MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 16, 2024
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, April 16, 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 Monique Sheffield

Commissioner Jerica Richardson – not present

CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:03 a.m.

Commissioner Birrell presented the following *revised* statement dated 1/22/24 to the Clerk which was attached to each vote taken at today's hearing (attached and made a part of these minutes):

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

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

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

Commissioner Gambrill asked that the following statement be attached to each vote taken at today's hearing (attached and made a part of these minutes):

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

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

Commissioner Gambrill's statement (cont.)

In addition, the Georgia Supreme Court has ruled that the GA Constitution limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General assembly by general law has preempted, like the redistricting map here in Cobb Co. Commissioners of Wayne Co. v. Smith 240 Ga. 540 (1978); Brophy v. McCranie 264 Ga. 187 (1994).

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

Per the letter dated December 22, 2022, from C. Ryan Germany, General Counsel for the Office of the Secretary of State, " you should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to the comment on whether the Amendment is allowable under state law or a proper exercise of the authority by the Cobb County Commission, nor should you rely on this to attempt to establish the validity of the Amendment." "In fact" he continues " it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply to Georgia Law or the State Constitution.

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

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

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

WITHDRAWN, HELD, AND CONTINUED CASES

Z-20 **G. GEORGE AND ASSOCIATES INC.** (G. George and Associates Inc., owner) requesting rezoning from **R-20** to **RA-5** for a single-family residence in land lot 497 of the 18th district. Property is located on the east side of Felton Lane, south of Mableton Parkway (7009 Felton Lane). ***WITHDRAWN WITHOUT PREJUDICE***

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). WITHDRAWN WITHOUT PREJUDICE***

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). WITHDRAWN WITHOUT PREJUDICE***

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). ***(Previously continued by the Board of Commissioners from the March 19, 2024, Board of Commissioners' (BOC) Zoning hearing until the April 16, 2024, BOC Zoning hearing). WITHDRAWN WITHOUT PREJUDICE***

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. 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 the May 21, 2024, BOC Zoning hearing).***

Mr. Pederson presented the Applicant's request to withdraw O.B. 2 without prejudice; thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **allow** O.B. 2 to be *withdrawn without prejudice.*

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

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 residential, 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 and 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 April 2, 2024, Planning Commission (PC) hearings until the May 7, 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; continued by Staff until the May 7, 2024, PC Zoning 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 April 2, 2024, Planning Commission (PC) hearings until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-60'23 **MRE-CANTON, LLC** (MRE-Canton, LLC, owner) requesting rezoning from **GC** to **NRC** for a convenience store with fuel sales in land lot 60 of the 16th district. Property is located on the east side of Canton Road and the north side of Jamerson Road (4852 Canton Road). ***(Previously held by the Planning Commission (PC) from the December 5, 2023, PC hearing until the February 6, 2024, PC hearing; continued by Staff from the February 6, 2024, through the April 2, 2024, PC hearings until the May 7, 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-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, and April 2, 2024, Planning Commission (PC) hearings until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).***

Z-10 **PAUL A EDJUA (POPOL LLC)** (POPOL, LLC, owner) requesting rezoning from **GC** and **R-15** to **NRC** for a retail center in land lot 1140 of the 19th district. Property is located on the west side of Austell Road and on the south side of Warren Drive (4878 Austell Road, Warren Drive). ***(Held by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).***

Z-11 **SALT SPRINGS LLC** (Salt Springs, LLC, owner) requesting rezoning from **NS** to **LI** for an office and warehouse in land lot 35 of the 17th district. Property is located on the west side of Old Floyd Road and on the north side of Center Street (5420 Old Floyd Road). ***(Held by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-15 **DILLON INVESTMENTS, LLC** (Dillon Investments, LLC, owner) requesting rezoning from **LRO** and **R-80** to **LRO** and **R-80** for a professional office and single-family residence in land lot 428 of the 19th district. Property is located on the north side of Macland Road and on the west side of Villa Rica Road (2080 Villa Rica Road). ***(Held by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).***

Z-17 **RESIBUILT** (Techsoft Consulting, LLC, owner) requesting rezoning from **PVC** to **PVC** for a townhome community in land lots 25, 26, 47, and 48 of the 17th district. Property is located on the east side of Hicks Road, on the south side of the East-West Connector, and on the west side of Barnes Meadow Road (4061 and 4085 Hicks Road). ***(Continued by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).***

Z-18 **SUG REAL ESTATE, LLC** (SUG Real Estate, LLC, owner) requesting rezoning from **GC** to **LI** for a contractor (special) in land lot 733 of the 16th district. Property is located on the east side of Canton Road, north of Dorsey Road (2024 Canton Road). ***(Continued by Staff from the April 2, 2024, Planning Commission (PC) hearing until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).***

Z-19 **JELEN HOLDINGS, INC** (JeLen Holdings, Inc., owner) requesting rezoning from **GC** to **NRC** for an office, retail, and restaurant in land lot 297 of the 18th district. Property is located on the west side of Mableton Parkway, north of South Gordon Road (Mableton Parkway). ***(Held by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).***

LUP-12 **REGINALD A. RUTHERFORD** (Reginald Allen Rutherford, owner) requesting a **Temporary Land Use Permit** to allow a business and related vehicle parking in land lots 1244, 1245, 1272, 1273, and 1319 of the 19th district. Property is located on the south side of Hiram Lithia Springs Road, east of Holloman Road (5280 Hiram Lithia Springs Road). ***(Held by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).***

SLUP-5 **SUG REAL ESTATE, LLC** (SUG Real Estate, LLC, owner) requesting a **Special Land Use Permit** for a waste transfer station for special contractor in land lot 733 of the 16th district. Property is located on the east side of Canton Road, north of Dorsey Road (2024 Canton Road). ***(Continued by Staff from the April 2, 2024, Planning Commission (PC) hearing until the May 7, 2024, PC hearing; therefore, was not considered at this hearing).***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

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 Drive). ***(Previously held by the Board of Commissioners (BOC) from the March 19, 2024, BOC Zoning hearing until the April 16, 2024, BOC Zoning hearing; continued by Staff from the April 16, 2024, BOC Zoning hearing until the May 21, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).***

O.B. 15 To consider a stipulation and site plan amendment for Riverview Associates, Ltd. regarding cases Z-49 of 2008 and Z-102 of 2016. Property is located at the northwesterly intersection of Cobb Parkway and Paces Mill Road in land lots 976, 977, 1016, and 1017 of the 17th district (3300 Cobb Parkway). ***(Continued by Staff from the April 16, 2024, Board of Commissioners' (BOC) Zoning hearing until the May 21, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).***

O.B. 16 To consider a site plan amendment for DJ Homes, Inc. regarding case OB-12 of 2020 and OB-45 of 2021. Property is located on the southeast side of Paper Mill Road, east of Gateside Place in land lots 5, 6, and 74 of the 1st district (101 Coronado Court). ***(Continued by Staff from the April 16, 2024, Board of Commissioners' (BOC) Zoning hearing until the 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 Birrell, to **approve** the following cases on the Consent Agenda, *as revised*:

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 from the March 5, 2024, Planning Commission (PC) hearing until the April 2, 2024, PC hearing).***

CONSENT AGENDA (CONT.)

Z-8 **JELANI CAMPBELL (CONT.)**

To **approve** Z-8 to the **R-15** zoning district, subject to:

1. **Single-family use *only***
2. **Department of Transportation comments and recommendations**
3. **Fire Department comments and recommendations**
4. **Stormwater Management Division comments and recommendations**
5. **Water and Sewer Division comments and recommendations**

Z-12 **WPG-MABLETON, LLC** (Ayres Family LLLP, owner) requesting rezoning from **R-20** to **NRC** for a bank with a drive-thru in land lot 41 of the 17th district. Property is located on the east side of Floyd Road and on the south side of Ayres Road (5033 Floyd Road).

To **delete** Z-12 to the **LRC** zoning district, subject to:

1. **Letter of agreeable conditions from Kevin Moore dated March 25, 2024 (attached and made a part of these minutes), with the following change:**
   A. **Item No. 8 – add to the end: *"District Commissioner is to approve the final Landscape Plan and elevations."***
2. **Letter from Mableton Improvement Coalition dated March 27, 2024 (attached and made a part of these minutes)**
3. **Approval is for this use and this use *only;* any other uses will require approval by the District Commissioner**
4. **Construction hours shall be Monday through Friday from 7:00 a.m. until 7:00 p.m., Saturday from 8:00 a.m. until 7:00 p.m., and no construction on Sunday**
5. **Staff comments and recommendations, *not otherwise in conflict***

At the call for Z-13 (St. Benedict's Episcopal School), opposition was present; therefore, Z-13 was pulled from the Consent Agenda to be heard on the Regular Agenda in its numerical order (see page 14 of these minutes).

Z-14 **FULL SERVICE BY HOT ROD, LLC** (4035 Canton Road, LLC, owner) requesting rezoning from **GC** to **NRC** for a car wash in land lot 59 of the 17th district. Property is located on the northwest side of Austell Road, south of County Services Parkway (2310 Austell Road).

To **approve** Z-14 to the **NRC** zoning district, subject to:

1. **Site Plan incorporating code-compliant parking to be approved by the District Commissioner**

CONSENT AGENDA (CONT.)

Z-14 FULL SERVICE BY HOT ROD, LLC (CONT.)

2. **Landscape Plan including rear 20-foot landscape buffer (to the extent possible with existing wall and detention pond locations) or reduced 10-foot landscape buffer with an eight-foot privacy fence adjacent to residential properties and a minimum nine-foot-wide strip required adjacent to the right-of-way per the Austell Road Design Guidelines to be approved by the District Commissioner**
3. **General compliance with Austell Road Design Guidelines, including site and building improvements, with final approval by the District Commissioner**
4. **Department of Transportation comments and recommendations**
5. **Fire Department comments and recommendations**
6. **Stormwater Management Division comments and recommendations**
7. **Water and Sewer Division comments and recommendations**

Z-16 **LDS HOLDINGS, LLC** (LDS Holdings, LLC, owner) requesting rezoning from **GC** to **NRC** for a professional office (contractor) in land lot 85 of the 16th district. Property is located on the north side of Old Noonday School House Road, west of Canton Road (943 Old Noonday School House Road).

To **approve** Z-16 to the **NRC** zoning district, ***with a special exception,*** subject to:

1. **Site Plan received by the Zoning Division on February 1, 2024, (attached and made a part of these minutes), with the District Commissioner approving minor modifications**
2. **Letter of agreeable conditions from Adam Rozen dated March 25, 2024 (attached and made a part of these minutes)**
3. **Variances as stated in the Zoning Division comments and recommendations**
3. **Fire Department comments and recommendations, *not otherwise in conflict***
4. **Water and Sewer Division comments and recommendations, *not otherwise in conflict***
5. **Department of Transportation comments and recommendations, *not otherwise in conflict***
6. **Stormwater Management Division comments and recommendations, *not otherwise in conflict***
7. **Planning Division comments and recommendations, *not otherwise in conflict***
8. **No outdoor storage**
9. **No heavy equipment to be parked outside**

CONSENT AGENDA (CONT.)

LUP-9 **EJAMA ENTERPRISES** (Ejama Enterprises, LLC, owner) requesting a **Temporary Land Use Permit** for a personal care home in land lot 50 of the 17th district. Property is located on the north side of Hurt Road, east of Fred Walker Drive (688 Hurt Road).

