

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 19, 2024
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 19, 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 9:02 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.

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Commissioner Gambrell'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, held, or continued*.

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WITHDRAWN, HELD, AND CONTINUED CASES

- 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). WITHDRAWN WITHOUT PREJUDICE*
- 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). WITHDRAWN WITHOUT PREJUDICE*
- LUP-8** **AMERICAN PROTECTION AND TACTICAL** (Richard Keith Lanier, owner) requesting a **Temporary Land Use Permit** for gunsmithing and FFL (Federal Firearm Licensee) Transfers in land lots 168 and 169 of the 19th district. Property is located on the east side of Friendship Church Road, north of Conley Downs Drive (995 Friendship Church Road). **WITHDRAWN WITHOUT PREJUDICE**
- 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). WITHDRAWN WITHOUT PREJUDICE*
- O.B. 7** To consider a reduction of required lot size from 20,000 square-feet to 15,000 square-feet for Tract 1 for G. George & Associates, Inc. The property is located on the east side of Felton Lane, south of Mableton Parkway in land lot 497 of the 18th district (7009 Felton Lane). **WITHDRAWN WITHOUT PREJUDICE**

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- 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; continued by Staff until the May 21, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).*
- 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 March 5, 2024, Planning Commission (PC) hearings until the April 2, 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; held by the PC from the March 5, 2024, PC hearing until the April 2, 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, through the March 5, 2024, Planning Commission (PC) hearings until the April 2, 2024, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-60²³** **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, and March 5, 2024, PC hearings until the April 2, 2024, PC hearing; therefore, was not considered at this hearing).*
- 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). *(Previously continued by Staff from the February 6, 2024, through the April 2, 2024, Planning Commission (PC) hearings until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-8** **JELANI CAMPBELL** (Jelani Campbell, owner) requesting rezoning from **CF** to **R-15** for a single-family residence in land lots 673 and 696 of the 17th district. Property is located on the north side of Lee Road, west of Pineridge Road (1953 West Lee Road). *(Continued by Staff until the April 2, 2024, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-9** **THOMAS OROK** (Florence Odang Okonta, owner) requesting rezoning from **CRC** and **R-20** to **RM-8** for a townhome community in land lot 1300 of the 19th district. Property is located on the north side of Veterans Memorial Highway and on the west side of Burrus Road (1558 Veterans Memorial Highway). *(Previously continued by Staff from the March 5, 2024, Planning Commission (PC) hearing until the April 2, 2024, PC hearing; therefore, was not considered at this hearing).*
- LUP-7** **AMY MOLLOHAN** (Mollohan Farms, LLC, Amy Beckenhauer Mollohan and Stacey Alan Mollohan, owners) requesting a **Temporary Land Use Permit** for a seasonal special events venue in land lots 353, 354, 387, and 388 of the 19th district. Property is located on the west side of Villa Rica Road, north of Macland Road (1790 Villa Rica Road). *(Previously continued by Staff from the March 5, 2024, Planning Commission (PC) hearing until the April 2, 2024, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

SLUP-1 **TIRE SWING COLLECTIVE, INC.** (Nicholas M Seidell, owner) requesting a **Special Land Use Permit** for a private park and garden (noncommercial) in land lot 884 of the 16th district. Property is located on the south side of Allgood Road, east of Smithwood Drive (2020 Allgood Road). *(Previously continued by the Planning Commission (PC) from the March 5, 2024, PC hearing until the April 2, 2024, PC hearing; therefore, was not considered at this hearing).*

Clerk's Note: Mr. Pederson announced that SLUP-1 will be shown as "Withdrawn without Prejudice" on the April BOC Zoning Agenda.

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). *(Previously continued by the Board of Commissioners (BOC) from the February 20, 2024, BOC Zoning hearing until he May 21, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).*

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.

CONSENT AGENDA

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

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).*

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CONSENT AGENDA (CONT.)

Z-4 BIG GYM THERAPY, LLC (CONT.)

To **approve** Z-4 to the NRC zoning district, subject to:

- 1. Site Plan received by the Zoning Division dated January 26th, 2024 (attached and made a part of these minutes)**
- 2. Variances as stated in the Zoning Division comments and recommendations**
- 3. Adherence to Canton Road Design Guidelines**
- 4. Fire Department comments and recommendations**
- 5. Water and Sewer Division comments and recommendations**
- 6. Stormwater Management Division comments and recommendations**
- 7. Department of Transportation comments and recommendations**

Z-7 GARY D. WALTERS (Gary Walters, owner) requesting rezoning from **CF** to **R-20** for a single-family residence in land lot 199 of the 18th district. Property is located on the west side of Pine Creek Court, north of Pine Creek Drive (6180 Pine Creek Court).

To **approve** Z-7 to the **R-20** zoning district.

Prior to approving the Consent Agenda, Commissioner Gambrill requested that O.B. 9 (Timothy Everett) be added to the Consent Agenda. The Applicant was present, and there was no opposition present. Mr. Pederson read in the case, the Commissioner read in her stipulations, and the motion was made to add the case to the Consent Agenda.

OTHER BUSINESS

O.B. 9 To consider a reduction of required public road frontage from 75-feet per lot to zero-feet per lot for lots 3, 3B, 4, and 4B for Timothy Everett. The property located on the north side of Due West Road, east of Lost Creek Drive in land lot 298 of the 20th district (Due West Road).

To **approve** O.B. 9, subject to:

- 1. Letter of agreeable conditions from DGM Land Planning Consultants, Inc. dated March 13, 2024 (attached and made a part of these minutes)**
- 2. O.B. (Other Business) Plat dated ~~2024-3-13 Everett~~ March 13, 2024 (attached and made a part of these minutes)**
- 3. No further lot splits**
- 4. Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 9 (CONT.)

5. Water and Sewer 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. Site Plan Review comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)
9. Historic Preservation comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)

MOTION: Motion by Gambrell, second by Richardson, to **add** O.B. 9 to the Consent Agenda as previously read in.

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

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

REGULAR AGENDA

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*).

The public hearing was opened; Kevin Moore, Elizabeth Hardy, and Ken Daniell addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **deny** Z-61^{'23}.

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

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REGULAR AGENDA (CONT.)

- 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). *(Previously continued by Staff from the February 6, 2024, Planning Commission (PC) hearing until the March 5, 2024, PC hearing).*

The public hearing was opened; Rajeev Kumar Kaura, Jacob Sercye, Tom Ganschow, Duward Whelchel, and Cynthia Ganschow addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to **deny** Z-3.

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

- 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). *(Previously continued by Staff from the February 6, 2024, Planning Commission (PC) hearing until the March 5, 2024, PC hearing).*

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

MOTION: Motion by Sheffield, second by Birrell, to **approve** Z-6 to the **R-20** zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated March 13, 2024 (attached and made a part of these minutes), with the following changes:
 - A. Item No. 3 – revise to read, *“The residences within the proposed community shall have a minimum of 2,000 square feet of heated and cooled space; this shall include any ranch style or 1.5 story homes; there shall be no more than 20% of ranch style or 1.5 story homes built within the proposed community.”*
 - B. Item No. 4 – add to the end, *“The front elevations shall be comprised of a minimum of 50% minimum of the materials outlined in this stipulation.”*

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REGULAR AGENDA (CONT.)

Z-6 INLINE COMMUNITIES, LLC (CONT.)

- C. Item No. 8 – add to the end, *“The lighting for the entrance signage and landscaping shall be hard-wired electrical lighting. The District Commissioner to approve the final Landscape Plan.”*
- D. Item No. 9 – revise to read, *“The community shall have both passive and active amenity areas to consist of a clubhouse, pool, and trails; other amenities such as cabanas, masonry fire pits, gazebos, etc., in addition to the required clubhouse and pool, are optional. District Commissioner to approve the final amenities plan.”*
- E. Item No. 11 – include wording to reflect – *“The detention pond area to be fenced with black vinyl clad fencing.”*
- 2. Construction hours shall be Monday through Saturday from 7:00 a.m. until 8:00 p.m.
- 3. Any damage caused to the adjacent roadways during construction of the proposed development shall be repaired within 90 days of project completion
- 4. Landscape Plan to be approved by the District Commissioner
- 5. The farm style fencing on the subject property frontage along Brown Road and Holloman Road is to be approved by the District Commissioner
- 6. All other 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 10:38 a.m. until 10:44 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). (*Previously continued by the Board of Commissioners (BOC) from the February 20, 2024, BOC Zoning hearing until the March 19, 2024, BOC Zoning hearing.*)

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

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REGULAR AGENDA (CONT.)

LUP-1 CHRISTEL Y. HERRERA, JR. (CONT.)

MOTION: Motion by Gambrill, second by Richardson, to **approve** LUP-1 for **24 months**, subject to:

- 1. No more than four vehicles shall be parked outside the garage and in the driveway**
- 2. No automobile repairs shall be done outside**

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

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). (*Previously held by the Board of Commissioners (BOC) from the February 20, 2024, BOC Zoning hearing until the March 19, 2024, BOC Zoning hearing*).

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

MOTION: Motion by Birrell, second by Sheffield, to **approve** LUP-2 for **24 months**, subject to:

- 1. Applicant shall move two vehicles behind the fence to be parked on the concrete slab where one shed is currently located but will be moved behind the house on concrete blocks**
- 2. No more than four vehicles shall be parked in the driveway and none on the street**

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

The Chairwoman called for a three-minute recess from 11:07 a.m. until 11:10 a.m.

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).

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REGULAR AGENDA (CONT.)

LUP-3 FASILAT ADESINA (CONT.)

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

MOTION: Motion by Sheffield, second by Birrell, to **deny** LUP-3, subject to:

- 1. Applicant to bring the property into single-family code compliance no later than June 19, 2024**

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: No Code Enforcement notices of violation will be issued related to allowing more adults than code allows until after June 19, 2024. However, any other Code Enforcement violations related to this property may be noticed prior to this date and moving forward.

OTHER BUSINESS

- O.B. 40²³** 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*).

The public hearing was opened; Kevin Moore, Robin Meyer, Steve Yungk, and Nana Agyekum addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **approve** O.B. 40²³, subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated March 18, 2024 (attached and made a part of these minutes), which includes the Site Plan, the Tree Protection Plan, and the Tree Replacement Plan**
- 2. The existing houses on the property shall be demolished no later than July 1, 2024**
- 3. A gazebo or community gathering space is to be added to the Site Plan and approved during Site Plan Review**

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OTHER BUSINESS (CONT.)

O.B. 40^{'23} (CONT.)

4. Construction hours shall be Monday through Saturday from 7:00 a.m. until 8:00 p.m.
5. Any damage caused to the adjacent roadways during construction of the proposed development shall be repaired within 90 days of project completion
6. Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes), *not otherwise in conflict*
7. Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes), *not otherwise in conflict*
8. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes), *not otherwise in conflict*
9. 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.*)

The Chairwoman called for a lunch recess from 12:36 p.m. until 1:19 p.m. Following the lunch recess, the Applicants for O.B. 66^{'23} (Chick-fil-A Inc.) and O.B. 6 (Tao Hu) were not present; therefore, O.B. 8 (Terry Kastner) was brought forward on the Agenda and heard next.

