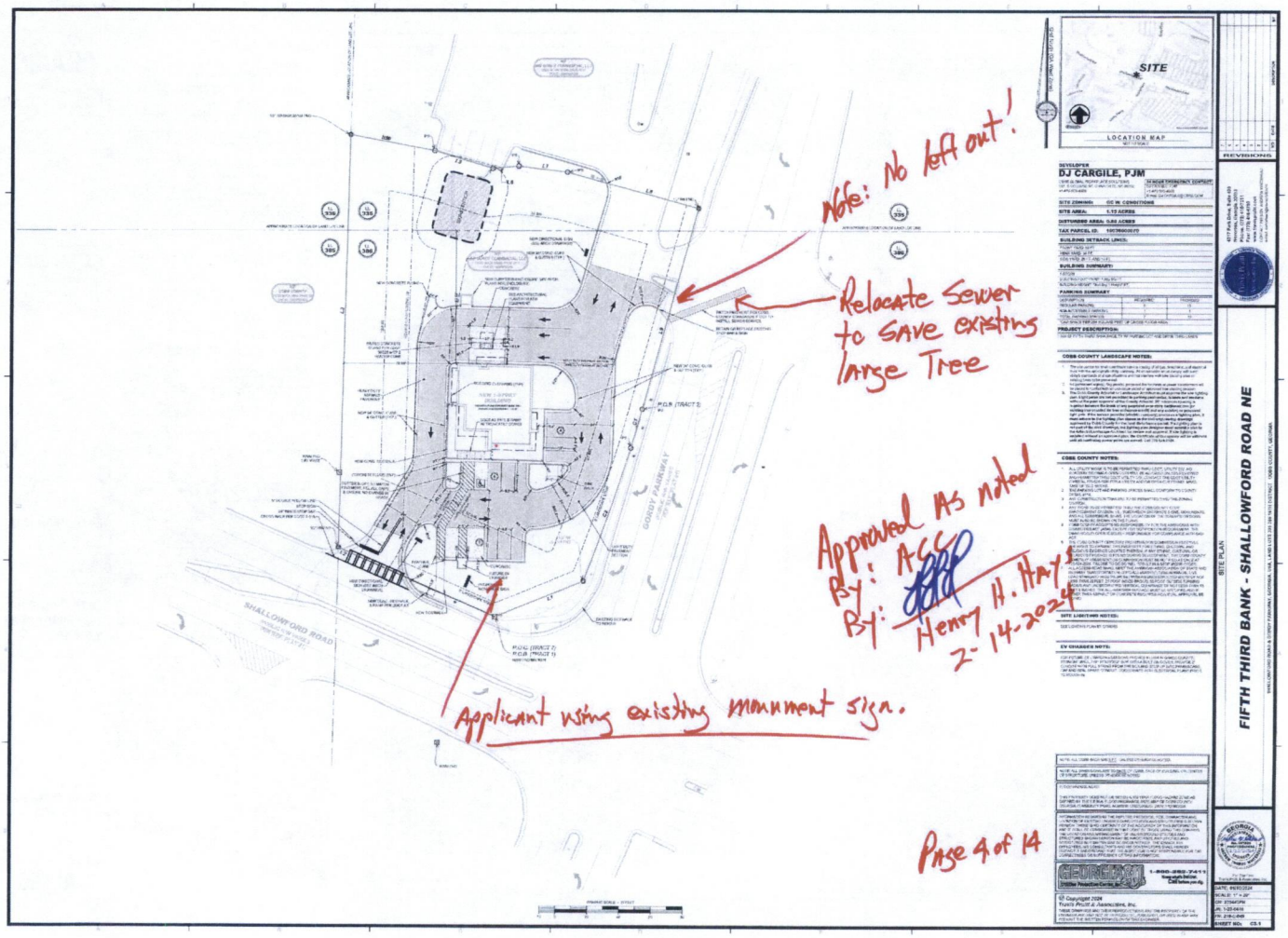
2/12/2024 4:45:59 PM

*RELEASED FOR CONSTRUCTION, AS NOTED