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

1. **Maximum of six residents**
2. **No parking in the right-of-way**
3. **All stipulations from previous Land Use Permits (LUPS) also apply**

LUP-10 **ORLANDO LOPEZ** (Maria Lopez and Orlando Lopez, owner) requesting a **Temporary Land Use Permit** to allow more vehicles and adults than the code allows in land lot 492 of the 19th district. Property is located on the west side of Hillboro Circle, west of Bankstone Drive (2424 Hillboro Circle).

To **approve** LUP-10 for **12 months**, subject to:

1. **All things done by the Applicant to mitigate the citations be maintained with Code Enforcement to revisit the property to provide an update on the property's condition**

LUP-11 **PEAR TREE PHOTOGRAPHY ATLANTA LLC** (Kelley Wenzel, owner) requesting a **Temporary Land Use Permit** for photography in land lot 134 of the 16th district. Property is located on the south side of Starmist Court, east of Rambling Road (744 Starmist Court).

To **approve** LUP-11 for **24 months**, subject to:

1. **Maximum of one employee**
2. **Department of Transportation comments and recommendations**
3. **Water and Sewer Division comments and recommendations**
4. **Fire Department comments and recommendations**
5. **Stormwater Management Division comments and Recommendations**

SLUP-2 **ESTATE OF JAMES W. BENTLEY - OWNER LYNN BENTLEY TAYLOR; BENTLEY COMMERCIAL PROPERTIES LLC; SUMMEROUR PROPERTIES LLLP; ESTATE OF JAMES W. BENTLEY - OWNER JUSTIN OTTINGER** (Bentley Commercial Properties, LLC; Bentley Farm Properties, LLLP; Summerour Properties LLLP; Lynn Bentley Taylor and Justin Ottinger, owners) requesting a **Special Land Use Permit** for grinding and reduction of materials and a sawmill in land lots 1096 and 1137 of the 16th district. Property is located on the north side of Gresham Road, east of Fairview Street (1471 Gresham Road).

CONSENT AGENDA (CONT.)

SLUP-2 **ESTATE OF JAMES W. BENTLEY - OWNER LYNN BENTLEY TAYLOR; BENTLEY COMMERCIAL PROPERTIES LLC; SUMMEROUR PROPERTIES LLLP; ESTATE OF JAMES W. BENTLEY - OWNER JUSTIN OTTINGER (CONT.)**

To **approve** SLUP-2, subject to:

1. **Hours of operation for each business are as follows:**
   A. **For the used car storage, Monday through Saturday from 8:00 a.m. until 5:00 p.m.; no operation on Sundays or Federal holidays**
   B. **For Top Tier Tree Service (storing of landscaping trucks and off-loading tree trunks and tree debris), Monday through Saturday from 7:00 a.m. until 7:00 p.m.; Sundays and Federal holidays to be reserved for emergency services *ONLY if needed*, i.e., tornado, heavy storm damage in the area, fallen tree on a house, etc.**
   C. **For North Georgia Timber (sawmill, grinding, and Air Burner Technology business), Monday through Friday from 8:00 a.m. until 5:00 p.m. *only;* loading of the incinerator should STOP by 4:00 p.m.; there shall be NO machine activity or incineration on Saturday, Sunday, or Federal holidays**
2. **Limit of one sawmill and one grinder**
3. **Limit of two incinerators (self-contained) using Air Burner (Curtain) technology, installation based on guidelines from the Air Burner (Curtain) manufacturer; no open fires**
4. **Adherence to Staff comments and recommendations including Fire Department and Zoning Division, where applicable**
5. **No open burning**
6. **Nothing to be incinerated at night**
7. **A Knox brand pad lock to be included on the gate for Fire Department access**
8. ***Only* natural wood shall be used/processed in the sawmill, grinder, and air curtain incinerator; particle board, laminated wood, plywood, or any wood product with glue or chemicals on it is to be avoided**
9. ***Revised* Fire Department comments and recommendations dated April 11, 2024 (attached and made a part of these minutes)**
10. **Compliance with all State EPD (Environmental Protection Division) and local fire department requirements**

At the call for SLUP-3 (St. Benedict's Episcopal School), opposition was present; therefore, SLUP-3 was pulled from the Consent Agenda to be heard on the Regular Agenda in its numerical order (see page 14 of these minutes).

CONSENT AGENDA (CONT.)

SLUP-4 **VACUTEK, LLC** (Buster's Investments, LLC, owner) requesting a **Special Land Use Permit** for used auto and truck sales in land lots 377 and 378 of the 18th district. Property is located on the south side of Oak Ridge Commerce Way, north of Oak Ridge Road (6694 Oak Ridge Commerce Way).

To **approve** SLUP-4, subject to:

1. **No on-street parking**
2. **Staff comments and recommendations contained in the Zoning Analysis**

OTHER BUSINESS

O.B. 11 To consider a stipulation and site plan amendment for Juscelio Cruz regarding rezoning case Z-42 of 2005. Property is located on the southeasterly side of Ivey Road, south of Regency Way in land lot 185 of the 18th district (6258 Ivey Road).

To **approve** O.B. 11, subject to:

1. **Sidewalk, curb, and gutter is waived for only one house on the 2.14 acres**
2. **Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
3. **If the property is ever subdivided for more than one house, then the sidewalk, curb, and gutter would again be required with the cost shared among homes**

O.B. 12 To consider a reduction of required public road frontage from 50-feet to zero-feet for GFAC Real Estate, LLC. Property is located on the north side of Roswell Road, east of Robinson Road in land lot 968 of the 16th district (Behind 3827 Roswell Road).

To **approve** O.B. 12, subject to:

1. **Road frontage is reduced to zero-feet**
2. **Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
3. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 13 To consider a reduction of required public road frontage from 75-feet to zero-feet for Robert Michael Brennan and Melissa Hatcher Brennan. Property is located on the northeasterly side of Polo Lane and on the northwesterly side of Center Street in land lots 960 and 961 of the 17th district (4755 Polo Lane).

To **approve** O.B. 13, subject to:

1. **Road frontage is reduced to zero-feet for Tract 2**
2. **Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
3. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

At the call for O.B. 14 (St. Benedict's Episcopal Day School), opposition was present; therefore, O.B. 14 was pulled from the Consent Agenda to be heard on the Regular Agenda in its numerical order (see page 14 of these minutes).

Prior to the approving the Consent Agenda, Commissioner Birrell requested that O.B. 10 (Petroplex Joint Venture, LLC) be added to the Consent Agenda. Mr. Pederson read in the case, and the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **add** O.B. 10 to the Consent Agenda, as follows:

O.B. 10 To consider a Settlement of Litigation for Petroplex Joint Venture, LLC regarding case Z-60 of 2020. Property is located on the east side of Canton Road, south of Powell Wright Road in land lot 708 of the 16th district (2120 Canton Road).

To **approve** O.B. 10, subject to:

1. **Letter from Thomas P. Mitchell dated February 27, 2024 (attached and made a part of these minutes)**
2. **Staff comments and recommendations, *not otherwise in conflict***

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

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

REGULAR AGENDA

Z-13 **ST. BENEDICT'S EPISCOPAL SCHOOL** (Estate of Ed Willard Williams, owner) requesting rezoning from **R-20** to **O&I** for a school in land lot 695 of the 17th district. Property is located on the west side of Cooper Lake Road, north of Daniel Street (2255 Cooper Lake Road).

SLUP-3 **ST. BENEDICT'S EPISCOPAL SCHOOL** (Estate of Ed Willard Williams, owner) requesting a **Special Land Use Permit** for a school in land lot 695 of the 17th district. Property is located on the west side of Cooper Lake Road, north of Daniel Street (2255 Cooper Lake Road).

O.B. 14 To consider a stipulation and site plan amendment for St. Benedict's Episcopal Day School, Inc. regarding cases Z-78 of 2021 and SLUP-11-2021. Property is located on the east and north side of Daniel Street, and on the west side of Cooper Lake Road in land lot 695 of the 17th district (2235 Cooper Lake Rd and 2001 Daniel St).

The three cases (Z-13, SLUP-3 and O.B. 14 - St. Benedict's Episcopal School) pulled from the Consent Agenda are located in Commissioner Richardson's district. Due to Commission Richardson not being present, Chairwoman Cupid called for a brief recess from 9:36 a.m. until 9:46 a.m. to give the Applicant's representative, Kevin Moore, and the opposition an opportunity to discuss the issues at hand. Following the recess, Kevin Moore reported that the issues raised by the opposition had not been resolved; therefore, he requested that the three cases be continued to next month. Thereafter, the following motion was made:

MOTION: Motion by Cupid, second by Birrell, to **continue** Z-13, SLUP-3, and O.B. 14 until the May 21, 2024, Board of Commissioners' Zoning Hearing.

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

ADJOURNMENT

The hearing adjourned at 9:48 a.m.

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

Min. Bk. 99 Petition No. ALL
Doc. Type Commissioner Birrell's statement added to each vote
Meeting Date 4-16-2024

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

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

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

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

JoAnn K. Birrell

Jo Ann K. Birrell
District 3 Commissioner

Min. Bk. 99 Petition No. ALL
Doc. Type Commissioner Gambrill's statement added to each vote
Meeting Date 4-16-2024

Commissioner Gambrill's statement:

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

While the County Attorney's Office claims the Association of County Commissioners of Georgia (ACCG) provided legal advice, I too am in receipt of the documents from the ACCG regarding Home Rule, to which it clearly defines the limit of this Board's Constitutional powers as to redistricting. I also contend that the Board of Commissioners did not follow the Home Rule challenge in its entirety.
In addition, the Georgia Supreme Court has ruled that the GA Constitution limits legislative action by the Board of Commissioners to matters for which no provision has been made by general law. Furthermore, the "Home Rule" powers granted to the Board of Commissioners do not extend to any matters which the Georgia General assembly by general law has preempted, like the redistricting map here in Cobb Co. Commissioners of Wayne Co. v. Smith 240 Ga. 540 (1978); Brophy v. McCranie 264 Ga. 187 (1994).

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

Per the letter dated December 22, 2022, from C. Ryan Germany, General Counsel for the Office of the Secretary of State, " you should not consider the ministerial function of filing the Amendment with our office or the publishing of the Amendment to the comment on whether the Amendment is allowable under state law or a proper exercise of the authority by the Cobb County Commission, nor should you rely on this to attempt to establish the validity of the Amendment." "In fact" he continues " it appears that the Amendment is very likely an unauthorized exercise of authority by the Cobb County Commissioner that does not comply to Georgia Law or the State Constitution.

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

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

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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

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

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

BRENTWOOD, TENNESSEE
12 CADILLAC DRIVE
SUITE 200
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

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

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

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

March 25, 2024

Via E-mail Only

Min. Bk. 99 Petition No. Z-12
Doc. Type letter
Meeting Date 4-16-2024

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-12 (2024)
Applicant: WPG-Mableton, LLC
Property Owner: Ayres Family LLLP
Property: 0.834 acres, more or less, located at the intersection of the easterly side of Floyd Road and the southerly side of Ayres Road, being more particularly known as 5033 Floyd Road, Land Lot 41, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent the Applicant, WPG-Mableton, LLC (hereinafter referred to as "Applicant"), and the Property Owner, Ayres Family LLLP (hereinafter referred to as "Owner" or "Property Owner"), in the Application for Rezoning with regard to a total tract of approximately 0.834 acres located at the intersection of the easterly side of Floyd Road and the southerly side of Ayres Road, being more particularly known as 5033 Floyd Road, Land Lot 41, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with Planning and Zoning Staff, reviewing the Departmental Comments and Staff Recommendations, reviewing the uses of surrounding properties, and ongoing communications with area residents and homeowner representatives, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested rezoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

(1) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-20 to the proposed zoning category of Neighborhood Retail Commercial ("NRC"), with reference to the revised Site Plan prepared for Applicant by PRAXIS3, dated March 19, 2024, and submitted electronically to the Cobb Zoning Division on March 20, 2024. A reduced copy of the revised Site Plan is attached as Exhibit "A" and incorporated herein by reference.

