

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 21, 2024
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, May 21, 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 Gambrell
Commissioner Jerica Richardson
Commissioner Monique Sheffield

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 5/14/24 to the Clerk which was attached to each vote taken at today's hearing (attached and made a part of these minutes):

In light of the Supreme Court's ruling last week regarding Standing on the Home Rule issue, my position regarding the home rule challenge still stands.

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

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

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

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Commissioner Gambrell's statement (cont.)

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

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

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

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

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

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

WITHDRAWN, HELD, AND CONTINUED CASES

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

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-59'²³ SS DEVELOPERS, LLC (CONT.)

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).* **WITHDRAWN WITHOUT PREJUDICE**

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). *(Previously held by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

Z-15'²³ SDP ACQUISITIONS, LLC (McCamy Investments, L.P.; McCamy Properties, LLC; BK Properties, L.P.; VKEP-B, LLC owners) requesting rezoning from **R-20, RA-4, GC, O&I, NS, and OS** to **PVC and OS** for a mixed-use development consisting of townhomes, multifamily 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, through the May 21, 2024, BOC Zoning hearing until the June 18, 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 a specialty contractor and 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 May 7, 2024, Planning Commission (PC) hearings until the June 4, 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 on 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).

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-52²³** **1054 INVESTMENT GROUP LLC (CONT.)**

(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 December 5, 2023, and February 6, 2024, PC hearings 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 from the April 2, 2024, and May 7, 2024, PC hearings until the June 4, 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 May 7, 2024, Planning Commission (PC) hearings until the July 2, 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, through the May 7, 2024, Planning Commission (PC) hearings until the June 4, 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). *(Previously held by the Planning Commission (PC) from the April 2, 2024, and May 7, 2024, PC hearings until the June 4, 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). *(Previously held by the Planning Commission (PC) from the April 2, 2024, and May 7, 2024, PC hearings until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*

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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). *(Previously held by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing; continued by Staff from the May 7, 2024, PC hearing until the June 4, 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). *(Previously continued by the Planning Commission (PC) from the April 2, 2024, PC hearing until the May 7, 2024, PC hearing; continued by Staff from the May 7, 2024, PC hearing until the June 4, 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). *(Previously continued by Staff from the April 2, 2024, and May 7, 2024, Planning Commission (PC) hearings until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-25** **LCD ACQUISITIONS, LLC; TOWNPARK RENAISSANCE, LLC** (Townpark Renaissance, LLC, owner) requesting rezoning from **OMR** to **RRC** for purpose-built student housing in land lots 358 and 363 of the 16th district. Property is located on the east side of Townpark Drive, north of Townpark Lane (112 Townpark Drive). *(Continued by Staff from the May 7, 2024, Planning Commission (PC) hearing until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*
- Z-26** **NGC Holdings, LLC** (BK Canton, LLC, owner) requesting rezoning from **GC** to **NRC** for a convenience store with fuel sales and retail in land lot 60 of the 16th district. Property is located on the south side of Jamerson Road, and the west side of Canton Road (4815 Canton Road). *(Continued by Staff from the May 7, 2024, Planning Commission (PC) hearing until the June 4, 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

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

LUP-12 REGINALD A. RUTHERFORD (CONT.)

district. Property is located on the south side of Hiram Lithia Springs Road, east of Holloman Road (5280 Hiram Lithia Springs Road). *(Previously held by the Planning Commission (PC) from the April 2, 2024, and May 7, 2024, PC hearings until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*

LUP-14 FLORA ESMERALDA GONZALEZ (Flora Esmeralda Gonzalez, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 55 of the 20th district. Property is located on the south side of Hickory Cove, west of Hickory Chase (1607 Hickory Cove). *(Continued by the Planning Commission (PC) from the May 7, 2024, PC hearing until the June 4, 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). *(Previously continued by Staff from the April 2, 2024, and May 7, 2024, Planning Commission (PC) hearings until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*

SLUP-6 LCD ACQUISITIONS, LLC; TOWNPARK RENAISSANCE, LLC (Townpark Renaissance, LLC, owner) requesting a **Special Land Use Permit** for purpose-built student housing in land lots 358 and 363 of the 16th district. Property is located on the east side of Townpark Drive, north of Townpark Lane (112 Townpark Drive). *(Continued by Staff from the May 7, 2024, Planning Commission (PC) hearing until the June 4, 2024, PC hearing; therefore, was not considered at this hearing).*

O.B. 8 To consider a reduction of required lot size from 20,000 square-feet to 16,289 square-feet for Terry Kastner. Property is 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, and May 21, 2024, BOC Zoning hearings until the June 18, 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

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WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 15 (CONT.)

lots 976, 977, 1016, and 1017 of the 17th district (3300 Cobb Parkway). *(Previously continued by Staff from the April 16, 2024, and May 21, 2024, Board of Commissioners' (BOC) Zoning hearings until the June 18, 2024, BOC Zoning hearing; therefore, was not considered at this hearing).*

O.B. 31 To consider amending the site plan and stipulations for Whataburger regarding rezoning application Z-115 of 1998 and Z-116 of 1996, for property located at the southeast intersection of Sandy Plains Road and Shallowford Road in land lots 386 and 387 of the 16th district (3550 Sandy Plains Road).

Mr. Pederson presented the Applicant's request for a continuance of O.B. 31; thereafter, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **continue** O.B. 31 to the June 18, 2024, Board of Commissioners' Zoning Hearing.

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

Mr. Pederson made the following announcement:

INFORMATION REGARDING ZONING CASES

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

Prior to reading in the cases for the Consent Agenda, Mr. Pederson announced that OB-25 (Sherrod N. Conyers) would be pulled from the Consent Agenda and heard later in the hearing in its numerical order (see page 19 of these minutes).

CONSENT AGENDA

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

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*

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CONSENT AGENDA (CONT.)

Z-60²³ MRE-CANTON, LLC (CONT.)

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).

To **approve** Z-60²³ to the NRC zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated April 29, 2024, which includes the Site Plan (attached and made a part of these minutes)
2. District Commissioner to approve the final building architecture and final Site Plan
3. Variances as stated in the Zoning Division comments and recommendations
4. Adherence to the Canton Road Design Guidelines
5. Fire Department comments and recommendations
6. Stormwater Management Division comments and recommendations
7. Water and Sewer Division comments and recommendations
8. Department of Transportation comments and recommendations *last revised* April 29, 2024 (attached and made a part of these minutes)

Z-23 MICHAEL L. DAVIS (Michael L. Davis, owner) requesting rezoning from **R-30** to **R-20** for a single-family subdivision in land lot 341 of the 20th district. Property is located on the east side of Antioch Road, south of Due West Road (50 Antioch Road).

To **approve** Z-23 to the **R-20** zoning district, subject to:

1. Letter of agreeable conditions from Kevin Moore dated April 29, 2024 (attached and made a part of these minutes)
2. District Commissioner to approve the final Site Plan and final elevations
3. No variance to the Zoning code
4. Fire Department comments and recommendations
5. Water and Sewer Division comments and recommendations
6. Stormwater Management Division comments and recommendations
7. Department of Transportation comments and recommendations

Z-24 WILLIAMSON PROPERTIES, LLC (Williamson Properties, LLC, owner) requesting rezoning from **GC** to **NRC** for auto detailing in land lot 85 of the 16th district. Property is located on the west side of Canton Road and on the north side of Ecton Drive (4700 Ecton Drive).

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CONSENT AGENDA (CONT.)

Z-24 WILLIAMSON PROPERTIES, LLC (CONT.)

To **approve** Z-24 to the NRC zoning district, subject to:

1. Site Plan received by the Zoning Division dated March 19, 2024 (attached and made a part of these minutes)
2. Variances stated in the Zoning comments and recommendations
3. No outdoor storage of vehicle parts
4. No outdoor display of merchandise
5. Parking lot to be striped and all vehicles to be parked in striped parking spaces
6. Fire Department comments and recommendations
7. Stormwater Management Division comments and recommendations
8. Planning Division comments and recommendations
9. Water and Sewer Division comments and recommendations
10. Department of Transportation comments and recommendations

LUP-13 JAYCEE ALLEN II (Raesita Allen and Jaycee L. Allen, owners) requesting a **Temporary Land Use Permit** for a speech clinic in land lot 460 of the 17th district. Property is located on the east side of King Valley Drive, north of Cooper Lake Road (4415 King Valley Drive).

To **approve** LUP-13 for **12 months**, subject to:

1. Maximum of five clients per day
2. One employee
3. Department of Transportation comments and recommendations
4. Fire Department comments and recommendations
5. Stormwater Management Division comments and recommendations
6. All clients are by appointment *only*

LUP-15 MARIA CLAUDIA ORTEGA (Jesus Maria Silva and Maria Claudia Ortega, owners) requesting a **Temporary Land Use Permit (Renewal)** for a daycare in land lots 949 and 950 of the 16th district. Property is located on the east side of Allgood Road, north of Camellia Drive (1096 Allgood Road).

To **approve** LUP-15 for **24 months**, subject to:

1. Maximum of 25 children
2. Maximum of six employees
3. No more than four vehicles parked on-site overnight
4. No signs
5. No parking in the right-of-way
6. Department of Transportation comments and recommendations
7. Use as an in-home daycare to cease at the time the Applicant is no longer operating the business

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CONSENT AGENDA (CONT.)

LUP-16 **STEVEN DUNCAN** (Steven Daniel Duncan and Brandy Jean Duncan, owners) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 1106 of the 19th district. Property is located on the south side of Meghan Way, southwest of Chanta Lane (4705 Meghan Way).

To **approve** LUP-16 for **12 months**, subject to:

- 1. Code Enforcement Staff to visit the property quarterly to determine compliance**
- 2. All vehicles to be parked on a hardened surface, *preferably* in the driveway**
- 3. No on-street parking allowed**
- 4. Approval of two commercial vehicles are allowed on the property**
- 5. Two vehicles are to utilize the garage for parking**

OTHER BUSINESS

When Mr. Pederson read O.B. 18 (Dennis Venezia) into the record, no opposition was present. However, prior to approving the Consent Agenda, opposition arrived for O.B. 18, and the case was pulled from the Consent Agenda and heard later in the hearing in its numerical order (see page 17 of these minutes).

At the call for O.B. 20 (Kerley Family Homes, LLC), opposition was present; therefore, O.B. 20 was pulled from the Consent Agenda and heard later in the hearing in its numerical order (see page 15 of these minutes).

O.B. 21 To consider a site plan and stipulation amendment for Ashley Newman regarding OB-46-2021. Property is located on the south side of Liberty Hill Road, west of Morgan Road in land lot 662 of the 16th district (1180 Liberty Hill Road).

To **approve** O.B. 21, subject to:

- 1. Stormwater Management Division comments and recommendations**
- 2. Site Plan Review comments and recommendations**
- 3. Fire Department comments and recommendations**

O.B. 22 To consider a stipulation amendment for Southern Communications Services, Inc. regarding SLUP-34-1997. Property is located on the north side of White Circle, northeast of Cobb Parkway in land lots 790, 791, 794, and 795 of the 16th district (1617 White Circle).

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 22 (CONT.)

To **approve** O.B. 22, subject to:

- 1. Lattice tower permitted**
- 2. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

O.B. 23 To consider a reduction of required public road frontage from 75-feet to 0-feet for Jairo A. Murillo. Property is located on the south side of Shelley Court in land lot 817 of the 16th district (1788 Shelley Court).

To **approve** O.B. 23, subject to:

- 1. Fire Department comments and recommendations**
- 2. Cobb DOT comments and recommendations**
- 3. Site Plan Review comments and recommendations**

O.B. 24 To consider a stipulation and site plan amendment for Goldenrod Services, LLC regarding case Z-69 of 2020 in land lots 914, 915, 945, and 946 of the 17th district. Property is located on the southwest side of I-75, northeast of Cobb Parkway, and on the northwest side of I-285 (1000 Circle 75 Parkway).

To **approve** O.B. 24, subject to:

- 1. Updated shared parking study dated April 11, 2024, from May S. Smith (attached and made a part of these minutes)**
- 2. Site Plans for “Phase II” contained in the Other Business packet, received by the Zoning Division on April 15, 2024 (attached and made a part of these minutes)**
- 3. Fire Department comments and recommendations**
- 4. Cobb DOT comments and recommendations**
- 5. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

O.B. 26 To consider a reduction of required public road frontage from 75-feet to 0-feet and to consider variances for accessory structures and a gravel driveway for Kristoff Jones. Property is located on the south side of South Gordon Road, east of Shady Ridge Lane in land lot 382 of the 18th district (South Gordon Road).

To **approve** O.B. 26, subject to:

- 1. The parcel may not be subdivided in the future**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 26 (CONT.)

- 2. The parcel is restricted to a single-family home**
- 3. Road frontage is reduced to zero-feet**
- 4. Variances approved for the accessory structure, detached garage, and gravel driveway**
- 5. Fire Department comments and recommendations**
- 6. Cobb DOT comments and recommendations**

At the call for O.B. 27 (Mitchell Galloway), opposition was present; therefore, O.B. 27 was pulled from the Consent Agenda and heard later in the hearing in its numerical order (see page 18 of these minutes).

O.B. 28 To consider a site plan amendment for Great American Storage, LLC regarding rezoning application #423 of 1985, OB-20 of 2022, and SLUP-2 of 2022 for property located on the easterly side of Jim Owens Road, the south side of Cobb Parkway, and the northerly side of Rutledge Road in land lot 125 of the 20th district (3030 Jim Owens Road).

To **approve** O.B. 28, subject to:

- 1. Proposed Site Plan received by the Zoning Division on April 16, 2024 (attached and made a part of these minutes)**
- 2. The out lot fronting Cobb Parkway to come back to the Board of Commissioners for approval as an Other Business Item**
- 3. Stormwater Management Division comments and recommendations**
- 4. Fire Department comments and recommendations**
- 5. Cobb DOT comments and recommendations**
- 6. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

O.B. 29 To consider amending the site plan and stipulations for D & A Investment Group, LLC regarding rezoning application Z-40 of 2008, for property located on the north side of Paces Ferry Road, west of Overlook Parkway and on the south side of Bert Adams Road in land lot 885 of the 17th district (Paces Ferry Road).

To **approve** O.B. 29, subject to:

- 1. Proposed Site Plan received by the Zoning Division on April 16, 2024 (attached and made a part of these minutes)**
- 2. Letter of agreeable conditions from Kevin Moore dated May 15, 2024 (attached and made a part of these minutes)**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 29 (CONT.)

- 3. Stormwater Management Division comments and recommendations**
- 4. Fire Department comments and recommendations**
- 5. Cobb DOT comments and recommendations**
- 6. Site Plan Review comments and recommendations**
- 7. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

At the call for O.B. 30 (Porfiria A. Rodriguez), opposition was present; therefore, O.B. 30 was pulled from the Consent Agenda and heard later in the hearing in its numerical order (see page 20 of these minutes).

Prior to approving the Consent Agenda, Commissioner Richardson requested that four cases (Z-13, SLUP-3, O.B. 14, and O.B. 16) be added to the Consent Agenda. No opposition was present for those cases. Mr. Pederson read in the cases and their associated stipulations, and the motions were made to add those cases to Consent.

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). *(Previously continued by the Board of Commissioners (BOC) from the April 16, 2024, BOC Zoning Hearing until the May 21, 2024, BOC Zoning Hearing).*

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). *(Previously continued by the Board of Commissioners (BOC) from the April 16, 2024, BOC Zoning Hearing until the May 21, 2024, BOC Zoning Hearing).*

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). *(Previously continued by the Board of Commissioners (BOC) from the April 16, 2024, BOC Zoning Hearing until the May 21, 2024, BOC Zoning Hearing).*

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 21, 2024
PAGE 14

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

**Z-13, ST. BENEDICT'S EPISCOPAL SCHOOL (CONT.)
SLUP-3
& O.B. 14**

To **approve** Z-13 to the **O&I** zoning district; and to **approve** SLUP-3 and O.B. 14, subject to:

1. ***Revised Department of Transportation comments dated May 20, 2024 (attached and made a part of these minutes)***
2. ***Revised Site Plan received by the Zoning Division dated May 20, 2024 (attached and made a part of these minutes)***
3. ***All Staff comments and recommendations, not otherwise in conflict***
4. ***All previous conditions from zoning case Z-78 and SLUP-11 of 2022 to remain in effect, not otherwise in conflict***

MOTION: Motion by Richardson, second by Birrell, to **add** Z-13, SLUP-3, and O.B. 14, to the Consent Agenda as previously read in.

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

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*).

To **approve** O.B. 16, subject to:

1. ***Site Plan contained in the Other Business packet (attached and made a part of these minutes)***
2. ***All Staff comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)***
3. ***All previous stipulations and conditions, not otherwise in conflict, to remain in effect***

MOTION: Motion by Richardson, second by Gambrill, to **add** O.B. 16 to the Consent Agenda as previously read in.

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

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 21, 2024
PAGE 15**

CONSENT AGENDA (CONT.)

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

REGULAR AGENDA

Z-21 **CO2 CREATIVE GROUP, LLC** (CO2 Creative Group, LLC, owner) requesting rezoning from **R-30** to **R-20** for single-family residences in land lots 1045 and 1076 of the 17th district. Property is located on the east side of Huntsman Way and on the west side of Spring House Court, north of Lamplighter Lane (391 Huntsman Way).

The public hearing was opened; Simon Holt, Yvette Holt, Judy Scheve, Jim Nee, Richard Mauch, and Jacquelyn Bettadapur addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Richardson, second by Gambrill, to **delete** Z-21 to the **R-30** zoning district, subject to:

1. **Planning Commission comments and recommendations from May 7, 2024 (attached and made a part of these minutes)**
2. **Minimum side setback of 15-feet**
3. **East Cobb Civic Association (ECCA) to review, with the District Commissioner to approve, the architectural style, site, and landscape buffers**
4. **All construction equipment and vehicles during construction to be stored on the subject property**
5. **Front setback to be 45-feet per code**

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

Chairwoman Cupid called for a brief recess from 10:47 a.m. until 10:54 a.m.

O.B. 20 To consider a site plan and stipulation amendment for Kerley Family Homes, LLC regarding rezoning application Z-84-2021. The property is located on the south side of Fords Road, west of Red Rock Road in land lot 265 of the 20th district (5885 Fords Road).

Following the recess, Mr. Pederson announced that the Applicant for O.B. 20 requested a continuance. Thereafter, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to **continue** O.B. 20 until the June 18, 2024, Board of Commissioners' Zoning Hearing.

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

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 21, 2024
PAGE 16**

REGULAR AGENDA (CONT.)

Z-22 **LOUNGE234** (Jose R. Medina, owner) requesting rezoning from **LI** to **NRC** for a restaurant in land lots 370 and 423 of the 17th district. Property is located on the west side of Atlanta Road, north of Mozley Drive (1782 Atlanta Road).