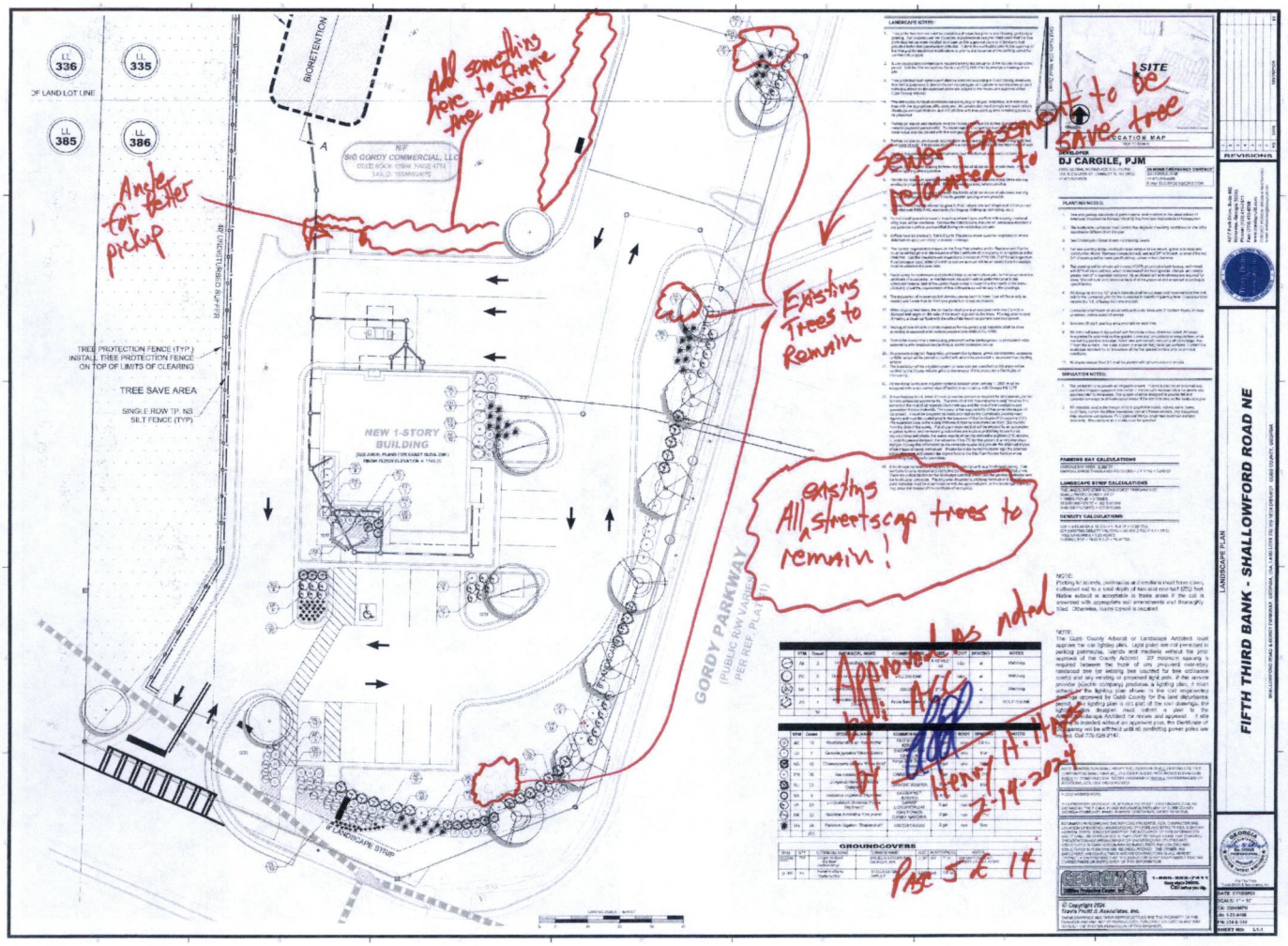
Petition No. 0.B.5
Meeting Date 2-20-2024
Continued