(2) The proposed financial institution will be a one-story structure and will be substantially similar to the rendering attached as Exhibit "B" and incorporated herein by reference.

(3) Security lighting for the proposed structure shall be wall packs, hooded, environmentally sensitive, and shall be fitted with non-glare lenses and cut-off shields to prevent light from extending beyond the property line.

(4) Lighting fixtures for the parking area shall be environmentally sensitive, shoe-box style and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.

(5) Entrance signage shall be ground based, monument style signage. The design, finish, materials, and colors for the signage shall be complementary with the building. Accessory entrance/exit signage at access points and directional signage shall be permitted as per Cobb County Code. All signage shall comply with Cobb County Zoning Code and Ordinances.

(6) The dumpsters servicing the proposed financial institution shall be enclosed, with materials and colors for the enclosure being matching and complementary to the façade of the proposed structure. All dumpsters shall contain rubber lids to minimize noise. The doors on the dumpster shall remain closed at all times. No trash or refuse shall be permitted outside the enclosed area.

(7) Landscaping and landscape buffer areas for the proposed development shall be as more particularly shown and reflected on the referenced, revised Site Plan.

(8) All landscaping for the proposed development shall be approved by the Cobb County Arborist as part of the Plan Review Process.

(9) Minor modifications to the within stipulations, the referenced revised Site Plan, lighting, signage, landscaping, building architecture, site features, and the like,

may be approved by the District Commissioner, as needed or necessary, except for those that:

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

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

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

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

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

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

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

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

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

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

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

Petition No. Z-12
Meeting Date 4-16-2024
Continued

(13) Access to the proposed development shall be as follows:

(a) Right-in only on Floyd Road; and

(b) Full access on Ayres Road.

(14) Applicant agrees to the following system improvements to mitigate traffic concerns:

(a) Repair and/or replacement of any existing sidewalk, curb, and gutter along Floyd Road and/or Ayres Road which may be damaged as a result of construction of the proposed development; and

(b) Construction of new sidewalk, curb, and gutter, connecting to existing, repaired, or replaced sidewalk, curb, and gutter along Floyd Road and/or Ayres Road.

We believe the requested zoning, together with the revised Site Plan and the stipulations set forth herein, is appropriate for the Subject Property while taking into consideration the overall area and uses of properties surrounding the proposed development. We very much appreciate Staff's consideration; as well as that of the Cobb County Planning Commission and Cobb County Board of Commissioners, in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

J. Kevin Moore

JKM:cc
Attachments

Petition No. Z-12
Meeting Date 4-16-2024
Continued

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

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

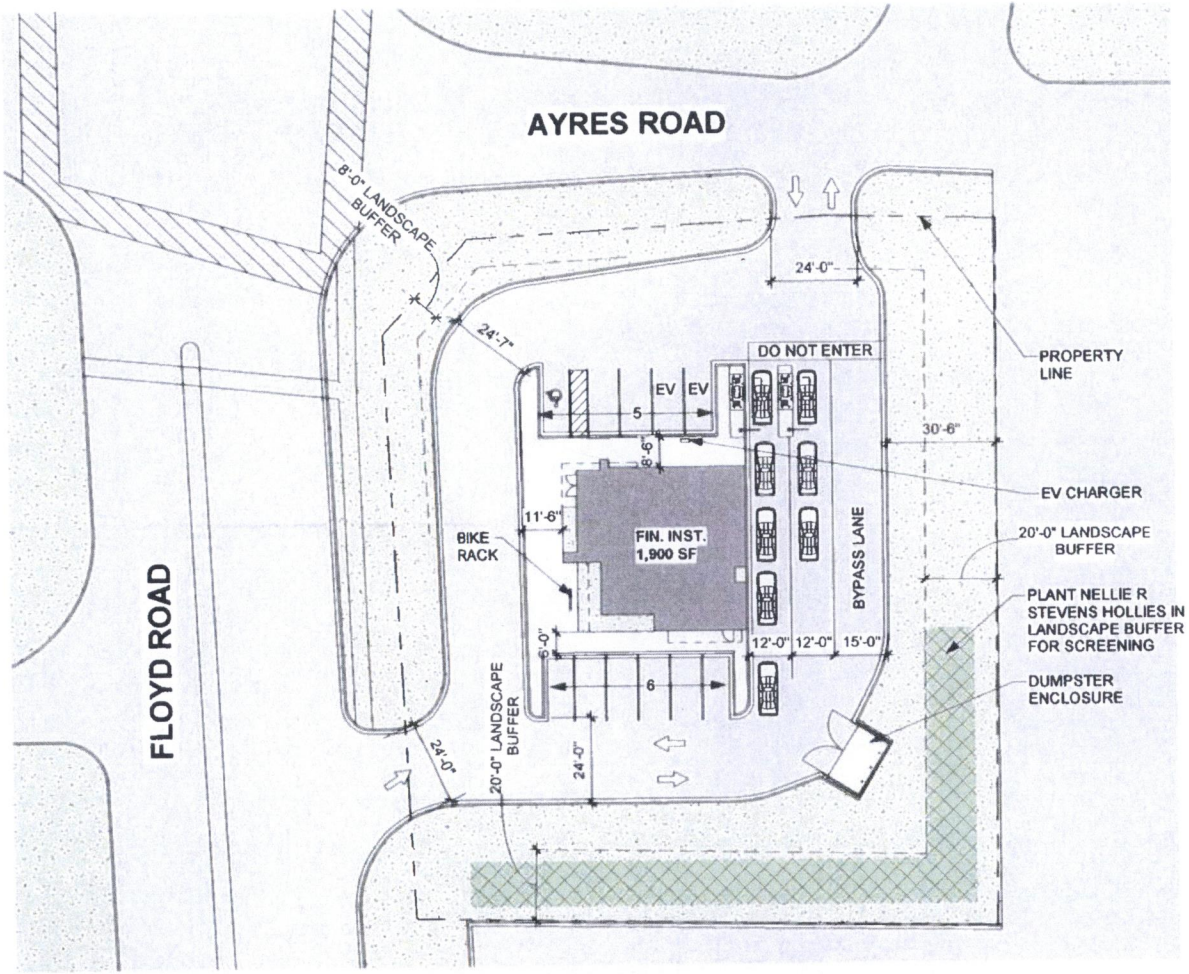
Jeannie Peyton
Senior Planner
Zoning Division
Cobb County Community Development Agency
(With Copies of Attachments)

Mableton Improvement Coalition
(With Copies of Attachments)

WPG-Mableton, LLC
(With Copies of Attachments)

Petition No. Z-12
Meeting Date 4-16-2024
Continued

EXHIBIT "A"



SITE PLAN
1/32" = 1'-0"

0' 16' 32' 64' 128'

SITE DATA	
SITE ADDRESS:	5033 FLOYD ROAD SW MABLETON, GA 30126
PIN:	17004100160
JURISDICTION:	COBB COUNTY
BUILDING AREA:	1,900 SF BUILDING
EXISTING ZONING:	R-20 (RESIDENTIAL) *REZONE REQUIRED TO NRC (NEIGHBORHOOD RETAIL COMMERCIAL)
SITE AREA:	0.74 ACRES
EXISTING USE:	VACANT
PROPOSED USE:	BANK WITH DRIVE THRU
PARKING DATA	
STANDARD PARKING REQUIRED:	1 SPACE PER 285 SF GFA 1,900 SF x (1/285 SF) = (7) SPACES
HANDICAP PARKING REQUIRED:	(1) SPACE PER 25 REGULAR PARKING SPACE = (1) ADA PARKING SPACE
TOTAL PARKING PROVIDED:	STANDARD PARKING = 10 HANDICAP PARKING = 1 TOTAL PARKING = 11
PARKING SPACE SIZE:	9' x 19' MINIMUM
LOADING ZONE:	FINANCIAL INSTITUTIONS DO NOT USE LOADING ZONES FOR SECURITY PURPOSES. DELIVERY TRUCK WILL PARK DIRECTLY IN FRONT OF MAIN ENTRANCE
DRIVE THRU QUEUE:	3 SPACES PER ATM LANE 5 SPACES PER TELLER LANE
LANDSCAPING REQUIREMENTS	
LANDSCAPE BUFFER - FRONT (FLOYD RD)	= 8'
LANDSCAPE BUFFER - FRONT (AYRES RD)	= 8'
LANDSCAPE BUFFER - SIDE (SOUTH)	=20'
LANDSCAPE BUFFER - REAR (EAST)	=20'
BUILDING REQUIREMENTS	
BUILDING SETBACK - FRONT (FLOYD RD)	= 50'
BUILDING SETBACK - FRONT (AYRES RD)	= 25'
BUILDING SETBACK - SIDE (SOUTH)	= 30'
BUILDING SETBACK - REAR (EAST)	= 30'
FLOOD ZONE - X	

PRAXIS3	FIFTH THIRD BANK	Fifth Third Bank Mableton, GA	Test Fit	Project No. 24005	03/19/2024	A1.1

Petition No. Z-12
Meeting Date 4-16-2024
Continued

EXHIBIT "B"

bdg
architects
400 N Ashley Drive,
Suite 600
Tampa, FL 33692
P: 813 - 323 - 9233
Lic #: AA - 0003590
W: www.bdglp.com

FIFTH THIRD BANK
1900-S
XXXX STREET ADDRESS
CITY, ST ZIP

THESE DRAWINGS AND PLANS ARE REPRODUCIBLE ... ARE THE PROPERTY OF BDG ARCHITECTS ... NOT TO BE REPRODUCED ... WITHOUT THE WRITTEN APPROVAL OF BDG ARCHITECTS ...

JOB #	XXXXX
DATE:	XX/XX/XX
DRAWN BY:	Author
CHECKED BY:	Checker

SHEET TITLE
RENDERINGS

SHEET NUMBER
SD-008

3/20/2023 2:55:17 PM

Min. Bk. 99 Petition No. Z-12
Doc. Type Mableton Improvement Coalition letter
Meeting Date 4-16-2024

March 27, 2024

Cobb County Planning Commission
100 Cherokee Street
Marietta, GA 30090

Re: Z-12 WPG-Mableton

Dear Mr. Chairman and Commissioners:

I am writing on behalf of the Mableton Improvement Coalition Board to recommend approval of this application with the following conditions:

- The applicant requested that the property be rezoned to Neighborhood Retail Commercial (NRC). We believe that a Limited Retail Commercial (LRC) would be a better suited designation considering the adjacent residential properties.
- Approval for a bank only, with any other uses to require approval by the District Commissioner.
- Landscape buffer along eastern property line to be planted to create a visual barrier within 2 years.

As always, thank you for the opportunity to be a part of the public comment process. If you have any questions, please feel free to contact me at 770 948-5394.