O.B. 8 To consider a reduction of required lot size from 20,000 square-feet to 16,289 square-feet for Terry Kastner. The property located on the south side of West Pointe Drive, east of Liberty Lane in land lot 258 of the 20th district (West Pointe Lane).

The public hearing was opened; Terry Kastner and Robin McWaters addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to **hold** O.B. 8 until the April 16, 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.*)

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 19, 2024
PAGE 14**

OTHER BUSINESS (CONT.)

O.B. 8 (CONT.)

Clerk's Note: Commissioner Gambrill requested the following prior to the April 16th Board of Commissioners' Zoning Hearing:

- 1. Applicant to contact the Department of Health to see if a permit could be obtained for septic*
- 2. Staff to review the West Pointe Subdivision Plat regarding drainage and the culvert seen in the photo*
- 3. Applicant to see if an easement could be obtained for sewer*

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).*

The public hearing was opened; Jenna Lee and Randall Stallings addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **approve** O.B. 66'²³, subject to:

- 1. Site Plan contained in the Other Business packet (attached and made a part of these minutes), with the District Commissioner approving the final Site Plan**
- 2. Establishment of a Landscape Review Committee and an Architectural Review Committee each consisting of a representative of the Applicant, the appropriate county Staff, and the Mableton Improvement Coalition, with the District Commissioner having final approval of the Architecture and Landscape Plan**
- 3. Construction hours shall be Monday through Saturday from 7:00 a.m. until 8:00 p.m. and Sunday from 12:00 p.m. until 6:00 p.m.**
- 4. Applicant will absorb all costs for the road improvements**
- 5. Any roads damaged during construction shall be repaired within 90 days at the conclusion of construction**
- 6. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes), not otherwise in conflict**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 19, 2024
PAGE 15

OTHER BUSINESS (CONT.)

O.B. 66'²³ (CONT.)

7. Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes), with Cobb DOT approving the final transportation improvements
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.*)

O.B. 6 To consider a reduction of required lot size from 20,000 square-feet to 19,987 square-feet and to consider setback variances for an accessory structure for Tao Hu. The property is located at the corner of Hembry Road and Hembry Court in land lot 464 of the 16th district (3160 Hembry Court).

At the call for O.B. 6, the Applicant was not present, and there was no opposition present; thereafter, the following motion was made:

MOTION: Motion by Richardson, second by Gambrill, to continue O.B. 6 until the April 16, 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.*)

ADJOURNMENT

The hearing adjourned at 1:58 p.m.



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

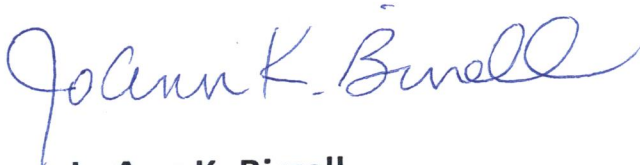
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Commissioner Birrell's Statement - Revised 1/22/24

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
District 3 Commissioner

Commissioner Gambrell'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.

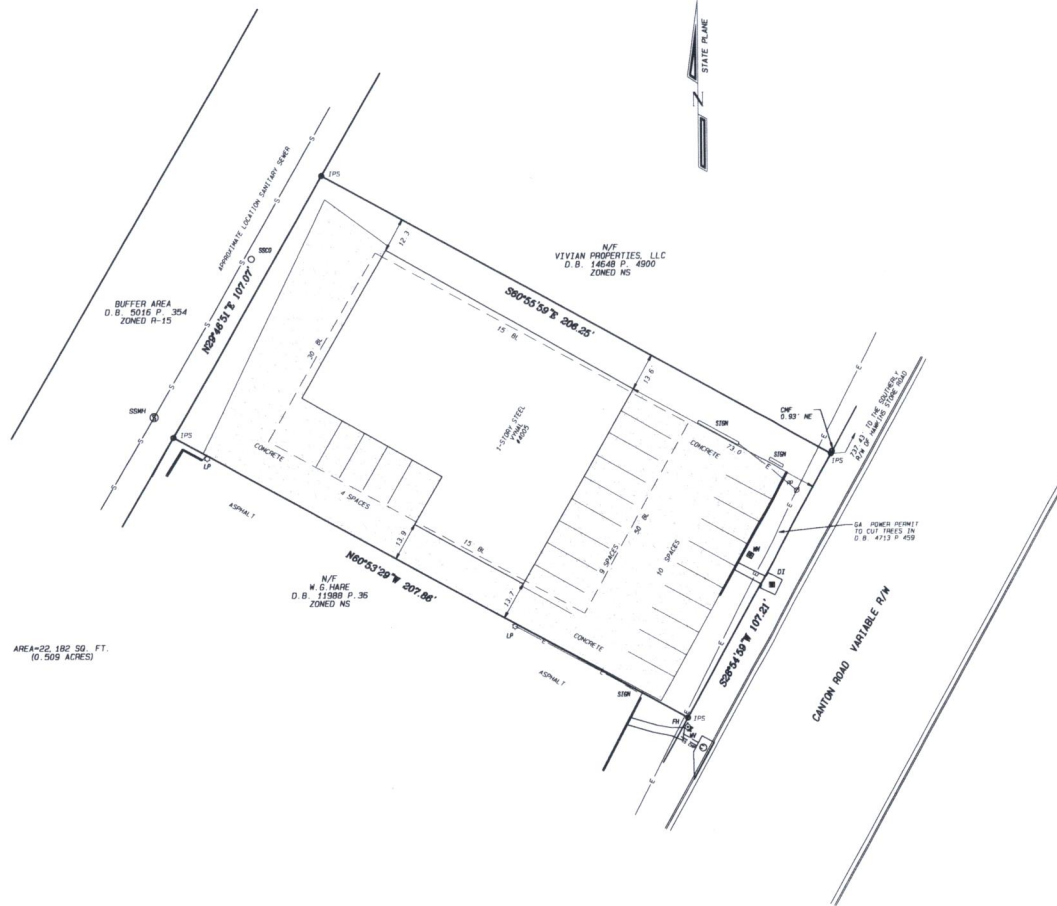
CURRENT ZONING	NS
FRONT SETBACK	50 FT.
SIDE SETBACK	15 FT.
REAR SETBACK	30 FT.
MIN. LOT WIDTH	60 FT.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein according to the Georgia General Code, Sections 44-10-1 through 44-10-6. ANY LOCAL JURISDICTION AVAILABILITY OF PERMITS, COMPLIANCE WITH ALL LOCAL ORDINANCES AND REGULATIONS IS THE RESPONSIBILITY FOR THE USER OF THIS PLAT.

Furthermore, the undersigned land surveyor certifies that this plat complies with all applicable provisions of the Georgia Surveyors' Act in Georgia as set forth in the rules and regulations of the Georgia Board of Surveying and Mapping, and that the land and Land Surveyors fees are set forth in O.C.G.A. Section 15-8-67.

ROBERT B BETTITTON 1/26/24

ROBERT B BETTITTON G.A. NCS #24986 DATED NAME DATE



AREA=22,182 SQ. FT
(0.509 ACRES)

SURVEY NOTES:

- 1 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN
2 FOUND TO BE ACCURATE WITHIN 1 FOOT IN 54 728 FEET
3 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A
4 CLOSURE PRECISION OF ONE FOOT IN 31 811 FEET AND AN
5 ANGULAR PRECISION OF 60" PER ANGLE AND HAS ADJUSTED USING
6 THE COMPASS RULE.
7 EQUIPMENT = SOKKIA ILS SERIES ROBOTIC STATION
8 DATE OF SURVEY =
9 I HAVE THIS DATE: EXAMINED THE OFFICIAL FEA INSURANCE
10 RATE RAMP COMMUNITY NUMBER 130052. PANEL 0604NH. DATED
11 04 FEB 2013. AND I HAVE DETERMINED THAT THE PROPERTY IS NOT
12 LOCATED IN AN AREA HAVING SPECIAL FLOOD HAZARDS.
13 # BEARER AT ALL CORNERS UNLESS OTHERWISE NOTED

SURVEY REFERENCES:

1. EXECUTOR'S DEED TO CYNTHIA BICKMAN DATED APRIL 15, 2011 AND BEING RECORDED IN DEED BOOK 14848, PAGE 5876.

IN MY OPINION, THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

ABBREVIATION LEGEND	
A	ARC DISTANCE
B	BULL
CND	CORRUGATED METAL PIPE
D	DRAIN
F	FIRE HYDRANT
GM	GUY WIRE
H	HIGH POINT FOUND
I	IRON PIPE
IPS	INVERT ELEVATION
L	LEAD
LC	CHORD LENGTH
L L L	LONG LOT LINE
L	LOW OF FINISH
OTD	OPEN TOP PIPE
P	RAIL
P. G. B.	POINT OF BEGINNING
R	RADIUS
R	RADIUS
R	RIDGE OF WAY
S	SANITARY FEET
S	SANITARY MANHOLE
WM	WATER METER

SYMBOL LEGEND	
	Guy Wire
	Water Hydrant
	Drop Inlet
	Water Meter
	Water Valve
	Power Pole
	Sanitary Sewer Manhole
	Water Line
	Sanitary Sewer Line
	Overhead Power Line
	Fence

REVISION RECORD	
DATE	PURPOSE

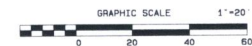
COPYRIGHT
THIS DRAWING IS THE PROPERTY OF THE
BELOW REFERENCED FIRM AND IS NOT TO
BE USED FOR ANY PURPOSE OTHER THAN
THE SPECIFIC PROJECT NAMED HEREIN.
AND CANNOT BE REPRODUCED IN ANY
MANNER WITHOUT THE EXPRESS WRITTEN
CONSENT OF THE FIRM.