Petition No. O.B.5
Meeting Date 2-20-2024
Continued



Petition No. 0.B5
Meeting Date 2-20-2024
Continued



Petition No. O.B.5
Meeting Date 2-20-2024
Continued

CBRE (Fifth Third Bank) - Rand Village - Slideshows - October 2 2023 - Photo 1

Page 6 of 14

Approved by ACC
By
Henry H. Hays 2-14-2024

CBRE (Fifth Third Bank) - Rand Village - Slideshows - October 2 2023 - Photo 1

Petition No. O.B.5
Meeting Date 2-20-2024
Continued

CBRE (Fifth Third Bank) - Rand Village - Slideshows - October 2 2023 - Photo 1

Page 7 of 14

Approved by ACC
By
Henry H. Hays
2-14-2024

CBRE (Fifth Third Bank) - Rand Village - Slideshows - October 2 2023 - Photo 1

Petition No. O.B.5
Meeting Date 2-20-2024
Continued

CBRE (Fifth Third Bank) - Rand Village - Slideshows - October 2 2023 - Photo 1

Page 8 of 14

Approved As Noted
By: AG
By Henry H. Thays 2-19-24

CBRE (Fifth Third Bank) - Rand Village - Slideshows - October 2 2023 - Photo 1

Petition No. O.B.5
Meeting Date 2-20-2024
Continued

CBRE (Fifth Third Bank) - Rand Village - Slideshows - September 28 2023 - Photo 1

Page 9 of 14

Approved by ATC
By Henry H. Hays
2-14-2024

CBRE (Fifth Third Bank) - Rand Village - Slideshows - October 2 2023 - Photo 1

Petition No. O.B.5
Meeting Date 2-20-2024
Continued

Approved by ACC
by: Henry N. Hamps 2-14-2024

CBRE (Fifth Third Bank) - Rand Village - Slideshows - September 28 2023 - Photo 1

Petition No. 0.B.5
Meeting Date 2-20-2024
Continued

## Illuminated Letterset Mounted to Canopy

Building Type: 1900 Square | Front Elevation

### Action

- Install New Illuminated Letterset on canopy.

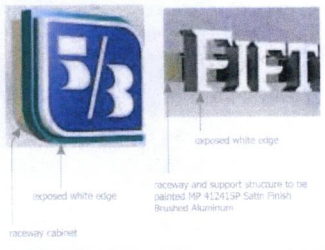
Colors & Materials

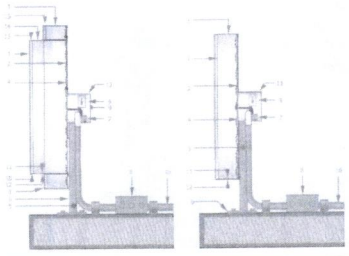
- Logo Return Painted MP 448 Satin Finish
- Logo Return Painted MP White Satin Finish
- Letter Return Painted "Platinum" MP to match PMS Cool Grey 11 Satin Finish
- Logo & Letters Acrylic to be #7328 White Acrylic
- Logo Vinyl to be 3M #3630-047 Patriot Blue Applied First Surface
- Logo Vinyl to be 3M #3630-146 Light Kelly Green Applied First Surface
- Aluminum Support Tubes and Raceway Painted MP 41241SP Satin Finish (brushed aluminum)

Front Elevation
Scale: 3/32" = 1'-0"

FIFTH THIRD BANK | CHANNEL LETTERSET | CANOPY | WHITE FACES | PLATINUM RETURNS

| Sign Type | A | B | C | D | E | F | G | Sq. Ft. (4 Line) A x B |
|---|---|---|---|---|---|---|---|---|
| 5/3-CL-CNPY-WP-30 | 30" — 2'-6" | 18'-1 1/4" | 1'-0" | 0'-10 1/8" | 2'-2 13/16" | 2'-9 11/16" | 14'-2 1/16" | 45.26 |