Sincerely,

Robin Meyer
Zoning Committee Co-Chair

Cc: Cobb County Board of Commissioners
John Pederson, Cobb County Zoning Division Manager
Robin Stone, Deputy County Clerk
Kevin Moore
MIC Board of Directors and Zoning Committee

Min. Bk. 99 Petition No. 0.B.10
Doc. Type letter from Thomas P. Mitchell
Meeting Date 4-16-2024

The Mitchell Law Group, LLC

1378 Roswell Road - Suite 100 - Marietta, Georgia 30062

direct: 678-464-5502
www.MitchellFirm.com **fax: 678-264-2217**

February 27, 2024

PROPOSED SETTLEMENT OF LITIGATION PURSUANT TO MEDIATION BETWEEN THE PARTIES AND COUNSEL

VIA Email to: Brian.Johnson@cobbcounty.org
Brian S. Johnson, Esq.
Cobb County Attorney's Office
100 Cherokee Street, Suite 350
Marietta, GA 30090

RE: Petroplex Joint Venture, LLC v. Cobb County et al.
Cobb Superior Case 20107219
Zoning case Z-60, 2020 - 2120 Canton Road

Dear Brian:

As you know this firm represents Petroplex Joint Venture, LLC ("Petroplex") in the above-captioned litigation which arose out of the referenced rezoning case. The case was tentatively settled following negotiations with the parties following our Mandatory Mediation Conference that occurred on November 12, 2021.

With respect to the forgoing, it is my understanding, that this matter will ultimately take the form of an "Other Business Item" during a meeting of the Board of Commissioners ("BOC"); prior to that the proposed Settlement Stipulations shall be considered during an Executive Session of the BOC. The Settlement Stipulations reflect the mutual agreement reached through negotiation and the Mediation that was achieved via the Cobb County Superior Court mediation process.

It is the understanding that this matter will be discussed within the context of a regularly scheduled Executive Session on February 26, 2024. In that regard, the submission of this letter, (which embodies the good faith negotiated agreement reached through Mediation) is being sent to you and received by you in a timely fashion in order to be considered by the BOC at an Executive Session.

SETTLEMENT STIPULATIONS

The following stipulations, which shall become conditions and a part of the NRC zoning grant/Settlement of Litigation Stipulations are as follows, to wit:

1. The stipulations and conditions set forth within the body of this proposed Settlement of Litigation shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the Subject Property which constitutes the subject matter of the above-captioned Application.

2. The settlement reached between the parties, by and through Counsel, anticipates the development/continued use of the Subject Property under the Neighborhood Retail Commercial, ("NRC") zoning district for all permitted uses thereunder except for those which are hereinafter expressly unconditionally set out.

3. The conditions approved at the zoning hearing held on October 20, 2020, and contained in the Minutes of the Zoning Hearing (p.17) are amended as follows:

   A. Condition 3 is rewritten as follows: "Existing Landscape is sufficient. Parking of RVs must be in designated spaces and in accordance with Subparagraph E (Condition 9)";
   B. Condition 4 and 5 are omitted and removed;
   C. Condition 6 and 7 is amended to allow for uses on Attachment "A";
   D. Condition 8 is rewritten as follows: "Any other use to be approved by the Board of Commissioners who may seek review by the Canton Road Neighbors, except for permitted uses set forth and pursuant to Attachment A shall be allowed provided the proposal complies with zoning regulations, Development Standards and Canton Road Guidelines";
   E. Condition 9 is rewritten as follows: "Except as otherwise provided herein, parking of RVs must be behind the fence after hours; Up to four (4) recreational Vehicles (RVs) may be kept in front of the fence on the south side of the building or on the north side of the building provided that they are parked perpendicular to Canton Highway in designated parking spaces. In the event of unusual circumstances, such as the return of an RV after 8:00 p.m., additional RVs may be left out front until the next morning at the start of business hours";
   F. Condition 10 is rewritten as follows: "Outside storage must be behind a privacy fence and may not be a public health risk" ;and,
   G. Condition 13 is rewritten as follows: "The property owner may, but is not required to, install a sign; however, any sign that is installed must comply with the provisions of the sign ordinance as well as any other applicable regulations."

The other conditions shown in the minutes of the October 20, 2020, BOC public hearing shall remain.

Permissive Uses: The strike through edits to "(3) *Permitted uses*" set forth on Attachment "A" are amended as follows: Carwashes are a permitted use provided they meet all applicable ordinances, standards, and regulatory requirements. All other permitted uses listed on Attachment "A" that are not marked through shall remain as permissive uses. The uses marked through shall remain as uses which are not permitted unless Board of Commissioners permits.

Within ten (10) days subsequent to the final approval of the Settlement of Litigation Stipulations, Petitioner Petroplex shall cause to be filed a Voluntary Dismissal of its litigation against Cobb County, et al.

The above and foregoing stipulations/conditions embody the tentative settlement reached between the parties and counsel subject to review/approval, and/or ratification by the BOC in Executive Session. Thereafter, the application will proceed for a final vote/decision in a manner consistent with the Georgia Zoning Procedures Act and the Cobb County Code applicable law.

Please do not hesitate to contact me should you have any questions or need additional information or documentation prior to presenting this to the BOC for the purposes of it being heard, considered, and discussed at the Executive Session meeting of the BOC on February 26, 2024.

Very truly yours,

THE MITCHELL LAW GROUP, LLC

Thomas P. Mitchell, Esq.
tmitchell@mitchellfirm.com

Exhibits: Attachment "A"

Petition No. O.B.10
Meeting Date 4-16-2024
Continued

ATTACHMENT A

Cobb County, Georgia Code of Ordinances

Section 134-213 NRC Neighborhood Retail Commercial District

(3) *Permitted uses.* Permitted uses are as follows:

Banks and financial institutions with drive-in establishment or automated transfer machines.

~~Billiards and pool halls, subject to chapter 78, article III, division 6, pertaining to pool rooms.~~

Carwashes are a permitted use provided they meet all applicable ordinances, standards, and regulatory requirements.

Churches, chapels, temples, synagogues, and other such places of worship.

Commercial produce and agricultural product stands.

~~Community fairs.~~

~~Convenience food stores with self-service fuel sales.~~

~~Cultural facilities.~~

~~Designated recycling collection locations.~~

Eating and drinking establishments, including drive-in fast food restaurants.

Emissions or inspection stations. (No temporary buildings/tents to be utilized after June 30, 1998.)

~~Executive golf courses (see section 134-270).~~

~~Film developing and printing facilities.~~

~~Freestanding climate controlled self-service storage facilities. The following minimum standards shall apply to freestanding climate controlled self-service storage facilities:~~

~~1. Building height should not exceed those of adjacent buildings, nor impact the view shed of adjacent residential property.~~

~~2. F.A.R. should be .75 or as determined appropriate by the board of commissioners.~~

~~3. All units shall be accessed through a main or central entrance.~~

~~4. All windows or similar architectural features must be "one-way" and provide for an opaque screen from view outside of the building.~~

~~5. Architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center. Said architectural style/design to be approved by the board of commissioners. Any roof-mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.~~

~~6. There shall be no outside storage allowed nor overnight and/or long-term parking of heavy equipment, commercial equipment or parking of construction or related equipment allowed.~~

~~7. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.~~

~~8. There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.~~

~~9. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.~~

~~10. There shall be no resident manager or any type of overnight accommodations for such.~~

~~11. Landscape plan to be approved by staff with emphasis on planting within the parking facilities.~~

~~12. One parking space shall be provided per every 80 individual storage units/areas.~~

~~13. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural or landscape feature or as may be approved by the board of commissioners if not located to the side or rear of proposed structure.~~

~~14. Lighting plan to be approved by the board of commissioners.~~

~~15. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.~~

~~16. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.~~

~~17. Hours of operation to be established by the board of commissioners, considering the operation hours of surrounding businesses.~~

~~18. Special land use permit as provided in section 134-37.~~

Freestanding ice vending machines. The following minimum standards shall apply to freestanding ice vending machines:

1. Architectural style must be similar to or complimentary to the architectural styles of contiguous properties and consistent with the county's architectural guidelines.

2. Any roof-mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from the view of public right-of-way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties. Further, these utilities, units or mechanical devices must include a noise abatement feature or device that abates noises or sounds from adjacent residential property.

3. Special land use permit as required in section 134-37.

~~Full service gasoline stations.~~

~~Funeral homes.~~

~~Golf courses, 18-hole regulation, public and private (see section 134-270).~~

~~Golf courses, par 3 (see section 134-270).~~

~~Group homes.~~

~~In-home day care.~~

~~Laundry and dry cleaning pickup establishments.~~

Light automotive repair establishments, provided the building shall not exceed 8,000 square feet in floor area.

Neighborhood retail uses.

Nonautomotive repair service establishments.

~~Nonprofit (seasonal use) fishing lakes.~~

~~Nursery schools and child day care centers.~~

Office service and supply establishments.

Parking for vehicles.

Private parks.

Professional offices.

~~Radio, television and other communication towers and antennas subject to section 134-273.~~

~~Rest homes, personal care homes or convalescent homes.~~

~~Self-service fuel sales.~~

~~Self-service laundry facilities.~~

~~Temporary uses.~~

~~(10) Special exception uses. See section 134-271 for special exception uses and requirements for all districts. Special exception uses for the NRC district are the uses listed in section 134-271.~~

(11) *Special exception uses for neighborhood activity center only.* The following uses, with the proper scrutiny and conditions, may be considered as special exception uses within the NRC district, provided they meet the following criteria:

- Properties have been specially studied by the Cobb County Board of Commissioners and as a result of the study, delineated as neighborhood activity centers as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.
- Properties currently have a zoning district that is not consistent with neighborhood activity centers.
- Properties contain an existing structure and use that is considered a nonconforming use given its delineation as a neighborhood activity center.

All special exception uses within the NRC district are subject to the following criteria:

- All special exception uses allowed within the NRC district must be contained completely within an enclosed building. No uses are to be conducted outside, except for those allowing outdoor display of merchandise.
- Unless otherwise noted, the maximum size for any singular special exception use, including other uses structurally connected and/or internally accessed from said special exception use shall be no more than 50,000 square feet of gross floor area. Additionally, the maximum size for any singular special exception use, including other uses structurally connected and/or internally accessed from said special exception use shall be no more than 35,000 square feet of gross floor area. The following sub-criteria shall apply to all singular uses 35,000 square feet or larger:

- Long blank walls that discourage pedestrian activity are prohibited along public roadway frontages. Building façades must be broken up with recesses of a minimum of 16 inches or other items of visual interest when adjacent to public roadway frontages.

- Ground-floor façades must have arches, display windows, awnings, or some other feature to add visual interest to the structure.

- Pedestrian amenities such as patio seating areas, gazebos, fountains, landscaped courtyards must be provided.

- Uses must have clearly defined entrances with canopies, porticos or arches and covered walkways.

- Parking should be designed so that no more than two-thirds of the parking spaces are located between the primary structure and one of the major roadways of the intersection at which the project is located. Where site design does not allow for the above parking space distribution, it shall be the option of the developer to install a minimum 25-foot landscaped buffer along the road frontage and measured from the edge of right-of-way to the back of the curb, inclusive of a three-foot high berm.

Special Exception Uses:

Animal hospitals (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

~~Athletic and health clubs (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

Boarding kennels (indoor), provided that no outside runs allowed, approval of county health department required, must not create a nuisance as defined by state law, building to be soundproofed, internal air exchange system required (excluding air conditioning system) and (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

~~Clubs or lodges (noncommercial) (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

~~Commercial indoor recreation uses (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

Contractor (specialized) without heavy equipment (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Medical and dental laboratories, provided that no chemicals are manufactured on-site (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Offices not elsewhere classified (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Other consumer goods and services (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Other service establishments (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Photography studios (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Printing, publishing and lithography establishments, provided that no more than 50 percent of the total gross floor area will be used for storage (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

~~Recreation grounds other than tennis courts and golf courses (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).~~

Reupholstery and furniture repair establishments (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Studios and supplies, provided that no more than 50 percent of the total gross floor area will be used for storage (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

Tool rental (subject to 35-foot landscaped screening buffer adjacent to all residentially zoned property).