BETTERTON
SURVEYING & DESIGN, INC.
LAND SURVEYING/PLANNING
SUBDIVISION & COMMERCIAL SITE DESIGN
980 WEST SANDTOWN ROAD
GEORGIA 30054
MARLETTA (678) 483-0243

SURVEY AND PLAT
4005 CANTON ROAD
LOCATED IN:
LAND LOT 278
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA.
PREPARED FOR:
CYNTHIA B. BICKMAN

DRAWN BY
RBB
CHECKED BY
RBB
SCALE
1" = 20'
DATE
JANUARY 26, 2024
FILE NUMBER:
24109.PRO
JOB NUMBER
24109
SHEET NUMBER

1 OF 1



MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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EMERSON OVERLOOK
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SUITE 100
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JACKSONVILLE, FLORIDA 32256
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BRENTWOOD, TENNESSEE
12 CADILLAC DRIVE
SUITE 200
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

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SUITE 375
LEXINGTON, KY 40509
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SUITE 825
ORLANDO, FLORIDA 32801
TELEPHONE (407) 367-6233

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

March 13, 2024

Via E-mail Only

Min. Bk. 99 Petition No. Z-6
Doc. Type Letter
Meeting Date 3-19-2024

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

RE: Application for Rezoning - Application No. Z-6 (2024)
 Applicant: InLine Communities, LLC
 Property Owners: Grace A. Bennett, Trustee U/I Grace A. Bennett dated August 30, 1995; James H. Bennett and Joy A. Bennett Declaration of Trust dated January 28, 1992, and restated on August 3, 2011

 Property: 148.97 acres, more or less, located on the easterly side of Brown Road, north of Stout Parkway, westerly of Holloman Road, Land Lots 1248, 1249, 1250, 1268, 1269, and 1322, 19th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent InLine Communities, LLC, the Applicant (hereinafter referred to as "Applicant"); as well as, the Property Owners set forth in the Application for Rezoning (hereinafter collectively referred to as "Owners" or "Property Owners"), in their Application for Rezoning with regard to 148.97 acres, more or less, located on the easterly side of Brown Road, northerly of Stout Parkway, and westerly of Holloman Road, Land Lots 1248, 1249, 1250, 1268, 1269, and 1322, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meetings and communications with Planning and Zoning Staff and various Cobb County Departmental Representatives, ongoing meetings and discussions with area residents and homeowner representatives, reviewing the Departmental

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 6
March 13, 2024

Comments and Staff Recommendations and the uses of surrounding properties, and following the presentation to and hearing before the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the previous letter of agreeable stipulations and conditions dated and submitted on February 26, 2024. The proposed, revised stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning categories of R-30 and R-20 to the proposed zoning category of R-20, with reference to the revised Rezoning Site Plan ("Site Plan") prepared for Applicant by Planners & Engineers Collaborative, dated December 7, 2023, last revised January 23, 2024, and submitted with the previous letter of stipulations and conditions. A reduced copy of the revised Site Plan is attached as Exhibit "A" and incorporated herein by reference.
- (2) The Subject Property contains approximately 148.97 acres of total site area and shall be developed for a residential community comprised of a maximum of one hundred eighty (180) single-family, detached residences.
- (3) The residences within the proposed community shall have a minimum of 2,000 square feet of heated and cooled space; excepting, however, a maximum of thirty (30) percent of the homes may have a minimum of 1,800 square feet of heated and cooled space applicable to ranch homes only (defined as master bedroom and living areas on the first floor).
- (4) The proposed residences shall be Traditional and Craftsman in style and architecture and will have a minimum two-car garage. Exteriors of the proposed residences shall be comprised of brick, stone, stacked stone, cedar shake, board and batten, and hardi-plank, with complementary accents, or combinations thereof.
- (5) All homes within the proposed community shall be "for sale" units. There shall be no more than a maximum of ten (10) percent of the homes being leased at any one time, which restriction shall be included in the Declaration of Covenants, Easements, and Restrictions.
- (6) Applicant agrees to the creation of a mandatory homeowners association consistent with upscale communities within the area. The mandatory

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 6
March 13, 2024

homeowners association shall be responsible for the upkeep and maintenance of all common areas, open space areas, entrance areas, amenity area, mail kiosk, and the like, contained within the proposed residential community.

- (7) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which will contain covenants, rules, and regulations applicable to the proposed development.
- (8) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, stucco, or combinations thereof, with accents, complementary to materials used in the construction of the homes within the community. The entrance landscaping shall be professionally designed and implemented, with final approval being made by the Cobb County Arborist. Maintenance of the entrance area shall be by the mandatory homeowners association as set forth in the Declaration of Covenants, Easements, and Restrictions.
- (9) The community shall have passive and active amenity areas consisting of at least a pool, cabana, or clubhouse, or any combination thereof.
- (10) Applicant agrees to facilitate a Georgia Native Plant Society "Plant Rescue" to be accomplished on those portions of the Subject Property which will be disturbed.
- (11) Detention areas shall be fenced with fencing a minimum of six (6) feet in height, with landscaping to the exterior for purposes of visual screening. The landscaping shall be approved by the Cobb County Arborist during the Plan Review Process. All vegetation and landscaping surrounding the detention areas shall be maintained by the mandatory homeowners association.
- (12) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, signage, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 6
March 13, 2024

- (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (e) Change an access location to a different roadway;
 - (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
 - (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
 - (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.
- (13) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the Plan Review Process and incorporated into the overall landscape plan for the proposed community.
- (14) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (15) Applicant agrees stormwater management ponds will be designed to increase volume by the following method:
- (a) Stormwater ponds to be designed for reduction of flows from the study point leaving the site as follows:
 - i) Two-year storm to be reduced under the one-year storm flows;
 - ii) Five-year storm to be reduced under the two-year storm flows;
 - iii) Ten-year storm to be reduced under the five-year storm flows;
 - iv) Twenty-five-year storm to be reduced under the ten-year storm flows;
 - v) Fifty-year storm to be reduced under the twenty-five year storm flows; and
 - vi) One hundred-year-storm to be reduced under the fifty-year storm flows.

MOORE INGRAM JOHNSON & STEELE

Petition No. 2-6
Meeting Date 3-19-2024
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 5 of 6
March 13, 2024

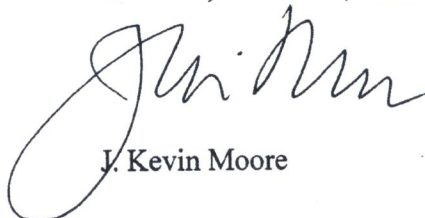
- (16) Applicant agrees to comply with all Cobb County Department of Transportation requirements applicable to the Subject Property.
- (17) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed areas must be replanted with like vegetation.
- (18) Applicant agrees the rear setback for any lots adjacent to existing R-30 zoned properties shall be forty (40) feet (increase from R-20 setback of thirty (30) feet).
- (19) No part or portion of any single-family lot shall be located within a designated 100-year flood plain area.
- (20) Applicant agrees to construct "farm-style" fencing on the Subject Property's frontage along Brown Road and Holloman Road.

We believe the approval of the requested zoning, pursuant to the revised Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed residential community shall be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachment

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
March 13, 2024

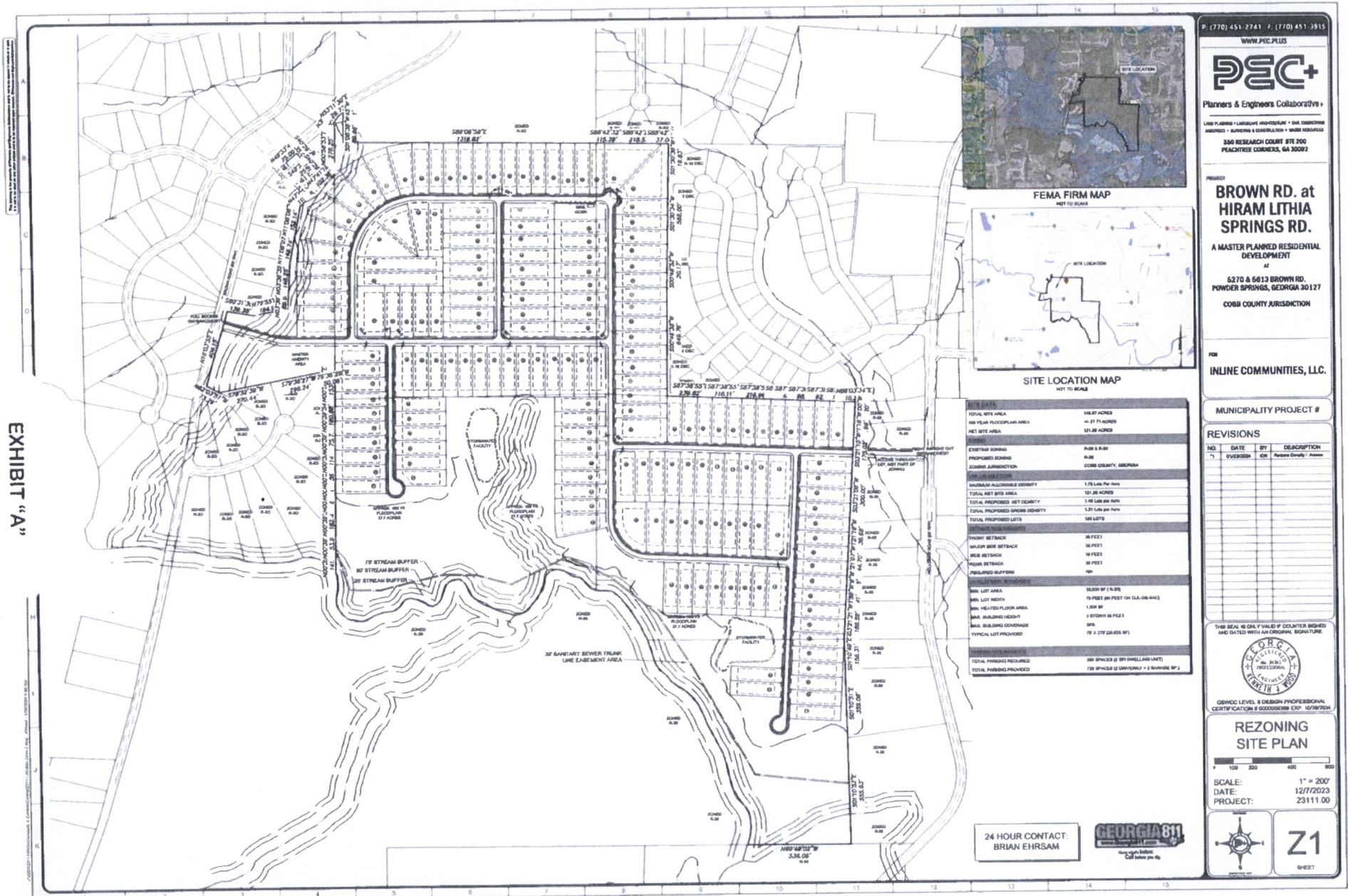
Petition No. Z-6
Meeting Date 3-19-2024
Continued

c: Cobb County Board of Commissioners:

Lisa N. Cupid, Chairwoman
JoAnn Birrell
Keli A. Gambrill
Jerica Richardson
Monique Sheffield
(With Copy of Attachment)

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

InLine Communities, LLC
(With Copy of Attachment)



MOORE INGRAM JOHNSON & STEELE

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

March 18, 2024

Via E-mail Only

Min. Bk. 99 Petition No. O.B.40^{'23}
Doc. Type Letter
Meeting Date 3-19-2024

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

RE: Application for "Other Business" - OB-40 (2023) (Z-43 (2019))
Applicant: Kerley Family Homes, LLC
Property Owners: Estate of Edna Clara Thompson Morris and
Deborah M. Osborne
Property: 9.9 acres, more or less, located on the
southeasterly side of Cooper Lake Road,
southerly of Vinings Lake Drive, being more
particularly known as 32 and 34 Cooper Lake
Road, Land Lot 181, 17th District, 2nd Section,
Cobb County, Georgia

Dear John:

On behalf of the Applicant, Kerley Family Homes, LLC (hereinafter "Applicant"), and Property Owners, the Estate of Edna Clara Thompson Morris and Deborah M. Osborne (hereinafter "Owners" or "Property Owners"), please accept the following as stipulations and conditions, which, if the referenced Application for "Other Business" is approved, as submitted, shall become a part of the grant of the requested approval and shall be binding upon the Property. The proposed approvals and stipulation are as follows:

- (1) Applicant requests approval of the revised Zoning Site Plan prepared for Applicant by Gaskins + LeCraw, Inc., dated August 8, 2023, and submitted with the Application for "Other Business." A copy of the Zoning Site Plan is attached as Exhibit "A" and incorporated herein by reference.