1. .5" thick acrylic face
2. letter backs to be .063" pre-finished white aluminum
3. 3" returns to be .040 aluminum
4. illumination to be provided by LED.
5. 1" square aluminum support tubes
6. mounting varies
7. power supply
8. junction box
9. listed disconnect switch
10. primary power source
11. weep hole cover to be white pre-finished aluminum
12. weep hole
13. aluminum raceway
14. 4" returns to be .040" aluminum
15. screw through return into acrylic shoulder

ELECTRICAL NOTES

1. All materials and fasteries meet NEC 600.4.
2. All electrical components are UL listed, labeled and approved.
3. Sign grounded according to NEC 600.7.
4. Signs manufactured and listed NEC 600.3 and marked per NEC 600.4.
5. All branch circuits are NM, 600 Volt, or No. 2.
6. All signs were tested by unnumbered, no time clock use NEC 12-415, 600.6 + 4. One exterior 20 amp disconnect per sign per circuit per NEC 600.6(B)(1)

Approved by ACC
By Henry H. Harris
2-14-2024

Page 11 of 14

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West Palm Beach, Florida 33404
800.727.7932
www.atlasbtw.com

Revisions:

S01

PM: TG
Drawn By: TLD
Date: 10.17.2023

Address: 2925 Gordy Pkwy
City, State: Marietta, GA
Drawing Number: 181906

Petition No. 0.85
Meeting Date 2-20-2024
Continued

## Illuminated Letterset Mounted Flush to Fascia

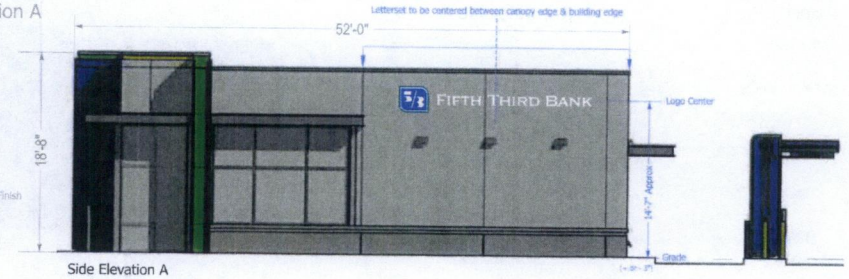
Building Type: 1900 Square | Side Elevation A

Action

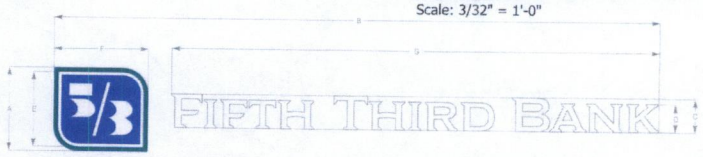
- Install New Illuminated Letterset.

Colors & Materials

- Logo Return Painted MP 448 Satin Finish
- Logo Return Painted MP White Satin Finish
- Letter Return Painted "Platinum" MP to match PMS Cool Gray 11 Satin Finish
- Logo & Letters Acrylic to be #7328 White Acrylic
- Logo Vinyl to be 3M #3630-047 Patriot Blue Applied First Surface
- Logo Vinyl to be 3M #3630-146 Light Kelly Green Applied First Surface



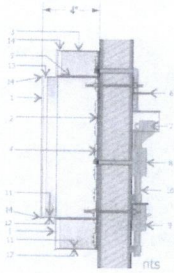

Side Elevation A
Scale: 3/32" = 1'-0"

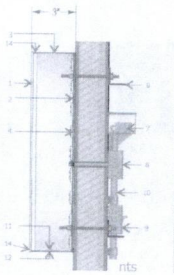



FIFTH THIRD BANK | CHANNEL LETTERSET | REMOTE WIRED | WHITE FACES | PLATINUM RETURNS | INLINE LAYOUT

| Sign Type | A | B | C | D | E | F | G | Sq. Ft. (4 Line) A x B |
|---|---|---|---|---|---|---|---|---|
| 5/3-CL-RMT-WP-IL-30 | 30" — 2'-6" | 18'-1 1/4" | 1'-0" | 0'-10 1/8" | 2'-2 13/16" | 2'-9 11/16" | 14'-7 1/16" | 45.26 |