(12) *Use limitations.*

a. Maximum floor area ratio is 0.5 for office uses and 0.25 for retail uses.

b. All structures located within the NRC district shall be appropriately scaled in relation to the transitional nature of the immediate area.

c. All business establishments classified as neighborhood retail uses shall be restricted in accordance with the following:

One anchor tenant not to exceed 70,000 square feet of gross floor area.

One additional tenant not to exceed 20,000 square feet of gross floor area.

Remaining tenants not to exceed 7,500 square feet of gross floor area.

No neighborhood retail shopping center will exceed 140,000 square feet of gross floor area.

d. Reserved.

e. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.

~~f. No overnight parking of commercial vehicles is permitted, except for mini-vans or cars.~~

g. It is found and declared that outside storage on properties within unincorporated Cobb County is a health risk and undesirable in that it provides harborage for rodents and insects, lowers property values, and constitutes a public nuisance; therefore, no outside storage is permitted, unless otherwise allowed in this article. Within the NRC district, outside storage shall not include commercial vehicles used for a permitted use. Outside storage shall include any automobiles or vehicles that are being repaired or serviced in conjunction with a permitted use.

h. No laboratories or clinics are permitted.

i. Any emission or automotive inspection station shall be located within a permanent facility. (No temporary buildings/tents are to be utilized after June 30, 1998.) Effective April 1, 2014, any new applications (zoning applications, building permit related applications including tenant finish operations and certificate of occupancy applications) for emission or automotive inspection stations within permanent facilities shall mean an indoor inspection establishment (no outside storage) with fully enclosed service bay(s) with operable door(s) for performing emission and automotive inspections/testing. The permanent facility must be compliant with the adopted building regulations found in chapter 18 of the Cobb County Code.

j. No light automotive repair establishment or full service gasoline station shall exceed 8,000 square feet, and no outside repair shall be allowed except for replacing taillights, wiper blades, batteries and tires, and routine inspections.

k. No uses that emit noxious odors, fumes or sounds are permitted.

l. No sexually oriented businesses are permitted.

m. No outside runs are permitted with any veterinary office use permitted within this district.

n. Outdoor displays of merchandise must comply with the provision in section 134-267.

o. Maximum impervious surfaces (80%-RAC, 70%-CAC and NAC) shall be established within activity centers as identified by the Cobb County Comprehensive Plan, as may be amended from time to time.

p. No loading docks or facilities may be located in the front of any primary structure.

Required buffers may be included within required setbacks; however, in such case that the required buffer is greater than the required setback, the required buffer shall be adhered to. Additionally, necessary private utilities and access drives may be allowed through, over or across

a landscaped buffer. Any such uses which are proposed through. over or across a designated undisturbed buffer must be approved pursuant to an original site plan or site plan modification as set forth under section 134-126.

###

Petition No. O.B.10
Meeting Date 4-16-2024
Continued

REGULAR AGENDA (CONT.)

Z-60 **PETROPLEX JOINT VENTURE** (Petroplex Joint Venture LLC, owner) requesting rezoning from **LRO** to **CRC** for retail in land lot 708 of the 16th district. Property is located on the east side of Canton Road, south of Powell Wright Road (2120 Canton Road).

The public hearing was opened; Tom Mitchell and Carol Brown (virtual speaker) addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to **delete** Z-60 to the **NRC** zoning district, subject to:

1. **Site plan submitted August 6, 2020 (attached and made a part of these minutes)**
2. ***Special Exception Use* for this use *only***
3. **Parking and landscape to be approved by the District Commissioner**
4. **Limit uses permitted in NRC to parking and vehicles for this tenant, *Ultimate Tailgating***
5. **The building on-site is to be limited to use by *Ultimate Tailgating* for an ancillary use of their RV rental and event business**
6. **No additional automobile uses**
7. **Use of property for the sale of vehicles is prohibited**
8. **Any other use to be approved by the District Commissioner with review by the Canton Road Neighbors**
9. **Parking of RVs to be behind the existing fence after hours; one recreational vehicle (RV) may be kept in front of the fence for demonstration, pick up, and drop off during the hours of 7:30 a.m. and 8:00 p.m. with the exception of unusual circumstances such as return of an RV after 8:00 p.m. which can be left out front until the next morning with notification to the District Commissioner**
10. **No outside storage**
11. **Hours of operation Monday through Sunday, 7:30 a.m. through 8:00 p.m.**
12. **Access to property by RV shall be by Canton Highway and right-in/right-out *only***
13. **Installation of ground-based monument sign per Zoning requirements**
14. **Planning Commission comments and recommendations (attached and made a part of these minutes), *not otherwise in conflict***
15. **Staff comments and recommendations, *not otherwise in conflict***

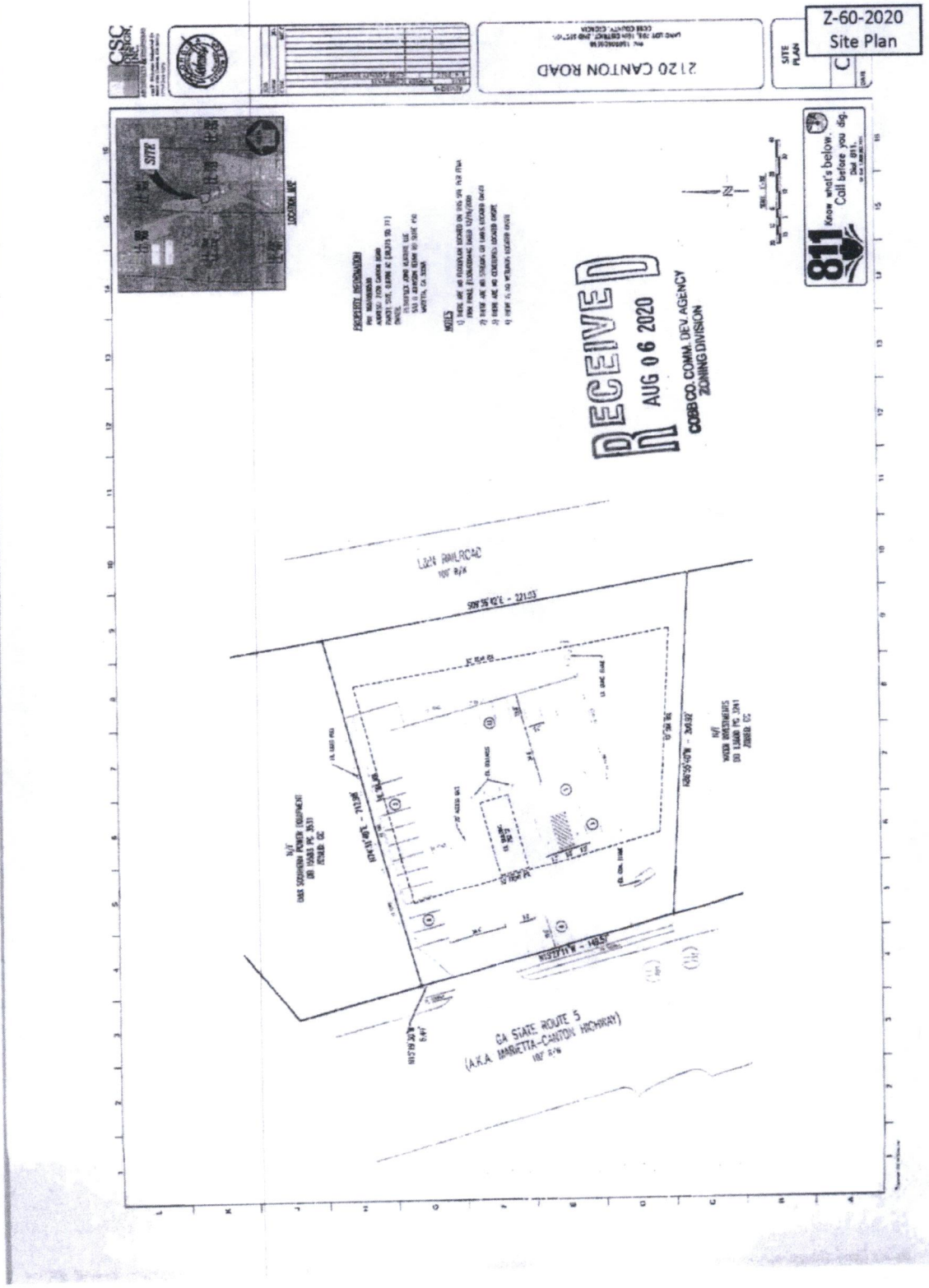
VOTE: **ADOPTED** 5-0

Petition No. O.B.10
Meeting Date 4-16-2024
Continued

Min. Bk. 91 Petition No. Z-60
Doc. Type Site plan

Meeting Date 10-20-20

Case # Z-60



Petition No. O.B.10
Meeting Date 4-16-2024
Continued

Min. Bk. 91 Petition No. Z-60
Doc. Type Planning Commission comments for Z-60
Meeting Date 10-20-20

MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
OCTOBER 6, 2020
9:00 A.M.

The Planning Commission Zoning Hearing was held on Tuesday, October 6, 2020, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Commission were:

Galt Porter, Chairman
Judy Williams, Vice Chairman
Fred Beloin
Alice Summerour (via Webex)
Tony Waybright

CALL TO ORDER – CHAIRMAN PORTER

Chairman Porter called the hearing to order at 9:04 a.m.

REGULAR AGENDA (CONT.)

Z-60 **PETROPLEX JOINT VENTURE** (Petroplex Joint Venture LLC, owner) requesting rezoning from **LRO** to **CRC** for retail in land lot 708 of the 16th district. Located on the east side of Canton Road, south of Powell Wright Road (2120 Canton Road).

The public hearing was opened; Tom Mitchell and Carol Brown (virtual speaker) addressed the Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Williams, second by Summerour, to recommend **deletion** of Z-60 to the **NRC** zoning district, subject to the following stipulations as read into the record by Carol Brown of Canton Road Neighbors:

1. ***Special Exception Use*** **for this use *only***
2. **Limit uses permitted in NRC to Parking for Vehicles for this tenant, *Tailgate 24/7***
3. **The building onsite is to be limited to use by *Tailgate 24/7* for an ancillary use of their RV rental and event business**
4. **No additional automobile uses**
5. **Use of property for the sale of vehicles is prohibited**
6. **Any other use is to come back to the Board of Commissioners as Other Business**
7. **Parking of RVs to be behind the existing fence; one recreational vehicle (RV) may be kept in front of the fence for demonstration, pick up, and drop off, and shall be kept behind the existing fence between the closing hours of 8:00 p.m. and 7:30 a.m.**

Petition No. O.B.10
Meeting Date 4-16-2024
Continued

Petition No. Z-60
Meeting Date 10-20-20
Continued

8. **No outside storage**
9. **Hours of operation Monday through Sunday, 7:30 a.m. through 8:00 p.m.**
10. **Access to property by RV shall be from Canton Highway and limited to right-in/right-out**
11. **Installation of ground-based monument sign per Zoning stipulations**
12. **Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 5-0

APRIL 16, 2024 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

Min. Bk. 99 Petition No. O.B. 11
Doc. Type Stormwater Mngmt. Comments and recommendations
Meeting Date 4-16-2024

ITEM OB-11-2024

To consider a stipulation and site plan amendment for Juscelio Cruz regarding rezoning case Z-42 of 2005. The property is located on the southeasterly side of Ivey Road, south of Regency Way in Land Lot 185 of the 18th District (6258 Ivey Road).