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

MOTION: Motion by Birrell, second by Sheffield, to **delete** Z-22 to the **TS** zoning district, subject to:

1. **Site Plan received by the Zoning Division on March 4, 2024 (attached and made a part of these minutes)**
2. **Applicant to stripe parking area to meet parking regulations**
3. **The variances as stated in the Zoning Analysis necessary for the existing structure to remain**
4. **Any new development to meet code regulations without any additional variances**
5. **Restaurant use *only***
6. **No nightclub**
7. **Hours limited from 7:00 a.m. until 11:00 p.m. Sunday through Thursday, and 7:00 a.m. until 12:00 a.m. (midnight) on Friday and Saturday**
8. **Fire Department comments and recommendations**
9. **Water and Sewer Division comments and recommendations**
10. **Stormwater Management Division comments and recommendations**
11. **Department of Transportation comments and recommendations**
12. **Staff comments and recommendations**

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

OTHER BUSINESS

O.B. 17 To consider a Settlement of Litigation for ADP-Terrell Mill, LLC and the Estate of Ruby Inez Fridell regarding case Z-66 of 2022 and SLUP-14 of 2022. The property is located on the south side of Delk Road and on the west side of Terrell Mill Road in land lot 936 of the 17th district (1140 and 1150 Terrell Mill Road).

The public hearing was opened; Kevin Moore, Salmeh Fodor, and Sheri George addressed the Board. Following the presentation and discussion, the following motion was made:

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 21, 2024
PAGE 17**

OTHER BUSINESS (CONT.)

O.B. 17 (CONT.)

MOTION: Motion by Richardson, second by Gambrill, to **approve** O.B. 17 (Settlement of Litigation), subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated March 20, 2024 (attached and made a part of these minutes)**
- 2. Staff comments and recommendations, *not otherwise in conflict***

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

O.B. 18

To consider a site plan and stipulation amendment for Dennis Venezia regarding rezoning application Z-56 of 2017. The property is located at the end of Sterling Sky Lane, east of Treeside Terrace in land lot 46 of the 16th district (Sterling Sky Lane).

The public hearing was opened; Dennis Venezia and David Mitchell Torbett addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **approve** O.B. 18, subject to:

- 1. For the *proposed* second lot, Applicant to meet with the neighboring HOA (Homeowners Association) Board, specifically, Mr. Torbett; any Site Plan to be reviewed by the HOA Board prior to final approval by the District Commissioner**
- 2. Stormwater Management Division comments and recommendations, *not otherwise in conflict***
- 3. Fire Department comments and recommendations, *not otherwise in conflict***
- 4. Site Plan Review comments and recommendations, *not otherwise in conflict***
- 5. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

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

Chairwoman Cupid called for a lunch recess from 12:17 p.m. until 1:07 p.m. Commissioner Richardson returned at 1:12 p.m., and Commissioner Gambrill returned at 1:28 p.m.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
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PAGE 18**

OTHER BUSINESS (CONT.)

Following the recess, by general consensus, O.B. 27 (Mitchell Galloway) was moved forward on the agenda and heard next.

O.B. 27 To consider a reduction of required public road frontage from 75-feet to 0-feet and to consider a variance to allow a gravel driveway for Mitchell Galloway. Property is located on the north side of Sullivan Road, east of Sullivan Point Drive in land lot 14 of the 18th district (Behind 4410 Sullivan Road).

The public hearing was opened; Mitchell Galloway and Patricia Scarbro addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **hold** O.B. 27 until the June 18, 2024, Board of Commissioners' Zoning Hearing.

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

Clerk's Note: *Commissioner Sheffield requested that the Applicant submit a deed or plat to confirm the access easement as well as an updated survey to John Pederson (Zoning Division) no later than June 4, 2024.*

O.B. 19 To consider a Settlement of Litigation for Barnes Farms, LLC regarding case Z-38 of 2022. Property is located in land lots 8 and 9 of the 18th district and land lots 1251, 1266, 1267, 1268, 1269, 1322, 1323, 1324, and 1325 of the 19th district, on the east and west sides of Brown Road, and north of Stout Parkway (5690 Brown Road and unaddressed parcels).

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

MOTION: Motion by Sheffield, second by Richardson, to **approve** O.B. 19 (Settlement of Litigation related to Z-38 of 2022), subject to:

- 1. The development must comply with all Cobb County Ordinances and Development Standards except for the following items in the letter of agreeable conditions from Roy Barnes and Kevin Moore dated March 14, 2024 (attached and made a part of these minutes:**
 - A. Item No. 17 – reflected to read: “All lots shall be graded to provide the minimum lowest floor elevation six feet above the 100-year flood plain elevation instead of the minimum three foot required by the Cobb County Zoning and Development Ordinances.”**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 21, 2024
PAGE 19

OTHER BUSINESS (CONT.)

O.B. 19 (CONT.)

- B. Item No. 18 – include the following wording: “If the direct discharge study does not support fee in lieu of detention, traditional detention to provide channel protection and control of the 2, 5, 10, 25, 50, and 100-year post development event flow rates shall be provided.”**
- C. Item No. 5 – reflected to read: “The final elevations be approved by the District Commissioner.”**

VOTE: **ADOPTED** 3-2, Birrell and Gambrill opposed (*Statements previously submitted by Commissioner Birrell and Commissioner Gambrill are attached and made a part of these minutes.*)

Clerk’s Note: *The County Attorney noted that the items listed in the above mentioned stipulation letter from Roy Barnes and Kevin Moore are misnumbered. Items listed are numbered 1-14, 17, and 18; items 15 and 16 are not in the letter.*

O.B. 25 To consider a stipulation and site plan amendment for Sherrod N. Conyers regarding cases Z-36 of 2016. Property is located on the north side of Goodhearth Drive, east of Knight Road in land lot 342 of the 16th district (1831 Goodhearth Drive).

The public hearing was opened, and Sherrod N. Conyers addressed the Board. Following the presentation and discussion, the following motion was made:

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

- 1. Landscape Plan for the 35-foot buffer area and the fence line behind Joe Ranney’s property be submitted to the District Commissioner with approval by the County Arborist within 30 days from today’s day (5/21/2024)**
- 2. Letter from Sherrod N. Conyers received by the Zoning Division on April 15, 2024 (attached and made a part of these minutes)**
- 3. Buffer to be a 35-foot landscape buffer that may be fenced**
- 4. Any tree removed from the buffer area to be replanted with two trees**
- 5. Staff comments and recommendations, *not otherwise in conflict***
- 6. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

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

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 21, 2024
PAGE 20**

OTHER BUSINESS (CONT.)

O.B. 30 To consider a reduction of required public road frontage from 75-feet to 18-feet for Porfiria A. Rodriguez. Property is located on the north side of Clay Road in land lot 1220 of the 19th district (Behind 1184 Clay Road).

While the speakers were being sworn in, Chairwoman Cupid called for a brief recess from 3:12 p.m. until 3:17 p.m.

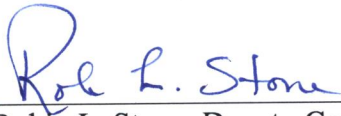
The public hearing was opened; Jason Jimenez (interpreter for the Applicant) and Lolita Burks addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Cupid, to **hold** O.B. 30 until the June 18, 2024, Board of Commissioners' Zoning Hearing.

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

ADJOURNMENT

The hearing adjourned at 3:49 p.m.



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

Commissioner Birrell's Statement - Revised 5/14/24

In light of the Supreme Court's ruling last week regarding Standing on the Home Rule issue, my position regarding the home rule challenge still stands.

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

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

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



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

Commissioner 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
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EMERSON OVERLOOK
326 ROSWELL STREET
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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

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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

April 29, 2024

Via E-mail Only

Min. Bk. 99 Petition No. Z-60(2023)
Doc. Type Letter
Meeting Date 5-21-2024

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: Z-60 (2023)
 Applicant/Property Owner: MRE-Canton, LLC
 Property: 1.0599 acres, more or less, located at the
 intersection of the easterly side of Canton
 Road with the northerly side of Jamerson
 Road, along the westerly side of the CSX
 Railway line, being more particularly known
 as 4852 Canton Road, Land Lot 60,
 16th District, 2nd Section, Cobb County,
 Georgia

Dear John:

The undersigned and this firm represent the Applicant and Property Owner, MRE-Canton, LLC (hereinafter collectively referred to as "Applicant"), in the Application for Rezoning with regard to a total tract of approximately 1.0599 acres located at the intersection of the easterly side of Canton Road and the northerly side of Jamerson Road, being more particularly known as 4852 Canton Road, Land Lot 60, 16th 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 following the presentation to and hearing before the Cobb County Planning Commission, 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:

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 4
April 29, 2024

Petition No. 2-60(2023)
Meeting Date 5-21-2024
Continued

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of General Commercial ("GC") to the proposed zoning category of Neighborhood Retail Commercial ("NRC"), with reference to the Preliminary Site Plan ("Site Plan") prepared for Applicant by Hill Foley Rossi & Associates, dated September 6, 2023, and filed with the Application for Rezoning on October 5, 2023. A reduced copy of the Site Plan is attached as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of approximately 1.059 acres and will continue its existing use as a convenience store, with fuel sales. Applicant seeks rezoning to allow for the demolition of the existing structure, and construction of a new structure, together with renovation and upgrade of the existing canopy and fuel pumps and upgrades to parking, landscaping, and the like.
- (4) Applicant seeks contemporaneous variances for the project as follows:
 - (a) Variance for existing canopy to remain in fifty (50) foot front setback area; and
 - (b) Variance for waiver of required eight (8) foot landscape strip along frontage of Subject Property due to existing conditions.
- (5) Minor modifications to the within stipulations, the referenced 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;

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 4
April 29, 2024

Petition No. 2-60 (2023)
Meeting Date 5-21-2023
Continued

- (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.
- (6) 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.
- (7) Access shall be limited to right-in/right-out on both Canton Road and Jamerson Road.
- (8) Applicant agrees to the following system improvements to mitigate traffic concerns:
- (a) Repair and/or replacement of any existing sidewalk, curb, and gutter along Canton Road and Jamerson Road which may be damaged as a result of construction of the proposed development;
 - (b) Construction of new sidewalk, curb, and gutter, connecting to existing, repaired or replaced sidewalk, curb, and gutter along Canton Road.

We believe rezoning of the Subject Property, pursuant to the Site Plan and the stipulations set forth herein, will allow for redevelopment of the Property to enhance Applicant's business and allow for the existing use to continue. We very much appreciate Staff's consideration; as well as

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-60 (2023)
Meeting Date 5-21-2023
Continued

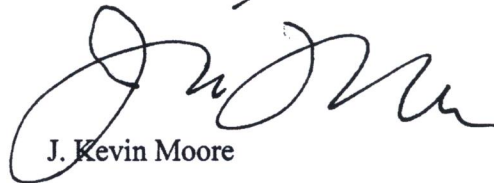
Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 4
April 29, 2024

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

Attachment

c: Cobb County Board of Commissioners:

Lisa N. Cupid, Chairwoman

JoAnn Birrell

Keli A. Gambrill

Jerica Richardson

Monique Sheffield

(With Copy of Attachment)

Cobb County Planning Commission:

Stephen Vault, Chairman

David Anderson

Fred Beloin

Michael Hughes

Christine Lindstrom

(With Copy of Attachment)

Jeannie Peyton

Senior Planner

Zoning Division

Cobb County Community Development Agency

(With Copy of Attachment)

MRE-Canton, LLC

(With Copy of Attachment)

POSSIBLE VARIANCES

1. 8' LANDSCAPE STRIP
2. EXISTING CANOPY TO REMAIN IN SETBACK

**CANTON HWY.
C-STORE**

4852 CANTON ROAD
MARIETTA, GA 30066

MRE PROPERTIES & INVESTMENTS
1355 TERRELL MILL ROAD
BUILDING 1480-200
MARIETTA GA 30067
770-874-1092



Hill Foley Rossi & Associates
ARCHITECTURE + ENGINEERING
3680 Pleasant Hill Road
Suite 200
Duluth, GA 30096
770.622.9858

SEALS AND SIGNATURES

NOT FOR CONSTRUCTION

ISSUED DATE		
9.6.2023		
NO.	DATE	ISSUE

SHEET TITLE
PRELIMINARY SITE PLAN

PROJECT NUMBER	HFR 22 152 00
----------------	---------------

CP-2

3466114

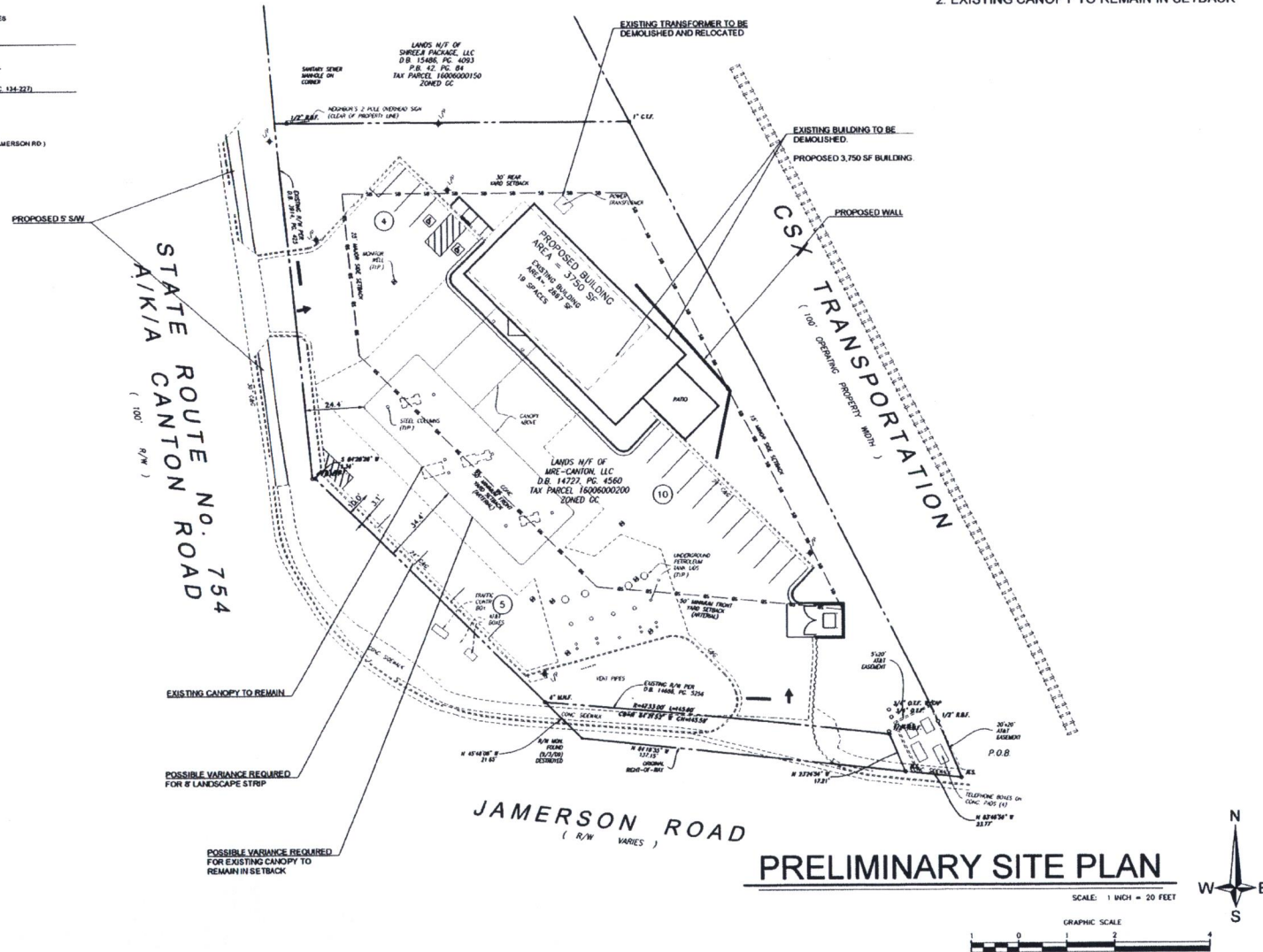


EXHIBIT "A"

Ms. Kead_CovA_220 386P22-152 4823 Canton Road, Cobb County Clippings 22.192 CP 1.dmg 8/7/2023 10M-15 PM.

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Canton Road	Arterial	45	Cobb County	100'
Jamerson Road	Arterial	45	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Canton Road	North of Jamerson Road	20,500	D
Jamerson Road	West of Kemp Road	13,600	C

Based on 2022 AADT count data taken by GDOT, as published on their website, for Canton Road and Jamerson Road

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

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

ITE Land Use	Description	Expected Size (Fuel Positions*)	AM			PM			Daily (vpd)
			In (vph)	Out (vph)	Total (vph)	In (vph)	Out (vph)	Total (vph)	
945	Convenience Mkt w/Gas Pumps	9	72	73	145	83	83	166	2,386

vph = vehicles per hour, vpd = vehicles per day, KSF = 1,000 square feet

*Fuel positions is the maximum number of vehicles that can be fueled simultaneously.

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

Comments and observations

Canton Road is classified as an Arterial roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification. Canton Road is a Cobb County roadway adjacent to the proposed development.

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

The existing driveway location on Canton Road does not meet the current Cobb County Development Standard spacing requirement from the adjacent traffic signal at Jamerson Road.

The existing driveway location on Jamerson Road has limited right-of-way available to the east due to an existing roadway drainage structure.

In accordance with Cobb County Code 134-121 and based on the development site plan received October 5, 2023, this development requires a traffic study submittal. A traffic Submittal 1 (dated September 29, 2023) was received for this development. Cobb DOT provided comments on October 13, 2023. A full Submittal 2 traffic study (dated April 8, 2024) was received on April 11, 2024, and reviewed by Cobb DOT. Comments on Submittal 2 were provided on April 29, 2024.

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 Doc. Type Revised CCDOT comments
and recommendations
 Meeting Date 5-21-2024

(continued)

The traffic study requirement is not considered satisfied until Cobb DOT receives a revised traffic study that addresses the Submittal 2 comments.

A Stipulation Letter (dated April 29, 2024) and corresponding Site Plan was received April 29, 2024. The comments below are being revised based on the latest information received.