MOORE INGRAM JOHNSON & STEELE

Petition No. 0.B.40 '23
Meeting Date 3-19-2024
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 3
March 18, 2024

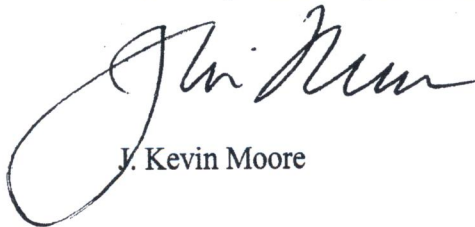
- (2) Applicant agrees the proposed development shall incorporate the Tree Protection Plan and Landscape Plan prepared for Applicant by Mondo Land Planning and Design, LLC, dated February 6, 2024, and submitted with this stipulation letter for the pending "Other Business" Application. Copies of the Tree Protection Plan and Landscape Plan are attached collectively as Exhibit "B" and incorporated herein by reference.
- (3) The balance and remainder of the stipulations and conditions previously approved relating to the Subject Property, which are not otherwise in direct conflict with the foregoing, shall remain unaltered and in effect for the Subject Property.

The requested approvals of the revised Zoning Site Plan and the Tree Protection and Landscape Plans submitted herein, will be an enhancement to the Property. We very much appreciate your consideration; as well as that of the Cobb County Board of Commissioners, in this request. If you should have any questions or require additional information at this time, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

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

MOORE INGRAM JOHNSON & STEELE

Petition No. O.B.40 '23
Meeting Date 3-19-2024
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 3
March 18, 2024

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

Robin Meyer
Mableton Improvement Coalition
(With Copies of Attachments)

Nicole Spiller, President
Steve Jungk, Board Member
The Retreat at Old Vinings Lake
(With Copies of Attachments)

Kerley Family Homes, LLC
(With Copies of Attachments)

NOTICE
SEE SHEET TP-3 FOR COBB COUNTY NOTES AND DETAILS

50' WIDE MIN TREE SAVE AREA -
CREDITED TO DENSITY

TREE SAVE - WOODED BUT NOT
WIDE ENOUGH FOR CREDIT

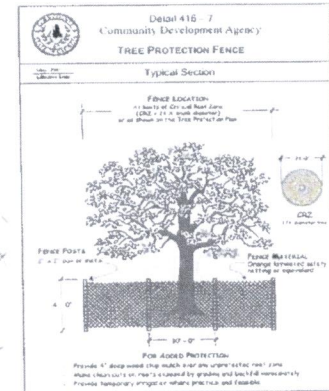
X SPECIMEN SIZE
TREE PROPOSED
TO BE IMPACTED

THE DEVELOPER MUST INSTALL ANY TREES SHOWN ON THESE
PLANS TO BE PLANTED IN COMMON AREAS OF THE SUBDIVISION.
THIS PLANTING MUST BE DONE OR FISCAL SURETY MUST BE
POSTED BEFORE THE FINAL PLAT CAN BE APPROVED.

INSTALLED TREES MUST BE ALLOWED TO GROW TO THEIR
NATURAL SIZE AND SHAPE AND NOT BE PRUNED IN CONFLICT WITH
ANSI A300 STANDARDS (NO TOPPING, LIMBING UP, LION TAILING,
ETC.)

NOTE:
SPECIMEN TREES ARE TAGGED WITH NUMBERED METAL TAGS.

NOTE: FOR PROJECTS OVER TWO (2) ACRES, A PROFESSIONAL
DESIGNER MUST VERIFY THAT THE TREE PROTECTION FENCES WERE
INSTALLED AS SHOWN ON THE APPROVED PLANS OR IN LOCATIONS
THAT PROVIDED BETTER TREE PRESERVATION POTENTIAL. SUBMIT
THIS VERIFICATION PRIOR TO APPROVAL OF THE FINAL PLAT FOR
RESIDENTIAL SUBDIVISIONS OR PRIOR TO THE ISSUANCE OF THE
BUILDING PERMIT FOR COMMERCIAL PROJECTS.



24 HOUR CONTACT:
MOLLY WHITTON
770-792-5500

Total of 9 Prism Samples Obtained and
Used in Calculation to Provide Average
Unit Per Acre Value.

Prism Samples - Hardwood/Softwood			
Prism	TOTAL # TREES	X UNITS	TOTAL UNITS
1	18	10	180.00
2	14	10	140.00
3	13	10	130.00
4	16	10	160.00
5	16	10	160.00
6	14	10	140.00
7	16	10	160.00
8	16	10	160.00
9	17	10	170.00
TOTAL:			1400.00

Required Site Density Factor (SDF)
9.9 Standard Acres x 15 Units = 148.50 SDF

Existing Density Factor (EDF) has been calculated by completing
a sample inventory of vegetation 2' DBH and greater with 10
Scale Prism Sample Points. See site plan for indication of Prism
Sample Locations.

CHARTS AT RIGHT: An average has been calculated, as
indicated the average unit value of the area is as follows:
1400 Units / 9 = 155.56 Average Units Per Acre

155.56 Units per Acre X 0.96 Acres Tree Protection
= 149.33 EDF (See Note at Top Left Regarding Applicable Tree Save Ar.)
149.33 EDF = 148.50 SDF + 7.2 Replanted Density Units
= 8.08 Surplus Site Density Units

SEE SHEET TP2 FOR REPLANTING SPECIFICATIONS.

A pre-construction conference is required prior to the issuance of the on-site construction permit. Call the
Site Inspection Section at (770)528-2142 to arrange a meeting at the site.

A landscape conference is required of this project prior to any finish landscaping. Call the Cobb County
Arborist (770)528-2124 or Landscape Architect at (770) 528-2149. There are critical factors on the landscape
plan that affect both the general contractor and the landscape contractor. Planting area dimensions,
planting methods and as well as plant materials must be in accordance with the approved plan, or the
landscape inspector may delay the release of the certificate of occupancy.