BACKGROUND

The subject property was rezoned in 2005 to R-20 for three single-family houses on 2.14 acres. The applicant would like to revise the site plan to build one house on the entire property 2.14 acres instead of three houses. The applicant would like to remove the Cobb DOT stipulations to install curb, gutter and sidewalk since the three-lot subdivision is no longer planned. If the amendments are approved, all previous stipulations would remain in effect.

STAFF COMMENTS

Stormwater Management: The applicant to meet all Cobb County Stormwater Management and Erosion Control codes and regulations.
Water and Sewer: No additional comments.
Fire Department: CCFMO does not have any objections to OB-11-2024 as presented.
Cobb DOT: See attached.
Site Plan Review: No comments.

RECOMMENDATION

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

ATTACHMENTS

Other Business Application.

OB-11-2024 **DEPARTMENT COMMENTS - CCDOT**

The following DOT recommendations are based on the Cobb County Development Standards, which are compliant with the sidewalk ordinance found in Cobb County Code Chapter 106, Article III. Cobb DOT recommendations apply relevant development standards, including sidewalk requests, to all applicable properties impartially. However, through the Other Business process, the applicant can request the Board grant a variance to the terms of the Cobb County Sidewalk Ordinance under criteria found in Cobb County Code Section 106-95. In this section the Cobb County Code allows a possible waiver of the Cobb County Sidewalk Ordinance by the Board when literal enforcement would cause an applicant unnecessary hardship.

Recommendations:

1. Recommend retaining all recommendations from zoning case Z-42-2005, with updates, including:

   a. Recommend installing sidewalk, curb, and gutter along the road frontage; or pay fee in lieu. 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.

   b. Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 280'. This recommendation is pursuant to Cobb County Development Standard Detail 401B, Intersection Sight Distance.

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

2. Cobb County DOT Airport Manager may require additional information from the developer as part of Plan Review. This requirement is triggered by having a building 40' or taller or is located within 4,000' of a runway for Cobb County International Airport-McCollum Field, Dobbin ARB, or Fulton County Airport – Brown Field.

APRIL 16, 2024 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

Min. Bk. 99 Petition No. O.B.12
Doc. Type Stormwater Mgmnt. and Fire Dept. Comments and recommendations
Meeting Date 4-16-2024

ITEM OB-12-2024

PURPOSE

To consider a reduction of required public road frontage from 50-feet to 0-feet for GFAC Real Estate, LLC. The property is located on the north side of Roswell Road, east of Robinson Road in Land Lot 968 of the 16th District (Behind 3827 Roswell Road).

BACKGROUND

The property is zoned Office and Institutional (O&I) and is required to have 50-feet of public road frontage. The applicant has 0-feet of public road frontage with a proposed lot size of 24,393 square-feet. The applicant is trying to build new 5,000 square-foot one-story athletic and health club on the property, but cannot due to the road frontage issue. The proposal meets other zoning criteria such as impervious surface (68%), lot size, setbacks, parking, and buffering.

STAFF COMMENTS

Stormwater Management: The applicant to meet all Cobb County Stormwater Management and Erosion Control codes and regulations.
Water and Sewer: No comments.
Fire Department: See attached.
Cobb DOT: No comment.
Site Plan Review: No comments.

RECOMMENDATION

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

ATTACHMENTS

Other Business Application.

Petition No. O.B.12
Meeting Date 4-16-2024
Continued

APPLICANT: GFAC Real Estate, LLC **PETITION NO.:** OB-12

PRESENT ZONING: **PETITION FOR:**

* * * *

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

Petition No. O.B.12
Meeting Date 4-16-2024
Continued

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

Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m2) shall be provided with two separate and approved fire apparatus access roads. D104.2

Exception:
Projects having a gross building area of up to 124,000 square feet (11 520 m2) that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler systems.

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

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

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

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

APRIL 16, 2024 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

Min. Bk. 99 Petition No. O.B.13
Doc. Type Stormwater Mngmt. and Fire Dept. Comments and recommendations
Meeting Date 4-16-2024

ITEM OB-13-2024

PURPOSE

To consider a reduction of required public road frontage from 75-feet to 0-feet (Tract 2) for Robert Michael Brennan and Melissa Hatcher Brennan. The property is located on the northeasterly side of Polo Lane and on the northwesterly side of Center Street in Land Lots 960 and 961 of the 17th District (4755 Polo Lane).

BACKGROUND

The property is zoned R-30 and is required to have 75-feet of public road frontage. The applicant would like to divide this 9.9 acre tract into two lots. Tract 1 would have 7.12 acres and would meet the road frontage requirement. The applicant is proposing to have 0-feet of public road frontage on Tract 2, with a proposed lot size of 2.54 acres. The proposal meets other zoning criteria such as impervious surface, lot size, setbacks, parking, and buffering.

STAFF COMMENTS

Stormwater Management: The applicant to meet all Cobb County Stormwater Management and Erosion Control codes and regulations.
Water and Sewer: Health Department approval required if existing house intends to remain on septic after lot split.
Fire Department: See attached.
Cobb DOT: No comment.
Site Plan Review: No comments.

RECOMMENDATION

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

ATTACHMENTS

Other Business Application.

Petition No. O.B.13
Meeting Date 4-16-2024
Continued

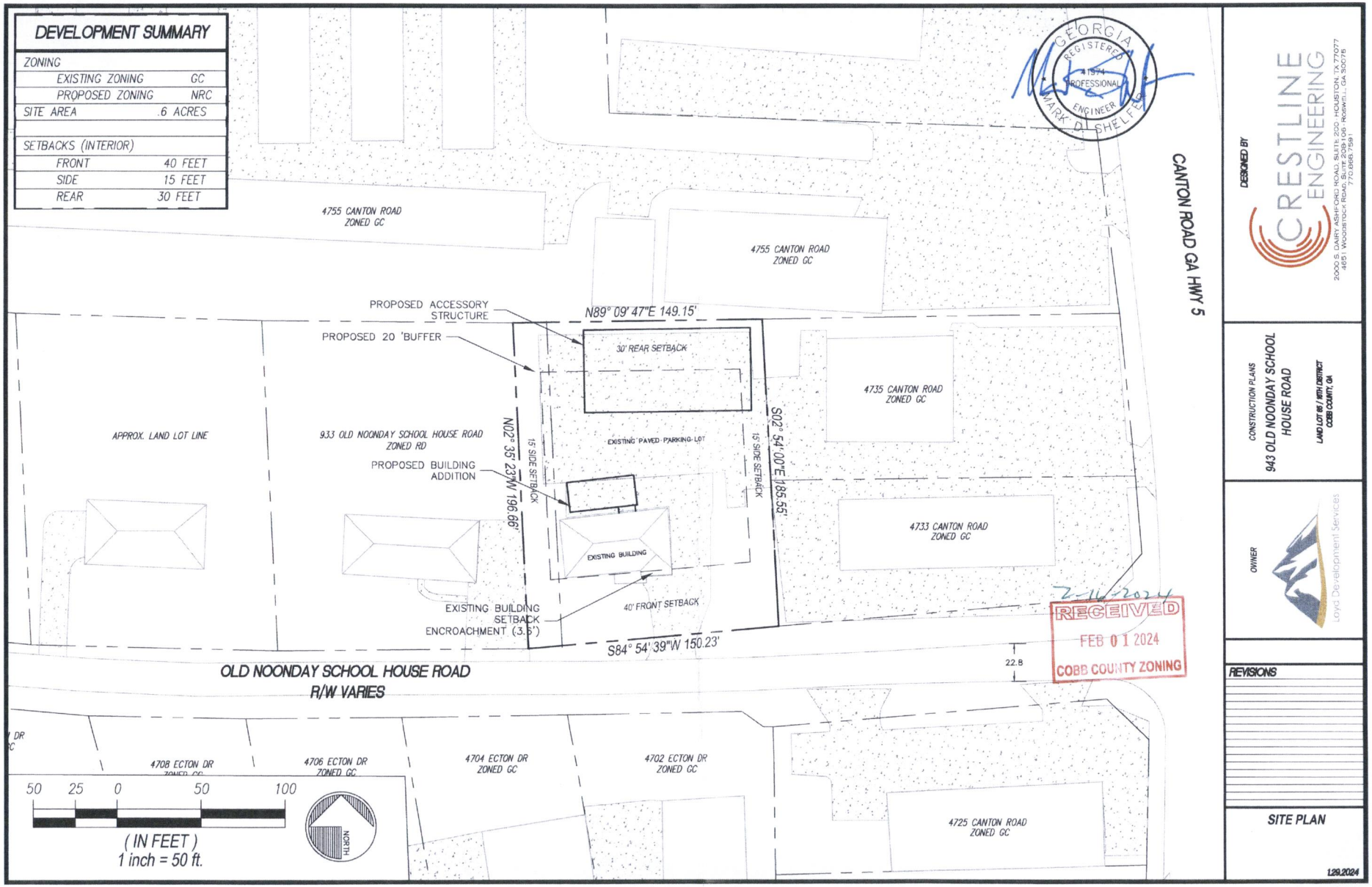
APPLICANT: Robert Brennan & Melissa Brennan **PETITION NO.:** OB-13

PRESENT ZONING: **PETITION FOR:**

* * * *

Min. Bk. 99 Petition No. Z-16
Doc. Type Site Plan

Meeting Date 4-16-2024



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ROZEN, ROZEN & REILLY, LLP
248 Roswell Street, SE
Marietta, Georgia 30060
(770) 427-7004 (T)
(770) 426-9584 (F)

Min. Bk. 99 Petition No. Z-16
Doc. Type letter
Meeting Date 4-16-2024

ROGER J. ROZEN
rjrozen@rozenandrozen.com
ADAM J. ROZEN
ajrozen@rozenandrozen.com
JEFFREY M. REILLY, JR.
jreilly@rozenandrozen.com

Injury, Land Use, Criminal Defense, Domestic & Business

March 25, 2024

VIA EMAIL DELIVERY

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

Re: Application of LDS Holdings, LLC to Rezone a .6 Acre Tract from GC to NRC w Special Exception, Land Lot 85, 16th District, 2nd Section, Cobb County, Georgia; Z-16

Dear John:

This firm is engaged by and represents the applicant LDS Holdings, LLC concerning the above-captioned Application for Rezoning known as Z-16. The Application is scheduled to be heard by the Planning Commission on April 2, 2024 and for final action by the Cobb County Board of Commissioners ("BOC") on April 16, 2024.

The Subject Property is located along Old Noonday Schoolhouse Road near its intersection with Canton Road. Old Noonday Schoolhouse historically was partially a residential street in the middle of the surrounding industrial parks that make up the approximately 50-acre island of land bordered by Canton Road, Shallowford Road and Jamerson Road. The Subject Property is within a Neighborhood Activity Century future land use designation however, like the Subject Property, many of the properties within this island, and many in the immediate area, are zoned General Commercial ("GC") with long term heavy commercial and industrial uses.

Petition No. Z-16
Meeting Date 4-16-2024
Continued

ROZEN, ROZEN & REILLY, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL DELIVERY

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

March 25, 2024
Page 2

Recognizing the industrial nature of the surrounding area, the properties on and nearby Old Noonday Schoolhouse have become and are becoming less occupied for residential use and instead for commercial and industrial uses. Further, the Subject Property sits toward the entrance to Old Noonday Schoolhouse and adjoins GC properties at the intersection of Canton Road that are operated in a commercial and industrial manner. The entrance to Old Noonday Schoolhouse is surrounded by these GC properties on three sides and the properties zoned Heavy Industrial on Lake Drive.