Recommendations

1. Recommend a traffic study pursuant to Code Section 134-121(b)(8). Study assumptions (such as study intersections, trip distribution, future analysis years, and annual growth rate) should be submitted in a memorandum (Submittal 1) and agreed to by Cobb DOT before continuing the full traffic study (Submittal 2). [The traffic study requirement is not considered satisfied until Cobb DOT receives a revised traffic study that addresses the Submittal 2 comments provided on April 29, 2024.](#)
2. Recommend driveways with less than 250' feet straight-line distance (from end of intersection curb return to start of driveway curb return) from adjacent thoroughfare intersection have turn restrictions. The Canton Road driveway should therefore be restricted to right-in right-out operation due to its proximity to the adjacent signalized intersection. This recommendation is pursuant to Cobb County Development Standard 402.8, Non-Residential Driveways and Cobb County Development Standard Detail 116, Commercial Driveway Requirements. Driveways with turn restrictions should include design elements such as, but not limited to, raised concrete guidance islands, geometric design and/or centerline raised median. Recommend final location and design be determined during plan review, subject to Cobb County DOT approval. [The Stipulation Letter dated April 29, 2024 addresses this comment on Stipulation \(7\). Access will be limited to right-in/right-out on both Canton Road and Jamerson Road.](#)
3. Recommend Canton Road access point include taper and/or improved curve radius to address safety because Canton Road is an arterial roadway. This recommendation is pursuant to Cobb County Development Standard 402.9, Deceleration Lanes/Roadway Improvements Along Existing Streets, and Cobb County Development Standard Detail 401A, Deceleration Lanes. Recommend location and design be determined during plan review, subject to Cobb DOT approval. [The Stipulation Letter dated April 29, 2024 and corresponding Site Plan do not address this comment.](#)
4. Recommend a minimum of 50 feet straight-line distance from the edge of the right-of-way line on Canton Road to the first internal parking space or drive aisle to allow for vehicle stacking. This recommendation is pursuant to Cobb County Development Standard

(continued)

- 402.8, Non-Residential Driveways. [The Stipulation Letter dated April 29, 2024](#) and [corresponding Site Plan](#) do not address this comment.
5. Recommend Jamerson Road access point include taper and/or improved curve radius to address safety because Jamerson Road is an arterial roadway. This recommendation is pursuant to Cobb County Development Standard 402.9, Deceleration Lanes/Roadway Improvements Along Existing Streets, and Cobb County Development Standard Detail 401A, Deceleration Lanes. Recommend location and design be determined during plan review, subject to Cobb DOT approval. [The Stipulation Letter dated April 29, 2024](#) and [corresponding Site Plan](#) do not address this comment.
 6. Recommend replacing any disturbed curb, gutter, and sidewalk along Canton Road and Jamerson Road frontages to meet Cobb DOT standards. This recommendation is pursuant to Cobb County Development Standard 401.15, Curbs and Gutters (including subsections), Cobb County Development Standard 404 Sidewalks and Pathways, Cobb County Development Standard 405 Accessibility Requirements, and Cobb County Development Standard Detail 106, Concrete Curbs, Medians. [The Stipulation Letter dated April 29, 2024](#) addresses this comment in Stipulation (8).
 7. Remove incorrect state route reference from Canton Road on development site plan. [The Stipulation Letter dated April 29, 2024](#) and [corresponding Site Plan](#) do not address this comment.
 8. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Per BOC recommendation and community input, further coordination occurred between the applicant, community representatives, and Cobb DOT. As a result of that coordination, a revised conceptual plan was presented and formally submitted for consideration on May 20, 2024. The site plan proposes an auxiliary access onto Cooper Lake Road. These DOT comments are being revised to address the new access configuration.

Recommendations

1. Recommend having applicant confirm for legal record that maximum student enrollment remains capped 240 students as stipulated in the Z-78-2021 stipulation letter dated August 10, 2022.
2. Recommend retaining all DOT recommendations from zoning case Z-78-2021, including:
 - a. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Cooper Lake Road, a minimum of 25' from the roadway centerline.
 - b. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Daniel Street, a minimum of 25' from the roadway centerline.
 - c. Recommend removing and closing driveway aprons that the development renders unnecessary.
 - d. Recommend curb, gutter, and sidewalk along the Cooper Lake Road and Daniel Street frontages.
 - e. Recommend applicant verify that minimum intersection sight distance is available for the site access, and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirements as included in the Cobb County Development Standards Detail 401B.
 - f. Recommend applicant provide a final traffic circulation plan showing pick-up and drop-off locations as part of the Plan Review process.
 - g. Recommend applicant ensure that drop-off/pick-up queue be contained within the development parking lot and not extend onto the right-of-way. If the site queue impacts the adjacent roadway in future operations, recommend applicant be required to coordinate with Cobb DOT to create a mitigation plan. A mitigation

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Doc. Type Revised DOT comments
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OB-14-2024

DEPARTMENT COMMENTS – DOT

Revised 5/20/24

(continued)

plan can include but is not limited to the following: staggered times for classes, modified internal striping/queue management, or turn lanes.

- h. Recommend site access at the intersection of Daniel Street and Weaver Street remain restricted to emergency vehicles.
 - i. Recommend peak drop-off/pick-up traffic be directed to/from Weaver/Daniel to the south due to the existing substandard nature of Daniel Street to the north towards Cooper Lake Drive. Cobb DOT would retain the right to waive this recommendation in the event of future roadway improvements.
 - j. Recommend applicant improve Daniel Street along the site frontage to comply with Cobb County Standards. Recommend developer contribute 100% of the cost for this roadway improvement, with final design and installation approved by Cobb County DOT within the Plan Review process.
 - k. Recommend developer contribute \$200,000 toward an additional independent study which considers the secondary impacts of potential solutions as part of a regional evaluation process.
 - l. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend gate at proposed Cooper Lake Road access be closed during student arrival and dismissal. This should be designated on the site plan for clarity concerning anticipated arrival and dismissal patterns for school operations.
4. Recommend a minimum of 50 feet straight-line distance (from end of intersection curb return to start of driveway curb return) between the proposed site driveway on Cooper Lake Road and the existing neighboring driveway to the north. This recommendation is pursuant to Cobb County Development Standard 402.7.1, Residential Driveways and Cobb County Development Standard Detail 116R, Residential Driveway Standard. The proposed driveway on Cooper Lake Road as shown on site plan received on May 20, 2024, does not meet 50' spacing from adjacent driveway to the north. Recommend adjusting school driveway to meet 50' minimum. Recommend final driveway location be determined during plan review.
5. Recommend gates and all parts of be set back a minimum of 50' from the right-of-way and meet Cobb County Development Standards. The proposed gate on Daniel Drive does not meet this spacing requirement as shown on the site plan received May 20, 2024. However, because Daniel Drive is a local roadway and the gate on Daniel Drive will be opened upon initial staff arrival (thus

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DEPARTMENT COMMENTS – DOT

Revised 5/20/24

(continued)

not experiencing anticipated queuing), Cobb DOT could support a spacing exception to permit gate and all parts to be placed 50' from the edge of pavement. A sliding (rather than swing) gate could be considered as part of measures to meet the spacing requirement. Recommend final gate design and location be determined during plan review.

6. Recommend gates and all parts of be set back a minimum of 50' from the right-of-way and meet Cobb County Development Standards. The proposed gate on Cooper Lake Road does not meet 50' requirement from edge of right-of-way. However, since this gate will be opened from the interior of the site during off-peak times, Cobb DOT could support a spacing exception at this location. A sliding (rather than swing) gate could also be considered at this location. Recommend final gate design and location be determined during plan review.
7. Recommend removing parking space closest to the gate at the Daniel Street entrance. Parking maneuvers into and out of this parking space will conflict with entering and exiting traffic at the school driveway.

MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
MAY 7, 2024
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Min. Bk. 99 Petition No. Z-21
Doc. Type Planning Commission comments
for Z-21 from the 5-7-24 PC hearing
Meeting Date 5-21-2024

REGULAR AGENDA (CONT.)

~~LUP-12 REGINALD A. RUTHERFORD (CONT.)~~

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

MOTION: Motion by Hughes, second by Beloin, to **hold** LUP-12 until the July 2, 2024, Planning Commission Zoning Hearing.

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

Vice Chairman Hughes called for a brief recess from 10:45 a.m. until 10:55 a.m.

Z-21

CO2 CREATIVE GROUP, LLC (CO2 Creative Group, LLC, owner) requesting rezoning from **R-30** to **R-20** for single-family residences in land lots 1045 and 1076 of the 17th district. Property is located on the east side of Huntsman Way and on the west side of Spring House Court, north of Lamplighter Lane (391 Huntsman Way).

The public hearing was opened; Simon Holt, Jacquelyn Betfadapur, Judith Scheve, Jim Nee, Richard Mauch, and Troy Spencer addressed the Planning Commission. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Anderson, second by Beloin, to recommend **deletion** of Z-21 to the **R-30** zoning district, subject to:

1. Site Plan received by the Zoning Division on February 5, 2024 (on file in the Zoning Division)
2. Approval of the lot size variances as shown on the submitted Site Plan
3. Consistency with all R-30 required setbacks, building heights, and landscape buffers to apply to both properties
4. Architectural style and Site Plan to be compatible with surrounding homes and to be subject to final approval by the District Commissioner
5. On the east side of the new lot, there shall be a 10-foot landscape buffer subject to County Arborist approval; along the remaining sides of the new lot (lot to the north), there shall be a 10-foot undisturbed buffer (this would be on the south and eastern boundaries of both lots)
6. Letter of agreeable conditions from Simon and Yvette Holt dated April 29, 2024 (on file in the Zoning Division)
7. Fire Department comments and recommendations
8. Water and Sewer Department comments and recommendations

REGULAR AGENDA (CONT.)

Z-21 CO2 CREATIVE GROUP, LLC (CONT.)

9. Stormwater Management Department comments and recommendations, *including the directive to divert or minimize any run-off that occurs*

10. Department of Transportation comments and recommendations

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

~~**Z-22 LOUNGE234** (Jose R. Medina, owner) requesting rezoning from **LI** to **NRC** for a restaurant in land lots 370 and 423 of the 17th district. Property is located on the west side of Atlanta Road, north of Mozley Drive (1782 Atlanta Road).~~

~~The public hearing was opened; Martins Nwangwu and Alshat Bedsoelda addressed the Planning Commission. Following the presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Beloin, second by Anderson, to recommend **deletion** of Z-22 to the **TS** zoning district, subject to:~~

- ~~1. Site Plan received by the Zoning Division on March 4, 2024 (on file in the Zoning Division)~~
- ~~2. Applicant to stripe parking area to meet parking regulations~~
- ~~3. Variances as stated in the Zoning Analysis necessary for the existing structure to remain; any new development to meet code regulations without any additional variances~~
- ~~4. Restaurant use *only*~~
- ~~5. Hours limited from 7:00 a.m. until 10:00 p.m., seven days a week~~
- ~~6. Fire Department comments and recommendations~~
- ~~7. Water and Sewer Division comments and recommendations~~
- ~~8. Stormwater Management Division comments and recommendations~~
- ~~9. Department of Transportation comments and recommendations~~

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

~~**LUP-14 FLORA ESMERALDA GONZALEZ** (Flora Esmeralda Gonzalez, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 55 of the 20th district. Property is located on the south side of Hickory Cove, west of Hickory Chase (1607 Hickory Cove).~~

~~At the call for LUP-14 (*Flora Esmeralda Gonzalez*), the Applicant was not present, and there was no opposition present. Discussion ensued; thereafter, the following motion was made:~~

Min. Bk. 99 Petition No. 2-22
Doc. Type Site Plan

Meeting Date 5-21-2024

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA
AS INDICATED BY FIA OFFICIAL FLOOD HAZARD MAPS.
MAP NO. 13067C0116G, DATED Dec. 16, 2008

RECEIVED
AUG 16 2018
COB CO. COMM. DEV. AGENCY
ZONING DIVISION

RECEIVED
MAR 04 2024
COBB COUNTY ZONING



- LEGEND
- I.P.P. = IRON PIN PLACED AT CORNER
 - I.P.F. = IRON PIN FOUND AT CORNER
 - I.P.F. = IRON PIN FOUND
 - = MARBLE MONUMENT FOUND
 - △ = BREAK IN PROPERTY (TRAVERSE) LINE
 - x--- = WIRE FENCE
 - E--- = POWER LINE
 - T--- = TELEPHONE LINE
 - LLL = LAND LOT LINE
 - P.P. / = POWER POLE
 - X--- = BARBED WIRE FENCE
 - = WOOD FENCE
 - R.C.P. = REINF. CONC PIPE
 - C.M.P. = CORRUGATED METAL PIPE

N/F
Daniel Willie

N/F
Cobb County

N/F
Gabriel Cuellar

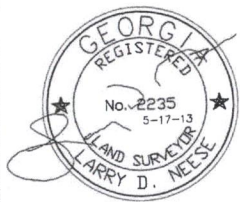
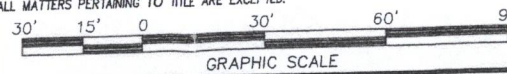
Area
17,581.6 Sq. Ft.
0.404 Acres

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE
OF THE PERSON, PERSONS OR ENTITIES NAMED HEREON. NO
EXPRESSED OR IMPLIED WARRANTIES WITH RESPECT TO THE
INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY OTHER
PERSON, PERSONS OR ENTITIES WITHOUT AN EXPRESSED
RECERTIFICATION BY THE SURVEYOR. SURVEY PERFORMED
WITHOUT THE BENEFIT OF CURRENT TITLE REPORT.

SURVEY FOR
**Jose R. Medina and
Eleuteria Diaz. PC**

Lot Part of 183 Block A		REVISIONS	
Green Acres S/D		May 17, 2013	
Plot Book	7	Page	3
LAND LOT -	370	CC	LT
DISTRICT -	17th	Dwn	GF
COUNTY -	Cobb	Chkd	LDN
STATE -	Georgia	FILE:	
DATE -	July 2, 2012	SCALE -	1" = 30'
			120066

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 34,767 FEET AND AN ANGULAR ERROR OF 1.5" PER ANGLE POINT AND
WAS ADJUSTED USING COMPASS RULE.
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN
ONE FOOT IN 114,980 FEET.
EQUIPMENT UTILIZED: ANGULAR SokkioSet60R LINEAR SokkioSet60R
UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN
500 FEET OF THIS PROPERTY.
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.



Larry D. Neese, PLS
50 Barrett Parkway, Suite 3005 #330
Marietta, Georgia 30066
(770) 428-2122
E-Mail: Lneese2235@aol.com

LARRY D. NEESE, GEORGIA REGISTERED LAND SURVEYOR NO. 2235.
CURSED IS HE WHO MOVES HIS NEIGHBOR'S BOUNDARY
MARK, AND ALL THE PEOPLE SHALL SAY, "AMEN". Deut. 27:17

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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April 29, 2024

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Continued

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-30 to the proposed zoning category of R-20, with reference to the revised Site Plan dated March 29, 2024, prepared for Applicant by Maxwell-Reddick and Associates, and submitted contemporaneously with this letter of agreeable stipulations and conditions. A reduced copy of the revised Site Plan is attached as Exhibit "A."
- (3) The Subject Property consists of a total of approximately 16.38 acres of total site area and shall contain a maximum of twenty-four (24) single-family residential homes.
- (4) The proposed residences shall have a minimum of three-sided architecture with exterior façades consisting of brick, stone, stacked stone, board and batten, or hardiplank, or combinations thereof, with complementary accents. For purposes of satisfying the three-sided architecture requirement, use of brick or stone water tables shall be permitted.
- (5) The proposed residences shall have a minimum of 2,500 square feet.
- (6) Applicant agrees to the creation of a mandatory homeowners association consistent with similar upscale communities in the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all landscaping and maintenance of common areas, entrance area, mail kiosk, and the like contained within the proposed residential community.
- (7) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which will contain covenants, rules, and regulations applicable to the proposed development. The mandatory association shall be responsible for the enforcement of the Covenants, Easements, and Restrictions.

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

- (8) All homes within the proposed community shall be “for sale” units. There shall be no more than a maximum of ten (10) percent of the homes being leased at any one time; and such restriction shall be included in the Declaration of Covenants, Easements, and Restrictions.
- (9) For all exterior lots, Applicant agrees that homes shall be placed as near as practical to the front setback line.
- (10) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, stucco, or combinations thereof, with accents, complementary to materials used in the construction of the homes within the community. The entrance landscaping shall be professionally designed and implemented. Maintenance of the entrance area shall be by the mandatory homeowners association as set forth in the Declaration of Covenants, Easements, and Restrictions.
- (11) Entrance and Antioch Road street frontage landscaping shall be substantially similar in quality and substance as shown in the photographs attached collectively as Exhibit “B.” Frontage landscaping shall consist, at a minimum, of evergreen trees designed for visual screening of future homes; however, areas that will remain as natural, and provide screening, may be utilized as well.
- (12) If gravity sanitary sewer connection is not available for any lots within the proposed community, then the minimum lot size for any such unserved lots shall be 80,000 square feet.
- (13) The setbacks for the proposed residential community shall be as shown on the revised Site Plan.
- (14) Minor modifications to the within stipulations, the referenced, revised Site Plan, lighting, signage, landscaping, 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;

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
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Continued

- (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.
- (15) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed areas must be replanted with like vegetation.
- (16) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (17) Applicant shall install a deceleration lane.
- (18) Any requirement for installation of sidewalk, curb, and gutter along Antioch Road may be waived; with Applicant paying Cobb County Department of Transportation a fee in lieu thereof; per Cobb County Policies and Standards.
- (19) The designated stormwater management area shall be fenced and the perimeter landscaped for purposes of visual screening from Antioch Road, and as otherwise required by Cobb County Standards and Ordinances.
- (20) Applicant agrees there shall be a minimum forty (40) foot development and construction buffer along the perimeter of the Subject Property; excepting along the Antioch Road frontage.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
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- (21) The mail kiosk shall be constructed and styled to be of a high-quality appearance, including a roof, with materials compatible with those used for the exterior of the residences within the proposed community.

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

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

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

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

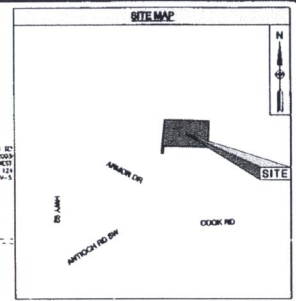
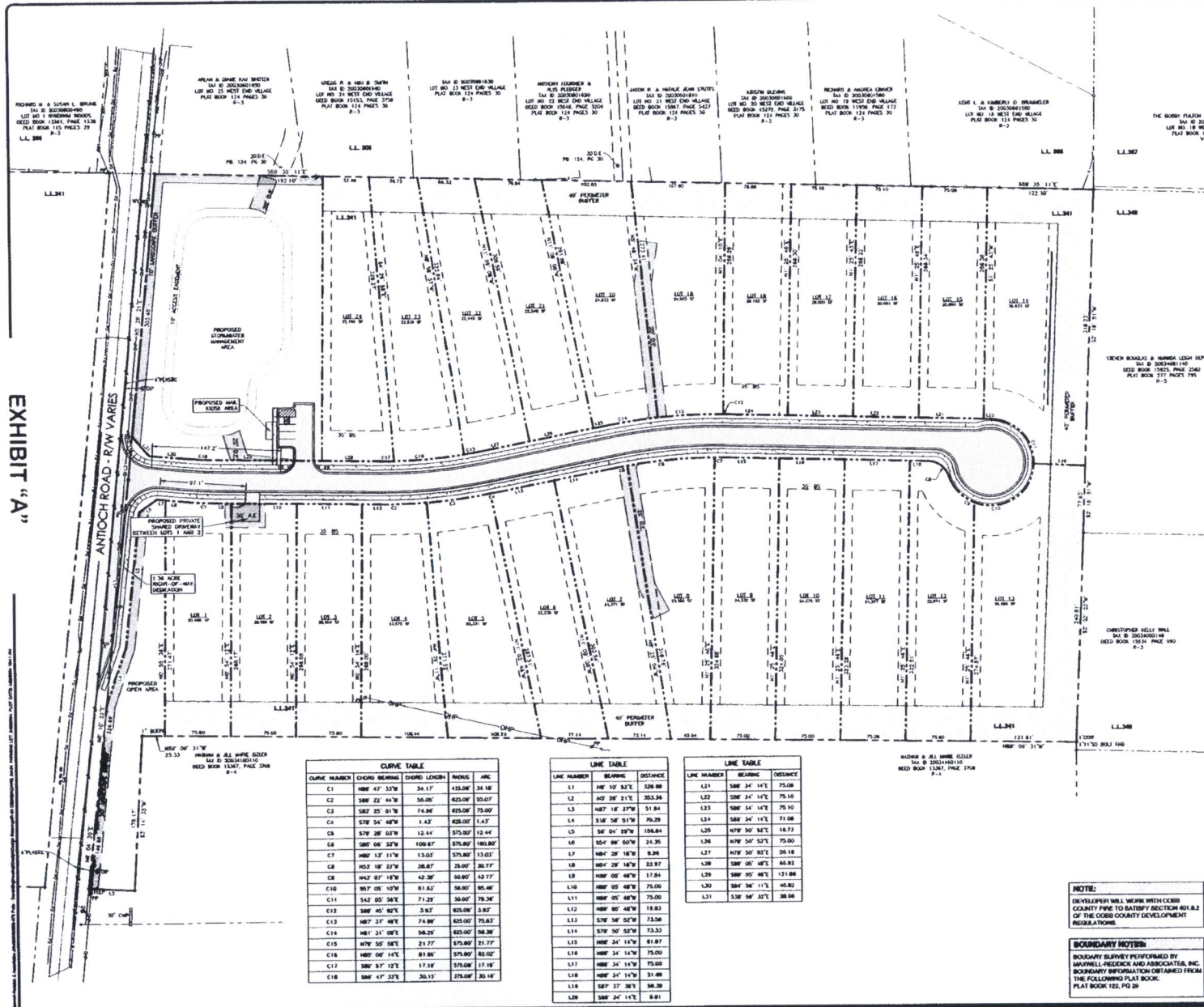
MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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April 29, 2024