SPECIMEN SIZE TRENDS					
Tree #	Species	DBH (inches)	Recommended Compensation	Scarcity	Value (USD)
1	OAK	12"	\$100.00	Common	\$100.00
2	OAK	14"	\$150.00	Common	\$150.00
3	OAK	16"	\$200.00	Common	\$200.00
4	OAK	18"	\$250.00	Common	\$250.00
5	OAK	20"	\$300.00	Common	\$300.00
6	OAK	22"	\$350.00	Common	\$350.00
7	OAK	24"	\$400.00	Common	\$400.00
8	OAK	26"	\$450.00	Common	\$450.00
9	OAK	28"	\$500.00	Common	\$500.00
10	OAK	30"	\$550.00	Common	\$550.00
11	OAK	32"	\$600.00	Common	\$600.00
12	OAK	34"	\$650.00	Common	\$650.00
13	OAK	36"	\$700.00	Common	\$700.00
14	OAK	38"	\$750.00	Common	\$750.00
15	OAK	40"	\$800.00	Common	\$800.00
16	OAK	42"	\$850.00	Common	\$850.00
17	OAK	44"	\$900.00	Common	\$900.00
18	OAK	46"	\$950.00	Common	\$950.00
19	OAK	48"	\$1000.00	Common	\$1000.00
20	OAK	50"	\$1050.00	Common	\$1050.00
21	OAK	52"	\$1100.00	Common	\$1100.00
22	OAK	54"	\$1150.00	Common	\$1150.00
23	OAK	56"	\$1200.00	Common	\$1200.00
24	OAK	58"	\$1250.00	Common	\$1250.00
25	OAK	60"	\$1300.00	Common	\$1300.00
26	OAK	62"	\$1350.00	Common	\$1350.00
27	OAK	64"	\$1400.00	Common	\$1400.00
28	OAK	66"	\$1450.00	Common	\$1450.00
29	OAK	68"	\$1500.00	Common	\$1500.00
30	OAK	70"	\$1550.00	Common	\$1550.00
31	OAK	72"	\$1600.00	Common	\$1600.00
32	OAK	74"	\$1650.00	Common	\$1650.00
33	OAK	76"	\$1700.00	Common	\$1700.00
34	OAK	78"	\$1750.00	Common	\$1750.00
35	OAK	80"	\$1800.00	Common	\$1800.00
36	OAK	82"	\$1850.00	Common	\$1850.00
37	OAK	84"	\$1900.00	Common	\$1900.00
38	OAK	86"	\$1950.00	Common	\$1950.00
39	OAK	88"	\$2000.00	Common	\$2000.00
40	OAK	90"	\$2050.00	Common	\$2050.00
41	OAK	92"	\$2100.00	Common	\$2100.00
42	OAK	94"	\$2150.00	Common	\$2150.00
43	OAK	96"	\$2200.00	Common	\$2200.00
44	OAK	98"	\$2250.00	Common	\$2250.00
45	OAK	100"	\$2300.00	Common	\$2300.00
46	OAK	102"	\$2350.00	Common	\$2350.00
47	OAK	104"	\$2400.00	Common	\$2400.00
48	OAK	106"	\$2450.00	Common	\$2450.00
49	OAK	108"	\$2500.00	Common	\$2500.00
50	OAK	110"	\$2550.00	Common	\$2550.00
51	OAK	112"	\$2600.00	Common	\$2600.00
52	OAK	114"	\$2650.00	Common	\$2650.00
53	OAK	116"	\$2700.00	Common	\$2700.00
54	OAK	118"	\$2750.00	Common	\$2750.00
55	OAK	120"	\$2800.00	Common	\$2800.00
56	OAK	122"	\$2850.00	Common	\$2850.00
57	OAK	124"	\$2900.00	Common	\$2900.00
58	OAK	126"	\$2950.00	Common	\$2950.00
59	OAK	128"	\$3000.00	Common	\$3000.00
60	OAK	130"	\$3050.00	Common	\$3050.00
61	OAK	132"	\$3100.00	Common	\$3100.00
62	OAK	134"	\$3150.00	Common	\$3150.00
63	OAK	136"	\$3200.00	Common	\$3200.00
64	OAK	138"	\$3250.00	Common	\$3250.00
65	OAK	140"	\$3300.00	Common	\$3300.00
66	OAK	142"	\$3350.00	Common	\$3350.00
67	OAK	144"	\$3400.00	Common	\$3400.00
68	OAK	146"	\$3450.00	Common	\$3450.00
69	OAK	148"	\$3500.00	Common	\$3500.00
70	OAK	150"	\$3550.00	Common	\$3550.00
71	OAK	152"	\$3600.00	Common	\$3600.00
72	OAK	154"	\$3650.00	Common	\$3650.00
73	OAK	156"	\$3700.00	Common	\$3700.00
74	OAK	158"	\$3750.00	Common	\$3750.00
75	OAK	160"	\$3800.00	Common	\$3800.00
76	OAK	162"	\$3850.00	Common	\$3850.00
77	OAK	164"	\$3900.00	Common	\$3900.00
78	OAK	166"	\$3950.00	Common	\$3950.00
79	OAK	168"	\$4000.00	Common	\$4000.00
80	OAK	170"	\$4050.00	Common	\$4050.00
81	OAK	172"	\$4100.00	Common	\$4100.00
82	OAK	174"	\$4150.00	Common	\$4150.00
83	OAK	176"	\$4200.00	Common	\$4200.00
84	OAK	178"	\$4250.00	Common	\$4250.00
85	OAK	180"	\$4300.00	Common	\$4300.00
86	OAK	182"	\$4350.00	Common	\$4350.00
87	OAK	184"	\$4400.00	Common	\$4400.00
88	OAK	186"	\$4450.00	Common	\$4450.00
89	OAK	188"	\$4500.00	Common	\$4500.00
90	OAK	190"	\$4550.00	Common	\$4550.00
91	OAK	192"	\$4600.00	Common	\$4600.00
92	OAK	194"	\$4650.00	Common	\$4650.00
93	OAK	196"	\$4700.00	Common	\$4700.00
94	OAK	198"	\$4750.00	Common	\$4750.00
95	OAK	200"	\$4800.00	Common	\$4800.00
96	OAK	202"	\$4850.00	Common	\$4850.00
97	OAK	204"	\$4900.00	Common	\$4900.00
98	OAK	206"	\$4950.00	Common	\$4950.00
99	OAK	208"	\$5000.00	Common	\$5000.00
100	OAK	210"	\$5050.00	Common	\$5050.00
101	OAK	212"	\$5100.00	Common	\$5100.00
102	OAK	214"	\$5150.00	Common	\$5150.00
103	OAK	216"	\$5200.00	Common	\$5200.00
104	OAK	218"	\$5250.00	Common	\$5250.00
105	OAK	220"	\$5300.00	Common	\$5300.00
106	OAK	222"	\$5350.00	Common	\$5350.00
107	OAK	224"	\$5400.00	Common	\$5400.00
108	OAK	226"	\$5450.00	Common	\$5450.00
109	OAK	228"	\$5500.00	Common	\$5500.00
110	OAK	230"	\$5550.00	Common	\$5550.00
111	OAK	232"	\$5600.00	Common	\$5600.00
112	OAK	234"	\$5650.00	Common	\$5650.00
113	OAK	236"	\$5700.00	Common	\$5700.00
114	OAK	238"	\$5750.00	Common	\$5750.00
115	OAK	240"	\$5800.00	Common	\$5800.00
116	OAK	242"	\$5850.00	Common	\$5850.00
117	OAK	244"	\$5900.00	Common	\$5900.00
118	OAK	246"	\$5950.00	Common	\$5950.00
119	OAK	248"	\$6000.00	Common	\$6000.00
120	OAK	250"	\$6050.00	Common	\$6050.00
121	OAK	252"	\$6100.00	Common	\$6100.00
122	OAK	254"	\$6150.00	Common	\$6150.00
123	OAK	256"	\$6200.00	Common	\$6200.00
124	OAK	258"	\$6250.00	Common	\$6250.00
125	OAK	260"	\$6300.00	Common	\$6300.00
126	OAK	262"	\$6350.00	Common	\$6350.00
127	OAK	264"	\$6400.00	Common	\$6400.00
128	OAK	266"	\$6450.00	Common	\$6450.00
129	OAK	268"	\$6500.00	Common	\$6500.00
130	OAK	270"	\$6550.00	Common	\$6550.00
131	OAK	272"	\$6600.00	Common	\$6600.00
132	OAK	274"	\$6650.00	Common	\$6650.00
133	OAK	276"	\$6700.00	Common	\$6700.00
134	OAK	278"	\$6750.00	Common	\$6750.00
135	OAK	280"	\$6800.00	Common	\$6800.00
136	OAK	282"	\$6850.00	Common	\$6850.00
137	OAK	284"	\$6900.00	Common	\$6900.00
138	OAK	286"	\$6950.00	Common	\$6950.00
139	OAK	288"	\$7000.00	Common	\$7000.00
140	OAK	290"	\$7050.00	Common	\$7050.00
141	OAK	292"	\$7100.00	Common	\$7100.00
142	OAK	294"	\$7150.00	Common	\$7150.00
143	OAK	296"	\$7200.00	Common	\$7200.00
144	OAK	298"	\$7250.00	Common	\$7250.00
145	OAK	300"	\$7300.00	Common	\$7300.00
146	OAK	302"	\$7350.00	Common	\$7350.00
147	OAK	304"	\$7400.00	Common	\$7400.00
148	OAK	306"	\$7450.00	Common	\$7450.00
149	OAK	308"	\$7500.00	Common	\$7500.00
150	OAK	310"	\$7550.00	Common	\$7550.00
151	OAK	312"	\$7600.00	Common	\$7600.00
152	OAK	314"	\$7650.00	Common	\$7650.00
153	OAK	316"	\$7700.00	Common	\$7700.00
154	OAK	318"	\$7750.00	Common	\$7750.00
155	OAK	320"	\$7800.00	Common	\$7800.00
156	OAK	322"	\$7850.00	Common	\$7850.00
157	OAK	324"	\$7900.00	Common	\$7900.00
158	OAK	326"	\$7950.00	Common	\$7950.00
159	OAK	328"	\$8000.00	Common	\$8000.00
160	OAK	330"	\$8050.00	Common	\$8050.00
161	OAK	332"	\$8100.00	Common	\$8100.00
162	OAK	334"	\$8150.00	Common	\$8150.00
163	OAK	336"	\$8200.00	Common	\$8200.00
164	OAK	338"	\$8250.00	Common	\$8250.00
165	OAK	340"	\$8300.00	Common	\$8300.00
166	OAK	342"	\$8350.00	Common	\$8350.00
167	OAK	344"	\$8400.00	Common	\$8400.00
168	OAK	346"	\$8450.00	Common	\$8450.00
169	OAK	348"	\$8500.00	Common	\$8500.00
170	OAK	350"	\$8550.00	Common	\$8550.00
171	OAK	352"	\$8600.00	Common	\$8600.00
172	OAK	354"	\$8650.00	Common	\$8650.00
173	OAK	356"	\$8700.00	Common	\$8700.00
174	OAK	358"	\$8750.00	Common	\$8750.00
175	OAK	360"	\$8800.00	Common	\$8800.00
176	OAK	362"	\$8850.00	Common	\$8850.00
177	OAK	364"	\$8900.00	Common	\$8900.00
178	OAK	366"	\$8950.00	Common	\$8950.00
179	OAK	368"	\$9000.00	Common	\$9000.00
180	OAK	370"	\$9050.00	Common	\$9050.00
181	OAK	372"	\$9100.00	Common	\$9100.00
182	OAK	374"	\$9150.00	Common	\$9150.00
183	OAK	376"	\$9200.00	Common	\$9200.00
184	OAK	378"	\$9250.00	Common	\$9250.00
185	OAK	380"	\$9300.00	Common	\$9300.00
186	OAK	382"	\$9350.00	Common	\$9350.00
187	OAK	384"	\$9400.00	Common	\$9400.00
188	OAK	386"	\$9450.00	Common	\$9450.00
189	OAK	388"	\$9500.00	Common	\$9500.00
190	OAK	390"	\$9550.00	Common	\$9550.00
191	OAK	392"	\$9600.00	Common	\$9600.00
192	OAK	394"	\$9650.00	Common	\$9650.00
193	OAK	396"	\$9700.00	Common	\$9700.00
194	OAK	398"	\$9750.00	Common	\$9750.00
195	OAK	400"	\$9800.00	Common	\$9800.00
196	OAK	402"	\$9850.00	Common	\$9850.00
197	OAK	404"	\$9900.00	Common	\$9900.00
198	OAK	406"	\$9950.00	Common	\$9950.00
199	OAK	408"	\$10000.00	Common	\$10000.00
200	OAK	410"	\$10050.00	Common	\$10050.00
201	OAK	412"	\$10100.00	Common	\$10100.00
202	OAK	414"	\$10150.00	Common	\$10150.00
203	OAK	416"	\$10200.00	Common	\$10200.00
204	OAK	418"	\$10250.00	Common	\$10250.00
205	OAK	420"	\$10300.00	Common	\$10300.00
206	OAK	422"	\$10350.00	Common	\$10350.00
207	OAK	424"	\$10400.00	Common	\$10400.00
208	OAK	426"	\$10450.00	Common	\$10450.00
209	OAK	428"	\$10500.00	Common	\$10500.00
210	OAK	430"	\$10550.00	Common	\$10550.00
211	OAK	432"	\$10600.00	Common	\$10600.00
212	OAK	434"	\$10650.00	Common	\$10650.00
213	OAK	436"	\$10700.00	Common	\$10700.00
214	OAK	438"	\$10750.00	Common	\$10750.00
215	OAK	440"	\$10800.00	Common	\$10800.00
216	OAK	442"	\$10850.00	Common	\$10850.00
217	OAK	444"	\$10900.00	Common	\$10900.00
218	OAK	446"	\$10950.00	Common	\$10950.00
219	OAK	448"	\$11000.00	Common	\$11000.00
220	OAK	450"	\$11050.00	Common	\$11050.00
221	OAK	452"	\$11100.00	Common	\$11100.00
222	OAK	454"	\$11150.00	Common	\$11150.00
223	OAK	456			

24 HOUR CONTACT:
MOLLY WHITTON
770-792-5500

IRRIGATION NOTE:

IRRIGATION TO BE PROVIDED FOR REPLANTED AREAS OF THE REQUIRED LANDSCAPE BUFFERS.

DETAILS AND PLAN NOTES FOR TREE PROTECTION AND TREE REPLACEMENT (LANDSCAPE PLAN) RECOMMENDATIONS ARE PROVIDED ON SHEET TPI3

Minor plantings (existing roadway, corner and side of Unit 40 (See Roadside Zone)) shall not exceed 12" maximum mature, unobstructed height to be in maximum clear roadway for drivers entering the development. Plants to be located 3 feet from 7' and 10' as indicated and maintained as such.

NOTE:
DO NOT INSTALL TREES / SHRUBS WHERE ROOT BALLS WILL PUNCTURE OR INTERFERE WITH RETAINING WALL GEOTEXT OR STABILIZATION COMPONENTS. WHERE CONFLICTS ARE FOUND AND FIELD ADJUSTMENT OF PLANT PLACEMENTS BECOME NECESSARY - OBTAIN APPROVAL FROM OWNER'S REPRESENTATIVE PRIOR TO TREE INSTALLATION.

COOPER LAKE PARTNERS, LLC
0.8.13501, PG. 34.35
P.B. 203, PG. 21

BUFFERS MUST BE PLANTED TO COBB COUNTY STANDARDS WHERE SPARSELY VEGETATED OR WHERE DISTURBED FOR APPROVED UTILITY OR ACCESS CROSSINGS.

A pre-construction conference is required prior to the issuance of the on-site construction permit. Call the Site Inspection Section at (770) 26-2142 to arrange a meeting at the site.
A landscape conference is required of this project prior to any final landscaping. Call the Cobb County Arbores (770) 26-2142 or Landscape Architects at (770) 226-2148. There are critical factors on the landscape plan that affect both the general contractor and the landscape contractor. Planting area dimensions, planting methods and as well as plant materials must be in accordance with the approved plan, or the landscape contractor may delay the release of the certificate of occupancy.