With respect to the foregoing, this Stipulation Letter will constitute the Applicant's agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning, and binding upon the subject property thereafter. The referenced stipulations are as follows:

(1) The rezoning of the Subject Property from the existing zoning district of GC to the proposed zoning district of Neighborhood Retail Commercial ("NRC") with the special exception for and additional use of Special/Specialized Contractor in a manner that is substantially similar to the Site Plan prepared for the Applicant by Crestline Engineering, dated January 29, 2024, as will be revised and submitted under separate cover providing for and incorporating updated survey data for the location of the existing structure, front building set back and right of way as submitted with this letter of agreeable stipulations and conditions ("Revised Survey") collectively to comprise the Revised Site Plan ("Revised Site Plan").

(2) The Applicant shall install and maintain a twenty-foot (20') landscape buffer along the western boundary of the Subject Property so long as it adjoins residentially zoned property. The buffer shall consist of evergreen plantings to be a mix of evergreen trees and shrubs, shall be a minimum of five feet (5') for trees and two feet (2') for shrubs at installation, and should provide a visual barrier to a height of six feet (6') within two (2) years of planting.

(a) Due to the existing location of structures and improvements and proposed improvement location, the buffer shall be reduced to a twenty-foot (20') buffer as identified in the Zoning Staff Analysis.

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A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL DELIVERY

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

(3) The granting of the additional contemporaneous variances identified in the Zoning Staff Analysis to:

(a) Reduce the rear setback from the required thirty feet (30') to zero feet (0') for an accessory structure;
(b) Reduce the front setback from the required forty feet (40') to thirty five feet (35') to accommodate the location of the existing structure;
(c) Reduce the right side setback from the required fifteen feet (15') to five feet (5') for an accessory structure; and
(d) Increase the maximum impervious coverage for the lot from the required seventy percent (70%) to eighty percent (80%).

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

(5) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property except to the extent that the Applicant is able to obtain and provide for approved stormwater management other than by use of the existing system at 4755 Canton Road or is able to alternatively satisfy requirements by on site mitigation.

(6) Applicant agrees to comply with the Comments and Recommendations made by the Zoning Staff and Cobb County Department of Transportation not otherwise in conflict.

(7) Minor modifications may be approved by the District Commissioner except for those that:

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

Petition No. Z-16
Meeting Date 4-16-2024
Continued

ROZEN, ROZEN & REILLY, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL DELIVERY

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

March 25, 2024
Page 4

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

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

With the foregoing, we believe the Applicant is providing for a means to protect the character and future of the Canton Road Corridor but recognizing the industrial and commercial nature of the immediate and surrounding area. Please do not hesitate to contact me should you or your staff have any questions or require any additional information or documentation. Thank you.

Sincerely,

ROZEN, ROZEN & REILLY, LLP

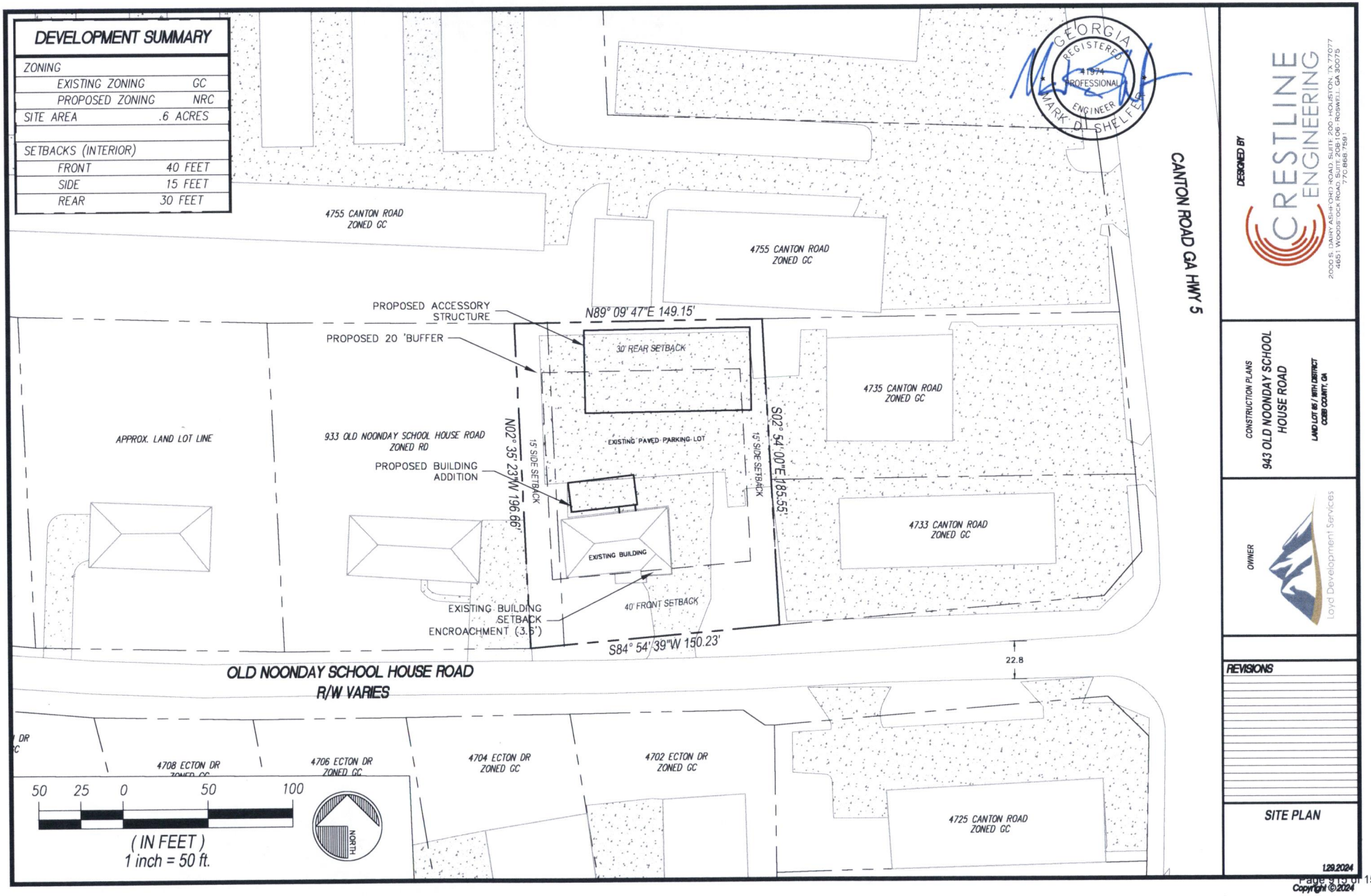
/s/ Adam J. Rozen

Adam J. Rozen
ajrozen@rozenandrozen.com

AJR/srb
Enclosures

cc: LDS Holdings, LLC

Petition No. Z-16
Meeting Date 4-16-2024
Continued



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Petition No. Z-16
Meeting Date 4-16-2024
Continued

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

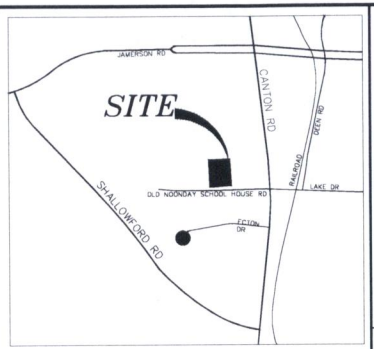
ZONING/SETBACKS:
GC (GENERAL COMMERCIAL)
FRONT:
ARTERIAL: 50 FT
COLLECTOR: 40 FT
LOCAL: 40 FT
SIDE:
MAJOR: 25 OR 35 FT
MINOR: 10 FT
REAR: 30 FT
MIN LOT AREA: 20,000 SF
MIN. WIDTH AT FRONT SETBACK: 60FT
BUFFER ABUTTING RESIDENTIAL: 40 FT

COMMERCIAL BOUNDARY RETRACEMENT SURVEY FOR:

CRESTLINE ENGINEERING

943 OLD NOONDAY SCHOOLHOUSE RD
LAND LOT 85
16th DISTRICT – 2nd SECTION
COBB COUNTY, GEORGIA
EXISTING ZONING: GC
PIN: 16008500090

29,283 SQ FT
0.67 ACRES



VICINITY MAP
N.T.S

LEGEND:

IPS	IRON PIN SET	BSL	BUILDING SETBACK LINE
IPF	IRON PIN FOUND	HC	HANDI-CAP
OT	OPEN TOP PIN	BO	BOLLARD
CT	CRIMP TOP PIN	CMF	CONCRETE MONUMENT FOUND
RB RE-BAR	REINFORCING BAR	OHU	OVERHEAD UTILITY LINE(S)
CRB	CAPPED RE-BAR	SSMH	SANITARY SEWER MAN HOLE
CL	CENTERLINE	MHT	MAN HOLE TELEPHONE
R/W	RIGHT-OF-WAY	DMCB/CB	CATCH BASIN
LLL	LAND LOT LINE	JB	JUNCTION BOX
L	LINE	DI	DROP INLET
R	RADIUS	HW	HEAD WALL
CONC	CONCRETE	CMP	CORRUGATED METAL PIPE
C	CURVE	CPP	CORRUGATED PLASTIC PIPE
PP	POWER POLE	RCP	REINFORCED CONCRETE PIPE
GV	GAS VALVE	SSE	SANITARY SEWER EASEMENT
GM	GAS METER	FH	FIRE HYDRANT
LP	LAMP POLE	DE	DRAINAGE EASEMENT
SS	SANITARY SEWER	WV	WATER VALVE
FC	FENCE CORNER	PIV	POST INDICATOR VALVE
—x—x—	FENCE	WM	WATER METER
AE	ACCESS EASEMENT	CO C/O	SANITARY SEWER CLEANOUT
PROP	PROPOSED	POB	POINT OF BEGINNING
AC	AIR-CONDITIONER	POC	POINT OF COMMENCEMENT
GMH	GA POWER MANHOLE	NTS	NOT TO SCALE
PB	POWER BOX	SWCB	SINGLE WING CATCH BASIN
CATV	CABLE TELEVISION JUNCTION BOX	UE	UTILITY EASEMENT
TB	TELEPHONE JUNCTION BOX	PM	POWER METER
APP	ABANDONED POWER POLE	CLF	CHAIN-LINK FENCE
		CTW	CROSS-TIE WALL
		HCS	HANDI-CAP SIGN