Petition No. Z-23
Meeting Date 5-21-2024
Continued

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

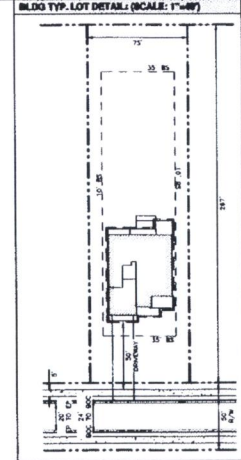
Michael L. Davis
(With Copies of Attachments)



TOTAL SITE DATA:

SITE ADDRESS:	R-30
EXISTING ZONING:	R-30
PROPOSED ZONING:	R-30
SITE AREA:	118.36 ACRES
PLAT RECORD INFORMATION:	
MIN. LOT AREA	79
MIN. LOT WIDTH	20.00
MIN. LOT DEPTH	30
MINOR SIDE SETBACK LINE	10
MAJOR SIDE SETBACK LINE	10
REAR SETBACK LINE	30
PROPOSED LOT DIMENSIONS:	
LOT 1	118.36 ACRES
LOT 2	118.36 ACRES
LOT 3	118.36 ACRES
LOT 4	118.36 ACRES
LOT 5	118.36 ACRES
LOT 6	118.36 ACRES
LOT 7	118.36 ACRES
LOT 8	118.36 ACRES
LOT 9	118.36 ACRES
LOT 10	118.36 ACRES
LOT 11	118.36 ACRES
LOT 12	118.36 ACRES
PROPOSED LOT DIMENSIONS:	
LOT 1	118.36 ACRES
LOT 2	118.36 ACRES
LOT 3	118.36 ACRES
LOT 4	118.36 ACRES
LOT 5	118.36 ACRES
LOT 6	118.36 ACRES
LOT 7	118.36 ACRES
LOT 8	118.36 ACRES
LOT 9	118.36 ACRES
LOT 10	118.36 ACRES
LOT 11	118.36 ACRES
LOT 12	118.36 ACRES

- NOTE:**
- THIS SITE DOES NOT INCLUDE: CEMETERIES, ARCHITECTURAL OR ANCHORING LANDMARKS, LAKES OR STREAMS, STREAM BUFFERS, OR WETLANDS.
 - NO UTILITY LOCATIONS ARE KNOWN TO EXIST ON THIS SITE.
 - ACCORDING TO F.L.R. MAP NO. 1367000000, WITH AN EFFECTIVE DATE OF 10/18/2018, THE PROPERTY LIES WITHIN ZONE "C" ZONE "C" IS NOT A SPECIAL FLOOD HAZARD ZONE INDICATED BY THE 100-YR FLOOD.



NOTE:
DEVELOPER WILL WORK WITH COBB COUNTY FIRE TO SATISFY SECTION 901.8.2 OF THE COBB COUNTY DEVELOPMENT REGULATIONS.

BOUNDARY NOTES:
BOUNDARY SURVEY PERFORMED BY MAXWELL REDDICK AND ASSOCIATES, INC. BOUNDARY INFORMATION OBTAINED FROM THE FOLLOWING PLAT BOOK:
PLAT BOOK 122, PG 29



MAXWELL REDDICK AND ASSOCIATES, INC.
ENGINEERING & LAND SURVEYING
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ASHWORTH SUBDIVISION - PH. 3
ANTIOCH RD SW
COBB COUNTY, GA
LOT LAYOUT PLAN

TAL: 000
DATE: MAR 28, 2024
JOB NO: 2023-075
SCALE: AS SHOWN
DRAWING NUMBER: C1.0
SHEET NUMBER: 1

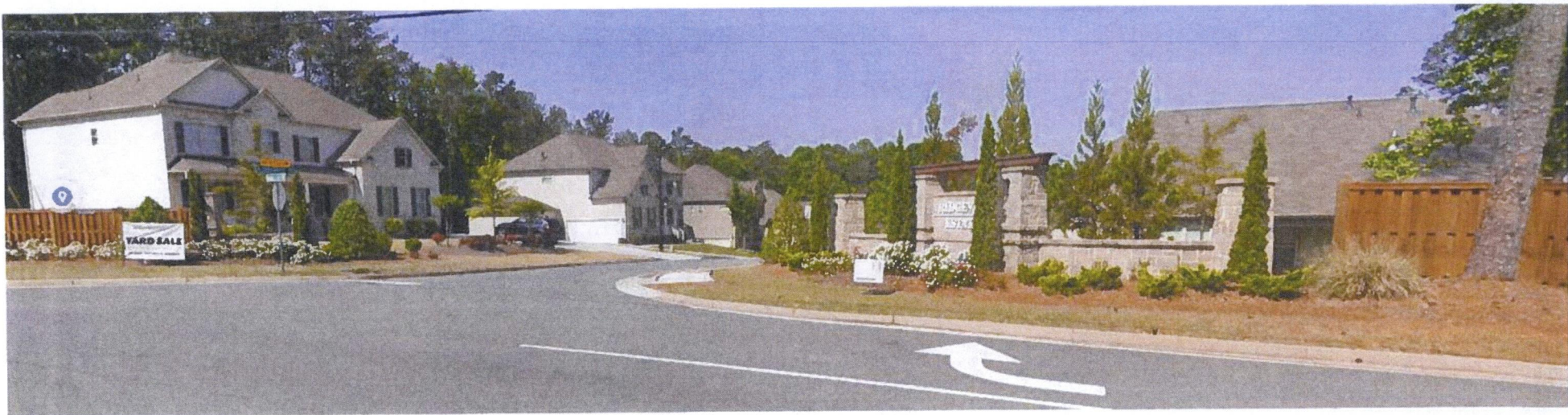
EXHIBIT "A"

Petition No. Z-23
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EXHIBIT "B"

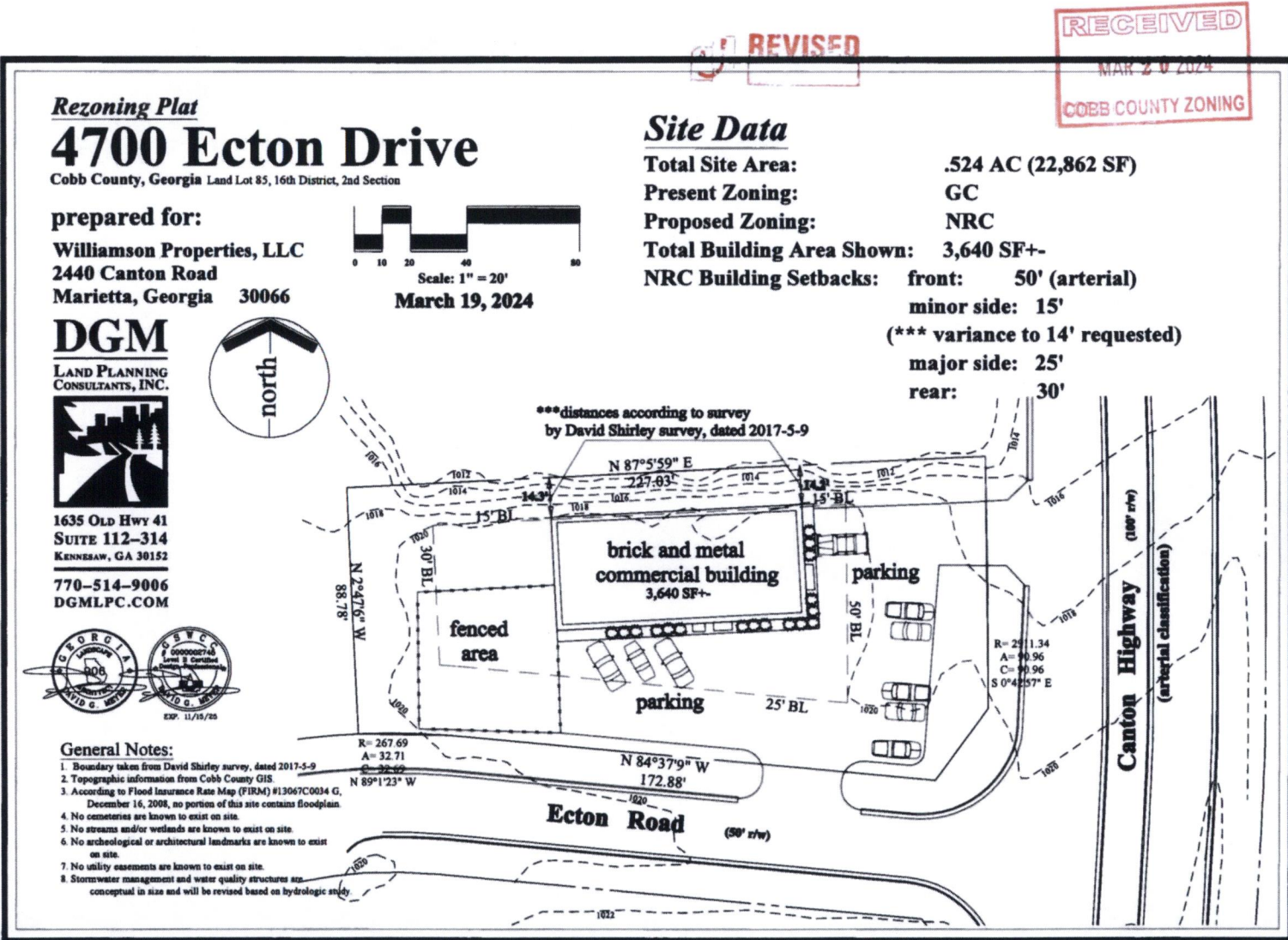
Petition No. Z-23
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Z-24-2024 DEPARTMENT COMMENTS – Zoning Division



Meeting Date 5-21-2024

08-16-2024

DATES FOR TEMPORARY COVER

SOURCE AREA	REMARKS
INITIAL DATES	
A S D N R	
	BRASS SEED PER POUND QUICK GROW COVER MAY BEACH 9 FEET IN 45 HRS RECOMMENDED FOR PORTULACA
	STYRENE SEED PER POUND QUICK GROW COVER MAY BEACH 9 FEET IN 45 HRS NOT TO BE USED IN PORTULACA

NO
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A LIMITED LIABILITY PARTNERSHIP
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HARRISBURG, PENNSYLVANIA
101 ERFORD ROAD
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CAMP HILL, PA 17011
TELEPHONE (717) 790-2854

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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Road, Land Lot 936, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). This lawsuit arose from the February 21, 2023, decision by the Board of Commissioners to deny the Application to rezone the Property to the Office/Institutional zoning category, which the Applicant contends was contrary to the laws of this State and the Constitutions of the United States of America and the State of Georgia resulting in an unconstitutional deprivation of the constitutional rights of the Applicant. Cobb County responded to the lawsuit denying all allegations and contending the Plaintiffs are not entitled to any relief under the law.

The settlement, as proposed in this letter, the stipulations contained herein, and the accompanying revised Site Plan, result from efforts to resolve the issues presented without the necessity of further litigation or further uncertainty with respect to the future development of the Property.

The Applicant agrees to the following stipulations and conditions, subject to approval of the revised Site Plan submitted herewith, which, if approved, as submitted, shall be in complete settlement of the pending lawsuit and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning classification of R-80 to the proposed zoning classification of Office/Institutional ("OI"); as well as the contemporaneous approval of a Special Land Use Permit for the operation of a climate-controlled self-storage facility, site plan specific to the revised Site Plan prepared for Applicant by Brunson & Company, dated March 13, 2024. A reduced copy of the revised Site Plan is attached as Exhibit "A."
- (2) The proposed climate-controlled self-storage facility shall be a maximum of two (2) stories in height, with a basement, and shall contain a maximum of 111,230 square feet.¹
- (3) The exterior of the proposed facility shall be primarily brick with accents of EFIS and stucco, and shall be as shown on the renderings collectively attached as Exhibit "B."

¹By virtue of the changes from the initial plans submitted in the original Applications, Applicant no longer seeks or requests any variances from the Cobb County Zoning Ordinance.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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- (4) Applicant agrees the street frontages shall be heavily landscaped, including decorative, black wrought-iron type aluminum fencing, with brick or stone pillars and consistent with the renderings attached collectively as Exhibit "B."
- (5) Signage for the proposed development shall consist of building signage and ground-based monument style signage, with the design, finish, materials, and colors of the monument signage to be complementary to the proposed facility. Applicant agrees there shall be no scrolling, blinking, or moving components, nor LED or neon colors used in the ground-based monument signage or any signage used or located on the proposed facility.
- (6) Applicant agrees the ground-based monument style signage on Terrell Mill Road shall be a maximum of four (4) feet in height.
- (7) Any wall signage shall not be back-lit; but rather, signage lighting shall consist of "goose-neck" style lighting.
- (8) Lighting for the parking areas shall be environmentally sensitive, shoe-box style (or other similar light-directing feature) and shall be fitted with non-glare lenses and cut-off shields to prevent light from extending beyond the property line.
- (9) Security lighting on the proposed facility 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.
- (10) Any dumpsters servicing the proposed facility shall be enclosed within a minimum six (6) foot high brick or masonry enclosure on three sides with a solid wooden screen gate or doors on the access side. The materials and colors for the enclosure shall match and be complementary to the façade of the proposed facility. All dumpsters shall contain rubber lids to minimize noise. All dumpsters shall be screened from view of adjoining residential properties. Servicing of dumpsters shall be limited to the hours of 10:00 a.m. to 5:00 p.m., Monday through Friday.
- (11) Applicant agrees the hours of operation for the proposed facility shall be as follows:
 - (a) Business hours shall be from 9:30 a.m. to 6:00 p.m., Monday – Saturday;
and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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- (b) Access hours shall be 7:00 a.m. to 9:00 p.m., Monday – Saturday; and 9:30 a.m. – 8:00 p.m. on Sunday.
- (12) Applicant agrees no 18-wheel tractor-trailer truck deliveries shall be permitted on the Subject Property.
- (13) Development and construction hours for the proposed project shall be limited to the following:
 - (a) 7:00 a.m. to 6:00 p.m. - Monday – Friday;
 - (b) 8:00 a.m. to 6:00 p.m. - Saturday; and
 - (c) No work on Sunday.
- (14) Applicant agrees to cooperate with the Georgia Native Plant Society (“GNPS”) to provide an opportunity for GNPS to perform a “Plant Rescue.”
- (15) The proposed development shall incorporate the Tree Save and Landscape Plan dated March 13, 2024, prepared by Brunson & Company, and attached collectively as Exhibit “C” and incorporated herein by reference.
- (16) Minor modifications to the within stipulations, the referenced revised Site Plan, lighting, landscaping, architecture, site features, signage, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
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- (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.
- (17) 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.
 - (18) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
 - (19) Applicant agrees to comply with the Comments and Recommendations made by the Cobb County Department of Transportation.
 - (20) The above stipulations shall bind the Subject Property and the Applicant, and any other future or potential developer of the Subject Property; however, in the event a Land Disturbance Permit has not been issued within eighteen (18) months of final zoning approval, the zoning category of the Subject Property shall revert to its existing R-80 zoning classification.
 - (21) Applicant agrees that hotels and motels shall be a prohibited use under the OI zoning category.
 - (22) Applicant agrees that except for "Opening" announcement signage, no temporary signage such as banners or flags shall be allowed.
 - (23) All landscaping in buffer areas; as well as, street frontage, shall be maintained by Applicant or any future owner.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
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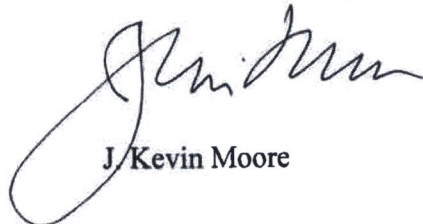
- (24) Applicant agrees the proposed facility will contain a "community room." Such community room will be available to members of the community to conduct meetings or gatherings on a scheduled basis. Such community room shall be approximately 400-500 square feet, or more, and shall consist of finished meeting room space, furnished, and including audio/visual equipment.