PLANT SCHEDULE - Specialized Recommendations	COMMON NAME	RECOMMENDATION	SIZE OF TREE (DBH)	HEIGHT	SPACING	PLANTING RATE	TOTAL TO BE PLANTED	TOTAL TO BE MAINTAINED
EVERGREEN CLIM	Chinese Elm	12" DBH	12" DBH	12' - 15'	12' - 15'	12' - 15'	12' - 15'	12' - 15'
SHRUBS	Chinese Elm	12" DBH	12" DBH	12' - 15'	12' - 15'	12' - 15'	12' - 15'	12' - 15'
DECIDUOUS TREES	Chinese Elm	12" DBH	12" DBH	12' - 15'	12' - 15'	12' - 15'	12' - 15'	12' - 15'

PLANT SCHEDULE - Parking Buffer Details	COMMON NAME	RECOMMENDATION	SIZE OF TREE (DBH)	HEIGHT	SPACING	PLANTING RATE	TOTAL TO BE PLANTED	TOTAL TO BE MAINTAINED
EVERGREEN CLIM	Chinese Elm	12" DBH	12" DBH	12' - 15'	12' - 15'	12' - 15'	12' - 15'	12' - 15'
SHRUBS	Chinese Elm	12" DBH	12" DBH	12' - 15'	12' - 15'	12' - 15'	12' - 15'	12' - 15'
DECIDUOUS TREES	Chinese Elm	12" DBH	12" DBH	12' - 15'	12' - 15'	12' - 15'	12' - 15'	12' - 15'

SEASONS TOTAL	MIN	MAX	TOTAL
MIN	12	12	12
MAX	12	12	12
TOTAL	12	12	12

PARKING TREES

PARKING TREES
Provide One (1) Min. 3" Cal. Shade Tree for every 1140 SF of parking bay area.
8517 SF New Parking Bay Area / 1140 SF
= 8 Shade Trees - Min. 3" Cal. Provided Throughout Area of Work

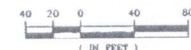
ALL PROPOSED PARKING SPACES THIS SCOPE OF WORK TO BE LOCATED WITHIN 50' OF A SHADE TREE. See Layout for Radius Showing Coverage.

STREET TREES

Provide One (1) - Min. 3" Cal Tree for every 35 LF of Roadway Frontage less Driveways, Access Ways and Sight Triangles

COOPER LAKE ROAD

166 LF Roadway / 35 LF = 5 Trees



UNIT ONE, PHASE TWO-B
THE RETREAT AT OLD WINGS LAKE
P.B. 217, PG. 61

UNIT ONE, PHASE TWO-B
THE RETREAT AT OLD WINGS LAKE HOA, INC.
0.8.13501, PG. 34.47
P.B. 203, PG. 23

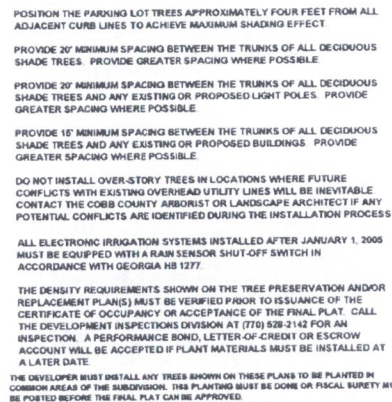
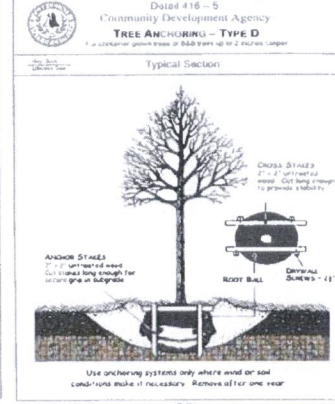
REVISIONS
DATE
DESCRIPTION
BY
DATE
DESCRIPTION
BY

CLIENT: COOPER LAKE PARTNERS, LLC
ARCHITECT: MONDO ARCHITECTS, LLC
1000 BAY STREET, SUITE 100
ACWORTH, GA 30101
PHONE: 770-462-5774
FAX: 770-462-5775

mondo
ARCHITECTS, LLC
1000 BAY STREET, SUITE 100
ACWORTH, GA 30101
PHONE: 770-462-5774
FAX: 770-462-5775

TREE REPLACEMENT PLAN
FOR
COOPER LAKE ROAD
LL 181 17TH DISTRICT 2ND SECTION, COBB COUNTY, GEORGIA

DATE: 2.8.24
JOB NO.: 2023-003
DRAWN BY: JWC
CHECKED BY: JWC
SCALE: 1" = 40'
SHEET: 1R-02



maintenance bond, letter of credit or escrow must be required for all materials planted to meet ordinance requirements. The amount of this "maintenance surety" must be 110 percent of the cost of all required plant materials and the cost of the installation and guarantee of those materials. The surety is the responsibility of the owner/contractor of the project. It must be prepared on forms provided by the Community Development Agency and must be posted prior to the issuance of the Certificate of Occupancy (CO).

The expiration date of the surety instrument shall be determined as thirty (30) months from the date of the surety. For all plant materials that will be irrigated by an automated irrigation system, no watering restrictions will be in place prohibiting its use for all required trees and plants, the surety expiration can be reduced to eighteen (18) months.

On clearing of this property that results in the sale of timber shall conform to state law regarding payment of taxes on such timber.

A Georgia Department of Revenue Form PT-287 (see attached sample form) along with the required tax payment must be submitted to the Cobb County Board of Tax Assessors Office within the time frame prescribed by state law.

Responsibility for the payment of these taxes rests with the landowner, whether or not the landowner receives any money for the timber. To assure that the land owner is aware of this obligation, and to provide documentation for the Board of Tax Assessors, the attached affidavit must be completed and signed by the land owner prior to the issuance of the land disturbance permit.

NOTE:

The Cobb County Arborist or Landscape Architect must approve the site lighting plan. Light poles are not permitted in parking peninsulas, islands, and medians without prior approval of the County Arborist. 20' minimum spacing is required between the trunk of any proposed over-story hardwood tree (or existing tree counted for tree ordinance credit) and any existing or proposed light pole. If the service provider (electric company) produces a lighting plan, it must adhere to the lighting plan shown in the civil engineering drawings approved by Cobb County for the land disturbance permit. If a lighting plan is not part of the civil drawings, the lighting plan designer must submit a plan to the Arborist/Landscape Architect for review and approval. If site lighting is installed without an approved plan, the Certificate of Occupancy will be withheld until all conflicting power poles are moved. Call 770-528-2147.

[illegible]

**MARCH 19, 2024 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4**

Min. Bk. 99 Petition No. O.B.40 '23
Doc. Type Stormwater Mngmt, Cobb DOT, and Fire Dept.
Comments and recommendations
Meeting Date 3-19-2024

ITEM OB-40-2023

To consider amending the site plan 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 from the September 19, 2023 Board of Commissioners hearing until the October 17, 2023 Board of Commissioners hearing; Continued by Staff from the November 21, 2023 through the February 20, 2024 hearing).*

BACKGROUND

The subject property is zoned RA-5 for a townhouse community subject to rezoning case Z-43 of 2019. The property is zoned to the site plan which showed development of 49 lots. The applicant has completed their preliminary engineering and has found the detention area and lot layout needs to be adjusted to work with and accommodate the rough topography. The 25-foot landscape buffers and open space areas will remain as shown on the proposed site plan. If the amendment is approved, all previous stipulations would remain in effect.

STAFF COMMENTS AND RECOMENDATIONS

Water and Sewer: No additional comments.

Stormwater Management: See attached.

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 amendment.

ATTACHMENTS

Other Business application and stipulations.

Cobb DOT comments and observations:

A new site plan (dated August 15, 2023) was received as part of this application. The recommendations below are based on review of the new site plan.

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

Recommendations:

1. Recommend retaining all DOT recommendations from zoning case Z-43-2019, which include the following:
 - a. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Cooper Lake Road, a minimum of 40' from the roadway centerline.
 - b. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
 - c. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway. *The site plan dated August 15, 2023, addresses this comment.*
 - d. Recommend replacing disturbed curb, gutter, and sidewalk along the Cooper Lake Road frontage. *The site plan dated August 15, 2023, addresses this comment.*
 - e. Recommend removing and closing driveway aprons along the Cooper Lake Road frontage that development renders unnecessary. *The site plan dated August 15, 2023, addresses this comment.*
 - f. As necessitated by this development, recommend Cooper Lake Road access include a left turn lane and a taper at the entrance. Recommend location and design be determined during plan review, subject to Cobb County DOT approval. *The site plan dated August 15, 2023, addresses this comment.*
 - g. Recommend private streets, lighting, and utilities be constructed to the Cobb County Standard Specifications. *The site plan dated August 15, 2023, retains some elements that do not meet public street specifications, such as on-street perpendicular parking.*
 - h. Recommend the call box for proposed gates be set back a minimum of 50' from the right-of-way and gated entry meet Cobb County Development Standards.
 - i. Recommend the private streets be labeled as "private" and any call box and gate locations be included on the site plan. *The site plan dated August 15, 2023, shows roads labeled as "private." No call box or gates are shown.*

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 DEPARTMENT ACCESS:

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

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 35 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road turn-around must comply with the requirements of IFC 503 and Appendix D.

Maximum slope of the access road in reference to the apparatus is 10% front to back and 5% side to side.

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)

GUEST PARKING:

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

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

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

C/O:

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

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

Stormwater Management

1. The Site Plan approved with Z-43 (2019) utilized a Stormwater Management Facility located south of "Road A". The proposed site plan would relocate the Stormwater facility to the north side of the site. An unknown but significant amount of the Open Space on the north side of the site will be disturbed by construction of the Stormwater Management Facility.
2. An area of Wetlands is shown in the northeast corner of the site on the proposed site plan. Disturbance of the Wetlands should be avoided, or appropriate permits should be obtained from the US Army Corps of Engineers.
3. The proposed site plan indicates Units 22-27 (six) will be constructed on steeply sloped terrain at the southeastern corner of the site. Extensive grading and/or walls will be required to direct stormwater runoff to the storm drainage system and avoid bypass runoff into The Retreat at Old Vinings Lake immediate east and down gradient of these units.
4. Stormwater Management comments made previously in Z-43 (2019) remain in effect.