Approved.
By: ALL
By: Henry H. Hays
2-14-2024




| | |
|---|---|
| 1 | .5" acrylic \| .125" exposed edge |
| 2 | letter backs to be .063" pre-finished white aluminum |
| 3 | 3" returns to be .040 aluminum |
| 4 | illumination to be provided by LED. |
| 5 | 1.25" gap between returns of two elements |
| 6 | mounting varies upon location and wall material |
| 7 | power supply |
| 8 | junction box |
| 9 | listed disconnect switch |
| 10 | primary power source |
| 11 | weep hole cover to be white pre-finished aluminum |
| 12 | weep hole |
| 13 | 4" returns to be .040 aluminum |
| 14 | screw through return into acrylic shoulder |

ELECTRICAL NOTES

1. All materials and fabrication meet 2014 N.E.C.
2. All electrical components are UL listed, labeled and approved.
3. Sign grounded according to NEC 600.7
4. Signs manufactured and listed NEC 600.3 and marked per NEC 600.4.
5. All branch circuits per NEC 600.5(A) shall be 15 or 20 amp.
6. All signs controlled by photocell on time clock per NEC 72-415. (NEC) 14.
7. One outlet 20 amp disconnect per sign per circuit per NEC 600.6(B)(1).

Page 12 of 14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West Palm Beach, Florida 33404
800.772.7452
www.atlassbtw.com


Revisions:

S02

| | | | |
|---|---|---|---|
| PM: TG | | Address: | 2925 Gordy Pkwy |
| Drawn By: TLD | | City State: | Marietta, GA |
| Date: 10.17.2023 | | Drawing Number: | 181906 |

Petition No. 0.B5
Meeting Date 2-20-2024
Continued

## Illuminated Letterset Mounted to Canopy

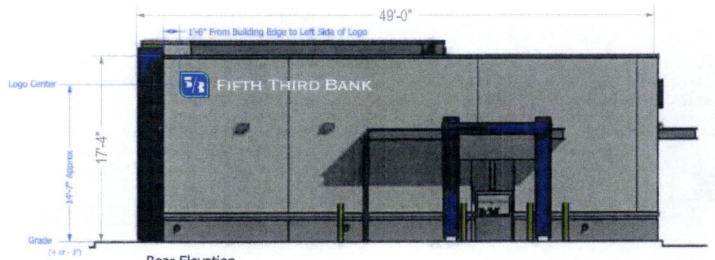
Building Type: 1900 Square | Rear Elevation

### Action

- Install New Illuminated Letterset.

Colors & Materials

- Logo Return Painted MP 448 Satin Finish
- Logo Return Painted MP White Satin Finish
- Letter Return Painted "Platinum" MP to match PMS Cool Gray 11 Satin Finish
- Logo & Letters Acrylic to be #7328 White Acrylic
- Logo Vinyl to be 3M #3630-047 Patriot Blue Applied First Surface
- Logo Vinyl to be 3M #3630-146 Light Kelly Green Applied First Surface

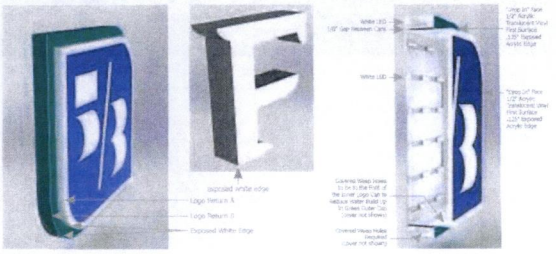


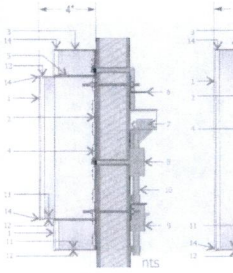

Rear Elevation
Scale: 3/32" = 1'-0"