We believe the requested rezoning and Special Land Use Permit, pursuant to the referenced, revised Site Plan, the Landscape Plan, and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The proposed use takes into consideration the location of the Subject Property; as well as, the uses and development of surrounding properties. The proposed facility will be of the highest caliber, shall be compatible with surrounding commercial developments, shall be an enhancement to the Subject Property, and shall provide a useful service to residents within the surrounding vicinity.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

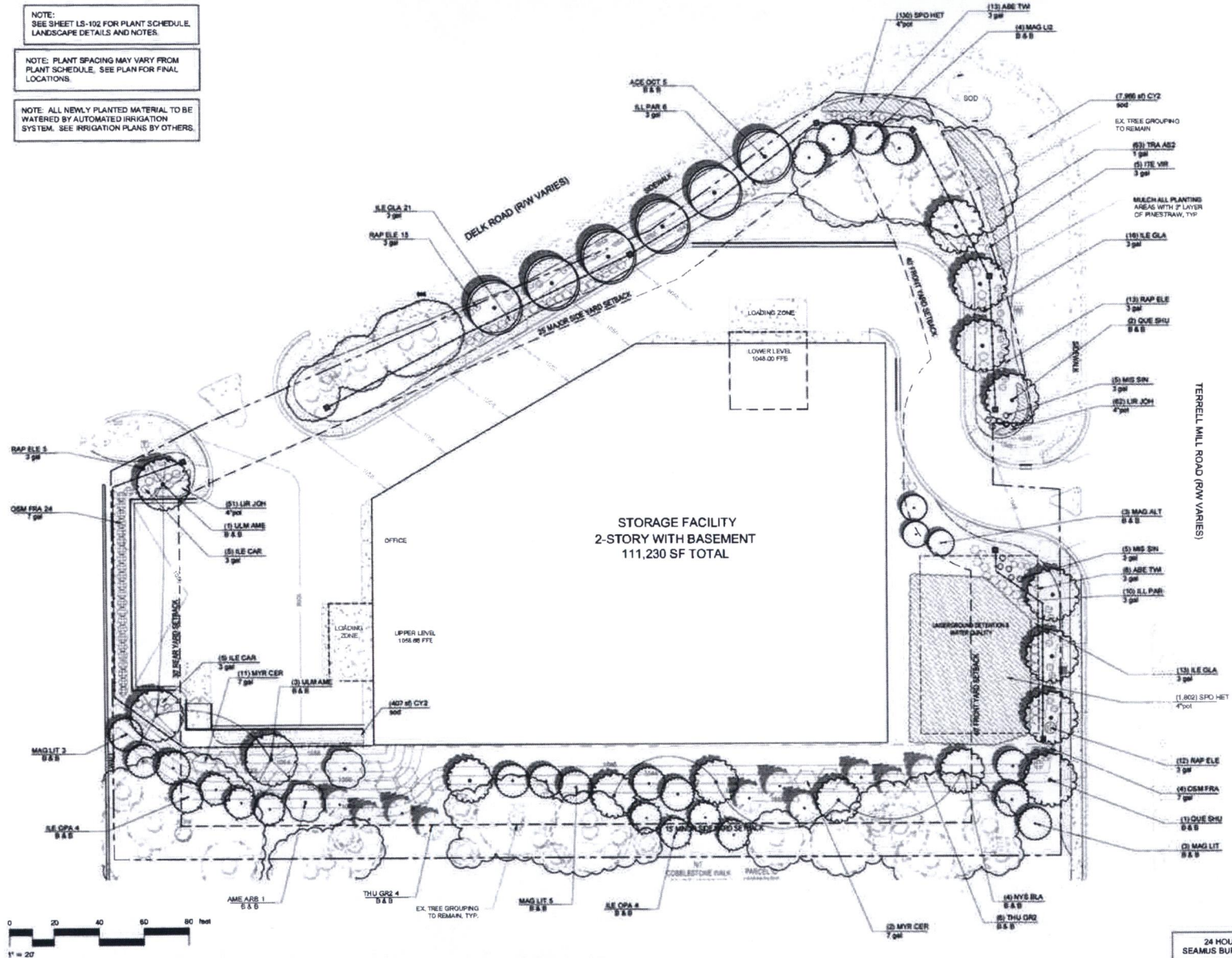


J. Kevin Moore

JKM:cc
Attachments
c: ADP – Terrell Mill LLC
(With Copies of Attachments)

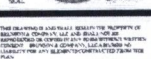
Petition No. O.B.17
Meeting Date 5-21-2024
Continued

EXHIBIT "A"



CRANER,

Prepared For:
SHAMROCK BUILDING SYSTEMS
LAND LOTS 936, 17TH DIST, 2ND SECTION
COBB COUNTY, GEORGIA



REVIEWS

DATE:	PRODUCT #
3,14,24	22,099

LS-102

Petition No. 0.B.17
Meeting Date 5-21-2024
Continued

EXHIBIT "B"

Petition No. O.B. 17
Meeting Date 5-21-2024
Continued



Petition No. 0.B.17
Meeting Date 5-21-2024
Continued



Petition No. O.B.17
Meeting Date 5-21-2024
Continued



Petition No. 0.B.17
Meeting Date 5-21-2024
Continued



Petition No. O.B.17
Meeting Date 5-21-2024
Continued



Petition No. O.B.17
Meeting Date 5-21-2024
Continued



Petition No. O.B.17
Meeting Date 5-21-2004
Continued



Petition No. O.B.17
Meeting Date 5-21-2024
Continued



Petition No. O.B.17
Meeting Date 5-21-2024
Continued



Petition No. 0.8.17
Meeting Date 5-21-2024
Continued

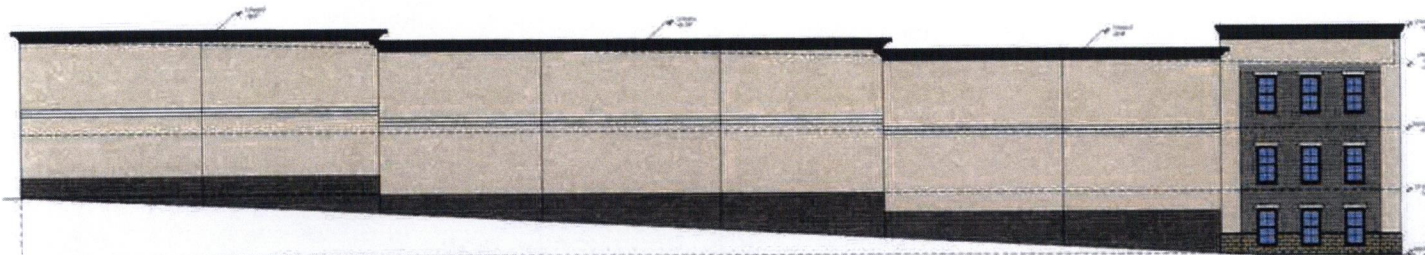
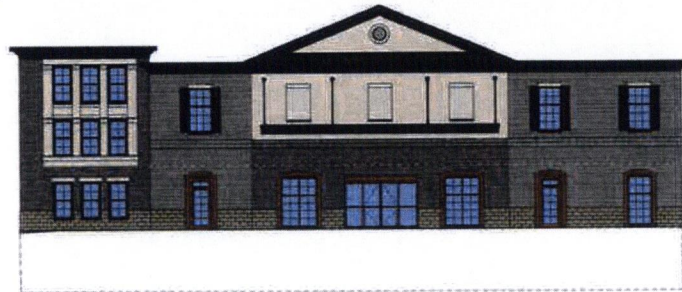
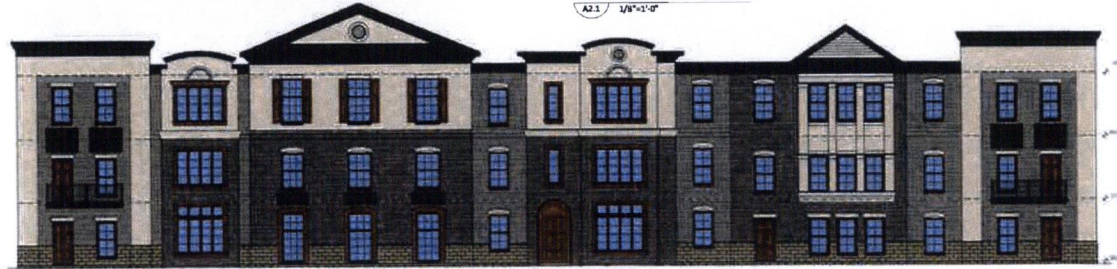
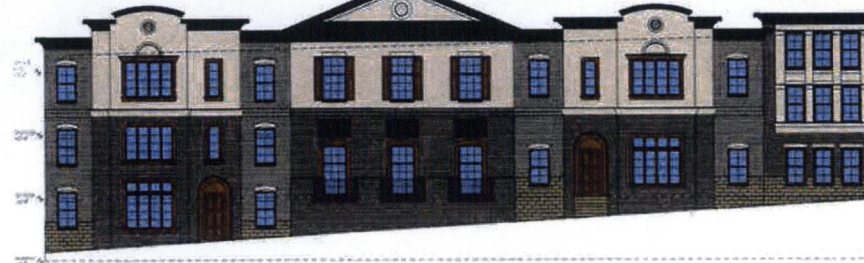


Petition No. O.B.17
Meeting Date 5-21-2024
Continued



Petition No. 0.8.17
 Meeting Date 5-21-2024
 Continued

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Engineering Title
ELEVATIONS
 Document for Construction
 Date: 08/01/2024

Project Title
TERRELL MILL AND DELK SELF STORAGE
 11400/150 TERRELL MILL RD SE
 MARIETTA, GA

PH
 Patrick Haggan
 ARCHITECT

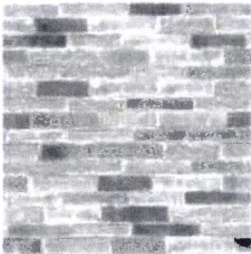
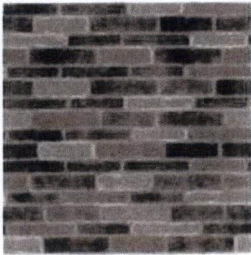
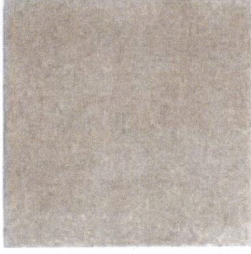
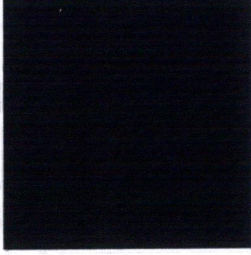
Shamrock Building Systems, Inc.
 1298 Concord Rd SE
 Smyrna, Georgia 30080
 OFFICE - (770) 745-4822 FAX - (770) 745-4820

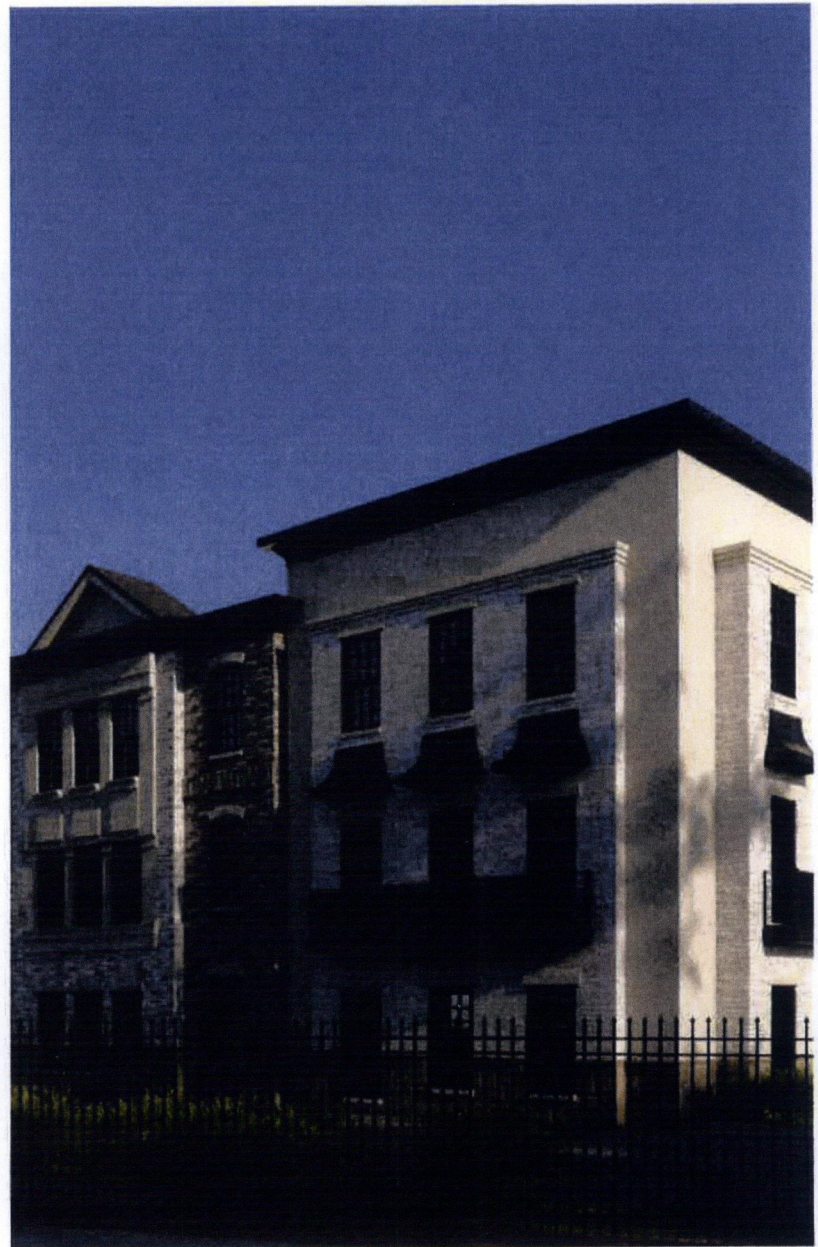
A2.1
 Sheet ___ of ___

TERRELL MILL SELF STORAGE

FACADE MATERIALS

Petition No. O.B.17
 Meeting Date 5-21-2024
 Continued

COLORS	MATERIALS
R:210 G:210 B:210	
R:135 G:135 B:135	
R:175 G:165 B:155	R:145 G:125 B:115
R:85 G:75 B:65	
R:225 G:225 B:225	
R:215 G:210 B:205	
R:160 G:150 B:130	
R:220 G:210 B:200	
R:220 G:210 B:200	



Petition No. O.B.17
Meeting Date 5-21-2024
Continued

EXHIBIT "C"

SITE DATA

PARCEL ID: 17-0836-000-40 & 17-0836-001-80
 ADDRESS: 1140 & 1150 TERRELL MILL ROAD
 SITE AREA: 2.55 AC (111,235 SF)

ZONING: UNINCORPORATED COBB COUNTY
 LOCAL JURISDICTION: R-80 (SINGLE-FAMILY RES.)
 FUTURE LAND USE: O1 WITH SLUP
 CURRENT ZONING: O1 WITH SLUP
 PROPOSED ZONING: O1 WITH SLUP

MINIMUM LOT SIZE: 20,000 SF
 MINIMUM LOT WIDTH AT FRONT SETBACK LINE: 75'
 MINIMUM PUBLIC ROAD FRONTAGE: 50'

CURRENT USE: RESIDENTIAL LOT
 PROPOSED USE: 111,230 SF CLIMATE CONTROLLED SELF-STORAGE FACILITY
 960 STORAGE UNITS
 MAX. DENSITY: 1.00 FAR
 PROP. DENSITY: 1.00 FAR

SETBACKS:
 FRONT YARD: 40' (TERRELL MILL)
 MAJOR SIDE YARD: 25' (DEK)
 MINOR SIDE YARD: 15' (RESIDENTIAL)
 REAR YARD: 30' (ADJACENT TO PUBLIC)

REQUIRED PARKING:
 1 PARKING SPACE PER 80 UNITS = 13 SPACES

PROPOSED PARKING:
 REGULAR SPACES: 12
 HANDICAP SPACES: 1
 TOTAL SITE SPACES: 13

NOTE: SEE SHEET LS-102 FOR
 PLANTING PLAN & DETAILS



24 HOUR CONTACT:
 SEAMUS BURKE (770) 745-4822



Brunson & Company
 LANDSCAPE ARCHITECTS
 903 BOWMAN LANE
 BURNWELL, GA 30033
 TEL. 678.1987

SHAMROCK BUILDING SYSTEMS
 1287 Concord Road
 Smyrna, GA 30083

TERRELL MILL/DELK RD STORAGE SITE PLAN

Prepared For:
SHAMROCK BUILDING SYSTEMS
 LAND LOTS 936, 17TH DIST. 2ND SECTION
 COBB COUNTY, GEORGIA



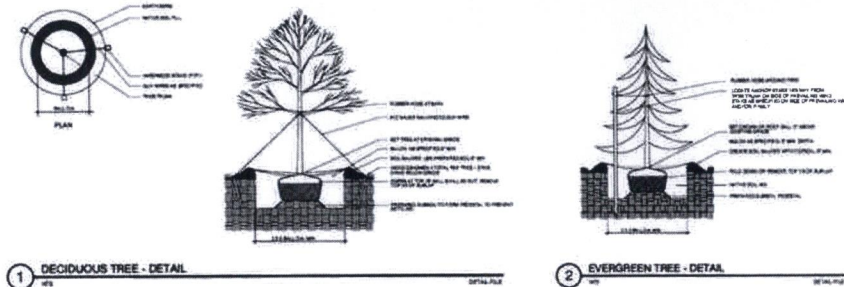
THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND TO VERIFY THE ACCURACY OF ALL INFORMATION PROVIDED. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS.

REVISIONS	
NO.	DESCRIPTION

DRAWING TITLE:
SITE PLAN

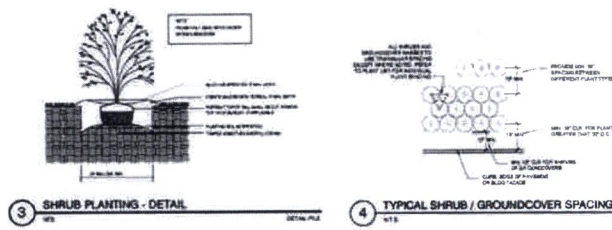
DATE: 3/14/24	PROJECT #: 22.099
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PROJECT #:
LS-101



1 DECIDUOUS TREE - DETAIL

2 EVERGREEN TREE - DETAIL



3 SHRUB PLANTING - DETAIL

4 TYPICAL SHRUB / GROUND COVER SPACING



5 PLANTING BED EDGE - SECTION

GENERAL NOTES:

1. THE SITE CONTRACTOR SHALL CONTACT THE APPROPRIATE UTILITY COMPANIES TO HAVE THE LOCATIONS OF THEIR UNDERGROUND UTILITIES MARKED PRIOR TO BEGINNING WORK. THE CONTRACTOR SHALL COORDINATE SERVICE ROUTINGS OF ALL GAS, TELEPHONE AND ELECTRICAL LINES WITH THE APPROPRIATE UTILITY COMPANIES. CAUTION SHALL BE EXERCISED TO AVOID INTERFERENCE OF SERVICES. THE CONTRACTOR IS RESPONSIBLE FOR THE REPAIR OF ALL EXISTING UTILITIES DAMAGED DURING CONSTRUCTION. ALL CONSTRUCTION SHALL COMPLY WITH LOCAL UTILITY STANDARDS AND SPECIFICATIONS AND NOT INTERFERE WITH THE PLANTING SITE OR EXISTING TREES TO BE PRESERVED.
2. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPING MATERIALS. LANDSCAPING MATERIALS SHALL BE MAINTAINED IN A GOOD CONDITION SO AS TO PRESENT A HEALTHY, VIBRANT AND ORDERLY APPEARANCE AT LEAST EQUAL TO THE ORIGINAL INSTALLATION. ANY DEAD, DISEASED AND DAMAGED MATERIALS ON ANY DAMAGED MATERIALS, LANDSCAPING MATERIALS SHALL BE PROMPTLY REPLACED.
3. THE QUANTITIES SHOWN IN THE PLANT SCHEDULE ARE SOLU FOR INFORMATION TO THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE QUANTITIES SHOWN IN THE PLANT SCHEDULE WITH THE QUANTITIES SHOWN ON THE PLANTING PLAN. ANY DIFFERENCES IN THE QUANTITIES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT FOR CLARIFICATION.
4. NO PLANTING SHALL BE DONE FROM THE SHADINGS.
5. FINAL LOCATIONS OF ALL PLANT MATERIAL SHALL BE SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE. AFTER FLAGGING PLANT LOCATIONS AND PRIOR TO INSTALLATION, THE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE FOR INSPECTION.
6. ALL PLANT MATERIAL SHALL CONFORM WITH THE LATEST EDITION OF AMERICAN STANDARDS OF NURSERY STOCK BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION. ALL PLANT MATERIAL SHALL MEET OR EXCEED THE SPECIFICATIONS OF THE RESIDENT, STATE AND COUNTY LANDSCAPING DEPARTMENTS FOR DESIGN AND TREE QUALITY. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION STANDARDS.
7. THE CONTRACTOR SHALL REMOVE ALL DEAD WOOD, LIMBS AND BRANCHES OR DAMAGED BRANCHES IN ACCORDANCE WITH ASAE (AMERICAN ASSOCIATION OF NURSERYMEN) STANDARDS. IN ORDER TO PRESERVE THE NATURAL CHARACTER OF THE TREE.
8. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE PLANTING DETAILS.
9. PLANT QUANTITY: ALL PLANTS SHALL BE BROWN, FREE OF DISEASE OR WEEDS AND SHALL HAVE A HEALTHY, VIGOROUS ROOT SYSTEM.
10. NO SUBSTITUTION OF PLANT TYPES OR VARIETIES SHALL BE MADE WITHOUT PRIOR WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT.
11. MAINTENANCE OF PLANTS SHALL INCLUDE, BUT NOT BE LIMITED TO: WATERING, SPRAYING, MULCHING, PRUNING, MOULING, FERTILIZING, ETC. OR OTHER ACTIVITIES AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
12. FINAL ACCEPTANCE SHALL BE GRANTED BY THE OWNER'S REPRESENTATIVE UPON COMPLETION OF THE ENTIRE PROJECT. THE CONTRACTOR SHALL PROMPTLY HAVE ALL REPLACEMENTS, REPAIRS, AND END OF THE GUARANTEE PERIOD AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
13. ALL PLANT MATERIAL THAT DIES, DROPS, BROWN, OR DECEASES WITHIN PRIOR TO THE FINAL ACCEPTANCE OF THE WORK AND DURING THE GUARANTEE PERIOD SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, VARIETY, QUANTITY, SIZE AND SETTING. ALL PLANT SCHEDULE SPECIFICATIONS.
14. BURLAP MATERIAL ON BULBS AND BULB PLANTS SHALL BE THE TYPE WHICH WILL DECAY WITHIN TWO YEARS. BURLAP MATERIAL ON OTHER NON-NATURAL TYPES WILL BE ALLOWED. AFTER SETTING BULBS AND BULB PLANTS IN THE PLANTING BED, ALL BURLAP THINGS SHALL BE CUT AND THE BURLAP REMOVED FROM THE TOP 1/3 (ONE-THIRD) OF THE ROOTBALL.
15. THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO REQUEST AT ANY TIME, UNTIL THE END OF THE GUARANTEE PERIOD, ANY AND ALL PLANT MATERIAL THAT DOES NOT MEET THE SPECIFICATIONS AS SET FORTH HEREIN AND IN THE PLANT SCHEDULE.
16. ALL PLANT MATERIALS SHALL BE PLANTED AS PER THE PLANT DETAILS AND NOTES.
17. ALL EXISTING TURF AND VEGETATION SHALL BE STRIPPED AND REMOVED PRIOR TO THE INSTALLATION OF ANY TURF AND PLANT MATERIAL. CARE SHALL BE TAKEN WHEN WORKING AROUND OR NEAR PLANTS LABELED ON THE PLAN AS EXISTING OR TO REMAIN. ALL EXISTING PLANTS THAT ARE TO REMAIN, IF DAMAGED BY CONSTRUCTION, SHALL BE REPLACED BY THE CONTRACTOR AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
18. STANDARDS FOR TRANSPLANTING SHALL BE IN ACCORDANCE WITH THE INTERNATIONAL SOCIETY OF AMERICAN NURSERY PUBLICATION, "TREE AND SHRUB TRANSPLANTING MANUAL" OR SIMILAR PUBLICATION. REFERENCE THE AMERICAN ASSOCIATION OF NURSERYMEN PUBLICATION "AMERICAN STANDARDS FOR NURSERY STOCK" (2012 EDITION) FOR PLANT MATERIAL, QUALITY SPECIFICATIONS, RECOMMENDED LATEST EDITION OF THE "MANUAL FOR WOODS LANDSCAPE PLANTS", MICHAEL DOW, DA QUINN AND ANDY SARGENT, OR SIMILAR PUBLICATION FOR INFORMATION ON TREE REQUIREMENTS FOR PLANTING TREE SPECIES.
19. THE LANDSCAPE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR BEGINNING AT THE DATE OF FINAL ACCEPTANCE. THE LANDSCAPE CONTRACTOR SHALL PROMPTLY HAVE ALL REPLACEMENTS MADE PRIOR TO THE END OF THE GUARANTEE PERIOD AND NO LATER THAN THE END OF THE GUARANTEE PERIOD.
20. THE OWNER RESERVES THE RIGHT TO REQUEST AT ANY TIME, UNTIL THE END OF THE GUARANTEE PERIOD, ANY AND ALL PLANT MATERIAL THAT DOES NOT MEET THE SPECIFICATIONS AS SET FORTH HEREIN AND IN THE PLANT SCHEDULE.
21. ALL PLANTING SHALL BE IN ACCORDANCE WITH THE PLANTING DETAILS AND NOTES.
22. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING POSITIVE DRAINAGE AT 2% MINIMUM IN ALL PLANTING AREAS.

PLANT SCHEDULE

TREES	QTY	COMMON / BOTANICAL NAME	COMET	GAL	HT	SPACING
BRD ALI	3	COMMON / BOTANICAL NAME: ALBIS / SOUTHERN MAGNOLIA / MAGNOLIA GRANDIFLORA 'TIGR'	0.8.8	2' GAL	10-12 HT	12' O.C.
AM AME	3	AMERICAN ELM / ULMUS AMERICANA PRINCEPION	0.8.8	2' GAL	14-16 HT	AS SHOWN
WIS BLA	3	BLACK OAK / NYCTA SYLVA TICA BLACK TULIP	0.8.8	2' GAL	10-12	AS SHOWN
AME AME	2	DOWNY SERVICEBERRY / AMELANCHIER ALBOSERA 'AUTUMN BRILLIANCE'	0.8.8	2' GAL	10-12	32' O.C.
WIS BLA	4	SHARP SOUTHERN MAGNOLIA / MAGNOLIA GRANDIFLORA 'LITTLE GEM' (RELOCATED)	0.8.8	2' GAL	7-8 HT	12' O.C.
WIS BLA	15	SHARP SOUTHERN MAGNOLIA / MAGNOLIA GRANDIFLORA 'LITTLE GEM'	0.8.8	2' GAL	7-8 HT	12' O.C.
THU ORQ	10	GREEN GEM AMERICAN HOLLER / TAXUS STANDISHII 'PULCATA' GREEN GEM	0.8.8	2' GAL	7-8 HT	12' O.C.
ILE OPA	8	GREENLEAF AMERICAN HOLLER / ILEX OPACA 'GREENLEAF'	0.8.8	2' GAL	6-10 HT	18' O.C.
ACE OCT	8	OCTOBER GLORY MAPLE / ACER RUBRUM 'OCTOBER GLORY TM'	0.8.8	2' GAL	14-16 HT	32' O.C.
QUE SHU	8	SHUMARD RED OAK / QUERCUS SHUMARDII	0.8.8	2' GAL	14-16 HT	32' O.C.
SHRUBS	QTY	COMMON / BOTANICAL NAME	COMET	SET	SPACING	
MS SW	10	ADARIS EUCALYPTUS / EUCALYPTUS SIDERIS 'ADARIS'	0.8.8	2' GAL	3' O.C.	
ALL PAR	18	AMBER TREE / EUCALYPTUS PARVIFLORA	0.8.8	2' GAL	3' O.C.	
ILE CAR	10	CARLEA HOLLER / ILEX CORNUTA 'CARLEA'	0.8.8	2' GAL	3' O.C.	
ITE VRI	5	HENRY'S GARNET SWEETSPICE / ILEX VIRGINICA 'HENRY'S GARNET'	0.8.8	2' GAL	4' O.C.	
ILE GLA	30	SHAMROCK HOLLER / ILEX GLABRA 'SHAMROCK'	0.8.8	2' GAL	4' O.C.	
CEM FRA	30	SWEET OLIVE / OLEA FRAGRANS	0.8.8	2' GAL	4' O.C.	
AME THY	28	THYME OF LIME / ANETHUM 'THYME OF LIME TM'	0.8.8	2' GAL	3' O.C.	
MYR CER	18	MYRTLE / MYRTUS CERIFERA	0.8.8	2' GAL	3' O.C.	
RAV ELE	48	YERBA SANTA / EUPHORBIA YERBA SANTA	0.8.8	2' GAL	3' O.C.	
GROUND COVERS	QTY	COMMON / BOTANICAL NAME	COMET	SET	SPACING	
TRA ACE	87	ASIANIC JASMINE / TRACHELOPODUM ASIATICUM 'ASIANIC'	0.8.8	2' GAL	3' O.C.	
OLE	1500 SF	BERNARDUS / BERNARDUS DACTYLON 'TIGRIS'	0.8.8	2' GAL	3' O.C.	
VER JON	100	LAT TURF / LIRIODENDRON JON BURCH	0.8.8	2' GAL	3' O.C.	
SPD HET	1.000	FRANK CROSBY / SPOROBOLUS HETEROPHYLLUS	0.8.8	2' GAL	3' O.C.	



SHAMROCK BUILDING SYSTEMS
 1208 Concord Road
 Smyrna, GA 30080

OWNER:

TERRELL MILL / DELK RD STORAGE
 SITE PLAN
 Prepared For:
 SHAMROCK BUILDING SYSTEMS
 LAND LOTS 454, 17TH DIST. 2ND SECTION
 COBB COUNTY, GEORGIA



THESE PLANS AND SPECIFICATIONS SHALL BE THE PROPERTY OF SHAMROCK BUILDING SYSTEMS, INC. AND SHALL NOT BE REPRODUCED OR COPIED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF SHAMROCK BUILDING SYSTEMS, INC.

REVISIONS:

DATE: 3.14.24

PROJECT # 22.099

SHEET # 10

LS-103

24 HOUR CONTACT:
 SEAMUS BURKE (770) 745-4822



Min. Bk. 99 Petition No. O.B.19
Doc. Type Settlement of Litigation
letter
Meeting Date 5-21-2024

Making It Right

March 14, 2024

Via Email

RBritt@hallboothsmith.com
Russell Britt, Esq.
Hall Booth Smith PC
191 Peachtree Street
Suite 2900
Atlanta, Georgia 30303

RE: Application for Rezoning - Application No Z-38 (2022)
 Applicant: David Pearson Communities, Inc.
 Property Owner: Barnes Farms, LLC
 Property: 190.92 acres, more or less, located on the
 easterly and westerly sides of Brown Road
 and northerly of and along a portion of the
 northeasterly side of Stout Parkway, Land
 Lots 8 and 9, 18th District, 2nd Section, and
 Land Lots 1251, 1266, 1267, 1268, 1269,
 1322, 1323, 1324, and 1325, 19th District, 2nd
 Section, Cobb County, Georgia

Cobb County Superior Court Cases:

Barnes Farms, LLC, Plaintiff, v. Cobb County, Georgia, Defendant
Civil Action, File No. 23-1-02254-71; Superior Court of Cobb County, Georgia

Barnes Farms, LLC, Plaintiff, v. Cobb County, Georgia; Cobb County Board of Commissioners; and Lisa Cupid, Individually; JoAnn K. Birrell, Individually; and Keli Gambrill, Individually, Defendants
Civil Action, File No. 23-1-02264-71; Superior Court of Cobb County, Georgia
(collectively the "Lawsuit")

Dear Russell:

As you know, the undersigned and this firm represented David Pearson Communities, Inc., the Applicant (hereinafter referred to as "Applicant"); as well as, Barnes Farms, LLC, the Property Owner (hereinafter referred to as "Owner" or "Property Owner"), in their Application for Rezoning with regard to 190.92 acres, more or less, located on the easterly and westerly sides of Brown Road, and northerly of and along a portion of the northeasterly side of Stout Parkway, Land Lots 8 and 9, 18th District, 2nd Section, and Land Lots 1251, 1266, 1267, 1268, 1269, 1322, 1323, 1324, and 1325, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). The Lawsuit arose from a February 21, 2023, decision by the Cobb County

Board of Commissioners to deny the Application to rezone the Property to the R-20/OSC zoning category, which the Applicant contends was contrary to the laws of this State and the Constitutions of the United States of America and the State of Georgia resulting in an unconstitutional deprivation of the constitutional rights of the Applicant and Owner. Cobb County responded to the lawsuit denying all allegations and contending the Plaintiffs are not entitled to any relief under the law.

The settlement, as proposed in this letter, the stipulations contained herein, result from efforts to resolve the issues presented without the necessity of further litigation or further uncertainty with respect to the future development of the Property.

The Applicant agrees to the following stipulations and conditions, which if approved, shall be in complete settlement of the pending lawsuit and shall be binding upon the Subject Property. Should the Board of Commissioners approve this proposed settlement in full and as stated herein, the Owner, the Applicant, and Cobb County would file a mutual dismissal of the Lawsuit with prejudice. This revised letter of agreed stipulations and conditions shall supersede and replace in full any and all prior letters of agreeable stipulations and conditions not specifically enumerated herein. The referenced stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-30 to the proposed, zoning category of R-20/Open Space Community ("R-20/OSC"), site plan specific to the Zoning Plan dated March 12, 2024 and submitted contemporaneously with this letter of agreeable stipulations and settlement (the "Zoning Plan"). A reduced copy of the overall revised Zoning Plan is attached to this letter as Exhibit "A" and incorporated herein by reference.
- (2) The Subject Property contains approximately 190.92 acres of total site area and shall be developed for a residential community comprised of one hundred fourteen (114) single-family, detached residences. The proposed development shall contain a minimum of approximately 125 acres for dedicated open space.
- (3) The residences within the proposed community shall have a minimum of 1,800 square feet, and greater.
- (4) The proposed residences shall be Modern Farmhouse or Traditional in style and architecture and will have a minimum two-car garage. Exteriors of the proposed residences shall be comprised of brick, stone, stacked stone, cedar shake, board and batten, or hardi-plank, with complementary accents, or any combinations thereof.
- (5) The setbacks for the proposed residential community shall be as shown on the Zoning Plan.
- (6) All homes within the proposed community shall be "for sale" units. There shall be no more than a maximum of ten (10) percent of the homes being leased at any one time, which restriction shall be included in the Declaration of Covenants, Easements, and Restrictions.

Barnes
LAW GROUP

- (7) Applicant agrees to the creation of a mandatory homeowners association consistent with upscale communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, open space areas, entrance areas, amenity area, mail kiosk, detention area, landscape buffer area, and the like, contained within the proposed residential community.
- (8) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which will contain covenants, rules, and regulations applicable to the proposed development.
- (9) As a part of the Declaration of Covenants, Easements, and Restrictions, Applicant shall preserve the areas of dedicated open space, as shown and reflected on the final subdivision plat, in perpetuity, for protection from future development and ownership by the mandatory homeowners association.
- (10) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, stucco, or combinations thereof, with accents, complementary to materials used in the construction of the homes within the community. The entrance landscaping shall be professionally designed and implemented. Maintenance of the entrance area shall be by the mandatory homeowners association as set forth in the Declaration of Covenants, Easements, and Restrictions. In the event a wall or fence along public right of way is to be constructed, it shall comply with Cobb County Code Section 134-267(b).
- (11) The community shall have passive and active amenity areas. The amenities shall include, but not be limited to, the following:
 - (a) Clubhouse;
 - (b) Pool; and
 - (c) Children's playground.
- (12) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed areas shall be replaced with like vegetation.
- (13) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) For the Brown Road northern parcel, installation of a deceleration lane and left-turn lane; and
 - (b) For the Brown Road southern parcel installation of a left-turn lane.

- (14) Applicant agrees to establish a landscape easement twenty (20) feet in width, to be planted with two rows of evergreen trees to be maintained by the homeowners association along the shared boundary adjacent to property now or formerly owned by Wanda Poore, David Crider, and Darla Abad. In addition, Applicant agrees to the establishment of a landscape easement ten (10) feet in width, to be planted with a single row of evergreen trees in the location identified on the Zoning Plan and maintained by the homeowners association.
- (17) All lots which are directly adjacent to identified 100-year flood plain shall be graded to provide a minimum first floor elevation of six feet above the 100-year flood plain elevation instead of the minimum three feet required by the Cobb County Zoning and Development Ordinances.
- (18) Direct stormwater discharge shall be allowed into 100-year flood plain areas with an acceptable "no rise" study and fee in lieu of detention. Water quality and runoff reduction shall be provided by using accepted BMPs and/or accepted stormwater design credits.

We believe the approval of the requested Open Space Community, together with the Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed residential community will be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Approval of this proposed settlement of the Lawsuit is mutually beneficial to Cobb County, the Applicant, and the Owner resulting in significant improvements to the area.

Petition No. 0.8.19
Meeting Date 5-21-2024
Continued

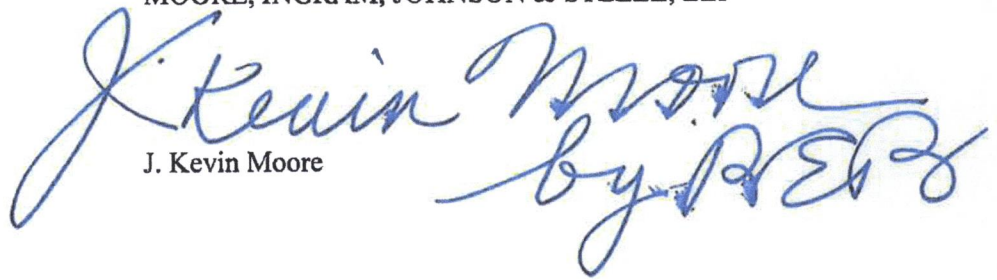
With kindest regards, we remain

BARNES LAW GROUP, LLC



Roy E. Barnes

MOORE, INGRAM, JOHNSON & STEELE, LLP



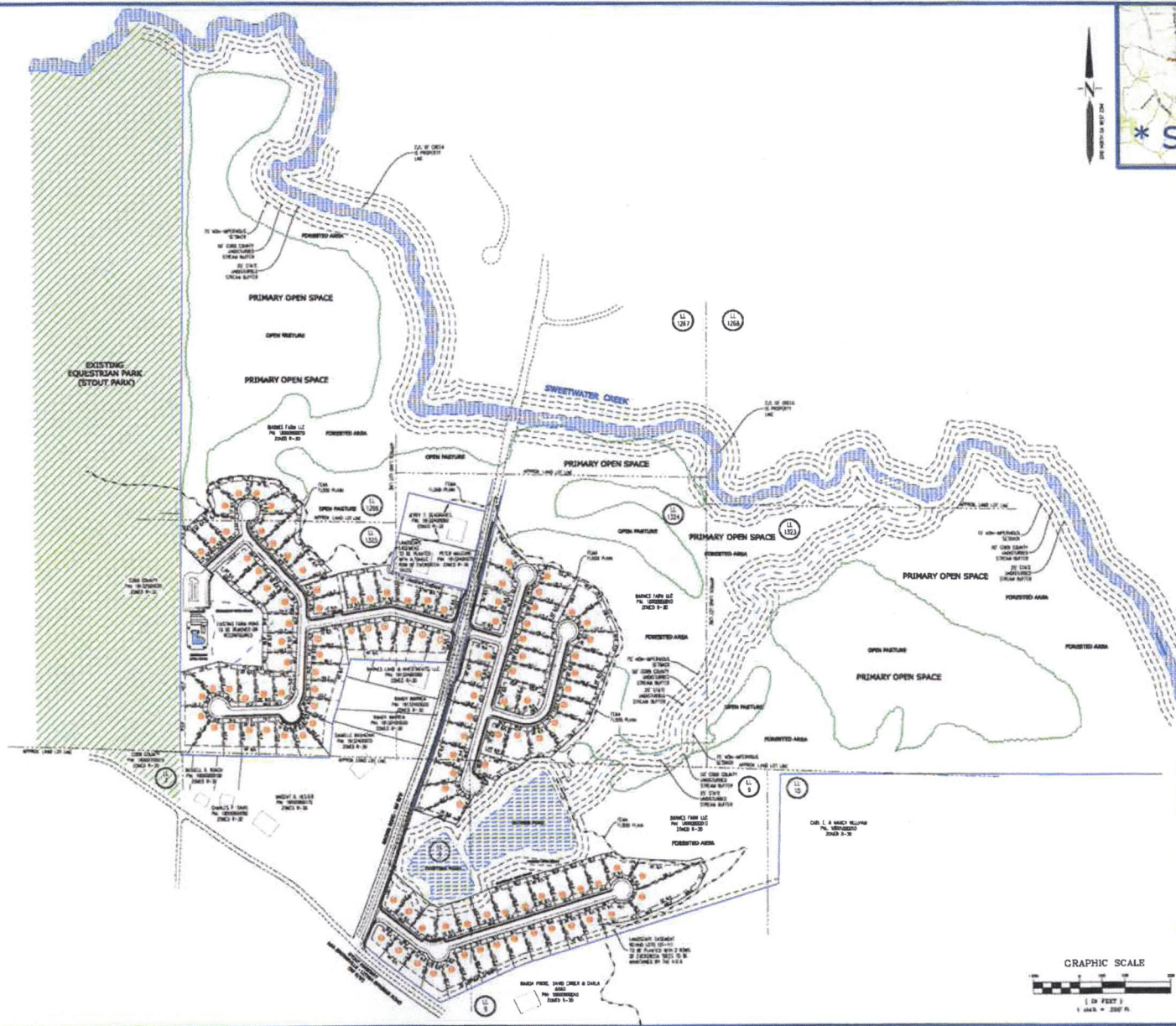
J. Kevin Moore

JKM:cc

Attachments

c: Deborah Blair, Cobb County Attorney
(With Copies of Attachments)