RECEIVED
 NOV 15 2023
 COBB COUNTY ZONING

VETERANS MEMORIAL HIGHWAY

(A.K.A. RANKHEAD HIGHWAY)
 (A.K.A. U.S. HIGHWAY 78 & 270)
 (GA D.O.T. PROJECT AND 035-1059 CORN)
 (VARIABLE WIDTH PUBLIC ROW)
 (SPEED LIMIT: 45 MPH)



CHICK-FIL-A, INC.
 5300 BUFFINGTON ROAD
 ATLANTA, GA 30340-2998
 (404) 251-1100

FORESITE

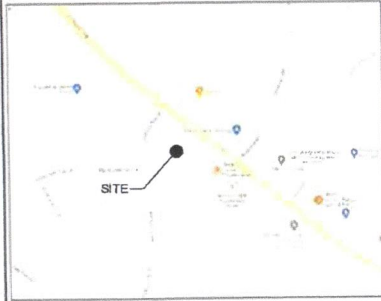
**CHICK-FIL-A
 VETERANS MEMORIAL & HICKORY
 TRAIL FSU
 SEC VETERANS MEMORIAL & HICKORY
 TRAIL
 MABLETON, GA 30126
 PARCEL # 18016500240**

DATE: _____
 PREPARED BY: _____
 CHECKED BY: _____
 PROJECT NUMBER: _____
 SHEET NO. OF: _____
 DATE: _____
 SCALE: _____
 TITLE: _____

OTHER BUSINESS PLAN

1 OF 1

397.031



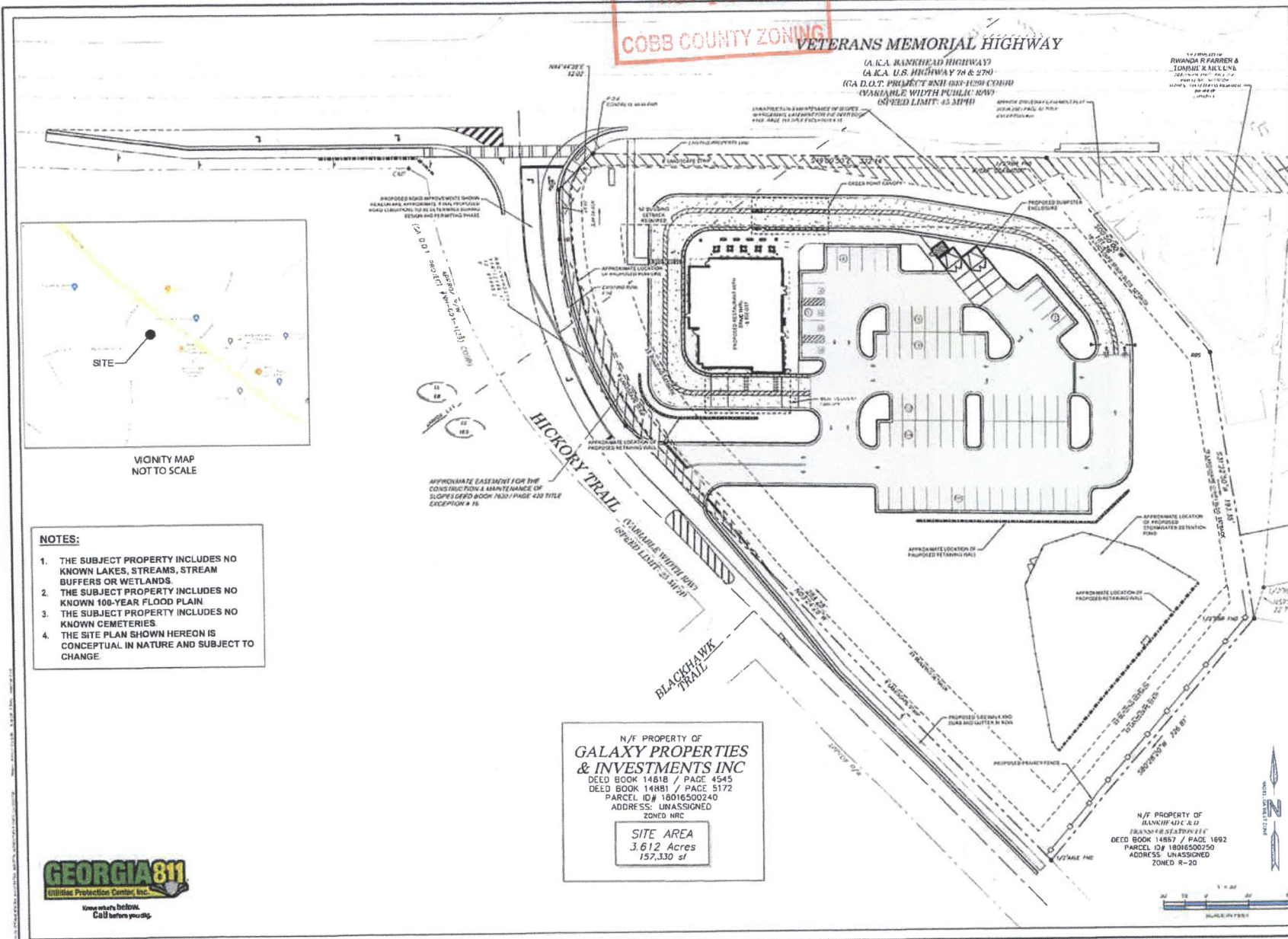
VICINITY MAP
 NOT TO SCALE

- NOTES:**
1. THE SUBJECT PROPERTY INCLUDES NO KNOWN LAKES, STREAMS, STREAM BUFFERS OR WETLANDS.
 2. THE SUBJECT PROPERTY INCLUDES NO KNOWN 100-YEAR FLOOD PLAIN
 3. THE SUBJECT PROPERTY INCLUDES NO KNOWN CEMETERIES
 4. THE SITE PLAN SHOWN HEREON IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE.



N/F PROPERTY OF
**GALAXY PROPERTIES
 & INVESTMENTS INC**
 DEED BOOK 14818 / PAGE 4545
 DEED BOOK 14881 / PAGE 5172
 PARCEL ID# 18016500240
 ADDRESS: UNASSIGNED
 ZONED: MNC
SITE AREA
 3.612 Acres
 157,330 sf

N/F PROPERTY OF
 BANKHEAD & D
 BANKHEAD & D
 DEED BOOK 14857 / PAGE 1692
 PARCEL ID# 18016500250
 ADDRESS: UNASSIGNED
 ZONED: R-20



MARCH 19, 2024 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

Min. Bk. 99 Petition No. O.B.66 '23
Doc. Type Fire Dept and Cobb DOT
Comments and Recommendations
Meeting Date 3-19-2024

ITEM OB-66-2023

PURPOSE

To consider amending the stipulations and approving a front setback reduction for Chick-fil-A Inc. regarding rezoning application Z-8 of 2022, for property located on the southeast intersection of side of Veterans Memorial Highway and Hickory Trail in Land Lot 165 of the 18th District (Veterans Memorial Highway). *(Continued by the Board of Commissioners from the December 19, 2023 hearing and the February 20, 2024 hearing).*

BACKGROUND

The property was rezoned to Neighborhood Retail Commercial (NRC) as part of a settlement of litigation approved by the Board of Commissioners October 18, 2022. The applicant proposes to develop a Chick-fil-A restaurant on this property, but needs to amend stipulation #6u, which prohibits Drive-thru windows. Also, the applicant needs to reduce the front setback from 50-feet to 30-feet to allow their drive-thru canopy to encroach into the front setback. If approved, all previous stipulations not in conflict with this amendment would remain in place.

STAFF COMMENTS

Stormwater Management: Stormwater Management has no objection to this other business item as requested. Other previous stipulations to remain in effect.

Water and Sewer: No comments.

Fire Department: See attached.

Cobb DOT: See attached.

Site Plan Review: No comments.

RECOMMENDATION

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

ATTACHMENTS

Other Business Application and zoning stipulations.

MARCH 19, 2024 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4
PAGE 2

Petition No. O.B. 66 '23
Meeting Date 3-19-2024
Continued

APPLICANT: Chick-fil-A Inc.
PRESENT ZONING: _____

PETITION NO.: OB-66
PETITION FOR: _____

FIRE COMMENTS:

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

COMMERCIAL / INDUSTRIAL ACCESS:

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

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 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)

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC 503.2.5).

FIRE HYDRANTS:

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

The road at the fire hydrant must have a minimum width of 26 feet and a minimum length of 40 feet, centered on the hydrant. (IFC D103.1)

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

C/O:

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

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

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

OB-66-2023

DEPARTMENT COMMENTS - DOT

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Veterans Memorial Highway	Arterial	45	Georgia DOT	100'
Hickory Trail	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Veterans Memorial Highway	West of Pilot Mountain Way	24,400	C
Hickory Trail	NA	NA	NA

Based on 2019 AADT counting data taken by GDOT, as published on their website, for Veterans Memorial Highway.

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for arterial roads from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

ITE Land Use	Description	Expected Size (KSF)	AM			PM			Daily (vpd)
			In (vph)	Out (vph)	Total (vph)	In (vph)	Out (vph)	Total (vph)	
934	Fast Food w/ Drive Thru	5.8	132	127	259	100	92	192	2,711

vph = vehicles per hour, vpd = vehicles per day, N/A = not available

Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11th edition.

Comments and observations

Veterans Memorial Highway is classified as an arterial road and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

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

Based on Site Plan dated November 15, 2023, this development requires a traffic study submittal based on Cobb County Code 134-121.

OB-66-2023

DEPARTMENT COMMENTS - DOT

(continued)

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 GDOT permits for all work that encroaches upon State right-of-way.
3. Recommend Hickory Trail access be relocated to coincide with Blackhawk Trail and to include deceleration lane, taper, or improved radius. Recommend final location and design be determined during plan review, subject to Cobb DOT approvals.
4. Recommend applicant verify that minimum intersection sight distance is available for the Hickory Trail driveway, and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 280'.
5. Recommend curb, gutter, and sidewalk along the Veterans Memorial Highway frontage and Hickory Trail. 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.
6. Recommend providing one-way parking for the proposed entering one-way lane into the drive-thru area. Design can be finalized during plan review.
7. Recommend changing the proposed lane designation at Veterans Memorial Highway intersection to a shared through/left and a dedicated right turn lane.
8. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

DGM

LAND PLANNING
CONSULTANTS, INC.



SITE PLANNING

LANDSCAPE
ARCHITECTURE

Min. Bk. 99 Petition No. 0.B.9
Doc. Type letter
Meeting Date 3-19-2024

March 13, 2024

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

RE: Stipulation Letter for Other Business #9 (OB-9-2024), Due West Road Tract

Dear Mr. Pederson:

On behalf of my client and applicant of OB-9-2024, Timothy Everett, this letter will serve as the stipulation letter that reflects Mr. Everett's agreement to the following stipulations becoming conditions and a part of the grant of the requested Other Business (OB-9) application:

1. These stipulations and conditions set forth shall replace and supersede all prior stipulations and conditions previously proposed.
2. The Other Business application of this property shall be based on the site plan prepared by DGM Land Planning Consultants, Inc., dated March 13, 2024.
3. The subject property consisting of 19.48 AC shall remain a Single Family Detached Residential Community consisting of 7 lots served by a private road/30' easement.
4. As shown on the accompanying site plan, lots #1 and #2 each have an existing home that is currently occupied. Lot #1B was approved in December of 2023 as OB-51 but has not yet been recorded and does not contain any structures. Lots #3, #3B, #4, and #4B are all proposed lots and are being requested as part of this petition OB-9.
5. Petition OB-9 is a request: A. to allow the subdivision of the two northern parcels (existing 2 parcels @ 4.0 AC each), into 4 parcels @ 2.0 AC each. B. to allow newly created 4 parcels to access Due West Road via existing 30' private easement, and C. to allow, upon approval of this petition, a total of 6 parcels to access Due West Road via the existing 30' private easement (lot #1 already has separate access to Due West Road)
7. Proposed driveway within the 30' easement shown shall be 20' wide and paved with either asphalt or concrete and/or built to support 25 tons (50,000 lbs) as requested by the Cobb County Fire Department.
8. Regarding Historic Preservation comments, applicant agrees to:
 - 1) make every reasonable effort to preserve the existing trenches, hopefully in their entirety.
 - 2) in the event that it is necessary to encroach on a small portion of the trenches, it will be done with care in order to disturb as little an area as possible.