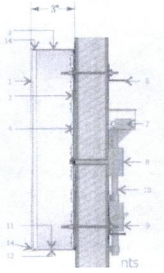
| FIFTH THIRD BANK \| CHANNEL LETTERSET \| REMOTE WIRED \| WHITE FACES \| PLATINUM RETURNS \| INLINE LAYOUT | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Sign Type | A | B | C | D | E | F | G | Sq. Ft. (4 Lines) A x B |
| 5/3-CL-RMT-WP-IL-30 | 30" – 2'-6" | 18'-1 1/4" | 1'-0" | 0'-10 1/8" | 2'-2 13/16" | 2'-9 11/16" | 14'-7 1/16" | 45.26 |

Approved by ALL
By Aaron H. Hayes
2-14-2024

Page 13 of 14




| | |
|---|---|
| 1 | .5" acrylic \| .125" exposed edge |
| 2 | letter backs to be .063" pre-finished white aluminum |
| 3 | 3" returns to be .040 aluminum |
| 4 | illumination to be provided by LED. |
| 5 | .125" gap between returns of two elements |
| 6 | mounting varies upon location and wall material |
| 7 | power supply |
| 8 | junction box |
| 9 | listed disconnect switch |
| 10 | primary power source |
| 11 | weep hole cover to be white pre-finished aluminum |
| 12 | weep hole |
| 13 | 4" returns to be .040 aluminum |
| 14 | screw through return into acrylic shoulder |

ELECTRICAL NOTES

1. All materials and fasteners meet 2020 NEC.
2. All electrical components are UL listed, labeled and approved.
3. Sign grounded according to NEC 600.7.
4. Signs manufactured and listed per NEC 600.3 and marked per NEC 600.4.
5. All branch circuits per NEC 600.5(B)(1) or (B)(2).
6. All signs controlled by photocell or time clock per NEC 10.4(3), (NEC) - X.
7. One inside 20 amp disconnect per sign per circuit per NEC 600.6(A)(1).

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Rev's/Init's

S03

| | | | |
|---|---|---|---|
| PM: TG | | Address: 2925 Gordy Pkwy | |
| Drawn By: TLD | | City/State: Marietta, GA | |
| Date: 10.17.2023 | | Drawing Number: 181906 | |

Petition No. O.B.S
Meeting Date 2-20-2024
Continued

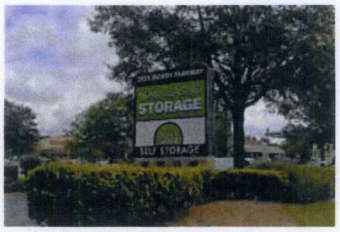
## Face Replacements for D/F Multi-Tenant Monument

### Construction Intent

- Manufacture and instal new acrylic faces for D/F Multi-Tenant Monument (one panel for each side with both tenants: Storage on top & Bank on bottom).
- All Measurements & Materials as well as existing tenant art & colors TBD.

Colors & Materials

- White Acrylic
- Logo Vinyl to be 3M #3630-047 Patriot Blue Applied First Surface
- Logo Vinyl to be 3M #3630-146 Light Kelly Green Applied First Surface
- Second Tenant Colors TBD



Existing

Proposed

Approved by ACC
By: Henry H. Hays
2-14-2024

Page 14 of 14

atlas
National Headquarters: 1077 West Blue Heron Blvd.
West Palm Beach, Florida 33404
800.772.7902
www.atlasbtw.com

Revisions:

S04

PM: TG
Drawn By: TLD
Date: 10.17.2023
Address: 2925 Gordy Pkwy
City State: Marietta, GA
Drawing Number: 181906

Min. Bk. 99 Petition No. O.B.5
Doc. Type Five additional stipulations agreed to by the Applicant
Meeting Date 2-20-2024

Proposed Site Plan Approval conditions for Fifth Third Bank at 2925 Gordy Parkway.