Barnes
LAW GROUP



* SITE

LOCATION MAP - NTS

AMENITY TO INCLUDE:

- CLUBHOUSE
- POOL WITH SUNDECK
- CHILDRENS PLAYGROUND

SITE NOTES

PROPOSED ZONING - R-20
CURRENT ZONING - R-20
PROPOSED ZONING - R-20 (OPEN SPACE COMMUNITY)
TOTAL LOTS - 114
TOTAL AREA - +/-191.35 AC
MINIMUM LOT SIZE: 1,000 S.F.
REQUIRED OPEN SPACE - 86.87 ACRES (35%)
PROVIDED OPEN SPACE - +/-125 ACRES (65.3%)

BUILDING SETBACKS:

FRONT - 20'
FRONT - 15' (LOTS 11-14, 33-39, 42-44, 45-46, 58, 85-91, 98-102, 110-114)
REAR - 20'
REAR ADJACENT TO R30 LOTS - 40'
SIDE - 5', WITH 10' BETWEEN BLDGS
MAJOR SIDE - 15'

FLOOD INFORMATION:

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A FEMA 100 YEAR
FLOOD ZONE ACCORDING TO COBB COUNTY FEMA MAP# 13067001700
DATED: MARCH 4, 2013

SEARCH & TOPICAL INFORMATION:

TOPOGRAPHIC INFORMATION IS BASED ON COOS COUNTY GIS TOPO TILE (NAVD 83)

OWNER:
BARNEYS FARM, LLC
447 WHITLOCK AVE
HARGETTA, GA. 30087
CEL. 1-404-521-7888

APPLICANT:
DAVID PEARSON COMMUNITIES, INC.
2000 FIRST DR., STE. 400
HALLETTA, GA. 30063
CONTACT: DOUG PATTEN, CPESC
770-284-1874

REZONING CONCEPTUAL PLAN FOR: APPALOOSA FARMS

LAND LOTS 1265, 1267, & 1268
AND LAND LOTS 1324, 1323, & 1322
19th DISTRICT, 2nd SECTION
AND LAND LOTS 6 & 9
16th DISTRICT, 2nd SECTION
COBB COUNTY, GEORGIA

DPC
DAVID PEARSON COMMUNITIES, INC.

2000 FIRST DRIVE, JTS 400, MARIETTA GA, 30062, PHONE: 770-321-5612

DRAWN BY:	DP	DATE:	3-12-24
CHECKED BY:	DP	DRAWING NO.:	REZONING
PURPOSE:	APPALDOSA	SHEET ? OF ?	

March 14, 2024
OB-19-2024



Date: April 11, 2024
To: Ms. Megan Jarosz AIA
Company: Holland Basham Architects
Copy To: Zac Marquess, Golden Rod
From: Mary S Smith, Walker Consultants
Project Name: The Henry (Previously Circle 75 Apartments), Cobb County Georgia
Project Number: 21-004892.00

Min. Bk. 99 Petition No. O.B. 24
Doc. Type Updated shared
Parking study
Meeting Date 5-22-2024

This memo updates the shared parking analysis for the project dated September 29, 2021, adding Tower 2. The following table updates the land uses by Tower. It is noted that the previous report included the 900 Office which is on a separate parcel of land, which is continued here. The 1100 Office is however on the same parcel as Tower 2 and more integrally shares parking with Tower 2 hotel parking.

Land Use	Unit	900 Office	Tower 1	Tower 2	1100 Office	TOTAL
		Quantity of Land Use				
Retail	sf GLA	-	6,312	-	-	6,312
Fine/Casual Dining	sf GLA	-	7,280	-	-	7,280
Hotel-Business	keys	-	-	250	-	250
Restaurant/Lounge	sf GLA	-	-	17,133	-	17,133
Meeting/Banquet (0 to 20 sq ft/key)	sf GLA	-	-	9,174	-	9,174
Residential Apartments						
Studio Efficiency	units	-	127	21	-	148
1 Bedroom	units	-	264	56	-	320
2 Bedrooms (excluding Condos)	units	-	122	35	-	157
3+ Bedrooms	units	-	1	21	-	22
Residential, Condos						
Studio Efficiency	units	-	-	-	-	-
1 Bedroom	units	-	-	-	-	-
2 Bedrooms	units	-	-	53	-	53
3+ Bedrooms	units	-	-	-	-	-
Office >500 ksf	sf GFA	350,458	-	-	270,649	621,107

The assumptions are the same as in the 2021 report, except there is a hotel in Tower 2. Tower 2 does not have any retail or dining separate from the hotel. The *Shared Parking 3rd* Edition ratios are employed in the analysis for all uses. We have updated the land use quantities based on the HB final design drawings for Tower 1, and the current preliminary design drawings for Tower 2. On the following page are the two main output tables from the shared parking analysis, showing all assumptions.

The number of apartments in Tower 1 has been increased from 500 to 514 units, with more 1 bedroom and studio units. We have reclassified the penthouse units to reflect number of bedrooms rather than simply penthouse. The retail/dining in Tower 1 has been significantly decreased with retail GLA reduced by nearly 25% and the previous 12,250 sq ft of fast casual, fine/casual dining and bar/lounge uses reduced to 7,280 sq ft of fine/casual dining. Overall the parking demand of Tower 1, on its own, has increased from 573 to 608 spaces on the weekday morning (primarily due to more apartments with reserved 24/7 parking) but has reduced from 776 to 751 spaces on a weekend evening, due the reduction in food and beverage. It is further noted that the parking capacity of Tower 1 has been increased from 500 spaces to 913 spaces. In the 2021 analysis, retail dining for Tower 1 would have had to use 900 building parking both weekend and evening, particularly when Tower 2 is

under construction. However, with the increased capacity of Tower 1 parking, it is no longer expected to require 900 office parking, and will accommodate significant apartment parking from Tower 2 once completed.

When Tower 2 is completed there will be more than adequate parking for all apartments/condo, the Tower 1 retail/dining in the dedicated parking for those uses in Tower 1 and Tower 2 parking. There will be shared parking between the retail/dining, hotel and 1100 office uses on weekend evenings.

The summary of supply and demand by building for weekdays is as follows:

Weekday		900 Office	Tower 1	Tower 2	1100 Office	Total
Parking Demand 10 AM April	Customer/Visitor	71	15	131	54	271
	Employee	848	15	62	655	1580
	Reserved Resident	0	578	238	0	816
	Total	919	608	431	709	2667
Parking Supply	Customer/Visitor	75	90	140	60	365
	Employee	1,238	0	0	974	2212
	Reserved Resident	0	823	150	0	973
	Total	1313	913	290	1034	3550
Surplus (+)/Deficit (-)	Customer/Visitor	4	75	9	6	94
	Employee	390	-15	-62	319	632
	Reserved Resident	0	245	-88	0	157
	Total	394	305	-141	325	883

On weekdays during office hours, there will be a projected 164 space surplus for Tower 1 and 2 parking, with 325 surplus for office parkers in the 1100 building and a nearly four hundred space surplus in the 900 building. If there is an unusually large conference parking need on a weekday at the hotel, there should be plenty of spaces to accommodate it in the 1100 building office parking, which is planned to be managed via valet.

It is noted that the developer wishes to provide more reserved spaces than projected by this analysis. Given that there is such an overall surplus across even just Tower 1 and 2 (164 space surplus) this is deemed feasible to accommodate.

On weekend evenings the following is the projected supply and demand: There is a surplus of over 2300 spaces across the four buildings. The shortfall in apartment parking is accommodated in the Tower 1 garage, and the shortfall in visitor parking across both Towers will be accommodated in 1100 building office parking, managed again by valet.

Weekend		900 Office	Tower 1	Tower 2	1100 Office	Total
Parking Demand 8 PM April	Customer/Visitor	0	155	209	0	364
	Employee	0	18	37	0	55
	Reserved Resident	0	578	238	0	816
	Total	0	751	484	0	1235
Parking Supply	Customer/Visitor	75	90	140	60	365
	Employee	1,238	0	0	974	2212
	Reserved Resident	0	823	150	0	973
	Total	1313	913	290	1034	3550
Surplus (+)/Deficit (-)	Customer/Visitor	75	-65	-69	60	1
	Employee	1238	-18	-37	974	2157
	Reserved Resident	0	245	-88	0	157
	Total	1313	162	-194	1034	2315



The following is the detail of the demand analysis on weekdays, with the evening on the following page.

Peak Month: APRIL -- Peak Period: 10 AM, WEEKDAY										
Land Use	Project Data		Weekday					Weekday		
			Base Ratio	Driving Adj	Non-Captive Ratio	Project Ratio	Unit For Ratio	Peak Hr	Peak Mo	Estimated
	Quantity	Unit						Adj	Adj	Parking Demand
Retail and Dining										
Retail (<400 ksf)	6,312	sf GLA	2.90	100%	34%	0.98	ksf GLA	60%	67%	3
Employee			0.70	84%	98%	0.58		75%	77%	2
Fine/Casual Dining	7,280	sf GLA	13.25	100%	14%	1.81	ksf GLA	15%	94%	2
Employee			2.25	84%	98%	1.86		90%	100%	13
Hotel and Residential										
Hotel-Business	250	keys	1.00	44%	100%	0.44	key	60%	100%	66
Hotel Employees	250	keys	0.15	84%	98%	0.12	key	100%	100%	31
Restaurant/Lounge	17,133	sf GLA	6.67	63%	90%	3.78	ksf GLA	10%	92%	6
Meeting/Banquet (50 to 100 sq ft/key)		sf GLA	0.00	68%	60%	0.00	ksf GLA	60%	100%	-
Restaurant/Meeting Employees	26,307	sf GLA	1.38	84%	98%	1.14	ksf GLA	100%	100%	31
Residential, Suburban										
Studio Efficiency	148	units	0.00	100%	100%	0.00	unit	50%	100%	-
1 Bedroom	320	units	0.00	100%	100%	0.00	unit	50%	100%	-
2 Bedrooms	157	units	0.00	100%	100%	0.00	unit	50%	100%	-
3+ Bedrooms	22	units	0.00	100%	100%	0.00	unit	50%	100%	-
Reserved	100%	res spaces	1.12	100%	100%	1.12	unit	100%	100%	728
Visitor	647	units	0.10	100%	100%	0.10	unit	20%	100%	13
Residential, Condos										
Studio Efficiency		units	0.00	100%	100%	0.00	unit	50%	100%	-
1 Bedroom		units	0.00	100%	100%	0.00	unit	50%	100%	-
2 Bedrooms	53	units	0.00	100%	100%	0.00	unit	50%	100%	-
3+ Bedrooms		units	0.00	100%	100%	0.00	unit	50%	100%	-
Reserved	100%	res spaces	1.65	100%	100%	1.65	unit	100%	100%	88
Visitor	53	units	0.10	100%	100%	0.10	unit	20%	100%	1
Office										
Office >500 ksf	621,107	sf GFA	0.20	100%	100%	0.20	ksf GFA	100%	100%	125
Reserved		emp	0.00	94%	100%	0.00		100%	100%	-
Employee			2.60	94%	99%	2.42		100%	100%	1,503
Customer/Visitor										271
Employee/Resident										1,580
Reserved										816
Total										2,667



WALKER
CONSULTANTS

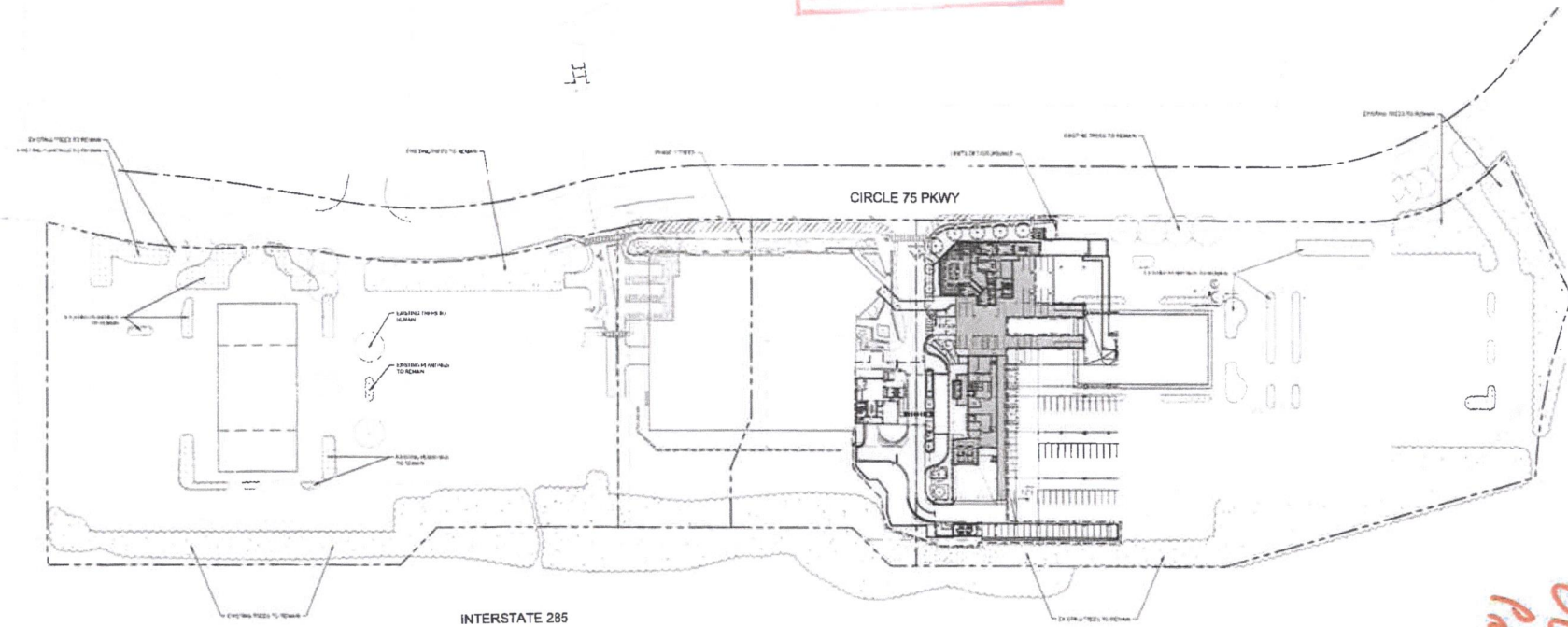
Petition No. 0.B.24
Meeting Date 5-21-2024
Continued

Memorandum
Updated Shared Parking
The Henry

Peak Month: APRIL -- Peak Period: 10 AM, WEEKDAY														
Land Use	Project Data		Weekend					Weekday			Weekend			
			Base Ratio	Driving Adj	Non-Captive Ratio	Project Ratio	Unit For Ratio	Peak Hr Adj	Peak Mo Adj	Estimated Parking Demand	Peak Hr Adj	Peak Mo Adj	Estimated Parking Demand	
	Quantity	Unit						10 AM	April		8 PM	April		
Retail and Dining														
Retail (<400 ksf)	6,312	sf GLA	3.20	100%	57%	1.81	ksf GLA	60%	67%	3	65%	67%	5	
Employee			0.80	84%	96%	0.64		75%	77%	2	75%	77%	3	
Fine/Casual Dining	7,280	sf GLA	15.25	100%	69%	10.45	ksf GLA	15%	94%	2	100%	94%	72	
Employee			2.50	84%	96%	2.01		90%	100%	13	100%	100%	15	
Hotel and Residential														
Hotel-Business	250	keys	1.00	52%	100%	0.52	key	60%	100%	66	80%	100%	104	
Hotel Employees	250	keys	0.15	84%	96%	0.12	key	100%	100%	31	20%	100%	6	
Restaurant/Lounge	17,133	sf GLA	7.67	54%	30%	1.24	ksf GLA	10%	92%	6	70%	92%	14	
Meeting/Banquet (50 to 100 sq ft/key)		sf GLA	0.00	68%	70%	0.00	ksf GLA	60%	100%	-	100%	100%	-	
Restaurant/Meeting Employees	26,307	sf GLA	1.47	84%	96%	1.18	ksf GLA	100%	100%	31	100%	100%	31	
Residential, Suburban														
Studio Efficiency	148	units	0.00	100%	100%	0.00	unit	50%	100%	-	0%	100%	-	
1 Bedroom	320	units	0.00	100%	100%	0.00	unit	50%	100%	-	83%	100%	-	
2 Bedrooms	157	units	0.00	100%	100%	0.00	unit	50%	100%	-	83%	100%	-	
3+ Bedrooms	22	units	0.00	100%	100%	0.00	unit	50%	100%	-	83%	100%	-	
Reserved	100%	res spaces	1.12	100%	100%	1.12	unit	100%	100%	728	100%	100%	728	
Visitor	647	units	0.15	100%	100%	0.15	unit	20%	100%	13	100%	100%	98	
Residential, Condos														
Studio Efficiency		units	0.00	100%	100%	0.00	unit	50%	100%	-	83%	100%	-	
1 Bedroom		units	0.00	100%	100%	0.00	unit	50%	100%	-	83%	100%	-	
2 Bedrooms	53	units	0.00	100%	100%	0.00	unit	50%	100%	-	83%	100%	-	
3+ Bedrooms		units	0.00	100%	100%	0.00	unit	50%	100%	-	83%	100%	-	
Reserved	100%	res spaces	1.65	100%	100%	1.65	unit	100%	100%	88	100%	100%	88	
Visitor	53	units	0.15	100%	100%	0.15	unit	20%	100%	1	100%	100%	8	
Office														
Office >500 ksf	621,107	sf GFA	0.02	100%	100%	0.02	ksf GFA	100%	100%	125	0%	100%	-	
Reserved		emp	0.00	94%	100%	0.00		100%	100%	-	100%	100%	-	
Employee			0.26	94%	99%	0.24		100%	100%	1,503	0%	100%	-	
Customer/Visitor										271	Customer/Visitor			364
Employee/Resident										1,580	Employee/Resident			55
Reserved										816	Reserved			816
Total										2,667	Total			1,235

PLANT SCHEDULE							
SYMBOL	CODE	QTY	BOTANICAL NAME	COMMON NAME	COL.	HEIGHT	SPRD.
TREES							
	ACC-TRE	1	ACCENT TREE	ACCENT TREE	1.0' GAL.	8' 0" HT.	5' 0" SPRD.
	SHRUB	1	SHRUB TREE	SHRUB TREE	2.0' GAL.	8' 0" HT.	6' 0" SPRD.