1635 OLD HWY 41
SUITE 112-314
KENNESAW, GA 30152

770-514-9006
DGMLPC.COM

3) maintain a 25' buffer along the preserved portions of the trench and provide a tree protection fence along the areas proximate to our construction during the development process.
4) show the trenches on the final plat that will be produced and recorded assuming OB-9 is approved.

9. a Homeowner's Association will be formed for the sole purpose of communally maintaining the 30' easement and its associated driveway.

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

Kind Regards,

A handwritten signature in black ink, appearing to read 'D. Meyer', with a long horizontal flourish extending to the right.

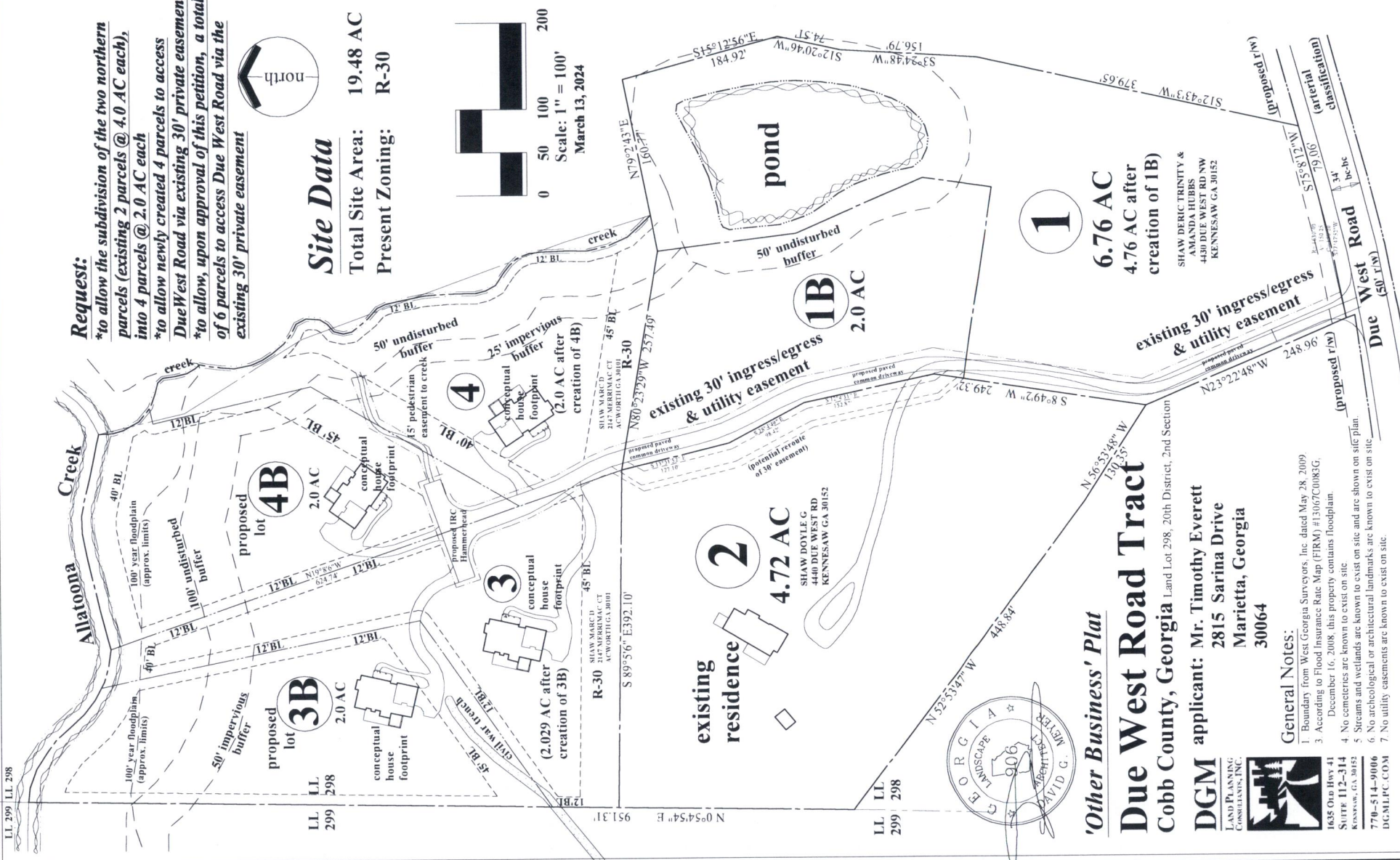
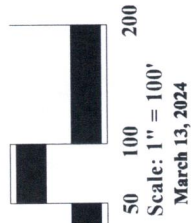
David G. Meyer
President

Request:
*to allow the subdivision of the two northern parcels (existing 2 parcels @ 4.0 AC each), into 4 parcels @ 2.0 AC each
*to allow newly created 4 parcels to access Due West Road via existing 30' private easement
*to allow, upon approval of this petition, a total of 6 parcels to access Due West Road via the existing 30' private easement



Site Data

Total Site Area: 19.48 AC
Present Zoning: R-30



'Other Business' Plat

Due West Road Tract

Cobb County, Georgia Land Lot 298, 20th District, 2nd Section

DGM applicant: Mr. Timothy Everett
2815 Sarina Drive
Marietta, Georgia
30064

General Notes:

1. Boundary from West Georgia Surveyors, Inc. dated May 28, 2009
2. According to Flood Insurance Rate Map (FIRM) #13067C0083G, December 16, 2008, this property contains floodplain.
3. No cemeteries are known to exist on site.
4. No archaeological or architectural landmarks are known to exist on site.
5. Streams and wetlands are known to exist on site and are shown on site plan.
6. No archaeological or architectural landmarks are known to exist on site.
7. No utility easements are known to exist on site.



LAND PLANNING
CONSULTING, INC.
1635 Old Hwy 41
Suite 112-314
Kennesaw, GA 30144
770-514-9006
DGM.LPC.COM

MARCH 19, 2024 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1

Min. Bk. 99 Petition No. O.B.9
Doc. Type Stormwater Mgmt, Water & Sewer, Fire Dept,
Cobb DOT, Site Plan Review, and Historic Preservation
Meeting Date 3-19-2024 Comments and
recommendations

ITEM OB-9-2024

PURPOSE

To consider a reduction of required public road frontage from 75-feet per lot to zero-feet per lot for lots 3, 3B, 4, and 4B for Timothy Everett. The property located on the north side of Due West Road, east of Lost Creek Drive in Land Lot 298 of the 20th District (Due West Road).

BACKGROUND

The property is zoned R-30 and is required to have 75-feet of public road frontage per lot. The applicant has 0-feet of public road frontage for proposed lots 3, 3B, 4 and 4B. All the lots would be a minimum of 80,000 square-feet and each would have one single-family house. Lots 1, 1B, and 2 were all previously approved to use the 30-foot private driveway easement. There is a Civil War trench on lots 3 and 3B that the applicant has agreed to leave undisturbed. If approved, the proposed lots would meet setbacks, impervious surface, and other zoning criteria.

STAFF COMMENTS

Stormwater Management: See attached.

Water and Sewer: Private water easements necessary if subdivided lots are to connect to public water. Connection to public sewer not required for subdivided lots >80,000 ft².

Fire Department: See attached.

Cobb DOT: See attached.

Site Plan Review: If this OB request is approved, a Land Disturbance Permit must be issued to allow all necessary site work and the installation of all required infrastructure. A revised plat must then be reviewed and approved prior to the issuance of any building permits. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency. Contact Site Plan Review, 770-528-2147.

(Staff comments continued)

Historic Preservation: There is a Civil War trench located on the western side of the subject property. Staff recommends that the applicant make every reasonable measure to preserve the earthwork. Staff recommends the following stipulations:

- The Civil War trench should be located on all plats for the subject property.
- A 25- foot undisturbed buffer should extend from the edges of the trench on all sides.
- Orange fencing should be installed around the trench during construction to prevent damage.

RECOMMENDATION

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

ATTACHMENTS

Other Business Application.

Stormwater Management

OB-9-2024 Due West Road (4430 & 4440 Due West Rd and PIN# 20029800540 & PIN# 20029800550)

1. Each lot is proposed as a minimum 2.0ac with a total of 7 lots existing after the subdivision.
2. Due to the existing topography of the site sloping in different directions, and the dispersed development of the homes, it will be necessary to provide a stormwater management system on each lot to provide the necessary Runoff Reduction/Water Quality and Detention necessary for the site. The stormwater management system provided on each lot must control the post-developed rate of runoff so as not to exceed the pre-development condition rate of runoff.
3. Proposed Lot 1 contains the existing lake called "Shaw Pond". The lake has an emergency spillway at the northwest corner of the lake. The submitted 'Other Business' Plat would subdivide a portion of the property containing the existing spillway onto Lot 1B and possibly also onto Lot 4. The shared ownership could complicate future maintenance efforts related to the lake and spillway. The lake and its spillway(s) should be retained on a single parcel.
4. For future maintenance purposes, it may be desirable for the lake to be on its own parcel and owned by the Homeowner's Association such that the cost of maintenance can be distributed across all owners. If the lake were commonly owned, it's value as a stormwater management mechanism may be of value to other lots, rather than to only a single lot.
5. The site area containing the pond, the stream draining to the north away from the pond and Allatoona Creek along the north property line are protected by stream buffers and the stream buffers and conservation easement(s) should remain undisturbed and be retained in the developed condition.

Cobb DOT comments:

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 north side of Due West Road, a minimum of 50' from the roadway centerline. This recommendation is pursuant to Cobb County Development Standard 401.2, Right-of-Way.
2. Recommend applicant verify that minimum intersection sight distance is available for Due West Road access. This recommendation is pursuant to Cobb County Development Standard Detail 401B, Intersection Sight Distance. If minimum intersection sight distance is not available, recommend implement remedial measures to address safety, subject to the Department's approval, to achieve the minimum requirement of 500'.
3. Recommend driveway on Due West Road meet residential driveway standards per Section 402.7.1, Residential Driveways, of the Cobb County Development Standards.
4. Recommend all driveways be treated with a hardened surface a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length. This recommendation is pursuant to Cobb County Development Standard 402.7.1, Residential Driveways, and Cobb County Development Standard Detail 116R, Residential Driveway Standard.
5. Recommend a minimum of 80 feet straight-line distance (from end of driveway curb return to start of driveway curb return) between driveways on Due West Road. This recommendation applies to both the spacing of new driveways in relation to each other, as well as spacing from adjacent driveways. If necessary, recommend implementation of shared driveways to achieve a minimum spacing between driveways. This recommendation is pursuant to Cobb County Development Standard 402.2, Access from Thoroughfare Streets and Cobb County Development Standard Detail 116R, Residential Driveway Standard.
6. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Fire Department 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:

Each 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) 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 each home. (Additional hydrant may need to be installed.)

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

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

1.) NFPA 13D sprinkler system.

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