1. The attached plans have been approved by the Architectural Control Committee (ACC) for Firth Third Bank. These plans consist of Fourteen (14) numbered pages.
2. HVAC units, satellite dishes, and roof vents will not be visible by pedestrians walking along adjacent sidewalks or from driver seats in car on adjacent streets. Presently submitted elevations are acceptable provided they are installed per approved ACC plans. If after actual installation they are visible, then a louver parapet will need to be installed.
3. Dumpster to be brick veneer to match the same brick used on building.
4. All existing trees presently in streetscape along Gordy Parkway will remain "as is".
5. Add border landscaping around lawn area in the rear along driveways.

FILED WITH COUNTY CLERK THIS 20th DAY
OF February 2024 BY Comm. JoAnn Birrell
RE O.B.5- 5 additional stipulations agreed to by the Applicant
Rob L Stone
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

Min. Bk. 99 Petition No. O.B.5
Doc. Type Stormwater Mngmt, Cobb DOT, and Fire Dept. comments and recommendations
Meeting Date 2-20-2024

**FEBRUARY 20, 2024 ZONING HEARING**
**"OTHER BUSINESS"**
**COMMISSION DISTRICT 3**

**ITEM OB-5-2024**

To consider amending the site plan and stipulations for Fifth Third Bank regarding rezoning application Z-223 of 1988 and Z-95 of 1990, for property located on the west side of Gordy Parkway, and on the north side of Shallowford Road in Land Lots 335 and 386 of the 16th District (Gordy Parkway).

**BACKGROUND**

The subject property was rezoned in 1988 to General Commercial as part of a larger mixed-use rezoning case. The back of the property was developed as a movie theater initially, and this use has redeveloped into a climate-controlled self-service storage facility. This 1.1-acre property was approved in 2023 for a restaurant, and the restaurant has decided not to develop. The applicant would like to amend the site plan to allow a bank with drive-thru facilities on the property. The site plan is attached which meets zoning criteria for the proposal, including the 40-foot landscape buffer adjacent to the county park. Renderings of the building and signage are also attached for review. If the site plan amendment is approved, all previous stipulations would remain in effect.

**STAFF COMMENTS AND RECOMENDATIONS**

**Water and Sewer:** No additional comments.
**Stormwater Management:** Stormwater Management has no objection to this other business item as requested. Previous guidance with respect to Stormwater Management issues should be followed with respect to previous Zoning cases for this site, as applicable. Current Stormwater Management requirements should be followed to the extent they exceed requirements from the previous Zoning cases. A concept meeting is recommended for this site.
**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.

(Continued on the next page)

Petition No. O.B.5
Meeting Date 2-20-2024
Continued

## DEPARTMENT OF TRANSPORTATION COMMENTS

Cobb DOT has a roadway project, B2306 Shallowford Road at Gordy Pkwy.

**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 Gordy Parkway, a minimum of 40' from the roadway centerline.
2. Recommend the applicant coordinate with Cobb DOT to ensure the proposed development plans are compatible with project B2306. Shallowford Road at Gordy Pkwy.
3. Recommend the access on Gordy Parkway be restricted to right-in/right-out access. This recommendation is due to the proximity of the signalized intersection of Shallowford Road and Gordy Parkway.
4. Recommend replacing disturbed curb, gutter, and sidewalk along the Gordy Parkway and Shallowford Road frontages.
5. As necessitated by this development, recommend Shallowford Road and Gordy Parkway access points include taper and/or improved curve radius. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.
6. Recommend extending driveway uninterrupted access to a minimum of 50' from the edge of right-of-way per Development Standard 402.08.
7. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

(Continued on the next page)

Petition No. O.B.5
Meeting Date 2-20-2024
Continued

**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)

**IFC 510- EMERGENCY RESPONDER RADIO COVERAGE:**

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

**FIRE PROTECTION:**

Automatic sprinkler protection must be provided where mandated by the applicable codes.

**C/O:**

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

**ADDRESSING:**

Street numbers shall be installed in accordance with Section 106-2 Cobb County Code. Number shall be on the street side of the building, not less than 6 inches high, numbers shall be reflective on a contrasting background or contrasting numbers on a reflective background. Where monument signs are used address numbers shall be installed on both side of the monument sign. Landscaping materials shall not obstruct the street numbers.

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