RECEIVED
 APR 15 2024
 GOES COUNTY ZONING



08-24-2024
 Proposed Site plan
 "Phase II"
 242



GOLDENROD COMPANIES
 THE HENRY PHASE 2



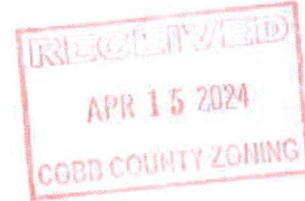
Holland Basham
 Architects

119 SOUTH 4TH AVENUE
 OMAHA, NEBRASKA 68132
 (402) 551-0600

PROJECT: 20116
 DATE: 04/08/24
 LANDSCAPE MASTERPLAN
 SHEET: L1-00



Min. Bk. 99 Petition No. 0.B.25
Doc. Type letter
Meeting Date 5-21-2024



Dear Members of the BOC Hearing,

I hope this letter finds you well. My name is Sherrod N. Conyers, and I am a total and permanently disabled army veteran. I am writing to you today with a sincere plea for understanding and compassion regarding a matter concerning my property.

My family, including my wife, two children, and our beloved service support animal (dog), have called this property our home since July 2020. As a result of my service-connected disabilities, we've made various adjustments to ensure our safety and well-being on the property, including necessary landscaping modifications.

Since becoming property owners, we have diligently addressed potential hazards, such as the removal of trees that posed serious threats to our home and sewage lines. Moreover, due to the specific needs arising from my disabilities, we had a pool installed in May 2022, as documented and permitted accordingly.

In our efforts to maintain the safety and aesthetics of our property, we consulted with our neighbors, both to the west and east, who have graciously acknowledged and supported our landscaping endeavors. Additionally, I directly communicated with my neighbor, Mr. Joe Ranney, situated behind our property. I informed him of our intentions to remove diseased trees and replace them with evergreens due to infestations and encroaching poison ivy, which could potentially affect our pool area. This course of action was mutually agreed upon, with each removed tree being replaced by two new ones.

Unfortunately, despite our best efforts to uphold regulations and maintain the integrity of our property, we encountered an unforeseen issue. On February 17th, I was visited by Mr. Danny Harrell from Cobb County Code Enforcement, who issued a citation based on an anonymous report alleging encroachment into the buffer area. I want to emphasize that at no point did we undertake any construction within this restricted zone. The extent of our activities in that area has solely been to enhance its appearance and ecological value by planting additional trees and ensuring its upkeep.

Furthermore, regarding the fence in question, it's important to clarify that the horse fence depicted in the attached photo was installed by the builders upon our acquisition of the property. I merely connected my fence to comply with pool ordinances and to safeguard my family and service animal from potential threats posed by wildlife.

I humbly implore the BOC to grant a variance allowing us to maintain the existing fence configuration. Doing so would not only ensure our compliance with pool enclosure requirements but also safeguard our property from predatory animals, thus providing a safe environment for my family and our service animal.

In closing, I want to express my sincere gratitude for your time and consideration of our situation. Your understanding and support in this matter would mean the world to us.

Warm regards,


Sherrod N. Conyers

Petition No. 0.8.25
Meeting Date 5-21-2024
Continued



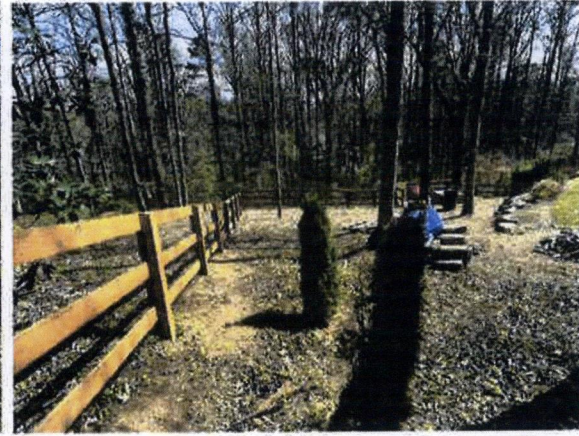
08-25-2024
photos 1



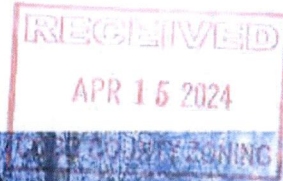
Before Trees were Planted



After Trees were Planted



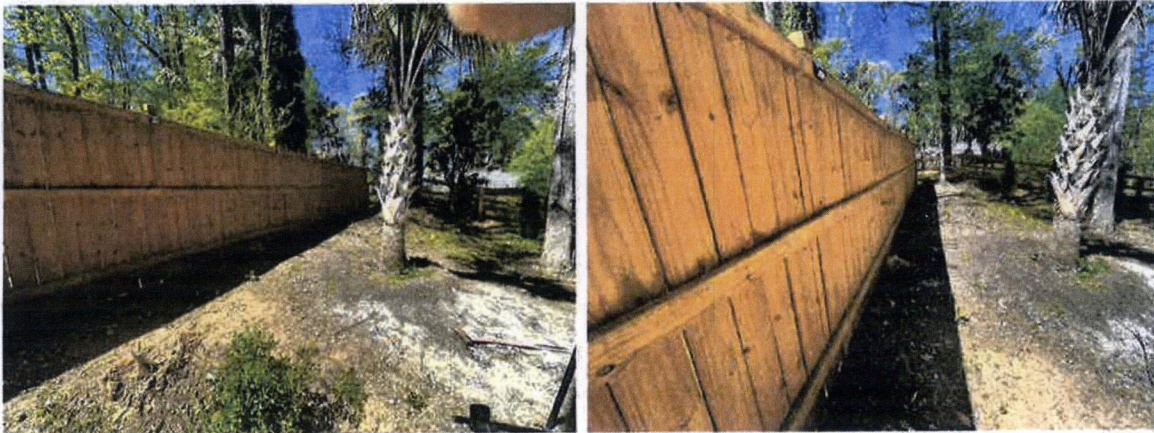
Petition No. O.B.25
Meeting Date 5-21-2024
Continued



06-25-2024
photos 2



Horse fence established by the builders as a requirement of Cobb County.



20ft of fence established by me. Asking for it to remain in place to prohibit predators from terrorizing service animal and my young children.



Min. Bk. 99 Petition No. 0.B.29
 Doc. Type Proposed Site Plan

Meeting Date 5-21-2024

NOTES

SITE PLAN PROVIDED FOR REFERENCE ONLY - REFER TO CIVIL ENGINEERING DRAWINGS FOR ALL SITE-RELATED SCOPE OF WORK

SITE PLAN LEGEND

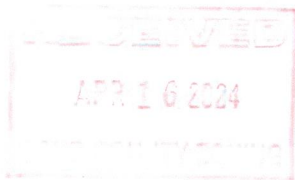
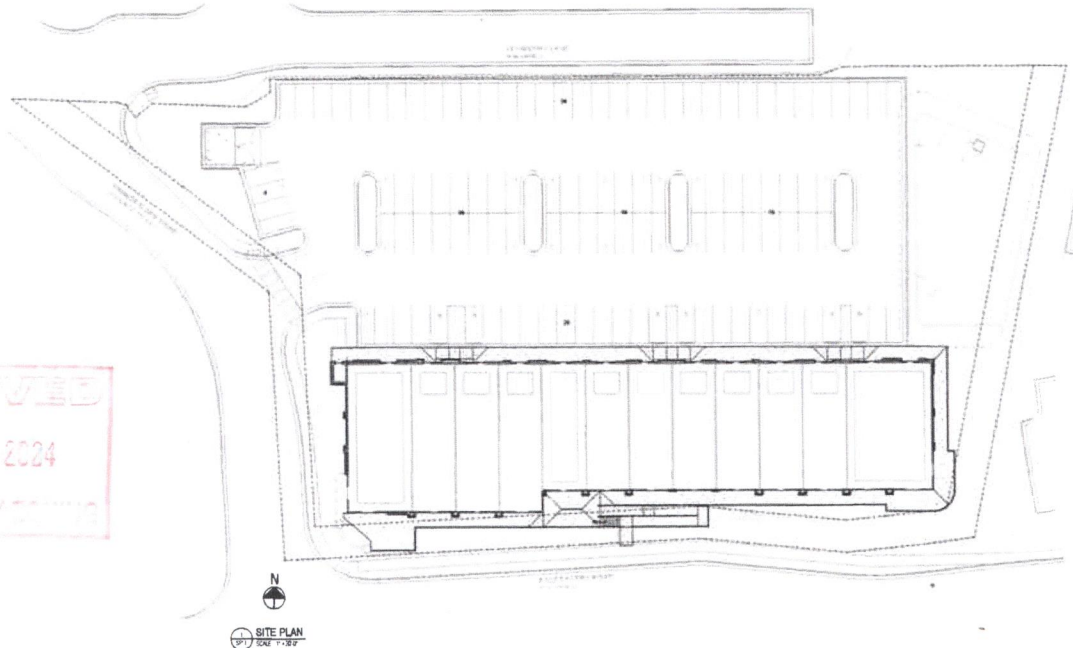
- PROPERTY LINES
-  NORTH ARROW
-  PARKING LOT QUANTITY

PARKING SPACE CALCULATIONS

RETAIL PARKING SPACE	1 SPACE / 226 SF
OFFICE PARKING SPACE	1 SPACE / 282 SF
RESTAURANT PARKING SPACE	1 SPACE / 100 SF
RETAIL AREA	5953 SF
OFFICE AREA	2400 SF
RESTAURANT AREA	2712 SF
REQUIRED RETAIL NUMBER	42 SPACES
REQUIRED OFFICE NUMBER	8 SPACES
REQUIRED REST. NUMBER	28 SPACES
REQUIRED TOTAL NUMBER	78 SPACES
ACTUAL PARKING NUMBER	112 SPACES

SITE PLAN NOTES

- SEE CIVIL DRAWINGS FOR THE FOLLOWING ITEMS:
 - PROPERTY LINE, METES AND BOUNDS
 - BUILDING FOOTPRINTS
 - PARKING LOTS LAYOUT AND EXTENT OF PAVING INCLUDING HANDICAP SIZE AND SPACING
 - LOCATION OF ALL CURB LINES
 - RETAINING WALL SIZES AND LOCATIONS
- NOTE: CONTRACTOR SHALL BRING ANY DISCREPANCIES BETWEEN ARCHITECTURAL DRAWINGS AND CIVIL DRAWINGS TO THE ATTENTION OF THE ARCHITECT
- SEE A3.1A FOR ARCH SIDEWALK PLANS FOR THE FOLLOWING ITEMS:
 - HANDICAP RAMPS
 - LANDSCAPE PLANTERS
 - SIDEWALK SCORE AND EXPANSION JOINTS
- NOTE: EXIST BUILDING CONSTRUCTION TO BACK OF CURB UNLESS OTHERWISE INDICATED
- SQUARE FOOTAGE CALCULATIONS AND LEASABLE AREAS OF BUILDINGS ARE BASED ON THE PARAMETERS DESCRIBED UNDER PROJECT DATA
- SEE LANDSCAPE PLAN (UNDER SEPARATE COVER) FOR MATERIALS AND EXTENT OF SITE LANDSCAPING
- SEE ELECTRICAL SITE PLAN FOR SITE ELECTRICAL SCOPE



PHILLIPS

CONSULTANT

CONSULTANT

SEA



DATE & REVISION RECORD

DATE & REVISION RECORD

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MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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

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

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

BRENTWOOD, TENNESSEE
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) 309-0025

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

May 15, 2024

Via E-mail Only

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

Min. Bk. 99 Petition No. 0.B.29
Doc. Type letter
Meeting Date 5-21-2024

RE: Application for "Other Business" - OB-29 (2024)
Applicant: D & A Investment Group, LLC
Property Owners: D & A Investment Group, LLC and
Pereira Management, LLC
Property: 1.85 acres, more or less, located on the
northerly side of Paces Ferry Road, westerly
of Overlook Parkway, and southerly of Bert
Adams Road, Land Lot 885, 17th District,
2nd Section, Cobb County, Georgia

Dear John:

On behalf of the Applicant and one of the Property Owners, D & A Investment Group, LLC (hereinafter "Applicant"); as well as, the remaining Property Owner, Pereira Management, LLC, please accept the following as additional agreeable stipulations and conditions, which, if the referenced Application for "Other Business" is approved, as submitted, shall become a part of the grant of the requested approval and shall be binding upon the Property. The proposed approvals and additional stipulations are as follows:

- (1) Applicant requests approval of the Site Plan prepared by Phillips Partnership, PC, dated December 15, 2023, and filed with the Application for "Other Business" on April 16, 2024. A reduced copy of the Site Plan is attached as Exhibit "A" and incorporated herein by reference.
- (2) Applicant seeks approval of a one-story building, approximately 17,095 square feet in size, for retail, office, and restaurant uses, with surface parking to the rear.

MOORE INGRAM JOHNSON & STEELE

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Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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- (3) Final elevations of the proposed retail building are subject to approval of the District Commissioner, with an opportunity for review and comment by Vinings Village Homeowners Association.
- (4) The balance and remainder of the stipulations and conditions previously approved relating to the Subject Property for the retail portion of the overall development, which are not otherwise in direct conflict with the additional stipulations set forth herein; as well as the submitted Site Plan, shall remain unaltered and in effect for the Subject Property.

The requested approval of the revised Site Plan, together with the additional stipulations set forth herein, will enhance the Subject Property and provide a complementary addition to the overall development and the surrounding community. We very much appreciate your consideration; as well as that of the 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

Attachment

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

MOORE INGRAM JOHNSON & STEELE

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

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

Bill Millkey
Vinings Village Homeowners Association
(With Copy of Attachment)

D & A Investment Group, LLC
Pereira Management, LLC
(With Copy of Attachment)



PHILLIPS



SEAL & RECORDS
 MAY 19 2024
 OFFICE OF THE CITY CLERK
 CITY OF ATLANTA

VININGS RETAIL
 2729 PACES FERRY RD SE
 ATLANTA, GA 30339

DLA INVESTMENT GROUP, LLC & PERERA
 3800 PIEDMONT AVENUE, SUITE 200
 ATLANTA, GA 30339

PROJECT: VININGS RETAIL

DATE: 05/15/2024

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 05/15/2024

PROJECT: VININGS RETAIL

DATE: 05/15/2024

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 05/15/2024

SITE PLAN NOTES

1. SEE CIVIL DRAWINGS FOR THE FOLLOWING ITEMS:
 A. BUILDING FOOTPRINTS AND BUILDINGS
 B. BUILDING AND LOT LAYOUTS
 C. DRIVEWAYS AND DRIVEWAYS
 D. RETAINING WALLS AND LOCATIONS

2. SEE ALL FOR AND SEVERAL PLANS FOR THE FOLLOWING ITEMS:
 A. BUILDING FOOTPRINTS AND BUILDINGS
 B. BUILDING AND LOT LAYOUTS
 C. DRIVEWAYS AND DRIVEWAYS
 D. RETAINING WALLS AND LOCATIONS

3. SEE ALL FOR AND SEVERAL PLANS FOR THE FOLLOWING ITEMS:
 A. BUILDING FOOTPRINTS AND BUILDINGS
 B. BUILDING AND LOT LAYOUTS
 C. DRIVEWAYS AND DRIVEWAYS
 D. RETAINING WALLS AND LOCATIONS

4. SEE LANDSCAPE PLAN UNDER SEPARATE COVER FOR MATERIALS AND EXTENT OF SITE LANDSCAPING

5. SEE ELECTRICAL SITE PLAN FOR SITE ELECTRICAL SCOPE

NOTES

SITE PLAN PROVIDED FOR REFERENCE ONLY - REFER TO CIVIL AND ELECTRICAL DRAWINGS FOR ALL SITE RELATED CODES OF WORK.

PARKING SPACE CALCULATIONS	
RETAIL PARKING SPACE	1 SPACE / 200 SF
OFFICE PARKING SPACE	1 SPACE / 100 SF
STREET SIDE PARKING SPACE	1 SPACE / 100 SF
RETAIL AREA	9600 SF
OFFICE AREA	2400 SF
STREET SIDE AREA	2400 SF
REQUIRED RETAIL NUMBER	48 SPACES
REQUIRED OFFICE NUMBER	24 SPACES
REQUIRED STREET NUMBER	24 SPACES
REQUIRED TOTAL NUMBER	96 SPACES
ACTUAL PARKING NUMBER	112 SPACES

SITE PLAN LEGEND

PROPERTY LINES	
NORTH ARROW	
PARKING LOT QUANTITY	 X

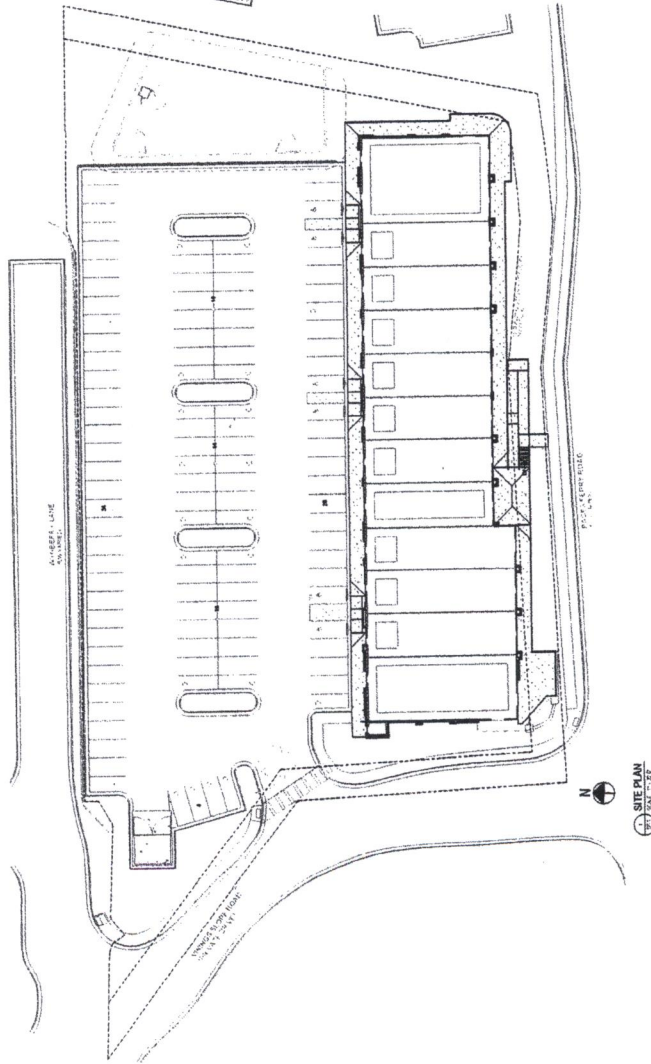


EXHIBIT "A"