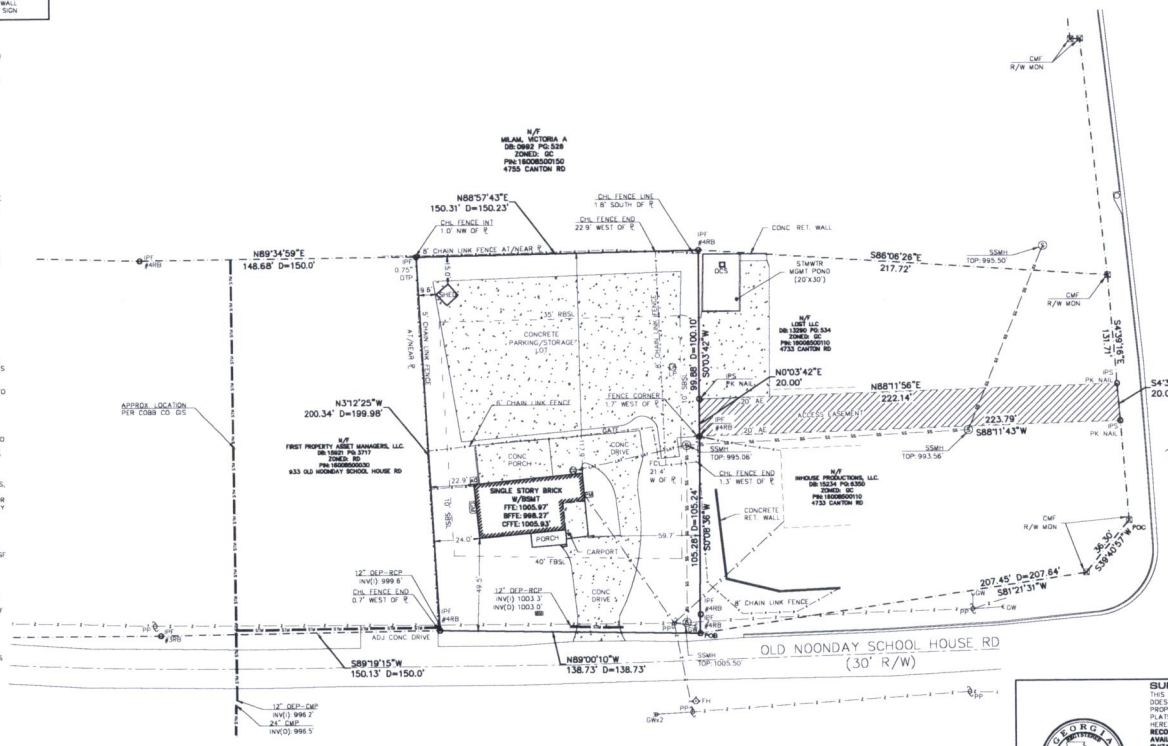
% IMPERVIOUS CALCULATIONS		
HOUSE FOOTPRINT	1879.1	SQ FT
E-CONCRETE	14995.9	SQ FT
SHED	65.5	SQ FT
TOTAL LOT AREA	29,275.20	SQ FT
EXISTING IMPERVIOUS AREA (%)	57.9	%

SURVEY NOTES:

1) HORIZONTAL DATUM IS GEORGIA STATE PLANE WEST ZONE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NAD83)
2) VERTICAL DATUM IS NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
3) ALL DEED BOOK REFERENCES SHOWN HEREON ARE RECORDED IN THE CLERK OF SUPERIOR COURT'S OFFICE OF COBB COUNTY, GEORGIA. SUBJECT AND ADJACENT PROPERTY OWNER'S DEED REFERENCES ACCESSED VIA SUPERIOR COURT RECORD SOURCES AND APPLICABLE MUNICIPALITY GIS REFERENCES AND ARE NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS.
4) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.
5) STRUCTURES VISIBLE WITHIN THE SUBJECT PROPERTY BOUNDARIES ON THE DATE OF SURVEY ARE SHOWN HEREON
6) LOCATIONS ARE ACCURATE ONLY WHERE DIMENSIONED.
7) DISTANCES SHOWN ON THE PLAT ARE HORIZONTAL GROUND DISTANCES.
8) THIS PROPERTY MAY CONTAIN WETLANDS. ALL WETLANDS ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS AND/OR THE STATE OF GEORGIA DEPARTMENT OF NATURAL RESOURCES. LOT OWNERS ARE SUBJECT TO PENALTY OF LAW FOR DISTURBANCE TO THESE PROTECTED AREAS WITHOUT THE PROPER PERMIT APPLICATION AND APPROVAL.
9) THIS PROPERTY IS NOT LOCATED IN SPECIAL FLOOD HAZARD AREA PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP No. 13067C0034G, EFFECTIVE DATE: 12/8/2008
10) THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.
11) DEED/PLAT DISCLAIMER: THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECORDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC MEASURING DEVICES, MORE PRECISE ANGULAR MEASUREMENTS AND THE ADVENT OF SATELLITE SURVEYING TECHNIQUES USING "GPS" AND "GLONASS" SATELLITE CONSTELLATIONS. SURVEYS USING SATELLITE OBSERVATIONS ARE CORRECTED TO THE GEORGIA WEST STATE PLANE COORDINATE SYSTEM AND USE "GEODETIC" OR "GRID" NORTH AS OPPOSED TO "MAGNETIC" NORTH.
12) INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
13) RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
14) ALL PROPERTY CORNERS FOR LOTS TO BE SET IN FIELD AS 1/2" (#4) REBAR WITH PINK CAPS MARKED "LSF CORNER LSF 631" UNLESS OTHERWISE STATED.
15) THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (OCGA) 15-6-67 AS AMENDED BY HB76 (2017), IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.
16) BOUNDARY FIELD WORK PERFORMED 02-07-2024 BY FRONTLINE SURVEYING & MAPPING, INC.
TOPOGRAPHIC INFORMATION IS GROUND RUN
17) EQUIPMENT USED: ROBOTIC ELECTRONIC TOTAL STATION & TRIMBLE 5800 GPS RECEIVER UTILIZING CHAMPION GPS/eGPS NETWORK.
18) ANGULAR ERROR: 3 SECONDS PER ANGLE.
RAW FIELD PRECISION: 1:26,780
19) ADJUSTED BY LEAST SQUARES.
20) PLAT CLOSURE: 1:147,774

SURVEY REFERENCES:

1) WEST ADJOINER: DB. 15524 PG. 6036
2) NORTH ADJOINER: DB. 09992 PG. 526
3) NORTHEAST ADJOINER: DB.13290 PG. 534
4) SOUTHEAST ADJOINER: DB. 15234 PG. 6350
5) SE ADJ – ROW DEED: DB. 5683 PG. 27
6) ACCESS EASEMENT: DB. 11283 PG. 49



GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

SURVEYOR'S CERTIFICATION:

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON.

RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GEORGIA REGISTERED No. 3281 PROFESSIONAL LAND SURVEYOR
FOR THE FIRM FRONTLINE SURVEYING & MAPPING, INC. LSF000831

By: _____ 02/13/24
Thomas E. Peay, III., Registered Ga. Land Surveyor #3281 Date
Frontline Surveying & Mapping, Inc
3595 Canton Rd
Suite 118, PMB-272
Marietta, Ga 30066

NO U.S.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DEPICTS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY. THOSE DOCUMENTS, AS INSTRUMENTS OF SERVICE, ARE NOT TO BE USED, COPIED OR REPRODUCED IN ANY FORM WITHOUT THE EXPRESSED WRITTEN CONSENT OF FRONTLINE SURVEYING AND MAPPING, INC
*** ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED ***

FRONTLINE SURVEYING & MAPPING, INC.
3595 Canton Road
SUITE 312 – 272
Marietta, GA 30066
Ph. (678) 355-9805
Fax (678) 355-9805
www.frontlinesurveying.com

COMMERCIAL BOUNDARY RETRACEMENT SURVEY FOR
CRESTLINE ENGINEERING
LAND LOT 85 | 16th DISTRICT | 2nd SECTION | COBB COUNTY, GEORGIA
DATE 02/07/24 | SCALE 1" = 30'
LOT --- | BLOCK --- | PHASE ---
SUBDIVISION --- | UNIT ---
PB N/A PG N/A | DB 18178 PG 742
MAP ID 16 008500150
I HAVE THIS DATE EXAMINED THE 7TH OFFICIAL FLOOD HAZARD MAP AND FOUND THAT BY GRAPHIC PLOTTING ONLY THE REFERENCE PARCEL (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS.
EFFECTIVE DATE: 12/08/2008

REVISION | BY | DATE

GEORGIA REGISTERED No. 3281 PROFESSIONAL LAND SURVEYOR
FOR THE FIRM FRONTLINE SURVEYING & MAPPING, INC. LSF000831
02-13-24

JOB # 82370

C:\Dwg 80000 - 89999\82370.dwg, 2/13/2024 10:44:37 AM, Admin, MCA

Min. Bk. 99 Petition No. SLUP-2
Doc. Type Revised Fire Dept. Comments and recommendations
Meeting Date 4-16-2024

SLUP-2-2024 DEPARTMENT COMMENTS – Fire Department revised

03/04/24 (REVISED: 04/11/24)

The proposed zoning case must address the comments listed below by prescriptive code or equivalency, as approved by the Cobb County Fire Marshal's Office

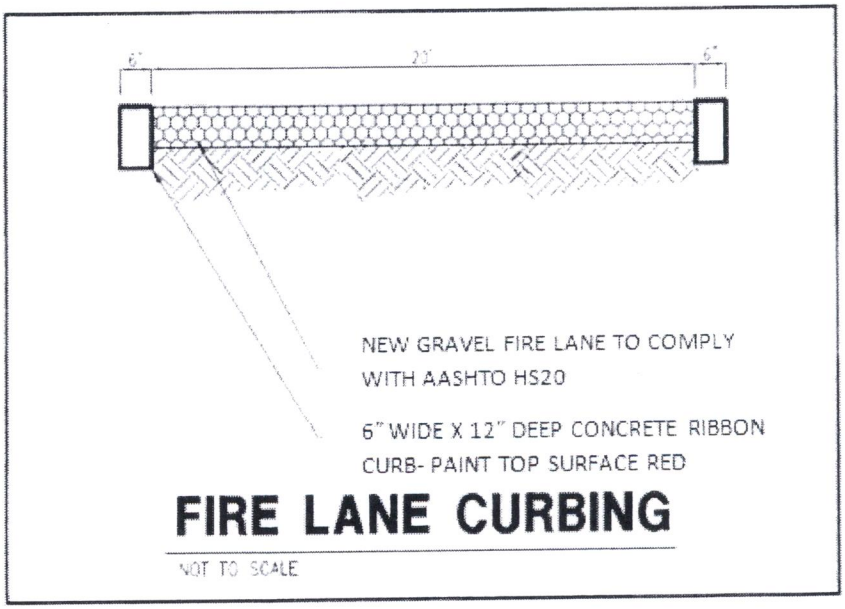
FIRE DEPARTMENT ACCESS:

Fire apparatus access roads shall extend to within 150 feet of all portions of each structure. (State Modifications IFC 503.1 2018 Edition and Cobb County Development Standards 402.11).

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

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

All gravel Fire Lanes require a concrete ribbon curb at a minimum and may be required to be painted or stained for appropriate markings. **(See the following DETAIL)**



CERTIFICATE OF OCCUPANCY:

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

Petition No. SLUP-2
Meeting Date 4-16-2024
Continued

SLUP-2-2024 DEPARTMENT COMMENTS – Fire Department revised

(continued)

ACCESS GATES:

Gates securing fire apparatus access shall meet the following requirements:

- minimum 14 feet in clear width for a single lane and 20 feet for a double lane. The gates shall not reduce the operating width of the roadway.
- Double lane gates shall be a minimum of 20 feet in clear width.
- Gates shall be of the swinging or sliding type.
- Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access during normal operations and in power failure.
- Emergency opening devices require a permit and shall be approved by the Cobb County Fire Marshal's Office. (Cobb County Development Standards 401.8.2)

FIRE HYDRANT:

The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road. (Cobb County Development Standards 410.5.2)

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

OPEN BURNING:

Use of the Air Burner appliance requires approval through the Georgia Environmental Protection Division (EPD) and the Fire Marshal's Office.

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